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**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, August 21, 2019, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Room, located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment Period**
4. **Youth Advocate of the Year**  
Presented by Jamie Slade, Prevention Specialist, Valley Behavioral Health
5. **Canvass Primary Results**  
Presented by Michelle Pitt
6. **Resolution 2019-57** A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2019-2020  
Presented by Mayor Debbie Winn
7. **Resolution 2019-58** A Resolution of the Tooele City Council Adopting the Proposed Tax Rate for Fiscal Year 2019-2020  
Presented by Glenn Caldwell
8. **Public Hearing & Motion on Ordinance 2019-13** An Ordinance of Tooele City Enacting Tooele City Code Chapter 7-14a Regarding Accessory Dwelling Units  
Presented by Roger Baker
9. **Resolution 2019-63** A Resolution of the Tooele City Council Approving an Audit Agreement with WSRP Certified Public Accountants  
Presented by Glenn Caldwell
10. **Resolution 2019- 61** A Resolution of the Tooele City Council Authorizing the Application for & Acceptance of Edward Byrne Justice Assistance Grant Funding for Police Department Equipment  
Presented by Chief Ron Kirby
11. **Resolution 2019- 62** A Resolution of the Tooele City Council Approving and Ratifying an Interlocal Agreement Between Tooele City & Tooele County for 2019 Bryne Justice Assistance Grant Funds  
Presented by Chief Ron Kirby
12. **Minutes**
13. **Invoices**
14. **Adjourn**

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-57**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE FINAL BUDGET FOR TOOELE CITY FOR FISCAL YEAR 2019-2020.**

WHEREAS, the Tooele City Council adopted the budget officer's tentative budget for fiscal year 2019-2020 on May 1, 2019, and established June 19, 2019, as the date for a public hearing for the final budget, as required by U.C.A. Chapter 10-6; and,

WHEREAS, the City Council convened a public hearing on June 19, 2019, as required by U.C.A. §10-6-114; and,

WHEREAS, the City Council adopted a new tentative budget for fiscal year 2019-2020 on June 19, 2019, based on the proposed tax rate, and established August 7, 2019, 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 August 17, as applicable; and,

WHEREAS, the fiscal year 2019-2020 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 2019-2020;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City final budget for fiscal year 2019-2020 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 \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(For)

(Against)

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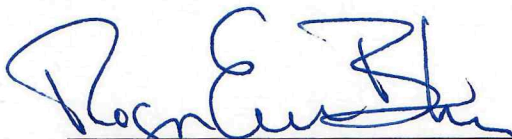
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ATTEST:

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

SEAL

Approved as to form:

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

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-58**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE PROPOSED TAX RATE FOR FISCAL YEAR 2019-2020.**

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

WHEREAS, the certified tax rate has been calculated to be 0.003024 for Fiscal Year 2019-2020 (compared to 0.003334 for Fiscal Year 2018-2019, 0.001938 for Fiscal Year 2017-2018, 0.002030 for Fiscal Year 2016-2017, 0.002203 for Fiscal Year 2015-2016, 0.002310 for Fiscal Year 2014-2015, and 0.002520 for Fiscal Year 2013-2014); and,

WHEREAS, following the truth-in-taxation process, the City Council has determined to maintain the Fiscal Year 2018-2019 tax rate of 0.003334 for Fiscal Year 2019-2020; and,

WHEREAS, the City Council conducted a duly-noticed public hearing on August 7, 2019:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Tooele City adopts the proposed tax rate at 0.003334 for Fiscal Year 2019-2020.

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

Passed this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

SEAL

Approved as to form:

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

## TOOELE CITY CORPORATION

### ORDINANCE 2019-13

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

WHEREAS, the State of Utah is experiencing an unprecedented Housing Gap, caused and characterized by the following<sup>1</sup>:

- Utah's population of three million people is forecast to grow to five million by 2050 and six million by 2065.
- For the first time in Utah history, the number of families looking for housing exceeds the total housing supply, by an estimated 40,000-45,000 dwelling units.
- The shortage of housing supply is leading to a dramatic increase in housing prices and rents.
- There are not enough houses at any prices, let alone affordable prices, for Utah families to buy.
- The existing Utah housing stock is not affordable to most young people and families.
- The families looking for housing in Utah are predominantly the children of Utah residents, not families from outside the state, and two-thirds of Utah's growth is from Utah families.

; and,

WHEREAS, the Housing Gap is a priority issue of Utah legislators, many of whom believe Utah municipalities are to blame for creating a regulatory environment where affordable housing is difficult and expensive to build; and,

WHEREAS, Senate Bill 34 (2019 Utah Legislative Session) requires Utah municipalities to include in the Moderate Income Housing element of their general plans at least two of a menu of 23 strategies to increase the availability of affordable housing and to improve housing affordability; and,

WHEREAS, Tooele City's Moderate Income Housing Plan includes numerous of the required housing affordability strategies, as summarized in Ordinance 2018-25, approved on December 5, 2018, and in the Plan; and,

WHEREAS, Tooele City has actively considered and enacted means and strategies to allow a variety of housing opportunities for Tooele City residents, including moderate income housing, including by doing the following:

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<sup>1</sup> Source: Utah League of Cities and Towns, and Kem C. Gardner Policy Institute at the University of Utah.

- enacting incentives for in-fill development, including less restrictive land use regulations (Ordinance 2015-25);
- approving several new apartment and attached single-family developments;
- enacting multi-family design standards to ensure that high-density housing developments include good site and building design for the benefit of residents, which standards recognize the fact that high density requires good design to be successful (Ordinance 2005-05);
- eliminating the five-acre minimum multi-family housing project size (2018-19);
- amending the MU-B (Mixed Use-Broadway) zoning district regulations to allow higher density residential developments with less restrictive land use regulations (Ordinance 2018-13);
- enacting a point-based program for single-family design standards intended to improve building and site design without significantly increasing costs (Ordinance 2006-22);
- allowing for residential facilities for persons with a disability (Ordinance 2012-17);
- allowing for residential facilities for elderly persons (Ordinance 2012-17);
- allowing for housing in the MU-G (Mixed Use-General) zoning district;
- enacting a new multi-family zone (MR-25) allowing up to 25 dwelling units to the acre (Ordinance 2019-08) and assigning that zoning district to an existing property currently constructing multi-family dwelling units (Ordinance 2019-10); and,
- amending multi-family design standard regulations to be more clear, understandable, predictable, and realistic (Ordinance 2019-08).

WHEREAS, high-density housing does not necessarily equate to affordable housing; large high-density projects can create their own challenges, including congestion, traffic, loss of open space, loss of views, etc.; and, Utah residents are frustrated with large high-density projects that create these challenges<sup>2</sup>; and,

WHEREAS, a number of strategies may be employed to improve housing affordability and availability, including the following:

- Higher densities in appropriate areas with access to transportation, services, etc.
- Smaller lots in appropriate areas.
- A greater variety of housing types.
- Reducing impact fees and other fees.
- Accessory dwelling units.

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<sup>2</sup> Source: Utah League of Cities and Towns, and Y2 Analytics.

WHEREAS, SB 34 identifies allowing accessory dwelling units (ADUs) as one of the housing affordability and availability strategies that can be incorporated and utilized in a municipal Moderate Income Housing Plan; and,

WHEREAS, an ADU can be defined in several ways:

1. "a subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is located internal to or attached to a primary dwelling or non-residential structure, or a detached dwelling unit on the same lot as a primary dwelling" (this Ordinance 2019-13);
2. "a separate small dwelling embedded within a single-family residential property" (*One Key to Housing*, Utah League of Cities and Towns (2019));
3. a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot (Senate Bill 34 (2019) Utah Legislature; Utah Code §10-9a-103(1));

and,

WHEREAS, ADUs have existed in many parts of the country for decades, but are experiencing a resurgence due to market forces, and are known by many names, including, basement apartment, garage apartment, attic apartment, mother-in-law apartment, cottage, carriage house, coach house, tiny home, guest house, casita, and granny flat; and,

WHEREAS, the City Council and City Administration believe that ADUs are one viable strategy to improve housing affordability and availability, and the Council has considered and discussed housing affordability and ADU policies during its work meetings of January 16, March 20, April 17, and May 1, 2019; and,

WHEREAS, the City Council notes that ADUs have many actual and potential benefits, including the following:

- Providing lower priced housing for students, young families, retirees, and others since ADUs do not have to include the price of land (already paid for) and are smaller.
- Government efficiency. Utilizing existing water, sewer, storm drain, and street infrastructure with little, if any, added city maintenance costs.
- Increasing property values because of the additional appraised living space.
- Providing to homeowners a supplemental, secondary income stream from ADU rentals.
- Generating wealth and stability within the community through mortgage reduction and fixed-income retirement supplements.
- Allowing people to age in place instead of having to sell their home because of fixed incomes or to downsize. (Some homeowners choose to live in the ADU and rent out their primary dwelling.)



- Offering social assistance and community support for ADU occupants by living in single-family neighborhoods with a mix of ages and income levels: “family friendly.”
- Providing flexible life-cycle housing that allows people to stay in their homes and neighborhoods long-term despite changes in life stage.
- Allowing people of all life stages to live together instead of being shunted into housing predominantly for the young, the old, the poor, etc: community building v. segregation.
- Venting some of the pressure to create new and large apartment projects for people who cannot afford to buy a house.
- Contributing to neighborhood revitalization with new capital investment and increased motivation to maintain properties.
- Offering to developers, contractors, land owners, and the housing market alternatives to apartment buildings, and allowing for the construction of more than one type of affordable housing unit.
- Protecting and respecting private property rights of primary dwelling owners.
- Reducing single-family yard irrigation.
- Legitimizing already existing but illegal basement apartments and other ADUs.
- Reducing rents by adding to the supply of rental housing.
- Contributing to the supply of available, affordable housing by reducing regulatory barriers and costs to such housing.
- Being consistent with the single-family nature of neighborhoods as opposed to large apartment buildings. (Picture cutting up an apartment building and spreading the units out in a large single-family neighborhood area.)
- Offering cities a way of creating “gentle density” and “gentle in-fill” instead of the harsher density of large apartment projects.
- Avoiding/delaying the loss of greenfield properties (e.g., farms, fields, hillsides) to new development.

WHEREAS, ADUs are currently allowed in Tooele City as permitted or conditional uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), Neighborhood Commercial (NC), General Commercial (GC), and Regional Commercial (RC) zoning districts (see TCC Chapter 7-16 Table 1 Tables of Uses); and,

WHEREAS, the City Administration has developed an ADU ordinance, to be contained in a new TCC Chapter 7-14a (attached as Exhibit A), which it recommends to the City Council; and,

WHEREAS, the enactment of TCC Chapter 7-14a necessitates amendments to the definitions found in TCC §7-1-5 (see Exhibit A); and,

WHEREAS, the City Administration recommends charging reduced development impact fees for ADUs, and no water rights for ADUs, based in part upon the desire to make ADUs affordable, and based in part upon the diminished relative impacts of ADUs upon Tooele City system improvements; and,

WHEREAS, the City Administration recommends requiring ADU water and sewer laterals to be shared with those of the primary dwelling in order to minimize the number of new street cuts and water and sewer main hot tap connections that increase costs to the primary dwelling owner (and thus the ADU renter) and that cause undue deterioration to city infrastructure; and,

WHEREAS, this Ordinance 2019-13 will serve to provide for the public health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Tooele City and its present and future inhabitants (reference UCA §10-9a-102); and,

WHEREAS, one of the stated purposes of the Utah Land Use Development and Management Act is to “allow growth in a variety of housing types” (see U.C.A. §10-9a-102, as amended by House Bill 315 (2019)); and,

WHEREAS, this Ordinance 2019-13 will serve to protect the tax base, to secure economy in governmental expenditures, to protect both urban and nonurban development, to provide fundamental fairness in land use regulation, and to protect property values (reference UCA §10-9a-102); and,

WHEREAS, UCA §10-9a-102 authorizes Utah municipalities, in accomplishing the purposes of UCA Chapter 10-9a, to do the following:

enact all ordinances . . . they consider necessary or appropriate for the use and development of land within the municipality, including ordinances . . . governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests . . . unless expressly prohibited by law.

WHEREAS, the Planning Commission convened a duly-noticed public hearing on May 22, 2019, and forwarded its recommendation to the City Council (see minutes attached as Exhibit B); and,

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

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

1. the above recitals are hereby incorporated as findings of the City Council; and,

2. Tooele City Code §7-1-5 is hereby amended as shown in Exhibit A; and,
3. Tooele City Code Chapter 7-14a is hereby enacted as shown in Exhibit A; and,
4. Tooele City Code Chapter 7-14 Table 1 Table of Uses is hereby amended as shown in Exhibit A.
5. Tooele City Code Chapter 7-16 Table 1 Table of Uses is hereby amended as shown in Exhibit A.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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:

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

## Exhibit A

TCC Section 7-1-5

TCC Chapter 7-14a

TCC Chapter 7-14 Table 1 Table of Uses

TCC Chapter 7-16 Table 1 Table of Uses

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became conforming or nonconforming.  
(Ord. 1983-05, 04-20-1983)

#### 7-1-5. Definitions.

**Accessory Building** - A structure detached from a principal or primary building located on the same lot and incidental and subordinate to the principal building or use.

**Accessory Drive Through Facility** - A building element or design feature that permits goods or services to be provided to a customer while occupying a vehicle, without entering the building.

**Accessory Dwelling Unit** - A subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is:

(1) located internal to or attached to a primary dwelling or non-residential structure; or,

(2) a detached dwelling unit on the same lot as a primary dwelling.

~~A dwelling unit, for use as an independent living unit located on the same parcel as an authorized principal use.~~

**Accessory Dwelling Unit for Caretaker** - A dwelling unit, occupied only by a caretaker and related family, which must be located within and subordinate to the primary building and not as an independent structure.

**Accessory Outdoor Sales and Display** - The placement outside of a building of items for display or sale which are ordinarily available for sale at the location within a building or structure.

**Accessory Outside Storage** - The outside placement of items which are customary and incidental to the principal use of the property but excluding the outside storage and placement of flammable and hazardous materials.

**Accessory Outside Storage of Flammable or Hazardous Materials** - The outside placement of flammable or hazardous materials which are customary and incidental to the principal use of the property.

**Accessory Use** - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

**Adjacent** - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

**Adult Day Care** - A non-medical facility for the daytime care of adult persons, and not exceeding 12 hours, who due to age or disability require assistance, companionship, association and or supervision during the day by staff members.

**Agriculture (Forestry/Horticultural)** - An establishment devoted to the tilling of the soil, the raising of crops, pasture, horticulture, trees, orchards and gardens, but not including any agricultural industry or business such as fruit packing plants,

canneries or agricultural processing facilities. Includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

**Agriculture (Livestock)** - An establishment devoted to the tilling of the soil, the raising of crops, and livestock, but not including any agricultural industry or business such as fur farms, animal hospitals, feed lots or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, horse farms, and similar uses. Agriculture (livestock production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

**Agriculture Business** - A business or industry involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including commercial greenhouses, feed yards, fur farms, food packaging or processing plants, commercial poultry and egg production and similar uses.

**Airport** - Areas used for the landing and take off of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities.

**Alter or Alteration** - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

**Animal Hospital** - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats and other animals.

**Apiary** - Any structure or area used for the keeping of bees and/or the collection of honey.

**Applicant** - The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this Code.

**Application for Development Approval or Application** - Any written request for approval or issuance of a development order, permit, or license including but not limited to Zoning District amendments, subdivision plats, site plans, building and development permits, variances, conditional use permits.

**Application for Reimbursement** - A completed application for reimbursement filed pursuant to Tooele City Code §7-19-13, as amended.

**Asphalt Plant** - A facility, structure or area used for the manufacture and mixing of asphalt and asphalt related products, including areas and facilities used for the storage of materials required for asphalt manufacture.

**Authorized Agent** - Any person with valid authority provided by the Owner, as evidenced by a

document, filed with the City, authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development permit approval.

Auto Impound Yard, Military Surplus Yard, and Vehicle Storage Yard - Public or private storage yard for the temporary storage of automobiles or military equipment.

Automobile Body and Fender Service and Repair - An establishment engaged in the service and repair of body and fender components of automobiles, trucks, motorcycles, motor homes, or recreational vehicles. Typical activities include patching, grinding, sanding, and painting of body and fender parts of any type of vehicle. This use shall be entirely conducted within an enclosed structure and subject to annual inspection by the Tooele City Fire Department and the Tooele City Building Official.

Automobile Sales and Rental - An establishment primarily engaged in the sales and / or rental of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles, including sale and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, trailer, or recreational vehicle dealerships, and automobile and light truck rental establishments.

Automobile Service and Repair - An establishment primarily engaged in the mechanical or electrical repair of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles. Typical uses include auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, and where all repair and service activities occur within an enclosed building. This use does not include body and fender shops, and dismantling or salvage of any vehicles.

Bar - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, night clubs, private liquor clubs and saloons.

**Base Zoning District, or Underlying Zoning District - the zoning district applicable to a use of land.**

Beauty Shop - An establishment for the cutting, styling, and treatment of hair, skin, fingernails, toenails, etc. Includes a barber shop. Excludes tattoo parlors.

Bed and Breakfast Inn - An establishment in which one to six rooms are rented for overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

Boarding House - An existing residential structure a portion of which is used to accommodate for compensation, no more than three (3) boarders or roomers, not including members of the owner's immediate family.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area - The portion of a lot which is

within the envelope formed by the required yards or setbacks.

Building Height - The vertical distance on any one two-dimensional building elevation (i.e. front, sides, rear) measured from the lowest point of finished grade of earth at the foundation to either 1) the midpoint of all pitched areas for sloped roofs, or 2) the top of the vertical building wall for flat roofs or gabled walls, whichever is greatest. Chimneys may exceed the height limitations to the extent required by applicable fire codes. See Figure 7-1-5(1) for typical examples. (Ord. 2013-15, 09-18-2013)

Building Maintenance Services - An establishment engaged in the provision of maintenance and/or custodial services to commercial or residential buildings and structures including window cleaning services, janitorial services, landscaping services and exterminating services.

Business Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Campground - Any area of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including tents, travel trailers, and recreational vehicles, as temporary living quarters for recreation, education, or vacation purposes.

Car Wash - A structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means. A facility of this type may be able to accommodate more than one vehicle at the same time.

Carport - A roofed automobile structure open and unobstructed on two (2) or more sides. A carport is subject to all the requirements for the location and construction of a garage.

Chemical Manufacture and Storage - The manufacture, processing and storage of chemical materials that by reason of materials, processes, products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties.

Church - A facility principally used for people to gather together for public religious worship, religious training, or other religious activities. One accessory

adjacent properties.

Development Permit - Any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the City or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the corporate boundaries of Tooele City and subject to the provisions of this Ordinance.

Disability - a physical or mental impairment that substantially limits one or more of a person's major life activities. Disability does not include the current use of alcohol or current illegal use of any federally or state of Utah controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or in the Utah Controlled Substances Act, U.C.A. Chapter 58-37, each as amended.

Distribution Center - A building used primarily for the inside storage and distribution of goods and materials and the parking and storage of tractor and/or other trailer units.

District - A portion of the city within which certain uses of land and buildings are permitted or prohibited and in which other buildings or land restrictions may be specified as set forth herein.

Dwelling - A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling; Cabin/Seasonal Home - A structure designed to provide housing for the owner, or guests of the owner, on a temporary basis.

Dwelling; Farm and Ranch Employee Housing - A structure located on an operating farm or ranch and designed to provide housing for employees of the farm or ranch on a temporary or permanent basis.

Dwelling; Four-family - A structure designed to be occupied by four (4) families, the structure having four (4) dwelling units.

Dwelling; Manufactured Home - A dwelling unit constructed in accordance with the standards set forth by the Department of Housing and Urban Development and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A Manufactured home shall comply with all the requirements of this Ordinance generally applicable to a dwelling unit located in the same zoning district.

Dwelling; Mobile Home - A structure built on a permanent chassis, and transported in one (1) or more sections, is eight (8) feet or more in width and 40 feet or more in length, and designed to be drawn by a motor vehicle, and used as a dwelling with or without a

permanent foundation and connected to utilities. Premanufactured and modular homes not placed on a permanent foundation shall be considered a mobile home.

Dwelling; Multiple-family or Multi-family- A structure designed to be occupied by five (5) or more families, living independently of each other with each unit having its own kitchen, including apartment houses, but not including motels.

**Dwelling, Primary - A single-family dwelling unit to which an accessory dwelling unit is subordinate.**

Dwelling, Single-family - A structure designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling; Three-family - A structure designed to be occupied by three (3) families, the structure having three (3) dwelling units.

Dwelling; Townhouse/Condominium - A structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Dwelling; Two-family - A structure designed to be occupied by two (2) families, the structure having two (2) dwelling units. Includes a duplex.

Easement - A portion of a lot reserved for present or future use by a person or agency other than the owner of the lot. An easement may be under, on or above the lot.

Eligible Public Improvements - Roads and water, sewer, publicly-owned secondary water, and storm water utilities that are required by the City and that exceed the City's required minimum standards and specifications for a particular development. Eligible Public Improvements do not include street signs, regulatory signs (e.g. stop signs), street lights, sidewalk, curb & gutter, monuments and markers, landscaping, privately-owned utilities (e.g. telephone, gas, power, cable television, fiber optics), and other similar improvements, as well as features desired by the Developer that exceed the City's required minimum standards and specifications. Eligible Public Improvements also do not include Public Improvements required as a condition of annexation. The minimum required standards and specifications shall be based on the infrastructure needs of the Development Parcel, as determined by the City.

Extractive Industry - An establishment engaged in the on-site extraction of surface or sub-surface mineral products or natural resources. Typical industries include quarries, sand and gravel quarries, oil and gas extraction, and mining operations.

Family - An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons living in a



structure. This use does not include radio frequency equipment which have an effective radiated power of 100 watts or less. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

Temporary - Not to exceed a period of 1 year.

Temporary Construction or Sales Office - A facility temporarily used for a period, not to exceed 12 months, as a construction or sales office.

Temporary Use - Fireworks stands, Christmas tree sale lots, and similar activities which are open to the public and scheduled to occur over a period not to exceed 40 days in any calendar year and including uses incidental to construction.

Theater, Indoor - A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

Theater, Outdoor - A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

Tobacco Product or Tobacco-related Product - Inclusive of the following:

(1) any cigar, cigarette, or electronic cigarette as defined in U.C.A. §76-10-101, including the component parts of and ingredients to electronic cigarettes;

(2) a tobacco product as defined in U.C.A. §59-14-102, including:

(a) chewing tobacco; and,

(b) any substitute for a tobacco product, including flavoring or additives to tobacco; and,

(3) tobacco paraphernalia as defined in U.C.A. §76-10-104.1.

Tobacco Specialty Store or Retail Tobacco Specialty Business - An establishment in which:

(1) the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;

(2) 20% or more of the public retail floor space is allocated to the offer, display or storage of tobacco products;

(3) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or,

(4) the retail space features a self-service display for tobacco products.

**Underlying Zoning District - See Base Zoning District.**

Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Utilities, Private - Includes power, telephone, natural gas, cable television and private water supply service.

Utility Company, Public - Any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, steam,

telephone, transportation, water, or sewer service.

Utility Service Facility (major) - Any electric transmission lines (greater than 115,000 volts), power plants, or substations of electric utilities; gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities

Utility Service Facility (minor) - Any electrical distribution lines, natural gas distribution lines, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities. No buildings are allowed and the use is limited to the following sizes: (i) gas lines less than 12 inches; and (ii) electric lines of less than 115,000 volts.

Veterinary Clinic/Animal Hospital - A facility for the diagnosis, treatment, hospitalization, and boarding of animals, which does not include outdoor holding facilities.

Warehouse - A building used primarily for the inside storage of nonhazardous goods and materials and including accessory office facilities.

Zoning District - A mapped area to which a uniform set of regulations applies, and which are designed to implement the goals and policies of the Tooele City General Plan.

(Ord. 2018-08, 09-05-2018) (Ord. 2017-14, 06-07-2017) (Ord. 2016-17, 11-02-2016) (Ord. 2015-25, 12-16-2015) (Ord. 2013-17, 02-05-2014) (Ord. 2012-17, 09-05-2012) (Ord. 2009-05, 02-28-2009) (Ord. 2008-11, 11-05-2008) (Ord. 2005-06, 05-18-2005) (Ord. 2002-21, 09-18-2002) (Ord. 1998-33B, 10-07-1998) (Ord. 1997-21, 06-04-1997) (Ord. 1995-18, 10-06-1995) (Ord. 1994-26, 05-12-1994) (Ord. 1994-09, 03-02-1994) (Ord. 1992-26, 12-10-1992)

#### **7-1-6. Enforcement.**

(1) (a) Tooele City or any owner of real estate within the city in which violations of this Title occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or,

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) Tooele City need only establish the violation to obtain the injunction.

(2) (a) Tooele City may enforce this Title by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within Tooele City without approval of a building permit.

(c) Tooele City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) The city engineer or the engineer's

**CHAPTER 14a. ACCESSORY DWELLING UNITS**

- 7-14a-1. **Definitions.**
- 7-14a-2. **Purposes.**
- 7-14a-3. **Primary Dwelling Requirement.**
- 7-14a-4. **Owner occupancy requirement.**
- 7-14a-5. **Permitted use.**
- 7-14a-6. **Types of ADUs.**
- 7-14a-7. **Number of ADUs per Lot.**
- 7-14a-8. **Planned Unit Developments.**
- 7-14a-9. **Resident Limit.**
- 7-14-10. **Minimum Lot Size.**
- 7-14a-11. **Size.**
- 7-14a-12. **Height.**
- 7-14a-13. **Setbacks.**
- 7-14a-14. **Separation.**
- 7-14a-15. **Lot coverage.**
- 7-14a-16. **Utilities - Water and Sewer Laterals.**
- 7-14a-17. **Addressing.**
- 7-14a-18. **Mailbox.**
- 7-14a-19. **Subdivision.**
- 7-14a-20. **Design.**
- 7-14a-21. **Site plan.**
- 7-14a-22. **Parking.**
- 7-14a-23. **Entrances.**
- 7-14a-24. **Site Location.**
- 7-14a-25. **Impact Fee Reductions.**
- 7-14a-26. **Water Rights.**
- 7-14a-27. **Fee Exemptions.**
- 7-14a-28. **Building Permits - Building Codes - Foundations.**
- 7-14a-29. **Variance.**
- 7-14a-30. **Conversion.**
- 7-14a-31. **Business License.**
- 7-14a-32. **Home Occupation.**
- 7-14a-33. **Registration.**
- 7-14a-34. **Violation - Notice - Civil Penalties.**
- 7-41a-35. **Zoning Administrator - Appeals.**

**7-14a-1. Definitions.**

The terms "Accessory Dwelling Unit," "ADU," "Base Zoning District," and "Primary Dwelling" shall have the meanings given in Section 7-1-5.

**7-14a-2. Purposes.**

The purposes of this Chapter are as enumerated in Ordinance 2019-13.

**7-14a-3. Primary Dwelling Requirement.**

No ADU in a single-family residential or mixed-use zoning district shall be permitted or constructed except as an accessory dwelling to a habitable primary dwelling.

**7-14a-4. Owner occupancy requirement.**

Either the primary dwelling or the ADU must be occupied by the primary dwelling owner.

**7-14a-5. Permitted use.**

(1) ADUs shall be a permitted use in all single-family residential zoning districts, namely, R1-7, R1-8, R1-10, R1-12, R1-14, R1-30, RR-1, RR-5, and RR-20.

(2) ADUs shall be permitted uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), and Neighborhood Commercial (NC) zoning districts.

(3) ADUs shall be prohibited in the multi-family (MR) zoning districts.

(4) Internal and attached ADUs shall be conditional uses in the General Commercial (GC) and Regional Commercial (RC) zoning districts. Detached ADUs shall be prohibited in those districts.

(5) An Accessory Dwelling Unit for Caretaker shall be a conditional use in all the mixed use, commercial, and industrial zoning districts.

(6) All ADUs shall be subject to the regulations of this Chapter and Title.

**7-14a-6. Types of ADUs.**

An ADU may be internal, attached, or detached. See Figure 1.

**7-14a-7. Number of ADUs per Lot.**

No residential lot shall have more than one ADU.

**7-14a-8. Planned Unit Developments.**

ADUs shall not be included in the density calculations for a planned unit development (PUD).

**7-14a-9. Resident Limit.**

ADU occupancy shall be limited to one family, as defined in Section 7-1-5.

**7-14-10. Minimum Lot Size.**

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

- (1) 8,500 square feet for a detached ADU;
- (2) 8,500 square feet for an attached ADU;
- (3) 7,000 square feet for an internal ADU.

**7-14a-11. Size.**

(1) Internal ADUs shall be no smaller than 400 square-feet and no larger than the square footage of the foundation of the primary dwelling.

(2) Attached ADUs shall be no smaller than 400 square-feet, no larger than 800 square feet on one story, and no larger than 1,200 square feet.

(3) Detached ADUs shall be no smaller than 800 square-feet and no larger than 1,200 square feet.

(4) An ADU may have no more than two

bedrooms.

**7-14a-12. Height.**

ADU height shall be limited by both the regulations of the base zoning district and by the height of the primary dwelling unit, and shall be the lesser height of the two.

**7-14a-13. Setbacks.**

Front, rear, and side setbacks for ADUs shall be as required by the regulations of the base zoning district.

**7-14a-14. Separation.**

A detached ADU shall be separated from the primary dwelling by a distance of at least ten feet.

**7-14a-15. Lot coverage.**

Lot coverage limitations applicable to ADUs shall be those established by the regulations of the base zoning district.

**7-14a-16. Utilities - Water and Sewer Laterals.**

(1) ADUs are required to connect to the City water and sewer main lines for culinary water and sanitary sewer service.

(2) ADUs are required to share utility meters, accounts, and water and sewer laterals with the primary dwelling.

**7-14a-17. Addressing.**

An ADU shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the ADU address.

**7-14a-18. Mailbox.**

An ADU is allowed, but not required, to have a separate mailbox from the primary dwelling.

**7-14a-19. Subdivision.**

(1) An ADU may not be sold or divided from the primary dwelling through deed, condominium, subdivision, plat, boundary line agreement, or otherwise.

(2) If a lot on which an ADU sits is subdivided, the ADU must remain on the lot containing the primary dwelling with which the ADU was associated upon its construction.

(3) An ADU shall not be considered or become the primary dwelling on any lot.

**7-14a-20. Design.**

An ADU shall have the same or substantially similar architectural features, materials, and colors as the primary dwelling.

**7-14a-21. Site plan.**

An ADU building permit application shall include a scaled site plan. The site plan must indicate the locations and dimensions of property lines and existing and proposed buildings, building entrances, building additions, setbacks, parking spaces, driveways, utility meters, and utility laterals and conduits. The site plan need not be engineered.

**7-14a-22. Parking.**

(1) An ADU shall provide one additional on-site parking stall per ADU bedroom.

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

**7-14a-23. Entrances.**

Entrances to internal and attached ADUs shall be to the side or rear of the primary dwelling or ADU. See Figure 1.

**7-14a-24. Site Location.**

Detached ADUs shall be located to the rear of the primary dwelling, except that on a corner lot a detached ADU may be located to the side of the primary dwelling but flush with or set back from the primary dwelling side facade facing the street. See Figure 1.

**7-14a-25. Impact Fee Reductions.**

(1) Notwithstanding the provisions of Chapter 4-15, attached and detached ADUs shall pay the following impact fees:

(a) Culinary water: 50% of the single-family culinary water impact fee for interior water use only, and no impact fee for exterior water use.

(b) Sanitary sewer: 50% of the single-family sanitary sewer impact fee.

(c) Public safety: 50% of the single-family public safety impact fee.

(d) Parks and recreation: 50% of the single-family parks and recreation impact fee.

(2) Notwithstanding the provisions of Chapter 4-15, internal ADUs shall not be required to pay impact fees.

**7-14a-26. Water Rights.**

Notwithstanding the provisions of Chapter 7-26, an ADU shall not be required to convey water rights to the City.

**7-14a-27. Fee Exemptions.**

An ADU shall not be required to pay the street light utility fee or the storm water utility fee.

**7-14a-28. Building Permits - Building Codes - Foundations.**

(1) The installation and/or construction of an ADU shall require the application for and issuance of a building permit. An ADU building permit shall clearly identify that it is for an ADU.

(2) Unless otherwise required by applicable building and fire codes, an internal ADU shall not be required to construct one-hour fire rated separations between the area of the primary dwelling used by the primary dwelling occupants and the ADU portion of the primary dwelling.

(3) ADUs must comply with all uniform building codes applicable to dwellings.

(4) ADUs shall be constructed on site-built permanent foundations, which may include slabs-on-grade.

(5) All running gear, tongues, axles, wheels, and similar or related appurtenances must be removed at the time of ADU installation.

**7-14a-29. Variance.**

An ADU located on a legal nonconforming lot may apply to the Zoning Administrator for a variance from the setbacks of the base zoning district to match the setbacks of the primary dwelling, but must comply with applicable building and fire code setback requirements.

**7-14a-30. Conversion.**

Non-dwelling accessory structures may be converted into detached ADUs upon compliance with this Chapter and with applicable building and fire codes.

**7-14a-31. Business License.**

The owner of an ADU shall not be required to obtain a city business license to own or rent the ADU.

**7-14a-32. Home Occupation.**

Subject to the primary dwelling owner's written consent, an ADU may contain a home occupation, which must be conducted entirely within the ADU.

**7-14a-33. Registration.**

No ADU registration shall be required in addition to the building permit.

**7-14a-34. Violation - Notice - Civil Penalties.**

(1) A violation of any provision of this Chapter shall be a civil offence.

(2) Notice of the violation and associated civil penalties shall be delivered by first-class regular U.S. mail to both:

(A) the address of record with the County Recorder's Office; and,

(B) to the street address.

(3) A violation of this Chapter shall be punishable by a civil penalty of \$100 per occurrence. Following a cure period of 30 days from the date of the notice of violation, every week the violation continues shall be considered an additional occurrence of the same violation and shall result in the imposition of an additional \$100 civil penalty per week of the continuing violation.

**7-41a-35. Zoning Administrator - Appeals.**

(1) Interpretations and decisions applying this Chapter shall be made by the Zoning Administrator.

(2) Administrative appeals of Zoning Administrator interpretations and decision, notices of violation, and the imposition of civil penalties shall be made pursuant to Chapters 1-27 and 1-28.

RESIDENTIAL ZONING DISTRICTS

**TABLE 1  
TABLE OF USES**

USE	DISTRICT												
	MR-25	MR-16	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Accessory Buildings and Uses	C	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Units				P	P	P	P	P	P	P	P	P	P
Agriculture (Forestry/Horticultural Production)		P	P	P	P	P	P	P	P	P	P	P	P
Agriculture (Livestock Production)									C	C	C	C	C
Agriculture Business											C	C	C
Apiary											P	P	P
Bed and Breakfast Inn		C	C	C	C	C	C	C	C	C	C	C	C
Campgrounds											C	C	P
Churches and Religious Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C
Commercial Day-Care / Pre-School		C	C	C									
Commercial Kennel/Animal Hospital											C	C	C
Concrete and Asphalt Plant													C
Day Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C
Dwelling; Single-Family				P	P	P	P	P	P	P	P	P	P
Dwelling; Two-family		P	P	P	C								
Dwelling; Multi-family	P	P	P										

**TABLE 1  
TABLE OF USES**

USE	DISTRICT							
	MU-B Mixed Use- Broad- way	MU-G Mixed Use- General	NC Neighbo rhood Commer -cial (Maximum individual lot Size 15,000 square feet)	GC General Commer -cial	RC Region- al Commer -cial	LI Light Indust- rial	I Indust- rial	RD Researc h &Devel op-ment
Accessory Building	P	P	P	P	P	P	P	P
Accessory Drive Through Facility (considered as a Conditional Use for a Use allowed in the District, see Note #3 and Table 2)	C	C		C	C	C		C
Accessory Dwelling Unit for Caretaker Only (must be located within primary structure. See Table 2)	C	C	C	C		C	C	C
Accessory Dwelling Unit(s) (internal and attached: located above ground floor. See Table 2)	P	P	P	C	C			
Accessory Dwelling Unit (detached: located on the same lot as primary structure. See Table 2)	P	P	P					
Accessory Outdoor Sales and Display Incidental to an Allowed Use (considered as a Conditional Use for a Use allowed in the District, see Note #4 and Table 2)				C	C	C	C	
Accessory Outside Storage (considered as a Conditional Use for a Use allowed in the District, see Note #2 and Table 2)				C		C	C	

## **Exhibit B**

### **Planning Commission Minutes**

**TOOELE CITY PLANNING COMMISSION MINUTES**  
**May 22, 2019**

**Date:** Wednesday, May 22, 2019

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

**Commission Members Present:**

Tony Graf  
Tyson Hamilton  
Melanie Hammer  
Shauna Bevan  
Phil Montano  
Matt Robinson  
Ray Smart  
Chris Sloan  
Bucky Whitehouse

**City Employees Present:**

Jim Bolser, Community Development Director  
Andrew Aagard, City Planner  
Paul Hansen, City Engineer  
Roger Baker, City Attorney

**Council Members Present:**

Council Member McCall

**Council Members Excused:**

Council Member Gochis

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Bevan.

**2. Roll Call**

Tyson Hamilton, Present  
Tony Graf, Present  
Melanie Hammer, Present  
Ray Smart, Present  
Shauna Bevan, Present  
Phil Montano, Present  
Matt Robinson, Present



Commissioner Hamilton stated he was concerned about the pavement on 200 West, it is a little narrow right there. The developer will be extending it to the existing pavement or will they widen it out to where the road is? Mr. Aagard stated that they will extend it to the curb and gutter to the existing asphalt. There is 25 feet there and they will add asphalt up to the curb and gutter.

**Commissioner Robinson moved to forward a positive recommendation to the City Council for the Buffalo Ridge Preliminary Plan Subdivision Request by Adam Nash, representing Land Development LLC, for the purpose of creating six new single family residential lots, application number P18-673, based on the findings and subject to the conditions listed in the Staff Report dated May 15, 2019.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

Mr. Nash thanked the City for their organization and professionalism.

**9. Public Hearing and Recommendation on Ordinance 2019-13, ordinance of the Tooele City Council proposing the adoption of Chapter 7-14a of the Tooele City Code regarding Accessory Dwelling Units.**

Presented by Roger Baker

Mr. Baker stated that tonight is the culmination of nine months of work. Mr. Baker recognized that he was presenting it to the Planning Commission for the first time. There is a concept in Utah being called the housing gap. The housing gap has been a concern for the state legislature and at the top of their agenda for two years. The housing gap simply means the gap between the number of available housing units available for purchase or rent and the number of families that want to purchase or rent them. The research from the University of Utah indicates that there are between 40,000 and 50,000 more families than there are housing units for them in the State of Utah. That is a serious concern. One of things the housing gap is doing is driving the price of homes through the roof and the price of rentals as well to the point that they are no longer affordable. It is driving young people from the state because they cannot afford housing. This is by no means only a Utah issue but it is acutely a Utah issue. Policy makers at the state level and in Tooele City have been exploring tools that can be used to help bridge the gap, make more dwelling units available. But also check the rapid increase in housing purchase prices and rents and how to keep housing affordable for the people who need them. Some people have the opinion that the housing gap is the influx of people from other states. There is some of that, but the research shows that it is only about 20% of the pressure on the supply of housing. The remaining 80% of the population that wants housing and cannot find it is from Utah. It is most acutely felt by younger people, but it is not only younger people who feel the issue.

Mr. Baker stated a frequent strategy to combat the housing gap is to simply zone everything high density residential and build 30 plus units to the acre. Just because you can build many units does not mean that those units can be afforded. There are a lot of variables like land cost, rising construction costs, and market demand. If the demand is there, the developer will price it

where the demand is. Home prices and apartment rents are priced not at what can be afforded, but at what the market will pay. Besides that, the concern in Tooele is not just to build structures, but to build community. A strategy that is showing a lot of promise and excitement is the concept of an accessory dwelling unit.

Mr. Baker stated that accessory dwelling units are frightening to many people. Many cities prohibit them. Mr. Aagard explained that an Accessory Dwelling Unit, ADU can come in all shapes and sizes. There are internal ADU's which are basement apartments or apartments in the attic. There are attached dwelling units where a owner's is expanding the footprint of the home, commonly known as mother-in-law apartments. Then there are detached ADU's, where you would construct a smaller home on the same property. Mr. Aagard showed some pictures demonstrating what ADU's can look like. Mr. Aagard showed a slide on the screen demonstrating how a lot in Tooele City's code standards would work with an ADU. The example demonstrated a lot size of 7,000 square feet, the minimum for the R1-7 Residential zone, with setbacks and parking. An ADU can work on a lot as small as 7,000 square feet, if the circumstances are right with the existing home. As lots get larger there is more space with ADU.

Mr. Baker stated that the Planning Commission had in their packet the draft ordinance describing the housing gap, what an ADU is, and a list of 20 benefits that can be realized the allowability of ADU's. Mr. Baker stated that he thinks that it is really important to understand why this can be good for the community. It is land use policy and those policy's should work and serve a purpose. Mr. Baker stated that he wanted to point out a few of the benefits listed in the ordinance. Sometimes an ADU is considered objectionable to a neighborhood, but he is proposing that they should be welcomed in a neighborhood. The most obvious benefit is the ability to rent an ADU and it creates an income stream for the property owner. There are many property owners who wouldn't mind having a secondary income stream. That secondary income stream can be vital at any stage of the property owner's life. Mr. Baker gave the example of an older couple who owns a house and doesn't want to maintain the property. The choice currently is to move or live with it. With an ADU it is entirely feasible to live in an ADU and rent out the primary home who will pay and cover costs. It goes to aging in place, where an owner is not forced to move because they have grown out of a life stage.

Mr. Baker stated that some people worry that the ADU's will detract from property values. Mr. Baker stated that in fact it is the opposite, they enhance property values because there is added square footage that is appraised and capable of generating income. There are neighborhood benefits as well. Mr. Baker stated in a single-family neighborhood and someone wants to build a 25 unit per acre multi-family dwelling. The neighbors have objections and fear as demonstrated in previous meetings of the Planning Commission. An ADU gives an opportunity for gently density or gentle infill. Taking the large unit and dividing it up throughout the neighborhood. There are societal benefits to the tenant and the neighbor for having these.

Mr. Baker stated that he wanted to review the three-page ordinance proposing to allow ADU's in Tooele City. He stated that he will not go through every section of the proposed ordinance but will review some items that may be of interest to the Planning Commission. The proposal is proposing that the ADU's be allowed in all of the single family zoning districts and none of the multi-family zoning districts. Even though that it has been demonstrated that it can work on a

7,000 square foot lot, the proposal proposes a minimum lot size of 8,500 square feet for a detached ADU. This gives a little more room, but will also ease the fears of some. For a basement apartment since there is no additional footprint a 7,000 square footage would be adequate. The proposal for ADU's does include a minimum size and maximum sizes to ensure that it is a livable space, but not a second primary dwelling. In section 11 it outlines that the ADU's be no smaller than 400 square feet for internal and attached and no smaller than 800 square foot for detached. The proposal for maximum is 1,200 square feet for attached and detached. There is no maximum dwelling size for a basement apartment because it is determined by the foundation. Height is an important issue and suggesting that it be governed by the zoning district and the height of the primary dwelling, which ever is less. If the zoning district allows for a 30-foot-tall house and the house is 20 feet high than the 20 feet is the maximum height for the ADU. It cannot be taller than the main house.

Mr. Baker stated that parking is one of the biggest concerns of the neighbors and it has been a concern of the City Council. In listening to the concerns, the proposal is a simple formula. One bedroom, one parking stall, two bedrooms, two additional parking stalls. An ADU cannot have more than two bedrooms. It is not the ideal formula, but it is the best recommendation the city feels.

Mr. Baker wanted to mention impact fees, water rights, storm water fees, and other associated fees. There is no perfect balance or perfect answer. The proposal has attempted to balance the affordability of an ADU with cost of the impact to the City. The general tax payer should not have to subsidize the ADU's. The proposal suggests in relation to impact fees be half of those for the primary dwelling. Primarily because the units are smaller, partly because they will not be watering the grass. The main policy is to incentivize the affordability of the unit without creating a high cost to the City. With regards to water right, water rights have already been provided to the property, so there is no suggestion of additional water rights for the property. There will be a few more people living on the property, but there is no way to individualize a fee based on the occupancy of the home. With regards to the street light utility fee and the storm drain utility fee, they have already been paid by the property owner, so there will be no additional requirement.

Mr. Baker stated that he and Mr. Aagard studied ten ordinances from other City's in preparation of this ordinance. They were not selected at random or based on similar size or population, they were selected because they were put up as models to be looked at in trainings they attended. Many of those ordinances were much more restricted and Mr. Baker stated he believed unnecessarily restrictive. For example, those ordinances require that an ADU obtain a business license, be registered with the City as a special application of ADU, and pay fees for both. The City does not require a homeowner to register as a home or get a business license. This is another dwelling, not a business, and not a threat that needs to be registered in a book. The proposal is suggesting that when a building permit is obtained for the ADU, there be a notation that it is for an ADU to track how many are being built. The City does not want to create regulatory hurdles. Many ordinances require that a deed restriction be recorded against the lot to require only property owners or their immediate family members live any dwelling on the property. It serves no purpose. Mr. Baker stated that the staff put in at the beginning of the ordinance the purpose of the policy and the purpose of the policy is intended for property

ownership to rent one of the units to someone. That is what the City wants to create and incentivize. The City does not want to have an ownership policy.

Mr. Baker stated that it was a pleasure to bring this to the Planning Commission and hope that it will help all people in the community. It is not intended to create low to moderate income housing. This is to create housing that people can afford.

Chairman Graf asked the Commission if they had any comments or questions.

Commissioner Hammer stated that she thinks that this is a great concept. That being said, her neighbors directly across the street have working cars that they use. Two are in the driveway and three are in the street. In Looking at the impact that an ADU would have on their property would put on the neighborhood with two additional cars. Where do all these cars go? What are some other ideas that other communities had on parking, restrictions? Mr. Baker stated that it is impractical to forbid on street parking. The street is there, it is public and it will be parked on. Unfortunately, not every property owner is a model property owner and he can't resolve those. Commissioner Hammer asked how would this be regulated? Mr. Baker stated that there wouldn't be any regulation. Some people have more vehicles than parking spaces. Commissioner Hammer asked if it was a condition of the rental that they couldn't have more than two vehicles? Mr. Baker stated that a property owner could put more parking on their lot if they can accommodate it. What is in the proposal is a minimum. Commissioner Sloan stated that in the proposal parking is not allowed within the setbacks in the front or the side yard. Mr. Baker stated that there is no parking on the front lawn. Commissioner Sloan stated that there has to be an actual parking spot.

Chairman Graf asked about the detached ADU is the square foot limitation from the ground up or on the off chance they build a basement? How is that addressed or is it addressed? Mr. Baker stated that it is the footprint of the building, but it is limited to two bedrooms. Most people probably wouldn't pay for a three story ADU. The limitation on bedrooms is intended to be a limitation on the market and construction. Chairman Graf stated that this is a good addition and a creative way to address the problem that the Planning Commission sees every meeting and where do people go and what's affordable. He thanked the staff for their hard work.

Commissioner Sloan stated that he has been working on the housing gap from the state perspective for about the same amount of time. This is one of the outside the box parts of the a much larger puzzle. Something must be done. Commissioner Sloan stated that from his standpoint it is brilliant. A typical duplex will have two tenants in and usually neither has the incentive beyond possession to maintain the property. On the other hand, this has the homeowner onsite. These historically look like the slides that were presented earlier on the screen. They look beautiful because it benefits the property owner, it benefits the neighborhood. Commissioner Sloan stated that he is really excited about this and he thinks this is a great step.

Mr. Baker asked Commissioner Sloan if he has reviewed other city's in his studies in terms of how restrictive or permissive, they are? Commissioner Sloan stated that most have been more

restrictive that he in ways of property rights activist doesn't care for. Commissioner Sloan stated that outside of a meth lab in your house, your house is your house. A property owner has the right to quiet enjoyment and the right to do with it what they desire. Unless there is an adverse impact to the neighborhood there really shouldn't be regulation or restriction. This policy is achievable and doesn't put an owner's burden on the neighborhood. It doesn't put the owner's regulatory burden on the government to track. The City's code enforcement has enough to do and this will not add to their work. In some cases, this will lighten the burden for those who need it the most. Commissioner Sloan mentioned that he has six children. Four of them own homes in Tooele County, one is in Texas and one cannot afford to buy a house in Tooele with a great job. Commissioner Sloan stated the reality is that on his property he has the advantage of this because he has a full basement that is not being used. The aging in place becomes more attractive. There is very little downside to what this is doing and frankly he applauds the change. It has been a joy to go the Housing Gap Coalition at the Chamber for the last six months and he looks at the list of City's that are in danger of having legislature restrictions. Commissioner Sloan stated that Tooele City is starting to lead out on these things. Commissioner Sloan stated that there has been arguing about affordable housing and the need for it in the City. The City is doing things proactively.

Mr. Baker stated that this ordinance addresses more topics than any other ordinances that he has seen in the state. It addresses them simply without imposing unnecessary owner's regulations, while at the same time protecting the City's interest.

Commissioner Montano stated that he would like to make a comment. He read this ordinance and had to read it again because he looked at the water rights, impact fees, where everything is reduced and he couldn't find much more ways that the City can encourage this. It is all 100% workable. Commissioner Montano stated that he thinks this is fabulous and unbelievable.

Commissioner Bevan stated that she has a daughter living in an attic in Provo and this makes it affordable.

Commissioner Hamilton stated that his childhood home had an apartment in the basement. It was affordable and easy. He encourages this completely.

Commissioner Sloan stated that there has been the conversation of where the kids will go. Everything is a step in life and this is step. There are people of fixed incomes that don't have the ability to keep paying increasing property taxes and they are forced to relocate. Then there is the issue of replacing property that is affordable and that is difficult. This gives people an option of moving into the ADU. Rental rates in this county are astronomical. It takes care of the mortgage or property taxes.

Chairman Graf opened the public hearing.

Ms. Laney Riegal stated that she is very excited for the ADU and she plans to exercise and take full advantage of this ordinance. She stated that hers will probably be an ultra-modern garage with an accessory dwelling on top. She did ask if a property owner can still go for a Conditional Use Permit for a garage and then an ADU on top? That will most likely be taller than the current

home. With Conditional Use Permit a property owner should be able to do that. Secondly is there going to be a higher taxable rate than there is from a garage or shed structure. If a property owner is generating an income from something that is just supposed to be a residence, wouldn't the property owner need to pay more? Is the City going to tax people for the square footage of the living space of the ADU? Ms. Riegal stated that there is a tax for the primary square footage would that same rate apply for the ADU or would it be at the rate of the garage?

Mr. Baker stated that he researched that issue and that he assumed that it would be taxed at the living space rate. Commissioner Sloan stated that she is focusing on how the notice is broken down. A property owner is taxed on the split of the value. The tax is broken out on land and living space but the total tax is the same. At the end of the day the tax is on the value of the parcel. The living space will be taxed the same way as living space, but that is a guess. Ms. Riegal stated that she is happy about this. The 8,500 square feet of a lot is equivalent of .195 of a lot and not a very big lot. She asked the Planning Commission to imagine the lots that would qualify for an ADU, lots off 1000 North, Loma Vista, East Bench and a number of them in Overlake. If the City were to tell all those people who purchased a home in a single-family development that they can now rent out their basement there may be some backlash. How can the City change something that was already purchased in a single family neighborhood? Now saying that a mother-in-law unit can be rented there may be some people opposing the policy.

Commissioner Hamilton commented that when a property owner is renting a space on their property, they will be really careful who it is rented too. That is an easy way to combat that.

Commissioner Sloan stated that even with the 8,500 square feet some of the homes may not be conducive to a unit, there still needs to parking.

Mr. Baker stated that one of the objectives of the ordinance is to recognize that illegal basement apartments are everywhere. This is a way to legitimize it and make it legal and make it safe. A building permit will be required for new ones. This ordinance is a balancing act, as is every public policy. Every public policy will offend people on the right of it and on the left of it. The best the staff can do is present a professional policy to the policy recommending group and the policy makers and invite them to make the best policy they can for the community. At least it will be a level playing field. The neighbor that is complaining about a property owner having an ADU also gets to have an ADU. Mr. Baker stated that one thing he did not touch on is lot coverage limitations. Every lot in the City now can have a maximum percentage of that lot covered with buildings, house, shed. That rule will stay the same. An accessory dwelling unit will be adding to the lot coverage, but will still need to come under that cap. If there is a small lot with a huge house, they will not get an ADU because there is no room. From that point of view the policy will self regulate.

Mr. Baker wanted to address Conditional Use Permits very briefly, from the City perspective it is a bad idea. Many City's require Conditional Use Permits, but imagine what that does. This is a new policy and is not well understood. It will take time for people to live with it and see the benefits. If a property owner is the first person in the neighborhood to take advantage of it, then that owner will stand in this room and confront all of their neighbors. Mr. Baker stated that in his opinion that is extremely divisive, negative and poor public policy. This policy is

preloaded with conditions so that there are not neighbors attacking neighbors over what conditions can be. The City has preloaded all the conditions that will spare neighborhoods the divisiveness of neighbors saying not in my backyard.

Commissioner Hammer asked about the CC&R's in Overlake state that a property owner cannot rent out to non-family members. How would that be affected? Mr. Baker stated that the City does not trump a CC&R. They are a contract negotiated between the property owners and the property owners buy into that. That was established by the developer. That contract is binding on the property unless it is amended by the parties to the contract. The City cannot affect the private contracts.

Chairman Graf closed the public hearing.

Chairman Graf asked about the legality, is an ADU considered a separate residence? Mr. Baker stated that yes, but not a separate property. This ordinance specifically prohibits an assessor unit being subdivided from the primary unit. Chairman Graf stated the reason for his question is that a cohabitant for domestic violence states that the parties reside in the same residence, so would an ADU be considered the same residence? Mr. Baker stated no it is a separate residence on the same property.

Commissioner Montano stated that the ordinance lists the address requirements to make the ADU a B residence on the property.

Chairman Graf asked the Commission if there were any final comments or questions, there were none.

**Commissioner Sloan moved to forward with a positive recommendation to the City Council Ordinance 2019-13, an ordinance of Tooele City Council proposing the portion of Tooele City code regarding accessory dwelling units.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

#### **10. Review and Approval of Planning Commission minutes for meeting held May 8, 2019.**

Commissioner Sloan wanted to clarify two items. Under item 3, he made a comment about his vote and he would like to strike the last sentence due to it already being included. He also wanted to make a comment about Commissioner Montano's comments. "There was a difficult situation, but the Planning Commission has let out 600 permits for homes." To make it clear the Planning Commission does not issue building permits, but approved subdivisions for 600 permits.

Commissioner Hammer stated there was a name missing in Item 3. Mr. Johnson should have been placed there.

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-63**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AUDIT AGREEMENT WITH WSRP CERTIFIED PUBLIC ACCOUNTANTS.**

WHEREAS, Tooele City Charter Section 3-02 (Independent Auditor), as well as Utah Code Chapters 51-2a (Part 2) and 10-6, require Tooele City's finances to be audited annually by an independent and competent certified public accountant; and,

WHEREAS, the City has worked with WSRP Certified Public Accountants and Business Advisors for several years, and has found WSRP to be thorough and accurate in its accounting practices and reports; and,

WHEREAS, the City Administration recommends that WSRP be retained to perform the audit of Tooele City's finances for the fiscal year 2018-2019; and,

WHEREAS, the contract with WSRP, in the form of an engagement letter, is attached hereto as Exhibit A; and,

WHEREAS, the compensation payable to WSRP under the agreement for the annual audit is \$51,500 (see Exhibit A for detail); and,

WHEREAS, City Code Sections 1-5-10, 1-6-4, 1-6-9, 1-14-4, and 1-22-4 require the City Council to approve city contracts and expenditures (also known as claims) of \$20,000 or more, which claims are best approved by resolution for the preservation of a record of both the claims and their approval; and,

WHEREAS, Utah Code Section 10-6-138 requires the City Recorder to "countersign all contracts made on behalf of the city and [to] maintain a properly indexed record of all such contracts"; and,

WHEREAS, Utah Code Section 11-13-202.5 requires the City Attorney to review certain contracts as to proper form:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the WSRP letter agreement attached as Exhibit A is hereby approved.

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 \_\_\_\_\_, 2019.



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

SEAL

Approved as to Form:

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

## Exhibit A

### WSRP Engagement Letter Agreement



CERTIFIED PUBLIC  
ACCOUNTANTS AND  
BUSINESS ADVISORS

August 1, 2019

Tooele City Corporation  
90 North Main Street  
Tooele, Utah 84074

To the Honorable Mayor, City Council Members and  
Management of Tooele City Corporation:

### **Agreement to Provide Services**

This agreement to provide services (the "Agreement") is intended to describe the nature and scope of our services.

#### **Objective and Scope of the Audit**

As agreed, WSRP, LLC ("WSRP" or "we") will audit the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Tooele City Corporation (the "City" or "you") as of and for the fiscal year ended June 30, 2019.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America ("GAAS"). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtain during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Schedule of the Proportions Share of the Net Pension Liability – Last Ten Fiscal Year

- 3) Schedule of Contributions – Last Ten Fiscal Years
- 4) Postemployment Benefit Plan – Schedule of Funding Progress
- 5) Notes to Required Supplementary Information

Also, the supplementary information accompanying the basic financial statements, as listed below, will be subjected to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and our auditor's report will provide an opinion on it in relation to the basic financial statements as a whole.

- 1) Combining Balance Sheet – Nonmajor Governmental Funds
- 2) Combining Statement of Revenues, Expenditures, and Changes in Fund Balance – Nonmajor Governmental Funds
- 3) Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – Nonmajor Special Revenue Funds
- 4) Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – Nonmajor Debt Service Fund
- 5) Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – Nonmajor Budget and Actual – Capital Projects Fund
- 6) Schedule of Revenues, Expenditures, and Changes in Fund Balance – Nonmajor Budget and Actual – Capital Projects Funds
- 7) Combining Statement of Net Position – Nonmajor Proprietary Funds
- 8) Combining Statement of Revenues, Expenses, and Changes in Net Position – Nonmajor Proprietary Funds
- 9) Combining Statement of Cash Flows – Nonmajor Proprietary Funds
- 10) Combining Statement of Changes in Assets and Liabilities – Agency Fund

### **Responsibilities of WSRP**

We will conduct our audit in accordance with GAAS. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement, whether caused by error or fraud. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error or fraud. Our work will be based primarily upon selected tests of evidence supporting the amounts and disclosures in the financial statements and, therefore, will not include a detailed check of all of the City's transactions for the period. Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

Also, an audit is not designed to detect errors or fraud that are immaterial to the financial statements. However, we will inform you of any material errors or fraud that come to our attention. We will also inform you of possible illegal acts that come to our attention unless they are clearly inconsequential. In addition, during the course of our audit, financial statement misstatements relating to accounts or disclosures may be identified, either through our audit procedures or through communication by your employees to us, and we will bring these misstatements to your attention as proposed adjustments. At the conclusion of our audit we will communicate to those charged with governance (as defined below) all uncorrected misstatements.

The term "those charged with governance" is defined as the person(s) with responsibility for overseeing the strategic direction of the City and obligations related to the accountability of the City, including overseeing the financial reporting process. For the City, we agree that, the Mayor and City Council meet that definition.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we will express no such opinion. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses in internal control. However, we will communicate to you and those charged with governance in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we identify during our audit.

We are also responsible for communicating with those charged with governance what our responsibilities are under GAAS, an overview of the planned scope and timing of the audit, and significant findings from the audit.

### **Responsibilities of Management and Identification of the Applicable Financial Reporting Framework**

Our audit will be conducted on the basis that you and those charged with governance acknowledge and understand that you and those charged with governance have responsibility (1) for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; (2) for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error or fraud; (3) for identifying and ensuring that the City complies with the laws and regulations applicable to its activities; and (4) to provide us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.

You acknowledge and understand your responsibility for the preparation of the supplementary information in accordance with the applicable criteria. You also agree to include our report on the supplementary information in any document that contains the supplementary information and that

indicates that we have reported on such supplementary information. You also agree to present the supplementary information with the audited financial statements, or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and our report thereon.

Management is responsible for adjusting the financial statements to correct material misstatements relating to accounts or disclosures, after evaluating their propriety based on a review of both the applicable authoritative literature and the underlying supporting evidence from the City's files; or otherwise concluding and confirming in a representation letter (as further described below) provided to us at the conclusion of our audit that the effects of any uncorrected misstatements are, both individually and in the aggregate, immaterial to the financial statements taken as a whole.

As required by GAAS, we will request certain written representations from management at the close of our audit to confirm oral representations given to us and to indicate and document the continuing appropriateness of such representations and reduce the possibility of misunderstanding concerning matters that are the subject of the representations. Because of the importance of management's representations to an effective audit, the City agrees, subject to prevailing laws and regulations, to release and indemnify WSRP and its partners, employees, contractors, agents, (collectively, the "WSRP Group") from and against any and all liability and costs relating to our services rendered under this Agreement attributable to any knowing misrepresentations by management.

### **Expected Form and Content of the Auditor's Report**

At the conclusion of our audit, we will submit to you a report containing our opinion as to whether the financial statements, taken as a whole, are fairly presented based on accounting principles generally accepted in the United States of America. If, during the course of our work, it appears for any reason that we will not be in a position to render an unmodified opinion on the financial statements, or that our report will require an Emphasis of Matter or Other Matter paragraph, we will discuss this with you. It is possible that, because of unexpected circumstances, we may determine that we cannot render a report or otherwise complete the engagement. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of the engagement. If, in our professional judgment, the circumstances require, we may resign from the engagement prior to completion.

### **Termination**

Upon notice to the City, WSRP may terminate this Agreement if WSRP reasonably determines that it is unable to perform the services described in this Agreement in accordance with applicable professional standards, laws, or regulations. If we elect to terminate our services for any reason provided for in this Agreement, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. If the Agreement is

terminated, the City agrees to compensate WSRP for the services performed and expenses incurred through the effective date of termination.

### **Client Continuance Matters**

WSRP is retaining the City as a client in reliance on information obtained during the course of our client continuance procedures. Randall J. Jensen has been assigned the role of engagement partner and is responsible for directing the engagement and issuing the appropriate report on the Company's financial statements.

### **Email Communication**

WSRP disclaims and waives, and you release WSRP from, any and all liability for the interception or unintentional disclosure of email transmissions or for the unauthorized use or failed delivery of emails transmitted or received by WSRP in connection with the services we are being engaged to perform under this Agreement.

### **External Computing Options**

If, at your request, WSRP agrees to use certain external commercial services, including but not limited to services for cloud storage, remote control, and/or file sharing options (collectively "External Computing Options"), that are outside of WSRP's standard security protocol, you acknowledge that such External Computing Options may be associated with heightened security and privacy risks. Accordingly, WSRP disclaims and waives, and you release WSRP from, any and all liability arising out of or related to the use of such External Computing Options.

### **Ownership of Working Papers**

The working papers prepared in conjunction with our audit are the property of WSRP, constitute confidential information, and will be retained by us in accordance with WSRP's policies and procedures.

### **Reproduction of Audit Report**

If the City plans any reproduction or publication of a document that includes our report, or any portion of it, and that is assembled differently from any paper or electronic version that we may have assembled and provided to you (e.g., by the addition of financial statements and/or accompanying information that you have produced), a copy of the entire document in its final form should be submitted to us in sufficient time for our review and written approval before printing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our written approval.

## **Posting of Audit Report and Financial Statements on Your Website**

You agree that, if you plan to post an electronic version of the financial statements and audit report on your website, you will ensure that there are no differences in content between the electronic version of the financial statements and audit report on your website and the signed version of the financial statements and audit report provided to management by WSRP. You also agree to indemnify WSRP from any and all claims that may arise from any differences between the electronic and signed versions.

## **Review of Documents In Connection With Offering of Sale of Debt**

The audited financial statements and our report thereon should not be provided or otherwise made available to lenders, other financial institutions or sources of financing, or others (including advisors to such parties) in connection with any document to be used in the process of obtaining capital, including, without limitation, by means of the sale of securities (including securities offerings on the Internet) without first submitting copies of the document to us in sufficient time for our review and written approval. If, in our professional judgment, the circumstances require, we may withhold or condition our written approval.

## **Availability of Records and Personnel**

You agree that all records, documentation, and information we request in connection with our audit will be made available to us (including those pertaining to related parties), that all material information will be disclosed to us, and that we will have the full cooperation of, and unrestricted access to, your personnel during the course of the engagement.

You also agree to ensure that any third-party valuation reports that you provide to us to support amounts or disclosures in the financial statements (a) indicate the purpose for which they were intended, which is consistent with your actual use of such reports; and (b) do not contain any restrictive language that would preclude us from using such reports as audit evidence.

## **Assistance by Your Personnel**

We also ask that your personnel prepare various schedules and analyses for our staff. However, except as otherwise noted by us, no personal information other than names related to City employees and/or customers should be provided to us. This assistance will serve to facilitate the progress of our work and minimize costs to you. This assistance will serve to facilitate the progress of our work and minimize costs to you.

## **Other Services**

We are always available to meet with you and other executives at various times throughout the year to discuss current business, operational, accounting, and auditing matters affecting the City. Whenever you feel such meetings are desirable, please let us know. We are also prepared to



provide services to assist you in any of these areas. We will also be pleased, at your request, to attend your City Council meeting at the conclusion of the audit to present the audit results and financial statements.

In addition to the audit services described above, you have requested that we provide the following non-attest services:

We will assist the City in preparing the financial statements and related footnote disclosures for the year ended June 30, 2019, based on the Government's accounting records and other information that comes to our attention during the course of our engagement. As part of this preparation, we will review the grouping schedules prepared by you and include those balances in the conversion from fund to government-wide financial statements.

### **Independence**

Professional and certain regulatory standards require us to be independent, in both fact and appearance, with respect to the City in the performance of our services. Any discussions that you have with personnel of WSRP regarding employment could pose a threat to our independence. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

In order for us to remain independent, professional standards require us to maintain certain respective roles and relationships with you with respect to the non-attest services described above. Prior to performing such services in conjunction with our audit, management must acknowledge its acceptance of certain responsibilities.

We will not perform management functions or make management decisions on behalf the City. However, we will provide advice and recommendations to assist management of the City in performing its functions and fulfilling its responsibilities.

The City agrees to perform the following functions in connection with our performance of the financial statement preparation non-attest services:

- a. Make all management decisions and perform all management functions with respect to the financial statement preparation including the conversion from fund to government-wide reporting.
- b. Assign Glen Caldwell and Shannon Wimmer to oversee the financial statement preparation process including the conversion from fund to government-wide reporting and evaluate the adequacy and results of the services.
- c. Accept responsibility for the results of the financial statement preparation process including the conversion from fund to government-wide reporting.

The services are limited to those outlined above. We, in our professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as making

management decisions or performing management functions. The City must make all decisions with regard to our recommendations. By signing this Agreement, you acknowledge your acceptance of these responsibilities.

### **Limitation of Liability**

Except to the extent finally determined to have resulted from the fraud or intentional misconduct of WSRP, WSRP's liability to the Company for any claims arising under this Agreement shall not exceed the aggregate amount of fees paid by the Company to WSRP during the 12 months preceding the date of the claim for the services giving rise to the claim, regardless of whether such liability arises in contract, statute, tort (including the negligence of WSRP), or otherwise. In no event shall WSRP be liable for consequential, special, indirect, incidental, punitive, or exemplary losses or damages relating to this Agreement.

### **Dispute Resolution Procedure**

Any dispute or claim between you and WSRP arising out of or relating to the Agreement or a breach of the Agreement, including, without limitation, claims for breach of contract, professional negligence, breach of fiduciary duty, misrepresentation, fraud and disputes regarding attorney fees and/or costs charged under this Agreement (except to the extent provided below) shall be submitted to binding arbitration before the American Arbitration Association, and subject to the Commercial Arbitration Rules. The arbitration proceeding shall take place in Salt Lake City, Utah, unless the parties agree in writing to a different location. The arbitration shall be governed by the provisions of the laws of the State of Utah (except if there is no applicable state law providing for such arbitration, then the Federal Arbitration Act shall apply) and the substantive law of such state shall be applied without reference to conflicts of law rules. The parties shall bear their own legal fees and costs for all claims. The arbitration proceedings shall be confidential.

You acknowledge that by agreeing to this Arbitration provision, you are giving up the right to litigate claims against WSRP, and important rights that would be available in litigation, including the right to trial by judge or jury, to extensive discovery and to appeal an adverse decision. You acknowledge that you have read and understand this arbitration provision, and that you voluntarily agree to binding arbitration.

The City shall bring no claim or action arising out of or relating to this Agreement or the services provided under this Agreement more than one (1) year following the completion of the services provided under this Agreement to which the claim relates. This paragraph will shorten, but in no event extend, any otherwise legally applicable period of limitations on such claims.

### **Fees**

Our charges to the Company for the audit services described above will be \$51,500 (subject to mutually agreed-upon adjustment for services providing additional value). We also will bill you for our out-of-pocket expenses.

This engagement includes only those services specifically described in this Agreement; any additional services not specified herein will be agreed to in a separate letter. In the event you request us to object to or respond to, or we receive and respond to, a validly issued third party subpoena, court order, government regulatory inquiry, or other similar request or legal process against the Company or its management for the production of documents and/or testimony relative to information we obtained and/or prepared during the course of this or any prior engagements, you agree to compensate us for all time we expend in connection with such response, at our regular rates, and to reimburse us for all related out-of-pocket costs (including outside lawyer fees) that we incur.

Our fees and costs will be billed periodically, and invoices are payable upon receipt. If we do not receive written notice of dispute within 10 days of your receipt of the invoice, we will conclude that you have seen the invoice and find it acceptable. Invoices that are unpaid 30 days past the invoice date are deemed delinquent and we reserve the right to charge interest on the past due amount at the lesser of (a) 1.5% per month or (b) the maximum amount permissible by applicable law. Interest shall accrue from the date the invoice is delinquent. We reserve the right to suspend our services, withhold delivery of any deliverables, or withdraw from this engagement entirely if any of our invoices are delinquent. In the event that any collection action is required to collect unpaid balances due to us, you agree to reimburse us for all our costs of collection, including without limitation, attorneys' fees.

### **Third-Party Use**

WSRP will perform the professional services provided in connection with this engagement solely for the benefit and use of the City. WSRP does not anticipate and does not authorize reliance by any other party on its professional services. Any amendment to this provision must be made through a written document signed by the city and WSRP.

### **Confidentiality**

Each of the parties hereto shall treat and keep any and all of the "Confidential Information" (defined below) as confidential, with at least the same degree of care as it accords to its own confidential information of a similar nature, but in no event less than a reasonable degree of care. Each party shall disclose the Confidential Information only to its employees, partners, contractors, consultants, agents, or its legal or other advisors, provided that they have: (A) each been informed of the confidential, proprietary, and secret nature of the Confidential Information, or are subject to a binding, preexisting obligation of confidentiality no less stringent than the requirements of this Agreement, and (B) a demonstrable need to review such Confidential Information. "Confidential Information" means all non-public information that is marked as "confidential" or "proprietary" or that otherwise should be understood by a reasonable person to be confidential in nature that is obtained by one party (the "Receiving Party") from the other party (the "Disclosing Party"). All terms of this Agreement and all information provided pursuant to this Agreement are considered Confidential Information. Notwithstanding the foregoing, Confidential Information shall not

include any information that was or is: (a) known to the Receiving Party prior to disclosure by the Disclosing Party; (b) as of the time of its disclosure, or thereafter becomes, part of the public domain through a source other than the Receiving Party; (c) made known to the Receiving Party by a third person who is not subject to any confidentiality obligation known to Receiving Party and such third party does not impose any confidentiality obligation on the Receiving Party with respect to such information; (d) required to be disclosed pursuant to governmental authority, professional obligation, law, decree regulation, subpoena, or court order; or (e) independently developed by the Receiving Party. In no case shall the tax treatment or the tax structure of any transaction be treated as confidential as provided in Treas. Reg. sec. 1.6011-4(b)(3). If disclosure is required pursuant to subsection (d) above, the Receiving Party shall (other than in connection with routine supervisory examinations by regulatory authorities with jurisdiction and without breaching any legal or regulatory requirement) provide prior written notice thereof to allow the Disclosing Party to seek a protective order or other appropriate relief. Upon the request of the Disclosing Party, the Receiving Party shall return or destroy any and all of the Confidential Information except for (i) copies in working paper files retained to comply with a party's professional or legal obligations and (ii) such Confidential Information retained in accordance with the Receiving Party's normal back-up data storage procedures. Notwithstanding the foregoing, WSRP shall have the right to use the City's Confidential Information in connection with performing WSRP's obligations hereunder, and also to create anonymous, aggregated data ("Anonymous Aggregated Data"), which Anonymous Aggregated Data may be used in efforts to improve the services generally, including for benchmarking and analytical purposes, for so long as such use remains in an anonymous aggregated form and does not violate any of WSRP's obligations of confidentiality hereunder.

### **Miscellaneous**

This Agreement sets forth the entire agreement between the parties with respect to the subject matter herein, superseding all prior agreements, negotiations, or understandings, whether oral or written, with respect to the subject matter herein. This Agreement may not be changed, modified, or waived in whole or part except by an instrument in writing signed by both parties. This Agreement is intended to cover only the services specified herein, although we look forward to many more years of pleasant association with the City. This engagement is a separate and discrete event and any future services will be covered by a separate agreement to provide services.

Many banks have engaged a third party to electronically process cash or debt audit confirmation requests, and certain of those banks have mandated the use of this service. Further, such third party confirmation processors also provide for the electronic (and manual) processing of other confirmation types (e.g., legal, accounts receivable, and accounts payable). To the extent applicable, the City hereby authorizes WSRP to participate in such confirmation processes, including through the third party's website (e.g., by entering the WSRP's bank account information to initiate the process and then accessing the bank's confirmation response), and agrees that WSRP shall have no liability in connection therewith.

Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable laws, regulations, professional standards, or related published interpretations (including, without limitation, the independence rules of the American Institute of Certified Public Accountants, Securities and Exchange Commission, and Public Company Accounting Oversight Board), but if any provision of this Agreement shall be deemed prohibited, invalid, or otherwise unenforceable for any reason under such applicable laws, regulations, professional standards, or published interpretations, such provisions shall be ineffective only to the extent of such prohibition, invalidity, or unenforceability and such revised provision shall be made a part of this Agreement as if it was specifically set forth herein. Furthermore, the provisions of the foregoing sentence shall not invalidate the remainder of such provision or the other provisions of this Agreement.

The City's signature below represents that it has the full power and authority to enter into this Agreement on behalf of the City and any City affiliate that may rely on the services provided hereunder, or that it shall ensure that each such affiliate agrees to be bound to the terms hereof.

This Agreement may be transmitted in electronic format and shall not be denied legal effect solely because it was formed or transmitted, in whole or in part, by electronic record; however, this Agreement must then remain capable of being retained and accurately reproduced, from time to time, by electronic record by the parties to this Agreement and all other persons or entities required by law. An electronically transmitted signature to this Agreement will be deemed an acceptable original for purposes of consummating this Agreement and binding the party providing such electronic signature.

\* \* \* \* \*

We believe the foregoing correctly sets forth our understanding; however, if you have any questions, please let us know. If you find the foregoing arrangements acceptable, please acknowledge this by signing and returning to us a copy of this Agreement and retaining a copy for your files.

Very truly yours,

WSRP, LLC

WSRP, LLC

Acknowledged,

TOOELE CITY CORPORATION

Management's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Governance's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

**Approved as to Form:**

\_\_\_\_\_  
**Tooele City Attorney**

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-61**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING FOR POLICE DEPARTMENT EQUIPMENT.**

WHEREAS, the Tooele City Police Department (“Department”) seeks always to improve the quality of police training and services to the citizens of Tooele City; and,

WHEREAS, the Department would benefit from additional police equipment, including a Digital (Fire)Arms Training Simulator (DART) simulation system and simulation firearms (the “Equipment”), which Equipment will assist police officers to train in appropriate use of force and de-escalation techniques, focusing on officer and public safety; and,

WHEREAS, the Bureau of Justice Assistance, Office of Justice Programs (OJP), U.S. Department of Justice has announced that \$17,899.00 in Edward Byrne Justice Assistance Grant funding has been set aside for the Department to purchase the Equipment; and,

WHEREAS, no local match of public monies is required for this grant; and,

WHEREAS, this Resolution and the funding it authorizes is in the best interest of Tooele City and furthers the public health, safety, and welfare:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Tooele City, by and through the Tooele City Police Department, is hereby authorized to apply for and to accept the award of Edward Byrne Justice Assistance Grant funding for the purpose of purchasing the Equipment.

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 \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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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



**TOOELE CITY CORPORATION**

**RESOLUTION 2019-62**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AND RATIFYING AN INTERLOCAL AGREEMENT BETWEEN TOOELE CITY AND TOOELE COUNTY FOR 2019 BYRNE JUSTICE ASSISTANCE GRANT FUNDS.**

WHEREAS, the Tooele City Police Department (“Department”) seeks always to improve the quality of police services to the citizens of Tooele City; and,

WHEREAS, the Bureau of Justice Assistance, Office of Justice Programs (OJP), U.S. Department of Justice has announced that \$17,899.00 in Edward Byrne Justice Assistance Grant funding has been set aside for the Department for specialized police equipment, as described in Resolution 2019-61; and,

WHEREAS, the City Council approved the grant funding by way of Resolution 2019-61; and,

WHEREAS, OJP requires an interlocal agreement with Tooele County for the distribution of grant funds to Tooele City, and UCA Section 11-13-202 and -202.5 require the interlocal agreement to be approved by the City Council (see the interlocal agreement attached as Exhibit A); and,

WHEREAS, under the interlocal agreement, Tooele County will not receive any of the approved grant funds; and,

WHEREAS, OJP requires the interlocal agreement to be signed prior to August 23, 2019:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor’s signature on the interlocal agreement attached as Exhibit A is hereby approved and ratified.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2019.

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, City Attorney

# Exhibit A

## Interlocal Agreement

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF TOOELE, AND COUNTY OF TOOELE,**

**2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 21<sup>st</sup> day of August, 2019, by and between The COUNTY of Tooele, acting by and through its governing body, the County Commission, hereinafter referred to as COUNTY, and the CITY of Tooele, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Tooele County, State of Utah, witnesseth:

**WHEREAS**, this Agreement is made under the authority of Sections 11-13-101U.C.A. et seq. and

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS**, the CITY agrees to provide the COUNTY \$ 0 from the JAG award for the Edward Byrne Program: and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to allocate the JAG funds as stated herein.

**NOW THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

CITY agrees to pay COUNTY a total of \$ 0 of JAG funds.

**Section 2.**

COUNTY agrees to use \$ 0 for the 2010 Edward Byrne Program until December 31, 2020.

**Section 3.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by Utah Law.

**Section 4.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by Utah Law.

**Section 5.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 6.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 7.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

**Section 8.**

The terms of this agreement shall be coterminous with the 2019 Edward Byrne Justice Assistance Grant (JAG) program and Tooele City.

CITY OF TOOELE

COUNTY OF TOOELE

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
County Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
County Attorney

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, August 7, 2019  
**Time:** 7:00 p.m.  
**Place:** Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Brad Pratt  
Dave McCall  
Melodi Gochis  
Scott Wardle  
Steve Pruden

**City Employees Present:**

Mayor Debbie E. Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Matt Johnson, Assistant City Attorney  
Glen Caldwell, Finance Director  
Steve Evans, Public Works Director  
Darwin Cook, Parks Department Director  
Paul Hansen, City Engineer  
Michelle Pitt, City Recorder  
Cylee Pressley, Deputy Recorder  
Shannon Wimmer, Deputy Finance Director

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member Wardle.

Chairman Pruden announced that Jami Carter, Library Director had received the Utah Visionary Librarian Award. The City of Grantsville Nominated Ms. Carter for the award. It is her tenth year being with the Library. Chairman Pruden encouraged all to visit the library.

**2. Roll Call**

Steve Pruden, Present  
Scott Wardle, Present  
Dave McCall, Present

Brad Pratt, Present  
Melodi Gochis, Present

**3. Public Comment Period.**

Chairman Pruden invited comments from the public, there were none.

Chairman Pruden closed the public comment period.

**4. Resolution 2019-56 A Resolution of the Tooele City Council Approving and Ratifying a Settlement Agreement and Mutual Release with the Aposhian Sod Farms, Inc.**

Presented by Ted Barnes

Mr. Barnes stated it was privilege to be in attendance. The City purchased property in Vernon Utah for water rights in the late 1980's. At the time the property was occupied for sod farming purposes. Around 2012, the City realized they were receiving no rent or benefit from the arrangements on the property, the City determined to terminate the lease. The lease terms allowed determination without cause. The requirement of termination without cause required the City to pay the sod farmer for the value of the mature sod crop in place. There were disputes over the value of the sod. The sod farmer asked for payment in excess of \$3.2 million for the sod. The City could not substantiate the price and the farmer refuse to leave the property. A lawsuit ensued over several years, with two trials. The result was a trial in the end of 2018 that issued a declaration for the value of the sod with a net amount of \$1.281 million. The City had the right over statute to pay over ten years. Both parties were dissatisfied with the declaration and applied to the Court of Appeals. The first payment that was due under court declaration was paid in May 2019. A mediation was sponsored by the Court of Appeals. A resolution of the mediation was for the City to pay the sum of \$840,000 including the \$112,000 already paid and subject to approval from the City Council. Mr. Barnes recommended approval of the settlement agreement.

Chairman Pruden asked if the Council had any questions of comment.

Chairman Pruden asked if the settlement agreement will be paid from the sale of the property?  
Mr. Barnes stated that was his understanding.

**Council Member Wardle motioned to approve Resolution 2019-56.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

5. **Utah Transit Authority Presentation on Current Services, Community Engagement, and Future Service Planning**

Presented by UTA Trustee Kent Millington

Mr. Millington stated that State Legislature rearranged the governing structure of the UTA, creating a three-member Board of Trustees to run the Authority. Mr. Millington is one of the Trustees and represents Tooele and Utah Counties. He was in attendance at the meeting to make the Council and public aware of the significant bus route changes that will start on Sunday August 11, 2019. Mr. Millington provided a listing and map of all of the route changes to the Council and passed out a route change card to the Council and public in attendance. Mr. Millington stated that the important changes are, the bus routes that serve Tooele to downtown Salt Lake will increase from 1:00am and 1:00pm to 5:00am and 5:00pm, every thirty minutes starting at 5:00am. During the day there will be hourly service to Downtown Salt Lake. At about 3pm until about 6pm, will once again increase to every 30 minutes, from Salt Lake back into Tooele. The cards are being given to the riders during the week so that they are aware of the changes in service. Mr. Millington stated that UTA is grateful to be of service to the growth in Tooele County. UTA hopes that these changes will be responsive to the growth in the County for about a year. UTA is prepared to work with Tooele City to help provide services of the constituents. Mr. Millington stated that as the new schedule is adopted there may be some questions and transitional issues. Mr. Millington asked that people are patient as the system is implemented. UTA feels that once people get used to the schedule it will serve the communities. Mr. Millington stated that currently UTA is currently carrying about 500 people a day on the services in place. With the new increases, it is expected that the ridership will increase. Mr. Millington stated that he would provide the counts to the City as the numbers are determined. Mr. Millington stated that there are advertisements in the newspaper about the new routes. People could also look up information at [rideUTA.com/tooele](http://rideUTA.com/tooele) for more information and the specific schedule.

Chairman Pruden asked if there were questions or comments from Council.

Mayor stated that Tooele City has worked extensively with Tooele County and UTA to increase the services for the residents. The City has taken steps to ensure that residents are taken care of. UDOT cannot build the roads quick enough to keep up with congestion. The Mobility Council that work with Tooele County will help those who are not familiar with UTA, learn how to use UTA services.

6. **Public Hearing on Enterprise Fund Transfer**

Presented by Glenn Caldwell and Shannon Wimmer



Ms. Wimmer stated that the transfer is for the solid waste Fund, also known as the garbage fund. An enterprise fund is run as a business and kept separate from the City's general fund. It is part of the City in accounting terms, but a separate fund. Over many years the fund balance has been increasing. The amount of increase has varied from \$8,000 in 2014 to \$100,000 in some of the later years. There are a lot of items that make up the balance of the fund, such as rates that are negotiated, clean up projects and various plans that differ from year to year. Currently the enterprise fund has a balance of approximately \$2.5 million. The fund does not have any capital fund needs other than one truck that is used to deliver garbage cans. There is a provision within Utah state law to make a transfer of funds to participate in all capital needs of the City. That transfer is required to have notification of users and have a public hearing. The transfer will allow the money to be used for the purchase of four new snow plows and completion of the new police department for items that are not allowed to be paid with the bond, such as furnishings and computers. This transfer will go to the capital projects fund and relieves the need to pay for the capital projects out of the general fund. The proposal is to transfer \$2.3 million from the solid waste fund to the capital projects fund.

Chairman Pruden asked the Council if there were any questions or comments, there were none.

Chairman Pruden opened the public hearing.

Mr. Kevin Park stated that he had a comment about the transfer. He agrees that the money is needed elsewhere, but why was the fund allowed to be built up to \$2.5 million. Why were the waste fees of the City residents not decreased on a regular basis if the fund was being over funded? He stated that there are needs for new police cars, and new snow plows, fire engines. Why weren't these needs planned for? Mr. Park stated that he works for a very large group that has a regular plan for replacement of equipment. He stated that some of the Council Members are not running for reelection, but all of the Council Members have been in office for a few years. Why has this not been planned or why is there not a fiscal policy to replace equipment that needs to be replaced on a regular basis? Tooele City is a fantastic City, but he doesn't like how it is being managed fiscally.

Chairman Pruden stated that Ms. Wimmer stated that the fund goes up and down every year. The Council would not know what the fund balance will be based on the number of projects. The contracts with Ace Disposal have gone down. If the savings are past down to City residents it would be a couple of dollars here or there. It wouldn't be consistent. Chairman Pruden stated he would take the blame, he had not noticed that the fund had grown so big. When he was told that the fund had a large balance, that led to the process that is being performed tonight with the public hearing.

Mr. Park stated that a \$2.5 million balance is not built up in a couple of years. Council Member Wardle stated that the fund six or seven years ago renegotiated a contract with the County for dump transfer fees. At that point the City was paying \$41 a ton for garbage. That contract was

renegotiated down to \$36 a ton. At the same time the disposal costs were going up. The citizens asked for recycling. The City has attempted to keep recycling at a breakeven point and not knowing where money was going to go with contracts. The new contract with the County has an escalator that goes up a point a year. The balances that were created by the contracts will not continue to grow due to the new contract provisions. The context is important with recycling and start-up costs and market conditions on recycling; recycling is going in the hole significantly. That will have to be another adjustment to the fund.

Mr. Park stated that with respect, the City does not build up a \$2.5 million balance in a couple of years. He is not buying it in this size of a City. He is asking the City to have a replacement plan or program and he is not seeing that it is in place. Mr. Park stated that he has a lot of friends who work for the Fire Department and Police Department and he knows the equipment they have. What plan is in place to keep the first responders safe? That is the other piece of this issue. The City needs to plan better.

Council Member Wardle stated that the Council agrees with what was said. Part of this is a difficulty that was placed by prior administrations and how equipment was replaced. How discussion with the general fund and tax increases was dealt with. This year after last year, the residents will see better planning. One of the discussions during the meeting will be about the certified tax rate and if the Council should lower the rate because valuations will go up. The reason the City is in the position it is in, is because the City always held to the valuation and the lowered the certified tax rate, which appears to be a net decrease in taxes. The Council has implemented this year, a capital improvement fund in several departments with an escalator clause for \$10,000 a year if the City holds the certified tax rate. This year is anomaly because housing valuations went up almost \$30,000. This puts the outlier of the certified tax rate that is lower by almost 10%. In the next two years there will be 10 cars replaced and the Fire Department is looking at their next apparatus. The City is talking about how to adjust for fire equipment on 1000 North. Council Member Wardle stated that the City is getting there, but it cannot get from crisis to planning overnight. It will take some time.

Mr. Park stated that he is disappointed that it is today that this is being handled, this should have been handled before. This should have been handled when Mayor Winn was voted in.

Mayor Winn stated that this was started last year.

Mr. Park stated that this is disappointing because some have been on the Council for awhile and its disappointing that this is just being started.

Mayor Winn stated that this fund began when there was \$400,000 in the solid waste 20 years ago. Just after January of 2018, just after taking office, she was made aware of the amount of money in the fund. She asked how to use the money that is doing no good for the City. It took several months to work through the budget increase that happened in 2018, knowing that the

money in the solid waste fund would be moved to purchase equipment. It has taken a lot longer than anyone wanted, but it is a process. The City is trying to clean up a mess that was created over many years. The City is committed to continue to do that.

Ms. Emily Hamilton stated that she was happy to get a public notice in the mail for the reallocation of funds. She stated that she disapproves of how the funds are being allocated. She feels that taxes were just increased and some of the funds could be allocated to things other than computers, desks, and chairs for the police department. She thinks there could be a school zone for children attending Scholar Academy, road improvements, and side walk improvements. She stated that she is sad about the water information she gets in the mail because the City is barely making the EPA standards. An allocation of \$500,000 is concerning when there are other things that the money could be used for. Ms. Hamilton stated that this is the first the public has heard of this even though it has been in worked on for over a year. She stated that she has asked several times for a school zone for Scholar Academy and she has been shot down. She thinks that she could use the portion to put in the school zone. The Council has a lot to answer for. She stated that it will be nice to see change and she doesn't think the Council is doing a good job. She stated that she doesn't think the Council is allocating the money in all the right places and the Council should not vote on it tonight.

Ms. Kori Park stated that she has had the opportunity to work with local governments in California and Illinois. One of the things that she is concerned about with this, is making sure that this is a one-time deal with the allocation. When City's seem to get in trouble it is because they are dependent from taking from one source and giving to another.

Mr. Max Hanvek asked if all the departments are getting capital improvement allocations for the next year? Chairman Pruden stated that snow plows are an anomaly because they are \$250,000 apiece. The City trucks are on average 15 years old and the City is down two that cannot be repaired. The Council decided once the money was found and could be transferred, the Council thought that this was a great way to get the snow fleet ready for the next snow season. \$1 million of the transfer is for the snow plows. The \$500,000 to the police station, when the bond was granted for the police station, the bond does not allow for the proceeds to be used on furniture, desks, chairs, computers, anything inside the building. That is why the Council allocated some of the money for that.

Mr. Hanvek asked if there is in the budget money for capital improvement replacement in future years? Does every department have money set aside for capital improvement? Chairman Pruden stated the departments that need it have a rotation. Council Member McCall stated that there is a rotation, roughly every 10 years all heavy capital equipment will be replaced. That is something that has been talked about and put in the budget. The police department has been doing this for years. The rest of the City will be on the same type of plan.

Mr. Hanvek stated that if the City doesn't there will be another meeting like this. Council Member Wardle stated that there is a technology plan in place for computers. In the current budget and last years budget, the police department has a rotation in. Streets has put in a rotation budget. The hope is that this doesn't happen again. Mr. Hanvek stated that this needs to be done so that furniture and things are paid for. Capital improvement plans need to be in place. There are 10 to 15 new streets in town every month and there will be a bigger workload to make sure things happen.

Mr. Ken Barkdoll stated that he agrees with the comments tonight. He would like to bring up that it sounds like there hasn't been a reserve fund established for the enterprise fund. Once there is a build up of a certain amount, there would need to be refunds to the public for money over the reserve. The fund sounds like it fluctuates a lot and will there be a deficit with recycling. Mr. Barkdoll read from the letter sent out to the public for public hearing about administrative and overhead costs.

Mr. Barkdoll stated that in the letter there is a statement that the City has calculated the costs for the enterprise fund, and he is not sure he believes that the City has calculated these costs correctly. He stated that possibly it would be better to have a third party manage the enterprise fund. Chairman Pruden stated that it would be more expensive because the billing is done through the Finance Department which also does the water and sewer. Mr. Barkdoll asked what the cost difference is? Chairman Pruden stated that he didn't have a number. Those people in the department do multiple tasks and the enterprise fund is one. If the City hired outside to administrate the accounts, billings, there would be costs of office space and personnel. Mr. Barkdoll asked if a third party would not cover that themselves. Council Member Wardle stated that he hears that what is being asked if an audit has been done to see if a third party is cheaper than the City doing the work themselves. Mr. Barkdoll stated that if the City hasn't done an audit then how can it know if a third party would be more expensive.

Chairman Pruden asked Shannon Wimmer to elaborate from the finance department. Ms. Wimmer stated that an independent audit is performed and they qualify that the calculations are reasonable. Chairman Pruden asked Ms. Wimmer if it is more economical to do it the way it has been done or to have a third party bid it out? Ms. Wimmer stated there would be a building and software and it is a bid out process. She is not aware of any City's that have a third party perform these functions.

Chairman Pruden stated that Mr. Barkdoll has a valid point, but other City's do it this same way, but it hasn't been looked at. Mr. Barkdoll state that it seems like there is a lot of things that happen without a lot of thought. There are a lot of things to be done and limited amount of time to do it, but all people have to work within a budget and make cutbacks. Chairman Pruden stated that the City has done cutbacks for many years and didn't raise taxes to the point that nothing else could be cut to not affect services. Mr. Barkdoll asked if there is a public list of the

expenditures or budget? Chairman Pruden stated that the budget is public and can be obtained from the Recorder's Office.

Chairman Pruden stated that one of the reasons the discussion is happening is because the snow plow situation is critical. It takes three months to get a snow plow ordered and built. Currently the City is not ready for another winter like the last one without the snow plows purchased. If there are four brand new ones and the Mayor has been authorized to purchase a used one; the Council is hoping to be ready for winter. Council Member Wardle stated the City is starting to get the capital improvement in place, but last year was ground zero. That is why these hearings are so crucial. When there is a hearing about certified tax rate and Council wants to ask the public do you want them to hold the certified tax rate because the values went up or maintain what the state says and raise every so often.

Mr. Barkdoll stated it sounds like there should be some more deliberation before a vote. Council Member Pruden stated the items are time sensitive.

Ms. Hamilton asked if there is a way to have an open discussion or delaying this for more public comment. There is a need for snow plows and a need for computers in a police department, but these funds could be allocated in several areas and not just one area. She stated that she feels there should be a delay and more voices can be heard. A lot of people don't know that this is happening. She asked the City to delay.

Chairman Pruden asked if there were any other comments, there were none. Chairman Pruden closed the public hearing.

Chairman Pruden asked the Council if there were any other comments.

Council Member Wardle stated that the comments are critical and he loved some of the comments about public notice. He stated that people don't call hm. The Council has talked about the fund transfer since June in all of the budget meetings. The needs have been discussed since May. He stated he didn't know how else to get the information out. He encouraged attendance at City Council Meetings, watch it on Facebook, look at the agenda, especially when it comes to the financial side. Those comments make a difference.

Chairman Pruden shared a story of talking with a Tooele City resident about Fridays on Vine. He stated that this was a long time resident, but they did not know that this activity occurred in the City. He sympathizes that there is a frustration of not everyone knowing what is happening, but the City Council is doing the best they can to lessen impact to the citizens. Chairman Pruden stated that for the most part they do a pretty good job. There are a lot of layers of issues that go on that the public is not aware of. Consequently, the Council is doing the best they can to help everyone across the board.

Council Member Pratt stated that he appreciated the comments. The comments shed a light on needs and things that have to be taken care of. He stated that there is a discussion on taxes in the agenda. Those were talked about at length in the prior year. There were many comments about delaying the tax. Council Member Pratt stated that the staff and Council and Mayor have examined these things carefully. In the prior year there was a tax increase because there had been a delay for 32 years. These things built to the point we see today. It wasn't out of neglect or trying to ignore, but it was out of concern for not wanting to raise taxes. There comes a time where the City falls behind and cannot keep up with the demand. There are new roads and growth in the City. The City starts to fall short because there are more neighborhoods. Council Member Pratt stated that the Council should not delay, but take action and steps to move forward and keep doing that. The number one concern in the Council Meetings is not about moving right now but the citizens. How can the City continue to do that at the rate its growing, but the income is not growing at the same rate? Council Member Pratt stated that this is an opportunity to look at a way to fix the holes, then put in place processes to make sure that doesn't happen again. Sometimes that process might be the adjustment of taxes. The opinion of the Council and the administration in previous years was that was the last resort. It has been considered very carefully. Council Member Pratt stated that if the public has questions; ask.

Council Member Gochis stated she appreciated the comments. This is a process and it takes dialogue to reach a consensus. There was a point that people are not getting the information, but Council Member Gochis stated she thinks that the City does an excellent job in trying to get the information out. Council Member Gochis encouraged the public to take time to attend the meetings. The Council meets the first and third Wednesday of the month. The staff does an excellent job with limited resources. There is never an abundance of money. It is difficult to raise taxes and to have a desire to raise them again. There was a discussion with the independent auditors that the City should maintain the certified tax rate. That is a 10.3 increase and the City should continue to that in order to keep providing services. By law the City has to provide health and safety issues. There has not been money to replace capital equipment, but the City staff found a way to do it. There are employees that donate their leave because they cannot take time off due to the burden of doing their jobs. Council Member Gochis thanked those in attendance.

**Council Member Pratt motioned to approve transfer of funds of the Enterprise transfer.**

Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**7. Public Hearings Regarding Adopting the Final Budget for Tooele City for Fiscal Year 2019-2020 and Adopting the Certified Tax Rate for Fiscal Year 2019-2020**

Presented by Mayor Debbie Winn

Chairman Pruden stated that the agenda items 8 and 9 are going to be tabled. The Council will take public comment on the items, but will not vote on the resolutions. There will be a budget

work session on August 14, at 5:00 pm at City Hall. This will be a discussion for the final budget.

**Council Member McCall motioned to table agenda items 8 and 9 about adopting the certified tax rate and final budget.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

Chairman Pruden asked Mayor Winn to explain the changes in certified tax rate.

Mayor Winn stated that the certified tax rate does not compensate for inflation. The State Tax Commission sets the certified tax rate. Property taxes are based on the rate and the home valuations. Those taxes go to the City, School District, County and other municipalities. Mayor Winn stated that the tax rate that was in place 21 years ago is more than the tax rate that was approved in 2018. When she became Mayor and worked with the Council, they became aware of the place the City was at because the taxes were low. The City had not listened to the financial experts. Last year the City started at 114% tax increase, but was able to drop it to 82%, but it was stated publicly that to stay ahead the City would need to maintain the certified tax rate.

Mayor Winn stated that if the house was worth the same today as it was a year ago then the public would pay the same amount of tax. Throughout the state, with the home shortage, home values increased. When the value goes up, the tax rate goes down. The certified tax rate went down 10.3%. The last couple of years the certified taxes decreased by 4.5%, 7%, 8%, and the 10% was unprecedented. The City has to start the budget process before the certified tax rate is announced. When the rate dropped so drastically, it was a surprise. Mayor Winn stated that the residents are not paying 10% more than they did last year, but because the way the certified tax rate dropped, the City has to tell residents that it is a tax increase. The City is digging out of a hole, trying to cut within departments while trying to maintain the services that the City is obligated to do and the services that are optional, such as parks or the pool. Mayor Winn stated that they are not perfect, but they are doing their best. If this 10% tax increase is passed and the home is worth \$230,000 the increase will be \$37 this year. Is that worth it to dig out of a hole? It matters that the constituents become involved and help the Council make the best decisions they can. It is hard to have a target on your back, but it is worth it to serve the public.

Chairman Pruden opened the public hearing.

Ms. Kori Park stated that a couple things were mentioned, concerts in the park, parks and the pool. These are all very nice things to have, but there need to be safety zones, and to keep taxes low. There need to be hard choices. The swimming lessons at the pool are extremely affordable and parents could pay a few more dollars. Ms. Park stated that she was going to make a ridiculous comparison. Some people really enjoy going to the concerts in the park, but she really

enjoys travelling. How about there be a Tooele travel group so people can pay for her to go on a vacation. It is the same kind of deal, there are expenses for a concert in a park at the expense of others. Chairman Pruden clarified that the funding for the concerts in the park was voted on by Tooele City citizens. That is paid out of P.A.R. Tax fund and is voted on every 10 years. It is \$.10 on a \$100 out of sales tax. That can only be used for those type of things. Ms. Parks stated that there has been inflation. The prices of homes have gone up and that takes part of inflation. Sales tax has a portion go to the City and the City should receive more from that as the prices in the stores go up.

Mr. Joe Roundy stated that his property taxes went up \$80,000 and it is not just Tooele City asking for that money. When does it end? Why are there all these talks about money, how did the City get \$4.5 million tax breaks for a strip mall? The City does not need to give tax breaks. The City is so broke. Why the tax breaks? He stated he would like to see more responsible spending. For the last tax break there was \$300,000 spent for hot dog stands. \$150,000 at Dow James, \$150,000 at Red Del Papa and the City turned around and sold them. Why is the police department \$8 million? Grantsville got away with \$3.2 million. Let's be responsible and live within a budget. How does the tax rate go down? Who set the rate? Mayor Winn stated that was set by the State. Mr. Roundy stated that his taxes never went down. Between the inflation on the houses and all the building that should cover all that is needed. Tooele City's Main Street looks like trash and the only place worse in the State is Grantsville. The cemetery the fence is rusted over. The police station is being put on garden street, which is an alley. It should have been put on Main Street to make it look better.

Mr. Park stated that it is tough for him to comment because he doesn't know what the Council will do. He applauded the Council for tabling the issue because he believes that there needs to be more discussion. He stated that he doesn't have a whole lot of comments because he doesn't know what the council will do.

Council Member Wardle stated that the public hearing is about, is should the City adopt the baseline tax rate that the State has lowered or does the Council hold to the certified tax rate done in fiscal year 2018/2019. Those are the bottom and the ceiling. If the City does not adopt the prior year tax rate, that leaves budget cuts. If the City adopts the prior year tax rate, that will leave an adequate budget. The City can do anything in between.

Mr. Park asked what the tax rate was for fiscal year 2018/2019. Council Member Pratt stated .003334. The new rate for fiscal year 2019/2020 is .003024. The difference between the two is 10.25%. If the City holds the certified tax rate from the prior year and does not adopt the new tax rate, that represents 10.25%. Mr. Parks clarified that the Council is looking for comments on which rate should be adopted. If the 2019/2020 rate is adopted the City will have lower taxes. If the City does not accept the new tax rate the tax will stay the same in 2019/2020. Council Member Wardle stated that the value of the homes went up, therefore the taxes went up. Mr. Parks stated that there is a lot more in sales tax revenue and garbage fees. The Council has to be



cautious when saying there is no tax increase, because people are constantly paying more in taxes because the home valuations have increased.

Council Member Pratt stated the reason the certified tax rate went down is because the City did increase in size. The revenue that would come in to the City would have gone up 10.3%. In order for that revenue to stay level, the certified tax rate went down. If the property did not increase in value, then the certified tax rate for fiscal year 2019/2020 would be less. The City cannot help that property values went up. It is all relative to the property values.

Ms. Hamilton asked if there is an in between? She stated that if the tax is kept where it is, but having last year be a new starting chapter. It was stated that there could be other avenues. She stated that there is a neglect of aesthetics in the area. She wants there to be an in between to lead slowly up to the certified tax rate. Costs are going up. She would really love to have improvements that need to happen. She discussed her issues with not having a school zone at Scholar Academy.

Mr. Clyde Salisbury stated that he went to pay his taxes because he is concerned about tax increases. He is on a fixed income. He asked at the County if the solution to pay the taxes is to get another job at 70 or 80 years old to pay the taxes. He doesn't care if the City has trails, or streets, he cares about being able to live. He stated that it seems that people are getting taxed out of their homes. There is nothing for the senior people to stop this from going up and up.

Mayor Winn reminded the seniors, veterans, and disabled individuals that there are provisions put in place by the Utah State Legislature called Tax Abatements. All of those forms are online or Mayor Winn will print them out for who ever needs them. The application is taken to the County. The County administers the program. There are tax breaks in each category. The abatements must be applied for every year.

Mr. Russ Niche stated that he went to the County Accessors Office earlier in the day because he had some concerns. He stated that there was discussion that the taxes keep increasing. He is a new resident and this is a new concept to him. He stated that if this is going to keep go up, will he be out of his house because he can't pay the taxes. He asked how long the taxes are going to go up. He stated that he is from California and Washington, but if a person is renting, the rent is controlled so there can't be more than 5% increase in rent. The Council is stating that it is 100% increase. He lives in Overlake and is in a new home. His home is new tax revenue for the City. There has got to be a plan to budget. He stated that he is concerned and is appreciative of the service from the Council.

Council Member McCall stated that most of the Council are over 60 years of age. Everything that has been talked about doesn't just affect the public, it also affects the Council Members. Last year when the problems were discovered the Council have been taking action to get things back together. Some people have a problem with how things have happened. There has been a

lot of confusion with the City and the County. Are there tax agreements with companies that come in, so that they will come into the community? They do. The Council has been trying for years to bring more business to Tooele, but it takes time. There are populations and growth, but there aren't enough people for certain business such as Costco and Olive Garden. The Council is doing the best they can with the problems that have been discovered. If there had been a 114% in the last year and there wouldn't be a discussion today. But it will take time to get to where we need to be. There will be more discussion to determine where the tax needs to be. Council Member McCall stated that this job is hard when it involves taxes.

Mr. Nichols asked if there was a projected plan for taxes. Council Member Wardle stated that there was a plan, but it blew up. The plan was to hold the certified tax rate and then it decreased. The City has no control over the decrease and now there is a debate to determine what to do.

Council Member Pratt stated that an issue that needs to be addressed is that when looking at the property tax notice, Tooele City is only a portion of the taxes. The Council only controls Tooele City portion. The school district is the largest portion.

Chairman Pruden stated that on Wednesday August 14 at 5:00 pm will be a tax discussion. It is not an open discussion, but there may be comments from the public.

Mr. Ken Barkdoll asked about management putting out fires. He asked about updating the long-term plan. If people can see the results of what is being paid for, it is a little more palatable. People do not want to pay anymore than taxes and we want to see the money paid, used wisely. There needs to be adjustments, but there is a goal and it's made widely known there may be more cooperation.

Chairman Pruden closed the public hearing.

**8. Resolution 2019-58 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2019-2020.**

This item was tabled under agenda item 7.

**9. Resolution 2019-57 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for the Fiscal Year 2019-2020**

This item was tabled under agenda item 7.

**10. Public Hearing and Motion on Ordinance 2019-18 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property in the Lexington Greens at Overlake Development Located Near 600 West 1200 North.**

Presented by Jim Bolser

Mr. Bolser showed a slide of the property on the screen and stated that the property is currently a vacant property. The Council recently approved phase 1 of the Lexington Greens project which is directly north of the rezone. The property is along Franks Drive as it transitions from 400 West to 600 West. The property is currently zoned R1-7 Residential, as are the surrounding properties, excluding property to the south that is zoned commercial. The subject application is a request to rezone the property to the MR-16 Multi Family Residential zone. A conceptual map of the project was shown on screen to demonstrate the types of uses the developer anticipates for the project. The MR-16 Multi Family Residential zone does not allow single family dwellings. The Planning Commission has heard this item, held a public hearing, and forwarded a unanimous positive recommendation.

Chairman Pruden stated that the developer had been granted a few minutes to explain the concept plan for the project.

Mr. Gerry Tulley shared a brief presentation with the Council about the concept plan and types of uses the developer was anticipating. A slide show of the presentation is attached as Exhibit 1.

Chairman Pruden asked the Council if there were any questions, there were none.

Chairman Pruden opened the public hearing.

Mr. Justin Brady asked the Council about a vote that they made in regards to not approving more multi-family residential properties within the City until infrastructure needs were investigated. Council Member McCall stated that it would be a case by case basis except Overlake. Mr. Brady asked why was Overlake allowed to have the zoning approvals. Council Member Wardle stated that it's because it is under a settlement agreement. Mr. Brady stated that the concern for holding off on multi-family was the concern for infrastructure. Chairman Pruden stated that it is only the older part of the City. Mr. Brady asked if the City is confident that the newer part of the City has the infrastructure to withstand the units. Chairman Pruden stated that Overlake was originally designed to hold 6,200 homes and the infrastructure is good. Mr. Brady stated that he has read the General Plan for the City and has done a GRAMA request. The General Plan that he has found is 20 years old and how is the infrastructure being reviewed to make sure it is adequate? Mayor Winn stated that the City has retained an engineering company that has been used for several years to determine the needs of new development when there is a request for development. Currently the company is reviewing all infrastructure in the whole City to determine if City can grow and manage it.

Mr. Brady asked if that will be updated in the General Plan. Mayor Winn stated that Mr. Bolser, Community Development Director is already working with the Planning Commission to get that together.

Chairman Pruden closed the public hearing.

**Council Member McCall motioned to approve Ordinance 2019-18.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**11. Ordinance 2019-19 An Ordinance of Tooele City Adopting an Updated Purchasing Policy and Procedure**

Presented by Michelle Pitt

Ms. Pitt, stated that the current policy was adopted in 1993. A lot has changed in 26 years in purchasing practices. The proposed policy has been reviewed numerous times. It meets current State laws and the Utah Procurement Code. Ms. Pitt asked for the approval of the policy.

Chairman Pruden thanked the staff for the work to get the proposal done.

Chairman Pruden asked the Council if there were any questions, there were none.

**Council Member Pratt motioned to approve Ordinance 2019-19.** Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**12. Resolution 2019-55 A Resolution of the Tooele City Council Approving Insurance Coverage for Insurance Period 2019-2020**

Presented by Michelle Pitt

Ms. Pitt stated that in 2018 there was a solicitation for proposals from insurance providers for the liability, automobile, and property insurance. There were three bidders and the City chose the Utah Local Governments Trust. That was a savings of over \$43,000. The City also saved throughout the year with the \$1,000 deductible on liability claims compared to the previous \$10,000 deductible. The Utah Local Governments Trust committed to hold the liability premium for three years and City would like to take advantage of that by renewing with them. The total for the insurance premiums is \$183,279.72 for the year.

Chairman Pruden asked the Council if there were any questions, there were none.

**Council Member McCall motioned to approve Resolution 2019-55.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, “Aye,” Council Member Pratt, “Aye,” Council Member Gochis, “Aye,” Council Member Wardle, “Aye,” Chairman Pruden, “Aye.” The motion passed.

**13. Resolution 2019-59 A Resolution of the Tooele City Council Approving a Contract with Impact Contractors Inc. for the Demolition of the Obsolete Waste Water Treatment Facility.**

Presented by Steve Evans

Mr. Evans stated that there are some safety concerns over the 20-year-old waste water treatment plant, which is no longer used. Impact Contractors is a local company and is the low bid. They are also removing obsolete tank 2 and tank 3. This is a demo in place. There are seven buildings that will be demoed. The contract came in at \$64,975 with a 5% contingency of \$3,250 for unforeseen circumstances.

Chairman Pruden asked Mr. Evans to share why this contract is so low. Mr. Evans stated that the company owner is a member of the community and is invested in the community. Mr. Evans shared a story from the owner of the company and why he would like to take on this project. The individual wanted to know if his son had played around in the facility with the dangers that are there and he discussed it with his wife. His son confirmed that he had played in the facility. The owner stated he wants to clean it up for the community.

Chairman Pruden asked the Council if there were any questions, there were none.

**Council Member Gochis motioned to approve Resolution 2019-59.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, “Aye,” Council Member Pratt, “Aye,” Council Member Gochis, “Aye,” Council Member Wardle, “Aye,” Chairman Pruden, “Aye.” The motion passed.

**14. Resolution 2019-60 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Broken Arrow Construction for the Droubay Road Storm Drain Project (Vine Street to Smelter Road)**

Presented by Paul Hansen

Mr. Hansen stated that one of the funds that the City has is the stormwater enterprise fund. With that fund the City has begun installing storm drains in many of the streets. This has eliminated flooding that has occurred in many homes. This project is the next step of that. The City has two current storm water drains in progress, which the Council has approved and this would be a

continuation of that. Currently there is water that comes off Buzinis Way crosses Vine Street and flows into the golf course. The water is not regulated and with the development of the property between Vine Street and the golf course, it is necessary to mitigate the water. This project was put out for bid. There were three bids received back. The lowest bid was from Broken Arrow. Their price was a little below what was estimated. The City is recommending awarding the contract to Broken Arrow in the amount of \$609,553.17 with a 5% contingency of \$30,500 only to be used if there are conditions that vary from what is expected.

Council Member Pratt asked if this award is awarded when would the project be completed. Mr. Hansen stated the contract termination date is October 30, 2019.

Council Member McCall asked if the project will widen the road? Mr. Hansen stated that it is not under this project.

**Council Member Wardle motioned to approve Resolution 2019-60.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

## 15. Minutes

Chairman Wardle asked if the Council if there were any comments or questions, there were none.

**Council Member McCall motioned to approve minutes from the City Council July 17, 2019.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

## 16. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$85,023.28, to Tooele County Sherriff Office for dispatch fees for April, May, and June

An invoice in the amount of \$20,210.41, to Mountainland Supply for water meters and water cables.

**Council Member Pratt motioned to approve invoices.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

**17. Adjourn**

**Council Member Wardle moved to adjourn the City Council meeting.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Council Member Wardle, "Aye," Chairman Pruden, "Aye." The motion passed.

The meeting adjourned at 9:15 p.m.

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

Approved this 21st day of August, 2019

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Steve Pruden, Tooele City Council Chair

DRAFT

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

Date: Wednesday, August 7, 2019  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Steve Pruden  
Scott Wardle  
Dave McCall  
Brad Pratt  
Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Glenn Caldwell, Finance Director  
Shannon Wimmer, Assistant Finance Director  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Darwin Cook, Parks and Recreation Director  
Jami Carter, Library Director  
Ron Kirby, Police Chief  
Rick Harrison, Fire Chief

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Pruden called the meeting to order at 5:00 p.m.

**2. Roll Call**

Steve Pruden, Present  
Scott Wardle, Present  
Brad Pratt, Present  
Dave McCall, Present  
Melodi Gochis, Present

**3. Discussion:**



- Disaster Scenario Off-Site Training/Council Availability Discussion

Mr. Bolser said he spoke with Bucky Whitehouse who would like to give the Council a tour of the Emergency Management building, and to conduct training there. September is emergency preparedness month, so the Council decided to meet at the Emergency Management building on September 18<sup>th</sup> at 4:00 p.m. for 30-60 minutes.

- Enterprise Fund Transfer  
Presented by Glenn Caldwell

Mr. Caldwell stated that Tooele City has five utility funds: water, solid waste, storm water, and street lighting. They are business type funds in which businesses such as Rocky Mountain Power and Dominion Energy sell services to the City and the City charges them for support services. The profits from operations accrue to the utility fund. Mr. Caldwell said that in 2017 the State adopted legislation allowing the City to transfer funds from their utility funds to other non-utility funds for various governmental needs. The solid waste fund has slowly increased from \$450,000 in 2000, to \$2.4 million in 2019. The City would like to transfer \$2.3 million to the capital projects fund to be used for:

- \$500,000 to fund interior furnishings and equipment for the new police station;
- \$960,000 for 4 snow plow trucks;
- \$375,000 for breathing apparatuses for the fire department;
- \$18,250 for new police vehicles;
- \$97,000 for new carpet for the library;
- \$40,000 to provide a fence at the cemetery;
- \$300,000 to fund a structure to house the fire trucks at Station #1;
- \$9,750 to provide better security for office staff in finance.

Chief Harrison said that he was concerned about the temporary structure for the fire department. Chairman Pruden said that it would protect the fire trucks. Chief Harrison asked how temporary the structure would be, adding that the fire department would rather get something permanent. Council Member Wardle stated that the Council was trying to figure out a way to partner with the federal government to build a new station, but they're also worried about protecting the trucks until that could happen. Chief Harrison said that he has heard a lot of pushback from the fire department because they are worried that this temporary building will become a permanent structure. Chief Harrison asked if the building could be moved back as far as possible so that it could be used for storage in the future.

Council Member Pratt said that this building was never meant to be a replacement for a future building. It is just a way to protect the equipment. The Council will continue to look for financing for a future building.

The Council agreed to have more discussion with the fire department about this building.

Chairman Pruden advised that the Council move forward with the public hearing for the fund transfer, then hold on to the money until future discussions between the Council and the fire department could take place. The Mayor explained that the money needs to be moved now, but once moved, it could sit until everyone is ready.

- Resolution 2019-55 A Resolution of the Tooele City Council Approving Insurance Coverage for Insurance Period 2019-2020  
Presented by Michelle Pitt

Ms. Pitt stated that in 2018, the City solicited insurance proposals for liability, automobile and property insurance. At that time the City received 3 bids from insurance brokers and providers. The City chose the Utah Local Governments Trust (the Trust) as the provider, at a savings of over \$43,000 from the next lowest bidder. The City also saved throughout the year because the new insurance provided a \$1,000 deductible for liability claims, compared to \$10,000 - \$15,000 deductibles paid in the past. The Trust committed to hold the rate of the liability premium for three years.

Due to the time consuming process of preparing for insurance bid proposals, the price offered by the Trust, and the service received this past year, Ms. Pitt recommended renewing the insurance coverage through the Trust.

- Ordinance 2019-19 An Ordinance of Tooele City Adopting an Updated Purchasing Policy and Procedure  
Presented by Michelle Pitt

Mr. Pitt said that the City's current purchasing policy and procedure was adopted in 1993. It is so outdated that it discusses carbon copies and other processes that have not been used in a long time. The policy has been updated to match current practices and procedures. It has been reviewed numerous times by City staff, the finance department, and the Council. Ms. Pitt added that it meets current State laws and the Utah Procurement Code.

- Ordinance 2019-18 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property in the Lexington Greens at Overlake Development Located Near 600 West 1200 North  
Presented by Jim Bolser

Mr. Bolser stated that the application for a Zoning Map amendment had not changed since the Council last saw it. He added that it would be presented in the next meeting for a public hearing and vote.

- Resolution 2019-59 A Resolution of the Tooele City Council Approving a Contract with Impact Contractors Inc. for the Demolition of the Obsolete Waste Water Treatment Facility  
Presented by Steve Evans

Mr. Evans stated that this contract is for the demolition of the old waste water treatment plant. Funding for this project will come from the sewer fund. Mr. Evans felt that this was a good bid for this project. He added that the City contracted with this company before, and they have already taken out Tank 2. Mr. Hansen said that the debris left there will be staying on the site, and that was the City's intent.

- Resolution 2019-60 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Broken Arrow Construction for the Droubay Road Storm Drain Project (Vine Street to Smelter Road)  
Presented by Paul Hansen

Mr. Hansen said that storm water presently comes off the bluff and discharges through the PAR 4 Estates, and then the golf course. Because of the flooding potential there, and the City's storm drain management, the long term plan is to divert that water. This will be paid out of storm drain funds. This project went out for public bid, and three bids were received. Broken Arrow was the lowest responsible responsive bidder.

- Resolution 2019-58 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2019-2020  
Presented by Glenn Caldwell

AND

- Resolution 2019-57 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City Fiscal Year 2019-2020

Mr. Caldwell said that the law states that if there is a change from the certified tax rate the City needs to do a public hearing.

Chairman Pruden said that the Mayor had recently sent them a proposal adjusting to a 6% increase, rather than the proposed 10% rate. Council Member Wardle explained that when the Council talked about holding the certified tax rate, they were stunned when it turned out to be a 10% increase. He added that property valuations went up so much that it created an outlier of what the expectations were. He said he was surprised at how high the amount was, and so were the citizens. He realized that the Council said they were going to hold the certified tax rate, but he assumed it would be an increase of 2-4%. He is now wondering if budget cuts can be made so that a 10% would not be needed.

Chairman Pruden said that the Mayor's original budget was with a 10% increase. The Mayor stated that the City's financial advisors have advised that the City needs to quit subsidizing the current budget. In August, when the tentative budget was adopted, the Council agreed that the City needed to maintain the certified tax rate. She added that the budget was based on keeping the current rate, and to add on the judgment levy at 8%. At that time, the Council said they didn't want to do the 8% for the judgment levy, but wanted to keep the certified tax rate for one more year and to continue to use the general fund for the judgment payment. She emphasized that the Council agreed to maintain the certified tax rate.

Mayor Winn said that the City received the tax rate from the County in June. Throughout the State of Utah there is a shortage of housing which has caused home prices to increase. If the value of homes would have stayed the same, and the City kept the certified tax rate, citizens would pay the same amount of tax. She explained that this tax rate is not technically a tax increase, because the City would be keeping the tax rate the same. She said that when the numbers came in, they weren't in a percentage, rather as a decimal number, so the 10.2% may have been a surprise. She said it was not a true 10% increase over what they paid last year. The Mayor added that if the Council doesn't continue to maintain the rate, the City will be headed towards a large increase next year.

The Mayor said that City staff only spent about 90% of their budgets last year which can be rolled in to this year's budget. If the Council wants to lower the tax rate, she suggested that the fund balance make up the difference. She cautioned that the City has to be careful with grant requirements and obligations, saying that those requirements can't be touched. An extra amount in a line item may actually be there because it's necessary for a contract or grant obligation or requirement. She recommended not trying to make budget cuts line item by line item. She said that the staff was not asking for more than what was needed, and that employees do all they can to save the citizens money.

Chairman Pruden said that he didn't want department heads or the Mayor to think that the Council is trying to undermine them. He explained that the Council wants to look to see if there is a way to meet the needs that have been proposed and that department heads deserve, and lessen the burden on the tax payers, especially after hitting them so hard last year. He said they are trying to separate personal feelings that someone is smarter than someone else, and come to a consensus. He felt that the Council was not ready to make a determination tonight, and suggested that the tax rate and budget be tabled.

Chairman Wardle said that the public hearings would still need to be held, and that they would like to hear from the public. He added that he hoped that department heads knew that the Council was asking questions just for information, and not to undermine them. He said he felt that the Council needed more time with the budget and to have questions answered.

Council Member Gochis expressed appreciation to the Mayor for answering her questions about lowering the certified tax rate. She understood that \$500,000 would have to be cut from the budget if the 10% was not adopted. She felt it would be a good option to table the items.

Mayor Winn said that she doesn't feel that the department heads felt that they were being attacked with the budget questions. She said that staff is busy and understaffed. She said that the staff and Council has the responsibility to take the time to go through this. There have been lengthy discussions in prior meetings. In June there weren't a lot of questions from the Council. She thought that the Council would be reconfirming tonight what happened in June, but because of the tax rate, the Council is now rethinking the budget. The frustration is that the budget process is too important to wait until the last minute. The Council must adopt the budget by August 30<sup>th</sup>. The Council needs to hold budget meetings as necessary so that this doesn't have to be postponed again.

The Mayor went on to say that to continue the services, and to be where we need to be, large cuts shouldn't be made. She recommended that budget meetings take place prior to the next council meeting so that this is not postponed again. She also suggested to start next year's budget early, and to not wait so long next time.

Council Member Pratt said that there was a big difference in the certified tax rate in conjunction with property value increases. As elected officials in the community, the Council needs to be financially responsible. They owe it to the citizens to go through the budget again to see if they can lessen the burden. The Council would like to re-examine the budget to see if the increase can be less than 10% and still provide services.

Council Member Wardle said that one of the concerns is balancing the budget, and not paying things out of the general fund. If there are savings, that money should go in to savings, or towards a one-time project. He would like to try to figure out a good balance.

The Mayor suggested that once an amount is determined this year, the City doesn't say that we're going to hold the certified tax rate. Council Member McCall agreed, saying that he was also concerned that this will just get pushed to the next administration. He said that the 10% was a surprise. When looking back at last year, there was a 110% increase proposed to get the City where we need to be, but that amount was reduced to 80%. The citizens were told that the City would do the 80% that year, with another increase this year to get the City back up to where it needs to be. The City is directed by the State on what needs to be paid. The auditors have told the City that it's headed down the wrong road by not raising taxes, and then the City hires another outside agency, and they say the same thing. Council Member McCall added that he wasn't saying the City needs to do 10%, but the citizens were told that we would hold the certified tax rate. The City needs some type of increase. Council Member McCall said that we owe it to the citizens to not go back to where we were before. It is the City's job to protect the citizens and the City. Staff is overworked and understaffed. The City shouldn't cut staff or equipment. Council Member McCall felt that City needs to be smarter about how we're doing things. Employees cannot be held accountable if they're not given the tools they need to do their jobs. He added that he was okay with the 6% because it gets things taken care of without affecting the staff.

Council Member Gochis thanked the staff for providing all information requested. She said that Steve Evans emailed her about the age of their trucks. She said that staff is doing a terrific job at making due with old equipment. She learned that some employees are turning back their annual leave, for the benefit of the City.

Council Member Pratt said that there were a couple of areas that he wanted to discuss, and he may want to add things back in that were taken out. He said that there was a line item in the budget for a grant writer that may be taken out. There were some other changes that may also be able to be made.

Chairman Pruden said the Council was in agreement that the budget had to be finalized in two weeks. The Mayor would like all requests to go to her, and then she will get the information

back to the Council. State law allows departments to move money within line items, as long as it's within that budget. He recommended that the Council ask the staff to cut their budgets, rather than the Council doing it. He agreed that the Council should hold more budget meetings, and to not wait until the Tuesday before the Council meeting.

Council Member Wardle said he felt that it was their job as a fiduciary of the budget, to review the budget line item by line item, to justify and verify. It is their job to be a check and balance, that's why they are asking the questions. The Mayor reminded the Council that they get a daily report, weekly report, and a monthly report that is their way to check to make sure that the money is getting spent appropriately. She said that the Council received the numbers in June. She added that the Council had every opportunity to meet in June and July to go over the budget line item by line item, but the Council didn't do it. Council Member Wardle responded by saying that the budget had been changed since they received it in June, and that they didn't see the final until Friday.

It was decided that the Council will meet on Wednesday, August 14th at 5:00 p.m. for a budget work meeting.

The Mayor asked that the Council direct questions through her.

Ms. Wimmer said that the public hearing was whether to adopt the rate causing the 10% increase. If the final decision was lower, it wouldn't require another public hearing.

**Chairman Pruden recessed the meeting at 6:13 p.m.**

**The meeting reopened at 6:22 p.m.**

The Mayor explained that Scott Miller found a snow plow 10-wheeler from Midvale City. He feels it is a good deal at \$69,000. The funding would come out of Road C funds, which is a restricted fund. The Mayor asked for approval for this purchase, which would be in addition to the four that would be purchased out of the enterprise fund. The Council agreed. Mr. Evans said that this used snow plow would replace the one that was totaled earlier this year.

Attorney Ted Barnes joined the meeting.

- Resolution 2019-56 A Resolution of the Tooele City Council Approving and Ratifying a Settlement Agreement and Mutual Release with Aposhian Sod Farms, Inc.  
Presented by Attorney Ted Barnes

Attorney Ted Barnes stated that the Resolution recites the history of the sod Farm. The City decided in 2012 that it was receiving no rent, and no benefit from the water being used at the Aposhian Farm. The City decided to terminate the lease. The provision in the lease said that the agreement could be terminated "with or without cause." The City decided to terminate with cause, and to pay the farmer the market value of the sod at that time. Aposhians refused to leave, and filed a lawsuit over the value of the sod. The claim from Aposhian was that the City owed

them over \$3.2 million for the value of the sod. The jury came up with a very large judgment but because of misconduct on the other side, the Judge threw it out. The sod value was tried again, and ended up in a net judgment, not a money judgment against the City, but a judgment for the value of the sod. The judgment was for \$1,028,000 to pay over a 10 year period. The City made the first payment. Both sides appealed. The Court of Appeals asked both sides to mediate. The mediation on July 23<sup>rd</sup> included the Mayor, Council Member Wardle, and Mr. Barnes. Without admitting fault, the City agreed to pay \$841,000, which included the \$112,000 payment already made. This is below the amount initially declared by the court. That amount comes out to be close to the evidence that the second trial showed that the sod was worth. The agreement has been signed confirming that amount, pursuant to Council's approval. This Resolution ratifies that settlement.

Chairman Pruden added that everyone knows that this administration inherited two major lawsuits. It's Important to remember that just because you lose, it doesn't mean that you're wrong. The City wasn't wrong.

Mr. Barnes said that at the beginning the City asked what our obligation would be for the sod. He said this was not a loss, because it's a fourth of what their demand was at the time.

Council Member Pratt expressed appreciation for his work on this matter and to the Mayor and Council Member Wardle for the mediation efforts. He felt it fell in line with what was expected.

Council Member Wardle said that the Mayor brought great ideas to the mediation.

Mayor expressed appreciation to Mr. Barnes for his work in this lawsuit. She said she was proud especially of his professionalism.

#### **4. Close Meeting to Discuss Litigation and Property Acquisition**

**Council Member Pratt moved to close the meeting.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member Wardle "Aye," Council Member Pratt "Aye," Council Member Gochis "Aye," and Chairman Pruden "Aye".

The meeting closed at 6:34 p.m.

Those in attendance during the closed session: Mayor Winn, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Glenn Caldwell, Darwin Cook, Kami Perkins, Shannon Wimmer, Jami Carter, Chief Kirby, Council Member Pratt, Council Member McCall, Council Member Wardle, Council Member Gochis, and Chairman Pruden.

No minutes were taken on the closed meetings.

#### **5. Recess and Adjournment**

**Council Member Pratt moved to close the meeting.** Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” Council Member Gochis “Aye,” and Chairman Pruden “Aye.”

The meeting recessed at 6:48 p.m., and reconvened in a closed meeting to discuss personnel at 9:25 p.m.

Those in attendance at the closed personnel discussion was Mayor Winn, Council Member McCall, Council Member Wardle, Council Member Pratt, Council Member Gochis, and Chairman Pruden.

The meeting closed at 9:55 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 21st day of August, 2019

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Steven Pruden, Tooele City Council Chairman