

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, June 21, 2023, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.org, and at Tooele City Hall. To request a copy of the public notice for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.org

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Proposed Changes** to the City Charter Regarding Term Limits and Removal of the Two-Year Appointment Requirement for the City Recorder
Presented by Tony Graf, City Council
 - b. **Recycling Fees**
Presented by Shannon Wimmer, Finance Director
 - c. **Fraud Risk Assessment**
Presented by Shannon Wimmer, Finance Director
 - d. **Ordinance 2023-29** An Ordinance of Tooele City Amending Table 1: Table of Uses in Chapter 7-16 of the Tooele City Code Regarding Accessory Dwellings Units Located Above the Ground Floor in the General Commercial Zoning District and Downtown Overlay District
Presented by Andrew Aagard, Community Development Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **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.Org, Prior To The Meeting.

AMENDED TOOELE CITY CHARTER

(Effective January 2, 2006)

WHEREAS, Article XI, §5 of the Utah Constitution sets forth a process by which Utah municipalities can frame, propose, and enact a Charter for self-governance; and

WHEREAS, after receiving the March 22, 1965, recommendation of the Charter Commission, the voters of Tooele City Corporation approved the Tooele City Charter at a special election held on July 13, 1965; and

WHEREAS, in the November 1975 regular municipal election, the voters of Tooele City Corporation approved several amendments to the Tooele City Charter; and

WHEREAS, the voters of Tooele City Corporation have determined that the charter provisions of the Utah Constitution provide unique opportunities for self-governance which are not enjoyed by municipalities without charters, and they further have determined that the Tooele City Charter is a unique document which is worthy of preservation, in that it allows for better and more-efficient government; and

WHEREAS, the voters of Tooele City Corporation have determined that the existing, amended Tooele City Charter, while unique and special, is in need of further amendment and clarification;

NOW, THEREFORE, the voters of Tooele City Corporation, in accordance with the requirements of law, do hereby enact this Amended Tooele City Charter, which Amended Tooele City Charter shall become effective at 12:01 a.m. on Monday, January 2, 2006.

ARTICLE 1.

POWERS OF THE CITY

Section 1-01. Grant of Powers. Tooele City Corporation (the "City") shall have and possess all rights, powers and privileges relating to municipal affairs as are derived from the people and as are allowed by law, and may propose, enact, adopt and enforce within its jurisdictional limits such regulations, not in conflict with the general law, that it deems necessary to promote the general health, welfare and protection of its citizens, subject only to the limits set forth in the Constitution of the State of Utah, all of which rights, powers and privileges it may exercise as fully and completely and as if they were specifically enumerated in this Charter.

Section 1-02. Construction. The rights, powers and privileges of the City granted herein shall be liberally construed in favor of the City, and the enumeration or specific mention of certain rights, powers, and privileges in this Charter shall not be interpreted as limiting the exercise of other rights, powers or privileges not so enumerated or mentioned.

Section 1-03. Intergovernmental Relations. The City may cooperate with, and may enter into written agreements with, other units of local government, or with the State of Utah, or

with the United States of America, or with any agencies or subdivisions thereof, in accomplishing projects of common interest to the City and one or more of the other governmental units, to the extent and in accordance with the Constitution and laws of the United States and of the State of Utah.

ARTICLE 2.

MUNICIPAL GOVERNMENT

Section 2-01. Vesting of Powers of Municipal Government. All rights, powers and privileges of the municipal government of the City shall be vested in a Mayor and in a City Council (the "Council") of five members, to be elected at large on a non-partisan ballot as provided elsewhere in this Charter.

Section 2-02. Legislative and Executive Powers. The Council shall be the Legislative Body of the City, shall possess all legislative powers of the municipal government of the City, shall propose and adopt such ordinances and resolutions as it deems appropriate, shall budget and appropriate all funds, and shall perform all rights, powers, privileges and duties as may be required of them by this Charter or the laws of the State of Utah. The Council, or any member thereof, also is empowered to review, examine and comment upon administrative or executive decisions. The Council, or any member thereof, may at any time examine and inspect the books, records, papers and documents of the City, or of any officer or agent employed by the City, except where such examination or inspection is prohibited by federal or state law.

The Mayor shall be the Chief Executive Officer of the City, shall see that all laws, ordinances and resolutions are faithfully executed, and shall, subject to the provisions of this Charter and the laws of the State of Utah, possess all executive and administrative powers of the municipal government of the City. The Mayor may review, examine and comment upon proposed decisions of the Council.

Section 2-03. Elected Officials - Elections - Term - Council Term Limits. On the first Tuesday following the first Monday in November of odd numbered years there shall be held an election to fill all elective offices to be vacated in the City at 12:00 o'clock p.m. MST on the first Monday of the January following. Such elected officials shall continue in office for a term of four years and until their successors are elected and qualified, except as provided herein, or unless earlier removed by law. The officials so elected shall enter upon their duties at 12:00 o'clock p.m. MST on the first Monday in January next succeeding their election.

The electors of the City shall elect Council members at the regular municipal election held every odd-numbered year. No member of the Council shall serve on the Council more than three consecutive terms of office. Any person who has served three consecutive terms as a member of the Council shall not be eligible for appointment or election to the Council until after the next municipal election following the expiration of the member's third term. The term limits established by this Section shall apply prospectively only to those members of the Council whose terms of office commence on or after the first Monday in January of the year 2024.

Section 2-04. Council Chairperson -Meeting- Quorum - Transaction of Business. The Council shall, either by resolution or by order entered in the official minutes, select one of their number to act as Chairperson. Pending the selection of a Chairperson, the City Recorder shall preside for the sole purpose of the selection of a Chairperson. The Council also shall select such other Council officers as the Council deems necessary, with such designations made either by resolution or by order entered in the official minutes.

The Council shall prescribe by ordinance the date, time and place of its regular public meetings, provided at least one regular public meeting is held each month, and the ordinance shall be published at least once in a newspaper of general circulation in Tooele County. Moreover, the Council shall timely cause a listing of its scheduled regular public meetings to be published at least once in a newspaper of general circulation in Tooele County.

Not less than three members of the Council shall constitute a quorum for the transaction of business, and no act of the Council shall be valid or binding unless three members concur thereon, provided, however, that members of the Council may appear at any Council meeting by telephone or by other electronic means with the consent of the Chairperson of the Council. Upon every vote the yeas and nays shall be called and recorded, and every order, motion, resolution or ordinance shall either be reduced to writing or read into the public record before the vote is taken thereon.

The Council shall have the power to make and enforce such rules and regulations for the administration of the Council, the preservation of order, and the transaction of the business of the Council as may be necessary or proper. All meetings of the Council are presumed to be open to the public, but the Council may close any meeting or any portion of a meeting of the Council as long as the closure is allowed by applicable law, and the procedures and requirements for closing the meeting or portion of the meeting have been followed.

If at any time the business of the City requires a special meeting of the Council, such meeting may be called by the Chairperson of the Council, or by the written request of a majority of the Council. If a majority of the Council calls the meeting, the request must be filed with the City Recorder and entered in the minutes of the Council. Except in case of an emergency, not less than two (2) business days notice of such special meeting must be given by the Recorder to each member not joining in the order, such notice to be served either personally or upon a person of suitable age and discretion who resides with the member, by electronic e-mail or facsimile delivery to the e-mail address or facsimile number of the member that is on file with the City Recorder, or by certified mail addressed to the member at the address on file with the City Recorder. If a member of the Council attends a special meeting of the Council, the member waives any right to object to the appropriateness of the notice concerning the special meeting.

Section 2-05. Ordinances and Resolutions. - Publication or Posting - Effective Date. Every resolution or ordinance passed by the Council must be signed by a majority of the Council members, and shall then be presented to the Mayor for his or her review. If the Mayor approves, he or she shall sign the resolution or ordinance and then transmit it to the City Recorder for filing in the official records of the City. If the Mayor disapproves of the resolution or ordinance, he or she shall return the resolution or ordinance unsigned to the Council, together with a written

statement of his or her objections, within fifteen (15) calendar days, and the Council shall at its next meeting reconsider the resolution or ordinance. If after reconsideration it again passes with the concurrence of at least four members of the Council, it shall be filed with the Recorder and shall have the same force and effect as if signed by the Mayor. If any resolution or ordinance be not returned by the Mayor within fifteen (15) calendar days after its initial approval by the Council, it shall be filed with the Recorder and shall have the same force and effect as if signed by the Mayor.

All resolutions and ordinances of the City, unless otherwise indicated on the face of the resolution or ordinance or unless otherwise required by law, shall take effect immediately upon their passage in conformance with the requirements of this Charter, without further publication, or act of the Council or Mayor. Resolutions and ordinances also may have retroactive effect provided the Council makes the necessary findings required by the laws of the State of Utah with respect to retroactivity. All resolutions and ordinances of the City shall set forth in the language of the resolution or ordinance their effective date, shall be maintained by the City Recorder in a book for that purpose, and shall be available for examination by the public free of charge. Unless otherwise indicated on the face of the resolution or ordinance, resolutions and ordinances of the City shall be deemed to be necessary for the immediate preservation of the peace, health or safety of the City and its residents.

The City Recorder, or his or her designee as approved by the Council, shall attend all regular and special meetings of the Council and shall act as clerk thereof. The City Recorder shall record all resolutions and ordinances in the book kept for that purpose and said book, or a certified copy of the ordinances and resolutions on file in the book, shall be received as evidence in all courts and places without further proof, or if printed in a book or pamphlet by authority of the Council, they shall be so received.

Section 2-06. Departments of City Government. The executive and administrative powers, authority and duties of the City shall be conferred upon the Mayor and upon such persons as the Mayor shall appoint or designate, subject to the further requirements of this Charter or applicable law. Departments shall be established by ordinance of the Council. The Mayor shall, with the consent of a majority of the Council, designate a head of each department of City government. The Mayor, pursuant to applicable laws and procedures, shall determine the powers and duties to be performed by the heads of departments established, and of all employees therein. The Mayor may assign any particular office or employee to one or more departments; may require an employee to perform duties of two or more departments and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City. The Mayor shall supervise all departmental activities through his or her departmental heads. Notwithstanding the foregoing, nothing herein shall preclude the Council from hiring one or more persons to assist the Council in the performance of its duties, and any person so hired shall have the powers and duties assigned by the Council, shall report to the Council, shall be compensated in the amount and manner directed by the Council, and shall serve at the pleasure of the Council.

Section 2-07. Mayor - Further Powers and Duties. The Mayor may remit fines and forfeitures and release any person imprisoned for violation of a City ordinance. The Mayor also

shall see that all operative laws and ordinances are faithfully executed. The Mayor may, to the extent allowed by law, examine and inspect the books, records and papers of any employee, officer, or agent employed by the City.

Section 2-08. Vacancies in office of Mayor or Councilperson - How Filled. Any official elected to office pursuant to this Charter shall forfeit his or her office if he or she (1) lacks at any time during his or her designated term any qualification established by law, (2) is convicted of any felony or any Class A misdemeanor involving acts of moral turpitude; or (3) fails without good cause to attend all regular meetings of the City Council for three consecutive months.

If a vacancy shall occur in the office of Mayor due to the death, permanent disability, resignation or removal from office of the Mayor in any manner authorized by law, the Chairperson of the Council shall act as Mayor pending the appointment, by majority vote of the Council, within 30 days of the vacancy, of a member of the Council to act as temporary Mayor until the next regularly scheduled municipal election, at which time the voters shall elect a qualified elector to serve as interim Mayor for the remainder of the unexpired term, unless said term expires at the time of that election. The Chairperson of the Council, while acting as temporary Mayor under this section, shall retain his or her position on the Council, but shall temporarily forfeit his or her position on the Council while acting as temporary Mayor. The Chairperson shall be reinstated to his or her former position on the Council, if his or her term has not previously expired, upon election of the interim Mayor at the next regular municipal election. The Council shall determine in its absolute discretion whether a temporary Councilperson should be chosen to fill the position temporarily vacated by the Chairperson while serving as the temporary Mayor.

If any vacancy shall occur in the office of Councilperson due to the death, permanent disability, resignation or removal from office of the Councilperson in any manner authorized by law, such vacancy shall be filled by the Council appointing, by a majority vote, a replacement who shall serve until the next regularly scheduled municipal election, at which time the voters shall elect a qualified elector to fill the unexpired term, unless said term expires at the time of that election. If at any time, through vacancies, the number of Councilpersons is reduced below three, a special election shall be called to fill said vacancies for the remainder of their respective terms. Such special election shall be held on the first Tuesday after the sixtieth day following the occurrence of the most recent vacancy, unless such day be a legal holiday in which event it shall be held on the Wednesday following.

Any person appointed or elected to the office of temporary Mayor or temporary Councilperson shall have at the appointment or election, and shall maintain at all times during his or her designated term, all qualifications for the office established by law.

At any time as he or she may deem expedient, the Mayor may authorize, in writing, the Chairperson of the Council to act as Temporary Mayor of the City. If the Chairperson is appointed as Temporary Mayor, he or she shall have, during the term of the appointment, all of the rights, powers and privileges of the Mayor. The authority of the Chairperson to act as Temporary Mayor shall expire upon the earlier of (a) the date and time set forth in the appointment, or (b) the date and time set forth in any subsequent written notice of the Mayor.

Section 2-09. Assistant to Mayor. Upon filing his or her candidacy for Mayor, a candidate shall declare, in writing with the Tooele City Recorder, a notice of intention to serve as either a full-time or part-time Mayor and his or her intention as to the appointment of an Assistant to the Mayor. Upon election, and in accordance with the notice of intention, the Mayor will, with the affirmative approval of a majority of the Council, appoint a qualified assistant to exercise such powers of administration and perform such duties as the Mayor shall prescribe. The assistant shall serve at the pleasure of the Mayor, and may be removed by the Mayor with the affirmative consent of a majority of the Council.

Section 2-10. Termination of Department Heads. The heads of all departments shall be discharged by the Mayor only after the Mayor receives the affirmative consent of a majority of the Council.

Section 2-11. Dismissal, Discharge or Removal of Regular Employees. Except for heads of departments and appointed, temporary, seasonal or on-call employees working in an “at will” status, no employee of the City who shall have completed any probationary period established by the City shall be discharged, dismissed, transferred or demoted to a position of less remuneration unless such action complies with the applicable provisions of the City’s policies and procedures and other applicable law. In all cases where such employee is discharged, dismissed, transferred or demoted to a position of less remuneration, he or she shall receive a letter in writing setting forth the reasons for the action, and shall have the right to appeal such action pursuant to the City’s policies and procedures and other applicable law. Moreover, the City shall establish a five-person Employee Appeals Board, three members of which shall be elected by the regular employees of the City pursuant to procedures established by the City, and two members of which shall be appointed by the Council.

ARTICLE 3.

SPECIAL PROVISIONS

Section 3-01. City Recorder. The Council, with the advice of the Mayor, shall select a qualified elector of the City to act as City Recorder who shall be the clerk of the Council and shall be the depository for all City records not needed for current operations of any department. ~~The City Recorder shall serve without limitation of time and The term of office of the City Recorder shall be for a term of two years unless sooner removed for cause, and said removal shall be~~ in accordance with the City’s policies and procedures and other applicable law.

Section 3-02. Independent Auditor. The Council shall select an independent auditor to make an annual audit and such other audits of the financial accounts of the City as the Council may direct, and to perform all other duties as are required by law.

ARTICLE 4.

CITY ADMINISTRATION

Section 4-01. Creation of Offices and Departments. The Council may, by resolution,

create such offices and departments for the City as the Council from time to time determines to be necessary or beneficial for the effective performance of municipal functions and the exercise of good government.

Section 4-02. Residence of City Personnel; Use of City Property. The Council shall, by ordinance, establish such rules and regulations governing the residency of City employees, and the use of City property by employees, officers and agents of the City, as the Council deems appropriate.

ARTICLE 5.

PLANNING AND ZONING

Section 5-01. Planning Commission. There shall be a Planning Commission of seven members, three of whom shall be appointed by the Council, four of whom shall be appointed by the Mayor, and none of whom may hold any other office in the City. The Council also may appoint one or more of its members to sit in an advisory, non-voting role on the Planning Commission.

Section 5-02. Term of Office and Vacancy. The terms of office of the members of the Planning Commission and the manner of filling vacancies occurring during a term shall be prescribed by ordinance of the Council.

Section 5-03. Powers and Duties. The Planning Commission shall have such powers and duties with respect to City planning and zoning as is prescribed by the laws of the State of Utah. It shall have such other powers and duties as may be assigned to it by ordinance of the Council.

ARTICLE 6.

NOMINATIONS AND ELECTIONS

Section 6-01. Municipal Elections. Regular elections shall be held as provided by the laws of the State of Utah. The Council may by resolution order a special election at any time as may be necessary to submit referenda or for the election of officials or for any other purpose as required or allowed by law or this Charter.

Section 6-02. Election Procedure. The procedure for conducting elections in the City shall be in accordance with the laws of the State of Utah.

ARTICLE 7.

GENERAL PROVISIONS

Section 7-01. Amending the Charter. Amendments to this Charter may be framed and submitted in the same manner as provided for in the Constitution of the State of Utah for the making of Charters, or may be proposed by the Council upon the affirmative vote of at least four members of the Council, or by a written petition of qualified electors to a number equal to fifteen

percent of the total votes cast for Mayor in the next preceding election, and any such amendment may be submitted at the next regular municipal election, at the next regular general election in the State of Utah, or at any special election called by the Council for that purpose, and having been approved by the majority of the electors voting thereon; shall become part of the Charter at the time fixed in such amendment and shall be certified and filed as provided in case of Charters.

Section 7-02. Separability Clause. If any part or section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and affect with the section or part of section to which such holding shall directly apply.

Section 7-03. Except as expressly set forth in this Charter, the rights, powers, privileges, immunities and duties of the City, its elected and appointed officers and employees, and the citizens and residents of the City shall be construed, interpreted, and enforced in accordance with the Constitutions and general laws of the United States and the State of Utah.

RECYCLING FEE STUDY FINANCIAL SUSTAINABILITY PLAN

TOOELE CITY, UTAH

MAY 2023

PREPARED BY LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



FINANCIAL SUSTAINABILITY PLAN SUMMARY

Lewis Young Robertson & Burningham, Inc. (“LYRB”) was retained by Tooele City (the “City”) to perform a Financial Sustainability Plan (the “Plan”) related to recycling fees. This analysis focuses on structuring rates that will ensure recycling fees are equitable and proportionate to the cost of service, while also considering the fluctuating costs related to recycling.

The major component this Plan is based on is a fully functional cash flow model that allows for alternative scenarios to be reviewed. As part of the analysis, LYRB compared projected revenues to anticipated expenditures. Revenue potential was analyzed based on historic revenue data and anticipated demand within the service area. Utilizing historic financial information and budgets, we projected the annual expenditures for a five-year planning horizon to meet all operational needs.

CURRENT FEE STRUCTURE

The recycling fee is \$5.65 per can.

MODEL ASSUMPTIONS

This analysis uses historical budget and demand data provided by the City. This includes actual revenues and expenditures for 2019 through 2021, and budget data for fiscal year (“FY”) 2022 and 2023. Historical customer billing information was used to project demand over the five-year planning horizon. The model assumes a 0.5 percent growth rate in customers, or demand, through 2028. In taking a fiscally cautious approach to predictions, the model calculates expenditure growth at 3 percent. The model also assumes there is no fund balance carry-over at the end of fiscal year FY 2024.

The model considers the City’s desire to structure rates that are proportionate to the cost of service and reach a minimum of 60 days of working capital in reserve. The following scenarios address solutions to this cashflow issue.

SCENARIO ANALYSIS

SCENARIO 1: UPFRONT & INFLATIONARY INCREASE

This scenario recommends a rate increase of 20 percent beginning in FY 2025. Rate increases are then scaled back to 3.75 percent beginning in 2026.

TABLE 1.1: SCENARIO ONE PROPOSED RATE INCREASES

ASSUMPTIONS	2024	2025	2026	2027	2028
Recycling Rate Increase	0.00%	20.00%	3.75%	3.75%	3.75%
Per Can Fee	\$5.65	\$6.78	\$7.03	\$7.30	\$7.57

This would allow the fund balance to remain positive through the planning horizon and reach 60 days of working capital by FY 2028. The City should review each fund within the next five years to determine if further rate increases are necessary.

TABLE 1.2: SCENARIO ONE RECYCLING SUMMARY OF NET POSITION

	2024	2025	2026	2027	2028
Total Revenues	\$211,050	\$254,526	\$265,391	\$276,720	\$288,533
Total Expenses	(\$241,278)	(\$248,516)	(\$255,971)	(\$263,650)	(\$271,560)
Net Income (Loss)	(\$30,228)	\$6,010	\$9,420	\$13,070	\$16,973
Beginning Fund Balance	\$0	\$0	\$6,010	\$15,431	\$28,500
Ending Fund Balance	\$0	\$6,010	\$15,431	\$28,500	\$45,473
Days of Working Capital	-	9	22	39	61
Days of Working Capital Minimum	-	60	60	60	60

SCENARIO 2: UPFRONT INCREASE

Under this scenario, rates are increased by 27 percent in FY 2025. This similarly allows the fund balance to remain positive through the planning horizon and reach 60 days of working capital by FY 2027. This scenario gives the City a larger bump in revenues at the start, but results in a lower long-term rate than Scenario 1.

TABLE 1.3: SCENARIO TWO PROPOSED RATE INCREASES

ASSUMPTIONS	2024	2025	2026	2027	2028
Recycling Rate Increase	0.00%	27.00%	0.00%	0.00%	0.00%
Per Can Fee	\$7.18	\$7.18	\$7.18	\$7.18	\$7.18

TABLE 1.4: SCENARIO TWO RECYCLING SUMMARY OF NET POSITION

	2024	2025	2026	2027	2028
Total Revenues	\$211,050	\$269,374	\$270,721	\$272,074	\$273,435
Total Expenses	(\$241,278)	(\$248,516)	(\$255,971)	(\$263,650)	(\$271,560)
Net Income (Loss)	(\$30,228)	\$20,858	\$14,749	\$8,424	\$1,875
Beginning Fund Balance	\$0	\$0	\$20,858	\$35,607	\$44,031
Ending Fund Balance	\$0	\$20,858	\$35,607	\$44,031	\$45,905
Days of Working Capital	-	31	51	61	62
Days of Working Capital Minimum	-	60	60	60	60

EVALUATION OF PRICING OBJECTIVES

The following objectives were identified by the City, which served as the foundation of this financial analysis and scenario development.

- ☞ **Revenue Sufficiency:** The comparison of revenues and expenditures without increases leads to insufficient reserve funds. The proposed fee increase is set to fund the cost of service.
- ☞ **Equity and Implementation:** The adopted rate calculations follow a reasonable methodology to promote sustainability while mitigating the negative impact on the overall net position.

APPENDIX A: DETAILED PROFORMA OF PROPOSED RATE INCREASES

TABLE A.1: SCENARIO ONE PRO FORMA

DESCRIPTION	2023 BUDGET	2024	2025	2026	2027	2028
Projected Demand Growth Rate	-	0.50%	0.50%	0.50%	0.50%	0.50%
Recycling Rate Increase	-	0.00%	20.00%	3.75%	3.75%	3.75%
Per Can Fee	\$5.65	\$5.65	\$6.78	\$7.03	\$7.30	\$7.57

DESCRIPTION	2023 BUDGET	2024	2025	2026	2027	2028
Revenues						
Recycling Collection Fees	210,000	211,050	254,526	265,391	276,720	288,533
Total Revenues	\$210,000	\$211,050	\$254,526	\$265,391	\$276,720	\$288,533
Expenses						
Special Departmental Supplies	(500)	(515)	(530)	(546)	(563)	(580)
Admin/Accounting Fees (10 Fund)	(8,750)	(9,013)	(9,283)	(9,561)	(9,848)	(10,144)
Ace Disposal Hauling Fee	(210,000)	(216,300)	(222,789)	(229,473)	(236,357)	(243,448)
Recycling Fee	(15,000)	(15,450)	(15,914)	(16,391)	(16,883)	(17,389)
Total Expenses	(\$234,250)	(\$241,278)	(\$248,516)	(\$255,971)	(\$263,650)	(\$271,560)
Change in Net Position	(\$24,250)	(\$30,228)	\$6,010	\$9,420	\$13,070	\$16,973
Beginning Fund Balance	-	\$0	\$0	\$6,010	\$15,431	\$28,500
Ending Fund Balance	-	-	\$6,010	\$15,431	\$28,500	\$45,473
Days of Working Capital	-	-	9	22	39	61
Days of Working Capital Minimum	-	-	60	60	60	60

TABLE A.2: SCENARIO TWO PRO FORMA

DESCRIPTION	2023 BUDGET	2024	2025	2026	2027	2028
Projected Demand Growth Rate	-	0.50%	0.50%	0.50%	0.50%	0.50%
Recycling Rate Increase	-	0.00%	27.00%	0.00%	0.00%	0.00%
Per Can Fee	\$5.65	\$5.65	\$7.18	\$7.18	\$7.18	\$7.18

DESCRIPTION	2023 BUDGET	2024	2025	2026	2027	2028
Revenues						
Recycling Collection Fees	210,000	211,050	269,374	270,721	272,074	273,435
Total Revenues	\$210,000	\$211,050	\$269,374	\$270,721	\$272,074	\$273,435
Expenses						
Special Departmental Supplies	(500)	(515)	(530)	(546)	(563)	(580)
Admin/Accounting Fees (10 Fund)	(8,750)	(9,013)	(9,283)	(9,561)	(9,848)	(10,144)
Ace Disposal Hauling Fee	(210,000)	(216,300)	(222,789)	(229,473)	(236,357)	(243,448)
Recycling Fee	(15,000)	(15,450)	(15,914)	(16,391)	(16,883)	(17,389)
Total Expenses	(\$234,250)	(\$241,278)	(\$248,516)	(\$255,971)	(\$263,650)	(\$271,560)
Change in Net Position	(\$24,250)	(\$30,228)	\$20,858	\$14,749	\$8,424	\$1,875
Beginning Fund Balance	-	\$0	\$0	\$20,858	\$35,607	\$44,031
Ending Fund Balance	-	-	\$20,858	\$35,607	\$44,031	\$45,905
Days of Working Capital	-	-	31	51	61	62
Days of Working Capital Minimum	-	-	60	60	60	60

Fraud Risk Assessment

Continued

*Total Points Earned: 335/395 *Risk Level: Very Low Low Moderate High Very High
 > 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	✓	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	✓	5
b. Procurement?	✓	5
c. Ethical behavior?	✓	5
d. Reporting fraud and abuse?	✓	5
e. Travel?	✓	5
f. Credit/Purchasing cards (where applicable)?	✓	5
g. Personal use of entity assets?	✓	5
h. IT and computer security?	✓	5
i. Cash receipting and deposits?	✓	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?	✓	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	✓	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	✓	20
7. Does the entity have or promote a fraud hotline?	✓	20
8. Does the entity have a formal internal audit function?	✓	20
9. Does the entity have a formal audit committee?		20

*Entity Name: Towhee City Corporation 335

*Completed for Fiscal Year Ending: 6/30/23 *Completion Date: 6/16/23

*CAO Name: Debra E. Winn *CFO Name: Sharon Wimmer

*CAO Signature: _____ *CFO Signature: Sharon Wimmer

*Required

TOOELE CITY CORPORATION

ORDINANCE 2023-29

AN ORDINANCE OF TOOELE CITY AMENDING TABLE 1: TABLE OF USES IN CHAPTER 7-16 OF THE TOOELE CITY CODE REGARDING ACCESSORY DWELLINGS UNITS LOCATED ABOVE THE GROUND FLOOR IN THE GENERAL COMMERCIAL ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT.

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

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

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

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

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of land use regulations (also known as zoning ordinances) that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development and for establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, previous to Ordinance 2020-47 and the current Land Use Plan, the City Council approved Ordinance 1998-39, on December 16, 1998, adopting a land use plan element of the then-Tooele City General Plan; and,

WHEREAS, also on December 16, 1998, the City Council approved Ordinance 1998-40, enacting the City’s commercial, industrial, and special purpose zoning districts, including the Downtown Overlay; and,

WHEREAS, Ordinance 1998-40 enacted Table 1: Table of Uses in TCC Chapter 7-16, adding the use of Accessory Dwelling Unit (located above the ground floor) as a

Conditional use in the General Commercial zoning district (and as a Permitted use in the Neighborhood Commercial and Mixed-Use zoning districts); and,

WHEREAS, Ordinance 1998-40 enacted Table 2: Table of Development Standards in TCC Chapter 7-16, and required 6,000 square-feet of site/lot area per accessory dwelling unit in the General Commercial zoning district, while requiring only 2,000 square-feet of site/lot area per accessory dwelling unit within the Downtown Overlay zoning district; and,

WHEREAS, Table 2 also established off-street parking standards for the Downtown Overlay zoning district: "No minimum off-street parking requirements are established. It is the policy of the City to maintain existing uses which do not meet the Off-Street Parking requirements of the City and to encourage additional uses and activities within the District. The number of required off-street parking shall be as determined and approved by the Planning Commission, following a recommendation from the City Staff, and recognizing the nature and location of the proposed use or activity. Joint use of parking areas will be encouraged"; and,

WHEREAS, as of the date of this Ordinance, the above-referenced Table 1 and Table 2 regulations have remained substantively unchanged since 1998, regarding accessory dwellings units located above the ground floor in the Downtown Overlay zoning district; and,

WHEREAS, municipal downtowns have historically allowed second-floor residences above ground-floor stores, originally for one family to live and work in the same building, and later to provide affordable housing in the city center near stores, services, and public transit; and,

WHEREAS, Tooele City values its historic downtown, has formed the Tooele City Downtown Alliance, participates in the State of Utah's Main Street Program, recognizes the value of downtown residences to the vibrancy of a city downtown, and desires to simplify and promote accessory dwelling units in the Downtown Overlay zoning district by amending the current Conditional use for these dwellings to a Permitted use; and,

WHEREAS, on _____, the Planning Commission convened a duly-noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council; and,

WHEREAS, on _____, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance is in the best interest of the City in that it will encourage and facilitate downtown residences above the ground floor in the General Commercial and Downtown Overlay zoning districts, and is consistent with the General Plan and Land Use Plan; and,

2. Table 1: Table of Uses in TCC Chapter 7-16 is hereby amended to allow accessory dwelling units above the ground floor as a Permitted use in the General Commercial zoning district, including in the Downtown Overlay zoning district.

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 _____, 2023.

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

7-16-3 Table 1 Table of Uses

Use	District								
	MU-B Mixed Use Broadway	MU-G Mixed Use General	NC Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	GC General Commercial	RC Regional Commercial	LI Light Industrial	IS Industrial Service	I Industrial	RD Research & Development
Accessory Building	P	P	P	P	P	P	P	P	P
Accessory Drive Through Facility (considered as a Conditional Use for a Use allowed in the District, see Note #3 and Table 2)	C	C		C	C	C	C		C
Accessory Dwelling Unit for Caretaker Only (must be located within primary structure. See Table 2)	C	C	C	C		C	C	C	C
Accessory Dwelling Unit (internal and attached: located above ground floor. See Table 2)	P	P	P	<u>C/P</u> <i>See Note 7</i>	C				
Accessory Dwelling Unit (detached: located on the same lot as primary structure. See Table 2)	P	P	P						

Notes:

1. With the exception of detached single family dwellings, all dwellings in the MU (Mixed Use) zoning district must comply with the regulations and requirements, as amended, of the MR-16 (Multi-Family Residential) zoning district, or its equivalent replacement, contained in Chapter 7-14 and 7-11a unless otherwise specified in this Chapter. (Ord. 2018-13, 08-15-2018)

2. For any Use allowed in a zoning district and proposing or requiring any area for Accessory Outside Storage, for any purpose, such use and outside storage area shall be considered as a Conditional Use. All Accessory Outside Storage is prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District.
3. For any Use allowed in a zoning district and proposing or requiring a “Accessory Drive Through Facility”, such Drive Through Facility shall be considered as a Conditional Use. All Accessory Drive Through Facilities are prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District
4. For any Use allowed in a zoning district and proposing any Accessory Outside display and sales area, such Accessory Outside Display and Sales use and area, shall be considered as a Conditional Use for any Uses allowed in the District, except that it shall be a permitted use in the Downtown Overlay District. Accessory Outside Display and Storage is prohibited in the Mixed Use (MU) District, Neighborhood Commercial (NC) District, and the Research and Development (RD) District. Accessory Outdoor sales and display in the Downtown Overlay District shall be subject to the following requirements:
 - A. A 6-foot-wide unobstructed pedestrian pathway shall be maintained at all times on all sidewalks.
 - B. All sales and display items shall be removed from the sidewalk and brought indoors into the business at the end of the business’ hours of daily operation.
 - C. No sales or display items may extend more than 24 inches from the building facade of the selling or displaying business.
 - D. No sales or display items may be located within the landscaped park strip, on the curb, in the gutter, or in the vehicular travel lanes.
 - E. All sales and display items shall be located directly in front of the business selling or displaying the items and may not be located in front of other businesses or properties. (Ord. 2012-22, 12-05-12)
5. This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, high school), public park, public recreational facility, youth center, library, or church, (b) any other Tobacco Specialty Store, (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from a Tobacco Specialty Store structure to the property line of a school, public park, library, church, youth center, cultural activity, residential use, zoning district boundary, or other Tobacco Specialty Store. (Ord. 2011-19, 01-18-12)
6. This use shall be a permitted use with no maximum density when proposed within and as a part of the redevelopment of an existing registered historical building. (2020-20, 05-06-2020) (Ord. 2018-13, 08-15-2018)

7. *This use shall be a permitted use when property zoned GC General Commercial is located within the Downtown Overlay district. See Table 2; Table of Development Standards, for additional information regarding this use in the Downtown Overlay district.*