PUBLIC NOTICE

Notice is Hereby Given That the Tooele City Council Will Meet in a Business Meeting on Wednesday, May 5, 2021, at Approximately 7:10 p.m. or Immediately Following the RDA Meeting. The Meeting will Be Held at Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page at https://www.facebook.com/tooelecity.

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.org anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

1. **Pledge Of Allegiance**

2. **Roll Call**

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

4. **Communities That Care Second Step Substance Abuse Prevention Project Award**
   Presented By Stacy Smart, Supervisor of Communities That Care &
   Sandy Medina, School Programs Coordinator

5. **Tooele Technical College Student Of The Year For 2021:** Anthony Godoy, And College Update
   Presented By President Paul Hacking

6. **Public Comment Period**

7. **Resolution 2021-47** A Resolution Of The Tooele City Council Consenting To The Mayor's Appointments To The Tooele Valley Museum Advisory Board
   Presented By Mayor Debbie Winn

8. **Public Hearing & Motion on Ordinance 2021-15** An Ordinance of Tooele City Reassigning the Land Use Designation From Medium Density Residential (MDR) to High Density Residential (HDR) for Approximately 16 Acres of Property Located at the Eastern Half of 2520 and 2540 North 400 East
   Presented By Jim Bolser, Community Development Director

9. **Public Hearing & Motion on Ordinance 2021-08** An Ordinance Of Tooele City Amending Tooele City Code Chapter 7-14a Regarding Accessory Dwelling Units
   Presented By Roger Baker, Tooele City Attorney

10. **Public Hearing & Motion on Ordinance 2021-11** (Formerly 2020-04) An Ordinance Of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance Of Public Improvements
    Presented By Roger Baker, Tooele City Attorney

11. **Public Hearing & Motion On Ordinance 2021-12** An Ordinance Of The Tooele City Council Vacating A Portion Of The Dedicated 900 South Street Public Right-Of-Way, And Reserving Public Utility Easements
    Presented By Roger Baker, Tooele City Attorney

12. **Ordinance 2021-14** An Ordinance of Tooele City Adopting the 2021 Tooele City Drinking Water System Master Plan
    Presented By Paul Hansen, Tooele Engineer

13. **Resolution 2021-42** A Resolution Of The Tooele City Council Approving An Agreement With Tooele County For Dispatch Services For Fiscal Year 2021-2022
    Presented By Police Chief Ron Kirby

14. **Resolution 2021-43** A Resolution Of The Tooele City Council Authorizing The Tooele City Purchasing Agent To Dispose Of Surplus Personal Property (Impala)
    Presented By Michelle Pitt, City Recorder

15. **Resolution 2021-45** A Resolution Of The Tooele City Council Authorizing The Tooele City Purchasing Agent To Dispose Of Surplus Personal Property (Wastewater)
    Presented By Michelle Pitt, City Recorder

16. **Resolution 2021-46** A Resolution Of The Tooele City Council Tentatively Adopting The Budget Officer's Tentative Budget For Tooele City Fiscal Year 2021-2022, And Establishing The Time & Place Of A Public Hearing To Consider Its Adoption
    Presented By Mayor Debbie Winn

17. **Resolution 2021-44** A Resolution Of The Tooele City Council Approving An Agreement With WesTech Engineering, Inc., For Water Reclamation Facility Filter Upgrades And Expansion
    Presented By Steve Evans, Public Works Director

18. **Subdivision Preliminary Plan Request** for the Proposed Prosperity at Overlake, Phase 1 Subdivision to Create 78 Single-Family Residential Lots on 21.52 Acres of Property Located at Approximately 200 West 1100 North in the R1-7 Residential Zoning District
    Presented By Jim Bolser, Community Development Director

19. **Minor Subdivision Request** for the Ricks Minor Subdivision to Divide Approximately 1.29 Acres of Property Located Approximately 300 East 600 North into 2 Single-Family Residential Lots in the R1-7 Residential Zoning District
    Presented By Jim Bolser, Community Development Director

20. **Minutes**

    - March 31, 2021 Business/RDA Special Meeting
    - April 7, 2021 Work & Business Meeting
    - April 14, 2021 Special Meeting

11. **Invoices**

12. **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 435-843-2113 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

RESOLUTION 2021-47

A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO THE MAYOR'S APPOINTMENTS TO THE TOOELE VALLEY MUSEUM ADVISORY BOARD.

WHEREAS, Tooele City Code Chapter 2-2 governs the Mayor's appointments to the Tooele Valley Museum Advisory Board ("Board") and prescribes, among other things: a Board of 7 to 14 members, one of whom is the Mayor (or designee); Board members being appointed for terms of three years; and, City Council consent to the Mayor's Board appointments; and,

WHEREAS, the Mayor has made the appointments shown on Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that consent is hereby given to Mayor Winn's appointments to the Tooele Valley Museum Advisory Board, as 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 _____, 2021.

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

Museum Advisory Board Appointments

2021 Tooele Valley Museum Board Recommendations

Current Board Members

Name	Resident	Role	Appointment (3 years)	Specialization
Ed Hansen	Tooele	Mayor's designee	January 2020	Business & Local History
Brent Johnson	Tooele		January 16, 2019	Art
Carl Justesen - Resigned	Tooele	Secretary	January 16, 2019	Business & Local History
Jacob Lyman	Tooele	Chair	January 16, 2019	Train History & Local History
Morgan Rivera	Tooele		January 16, 2019	History Teacher (Secondary Ed.)
Lloyd Statz	Tooele	Vice-Chair	January 16, 2019	Military History

City Code 2-2-1

"There is hereby created a museum advisory board of a minimum of seven members and a maximum of 14 members, one of whom shall be the mayor or the mayor's designee. Four of the members may be ex-officio members"

Applicants

Name	Resident	Specialization	Recommended by Board	Recommended by Coordinator
Daniel Cushman	Tooele	Military History		Y
Katrina Flores	Stansbury Park	Art & Culture		Y
Julia Hansen	Eagle Mountain	Museum Studies Degree		Y as ex-officio
Emma Penrod	Tooele	Writing, Local History, & Marketing		Y
Lisa Tresner	Stansbury Park	Living History		Y
Clinton Warner	Stansbury Park	Local History & Finance		Y
Macy Wellman	Tooele	MA Library Science (last semester)		N has been hired as the museum coordinator
Wade Mathews	Tooele	Military Collection		Y
Heidi Mitchell	Tooele	Willingness to Serve		Y
Stephanie Statz	Austin, Texas	Ph.D.in History, past TVM Coordinator		Y as ex-officio

2021 Tooele Valley Museum Board Recommendations

Questions Asked During Interview

1 What do you know about this museum/park?
2 Why do you want to serve on the board?
3 What from your background can you bring to the board?
4 What do you anticipate the board experience to be?
5 What is your vision for the museum?
6 We have a large collection for our space. To use our resources properly, we will need to make challenging decisions about collection scope and accepting items. Do you feel comfortable making these sorts of decisions? Do you have any firm opinions on this topic?
7 Theoretically, how do you feel about museums collaborating with other organizations?
8 We have a minimum commitment for the board that requires all members to attend meetings every other month. Can you commit to this requirement?
9 We have three standing committees (Marketing/Events, Collections, Education) for board members to join if they want to be more involved. Are you interested in serving on any of these committees?
10 Do you have any questions for us?

2021 Tooele Valley Museum Board Recommendations

Daniel Cushman

Tooele, UT 84074

Dan used to work for the Tooele Library. When he received his MBA, he took a full-time job. Prior to working at the library, Dan served many years in the military before retiring to civilian life. He applied to be on the board because he misses the community service aspect of working for the library. He volunteered at the museum during the Spike 150 Festival and liked the museum and collection. His vision for the museum is to raise more awareness about the facility and collection.

He has no problem discussing the issues of collections and helping the museum collaborate with other organizations. He also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Dan will be a good addition to the board because of his experience working with the community of Tooele. He enjoys talking to people in the community and getting to know them. This is a valuable skill we need at the museum. I love hearing people's stories and encouraging them to record them for us at the museum, but I just do not have enough time to sit down with everyone, especially during events. Having another person that enjoys talking to people and encouraging them to get involved at the museum would be especially useful. Jacob and Lloyd are also great at this, but the more listeners we have, the better.

He will also bring valuable knowledge of military history and procedures to the museum that will enhance our knowledge of our collection and our educational programs. I asked Jami Carter if she would recommend him, and she did so without hesitation.

Terra's Comments
Dan feels that the museum is a staple in the history of Tooele. He enjoyed working at the library and loves working in the community. He is looking to continue public service. He was in the Marine Corps for fifteen years. His experience can be very beneficial to our military collection. He is willing to help out as much as needed and can help out with events. He is interested in helping with the collections, events, and education. He would like to bring more awareness to the community with events, programs, and marketing. He is currently going to USU to get his MBA. He absolutely loves collaboration.

2021 Tooele Valley Museum Board Recommendations

Katrina Flores

Stansbury Park, UT 84074

Katrina is a local artist with a successful studio where she paints commissioned pieces and teaches art classes. She is also the president of the Tooele County Art Guild. She applied to serve on the board because she believes the Tooele Valley Museum is a "local hidden gem." She has great ideas for adding art to the park to enhance visitor's experiences, having art events, and is willing to help us with our artistic needs when creating exhibits. She has held TCAG events at the museum this year and our organizations compliment each other well. Her vision for the museum is to celebrate the park, museum, and history of Tooele through the arts.

She has no problem discussing the issues of collections and helping the museum collaborate with other organizations. She also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Tooele has some great artistic talent from painters, sketchers, sculptors, to musicians. Most museums, even small historical museums, collaborate frequently with artists to provide an enhanced visitor experience. The combination of a lovely park, history, and art are a winning combination to increase visitors. Also, the park and museum collections are a beautiful and hold powerful stories that deserve to be celebrated, and Katrina wants to help us do that. She recently contributed two hand painted pieces for the museum to contribute to the Utah Museums Association silent auction.

Terra's Comments
Katrina is enthusiastic about keeping the old Tooele vibe alive. She also has experience working on boards. Her access to countless artist could benefit the museum by creating events and exhibits that will bring people to the museum and park. Her experience with social media can help get the community more involved.

2021 Tooele Valley Museum Board Recommendations

Julia Hansen

Eagle Mountain, UT 84005
(recommended as an ex-officio member)

Julia has a MA in Museum Studies with a digital curation certificate from Johns Hopkins University. She has four years of experience in collections care and exhibit design, primarily in art. She is an independent curator that has developed fine art exhibits. She wants to join the museum board because she is dedicated to local history and preventing the destruction of historical objects. Her vision for the museum is to help it obtain certification from the American Alliance of Museums.

She has no problem discussing the issues of collections and helping the museum collaborate with other organizations. She also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Julia would be a valuable addition to our board and volunteer crew. Her expertise in collections care and cataloging alone would help us get through our huge inventory project much easier. She would also be helpful in helping design exhibits and to provide a more professional touch to existing exhibits. Finally, she has experience in digital collections including using Google Arts and Culture, which would be valuable in helping us meet our educational goals.

Terra's Comments
Julia has experience with exhibits and collections that would be a value to our museum. She is motivated to preserve local history. Julia has connections with Thanksgiving Point, universities, Springville Art Museum, and the Hogle Zoo. I was impressed by her focus on proper museum standards because this will open the doors to getting help.

2021 Tooele Valley Museum Board Recommendations

Emma Penrod

Tooele, UT 84074

Emma authored the book on the history of our depot and the International Smelting and Refining Company of Tooele. She is a professional journalist who has a passion for local history. Her family has been in Tooele Valley for generations, and she wants to join the board to help preserve the history and culture of the valley. In her application, she writes "I believe Tooele's history is among the greatest stories the West has to offer." One of her current research projects is on history of the Great Salt Lake, for which she receives financial support from the Charles Redd Center for Western Studies at BYU. She has expertise in organizational leadership, marketing, and fundraising. She is also interested in helping research and write content for traditional and online exhibits.

She has no problem discussing the issues of collections and helping the museum collaborate with other organizations. She also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Emma would be a valuable member of the board for many reasons. First, she has the historical knowledge to really contribute to exhibits that will help us meet our educational goals. Second, she has some great ideas to help us market the museum to an audience outside the valley. Third, she has many contacts in the region she is willing to call on to help us from anything from caring for our collection, event planning, speaker series, or writing. Finally, she has a real passion for Tooele Valley and protecting its culture and history and provides the prospective from a long-time resident.

Terra's Comments
Emma has vast knowledge of Tooele history. What is even more impressive is her passion for sharing that knowledge. She also has connections in the journalism industry that could be valuable to help with education and promotion of the museum and Tooele.

2021 Tooele Valley Museum Board Recommendations

Lisa Tresner

Stansbury Park, UT 84074

Lisa enjoys community service and calls herself a history buff. She has worked in several volunteer organizations in the area. She wants to join the museum board because of her love of local history. When asked what she can bring to the museum board, she mentioned that she has experience with living history. Her vision for the museum is to use living history techniques to expand educational programs at the museum.

She has no problem discussing the issues of collections and helping the museum collaborate with other organizations. She also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Lisa is a delightful woman with some great ideas. In addition to her perspective, Lisa's experience with living history would be a huge asset to the museum. We have talked about incorporating living history into exhibits or events, but we do not have anyone with the expertise or ability to do it right now. Lisa would be helpful in expanding the variety of our educational programs.

Terra's Comments
I really appreciated Lisa's view about history. She believes that we need to look at the future by looking through the past. She has some innovative ideas on how to get more people at the facility including live history tours, rentals, and school tours.

2021 Tooele Valley Museum Board Recommendations

Clinton Warner

Stansbury Park, UT 84074

Clinton is enthusiastic about history. His career has been in finance, and he recently moved back to Tooele. His grandmother Bette Castagno was a volunteer at the museum and part of the group of original founders. He also descends from the Warner family. John Henry Warner was a vital part of building the Tooele Valley Railroad and one of the depots was named after him. Clinton wants to join the board to help the museum expand its appeal to the public.

He has no problem discussing the issues of collections and helping the museum collaborate with other organizations. He also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Clinton would make a good addition to the board because of the passion he brings to local history and his connections to the railway and museum's founders. He also has experience in the business world that would be helpful to the long-term growth of the museum.

Terra's Comments
Clint would like to share stories about the history of Tooele. When speaking with him you could feel his connection and enthusiasm to do so. Along with his passion for Tooele history he also has experience and education as an economist.

2021 Tooele Valley Museum Board Recommendations

Macy Wellman

Tooele, UT 84074

Macy is completing her MA in Library Science specializing in manuscripts this semester. She is doing her practicum at the Tooele Valley Museum and has been a valuable addition to the team. She has worked hard at the museum and at home to learn the history of the museum and the valley as quickly as possible. She is excited about the museum's collection and potential. She has great ideas about organizing the manuscripts and enhancing our educational programs.

She has no problem discussing the issues of collections and helping the museum collaborate with other organizations. She also agreed to meet the minimum requirements and serve on a committee.

Stephanie's Comments
Macy will be a wonderful addition to the board. She has been a huge help in moving the organization of the collection forward and preparing for inventory. She has great ideas for innovation and is well-trained to discuss the complicated issues around collections care and policy at the museum. She loves the digital data management part of working in a museum. She has agreed to help at the museum after her practicum to get our collection organized and inventoried.

Terra's Comments
Macy has a BA in history and is seeking her MA in Library Science. She is eager to continue her work at the museum preserving the manuscripts and documents in the collection. She has been done an amazing job as an intern and has shown her dedication to Tooele City.

2021 Tooele Valley Museum Board Recommendations

Wade Mathews

Tooele, Utah 84074

Wade has featured his military collection at the Tooele Valley Museum for more than 10 years. He enjoys learning about history and preserving artifacts, especially military related items. He also participates in military recreations for local parades. He is a Tooele native and his grandfather and father worked at the smelter. His vision for the museum would be to first complete the projects that have been started. He would also like to make sure that the museum is known in the community and to also advertise outside the valley to attract more visitors.

He is comfortable discussing issues about collections. He understands that the museum cannot take all donations, but hopes that the museum can assist to find another home for items that do not fit the collection. He is available to attend meetings and is interested in serving on a committee.

Terra's Comments
Wade has a vested interest in helping the museum succeed. He has been working with the museum for over 10 years and is passionate about preserving history. He has experience serving on many different boards and is involved in the community.

2021 Tooele Valley Museum Board Recommendations

Heidi Mitchell

Tooele, Utah 84074

Heidi has recently moved to Tooele and would like to be involved with the community. She has not yet been to the Tooele Valley Museum. She believes that being involved will help her to know Tooele better. She does have experience working with community groups, and enjoys serving.

She is comfortable making decisions concerning the collections. She is willing to meet the commitment to serve on the board.

Terra's Comments
Heidi was a delight to talk with and is very personable and wants to serve her community. She moved around when she was growing up because her father was in the Air Force. This could be an asset to our military collection.

2021 Tooele Valley Museum Board Recommendations

Stephanie Statz, Ph.D.

Austin, Texas 78749

Stephanie is a public historian who worked as the Tooele Valley Museum Coordinator for several years. She has extensive knowledge about western history and intimate knowledge of collection at the Tooele Valley Museum. She has recently relocated to Texas, but would like to still help the museum.

Terra's Comments
Stephanie was able to take the Tooele Valley Museum to a new level with her expertise. She has a vision of what the museum can be in the future. She also has experience and contacts in preservation and history industries.

TOOELE CITY CORPORATION

ORDINANCE 2021 - 15

AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO HIGH DENSITY RESIDENTIAL (HDR) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED AT THE EASTERN HALF OF 2520 AND 2540 NORTH 400 EAST.

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a "comprehensive, long-range plan" (hereinafter the "General Plan") by each Utah city and town, which General Plan contemplates and provides direction for (a) "present and future needs of the community" and (b) "growth and development of all or any part of the land within the municipality"; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 2020-47, on December 16, 2020, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the "Land Use Plan") of the General Plan establishes Tooele City's general land use policies, which have been adopted by Ordinance 2020-47 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City's elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of "land use [i.e., zoning] ordinances and a zoning map" that constitute a portion of the City's regulations (hereinafter "Zoning") for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an Amendment Petition for Land Use Plan amendments for property located at approximately 2520 and 2540 North 400 East on March 23, 2021, requesting that the Subject Property be re-designated from Medium Density Residential (MDR) to High Density Residential (HDR) (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the High Density Residential land use designation includes the MR-8, MR 16 and MR-25 Multi-family residential zoning districts; and,

WHEREAS, the Subject Properties are owned by the Estate of Eileen Barnett and Robert Pitt and are currently designated as Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the Medium Density Residential land use designation includes the R1-7, R1-8 and R1-10 single-family residential zoning districts and allows single-family homes as well as duplexes; and,

WHEREAS, on April 28, 2021, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on May 5, 2021, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the land use map amendment proposed therein is in the best interest of the City in that it will create additional housing opportunities; and,
2. the Land Use Map is hereby amended for 16 acres of located on the eastern half of the properties located at 2520 and 2540 North 400 East as requested and illustrated in Exhibit A, attached, from the Medium Density Residential (MDR) land use designation to the High Density Residential (HDR) land use designation.

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

Petition and Mapping Pertinent to Land Use Map Amendment

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org

Tooele City
Est. 1853

Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information

P21-273

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
3/23/2021	GC/~~R&D~~ MDR	GC/~~MR-8~~ HDR	02-144-0-0013 & 02-144-0-0016

Project Name:	Acres:
TBD	34.44

Project Address:
2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☐ Ordinance ☒ General Plan ☐ Master Plan: _____

Brief Project Summary:
An extension of 400 East north of 2400 North. The plan is to have a commercial development on the west side of 400 East and multifamily units on the east side of 400 East.

Property Owner: (02-144-0-0013)
Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Craig Pitt, Trustee, 317 West Cherry Street, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** David Gumucio Representing the Property Owners		
Address: 1844 North Blue Peak Drive			Address: P.O. Box 743		
City: Tooele	State: UT	Zip: 84074	City: Grantsville	State: UT	Zip: 84029
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 435-830-3337		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337509-820-3282			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

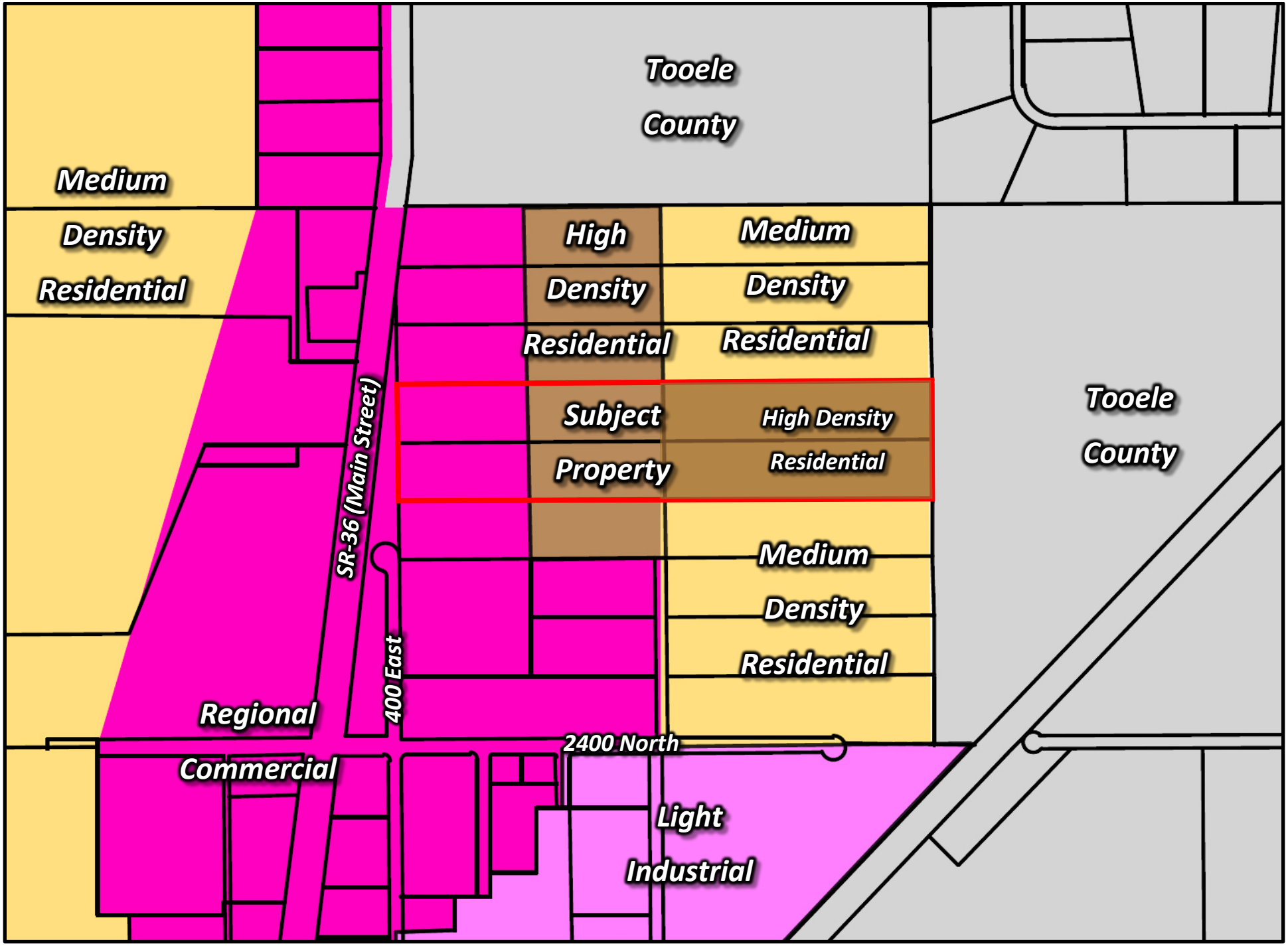
Note to Applicant:
Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

22/02/69

For Office Use Only Rec#

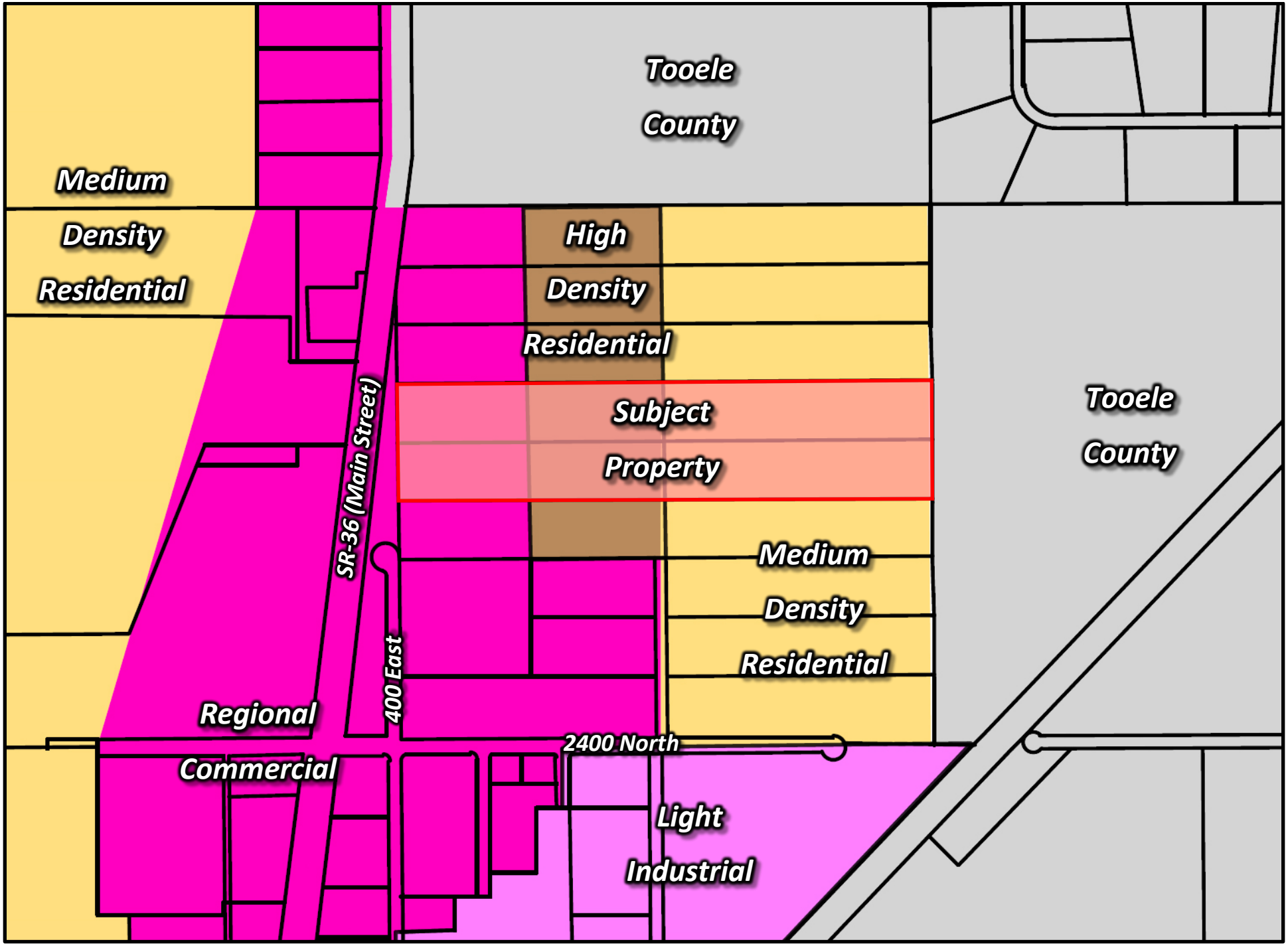
Received By:	Date Received:	Fees:	App. #:
Jessi P.	3/23/21	4,500.00	00398079

Barnett Land Use Map Amendment



Proposed Land Use Map

Barnett Land Use Map Amendment



Current Land Use Map

Exhibit B

Staff Report

STAFF REPORT
April 20, 2021

To: Tooele City Planning Commission
Business Date: April 28, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Barnet - Pitt – Land Use Map Amendment Request**

Application No.:	P21-273
Applicant:	David Gumucio, representing The Estate of Eileen Barnett
Project Location:	Approximately 2520 North & 2540 North 400 East
Zoning:	GC General Commercial and RD Research and Development Zones
Acreage:	34.44 Acres (Approximately 1,500,206 ft^2)
Request:	Request for approval of a Land Use Map Amendment in the GC General Commercial and RD Research and Development zones that proposes to reassign the land use designation of the eastern half of the properties from Medium Density Residential (MDR) to High Density Residential (HDR).

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for properties totaling approximately 34.44 acres located at approximately 2520 North & 2540 North 400 East. The properties currently bear two zoning districts. The western half of the properties are zoned GC General Commercial. The eastern half of the properties currently bear the RD Research and Development zoning district. The properties currently bear three Land Use Map designations. The western portion of the properties is currently designated as RC Regional Commercial. The central portion of the properties is designated as HDR High Density Residential. The eastern half of the property is designated as MDR Medium Density Residential. The applicant is requesting that the eastern half of the properties have the Land Use Map designation reassigned from MDR to HDR. This HDR designation is desired to facilitate consideration on the property being rezoned to a multi-family residential zone.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan currently places three land use designations on the property. The portions of the lots closest to SR-36 are currently designated as RC Regional Commercial. The central portion is HDR and the largest portion of the two lots, the eastern half totaling approximately 16 acres, is currently designated as MDR. The current zoning of GC and RD are not identified by the General Plan as preferred zoning classifications for the RC, MDR and HDR land use designations. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

The proposed Land Use Map Amendment involves approximately 16 acres of property located north of 2400 North and east of SR-36. The properties themselves are 34.44 acres total but the Land Use Map amendment will only affect the eastern most approximately 16 acres. The property is current designated as MDR, a Land Use Map designation that identifies the R1-7, R1-8 and R1-10 residential zones as the preferred zoning districts for this area. The MDR land use designation encourages the construction of single-family residential and duplex type residential uses. Multi-family residential uses are not permitted

in these zoning districts. Please note that properties to the north and south bear the same land use designations as the subject property and are divided into the three land use designations in the same manner but are not proposed for change with this application.

The applicant wishes to have the eastern half of both properties, approximately 16 acres, re-assigned to the HDR land use designation. The zoning districts that are preferred for HDR are the MR-8, MR-16 and MR-25 Multi-Family Residential zoning districts. These zones are specific to multi-family residential type of uses such as apartments, condominiums and town homes. Single-family uses are not permitted in these zoning districts.

The remaining half of the property will maintain the HDR designation for the central 8 acres and the western 8 acres will maintain the RC land use designation. There is no proposal to change the land use designation in these areas.

These properties do face some development challenges. One of those challenges is access. Currently there is no access to the properties and the nearest accesses of 400 East and 600 East are separated from the subject properties by numerous properties under different ownership. Other challenges involve sewer and water, however, those challenges would be resolved during subdivision or site plan reviews and, although critical, are not usually addressed during preliminary Land Use and Zoning Map discussions. It is the intent of the applicant, however, to obtain the HDR designation thus making 2/3 of the properties a candidate for higher density multi-family residential.

It should be emphasized that an amendment to the Tooele City Land Use Map does not guarantee or grant any entitlement to a particular zoning district on the properties. The applicant will still need to submit a zoning map amendment request and during that application the Planning Commission and City Council will determine if the MR zoning district is appropriate at that time and what MR density is in the best interest of Tooele City. The Land Use Map amendment just clears the way for consideration of HDR zoning districts on the property.

Site Plan Layout. The applicant has not provided a site plan layout for the property but one may be presented at the hearing. It should be emphasized that site plans help to convey an applicant's intentions for the property but applicants can change plans, abandon projects or sell the development to another developer who may propose a development different from the plan shown during the hearing. It is for this reason that the focus should stay on the use of the property rather than getting into specific site design.

Criteria For Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

(1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
   (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
   (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;

(e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
(f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Land Use Map Amendment submission and has issued the following comments:

1. Only the eastern 16 acres (approximate) of property is proposed to be changed from MDR to HDR. The western half of the property will maintain the current Land Use Map designation of RC Regional Commercial and MDR.
2. There is no road access to the properties. The nearest accesses to the properties are 400 East and 600 East and will require crossing properties of separate ownership to gain access.

Engineering Review. The Tooele City Engineering Division did not issue any comments regarding the proposed Land Use Map Amendment.

Public Works Review. The Tooele City Public Works Division have completed their reviews of the Land Use Map Amendment submission and did not express any concerns with the proposed amendment.

Building Division Review. The Tooele City Building Division have completed their reviews of the Land Use Map Amendment submission and completed their review without providing comments.

Noticing. The applicant has expressed their desire to amend the Land Use Map for the subject property 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 Land Use Map 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 of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.

8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. 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 Barnet - Pitt Land Use Map Amendment Request by David Gumucio, representing the The Estate of Eileen Barnett, for the purpose of re-assigning the Land Use Map Designation for the eastern 16 acres located at approximately 2520 North and 2540 North 400 East from MDR Medium Density Residential to HDR High Density Residential, application number P21-273, based on the findings listed in the Staff Report dated April 20, 2021:"

1. List any additional findings and conditions…

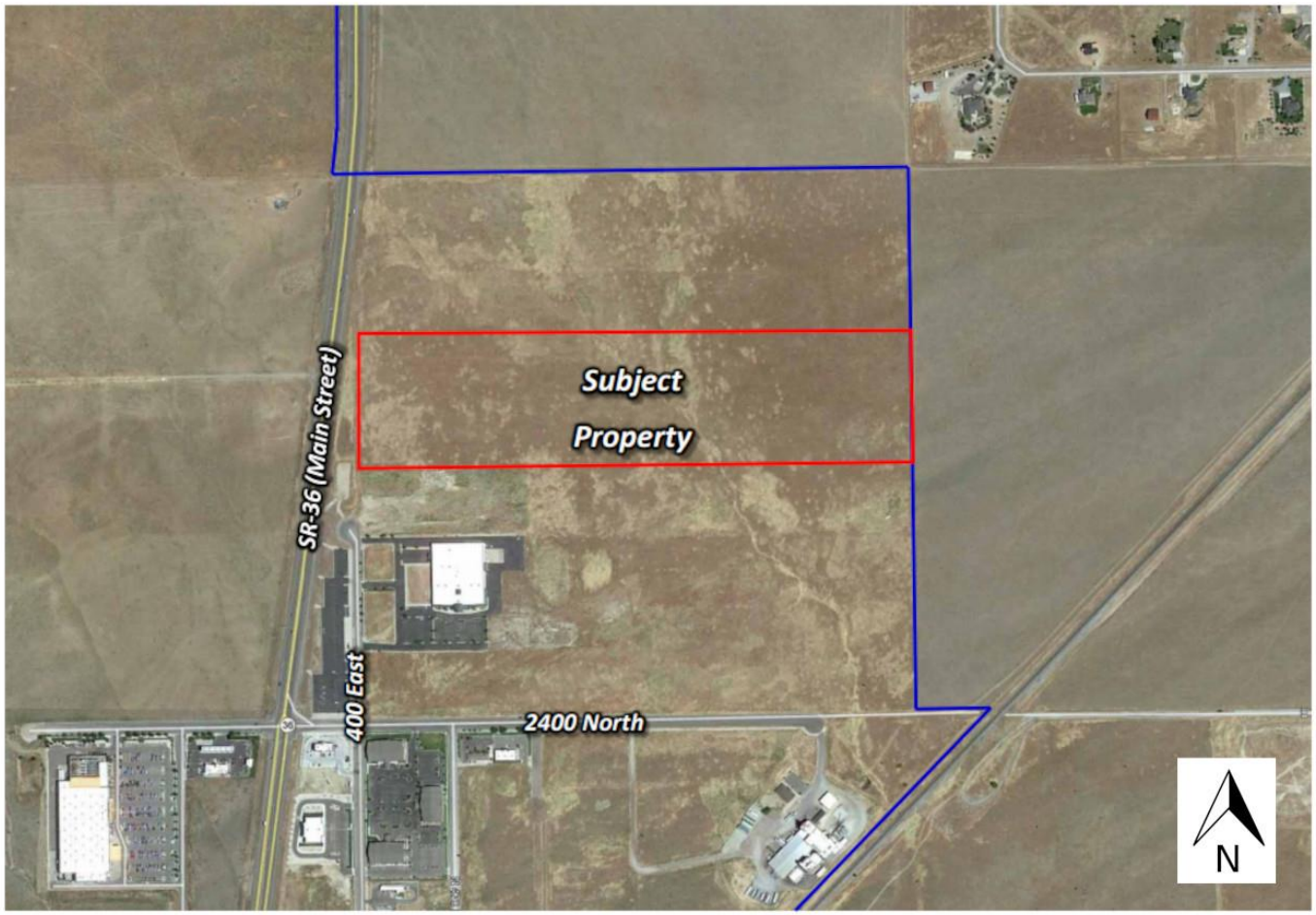
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Barnet - Pitt Land Use Map Amendment Request by David Gumucio, representing the The Estate of Eileen Barnett, for the purpose of re-assigning the Land Use Map Designation for the eastern 16 acres located at approximately 2520 North and 2540 North 400 East from MDR Medium Density Residential to HDR High Density Residential, application number P21-273, based on the following findings:"

1. List findings…

EXHIBIT A

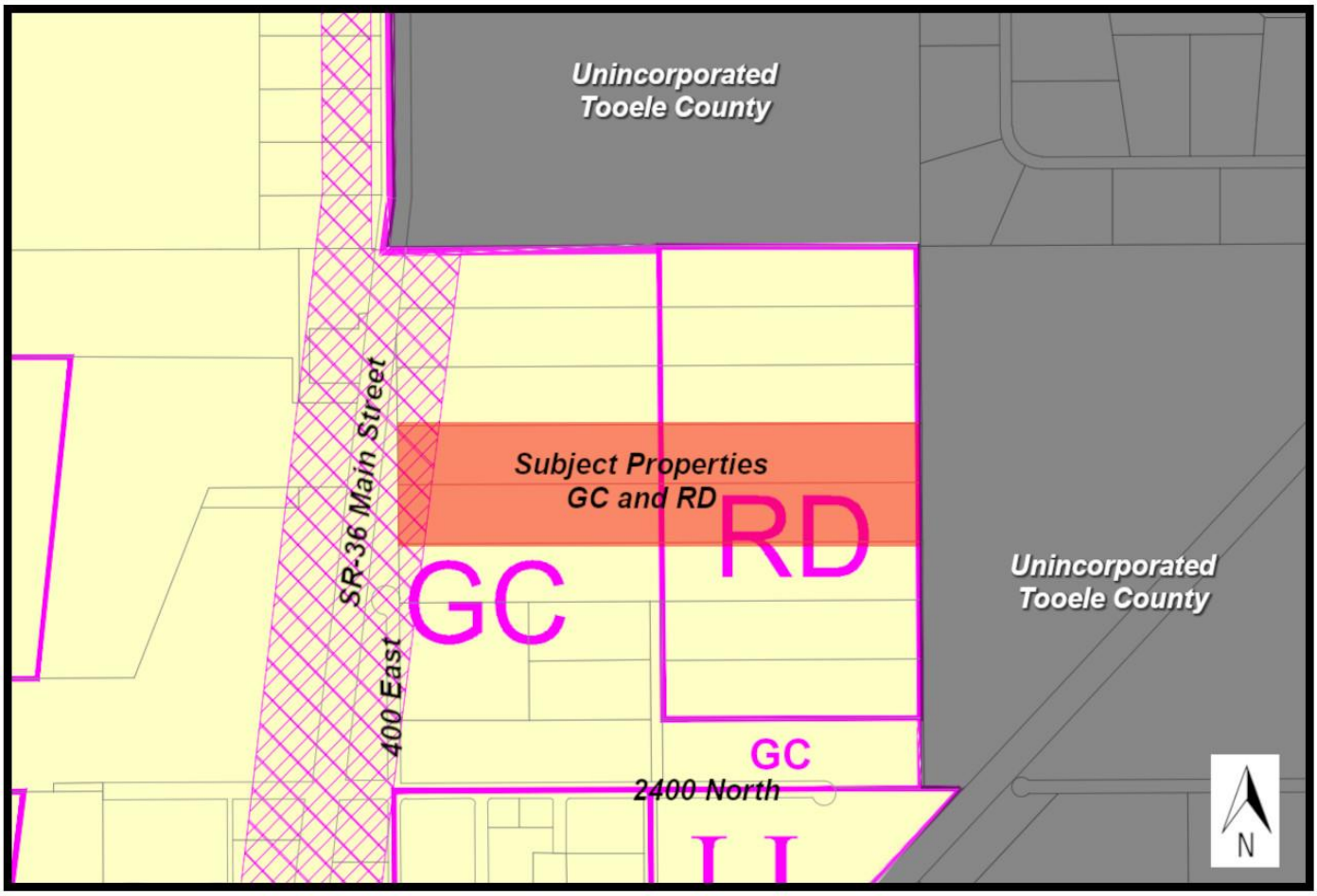
MAPPING PERTINENT TO THE BARNET - PITT LAND USE MAP AMENDMENT

Barnett-Pitt Land Use Map Amendment



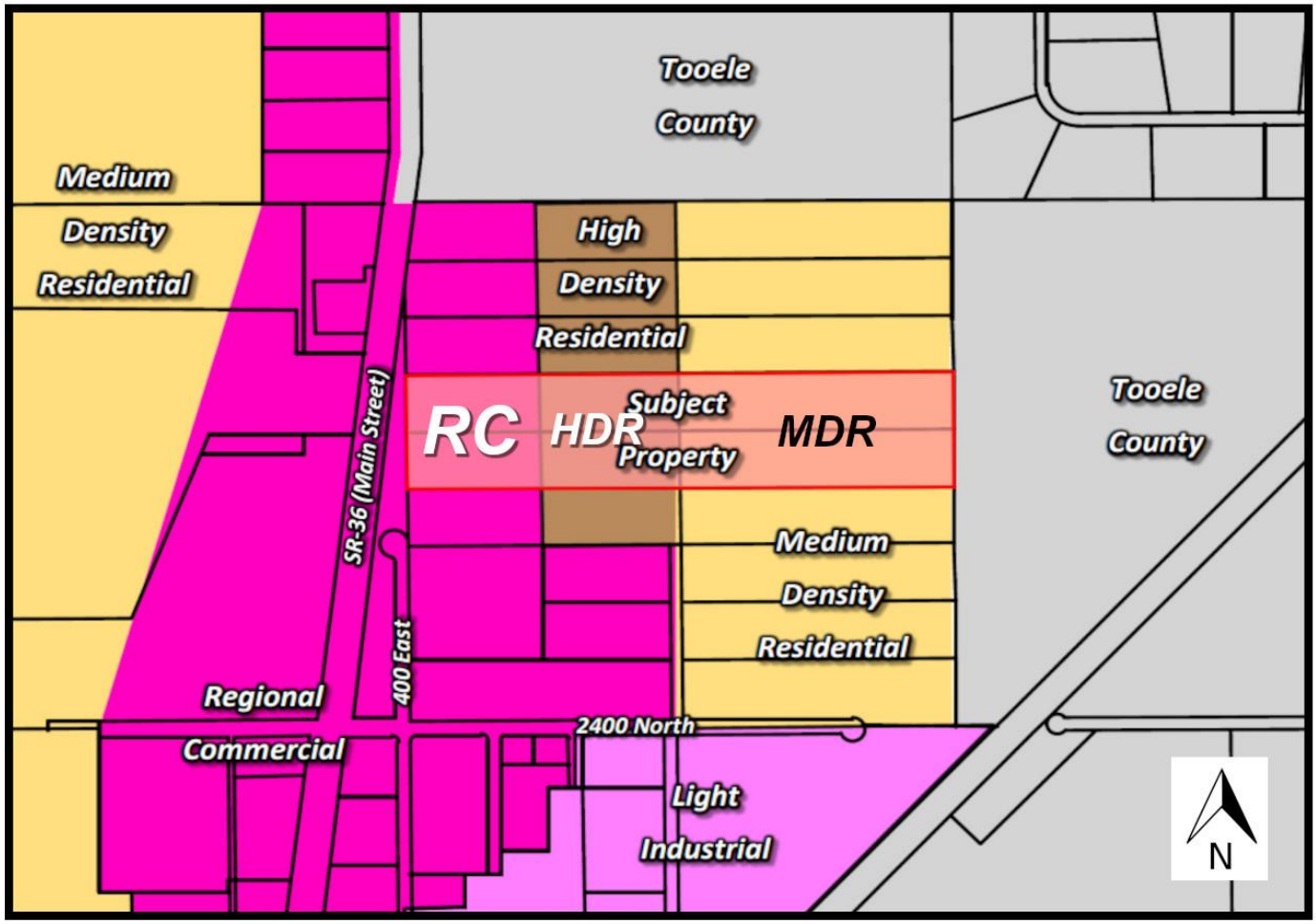
Aerial View

Barnett-Pitt Land Use Map Amendment



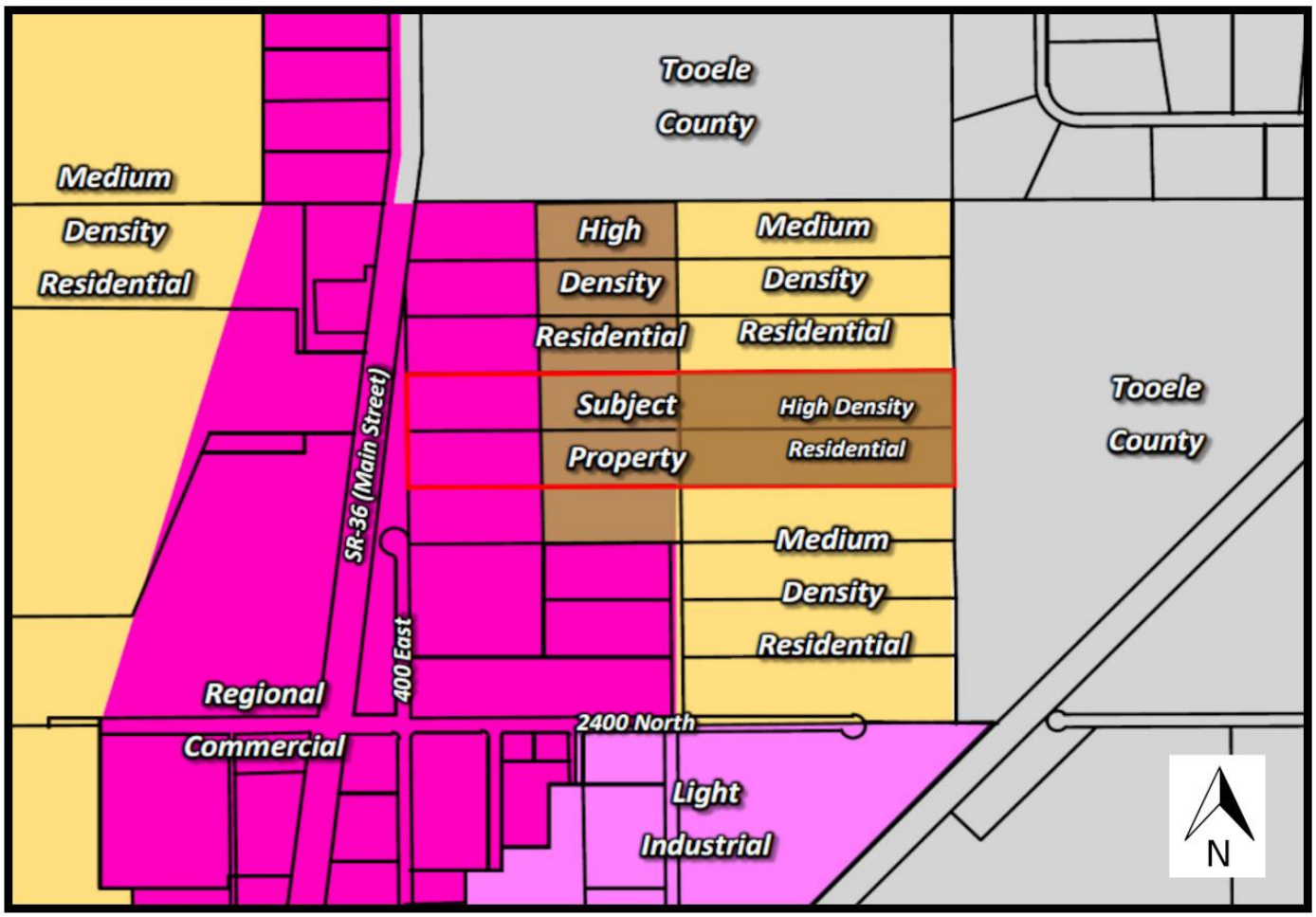
Current Zoning

Barnett-Pitt Land Use Map Amendment



Current Land Use Map Designation

Barnett-Pitt Land Use Map Amendment



Proposed Land Use Map Designation

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org

Tooele City
Est. 1853

Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information

P21-273

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
3/23/2021	GC/~~R&D~~ MDR	GC/~~MR-8~~ HDR	02-144-0-0013 & 02-144-0-0016

Project Name:	Acres:
TBD	34.44

Project Address:
2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☐ Ordinance ☒ General Plan ☐ Master Plan: _____

Brief Project Summary:
An extension of 400 East north of 2400 North. The plan is to have a commercial development on the west side of 400 East and multifamily units on the east side of 400 East.

Property Owner: (02-144-0-0013)
Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Craig Pitt, Trustee, 317 West Cherry Street, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** David Gumucio Representing the Property Owners		
Address: 1844 North Blue Peak Drive			Address: P.O. Box 743		
City: Tooele	State: UT	Zip: 84074	City: Grantsville	State: UT	Zip: 84029
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 435-830-3337		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337509-820-3282			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:
Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

22/02/69

For Office Use Only Rec#

Received By:	Date Received:	Fees:	App. #:
Jessi P.	3/23/21	4,500.00	00398079

GENERAL PLAN MAP

1. COMMERCIAL GN - GC - R&D

2. THE PROPOSED ZONE IS IN CONJUNCTION WITH THE GENERAL PLAN MAP (SEE ATTACHED) AND IS COMPATABLE WITH THE CURRENT LAND USE. WE PROPOSE TO LEAVE THE GENERAL COMMERCIAL ZONE THE WAY IT IS ALONG HWY 36 BUT TRIM IT A BIT TO THE EAST.

3. ALONG THE HWY 36 CORRIDOR WE PLAN TO BUILD COMMERCIAL DEVELOPMENT. BEHIND THAT WE PLAN TO BUILD SINGLE FAMILY HOMES OR TOWN HOMES AS HAS BEEN DONE IN OTHER PARTS OF THE CITY. WE ARE CONTEMPLATING PUTTING A BUFFER OF STORAGE BUILDINGS BETWEEN THE COMMERCIAL AND THE RESIDENTIAL, HOWEVER THE PLAN RIGHT NOW IS TO DEVELOP COMMERCIAL AND RESIDENTIAL. (SEE GENERAL PLAN MAP)

4. THE PROPOSED USE WILL DEVELOP INFRASTRUCTURE FOR FUTURE GROWTH TO THE NORTH WHICH IS IN HARMONY WITH THE CITY'S MASTER PLAN. IT WILL REDUCE THE HOUSING PRESSURE THE CITY IS CURRENTLY FEELING. IT WILL INCREASE LAND VALUE IN THE SURROUNDING AREA WITHOUT HINDERING CURRENT AG, RESIDENTIAL AND COMMERCIAL USES.

5. TOOELE CITY CURRENTLY NEEDS TO GROW AND DEVELOP TO THE NORTH BUT DOES NOT HAVE THE INFRASTRUCTURE IN PLACE TO DO SO. THIS WILL OPEN THAT DOOR TO DEVELOPMENT TO THE NORTH AND HELP PROVIDE THOSE NEEDS FOR THE CITY WHILE CARRYING FORWARD THE PLAN OF KEEPING COMMERCIAL DEVELOPMENT ALONG THE HWY 36 CORRIDOR AND KEEPING RESIDENTIAL BEHIND THE COMMERCIAL AREAS IN SUPPORT. IT ALSO RELIEVES THE CURRENT HOUSING PRESSURE THE CITY IS FEELING RIGHT NOW.

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2021-08

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-14a REGARDING ACCESSORY DWELLING UNITS.

WHEREAS, on August 21, 2019, the City Council approved Ordinance 2019-13, enacting Tooele City Code Chapter 7-14a regarding accessory dwelling units (ADUs), permitting ADUs as one of many potential strategies for addressing Utah's and Tooele City's affordable and attainable housing challenges (*reference* the recitals to Ordinance 2019-13, for a detailed policy discussion regarding the Utah housing gap and ADUs); and,

WHEREAS, the 2021 Utah legislative session enacted House Bill 82 (5th substitute) containing numerous new statewide regulations regarding ADUs; and,

WHEREAS, while TCC Section 7-14a-10 requires a minimum lot size of 7,000 square-feet for an internal ADU, HB 82 requires municipalities to permit internal ADUs on all residential lots larger than 6,000 square-feet; and,

WHEREAS, while TCC Section 7-14a-22 requires one additional parking stall for each ADU bedroom, HB 82 allows municipalities to require a maximum of one additional parking stall per internal ADU irrespective of bedroom count; and,

WHEREAS, HB 82 exempted internal ADUs from complying with certain requirements of the international building and fire codes with respect to fire wall separations, utility systems, emergency egress, and other items; and,

WHEREAS, Tooele City is required to comply with the general law of the State of Utah, necessitating amendments to the Tooele City Code to comply with HB 82, as described above (*reference* Utah Constitution Article XI Section 5 regarding charter cities); and,

WHEREAS, this Ordinance is in the best interest of Tooele City and the State of Utah by making ADUs more affordable for primary dwelling owners to construct, thereby helping to provide more affordable and attainable housing for Tooele City residents; and,

WHEREAS, the Planning Commission convened a public hearing on this Ordinance during its regular public meeting of April 14, 2021, and voted to forward its recommendation to the City Council; and,

WHEREAS, the City Council convened a public hearing on this Ordinance during its regular business meeting of May 5, 2021:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Sections 7-14a-10 and 7-14a-22 are hereby amended to read in their entirety as shown below:

7-14-10. Minimum Lot Size.

Notwithstanding Section 5 herein, the minimum lot size required for ADUs is as follows:

(1) 8,500 square feet for a detached ADU;

(2) 8,500 square feet for an attached ADU;

(3) 6,000 ~~7,000~~ square feet for an internal ADU.

7-14a-22. Parking.

(1) An attached ADU and a detached ADU shall each provide one additional on-site parking stall per ADU bedroom.

(2) An internal ADU shall provide one additional on-site parking stall per ADU.

(3) No ADU parking spaces may be located within the front or side yard setbacks adjacent to a street except for within an approved driveway. See Figure 1.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective 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 _____, 2021.

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, City Attorney

TOOELE CITY CORPORATION

ORDINANCE 2021-11
(formerly Ordinance 2020-04)

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING ACCEPTANCE OF PUBLIC IMPROVEMENTS.

WHEREAS, the Tooele City Charter created a form of government where legislative and executive powers of city government are strictly separated into two branches of government, with the City Council exercising all legislative powers of the City and the Mayor exercising all executive and administrative powers of the City (see Charter Section 2-02; see also UCA Chapter 10-3b Part 2 regarding the Council-Mayor separation of powers form of government); and,

WHEREAS, UCA Section 10-9a-601 empowers municipalities to enact subdivision ordinances consistent with state and federal land use law, and Tooele City has enacted TCC Chapter 7-19 governing subdivision applications and approvals (and TCC Chapter 7-11 regarding site plan approvals); and,

WHEREAS, in the course of land use application approval and implementation under TCC Chapters 7-11 and 7-19, developers must design and construct all public improvements required by the Tooele City Code and its adopted uniform codes, including the American Public Works Association (APWA) manual of standards and specifications; and,

WHEREAS, public improvements are defined to be those public utility infrastructure improvements found within typical subdivision and site plan construction documents, as detailed in TCC Section 7-1-5 (definition of Public Improvements), and include water lines, sewer lines, streets, sidewalks, curbs and gutters, street signs, and streets lights; and,

WHEREAS, public improvement easements and rights-of-way are dedicated (conveyed) to Tooele City with the recordation of subdivision plats or deeds of dedication, while the public improvements themselves are deemed conveyed to Tooele City for ownership and maintenance upon their acceptance by Tooele City; and,

WHEREAS, as currently enacted, the acceptance of public improvements is a formal statutory process, detailed in the City Code, culminating in the City Council's approval of a Resolution declaring particular public improvements accepted by Tooele City for City ownership and maintenance, subject to a one-year warranty period covering defects in materials and workmanship (see TCC Sections 7-19-12 and -32); and,

WHEREAS, the enactment by the City Council of the public improvement acceptance regulatory process is a legislative function, while the inspection and acceptance of public improvements is an executive function of administering and

implementing the enacted regulatory process, appropriate for the City Administration (Mayor and administrative departments); and,

WHEREAS, the City Administration recommends that it be permitted to perform its administrative functions regarding the acceptance of public improvements by implementing an administrative acceptance process, including a Certificate of Completion and Acceptance of public improvements; and,

WHEREAS, attached as Exhibit A are proposed amendments to TCC Chapter 7-19 regarding the administrative acceptance of public improvements; and,

WHEREAS, attached as Exhibit B is the form of the Certificate of Completion and Acceptance by which the administrative acceptance of public improvements will be accomplished; and,

WHEREAS, this Ordinance 2020-04 will honor and implement the separation of powers paradigm established in the Tooele City Charter and UCA Chapter 10-3b, and will lead to increased efficiency in the City's legislative and administrative processes, and is therefore in the best interest of Tooele City; and,

WHEREAS, on March 11, 2020, the Planning Commission convened a duly-noticed public hearing on the City Code amendments proposed by this Ordinance (then numbered 2020-04), and forwarded its recommendations to the City Council; and,

WHEREAS, on April 1, 2020, the City Council convened a duly-noticed public hearing on the City Code amendments proposed by this Ordinance (then numbered 2020-04), and tabled a vote on the Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 7-19 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2021.

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

Proposed Amendments to TCC Chapter 7-19

CHAPTER 19. SUBDIVISIONS

7-19-1. Application of chapter.
7-19-2. General provisions.
7-19-3. Interpretation.
7-19-4. Severability.
7-19-5. Rules of interpretation.
7-19-6. Property line adjustments.
7-19-6.1. Property Combinations.
7-19-7. Applicability of this Chapter.
7-19-8. Procedure for approval of preliminary plan.
7-19-9. Plats and data for approval of preliminary plan.
7-19-10. Procedure for approval of the final plat.
7-19-11. Plats and data for final approval.
7-19-12. Public Improvements; bonds and bond agreements; warranty.
7-19-13. Applications for Reimbursement.
7-19-14. Failure to act, effect.
7-19-15. Phased development.
7-19-16. Design standards.
7-19-17. Streets.
7-19-17.1 Double-frontage lots - definitions - design - maintenance.
7-19-18. Easements.
7-19-19. Blocks.
7-19-20. Lots.
7-19-20.1. Flag Lots.
7-19-21. Required land improvements.
7-19-22. Street signs.
7-19-23. Monuments and markers.
7-19-24. Public utilities.
7-19-25. Sidewalks required - specifications.
7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
7-19-27. Sanitary sewers.
7-19-28. Engineering specifications.
7-19-29. Water service.
7-19-30. Trench backfill.
7-19-31. Filing of engineering plans and review fee.
7-19-32. Acceptance of ~~required land~~ public improvements ~~by the city~~.
7-19-33. Building permits.
7-19-34. Final Plat execution, delivery, and recordation.
7-19-35. Minor Subdivision - Exemptions from preliminary plan requirement.
7-19-36. Effect of revocation and voiding.

7-19-1. Application of chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, except in conformity with the provisions of this ordinance. The subdivision plans and plats, proposed improvements to be installed and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter. (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of the City, the subdivider thereof or his agent shall submit both a preliminary plan and final subdivision plat to the City for its approval. The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.

(2) Until preliminary plans for the subdivision are approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given.

(c) No improvements - such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets - shall hereafter be made by any owner or owners or his or their agent or by any public service corporation at the request of such owner or owners or his or their agent.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Federal Flood Insurance Program Administrator, and areas subject to poor drainage will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision plan to the satisfaction of the City.

(3) Where a trace of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the Planning Commission may, before approval, cause to be prepared a plan for the entire unit, such plan to be used by the Planning Commission as an aid in judging the merits of the proposed plat.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary plan but prior to the approval of a final subdivision plat shall apply to that plat to the extent that they do not alter the plat's use, density, or configuration. For purposes of this Chapter, the words use, density, and configuration shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City zoning ordinance at the time of complete preliminary plan submission;

(b) density: the number of lots contained in a preliminary plan approved by the City Council;

(c) configuration: the general manner in which the density is laid out in a preliminary plan approved by the City Council.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and

configuration of an approved preliminary plan and/or final subdivision plat if the City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by the plan's or plat's use, density, and/or configuration.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-3. Interpretation.

(1) In interpretation and applications, the provisions of this Chapter shall be held to be the minimum requirements.

(2) Where the conditions imposed by any provision of this Chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(3) This Chapter shall not abrogate any easement, covenant or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements than this Chapter shall govern.
(Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
(Ord. 1977-18, 10-19-1977)

7-19-5. Rules or interpretation.

(1) Words used in the present tense shall include the future; and words used in the singular shall include the plural number, and the plural the singular.

(2) "Shall" is mandatory and not discretionary.

(3) "May" is permissive.

(4) "Lot" shall include the words "plot, piece, and parcel" when referencing a parcel of land within a subdivision.

(5) "Used for" shall include the phrases "arranged for, designated for, intended for, maintained for and occupied for".

(6) For purposes of this Chapter, "remnant" shall mean a parcel of land that does not comply with the regulations of the applicable zoning district.
(Ord. 2013-16, 11-06-2013) (Ord. 1977-18, 10-19-1977)

7-19-6. Property line adjustments.

(1) Staff Authority. The Zoning Administrator or designee shall have the authority to approve or deny a property line adjustment in accordance with the regulations outlined in this Section. Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this Chapter. The applicant may appeal the decision of the Zoning Administrator to deny a property line adjustment, as outlined in Chapter 1-27 of the Tooele City Code.

(2) Property Line Adjustments. Applications to adjust property lines between adjacent properties:

(a) where one or more of the affected properties is included within a prior recorded subdivision plat, may only be accomplished upon the recordation of an amended plat that conforms to the standards outlined in this Section and following approval of an amended plat according to the standard plat approval process outlined elsewhere within this Chapter; or,

(b) where all of the affected properties are parcels of record, may be accomplished upon approval, execution, and recordation of appropriate deeds describing the resulting properties, upon compliance with the standards outlined in this Section, and following approval according to the terms of this Section prior to recordation.

(3) Standards. Owners of adjacent properties desiring to adjust common property lines between those properties shall comply with the following standards:

(a) no new lot, parcel, or property results from the property line adjustment;

(b) the adjoining property owners consent to the property line adjustment;

(c) the property line adjustment does not result in remnant land that did not previously exist;

(d) the property line adjustment does not result in a land-locked property and all properties affected by the adjustment have access to a public or private street or right-of-way;

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment together with all required documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for plat approval.

(b) An application for a property line adjustment involving parcels of record shall include at

least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjusmtent; and,

(iii) recites the lrgal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations shall only be approved for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2013-16, 11-06-2013)

7-19-7. Applicability of this chapter.

The procedures and requirements of this Chapter must be followed:

(1) By every person creating a subdivision as defined herein.

(2) By every person who desires to dedicate any street, alley, or other land for public use, even though said dedication is not a subdivision as defined herein, except that a right-of-way may be conveyed by deed of dedication acceptable to the City.

(Ord. 2010-05, 06-02-2010) (Ord. 1981-24, 06-11-1981)

7-19-8. Procedure for approval of preliminary plan.

(1) Pre-Development Review. Prior to the submission of any land use application, the applicant may and is strongly encouraged to attend a pre-development meeting to review the proposed land development activity and its use, the site, area of potential conformity or conflict with the City's development policy, and the process by which the proponent may proceed to seek a permit for the proposed land development activity sought by the applicant. The pre-development meeting shall concern all aspects of the application proposal as it relates to applicable ordinances and laws, policy considerations, land uses proposed, neighboring properties and uses, community aesthetics and standards, and any other issue that may affect the approvability of the application or the implementation of the proposal.—Applications to be reviewed during a pre-development meeting shall be scheduled for the next reasonably available meeting according to the Community Development Departments regular meeting schedule.

(2) Preliminary Plan Preparation. The applicant shall cause to be prepared the preliminary plan which shall include all of the property to be subdivided or developed by the applicant as well as all other property owned or controlled by the applicant which is adjacent to or considered contiguous to the portion to be subdivided or developed. The applicant shall also prepare such other supplementary material as was specified by the City in the pre-development meeting, as well as a written application for approval of the land use proposed. The applicant shall deliver copies of the proposed preliminary plan for review

to the Community Development Department and to the Tooele Post Office, Tooele County School District, the Tooele County Health Department, County Surveyor, and each non-City utility company involved in the subdivision or development.

(3) Planning Commission Review. Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary plan to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, and Health Department.

(a) The Planning Commission shall approve, approve with conditions, or disapprove the proposed preliminary plan and submit its recommendation to the City Council. An application shall not be approved until receiving all the signatures listed in subsection (2) above.

(b) If the Planning Commission finds that changes, additions, or corrections are required on the preliminary plan, the Commission shall so advise the applicant on the record in a public meeting or in writing. The applicant may resubmit the preliminary plan to the Commission without paying an additional fee. The Commission shall approve, approve with conditions, or disapprove the revised preliminary plan and submit its recommendations in writing to the City Council.

(4) City Council Review. The City Council shall accept, accept with conditions, or reject said plan within a reasonable time following the action of the Planning Commission.

(5) Preliminary Plan Approval. The following qualifications shall govern approval of the preliminary plan:

(a) Approval of the preliminary plan by the Planning Commission is tentative only, involving merely the general acceptability of the layout as submitted.

(b) Approval of the preliminary plan shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Council grants an extension in a public meeting, not to exceed six months, upon written request of the developer. The request for said extension shall not require an additional fee, or the submittal of additional copies of the preliminary plan of the subdivision. If the final plat is not submitted to the Community Development Department prior to the expiration of said one year period which begins to run from the date that the preliminary plan is approved by the Council, the approval of the said preliminary plan automatically lapses and is void and of no further force or effect. Thereafter, the developer must recommence the application process then in effect.

(c) Where a preliminary plan contemplates more than one final subdivision plat, the failure of a subdivider to submit a completed final plat application for a second or subsequent subdivision final plat within two years of the previous subdivision final plat approval by the City Council shall cause the City Council approval for all un-platted portions of the preliminary plan to automatically lapse and expire and become of no further force or effect. Thereafter, the subdivider must recommence the land use application process then in effect.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1998-17, 07-01-1998) (Ord. 1977-18, 10-19-1977)

7-19-9. Plats and data for approval of preliminary plan.

The following data and plats are required for approval of the preliminary plan:

(1) Topographic data required as a basis for the preliminary plan, in subsection (B) below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:

(a) Boundary line: Bearing and distances of all boundary lines of the subdivision as proposed.

(b) Easements: The location, width and purpose of all easements of the subdivision.

(c) Streets on and adjacent to the tract: Name and right-of-way width and location of all streets of the proposed subdivision; type, width and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.

(d) Utilities on and adjacent to the tract: Location, size of sanitary sewers on or adjacent to the tract; location and size of all water mains on or adjacent to the tract; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest facilities.

(e) The preliminary plan of the subdivision shall be accompanied by:

(i) a preliminary plan for sewer and water lines setting forth the general plans for such improvements and indicating the method to be used to overcome particular problems that may be encountered with the development of the proposed system.

(ii) an exact copy of a preliminary report of a title insurance company, a title insurance policy or an attorney's opinion brought to date of the application, setting forth the names of all property owners of property included in the subdivision as shown on the preliminary plan, as well as all mortgages, judgments, liens, easements, contracts and other clouds affecting title to said premises. The City may require all persons having an interest in the premises, as disclosed by the report, policy or opinion, to join in and approve of the subdivision application.

(iii) when a proposed street will intersect a state or county highway or a railroad, written consent of the appropriate authorities having jurisdiction over said highway or railroad shall be submitted.

(iv) all information required by the FHA when the subdivision will be submitted to that agency for feasibility and approval under a federal program.

(v) a written statement outlining any existing public improvements which are anticipated to benefit the proposed use or land development activity, and which, pursuant to Section 7-19-13, below, subject the applicant to a reimbursement requirement.

(vi) an AutoCAD copy of the development plans, including contours, lot layout, roadways, utilities, etc.

(f) Other conditions on the tract: Water courses, marshes, rock outcropping, wooded areas, isolated preservable trees one foot or more in caliper at one foot above ground level, houses, barns, shacks and other significant features.

(g) Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences and ownership of adjacent unplatted land (for adjacent platted land, refer to the subdivision plats by name, recording data, and show approximate percent of build-up, typical lot size and dwelling type, if any).

(h) Photographs, if required by the Planning Commission: Camera locations, directions of views and key numbers.

(i) Zoning on and adjacent to the tract.

(j) Proposed public improvements: Highway or other major improvements planned by public authorities for future construction on or near the tract.

(k) Key plan showing location of the tract.

(l) Ground elevations on the tract, based upon the U.S.G.S. Datum Plane. For land that slopes less than 0.5%, show not less than one foot contours; for land that slopes one-half to 2%, show not less than two foot contours; and for land that slopes more than 2%, show not less than four foot contours.

(2) The preliminary plan shall be to a scale of 100 feet to the inch or if the area of the subdivision is more than 200 acres, 200 feet to the inch. It shall show all existing conditions required in paragraph (A) above, topographic data, and shall show all proposals including the following:

(a) Streets: Names, right-of-way and road widths, approximate grades and gradients, similar data for alleys, if any.

(b) Other rights-of-way or easements: location, width and purpose.

(c) Location of utilities, if not shown on other exhibits.

(d) Lot lines, lot dimensions, lot numbers and block numbers.

(e) Sufficient information to show the intent of surface drainage.

(f) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses.

(g) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single family dwellings.

(h) Proposed building set-back lines.

(i) Site data, including number of residential lots, typical lot size, acres in parks, etc.

(j) Proposed name of subdivision.

(k) Location by section, township and range.

(l) Name and address of the developer.

(m) Name and address of the planner or engineer.

(n) Title, scale, north point and date.

(3) Other preliminary plans: When required by the Planning Commission, the preliminary plan shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on the U.S.G.S. Datum Plane.

(4) Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998)

7-19-10. Procedure for approval of the final plat.

(1) The final plat shall conform substantially to the preliminary plan as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and the approval of the preliminary plan.

(2) Application for approval of the final plat, including all engineering drawings, shall be submitted in writing to the Community Development Department and shall be accompanied by the fee and engineering review fee as required by the City Code. The application must be completed, including all corrections and required documentation, at least 15 days prior to the regular meeting of the Planning Commission for its review and recommendation.

(3) The final engineering plans and specifications, consistent with the approved preliminary plan, as well as an AutoCAD copy of the development plans, shall be submitted to the Community Development Department within one year after approval of the preliminary plan and before the approval of the final plat; unless, prior to the one-year period lapsing, the City Council grants an extension, not to exceed six months, upon written request of the developer. Such extension will not require an

additional fee or filing or additional copies of the plat. If the final plat is not submitted to the Community Development Department prior to the expiration of said one-year period, which begins to run from the date that the preliminary plan is first approved by the Council, the approval of the said preliminary plan automatically lapses and is void and is of no further force or effect. Thereafter, the developer must recommence the application process as then in effect. The subdivider shall make all revisions required by the City promptly and with reasonable diligence.

(4) Within two months after its meeting at which time the application for approval of the final plat is submitted, the Planning Commission shall recommend approval or disapproval. If the Commission recommends approval of the plat, it shall affix upon the plat the certifying signatures of its chairman and members voting in favor of approval, and submit the plat along with its recommendations to the City Council. If it recommends disapproval, the Commission shall set forth the reasons in its own records, which may include the meeting minutes.

(5) Filing:

(a) Prior to consideration of the final plat by the Planning Commission, and the fulfillment of the requirements of these regulations, one mylar of the final plat of the subdivision, not to exceed 36 inches by 48 inches in size, shall be submitted to the Community Development Department at least 15 days before a regular meeting of the Planning Commission.

(b) Action must be taken by the Council within two months after the meeting at which the final plat and all drawings, maps and other documents regarding the development have been submitted for its approval. The Council may extend the two month period upon a two-thirds vote of its members.

(6) Recordation. Tooele City will record the final plat with the Tooele County Recorder pursuant to Section 7-19-39, below.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 2004-02, 01-07-04) (Ord. 1998-35, 10-07-1998) (Ord. 1998-16, 07-01-1998) (Ord. 1978-28, 11-21-1978) (Ord. 1977-18, 10-19-1977)

7-19-11. Plats and data for final approval.

(1) The final plat shall be drawn in ink on tracing cloth on sheets not to exceed 36 inches by 48 inches and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final plat shall show the following:

(a) Primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.

(b) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings and deflection angles and radii, arcs and central angles of all curves.

(c) Name and right-of-way width of each street or other right-of-way.

(d) Location, dimensions and purpose of any easements.

(e) Number to identify each lot or site and block.

(f) Purpose for which sites, other than residential lots, are dedicated or reserved.

(g) Proposed building set-back lines on all lots and other sites.

(h) Location and description of monuments.

(i) Certification by a registered land surveyor licensed by the State of Utah certifying to the accuracy of the survey and plat.

(j) Certification of the County Treasurer showing that all taxes and special assessments due on the property to be subdivided have been paid in full.

(k) Dedication by the owners of the tract of all streets, easements and rights-of-way to the public, and other proposed public way or space shown on the plat.

(l) Certification of title showing that the applicant is the owner of the agent of the owner.

(m) Proper form for the approval of the Council, with space for the signatures of the Council members.

(n) Approval by signatures of those persons or departments with signature lines on the final plat.

(o) Name of the subdivision.

(p) Location by section, township and range.

(q) Title, scale, north arrow and date.

(r) Other items or information reasonably required by the City.

(2) Cross sections and profiles of streets showing grades. The scales and elevations shall be based on the U.S.G.S. Datum Plane.

(3) Protective covenants in form for recording.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Formerly Repealed by Ord. 1993-04, 05-04-1993)

7-19-12. Public Improvements; bonds and bond agreements; warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) After approval of the preliminary plan, the subdivider shall submit ~~present~~ plans and specifications for all public improvements to the Public Works Department ~~city Engineer~~ for review and approval.

(a) If ~~engineering~~ submitted plans require substantial changes from the approved preliminary plan, the subdivider shall revise and re-submit the public improvements plans and specifications.

(b) Re-submissions shall not require the payment of additional fees to the City. The City, however, shall not be responsible for the cost of any revisions or for any costs incurred due to delays caused by requiring the revisions.

(c) No public improvements may be constructed prior to final plat or other final land use approval.

(2) Upon approval of the plans and specifications by the City Engineer, the final plat shall be submitted to the City Council for approval, modification, or disapproval.

(3) All public improvements shall be completed within 1 ~~one~~ year from the date of final plat approval. The City Council may grant a maximum of two 6-month extensions upon receipt of a written petition and upon a finding of unusual circumstances. Petitions for extension must be filed with the City Recorder prior to expiration of the applicable 1-year period or 6-month extension. If the public improvements are not completed with the time allowed under this Section, no further approvals of any land use application shall be issued to the subdivider responsible for completing the public improvements, and no further plats or phases shall be approved within the preliminary plan or project area in which the public improvements are incomplete.

(4) (a) Except as provided below, all public improvements associated with a subdivision final plat must be completed, inspected, and accepted pursuant to Section 7-19-32~~5~~, below, prior to the recordation of that plat.

(b) A subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the plat's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure completion of all public improvements required to be installed in the subdivision and to warrant the quality of their construction.

(c) Where public improvements are constructed without a bond and bond agreement, under no circumstances shall such public improvements be connected to the City's water distribution, sewer collection, storm drain collection, and road right-of-way systems prior to recordation of the associated final subdivision plat or without bonding for the public improvements located within City rights-of-way pursuant to this Section.

(5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement shall be signed by the Mayor and~~,~~ the City Attorney~~, and the City Engineer~~. The agreement shall include, without limitation, the following:

(a) Incorporation by reference of the final plat, final plat documents, public improvements plans and specifications, and all data required by this Chapter which is used by the City Engineer to estimate the cost of the ~~specific~~ public improvements.

(b) Incorporation by exhibit of the City Engineer's approved estimate of the cost of the ~~specific~~ public improvements.

(c) Completion of the public improvements within the period of time described in subsection (3), above.

(d) Completion of the public improvements in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application~~to the satisfaction of City inspectors and according to City standards, as established by the Tooele City Code and City policies~~.

(e) Establishment of the bond amount. The bond amount shall include the following:

(i) the subdivider's estimated cost of the public improvements to be installed, as reviewed and approved by the City Engineer or designee; and,

(ii) a reasonable contingency of 20% of the estimated cost, intended to cover the costs of inflation and unforeseen conditions or other circumstances.

(f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.

(g) The bond proceeds may be reduced upon written request of the subdivider as the improvements are installed and upon approval by City inspectors on a City inspection report form. The amount of the reduction shall be determined by reference to the City Engineer's estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.

(h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as provided in Sections 7-19-12(7) and 7-19-32~~5~~, herein. Any bond amount reduction shall not be deemed as an indication of public improvement completion or acceptance.

(i) If the bond proceeds are inadequate to pay the cost of the completion of the public improvements

~~according to City standards~~ for whatever reason, including previous bond reductions, then the subdivider shall be responsible for the deficiency. Until the public improvements are completed or, with City Council approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

(i) no further plats shall be approved within the preliminary plan or project area in which the improvements are to be located; and,

(ii) no further building permits shall be issued in the subdivision.

(j) If, after expiration of the bond agreement time period, the bond proceeds are not transferred to the City within 30 days of the City's written demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.

(k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in this Chapter.

(6) Bond agreements shall be one of the following types:

(a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form~~.~~.

(b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.

(c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.

(7) Warranty.

(a) The ~~S~~subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance ~~by Resolution of the City Council~~, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is inadequate to protect the public health and safety.

(b) The one-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by the following:

(i) Mayor;

(ii) Director of Public Works or designee;

(iii) Director of Community Development or designee; and,

(iv) City inspector responsible for inspecting the relevant public improvements.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the one-year warranty period.

(d) The one-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection signed by a City inspector indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) Two or more final subdivision plats may be approved and developed simultaneously where all public improvements associated with the plats are bonded for as if they were one plat.

(9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction, as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

7-19-13. Applications for Reimbursement.

(1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.

(2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:

(a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements by 10% or more; and,

(b) the Cost Differential exceeds $5,000; and

(c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and

(d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,

(e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public Works or City Engineer.

(3) Application for Reimbursement.

(a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.

(b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.

(4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:

(a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,

(b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.

(5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.

(6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to the benefitting development's final subdivision plat approval or, in the case of a site plan, prior to the issuance of a building permit.

(7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.

(8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of $100.

(9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.

(10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

(11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.

(12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.

(13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.

(14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.

(15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

(Ord. 2015-07, 03-18-2015) (Ord. 2005-06, 05-18-2005) (Ord. 1999-35, 12-01-1999) (Ord. 1998-35, 10-

07-1998) (Ord. 1997-13, 04-02-1997)

7-19-14. Failure to act, effect.

Should the Planning Commission or the City Council fail to act upon any submitted applications, preliminary plan or final plat, within the time period allotted by this Chapter, said failure shall be considered a denial of the said submission.
(Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-15. Phased development.

(1) When the public improvements have been 100% completed within the subdivision final plat, an additional subdivision final plat within the same preliminary plan or project area may be requested, and the subdivider may request the approval of an additional preliminary plan.

(2) Each subdivision final plat in a preliminary plan shall be considered a phase of the preliminary plan and shall be developed in a logical and orderly manner. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-16. Design standards.

The subdivision of land, including the arrangements, character, extent, width, grade and location of all highways, streets, alleys, crosswalks, easements, sites for parks, playgrounds and schools, or other land to be dedicated to the public or for public use shall conform to the terms of the Tooele City Code, land use policies, and master plans of the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-17. Streets.

The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission and City Council upon the positive recommendation of the Director of the Community Development and Public Works Department. All streets shall comply with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master Plan. An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the City Council for major collector or arterial class roads adjacent to the proposed subdivision. Roads interior to a subdivision or between phases of a subdivision may not be excepted. Exception requests must be submitted in writing to the City Recorder and to the Community Development and Public Works Department Director prior to final subdivision plat approval and at least 15 days prior to the date upon which the City Council will consider the request. In reviewing an exception request, the City Council shall consider and approve or deny the request following a written recommendation from the Community Development and Public Works Department Director based on the following factors:

(1) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic including crossings of the road or right-of-way;

(2) existing transit, vehicular, bicycle, and pedestrian traffic in the area;

(3) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;

(4) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(5) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;

(6) existing right-of-way improvements in the area;

(7) the degree to which the right-of-way leading to and from the area requested for exception has been developed and completed;

(8) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;

(9) the degree to which the entirety of the right-of-way has been dedicated and improved outside of the area requested for an exception;

(10) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(11) phasing and a phasing schedule for the proposed subdivision;

(12) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and

(13) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2008-13, 11-05-08) (Am. Ord. 1998-32, 10-07-1998) (Ord. 1998-25, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

(1) Definitions. For purposes of this Section, the

following terms shall be defined as follows.

(a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double-frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.

(b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.

(c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.

(2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

(a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.

(i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.

(ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.

(iii) The park strip thickness shall be a minimum of five and one-half inches.

(iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.

(b) Park strip trees. Trees shall be planted in the park strip as follows.

(i) Park strip trees shall be chosen from a list of City-approved trees, the list being on file with the Public Works Department.

(ii) Park strip trees shall be spaced not more than 35 feet apart.

(iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Section 7-19-29, as amended.

(iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system.

(c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.

(d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.

(i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.

(ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.

(iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.

(iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.

(v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.

(e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.

(f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.

(g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. Such determinations are not subject to appeal.

(3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Section 7-19-29, as amended.

(4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained as follows.

(a) Home Owners Association. As a condition of City Council final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.

(b) Covenants, Conditions, and Restrictions. As a condition of City Council final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.

(c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.

(d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

(Ord. 2015-07, 03-18-2015) (Ord. 2008-04, 11-05-2008)

7-19-18. Easements.

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.

(2) Easements shall be designed to provide continuity from block to block.

(3) Where subdivisions and/or parcels abut a watercourse, drainage way, channel or stream, storm water easements or drainage rights-of-way conforming substantially with the line of such watercourse shall be provided.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-19. Blocks.

Subdividers shall adhere to the provisions of Title 4 Chapter 8 of the Tooele City Code regarding blocks.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20. Lots.

(1) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) The lot dimensions and areas shall conform to the requirements of the zoning ordinance.

(3) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required by ordinance for front, side and rear yards.

(4) All corner lots shall be sufficiently larger than others so as to allow for building set-back lines on both streets as provided in Section 7-6-6 of the Tooele City Code.

(5) All lots shall abut on an adequate public or private access, as approved by the City Engineer, Public Works Department, or Community Development Director.

(6) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation or residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of vehicular access, which easement shall be specifically set forth in the deed to each lot, shall be provided along the real lot lines of lots abutting such highways and major thoroughfares.

(7) Side lot lines shall be substantially at right angles or radial to street lines.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2003-05, 06-04-2003) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20.1. Flag Lots.

(1) Flag or L-shaped lots (hereinafter "flag lots") may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other ordinances adopted by the City. The primary purpose of this Chapter is not to make development of property easier. Rather, it is to serve as a "last resort" for property for which there is no other reasonable way to develop.

(2) Flag or L-shaped lots will only be considered as a last resort for infill development. Except for in-fill subdivisions, and except as provided in the Sensitive Area Overlay Zone (Tooele City Code Chapter 7-12) creation of flag lots shall not be considered for new subdivisions.

(3) Flag Lots. In order to encourage the more efficient use of land, flag lots are allowed subject to the following conditions:

(a) A flag lot shall be comprised of a staff portion contiguous with the flag portion thereof (hereinafter the "staff" and "flag", respectively).

(b) The staff shall intersect with and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 24 feet and the maximum length shall be 220 feet, unless otherwise approved by the Planning Commission and fire department upon a showing of unusual circumstances.

(c) The staff shall be improved with concrete or asphalt surface.

(d) No structure, except for driveways and no parking, shall be allowed to obstruct or narrow the staff,

and the staff shall be marked with a "No Parking" sign.

(e) The front side of the flag shall be deemed to be that side nearest to the dedicated public street upon which the staff portion intersects.

(f) The staff shall be deemed to end and the flag shall be deemed to commence at the extension of the front lot line across the staff.

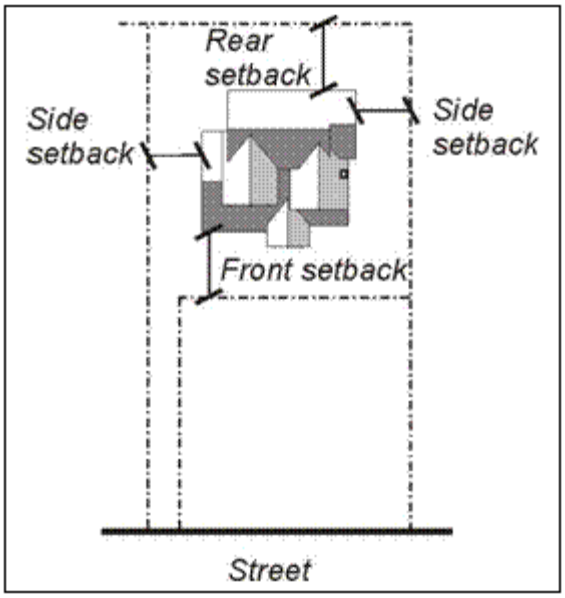
(g) The flag square footage shall be the same or greater than the minimum square footage as required in the underlying zone, exclusive of the staff.

(h) The minimum front setback for all building shall be 30 feet, excluding the staff, from the front lot line of the flag. All other setbacks shall be those of the underlying zone.

(i) No more than two flag lots may be served by one staff.

(j) Figure 1 is an example of a "flag lot" and is included herein for illustration purposes.

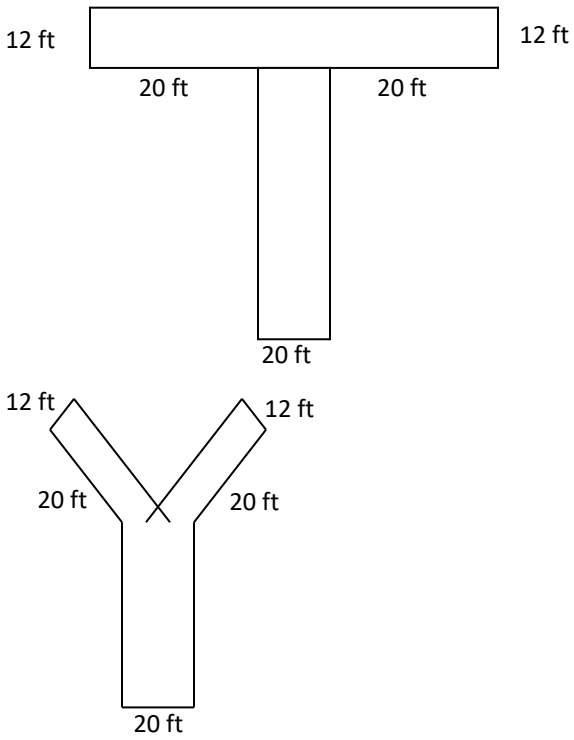
Figure 1



(k) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(l) A turn-around must be provided at the flag portion of the lot. Hammerheads or Y's are acceptable with a minimum width of 12 feet, without parking within 30 feet of the staff. The turning radius on any hammerhead or Y shall not be less than 28 feet. Figure 2 is included to illustrate the hammerhead or Y requirements.

Figure 2



(m) All provisions of the currently applicable fire code shall be met, particularly those regarding the distance a primary structure can be located from a fire hydrant, and fire apparatus access ways and turnarounds.
(Ord. 2015-07, 03-18-2015) (Ord. 2009-07, 04-01-2009)

7-19-21. Required land improvements.

No subdivision of land shall be approved by the Planning Commission unless:

(1) the public improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all engineering ordinances and specifications of the City, and

(2) the subdivider's project engineer so certifies in a signed statement.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-22. Street signs.

The placement and installation of all street signs shall be governed by Title 4 Chapter 8 of the Tooele City Code. The cost of all such signs and their installation shall be borne by the subdivider.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-23. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary but not farther than one-

quarter mile apart. The monuments shall be of concrete, not copper dowel, three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at the intersection of street center lines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finished grade.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-24. Public utilities.

All utility lines for telephone, electricity, cable television, natural gas service and street lights shall be place underground entirely throughout a subdivided area. Said lines shall be placed within the other underground services. Further, all transformer boxes and pumping facilities shall be located so as not to be hazardous to the public. The utility lines shall be parallel to and not less than 12 inches from the property lines.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-25. Sidewalks required - Specifications.

The provisions of Chapters 4-8 and 4-11 of the Tooele City Code shall apply to sidewalks in all subdivisions.
(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.

(1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be seeded or sodded with lawn grasses and perpetually maintained by the owner of the appurtenant property. The commercial or industrial subdivision developer shall prepare park strip areas to receive seed or sod.

(2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of Parks and Recreation. Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in Section 4-11-22 of the Tooele City Code. Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the property appurtenant to the park strip.

(b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:

(i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of $200 per required park strip tree; or

(ii) make a non-refundable payment to Tooele City in the amount of $200 per required tree, which shall be used by the Director of Parks and Recreation to plant trees within the park strips of the subdivision.

(3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the Planning Commission and the City Council upon the recommendation of the Community Development and Parks and Recreation Departments.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-10) (Ord. 2005-03, 02-02-05) (Ord. 2000-10, 06-21-2000) (Ord. 1998-26, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-27. Sanitary sewers.

Sanitary sewers and service laterals shall be installed to serve all properties and lots in the subdivision, including properties reserved for public use or purchase. The provisions of Title 8 Chapter 2 of the Tooele City Code, shall apply to the installation design and construction of all sanitary sewers and service laterals in subdivisions.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-28. Engineering specifications.

The owner or subdivider shall install sanitary sewers, water supply system, right-of-way improvements, crosswalks, public utilities and street lighting in accordance with applicable ordinances, standards, and specifications for construction in the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-29. Water service.

(1) The provisions of Title 9 Chapter 4 of the Tooele City Code, shall apply regarding all pipes, service laterals and appurtenances provided in a subdivision.

(2) All lots and properties including property reserved for public use or purchase shall be supplied with water service sufficient to meet the future anticipated uses of said property.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

7-19-31. Filing of engineering plans and review fee.

(1) One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final plat by the Planning Commission. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.

(2) A plan review fee, based upon the following percentages of total land improvements costs, as estimated by the design engineer and approved by the City Engineer, shall be submitted with the plans and specifications required above:

(a) 1.5% of the construction cost of the improvements when such cost is $50,000 or less.

(b) 1% of the construction cost of the improvements when such cost is over $50,000 but less than $250,000.

(c) 0.75% of the construction cost of the improvements when such cost is over $250,000.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of ~~required land~~ public improvements ~~by the city~~.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

(~~1~~a) the completion of the construction of all required ~~—~~public improvements, in accordance ~~conformance~~ with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application;

(~~2~~b) the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built plans~~plants~~;

(~~3~~c) a start-of-warranty inspection by a City inspector indicating that the public improvements ~~verification by the City Engineer or Public Works Director that all public improvements~~ have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application; and,

(d) a fully signed Certificate of Completion and Acceptance referencing the completed public improvements.

(2~~4~~) Completed public improvements shall not be accepted by the City prior to recordation of the approved final subdivision plat mylar in the office of the Tooele County Recorder. ~~the City Council's approval of a resolution accepting the public improvements. Public improvements shall not be deemed completed and accepted by the City as City owned and maintained improvements until the approval of said resolution. The one year warranty period described in Section 7-19-12, above, shall commence on the date the resolution is approved.~~
(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) Except as required by Utah statute, ~~N~~no building permit shall be issued for the construction of any residential building, structure, or improvement to the land or any lot within a residential subdivision as defined herein, which has been approved for platting or re-platting, until all requirements of this Chapter have been complied with, including expressly the requirement to complete public improvements. The Building Official may issue building permits for noncombustible residential construction when his/her justification is entered into the City address file, after the developer increases any required bonds for one additional year, and after the finished street, curb and gutter, and all public utilities under the street are installed and have been approved by a qualified City inspector. Notwithstanding Chapter 7-22 herein, under no circumstances shall a Certificate of Occupancy be issued until all requirements of this Chapter have been complied with.

(2) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) all required bonding shall be extended for one additional year;

(d) the developer shall make available tire

cleaning areas where the road is accessed; and,

(e) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(3) Prior to the finished surface being added to the road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(4) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with.

(5) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed as an indication that the public improvements within the subdivision are completed or accepted by the City.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation.

(1) The subdivider shall deliver to the City the fully executed final plat within 90 days of final plat approval. Failure to fully execute the final plat, or to deliver the fully executed final plat to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final plat approval.

(2) No changes to the approved final plat may be made without the written approval of the City.

(3) Tooele City shall promptly record an approved final subdivision plat with the Tooele County Recorder upon the occurrence of one of the following:

(a) acceptance of all public improvements associated with the final plat pursuant to Section 7-19-32~~5~~, above; or,

(b) execution of a bond agreement pursuant to Section 7-19-12, above.

(4) The subdivider shall pay all fees associated with the recordation of the approval final plat.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Subdivision - Exemptions from preliminary plan requirement.

(1) A subdivision is considered a minor subdivision and exempt from the preliminary plan requirement of this Chapter if:

(a) it contains less than ten lots;

(b) it does not contain a right-of-way dedication for public street; and,

(c) it does not involve off-site water or sewer utilities.

(2) Information normally required as part of the preliminary plan application may be required by the Public Works and Community Development Departments as part of a minor subdivision final plat application.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary plan or final subdivision plat approval revoked or rendered void pursuant to the provisions of this Chapter 7-19 shall cause any new application of approval to be subject to the laws, ordinance, and policies of Tooele City current as of the date of the completed new application.

(Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)

Exhibit B

Form of:

Certificate of Completion and Acceptance

TOOELE CITY CORPORATION

ORDINANCE 2021-11
(formerly Ordinance 2020-04)

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING ACCEPTANCE OF PUBLIC IMPROVEMENTS.

WHEREAS, the Tooele City Charter created a form of government where legislative and executive powers of city government are strictly separated into two branches of government, with the City Council exercising all legislative powers of the City and the Mayor exercising all executive and administrative powers of the City (see Charter Section 2-02; see also UCA Chapter 10-3b Part 2 regarding the Council-Mayor separation of powers form of government); and,

WHEREAS, UCA Section 10-9a-601 empowers municipalities to enact subdivision ordinances consistent with state and federal land use law, and Tooele City has enacted TCC Chapter 7-19 governing subdivision applications and approvals (and TCC Chapter 7-11 regarding site plan approvals); and,

WHEREAS, in the course of land use application approval and implementation under TCC Chapters 7-11 and 7-19, developers must design and construct all public improvements required by the Tooele City Code and its adopted uniform codes, including the American Public Works Association (APWA) manual of standards and specifications; and,

WHEREAS, public improvements are defined to be those public utility infrastructure improvements found within typical subdivision and site plan construction documents, as detailed in TCC Section 7-1-5 (definition of Public Improvements), and include water lines, sewer lines, streets, sidewalks, curbs and gutters, street signs, and streets lights; and,

WHEREAS, public improvement easements and rights-of-way are dedicated (conveyed) to Tooele City with the recordation of subdivision plats or deeds of dedication, while the public improvements themselves are deemed conveyed to Tooele City for ownership and maintenance upon their acceptance by Tooele City; and,

WHEREAS, as currently enacted, the acceptance of public improvements is a formal statutory process, detailed in the City Code, culminating in the City Council's approval of a Resolution declaring particular public improvements accepted by Tooele City for City ownership and maintenance, subject to a one-year warranty period covering defects in materials and workmanship ~~construction~~ (see TCC Sections 7-19-12 and -32); and,

WHEREAS, the enactment by the City Council of the public improvement acceptance regulatory process is a legislative function, while the inspection and

acceptance of public improvements is an executive ~~administration~~ function of administering and implementing the enacted regulatory process, appropriate for the City Administration (Mayor and administrative departments); and,

WHEREAS, the City Administration recommends that it be permitted to perform its administrative functions regarding the acceptance of public improvements by implementing an administrative acceptance process, including a Certificate of Completion and Acceptance of public improvements; and,

WHEREAS, attached as Exhibit A are proposed amendments to TCC Chapter 7-19 regarding the administrative acceptance of public improvements; and,

WHEREAS, attached as Exhibit B is the form of the Certificate of Completion and Acceptance by which the administrative acceptance of public improvements will be accomplished; and,

WHEREAS, this Ordinance 2020-04 will honor and implement the separation of powers paradigm established in the Tooele City Charter and UCA Chapter 10-3b, and will lead to increased efficiency in the City's legislative and administrative processes, and is therefore in the best interest of Tooele City; and,

WHEREAS, on March 11, 2020, the Planning Commission convened a duly-noticed public hearing on the City Code amendments proposed by this Ordinance (then numbered 2020-04), and forwarded its recommendations to the City Council; and,

WHEREAS, on April 1, 2020, the City Council convened a duly-noticed public hearing on the City Code amendments proposed by this Ordinance (then numbered 2020-04), and tabled a vote on the Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 7-19 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2021.

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

Proposed Amendments to TCC Chapter 7-19

Exhibit B

Form of:

Certificate of Completion and Acceptance

TOOELE CITY CORPORATION
90 NORTH MAIN
TOOELE, UTAH 84074
(435) 843-2130

Certificate of Completion and Acceptance of Public Works

(Start of One-Year Warranty)

Date:

Permit No:	**Public Works Elements***	**Completed**	**Not Required**
Project Name:	*Culinary Water*	☐	☐
Address:	*Water Services*	☐	☐
	Sewer	☐	☐
	Storm Drain / Pond	☐	☐
	Roads	☐	☐
Owner/Developer:	*Curb & Gutter*	☐	☐
	Sidewalk	☐	☐
	Street Lights	☐	☐
	Landscaping	☐	☐
	Other:	☐	☐

** Note: The above Public Work Elements are general in nature. See Public Works for detailed descriptions and comments:*

Based upon review of documentation provided by the Developer/Owner, inspection records on file with the Community Development Department and upon site review, all public improvements for the above referenced project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards. It is hereby recommended that the Mayor accept the associated public improvements at this time.

Recommended By	**Title**	**Date**
_____	Civil Inspector	_____
_____	Water Services	_____
_____	Public Works	_____
_____	Community Development	_____

Acknowledged and Accepted _____ _____
Mayor Date

Scheduled Date for End of Warranty Inspection: _____

TOOELE CITY CORPORATION
90 NORTH MAIN
TOOELE, UTAH 84074
(435) 843-2130

Tooele City
Est. 1853

Certificate of Completion and Acceptance of Public Works

Permit No:

Contact:
Tooele City Recorder
90 North Main
Tooele, UT 84074
(435) 843-2100

Affected Parcels:
- **12-107-0-0513**
- **12-107-0-0514**

TOOELE CITY CORPORATION

ORDINANCE 2021-12

AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING A PORTION OF THE DEDICATED 900 SOUTH STREET PUBLIC RIGHT-OF-WAY, AND RESERVING PUBLIC UTILITY EASEMENTS.

WHEREAS, sometime in decades past, 900 South Street was realigned to intersect with Main Street (SR-36) at a right angle, but the City retained *the discontinued portions of the 900 South Street right-of-way* ("ROW") property, which have remained unused by the City as a public right-of-way since the realignment (see ROW survey illustrations and legal descriptions attached as Exhibit A); and,

WHEREAS, by letter dated August 21, 2020, the owner of Lot 513 of Settlement Pointe Phase 5 Subdivision, street address 379 Boothill Circle (and later the owner of Lot 514, 381 Boothill Circle), requested the opportunity to purchase the ROW, which the adjacent property owners have been maintaining for years, i.e., through weed abatement (see correspondence attached as Exhibit B); and,

WHEREAS, by email response dated September 3, 2020, the City Attorney's Office explained that the ROW could not be purchased in fee title, but the original ROW dedication could be vacated by the City and the vacated ROW property reincorporated into the adjacent properties (Lots 513 and 514) (see correspondence attached as Exhibit C); and,

WHEREAS, Tooele City has accepted Exhibits A, B, and C as constituting an adequate petition to vacate the ROW, complying with the requirements for right-of-way vacation, as described in UCA Section 10-9a-609.5; and,

WHEREAS, the two ROW portions vacated hereby are illustrated and legally described in Exhibit A and contain approximately and respectively 8,506 square-feet (0.195 acres) – to go to Lot 513 – and 630 square-feet (0.014 acres) – to go to Lot 514; and,

WHEREAS, the **Affected Parcels** are listed as follows:
- **12-107-0-0513** (Lot 513 Settlement Pointe Phase 5 Subdivision)
- **12-107-0-0514** (Lot 514 Settlement Pointe Phase 5 Subdivision)

and,

WHEREAS, pursuant to UCA Section 72-5-107, "title to the vacated [ROW] . . . shall vest to the adjoining record owners"; and,

WHEREAS, because the ROW is bounded by two adjacent private properties on the north side only, the south side being bounded only by other public rights-of-way, the entirely of the vacated ROW shall transfer to the owners of Lots 513 and 514, in proportions and dimensions illustrated in Exhibit A; and,

WHEREAS, the City does not anticipate developing the ROW as an improved street because it has been discontinued as part of the above-mentioned realignment, and because the ROW would benefit only the adjoining properties as opposed to the larger public interest; and,

WHEREAS, the ROW in its present condition poses an eyesore and unwanted maintenance burden for the City; and,

WHEREAS, the ROW has no historic, current, or anticipated future use or value as a transportation right-of-way, and serves no public purpose, with the exception of providing an easement for underground Tooele City public utilities, if any, for which this ordinance expressly reserves easements;

WHEREAS, the City has no known underground utilities or infrastructure located in or under the portions of the 900 South Street right-of-way vacated hereby; and,

WHEREAS, if the ROW is vacated, and if there are public utilities in or under the ROW, the City and other entities responsible for the maintenance of those public utilities will need access to any utility infrastructure located in or under the ROW; and,

WHEREAS, there are no known private utilities in or under the ROW; and,

WHEREAS, the public hearing notice requirements of Utah Code Ann. §10-9a-208 have been met; and,

WHEREAS, as required by UCA Sections 10-9a-609.5 and 72-5-107, this ordinance and its exhibits are to be recorded in the office of the Tooele County Recorder to accomplish the vacation of the ROW; and,

WHEREAS, upon the vacation of the ROW and the recordation of this ordinance in the office of the Tooele County Recorder, the two ROW portions described and illustrated in Exhibit A are to be incorporated into the described boundaries of Lots 513 and 514 of the Settlement Pointe Phase 5 Subdivision; and,

WHEREAS, a public hearing was held before the City Council on the Petition on May 5, 2021, during which the City Council considered (1) whether there exists good cause to vacate the ROW, and (2) whether the public interest or any person would be materially injured by the vacation of the ROW:

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

1. Good cause exists to vacate the ROW, as follows.
    a. The property owners desire and have petitioned for the ROW vacation.
    b. The ROW has been unused as a public right-of-way since the realignment of 900 South Street.
    c. The ROW has become an eyesore and unwanted maintenance burden for the City.
    d. The owners have maintained the ROW, i.e., through weed abatement.
    e. The ROW has no known historic, current, or anticipated future use or value as a transportation right-of-way and serves no current or anticipated future public purpose.
    f. The ROW vacation will reserve to Tooele City Corporation utility easements for unknown existing Tooele City public utilities in the ROW.
    g. The public hearing identified no reason why the ROW vacation should not be approved.
2. Neither the public interest nor any person is anticipated to be materially injured by the vacation of the ROW, as follows.
    a. The property owners desire and have petitioned for the ROW vacation.
    b. The ROW has been unused as a public right-of-way since the realignment of 900 South Street.
    c. The ROW has become an eyesore and unwanted maintenance burden for the City.
    d. The owners have maintained the ROW, i.e., through weed abatement.
    e. The ROW has no known historic, current, or anticipated future use or value as a transportation right-of-way and serves no current or anticipated future public purpose.
    f. The ROW vacation will reserve to Tooele City Corporation utility easements for unknown existing Tooele City public utilities in the ROW.
    g. The public hearing identified no reason why the ROW vacation should not be approved.
3. The ROW, as discussed above and as illustrated and described in Exhibit A, is hereby vacated.
4. Title to the vacated ROW shall vest to the adjoining record owners of Lots 513 and 514 of the Settlement Pointe Phase 5 Subdivision, in the proportions, dimensions, and legal descriptions shown in Exhibit A.
5. Easements for all existing but unknown utilities (including, but not limited to, water, sewer, power, gas, communications, cable, and other public utilities and private franchise utilities) located in and under the ROW are hereby expressly preserved in favor of the utility owners.

6. The City Recorder shall record this ordinance, together with its exhibits, in the office of the Tooele County Recorder.

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 _____, 2021.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____
Melodi Gochis, Chair

_____ _____
Justin Brady

_____ _____
Tony Graf

_____ _____
Ed Hansen

_____ _____
Maresa Manzione

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____ _____
Debra E. Winn

ATTEST: Approved as to Form:

_____ _____
Michelle Y. Pitt, City Recorder Roger Evans Baker, City Attorney

S E A L

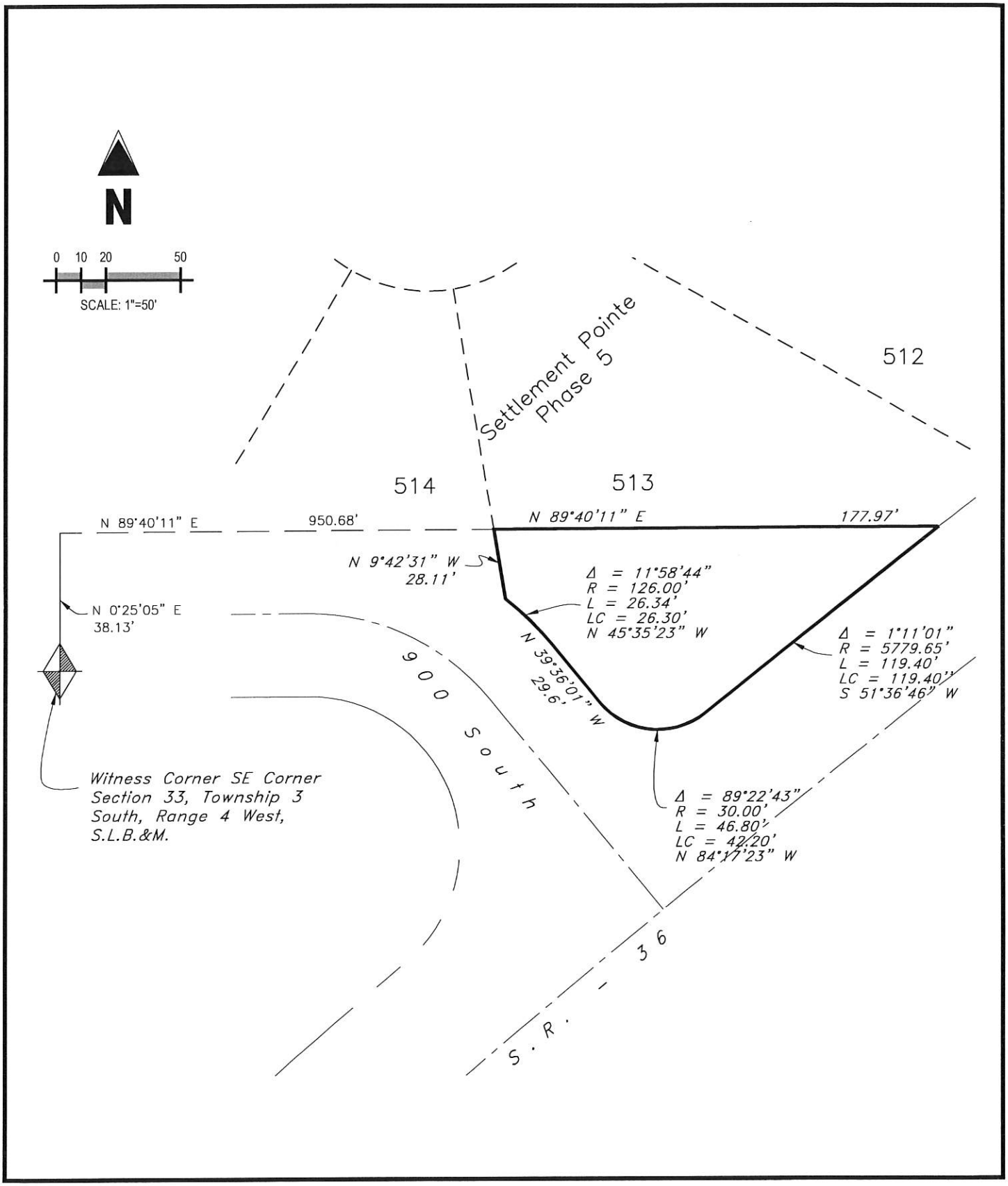
STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Debra E. Winn, who did affirm to me that she is the Mayor of Tooele City Corporation, and that she did execute the foregoing ordinance with due authority this ____ day of _____, 2021.

_____
Notary Public
Residing in Tooele County, Utah

EXHIBIT A

Survey Illustrations and Legal Descriptions



900 South
Lot 513, Settlement Point Phase 5

900 South and SR 36
Tooele, Utah

Exhibit A

Project No:	
Drawn By:	JRA
Checked By:	JRA
Date:	04/09/2021

Galloway

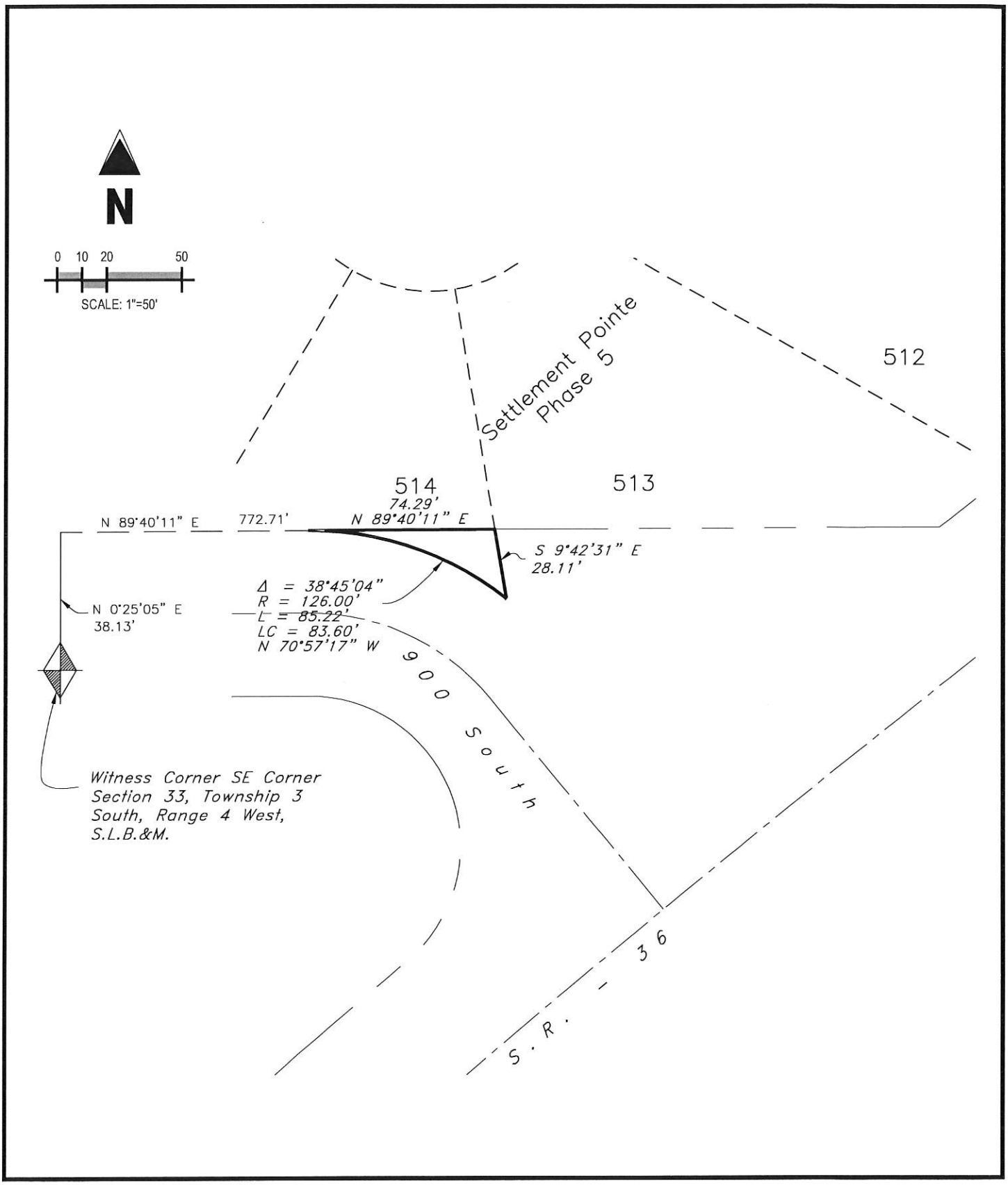
6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884 • GallowayUS.com

Legal Description

A part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 3 South, Range 4 West, Salt Lake Base & Meridian, situated in Tooele City, Tooele County, Utah, further described as follows:

Beginning at a point at the intersection of 900 South Street and State Highway 36, said point also being the southeast corner of lot 513 Settlement Pointe Phase 5 Subdivision, which is 38.13 feet North 0°25'05" East along the section line and 950.68 feet North 89°40'11" East from the Witness Corner to the West Quarter Corner of said Section 33, said point also being 99.69 feet South 0°27'28" East and 510.39 feet North 89°40'11" East from a centerline monument located in Pioneer Road; running thence southwesterly along the arc of a 5779.65 foot radius curve to the left a distance of 119.40 feet (bearing to center equals South 37°47'43", central angle equals 01°11'01" and long chord bears South 51°36'46" West 119.40 feet) parallel with a perpendicularly distant 50.00 feet from the center line of said Highway to a point of reverse curvature; thence westerly along the arc of a 30.00 foot radius curve to the right a distance of 46.80 feet (central angle equals 89°22'43" and long chord bears North 84°17'23" West 42.20 feet) to a point which is 33.00 feet perpendicularly distant from the centerline of 900 South Street; thence along a line parallel with and perpendicularly distant 33.00 feet from said Street (2) two courses as follows: North 39°36'01" West 29.60 feet to a point of curvature and northerly along the arc of a 126.00 foot radius curve to the left a distance of 26.34 feet (central angle equals 11°58'44" and long chord bears North 45°35'23" West 26.30 feet); thence North 9°42'31" West 28.11 feet to the north right of way line of said 900 South Street; thence North 89°40'11" East 177.97 feet along said north right of way line to the point of beginning.

Contains: 8,506 sq.ft. or 0.195 acres.



900 South
Lot 514, Settlement Point Phase 5

900 South and SR 36
Tooele, Utah

Exhibit A

Project No:	
Drawn By:	JRA
Checked By:	JRA
Date:	04/09/2021

Galloway
6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884 • GallowayUS.com

Legal Description

A part of the Northwest Quarter of the Southwest Quarter of Section 33, Township 3 South, Range 4 West, Salt Lake Base & Meridian, situated in Tooele City, Tooele County, Utah, further described as follows:

Beginning at a point on the north right of way line of 900 South Street, said point also being the southeast corner of Lot 514 of Settlement Point Phase 5 Subdivision, which is 38.13 feet North 0°25'05" East along the section line and 772.71 feet North 89°40'11" East from the Witness Corner of the West Quarter Corner of said Section 33, said point also being 99.69 feet South 0°27'28" East and 332.34 feet North 89°40'11" East from a centerline monument located in Pioneer Road; running thence South 9°42'31" East 28.11 feet to a non-tangent point on a curve which is 33.00 feet perpendicularly distant from the centerline of 900 South Street; thence northwesterly along the arc of a 126.00 foot radius curve to the left a distance of 85.22 feet (central angle equals 38°45'04" and long chord bears North 70°57'17" West 83.60 feet) to said north right of way line; thence North 89°40'11" East 74.29 feet along said north right of way line to the point of beginning.

Contains: 630 sq.ft. or 0.014 acres.

EXHIBIT B

Property Owner Correspondence with Illustrations

Denali Leasing LLC

21 August 2020

US Mail and Email

Mayor Debbie Winn
Tooele City
90 North Main Street
Tooele, UT 84074
(435) 843-2100
dwinn@tooelecity.org

Re: Purchase Adjacent Property to 379 Boothill Circle, Tooele, UT

Dear Mayor Winn,

My property manager, Heather Ashby, talked to you last week about possibly purchasing a small triangular lot of land in Tooele, UT, next to my parcel.

I currently own 379 West Boothill Circle, Tooele, UT, 84074, parcel #12-107-0-0513 (0.38 acres). There is a small triangular lot of land that's around .22 acres between my property and Highway 36 that I would like to purchase (see Enclosure 1).

Currently, the triangular lot is:

1. Inaccessible
2. Uncared for and covered in weeds and garbage
3. Unbuildable due to no access and easements
4. Mostly a large easement due to powerlines going through it
5. Untaxable by Tooele City

If I am able to purchase the triangular lot, it would become:

1. Cared for—I would landscape it along with the rest of my property when I build (see Enclosure 2).
2. Available to be taxed by Tooele City.

I'd like to offer $5,000 for the land, and would like to schedule a time to meet with you to further discuss this proposal.

Respectfully,

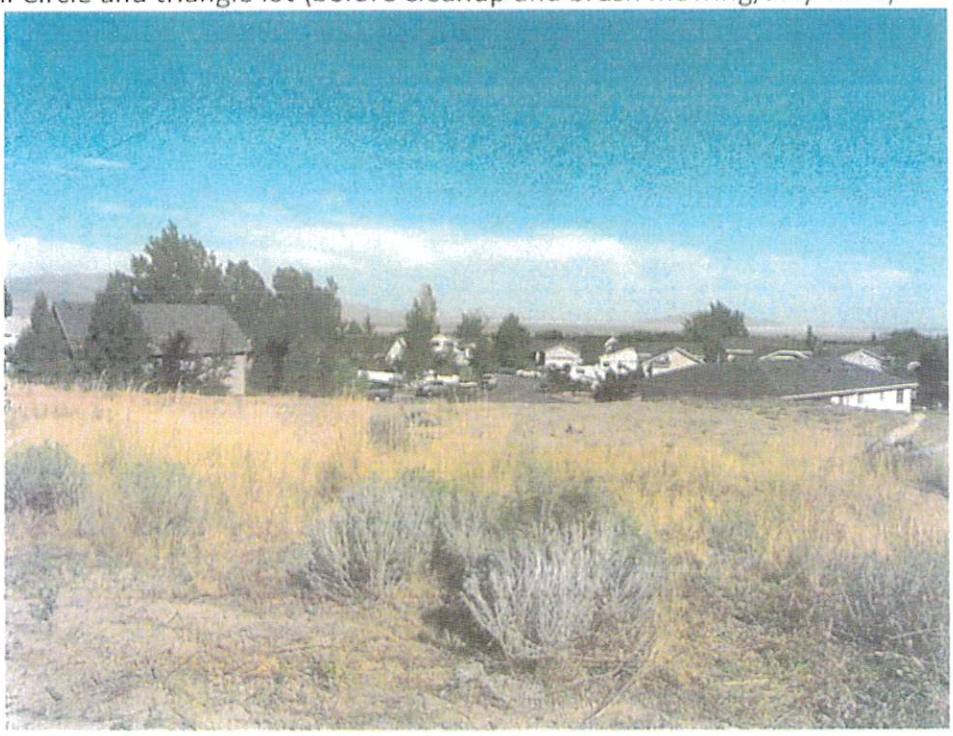
Julie

Julie Ann Debenham

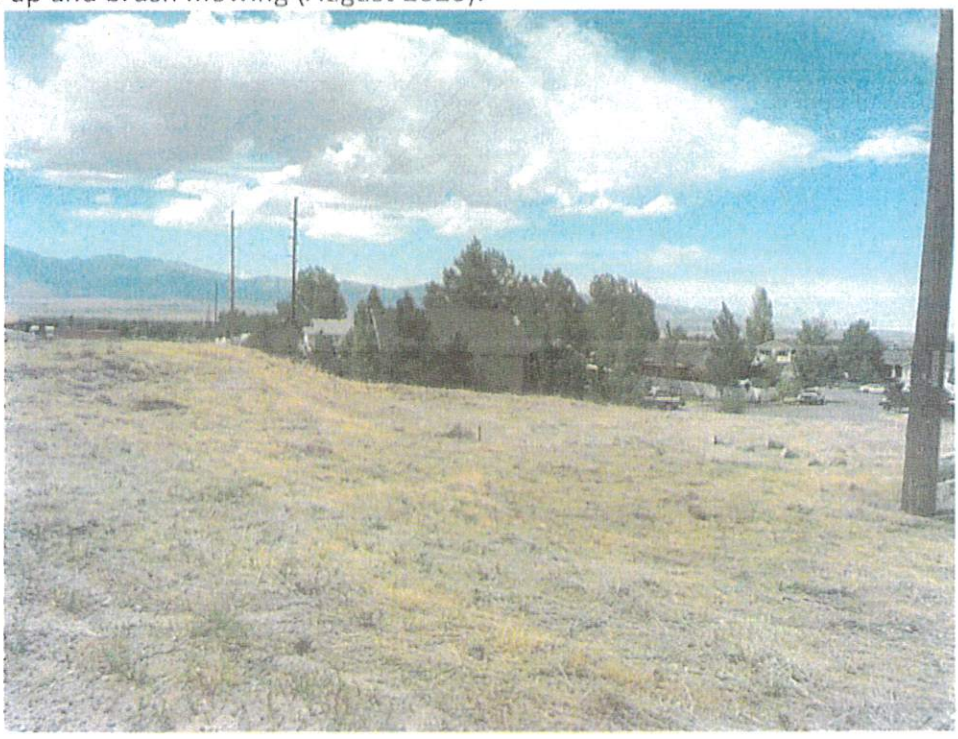
2180 PINION ROAD, SUITE F • ELKO, NV • 89801
(801) 580-9968 • DEBENHAMRECORDS@GMAIL.COM

Enclosure 2

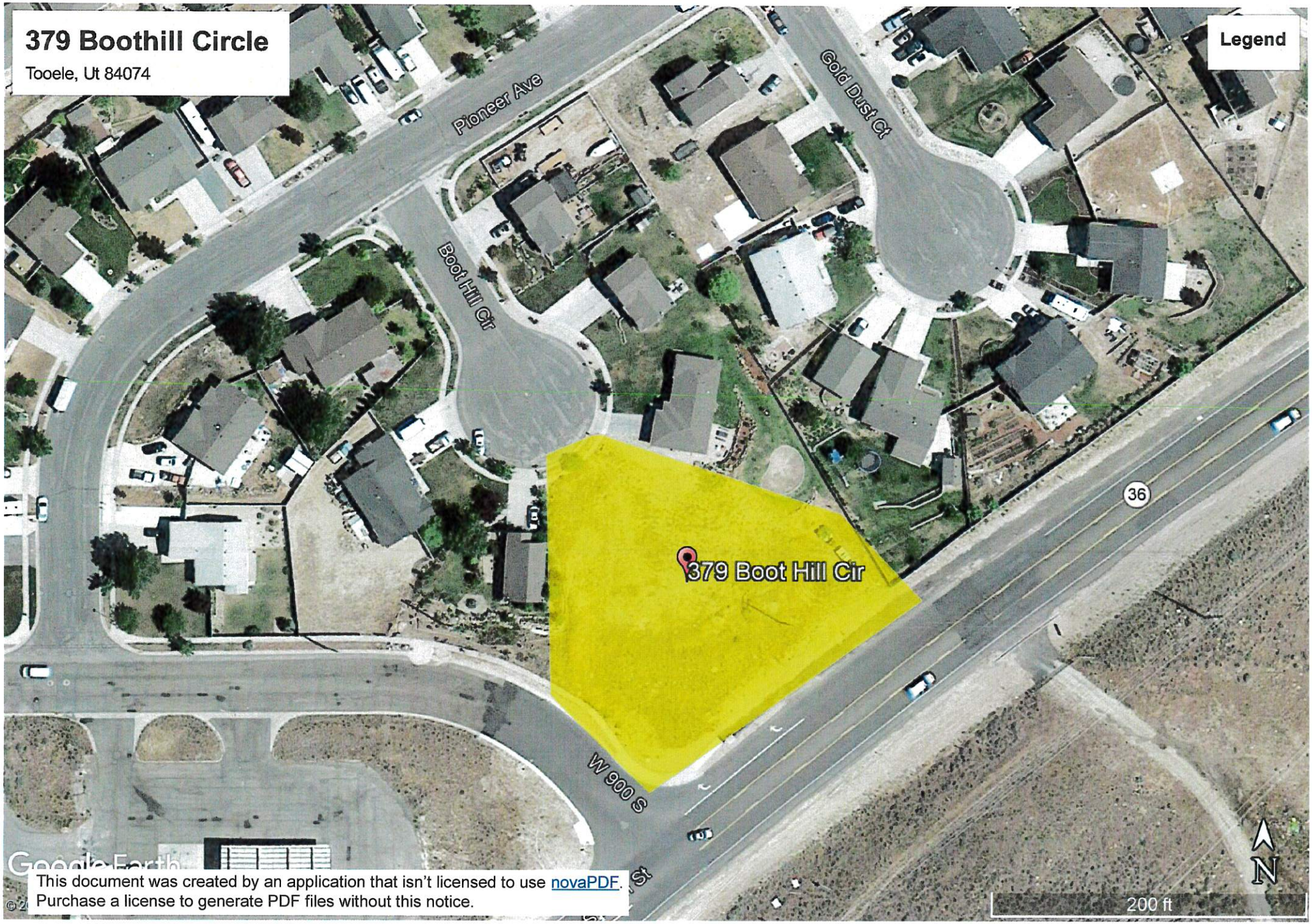
379 Boothill Circle and triangle lot (before cleanup and brush mowing, July 2020):



After clean up and brush mowing (August 2020):

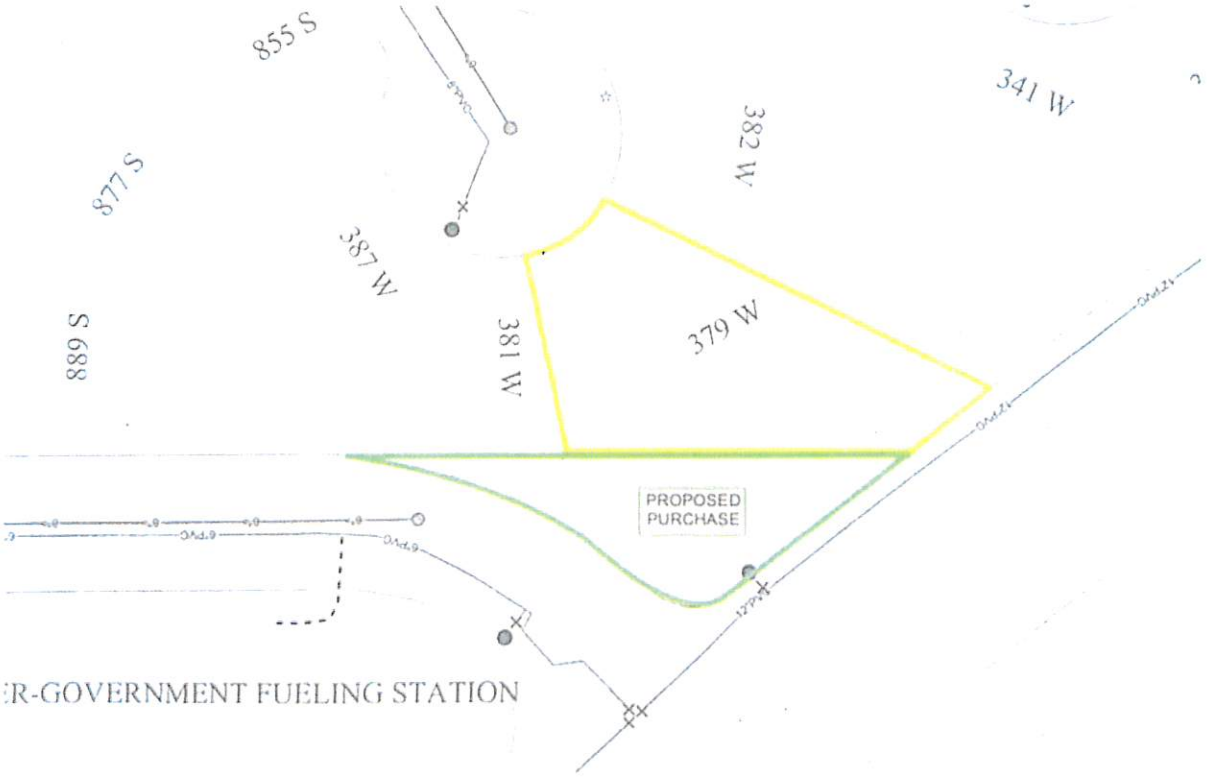


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(801) 580-9968 • DEBENHAMRECORDS@GMAIL.COM



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Enclosure 1



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EXHIBIT C

City Attorney Correspondence

Roger Baker

From: Roger Baker
Sent: Thursday, September 3, 2020 9:27 AM
To: 'debenhamrecords@gmail.com'
Subject: Proposed Property Purchase

Ms. Debenham:

Tooele City has received your letter dated August 21, 2020, addressed to Mayor Winn, regarding your desire to purchase a remnant Tooele City-owned parcel adjoining your rear property line. The City Council has considered your proposal, and has expressed its willingness to convey the majority of the parcel to you.

Our research indicates that the parcel is not a salable parcel with its own tax id number. Rather, it is a remnant of the old 900 South Street right-of-way. As such, the City would convey the parcel to you by vacating that portion of the right-of-way adjacent to your lot, and not by deed.

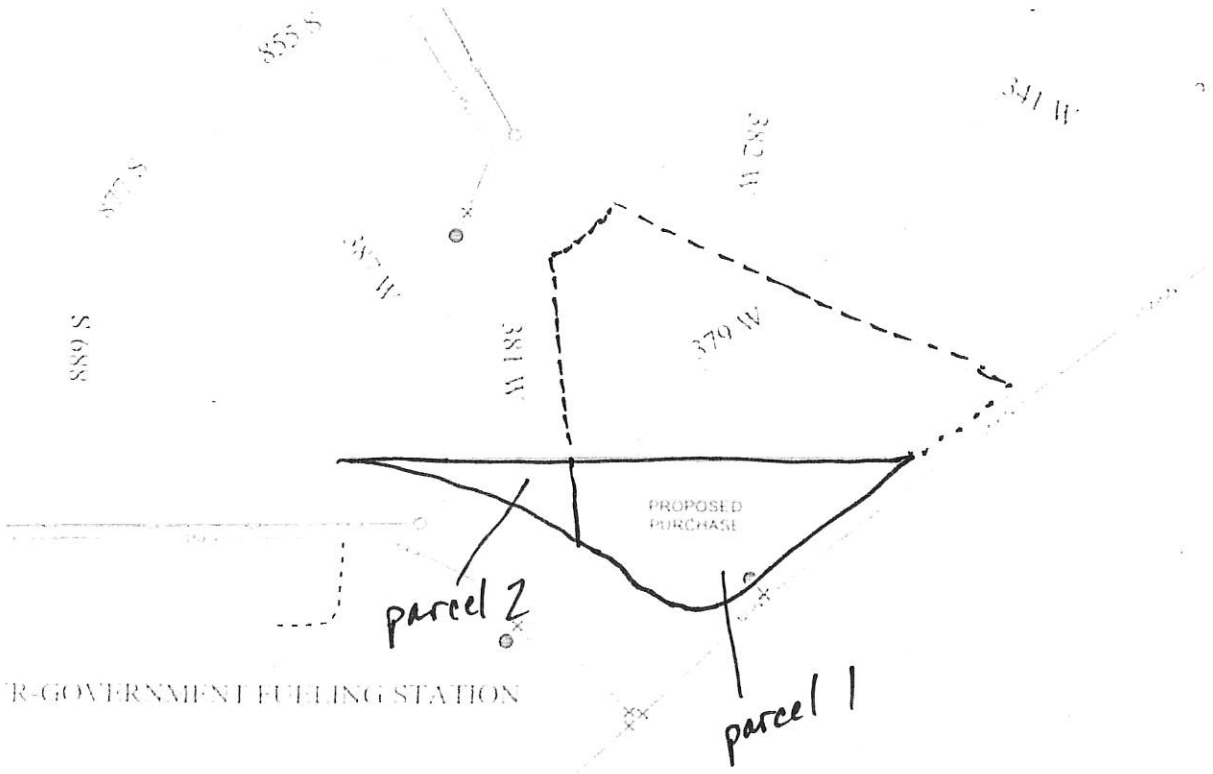
The Council has instructed the Administration to proceed with the right-of-way vacation process. While you do not need to pay the City for the parcel, you will need to bear the costs of the vacation. These costs consist of a $250 right-of-way vacation application fee, and the costs of surveying the parcel. A surveyed legal description is necessary for the vacation ordinance to be recorded. Following recordation, the County Recorder would add the legal description of the parcel to the legal description of your lot. As explained below, two legal descriptions will be necessary.

The Council has also instructed that the property line between 379 West and 381 West Boothill Circle be extended into the parcel so that each lot receives ownership of the parcel portion adjoining their lots. Utah law requires the vacation to occur in this manner. To this end, we suggest that you inform your neighbor of the vacation proceeding. If your neighbor does not want the small wedge-shaped portion of the parcel adjacent to their lot, they can deed it to you following the vacation.

I will await receipt of the surveyed legal descriptions of the two parcels, and your payment of the $250 fee. Please let me know if you have any questions or concerns.

Roger Baker
Tooele City Attorney

Enclosure 1



2180 PINION ROAD, SUITE F • ELKO, NV • 89801
(801) 580-9968 • DEBENHAMRECORDS@GMAIL.COM

TOOELE CITY CORPORATION

ORDINANCE 2021-14

AN ORDINANCE OF TOOELE CITY ADOPTING THE 2021 TOOELE CITY DRINKING WATER SYSTEM MASTER PLAN.

WHEREAS, Tooele City (the "City") is a municipal corporation, a charter city, and a political subdivision of the State of Utah, authorized and organized under the provisions of the Utah Constitution and statutes; and,

WHEREAS, water is a scarce and precious commodity in Tooele City and in the State of Utah, and Tooele City is actively exploring alternatives for assuring drinking water source and supply for present and future generations; and,

WHEREAS, on March 7, 2012, the City Council approved Ordinance 2012-02 and adopted the 2012 Tooele City Culinary Water System Master Plan as a water impact fee facilities plan; and,

WHEREAS, the City, through its consulting engineer Hansen Allen & Luce, has completed an updated 2021 Tooele City Drinking Water System Master Plan (attached as Exhibit A); and,

WHEREAS, while UCA Sections 10-9a-401(2)(c) and -403(4)(b) allow for the adoption of a water element of the General Plan, the adoption of the 2021 Drinking Water System Master Plan by this Ordinance 2021-14 is not the adoption of a General Plan element; and,

WHEREAS, while UCA Sections 11-36a-501 through -504 provide for the adoption of a water impact fee facilities plan and a water impact fee analysis, the adoption of the 2021 Drinking Water System Master Plan by this Ordinance 2021-14 is not the adoption of an impact fee facilities plan or an impact fee analysis; and,

WHEREAS, ipon adoption of the 2021 Drinking Water System Plan by this Ordinance 2021-14, Tooele City will proceed with the preparation of a new water impact fee facilities plan and water impact fee analysis; and,

WHEREAS, UCA Section 10-9a-508 empowers Utah municipalities to impose exactions, including water rights, on developments proposed in land use applications, which exactions (a) must demonstrate an essential link between a legitimate governmental interest and each exaction, and (b) must be roughly proportionate, both in nature and extent, to the impact of the proposed development; and,

WHEREAS, TCC Section 7-26-1 provides that ". . . all applicants requesting a development permit shall provide water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system . . ." which provision constitutes an exaction under UCA Section 10-9a-508; and,

DRAFT

WHEREAS, TCC Section 7-26-2 establishes the amount of water rights to be exacted as part of a "development permit" (or, land use application) at 0.45 acre-feet (AF) of municipal water rights (100% depletion) per dwelling unit interior and 4.0 AF (of diversion) per acre for irrigable acreage (equating to 0.55 AF of diversion for an average 10,000 square-foot residential lot); and,

WHEREAS, UCA Section 19-4-114 (the "Statute") requires the State to establish minimum sizing requirements ("Requirements") for a community water system, such as Tooele City's culinary drinking water system; and,

WHEREAS, the Requirements are to based on at least the most recent three years of a community water system's actual water use data, and are to consider fire storage capacity, system losses (including leakage), and other system-specific conditions affecting infrastructure needs; and,

WHEREAS, one purpose of adopting the 2021 Tooele City Drinking Water System Master Plan is to address the Requirements; and,

WHEREAS, Rule 309-510-5 of the Utah Administrative Code ("Rule 510-5") anticipates the Requirements to include consideration of a wide variety of factors, including actual water use data, peak day demand, average day demand, fire flow requirements, water system configuration and size, built-in redundancy, water user type, safety factors, method and quality of data collected, water loss (leakage), reliability of water sources, and daily, seasonal, and yearly variations in water source and demand; and,

WHEREAS, Tooele City considers the following other system-specific conditions to be relevant to minimum culinary water system sizing Requirements: water conservation measures and their relative effectiveness, prolonged drought and other climatic conditions, the effects of Utah's severe housing shortage, the need for storage redundancies, landscaping expansion and upgrades, and peak day demand, which the State of Utah assumes to be twice the average daily demand; and,

WHEREAS, neither the Statute nor Rule 510-5 speak in terms of water rights conveyance requirements or exactions. They contain no discussion of what water rights a community may or might or must exact for the community's land uses. Rule 510-5 is drafted to allow, not require, State-approved deviation from long-established State standards for the Requirements. Rule 510-5 is the exception, not the rule. Rules 309-510-7 (Source Sizing) and 309-510-8 (Storage Sizing) of the Utah Administrative Code establish the State's general rule flows for sizing a community water system. In these rules, the indoor equivalent residential connection (ERC) flow requirement is established at 400 gallons per day (GPD) for average yearly demand (146,000 gallons per year), which is equivalent to 0.45 AF (rounded from 0.448). The peak day demand is established at 800 GPD, or 0.9 AF (rounded from 0.896). (See Rule 309-510-7 Table 510-1 and Rule 309-510-8 Table 510-4.) and,

WHEREAS, the Utah Division of Water Rights continues to use the 0.45 AF indoor standard in its water right determinations and the 4.0 AF/acre duty for outside irrigation. (See the Division's diversion/depletion calculator at https://waterrights.utah.gov/automm/

DRAFT

calculator.asp.) Given that Tooele City owns and operates a full use water reclamation facility, the Office of the State Engineer has imposed the additional requirement that all interior use water allow 100% depletion. Tooele City has enacted as its own water right exaction standard the State standards established by Rules 309-510-7 and -8, and considers the Rule 510-5 to allow a limited, discretionary deviation from State standards; and,

WHEREAS, Tooele City acknowledges that while there is an obvious relationship between gallons-per-day and acre-feet, with their unit measurements being convertible one to another, there is no direct correlation between acre-feet and a community's water system minimum sizing Requirements. The Requirements are set based on flow data and many other considerations, but a community water system is not sized based on the number of acre-feet conveyed to the City and/or possessed by the City. Tooele City retains the prerogative to establish its acre-foot standard for new developments, independent of water system minimum sizing Requirements; and,

WHEREAS, Tooele City's water rights exaction is determined by enactment of the City's legislative body, the City Council, which has made a legislative policy determination that 0.45 AF of water rights (100% depletion) is to be required for every dwelling unit interior, and that the duty of 4.0 acre-feet/acre (diversion) is to be required for exterior irrigable acreage. This is a legislative determination with a rational basis consistent with existing State standards. The Council has a rational basis to exact an even higher water right requirement, given the State's peak day demand standard, but the City has chosen to adopt the water right equivalent to the State's average yearly demand standard; and,

WHEREAS, in that certain Settlement Agreement between Tooele City and Tooele Associates, Perry Homes, and others (the "Developer Parties"), dated August 6, 2014, the City committed to set aside a maximum of 3,300 AF of City water rights for use in Overlake, and agreed to a cap of 4,800 dwelling units (DU) in Overlake. Thus, in Overlake, the parties to the Settlement Agreement bargained for a water right requirement of no less than 0.69 AF/DU on average. (The Settlement Agreement does not state an express assumption that 3,300 AF will be sufficient for 4,800 DU, and it may turn out not to be.) If Tooele City were to reduce its water right conveyance requirement/exaction for the Development, it would artificially expand the number of dwelling units possible in the Development with the water rights provided for the Development, creating a potential adverse effect on other Developer Parties by potentially reducing the number of dwelling units they could develop in the rest of Overlake under the 4,800 DU cap. Both the water right obligation cap and the dwelling unit cap operate as bargained-for ceilings; and,

WHEREAS, Tooele City's effort to study actual water usage is ongoing, as new developments are approved, to assure adequate water system sizing, and this effort is unrelated to the City's water rights exaction; and,

WHEREAS, Tooele City intends to reexamine its water rights exaction, based on the 2021 Drinking Water System Master Plan adopted by this Ordinance 2021-14, and will announce any revision to the exaction at a future public meeting, with the effective date of that revision being the concurrent date of approval of this Ordinance 2021-14 and adoption of the 2021 Drinking Water System Master Plan, and the revised exaction, if any, is

DRAFT

anticipated to apply to all complete land use applications (including subdivision applications, site plan applications, and building permit applications) submitted after that effective date:

NOW THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that the 2021 Tooele City Drinking Water System Master Plan (attached hereto and incorporated herein as Exhibit A) is hereby adopted.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2021.

DRAFT

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

DRAFT

EXHIBIT A

2021 Tooele City
Drinking Water System Master Plan

DRAFT

TOOELE CITY CORPORATION

RESOLUTION 2021-42

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH TOOELE COUNTY FOR DISPATCH SERVICES FOR FISCAL YEAR 2021-2022

WHEREAS, the Tooele County Sheriff provides dispatch services for the Tooele City Police Department; and,

WHEREAS, Tooele County and Tooele City desire to enter into a contract for Tooele City Fiscal Year 2021-2022 defining their respective obligations in relation to dispatch services; and,

WHEREAS, the proposed Dispatch Service Agreement is attached as Exhibit A; and,

WHEREAS, local dispatch services are critical to the safety of Tooele City peace officers and the efficiency of local law enforcement operations; and,

WHEREAS, the City Administration recommends that the Dispatch Service Agreement for Tooele City fiscal year 2021-2022 is in the best interest of Tooele City and serves the general public safety and welfare as well as the safety and welfare of Tooele City peace officers:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the fiscal year 2021-2022 Dispatch Service Agreement attached hereto as Exhibit A is hereby approved, and that the Mayor is hereby authorized to sign the same.

This Resolution shall take effect immediately upon passage, by authority of the Tooele City Charter, without further publication.

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

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved) (Disapproved)

_____ _____

ATTEST:

_____
Michelle Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, Tooele City Attorney

Exhibit A

Dispatch Service Agreement

Dispatch Service Agreement
Tooele County – Tooele City

1. CONTRACTING PARTIES: This agreement made and executed the 1st day of July, 2021, by and between TOOELE COUNTY, a body politic and corporate of the State of Utah, (hereinafter referred to as "County"), and Tooele City, (hereinafter referred to as "City").

2. PURPOSE: This agreement is for the purpose of Tooele County providing radio dispatch services to Tooele City.

IN CONSIDERATION of the following mutual promises, terms and conditions, the parties agree as follows:

3. DISPATCH SERVICES: The County agrees to provide to the City the following radio dispatch services during the term of this agreement at an adequate level and in a timely fashion:

a. Receive and prioritize 911 emergency and non-emergency telephone answering and radio dispatch service for the City 24 hours a day 7 days a week. Handle outbound telephone calls for officers when appropriate.

b. Ensure officer safety by adequate security checks of on-duty officers.

c. Gather, record, and report all data collected by the dispatch center and provide recordings of such upon request.

d. Provide fire dispatch services.

e. Provide system technology analyst support.

f. Conduct monthly area wide communication meetings.

g. Run Utah Criminal Justice Information System database checks.

h. Provide clearing house for NCIC entries including modifications and clears.

i. Oversee county-wide wrecker rotation.

4. CONSIDERATION: In consideration of the County providing the dispatch services specified herein from July 1, 2021 through June 30, 2022, the City agrees to pay the County the sum of $355,056.00. Said fees shall be paid to Tooele County on a quarterly basis and shall be paid without the necessity of being billed by the County. Said payments shall be made within fifteen (15) days following the end of each quarter. The basis and method of computation of said amount is attached hereto as Exhibit "A" which by reference is made a part hereof. The County may at the end of each calendar year, adjust the fee it charges the City for dispatch services under this agreement.

5. BUDGET NOTICE: The County agrees to notify the City by January 31st of the previous year data, as requested. The county agrees to provide the agreement and fee allocation to the City no later than March 31st of each year.

6. CONTRACT TERM: This agreement shall take effect on July 1, 2021 and shall terminate on June 30, 2022, unless terminated sooner according to the terms and conditions of this agreement.

7. INADEQUATE SERVICE: If the City determines that it has received inadequate dispatch services under this agreement, the Police Chief shall report the problem, in writing, to the Sheriff. If the problem has not been resolved to the satisfaction of the City within fifteen (15) days, the original report, together with a supplemental report indicating the current status of the problem shall be forwarded to the Tooele County Commission for review.

8. TERMINATION: This agreement may be terminated prior to its duration if a party materially breaches the terms or conditions thereof and provided the non-breaching party gives written notice to the breaching party to remedy said default if the said default is not cured within thirty (30) days after receipt of said notice. This agreement may also be terminated by either party for any reason upon ninety (90) days written notice. Failure to sign and return this agreement by August 31, 2021 shall be considered notice of termination and services will be discontinued.

9. LIABILITY: It is mutually agreed that each party shall be responsible for, and shall indemnify the other party for, the negligent acts of their own representatives and employees.

10. WAIVER OF JURY TRIAL: The parties waive any and all rights to trial by jury in any legal proceeding arising out of or relating to this Agreement.

DATED this 1st day of July, 2021

TOOOELE CITY

_____
Debra E. Winn, Mayor

ATTEST:

_____
Michelle Pitt, City Recorder

APPROVED AS TO FORM:

_____
Roger Baker, City Attorney

TOOELE COUNTY

_____
Brittany Lopez, County Manager
Tooele County Council

ATTEST:

_____
Marilyn Gillette
Tooele County Clerk

APPROVED AS TO FORM:

_____
Scott Broadhead
Tooele County Attorney

EXHIBIT A

TOOELE COUNTY DISPATCH FEE ALLOCATION

2021-2022 FEE ASSESSMENTS

Agency	Population Estimates (2019)	BASE FEE	2018 Incident Numbers and Traffic Stops Totals	2019 Incident Numbers and Traffic Stops Totals	2020 Incident Numbers and Traffic Stops Totals	3 YEAR AVERAGE	2019 USAGE FEE	2019 TOTAL
Grantsville PD	11,021	$16,873	6,938	8,358	6,569	7,288	$133,552	$150,425
Stockton PD	680	$1,041	843	719	895	819	$15,007	$16,049
Tooele PD	34,535	$52,874	17,457	16,537	15,479	16,491	$302,182	$355,056
Tooele County S.O.	24,986	$38,254	12,953	12,503	11,661	12,372	$226,712	$264,966
Fire Warden			177	140	177	165	$3,017	$3,017
Ibapah FD			6	3	5	5	$86	$86
Ophir FD		$0	1	0	0	0	$6	$6
Terra FD			45	55	51	50	$922	$922
Wendover PD	1,037	$1,588	2,290	2,571	2,328	2,396	$43,911	$45,498
Utah Highway Patrol			8,847	8,942	8,067	8,619	$157,929	$157,929
AP&P						0	$0	$0
BIA (Ibapah)						0	$0	$0
BIA (Skull Valley)						0	$0	$0
BLM						0	$0	$0
North Tooele FD			1,010	1,047	1,048	1,035	$18,965	$18,965
Mountain West Ambulance			4,534	4,936	4,974	4,815	$88,224	$88,224
Wendover Ambulance			270	294	280	281	$5,155	$5,155
	72,259	110,630	55,371	56,105	51,534	54,337	$995,669	$1,106,299
							$18.32407	

2021 BUDGET	1733609
Less: E911 Funds	600000
Less: Contracts	27310
Net Budget Amount	1106299
Less: Base Amount	110629.9
allocated amount	995669.1
3 YEAR AVE	54336.67
	18.32407

Estimated Contracts-$5,462 Per FTE

AP&P	10924	2
BIA (Ibapah)	5462	1
BIA (Skull Valley)	5462	1
BLM	5462	1
	27310	

Tooele County Sheriff's Office

Paul J. Wimmer
Sheriff

1960 South Main
Tooele, Utah 84074

March 22, 2021

Dear Administrator,

Enclosed please find a copy of the Tooele County Dispatch Service Agreement. This agreement shall take effect on July 1, 2021. Please send me a copy of the agreement signed by your agency representatives. I will return the completed agreement for your records once signatures are obtained from County representatives.

My mailing address is: 47 S Main St, Tooele Utah 84074 and my email is: rnelson@tooeleco.org.

Sincerely,

Lt. Regina L. Nelson
9-1-1 Dispatch Center
Tooele County Sheriff's Office

TOOELE CITY CORPORATION

RESOLUTION 2021-43

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE TOOELE CITY PURCHASING AGENT TO DISPOSE OF SURPLUS PERSONAL PROPERTY (IMPALA).

WHEREAS, Section III.1.g. of the Tooele City Purchasing Policy, Guidelines, and Procedure ("Policy")[1] provides that "When goods are deemed surplus, outdated, or no longer needed by a department, and are valued at $100 or more, the Purchasing Agent will recommend the transfer or disposal of the goods. If the Purchasing Agent is recommending disposal, he/she will present a list of all goods valued at $100 or more to the City Council for approval of disposal"; and,

WHEREAS, Policy Section V.1.a.(13) defines "goods" to mean "supplies, materials, equipment, wares, merchandise, and similar items"; and,

WHEREAS, the Public Works Department is in possession of goods ("Goods"), specifically a Chevrolet Impala, which it deems to be surplus to the needs of Tooele City, the Goods being enumerated in the attached Exhibit A, and requests the assistance of the Purchasing Agent to dispose of those Goods by resolution presented to the City Council; and,

WHEREAS, the Goods are not evidence in a criminal prosecution, disposed of under UCA Chapter 24-3, and are not lost or mislaid property in the possession of the police department, disposed of under UCA Chapter 77-24a:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby declares the Goods enumerated in the attached Exhibit A to be surplus to the needs of Tooele City, and hereby authorizes the Purchasing Agent and the City Administration to dispose of the goods by sale through outside auction.

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2021.

[1] Adopted by Ordinance 2019-19 on August 7, 2019.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING:_____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

Debra E. Winn, Mayor Debra E. Winn, Mayor

ATTEST:

_____

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____

Roger Evans Baker, City Attorney

Exhibit A

List of Surplus Goods

1. 2006 Chevrolet Impala, City Vehicle #6067, Mileage: 83,165. Vehicle used by public works department (shop). Vehicle has transmission problems. Requesting to take it to outside auction.

TOOELE CITY CORPORATION

RESOLUTION 2021-45

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE TOOELE CITY PURCHASING AGENT TO DISPOSE OF SURPLUS PERSONAL PROPERTY (WATER RECLAMATION ITEMS).

WHEREAS, Section III.1.g. of the Tooele City Purchasing Policy, Guidelines, and Procedure ("Policy")[1] provides that "When goods are deemed surplus, outdated, or no longer needed by a department, and are valued at $100 or more, the Purchasing Agent will recommend the transfer or disposal of the goods. If the Purchasing Agent is recommending disposal, he/she will present a list of all goods valued at $100 or more to the City Council for approval of disposal"; and,

WHEREAS, Policy Section V.1.a.(13) defines "goods" to mean "supplies, materials, equipment, wares, merchandise, and similar items"; and,

WHEREAS, the Public Works Department, specifically the Water Reclamation Division, is in possession of goods ("Goods"), which it deems to be surplus to the needs of Tooele City, the Goods being enumerated in the attached Exhibit A, and requests the assistance of the Purchasing Agent to dispose of those Goods by resolution presented to the City Council; and,

WHEREAS, the Goods are not evidence in a criminal prosecution, disposed of under UCA Chapter 24-3, and are not lost or mislaid property in the possession of the police department, disposed of under UCA Chapter 77-24a:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby declares the Goods enumerated in the attached Exhibit A to be surplus to the needs of Tooele City, and hereby authorizes the Purchasing Agent and the City Administration to dispose of the goods by sale through outside auction.

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2021.

[1] Adopted by Ordinance 2019-19 on August 7, 2019.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING:_____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

Debra E. Winn, Mayor Debra E. Winn, Mayor

ATTEST:

_____

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____

Roger Evans Baker, City Attorney

Exhibit A

List of Surplus Goods

Pile #1: Admin lobby furnace, propane heater, various pumps, valves and motors, 55-gallon drums, pump and hose, railroad timbers, wooden boxes, old chains, screw conveyor – old wash press, garage door panels and lab sanitizer



Pile #2: Fencing, diesel tank, slide gates – old gates that came from the oxidation ditch that were replaced with new gates, grating – old grating from oxidation ditch, and hand railing – old hand railing from oxidation ditch



Pile #3: Valve, polymer tote tanks, and hand railing



Pile #4: Sludge hopper, lime activation system, sludge handling equipment, railing, step screen, pumps (all of these items were part of the old sludge process that was scrapped out when the green house was constructed).







TOOELE CITY CORPORATION

RESOLUTION 2021-46

A RESOLUTION OF THE TOOELE CITY COUNCIL TENTATIVELY ADOPTING THE BUDGET OFFICER'S TENTATIVE BUDGET FOR TOOELE CITY FISCAL YEAR 2021-2022, AND ESTABLISHING THE TIME AND PLACE OF A PUBLIC HEARING TO CONSIDER ITS ADOPTION.

WHEREAS, U.C.A. '10-6-111 requires that on or before the first regularly scheduled meeting of the governing body in May of each year, the budget officer (Tooele City Mayor) shall prepare for the ensuing year, and file with the governing body (City Council) a tentative budget for each fund for which a budget is required; and,

WHEREAS, the Mayor has filed the tentative budget for Fiscal Year 2021-2022 with the City Council along with the required budget message; and,

WHEREAS, the tentative budget sets forth the actual revenues and expenditures in the last completed fiscal year, the estimated total revenues and expenditures for the current fiscal year, and the Mayor's estimates of revenues and expenditures for the budget year (the upcoming fiscal year); and,

WHEREAS, the City Council has received the tentative budget and desires to tentatively adopt the same and to establish the time and place of a public hearing to consider its final adoption:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the tentative budget for each fund for the ensuing fiscal year, 2021-2022, is hereby tentatively adopted.

IT IS FURTHER RESOLVED that a public hearing to consider the final adoption of the Tooele City budget for 2021-2022 shall be held on the 16th day of June, 2021, at 7:00 p.m., at Tooele City Council Chambers located at 90 North Main Street, Tooele, Utah.

The City Recorder shall cause notice of a public hearing to consider its adoption to be published at least seven (7) days prior to the hearing 1) in at least one issue of the Tooele *Transcript-Bulletin*, a newspaper of general circulation published in Tooele City, 2) on the Utah Public Notice Website, and 3) and on the home page of the Tooele City website, as required by U.C.A. §10-6-113.

The City Recorder shall cause the tentative budget approved hereby to be available for public inspection at least ten (10) days before the adoption of the final budget, as required by U.C.A. §10-6-112.

This Resolution shall be effective immediately 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 _____, 20__.

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, City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2021-44

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH WESTECH ENGINEERING, INC., FOR WATER RECLAMATION FACILITY FILTER UPGRADES AND EXPANSION.

WHEREAS, Tooele City operates a water reclamation facility ("Plant") which requires regular maintenance, repairs, and upgrades; and,

WHEREAS, by Resolutions 2021-04 and 2021-16, the City Council approved contracts with Aqua Engineering for general design and engineering services related to the Plant, including the Plant filtration systems; and,

WHEREAS, the Public Works Department desires to construct upgrades and an expansion to the Plant filtration systems (the "Filters Project"); and,

WHEREAS, the City Administration has accepted bids for the Filters Project in accordance with the procedures of §11-39-101 et seq., Utah Code Annotated, as amended; and,

WHEREAS, Aqua Engineering prepared the bid documents, conducted the bid process, and performed a weighted evaluation of the bids, recommending WesTech Engineering, Inc., as the lowest responsive, responsible, and qualified bidder, with a bid of $654,110 (see the bid tabulation documents attached as Exhibit A); and,

WHEREAS, the City Code requires all contractual claims on the City over $20,000 to be approved by the City Council; and,

WHEREAS, the Filters Project will be paid for using a combination of sanitary sewer impact fees and sewer enterprise funds:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the agreement (Exhibit B) with WesTech Engineering, Inc., for the Filters Project at the Plant is hereby approved.

This Resolution is in the best interest of the health, safety, and general welfare of Tooele City and its residents and visitors, and shall become effective immediately 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 _____, 2021.

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, City Attorney

Exhibit A

Filters Project Bid Tabulation Documents

AQUA ENGINEERING

INNOVATIVE ENGINEERING SOLUTIONS

Steve Evans
Tooele City
90 North Main Street
Tooele, UT 84074

April 8, 2021

RE: Tooele City Water Reclamation Facility Filter Upgrade and Expansion

Dear Steve,

AQUA Engineering has evaluated the bids opened for the referenced project at 3:00 pm Mountain Standard Time on Thursday April 8, 2021. Based on evaluation of the equipment, WesTech Engineering is recommended for selection. The evaluation criteria sheet is attached to this document.

The filter system from Westech Engineering is not the low bidder with a total tabulated bid amount of $654,110.00, which includes Equipment Package: $586,002, Submittals: $61,514, and Spare Parts: $6,594. However, their system provides a 100% redundancy at the design peak flow condition of 8.7 MGD, in addition to its spare disc capacity. Each unit has the ability to expand its capacity to 10.2 MGD when additional discs are installed. Also, WesTech's system meets the hydraulic profile requirements of the current facility, where others need modification(s) to meet the hydraulic requirements.

WesTech is a reputable filtration system manufacture. AQUA has worked with them on various projects in the past, where WesTech demonstrated they are competent and capable of performing the scope of services for this project.

Based on the score developed using evaluation criteria, WesTech's reputation and qualifications, AQUA recommends the referenced project be awarded to Westech Engineering for the total amount of $654,110.

Sincerely,

AQUA Engineering

Naho Garvin, P.E.
Project Engineer

aquaeng.com

533 W 2600 S Suite 275 Bountiful, UT 84010
Phone: 801.299.1327 | Fax: 801.299.0153

AQUA ENGINEERING

Tooele City

Filter Upgrade and Expansion

Contractor: INVENT

ITEM NO.	ITEM	UNIT	EST. QTY	UNIT PRICE	TOTAL COST
1	Furnish Tertiary Filters	LS	1	$ 523,500.00	$ 523,500.00
2	Submittals	LS	1	$ 75,000.00	$ 75,000.00
3	Spare Parts	LS	1	$ 7,884.00	$ 7,884.00
4	Additional Item:	LS	0	$ -	$ -
				BID SCHEDULE	**$ 606,384.00**

Contractor: WESTECH

ITEM NO.	ITEM	UNIT	EST. QTY	UNIT PRICE	TOTAL COST
1	Furnish Tertiary Filters	LS	1	$ 586,002.00	$ 586,002.00
2	Submittals	LS	1	$ 61,514.00	$ 61,514.00
3	Spare Parts	LS	1	$ 6,594.00	$ 6,594.00
4	Additional Item:	LS	0	$ -	$ -
				BID SCHEDULE	**$ 654,110.00**

Contractor: AQUA AEROBICS

ITEM NO.	ITEM	UNIT	EST. QTY	UNIT PRICE	TOTAL COST
1	Furnish Tertiary Filters	LS	1	$ 657,055.00	$ 657,055.00
2	Submittals	LS	1	$ 31,490.00	$ 31,490.00
3	Spare Parts	LS	1	$ 3,185.00	$ 3,185.00
4	Additional Item: additional 30 yd concrete	LS	30	$ 1,000.00	$ 30,000.00
				BID SCHEDULE	**$ 721,730.00**

Contractor: 5 Star Filtration

ITEM NO.	ITEM	UNIT	EST. QTY	UNIT PRICE	TOTAL COST
1	Furnish Tertiary Filters	LS	1	$ 809,000.00	$ 809,000.00
2	Submittals	LS	1	$ 1,000.00	$ 1,000.00
3	Spare Parts	LS	1	$ 5,200.00	$ 5,200.00
4	Additional Item:	LS	0	$ -	$ -
				BID SCHEDULE	**$ 815,200.00**

BID SUMMARY
Tooele City
Filtration Upgrade and Expansion
Bid Opening: Thursday April 8th 2021

Bidder		Bid Schedule	
INVENT			
	Tabulated Bid	$	606,384.00
WESTECH			
	Tabulated Bid	$	654,110.00
AQUA AEROBICS			
	Tabulated Bid	$	721,730.00
5 Star Filtration			
	Tabulated Bid	$	815,200.00

Evaluation Criteria	5 Star	AQUA AEROBICS	INVENT	Westech
Operability	3	3	5	4
Installed Capital Cost	2	3	5	4
20-Yr Present Value O&M Cost	5	4	2	3
Experience	3	5	3	4
Lead Time	4	4	3	3
Local Service	3	3	4	5
Warranties	4	3	5	4
References	5	5	4	5
Owner's Preference	4	4	4	5

Evaluation Criteria	Weighted Value
Operability	3
Installed Capital Cost	5
20-Yr Present Value O&M Cost	5
Experience	4
Lead Time	4
Local Service	3
Warranties	3
References	2
Owner's Preference	4

Explanation of Scoring:

Weighted Value:
- 1 - Less Important
- 5 - Most Important

Impact Value:
(Determined by Selection Committee)
- 1 - Least Desirable Option
- 5 - Most Desirable Option

Total Score = Weighted Score x Impact Value

9	9	15	12
10	15	25	20
25	20	10	15
12	20	12	16
16	16	12	12
9	9	12	15
12	9	15	12
16	16	16	20
109	114	117	122
5 Star	AQUA AEROBICS	INVENT	Westech

Name	5 Star	AQUA AEROBICS	INVENT	Westech
Bid Item A Furnish Tertiary Filters	$809,000.00	$657,055.00	$523,500.00	$586,002.00
Bid Item B Submittals	$1,000.00	$31,490.00	$75,000.00	$61,514.00
Bid Item C Spare Parts	$5,200.00	$3,815.00	$7,884.00	$6,594.00
		Additional Structural Modification is required due to submerged filter installation	Additional Structural Modification is required for limited head differential capability	
additional concrete required (cu.yd)		30		
additiona modification cost (1200 cu.yd)		$36,000.00		
Meet Spec	Yes	No	Yes	Yes
Total	**$815,200.00**	**$728,360.00**	**$606,384.00**	**$654,110.00**
1. Name and Address	Yes	Yes	Yes	Yes
2. Lead Time - Submittals	30	60 (45 + 15 days Engineer Review)	60	60
3. Lead Time - Delivery	100	91 to 105	175	175
Time after PO	130	151 to165	235	235
4.Signature Sheet	Yes	Yes	Yes	Yes
5. Payment Schedule per RFP	Yes	Yes	Yes	Yes
6. Contract Manager	Jason Stevens	Angelica Davila	Jonathan Fredericks	Adrian Williams
7. Exceptions	None	Yes 3 page Document	None	None
8. References	8	6	5	5
9. Spare Parts	(1) 6" elec actuated valve	(2) Filter Cloth Frame Assemblies	(6) filter media panels	(8) filter cassettes
	(2) Filter Cloths	(1) Effluent Lip Seal	(2) trunnion wheels	(10) doublespray nozzles
		(1) 2" ball valve and actuator	(10) spray nozzles	(3) single spray nozzles
		1 of each fuses, control relays light replacement	(1) drive belt	(21) spray nozzle tip
			(1) strainer basket	(1) backwash strainer
			(1) set alignment guides	
10. Equipment Specs included	Yes	Yes	(1) lubricants	
11. Contact Person	Mike Brown	Paul Mora	Yes	Yes
12. Equipment Controls	Yes	Yes	Brad Gwinnup	David Ritter
13. Local Service	Canroe, TX	Loves Park, IL	Yes	Yes
14. Warranties	12 months from startup	12 months from startup	Cedar Grove, NJ	SLC, UT
Additional Warranties	3 year on cloth bags		24 months from startup	12 months from startup
15.Filtration System	Disk Filter	Cloth Media Filter	Disk Filter	5 year on belt drive
				Disc Filter

16. Number of Filters	4	6	3	2
17. Installed Number of Discs per filter	10	20	6	26
Number of filter installed	40	120	18 filters, 288 filter panels	520
18. Max Number of Discs per filter	10	20	6	30
19. Wetted Surface Area per Disc (ft2)	25	10.8	47.14	41.7
20. Loading Rate at Average Flow (gpm/ft2)	3.54	2.73	4.18	1.63
21. Loading Rate at Peak Flow (gpm/ft2)	6.05	4.67	7.13	2.79
22. Backwash Pump Capacity (gpm)	300	130	134	218
Backwash Pump Capacity (ft)	15	23.2 TDH, 12 after accounting for suction loss	146	254
23. Backwash Pump Motor Size (HP)	7.5	2	10	25
Number of Backwash Pump Provided	4	6	3	2
24. Estimated Backwash Flowrate (gpd)	200,000	20,783 gallons as total volume per day based on average conditions	25,500 to87,000	47,069
25. Headloss (ft) (as measured from the maximum water sur	1.59	1.16	2.5	0.93
26. Minimum Crane Capacity (tons)	0.5	N/A A crane is not required	1.65	5.5
27. Installed Total Disk Area (ft2)	**1000**	**1296**	**848.52**	**2168.4**
Max Capacxity (gpm/ft2)	7 (12.5 per Title 22)	5.6 (22 per title 22)	10.68 (17 per Title 22)	5.7 (6 per Title 22)
28. Max Flow (gpm)	7,000	7,258	9,063	12,360
Max Flow (MGD)	10.1	10.5	13.1	17.8
Additional Disk Area (ft2) can be installed in existing unit	0	0	0	334
30. Future Max Flow (gpm)	7000	0		13958
Additional Capacity with installed (MGD)	0.0	0.0		2.7
31. Drive Unit Motor Size (HP)	0.75	0.5	5	3
32. Number of Drive Unit Provided	4	12	3	2
32. Onsite Service	2 trips 3 days	4 trips 14 days	5 trips 10 days	3 trips 8 days
EXPERIENCE				
40. Numbers of installation	9 retrofit	>1,400 (retrofit numbers unknown)	5 at least	~200 since 1997 (retrofit is ~50 worldwide)
41. Years of Business		since 1969		Since 1972

Operation	4 operating (2 per basin)	6 operating (3 per basin)	2 duty 1 stdby (2 per basin)	1 duty 1 stdby (one per basin)
Title 22 Rating (gpm/ft2)	12.5	6 to 22	17	6
	5 Star	**AQUA AEROBICS**	**INVENT**	**Westech**
Normal Operation	4 operating	6 operating	3 operating	2 operating
Loading Rate (gpm/ft2)	3.54	2.73	4.18	1.63
	3 operating/1 offline	5 operating/1 offline	(2 duty/1 standby)	(1 duty/1 standby)
Loading Rate (gpm/ft2)	4.73	3.28	7.00	3.65
Peak Hourly Operation	4 operating	6 operating	3 operating	2 operating
Loading Rate (gpm/ft2)	6.05	4.67	7.13	2.79
	3 operating/1 offline	5 operating/1 offline	(2 duty/1 standby)	(1 duty/1 standby)
Loading Rate (gpm/ft2)	8.06	5.60	10.69	5.58
	4 operating (4 disk offline)			
Loading Rate (gpm/ft2)	6.72			

Exhibit B

WesTech Agreement

DOCUMENT 00 52 00

AGREEMENT

PART 1 GENERAL

1.1 CONTRACTOR

A. Name: WesTech Engineering, Inc

B. Address: 3665 S. West Temple, Salt Lake City, UT 84115

C. Telephone number: (801)265-1000

D. Facsimile number: (801)265-1080

1.2 OWNER

A. The name of the OWNER is Tooele City Corporation

1.3 CONSTRUCTION CONTRACT

A. The Construction Contract is known as

Filter Upgrades and Expansion

1.4 ENGINEER

A. **AQUA ENGINEERING** is the OWNER's representative and agent for this Construction Contract who has the rights, authority and duties assigned to the ENGINEER in the Contract Documents.

PART 2 TIME AND MONEY CONSIDERATIONS

2.1 CONTRACT PRICE

A. The Contract Price includes the cost of the Work specified in the Contract Documents, plus the cost of all bonds, insurance, permits, fees, and all charges, expenses or assessments of whatever kind or character.

B. The Schedules of Prices awarded from the Bid Schedule are as follows.

1. Furnishment of the equipment of package in the amount of: $586,002.

2. Submittal for this equipment in the amount of: $61,514.

3. Spare parts for this equipment in the amount of: $6,594.

C. An Agreement Supplement [____] is, [X] is not attached to this Agreement.

D. Based upon the above awarded schedules and the Agreement Supplement (if any), the Contract Price awarded is: Six Hundred Fifty Four thousand one hundred ten dollars and zero Cents ($654,110)

2.2 CONTRACT TIME

A. Submittal package receipt by Owner shall occur within **60** calendar days of the date of the Notice to Proceed, including 15 days of engineer's review. Delivery of the equipment shall occur within occur within **175** calendar days of the date of the Notice to Proceed.

2.3 LIQUIDATED DAMAGES

A. Time is the essence of the Contract Documents. CONTRACTOR agrees that OWNER will suffer damage or financial loss if the Work is not completed on time or within any time extensions allowed in accordance with Part 12 of the General Conditions. CONTRACTOR and OWNER agree that proof of the exact amount of any such damage or loss is difficult to determine. Accordingly, instead of requiring any such proof of damage or specific financial loss for late completion, CONTRACTOR agrees to pay the following sums to the OWNER as liquidated damages and not as a penalty.

1. **Late Contract Time Completion**:
   Five Hundred dollars and 00 cents ($ 500.00) for each day or part thereof that expires after the Contract Time until the Work is accepted as Substantially Complete as provided in Article 14.5 of the General Conditions.

PART 3 EXECUTION

3.1 EFFECTIVE DATE

A. OWNER and CONTRACTOR execute this Agreement and declare it in effect as of the 22 day of April , 2021.

3.2 CONTRACTOR'S SUBSCRIPTION AND ACKNOWLEDGMENT

A. CONTRACTOR's signature: _____

B. Please print name here: _____

C. Title: _____

D. CONTRACTOR's Utah license number: _____

Acknowledgment

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

by _____
(person acknowledging and title or representative capacity, if any).

Notary's signature

Residing at

My commission expires: Notary's seal

3.3 OWNER'S SUBSCRIPTION AND ACKNOWLEDGMENT

A. OWNER's signature: _____

B. Please print name here: _____

C. Title: _____

ATTEST:

Michelle Y. Pitt
Tooele City Recorder

S E A L

APPROVED AS TO FORM

Roger Evans Baker
Tooele City Attorney

END OF DOCUMENT

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STAFF REPORT
April 22, 2021

To: Tooele City Planning Commission
Business Date: April 28, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Prosperity at Overlake – Preliminary Plan Subdivision Request**

Application No.:	P21-93
Applicant:	Howard Schmidt
Project Location:	Approximately 200 West 1100 North
Zoning:	R1-7 Residential Zone
Acreage:	21.52 Acres (Approximately 937,411 ft^2)
Request:	Request for approval of a Preliminary Plan Subdivision in the R1-7 Residential zone regarding the creation of 78 single-family residential lots.

BACKGROUND
This application is a request for approval of a Preliminary Plan Subdivision for approximately 21.52 acres located at approximately 200 West 1100 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow for the development of the currently vacant site as 78 single-family residential lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties located to the north of the subject property are zoned P Overlake. Properties to the south and west are zoned R1-7 Residential. Properties to the east are zoned R1-7 Residential and MR-16 Multi-Family Residential on the adjacent side of the railroad corridor. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Subdivision Layout. The preliminary plan proposes to subdivide 21 acres into 78 single-family residential lots ranging in size from 7,000 square feet up to 17,000 square feet. Each lot within the proposed subdivision complies with the minimum lot width, lot size and lot frontage requirements of the R1-7 Residential zoning district.

Access into the subdivision will be provided from Berra Boulevard to the north, Clemente Way to the west and, eventually, via connections through the Providence Subdivision and future development to 600 West. All roads within the subdivision will be public roads, owned and maintained by Tooele City. Due to Berra Boulevard being a wider, busier road the City is limiting how many driveways may access the road. Lots 119 through 135 all contain a shared access easement and homes on these lots will be required to utilize a shared driveway approach with the adjacent property.

Due to the unique configuration of the property the applicant has proposed to use flag lots. Lots 133 and

132 and lots 118 and 117 are flag lots, utilized to fit lots into otherwise difficult areas due to length verses width restrictions. The staff portion of the lots will include a cross access easement guaranteeing use by both flag lots accessing the staff. The staff will need to be paved in either concrete or asphalt prior to home occupancy.

Landscaping. A storm water detention basin is proposed at the north west corner of the development. The basin will be .36 acres and it is the applicant's intent to have the pond dedicated to Tooele City for ownership and maintenance. A landscape plan was provided showing that the site will be landscaped with either sod or gravel ground covers. Interestingly, the landscape plan isn't clear on which landscaping material will be used. Staff did forward the landscape and irrigation plan to the Parks Department but no comments or concerns were returned. There are six trees proposed for the site, planted on the upper slopes of the detention basin. The applicant will need to specify the landscaping materials that will be installed in the basin as part of the final plat. Tooele City encourages that the landscaping use as little water as possible so the cobble proposal and drip systems for the trees is the City's preference.

Fencing. There are some lots that have rear frontages onto the Union Pacific railroad corridor. The applicant will be installing 8' solid masonry fencing along the rear property for all new lots adjacent to this corridor.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request with the following comments:

1. All lots within the subdivision meet or exceed minimum standards for lot width, lot size and lot frontages, including the four proposed flag lots.
2. An 8 foot solid masonry wall will be installed adjacent to the rail road corridor.
3. The applicant did not specify how the detention basin will be landscaping, indicating both sod and cobble ground covers. Tooele City prefers a landscape that will use as little water as possible.

Engineering Review. The Tooele City Engineering Division has completed their review of the Minor Subdivision submission and have issued a recommendation for approval for the request.

Public Works Review. The Tooele City Public Works has completed their review of the Minor Subdivision submission and has signed off on the proposed plans. No comments or conditions concerning this subdivision have been issued.

Building Division Review. The Tooele City Building Division has not issued any comments regarding the Minor Subdivision Submission.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Plan Subdivision by Howard Schmidt, application number P21-93, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. Storm water detention basin landscaping ground covers and irrigation plans be clarified during the Subdivision Final Plat process.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.
7. All lots within the subdivision meet or exceed minimum standards for lot width, lot size and lot frontages, including the four proposed flag lots.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Prosperity at Overlake Preliminary Plan Subdivision Request by Howard Schmidt, for the purpose of creating 78 single-family residential lots, application number P21-93, based on the findings and subject to the conditions listed in the Staff Report dated April 22, 2021:"

1. List any additional findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Prosperity at Overlake Preliminary Plan Subdivision Request by Howard Schmidt, for the purpose of creating 78 single-family residential lots, application number P21-93, based on the following findings:"

1. List findings…

EXHIBIT A

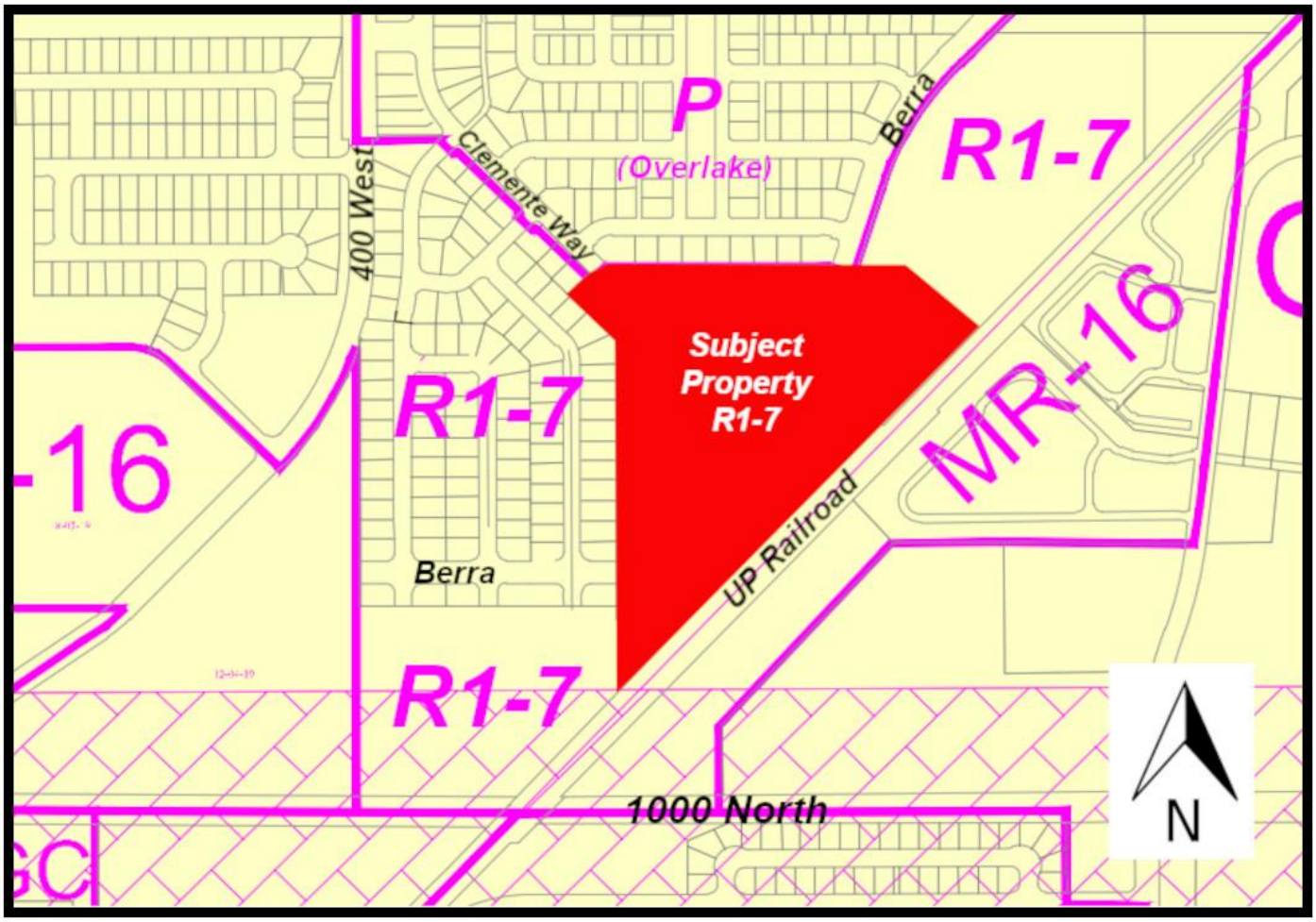
MAPPING PERTINENT TO THE PROSPERITY AT OVERLAKE PRELIMINARY PLAN SUBDIVISION

Prosperity at Overlake Preliminary Plat Subdivision



Aerial View

Prosperity at Overlake Preliminary Plat Subdivision



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

PRELIMINARY PLAT
PROSPERITY AT OVERLAKE SUBDIVISION PHASE 1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

S 89°37'18" W 2636.78' EAST QUARTER CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" BRASS TOOELE COUNTY SURVEYOR MONUMENT NO DATE)

FOUND ALUMINUM BAR AND CAP

N 0°14'16" W 2639.71' NORTH QUARTER CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT, DATED 2001)

N 0°14'16" W 2646.38'

SOUTH QUARTER CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT WITH RING AND LID DATED 2009)

TOOELE COUNTY SURVEYOR T3S R4W 16 15 2001

TOOELE COUNTY SURVEYOR T3S R4W 21 16 2001

TOOELE COUNTY SURVEYOR T3S R4W 16 21 2009

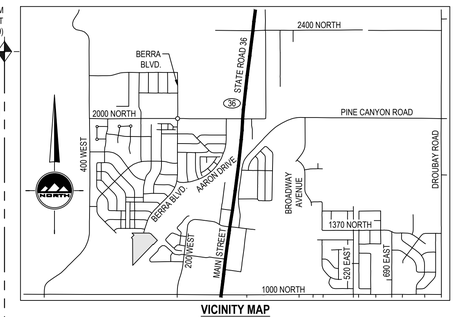
LEGEND

EXISTING STREET MONUMENT	ADJACENT PROPERTY LINE
PROPOSED STREET MONUMENT TO BE SET	SECTION LINE
SECTION CORNER	CENTER LINE
5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."	EASEMENT LINE
PU&DE PUBLIC UTILITY AND DRAINAGE EASEMENT	RIGHT OF WAY LINE
BOUNDARY LINE	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

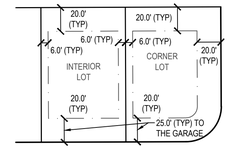
ENSIGN ENG. LAND SURV.

KEY NOTES

1. SHARED ACCESS EASEMENT - 20' DEEP OFF THE ROW X 30' WIDE, 15' CENTERED ON EACH SIDE OF THE LOT LINE. (TYP)
2. SHARED ACCESS PU&D EASEMENT IN FAVOR LOTS 131, 132 & 133. EASEMENT MUST BE PAVED IN EITHER ASPHALT OR CONCRETE. NO CITY MAINTENANCE ON PRIVATE DRIVEWAYS, WATER, & SEWER LATERALS. MAINTENANCE OF THE DRIVEWAY WILL BE MAINTAINED BY THE ABOVE MENTIONED LOT OWNERS.
3. SHARED ACCESS PU&D EASEMENT IN FAVOR LOT 117 & LOT 118 EASEMENT MUST BE PAVED IN EITHER ASPHALT OR CONCRETE. NO CITY MAINTENANCE ON PRIVATE DRIVEWAYS, WATER, & SEWER LATERALS. MAINTENANCE OF THE DRIVEWAY WILL BE MAINTAINED BY THE ABOVE MENTIONED LOT OWNERS.
4. SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS
5. FOUND STREET MONUMENT
6. PARCEL "A" HEREBY DEDICATED TO TOOELE CITY PENDING APPROVAL OF LANDSCAPING PLANS BY TOOELE CITY PARKS DEPARTMENT.
7. TEMPORARY TURN AROUND EASEMENT IN FAVOR OF TOOELE CITY ENTRY #_____



VICINITY MAP
NOT TO SCALE



TYPICAL BUILDING SETBACKS
SCALE 1" = 60'
(SETBACK REQUIREMENTS FOR R1-7 ZONE PER TOOELE CITY DEVELOPMENT CODE CHAPTER 14, TABLE 3

For Review
03/22/2021 08:04:12 AM

SHALL NOT BE RECORDED

NOTES:

1. OFFSET PINS TO BE PLACED IN TOP BACK OF CURB, ½" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSIGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS
2. EACH LOT IS RESPONSIBLE FOR MAINTAINING THE CITY'S PARK STRIP THAT ADJOINS THAT LOT.
3. PARCEL "A" HEREBY DEDICATED TO TOOELE CITY
4. HOUSES CONSTRUCTED ON CORNER LOTS SHALL FACE ADDRESSED SIDE OF LOTS.

HORIZONTAL GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
HORZ: 1 inch = 60 ft.

DEVELOPER
HOWARD SCHMIDT
PO BOX 95410
SOUTH JORDAN, UT
801-859-9449

PRELIMINARY PLAT
PROSPERITY AT OVERLAKE SUBDIVISION PHASE 1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

ENSIGN
TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSIGNENG.COM

SALT LAKE CITY Phone: 801.255.0529
LAYTON Phone: 801.547.1100
CEDAR CITY Phone: 435.865.1453
RICHFIELD Phone: 435.896.2983

SHEET 2 OF 2
PROJECT NUMBER : 8008C
MANAGER : C. CHILD
DRAWN BY : C. CHILD
CHECKED BY : D. KINSMAN
DATE : 2021-03-22

811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

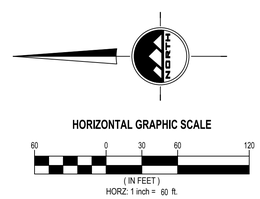
SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)

ELEVATION = 4787.08'



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



ENSIGN
THE STANDARD IN ENGINEERING

TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
HOWARD SCHMIDT
PO BOX 95410
SOUTH JORDAN, UTAH 84095
CONTACT:
HOWARD SCHMIDT
PHONE: 801-859-9449

PROSPERITY AT OVERLAKE PHASE 1 PRELIMINARY

400 WEST AND 1000 NORTH
TOOELE, UTAH 84074

For Review
03/22/2021 08:04:12 AM

OVERALL SITE PLAN

PROJECT NUMBER 8008C
PRINT DATE
DRAWN BY C. CHILD
CHECKED BY J. CLEGG
PROJECT MANAGER C. CHILD

C-100

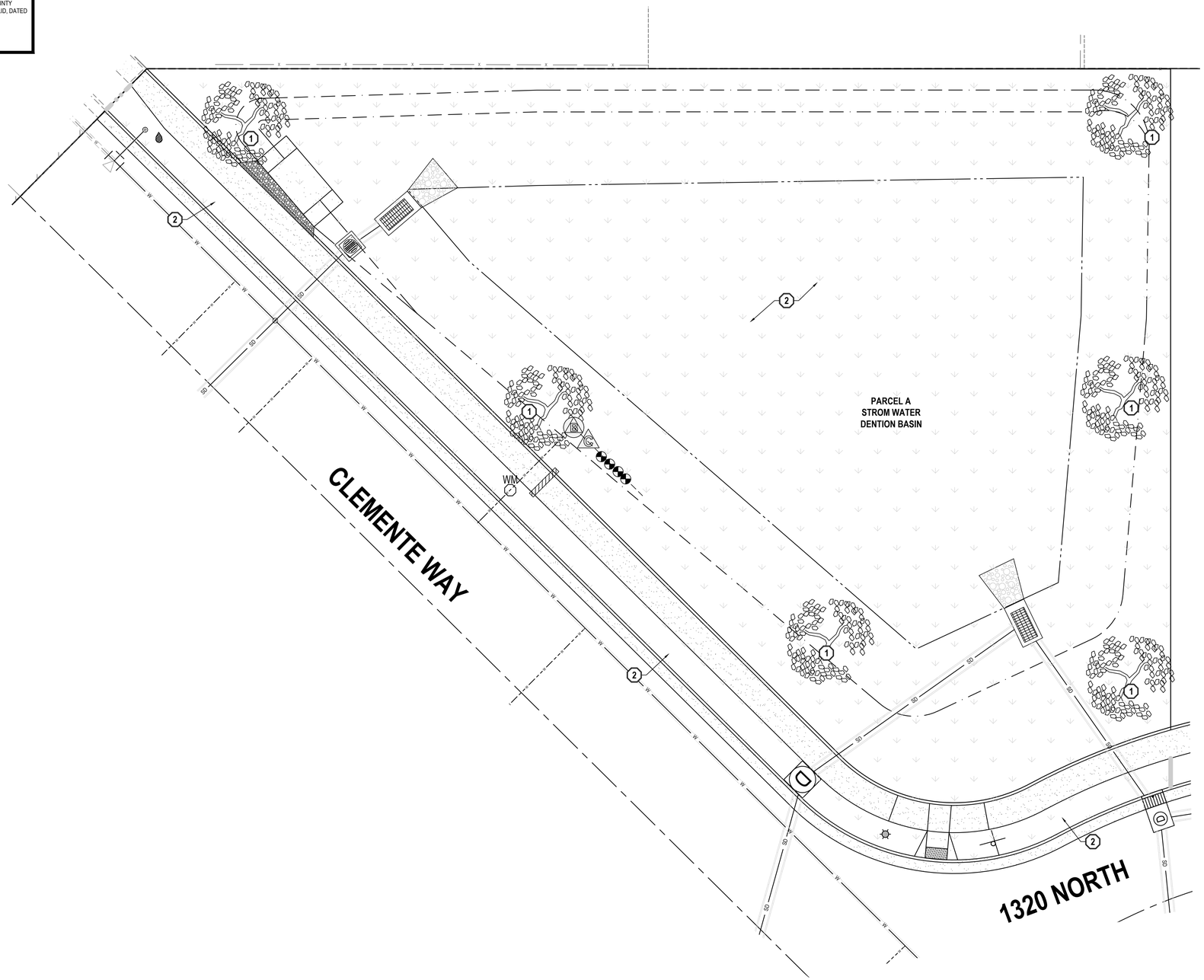
811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB&M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)

ELEVATION = 4787.08'



Landscape

Trees

Qty	Symbol	Common Name	Plant Size
6		AMUR MAPLE	2" Cal.
Total: 6			

Irrigation

Qty	Symbol	Description
-		Wilkins Model 375, FEBCO LF860
-		Rain Bird 100-PGA Globe
-		Irritrol Total Control R Series
		Pipe Sleeve 2x Diameter
		Mainline: 1 1/4" Schedule 40 PVC
		XT-700 XERIGATION DRIP TUBE

** NOTES **
THIS PLAN WAS DRAWN FOR GRAPHIC CLARITY ONLY. PLEASE PLACE ALL MAINLINE AND LATERAL LINES IN ADJACENT LANDSCAPE AREAS. SOME FIELD MODIFICATIONS MAY BE NEEDED TO AVOID ON SITE OBSTRUCTIONS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. INSTALL AMUR MAPLE TREE W/ ROOT WATERING SYSTEM. SEE LANDSCAPING DETAIL SHEET L-200.
2. GROUND COVER PER TOOELE CITY - SOD AREA W/ RAINBIRD SPRAYED HEADS & MAXIS OR 2"-3" DIA. NEPHI ROCK & GRAVEL COLOR PER TOOELE CITY OR EQUIV. DECORATIVE ROCK OVER WEED BARRIER. SEE LANDSCAPING DETAIL SHEET L-100.

WATER USAGE CALCULATIONS

LANDSCAPE USAGE: AREA X WATER USAGE PER ACRE

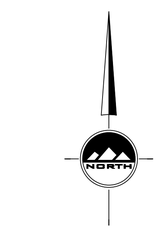
SOD AREA @ 4 AF/ACRE

TOTAL SOD AREA: 0.37 ACRE

SOD USAGE: 1.48 AF

TOTAL LANDSCAPE USAGE = 1.48 AF





HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

ENSIGN
THE STANDARD IN ENGINEERING

TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
HOWARD SCHMIDT
PO BOX 95410
SOUTH JORDAN, UTAH 84095
CONTACT:
HOWARD SCHMIDT
PHONE: 801-859-9449

PROSPERITY AT OVERLAKE
PHASE 1 PRELIMINARY
400 WEST AND 1000 NORTH
TOOELE, UTAH 84074

For Review
03/22/2021 08:04:12 AM

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			
5			
6			
7			
8			

PARCEL A
DETENTION BASIN
LANDSCAPE AND IRRIGATION PLAN

PROJECT NUMBER 8008C
PRINT DATE 2021-03-22
DRAWN BY C. CHILD
CHECKED BY J. CLEGG
PROJECT MANAGER C. CHILD

L-100

STAFF REPORT
April 21, 2021

To: Tooele City Planning Commission
Business Date: April 28, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Ricks Subdivision – Minor Subdivision Request**

Application No.:	P20-989
Applicant:	Richard Palmer
Project Location:	300 East 600 North
Zoning:	R1-7 Residential Zone
Acreage:	1.29 Acres (Approximately 56,192 ft^2)
Request:	Request for approval of a Minor Subdivision in the R1-7 Residential zone regarding the creation of two single-family residential lots.

BACKGROUND

This application is a request for approval of a Minor Subdivision for approximately 1.29 acres located at approximately 300 East 600 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Minor Subdivision be approved to allow for subdivision of the parcel into two single-family residential lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. All surrounding properties are currently zoned R1-7 Residential and are utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Subdivision Layout. The applicant is proposing to split the proposed 1.29 acre parcel into two lots. Lot 1 will be .7 acres and lot 2 will be .59 acres. Each lot will front onto and access 600 North. Both lots easily meet or exceed the R1-7 Residential zoning district requirements for lot size, lot width and lot frontage.

600 North will require some frontage improvements. The applicant will be installing curb, gutter, sidewalk and park strip along the frontages of both lots.

Both lots are three times as long as they are wide. The ordinance prohibits lots to be this long in typical circumstances. However, Tooele City Code 7-2-2 provides the Planning Commission with authority to waive this restriction upon demonstration of unusual circumstances. However, the code does not define what constitutes an unusual circumstance. The property is long and narrower closer to 600 North and if the developer were required to run a public street and cul-de-sac turn around the development potential of the lot could be greatly impacted.

The subdivision plat shows a private storm water retention basin on each lot. The plans indicate that the basin is to be conveyed to and maintained by Tooele City. These basins serve no community purpose other than keeping storm water generated by the lots on the individual lots. The note should not convey the easement to Tooele City nor should it indicate that Tooele City will maintain the easement. The subdivision mylar has already been submitted with this language included thereon. The Engineer will need to manually correct the mylar and amend the language on this easement removing Tooele City as a recipient of the easement or maintenance of the basin.

Criteria For Approval. The procedure for approval or denial of a Minor Subdivision Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Minor Subdivision submission and has issued a recommendation for approval for the request with the following comments:

1. Each lot within the subdivision meets or exceeds minimum lot standards as required by the R1-7 Residential zoning district for lot width, lot frontage and lot sizes.
2. The lots are more than 3 times as long as they are wide, a situation that is prohibited by City code unless the Planning Commission finds there are unusual circumstances.
3. Curb, gutter, sidewalk and park strip will be installed along the 600 North frontages.
4. The subdivision plat shows a private storm water retention basin on each lot. The plans indicate that the basin is to be conveyed to and maintained by Tooele City.

Engineering Review. The Tooele City Engineering Division has completed their review of the Minor Subdivision submission and have issued a recommendation for approval for the request.

Public Works Review. The Tooele City Public Works has completed their review of the Minor Subdivision submission and has signed off on the proposed plans. No comments or conditions concerning this subdivision have been issued.

Building Division Review. The Tooele City Building Division has not issued any comments regarding the Minor Subdivision Submission.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Minor Subdivision by Richard Palmer, application number P20-989, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

5. The storm water retention easement shall not be conveyed to Tooele City and language indicating Tooele City will maintain the easement must be removed from the drawings as well as the subdivision mylar.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Ricks Subdivision Minor Subdivision Request by Richard Palmer, for the purpose of creating two single-family residential lots, application number P20-989, based on the findings and subject to the conditions listed in the Staff Report dated April 21, 2021:"

1. List any additional findings and conditions…

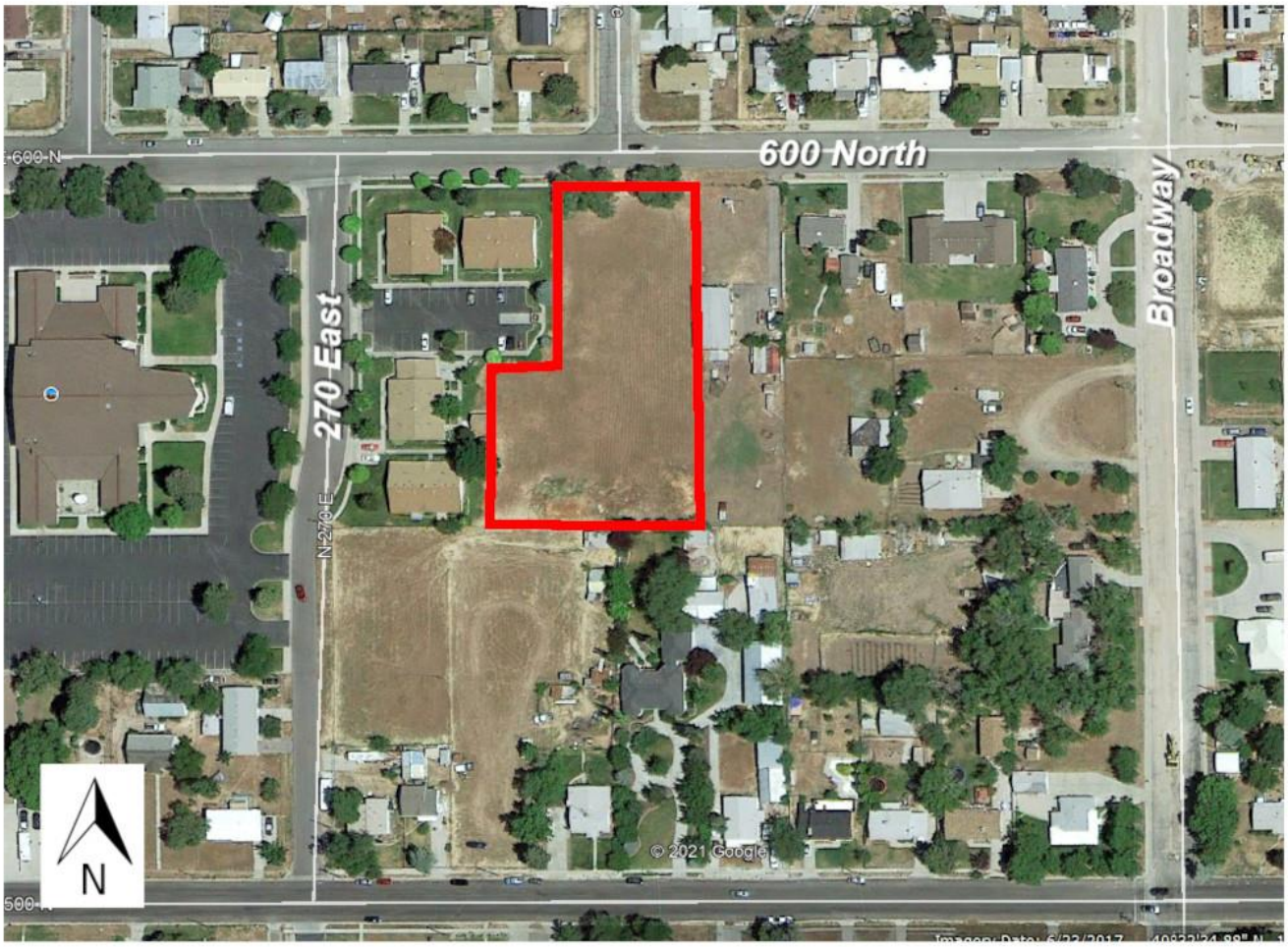
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Ricks Subdivision Minor Subdivision Request by Richard Palmer, for the purpose of creating two single-family residential lots, application number P20-989, based on the following findings:"

1. List findings…

EXHIBIT A

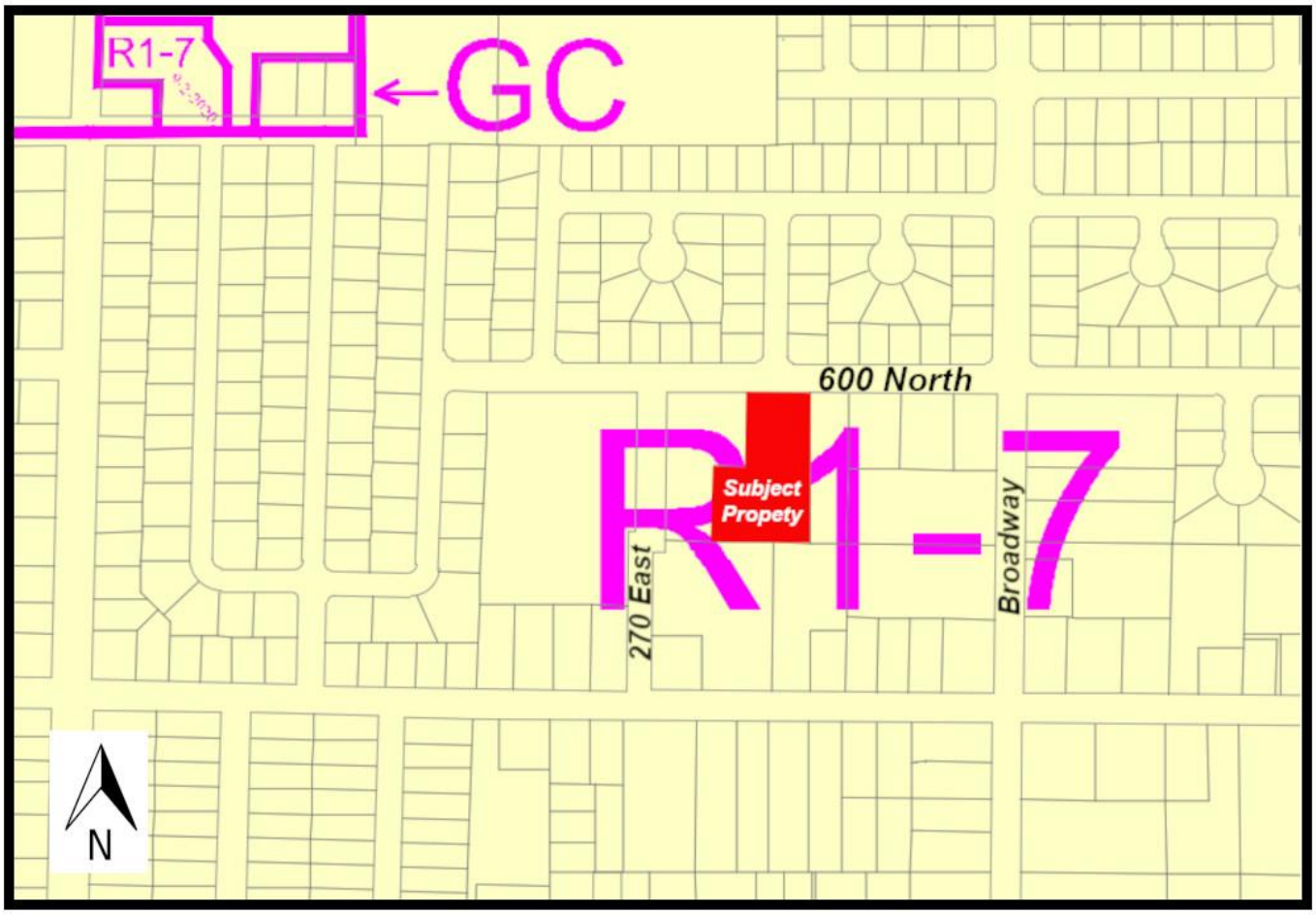
MAPPING PERTINENT TO THE RICKS SUBDIVISION MINOR SUBDIVISION

Ricks Minor Subdivision



Aerial View

Ricks Minor Subdivision



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

PRELIMINARY PLAT
RICK'S MINOR SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

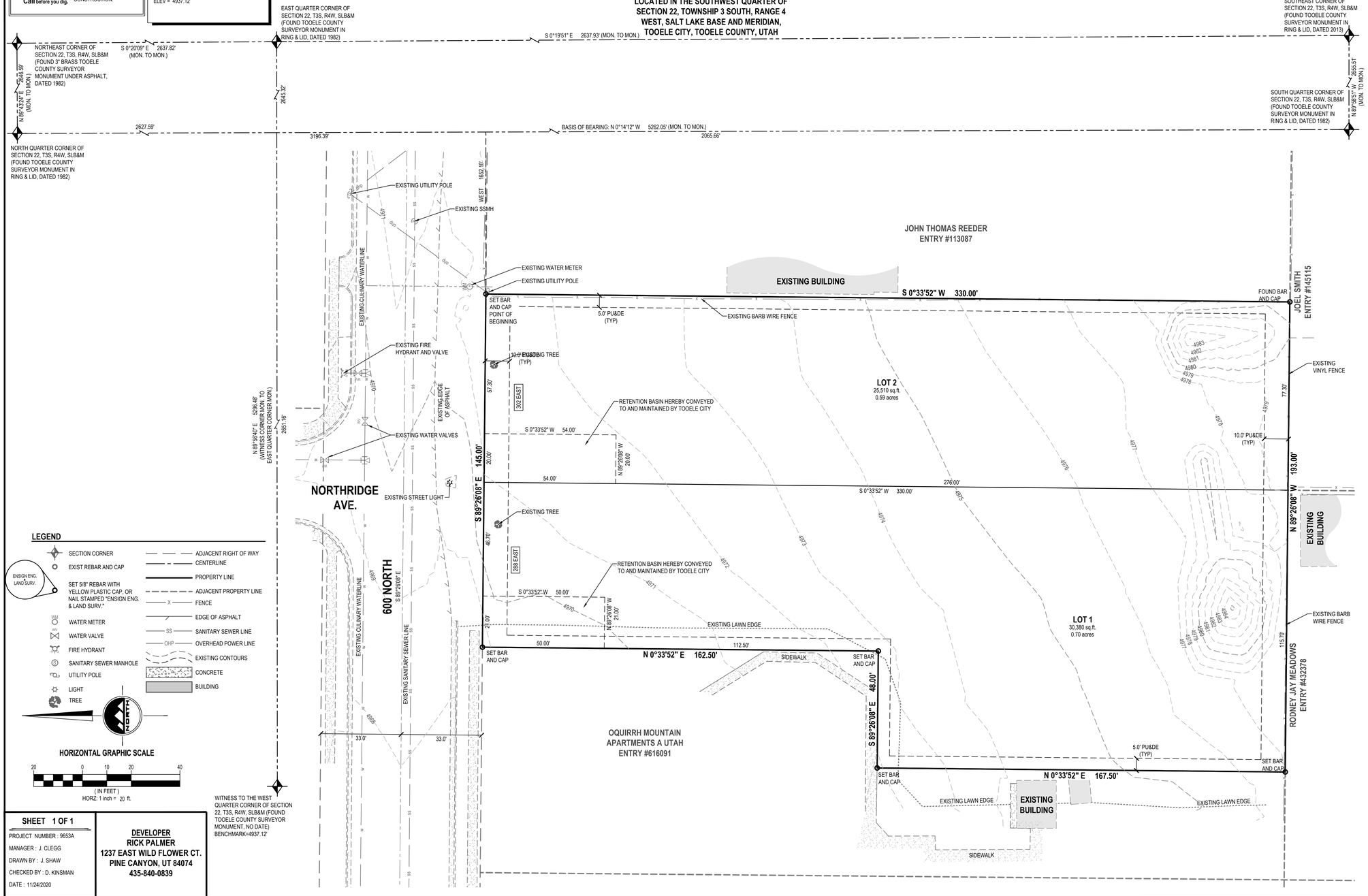
811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

WITNESS TO THE WEST CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST SALT LAKE BASE AND MERIDIAN

ELEV = 4937.12'



LEGEND

- SECTION CORNER
- EXIST REBAR AND CAP
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV." (ENSIGN ENG. LAND SURV.)
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- UTILITY POLE
- LIGHT
- TREE
- ADJACENT RIGHT OF WAY
- CENTERLINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- FENCE
- EDGE OF ASPHALT
- SANITARY SEWER LINE
- OVERHEAD POWER LINE
- EXISTING CONTOURS
- CONCRETE
- BUILDING

NORTH

HORIZONTAL GRAPHIC SCALE

20 0 10 20 40

(IN FEET)

HORZ: 1 inch = 20 ft.

WITNESS TO THE WEST QUARTER CORNER OF SECTION 22, T3S, R4W, SLB&M (FOUND TOOELE COUNTY SURVEYOR MONUMENT, NO DATE) BENCHMARK=4937.12'

SHEET 1 OF 1

PROJECT NUMBER : 9653A

MANAGER : J. CLEGG

DRAWN BY : J. SHAW

CHECKED BY : D. KINSMAN

DATE : 11/24/2020

DEVELOPER
RICK PALMER
1237 EAST WILD FLOWER CT.
PINE CANYON, UT 84074
435-840-0839

ENSIGN

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, parcels, and streets, hereafter to be known as Rick's Minor Subdivision, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southwest Quarter of Section 22, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Part of Lot 11 and Lot 10 of International Building Association Subdivision, Tooele City, recorded as entry #196596, Book 9, Page 6, more particularly described as:

Beginning at a point on the southerly line of 600 North, which is located North 0°14'12" West 2065.66 feet from the found South Quarter Corner of Section 22, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running West 1652.10 feet from the section line, and running:

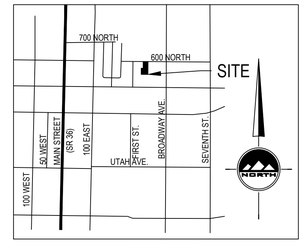
thence South 0°33'52" West 330.00 feet following closely along an existing property fence;
thence North 89°26'08" West 193.00 feet;
thence North 0°33'52" East 167.50 feet;
thence South 89°26'08" East 48.00 feet;
thence North 0°33'52" East 162.50 feet to a point on the South line of 600 North;
thence South 89°26'08" East 145.00 along said road to the Point of Beginning.

Parcel contains: 55,890 square feet or 1.28 acres, 2 lots.

PROFESSIONAL LAND SURVEYOR No. 334575 DOUGLAS J. KINSMAN STATE OF UTAH

For Review
12/2/2020 2:28:38 PM

Date
Douglas J. Kinsman
License #334575



VICINITY MAP
NO SCALE

DOMINION ENERGY

DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____ A.D. 20_____.

DOMINION ENERGY

BY - _____

TITLE - _____

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
   (1) A RECORDED EASEMENT OR RIGHT-OF WAY
   (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
   (3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
   (4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20

ROCKY MOUNTAIN POWER

BY - _____

TITLE - _____

PRELIMINARY PLAT
RICK'S MINOR SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY PLANNING COMMISSION.

COMCAST APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY COMCAST

COMCAST

CENTURYLINK APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY CENTURYLINK.

CENTURYLINK

POST MASTER APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY POST MASTER

POST MASTER

COUNTY HEALTH DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

SCHOOL DISTRICT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE COUNTY SCHOOL DISTRICT

TOOELE COUNTY SCHOOL DISTRICT

CHIEF OF POLICE APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE CITY CHIEF OF POLICE

TOOELE CITY CHIEF OF POLICE

FIRE CHIEF APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE CITY FIRE CHIEF

TOOELE CITY FIRE CHIEF

PARKS DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE CITY PARKS DEPARTMENT

TOOELE CITY PARKS DEPARTMENT

CITY ATTORNEY'S APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY RECORDER APPROVAL

REVIEWED THIS _____ DAY OF _____, A.D. 20_____.
BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.

TOOELE COUNTY RECORDER

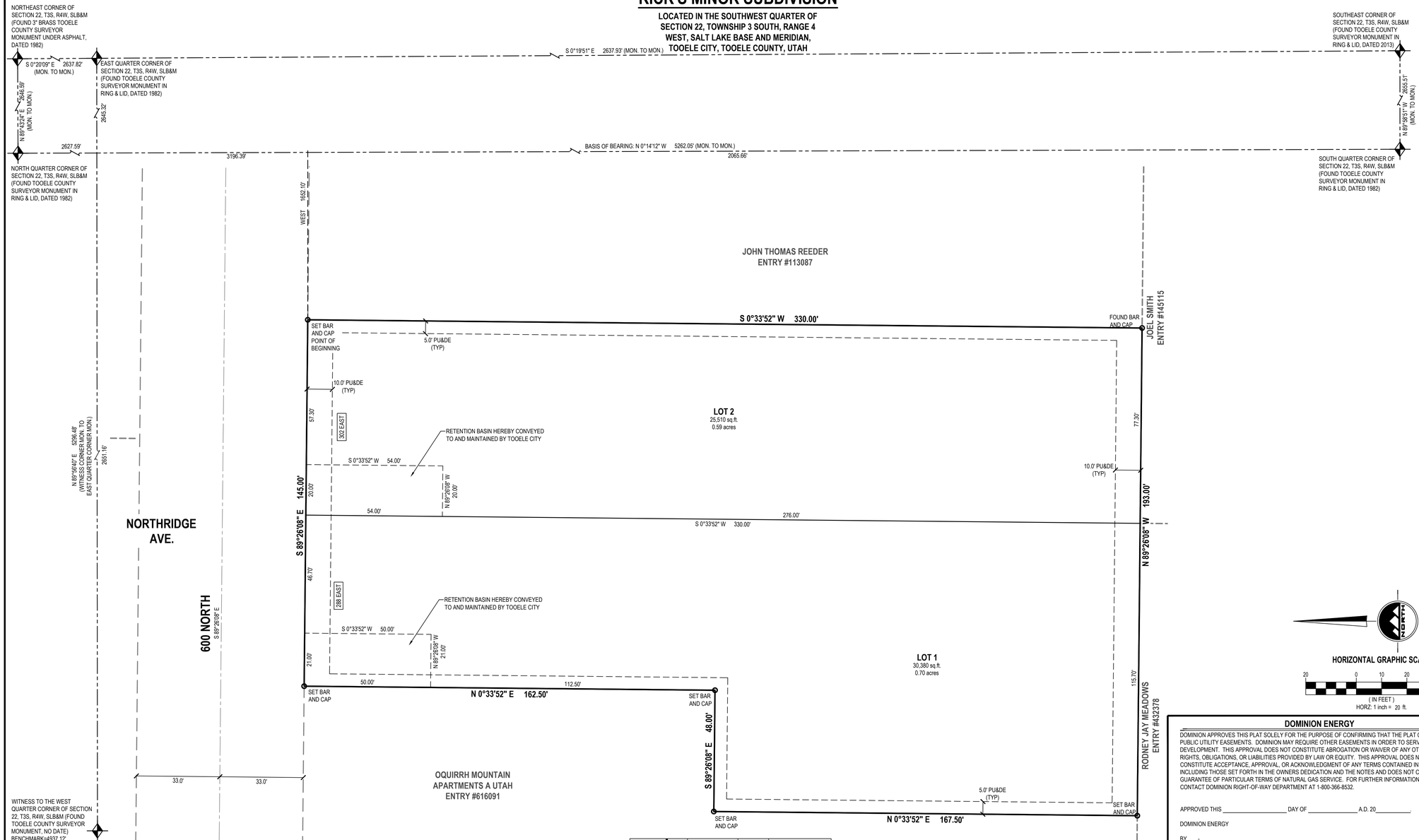
CITY COUNCIL APPROVAL

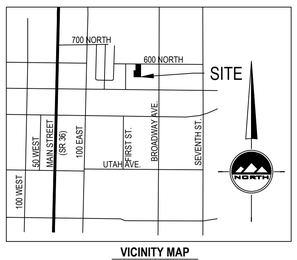
APPROVED THIS _____ DAY OF _____, 20_____.
BY TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL

FINAL PLAT
RICK'S MINOR SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH





VICINITY MAP
NO SCALE

LEGEND

ENSIGN ENG. LAND SURV.

- SECTION CORNER
- EXIST REBAR AND CAP
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."*
- ADJACENT RIGHT OF WAY
- CENTERLINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE

ENSIGN

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

SALT LAKE CITY
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LAYTON
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CEDAR CITY
Phone: 435.865.1453

RICHFIELD
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WWW.ENSIGNENG.COM

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, parcels, and streets, hereafter to be known as Rick's Minor Subdivision, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

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thence South 0°33'52" West 330.00 feet following closely along an existing property fence;
thence North 89°26'08" West 193.00 feet;
thence North 0°33'52" East 167.50 feet;
thence South 89°26'08" East 48.00 feet;
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Parcel contains: 55,890 square feet or 1.28 acres, 2 lots.

PROFESSIONAL LAND SURVEYOR No. 334575 DOUGLAS J. KINSMAN STATE OF UTAH

For Review 2.28.19 5:16 PM

Date
Douglas J. Kinsman
License #334575

OWNER'S DEDICATION

Known all men by these presents that the undersigned are the owner(s) of the above described tract of land, and hereby cause the same to be divided into lots, together with easements as set fourth to be hereafter known as

RICK'S MINOR SUBDIVISION

The undersigned owner(s) hereby convey to Tooele City and to any and all public utility companies a perpetual, non-exclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of utility lines and facilities. The undersigned owner(s) also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown and /or noted hereon.

In witness whereof I / we have hereunto set our hand (s) this _____ day of _____ A.D., 20_____.

By: Rick Palmer

By:

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of Tooele

On the _____ day of _____ A.D., 20_____,
_____,
_____,
personally appeared before me, the undersigned Notary public, in and for said County of _____ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, _____ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____,

_____ RESIDING IN _____ COUNTY.
NOTARY PUBLIC

DOMINION ENERGY

DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____ A.D. 20_____.

DOMINION ENERGY

BY - _____

TITLE - _____

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
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   (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
   (3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
   (4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20

ROCKY MOUNTAIN POWER

BY - _____

TITLE - _____

TOOELE CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY PLANNING COMMISSION.

FINAL PLAT
RICK'S MINOR SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

DEVELOPER
RICK PALMER
1237 EAST WILD FLOWER CT.
PINE CANYON, UT 84074
435-840-0839

SHEET 1 OF 1

PROJECT NUMBER : 9653A

MANAGER : J. CLEGG

DRAWN BY : J. SHAW

CHECKED BY : D. KINSMAN

DATE : 11/24/2020

COUNTY TREASURER APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY COMMUNITY DEVELOPMENT

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____,
BY TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMMISSION

COUNTY SURVEY DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____,
BY TOOELE COUNTY SURVEY DEPARTMENT.
RECORD OF SURVEY FILE #2020-0042

TOOELE COUNTY SURVEY DIRECTOR

TOOELE COUNTY RECORDER

RECORDED #_____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF : _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE$ TOOELE COUNTY RECORDER

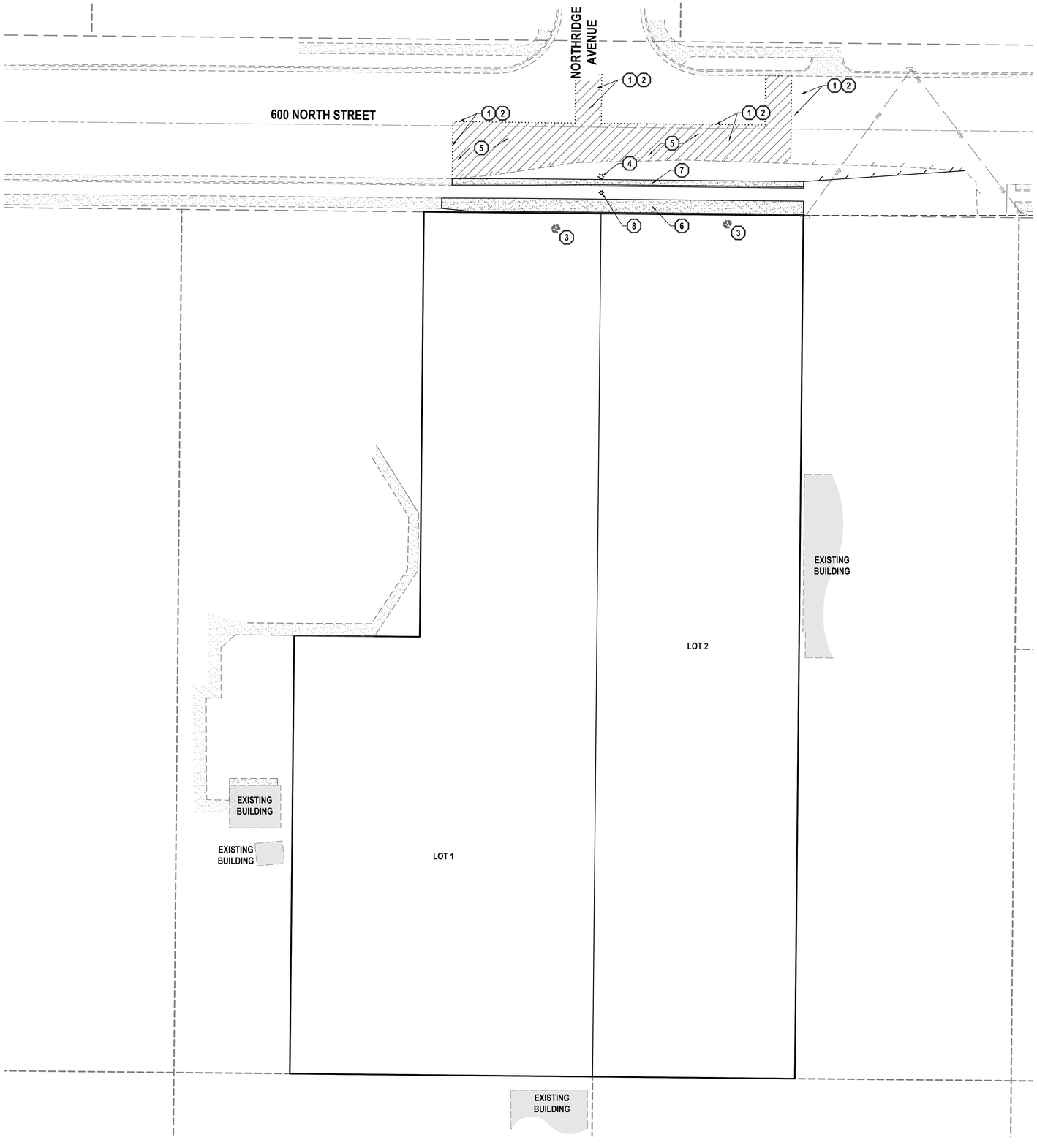
811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

WITNESS TO THE WEST CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 4 WEST SALT LAKE BASE AND MERIDIAN

ELEV = 4937.12'



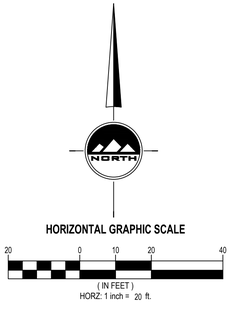
GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE TOOELE CITY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. SAWCUT EXISTING ASPHALT PAVEMENT TO PROVIDE A CLEAN EDGE FOR THE TRANSITION BETWEEN EXISTING AND PROPOSED ASPHALT PAVEMENT.
2. REMOVE AND PROPERLY DISPOSE OF EXISTING ASPHALT PAVEMENT.
3. REMOVE AND PROPERLY DISPOSE OF EXISTING TREES.
4. REMOVE AND PROPERLY DISPOSE OF EXISTING LIGHT POLE AND BASE.
5. ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 8" UNTREATED BASE COURSE PER TOOELE CITY STANDARD PLAN AND DETAILS 1/C-500 AND 2/C-500.
6. 6" THICK, 5. WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231R AND SPECIFICATIONS.
7. 30" TYPE "A" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205R AND SPECIFICATIONS.
8. STREET LIGHT PER TOOELE CITY STANDARDS AND SPECIFICATIONS, SEE SHEET C-503.



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CEDAR CITY
Phone: 435.865.1453

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Phone: 435.896.2983

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FOR:
RICK PALMER
1237 E. WILD FLOWER CT.
PINE CANYON, UT 84074
CONTACT:
RICK PALMER
PHONE: 435-840-0839

RICK'S MINOR SUBDIVISION
PRELIMINARY DESIGN

296 EAST 600 NORTH
TOOELE CITY, UTAH

For Review
11/24/2020 2:28:19 PM

SITE PLAN

PROJECT NUMBER 9653A
PRINT DATE
DRAWN BY R. FISH
CHECKED BY J. CLEGG
PROJECT MANAGER J. CLEGG

C-100

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

Date: Wednesday, April 14, 2021
Time: 6:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main Street, Tooele, Utah

City Council Members Present:
Melodi Gochis, Chair
Justin Brady
Ed Hansen
Maresa Manzione
Tony Graf

City Employees Present:
Mayor Debbie Winn
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Michelle Pitt, City Recorder
Steve Evans, Public Works Director

Minutes prepared by Michelle Pitt

DRAFT

1. **Open City Council Meeting**

Chairwoman Gochis called the meeting to order at 6:04 p.m.

2. **Roll Call**

Melodi Gochis, Present
Ed Hansen, Present
Maresa Manzione, Present
Justin Brady, Present
Tony Graf, Present

3. **Closed Meeting to discuss Potential Litigation, Property Acquisition and/or Personnel**

A motion to close the meeting was made by Council Member Manzione. Councilmember Graf seconded the motion. The vote was as follows: Council Member Graf "Aye," Council Member

Hansen "Aye," Council Member Manzione "Aye," Council Member Brady "Aye," and Chairwoman Gochis "Aye."

The meeting closed at 6:06 p.m.

Those in attendance during the closed meeting: Mayor Debbie Winn, Council Member Graf, Council Member Hansen, Council Member Manzione, Council Member Brady, Chairwoman Gochis, Roger Baker, Jim Bolser, Steve Evans, and Michelle Pitt.

A motion to close the meeting to discuss personnel was made by Council Member Graf. Councilmember Brady seconded the motion. The vote was as follows: Council Member Graf "Aye," Council Member Hansen "Aye," Council Member Manzione "Aye," Council Member Brady "Aye," and Chairwoman Gochis "Aye."

Those in attendance during the personnel closed meeting: Mayor Debbie Winn, Council Member Graf, Council Member Hansen, Council Member Manzione, Council Member Brady, and Chairwoman Gochis.

No minutes were taken during the closed meetings.

4. **Adjourn**

Chairwoman Gochis adjourned the public meeting at approximately 7:15 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 5th day of May, 2021

_____

Melodi Gochis, Tooele City Council Chair

DRAFT

Tooele City Council
Work Meeting Minutes

Date: Wednesday, April 7, 2021
Time: 5:30 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:
Tony Graf
Melodi Gochis
Ed Hansen
Justin Brady
Maresa Manzione

City Employees Present:
Mayor Debbie Winn
Jim Bolser, Community Development Director
Darwin Cook, Parks and Recreation Director
Roger Baker, City Attorney
Shannon Wimmer, Finance Director
Steve Evans, Public Works Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder
Chris Shubert, Fire Chief
Jed Colovich, First Assistant Fire Chief
Bucky Whitehouse, Fire Department Captain

Minutes prepared by Cylee Pressley

Chairwoman Gochis called the meeting to order at 5:32 p.m.

1. **Open City Council Meeting**

2. **Roll Call**
Tony Graf, Present
Melodi Gochis, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

3. **Mayor's Report**

DRAFT

Mayor Winn shared the City received final numbers on the health insurance premiums of 7.5% rather than the 10%. The decrease will show in the upcoming budget.

The City needs to hire for two new positions in the Community Development Department; a building inspector and a civil inspector. The growth in the community is putting a strain on this department. Average per day inspections for the year 2018 was 12.5. In 2019 it was 15 per day, in 2020 it was 19.5, and today it's at 28 inspections per day. This does not include travel and paperwork. The Mayor is asking for support from the council so the City can advertise for these two positions. Community Development planned to bring in $325,000 in revenue and has brought in $675,000 at present with the increase in building. There is money to support the two positions being requested. All Council members were in support of moving forward with pursing two new hires.

The CIB loan that was for the police station in the amount of nine million dollar's has a fund balance of $ 516,304.16. The City has finished that project and can take that fund balance and apply it to the loan. The Mayor expressed appreciation to the staff for making this happen under budget.

Chief Kirby is retiring in July of this year. The Mayor expressed gratitude towards his service to the City.

4. <u>Council Member's Reports</u>

Council Member Hansen – no report

Council Member Brady – no report

Chairwoman Gochis shared she attended COG (Council of Governments). Topics discussed in that meeting were about FEMA's flood risk plan, a report on the water use in Tooele Valley, and the by-laws. She attended a meeting with the Tooele Health Department and was informed they are ending the mask mandate. Tooele is still encouraging people to wear a mask in the City buildings but it is not required. She encouraged all to be respectful towards those who choose to wear a mask or not. The Health Department shared that over 12,000 doses of vaccine have been distributed. Go to the Health Department website to find out where you can get a vaccine. On the 31st of March, the City Council hosted a meeting on water where Paul Hansen presented. Chairwoman Gochis expressed appreciation to Paul Hansen, Roger Baker, and Steve Evans for all their hard work on this topic.

Council Member Graf shared he attended a Ribbon Cutting for Angora which is a new web servicing business in our community. He also shared how efficient it was to get his vaccine and complimented Tooele Health Department and the Tooele Guard for their organization on the process.

DRAFT

Council Member Manzione expressed appreciation for the Planning Commission on doing a good job and passing on important information to the council.

5. **New Fire Station #3**
Presented by Mayor Debbie Winn

The Mayor stated this topic has been a long time coming. Former Fire Chief Rick Harrison commented to the Mayor a few years back on a new fire station in Green River. He reported it was a very good building. Jones & DeMille Engineering had built it. Chief Harrison met meet with officials in Green River about their building a while ago in anticipation of one day building here in Tooele City.

Earlier this year Jones & Demille sent Chief Shubert an email to inquire if the City was ready for a new building. The timing was good. The City audit was complete and there was a surplus in the fund balance. Jones & DeMille came and met with the Mayor and three chiefs for a consultation. The City's immediate needs and future needs were discussed. Fire Station #1 is not earthquake safe and to make it safe would cost as much as building a new building. They also looked at building a new 3rd fire station on property already owned by the City on 1000 North.

The most immediate need is a place to park the additional trucks. The concern stated by the Mayor was if another earthquake happened the equipment would be spread to another place. The Mayor had a picture (Refer to attachment A) she showed in the meeting explaining the three phases.

The Mayor wants to build this fire station without a bond and without increasing taxes. The engineering estimate on the cost of the building is $2.3 million. $300,000 is in the budget for a fire station and 2 million can come out of the City's fund balance. The Mayor wants to hire the engineer to start the 1st phase. The estimated cost includes all the site work, architecture engineering fees, other miscellaneous fees, and a 20% budget contingency. She wants to know if the Council's willing to approve a transfer of two million from the fund balance to this project. Now is the time she feels because costs will only increase.

Council Member Hansen was curious about Airmed being in the location of the proposed Station 3. The Mayor said Airmed would like to lease property from us. They plan to build a separate building and do it through the State of Utah.

Council Member Graf is in support of this but wants to ensure that the City does not have a tax increase this year.

Chief Shubert said that Station 3 will not replace Station 1. They did a map study at the beginning on where all the resources lived and found they had the best response time at Station 1. The Chief said some of the equipment will go to Station 3 but the majority will stay at Station 1. Station 1 needs some work done to it and he wants all options considered before a decision is made. The Mayor said Station 1 is still serving the City but the concern with Station 1 is if there is an earthquake. The cost to tear down Station 1 and build new would be very expensive. Chief Shubert said the building is safe also but the concern lies when an earthquake hits. He said there are a lot of needs with the station and 2 million is lot and he wants it also to be considered that the engines are getting old and will need to be replaced at some point. He also shared the Tate's had approached him with several options on property across the street.

Member Brady stated he felt that with the growth of the city the location of Station 3 will be the center of town before long. He supports it in the proposed Station 3 spot.

Member Hansen shared we are blessed to have a volunteer fire department. He has a concern about aging equipment and wants to make sure there is money for engines. Chairwoman Gochis asked how much an engine would be. Chief Shubert put in his budget $776,000 for an engine and $200,000 - $250,000 for equipment.

Member Manzione shared the same feelings as Councilman Brady. Growth is coming and if it's cost effective to build phase 1 and 2 at the same time, she is in support of that.

6. **Resolution 2021-15 A Resolution of the Tooele City Council Consenting to the Transfer of Tooele City Assets to the Tooele Volunteer Fire Department (TVFD) Association**
Presented by Mayor Debbie Winn

Historically, monthly payments have been made to the fire department for the general health, welfare, and moral. This money is managed by the fire department leadership but still tied to the city which can complicate things. Mayor Winn explained that this Resolution gives the consent to transfer fire department assets to the TVFD Association. The TVFD Association is a nonprofit association for the City's volunteer fire department, so they are able to take charitable donations. The City and the fire department have gone through the extensive lists and separated those that belong to the association and to the City. Anything to do with fighting fire belongs to the City, and anything that pertains to their activities have been assigned to the TVFD Association.

Member Hansen questioned if things were broke down who pays for it. The Mayor explained whatever is on their list will be their responsibility, but she assured when breaking down the lists they were very careful to separate things out that the Association would be able to cover. Any firefighting equipment is on the City's list.

Member Graff wanted to make sure the correct licenses were put in place and what kind of over sight is involved. Mr. Whitehouse shared all requirements have been satisfied for the TVFD Association. For oversight, there is a board of five directors that has been set up. Mr. Whitehouse is serving as President of the association and thanked the City.

7. **Proposal for Library Furniture**
Presented by Mayor Debbie Winn

The Mayor explained that the furniture at the library is 20 years old. Mayor stated this is needed and she doesn't know when we will have funding to do this in the future. The funding is coming from the non-departmental budget.

Member Brady asked if it's cleanable. Mrs. Carter from the library shared that it is. It is a grade 7, with a 12 year warranty which makes it more expensive. Mrs. Carter wished it was less expensive because she doesn't want to take away needed resources from other projects. She shared that she had applied and received $62,000 in grants this past year. Chairwoman Gochis applauded her hard work. The council was happy with her getting the new furniture.

8. **Resolution 2021-34 a Resolution of the Tooele City Council Consenting to the Annexation of Tooele City in to the Tooele County Recreation Special Service District**
Presented by Darwin Cook, Parks & Recreation Director

Mr. Cook stated that the County excluded Tooele City as part of this service area when it was created. The City has been applying for these grants for years and found out through an audit we were outside of the area to qualify. This process of annexation is to bring us into the Tooele County Recreation Special Service District Area. If Tooele City consents to the annexation, the special service district will then be able to fund recreation services and facilities within the city through grants.

Member Brady asked if the county is wanting all the areas in it. Mr. Cook said yes but it's voluntary.

9. **Ordinance 2020-04 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance of Public Improvements**
Presented by Roger Baker, Tooele City Attorney

Mr. Baker explained that Tooele City has quite a process for the construction, inspection, certification, and process of acceptance of new public improvements. Acceptance of new public improvements means, at the moment of acceptance, that the City owns them and maintains them. This process needs to be timely and to City specifications. This gives the quality of life that the residence deserve.

DRAFT

Mr. Baker recommends this is an administrative process. The Council as a legislature has stated in the ordinances that these improvements are required. It's the Mayors job to make them work through the staff. There are efficiencies to make it an administrative process.

The Ordinance in the packet does require a city council signature to sign off. Mr. Baker indicated that he put in their packet exactly the ordinance as it was presented one year ago. Later it occurred to him that this might create some confusion about what the City Administration's recommendation was. He sent directly to the Council another version of the Ordinance that does not require a city council signature; that is the version recommended by the City Administration. Mr. Baker recommends it is not necessary for a legislative signature to sign off on an administrative document. This Ordinance adds more safeguards than before by adding the Mayor's signature.

Mr. Baker added that this ordinance is not directly related to the Tooele Associates litigation. The City has been making improvements to the public improvements process since before that litigation, as well as after that litigation, as weaknesses or concerns were discovered, so that the process is quite different and better today than at the time of the events that gave rise to the litigation.

Member Hansen asked what the reasoning in 2017 for the council not changing it. Mr. Baker answered that it came down to lack of trust between the administrative and legislative branches. This is a natural tension built into our government. Member Hansen shared the concern about how the council will be transparent if this is not brought before them. Member Manzione suggested asking for a report that shows the public improvements that will be accepted by the administration. Mr. Baker responded that the Council could have a discussion with Mayor Winn about how they would like the information shared with the Council. Mr. Baker shared that both versions of the Ordinance eliminate the Resolution process.

Chairwoman Gochis recommended bringing this back for a vote in a future business meeting and she recommended using the version that keeps it as an administrative task.

10. **Resolution 2021-41 A Resolution of the Tooele City Council Approving a Memorandum of Agreement with Bird Rides, Inc. for a Temporary License to Operate Stand-Up Electric Scooters in Tooele City**

Presented by Jared Stewart, Economic Development Coordinator

Mr. Stewart explained that a month ago Bird Rides Inc. approached the City to see about bringing scooters to Tooele. He contacted other cities that had scooters to ask about challenges and to gather information from other cities. The other cities indicated that they haven't seen accidents or injuries any more than they had for bicycles. The City will receive $0.10 per ride that can be used towards improving sidewalks, or to purchase more bike racks, etc. Bird Rides

has to provide education for the riders and to accept liability. Riders have to be 18 to use them. Each scooter weighs about 38 pounds. There is a weight limit of 220 pounds on the scooters.

Bird Rides will hire a local fleet manager to manage the scooters. The City and Bird Rides will work through a process to restrict certain areas, decide on certain requirements such as the allowed speed for safety reasons, and other details that will need to be worked out. Bird Rides are anxious to get the scooters in our area by May.

Council Member Brady asked if the City will be liable if someone gets hurt. Mr. Stewart said no liability to the City. If the City didn't want the scooter to go into a certain area there are geo-fences that can be put up that would render the scooter unable to work if driven in that area.

11. **Resolution 2021-37 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow Construction to install a Duro-Last Membrane Roof on the Former Medical Office Building**
Presented by Darwin Cook, Parks & Recreation Director

Mr. Cook stated that the City would like to fix the roof at the old family practice building north of the cemetery. An engineer has inspected and reviewed the building and found it mostly sound but there are a few things that need to be fixed. Broken Arrow has been used in the past to install several Duro-Last membrane roofs. Mr. Cook asked that they be sole-sourced to do this type of roof because they do such a good job, and have done several of them. He explained that this type of roof works well with this type of structure. The PAR tax expenditure will be used for this expenditure. The building will eventually be used for parks and recreation crafts, the Arts Council, and Parks and Recreation and cemetery offices.

The contract is for $41,260, and Mr. Cook asked for an additional 15% for contingency to cover any surprise they might uncover as they are taking off the old roof.

12. **Proposed Land Use Map Amendment From the Regional Commercial, Medium Density Residential and High Density Residential Land Use Categories to the High Density Residential Land Use Category for 34.44 Acres Generally Located at Approximately 2530 North 400 East**
Jim Bolser, Community Development Director

This is an application that came to the City and is being presented to the Council to see how they feel about it before the formal process starts. It involves two properties by Liddiard's Home Furnishing off of SR-36. The current land use is Regional Commercial, Medium Density Residential, and High Density Residential and its being requested to change to High Density Residential for the eastern three-quarters of the property and leave the commercial designation for the western remainder of the property. The ultimate goal would be to rezone for development to leave some general commercial on the West side toward SR-36 and MR-8 Multi-Family Residential towards the east. The ultimate intent is understood to be to develop the

property for townhome uses and some small lot single family detached. No concept plan has been submitted yet.

Member Hansen had some questions on zoning and land use. Mr. Bolser explained the difference between the two. Land use is demonstrated in the General Plan as generalized categories that show the long range intent for different areas of the city. Zoning is the hard and fast rules that apply to a property today. The relationship between the two comes into play when a proposal comes forward to change zoning the decision making should be made based on what the land use identifies for the property.

Member Manzione motioned to recess, Member Brady seconded.

13. Closed Meeting

A motion to close the work meeting was made by Council Member Manzione. Council Member Hansen seconded the motion. All voted Aye; the motion passed.

Those in attendance in the closed meeting were: Jared Stewart (for a portion of the meeting), Michelle Pitt, Jim Bolser, Steve Evans, Paul Hansen, Mayor Winn, Council Member Hansen, Council Member Graf, Council Member Brady, Council Member Manzione and Chairwoman Gochis.

No minutes were taken on this item.

The meeting adjourned at 8:51 p.m.

14. Adjourn

Chairwoman Gochis adjourned the meeting at 8:51 pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 7th day of April, 2021

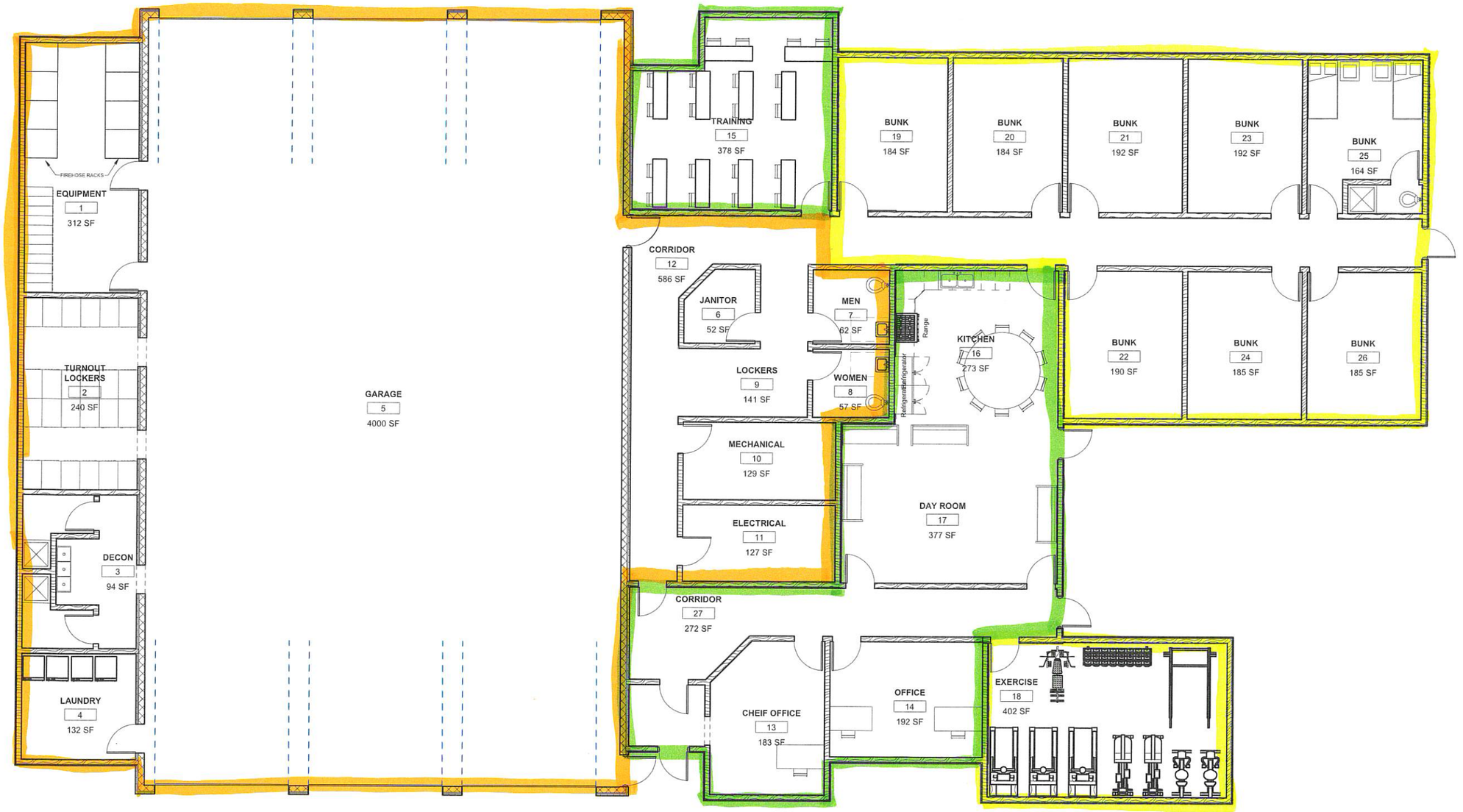
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Melodi Gochis, Tooele City Council Chair

DRAFT

Attachment A

DRAFT



STAMP:

NO.	DATE	DESIGN	DRAWN	APPROVED	ISSUED FOR	REMARKS
					ORIGINAL SUBMISSION FOR AUTHORIZATION	

SCALE: 3/16" = 1'-0"
DWG NAME:
DWG CREATED: [illegible]
UPDATED: 3/23/2021 12:08:43 PM
PLOTTED: 3/23/2021 12:08:43 PM

Jones & DeMille Engineering, Inc.
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APPROVED: RECOMM:
PROJECT DESIGN ENGINEER: DATE
APPROVED
QUALITY MANAGEMENT REVIEW DATE

CLIENT NAME
Project Name
FLOOR PLAN - PHASE 3
SUBMITTAL: Project Status
PROJECT NUMBER: Project Number

COUNTY
COUNTY

SHEET NO. A-103

Tooele City Council
Special Meeting Minutes

Date: Wednesday, March 31, 2021
Time: 6:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main Street, Tooele, Utah

City Council Members Present:
Melodi Gochis, Chair
Tony Graf
Ed Hansen
Maresa Manzione

Excused: Justin Brady

City Employees Present:
Mayor Debbie Winn
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer
Michelle Pitt, City Recorder
Steve Evans, Public Works Director
Jared Stewart, Economic Development Administrator

Minutes prepared by Michelle Pitt

DRAFT

1. **Open City Council Meeting**

   Chairwoman Gochis called the meeting to order at 6:00 p.m.

2. **Roll Call**
   Tony Graf, Present
   Melodi Gochis, Present
   Ed Hansen, Present
   Maresa Manzione, Present
   Justin Brady, Excused

3. **Council Training: Introduction to Water**
   Presented by Paul Hansen, City Engineer

Mr. Hansen presented training and answered questions about water and water rights. He invited the Council to let him know if there were further questions and said he would make himself available to answer those questions.

4. **Closed Meeting**

A motion to close the meeting was made by Council Member Maresa Manzione. Councilmember Hansen seconded the motion. The vote was as follows: Council Member Graf "Aye," Council Member Hansen "Aye," Council Member Manzione "Aye," and Chairwoman Gochis "Aye."

The meeting closed at 7:00 p.m.

Those in attendance during the closed meeting: Mayor Debbie Winn, Council Member Graf, Council Member Hansen, Council Member Manzione, Chairwoman Gochis, Roger Baker, Jim Bolser, Steve Evans, Paul Hansen, Jared Stewart, and Michelle Pitt.

No minutes were taken during the closed meeting.

5. **Adjourn**

Chairwoman Gochis adjourned the public meeting at 8:27 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 7th day of April, 2021

_____

Melodi Gochis, Tooele City Council Chair

DRAFT

Tooele City Council
Business Meeting Minutes

Date: Wednesday, April 7, 2021
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Council Members Present:
Melodi Gochis, Chairwoman
Tony Graf
Ed Hansen
Justin Brady
Maresa Manzione

City Employees Present:
Mayor Debbie Winn
Shannon Wimmer, Finance Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy Recorder
Roger Baker, City Attorney
Ron Kirby, Chief of Police
Paul Hansen, City Engineer
Jim Bolser, Community Development Director
Darwin Cook, Parks and Recreation Director
Jared Stewart, Economic Development Administrator
Steve Evans, Public Works Director
Jamie Carter, Librarian
Chris Shubert, Fire Chief

Minutes prepared by Michelle Pitt

Chairwoman Gochis called the meeting to order at 7:05 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Scout Joseph May.

2. Roll Call

Melodi Gochis, Present
Tony Graff, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

DRAFT

3. Public Comment Period

Curtis Beckstrom stated that at one time he owned a bike repair shop. He tried to set out bikes for people to use, similar to the scooter concept. He felt that riding scooters on the street created safety concerns.

Brian Gallagher submitted a written comment which Chairwoman Gochis read:

> Tooele City Council,
>
> Before the Covid-19 pandemic, I would frequently browse the shelves at Tooele city's public library looking for many interesting books to read with my kids. The online library tools are not easy to navigate, when I myself don't know specifically what I am looking for, but instead walk the isles until something pops out at me. Now that many people have been vaccinated, and infection rates have been dropping significantly, I long for a return to more normal operations at the library. When will in-person browsing of our city's library shelves be reinstated?
>
> Thanks for hearing me out,
>
> Brian Gallagher

The Mayor indicated that the library planned to re-open April 19th.

There were no other comments. The public comment period closed at 7:15 p.m.

4. Public Hearing and Motion on Ordinance 2021-10 An Ordinance of Tooele City Reassigning the Land Use Designation from Medium Density Residential (MDR) to Community Commercial (CC) for approximately 6.5 Acres and Light Industrial (LI) for approximately 2.2 Acres of Property Located at approximately 2400 North 600 East

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated that this application has come before the Council at a prior meeting. The application has gone through Planning Commission for formal review. The site is at the east end of 2400 North as it approaches the railroad tracks, near the fish food plant. The current Land Use Map identifies the property as Medium Density Residential. The current zoning is General Commercial (GC). The intent of the project is to rezone the eastern property to Light Industrial and leave the remainder GC. Before the City can amend the Zoning Map, we need to amend the Land Use Map. Mr. Bolser added that this is a conceptual subdivision. Oristruts is a company that makes struts for off-road vehicles. They are stationed in Georgia and looking to bring Site #2 to Tooele. They intend to develop their site on the eastern site. They will subdivide the remaining four lots which will bring in retail use on those properties.

Mr. Bolser indicated that the Planning Commission forwarded a unanimous favorable recommendation to the Council.

DRAFT

This was opened to the public for comment.

Steve Tobias with TW Commercial Real Estate of Off-Road Innovations said that they are excited about coming to Tooele. He indicated that the owners have purchased a home here. They own all of the property and will be marketing the remainder to bring commercial development to Tooele. Their site will have about 20,000 square foot industrial building. They plan to employ up to 40 people once the project is completed. The pay range is between $12-40/hour.

Curtis Beckstram asked how far it was from the mobile home park. He was told it was not near the mobile home park.

There were no further comments and Chairwoman Gochis closed the public hearing at 7:21 p.m.

Council Member Manzione moved to approve Ordinance 2021-10. Council Member Hansen seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

5. Resolution 2021-15 A Resolution of the Tooele City Council Consenting to the Transfer of Tooele City Assets to the Tooele Volunteer Fire Department (TVFD) Association

Presented by Debbie Winn, Mayor

Mayor Winn explained that this Resolution gives the consent to transfer fire department assets to the Tooele Volunteer Fire Department (TVFD). The TVFD is the Association for the City's volunteer fire department. The City and the fire department have gone through the extensive lists and separated those that belong to the fire department and to the City. Anything to do with fighting fire belongs to the City, and anything that pertains to their activities have been assigned to the TVFD Association.

Council Member Brady moved to approve Resolution 2021-15. Council Member Hansen seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

6. Ordinance 2021-09 An Ordinance of the Tooele City Council Amending Tooele City Code Section 10-3-6 Regarding the Penalties for Snow Event Parking Violations

Presented by Ron Kirby, Chief of Police

Mayor Winn indicated that this Ordinance was not ready and would be brought back to the Council at a later meeting.

Council Member Graf moved to table Ordinance 2021-09. Council Member Manzione seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member

Hansen, “Aye”, Council Member Brady, “Aye”, Council Member Manzione, “Aye”, Chairwoman Gochis, “Aye”.

7. Resolution 2021-26 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Paul Hansen Associates, L.L.C. for City Engineering Services

Presented by Debbie Winn, Mayor

Mayor Winn explained that Mr. Hansen is very professional and dedicated to Tooele City. He makes it a priority to protect the City and City assets. His knowledge of water and how it works is priceless. He served as the project manager for the new police station. Because of his attention and oversight, the police department building came in under budget. He reviewed every invoice to make sure that they were all correct, and corrected anything that needed correction. Mayor Winn went on to say that this renewal is a four-year contract. The rate will be increased to $117, with $75 for the engineer intern.

Council Member Brady moved to approve Resolution 2021-26. Council Member Hansen seconded the motion. The vote was as follows: Council Member Graf, “Aye”, Council Member Hansen, “Aye”, Council Member Brady, “Aye”, Council Member Manzione, “Aye”, Chairwoman Gochis, “Aye”.

8. Resolution 2021-34 A Resolution of the Tooele City Council Consenting to the Annexation of Tooele City into the Tooele County Recreation Special Service District

Presented by Colin Winchester, Deputy County Attorney

Mr. Winchester stated that when minerals are extracted from Tooele County, the County receives mineral lease funds. In 1989 the County created the Recreation Special Service District with its sole purpose to receive those mineral lease funds. The Recreation Special Service District board receives applications for grants, but can only grant funding to those within the service district. In March of 2021 the Tooele County Council adopted a resolution indicating its intent to annex all cities and towns within the county and the Stansbury Recreation Service Area into the special service district’s boundaries. If Tooele City consents to the annexation, the special service district will then be able to fund recreation services and facilities within the city through grants.

Council Member Manzione moved to approve Resolution 2021-34. Council Member Hansen seconded the motion. The vote was as follows: Council Member Graf, “Aye”, Council Member Hansen, “Aye”, Council Member Brady, “Aye”, Council Member Manzione, “Aye”, Chairwoman Gochis, “Aye”.

9. Resolution 2021-35 A Resolution of the Tooele City Council Authorizing an Agreement with Tooele County for Municipal Elections

Presented by Michelle Pitt, City Recorder

DRAFT

Ms. Pitt stated that today she joined a webinar that discussed election law. During that webinar HB75 was discussed. That law states that Councils must decide by April 15th if they want to do ranked choice voting. If they choose to do ranked choice voting, they need to vote on that by Resolution by May 10th. Ms. Pitt said that the Resolution she is presenting today is for Tooele County to do the 2021 election. The County has said that they will not do ranked choice voting as an option for us so we would have to contract with someone else. Utah County and Salt Lake County has indicated that they are willing to contract with other cities for ranked choice voting. The cost for Tooele County to do the election would be $2.00 per ballot, or approximately $34,138.00 per election.

Council Member Graf asked how much it would cost to do Ranked Choice voting. Ms. Pitt did not know.

Council Member Hansen moved to approve Resolution 2021-35. Council Member Brady seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

10. Resolution 2021-36 A Resolution of the Tooele City Council Approving a Change Order with CDC Restoration and Construction for the Pratt Aquatics Center Deck Drain Replacement Project

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook explained that CDC Restoration and Construction has been doing the drain replacement at the pool. They discovered that at one location the trough wasn't hooked to the drain. It was the City's intent to have it done properly, and to have it done during the pool shut-down. To connect the trough to the drain, was an additional $16,500. Mr. Cook added that CDC put in 14 drain connections and 3 drain clean outs.

Council Member Brady moved to approve Resolution 2021-36. Council Member Manzione seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

11. Resolution 2021-37 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc. to Install a Duro-Last Membrane Roof on the Former Medical Office Building

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook stated that the City would like to fix the roof at the old family practice building north of the cemetery. An engineer has inspected and reviewed the building and found it mostly sound but there are a few things that need to be fixed. Broken Arrow has been used in the past to install several Duro-Last membrane roofs. Mr. Cook asked that they be sole-sourced to do this type of roof because they do such a good job, and have done several of them. He explained that this type of roof works well with this type of structure. The PAR tax will be used for this

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expenditure. The building will eventually be used for parks and recreation crafts, the Arts Council, and Parks and Recreation and cemetery offices.

The contract is for $41,260, and Mr. Cook asked for an additional 15% for contingency to cover any surprise they might uncover as they are taking off the old roof.

Council Member Manzione asked what the time frame was for the building to be completed. Mr. Cook answered that they just need the funding in order to complete the building. Chairwoman Gochis said she was excited about the multi-function of the building.

Council Member Manzione moved to approve Resolution 2021-37. Council Member Graf seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

12. Resolution 2021-38 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc. for the 2021 Skyline Drive Roadway Improvement Project
Presented by Steve Evans, Public Works Director

Mr. Evans said that the City will repair a section of road that is failing, along with curb, gutter, and improvements. The road is sinking and needs to be fixed. The contract amount is $160,671.04, with $8,000 contingency,

Council Member Hansen moved to approve Resolution 2021-38. Council Member Brady seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

13. Resolution 2021-39 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc. for the 2021 Vine Street Storm Drain Project
Presented by Steve Evans, Public Works Director

Mr. Evans stated that the City will be putting in storm drain from 100 East to the Red Del Papa park for a future well, to improve the run off from the south, loop water lines and services, and put in ADA ramps in that section. This project was bid out by sealed bid. The contract with Broken Arrow is for $406,274 and $20,300 contingency.

Council Member Graf moved to approve Resolution 2021-39. Council Member Hansen seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

14. Resolution 2021-40 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Asphalt Preservation for the 2021 Roadway Slurry Seal Project

Presented by Steve Evans, Public Works Director

Mr. Evans said that this contract is to slurry seal to repair the roads in Tooele City. The City will do the southwest portion of town. This was a sealed bid out project. It was a very tight bid by those who responded. The contract is for $157,450.00, plus $8,000 contingency.

Council Member Brady moved to approve Resolution 2021-40. Council Member Manzione seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

15. Resolution 2021-41 A Resolution of the Tooele City Council Approving a Memorandum of Agreement with Bird Rides, Inc. for a Temporary License to Operate Stand-Up Electric Scooters in Tooele City

Presented by Jared Stewart, Economic Development Administrator

Mr. Stewart explained that a month ago Bird Rides Inc. approached the City to see about bringing scooters to Tooele. He contacted other cities that had scooters to ask about challenges and to gather information from other cities. The other cities indicated that they haven't seen accidents or injuries any more than they had for bicycles. The City will receive $0.10 per ride that can be used towards improving sidewalks, or to purchase more bike racks, etc. Bird Rides has to provide education for the riders and to accept liability. Riders have to be 18 to use them. Each scooter weighs about 38 pounds. There is a weight limit of 220 pounds on the scooters.

Bird Rides will hire a local fleet manager to manage the scooters. The City and Bird Rides will work through a process to restrict certain areas, decide on certain requirements such as the allowed speed for safety reasons, and other details that will need to be worked out. Bird Rides are anxious to get the scooters in our area by May.

Council Member Brady asked if the City would receive sales tax. Mr. Stewart answered that we would not because this is a service, not a product.

Council Member Manzione moved to approve Resolution 2021-41. Council Member Brady seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

16. Subdivision Preliminary Plan Approval Extension for the Approved Towns at Mountain View Subdivision Preliminary Plan to Subdivide 2.66 Acres Located at Approximately 555 South 50 West in the MU-G Mixed-Use General Zoning District for 32 Townhome Lots

Presented by Jim Bolser, Community Development Director

DRAFT

Mr. Bolser stated that this is an uncommon application for the Council to consider because it's a development that is moving a little slower. It is located on the west side of SR36, south of Gopher Foods and the Little Mountain Car Wash. It is currently assigned MU-G, Multi-Use General, which allows townhomes. Mr. Bolser showed the proposed plat, landscaping plan, and elevations of the structures. Section 7-19-8 (5)(d) of the City Code says that approval of preliminary plans shall be effective for one year. Because of the time that has passed, the Council can either grant an extension in a public meeting, or the final application can be submitted to avoid expiration. The subdivision preliminary plan was approved by the City Council on June 17, 2020, so the year time frame will be met soon. If the Council approves an extension it will be for up to 6 months, or December 17, 2021. In the time since the Council approved this plan in June of last year the property has been sold. The new owner is going through due diligence including locating water rights. The new owners submitted a formal written request for an extension for six months as allowed by City Code.

Council Member Graf asked if there is a limit to the number of extensions the Council can grant. Mr. Bolser answered that the Code says "an" extension. He interprets it to mean one extension. Council Member Manzione asked if there was a reason why not to grant an extension. Mr. Bolser said that it was up to the Council; that they have the flexibility not to grant one if they deem it appropriate. Chairwoman Gochis asked if the new owner accepted the conditions as agreed upon previously. Mr. Bolser answered that the new owner would have assumed the conditions and entitlements for the project with the purchase.

Council Member Hansen moved to approve the Subdivision Preliminary Plan for the Towns at Mountain View. Council Member Brady seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

Chairwoman recognized the Scout Troop that was in attendance. Jonathan Allison, representing his Troop, said they were Troop #314, and there to earn their communications merit badge.

17. Minutes

Council Member Graf moved to approve the March 17th minutes. Council Member Manzione seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairwoman Gochis, "Aye".

18. Invoices

Ms. Pitt asked the Council to approve the following invoices:

> Tooele Motor Company for a 2017 Ford Escape for the police department. This is to replace a vehicle that was involved in an accident and totaled. The City received $23,797.00 from the insurance company.
>
> MEH Real Estate LLC for testing of a well, for $140,000.00.

Council Member Brady moved to approve the invoices as presented by Ms. Pitt. Council Member McCall seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", Chairman Gochis, "Aye".

19. Adjourn

Council Member Hansen moved to adjourn the meeting. Council Member Wardle seconded the motion. The vote was as follows: Council Member Graf, "Aye", Council Member Hansen, "Aye", Council Member Brady, "Aye", Council Member Manzione, "Aye", and Chairwoman Gochis, "Aye".

The meeting adjourned at 8:15 p.m. and reconvened the work session.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 5th day of May, 2021

_____

Melodi Gochis, Tooele City Council Chair

DRAFT

TOOELE CITY CORPORATION 04/30/21

FISCAL NOTE TO PROPOSED EXPENDITURE V#10562

DESCRIPTION OF EXPENDITURE: **VENDOR:** LEXISNEXIS COPLOGIC SOL. V# 10562

DESKOFFICER ONLINE REPORTING SYSTEM ANNUAL LICENSE/SUPPORT FEE

REVENUE LINE ITEM:	ACCOUNT NUMBER	CURRENT BUDGET	RECEIPTS TO DATE	ADDITIONAL FUNDING	TOTAL FUNDING
					0.00

EXPENDITURE LINE ITEM	ACCOUNT NUMBER	ADJUSTED BUDGET	Y. T. D. EXPENSES	PROPOSED EXPENSE	BUDGET BALANCE
CORONAVIRUS EMERGENCY GRANT	10 4211 486023	57,670.00	(25,213.00)	(23,040.00)	9,417.00

REQUESTED /s/ Ron Kirby
DEPARTMENT HEAD

REVIEWED Shannon Wimmer
FINANCE DIRECTOR

APPROVED _____
MAYOR

APPROVED _____
COUNCIL CHAIRMAN

LexisNexis®

28330 Network Place
Chicago, IL 60673-1283
800-695-8252

LexisNexis, a division of RELX Inc
For itself or its affiliates

Invoice

Current Amount Due	USD $23,040.00
Invoice Number	807859-20210331C
Invoice Date	Mar 31, 2021
Billing ID	807859
Terms	Net 30
Representative	DANNY AULTMAN
Billing Period	3/1/2021 – 3/31/2021

Tooele City Police Department
Attn : Staff Sgt. Jason Potter
50 N. Garden Street
Tooele, UT 84074 USA

Please Remit Payment To:
LexisNexis Coplogic Solutions Inc.
Billing ID 807859
28330 Network Place
Chicago, IL 60673-1283

Questions about your bill?
800-695-8252

insurance.accounting@lexisnexisrisk.com

Invoice Activity

Date	Tax Code	Description	Amount
3/31/2021	HC	DeskOfficer Online Reporting System (DORS) Annual License / Support Fee, 2021/03/01-2023/02/28	$23,040.00
3/31/2021	HC	Tax HC - Hosted Canned Software	$1,612.80
		Total Charges	$23,040.00
		Total Tax	$1,612.80
807859-20210331C		**Due Date 4/30/2021** **Total**	$24,652.80

Invoice Payments, Credits & Adjustments

Date	Invoice Number	Description	Amount
4/12/2021		Sales Tax Reversal Credit for Sales Tax-Hosted Canned Software-invoice 807859-20210331 (2021-03-31)	($1,612.80)
		Total	($1,612.80)

Invoice Summary

New Activity	$24,652.80
Payments, Credits & Adjustments	($1,612.80)
Total Due	$23,040.00

In order to ensure our customers are not impacted by fraudulent phishing attempts we advise you to never accept remittance information change requests from unsolicited emails or phone calls. All LexisNexis Risk Solutions changes will be communicated via messages attached to your invoice. Please report any suspicious activity to security@relx.com.

Please include your full invoice number on all remittance to ensure proper credit.

VENDOR #_____
P.O. #_____
DEPT. #10-4211-486023
DATE 4/27/21
AMOUNT $23,040.00
SIGNATURE _____

TOOELE CITY CORPORATION 04/07/21

FISCAL NOTE TO PROPOSED EXPENDITURE

DESCRIPTION OF EXPENDITURE: **VENDOR:** TOOELE CITY ARTS COUNCIL V# 06300

REIMBURSEMENT FOR VETERAN MEMORIAL STATUE

REVENUE LINE ITEM:	ACCOUNT NUMBER	CURRENT BUDGET	RECEIPTS TO DATE	ADDITIONAL FUNDING	TOTAL FUNDING
					0.00

EXPENDITURE LINE ITEM	ACCOUNT NUMBER	ADJUSTED BUDGET	Y. T. D. EXPENSES	PROPOSED EXPENSE	BUDGET BALANCE
CONTRIBUTION TO ARTS COUNCIL	21 4511 921000	127,185.00	102,500.00	24,685.00	0.00

REQUESTED N/A
DEPARTMENT HEAD

REVIEWED Shanna Wimmer
FINANCE DIRECTOR

APPROVED _____
MAYOR

APPROVED _____
COUNCIL CHAIRMAN

TOOELE CITY ARTS COUNCIL

INVOICE

INVOICE # 100
DATE: FEBRUARY 25, 2021

TO:
Tooele City
90 North Main Street
Tooele City, Utah 84074

Seek On Statue

QUANTITY	DESCRIPTION		TOTAL
1	Metal Arts Foundry, Inc-Seek on Statue		$56,546.52
1	England Construction-Concrete Base		$2,663.00
1	Ensign-Structural Engineering		$1,000.00
1	Metal Arts Foundry, Inc- Small Statue		$1,900.00
		Total	$62,109.52
	Tooele City Arts Council Donations		-$37,423.69
			$24,685.83

Total amount due	$24,685.83

PAR Tax

THANK YOU!!

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

Date: Wednesday, February 20, 2019
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:
Steve Pruden, Chair
Dave McCall
Scott Wardle
Brad Pratt

City Employees Present:
Mayor Debbie Winn
Glenn Caldwell, Finance Director
Roger Baker, City Attorney
Michelle Pitt, Recorder
Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Jami Carter, City Librarian
Brian Roth, Parks and Recreation Director

Minutes prepared by Michelle Pitt

1. **Open Meeting**

Chairman Pruden called the meeting to order at 5:02 p.m.

2. **Roll Call**

Steve Pruden, Present
Dave McCall, Present, joined the meeting at 5:17 p.m.
Scott Wardle, Present
Brad Pratt, Present
Melodi Gochis, Excused

3. **Discussion:**

- Parks, Arts and Recreation (P.A.R.) Tax Special Projects Funding
  Presented by Chairman Steve Pruden

Chairman Pruden stated that he reviewed a list of PAR tax projects and the budget for this fiscal year. The restrooms at the pool park and the restrooms at the golf course will come out the park capital improvements fund. Projects such as the Red Del Papa concession building, the Dow James concession building, improvements at the Elton and Linear Parks, and the 4th of July activities will come out of the PAR tax fund. Chairman Pruden requested some additional PAR funding for projects that have come up such as the dock renovation at the Railroad Museum and additional funding for Fridays on Vine. He further explained that the Railroad Museum dock had been partially rebuilt, but needs to be finished at a cost of $26,000. The Arts Council has requested an additional $5,000 for Fridays on Vine costs, which have increased over the years.

Mayor Winn talked about the proposed statue for the Veterans Memorial Park. The Mayor explained that they had always talked about placing two statues at the park. The first statue has been placed, and the City would now like to do the 8-foot statue of the Vietnam Veteran with his tracker dog. The Mayor added that $20,000 had been raised by the Life's Worth Living Foundation. That foundation is asking to donate that amount to the Arts Council and have the Arts Council raise the rest of the funds for the statue. The Arts Council board expressed concern about not being able to raise the rest of the $52,000 needed for the completion of the statue, plus costs for its placement. If the Arts Council is not able to raise the rest of the money, the Mayor proposed that the City use the PAR tax for the rest. Chairman Pruden suggested that the Arts Council have a table at Fridays on Vine and the Arts Festival to ask for donations towards the statue, and issue receipts which could be used as a taxable donation. The Mayor added that they have received a great response from the Vietnam Vets about this statue. She felt it would be beneficial for the Arts Council to seek these donations because it would help to get their name out there for future fundraising endeavors. Chairman Pruden clarified that they weren't asking for the money for the statue right now, but would like to request a budget adjustment for $31,000 for the museum dock and additional funding for Fridays on Vine through the Arts Council. The Mayor stated that the City received a matching grant from the County for $30,000, which has been used towards the dock project. Chairman Pruden said that as the year progresses, the City will see how other PAR projects are going, and the need for possible funding.

Mr. Baker explained the procedure for the budget adjustment: he will prepare a resolution, referring to an attached budget adjustment exhibit prepared by Mr. Caldwell. The resolution will go to the March 6th Council meeting, with a public hearing.

- Resolution 2019-16 Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Alan K. Jeppesen to the Tooele Valley Museum Advisory Board
  Presented by Mayor Debbie Winn

Mayor Winn said that she was approached by Mr. Jeppesen who requested to serve on the museum advisory board. She explained that Mr. Jeppesen has been a resident of Tooele City since 1973, and at one time served as a part-time City attorney for Tooele City. He is now retired and has time to volunteer for public service.

- Resolution 2018-35 A Resolution of the Tooele City Council Approving a Lease Agreement with Tooele County for the Middle Canyon Toll Booth Project
  Presented by Roger Baker

Mr. Baker said that Tooele County is anxious to install the toll booth at Middle Canyon. This lease will allow that to happen.

- Pending Ordinance Amendment Regarding Building Permit Issuance
  Presented by Roger Baker and Jim Bolser

AND

- Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision
  Presented by Jim Bolser

Mr. Baker said that this was discussed during last week's work session. The current City Code requires that all the public improvements be bonded for or already completed and accepted or a combination of the two for a subdivision plat to be recorded. Mr. Baker stated that with the Council's approval of this Resolution, the developer will be able to record the plat. Mr. Baker said that City staff was recommending approval of the Resolution so that the plat could be recorded.

Mr. Bolser added that the standard procedure, internal steps, and signatures still need to take place. He said that he was prepared to put all the final steps in place, if the Resolution is approved tonight.

Mr. Baker said that with the bonding in place, and with approval of this Resolution, there is nothing impeding his signature on the plat. With the signatures in place, allowing recordation, we can move to the building permit portion of the equation. Mr. Baker said that City staff put in a lot of work in the last week to bring this discussion to tonight's Council meeting. Mr. Baker said that he identified some existing Code language that, upon further reflection and study, would allow issuing building permits for Providence at Overlake Phase 2, even with the outstanding incomplete public improvements. He further explained that the Code language is a policy tool that this Council, or their predecessors, put in place to allow a developer to move forward. However there is quite a bit of concern on the part of staff with how the language is written, because it says a justification has to be put in the file. The tool gives staff the burden of

using broad discretion without statutory guidance. Mr. Baker said that in this case, City staff has prepared the justification for the file explaining the unique and unusual circumstances as to why it is appropriate to use this tool in this instance. Mr. Baker stated that staff is recommending amending the way the tool is written in the Code so that it will give staff guidance as to how to use this discretionary tool. The amendment provided in the packet is not complete, but doesn't need to be for the Council to approve the Resolution tonight or to allow the issuance of building permits for noncombustible residential construction in this subdivision. Mr. Bolser added that there is the possibility that the home builder will again be halted once the noncombustible construction is done, if the lights aren't installed by that time.

Mr. Baker said that the existing tool in the City Code doesn't go as far as the subdivider wants to go, but building permits can go forward for the noncombustible construction. The tool as proposed to be amended is a reasonable compromise, but doesn't allow full build of the houses, and does not use the Certificate of Occupancy as leverage. Mr. Baker said that the tool allows the developer to move forward, and is a compromise.

Council Member McCall joined the meeting at 5:17 p.m.

Chairman Pruden reminded the Council that they are talking about three lights on 400 West. Council Member McCall indicated that he found out that the developers had already paid for the lights, and that they are on backorder. He felt this was a difference from just ordering, and not paying yet. He suggested that the North Tooele City Special Improvement District be contacted to see if they would consider a different style. Mr. Bolser said that the district has made one change from the original style because they are no longer available. Council Member McCall asked why the City agreed to maintain these lights when they are so expensive to replace. Mr. Bolser said that the City's agreement with the district is to pay the standard price that would be paid for lights in other parts of town, and the district pays the difference for these expensive lights. Mr. Hansen clarified that the maintenance is a shared responsibility with the City and the district. Mayor Winn said that the Council is the group that decides on the light design for this area. The Council indicated that they would like to discuss a different light design at a future meeting.

Chairman Pruden said that until a change is made on the standard of light, developers should be told that they need to order these lights right away. He would like to allow developers to go forward, and let them get their permits. Mr. Baker said that those permits will be limited to noncombustible construction. He added that he and Jim Bolser will try to prepare something that goes a little further for a future meeting.

- Subdivision Preliminary Plan for the Overlake Estates 1L Subdivision, Phases 2-6, Located at Approximately 500 West 2000 North for a 125-Lot Single-Family Residential Development on Approximately 30.5 Acres
  Presented by Jim Bolser

Mr. Bolser stated that this preliminary plan is the next step of this project. With the settlement agreement, one of the items that fell upon the City was to refresh the platting of 1L. The developer went through the process on the first section of Phase 1L, got it recorded, and platted. This is a 125-lot project for the remaining area of Phase 1L that the developers propose to split up in 5 phases. Mr. Bolser went on to say that the final plat for Phase 2 should come in quickly. Mr. Bolser said that the Planning Commission forwarded this matter with a positive recommendation.

- Accessory Dwelling Units
  Presented by Roger Baker and Andrew Aagard

Due to the length of the agenda this item was postponed to the next meeting.

- Year One: Library Fine Free Policy
  Presented by Jami Carter, Library Director

Ms. Carter explained that year one of the fine free policy was fantastic, and that even she was surprised with the findings. The library has been fine free as of January 2018. Ms. Carter said that to be fine free means that they eliminated an assessment of a daily fine for items that were overdue. People still check items out and have a due date. The item cost is billed when there is a need of returned items. People still receive notices about being late and asked to return items, and there is a replacement cost included in the notice. She discussed the fiscal impact, administrative impact, community user impact, and findings with the Council. Ms. Carter stated that in her research last year, fines were a deterrent to the actual return of items, and extending trust to people is more effective than a penalty.

Ms. Carter stated that because library personnel are not dedicating time towards financial transactions, they have been able to add new classes and services to the public.

Council Member Wardle asked Ms. Carter if she was going to publish her findings on this because it was a remarkable an important study. Council Member McCall said that Ms. Carter has gone over the results with the library board as well.

- Cemetery and Golf Course Fee Discussion
  Presented by Brian Roth

Mr. Roth stated that he periodically reviews fees and does market comparisons to see if the City's fees are in line with other cities. After a review, he recommended raising the opening and closing fees at the cemetery. An area of concern by the cemetery staff is the resident vs. non-resident fee. He added that staff isn't comfortable trying decide who should and shouldn't be considered a resident, especially during the tough time of grieving and making funeral arrangements. Mr. Roth said that there seems to be two ways to go: ask the customer, and hope

they're honest; or have a single fee which takes the resident/non-resident requirement out of it. Mr. Roth felt that a general fee would be easiest. He listed some of the issues of trying to decide if a customer is a resident: do you try to prove the person who died is a resident, or the person who buys the plot? What if a person is a City resident for many years, but the family moved them to a care center in another city for a couple of years, would they then be considered a resident? Chairman Pruden said he would like to see a general fee, not a different fee for resident vs. nonresident. He asked Mr. Roth to ask the cemetery staff to bring a proposal to the Council, with a uniform fee. Mr. Baker stated he supported removing the staff from requiring proof of residency. Council Member Wardle disagreed, saying that it was the Tooele citizens who are paying the taxes. He said that the City cemetery is for Tooele City residents.

Mr. Roth stated that the golf course fees are in line except the green fees. He suggested they be increased by $1. He added that the golf cart fleet needs to be replaced. He suggested that they raise the fee on golf carts by $2 for nine holes, and $4 for 18 holes. He felt this increase would cover the cost to lease a new fleet of 80 carts. The lease would be for 6 years.

- RDA Resolution 2019-03 A Resolution of the Redevelopment Agency of Tooele City, Utah ("RDA") Approving a Contract with RS Contract Management for Policy-Related Economic Development and Redevelopment Services
  Presented by RDA Chairman Brad Pratt

RDA Board Chairman Pratt stated that this contract has gone through six revisions and is now ready to move forward.

4. **Close Meeting to Discuss Litigation, Property Acquisition and Personnel**

Council Member Pratt moved to close the meeting. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member Wardle "Aye," Council Member Pratt "Aye," and Chairman Pruden "Aye."

The meeting closed at 6:14 p.m.

Those in attendance during the closed session: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Attorney Ted Barnes, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

No minutes were taken on the closed meetings.

Council Member Wardle moved to recess the meeting. Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member Wardle "Aye," Council Member Pratt "Aye," and Chairman Pruden "Aye."

The meeting recessed at 6:51 p.m.

The closed meeting reconvened at 7:53 p.m.

Those in attendance during the closed session: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen (for a portion of the meeting), Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Attorney Ted Barnes, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

Staff was excused at 8:36 p.m. while the Mayor and Council discussed personnel.

5. **Adjourn**

Council Member Wardle moved to adjourn. Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member Wardle "Aye," Council Member Pratt "Aye," and Chairman Pruden "Aye."

The meeting adjourned at 9:06 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 6th day of March, 2019

Steve Pruden, Tooele City Council Chair

Sworn Statement

Pursuant to Section 52-4-206(6) of the Utah Code, I, Steven C. Pruden, Chair of the Tooele City Council, affirm that the purpose of the closed City Council meeting convened on 2/20/19, was exclusively to discuss the character, professional competence, or physical or mental health of an individual. Pursuant to the same Section, no electronic or written record of the meeting was kept.

Chair, Tooele City Council

Adjourn Closed: Motion – Scott
2nd – Brad @ 9:06pm