

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, March 6, 2024 at the hour of 7:00 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecitey.gov, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecitey.gov.

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

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Mayor's Youth Recognition Awards**
4. **Public Comment Period**
5. **Public Hearing and Motion on Ordinance 2024-04** An Ordinance of Tooele City Amending Tooele City Code Section 7-1-5, Definitions, Regarding the Addition of Lithium-Ion Batteries to the City's Definition of Hazardous Materials
Presented by Andrew Aagard, Community Development Director
6. **Resolution 2024-19** A Resolution of the Tooele City Council Implementing a Program and Amending the Tooele City Fee Schedule for Tooele City Fire Department Hazardous Materials Inspections and Permitting in Commercial, Industrial, and Other Establishments
Presented by Nick Wall, City Fire Marshal
7. **Resolution 2024-20** A Resolution of the Tooele City Council Approving an Abandonment of the 2008 Settlement Agreement for Gleneagles PUD
Presented by Roger Baker, City Attorney
8. **Resolution 2024-21** A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Fees at the Oquirrh Hills Golf Course
Presented by Darwin Cook, Parks and Recreation Director
9. **Invoices & Purchase Orders**
Presented by Michelle Pitt, City Recorder

10. Minutes

- ~February 21, 2024 Work Meeting
- ~February 21, 2024 Business Meeting

11. Adjourn

Michelle Y. Pitt, Tooele City Recorder

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

TOOELE CITY CORPORATION

ORDINANCE 2024-04

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-1-5, DEFINITIONS, REGARDING THE ADDITION OF LITHIUM-ION BATTERIES TO THE CITY'S DEFINITION OF HAZARDOUS MATERIALS.

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

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

WHEREAS, Tooele City Code Section 7-1-5, Definitions, is Tooele City's ordinance that defines specific terms used throughout Title 7 of the Tooele City Code; and,

WHEREAS, Tooele City Administration and the Community Development staff have received feedback from the Tooele City Fire Department that lithium-ion batteries when dropped, damaged, or otherwise compromised can result in conflagrations exceeding 1200 degrees F, produce highly toxic smoke and fumes, and require copious amounts of water to ensure the conflagration is suppressed; and,

WHEREAS, the Tooele City Fire Department, due to the relative new technology involving these batteries, and the ongoing testing of these batteries, has not been able to clearly declare these batteries as hazardous materials; and,

WHEREAS, Tooele City's ordinance definition of Hazardous Materials Storage does not include lithium-ion batteries; and,

WHEREAS, without the Tooele City ordinance defining lithium-ion batteries as hazardous materials the zoning ordinance may permit the storage of these batteries in the Industrial, Light Industrial, and Industrial Service zoning districts under the land use category of warehousing, irrespective of the threat of these batteries to the public health and safety; and,

WHEREAS, mass storage of these batteries within Tooele City's industrial zones poses a hazardous public health and safety situation to other businesses in the area, environmental hazards, and a potential burden on City resources to combat a conflagration involving lithium-ion batteries; and,

WHEREAS, by amending Tooele City's ordinance definition of Hazardous

Materials Storage to include lithium-ion batteries, Tooele City can eliminate the mass storage of these materials as Hazardous Materials Storage as a land use that is prohibited in all of Tooele City's commercial and industrial zoning districts; and,

WHEREAS, Tooele City Staff presented Exhibit A of the proposed ordinance amendments to the City Council during its February 21, 2024, public work meeting; and,

WHEREAS, on February 28, 2024, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to provide its recommendation to the City Council; and,

WHEREAS, on March 6, 2024, the City Council convened a public hearing, considered the Planning Commission recommendation, and accepted public comment:

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

1. TCC Chapter 7-1-5, Definitions, is hereby amended as shown in Exhibit A, attached and incorporated; and,
2. this ordinance is necessary for the immediate preservation of peace, health, safety, and welfare of Tooele City and its residents and businesses by including lithium-ion batteries in the codified definition of Hazardous Materials Storage; and,

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Proposed Ordinance Amendments

Tooele City Code 7-1-5; Definitions

Hazardous Materials Storage – Means the importation of hazardous wastes, materials, or substances for treatment, storage for more than ten days, or disposal, either for profit or non-profit purposes, including lithium-ion batteries. A lithium-ion or Li-ion battery is a type of rechargeable battery that uses the reversible intercalation of Li+ ions into electronically conducting solids to store energy.



Tooele City Fire Department's urgent concerns regarding the mass storage of lithium-ion batteries within Tooele City and advocacy for the implementation of an amendment prohibiting such storage for the protection of the health, safety, and welfare of our community.

As you may be aware, lithium-ion batteries have become increasingly abundant in our society due to their use in various consumer electronics, electric vehicles, and renewable energy storage systems. While these batteries offer numerous benefits, they also pose significant risks, particularly when stored in large quantities.

The primary concern associated with the mass storage of lithium-ion batteries is the potential for thermal runaway, a phenomenon in which the battery overheats and ignites, leading to fires and explosions. Thermal runaway can be initiated within the battery with even the slightest bit of damage. This is because of the thin layer of separation between the anode and cathodes within the battery. Damage on the outside of the battery doesn't have to be present to start the thermal runaway process. Hard jolts or impacts to the casing can move the separations enough to initiate the process of thermal runaway. Lithium-ion batteries' tendency to overheat, combust, or explode under certain conditions is a reality that cannot be overlooked. Lithium-ion battery fires are notoriously difficult to extinguish. They can result in extensive property damage, environmental contamination, and even loss of life.

Given the inherent volatility of lithium-ion batteries, allowing their mass storage within our city presents a clear and present danger to the safety and well-being of our residents. The risk of fires and explosions is compounded by factors such as improper handling, storage conditions to include proper temperatures and the absence of adequate safety measures. Despite stringent safety measures—temperature controls, ventilation systems, and fire suppression systems—the specter of catastrophe looms large. A single spark, an unnoticed fault in a battery's casing, could spell disaster, engulfing the warehouse in a conflagration of flames and toxic fumes. A fire of this magnitude within the city would overwhelm the available emergency response resources of the city, severely tax the water system, as well as require all adjoining response district's assistance. Outside county resources would most likely be required to assist in suppression efforts as well as to assist in the hazardous material cleanup that is a direct result of a lithium-ion battery fire.

In recent years, there have been numerous incidents worldwide involving lithium-ion battery fires in storage facilities, manufacturing plants, and vehicles. More and more are happening each day due to the uptick in utilizing these batteries in more and more products. These incidents serve as stark reminders of the potentially catastrophic consequences associated with the negligent storage and handling of lithium-ion batteries. They are also great reference points to show what resources were needed for extinguishment and the amount of time and water that was required to extinguish the fire as well as to clean up the aftermath.

To mitigate the risks posed by the mass storage of lithium-ion batteries and safeguard the health, safety, and welfare of Tooele City residents, we urge you to consider the urgent adoption of an amendment to existing regulations prohibiting the mass storage of lithium-ion batteries within the city limits. Such an amendment would send a clear message that the city prioritizes the safety and protection of its citizens above all else.

We believe that by taking proactive measures to address this pressing issue, we can effectively mitigate the risks associated with lithium-ion batteries and ensure a safer, more secure environment for all residents of Tooele City.

Thank you for your attention to this matter, and we look forward to your prompt action in addressing these concerns.

Exhibit B

Staff Report

STAFF REPORT

February 22, 2024

To: Tooele City Planning Commission
Business Date: February 28, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Hazardous Materials Storage– City Code Text Amendment Request

Applicant: Tooele City

Request: Request for approval of a City Code Text Amendment to Tooele City Code 7-1-5, Definitions, regarding the mass storage of lithium-ion batteries in the City's industrial zoning districts.

BACKGROUND

Tooele City is proposing amendments to the definition of “Hazardous Materials Storage” as defined in the definitions section of Tooele City Code 7-1-5, Definitions. The amendment is regarding the mass storage of lithium-ion batteries.

ANALYSIS

History. A number of months ago the City Planner / Zoning Administrator and the Tooele City Fire Chief received a business license request to conduct mass storage of lithium-ion batteries in the City's industrial depot under the specific land use of “Warehouse” as that is exactly what warehousing does, mass storage of material goods. Per zoning the Zoning Administrator was prepared to permit the business license to go forward. However, the Fire Chief had some concerns regarding these batteries due to information he had learned that these batteries when damaged or otherwise compromised can be very dangerous, if not hazardous materials. Tooele City's Table of Uses as found in Section 7-16 of the City Code prohibits the storage of Hazardous Materials in all zoning districts but the definition of hazardous materials as found in 7-1-5 is fairly vacuous and does not offer a strong definition of what hazardous materials are? The Fire Chief then engaged in research of lithium-ion batteries, approached fire experts throughout the State to determine if these batteries have been declared as hazardous materials. Due to the new-ness of this technology they are still being tested in order to determine how dangerous and hazardous they in fact are and as such the Fire Chief was not able to determine lithium-ion batteries as hazardous materials at that time.

Since then the Fire Chief and Fire Marshall have attended fire training sessions and learned that fires associated with lithium-ion batteries are extremely dangerous in that they generate excessive heat, extremely toxic smoke and require copious amounts of water to extinguish. The Fire Marshall, Nick Wall, has provided a letter detailing the Fire Department's concerns related to the storage of these batteries within Tooele City limits. That letter has been included in this staff report for your reference.

Purpose. At the behest of the City Administration and the Fire Chief we are proposing an ordinance amendment to change the definition of “Hazardous Materials Storage” to include lithium-ion batteries to prohibit the mass storage of these batteries within Tooele City's boundaries where we don't have the resources to fight a fire involving a warehouse full of these batteries.

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

1. Title 7; Uniform Zoning Title of Tooele City, Chapter 7-1-5, Definitions.

Proposed Changes. Staff proposes to add the language to the definition of “Hazardous Materials Storage” to include lithium-ion batteries as well as a definition of what a lithium-ion battery actually is. This simple change will then include the batteries in “Hazardous Materials Storage” and will therefore prohibit mass storage of these materials within Tooele City’s boundaries.

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

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

REVIEWS

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

1. This is a simple fix to what could potentially be a very complicated and costly problem for Tooele City and Tooele City’s fire department.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Divisions has completed their review of the City Code Text Amendment request and has issued the following comment:

1. Both divisions are in support of this proposed ordinance amendment as it will protect the City from having to provide vast amounts of water and water provisions systems to suppress a warehouse fire involving lithium-ion batteries.

Fire Department Review: The Tooele City Fire Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The letter provided by Fire Marshall Wall indicates the Fire Department’s support for this ordinance amendment.

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

STAFF RECOMMENDATION

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

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

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hazardous Materials Storage text amendment request by Tooele City for the purpose of including lithium-ion batteries in the definition of Hazardous Materials Storage, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Hazardous Materials Storage text amendment request by Tooele City for the purpose of including lithium-ion batteries in the definition of Hazardous Materials Storage based on the following findings:”

1. List findings ...

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

RESOLUTION 2024-19

A RESOLUTION OF THE TOOELE CITY COUNCIL IMPLEMENTING A PROGRAM AND AMENDING THE TOOELE CITY FEE SCHEDULE FOR TOOELE CITY FIRE DEPARTMENT HAZARDOUS MATERIALS INSPECTIONS AND PERMITTING IN COMMERCIAL, INDUSTRIAL, AND OTHER ESTABLISHMENTS.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution for activities regulated by the City and services provided by the City; and,

WHEREAS, Utah Code §10-3-718 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council; and,

WHEREAS, Tooele City Code Title 3 establishes the Tooele City Fire Department, adopts the International Fire Code, and otherwise regulates fire prevention, fire response, and fire code enforcement, including the safe management of hazardous materials; and,

WHEREAS, Tooele City Code Chapters 7-14 and 7-16 prohibit the storage of hazardous materials in the City's several zoning districts; and,

WHEREAS, Tooele City has recently hired a paid Fire Chief and Fire Marshal, who have helped the Fire Department, including the certified Fire Inspectors, to increase fire prevention and fire code enforcement in the City; and,

WHEREAS, an important aspect of fire prevention, fire response, and fire code enforcement includes a regulatory permitting program under which all commercial and industrial businesses are inspected for the safe management of hazardous materials, and under which all businesses pay a permitting and inspection fee reasonably related to the City's cost of running the program and inspecting such businesses; and,

WHEREAS, the regulatory permitting program and fees are essential for (1) the safety of firefighters responding to fires in which hazardous materials may be released and combusted or are in danger of release or combustion, (2) the safety of the public who occupy the business buildings, who travel the streets near the commercial buildings, who reside near the buildings, and who breath the air, (3) the elimination of the current subsidy to these businesses from the City's general fund given that the City currently charges no

fees for program services, and (4) the responsibility and accountability of businesses to pay fees and obtain permits commensurate with the degree of danger and risk their use and management of hazardous materials creates for firefighters and the general public (see the Fire Permit and Fee Explanation attached as Exhibit A); and,

WHEREAS, the Fire Chief and Fire Marshal recommend the inclusion in the Tooele City Fee Schedule of such fees as are necessary to fund the program and recoup the City's costs in administering the program, which proposed fees are shown in the attached Exhibit B; and,

WHEREAS, all of the fees in Exhibit B are calculated to reasonably relate to the City's costs in administering the program for the business types, sizes, and activities listed in Exhibit A, and on average are not anticipated or intended to generate revenues in excess of costs; and,

WHEREAS, the International Fire Code authorizes the permitting program and proposed fee types and categories; and,

WHEREAS, the City Council discussed the proposed permitting program and fees in its February 21, 2023, public work meeting (reference agenda and minutes); and,

WHEREAS, the City Council finds that the fees proposed by this Resolution, including its Exhibit B, are vital to the safety of firefighters, the general public, business employees, business property, and otherwise:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the fees contained in Exhibit B are hereby approved and that the Tooele City Fee Schedule is hereby amended to include the fees.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Fire Permit and Fee Explanation



Fire Permit & Fee Schedule Explanation

The fire permit and fee schedule serves as a vital component of urban safety infrastructure, playing a pivotal role in safeguarding firefighter safety, ensuring public security, promoting the self-sufficiency of city businesses, bolstering the general fund, holding businesses accountable for their risks, and fostering a culture of equitable contribution to community well-being.

First and foremost, firefighter safety stands as a cornerstone of the fire permit system. By requiring businesses to adhere to specific safety standards, undergo regular inspections, and implement fire prevention measures, the permit system mitigates the risks that firefighters face when responding to emergencies. It will provide vital information to the fire department that can be put into the department's response software as a pre-plan for these businesses. From hazardous materials handling protocols to building code compliance, these requirements reduce the likelihood of life-threatening situations and enhance the effectiveness of firefighting operations. It will serve as a tool to remove the guesswork from fire operations and allow for more educated tactics when responding to these businesses for emergencies.

Furthermore, the fire permit system contributes significantly to public safety by minimizing the potential for large-scale disasters. Through stringent regulations and proactive enforcement, authorities can identify and address fire hazards before they escalate into emergencies. This proactive approach not only protects lives and property but also fosters a sense of security within the community, reassuring residents and businesses alike that measures are in place to mitigate the impact of fires and other emergencies.

The self-sufficiency of city businesses is another critical aspect addressed by the fire permit and fee schedule. By requiring businesses to pay fees commensurate with their level of risk, the system ensures that each enterprise bears the financial responsibility associated with its operations. This principle of self-sufficiency encourages businesses to invest in fire prevention measures, emergency preparedness, and risk mitigation strategies, ultimately reducing the financial burden placed on the general public and promoting resilience within the business community.

Moreover, the revenue generated from fire permit fees contributes to the fire department's general fund, providing essential funding for the Tooele City Fire Department. These funds support critical initiatives such as firefighter training, equipment upgrades, public education campaigns, and community outreach efforts that promote fire safety, and a fire safety compliance inspection program. By investing in these resources, the Tooele City Fire Department can enhance its capacity to respond effectively to emergencies and protect the welfare of the citizens. Firefighter safety will be bolstered through educated preparedness based on the information gathered through the fire permit and fee schedule.

Accountability is another key tenet of the fire permit system, ensuring that businesses are held accountable for the risks they pose to the community. By requiring businesses to obtain permits, undergo inspections, and comply with fire code regulations, the Tooele City Fire Prevention Division can monitor and enforce adherence to safety standards. This accountability fosters a culture of responsibility among businesses, encouraging them to prioritize safety and take proactive measures to mitigate risks and protect their interests and those of the broader community.

Finally, the importance of each business paying for its risks cannot be overstated. By internalizing the costs associated with fire prevention, emergency response, and potential liability, businesses are incentivized to invest in measures that reduce their risk exposure and enhance their ability to withstand emergencies. This principle of risk-based pricing ensures that businesses bear the financial consequences of their decisions and actions, promoting fairness, transparency, and sustainability within the business ecosystem of Tooele City.

In summary, the fire permit and fee schedule play a multifaceted role in promoting firefighter safety, public security, business self-sufficiency, accountability, and fiscal responsibility. By aligning the interests of businesses, government agencies, and the public, these systems contribute to the resilience, sustainability, and well-being of Tooele City, serving as essential pillars of modern urban governance and safety infrastructure. The fire permit and fee schedule will further strengthen the fire prevention initiatives of the Tooele City Fire Department and will play a vital role in minimizing the fire risks and call volume for Tooele City.

Exhibit B

Proposed Fire Department Fees

FY 2024 Proposed Fire Fee Schedule	Proposed Fee Amount
Fire Department Fees	
** At the discretion of the Chief or designee, any or all fire protection system plans may be sent to an independent 3rd party fire protection engineering consultant of the Chief or designees choosing for review and/or consultation. An administrative fee will be assessed on all plans to include site, building plan, or plan review. Any 3rd party review will incur additional expenses and must be paid before any inspections will occur or occupancy of premises will be allowed.	
GRAMA Requests (Fire Related)	
As per UCA 63G-2-202, the cost of staff time after the first 15 minutes for compiling, formatting, manipulating, packaging, summarizing, tailoring a record or other direct administrative costs as determined by the City Manager. NOTE: The city will not copy to personal thumb drives.	

Commercial Fire Safety Inspections	Proposed Fee Amount
Fire inspections associated with Business Licenses (unless specifically identified below)	\$40
3rd and subsequent fire inspections. Fire is to follow a written warning	\$500
Specific Assessments for Fire Inspections	
Assembly: A-1 and A-2	
Commercial Daycare/Preschool	\$60
Residential Daycare/Preschool	\$50
Nursing Homes/Assisted Living	\$90
Hospitals	\$200
State Licensed Healthcare Facilities	
0 - 3,000 sq. feet	\$70
3,001 - 6,000 sq. feet	\$140
6,001 - 10,000 sq. feet	\$210
10,001 sq feet or greater	\$280

Average hourly rate for Inspectors plus 40% for travel, fuel, and reporting. Includes initial and 1 re-inspect.

This is punitive in nature and is supposed to hurt.

Comparable cities charge \$62, we propose \$60.

Comparable cities charge \$68, we propose \$50.

Comparable cities charge \$125, we propose \$90.

Comparable cities charge \$250, we propose \$200.

We propose a fee of \$70. Cost consists of the average inspector wage plus travel and report compilation.

We propose a fee of \$140. Cost consists of the average inspector wage plus travel and report compilation doubled for size increase.

We propose a fee of \$210. Cost consists of the average inspector wage plus travel and report compilation plus \$70 for size increase.

We propose a fee of \$280. Cost consists of the average inspector wage plus travel and report compilation plus \$70 for size increase

Fire Inspections/Enforcement IFC 108	Proposed Fee Amount
Stop Work Removal	\$300
Installation without permit	\$350
* Each additional day the violation continues without proper permitting or attempting to acquire appropriate permits, additional fees may be assessed in the amount of the initial \$500.00 fee.*	\$500
Re-inspection	
2nd Business Inspection	\$80
3rd inspection due to non-compliance. Fine is to follow written warning	\$350
Inspection on businesses operating without a license	\$200
Fire Alarm Panel Inspection - submitted to 3rd party	\$25
Fire Riser Inspection - submitted to 3rd party	\$25
Hood Inspection/Cleaning - submitted to 3rd party	\$25
Food Trucks	\$40
Private Fire Hydrants	\$35

Comparable cities charge \$300, this is supposed to be punitive in nature. \$300 seems like maybe a better solution to punish but stay on par with what others charge.

Comparable cities charge \$367, this is supposed to be punitive in nature. \$350 seems like maybe a better solution to punish but stay on par with what others charge.

This is supposed to be punitive in nature.

The proposed fee for any re-inspects beyond the first included reinspection.

The proposed fee is for a subsequent complete fire inspection on the same business.

The average comparable city is charging \$365, this is supposed to be punitive in nature. The TCFD proposed fee is \$350. This seems like a better

No information to make a recommendation besides what has been proposed. (Punitive in Nature)

No information to justify recommendation.

No information to justify recommendation.

No information to justify recommendation.

Proposed the same inspection fee as commercial businesses. The fee is only charged if the truck is receiving its initial fire safety inspection from

Average hourly rate of Inspectors plus 30% for travel, fuel, and reporting.

Fire Permits IFC 105.6	Proposed Fee Amount
Single Use Permits	
Fireworks Display (Public display outdoors)	\$250
Pyrotechnic Special Effects Materials Permit	
Flame effects	\$250
Indoor Fireworks	\$250
1.4 grain fireworks	\$250
Theatrical display	\$250
Hot Works Operation Permit (Annual Permit)	\$85
Exhibit and Trade Show Permits	
0 - 5,000 sq feet	\$105
5,001 - 10,000 sq. feet	\$210
10, 001 - 25,000 sq feet	\$315
25,001 - 50,000 sq. feet	\$420
50,001 - 80,000 sq. feet	\$525
80,001 - 125,000 sq. feet	\$630
125,001 - 200,000 sq. feet	\$735
Special Amusement Building	\$100
Temporary Membrane Structures, Tents or Canopies	
Single event (in excess of 400 sq. ft.)	\$100

Comparable cities charge \$220, we propose a \$250 permit fee to cover standby of apparatus and firefighters.

No information to justify the recommendation other than the similarity to fireworks displays outdoors.

No information to justify the recommendation other than the similarity to fireworks displays outdoors.

No information to justify the recommendation other than the similarity to fireworks displays outdoors.

No information to justify the recommendation other than the similarity to fireworks displays outdoors.

Comparable cities charge \$85, justify/propose fee of \$85.

We propose a fee of \$105. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$210. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$315. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$420. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$525. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$630. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

We propose a fee of \$735. Cost consists of the average inspector wage x 2hrs. plus travel and report compilation.

Comparable cities charge \$100. Propose same fee as comparable municipalities.

Comparable cities charge \$100. Propose same fee as comparable municipalities.

Each additional structure on same site	\$1
Re-inspection of additional set up	\$1
Carnivals < 10 attractions	\$60
Carnivals > 10 attractions	\$100
Non-Combustible Temporary Structures <180 days	\$150

Comparable cities charge \$78, we can justify \$60.
 Comparable cities charge \$110, we can justify \$100.
 Comparable cities charge \$180, we can justify \$150.

Hazardous Materials Permits IFC 105.6 (includes annual update of maps, contacts & inventory)	Proposed Fee Amount
Minimal dispensing, use, or storage (Solids 500 lbs. or less; liquids 55 gal. or less)	\$180
HM Storage Site (Solids - 500 lbs or more; liquids 55 gal. or more)	\$220
HM Dispensing/Use Site to include LP Gas	\$250
HM Production/Processing - conducted on an annual basis (Solids - 1000 lbs.; liquids - 100 gal.; compressed gas defined by code <500 lbs.	\$500
100+ Gallons of Hazardous Materials - conducted on an annual basis	\$500
CO2 Bulk Storage - 100 lbs. or more	\$125
Oil/Hydrocarbon Refinery - conducted on an annual basis	\$500
Backup Generator Fuel Storage (Pipeline Natural Gas Exempt)	\$125
Miscellaneous combustible storage - exceeding 2,500 cubic feet (inside or outside)	\$250
Dispensing or Use Facilities (Transfer/Pouring Yards & Placing materials into action)	\$350
Battery Site (Regular & Lithium Ion)	\$150
Body Shop/Garage	\$175
Production & Processing Businesses/Warehouses	\$250
Scrap Tire Storage - more than 2,500 Cubic Feet	\$250
Wrecking/Salvage Yards - Not including compressed gases, flammable and combustible liquids, hot works, spray painting.	\$125
Lumber Yards - Storage or processing of lumber exceeding 100,000 board feet.	\$100
Pallet Storage - Indoor or Outdoor (over 2,000 sq ft)	\$180
Recycling Facilities	\$150
Dust Production Operation - (excluding woodworking)	\$125
Dry Cleaning	\$75
Tank Installation, alteration, abandonment, removal or disposal:	
Up to 3 tanks per site	\$450
Each additional tank	\$120

Comparable cities charge \$170, we propose a fee of \$180.
 Comparable cities charge \$220, we propose a fee of \$220.
 Comparable cities charge \$266, we propose a fee of \$250.
 Defined by Code.
 The average comparable city charges \$388.
 SLC is charging a fee of \$125, we propose the same fee of \$125.
 Comparable cities charge \$500. Recommend keeping current fee.
 Comparable cities charge \$125, we propose a fee of \$125.
 No comparison could be found, we propose a fee of \$250.
 Comparable cities charge \$370, we propose a fee of \$350.
 Comparable cities charge \$150, we propose a variable fee with a maximum of \$500 annually based on quantities & and type of batteries at each
 Comparable cities charge \$175, we propose a fee of \$175.
 Comparable cities charge \$500, we propose a fee of \$250.
 Comparable cities charge \$200, we propose a fee of \$190.
 Comparable cities charge \$125, we propose a fee of \$125.
 Comparable cities charge \$115, we propose a fee of \$125.
 Comparable cities charge \$175, we propose a fee of \$180.
 Comparable cities charge \$200, we propose a fee of \$150.
 Comparable cities charge \$125, we propose a fee of \$125.
 Propose fee of \$75 due to nature of risk for these businesses.
 Comparable cities charge over \$500, we propose a fee of \$450.
 Comparable cities charge over \$120, we propose a fee of \$120.

Fire Operations	Proposed Fee Amount
Equipment Damaged	Actual Cost
Material utilized in mitigation	Actual Cost
Fire Apparatus/Equipment Rates	
Brush Truck - 2 Firefighters (T6)	\$152/Hour
Ladder/Tower Truck - 4 Firefighters (T1)	\$257/Hour
Pumper Truck - 4 Firefighters (T1)	\$257/Hour
Tender Truck - 4 Firefighters (T1)	\$257/Hour
Any Auxiliary equipment will be charged at the FEMA standard rate	FEMA Rate
Fire apparatus requests at special events will follow the hourly rate in the Fire Apparatus/Equipment Rates Fee Schedule above.	

This rate is based on the FEMA rate for apparatus and includes wages for staff personnel.
 This rate is based on the FEMA rate for apparatus and includes wages for staff personnel.
 This rate is based on the FEMA rate for apparatus and includes wages for staff personnel.
 This rate is based on the FEMA rate for apparatus and includes wages for staff personnel.

TOOELE CITY CORPORATION

RESOLUTION 2024-20

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN ABANDONMENT OF THE 2008 SETTLEMENT AGREEMENT FOR GLENEAGLES PUD.

WHEREAS, the Gleneagles PUD was part of a larger property which obtained preliminary plan approvals in the late 1990s, known at various times and with various names as Shetland Meadows, Copper Canyon, and Gleneagles; and,

WHEREAS, also in the late 1990s, the City enacted a water rights requirement for all development, with retroactive effect (reference Ordinance 1998-31); and,

WHEREAS, the City applied the water rights requirement to Gleneagles, and the then owner, Hamlet Development Corporation (“Hamlet”), contested the requirement’s retroactivity; and,

WHEREAS, Gleneagles phases 4 and 5 were part of the Gleneagles PUD and were (and still are) located in the MR-16 zoning district, and were approved for 336 multi-family dwelling units (“DU”); and,

WHEREAS, to settle the dispute, Hamlet agreed to reduce its vesting in Phases 4 and 5 from 336 DU to 100 single-family DU, in exchange for the option to purchase water rights from the City for those 100 DU, which agreement was expressed in a Settlement Agreement, approved by Resolution 2008-30 on August 6, 2008 (see Resolution 2008-30, without exhibits, attached as Exhibit A, and the Settlement Agreement, attached as Exhibit B); and,

WHEREAS, Hamlet’s option to purchase the water rights expired in 2011 without any of the 100 DU being built; and,

WHEREAS, Bach Land and Development (“Bach”) is Hamlet’s successor in interest to Gleneagles phases 4 and 5, and requested on January 29, 2024, that the City abandon the 2008 Settlement Agreement to allow the property to be regulated by the City’s enacted land use regulations and the Gleneagles PUD, without the development limitations imposed by the Settlement Agreement (see Bach request attached as Exhibit C); and,

WHEREAS, the City Council finds that abandonment of the Settlement Agreement is in the best interest of Tooele City for at least the following reasons:

- The City Council has already decided the property is appropriate for multi-family housing, having zoned it MR-16.
- The City’s only risk in the Settlement Agreement was the obligation to sell its water rights to Hamlet (now Bach). That risk vanished with the expiration of the Settlement Agreement water rights purchase option.
- Portions of Gleneagles are already built with multi-family housing, e.g., townhouses.

- Any hypothetical remaining risk to the City will be covered with Bach's release of any claims Bach might otherwise assert under the Settlement Agreement, including regarding the expired water rights purchase option.
- The worsening Housing Gap dictates in favor of allowing smaller, denser, lower cost housing, including Missing Middle Housing, in keeping with market demands, current development trends, and adjacent and nearby residential uses.

WHEREAS, the proposed Abandonment Agreement is attached as Exhibit D:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Abandonment Agreement for Gleneagles PUD is hereby approved, and the Mayor is hereby authorized to sign the same.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Resolution 2008-30
(without exhibits)

TOOELE CITY CORPORATION

RESOLUTION 2008-30

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A SETTLEMENT AGREEMENT WITH HAMLET DEVELOPMENT.

WHEREAS, on May 6, 1998, the Tooele City Council enacted Ordinance 1998-10, which required that "all development applications lacking either preliminary or final plat or plan City Council approval as of March 4, 1998, dedicate to the City, as part of the development approval process, documented and perfected water rights sufficient to service the water needs of the development"; and,

WHEREAS, on May 4, 2005, the City Council enacted Ordinance 2005-07, which applied Tooele City Code Chapter 7-26 retroactively to the developments, and in the manner, described by Tooele City Code §7-26-7; and,

WHEREAS, by letter dated March 6, 2008, Hamlet Development Corporation ("Hamlet") challenged the constitutionality of Ordinance 2005-07, claimed vested rights to develop without having to convey water rights to the City, and made other contentions and claims; and,

WHEREAS, the City Council and City Administration believe that it is in the best interest of the City to resolve the Hamlet dispute without expensive and protracted litigation by entering into a settlement agreement; and,

WHEREAS, the City Administration recommends approval of the Settlement Agreement attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to execute the Settlement Agreement attached as Exhibit A.

This Resolution is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and 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 10th day of August, 2008.

TOOELE CITY COUNCIL

(For)

(Against)

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Handwritten Signature]

ATTEST:

[Handwritten Signature]
Sharon Dawson, City Recorder



Approved as to Form:

[Handwritten Signature]
Roger Baker, City Attorney

Exhibit B

Settlement Agreement for Gleneagles PUD

AUG 11 REC'D

SETTLEMENT AGREEMENT
for
GLENEAGLES P.U.D.

This SETTLEMENT AGREEMENT for GLENEAGLES P.U.D. ("Agreement") is made and entered into this 1st day of August, 2008, (hereinafter the "Effective Date") by and between TOOEELE CITY CORPORATION (hereinafter the "City"), a chartered city of the State of Utah, having its office at 90 North Main Street, Tooele, Utah, 84074, and HAMLET DEVELOPMENT CORPORATION, a Utah corporation ("Hamlet"), having its office at 308 East 4500 South, Suite 200, Murray, Utah 84107 (referred to jointly as the "Parties").

BACKGROUND

A. On February 5, 1997, the Tooele City Council passed Ordinance 1996-30, which amended the zoning designation for a portion of a larger project known as Copper Canyon from the Manufacturing and Distribution (MD) industrial zoning district to the RM-16 high-density residential zoning district. The RM-16 zoning district has since been amended to become the High-Density Residential (HDR) zoning district. (The portion of Copper Canyon subject to this rezone became known as Chesapeake Meadows, and is now known as Gleneagles.)

B. On September 17, 1997, the Tooele City Council approved the preliminary plan for a 421-pad mobile home park known as Chesapeake Meadows. Chesapeake Meadows received an amended approval on February 16, 2000.

C. On May 6, 1998, the Tooele City Council enacted Ordinance 1998-10, which required that "all development applications lacking either preliminary or final plat or plan City Council approval as of March 4, 1998, dedicate to the City, as part of the development approval process, documented and perfected water rights sufficient to service the water needs of the development."

D. On October 20, 1999, the Tooele City Council passed Resolution 1999-94, approving an agreement styled Memorandum of Understanding (the "1999 Agreement") regarding Chesapeake Meadows. The 1999 Agreement is undated.

E. On June 21, 2000, the Tooele City Council approved a preliminary plan for Gleneagles, which approval replaced and superceded the two prior preliminary plan approvals for Chesapeake Meadows.

F. On August 2, 2000, the Tooele City Council passed Ordinance 2000-13, which changed the zoning designation for an additional 7.8 acres within Gleneagles from the General Commercial (CG) zoning district to the HDR zoning district, and which created the Gleneagles Planned Unit Development (P.U.D.). The Gleneagles P.U.D. contemplated 148 single-family detached dwellings, 110 townhouses, and 280 apartments, for a total of 538 dwelling units.

G. On August 16, 2000, the Tooele City Council approved the Gleneagles Phase 1 subdivision final plat, comprising 63 single-family detached residential lots.

H. On September 6, 2000, the Tooele City Council approved the Gleneagles Phase 2 subdivision final plat, comprising 54 townhouse lots.

I. The Parties to this Agreement entered into an agreement styled Memorandum of Understanding and Agreement (the "2002 Agreement"), dated April 9, 2002, regarding excavation materials generated by the City.

J. On May 4, 2005, the City Council enacted Ordinance 2005-07, which applied Tooele City Code Chapter 7-26 retroactively to the developments, and in the manner, described by Tooele City Code §7-26-7.

K. On June 15, 2005, the Tooele City Council approved Gleneagles Phase 3A and Phase 3B subdivision final plats, comprising 44 lots and 41 lots, respectively.

L. By letter dated March 6, 2008, Hamlet challenged the constitutionality of Ordinance 2005-07, claimed vested rights to develop without having to convey water rights to the City, and made other contentions and claims.

M. Tooele City disputes the contentions and claims contained in Hamlet's March 6, 2008, letter.

N. The Parties to this Agreement entered into an agreement styled Confidentiality Agreement, dated April 22, 2008, regarding the confidentiality of settlement discussions.

O. The Parties desire to resolve Hamlet's contentions and claims cooperatively and without litigation.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Revised Gleneagles PUD Preliminary Plan. Hamlet desires to, and shall, submit for City review a revised Gleneagles P.U.D. Preliminary Plan. Specifically, the Preliminary Plan will be revised to show a maximum of 100 single-family lots in Phases 4 and 5, which currently contemplate 56 townhouses and 280 apartments, respectively. The 100 lots will contain at least 7,000 square-feet each, except that no more than 20 of the 100 lots may contain between 6,000 and 7,000 square feet each. All lots shall satisfy the frontage, setback, and other requirements of the R1-7 zoning district. Hamlet's Concept Plan for the 100 lots is attached hereto as Exhibit A and incorporated herein by this reference. Attachment of Hamlet's Concept Plan to this Agreement shall not create any vested rights.

2. Water Rights.

(a) City's Obligation. The City shall provide municipal water rights for the 100 lots sufficient to (i) satisfy the water rights acquisition policy and accompanying conveyance requirements contained in the Tooele City Code, Chapter 7-26 (including its predecessor and successor ordinances) and (ii) allow the 100 lots to be connected to, served by, and supplied by the City water system.

(b) Hamlet's Obligation. Hamlet shall pay to the City \$7,500 per lot for the water rights provided by the City for the 100 lots. Hamlet shall pay this obligation within fifteen (15) days of the Tooele City Council approving one or more subdivision final plats containing all or a portion of the 100 lots, according to the number of lots contained in each subdivision final plat. No approved subdivision final plat shall be recorded in the office of the County Recorder until Hamlet has paid this obligation for the number of lots contained in the plat.

(c) Cost Escalator. Hamlet's \$7,500 per lot obligation shall not increase for any subdivision final plat recorded prior to July 31, 2009. For any subdivision final plat recorded from August 1, 2009, through July 31, 2010, Hamlet's per-lot obligation for water rights shall increase 5%. For any subdivision final plat recorded after July 31, 2010, Hamlet's per-lot obligation for water rights shall increase 10% each year, beginning on August 1st of each year. The cost escalator is illustrated on the following table.

Time Period	Per-Lot Obligation
Effective Date through July 31, 2009	\$7,500
August 1, 2009, through July 31, 2010	\$7,875
August 1, 2010, through July 31, 2011	\$8,663
August 1, 2011, through July 31, 2012	\$9,529
August 1, 2012, through July 31, 2013	\$10,482

(d) Termination. The City's obligation to provide water rights for the 100 lots shall terminate automatically five years from the date (the "Completion Date") that at least two traffic lanes of 1000 North Street have been completed from SR-36 (Main Street) to the intersection of 600 West Street (at the entrance to Gleneagles). The Completion Date shall be the date of final road inspection by the City or the City's contractor, as evidence by a written report.

(e) Satisfaction. Hamlet's payment of the per-lot cost for water rights for the 100 lots shall fully satisfy Hamlet's water rights conveyance requirements under Tooele City Code Chapter 7-26 (including its predecessor and successor ordinances). Notwithstanding, Hamlet or its successor shall convey water rights to Tooele City pursuant to Chapter 7-26 for any subdivision final plat approved after the Completion Date.

3. Prior Agreements. The Parties agree that the 2002 Agreement is hereby extinguished and of no further force or effect.

4. Release.

(a) For and in consideration of the agreements set forth herein, Hamlet hereby releases, acquits, and forever discharges the City, including all officers (both elected and appointed), employees, and agents, from any and all claims, demands, obligations, actions, causes of action of every kind, nature and description, and all liabilities for injuries, losses, and damages, whether personal, property, or economic, whether now known or unknown, in any way arising out of or related to the following: (i) Ordinance 2005-07 (including its predecessor and successor ordinances); (ii) that certain letter dated April 8, 2000, from Roger Baker, Tooele City Attorney, to Hamlet; (iii) the timing of the construction of 1000 North Street; and, (iv) the approvals of Gleneagles Phases 1, 2, 3A, and 3B subdivision final plats.

(b) Hamlet further represents and warrants as follows:

(1) Hamlet has received independent legal advice from its attorneys with respect to the advisability of making the settlement provided for herein and with respect to the advisability of executing this Agreement.

(2) Hamlet does not rely, nor has it relied, on any statement, representation, omission, or promise of any other party (or of any officer, agent, employee, representative, or attorney for any other party) in executing this Agreement, or in making the settlement provided for herein, except as expressly stated in this Agreement.

(3) Hamlet has investigated the facts pertaining to this settlement and this Agreement, and all matters pertaining thereto, to the full extent it deems necessary.

(4) Hamlet has carefully read and reviewed with its attorneys, and knows and understands, the full contents of this Agreement, and is voluntarily executing this Agreement upon the advice of its attorneys.

(5) Each term of this Agreement is contractual and not merely a recital.

(6) Hamlet understands and agrees that the agreements described herein are for the compromise of a disputed claim and are not to be construed as an admission of any liability or fault on the part of the City, by whom liability and fault are expressly denied.

(7) Hamlet has cooperated in, and in any construction to be made of this Agreement shall be deemed to have cooperated in, the drafting and preparation of this Agreement.

(c) This Agreement has been, and shall for all purposes be deemed to have been, executed and delivered within the State of Utah. The rights and obligations of the Parties shall be construed and enforced in accordance with, and governed by, the laws of the State of Utah.

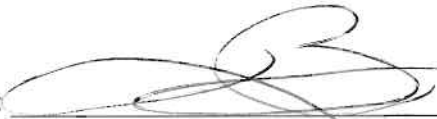
(d) This Agreement is the entire agreement between the Parties with respect to the subject matter hereof.

(e) This Agreement is binding upon, and shall inure to the benefit of, the Parties and their respective agents, employees, representatives, officers, directors, subsidiaries, assigns, heirs, and successors in interest.

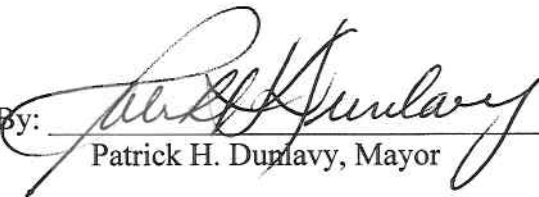
5. Land Use Regulations. Hamlet agrees to comply with Tooele City's land use regulations, except as modified herein with respect to water rights.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.


HAMLET DEVELOPMENT
CORPORATION

By: 
Michael M. Brodsky, President

TOOELE CITY CORPORATION


By: 
Patrick H. Dunlavy, Mayor

ATTEST:


Sharon Dawson
Tooele City Recorder



Approved as to Form:


Roger Baker
Tooele City Attorney
STATE OF UTAH

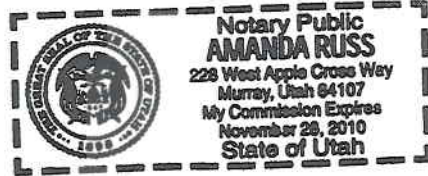
)
: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 4th day of August, 2008, by MICHAEL M. BRODSKY, President of Hamlet Development Corporation, a Utah corporation.

Amanda Russ
NOTARY PUBLIC
Residing at Salt Lake County, Utah

My Commission expires:
Nov. 28, 2010



STATE OF UTAH)

: ss.

COUNTY OF TOOELE)

The foregoing instrument was acknowledged before me this 7th day of August, 2006, by PATRICK H. DUNLAVY, who is the Mayor of Tooele City Corporation, a chartered city of the State of Utah.



Sharon Dawson
NOTARY PUBLIC
Residing at Tooele County, Utah

My Commission expires:
9/29/08

Exhibit A

Hamlet Concept Plan

(2 pages)

GLENEAGLES PHASE 4 SUBDIVISION AND AMENDING LOTS 223 THRU 229 AND COMMON AREA OF GLEN EAGLES P.U.D. PHASE 1 PRELIMINARY PLAT - NOT TO BE RECORDED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALINE AND IBERDRAH
COUNTY, KANSAS



LEGEND:
 - - - - - EXISTING PUBLIC UTILITY CORRIDOR
 ———— AND FIELD SURVEY OF THIS PLAT
 ———— EXISTING EASEMENT
 ———— PROPOSED EASEMENT
 ○ CENTER POINT
 □ MONUMENT TO BE SET
 ■ MONUMENT IDENTICAL TO THE MONUMENT IN ADJACENT LOT
 * SECTION CORNER MONUMENT

GRAPHIC SCALE:
 (IN FEET)
 1 Inch = 50 Ft.

GLENEAGLES PHASE 4 SUBDIVISION AND AMENDING LOTS 223 THRU 229 AND COMMON AREA OF GLEN EAGLES P.U.D. PHASE 1

TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALINE AND IBERDRAH
COUNTY, KANSAS

Project Number	PH 474
Plan Number	PH 474-000
Prepared By	J. H. [unreadable]
Drawn By	J. H. [unreadable]
Checked By	[unreadable]
Approved By	[unreadable]
Date	[unreadable]
Scale	[unreadable]
Sheet	2 of 2

Stewart County, Inc.
 308 E. 7th St., Ste. 300
 P.O. Box 400
 Independence, MO 64603-0400
 Tel. 816-833-1300
 Fax 816-833-1301
www.stewartcounty.com

HAMLET HOMES
 HAMLET HOMES
 308 EAST 4500 SOUTH
 MURRAY, UTAH 84107

MATCHLINE SEE SHEET 1 of 2

MATCHLINE SEE SHEET 1 of 2



Exhibit C

Bach Homes Letter
(January 29, 2024)



January 29th, 2024

Attention Planning Department
City of Tooele
90 North Main Street
Tooele, Utah 84074

Dear City of Tooele,

We Bach Land and Development acting in behalf of Bach Investments, LLC regarding the request to abandon the Settlement Agreement for GLENEAGLES P.U.D. which was entered into on the 1st day of August, 2008 by and between TOOELE CITY CORPORATION and Hamlet Development Corporation. This agreement which has been set forth on this day was acquired by Bach Investments in the same calendar year of 2008 by the transfer and sale of Tooele County Parcel: **02-002-0-0055**, Also known as the GLENEAGLES P.U.D.

At this time Bach Land and Development is requesting that Tooele City and Bach Investments, LLC dissolve the forementioned Agreement allowing the parcel 02-002-0055 to change to MR-16. (Multi-Family Residential) following Tooele City's current Zoning and Land Use Map.

We express our utmost appreciation for the last 15+ years that we have worked with the City of Tooele. We have completed many projects in your city that have been rewarding and exciting and we are excited for more in the future. Our company is committed to continuing to contribute to the growth and success of the City of Tooele. We are looking forward to more successful endeavors here.

To recap, we are requesting to terminate the current "Settlement Agreement for GLENEAGLES P.U.D." removing the 24.96 acres owned by Bach Investments, LLC from the current PUD and max density of 100 single-family lots as mentioned in (1.) of SETTLEMENT AGREEMENT and thus allowing BACH PROPERTY to fall under current city zoning regulations, specifically MR-16.

Sincerely,



BACH LAND AND DEVELOPMENT, LLC
Shaun Athey

Exhibit D

Abandonment Agreement for Gleneagles PUD

**ABANDONMENT AGREEMENT
FOR
GLENEAGLES P.U.D.**

This Abandonment of Settlement Agreement for the GLENEAGLES P.U.D. (“**P.U.D.**”) is hereby established on this 27th day of February, 2024, between TOOEELE CITY CORPORATION, (Hereinafter the “**City**”) a chartered city of the State of Utah, and BACH INVESTMENTS, LLC, (Hereinafter the “**BACH**”) a Utah limited liability company, collectively referred to as the “**Parties.**”

The City and Hamlet Development Corporation previously entered into that certain Settlement Agreement approved by the City as of August 4th, 2008 (EXHIBIT A). The Agreement sets forth certain terms for the P.U.D. which permits the construction of 100 single-family residential dwellings in both phases 4 and 5 of the P.U.D. on approximately 24.96 acres of real property located in Tooele City, Tooele County, Utah, identified by parcel 02-002-0055 (the “**Property**”). BACH is the successor in interest of Hamlet to the Settlement Agreement and the property.

This Abandonment Agreement is a request by BACH to dissolve the aforementioned Settlement Agreement thereby allowing the Property to increase and diversify density and home type in accordance with Tooele City’s current Land Use Regulations and Land Use Map, and the existing P.U.D and MR-16 (Multi-Family Residential) zoning district.

Upon execution of this Abandonment Agreement, the existing “Settlement Agreement for GLENEAGLES P.U.D.” shall be abandoned and of no further force or effect, releasing it from the maximum density of 100 single-family lots as stipulated in clause (1.) of the SETTLEMENT AGREEMENT, and all other restrictions pertaining therein. Thereafter, BACH PROPERTY will be subject to the current city land use regulations, specifically the existing P.U.D. and the MR-16 zoning district. BACH hereby agrees to release Tooele City from any liability associated with this Agreement or the Settlement Agreement.

[signatures on following page]

IN WITNESS WHEREOF, this Amendment is effective as of the date and year first above written.

DEVELOPER:

Bach Land and Development, LLC, a Utah limited liability company

Name: _____

Title: _____

CITY:

Tooele City Corporation, a municipality and political subdivision of the State of Utah

By: _____

Mayor: _____

STATE OF UTAH)
) ss.
County of Tooele)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the Mayor of Tooele City Corporation, on behalf of such city.

Notary Public

STATE OF UTAH)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the manager of Bach Land and Development, LLC, on behalf of such company.

Notary Public

TOOELE CITY CORPORATION

RESOLUTION 2024-21

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE REGARDING FEES AT THE OQUIRRH HILLS GOLF COURSE.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution for activities regulated by the City and services provided by the City; and,

WHEREAS, Utah Code §10-3-718 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council; and,

WHEREAS, Tooele City owns and operates the Oquirrh Hills Golf Course, and charges various fees associated with golf play and equipment; and,

WHEREAS, the City Administration recommends adding and increasing certain golf fees in order to provide better service, to stay competitive with the market, and to better recoup the City's costs to operate the golf course; and,

WHEREAS, the recommended fees are shown in the attached Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended to include the new and increased Oquirrh Hills Golf Fees shown in Exhibit A.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Golf Course Fees

Oquirrh Hills	Current Rates	Proposed Rates	Last Increase	Stansbury	Palisades	Delta	Carbon	Richfield
Green Fees: Regular								
9 Holes (Weekday)	\$12	\$14	2022	\$12	\$17	\$13	\$16	\$15
18 Holes (Weekday)	\$22	\$26	2022	\$24	\$32	\$22	\$30	\$30
9 Holes (Weekend/Holiday)	\$13	\$15	2022	\$15	\$20	\$14	\$16	\$15
18 Holes (Weekend/ Holiday)	\$24	\$28	2022	\$29	\$36	\$24	\$30	\$30
Green Fees: Senior/Military								
9 Holes (Weekday)	\$9	\$11	2022	\$12	\$15	\$10	\$14	\$15
18 Holes (Weekday)	\$17	\$21	2022	\$21	\$27	\$17	\$27	\$30
9 Holes (Weekend/Holiday)	\$10	\$12	2022	\$17	\$20	\$11	\$14	\$15
18 Holes (Weekend/ Holiday)	\$18	\$22	2022	\$26	\$36	\$18	\$27	\$30
Green Fees: Junior								
9 Holes (Weekday)	\$6	\$8	2022	\$7	\$11	\$10	\$14	\$8
18 Holes (Weekday)	\$11	\$15	2022	\$13	\$22	\$17	\$27	\$16
9 Holes (Weekend/Holiday)	\$7	\$9	2022	\$8	\$20	\$11	\$14	\$8
18 Holes (Weekend/ Holiday)	\$13	\$17	2022	\$15	\$36	\$18	\$27	\$16
Cart Fees								
Season Cart Fee	New	\$600	New	\$725	NA	NA	NA	NA
Range								
Small	\$3	\$4	2019	\$3	NA	\$3	\$5	\$4
Medium	\$5	\$6	2019	\$6	\$5	\$5	\$7	NA
Large	\$7	\$8	2019	\$9	\$10	\$7	\$10	\$7

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

Date: Wednesday, February 21, 2024

Time: 5:30 p.m.

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

City Council Members Present:

Maresa Manzione

Melodi Gochis

Justin Brady

David McCall

Ed Hansen, via phone

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Darwin Cook, Parks and Recreation Director

Andrew Aagard, Community Development Director

Paul Hansen, City Engineer

Shannon Wimmer, Finance Director

Jamie Grandpre, Public Works Director

Minutes prepared by Katherin Yei

1. Open City Council Meeting

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

2. Roll Call

Maresa Manzione, Present

Melodi Gochis, Present

Justin Brady, Present

David McCall, Present

Ed Hansen, Present via phone

3. Mayors Report

Mayor Winn presented Recycling stats.

4. Council Member's Report

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

5. Discussion Items

A. J. Fisher Companies Development Concept

Mr. Baker introduced J. Fisher Company.

Mr. Wood presented J. Fisher and some of the benefits of their projects including social impact benefits, economic benefits, and individual costs. The property located at Rogers Street has benefits and an opportunity for middle class housing. It is zoned Research and Development. They presented options and affordable models for this property. The property would need infrastructure including sanitary sewer, culinary water, roadway improvements, and electrical upgrades.

The City Council asked the following questions:
Have they discussed the Broadway area?
Explain the benefits of decreased traffic.

The Council likes the concept, but shared concerns of cost and infrastrucure.

Mr. Baker addressed the Council's questions. At the time the City began discussing the Rogers Street property, the City was not yet looking at properties on and around Broadway. Since the Council and Mayor first mentioned the Broadway properties, Mr. Baker has mentioned it to the company. The company and the City can have a conversation about it. The City has not looked at financial models for funding infrastructure or for partnering with a developer.

Mr. Wood addressed the Council. There project is a large cost. Apartments create a lower impact on traffic then other housing options. When people are able to live within a close proximity of amenities, try to include walking paths or biking trails for people to get to the amenities. They do include solar infrastructure and green way trails.

B. Proposed Amendment to the Tooele City Fee Schedule for the Tooele City Fire Department for Fire Inspections and Permits

Mr. Wall presented an amendment to the Tooele City fee schedule for the Tooele City Fire Department for Fire Inspections and permits.

The City Council asked the following questions:
Is the proposed fee an annual or onetime fee?
Who pays the fee under fire operations?

Mr. Wall addressed the Council. Those fees are annual fees. The fire operations are considered stand by fees. They are for the trucks and personnel on the trucks.

The City Council is in favor of this item.

C. Proposed Amendment to the Tooele City Fee Schedule for the Oquirrh Hills Golf Course

Mr. Cook presented an amendment to the Tooele City Fee schedule for the Oquirrh Hills Golf Course green fees. The fees increase \$2-3, season cart fees in the amount of \$600, and range ball fees increasing by a dollar. The cart fee guarantees you a golf cart any time you go. The punch pass would be adjusted to these prices.

The City Council is in favor of this item.

D. Proposed Amendments to Tooele City Code 7-1-5; Definitions, Regarding the Addition of Lithium-Ion Batteries to the Definition of Hazardous Materials Storage

Mr. Aagard presented an amendment to City Code 7-1-5 in regards to the definition of lithium-ion batteries. The storage of lithium-batteries is not permitted in any industrial zones on the table of uses. However, there is not a definition of hazardous waste. It is a concern that the storage of lithium-ion batteries can cause major fires, taking many of the City resources. Staff is proposing code amendments to prohibit storage of these batteries.

The City Council asked the following:
How does this impact retail?

Mr. Aagard addressed the Council. This is referring to mass storage. Retail stores don't normally store a large amount of lithium-ion batteries.

The City Council is in favor of this item.

E. Gleneagles Settlement Agreement-Bach Homes Request

Mr. Baker presented an agreement with Gleneagles and Bach homes to dismiss the settlement agreement on the property. The settlement originated due to water issues. At the time of the settlement, there was a limitation of time set for the developer to purchase water. That has expired. The property is in a PUD. Bach Homes are requesting to allow the property to be what it is in the MR-16 zoning district and remove it from the settlement agreement.

The City Council asked the following questions:
How does the settlement agreement go away?
Is Bach Homes aware they need to bring water to the development?

Mr. Baker addressed the Council's questions. An agreement will be signed that Bach Homes has released the City of any claims they could have brought forward under the Settlement Agreement. The owner would have to bring water to any new development. Bach submitted this request in writing to abandon the Settlement Agreement.

The City Council is in favor of this item.

F. Resolution 2024-18 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2023-2024

Ms. Wimmer presented budget amendments for fiscal year 2023-24. These budget amendments include moving revenue to adjust for carry-over funds, payments, grants, and funds received.

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

A closed meeting was held to discuss litigation and property acquisition.

Council Member McCall motioned for a closed meeting. Council member Manzione Seconded. The vote was as follows: Council Member McCall, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," and Chairman Brady, "Aye." The motion passed.

The following were present during the closed meeting: Chairman Brady, Council Member Manzione, Council Member McCall, Council Hansen (by phone), Council Member Gochis, Mayor Debbie Winn, Michelle Pitt, Roger Baker, Andrew Aagard, Shannon Wimmer, Paul Hansen, Darwin Cook, Chief Adrian Day, and Jamie Grandpre.

7. Adjourn

Chairman Brady adjourned the meeting at 6:56 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 March, 2024

Justin Brady, City Council Chair

Tooele City Council Business Meeting Minutes

Date: Wednesday, February 21, 2024

Time: 7:00 p.m.

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

City Council Members Present:

Ed Hansen, via phone

Maresa Manzione

Dave McCall

Justin Brady

Melodi Gochis

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Darwin Cook, Parks and Recreation Director

Andrew Aagard, Community Development Director

Paul Hansen, City Engineer

Shannon Wimmer, Finance Director

Jamie Grandpre, Public Works Director

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Maresa Manzione, Present

Melodi Gochis, Present

Justin Brady, Present

Dave McCall, Present

Ed Hansen, Present via phone

3. Mayor's Community Recognition Awards

Mayor Debbie Winn presented the community recognition award to the following:

Crystal Harris

4. Public Comment Period

The public comment was opened.

Mr. Albrecht introduced himself and said that he is representing Congresswoman Celeste Maloy. He spoke about connecting with the citizens.

Kalani Mascherino, director of governments affairs for Utah Realtors in Tooele County, presented a handout discussing the future for zoning, codes, accessory dwelling units, and innovations other Cities are using.

The public comment period was closed.

5. VOCA (Victims of Crime Act) State Funded Grant

Presented by Velynn Matson, Tooele City Victim Advocate

Ms. Matson presented an update on the VOCA state funded grant. They have received funding from the state legislature providing multiple services within the county, working with many victims throughout the community.

6. Resolution 2024-17 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Kelly Anderson to the Planning Commission as a Regular Commission Member

Presented by Mayor Debbie Winn

Mayor Winn presented the regular appointment of Kelly Anderson to the Planning Commission.

Council Member McCall motioned to approve Resolution 2024-17; A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Kelly Anderson to the Planning Commission as a Regular Commission Member. Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," and Chairman Brady, "Aye." The motion passed.

7. Public Hearing and Motion on Resolution 2024-18 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2023-2024

Presented by Shannon Wimmer, Finance Director

Ms. Wimmer presented budget amendments for fiscal year 2023-2024. These items were discussed during the work meeting.

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

Council Member Manzione motioned to approve Resolution 2024-18; A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2023-2024. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall,

“Aye,” Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” and Chairman Brady, “Aye.” The motion passed.

8. Public Hearing and Motion on Ordinance 2024-03 An Ordinance of Tooele City Amending Tooele City Code Sections 7-16-3, Table 1, Table of Uses and 7-1-5, Definitions, Regarding Accessory Vehicle Storage Yards Associated with Automobile Sales and Rental Businesses

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an amendment to the table of uses and definitions regarding accessory vehicle storage yards associated with Automobile sales and rental businesses. Tooele City codes do not permit accessory vehicle storage yards. Staff is proposing to add a new category for accessory storage yards only with automobile sales and rental businesses. It will be permitted to the Light Industrial, Industrial, and Industrial Service with a Conditional Use Permit. There is also a note for standards of the facility. Planning Commission recommends approval.

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

Council Member Gochis motioned to approve Ordinance 2024-03; An Ordinance of Tooele City Amending Tooele City Code Sections 7-16-3, Table 1, Table of Uses and 7-1-5, Definitions, Regarding Accessory Vehicle Storage Yards Associated with Automobile Sales and Rental Businesses. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, “Aye,” Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” and Chairman Brady, “Aye.” The motion passed.

9. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Factory Flooring Direct for the Parks Department for flooring in the amount of \$33,556.85
Office Products Dealer for the Parks Department for furniture in the amount of \$56,217.65.

Council Member Gochis motioned to approve the invoices and purchases orders. Council Member Manzione seconded. The vote was as follows: Council Member McCall, “Aye,” Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” and Chairman Brady, “Aye.” The motion passed.

10. Minutes

The following corrections need to be made to the minutes:

The spelling of infrastructure in item number 11 in the business meeting.

Council Member Manzione motioned to approve minutes with the errors corrected. Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, “Aye,” Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” and Chairman Brady, “Aye.” The motion passed.

11. Adjourn

Chairman Brady adjourned the meeting at 7:22pm.

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 March, 2024

Justin Brady, City Council Chair

DRAFT

Public Comment Record Sheet

Date: 2-21-2024

Name	City of Residence
Scott Albrecht	Congresswoman Celeste Maloy
Kalani Maschezino	Tooele