

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, December 1, 2021, at the hour of 7:00 p.m. The meeting will be held at the 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**
Presented by Debbie Winn, Mayor & Stacy Smart, Communities That Care Supervisor
4. **Public Comment Period**
5. **Independent Audit Report for Fiscal Year 2021**
Presented by Larson & Company
6. **Workers Compensation Insurance Policy Update**
Presented by Kami Perkins, Human Resources Director
7. **Resolution 2021-105** A Resolution of the Tooele City Council Adopting the Tooele County Comprehensive Emergency Management Plan
Presented by Debbie Winn, Mayor
8. **Resolution 2021-106** A Resolution of the Tooele City Council Designating Scott VonHatten as the Tooele City Emergency Manager, and Further Designating Three Emergency Interim Successors
Presented by Debbie Winn, Mayor
9. **Resolution 2021-107** A Resolution of the Tooele City Council Acknowledging Mayor Winn's Appointments of Tooele Downtown Alliance Committee Members
Presented by Jared Stewart, Economic Development Coordinator
10. **Resolution 2021-108** A Resolution of the Tooele City Council Approving and Ratifying the Policies and Procedures of the North Tooele City Special Service District Administrative Control Board
Presented by Maresa Manzione, Council Member
11. **Resolution 2021-109** A Resolution of the Tooele City Council Approving an Agreement with Mountain Heights Flooring for the Dow James Building Floor Replacement Project
Presented by Darwin Cook, Parks & Recreation Director

12. Minutes

*Wednesday November 3, 2021 Council Work and Business Meetings
Tuesday November 16, 2021 Election Canvass*

13. Invoices

14. Adjourn

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or michellep@tooelecitecity.org, Prior to the Meeting.



Workers Compensation Insurance

City Council Update



January 1 Renewal – WCF Insurance

(Not Done on Budget Year)

2021 Policy

- Projected Payroll \$9,779,055
- E-mod 1.47
- Premium Estimate **\$150,393**
- 2020 Dividend \$5,380
- Reconcile at Calendar End
- Normally Pretty Close

2022 Policy

- Projected Payroll \$11,252,384
 - New positions FY21 Budget
 - Police Pay Adjustment (work comp cost increases were included in cost numbers given to City Council)
 - Anticipated COLA July 2022 to Dec 2022
- E-mod 1.80
- Premium Estimate **\$174,442**



Projected
Premium
Increase

\$24,048

Payroll Increase \$1,473,329 (15%)

Rates for each Class Code down
across industry this year & this
helped us

E-mod increase \$105,618

Various Discounts

Why the E-Mod Increase - 1.0 is Average Risk/City 1.8

Claims Costs – Three Year Look Back Not Including Current Year

3 Years in E-mod
TBD

3 Years in E-mod
1.8

3 Years in E-mod
1.47

- ~~2017 - \$1,747 Comes Off~~
- 2018 - \$120,900
 - Back Injury at POST & Ankle - Person in Act of Crime
- 2019 - \$253,367 (Continues to Increase – Ongoing Claims)
 - Back Injury - Slip on Ice; Knee - Person in Act of Crime; Shoulder – Child in Swim Class Public Jumped on Swim Instructor; Multiple Injuries - Ladder Slip/Fall*
- 2020 - \$84,715 Comes On
 - Primarily One Injury Ongoing Expenses; Knee - Person in Act of Crime
- 2021 – Trending Better \$16K so far



OTHER PROPOSALS

Police Liability is a
Higher Risk

- ▶ ULGT \$208,020 (No City additional programs required)
- ▶ ULGT \$181,233 (With dedicated safety officer & Other Required Program Implementation)
- ▶ CooperPoint – Declined
- ▶ PIE – Declined
- ▶ The Hartford Insurance - Declined

WCF Insurance Comparison Worksheet prepared by: Chad Hawkins, Account Manager
Policyholder: Tooele City Corporation

2021 Policy Expiring

Description	Codes	Payroll	Rate	Estimated Premium
Paid Not Working Due to Government	12	\$43,000	\$0.00	\$0
STREET OR ROAD MAINTENANCE	5509	\$421,441	\$2.09	\$8,808
FIREFIGHTERS & DRIVERS	7710	\$103,176	\$2.94	\$3,033
FIREFIGHTERS & DRIVERS - VOL	7711	\$37,000	\$3.01	\$1,114
CLERICAL OFFICE EMPLOYEES	8810	\$1,777,747	\$0.11	\$1,956
MUNICIPAL EMPLOYEES	9417	\$7,439,691	\$1.65	\$122,755
Manual Premium		\$9,822,055		\$137,666
Employers Liability		1000/1000/1000	1.011	\$139,180
Experience Mod			1.47	\$204,595
Premium Deviations		18%	0.82	\$167,767
Association Credit			1.00	\$167,767
Premium Size Discount (%)		11.26%	0.89	\$148,877
Expense Constant			\$200	\$149,077
Waiver of Subrogation			\$0	\$149,077
Terrorism		0.0005%	\$491.10	\$149,568
Catastrophe		0.01%	\$982.21	\$150,550
TOTAL PREMIUM				\$150,550

2022 Policy Renewal

Description	Codes	Payroll	Rate	Estimated Premium
Paid Not Working Due to Government	12	\$43,000	\$0.00	\$0
STREET OR ROAD MAINTENANCE	5509	\$406,713	\$1.74	\$7,077
FIREFIGHTERS & DRIVERS	7710	\$106,734	\$2.54	\$2,711
FIREFIGHTERS & DRIVERS - VOL	7711	\$37,000	\$2.60	\$962
CLERICAL OFFICE EMPLOYEES	8810	\$1,962,917	\$0.08	\$1,570
MUNICIPAL EMPLOYEES	9417	\$8,696,020	\$1.36	\$118,266
Manual Premium		\$11,252,384		\$130,586
Employers Liability		1000/1000/1000	1.011	\$132,023
Experience Mod			1.80	\$237,640
Premium Deviations		18%	0.82	\$194,865
Association Credit			1.00	\$194,865
Premium Size Discount (%)		11.45%	0.89	\$172,553
Expense Constant			\$200	\$172,753
Waiver of Subrogation			\$0	\$172,753
Terrorism		0.0005%	\$562.62	\$173,313
Catastrophe		0.01%	\$1,125.24	\$174,434
TOTAL PREMIUM				\$174,434

Policy Comparison	Expiring Prem	Renewal Prem	Difference	Premium Difference
	\$150,550	\$174,434	\$23,883	16%

Rate Comparison			
Class Codes	2018	2019	2020
12	N/A	N/A	\$0.00
5509	\$2.74	\$2.33	\$1.88
7710	\$2.80	\$2.91	\$2.33
7711	\$2.80	\$2.91	\$2.33
8810	\$0.14	\$0.13	\$0.11
9417	\$2.07	\$1.93	\$1.49

Expiring Payroll	Renewal Payroll	Difference	Payroll Difference
\$9,822,055	\$11,252,384	\$1,430,329	15%

Comments:

**Declined by CopperPoint, PIE
and The Hartford Insurance**

Dividend History	
2020	\$ 5,380
2019	\$ 12,061
2018	\$ 10,154
2017	\$ 8,499
2016	\$ 5,720
Total	\$ 41,814

TOOELE CITY CORPORATION

RESOLUTION 2021-105

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE TOOELE COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

WHEREAS, the Local Emergency Management Act (enacted by HB 96 in 2021 and codified as Utah Code Title 53, Chapter 2a, Part 14, Section 1403) requires each city, town, and metro township to either create and maintain an emergency operations plan or adopt the emergency operations plan created by the county in which the city, town, or metro township is located; and,

WHEREAS, Tooele City desires to adopt the Tooele County Comprehensive Emergency Management Plan as its emergency operations plan:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Tooele City hereby adopts the Tooele County Comprehensive Emergency Management Plan as its emergency operations plan.

This Resolution is necessary for the life, health, safety, property, and welfare of Tooele City's residents and businesses and shall be effective immediately upon passage.

Passed this ____ day of _____, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

MAYOR

(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 2021-106

A RESOLUTION OF THE TOOELE CITY COUNCIL DESIGNATING SCOTT VONHATTEN AS THE TOOELE CITY EMERGENCY MANAGER, AND FURTHER DESIGNATING THREE EMERGENCY INTERIM SUCCESSORS.

WHEREAS, pursuant to Section 1403 of the Local Emergency Management Act (enacted by HB 96 in 2021 and codified as Utah Code Title 53, Chapter 2a, Part 14), Tooele City has adopted the Tooele County Comprehensive Emergency Management Plan as Tooele City's Emergency Operations Plan; and,

WHEREAS, UCA Section 53-2a-1402 requires Tooele City to designate an Emergency Manager; and,

WHEREAS, UCA Section 53-2a-807 requires Tooele City to designate three Emergency Interim Successors to the Emergency Manager, and to specify the order of succession; and,

WHEREAS, Mayor Winn recommends designating Scott VonHatten, Parks Supervisor, to be the Tooele City Emergency Manager; and,

WHEREAS, as suggested by UCA 53-2a-507, Mayor Winn recommends designating the Mayor, City Council Chair, and Police Chief, in that order, as the three Emergency Interim Successors to the Emergency Manager:

- NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that
1. Scott VonHatten is hereby designated as the Tooele City Emergency Manager; and,
 2. The Emergency Interim Successors shall be, in this order:
 - a. Debra Winn, Mayor, Tooele City;
 - b. Melodi Gochis, Chair, Tooele City Council, and her successor Chair; and,
 - c. Adrian Day, Chief, Tooele City Police Department.

This Resolution is necessary for the life, health, safety, property, and welfare of Tooele City's residents and businesses and shall be effective immediately upon passage.

Passed this ____ day of _____, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

MAYOR

(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 2021-107

A RESOLUTION OF THE TOOELE CITY COUNCIL ACKNOWLEDGING MAYOR WINN'S APPOINTMENTS OF TOOELE DOWNTOWN ALLIANCE COMMITTEE MEMBERS.

WHEREAS, the State of Utah Office of Economic Opportunity has initiated the Utah Main Street Program, part of the Main Street American movement, for the purpose of revitalizing Utah's downtowns; and,

WHEREAS, on October 6, 2021, the City Council approved Resolution 2021-93, indicating Tooele City Corporation's support for the revitalization and economic focus of the Utah Main Street Program and expressing its desire to become a designated community; and,

WHEREAS, on October 6, 2021, the Tooele City Council approved Resolution 2021-94 acknowledging the reconstitution of the Downtown Alliance, comprised of downtown property and business owners, to promote the success of Tooele City's downtown; and,

WHEREAS, Mayor Winn has appointed three persons as committee members, under City Administration supervision; and,

WHEREAS, the City Administration seeks the City Council's acknowledgement of the appointment of its committee members for purposes of establishing a clear record of the dates and names involved and of presenting united legislative and executive support for this important effort; and,

WHEREAS, the three appointees are John Cluff, Danielle Moorad, and Julie Ann Prescott (see Exhibit A, containing the appointees' expressions of interest):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Council hereby acknowledges the appointments of John Cluff, Danielle Moorad, and Julie Ann Prescott as Downtown Alliance committee members.

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

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

Downtown Alliance Committee Members
Appointed by Mayor Winn

Downtown Alliance - Committee Members (Resolution 2021-107)

Name	Why are you interested in joining the Tooele Downtown Alliance?	How can you contribute to this committee?
John Cluff	1. Downtown Tooele does not represent the quality of the community we live in. It needs to be restored so people living here and passing through can see a restored downtown. 2. Revenue is a necessary and vital requirement for a city to provide adequate services to the members of the community. Revenue from retail sales will add to the revenue that is required. Economic Development is vital for a progressive community.	Serving as a member of the RDA for Tooele City for 16 years provided extensive experience in using RDA's to develop the downtown. I have also been the chairman of the Benson Grist Mill Restoration Board for almost 15 years and I am currently the chairman of the Clover Church Restoration Committee. I have a great interest in preserving and restoring old buildings. I am also old enough to have great memories of downtown Tooele when it was the center of retail business in Tooele. As chairman of the Tooele County Tourism Tax Advisory Board we attended numerous training sessions on downtown development. I was a member of the Downtown Development Association owned by Roger Brooks. I have seen and heard his opinion on how to restore downtown areas. I am excited to assist Tooele City in this very important program to restore our downtown.
Danielle Moorad	I work at Mountain Land Physical Therapy and Rehabilitation on Main street and would love to see the downtown sector revitalized to be a beautiful and thriving area for community members and visitors to enjoy.	My background is healthcare though I grew up in a small town with a thriving downtown "square". I have a bit of an arts background and have been in many community programs and groups in the communities I have called "home". I love to give back and help where I can. My goal is to assist in the freshening up of downtown Tooele and to help make it a place to be rather than just a place to drive through like it has more recently been.

Name	Why are you interested in joining the Tooele Downtown Alliance?	How can you contribute to this committee?
Julie Ann Prescott	When I read about the exciting ideas to utilize a grant to work with the community of Tooele to revitalize downtown Main Street I immediately wanted to be a part of it. I would be honored to be part of the committee. I've lived in Tooele for 6 years and often visited family here for many years prior to that. We take part in all Tooele has to offer and appreciate the ingenuity and work it takes to offer so many wonderful, city sponsored programs. I personally see that this town has so much potential and to expand on the innovative ideas already in progress with CTC, Arts Council and Economic Development would be right up my alley. I love your fresh take on things and I believe I could be a help in getting community, business and developer involvement.	I worked in my hometown to help revitalize Broadway, refurbish the old stillwell hotel and get a mural painted for free on a local gas station. I spearheaded a citizens group called Farmington Ranches to get the local community involved and aware of local opportunities and issues. I served on community council and as an HIA vice president working with the city and local businesses to install a trail and park in our community. I am personable and persistent. Please let me know what help is needed for this endeavor to be successful and I'm ready to support that goal in any way that would be beneficial to you and the city at large.

TOOELE CITY CORPORATION

RESOLUTION 2021-108

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AND RATIFYING THE POLICIES AND PROCEDURES OF THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

WHEREAS, the City Council is the Board of the North Tooele City Special Service District ("District"), which provides taxpayer funded maintenance of public improvement amenities located within the District; and,

WHEREAS, the City Council has delegated its administrative authority of the District to an Administrative Control Board, whose members are appointed by the City Council; and,

WHEREAS, on November 18, 2021, the Administrative Control Board of the District approved District Resolution 2021-01, adopting updated and revised Policies and Procedures (see the Resolution and the Policies and Procedures attached as Exhibit A); and,

WHEREAS, as the District Board, it is appropriate for the City Council to approve and ratify the Policies and Procedures; and,

WHEREAS, the recitals of North Tooele City Special Service District Resolution 2021-01 are incorporated herein by this reference:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Policies and Procedures of the North Tooele City Special Service District Administrative Control Board are hereby approved and ratified.

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

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

NTCSSD Resolution 2021-01

NORTH TOOELE CITY SPECIAL SERVICE DISTRICT

RESOLUTION 2021-01

A RESOLUTION OF THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT ADOPTING AMENDED AND RESTATED ADMINISTRATIVE POLICIES AND PROCEDURES.

WHEREAS, it is necessary for the orderly administration and operation of the North Tooele City Special Service District ("District") to adopt policies and procedures governing the District; and,

WHEREAS, the Administrative Control Board ("Board") of the District adopted Resolution No. 00-7 (2000-07) on October 10, 2000, which adopted administrative policies and procedures for the District (the "Initial Policies and Procedures"); and,

WHEREAS, subsequent to the adoption of Resolution No. 00-7, the District and Tooele City entered into an Interlocal Agreement, dated April 12, 2001 ("Interlocal Agreement"), for the purpose of implementing procedures pursuant to which the District assumed responsibility for the care and maintenance of the Facilities, as defined in the Interlocal Agreement and in the Initial Policies and Procedures, and,

WHEREAS, the Board desires to amend and restate the Initial Policies and Procedures for the purposes of consistency with the Interlocal Agreement and applicable state statutes, and to make other updates and corrections.

NOW, THEREFORE, be it resolved by the Administrative Control Board of the North Tooele City Special Service District as follows:

SECTION I

GENERAL

1.01. Authority. The District has been established by the City Council ("Council") of Tooele City, Utah ("City"), pursuant to Resolution No. 99-29, dated June 16, 1999, recorded in the office of the Tooele County Recorder on December 29, 1999, as Entry No. 141915, in Book 0604, at Page 0288 of Records ("Establishment Resolution"), under authority of and pursuant to the Utah Special Service District Act, §17A-1-1301, *et seq.*, Utah Code Ann., 1953, as amended ("Act") (renumbered to §17D-1-101, *et seq.*, Utah Code Ann., 1953, as amended).

1.02. Adoption. The Board, pursuant to its duly vested authority as set forth in Section 2.02 below, hereby adopts the following amended and restated policies and procedures to govern the administration and operation of the affairs and activities of the District.

1.03. Amendment. These policies and procedures may be changed and amended from time to time by appropriate action of the Board. No exceptions to these

rules will be permitted without the prior written approval of the Board.

SECTION II

ADMINISTRATIVE CONTROL BOARD

2.01 Appointment and Qualification. Pursuant to Tooele City Resolutions 99-60, 99-88, and 99-111, members of the Board are appointed by the Council. The Board shall consist of five (5) members and one non-voting member, ex officio, from the Council, who is to advise the Board and act as a liaison to the Council. The members of the Board will serve staggered terms as set forth in the resolutions of the Council.

(a) Qualifications. Voting members of the Board must be qualified electors residing within the boundaries of the District.

(b) Vacancy in Office. Whenever a vacancy occurs on the Board, the Council shall fill such vacancy for the unexpired term. The Board may recommend qualified candidates to the Council

(c) Removal from Office. Any officer appointed by the Council may be removed by the Council whenever in its judgment the best interests of the District would be served.

2.02. Delegation of Authority. As set forth in §17D-1-301 of the Act, the Council is the governing authority of the District and has control and supervisory authority over all activities of the District.

(a) Delegation of Authority. Notwithstanding the foregoing, the Council, pursuant to the authority of §17D-1-301 of the Act, has, pursuant to Resolution No. 2000-54 ("Delegation Ordinance"), delegated to the Board the power to act as the governing authority of the District and to perform all activities and to exercise all rights, powers, and authority of the District, except that the Council has not delegated to the Board, and itself retains, the power to authorize and approve: (1) the levy of taxes on the taxable property of the District; (ii) issue bonds payable from taxes; (iii) calling or holding an election for the authorization of the tax or bonds; (iv) levying assessments for improvements in an improvement district created under Title 17B, Chapter 2a, Part 4 Utah Code Ann, 1953, as amended; (v) issue interim warrants or bonds payable from those assessments; or, (vi) appointing a board of equalization under §11-42-403, Utah Code Ann. 1953, as amended.

(b) Revocation of Authority. The Council may revoke in whole or in part any power or authority delegated to the Board.

2.03. Powers of the District. Subject to the limitations in the delegation of authority from the Council to the Board as set forth in Section 2.02 above, the statutory powers of the District which are to be governed, supervised and managed by the Board pursuant to its delegated authority from the Council include, but are not limited to the following:

(a) The power to exercise all powers of eminent domain

possessed by Tooele City.

(b) The power to enter into contracts considered desirable by the Board to carry out the functions of the District, including, without limitation, the power to enter into contracts with the government of the United States or any of its agencies, the State of Utah, counties, municipalities, school districts, and other public corporations, districts, or political subdivisions including institutions of higher education. These contracts may include, without limitation, provisions concerning the use, operation, and maintenance of any facilities of the District and the collection of fees or charges with respect to commodities, services, or facilities provided by the District.

(c) The power to acquire or construct facilities, to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and otherwise deal in and with real and personal property, or any interest in them, wherever situated, either within or outside of the District. Although the District has the power to own real property, by agreement with the City, the City will hold title to all real property.

(d) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or any part of its property and assets.

(e) The power to accept governmental grants, loans, or funds and to comply with the conditions of them.

(f) The right to utilize any officers, employees, property, equipment, offices, or facilities of the City, and for which the Board shall reimburse the City from District funds, a reasonable amount for the services so rendered or for the property, equipment, offices, or facilities so used.

(g) The right to employ officers, employees, and agents for the District, including engineers, accountants, attorneys, and financial consultants, and to fix their compensation.

(h) Subject to approval by and authorization from the Council as set forth in Section 2.02 above, the District shall have the power to borrow money and incur indebtedness, issuing its bonds or notes therefore, including, without limitation:

(1) bonds payable in whole or in part from taxes levied on the taxable property in the District;

(2) bonds payable from revenues derived from the operation of revenue-producing facilities of the District;

(3) bonds payable from both such revenues and taxes;

(4) guaranteed bonds, payable in whole or in part from taxes levied on the taxable property in the District;

(5) tax anticipation notes;

(6) bond anticipation notes; and,

(7) refunding bonds.

(i) The power to enact a resolution or ordinance that imposes fees or charges for any commodities, services, or facilities provided by the District, including the power, subject to Council approval and authority, to pledge all or part of the revenues from those fees and charges to the payment of any bonds issued by the District, and to adopt rules to assure the proper collection and enforcement of all fees and charges so imposed.

2.04. Quorum. A majority of the members of the Board shall constitute a quorum.

2.05. Board Action. The vote of a majority of the members of the Board (i.e., no less than three votes), in any matter, within their duties, shall constitute the Board's determination, except as otherwise herein provided. The Board may not take action on a matter not appearing on the posted agenda for a particular meeting unless one of the following conditions exist:

(a) a determination by a majority vote of the Board that an emergency situation as defined herein exists;

(b) a determination by a two-thirds vote of the Board, or, if a two-thirds vote of the Board is not represented, a unanimous vote of those directors present, that the need to take action arose subsequent to the agenda being posted; or,

(c) the item was posted as required for a meeting of the Board occurring not more than five calendar days prior to the date of the present meeting, and at the prior Board meeting the item was continued to the present meeting at which action is being taken.

2.06. Presumption of Assent. A Board member who is present at a meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless their dissent shall be entered into the minutes of the meeting or unless they shall file their written dissent to such action with the Secretary before the adjournment of the meeting. A written dissent shall not apply to a Board member who voted in favor of such action.

2.07. Board Officers.

(a) Establishment of Offices. There shall be the offices of Chair of the Board, Vice-Chair of the Board, Treasurer of the District, Secretary to the Board, Vice Treasurer, and Maintenance Coordinator.

(b) Duties of Officers.

(1) Chair. The Chair shall be the presiding officer of the Board and shall perform the following duties:

(i) preside at all meetings of the Board and District;

(ii) execute all contracts, agreements, bonds, resolutions and other documents approved and authorized by the Board, except as otherwise delegated by the Board;

(iii) organize the Board as necessary into committees;

(iv) serve as the spokesperson for the Board, unless otherwise directed by the Board. When the Chair speaks as an individual member of the Board, they shall state that they are representing their own views and not the consensus of the Board; and,

(v) be responsible for the day-to-day activities of the District.

(2) Vice-Chair. The Vice-Chair shall perform all of the duties of the Chair when the Chair is unable for any reason to act or when for any reason there is a vacancy in the office of Chair.

(3) Treasurer. The Treasurer shall perform or cause to be performed the following duties:

(i) get the mail from the box at Tooele City Hall 90 N Main St.;

(ii) open all mail and notify accountant of, and deliver to accountant, bills and amounts to pay;

(iii) present all invoices for approval in Board meeting;

(iv) sign checks, together with another authorized officer, and mail/deliver checks to individuals for disbursement;

(v) present all other mail to the Board;

(vi) fill out and return Utah Local Government Trust (or other insurance provider) liability insurance application each year; and,

(vii) store archived invoices and related correspondence.

(4) Secretary. The Secretary shall perform or cause to be performed the following duties:

(i) be custodian of the records of the District and of its corporate seal;

(ii) attest all certified copies of the official records and files of the District that may be required by the Act, or by any person ordering the same and paying the reasonable cost of transcription;

(iii) provide written notice of the expiration date of the terms of office of directors or vacancy in the office of director as required by law;

(iv) publish notice of public hearings and other notices as directed by the Act or by the Board;

(v) ensure notice of vacancies on the Board are published; and,

(vi) assist the Board in other matters assigned by the Board.

(5) Vice-Treasurer. The Vice-Treasurer shall perform or cause to be performed the following duties:

- (i) reconcile all financial accounts;
- (ii) maintain and present income statements and balance statements of accounts to board for discussion;
- (iii) file all required state reports (i.e., in July and January);
- (iv) provide tax rate information to the Board;
- (v) this position may be an independent contracted position.

(6) Maintenance Coordinator. The Maintenance Coordinator shall interface, on behalf of the Board, with the Tooele City Public Works Department and other City departments and personnel on maintenance matters involving the City.

(c) Terms of Office. The terms of office for the-Chair, Vice-Chair, Treasurer, and Maintenance Coordinator shall be one (1) year. The Secretary shall serve until removal or resignation.

(d) Selection of Officers. The officers shall be elected by the Board. The offices of Chair, Vice-Chair, Treasurer, and Maintenance Coordinator shall be held by members of the Board. The office of Secretary of the Board may but need not be held by a member of the Board. The office of Vice Treasurer shall be held by an outside contractor hired by the Board.

(e) Vacancy in Office. Whenever a vacancy occurs in the office of Chair, Vice-Chair, Secretary, Treasurer, or Maintenance Coordinator during their term of office, the Board shall fill such vacancy for the unexpired term by publishing the vacancy.

(f) Removal from Office. Any officer appointed by the Board may be removed by the Board for any lawful purpose whenever in its judgment the best interests of the District would be served.

2.08. Committees. Ad hoc committees may be created by the Chair of the Board to undertake special assignments on behalf of the Board. An ad hoc committee shall exist for a specific term or until its special assignments are completed, whichever comes first, and may be disbanded by the Chair of the Board. Its existence may be extended for an added term or assignments added by action of the Board. Unless otherwise specified, members of an ad hoc committee shall be appointed by the Board Chair and shall serve at their pleasure.

2.09. Indemnification of Board Members. The District shall indemnify and defend all members of the Board from and against all actions, claims, and expenses of any nature arising as a result of the performance of their duties, within the scope of their employment or under color of authority, except where such claim is based on or resulted from fraud or malice or illegal conduct, or from the Board member's driving a

vehicle or being in actual physical control of a vehicle while under the influence of alcohol or any illegally used drug or being physically or mentally impaired so as to unreasonably perform their job function because of illegally used drugs, alcohol, or a combination thereof.

2.10. Compensation.

(a) Board Member Compensation. All members of the Board shall receive compensation in an amount per meeting attended as shall be determined annually by the Board in its annual budget.

(b) Board Officers Compensation. In addition to their compensation as Board members, the Chair, Vice-Chair, Secretary, Treasurer, Vice Treasurer, and Maintenance Coordinator may receive such compensation for the time and services they provide as officers of the District as shall be determined annually by the Board in its annual budget.

(c) Per Diem Compensation for Extraordinary Services. All members of the Board shall receive compensation on a per diem basis, as determined by the Board, for the performance of such exceptional duties as may be assigned to them by the Board, at its discretion, including, without limitation, attendance at seminars and conferences, etc. The amount of per diem compensation shall be determined from time to time by the Board.

(d) Expense Reimbursement. All Board members shall be reimbursed for all reasonable out of-pocket expenses incurred as a result of the performance of their duties as members of the Board.

SECTION III

MEETINGS OF THE BOARD

3.01. Regular Meetings. Prior to the end of each calendar year, the Board shall designate the time and place of the Regular meetings of the Board to be held during the next calendar year. Notice of the Regular meetings shall be given as provided herein. Members of the Board may appear at any District meeting by telephone or by other electronic means upon good cause and with the consent of the Chair.

3.02. Special Meetings. Special meetings of the Board may be called at any time by the Chair, or in case of vacancy in the office of the Chair or inability of the Chair to act, by the Vice-Chair. Upon request of three members of the Board, the Chair shall call a Special meeting. Notice of a Special meeting shall be given as provided herein.

3.03. Emergency Meetings. The Board may hold Emergency meetings in the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities or services.

(a) For purposes of this section, "emergency situation" means any of the following:

(1) work stoppage or other activity which poses a threat to or severely impairs public health, safety, or both; or,

(2) crippling disaster or naturally occurring event which pose a threat to or severely impairs public health, safety, or both.

(b) The notice requirements herein may be disregarded in the event an Emergency meeting is called and the best practicable notice is given. No Emergency meeting may be called unless an attempt has been made to notify all Board members and a majority of the Board votes in the affirmative to hold the meeting. The Secretary shall notify the newspaper of the fact of the holding of the Emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible, if not before.

(c) Notwithstanding the provisions of Section 3.07, the Board shall not meet in closed session during an Emergency meeting.

3.04. Notices of Meetings.

(a) Principal Office. For the purpose of these Policies and Procedures, the principal office of the District shall be at Tooele City Hall, 90 North Main Street, Tooele, Utah 84074.

(b) Regular Meetings.

(1) The Board shall give public notice at least once each year of its Regular meetings scheduled during the year. The notice shall specify the date, time, and place of Regular meetings.

(2) The Secretary shall give not less than 24 hours' public notice of each of its meetings as required by the Utah Open Meeting Act (UCA 52-4-101 et seq.).

(c) Special and Emergency Meetings.

(1) The Secretary shall give notice of Special meetings by delivering personally or by mailing written notice to each director and as required by the Utah Open Meetings Act.

(2) No public notice of Emergency meetings is required except as required by the Utah Open Meetings Act.

3.05. Notice to Board Members. Notice of Regular meetings of the Board shall be sent by the Secretary to all members of the Board, including the ex-officio member from the Council, by email at least five (5) days in advance of each meeting and the notice shall designate the time and place of the meeting. The notice here required may be waived by unanimous consent of all members of the Board. In the event the Secretary is unable to act, notices may be sent by any other officer of the Board.

3.06. Meetings Open and Public. All Board meetings shall be open and public, and all persons shall be permitted to attend any meeting, except for Closed Meetings. A member of the public shall not be required, as a condition to attendance at a meeting of the Board, to register that person's name or other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to attending. This section shall not prohibit the removal of any person who willfully disrupts a meeting.

3.07. Closed Meetings.

(a) Procedure. The Board may close a Board meeting for any purpose authorized by law by at least a two-thirds vote of the directors present at any meeting of the Board. The Chair shall designate those persons who are to remain to assist the Board in its deliberations. All other persons shall leave the meeting room. The purposes presently authorized by statute for closed meetings are outlined in the Utah Open Meetings Act, and include:

(1) discussion of the character, professional competence, or physical or mental health of an individual;

(2) strategy sessions to discuss collective bargaining;

(3) strategy sessions to discuss pending or reasonably imminent litigation;

(4) strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

(5) strategy sessions to discuss the sale of real property when:

(i) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

(ii) the public body had previously given public notice that the property would be offered for sale;

(iii) the terms of the sale are publicly disclosed before the public body approves the sale;

(6) discussion regarding deployment of security personnel or devices or systems; and,

(7) investigative proceedings regarding allegations of criminal misconduct.

(b) Termination of Closed Meeting. The Board may return from a closed meeting to an open meeting on a majority vote of the Board.

(c) Action During Closed Meeting. The Board may not authorize or approve any ordinance, resolution, rule, regulation, contract, or appointment during a closed meeting.

3.08. Adjourned Meetings. The Board may adjourn any meeting to a time and place specified by a majority vote of the Board members.

3.09. Minutes of Board Meetings.

(a) Open Meetings. The minutes of all open portions of Board meetings shall contain the date, time, and place of the meeting together with the names of all members present and absent and the substance of matters proposed, discussed, or decided and a record, by member of individual votes taken, names of all individuals

who appeared, the substance in brief of their testimony, and any other information a director requests be entered in the minutes. The minutes will be prepared in a reasonable time after the meeting, and the minutes as so prepared shall be available, upon request, to the public, even though they have not yet been approved. Copies may be made of the unapproved minutes at the cost of the person making the request, but shall be clearly marked as "unapproved."

(b) Closed Meetings. Minutes of closed meetings shall include the date, time, and place of the meeting, the names of members present and absent, the names of all others present, except where disclosure of such names would infringe on the confidence necessary to fulfill the original purpose of closing the meeting, the reasons for holding the closed meeting and the vote, either for or against the proposition to hold such meeting cast by each director by name.

3.10. Approval of Minutes by Board. Written minutes of Board meetings will be presented to the Board at its following meeting for amendment and approval. The tape recording of the meeting is then to be erased and stenographic notes destroyed.

3.11. Board Agenda.

(a) Deadline for Submission of Material. The deadline for submission to the Secretary of items for Board meeting agendas shall be five (5) days prior to the meeting.

(b) Posting of Agenda. At least 24 hours before a Regular or Special meeting, the Secretary-Treasurer shall (1) post an agenda containing item of business to be transacted or discussed at the meeting, (2) post the agenda to the Utah Public Notice website. The agenda shall specify the time and location of the meeting.

SECTION IV

DISTRICT FINANCES AND RECORDS ACCESS

4.01. District Finances.

(a) General.

(1) Fiscal Year. The Fiscal Year of the District shall begin July 1 of each year and end on June 30 of the following year.

(2) Expenditure of Public Funds. The District shall not make or incur expenditures or encumbrances in excess of total appropriations in the budget as adopted or as subsequently amended. Any such obligation contracted by any officer is ultra vires and not enforceable against the District. No check or warrant to cover any claim against any appropriation may be drawn until the claim has been processed as provided by this part. It is the District's policy to expend public funds only for bona fide public purposes.

(3) Authorization to Sign Checks. Disbursements of the District shall be made by checks hand-signed by the Treasurer and countersigned by the Chair or Vice-Chair of the Board. All District checks require two authorized signatures.

(4) The accounting, budgeting and financial reporting procedures by which the District is bound are set forth in the Uniform Fiscal Procedures for Special Districts Act, UCA Title 17B, Chapter 1, Part 6, as amended (the "Fiscal Procedures Act"). The following terms and provisions are not intended to be a complete recitation of the accounting, budgeting and financial reporting requirements of the Fiscal Procedures Act, but a general guide to the same. Reference should be made to the full text of the Fiscal Procedures Act for guidance in managing the finances of the District.

(b) Annual Budget.

(1) Laws and Regulations. The District shall comply with all State laws regarding the preparation and oversight of the yearly budget. Copies of the approved budget are sent to the Utah State Auditor's office within 30 days of adoption.

(2) Tentative Budget.

(i) Contents. The tentative budget for the District shall provide, in tabular form, the following:

(A) actual revenues and expenditures (budgeted and actual) for the last completed fiscal year;

(B) year to date and total estimated revenues and expenditures for the current fiscal year; and

(C) estimates of revenues and expenditures for the budget year, including the amount of revenue available to serve the needs of each fund and estimates of the portion to be derived from general property taxes and all sources other than general property taxes.

(ii) Revenues to Exceed Expenditures. The total of anticipated revenues shall equal or exceed the total of appropriated expenditures.

(iii) Filing of Tentative Budget with Board. At or before the first regularly scheduled meeting of the Board in June, the Secretary-Treasurer shall file the tentative budget with the Board. The Board shall review, consider, amend, revise or tentatively adopt the budget in any regular or special meeting called for that purpose prior to the public hearing, but no appropriation required for debt retirement and interest or reduction of any existing deficits required by law may be reduced below the minimums so required.

(iv) Adoption of Tentative Budget. The Board shall tentatively adopt the budgets and establish the time and place of a public hearing to consider its final adoption of the budgets.

(v) Available to Public. The tentative budgets adopted by the Board and all supporting schedules and data are a public record, and shall be available for public inspection for a period of at least seven days prior to the adoption of the final budget.

(3) Adoption of Final Budget. The final budget of the District shall be approved in conformance with the following:

(i) Notice of Budget Hearing. Final approval of the

Board's proposed budget is subject to a public hearing. Therefore, following the Board's June meeting, the District shall provide notice as required by the Utah Open Meetings Act, at least seven (7) days prior to the hearing, that a public hearing will be held to accept the District's proposed budget for the upcoming year. The advertisement will outline the date, time, and place of the public meeting, inviting the public to attend and make oral and/or written comments about the proposed budget. The District shall mail a copy of its tentative budget to the Council and will begin operating on the tentative budget July 1.

(ii) Budget Hearing. At the time and place advertised, or any time or any place to which the public hearing may be adjourned, the Board shall hold a public hearing on the budgets tentatively adopted. All interested persons in attendance shall be given an opportunity to be heard on the estimates of revenues and expenditures or any item in the tentative budget of any fund. The Board shall explain any questions and seek to resolve any objections raised at the time by the City Council or any other person attending the meeting.

(iii) Continuing Authority. After the conclusion of the public hearing, the Board may continue to review the tentative budget and may insert any new items, or may increase or decrease items of expenditure, that were the proper subject of consideration at the public hearing. It shall also increase or decrease the total anticipated revenue to equal the net change in proposed expenditures in the budget of each fund.

(iv) Adoption. After considering the tentative budget and making any revisions thereto that it may deem advisable, the Board shall, by resolution, adopt a budget for the ensuing fiscal year. Upon final adoption, the budget shall be in effect for the budget year, subject to later amendment.

(4) Public Access. A copy of the final budget shall be certified by the Chair of the Board, filed at the principal office of the District, and thereafter made available to the public during regular business hours.

(5) Appropriations not to Exceed Estimated Expendable Revenues. The Board shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue for the budget year of the fund. The Chair of the Board shall require all expenditures to conform with the final budget, as the same may be amended from time to time, and may not encumber any appropriation or authorize any expenditure unless there exist sufficient unencumbered revenues in the appropriation.

(6) Amendment and Increase of Budget. If during any budget year, an expense item is presented to the District for payment, and the payment thereof would exceed any line item in the approved budget, that item will be referred to the Board for amendment of the budget pursuant to the following provisions prior to payment. The Board may, at any time during the budget year, review the budget for the purpose of determining if it should be increased. If the Board determined that the budget should be increased, it shall follow the procedures established for convening a public hearing on the budget as provided herein. After the conclusion of the hearing, the Board may, by resolution, amend the budget so as to make all or part of the increases, both estimated revenues and appropriations, which were the proper subject of consideration at the hearing. Final amendments in the current year to the budget shall be adopted by the

Board on or before the last day of the fiscal year.

(7) Emergency Expenditures. If the Board determines that an emergency exists, such as widespread damage from fire, flood, earthquake, or other conditions the health, welfare or safety of the public, and that the emergency necessitates the expenditure of money in excess of the budget of the general fund, the governing body may, by resolution, amend the budget and authorize the expenditures and incur any deficits in fund balance of the general fund reasonably necessary to meet the emergency.

(8) Lapse of Appropriations. All unexpended or unencumbered appropriations, except capital projects fund appropriations, lapse at the end of the budget year to the respective fund balance.

(9) Approval of District Expenditures. The adoption of the final budget by the Board shall be an appropriation by the Board for the purposes described in the budget and no further action by the Board is required for expenditures within the amounts approved in the final budget. Notwithstanding this authorization, the Board shall review and authorize all District expenditures.

(c) Levy of Tax by the Board.

(1) Determination by Board. Prior to June 22 of each year, the Board shall determine the level of funds to be raised by taxation, taking into consideration other sources of District revenue, and shall, by resolution, fix a rate of levy which when applied to every dollar of taxable value of property within the District will raise such funds, subject to the applicable tax limit established in the election authorizing the levy of the tax.

(2) Notice and Hearings. In the event the tax levied by the Board exceeds the certified tax rate for the District, the Board shall set, publish notice, and hold a hearing as required pursuant to the provisions of UCA Title 59, Chapter 2, as amended.

(d) Annual Audit. An independent audit of the District is required to be performed in conformity with UCA Title 17B, Chapter 1, Part 7, as amended.

(1) Audit and Management Letter. The Board shall appoint a public accounting firm to serve as independent auditor for the purpose of complying with the state audit requirements. The District accounting firm shall conduct an annual audit of the District's operations and financial statement each year-end and make a report to the Board. The Board will evaluate the results of the audit and will accept the audit results. As needed, the Board will meet with the public accounting firm to review the audit results and evaluate recommendations. At the completion of each audit, the auditors will provide a management letter. The management letter details any material weaknesses, reportable conditions, or other recommendations that were noted during the course of the audit. If possible, District staff will try to resolve and correct these conditions during the audit (or give rationale to continue any noted conditions) so these factors can be included in the management letter. Notwithstanding the foregoing, the District audit may be conducted as part of the City's audit if and when agreed to by the City.

(2) Copy of Audit to State Auditor. A copy of the audited financial statements, management letter, and staff response thereto (which may be included in the management letter), are sent to the State Auditor's Office as required by State law.

4.02. Records Access. The public's right of access to all unrestricted public records of the District shall be governed by and the District shall be subject to and act at all times in conformance with the requirements of Government Records Access and Management Act, UCA Title 63G, Chapter 2, as amended.

SECTION V

DISTRICT PROCUREMENT

5.01. General.

(a) Policy. The North Tooele City Special Service District Board shall adhere to the current Tooele City purchasing policy for all purchases made on behalf of the Board, including for emergency procurement and sole source of supply.

(b) Chief Procurement Officer. The Chair of the Board shall be the chief procurement officer for the District.

SECTION VI

CONFLICTS OF INTEREST

6.01. Prohibited. Conflicts of interest are prohibited.

6.02. Disclosure. Every member of the Board who is an officer, director, agent, employee or the owner of any interest in any business entity which supplies goods or materials or provides services to the District shall disclose, in writing, any such position held and the precise nature and value of the member's interest. The disclosure shall be made (1) when the member first becomes a member of the Board; (2) whenever the Board member's position in the business entity changes significantly or the value of their interest in the entity is significantly increased; and (3) whenever the District is considering taking an action that would implicate or affect the entity in which the Board member has a position or interest.

6.03. Prohibited Activities. Members of the Board shall not:

(a) accept employment or engage in business or professional activity which might reasonably expect them to improperly disclose confidential information which they have gained by reason of their official position;

(b) disclose confidential information acquired by reason of their official position, nor use such information for theirs or another's personal gain;

(c) use or attempt to use their official position to secure special privileges or exemptions for themselves or others;

(d) accept other employment which they might expect would interfere with the ethical performance of their public duties;

(e) accept, receive, take, seek or solicit directly or indirectly, any gift, compensation, or loan for themselves or another if:

(1) it tends to influence them in the discharge of their official

duties, or,

(2) they have recently been, are, or in the near future may be involved in any governmental action directly affecting the donor or lender. The following are not considered a gift, compensation, or loan;

(i) an occasional non-pecuniary gift, having a value of not in excess of \$50;

(ii) an award publicly presented in recognition of public services;

(iii) a bona fide loan made in the ordinary course of business by an institution engaged in making such loans;

(iv) a political campaign contribution;

(f) receive or agree to receive compensation for assisting any person or business entity in any transaction involving the District;

(g) participate in their official capacity or receive compensation in respect to any transaction between the District and any business entity in which the Board member is also an officer, director, or employee or owns a substantial interest;

(h) commingle District funds with the Board member's own money. If it appears that the Treasurer or any other officer is making a profit out of public money, or is using the same for any purpose not authorized by law, the Treasurer or officer shall be suspended from office.

SECTION VII

NEPOTISM

7.01. Definitions:

(a) "Relative" means: father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

7.02. Policy. It is the policy of the District that it will hire the best qualified applicants available for all openings,

7.03. Prohibition. Except as provided in below, hiring of relatives of present members of the Board, either as an employee or as an independent contractor, is prohibited.

7.04. Disclosure on Job Applications. All job applicants shall specify on the District's application form if they have relatives who are present members of the B "yes" will be questioned on the relationship and will not be hired in violation hereof. Any employee discovered to have falsified their application on this question will be terminated.

7.05. Exception - Temporary Positions. Relatives of present members of the Board may be hired for temporary positions, but not given priority over other applicants, under three conditions:

- (a) the applicant must meet all qualifications and requirements of the position to be filled;
 - (b) the employment relationship will be understood to be temporary;
- and,
- (c) the relative will not be a manager/supervisor.

SECTION VIII

MAINTENANCE OF PROPERTY, FEATURES AND FACILITIES

8.01. Service Area. The service area of the District shall include all real property situated within that certain planned community located in Tooele City, Tooele County, Utah, referred to as the Overlake Project (the "Overlake Community"), as approved by Resolution of the Tooele City Council, and as amended from time to time by annexation into the District or disconnection from the District.

8.02. Service to be Provided. In conformance with the requirements of the Development Agreement, the District shall care for and maintain those parks, open spaces, trails, buffer areas and related property, features and facilities within the Overlake Community more clearly described in Section 8.03 hereof (the "Initial Facilities"), and those which may be added in the future pursuant to the provisions of Section 8.04 hereof (the "Additional Facilities"), which in both cases have been dedicated to and accepted by the City and accepted and agreed to by the District, and which will not be cared for and maintained by the City as part of the City's municipal park system. (The Initial Facilities and the Additional Facilities are sometimes referred to collectively herein as the "Facilities"). Title to the Facilities shall remain vested in the City, subject to the District's obligation to care for and maintain the same.

8.03. Property, Features and Facilities to Be Maintained. The Initial Facilities, as of the date hereof, are as follows:

- (a) All street signs bearing the Overlake logo;
- (b) Boulevard stop signs of the Overlake design;
- (c) Street and alley lights of the Overlake design;
- (d) Flower beds, flowers, shrubs, bushes and other living plants and landscaping within the "Parkways" and "Buffer/Bikeways" as shown in the typical design of the 84 foot Right of-Way Limited Access Collector (see Exhibit "O" to the former Development Agreement with Tooele Associates and Tooele City, a copy of which Exhibit O is attached hereto as "EXHIBIT "A" hereto);
- (e) Fences, improvements and/or fixtures within the 30 foot "Buffer/Bikeways" (see "EXHIBIT "A");
- (f) All light fixtures and bollards located within the "Parkways" (see "EXHIBIT "A");
- (g) Flower beds, flowers, shrubs, bushes and other living plants and landscaping within the circular "frisbee" circles in the "dog bones" of 370 West street and

other similar features;

(h) Any special entry features, including the entry bridge and surrounding landscaping and fencing at 1500 North and 400 West; and,

(1) Pedestrian "shortcut" walkways. The District shall care for and maintain the Facilities in a reasonable and prudent manner.

8.04. Procedure for Adding New Property, Features and Facilities.

(a) The District shall assume responsibility for maintenance of the Additional Facilities in addition to the Initial Facilities specifically enumerated in Section 8.03 above, subject to and in conformance with the following procedure:

(1) Upon receiving a preliminary plan for any new development within the District boundaries, the City shall immediately provide a full copy of the same plan to the District. The City shall require that the preliminary plan clearly indicate on the face thereof:

(i) those properties, features and facilities, if any, which upon dedication to the City are proposed to be maintained by the City, and,

(ii) the Additional Facilities, if any, which are proposed to be dedicated to the City and to be operated, cared for and maintained by the District.

(2) Upon receipt of the preliminary plan by the District, the Board shall review the same within 30 days from the date of receipt thereof, and shall manifest in writing to the City its recommendation with respect to the District's position as to whether the City should approve and accept the Additional Facilities. The Board's recommendation shall explain, in detail, its concerns with regard to the proposal and set forth the specific conditions that will make the plan acceptable to the Board. The Board, the Council and the Developer may consult together in an effort to resolve any concerns and differences. Upon agreement, the Developer shall incorporate the specifics of the agreement into the preliminary plan prior to the City's approval of the plan. In the event an agreement is not reached, City staff will forward the Board's written recommendation to the Planning Commission and City Council, along with the staff's own recommendation

(3) Upon receiving a final plat and construction drawings for any new development within the District boundaries, the City shall immediately submit the following to the District;

(i) one copy of the final plat, in the form submitted to the City, which clearly indicates on the face thereof (i) those properties, features and facilities, if any, which are proposed to be dedicated to and maintained by the City, and (ii) the Additional Facilities, if any, which are proposed to be dedicated to the City and be operated, cared for and maintained by the District;

(ii) one copy of the final construction plans, specifications and drawings for the Additional Facilities which verify that the Additional Facilities have been designed and are to be constructed in conformance with the final requirements and conditions, if any, imposed by the City Council as part of its approval of the preliminary plan with regard to all proposed Additional Facilities; and,

(iii) written confirmation that the Additional Facilities as described in the final plat are to be covered by the same performance and/or completion bond and the same warranty during the same bond and warranty period as are all other improvements being developed by the Developer in connection with the subdivision which is the subject of the final plat. The City shall enforce the bond agreement with regard to the Additional Facilities.

(4) Upon completion of construction of the Additional Facilities:

(i) the Developer shall send written notice of completion to the District;

(ii) within ten (10) working days of receipt of the notice of completion, an authorized designee of the District shall inspect the Additional Facilities to verify that they have been constructed in conformance with the final plans, specifications and drawings submitted to the District in connection with the final plat,

(iii) the Developer shall submit to the District accurate and complete as-built drawings of the Additional Facilities together with owners and/or operating manuals and other relevant vendor information pertaining to the Additional Facilities which are available to the Developer; and,

(iv) the Developer shall assign to the District, in writing, all assignable warranties, if any, given by the manufacture of the Additional Facilities with respect thereto.

(b) Upon satisfaction of the foregoing conditions precedent, the Board shall send written notice to the City and to the Developer that it accepts the Additional Facilities and assumes responsibility for the operation, care and maintenance thereof subject to the terms and provisions hereof, including, without limitation, the Developer's bond and warranty obligations,

8.05. Payment for Maintenance Costs. The District shall not be fully responsible to pay the cost of the Facilities identified in Section 8.03 (a), (b), and (c), above. When such a Facility to be replaced, the City shall be responsible to pay that portion of the replacement costs that the City would otherwise have to bear in replacing a City standard Facility. The District shall pay any remaining amounts. For example, should a street light pole and lamp assembly need to be replaced, the City will pay what a City-standard pole and lamp assembly would cost, and the District shall pay the balance. Because the City is more familiar than the District with the costs of City-standard facilities, the City shall pay invoices for replacements parts and labor, and in turn invoice the District for its portion. The District shall reimburse the City as soon as possible, but in no event later than 30 days after being invoiced by the City.

SECTION IX

PURPOSE AND EFFECT OF POLICIES AND PROCEDURES

9.01. Changes in Wording: Severability of Parts of this Policy. It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of this Policy are severable, and if any phrase, clause, sentence,

paragraph, or section of this Policy shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Policy.

9.02. Section Numbers and Headings, Chapter, section and subsection numbers and headings are not a part of and do not in any manner affect the scope, meaning or intent of the provisions of this Policy. Footnotes at the end of section and subsection text are not part of and do not in any manner affect the scope of meaning or intent of the provisions of the Policy.

9.03. Amendments. Amendments to this Policy may be made at any meeting of the Board provided notice of the proposed amendment shall have been given in the notice of the meeting. Whenever a reference is made to any portion of the Policy, the reference applies to all amendments hereafter made.

9.04. Number. As used in this Policy, the singular number includes the plural and the plural the singular, unless the context clearly indicates to the contrary.

9.05. Effective Date. This Resolution shall be effective as of the date of acceptance and approval by the City.

DATED this _____ day of _____, 2021.

NORTH TOOELE CITY SPECIAL SERVICE DISTRICT

By: _____
Chair, Administrative Control Board

CERTIFICATE OF DISTRICT SECRETARY

The undersigned Secretary of the District hereby certifies that the foregoing Resolution Adopting Amended and Restated Administrative Policies and Procedures for the North Tooele City Special Service District were duly adopted by the Board and effective on the ____ day of _____, 2021.

Secretary

TOOELE CITY CORPORATION ACCEPTANCE AND APPROVAL

The City Council of Tooele City, Utah, has reviewed the foregoing Resolution Adopting Amended and Restated Administrative Policies and Procedures for the North Tooele City Special Service District and hereby accepts and approves the same as stated herein.

DATED this _____ day of _____, 2021.

Mayor:

City Council:

Aye: _____

Aye: _____

Nay: _____

Nay: _____

TOOELE CITY CORPORATION

RESOLUTION 2021-109

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH MOUNTAIN HEIGHTS FLOORING FOR THE DOW JAMES BUILDING FLOOR REPLACEMENT PROJECT.

WHEREAS, Tooele City owns and operates the Dow James building as part of its recreation facilities; and,

WHEREAS, the Dow James building flooring is in need of replacement due to age, wear, and damage; and,

WHEREAS, the City solicited public bids for replacement of the Dow James building floor, in accordance with the City's procurement policies and procedures, as well as the guidance of UCA §11-39-101 *et seq.*; and,

WHEREAS, Mountain Heights Flooring submitted the only qualifying bid, with a total cost proposal of \$104,262.00 (see the Bid Tabulation attached as Exhibit A); and,

WHEREAS, the City Administration requests an additional 5% as contingency for change orders for changed conditions which may arise during the project, as reviewed and approved by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL the City Council hereby approves an agreement (attached as Exhibit B) with Mountain Heights Flooring, in the amount of one-hundred four two-hundred sixty-two dollars (\$104,262) for removal and replacement of the Dow James building floor, and an additional 5% contingency is hereby approved which may be used for changed conditions as reviewed and approved by the Mayor.

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

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

Bid Tabulation

Dow James Floor Replacement Project Bid Results

CONTRACTOR	BID AMOUNT
Mountain Heights Floors	\$104,262.00
Dynamic Sports Construction Did not meet bid specifications	~~\$92,686.00~~

Exhibit B

Agreement: Mountain Heights Flooring

AGREEMENT

PART 1 GENERAL

1.1 CONTRACTOR

- A. Name: Mountain Heights Hardwood Floor Company, Inc
- B. Address: 378 West Industrial Drive, Pleasant Grove, Utah 84062
- C. Telephone number: (435) 772-0961
- D. Email: kevin@mh-floors.com

1.2 OWNER

- A. The name of the OWNER is Tooele City Corporation

1.3 CONSTRUCTION CONTRACT

- A. The Construction Contract is known as

**Furnish and Installation of MultiSport Athletic Flooring
Dow James Building**

1.4 ENGINEER

- A. Darwin Cook, Parks Director, 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. Base Bid.
 2. _____
 3. _____

4. _____

- 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: One Hundred Three Thousand Four Hundred Seventy Nine Dollars (\$103,479.00)

2.2 CONTRACT TIME

- A. The Work shall be fully completed within 30 days of the issuance of the Notice to Proceed, which date shall coincide with commencement of demolition of the existing floor.
- B. Any time specified in work sequences in the Summary of Work shall be a part of the Contract Time.

2.3 PUNCH LIST TIME

- A. The Work will be complete and ready for final payment within 5 days after the date CONTRACTOR receives ENGINEER's Final Inspection Punch List unless exemptions of specific items are granted by ENGINEER in writing or an exception has been specified in the Contract Documents.
- B. Permitting the CONTRACTOR to continue and finish the Work or any part of the Work after the time fixed for its completion, or after the date to which the time for completion may have been extended, whether or not a new completion date is established, shall in no way operate as a waiver on the part of the OWNER of any of OWNER's rights under this Agreement.

2.4 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.

2. Late Punch List Time Completion: 50% of the amount specified for Late Contract Time Completion for each day or part thereof if the Work remains

incomplete after the Punch List Time. The Punch List shall be considered delivered on the date it is transmitted by facsimile, hand delivery or received by the CONTRACTOR by certified mail.

3. **Interruption of Public Services:** No interruption of public services shall be caused by CONTRACTOR, its agents or employees, without the ENGINEER's prior written approval. OWNER and CONTRACTOR agree that in the event OWNER suffers damages from such interruption, the amount of liquidated damages stipulated below shall not be deemed to be a limitation upon OWNER's right to recover the full amount of such damages.

Five Hundred dollars and 00 cents (\$ 500.00) for each day or part thereof of any utility interruption caused by the CONTRACTOR without the ENGINEER's prior written authorization.

- C. **Survey Monuments:** No land survey monument shall be disturbed or moved until ENGINEER has been properly notified and the ENGINEER's surveyor has referenced the survey monument for resetting. The parties agree that upon such an unauthorized disturbance it is difficult to determine the damages from such a disturbance, and the parties agree that CONTRACTOR will pay as liquidated damages the sum of (\$500.00) to cover such damage and expense.
- D. **Deduct Damages from Moneys Owed CONTRACTOR:** OWNER shall be entitled to deduct and retain liquidated damages out of any money which may be due or become due the CONTRACTOR. To the extent that the liquidated damages exceed any amounts that would otherwise be due the CONTRACTOR, the CONTRACTOR shall be liable for such amounts and shall return such excess to the OWNER.

PART 3 EXECUTION

3.1 EFFECTIVE DATE

- A. OWNER and CONTRACTOR execute this Agreement and declare it in effect as of the _____ day of _____, 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

Tooele City Council Work Meeting Minutes

Date: Wednesday, November 3, 2021

Time: 5:30 p.m.

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

City Council Members Present:

Melodi Gochis

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Darwin Cook, Parks and Recreation Director

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Jamie Grandpre, Public Works Director

Paul Hansen, Tooele Engineer

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jared Stewart, Economic Development Coordinator

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairwoman Gochis called the meeting to order at 5:31 p.m.

2. Roll Call

Tony Graf, Present

Melodi Gochis, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

3. Mayor's Report

Mayor Winn did not have anything to report.

4. Council Member's Report

Chairman Gochis stated her appreciation to Tooele for allowing her to serve on the Council and congratulated Mayor Winn, Council Member Manzione, and Dave McCall. She stated she attended the Cog meeting regarding grants, Planning Commission via Facebook live, Discussion on future tourism held at UMC, Neighborhood Rapid Disaster Assistance Training, and gave a reminder on day light savings and a Christmas Concert put on by the Art Council.

Council Member Manzione stated she attended the RDA meeting via phone, the Planning Commission Meeting, the Haunted Historic event, Downtown Trick-or-Treat, pre-development meeting, ribbon cutting of the new highway, and the USU homecoming celebration.

Council Member Graf stated he attended the Planning Commission online, opening of the mid valley highway, Haunted Historical Park event, and a few citizens reached out regarding the structure near Dow James. He stated it is a hazard not being fenced. He commended all the candidates for a clean and respectful campaign.

Council Member Brady stated attended the Haunted Historic Park event, Council on Aging, North Tooele County Special Service District, and the RDA meeting.

Council Member Hansen stated he participated in the Trick-or-Treating on Main, Soup and Chili contest, and shared his appreciation for the staff and Council.

5. Mosquito Abatement District Presentation

Presented by Scott Bradshaw, Mosquito Abatement District

Mr. Bradshaw gave a presentation on the Mosquito Abatement District regarding on what the District does and how they handle treating the mosquitos. He reviewed the treatment happens at night reducing the mosquitos and keeping public safety.

Chairwoman Gochis asked about the seat on the Council and the cost for Tooele City to receive the services.

Mr. Bradshaw stated the they are funded by property tax.

Chairwoman Gochis asked if it has to be voter approved.

Mr. Bradshaw stated he believes the Council can do a resolution.

Council Member Hansen asked if there was a way to fund it without using property tax.

Mr. Bradshaw stated he understands that it has to be done through taxes, but would have to check with legal.

Chairwoman Gochis asked how it is funded by property tax. She asked if it is a cross the board to each resident based on home value.

Mr. Bradshaw stated it is based on home value, like the Special Service District.

Chairwoman Gochis stated her appreciation for the review of how they take care of the mosquitoes. She asked about the process of the fog.

Mr. Bradshaw stated the treatment uses a permethrin chemical. He stated he follows the label which states to wait for the sun to go down, keep a 300-foot buffer between bees and the spray, and to notify the people when spraying happens.

Chairwoman Gochis asked when the optimal time is to begin the service.

Mr. Bradshaw stated they can begin as soon as the City approves it.

Chairwoman Gochis asked if it a 12-month process.

Mr. Bradshaw stated they are in the water in the middle of March.

Council Member Brady asked with the size of Tooele City, if they chose to join, would he need to hire another full-time employee.

Mr. Bradshaw stated they would hire another full-time employee, seasonal workers, and dedicate a truck to the evening spray. He stated they have a machine they use specifically for Golf-Courses.

Council Member Brady asked if they use any natural substances. He stated a citizen brought forward natural ways, like using bats, instead of chemicals.

Mr. Bradshaw stated they use the primary ways they discussed. He stated he has seen bat houses and the use of fish, but they are not as affective.

Council member Graf stated one of the concerns was implementing a program that only affects certain portions of Tooele. He asked looking at the geographical layout, how far can a mosquito travel from a water source and how big of an effect does it have.

Mr. Bradshaw stated some water mosquitoes can travel up to a mile a day and live about 25 days. He stated some can travel 2 miles from its source and head to the mountains. He stated if they could put pieces together, the western half would be ideal.

Council Member Graf asked if they have a mechanism that allows for taxation for just the western portion or do they have no choice but to tax the entire City.

Mayor Winn stated to join the District, they have to annex the entire City. She stated they did have an estimate for an average home, would cost \$59 per year and would be a separate line item on the tax. She stated a commercial building would pay \$108 per year.

Council Member Manzione asked for clarification during the previous discussion a portion of the City could petition to be annexed in.

Mr. Baker stated there are two mechanisms in play. He stated if the City Council wanted to take the initiative to bring the entire City into the district, they could. He stated if not, others can petition the district to be a part of the district.

Council Member Manzione asked if they chose to not treat them, will it become a wider spread issue. Is it localized because there is water in that area.

Mr. Bradshaw stated it is localized because of the water, but in the future, they don't know weather patterns that may be coming. He stated with development, there could potentially be many mosquitoes.

Chairwoman Gochis stated they are an agricultural area with a large property where they use water for their alfalfa. She asked if that is a breeding ground.

Mr. Bradshaw stated it could be, but most of the time a mosquito goes from an egg to adulthood in 7 days. He stated sometimes when it is hot, it could be 3 to 4 days.

Council Member Graf stated if standing pools of water are an issue, another potential issue could be personal pools. He asked how they deal with that in the areas they are servicing now.

Mr. Bradshaw stated private pools stated they are smaller entities. He stated several people call about mosquitoes trying to get into homes due to weather and the climate.

Council Member Hansen asked if the City has any liability if they do not participate.

Mr. Baker stated the City would not have any liability for the acts of the mosquito's district or vice versa. He stated a municipality can join the district by resolution of the Council. He stated it does require a public hearing of everyone in the potential district. He stated if a certain number of protests are received, it will trigger an election. He stated if protests do not exceed 10%, there does not need to be an election, but would need to be a resolution. The district also would need to approve a resolution annexing the City into the district.

6. Discussion on the Proposed Comprehensive Tooele City Economic Development Strategic Plan

Presented by Jared Stewart, Economic Development Coordinator

Mr. Stewart stated he has been updating the draft of the proposed Comprehensive Tooele City Economic Development Strategic Plan. He stated they took a survey to the public and asked what was most important to them. He stated they received over 500 responses with most popular answers including dining, restaurants, infrastructure, entertainment, corporate recruitment, and recreation. He stated a part of the mission goals include, increasing sales tax and property tax revenue, strategies on focusing on workforce development, bringing target industries in, increasing quality of life, and having a healthy, inclusive economy. He asked for feedback.

Chairwoman Gochis stated she is thrilled for the down town program. She asked about grants and incentives for businesses to join the City.

Mr. Stewart stated it depends on the restaurants. He stated he was in contact with Chick-fil-a. He stated they need to get on the radar. He stated there could be financial incentive, though it could be a case by case bases. He stated there is some policy discussion to have for incentives.

Chairwoman Gochis asked about State Grants.

Mr. Stewart stated there are some great grants. He stated they focus on job creation and high paying jobs. He stated business like Carvana have received State incentives because of the jobs they bring in. He stated retail and restaurant industry, they do not meet the threshold for the high paying industry.

Council member Manzione stated it depends on the number of roofs, because they are at a point where it could bring in business. She stated she thinks it is important to stay on the radar, but believes they are not big enough yet.

Mr. Stewart stated they are getting there.

Council Member Hansen asked if there is a population amount, larger restaurants are looking at. Mr. Stewart stated it depends on the restaurant. He stated they are aware of the restaurants that Tooele Citizens want to see come to town.

Council Member Graf asked when it comes to businesses, what would be a professional statement to give.

Mr. Stewart stated it is a sign to businesses that the City is ready to accept them and welcome them. He stated they are planning for the future to accept them.

Council Member Graf shared his appreciation.

Council Member Brady stated he read some of the comments. He stated they have to ease some of the public mind by fixing the traffic and water concerns, then bring the businesses in.

Council Member Manzione stated it is good to stay on the radar, so when they reach the magical number, they will know and can move in here.

Chairwoman Gochis shared her appreciation.

Council Member Hansen stated Tooele's traffic problem is nothing compared to Salt Lakes traffic.

7. Discussion on a Proposed Ordinance of Tooele City Enacting Tooele City Code Chapter 8-17 Regarding Trees

Presented by Justin Brady, Council Member & Roger Baker, City Attorney

Council Member Brady stated the goal is to be a part of Tree City USA. He stated they received an email from a citizen near Skyline that shared there are many dead trees there. He stated they want to fix it and prevent it from happening in the future. He stated Mayor Winn, Mr. Baker, and Mr. Cook went over the requirements to be a part of it Tree City USA, including having a \$2 capita to be a part of it. He stated in the last budget \$30,000 was put aside for trees. He stated another requirement is to have a department or tree advisory board. He stated there was two different ordinances to choose from for Tree City USA, including having the tree advisory board or one that doesn't. He stated Mr. Cook would be the head of the committee with a board of 7 members. He stated they have enacted the ordinance and have an arbor day celebration. He stated they are on the cusp of being a part of it. He stated Mr. Baker wrote the ordinance and benefits of the trees.

Mr. Baker stated it was suggested to have provisions including having the Council intention to have money appropriated in the budget, to have it led by the Mayor and department head, and

have a Council liaison to attend and participate in the advisory board. He stated it is important to add an exhibit giving the big picture view of open space conservation to former City Councils and Mayors.

Council Member Brady stated he wanted to have a discussion.

Council Member Hansen stated they did well. He asked if there was a provision to help with the dying to trees and the prevention of it.

Council Member Brady stated it turns into an administrative action. He stated it is an important part of the board.

Council Member Hansen asked if it is the board that goes out to find those trees.

Council Member Brady stated it would be up to the board. He stated the goal is to have lots of trees and that is part of the board's jobs. He stated part of the discussion is allowing citizens say where they want trees.

Council Member Hansen asked if they have reached out to Grantsville about their Ordinance.

Council Member Brady stated he has not reached out to Grantsville City.

Chairwoman Gochis stated Grantsville allows them to buy their trees at a discounted rate.

Council Member Brady stated when they build a new subdivision, it has been decided that they homeowners will plant trees. He stated they are trying to determine how the trees are planted in the park strips and if it is even apart of it. He asked if it is a separate ordinance.

Mr. Baker stated it is a separate ordinance and program. He stated there is an opportunity to work together and improve the current program.

Council Member Hansen asked if they can require them to plant trees in the park strip.

Council Member Graf stated when he built his house, he was unaware of the program. He stated the program has a time frame and a list of trees. He stated apart of the program could have an educational part for the citizens.

Council Member Brady stated he believes the other ordinances need to be talked about as well.

Chairwoman Gochis asked if the dead trees were removed.

Mr. Cook stated they need to tighten up the contract with the contracted maintenance team. He stated the trees have been dead for a while and have been removed. They are in the process of planting 29 new trees.

Chairwoman Gochis stated the City partnered with Utah Power lines that provided trees for the parks.

Mr. Cook stated when they did the Arbor Tree celebration, they purchased half the trees used that day. He stated they have committed to make the same donations for the next year.

Council Member Brady stated they did talk about donating multiple trees.
Mr. Cook stated another nursery has donated close to 300 trees to be planted.

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

There was no closed meeting.

9. Adjourn

Chairwoman Gochis adjourned the meeting at 6:30 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this _____ day of November, 2021

Melodi Gochis, City Council Chairwoman

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, November 3, 2021

Time: 7:10 p.m.

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

City Council Members Present:

Melodi Gochis

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Jamie Grandpre, Public Works Director

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Paul Hansen, Tooele Engineer

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jared Stewart, Economic Development Coordinator

Minutes prepared by Katherin Yei

Chairwoman Gochis called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Stacy Smart, Community that Cares Department.

2. Roll Call

Tony Graf, Present

Melodi Gochis, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

3. Mayor's Youth Recognition Awards

Presented by Debbie Winn, Mayor & Stacy Smart, Communities That Care Supervisor

Mayor Winn, Stacy Smart, and Chief Day presented the Mayor's Youth Recognition Awards to the following students:

Zella Yei
Lucy Cutler
Brookelyn Taylor
AJ Afualo

4. Public Comment Period

Chairwoman Gochis Opened the Public Hearing.
There was no public comment.

5. Public Hearing & Ratification of Ordinance 2021-37 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the LI Light Industrial Zoning District for Approximately 8.31 Acres of Property Located at Approximately 275 South 1200 West *Presented by Jim Bolser, Community Development Director*

Mr. Bolser stated this item was reviewed by the City Council two weeks ago. He stated they should have prepared the item for the Council to hold a public hearing but the City did not hold a public hearing, so they are bringing back the item to follow the correct process and be transparent in doing so.

Mr. Bolser stated the application is to reassign the zoning for the property to the LI, Light Industrial zoning district with the property currently zoned IS, Industrial Service. He stated the Planning Commission reviewed the application and forwarded a unanimous positive recommendation.

Chairwoman Gochis opened the public hearing. There was no public comment offered and the public hearing was closed.

Council Member Manzione motioned to approve Ordinance 2021-37. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

6. Resolution 2021-101 A Resolution of the Tooele City Council Authorizing the Disposal of Lost or Mislaid Personal Property *Presented by Adrian Day, Police Chief*

Chief Day stated the department has complied for the procedure of unclaimed property. He stated most of them are from drug arrest, with the exception of three being unclaimed property and other crimes. He stated the unclaimed amount totals to \$18,843. The resolution is to allow them to use the remaining funds for public use, specifically GPS units in the police vehicles. He stated the City is already using the GPS units. He stated they did not put the units in their budget because they have them through their report management systems, but the mapping does not work.

Chairwoman Gochis asked how many units they will be able to purchase.

Chief Day stated they will give them to the department for free, but it will cost \$11,475 for two years for 51 vehicles. He stated if there are funds remaining, the funds will be used for officer's wellness.

Council Member Graf stated from his understanding, when funds are seized from drug arrests, the funds are put unto a separate fund. He asked if this is different.

Chief Day stated funds that were seized by prosecutors, have already gone to the state. He stated these funds were not seized by prosecutors, because of the amount or incorrect paperwork.

Council Member Graf stated he is referencing prosecutors filing a forfeiture notice.

Council Member Graf motioned to approve Resolution 2021-101. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

7. Resolution 2021-102 A Resolution of the Tooele City Council Approving and Ratifying an Interlocal Agreement Between Tooele City and the Tooele Army Depot for Reciprocal Fire Protection, Natural Disaster Response, and Mutual Aid

Presented by Roger Baker, City Attorney

Mr. Baker stated for the last 30 years Tooele City has an Interlocal agreement with the Tooele Army Depot for mutual fire protection assistance. The depot has asked to renew the contract and add natural disaster response. He stated the agreement addresses issues such as command structures, liabilities, and claims.

Chairwoman Gochis stated her appreciation.

Council Member Brady motioned to approve Resolution 2021-102. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

8. Resolution 2021-103 A Resolution of the Tooele City Council Approving a Lease Agreement with Vision Financial Group, Inc., for the Lease-Purchase of a 2017 Vaccon Vector Truck

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre stated there is information in the Council's packets regarding the discussion items from the previous work meeting. He stated the City is able to lease for 5 years, which turns into ownership for \$1. He stated they use the truck for sewer cleaning and need to stay on top of that.

Council Member Hansen asked which funds will be paying for the truck.

Mr. Grandpre stated funds will be coming from the Storm Drain and Water Reclamation. He stated storm drains are getting full of materials and needs to be cleaned.

Council Member Hansen stated he hasn't seen a contract.

Mr. Grandpre stated the contract is for 5 years in the amount of \$53,677.58 and will own it at 268387.

Council Member Hansen asked what the life of the truck is.

Mr. Grandpre stated vector trucks are intensive maintenance vehicles and go through a lot of use. He stated getting 20 years out of it, is pretty good.

Council Member Graf asked if the tank on this vector truck is stainless steel.

Mr. Grandpre stated they are not stainless steel and typically don't see them that way. He stated it is a vacuum tank which will get dumped at the end of the day. He stated water tanks are usually stainless steel.

Council Member Graf motioned to approve Resolution 2021-103. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

9. Minutes

October 20, 2021 Work & Business Meeting

No changes to the minutes.

Council Member Hansen motioned to approve Minutes. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

10. Invoices

Ms. Pitt presented the following invoices:

Broken Arrow for Improvements at the Intersection of 100 East and 400 South for \$29,825.24,

Ken Garff for two 2021 Ford Escapes for community development, at \$31,300.00 each.

Council Member Hansen asked on the part of the invoices under vendor, the vehicles invoices are listed as broken Arrow.

Ms. Pitt stated it has been corrected on the updated invoices.

Council Member Hansen motioned to approve invoices. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

11. Adjourn

Chairwoman Gochis adjourned the meeting at 7:36pm

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this ____ day of November, 2021

Melodi Gochis, City Council Chairwoman

Tooele City Council General Election Canvass Meeting Minutes

Date: Tuesday, November 16, 2021

Time: 5:00 p.m.

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

City Council Members Present:

Melodi Gochis, Chair

Ed Hansen

Justin Brady

Maresa Manzione

City Employees Present:

Mayor Debbie Winn

Michelle Pitt, Recorder

Jim Bolser, Community Development Director

Paul Hansen, City Attorney

Minutes prepared by Michelle Pitt

1. Open Meeting and Roll Call

Chairwoman Gochis called the meeting to order at 5:04 p.m.

Melodi Gochis, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Ton Graf, Excused

2. Discussion:

General Vote Canvass Presented by Michelle Pitt

Michelle Pitt presented the General Election results report and certified that they were true and correct as reported by the Tooele County Clerk's Office. Council Member Manzione made a motion to accept the General Vote results as presented. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," and Chairwoman Gochis, "Aye."

3. Adjourn

The meeting adjourned at approximately 5:07 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 1st day of December, 2021

Melodi Gochis, Tooele City Council Chair

TOOELE CITY CORPORATION
FISCAL NOTE TO PROPOSED EXPENDITURE

11/24/21

DESCRIPTION OF EXPENDITURE:

VENDOR: REHRIG PACIFIC COMPANY V# 07249

702 @ 950 GALLON TRASH CANS

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
SPECIAL DEPARTMENT SUPPLIES	53 5300 481000	85,000.00	8,875.00	45,630.00	30,495.00

REQUESTED

Shannon Winner

DEPARTMENT HEAD

REVIEWED

Shannon Winner

FINANCE DIRECTOR

APPROVED

MAYOR

APPROVED

COUNCIL CHAIRMAN

**Locations:**

1000 Raco Court, Lawrenceville, GA 30046
625 West Mockingbird Lane, Dallas, TX 75247
1738 W. 20th St, Erie, PA 16502
7452 Presidents Dr, Orlando, FL 32809

8875 Commerce Dr, DeSoto, KS 66018
7800 100th St, Pleasant Prairie, WI 53158
4010 East 26th St, Los Angeles, CA 90058

Proposal

Proposal #: 95EG 211122

November 22, 2021

Bill-to: 210376	Ship-to: 216774
Tooele City 90 N. Main Street Tooele, UT 84074	Tooele City 1015 South Coleman Street Tooele, UT 84074
Billing Contact:	Shipping Contact:
Name: Kacie Cruz Phone: 435-843-2157 E-mail: KacieC@tooelecitey.org	Name: Kacie Cruz Phone: 435-843-2157 E-mail: KacieC@tooelecitey.org

ITEM DESCRIPTION		QUANTITY	UNIT PRICE	EXTENDED PRICE
Rollout Cart Type: 95 Gallon EG Cart - Garbage - 319100		702	\$65.00	\$ 45,630.00
Body Color: Forest Green Lid Color: Forest Green				
Wheels / Casters: 10" Snap on with Intergrated Spacer				
Options: N/A				
Body Artwork: 				
Lid Artwork: None				
Is Product Taxable? No		Subtotal =		\$ 45,630.00
Is Freight Taxable? No		Tax on Product =		
Tax Rate: Exempt		Truckload Freight Rate =		4,150.00
Terms: Net 30 Days		Tax on Freight =		
		Total =		\$ 49,780.00

ADDITIONAL INFORMATION:

Contract Options: None
Ship From: Dallas, TX facility
Leadtime: 8 weeks or sooner
Warranty: 10 year unprorated warranty
Quote Valid: 30 Days
Taxes: All applicable taxes shall be paid by the Buyer unless a proper exemption is provided and validated.

*** All Credit Card transactions are subject to a 2% processing fee.

PRESENTED BY:	ACCEPTED BY:
 Paulo Figuerola 11/22/2021 Paulo Figuerola Account Specialist- Environmental AK, WA, OR, MT, ID, WY, Northern CA, UT, NV, HI Cell: 949-466-3623 Email: pfiguerola@rehrig.com	 Sign and Print Name Date Title: _____
To initiate order, please call or send signed proposal via fax or email to Presented By representative.	

TOOELE CITY CORPORATION
FISCAL NOTE TO PROPOSED EXPENDITURE

11/24/21

DESCRIPTION OF EXPENDITURE:

VENDOR: TOOELE COUNTY SHERIFF'S V# 01881
OFFICE

3RD QUARTER 2021 DISPATCH FEES

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
DISPATCH SERVICES	10 4211 313000	355,056.00	88,764.00	88,764.00	177,528.00

REQUESTED

KS Adrian Day
DEPARTMENT HEAD

REVIEWED

Shannon Winner
FINANCE DIRECTOR

APPROVED

MAYOR

APPROVED

COUNCIL CHAIRMAN

TOOELE COUNTY SHERIFF'S OFFICE

1960 South Main Street
Tooele, Utah 84074



INVOICE

DATE:
INVOICE #

November 22, 2021
266

Bill To:

Tooele City Corporation

Attn: Shannon Wimmer
90 N. Main St.
Tooele, Utah 84074
shannonw@tooelecit.org

DESCRIPTION	AMOUNT
2021-2022 Tooele County Dispatch Fees	
October, November, December 2021 Dispatch Fees	\$88,764.00
Previous Balance	\$0.00
TOTAL	\$88,764.00

Please make all checks payable to the Tooele County Sheriff's Office

Attn: Sabrina Fawson, 1960 S. Main St., Tooele, Utah 84074

Please include a copy of this invoice with your check.

If you have any questions concerning this invoice, please contact:
Sabrina Fawson 435-277-4258 / Email: sabrina.fawson@tooeleco.org

THANK YOU FOR YOUR BUSINESS!