

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, May 15, 2024 at the hour of 7:00 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.gov, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.gov.

We encourage you to join the City Council meeting electronically by visiting the Tooele City YouTube Channel, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel". If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email cmpubliccomment@tooelecity.gov anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Mayor's Community Recognition Awards**
4. **Public Comment Period**
5. **Swearing in of John Perez as the Economic Development Director**
Presented by Michelle Pitt, City Recorder
6. **Public Hearing and Motion on Ordinance 2024-14** An Ordinance of Tooele City Amending Tooele City Code Section 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures Permitting Uncovered Architectural Elements to Encroach Within the Rear Yard Setback in Residential Zones
Presented by Andrew Aagard, Community Development Director
7. **Public Hearing and Motion on Ordinance 2024-15** An Ordinance of Tooele City Amending Tooele City Code Section 7-14-6, Accessory Structures Requirements, Related to the Permitting of Accessory Structures, Fire Wall Ratings, Lot Coverages and the Use of Metal Shipping Containers as Accessory Structures
Presented by Andrew Aagard, Community Development Director
8. **Resolution 2024-40** A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Justin Wiker and Re-Appointment of Julie Ann Prescott and Stephen Sagers to the Tooele City Tree Advisory Board
Presented by Darwin Cook, Parks and Recreation Director

9. **Resolution 2024-42** A Resolution of the Tooele City Council Approving an Agreement with Holbrook Asphalt LLC for Roadway Maintenance

Presented by Jamie Grandpre, Public Works Director

10. **Resolution 2024-43** A Resolution of the Tooele City Council Adopting the Tooele City Active Transportation Plan

Presented by Maresa Manzione, RDA Chair

11. **Invoices & Purchase Orders**

Presented by Michelle Pitt, City Recorder

12. **Minutes**

~May 1, 2024 Work Meeting

~May 1, 2024 Business Meeting

13. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or michellep@tooelecity.gov, prior to the meeting.

TOOELE CITY CORPORATION

ORDINANCE 2024-14

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-14-4, TABLE 3, SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES PERMITTING UNCOVERED ARCHITECTURAL ELEMENTS TO ENCROACH WITHIN THE REAR YARD SETBACK IN RESIDENTIAL ZONES.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations ... as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, Tooele City Code Section 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures, is Tooele City's ordinance that defines rear yard building setbacks; and,

WHEREAS, Tooele City Code Section 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures, does not include any description or language authorizing uncovered architectural elements such as a porch, deck or basement stairwell to encroach into the rear yard setback; and,

WHEREAS, the Utah State Legislature passed House Bill 476 requiring municipalities and counties to permit decks, porches and basement stairwells to encroach within the rear yard setback on residential lots; and,

WHEREAS, the Tooele City setbacks are measured from property line to building foundation and when a stairwell extends from the foundation it has been previously considered part of the foundation and subject to the setback requirements and thus creating ambiguity as to whether the stairwell is part of the main structure; and,

WHEREAS, Tooele City Code 7-1-5 defines a structure as being construction that includes walls and a roof; and,

WHEREAS, if the porch, deck and stairwell are covered and attached to the house they would then be considered an extension of the main dwelling and a structure and therefore required to maintain the rear yard setback; and,

WHEREAS, if the porch, deck and stairwell remain uncovered and attached to the house they are not considered an extension of the main structure and are permitted

to encroach into the rear yard setback for structures in residential zones; and,

WHEREAS, if the porch, deck, stairwell and other structures are detached and covered with walls and a roof they would fall under the setback requirements of detached accessory structures and are not subject to the proposed amendments of this code; and,

WHEREAS, the proposed amendments pertain to only rear yard setbacks and not to front yard and side yard setbacks; and,

WHEREAS, Tooele City Staff presented Exhibit A of the proposed ordinance amendments to the City Council during its May 1, 2024, public work meeting; and,

WHEREAS, on May 8, 2024, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to provide its recommendation to the City Council; and,

WHEREAS, on May 15, 2024, the City Council convened a public hearing, considered the Planning Commission recommendation, and accepted public comment:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. TCC Chapter 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures, is hereby amended as shown in Exhibit A, attached and incorporated; and,
2. This ordinance is necessary to eliminate ambiguities that currently exist in the ordinance regarding uncovered architectural elements when these elements are attached to the main structure, in the following ways:
 - a. to render the code easier to interpret and understand by staff, developers and the general public; and,
 - b. To clarify that uncovered architectural elements such as a deck, porch and basement stairwell are exempt from the rear yard setback requirements if attached to the main structure; and,
 - c. To clarify that covered architectural elements such as a deck, porch and basement stairwell are required to maintain the rear yard setback if attached to the main structure; and
 - d. To bring Tooele City's code into compliance with the mandates of the recently passed House Bill 476 by the Utah State Legislature requiring cities to permit these architectural elements to encroach within the rear yard setbacks on residential lots.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 20__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Proposed Ordinance Amendments

Table 3 Site Planning and Development Standards for Primary Buildings and Structures

Total Lot Coverage (All Buildings)	40%	40%	40%	40%	35%	35%	35%	35%	25%	20%	10%	10%	10%
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Table 7-14 Site Planning and Development Standards for Primary Buildings and Structures

(Ord. 2022-22, 07-06-2022) (Ord. 2020-45, 11-18-2020)

¹ The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line.

(Ord. 2020-45, 11-18-2020) (Ord. 2005-15, 06-15-2005) (Ord. 2003-24, 11-05-2003) (Ord. 2000-08, 06-07-2000)

² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6.

(Ord. 2019-08, 03-20-2019)

³ Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation on the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.

(Ord. 2020-45, 11-18-2020)

⁴ For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.

⁵ All uncovered porches, walk out basement stairwells, decks, and balconies may extend or encroach into the rear yard setback, subject to adopted uniform codes. .

Exhibit B

Staff Report

STAFF REPORT

May 2, 2024

To: Tooele City Planning Commission
Business Date: May 8, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Rear Yard Setbacks – City Code Text Amendment Request

Applicant: Tooele City
Request: Request for approval of a City Code Text Amendment to Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures.

BACKGROUND

Tooele City is proposing amendments to its Rear Yard Setbacks ordinance in regards to uncovered architectural structures such as decks, porches and basement entry stair-wells.

ANALYSIS

History. The reasons for this proposed text amendment originate in the last Utah State legislative session in which a new bill was passed into law prohibiting cities from restricting certain building elements from encroaching within the rear yard setback. This new state requirement will affect Tooele City's ordinances as found in Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures.

The state has passed legislation that permits certain building structures to encroach into the rear yard setback of a residential property. Basically, any architectural element such as a deck, balcony, porch, a walk out basement stairwell or anything similar to this may encroach into the setback as long as they are uncovered.

The proposed amendments insert a foot note #5 on the “minimum rear yard” setback row in the table of site planning and development standards and then refers the reader to note number 5 at the bottom of the table. The note then states that uncovered porches, stairwells, decks and balconies may extend or encroach into the rear yard setback. There is no restriction upon how far into the setback they may extend or how close to the property line they may be.

This is actually a beneficial change and, in staff's opinion, the state got this one right as this is a good opportunity to correct a long standing ambiguity resulting in difficult interpretations with city residents and developers. Tooele City's ordinances do not currently address decks, balconies, porches and stair wells and this was actually an ordinance correction that was on my “to do” list. The reason the current ordinance is fairly ambiguous is because these architectural items, if they are not covered by a roof held up by walls or columns, do not meet the definition of a structure and therefore are not subject the same restrictions as a covered structure.

That being said, if a deck, porch, balcony or walk out basement stairwell are proposed to be covered they then become a structure or an extension of the main structure and are subject to the setback requirements. Note #5 states that only “uncovered” elements may be able to encroach into the rear setback. If someone comes back later and requests to cover a deck or a porch and that porch is extending into the rear setback, they will not be able to obtain a building permit.

It should also be noted that the state legislative changes as well as these proposed amendments do not change or alter in anyway the side yard setbacks. These architectural elements are not permitted to encroach into a side yard setback and the state law does not mandate that we permit them to.

Ordinances Affected. The following ordinances are those that will be affected by the proposed changes.

1. *Title 7; Uniform Zoning Title of Tooele City, Chapter 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures*

Proposed Changes to Table 3

1. Adds foot note number 5 on the “minimum rear yard setback” columns.
2. Adds note number 5 at the bottom of the table which states that uncovered decks, porches and basement entry stair-wells may encroach within the rear yard setback.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Sections 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendments request and has issued and approval for the request with the following comment:

1. This ordinance amendment will resolve what has been a common dispute between developers and staff especially regarding basement entry stair-wells which have been interpreted, in the past, as an extension of the main dwelling’s foundation.
2. This ordinance amendment will bring Tooele City’s zoning code into compliance with the mandates of House Bill 476, passed by the Utah State Legislature in the spring of 2024.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Divisions have not reviewed the proposed text amendment and have not offered any feedback.

Fire Department Review: The Tooele City Fire Department have not reviewed the proposed text amendment and have no offered any feedback.

Noticing. The applicant has expressed their desire to amend the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Rear Yard Setbacks text amendment request by Tooele City for the purpose of permitting uncovered architectural elements to encroach within the rear yard setback on residential properties, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Rear Yard Setbacks text amendment request by Tooele City for the purpose of permitting uncovered architectural elements to encroach within the rear yard setback on residential properties, based on the following findings:”

1. List findings ...

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2024-15

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-14-6, ACCESSORY STRUCTURES REQUIREMENTS, RELATED TO THE PERMITTING OF ACCESSORY STRUCTURES, FIRE WALL RATINGS, LOT COVERAGES AND THE USE OF METAL SHIPPING CONTAINERS AS ACCESSORY STRUCTURES.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations ... as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, Tooele City Code Section 7-1-5, Definitions, defines a structure as a combination of materials to form a construction of use that includes walls and a roof; and,

WHEREAS, Tooele City Code Section 7-14-6, permits accessory structures to only be permitted when it is accessory or ancillary to an existing main residential structure; and,

WHEREAS, accessory structures cannot be permitted on vacant residentially zoned lots as there is no main structure to be an accessory to and when a stand-alone accessory structure is permitted on a vacant lot the use of the lot is then changed from residential to the use that is conducted within the accessory structure; and,

WHEREAS, the Tooele City Code permits accessory structures to have a 1 foot setback if the proposed structure meets 3 specific criteria; and,

WHEREAS, Tooele City Code currently prohibits the use of metal shipping containers as accessory structures as these containers do not meet the ordinance's definition of a structure; and,

WHEREAS, metal shipping containers originate as an industrial use and are frequently found in industrial shipping yards, railroad corridors and used for industrial storage; and,

WHEREAS, Tooele City Staff field many requests from residents who wish to install a metal shipping container for use as a storage shed resulting in ambiguity in how a metal shipping container does not qualify as a structure; and,

WHEREAS, Tooele City ordinances limit the total lot coverage of a lot by accessory structures to 8% of the total lot size; and,

WHEREAS, Tooele City ordinances also provide an exception to the 8% lot coverage restriction by accessory structures by obtaining a Conditional Use Permit approved by the Planning Commission after a public hearing and after determining the exception does not cause any impacts to adjacent properties; and,

WHEREAS, the language in the current code authorizing the 8% lot coverage by accessory structures exception is ambiguous and results in a cumbersome interpretation; and,

WHEREAS, Tooele City Staff presented Exhibit A of the proposed ordinance amendments to the City Council during its May 1, 2024, public work meeting; and,

WHEREAS, on May 8, 2024, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to provide its recommendation to the City Council; and,

WHEREAS, on May 15, 2024, the City Council convened a public hearing, considered the Planning Commission recommendation, and accepted public comment:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. TCC Chapter 7-14-6, Accessory Structures Requirements, is hereby amended as shown in Exhibit A, attached and incorporated; and,
2. This ordinance is necessary to eliminate ambiguities that currently exist in the ordinance regarding the following:
 - a. Clarifies where and when an accessory structure may be constructed on a residential lot; and,
 - b. reduces the burden to make all accessory structures on a property one hour fire wall rated if one of the buildings has a 1 foot setback; and,
 - c. clarifies that anyone may request an exception to the 8% total lot coverage by accessory structures; and
 - d. requires property owners who utilize the 1 foot setback from property line to ensure the roof of the structure does not drain storm water onto the adjacent property; and
 - e. to clearly prohibit the use of metal shipping containers as accessory storage structures on all residential lots instead of relying on the interpretation of the ordinance's definition of a structure to prohibit the use of these items.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this ____ day of _____, 20__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Proposed Ordinance Amendments

7-14-6 Accessory Structure Requirements

~~To facilitate the placement of a~~ Accessory buildings and structures on residential lots may only be permitted if they are accessory to on a residential lot that already has a principal an established primary residential structure, or, if they are constructed in conjunction with a primary residential structure. Accessory buildings and structures shall comply with the established the following requirements ~~are identified~~:

- (1) All accessory buildings and structures shall be required to comply with the minimum front yard setback and shall be set back a minimum of at least six feet from the principal structure.
- (2) All accessory buildings and structures shall be setback a minimum of five feet from the rear and side property lines. This five feet setback may be reduced to one foot provided the following requirements are met:
 - (a) accessory buildings are constructed in such a manner that the roof does not infringe or drain onto adjoining property;
 - (b) ~~all accessory buildings are~~ The wall adjacent to the property line is constructed of fire resistant materials which provide a one-hour or greater fire rating; and,
 - (c) no accessory structure may encroach upon a public utility and drainage easement.
- (3) No accessory building or structure or group of accessory buildings or structures shall cover more than 8% of the total lot area, except as may be allowed by the provisions of 7-14-6(8 9).
- (4) No accessory building or structures shall encroach upon any easement or right-of-way.
- (5) Detached garages and all other accessory buildings and structures shall be located at least ten feet from any dwelling or main building located on an adjoining lot.
- (6) All accessory buildings accessed by vehicle (for example: detached garage) shall be set back a minimum of 25 feet from the public right-of-way from which the accessory building is vehicle accessed.
- (7) Accessory buildings and structures located in the side yard of an interior lot or the street side yard of a corner lot shall not exceed 15 feet in height. Views of accessory buildings and structures from adjoining streets and properties shall be screened with a visual screening treatment. On corner lots all accessory buildings and structures shall be located to the rear of the main building.
- (8) Separate meter connections for water, sewer, gas, or other utilities are not permitted for any accessory building or structure.

(9) All detached garages and other accessory structures ~~greater than 2,500 square feet in size, which exceed the 8% lot coverage restriction for accessory buildings, or greater which are taller~~ than 15 feet in height as measured at the mid-point of roof pitch, shall require a hearing before the Planning Commission and will be considered a Conditional Use in all residential zoning districts. The Planning Commission will determine and consider any adverse impacts the proposed building or structure may have on adjoining properties. Notice of the Planning Commission hearing shall be sent by regular mail to all adjoining property owners, the applicant being required to pay all the costs incurred by the City to provide the required notice. The Planning Commission shall approve or deny the conditional use application pursuant to Tooele City Code Chapter 7-5.

10. Metal shipping containers and other similar containers are prohibited as accessory storage structures in all residential zoning districts.

Exhibit B

Staff Report

STAFF REPORT

May 2, 2024

To: Tooele City Planning Commission
Business Date: May 8, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Accessory Structures Requirements– City Code Text Amendment Request

Applicant: Tooele City
Request: Request for approval of a City Code Text Amendment to Tooele City Code 7-14-6, Accessory Structures Requirements, related to the permitting of accessory structures, fire wall ratings, lot coverage variances and the use of metal shipping containers as accessory structures.

BACKGROUND

Tooele City is proposing amendments to its Accessory Structures Requirements ordinance to provide clarifications and to correct some deficiencies in regard to interpretation and application of the ordinance.

ANALYSIS

History. Quite often in my labors as the Tooele City Planner I would be required to interpret ordinances that are cumbersome, ambiguous and contradictory. As Community Development Director for the City I have it as my mission to review some of these ordinances and propose small changes to render the ordinance easier to read, interpret and easier to understand. In this case I am working on the Accessory Structures ordinance as found in Tooele City Code 7-14-6. This particular amendment proposal involves accessory structures being accessory only to a main dwelling, accessory building firewalls, exceeding the 8% accessory structure lot coverage restriction, building height measurement and the prohibition of metal shipping containers as storage structures.

The first part of the proposed amendment takes place at the beginning of the code section. The purpose of these changes is to clarify that in residential zones an accessory structure may only be permitted if there is an established primary residential structure or if the primary residential structure is being constructed at the same time as the accessory structure. If an accessory structure is constructed without a primary dwelling it is not accessory to anything and then becomes the primary structure. This is contrary to the code. This also creates a zoning issue because the first and primary use of a residential lot is a residential home. If an accessory structure is constructed on a lot without a primary dwelling the use of the lot then becomes storage or commercial or whatever the use of the structure is and is not residential, thus contrary to the code. It is therefore not a residential use. There have been numerous requests from land owners and developers to build storage structures on a vacant residential lot for the purposes of storing an RV or construction equipment and the code, as it is currently written, does not clearly convey that an accessory structure must be accessory to a primary residential structure in all residential zones, if it is not, it is not permitted. We wanted to clarify and firm up the ordinance in this regard.

Paragraph 2B of the code pertains to accessory buildings being permitted a 1 foot setback if they meet 3 minimum criteria. One of those criteria requires that the accessory building be constructed of a one hour fire wall rating. I'm not a building inspector but generally this means the walls are constructed with thicker sheet rock and additional fire resistant materials. Established building codes define fire wall rating so in this case the City Council need not worry about that. However, fire wall ratings do increase the cost of construction of a

building. It is obvious the intention of Councils past in requiring the one hour fire wall rating for structures 1 foot from property line was to protect the structure from fires that may occur on the adjacent property. This is a good thing. The problem is that the entire building doesn't need to be 1 hour rated to protect it from fires on the adjacent lot. The same protection can be accomplished by just requiring the wall that is adjacent to the property line to be 1 hour fire rated. Requiring the entire building to be fire wall rated is excessive and unnecessary when taken in context of the purpose of this code.

The proposed amendments to Paragraph 9 of the code seek to make a clarification and simplification that is long overdue. You will note that paragraph 3 of the code section states that no accessory structure may cover more than 8% of any residential lot and then it directs the reader to paragraph 8 (corrected to paragraph 9) with the clear intent to provide an avenue for an exception to this 8% requirement. When the reader refers to paragraph 9 they learn that the Planning Commission can grant an exception to the 8% lot coverage restriction if the applicant obtain a conditional use permit but it doesn't clearly state this. Given that paragraph 3 mentions 8% and then refers the reader to paragraph 9 for the PC granted exception, staff has always interpreted this code meaning that if any applicant wishes to exceed the 8% lot coverage restriction they must obtain a CUP after a public hearing with the Planning Commission. However, when the reader reads paragraph 9 the section makes no mention of the 8% lot coverage restriction other than the 2500 square foot size restriction and accessory buildings exceeding the 15 foot height requirement. We want this paragraph to also clearly include the 8% lot coverage restriction because in some cases, on smaller lots, a building doesn't have to be 2500 square feet to exceed the 8% lot restriction. We also have added a clarification to the code in how we measure building height to the mid-point of roof pitch between the roof peak and eave. This is not a change in how we measure building height as that is clearly defined in Tooele City Code 7-1-5, Definitions, but you'd be surprised how many people measure building height to roof peak. By placing this building height definition in this code we hope to make this information more readily to those within the City who wish to build a taller accessory structure rather than having this language hidden in the Definitions section.

We are proposing the addition of some new language as paragraph 10. This paragraph prohibits the use of metal shipping containers and other similar containers to be used as accessory storage sheds or buildings. Currently, the city code does prohibit these containers but it doesn't clearly prohibit them in language the general public can understand. They are prohibited in that they don't comply with the City code's definition of a structure as found in Tooele City Code 7-1-5, Definitions. Staff fields numerous requests from individuals who wish to purchase one of these containers and place it in their residential lots to use as a storage shed. Staff then has to explain how the City code defines a structure and that the storage containers do not meet or comply with that definition. It is a cumbersome process that leaves the applicant frustrated and the staff feeling less than confident in the information they just provided. This proposed amendment clarifies in bold terms that shipping containers are not permitted as storage sheds on residential properties. These containers are industrial and use and appearance, are usually rusted out, damaged or covered with graffiti and do not belong in a residential zone.

Ordinances Affected. The following ordinances are those that will be affected by the proposed changes.

1. *Title 7; Uniform Zoning Title of Tooele City, Chapter 7-4-6, Accessory Structures Requirements, Section 2, Paragraphs A and B, Section 3, Section 9 and the addition of Section 10.*

Proposed Changes Main Chapter Heading

1. Adds language that clarifies that accessory structures must be accessory to an established primary residential structure.
2. Adds language that states accessory structures may be constructed at the same time a primary residential structure is being constructed.
3. Adds language that states all accessory structures shall comply with the terms of the chapter.

Proposed Changes to Paragraph "2A".

1. Adds the words "or drain" to the paragraph regarding the roof infringing upon adjacent properties.

Proposed Changes to Paragraph “2B”.

1. Replaces the words “All accessory buildings” with “the wall adjacent to the property line” in order to remove the requirement that all accessory buildings must be constructed of fire resistant materials which provide one hour rating or greater.

Proposed Changes to Paragraph “3”.

1. Replaces the “8” with a “9” to correctly refer the reader to the appropriate section.

Proposed Changes to Paragraph “9”.

1. Adds the words “Which exceed the 8% lot coverage restriction for accessory buildings” and “which are taller” and “as measured at the mid-point of roof pitch.” All of these clarify the exceptions that can be granted by the Planning Commission for accessory structures.

Proposed Addition of Paragraph “10”.

1. Prohibits the use of metal shipping containers as accessory storage structures in all residential zones.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Sections 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendments request and has issued and approval for the request with the following comment:

1. This ordinance amendment will resolve what has been a common dispute between developers and staff.
2. This ordinance amendment will make reviewing plans more convenient for City Staff and will be easier to interpret for architects and civil engineers.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Divisions have not reviewed the proposed text amendment and have not offered any feedback.

Fire Department Review: The Tooele City Fire Department have not reviewed the proposed text amendment and have no offered any feedback.

Noticing. The applicant has expressed their desire to amend the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Accessory Structures Requirements text amendment request by Tooele City for the purpose of clarifying locations, fire wall ratings, 8% lot coverage and metal shipping containers as accessory structures, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Accessory Structures Requirements text amendment request by Tooele City for the purpose of clarifying locations, fire wall ratings, 8% lot coverage and metal shipping containers as accessory structures, based on the following findings:”

1. List findings ...

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

RESOLUTION 2024-40

A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO THE MAYOR'S APPOINTMENT OF JUSTIN WIKER AND RE-APPOINTMENT OF JULIE ANN PRESCOTT AND STEPHEN SAGERS TO THE TOOELE CITY TREE ADVISORY BOARD.

WHEREAS, on November 17, 2021, the City Council approved Ordinance 2021-38, enacting a Tree Ordinance (Tooele City Code Chapter 8-17) and creating a Tree Advisory Board, composed of seven members appointed by the Mayor with City Council consent; and,

WHEREAS, Tooele City Code Section 8-17-4 provides the following about the Tree Advisory Board:

8-17-4. Tree advisory board.

There is hereby created a Tree Advisory Board, hereinafter referred to as the "Board."

(1) Duties. The Board shall act in an advisory capacity to the Director and shall:

- (a) Coordinate and promote Arbor Day activities;
- (b) Review, update, and recommend a five-year plan to plant and maintain trees on city property;
- (c) Support public awareness and education programs relating to trees;
- (d) Review city department concerns relating to tree care;
- (e) Submit an annual report of its activities to the Director, who shall submit the report to the Mayor;
- (f) Assist with the annual application to renew the Tree City USA designation;
- (g) Recommend a list of tree species for planting on city property, with a particular list of tree species for planting in the park strips, and a list of prohibited species; and,
- (h) Other duties that may be assigned by the Director.

(2) Membership. The Board shall consist of seven members approved by Mayor with the consent of the City Council. Members of the Board are volunteers and will serve without compensation.

(3) Term of office. Board members shall be appointed for three-year staggered terms. If a vacancy occurs during the term of any member, a successor shall be appointed.

(4) Officers. The Board shall annually select one of its members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

(5) Meetings. The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed. The Board is not a public body for purposes of the Utah Open Meetings Act.

(6) Council liaison. The City Council may select one of its own members to attend and participate in Board meetings as a Board liaison to the Council, but who is not a member of the Board.

WHEREAS, the Mayor has appointed Justin Wiker to the Tree Advisory Board, with the appointment date and term shown on Exhibit A, and seeks City Council consent; and,

WHEREAS, the Mayor has re-appointed Julie Ann Prescott to the Tree Advisory Board, with the appointment date and term shown on Exhibit A, and seeks City Council consent; and,

WHEREAS, the Mayor has re-appointed Stephen Sagers to the Tree Advisory Board, with the appointment date and term shown on Exhibit A, and seeks City Council consent:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that consent is hereby given to Mayor Winn's appointment of Justin Wiker and re-appointment of Julie Ann Prescott and Stephen Sagers to the Tooele City Tree Advisory Board, with the appointment dates and terms shown on Exhibit A.

This Resolution is necessary for the peace, health, safety, and welfare of the residents of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

Passed this ____ day of _____, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Tree Advisory Board Appointments

Board Member	Term Begin Date	Term End Date	First Appointed
Trent Bristol	June 1, 2022	December 31, 2025	June 1, 2022
Robyne Gallacher	June 1, 2022	December 31, 2025	June 1, 2022
Elizabeth Poff	June 1, 2022	December 31, 2024	June 1, 2022
Julie Ann Prescott	May 15, 2024	December 31, 2027	June 1, 2022
Stephen Sagers	May 15, 2024	December 31, 2027	June 1, 2022
Virginia Hooper	February 7, 2024	December 31, 2025	February 7, 2024
Justin Wiker	May 15, 2024	December 31, 2025	May 1, 2024

TOOELE CITY CORPORATION

RESOLUTION 2024-42

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH HOLBROOK ASPHALT LLC FOR ROADWAY MAINTENANCE.

WHEREAS, Tooele City has more than 225 lane miles of public roadway located within the City limits for which it has maintenance; and,

WHEREAS, a significant number of those roadways require maintenance in varying levels of effort in order to maintain reasonably safe and convenient public access and to extend the life of those roadways, and some of the roads with heaviest use require higher levels of materials and maintenance, including on Aaron Drive and Berra Boulevard; and,

WHEREAS, Holbrook Asphalt LLC is the only authorized regional contractor for application of the HA5 High Density Mineral Bond advanced performance pavement preservation treatment (see the sole source letter attached with Exhibit A); and,

WHEREAS, the City receives State roadway assistance (Road "C") funds together with additional funding from the State of Utah, which funds are to be used by the City for public roadway pavement maintenance and repair; and,

WHEREAS, Holbrook has submitted a cost proposal of One Hundred Eighteen Thousand Six Hundred Sixty-eight dollars (\$118,668) for asphalt maintenance utilizing the HA5 High Density Mineral Bond treatment (see the cost proposal and scope of work attached with Exhibit A); and,

WHEREAS, the City Administration requests an additional appropriation of about 5% in the amount of Six Thousand dollars (\$6,000) as contingency for change orders for changed conditions which may arise during the Project, as reviewed and approved by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the agreement attached as Exhibit A with Holbrook Asphalt LLC is hereby approved, in the amount of One Hundred Eighteen Thousand Six Hundred Sixty-eight dollars (\$118,668), for the contracted scope of work, with an additional Six Thousand dollars (\$6,000) contingency, which may be used for changed conditions as reviewed and approved by the Mayor.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

Cost Proposal
Scope of Work
Agreement
Sole Source Letter



Proposal

Project Location

Tooele City
Jamie Grandpre (435) 843-2148
Aaron Dr and Berra Blvd
Tooele UT 84074

Proposal #

HAU949551

Date Issued

4/5/2024

PO/LD #**Terms**

Due Upon Completion

Adviser Information

Aaron Eppley
P: 435-703-0023 | E: aaron@holbrookasphalt.com

Description

City of Tooele HA5 24

Bill To

Tooele City
Jamie Grandpre (435) 843-2148
Aaron Dr and Berra Blvd
Tooele UT 84074

Item**Quantity** **UM** **Rate** **Amount****Green on map**

Berra Blvd 111,079 SF
Aaron Dr 197,581 SF
Total 308,660 SF

HA5

Clean & prepare surface using high pressure air & wire bristle brooms. Install "HA5" High Density Mineral Bond advanced performance pavement preservation treatment. No guarantee surface treatments will adhere to areas saturated with motor oil. HA5 meets demands of High Density Mineral Bond Specification established by agency engineers.

308,660 SqFt 0.32 98,771.20

Touch-up Crack Repair

Touch-up, majority of cracks are already filled. Clean & prepare cracks if necessary. Install Hot-Applied Elastomeric Sealant to all cracks larger than 1/8 inch.

LS 5,051.76

Touch-up CCJ Repair

Touch-up, majority of concrete joints are already sealed. Seal concrete joints with Hot-Applied Elastomeric Sealant.

LS 1,715.28

Yellow on map

Ashlin Ct 11,320 SF
Allister Ct 10,379 SF
Total 21,699 SF

6943.68

Recommended HA5 Additions

Price for recommend additions \$6,943.68.

Paint/Stripe

Includes all stripes, symbols, and lettering on the pavement surface to follow existing pattern. Pricing is based on work being completed in one day (one mobilization), unless stated otherwise. Any striping or painting items not specified on this proposal line are not included. Any addition or reduction in work requires a signed change order. Change order will be billed upon completion.

LS 3,125.00

HA5 Traffic Control

HA5 Traffic Control, construction signs with flags, type 3 barricades with signs. Set up and removal of traffic control devices.

LS 3,061.02

Note

(1) Traffic control will require 24-hour road closures. If additional closures or methods are required, additional traffic control costs will be added.
(2) Taxes are not included in this proposal. If required by jurisdiction, those costs will be added to the project invoices.
(3) Standard cleaning is included in the unit price. Items NOT considered to be standard cleaning includes heavy dirt, mud, construction or landscaping debris, and foreign material on the pavement surface. All non-standard cleaning requirements must be completed and approved by a Holbrook Asphalt representative prior to the start of project. If required, additional/heavy cleaning will be invoiced at \$1,750 per crew per day.

Total \$111,724.26

HAUB14596

\$ 118,667.94



Proposal

Project Location

Tooele City
Jamie Grandpre (435) 843-2148
Aaron Dr and Berra Blvd
Tooele UT 84074

Proposal #

HAU949551

Date Issued

4/5/2024

PO/LD #

Terms

Due Upon Completion

Adviser Information

Aaron Eppley
P: 435-703-0023 | E: aaron@holbrookasphalt.com

Description

City of Tooele HA5 24

Please sign for proposal acceptance: **Do not sign this page, see final page for signing**



Proposal

Date	Number
4/5/2024	HAUB14596

Terms and Conditions

TERMS AND CONDITIONS: Any proposals returned to Holbrook Asphalt Company ("Contractor") more than 14 days after the proposal is submitted to the Client is subject to revision, updated pricing, or may be voided by Contractor. Engineering, tests, permits, inspection fees and bonding fees are not included in price unless stated otherwise. Pricing based on no more than area and depth dimensions listed. Upon construction, if it is determined that concrete or asphalt area or depth is greater than the estimation, client agrees to pricing adjustment as a result of project overrun. Client specifically represents and warrants that either the Client is the owner of the premises where the work is to be performed, or, in the alternative, Client has authority from the owner of the premises authorizing the Work to be performed on the said premises.

GENERAL EXCLUSIONS: Contractor is not liable for any ADA compliance, if needed, Client should consult with an ADA compliance professional prior to specific project approval. Contractor not responsible for claims related to pavement markings or lack thereof during or following project work.

Contractor will not be responsible for its product failure if said failure is directly or indirectly caused by "Existing Surface Conditions," as defined below, and any written or implied warranty will become void. Existing Surface Conditions are defined as: water drainage issues or delamination or failure of existing paint, asphalt, surface sealer, wearing course or any other material that is in a failing or in an unstable state. If any portion of the project area has Existing Surface Conditions not caused or created by Contractor that impact Contractor's HA5 product or any other product Contractor applies to project area, the warranty is void. Client is responsible for having entry gates open on day of work. Any damage to gates, sensors or loop sensors above or below asphalt are responsibility of Client. Any hot-applied sealants will not be exactly level with pavement surface as material settles to fill voids. There may also be excess material on pavement surface. Regarding asphalt, concrete and excavation work: Contractor is not responsible for subgrade scarification, re-compaction or concrete damage due to removal of asphalt. Contractor is not responsible for existing condition of subgrade, drainage in areas of less than 1% grade, adjustments of utilities, manholes and valve covers. Contractor is not responsible for any damage to underground utilities and cost to repair the same.

PAYMENT TERMS: Payment is due upon completion of work (Completion by line item 'Progress Billing' and/or completion of project core). Payment is due upon Client receipt of invoice. Client understands and agrees that it will be billed for towing as incurred and will be due on receipt. If the Client has a discrepancy with the Contractor regarding the contracted work, a retention of 5% of invoice up to a maximum of \$750.00 may be retained by Client up to 45 days. Client agrees that it may be billed as each line item is completed and each item may become their own respective invoice and due upon receipt of the same. Contractor reserves the right to charge up to 50% of Proposal Total if client cancels project within 25 days of scheduled project commencement. Upon request, post-project walk-throughs may be scheduled to review concerns.

Client agrees that interest accrues on all past-due amounts at 24% per annum from invoice date, until paid in full; and may be billed collection fees of up to 40% and all fees incurred by collection efforts. Total Proposal price includes one mobilization unless stated otherwise. Additional mobilizations may be billed up to \$3,500 per additional mobilization. This agreement provides Client written Notice of Right to Lien. Pricing does not include bonding or prevailing wage/Davis Bacon Certification, unless stated otherwise. By signing this proposal (contract), Client agrees that Contractor may not be held liable for delays, conditions, or Acts of God beyond their control, which situations may delay or cause cancellation partially or entirely on any project. Delays include project demand and material supply.

INSURANCE: These insurance limits are listed by Contractor to inform Client of such. Any premiums above the following to be paid by Client. This disclosure overrules any other contract language wherein Contractor agrees to differing limits. Certificates available upon request. **GENERAL LIABILITY:** \$1m (inc.), \$2m (agg.) **AUTO:** \$1m **UMBRELLA:** \$2m (inc.), \$2m (agg.) **PERSONAL INJ:** \$1m **WORKERS COMP:** \$1m

ADDITIONAL HA5 WARRANTY LIMITATIONS AND EXCLUSIONS: No claim will be honored unless Holbrook Asphalt has been notified in writing and is given the opportunity to inspect the claimed failure. Surface treatments applied previous to HA5 being installed are not covered under this warranty. (For example, if a previously applied preservation treatment is peeling or delaminating from the pavement surface—even if the surface was cleaned and prepped prior to HA5 being installed on top of it—this warranty does not cover HA5 in these circumstances.) Any attempt to repair the surface prior to Holbrook Asphalt's inspection will render this warranty invalid. Areas where HA5 was installed over pavements with motor oil, brake fluid, hydraulic fluid, or other substances that disturb the adhesion of HA5 and that lead to delamination are not covered under warranty. This warranty does not cover structural defects in the asphalt (e.g. base failure or damage caused by faulty construction and/or design), cracks, exposure to fuel, oil, or other chemicals determined to be harmful to the HA5 treatment, areas exposed to frequent sprinkler water run-off, or standing and/or ponding water, damage caused by heavy truck or equipment traffic, damage caused by equipment inflicting excessive stress or scraping to the pavement surface, damage caused by landscaping installation, or damage caused by earthquakes or other acts of God. Mechanical disturbances by snowplow chatter, studded tires, etc. are excluded from warranty. This warranty is not valid for areas located in elevations above 6500 feet. A valid Warranty Certificate must be signed with a copy returned to Holbrook Asphalt within 60 days of the HA5 installation for the warranty to be valid and executable.

Pre-mature wear of HA5 during the five-year period is defined as anything less than 70% residual inter-aggregate coverage of HA5 to the asphalt binder of the treated surface. If premature failure of HA5 is deemed by Holbrook Asphalt or an approved third-party expert within the five year period, reinstallation will take place at no charge or at the reduced rate identified on the Warranty Certificate for the project. Contractor reserves the right appoint the third-party expert should there be a dispute regarding the premature failure between the Client and Contractor. Client and Contractor agree to be bound by and abide by the decision of the third party expert regarding whether a premature failure has occurred.

I have read and agree with these terms and conditions. I elect to proceed with the signed option below.

HAU949551 - City of Tooele HA5 24 (Sign to accept this proposal)

Name _____ Signature _____ Date _____ Contractor _____



April 26, 2024

Tooele City

Subject: Holbrook Asphalt: Utah HA5 installer

To Whom it May Concern,

This letter serves as documentation that Holbrook Asphalt is the only approved contractor authorized and qualified by Integrated Pavement Solutions to install HA5 High Density Mineral Bond in the Arizona market.

HA5 High Density Mineral Bond is a sole source product and the only product meeting the rigorous specification of a High Density Mineral Bond established by engineering professionals.

Holbrook Asphalt has invested in all the necessary equipment and trained crews to successfully complete High Density Mineral Bond projects.

Why Sole Source? A High Density Mineral Bond requires specific emulsification properties and fine aggregates that combine for time-tested performance results. The differentiator is the durability of the product and its effectiveness at reducing the deterioration of the asphalt binder as demonstrated over the previous 20 years in various climate types around the U.S.

If you would like a High Density Mineral Bond specification, or have questions about it, please contact me at (435) 862-8064.

Warm Regards,

A handwritten signature in black ink that reads 'Mark Beatty'.

Mark Beatty
Sr. Vice President
Integrated Pavement Solutions (IPS)

TOOELE CITY CORPORATION

RESOLUTION 2024-43

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE TOOELE CITY ACTIVE TRANSPORTATION PLAN.

WHEREAS, Tooele City desires to improve safety and access for active transportation (walking, biking, and rolling) throughout the community, with the goal of identifying actions that can be taken through both physical infrastructure changes and new or updated policies and programs related to active transportation; and,

WHEREAS, the Tooele City Active Transportation Plan, attached as Exhibit A, has been funded by a grant and developed by Wasatch Front Regional Council, Alta, and Township & Range, along with community partners; and,

WHEREAS, the attached Tooele City Active Transportation Plan may serve as a useful guide to city staff, commission, and elected officials on how to prioritize funding, projects, policies, and programs:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Active Transportation plan, attached as Exhibit A, is hereby adopted.

This Resolution is necessary for the peace, health, safety, and welfare of the residents of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

Passed this ____ day of _____, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Tooele City Active Transportation Plan

Tooele City Council and the Tooele City Redevelopment Agency Work Meeting Minutes

Date: Wednesday, May 1, 2024

Time: 5:30 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis

Justin Brady

Ed Hansen

David McCall

City Council Members Excused:

Maresa Manzione

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Andrew Aagard, Community Development Director

Paul Hansen, City Engineer

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jamie Grandpre, Public Works Director

Jared Hall, City Planner/Zoning Administrator

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairman Brady called the meeting to order at 5:30 p.m.

2. Roll Call

Melodi Gochis, Present

Justin Brady, Present

Ed Hansen, Present

David McCall, Present

Maresa Manzione, Excused

3. Mayors report

Mayor Winn shared new welcome bags the Parks Department has put together to welcome residents. The film that was made in Tooele is titled "Forgotten." It is available on YouTube.

4. Council Member's Report

The Council Members reported on the events they attended during the week.

5. Discussion Items

A. A Discussion on Proposed Amendments to Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures, Regarding Architectural Elements Encroaching into the Rear Yard Setbacks

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an amendment to the City Code 7-14-4 for rear-yard setbacks. The setback is measured from property line to foundation. Decks, porches, and basement stair-wells are not addressed in the City Code in regards to these setbacks. The state passed law HB-76, that states that cities must allow decks, porches, and basement stairwells to be allowed in the setbacks. The proposed changes include the addition of footnotes and language.

The City Council asked the following questions:

Would a Pergola or covered patio in the backyard be considered a part of the setbacks?

Mr. Aagard addressed the Council. That would be subject to the accessory dwelling guidelines. The ordinance does not address a pergola at all and may need to come back at a later time.

B. A Discussion on Proposed Amendments to Tooele City Code 7-14-6, Accessory Structures Requirements, Regarding Where an Accessory Structure is Permitted, Fire Wall Ratings Adjacent to Property Lines, Exceeding Minimum Building Height, exceeding 8% Accessory Building Lot Coverage and Prohibiting Metal Shipping Containers as Storage Sheds in Residential Zones

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an amendment to City Code 7-14-6 in regards to accessory structure requirements. The amendment clarifies where someone is able to put an accessory building, language for the three guidelines for the 1-foot setback exception, changing 8% to 9% lot coverage, and clarification on prohibiting metal shipping containers as storage sheds in residential zones.

The City Council asked the following questions:

What can be done if a shipping container is in the yard now?

Does the Ordinance allow residential shipping containers?

Mr. Aagard addressed the Council. The code enforcement would have to have the resident remove the containers. Under the current ordinance, storage containers used as homes are not allowed in residential areas.

C. A Discussion Regarding Compass Point Land Use and Zoning Map Amendment

Presented by Jared Hall, City Planner/Zoning Administrator

Mr. Hall presented Compass Point Development Land Use and Zoning map amendment. The applicant is requesting High-density residential, MR-20 for 43.7 acres. This section would have 312 units with new roads and amenities.

The City Council asked the following questions:

Would the housing come all the way up to SR-36 with no commercial?

Is this part of the Overlake agreement?

How does removing the commercial benefit the City?

Does the state require a sound barrier?

Will there be safe walking routes?

Is the applicant going to join the North Tooele City Special Service District?

Will the residential homes blend?

Will 3100 North be a full access road?

Mr. Hall addressed the City Council's questions. In the 43.7 acres there would be no commercial and only residential. It is part of the Overlake area. These units are against the total number in the Overlake Agreement.

Mr. Swain addressed the Council questions. Residential homes will not be put right up to SR-36. Lot 103 and 102 would remain Commercial. This would be a commercial gateway into Compass Point. Lot 101 would be the multi-family units. It will move from commercial to multi-family, to residential. They are in alignment with the North Tooele City Special Service District and plan to join the district. They would like this to be a large master plan that provides a safe, reliable environment. It is hard to blend the multi-family to single family seamlessly. 3100 North will be full access road.

6. Closed Meeting - Litigation, Property Acquisition, and/or Personnel

There is no closed meeting.

7. Adjourn

Chairman Brady adjourned the meeting at 6:15 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 ____ day of May, 2024

Justin Brady, City Council Chair

Tooele City Council Business Meeting Minutes

Date: Wednesday, May 1, 2024

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis

Justin Brady

Ed Hansen

David McCall

City Council Members Excused:

Maresa Manzione

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Andrew Aagard, Community Development Director

Paul Hansen, City Engineer

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jamie Grandpre, Public Works Director

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Melodi Gochis, Present

Justin Brady, Present

Ed Hansen, Present

Dave McCall, Present

Maresa Manzione, Excused

3. Mayor's Youth Recognition Awards

Mayor Debbie Winn and Chief Day presented youth recognition awards to the following:
Frank Muntean

4. Public Comment Period

The public hearing was opened. No one came forward. The public hearing was closed.

5. Ordinance 2024-09 An Ordinance of Tooele City Codifying the Previously Enacted Overlake (P) Planned Zoning District Regulations

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented ordinance 2024-09. Staff is working to codify items within the previously enacted Overlake (P) planned zoning district. This will allow the public to easily view the regulations.

Council Member Hansen motioned to approve Ordinance 2024-09; An Ordinance of Tooele City Codifying the Previously Enacted Overlake (P) Planned Zoning District Regulations. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

6. Resolution 2024-29 A Resolution of the Tooele City Council Tentatively Adopting the Budget Officer's Tentative Budget for Tooele City Fiscal Year 2024-2025, and Establishing the Time and Place of a Public Hearing to Consider its Adoption

Presented by Shannon Wimmer, Finance Director

Ms. Wimmer presented the tentative fiscal year 2024-2025. The budget has been put in a book for the public to understand. It is available on the website. This item will be discussed at the May 15th City Council meeting.

Council Member Gochis motioned to approve Resolution 2024-29; A Resolution of the Tooele City Council Tentatively Adopting the Budget Officer's Tentative Budget for Tooele City Fiscal Year 2024-2025, and Establishing the Time and Place of a Public Hearing to Consider its Adoption. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

7. Resolution 2024-30 A Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of John Perez to the Position of Director of the Economic Development Department

Presented by Mayor Debbie Winn

Mayor Winn presented the appointment of John Perez to the position of Economic Development Director.

Council Member McCall motioned to approve Resolution 2024-30; A Resolution of the Tooele City Council Consenting to Mayor Winn's Appointment of John Perez to the Position of Director of the Economic Development Department. Council Member Hansen seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council

Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

8. Resolution 2024-32 A Resolution of the Tooele City Council Approving an Agreement with Tooele County for Dispatch Services for Fiscal Year 2024-2025

Presented by Police Chief Adrian Day

Chief Day presented an agreement with Tooele County for dispatch services for fiscal year 2024-2025 in the amount of \$319,200.

Council Member Hansen motioned to approve Resolution 2024-32; A Resolution of the Tooele City Council Approving an Agreement with Tooele County for Dispatch Services for Fiscal Year 2024-2025. Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

9. Resolution 2024-33 A Resolution of the Tooele City Council Approving an Agreement with Mountain High Electronics, LLC for Furnishing and Installation of an 80-Foot Communication Tower and Related Emergency Communication Equipment for Fire Station No. 3

Presented by Paul Hansen, City Engineer

Mr. Hansen presented an agreement with Mountain High Electronics, LLC for furnishings and installations of an 80-foot communication tower and Related Emergency Communication Equipment for Fire Station No. 3 in the amount of \$114,000. The City will get a Conditional Use Permit for the height of the tower.

Council Member McCall motioned to approve Resolution 2024-33; A Resolution of the Tooele City Council Approving an Agreement with Mountain High Electronics, LLC for Furnishing and Installation of an 80-Foot Communication Tower and Related Emergency Communication Equipment for Fire Station No. 3. Council Member Hansen seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Resolution 2024-35 A Resolution of the Tooele City Council Approving an Agreement with Cache Valley Electric for the Installation of a Traffic Signal System at the Intersection of 1000 North Street and 100 East Street

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement with Cache Valley Electric for the installation of a traffic signal system located at 1000 North Street and 100 East in the amount of \$158,840. This is City owned traffic signal. Road improvements have been put out for bid for this area.

Council Member Gochis motioned to approve Resolution 2024-35; A Resolution of the Tooele City Council Approving an Agreement with Cache Valley Electric for the

Installation of a Traffic Signal System at the Intersection of 1000 North Street and 100 East Street. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

11. Resolution 2024-36 A Resolution of the Tooele City Council Approving an Agreement with J-U-B Engineers for the City Salt Storage Building Design

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement with J-U-B Engineers for the City Salt Storage Building design in the amount of \$66,400. This will be on the north side of the City, on the roger's property. That cost does include the design of the well.

Council Member Hansen motioned to approve Resolution 2024-36; A Resolution of the Tooele City Council Approving an Agreement with J-U-B Engineers for the City Salt Storage Building Design. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

12. Resolution 2024-41 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Fees at the Water Reclamation Facility

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an amendment to the Tooele City Fee schedule regarding fees at the water reclamation facility. The RV dump station is not being used for just RVs, but commercial uses as well. Staff would like to bring the commercial waste to the reclamation facility. The fee would break down to about \$5 per 200-gallons. They have limited ways to enforce this. Additional signage will be added.

Council Member Hansen motioned to approve Resolution 2024-41; A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Fees at the Water Reclamation Facility. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

13. Clarification on Ordinance 2024-10 the New Culinary Water Rates

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented a clarification on the new culinary water rates. The intention was to have the rates on the June 1st bill. The rate would be effective May 1st.

14. Clarification on Ordinance 2024-11 the New Sanitary Sewer Rates

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented a clarification on the new sanitary sewer rates. The intention was to have the rates on the June 1st bill. The rate would be effective May 1st.

15. Resolution 2024-39 A Resolution of the Tooele City Council Approving an Agreement with Jensen Family Landscape LLC for Tooele City Hall Landscape Project

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook presented an agreement with Jensen Family Landscape, LLC for the Tooele City Hall Landscape project in the amount of \$88,500. The City has applied for reimbursement from the state water wise program. They were approved. The City will be reimbursed roughly \$11,000. This project will start quickly and be finished before the 4th of July.

Council Member Gochis motioned to approve Resolution 2024-39; A Resolution of the Tooele City Council Approving an Agreement with Jensen Family Landscape LLC for Tooele City Hall Landscape Project. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

16. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

IWORQ for community development package with business license and reports in the amount of \$30,000.

Ferguson for retrosetters to modify meter setters in the amount of \$43,750.

UDOT for traffic signal items for 1000 north and 100 east in the amount of \$113,541.

UDOT for traffic signal items for 3100 north and SR36 in the amount of \$119,148.71.

Council Member McCall motioned to approve the invoices and purchase orders. Council Member Hall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

17. Minutes

There are no changes to the minutes.

Council Member Gochis motioned to approve Minutes. Council Member Hansen seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," and Chairman Brady, "Aye." The motion passed.

18. Adjourn

Chairman Brady adjourned the meeting at 7:46pm.

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 ____ day of May, 2024

Justin Brady, City Council Chair

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