

**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, February 19, 2020, at the hour of 7:00 p.m. The meeting will be held at Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **State of the City Address**  
Presented by Mayor Debbie Winn
4. **Mayor's Youth Recognition Awards**
5. **Recognition of Phil Montano** for Time Serving on Planning Commission  
Presented by Jim Bolser
6. **Creative Communities Pilot Project Update**  
Presented by Tracy Hansford, Creative Communities Team Lead, Utah Department of Heritage and Arts
7. **Public Comment Period**
8. **Public Hearing**
  - a. **Ordinance 2020-02** A Text Amendment to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code  
Presented by Jim Bolser
  - b. **Ordinance 2019-35** An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street  
Presented by Jim Bolser
9. **Second Reading Items**
  - a. **Ordinance 2020-02 A Text Amendment** to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code  
Presented by Jim Bolser
  - b. **Ordinance 2019-35** An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street  
Presented by Jim Bolser

- c. **Resolution 2020-09** A Resolution of the Tooele City Council Authorizing the Disposal of Lost or Mislaid Personal Property  
Presented by Chief Ron Kirby
- d. **Resolution 2020-02** A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust  
Presented by Jim Bolser & Roger Baker
- e. **Subdivision Preliminary Plan for the Millennial Park Development**, requested by Mountain Partners Investments LLC for Property Located at 300 West 400 North in the MR-16 Multi-Family Residential Zone for the Creation of 17 Townhome Lots  
Presented by Jim Bolser
- f. **Minor Subdivision Request for the Hunter Minor Subdivision** for Property Located at 240 West Utah Avenue on Property in the R1-7 Residential Zone for the Creation of 3 Single-Family Residential Lots  
Presented by Jim Bolser
- g. **Resolution 2020-14** A Resolution of the Tooele City Council Ratifying & Approving a Contract with Performance Audio for Audio-Visual Equipment Installation  
Presented by Mayor Debbie Winn

#### 10. First Reading Items

- a. **Resolution 2020-13** A Resolution of the Tooele City Council Approving a Contract with Wasatch Electric for Security Camera Installation  
Presented by Mayor Debbie Winn
- b. **Ordinance 2020-08** An Ordinance of Tooele City Amending the Tooele City Policies and Procedures Manual  
Presented by Kami Perkins
- c. **Ordinance 2020-05** An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final Plat Applications  
Presented by Jim Bolser & Roger Baker
- d. **Ordinance 2020-06** An Ordinance of Tooele City Amending Tooele City Code Chapter 4-11 Regarding Sidewalks to Establish Civil Penalties for Violations  
Presented by Roger Baker
- e. **Resolution 2020-10** A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil Infraction for Violations of Tooele City Code Chapter 4-11 Regarding Sidewalks  
Presented by Roger Baker
- f. **Ordinance 2020-07** An Ordinance of Tooele City Amending Tooele City Code Title 6 (Animal Control) to Accommodate the Utah Community Cat Act  
Presented by Derrick Larsen

- g. Ordinance 2020-09** An Ordinance Of The Tooele City Council Reassigning The Zoning Classification To The R1-7 Residential Zoning District For 1.15 Acres Of Property Located At Approximately 600 South Canyon Road  
Presented by Jim Bolser

11. **Minutes**

12. **Invoices**

13. **Adjourn**

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Michelle Y. Pitt, Tooele City Recorder

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

**TOOELE CITY CORPORATION**

**ORDINANCE 2020-02**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-4-8, SECTION 7-4-9, SECTION 7-4-10, AND SECTION 7-4-11 REGARDING DRIVEWAY LOCATIONS.**

**WHEREAS**, Utah Code §10-8-84 and §10-9a-102 authorize cities to enact ordinances, resolutions, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, good order, comfort, convenience, and aesthetics of the municipality; and,

**WHEREAS**, Tooele City Code Chapter 7-4 contains provisions addressing the parking standards and design aspects of parking facilities for all uses of land; and,

**WHEREAS**, the provisions and standards of Chapter 7-4 include regulations addressing access to and from properties along street rights-of-way; and,

**WHEREAS**, Section 7-4-9, Section 7-4-10, and Section 7-4-11 of Title 7 of the Tooele City Code contain provisions that reference figures within those same sections that necessitate technical changes to renumber those figures and maintain those references; and,

**WHEREAS**, the provisions of the City Code applicable to parking were first established by Ordinance 1983-05 on April 20, 1983; and,

**WHEREAS**, the provisions of the City Code applicable to parking were later amended by Ordinance 2019-12 on May 15, 2019; and,

**WHEREAS**, it is proper and appropriate to routinely review the ordinances and provisions of the Tooele City Code for clarity, predictability, relevance, applicability, and appropriateness; and,

**WHEREAS**, it is proper and appropriate to revise provisions of the City Code found to be antiquated, to have diminished in applicability and appropriateness, to be unclear or to have diminished relevance, or to lead to difficulties in the predictability of the land use application approval process, and to modernize provisions to adapt to changing conditions and federal and state laws; and,

**WHEREAS**, the purposes of the proposed amendments attached as Exhibits A – D include maintaining safety for the general public travelling the roadways of Tooele City and provide clarity to the designers and home owners regarding the proper location of driveway accesses to and from properties adjacent to rights-of-way; and,

**WHEREAS**, on January 8, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit E); and,

**WHEREAS**, on February 19, 2020, the City Council convened a duly-advertised public hearing:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY** that Tooele City Code Section 7-4-8 is hereby amended as shown in Exhibit A, Section 7-4-9 is hereby amended as shown in Exhibit B, Section 7-4-10 is hereby amended as shown in Exhibit C, and Section 7-4-11 is hereby amended as shown

in Exhibit D.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses 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 \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

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

**EXHIBIT A**

**PROPOSED REVISIONS TO TOOELE CITY CODE SECTION 7-4-8**

#### 7-4-8. Access Requirements.

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

- (1) One- and Two-Family Residential Lots. Access to one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Not more than two drive approaches shall be allowed for any residential lot.
  - (b) The width of a drive approach shall not be greater than 30 feet or more than one-third of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach from a cul-de-sac or curved lot with a frontage of less than 50 feet at the property line may exceed one-third of that frontage, but shall not be more than 50% of the frontage at the property line.
  - (c) A lot may have a singular 30-foot drive approach or two drive approaches that total 30 feet wide. A drive approach shall have a minimum width of ten feet. Two drive approaches on the same lot must have a minimum of 12 feet between them.
  - (d) A drive approach shall be measured from the bottom of the flares, at its widest point. The flare shall not be greater than three feet long.
- (2) Other Residential Uses. Access to *residential* lots other than one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Access to each parking space shall be from a private driveway and not from a public street.
  - (b) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street.
  - (c) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (d) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (3) Non-Residential Uses. Access to non-residential uses shall be provided in compliance with the following requirements:
  - (a) Each drive approach shall not be more than 40 feet wide, measured at right angles to the centerline of the drive approach, measured curb-face to curb-face, exclusive of tapered areas. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to 50 feet wide.
  - (b) Divided or one-way access and egress driveways shall maintain a minimum of a 12-foot wide travel lane, per lane, measured curb-face to curb-face, exclusive of tapered areas.
  - (c) Driveways for two-way access and egress shall maintain a minimum of a 24-foot width measured curb-face to curb-face, exclusive of tapered areas.
  - (d) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street except that a use on its own property with less than 100 feet of frontage or which cannot meet the spacing between existing drive approaches on adjacent properties may be approved by the Planning Commission for one drive access of not more than 30 feet in width according to Chapter 11 of this Title.
  - (e) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - ~~(f) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.~~
- (4) General Standards for All Uses. All access to properties shall be provided to meet the following general requirements:
  - (a) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two or more properties, no drive approach shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
  - (b) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.



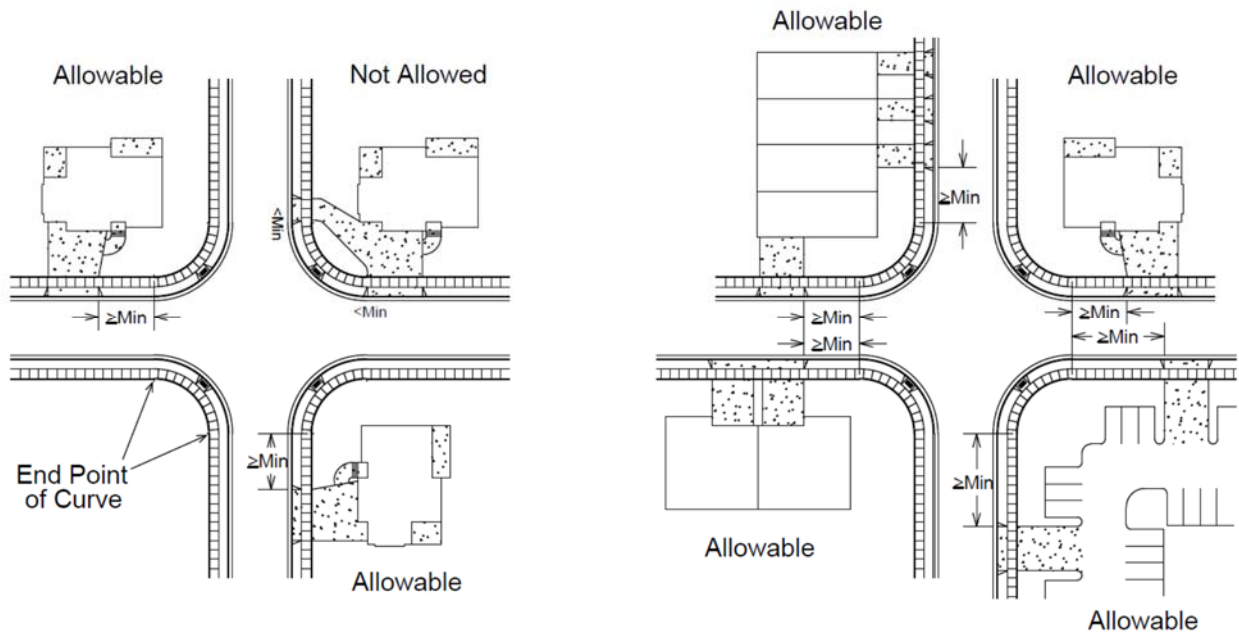
(c) Driveways or drive approaches which provide access and egress to and from a street controlled by the Utah Department of Transportation (UDOT) must be reviewed and approved by UDOT and shall be sized according to applicable UDOT standards.

(d) Spacing and location of drive approaches for residential uses in relation to an intersection of two streets shall be as follows:

(i) a driveway serving an individual dwelling unit, regardless of unit type or configuration, shall be located at least 30 feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

(ii) a driveway providing access to a collective parking area serving multiple dwelling units, regardless of unit type or configuration, shall be located at least 50 feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

**Figure 7-4-1 – Drive Approach Locations.**



**EXHIBIT B**

**PROPOSED REVISIONS TO TOOELE CITY CODE SECTION 7-4-9**

**7-4-9. Parking Lots.**

- (3) Landscaping.
  - (d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-~~12~~ identifies areas anticipated for consideration.
  
- (5) Alignment. Parking lots which include multiple drive aisles that access parking spaces, or adjacent parking lots that connect, function, or have the ability to function as a single parking lot shall be designed such that drive aisles align across connecting drive aisles. Drive aisles which intersect on an angle to the connecting drive aisle shall connect only as a three leg intersection which does not interfere with traffic movements of nearby drive aisle intersections at the discretion of the City Engineer. Accesses to a parking lot from an adjacent right-of-way shall align with parking lot drive aisles or end at the first interesting drive aisle in a perpendicular intersection. Alignment requirements of this Subsection are generally displayed in Figure 7-4-~~12~~.

**Figure 7-4-~~12~~ – Parking Area Landscaping.**

**EXHIBIT C**

**PROPOSED REVISIONS TO TOOELE CITY CODE SECTION 7-4-10**

**7-4-10. Parking Dimensions.**

- (8) Angled parking spaces shall be sized based on the angle of parking spaces shown in this Section, Table 7-4-2 and Figure 7-4-23. Parking spaces positioned nose-to-nose shall be at least 20 feet deep each.

**Figure 7-4-23 – Angled Parking Layout.**

**EXHIBIT D**

**PROPOSED REVISIONS TO TOOELE CITY CODE SECTION 7-4-11**

**7-4-11. Public Safety Aisles.**

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be a minimum of 30 feet in width, measured from curb-face to curb-face and as shown in Table 7-4-2, regardless of whether the aisle accommodates one- or two-way traffic. Public safety aisles, as represented and depicted in the Figure 7-4-34, shall consist of all aisles that:

**Figure 7-4-34 – Public Safety Aisles.**

**EXHIBIT E**

**PLANNING COMMISSION MINUTES OF JANUARY 8, 2020**



**TOOELE CITY PLANNING COMMISSION MINUTES**

**Date:** Wednesday, January 8, 2020

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

**Commission Members Present:**

Shauna Bevan  
Melanie Hammer  
Tyson Hamilton  
Bucky Whitehouse  
Ray Smart  
Matt Robinson  
Chris Sloan

**Commission Members Excused:**

Phil Montano

**City Employees Present:**

Andrew Aagard, City Planner  
Jim Bolser, Community Development Director  
Roger Baker, City Attorney  
Steve Evans, Public Works Director

**Council Members Present:**

Council Member Hansen  
Council Member Brady  
Council Member Gochis attended as a member of the public

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Robinson.

**2. Roll Call**

Matt Robinson, Present  
Melanie Hammer, Present  
Shauna Bevan, Present  
Tyson Hamilton, Present  
Bucky Whitehouse, Present  
Ray Smart, Present  
Chris Sloan, Present

3. **Recommendation on Millennial Park, a Preliminary Plan Subdivision request by Mountain Partners Investments LLC for property located at 300 West 400 North in the MR-16 Multi-Family Residential zone for the creation of 17 town house lots.**

Presented by Andrew Aagard

Mr. Aagard stated this is a preliminary plan that proposes a three acre parcel to be split into 17 town home lots. The property is currently vacant and sits north of 300 North and west of 300 West. The Dow James Park is located to the west of the property and the skate park is located to the north. The property is currently zoned MR-16 Multi-Family Residential, as are all of the surrounding properties excluding the Open Space zone to the west for the park. The preliminary plan proposes the creation of a residential town house development and the purpose of the preliminary plan is to create the individual lots for ownership purposes. The MR-16 Multi-Family Residential zone has no restrictions on minimum lot sizes for multi-family units. This is designed to permit a residential development for townhouses and the owner of the townhouse to own a small lot. In this case the lots are larger than the footprint of the proposed buildings and will allow for some yard space in front of and behind the townhomes. The end units will also have limited yard space to the side. Parcel A is a storm water detention basin and will also be utilized as an open space parcel. This will be maintained by the development homeowner's association. The one street located within the development is a private road and will be maintained by the development HOA. Benchmark Drive at 270 West is a public street and the development will be improving this road in accordance with Tooele City standards for rights of way. This is the preliminary plan and some site design such as visitor parking and building setbacks have been addressed, the focus is on the subdivision and the individual lots. The development will still need to undergo a final plat and final site plan design review application. Staff has reviewed the application extensively and is confident that it satisfies the mandates of the Tooele City development code, particularly the requirements of the MR-16 Residential zone and the City is recommending approval of the application with the conditions listed in the Staff Report.

Chairman Hamilton asked if there were any additional comments from the Commission.

**Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Millennial Park Preliminary Plan Subdivision Request by Jared Payne, representing Mountain partners Investments, LLC for the purpose of creating 17 town house style residential lots, application number P19-80, based on the findings and subject to the conditions listed in the Staff Report dated December 30, 2019.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Recommendation on a Minor Subdivision request for Hunter Minor Subdivision by Kathryn Hunter for property located at 240 West Utah Avenue on property zoned R1-7 Residential zone for the creation of 3 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated the application proposes to subdivide an existing double fronting lot between Utah Avenue and 230 North. There is an existing home on the property that accesses Utah Avenue, as well as some existing buildings and corrals. The property is currently zoned R1-7 Residential, as are all of the surrounding properties. The application proposes to subdivide the existing .82 parcel into three single family lots larger than 11,000 square feet. The existing home and some existing structures will remain on lot three and the lot will continue to access Utah Avenue. Lots one and two will access 230 North Street and all existing accessory structures on lots one and two will be removed for development. New lot lines are configured so that all lots meet ordinance requirements for setbacks and no new nonconformities are proposed with the new lot lines. Staff has reviewed the application and is confident that the subdivision proposed meets or exceeds all requirements for residential development as required by the R1-7 Residential requirements. Staff is recommending approval with the basic conditions listed in the Staff Report.

Chairman Hamilton asked if there were any further comments or questions, there were none.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Hunter Minor Subdivision Request by Kathryn Hunter, for the purpose of creating three single-family residential lots, application number P19-405, based on the findings and subject to the conditions listed in the Staff report dated December 30, 2019.** Commissioner Smart seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner, "Sloan," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

**5. Recommendation on a Final Plat request for Golf Course View Subdivision by Bryton Lawrence for property located at 1366 Smelter Road in the R1-7 Residential zone for the creation of 13 single-family residential lots.**

Presented by Andrew Aagard

Mr. Aagard stated this is a final plat application that proposes to subdivide property located just north and east of the City's golf course. The property is largely vacant except for one existing home located just south of Smelter Road. The property is zoned R1-7 Residential, as are all the properties to the west and south. Property to the north and east are located in the unincorporated part of Tooele County, outside of the City limits. The subdivision proposes to divide a 6-acre parcel into 13 single-family lots ranging in size from 10,300 square feet up to 23,000 square feet. All lots meet or exceed minimum requirements for lot width, lot frontages, and lot size. Lots in the subdivision will be accessed by a public street terminating in a cul-de-sac turn. The existing home on lot one will remain and new lot lines will not create nonconformities. Lot 13 will be next to a storm water detention basin and the basin will be landscaped by the development and turned over to the City for maintenance. The pond will be landscaped in a similar manner to golf course landscaping. Golf course personal have been involved in the landscaping design of the basin and have recommended approval. Staff has extensively reviewed this application and is confident that the subdivision as proposed meets or exceeds requirements for residential development and recommending approval with conditions listed in the Staff Report.

Chairman Hamilton asked if there were any questions or comments from the Commission.

Commissioner Sloan asked about the detention pond and the involvement with Tooele City and golf course, will fencing be required? Mr. Aagard stated that the plan is to leave it as is and there will be some berming on the north end to prevent spillage of water into residential. It will be incorporated into the golf course and maintained as it is part of the golf course.

Commissioner Bevan disclosed that the applicant is her nephew and the property owner is her brother.

**Commissioner Whitehouse motioned to forward a positive recommendation to the City Council for the Golf Course View Subdivision Final Plat request by Bryton Lawrence, for the purpose of creating 13 single-family lots, application number P19-772, based on the findings and subject to the conditions listed in the Staff Report dated January 2, 2020.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner, "Sloan," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

**6. Recommendation on a Preliminary Plan request for Bevan Estates Subdivision by JRS Development LLC for property located at approximately 201 East 700 North for the creation of 109 single family residential lots in the R1-7 Residential zone.**

Presented by Andrew Aagard

Mr. Aagard stated the preliminary plan begins the subdivision process for a large vacant property located east of 100 East and north of 700 North. There is an existing home located on the southwest corner of the property. The streets 700 North, Brooke Avenue, East Crescent Avenue and 670 North are existing streets that terminate at the property boundaries. The property is currently zoned R1-7 Residential, as are the properties to the east and south. Properties to the north and west are a General Commercial, MR-16 Multi-Family Residential and MR-8 Multi-Family Residential and are all utilized as multi-family residential. The preliminary plan proposes to divide the existing 28 acre parcel into 109 single family ranging in size from 7,000 square up to 11,300 square feet. All lots within the proposed preliminary plan do meet or exceed minimum requirements of the R1-7 Residential for lot size, lot width, and lot frontages. The proposed subdivision will have connections at existing stubs. There will be a future connection at the northwest corner that is pending construction of the Country View Villas that will provide access to 1000 North. The subdivision is proposed to be developed in multiple phases and the plan is four phases. Lot 101 will retain an existing home and the existing home meets all zoning requirements for setbacks. The driveway will be realigned slightly. Staff is recommending approval of the proposed preliminary plan with the conditions listed in the Staff Report with an additional condition for Parcel B and a piece of property where existing owners have encroached over time into land they do not own. The developers are working with property owners to address the issues and should be resolved as part of final plat. Mr. Sorenson, the applicant stated that the development is actually 111 lots and that had changed from the original application, but was correct on the plat map shown to the Planning Commission.

Chairman Hamilton asked the Commission if there were any comments or questions.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Bevan Estates Preliminary Plan Subdivision Request by Ryan Sorenson, representing JRS Development, LLC for the purpose of creating 111 single-family residential lots, application number P19-802, based on the findings and subject to the conditions listed in the Staff Report dated January 2, 2020.** Commissioner Robison seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Graf, “Aye.” The motion passes.

7. **Public Hearing and Recommendation on a Text Amendment to the Tooele City Code requested by Tooele City mending the text of Section 7-4-8 related to driveway locations and making related technical changes to 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code.**

Presented by Jim Bolser

Mr. Bolser stated that this is a text amendment that affects one part of the City Code, Section 7-4-8, and renumbers figures in Sections 7-4-9, 7-4-10, and 7-4-11. In Section 7-4-8 there is a new diagram that made the need for renumbering of diagrams in the following sections. Staff has noticed that with permits that have been coming through for homes located on corner lots, there is a desire to put the driveway on the intersection side of the home. This is a concern because it not only places the driveway on the intersection side, but also presents a safety hazard and presents conflict with other City ordinances and state law. If the driveway is on the intersection of the home a car parked in the driveway will be in conflict of the clear view provisions for intersections from the City Code. State Law Section 41-6a-1401, Standing and Parking Vehicles, and Exceptions, states that a stopping of the traffic cannot occur within 30 feet of the intersection control device such as a stop sign, beyond stopping for the intersection.

Mr. Bolser showed the Commissioners a graphic on the screen, illustrating the new provisions and the conflicts with the provisions. The proposal suggests that there be a safety zone behind the point of intersection. The safety zone for a safe intersection prevents a driveway from being within a standard distance of the intersection. The provision is for single-family residential units, two-family homes, and townhome units as well as all other residential units which have individual driveways. By implementing the provision, the City will be in compliance with clear view provisions and State mandates. The amendment will include the graphic into the City Code. It will force applicants to mirror image their homes if the driveway comes into conflict with the intersection. There is also a provision for residential housing types that use collective parking lots rather than individual driveways.

Chairman Hamilton asked if the Commission had any questions or comments.

Commissioner Bevan stated that she thinks this great and it is a wonderful idea. Commissioner Sloan stated that he thinks it is a great idea, but has a question. Is there wiggle room for staff to

make an exception based on elevation changes on the lot? He stated that his home would have been affected by this because his driveway is on an intersection. Changing the design of the home would have increased build costs and made it difficult to build due to elevation change and slope. Mr. Bolser stated that directly there is not something in the proposal to address that concern. If the City were to do so, there is an opportunity to establish that as the minimum thereby undermining the ordinance. If there is a range in the ordinance then the minimum will be the enforceable standard.

Mr. Bolser stated that this will be an tool that can be used during subdivision review to discuss with the developer to address the design of corner lots to prevent any problems that might surface.

Commissioner Smart asked if there might be a problem with apartment complexes putting fencing on the corner around the intersections because the parking lot does not exit on the intersection? Mr. Bolser stated that fencing is not allowed by code.

Commissioner Hammer asked in a preliminary plat how could a developer turn the home to make it work and have the driveway off the intersection? Mr. Bolser stated that there are three ways to deal with the problem. Make the lot larger so it has more room to accommodate the home, change the orientation of the home, or leave it as is and address it as a plat note. Having tools like this to work with developers, helps the City and the developers work together.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

**Commissioner Bevan moved to forward a positive recommendation to the City Council for the for the Driveway Locations text Amendment Request by Tooele City, application number P19-925, based on the Text Amendment having a positive effect on the following findings,**

- 1. The effect the text amendment may have on the potential applications regarding the character of the surrounding areas.**
- 2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.**
- 3. The degree to which the proposed text amendment may effect the positional application's consistency with the intent, goals, and objectives of the Tooele city General plan.**
- 4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City ode.**
- 5. The degree to which the proposed text amendment may effect an applications; impact on the health, safety and general welfare of the general public or the residents of adjacent properties.**
- 6. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.**
- 7. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.**

**8. The overall community benefit of the proposed amendment.**

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner, Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**8. Review and Approval of Planning Commission minutes for meeting held December 11, 2019.**

Chairman Hamilton asked the Commission if there were any comments or questions.

**Commissioner Hammer moved to approve minutes from the meeting held on December 11, 2019.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, Aye," Chairman Hamilton, "Aye." The motion passes.

**9. Adjourn**

Commissioner Hammer moved to adjourn. Chairman Hamilton declared the meeting adjourned at 7:39p.m.

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

Approved this 12nd day of February, 2020

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Tyson Hamilton, Chairman, Tooele City Planning Commission

**STAFF REPORT**

December 30, 2019

**To:** Tooele City Planning Commission  
Business Date: January 8, 2020

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Driveway Locations – Text Amendment Request**

Application No.: P19-925

Applicant: Tooele City

Request: Request for approval of a City Code Text Amendment regarding provisions governing the location of driveways.

**BACKGROUND**

This application is a request for approval of a Text Amendment to the City Code. With the City Council's adoption of Ordinance 2019-12 on May 15, 2019, certain provisions of were adopted that regulated the location where driveway accesses could be located on lots relative to the intersection of streets and other driveways. These regulations were not established, however, for single-family residential properties which include two-family residences such as twin homes and duplexes. Over the past couple of years the City has experienced a steady influx of new residential building permits. As a result, there has also been an increase in the number of permits that want to locate the driveway very close to the intersection of streets on a corner lot.

**ANALYSIS**

*Text Amendment.* There are two standards that were examined in determining a distance to propose for this text amendment. First we examined the applicable traffic laws. Section 41-6a-1401(1)(b)(iv) of the Utah State Code specifies that there is to be no parking of a vehicle "within 30 feet [of] any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway." Although placement of stop signs and traffic control devices at intersection is not exact, it is fairly consistent. The second is the terms of the City Code dealing with required clear view triangle applicable at all intersections. Section 7-2-11 of the Tooele City Code defines the clear view area as two points measured 40 feet back from the point where the back of curb lines for the two intersecting streets would meet at their extension and then connected across the private property with a diagonal line between those points. Where this dimension is larger than that of the reviewed state code provision, it would also be measured from a point further into the intersection that the location of the traffic control device. In addition it would reach a point further back from the intersection due to be measured along the curb line versus the property line.

With these considered, establishing a standard 30 setback from the end point of the intersection curve would create a clear standard that would mimic the traffic code requirement and the City's clear view triangle requirements all in the interest in safety and visibility at street intersections. This provision, as proposed, would apply equally to both the entering and exiting side of the intersection. Although these two reviewed standards and the proposed driveway location standards may not be directly related, all three would serve the



same safety purpose. The proposed text amendment, including an explanatory diagram that would be codified with these provisions, can be found in Exhibit A to this report. Correlating technical changes necessary relative to the numbering of other figures in Chapter 7-4 can also be found in Exhibit B to this report. One potential result from this revision to the City Code would be a necessity on the part of applicants building a new home to flip their home plans so that the driveway and/or garage is constructed on the side of the home away from the intersection. It also would necessitate consideration on the part of developers to pay mind to this provision when designing and laying out new developments to ensure corner lots are appropriately sized.

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

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

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Text Amendment request and has issued the following comments:

1. The proposed text amendment serves the purpose of promoting and maintaining safety at the intersection of streets.
2. The proposed text amendment serves the purpose of promoting and maintaining visibility at the intersection of streets.
3. The proposed text amendment serves the purpose of promoting and maintaining the already established clear view provisions of the City Code.
4. The proposed text amendment serves the purpose of promoting and maintaining the already established intersection setback provisions of the Utah State Code.

Engineering Review. The Tooele City Engineering Division has completed their review of the Text Amendment request and has issued the following comments:

1. The proposed text amendment serves the purpose of promoting and maintaining safety at the intersection of streets.
2. The proposed text amendment serves the purpose of promoting and maintaining visibility at the intersection of streets.

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

### **STAFF RECOMMENDATION**

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

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

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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Driveway Locations Text Amendment Request by Tooele City, application number P19-925, based on the following findings:"

1. List findings ...

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Driveway Locations Text Amendment Request by Tooele City, application number P19-925, based on the following findings:"

1. List findings ...

**EXHIBIT A**

**TOOELE CITY CODE PROPOSED REVISIONS  
SECTION 7-4-8**

#### 7-4-8. Access Requirements.

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

- (1) One- and Two-Family Residential Lots. Access to one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Not more than two drive approaches shall be allowed for any residential lot.
  - (b) The width of a drive approach shall not be greater than 30 feet or more than one-third of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach from a cul-de-sac or curved lot with a frontage of less than 50 feet at the property line may exceed one-third of that frontage, but shall not be more than 50% of the frontage at the property line.
  - (c) A lot may have a singular 30-foot drive approach or two drive approaches that total 30 feet wide. A drive approach shall have a minimum width of ten feet. Two drive approaches on the same lot must have a minimum of 12 feet between them.
  - (d) A drive approach shall be measured from the bottom of the flares, at its widest point. The flare shall not be greater than three feet long.
- (2) Other Residential Uses. Access to residential lots other than one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Access to each parking space shall be from a private driveway and not from a public street.
  - (b) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street.
  - (c) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (d) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (3) Non-Residential Uses. Access to non-residential uses shall be provided in compliance with the following requirements:
  - (a) Each drive approach shall not be more than 40 feet wide, measured at right angles to the centerline of the drive approach, measured curb-face to curb-face, exclusive of tapered areas. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to 50 feet wide.
  - (b) Divided or one-way access and egress driveways shall maintain a minimum of a 12-foot wide travel lane, per lane, measured curb-face to curb-face, exclusive of tapered areas.
  - (c) Driveways for two-way access and egress shall maintain a minimum of a 24-foot width measured curb-face to curb-face, exclusive of tapered areas.
  - (d) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street except that a use on its own property with less than 100 feet of frontage or which cannot meet the spacing between existing drive approaches on adjacent properties may be approved by the Planning Commission for one drive access of not more than 30 feet in width according to Chapter 11 of this Title.
  - (e) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - ~~(f) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.~~
- (4) General Standards for All Uses. All access to properties shall be provided to meet the following general requirements:
  - (a) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two or more properties, no drive approach shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
  - (b) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.

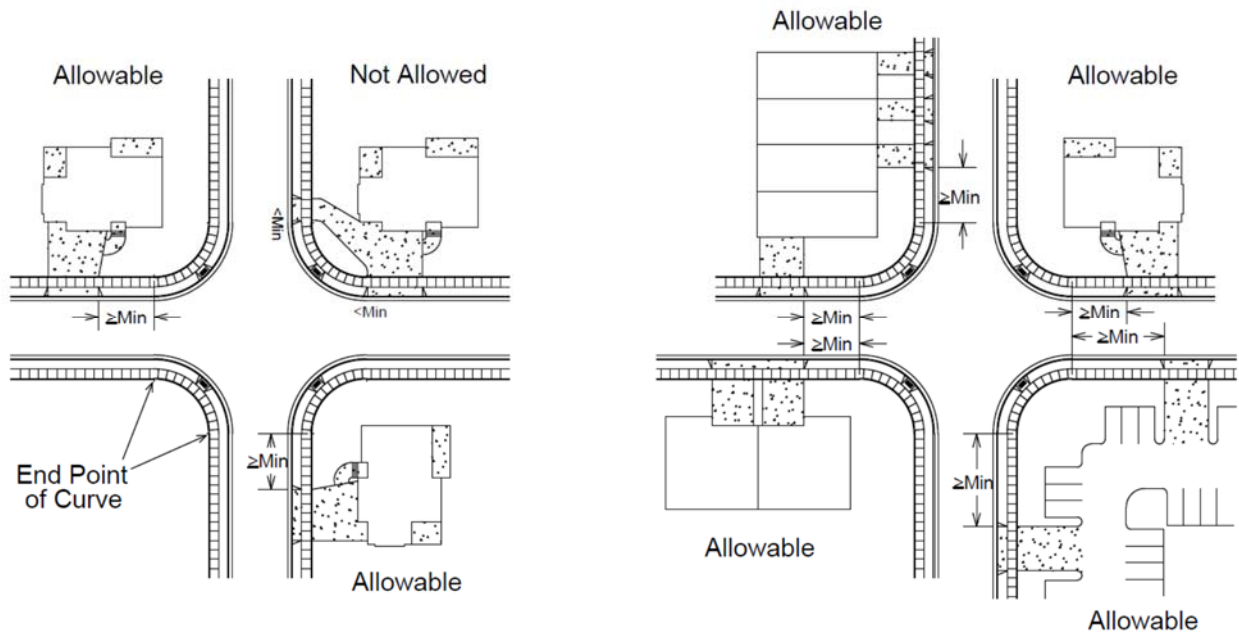
(c) Driveways or drive approaches which provide access and egress to and from a street controlled by the Utah Department of Transportation (UDOT) must be reviewed and approved by UDOT and shall be sized according to applicable UDOT standards.

(d) Spacing and location of drive approaches for residential uses in relation to an intersection of two streets shall be as follows:

(i) a driveway serving an individual dwelling unit, regardless of unit type or configuration, shall be located at least 30 feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

(ii) a driveway providing access to a collective parking area serving multiple dwelling units, regardless of unit type or configuration, shall be located at least 50 feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

**Figure 7-4-1 – Drive Approach Locations.**



**EXHIBIT B**

**TOOELE CITY CODE PROPOSED REVISIONS**

**SECTION 7-4-9**

**SECTION 7-4-10**

**SECTION 7-4-11**

**7-4-9. Parking Lots.**

- (3) Landscaping.
- (d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-~~12~~ identifies areas anticipated for consideration.
  
- (5) Alignment. Parking lots which include multiple drive aisles that access parking spaces, or adjacent parking lots that connect, function, or have the ability to function as a single parking lot shall be designed such that drive aisles align across connecting drive aisles. Drive aisles which intersect on an angle to the connecting drive aisle shall connect only as a three leg intersection which does not interfere with traffic movements of nearby drive aisle intersections at the discretion of the City Engineer. Accesses to a parking lot from an adjacent right-of-way shall align with parking lot drive aisles or end at the first intersecting drive aisle in a perpendicular intersection. Alignment requirements of this Subsection are generally displayed in Figure 7-4-~~12~~.

**Figure 7-4-~~12~~ – Parking Area Landscaping.**

**7-4-10. Parking Dimensions.**

- (8) Angled parking spaces shall be sized based on the angle of parking spaces shown in this Section, Table 7-4-2 and Figure 7-4-~~23~~. Parking spaces positioned nose-to-nose shall be at least 20 feet deep each.

**Figure 7-4-~~23~~ – Angled Parking Layout.**

**7-4-11. Public Safety Aisles.**

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be a minimum of 30 feet in width, measured from curb-face to curb-face and as shown in Table 7-4-2, regardless of whether the aisle accommodates one- or two-way traffic. Public safety aisles, as represented and depicted in the Figure 7-4-~~34~~, shall consist of all aisles that:

**Figure 7-4-~~34~~ – Public Safety Aisles.**

## TOOELE CITY CORPORATION

### ORDINANCE 2019-35

#### **AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY ZONING MAP FOR PROPERTY AT APPROXIMATELY 2100 NORTH MAIN STREET.**

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 2100 North Main Street, as shown in the attached **Exhibit A**; and,

WHEREAS, the GC General Commercial zoning district is currently assigned to approximately 5.5 acres of land located at 2100 North Main Street (see map attached at **Exhibit A**); and,



WHEREAS, by Rezone Petition received on November 4, 2019, KMD LLC has requested the subject property be reassigned to the LI Light Industrial zoning district (see Rezone Petition attached as **Exhibit A**); and,

WHEREAS, on December 11, 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 minutes attached as **Exhibit B**); and,

WHEREAS, on January 7, 2020 and February 19, 2020, the City Council convened duly-advertised public hearings:

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 further economic development and are consistent with the desires of the affected property owners and are consistent with the General Plan and Land Use Plan; and,
2. the Zoning Map is hereby amended for the property located near 2100 North main Street as illustrated in **Exhibit A**, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

Approved as to Form:

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

# Exhibit A

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](http://www.tooelecity.org)



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

P19-821

Project Information					
Date of Submission: 11/4/19		Current Map Designation: Split zone, LI/GC		Proposed Map Designation: Light Industrial	
Project Name: Fortress Self-Storage Development - SR36				Parcel #(s): 02-143-0.-0096	
Project Address: 2100 North & SR36				Acres: 5+ 5.53	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary:  The present zoning of the property is split. The west side of the property is General Commercial (GC) and the East side is Light Industrial (LI). The split is approximately 50/50 in proportion between GC and LI.  We are seeking to remove the split zoning designation and have the proposed 5+ acre parcel entirely zoned as Light Industrial.					
Property Owner(s): WINTERGREEN GROUP LC BRYTEN "BRYTEN" JOHNSON, MEMBER			Applicant(s): KMD LLC		
Address: 5939 FM 52			Address: 121 W Misty Brook Ln		
City: PERLIN	State: TX.	Zip: 76486	City: Stansbury Park	State: UT	Zip: 84074
Phone: 801-558-8888			Phone: 435-224-4420		
Contact Person: Arno Kruisman			Address: 121 W Misty Brook Ln		
Phone:			City: Stansbury Park	State: UT	Zip: 84074
Cellular: 435-224-4420	Fax:		Email: arno@blacksaltint.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.

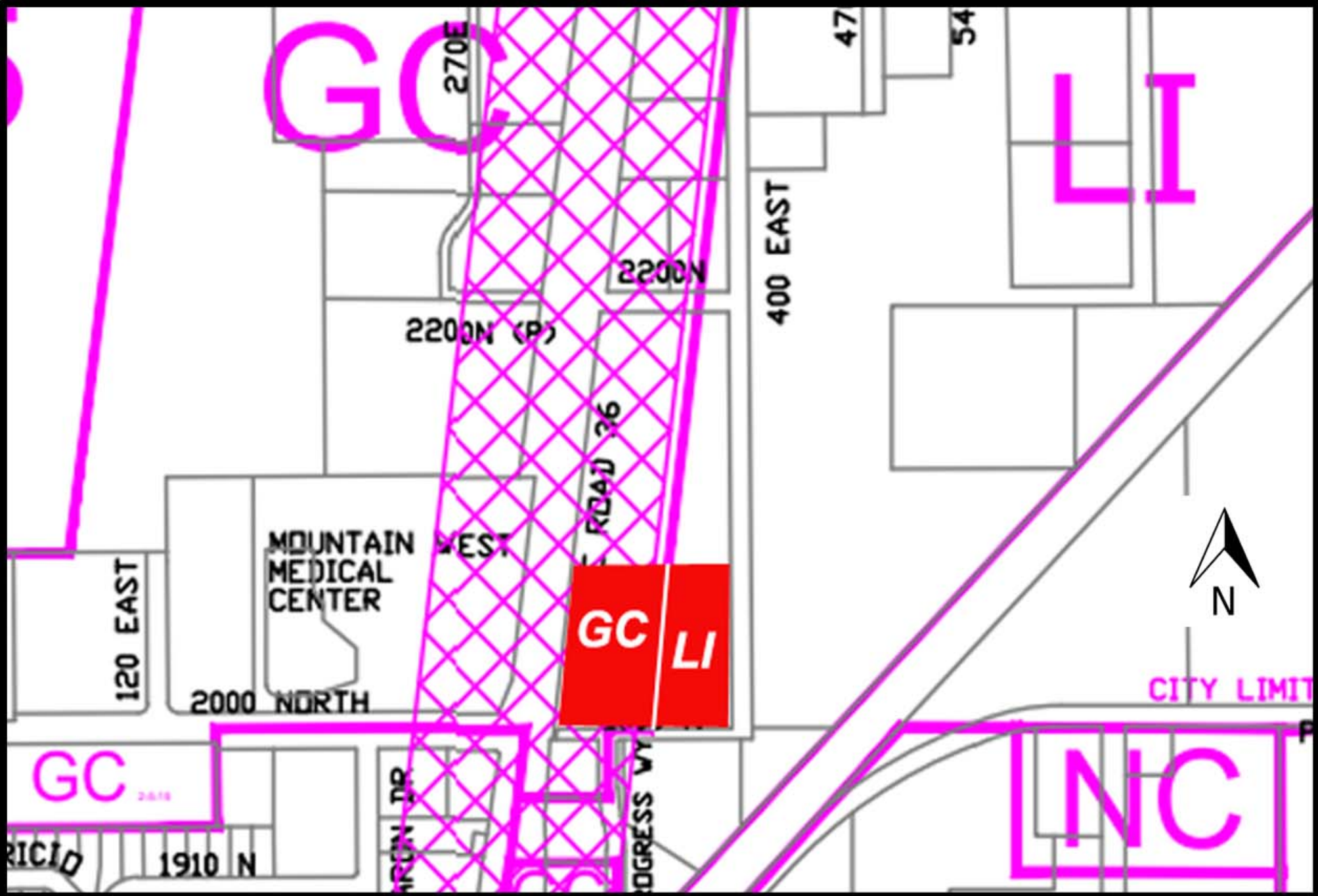
### Note to Applicant:

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.

2190809

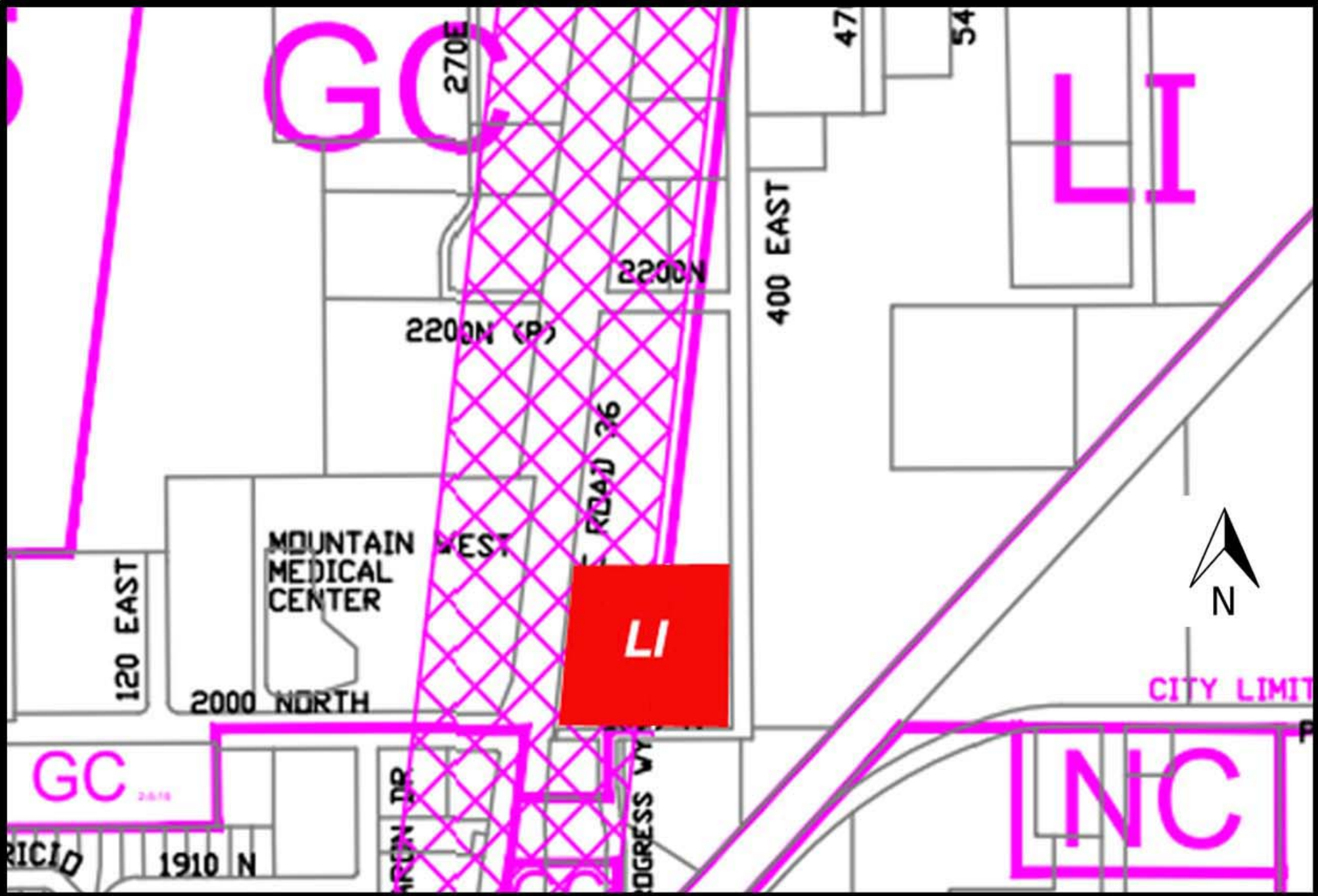
For Office Use Only			
Received By: <i>NO</i>	Date Received: 11/4/19	Fees: 1553 <sup>00</sup>	App. #: 003640841

# Fortress Self Storage Zoning Map Amendment



Current Zoning

# Fortress Self Storage Zoning Map Amendment



*Proposed Zoning*

## Exhibit B

### Planning Commission Minutes

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, December 11, 2019

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

**Commission Members Present:**

Shauna Bevan  
Melanie Hammer  
Tyson Hamilton  
Tony Graf  
Bucky Whitehouse  
Ray Smart  
Matt Robinson

**Commission Members Excused:**

Phil Montano  
Chris Sloan

**City Employees Present:**

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

**City Employees Excused:**

Roger Baker, City Attorney

**Council Members Present:**

Council Member Gochis  
Council Member McCall

Minutes prepared by Kelly Odermott

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

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Hamilton.

2. **Roll Call**

Matt Robinson, Present  
Melanie Hammer, Present  
Shauna Bevan, Present  
Tyson Hamilton, Present  
Tony Graf, Present



Bucky Whitehouse, Present  
Ray Smart, Present

**3. Public Hearing and Decision on a Conditional Use Permit to allow the uses of “Automobile Sales and rental” and “Automobile Service and Repair” for Trucks, Cars, and Credit at 57 South 100 West in the GC General Commercial zoning district on approximately 1.86 acres.**

Presented by Andrew Aagard

Mr. Aagard stated that the Conditional Use Permit is east of 100 West and south of the Kirk Hotel building. There is an existing retail building that has seen various commercial uses over the years and an existing accessory out building closer to 100 West. The applicant wishes to use the large accessory building to repair and service automobiles, prior to selling them at other commercial locations in the city. The property is currently zoned GC General Commercial as are all of the surrounding properties. Properties to the west on the adjacent side of 100 West are zoned R1-7 Residential. The property surrounding the subject property bare a GC General Commercial zoning; there are many nonconforming residential uses. Most if not all of the properties fronting on 100 West are used as nonconforming residential. The applicant has indicated on the application that the property will be used as vehicle service and repair as well as vehicle service and rental. Both uses are permitted in the zone with a Conditional Use Permit. All vehicle repair shops require some storage of vehicles that are waiting service or awaiting transport. Vehicle storage is inevitable with a vehicle repair service. The site has plenty of area and space for vehicle parking. Staff’s main concern is a proper screen around the vehicles away from the residences in the area. Staff recommends the Conditional Use Permit be approved with an additional condition that all vehicle storage areas be screened with a solid fence. Mr. Aagard stated that the applicant is aware of this. This item is a public hearing and residences in the area received notification of the hearing, no comments or concerns were registered with staff.

Chairman Graf asked if there were any comments or questions from the Commission. There were none.

Chairman Graf opened the public hearing.

Mr. Tim Booth stated that he lives at 50 South 100 West. He has a view of the property. Mr. Booth gave a brief history of the accessory building. His concerns are the use of the building due to its prior uses and building modifications. He stated that the roadway out to 100 West should be a public roadway because it has been used that way for years. He stated that he is concerned about the man living in the camper outside the building, who has been seen relieving himself outside the building. He doesn’t believe there is a bathroom inside the building. Another issue pointed out by Mr. Booth is the agreement with UTA for the parking in the parking lot. Mr. Booth stated that there is a lot of vehicle traffic and criminal activity in the lot.

Ms. Michelle Polland stated that she grew up in the area of the building and watched the building change ownership. She stated that the only uses of the building have been a furniture store and a grocery store. She stated that there needs to be a mitigation of property. She

stated that putting this business will have a determinantal impact on the historical neighborhood. The home that is adjacent to the parking has a garage that has access to the lot and there needs to be easements for the usage of the garage. She stated that her husband is an auto mechanic and buys cars at auction, repairs them, and sells them. This business will bring in 40 and 50 cars at a time. These cars have leaking oils. All of the fluid for the leaking will be going in the ground. Will the applicant put in a system to mitigate the fuel? The water is not retained on the property or runs out in the drainage. She asked the Planning Commission to not approve the Conditional Use Permit.

Mr. Fiore Belmonte stated that he apologized for his security guard using the lot as a bathroom. There is no intention of the neighbor's garage being blocked, the fences will go up to the garage. The parking for UTA is not on his property usage. Mr. Belmonte stated that he will be stopping the traffic that goes through there. The fence will have a barrier to stop people from looking through the fence.

Commissioner Bevan asked about the concerns that were made about the leaking fluids from the cars, how will that be mitigated. Mr. Belmonte stated that anything that is mechanical can break. Any car can leak. The goal is to get cars fixed as quickly as they can. Nothing that doesn't happen on every street in every city. The business will get cars in and out very quickly. It won't be any different than any other repair shop.

Commissioner Smart asked if the cars will be brought in to be parted out? The applicant stated that is not the intent and a car that is there, will be behind the fence.

Commissioner Hammer asked the applicant to state where fencing is currently and what the plan is for the fencing. The applicant stated that there is no existing fencing. The fencing at the Kirk Hotel is not being utilized by the business. The applicant pointed out the east end and west end of the building on the map and the fencing will go directly north from the end of the building.

Chairman Graf closed the public hearing.

Chairman Graf asked if there were any additional comments from the Commission.

Commissioner Bevan asked Mr. Aagard if there is bathroom facilities in the building. Mr. Aagard stated that he was not aware of one, but building code would require there to be one as part of the conditions of the Conditional Use Permit. Mr. Aagard stated that auto wrecking as asked by Commissioner Smart is not allowed in the zone and would be a violation. Mr. Bolser stated that a Conditional Use Permit is the regulation of the use of the property, any occupation of the site has to comply with all applicable codes including building, fire, and EPA codes. Most of the concerns that were brought up are supplemental to the use of the property.

**Commissioner Hamilton motioned to approve the Conditional Use Permit Request by Fiore Belmonte, representing Trucks, Cars, and Credit to authorize "Automobile Sales and Rental" and Automobile Service and Repair" on the property located at 57 South 100 West, application number P19-841, based on the findings and subject to the conditions listed in the**

**Staff Report dated December 2, 2019, emphasis added for the fencing on the property.**

Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner, Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Graf, "Aye." The motion passes.

**4. Public Hearing and Decision on a Conditional Use permit to allow the use of "Recycling Processing Center" for Green Box Recycling located at 150 South Feldspar Road in the I Industrial zoning district on 1.95 acres.**

Presented by Andrew Aagard

Mr. Aagard stated that this is an application for a Conditional Use Permit on a property located in the industrial depot. The property is located just west of Feldspar Road and north of Atlas Road. The property has already been utilized as a vehicle impound yard, equipment storage and other industrial activities. The property is zone I Industrial as are all the surrounding properties. All properties in the area are vacant or utilized as industrial properties. The applicant wishes to use the property as a recycling processing center, which requires some outside storage in addition to the recycling activity. Staff does not anticipate any detrimental effect to the area due to the industrial activities already occurring in the area. Staff is confident that the use is appropriate for the area. This item is a public hearing and staff sent out notices to property owners within 200 feet of the property. No comments or concerns have been registered with the City. Staff is recommending approval with the basic housekeeping conditions.

Chairman Graf asked if there were any further comments or questions, there were none.

Chairman Graf opened the public hearing, there were no comments. Chairman Graf closed the public hearing.

**Commissioner Robinson motioned to approve the Conditional Use Permit Request by Dane Applegate, to permit the use of "Recycling Processing Center" at 150 Feldspar Street, application number P19-878, based on the findings and subject to the conditions listed in the Staff Report dated December 2, 2019.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner, "Hamilton," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Chairman Graf, "Aye." The motion passes.

**5. Public Hearing and Decision on a Conditional Use Permit to allow the use of "Private Club/Bar" for The Venus Club located at 105 North Broadway in the MU—8 Mixed Use Broadway zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that the application for a Conditional Use Permit is located in the New Town area on the corner of Broadway and Elm Street. It was proposed for an existing building. The property is zoned MU-8 Mixed Use Broadway as are the properties to the north, east, and south. Properties to the west are zoned R1-7 Residential. The property has previously had a private

club and bar operating under a previous Conditional Use Permit but that permit has expired after no use longer than a year. The applicant wishes to reestablish the same business and needs a new Conditional Use Permit to do so. There is an existing parking area with access to Elm Street. The area has room for eight or nine vehicles. The parking ordinance requires one parking stall for every three seats or one parking stall for every 100 square feet, excluding kitchen, office, and storage. Staff has reached out for the square footage of the interior or number of seats, but there was no response. With nine parking spots there could be potential 27 seats. Mr. Aagard stated that a building of this size, there would probably not be space for that many seats, therefore staff does not anticipate an issue with parking. There are other similar establishments in close proximity to the building and the use is not out of character for the area. The agenda item is a public hearing and notices were sent to property owners within 200 feet, no concerns or comments have been registered with the City.

Chairman Graf asked if there were any questions or comments from the Commission, there were not comments.

Chairman Graf opened the public hearing, there were no comments. Chairman Graf closed the public hearing.

**Commissioner Hammer motioned to approve the Conditional Use Permit Request by Terry Crossley, to permit the use of Private Club/Bar” at 105 North Broadway, application number P19-882, based on the findings and subject to the conditions listed in the Staff Report dated December 2, 2019.** Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner, “Hamilton,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Graf, “Aye.” The motion passes.

**6. Public Hearing and recommendation on a Zoning Map Amendment request from the GC General Commercial Zoning District to the LI Light Industrial Zoning District by KMD LLC, for approximately 5.53 acres located at approximately 2100 North and SR36.**

Presented by Andrew Aagard

Mr. Aagard stated that the application is a 5-acre parcel that is located east of SR-36 or Main Street and north of 2000 North. The property currently bares two zoning designations. The eastern half of the property is LI Light Industrial and western half is GC General Commercial. The applicant wishes to amend the Zoning Map so that all the property is assigned to LI Light Industrial zoning district. The property is located within the North Gateway Overlay. This overlay places greater requirements regarding landscaping building architecture, parking location, and so forth. Those will be reviewed during the site plan review. Rezoning the property to LI Light Industrial district will not have any impact on the overlay and all uses in the overlay must meet the requirements of the overlay. The main difference between the two zones is the intensity of the commercial uses. The GC General Commercial zone has a wide range of commercial uses and limits manufacturing and heavier commercial uses. The LI Light Industrial is more intense and allows many of the same uses but allows research, manufacturing and storage units. Storage units are not allowed in the General Commercial zone, but are allowed in the LI Light Industrial. Storage units are the intent of the property. Access to the

property is limited from 2200 North and a viaduct located at 2000 North. Access to 2000 North is not likely. All the surrounding uses are commercial or light industrial. The applicant is requesting the zoning for the construction of the storage units, the Planning Commission should consider that if the LI Light industrial is approved all uses for LI Light industrial can occur on the property. This item is a public hearing and notices were mailed to all property owners within 200 feet of the subject property. No comments or concerns have been registered.

Chairman Graf asked the Commission if there were any comments or questions.

Commissioner Robinson asked Mr. Aagard for clarification that if the property is rezoned, the applicant can change their mind and do something other than a storage unit. Mr. Aagard confirmed that could happen.

Chairman Graf opened the public hearing.

Mr. Randy Hunt stated that directly east of the property is 50 acres that is already zoned light industrial and he doesn't believe it is in the best interest of the City to rezone it to LI Light Industrial when there is land available in the area.

Mr. Steve Griffith, stated that he is a real estate broker and has a vested interest in industrial and commercial in the City. He stated that not too long ago there was a study of storage units in the County and there were 2000 acres of land that would accommodate this type of facility. He stated that General Commercial is hard to find. He stated that he would hate to see General Commercial changed to Light Industrial.

Mr. Arno Kruisman, the applicant stated that he and his business partner have done over 110 self-storage units. They are serious self-storage investors. He stated that he lives locally as well. They have investigated the location. The location used to be LI Light Industrial. The location of the site although General Commercial, there is no access to it. He stated they think this is a great location for their product. The self-storage will have a fortress style and will have landscaping. They look nice and is a great concern. The partners have worked well with the City staff and have tried to implement as many of the recommendations. During the research of the facility, the partners found that Tooele is 95% self-storage full. They believe this will be a great fit and location. He stated that they want visibility from the road and the growth in Tooele will help make this a successful.

Chairman Graf closed the public hearing.

Chairman Graf asked the Commission if they had any additional comments or questions, there were none.

**Commissioner Hamilton motioned to forward a positive recommendation to the City Council for the Fortress Self Storage Zoning Map Amendment Request by Arno Kruisman, representing KMD LLC to reassign the subject property to the LI Light Industrial zoning district application Number P19-821, based on the findings listed in the Staff Report dated December 2, 2019.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Nay,"

Commissioner Hamilton, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Nay,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Graf, “Aye.” The motion passes.

Chairman Graf voted aye and stated that the map is split in half between the zones and because it would be appropriate based on the report.

Mr. Bolser stated that this item will still need to be reviewed by the City Council. There will be a public hearing before the City Council but it will not be advertised in the same matter as this one. There will not be property owner notifications mailed to neighboring property owners as they were for this hearing. Anyone interested will need to keep a close eye on City Council agendas that are posted to the website or sign up to receive automatic emails of any agendas that come out.

Chairman Graf seconded Mr. Bolser’s comments and echoed that anyone concerned with the property should attend the City Council meeting to voice comments

**7. Recommendation on a Preliminary Plan Subdivision request by Perry Development, LLC for Overlake 2A consisting of 90 lots located at approximately 2000 North 400 West in the R1-7 Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that the original submittal of the preliminary plan was for 90 lots. Since the submittal, the lot count has decreased to 80 lots. The preliminary plan proposes to subdivide 30 acres of land north of 2000 North and 400 West. It is immediately west of the Clark Johnson Junior High. The property is currently zoned R1-7 Residential as are properties to the north and south. Properties to the east are R1-8 Residential. Other than the school, all properties in the area are utilized as residential. The subdivision proposes single family lots ranging in size from 8,000 square feet to 14,000 square feet. The proposed lots in the preliminary plan exceed lot size, lot width, and lot frontages of the R1-7 Residential zone. There are some double fronting lots along 400 West. Park strip and land will be landscaped and maintained by the property HOA. A six-foot solid masonry fence wall is required on the rear frontages. All streets in the development will be public roads and dedicated to Tooele City for maintenance. Stub streets will be put in place for the property to the west for future development. All storm water basins are managed offsite on private land owned by the developer. The preliminary plan will be phased into 3 phases consisting of 20 to 30 lots. Each phase will require final plat submittal and a final plat Planning Commission and City Council approvals. The preliminary plan proposed meets or exceeds the requirements are proposed by City codes. Staff recommends approval with the conditions listed in the Staff Report.

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

Commissioner Hammer stated that property that is adjacent to or near the North Tooele City Service District was to be offered or invited to join the service district. There is a space on the plat for the service district to sign off on, but has the service district had the opportunity to invite Perry homes to the service district. Mr. Aagard stated that contacting the service district

is left up to the applicant. If the applicant doesn't wish to be annexed into the service district, that is not required up front. Commissioner Hammer asked if the service district knows that they could contact the developer. Mr. Aagard stated that curtesy notices are sent to utility providers and the service district would be one of those providers.

Chairman Graf asked if there are any lights along 400 West. Mr. Aagard stated he would need to look at the plans. Mr. Hansen stated that there will be lights on the Perry side. Chairman Graf asked if there is any mechanism to deal with the continuity of the street lights. Mr. Bolser stated that with the settlement agreement from the Overlake litigation, the district's boundaries were limited at that time for what was platted at that time. South of 2000 North included the entire right of way of 400 West was included in the plats that had been recorded. Mr. Bolser stated that he was not sure if it included the entire right of way of 400 West in the area north of 2000 North. If it did than the improvements would have to comply with the North Tooele City Special Service District standards. If there is right of way outside of the service district than it would become a negotiating point between the City and the applicant.

Commissioner Hammer asked for clarification on the double frontage homes on 400 West. Those homes would join an existing HOA or are they creating an HOA. The other homes along 400 West to the south are part of the service district, but do not pay fees. Mr. Bolser stated that home directly south of this plat on the west side of the 400 West are not part of the district. The right-of-way is part of the district. There is a Homeowners Association in that neighborhood set up by the developer which is separate from the North Tooele City Special Service District. The HOA set up will come with final plat. Mr. Bolser stated that his understanding is that Perry homes will be extending the existing HOA to incorporate this development but they would have the option to set up another HOA for this development. Mr. Bolser stated that if the right-of-way was part of the original agreement than it will be part of the service district, if it was not part of the original agreement, it will not be part of the district or subject to those standards.

Commissioner Robinson asked if that was done in final plat approval. Mr. Bolser responded yes and stated that it should be pretty seamless since this developer has done one before in the vicinity and is looking to just extend the HOA to this development.

Commissioner Hammer stated that she lives in Overlake Estate 2a and she was curious how this name will be recorded. Mr. Bolser stated that he did not believe there was a prior phase 2A but regardless, plat names cannot be duplicated. That will be reviewed by the County during plat review. The county will review the names and surveying. A change in that regard will not affect any approvals.

**Commissioner Robinson moved to forward a positive recommendation to the City Council for the Overlake Estates 2A Preliminary Plan Subdivision Request by Dan Reeves, representing Perry Development, LLC, application number P19-98, based on the findings and subject to the conditions listed in the Staff Report dated December 4, 2019.** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner, Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Graf, "Aye." The motion passes.

**8. Recommendation on a Minor Subdivision request by Kevin Boyle for Desert Cove Subdivision consisting of 5 lots located at 242 East 400 North in the R1-7 Residential zoning District.**

Presented by Andrew Aagard

Mr. Aagard stated this minor subdivision is south of 400 North and east of First Street. There is an existing home on the property that will remain. The property is currently zoned R1-7 Residential as are all of the surrounding properties. The dominant land use in the area is single family residences. The applicant proposes to subdivide the property into five single family lots ranging in size from 7,000 up to 12,800 square feet. The largest lot being a flag lot. All lots within the subdivision meet or exceed standards for lot development as required by zoning district and subdivision ordinance. Staff has ensured that the subdivision does not create any nonconformities with the existing home which will remain. All setbacks from the home and accessory structures to the new property lines due comply with ordinance requirements. Lots three and four will utilize the 30 foot wide staff portion of the flag lot for access and utility connection. An easement is included on the plat guaranteeing access to lot four and utility access to lot four and five. Staff portion of the flag lot is required to be improved with either concrete or asphalt. Staff is recommending approval with the basic housekeeping items.

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

**Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Desert Cove Minor Subdivision request by Kevin Boyle, representing the The Great Stock Company of Vast International Import for the purpose of creating 5 single-family residential lots, application number P19-639, based on the findings and subject to the conditions listed in the Staff report dated December 3, 2019.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner, Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Graf, "Aye." The motion passes.

**9. Recommendation on a Final Plat Subdivision request by Bach Homes for Copper Canyon Phase 9 consisting of 36 lot located at approximately 600 West Tooele Boulevard in the R1-7 PUD Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated the property is zoned R1-7 PUD as are all of the surrounding properties. There are some properties zoned MR-16 Multi-Family Residential on the adjacent side of the railroad tracks. The final plat application proposes the creation of 36 single-family residential lots ranging in size of 6,000 square feet to 11,200 square feet. Each lot in the proposed subdivision meets or exceeds minimum lot size and width requirements required by the PUD requirements of the subdivision and the R1-7 Residential zone. Parcel 9a of the plat will be landscaped as part of the overall PUD open space plan, connecting an existing park to the west side of Copper Canyon. Parcel 9 landscaping will be maintained by Tooele City. The landscaping plans were reviewed by Tooele City Parks and Recreation Department. There will also be some improvements to Tooele Boulevard with double fronting lots that will receive the same



landscaping. There will be a six-foot solid masonry fence between Tooele Boulevard and the railroad. Staff is recommending approval with the conditions listed in the Staff Report.

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

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Copper Canyon Phase 9 Final Plat Subdivision Request by Brain Carlisle, representing Bach Homes for the purpose of creating 36 single-family residential lots, application number P19-507, based on the findings and subject to the conditions listed in the Staff Report dated December 3, 2019.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner Hamilton, “Aye,” Commissioner, Smart, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Chairman Graf, “Aye.” The motion passes.

**10. Recommendation on a Minor Subdivision request by Zenith Tooele LLC for Lexington Greens consisting of 5 lots located at approximately 400 West 1200 North in the MR-16 Multi-Family Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated the property was recently rezoned to MR-16 Multi-Family Residential. It encompasses Franks Drive. The subdivision is for the purpose of establishing property lines. The proposed lots range in size from 5.2 acres to 7.5 acres. There is no development proposed in conjunction of this subdivision. The developer of each parcel will be required to dedicate roadways, water rights, and so forth. Also, undergo any site application approvals. The development will not occur on the parcels until these items have been completed. Staff has added nine conditions to the Staff Report. Conditions one through four are the basic housekeeping conditions required by every approval. Conditions five through nine ensure that the subdivision is for property delineation and ownership only and requires each parcel to undergo all necessary approval applications, make all dedications necessary for development, and install all necessary infrastructure and so forth when each parcel develops. Staff is recommending approval on the minor subdivision plat with the nine conditions.

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

**Commissioner Hammer motioned to forward a positive recommendation to the City Council for the Lexington Greens Minor Subdivision Request by Zenith Tooele LLC for the purpose of creating 5 lots, application number P19-868, based on the findings and subject to the conditions listed in the Staff Report dated December 6, 2019.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner Hamilton, “Aye,” Commissioner, Smart, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Chairman Graf, “Aye.” The motion passes.

**11. Setting Dates, Time and Place for regular Plannig Commisison meetigs for the 2020 Calendar year.**

Presented by Jim Bolser

Mr. Bolser stated that tonight's meeting is the conclusion of the schedule for 2019. Mr. Bolser thanked Council Member McCall's service to the community and nation. There is a yearly obligation to set dates and times for yearly meetings. A memo of dates was provided to the Commissioners with a schedule that follows the Planning Commission bylaws with the meetings on the second and fourth Wednesday of each month at the hour of 7:00pm in the Council Chambers at City Hall. The proposed schedule follows the pattern, but there needs to be an adjustment to the month of November. The first regular date would be Veterans Day, which City Hall is not opened for the observed holiday. The second regular date would be the day before Thanksgiving, which is the day before a recognized holiday. The bylaws and City Charter there must be a scheduled meeting once a month. Mr. Bolser stated that one of the key dates for the revision of the General Plan is during November. Mr. Bolser asked the Commission when they would like to meet with the recommendation of Thursday November 12.

Chairman Graf asked if the motion needs to be done with a formal vote? Mr. Bolser stated traditionally yes. The Commission concurred that the meeting should be on Thursday November 12.

**Commissioner Hamilton motioned to accept the schedule as written with the exception of adding the Planning Commission meeting date of November 12, 2020.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Robison, "Aye," Chairman Graf, "Aye." The motion passes.

Mr. Bolser gave the Commission some numbers on the number of residential units approved, zoning requests approved, Conditional Use Permits, text amendments and mapping amendments.

**12. Nomination and election of Planning Commission Chair and Vice-Chair for the 2020 Calendar year.**

Mr. Bolser stated the options for the Commission Chair are open for all Commission members, even those not present, excluding Chairman Graf whom is moving to City Council and Commissioner Whitehouse whom is an alternate. The Commission has the option to do voting by paper ballot or open vote. Mr. Bolser entertained nominations for Chairman. Commissioner Whitehouse asked if previous Chairs could be reelected for Chair. Mr. Bolser stated that the only limitation is that any individual cannot serve more than two consecutive years, but once a year has been taken away from the Chair position that Commission Member is eligible again.

Commissioner Smart nominated Chris Sloan for Chair. Chairman Graf nominated Commissioner Hamilton for Chair. The Commission elected for open voting.

There was one vote for Commissioner Sloan. There were six votes for Commissioner Hamilton.

Mr. Bolser stated there is no limitation on consecutive years as vice chair. Commissioner Hamilton nominated Commissioner Sloan for Vice Chair. There were seven votes for Commissioner Sloan for Vice Chairman.

Chairman Graf thanked the Commission for their work while he was on the Commission and Council Member McCall for his friendliness. He thanked all the Commissioners individually. He thanked staff for their service.

**13. Review and Approval of Planning Commission minutes for meeting held November 13, 2019.**

Chairman Graf asked the Commission if there were any comments or questions.

**Commissioner Hammer moved to approve minutes from the meeting held on November 13, 2019.** Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, "Aye," Chairman Graf, "Aye." The motion passes.

**14. Adjourn**

Commissioner Bevan moved to adjourn. Chairman Graf declared the meeting adjourned at 8:18p.m.

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

Approved this 15th day of January, 2020

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Tyson Hamilton, Chairman, Tooele City Planning Commission

February 13, 2020

Re: Proposed Self Storage Development at 400 E 2000 N.

Members of City Council:

Attached please find 4 new revised renderings:

1. View of project heading South
2. View of project looking directly East
3. View of Project looking North
4. View of Project looking North but at night showing an example of an “uplighting” style of lighting.

As you can see, we have incorporated the opaque windows on the corners and in the middle of the buildings along with vertical columns and trellises to break up and add additional contour to the building walls.

As per the meeting on Feb 5<sup>th</sup>, we were also asked to supply information as to the comparison of other allowed uses and the real estate taxes they might pay. As part of this process, we also reviewed the “Permitted Uses” for the General Commercial zoning classification.

Permitted uses include but are not limited to the following:

- Office Buildings
- Bed and Breakfast Inn
- Convenience Store without gasoline
- Convenience Store with gasoline
- Day Care Pre School
- Fast Food

- Funeral Home
- Garden Center
- Hardware and Garden Center
- Health Club
- Laundromat
- Medical Cannabis Pharmacy
- Repair shop
- Veterinary Clinic and Animal Hospital

We have driven throughout the city finding over 37 office and commercial locations still vacant.

This reflects a high degree of vacancy existing in the general market area. After discussions with Dr. Abarca, he stated that it took 10 years to lease up their medical office buildings.

In speaking with one of the major national real estate brokerage agency with knowledge of the area – NAI EXCEL – they confirmed that if there was interest by a developer to develop an office building, the last place they would look is the location we are proposing for our self-storage project for the following reasons:

- Extremely poor access
- Adjacent uses – cement mixing plant, cabinet making plant, auto repair shop, trailer park, etc. are not uses that a quality office building complex wants to be adjacent too.
- Very few amenities for the benefit of the people working in the office building
- Area is not desirable aesthetically vs other locations due to adjacent users

- Cap rate values for these types of buildings would be above 10% generating extremely low values and hence low real estate tax assessments
- Sale potential of the office building is extremely low because Tooele is considered a “tertiary” market with very few “buyers” interested in the area vs larger adjacent cities such as SLC.

NAI further commented that banks and lenders would have serious reservations in developing a “spec” office building in the area.

Regarding real estate taxes specifically, our proposed self-storage project will generate approximately \$85,000 to \$90,000 / year in real estate taxes. In speaking with the county assessor, we were informed that, “because self-storage is doing well in the county, next year we are going to “reassess” all the storage properties and increase their values by reducing the cap rate in the analysis thereby increasing the real estate taxes.” This will further increase the amount we will be paying.

As a comparison:

Assuming an office building of 30,000 rentable square feet @ 90% occupancy – such as the medical office building just north of the property

Using a Gross Rental rate comparable to the medical building of \$19.00 / ft annually. (rate provided by owner)

Standard operating costs @ approximately 50%

Net rent of \$9.50 / ft / year

Using a 10% cap rate

The value would generate real estate taxes of approximately \$35,000 to \$45,000.

After confirming this analysis with NAI Excel, the office building shown above generates less in real estate taxes than self-storage. We used an

office building as our comparative because it will generate more in real estate taxes than the other allowed uses for general commercial zoning.

As you can see, the real estate taxes for the proposed self-storage facility are significantly higher.

Because of the alternative uses described above, requiring limited or no architectural oversight, we believe we have provided a more pleasing and aesthetically positive project for your review.

In summary, we have tried to comply with the requests made regarding the architectural and design showing multiple opaque window designs along with additional “breaks” in the long building sides with columns, landscaping and trellises, etc. The lighting rendering assumes an “up lit” approach but additional “down lit” lights could also be applied.

We believe we have shown our willingness to listen to the councils concerns and have tried to provide the type of facility and design that would definitely enhance the area and a create a new standard by which other uses as well as other self-storage facilities should have to live by.

We are asking for your approval of our project.

Sincerely,

Kelly Gallacher  
Arno Kruisman











**John Bishop – Dentist – Bishop Dental**

102 West 1180 North, Suite 1 - Tooele

05/Feb/2020

Concerning the development you showed me, I think it would be a good addition to the city. I would support such a facility. I feel the extra attention you have put into cosmetics will maintain a good standard for future businesses.

John Bishop

**Sergio O. Abarca – MD Doctor – Mountain West Family Practice**

2356 North 400 East, Suite 201

05/Feb/2020

To whom it may concern,

I am writing this letter to show my support of the proposed SR 36 Self Storage business at approximately 2100 North Main St.

I have reviewed the artistic renderings of the proposed buildings and believe the architecture and services provided to be a good fit for the current zoning and our rapidly growing county. The plans propose a self-contained structure that is architecturally pleasing from public view and departs from the most prevalent model of clustered self-storage buildings. As a joint owner of Northpointe Medical Park (2356 N 400 East), I am personally comfortable with the proposed SR 36 Self-Storage business. I personally know Mr. Kruisman as a person of genuine integrity and feel confident expressing my full support in his business plan.

Warmest regards,

Sergio Abarca, MD

**Dr. Jed C. Winder - Tooele Vision Center**

300 South Main Street - Tooele

To whom it may concern on the Tooele City Council and Planning Commission,

I have been in discussion with Mr. Arno Kruisman concerning his business plans for a storage facility and viewed the artist renderings of the site. It looks very well thought out, is in a great location where very few other businesses would be located, and does not even look like storage. In fact, when he showed me and asked what type of business it is I thought it was some type of professional office space. It looks very classy and will fit in very well next to NorthPoint. With the high demand for storage and the under supply we have in the Tooele market I feel like it will be a good business for the community. As a fellow local business owner of Tooele Vision Center, former president of the Tooele Chamber of Commerce and current member of the Chamber I would personally endorse having it as I feel it will bring value to our residents.

Dr. Jed C. Winder

**Cathy Stormberg – Branch Manager – Intermountain Staffing**

1200 North Main Street - Tooele

12/Feb/2020

Hello Arno,

I was a pleasure meeting with you today.

I am Cathy Stromberg – Branch Manager of Ascend Staffing here in Tooele.

Thank you for sharing the artist impressions of the new proposed self-storage and I might say I am impressed. It looks very nice. I would like to see that come to Tooele.

Sincerely

**STAFF REPORT**

December 2, 2019

**To:** Tooele City Planning Commission  
Business Date: December 11, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Fortress Self Storage – Zoning Map Amendment Request**

Application No.: P19-821  
Applicant: Arno Kruisman, representing KMD LLC  
Project Location: Approximately 2100 North Main Street  
Zoning: GC General Commercial Zone  
Acreage: 5.53 Acres (Approximately 240,886 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the GC General Commercial zone regarding reassignment of a portion of the subject property to the LI Light Industrial zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately 5.53 acres located at approximately 2100 North Main Street. The western half and majority of the property is currently zoned GC General Commercial while a smaller portion on the eastern side of the property is currently zoned LI Light Industrial. The applicant is requesting that a Zoning Map Amendment be approved to allow for the development of the currently vacant site as self storage unit buildings.

**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 zone is 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.

The property is essentially divided between two zones. The western half is zoned GC General Commercial where the eastern half is zoned LI Light Industrial. Properties to the south are zoned GC General Commercial and LI Light Industrial. Properties to the west are located in the P Overlake zoning district. To the north properties are again zoned GC General Commercial and Light Industrial and properties to the east are all zoned Light Industrial. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

The purpose of the Light Industrial (LI) District is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy.

Both the GC and LI zoning districts are fairly intensive commercial zones with the Light Industrial zoning district permitting the wider range of commercial uses and activities. The Light Industrial zone permits more unsightly and possibly more intrusive commercial activities that the General Commercial zone would not permit, such as a contractor staging yard, food and beverage processing, heavy equipment sales and rental, a kennel and storage units. Much of the property in this area is already zoned LI Light Industrial and is developing as such. The medical office buildings to the north are zoned LI Light Industrial.

Much of the property is located in the North Gateway Overlay District. This overlay district will remain unchanged with this zoning map amendment application. This overlay district pertains primarily to aesthetics as viewed from the main highway and requires some additional requirements for landscaping, building appearance, parking locations and so forth. This overlay district does not impact the underlying zoning or uses that can occur in the zoning district.

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

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

## **REVIEWS**

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

1. The Planning Commission should consider the potential of having industrial uses adjacent to a major transportation corridor. Although Fortress Storage submitted this application and intends to construct storage units on the property, all uses, permitted and conditional in the LI zone should be considered for this property.

*Noticing.* The applicant has 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 Fortress Self Storage Zoning Map Amendment Request by Arno Kruisman, representing KMD LLC to reassign the subject property to the LI Light Industrial zoning district, application number P19-821, based on the findings listed in the Staff Report dated December 2, 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 Fortress Self Storage Zoning Map Amendment Request by Arno Kruisman, representing KMD LLC to reassign the subject property to the LI Light Industrial zoning district, application number P19-821, based on the following findings:”

1. List findings...



**EXHIBIT A**

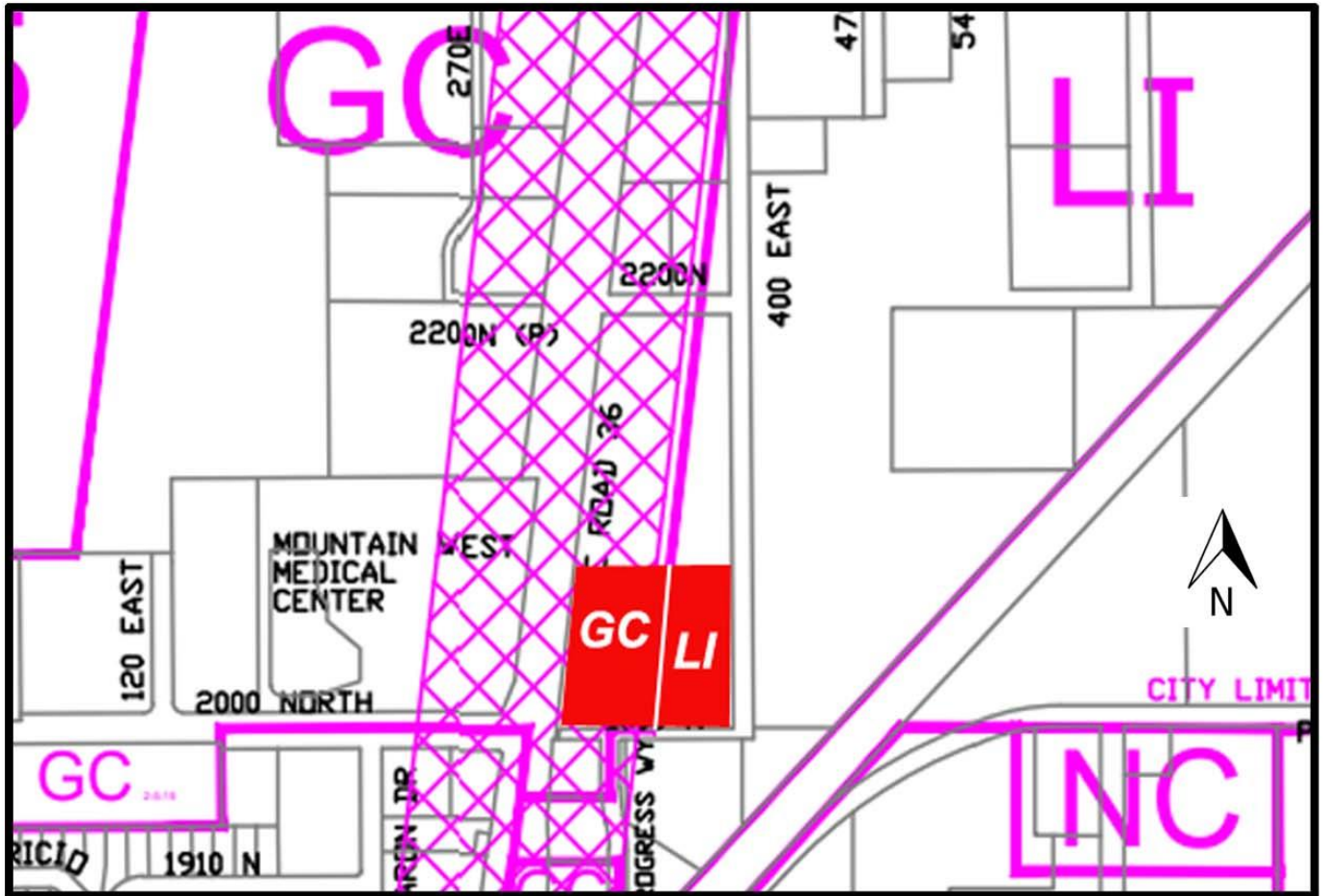
**MAPPING PERTINENT TO THE FORTRESS SELF STORAGE ZONING MAP AMENDMENT**

***Fortress Self Storage Zoning Map Amendment***



***Aerial View***

# Fortress Self Storage Zoning Map Amendment



Current 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](http://www.tooelecity.org)



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

P19-821

Project Information					
Date of Submission: 11/4/19		Current Map Designation: Split zone, LI/GC		Proposed Map Designation: Light Industrial	
Project Name: Fortress Self-Storage Development - SR36				Parcel #(s): 02-143-0.-0096	
Project Address: 2100 North & SR36				Acres: 5+ 5.53	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary:  The present zoning of the property is split. The west side of the property is General Commercial (GC) and the East side is Light Industrial (LI). The split is approximately 50/50 in proportion between GC and LI.  We are seeking to remove the split zoning designation and have the proposed 5+ acre parcel entirely zoned as Light Industrial.					
Property Owner(s): WINTERGREEN GROUP LC BRYTEN "BRYTEN" JOHNSON, MEMBER			Applicant(s): KMD LLC		
Address: 5939 FM 52			Address: 121 W Misty Brook Ln		
City: PERLIN	State: TX.	Zip: 76486	City: Stansbury Park	State: UT	Zip: 84074
Phone: 801-558-8888			Phone: 435-224-4420		
Contact Person: Arno Kruisman			Address: 121 W Misty Brook Ln		
Phone:			City: Stansbury Park	State: UT	Zip: 84074
Cellular: 435-224-4420	Fax:		Email: arno@blacksaltint.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:

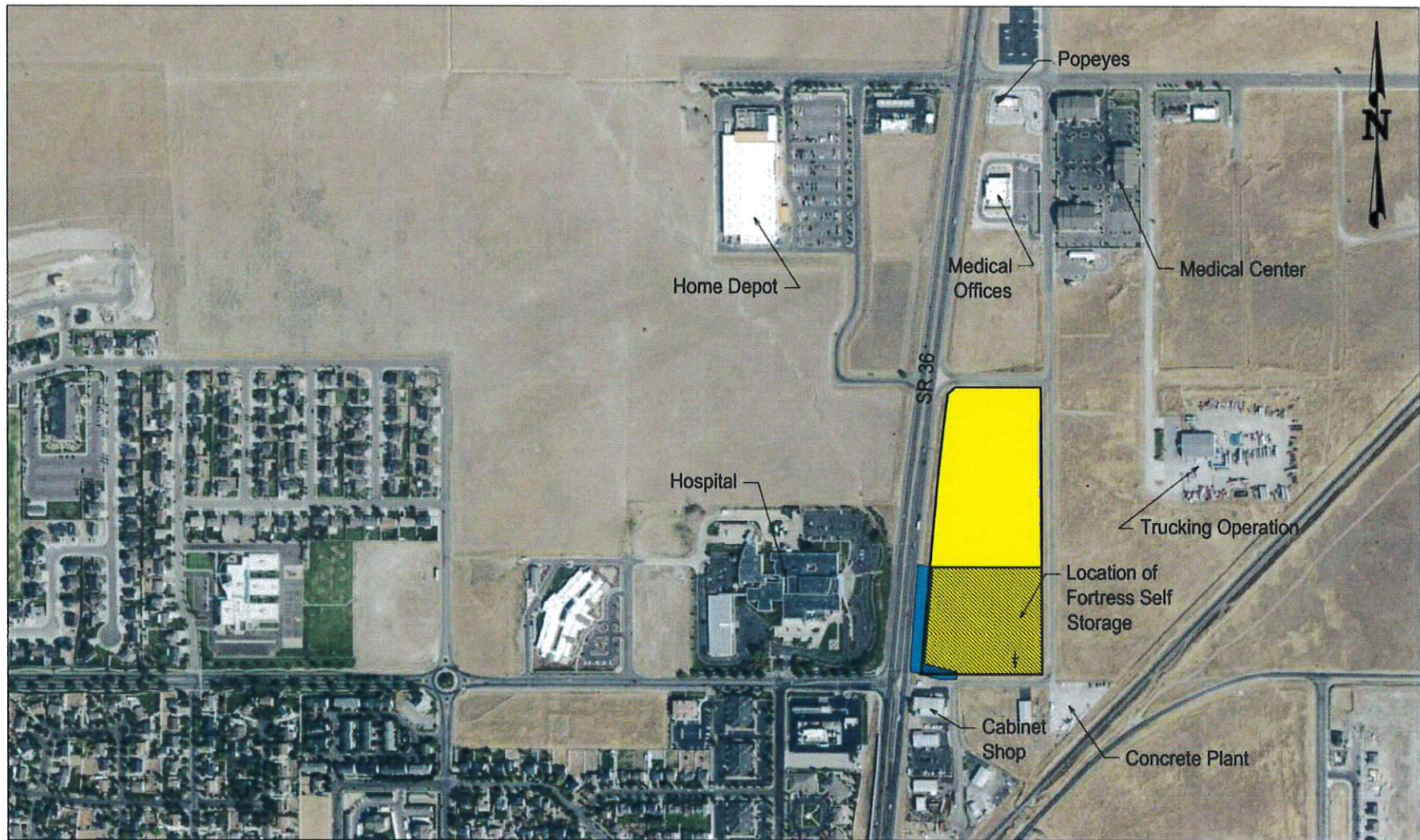
Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as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

2190809

For Office Use Only			
Received By: <i>NO</i>	Date Received: 11/4/19	Fees: 1553 <sup>00</sup>	App. #: 003640841

# Location Overview

SR 36, Corner of 2000 North and 400 East, Tooele, UT



# Zoning Map Questions

## **1. What is the present zoning of the property?**

The present zoning of the property is split. The West side of the property is General Commercial (GC) and the East side is Light Industrial (LI). The split is approximately 50/50 in proportion between GC and LI.

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

We are seeking to remove the split zoning designation and have the proposed 5+ acre parcel entirely zoned as Light Industrial. The adjacent properties on the South and East are also Light Industrial (LI). The property to the North is also split between GC and LI and the adjacent land on the East is State Route 36.

# Zoning Map Questions

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

The proposed property is surrounded to the South by Light Industrial, East by Light Industrial and half of the property already has the zoning designation of Light Industrial.

**4. Explain how the proposed zoning is suitable for the existing uses of the subject property(s).**

We propose to construct a fortress style self-storage facility, which is an allowable usage within the Light Industrial zoning, but not under General Commercial. The facility will be surrounded by an aesthetically pleasing wall, comprised of stone/brick columns of varying widths every 50 feet. Also including will be trees and drought tolerant landscaping.

Security for the site will not involve fencing. The walls/sides of the facility will function as a security barrier in lieu of a fence. The back of each unit in all perimeter buildings will act as the security wall.

# Zoning Map Questions

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

The adjacent business on the South and south-east corner have a clear industrial appearance, including a small concrete plant and a cabinet manufacturer. The businesses further north are general commercial, including medical buildings and a fast food restaurant.

We propose to construct a fortress style self-storage facility on the property. Traffic from SR 36 will not see exposed rollup doors and not be able to tell that the property is a self-storage facility, other than through signage.

The facility is able to serve as a great transition between the Light Industrial on the South end and the General Commercial on the North, all the while giving a great aesthetic appearance from SR 36.



**TOOELE CITY CORPORATION**

**RESOLUTION 2020-09**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE DISPOSAL OF LOST OR MISLAID PERSONAL PROPERTY.**

WHEREAS, in the regular course of business, the Tooele City Police Department comes into possession of substantial quantities of lost, misplaced, and unclaimed personal property; and,

WHEREAS, Utah Code Chapter 77-24a governs the disposal of such unclaimed personal property, which property may be sold, destroyed, or applied to a public interest use (i.e., used by the police department as authorized by the City Council, or donated to a registered Utah nonprofit charity); and,

WHEREAS, prior to disposing of unclaimed personal property, the police department must comply with the notice procedures described in U.C.A. §§77-24a-4 and -5; and,

WHEREAS, attached to this Resolution as Exhibit A is a detailed list of unclaimed personal property which the police department seeks City Council authorization to apply to a public interest use:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the unclaimed personal property shown in the attached Exhibit A is hereby authorized for one of the following dispositions:

- (a) sale at public auction with the sales proceeds applied to a public interest use; or,
- (b) application to a public interest use; or,
- (c) destruction, if the item is unfit for sale or a public interest use, in the discretion of the Chief of Police.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter, except that the unclaimed personal property listed in Exhibit A may not be sold or otherwise disposed of until nine days after the date of publication and posting referred to above and required by U.C.A. §77-24a-5(1).

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

Approved as to Form:

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

**City Council Approval for Unclaimed Property Disposal as Public Interest Use  
2020 -Tooele City Police Department**

The following is a list of unclaimed property being held in the evidence room at the police department. The bikes will be donated to the West Valley Fire Dept. to be repaired and sold with the proceeds being donated to the University of Utah Burn Unit. The remainder of the property listed will be converted to public interest use. Property not used by the city will be donated to the Deseret Industries.

Case Number	Model	Serial Number
18-T01302	Razor Hovertrax	none
18-T00668	Razor	100720-20-0710055953
17-T14337	PPP scootermfg	065EV
17-T12514	Shamano/ spray painted	51288
18-T06638	Next Mako	LWHC061729
19-T09106	Schwinn Taff	SNXDS18120001
19-T03511	D8/Neco	M87057342
19-T06740	Honda Trail pilot	MCSD71883
19-T05478	Road Master Fury	S1L0134958
19-T03361	Kent Flexor	G1711112684
19-T00937	Laredo Motiv	05059
18-T06205	Road Master Fury	F021105968
18-T05895	Malibu Hopper	GA1840301
18-T02908	Kulana Rivera	SNFSD08F95161
18-T05103	Schwinn Sidewinder	CSC2E09908
18-T02434	Schwinn Sidewinder	SNXDS17A14465
18-T01242	Mongoose Estes	SNFSD05GG2014
14-T005804	Glove Carmel	W6D80340350D
18-T01276	Spray painted	none
18-T02908	Kent Abyss	G1212055795
18-T14296	Mongoose Mode	SNFSD126B6019
19-T00774	Genesis 2100	GS1D4015666
19-T00416	Genesis 2100	GS101117304
18-T08646	Neco	DM14L0014600
18-T08397	Next Chaos	GS060539694
18-T08976	Next PX6.0	LWLF012548
18-T08462	Huffy Trail Runner	AB14H05598
18-T09725	Next Chaos	L051053634
18-T09701	Chaos FS20	G1109058867
18-T06119	Motor bike	DM070516336

**City Council Approval for Unclaimed Property Disposal as Public Interest Use  
2020 -Tooele City Police Department**

The following is a list of unclaimed property being held in the evidence room at the police department. The bikes will be donated to the West Valley Fire Dept. to be repaired and sold with the proceeds being donated to the University of Utah Burn Unit. The remainder of the property listed will be converted to public interest use. Property not used by the city will be donated to the Deseret Industries.

17-T08410	Schwinn Sidewinder	SNMNG09E24162
17-T03082	Haro/ spray painted	none
18-T050299	FS20	HS161002119
18-T05919	Mongoose XR15	SNALLOC0444
18-T05945	Road Master Granite Peak	1SNFSD17R
17-T00137	Diamond Back	KW0J02448
17-T14239	Huffy Havoc	56445-93135112677
18-T01999	Mongoose Ledge	SNFSD15EE5333
18-T03903	Road Master Granite Peak	SNFSD17HN0368
19-T02720	Broken frame	none
18-T10480	FS20/Spray painted	none
18-T06931	Next Power Climber	78477304
18-T07312	Road Master Granite Peak	SNFSD16AB1105
18-T12213	Wellgo/ Spray painted	none
18-T11401	Huffy Nel Lusso	SNH1C15G521
18-T10280	Genesis GX7	GS13103541
17-T12977	Scooter	none
19-T10417	7 Speed	G1417110639
19-T11860	Mongoose	SNFSD18JG639
19-T11085	Impulse Hard	R90321052
19-T10068	Ambush	SH180610693
19-T11085	Mountain Bike	TZ18630012
17-T12297	Next Surge	Z5E20090625
17-T13745	Next Wipeout	DWHA014715
18-T00085	Hyper	F12F0178302
19-T08453	Mongoose	FSD04W09589
17-T14206	Next	44609839
17-T14206	Next Summer party	77801650
18-T06790	Mongoose Mode180	NFSD134S0522

**City Council Approval for Unclaimed Property Disposal as Public Interest Use  
2020 -Tooele City Police Department**

The following is a list of unclaimed property being held in the evidence room at the police department. The bikes will be donated to the West Valley Fire Dept. to be repaired and sold with the proceeds being donated to the University of Utah Burn Unit. The remainder of the property listed will be converted to public interest use. Property not used by the city will be donated to the Deseret Industries. All serial numbers have been checked NCIC with no results

19-T09093	Mongoose Maneuver	P6GX16859
18-T14044	Mongoose Influx	CA30109947
18-T14044	Mongoose XR75	SNFSD11JG4255
18-T144044	Huffy Rocket	SNHEC08C08849
18-T12858	Diamond Back M3030	EF150501860
19-T05576	Mongoose DXRAL	F0407018203
19-T06316	Hyper Havoc	DMG12B01765
19-T02123	Kent Peace	HS12117163
18-T01482	Gray Winchester Gun Safe	WIN-17-031667

## TOOELE CITY CORPORATION

### RESOLUTION 2020-02

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION OF ROBERT D. SMART, TRUSTEE OF THE JACK BRATON TOMLIN TRUST.**

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2010); and,

WHEREAS, by application dated December 9, 2019, Robert D. Smart, Trustee of the Jack Braton Tomlin Trust (the "Petitioner"), filed with Tooele City an Annexation Application for the annexation of 4.96 acres of land (the "Property") into Tooele City (see the Application and map, collectively the "Petition", attached as Exhibit A); and,

WHEREAS, the proposed annexation would unify a single parcel currently split by the Tooele City corporate boundary (see Exhibit A map); and,

WHEREAS, the City Council preliminarily discussed the possibility of the annexation proposed in the Petition during the City Council's September 4, 2019, public work meeting (see the work meeting minutes attached as Exhibit B); and,

WHEREAS, by Ordinance 2010-15, the City Council adopted an updated Annexation Policy Plan, a document required by U.C.A. §10-2-401.5 (see Ordinance 2010-15, without exhibits, attached as Exhibit C, and Tooele City's Annexation Study Expansion Area map, part of the larger Tooele City Annexation Policy Plan, attached as Exhibit D); and,

WHEREAS, the Petition appears to meet the qualifications of U.C.A. §10-2-402 in that the Property is a contiguous area, the Property is contiguous to Tooele City, the annexation would not create an unincorporated island or unincorporated peninsula, the Property is located within Tooele City's expansion area, shown as part of Annexation Option E on Exhibit D, and Petitioner owns 100% the Property; and,

WHEREAS, U.C.A. §10-2-405(1) provides that the City Council may deny the Petition or accept the Petition for further consideration, and in the September 4, 2019, City Council work meeting, the Council indicated its desire to accept the Petition for further consideration by way of the present Resolution (see Exhibit B); and,

WHEREAS, there are no affected entities, as defined by U.C.A. §10-2-401(1)(a), associated with the Petition; and,

WHEREAS, the City Recorder and City Attorney have determined that the Petition appears to comply with the requirements of U.C.A. §10-2-403 and -405; and,

WHEREAS, annexation of the Property is not anticipated to have any impacts on City utility and infrastructure systems, and is therefore not required to complete capacity studies normally required by the City of annexation petitioners, including culinary water, sanitary sewer, storm water, parks and recreation, police services, and fire services; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to consider further the Petition for purposes of protecting the health, safety, welfare, and economic interests of Tooele City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the Petition is hereby accepted for further consideration, subject to the following:

1. Plat. Within 30 days of the date of this Resolution, the Petitioner shall provide an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation, as required by U.C.A. §10-2-405(2)(a), U.C.A. §10-2-403(3)(d)(i), and T.C.C. 7-24-1(b);
2. Petition Certification. Within 30 days of the date of this Resolution, the City Recorder shall certify the Petition and shall mail or deliver written notification of the certification to the Petitioner and to the Tooele County Commission, as required by §10-2-405(2)(c)(i);
3. Annexation Notice. After the certification of the Petition, the City Recorder shall publish a notice at least once a week for three successive weeks, beginning no later than 10 days after certification of the Petition, in the Tooele *Transcript-Bulletin*, a newspaper of general circulation, as required by U.C.A. §10-2-406(1)(a)(i), with the content of the notice being in compliance with U.C.A. §10-2-406(2);
4. Zoning Recommendation. Prior to any approval of the Petition, the City Administration shall make a written recommendation to the City Council as to the Property's appropriate initial zoning designation in the event the Petition is approved and the Property is annexed;
5. Planning Commission. The City Administration shall present the Petition, this Resolution, and all pertinent additional information to the Tooele City Planning Commission for a recommendatory vote as soon as practical following the approval of this Resolution;
6. Annexation Agreement. Following the Planning Commission public meeting, and upon instruction from the City Council, the City Administration shall prepare a draft Annexation Agreement, together with an implementing resolution, for consideration by the City Council, as required by TCC §7-24-3;
7. Resolution, Ordinance. Following the Public Meeting and upon instruction from the City Council, the City Administration shall prepare an annexation ordinance and an annexation agreement and implementing resolution for consideration by the City Council; and,

8. Additional Items. The City Council may require additional information, impose additional conditions, and schedule additional public meetings as it deems in the interest of the public health, safety, and welfare.

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 \_\_\_\_\_, 2020.



TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

Approved as to Form:

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

## Exhibit A

Petition with Map


# Annexation Application

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



**Notice:** The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Annexation applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is strongly advised that all checklist items be submitted well in advance of any anticipated deadlines.

PIA-924

Annexation Information			
Date of Submission: 12/12/2019		Total Acres: 4.96	Expansion Option Area:
Project Name Jack Tornlin Parcel Addition to Tooele City:			
General Address: Emerald Road Parcels			
Current Use of Property: Surplus Yard			
Sponsor: Robert D Smart		Addr PO Box 778	
Phone: (801) 232-2322		City: Tooele	Utah Zip: 84074
Primary Phone Number:		Cell Number: (801) 232-2322	Email: bobsmart@comcast.net
Signature of Sponsor: 		Date: 12/9/19	

\*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.

\*\* By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

**NOTE:** According to Utah State Code Section I 0-2-403, the sponsor of a petition to annex property into a municipality is required to deliver a complete copy of the same petition to annex property to the County Clerk *on the same day* the petition is filed with the municipality.

### For Office Use Only

Fee:

Received By: (213)

Date Received:

Receipt#:

AFFIDAVIT

PROPERTY

OWNER STATE OF \_\_\_\_\_ }

}s

UTAH COUNTY OF DAVIES s }

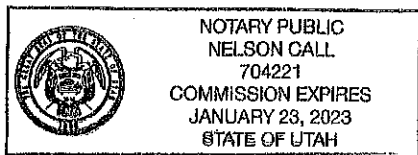
I/we Robert D Smart Trustee, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

TOOELE

(Property Owner)

Subscribed and sworn to me this 9 day of December, 2019

(Property Owner)



*[Handwritten Signature]*

(Notary)

Residing in DAVIES County, Utah  
My commission expires: JANUARY 23, 2023

AGENT AUTHORIZATION

I/we, \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), \_\_\_\_\_, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Property Owner)

(Notary)  
Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_

# Record of Petitioned Properties for Annexation

*Record of Petitioned Properties Must Include All Properties to be Included in the Proposed Annexation With All Listed Information for Each Property\* and the Signature of All Property Owners Consenting to the Annexation*

<u>Parcel Number</u>	<u>Owner's Address</u>	<u>Acreage</u>	<u>Owner's Signature</u>
03-036-0-0026	22 CARRINGTON LN		
03-036-0-0033	CENTERVILLE WI 84014	4.96	Robert D. Hunt Trustee

\*Required Information for each property must be listed as shown on the most current official property records from the Tooele County Recorder's Office

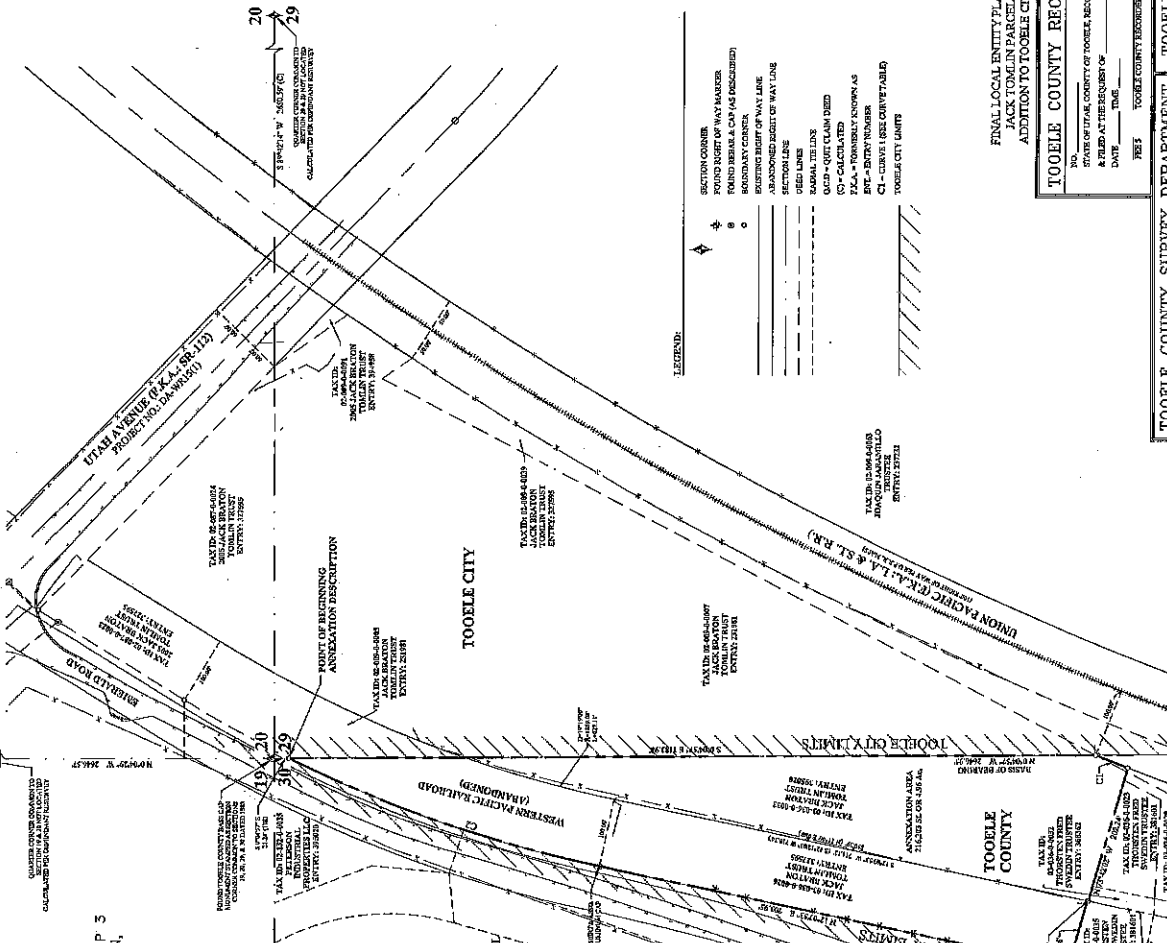
**FINAL LOCAL ENTITY PLAT:  
JACK TOMLIN PARCEL  
ADDITION TO TOOELE CITY**

LOCATED IN THE NORTHEAST 1/4 OF SEC. 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, COUNTY OF TOOELE, STATE OF UTAH

TAX MAP NO. 123-01333  
PLAT NUMBER: 2019-0001  
DATE: 01/11/2019

TAX MAP NO. 123-01333  
PLAT NUMBER: 2019-0001  
DATE: 01/11/2019

Owner #	Length	Scale	Date	Book	Dist.
C1	45.55	1000.00	11/03/2015	107123027	633.00
C2	45.55	1000.00	11/03/2015	107123027	633.00



**LEGEND:**

- SECTION CORNER
- POINT OF BEGINNING
- BOUNDARY CORNER
- EXISTING RIGHT OF WAY LINE
- ABANDONED RIGHT OF WAY LINE
- SECTION LINE
- RANGE LINE
- GRID - GUT CLAIN USED
- CP - CALCULATED
- P.A. - POSSIBLY KNOWN AS
- BE - BENTON BRIDGE
- CI - CURVE (USE CONVERTIBLE)
- TOOELE CITY LANDS

**FINAL LOCAL ENTITY PLAT:**  
JACK TOMLIN PARCEL  
ADDITION TO TOOELE CITY

**TOOELE COUNTY RECORDER**

FILED IN THE COUNTY OF TOOELE, UTAH  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
FILED AT THE OFFICE OF \_\_\_\_\_  
BY: \_\_\_\_\_

**ACCEPTANCE BY LEGISLATIVE BODY**

THIS PLAT IS HEREBY ACCEPTED BY THE LEGISLATIVE BODY OF THE CITY OF TOOELE, UTAH, AS A CONDITION OF THE CITY'S ACCEPTANCE OF THE PLAT INTO THE COMMUNITY OF TOOELE CITY, UTAH, AND AS A CONDITION OF THE CITY'S ACCEPTANCE OF THE PLAT INTO THE COMMUNITY OF TOOELE CITY, UTAH, AND AS A CONDITION OF THE CITY'S ACCEPTANCE OF THE PLAT INTO THE COMMUNITY OF TOOELE CITY, UTAH.

RESERVE: \_\_\_\_\_ TOOELE CITY ATTORNEY  
DATE: \_\_\_\_\_

**TOOELE COUNTY SURVEY DEPARTMENT**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AS A FINAL LOCAL ENTITY PLAT BY THE TOOELE COUNTY SURVEY DEPARTMENT.

\_\_\_\_\_  
DEPUTY TOOELE COUNTY SURVEYOR

**TOOELE CITY ATTORNEY**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AS A FINAL LOCAL ENTITY PLAT BY THE TOOELE CITY ATTORNEY.

\_\_\_\_\_  
TOOELE CITY ATTORNEY

**PLAT LOCAL ENTITY PLAT:**  
JACK TOMLIN PARCEL, ADDITION TO TOOELE CITY  
TOOELE COUNTY, UTAH

DATE: 01/11/2019

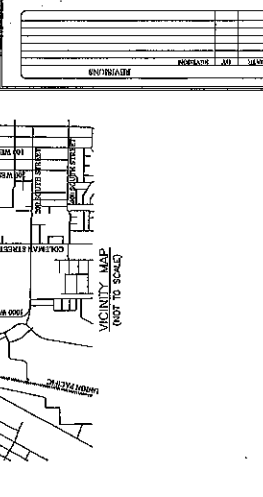
**SURVEYOR'S CERTIFICATE**

I, SAUL N. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER TITLE 48, CHAPTER 20, PROFESSIONAL SURVEYING AND PROFESSIONAL LAND SURVEYING, STATE OF UTAH, LICENSE NO. 12345. I HAVE PERSONALLY CONDUCTED THE SURVEY AND THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID FINAL LOCAL ENTITY PLAT.

SAUL N. TAYLOR  
LICENSE #12345

**ANNEALING DISCREPANCY**

A parcel of land shown in the Northwest Quarter of Section 30, Township 3 South, Range 4 West, Salt Lake Base and Meridian, located in Tooele County, State of Utah, and being more particularly described as follows: [Detailed description of the parcel and its location within the section and township.]



**TOOELE COUNTY SURVEY DEPARTMENT**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AS A FINAL LOCAL ENTITY PLAT BY THE TOOELE COUNTY SURVEY DEPARTMENT.

\_\_\_\_\_  
DEPUTY TOOELE COUNTY SURVEYOR

**TOOELE CITY ATTORNEY**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AS A FINAL LOCAL ENTITY PLAT BY THE TOOELE CITY ATTORNEY.

\_\_\_\_\_  
TOOELE CITY ATTORNEY

## Exhibit B

City Council Work Meeting Minutes  
September 4, 2019

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

Date: Wednesday, September 4, 2019  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Steve Pruden  
Scott Wardle  
Dave McCall  
Brad Pratt  
Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Roger Baker, City Attorney  
Glenn Caldwell, Finance Director  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Darwin Cook, Parks and Recreation Director  
Ron Kirby, Police Chief  
Kami Perkin, Human Resource Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

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

**2. Roll Call**

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

**3. Discussion:**



Kami Perkins joined the meeting at 5:30 p.m.

Mr. Bolser went on to say that some people have property lines on the other side of the Porter Place property line, connecting with the Hunters Meadow property. They have made sure that the developer has an agreement with the Hunters Meadow property owners.

- 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

Mr. Bolser stated that the Council discussed this item at their last meeting. He asked the Council if they had any questions; the Council had none.

- Potential Annexation Request  
Presented by Jim Bolser

Mr. Bolser stated that he met with a property owner's representative for the Jack Tomlin's Trust. The trust owns property that is primarily in the City limits, but there is a portion of property that is not in the City's limits. There are some potential purchasers for this property and they would like to sell the entire piece of property. Mr. Bolser asked the Council if they would entertain the annexation of this small portion of property since about 2/3 of the property is already in the City. The City is already obligated to provide water and sewer to this property so it wouldn't cause an additional impact. Mr. Bolser explained that the reason this property is in the City, is that the City worked out arrangements with the Army to take over the Depot area. In order to do that, the area had to be annexed in to the City. There were some property owners that were not interested in being annexed which left a little peninsula that was not annexed at the time.

Mr. Baker asked if this area is already in the City's annexation plan. Mr. Bolser answered that it is, so the City won't have to amend the annexation plan.

The Council indicated they would like to annex this portion of property.

- 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

Mr. Baker said that this agreement will allow a new subdivision to have a looped waterline. The waterline will cut across the north end of the golf course. The City would participate in the cost of that waterline at a cost of \$40,000.00. The City would receive a waterline easement at the completion of development.

## Exhibit C

Ordinance 2010-15  
(without exhibits)

**TOOELE CITY CORPORATION**

**ORDINANCE 2010-15**

**AN ORDINANCE OF TOOELE CITY ADOPTING AN UPDATED ANNEXATION POLICY PLAN.**

WHEREAS, Utah Code §10-2-401.5 (the "statute") requires that Utah municipalities adopt an Annexation Policy Plan ("Plan") as a prerequisite to annexing any unincorporated areas; and,

WHEREAS, Tooele City most recently adopted a Plan in 2004 (reference Ordinance 2004-05, approved on March 17, 2004); and,

WHEREAS, Tooele City retained the firm of Lewis Young Robertson & Burningham to prepare an updated Plan in accordance with statutory requirements (reference Resolution 2009-36, approved on July 1, 2009); and,

WHEREAS, on September 22, 2010, the Tooele City Planning Commission convened the duly-noticed public meeting and public hearing required by statute, and accepted public comment (see draft Minutes attached as Exhibit A); and,

WHEREAS, the City has accepted all written comments received prior to the City Council public hearing on this Ordinance, including a letter from Grantsville Mayor Brent Marshall (see letter attached as Exhibit B); and,

WHEREAS, on October 6, 2010, the City Council convened a duly noticed public hearing and accepted public comment; and,

WHEREAS, the 2010 Annexation Policy Plan (attached as Exhibit C) addresses the elements that the statute requires be addressed (see copy of the statute attached as Exhibit D):

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that the Annexation Policy Plan attached as Exhibit C is hereby approved and adopted. Further, the City Administration is directed to submit a copy of the Annexation Policy Plan to Tooele County.

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 10 day of October, 2010.

TOOELE CITY COUNCIL

(For)

(Against)

<u>Scott Wall</u>	_____
<u>Michelle Pugh</u>	_____
<u>D. McCall</u>	_____
<u>Stanley</u>	_____
<u>Steve</u>	_____

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

<u>John H. Gunlevy</u>	_____
------------------------	-------

ATTEST:

Sharon Dawson  
 Sharon Dawson, City Recorder

SEAL

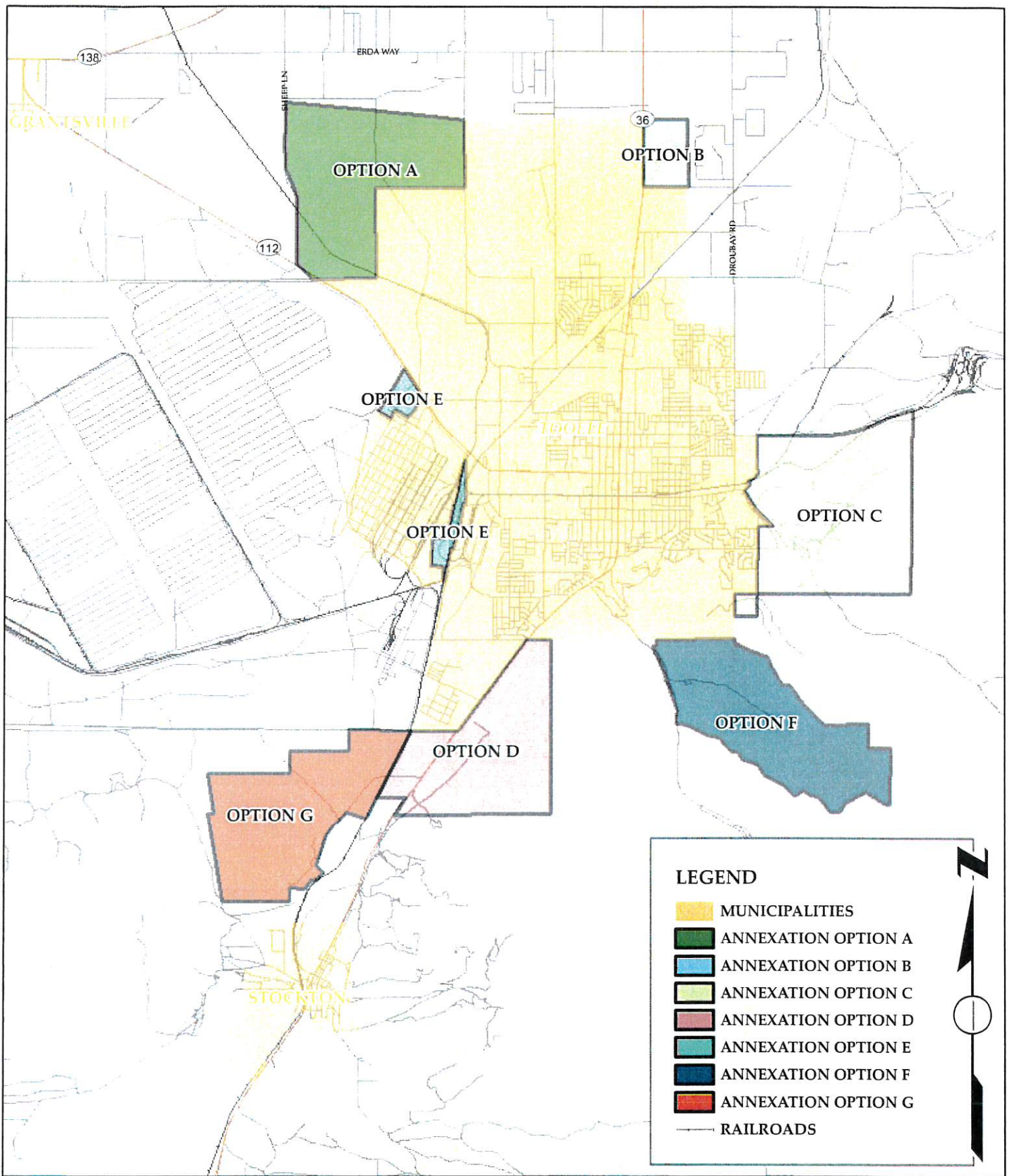


Approved as to Form:

Roger Baker  
 Roger Baker, Tooele City Attorney

## Exhibit D

Tooele City Annexation Study Expansion Area Map  
(from Annexation Policy Plan)



**FIGURE 1:  
TOOELE CITY ANNEXATION STUDY  
EXPANSION AREA**

**Annexation Procedural Outline (2020)**

	<b>Procedural Step</b>	<b>Procedural Step Detail</b>	<b>Responsibility</b>	<b>Statutory References</b>
1.	Annexation Policy Plan	Prepare and approve an Annexation Policy Plan after public hearing.	City Council	UCA 10-2-401.5
2.	Petition	Prepare a written Petition (application) signed by property owners of 50%+ of property owners AND owners of 33%+ of property value with legal description.	Petitioner/ Applicant	TCC 7-24-1(a) UCA 10-2-403(1)
3.	Copy of Petition	Deliver copy of filed Petition to County Clerk on same day as filing with City	Petitioner/ Applicant	UCA 10-2-403(7)
4.	Plat	Prepare accurate, recordable Plat with legal description, with engineer/ surveyor seal and signature blocks.	Petitioner/ Applicant	TCC 7-24-1(b)
5.	Staff Review	Verify conformity of Petition & Plat	City Planner	UCA 10-2-402
6.	City Attorney Review	City Attorney to review as to form	City Attorney	TCC 7-24-1(c)
7.	Resolution 1	Prepare Resolution on whether to accept Petition for further consideration.	City Attorney	
8.	Vote on Petition	City Council votes on Resolution whether to accept Petition for further consideration.	City Council	UCA 10-2-405 (1)
9.	Verify Petition	The City is to verify that the Petition complies and contains the information required by Utah Code.	City Recorder City Attorney	UCA 10-2-405(2)
10.	Certify Petition	If the Petition is verified, a certification must be delivered to the City Council, County Commission, and Petitioner.	City Recorder	UCA 10-2-405(2)
11.	Planning Commission	Planning Commission votes on the Petition, then signs the plat.	Planning Commission	TCC 7-24-1(d), (e)
12.	Notice re Protest Period	Advertise notice of the Petition 1x/week for 3 weeks in newspaper, public notice website, City website.	City Recorder	UCA 10-2-406(1)
13.	Notice re Public Hearing	Advertise notice of the Public Hearing at least 7 days prior in newspaper, public notice website, City website.	City Recorder	UCA 10-2-407(7)
14.	Public Hearing	Public Hearing before City Council.	City Council	UCA 10-2-407(7)

15.	Annexation Agreement	Prepare an Annexation Agreement.	City Attorney	TCC 7-24-3
16.	Resolution 2	Prepare Resolution for City Council to approve Annexation Agreement	City Attorney	
17.	Annexation Agreement	Execute Annexation Agreement.	Petitioner	TCC 7-24-3
18.	Ordinance	Prepare Ordinance for City Council to approve Petition.	City Attorney	TCC 7-24-1(f)
19.	Ordinance	City Council votes on the petition. Must be a 2/3 vote to pass. Signs plat.	City Recorder City Council	TCC 7-24-1(e), (f)
20.	Zoning	Designate in the Ordinance the zoning of the annexed property.	City Council	TCC 7-24-2
21.	Lieutenant Governor	File required documents with Lt. Governor's Office: notice of impending boundary action; final local entity plat	City Recorder	UCA 10-2-425
22.	Annexation Agreement	Record Annexation Agreement with County Recorder.	City Recorder	TCC 7-24-3(b)
23.	Certificate, Ordinance	Record Lt. Governor Certificate, Notice, Ordinance, and Plat with County Recorder.	City Recorder	TCC 7-24-1(g)



**STAFF REPORT**

December 30, 2019

**To:** Tooele City Planning Commission  
Business Date: January 8, 2020

**From:** Planning Division  
Community Development Department

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

**Re: Millennial Park – Preliminary Plan Subdivision Request**

Application No.: P19-80  
Applicant: Jared Payne, representing Mountain Partners Investments, LLC  
Project Location: Approximately 300 West 400 North  
Zoning: MR-16 Multi-Family Residential Zone  
Acreage: 3.05 Acres (Approximately 132,858 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Plan Subdivision in the MR-16 Multi-Family Residential zone regarding the creation of 17 town house style lots.

**BACKGROUND**

This application is a request for approval of a Preliminary Plan Subdivision for approximately 3.05 acres located at 300 West 400 North. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow the creation of 17 lots that will eventually be developed as town houses.

**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 MR-16 Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The purpose of the MR-16 zone is to “provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.” The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the subject property. Properties to the north, south and east are all zoned MR-16. Properties to the west are zoned OS Open Space. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The subdivision proposes to split a three acre parcel into 17 town house style lots, an open space parcel and a private street. The lots within the proposed subdivision range in size from 1,400 square feet at the smallest up to 3,600 square feet at the largest. The narrowest of the lots are 20.5 feet wide and the widest are near 43 feet wide. The lots are the width of a town house that are proposed to be constructed thereon. Larger lots will be corner lots. Each lot is large enough to house the footprint of the town house along with some private yard space in front of and behind the town house. Corner lots have additional private space at the side of the future town house.

The MR-16 zone has no minimum lot size requirement for a multi-family dwelling in order to accommodate small lot town house style multi-family developments. Therefore, the lots as configured do meet the minimum requirements for lot size and lot width as there aren’t any minimum requirements.

Parcel “A” is a storm-water detention basin / open space parcel of approximately .3 acres.

The proposed subdivision does include a privately owned and maintained street providing connection from 400 North and Benchmark Drive to the west. Benchmark Drive to the west of the subdivision is a public street and the applicant will be required to improve the road to current Tooele City standards for roads.

This application is a subdivision preliminary plan only and is not a site plan design review application. The purpose of this application is to begin the process to create individual lots for ownership delineation purposes and future development of the property as town houses. Many of the site plan elements such as visitor parking have been addressed during this preliminary plan application to aid in the layout of the lots only and will be reviewed in greater detail when the site plan design review application is submitted along with the landscape plan, fencing, building architecture and so forth. The proposed development will also be required to submit a final subdivision plat application as well.

*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 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request with the following comments:

1. This application is for preliminary plan subdivision only for the purposes of creating individual lots and common areas for ownership purposes.
2. This is a multi-family residential development and therefore must undergo a site plan design review application whereby landscaping, parking areas, building architecture and other site related details are reviewed.
3. The application will still need submit a final subdivision plat application.

*Engineering Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Plan Subdivision submission and have issued a recommendation for approval for the request with the following condition:

1. Provide legal description and accompanying exhibit for dedication by Tooele City of 370 West as public right-of-way, if not presently dedicated.

*Tooele City Fire Department Review.* The Tooele City Fire Department has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request.

*Noticing.* Preliminary plan subdivisions do not require noticing.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Plan Subdivision by Jared Payne, representing Mountain Partners Investments, LLC, application number P19-80, 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 Millennial Park Preliminary Plan Subdivision Request by Jared Payne, representing Mountain Partners Investments, LLC for the purpose of creating 17 town house style residential lots, application number P19-80, based on the findings and subject to the conditions listed in the Staff Report dated December 30, 2019:”

1. List findings...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Millennial Park Preliminary Plan Subdivision Request by Jared Payne, representing Mountain Partners Investments, LLC for the purpose of creating 17 town house style residential lots, application number P19-80, based on the following findings:”

1. List any additional findings...

**EXHIBIT A**

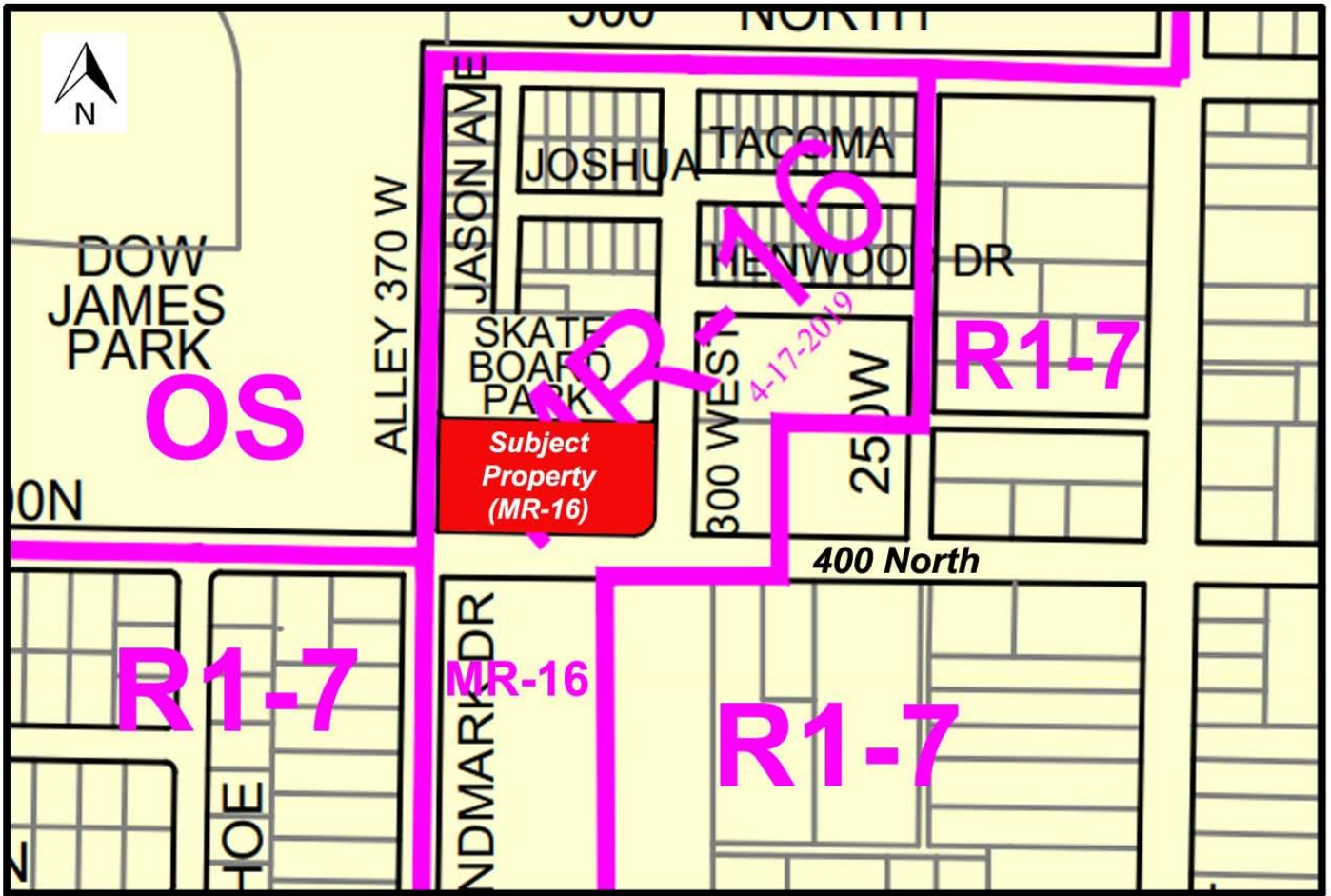
**MAPPING PERTINENT TO THE MILLENNIAL PARK PRELIMINARY PLAN  
SUBDIVISION**

***Millennial Park Preliminary Plan Subdivision***



***Aerial View***

**Millennial Park Preliminary Plan Subdivision**



**Current Zoning**

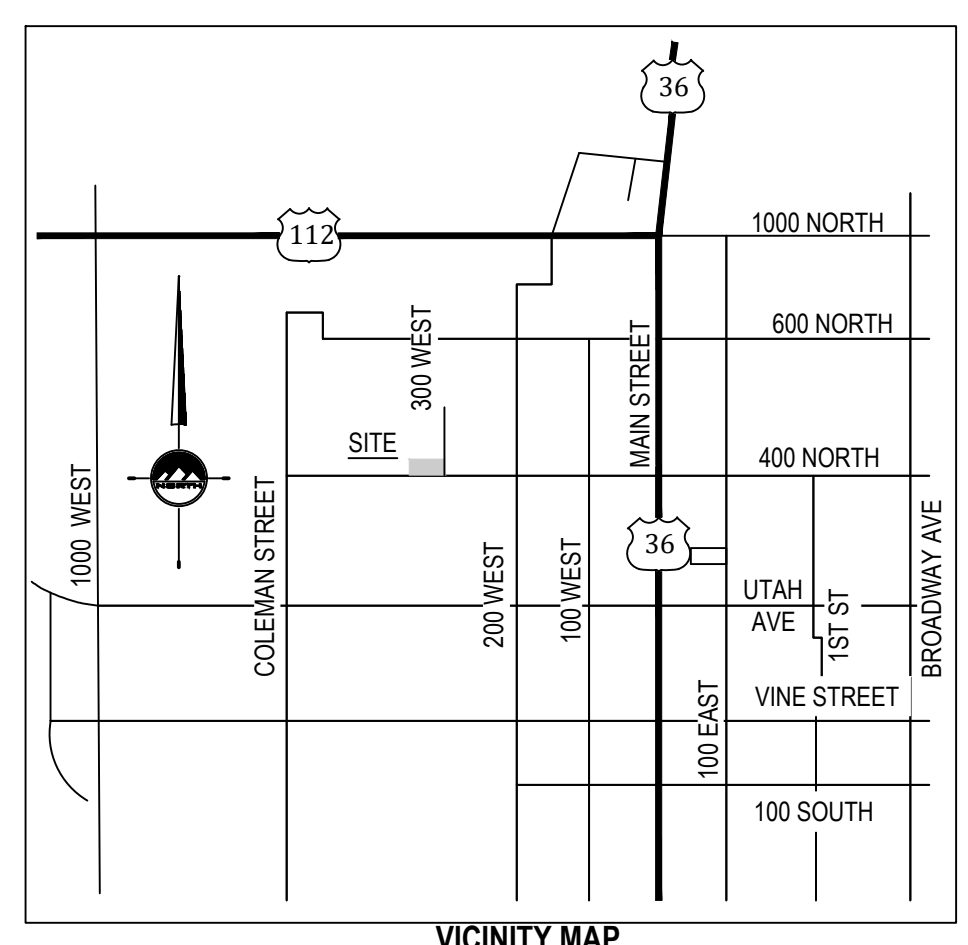
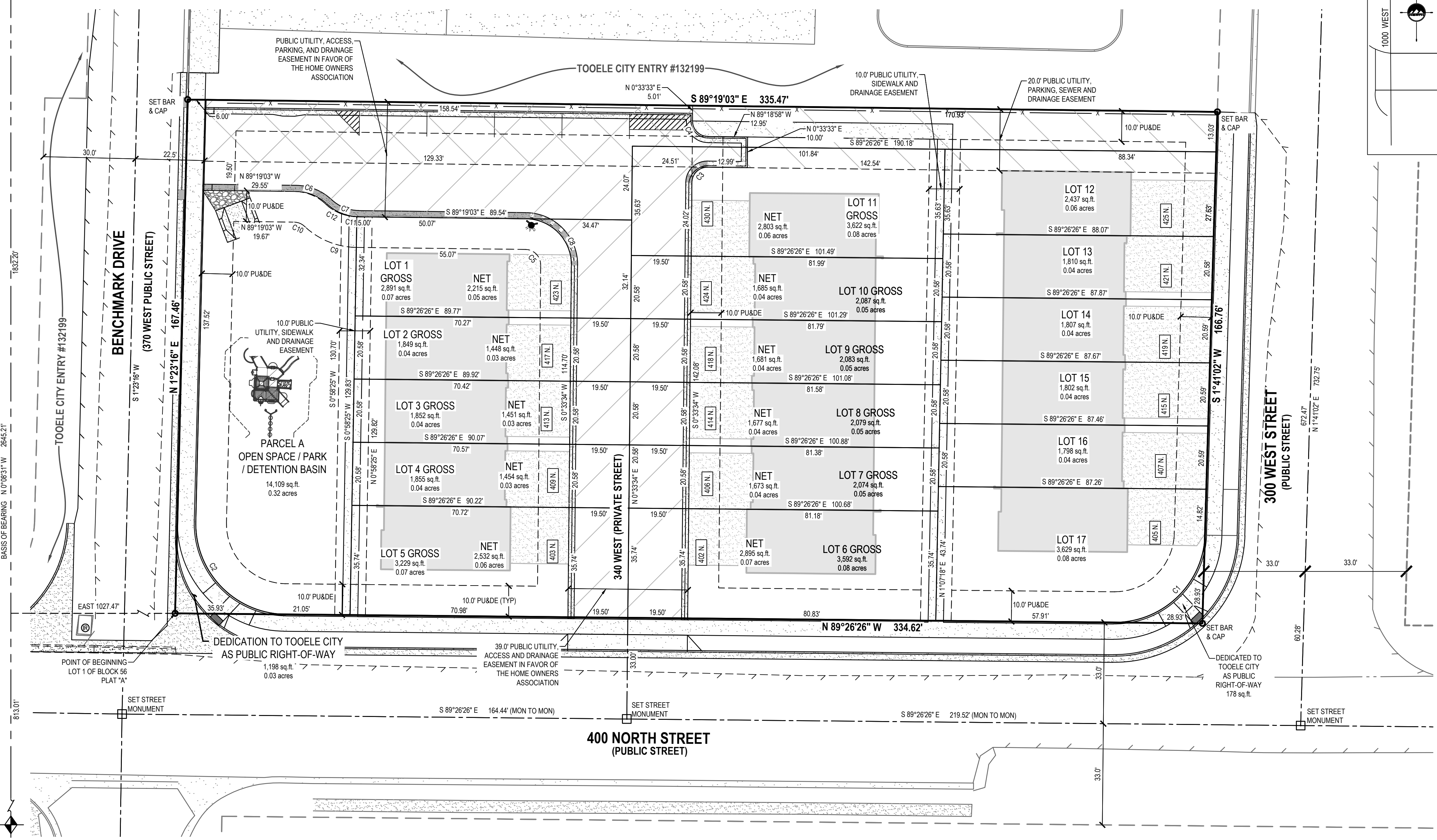
**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

**LEGEND**

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- BOUNDARY LINE
- CENTER LINE
- EASEMENTS
- PUBLIC UTILITY, ACCESS, AND DRAINAGE EASEMENT, IN FAVOR OF THE HOME OWNERS ASSOCIATION
- 20' PUBLIC UTILITY, ACCESS, PARKING, SEWER, AND DRAINAGE EASEMENT
- PU&DE
- PU&DE = PUBLIC UTILITY & DRAINAGE EASEMENT

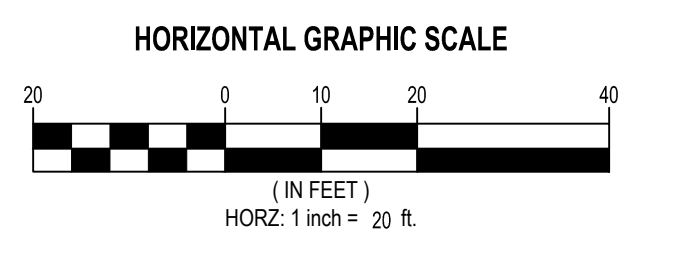
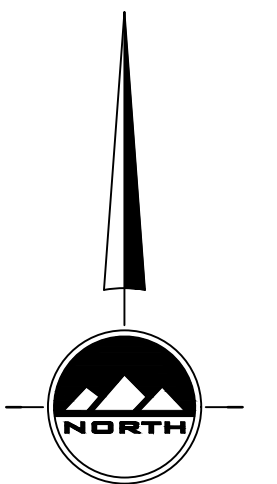
**MILLENNIAL PARK SUBDIVISION PHASE 1  
PRELIMINARY PLAT**  
LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 21,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN,  
TOOELE CITY, TOOELE COUNTY, UTAH



**VICINITY MAP**  
NOT TO SCALE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	29.50'	45.76'	88°52'32"	N46°07'18"E	41.31'
C2	29.50'	46.77'	90°49'42"	S44°01'35"E	42.02'
C3	5.00'	7.86'	90°04'37"	S45°38'38"W	7.08'
C4	5.06'	7.88'	89°10'37"	N44°43'39"W	7.11'
C5	5.00'	7.84'	89°52'37"	N44°22'45"W	7.06'
C6	15.00'	11.21'	42°50'00"	N67°54'03"W	10.95'
C7	15.00'	11.21'	42°50'00"	N44°22'45"W	10.95'
C8	15.00'	23.53'	89°52'37"	N44°22'45"W	21.19'
C9	25.00'	18.69'	42°50'00"	S67°54'03"E	18.26'
C10	5.00'	3.74'	42°50'00"	N67°54'03"W	3.65'
C11	15.00'	5.09'	19°27'14"	S79°35'27"E	5.07'
C12	15.00'	6.12'	23°22'46"	S58°10'26"E	6.08'

- NOTE:**
- PARCEL "A" TO BE OPEN SPACE AND TO BE OWNED AND MAINTAINED BY MILLENNIAL PARK HOME OWNERS ASSOCIATION, INC.
  - ZONING IS HDR.



**SURVEYOR'S CERTIFICATE**  
I, Douglas J. Kinsman, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. 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, and have subdivided said tract of land into lots and streets, hereafter to be known as **MILLENNIAL PARK SUBDIVISION PHASE 1** and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

All of Lot 1, Block 56, Tooele City Survey, Plat A, more particularly described as follows:  
A parcel of land, situated in the Southwest Quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:  
Beginning at the Southwest Corner of said Lot 1, which is located North 0°08'31" West 813.01 feet along the measured Section line, and East 1027.47 feet from the Southwest Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence North 1°23'16" East 167.46 feet along the West line of said Lot 1, and the East line of Landmark Drive;  
thence South 89°19'03" East 335.47 feet along the line between Lots 1 and 2 of said Block 56, to the West line of 300 West Street;  
thence South 1°41'02" West 166.76 feet along said West line, and the East line of said Lot 1, to the North line of 400 North Street;  
thence North 89°26'26" West 334.62 feet along said North line, and the South line of said Lot 1, to the Point of Beginning.

Parcel contains: 55,882 square feet, or 1.29 acres.

Date: \_\_\_\_\_  
Douglas J. Kinsman  
License no. 334575



SOUTHWEST CORNER OF SECTION 21 TOOELE COUNTY SURVEYORS MONUMENT T3S R4W, SLB&M, FOUND 3" BRASS, RING AND LID, (DATED 1982)

**DEVELOPER**  
MOUNTAIN PARTNERS INVESTMENTS  
2455 EAST PARLEYS WAY #240  
SALT LAKE CITY, UT. 84109  
801-860-0747

**TOOELE**  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.843.3500  
Fax: 435.578.0108  
www.ensgn.com

**ENSIGN**

**SALT LAKE CITY**  
Phone: 801.253.0029

**LAYTON**  
Phone: 801.547.1100

**CEGAR CITY**  
Phone: 435.860.1463

**RICHFIELD**  
Phone: 435.596.2963

**SHEET 1 OF 1**

PROJECT NUMBER: 8276

MANAGER: D. KINSMAN

DRAWN BY: C. CARPENTER

CHECKED BY: D. KINSMAN

DATE: 11/15/19

**COMCAST**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE COMCAST CABLE

COMCAST

**CENTURY LINK**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE CENTURY LINK

CENTURY LINK

**CHIEF OF POLICE**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY CHIEF OF POLICE.

TOOELE CITY CHIEF OF POLICE

**PLANNING COMMISSION**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE TOOELE CITY PLANNING COMMISSION.

CHAIR, TOOELE CITY PLANNING COMMISSION

**POST MASTER**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE POST MASTER

POST MASTER

**ROCKY MOUNTAIN POWER COMPANY**

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-603(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 \_\_\_\_\_

**DOMINION ENERGY**

DOMINION APPROVED THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABRIGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT 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 DOMINION'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE DOMINION ENERGY

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

**CITY COUNCIL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL

**FIRE CHIEF**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY FIRE DEPARTMENT.

TOOELE CITY FIRE CHIEF

**COMMUNITY DEVELOPMENT APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT

**COUNTY HEALTH DEPARTMENT APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

**PARKS DEPARTMENT**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY PARKS DEPARTMENT.

TOOELE CITY PARKS DEPARTMENT

**CITY ENGINEER'S APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY ENGINEER

TOOELE CITY ENGINEER

**SCHOOL DISTRICT**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE COUNTY SCHOOL DISTRICT

TOOELE COUNTY SCHOOL DISTRICT

**CITY ATTORNEY'S APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY THE TOOELE CITY ATTORNEY.

TOOELE CITY ATTORNEY

**MILLENNIAL PARK SUBDIVISION PHASE 1  
PRELIMINARY PLAT**

LOCATED IN THE SOUTHWEST QUARTER  
OF SECTION 21,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN,  
TOOELE CITY, TOOELE COUNTY, UTAH

**TOOELE COUNTY RECORDER**

RECORDED # \_\_\_\_\_

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE

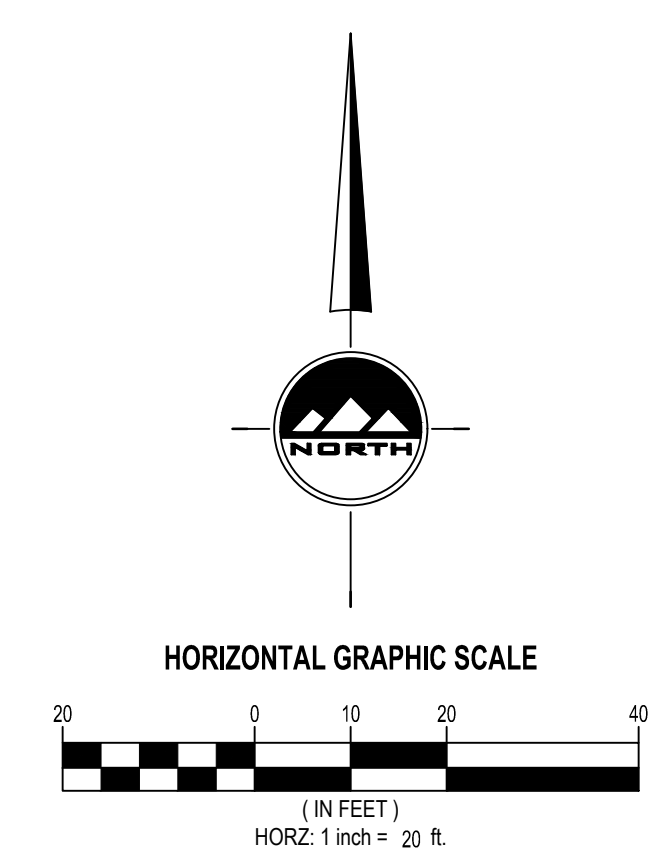
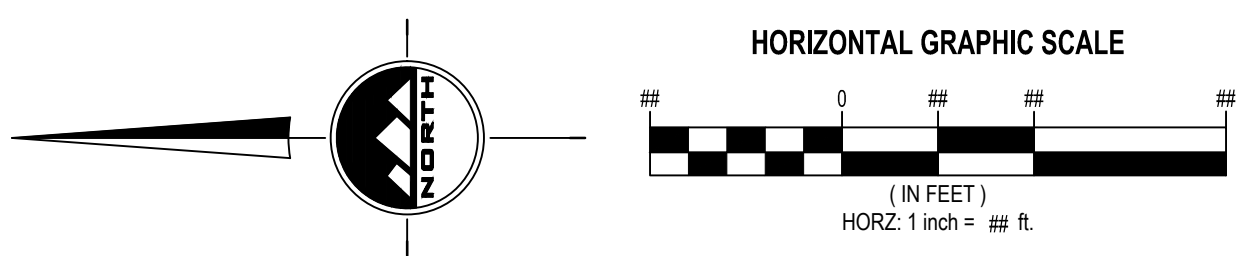
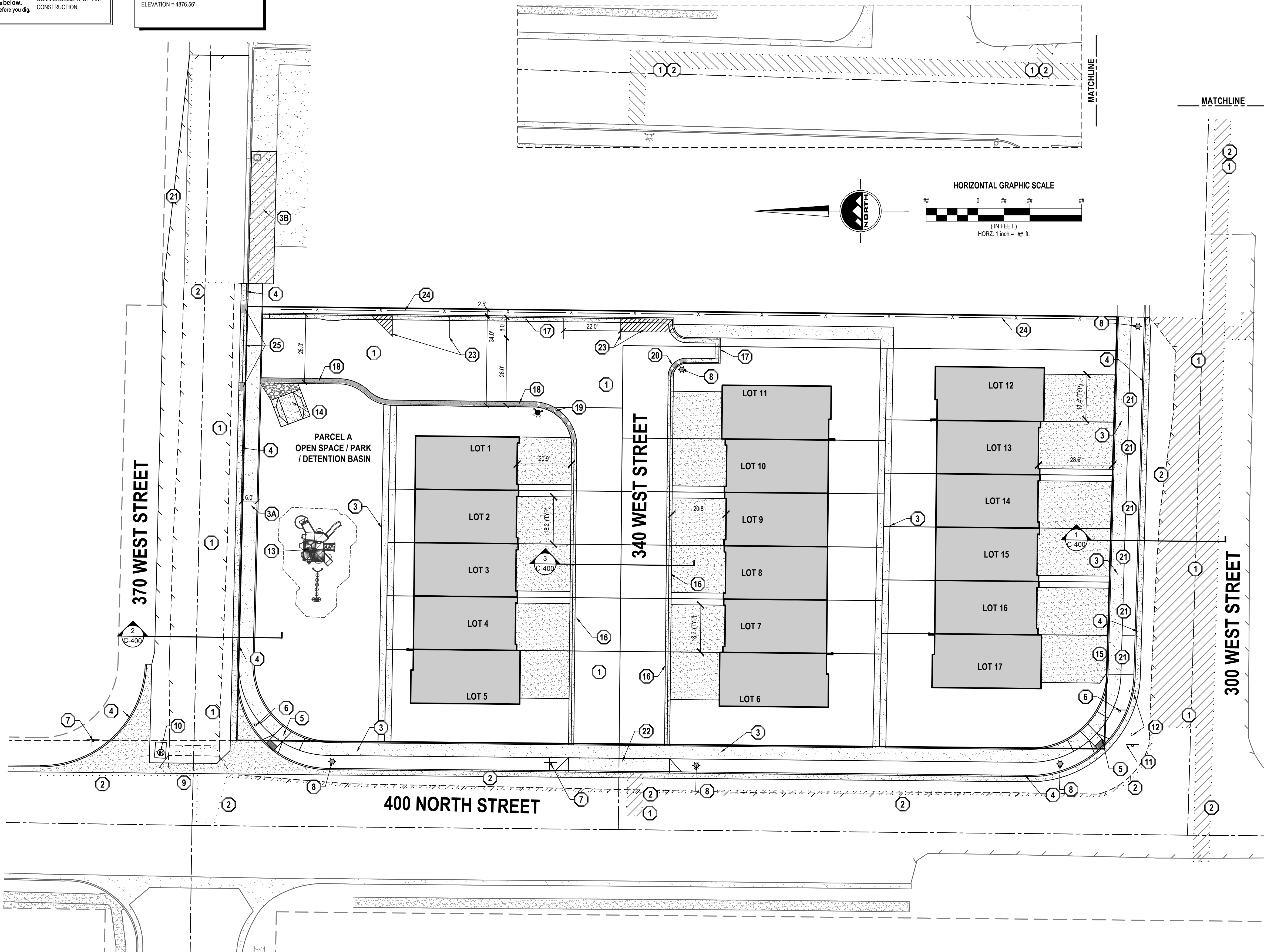
REQUEST OF: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

FEES \_\_\_\_\_ TOOELE COUNTY RECORDER



**BENCHMARK**  
 WEST QUARTER CORNER OF SECTION 21, T3S, R4W, SLB&M  
 ELEVATION = 4876.56'



- GENERAL NOTES**
1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
  2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
  3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
  4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
  5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
  6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
  7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

- SCOPE OF WORK:**  
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 1 ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 8" UNTREATED BASE COURSE.
  - 2 SAWCUT EXISTING ASPHALT PAVEMENT TO PROVIDE A CLEAN EDGE FOR THE TRANSITION BETWEEN EXISTING AND PROPOSED ASPHALT PAVEMENT.
  - 3 6" THICK 5' WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231 R AND SPECIFICATIONS.
  - 3A 6" THICK 5.5' WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231 R AND SPECIFICATIONS.
  - 3B SAWCUT EXISTING CONCRETE PAVEMENT REMOVE AND REPLACE. SEE DRAINAGE PLAN, C.200.
  - 4 30" TYPE "A" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
  - 5 HANDICAP ACCESS RAMP PER APWA STANDARD PLAN NO. 235 WITH DETECTABLE WARNING SURFACE PER APWA STANDARD PLAN NO. 238 R AND SPECIFICATIONS.
  - 6 \*STOP\* SIGN PER M.U.T.C.D. STANDARD PLANS.
  - 7 INSTALL STREET SIGNS PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 292 R.
  - 8 INSTALL STREET LIGHTS PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 743 R.
  - 9 4" WATERWAY PER APWA STANDARD PLAN NO. 211 AND SPECIFICATIONS.
  - 10 RECONSTRUCT VAULT TO BE FLUSH WITH PROPOSED ASPHALT. COORDINATE WITH TOOELE CITY.
  - 11 RELOCATE SIGN PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 292R.
  - 12 RELOCATE OVERHEAD UTILITIES UNDERGROUND. WORK WITH ROCKY MOUNTAIN POWER.
  - 13 INSTALL A PLAYGROUND PER TOOELE CITY STANDARDS.
  - 14 INSTALL CONCRETE SPILLWAY W/ RIPRAP. SEE DETAIL 61C-500.
  - 15 MODIFIED DRIVEWAY, 14.5' WIDE AT THE STREET
  - 16 24" TYPE "H" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
  - 17 24" TYPE "E" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
  - 18 24" TYPE "E" REVERSE PAN CURB AND GUTTER PER DETAIL 12C-500.
  - 19 24" TRANSITION BETWEEN TYPE "H" COLLECTION CURB AND GUTTER AND TYPE "E" REVERSE PAN CURB AND GUTTER.
  - 20 24" TRANSITION BETWEEN "E" AND "H" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
  - 21 TAPER ASPHALT 15:1 INTO EXISTING ASPHALT.
  - 22 FLARED DRIVEWAY APPROACH PER APWA STANDARD PLAN NO. 221.2 AND SPECIFICATIONS.
  - 23 4" WIDE SOLID WHITE PAVEMENT MARKING PER M.U.T.C.D. STANDARD PLANS.
  - 24 12" WIDE CONCRETE MOW STRIP WITH FENCE PER TOOELE CITY STANDARDS AND SPECIFICATIONS.
  - 25 MOUNTABLE CURB DRIVEWAY APPROACH PER APWA STANDARD PLAN NO. 216.
- NOTE: MAY CONTAIN KEYNOTES THAT ARE NOT USED ON THIS SHEET.

**ENSIGN**  
 THE STANDARD IN ENGINEERING

**TOOELE**  
 169 N. Main Street, Unit 1  
 Tooele, UT. 84074  
 Phone: 435.843.3590

**SALT LAKE CITY**  
 Phone: 801.255.0529

**LAYTON**  
 Phone: 801.547.1100

**CEDAR CITY**  
 Phone: 435.865.1453

**RICHFIELD**  
 Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
 MOUNTAIN PARTNERS INVESTMENTS, LLC  
 2455 EAST PARLEYS WAY #240  
 SALT LAKE CITY, UT 84109

CONTACT:  
 JARED PAYNE  
 PHONE: 801-860-0747

**MILLENNIAL PARK SUBDIVISION  
 PRELIMINARY PHASE 1  
 300 WEST STREE 400 NORTH STREET  
 TOOELE, UTAH**

**For Review**  
 11/15/2019 09:06:32 AM

**SITE PLAN**

PROJECT NUMBER: 8276      PRINT DATE: 11/15/19  
 DRAWN BY: C. CARPENTER      CHECKED BY: C. CHILD  
 PROJECT MANAGER: D. KINSMAN

**C-100**



Symbol	Common Name
•••••	Buffalo Grass

Shrubs Under 4 Feet

Qty	Symbol	Common Name	Plant Size
11	○	Cinquefoil	6 Gallon
16	⊗	Currant, Alpine	1 Gallon
30	●	Blue Oat Grass	1 Gallon
Total: 57			

Irrigation

Qty	Symbol	Description
2	⊙	See Blackflow Preventer Detail 1/L-200
-	⊕	Rain Bird 100-PGA Globe
-	⊕	Rain Bird XCZ-100 COM
-	▲	Introl Total Control R Series
-	▨	Pipe Sleeve 2x Diameter
-	---	Mainline: 1 1/4" Schedule 40 PVC

**\*\* NOTES \*\***  
 THIS IRRIGATION SYSTEM WAS DESIGNED AT AND 60 (WORKING) PSI AT THE POINT OF CONNECTION. IF THESE MINIMUM REQUIREMENTS CAN NOT BE MET, PLEASE CONTACT THE DESIGNER. **THIS PLAN WAS DRAWN FOR GRAPHIC CLARITY ONLY.** PLEASE PLACE ALL MAINLINE AND LATERAL LINES IN ADJACENT LANDSCAPE AREAS. SOME FIELD MODIFICATIONS MAY BE NEEDED TO AVOID ON SITE OBSTRUCTIONS.

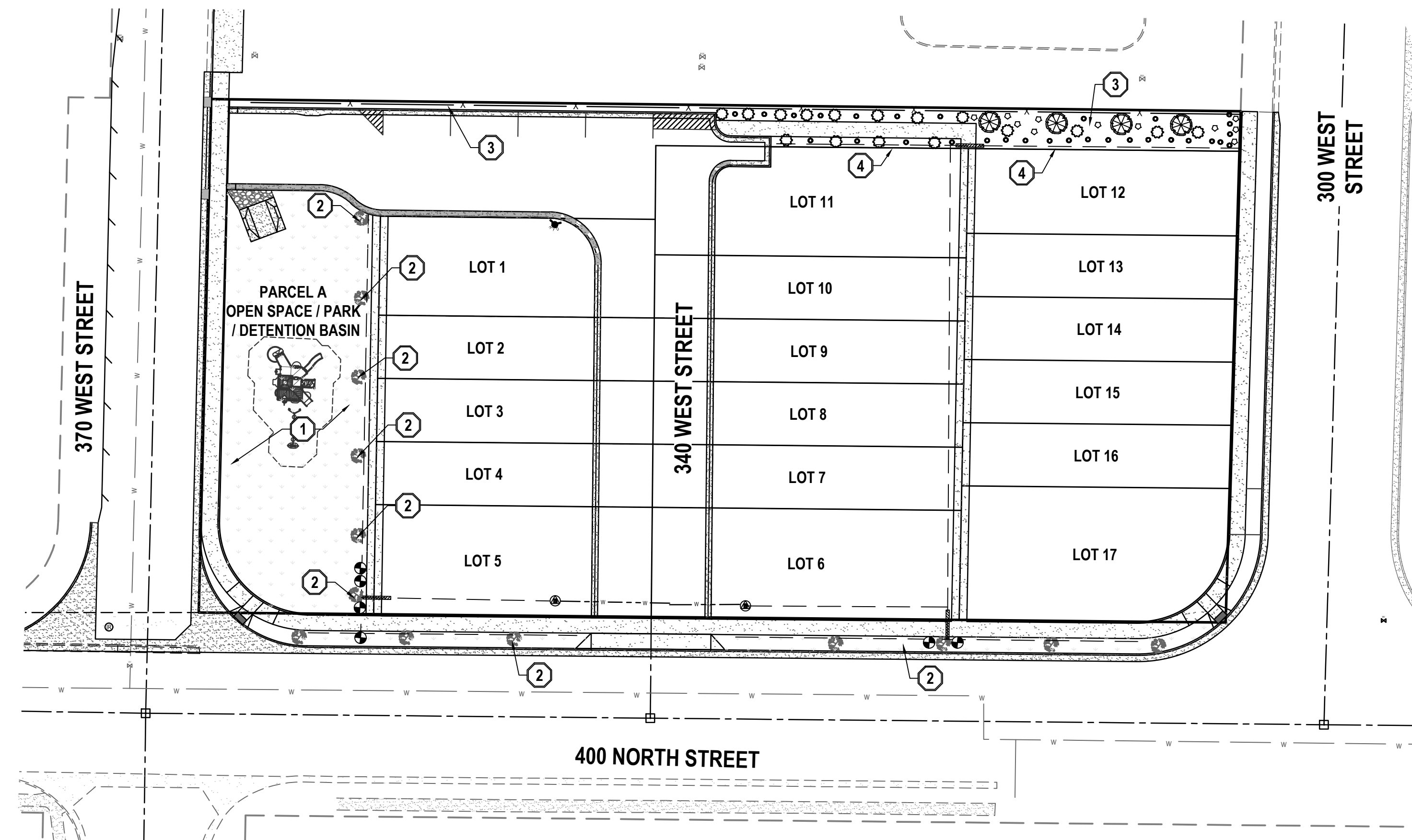
Landscape

Trees

Qty	Symbol	Common Name	Plant Size
4	⊗	Existing Tree	2" Cal.
13	⊗	PURPLE BLOW MAPLE	2" Cal.
Total: 18			

**SCOPE OF WORK:**  
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① SOD AREA W/ RAINBIRD SPRAYED HEADS & MAXIS. SEE LANDSCAPING DETAIL SHEET L-200.
- ② INSTALL PURPLE BLOW MAPLE TREE W/ ROOT WATERING SYSTEM
- ③ INSTALL 4" DEEP 2'-3" DIA. NEPHI ROCK AND GRAVEL COLOR 'SOUTHTOWN' OR EQUIV. DECORATIVE ROCK OVER WEED BARRIER, TYP.
- ④ INSTALL METAL EDGING



**TOOELE**  
 169 N. Main Street, Unit 1  
 Tooele, UT. 84074  
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 Phone: 435.865.1453

**RICHFIELD**  
 Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
 MOUNTAIN PARTNERS INVESTMENTS, LLC  
 2455 EAST PARLEYS WAY #240  
 SALT LAKE CITY, UT 84109  
 CONTACT:  
 JARED PAYNE  
 PHONE: 801-860-0747

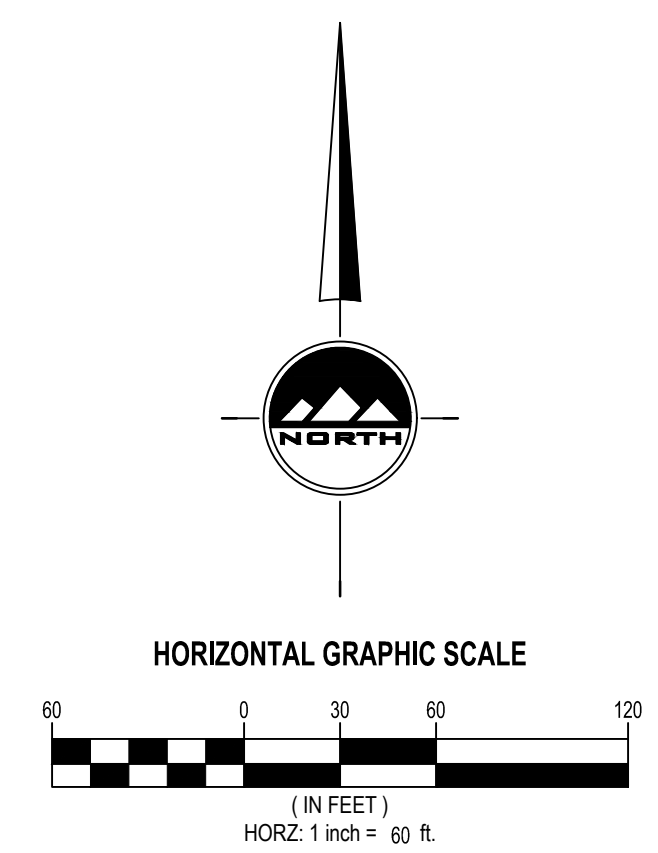
**MILLENNIAL PARK SUBDIVISION  
 PRELIMINARY PHASE 1  
 300 WEST STREET 400 NORTH STREET  
 TOOELE, UTAH**

*For Review*  
 11/15/2019 09:06:33 AM

**LANDSCAPING AND IRRIGATION PLAN**

PROJECT NUMBER: 8276      PRINT DATE: 11/15/19  
 DRAWN BY: C. CARPENTER      CHECKED BY: C. CHILD  
 PROJECT MANAGER: D. KINSMAN

**L-100**



**STAFF REPORT**

December 30, 2019

**To:** Tooele City Planning Commission  
Business Date: January 8, 2020

**From:** Planning Division  
Community Development Department

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

**Re: Hunter Minor Subdivision – Minor Subdivision Request**

Application No.: P19-405  
Applicant: Kathryn Hunter  
Project Location: 240 West Utah Avenue  
Zoning: R1-7 Residential Zone  
Acreage: .82 Acres (Approximately 35,879 ft<sup>2</sup>)  
Request: Request for approval of a Minor Subdivision in the R1-7 Residential zone regarding the creation of three single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Minor Subdivision for approximately .82 acres located at 240 West Utah Avenue. The property is currently zoned R1-7 Residential. The applicant is requesting that a Minor Subdivision be approved to allow the existing parcel to be split into three 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 subject property. All surrounding properties are currently zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The minor subdivision proposes to split an existing .82 acre single-family residential lot into three single-family residential lots. The existing lot has two frontages the southern frontage being along Utah Avenue and the northern frontage being along 230 North Street. There is an existing home and existing accessory buildings and sheds located on the property. An existing home will remain on lot 3 of the proposed subdivision and will continue to access Utah Avenue. Lots 1 and 2 will access 230 North Street. All existing accessory buildings on lots 1 and 2 will be removed in favor of the new subdivision.

Each lot exceeds the minimum requirements for lot size and lot width as required by the R1-7 zoning ordinance and all public right-of-way improvements are existing and in place. New property lines are in place such that no new non-conformities are created with the existing home and accessory structures that exist on lot 3.

Criteria For Approval. The criteria for review and potential approval of a Minor Subdivision request is found in Sections 7-19-35 of the Tooele City Code.

## **REVIEWS**

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

Noticing. Minor Subdivisions do not require public noticing.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Minor Subdivision by Kathryn Hunter, application number P19-405, 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 Hunter Minor Subdivision Minor Subdivision Request by Kathryn Hunter, for the purpose of creating three single-family residential lots, application number P19-405, based on the findings and subject to the conditions listed in the Staff Report dated December 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 Minor Subdivision Minor Subdivision Request by Kathryn Hunter, for the purpose of creating three single-family residential lots, application number P19-405, based on the following findings:”

1. List findings...

**EXHIBIT A**

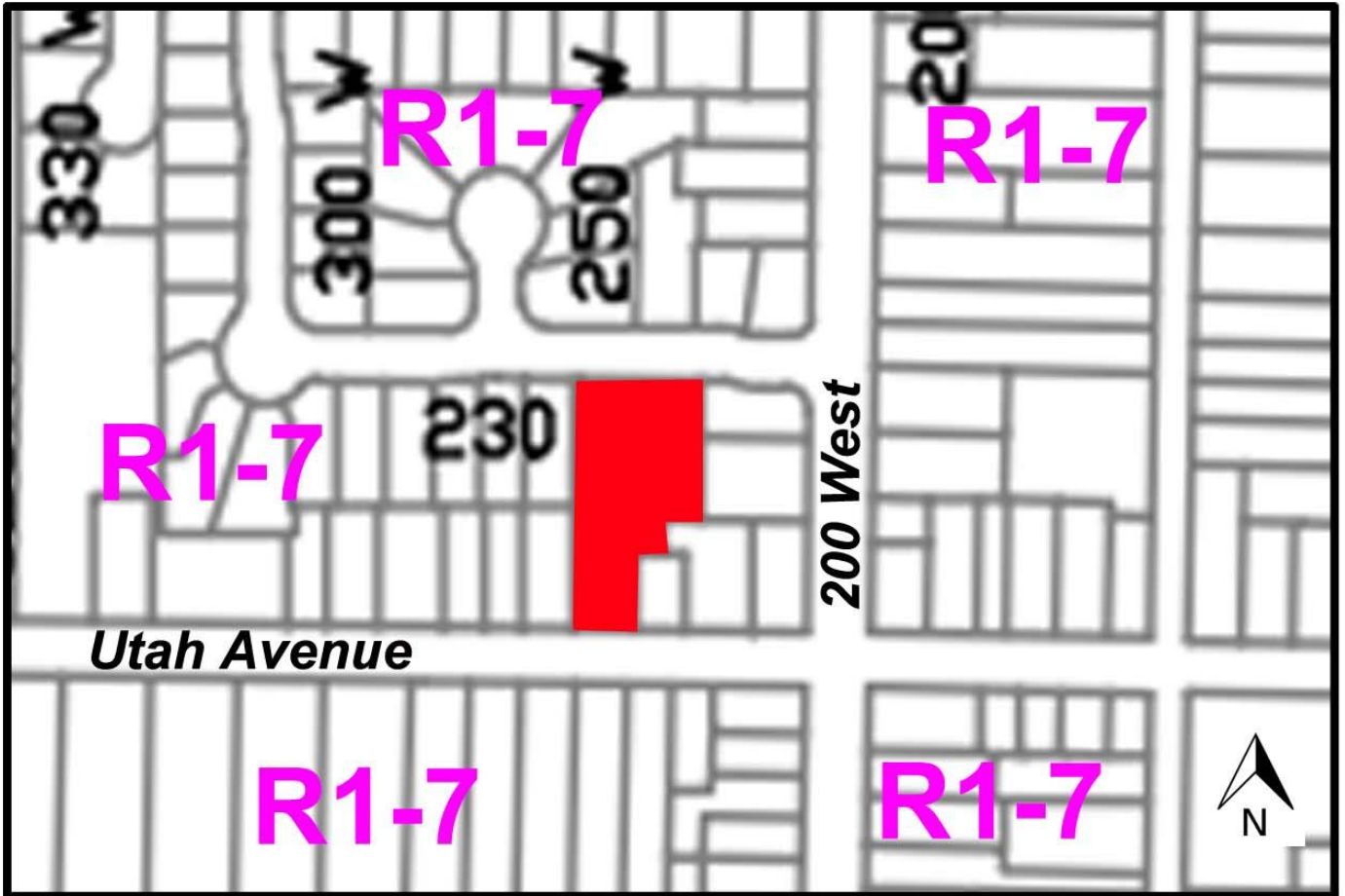
**MAPPING PERTINENT TO THE HUNTER MINOR SUBDIVISION MINOR  
SUBDIVISION**

***Hunter Minor Subdivision***



***Aerial View***

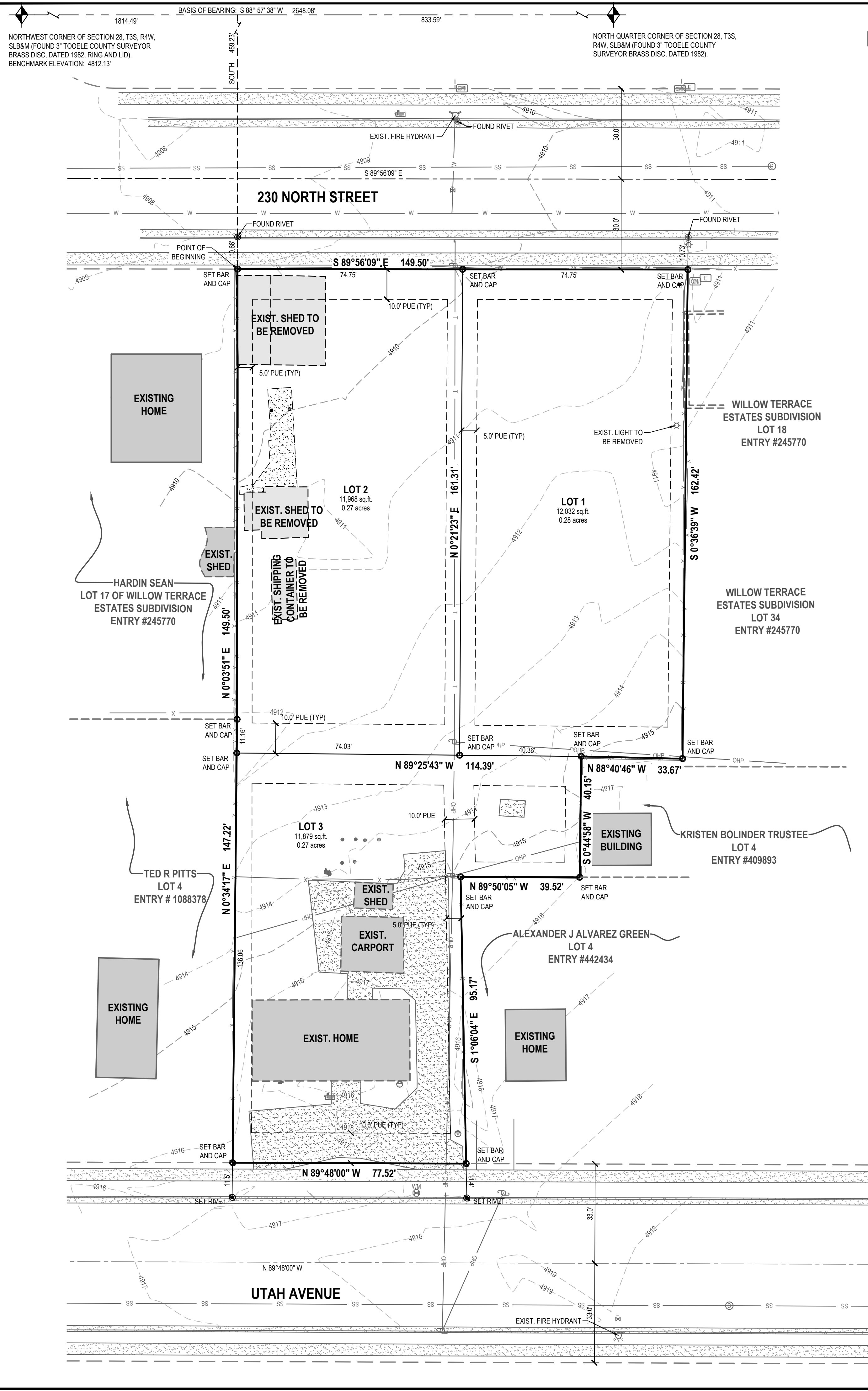
**Hunter Minor Subdivision**



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**



**PRELIMINARY PLAT  
HUNTER MINOR SUBDIVISION**  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**811**  
CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.  
Know what's below.  
Call before you dig.

**BENCHMARK**  
NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SLB&M,  
TOOELE CITY, TOOELE COUNTY, UTAH.  
ELEV = 4812.13'

**PLANNING COMMISSION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMMISSION

**CHIEF OF POLICE**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY CHIEF OF POLICE.

TOOELE CITY CHIEF OF POLICE

**PARKS DEPARTMENT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY PARKS DEPARTMENT.

TOOELE CITY PARKS DEPARTMENT

**COUNTY HEALTH DEPARTMENT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

**FIRE CHIEF**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE CITY FIRE DEPARTMENT.

TOOELE CITY FIRE CHIEF

**CENTURY LINK**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE CENTURY LINK.

CENTURY LINK

**COUNTY RECORDER**  
REVIEWED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.

TOOELE COUNTY RECORDER

**COMCAST**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE COMCAST CABLE.

COMCAST

**POST MASTER**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE POST MASTER.

POST MASTER

**CITY ATTORNEY**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY SCHOOL DISTRICT.

TOOELE CITY ATTORNEY

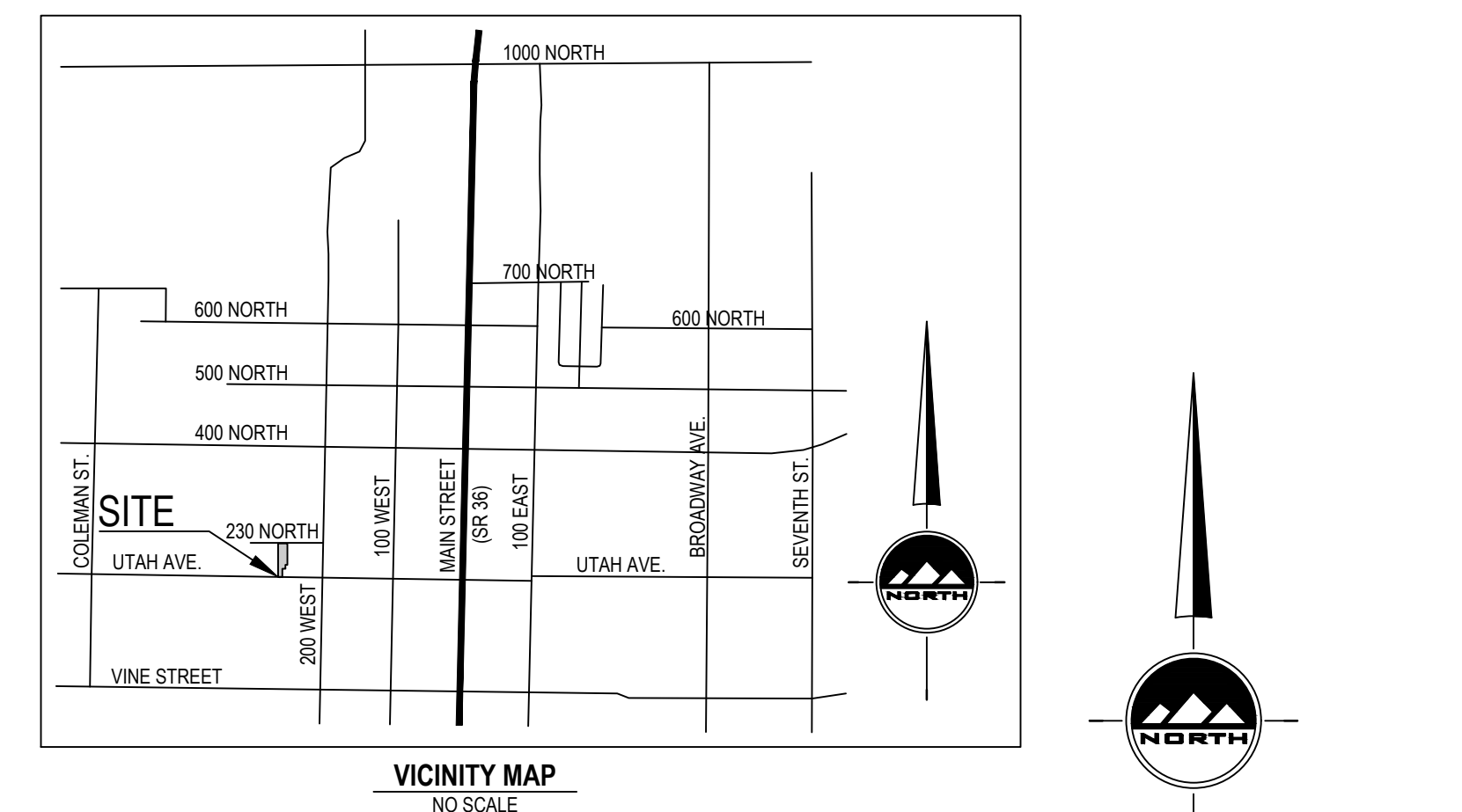
**SCHOOL DISTRICT**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE TOOELE COUNTY SCHOOL DISTRICT.

TOOELE COUNTY SCHOOL DISTRICT

**SURVEYOR'S CERTIFICATE**  
I, Douglas J. Kinsman, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. 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, and have subdivided said tract of land into lots and streets, hereafter to be known as HUNTER MINOR SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area re-requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**  
A parcel of land, situate in the Northwest Quarter of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:  
Beginning at the Northeast corner of Lot 17 of the 'Willow Terrace Estates Subdivision', as recorded August 25, 2005, under Entry no. 245770, in the Tooele County Recorder's office, which is located South 88°57'38" West 833.59 feet along the Section line, and South 459.23 feet from the North Quarter Corner of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence South 89°56'09" East 149.50 feet along the South line of 230 North Street;  
thence South 0°36'39" West 162.42 feet along an existing, long-standing fence line;  
thence North 88°40'46" West 33.67 feet along an existing, long-standing fence line;  
thence South 0°44'58" West 40.15 feet along an existing, long-standing fence line;  
thence North 89°50'05" West 39.52 feet along an existing, long-standing fence line;  
thence South 1°06'04" East 95.17 feet along an existing, long-standing fence line, and the extension thereof, to the North line of Utah Avenue;  
thence North 89°48'00" West 77.52 feet, along said North line;  
thence North 0°34'17" East 147.22 feet, along an existing, long-standing fence line, to the Southeast corner of said Lot 17;  
thence North 0°03'51" East 149.50 feet along the East line of said Lot 17, to the Point of Beginning.  
Parcel contains: 35,879 square feet, or 0.82 acres.

Date: \_\_\_\_\_  
Douglas J. Kinsman  
License no. 334575



DEVELOPER  
**KATHY HUNTER**  
240 WEST UTAH AVE.  
TOOELE, UT 84074  
KATHY HUNTER  
435-849-2793

NOTE:  
1. SETTLEMENT CANYON IRRIGATION WILL BE PROVIDED BY OWNER  
2. 2" X 24" REBAR AND CAP TO BE SET AT ALL LOT CORNERS.

**LEGEND**

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED 'ENSIGN ENG. & LAND SURV.'
- PUE = PUBLIC UTILITY EASEMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENTS

**COMMUNITY DEVELOPMENT**  
APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
A.D. 20\_\_\_\_  
TOOELE CITY COMMUNITY DEVELOPMENT

**CITY ENGINEER**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
TOOELE CITY ENGINEER

**ROCKY MOUNTAIN POWER COMPANY**  
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-603(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 \_\_\_\_\_

**CITY COUNCIL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE CITY COUNCIL.  
ATTEST: CITY RECORDER

**PRELIMINARY PLAT  
HUNTER MINOR SUBDIVISION**  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**ENSIGN**  
SALT LAKE CITY  
LAYTON  
CEAR CITY  
RICHFIELD  
WWW.ENSIGNENG.COM

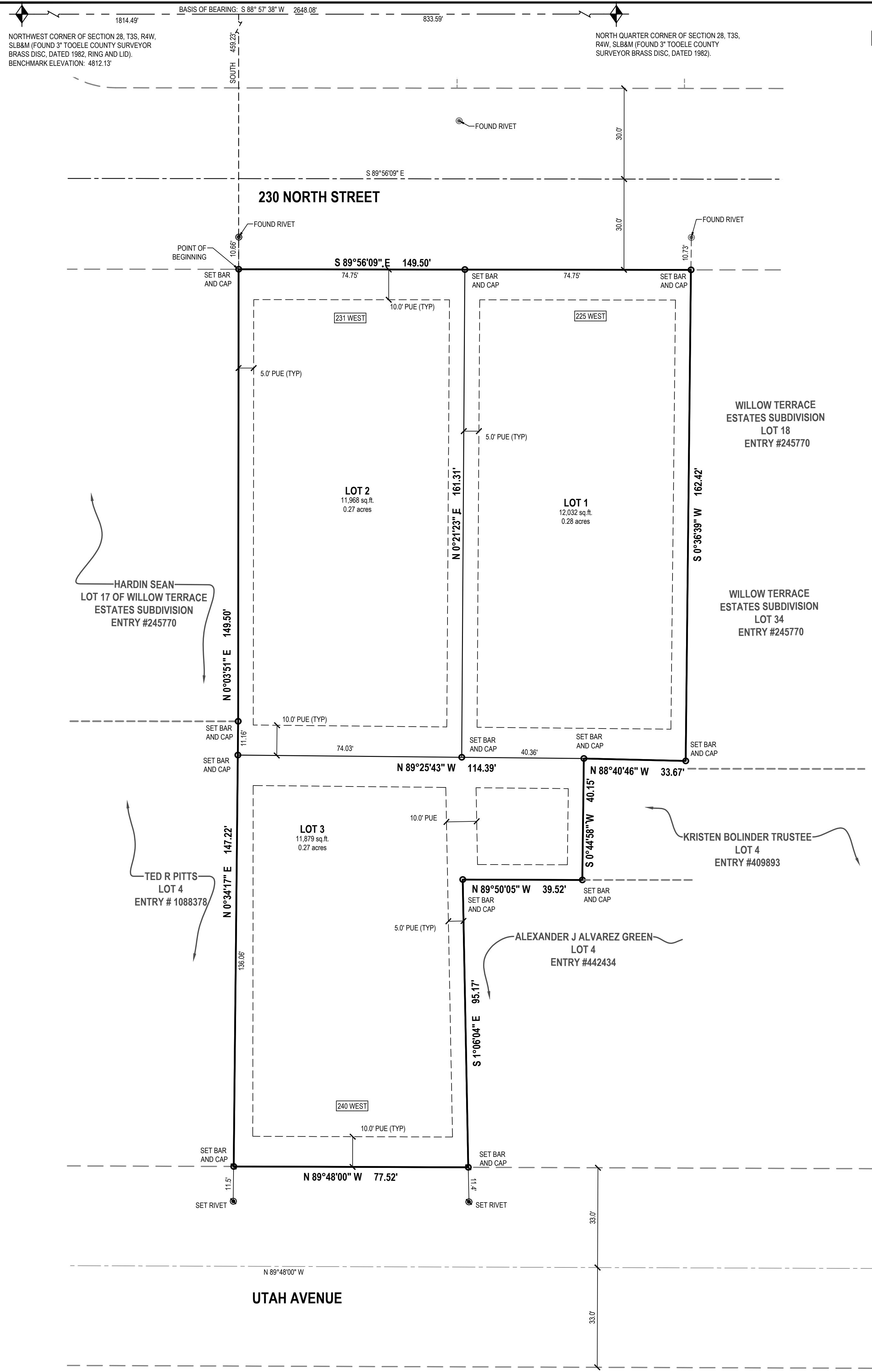
**TOOELE**  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435-843-3590  
Fax: 435-578-0108

**ROCKY MOUNTAIN POWER**  
SHEET 1 OF 1  
PROJECT NUMBER: T1504A  
MANAGER: D. KINSMAN  
DRAWN BY: C. CARPENTER  
CHECKED BY: D. KINSMAN  
DATE: 2019-08-01

**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 ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET 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 DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_  
TITLE \_\_\_\_\_  
DOMINION ENERGY







**FINAL PLAT**  
**HUNTER MINOR SUBDIVISION**  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
 AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**811**  
 Know what's below.  
 Call before you dig.

CALL BLUESTAKES  
 @ 811 AT LEAST 48 HOURS  
 PRIOR TO THE  
 COMMENCEMENT OF ANY  
 CONSTRUCTION.

**SURVEYOR'S CERTIFICATE**

I, Douglas J Kinsman do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. 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, and have subdivided said tract of land into lots and streets, hereafter to be known as HUNTER MINOR SUBDIVISION and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

A parcel of land, situate in the Northwest Quarter of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northeast corner of Lot 17 of the 'Willow Terrace Estates Subdivision', as recorded August 25, 2005, under Entry no. 245770, in the Tooele County Recorder's office, which is located South 88°57'38" West 833.59 feet along the Section line, and South 459.23 feet from the North Quarter Corner of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°56'09" East 149.50 feet along the South line of 230 North Street;  
 thence South 0°36'39" West 162.42 feet along an existing, long-standing fence line;  
 thence North 88°40'46" West 33.67 feet along an existing, long-standing fence line;  
 thence South 0°44'58" West 40.15 feet along an existing, long-standing fence line;  
 thence North 89°50'05" West 39.52 feet along an existing, long-standing fence line;  
 thence South 1°06'04" East 95.17 feet along an existing, long-standing fence line, and the extension thereof, to the North line of Utah Avenue;  
 thence North 89°48'00" West 77.52 feet, along said North line;  
 thence North 0°34'17" East 147.22 feet, along an existing, long-standing fence line, to the Southeast corner of said Lot 17;  
 thence North 0°03'51" East 149.50 feet along the East line of said Lot 17, to the Point of Beginning.

Parcel contains: 35,879 square feet, or 0.82 acres.

Date \_\_\_\_\_  
 Douglas J. Kinsman  
 License no. 334575

**For Review**  
 08/01/2019

**OWNER'S DEDICATION AND CONSENT TO RECORD**

Known all men by these present that the undersigned are the owner(s) of the hereon described tract of land and hereby cause the same to be divided into lots together with easements as set forth hereafter to be known as:

**HUNTER MINOR SUBDIVISION**

The undersigned owner(s) hereby convey to any and all public utility companies providing service to the hereon 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 I / we have hereunto set my / our hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

By: Kathryn Hunter

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF UTAH \_\_\_\_\_ J.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 \_\_\_\_\_ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, \_\_\_\_\_ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF UTAH \_\_\_\_\_ J.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 \_\_\_\_\_ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the \_\_\_\_\_ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**COUNTY SURVEY DEPARTMENT APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE COUNTY SURVEY DEPARTMENT.  
 RECORD OF SURVEY FILE # 2019-0042-01

TOOELE COUNTY SURVEY DIRECTOR \_\_\_\_\_

**COUNTY TREASURER APPROVAL**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMMISSION \_\_\_\_\_

**COUNTY HEALTH DEPARTMENT**

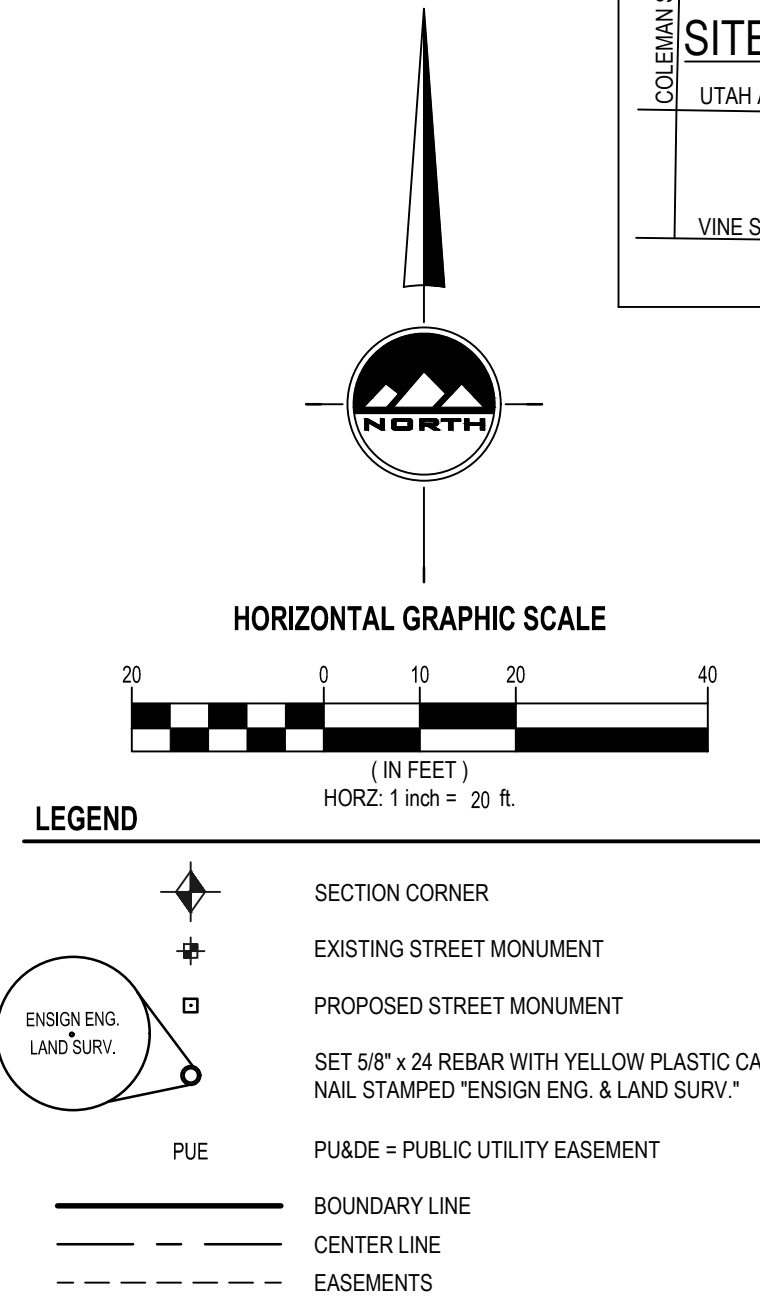
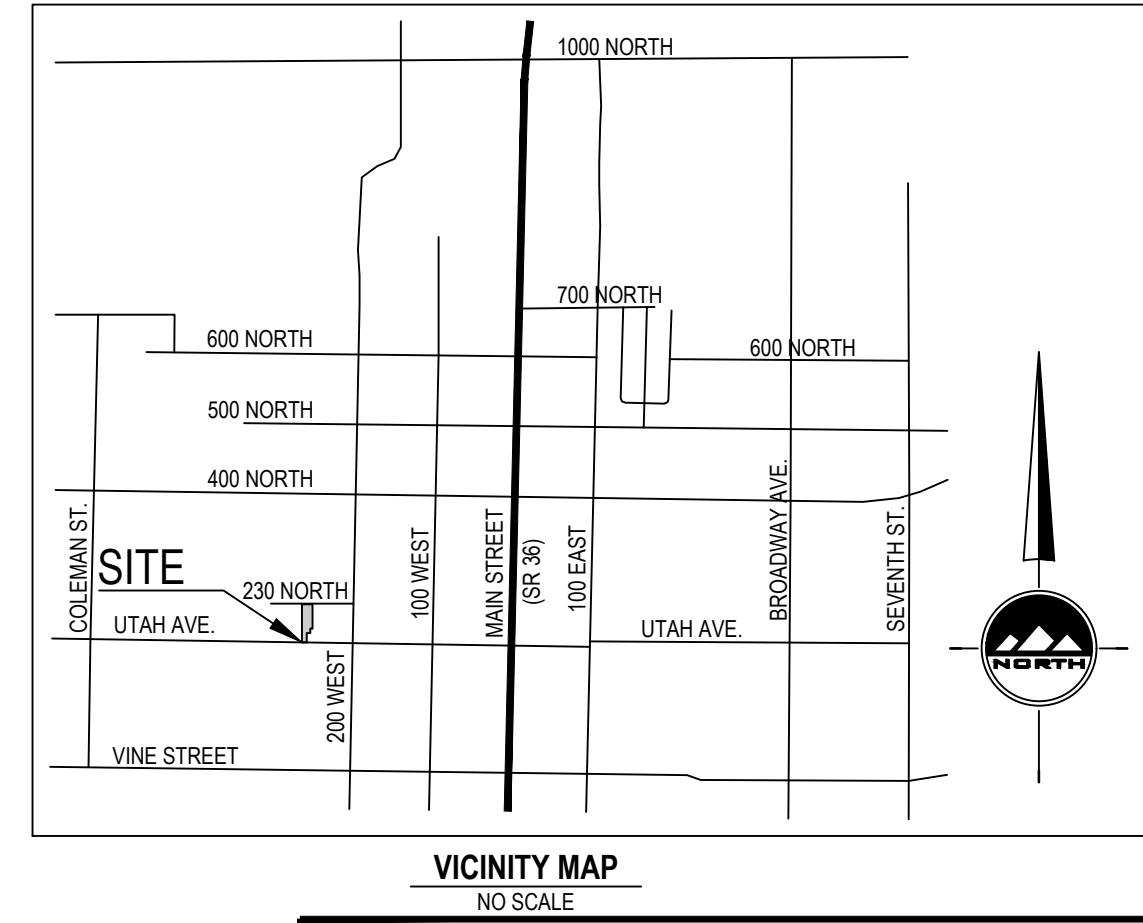
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT \_\_\_\_\_

**CITY ATTORNEY**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY ATTORNEY.

TOOELE CITY ATTORNEY \_\_\_\_\_



**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 ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_  
 DOMINION ENERGY TITLE \_\_\_\_\_

**COMMUNITY DEVELOPMENT**

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 A.D. 20\_\_\_\_

TOOELE CITY COMMUNITY DEVELOPMENT \_\_\_\_\_

**CITY ENGINEER**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY \_\_\_\_\_

TOOELE CITY ENGINEER \_\_\_\_\_

**ROCKY MOUNTAIN POWER COMPANY**

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-603(4)(C)(U) 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:  
 A. A RECORDED EASEMENT OR RIGHT-OF-WAY  
 B. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS  
 C. TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR  
 D. ANY OTHER PROVISION OF LAW.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

ROCKY MOUNTAIN POWER  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_

**CITY COUNCIL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER \_\_\_\_\_

**FINAL PLAT**  
**HUNTER MINOR SUBDIVISION**  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
 AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**ENSGN** SALT LAKE CITY  
 Phone: 801.265.0329  
 LAYTON Phone: 801.547.1100  
 TOOELE Phone: 435.860.9433  
 CEDAR CITY Phone: 435.866.2983  
 RICHFIELD Phone: 435.866.2983  
 169 North Main Street Unit 1  
 Tooele, Utah 84074  
 Phone: 435.843.3590  
 Fax: 435.578.0108  
 WWW.ENSGNENG.COM

**SHEET 1 OF 1**

PROJECT NUMBER: T1504A  
 MANAGER: J. KINSMAN  
 DRAWN BY: C. CARPENTER  
 CHECKED BY: D. BISHOP  
 DATE: 2019-08-01

**TOOELE COUNTY RECORDER**

RECORDED # \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE  
 REQUEST OF: \_\_\_\_\_

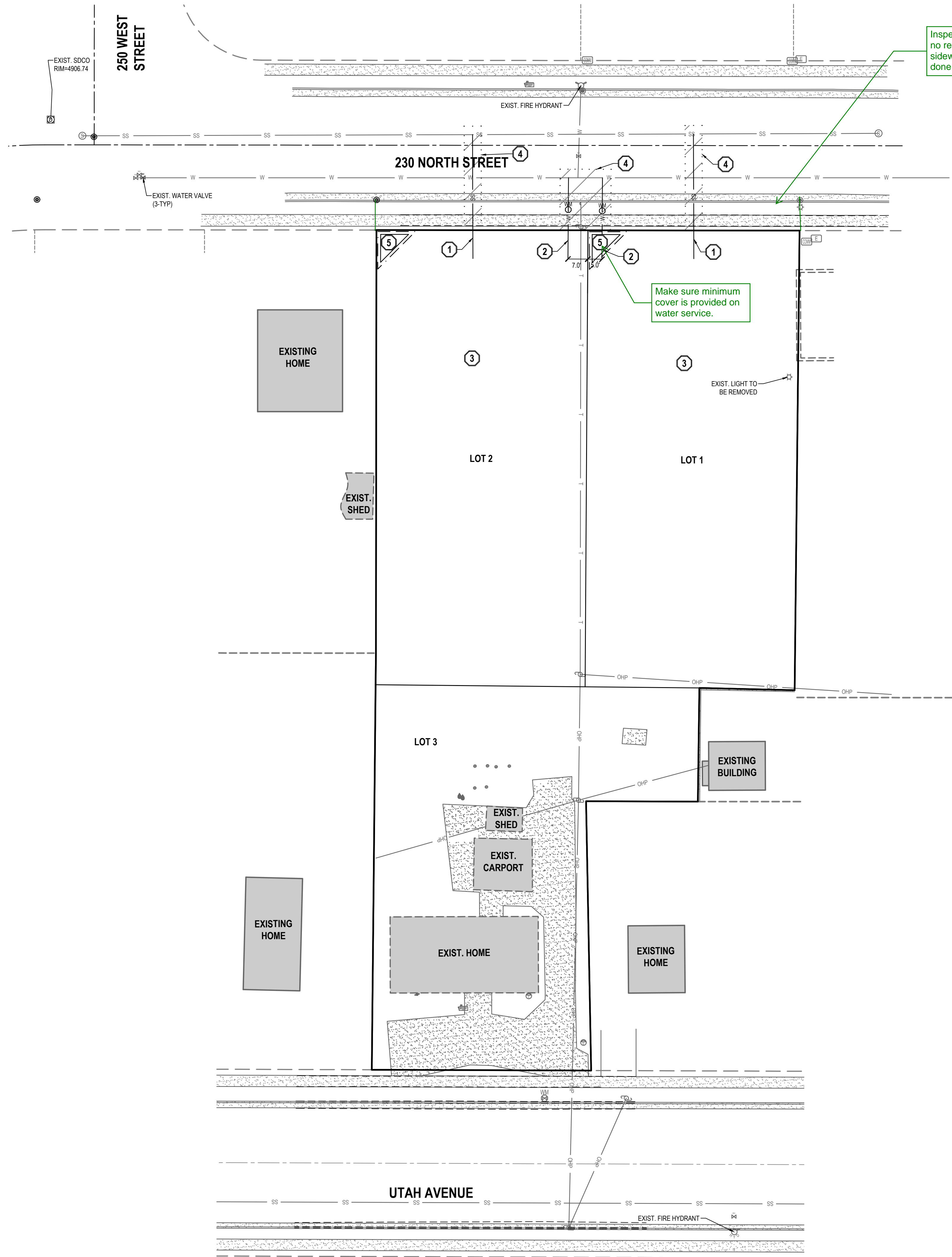
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

FEE \$ \_\_\_\_\_ TOOELE COUNTY RECORDER

**DEVELOPER**  
 KATHY HUNTER  
 240 WEST UTAH AVE.  
 TOOELE, UT 84074  
 KATHY HUNTER  
 435-849-2793

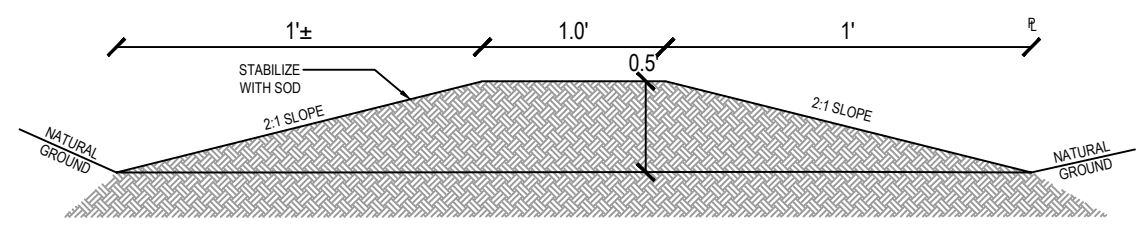


**BENCHMARK**  
 NORTHWEST QUARTER OF SECTION 38,  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SLB&M,  
 TOOELE CITY, TOOELE COUNTY, UTAH.  
 ELEV = 4812.13'

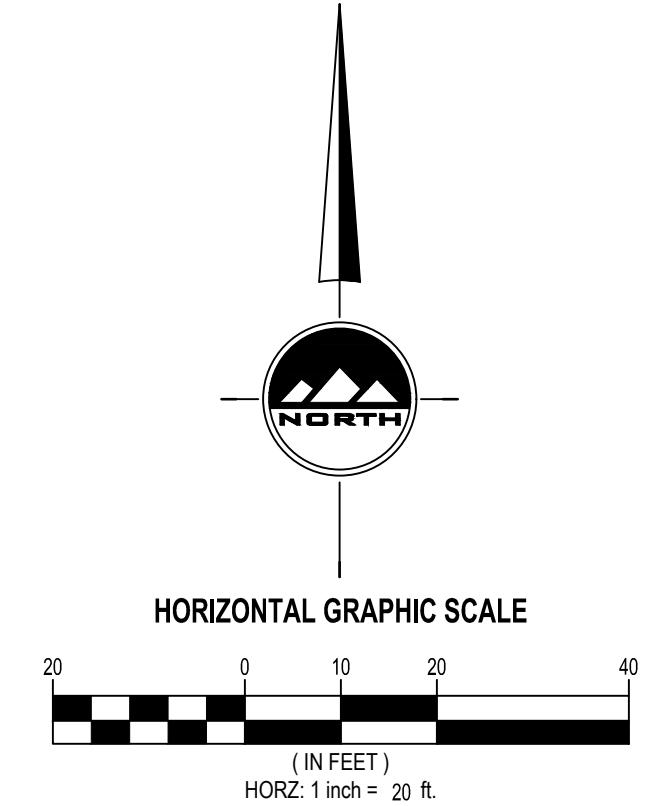


- GENERAL NOTES**
- ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
  - EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
  - ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY STANDARD PLANS AND SPECIFICATIONS.
  - ALL WATER INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
  - NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
  - DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
  - PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
  - THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
  - THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

- SCOPE OF WORK:**  
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- INSTALL 4" SANITARY SEWER SERVICE LATERAL @ 2.0% MINIMUM SLOPE PER APWA PLAN NO. 431, TYPICAL.
  - INSTALL 1" CULINARY WATER SERVICE AND METER TO TOOELE CITY STANDARDS, TYPICAL. SEE SHEET C-200.
  - STORM DRAIN RUN OFF TO BE CONTAINED ON INDIVIDUAL LOTS THROUGH GRADING.
  - SAW CUT, REMOVE AND PROPERLY DISPOSE OF EXISTING ASPHALT PAVEMENT, CONCRETE CURB AND GUTTER, AND CONCRETE SIDEWALK.
  - INSTALL RETENTION BERM SEE DETAIL ON THIS SHEET.



5 EARTH BERM SCALE: NONE



**TOOELE**  
 169 N. Main Street, Unit 1  
 Tooele, UT. 84074  
 Phone: 435.843.3590

**SALT LAKE CITY**  
 Phone: 801.255.0529

**LAYTON**  
 Phone: 801.547.1100

**CEDAR CITY**  
 Phone: 435.865.1453

**RICHFIELD**  
 Phone: 435.896.2983

**WWW.ENSIGNENG.COM**

FOR:  
 KATHY HUNTER  
 240 WEST UTAH AVE  
 TOOELE, UT

CONTACT:  
 KATHY HUNTER  
 PHONE: 435-849-2793

**HUNTER MINOR SUBDIVISION  
 FINAL DESIGN  
 240 WEST UTAH AVENUE  
 TOOELE, UTAH 84074**

*For Review*  
 08/01/2019 10:57:36 AM

**SITE PLAN /  
 UTILITY PLAN**

PROJECT NUMBER: T1504A PRINT DATE: 8/1/19  
 DRAWN BY: C. CARPENTER CHECKED BY: C. CHILD  
 PROJECT MANAGER: D. KINSMAN

**C-100**

**TOOELE CITY CORPORATION**

**RESOLUTION 2020-14**

**A RESOLUTION OF THE TOOELE CITY COUNCIL RATIFYING AND APPROVING A CONTRACT WITH PERFORMANCE AUDIO FOR AUDIO-VISUAL EQUIPMENT INSTALLATION.**

WHEREAS, Tooele City Hall was completed in May 2000, and is thus 20 years old, including the audio-visual equipment in the City Council chambers, which equipment is outdated, is not optimally functioning, and for which replacement parts are unavailable; and,

WHEREAS, Tooele City accepted a proposal dated February 7, 2020, for audio-visual upgrades, and the Mayor signed the same with the informal authorization of the City Council, which proposal became the contract (see the signed proposal/contract attached as Exhibit A); and,

WHEREAS, the amount of the contract is \$52,981.47, and must be ratified and approved by the City Council under Tooele City Code Section 1-5-10 because the contract claim exceeds \$20,000; and,

WHEREAS, the Mayor's signing of the contract was necessary to pay a 50% down payment to induce Performance Audio to purchase the necessary audio-visual equipment under the contract; and,

WHEREAS, the audio-visual upgrades are necessary to provide an acceptable public and employee experience for City Council meetings, Planning Commission meetings, City trainings, and other meetings and purposes, and are thus in the best interest of the City:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the February 7, 2020, contract with Performance Audio in the amount of \$52,981.47 is hereby approved, and that the Mayor's signature thereon is hereby ratified.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

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

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

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

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

SEAL

Approved as to Form:

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

## Exhibit A

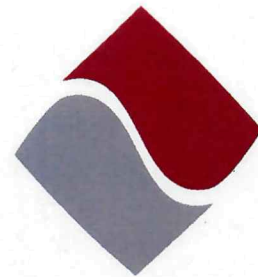
### Performance Audio Contract

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**Proposal**

**2020**

**Tooele City Council Chambers - A/V Streaming**



**PERFORMANCE**  
A U D I O

**Project Number: PERF-05547**

**Revision: 5**

**Presented By:**  
**Randy Barker**

Office: 801-485-5012 x320

[randy@performanceaudio.com](mailto:randy@performanceaudio.com)

2456 South West Temple,  
Salt Lake City, UT 84115

**System Design and Integration  
Division**

## OVERVIEW

---

This proposal addresses the Bid Request for Tooele City Council Chambers.

January 2020 Revision [notes in blue refer to substantial changes in the equipment in this revision.](#)

February 7, 2020 additional revisions to work and warranty to be noted under a [Pink](#) heading.

### Executive Summary

Installation of the Audio and Video systems in this proposal are based on recommendations of industry standards. Products are to be installed and configured according to manufactures' design and specifications.

It is the intent to upgrade the audio system by replacing the old microphones and using a Digital Sound Processor to balance etc. all audio inputs including but not limited to new microphones, computer devices (provided by city or others). The DSP will also record your meetings and you can distribute them to the authorized departments as determined by your IT department. [Tooele City will need to supply a new computer to do this, we did not include this in our price intentionally. The city should be able to purchase one cheaper on the state contract than what we can provide you one for.](#)

The switch allowing the ranking city council person to cut off all microphones but his own will be revised and will continue to work.

The audio microphone design provides two handheld wireless microphones and one lavalier. One system is a handheld only system and the second system will have a hand-held microphone, a body pack transmitter & lavalier. In the second system you may only use the handheld or the lavalier you may not use them together. This will give you a total of two wireless microphones in the room.

Existing speakers will be used, if they prove to provide poor sound quality they can be replaced in the future. We will re-zone the speakers to cut back on the feedback issue. Zone 1 main room, Zone 2 will be the two individual speakers above the council, and zone 3 will be the lobby speaker. This will be done at no additional cost to the city.

The Video systems upgrade proposes that the projector be replaced with newer technology with a clearer image with its main purpose being presentations. The projector is to have a laser light engine and will provide over 5000 lumens. The video screens are all to be replaced with HDMI technology screens that can be formatted to match the input device and what is showing on the screen. The video screen will work with in the limitations of the glass window in the desk ([monitors were changed out with this revision because we could not get the previously quoted monitor with HDMI](#)).

[Click Share was added to this revision and provides Air Play, Google Cast, in addition to USB wireless, other input devices.](#)

[This revisions video streaming section has been revised with different equipment. A Black Magic switcher and two PTZ cameras have been added allowing you to stream to your meeting. Specific choices have been made based on what we have done for other cities on what works well and what does not. This has increased the cost of the project and there are other options that can be discussed. The Extron device in this part of the proposal also can record the video for you. If you choose to cut this portion of the proposal you may still record the audio on the DSP. A camera with a 70-degree lens is provided for the room content and is to be placed at the back of the room by the entry door.](#)

This proposal does not include a video monitor for the lobby; however, it does include the audio.

Design Drawings are complete and can be provided upon the purchase of the system.

### Programming of Microphones and

Assumptions: Performance Audio must make some assumptions regarding the physical construction of customer's facility, availability of technical infrastructure and site conditions for installation. If any of the assumptions listed below are incorrect for your project or project site, please let your account executive know as soon as possible. Changes to the proposal to accommodate different assumptions may influence the price of equipment or services. To ensure that you have an accurate proposal based on your facility and specific to the

conditions of your project, please review these assumptions carefully:

- The Audio and Video systems installation to take place in an existing building where construction rough in and finished surfaces have been completed.
- Colors, finishes, and custom called out engravings of equipment specified are to be coordinated with the customer, consultant, and architect prior to any product being ordered.
- The system design includes cables running from rack locations to all proposed Input, Output, Display, and speaker locations.
- All equipment locations may require pathway's and conduit be installed for wire to be pulled through prior to AV system installation.
- Where conduits are required, installation of conduits must be completed, prior to Performance Audio beginning the installation.
- This system will require power within all AV rack locations.
- Equipment in the Podium is Power over Ethernet (PoE).
- Electrical work is beyond Performance Audio's scope for this project and must be carried out by another party prior to installation being complete.
- The jobsite shall be readily accessible between 9am and 6pm Monday- Friday.
- After hours, work will be coordinated with the city on a case-by-case basis.
- Parking for Performance Audio vehicles will be available on site (within 200' of project location)
- A location exists for on-site disposal of refuse during installation, including large boxes.
- The customer shall provide a Signed proposal to Performance Audio, and the deposit prior to equipment being ordered.

**Proposed Installation / Programming to meet Wednesday meeting schedule.**

- A- You provide us with a signed contract and the down payment as noted in the proposal.
- B- We order your equipment and bring it into our warehouse in Salt Lake City.
- C- We discuss what we believe the programming needs to be with you for the system
- D- Your equipment is set up in our pre-build area as though it were installed in your building
- E- Our engineers program the equipment to do what you need it to do.

**We will do the additional programming of the microphones and the two cameras at no additional cost.**

Microphones will be programmed so when button is pushed it puts that person in the cue to request to speak, the touch screen operator will grant that person permission to speak and the assigned camera for that microphone will move to that location. Operator of touch panel has permissions control.

F- We respectfully request you and your staff that may use or have influence on how the system is used then come to our location where we will show you your system working and walk you through how it is programmed. You then can request any programming changes at that point, and we will make those changes prior to the installation - this step is really important when we have to meet a deadline.

- G- Installation would be scheduled for Thursday, Friday, Monday, Tuesday
- H- Our engineers would be on site on Monday and Tuesday also if needed Wednesday.

**\*\*\* I- Although not in your price, we will at our cost, have an engineer on Wednesday night for your first event.**

Risks: While it is impossible to identify all risks for a project, the following items are potential risks associated with this project as determined by Performance Audio. These are not expected to become issues that will affect the project but are included to make customer aware of known risks. Please review these risks carefully:

- Long lead items such as projection screens, custom I/O plates, speakers, mixing consoles, and other custom to order parts, are expected to be ordered upon issuance of a signed contract and deposit from the City, and are NON-Returnable.
- Backordered equipment - all equipment specified for the initial design of this project is expected to be the current model number and available according to Manufactures' current 'stock.
- During the ordering process, any manufacturer may not have all products available for immediate shipment, which may result in a backorder. - Performance Audio will make all reasonable efforts to move the project forward without delays due to backordering but cannot be held responsible if any such delays occur.
- Beginning installation of AV system components prior to other trades work be completed, will cause delays in the installation time and project completion for the AV system, as installers may have to wait for other trades to finish their portion of the project.
- Installation of equipment prior to other trades being finished, may result in damaged or lost equipment.
- It is ill advisable to install any equipment associated with the AV systems prior to the site being cleaned.
- Delays in city provided deliverables, i.e. approved submittals, purchase orders, RFI's, change order approvals, and clarification of all questions related to the project, will create delays in project completion.



Constraints: The following items are understood to dictate any constraints of the project. If any of the constraints listed below are inaccurate for your project, or if constraints for your project exist that are not listed below (including any deadlines or scheduling issues, job site protocols, safety requirements, operating hours, etc.) please let your Account Executive know as soon as possible. Failure to advise of any constraints in advance may result in additional labor costs. To ensure that Performance Audio can properly fulfill this proposal, please review these constraints carefully:

- Colors, finishes, and custom called out engravings of equipment specified are to be coordinated and signed off on by the city prior to any product being ordered.
- Work shall not begin until third party contractors have completed work. i.e. Conduit and Electrical needs.
- Beginning installation of AV system components prior to other trades work being completed will cause delays in the installation time and project completion for the AV system, as installers may have to wait for other trades to finish their portion of the project, according to the specification documentation.
- Performance Audio prides itself on the timely and accurate installation of proposed systems. For us to accomplish our goal of providing you with the best solution possible, all work is to be performed during normal business hours, Monday- Friday 9 am to 6 pm.
- The city is responsible for providing access to the workspaces and an on-site contact to help answer any questions during the installation process.
- Specific installation schedule will be coordinated with the city.
- Delays in city provided deliverables, i.e. approved submittals, purchase orders, RFI's, change order approvals, clarification of all questions related to the project, and equipment provided by the city will create delays in project completion.
- Ordering of equipment shall not occur until approved submittals and contract with deposit from city are provided to Performance Audio.
- Change orders, and additional work requests shall be processed through the proper channels, prior to any equipment ordering and working being conducted.
- Delivery of equipment is expected in a 2 - 4 weeks

**Warranty Information:**

Warranties on the equipment; Are the manufactures warranties depending on the piece of equipment some are one year, and others may be more such as a two-year warranty. If you were to have issues with any equipment installed by us, we are happy to help you with the warranty process.

Warranty on our work; we have a one-year warranty, I have attached the warranty document that will be issued to you upon the completion of your project. Please read through the document.

Warranty agreement confirmation, Ints: \_\_\_\_\_ Performance Audio      Ints: DEW Tooele City

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# PERFORMANCE A U D I O

**Project:**

**Warranty Date:**

**Name:**

**Address:**

**City:**

**State,**

**Zip Code:**

This warranty covers the product and installation pertaining to the audio/video system(s) of the project listed above for a period of one (1) year from the date of completion (Warranty Date, shown above).

This warranty covers defects in manufacturing discovered while using the product as recommended by the manufacturer. It also includes parts & labor. However, possible freight charges may occur.

The warranty does not cover damage caused by:

- Abuse or misuse of components or product
- Damage resulting from new construction or any new installation
- Unsatisfactory results caused by reconfiguration of components
- Lightning or natural disasters
- Parts that are subject to normal wear and tear
- Changing of settings from original set up
- Improper Storage
- Pre-existing components

#### Limits of Liability

Should the product(s) fail, your sole recourse shall be repair or replacement, as described in the preceding paragraphs. We will not be held liable to you or any other party for any damages that result from the failure of this product. Damages include, but are not limited to, the following: lost profit, lost data, damage to other equipment. In no event will Performance Audio be liable for more than the amount of your purchase price, not to exceed the current list price of the product, and excluding tax, shipping and handling charges.

This warranty is extended to the owner named above and is not transferable.

Issued By:

Performance Audio L.L.C

2456 South West Temple, SLC, UT 84115 (801) 466-3196 (800) 771-8330, Fax (801)484-1538  
<http://www.performanceaudio.com>

Any changes or additional requests for service will result in a change order and will be billed separately.

This quote is good for 30 days.

Note that currently Tariffs may influence a price change that is out of our control.

Please contact Randy with any questions.



# Proposal

Qty	Description	Unit Price	Ext Price
<b>Replacement Microphones / Audio Upgrade</b>			
<p><i>Microphone I/O input for floor., Dual RJ45 input.            Replacement Microphones (Table) for Mayor and Council Members            ***Microphones programmed as outlined in executive summary at no cost to the city / Free Add.</i></p> <p><i>Re-zone existing speakers in room/ceiling.</i></p> <p><i>Core 110f Digital Sound Processor with table top touch screen control,            the DSP will also record the meetings audio.            Core to be located in Main Rack</i></p> <p><i>Click Share was added to this revision and provides Air Play, Google Cast, in addition to USB wireless, other input devices.</i></p>			
150	<b>Generic 16 AWG 225 GY</b> West Penn 225 2-Conductor 16 Gauge Cable	\$0.52	\$78.00
50	<b>Generic RG-6 CBL</b>	\$0.29	\$14.50
1	<b>Hewlett-Packard HPE2530-24G-POE</b> 2530-24G POE+ port switch	\$631.58	\$631.58
1	<b>Non-Specified Item - TBD Speakers - Ceiling 1ea</b> [OFE] - Lobby / Foyer Speaker to be in its own Zone		
1	<b>Non-Specified Item - TBD Speakers - Ceiling 2ea</b> [OFE] - 2 Located over City council front of Room to be in their own zone		
1	<b>Non-Specified Item - TBD Speakers - Ceiling multi</b> [OFE] - All speaker located over the Public seating to be in one zone		
1	<b>Performance Audio Lot Hardware</b> Misc Hardware for Installation:	\$250.00	\$250.00
1	<b>QSC Core 110f</b> Flex channel DSP appliance	\$2,700.00	\$2,325.00
1	Performance Audio DSP Programming		
1	QSC SL-QSE-110-P Q-SYS Core 110 Scripting Engine Software License, Perpetual	\$250.00	



# Proposal

Qty	Description	Unit Price	Ext Price
1	QSC SL-QUD-110-P Q-SYS Core 110 UCI Deployment Software License, Perpetual	\$125.00	
1	<b>QSC CXD4.3Q</b> CXD-Q series network audio amplifier 625 watt/channel at 4 ohm continuous, 1600 watt/channel burst	\$2,325.00	\$2,325.00
1	<b>QSC TSC-80TW-G2</b> Touch Screen Controller wth table top accessory	\$1,466.67	\$1,466.67
1	<b>Shure A400XLR</b> Quick Release XLR Insert Adapter for use with A400SM Shock Mount	\$18.75	\$18.75
1	<b>Shure MX418/C</b> Attached XLR Preamp, Shock & Flange Mount, Snap-Fit Foam Windscreen	\$180.97	\$180.97
13	<b>Shure MX418D/C</b> Desktop gooseneck cardioid microphone with programmable switch, LED indicator and snap-fit foam windscreen, 18"	\$223.15	\$2,900.95
1	<b>Shure SLX 24/SM58-G5</b> Handheld Wireless System Receiver & SM58 Handheld Microphone	\$478.13	\$478.13
1	<b>Shure SLX124/85/SM58-G5</b> Shure SLX124/85/SM58 Wireless Microphone System Includes: Bodypack Transmitter, Diversity Receiver, Lavalier Microphone, Handheld wireless Microphone.	\$729.23	\$729.23
1	<b>Shure UA844+SWB</b> Shure UA844SWB Signal Splitter/Amplifier	\$473.75	\$473.75
2	<b>Shure UA8-518-578</b> 1/2 Wave omnidirectional receiver antenna	\$26.25	\$52.50
300	<b>West Penn Cat 6</b> Cat 6 cable. 4 pair of 23 AWG.	\$0.19	\$56.25
475	<b>West Penn Contract Mic Wire</b> 2 Conductor, 22 AWG mic wire.	\$0.10	\$48.07
	<b>Equipment Rough-In/Installation Labor</b>		\$4,001.25 *



# Proposal

Qty	Description	Unit Price	Ext Price
	Replacement Microphones / Audio Upgrade Equipment Sub Total:		\$12,404.35
	Replacement Microphones / Audio Upgrade Labor Sub Total:		\$4,001.25
	* Items Included In Labor Sub Total		
	<b>Replacement Microphones / Audio Upgrade Sub Total:</b>		<b>\$16,405.60</b>

Qty	Description	Unit Price	Ext Price
<b>Projector &amp; Video System</b>			
<p><i>Projectors and Video technology have changed to a current standard for best picture quality to HDMI.</i></p> <p><i>In this design I have located a projector that will work with your screen and provide a lumen output providing clarity for script and for video. The standard lens for this projector should be fine.</i></p> <p><i>Monitors that will work for the space allowed as built are in this design.</i></p> <p><i>The Visionary and Extron equipment is used to distribute the HDMI to all of the monitors, projector, etc.</i></p>			
1	<b>Atterotech unAIO2x2+</b> 2x2 Channel AES67 I/O Interface, PoE or 24VDC	\$500.00	\$500.00
1	<b>Barco Barco Clickshare CSE-200</b> AV Source	\$1,580.00	\$1,580.00
	1 Non-Specified Item - TBD Device Rack Mounting Hardware	\$60.00	
24	<b>C2G 15ft HDMI</b> 15 Feet high speed HDMI cable with ethernet	\$9.98	\$254.53
3	<b>Extron DA6 HD 4K</b> DA HD 4K series six output HDMI distribution amplifier	\$743.75	\$2,231.25
1	<b>Neutrik NAHDMI-W-B HDMI Passthrough</b>	\$10.88	\$10.88
2	<b>Neutrik NE8FDP</b> RJ45 feedthrough receptacle, D-shape metal flange with the latch lock	\$7.93	\$15.86
1	<b>Panasonic PT-RZ570W</b> 5,400 Lumen WUXGA laser projector, white color 1.46 to 2.94:1 Throw Ratio	\$3,436.25	\$3,436.25
1	<b>Performance Audio Lot Hardware</b> Misc Hardware for Installation:	\$250.00	\$250.00
13	<b>Pro Grade Beetronics 15HD2</b> 15 inch monitor 1920x1080	\$343.85	\$4,470.05
200	<b>Pro Grade Cat 6</b> Cat 6 cable. 4 pair of 23 AWG. BLUE	\$0.30	\$60.00



# Proposal

Qty	Description	Unit Price	Ext Price
2	<b>Visionary Solutions Duet Decoder</b> 4k 1Gbps Streaming Transceiver w/ 2 HDMI In, 1 HDMI Out	\$993.75	\$1,987.50
1	<b>Visionary Solutions Duet Encoder</b> Network Video Transceiver	\$993.75	\$993.75
	1 Performance Audio Device Configuration Setup of device including IP address and basic settings		
	1 Performance Audio Device Control Video Endpoint Programming to route video endpoint to display(s)		
2	<b>Visionary Solutions Duet Encoder</b> Network Video Transceiver	\$993.75	\$1,987.50
470	<b>West Penn Cat 6</b> Cat 6 cable. 4 pair of 23 AWG.	\$0.19	\$88.16
10	<b>West Penn Contract Mic Wire</b> 2 Conductor, 22 AWG mic wire.	\$0.10	\$1.01
	<b>Equipment Rough-In/Installation Labor</b>		\$2,888.25 *

Projector & Video System Equipment Sub Total:	\$17,926.74
Projector & Video System Labor Sub Total:	\$2,888.25
* Items Included In Labor Sub Total	
<b>Projector &amp; Video System Sub Total:</b>	<b>\$20,814.99</b>



# Proposal

Qty	Description	Unit Price	Ext Price
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**Streaming Equipment**

*This has been upgraded to meet additional requests.*

*The Extron SMP 351 3G-SDI will also provide you with a video recording capability.*

*We have added an Extron four input switch and two PTZ 20 x 60 Cameras*

*\*\*\*Cameras programmed as outlined in executive summary at no cost to the city / Free Add*

1	<b>Black Magic ATEM Production Studio 4K</b> Black Magic Switcher 1 Performance Audio Device Control Programming Programming labor for standard device control	\$1,605.88	\$1,605.88
1	<b>Extron SMP 351 3G-SDI</b> H.264 Streaming media processor, standard version	\$3,743.75	\$3,743.75
300	<b>Pro Grade 25841</b> West Penn 25841 - RG-11 Coaxial Cable	\$0.20	\$60.00
100	<b>Pro Grade Cat 6</b> Cat 6 cable. 4 pair of 23 AWG. BLUE	\$0.30	\$30.00
2	<b>QSC PTZ 20x60</b> 12x Optical Zoom, 72° - 6.9° Horizontal Viewing Angle Video Conferencing Camera 2 Performance Audio Device Configuration Setup of device including IP address and basic settings	\$3,750.00	\$7,500.00
100	<b>West Penn Cat 6</b> Cat 6 cable. 4 pair of 23 AWG.	\$0.19	\$18.75

**Equipment Rough-In/Installation Labor** \$2,802.50 \*

Streaming Equipment Equipment Sub Total: \$12,958.38

Streaming Equipment Labor Sub Total: \$2,802.50

\* Items Included In Labor Sub Total

**Streaming Equipment Sub Total: \$15,760.88**





# Proposal

## Project Summary

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<b>Equipment:</b>	<b>\$43,289.47</b>
<b>Rough-In Labor:</b>	<b>\$2,299.25</b>
<b>Installation Labor:</b>	<b>\$4,092.75</b>
<b>Programming/Configuration Labor:</b>	<b>\$1,920.00</b>
<b>Pre-Build Labor:</b>	<b>\$1,380.00</b>
<b>Grand Total:</b>	<b>\$52,981.47</b>

Pricing valid until 3/8/2020  
Price does not include taxes

*This proposal includes a 3% cash or check discount. Payments made with a credit card will incur a credit card fee of 3% per transaction*

<b>Payment Schedule</b>	<b>Amount</b>	<b>Percent</b>	<b>Anticipated Date</b>
50% Down with Order	\$26,490.74	50%	TBD
Equipment Arrival/Warehousing	\$10,596.29	20%	TBD
Progress Billing	\$13,245.37	25%	TBD
Final Completion	\$2,649.07	5%	TBD



## Terms and Conditions

This Master Product Installation Agreement (the “**Agreement**”) is between Performance Audio, LLC, a Utah limited liability company (DBA GTS - General Theatrical Supply) (“**Performance Audio**”) and \_\_\_\_\_ (“**Customer**”) and is effective as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the “**Effective Date**”) (Performance Audio and Customer each individually a “**Party**” and collectively, the “**Parties**”).

### 1. PRODUCT AND INSTALLATION SERVICES.

- 1.1. Product Purchases.** Customer shall purchase from Performance Audio and Performance Audio shall deliver to Customer the products described in this proposal pursuant to the terms and conditions of this Agreement. Any additional products requested or ordered by Customer for this project after the date hereof shall be purchased by Customer pursuant to and subject to the terms and conditions of this Agreement as Products.
- 1.2. Installation Services.** Customer has purchased certain Products from Performance Audio and hereby engages Performance Audio to perform the installation services as described in this proposal. Performance Audio agrees to perform the Installation Services in a professional and workmanlike manner in substantial compliance with the proposal and any written plans accepted by Performance Audio in writing. Performance Audio shall use its commercially reasonable efforts to provide the Installation Services according to the time schedule provided in the proposal.
- 1.3. Customer Product and Installation Specifications.** For installations associated with new construction, a full set of plans must be provided prior to providing any Installation Services, Customer shall deliver to Performance Audio Customer’s plans and specifications regarding all specified Products and Installation Services as well. For installations in existing structures, Customer shall provide plans and drawings at the request of Performance Audio but only to the extent such plans and drawings are available to Customer. All specifications shall be sufficiently complete, detailed and accurate to allow Performance Audio to effectively identify appropriate Products and provide the Installation Services. Customer acknowledges that these specifications and plans are relied upon by Performance Audio to provide the Products and Installation Services and their accuracy and completeness are essential to the success of the Installation Services and the function of the Products. Customer agrees to defend, indemnify and hold harmless Performance Audio for any loss or damage to the real property that may reasonably occur in provision of the Product and Installation Services in compliance with the specifications provided by Customer.



# Proposal

**1.4. Modifications to Specifications.** Any changes to the specifications by Customer ("Change Orders") shall be delivered to Performance Audio in writing and accepted by Performance Audio prior to the Delivery of any additional installation services or products not otherwise identified herein. If Change Orders are requested by Customer in writing and accepted by Performance Audio while the Installation Services are in process, Performance Audio will use its best efforts to implement the new or modified specifications and Customer agrees to pay any additional costs attributable to the Change Orders including but not limited to labor, materials, shipping costs and re-stocking fees as applicable.

In the event Customer or any of its representatives, agents or employees orally requests Performance Audio to provide additional installation services or products not otherwise identified herein, and in the event Performance Audio provides such orally requested installation services or products without requiring a written Change Order, Customer agrees to be bound by such requests and to pay for any charges, invoices or other costs associated with any oral request(s) for installation services or products which are provided by Performance Audio in response to an oral request by Customer. Unless Customer identifies its authorized agents in writing, Customer agrees that any employee, contractor or agent of Customer may request Change Orders and orally request changes to the scope of Installation Services and add products in addition to those specified herein and Customer agrees to pay for all such modifications.

In the event Performance Audio chooses to provide Installation Services and/or Products in response to an oral request by Customer, that decision may not be construed as a general waiver of any requirements set for herein or any right of Performance Audio thereafter to exercise its right to require written Change Orders for future change order requests by Customer.

**1.5. Permits or Authorizations.** Customer agrees to apply for and obtain all required permits, if any, and pay all fees and assessments associated therewith.

**1.6. Subcontractors.** Performance Audio may engage subcontractors to perform the Installation Services, provided that Performance Audio will continue to be responsible for performing all Installation Services pursuant to this Agreement. All work for which licenses are required shall be performed by insured, licensed (where a license is required) and authorized subcontractors and Performance Audio and its subcontractors will maintain valid and appropriate workers compensation coverage.

## 2. DESIGN SERVICES.

**2.1. Errors in Design.** Performance Audio may provide un-paid design services which include equipment specification, connectivity drawings, floor plan layouts, and other design related materials. Customer acknowledges and agrees that these design services are provided as a best effort to meet the needs of the Customer and to hold harmless Performance Audio for any such errors in design.

**2.2. Functionality of Design.** The Customer is responsible to understand the scope of work, drawings, and other design related materials. Customer is also responsible to ensure the design has address all of their expectations pertaining to the specified project.

**2.3. Resolution of Design Discrepancies.** Upon receipt of written notification, Performance Audio will work through design modifications with the Customer including possible exchange of equipment and/or additional labor. Design discrepancies are to be handles as a Change Order as defined in this agreement.

## 3. SITE CONDITIONS.

**3.1. Hours of Access.** Customer shall provide Performance Audio with access to the worksite between the hours of 8am and 8pm Monday through Friday unless otherwise specified. Any restrictions to these hours must be specified by the Customer in writing prior to the beginning of the installation service. Customer agrees to pay for any additional trip charges, and hold Performance Audio harmless for any project completion delays that may result from such limited site access.

- 3.2. Other Trades.** Performance Audio understands projects are sometimes delayed and will work with and around other trades as possible. Customer agrees to the time requirements as set out in this proposal and agrees to pay overtime costs if sufficient time is not provided and Customer does not extend the project completion date. Delays due to site conditions not being ready for Performance Audio's installation service may result in project completion deadlines not being met. The Customer will hold harmless Performance Audio for any such delays and agrees additional travel-related costs including but not limited to lodging, mileage, travel time, per diem, etc... will be added to the final invoice.
- 3.3. Climate Controls.** If the jobsite has climate controls, the Customer shall ensure climate control is active during the installation service.
- 3.4. Parking.** Performance Audio requires parking within 300' of the nearest building entrance of the jobsite for one work truck requiring 9' vertical clearance and parking for other vehicles as necessary. The Customer agrees to notify Performance Audio of any parking restrictions prior to the installation service. Parking costs and additional labor charges Performance Audio incurs due to parking limitations are agreed to be paid in full by the Customer as additional costs and expenses.
- 3.5. Facilities.** Customer agrees to provide on-site 120VAC power sufficient for operating tools and other equipment as necessary and on-site restroom facilities for use by Performance Audio staff as needed.
- 3.6. Customer/Owner Furnished Equipment.** Customer furnished equipment must be made available to Performance Audio for pre-testing and on-site for installation at agreed upon times. Customer agrees to indemnify, defend and hold harmless Performance Audio for any delays, injuries, failures or other problems caused by owner furnished equipment. Performance Audio does not warrant owner furnished equipment. Time and materials Performance Audio is required to expend troubleshooting, repairing, shipping, and replacing any defective owner furnished equipment are agreed to be paid at standard rates by the Customer as additional costs and expenses.

#### 4. CUSTOMER PAYMENTS.

- 4.1. Product and Installation Price.** Customer shall pay to Performance Audio in consideration of the Products and all Installation Services the total price as set forth in this proposal, together with payment for any and all Change Orders or other charges described herein (the "Installation Price"). Unless otherwise set forth in the Payment Schedule, the Customer shall pay Performance Audio 50% of the installation price prior to ordering equipment and the remaining 50% of the Installation Price, all Change Orders, and other charges upon substantial completion of the Installation Service.
- 4.2. Interest and Re-stocking fees.** Customer agrees to pay interest at the rate of 1.5% per month compounded monthly on all past due amounts Customer is obligated to pay in accordance with this Agreement. In the event Customer returns or rejects Products specified in this Agreement, Customer agrees to pay a re-stocking fee of at least 15% on all unopened new Products and at least 25% on all opened products. Performance Audio is not obligated to accept any returns and retains sole and exclusive discretion to accept returns. There will be no refunds of any charges for Installation Services regardless of whether or not the Installation Services are related to returned or rejected Products.
- 4.3. Change Orders.** The Customer and Performance Audio may mutually agree during this Agreement to modify the Installation Services as described above. Customer agrees to pay the costs associated with any and all Change Orders, as reasonably determined by Performance Audio. 50% of fees for Change Orders shall be paid in advance by Customer where timing allows and the remaining balance due upon substantial completion or as invoiced by Performance Audio if so agreed to by the parties.
- 4.4. Concealed or Unknown Conditions.** Customer acknowledges and agrees that additional products and/or labor may be necessary to complete the Installation Services due to concealed or unknown conditions, including but not limited to broken conduit, cable path limitations, inaccessible areas, existence of asbestos, etc... due to concealed or unknown site conditions. Performance Audio will notify Customer in writing of any and all concealed or unknown conditions upon discovery and recommend a course of action to complete installation service. Products not able to be installed due to concealed or unknown conditions will be subject to interest and restocking fees.



# Proposal

- 4.5. Taxes.** All payments under this Agreement are exclusive of all use and/or any other taxes or duties (collectively, "Taxes"). Customer is responsible for all Taxes due and paid in connection with product sales or services provided as part of the Installation Services pursuant to this Agreement, and the transactions contemplated hereby. Customer shall promptly reimburse Performance Audio for any and all Taxes that Performance Audio may be required to pay in connection with this Agreement, or the transactions contemplated hereby, except for Taxes payable on Performance Audio's net income. Upon request, each Party will provide the other Party with written documentation, including but not limited to copies of receipts, of any and all Taxes paid in connection with this Agreement. If Customer contends that it is exempt from the payment of any Taxes, Customer will supply Performance Audio with appropriate tax exemption certificates and/or other appropriate documentation in a form satisfactory to Performance Audio prior to implementation.
- 4.6. Late Payments.** All payments by customer are due as set forth herein, on the invoice or within 30 days of the invoice date if no due date is specified, whichever is sooner. Any amounts not timely paid shall accrue interest at the rate of 1.5% per month (18% per annum), compounded monthly until paid.
- 4.7. Lien Rights.** Customer acknowledges and agrees that pursuant to Utah law some or all of the Installation Services may grant to Performance Audio certain lien rights in the real property at which the Installation Services are provided. Customer accepts this Agreement as preliminary notice of Performance Audio's lien rights, and agrees that, in the event of non-payment or partial payment by Customer, Performance Audio may file and record a mechanics' lien on the real property where the Installation Services are provided. To the extent this Agreement involves work on governmental or municipal projects or public buildings which are subject to performance bonds, Customer shall and hereby agrees to provide a complete copy of the performance bond and any related insurance policies to Performance Audio prior to commencement of Performance Audio's work.
- 4.8. Security Interest and UCC-1 Filing.** Customer grants to Performance Audio a purchase money security interest in and to the Products to secure payment for all charges set forth in in this proposal. Customer hereby authorizes Performance Audio to file a UCC-1 Financing Statement covering the Products as collateral to secure payment for all charges for which Customer is responsible under the terms of this Agreement. The UCC-1 Financing Statement may list Customer and any Guarantor as the debtor and all of the Products as collateral.

## 5. TERM AND TERMINATION.

- 5.1. Term.** This Agreement commences on the Effective Date above and shall continue until completion of the Installation Services and payment by Customer hereunder, or until otherwise terminated as provided for herein.
- 5.2. Voluntary Termination.** Either Party may terminate this Agreement for any reason (or no reason) by providing written notice to the other Party at any time.
- 5.3. Payment for Installation Services on Termination.** Termination of this Agreement shall not in any way relieve Customer from its obligation to pay for all Product and Installation Services delivered by Performance Audio or in-process at the time of termination and ultimately delivered to Customer by Performance Audio. Payment for Customer Products delivered by Performance Audio after termination shall be under the same terms as otherwise set forth herein.
- 6. DISCLAIMER OF WARRANTIES.** EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES EXPRESSLY PROVIDED IN THIS AGREEMENT, PERFORMANCE AUDIO SPECIFICALLY DISCLAIMS ANY WARRANTY, EXPRESS OR IMPLIED, BY OPERATION OF THE LAW, STATUTORY OR OTHERWISE, AND SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES INCLUDING BUT NOT LIMITED TO THE WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE INSTALLATION SERVICES.

## 7. GENERAL.

- 7.1. Relationship. No Third-Party Beneficiaries.** This Agreement does not create any partnership, agency, employment, or joint venture relationship and neither Party has authority to create any obligation on behalf of the other. The Parties do not intend, nor shall any clause be interpreted, to create under this Agreement any obligations, benefits or rights to or from any third party.
- 7.2. Assignments.** Without limiting Performance Audio's right to subcontract as provided for herein, this Agreement may not be assigned without the other Party's prior written consent.
- 7.3. Severability.** If any provision of this Agreement is held to be inconsistent with any present or future law, ruling, rule or regulation of any court or governmental authority, such provision shall be deemed to be rescinded or modified to the minimum extent necessary to comply with such law, ruling, rule or regulation, and the remainder of this Agreement shall not be affected thereby.
- 7.4. Entire Agreement.** This Agreement constitutes the complete and entire agreement of the Parties and supersedes all previous and contemporaneous agreements, oral or written, and all other communications relating to the subject matter hereof. This Agreement may be modified only in a writing signed by both Parties' authorized representatives. All Schedules attached hereto are incorporated herein.
- 7.5. Force Majeure.** If either Party is prevented from fulfilling its obligations under this Agreement by reason of any event beyond its reasonable control, that Party will promptly give written notice of this to the other Party and will make commercially reasonable efforts to resume its performance.
- 7.6. Governing Law.** This Agreement is governed by the laws of the State of Utah, without regard to its conflicts of laws principles. The Parties submit to the non-exclusive personal jurisdiction and venue of the federal and state courts located in or having jurisdiction over Salt Lake County, Utah.
- 7.7. Attorneys' Fees and Costs.** If either Party breaches this Agreement, the non-breaching Party shall be entitled to recover from the breaching Party all of the non-breaching Party's costs, including without limitation attorneys' fees, incurred by the non-breaching Party in enforcing the terms of this Agreement or in collecting any amounts due hereunder.
- 7.8. Waiver.** No failure to exercise, or delay in exercising any right under or arising out of this Agreement shall operate as a waiver, except as provided herein, nor shall any single or partial exercise of any such right preclude the exercise of any other right.
- 7.9. Counterparts.** This Agreement may be executed in a number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
- 7.10. Survival.** The Parties agree that where the context of any provision indicates the intent that it shall survive the Term or termination of this Agreement, then it shall survive the same.
- 7.11. Notices.** All notices which may be given in connection with this Agreement shall be sent by either Party to the other Party at the addresses below by U.S. Certified Mail, return receipt requested, or by tracked overnight courier service, or confirmed electronic mail receipt.



# Proposal

## Contacts

<p><b>Customer:</b></p> <p>Name: <b>Shilo Baker</b>  Address: <b>90 North Main street  Tooele, Utah 84074</b></p> <p>Phone: <b>435-843-2104</b>  Email: <b>shilob@tooelecity.org</b></p>	<p><b>Accounts Payable information:</b></p> <p>Name: <b>Shilo Baker</b>  Address: <b>90 North Main Street  Tooele, Utah 84074</b></p> <p>Phone: <b>435-843-2104</b>  Email: <b>shilob@tooelecity.org</b></p>
<p><b>Performance Audio, LLC:</b></p> <p>Name: <b>Randy Barker</b>  Address: <b>2456 S West Temple  Salt Lake City, Utah, 84115</b></p> <p>Phone: <b>801-485-5012 x320</b>  Email: <b>randy@performanceaudio.com</b></p>	

I Debra E. Winn (printed) am authorized by Tooele City to make purchasing decisions and have read and understand this proposal and verify the functionality and aesthetic properties of the equipment to be acceptable. I agree to this proposal in full and am authorizing Performance Audio to proceed with ordering the above listed equipment. Any equipment ordered for this project will be subject to cancellation and/or restocking fees.

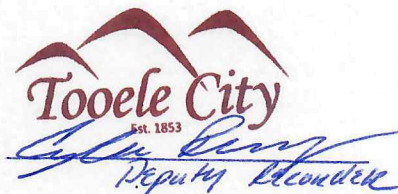
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and executed by their duly authorized representatives.

PERFORMANCE AUDIO, LLC

CUSTOMER

By: \_\_\_\_\_

By: Debra E. Winn



Approved as to Form:

[Signature]  
Tooele City Attorney



# Proposal

## Contacts

<b>Customer:</b> Name: <b>Shilo Baker</b> Address: <b>90 North Main street</b> <b>Tooele, Utah 84074</b>  Phone: <b>435-843-2104</b> Email: <b>shilob@tooelecity.org</b>	<b>Accounts Payable information:</b> Name: <b>Shilo Baker</b> Address: <b>90 North Main Street</b> <b>Tooele, Utah 84074</b>  Phone: <b>435-843-2104</b> Email: <b>shilob@tooelecity.org</b>
<b>Performance Audio, LLC:</b>  Name: <b>Randy Barker</b> Address: <b>2456 S West Temple</b> <b>Salt Lake City, Utah, 84115</b> Phone: <b>801-485-5012 x320</b> Email: <b>randy@performanceaudio.com</b>	

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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and executed by their duly authorized representatives.

PERFORMANCE AUDIO, LLC

CUSTOMER

By: [Signature]  
Install Dept Mgr.

By: Debra E. Wilson

**Tooele City**  
EST. 1853  
[Signature]  
Deputy Recorder

Approved as to Form:  
[Signature]  
**Tooele City Attorney**



Constraints: The following items are understood to dictate any constraints of the project. If any of the constraints listed below are inaccurate for your project, or if constraints for your project exist that are not listed below (including any deadlines or scheduling issues, job site protocols, safety requirements, operating hours, etc.) please let your Account Executive know as soon as possible. Failure to advise of any constraints in advance may result in additional labor costs. To ensure that Performance Audio can properly fulfill this proposal, please review these constraints carefully:

- Colors, finishes, and custom called out engravings of equipment specified are to be coordinated and signed off on by the city prior to any product being ordered.
- Work shall not begin until third party contractors have completed work. i.e. Conduit and Electrical needs.
- Beginning installation of AV system components prior to other trades work being completed will cause delays in the installation time and project completion for the AV system, as installers may have to wait for other trades to finish their portion of the project, according to the specification documentation.
- Performance Audio prides itself on the timely and accurate installation of proposed systems. For us to accomplish our goal of providing you with the best solution possible, all work is to be performed during normal business hours, Monday- Friday 9 am to 6 pm.
- The city is responsible for providing access to the workspaces and an on-site contact to help answer any questions during the installation process.
- Specific installation schedule will be coordinated with the city.
- Delays in city provided deliverables, i.e. approved submittals, purchase orders, RFI's, change order approvals, clarification of all questions related to the project, and equipment provided by the city will create delays in project completion.
- Ordering of equipment shall not occur until approved submittals and contract with deposit from city are provided to Performance Audio.
- Change orders, and additional work requests shall be processed through the proper channels, prior to any equipment ordering and working being conducted.
- Delivery of equipment is expected in a 2 - 4 weeks

Warranty information:

Warranties on the equipment; Are the manufactures warranties depending on the piece of equipment some are one year, and others may be more such as a two-year warranty. If you were to have issues with any equipment installed by us, we are happy to help you with the warranty process.

Warranty on our work; we have a one-year warranty, I have attached the warranty document that will be issued to you upon the completion of your project. Please read through the document.

Warranty agreement confirmation, Ints:      Performance Audio      Ints:      Tooele City

**TOOELE CITY CORPORATION**

**RESOLUTION 2020-13**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT WITH WASATCH ELECTRIC FOR SECURITY CAMERA INSTALLATION.**

WHEREAS, the security of Tooele City facilities is of paramount importance for the protection of the facilities and their contents, and for the safety of their occupants, and is in the best interest of Tooele City; and,

WHEREAS, Tooele City has constructed a new police station, the construction contract for which included security cameras; and,

WHEREAS, the City's contractor on the police station, Big-D, selected its subcontractors, including its security camera subcontractor Wasatch Electric, through a competitive process, which resulted in competitive pricing for the security camera installation; and,

WHEREAS, Wasatch Electric has submitted proposals for installation of security cameras at City Hall, the Oquirrh Hills Golf Course clubhouse, and the Pratt Aquatics Center on the same competitive pricing basis as for the police station; and,

WHEREAS, the agreement containing all three proposals, with a combined cost of \$63,501, is attached hereto as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the agreement (Exhibit A) with Wasatch Electric in the amount of \$63,501, is hereby approved, and that the Mayor is hereby authorized to sign the same.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

---



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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

---



---

ATTEST:

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

S E A L

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

## Exhibit A

### Wasatch Electric Agreement



## AGREEMENT

TOOELE CITY CORPORATION, a municipal corporation of the State of Utah, (hereinafter "City"), and WASATCH ELECTRIC of 2455 WEST 1500 SOUTH, SUITE A, SALT LAKE CITY, UT 84104, a(n) CORPORATION, (hereinafter "Contractor") enter into this Agreement on the \_\_\_ day of FEBRUARY, 2020 (the "Effective Date").

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

1. Services (Scope of Work). The Contractor shall provide the following services to the City:  
1). QUOTE#TD1905158 (REV2) TOOELE CITY HALL – VIDEO SURVEILLANCE (SEE ATTACHED SCOPE OF WORK & WARRANTY INFORMATION).  
2). QUOTE# TD1911333 (REV1) TOOELE CITY – OQUIRRH HILLS GOLF COURSE VIDEO SURVEILLANCE (SEE ATTACHED SCOPE OF WORK & WARRANTY INFORMATION).  
3). QUOTE#TC1911334 (REV2) TOOELE CITY – AQUATIC CENTER VIDEO SURVEILLANCE (SEE ATTACHED SCOPE OF WORK & WARRANTY INFORMATION).
2. Disclaimer of Right of Control. Contractor shall perform its duties competently. The City disclaims any right to control the Contractor's performance of the Services.
3. Compensation.
  - a. Rate. The City shall pay the Contractor the sum of \$63,501.00 for fully performing the Services, pursuant to invoice.
  - b. Total Cost Contract. This Agreement is a "Total Cost Contract". The contract Rate includes all costs and expenses associated with the provision of the Services.
  - c. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded City employees.
4. Term of Agreement. Contractor shall fully perform the Services by MARCH 31, 2020.
5. Termination. The City may terminate this Agreement at any time. Should the City terminate this Agreement prior to the Services being fully performed, the City shall pay for those Services performed.
6. Indemnification and Insurance.
  - a. Contractor Liability Insurance. Contractor shall obtain and maintain liability insurance in the amount of at least \$250,000.
  - b. Contractor Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims of liability for injury or damage caused by any act or omission of Contractor or its agents in performance of this Agreement.

- c. Contractor Workers Compensation Insurance. Contractor shall purchase and maintain workers compensation insurance for all of its employees. If Contractor is a sole proprietor, Contractor shall purchase and maintain workers compensation insurance or obtain an exclusion from Workers Compensation Fund of Utah.
  - d. Evidence of Contractor Insurance. Contractor shall provide written evidence of liability insurance and workers compensation insurance or exclusion to the City within ten (10) days of the Effective Date. The City will not make any payments under this Agreement until it receives from Contractor the evidence of insurance.
  - e. Status Verification Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims resulting from any violation of immigration status verification obligations contained in U.C.A. §63G-11-103 et seq.
  - f. Post-Retirement Release. Contractor shall release the City from all claims related to any alleged violation of State of Utah post-retirement employment rules, and shall complete and return to the City the attached certification and release.
7. Business License. Contractor shall obtain a Tooele City business license as required by Tooele City Code §5-1-1 *et seq.*
  8. Complete Agreement. This Agreement is the only agreement or understanding between the parties, and may be modified or amended only by a written document signed by both parties.
  9. Waiver of Jury Trial. The Parties irrevocably waive any and all right to trial by jury in any legal proceeding arising out of or relating to this contract and the transactions contemplated.

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

TOOELE CITY CORPORATION

CONTRACTOR

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

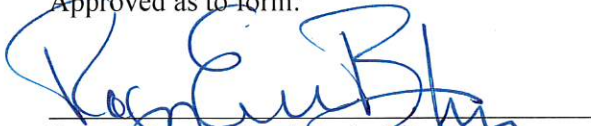
\_\_\_\_\_  
Signature  
Print Name/Title: \_\_\_\_\_

Attest:

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

SEAL

Approved as to form:

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



**Wasatch Electric**  
**Comtech Services**  
**An EMCOR Company**

Tyrel Holt  
Project Manager

**Wasatch Electric**  
2455 West 1500 South, Suite A  
Salt Lake City, UT 84104  
Phone: 801.487.4511  
Fax: 801.487.5032

February 5, 2020

Shilo Baker  
Tooele City  
[shilob@tooelecitecity.org](mailto:shilob@tooelecitecity.org)

Quote #: TD1905158 (Rev 2)  
Project: Tooele City Hall – Video Surveillance

Wasatch Electric's Comtech Services appreciates this opportunity to provide the following price.

<b>Scope of Work</b>
----------------------

Camera Cabling:

- Provide and install (1) Category 6 cable to (19) camera locations.
  - The cables will be ran in existing pathways and supports.
  - The cables will be home run to the Communications room on the associated floor.
  - The cables will be terminated to a Category 6 patch panel in an existing equipment rack in the Communications Rooms.
  - The cables will be terminated to Category 6 jacks housed in a surface mount box at the camera locations.
  - The cables will be labeled and tested.
- Provide and install (19) 3-foot Category 6 patch cables and (19) 5-foot Category 6 patch cables for the new IP camera system.

IP Cameras:

- Provide and install (1) 1080p IP network camera watching (3) access points on the second floor.
- Provide and install (1) 1080p IP network camera watching the elevator area on the second floor.
- Provide and install (1) 1080p IP network camera watching the entrance of the finance suite.
- Provide and install (1) 1080p IP network camera watching the entrance to the community development suite.
- Provide and install (2) 1080p IP network cameras watching opposite directions at the elevator area on the first floor.
- Provide and install (1) 1080p IP network camera at the back of the council room watching the front seating.
- Provide and install (2) 1080p IP network cameras at the front of the council room watching the general seating area.
- Provide and install (2) 1080p IP network cameras watching opposite directions at the elevator on the basement floor.
- Provide and install (2) 1080p IP network cameras watching down opposite hallways near the east stairwell on the basement floor.
- Provide and install (1) 5MP IP network camera at the main east entrance.
- Provide and install (1) 5MP IP network camera at the northeast corner of the building watching along the front of the fire station and the north employee parking area.
- Provide and install (1) 8MP multi-sensor IP network camera on the east side of the building watching the main parking area.
- Provide and install (1) 8MP multi-sensor IP network camera on the first floor near the receptionist's desk watching the three entrances to the building and the receptionist's desk.

Standalone Server and Software:

- Provide and install (1) Streamvault 40TB 2RU RAID 5 server with Genetec software preinstalled.
- Provide (1) Omnicast standard package which includes a maximum of (50) cameras, maximum of (5) clients and a maximum of (1) archiver.
- Provide (19) standard IP network camera licenses with (1) year of Genetec Advantage plan support.

Interior 5MP Cameras:

- Provide and install (15) 5MP IP network cameras in lieu of the (15) 1080p interior IP network cameras.

<b>Terms &amp; Assumptions</b>
--------------------------------

- All plywood backboards, boxes, conduits, power poles, cable tray, basket tray, other raceway necessary for proper cable routing, fire sealing/stopping, and the grounding system will be existing in place or provided and installed by others.
- This price does not include cabling or equipment for any other systems (e.g. fire alarm, communications, AV, paging, etc.)
- This price does not include a POE switch for the network cameras. This will be provided by the owner.
- This price includes a man lift for the exterior cameras.
- This price includes sales taxes.
- All work will be done during normal business hours.
- This price is valid for 60 days.
- Payment terms are Net 30 days from the invoice date.

<b>Pricing</b>
----------------

Price for the Camera Cabling as Detailed:	\$ 3,271.00
Price for the IP Cameras as Detailed:	\$ 17,286.00
Price for the Standalone Server and Software as Detailed:	<u>\$ 11,043.00</u>
<b>Total Price for the Video Surveillance System:</b>	<b>\$ 31,600.00</b>

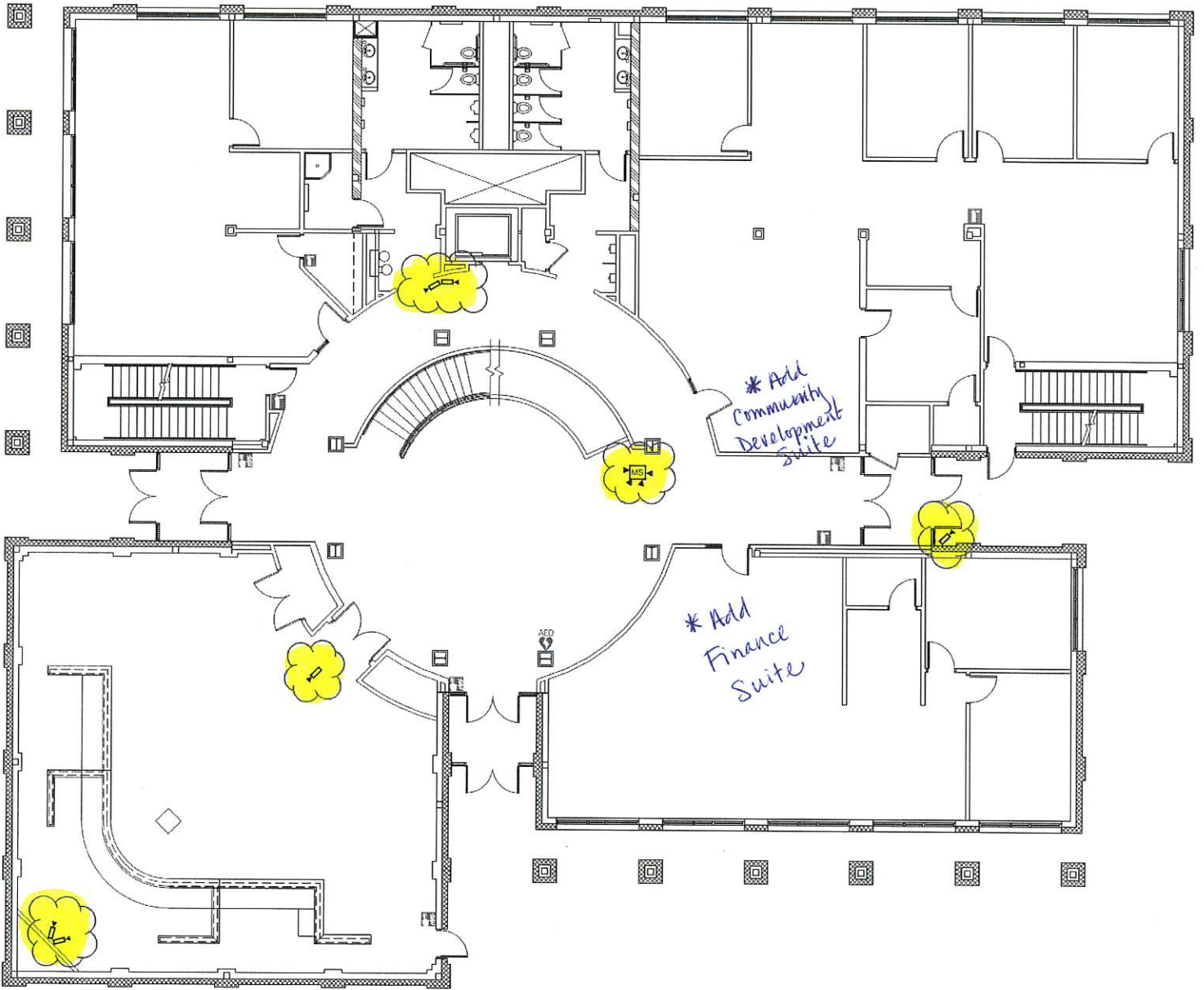
Adder Price for the Interior 5MP Cameras:	add	\$ 4,075.00
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Best Regards,

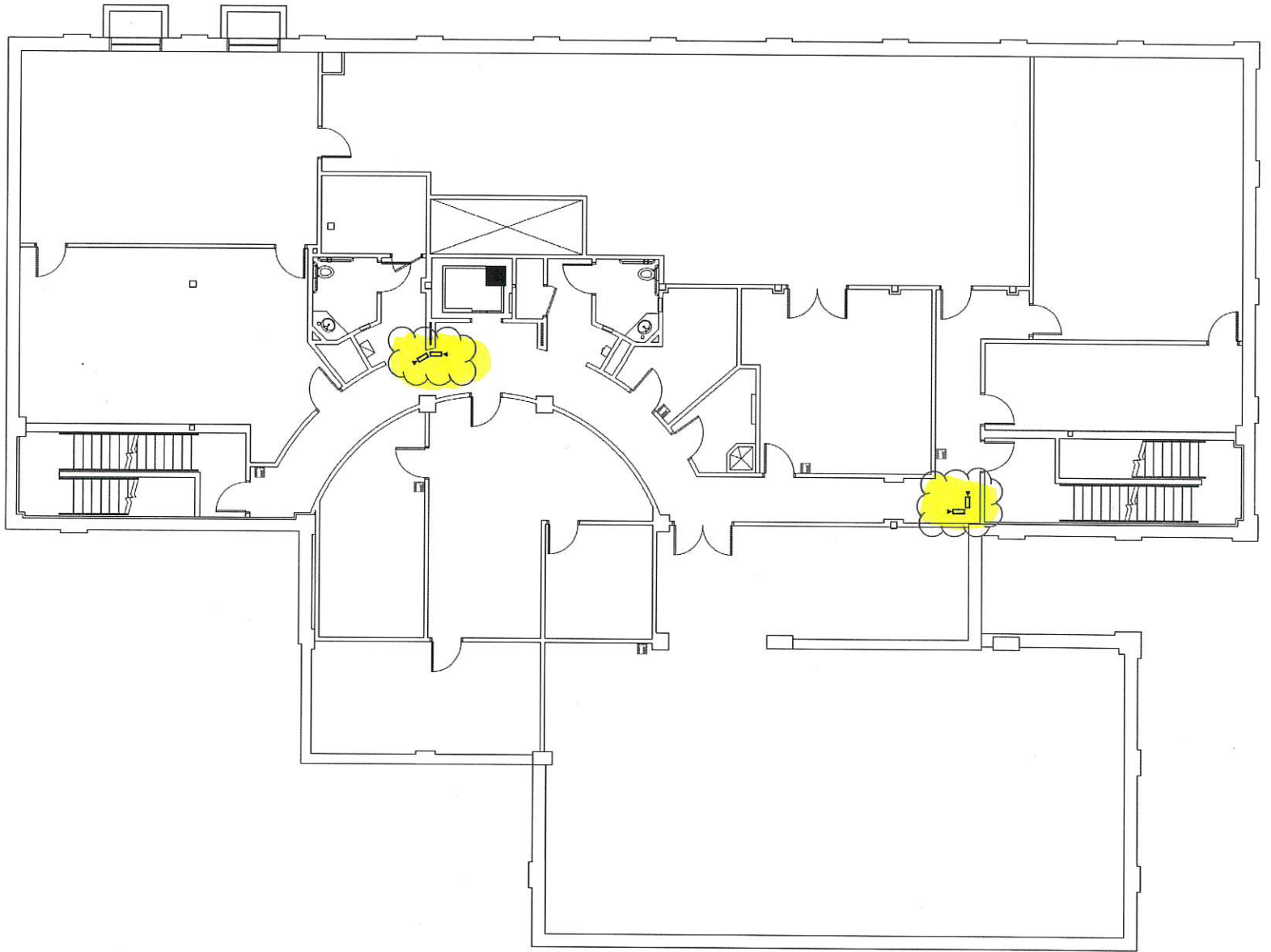


Tyrel Holt

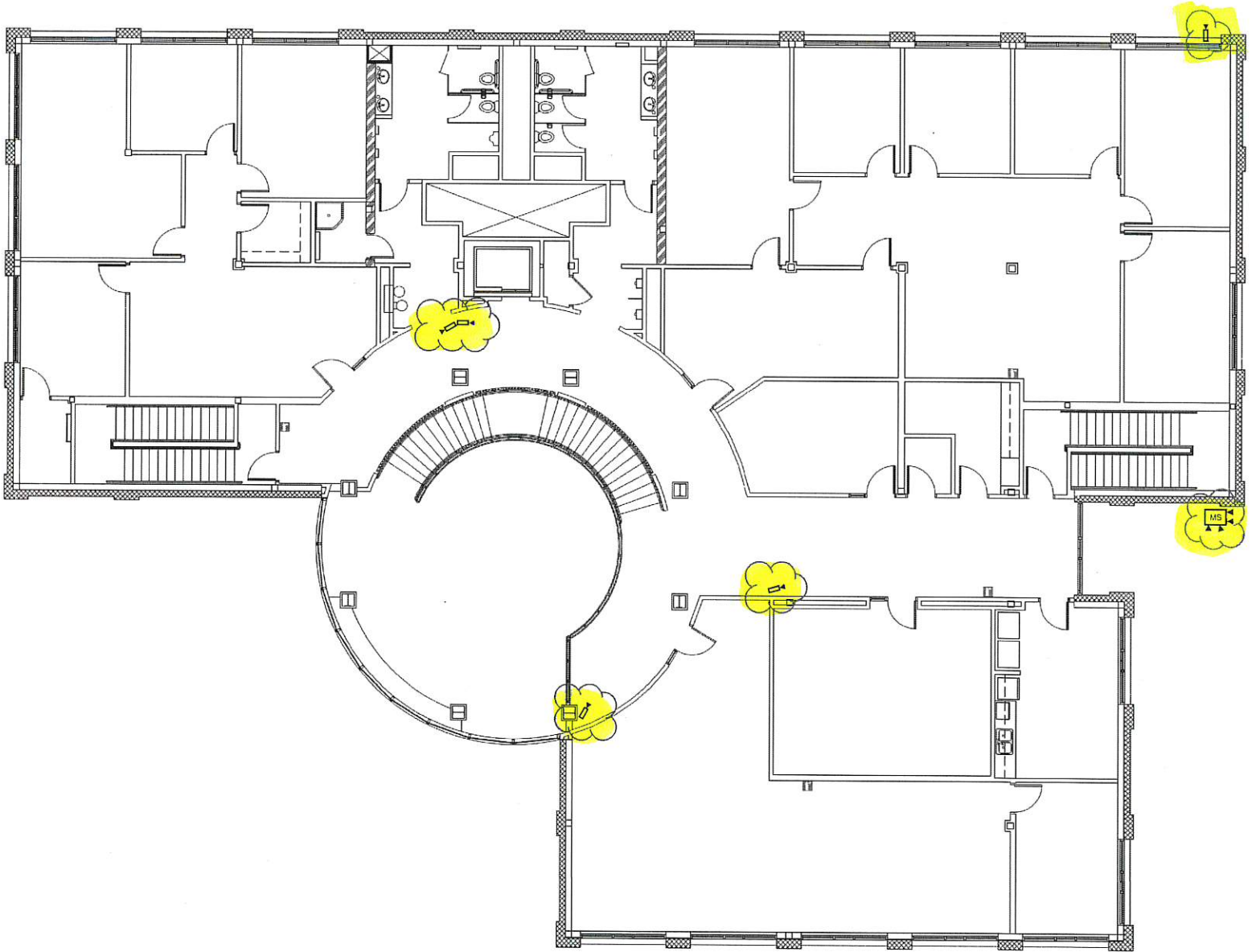




Main Floor



Basement



2nd Floor



January 15, 2020

Shilo Baker  
 Tooele City  
[shilob@tooelecitcity.org](mailto:shilob@tooelecitcity.org)

Quote #: TD1911333 (Rev 1)  
 Project: Tooele City – Oquirrh Hills Golf Course Video Surveillance

We appreciate this opportunity to provide the following price

<b>Scope of Work</b>
----------------------

Video Surveillance System:

- Provide and install (1) Category 6 cable to (12) IP camera locations.
  - The cables will be ran to the second floor of the golf clubhouse.
  - The cables will be terminated to a Category 6 patch panel on the second floor of the clubhouse.
  - The cables will be terminated with a Category 6 connector at the camera locations.
  - The cables will be labeled and tested.
  - The cables will be ran exposed on horizontal runs and in surface mounted raceway for the vertical runs.
- Provide and install (3) new fixed 4MP cameras at the front of the clubhouse watching the merchandise and front point of sale register.
- Provide and install (2) new fixed 4MP cameras at the back corners of the merchandise area.
- Provide and install (1) new fixed 4MP camera at the main entry door.
- Provide and install (1) new fixed 4MP camera in the banquet hall room.
- Provide and install (1) new fixed 4MP camera in the snack bar/grill area watching the point of sale and general seating.
- Provide and install (1) new fixed 4MP camera on the exterior of the building at the main entry door, also capturing the main entry drive.
- Provide and install (1) new fixed 4MP camera on the exterior of the building capturing as much of the general parking area as possible.
- Provide and install (1) new fixed 4MP camera on the exterior of the building watching the golf cart entrance gate and roadway.
- Provide and install (1) new fixed 4MP camera on the exterior of the building watching the golf cart staging and parking area.
  - The cameras will be configured to meet the needs of the owner.
- Provide and install (1) 10TB Genetec NVR server for onsite storage of the video recordings.
- Provide (12) IP camera video surveillance licenses for the Genetec NVR.
- Provide set-up and configuration of the video surveillance system for the Oquirrh Hills Golf Course.



### Terms & Assumptions

- All boxes, 120V power, conduits, cable tray, basket tray, other raceway necessary for proper cable routing, fire sealing/stopping and the grounding system will be provided and installed by others.
- This price does not include any cabling for any other systems (i.e. paging, card access, intrusion detection, etc.)
- This price does not include a POE switch for the network cameras. This will be provided by the owner.
- All work will be done during normal business hours.
- This price is valid for 60 days.
- Payment terms are Net 30 days from the invoice date.

### Pricing

**Price for the Video Surveillance System as Detailed:**

**\$ 15,476.00**

Best Regards,



Tyrel Holt

February 5, 2020

Shilo Baker  
Tooele City  
[shilob@tooelecitecity.org](mailto:shilob@tooelecitecity.org)

Quote #: TD1911334 (Rev 2)  
Project: Tooele City – Aquatic Center Video Surveillance

We appreciate this opportunity to provide the following price

<b>Scope of Work</b>
----------------------

Video Surveillance System:

- Provide and install (1) Category 6 cable to (15) IP camera locations.
  - The cables will be ran to the network room in the aquatic center.
  - The cables will be terminated to a Category 6 patch panel in the network room of the aquatic center.
  - The cables will be terminated with a Category 6 connector at the camera locations.
  - The cables will be labeled and tested.
  - The cables will be ran exposed on horizontal runs and in surface mounted raceway for the vertical runs.
- Provide and install (1) new fixed 4MP exterior camera at the front entry walkway of the aquatic center.
- Provide and install (1) new fixed 4MP exterior camera on the northeast corner of the aquatic center looking towards the north end of the parking lot.
- Provide and install (1) new fixed 4MP exterior camera on the north side of the aquatic center looking towards the softball fields.
- Provide and install (1) new fixed 4MP exterior camera on the west side of the aquatic center looking towards the bathrooms.
- Provide and install (1) new fixed 4MP exterior camera on the west side of the aquatic center looking towards the generator/trash pad area.
- Provide and install (1) new fixed 4MP exterior camera on the south side of the aquatic center looking towards the south exterior pool entrance area.
- Provide and install (1) new fixed 4MP exterior camera on the south side of the aquatic center looking towards the playground area.
- Provide and install (1) new fixed 4MP exterior camera on the southeast side of the aquatic center looking towards the south end of the parking lot.
- Provide and install (2) new fixed 4MP cameras in the front lobby looking at the entire lobby and at the point of sales machines.
- Provide and install (1) new fixed 4MP camera in the back hall near the communications room.
- Provide and install (2) new fixed 4MP cameras in the pool area near the first aid room looking at the west side of the pool area.
- Provide and install (1) new fixed 4MP camera in the pool area looking at the lap pool.
- Provide and install (1) new fixed 4MP camera in the fan seating area above the lap pool.

- The cameras will be configured to meet the needs of the owner.
- The camera recordings will be via the WAN connection back to the City Hall NVR.
- Provide (15) IP camera video surveillance licenses for the Genetec NVR.
- Provide set-up and configuration of the video surveillance system for the Tooele City Aquatic Center.

<b>Terms &amp; Assumptions</b>
--------------------------------

- All boxes, 120V power, conduits, cable tray, basket tray, other raceway necessary for proper cable routing, fire sealing/stopping and the grounding system will be provided and installed by others.
- This price does not include any cabling for any other systems (i.e. paging, card access, intrusion detection, etc.)
- This price does not include a POE switch for the network cameras. This will be provided by the owner.
- All work will be done during normal business hours.
- This price is valid for 60 days.
- Payment terms are Net 30 days from the invoice date.

<b>Pricing</b>
----------------

**Price for the Video Surveillance System as Detailed:**

**\$ 16,425.00**

Best Regards,



Tyrel Holt



## 3 YEAR LIMITED HARDWARE WARRANTY

### Warranty Coverage

Axis warrants the original purchaser (the distributor) that the **Axis hardware** will be free from defects in design, workmanship and materials under substantiated normal use for a period of three (3) years from the date of the original purchase ("Warranty Period"). This Warranty is only applicable to the Axis hardware and accessories included with the Axis Hardware on the date of the original purchase (hereinafter jointly referred to as "Axis Hardware").

The original purchaser shall without undue delay notify Axis of any defect that appears in the Axis Hardware in accordance with Axis' RMA handling. Failure to notify Axis of said defect shall mean that the original purchaser loses the right to have the defect remedied. A valid form of bill of sale or receipt, substantiating the purchase and the date thereof, must be presented to Axis within the Warranty Period to obtain warranty service. The sole remedy of the original purchaser and Axis' sole and exclusive liability shall be limited to, at Axis' sole discretion, either repair of the Axis Hardware using new or refurbished replacement parts, or replacement of the Axis Hardware. Repaired Axis Hardware or replacement hardware products will be warranted under the terms set forth herein for the remainder of the original Warranty Period or ninety (90) days, whichever is longer. When the Axis Hardware or part thereof is replaced, all products or parts thereof that are replaced shall become the property of Axis. This Warranty is applicable in all countries and may be enforced by contacting Axis Support. For more information, please visit [www.axis.com/support](http://www.axis.com/support).

### Exclusions and Limitations

This Warranty is contingent upon proper warehousing, shipment and substantiated normal use of the Axis Hardware, and specifically does not apply if the Axis Hardware has had the model or serial number altered, defaced or removed, or to defects attributable to (i) modifications to or alterations of the Axis Hardware by any party other than Axis, (ii) faulty maintenance, incorrect installation or faulty repair by any party other than Axis, (iii) use of the Axis Hardware for a purpose for which it was not designed or intended, (iv) normal wear and tear or deterioration, or (v) misuse, abuse, negligence or accidents.

This Warranty does not apply to Axis Hardware that was purchased "as is" or where Axis, the seller or the liquidator expressly has disclaimed their warranty obligation pertaining to the product. Also, the Warranty only applies to Axis Hardware purchased from an authorized distributor/reseller. Furthermore, this Warranty only applies if and to the extent that it is not in conflict with applicable export control regulations, sanctions or embargos.

THE WARRANTY PROVIDED ABOVE IS THE ONLY WARRANTY APPLICABLE BETWEEN THE ORIGINAL PURCHASER AND AXIS WITH RESPECT TO THE AXIS HARDWARE AND NO OTHER WARRANTIES OF ANY KIND SHALL APPLY. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, AXIS DISCLAIMS AND EXCLUDES ALL OTHER WARRANTIES OTHER THAN THE EXPRESS WARRANTIES SET FORTH ABOVE, WHETHER STATUTORY, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT. CERTAIN JURISDICTIONS DO NOT ALLOW THE EXCLUSION OF WARRANTIES AS SET FORTH HEREIN. IF LAWS UNDER SUCH JURISDICTIONS APPLY, THEN ALL EXPRESS AND IMPLIED WARRANTIES ARE LIMITED TO THE WARRANTY PERIOD IDENTIFIED ABOVE, AND OTHERWISE TO THE MAXIMUM EXTENT PERMITTED BY LAW. EXCEPT AS PROVIDED IN THIS WRITTEN WARRANTY OR TO THE MINIMUM EXTENT REQUIRED BY MANDATORY LAW, NEITHER AXIS NOR ANY OF ITS AFFILIATES SHALL BE LIABLE FOR ANY SPECIAL, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR INDIRECT LOSSES OR DAMAGES INCLUDING LOSS OF DATA, LOSS OF PROFIT, REVENUE OR PRODUCTION, INTEREST ON INVESTMENTS, LOSS OF GOODWILL, COST OF CAPITAL, COST OF SUBSTITUTE EQUIPMENT, FACILITIES OR SERVICES, DOWNTIME COSTS OR CLAIMS OF CUSTOMERS REGARDLESS OF WHETHER SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF THE SAME. AXIS' TOTAL AND AGGREGATE LIABILITY FOR ALL CLAIMS UNDER THIS WARRANTY SHALL BE LIMITED TO AND IN NO CASE EXCEED THE PRICE PAID FOR THE AXIS HARDWARE. THESE LIMITATIONS ON POTENTIAL LIABILITIES HAVE BEEN AN ESSENTIAL CONDITION IN SETTING THE PRODUCT PRICE.

### Applicable Law

- This Warranty is governed by and construed under the laws of Sweden.
- This Warranty may be subject to Axis' change at any time without prior notice.



## **WARRANTY POLICY**

Hanwha Techwin America (HTA) warrants to the original purchaser that HTA's products (the "Products") are free from defects in material and workmanship for a period of three (3) years from the date of original purchase, unless a different period is otherwise expressly stated below (the "Warranty Period"). HTA's obligation under this warranty is expressly limited to supplying replacement parts, repairing, or replacing, at its sole option, any product which HTA, in its sole judgment and discretion, determines contained a defect in materials or workmanship at the time of shipment from HTA. This warranty does not include on-site service or removal and re-installation costs. This warranty is valid only on HTA products and is subject to the limitations and exceptions listed below.

THIS LIMITED WARRANTY IS EXCLUSIVE, IS HTA'S ONLY WARRANTY, AND IS EXPRESSLY IN LIEU OF ANY OTHER EXPRESS OR IMPLIED WARRANTIES. HTA HEREBY DISCLAIMS ANY AND ALL OTHER WARRANTIES AND WARRANTIES THAT MAY BE IMPLIED BY LAW, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY, AND OF FITNESS FOR A PARTICULAR PURPOSE OR SPECIFIED USE. TO THE MAXIMUM EXTENT PERMITTED BY LAW, HTA, ITS SUBSIDIARIES, AND PARENTS SHALL NOT BE RESPONSIBLE FOR AND HEREBY DISCLAIMS ALL LIABILITY FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES INCURRED BY YOU OR ANY OTHER PERSON OR ENTITY HOWEVER CAUSED, WHETHER BY THE NEGLIGENCE OF HTA OR OTHERWISE, INCLUDING, BUT NOT LIMITED TO, ANY LIABILITY (i) FOR LOST REVENUES, LOST PROFITS, LOSS OF USE, THE COST OF DATA RECOVERY FROM HARD DISK DRIVES, THE VALUE OF DATA THAT CANNOT BE RECOVERED FROM HARD DISK DRIVES, OR ANY OTHER COMMERCIAL LOSSES OF ANY TYPE; (ii) FOR INJURY TO OR DEATH OF ANY PERSONS IN CONNECTION WITH THE PRODUCTS; AND (iii) LIABILITY WHICH YOU HAVE TO ANY OTHER PERSON, IRRESPECTIVE OF WHETHER SUCH LIABILITIES WOULD OTHERWISE ARISE FROM HTATUTE, NEGLIGENCE, CONTRACT, STRICT LIABILITY, OR OTHERWISE. ALL RIGHTS GRANTED TO YOU UNDER THIS LIMITED WARRANTY ARE CONDITIONED UPON AND SHALL ONLY ARISE IF THEY ARE EXERCISED IN THE MANNER DESCRIBED BELOW, AND ARE LIMITED TO THE ONE, SOLE AND EXCLUSIVE REMEDY OF REPAIR OR REPLACEMENT, AS SPECIFIED HEREIN.

If any person or entity other than HTA repairs or replaces parts on the Products without the prior written consent of HTA, this limited warranty shall be void with respect to the part or component of the Products so repaired or replaced, and with respect to any other part or component related thereto.

For a warranty claim to be valid, you must give full and reasonable written notice to HTA of the defect within thirty (30) days of your discovery of the defect, but in no event later than the last day of the Warranty Period. On receipt of any such written notice, HTA will, as soon as reasonably practicable, cause to be repaired (or, at the sole option of HTA, have replaced) the defect(s) identified by the notice. HTA'S SOLE RESPONSIBILITY IS TO REPAIR OR REPLACE SUCH DEFECTIVE ITEMS OF WHICH HTA SHALL HAVE RECEIVED TIMELY AND PROPER NOTICE AS PROVIDED HEREIN. ALL REPAIRS PERFORMED BY HTA AND ALL REPLACEMENT OF PARTS BY HTA SHALL BE SUBJECT TO THE SAME LIMITED WARRANTY PROVIDED HEREIN AND THE SAME DISCLAIMERS OF OTHER WARRANTIES, INCLUDING, BUT NOT LIMITED TO, THE DISCLAIMER OF ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR SPECIFIED USE AND THE DISCLAIMER OF LIABILITY FOR ANY AND ALL INCIDENTAL OR CONSEQUENTIAL DAMAGES.

THIS WARRANTY DOES NOT COVER: malfunction, defect, failure, or damage (i) caused by or resulting from impact, mishandling, tampering, or use contrary to the applicable instruction manual; (ii) arising from ordinary wear and tear, wind, fires, storm, earthquake, incorrect power line voltage, inadequate or improper lighting, adverse weather conditions or other acts of God or nature, your or operators abuse or neglect, misuse, accident or mishap; (iii) arising from shipping; (iv) arising from work, repairs or alterations performed by others than HTA; (v) routine cleaning, normal cosmetic and mechanical wear and tear; and/or (vi) parts or accessories manufactured by persons other than HTA and warranted by such persons.

**You acknowledge and agree, and represent and warrant to HTA, that the Products are not and will not be used as consumer goods or consumer products, are not going to be used for personal, family or**

**household purposes, and are intended exclusively for commercial, and not consumer, use. You acknowledge and agree that this limited warranty is exempt from the provisions of the Magnuson-Moss Federal Warranty Act.** Other than as set forth herein, no agent, employee, or representative of HTA has any authority to bind HTA to any other warranty, or to make any other representations or affirmations concerning the Products or any parts thereof. No affirmation, representation, or warranty made by any agent, employee or representative of HTA, shall be binding upon HTA unless the same is specifically included within this agreement.

To return a Product for repair, a Return for Service Authorization (RSA) number is required. The RSA request form is available on the HTA web site at [HanwhaSecurity.com/repair](http://HanwhaSecurity.com/repair). In addition to your contact information, you will need the following information in order to complete the form:

Model number

Serial Number

Date of Purchase (a copy of the original purchase receipt must be included with the returned Product)

Detailed description of the defect or malfunction (this helps ensure our technicians can replicate the symptom)

The RSA form and return instructions will be e-mailed (or faxed) to you.

Returned Products must be properly packaged, insured, and shipped freight prepaid. Be sure to include the RSA form and a copy of the purchase receipt with the Product. All returns must have the RSA number clearly marked on the shipping label. Products returned without an RSA number or shipped freight collect will be refused.

In the USA and Canada, you can also request an RSA from our customer support staff at 877-213-1222.



**Wasatch Electric**  
*Comtech Services*  
*An EMCOR Company*

**Wasatch Electric**  
2455 West 1500 South, Suite A  
Salt Lake City, UT 84104  
Phone: 801.487.4511  
Fax: 801.487.5032

Date

Wasatch Electric  
2455 West 1500 South, Suite A  
Salt Lake City, UT 84104

Re: Customer Site  
Customer Address

Our Job #: xxxxxx-500

To Whom It May Concern:

This letter will serve as our standard one-year guarantee covering the video surveillance system installation and materials as furnished and installed by Wasatch Electric's Comtech Services on the above referenced project.

Said guarantee will extend for a period of one full year beginning the date of substantial completion.

Sincerely,

Tyrel Holt  
Project Manager

## **Return Policy**

If you are returning a defective product, you will need to fill out a [return merchandise authorization form](#) to obtain a RMA number, which is valid for ONLY 30 days unless otherwise specified. Do not write this number on the box.

Please make sure the packing slip is secured to the exterior of the box prior to shipping. Once shipped, email the tracking information to [rma@bcdvideo.com](mailto:rma@bcdvideo.com) so we can monitor and ensure delivery.

All products must be returned in either the original, unopened packaging or in the original packaging (box, foam, bagging, etc.) to prevent damage while in transit.

Replacement product(s) are not to be ordered without receiving a RMA authorization. The purchase of the advance replacement does not guarantee your return will be accepted.

Products returned after 30 days may either be subject to a restocking fee or ineligible for return. BCDVideo-branded products that have NOT been opened can be returned within 45 days. Please be sure to carefully review the terms and conditions of our return policy as BCDVideo reserves the right to refuse or return the shipment if the product is not in the agreed upon condition.

Once the returned product(s) have been received and inspected, a credit will be issued to you. Depending on whether the return was for a credit or replacement product, the credit memo will be sent to you only if the original purchase invoice or replacement part(s) invoice has been paid.

## **Warranty Information**

BCDVideo-branded products come with a 5-year hardware warranty that includes next business day, on-site and remote support by certified technicians. For select products, this warranty can be upgraded to a 7-year period.

In addition to the standard hardware warranty, BCDVideo offers a Keep Your Hard Drive feature to give you complete control over your sensitive and critical data. While it is still possible to return your drive, this waives the requirement to return failed drives.

Please note the availability of next-day service and the estimated response time may vary based on the accessibility of the product location.

For more information about BCDVideo's product warranty, please reach out to your respective sales representative or contact us at [sales@bcdvideo.com](mailto:sales@bcdvideo.com).

**BCDVIDEO.COM**

sales@bcdvideo.com | +1.847.205.1922  
support@bcdvideo.com | +1.844.462.2384



## TOOELE CITY CORPORATION

### ORDINANCE 2020-08

#### **AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY POLICIES AND PROCEDURES MANUAL.**

WHEREAS, Section 40 of the Tooele City Policies and Procedures manual (the “Manual”) provides that the Manual “may be amended by the two-thirds vote of the Policies and Procedures Recommendation Committee and the subsequent approval of the Mayor and City Council” by ordinance of the City Council; and,

WHEREAS, the Policies and Procedures Recommendation Committee has studied, prepared, solicited employee comment regarding, and voted to recommend amendments to the Manual, namely:

- Section 17: Drug & Alcohol Free Workplace – Updates the policy to address changes in Utah Code Chapters 26-61A and 58-37, as amended, for matters relating to medical cannabis. This revision addresses how medical cannabis and CBD products relate to our workplace including matters such as fitness for duty, testing, and referral. Includes technical and housekeeping revisions. (Exhibit A)
- Section 23: Holidays – Adds the Friday after Thanksgiving to the list of recognized holidays. For at least the past 14 years, the active Mayor has declared the Friday after Thanksgiving as an Administrative Leave Day (pursuant to the Administrative Leave policy in the Manual). This has become the custom in the organization, and it is being proposed that this policy be moved to the Holiday policy. This change clears up record keeping, payroll administration, and other related administrative matters that periodically have arisen by having defined policies applicable to the administrative day. Addresses other special considerations relevant to eligibility for paid holiday benefits such as hire and termination date. (Exhibit B)
- Section: 38 Purchases & Reimbursements – Adds to policy, and the Personnel Policies & Procedures Manual, a notice that employees shall follow the approved Tooele City Purchasing Policy and provides instruction on how employees may obtain a copy of the approved policy. (Exhibit C)

WHEREAS, the Mayor has approved the amendments recommended by the Policies and Procedures Recommendation Committee; and,

WHEREAS, the Administration distributed the proposed policy amendments via e-mail to all City employees, received oral and written comments to the proposed amendments, and incorporated as many comments as deemed possible and appropriate for the City’s business needs; and,

WHEREAS, the Administration and Council find that the amendments are in the best interest of Tooele City Corporation and its employees; and,

WHEREAS, subsequent to the adoption of the above-listed amendments, Kami Perkins, Tooele City Human Resources Director, will make reasonable efforts to inform all employees of the amended policies, and the new policies will be placed on the City website for employee and public access:

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

1. the Tooele City Policies and Procedures Manual is hereby amended as set forth in Exhibits A through C;
2. the revisions shall take effect March 1, 2020; and,
3. previous versions of the amended provisions of the Tooele City Policy and Procedures Manual shall be repealed and superseded upon the amendments in this Ordinance taking effect.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage or otherwise, as indicated above, 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 \_\_\_\_\_, 2020.

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



**A**

**B**

C

**DRUG AND ALCOHOL FREE WORK PLACE**  
DRAFT - Revised January 2020

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A. PURPOSE

Tooele City's goal is to foster a workplace that is safe and productive, and to reasonably protect our employees, the public, and City assets. In support of this goal, we strive to:

- Provide a workplace that is free from the effects of unlawful drug and alcohol use and activity, and;
- To assure employees report to work fit for duty and able to safely and effectively perform their work duties.

This policy establishes our drug and alcohol free workplace standard and the initiatives the City uses to enforce it including, but not limited to: DOT required testing of CDL drivers, "company authority" testing, and workplace inspections. It also provides information on our self-referral rehabilitation program and other matters that may arise.

B. POLICY

1. Employees are to report to work fit for duty and able to safely and effectively perform their job.
2. Employees may not test positive for drugs or alcohol, in violation of this policy, while on duty or while operating a City vehicle at any time. Employees may not begin the process to, or actually perform sensitive safety job duties under the influence of any drug or alcohol in violation of this policy.
3. Employees may not unlawfully sell, purchase, transfer, manufacture, dispense, possess, store, or distribute alcohol, drugs, or drug paraphernalia, while on City property, or while operating a City vehicle.

City approved exceptions include, but are not limited to:

- Employees may possess paraphernalia in the workplace that is required for their legal use of prescriptions (i.e. needles for injections of prescriptions) and provided the employee takes prudent safety measures to prevent potential for injury to another person (i.e. sharps container disposal).
- Non-CDL drivers may have and use alcohol-containing products that are not designed for consumption such as hand sanitizer and disinfecting products.
- Police department employees may be exempt from policy requirements in performance of official police business and in compliance with police department policies & procedures.
- Employees may possess drug paraphernalia in performance of their duties such as cleaning up needles at a park and placing them in storage containers. Authorized golf course staff may sell, purchase, transfer, dispense, possess, store and distribute alcohol for patron consumption when part of their job duties.

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### 4. Prescriptions

Illegal Use or Misuse. The illegal use or misuse of prescriptions, including medical cannabis and over the counter drugs is prohibited.

Lawful & Over the Counter Drugs. Employees may lawfully use and possess prescribed or over the counter drugs, including medical cannabis, provided the drug does not have the potential to adversely affect their fitness for duty and ability to safely and effectively perform their job.

Any employee lawfully taking a prescribed or over the counter drug shall consult with the prescribing physician and/or pharmacist to determine whether the drug has the potential to adversely affect their fitness for duty and ability to safely and effectively perform their job. Employees shall use appropriate personnel procedures (i.e. call in sick, use leave, request change of duty, notify supervisor, notify human resources, exercise FMLA rights, etc.) to ensure they avoid unsafe workplace practices and/or do not violate any provision of this policy.

**Medical Cannabis.** Employees using medical cannabis, pursuant to Utah State law, are subject to the same policy requirements for lawful use of prescriptions. In general, an employee's legal use and possession of medical cannabis is handled in the same manner as the legal use of any other prescribed drug, unless such use would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position. Examples of such employees include, but are not limited to, employees whose position:

- (1) Is subject to Federal DOT testing (background determination) as a CDL driver,
- (2) Requires a federal security clearance or other federal background determination, or,
- (3) Funded by Federal funds.

**CBD Products.** Employees are encouraged to carefully consider the risk that CBD products may result in a positive drug test in violation of this policy. Cannabidiol (CBD) products are an unregulated industry and many CBD products contain trace amounts of delta-9-tetrahydrocannabinol (THC), marijuana's main active ingredient. For purposes of this Section, CBD products are not considered an over the counter drug and does not negate a positive drug test.

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5. Other Prohibitions – No employee may:
- Refuse to submit to a drug and/or alcohol test without a medically verifiable reason, as determined by the drug/alcohol testing coordinator or the person responsible for administering the drug/alcohol test.
  - Refuse to contact and cooperate with the drug/alcohol testing official or sign related paperwork.
  - Impede an investigation into a violation of this policy.
  - Fail to appear for a drug/alcohol test as requested without a reasonable or verifiable explanation.
  - Substitute, alter, or tamper with a drug/alcohol test sample.
  - Fail to give a sufficient drug/alcohol test sample without a verifiable medical condition that impacts the employee's ability to provide a sufficient sample.
  - Falsify or attempt to falsify a drug/alcohol test sample or test result.
  - Refuse to report for an evaluation by a substance abuse professional.
  - Refuse to enter a recommended or agreed-upon rehabilitation program.
  - Fail to remain readily available for post-accident testing following an accident.

C. POLICY ENFORCEMENT & REQUIRED EMPLOYEE TESTING

1. Fitness For Duty Evaluation/Verification

Tooele City reserves the right to establish that an employee is fit for duty. This includes, but is not limited to, requiring an employee to produce documentation from the prescribing medical provider assuring that the employee is/was deemed fit for duty. Tooele City also reserves the right to obtain second and third opinions, at the City's expense, and to use resources available under other applicable laws including, but not limited to, the American's with Disabilities Act and Family & Medical Leave Act.

2. Workplace Inspections

Tooele City reserves the right to conduct unannounced inspections of the workplace and of City premises whether used solely by the employee or shared with others. Tooele City recognizes that employees have a reasonable expectation of privacy to be free from unwarranted searches of their personal items such as their personal bags, purses, coats, wallets, etc. This expectation of privacy does not apply, however, if alcohol, drugs, or paraphernalia are in plain view. Tooele City also reserves the right to utilize detection methods including, but not limited to electronic detection equipment and trained animals.

## DRUG AND ALCOHOL FREE WORK PLACE

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### 3. Drug & Alcohol Testing

Pre-employment Testing. Pre-employment drug tests are required of final applicants for employment and of employees who have applied for and been offered a new position within the City. Pre-employment tests for alcohol will not be given.

Random Testing. Random drug and/or alcohol testing is required of employees in sensitive positions and/or CDL-required positions. To ensure that employees are selected on a random basis, Tooele City uses a third-party administrator to manage random selections. Employees are subject to random testing anytime they are working. If an employee is absent at the time of testing, another employee is selected from the alternate list except for when a police officer or lifeguard is off-duty, they are sent for testing when next at work.

Reasonable Suspicion Testing. Reasonable suspicion drug and/or alcohol testing may be required of employees in safety sensitive positions and/or CDL-required positions if a supervisor or company official who has been trained in recognizing the signs and symptoms of drug or alcohol use believes or suspects an employee is under the influence of drugs and/or alcohol. Testing cannot be required based solely on a guess, hunch, complaint, or tip from another person. The suspicion must be based on specific, contemporaneous, articulable, and documented observations consistent with the signs and symptoms of drug and alcohol use such as the following: Odors (e.g., smell of alcohol, body odor, urine); movements (e.g., unsteady, fidgety, dizzy); Eyes (e.g., dilated, constricted or watery eyes, involuntary eye movements); Face (e.g., flushed, sweating, confused or blank look); Speech (e.g., slurred, slow, distracted mid-thought, inability to verbalize thoughts); Emotions (e.g., argumentative, agitated, irritable, drowsy); Actions (e.g., yawning, twitching); Inactions (e.g., sleeping, unconscious, no or slow reaction to questions).

When reasonable suspicion testing is warranted, management should relieve the employee from performing all safety sensitive work duties and meet with the employee to explain the observations. The employee shall be given an opportunity to offer an explanation of the observations. If, after the explanation, ~~management continues to have reasonable suspicion of drug or alcohol use in~~ violation of this policy, or would need further verification, the employee will be notified of the requirement to undergo a drug/alcohol test. In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, reasonable suspicion testing may not be administered (i.e. you cannot catheterize an unconscious employee nor take blood for company testing). Other means shall be used to address the situation.

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*Where reasonable suspicion of drug/alcohol use exists, under no circumstances should the suspected employee be allowed to drive to the testing facility or away from the workplace. A member of management is required to transport the employee or arrange for the employee's transportation.*

*The suspected employee may not perform safety sensitive duties until negative test results are received.*

Post-accident/Incident Testing. Post-accident/incident drug and/or alcohol testing is required of employees in safety sensitive positions and/or CDL-required positions under certain circumstances. **Any employee required to be tested but needing medical assistance, must get the needed medical assistance first.** In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, post-accident/incident testing may not be administered (i.e. you cannot catheterize an unconscious employee nor take blood for company testing). Other means shall be used to address the situation.

The supervisor at the scene of the accident/incident or receiving information about the accident/incident away from the scene or thereafter, should review the testing criteria and make a good faith decision to test or not test and who is to be tested (e.g. testing is overbroad when it includes all employees in a vehicle, especially those whom the facts indicate could not have caused the accident) based on the information available at the time. If a test cannot happen within the established time limit, the supervisor should document the reasons.

*Under no circumstances should the employee involved in an accident and subject to post-accident testing be allowed to drive to the testing facility or away. A member of management is required to transport the employee or arrange for other transportation.*



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Type	When Required	Time Limits
Safety-sensitive Drug Testing Company Authority	<p>1. When there is a reasonable basis for concluding that:</p> <p>(a) the employee caused or contributed to an accident that seriously damaged a City vehicle, machinery, equipment, or property making it inoperable and/or resulting in immediate disruption to the work process;</p> <p>(b) the employee received or is likely to receive a moving traffic violation in relation to an accident; and/or,</p> <p>(c) the employee caused or reasonably appears may have caused an accident or incident that resulted in an injury to themselves or another person, requiring off-site medical attention; except that sworn police officers are not subject to automatic post-accident drug and alcohol testing in the instance of an injury to the officer or a suspect, when such injury occurs in the normal scope of their duties or in the course of a suspect's lawful constraint. Sworn police officers are, however, subject to post-accident/incident drug and alcohol testing following any incident deemed to be an officer's use of deadly force whether an injury occurred or not.</p> <p>Note: Deceased employees are not tested.</p>	Within 12 hours, but cannot exceed 32 hours from time of event.
Safety-sensitive Alcohol Testing Company Authority		Within 2 hours, but cannot exceed 8 hours from time of event.
CL Drivers Drug Test DOT-required	<p>1. When there is one or more fatality; or</p> <p>2. The driver is cited for a moving violation AND either:</p> <p>(a) The vehicle is towed from the scene; or</p> <p>(b) Someone incurs bodily injury with medical treatment away from the scene.</p>	Within 12 hours, but cannot exceed 32 hours from time of event.
CDL Drivers Alcohol Test DOT-required	Note: If these requirements cannot be met, the employee might still be tested pursuant to safety-sensitive drug or alcohol testing under company authority.	Within 2 hours, but cannot exceed 8 hours from time of event.

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Return-to-duty Testing/Follow-up Testing. Return-to-duty/follow-up drug and/or alcohol testing may be administered in conjunction with a City-approved program of return to duty, rehabilitation, counseling, education, and/or treatment. Employees subject to return-to-duty testing shall be subject to return-to-duty testing for a period of not less than 12 months, and generally not to exceed 36 months, and generally should be tested a minimum of 6 times in the first 12 months following their return to duty. Return-to-duty/follow-up testing shall be at the employee's expense. This policy does not alter the City's policies on leave or disability.

D. SAMPLE COLLECTION AND TESTING PROCEDURE

1. Testing Notice

Before performing an alcohol or drug test, the employee shall be notified whether the test is required pursuant to Tooele City's "company authority" testing of safety-sensitive employee or Tooele City's DOT testing of CDL drivers, and whether the test is pre-employment, reasonable suspicion, random, post-accident, or return-to-duty/follow-up testing.

2. Alcohol

Alcohol testing is conducted at a City-designated location/facility and is a breath specimen. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .02 or more, a second breath specimen will be tested approximately 20 minutes later. If an employee's second breath alcohol concentration is at or exceeds .04, the second confirmation test will be determinative as under the influence.

*Under no circumstances should the employee be allowed to drive following a test for alcohol when the second confirmation test result is at or exceed the positive cut off limit. A member of management is expected to transport the employee or arrange for other transportation.*

3. Drug

Drug testing is conducted at a City-designated location/facility and is a urine specimen of required volume. Specimens are provided in private unless they appear to be altered, adulterated, or substituted specimens.

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Collected specimens will be split-sample, sent to a federally or state certified laboratory, and tested for:

Testing Authority	Tested for
Safety-sensitive Company Authority	9 Panel Opiates, cocaine, phencyclidine, amphetamines, marijuana, barbiturates, benzodiazepines, propoxyphene, methadone.
CDL Drivers DOT-required	5 Panel Opiates, cocaine, phencyclidine, amphetamines, and marijuana

The laboratory screens all specimens and confirms all positive screens. The laboratory preserves the chain of custody from the time specimens are collected through testing and storage.

The laboratory transmits all positive drug test results to a medical review officer (MRO) retained by Tooele City who offers individuals with positive results a reasonable opportunity to rebut or explain the results prior to reporting test results to Tooele City. An individual has 72 hours from notice of a positive test result to ask the MRO to perform a confirmation test at another federally or state certified laboratory, at the individual's own expense.

**E. CONSEQUENCES OF POSITIVE TESTS OR POLICY VIOLATION**

1. Applicants who refuse to participate in a drug test or who test positive generally will not be hired.
2. Employees who violate any provision of this policy may be subject to disciplinary action, up to and including dismissal.
3. Employees may be referred to a substance abuse professional for initial evaluation at the City's discretion and the City's expense. Recommended rehabilitation, even if imposed as part of discipline, is at the employee's expense. An employee's refusal or failure to submit to an evaluation or to successfully complete the recommended rehabilitation may result in additional disciplinary action, up to and including dismissal.

**F. CANCELLED TEST & UNIQUE SITUATIONS**

At times, a problem with a drug test may be identified that cannot or has not been corrected, or which federal regulations require it to be cancelled. In these situations, a cancelled test is reported. A cancelled test is neither positive nor negative.

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Additionally, Tooele City recognizes that situations may arise which are not specifically covered by this policy. These may be addressed on a case-by-case basis.

### G. EMPLOYEE ASSISTANCE/VOLUNTARY TREATMENT

Early recognition and treatment is important for successful rehabilitation. Employees are urged to seek treatment prior to being identified for testing, and are reminded that treatment and counseling services may be available through the employee assistance program (EAP) and group health insurance plan.

### H. OFF-DUTY DRUG & ALCOHOL RELATED TESTS & CRIMINAL CONVICTIONS

An employee who is convicted for violation under federal or state criminal statute which regulates manufacturing, distributing, dispensing, possessing, selling, purchasing, or consuming a controlled substance shall notify their supervisor of the conviction no later than 5 calendar days after the conviction. Convictions are not necessarily disqualifiers from employment. A case-by-case analysis is conducted for workplace safety and job relevancy. An employee who is required to drive a vehicle as an essential function of the job, may no longer qualify for the job where the employee's driver license is suspended or revoked due to a drug or alcohol conviction or offense.

Pursuant to this policy as "company authority," test results generated by law enforcement officers, emergency responders, or health care providers may also be considered by Tooele City for determining policy compliance.

### I. COMPENSATION FOR TESTING & RECORD KEEPING

An employee's time spent participating in random, reasonable suspicion, or post-accident drug or alcohol testing is considered paid work time. Individuals participating in pre-employment testing, rehabilitation testing, or return-to-work testing, whether or not related to a disciplinary or corrective action, is not compensable work time.

All information relating to Tooele City's drug and alcohol testing shall be treated as confidential except as otherwise indicated herein or as provided by law.

### J. POLICE DEPARTMENT ALCOHOL LIMITS & POLICY

The Tooele City Police Department may establish lower limits pertaining to alcohol positive tests as identified in their department policies and procedures.

Additionally, at the time this policy revision was approved, sworn law enforcement officers' use of medical cannabis is prohibited pursuant to department policy. However,

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the Utah State Code regarding medical cannabis was still being evaluated to determine the impact it may have on law enforcement officers. The City recognizes that the Police Department may make changes to their policies that may conflict with this policy to adapt more quickly to the changing landscape on this issue.

### K. DEFINITIONS – The following definitions are provided for general understanding.

**Abuse or Misuse** - The possession or use of a controlled substance obtained without a lawful prescription issued to the possessor or user; the use of a controlled substance contrary to the prescription indications; or, the use of alcohol or a controlled substance to a degree which renders the user unfit to safely operate a motor vehicle or to safely perform safety sensitive functions or other job requirements while on duty.

**Alcohol** - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how the alcohol is packaged or in what form the alcohol is stored, utilized, or found.

**Applicant** - An individual who has made written or oral application to become an employee of Tooele City and has been extended a conditional offer of employment; or, an employee who applies for, and is subsequently selected to fill an internal vacancy through a competitive selection process.

**City Premises** - Buildings, parking lots, grounds, parks, properties, equipment, and vehicles owned or leased by the City, and personal vehicles being used for City business. See workplace.

**Commercial Driver License (CDL)/CDL-required Position** - a position requiring the employee possess and maintain a license required by [Utah Code §53-3-404](#), as amended, and/or the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle.

**Confirmation Test** - For alcohol testing, a second test that provides quantitative data of alcohol concentration in the test subject's body; and, for drug testing, a second analytical procedure using a split sample to identify the presence of a controlled substance or substance metabolites, analogs, homologs, or synthetic equivalents in the test subject's body, which procedure is independent of the initial screen.

**Consume/Consumption** - To inhale, ingest, inject, or otherwise take into the body.

**Controlled Substance** - Those substances defined by the Utah Controlled Substances Act, Utah Code §58-37-4 and §58-37-4.2, as amended, and the federal Controlled Substance Act, 21 United States Code §802(6), as amended. Also referred to herein as “drug” and “drugs.”

**Company Authority/Safety-sensitive** - Drug and/or alcohol testing program that is established pursuant to the policies and procedures of Tooele City as opposed to DOT-regulations.

**Drug Paraphernalia** - Objects used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code §58-37a-3, as amended.

**Drug/Drug Testing** – See Controlled Substance.

**Medical Review Officer** - A licensed medical provider who has knowledge of substance abuse disorders and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate drug and alcohol test results.

**Possess** - To be located on one's person, in one's clothing, in one's immediate vicinity or control (such as, wallet, purse, desk, drawer, locker, vehicle), or in one's body as evidenced by a positive test result.

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Includes “constructive possession” as defined by Utah law.

Sample - Any specimen of urine or breath to be used for testing pursuant to this policy.

Safety Sensitive Employee/Position/Function/Duty – See Work Duties.

Employees performing work in which a person performing the position while under the influence may constitute a threat to health or safety of themselves, a co-worker, or the public.

Safety sensitive tasks include, but are not limited to: carrying a firearm or weapon; monitoring/inspecting for life-threatening risks to ensure life safety; inspecting buildings, facilities, and equipment for safety to others; having responsibility for performing life-saving or rescue procedures, working with hazardous or flammable materials; having access to extremely confidential information that if compromised could be life-threatening or cause serious repercussion; having access to medicine or controlled substances; and, operating, repairing, maintaining, or monitoring heavy equipment, machinery, or motor vehicles.

Employees required to hold CDL are also considered safety sensitive employees and may be tested pursuant to DOT regulations and/or company authority.

Employees who are stopped from performing a safety sensitive duty, whether the duty was completed or not, will be deemed to have performed the safety sensitive duty for purposes of this policy.

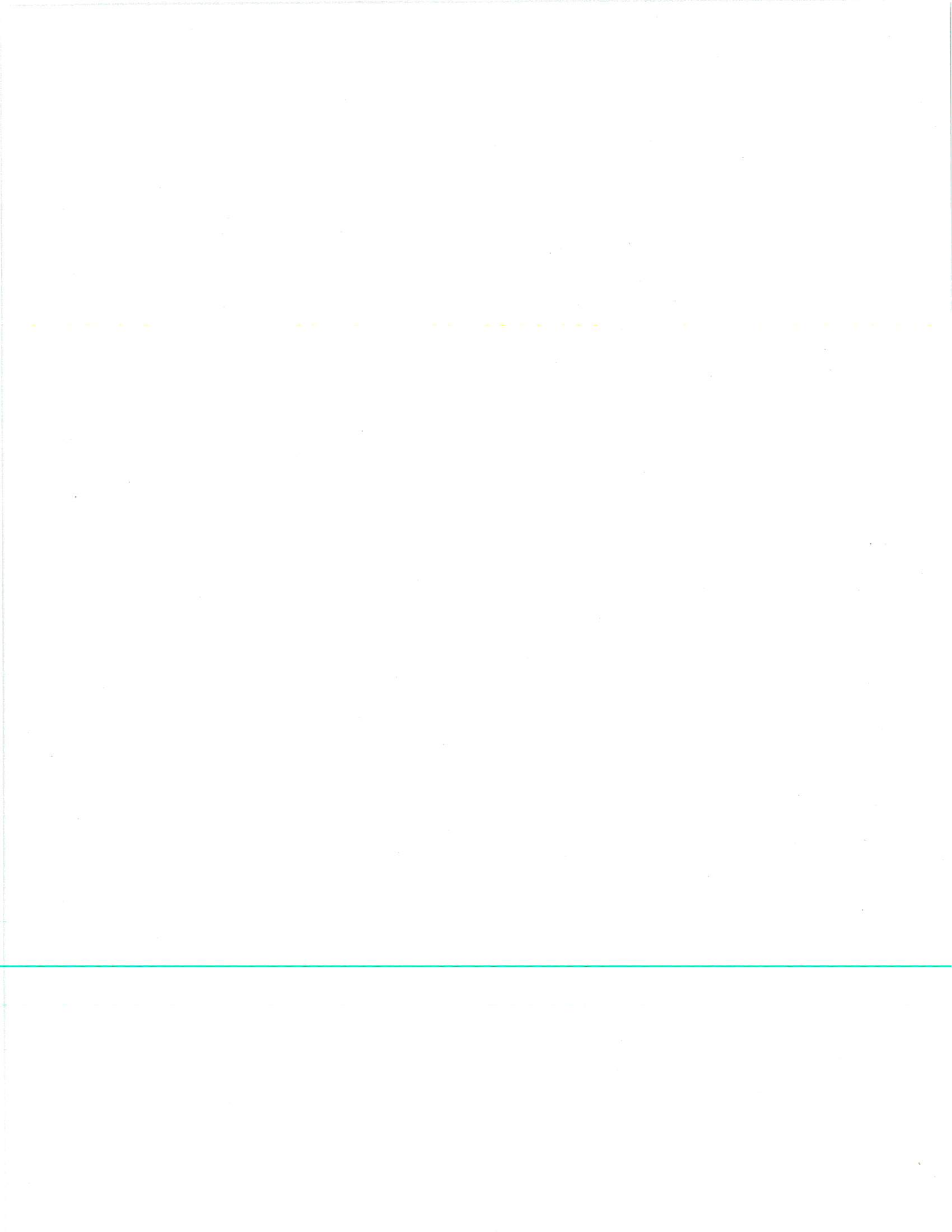
Split Sample Testing - A method of testing where the tested sample is divided into two similar quantities prior to testing. The first one-half is tested while the second one-half is preserved for a limited time for confirmation or other testing purposes.

Test - The scientific analysis for the presence of drugs and/or alcohol or their metabolites in the human body. Also referred to as “alcohol test,” “drug test,” and “testing.”

Under the Influence - The physical or mental condition of an employee, resulting from the consumption of alcohol or a controlled substance, that causes the employee to be unable to safely operate a motor vehicle or to safely perform safety sensitive functions, including but not limited to an alcohol test result of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Work Duties/On Duty - The duties, or the performing of the duties, on behalf of Tooele City, which are contained within an employee’s job description or which are assigned to an employee. Includes being on-call.

Workplace - The workplace includes, but is not limited to, City owned buildings, grounds, and vehicles, and/or any other location where the employee conducts City work during work hours or while on duty. See City Premises.



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**A. PURPOSE**

Tooele City's goal is to foster a workplace that is safe and productive, and to reasonably protect our employees, the public, and City assets. In support of this goal, we strive to provide a safe and productive work environment that is

- Provide a workplace that is free from the effects of unlawful drug and alcohol use and activity, and;
- To assure employees report to work fit for duty and able to safely and effectively perform their work duties; to provide for the protection and safety of employees and the public; and to reasonably protect City assets.

This policy also establishes our drug and alcohol free workplace standard and the initiatives the City uses to enforce it including, but not limited to DOT required testing of CDL drivers, "company authority" testing, and workplace inspections. It also provides information on our self-referral rehabilitation program and other matters that may arise. Tooele City's "company authority" testing of safety-sensitive employees and Tooele City's DOT testing of CDL drivers.

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**B. GENERAL POLICY -**

**B. PROHIBITIONS**

1. Employees are to report to work fit for duty and able to safely and effectively perform their job.
2. Employees may not test positive for drugs or alcohol, in violation of this policy, while on duty or while operating a City vehicle at any time. Employees may not begin the process to, or actually perform sensitive safety job duties under the influence of any drug or alcohol in violation of this policy.
3. Employees may not unlawfully sell, purchase, transfer, manufacture, dispense, possess, store, or distribute alcohol, drugs, or drug paraphernalia, while on City property, or while operating a City vehicle.

City approved exceptions include, but are not limited to: Employees are required to comply with federal and state laws regarding drugs and alcohol. Additionally:

- Employees may possess paraphernalia in the workplace that is required for their legal use of prescriptions (i.e. needles for injections of prescriptions) and provided the employee takes prudent safety measures to prevent potential for injury to another person (i.e. sharps container disposal).
- Non-CDL drivers may have and use alcohol-containing products that are not designed for consumption such as hand sanitizer and disinfecting products.

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- Police department employees may be exempt from policy requirements in performance of official police business and in compliance with police department policies & procedures.
- Employees may possess drug paraphernalia in performance of their duties such as cleaning up needles at a park and placing them in storage containers. Authorized golf course staff may sell, purchase, transfer, dispense, possess, store and distribute alcohol for patron consumption when part of their job duties.

4. Prescriptions

Illegal Use or Misuse. The illegal use or misuse of prescriptions, including medical cannabis and over the counter drugs is prohibited.

Lawful & Over the Counter Drugs. Employees may lawfully use and possess prescribed or over the counter drugs, including medical cannabis, provided the drug does not have the potential to adversely affect their fitness for duty and ability to safely and effectively perform their job.

Any employee lawfully taking a prescribed or over the counter drug shall consult with the prescribing physician and/or pharmacist to determine whether the drug has the potential to adversely affect their fitness for duty and ability to safely and effectively perform their job. Employees shall use appropriate personnel procedures (i.e. call in sick, use leave, request change of duty, notify supervisor, notify human resources, exercise FMLA rights, etc.) to ensure they avoid unsafe workplace practices and/or do not violate any provision of this policy.

**1. Controlled Substance Prohibitions / Prescribed Medication Prohibitions –**

**No employee may use, consume, buy, sell, manufacture, distribute, dispense, store, possess, or test positive/be under the influence of a controlled substance while on duty, on City premises, or in the workplace, except authorized police department employees may do so in the performance of official police business and pursuant to police department policies and procedures.**

**No employee may commit a violation of law related to controlled substances while on duty or in the workplace. Employees are not prohibited from the lawful use and possession of prescribed medications; however, employees are expected to consult**

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~~with their doctors about the medications' effects on their fitness for duty and ability to work safely. When medication has a safety warning or the employee is advised there may be an adverse reaction to medication impacting fitness for safety sensitive work duties, the employee must promptly disclose that warning or advice to the supervisor and provide a written care provider assurance that the controlled substance will not adversely affect the employee's ability to perform safety sensitive work duties.~~ Medical Cannabis. Employees using medical cannabis, pursuant to Utah State law, are subject to the same policy requirements for lawful use of prescriptions. In general, an employee's legal use and possession of medical cannabis is handled in the same manner as the legal use of any other prescribed drug, unless such use would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position. Examples of such employees include, but are not limited to, employees whose position:

- (1) Is subject to Federal DOT testing (background determination) as a CDL driver.
- (2) Requires a federal security clearance or other federal background determination, or.
- (3) Funded by Federal funds.

CBD Products. Employees are encouraged to carefully consider the risk that CBD products may result in a positive drug test in violation of this policy. Cannabidiol (CBD) products are an unregulated industry and many CBD products contain trace amounts of delta-9-tetrahydrocannabinol (THC), marijuana's main active ingredient. For purposes of this Section, CBD products are not considered an over the counter drug and does not negate a positive drug test.

2. Alcohol Prohibitions

No employee may consume, buy, sell, manufacture, distribute, dispense, store, possess, or be under the influence of alcohol while on duty, on City premises, or in the workplace, except (1) authorized police department employees may possess alcohol in the performance of official police business, and (2) authorized golf course staff may buy, store, sell, distribute, dispense, and possess alcohol for patron use when part of their official job duties.

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5. Other Prohibitions – No employee may:

3. ~~do any of the following:~~

~~• Possess, purchase, sell, store, or transport drug paraphernalia while on duty, on City premises, or in the workplace.~~

- Refuse to submit to a drug and/or alcohol test without a medically verifiable reason, as determined by the drug/alcohol testing coordinator or the person responsible for administering the drug/alcohol test.
- Refuse to contact and cooperate with the drug/alcohol testing official or sign related paperwork.
- Impede an investigation into a violation of this policy.
- Fail to appear for a drug/alcohol test as requested without a reasonable or verifiable explanation.
- Substitute, alter, or tamper with a drug/alcohol test sample.
- Fail to give a sufficient drug/alcohol test sample without a **verification verifiable** medical condition that **would impacts** the employee's ability to provide a sufficient sample.
- Falsify or attempt to falsify a drug/alcohol test sample or test result.
- Refuse to report for an **assessment evaluation by**with a substance abuse professional.
- Refuse to enter a **recommendedn-agreed or agreed-**upon rehabilitation program.
- Fail to remain readily available for post-accident testing following an accident.

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C. POLICY ENFORCEMENT & REQUIRED EMPLOYEE TESTING

1. Fitness For Duty Evaluation/Verification

Tooele City reserves the right to establish that an employee is fit for duty. This includes, but is not limited to, requiring an employee to produce documentation from the prescribing medical provider assuring that the employee is/was deemed fit for duty. Tooele City also reserves the right to obtain second and third opinions, at the City's expense, and to use resources available under other applicable laws including, but not limited to, the American's with Disabilities Act and Family & Medical Leave Act.

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1.2. Workplace Inspections–

Tooele City reserves the right to conduct unannounced inspections of the workplace and of City premises ~~including, but not limited to: City-owned or~~

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~~leased property, work stations, vehicles, equipment, desks, cabinets, drawers, etc.,~~ whether used solely by the employee or shared with others. Tooele City recognizes that employees have a reasonable expectation of privacy to be free from unwarranted searches of their personal items such as their personal bags, purses, coats, wallets, etc. This expectation of privacy does not apply, however, if alcohol, ~~or illegal~~ drugs, or paraphernalia are in plain view. Tooele City also reserves the right to utilize detection methods ~~necessary for the enforcement of this Section,~~ including, but not limited to testing, electronic detection equipment, and trained animals.

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2.3. Drug & Alcohol Testing ~~The City may conduct the following tests:~~

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Pre-employment Testing. Pre-employment drug tests are required of final applicants for employment and of employees who have applied for and been offered a new position within the City. Pre-employment tests for alcohol will not be given.

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Random Testing. Random drug and/or alcohol testing is required of employees in sensitive positions and/or CDL-required positions. To ensure that employees are selected on a random basis, Tooele City uses a third-party administrator to manage random selections. Employees are subject to random testing anytime they are working. If an employee is absent at the time of testing, another employee is selected from the alternate list except for when a police officer or lifeguard is off-duty, they are sent for testing when next at work.

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Reasonable Suspicion Testing. Reasonable suspicion drug and/or alcohol testing may be required of employees in safety sensitive positions and/or CDL-required positions if a supervisor or company official who has been trained in recognizing the signs and symptoms of drug or alcohol use believes or suspects an employee is under the influence of drugs and/or alcohol. Testing cannot be required based solely on a guess, hunch, complaint, or tip from another person. The suspicion must be based on specific, contemporaneous, articulable, and documented observations consistent with the signs and symptoms of drug and alcohol use such as the following: Odors (e.g., smell of alcohol, body odor, urine); movements (e.g., unsteady, fidgety, dizzy); Eyes (e.g., dilated, constricted or watery eyes, involuntary eye movements); Face (e.g., flushed, sweating, confused or blank look); Speech (e.g., slurred, slow, distracted mid-thought, inability to verbalize thoughts); Emotions (e.g., argumentative, agitated, irritable, drowsy); Actions (e.g., yawning, twitching); Inactions (e.g., sleeping, unconscious, no or slow reaction to questions).

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When reasonable suspicion testing is warranted, management should relieve the employee from performing all safety sensitive work duties and meet with the employee to explain the observations. The employee shall be given an opportunity to offer an explanation of the observations. If, after the explanation, management continues to have reasonable suspicion of drug or alcohol use in violation of this policy, or would need further verification, the employee will be notified of the requirement to undergo a drug/alcohol test. In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, reasonable suspicion testing may not be administered (i.e. you cannot catheterize an unconscious employee nor take blood for company testing). Other means shall be used to address the situation.

*Where reasonable suspicion of drug/alcohol use exists, under no circumstances should the suspected employee be allowed to drive to the testing facility or away from the workplace. A member of management is required to transport the employee or arrange for the employee's transportation.*

*The suspected employee may not perform safety sensitive duties until negative test results are received.*

Post-accident/Incident Testing. Post-accident/incident drug and/or alcohol testing is required of employees in safety-sensitive positions and/or CDL-required positions under certain circumstances. **Any employee required to be tested but needing medical assistance, must get the needed medical assistance first.** In a rare circumstance where an employee is unconscious and unable to give an explanation or to test, post-accident/incident testing may not be administered (i.e. you cannot catheterize an unconscious employee nor take blood for company testing). Other means shall be used to address the situation.

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The supervisor at the scene of the accident/incident or receiving information about the accident/incident away from the scene or thereafter, should review the testing criteria and make a good faith decision to test or not test and who is to be tested (e.g. testing is overbroad when it includes all employees in a vehicle, especially those whom the facts indicate could not have caused the accident) based on the information available at the time. If a test cannot happen within the established time limit, the supervisor ~~must~~should document the reasons.

*Under no circumstances should the employee involved in an accident and subject to post-accident testing be allowed to drive to the testing facility or away. A member of management is required to transport the employee or arrange for*

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*other transportation.*

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Type	When Required	Time Limits
Safety-sensitive Drug Testing Company Authority	1. When there is a reasonable basis for concluding that <del>drug or alcohol use could have contributed to the incident and either:</del>  (a) <del>an</del> <u>the</u> employee causes <del>d</del> or contributes <del>d</del> to an accident that seriously damages <del>d</del> a City vehicle, machinery, equipment, or property making it inoperable and/or resulting in immediate disruption to the work process; (b) <del>an</del> <u>the</u> employee receives <del>d</del> or is likely to receive a moving traffic violation in relation to an accident; and/or, (c) <del>the</del> <u>an</u> employee caused or reasonably appears may have caused an accident or incident that resulted in an injury to <del>themselves an employee</del> or another person, requiring off-site medical attention; except that sworn police officers are not subject to automatic post-accident drug and alcohol testing in the instance of an injury to <u>the officer or</u> a suspect, when such injury occurs in the normal scope of their duties or in the course of a suspect's lawful constraint. Sworn police officers are, however, subject to post-accident/incident drug and alcohol testing following any incident deemed to be an officer's use of deadly force whether an injury occurred or not.	Within 12 hours, but cannot exceed 32 hours from time of event.
Safety-sensitive Alcohol Testing Company Authority		Within 2 hours, but cannot exceed 8 hours from time of event.
	Note: Deceased employees are not tested.	

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<p>CDL Drivers Drug Test DOT- required</p>	<p>1. When there is one or more fatality; or 2. The driver is cited for a moving violation AND either:  (a) The vehicle is towed from the scene; or (b) Someone incurs bodily injury with medical treatment away from the scene.</p>	<p>Within 12 hours, but cannot exceed 32 hours from time of event.</p>
<p>CDL Drivers Alcohol Test DOT- required</p>	<p>Note: If these requirements cannot be met, the employee might still be tested pursuant to safety-sensitive drug or alcohol testing under company authority.</p>	<p>Within 2 hours, but cannot exceed 8 hours from time of event.</p>

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Return-to-duty Testing/Follow-up Testing. Return-to-duty/follow-up drug and/or alcohol testing may be administered in conjunction with a City-approved program of return to duty, rehabilitation, counseling, education, and/or treatment. Employees subject to return-to-duty testing shall be subject to return-to-duty testing for a period of not less than 12 months, and generally not to exceed 36 months, and generally should be tested a minimum of 6 times in the first 12 months following their return to duty. Return-to-duty/follow-up testing shall be at the employee's expense. This ~~Section policy shall not be deemed to~~ does not alter the City's policies on leave or disability.

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D. **SAMPLE COLLECTION AND TESTING PROCEDURE**

1. **Testing Notice—**

Before performing an alcohol or drug test, the employee shall be notified whether the test is required pursuant to Tooele City's "company authority" testing of safety-sensitive employee or Tooele City's DOT testing of CDL drivers, and whether the test is pre-employment, reasonable suspicion, random, post-accident, or return-to-duty/follow-up testing.

2. **Alcohol—**

Alcohol testing is conducted at a City-designated location/facility and ~~will be~~ is a breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .02 or more, a second breath specimen will be tested approximately 20 minutes later. If an employee's second breath alcohol concentration is at or exceeds .04, the second confirmation test will be determinative as under the influence.

*Under no circumstances should the employee be allowed to drive following a test for alcohol when the second confirmation test result is at or exceed the positive cut off limit. A member of management is expected to transport the employee or arrange for other transportation.*

3. **Drug -**

Drug testing is conducted at a City-designated location/facility and ~~will be~~ is a urine specimen of required volume. ~~Applicants and employees may provide~~ Specimens are provided in private unless they appear to be ~~submitting~~ altered, adulterated, or substituted d specimens.

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Collected specimens will be split-sample, sent to a federally or state certified laboratory, and tested for:

Testing Authority	Tested for
Safety-sensitive Company Authority	<del>910</del> Panel Opiates, cocaine, phencyclidine, amphetamines, marijuana, barbiturates, benzodiazepines, propoxyphene, methadone, <del>and methaqualone</del>
CDL Drivers DOT-required	5 Panel Opiates, cocaine, phencyclidine, amphetamines, and marijuana

The laboratory ~~will~~ screens all specimens and confirms all positive screens. The laboratory ~~will~~ preserves the chain of custody from the time specimens are collected through testing and storage.

The laboratory ~~will~~ transmits all positive drug test results to a medical review officer (MRO) retained by Tooele City, who ~~will~~ offers individuals with positive results a reasonable opportunity to rebut or explain the results prior to reporting test results to Tooele City. An individual with positive test results has 72 hours from notice of a positive test result to may ask the MRO to perform a confirmation test at another federally or state certified laboratory, at the individual's own the applicant's or employee's expense. ~~Such requests must be made within 72 hours of notice of test results. If a confirmation test fails to find any evidence of drug use in violation of this Section in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to Tooele City until such time as: (1) the tested employee has not requested a confirmation test within 72 hours of a positive test result, or (2) the MRO has confirmed the test to be positive through a confirmation test.~~

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E. CONSEQUENCES OF POSITIVE ~~DRUG/ALCOHOL~~ TESTS OR POLICY VIOLATION

1. ~~Applicants who refuse to participate in a drug test or who test positive generally will not be hired. An offer of employment may be withdrawn if an applicant tests positive for a controlled substance or violates any provision of this policy.~~
2. ~~Employees who violate any provision of this policy may be subject to Disciplinary action, up to and including dismissal, may be taken against~~

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~~employees who violate any provision of this policy.~~

3. Employees may be referred to a substance abuse professional for initial evaluation at the City's ~~expense discretion~~ and the City's ~~expensediscretion~~. Recommended rehabilitation, even if imposed as part of discipline, is at the employee's expense ~~and is not considered paid work time~~. An employee's refusal or failure to submit to an evaluation ~~by a substance abuse professional~~ or to successfully complete ~~the recommended~~ rehabilitation ~~recommendation by a substance abuse professional~~ may result in additional disciplinary action, up to and including dismissal.

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F. CANCELLED TEST & UNIQUE SITUATIONS

At times, a problem with a drug test may be identified that cannot or has not been corrected, or which federal regulations require it to be cancelled. In these situations, a cancelled test is reported. A cancelled test is neither positive nor negative.

Additionally, Tooele City recognizes that situations may arise which are not specifically covered by this ~~policy. policy and procedure.~~ These ~~will may~~ be addressed on a case-by-case basis.

G. EMPLOYEE ASSISTANCE/VOLUNTARY TREATMENT

Early recognition and treatment ~~of drug and/or alcohol abuse or addiction~~ is important for successful rehabilitation. Employees are urged to seek treatment prior to being identified for testing. for substance abuse problems and are reminded that treatment and counseling services may be available through the Employee Assistance Program (EAP) and ~~under the City's~~ group health insurance plan.

H. OFF-DUTY DRUG & ALCOHOL RELATED TESTS & CRIMINAL CONVICTIONS

An employee who is convicted for violation under federal or state criminal statute which regulates manufacturing, distributing, dispensing, possessing, selling, purchasing, or consuming a controlled substance shall notify their supervisor of the conviction no later than 5 calendar days after the conviction. Convictions are not necessarily disqualifiers from employment. A case-by-case analysis is conducted for workplace safety and job relevancy. ~~For a~~An employee who is required to drive a vehicle as an essential function of the job, may no longer qualify for the job where the employee's driver license is suspended or revoked due to a drug or alcohol conviction or offense.

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Pursuant to this policy (as "company authority"); test results generated by law enforcement officers, emergency responders, or health care providers may also be considered by Tooele City for determining policy compliance.

**I. COMPENSATION FOR TESTING & RECORD KEEPING**

An employee's time spent participating in random, reasonable suspicion, or post-accident drug or alcohol testing is considered paid work time. Individuals participating in pre-employment testing, rehabilitation testing, do so on their own time. Participation in or return-to-work testing, whether or not related to a disciplinary or corrective action program, is not compensable paid-work time.

All information relating to Tooele City's drug and alcohol testing shall be treated as confidential except as otherwise indicated herein or as provided by law.

**J. POLICE DEPARTMENT ALCOHOL LIMITS & POLICY**

The Tooele City Police Department may establish lower limits pertaining to alcohol positive tests as identified in their department policies and procedures.

Additionally, at the time this policy revision was approved, sworn law enforcement officers' use of medical cannabis is prohibited pursuant to department policy. However, the Utah State Code regarding medical cannabis was still being evaluated to determine the impact it may have on law enforcement officers. The City recognizes that the Police Department may make changes to their policies that may conflict with this policy to adapt more quickly to the changing landscape on this issue.

**K.**

**K. DEFINITIONS – The following definitions are provided for general understanding.**

The following definitions are provided for general understanding.

**1. Abuse or Misuse -**

- the possession or use of a controlled substance obtained without a lawful prescription issued to the possessor or user;
- the use of a controlled substance contrary to the prescription indications; or,
- the use of alcohol or a controlled substance to a degree which renders the user unfit to safely operate a motor vehicle or to safely perform safety sensitive functions or other job requirements while on duty.

**2. Alcohol -** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how the alcohol is packaged or in what form the alcohol

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**DRUG AND ALCOHOL FREE WORK PLACE**  
**DRAFT - Revised November-January 20182020**

SECTION: 17

is stored, utilized, or found.

3. Applicant - An individual

- ~~any person~~ who has made written or oral application to become an employee of Tooele City and has been extended a conditional offer of employment; or,
- ~~any~~ employee who applies for, and is subsequently selected to fill, an internal vacancy through a competitive selection process.

4. City Premises - Buildings, parking lots, grounds, parks, properties, equipment, and vehicles owned or leased by the City, and personal vehicles being used for City business. See workplace.

5. Commercial Driver License (or CDL)/CDL-required Position - a position requiring the employee possess and maintain a license required by Utah Code §53-3-404, as amended, and/or the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle.

6. Confirmation Test -

- ~~For~~ alcohol testing, a second test that provides quantitative data of alcohol concentration in the test subject's body; and,
- ~~for~~ drug testing, a second analytical procedure using a split sample to identify the presence of a controlled substance or substance metabolites, analogs, homologs, or synthetic equivalents in the test subject's body, which procedure is independent of the initial screen.

7. Consume/Consumption - To inhale, ingest, inject, or otherwise take into the body.

8. Controlled Substance - Those substances defined by the Utah Controlled Substances Act, Utah Code §58-37-4 and §58-37-4.2, as amended, and the federal Controlled Substance Act, 21 United States Code §802(6), as amended. Also referred to herein as "drug" and "drugs."

9. Company Authority/Safety-sensitive - Drug and/or alcohol testing program that is established pursuant to the policies and procedures of Tooele City as opposed to DOT-regulations.

Drug Paraphernalia - Objects used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code §58-37a-3, as amended.

10. Drug/Drug Testing - See Controlled Substance.

11. Medical Review Officer - A licensed medical provider who has knowledge of substance abuse disorders and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate drug and alcohol test results.

12. Possess - To be located on one's person, in one's clothing, in one's immediate vicinity or control (such as, wallet, purse, desk, drawer, locker, vehicle), or in one's body as evidenced by a positive test result. Includes "constructive possession" as defined by Utah law.

Sample - Any specimen of urine ~~or, blood, breath, saliva, or hair~~ to be used for testing pursuant to this policy.

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**DRUG AND ALCOHOL FREE WORK PLACE**  
**DRAFT - Revised November-January 20182020**

SECTION: 17

Safety Sensitive Employee/~~Function~~/Position/~~Function~~/Duty – See Work Duties.

Employees performing ~~work-related duty or assignment~~ in which a person performing the position while under the influence may constitute a threat to health or safety of themselves, a co-worker, or the general public.

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Safety sensitive ~~Such~~-tasks include, but are not limited to: carrying a firearm ~~or weapon~~; monitoring/inspecting for life-threatening risks to ensure life safety; ~~inspecting buildings, facilities, and equipment for safety to others; having responsibility for~~ performing life-saving ~~or rescue~~ procedures, working with hazardous or flammable materials; ~~provides~~~~having~~ access to extremely confidential information that if compromised could be life-threatening or cause serious repercussion; ~~having~~ access to medicine or controlled substances; and, operating, repairing, maintaining, or monitoring heavy equipment, machinery, or motor vehicles.

Employees required to hold CDL are also considered safety sensitive employees and may be tested pursuant to DOT regulations and/or company authority.

~~14. Employees who are stopped from performing a safety sensitive duty, whether the duty was completed or not, will be deemed to have performed the safety sensitive duty for purposes of this policy.~~

~~15. Split Sample Testing - A method of testing where the tested sample is divided into two similar quantities prior to testing. The first one-half is tested while the second one-half is preserved for a limited time for confirmation or other testing purposes.~~

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~~16. Test - The scientific analysis for the presence of drugs and/or alcohol or their metabolites in the human body. Also referred to as "alcohol test," "drug test," and "testing."~~

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~~17. Under the Influence - The physical or mental condition of an employee, resulting from the consumption of alcohol or a controlled substance, that causes the employee to be unable to safely operate a motor vehicle or to safely perform safety sensitive functions, including but not limited to an alcohol test result of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath.~~

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~~18. Work Duties/On Duty - The duties, or the performing of the duties, on behalf of Tooele City, which are contained within an employee's job description or which are specifically assigned to an employee. Includes being on-call.~~

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~~19. Workplace - The workplace includes, but is not limited to, City owned buildings, grounds, and vehicles, and/or any other location where the employee conducts City work during work hours or while on duty. See City Premises.~~

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## HOLIDAYS

Revised ~~December 2019~~ Draft February 2020

SECTION: 23

### A. PURPOSE

This Section specifies the days Tooele City recognizes as paid holidays and covers some of the considerations that may arise relating to paid holiday benefits. See applicable Sections herein this Manual for benefit eligibility and compensation-related policies.

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### B. ~~A.~~ PAID HOLIDAYS

The following days are designated as paid holidays for eligible employees:

1. January 1, called New Year's Day;
2. The third Monday in January observed as the anniversary of the birth of Dr. Martin Luther King, Jr., also known as Human Rights Day;
3. The third Monday in February observed as the birth of George Washington and Abraham Lincoln, also known as President's Day;
4. The last Monday in May, called Memorial Day;
5. July 4, called Independence Day;
6. July 24, called Pioneer Day;
7. The first Monday in September, called Labor Day;
8. The second Monday in October, called Columbus Day;
9. November 11, called Veterans' Day;
10. The fourth Thursday in November, called Thanksgiving Day;
11. The Friday after Thanksgiving; and,
12. December 25, called Christmas Day.

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### C. ~~B.~~ HOLIDAYS ON WEEKENDS

When a holiday falls on Saturday, the preceding Friday shall be the holiday. When a holiday falls on a Sunday, then the following Monday shall be the holiday. The exception is for sworn law enforcement officers normally assigned to patrol duty; the holiday will be the actual date of the holiday and for holidays worked, it will be recognized for employees whose shift begins on the date of the holiday.

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### D. HOLIDAY ON NORMAL DAY OFF

When a holiday falls on ~~an eligible employee's~~ normally scheduled day off, another day is substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original holiday occurred.

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### E. ~~D.~~ FLSA EXEMPT WORK A HOLIDAY

When an FLSA exempt employee works on a designated holiday, another day may be substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original designated holiday occurred.

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## HOLIDAYS

Revised ~~December 2019~~ Draft February 2020

SECTION: 23

### F. SPECIAL CONSIDERATIONS

#### 1. Hire & Termination Date.

Hire dates may not be set to provide an employee with a paid holiday benefit when no compensable work activities will be performed for the City during the work day prior to and immediately following the holiday.

Termination dates may not be established to artificially provide for the payment of a paid holiday benefit. For example, if a termination date is set to be the day after the holiday and the employee plans to use paid leave for that final day as opposed to actually performing compensable work activities, the termination date should be the day before the holiday. Additionally, if the employee "calls-in" the day after the holiday, the City may retroactively set the termination date to the day before the paid holiday.

#### 2. Unpaid Leave Status. Eligible employees do not receive holiday pay benefits during a pay period when they are in an unpaid leave status.

#### 3. Paid Holiday Benefits Coordination with Other Leave.

Occasionally, employees are off work for unusual circumstances such as extended leave, FMLA, disability, workers compensation, etc. on a paid holiday. If the employee is deemed to still be in a paid or City-provided disability insurance status, he/she remains eligible for paid holiday benefits up to the amount needed to bring the employee to 100% of their normal pay, rounded to the nearest quarter of an hour. For example, an employee normally works 8 hours and is receiving short-term disability benefit payments that replaces 70% of salary. The employee receives 2.25 paid holiday hours representing the other 30% (8 x 30% = 2.4, rounds to 2.25). The human resource office can assist with making these calculations as needed.

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## PURCHASES & REIMBURSEMENTS

Revised ~~July 2003~~Draft February 2020

SECTION: 38

### A. PURCHASING POLICY

Employees shall follow the approved Tooele City Purchasing Policy which is available through the designated City purchasing agent.

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### A-B. PURCHASES BY DECEPTION

Employees may not use Tooele City's tax-exempt ID number for their private, personal use or benefit.

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Tooele City may have established discounts or special rates with vendors. These are preserved for the City's business use. Employees may not request or accept such discount for their own private, personal purchases or services, nor may they deceive the vendor by ~~Ne~~ ~~employee may purchase any item for private use or consumption in the name of Tooele City,~~ by giving the impression that ~~the purchase or service the item is purchased is~~ for the use or benefit of Tooele City. Employees are expected to promptly correct a vendor's error if applicable, if later discovered (i.e. an employee routinely makes purchases for the City with a local business and later discovers that the City discount was applied to a purchase that was for their personal items.) See Section 31: Gifts, Prizes, Awards, Wellness/Recreation, & Discounts herein this Manual for applicability of discounts provided to employees as part of the City's benefit or "perks" programs, ~~or at a discount because of the employee's connection to and employment by Tooele City~~

Any person violating this Section may be subject to disciplinary action up to and including dismissal.

### B-C. REIMBURSEMENTS

Requests for reimbursement must be accompanied by an original receipt and written explanation stating the City-related business purpose for the expenditure. If original receipts are unavailable, the employee may submit a signed statement, approved by the department head, indicating all information normally contained on a receipt.

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**TOOELE CITY CORPORATION**

**ORDINANCE 2020-05**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING APPROVAL OF SUBDIVISION FINAL PLAT APPLICATIONS.**

**WHEREAS**, the Tooele City Charter created a form of government where legislative and executive power of city government are strictly separated into two branches of government, with the City Council exercising all legislative powers and the Mayor exercising all executive and administrative powers of the City (see Charter Section 2-02; see also UCA Chapter 10-3b Part 2 regarding the Council-Mayor separation of powers form of government); and,

**WHEREAS**, UCA Section 10-9a-601 empowers municipalities to enact subdivision ordinances consistent with state and federal land use law, and Tooele City has enacted TCC Chapter 7-19 governing subdivision applications and approvals; and,

**WHEREAS**, in the course of land use application approval and implementation under TCC Chapter 7-19, developers must make application for approval of a subdivision final plat following approval of, and with consistency to, subdivision preliminary plan applications which includes design and construction plans for all public improvements required by the Tooele City Code and its adopted uniform codes, including the American Public Works Association (APWA) standards and specifications; and,

**WHEREAS**, as currently enacted, the approval of subdivision final plat applications is a formal statutory process, detailed in the City Code, culminating in the City Council's approval and signatures on the application's mylar plat map declaring the application approved (see TCC Section 7-19-10); and,

**WHEREAS**, under Utah state law the predominant entitlement for development activity occurs and is formalized with the approval of a preliminary plan for a subdivision, with the final plat approval process serving more, as its name suggests, as a finalization and less rigorous procedure than the preliminary plan procedure; and,

**WHEREAS**, the enactment by the City Council of the subdivision approval ordinance and regulatory process is a legislative function, while the approval of subdivision final plats is an administration function of administering and implementing the enacted regulatory process, appropriate for the City Administration (Mayor and administrative departments); and,

**WHEREAS**, the City Administration recommends that it be permitted to perform its administrative functions regarding the approval of subdivision final plat applications by implementing an administrative approval process; and,

**WHEREAS**, the City Council requests the ability to participate in the process of approving subdivision applications, as a check upon the executive power, through a public review and approval of the subdivision preliminary plan application and by the signature of the City Council Chairperson on the final plat mylar map; and,

**WHEREAS**, attached as Exhibit A are proposed amendments to TCC Chapter 7-19 regarding the administrative approval of subdivision final plat applications; and,

**WHEREAS**, this Ordinance 2020-05 will honor and implement the separation of powers paradigm established in the Tooele City Charter and UCA Chapter 10-3b, and will lead to increased efficiency in the City's legislative and administrative processes, and is therefore in the best interest of Tooele City:

**WHEREAS**, on \_\_\_\_\_, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit B); and,

**WHEREAS**, on \_\_\_\_\_, 2020, the City Council convened a duly-advertised public hearing:

**NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL** that Tooele City Code Chapter 7-19 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

**IN WITNESS WHEREOF**, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

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

S E A L

Approved as to Form:

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

## Exhibit A

### Proposed Amendments to TCC Chapter 7-19



## CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of chapter.
- 7-19-2. General provisions.
- 7-19-3. Interpretation.
- 7-19-4. Severability.
- 7-19-5. Rules of interpretation.
- 7-19-6. Property line adjustments.
- 7-19-6.1. Property Combinations.
- 7-19-7. Applicability of this Chapter.
- 7-19-8. Procedure for approval of preliminary plan.
- 7-19-9. Plats and data for approval of preliminary plan.
- 7-19-10. Procedure for approval of the final plat.
- 7-19-11. Plats, plans and data for final approval.
- 7-19-12. Public Improvements; bonds and bond agreements.
- 7-19-13. Applications for Reimbursement.
- 7-19-14. Failure to act, effect.
- 7-19-15. Phased development.
- 7-19-16. Design standards.
- 7-19-17. Streets.
- 7-19-17.1 Double-frontage lots - definitions - design - maintenance.
- 7-19-18. Easements.
- 7-19-19. Blocks.
- 7-19-20. Lots.
- 7-19-20.1 Flag Lots.
- 7-19-21. Required land improvements.
- 7-19-22. Street signs.
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required - specifications.
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
- 7-19-29. Water service.
- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans ~~and review fee~~.
- 7-19-32. Acceptance of required land improvements by the city.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation.
- 7-19-35. Minor Subdivision - Exemptions from preliminary plan process ~~requirement~~.
- 7-19-36. Effect of revocation and voiding.

### 7-19-8. Procedure for approval of preliminary plan.

- (1) Pre-Development Review. Prior to the submission of any land use application, the applicant may and is strongly encouraged to attend a pre-development meeting to review the proposed land development activity and its use, the site, area of potential conformity or conflict with the City's development policy, and the process by which the proponent may proceed to seek a permit for the

proposed land development activity sought by the applicant. The pre-development meeting shall concern all aspects of the application proposal as it relates to applicable ordinances and laws, policy considerations, land uses proposed, neighboring properties and uses, community aesthetics and standards, and any other issue that may affect the approvability of the application or the implementation of the proposal.–Applications to be reviewed during a pre-development meeting shall be scheduled for the next reasonably available meeting according to the Community Development Departments regular meeting schedule.

- (2) Preliminary Plan Preparation. The applicant shall cause to be prepared the preliminary plan which shall include all of the property to be subdivided or developed by the applicant as well as all other property owned or controlled by the applicant which is adjacent to or considered contiguous to the portion to be subdivided or developed. The applicant shall also prepare such other supplementary material as was specified by the City in the pre-development meeting, as well as a written application for approval of the land use proposed. The applicant shall deliver copies of the proposed preliminary plan for review to the Community Development Department and to the Tooele Post Office, Tooele County School District, the Tooele County Health Department, County Surveyor, and each non-City utility company involved in the subdivision or development.
- (3) Planning Commission Review. Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary plan to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, and Health Department.
  - (a) The Planning Commission shall approve, approve with conditions, or disapprove the proposed preliminary plan and submit its recommendation to the City Council. An application shall not be approved until receiving all the signatures listed in subsection (2) above.
  - (b) If the Planning Commission finds that changes, additions, or corrections are required on the preliminary plan, the Commission shall so advise the applicant on the record in a public meeting or in writing. The applicant may resubmit the preliminary plan to the Commission without paying an additional fee. The Commission shall approve, approve with conditions, or disapprove the revised preliminary plan and submit its recommendations in writing to the City Council.
- (4) City Council Review. The City Council shall accept, accept with conditions, or reject said plan within a reasonable time following the action of the Planning Commission.
- (5) Preliminary Plan Approval. The following qualifications shall govern approval of the preliminary plan:
  - (a) Approval of the preliminary plan by the Planning Commission is tentative only, involving merely the general acceptability of the layout as submitted.
  - (b) Approval of the preliminary plan shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Council grants an extension in a public meeting, not to exceed six months, upon written request of the developer. The request for said extension shall not require an additional fee, or the submittal of additional copies of the preliminary plan of the subdivision. If the application for final plat approval is not submitted to the Community Development Department prior to the expiration of said one year period which begins to run from the date that the preliminary plan is approved by the Council, the approval of the said preliminary plan automatically lapses and is void and of no further force or effect. Thereafter, the developer must recommence the application process then in effect.
  - (c) Where a preliminary plan contemplates more than one final subdivision plat or phase, the failure of a subdivider to submit a completed final plat application for a second or subsequent phase within the scope of the same subdivision preliminary plan final plat within ~~two~~one years of acceptance of public improvements from the previous subdivision phase final plat approval by the City Council shall cause the ~~City Council~~ approval for all un-platted portions of the preliminary plan to automatically lapse and expire and become of no further force or effect. Thereafter, the

subdivider must recommence the land use application process then in effect.

**7-19-10. Procedure for approval of the final plat.**

- (1) The final plat shall conform substantially to the preliminary plan as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and the approval of the preliminary plan.
- (2) Application for approval of the final plat, including all engineering drawings, shall be submitted in writing to the Community Development Department and shall be accompanied by the fee and engineering review fee as required by the City Code. The application must be completed, including all corrections and required documentation, before the application can be accepted and reviewed by the City at least 15 days prior to the regular meeting of the Planning Commission for its review and recommendation.
- (3) The final engineering plans and specifications, consistent with the approved preliminary plan, as well as an AutoCAD copy of the development plans, shall be submitted to the Community Development Department within one year after approval of the preliminary plan and before the approval review of the final plat application; unless, prior to the one-year period lapsing, the City Council grants an extension, not to exceed six months, upon written request of the developer. Such extension will not require an additional fee or filing or additional copies of the plat. If the final plat is not submitted to the Community Development Department prior to the expiration of said one-year period, which begins to run from the date that the preliminary plan is first approved by the Council, the approval of the said preliminary plan automatically lapses and is void and is of no further force or effect. Thereafter, the developer must recommence the application process as then in effect. The subdivider shall make all revisions required by the City promptly and with reasonable diligence.
- (4) ~~Within two months after its meeting at which time the application for~~ An application for approval of a final subdivision plat shall be reviewed and, upon findings by the Community Development and Public Works Departments and the City Engineer that all applicable requirements of this Title and conditions of the preliminary plan approval have been met, approval of the application issued in writing by the Community Development Department. Upon approval of the final plat is submitted and submission of the final plat mylar, the Community Development Department shall secure final plat mylar signatures of the Planning Commission Chairperson and the City Council Chairperson shall recommend approval or disapproval. If the Commission recommends approval of the plat, it shall affix upon the plat the certifying signatures of its chairman and members voting in favor of approval, and submit the plat along with its recommendations to the City Council. If it recommends disapproval, the Commission shall set forth the reasons in its own records, which may include the meeting minutes.
- (5) Filing:
  - (a) Prior to ~~consideration~~ approval of the final plat ~~by the Planning Commission~~, and the fulfillment of the requirements of these regulations, one mylar of the final plat of the subdivision, not to exceed 36 inches by 48 inches in size, shall be submitted to the Community Development Department ~~at least 15 days before a regular meeting of the Planning Commission.~~
  - (b) ~~Action must be taken by the Council within two months after the meeting at which the final plat and all drawings, maps and other documents regarding the development have been submitted for its approval. The Council may extend the two month period upon a two-thirds vote of its members.~~
- (6) Recordation. Tooele City will record the final plat mylar with the Tooele County Recorder pursuant to Section 7-19-39, below.

**7-19-11. Plats, plans and data for final approval.**

- (1) The final plat shall be drawn in ink on tracing cloth on sheets not to exceed 36 inches by 48 inches and ~~shall be at~~ a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections compliant with City requirements satisfactory to the Planning Commission. The final plat shall show the following:
  - (a) Primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
  - (b) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings and deflection angles and radii, arcs and central angles of all curves.
  - (c) Name and right-of-way width of each street or other right-of-way.
  - (d) Location, dimensions and purpose of any easements.
  - (e) Number to identify each lot or site and block.
  - (f) Purpose for which sites, other than residential lots, are dedicated or reserved.
  - (g) Proposed building set-back lines on all lots and other sites.
  - (h) Location and description of monuments.
  - (i) Certification by a registered land surveyor licensed by the State of Utah certifying to the accuracy of the survey and plat.
  - (j) Certification of the County Treasurer showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
  - (k) Dedication by the owners of the tract of all streets, easements and rights-of-way to the public, and other proposed public way or space shown on the plat.
  - (l) Certification of title showing that the applicant is the owner or agent of the owner.
  - (m) Proper form for the approval of the Council, with space for the signatures of the Council Chairperson ~~members~~.
  - (n) Approval by signatures of those persons or departments with signature lines on the final plat.
  - (o) Name of the subdivision.
  - (p) Location by section, township and range.
  - (q) Title, scale, north arrow and date.
  - (r) Other items or information reasonably required by the City.
- (2) Cross sections and profiles of streets showing grades. The scales and elevations shall be based on the U.S.G.S. Datum Plane.
- (3) Protective covenants in form for recording.

**7-19-12. Public Improvements; bonds and bond agreements.**

Public improvements shall be completed pursuant to the following procedure:

- (1) After approval of the preliminary plan, the subdivider shall present plans and specifications for all public improvements to the city Engineer for review and approval.
  - (a) If engineering plans require substantial changes from the approved preliminary plan, the subdivider shall revise and re-submit the public improvements plans and specifications.
  - (b) Re-submissions shall not require the payment of additional fees to the City. The City, however, shall not be responsible for the cost of any revisions or for any costs incurred due to delays caused by requiring the revisions.
  - (c) No public improvements may be constructed prior to final plat approval.
- (2) Upon approval of the final plat, plans, and specifications ~~by the City Engineer~~, the Community Development Department shall provide written notice to the applicant of final plat approval ~~shall be submitted to the City Council for approval, modification, or disapproval~~.

- (3) All public improvements shall be completed within one year from the date of written final plat approval. The City Council may grant a maximum of two 6-month extensions upon receipt of a written petition and upon a finding of unusual circumstances. Petitions for extension must be filed with the City Recorder prior to expiration of the applicable 1-year period or 6-month extension. If the public improvements are not completed with the time allowed under this Section, no further approvals of any land use application shall be issued to the subdivider responsible for completing the public improvements, and no further plats shall be approved within the preliminary plan or project area in which the public improvements are incomplete.
- (4) (a) Except as provided below, all public improvements associated with a subdivision final plat must be completed, inspected, and accepted pursuant to Section 7-19-35, below, prior to the recordation of that plat.
- (b) A subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the plat's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure completion of all public improvements required to be installed in the subdivision and to warrant the quality of their construction.
- (c) Where public improvements are constructed without a bond and bond agreement, under no circumstances shall such public improvements be connected to the City's water distribution, sewer collection, storm drain collection, and road right-of-way systems prior to recordation of the associated final subdivision plat or without bonding for the public improvements located within City rights-of-way pursuant to this Section.
- (5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement shall be signed by the Mayor, the City Attorney, and the City Engineer. The agreement shall include, without limitation, the following:
- (a) Incorporation by reference of the final plat, final plat documents, public improvements plans and specifications, and all data required by this Chapter which is used by the City Engineer to estimate the cost of the specific public improvements.
- (b) Incorporation by exhibit of the City Engineer's estimate of the cost of the specific public improvements.
- (c) Completion of the public improvements within the period of time described in subsection (3), above.
- (d) Completion of the public improvements to the satisfaction of City inspectors and according to City standards, as established by the Tooele City Code and City policies.
- (e) Establishment of the bond amount. The bond amount shall include the following:
- (i) the subdivider's estimated cost of the public improvements to be installed, as reviewed and approved by the City Engineer or designee; and,
- (ii) a reasonable contingency of 20% of the estimated cost, intended to cover the cost of inflation and unforeseen conditions or other circumstances.
- (f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.
- (g) The bond proceeds may be reduced upon written request of the subdivider as the improvements are installed and upon approval by City inspectors on a City inspection report form. The amount of the reduction shall be determined by reference to the City Engineer's estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.
- (h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as

- provided in Sections 7-19-12(7) and 7-19-35, herein. Any bond amount reduction shall not be deemed as an indication of public improvement completion or acceptance.
- (i) If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the subdivider shall be responsible for the deficiency. Until the improvements are completed or, with City Council approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:
    - (i) no further plats shall be approved within the preliminary plan or project area in which the improvements are to be located; and,
    - (ii) no further building permits shall be issued in the subdivision.
  - (j) If, after expiration of the bond agreement time period, the bond proceeds are not transferred to the City within 30 days of the City's written demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.
  - (k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in this Chapter.
- (6) Bond agreements shall be one of the following types:
- (a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.
  - (b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.
  - (c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.
- (7) Warranty. The Subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance by Resolution of the City Council, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is inadequate to protect the public health and safety.
- (8) The final plat applications for two or more final subdivision phases plats may be approved and the entirety of property within those phases developed simultaneously where all public improvements associated with the plats are bonded for and constructed as if they were one phase plat. An application for final plat approval of multiple phases shown on the approved preliminary plan may also be approved under a single application when the final plat reflects all requested phases as a single phase in the overall configuration of the approved preliminary plan.
- (9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction, as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

**7-19-13. Applications for Reimbursement.**

- (1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.
- (2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:
  - (a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards

- and specifications for the Eligible Public Improvements by 10% or more; and,
- (b) the Cost Differential exceeds \$5,000; and
  - (c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and
  - (d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,
  - (e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public Works or City Engineer.
- (3) Application for Reimbursement.
- (a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.
  - (b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.
- (4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:
- (a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,
  - (b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.
- (5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.
- (6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to or with the benefitting development's final subdivision plat ~~approval~~ application or, in the case of a site plan, prior to the issuance of a building permit.
- (7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.
- (8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of \$100.
- (9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.
- (10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed

Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

- (11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.
- (12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.
- (13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.
- (14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.
- (15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

**7-19-14. Failure to act, effect.**

Should the Planning Commission or the City Council fail to act upon any submitted [preliminary plan](#) applications, ~~preliminary plan or final plat~~, within the time period allotted by this Chapter, said failure shall be considered a denial of the said submission.

**7-19-15. Phased development.**

- (1) When the public improvements have been 100% completed [and accepted](#) within the subdivision final plat, ~~an additional subdivision a~~ final plat [for a subsequent phase](#) within the same preliminary plan or project area may be requested, ~~and the subdivider may request the approval of an additional preliminary plan.~~
- (2) Each subdivision final plat in a preliminary plan [or project area](#) shall be considered a phase of the preliminary plan and shall be developed in a logical and orderly manner. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.

**7-19-17. Streets.**

The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission and City Council upon the positive recommendation of the Director of the Community Development and Public Works Department. All streets shall comply with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master



Plan. An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the City Council for major collector or arterial class roads adjacent to the proposed subdivision. Roads interior to a subdivision or between phases of a subdivision may not be excepted. Exception requests must be submitted in writing ~~to the City Recorder and~~ to the Directors of the Community Development and Public Works Department ~~Director~~ prior to ~~final subdivision plat~~ the Planning Commission's review of the preliminary plan approval ~~and at least 15 days prior to the date upon which the City Council will consider the request.~~ The Directors shall provide a written recommendation on the exception request to the Planning Commission for their review with the preliminary plan. In reviewing an exception request, the City Council shall consider and approve or deny the request following ~~a written~~ recommendation from the ~~Community Development and Public Works Department Director~~ Planning Commission based on the following factors:

- (1) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic including crossings of the road or right-of-way;
- (2) existing transit, vehicular, bicycle, and pedestrian traffic in the area;
- (3) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;
- (4) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;
- (5) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;
- (6) existing right-of-way improvements in the area;
- (7) the degree to which the right-of-way leading to and from the area requested for exception has been developed and completed;
- (8) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;
- (9) the degree to which the entirety of the right-of-way has been dedicated and improved outside of the area requested for an exception;
- (10) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;
- (11) phasing and a phasing schedule for the proposed subdivision;
- (12) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and
- (13) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.

#### **7-19-17.1. Double-frontage lots – definitions – design – maintenance.**

- (1) Definitions. For purposes of this Section, the following terms shall be defined as follows.
  - (a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double-frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.
  - (b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.
  - (c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.
- (2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

- (a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.
  - (i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.
  - (ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.
  - (iii) The park strip thickness shall be a minimum of five and one-half inches.
  - (iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.
- (b) Park strip trees. Trees shall be planted in the park strip as follows.
  - (i) Park strip trees shall be chosen from a list of City-approved trees, the list being on file with the Public Works Department.
  - (ii) Park strip trees shall be spaced not more than 35 feet apart.
  - (iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Section 7-19-29, as amended.
  - (iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system.
- (c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.
- (d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.
  - (i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.
  - (ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.
  - (iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.
  - (iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.
  - (v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.
- (e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.
- (f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.
- (g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. Such determinations are not subject to appeal.
- (3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Section 7-19-29, as amended.
- (4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained

as follows.

- (a) Home Owners Association. As a condition of **City Council** final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.
- (b) Covenants, Conditions, and Restrictions. As a condition of **City Council** final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.
- (c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.
- (d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

**7-19-31. Filing of engineering plans ~~and review fee.~~**

- ~~(1) One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final plat **by the Planning Commission**. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.~~
- ~~(2) A plan review fee, based upon the following percentages of total land improvements costs, as estimated by the design engineer and approved by the City Engineer, shall be submitted with the plans and specifications required above:~~
  - ~~(a) 1.5% of the construction cost of the improvements when such cost is \$50,000 or less.~~
  - ~~(b) 1% of the construction cost of the improvements when such cost is over \$50,000 but less than \$250,000.~~
  - ~~(c) 0.75% of the construction cost of the improvements when such cost is over \$250,000.~~

**7-19-34. Final plat execution, delivery, and recordation.**

- (1) The subdivider shall deliver to the City the fully executed final plat *mylar* within 90 days of final plat *application* approval. Failure to fully execute the final plat *mylar*, or to deliver the fully executed final plat *mylar* to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final plat approval.
- (2) No changes to the approved final plat *mylar* may be made without the written approval of the City.
- (3) Tooele City shall promptly record an approved final subdivision plat *mylar* with the Tooele County Recorder upon the occurrence ~~of one~~ of the following:

- (a) ~~acceptance of all public improvements associated with the final plat pursuant to Section 7-19-35, above~~ a statement of desired timing for recording the plat from the subdivider; ~~or and,~~
- (b) execution of a bond agreement pursuant to Section 7-19-12, above.
- (4) The subdivider shall pay all fees associated with the recordation of the approval final plat mylar.

**7-19-35. Minor Subdivision - Exemptions from preliminary plan process ~~requirement~~.**

- (1) A minor subdivision shall combine the preliminary plan and final plat requirements for approval of the subdivision into a single application and review process. A subdivision is considered a minor subdivision and exempt from ~~the~~ a separate preliminary plan review process ~~requirement~~ of this Chapter if:
  - (a) it contains less than ten lots;
  - (b) it does not contain a right-of-way dedication for public street; and,
  - (c) it does not involve off-site water or sewer utilities.
- (2) Information normally required as part of the preliminary plan application may be required by the Public Works ~~and~~ or Community Development Departments as part of a minor subdivision final plat application.

## Exhibit B

### Planning Commission Minutes

## TOOELE CITY CORPORATION

### ORDINANCE 2020-09

#### **AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE R1-7 RESIDENTIAL ZONING DISTRICT FOR 1.15 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 600 SOUTH CANYON ROAD.**

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 received an application for Zoning amendments for properties located near 600 South Canyon Road on January 9, 2020, requesting that the Subject Property be reassigned to the R1-7 Residential zoning district (see Rezone Petition attached as Exhibit A); and,

WHEREAS, the Subject Properties are owned by Ronald Hall and are currently

assigned the MU-160 Multiple Use zoning district; and,

WHEREAS, the lots in their current configuration do not conform to the lot size and lot width requirements of the MU-160 zoning district and are therefore considered legally non-conforming lots; and,

WHEREAS, on February 12, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on \_\_\_\_\_, 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 additional housing units to Tooele City and bring non-conforming parcels into conformance with the zoning code and are consistent with the General Plan and Land Use Plan; and,
2. the Zoning Map is hereby amended for the property located near 600 South Canyon Road as requested in **Exhibit A**, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

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



## Exhibit A

### Mapping Pertinent to Zoning Map Amendment

# Hall Rezone



**Current Zoning**

# Hall Rezone



*Proposed Zoning*

## Exhibit B

Application for Zoning Map 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](http://www.tooelecity.org)



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

P20-23  
02-013-0-0022

Project Information			
Date of Submission: 1/9/2020	Current Map Designation: M460	Proposed Map Designation: R1-7	Parcel #(s): 02-013-0-0014
Project Name: Rezone			Acres: 1.151
Project Address: 6005 Canyon RD			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Rezone to R17 and make a 3 lot sub.			
Property Owner(s): Ronald L Hall		Applicant(s): Ronald L Hall	
Address: 176 Heritage Hill Drive		Address: 176 Heritage Hill Drive	
City: Tooele	State: Ut	Zip: 84074	City: Tooele
Phone: (801) 830-9507			State: Ut
			Zip: 84074
Contact Person: Ron Hall		Address: 176 Heritage Hill Drive	
Phone: (801) 830-9507		City: Tooele	State: Ut
			Zip: 84074
Cellular: (801) 830-9507	Fax:	Email: uniqueexcavation11@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.

2200023

For Office Use Only			
Received By: CA	Date Received: 1/9/20	Fees: 1,150 <sup>00</sup>	App. #: 00370021

## Zoning Map Questions

Q1- MU 160

Q2- Currently it is a vacant lot surrounded by residential homes and a church, This land is now a throughfare

for vagrants and squatters. Developing this land would stop alot of this acivity.

Q3- All homes surrounding my lot are all R1-7 zoning except for the church, unknown zoning and Tooele City Corp.

Q4- This zoning would enable a nice subdivison with new homes to be built to enhance the look of the area and again

to stop the area from being used as a drug meeting place and a parking place for unlicensed vehicles.

Q5- Same as above it would help beautify what has become a slum area.

## Exhibit C

### Planning Commission Minutes

## STAFF REPORT

February 3, 2020

**To:** Tooele City Planning Commission  
Business Date: February 12, 2020

**From:** Planning Division  
Community Development Department

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

**Re:** Hall Rezone– Zoning Map Amendment Request

Application No.: P20-23  
Applicant: Ronald Hall  
Project Location: Approximately 600 South Canyon Road  
Zoning: MU-160 Multiple Use Zone  
Acreage: 1.15 Acres (Approximately 50,094 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the MU-160 Multiple Use zone regarding reassigning the zoning of the properties to the R1-7 Residential zoning district.

### BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.15 acres located at approximately 600 South Canyon Road. The properties are currently zoned MU-160 Multiple Use. The applicant is requesting that a Zoning Map Amendment to the R1-7 Residential zone be approved to facilitate the construction of a residential structure on property that does not conform to the mandates of the MU-160 Multiple Use zone.

### ANALYSIS

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Multiple Use land use designation for the subject properties. The properties have been assigned the MU-160 Multiple Use zoning classification. The purpose of the MU-160 Zone is to “provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped lands where residential uses should be limited in order to protect the land resource, to limited demands for public facilities and services, to provide opportunities for forestry, agriculture, mining, wildlife habitat, and recreation, to avoid damage to water resources and water shed areas, and to protect the health and safety of the residents of the City and adjoining areas.”

The MU-160 Multiple Use zoning designation is identified by the General Plan as a preferred zoning classification for the subject properties. Properties to the north are assigned the MU-G Mixed Use General Zoning district and are currently utilized as a church meetinghouse. Properties to the west and south are zoned MU-16. Properties to the east are zoned MU-160 and OS Open Space. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The MU-160 zoning district requires very large lots, a minimum lot size of 160 acres and a minimum lot width of 1320 feet thus keeping in line with limiting residential uses in order to protect and preserve land resources. The subject parcel(s) in question total 1.15 acres and are approximately 200 feet wide. The existing lots of record clearly do not conform with the mandates of the MU-160 zoning district and is



therefore a legal non-conforming lot.

The applicant wishes to build a residential structure on the property. Residential dwellings are a permitted use within the MU-160 zone, however the zone does require greater setbacks for buildings. Side yard and rear yard setbacks are 60 feet where in standard residential zones the setbacks for side yards is 6 to 10 feet and for rear yards is 20 to 30 feet. Ordinarily, in the MU-160 zone, given the lot size requirements, a large setback such as this is not an issue. However, this lot is barely larger than 1 acre and the increased setback requirements do reduce the useable area of the 1.15 acre lot.

The applicant wishes to rezone the property to the R1-7 Residential zoning district. The R1-7 zoning district is Tooele City's most common residential zone permitting lots as small as 7,000 square feet with no lot size maximum. Lots may be a minimum of 60 feet wide and setbacks in that zone are 6 feet on the side yards and 20 feet on the rear yard. Rezoning the property does create a potential to subdivide the property into smaller lots, however, the applicant has not expressed that this is their intention.

The MU-160 zone also permits the keeping and raising of farm animals such as horses, cows, sheep, goats and llamas. The R1-7 Residential zone does not permit the keeping of animals beyond typical household pets such as cats and dogs or chickens, rabbits and ducks.

The property is currently zoned MU-160 but is also located within the sensitive area overlay. The purpose of the sensitive area overlay is to minimize the impact to sensitive areas, protect wild life habitats, protect watersheds, preserve natural phenomena and scenic areas, minimize the threat of fire, protect the public from natural hazards such as storm water runoff, erosion and landslides and a whole plethora of other issues as defined in Tooele City Code 7-12. The overlay does not stop development but does require increased requirements regarding slope, cut and fill of a site, grading, building placement and so forth. The applicant has not indicated in favor of removing or retaining the sensitive area overlay on the property.

A residential use on the property would not be out of character with the surrounding properties. There are single-family residential uses located to the east and southwest. There is a church building located to the north. To the south is an old boy scout structure and a demolished City water storage tank and, as mentioned above, a home can be constructed on the property under the current zoning designation.

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

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

- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

## **REVIEWS**

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

1. A residential structure may be constructed on the property as it is currently zoned.
2. The MU-160 zone requires substantially greater setbacks for rear and side yards than a common single-family residential zone.
3. The MU-160 zone permits animals for agricultural purposes where the requested R1-7 Residential zone does not.
4. The existing lot(s) of record are legal lots but do not conform to the mandates of the MU-160 zoning district for lot size and lot width.
5. Rezoning the 1.15 acre parcel to R1-7 does create a possible subdivision of the property into multiple lots of 7,000 square feet or larger.
6. The property is located with the Sensitive Area Overlay zone.

*Noticing.* The applicant has 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 Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district application number P20-23, based on the findings listed in the Staff Report dated February 3, 2020:”

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 Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district, application number P20-23, based on the following findings:”

1. List findings...

**EXHIBIT A**

**MAPPING PERTINENT TO THE HALL REZONE ZONING MAP AMENDMENT**

***Hall Rezone***



***Aerial View***

**Hall Rezone**



**Current 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](http://www.tooelecity.org)



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P70-23  
02-013-0-0022

Project Information			
Date of Submission: <b>1/9/2020</b>	Current Map Designation: <b>MU 160</b>	Proposed Map Designation: <b>R1-7</b>	Parcel #(s): <b>02-013-0-0014</b>
Project Name: <b>REZONE</b>			Acres: <b>1.151</b>
Project Address: <b>6005 Canyon RD</b>			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: <b>Rezone to R17 and make a 3 lot sub.</b>			
Property Owner(s): <b>Ronald L Hall</b>		Applicant(s): <b>Ronald L Hall</b>	
Address: <b>176 Heritage Hill Drive</b>		Address: <b>176 Heritage Hill Drive</b>	
City: <b>Tooele</b>	State: <b>Ut</b>	Zip: <b>84074</b>	City: <b>Tooele</b>
Phone: <b>(801) 830-9507</b>		Phone: <b>(801) 830-9507</b>	
Contact Person: <b>Ron Hall</b>		Address: <b>176 Heritage Hill Drive</b>	
Phone: <b>(801) 830-9507</b>		City: <b>Tooele</b>	State: <b>Ut</b>
Cellular: <b>(801) 830-9507</b>	Fax:	Email: <b>uniqueexcavation11@gmail.com</b>	

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2200023

For Office Use Only			
Received By: <b>CA</b>	Date Received: <b>1/9/20</b>	Fees: <b>1,150<sup>00</sup></b>	App. #: <b>00370021</b>

## Zoning Map Questions

Q1- MU 160

Q2- Currently it is a vacant lot surrounded by residential homes and a church, This land is now a throughfare

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to stop the area from being used as a drug meeting place and a parking place for unlicensed vehicles.

Q5- Same as above it would help beautify what has become a slum area.



**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, February 5, 2020

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

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

**City Council Members Present:**

Justin Brady  
Tony Graf  
Ed Hansen  
Scott Wardle

**City Council Members Excused:**

Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Roger Baker, City Attorney  
Steve Evans, Public Works Director  
Darwin Cook, Parks Department Director  
Glenn Caldwell, Finance Director  
Cylee Pressley, Deputy Recorder

**City Employees Excused:**

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by City Attorney Roger Baker.

**2. Roll Call**

Justin Brady, Present  
Tony Graf, Present  
Ed Hansen, Present  
Scott Wardle, Present

### **3. Swearing-In of Fire Department Officers**

Presented by Cylee Pressley

Mayor Winn stated the fire department body votes on who they would like to serve as the first assistant chief, second assistant chief, and the fire chief for a period of two years. Once the elections are done, the Mayor is brought the names for confirmation. She stated that the new chiefs are very dedicated, trained and, are willing to serve.

Cylee Pressley swore in

- Fire Chief Chris Shubert
- 1<sup>st</sup> Assistant Chief Jed Colovich
- 2<sup>nd</sup> Assistant Chief Kip Childs

Chairman Wardle thanked Chief Harrison for his service and work to improve the fire department. He also thanked the other chiefs who have served with Chief Harrison.

### **4. Mayor's Youth Recognition Awards**

Presented by Mayor Winn and Police Chief Kirby

Mayor Winn welcomed visitors for the Mayor's Youth Awards and introduced Tooele City Police Chief Ron Kirby and thanked him for his collaboration. Mayor Winn highlighted Communities That Care Programs including Second Step, QPR, and Guiding Good Choices.

Ms. Smart, Chief Kirby, and the Mayor then presented the Mayor's Youth Recognition Awards to the following students:

- Ella Fowler
- Avery Houpt
- Bella Guinn
- Bailey Workman

### **5. Tooele Technical College Student of the Year for 2020.**

Presented by President Paul Hacking

President Paul Hacking presented a presentation and slide show to the audience about the Tooele Technical College. He discussed building relationships with students, the numbers of students attending, and the programs being offered at the school. He discussed the needs for new buildings and funding sources for development, as well as changes in the state legislature over technical colleges.

Chairman Wardle asked Mr. Hacking about the changes in legislative governing structure and how would that affect the certificate to an associate's degree to bachelor's degree. Mr. Hacking stated that it should make it easier because they will be universal throughout Utah.

He presented Madison Thomas. Ms. Thomas gave a brief speech about how she ended up at Tooele Technical College and what she is doing in her cosmetology program.

## **6. Public Comment Period**

Chairman Wardle opened the meeting for public comment.

Mr. Mike Housden stated that he lives off of Smelter Road. He stated that there is a new subdivision in the neighborhood and his residence falls at the low point of the development. He is worried that the developer will be protective of his property while developing the rest of the development. He wanted to see if there is any plan to protect his property.

Mr. Leroy Kobs stated that he wanted to thank the persons responsible for adding stop signs at Utah Avenue and First East. He stated that he is concerned about the intersection at 1280 North, beginning at the Apollo Restaurant as the cars go north, it is 40mph, but coming south it is 50mph. He stated that the 40mph is ignored.

Chairman Wardle asked the Mayor if the City sets the speed limits or it is set by the corridor agreement. Mayor Winn stated that it is set by UDOT and they could be asked about it.

Mr. Jeff England stated that he is speaking on behalf of the rezone off 2100 North. He stated that he owns property to the east of 400 East and is zoned Light Industrial. He stated he is in opposition to the rezone. He stated that the main corridor of entering Tooele should be general commercial. He stated for a tax basis, general commercial will be a higher tax basis and to eliminate the tax area, there will be a potential to lose the tax income. The third item he spoke about is that he has owned the property to the east for over 30 years and there is a contract for storage units on the property.

Mr. Bryton Lawrence, stated that he is speaking in regards to the golf course subdivision. He stated that they have gone through the required steps with the City and they should be covered for construction.

Chairman Wardle closed the public comment period.

## **7. Board Appointment**

- a. Resolution 2020-04 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointments of Nathan Thomas and David McCall to the Planning Commission.  
Presented by Mayor Winn

Mayor Winn stated that the resolution is to acknowledge the appointment of two individuals to the Planning Commission, Mr. Nathan Thomas and Mr. Dave McCall. There are two vacant seats currently, with one being a full time position and one being an alternate. The term is for four years and will expire December 31, 2023. Mr. Thomas reached out the Mayor recently, expressing interest in being on the Planning Commission. The alternate position is for Dave McCall who is former City Council Member and served many years as the Council liaison to the Planning Commission. His term will also be for four years.

**Council Member Hansen motioned to approve the Resolution 2020-04.** Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

**8. Second Reading Items.**

- a. Minor Subdivision Request by Zenith Tooele LLC for Lexington Greens Consisting of 5 Lots Located at Approximately 400 West 1200 North in the MR-16 Multi-Family Residential Zoning District.  
Presented by Jim Bolser

Mr. Bolser stated that in the fall there was a Zoning Map Amendment to reassign the properties to the MR-16 Multi-Family Residential zone from its previous R1-7 Residential zone. The application was approved by the City Council. The applicant is desiring to take that property and divide it up into five larger lots for the purpose of ownership. There is no development with the subdivision plat approval. All development will have to come back on each of the lots for development review.

Mr. Bolser stated in December Tooele County had found an error in property related to the parcels between the time of the Planning Commission review and the first Council review. There is a narrow strip parcel that was identified from the early 1900's. It was provided to Tooele County in fee title ownership for the understood intent of a road. It has not been developed. With the annexation of property, it is the County Recorder and County Attorney's position that the City took over ownership of the property due to its intended use as a road. With the help of the City Attorney, Mr. Baker and the County officials, it has been determined that the plat as is, is recordable. There will be some deed work done between the County Commission and Tooele City Council to provide clear record of the parcel being transferred to the city and then deed it to the applicant as part.

Mr. Bolser stated that the Planning Commission has forwarded this to the Council with a unanimous positive recommendation.

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

**Council Member Brady motioned to approve the Minor Subdivision Plat by Zenith Tooele LLC, for Lexington Greens.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

**9. First Reading Items.**

- a. Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence for Property Located at 136 Smelter Road in the R1-7 Residential Zone for the Creation of 13 Single-Family Residential Lots.  
Presented by Jim Bolser

Mr. Bolser stated that the property is the far northeast corner of the golf course. This project has been before the Council as a preliminary plan. This is the final step before construction as a final plat approval. The property is zoned R1-7 Residential. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Council Member Hansen asked about the underground water lines. Mr. Bolser stated that there are water lines that run through a portion of this property that are owned by third parties. Anytime there is a third party utility there are concerns that the lines are accurately located. With any development project a requirement from the state level is that the developers outline the boundaries of construction, have identified through blue staking where all utilities are and then they are the responsible party for protecting those utilities during the construction project. The retention pond design has been reviewed so that impact should not be on the current property owners, unless extraordinary circumstances. The responsibility for protecting all owners falls to the developer. Council Member Hansen asked that if a line is hit, who would be responsible for damage and repair. Mr. Bolser stated the developer would be responsible for the immediate repair, but the ultimate responsibility would be a civil matter between the owner of the utility and the developer.

Chairman Wardle stated that there has been a request to waive the second reading of the Subdivision Plat request.

**Council Member Graf motioned waive the second reading of the Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence.** Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

**Council Member Hansen motioned to approve the Subdivision Final Plat Request for the Golf Course View Subdivision by Bryton Lawrence.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- b.** Subdivision Preliminary Plan for the Millennial Park Development, requested by Mountain Partners Investments LLC for Property Located at 300 West 400 North in the MR-16 Multi-Family Residential Zone for the Creation of 17 Townhome Lots  
Presented by Jim Bolser

Mr. Bolser stated that this project is right next to the Dow James Facility. This property is just south of the City skate park. This zoning for the property was filed as a Zoning Map Amendment petition and was approved in 2019. The City also looked at the area of one of several areas that could be rezoned for more compliance with zoning requirements. The project includes the roadway of 300 West. The Planning Commission has reviewed this application and forwarded a unanimous positive recommendation.

Chairman Wardle asked if there were any comments or questions from the Council.

Council Member Brady asked about the parking requirement for townhomes. Mr. Bolser stated that all residential zoning carry the same parking requirement which is two spaces per unit, with an additional space for every four units for guest parking in multi-family residential developments. Townhomes have a little flexibility because they typically have driveways and garages but still must meet the multi-family parking standards.

**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting.**

- c.** Minor Subdivision for the Hunter Minor Subdivision for Property Located at 240 West Utah Avenue on Property in the R1-7 Residential Zone for the Creation of 3 Single-Family Residential Lots  
Presented by Jim Bolser

Mr. Bolser stated that this could be considered an infill project. There is an existing home that faces Utah Avenue and applicant desires to split off the back

portion of the property for two new lots. New lots will face 230 North. The new property lines have been carefully laid out by the applicant so that none of the buildings that will remain will cause nonconforming status as far as setbacks. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Chairman Wardle asked the Council if there were any comments or questions.

Chairman Wardle asked where the residents will enter the property. Mr. Bolser stated that the existing property will enter from Utah Avenue and the new properties will enter from 230 North. Chairman Wardle asked if the project falls into the infill lot ordinance for setbacks. Mr. Bolser stated that it does fall into the infill within area B.

**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting**

- d. Subdivision Preliminary Plan Request for the Bevan Estates Subdivision by JRS Development LLC for Property Located at Approximately 201 East 700 North for the Creation of 111 Single-Family Residential Lots in the R1-7 Residential Zone. Presented by Jim Bolser

Mr. Bolser stated that this is a development in the R1-7 Residential zone. This will take over a fairly large parcel that is vacant and with the other approved developments it will complete the area. To the west, property is currently under construction for the Legacy Apartment Project. To the southwest is a townhome project. Property to the north is the Country View Villas, a 55 and older community, which is also approved for the development phase. This property is intended for single family use with 111 lots. The lots within the project conform with development within the R1-7 Residential zone. The Planning Commission has heard this and forwarded a unanimous positive recommendation. The project is intended to build out in phases.

Council Member Hansen asked about the existing home on the property. Mr. Bolser stated that lot 101 is an existing home that will stay and the property lines have been laid out to not cause nonconformity. Chairman Wardle asked about the point of egress at the Country View Villas development. Mr. Bolser stated that it does and the roads in Country View Villa will be public.

Chairman Wardle stated that there has been a request to waive the second reading.

**Council Member Brady motioned waive the second reading of the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Chairman Wardle, “Aye.” The motion passed.

**Council Member Graf motioned to approve the Bevan Estates Subdivision Preliminary Plan Request by JRS Development LLC.** Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Chairman Wardle, “Aye.” The motion passed.

- e. Resolution 2020-02 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart, Trustee of the Jack Braton Tomlin Trust.  
Presented by Jim Bolser & Roger Baker

Mr. Bolser stated that this is a resolution at the initiation point of the annexation process. The state code sets out a detailed and lengthy process for annexing property into the City. The first formal step is the adoption of the resolution by the City Council to consider the annexation. It does not approve the annexation, only the acceptance of the petition to begin the review process. It is south of Utah Avenue at the edge of the Industrial Depot. The property lines up on the east side of Emerald Road which is a private road. The property does not have a City zone identified for it, that will be part of the consideration of the annexation, but is surrounded by industrial and LI Light Industrial zoning to the east. The property being asked to be annexed is a portion of a larger property that is split between the City and County. Most of the property is already within the City but a sliver of the parcel was left in the County. The applicant desires to have the entire property under the same jurisdiction.

Council Member Graf asked if there is right-of-way access. Mr. Bolser stated that currently there would need to allow access onto Utah Avenue, but it is not the ideal location for access. There are some private issues regarding the access onto the private road to the west. There is access today, but it is limited. Chairman Wardle stated that he was not aware that the private road had been closed off and asked for a discussion item to be made for a future meeting. Mayor Winn stated that it is a temporary closure caused by a construction project. Chairman Wardle stated that the access onto Utah Avenue is not ideal due to its closeness to the railroad tracks. Mr. Baker stated that regardless of how the annexation goes, the access of the parcel already in the City remains.



**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting.**

- f. Resolution 2020-05 A Resolution of the Tooele City Council Accepting the Completed Off-Site Sewer Main Line Public Improvement Associated with the Lexington Greens Subdivision  
Presented by Steve Evans

Mr. Evans stated that this is the public improvement is for the Lexington Greens Subdivision off site sewer main line only. Mr. Evans stated that it is signed off by staff. Mr. Baker added that the Certificate of Completion is in the packet and should be signed by the City Council Chair.

**Council Member Hansen motioned waive the second reading for Resolution 2020-05, 2020-11, and 2020-12.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

**Council Member Graf motioned to approve the Resolution 2020-05.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Resolution 2020-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvement Associated with the Skyline Ridge Phase 1 Subdivision  
Presented by Steve Evans

Mr. Evans stated the Certificate is for the Skyline Ridge Phase 1 Subdivision.

**Council Member Brady motioned to approve the Resolution 2020-11.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- h. Resolution 2020-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Overlake 1L Phase Subdivision  
Presented by Steve Evans

Mr. Evans stated this is the improvements for Overlake 1L Phase Subdivision.

**Council Member Hansen motioned to approve the Resolution 2020-12.** Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Brady, “Aye,” Council Member Graf, “Aye,” Chairman Wardle, “Aye.” The motion passed.

- i. Ordinance 2020-02 A Text Amendment to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, ad Section 7-4-11 of the Tooele City Code  
Presented by Jim Bolser

Mr. Bolser stated that this is a text amendment that affects one part of the City Code, Section 7-4-8, and renumbers figures in Sections 7-4-9, 7-4-10, and 7-4-11. In Section 7-4-8 there is a new diagram that made the need for renumbering of diagrams in the following sections. Staff has noticed that with permits that have been coming in for homes located on corners lots, there is a desire to put the driveway on the intersection side of the home. This is a concern because it not only places the driveway on the intersection side, but also presents a safety hazard and presents conflict with other city ordinances and state law. If The driveway is on the intersection of the home a car parked in the driveway will be in conflict of the clear view provisions for intersections from the City Code. State Law Section 41-6a-1401, Standing and Parking Vehicles, and Exceptions, states that a stopping of the traffic cannot occur within 30 feet of the intersection control device such as a stop sign, beyond stopping for the intersection.

Mr. Bolser showed the Council a graphic on the screen illustrating the new provisions and conflicts with the provisions. The proposal suggest that there be a safety zone behind the point of intersection. The safety zone for a safe intersection prevents a driveway from being placed within a standard distance of the intersection. The provision is for single-family residential units, two-family homes and townhome units as well as all other residential units which have individual driveways. There is also a similar provision for residential uses that have common access points into a combined paring area like it typically seen with apartment complexes. By implementing the provision, the City will be in compliance with clear view provisions and State mandates. It will force applicants to mirror image their homes or take other measures if the driveway comes into conflict with the intersection. There is also a provision for residential housing types that use collective parking lots rather than individual driveways.

Mr. Bolser stated that the Planning Commission forwarded this with a unanimous positive recommendation. This is also a first reading item and does not need a vote.

Chairman Wardle asked how this affects a double frontage lot ordinance for multi-family residential. Mr. Bolser stated that the difference is the frontage of the project. Chairman Wardle mentioned the homes on the corner of Utah Avenue and Coleman Street. Mr. Bolser stated that the access to the homes is not on the corner. The fencing is affected by the clear view triangle and has to be set back from the road for sight line. Chairman Wardle asked who maintains the property between the fence and the sidewalk. Mr. Bolser stated it is the responsibility of the homeowner or development if there is an HOA.

**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting.**

- j.** Resolution 2020-09 A Resolution of the Tooele City Council Authorizing the Disposal of Lost and Mislaid Personal Property  
Presented by Chief Kirby

Chief Kirby stated that the police department has more bicycles and the department would like to get rid of them before moving into the new building. The department is looking for approval to get rid of them. The bicycles are donated to West Valley City Fire Department who refurbishes them, sells them and donates the money to a burn unit.

Chairman Wardle asked if notice of disposal will be published for people to claim their bike if they so choose. Chief Kirby stated that it will be published.

**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting.**

- k.** Ordinance 2019-35 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street  
Presented by Jim Bolser

Chairman Wardle stated that he had made a mistake and the Council could not close the public hearing on the item because it was a first reading.

Mr. Bolser stated that this was first discussed in January. The property is on the east side of SR36 just north of 2000 North. The property fills in between SR36 and 400 East. Currently the land is zoned on the western portion as GC General Commercial and the eastern portion as LI Light Industrial. The proposal is to make the entire property LI Light Industrial. With the last discussion there was the request from the Council for elevation drawings and renderings from the

applicant. Three were provided and are different versions of the frontage of the north side of the property.

Council Member Brady asked about the updating the General plan and when the last time that the General plan was updated. Mr. Bolser stated that there are three elements, Land Use, Annexation Policy, and Transportation. Land Use was last overhauled in 1996. The City is currently updating the General Plan. Council Member Brady stated that the current review of the General Plan is ongoing and the Council should consider not making any zoning changes until the plan is updated. Chairman Wardle asked for a timeframe for the revisions of the General Plan. Mr. Bolser stated that there is no formal timeline, but an outline has been made. The Planning Commission is actively going through the plan and it will be brought for review into an open public process. That open public process is expected to wrap up with Council approval in late 2020.

Council Member Graf asked if there will be access to 2000 North from SR36. Mr. Bolser and Mr. Baker stated that would be a UDOT decision and there are no plans for that intersection be opened in the future. Mr. Baker stated that UDOT has identified that 2000 North cannot be made safely into a four-way intersection.

Chairman Wardle stated the applicant emailed a statement to him that he was under the understanding that the review for the meeting was not a final decision, but a working discussion.

The applicant was invited to address the Council.

The item became a lengthy discussion between the City Council and the applicant. The Council was concerned about the tax base and if giving up the general commercial zoning was advantageous to the City. The appearance of the gateway and how is this facility enhancing or detracting from it. The concern about jobs with the possibility of an office building being in the place of the storage units. Lastly, the idea that the zoning request be held until the General Plan was finalized. The Council vocalized that they would prefer the storage unit to look like an office building.

Mr. Kelly Gallacher and Mr. Arno Kruisman addressed the Council. Mr. Gallacher was the primary speaker. Mr. Gallacher stated that he had provided three renderings of the north side and had not provided renderings of the other sides until the Council had decided on a façade they would like. He stated that he and his partner had approached several business owners in the vicinity of the land and they are in favor of the renderings they were in presented. Mr. Gallacher claimed he would provide \$95,000 in taxes to the City. The facility would be a

zero drain on services due to the limited employees and utility usage. The facility would only have two employees.

The conclusion of the discussion the Council asked Mr. Gallacher to provide the renderings that were asked for in the prior meeting. Renderings of the west side, north side, south side are needed. As well as renderings of the facility at night. There will be a review of the taxable value to determine if it is valuable to the City. Mr. Gallacher stated he would provide an analysis of the tax base. Chairman Wardle asked for the renderings to be provided timely with the estimated date of Friday February 14<sup>th</sup> for the Council packet. Mr. Gallacher asked if it was a possibility that he would even have a chance for getting approval. Chairman Wardle stated that this is still a working discussion.

Mr. Baker added comments about the commercial zoning on both sides of SR36. That is an action that is more than 20 years old and at the time a rezone was deemed necessary to protect a commercial corridor. There has been debate as to if a viable commercial area is practical with a depth of only 300 feet. In regards to spot zoning, that was brought up in the discussion, per state law, spot zoning is lawful; the Council can rezone any property upon making a finding that the rezone is in the best interest of the community.

**Chairman Wardle declared the item moved to a second reading for the February 19<sup>th</sup> City Council Business Meeting.**

## 10. Minutes

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

**Council Member Brady motioned to approve minutes from the City Council January 7, 2020.** Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

## 11. Approval of Invoices

Presented by Cylee Pressley

An invoice in the amount of \$25,150, Performance Ford Lincoln for a vehicle.

An invoice to Performance Audio for the down payment of the new audio in the Council chambers.

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

**12. Adjourn**

**Chairman Wardle adjourned the meeting.**

The meeting adjourned at 9:40 p.m.

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

Approved this 19th day of February, 2020

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Scott Wardle, Tooele City Council Chair

DRAFT

**Redevelopment Agency of Tooele City  
Meeting Minutes**

**Date:** Wednesday, February 5, 2020

**Time:** 9:40 p.m.

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

**City Council Members Present:**

Justin Brady  
Tony Graf  
Ed Hansen  
Scott Wardle

**City Council Members Excused:**

Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Roger Baker, City Attorney  
Steve Evans, Public Works Director  
Darwin Cook, Parks Department Director  
Glenn Caldwell, Finance Director  
Cylee Pressley, Deputy Recorder

**City Employees Excused:**

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Board Member Hansen was acting Chairman with Chairwoman Gochis excused from the meeting.

**1. Open Meeting**

Chairman Hansen opened the RDA meeting.

**2. Roll Call**

Justin Brady, Present  
Tony Graf, Present  
Ed Hansen, Present

Scott Wardle, Present

3. **Resolution 2020-01 A Resolution of the Redevelopment Agency of Tooele City, Utah, Approving Amendment #1 to Addendum #6 to Purchase and Sale Agreement for 33 Acres of Land Located at Main Street and 1000 North Street.**

Presented by Mayor Winn

Mayor Winn stated that the Resolution is an amendment to the addendum #6 which was involved in the contract purchase of the property on 1000 North and Main Street. There was a put option on the contract and the purchaser of the property has asked for an extension of the put. This is a benefit to the RDA, with an extension to June 4, 2022.

Chairman Hansen asked the Board if there were any questions.

Board Member Graf asked if either party can back out of the contract. Mayor Winn stated that parties cannot backout, but the developer has the option by June 4, 2022 to say the development is not working and asking the RDA to repurchase the property. Mr. Baker stated that it could be helpful to the RDA because the existing put requirement is in March 2020. The developer could require the RDA to buy the land back in March 2020 without the amendment. Mayor Winn stated that this gives the developer more time to develop the agreements for the property and is a benefit to both parties.

**Board Member Wardle motioned to approve the Resolution 2020-01.** Board Member Graf seconded the motion. The vote was as follows: Board Member Brady, "Aye," Board Member Graf, "Aye," Board Member Wardle, "Aye," Chairman Hansen, "Aye." The motion passed.

4. **Resolution 2020-02 A Resolution of the Redevelopment Agency of Tooele City, Utah Approving a Development and Participation Agreement with Interline Group, LLC Tally Three, LLC MRI Investment, LLC and 1030 Salt Lake City, LLC for 33 Acres of Land Located at Main Street and 1000 North.**

Presented by Mayor Winn

Mayor Winn stated this is a resolution is to adopt the development agreement. Last December a development agreement was approved by the RDA and gave the Mayor authorization as the executive director to sign the agreement. As the agreement was sent back to the developer there were two items that were reversed in the agreement. The first one was the tax increment. The correction that has been made is that the tax increment will begin after a certificate of occupancy has been given for the first 20,000 square feet of development. The second item is a guarantee payment of \$150,000 per year for 15 years and the correct time for that payment to begin is the commencement of construction. As soon as the developer starts moving dirt and getting the site ready, 60 days after the preparation work has commenced, the payments will begin paid



installments. This is a reimbursement to the developer for cleaning up the property. The third change of the agreement is to delete the paragraph about the termination of the put option. That is being taken out with the adjustment of the put option.

Chairman Hansen asked the Board if there were any questions.

Board Member Graf asked Mr. Baker if what is being proposed in the contract is viable and not creating a liability to the City. Mr. Baker stated that he has urged the RDA to consider carefully the business aspects of the deal because it is beyond his prevue to advise the RDA on the business aspects. He stated that the contract was drafted by Kyle Fielding who is knowledgeable of redevelopment law and has done a good job. He stated he had worked with Mr. Fielding and carefully reviewed this and all prior drafts. Mr. Baker stated that he is comfortable with the way that the agreement is drafted.

**Board Member Brady motioned to approve the Resolution 2020-02.** Board Member Wardle seconded the motion. The vote was as follows: Board Member Brady, "Aye," Board Member Graf, "Aye," Board Member Wardle, "Aye," Chairman Hansen, "Aye." The motion passed.

## 5. Adjourn

The meeting adjourned at 9:57 p.m.

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

Approved this 17th day of February, 2020

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Melodi Gochis, Tooele Redevelopment Agency Chair

**Tooele City Council  
Work Session Meeting Minutes**

**Date:** Wednesday, February 5, 2020

**Time:** 6:00 p.m.

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

**City Council Members Present:**

Justin Brady  
Tony Graf  
Ed Hansen  
Scott Wardle

**City Council Members Excused:**

Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Roger Baker, City Attorney  
Steve Evans, Public Works Director  
Darwin Cook, Parks Department Director  
Glenn Caldwell, Finance Director  
Paul Hansen, City Engineer  
Cylee Pressley, Deputy Recorder

**City Employees Excused:**

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

Chairman Wardle called the meeting to order at 6:02 p.m.

**1. Open City Council Meeting**

Chairman Wardle opened the City Council meeting.

**2. Roll Call**

Justin Brady, Present  
Tony Graf, Present  
Ed Hansen, Present

Scott Wardle, Present

### 3. Mayor's Report

Mayor Winn stated that she had a couple of items to report. The Tryke Companies has opened. This is the medical cannabis facility in the industrial depot. She stated that several members of the staff and Council were able to attend the grand opening and were able to take a tour.

Mayor Winn stated that in the last week the Utah League of Cities and Towns held their local official day on the hill. The Mayor, Council Member Gochis and Council Member Graf were able to attend. She encouraged the Council to look at the website for upcoming legislative issues. The Mayor and Mr. Baker will be attending the regular Monday policy meeting. Chairman Wardle asked about the time of the policy meeting. Mayor Winn stated that it is at 12:00pm at the State Capital Senate Building in room 210 and there is the ability to call in to the meeting.

Mayor Winn stated that in the fiscal year 2019, there was \$36,000 approved for upgrades for the AV in the Council Chambers. New bids have been received and the price has increased. Performance Audio had the lowest bid, but is an additional \$17,000 over the \$36,000 budgeted. There is money in the RDA budget that could be used and she has spoken with Chairman Wardle, Chairwoman Gochis and there is an agreement to use RDA funds to cover the budget overage for the AV upgrade. During the invoice approval of the Council meeting there will be an invoice for 50% down on the contract to order the equipment. The new system should be in place in several months.

Mayor Winn stated that there is an update to the 400 West landscaping. This has been approved for budget. One bid was received in the fall for an amount \$60,000 over the budgeted amount. During review of the bid it was determined that there are two water connections that need to be done. The proposal from the City is to put out two bids, one for the water connections and one for the landscaping to hopefully stay within budget. There is also the suggestion to extend the time of the project to fall. Chairman Wardle asked about extending time to October 1. Mr. Cook stated that would be the completed date.

Mayor Winn stated that the Council has approved the purchase of a new compressor for the Fire Department to fill the new tanks or SCDA's. The compressor is coming. The old compressor is still at the department and will not work on the new tanks. The company that sold the City the new compressor stated they could buy back the old compressor for \$2,500 credit for future purchases. The Fire Department has been approached by Grantsville City Fire Department who would like to obtain the old compressor. Staff suggests that the old compressor be donated to Grantsville City Fire Department. In addition, there are several old SCBA's and Vernon Fire Department doesn't have any SCBA's. They have requested 12 tanks and old air packs. Chairman Wardle asked if the items have to be surplus. Mr. Baker stated that most of the

equipment surplused by resolution has been with the Police Department or IT equipment. There is no City policy or state law that requires the items to be surplused or does not allow interlocal donations. Chairman Wardle asked the Mayor and her office to provide documents to support the approval of the donations which the Council agreed too.

Mayor Winn stated that over the last couple of months, Tooele City has participated in a regional water and sewer discussion. Tooele County, Stansbury Park Improvement District, Lake Point District, and participants from Aqua Engineering have been discussing ideas for working together as a region for water and sewer conservation. The results of the sewer review determined that Tooele City is adequate for sewer services. If the region worked together in looking for water and there may come a time for interlocal agreements for water. In Lehi there is a similar group that has agreements between themselves to share water. The attorney Brent Rose from Stansbury Park wrote the contracts for Lehi and has offered to put something together for the Tooele region. The cost is \$3,000 for the paperwork and the five entities will split the cost for about \$600 per entity. This is nonbinding. The \$600 would come out of water and sewer funds. Chairman Wardle asked when the next meeting would occur. Mayor Winn stated there are monthly meetings. There are also Lincoln Culinary district and Erda district that are being invited to the meetings, but have yet to attend.

Mayor Winn stated that the staff and her have set the date for the Take Pride Tooele, Saturday May 16, 2020. The plan for this year is to ask neighborhoods to come together and do a neighborhood project. The Council and Mayor can join in the cleanups. In the last year, there have been several letters to Tooele residents that park strip trees need to be trimmed. That is a City responsibility and asking residents to help the City with the need. Council Member Graf asked about the bulk pickup and how is the second pick planned for the month of May. Mayor Winn stated that there are assigned days based on the garbage pick up day.

#### **4. City Council Members' Report**

Council Member Hansen stated that he needed to get on the agenda for the next meeting for Conditional Use Permits. Mr. Baker stated that it will not be ready for a first reading in Council but could be in the Work Session.

Council Member Graf stated that he is working on the sign ordinance. He stated there might be some value in starting an advisory board or working with the Chamber of Commerce. He sees this as a collaborative effort. Mayor Winn stated that the Chamber would be happy to appoint people who may be interested. Council Member Graf stated that he sees limiting membership to seven or eight members.

Council Member Brady stated that he is working on overnight parking ordinance. He has been looking through other City ordinances and he is reaching out to City staff for opinions.

Chairman Wardle stated that he attended the USU Advisory Board meeting and attendees were presented plans for distance learning. USU is working to increase scholarship opportunities for technical education and students who do not have the means to attend bigger colleges or universities. He also met with Mr. Baker and discussed the rules that govern the Council. The City Code will probably be amended in regards to final subdivision plats. That is an administration item per state law.

## 5. Discussion

### ▪ Budget Discussion

Chairman Wardle stated that there were some goals made in the retreat and asked the Council if they had any changes in the goals. Goals included having a replacement budget for equipment. Under the schedule there was department presentations starting with the Parks Department. The Mayor stated that in the morning there can be a discussion with Chairman Wardle to discuss the budget goals and then those would be sent out to the rest of the Council for review.

Chairman Wardle stated that there is calendar for budget preparation. The Parks Department would be during the current meeting and have Road C be presented on February 19<sup>th</sup>. Human Resources will be scheduled for the February 19<sup>th</sup>. The Road C projects are for fiscal year 2021, but the Mayor can put together a list of what has been identified as needing work in the future. It was decided to shift the Road C and enterprise fund projects to just a list for February 19<sup>th</sup> and have a discussion on the first week of March. Chairman Wardle asked for FTE requests from the departments for the second meeting in March. After the second meeting in March the calendar can be reset.

Chairman Wardle stated that there was a townhall scheduled for February 25<sup>th</sup>, but this might need to be postponed. Mayor Winn stated that it makes more sense to have it in April. Chairman Wardle asked the staff to be ready to schedule the townhall meeting at the first work session meeting in April. Mayor Winn stated that she has been approached by a Brigham Young Student who has an app for reaching out to constituents, she would forward the information to the Council.

Chairman Wardle asked Mr. Cook to present to the Council P.A.R Tax projects that the City are expecting or planning for. Mr. Cook presented the following list to the Council

- P.A.R. Tax 2020/2021
  - Restroom for Oquirrh Hills Golf Course back 9
  - Golf Course Deck Surface replacement
  - Dow James Kitchen Remodel
  - Dow James Power upgrade
  - Oquirrh Hills Golf Course Pond #2 Repair

#### Park Impact Projects 2020/2021

- England Acres Phase 2 Pavilion and Restroom

- England Acres Phase 2 Playground
- England Acres Phase 2 Parking Lot
- England Acres Phase 2 Landscaping/Irrigation
- Wigwam(discussion)

There were limited discussions about specifics of each of the items. Chairman Wardle asked questions about the specifics of the golf course restroom related to water and sewer connections. Mr. Cook and the Mayor stated that there are some timing issues with the area east of the England Park development. England Acre phase 2 should probably be delayed until the road is finished, but some of that is dependent on the phasing of the project to the east.

Chairman Wardle asked the Council to share any ideas or discussion items they would like to look into further with the Mayor. He asked Mr. Cook to come back to the Council in April with a prioritized list for the projects.

Chairman Wardle asked about the Birmingham Impact Analysis and when is the contract scheduled for completion. Mayor Winn stated that it will be completed by May 1<sup>st</sup>, as long as the City continues to provide information to the company.

Chairman Wardle asked the City Council to recess the work session meeting to be continued after the City Council Business Meeting.

**Council Member Graf motioned to recess the City Council Work Session at 6:55 pm.**

Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Chairman Wardle, "Aye." The motion passed.

- **McKellar Property Donation**

Chairman Wardle opened the City Council Work Session at 9:40pm.

Mr. Darwin Cook stated a constituent reached out to the City to donate 5.51 acres for the purpose of the park. This would be from the McKellar family and they would ask that it includes McKellar in the name. The property is on Roger's Street. This property is associated with other pieces of property and would need to be fenced. There may be roll back taxes that will need to be paid back due it being in the greenbelt. There has been no discussion about deed restrictions.

Mr. Baker stated that the roll back taxes is a four year look back period and the City would be assessed the difference between the agricultural property tax rate and the zoned

rate, possibly RR-1. Chairman Wardle asked if that could be paid for out of impact fees? Mr. Baker stated the fees could be significant depending on the zoning.

Mr. Cook stated that the City owns property to the east of this property, but it is not adjacent. Council Member Brady stated that this would be a great place for a park with the incorporation of transportation general plan.

Mr. Cook stated the constituent has mentioned that she lives in St. George and had mentioned a BMX park in in St. George.

Mr. Baker cautioned the Council about deed restrictions.

Chairman Wardle stated that the Council would be interested in looking in to the donation with greater detail before deciding to take action.

#### 6. Close Meeting

The meeting was closed by Chairman Wardle at 10:02pm. The attendees were Mayor Winn, Chairman Wardle, Council Member Brady, Council Member Graf, Council Member Hansen, Roger Baker, Jim Bolser, Cylee Pressley, Darwin Cook, Steve Evans, Glen Caldwell, and Chief Kirby.

The meeting adjourned at 10:44pm.

#### 7. Adjourn

The meeting adjourned at 10:44 p.m.

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

Approved this 19th day of February, 2020

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Scott Wardle, Tooele City Council Chair