
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council & the Tooele City Redevelopment Agency of Tooele City will meet in a Work Session, on Wednesday, September 4, 2019 at the hour of 5:00 p.m. The Meeting will be Held at the Tooele City Hall Large Conference Room, located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Ordinance 2019-21** An Ordinance of Tooele City Amending Tooele City Code Section 1-6-4 (7) Regarding the Mayor's Duties as City Budget Officer
Presented by Scott Wardle
- **Ordinance 2019-22** An Ordinance of Tooele City Enacting Tooele City Code Section 1-8-3 Regarding Financial Reports
Presented by Scott Wardle
- **Ordinance 2019-23** An Ordinance of Tooele City Amending Tooele City Code Chapter 1-14 Regarding the Duties of the Director of Finance
Presented by Scott Wardle
- **Condominium Plat for Porter's Place Subdivision** Creating Six Condominium Duplex Style Units at Approximately 596 South Coleman Street on 0.98 Acres in the R1-7 Residential Zone
Presented by Jim Bolser
- **Subdivision Final Plat** for the Hunters Meadow Subdivision Consisting of 53 Lots on 14.065 Acres Located at Approximately 760 West 700 South in the R1-7 Residential Zoning District
Presented by Jim Bolser
- **Ordinance 2019-20** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for 3 Acres of Property Located at 705 North 100 West
Presented by Jim Bolser
- **Potential Annexation Request**
Presented by Jim Bolser
- **Resolution 2019-65** A Resolution of the Tooele City Council Approving a Settlement Agreement and General Release with Charles and Crystal Lawrence
Presented by Roger Baker
- **Resolution 2019-66** A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule to Add A Golf Course Pavilion Rental Fee
Presented by Darwin Cook

- **Impact Fee Waiver** for Affordable Housing
Presented by Roger Baker
 - **Budget Item** for Animal Control Vehicle
Presented by Mayor Debbie Winn
 - **RDA Resolution 2019-15** A Resolution of the Redevelopment Agency of Tooele City, Utah,
Approving an Agreement for Snow Removal From Public Streets and Rights-of-Way Within
Peterson Industrial Depot & Ninigret Depot
Presented by Mayor Debbie Winn
 - **Budget Study Groups**
Presented by Chairman Steve Pruden
- 4. Close Meeting**
- Litigation and Property Acquisition
- 5. Adjourn**



Michelle Y. Pitt
Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2019-21

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 1-6-4(7) REGARDING THE MAYOR'S DUTIES AS CITY BUDGET OFFICER.

WHEREAS, UCA Section 10-6-106(5) provides that the Budget Officer in a city with the council-mayor form of government is the Mayor; and,

WHEREAS, the City Council desires to amend TCC Section 1-6-4(7) ([Mayor's] Powers generally) to clarify that the Tooele City Mayor is the Tooele City Budget Officer; and,

WHEREAS, this ordinance is in the best interest of Tooele City:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Section 1-6-4(7) (Powers generally) is hereby amended to read in its entirety as shown in redline 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)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

TCC Section 1-6-4(7), Revised

CHAPTER 6. MAYOR

1-6-1. Mayor and mayor pro tem; vacancy.

1-6-2. Mayor.

1-6-3. Duties.

1-6-4. Powers generally.

1-6-5. Messages.

1-6-6. Officers.

1-6-7. Assistant to mayor. Repealed.

1-6-8. Appointments. Repealed.

1-6-9. Sign for city.

1-6-1. Mayor and mayor pro tem; vacancy.

The chief executive of the City shall be the Mayor, and during the Mayor's temporary absence or disability, the Chairperson of the City Council shall act as Mayor Pro Tem, who during such absence or disability shall possess the power of Mayor. Whenever a vacancy shall happen in the office of Mayor, the Council shall appoint an interim Mayor until the next Municipal election and until a successor is elected and qualified.

(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 1967-3, 08-14-1967)

1-6-2. Mayor.

The Mayor shall be the chief executive officer of the City.

(Ord. 1967-3, 08-14-1967)

1-6-3. Duties.

The Mayor shall perform all duties which are or may be prescribed by law or this Code and shall see that they are faithfully executed.

(Ord. 2012-11, 04-04-2012) (Ord. 1967-3, 08-14-1967)

1-6-4. Powers generally.

The Mayor shall exercise within the City limits the power conferred upon the Mayor to suppress disorder and keep peace. The Mayor shall have authority to grant full pardons for violations of the provisions of this Code or to remit so much of any fine or penalty as belongs to the City, together with the costs of prosecution when to the Mayor it shall seem just, reasonable, and a meritorious cause. The Mayor shall report to the Council the number of fines remitted and pardons granted and the reasons therefor. The Mayor may permit the use of the facilities in the City Hall, by proper persons and for proper purposes, but not to interfere with the rights and uses of the City. The Mayor shall have power and authority at all times to examine and inspect the books, records and papers of any officer or agent employed by the City. The Mayor shall have power, when necessary, to call upon every inhabitant of the City over the age of twenty-one (21) years to aid in enforcing the laws and provisions of this Code, in suppressing riots and other disorderly conduct. The Mayor's powers and duties shall include:

(1) To appoint and dismiss from employment all persons employed by the City except for the city recorder or other employees appointed by the Council, and except as conditioned upon Council consent, both as provided by the Charter. All such appointments are to be made on the basis of fitness alone.

(2) To have direct supervision and responsibility over operations in the Finance Department, City Attorney's Office, City Recorder's Office, Human Resources Department, Police Department, Fire Department, City Hall, Community Development Department, Public Works Department, Parks and Recreation Department, and other administrative departments as may be created or amended from time to time. Included as a part thereof, the Mayor shall have direct supervision of the construction, improvements, repairs, and maintenance of streets, sidewalks, alleys, lanes, bridges, and other public highways; of sewers, drains, ditches, culverts, streams and water courses, and gutters and curbs; of all public buildings, boulevards, parks, playgrounds, squares, and other grounds and facilities belonging to the City; and the collection and disposal of waste materials.

(3) To care for and preserve all machinery, tools, appliances, facilities, and property belonging to the City.

(4) To oversee the issuing of building permits, the inspection of buildings, plumbing, and wiring, subject to uniform codes adopted by the City.

(5) To act as the purchasing agent for the City through an authorized designee, to see that city codes and purchasing policies are adhered to, to approve all claims against the City less the \$20,000.00, and to see that all goods purchased by and for the City are received as per contract.

(6) To attend all meetings of the Council with the right to take part in the discussion but not to vote, except in case of a tie vote of the Council; to recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient.

(7) To **be the budget officer of the City and, in that capacity,** to prepare the annual tentative budget (to be construed as a financial estimate only) and present it to the City Council by the first Wednesday in May, to prepare and present the annual final budget to the City Council as required by state law, and to keep the Council advised as to the financial condition and needs of the City.

(8) To perform such other duties as may be required by ordinance or resolution of the Council or otherwise allowed by the Charter or by State law.

(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 1995-21, 01-06-1996) (Ord. 1976-23, 11-11-1976) (Ord. 1967-3, 08-14-1967)

1-6-5. Messages.

The Mayor shall from time to time give the Council information relative to the affairs of the City and shall

recommend for their consideration such measures as the Mayor may deem expedient.
(Ord. 2019-07, 04-03-2019) (Ord. 1967-3, 08-14-1967)

1-6-6. Officers.

The Mayor shall appoint the following officers: city attorney, treasurer, police chief, fire chief, four members of the Planning Commission, all department heads except the city recorder, and members of advisory boards as provided by this Code, with the consent of the City Council, except as expressly permitted otherwise by the City Code or Utah Code. (The following officers shall be appointed by the Council: city recorder, auditor, annual independent auditor, and three members of the Planning Commission.)

(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012); (Ord. 1994-56, 01-31-1995) (Ord. 1967-3, 08-14-1967)

1-6-7. Assistant to mayor. Repealed.

(Ord. 2012-11, 04-04-2012)

1-6-8. Appointments. Repealed.

(Ord. 2012-11, 04-04-2012)

1-6-9. Sign for city.

The Mayor shall sign contracts, leases, deeds, and other writings on the part of the City as authorized by resolution of the Council or as required by law. Notwithstanding, the Mayor shall have authority to sign contracts on the part of the City which are administrative in nature and which are for less than \$20,000.00, without further City Council authorization.

(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 2000-17, 08-16-2000) (Ord. 1967-3, 08-14-1967)

TOOELE CITY CORPORATION

ORDINANCE 2019-22

AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE SECTION 1-8-3 REGARDING FINANCIAL REPORTS.

WHEREAS, UCA Section 10-6-148 provides that the City Recorder shall prepare and present to the City Council monthly summary financial reports and quarterly detail financial reports; and,

WHEREAS, the City Council desires to enact TCC Section 1-8-3 to incorporate in the City Code the City Recorder's state-law obligation regarding financial reports; and,

WHEREAS, this ordinance is in the best interest of Tooele City:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Section 1-8-3 (Financial reports) is hereby enacted to read in its entirety as shown in redline 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)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

TCC Section 1-8-3

CHAPTER 8. RECORDER

1-8-1. City recorder - Duties.

1-8-2. Pay over money.

1-8-3. Financial reports.

1-8-1. City recorder - Duties.

It shall be the duty of the Recorder to keep the records, papers and Seal of the City in order, the date of all ordinances and resolutions passed by the Council in a book kept for that purpose. He shall keep in a separate book, a record of the proceedings of the Council, whose meetings it shall be his duty to attend. He shall keep in a book provided for that purpose the name of all persons elected or appointed to an Office within the City, their terms of office and the names of the person appointed to fill the vacancy so created. He shall cause a certified copy of all ordinances passed by the Council to be posted in three (3) public places in the City within one (1) week after the passage of such Ordinance by the Council, unless published as otherwise provided by law.

The Recorder shall keep his office at the place of meeting of the Council or some other place convenient thereto as the Council may direct. Copies of all papers filed in his office and transcripts from all records of the Council certified by him under the Corporate Seal shall be evidence in all courts as if the original were produced. (Ord. 67-3, 08-14-67)

1-8-2. Pay over money.

The Recorder shall pay into the Treasury all monies belonging to the City coming into his hands by virtue of his office. He shall deliver to his successor in office the Corporate Seal, together with all books, papers, records and other property in his possession belonging to the City. (Ord. 67-3, 08-14-67)

1-8-3. Financial reports.

The Recorder shall provide to the Council monthly summary financial reports and quarterly detail financial reports as provided by State law.

TOOELE CITY CORPORATION

ORDINANCE 2019-23

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 1-14 REGARDING THE DUTIES OF THE DIRECTOR OF FINANCE.

Budget Officer

WHEREAS, TCC Section 1-14-2 (Appointment as budget officer) allows the Mayor to appoint the Finance Director to the position of City Budget Officer; and,

WHEREAS, UCA Section 10-6-106(5) provides that the Budget Officer in a city with the council-mayor form of government is the Mayor; and,

WHEREAS, the City Council has passed Ordinance 2019-21 amending TCC Section 1-6-4(7) ([Mayor's] Powers generally) to clarify that the Tooele City Mayor is the Tooele City Budget Officer; and,

WHEREAS, in light of the above, it is appropriate to repeal TCC Section 1-14-2 (Appointment as budget officer) (see Exhibit A); and,

Annual Audit

WHEREAS, Tooele City Charter Section 3-02 provides that the City Council shall select an independent auditor to perform an annual audit of the City's financial accounts; and,

WHEREAS, in light of the above, it is appropriate to amend TCC Section 1-14-4 to require the Finance Director to present to the City Council, by a date certain, independent audit proposals (see Exhibit A):

Financial Reports

WHEREAS, UCA Section 10-6-148 provides that the City Recorder shall prepare and present to the City Council monthly summary financial reports and quarterly detail financial reports; and,

WHEREAS, the City Council has passed Ordinance 2019-22 enacting TCC Section 1-8-3 (Financial reports) to clarify the City Recorder's duty to prepare and present monthly summary and quarter detail financial reports to the City Council; and,

WHEREAS, in light of the above, it is appropriate to amend TCC Section 1-14-7 (Monthly and quarterly financial reports) to clarify the Finance Director's duty to provide support to the City Recorder with regard to monthly summary and quarter detail financial reports:

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

1. Tooele City Code Section 1-14-2 (Appointment as budget officer) is hereby amended to read in its entirety as shown in redline in Exhibit A; and,
2. Tooele City Code Section 1-14-4 (Duties) is hereby amended to add subsection (7), which reads in its entirety as shown in redline in Exhibit A; and,
3. Tooele City Code Section 1-14-7 (Monthly and quarterly financial reports) is hereby amended to read in its entirety as shown in redline in Exhibit A; and,
4. Tooele City Code Section 1-14-4(5) is hereby amended to correct a typographical error (see 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)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

TCC Chapter 1-14, Revised

CHAPTER 14. DIRECTOR OF FINANCE

1-14-1. Head of department of finance.

1-14-2. Appointment as budget officer. (Repealed.)

1-14-3. Purchasing procedures.

1-14-4. Duties.

1-14-5. Warrants for payment of claims.

1-14-6. Authorization of payments.

1-14-7. Monthly and quarterly financial reports.

1-14-8. Bond.

1-14-9. Special assessments - application of proceeds.

1-14-1. Head of department of finance.

The Department of Finance shall be headed by a director. The director of finance shall be a qualified person appointed and removed with the advice and consent of the governing body, and may not assume the duties of the city treasurer. The financial administrative duties of the director of finance prescribed in the Uniform Accounting Manual for Utah Cities is hereby adopted, the same as if set forth in full herein.

(Ord. 1988-29, 12-07-1988)

1-14-2. Appointment as budget officer. (Repealed.)

~~The director of finance may be appointed by the mayor to serve as budget officer in place of the mayor for the purpose of conforming with the requirements of the uniform municipal fiscal procedures act and in all other respects fulfilling the requirements of that act. (Ord. 1988-29, 12-07-1988)~~

1-14-3. Purchasing procedures.

All purchases or encumbrances thereof by the city shall be made or incurred according to the purchasing procedures established by ordinance or resolution and only on an order or approval of the person duly authorized to act as a purchasing agent for the City. (Ord. 1988-29, 12-07-1988)

1-14-4. Duties.

The director of finance shall:

(1) Maintain the general books for each fund of the city and all subsidiary records relating thereto, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable.

(2) Keep accounts with all receiving and disbursing officers of the city.

(3) Pre-audit all claims and demands against the city before they are allowed, and shall prepare the necessary checks in payment. Such checks shall include an appropriate certification pursuant to Section 11-1-1, Utah Code Annotated. The director shall also certify on the voucher or check copy, as appropriate, that:

(a) The claim has been pre-audited and documented,

(b) The claim has been approved by the Mayor, if the claim is not in excess of \$20,000.00; if the claim is in excess of \$20,000.00, that the claim has been approved by the city council,

(c) The claim is within the lawful debt limit of the city, and,

(d) The claim does not overexpend the appropriate departmental budget established by the city council.

(4) Collect and receive all public funds and money payable to the City, within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, special taxes, assessments, as provided by law and ordinance, and keep an accurate detailed account thereof.

(5) Forward all collected and received funds to the treasurer for deposit, investment, and safe keeping.

(6) Give or cause to be given to every person paying money to the City a receipt or other evidence of payment, specifying, as appropriate, the date of payment and upon which account payment was made, and shall file the duplicate of the receipt, a summary report, or other evidence of payment in the office of the finance director or city recorder, as appropriate.

(7) Present annual independent audit proposals to the Council prior to the date of adoption of the tentative budget.

(Ord. 2015-23, 08-19-2015) (Ord. 2015-22, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-5. Warrants for payment of claims.

In the event the city is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the director of finance shall draw and sign a warrant upon the treasurer of the city for payment of the claim, the warrant to be tendered to the payee named thereon.

(Ord. 1988-29, 12-07-1988)

1-14-6. Authorization of payments.

The director of finance is authorized to act as the financial officer for the purpose of approving:

(1) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution, and if such checks are properly countersigned by another employee with signing authority; or

(2) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and capital expenditures which were referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-7. Monthly and quarterly financial reports.

The director of finance shall prepare and deliver to

~~the Recorder for presentation to the Council governing body monthly summary financial reports and quarterly detail financial reports as provided by State law; prepared in the manner prescribed in the Uniform Accounting Manual for Utah Cities.~~

(Ord. 1988-29, 12-07-1988)

1-14-8. Bond.

The director of finance shall be included within public employee blanket bonds of the city at the sum of five percent of budgeted revenues for the previous year but not less than \$300,000.00.

(Ord. 1988-29, 12-07-1988)

1-14-9. Special assessments - application of proceeds.

All money received by the City on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided by law.

(Ord. 2015-23, 08-19-2015)

The Charter states (Scott's notes)

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

CHAPTER 14. DIRECTOR OF FINANCE

- 1-14-1. Head of department of finance.
- 1-14-2. Appointment as budget officer. (Repealed.)
- 1-14-3. Purchasing procedures.
- 1-14-4. Duties.
- 1-14-5. Warrants for payment of claims.
- 1-14-6. Authorization of payments.
- 1-14-7. Monthly and quarterly financial reports.
- 1-14-8. Bond.
- 1-14-9. Special assessments - application of proceeds.

1-14-1. Head of department of finance.

The Department of Finance shall be headed by a director. The director of finance shall be a qualified person appointed and removed with the advice and consent of the governing body, and may not assume the duties of the city treasurer. The financial administrative duties of the director of finance prescribed in the Uniform Accounting Manual for Utah Cities is hereby adopted, the same as if set forth in full herein. (Ord. 1988-29, 12-07-1988)

1-14-2. Appointment as budget officer. (Repealed.)

~~The director of finance may be appointed by the mayor to serve as budget officer in place of the mayor for the purpose of conforming with the requirements of the uniform municipal fiscal procedures act and in all other respects fulfilling the requirements of that act. (Ord. 1988-29, 12-07-1988)~~

1-14-3. Purchasing procedures.

All purchases or encumbrances thereof by the city shall be made or incurred according to the purchasing procedures established by ordinance or resolution and only on an order or approval of the person duly authorized to act as a purchasing agent for the City. (Ord. 1988-29, 12-07-1988)

1-14-4. Duties.

The director of finance shall:

- (1) Maintain the general books for each fund of the city and all subsidiary records relating thereto, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable.
- (2) Keep accounts with all receiving and disbursing officers of the city.
- (3) Pre-audit all claims and demands against the city before they are allowed, and shall prepare the necessary checks in payment. Such checks shall include an appropriate certification pursuant to Section 11-1-1, Utah Code Annotated. The director shall also certify on the voucher or check copy, as appropriate, that:

(a) The claim has been pre-audited and documented,

(b) The claim has been approved by the Mayor, if the claim is not in excess of \$20,000.00; if the claim is in excess of \$20,000.00, that the claim has been approved by the city council,

(c) The claim is within the lawful debt limit of the city, and,

(d) The claim does not overexpend the appropriate departmental budget established by the city council.

(4) Collect and receive all public funds and money payable to the City, within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, special taxes, assessments, as provided by law and ordinance, and keep an accurate detailed account thereof.

(5) Forward all collected and received funds to the treasurer for deposit, investment, and safe keeping.

(6) Give or cause to be given to every person paying money to the City a receipt or other evidence of payment, specifying, as appropriate, the date of payment and upon which account payment was made, and shall file the duplicate of the receipt, a summary report, or other evidence of payment in the office of the finance director or city recorder, as appropriate.

(7) Present annual independent audit proposals to the Council prior to the date of adoption of the tentative budget.

(Ord. 2015-23, 08-19-2015) (Ord. 2015-22, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-5. Warrants for payment of claims.

In the event the city is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the director of finance shall draw and sign a warrant upon the treasurer of the city for payment of the claim, the warrant to be tendered to the payee named thereon.

(Ord. 1988-29, 12-07-1988)

1-14-6. Authorization of payments.

The director of finance is authorized to act as the financial officer for the purpose of approving:

(1) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution, and if such checks are properly countersigned by another employee with signing authority; or

(2) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and capital expenditures which were referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-7. Monthly and quarterly financial reports.

The director of finance shall prepare and deliver to

Prior to the adoption of the tentative budget the director of finance shall prepare list of qualified auditors to perform the annual audit and other such audits of the financial accounts of the City. This list shall include the qualification of the firms and bids they submit to for the costs of the annual and other audits as deemed necessary. The council shall make this selection by resolution prior to the adoption of the tentative budget. (Ord. 1988-29, 12-07-1988)

STAFF REPORT

August 22, 2019

To: Tooele City Planning Commission
Business Date: August 28, 2019

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Porter's Place – Condominium Plat Request

Application No.: P19-166
Applicant: Mike Watson, representing Lazarus Investments, LLC
Project Location: Approximately 596 S Coleman Street
Zoning: R1-7 Residential Zone
Acreage: .989 Acres (Approximately 43,080 ft²)
Request: Request for approval of a Condominium Plat in the R1-7 Residential zone regarding the creation of 6 condominium units in an existing 3-lot subdivision.

BACKGROUND

This application is a request for approval of a Condominium Plat for approximately .989 acres located on at approximately 596 S Coleman Street. The property is currently zoned R1-7 Residential. The applicant is requesting that a Condominium Plat be approved to create 6 condominium style units of 3 duplexes as well as establish common areas and limited common areas around the building.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The subject property is surrounded by properties zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Condominium Plat Layout The proposed condo plat does two things, first it reconfigures and amends the lots from the previously approved Porter’s Place Subdivision. Second, it creates privately owned space inside of the units and then commonly owned and limited commonly owned open spaces within the lot itself. There are 3 existing lots. 1 duplex is proposed for each lot totaling 6 units in the subdivision. Each unit will contain 1,315 square feet of living space with a 1400 square foot basement. Each unit will also have a two car garage.

Limited common areas are the driveways and rear yards. How the home owner's association chooses to limit useage in these areas or maintenance of these areas is up to them. Common area is the front yard landscaping, shown in white on the condo plat, and will be maintained by the home owner's association.

The duplex buildings themselves need to comply with all of the standard setbacks as required by the R1-7 Residential zone and will be enforced at time of building permit.

The Commissioners will note Parcel A and how it is listed as "not developable until access is provided." This parcel used to be an extension of lot #1 resulting in an "L" shaped lot. There is a subdivision being proposed to the west that desires to acquire parcel A, include it in their subdivision and split the parcel into three lots. Before Parcel A can be included in the neighboring subdivision Porter's Place Subdivision Plat must first be amended, thus creating Parcel A in order for it be conveyed to Hunter's Meadow Subdivision. If the subdivision to the west fails to construct the parcel would remain undevelopable due to a lack of access. Staff did confirm with Tooele County that a subdivision with a land locked parcel will be recorded as long as the plat indicates the parcel is not developable.

Criteria For Approval. The criteria for review and potential approval of a Condominium Plat request is found in Section 7-10-11 of the Tooele City Code. This section depicts the standard of review for such requests as:

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Condominium Plat submission and has issued a recommendation for approval for the request.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Condominium Plat submission and have issued a recommendation for approval for the request.

Noticing. A public hearing is not required, thus, notices do not need to be mailed to neighboring property owners.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Condominium Plat by Mike Watson, representing the Lazarus Investments, LLC, application number P19-166, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City

- General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
 3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
 4. The proposed development conforms to the general aesthetic and physical development of the area.
 5. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Porter's Place Condominium Plat Request by Mike Watson, representing Lazarus Investments, LLC for the purpose of creating 6 condominium units, application number P19-166, based on the findings and subject to the conditions listed in the Staff Report dated August 22, 2019:”

1. List any additional findings and conditions...

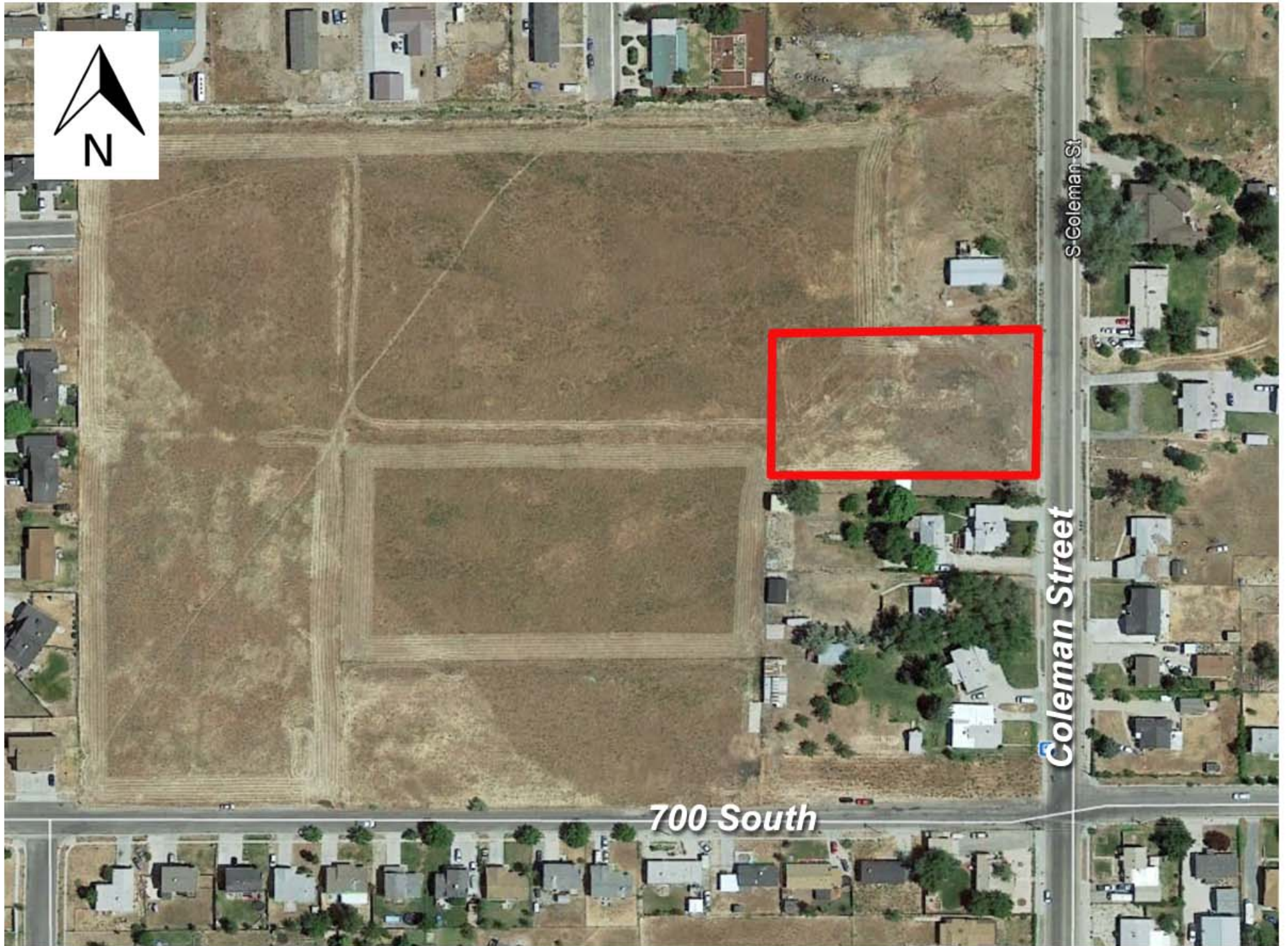
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Porter's Place Condominium Plat Request by Mike Watson, representing Lazarus Investments, LLC for the purpose of creating 6 condominium units, application number P19-166, based on the following findings:”

1. List any findings...

EXHIBIT A

MAPPING PERTINENT TO THE PORTER'S PLACE CONDOMINIUM PLAT

Porter's Place Condominium Plat



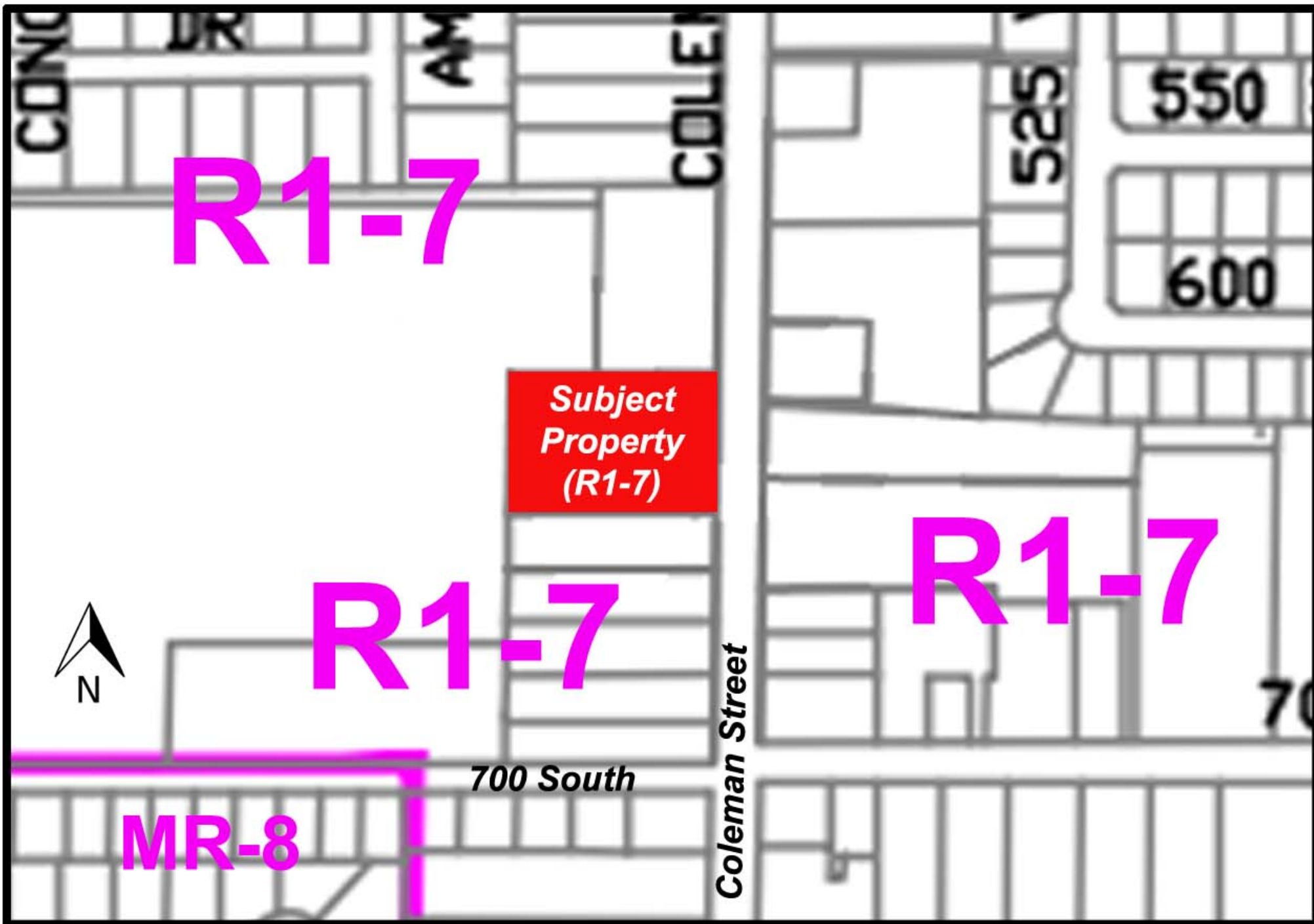
S Coleman St

Coleman Street

700 South

Aerial View

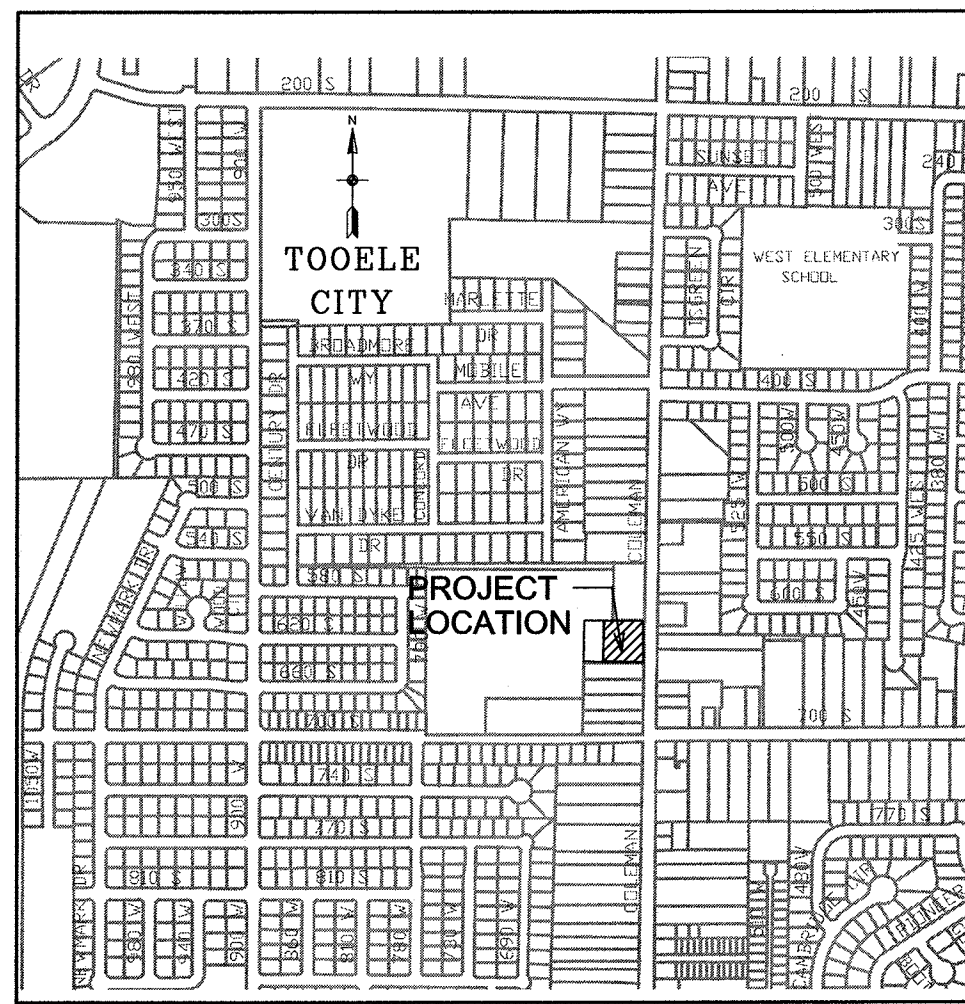
Porter's Place Condominium Plat



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS



VICINITY MAP

NORTH QUARTER CORNER SECTION 32
TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
(FOUND 3" DOMED BRASS MONUMENT
DATE 10-28-2016)

PORTER'S PLACE CONDOMINIUMS

TOOELE CITY
LOCATED WITHIN THE NORTH EAST QUARTER OF
SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH

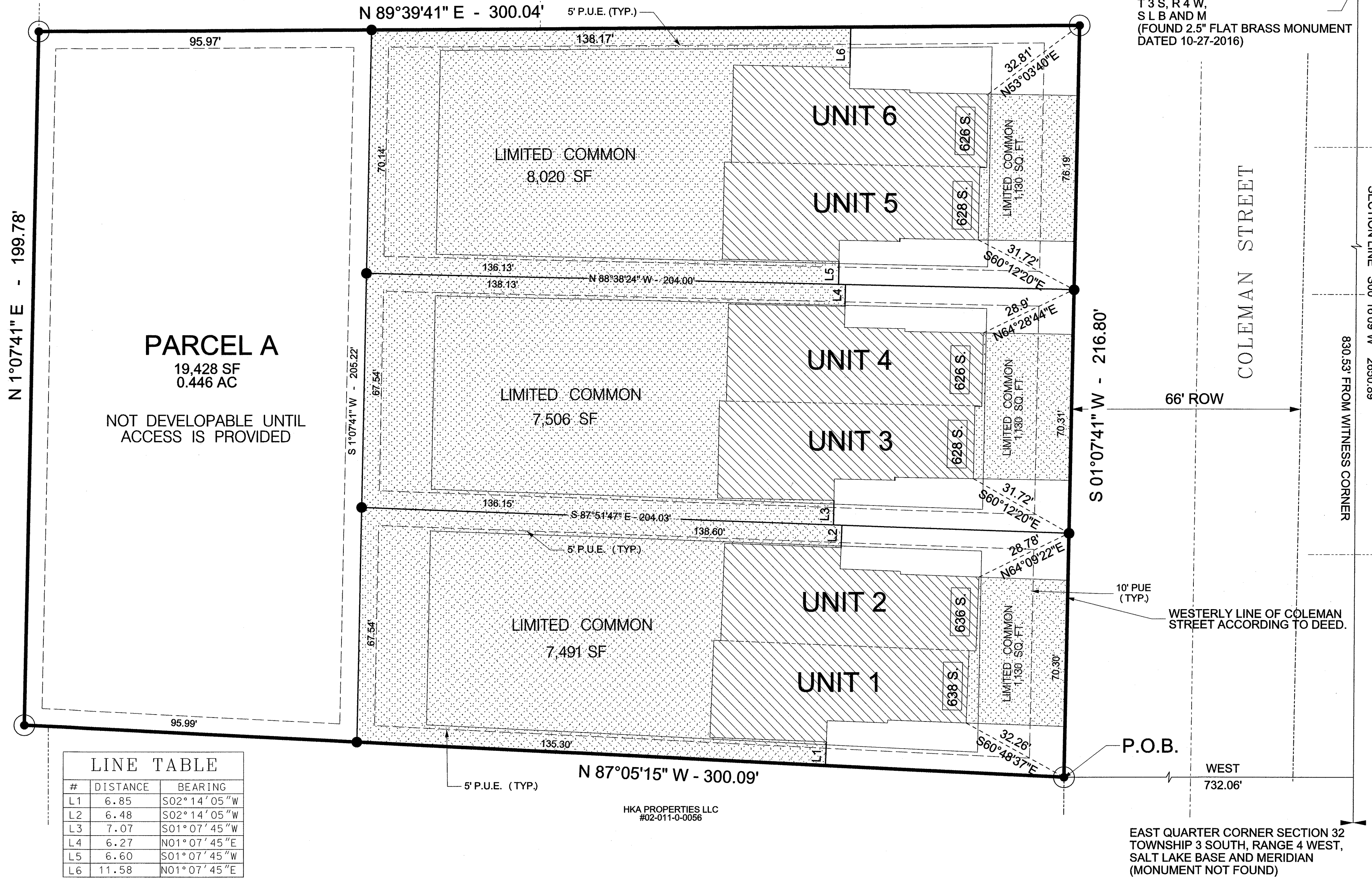
BASIS OF BEARING: SECTION LINE S89°39'39"W 2652.87'

NORTHEAST CORNER SECTION 32
TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
(MONUMENT NOT FOUND)

WITNESS CORNER TO THE
NE COR. SEC. 32
T 3 S, R 4 W,
S L B AND M
(FOUND 2.5" BRASS MONUMENT
DATED 10-27-2016)

WITNESS CORNER TO THE
NE COR. SEC. 32
T 3 S, R 4 W,
S L B AND M
(FOUND 2.5" FLAT BRASS MONUMENT
DATED 10-27-2016)

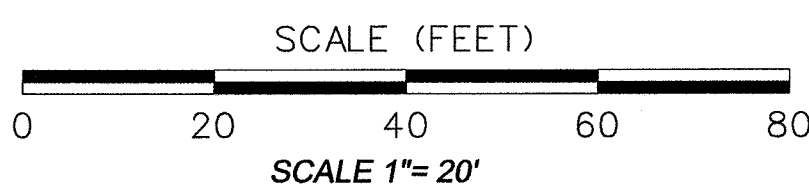
MARGIE GONZALES
PARCEL NO. 02-011-0-0047
WARRANTY DEED ENTRY NO. 427960
DATED 4-26-2016



PARCEL A
19,428 SF
0.446 AC

NOT DEVELOPABLE UNTIL
ACCESS IS PROVIDED

N 1°07'41" E - 199.78'



LEGEND

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON

LEGEND

- BOUNDARY LINE
 - LOT LINE
 - ADJOINING PROPERTY
 - EASEMENTS
 - RIGHT OF WAY
 - ROAD CENTERLINE
 - SECTION TIE LINE
 - SET 5/8" x 24" REBAR & PLASTIC CAP
 - SECTION CORNER
 - SUBDIVISION BNDRY CORNER
- NOTE: ALL LOT AND BOUNDARY CORNER HAVE BEEN SET

#	DISTANCE	BEARING
L1	6.85	S02°14'05"W
L2	6.48	S02°14'05"W
L3	7.07	S01°07'45"W
L4	6.27	N01°07'45"E
L5	6.60	S01°07'45"W
L6	11.58	N01°07'45"E

HKA PROPERTIES LLC
#02-011-0-0066

SURVEYOR'S CERTIFICATE
I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE, CERTIFICATE NO. 166572, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT FOUND IN TITLE 58, CHAPTER 22 OF THE UTAH CODE. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN UTAH CODE SECTION 54-8a-2, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT. I ALSO CERTIFY THAT I HAVE FILED, OR WILL FILE WITHIN 90 DAYS OF THE RECORDATION OF THIS PLAT, A MAP OF THE SURVEY I HAVE COMPLETED WITH THE TOOELE COUNTY SURVEYOR.

BOUNDARY DESCRIPTION
Beginning at a point which is South 00°16'09" West along the Section line 830.53 feet and West 732.06 feet from the South Witness Corner to the Northeast corner of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence North 87°05'15" West 300.09 feet; thence North 01°07'41" East 199.78 feet; thence North 89°39'41" East 300.04 feet; thence South 01°07'41" West 216.80 feet along the westerly right of way line of Coleman Street to the point of beginning.
Area = 62,474 Sq. Ft. (1.434 Acres)

Barry Andreason
Barry Andreason
May 29, 2019
Date

PROFESSIONAL LAND SURVEYOR
NO. 166572
BARRY ANDREASON
State of Utah

OWNERS DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO CONDOMINIUM UNITS, COMMON AREA, LIMITED COMMON AREA PRIVATE AREA, LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AND RIGHTS OF WAY, TO BE HEREAFTER KNOWN AS:

PORTER'S PLACE CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT LOCATED ON SAID TRACT OF LAND, HAS CAUSED A SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT CONSISTING OF TWO (2) SHEETS TO BE PREPARED, SAID OWNER HEREBY CONSENTS TO THE RECORDATION OF THIS CONDOMINIUM PLAT AND SUBMITS THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT, AND DOES HEREBY DEDICATE ALL COMMON AREA FOR THE USE OF THE CONDOMINIUM OWNERS OF ALL COMMON UNITS WITHIN THIS UTAH CONDOMINIUM PROJECT FOR INGRESS AND EGRESS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS _____ DAY OF _____, A.D. 20____.

PRINT _____ SIGNED _____
PRINT _____ SIGNED _____
PRINT _____ SIGNED _____
FINANCIAL LENDING INSTITUTION _____ SIGNED _____

ACKNOWLEDGEMENT
STATE OF UTAH } s.s.
COUNTY OF TOOELE }
ON THE ____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF TOOELE, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT _____ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC _____
NOTARY PUBLIC RESIDING AT _____

PORTER'S PLACE CONDOMINIUMS

INCLUDING A VACATION AND REVISION OF PORTER'S PLACE SUBDIVISION PLAT
LOCATED WITHIN THE NORTH EAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH
SHEET 1 of 2

DOMINION ENERGY
DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINIUMS RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.
APPROVED THIS ____ DAY OF _____, 20____.
DOMINION ENERGY COMPANY
BY: _____
TITLE: _____

ROCKY MOUNTAIN POWER
1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. 17-27a-803(4)(v)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF-WAY.
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR,
(4) ANY OTHER PROVISION OF LAW.
APPROVED THIS ____ DAY OF _____, 20____.
ROCKY MOUNTAIN POWER
BY: _____
TITLE: _____

NOTES:
1. ALL DESIGN, MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE CITY OF TOOELE STANDARD SPECIFICATIONS.
2. EACH LOT IS RESPONSIBLE FOR THEIR OWN DRAINAGE AND MUST PROVIDE ON-SITE RETENTION FOR 100- YEAR RUNOFF EVENT.

COUNTY SURVEY DEPARTMENT	COUNTY HEALTH DEPARTMENT	COUNTY TREASURER
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT. _____ TOOELE COUNTY SURVEY DIRECTOR	APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT _____ TOOELE COUNTY HEALTH DEPT.	APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER _____ TOOELE COUNTY TREASURER

ENGINEER / SURVEYOR
M.W. BROWN ENGINEERING
578 EAST 770 NORTH
OREM, UTAH 84058
(801) 377-1790

DEVELOPER
MIKE WATSON
801-636-0100

CITY ATTORNEY
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

TOOELE CITY ATTORNEY

CITY ENGINEER
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

TOOELE CITY COMMUNITY DEVELOPMENT

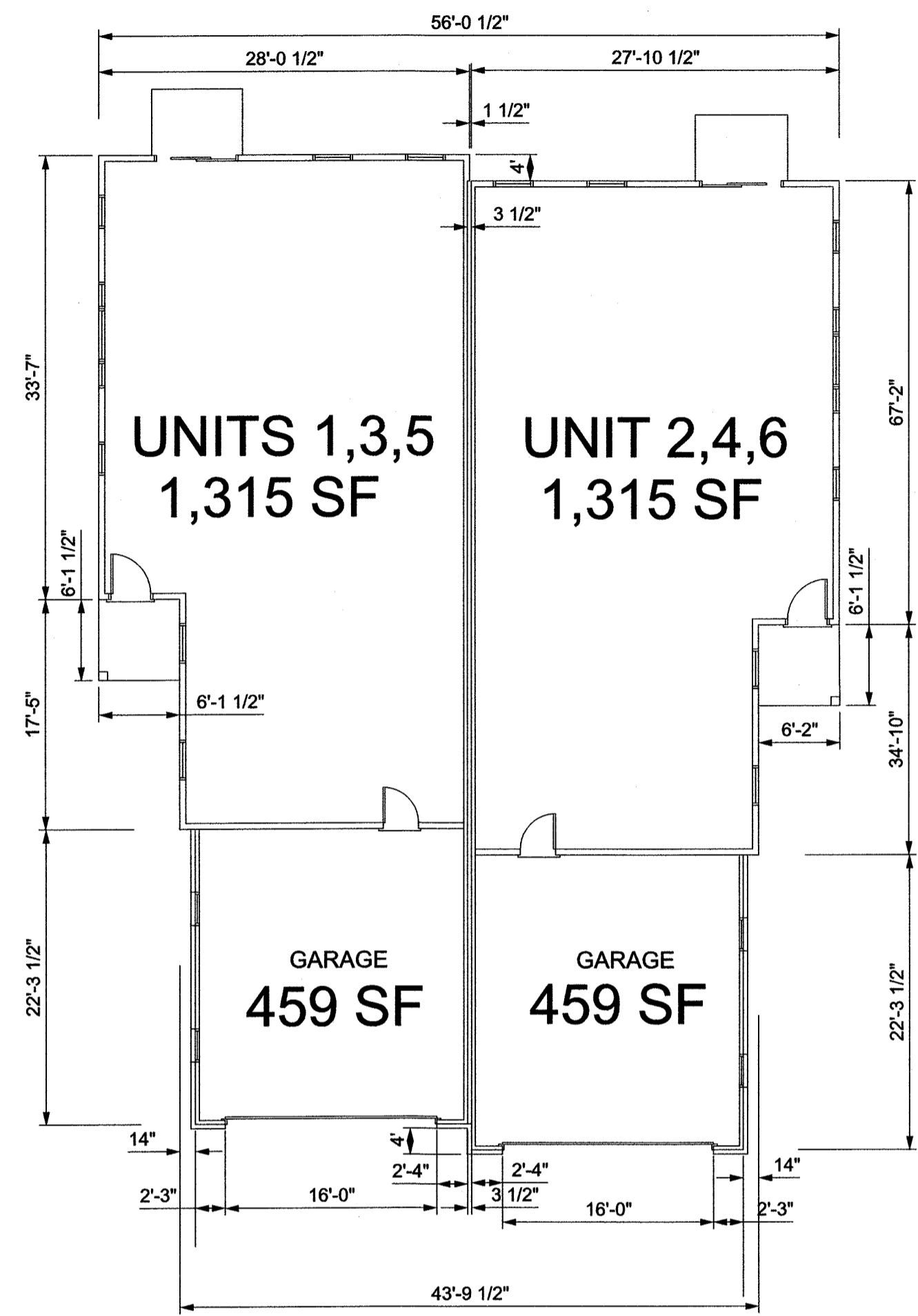
PLANNING COMMISSION
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION

CHAIRMAN TOOELE CITY PLANNING COMM.

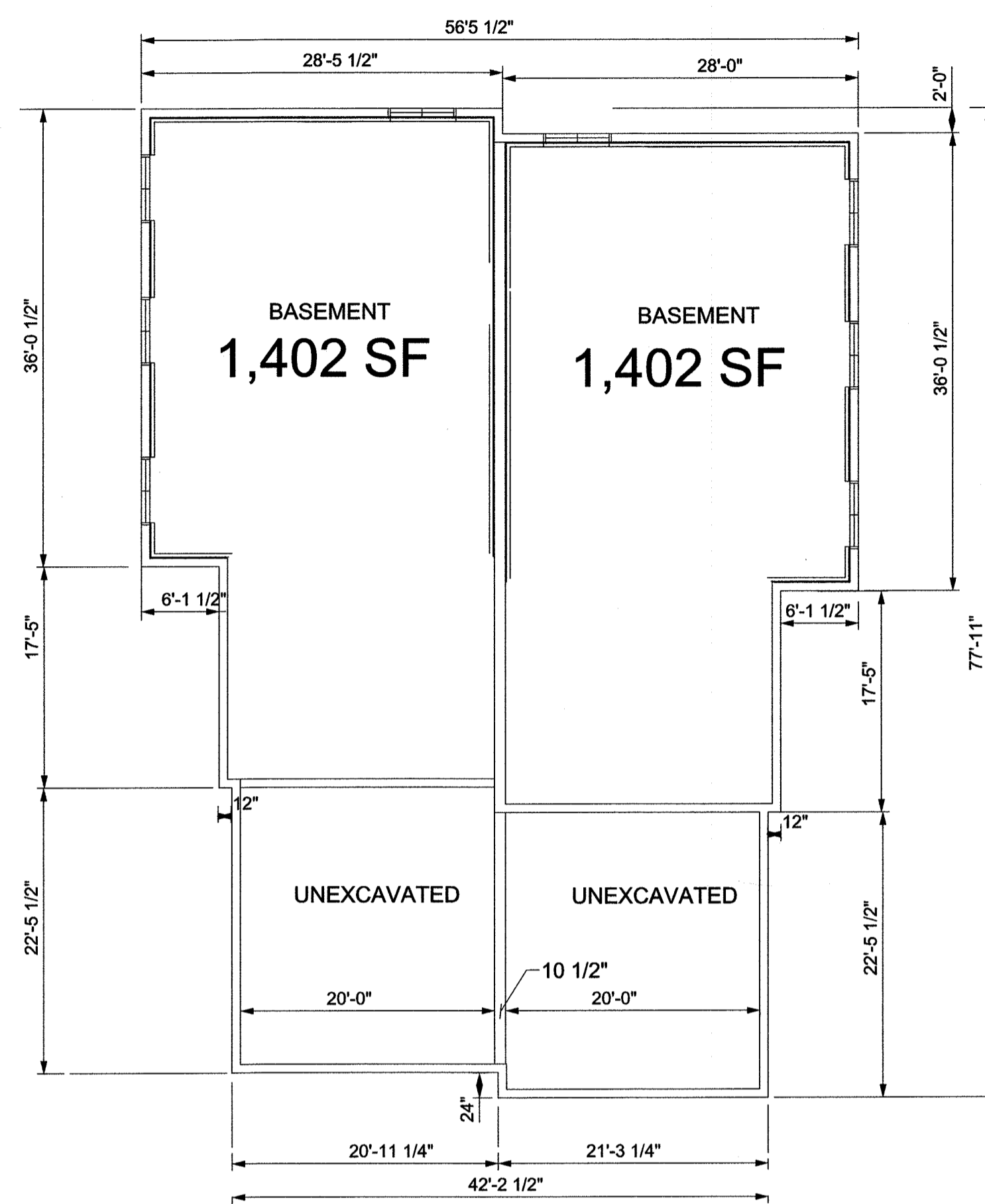
CITY COUNCIL
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL

ATTEST: CITY RECORDER

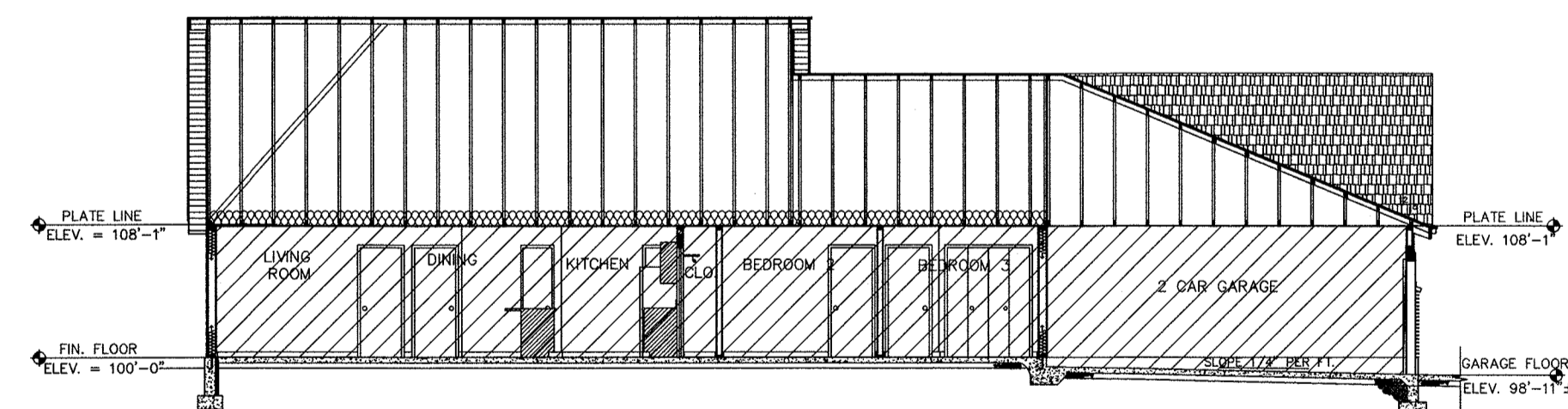
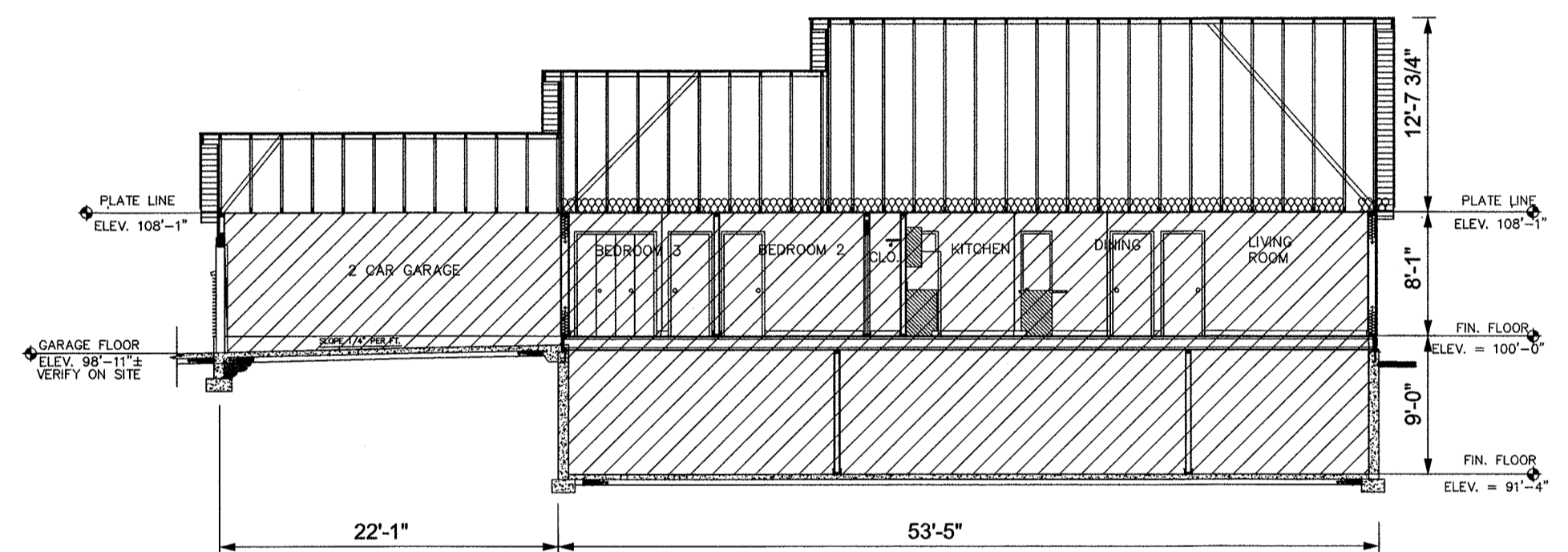
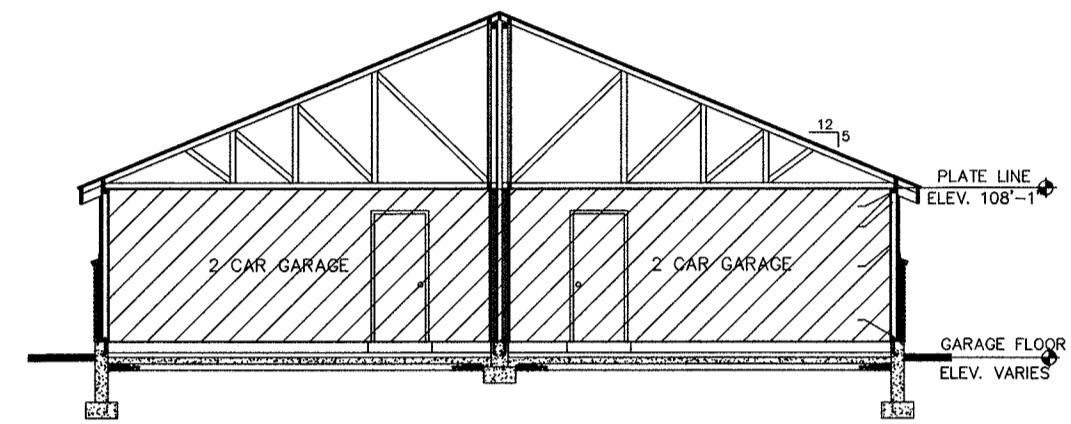
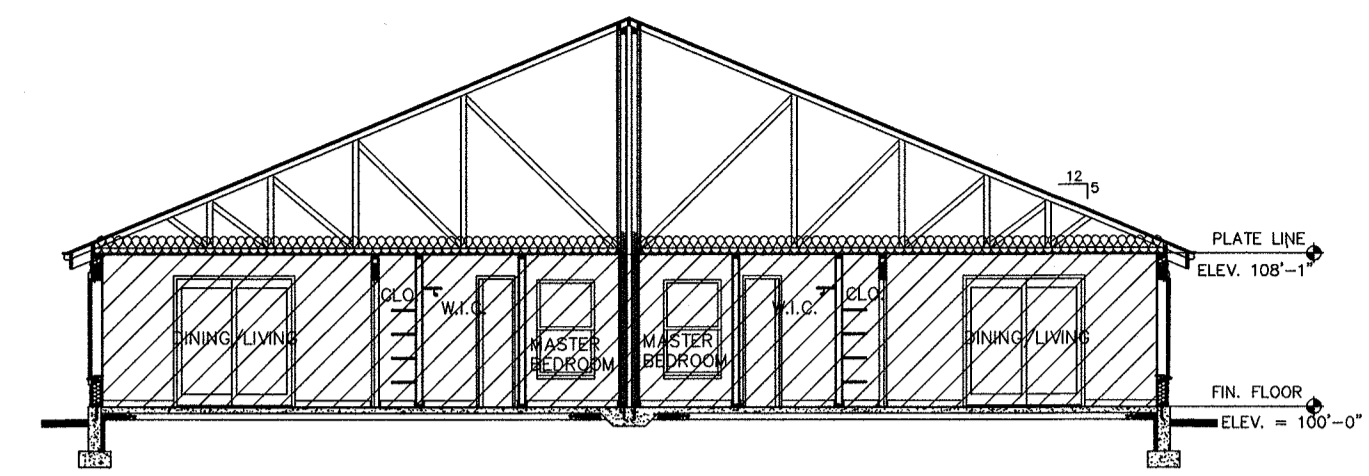
NO. _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF _____
DATE _____ TIME: _____ BOOK: _____ PAGE: _____
FEE \$ _____ TOOELE COUNTY RECORDER



MAIN FLOOR DIMENSIONS
NOT TO SCALE



BASEMENT DIMENSIONS
NOT TO SCALE



No.	Date	By	Notes

Designed: _____
Drawn: _____
Checked: _____
Date: _____

PORTER'S PLACE CONDOMINIUMS
BUILDING DRAWINGS

Title: _____
Client: _____
Drawing Name: _____

PROJECT NO. _____

SHEET NO.
2 OF 2

STAFF REPORT

July 30, 2019

To: Tooele City Planning Commission
Business Date: August 14, 2019

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Hunter's Meadow – Final Plat Subdivision Request

Application No.: P19-377
Applicant: Blue Bison Development
Project Location: Approximately 760 West 700 South
Zoning: R1-7 Residential Zone
Acreage: 14 Acres (Approximately 609,840 ft²)
Request: Request for approval of a Final Plat Subdivision in the R1-7 Residential zone regarding the creation of 53 single-family residential lots.

BACKGROUND

This application is a request for approval of a Final Plat Subdivision for approximately 14 acres located at approximately 760 West 700 South. The property is currently zoned R1-7 Residential. The applicant is requesting that a Final Plat Subdivision be approved to allow for the subdivision of the 14 acre parcel into 53 single-family residential lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 Zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north and east are all designated at R1-7 Residential. Properties to the west and south of the subject property are zoned RM-8 Multi-Family Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The Final Plat Subdivision application proposes to subdivide 14 acres into 53 single-family residential lots. Each lot within the proposed subdivision meets or exceeds minimum lot requirements as set forth in the R1-7 Residential zoning ordinance for lot width, lot size and lot frontages. Lot #45 is a flag lot, which is permitted by Tooele City Code when property cannot otherwise be developed. Lot 45 meets or exceeds minimum lot standards for flag lots as required by Tooele City’s subdivision ordinance.

There is a proposed storm water detention basin that the applicant proposes to dedicate to Tooele City for ownership and maintenance. Tooele City may only accept these detention ponds by resolution of the City Council. The applicant is proposing to landscape the detention pond in a low water use dry scape.

The subdivision has two defined points of access connecting to an existing stub street to the west and a connection onto the existing 700 South street. There is a proposed connection to American Way in the Westland Mobil Estates Subdivision but in order to accomplish this connection an easement across land owned by Settlement Canyon Irrigation must be obtained in order to facilitate crossing and construction on land owned by a separate entity. If an easement cannot be obtained the subdivision still meets access requirements as required by City Code and Tooele City Fire.

There is a strip of property between Westland Mobile Estates and the proposed Hunter's Meadow Subdivision that is owned by Settlement Canyon Irrigation and does include drainage infrastructure. This property is not part of the Hunter's Meadow Subdivision and will remain. However, the applicant is proposing to utilize this property for drainage purposes and for a connection to American Way to the north. In order to accomplish this the applicant must obtain easements from the property owner, Settlement Canyon irrigation to utilize the property for storm water discharge and connection to American Way.

Landscaping. The only landscaping required by the developers of the subdivision is the storm water detention basin. The applicant has submitted a landscape plan that demonstrates a dry scape for the basin. The primary ground cover material will be 3 inches of 1.5 inches of washed cobble rock over weed barrier fabric. Trees and shrubs will line the perimeter of the basin. An irrigation system providing bubblers to the trees and shrubs will also be installed by the developer.

Fencing. There are no ordinance requirements for fencing associated with this subdivision request.

Previous Conditions of Approval. During the Preliminary Plan review stage for this request, the Planning Commission & City Council placed conditions on that approval of the request. Those conditions were as follows:

1. The staff portion of lot #45 shall be paved in either concrete or asphalt as required by Tooele City Code.
2. The applicant shall submit a full landscape and irrigation plan for the storm water detention basin for City review as part of the final plat subdivision application.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Final Plat Subdivision submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. The subdivision as proposed meets and/or exceeds all standards for development as required by the R1-7 Residential zoning district and the Tooele City Subdivision ordinance.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their

reviews of the Final Plat Subdivision submission and have issued a recommendation for approval for the request with the following proposed conditions:

1. All offsite easements with Settlement Canyon Irrigation for storm water discharge and American Way connection shall be obtained prior to plat recordation.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Final Plat Subdivision by Blue Bison Development, application number P19-377, subject to the following conditions:

3. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
5. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
6. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
7. The staff portion of lot #45 shall be paved in either concrete or asphalt as required by Tooele City Code.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.
7. All lots within the proposed subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hunter's Meadow Final Plat Subdivision Request by Blue Bison Development for the purpose of creating 53 single-family residential lots at 760 West 700 South, application number P19-377, based on the findings and subject to the conditions listed in the Staff Report dated July 30, 2019:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Hunter's Meadow Final Plat Subdivision Request by Blue Bison Development for the purpose of creating 53 single-family residential lots at 760 West 700 South, application number P19-377, based on the following findings:”

1. List any findings...

EXHIBIT A

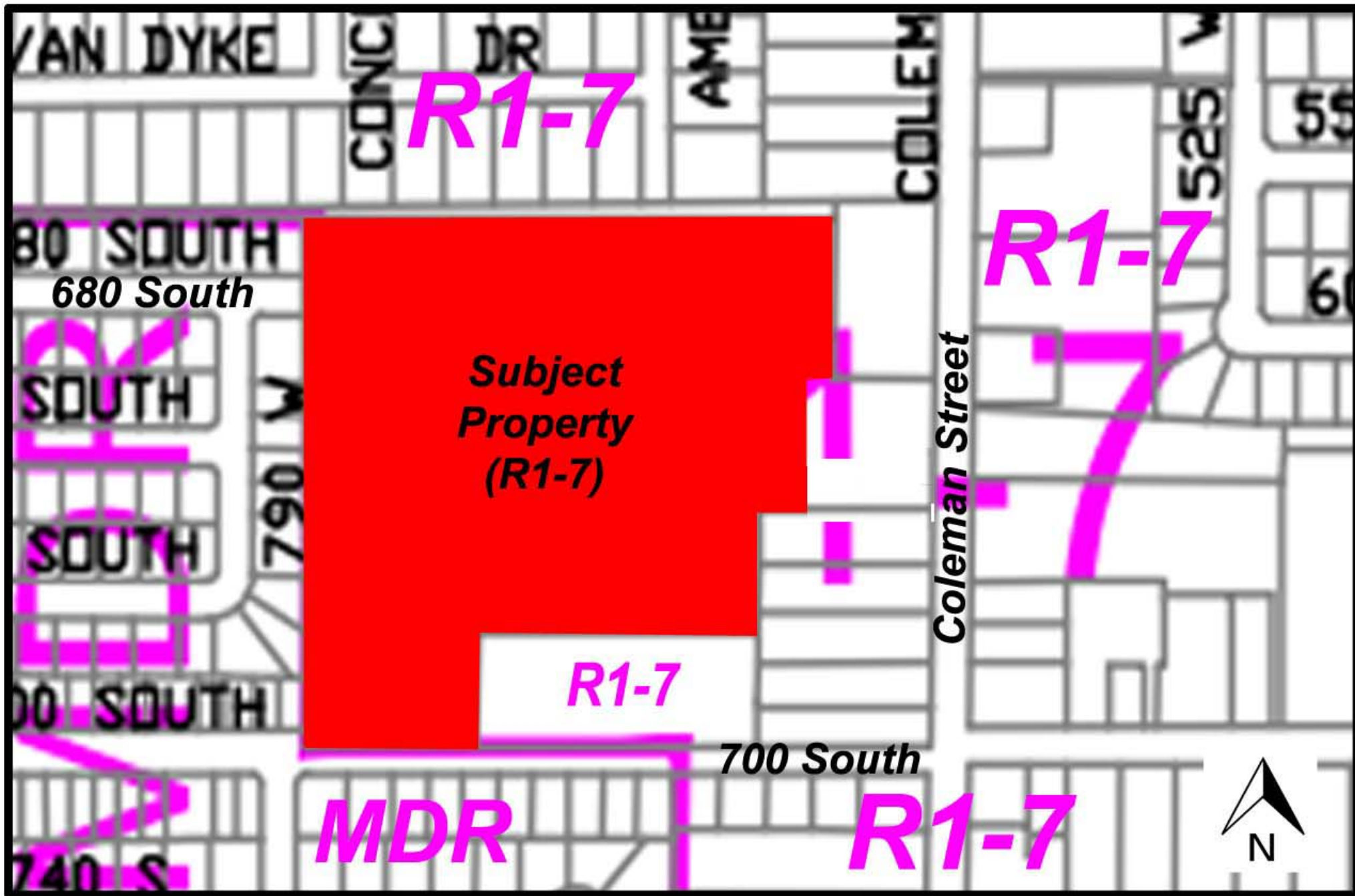
MAPPING PERTINENT TO THE HUNTER'S MEADOW FINAL PLAT SUBDIVISION

Hunter's Meadow Final Plat Subdivision



Aerial View

Hunter's Meadow Final Plat Subdivision

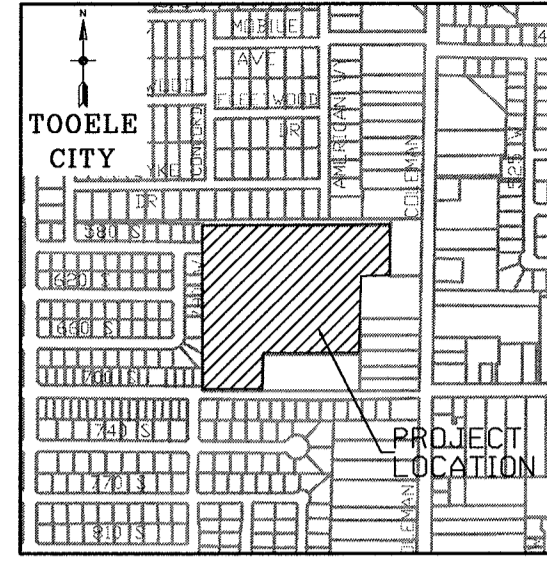


Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

NORTH QUARTER CORNER SECTION 32
TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
(FOUND 3" DOMED BRASS MONUMENT
DATE 10-28-2016)
COUNTY MONUMENT PLACED BY
ENSGN ENGINEERING



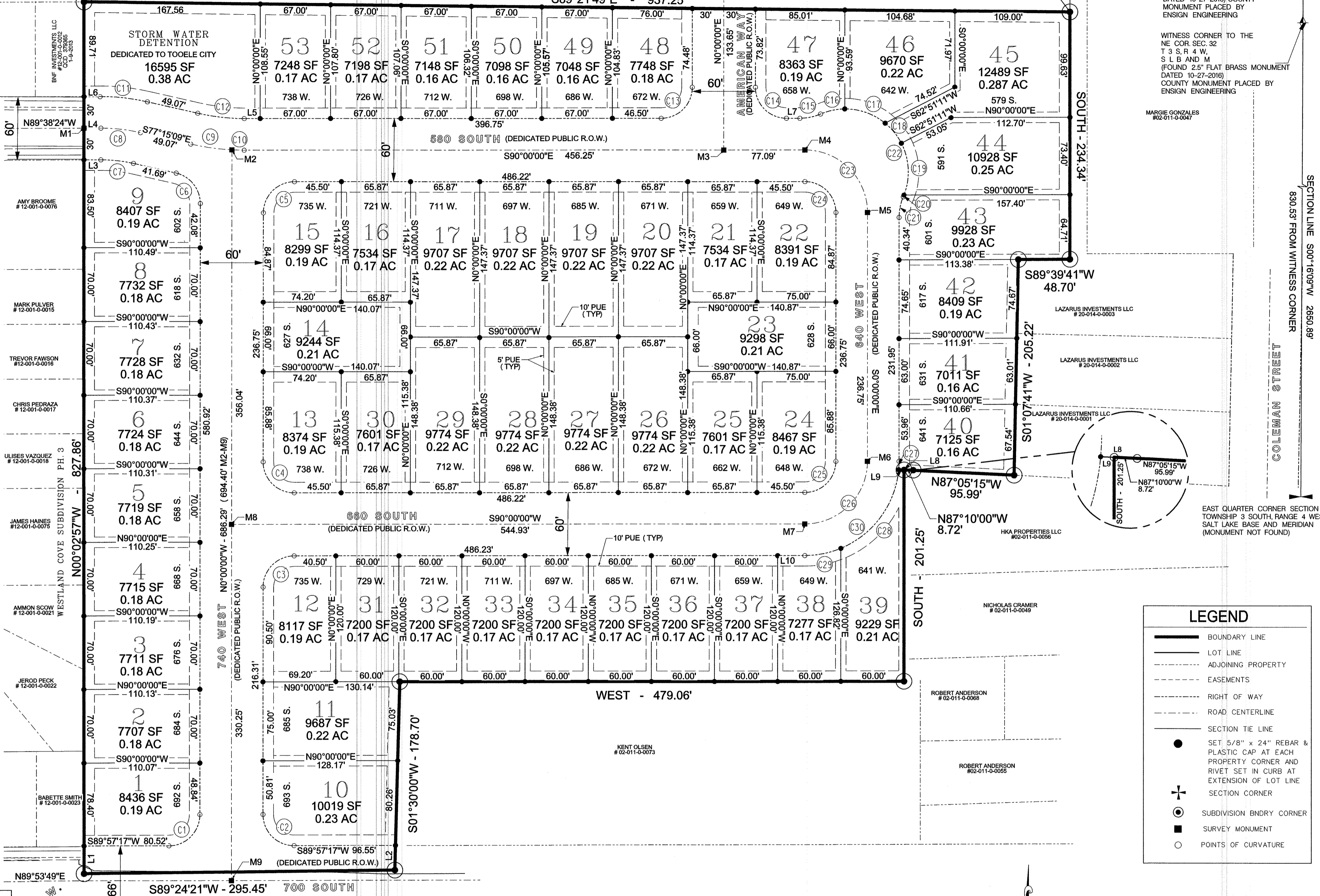
Name	Radius	Delta	Arc Length	Chord Length	Tangent Length	Chord Direction
C1	29.50	89°57'17"	46.32	41.70	29.48	N 44°58'39" E
C2	29.50	90°02'43"	46.36	41.74	29.52	N 45°01'21" W
C3	29.50	88°27'28"	45.54	41.15	28.72	N 44°12'27" W
C4	29.50	88°27'28"	45.54	41.15	28.72	N 44°12'27" W
C5	29.50	88°27'28"	45.54	41.15	28.72	N 44°12'27" W
C6	29.50	77°15'09"	39.78	36.83	23.57	S 38°37'35" E
C7	140.00	12°44'51"	31.15	31.08	15.64	S 83°37'35" E
C8	170.00	12°44'51"	37.82	37.74	18.99	S 83°37'35" E
C9	230.00	09°51'41"	39.59	39.54	19.84	S 82°10'59" E
C10	230.00	02°53'10"	11.59	11.58	5.79	S 83°33'25" E
C11	200.00	12°44'51"	44.50	44.21	22.34	N 83°37'35" W
C12	200.00	12°44'51"	44.50	44.41	22.34	N 83°37'35" W
C13	29.50	90°00'00"	46.34	41.72	29.50	N 45°00'00" W
C14	29.50	90°00'00"	46.34	41.72	29.50	N 45°00'00" W
C15	50.00	23°03'23"	20.12	19.98	10.20	N 78°28'19" E
C16	60.00	22°41'32"	23.76	23.61	12.04	N 78°17'23" E
C17	60.00	39°38'21"	41.51	40.69	21.62	N 70°32'41" W
C18	80.00	23°34'41"	24.69	24.52	12.52	N 38°56'09" W
C19	80.00	48°28'06"	50.76	49.26	27.01	N 02°54'46" W
C20	80.00	01°44'06"	1.82	1.82	0.91	N 22°11'20" E
C21	50.00	23°03'23"	20.12	19.98	10.20	N 11°31'41" E
C22	60.00	136°06'46"	142.54	111.31	148.93	S 45°00'00" E
C23	59.50	90°00'00"	53.46	48.15	59.50	S 45°00'00" E
C24	29.50	89°59'52"	46.34	41.72	29.50	S 44°59'56" W
C25	29.50	90°00'00"	46.34	41.72	29.50	S 45°00'00" W
C26	59.50	90°00'00"	53.46	48.15	59.50	S 45°00'00" W
C27	89.50	5°07'38"	8.01	8.01	4.01	N 7°33'48" E
C28	89.50	62°21'47"	67.42	62.68	54.16	N 36°18'29" E
C29	89.50	22°30'37"	35.16	34.94	17.61	N 78°44'41" E
C30	89.50	90°00'00"	140.59	126.57	89.50	N 45°00'00" E

Name	Direction	Length	Name	Northing	Easting
L1	N 00°02'57" W	26.24	M1	797794.37	72862.82
L2	S 01°30'00" W	23.41	M2	797773.97	73003.40
L3	S 90°00'00" E	16.02	M3	797773.68	73471.24
L4	S 90°00'00" E	16.04	M4	797773.68	73548.33
L5	N 90°00'00" W	15.25	M5	797714.18	73607.83
L6	N 90°00'00" W	16.07	M6	797477.43	73607.83
L7	N 90°00'00" W	12.80	M7	797417.93	73548.33
L8	N 87°10'00" W	13.85	M8	797417.93	73003.40
L9	S 87°10'00" E	5.13	M9	797079.57	73003.40
L10	S 90°00'00" E	25.73	WVC NE COR SEC 32		
			WVC NE COR SEC 32	798389.69	74522.33

HUNTER'S MEADOW

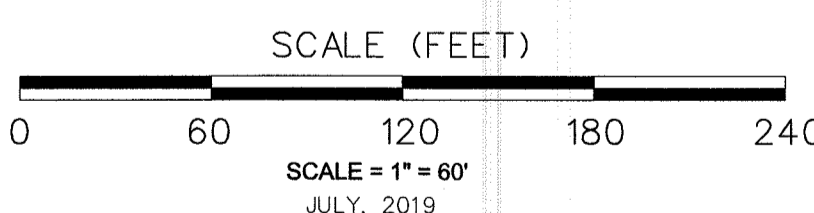
INCLUDING A VACATION & REVISION OF PARCEL A OF PORTER'S PLACE CONDOMINIUMS PLAT

TOOELE CITY
LOCATED WITHIN THE NORTH EAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN



LEGEND

- BOUNDARY LINE
- LOT LINE
- ADJOINING PROPERTY
- EASEMENTS
- RIGHT OF WAY
- ROAD CENTERLINE
- SECTION TIE LINE
- SET 5/8" x 24" REBAR & PLASTIC CAP AT EACH PROPERTY CORNER AND RIVET SET IN CURB AT EXTENSION OF LOT LINE
- SECTION CORNER
- SUBDIVISION BNDRY CORNER
- SURVEY MONUMENT
- POINTS OF CURVATURE



SURVEYOR'S CERTIFICATE

I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE, CERTIFICATE NO. 166572, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT FOUND IN TITLE 58, CHAPTER 22 OF THE UTAH CODE. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN UTAH CODE SECTION 54-8a-2, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT. I ALSO CERTIFY THAT I HAVE FILED, OR WILL FILE WITHIN 90 DAYS OF THE RECORDATION OF THIS PLAT, A MAP OF THE SURVEY I HAVE COMPLETED WITH THE TOOELE COUNTY SURVEYOR.

BOUNDARY DESCRIPTION

Beginning at a point which is South 89°39'39" West along the section line 722.43 feet and South 475.73 feet from the West Witness Corner to the Northeast Corner of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence South 234.34 feet to the northerly line of the Lazarus Investments, LLC property; thence South 89°39'41" West along said northerly line 48.70 feet to the northwest corner of said property; thence South 1°07'41" West along the west line of said property 205.22 feet; thence North 87°05'15" West 95.99 feet; thence North 87°10'00" West 8.72 feet; thence South 201.25 feet to a fence line; thence West along said fence line 479.06 feet; thence South 1°30'00" West 178.70 feet; thence South 89°24'21" West 295.45 feet to the easterly boundary of the Westland Cove Subdivision Phase 2; thence North 0°02'57" West along Westland Cove Phase 2 and Phase 3 boundary line 827.86 feet; thence South 89°21'49" East 937.25 feet to the point of beginning.

Area = 14.065 acres (612,666 sq. ft.)

DIVIDED INTO 53 LOTS

Barry Andreason
Barry Andreason
July 3, 2019
Date

PROFESSIONAL LAND SURVEYOR
NO. 166572
BARRY ANDREASON
STATE OF UTAH

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS, PARCELS AND STREETS TO BE HEREAFTER KNOWN AS:

HUNTER'S MEADOW SUBDIVISION

INCLUDING A VACATION & REVISION OF PARCEL A OF PORTER'S PLACE CONDOMINIUMS PLAT

THE UNDERSIGNED OWNER(S) HEREBY DEDICATE TO TOOELE CITY ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND ON SAID PLAT DESIGNATED HEREON AS STREETS, THE SAME TO BE USED AS PUBLIC THROUGHFARES FOREVER. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES PROVIDING SERVICE TO THE HERON DESCRIBED TRACT A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE STREETS AND PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND FACILITIES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS _____ DAY OF _____, A.D. 20____.

JAKE SATTERFIELD
JSATT CORP, BLUE BISON DEVELOPMENT DBA
SIGNED

SIGNED

ACKNOWLEDGEMENT (LAZARUS INVESTMENTS LLC)

STATE OF UTAH } S.S.
COUNTY OF TOOELE }

ON THE ____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF TOOELE, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

NOTARY PUBLIC RESIDING AT _____

SUBDIVISION PLAT

HUNTER'S MEADOW SUBDIVISION

INCLUDING A VACATION & REVISION OF PARCEL A OF PORTER'S PLACE CONDOMINIUMS PLAT

LOCATED WITHIN THE NORTH EAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

DOMINION ENERGY

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE. APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINIONS RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS ____ DAY OF _____, 20____.

DOMINION ENERGY COMPANY
BY: _____
TITLE: _____

ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN 17-27a-803(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

(1) A RECORDED EASEMENT OR RIGHT-OF-WAY.
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR,
(4) ANY OTHER PROVISION OF LAW.

APPROVED THIS ____ DAY OF _____, 20____.

ROCKY MOUNTAIN POWER
BY: _____
TITLE: _____

COUNTY SURVEY DEPARTMENT	COUNTY HEALTH DEPARTMENT	COUNTY TREASURER
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT. (RECORD OF SURVEY NO. 2018-0036)	APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT	APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER
TOOELE COUNTY SURVEY DIRECTOR	TOOELE COUNTY HEALTH DEPT.	TOOELE COUNTY TREASURER

ENGINEER / SURVEYOR
M.W. BROWN ENGINEERING
578 EAST 770 NORTH
OREM, UTAH 84058
(801) 377-1790

DEVELOPER
BLUE BISON DEVELOPMENT
801-755-0452

CITY ATTORNEY
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

TOOELE CITY ATTORNEY

CITY ENGINEER
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

CITY ENGINEER

COMMUNITY DEVELOPMENT
APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

TOOELE CITY COMMUNITY DEVELOPMENT

PLANNING COMMISSION
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION

CHAIRMAN TOOELE CITY PLANNING COMM.

CITY COUNCIL
APPROVED THIS ____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL

ATTEST: CITY RECORDER

TOOELE COUNTY RECORDER
NO. _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF _____
DATE _____ TIME: _____ BOOK: _____ PAGE: _____

FEE \$ _____ TOOELE COUNTY RECORDER

TOOELE CITY CORPORATION

ORDINANCE 2019-20

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE RR-1 RESIDENTIAL ZONING DISTRICT FOR 3 ACRES OF PROPERTY LOCATED AT 705 NORTH 100 WEST.

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

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

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

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

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

WHEREAS, the City has received an application for Zoning amendments for properties located near 705 North 100 West, as shown in the attached **Exhibit A**; and,

WHEREAS, the GC General Commercial zoning district is currently assigned to approximately 3 acres of land located at 705 North 100 West (see map attached at **Exhibit A**); and,

WHEREAS, by Rezone Petition received on July 8, 2019, Walter Wickham has requested the subject property be reassigned to the RR-1 Residential zoning district (see Rezone Petition attached as Exhibit B); and,

WHEREAS, on August 14, 2019, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission staff report attached as **Exhibit B**); and,

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

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

1. this Ordinance and the zoning amendments proposed therein are in the best interest of the City in that they will bring existing residential uses into legal conformance with zoning [e.g., further economic development, are consistent with the desires of the affected property owners], and are consistent with the General Plan and Land Use Plan; and,
2. the Tooele City Zoning Map is hereby amended to indicate that the zoning district assigned to the subject property shall be reassigned to the RR-1 Residential zoning district; and,
3. The Tooele City Land Use Element of the General Plan is hereby amended for the property located at 705 North 100 West to Rural Residential.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Sharon Dawson, City Recorder

S E A L

Approved as to Form: _____
Roger Baker, Tooele City Attorney

Exhibit A

Application for Zoning Amendment

Zoning, General Plan, & Master Plan Map Amendment Application

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



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

Project Information					
Date of Submission: 7/8/19		Current Map Designation: GEN. COMMERCIAL	Proposed Map Designation: RR-1	Parcel #(s): 02-004-0-0013	
Project Name:				Acres:	
Project Address: 705 NORTH 100 WEST (715 N. 100 W.)					
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: CHANGE PROPERTY ZONING DESIGNATION FROM GENERAL COMMERCIAL TO RESIDENTIAL ONE TO ACCOMMODATE HOME UPGRADE.					
Property Owner(s): WALTER WICKHAM			Applicant(s): - SAME -		
Address: 705 NORTH 100 WEST			Address:		
City: TOOELE	State: UT	Zip: 84074	City:	State:	Zip:
Phone: 801-403-5130			Phone:		
Contact Person: MARGERY WICKHAM (WIFE)			Address:		
Phone: 801-403-5130			City:	State:	Zip:
Cellular: SAME	Fax: -	Email: margeryparkcr1955@gmail.com			

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

Note to Applicant:

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

2190503

For Office Use Only			
Received By: [Signature]	Date Received: 7/8/19	Fees: 1,100⁰⁰	App. #:

#00353049

Zoning Map

1. What is the present zoning of the property?

Currently the property is zoned as General Commercial.

2. Explain how the proposed zoning is consistent with the current land use designation.

This property has been used as Residential for the last 45 years, containing two single dwellings belonging to one family. Neither home is or has been used as a rental.

3. Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.

According to the Tooele City zoning map, the immediate surrounding areas are all residential, listed as zoning districts R-1-7 and M-R-8.

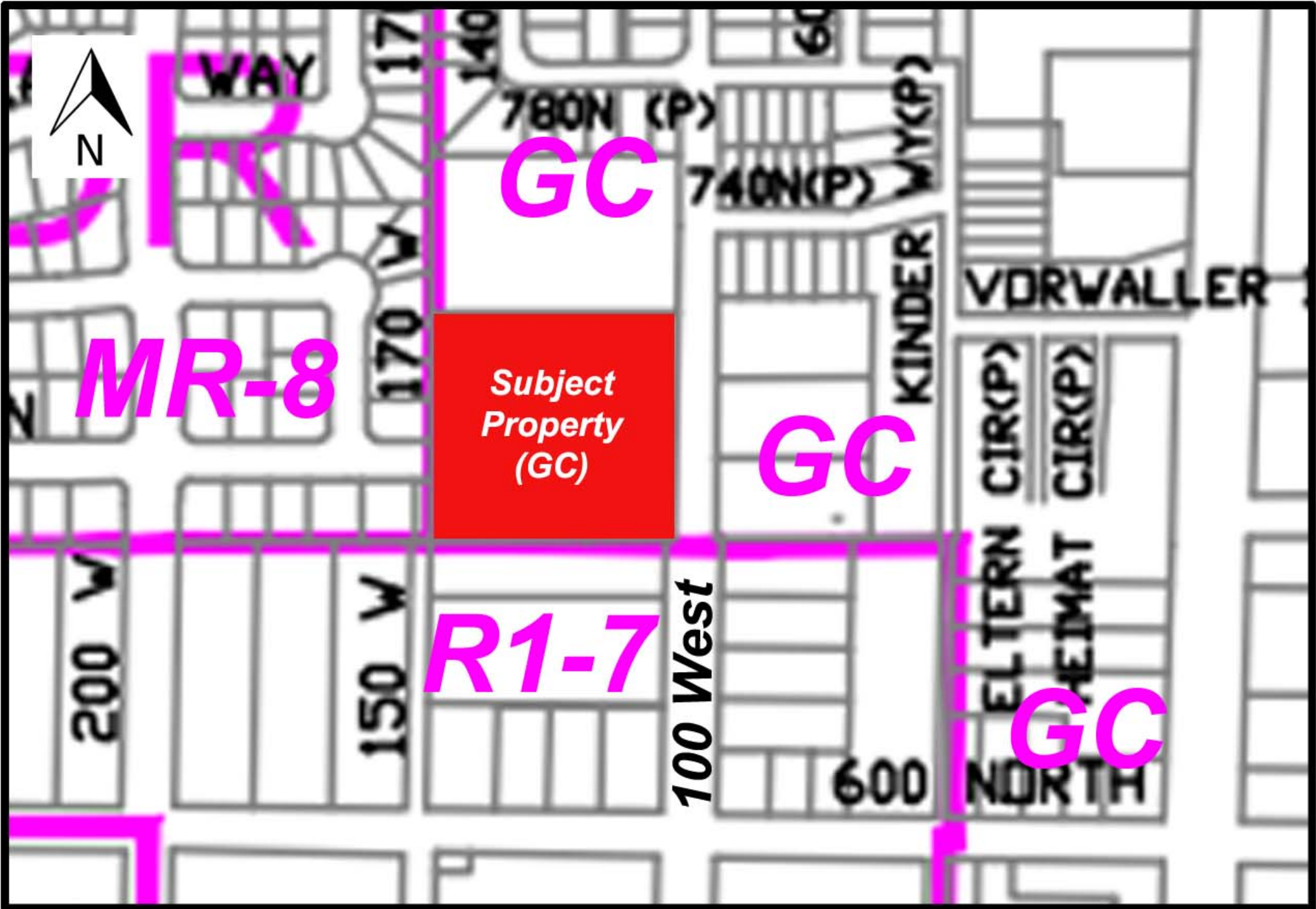
4. Explain how the proposed zoning is suitable for the existing uses of the subject property.

As described in question two, this property is and has been residential for over 49 years. When the property was originally purchased, it was located outside of the city boundaries. The property has a barn and some family horses on site, plus a large pasture for horse grazing.

5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.

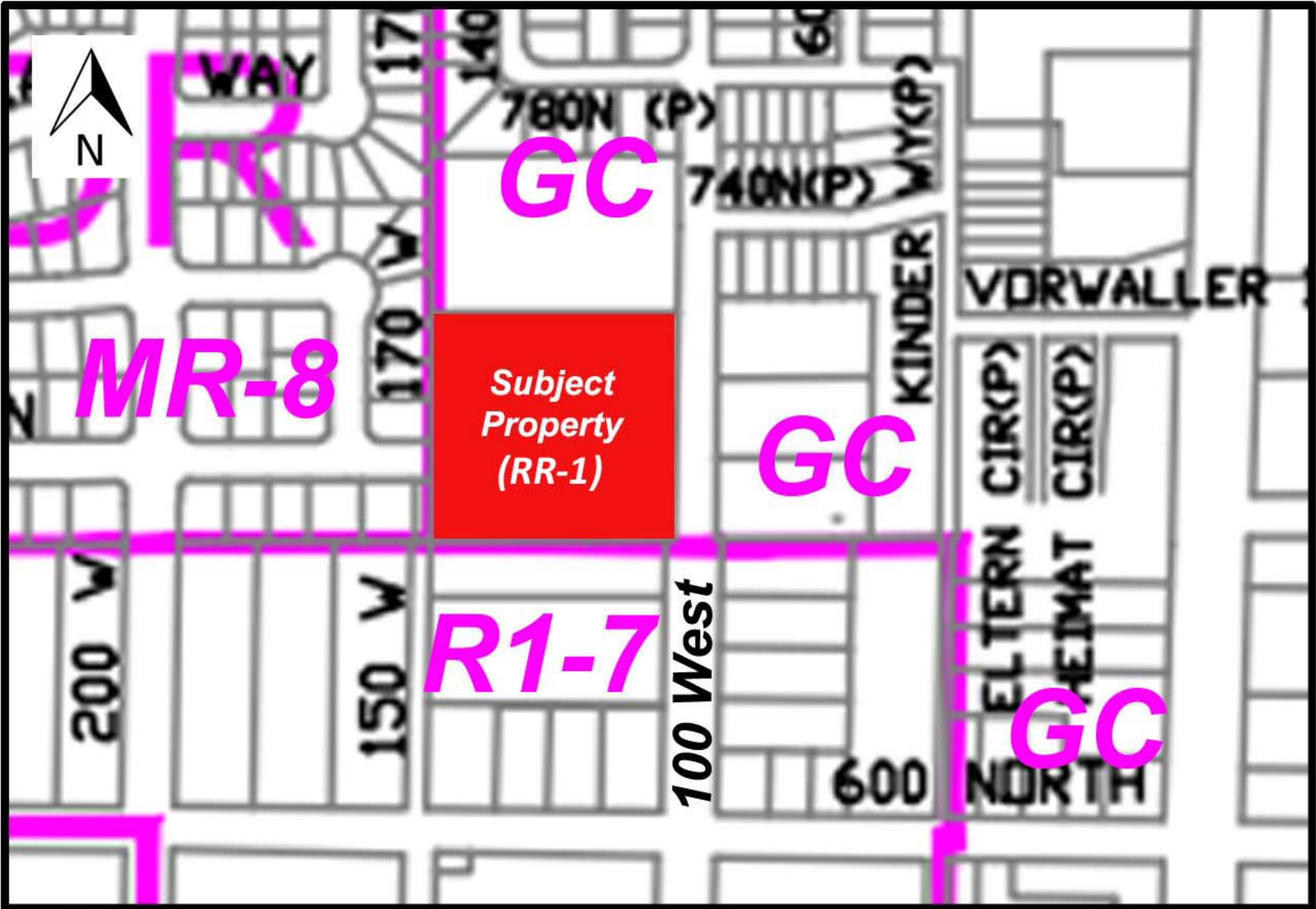
The home on the north end of the property is a 1974 double wide mobile home, which does not meet current building codes. After changing the zoning of this property to R -1, a legal non-conforming manufactured home will be placed on the site. This new home has a larger footprint and will need a larger foundation than the present one.

Wickham Zoning Map Amendment



Current Zoning

Wickham Zoning Map Amendment



Proposed Zoning

Exhibit B
Planning Commission Minutes

STAFF REPORT

July 22, 2019

To: Tooele City Planning Commission
Business Date: August 14, 2019

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Wickham Rezone – Zoning Map Amendment Request

Application No.: P19-519
Applicant: Walter Wickham
Project Location: 705 North 100 West
Zoning: GC General Commercial Zone
Acreage: Approximately 3 Acres (Approximately 139,000 ft²)
Request: Request for approval of a Zoning Map Amendment in the GC General Commercial zone regarding the reassignment of zoning of the subject property to the RR-1 Residential district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 3 acres located at approximately 705 North 100 West. The property is currently zoned GC General Commercial. The applicant is requesting that a Zoning Map Amendment to the RR-1 Residential zone be approved to bring the use of the property as residential and agriculture into conformance with the correct zoning district.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The purpose of the GC General Commercial (GC) District is intended and provided to encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city's tax base. The GC General Commercial zoning designation is identified by the General Plan as a preferred zoning classification for the Commercial land use designation. Properties to the north and east are zoned GC General Commercial. Properties to the west are zoned MR-8 Multi-Family Residential. Properties to the south are zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

All properties in the area are utilized as residential even though the subject properties and properties to the north and east are all zoned GC General Commercial. The GC General Commercial zone does not permit single-family or multi-family residential uses, therefore, all residential uses as they exist are considered legally non-conforming land uses as defined by Tooele City Code. These homes may continue to exist in perpetuity but the non-conforming status places limitations on what can and cannot be

done with the structures on the property. Legally non-conforming structures may be maintained and repaired but they cannot be enlarged or replaced with larger structures. The applicant has submitted this rezoning with the intention of bringing the use of the property into conformance with a residential zoning district.

The RR-1 Residential zone permits single-family residential uses on lots of 1 acre or larger. The RR-1 Residential zone also permits the keeping of large agriculture animals without limitation to the number of animals on the property. Agricultural structures and barns are also permitted in the RR-1 zone. Essentially, the RR-1 zone is a rural residential / agricultural zone.

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

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

REVIEWS

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

1. All properties in the area that are zoned GC General Commercial, are utilized as legally non-conforming residential uses in a GC General Commercial zoning district.
2. There is a wide range of residential uses in the area. Single-family to the south, multi-family to the west and a mobile home subdivision to the north.

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

STAFF RECOMMENDATION

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

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

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Wickham Rezone Zoning Map Amendment Request by Walter Wickham, to reassign the subject property to the RR-1 Residential zoning district, application number P19-519, based on the findings listed in the Staff Report dated July 22, 2019:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Wickham Rezone Zoning Map Amendment Request by Walter Wickham, to reassign the subject property to the RR-1 Residential zoning district, application number P19-519, based on the following findings:”

1. List any findings...

EXHIBIT A

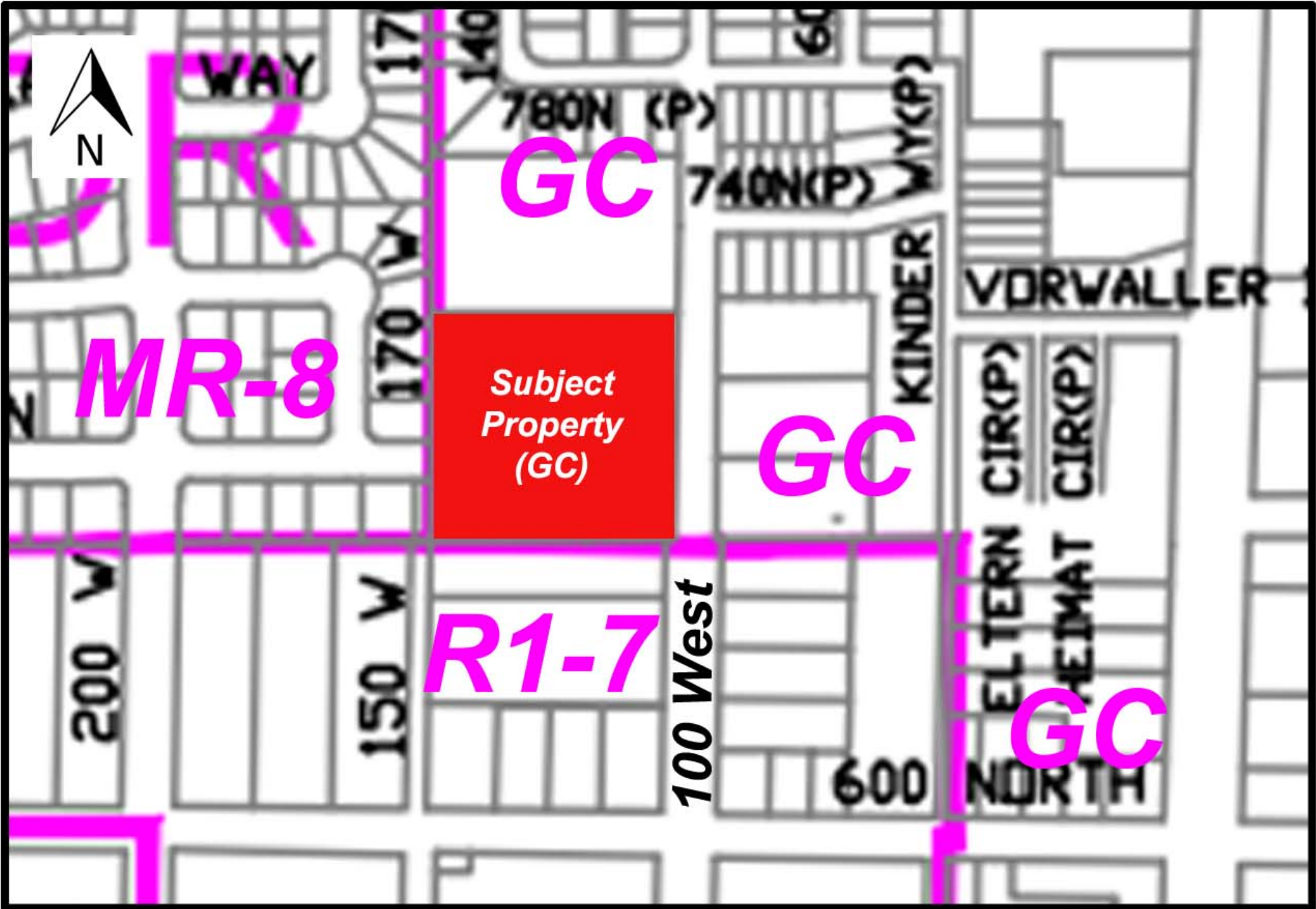
MAPPING PERTINENT TO THE WICKHAM REZONE ZONING MAP AMENDMENT

Wickham Zoning Map Amendment



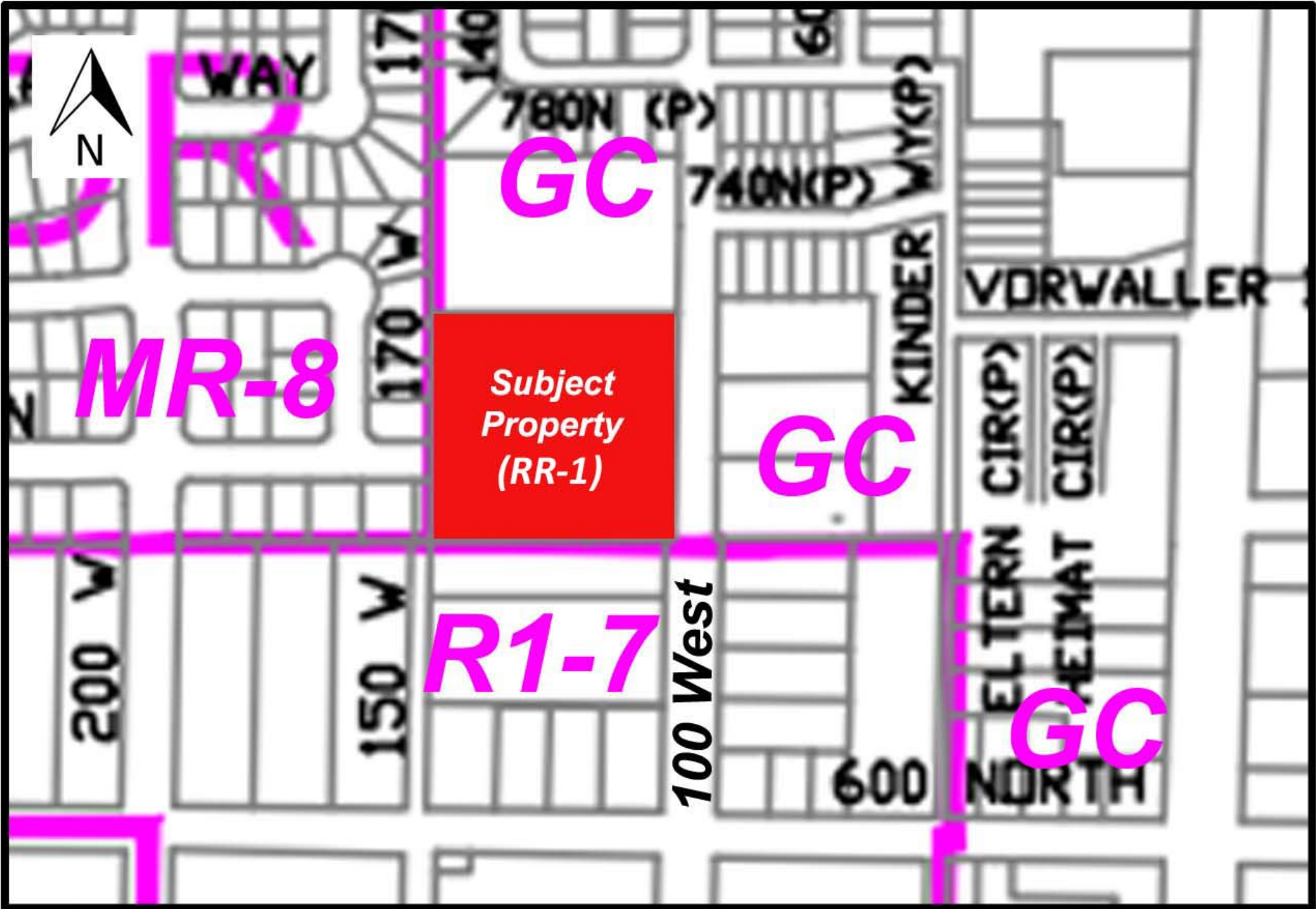
Aerial View

Wickham Zoning Map Amendment



Current Zoning

Wickham Zoning Map Amendment



Proposed Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

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

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



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

Project Information					
Date of Submission: 7/8/19		Current Map Designation: GEN. COMMERCIAL		Proposed Map Designation: RR-1	
Project Name:				Parcel #(s): 02-004-0-0013	
Project Address: 705 NORTH 100 WEST (715 N. 100 W.)				Acres:	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:					
Brief Project Summary: CHANGE PROPERTY ZONING DESIGNATION FROM GENERAL COMMERCIAL TO RESIDENTIAL ONE TO ACCOMMODATE HOME UPGRADE.					
Property Owner(s): WALTER WICKHAM			Applicant(s): - SAME -		
Address: 705 NORTH 100 WEST			Address:		
City: TOOELE	State: UT	Zip: 84074	City:	State:	Zip:
Phone: 801-403-5130			Phone:		
Contact Person: MARGERY WICKHAM (WIFE)			Address:		
Phone: 801-403-5130			City:	State:	Zip:
Cellular: SAME	Fax: -	Email: margeryparker1955@gmail.com			

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

Note to Applicant:

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

2190503

For Office Use Only			
Received By: KW	Date Received: 7/8/19	Fees: 1,100⁰⁰	App. #:

#00353049

Zoning Map

1. What is the present zoning of the property?

Currently the property is zoned as General Commercial.

2. Explain how the proposed zoning is consistent with the current land use designation.

This property has been used as Residential for the last 45 years, containing two single dwellings belonging to one family. Neither home is or has been used as a rental.

3. Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.

According to the Tooele City zoning map, the immediate surrounding areas are all residential, listed as zoning districts R-1-7 and M-R-8.

4. Explain how the proposed zoning is suitable for the existing uses of the subject property.

As described in question two, this property is and has been residential for over 49 years. When the property was originally purchased, it was located outside of the city boundaries. The property has a barn and some family horses on site, plus a large pasture for horse grazing.

5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.

The home on the north end of the property is a 1974 double wide mobile home, which does not meet current building codes. After changing the zoning of this property to R -1, a legal non-conforming manufactured home will be placed on the site. This new home has a larger footprint and will need a larger foundation than the present one.

TOOELE CITY CORPORATION

RESOLUTION 2019-65

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH CHARLES AND CRYSTAL LAWRENCE.

WHEREAS, Charles and Crystal Lawrence (the “Developer”) desires to develop a parcel of property (the “Property”) into residential lots (the “Subdivision”) located south of Smelter Road and east of Droubay Road in Tooele City (see Exhibit A); and,

WHEREAS, the Property currently has access to culinary water and fire suppression water service from a single-feed dead-end City water main line; and,

WHEREAS, as a condition of approval of the Subdivision on the Property, the City has required the Developer to install an eight-inch-diameter looped water line (the “Water Line”) in order to adequately serve the Subdivision with culinary water and fire suppression water service; and,

WHEREAS, the Developer contests the right of the City to require the Developer to install the Water Line at the Developer’s sole cost, and has filed a Request for Advisory Opinion with the Utah Office of the Property Rights Ombudsman; and,

WHEREAS, the Parties desire to resolve all disputes between them as regards the Subdivision with a Settlement Agreement and General Release, the form of which is attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Settlement Agreement and General Release (Exhibit A) with Charles and Crystal Lawrence is hereby approved, and that the Mayor is hereby authorized to sign the same and to take all actions necessary to fulfill its terms.

This Resolution shall become effective immediately upon passage 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)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Settlement Agreement and General Release

SETTLEMENT AGREEMENT AND GENERAL RELEASE

This Settlement Agreement and General Release (“Agreement”) is made this ___ day of September 2019 (the “Effective Date”) by and between Tooele City Corporation, a Utah municipal corporation (the “City”), on the one hand, and Charles Lawrence and Crystal Lawrence, the owners and developers of the Property and Subdivision described below (collectively, the “Developer”), on the other hand. The City and the Developer may also be collectively referred to herein as a “Party” or the “Parties.”

RECITALS

A. The Developer desires to develop a parcel of property (the Property”) into residential lots (the “Subdivision”) located south of Smelter Road and east of Droubay Road in Tooele City. A concept layout of the Subdivision is attached hereto and incorporated herein as Exhibit A (which concept bestows no entitlements).

B. The Property currently has access to culinary water and fire suppression water service from a single-feed dead-end City water main line.

C. As a condition of approval of the Subdivision on the Property, the City has required the Developer to install an eight-inch-diameter looped water line (the “Water Line”) in order to adequately serve the Subdivision with culinary water and fire suppression water service.

D. The Developer contests the right of the City to require the Developer to install the Water Line at the Developer’s sole cost, and has filed a Request for Advisory Opinion with the Utah Office of the Property Rights Ombudsman.

E. The Parties desire to resolve all disputes between them as regards the Subdivision.

NOW THEREFORE, in consideration of the foregoing recitals, the covenants below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Recitals. The above Recitals are hereby incorporated into and made a part of this Agreement.

2. Water Line. As part of the Developer’s construction of the public improvements for the Subdivision on the Property, the Developer shall install the Water Line, to City standards and specifications, at the Developer’s cost, at a location to be agreed upon in good faith by the Parties. The Water Line shall be a Subdivision bonded public improvement.

3. Water Line Easement Survey. Prior to installation of the Water Line, the Developer shall survey, at the Developer’s cost, a 15-foot-wide center-line easement for the length of the Water Line, from its connection point within the Subdivision on the Property at the one end, to its connection point in Droubay Road at the other end.

4. Water Line Easement Conveyance.
 - a. The Developer shall convey a Water Line easement to Tooele City Corporation for portions of the Water Line that traverse the Property, at no cost to the City other than the consideration described herein. The easement shall be depicted on the Subdivision final plat and shall be deemed dedicated and conveyed to the City upon recordation of the Subdivision final plat.
 - b. The City intends to convey a Water Line easement to the Tooele City Water Special Service District, upon an easement form approved by the City, at no cost to the Developer other than the consideration described herein, for portions of the Water Line that traverse property owned by the City.
5. Bill of Sale. Within 30 days of complete installation of the Water Line to City standards and specifications, the Developer shall convey the Water Line to Tooele City Corporation by Bill of Sale, the form of which is attached hereto and incorporated herein as Exhibit B.
6. Timing of Water Line Installation. The Water Line shall be constructed during the Oquirrh Hills Golf Course off-season, which for purposes of this Agreement shall be deemed to be between October 1 and March 1.
7. Restoration. Upon complete installation of the Water Line by the Developer, the Developer shall promptly restore the Oquirrh Hills Golf Course property to its original condition existing prior to installation of the Water Line, as instructed by the City, including irrigation repair, earth compaction, soils, and vegetation.
8. City Water Line Participation. Within 15 days of conveyance of the Water Line to the City by approved Bill of Sale, the City shall pay to the Developer the sum of \$40,000. The payment shall be made to Charles Lawrence and Crystal Lawrence and mailed to 1366 Smelter Road, Tooele UT 84074.
9. Sewer Line Easement Survey. Prior to installation of the Water Line by the Developer, the Developer shall survey a 15-foot wide center-line easement (the "Sewer Line Easement") for the length of a sewer lateral line (the "Sewer Line") from its connection point to the sewer main within the Subdivision on the Property at the one end, and to the property line of the Property at the other end, the precise location to be agreed upon in good faith by the Parties. This shall be at no cost to the City other than the consideration described herein.
10. Sewer Line Easement Conveyance. The Developer shall convey the Sewer Line Easement to Tooele City Corporation for portions of the Sewer Line that traverse the Property, at no cost to the City other than the consideration described herein. The easement shall be depicted on the Subdivision final plat and shall be deemed dedicated and conveyed to the City upon recordation of the Subdivision final plat.
11. Sewer Line. The Developer shall provide to the City a cost to install the Sewer Line within the Sewer Line Easement to City standards and specifications. The City shall have the right, in its sole discretion, to retain either the Developer's contractor or another contractor of

the City's choosing to install the Sewer Line, at the City's cost. The City will install the Sewer Line prior to the Developer installing any paved portion of a public street upon the Sewer Line Easement.

12. Request for Advisory Opinion. The Developer shall withdraw their Request for Advisory Opinion in writing within five business days after the Effective Date, and shall provide a copy of the withdrawal to the Tooele City Attorney's Office by email, fax, mail, or in person.

13. General Release. The Developer and all those claiming by, through, or under the Developer, and the Developer's agents, successors, and assigns, hereby release, acquit, and forever discharge Tooele City Corporation and its officials, employees, representatives, agents, successors, and assigns of and from any and all claims, demands, causes of actions, obligations, debts, damages, liens, judgments, attorney fees, costs, expenses, and liabilities of every nature whatsoever, whether or not known, suspected, or claimed which the Developer now has or may in the future have against Tooele pertaining to the Water Line and this Agreement, whether based on contract, tort, statute, equity, or otherwise.

14. Capacity to Execute. Each individual signing below represents and warrants that he or she is duly authorized to execute this Agreement on behalf of the Party for whom he or she is signing and to bind that Party to the covenants and obligations contained herein.

15. Binding on Successors. This Agreement is binding upon and will inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors, assigns, officers, members, managers, employees, representatives, attorneys, agents, and any and all businesses related to, owned or controlled, in whole or in part, by any of the Parties.

16. Non-Transfer/Non-Assignment of Claims. The Parties represent and warrant that no portion of any claim or cause of action that each has or may have against the other has been transferred or assigned in any manner.

17. Survival. The Parties acknowledge and agree that all agreements, obligations, prohibitions, warranties, and representations that are created in this Agreement will survive the execution and delivery of this Agreement and notwithstanding the execution and delivery of this Agreement, the releases herein will continue in full force and effect.

18. Withdrawal. Should the Developer, in its sole discretion, choose to withdraw the Subdivision and to not entitle the Property with an approved final plat for the Subdivision, the Developer's contractual obligation under this Agreement to survey and convey the Water Line Easement and the Sewer Line easement, and to install the Water Line and the Sewer Line, shall terminate. Evidence of the Developer's withdrawal of the Subdivision shall be in writing and delivered to the City's Community Development Department.

19. Entire Agreement. This Agreement contains the entire agreement of the Parties as to its subject matter; it may not be changed orally, but may be changed only by an agreement in writing signed by the Parties. Except as expressly set forth in this Agreement, the Parties have not made and do not make any other representations, warranties, statements, promises or agreements to each other.

20. Attorney Fees. In any action to enforce or interpret the terms of this Agreement, the prevailing party shall recover from the unsuccessful party reasonable attorney fees and costs (including those incurred in connection with appeal), the amount of which will be fixed by the Court and made a part of any judgment rendered.

21. Counterparts. This Agreement may be executed in counterparts which, when taken together, shall constitute one agreement.

22. Governing Law. This Agreement will be construed in accordance with and governed by the laws of the State of Utah.

23. Severability. The provisions of this Agreement are severable, and if any part of it is found unenforceable, the other parts will remain fully valid and enforceable.

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

25. Additional Actions. Each Party hereto will execute and/or cause to be delivered to each other any and all instruments or documents and will take such actions as may be reasonably requested for the purpose of carrying out this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date set forth above.

TOOELE CITY CORPORATION

CHARLES LAWRENCE

Debra E. Winn, Mayor

ATTEST:

CRYSTAL LAWRENCE

Michelle Y. Pitt, Tooele City Recorder

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Subdivision Concept

Exhibit B

Form of Bill of Sale

BILL OF SALE

Charles and Crystal Lawrence hereby convey to Tooele City Corporation all right, interest, and title in that certain Water Line described in that certain Settlement Agreement and General Release (the "Agreement") dated the ___ day of _____, 2019, and depicted on the illustration attached as Exhibit 1, for the consideration described in the Agreement, this ___ day of _____, 20__.

Charles Lawrence

Charles Lawrence

Crystal Lawrence

Crystal Lawrence

Exhibit 1

Water Line Illustration

TOOELE CITY CORPORATION

RESOLUTION 2019-66

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE TO ADD A GOLF COURSE PAVILION RENTAL FEE.

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

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

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

WHEREAS, the City has completed construction of a pavilion at the Oquirrh Hills Golf Course (the "Pavilion"), and needs to establish reasonable fees for which the Pavilion may be rented by the public; and,

WHEREAS, the City Administration recommends the following Pavilion rental fees: \$200 per day or partial day, plus \$50 per hour or partial hour after 9:00 p.m., plus \$2 per chair; the chair fee will be waived if the Pavilion rental includes using the Oquirrh Hills Golf Course catering service:

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

1. the Tooele City Fee Schedule is hereby amended to add a Pavilion rental fee in the amount of \$200 per day or partial day, plus \$50 per hour or partial hour after 9:00 p.m., plus \$2 per chair; the chair fee will be waived if the Pavilion rental includes using the Oquirrh Hills Golf Course catering service.
2. the Pavilion shall not be eligible for no-cost use or discounted use by City employees under Section 31 of the Tooele City Policies and Procedure Manual

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)

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

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

RESOLUTION 2019-15

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, APPROVING AN AGREEMENT FOR SNOW REMOVAL FROM PUBLIC STREETS AND RIGHTS-OF-WAY WITHIN PETERSON INDUSTRIAL DEPOT AND NINIGRET DEPOT.

WHEREAS, Peterson Industrial Depot and Ninigret Depot comprise the Tooele Army Depot Redevelopment Area, a redevelopment project area (now known as a community development area, or CDA) (the "Project Area") of Tooele City, which Project Area includes several public streets and rights-of-way (the "Public Streets") that require snow removal by Tooele City (the "City"); and,

WHEREAS, the Project Area is an important economic development engine for Tooele City, and the Redevelopment Agency of Tooele City, Utah (the "RDA"), charged with economic development in the City, proposes to allocate from the Project Area budget an amount for the removal of snow from the Public Streets in the Project Area; and,

WHEREAS, the RDA proposes to enter into an agreement with Peterson Industrial Depot, Inc. (the "Contractor"), the owner of Peterson Industrial Depot, for the removal of snow from the Public Streets in the Project Area (see the proposed Agreement for Snow Removal, including street map, attached as Exhibit A); and,

WHEREAS, the RDA budget allocation and the Agreement will create efficiencies for the City and the RDA, and will further the economic development interests of the City and the RDA:

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, that the Agreement for Snow Removal attached as Exhibit A is hereby approved.

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

IN WITNESS WHEREOF, this Resolution is passed by the Redevelopment Agency of Tooele City, Utah, this ____ day of _____, 2019.

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

(For)

(Against)


ABSTAINING: _____

ATTEST:

Michelle Y. Pitt, RDA Secretary

SEAL

Approved as to Form:



Roger Evans Baker, RDA Attorney

Exhibit A

Agreement for Snow Removal (including map)

AGREEMENT FOR SNOW REMOVAL

This Agreement for Snow Removal (the "Agreement") is entered into as of September 1, 2019 (the "Effective Date"), by and between the Redevelopment Agency of Tooele City, Utah (the "RDA"), and Peterson Industrial Depot, Inc. ("Contractor") (collectively the "Parties").

RECITALS

1. Contractor is the Owner of Peterson Industrial Depot located at the former Industrial Area of the Tooele Army Depot (the "Property"); and,
2. The RDA and Contractor desire to enter into this agreement for the removal of snow from the public streets and rights-of-way located within Peterson Industrial Depot and Ninigret Depot, both located on the Property and within the corporate limit of Tooele City.

AGREEMENT

Now, therefore, in exchange for the mutual covenants, promises, and other good and valuable consideration contained in this Agreement, the sufficiency of which is hereby acknowledged, the RDA and Contractor covenant and agree as follows:

1. Snow Removal. Contractor agrees to use commercially reasonable efforts to remove accumulations of snow of one-inch or greater from all public streets and rights-of-way, and to salt and/or sand the same, located within Peterson Industrial Depot and Ninigret Depot. The public streets and rights-of-way include Industrial Loop Road, Loadstone Way, James Way, Garnet Street, I Avenue, G Avenue, B Avenue, and the public portion of Emerald Road (see these public streets and rights-of-way illustrated in Exhibit A, attached hereto and incorporated herein). Contractor shall supply its own equipment, materials, and labor to perform its obligations under this Agreement. Contractor shall maintain liability insurance, motor vehicle insurance, and workers compensation insurance.
2. Term and Termination. The term of this Agreement shall be from September 1, 2019 to June 30, 2020. This Agreement shall terminate automatically on June 30, 2020. Either party may terminate this Agreement with or without cause upon 30 days' notice.
3. Compensation. As consideration under this Agreement, upon invoice, the RDA shall pay to Contractor \$150 per hour (the "Rate") for the hours the Contractor provided snow removal services, not to exceed \$1,500 per month (the "Cap"), during the term of this Agreement. Contractor shall continue to provide snow removal services even after the Cap has been reached. Prior to the termination of this Agreement, the Parties shall meet for an end-of-term review (the "Review") of the total hours Contractor provided snow removal services during the term of this Agreement. To the extent Contractor documents

and verifies, during the Review, hours that exceed the Cap, the RDA shall compensate Contractor, above the Cap, at the Rate.

4. Indemnification and Hold Harmless. Contractor (and its officers, agents, employees, affiliates, and assigns) shall defend, pay on behalf of, indemnify, and hold harmless the RDA and Tooele City Corporation (the "City") (and all the RDA's and the City's officials, agents, employees, and representatives) from and against any and all claims (including actions, causes of action, demands, liabilities, loss of income, loss of services, interruption of process, other losses, actions, fines, costs, and attorney fees) asserted or obtained by any person as a result of, or in relation to, Contractor's negligence or intentional misconduct in performing the obligations and activities under this Agreement.

5. Release. Contractor (and its officers, agents, employees, affiliates, and assigns) hereby releases, acquits, and forever discharges the RDA and the City (and all the RDA's and the City's officials, agents, employees, and representatives) from any and all claims (including actions, causes of action, demands, liabilities, loss of income, loss of services, interruption of process, other losses, actions, fines, costs, attorney fees) that Contractor may have against the RDA or the City as a result of, or in relation to, Contractor's obligations and activities under this Agreement.

6. Miscellaneous.

a. No Waiver. The failure by the RDA to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon Contractor's failure to perform thereof, shall not constitute a waiver by the RDA of any such failure to perform or any other covenant, agreement, term, or condition.

b. Third Party Beneficiaries. The City is a third-party beneficiary of this Agreement. Nothing in this Agreement is intended for the benefit of any other party except for the named Parties, the City, and their authorized successors and assigns.

c. Successors and Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties hereto and their respective successors and assigns.

d. Enforcement of Agreement. If any of the Parties to this Agreement bring an action or proceeding to enforce their rights hereunder, the prevailing party shall be entitled to recover its costs and expenses, including court costs and attorney fees, if any, incurred in connection with such action or proceeding, including any court costs and attorneys fees incurred on appeal.

e. Headings. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, interpretation, or construction of any of the terms or provisions of this Agreement or the intent thereof.

f. Construction of Agreement. This Agreement shall be construed as a whole in accordance with its fair meaning and in accordance with the laws of the State of Utah, without giving effect to conflict of law principles. The terms of this Agreement have been negotiated by the Parties at arm's length, and the language of the Agreement shall not be construed in favor of or against any particular party.

g. Entire Agreement. This Agreement constitutes the final expression of the Parties as to the terms of this Agreement and the subject matter hereof, and supersedes all prior agreements, negotiations, and discussions between the Parties with respect to the subject matter covered hereby. Except as expressly stated in this Agreement, no party hereto has made any statement or representation to any other party hereto regarding the facts relied upon by said party in entering into this Agreement, and each party hereto specifically does not rely upon any statement, representation, or promise of any other party hereto in executing this Agreement, except as expressly stated in this Agreement. Each party and their attorneys, if the party so chose, had the opportunity to make such investigation of the facts pertaining to this Agreement, and all of the matters appertaining thereto, as they deem necessary.

h. Amendment to Agreement. Any amendment to this Agreement must be in writing and signed by duly authorized representatives of all of the Parties hereto, in conformance with state and local law, and affirmatively stating the intent of the Parties to amend this Agreement.

i. Waiver of Jury Trial. The Parties irrevocably waive any and all right to trial by jury in any legal proceeding arising out of or relating to this contract and the services performed hereunder.

j. Notices. All notices, demands, requests, or other communications required or permitted by this Lease shall be in writing and effective when received, and delivery shall be made personally, or by registered or certified mail, return receipt requested, postage prepaid, or overnight courier, addressed as follows:

To the RDA:

Redevelopment Agency of Tooele City, Utah
Attention: Mayor's Office
90 North Main
Tooele, UT 84074

To Contractor:

Peterson Industrial Depot, Inc.
Attention: Aaron Peterson
1485 West James Way #691
Tooele, UT 84074

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

**Redevelopment Agency of
Tooele City, Utah**

Peterson Industrial Depot, Inc.

Chairman of the RDA Board

Aaron Peterson, [Title]

Attest:

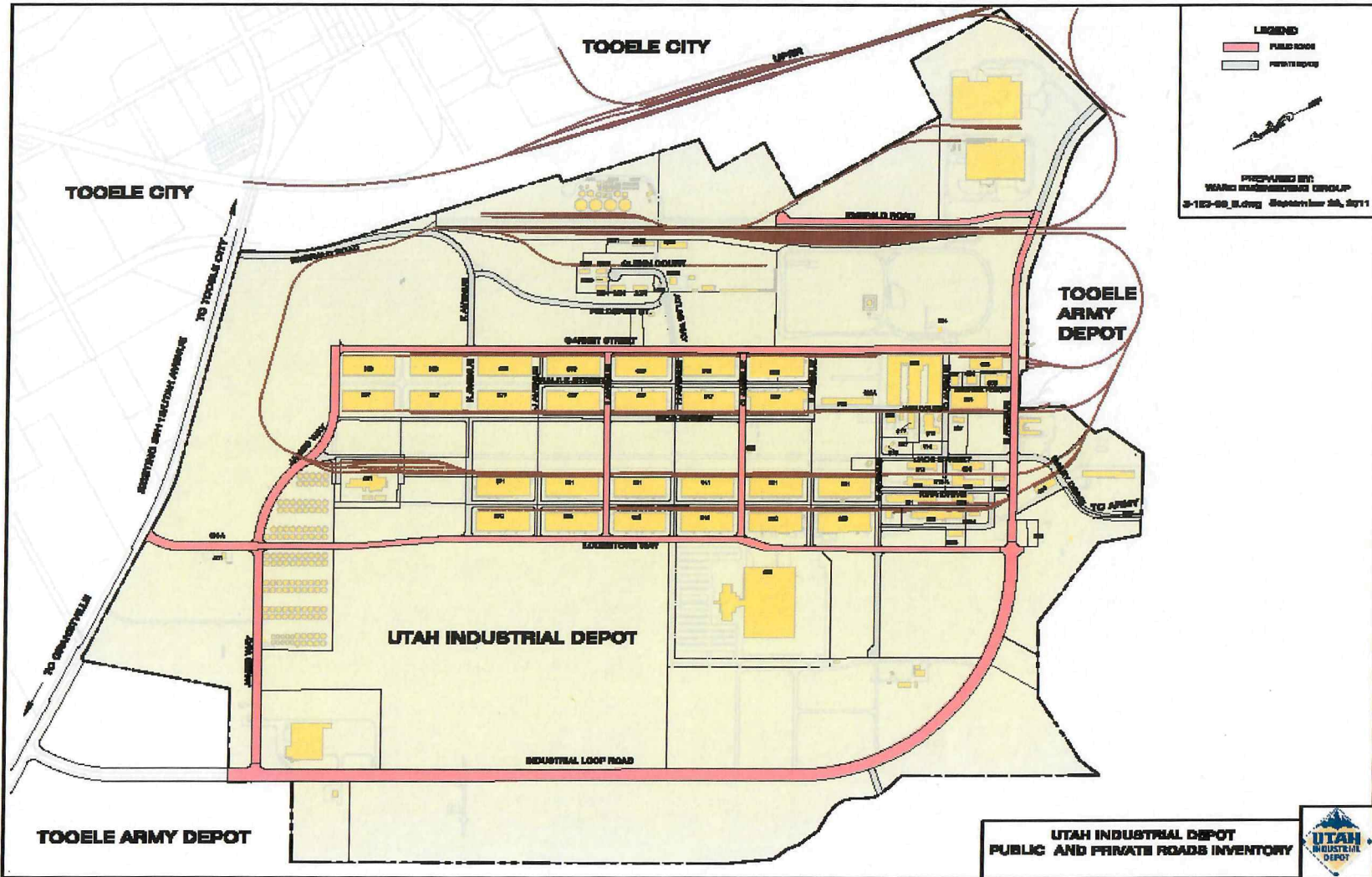
Michelle Y. Pitt, RDA Secretary

Approved as to Form:

Roger Evans Baker, RDA Attorney

Exhibit A

Illustration of Public Streets and Rights-of-Way



TOOELE CITY

TOOELE CITY

TOOELE ARMY DEPOT

TOOELE ARMY DEPOT

LEGEND

- PUBLIC ROADS
- PRIVATE ROADS

PREPARED BY:
 WEAVER ENGINEERING GROUP
 3-153-00_2.DWG September 28, 2011

**UTAH INDUSTRIAL DEPOT
PUBLIC AND PRIVATE ROADS INVENTORY**

