

## PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, August 16, 2023, 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](http://www.utah.gov), the Tooele City Website [www.tooelecitey.org](http://www.tooelecitey.org), 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.org](mailto:michellep@tooelecitey.org)

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.org](mailto:cmpubliccomment@tooelecitey.org) anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

## AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Mayor's Community Recognition Awards**
4. **Public Comment Period**
5. **Public Hearing & Motion on Ordinance 2023-33** An Ordinance of Tooele City Reassigning the Zoning for Approximately 2 Acres of Property Located at 602 West 3 O'clock Drive From MR-12 Multi-Family Residential to GC General Commercial  
*Presented by Andrew Aagard, Community Development Director*
6. **Public Hearing & Motion on Ordinance 2023-34** An Ordinance of Tooele City Reassigning the Zoning for Approximately 0.39 Acres of Property Located at 105 East 1000 North From RR-1 Residential to R1-7 Residential  
*Presented by Andrew Aagard, Community Development Director*
7. **Public Hearing & Motion on Ordinance 2023-35** An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 0.24 Acres of Property Located at 215 South 200 East from Medium Density Residential (MDR) to Mixed Use (MU)  
*Presented by Andrew Aagard, Community Development Director*
8. **Public Hearing & Motion on Resolution 2023-70** A Resolution of the Tooele City Council Regarding Fees for Recycling  
*Presented by Shannon Wimmer, Finance Director*
9. **Resolution 2023-67** A Resolution of the Tooele City Council Adopting the Proposed Tax Rate for Fiscal Year 2023-2024  
*Presented by Shannon Wimmer, Finance Director*

10. **Resolution 2023-68** A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2023-2024  
*Presented by Shannon Wimmer, Finance Director*
11. **Ordinance 2023-15** An Ordinance of Tooele City Amending Tooele City Code Section 1-6-4 to Include the Public Library as a City Administrative Department  
*Presented by Roger Baker, City Attorney*
12. **Resolution 2023-75** A Resolution of the Tooele City Council Ratifying an Agreement with Staker Parson Materials & Construction for Emergency Repairs to Main Street  
*Presented by Jamie Grandpre, Public Works Director*
13. **Resolution 2023-60** A Resolution of the Tooele City Council Approving an Agreement with Peck Striping, Inc., for the 2023 Roadway Maintenance Project, Bid Schedule C, Pavement Marking and Striping  
*Presented by Jamie Grandpre, Public Works Director*
14. **Resolution 2023-72** A Resolution of the Tooele City Council Approving Change Order No. 4 to an Agreement with Broken Arrow for the Construction of Park and Trail Facilities at England Acres Park  
*Presented by Darwin Cook, Parks & Recreation Director*
15. **Resolution 2023-71** A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property (Public Works Department)  
*Presented by Michelle Pitt, City Recorder*
16. **Resolution 2023-73** A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property (Parks Department)  
*Presented by Michelle Pitt, City Recorder*
17. **Resolution 2023-74** A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property (Information Technology Department)  
*Presented by Michelle Pitt, City Recorder*
18. **Invoices & Purchase Orders**  
*Presented by Michelle Pitt, City Recorder*
19. **Minutes**
20. **Adjourn**

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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@tooelecitey.org](mailto:michellep@tooelecitey.org), prior to the meeting.

**TOOELE CITY CORPORATION**

**ORDINANCE 2023-33**

**AN ORDINANCE OF TOOELE CITY REASSIGNING THE ZONING FOR APPROXIMATELY 2 ACRES OF PROPERTY LOCATED AT 602 WEST 3 O'CLOCK DRIVE FROM MR-12 MULTI-FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL.**

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

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

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

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

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

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

WHEREAS, the City received an Amendment Petition for Zoning Map amendment for 2 acres of property located at 602 West 3 O'Clock Drive on May 2, 2023, requesting that the Subject Property be reassigned from the MR-12 Multi-Family Residential zone to the GC General Commercial zone (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Leisure Villas and are currently designated as Community Commercial in the Land Use Element of the General Plan; and,

WHEREAS, the Community Commercial land use designation includes the GC General Commercial and the NC Neighborhood Commercial Zoning districts; and,

WHEREAS, the GC General Commercial zone permits a wide variety of commercial, retail, professional office, food services and personal services type of uses needed by the residents of the community; and,

WHEREAS, on July 12, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on July 19, 2023, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the Zoning Map amendment proposed therein is in the best interest of the City in that it will create additional opportunities for employment of City residents and provide an expansion to the City's commercial tax base; and,
2. the Zoning Map is hereby amended reassigning the zoning to GC General Commercial for approximately 2 acres of property located at 602 West 3 O'Clock Drive, according to the map attached as Exhibit A and staff report attached as Exhibit B.

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)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

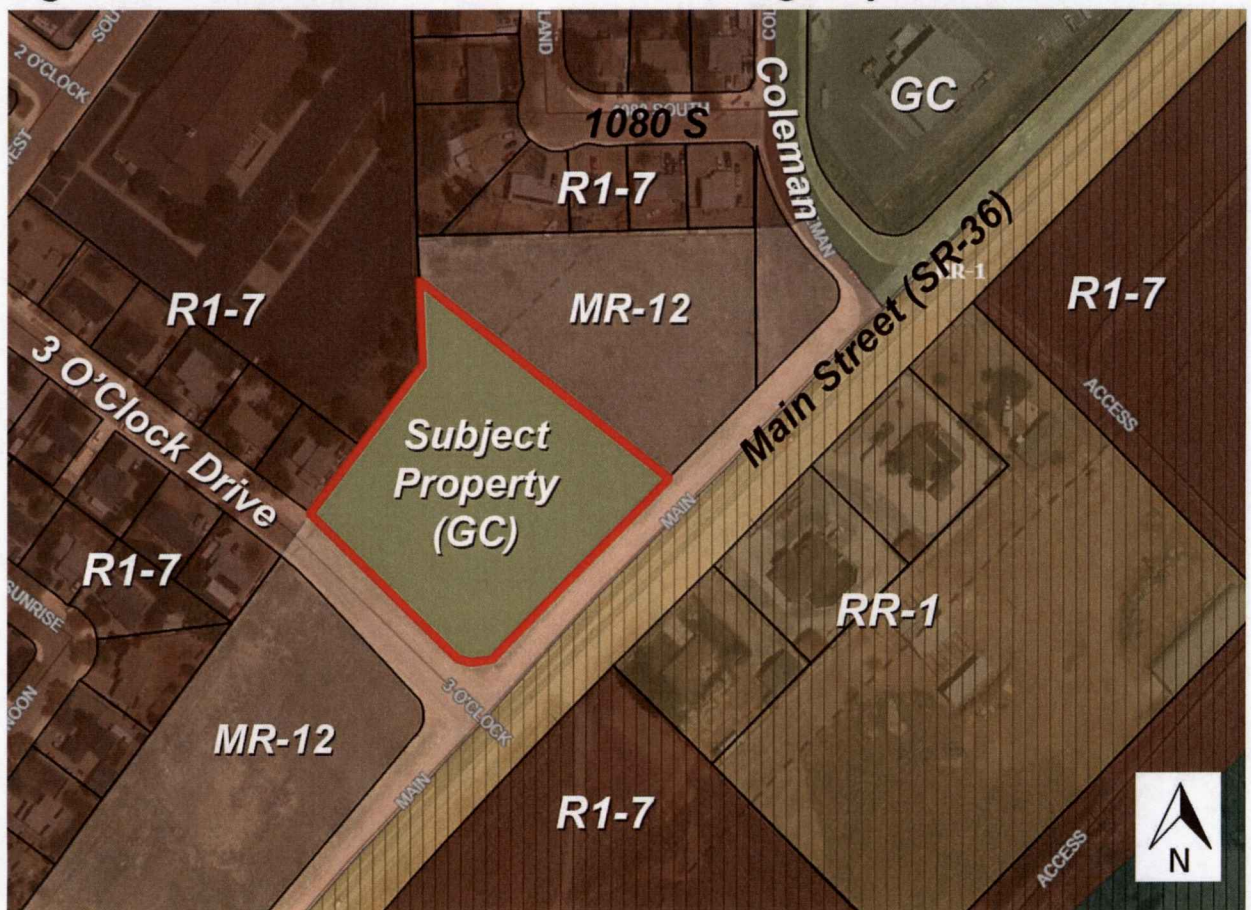
Approved as to Form:

\_\_\_\_\_  
Roger Baker, Tooele City Attorney

# Exhibit A

## Petition and Mapping Pertinent to Zoning Map Amendment

### *Wagstaff Investments Tooele South Zoning Map Amendment*



**Proposed Zoning**

Exhibit B

Staff Report

**STAFF REPORT**

July 7, 2023

**To:** Tooele City Planning Commission  
Business Date: June 12, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: Wagstaff Investments LLC Tooele South – Zoning Map Amendment Request**

Application No.: P23-484  
Applicant: Brent Neel, Wagstaff Investments, LLC  
Project Location: Approximately 602 West 3 O'Clock Drive  
Zoning: MR-12 Multi-Family Residential Zone  
Acreage: 2 Acres (Approximately 87,120 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the MR-12 Multi-Family Residential zone to re-assign approximately 2 acres of property to the GC General Commercial zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately 2 acres located, at approximately 602 West 3 O'Clock Drive. The property is currently zoned MR-12 Multi-Family Residential. The applicant is requesting that a Zoning Map Amendment be approved to re-assign the zoning to the GC General Commercial zoning district to allow for the development of the currently vacant site as a Holiday Oil convenience store with gasoline services.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. The property has been assigned the MR-12 Multi-Family Residential zoning classification, supporting approximately 12 dwelling units per acre. The MR-12 Multi-Family Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Community Commercial land use designation. Properties located to the north and the west are zoned MR-12 Multi-family Residential. Properties to the north east are zoned GC General Commercial. Properties to the east are zoned R1-7 Residential and RR-1 Residential. Property located south, on the adjacent side of 3 O'Clock Drive are zoned MR-12. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

On June 21, 2023 the Tooele City Council approved a Land Use Map amendment request thus changing the property from the High Density Residential designation to the CC Community Commercial land use. The CC land use designation includes two zoning districts, the GC General Commercial zoning district and the NC Neighborhood Commercial zoning district. Both of these zoning districts are oriented towards local commercial activities such as retail of various types, office uses, medical clinics, personal services such as beauty salons and cosmetology, food services such as restaurants and convenience stores.

With the Land Use Map having been changed to CC the applicant has submitted the follow up application which is the Zoning Map Amendment application. They are requesting that the 2 acres of property



highlighted in red on the aerial photograph be rezoned to GC General Commercial. It should be noted that the parcel being demonstrated on the aerial photograph does not yet exist. A subdivision will need to be completed in order to create the lot for the Holiday Oil. This Zoning Map Amendment, if it is approved, will follow the future subdivision, or, the Planning Commission may recommend to the City Council that the entire 4.8 acre parcel be re-assigned to the GC zoning district then the subdivision lines won't have any relevance to the zoning boundaries.

The applicant has requested the GC zoning district because the zone permits a car wash. The applicant, who, wishes to construct a Holiday Oil convenience store with gasoline services would also like to have the opportunity to construct a car wash if they determine it would be a good fit for the site. The NC zoning district prohibits car washes where the GC zoning district permits them with a CUP.

Traffic Study. The applicant has submitted an updated traffic study that includes the proposed Holiday Oil store and gasoline station. The recommendations of the traffic study are that the applicant install a deceleration lane on 3 O'Clock Drive where customers will exit SR-36 to enter the site. The study did not recommend any alterations to Coleman Street where a second connection is desired for greater access. However, Coleman is a City Street and it is likely the City will require that the access onto Coleman Street be a right in – right out limited access.

Site Plan Layout. An official site plan has not been submitted.

Subdivision Layout. A subdivision plat has not be submitted.

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

- (1) In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
  - (a) The effect of the proposed amendment on the character of the surrounding area;
  - (b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
  - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
  - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
  - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
  - (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

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

1. The requested GC General Commercial zoning district does comply with the CC Community Commercial land use designation of the Land Use Map of the Tooele City General Plan.
2. If the Planning Commission include the entire 4.8 acre parcel in the re-assignment of zoning from the MR-12 to the GC zoning districts.

Engineering and Public Works Divisions Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued the following comment:

1. An access onto Coleman Street is approved by Tooele City and the access may be determined to be limited to a right in right out configuration.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Zoning Map Amendment submission and has not issued any comments concerning this request.

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

### **STAFF RECOMMENDATION**

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

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

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Wagstaff Investments LLC Tooele South Zoning Map Amendment Request by Brent Neel representing Wagstaff Investments, LLC re-assigning the zoning from MR-12 Multi-family Residential to GC General Commercial, application number P23-484, based on the findings and subject to the conditions listed in the Staff Report dated July 7, 2023:”

1. List findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Wagstaff Investments LLC Tooele South Zoning Map Amendment Request by Brent Neel representing Wagstaff Investments, LLC re-assigning the zoning from MR-12 Multi-family Residential to GC General Commercial application number P23-484, based on the following findings:”

1. List findings...

**EXHIBIT A**

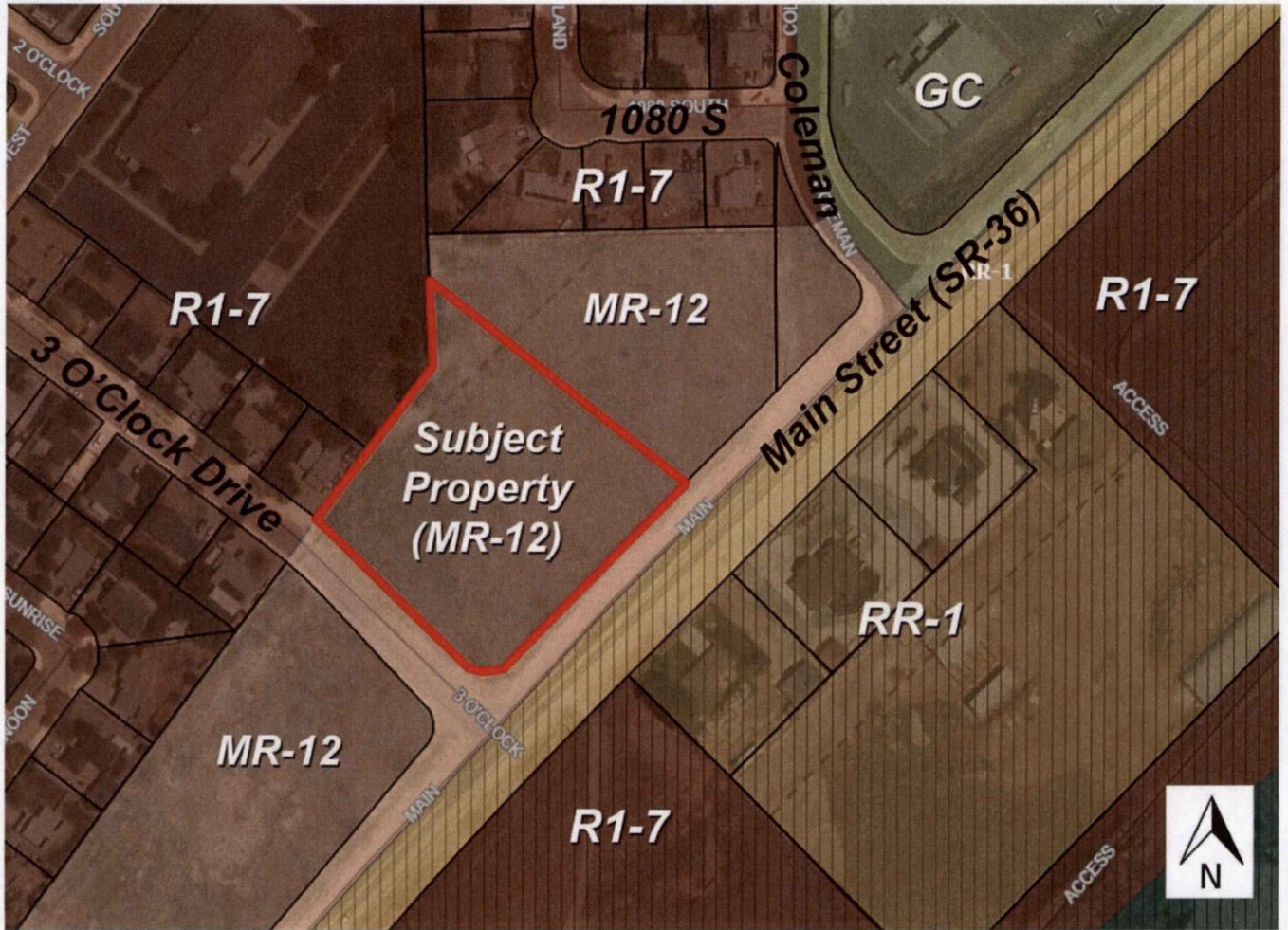
**MAPPING PERTINENT TO THE WAGSTAFF INVESTMENTS LLC TOOEELE SOUTH  
ZONING MAP AMENDMENT**

***Wagstaff Investments Tooele South Zoning Map Amendment***



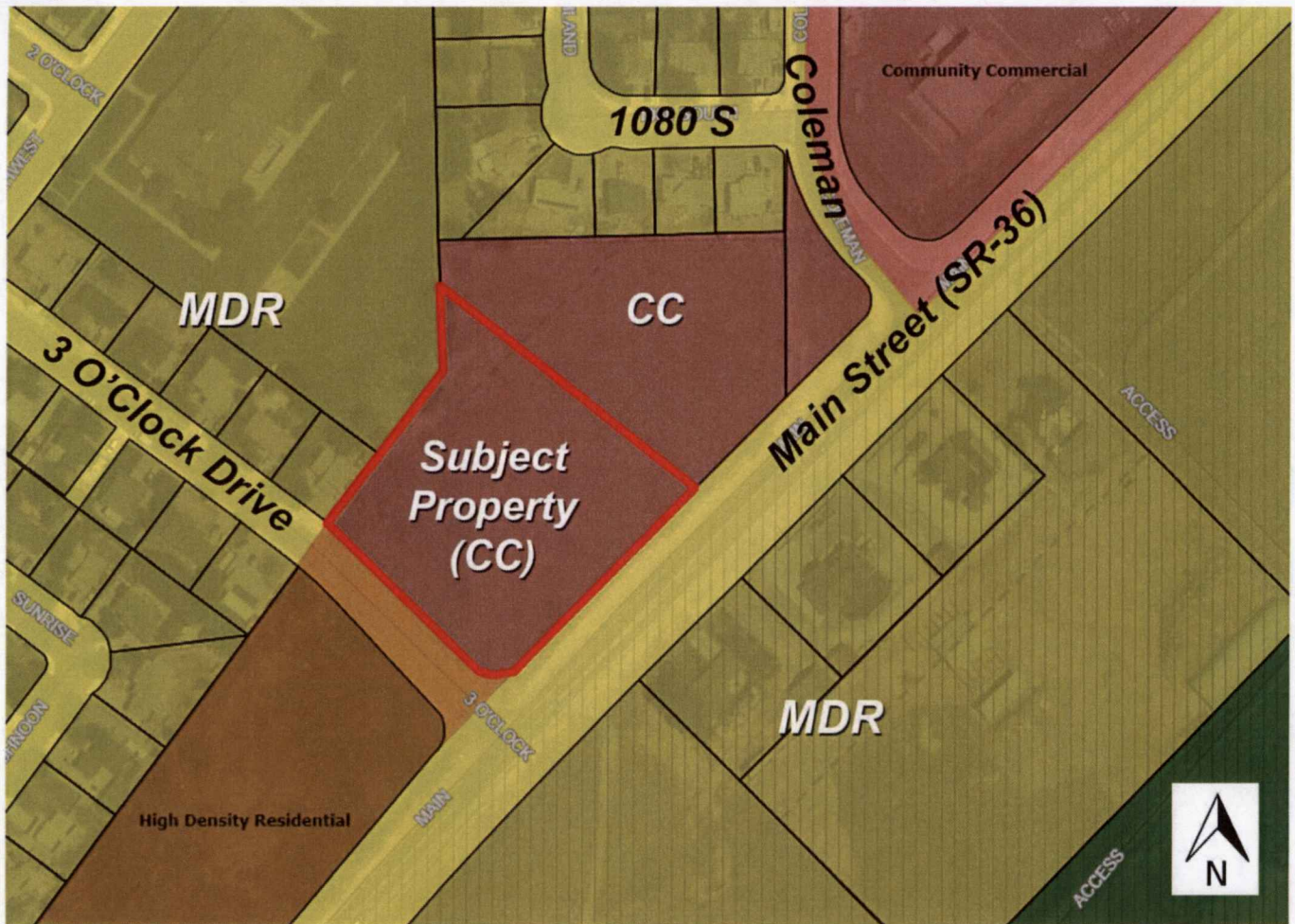
***Aerial View***

# Wagstaff Investments Tooele South Zoning Map Amendment



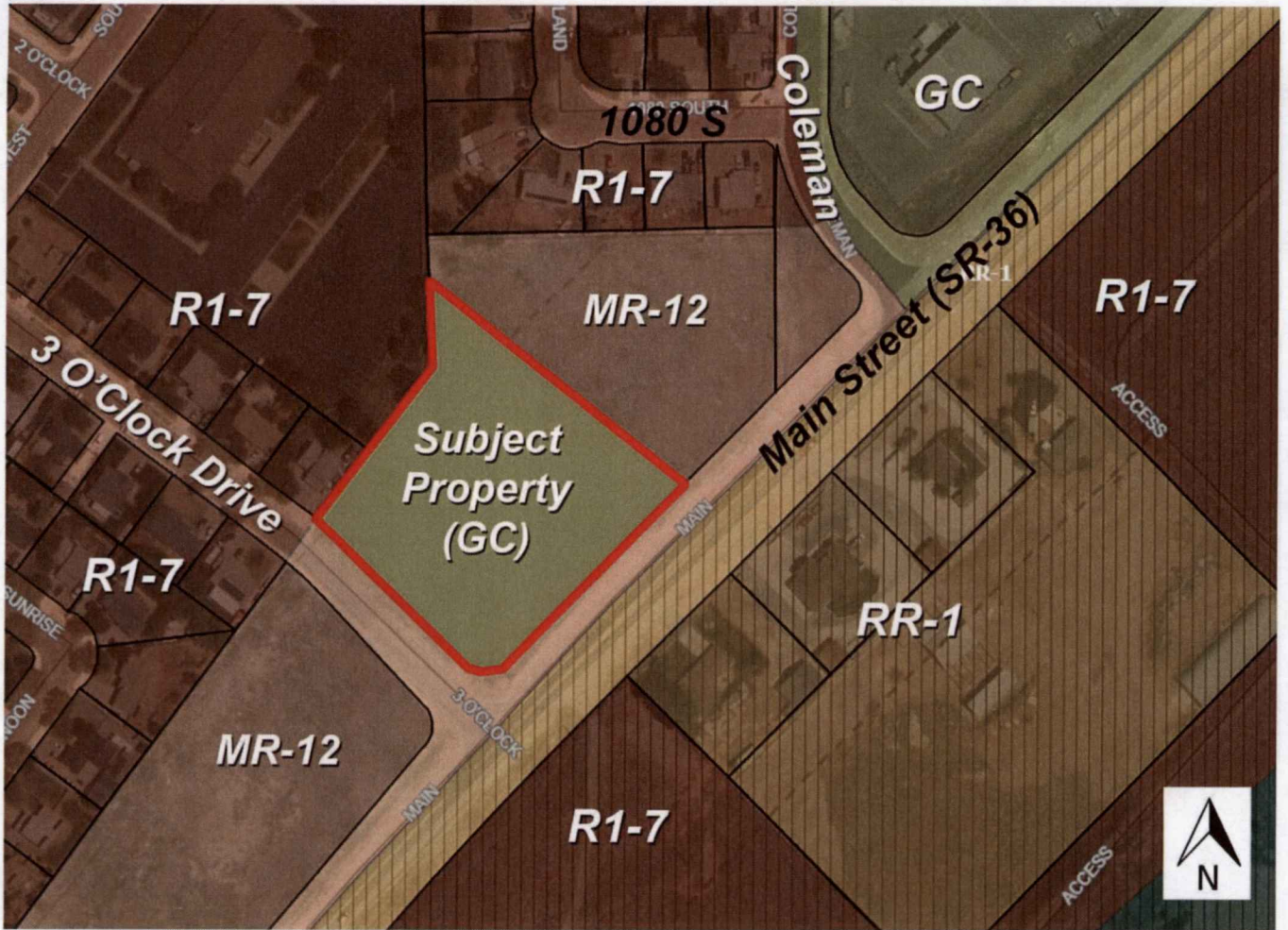
**Current Zoning**

# Wagstaff Investments Tooele South Zoning Map Amendment



**Current Land Use**

# Wagstaff Investments Tooele South Zoning Map Amendment



**Proposed Zoning**

## TOOELE CITY CORPORATION

### ORDINANCE 2023-34

#### **AN ORDINANCE OF TOOELE CITY REASSIGNING THE ZONING APPROXIMATELY .39 ACRES OF PROPERTY LOCATED AT 105 EAST 1000 NORTH FROM RR-1 RESIDENTIAL TO R1-7 RESIDENTIAL.**

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

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

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

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

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

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

WHEREAS, the City received an Amendment Petition for the Zoning Map amendment for approximately .39 acres of property located at 105 East 1000 North on July 7, 2023, requesting that the Subject Property be reassigned from the RR-1 Residential zoning district to the R1-7 Residential zoning district (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Betty S Johnson and Cindy



McInnes and are currently designated as Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the Medium Density Residential land use designation includes the R1-7, R1-8 and R1-10 Residential Zoning districts; and,

WHEREAS, the RR-1 Residential Zone requires a minimum lot size of 43,560 square feet; and,

WHEREAS, the R1-7 Residential Zone requires a minimum lot size of 7,000 square feet; and,

WHEREAS, it is the property owner's intent to subdivide .39 acres from the larger 5.5 acre parcel in order to maintain the existing home on its own lot and enable the sale of the remaining 5 acres for commercial purposes; and,

WHEREAS, on July 26, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on August 16, 2023, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the Zoning Map amendment proposed therein is in the best interest of the City in that it will create an opportunity for an existing resident to maintain ownership of their home on its own lot and enable the sale of the remaining 5 acres for commercial purposes; and,
2. the Zoning map is hereby amended reassigning the zoning to the R1-7 Residential zoning district for approximately .39 acres of property located at 105 East 1000 North, according to the map attached as Exhibit A and staff report attached as Exhibit B.

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)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

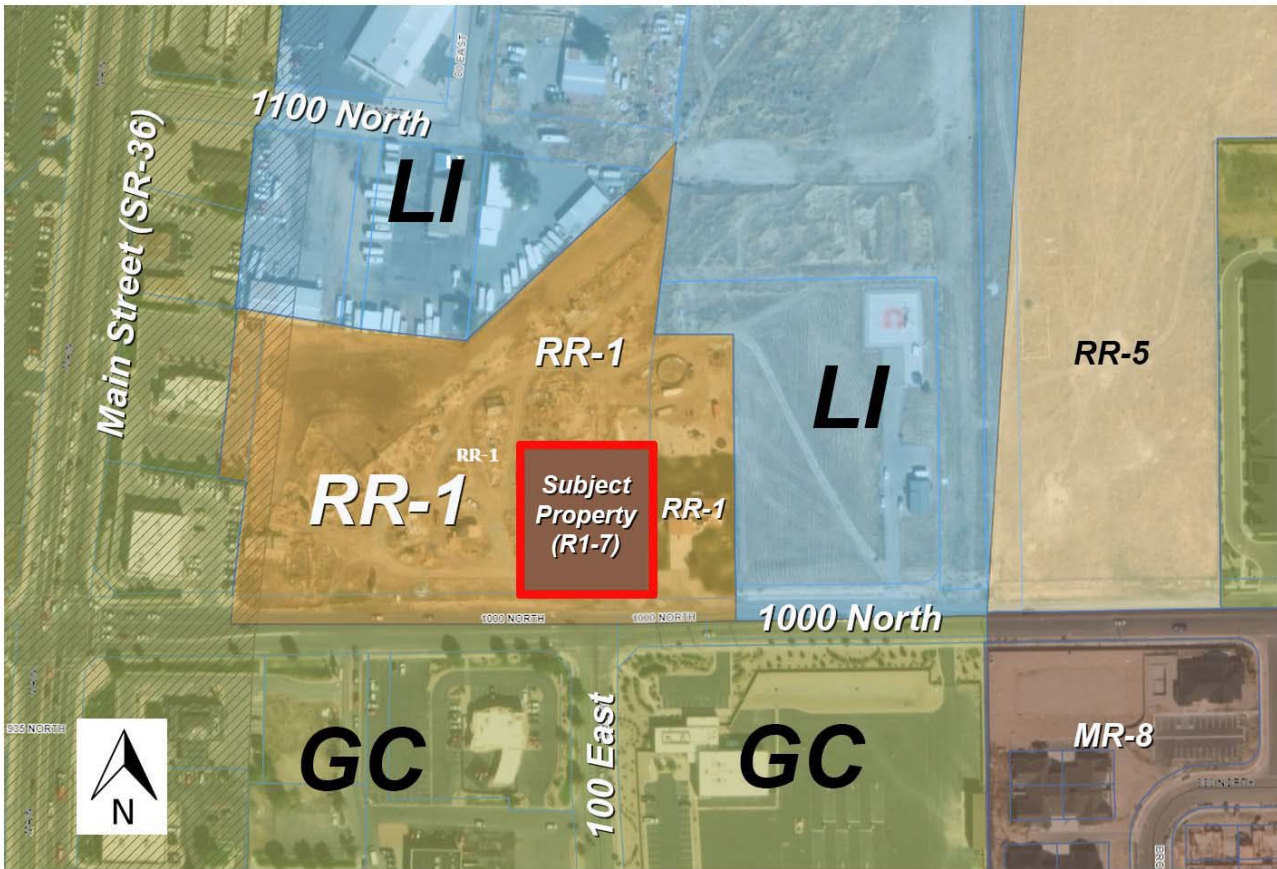
S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

# Exhibit A

## Petition and Mapping Pertinent to Zoning Map Amendment

### *McInnes Zoning Map Amendment*



*Proposed Zoning*

Zoning, General Plan, & Master Plan  
Map Amendment Application

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



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

| Project Information  |  |                                 |               | 23-624                                 |                 |               |
|--|--|---------------------------------|---------------|--|-----------------|---------------|
| Date of Submission:  |  | Current Map Designation:<br>RRI |               | Proposed Map Designation:<br>see below |                 | Parcel #(s):  |
| Project Name:<br>McInnes   |  |                                 |               |  | Acres:<br>.39   |               |
| Project Address:<br>105 E 1000 N   |  |                                 |               |  |                 |               |
| Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____ |  |                                 |               |  |                 |               |
| Brief Project Summary:<br>Rezone to <u>R17-R18-R40</u>   |  |                                 |               |  |                 |               |
| Property Owner(s):<br>Duffy-Johnson Trust  |  |                                 |               | Applicant(s):<br>Cindy McInnes         |                 |               |
| Address:<br>105 E 1000 N   |  |                                 |               | Address:<br>105 E 1000 N               |                 |               |
| City:<br>Tooele  |  | State:<br>UT                    | Zip:<br>84074 |  | City:<br>Tooele |               |
| Phone:<br>435-830-9052   |  | State:<br>UT                    |               |  |                 |               |
| Phone:<br>435-830-9052   |  | Zip:<br>84074                   |               |  |                 |               |
| Contact Person:<br>Cindy McInnes   |  |                                 |               | Address:<br>105 E 1000 N               |                 |               |
| Phone:<br>435-830-9052   |  | City:<br>Tooele                 |               | State:<br>UT                           |                 | Zip:<br>84074 |
| Cellular:  |  | Fax:                            |               | Email:<br>c.mcinnest@hotmail.com       |                 |               |

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

**Note to Applicant:**

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

| For Office Use Only   |  |                          |  | 2230670            |  |
|-----------------------|--|--------------------------|--|--------------------|--|
| Received By:<br>Jessi |  | Date Received:<br>7/1/23 |  | Fees: 1100.00      |  |
|                       |  |                          |  | App. #:<br>Receipt |  |

FOCUS BAN

LEADY BAN

575821

Exhibit B

Staff Report

**STAFF REPORT**

July 14, 2023

**To:** Tooele City Planning Commission  
Business Date: July 26, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: McInnes Property – Zoning Map Amendment Request**

Application No.: P23-624  
Applicant: Cindy McInnes  
Project Location: 105 East 2000 North  
Zoning: RR-1 Rural Residential Zone  
Acreage: .39 Acres (Approximately 16,984 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the RR-1 Rural Residential zone regarding re-assigning the zoning for approximately .39 acres of property to the R1-7 Residential zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately .39 acres located at 105 East 2000 North. The property is currently zoned RR-1 Rural Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow a .39 acre lot to be subdivided from the larger 5.57 acre parcel that an existing home is currently located upon.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the RR-1 Rural Residential zoning classification, supporting approximately one dwelling unit per acre. The RR-1 Rural Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties located to the north, east and west of the subject property are currently zoned RR-1 Rural Residential. Properties to the south are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant’s home is currently located on a large 5.57 acre parcel of record. The home is located at the south east corner of the parcel and fronts onto 1000 North with the front yard of the home aligning perfectly with 100 East. The applicant wishes to subdivide a .39 acre parcel from the larger 5.57 acre parcel in order to maintain ownership of the home on its own lot and enable the sale and possible development of the larger 5 acre parcel. In order to accomplish this a few land use approvals need to be obtained.

The first, the Land Use Map Amendment was completed when the City Council approved a change in the Land Use Map designating the subject property as Medium Density Residential. This was approved on June 21, 2023. With that change the applicant is now able to apply to consider changes to the zoning map.

The MDR land use designation is a land use that requires single-family and two-family residential land uses and zones. The zones permitted in the MDR areas are the R1-7, R1-8 and R1-10 residential zones. These zones do not permit any commercial other than the commercial activities that are permitted by Tooele City code as home occupations. Even with a home occupation, the primary use of the structure is residential.

In order to accomplish a subdivision involving a .39 acre lot which is nearly 17,000 square feet, the applicant needs a residential zone that permits lots smaller than 17,000 square feet. The RR-1 zone, which the property is currently zoned, requires a lot size minimum of 1 acre or 43,560 square feet. As such the RR-1 zone does not accomplish what the applicant wishes to do with their existing home. There are three zones that qualify under the Medium Density Residential land use designation. Those zones are the R1-7, R1-8 and R1-10 Residential zoning districts. Each of these zones are identical in regards to permitted and conditional uses. Where they differ is in regards to lot size and lot width. The R1-7 permits the smallest single-family residential lot in Tooele City with a lot size minimum of 7,000 square feet. The R1-8 permits lots as small as 8,000 square feet and the R1-10 permits 10,000 square foot lots. The applicant did not select any one of these three zones as each zone will accomplish the desired outcome. As such staff has recommended the R1-7 zone as it is the most commonly used single-family zone in Tooele City. If the Planning Commission were inclined to recommend one of the other two zones instead of the R1-7 zone, staff would also support one of those as well as the applicant's desired lot size will exceed minimum lot size requirements for all three zoning districts.

The question may be asked why the surrounding properties, especially the home to the east are not being included in this Zoning Map Amendment request. Staff does not interject itself into personal issues between families and as such does not know the reasons, only that the applicant has indicated that the adjacent properties are to not be involved in this application.

It should also be noted that the property lines up directly with 100 East and is in a prime location for a point of ingress and egress if the larger 5 acre parcel were ever to develop. The home in its current location would need to be removed or relocated in favor of full motion signalized access into the larger 5 acre parcel. If the home remains the access to the 5 acre parcel for future development becomes more complicated and limited by restrictions, planned medians, and alignment with other points of access. The property owner has a right to maintain and keep their home where it is and this paragraph should not be construed to say otherwise or as a recommendation against the home staying. Staff is just pointing out the particulars of the situation to help the Commission and City Council understand the situation that presents itself in this complicated area of the City. City staff have personally met with the applicant and other property owners and have discussed the safety situation related to the intersection of 100 East and 1000 North and discussed the installation of a traffic signal with the property owners, so they are aware of these issues.

Subdivision Layout. A subdivision plat has not been provided. Ultimately, if the Zoning Map is amended as requested by the applicant, a subdivision will need to be conducted. The Land Use Map and Zoning Map will then, at that time, be amended to accurately reflect the .39 acre lot and the associated legal description of the property.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 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 Zoning Map Amendment submission and has issued the following comments:

1. The property currently aligns with 100 East and will block the most ideal point of access for a commercial development at this location.
2. The nearest residential development is 500 feet to the east.
3. The .39 acre lot does not exist as the current zoning does not permit a lot size smaller than 1 acre. A subdivision will need to be done to create the new lot.
4. The Planning Commission may recommend an alternative zoning district to the R1-7 if they determine one to be more appropriate.

*Engineering & Public Works Division Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued the following comments:

1. The home in its current location will have an impact on the City's ability to turn this intersection into a signalized intersection.

*Tooele City Fire Department Review.* The Tooele City Fire Department has completed their review of the Zoning Map Amendment submission and has not issued any comment regarding the request.

*Noticing.* The applicant has expressed their desire to re-assign the zoning for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

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

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

1. The effect of the proposed application on the character of the surrounding area.



2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the McInnes Property Zoning Map Amendment request by Cindy McInnes, for the purpose of re-assigning the zoning for approximately .39 acres of property from the RR-1 Residential zoning district to the R1-7 Residential zoning, application number P23-624, based on the findings listed in the Staff Report dated July 14,2023:”

1. List findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the McInnes Property Zoning Map Amendment request by Cindy McInnes, for the purpose of re-assigning the zoning for approximately .39 acres of property from the RR-1 Residential zoning district to the R1-7 Residential zoning, application number P23-624, based on the following findings:”

1. List findings...

**EXHIBIT A**

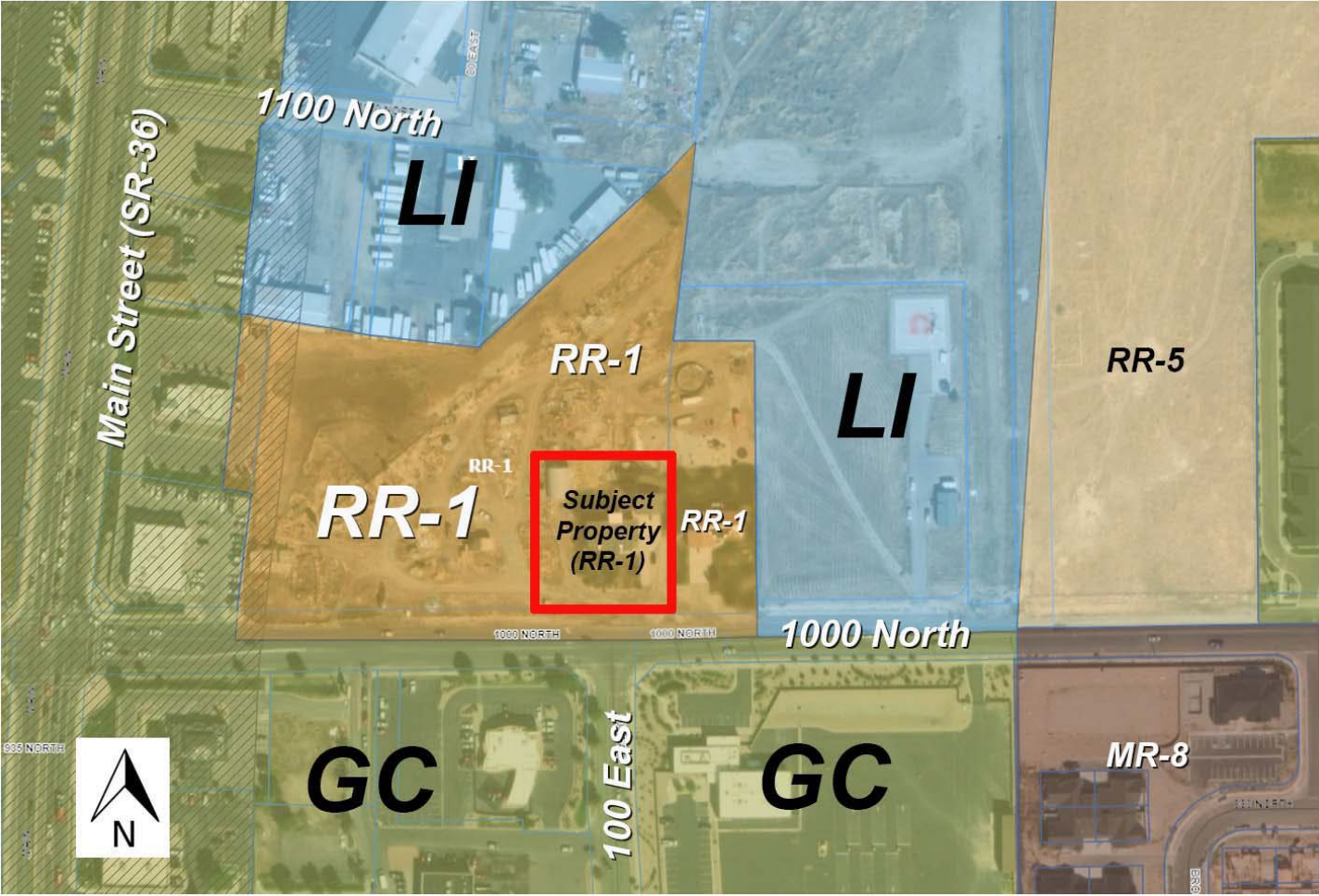
**MAPPING PERTINENT TO THE MCINNES PROPERTY ZONING MAP AMENDMENT**

***McInnes Zoning Map Amendment***



***Aerial View***

# McInnes Zoning Map Amendment



Current Zoning

# **McInnes Zoning Map Amendment**



**Current Land Use**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

## Exhibit C

### Planning Commission Minutes

**TOOELE CITY CORPORATION**

**ORDINANCE 2023-35**

**AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FOR APPROXIMATELY .24 ACRES OF PROPERTY LOCATED AT 215 SOUTH 200 EAST FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO MIXED USE (MU).**

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

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

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

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

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

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

WHEREAS, the City received an Amendment Petition for Land Use Map amendment for approximately .24 acres of property located at 215 South 200 West on July 17, 2023, requesting that the Subject Property be reassigned from the Medium Density Residential Land Use designation to the Mixed Use Land Use designation (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Kay Thomas Reese and are

currently designated as Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the Mixed Use land use designation includes the MU-G Mixed Use General and the MU-B Mixed Use Broadway zoning districts; and,

WHEREAS, the property currently has an existing non-residential structure located there on that was historically utilized as a dental office and is now considered legally non-conforming as pertaining to land use; and,

WHEREAS, a change in land use to the Mixed Use land use designation will enable the existing non-residential structure to be considered for a re-assignment of zoning to a mixed use zoning district and eliminate the legal non-conforming status of the existing non-residential structure; and,

WHEREAS, on August 9, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on August 16, 2023, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the Land Use Map amendment proposed therein is in the best interest of the City in that it will create an opportunity for an existing resident to utilize and existing non-residential structure in many commercial, office and residential uses that will benefit the City; and,
2. this Ordinance will eliminate an existing legally non-conforming structure and bring the structure into conformance with the zoning code; and,
3. this Ordinance will facilitate greater opportunities for local residents who need spaces to operate smaller commercial businesses that do not qualify for a home based business license; and,
4. the Land Use map is hereby amended reassigning the Land Use designation to Mixed Use for approximately .24 acres of property located at 215 East 200 South, according to the map attached as Exhibit A and staff report attached as Exhibit B.

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)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

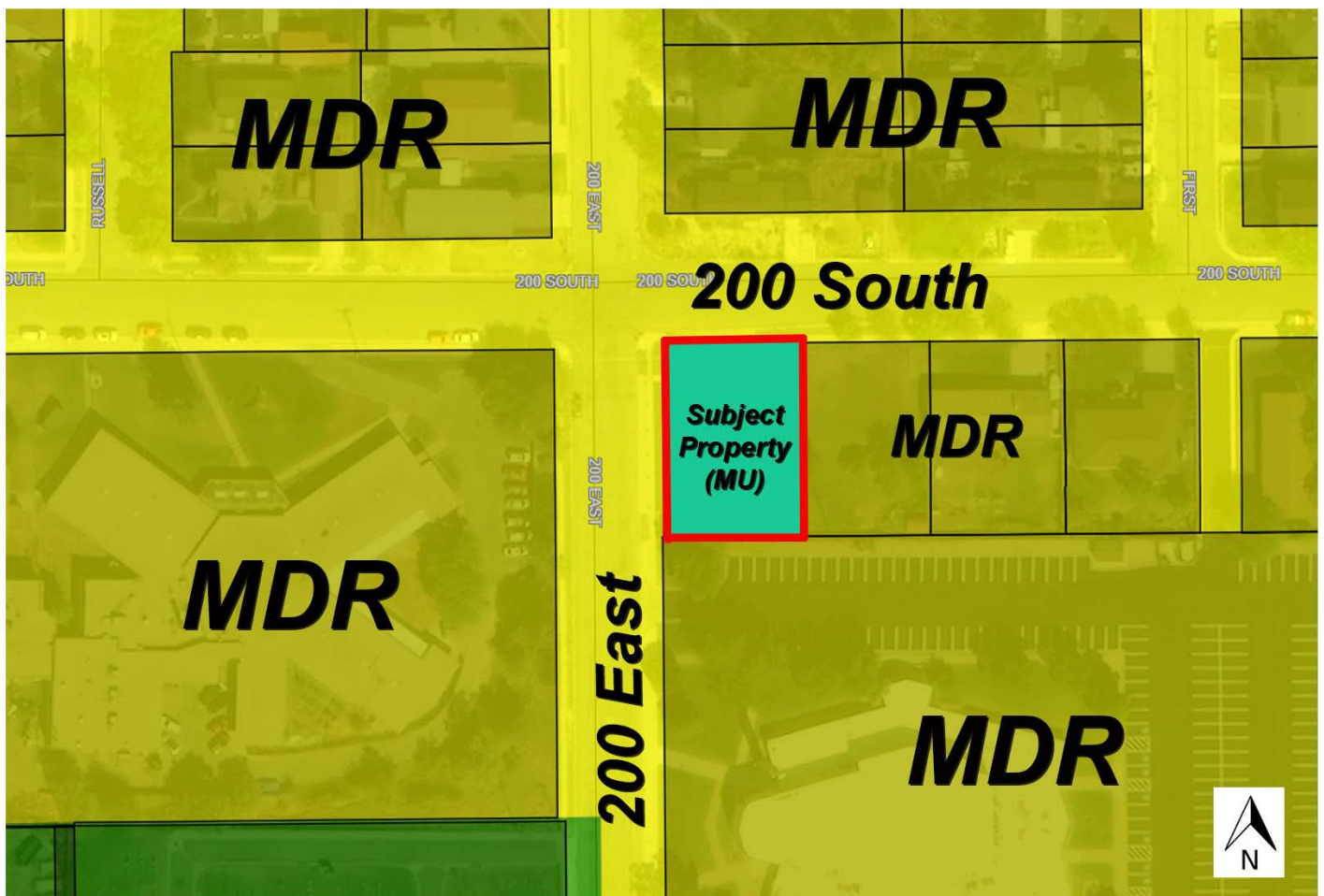
S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

# Exhibit A

## Petition and Mapping Pertinent to Zoning Map Amendment

### *Reese Dental Property Land Use Map Amendment*



*Proposed Land Use*

Land

# Zoning, General Plan, & Master Plan Map Amendment Application

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



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

| Project Information   |  |   |                            |
|---|--|---|----------------------------|
| 23-669  |  |   |                            |
| Date of Submission:<br>April 12, 2023   | Current Map Designation:<br>Med. density Residential | Proposed Map Designation:<br>mixed use    | Parcel #(s):<br>09004-0004 |
| Project Name:<br>215 S 200 E Dr R. T Reese Dental office  |  | Acres:<br>0.49                            |                            |
| Project Address:<br>215 S 200 E Lot 6   |  |   |                            |
| Proposed for Amendment:<br><input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____ |  |   |                            |
| Brief Project Summary:  |  |   |                            |
| Property Owner(s):<br>Kay Thomas Reese  |  | Applicant(s):<br>Kay Thomas Reese         |                            |
| Address:<br>170 E 200 S   |  | Address:<br>170 E 200 S                   |                            |
| City:<br>Tooele   | State:<br>Utah                                       | Zip:<br>84074                             | City:<br>Tooele            |
| Phone:<br>435 882-0685 cell   | 801 867 5876   | Phone:<br><del>170 E 200 S</del> 882 0685 |                            |
| Contact Person:<br>Kay Thomas Reese   |  | Address:<br>170 E 200 S                   |                            |
| Phone:<br>435 882-0685 cell   |  | City:<br>Tooele                           | State:<br>Utah             |
| 801 867 5876  |  | Zip:<br>84074                             | Email:<br>ktrreed@msn.com  |

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

### Note to Applicant:

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

| For Office Use Only |                           |                   |         |
|---------------------|---------------------------|-------------------|---------|
| 00579662            |                           | 2230716           |         |
| Received By:<br>    | Date Received:<br>7/17/23 | Fees:<br>1,100.00 | App. #: |

Exhibit B

Staff Report

**STAFF REPORT**

August 3, 2023

**To:** Tooele City Planning Commission  
Business Date: August 9, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: Reese Property – Land Use Map Amendment Request**

Application No.: P23-669  
Applicant: Kay Thomas Reese  
Project Location: 215 South 200 East  
Zoning: R1-7 Residential Zone  
Acreage: .24 Acres (Approximately 10,625 ft<sup>2</sup>)  
Request: Request for approval of a Land Use Map Amendment to re-assign the land use designation of the subject property from Medium Density Residential (MDR) to Mixed Use (MU).

**BACKGROUND**

This application is a request for approval of a Land Use Map Amendment for approximately .24 acres located at 215 South 200 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Land Use Map Amendment be approved to re-assign the land use designation of the subject property from MDR to MU in order to permit commercial and other non-residential activities to be conducted within the existing structure located on the site.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately six dwelling units per acre. The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties to the north, east and south are all currently zoned R1-7 Residential. Property to the west is currently zoned MU-G Mixed Use General. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant has in the past operated a dental office in the existing commercial / non-residential office structure located on the property. The structure was constructed in 1985 and since that time ordinances and zoning have evolved to the point that the structure became a legally non-conforming dental office in a single-family residential zone as the R1-7 zoning district currently does not permit dental offices. A legally non-conforming designation permits a non-conformity to continue on in perpetuity as it was when the zoning changed as long as it maintains the following:

1. The non-conforming use does not cease for a period of one year.
2. The use does not change.

The applicant has not operated a dental office in the structure for a period longer than one year and therefore the legal non-conforming status of the structure has expired. When this happens the use of the

property and the structure then must conform with the uses permitted in the overlying zoning district which, in this case, is the R1-7 zoning district. This zoning district limits the structure to essentially single-family residential uses.

The applicant has not indicated on the application their intentions with the existing structure, however, in numerous conversations with the applicant in the Community Development office it was determined that they would like to operate a mental health counseling center. In order to accomplish this the property must be rezoned to a zone that will permit commercial and non-residential uses. Hence the reason for the request to re-assign the land use designation to the MU designation.

Tooele City law requires that all zoning changes must comply with the Land Use Map of the Tooele City General Plan. Therefore if a zoning change is desired and if the proposed zoning doesn't comply with the Land Use Map, the Land Use Map must first be amended. Currently the property is designated as MDR, or, Medium Density Residential. The MDR land use designation requires single-family residential zones and the three current zoning districts that comply with this designation are the R1-7, R1-8 and the R1-10 zones. These zones are exclusive to single-family residential and two family residential uses and some residential support facility type of uses. The only commercial uses permitted in these three zoning districts are home occupations and home occupations are very limited in the scope and the size of the commercial activity that may occur in the home in order to maintain the residential integrity of the property.

The applicant wishes to change the land use of the property where the expired dental office is located to MU, or, Mixed Use. The Mixed Use land use designation requires two zoning districts, the Mixed Use General and the Mixed Use Broadway zoning districts. As you can deduce the Mixed Use Broadway zone is specific to the Broadway area and this property does not qualify for that zoning district. However, if the Land Use Map is amended to MU the property would be a good candidate for the MU-G Mixed Use General zoning district.

The Mixed Use Land Use designation permits a mix of commercial, office, single-family residential and multi-family residential. In a MU-G zoning district a property can be utilized as commercial, office, medical, residential, multi-family residential and in some cases even permitting a mix of these uses in one building. A change to the Land Use Map and re-assignment of this property to MU would permit an existing legally non-conforming structure to become legal, enable greater use of an existing non-residential structure, provide additional commercial space for small businesses and so forth.

It should also be noted that property across 200 East is currently zoned as MU-G Mixed Use General and is utilized as a community center housing a wide variety of retail and personal services type commercial uses.

Further more, the MU-G zoning district also permits single-family residential, so a change in the land use to MU doesn't prohibit this property from being converted to a residential use or even a duplex if the applicant desired to utilize the building for that purpose.

Site Plan Layout. This is an existing structure that has expired its legally non-conforming status. See the aerial view for site conditions.

Subdivision Layout. The subdivision conditions of this property are complicated and not easy to understand, even for staff. The county records indicate that the dental office sits on a .46 acre parcel, however, the applicant insisted that he had previously approved a subdivision of the .46 acre parcel into two quarter acre lots. The applicant has even provided a plat that was approved by the Tooele City Planning Commission in 1966 splitting the .46 acre lot into two quarter acre lots as well as a quit claim

deed from Tooele County showing lots 5 and 6. Staff doesn't entirely understand why the County's property records do not accurately reflect these lots but the applicant has provided documentation that demonstrates the lots do exist. The LUMA applies only to lot 6.

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

- (1) In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
  - (a) The effect of the proposed amendment on the character of the surrounding area;
  - (b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
  - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
  - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
  - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
  - (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

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

1. A change to the Mixed Use land use designation eliminates an expired legally non-conforming designation and enables greater use and flexibility for an existing commercial / non-residential structure.
2. A change to Mixed Use will enable a structure to be utilized for commercial, office or personal services as well as single-family residential and even two family residential.
3. Changing to a Mixed Use land use designation is a good solution for this property.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions do not typically review legislative matters such as a Land Use Map Amendment and as such have not issued any comments regarding this application.

Tooele City Fire Department Review. The Tooele City Fire Department does not typically review legislative matters such as a Land Use Map Amendment and as such have not issued any comments regarding this application.

Noticing. The applicant has expressed their desire to re-assign the land use designation for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

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

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

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Reese Property Land Use Map Amendment request by Kay Thomas Reese, to re-assign the land use designation for .24 acres, to Mixed Use, application number P23-669, based on the findings listed in the Staff Report dated August 3, 2023:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Reese Property Land Use Map Amendment request by Kay Thomas Reese, to re-assign the land use designation for .24 acres, to Mixed Use, application number P23-669, based on the following findings:”

1. List findings...



**EXHIBIT A**

**MAPPING PERTINENT TO THE REESE PROPERTY LAND USE MAP  
AMENDMENT**

***Reese Dental Property Land Use Map Amendment***



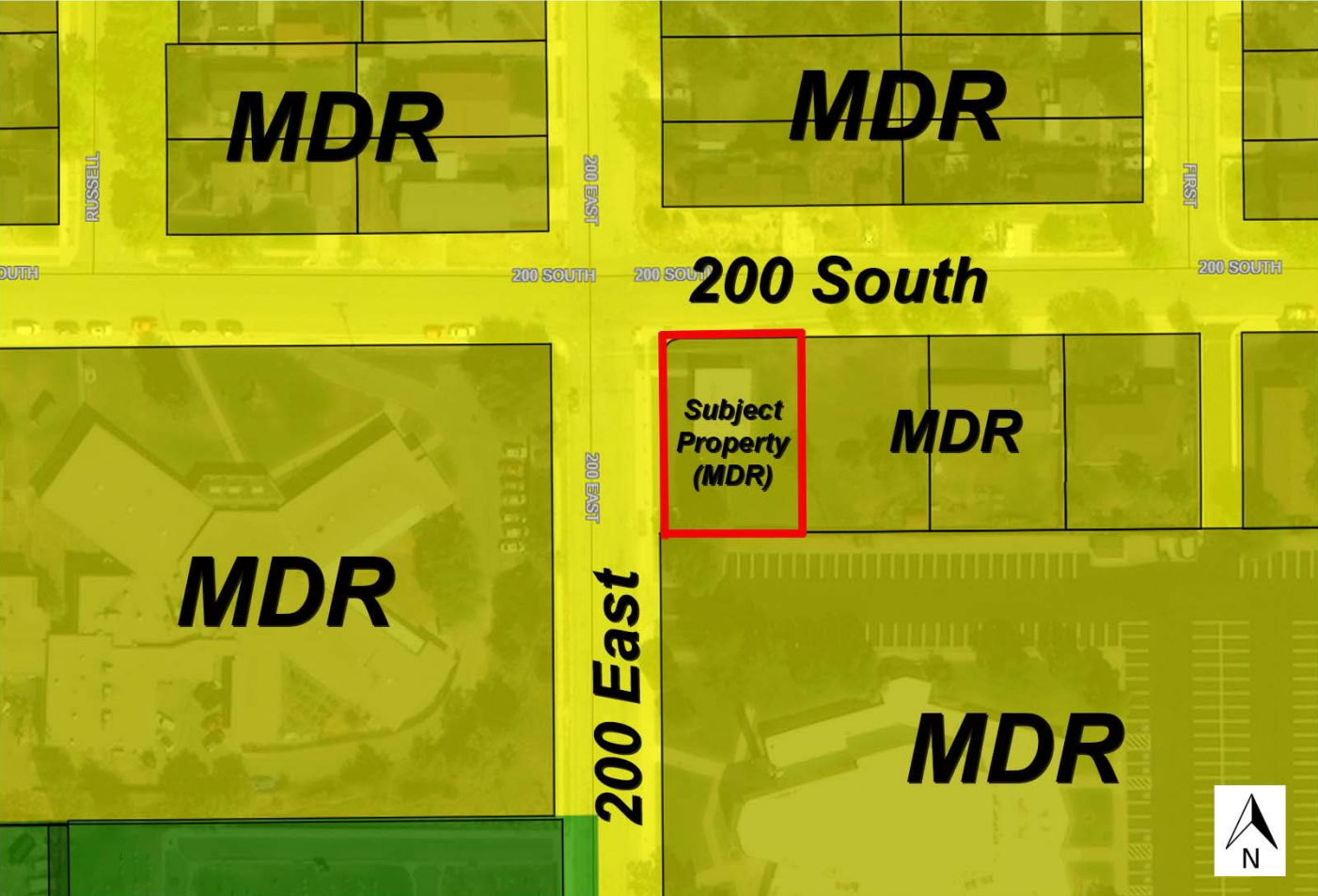
***Aerial View***

**Reese Dental Property Land Use Map Amendment**



**Current Zoning**

**Reese Dental Property Land Use Map Amendment**



**Current Land Use**

## Exhibit C

### Planning Commission Minutes

**TOOELE CITY CORPORATION**

**RESOLUTION 2023-70**

**A RESOLUTION OF THE TOOELE CITY COUNCIL REGARDING FEES FOR RECYCLING.**

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, on March 15, 2017, the City Council passed Resolution 2027-14 by which it established fees for recycling; and,

WHEREAS, Tooele City has entered into contracts with Ace Disposal and Waste Management Recycling to provide an opt-in curbside recycling program (the "Program"); and,

WHEREAS, for the Program to be self-sustaining and not be subsidized by the general fund, it is necessary and appropriate to add to the Tooele City Fee Schedule the fees charged to Program participants; and,

WHEREAS, the City's financial adviser Lewis Young Robertson & Burningham conducted a recycling fee study dated May 2023, and determined that the Program fee should be increased to \$7.18 per can (see the study attached as Exhibit A; see specifically Table 1.3); and,

WHEREAS, the Program fees and charges are calculated to recoup the costs of providing the Program, and thus bear a reasonable relationship to the services; and,

WHEREAS, the Program fees and charges may be amended by the City Administration, and reflected in the Fee Schedule, from time to time as necessary to adjust to changing circumstances in the disposal and recycling markets and to recoup the costs of providing the Program:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the updated the recycling Program fee of \$7.18 per can is hereby approved and shall be incorporated into the Tooele City Fee Schedule.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

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

### LYRB Recycling Fee Study



# 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         |
|--------------------------------|--------------|---------------|--------------|--------------|--------------|
| <b>Recycling Rate Increase</b> | <b>0.00%</b> | <b>20.00%</b> | <b>3.75%</b> | <b>3.75%</b> | <b>3.75%</b> |
| <b>Per Can Fee</b>             | \$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)     |
| <b>Net Income (Loss)</b>               | <b>(\$30,228)</b> | <b>\$6,010</b> | <b>\$9,420</b>  | <b>\$13,070</b> | <b>\$16,973</b> |
| Beginning Fund Balance                 | \$0               | \$0            | \$6,010         | \$15,431        | \$28,500        |
| <b>Ending Fund Balance</b>             | <b>\$0</b>        | <b>\$6,010</b> | <b>\$15,431</b> | <b>\$28,500</b> | <b>\$45,473</b> |
| <b>Days of Working Capital</b>         | <b>-</b>          | <b>9</b>       | <b>22</b>       | <b>39</b>       | <b>61</b>       |
| <b>Days of Working Capital Minimum</b> | <b>-</b>          | <b>60</b>      | <b>60</b>       | <b>60</b>       | <b>60</b>       |

#### 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         |
|--------------------------------|--------------|---------------|--------------|--------------|--------------|
| <b>Recycling Rate Increase</b> | <b>0.00%</b> | <b>27.00%</b> | <b>0.00%</b> | <b>0.00%</b> | <b>0.00%</b> |
| <b>Per Can Fee</b>             | \$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)     |
| <b>Net Income (Loss)</b>        | <b>(\$30,228)</b> | <b>\$20,858</b> | <b>\$14,749</b> | <b>\$8,424</b>  | <b>\$1,875</b>  |
| Beginning Fund Balance          | \$0               | \$0             | \$20,858        | \$35,607        | \$44,031        |
| <b>Ending Fund Balance</b>      | <b>\$0</b>        | <b>\$20,858</b> | <b>\$35,607</b> | <b>\$44,031</b> | <b>\$45,905</b> |
| 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%        |
| <b>Recycling Rate Increase</b> | <b>-</b>    | <b>0.00%</b> | <b>20.00%</b> | <b>3.75%</b> | <b>3.75%</b> | <b>3.75%</b> |
| Per Can Fee                    | \$5.65      | \$5.65       | \$6.78        | \$7.03       | \$7.30       | \$7.57       |

| DESCRIPTION                            | 2023 BUDGET        | 2024               | 2025               | 2026               | 2027               | 2028               |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Revenues</b>                        |                    |                    |                    |                    |                    |                    |
| Recycling Collection Fees              | 210,000            | 211,050            | 254,526            | 265,391            | 276,720            | 288,533            |
| <b>Total Revenues</b>                  | <b>\$210,000</b>   | <b>\$211,050</b>   | <b>\$254,526</b>   | <b>\$265,391</b>   | <b>\$276,720</b>   | <b>\$288,533</b>   |
| <b>Expenses</b>                        |                    |                    |                    |                    |                    |                    |
| 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)           |
| <b>Total Expenses</b>                  | <b>(\$234,250)</b> | <b>(\$241,278)</b> | <b>(\$248,516)</b> | <b>(\$255,971)</b> | <b>(\$263,650)</b> | <b>(\$271,560)</b> |
| <b>Change in Net Position</b>          | <b>(\$24,250)</b>  | <b>(\$30,228)</b>  | <b>\$6,010</b>     | <b>\$9,420</b>     | <b>\$13,070</b>    | <b>\$16,973</b>    |
| Beginning Fund Balance                 | -                  | \$0                | \$0                | \$6,010            | \$15,431           | \$28,500           |
| <b>Ending Fund Balance</b>             | <b>-</b>           | <b>-</b>           | <b>\$6,010</b>     | <b>\$15,431</b>    | <b>\$28,500</b>    | <b>\$45,473</b>    |
| <b>Days of Working Capital</b>         | <b>-</b>           | <b>-</b>           | <b>9</b>           | <b>22</b>          | <b>39</b>          | <b>61</b>          |
| <b>Days of Working Capital Minimum</b> | <b>-</b>           | <b>-</b>           | <b>60</b>          | <b>60</b>          | <b>60</b>          | <b>60</b>          |

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%        |
| <b>Recycling Rate Increase</b> | <b>-</b>    | <b>0.00%</b> | <b>27.00%</b> | <b>0.00%</b> | <b>0.00%</b> | <b>0.00%</b> |
| Per Can Fee                    | \$5.65      | \$5.65       | \$7.18        | \$7.18       | \$7.18       | \$7.18       |

| DESCRIPTION                            | 2023 BUDGET        | 2024               | 2025               | 2026               | 2027               | 2028               |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Revenues</b>                        |                    |                    |                    |                    |                    |                    |
| Recycling Collection Fees              | 210,000            | 211,050            | 269,374            | 270,721            | 272,074            | 273,435            |
| <b>Total Revenues</b>                  | <b>\$210,000</b>   | <b>\$211,050</b>   | <b>\$269,374</b>   | <b>\$270,721</b>   | <b>\$272,074</b>   | <b>\$273,435</b>   |
| <b>Expenses</b>                        |                    |                    |                    |                    |                    |                    |
| 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)           |
| <b>Total Expenses</b>                  | <b>(\$234,250)</b> | <b>(\$241,278)</b> | <b>(\$248,516)</b> | <b>(\$255,971)</b> | <b>(\$263,650)</b> | <b>(\$271,560)</b> |
| <b>Change in Net Position</b>          | <b>(\$24,250)</b>  | <b>(\$30,228)</b>  | <b>\$20,858</b>    | <b>\$14,749</b>    | <b>\$8,424</b>     | <b>\$1,875</b>     |
| Beginning Fund Balance                 | -                  | \$0                | \$0                | \$20,858           | \$35,607           | \$44,031           |
| <b>Ending Fund Balance</b>             | <b>-</b>           | <b>-</b>           | <b>\$20,858</b>    | <b>\$35,607</b>    | <b>\$44,031</b>    | <b>\$45,905</b>    |
| <b>Days of Working Capital</b>         | <b>-</b>           | <b>-</b>           | <b>31</b>          | <b>51</b>          | <b>61</b>          | <b>62</b>          |
| <b>Days of Working Capital Minimum</b> | <b>-</b>           | <b>-</b>           | <b>60</b>          | <b>60</b>          | <b>60</b>          | <b>60</b>          |

**TOOELE CITY CORPORATION**

**RESOLUTION 2023-67**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE PROPOSED TAX RATE FOR FISCAL YEAR 2023-2024.**

WHEREAS, Utah Code §10-6-133 requires cities to set by ordinance or resolution the real and personal property tax levy, or tax rate, for various municipal purposes; and,

WHEREAS, the certified tax rate has been calculated by the Utah State Tax Commission to be .002301 for Fiscal Year 2023-2024 and,

WHEREAS, the City Council proposes to not adopt the Tax Commission certified tax rate but to adopt the proposed rate of .002411; and,

WHEREAS, the City Council convened in a public hearing on the proposed tax rate on August 2, 2023, together with the public hearing on the tentative budget:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City real and personal property tax levy, or tax rate, is hereby set at **0.002411** for Fiscal Year 2023-2024.

This Resolution shall become effective on the date of passage by authority of the Tooele City Charter.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

**TOOELE CITY CORPORATION**

**RESOLUTION 2023-68**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE FINAL BUDGET FOR TOOELE CITY FOR FISCAL YEAR 2023-2024.**

WHEREAS, the Tooele City Council adopted the budget officer's tentative budget for fiscal year 2023-2024 on June 21, 2023, and established August 16, 2023, as the date for a public hearing for the budget, as required by U.C.A. Chapter 10-6; and,

WHEREAS, the City Council convened a public hearing on August 16, 2023, as required by U.C.A. §10-6-114; and,

WHEREAS, the City Council adopted a new tentative budget for fiscal year 2023-2024 on June 21, 2023, based on a proposed increase to the certified tax rate, and established August 16, 2023, as the date for a truth-in-taxation public hearing; and,

WHEREAS, the City Council is required to adopt the final budget pursuant to U.C.A. §10-6-118 by either June 30 or September 1, as applicable; and,

WHEREAS, the fiscal year 2023-2024 budget adoption process has followed the requirements of Utah Code Title 10, Chapter 6; and,

WHEREAS, the Tooele City Council now desires to adopt a final budget for fiscal year 2023-2024;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City final budget for fiscal year 2023-2024 is hereby adopted, and hereby directs the budget officer to certify the budget and to file the budget with the state auditor within 30 days of the date of this Resolution.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney



**TOOELE CITY CORPORATION**

**ORDINANCE 2023-15**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 1-6-4 TO INCLUDE THE PUBLIC LIBRARY AS A CITY ADMINISTRATIVE DEPARTMENT.**

WHEREAS, Tooele City Charter Section 2-06 empowers the Council to establish City administrative departments by ordinance; and,

WHEREAS, through Tooele City Code Chapter 2-1, the City Council established the Tooele City Public Library and subjected its operation to the Mayor's executive authority under the Charter's separation of legislative and executive powers (see Chapter 2-1 attached as Exhibit A); and,

WHEREAS, Tooele City Charter Section 2-06 and TCC Section 1-6-4(2), respectively, empower the Mayor to "determine the powers and duties to be performed" by City administrative departments, and to "have direct supervision and responsibility over operations in" the City administrative departments; and,

WHEREAS, TCC Section 1-6-4(2) refers to each City Department by name but neglects to include the public library as a City administrative department:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Section 1-6-4(2) is hereby amended to include the Public Library in the enumerated list of City administrative departments.

This Ordinance is necessary for the preservation of the peace, health, safety, welfare, and orderly administration of Tooele City and its residents and businesses, and shall become effective immediately upon approval as authorized by 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)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

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Roger Evans Baker, Tooele City Attorney

# Exhibit A

## Tooele City Code Chapter 2-1

## TITLE 2. BOARDS

- Chapter 1. Library.**
- Chapter 2. Tooele Valley Museum Advisory Board.**
- Chapter 3. Planning Commission.**
- Chapter 4. Variances.**
- Chapter 5. Repealed.** (Ord. 99-33, 12-01-99).
- Chapter 6. Employee Grievance Appeal Board.**
- Chapter 7. Historical Preservation Commission.**
- Chapter 8. Accessibility Committee.**

### CHAPTER 1. LIBRARY

- 2-1-1. Establishment of public library.**
- 2-1-2. Nonresident use.**
- 2-1-3. Library board of directors - Appointment - Membership - Payment of Expenses.**
- 2-1-4. Library board of directors - Terms - Election of officers - Removal - Vacancies - Duties.**
- 2-1-5. Report of librarian.**
- 2-1-6. Donations.**
- 2-1-7. Repealed.**
- 2-1-8. Library fund.**
- 2-1-9. Annual reports to City Council and Utah State Library Board.**

#### **2-1-1. Establishment of public library.**

There is hereby established the Tooele City public library. The library shall be forever free to the use of the citizens and residents of Tooele City, subject to such reasonable rules and regulations as proposed by the library board of directors and adopted by the Mayor as regulations governing the management and use of the library. The board may exclude from the use of the library any and all persons who shall willfully violate such rules. (Ord. 89-13, 08-02-89)

#### **2-1-2. Nonresident use.**

The Mayor, upon the advice of the library board of directors, may extend the privileges and use of the library to persons residing outside the limits of Tooele City upon such terms and conditions as prescribed by its regulations. Nonresidents will be required to provide at least partial consideration for the privilege of using the library facilities and services. (Ord. 89-13, 08-02-89)

#### **2-1-3. Library board of directors - Appointment - Membership - Payment of Expenses.**

There is hereby appointed a library board of directors, chosen from the citizens of Tooele City at large with reference to their fitness for such office. The board of directors shall consist of not less than five members and not more than nine members. Not more than one member of the City Council shall be, at any one time, a member of such board. Directors shall serve

without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds. All members shall be appointed by the Mayor with the consent of the City Council. The Recorder shall notify such appointees and request from them a written acceptance of appointment. All appointees shall within 30 days of receipt of such notification file with the Recorder an acceptance of appointment. Should the same not be filed within 30 days, the person shall be considered to have declined the appointment, and the Mayor shall designate another person for appointment. The same procedure for appointment shall thereafter be followed. (Ord. 89-13, 08-02-89)

#### **2-1-4. Library board of directors - Terms - Election of officers - Removal - Vacancies - Duties.**

Directors shall be appointed for three-year terms, or until their successors are appointed. Initially, appointments shall be made for one-, two- and three-year terms. Annually thereafter, the Mayor shall, with consent of the City Council, before the first day of July of each year, appoint for three-year terms directors to take the place of the retiring directors. Directors shall serve not more than two full terms in succession. Following such appointments, the directors shall meet and elect a chairman and such other officers, as they deem necessary, for one-year terms. The Mayor, with consent of the City Council, may remove any director for misconduct or neglect of duty. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as original appointments. The library board of directors shall meet quarterly and shall make and adopt rules and regulations, not inconsistent with law, for the governing of the library. The rules, regulations, and policies of the board shall be effective upon the adoption and publication thereof by the Mayor. (Ord. 89-13, 08-02-89)

#### **2-1-5. Report of librarian.**

The City Librarian shall annually on or before the 31st day of June, report to the Mayor as to the number of books and periodicals on hand, the number added by purchase, gift or otherwise, referring to the titles of periodicals, rather than total number of the same, the number of books lost or missing; the number of patrons on a monthly basis, the number of books loaned out, and such other statistics information and suggestions as the librarian may deem of general interest, or requested by the Mayor. (Ord. 76-12, 04-12-76)

#### **2-1-6. Donations.**

Any person desiring to make donations of money, personal property, or real estate, for the benefit of this

library shall have the right to vest the title to the money or real estate so donated in the name of Tooele City, to be held and credited to the general fund library account, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to the property, the Council shall be held and considered to be special trustees. (Ord. 76-12, 04-12-76; Ord. 67-3, 08-14-67)

**2-1-7. Repealed.**

(Ord. 89-13, 08-20-89)

**2-1-8. Library fund.**

All funds previously maintained by the Tooele City Board of Directors separately from the General Fund of Tooele City shall upon the final passage of this provision be transferred to the Tooele City general fund, and the funds and receipts accumulated or received from all sources by the operation of the Library shall hereafter be controlled by the Mayor, as part of the City budget general fund accounts. (Ord. 76-12, 04-12-76)

**2-1-9. Annual reports to City Council and Utah State Library Board.**

The library board of directors shall make an annual report to the City Council and Mayor on the condition and operation of the library, including a financial statement. The directors shall also provide for the keeping of records required by the Utah State Library Board in its request for an annual report from the public libraries, and shall submit such annual report to the board. (Ord. 89-13, 08-20-89)

## TOOELE CITY CORPORATION

### RESOLUTION 2023-75

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL RATIFYING AN AGREEMENT WITH STAKER PARSON MATERIALS & CONSTRUCTION FOR EMERGENCY REPAIRS TO MAIN STREET.**

WHEREAS, Main Street in Tooele City has experienced unexpected damage that necessitates repairs on an emergency basis; and,

WHEREAS, due to the emergent circumstances, the City Administration needed to contract for the repairs with a qualified contractor on an expedited basis; and,

WHEREAS, the City Administration found Staker Parson Materials & Construction to have all of the resources and qualifications to perform the work required for the emergency repairs; and,

WHEREAS, Staker Parsons Materials & Construction provided a bid for the repairs in the amount of Thirty-Nine Thousand Fifty Dollars (\$39,050.00), attached as Exhibit A; and,

WHEREAS, the City Administration has agreed to retain Staker Parsons Materials & Construction for the repairs; and,

WHEREAS, given the emergent circumstances, the City Administration desires to take into account a possible contract cost that may be above the bid amount, bringing the total cost to an estimate of Forty-Five Thousand Dollars (\$45,000.00); and,

WHEREAS, the City Administration requests an additional appropriation of 5% in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) as contingency for change orders for changed conditions which may arise during the Project, as reviewed and approved by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that

1. The agreement with Staker Parson Materials & Construction that is in connection with the bid attached as Exhibit A, is hereby ratified, in the amount of Forty-Five Thousand Dollars (\$45,000.00), for completion of the emergency repairs to Main Street and,
2. An additional Two Thousand Two Hundred Fifty Dollars (\$2,250.00) contingency is hereby ratified, which may be used for changed conditions, as reviewed and approved by the Mayor.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

## EXHIBIT A

Bid - Staker Parson Materials & Construction





**STAKER PARSON**  
**MATERIALS & CONSTRUCTION**  
 A CRH COMPANY

# STAKER PARSON MATERIALS & CONSTRUCTION

89 West 13490 South, Ste 100  
 Draper, UT 84020  
 Phone (801) 871-6600 \* Fax (801) 871-6601

|  |  |
|--|--|
| <b>To:</b> Tooele City Corp.   | <b>Contact:</b> Jamie Grandpre                             |
| <b>Address:</b> 90 North Main<br>Tooele, UT 84074                                | <b>Phone:</b> (435) 843-2130<br><b>Fax:</b> (435) 843-2139 |
| <b>Project Name:</b> Tooele City 911 Repair 8-2023                               | <b>Bid Number:</b> 34                                      |
| <b>Project Location:</b> SR-36 Tooele Main St. & 1000 North (approx), Tooele, UT | <b>Bid Date:</b> 8/8/2023                                  |

The benchmark diesel fuel (on-highway) price at the time of this bid is \$4.13/gal. This benchmark price for diesel fuel will be used to calculate any applicable fuel surcharge, per the terms listed in the contract below.

*KR 8/8/2023*

**Bid Proposal P.M. / Estimator: Kelly Ross 801-455-9721**

| Item # | Item Description  | Estimated Quantity | Unit | Unit Price | Total Price |
|--------|---|--------------------|------|------------|-------------|
| 1      | Mobilization Of Crews & Equipment   | 1.00               | EACH | \$4,750.00 | \$4,750.00  |
| 2      | (Near Panda Express & Auto Dealership) 8"-10" Thick Asphalt Patching In Multiple Lifts, Includes Tack Edges (1/2" PG 64-34 Superpave Per UDOT Spec) - Prep Work On Smaller Patch (14' X 14') To Be Done By Tooele City And Roto-Milling & Prep Work On Larger Patch (14' X 142' Approx) To Be Done By Staker Parson - Traffic Control Provided By Tooele City | 140.00             | TON  | \$245.00   | \$34,300.00 |

**Total Bid Price: \$39,050.00**

**Notes:**

- Exclusions: Bonds, permits, licenses, fees, testing, survey, engineering, traffic control, flagging, sweeping, saw cutting, sterilant, striping, bollards, signage and prime coat.
- Subgrade is to be within + or - .1 of a foot, no material to be added or removed. No import or removal of Road Base included.
- Price does not include any over excavation or material replacement due to soft subgrade.
- \*\*\* BID AND WORK CONTRACT \*\*\*

In consideration of the mutual promises set forth herein, Staker Paving and Construction Company, Inc., with principal offices located at 89 West 13490 South, Draper, Utah (hereinafter referred to as "Staker") and the undersigned, whose full name and address appear above, (hereinafter referred to as "Buyer") hereby agree as follows:

1. DESCRIPTION OF WORK\*: Staker will furnish the described materials to the job site designated above and provide the described labor(the material and the labor collectively hereinafter referred to as "the work"): \*To the extent the described work is detailed in Plans and Specifications, such must be provided to Staker before the contract is negotiated. Any changes to the original Plans and Specifications used to prepare this contract may necessitate a change in the contract price and Buyer hereby agrees to execute all necessary change orders outlining the changed work and prices as submitted by Staker.
2. CONTRACT PRICE: To the extent that the above is specified as a unit or square foot price, it is agreed that the number of units or square feet indicated is an approximation. Staker shall be paid for the actual number of units or square feet completed as determined by field measurement.
3. TERMS OF PAYMENT: Buyer shall pay Staker in full at Staker's office in Salt Lake within fifteen (15) days following the date of Staker's invoices, without retention regardless of the final completion date of the work. In the event that payment is not made to Staker as provided herein, Staker shall be entitled to all of its costs, including attorney's fees and lien fees, in connection with the enforcement of its rights under this contract, whether or not legal proceedings are instituted. In addition, Staker shall be entitled to interest on all past due accounts under this contract, which interest shall accrue at the rate of 18% per annum (1 1/2.% per month) from the date payment is due until payment is received by Staker, whether before or after judgment.
4. CLAIMS OR DEFECTS: Written notice of any alleged claim or defect must be given to Staker at its address shown above not later than five (5) days after the completion of the work under this contract by Staker. Failure to give written notice as herein provided shall be and constitute a waiver of any such alleged defects or claims. Staker's sole and exclusive liability shall be to repair, replace or upon mutual agreement to credit Buyer's account for defective material. If repair or replacement is made, Staker shall have a reasonable time to make such repair or replacement.

- IN NO EVENT SHALL STAKER BE LIABLE FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR ANY BREACH HEREOF, INCLUDING BUT NOT LIMITED TO, LOSS OF GOODWILL, LOSS OF PROFITS OR USE.
- 5. PROSECUTION OF WORK: It is contemplated by the parties that the work specified in this contract shall be completed by this date: REGULAR ASPHALT PAVING SEASON 2023. At its option, Staker may decline to perform any part of the work which, through no fault of Staker, is to be completed beyond this date. In addition, Staker shall not be responsible for any delays in performing the work due to labor disputes, weather, shortages in material, equipment or labor, acts of God or any other cause beyond its control. In the event of a delay beyond Staker's control, and to the extent reasonably possible, Staker shall complete the work at the next available opportunity. In the event Staker elects not to perform any further work beyond the above specified date pursuant to the terms provided herein, Staker shall be paid for all work performed prior to the said date and shall otherwise be fully relieved of all of its duties and responsibilities under the terms of this contract.
- 6. PROPERTY DAMAGE: Buyer shall be responsible to direct Staker employees as to proper ingress and egress of the property. To the extent that such direction is followed or that no direction is given, Staker shall not be responsible for any damage to the property where the work is being performed, including damage to curbs, gutters and sidewalks.
- 7. MISCELLANEOUS PROVISIONS:
  - A. No cost for bonds, permits, licenses, fees, testing, engineering, traffic control, saw cutting, sterilant, striping or prime coat are included in this contract unless specifically indicated in the description of work.
  - B. Buyer specifically represents and warrants that either Buyer is the owner of the Premises where the work is to be performed, or, in the alternative, Buyer has written authorization from the owner of the Premises authorizing the work to be performed on the said Premises.
  - C. Staker assumes no risk for non-disclosed or unforeseen conditions of the project site, including but not limited to, hazardous waste, soft subgrade or water table problems.
  - D. This contract is the entire agreement of the parties and no changes or additions to this contract shall be made except in writing signed by both parties.
  - E. This contract shall be construed in accordance with the laws of the State of Utah.
  - F. This contract shall be binding on the heirs, successors or assigns of the parties hereto.
  - G. THIS CONTRACT IS NOT BINDING UNTIL APPROVED BY STAKER'S CREDIT DEPARTMENT. Buyer agrees to furnish a completed Credit Application to Staker prior to or at the execution of this contract.
- FUEL SURCHARGE: Due to unstable energy prices, this contract is subject to a fuel surcharge per ton for all materials included in the contract. Buyer agrees, increases or decreases to fuel costs above or below the listed Bench Mark Price, as stated in this proposal, is cause for adjustment to the contract. For each \$0.15 per gallon increase/decrease(increment), to the listed bench mark price for diesel fuel, a per ton surcharge will be added to all contract required material as listed below:
 

AGGREGATES: \$0.13 per ton, for each \$0.15 increment  
 ASPHALT: \$0.32 per ton, for each \$0.15 increment.

The Bench Mark Price is based on the average retail price of No. 2 Diesel Fuel listed at [http://tonto.eia.doe.gov/oog/info/wohdp/printer\\_friendly\\_version.asp](http://tonto.eia.doe.gov/oog/info/wohdp/printer_friendly_version.asp) Rocky Mountain Region (PADD 4). This contract includes tons of aggregates and tons of asphalt.
- THE PRICE OF ASPHALT IS BASED ON UDOT'S OIL INDEX ON THE DATE OF BID. IN THE EVENT OF A PRICE INCREASE, THE CUSTOMER WILL ASSUME ADDITIONAL ASPHALT AND FUEL COSTS AS PART OF THE CONTRACT.

**ACCEPTED:**

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: Debra E Winn  
 Signature: Debra E. Winn  
 Date of Acceptance: 8-8-23

**CONFIRMED:**

**Staker Parson Materials & Construction**

Authorized Signature: \_\_\_\_\_

Estimator: Kelly Ross  
 801.455.9721 kross@stakerparson.com

## TOOELE CITY CORPORATION

### RESOLUTION 2023-60

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH PECK STRIPING, INC., FOR THE 2023 ROADWAY MAINTENANCE PROJECT, BID SCHEDULE C, PAVEMENT MARKING AND STRIPING.**

WHEREAS, Tooele City has more than 220 lane miles of public roadway located within the City limits for which it has maintenance responsibility; and,

WHEREAS, a significant number of those roadways require maintenance in varying levels of effort in order to maintain reasonably safe and convenient public access and to extend the life of those roadways; and,

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

WHEREAS, the City Administration has solicited bids for the 2023 Roadway Maintenance Project in accordance with the procedures of §11-39-101 and §72-6-108, Utah Code Annotated, as amended, received no bid replies, and received one bid reply after direct solicitation to two striping contractors (see attached staff memo); and,

WHEREAS, the project was bid with three separate bid schedules (A, B, and C) for the application of Slurry Seal Type II, Light Weight Aggregate Chip Seal, and Pavement Marking and Striping, respectively; and,

WHEREAS, the City reserved the right of awarding the three Bid Schedules either jointly, or separately, as in the best interest of the City and at the City's sole discretion; and,

WHEREAS, Peck Striping, Inc., has submitted a cost proposal for 2023 Roadway Maintenance Project, Bid Schedule C, Pavement Marking and Striping of \$44,276, which is the lowest responsible responsive bid. See the cost proposal attached as Exhibit A; and,

WHEREAS, the City Administration requests an additional appropriation of 5% in the amount of \$2,100 as contingency for change orders for changed conditions which may arise during the Project, as reviewed and approved by the Mayor:

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

1. the agreement attached as Exhibit B with Peck Striping, Inc., is hereby approved, in the amount of \$44,276 for completion of the 2023 Roadway Maintenance Project, Bid Schedule C, Pavement Marking and Striping; and,
2. an additional \$2,100 contingency is hereby approved, which may be used for changed conditions, as reviewed and approved by the Mayor.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

EXHIBIT A

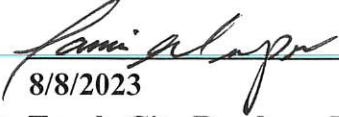
Cost Proposal

## EXHIBIT B

Agreement: Peck Striping, Inc.



**To: Tooele City Council**  
**From: Jamie Grandpre, Public Works Department**

**Date:**  8/8/2023

**Subject: Tooele City Roadway Pavement Striping/Marking Proposal**

Tooele City extended a bid invitation for the 2023 Roadway Maintenance Project on June 26, 2023. Included in that invitation is 62,000 linear feet of pavement striping and associated pavement markings. Public Works did not receive any proposals from that bid invitation for the striping/markings.

Due to the lack of proposals, Public Works contacted striping vendors on August 7, 2023. Two vendors replied to the request:

- Peck Striping
- All Star Striping

All Star Striping replied that they could not accommodate Tooele City's striping request as their schedule is booked for this season.

Peck Striping provided a proposal of \$42,176.00. Please see attached proposal. Public Works is asking for a 5% contingency of \$2,100.00 totaling \$44,276.00.

Public Works is requesting that we accept the proposal from Peck Striping for the 2023 Roadway Maintenance pavement striping. We hope you will consider moving forward in this direction as we would like to keep on schedule for the roadway maintenance needed in Tooele City.

Thank you for your consideration.



**Peck Striping, Inc.**  
P. O. Box 271070  
Salt Lake City, Utah 84127  
Phone: (801)965-9995 Fax: (801)965-9996

August 4, 2023

**BID FOR TOOELE CITY PAVEMENT MARKINGS - VARIOUS LOCATIONS**

| ITEM #  | DESCRIPTION  | QTY       | \$/UNIT  | TOTAL       |
|---|--|-----------|----------|-------------|
| <b>WEST VINE ST. - SR-36 TO TOOELE BLVD (1100 W.)</b>   |  |           |          |             |
| 1   | PAVEMENT MARKING PAINT - 4" SOLID WHITE  | 23,110 FT | \$0.18   | \$4,159.80  |
| 2   | PAVEMENT MARKING PAINT - 4" DOTTED WHITE   | 200 FT    | \$0.05   | \$10.00     |
| 3   | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 6,970 FT  | \$0.36   | \$2,509.20  |
| 4   | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 150 FT    | \$0.36   | \$54.00     |
| 5   | PAVEMENT MESSAGE PAINT - BIKE RIDER & ARROW                                      | 36 EA     | \$45.91  | \$1,652.76  |
| 6   | PAVEMENT MESSAGE PAINT - 12" STOP LINE, CROSSWALK                                | 128 FT    | \$1.80   | \$230.40    |
| 7   | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - LEFT TURN ARROWS                    | 2 EA      | \$282.65 | \$565.30    |
| 8   | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - COMBINATION STRAIGHT / RIGHT ARROWS | 2 EA      | \$511.24 | \$1,022.48  |
| <b>400 W. - LEXINGTON GREENS TO 2200 N.</b>   |  |           |          |             |
| 9   | PAVEMENT MARKING PAINT - 4" SOLID WHITE  | 10,200 FT | \$0.18   | \$1,836.00  |
| 10  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 1,800 FT  | \$0.36   | \$648.00    |
| 11  | PAVEMENT MARKING PAINT - 4" SOLID & BROKEN YELLOW                                | 6,600 FT  | \$0.23   | \$1,518.00  |
| 12  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 520 FT    | \$0.36   | \$187.20    |
| 13  | PAVEMENT MESSAGE PAINT - LEFT TURN ARROWS  | 4 EA      | \$28.25  | \$113.00    |
| 14  | PAVEMENT MESSAGE PAINT - RIGHT TURN ARROWS                                       | 4 EA      | \$28.25  | \$113.00    |
| <b>2000 N. - EAST &amp; WEST INTERSECTION AT 400 W.</b>                                       |  |           |          |             |
| 15  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 480 FT    | \$0.36   | \$172.80    |
| 16  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 300 FT    | \$0.36   | \$108.00    |
| 17  | PAVEMENT MESSAGE PAINT - LEFT TURN ARROWS  | 4 EA      | \$28.25  | \$113.00    |
| 18  | PAVEMENT MESSAGE PAINT - RIGHT TURN ARROWS                                       | 4 EA      | \$28.25  | \$113.00    |
| 19  | PAVEMENT MESSAGE PAINT - 12" STOP LINE, CROSSWALK                                | 78 FT     | \$1.80   | \$140.40    |
| <b>1280 N. (BY WALMART) - SR-36 TO 30 W.</b>  |  |           |          |             |
| 20  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 235 FT    | \$0.36   | \$84.60     |
| 21  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 350 FT    | \$0.36   | \$126.00    |
| 22  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - LEFT TURN ARROWS                    | 3 EA      | \$282.65 | \$847.95    |
| 23  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - RIGHT TURN ARROWS                   | 2 EA      | \$282.65 | \$565.30    |
| 24  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - STRAIGHT THRU ARROWS                | 2 EA      | \$243.76 | \$487.52    |
| <b>200 W. - INTERSECTION NORTH &amp; SOUTH AT 1000 N.</b>                                     |  |           |          |             |
| 25  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 605 FT    | \$0.36   | \$217.80    |
| 26  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 210 FT    | \$0.36   | \$75.60     |
| 27  | PAVEMENT MESSAGE PAINT - LEFT TURN ARROWS  | 4 EA      | \$28.25  | \$113.00    |
| 28  | PAVEMENT MESSAGE PAINT - COMBINATION STRAIGHT / RIGHT ARROWS                     | 4 EA      | \$56.50  | \$226.00    |
| 29  | PAVEMENT MESSAGE PAINT - 12" STOP LINE, CROSSWALK                                | 272 FT    | \$1.80   | \$489.60    |
| <b>COLEMAN - INTERSECTIONS AT UTAH AVE. &amp; SR-36</b>                                       |  |           |          |             |
| 30  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 515 FT    | \$0.36   | \$185.40    |
| 31  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 100 FT    | \$0.36   | \$36.00     |
| 32  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - LEFT TURN ARROWS                    | 4 EA      | \$282.65 | \$1,130.60  |
| 33  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - RIGHT TURN ARROWS                   | 2 EA      | \$282.65 | \$565.30    |
| 34  | PAVEMENT MESSAGE (PERFORMED THERMOPLASTIC) - COMBINATION STRAIGHT / RIGHT ARROWS | 2 EA      | \$511.24 | \$1,022.48  |
| 35  | PAVEMENT MESSAGE PAINT - 12" STOP LINE, CROSSWALK                                | 60 FT     | \$1.80   | \$108.00    |
| <b>1000 N. (EAST SIDE) - 100 E. TO DROUBAY</b>  |  |           |          |             |
| 36  | PAVEMENT MARKING PAINT - 4" SOLID WHITE BIKE LANE                                | 19,900 FT | \$0.18   | \$3,582.00  |
| 37  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 4,860 FT  | \$0.36   | \$1,749.60  |
| <b>100 E. - 1000 N. TO VINE ST.</b>   |  |           |          |             |
| 38  | PAVEMENT MARKING PAINT - 4" SOLID WHITE SHOULDER & BIKE LANE                     | 31,360 FT | \$0.18   | \$5,644.80  |
| 39  | PAVEMENT MARKING PAINT - 4" DOUBLE YELLOW  | 6,900 FT  | \$0.36   | \$2,484.00  |
| 40  | PAVEMENT MARKING PAINT - 8" SOLID WHITE  | 255 FT    | \$0.36   | \$91.80     |
| 41  | PAVEMENT MESSAGE PAINT - BIKE RIDER & ARROW                                      | 32 EA     | \$45.91  | \$1,469.12  |
| 42  | PAVEMENT MESSAGE PAINT - LEFT TURN ARROWS  | 2 EA      | \$28.25  | \$56.50     |
| 43  | PAVEMENT MESSAGE PAINT - RIGHT TURN ARROWS                                       | 5 EA      | \$28.25  | \$141.25    |
| 44  | PAVEMENT MESSAGE PAINT - 12" STOP LINE, CROSSWALK                                | 133 FT    | \$1.80   | \$239.40    |
| PM  | PAVEMENT MARKING PAINT MOBILIZATION  | 5 EA      | \$680.00 | \$3,400.00  |
| MM  | PAVEMENT MESSAGE MOBILIZATION  | 6 EA      | \$295.00 | \$1,770.00  |
| PRICES DO NOT INCLUDE LAYOUT, SWEEPING, TRAFFIC CONTROL OR ANYTHING NOT SPECIFICALLY INCLUDED |  |           | TOTAL    | \$42,175.96 |

GENERAL PAINTING AND OUTDOOR SIGNS CONTRACTORS LICENSE #7054777-5501 - EXPIRES 11/30/2023

\*\*\*PRICES GOOD FOR 60 DAYS FROM DATE OF BID\*\*\*

\*\*\*PAYMENT TERMS ARE NET 30 DAYS UNLESS AGREED UPON IN WRITING\*\*\*

THIS BID IS FOR ESTIMATE ONLY. ACTUAL BILLING WILL BE FOR QUANTITIES IN PLACE.

THIS BID IS BASED UPON INFORMATION FROM EMAIL LOCATIONS AND GOOGLE EARTH. MATERIALS BASED ON APWA SPECIFICATION PAINT AND REFLECTIVE GLASS BEADS WITH A SINGLE COAT APPLICATION.

QUANTITY ABOVE FOR MOBILIZATIONS / DAYS ARE ESTIMATED FOR COMPLETION OF EACH ITEM IF GIVEN 100% ACCESS TO THE PROJECT. ANY ADDITIONAL MOBILIZATIONS / DAYS DUE TO THE CONTRACTOR OR OWNER SHALL BE BILLED PER EACH AT THE UNIT PRICING STATED AND A PRE-AGREED UPON PRICE CHANGE FOR SCHEDULE COMPRESSION.

THERE WILL ALSO BE A CHARGE OF \$75.00 PER MAN HOUR FOR ANY WAIT TIME ON THE JOB DUE TO THE PRIME CONTRACTOR OR THE CUSTOMER.

PLEASE CALL IF THERE ARE ANY QUESTIONS. USE OF PECK STRIPING, INC. IMPLIES ACCEPTANCE OF THESE TERMS.

THANK YOU,  
DALE MORGAN

SAVE VALUABLE TIME WITH THE NEW WATERBLASTING TECHNOLOGY FOR YOUR PAVEMENT MARKING REMOVAL NEEDS. VACUUM'S UP THE WATER AND REMOVAL DEBRIS.

ADDITIONAL SERVICES AVAILABLE

- > TRAFFIC CONTROL, RENTAL AND SALES
- > TRAFFIC CONTROL PLANS
- > SIGNS; MANUFACTURE, INSTALLATION AND REMOVAL
- > DELINEATORS AND PLOWABLE MARKERS; INSTALLATION, REPAIR AND REMOVAL
- > PAVEMENT MARKING REMOVAL; WATERBLAST, BLACKOUT OR GRIND
- > LAYOUT, STANDARD, CHIP SEAL TABS AND GPS LOCATING
- > SALES; TRAFFIC SAFETY SUPPLIES



## Jamie Grandpre

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**From:** Geoff Allred  
**Sent:** Tuesday, August 8, 2023 7:25 AM  
**To:** Jamie Grandpre  
**Subject:** FW: Tooele City stripping bid

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**From:** Andrew Gonzales <[andrew@allstarstripping.com](mailto:andrew@allstarstripping.com)>  
**Sent:** Monday, August 7, 2023 10:12 AM  
**To:** Geoff Allred <[GeoffA@TooeleCity.org](mailto:GeoffA@TooeleCity.org)>  
**Subject:** Re: Tooele City stripping bid

Good Morning Geoff,

We were just awarded a big project and we are currently booked for the rest of the year.

Sorry for any inconvenience, Please keep us in mind for future projects

Thank you  
Andrew Gonzales  
Estimator / Project Manager



PO Box 3225, Ogden UT  
Cell# 801-814-2553  
Office# 801-399-0099

On Tue, Aug 1, 2023 at 12:15 PM Geoff Allred <[GeoffA@tooelecity.org](mailto:GeoffA@tooelecity.org)> wrote:

Andrew,

Here are the roads that we would like to have bid. Feel free to call if you have any questions (435) 841-1210

Thanks,

**Geoff Allred**

Streets Supervisor

90 North Main Street

Tooele, UT 84074

Email: [geoffa@tooelecity.org](mailto:geoffa@tooelecity.org)

Office: (435) 882-7975

Cell: (435) 841-1210





## DESIGN PROFESSIONAL AGREEMENT

TOOELE CITY CORPORATION, a municipal corporation of the State of Utah, (hereinafter “City”), and PECK STRIPING INC of PO BOX 271070, SALT LAKE CITY, UT 84127 a company (hereinafter “Contractor”) enter into this Agreement on the 21st day of AUGUST, 2023 (the “Effective Date”).

Now, therefore, in consideration of the promises contained in this Agreement, the City and the Contractor agree to the following:

1. Services (Scope of Work). The Contractor shall provide the following services to the City:  
See attached Peck Striping proposal for the Tooele City Roadway Striping/Marking project Proposal consisting of \$42,176.00 with a 5% contingency of \$2,100.00 totaling \$44,276.00.
2. Disclaimer of Right of Control. Contractor shall perform its duties competently. The City disclaims any right to control the Contractor’s performance of the Services.
3. Compensation.
  - a. Rate. The City shall pay the Contractor the sum of **\$44,276.00** for fully performing the Services, pursuant to invoice.
  - b. Total Cost Contract. This Agreement is a “Total Cost Contract.” The contract Rate includes all costs and expenses associated with the provision of the Services.
  - c. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded City employees.
4. Term of Agreement. Contractor shall fully perform the Services by **November 3<sup>rd</sup>, 2023.**
5. Termination. The City may terminate this Agreement at any time. Should the City terminate this Agreement prior to the Services being fully performed, the City shall pay for those Services performed.
6. Indemnification and Insurance.
  - a. Contractor Liability Insurance. Contractor shall obtain and maintain liability insurance in the amount of at least \$250,000.
  - b. Contractor Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims of liability for injury or damage caused by any breach of contract, negligence, recklessness, or intentional act or omission of Contractor or its agents in performance of this Agreement.
  - c. Contractor Workers Compensation Insurance. Contractor shall purchase and maintain workers compensation insurance for all of its employees. If Contractor is a sole proprietor, Contractor shall purchase and maintain workers compensation insurance or obtain an exclusion from Workers Compensation Fund of Utah.
  - d. Evidence of Contractor Insurance. Contractor shall provide written evidence of liability insurance and workers compensation insurance or exclusion to the City within ten (10)

days of the Effective Date. The City will not make any payments under this Agreement until it receives from Contractor the evidence of insurance.

e. Status Verification Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims resulting from any violation of immigration status verification obligations contained in U.C.A. §63G-11-103 et seq.

f. Post-Retirement Release. Contractor shall release the City from all claims related to any alleged violation of State of Utah post-retirement employment rules, and shall complete and return to the City the attached certification and release.

7. Business License. If required by Tooele City Code §5-1-1 *et seq.*, Contractor shall obtain a Tooele City business license.

8. Complete Agreement. This Agreement is the only agreement or understanding between the parties, and may be modified or amended only by a written document signed by both parties.

9. Waiver of Jury Trial. The Parties irrevocably waive any and all right to trial by jury in any legal proceeding arising out of or relating to this contract and the transactions contemplated.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

TOOELE CITY CORPORATION

CONTRACTOR

\_\_\_\_\_  
Debra E. Winn, Tooele City Mayor

\_\_\_\_\_  
Signature

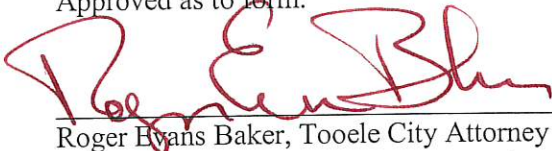
Print Name/Title: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Michelle Y. Pitt, Tooele City Recorder

SEAL

Approved as to form:

  
\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

(Revised 06/27/2022)



## UTAH RETIREMENT SYSTEMS POST-EMPLOYMENT/POST-RETIREMENT RESTRICTIONS ACT CERTIFICATION & RELEASE

Tooele City is a Utah Retirement System (URS) participating agency. As a participating agency, post-retirement employment/vendor/contractor rules apply. Post-retirement employment means returning to work either on our payroll or as a vendor/contractor for a URS participating employer following your retirement date with the Utah Retirement Systems. Different standards apply depending on whether you return to work within one year or after one year from your retirement date with URS.

You must separate from employment (including part-time and vendor/contractor arrangements) with any participating employer for one year following your retirement date with URS, unless eligible exclusions apply.

You are responsible for understanding post-retirement employment rules and ensuring there is no violation of such rules by providing services to Tooele City Corporation. **If you have any questions, call the URS office at 801-366-7770 or 800-695-4877 before you begin any work for or provide any services to Tooele City.**

### CHECK APPLICABLE BOX:

- Contractor (a sole proprietor) certifies that he or she is NOT a Utah State Retirement Systems (URS) retiree and acknowledges that should he/she retire from the URS system in the future, he/she assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and/or penalties that may occur at any time in the future.
- Contractor (on behalf of a partnership, LLC, company, or corporation) certifies that NO officer or principal is a Utah State Retirement Systems (URS) retiree and acknowledges that should he/she retire from the URS system in the future, he/she assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and/or penalties that may occur at any time in the future.
- Contractor certifies that following contractor(s), officer(s) or principal(s) of the business ARE Utah State Retirement Systems (URS) retiree(s). Contractor further certifies that the URS office has been properly notified of post-retirement reemployment of such individuals. Contractor assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and or/penalties that may occur at any time in the future if found to be in violation. URS Retirees:

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

[State law requires that the City, through Human Resources, provide such information to URS.]

As a condition of doing business with Tooele City, you hereby accept responsibility and waive all claims of joint liability against Tooele City for any violations of the URS post-retirement re-employment/vendor/contractor rules.

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

**TOOELE CITY CORPORATION**

**RESOLUTION 2023-72**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING CHANGE ORDER NO. 4 TO AN AGREEMENT WITH BROKEN ARROW FOR THE CONSTRUCTION OF PARK AND TRAIL FACILITIES AT ENGLAND ACRES PARK.**

WHEREAS, Tooele City owns and operates an approximately 25-acre public park called England Acres, and has developed several phases of the park, with significant acreage yet to be developed due to the high costs of park facility design and improvement, and inflation; and,

WHEREAS, on September 21, 2022, the City Council approved Resolution 2022-86, approving an agreement with Broken Arrow, Inc., to develop additional park and trail facilities at England Acres, as designed by the landscape architecture firm of MHTN; and,

WHEREAS, the City Administration seeks approval of Change Order No. 4 for the project, which would consist of the following: leveling the entire soccer field to regulation standards, as requested by the soccer leagues (the natural grade has a slope of six feet from one end of the field to the other; the change order will level the field to within a 2% maximum grade); and,

WHEREAS, Broken Arrow's cost estimate to perform the work under Change Order No. 4 is \$100,000:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL the City Council hereby approves Change Order No. 4 to the England Acres Park and Trail agreement with Broken Arrow, Inc., in the amount of \$100,000 (see 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 \_\_\_\_\_, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

# Exhibit A

Change Order No. 4





GENERAL CONTRACTOR

# CHANGE ORDER REQUEST FORM

**Broken Arrow Inc.**  
**8960 Clinton Landing Road**  
**Lakepoint, Utah 84074**  
**Main Office: (801) 355-0527**  
**Fax Number: (801) 252-7501**

**Project Manager: Sonny Smith**  
**Contact Number: (435) 241-5888**

Date: August 8, 2023

TO:

Tooele City Corporation  
 90 North Main Street  
 Tooele, UT 84074

**CHANGE DIRECTIVE NO. 4**

Project: England Acres Park & Trail  
 JOB #: BC2303  
 Address: 880 N. Seventh Street  
 Start Date: May 8, 2023  
 Finish Date: TBD

**DESCRIPTION**

|   |                      |
|---|----------------------|
| This Change Order references additional work outside of the original contract agreement and/or adjusts items within the current contract agreement. The description includes the following: |                      |
| 1. ADD - Construct Soccer Field & Additional Clearing & Grubbing (1 LS x \$100,000.00)  | \$ 100,000.00        |
| <b>Total Amount:</b>  | <b>\$ 100,000.00</b> |

**COST AND DURATION SUMMARY**

| Original Contract Amount: | \$ 2,245,245.78 | Summary of Orders  | Amount        | Contract Calendar Days         |
|---------------------------|-----------------|--------------------|---------------|--------------------------------|
| Previous Change Order(s): | \$ 54,780.72    | Change Order No. 2 | \$ 24,994.40  | Revised Contract Calendar Days |
| This Change Order:        | \$ 100,000.00   | Change Order No. 3 | \$ 29,786.32  | Previous Finish Date           |
| Adjusted Contract Amount: | \$ 2,400,026.50 | Change Order No. 4 | \$ 100,000.00 | New Finish Date                |

**CONTRACT SUMMARY:**

Upon signature approval of this Change Order, the contract is hereby modified to include the changes specified herein, and this change order is hereby made a part of the titled contract. The work shall be performed and completed in accordance with the contract documents and the project schedule shall be adjusted as required to allow sufficient time to complete the additional work. Payment terms shall follow the contract agreement terms. This Change Order shall include labor and materials to complete the work as described. The terms and other provisions of the original agreement and/or purchase order which are not expressly changed above are to remain.

ACCEPTED BY:

\_\_\_\_\_  
 Broken Arrow Inc.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Project Owner Representative

\_\_\_\_\_  
 Date

**TOOELE CITY CORPORATION**

**RESOLUTION 2023-71**

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

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

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

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

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

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

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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<sup>1</sup> Adopted by Ordinance 2022-27 on August 3, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

\_\_\_\_\_  
Debra E. Winn, Mayor

\_\_\_\_\_  
Debra E. Winn, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L




Approved as to Form:




\_\_\_\_\_  
Roger Evans Baker, City Attorney




## Exhibit A




### List of Surplus Goods

Surplus List




| Item  | Quantity | New Value * | Used Value ** |
|---|----------|-------------|---------------|
| <p>Magikist Pipe Thawer<br/>                     This pipe thawer never worked like it was designed. Would never produce enough heat to thaw a frozen line.</p>  | 1        | \$3,200.00  | \$1,000.00    |
| <p>SPX RD 7000 Line Detector<br/>                     This line detector is obsolete and missing components.</p>    | 1        | \$7,000.00  | \$500.00      |
| <p>Fisher Depth Reading Line Tracer<br/>                     These line tracers are obsolete.</p>    | 2        | \$2,500.00  | \$1,000.00    |
| <p>Craftsman Dual Range Welder 295 AMP<br/>                     This welder has been replaced. It has not been used for decades.</p>  | 1        | \$700.00    | \$100.00      |

|  |  |   |            |            |
|--|--|---|------------|------------|
|   |  |   |            |            |
| <p>Metertech line locator 9890 XT<br/>This line locator is obsolete</p>                  |  | 1 | \$3,000.00 | \$400.00   |
| <p>Wobble Light Jr<br/>This light has no useful application and is taking up space</p>  |  | 1 | \$300.00   | \$100.00   |
| <p>Ford F350 Truck bed with tail gate, towbar, 5<sup>th</sup> wheel plate<br/>This was removed from another truck and is taking up valuable yard space.</p>                |  | 1 | \$4,000.00 | \$4,000.00 |

|   |   |   |            |          |
|---|---|---|------------|----------|
|    |   |   |            |          |
| <p>Old Army Trailer<br/>This trailer has not been used and is taking up valuable yard space.</p>  |    | 1 | \$2,500.00 | \$500.00 |
| <p>10' Lifetime Kayak with Life Jacket<br/>This kayak was purchased to inspect the inside of the water tanks. It was used once. That is not the proper way to inspect the inside of a water tank, and it is extremely dangerous. There is no reason for the City to have a Kayak.</p> |  | 1 | \$350.00   | \$200.00 |
| <p>Chlorine Bottle Racks<br/>We no longer use chlorine gas to chlorinate the water so we no longer need to store the Chlorine Gas Racks</p>   |   | 2 | \$1,600.00 | \$700.00 |

|  |   |            |          |
|--|---|------------|----------|
|   |   |            |          |
| <p>Fisher leak detector XL 20<br/>This machine is obsolete and it no longer functions.</p>    | 1 | \$3,200.00 | \$50.00  |
| <p>18 V DeWalt Impact Wrench Driver with Batteries<br/>This tool has been replaced with a newer style that uses different batteries</p>   | 1 | \$300.00   | \$50.00  |
| <p>4X8 trailer with generator and pipe thawing leads. We have this equipment to thaw out water mains. It is very dangerous due to the fact that if the home that is connected to the water line that we are trying to thaw is not grounded properly, it will start a fire. This has happened in Tooele City in the past. Our system is so large now that the water is always moving and will not freeze. This equipment has not been used in over ten years and has not been stated in over eight years.</p> | 1 | \$1,700.00 | \$300.00 |



|  |  |   |            |          |
|--|--|---|------------|----------|
|   |  |   |            |          |
| <p>ALC Sandy Jet 40018<br/>Sandblasting equipment can be very dangerous and requires specialized training. We do not use it enough to keep our operators trained on the proper use and safety guidelines.</p>  |  | 1 | \$1,000.00 | \$500.00 |
| <p>Ryobi 10-inch portable table saw<br/>This saw is missing some of the necessary guards and safeties required by OSHA.</p>   |  | 1 | \$400.00   | \$40.00  |
|  | <p>5'6" X 8' trailer with generator and pipe thawing leads. We have this equipment to thaw out water mains. It is very dangerous due to the fact that if the home that is connected to the water line that we are trying to thaw is not grounded properly, it will start a fire. This has happened in Tooele City in the past. Our system is so large now that the water is always moving and will not freeze. This equipment has not been used in over ten years and has not been stated in over eight years.</p> |   |            |          |



|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

\*New Value is an estimate of what was paid when the equipment was new by how much the equipment (or current model of equipment) priced now.

\*\*Used Value is what comparable to what the item is being sold for now

## Tooele City Water Reclamation Surplus List

1992 Aero Welding Water Tank Trailer Part # 12269886



Damaged on front of tank near the bottom close to frame.



Approx. Worth: \$ 750.00

Knight Dry Manure Spreader Model # 8018 Serial # 3004



Does have multiple areas rusted through.



No information available      \$1000.00

## Jamie Grandpre

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**From:** Geoff Allred  
**Sent:** Monday, July 31, 2023 12:32 PM  
**To:** Jamie Grandpre  
**Cc:** Tiffany Day  
**Subject:** Old trailer  
**Attachments:** 20230720\_081148\_resized.jpg; 20230720\_081129\_resized.jpg

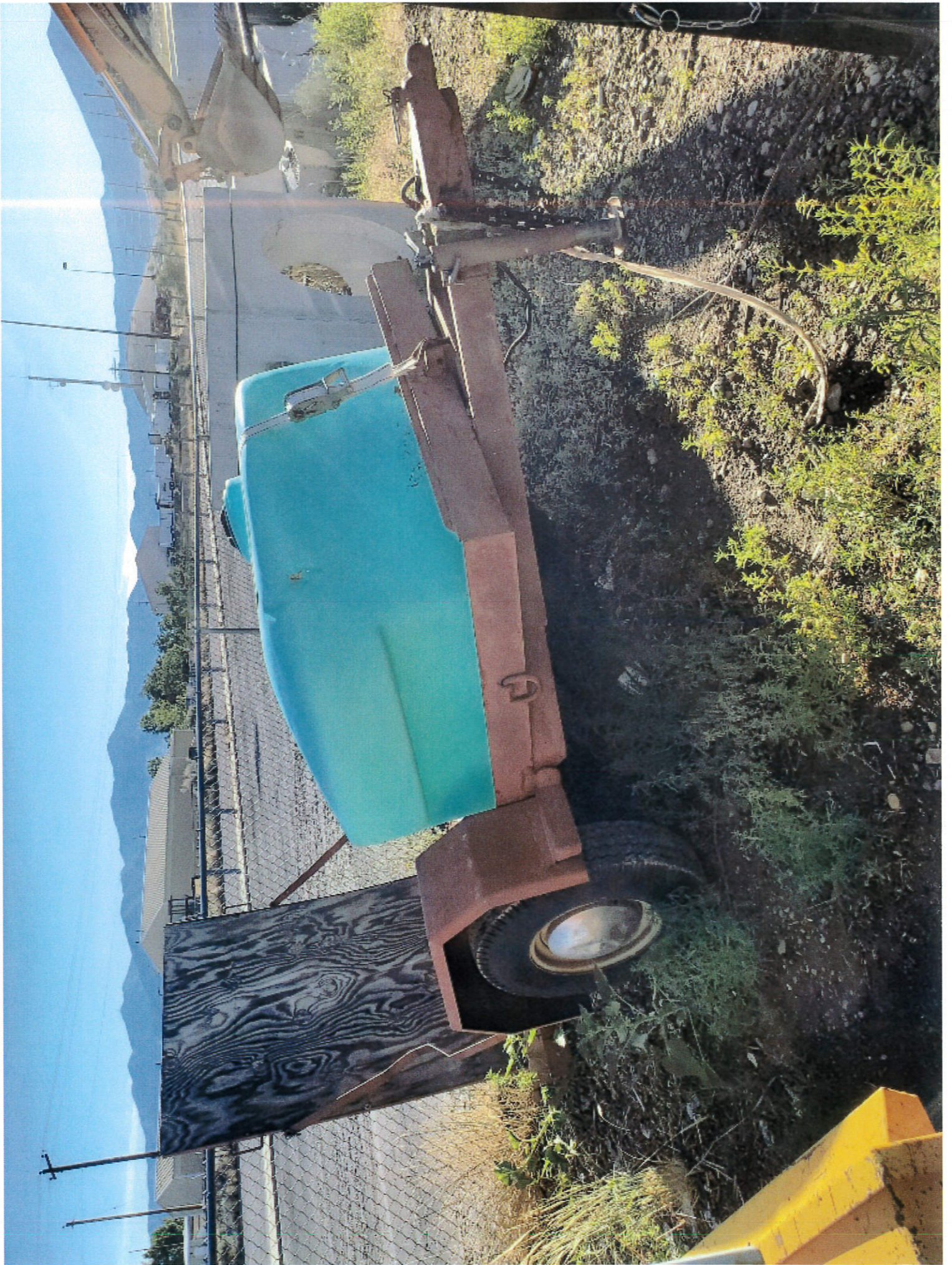
Jamie,

Here are the pictures and info for our old saw cutting trailer.

11' X 4'11"  
\$200

Thanks Geoff

Sent from my Verizon, Samsung Galaxy smartphone



**TOOELE CITY CORPORATION**

**RESOLUTION 2023-73**

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

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

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

WHEREAS, the Parks Department is in possession of goods (“Goods”), which it deems to be surplus to the needs of Tooele City, the Goods being enumerated in the attached Exhibit A, and requests the assistance of the Purchasing Agent to dispose of those Goods by resolution presented to the City Council; and,

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

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

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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<sup>1</sup> Adopted by Ordinance 2022-27 on August 3, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

\_\_\_\_\_  
Debra E. Winn, Mayor

\_\_\_\_\_  
Debra E. Winn, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney



# Exhibit A

## List of Surplus Goods

Phase Inverter



1998 Honda Trax Four-Wheeler



**TOOELE CITY CORPORATION**

**RESOLUTION 2023-74**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE TOOELE CITY PURCHASING AGENT TO DISPOSE OF SURPLUS PERSONAL PROPERTY (INFORMATION TECHNOLOGY DEPARTMENT).**

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

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

WHEREAS, the Information Technology Department is in possession of goods (“Goods”), which it deems to be surplus to the needs of Tooele City, the Goods being enumerated in the attached Exhibit A, and requests the assistance of the Purchasing Agent to dispose of those Goods by resolution presented to the City Council; and,

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

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

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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<sup>1</sup> Adopted by Ordinance 2022-27 on August 3, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

\_\_\_\_\_  
Debra E. Winn, Mayor

\_\_\_\_\_  
Debra E. Winn, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney

# Exhibit A

## List of Surplus Goods

| Device              | Model              | S/N (IMEI for cell phones) | Wiped? |
|---------------------|--------------------|----------------------------|--------|
| 3 boxes full of hdd | Hard Drives        | N/A                        | Yes    |
| Box of Phones       | Sonim XP1520       | N/A                        | Yes    |
| VGA splitter        | Extron             | 528111190e10467            | N/A    |
| Box of PSU's        | Power Supplies     | N/A                        | N/A    |
| Desk Phone          | Tritel             | 79-610-0230-b              | N/A    |
| Desk Phone          | Tritel             | 79-610-0230-b              | N/A    |
| Desk Phone          | Tritel             | 79-610-0230-b              | N/A    |
| Desk Phone          | Tritel             | 79-610-0230-b              | N/A    |
| UPS                 | APC Smart 1000     | as0925130695               | N/A    |
| UPS                 | TrippLite 2200vsxl | N/A                        | N/A    |
| 3 UPS batteries     | APC                | N/A                        | N/A    |
| UPS                 | TrippLite 2200vsxl | N/A                        | N/A    |
| UPS                 | TrippLite          | 9638ayobp573200036         | N/A    |
| UPS                 | TrippLite PS7199   | N/A                        | N/A    |
| UPS                 | TrippLite PS7199   | N/A                        | N/A    |
| Desktop             | HP                 | mxl2490h1f                 | Yes    |
| Desktop             | HP                 | mxl2490h1b                 | Yes    |
| Receipt Printer     | STAR               | 2480120070600640           | N/A    |
| Monitor             | Acer               | 22703792942                | N/A    |
| Monitor             | LG                 | 608ntnh5k615               | N/A    |
| Projector           | Panasonic          | sc7520095                  | N/A    |
| Projector           | Panasonic          | sc6130316                  | N/A    |
| Projector           | Panasonic          | SB5130031                  | N/A    |
| Projector           | Panasonic          | sb55010182                 | N/A    |
| Laptop              | HP                 | cnd5442xvr                 | Yes    |
| Laptop              | HP                 | 2ce3460plz                 | Yes    |
| Laptop              | Dell               | h5xm5t2                    | Yes    |
| Laptop              | Dell               | 6zcd0y2                    | Yes    |
| Monitor             | Daewoo             | L2200scbkf                 | N/A    |
| Monitor             | Planar             | pl842nws000299             | N/A    |
| Monitor             | NEC                | 5z108341na                 | N/A    |
| Monitor             | Viewsonic          | tvn144600048               | N/A    |
| Monitor             | LG                 | 608ntpc5k672               | N/A    |
| Monitor             | NEC                | 11116241ta                 | N/A    |
| Monitor             | NEC                | 4x104103na                 | N/A    |
| Monitor             | HP                 | cnc5380s4k                 | N/A    |
| Monitor             | Viewsonic          | u99150602062               | N/A    |
| Monitor             | NEC                | 1116240ta                  | N/A    |
| Monitor             | Planar             | pl741nws00318              | N/A    |
| Monitor             | Acer               | 30602087185                | N/A    |
| Monitor             | HP                 | cn445208vc                 | N/A    |
| Monitor             | Acer               | 30602237285                | N/A    |

|                 |              |                  |     |
|-----------------|--------------|------------------|-----|
| Monitor         | Acer         | 34101173024      | N/A |
| Monitor         | Acer         | 30601412285      | N/A |
| Monitor         | HP           | cnc501np0g       | N/A |
| Printer         | Canon        | ACDL07157        | N/A |
| Printer         | Lexmark      | e260x22g         | N/A |
| Printer         | HP           | cnb8h3249q       | N/A |
| Printer         | HP           | cnbjh92999       | N/A |
| Monitor         | Dell         | N/A              | N/A |
| Monitor         | HP           | cnq3260c8c       | N/A |
| Phone System    | Telrad       | 96080645         | N/A |
| UPS             | APC          | sa2112t64104     | N/A |
| Printer         | HP           | phbllld96pz      | N/A |
| Desktop         | Dell         | 8qq3hq2          | Yes |
| Desktop         | Dell         | j94t382          | Yes |
| Desktop         | Dell         | 8qn3hq2          | Yes |
| Desktop         | Dell         | 56nxh2           | Yes |
| Desktop         | Dell         | ctywtq2          | Yes |
| Desktop         | Dell         | gc3vkq2          | Yes |
| Desktop         | Dell         | 69967x2          | Yes |
| Desktop         | Dell         | g05ppq2          | Yes |
| Desktop         | Dell         | 56v87x2          | Yes |
| Desktop         | Dell         | 59w77x2          | Yes |
| Desktop         | Dell         | hhxgzc2          | Yes |
| Printer         | HP           | th88l1114b       | N/A |
| Receipt Printer | STAR         | 2480120070600670 | N/A |
| Monitor         | NEC          | 68k31087na       | N/A |
| Monitor         | Acer         | 1711b000         | N/A |
| Monitor         | Acer         | 2403044842       | N/A |
| Monitor         | Acer         | 1711b000         | N/A |
| Monitor         | Acer         | 1711b000         | N/A |
| Monitor         | Acer         | 1711b000         | N/A |
| Modem           | Century Link | N/A              | N/A |
| Scanner         | HP           | qt800a           | N/A |
|                 |              |                  |     |



Desktops



Monitors



## Laptops



## UPS



Hard Drives



Monitors



Printer



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

**Date:** Wednesday, August 2, 2023

**Time:** 5:30 p.m.

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

**City Council Members Present:**

Maresa Manzione

David McCall

Ed Hansen

Tony Graf, arrived at 5:40 pm

Justin Brady

**City Employees Present:**

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Roger Baker, City Attorney

Jared Stewart, Economic Development Director

Darwin Cook, Parks and Recreation 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

David McCall, Present

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

**3. Mayor's Report**

Mayor Winn reported on the following:

Residents can qualify for the landscape incentive programs offered through Utah Water Savers.

**4. Council Member's Report**

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

## **5. Discussion Items**

### **A. Code Amendment for Building Height Restrictions in the Industrial Zone**

*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented an amendment for height restrictions in the Industrial Zone. The proposed modification is for the maximum height restriction of 70 feet to 100 feet for select uses, including silos for non-flammable and non-hazardous materials. The staff suggests a Conditional Use Permit to provide proper safety and use.

The Council asked the following questions:

Was there a reason for having a maximum of 70 feet?  
How does staff determine what is or is not flammable?

Mr. Stewart addressed the Council's questions. The reason for the maximum of 70 feet is because of safety and fire standards. Staff has not made a list for the flammable uses within the code.

Mayor Winn addressed the City Council. They reached out to neighboring businesses within the area and no one is opposed.

### **B. Roadway Reconstruction Update**

*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre presented updates with Kilgore and the 2023 Roadway Reconstruction project and water line replacements. On 920 South, a water line had been replaced and the road paved. 1220 South, they ran into issues and needed to change equipment. Lisa Way had a large amount of clay in use. Staff deciding to use grit as a fill. There has been a total of four change orders at this point. They are still in budget and in contingency.

The Council asked the following questions:

Have they made changes to keep developers ?? to make sure this does not happen in the future?  
Is there an Ordinance to ensure quality in roads?

Mr. Grandpre addressed the Council. They are requiring developers to use A1-A. It is a better product.

### **C. Resolution 2023-37; A Resolution of the Tooele City Council Placing on the November 2023 Tooele City Election Ballot a Proposal to Amend the Tooele City Charter Regarding City Council Term Limits**

*Presented by Tony Graf, City Council Member*

Council Member Graf presented a proposal of a term limit of 12 years. It would go in effect at the end of the year for all persons elected. If a Council member does reach 12 years, they take a

term break and can run again. This came about from citizens inquiring. The issue is allowing our voters to take care and given the opportunity.

The Council asked the following questions:

Why is there a term limit of 12 years and allowing them to run again?

Is there a reason why the Mayor is not included because that position is an elected position?

Chairman Brady, Council Member Manzione, and Council Member McCall discussed how the election process gives the people the decision to decide. The Council would like to see the public more involved in this process.

Chairman Brady shared his disagreement with how this item is being presented to the public.

Council Member Graf addressed questions and concerns from the Council. Through his research, this proposal is a great hybrid to many other jurisdictions. That can be added as an amendment. It is more consistent. An argument away from that is that the Mayor role is an administrative role versus a legislative roll. This action requires a super majority vote. The people don't trust politicians to see past their own policies. They could make a proposal to table this item to hear public feedback. They would like to educate the public and stay as objective as they can to their own positions.

Mr. Baker addressed the Council. The state does allow a third way with a Charter commission. From his understanding, the charter has created a unique process to amend the charter. It is different from the state process.

**D. Resolution 2023-57 A Resolution of the Tooele City Council Placing on the November 2023 Tooele City Election Ballot a Proposal to Amend the Tooele City Charter Regarding the City Recorder**

*Presented by Tony Graf, City Council Member*

Council Member Graf presented a proposal to amend the City Charter in regards to reappointing the City Recorder. None of the City Recorders in the State of Utah have to be re-appointed, or reside in the City they serve. The amendment is to remove those standards from the Charter, and to match State law.

The Council asked the following questions:

What changes were made to the charter in 2006?

How much time did it take to make the changes?

Do they do those changes in open meetings?

Council Member Manzione, Council Member Hansen, and Council Member McCall shared thoughts about creating a Charter Commission to review the entire charter and make changes all at once. As well as be in compliance with what the City is practicing.

Council Member Graf addressed the Council. They can only make this change during a municipal election. By doing this, it would push this item out to the 2025 election. The City should comply and be consistent with the rest of the state.

Mr. Baker addressed the Council. Many of the changes are house-keeping items and modernization. One of the main changes to the charter was selection of the Planning Commission. Another change was to eliminate the language that addressed the Attorney's term. At that time, the committee was the Council. They met over a six-month period.

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

There is a closed meeting to discuss litigation.

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

The closed meeting began at 6:39 p.m.

Those in attendance were Mayor Debbie Winn, Council Member Manzione, Council Chairman Brady, Council Member McCall, Council Member Hansen, Council Member Graf, Michelle Pitt, Shannon Wimmer, Paul Hansen, Roger Baker, and Jared Stewart.

The closed meeting adjourned at 7:00 p.m.

#### **7. Adjourn**

**Chairman Brady adjourned the meeting at 7:00 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 August, 2023

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Justin Brady, City Council Chair



## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, August 2, 2023

**Time:** 7:00 p.m.

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

### **City Council Members Present:**

Ed Hansen

Maresa Manzione

Tony Graf

Dave McCall

Justin Brady

### **City Employees Present:**

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Roger Baker, City Attorney

Jared Stewart, Economic Development Director

Darwin Cook, Parks and Recreation 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 7:04 p.m.

### **1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Brady.

### **2. Roll Call**

Tony Graf, Present

Ed Hansen, Present

Maresa Manzione, Present

Dave McCall, Present

Justin Brady, Present

### **3. Introduction of Tooele County Youth Court**

Ms. Bracken presented the Tooele County Youth Court. It has been in existence for four years. The members introduced themselves to the City Council and the public.

#### **4. Public Comment Period**

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

#### **5. Public Hearing on Tooele City Adopting the Final Budget for Tooele City for Fiscal Year 2023-2024**

*Presented by Shannon Wimmer, City Finance Director*

Ms. Wimmer presented the final budget for the fiscal year 2023-2024. All changes were provided for the Council in the packet since the proposed budget in May. A few major changes include: \$800,000 from the Capital Funds has been put towards the Fire Department. They can not award the bid until they know if they will be funded. The Council can make any further changes to the budget until the approval during the next Council Meeting.

The Council asked the following:  
What is the tax increase?

Ms. Wimmer addressed the Council. The tax rate is at a proposed rate of 4.78%. That rate is holding the tax rate from last year.

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

Chairman Brady read a letter received from Best Friends Animal Society in regards to animal control.

#### **6. Resolution 2023-69 A Resolution of the Tooele City Council Approving a Water and Sewer Rate Study Addendum C to the Final Consulting Services Agreement with Lewis Young Robertson & Burningham**

*Presented by Shannon Wimmer, Finance Director*

Ms. Wimmer presented a water and sewer rate study addendum C. This is to the final consulting services agreement with Lewis Young Robertson & Burningham in regards to the water, sewer, and garbage rates. These rates have not been looked at since 2003. This amendment helps the City keep funds moving forward and adjust fees as needed.

The City Council asked the following:  
Do they typically wait 20 years to update these fees?  
Can they set something up to do this every few years?

Ms. Wimmer addressed the Council's questions. This is required before changes can be made. Typically, impact fees are updated every 5 years.

**Council Member Graf motioned to approve Resolution 2023-69; A Resolution of the Tooele City Council Approving a Water and Sewer Rate Study Addendum C to the Final Consulting Services Agreement with Lewis Young Robertson & Burningham.** Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen,

“Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**7. Resolution 2023-63 A Resolution of the Tooele City Council Authorizing the Application for and Acceptance of Edward Byrne Justice Assistance Grant Funding for Police Department Equipment**

*Presented by Adrian Day, Police Chief*

Chief Day presented application and acceptance of the Edward Byrne Justice Assistance Grant Funding. The amount allocated is based on violent crime reports to the FBI. Tooele City will be receiving \$17,400 with zero matching funds. The amount is higher than last year.

**Council Member Manzione motioned to approve Resolution 2023-63; A Resolution of the Tooele City Council Authorizing the Application for and Acceptance of Edward Byrne Justice Assistance Grant Funding for Police Department Equipment.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**8. Resolution 2023-64 A Resolution of the Tooele City Council Approving an Interlocal Agreement Between Tooele City and Tooele County for 2023 Byrne Justice Assistance Grant Funds**

*Presented by Adrian Day, Police Chief*

Chief Day presented an interlocal agreement between Tooele city and Tooele county for 2023 for Byrne Justice assistance grant. They are required to be a partner in order to receive those funds.

**Council Member Hansen motioned to approve Resolution 2023-64 A Resolution of the Tooele City Council Approving an Interlocal Agreement Between Tooele City and Tooele County for 2023 Byrne Justice Assistance Grant Funds.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**9. Resolution 2023-37 A Resolution of the Tooele City Council Placing on the November 2023 Tooele City Election Ballot a Proposal to Amend the Tooele City Charter Regarding City Council Term Limits**

*Presented by Tony Graf, City Council Member*

Council Member Graf presented a proposal for term limits for the City Council. It is proposed to have a term limit of 12 years. After waiting an election cycle, they can run again. If approved, voters would decide in November.

Chairman Brady shared points from the discussion held during the work meeting at 5:30pm.

Council Member Hansen motioned to table Resolution 2023-37 until there is more discussion. Council Member Hansen withdrew his motion.

**Council Member Manzione motioned to table Resolution 2023-37 until there is more study of the process of the input from the public and a commission is formed, with a time table of the end of the year.** Council Member McCall seconded the motion. The vote was as follows: Council Member Graf, “Nay,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

Council Member Hansen abstained from voting.

Mr. Baker addressed the Council. The charter does not address forming a commission, but the state code does provide some guidance.

**10. Resolution 2023-57; A Resolution of the Tooele City Council Placing on the November 2023 Tooele City Election Ballot a Proposal to Amend the Tooele City Charter Regarding the City Recorder**

*Presented by Tony Graf, City Council Member*

Council Member Graf presented a proposal to amend the City Charter in regards to re-electing the City Recorder. All City Recorders in the State of Utah do not have to be re-elected. As well as reside in the City they serve. The amendment is to remove those standards.

Chairman Brady shared some points from the discussion during the work meeting at 5:30pm.

**Council Member McCall motioned to approve Resolution 2023-57.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**11. Resolution 2023-65 A Resolution of the Tooele City Council Approving an Agreement with Mountain States Fence to Install Fencing at the City Bulk Secondary Water Station**

*Presented by Jamie Grandpre, Public Works Director*

Mr. Grandpre presented a fence for the bulk secondary water station. They would like to award the contract to Mountain States in the amount of \$32,201.

**Council Member Graf motioned to approve Resolution 2023-65 A Resolution of the Tooele City Council Approving an Agreement with Mountain States Fence to Install Fencing at the City Bulk Secondary Water Station.** Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**12. Ordinance 2023-32 An Ordinance of Tooele City Amending Tooele City Code Title 6 Regarding Animal Control**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented an amendment to Tooele City Code Title 6 in regards to animal control. Changes include verbiage and house keeping items. As well as the use of the words control and sheltering within the code. There is a change to 6-7-1, “may” versus “shall”. The code predates social media and often times, the animals are returned faster that way.

Mr. Baker addressed the Council. Rather than replacing “shall” with “may”, they suggest to takeout shall and replace it with authority to. It is not in the copy of packet but in the signature packet.

The Council asked the following:  
Why is the fee for licensing and tags open-ended?

Mr. Baker addressed the question. All the fees are listed in the fee schedule, allowing maintain and updating easier.

**Council Member Manzione motioned to approve Ordinance 2023-32 An Ordinance of Tooele City Amending Tooele City Code Title 6 Regarding Animal Control.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**13. Invoices & Purchase Orders**

Ms. Pitt presented the following invoices:

Tooele County Sherriff office for the 4<sup>th</sup> quarter dispatch fees in the amount of \$80,364.75.

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

**14. Minutes**

There are no changes to the minutes

**Council Member Manzione motioned to approve Minutes.** Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

**15. Public Hearing on Tooele City Adopting the Proposed Tax Rate for Fiscal Year 2023-2024**

*Presented by Shannon Wimmer, Finance Director*

Ms. Wimmer presented the proposed tax rate for fiscal year 2023-2024. The proposed tax rate is .002411 which holds the same rate as last year. As discussed, the rate does show the tort liability. The increase is \$24 on a \$400,000 home, roughly \$2 per month. Tort liability allows the rate to be separated showing the bond payment with an end date of 2036.

Council Member Graf, Chairman Brady, Council Member Manzione, and Council Member McCall are in favor of the proposed tax rate.

Council Member Hansen would like to see a lower tax rate.

Ms. Wimmer addressed the Council. No new employees have been added to the budget and the departments have been asked to hold costs at the previous year's numbers.

The public hearing was opened.

Jennifer B and Edmond Smith shared concerns with being able to pay for increased taxes, beliefs the money should come from elsewhere and programs that benefit big box stores.

Taffi Bang asked questions of the term limits.

The public hearing was closed.

The approval of this item will be held at the next City Council meeting, August 16<sup>th</sup>.

The Council addressed the public's concerns. To be a part of the Council, they are required to be a Tooele City resident and be registered to vote. The Council members each shared how long they have been on City Council. Businesses have not been offered any tax benefits from the City. Though the State does offer them. Commercial property has gone up to 35%. Residential property average has decreased by 5%.

Mayor Winn addressed the public. The taxes that are paid on citizens' homes, do not cover the cost of the services received. The more people that come to Tooele, the higher services cost. The only way to bring in more revenue and lower the tax rate is to bring in businesses.

## **16. Adjourn**

Chairman Brady adjourned the meeting at 8:24pm.

*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 August, 2023

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Justin Brady, City Council Chair

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