

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council & Tooele City Redevelopment Agency of Tooele City, Utah, will meet in a Work Session, on Wednesday, January 18, 2017 at the hour of 5:00 p.m. The meeting will be held at the Tooele City Hall Large Conference Room located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Utah Open and Public Meetings Act Training**
Presented by Roger Baker
- **Resolution 2017- 05 A Resolution of the Tooele City Council Appointing Jeff Hammer to the Administrative Control Board of the North Tooele City Special Service District**
Presented by Roger Baker
- **Acceptance of Public Improvements**
Presented by Roger Baker
- **Ordinance 2017-02 An Ordinance of Tooele City Amending Chapter 5-1 of the Tooele City Code Regarding Business Licenses for Special Events**
Presented by Michelle Pitt
- **Rezone Proposal at Approximately 500 East 2400 North**
Presented by Jim Bolser
- **Mandatory Sewer Connections**
Presented by Jim Bolser
- **Legislative Update**
Presented by Randy Sant

4. Close Meeting

- **Litigation**
- **Property Acquisition**

5. Adjourn

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecity.org, prior to the meeting.

UTAH OPEN AND PUBLIC MEETINGS ACT
Utah Municipal Attorneys Association
Presentation by David L. Church
Spring 2016 Conference

The Act specifically says that it is the intent of the Legislature that the State and its political subdivisions exist to aid in the conduct of the people's business and that they are to take their actions openly and that their deliberation are to be conducted openly.¹

This statement of public policy is important because it guides the courts interpreting provisions of the Act. The appellate courts have said that in light of this policy the Act is to be construed broadly in favor of openness and the exceptions are to be narrowly construed. The policy and the courts interpretation of the policy make it important to know how the Act defines certain otherwise common words.

Here are some of the important definitions contained in the Act.

Meeting. A meeting is defined as the convening of a public body when a quorum is present. It includes workshops and executive sessions even though the act does not define either. The definition of meetings includes either in person or through electronic communications.

The definition of meeting is qualified by the description that it must be for the purpose of discussing, receiving comments from the public about, or acting on a matter over which the public body has jurisdiction or advisory power.

The exceptions to the definition of meeting are very narrow. They include a chance meeting, a convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated, where the meeting is convened just to implement administrative matters.² Social meetings are also not subject to the Open and Public Meetings Act³ although there does not appear to be any definition of what a social meeting is.

Convening. Convening is defined to mean the calling of a meeting of a public body by a person, authorized to do so, for the purpose of either discussing or acting on a matter over which that public body has either jurisdiction or advisory power.

Quorum. Is a simple majority of a public body unless another statute sets out a different quorum. Except a quorum is not two elected officials by themselves when no action is taken.

¹ Utah Code section 52-4-102.

² This could apply to small fifth and fourth class cities and towns where individual council members have administrative departments but should only be used in very few circumstances.

³ Utah Code 52-4-208

Public Body. A public body is any group of two or more persons, officially created (by constitution, statute ordinance or resolution), that has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business.⁴

If public body is convened into a meeting with a quorum present then that meeting must comply with the Act. The Act contains requires minimal compliance in three basic areas: **notice, public access, and public record keeping.**

Notice of meeting.

Any public body that has holds regular meetings, such as the regular city council meetings, must give public notice at least annually, of the anticipated meeting schedule. The notice must include the date, time, and place of the scheduled meetings.⁵

In addition to this annual notice of regular meetings, each meeting must have its own notice. This notice must be given at least twenty-four hours prior to the meeting and needs to consist of the agenda, the date, time, and place of the meeting.

Both the annual notice and the notice requirements for each meeting are satisfied by posting the written notice at the principal office of the public body or at the building where the meeting is to be held and providing a copy of the notice to at least one newspaper of general circulation within the jurisdiction of the public body or to a local media correspondent.

The State of Utah has a website called the Utah Public Notice website and all cities or towns are also required to post their meeting notices on this website.

Each meeting notice must include an agenda for the meeting. The agenda must also provide enough detail to notify the public as to the topics to be discussed and the decisions that may be made.⁶ If an item is not on the agenda, no final action can be taken on that item. However, at the discretion of the chair of the meeting, an item not on the agenda, brought up by the public, can be discussed, if no final action is taken on the matter.

Public Access.

Generally all parts of all meetings are required to be open to the public. There are however some circumstances when a portion of a meeting may be closed to the public. These are intended to

⁴ Utah Code 52-4-103(7)(a)

⁵ Utah Code 52-4-202.

⁶ Utah Code 52-4-202(6)

be very limited exceptions and every meeting, even one anticipated by the body to be closed to the public, must be convened and begin as a public meeting. A city or town public body can close portions of its meetings to do the following:

- a) Discuss the character, professional competence, or physical or mental health of an individual.
- b) Hold a strategy session to discuss collective bargaining.
- c) Hold a strategy session to discuss pending or reasonably imminent litigation.
- d) hold a strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
- E) hold a strategy sessions to discuss the sale of real property.
- f) Discuss the deployment of security devices and investigative proceedings regarding criminal conduct.⁷

In addition there are other purposes for closed meetings that are not relevant to Cities and Towns.

The Act specifically requires that if a work shop or executive session is being held on the same day as a regularly scheduled meeting of the public body, then the workshop or executive session must be held at the same location as the regularly scheduled meeting with certain limited exceptions.⁸ Workshop and executive session are not defined terms in the Act.

Before any part of a meeting may be closed for one of these valid reasons, the public body must be called together in an open meeting. At least two-thirds of the members of the public body present must vote to close the meeting, before it can be closed. The reasons for holding the closed meeting and the vote either for or against the proposition to hold the meeting are to be entered into the minutes of the public portion of the meeting.

No ordinance, resolution, rule, regulation contract, or appointment can be approved at a closed meeting.⁹ In addition it is not permissible to interview a person applying to fill an elected position in a closed meeting.¹⁰

Public records—minutes and recordings.

The Act requires that written minutes be kept of all meetings. The minutes must include certain minimal detail.¹¹ The written minutes of an open meeting must include the date, time, and place of a meeting; the names of the members present and absent; the substance of the matters

⁷ Utah Code 52-4-205

⁸ Utah Code 52-4-201

⁹ Utah Code 52-4-204(3)

¹⁰ Utah Code 52-4-205(2)

¹¹ There is no provision for closing a meeting to discuss the general category of personnel. It is never appropriate to close a meeting to discuss general personnel matters. You can close a meeting to discuss an individual.

discussed or decided on including a summary of the comments made by members of the body; a record, by individual member, of the votes taken; the names of any person who made comments in the meeting; the substance, in brief of the comments made; and any other material a member of the public body requests be entered in the minutes that is a record of what occurred in the meeting. The minutes of an open meeting in which a portion is closed must also include the reason for holding the closed meeting, where the closed meeting will be held, and the vote by member to close the meeting.

The closed meetings minutes must include the date, time, and place of the meeting; the names of the members present and absent; and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting.

The city or town must adopt a policy defining what is reasonable for getting the minutes approved as final and must make draft minutes available to the public at the same time they are available to members of the public body. These minutes are public records and are available to the public and a draft copy of the minutes for the City or Town Council must be available within 30 days of the meeting and within 3 days from when they are approved.

All open meeting must also be recorded. The recording must be labeled with the date, time and place of the meeting and are public documents that must be made available to the public for its listening pleasure or for copying within three business days following the meeting. The recording must be complete and unedited. In addition the Utah Open and Public Meetings Act gives the public the right to record any open meeting. This recording could include either audio recording or video recording of the meeting.

The closed portion of the meeting must also be recorded with limited exceptions. These recordings of the closed portion of a meeting are protected records under the Government Records Access and Management Act and, therefore, should not become public except under the provisions of that act. Disclosure of the information discussed in a closed meeting without the permission of the public body may be a violation of the Utah Municipal Officers and Employees Ethics Act¹² and the Government Records and Access Act.

There is a limited exception to the requirement that a closed meeting be recorded. Meetings in which the competence or physical or mental health of an individual is discussed or the deployment of security devices is discussed do not need to be recorded. The public body holding the meeting can have the chair or presiding officer sign a sworn affidavit affirming that the sole purpose for closing the meeting was to discuss only those issues.

¹² Utah Code 10-3-1304(2)(a)

Enforcement of open meetings act.

It is a criminal offense to knowingly or intentionally violate the Open and Public Meetings Act.¹³ The attorney general and the county attorneys of the state are charged with enforcing the Open and Public Meetings Act. The Office of the Attorney General is required to give annual notice to public bodies of any changes in the open meetings law and the presiding officer of all public bodies is required to provide annual training in how to comply with the Act.¹⁴

Private individuals can also enforce the open meetings act by bringing suit if done in a timely fashion. They must bring the action within 90 days from the violation (30 days if it is a bond issue). They may bring suit to enjoin or force compliance with provisions of the act. If the private individuals prevail, the court may award reasonable attorneys fees and court costs to the successful plaintiffs.

¹³ Utah Code 52-4-305

¹⁴ Utah Code section 52-4-104.

FREQUENT QUESTIONS TO WHICH I HAVE GIVEN INCONSISTENT ANSWERS

Can you hold a closed session without the words closed session being on the agenda?

Answer: Yes.

The only procedural requirements for a closed meeting are that a quorum is present; the meeting is an open meeting for which notice has been given; and two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting.¹⁵

The only requirement for agenda contents is that it shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.¹⁶

At the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.

Can you vote in a closed session?

Answer: Yes on some things.

The Act says that an ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.¹⁷ And that in a closed meeting, a public body may not interview a person applying to fill an elected position or discuss filling a midterm vacancy or temporary absence; or discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence in Elected Office¹⁸

“Therefore, as long as the "information obtaining" procedures are conducted in the open and any final or formal action is announced or issued in the open, the "decision making" or deliberation of a public body during a judicial process may be held in private and is exempt from the requirements of the Act.” *Dairy Product Services, Inc., v. City of Wellsville*, 2001 UT 81.

¹⁵ Utah Code 52-4-204

¹⁶ Utah Code 52-4-202

¹⁷ Utah Code 52-4-204(3)

¹⁸ Utah Code 52-4-205(3)

"In generally accepted terms, to strategize means to devise plans or means to achieve an end." ¹⁹

Who can come into a closed session?

Answer: Anyone the body allows.

The Act requires the minutes of the closed portion of the meeting to contain the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting²⁰ which implies that others can be present.

Can a City Council exclude the recorder or members of the body from a meeting?

Answer: Maybe.

The body may not expel a member of the body from an *open public meeting* or prohibit the member from attending an *open public* meeting except on a two-thirds vote of the members for disorderly conduct at the open public meeting; a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or a commission of a crime during the open public meeting. However, a body may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.²¹

The city recorder or deputy city recorder shall attend the meetings and keep the record of the proceedings of the governing body.²²

What happens if someone in the closed session shares the discussion with someone?

Answer: They may but probably won't go to jail.

Both a recording and written minutes of closed meetings are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.²³

¹⁹ *Kearns-Tribune Corp. v. Salt Lake County Commn.* 2001 UT 55.

²⁰ Utah Code 52-4-206(4)

²¹ Utah Code 10-03-607

²² Utah Code 10-6-136

²³ Utah Code 52-4-206(5)

A public employee or other person who has lawful access to any protected record and who intentionally discloses, provides a copy of, or improperly uses a protected record knowing that the disclosure or use is prohibited under this chapter, is guilty of a class B misdemeanor unless he or she used or released the protected information in the reasonable belief that the use or disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property or he or she did so based on a good faith belief that the disclosure, provision, or use was in accordance with the law.²⁴

Recorded Disclosure of the information discussed in a closed meeting without the permission of the public body may be a violation of the Utah Municipal Officers and Employees Ethics Act.²⁵

Is it a violation of the open meetings Act to engage in electronic communications outside of the public meeting?

Answer: Just the spirit of the Act but not the letter.

The intent of the Legislature is that the state, its agencies, and its political subdivisions take their actions openly; and conduct their deliberations openly.²⁶

Electronic message is a defined term in the act it includes electronic mail; instant messaging; electronic chat; text messaging or any other method that conveys a message or facilitates communication electronically.²⁷

In 2011 the legislature added a section that states nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.²⁸

Can a council member bring up a matter not on the agenda for discussion?

Answer: It depends.

At the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.²⁹

²⁴ Utah Code 63G-2-801(1)

²⁵ Utah Code 10-3-1304(2)(a)

²⁶ Utah Code 52-4-102

²⁷ Utah Code 52-4-103(4)

²⁸ Utah Code 52-4-210

²⁹ Utah Code 52-4-202(6)

INTERESTING UTAH CASES

Kearns-Tribune Corp. v. Salt Lake County Commn. 2001 UT 55.

“The legislature expressly declared its purpose in enacting the Utah Open and Public Meetings Act in section 52-4-1, which reads, “It is the intent of the law that [the] actions [of the state, its agencies and political subdivisions,] be taken openly and that their deliberations be conducted openly.” Utah Code Ann. § 52-4-1 (1998). As a result, we interpret the Utah Open and Public Meetings Act broadly to further the declared statutory purpose of openness. Because we construe the Act broadly, it therefore follows that the exceptions be strictly construed. In this case we construe the litigation exception narrowly so as to give effect to the legislative intent. We further note the intent of the legislature to permit some meetings to be closed under certain circumstances. In carrying out the purpose of openness, the legislature could have chosen to make the open meetings requirement absolute. It chose, however, to exclude some meetings from the openness requirement. ¶15

“In generally accepted terms, to strategize means to devise plans or means to achieve an end.” at ¶18

Dairy Product Services, Inc., v. City of Wellsville, 2000 UT 81.

“Therefore, as long as the “information obtaining” procedures are conducted in the open and any final or formal action is announced or issued in the open, the “decision making” or deliberation of a public body during a judicial process may be held in private and is exempt from the requirements of the Act.” ¶60

Common Cause of Utah v. Public Serv. Comm'n, 598 P.2d 1312, 1315 (Utah 1979)

“[I]t is clear that the legislature intended that any official meeting of the [public body], wherein it performs the “information obtaining” phase of its activities, should not be held in private or in secret, but should be open to the public. However, once the “information obtaining” procedure has been completed, it is essential that during the “decision making” or judicial phase, those charged with that duty have the opportunity of discussing and thinking about the matter in private, free from any clamor or pressure, so they can calmly analyze and deliberate upon questions of fact, upon the applicable law, and upon considerations of policy, which bear upon the problems with which they are confronted.” At pg 1315

Harper v. Summit County, 2001 UT 10.

“As we concluded above, the issuance of certificates of zoning compliance and building permits is an administrative action to be performed by the zoning administrator (or his or her representative) and by the building inspector, respectively. See Summit County Development Code 1.6(11), 1.9 (July 1989). Because the planning commission is not required to participate in the application or issuance of these documents and because their issuance is merely an administrative action, the topic is not one required to be discussed in an open meeting and thus does not fall under the requirements of the Act. Again, if the County properly concluded that the facility was an authorized use in the zone, issuance of the building permit was legal and did not injure the Harpers. Discussion, or lack thereof, at the meeting does not affect the issue one way or the other. Cf. *Hutchison v. Cartwright*, 692 P.2d 772, 774 (Utah 1984) (“[N]o action by the county commissioners was necessary for the suspension or dismissal [of appellant] to become effective. Therefore, any meetings held or actions taken by the commissioners were irrelevant to the legality of appellant’s suspension and subsequent dismissal. His suspension and dismissal gave rise to no claims for violations of the open meetings law.”). Thus Harpers were not entitled to summary judgment on their open meetings claim.” ¶38

Gardner v. Board of County Comm. 2008 UT 6

“The Landowners’ challenge to Ordinance 97-1 under section 52-4-6 was not timely. Final actions taken in violation of section 52-4-6 are voidable, but a challenge seeking to void the action must be brought within ninety days of the violation. Utah Code Ann. § 52-4-8 (2002).⁵ The County approved Ordinance 97-1 at its January 13, 1997 meeting, but the Landowners did not challenge it until September 1997, well after the ninety-day time limit had expired. Thus, the district court did not err in dismissing the Landowners’ claim as untimely.” ¶20

Ellis v. Utah State Retirement Board, 757 P.2d. 882 (Utah App.)

“The Open and Public Meetings Act requires that every "meeting" of a "public body" be open to the public. As used in this Act, "public body" means "any administrative, advisory, executive or legislative body of the state or its political subdivisions which consists of two or more persons that expends, disburses or is supported in whole or in part by tax revenue and which is vested with the authority to make decisions regarding the public's business." Utah Code Ann. § 52-4-2(2) (1981).

We are persuaded that the Open and Public Meetings Act is not applicable to the Retirement Board. First, the Utah State Retirement Fund is administered as a common trust fund and not supported by tax revenue. Second, the Retirement Board is not vested with authority to make decisions regarding the public's business. The Board administers funds for the benefit of the beneficiaries and not for the public at large. *Hansen v. Utah State Retirement Bd.*, 652 P.2d 1332,

1338 (Utah 1982). When Hansen was decided, "[s]ome 80 percent of the beneficiaries [were] not state employees, but employees of municipalities or counties." Id. "No state funds [were] appropriated to meet any administrative costs." Id. Ellis's argument that the Board acted contrary to the Open and Public Meetings Act is without merit."

Ward v. Richfield City, 798 P.2d 757 (Utah 1990)

"Ward contends that Richfield City failed to comply with the agenda and notice provisions of the open meetings law and that such failure should void the action taken at the April 2 meeting. He argues that the subject of his discharge should have been listed on the agenda, even if discussions regarding him were conducted in a closed meeting. We agree that the purposes of the Open and Public Meetings Act would have been better served if the subject of Ward's discharge had been listed on the agenda. While, as the trial court stated, "[t]he absence of an item of business on the Agenda does not preclude its consideration," it would clearly violate the public policy behind the Act to strategically hide sensitive public issues behind the rubric of "other business." Such a stratagem is not alleged in this case. Indeed, the council sought to cure any possible violation of the Act by holding a fully publicized meeting on Ward's discharge on the 8th of June. We therefore agree with the court of appeals that "if technical violations had occurred in the April meeting, they were subsequently cured." *Ward v. Richfield City*, 776 P.2d at 96.

Ward also contends that the failure of the council to inform Colby of the resumption of open session rendered the session which followed a de facto closed session at which a final resolution of discharge was approved in violation of section 52-4-4. It was poor practice on the part of the council to tell a member of the public that he would be informed when open session resumed and then fail to do so. However, it was not a violation of the Act. The council lawfully closed the meeting to discuss "the character, professional competence, or physical or mental health of an individual." § 52-4-5(1)(a). The Act imposes no requirement on the council to notify anyone when it resumes open session after holding closed session. Members of the public who do not wish to wait near the council's meeting room during closed sessions may ask to be notified upon the resumption of open session. However, notification is merely a matter of courtesy, not of right. The council's failure to notify members of the public who have gone home or back to their offices is not a violation of the Act."

AN EXAMPLE OF HOW THE PRESS USES THE OPEN MEETINGS ACT

Recordings suggest communications agency broke open-meetings law during personnel vote

By Michael Anderson The Salt Lake Tribune

First Published May 02 2016 05:30PM • Last Updated May 02 2016 09:29 pm

Newly released audio recordings suggests that the Utah Communications Authority (UCA), which oversees 911 and radio operations in the state, violated the state open-meetings law the day that longtime executive director Steven Proctor resigned from the agency in the wake of a decade long \$1 million embezzlement.

The April 7 meeting of the UCA board was held mostly behind closed doors as the members voted to privately discuss personnel issues. The board later emerged into an open meeting and voted, without discussion, to "proceed with the decisions that were made in the closed meeting." Board members, many of them law enforcement officials, voted unanimously for the obscure motion.

The meeting ended with no elaboration of the issue, and the next day, UCA issued a news release and a letter to stakeholder agencies announcing the embezzlement and the resignation of Proctor, who headed the agency for 17 years. He was not implicated in wrongdoing.

UCA and its attorneys have placed the blame on Proctor's assistant, Patricia Nelson, and her daughter Crystal Evans. The two confessed in a civil judgment to using agency credit cards to make illicit purchases of some \$1 million over a decade. The minutes of the April 7 meeting were approved in the most recent UCA board session, on April 26. They were posted online April 27 and the audio followed on April 29, both appearing after The Salt Lake Tribune filed separate open-record requests.

Utah's Public and Open Meetings Act holds that it is illegal to take an action behind closed doors said Jeff Hunt, an attorney who is an expert in open-records and open-meetings law.

The motion approved in the open portion of UCA's meeting was "not any kind of meaningful way for the public to know what action was taken," Hunt said. He pointed to

the legislative intent in the law, which states that public bodies should "take their actions openly, and conduct their deliberations openly."

"To just say, 'We're going to ratify the action taken in closed session,' is not in the spirit or the letter of the law," Hunt said, although he acknowledged the law allows agencies to discuss personnel issues in private.

Asked about the legitimacy of the April 7 vote, Board Chairwoman Tina Mathieu on Monday told The Tribune, "You know full well that every vote must take place in an open meeting." She declined to answer what "decisions" were made in the closed-door meeting, but said she would look into the Tribune's query.

Nelson and Evans were able to steal agency money over a decade, according to UCA's civil action against the two, and the embezzlement was discovered in January only after a credit card statement with questionable purchases was found accidentally left in a printer. Nelson was fired Feb. 22.

A criminal investigation is underway, according to UCA.

The scandal has led to questions about UCA's lack of transparency.

Last month, lawmakers expanded a legislative audit into the agency and State Auditor John Dougall warned the agency to comply with state transparency reporting laws or lose public funding. Mathieu said she complied with the order, even though she contends UCA is exempt from the statute.

Also, a considerable gap remains in the publicly posted minutes from the agency's board meetings. Nothing between Oct. 13, 2015, and March 29 has been posted on the agency website.

MEMORANDUM

To: City Council
From: Roger Baker, City Attorney
Date: January 1, 2017
Re: Acceptance of Public Improvements

Section 2-02 of the Tooele City Charter provides for the City Council to be the Legislative Body of Tooele City, possessing all legislative powers. The Mayor, on the other hand, is the city's Chief Executive Officer, exercising all administrative powers. The City Code echoes this structure. Thus, the City Council and the Mayor comprise two separate branches of municipal government.

Historically, however, the City Code and operational practices have delegated to the City Council an administrative role in Tooele City's governance. For example, the City Council exercises an administrative function when it approves subdivision plats, approves invoices, and accepts public improvements.

The focus of this memorandum is the City Council's current role in accepting public improvements, which acceptance is accomplished by resolution. It is my recommendation that the City Code be amended to transfer this administrative function to the Mayor and his departments.

Public improvements include new streets, sidewalks, curbs and gutters, water lines, sewer lines, storm drain lines, street lights, and other public infrastructure items. The acceptance of public improvements is an important function because their quality and consistency is vital to the public aesthetic, health, safety, and welfare. The importance of accepting public improvements, however, does not change the nature of the acceptance as an administrative, executive function.

The City Council, by enacting the City Code, has fully exercised its legislative authority to provide for the construction of public improvements to appropriate standards and specifications, and for their acceptance as city-owned and -maintained infrastructure. Having exercised this legislative prerogative, it naturally becomes the role of the executive branch to administer the public improvements construction and acceptance program.

Attached is a proposed amendment to the City Code providing for the administrative acceptance of public improvements. Every safeguard currently contained in the City Code for the adequate construction, completion, and acceptance of public improvements remains intact; however, the mechanism for acceptance of public improvements transfers to the executive branch. Doing so will not only preserve the integrity of Tooele City's separation-of-powers form of government, but will also lead to operational efficiencies, to wit, phasing out the need to prepare and present resolutions. Despite the elimination of the resolution process, however, all of the inspection and certification safeguards will remain in place.

I am happy to discuss the subject of this memorandum with you further in a forthcoming work meeting.

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 and data for final approval.
- 7-19-12. Public Improvements; bonds and bond agreements; warranty.
- 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~~ public 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 requirement.
- 7-19-36. Effect of revocation and voiding.

7-19-1. Application of chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, except in conformity with the provisions of this ordinance. The subdivision plans and plats, proposed improvements to be installed and all procedures relating thereto, shall in all respects be

in full compliance with the regulations of this Chapter. (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of the City, the subdivider thereof or his agent shall submit both a preliminary plan and final subdivision plat to the City for its approval. The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.

(2) Until preliminary plans for the subdivision are approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given.

(c) No improvements - such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets - shall hereafter be made by any owner or owners or his or their agent or by any public service corporation at the request of such owner or owners or his or their agent.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Federal Flood Insurance Program Administrator, and areas subject to poor drainage will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision plan to the satisfaction of the City.

(3) Where a trace of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the Planning Commission may, before approval, cause to be prepared a plan for the entire unit, such plan to be used by the Planning Commission as an aid in judging the merits of the proposed plat.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary plan but prior to the approval of a final subdivision plat shall apply to that plat to the extent that they do not alter the plat's use, density, or configuration. For purposes of this Chapter, the words use, density, and configuration shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City zoning ordinance at the time of complete preliminary plan submission;

(b) density: the number of lots contained in a preliminary plan approved by the City Council;

(c) configuration: the general manner in which the density is laid out in a preliminary plan approved by the City Council.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and

configuration of an approved preliminary plan and/or final subdivision plat if the City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by the plan's or plat's use, density, and/or configuration.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-3. Interpretation.

(1) In interpretation and applications, the provisions of this Chapter shall be held to be the minimum requirements.

(2) Where the conditions imposed by any provision of this Chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(3) This Chapter shall not abrogate any easement, covenant or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements than this Chapter shall govern.

(Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Ord. 1977-18, 10-19-1977)

7-19-5. Rules or interpretation.

(1) Words used in the present tense shall include the future; and words used in the singular shall include the plural number, and the plural the singular.

(2) "Shall" is mandatory and not discretionary.

(3) "May" is permissive.

(4) "Lot" shall include the words "plot, piece, and parcel" when referencing a parcel of land within a subdivision.

(5) "Used for" shall include the phrases "arranged for, designated for, intended for, maintained for and occupied for".

(6) For purposes of this Chapter, "remnant" shall mean a parcel of land that does not comply with the regulations of the applicable zoning district.

(Ord. 2013-16, 11-06-2013) (Ord. 1977-18, 10-19-1977)

7-19-6. Property line adjustments.

(1) Staff Authority. The Zoning Administrator or designee shall have the authority to approve or deny a property line adjustment in accordance with the regulations outlined in this Section. Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this Chapter. The applicant may appeal the decision of the Zoning Administrator to deny a property line adjustment, as outlined in Chapter 1-27 of the Tooele City Code.

(2) Property Line Adjustments. Applications to adjust property lines between adjacent properties:

(a) where one or more of the affected properties is included within a prior recorded subdivision plat, may only be accomplished upon the recordation of an amended plat that conforms to the standards outlined in this Section and following approval of an amended plat according to the standard plat approval process outlined elsewhere within this Chapter; or,

(b) where all of the affected properties are parcels of record, may be accomplished upon approval, execution, and recordation of appropriate deeds describing the resulting properties, upon compliance with the standards outlined in this Section, and following approval according to the terms of this Section prior to recordation.

(3) Standards. Owners of adjacent properties desiring to adjust common property lines between those properties shall comply with the following standards:

(a) no new lot, parcel, or property results from the property line adjustment;

(b) the adjoining property owners consent to the property line adjustment;

(c) the property line adjustment does not result in remnant land that did not previously exist;

(d) the property line adjustment does not result in a land-locked property and all properties affected by the adjustment have access to a public or private street or right-of-way;

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment together with all required documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for plat approval.

(b) An application for a property line adjustment involving parcels of record shall include at

least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjustment; and,

(iii) recites the legal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations shall only be approved for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2013-16, 11-06-2013)

7-19-7. Applicability of this chapter.

The procedures and requirements of this Chapter must be followed:

(1) By every person creating a subdivision as defined herein.

(2) By every person who desires to dedicate any street, alley, or other land for public use, even though said dedication is not a subdivision as defined herein, except that a right-of-way may be conveyed by deed of dedication acceptable to the City.

(Ord. 2010-05, 06-02-2010) (Ord. 1981-24, 06-11-1981)

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 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 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, the failure of a subdivider to submit a completed final plat application for a second or subsequent subdivision final plat within two years of the previous subdivision 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.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1998-17, 07-01-1998) (Ord. 1977-18, 10-19-1977)

7-19-9. Plats and data for approval of preliminary plan.

The following data and plats are required for approval of the preliminary plan:

(1) Topographic data required as a basis for the preliminary plan, in subsection (B) below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:

(a) Boundary line: Bearing and distances of all boundary lines of the subdivision as proposed.

(b) Easements: The location, width and purpose of all easements of the subdivision.

(c) Streets on and adjacent to the tract: Name and right-of-way width and location of all streets of the proposed subdivision; type, width and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.

(d) Utilities on and adjacent to the tract: Location, size of sanitary sewers on or adjacent to the tract; location and size of all water mains on or adjacent to the tract; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest facilities.

(e) The preliminary plan of the subdivision shall be accompanied by:

(i) a preliminary plan for sewer and water lines setting forth the general plans for such improvements and indicating the method to be used to overcome particular problems that may be encountered with the development of the proposed system.

(ii) an exact copy of a preliminary report of a title insurance company, a title insurance policy or an attorney's opinion brought to date of the application, setting forth the names of all property owners of property included in the subdivision as shown on the preliminary plan, as well as all mortgages, judgments, liens, easements, contracts and other clouds affecting title to said premises. The City may require all persons having an interest in the premises, as disclosed by the report, policy or opinion, to join in and approve of the subdivision application.

(iii) when a proposed street will intersect a state or county highway or a railroad, written consent of the appropriate authorities having jurisdiction over said highway or railroad shall be submitted.

(iv) all information required by the FHA when the subdivision will be submitted to that agency for feasibility and approval under a federal program.

(v) a written statement outlining any existing public improvements which are anticipated to benefit the proposed use or land development activity, and which, pursuant to Section 7-19-13, below, subject the applicant to a reimbursement requirement.

(vi) an AutoCAD copy of the development plans, including contours, lot layout, roadways, utilities, etc.

(f) Other conditions on the tract: Water courses, marshes, rock outcropping, wooded areas, isolated preservable trees one foot or more in caliper at one foot above ground level, houses, barns, shacks and other significant features.

(g) Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences and ownership of adjacent unplatted land (for adjacent platted land, refer to the subdivision plats by name, recording data, and show approximate percent of build-up, typical lot size and dwelling type, if any).

(h) Photographs, if required by the Planning Commission: Camera locations, directions of views and key numbers.

(i) Zoning on and adjacent to the tract.

(j) Proposed public improvements: Highway or other major improvements planned by public authorities for future construction on or near the tract.

(k) Key plan showing location of the tract.

(l) Ground elevations on the tract, based upon the U.S.G.S. Datum Plane. For land that slopes less than 0.5%, show not less than one foot contours; for land that slopes one-half to 2%, show not less than two foot contours; and for land that slopes more than 2%, show not less than four foot contours.

(2) The preliminary plan shall be to a scale of 100 feet to the inch or if the area of the subdivision is more than 200 acres, 200 feet to the inch. It shall show all existing conditions required in paragraph (A) above, topographic data, and shall show all proposals including the following:

(a) Streets: Names, right-of-way and road widths, approximate grades and gradients, similar data for alleys, if any.

(b) Other rights-of-way or easements: location, width and purpose.

(c) Location of utilities, if not shown on other exhibits.

(d) Lot lines, lot dimensions, lot numbers and block numbers.

(e) Sufficient information to show the intent of surface drainage.

(f) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses.

(g) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single family dwellings.

(h) Proposed building set-back lines.

(i) Site data, including number of residential lots, typical lot size, acres in parks, etc.

(j) Proposed name of subdivision.

(k) Location by section, township and range.

(l) Name and address of the developer.

(m) Name and address of the planner or engineer.

(n) Title, scale, north point and date.

(3) Other preliminary plans: When required by the Planning Commission, the preliminary plan shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on the U.S.G.S. Datum Plane.

(4) Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998)

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, 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 of the final plat; 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 approval of the final plat is submitted, the Planning Commission 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 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 with the Tooele County Recorder pursuant to Section 7-19-39, below.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 2004-02, 01-07-04) (Ord. 1998-35, 10-07-1998) (Ord. 1998-16, 07-01-1998) (Ord. 1978-28, 11-21-1978) (Ord. 1977-18, 10-19-1977)

7-19-11. Plats 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 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 of the agent of the owner.

(m) Proper form for the approval of the Council, with space for the signatures of the Council 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.
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Formerly Repealed by Ord. 1993-04, 05-04-1993)

7-19-12. Public Improvements; bonds and bond agreements; warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) After approval of the preliminary plan, the subdivider shall ~~submit present~~ plans and specifications for all public improvements to the Public Works Department city Engineer for review and approval.

(a) If ~~engineering-submitted~~ 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 or other final land use approval.

(2) Upon approval of the plans and specifications by the City Engineer, the final plat shall be submitted to the City Council for approval, modification, or disapproval.

(3) All public improvements shall be completed within ~~1 one~~ year from the date of 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 or phases 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 7-19-3~~25~~, 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 ~~and~~, 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 approved 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 in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application ~~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 costs 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 7-19-3~~25~~, 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 public improvements

~~according to City standards~~ for whatever reason, including previous bond reductions, then the subdivider shall be responsible for the deficiency. Until the public 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.

(a) 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.

(b) The 1-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by the Director of Public Works.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the 1-year warranty period.

(d) The 1-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection by the Building Official or designee indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) Two or more final subdivision plats may be approved and developed simultaneously where all public improvements associated with the plats are bonded for as if they were one plat.

(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.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

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 the benefitting development's final subdivision plat approval 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.

(Ord. 2015-07, 03-18-2015) (Ord. 2005-06, 05-18-2005) (Ord. 1999-35, 12-01-1999) (Ord. 1998-35, 10-07-1998) (Ord. 1997-13, 04-02-1997)

7-19-14. Failure to act, effect.

Should the Planning Commission or the City Council fail to act upon any submitted 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.
(Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-15. Phased development.

(1) When the public improvements have been 100% completed within the subdivision final plat, an additional subdivision final plat 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 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.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-16. Design standards.

The subdivision of land, including the arrangements, character, extent, width, grade and location of all highways, streets, alleys, crosswalks, easements, sites for parks, playgrounds and schools, or other land to be dedicated to the public or for public use shall conform to the terms of the Tooele City Code, land use policies, and master plans of the City.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

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 Community Development and Public Works Department Director prior to final subdivision plat approval and at least 15 days prior to the date upon which the City Council will consider

(March 18, 2015)

the request. 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 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.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2008-13, 11-05-08) (Am.Ord. 1998-32, 10-07-1998) (Ord. 1998-25, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

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. (Ord. 2015-07, 03-18-2015) (Ord. 2008-04, 11-05-2008)

7-19-18. Easements.

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.

(2) Easements shall be designed to provide continuity from block to block.

(3) Where subdivisions and/or parcels abut a watercourse, drainage way, channel or stream, storm water easements or drainage rights-of-way conforming substantially with the line of such watercourse shall be provided.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-19. Blocks.

Subdividers shall adhere to the provisions of Title 4 Chapter 8 of the Tooele City Code regarding blocks.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20. Lots.

(1) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) The lot dimensions and areas shall conform to the requirements of the zoning ordinance.

(3) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required by ordinance for front, side and rear yards.

(4) All corner lots shall be sufficiently larger than others so as to allow for building set-back lines on both streets as provided in Section 7-6-6 of the Tooele City Code.

(5) All lots shall abut on an adequate public or

private access, as approved by the City Engineer, Public Works Department, or Community Development Director.

(6) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation or residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of vehicular access, which easement shall be specifically set forth in the deed to each lot, shall be provided along the real lot lines of lots abutting such highways and major thoroughfares.

(7) Side lot lines shall be substantially at right angles or radial to street lines.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2003-05, 06-04-2003) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20.1. Flag Lots.

(1) Flag or L-shaped lots (hereinafter “flag lots”) may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other ordinances adopted by the City. The primary purpose of this Chapter is not to make development of property easier. Rather, it is to serve as a “last resort” for property for which there is no other reasonable way to develop.

(2) Flag or L-shaped lots will only be considered as a last resort for infill development. Except for in-fill subdivisions, and except as provided in the Sensitive Area Overlay Zone (Tooele City Code Chapter 7-12) creation of flag lots shall not be considered for new subdivisions.

(3) Flag Lots. In order to encourage the more efficient use of land, flag lots are allowed subject to the following conditions:

(a) A flag lot shall be comprised of a staff portion contiguous with the flag portion thereof (hereinafter the “staff” and “flag”, respectively).

(b) The staff shall intersect with and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 24 feet and the maximum length shall be 220 feet, unless otherwise approved by the Planning Commission and fire department upon a showing of unusual circumstances.

(c) The staff shall be improved with concrete or asphalt surface.

(d) No structure, except for driveways and no parking, shall be allowed to obstruct or narrow the staff, and the staff shall be marked with a “No Parking” sign.

(e) The front side of the flag shall be deemed to be that side nearest to the dedicated public street upon which the staff portion intersects.

(f) The staff shall be deemed to end and the flag shall be deemed to commence at the extension of the

front lot line across the staff.

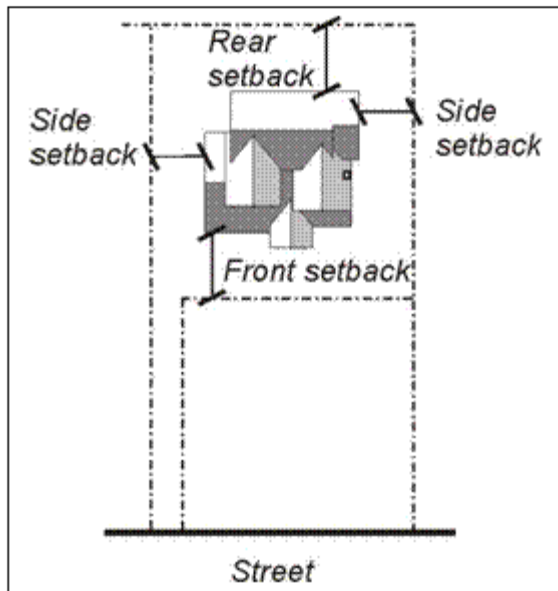
(g) The flag square footage shall be the same or greater than the minimum square footage as required in the underlying zone, exclusive of the staff.

(h) The minimum front setback for all building shall be 30 feet, excluding the staff, from the front lot line of the flag. All other setbacks shall be those of the underlying zone.

(i) No more than two flag lots may be served by one staff.

(j) Figure 1 is an example of a “flag lot” and is included herein for illustration purposes.

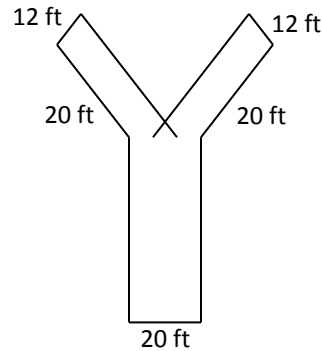
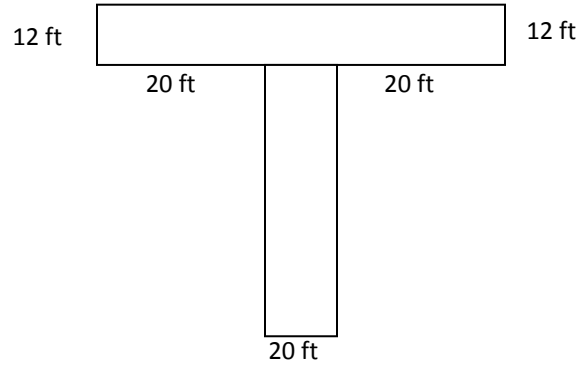
Figure 1



(k) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(l) A turn-around must be provided at the flag portion of the lot. Hammerheads or Y's are acceptable with a minimum width of 12 feet, without parking within 30 feet of the staff. The turning radius on any hammerhead or Y shall not be less than 28 feet. Figure 2 is included to illustrate the hammerhead or Y requirements.

Figure 2



(m) All provisions of the currently applicable fire code shall be met, particularly those regarding the distance a primary structure can be located from a fire hydrant, and fire apparatus access ways and turnarounds. (Ord. 2015-07, 03-18-2015) (Ord. 2009-07, 04-01-2009)

7-19-21. Required land improvements.

No subdivision of land shall be approved by the Planning Commission unless:

(1) the public improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all engineering ordinances and specifications of the City, and

(2) the subdivider's project engineer so certifies in a signed statement.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-22. Street signs.

The placement and installation of all street signs shall be governed by Title 4 Chapter 8 of the Tooele City Code. The cost of all such signs and their installation shall be borne by the subdivider.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-23. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary but not farther than one-

quarter mile apart. The monuments shall be of concrete, not copper dowel, three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at the intersection of street center lines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finished grade.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-24. Public utilities.

All utility lines for telephone, electricity, cable television, natural gas service and street lights shall be placed underground entirely throughout a subdivided area. Said lines shall be placed within the other underground services. Further, all transformer boxes and pumping facilities shall be located so as not to be hazardous to the public. The utility lines shall be parallel to and not less than 12 inches from the property lines.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-25. Sidewalks required - Specifications.

The provisions of Chapters 4-8 and 4-11 of the Tooele City Code shall apply to sidewalks in all subdivisions.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.

(1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be seeded or sodded with lawn grasses and perpetually maintained by the owner of the appurtenant property. The commercial or industrial subdivision developer shall prepare park strip areas to receive seed or sod.

(2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of Parks and Recreation. Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in Section 4-11-22 of the Tooele City Code. Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the

property appurtenant to the park strip.

(b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:

(i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of \$200 per required park strip tree; or

(ii) make a non-refundable payment to Tooele City in the amount of \$200 per required tree, which shall be used by the Director of Parks and Recreation to plant trees within the park strips of the subdivision.

(3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the Planning Commission and the City Council upon the recommendation of the Community Development and Parks and Recreation Departments.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-10) (Ord. 2005-03, 02-02-05) (Ord. 2000-10, 06-21-2000) (Ord. 1998-26, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-27. Sanitary sewers.

Sanitary sewers and service laterals shall be installed to serve all properties and lots in the subdivision, including properties reserved for public use or purchase. The provisions of Title 8 Chapter 2 of the Tooele City Code, shall apply to the installation design and construction of all sanitary sewers and service laterals in subdivisions.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-28. Engineering specifications.

The owner or subdivider shall install sanitary sewers, water supply system, right-of-way improvements, crosswalks, public utilities and street lighting in accordance with applicable ordinances, standards, and specifications for construction in the City.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-29. Water service.

(1) The provisions of Title 9 Chapter 4 of the Tooele City Code, shall apply regarding all pipes, service laterals and appurtenances provided in a subdivision.

(2) All lots and properties including property reserved for public use or purchase shall be supplied with water service sufficient to meet the future anticipated uses of said property.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

(March 18, 2015)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code. (Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

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.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of ~~required land public~~ improvements ~~by the city~~.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

~~(1a)-~~ the completion of the construction of all required ~~public~~ improvements, in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application;

~~(2b)-~~ the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built ~~plans~~;

~~(3c)-~~ a start-of-warranty inspection by the Building Official or designee indicating that the public improvements verification by the City Engineer or Public

~~Works Director that all public improvements~~ have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application; and,

(d) the signature of the Public Works Director on a Certificate of Completion and Acceptance referencing the completed public improvements.

~~(24)-~~ the City Council's approval of a resolution accepting the public improvements. Public improvements shall not be deemed completed and accepted by the City as City-owned and maintained improvements until the approval of said resolution. The one year warranty period described in Section 7-19-12, above, shall commence on the date the resolution is approved.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) No building permit shall be issued for the construction of any residential building, structure, or improvement to the land or any lot within a residential subdivision as defined herein, which has been approved for platting or re-platting, until all requirements of this Chapter have been complied with, including expressly the requirement to complete public improvements. The Building Official may issue building permits for noncombustible residential construction when his/her justification is entered into the City address file, after the developer increases any required bonds for one additional year, and after the finished street, curb and gutter, and all public utilities under the street are installed and have been approved by a qualified City inspector. Notwithstanding Chapter 7-22 herein, under no circumstances shall a Certificate of Occupancy be issued until all requirements of this Chapter have been complied with.

(2) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) all required bonding shall be extended for one additional year;

(d) the developer shall make available tire cleaning areas where the road is accessed; and,

(e) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(3) Prior to the finished surface being added to the

road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(4) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with.

(5) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed as an indication that the public improvements within the subdivision are completed or accepted by the City.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation.

(1) The subdivider shall deliver to the City the fully executed final plat within 90 days of final plat approval. Failure to fully execute the final plat, or to deliver the fully executed final plat 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 may be made without the written approval of the City.

(3) Tooele City shall promptly record an approved final subdivision plat 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 7-19-32~~5~~, above; or,

(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.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Subdivision - Exemptions from preliminary plan requirement.

(1) A subdivision is considered a minor subdivision and exempt from the preliminary plan 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 Community Development Departments as part of a minor subdivision final plat application.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary plan or final subdivision plat approval revoked or rendered void pursuant to the provisions of this Chapter 7-19 shall cause any new application of approval to be subject to the laws, ordinance, and policies of Tooele City current as of the date of the completed new application.

(Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)

TOOELE CITY CORPORATION

ORDINANCE 2017-02

AN ORDINANCE OF TOOELE CITY AMENDING CHAPTER 5-1 OF THE TOOELE CITY CODE REGARDING BUSINESS LICENSES FOR ORGANIZED EVENTS.

WHEREAS, City Code Section 5-16-2 regulating park concession licensing does not require each event concessionaire to obtain its own business license, but rather requires only the organizing or sponsoring entity to obtain the business license:

For organized events, the organizing or sponsoring organization shall obtain the license. The individual food vendors shall not be required to obtain individual business licenses to sell food or food products at the event. The licensed organization shall regulate the number and type of vendors, and vendor activities, pursuant to the organization's event policies, consistent with any Tooele City policies.

WHEREAS, public policy supports not requiring every business or concessionaire that sells food, wares, products, or services at organized events to obtain a business license where the organizing or sponsoring entity is licensed by and accountable to Tooele City for the licensed event; and,

WHEREAS, Tooele City defines the terms "engage in business" and "conduct business" to include the element of the licensed business having "a place of business . . . located within Tooele City"; this definitional policy includes the reasonable assumption that a business that does not have a place of business located within Tooele City has a place of business located in some other jurisdiction, in which jurisdiction the business is already licensed; Tooele City finds no substantive public policy that supports requiring a business sited in one jurisdiction obtaining a separate business license in every jurisdiction in which the business entity may conduct business; and,

WHEREAS, the City Administration recommends that the public policy supporting Section 5-16-2 for concessionaires should be the same policy for other businesses conducting business at organized events:

NOW, THEREFORE, THE TOOELE CITY COUNCIL ORDAINS that Chapter 5-1 of the Tooele City Code be amended as shown in Exhibit A attached hereto.

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 _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Proposed Amendments to TCC Chapter 5-1

TITLE 5. BUSINESS REGULATION TITLE OF TOOELE CITY

- Chapter 1. General Provisions.
- Chapter 2. Auctions and Auctioneers.
- Chapter 3. Closing Sale.
- Chapter 4. Christmas Tree Sales.
- Chapter 5. Repealed. (Ord. 2012-31, 12-05-2012).
- Chapter 6. Home Occupations.
- Chapter 7. Repealed. (Ord. 2007-17, 06-20-2007).
- Chapter 7a. Agricultural Vendors; Itenerant or Transient Merchants; Solicitors.
- Chapter 8. Repealed. (Ord. 2012-28, 12-05-2012).
- Chapter 9. Repealed. (Ord. 2012-29, 12-05-2012).
- Chapter 10. Pawnbrokers.
- Chapter 11. Private Police or Detective.
- Chapter 12. Repealed. (Ord. 2012-30, 12-05-2012).
- Chapter 13. Repealed. (Ord. 94-04, 02-15-1994).
- Chapter 14. Repealed. (Ord. 94-04, 02-15-1994).
- Chapter 15. Secondhand and Junk Dealers.
- Chapter 16. Park Concessions.
- Chapter 17. Uniform Local Sales and Use Tax Ordinance.
- Chapter 18. Utility License Tax.
- Chapter 18a. Municipal Energy and Use Tax.
- Chapter 18b. Repealed. (Ord. 2004-08, 06-16-2004).
- Chapter 18c. Telecommunication Service Providers Tax.
- Chapter 19. Franchise to Mountain States Telephone and Telegraph Company.
- Chapter 20. Beer Licenses.
- Chapter 21. Towing Companies.
- Chapter 22. Ice Cream Trucks.
- Chapter 23. Sexually Oriented Businesses.
- Chapter 24. Telecommunications Rights-of-Way.
- Chapter 25. Transient Room Tax.

CHAPTER 1. GENERAL PROVISIONS

- 5-1-1. Purpose.
- 5-1-2. Definitions.
- 5-1-3. Unlawful to operate without license. Repealed.
- 5-1-4. Responsibility for obtaining license.
- 5-1-5. Separate license required for each branch.
- 5-1-6. Duty to display license.
- 5-1-7. Exemptions.
- 5-1-8. Inspections for City code compliance - Notice of noncompliance - License revocation - Complaints.
- 5-1-9. Preparation, issuance, and listing of licenses.
- 5-1-10. License fees.
- 5-1-11. License additional to all regulatory licenses.

- 5-1-12. Revenue Tax on business in competition with public utilities. Repealed.
- 5-1-13. Revenue Measure. Repealed.
- 5-1-14. Fee payments and prorations.
- 5-1-15. Renewal billing procedure.
- 5-1-16. Fee Adjustment to avoid burdening interstate commerce. Repealed.
- 5-1-17. Exemption of insurance companies. Repealed.
- 5-1-18. Time periods.
- 5-1-19. Mistakes in fee calculations.
- 5-1-20. Deviations prohibited.
- 5-1-21. Fee for duplicate license.
- 5-1-22. Refunds.
- 5-1-23. License transfers.
- 5-1-24. Applications for special licenses.
- 5-1-25. Particular occupations. Repealed.
- 5-1-26. Bonding. Repealed.
- 5-1-27. Designation of agent for service of process. Repealed.
- 5-1-28. Revocation.
- 5-1-29. Appeal of preliminary revocation determination.
- 5-1-30. Doing business after license denied or revoked. Repealed.
- 5-1-31. Licensing after denial or revocation. Repealed.
- 5-1-32. Powers and duties of police.
- 5-1-33. Violations and penalties.
- 5-1-34. Effect of conviction - Prosecution not barred.
- 5-1-35. Separability clause.

5-1-1. Purpose.

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the City of Tooele, Utah, intends by this Title (1) to regulate and license businesses and occupations within its corporate limits, (2) to protect the safety and welfare of business patrons, owners, and employees, and (3) to maintain a current index of licensed businesses and occupations for economic development and other public purposes. (Ord. 2009-16, 03-17-2010); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

5-1-2. Definitions.

For the purposes of this Title, the following words and phrases shall have the meaning herein prescribed:

(1) City: The municipality of the City of Tooele, Utah.

(2) Contractor: Any person who, for a fixed sum, price, fee percentage or other compensation, other than wages, undertakes with another to improve any

building, highway, road, improvement of any kind, other than to personalty or any part thereof; provided, that the term "contractor" as used in this Title shall include any one who builds more than one (1) structure on his own property during any one (1) year for the purpose of sale and shall include subcontractor, but shall not include anyone who merely furnished materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractor as herein defined.

(3) Division: Business license division of the City Recorder's Office.

(4) Employee: The operator, owner or manager of a place of business; any person or person employed by an operator, owner or manager in the operation of a place of business in any capacity, whether part-time or full-time; and any salespersons, agents or independent contractors engaged in the operation of a place of business in any capacity.

(5) Engage in business or conduct business: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of services to others for a consideration by persons engaged in any trade, craft, business, or occupation, including doctors, lawyers, accountants, dentists, etc., where a place of business is located within Tooele City. The act of employees rendering services to employers shall not be included in such terms unless otherwise specifically prescribed.

(6) License and Active License: Certificate or document issued by the City evidencing permission or authority to its named holder to engage in, conduct, and carry on a particular business or to pursue a particular occupation within the City.

(7) Licensee: The person to whom a license has been issued pursuant to the provisions of this Title.

(8) Organized event: The Tooele City Arts Festival, the Festival of the Old West, and similar such events.

(8) Permit: A written license or instrument issued by the City authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

(9) Person: Any individual or natural person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

(10) Place of business: A location maintained or operated by a licensee within the City from which the licensee engages in business.

(Ord. 2012-27, 12-05-2012); (Ord. 2009-16, 03-17-2010); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

5-1-3. Unlawful to operate without license.
Repealed. (Ord. 2009-16, 03-17-2010)

5-1-4. Responsibility for obtaining license.

(1) It shall be the responsibility of a person engaging in business within the City to apply for, obtain, and maintain in full force and effect a valid license. The application shall be issued by the City Recorder, and shall contain the following information: business name, business address, business mailing address and telephone number, business owner's name, applicant's home address and home telephone number; and one (1) character reference.

(2) Separate licenses shall not be required for persons who engage in business with others as a partnership or corporation legally constituted.

(3) For organized events, the organizing or sponsoring organization shall obtain the license. Individual businesses participating in the events, with the authorization of the organizing or sponsoring organization, shall not be required to obtain individual business licenses to sell products or otherwise engage in business at the events. The licensed organization shall regulate the number and type of businesses pursuant to the organization's event policies, consistent with any Tooele City policies.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-5. Separate license required for each branch.

A separate license must be obtained for each branch established or separate place of business in which the business of a licensee is carried on. Each license shall authorize the person obtaining it to engage in, carry on, pursue, or conduct only that business described in such license and only at the location which is indicated thereon.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-6. Duty to display license.

Every licensee licensed pursuant to the provision of this Title shall keep the license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with him/her at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person. (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-7. Exemptions.

(1) The provisions of this Title shall not be deemed or construed to require the payment of a license fee by any institution or organization which is conducted, managed or carried on wholly for the benefit

of charitable purposes or from which profit is not derived, directly or indirectly by any individual, firm or for-profit corporation; nor shall the payment of a license fee for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, musical, religious or moral subject, whenever the receipt from such is to be appropriated to any church or school or to any religious or charitable purpose within the City; nor shall the payment of a license fee be required for the conducting of any entertainment, dance, fraternal, educational, military, state, county or municipal organization or association when the receipts from such are to be appropriated for the purposes and objects for which such association or organization is formed and from which profit is not derived, either directly or indirectly, by any individual, firm or profit corporation.

(2) Where Utah statutes exempt certain businesses from local business licensing fees, such business shall not be exempt from the requirement to apply for and obtain a license.

(Ord. 2009-16, 03-17-2010); (Ord. 2002-05, 04-03-2002); (Ord. 1983-22, 12-07-1983)

5-1-8. Inspections for City code compliance - Notice of noncompliance - License revocation - Complaints.

(1) New businesses. Prior to the issuance of a license to engage in a new business, or for an existing business to conduct business at a new location, the applicant shall permit inspections to be made of the prospective place of business by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, health and other City codes, ordinances, and regulations. No license shall be granted without inspections and code compliance.

(2) Existing businesses. Existing places of business licensed within the City may be inspected periodically by departments of the City, annually upon the City's own initiative or upon the City receiving a complaint of alleged noncompliance, for compliance with building, fire, health, and other City codes, ordinances, and regulations.

(3) Notice of noncompliance. Written notice shall be given by the City Recorder to a licensee upon the finding of any code noncompliance, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such noncompliance, the failure of which may result in the revocation of the license by the City Recorder, the license non-renewal, or other civil and criminal penalties.

(4) Business license renewal. No business license shall be renewed where a civil, administrative, or criminal proceeding has made a finding of noncompliance with City codes, ordinances, or regulations and all appeal periods have expired. A license may be reinstated or renewed upon the cure of

the noncompliance, verified by City inspection. The payment of a business license renewal fee by a noncompliant business shall not estop the City from revoking a business license, or refusing to renew a business license, due to such noncompliance.

(Ord. 2014-07, 06-04-2014); (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-9. Preparation, issuance, and listing of licenses.

The City Recorder shall prepare and issue appropriate licenses for every person qualifying therefor under the provision of this Title and shall state in each license the name and address of the licensed business and the period of time for which it is issued. All licenses shall be signed by the City Recorder or designated business license official. The City Recorder shall maintain a list of all persons holding licenses and the status of each such license.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-10. License fees.

(1) There is hereby levied upon every person engaged in business within the City an annual license fee to be calculated as follows:

(a) Base Fee: \$40.00

(b) Additional Fee: \$3.00 per employee.

(2) The annual business license fee shall not exceed \$1,000.00.

(Ord. 2009-16, 03-17-2010); (Ord. 2003-31, 12-03-2003); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

5-1-11. License additional to all regulatory licenses.

The license fees imposed by this Title shall be in addition to any and all other taxes or fees imposed by any other provisions of the Ordinances of the City of Tooele.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-12. Revenue tax on business in competition with public utilities. Repealed.

(Ord. 2009-16, 03-17-2010);

5-1-13. Revenue Measure. Repealed.

(Ord. 1998-09, 05-06-1998).

5-1-14. Fee payments.

(1) All license fees shall be paid at the Office of the Department of Finance of the City prior to the license being issued.

(2) The annual license fees provided in this Title shall be due and payable to the City at the times specified, or if not so specified, on the first day of January of each year

(3) Fees shall not be prorated.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-15. Renewal billing procedure.

(1) During December of each year, the City Recorder shall send a statement to each current licensee within the City, calling for the computation by the licensee of a license fee for the next calendar year. The statement shall notify the licensee that payment of the license fee is due no later than January 31 of the new calendar year and that a penalty will be assessed if the fee is not timely paid.

(2) Any fee remaining unpaid as of February 1 shall have added thereto a penalty in the amount of fifty percent (50%) of the total amount of the license fee due.

(3) By March 1 of each year, the City Recorder shall send a final notice to each licensee whose annual license fee remains unpaid. The notice shall inform the licensee that if the fee and accrued penalty are not paid by March 15, the City Recorder will place the license in an inactive status.

(4) If the fee and penalty remain unpaid after March 15, the City Recorder shall notify the licensee by first-class mail that the license is inactive and that the licensee cannot engage in further business within the city until the licensee pays the fee and accrued penalty. (Ord. 2009-16, 03-17-2010); (Ord. 2006-20, 09-06-2006); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

5-1-16. Fee adjustment to avoid burdening interstate commerce. Repealed. (Ord. 2009-16, 03-17-2010)

5-1-17. Exemption of insurance companies. Repealed. (Ord. 2009-16, 03-17-2010)

5-1-18. Time periods.

The licenses shall be effective for the calendar year in which issued. (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-19. Mistakes in fee calculations.

In no event shall any mistakes made by an applicant, a licensee, or the City Recorder in the calculation of a license fee prevent or prejudice the collection by the City of amounts actually due from any person subject to licensing under this Title. Likewise, no such mistakes shall prevent or prejudice the refund to licensees of amounts overpaid by the reason of mistakes. (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-20. Deviations prohibited.

No greater or lesser amounts shall be charged or

received for licenses and no license shall be issued for any period of time other than as specifically provided in this Title.

(Ord. 1983-22, 12-07-1983)

5-1-21. Fee for duplicate license.

The City Recorder shall make a charge of ten dollars (\$10.00) for each duplicate license issued to replace any license issued under the provisions of this Title.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-22. Refunds.

No refund shall be made against any fee for a license issued pursuant to this Title without the written approval of the City Recorder for good cause.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-23. License transfers.

Upon the written consent of the City Recorder endorsed thereon, licenses issued pursuant to the provisions of this Title may be transferred from one place of business to another provided that the licensee remains the same. A transfer fee of ten dollars (\$10.00) shall be paid for each such transfer. There shall be no transfers of licenses from one person to another.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-24. Applications for special licenses.

(1) Applications shall be required and special licenses issued pursuant to the provisions of other articles of this Title for the following activities or occupations, among others:

(a) Activities:

- (i) Sale of beer;
- (ii) Operation of a public dance;
- (iii) Operation of an auction house;
- (iv) Operation of amusement devices;
- (v) Sale of Christmas trees.

(b) Occupations:

- (i) Auctioneer;
- (ii) Itinerant or transient merchant;
- (iii) Pawnbroker;
- (iv) Private police or detective;
- (v) Garbage collector;
- (vi) Home occupations as defined by section 7-2-19, Tooele City Code;
- (vii) Agricultural vendor;
- (viii) Solicitor.

(2) For the activities defined in subsection (1)(a) above, a regular license to engage in business of the kind required by this Title will also be required in addition to the respective above special licenses.

(Ord. 2009-16, 03-17-2010); (Ord. 1987-24, 01-02-

1988); Ord. 1983-22, 12-07-1983)

5-1-25. Particular occupations. Repealed. (Ord. 2009-16, 03-17-2010).

5-1-26. Bonding. Repealed. (Ord. 2009-16, 03-17-2010).

5-1-27. Designation of agent for service of process.

(1) Each licensed business shall be registered with the State of Utah Department of Commerce, Division of Corporations, or successor division.

(2) The owner listed on the business license application shall be considered the agent for service of process or notice given pursuant to this Chapter.

(Ord. 2013-07, 04-17-2013); (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-28. Revocation.

(1) The issuance of a license under this Title 5 grants a revocable property interest and privilege to engage in business. The licensee agrees, as a condition of license issuance, to operate the licensed business or activity in conformity with the ordinances of the City and all other applicable laws.

(2) Any license issued pursuant to the provisions of this Title may be revoked for one year by the City Recorder for any of the following reasons:

(a) the violation by the licensee of any provisions in this Title;

(b) failure to pay when due any license fee, tax, charge, or penalty provided for in State statute or City ordinance;

(c) falsification of the license application or supporting documentation provided with the license application;

(d) any fraud or misrepresentation of a material fact in the procurement of the license;

(e) noncompliance with building, fire, or health codes;

(f) any conduct at the licensed premises tending to render the licensed premises, business, or activity a private or public nuisance as defined in this Code, or a menace to the health, peace, or general welfare of the City or its inhabitants;

(g) using or possessing for use a false weight or measure or any other device for falsely determining or recording any quantity or quality;

(h) selling, or offering or exposing for sale, commodities that vary from the standard of composition or quality prescribed by any statute that provides criminal penalties for:

(i) deviation from standards set by any statute;

(ii) deviation from standards set by established commercial usage; or,

(iii) deviation from legal requirements for

truthfulness or disclosure in labeling as required by any statute;

(i) activities, under the guise of conducting a business, that are fraudulent, deceptive, or constituting a violation of City ordinance or other law;

(j) failure of the licensee to retain the legal qualifications necessary for the license;

(k) violation of the zoning ordinances governing the licensed business or activity, including parking ordinance requirements;

(l) conviction of a felony or any crime of moral turpitude on or related to the licensed business or activity after the issuance of a license;

(m) refusal to allow City officers or employees to make inspection of the licensed premises during the hours of 8 a.m. to 5 p.m. Monday through Friday;

(n) selling, or offering or exposing for sale, to minors any harmful material, sexually oriented material, or sexual paraphernalia, as defined in Section 11-1-10 of this Code;

(o) violation of any of the terms or conditions of a conditional use permit; and,

(p) any violation of City ordinance or other law relating to the licensed business or activity.

(3) An action or omission constituting grounds for revocation under this Section by an agent, employee, officer, operator, owner, or patron of the licensee or the licensed business or activity shall constitute the action or omission of the licensee.

(4) Notification of the City Recorder's preliminary determination to revoke a business license shall be mailed by the City Recorder by certified U.S. mail to the licensed business at the mailing address identified on the business license application.

(5) Notification of business license revocation shall be mailed by the City Recorder by certified U.S. mail to the licensed business:

(a) if no timely appeal of the preliminary revocation determination was filed, at the mailing address identified on the business license application; or,

(b) if a timely appeal of the preliminary revocation determination was filed, and the determination was sustained by the Administrative Hearing Officer, at the address identified on the appeal.

(Ord. 2014-01, 01-15-2014); (Ord. 2013-07, 04-17-2013); (Ord. 2012-13, 04-18-2012); (Ord. 2009-16, 03-17-2010); (Ord. 1987-24, 01-02-1988; Ord. 1983-22, 12-07-1983)

5-1-29. Appeal of preliminary revocation determination.

Appeals of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2014-01, 01-15-2014); (Ord. 2013-07, 04-17-2013); (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-

07-1983)

5-1-30. Doing business after license denied or revoked. Repealed. (Ord. 2009-16, 03-17-2010)

5-1-31. Licensing after denial or revocation. Repealed. (Ord. 2009-16, 03-17-2010).

5-1-32. Powers and duties of police.

All police officers of the City are hereby appointed inspectors of licenses and, in addition to their several duties as police officers, are empowered and required in the performance of their duties to examine all places to see that such licenses are in fact valid and that they are posted in a conspicuous place within the place of business or displayed as required. Police officers shall have and exercise the power:

(1) To enter, free of charge, during a business' regular business hours, any place of business for which a license is required, and to demand the exhibition of a current license by any person engaged or employed in the conduct of such business.

(2) To issue citations and make arrests for the violation of any provisions of this Title.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-33. Violations and penalties.

(1) It shall be a violation of this Chapter for any person to do any of the following within the City:

(a) engage in business without first procuring a license;

(b) engage in business when a license for the business has been revoked, and the revocation appeal period has expired or an appeal has resulted in the revocation being affirmed;

(c) engage in business when a license has become inactive through the non-payment of applicable license fees and accrued penalties; and,

(d) fail to display the license at the licensed place of business, or, if there is no fixed place of business, fail to carry the license while engaging in business.

(2) Any person violating any of the provisions of this Title shall be guilty of a class B misdemeanor and shall, upon conviction therefor, be punished by a fine in a sum not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(Ord. 2009-16, 03-17-2010); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

5-1-34. Effect of conviction - Prosecution not barred.

The conviction and punishment of any person for engaging in business without a license shall not excuse or exempt such person from the payment of any license

fees due or unpaid at the time of such conviction; and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Title.

(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-35. Separability clause.

If any subsection, sentence, clause, phrase or portion of this Title, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City Council of the City of Tooele hereby declares that it would have adopted this Title and each subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

(Ord. 1983-22, 12-07-1983)

(Page 5-7 Reserved)

8-5-6 Mandatory Connections.

In order to defray the cost of constructing, reconstructing, maintaining, and operating the POTW and Water Reclamation Facility:

- (1) No property owner, agent, or other person having charge of or occupying any property within 300 feet of a POTW sewer shall maintain, use, cause, or allow to exist any privy vault, septic tank, or cesspool upon such property.
- (2) No person shall erect or maintain any septic tank, outhouse, or privy within the POTW boundaries.
- (3) The City shall require the owner of any property containing a building or structure approved, meant, or used for human occupancy to connect to the POTW if:
 - (a) the property is situated within the POTW boundaries
 - (b) the property lies within 300 feet, measured directly to the closest point of an existing sewer main line; and
 - (c) capacity in the POTW and sewer main lines exists.
- (4) All costs for permitting, construction, and connection to the POTW under this Section shall be borne entirely by the property owner.
- (5) Any City requirement by for connection to the POTW according to Section 8-5-6(3) shall:
 - (a) be in the form of a notice issued to the property owner and/or by the City in writing;
 - (b) be caused for delivery to the property owner by registered mail;
 - (c) identify a deadline not less than 90 days from the date of the notice by which time the connection to the POTW must occur;
 - (d) identify the requirements of this Section whereby the notice is being issued;
 - (e) identify the potential penalties for failure to comply with the requirements of the notice; and
 - (f) the applicable standards and specifications to be adhered to effect the connection to the POTW, or where those standards can be found.
- (6) Failure to connect to the POTW following a properly issued notice or requirement to do so shall result in:
 - (a) a violation of the Tooele City Code for each day of non-compliance with the properly issued requirement to connect to the POTW, punishable as outlined within this Code;
 - (b) water service to the property to be terminated to the property until such time as compliance to the properly issued requirement to connect to the POTW is completed; and
 - (c) fines, in addition to any paid or required fees for permitting, inspection, and connection to the POTW, in the combined amount of:
 1. disconnection and reconnection fees for water service;
 2. permitting, inspection, and connection fees for the connection to the POTW;
 3. regular monthly charges for sewer utility service, of not less than one month, for the time between the deadline for connection and compliance with the properly issued requirement to connect to the POTW; and
 4. payment of any and all outstanding utility billing amounts.
- (7) The City shall maintain, in its sole discretion, the right to seek compliance with the terms of this Section from a court of competent jurisdiction which may include:
 - (a) compliance with the terms of this Section;
 - (b) payment of required fees for permitting, inspection, and connection to the POTW;
 - (c) payment of fines outlined in Subsection (6) herein; and
 - (d) attorney's fees and court costs.

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council & Tooele City Redevelopment Agency of Tooele City, Utah, will meet in a Business Meeting on Wednesday, January 18, 2017 at the hour of 7:00 P.M. The meeting will be held in the Tooele City Hall Council Room located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Mayor's Youth Recognition Awards**
4. **Public Comment Period**
5. **Resolution 2017- 01 A Resolution of the Tooele City Council Approving an Agreement with the Local Public Safety and Firefighter Surviving Spouse Trust Fund and a Cost-Sharing Agreement**
Presented by Kami Perkins
6. **Resolution 2017- 05 A Resolution of the Tooele City Council Appointing Jeff Hammer to the Administrative Control Board of the North Tooele City Special Service District**
Presented by Roger Baker
7. **Resolution 2017- 03 A Resolution of the Tooele City Council Amending Golf Course Fees**
Presented by Brian Roth
8. **Resolution 2017- 04 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule for Cemetery Fees**
Presented by Brian Roth
9. **Minutes**
10. **Invoices**
Presented by Michelle Pitt
11. **Adjourn**

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecity.org, prior to the meeting.

TOOELE CITY CORPORATION

RESOLUTION 2017-01

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH THE LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND AND A COST-SHARING AGREEMENT.

WHEREAS, during the 2015 State of Utah Legislative General Session, House Bill 288 was passed modifying the Utah State Retirement and Insurance Benefit Act and the Public Safety Code by amending death benefits; and,

WHEREAS, HB 288 requires an employee's surviving spouse and children to remain eligible for health coverage under the employer's group health plan for specified periods of time as if the surviving spouse was an employee of the employer and requires that the employer pay 100% of the premium costs; and,

WHEREAS, HB 288 allowed employers to enter into cost-sharing agreements and created the Local Public Safety and Firefighter Surviving Spouse Trust Fund whereby beginning on the 25th month after the line-of-duty death, an employer may have the premium paid through a Cost-Sharing Agreement associated with the Trust; and,

WHEREAS, Tooele City believes it is prudent to participate in the Trust Fund by paying an annual premium per officer to mitigate potential long-term costs to the City's fiscal budget that may arise due to a line-of-duty death and subsequent long-term insurance premiums; and,

WHEREAS, the 2017 Fiscal Year Budget included premium funding in anticipation of the Trust Fund being established and Tooele City electing to participate:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign an Agreement with the Local Public Safety and Firefighter Surviving Spouse Trust Fund and the companion Cost-Sharing Agreement (both attached as Exhibit A).

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Agreement with the Local Public Safety and
Firefighter Surviving Spouse Trust Fund

Cost-Sharing Agreement

INTEROFFICE MEMORANDUM

TO: City Council Members
FROM: Kami Perkins, HR Director
DATE: November 28, 2016
SUBJECT: FISCAL IMPACT STATEMENT

Tooele City planned for and included in the FY17 budget, funding for the “Public Safety...Spouse Trust Fund Cost-Sharing” program. At the time, the rate had not been finalized but we were given an estimate of \$123 per officer per year. The rate came in lower than budgeted and will be \$95 per officer for FY18 or \$3,040.

We have an option to decline participation in the Trust and incurring the financial obligation in the event of a line-of-duty death. Under this option, Tooele City does run the risk of incurring long-term financial obligations for health insurance with no reinsurance option. This analysis is listed on the attached page.

KP

	Given Current Cost; assuming 2% cost inflation per year	Participate in the Trus; assuming 2%
Officer age 25 at time of death; spouse also 25; young children.	\$ 16,500.24	
26	\$ 16,830.24	\$ 3,040.00
27	\$ 17,166.85	\$ 3,100.80
28	\$ 17,510.19	\$ 3,162.82
29	\$ 17,860.39	\$ 3,226.07
30	\$ 18,217.60	\$ 3,290.59
31	\$ 18,581.95	\$ 3,356.41
32	\$ 18,953.59	\$ 3,423.53
33	\$ 19,332.66	\$ 3,492.00
34	\$ 19,719.31	\$ 3,561.84
35	\$ 20,113.70	\$ 3,633.08
36	\$ 20,515.97	\$ 3,705.74
37	\$ 20,926.29	\$ 3,779.86
38	\$ 21,344.82	\$ 3,855.46
39	\$ 21,771.72	\$ 3,932.56
40	\$ 22,207.15	\$ 4,011.22
41	\$ 22,651.29	\$ 4,091.44
42	\$ 23,104.32	\$ 4,173.27
43	\$ 23,566.41	\$ 4,256.73
44	\$ 24,037.73	\$ 4,341.87
45	\$ 24,518.49	\$ 4,428.71
46	\$ 25,008.86	\$ 4,517.28
47	\$ 25,509.04	\$ 4,607.63
48	\$ 26,019.22	\$ 4,699.78
49	\$ 26,539.60	\$ 4,793.77
50	\$ 27,070.39	\$ 4,889.65
51	\$ 27,611.80	\$ 4,987.44
52	\$ 28,164.04	\$ 5,087.19
53	\$ 28,727.32	\$ 5,188.93
54	\$ 29,301.86	\$ 5,292.71
Switch to single coverage; assuming kids are not ineligible - Spouse is age 55	\$ 10,674.24	\$ 5,398.57
56	\$ 10,887.72	\$ 5,506.54
57	\$ 11,105.48	\$ 5,616.67
58	\$ 11,327.59	\$ 5,729.00
59	\$ 11,554.14	\$ 5,843.58
60	\$ 11,785.22	\$ 5,960.46
61	\$ 12,020.93	\$ 6,079.66
62	\$ 12,261.35	\$ 6,201.26
63	\$ 12,506.57	\$ 6,325.28
64	\$ 12,756.70	\$ 6,451.79
65	\$ 13,011.84	\$ 6,580.82
	\$ 799,274.83	\$ 183,622.03



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Public Safety

KEITH D. SQUIRES
Commissioner

May 20, 2016

Dear Chief Administrator:

During the 2015 legislative session HB288 (Line-of-Duty Death Benefits for Peace Officers and Firefighters) was passed into law with an effective date of July 1, 2015. In an effort to ensure state or local government agencies are familiar with the obligations of the new law, members of the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board (defined in 53-17-402) felt it important to provide you with information.

As you become familiar with HB288, you will find that upon the line-of-duty death of a law enforcement officer or firefighter, the employer shall provide the surviving spouse and children health coverage under the employer's group health plan as if the surviving spouse was an employee. This coverage must be provided by the employer for the first 24 months after the line-of-duty death.

Beginning the 25th month after the line-of-duty death, the employer shall continue to provide the surviving spouse and children health coverage under the group plan; however, if the employer elects to participate in the cost-sharing agreement overseen by the Department of Public Safety prior to July 1, 2017, and pay the annual participation premium as determined by the board, the employer may be reimbursed for the cost of health coverage premiums from the trust fund.

An actuarial analysis has determined that the initial rate to be charged for participation in the cost sharing agreement is between \$87.00 and \$132.00 per law enforcement officer or firefighter annually. This rate range is influenced by a number of variables, variables the Board is currently discussing to determine an appropriate rate. The initial rate will be within the range specified. Once the rate is determined, it will be communicated to each city or county agency and should an agency desire to participate, payment will be required by June 30th, 2017 for the coverage period of July 1, 2017 to June 30, 2018.

The Board will rely on annual or bi-annual actuarial analysis to determine future rates. To continue participation, future rate payments will be due by June 30th annually, which is the day before the annual coverage period begins.

During the 2016 legislative session, HB159 amended some of the language originally enacted in 2015. The bill clarifies that an employer that chooses to participate in the cost-sharing agreement before July 1, 2017, will be eligible for reimbursement of health care costs for a surviving spouse or children in the event of a line of duty death that occurs on or after July 1, 2015.

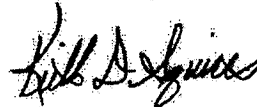
Please be aware, that any future line of duty death that occurs after July 1, 2017 and occurs during a time when an agency chooses not to be a participant of the trust fund, will not be eligible for the health insurance reimbursement from the trust fund for the entire period of time health insurance is provided to that person's surviving spouse and children.

In addition, a statement was included in the bill to add a retrospective operation to July 1, 2005. Our interpretation of the retrospective language is that an employer is obligated to allow the surviving spouse and children to remain eligible for health coverage under the employer's group health plan in the event of a line of duty death that occurred on or after July 1, 2005. The health care costs for an individual under this circumstance are not reimbursable from the trust fund.

The board encourages you to share this information with your city/county officials, human resources staff and budget staff.

If you are interested in participating in the cost sharing agreement, please contact Kim Gibb kgibb@utah.gov. You will be provided a copy of the cost sharing agreement, along with instructions for participation.

Respectfully



Keith D. Squires
Commissioner

Line-of-Duty Death Benefits for Peace Officers and Firefighters "At a Glance"

HB288 Effective 7-1-15

- Local law enforcement and fire agency obligations
 - Agencies are required to provide health care coverage for surviving spouses and children in the event of a line of duty death
 - Coverage must be provided for the surviving spouse until they are eligible for Medicare
 - Coverage must be provided for children until they reach the age of 26
 - The agency must pay 100% of the cost for coverage

- Trust Fund
 - If an agency chooses to participate in the cost sharing agreement by July 1, 2017, they may be reimbursed for the cost of health care coverage from the trust fund beginning the 25th month following the line of duty death for a death that occurred on or after July 1, 2015
 - The agency will be required to sign a cost sharing agreement and pay an annual premium of appx. \$132.00 per member to be covered by the trust fund

HB159 Effective 5-10-16

- Local law enforcement and fire agency obligations
 - Agencies are required to provide health care coverage for surviving spouses and children in the event of a line of duty death that occurred between July 1, 2005 and July 1 2015
 - Coverage must be provided for the surviving spouse until they are eligible for Medicare
 - Coverage must be provided for children until they reach the age of 26
 - The agency must pay 100% of the cost for coverage

- Trust Fund
 - Agencies may not be reimbursed from the trust fund for a line of duty death that occurred between July 1, 2005 and July 1, 2015

Effective 5/10/2016

53-17-201 Surviving spouse and children health coverage for line-of-duty death.

(1)

(a) Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for health coverage under the employer's group health plan as if the surviving spouse was an employee of the employer.

(b)

- (i) The employer shall pay 100% of the premium costs and, if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and may not require payment from the surviving spouse for premium costs or health savings account contributions as a condition of qualifying to continue to receive the health coverage.
- (ii) For the first 24 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b)(i).
- (iii) Beginning 25 months after the line-of-duty death, an employer may pay the amount specified under Subsection (1)(b)(i) through a cost-sharing agreement under Section 53-17-301 associated with the trust fund created under Section 53-17-401.

(2) An employer shall allow a surviving spouse and children to remain eligible to receive health coverage from the employer under this section at the option of the surviving spouse:

- (a) for health coverage for the surviving spouse, until the surviving spouse becomes eligible for Medicare; and
- (b) for health coverage of a child, until the child reaches the age of 26.

(3) This section does not apply to a member who:

- (a) does not qualify for a line-of-duty death benefit under Title 49, Utah State Retirement and Insurance Benefit Act;
- (b) at the time of death, did not receive or qualify to receive employer group health coverage; or
- (c) is covered under Section 49-20-406.

Amended by Chapter 261, 2016 General Session

TOOELE CITY CORPORATION

RESOLUTION 2017-05

A RESOLUTION OF THE TOOELE CITY COUNCIL APPOINTING JEFF HAMMER TO THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.

WHEREAS, the Tooele City Council created the North Tooele City Special Service District (“District”) on June 16, 1999, pursuant to Sections 17A-2-1301 through 17A-2-1332, Utah Code (since renumbered to U.C.A. Title 17D, Chapter 1); and,

WHEREAS, the aforementioned Utah Code sections allow for the establishment of an administrative control board (“Board”) for the District, the powers of that Board being specified by the Utah Code and by the governing authority of the District, which is the Tooele City Council; and,

WHEREAS, the term of board members is generally four years (U.C.A. Section 17D-1-304); and,

WHEREAS, the Board recommends filling one of two existing vacancies created by the resignations of Melanie Hammer and Adam Allen with the appointment of Jeff Hammer, to serve through December 31, 2020, with the term intended to maintain a balanced rotation of terms on the standardized term termination date of December 31st of any given year (see Mr. Hammer’s letter of interest and the Board chairman’s recommendation attached as Exhibit A):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Jeff Hammer is hereby appointed to serve as a member of the Administrative Control Board of the North Tooele City Special Service District, for a term ending December 31, 2020, as further indicated below:

Name	Term of Service	Length of Service
Andrew Wallentine	09-02-15 to 12-31-18	since 09-02-15
Jed Winder	01-01-14 to 12-31-17	since 03-19-08
Erick Brondum	01-01-14 to 12-31-17	since 01-01-06
Michael Maloy	01-01-14 to 12-31-17	since 06-05-02
Maresa Manzione	01-01-14 to 12-31-17	since 04-20-11
Jeff Hammer	01-18-17 to 12-31-20	since 01-18-17
(vacant)		

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Letter of Interest and Board Chairman Recommendation

1883 N. 120 W.
Tooele, UT 84074
(435)241-8175
Jeffreyhammer1988@gmail.com

November 2, 2016

Chairman Andrew Wallentine
North Tooele City Special Service District
Tooele, UT 84074

Dear Chairman Wallentine:

I would like to express my desire to serve on the North Tooele City Special Service District. I understand that there are currently three vacant seats to fill. I would like to become more involved in my community and feel this would be a great opportunity to do so.

I have lived in Overlake in Tooele City for over 18 years and love living here. I grew up in a small town in Idaho and have seen the same sense of community in Tooele as I did in rural Idaho. Over the years I have lived in Tooele, I have been excited to see the growth and progress that has happened.

I have experience working in government and on community boards. I currently work for the State of Utah in the Division of Purchasing and understand how to carry out solicitations and manage contracts. I have served as a member of the Stansbury High School Community Council for the past three years serving as treasurer for the last two years.

I was employed with Rocky Mountain Power for 16 years and feel that this previous work experience and knowledge would help in managing the street lights in the Overlake Subdivision.

I feel I would be a great asset and, with my experience, I would add a good perspective to the North Tooele City Special Service District. Thank you for considering me for this position.

Sincerely,

Jeff Hammer

TOOELE CITY CORPORATION

RESOLUTION 2017-03

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING GOLF COURSE FEES.

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

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

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

WHEREAS, the Director of Parks and Recreation and the Golf Pro of Tooele City's Oquirrh Hills Golf Course have recommended that the City Council slightly increase certain golf course fees, as shown in Exhibit A; and,

WHEREAS, while the slight fee increases proposed will increase the golf course operation and maintenance budget, the costs to operate and maintain the golf course will still exceed the revenues received from golf course fees for golf course operation and maintenance; and,

WHEREAS, the proposed fees are comparable with local and regional golf course fees, and will still be equal to or lower than nearby golf courses; and,

WHEREAS, the City Administration retains the flexibility to adjust fees downward for special events, promotions, and times of low utilization, and to decrease fees for on-line reservations; and,

WHEREAS, the fees charged to golf course patrons bear a reasonable relationship to the City's costs to provide the golf course services:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the fee increases, shown in Exhibit A and proposed by the City Administration, are hereby approved and shall be incorporated into the Tooele City Fee Schedule.

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 _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Proposed Fees

PARKS AND RECREATION

Impact Fees

Single-Family Residential: \$2,168.00 per unit
 (For purposes of this section, Single-Family Residential includes detached single family units and attached single-family units, including townhouses, condominiums and duplexes)

Multi-Family Residential: \$1,959.00 per unit
 (For purposes of this section, Multi-Family Residential means apartment buildings with three or more units per building)

The service area for purposes of the park and special purpose recreation facilities impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

Aquatic Center Fees (tax included)

Annual Passes

3 & Under	Free
Youth (4-12 yrs.)	\$105.00
Student (13-18 yrs.)	\$145.00
Adult (19-61 yrs.)	\$180.00
Senior (over 61 yrs.)	\$145.00
2-Person	\$290.00
Family	\$290.00 (2) + \$35/child (\$430 max)
One Parent	\$180.00 + \$35/child (\$320 max)

Daily Admissions

3 & Under	Free		
Child (4-12 yrs.)	\$2.50		
Student (13-18 yrs.)	\$3.00		
Adult (19-61 yrs.)	\$3.50		
Senior (over 61 yrs.)	\$3.00		
Group (10)	\$2.00 per person		
10 Punch Pass	Adult - \$28.00	Child - \$16.00	Student/Senior - \$22.00
20 Punch Pass	Adult - \$50.00	Child - \$28.00	Student/Senior - \$40.00

Military

Daily Admission	\$2.50
Family	\$180.00 + \$35/child (\$320 max)
10 Punch Pass	\$14.00
20 Punch Pass	\$25.00
Annual Pass	\$150.00

Swimming Lessons

Ages ≤17 yrs.	
Summer Lessons	\$30.00
Winter Lessons	\$25.00
Adult (4 times on Saturdays)	\$20.00
Water Safety Instructor (35 hrs.)	\$115.00
Lifeguard Training (26 hrs.)	\$125.00

Promotional Nights and Events

Mondays - Family Night	\$7.00
Fridays - Date Night (Couples)	\$3.00
Dollar Night (1 st day of each month)	\$1.00

Age Group Lesson/Competitive Swimming

With Individual Annual Pass	\$265.00
With Family Annual Pass	\$185.00
Punch Passes	
10 Punch Pass	\$25.00
20 Punch Pass	\$40.00

Pool Rental \$225.00

Party Room \$40.00/2 hours

Rentals

Lockers	\$7.50/mo. or \$75.00/yr.
Tubes	\$1.50
Noodles	\$0.50
Life Jacket	\$1.00
Towel	\$1.00

Water Aerobics

Membership Pass	
Daily Admission	\$1.00
10 Punch Card	\$10.00
20 Punch Card	\$20.00
Non-Membership Pass	
Daily Admission	\$4.00
10 Punch Card	\$35.00
20 Punch Card	\$65.00
Seniors	
Daily Admission	\$3.50
10 Punch Card	\$30.00

20 Punch Card	\$55.00
Senior Circle	
Daily Admission	\$3.00
10 Punch Card	\$25.00
20 Punch Card	\$50.00

Replacement Card Fee \$3.00

Golf Course (tax included)

Green Fees

Regular Green Fees: ~~\$10.00~~ \$11.00 / 9 holes (weekday)*
~~\$18.00~~ \$20.00 / 18 holes (weekday)*
~~\$11.00~~ \$12.00 / 9 holes (weekend & holidays)*
~~\$20.00~~ \$22.00 / 18 holes (weekend & holidays)*
~~\$32.00~~ \$34.00 / 18 holes (weekend & holidays w/cart)*

Senior Green Fees: ~~\$7.50~~ \$8.00 / 9 holes (weekday)*
~~\$14.00~~ \$15.00 / 18 holes (weekday)*
\$9.00 / 9 holes (weekend & holidays)*
\$16.00 / 18 holes (weekend & holidays)*

Junior Green Fees: ~~\$4.50~~ \$5.00 / 9 holes (weekday)*
\$9.00 / 18 holes (weekday)*
~~\$5.50~~ \$6.00 / 9 holes (weekend & holidays)*
\$11.00 / 18 holes (weekend & holidays)*

Season Passes

10 Punch Passes: Regular ~~\$75.00~~ \$80.00
Senior ~~\$65.00~~ \$70.00
Junior \$40.00

20 Punch Passes: Regular ~~\$130.00~~ \$140.00
Senior ~~\$120.00~~ \$130.00
Junior \$75.00

Annual Passes Regular ~~\$475.00~~ \$500.00
Senior ~~\$375.00~~ \$400.00
Junior ~~\$245.00~~ \$250.00
Couples ~~\$700.00~~ \$750.00

Player Pass \$99.00
(up to 50% off green fees and range)

- * \$1.00 discount for online reservation
- * Utilization and other promotions at the discretion of the golf professional
- * Weekday - Monday thru Thursday
- * Weekend - Friday thru Sunday

Family Golf Pass

Golf Course Pass Holders may add children to any pass available for \$100.00 per child (children 17 years of age and younger)

Other

Season Trail Fee: ~~\$200.00~~ \$225.00 (for existing)
\$250.00 (for new)

Daily Trail Fee: \$4.00 / 9 holes
\$6.00 / 18 holes

Cart Storage Fees: \$125.00 / gas
\$150.00 / electric

~~Cart Rental:~~ ~~\$6.00 per person / 9 holes~~
~~\$12.00 per person / 18 holes~~

Driving Range: ~~\$4.00~~ \$3.00 / ~~warm-up~~ small bucket
\$5.00 / ~~small~~ medium bucket
~~\$6.00~~ \$7.00 / large bucket

Rentals

Cart: \$6.00 per person / 9 holes
\$12.00 per person / 18 holes

Clubs: \$8.00 per person / 9 holes
\$10.00 per person / 18 holes

Pull Cart: \$3.00 per person / 9 holes
\$3.00 per person / 18 holes

TOOELE CITY CORPORATION

RESOLUTION 2017-04

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE FOR CEMETERY FEES.

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

WHEREAS, Utah Code §10-3-717 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

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

WHEREAS, the City Administration has determined that several fees currently charged related to the City Cemetery are significantly below those charged by other municipalities and, more importantly, significantly under-recover the City's costs associated with the services provided and the activities regulated; and,

WHEREAS, where a fee relates to commodities in limited supply and for which there is a significant demand, it is appropriate for the fee to be adjusted according to market conditions; and,

WHEREAS, the City's supply of grave spaces allowing for upright markers is dwindling, whereas the supply of flat-marker grave spaces continues to be ample; and,

WHEREAS, the City has established a policy of encouraging flat-marker grave spaces; and,

WHEREAS, the current fee for flat-stone sites is \$500, whereas the current fee for upright-stone sites is only \$600 (see Exhibit A); and,

WHEREAS, the City Administration recommends that the City Council increase the fees for upright-stone sites (see Exhibit A); and,

WHEREAS, the proposed fees are necessary to continue to regulate activities and to provide services, and are in the best interest of the general welfare of the City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended to include the proposed Cemetery fees shown in Exhibit A attached hereto.

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 _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Proposed Fees

CEMETERY

	<u>Resident</u>	<u>Non-Resident</u>
Right to Burial:	\$500.00	\$900.00
Right to Burial (Sections 15-20)		
Flat Stone Sites:	\$500.00	\$900.00
Upright Stone Sites:	\$600.00 <u>\$800.00</u>	\$1,000.00 <u>\$1,200.00</u>
Right to Burial (Baby / Cremation):	\$200.00	\$300.00
Opening and Closing		
Regular Grave:	\$200.00	\$250.00
Baby Grave or Cremation:	\$150.00	\$200.00
Disinterment of Body:	\$1,000.00	\$1,000.00
Disinterment of Cremation:	\$90.00	\$90.00
Saturday Burial Fee:	\$300.00	\$400.00
After Hours Fee (after 3:30 p.m.)	\$200.00	\$200.00
Certificate Transfer:	\$30.00	\$30.00
Headstone Setting		
Flat or Flush Stones:	\$50.00	\$50.00
Upright Stones:	\$50.00	\$50.00

Buy Back Burial Rights:

City will pay the owner of the burial rights the original purchase price. If there is no proof of purchase price, the City will pay \$150.00 per space.

**Tooele City Redevelopment Agency of Tooele City, Utah
Business Meeting Minutes**

Date: Wednesday, December 7, 2016
Time: 6:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

RDA Board Members Present:

Chairman Steve Pruden
Scott Wardle
Dave McCall
Brad Pratt
Debbie Winn

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Jim Bolser, Director of Community Development and Public Works
Paul Hansen, City Engineer
Michelle Pitt, Recorder
Roger Baker, City Attorney
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairman Pruden called the meeting to order at 6:39 p.m.

2. Roll Call

Steve Pruden, Present
Brad Pratt, Present
Scott Wardle, Present
Dave McCall, Present
Debbie Winn, Present

3. RDA Resolution 2016-05 A Resolution of the Redevelopment Agency of Tooele City, Utah, Approving a Memorandum of Understanding with the Boyer Company Regarding the Development of 33 Acres of Land Located at Main Street and 1000 North Street

Presented by Randy Sant

Mr. Sant stated that for the last year the RDA has been working with the Boyer Company on the property at 1000 North to pursue a regional retail development. Mr. Sant said that he has been working towards getting a property purchase agreement with Boyer. As they have been discussing the property purchase agreement, they felt that a better approach would be to adopt a Memorandum of Understanding (MOU) outlining an agreement with Boyer. The MOU would outline certain obligations that the RDA would be required to do, and certain obligations that Boyer would do. Mr. Sant explained some of the obligations of Boyer to be: work on a preliminary site plan, retain architects and civil engineers, lay out the retail as required by City ordinance, review the environmental, tenant acquisition, letters of intent, and work with the RDA to prepare a master plan for the property. RDA responsibilities include: title commitment, do an Alta survey, give Boyer access to all files regarding the property, and the environmental and geotechnical studies.

Mr. Sant further explained that the RDA could, at any time, convert over to a purchase property agreement, development agreement, or purchase sale agreement. After the MOU time period has expired, the RDA would have to make a decision about whether to enter in to a purchase property agreement with Boyer. Mr. Sant stated Mr. Baker worked with him on the MOU and felt that it was a better agreement.

RDA Board Member Pratt moved to approve the Memorandum of Understanding with the Boyer Company. RDA Board Member McCall seconded the motion. The vote was as follows: RDA Board Member McCall “Aye,” RDA Board Member Wardle “Aye,” RDA Board Member Pratt “Aye,” RDA Board Member Winn “Aye,” and Chairman Pruden “Aye.”

4. Adjourn

RDA Board Member Wardle moved to adjourn the meeting. RDA Board Member Winn seconded the motion. The vote was as follows: RDA Board Member McCall “Aye,” RDA Board Member Wardle “Aye,” RDA Board Member Pratt “Aye,” RDA Board Member Winn “Aye,” and Chairman Pruden “Aye.”

The meeting adjourned at 6:44 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 4th day of January, 2017

Brad Pratt, Tooele City Council Chair

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

Date: Wednesday, January 4, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairman Brad Pratt
Scott Wardle
Dave McCall
Steve Pruden
Debbie Winn

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Jim Bolser, Director of Community Development and Public Works
Michelle Pitt, Recorder
Roger Baker, City Attorney
Brian Roth, Parks and Recreation Director
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

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

2. Roll Call

Brad Pratt, Present
Scott Wardle, Present
Dave McCall, Present
Steve Pruden, Present
Debbie Winn, Present

3. Discussion:

- Council Assignments

Councilman Pruden nominated Councilwoman Winn to act as Chair for 2017. Chairman Wardle seconded the nomination. All members of the Council voted, "Aye." Chairman Pratt stated that he has enjoyed working with the Council, as Chairman, over the years. He also expressed appreciation to the staff.

Councilman Wardle nominated Councilman Pruden as Vice Chair. Chairman Pratt seconded the nomination. All members of the Council voted, "Aye."

Councilman Pruden nominated Councilman Pratt as RDA Chair, and nominated Councilman Wardle as Vice Chair. Councilwoman Winn seconded the nomination. All members of the Council voted, "Aye."

The council made assignments to the remainder commission and board appointments, as indicated on the attachment.

There was a discussion on whether the Sister Cities, Council on Aging, and the Hospital Special Services District Board should remain on the list. Mr. Baker will look in to it.

The assignments will be formalized in the next Council meeting.

- Golf Course Fees
Presented by Brian Roth

Mr. Roth stated that it has been three years since golf fees were last raised. When the back nine holes were completed, there was a program put in place to look at fees every 2-3 years. Mr. Roth said that he spent some time with Golf Pro Cody Lopez and they came up with this proposal. Mr. Roth further explained that they looked at other courses in the County. Currently, the City fees are about the same as Stansbury, but less than Overlake. The City is looking at a \$1 increase per nine holes, a \$25 increase on individual season passes, and leaving the cart fee and some junior fees where they are. This increase would generate about \$22,000 in revenue. Mr. Roth went on to say that operating costs continue to increase and the City is trying to keep up with the cost of doing business. Mr. Baker asked what a trail fee was. Mr. Roth answered that it is where an individual owns their own golf cart. They are still charged to use the course, but since they use their own cart, it's less than the regular cart fee.

Councilman Pruden said that the fee adjustments seemed fair. Chairman Pratt liked the idea that the City would be in line with Stansbury. Mr. Roth said that they will be a little bit more than Stansbury, but players feel that the City course is a little nicer than Stansbury.

- Cemetery Fees
Presented by Brian Roth

Mr. Roth said that fees were raised last winter or spring. Fees generated about \$40,000. Mr. Roth stated that there is a discrepancy between the number of low and upright plots. The areas that allow high stones are limited. The City would like to raise the fee for the upright, or high stones. Mr. Roth asked if the Council cared if the City runs out of plots allowing high stones; or if the Council would like the City to create more areas allowing upright plots. Councilman Wardle said that maintenance is a lot easier for low stones and that most private cemeteries don't allow uprights. He felt that the City should say when they're gone, they're gone. Mr. Baker said that if the supply for them is small, and demand is higher, it justifies an increase in fee.

Councilman McCall asked why there are sections designated as low, and high stone. The Mayor responded that the low stones require a lot less maintenance, and keeping the stones the same in certain areas make the cemetery look nice. High headstones require a lot more edging and trimming. Mr. Roth said that when there are new burials next to high stones, a lot more work is involved in moving the high stone to allow for the burial. Mr. Baker clarified that low stones, meant flat, not just low.

- 2016 De Minimus Water Rights Report
Presented by Jim Bolser

Mr. Bolser explained that in 2014, the Council adopted an Ordinance stating that water rights conveyances could be exempted, when it was determined to be a de minimus amount. A report on de minimus water rights conveyance declarations is required every year as part of that Ordinance. Mr. Bolser went on to say that the 2016 report included two applications that qualified for the de minimus exemption.

4. Close Meeting to Discuss Litigation, and Property Acquisition

Councilman Pruden moved to close the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall “Aye,” Councilman Wardle “Aye,” Councilwoman Winn “Aye,” Councilman Pruden “Aye,” and Chairman Pratt “Aye.”

Those in attendance during the closed session were: Glenn Caldwell, Roger Baker, Jim Bolser, Mayor Patrick Dunlavy, Michelle Pitt, Brian Roth, Randy Sant, Councilman McCall, Councilman Wardle, Councilman Pruden, Councilwoman Winn, and Chairman Pratt.

The meeting closed at 5:40 p.m.

No minutes were taken on these items.

5. Adjourn

Councilwoman Winn moved to adjourn the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall “Aye,” Councilman Wardle “Aye,” Councilman Pruden “Aye,” Councilwoman Winn “Aye,” and Chairman Pratt “Aye.”

The meeting adjourned at 6:52 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 18th day of January, 2017

Debra E. Winn, Tooele City Council Chair

**Tooele City Council and
Tooele City Redevelopment Agency of Tooele City, Utah
Business Meeting Minutes**

Date: Wednesday, January 4, 2017
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Brad Pratt, Chairman
Steve Pruden
Dave McCall
Scott Wardle
Debbie Winn

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Chief Ron Kirby, Police Department
Jim Bolser, Public Works and Community Development Director
Heidi Peterson, Communities that Care Director
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy Recorder

Minutes prepared by Cami Cazier.

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Pratt.

2. Roll Call

Brad Pratt, Present
Steve Pruden, Present
Debbie Winn, Present
Scott Wardle, Present
Dave McCall, Present

Chairman Pratt recognized and welcomed Boy Scout Troop 868. They were in attendance to work on their Communications and Citizenship in the Community merit badges.

3. Tooele Applied Technology College (TATC) Student of the Year: Gail McGraw

Presented by Scott Snelson

Mr. Snelson is the President of Tooele Applied Technology College (TATC). He wanted to first share an update on the accomplishments of TATC during the past year. Their completion rate was 83%, the placement rate was 97%, and the pass rate was 100%, with most of those students finding employment. So far this school year, enrollment is up 30%. The Utah College of Applied Technology (UCAT) recently selected Dave Woolstenhulme as the new Commissioner for Technical Education. A new government structure has also been established within the UCAT system. A new Practical Nursing program has been implemented, and is up and running successfully. This past fall, TATC became federal financial aid eligible. Students are now able to apply for this aid. They recently had a site visit from their national accrediting body, the Council on Occupational Education. The results showed zero findings or recommendations, and two commendations. As a result, TATC received full accreditation. Mr. Snelson expressed his gratitude and appreciation to the Council and City for their support and leadership provided to TATC.

Mr. Snelson introduced Ms. Gail McGraw as the recipient of the TATC Student of the Year Award. There are eight colleges within the UCAT system in Utah. Each college selects a Student of the Year. Ms. McGraw is an Information Technology student currently enrolled. She is a retired colonel from the military with over thirty years of experience. As the recipient of this award, Ms. McGraw was given a \$1,000 cash award, which she deferred to the two runners-up. She will now compete against the other UCAT recipients of this award, the winner of which will receive a new Ford Focus. Mr. Snelson turned the time over to Ms. McGraw.

Ms. McGraw was honored to be able to come before the City Council to share her story. Her mantra, "the mind is a terrible thing to waste," was instilled on her by her parents who wished for her to appreciate her education. She compared knowledge and education to a tree. With the proper care and nourishment, a good root system is established and allows it to grow tall and strong. It can also help other people by providing shade and fruit. Because of the support from her family, she has been able to be successful with her education. She earned two masters degrees and served for 33 years in the military. While exploring her next educational goal, she came across information about TATC. She was impressed with the variety of programs offered, and was immediately welcomed by the staff at TATC.

During her time in the military, Ms. McGraw recognized the need for understanding technology and decided to pursue her studies in IT. She is a year into the program and loves the flexibility of her coursework. She believes that her education from TATC will allow her to be more confident, competent, and competitive in the work force. She encouraged everyone to look into their programs, and is grateful that she chose to continue her education at TATC.

Chairman Pratt thanked Ms. McGraw and also encouraged those in attendance to get to know TATC and everything they have to offer our community.

Chairman Pratt recognized and welcomed Cub Scout troop 4230. Their theme for this month is Cub City Council, so they wanted to come see what goes on during the Tooele City Council meeting.

4. Mayor's Youth Recognition Awards

Presented by Mayor Dunlavy, Heidi Peterson and Chief Ron Kirby

Mayor Dunlavy welcomed and thanked those in attendance. Community participation is important to make a city great. He appreciates this part of City Council meeting to honor some special young people. He encouraged the audience to pay attention to the wonderful things that will be said about these special youth. He introduced Heidi Peterson, Director of Communities that Care and Chief Ron Kirby of the Police Department.

Ms. Peterson also thanked those in attendance and expressed her appreciation to be able to work in the greatest department in the greatest city in the state of Utah. We are very fortunate to live in a city that cares so much about families and youth. Through the Communities that Care program, they are able to gather data to determine where the youth are at the most risk. In order to protect and buffer them, the very best programming has been implemented for our youth and families.

One of the programs offered through Communities that Care is a free, five week parenting program called Guiding Good Choices. This awesome resource adds tools to parents' toolbox to help their families. Ms. Peterson encouraged everyone to check it out on the Tooele City website and register to attend. The next workshop starts January 26, 2017.

The next program offered to the community is relatively new, and is called QPR, or Question, Persuade, and Refer. These three steps help to identify those at risk for suicidality. Unfortunately, this is a growing risk not only to our county, but our state and nation. Tooele City strives to be proactive, and over the last 2 ½ years, over three thousand people have been trained to know the signs of suicidality and are able to use a skill set to help their friends and loved ones get the help that they need. Registration for this program is also offered on the Tooele City website. This training can also be brought to a workplace or group.

The last program Ms. Peterson highlighted is called Second Step. This program is partnered with the Tooele County School District. Second Step is an evidence based program that helps teach kids valuable life skills used not only in the classroom, but outside as well. They learn coping skills as they encounter anxiety and anger, and how to make good friends. They also learn how to resist pressure to get involved in drugs and alcohol. The Tooele City Police Department helps in this effort by visiting schools and talking with the students about making good choices.

In order for kids to be successful, they need to be recognized for the good things they do. The recipients of this award will be receiving backpacks that include donations from local agencies and business that want to congratulate and support these students. There is also a certificate signed by the Mayor.

Ms. Peterson then presented the Mayor's Youth Recognition Awards to the following students:

- * Audrey Gale, Copper Canyon Elementary
- * Lindsey Boren, Northlake Elementary
- * Ayden Fitch, Overlake Elementary
- * Kaliah Fernandez, Settlement Canyon Elementary
- * Alyssa Murray, Sterling Elementary
- * Maddie Paystrup, Sterling Elementary
- * Karlee Mead, Sterling Elementary
- * Jacey Mudrow, West Elementary
- * Christian Garner, West Elementary

Mayor Dunlavy again expressed his appreciation to be a part of recognizing these amazing students for the wonderful things they do. He also thanked the parents, grandparents, and other family members for their role in supporting these kids.

A brief recess was taken for a picture of the recipients and their certificates with the City Council members and Mayor. The photo will be included in the Tooele Transcript.

5. Public Comment Period

Chairman Pratt opened the public comment period to anyone who would like to come forward and address the Council. He requested that those who come forward to please sign the roster at the podium and state their name clearly because the meeting is being recorded. He asked that comments be limited to 3 minutes.

No one came forward.

Chairman Pratt closed the public comment period at 7:47 pm.

6. Election of Council/RDA Chair & Board/Committee Assignments

Presented by Chairman Pratt

Every year the leadership of the Tooele City Council and RDA is re-elected. Chairman Pratt opened the discussion for nominations for a new Tooele City Council Chairperson and Vice Chairperson.

Councilman Pruden nominated Councilwoman Winn as Chair. Councilman McCall seconded the motion. No other nominations were presented. Councilwoman Winn accepted the nomination. All members of the Council voted in favor.

Councilman Wardle nominated Councilman Pruden as Vice Chair. Councilman Pratt seconded the motion. No other nominations were presented. Councilman Pruden accepted the nomination. All members of the Council voted in favor.

Councilman Pratt next opened the discussion for nominations for a new RDA Chairperson and Vice Chairperson.

Councilman Pruden nominated Councilman Pratt as RDA Chair. Chairwoman Winn seconded the motion. No other nominations were presented. Councilman Pratt accepted the nomination. All members of the Council voted in favor.

Councilman Pruden nominated Councilman Wardle as RDA Vice Chair. Councilman McCall seconded the motion. No other nominations were presented. Councilman Wardle accepted the nomination. All members of the Council voted in favor.

The Board/Committee assignments list for 2017 is attached at the end of this report.

Councilman Pratt expressed his appreciation for the opportunity to serve as Chairman of the City Council. He acknowledged that the city staff and Mayor work very hard to take care of Tooele City, and it has been an honor to work with them in the capacity of Chairman. He turned the remainder of the meeting over to Chairwoman Winn.

Chairwoman Winn thanked Councilman Pratt for the wonderful job that he has done over the past three years. She especially appreciates his professionalism and respect shown to her over the years.

7. Ordinance 2017 - 01 An Ordinance of the Tooele City Council Establishing the Dates, Time and Place of its Public Meetings in 2017

Presented by Michelle Pitt

Ms. Pitt stated that they are required by state code and city charter to set the dates, time and place of their public meetings for 2017. Tooele City Council meetings will remain on the 1st and 3rd Wednesdays of each month at City Hall, 90 North Main Street, at 7:00 p.m. The Council may call additional meetings as needed and may cancel a meeting if necessary. The dates are as follows:

January 4th & 18th
February 1st & 15th
March 1st & 15th
April 5th & 19th
May 3rd & 17th
June 7th & 21st
July 5th & 19th
August 2nd & 16th
September 6th & 20th
October 4th & 18th
November 1st & 15th
December 6th & 20th

Councilman McCall moved to approve Ordinance 2017 - 01. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

8. PUBLIC HEARING & MOTION on Ordinance 2016 – 20 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from Medium Density Residential (MDR), Mixed Use General (MU-G), and General Commercial (GC) to Rural Residential (RR) for Property Located Near 3263 North Highway 36

Presented by Jim Bolser

Mr. Bolser first expressed his appreciation to Councilman Pratt for his service as City Council Chair. He also expressed gratitude for the opportunity to now work with Chairwoman Winn.

The subject property for this ordinance and the next item on the agenda is owned by Home Savings Bank. It is located at the very north end of the community on the west side of Highway 36. Home Savings Bank acquired this property some years back from the previous land owner. They have been unsuccessful in being able to get it off their books. This proposal is to amend the General Plan Land Use Map designation and to follow that with amending the zoning classification for the property to provide a more generalized zoning classification and corresponding land use designation in hopes that the property will be more appealing to a potential buyer. (Overhead slides of maps were shown to provide a visual image of the changes being requested). The proposal is to revise and re-assign the property to the Rural Residential land use classification. The current Zoning Map shows that the subject property is currently zoned R1-10 with the area around the subject property as RR-5. This Ordinance regarding zoning would change the subject property to RR-5 as well.

The Planning Commission has heard both Ordinances and has forwarded a unanimous positive recommendation on both items.

Chairwoman Winn opened the public hearing.

Don Ballard, Executive Vice-President of Home Savings Bank, came forward. He expressed his appreciation to the Council for considering this issue. It’s been seven years since he last addressed the Council on this property, and they are anxious to move the property from their books. They’ve been working with the Planning Commission, Paul Hansen and Roger Baker to remove the exactions that were placed on the property in 2006 and 2010. He believes that these exactions have been detrimental in being able to sell the property. With the changes from these Ordinances, he hopes to find a buyer soon.

Chairwoman Winn closed the public hearing at 7:57 pm.

Councilman Pruden moved to approve Ordinance 2016 – 20. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

9. PUBLIC HEARING & MOTION on Ordinance 2016 – 21 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Property Located Near 3263 North Highway 36 from R1-10 to RR-5

Presented by Jim Bolser

As this item was discussed with the previous item, Mr. Bolser asked to move to the public hearing.

Chairwoman Winn opened the public hearing. No one came forward.

Chairwoman Winn closed the public hearing at 7:59 pm.

Councilman Wardle moved to adopt Ordinance 2016 – 21. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

10. PUBLIC HEARING & MOTION on Ordinance 2016 – 23 An Ordinance of the Tooele City Council Vacating Dedicated Public Utility Easements on Lots 116 and 117 of Tooele Heights Subdivision Phase 1

Presented by Jim Bolser

This proposal is also related to the next item. (Slides were presented to show the location of the two lots in the subject proposal). Lots 116 and 117 of the Loma Vista Subdivision are both owned by the Burdine Family. Their home sits on one of the lots and they wish to combine the lots into a single property. In order to do that, the public utility easement between the two lots needs to be vacated. The location of the easement is on the back of the property, where there is no need to access public utilities. These utility companies have all signed off to verify that there is no need for the easement.

The Planning Commission has heard this item also, and has forwarded a unanimous positive recommendation for the Council’s consideration.

Chairwoman Winn opened the public hearing. No one came forward.

Chairwoman Winn closed the public hearing at 8:02 pm.

Councilman Pratt moved to approve Ordinance 2016 – 23. Councilman Wardle seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

11. Final Plat for the Burdine Minor Subdivision, a One Lot Subdivision Located at 417 South 1230 East to Combine Lots 116 and 117 of the Tooele Heights Subdivision, Phase 1

Presented by Jim Bolser

This item is for the property described in the above Ordinance. By combining the lots, the boundaries of the lots will not change. The Planning Commission has also heard this item and has forwarded a unanimous positive recommendation.

Councilman Wardle moved to approve the Final Plat for the Burdine Minor Subdivision, a One Lot Subdivision Located at 417 South 1230 East to Combine Lots 116 and 117 of the Tooele Heights Subdivision, Phase 1. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

12. Resolution 2017 - 02 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with Copper Canyon P.U.D. Phase 3 Subdivision

Presented by Jim Bolser

When a subdivision completes their construction, an inspection process is completed to make sure that everything has been done properly and is complete. The certificate of completion is then presented to the City Council so that the City can formally accept those improvements and officially make them public property. The third phase of the Copper Canyon P.U.D. subdivision was completed about a year ago and the improvements were accepted with the exception of landscaping and other minor technicalities. These have all been completed, reviewed, and it is now presented to the Council to accept these improvements.

Councilman McCall moved to approve Resolution 2017 – 02. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

13. Minutes: December 7th, 16th, and 28th, 2016

Councilman Pruden moved to approve the minutes for the four meetings held on December 7th, 16th, and 28th, 2016 as presented. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

14. Invoices

Presented by Michelle Pitt

Ms. Pitt presented the following invoices for Tooele City Council approval:

- * Performance Auto for three vehicles for the Community Development/Public Works in the amount of \$70,110.00
- * Rehrig Pacific Co. for 486 90-gallon garbage cans in the amount of \$28,044.74
- * Boys and Girls Club of Greater Salt Lake in the amount of \$40,000.00

Councilman Pratt moved to approve the invoices as presented by Ms. Pitt. Councilman Wardle seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

15. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” and Chairwoman Winn, “Aye.”

The meeting adjourned at 8:09 pm.

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 18th day of January, 2017

Debbie Winn, Tooele City Council Chair