

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

Date: Wednesday, June 16, 2010  
Time: 7:30 p.m.  
Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele Utah

**City Council Members Present:**

Scott Wardle, Chair  
Mike Johnson  
Steve Pruden  
Dave McCall  
Shawn Milne

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Roger Baker, City Attorney  
Sharon Dawson, City Recorder  
Lisa Carpenter, Deputy Recorder  
Rachelle Custer, City Planner  
Paul Hansen, City Engineer  
Chief Ron Kirby, Chief of Police  
Cary Campbell, Public Works Director  
Jaclynn Sagers, Communities that Care

**Others Present:**

Tim Gillie, Tooele Transcript  
Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

Chairman Wardle called the meeting to order at 7:33 p.m. Chairman Wardle welcomed Boy Scout Troop 1461 who were working on their Citizenship in the Community Merit Badge.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Andrew with Boy Scout Troop 1461.

**2. Open Forum for Public Comments**

Chairman Wardle invited anyone from the public who would like to address the Council to come forward.

Tracy Shaw, 946 W 370 S, addressed the Council. Ms. Shaw indicated that she and a group of citizens would like to see a sidewalk on 200 South between 900 West and Coleman. She has submitted a proposal previously to the Council.

Chairman Wardle stated that the Council and the administration will look at some different options for an interim fix for this area. With budget restraints this year they will look at doing this project in the future as money becomes available.

Chairman Wardle closed the open forum at 7:36 p.m.

3. **PUBLIC HEARING & MOTION on Resolution 2010-30 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City Fiscal Year 2010-2011**

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy acknowledged Tracy Shaw and the work she has done in hopes to get a sidewalk on 200 South. He indicated that the administration will keep working on this project.

Mayor Dunlavy stated that they are required to adopt the budget in June. The budget has been on display for public comment and review for the required amount of time. The required public notice has also been done. He appreciates the input and involvement of the Council. He presented the budget without any additional changes from what has been presented to the public.

Councilman Pruden asked the Mayor to inform the public of the difference from last year's budget to this year's budget.

Mayor Dunlavy stated that the 2010 budget was \$47 million and the 2011 budget is \$36 million. It is a significant decrease because of the economy.

Chairman Wardle stated that this is a public hearing if anyone would like to come forward and address this issue.

Marcy Baliel, 266 Daniel Drive, addressed the Council. Ms. Baliel asked where she could view the budget?

Mayor Dunlavy stated that she could view the budget at the Records Office or in the Finance Office. It will also be available on line shortly at Tooelecity.org.

**Councilman Milne moved to close the public hearing.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson,

“Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed. The public hearing closed at 7:41 p.m.

Councilman Johnson noted on page 32 of the budget there was a budget number 4620-730 and 4620-731. He asked if these were two different funds or if the same number was being captured twice.

Mr. Caldwell indicated that they are two different phases of a project.

Councilman Johnson also inquired about the PAR Tax budget. He noted that there was a line item for Tooele City Parks Projects and there was an amount of \$371,316. He asked if there was a document tied to that or if that is what was left.

Mayor Dunlavy indicated that it was for a project.

Councilman Wardle thanked the Mayor and the staff for their hard work in balancing the budget and continuing maintaining levels of service.

**Councilman Pruden moved to approve Resolution 2010-30.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

Councilman Milne thanked the staff for the great job they do for the citizens of the City.

Mayor Dunlavy also thanked Mr. Caldwell for the great job that he does.

**4. Resolution 2010-31 A Resolution of the Tooele City Council Approving Budget Adjustments for Fiscal Year 2009-2010**

Presented by Glen Caldwell

Mr. Caldwell explained that each year they have to adjust the budget at year end. He then outlined the adjustments that needed to be made before the end of the fiscal year.

**Councilman McCall moved to approve Resolution 2010-31.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Councilman Pruden, “Aye”. The motion passed.

Councilman Johnson asked if there would have had dire consequences to the budget had the City not sold the Depot property to the RDA.

Mr. Caldwell stated “yes”.

Chairman Wardle then turned the next agenda item over to Councilman Pruden who is the Chairman of the RDA Board.

5. **PUBLIC HEARING & MOTION on Resolution 2010-03 A Resolution of the Redevelopment Agency of Tooele City, Utah, Adopting the Budget of the Tooele City Redevelopment Agency for the Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011.**

Presented by Randy Sant

Mr. Sant stated that the RDA budget has been advertised and available for public inspection as required by state statute. The tentative budget was reviewed with the board two weeks ago and the only change that has been made was an increase in the legal fee line item for a potential lawsuit with Grantsville. It was increased to \$300,000 (it was \$100,000). He thanked all the staff for their support to the RDA.

Councilman Johnson asked when the Downtown RDA expires?

Mr. Sant indicated that there are two years left. It expires in 2012.

Councilman Johnson asked if it then goes on the general tax roles.

Mr. Sant stated “yes”, unless they ask for an extension. He also indicated that the Commercial Park expires in 2015, which will be replaced with a new community development project area that will be presented to the board in August. Mr. Sant also stated that the UID project area has about 15 years left.

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

**Councilman Milne moved to close the public hearing.** Councilman Wardle seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

**Councilman Wardle moved to approve RDA Resolution 2010-03.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Nay”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

Chairman Pruden then turned the rest of the meeting back over to Councilman Wardle.

6. **Resolution 2010-33 A Resolution of the Tooele City Council Retaining Gainer Waldbillig of the Law Firm Ford & Huff for Litigation Services**

Presented by Roger Baker

Mr. Baker suggested that this Resolution and the following Resolution be addressed together, they are the same contract but one is for the City and one is for the RDA.

Mr. Baker felt that because so much time has passed since the last retainer with Mr. Waldbillig and he has changed firms that it was time to get a new retainer agreement and have the Council approve it. He feels that the rates are competitive and the City has been served well in the past by Mr. Waldbillig.

Councilman Pruden asked if it costs anything to retain his services?

Mr. Baker indicated “no”.

Councilman Pruden would like to wait to expend any funds to Mr. Waldbillig to see what Grantsville is doing.

Mr. Baker stated that he and Mr. Waldbillig have had that discussion and he will be happy to pass that sentiment to him. Mr. Baker has looked at his invoice and he feels that he has done the bare minimum of what needs to be done thus far.

Councilman Johnson understands Mr. Waldbillig needs to do what he needs to do and hopes that he would discuss with Mr. Baker before he gets too far.

Mr. Baker is also cost conscious as well. He has had this discussion with Mr. Waldbillig.

Councilman Johnson has a problem with the City reimbursing for LexisNexis charges and Westlaw charges; this is under paragraph 3 of the retainer agreement. He feels that is overhead.

Mr. Baker told Mr. Waldbillig that Westlaw and LexisNexis charges would be an issue. He was not able to resolve this issue before this meeting. He will discuss it with him.

Councilman Milne asked if Mr. Waldbillig was giving the City an attractive rate.

Mr. Baker indicated that Mr. Waldbillig has more than 20 years experience as a litigator. This rate is an expensive rate but compared to others with this experience he feels it is a bargain.

Councilman Milne asked if Mr. Waldbillig was giving the City a good rate and if they were getting a good rate perhaps the Westlaw charges and LexisNexis charges were fair.

Councilman Johnson indicated that the City is getting a good rate. He also stated that some firms charge a flat fee for Westlaw and LexisNexis charges, which is usually not very much. Other firms use it as a profit center.

Mr. Baker said that the charges have always been low. What the City wants to avoid is having a firm that divides the charges equally between their clients. When there are only

a few clients that could be disproportionate. He will have a discussion with Mr. Waldbillig concerning the Westlaw and LexisNexis charges and he will come back to the Council and let them know how his firm calculates the charges.

Chairman Pruden asked Mr. Baker if he would like the Council to approve the resolution and strike the Westlaw and LexisNexis charges or approve the resolution as it is and then Mr. Baker will report back to the Council on how Mr. Waldbillig bills the charge.

Mr. Baker asked that the Council approve the contract as presented.

Chairman Wardle indicated that he would like Mr. Baker to have the discussion with Mr. Waldbillig and let him know how the Council feels about the charges. From his experience on the Council they usually do not reimburse for Westlaw and LexisNexis charges.

Councilman Johnson stated that it is common for law firms to not charge if the client asks them. He commented that if Mr. Waldbillig wants to cap the charge or have the City pay the pass through expense so he knows they are not making a profit on it that would be o.k. with him.

Mr. Baker will convey the Council's feelings to Mr. Waldbillig.

**Councilman Johnson moved to approve Resolution 2010-33 of the Tooele City Council and Resolution 2010-04 of the Tooele City Redevelopment Agency provided that the LexisNexis charges and Westlaw charges are removed subject to Mr. Baker and Mr. Waldbillig coming back to the Council and asking them to reconsider.**

Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Chairman Wardle, "Aye", Councilman Milne, "Aye", and Chairman Pruden, "Aye". The motion passed.

7. **Resolution 2010-04 A Resolution of the Redevelopment Agency of Tooele City, Utah Retaining Gainer Waldbillig of the Law Firm Ford and Huff for Litigation Services**

Presented by Roger Baker

This Resolution was approved under the previous agenda item.

8. **Resolution 2010-32 A Resolution of the Tooele City Council Opposing any Tooele County Zoning Changes that would allow Gravel Mining Operations at the Stockton Gravel Bar**

Presented by Roger Baker

Mr. Baker explained that at the last City Council meeting Mark Whitney, the Mayor of Stockton, and asked for their legislative support of a resolution opposing zoning changes

that would allow gravel mining at the Stockton Gravel Bar. The Council and Mayor Dunlavy gave their support and asked Mr. Baker to prepare a resolution.

Councilman Pruden supports this Resolution but is upset because Stockton is part of the lawsuit with Grantsville that is suing Tooele City's RDA.

Councilman Milne noted previously the Council voted to approve the RDA budget which included \$300,000 for litigation expenses. Every little bit of money is needed by the City. He expressed that it irritates him that the City Council is being asked to support a symbolic resolution, which he supports, but Stockton is part of the Grantsville lawsuit. He asked if there could be a resolution by Stockton to appeal to Grantsville to drop the lawsuit because it wastes everyone's money.

Chairman Wardle commented that within the last year there has been a great uniting of the valley, governmental entities, Commissions, and City leaders. He indicated that it is very disheartening to him to have Stockton's name on the lawsuit. He respectfully asked that the City Council and the Mayor of Stockton direct their litigators to take Stockton out of the lawsuit and he pleaded that Grantsville stop the contention that is wasting everyone's money.

Councilman Johnson indicated to the leaders of Stockton that were in attendance that Tooele City had to use money from the sale of property to balance the budget. They have had a lot of litigation expenses, which is why the Council is so sensitive. He apologized that they were attacked.

Councilman McCall stated that he supports this Resolution. He cares deeply about the whole valley. The valley came together to support the opposition of the Rocky Mountain power lines. When people come together they can win things. He feels like the valley should not be fighting with each other. He also asked the Stockton leaders to portray this message to Grantsville.

Chairman Wardle said that he supports this Resolution and feels that it is important.

**Councilman Johnson moved to approve Resolution 2010-32. Councilman Pruden seconded the motion.** The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Chairman Wardle, "Aye", Councilman Milne, "Aye", and Chairman Pruden, "Aye". The motion passed.

Mr. Baker wanted to clarify for the record the City did not balance the City budget with RDA funds. He stated that there was a legitimate business transaction where the City sold RDA property that will become part of a redevelopment project area. With those legitimate sales proceeds the Council and the Mayor used the money where it was needed.

Councilman Johnson noted that instead of being able to use the monies for example, for a new police station or recreation facility that would benefit everyone it was used to help balance the budget.

**9. Ordinance 2010-07 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 5-16 Regarding Park Concessions**

Presented by Roger Baker

Mr. Baker explained that as the Tooele City Arts Council becomes more active in sponsoring events and programs they have had some discussions whether to allow food vendors to attend the events as well. The ordinance regarding park concessions has not been amended since 1988. Mr. Baker and the administration felt that it needed to be updated and revised. He made one minor amendment to the ordinance that was previously discussed with the Council, he has give a copy to Ms. Dawson and a copy is included with these minutes as Exhibit A.

Councilman Pruden asked if a vendor already has a business license because they have a stationary building in the City if that license would be valid for park concessions?

Mr. Baker indicated that they would not need it because they would be operating under the umbrella license of the sponsoring organization. They would be covered.

Councilman Milne noted that they would still need permission from whoever was sponsoring the event and comply with the conditions placed on them by the sponsoring event.

Mr. Baker said “yes”.

Chairman Wardle used an example that the Tooele City Arts Festival Board would be the sponsoring organization for the food vendors at the Arts Festival. They will be responsible for implementing their rules and the items that are in the ordinance to make sure they are in compliance.

Mr. Baker stated that they will give a license to the Arts Festival Board and the Board will control the food vendors.

**Councilman Pruden moved to approve Ordinance 2010-07.** Councilman Milne seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

**10. Resolution 2010-34 A Resolution of the Tooele City Council Regarding the Municipal Wastewater Planning Program Self-Assessment Report for Tooele City, 2009**

Presented by Paul Hansen

Mr. Hansen explained that Tooele City is required on a yearly basis to prepare a planning program self assessment report. This report evaluates the distribution system for wastewater and also the treatment system. This report has been completed by Dan Olson, the Wastewater Superintendent. He indicated that the lower the score the better and the City's score continues to drop each year as they implement new procedures. He asked the Council for their approval.

Chairman Pruden noted that Dan Olson does a great job and the Council appreciates him.

**Councilman Milne moved to approve Resolution 2010-34.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye", Councilman Johnson, "Aye", Chairman Wardle, "Aye", Councilman Milne, "Aye", and Chairman Pruden, "Aye". The motion passed.

**11. Resolution 2010-25 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Copper Canyon Subdivision Phases 2A and 2B**

Presented by Paul Hansen

Mr. Hansen noted that this item was on the agenda for the last two meeting but was tabled because there were some items that were not completed. The items have now been completed in accordance with Tooele City policy and he asked the Council to accept the completed public improvements so they may begin the one year warranty period. This resolution does not include the park. The park will become Tooele City property and there are some legal documents that need to be completed for the conveyance of the park, which is separate from this resolution.

Chairman Pruden asked if there is a name designation for the park? He also asked if there will be a second park at build out?

Mr. Hansen indicated that there will be two facilities. One will have a restroom and a pavilion and the other is primarily a storm water detention facility, which is near 1000 North. There will be a third grassy area in a future phase.

Chairman Wardle asked if there are updated pictures of this subdivision.

Mr. Hansen indicated "yes".

Councilman Johnson asked if Mr. Hansen has inspected the subdivision?

Mr. Hansen stated "yes".

**Councilman Milne moved to approve Resolution 2010-25.** Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

**12. Minutes: June 2, 2010; Work Session and Business Meeting**

**Councilman Milne moved to approve the minutes as presented.** Councilman Johnson seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

**13. Invoices**

Presented by Sharon Dawson

Ms. Dawson presented the following invoices for payment:

- Turf Equipment & Irrigation for Groundmaster 72” mower in the amount of \$19,975.00.
- Holme Roberts & Owen for professional services for May 2010 in the amount of \$17,127.38.
- Ferguson Enterprises, Inc for 230 back flow preventers in the amount of \$29,138.70.

**Councilman Milne moved to approve the invoices as presented by Ms. Dawson.**

Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed.

**14. Adjourn**

**Councilman Milne moved to adjourn the meeting.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye”, Councilman Johnson, “Aye”, Chairman Wardle, “Aye”, Councilman Milne, “Aye”, and Chairman Pruden, “Aye”. The motion passed. The meeting adjourned at 8:25 p.m.

Approved this 7<sup>th</sup> day of July 2010

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Chairman Wardle