

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, February 15, 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:

- **Ordinance 2017-08 An Ordinance of Tooele City Amending Tooele City Code Chapters 5-1 Regarding Business Licensing for Independent Contractors
Presented by Michelle Pitt**
- **Ordinance 2017-07 An Ordinance of Tooele City Amending Tooele City Code Title 6 Regarding Animal Control
Presented by Police Chief Ron Kirby & Roger Baker**
- **Solara Village Development Proposal
Presented by Jim Bolser**
- **Redevelopment Agency Incentive Policy
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.

TOOELE CITY CORPORATION

ORDINANCE 2017-07

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE TITLE 6 REGARDING ANIMAL CONTROL.

WHEREAS, Tooele City Code Title 6 governs the Animal Control Division; and,

WHEREAS, the City Administration recommends amending Title 6 as described in the recitals below and as shown in Exhibit A; and,

- Chapter 6-1 (Animal Control Division: Powers and Authority): modernize the chapter's language, specifically regarding the Division's organizational structure.
- Chapter 6-2 (Definitions): modernize, correct, and supplement the chapter's definitions.
- Chapter 6-3 (Licensing): modernize the chapter's language, specifically regarding Service Animals, and increase a fee from the nominal \$1 to \$5.
- Chapter 6-4 (Animals at Large): modernize the chapter's language, specifically regarding groundwater source protection.
- Chapter 6-5 (Nuisance Animals): modernize the chapter's language, specifically regarding attacks on domesticated animals and repeat offenses.
- Chapter 6-5b (Aggressive Animals): modernize the chapter's language, specifically regarding administrative hearing procedures and animal disposition.
- Chapter 6-6 (Rabies Control): modernize the chapter's language and procedures.
- Chapter 6-7 (Impounding): modernize the chapter's language, specifically regarding impounding time periods.
- Chapter 6-8 (Animal Shelter): modernize the chapter's language.
- Chapter 6-9 (Cruelty to Animals): modernize the chapter's language.
- Chapter 6-10 (Wild Animals): modernize the chapter's language; change offense from class B misdemeanor to class C misdemeanor.
- Chapter 6-11 (Regulatory Permits; Kennels): repeal based on current practice, lack of resources, lack of nexus to core city services, and presence of Tooele County Health Department.

WHEREAS, the proposed amendments shown in Exhibit A have been formulated by the City Attorney in cooperation with the Tooele City Police Department, which oversees the Animal Control Division; and,

WHEREAS, the proposed amendments serve to modernize, correct, supplement, and clarify Title 6, making Title 6 serve the best interests of Tooele City and the public:

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

1. Tooele City Code Title 6 is hereby amended as shown in Exhibit A; and,
2. the Tooele City Fee Schedule is hereby amended to reflect the fee increases shown in Exhibit A.

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 Tooele City Code Title 6 (Animal Control)

TITLE 6. ANIMAL CONTROL

- Chapter 1. Animal Control Division; Powers and Authority.**
- Chapter 2. Definitions.**
- Chapter 3. Licensing.**
- Chapter 4. Animals at Large.**
- Chapter 5. Nuisance Animals.**
- Chapter 5a. Repealed. (Ord. 2003-28, 12-17-2003).**
- Chapter 5b. Aggressive Animals.**
- Chapter 6. Rabies Control.**
- Chapter 7. Impounding.**
- Chapter 8. Animal Control Shelter.**
- Chapter 9. Cruelty to Animals.**
- Chapter 10. Wild Animals.**
- Chapter 11. Regulatory Permits; Kennels.**
- Chapter 12. Repealed. (Ord. 88-28; 09-07-1988).**
- Chapter 13. Repealed. (Ord. 88-28; 09-07-1988).**
- Chapter 14. Repealed. (Ord. 96-02; 02-07-1996).**

**CHAPTER 1. ANIMAL CONTROL DIVISION;
POWERS AND AUTHORITY**

- 6-1-1. Division of ~~an~~Animal ~~c~~Control.**
- 6-1-2. Powers of ~~Division animal control~~ personnel.**
- 6-1-3. Duties of ~~Division animal control~~ personnel.**
- 6-1-4. Interference with officer prohibited.**

6-1-1. Division of ~~an~~Animal ~~c~~Control.

There shall be a Division of Animal Control as a Division within the Tooele City Police Department. (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-2. Powers of ~~Division animal control~~ personnel.

(1) The ~~Division commander and all Division and Department officers animal control supervisor or any person employed by the Division of Animal Control as an animal control officer~~ shall take the oath of office and shall be vested with the power and authority to enforce the provisions of this ~~Title ordinance~~.

(2) ~~Division and Department officers The animal control supervisor, the supervisor's assistants, and police officers~~ are hereby authorized and empowered to apprehend, transport, and take with them and impound any animal found in violation of this ~~Title, ordinance and~~ including licensable animals for which no license has been procured in accordance with this ~~Title ordinance, and or~~ any licensed or unlicensed animals for any other violations of this ~~Title thereof~~.

(3) ~~Division and Department officers The animal control supervisor or the supervisor's assistants and police officers~~ shall have the power to enter into any building or upon any property within the city when they have probable cause to believe that there exists in any building and/or upon any property any violation of the provisions of this ~~Title 6~~ or other applicable law, provided that:

(a) If such building and/or property is ~~presently~~ occupied, enforcement personnel shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and if such building and/or property is unoccupied, enforcement personnel shall first make a reasonable effort to locate the owner thereof or other persons having authority over the building and/or property and request entry, explaining the reasons therefor. If entry into said building or upon said property be refused or the owner of the property or building cannot be located, ~~the animal control supervisor, any officer, or other duly designated representative of the division, or any police an~~ officer shall obtain an ~~inspection~~ warrant for the entry and inspection of said building and/or said property.

(b) Notwithstanding the provisions of Subsection (a), if ~~the animal control supervisor, any assistant, or employee of the Division or any police an~~ officer has probable cause to believe that a violation of this Title has occurred and that exigent circumstances exist such that it reasonably appears that a person or animal may be in peril of death or bodily injury, the ~~supervisor, assistant, police officer, or employee officer~~ shall have the ~~power right~~ to immediately enter and inspect such building and/or property and may use any reasonable means required to effect such entry and make such inspection, whether such building and/or property is occupied or unoccupied, and whether or not permission to inspect has been obtained. If the building and/or property is occupied, the ~~Supervisor, assistant, employee or~~ officer shall present proper credentials to the occupant and explain the reasons for the entry. Additionally, the provisions of Subsection (a) shall not prohibit the ~~Animal Control Supervisor, any officer or employee thereof, or any police an~~ officer from entering upon unenclosed private property while pursuing an animal in violation of this ~~Title ordinance~~. (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-3. Duties of ~~Division animal control~~ personnel.

(1) The ~~Division commander animal control supervisor~~ will:

(a) Enforce this ~~Title Ordinance~~ and perform other responsibilities pursuant thereto.

(b) Supervise ~~Division personnel, including~~ the operation of the ~~municipal~~ animal shelter.

(c) Keep adequate records of all animals impounded and all monies collected.

(d) See that all animals and animal holding facilities in the ~~Division's supervisor's~~ jurisdiction are licensed, controlled, and permitted in accordance with any applicable ~~ordinance laws~~ and/or regulations.

(e) Establish, in cooperation with the Tooele City-County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

(2) Each ~~animal control~~ officer shall:

(a) Enforce this Title in all respects pertaining to animal control within Tooele City, including the care and impounding of animals and prevention of cruelty to

animals.

(b) Carry out all duties prescribed or delegated by the ~~commander~~supervisor.
(Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-4. Interference with officer prohibited.

Any person who intentionally or recklessly interferes with any ~~animal control~~ officer in the lawful discharge of the officer's duties as set forth in Title 6 shall be guilty of a class B misdemeanor.
(Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

CHAPTER 2. DEFINITIONS

6-2-1. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the meanings hereinafter designated:

(1) "Animal" means any live, non-human vertebrate creature, whether wild or domesticated.

(2) "Animal boarding establishment" means any establishment that takes in animals for boarding for profit.

(3) "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services to animals for profit.

(4) "Animal shelter" and "shelter" means a public or private facility owned and/or operated by a governmental entity, by an established animal welfare society, or by a veterinarian and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

(5) "Animal at large" means any domesticated animal, whether or not licensed, not under restraint.

(6) "Animal under restraint" means any animal under the control of ~~as persons owner or person having charge, care, custody or control~~, except a dog shall not be considered under ~~restraint control of the owner~~ unless on a leash or lead, ~~within a secure enclosure, or otherwise security confined within a vehicle, or confined within the real property limits of the owner.~~

(7) "Attack" or "attacking" means any menacing action by an animal which places a person or another animal in danger of imminent physical pain or impairment of physical condition. Actual physical contact shall not be required to constitute an attack. ~~Attacking shall may~~ include chasing, nipping, or otherwise threatening.

(8) "Bite" or "biting" means an animal's use of teeth ~~to inflict injury~~ upon a person or ~~domestic~~ animal whether or not an injury actually results.

(9) "Cat" means any feline of the domesticated types over four months of age. Any feline under four months of age is a kitten.

(10) "Cattery" means a location where a person engages in boarding, breeding, buying, grooming, ~~sheltering~~, or selling cats.

"Commander" means the supervisor of the Division of Animal Control.

"Department" means the Tooele City Police Department.

"Division" means the Division of Animal Control, a division of the Tooele City Police Department.

(11) "Dog" means any canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.

(12) "Domesticated animals" means ~~an animals~~ accustomed to living in or about the habitation of humans ~~and other animals~~, including ~~but not limited to~~ cats, dogs, fowl, horses, swine and goats.

(13) "Guard dog" means a working dog which ~~is must be kept under strict control such that it cannot come into direct contact with the public, including in a fenced run or other secure suitable enclosure, or on a leash or lead, and located on a business premises as part of the business premises security during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.~~

(14) "Harbor" means keeping, feeding, maintaining, sheltering, ~~exercising ownership of, owning~~ or caring for an animal ~~for three or more successive days.~~

(15) "Holding facility" means any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, ~~shelter~~, or any other such facility used for keeping animals.

(16) "Impoundment" means taken into the custody of the ~~Animal Control~~ Division or ~~Police~~ Department.

(17) "Kennel" means a location where a person engages in boarding, breeding, buying, letting for hire, training for a fee or selling dogs.

(18) "Leash or lead" means any chain, rope, or ~~other similar~~ device used to restrain an animal.

"Officer" means an Animal Control Division officer and a Department peace officer.

(19) "Person" means ~~an individual and a natural person or~~ any legal entity, including, ~~but not limited to~~, a corporation, firm, partnership, or trust.

(20) "Pet" means a domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with the human environment. ~~Pet does not include farm animals unless expressly included under other provisions of this Code.~~

(21) "Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets ~~for sale~~ are kept or displayed ~~for sale~~.

(22) "Provoked," "provoking," or "provocation" means any ~~deliberate~~ act by a person towards a dog or any other animal done ~~recklessly, knowingly, or intentionally, with the intent~~ to tease, torment, abuse, assault or otherwise cause a reaction by the dog or other animal, provided however, that any act by a person done with the intention to discourage or prevent a dog or other animal from attacking ~~or biting~~ shall not be considered to be a provocation.

(23) "Quarantine" means the isolation of an animal in a ~~secure substantial~~ enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(24) "Riding school" ~~and/or~~ "stable" means an establishment which ~~provides offers~~ boarding ~~and/or~~ riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

"Service animal" means an animal defined as a service animal by the U.S. Department of Justice, and includes a dog that is individually trained to do work or

perform tasks for a person with a disability.

~~(25)~~—"Stray" means any animal at large.

"Supervisor" means an animal shelter manager or officer manager, under the supervision of the commander.

~~(26)~~—"Wild animal," and ~~or~~ "exotic animal" means any animal which is not commonly domesticated, or which is of a predatory nature that would constitute an unreasonable danger to human life, health or property if not kept or confined in a safe and secure manner, including those animals which, as a result of their natural condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include the following, but are not limited to:

(a) Alligators and crocodiles.

(b) Bears (ursidae).—~~All bears, including grizzly bears, brown bears, black bears, etc.~~

(c) Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats, ~~etc.~~

(d) Dog family (canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote and part coyote.

(e) Porcupine (erethizontidae).

(f) Primate (hominidae). All subhuman primates, including apes, gorillas, ~~and~~ monkeys, and lemurs.

(g) Raccoon (procyonidae). All raccoons including eastern raccoon, desert raccoon and ring-tailed cat.

(h) Skunks, ~~except skunks that are de-scended and neutered or spayed.~~

(i) Venomous fish and piranha.

(j) Venomous snakes and lizards.

(k) Weasels (mustelidae). All weasels, including martens, wolverines, badgers, otters, ermine, mink, ~~and~~ mongoose, and ferrets, but excepting domesticated ferrets.

(Ord. 2008-11, 11-05-2008) (Ord. 2006-19, 08-16-2006)

(Ord. 2003-28, 12-17-2003) (Ord. 1988-28, 09-07-1988)

CHAPTER 3. LICENSING

6-3-1. Animal licensing requirements.

6-3-2. License tag.

6-3-3. Licensing exemptions.

6-3-4. Penalties.

6-3-1. Animal licensing requirements.

(1) All dogs and cats within Tooele City must be licensed each year, except as otherwise provided herein.

(2) Any person owning, possessing, or harboring any dog or cat shall obtain a license for such animal within 30 days after the dog or cat reaches the age of four months; or, in the case of a dog or cat over the age of four months, within 10 days of the acquisition of the dog or cat.

(3) License applications must be submitted annually to the Finance Department Director, utilizing a standard form which includes the name, address, and telephone number of the applicant; the name, breed, sex, color, and age of the animal; and full rabies immunization information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate.

(4) Dog and cat license fees shall be as established by resolution of the City Council.

(5) No dog or cat will be licensed as spayed or neutered without proof that such surgery was performed.

(6) The license shall be effective from the date of purchase through the end of February of the following year, after which a late fee shall be imposed. Licenses for the following year may be purchased as early as within 90 days prior to the expiration of any year's licensed date.

(7) No person or persons may own or harbor at any one residence within Tooele City any combination of dogs and cats that exceeds a total of 4 four animals.

(Ord. 2008-11, 11-05-2008) (Ord. 2003, 12-17-2003) (Ord. 1994-55, 12-08-1994) (Ord. 1994-17, 03-15-1994) (Ord. 1988-28, 09-07-1988)

6-3-2. License tag.

(1) Upon payment of the license fee, the Finance Department Director shall issue to the owner a certificate and a tag for each dog and cat licensed. The tag shall have stamped thereon the license number corresponding with the tag number of the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be a violation of this Chapter Ordinance.

(2) License tags are not transferable from one animal to another. No refunds will be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$+5.00 to the Finance Department Director.

(3) Removing or causing to be removed, the collar, harness, or tag from any licensed dog or cat without the consent of the owner or keeper thereof, except a licensed

veterinarian or Division officer Animal Control Officer shall be a violation of this Chapter ordinance.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-3-3. Licensing - exemptions.

(1) The licensing and fee provisions of Section 6-3-1 and 6-3-2 herein shall not apply to :

~~(a) Licensed dogs or cats whose owners are nonresidents temporarily (up to 30 days) within the jurisdiction, licensed dogs or cats whose owners remain within the jurisdiction longer then 30 days may transfer a valid license issued by another jurisdiction to a local license upon payment of a \$1.00 fee and proof of current rabies vaccination.~~

~~(b) Individual dogs and cats within a properly licensed dog kennel, cattery, or other such establishment when such dogs or cats are held for resale.~~

(2) The fee provisions of Sections 6-3-1 and 6-3-2 shall not apply to:

~~(a) Service animals. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.~~

~~(b) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.~~

~~(cb) Dogs especially trained and used to assist officers and other officials of government agencies in the performance of their official duties.~~

(3) Nothing in this Section shall be construed so as to exempt any dog or cat from having a current rabies vaccination.

(Ord. 2003-28, 12- 17-2003) (Ord. 1981-14, 05-25-1981)

6-3-4. Penalties.

___Every person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

CHAPTER 4. ANIMALS AT LARGE

6-4-1. Unlawful to harbor stray animals.

6-4-2. Animals running at large.

6-4-3. Animals on unenclosed premises.

6-4-4. Female animals in heat.

6-4-5. Places prohibited to animals.

6-4-6. Penalties.

6-4-1. Unlawful to harbor stray animals.

It is unlawful for any person to harbor any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the ~~Animal Control~~ Division within 24 hours, and the Division shall impound the animal as herein provided.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-4-2. Animals running at large.

It is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal to run at large at any time. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such person knows ~~that~~ the animal is running at large.

(Ord. 1990-16, 09-11-1990)

6-4-3. Animals on unenclosed premises.

It is unlawful for any person to chain, stake out, or tether an animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owners of all affected ~~adjacent~~ properties.

(Ord. 1981-25, 05-21-1981)

6-4-4. Female animals in heat.

~~Any~~ It shall be unlawful for any owner or person having charge, care, custody, or control of any female animal in heat ~~shall~~, in addition to restraining such animal from running at large, ~~to fail to~~ cause such animal to be constantly confined in a building or secure enclosure ~~so as to prevent it from attracting other animals and creating a nuisance~~, except for planned breeding purposes.

(Ord. 1981-14, 05-25-1981)

6-4-5. Places prohibited to animals.

(1) It is unlawful for any person to take or permit any animal, whether loose or on a leash or in the arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(2) It is unlawful for any person keeping, harboring, or having charge, ~~care, custody~~, or control of any animal to allow ~~the said~~ animal to be within ~~Zone 1~~ of any

(January 5, 2004)

designated groundwater source protection area (within a 100-foot radius of a wellhead or spring collection area). ~~watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.~~

(3) This Section shall not apply to ~~service animals, as defined~~ dogs provided for in Subsection 6-3-3(2).

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-4-6. Penalties.

Every person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

CHAPTER 5. NUISANCE ANIMALS

6-5-1. Repealed.

6-5-2. Repealed.

6-5-3. Nuisance animals.

6-5-4. Repealed.

6-5-5. Repeated offenses.

6-5-6. Penalties.

6-5-1. Repealed.

(Ord. 1996-03, 02-07-1996)

6-5-2. Repealed.

Ord. 1996-03, 02-07-1996)

6-5-3. Nuisance animals.

Any owner or person having charge, care, custody, or control of an animal or animals causing a nuisance as defined below shall be in violation of this Chapter and subject to the penalties provided herein. The following shall be deemed a nuisance:

(1) Any animal which:

(a) causes damage to the property of anyone other than its owner;

(b) causes unreasonable fouling of the air by odors;

(c) causes unsanitary conditions in its enclosures or surroundings;

(d) creates a breeding place for flies or other insects;

(e) defecates on any public sidewalk, **park strip**, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, **having a proprietary interest in**, harboring, or having care, charge, custody, or **control possession** of such animal shall **bag and** remove **immediately** such defecation to a proper trash receptacle;

(f) barks, whines, howls, or makes other **disturbing** noises in an excessive, continuous, **disturbing**, or untimely fashion;

(g) unreasonably disturbs passersby or chases passing vehicles;

(h) **attacks or bites a person or domesticated animal;**

(i) **engages in actions during any 12-month period resulting in 3 or more criminal convictions.**

(2) Any animals which, by virtue of the number maintained, are determined by an **officer Tooele City Animal Control Officer** or the Tooele **City**-County Health Department to be offensive or dangerous to the public health, welfare, and safety.

(Ord. 2003-28, 12-17-2003) (Ord. 1996-03, 02-07-1996)

6-5-4. Repealed.

(Ord. 2003-28, 12-17-2003)

6-5-5. Repeated offenses.

An animal owner shall forfeit to the City all animals that, individually or collectively, gave rise to violations of Title 6 for which convictions entered on **3 three** or more separate occasions during a **twelve** 12-month period against persons owning, **possessing, and/or** harboring, or **having charge, care, custody, or control** of those animals. Upon the third conviction, the City Attorney **may shall** petition a court of competent jurisdiction to compel forfeiture. After the court enters the appropriate order, the **Animal Control** Division shall impound all animals that gave rise to the convictions. Any animal impounded pursuant to this Section shall be dealt with in accordance with the provisions of this Title for impounded animals, except that the owner or the owner's agent shall not be allowed to redeem the impounded animal or animals under any circumstances.

(Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

(Ord. 1996-03, 02-07-1996) (Ord. 1981-14, 05-25-1981)

6-5-6. Penalties.

(1) Every person who violates any provision of Section 6-5-3 is guilty of a class C misdemeanor.

(2) Each and every day that a violation of **Section 6-5-3 this Chapter** continues shall constitute a separate offense.

(Ord. 2003, 12-17-2003) (Ord. 1996-03, 02-07-1996)

CHAPTER 5a. Repealed. (Ord. 2003-28, 12-17-2003)

CHAPTER 5b. AGGRESSIVE ANIMALS.

6-5b-1. Attacking animals.

6-5b-2. Animal bite of a human being.

6-5b-3. Animal bite of another domestic animal.

6-5b-4. Affirmative defenses.

6-5b-5. Impoundment – biting animals.

6-5b-6. Potentially dangerous and dangerous animals.

6-5b-7. Hearing procedures with the Division.

6-5b-8. Appeal.

6-5b-9. Penalties.

6-5b-10. Law enforcement animals.

6-5b-1. Attacking animals.

Subject to the affirmative defenses of Section 6-5b-4, any person; owning or having charge, care, custody, or control of any animal is guilty of a class C misdemeanor if the animal approaches any human being or domesticated other animal upon public or private property in an apparent attitude of attack. This is a strict liability offense.

(Ord. 2003-28, 12-17-2003)

6-5b-2. Animal bite of a human being.

Subject to the affirmative defenses of Section 6-5b-4, any person; owning or having charge, care, custody, or control of , harboring, supervising, controlling, or possessing an animal that bites any human being upon public or private property is guilty of a class B misdemeanor. This is a strict liability offense.

(Ord. 2003-28, 12-17-2003)

6-5b-3. Animal bite of another domestic animal.

Subject to the affirmative defenses of Section 6-5b-4, any person; owning or having charge, care, custody, or control of , harboring, supervising, controlling, or possessing an animal that bites another domestic animal upon public or private property is guilty of a class C misdemeanor. This is a strict liability offense.

(Ord. 2003-28, 12-17-2003)

6-5b-4. Affirmative defenses.

The following are affirmative defenses to prosecution under Sections 6-5b-1, 6-5b-2, and 6-5b-3:

(1) The victim was tormenting, abusing, or assaulting the animal or has, in the recent past, tormented, abused, or assaulted the animal.; or

(2) The victim was committing or attempting to commit a crime.; or

(3) The victim was trespassing on private property owned, leased, or rented by the person keeping the animal.; or

(4) The animal was on a substantial leash or lead, or within fenced private property owned, leased, or rented by the person keeping the animal, and the animal was responding to attack or intrusion on the property by

another animal.

(Ord. 2003-28, 12-17-2003)

6-5b-5. Impoundment – biting animals.

(1) The Division of Animal Control shall immediately impound, or otherwise quarantine, an animal where the Division has reason to believe the animal has bitten a human being or domesticated animal without provocation.

(2) After 10 days and subject to the terms of Section 6-6-7, the Division shall return the impounded animal to the animal's owner or custodian upon payment of the appropriate applicable fees unless a complaint pursuant to Section 6-5b-6 has been filed. If a complaint has been filed, the Division shall retain the animal until proceedings are complete and a final determination has been made whether the animal is dangerous or potentially dangerous. If the animal is ultimately declared dangerous or potentially dangerous, the animal's owner or custodian shall be responsible for all expenses of the impoundment.

(3) In lieu of impound, the Division Animal Control Supervisor may allow permit the animal to be confined at the owner's or custodian's expense in a Division approved kennel or veterinary facility within the city. The owner or custodian shall not remove the animal from the kennel or veterinary facility without the prior written approval of a Division supervisor or the Animal Control Supervisor or the Supervisor's authorized representative.

(4) Any person who owns or possesses the animal to be impounded and who refuses to surrender the animal upon demand of the Division of Animal Control is guilty of a class B misdemeanor.

(Ord. 2008-11, 11-05-2008); (Ord. 2003-28, 12-17-2003)

6-5b-6. Potentially dangerous and dangerous animals - application for hearing.

(1) Upon written application of the Division or any other person alleging that an animal is or is not dangerous or potentially dangerous complainant, the Department hearing examiner Chief of Police shall conduct a hearing to determine whether an animal is a potentially dangerous or dangerous animal. The application must be filed with the Department within 30 days of impoundment of the animal by the Division or other Division determination that the animal is dangerous or potentially dangerous. The application shall state the legal and factual grounds supporting the application. The hearing examiner will not conduct a hearing on an application that does not state the legal and factual grounds supporting the application. The hearing shall be conducted in accordance with the procedures provided by Section 6-5b-7.

(2) An animal shall be declared potentially dangerous if, unprovoked, it:

(a) Has bitten a human being or another domesticated animal whether on public or private property; or

(b) Chased or approached a person upon public or private property in an apparent attitude of attack; or,

(c) ~~H~~has a known propensity to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domesticated animals.

(3) An animal shall be declared dangerous when the animal has:

(a) ~~K~~killed a human being or inflicted injury on a human being that created or caused protracted physical pain, permanent disfigurement, or temporary or permanent impairment of any bodily member or organ; ~~or~~

(b) ~~W~~without provocation, killed a pet or domesticated animal; ~~or~~

(c) ~~H~~as bitten or endangered the safety of humans or ~~other~~ domesticated animals after previously having been found to be potentially dangerous; or,

(d) ~~H~~as done any of the acts listed in subparagraph (2) that would ~~otherwise~~ classify the animal as potentially dangerous, but after a hearing held pursuant to Section 6-5b-7, the hearing examiner ~~Chief of Police~~ reasonably believes ~~is firmly convinced~~ that the animal poses an unreasonable risk of inflicting death or substantial bodily injury on a human being or domesticated animal.

(4) In making a determination whether an animal is potentially dangerous or dangerous, the hearing examiner ~~decision maker~~ shall consider each of the following factors:

(a) ~~A~~any previous history of the animal attacking or biting a human being or ~~domesticated~~ animal;

(b) ~~F~~the nature and extent of injuries inflicted and the number and ages of victims involved;

(c) ~~F~~the location where the attack took place;

(d) ~~F~~the presence or absence of any provocation or other circumstance that would justify or explain the bite or attack;

(e) ~~F~~the extent to which property has been damaged or destroyed;

(f) ~~W~~whether the animal exhibits any characteristics of being trained for fighting or attacking, ~~or other and any~~ evidence to show such training ~~or fighting~~;

(g) ~~W~~whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domesticated animals;

(h) ~~W~~whether the animal can be effectively trained or retrained to change its temperament or behavior;

(i) ~~F~~the manner in which the animal has been kept by its owner or custodian;

(j) ~~F~~the owner's ~~or custodian's~~ past and future ability ~~and as well as the owner's~~ willingness to train and control the animal;

(k) ~~A~~any other relevant ~~information or~~ evidence regarding the ability of the owner or custodian, or the Division, to protect the public safety in the future if the animal is permitted to remain in the city.

(5) If the hearing examiner ~~determines it is determined~~ that the animal is potentially dangerous, and if the owner

or custodian is able and willing to properly train, handle, ~~and~~ maintain the animal, the hearing examiner ~~Chief of Police~~ may impose reasonable terms, conditions, ~~and~~ or restrictions upon the owner's ~~or custodian's~~ continued possession of the animal and the training, handling, ~~and~~ or maintenance of the animal to protect the public health, safety, and welfare.

(6) If the hearing examiner ~~determines it is determined~~ that the animal is dangerous, the ~~Division Chief of Police~~ shall order the ~~shelter supervisor Division~~ to humanely destroy the animal.

(7) Unless otherwise precluded by order of a court of competent jurisdiction, the ~~shelter supervisor Animal Control Supervisor~~ shall authorize the destruction of the animal ~~3 three~~ ~~workbusiness~~ days after a final determination either by the Chief of Police (~~or designee~~), or by the ~~Administrative Hearing Officer under Chapter 1-28, appeals board under Section 6-5b-8~~ that the animal is dangerous.

(8) Any animal that is ~~determined to be potentially dangerous by the hearing examiner the subject of a proceeding pursuant to this Section must~~ shall be permanently identified ~~as such~~ by the Division by the use of photographs or permanent marking, or both, prior to the animal's ~~its~~ release from impound or confinement.

(9) Any animal that is ~~determined to be potentially dangerous, or that is determined to not be dangerous or potentially dangerous, shall be presumed abandoned if the animal is not redeemed from impound within 5 business days of notice of the determination, and may thereafter be humanely destroyed, adopted, or otherwise disposed of.~~ (Ord. 2008-11, 11-05-2008); (Ord. 2003-28, 12-17-2003)

6-5b-7. Hearing procedures with the Division.

(1) The Chief of Police shall appoint a hearing examiner who shall exercise all powers relating to the conduct of the hearing ~~on the application, including but not limited to, the administration of oaths and affirmations and certification of official acts.~~

(2) After receiving ~~an application complaint from the Division or other person or entity~~ alleging that an animal is dangerous or potentially dangerous, the ~~Department hearing examiner~~ shall ~~serve a written give~~ notice of the hearing to the applicant and to ~~upon~~ the owner or custodian of the animal ~~by certified mail~~. The notice shall ~~include the following: be mailed at least 10 days prior to the date set for the hearing and shall state in clear and concise language:~~

(a) the purpose and reason for holding the hearing;

(b) ~~and~~ the requested remedy or penalty; and,

(~~bc~~) the time and place where the hearing is to be held.

(3) At the hearing, the owner of the animal, the complainant or complainants, if any, and the Division shall be given an opportunity to present evidence; and to

call and cross-examine witnesses.

(4) The hearing examiner may continue the hearing from time to time upon good cause being shown.

(5) Hearings need not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence shall be ~~admissible~~ ~~admitted~~ if it is the sort of evidence on which responsible persons are accustomed to rely in conduct of serious affairs, regardless of the existence of any common law or statutory rule ~~to the contrary which might make improper the admission of such evidence over objection in civil or criminal actions~~. Hearsay evidence may be ~~admitted~~ ~~used~~ for the purpose of supplementing or explaining any direct evidence, but ~~generally will~~ ~~shall~~ not be sufficient in itself to support a finding ~~unless it would be admissible over objection in civil actions~~. Oral evidence shall be taken only on oath or affirmation. ~~Other evidence may be admitted upon proffer.~~

(6) A recording or transcript of the hearing may be taken at the expense of the party desiring the record.

(7) The burden is on the Division or complainant to show by a preponderance of the evidence that the animal should be declared ~~dangerous or potentially dangerous, and the sanctions or conditions that should be imposed.~~

(8) Unless otherwise granted additional time by the ~~Chief of Police~~, the hearing examiner shall, within 10 days of the conclusion of any hearing, submit a ~~written~~ report to the Chief of Police containing a summary of the evidence and ~~shall~~ ~~state~~ the hearing examiner's findings and recommendations. The report shall be a public record and shall be served upon the owner of the animal by certified mail. A failure by the hearing examiner to submit a timely report shall not constitute grounds to challenge, overrule, or otherwise annul the ~~hearing~~ examiner's recommendations or the ~~Police Chief's~~ subsequent decision.

(9) If the hearing examiner determines that the animal is potentially dangerous, the ~~hearing~~ examiner shall make recommendations in accordance with Sections 6-5b-6(5). Terms, conditions, or restrictions may include ~~the following; but are not limited to:~~

(a) ~~S~~selection of locations within the owner's property or premises where the animal ~~must~~ ~~shall~~ be kept;

(b) ~~R~~requirements as to size, construction, ~~materials, and~~ ~~or~~ design of an enclosure where the animal ~~must~~ ~~shall~~ be kept;

(c) ~~S~~specialized training from a trainer or training program approved by the Division to correct any of the animal's behavioral problems;

(d) ~~P~~prohibiting the addition of any new animal at the premises;

(e) ~~T~~ypes and methods of restraint, or muzzling, or both;

(f) ~~P~~photo identification or permanent marking, or both, for purposes of identification;

(g) ~~P~~ayment of an additional annual \$50 license fee;

(h) ~~P~~rocedure and maintenance of a \$25,000 liability policy insuring ~~against~~ personal injuries that may be caused by the animal; ~~and,~~

(i) ~~R~~evocation of the animal license or permit.

(10) The Chief of Police shall review the hearing examiner's findings and recommendations. The ~~Chief of Police~~ may adopt or reject the findings ~~of the hearing examiner~~, or may adopt or modify the recommendations ~~of the hearing examiner~~, or may return the matter to the hearing examiner ~~requesting additional for further evidence, or for additional findings,~~ and recommendations. The ~~Police Chief's~~ decision shall be finalized in writing and shall be served upon the owner ~~of the animal in person or by certified mail. The Police Chief's decision is~~ ~~shall be considered issued for purposes of appeal and enforcement on the date of mailing to the animal owner. final and effective when served upon the owner, unless there is an appeal filed within 15 days of the date of mailing of chief's decision to the owner.~~

(Ord. 2008-11, 11-05-2008); (Ord. 2003-28, 12-17-2003)

6-5b-8. Appeal.

Appeal of the decision of the Chief of Police shall be to the Administrative Hearing Officer. ~~The appeal must be filed with the City Recorder within 10 days of the date of mailing of the Police Chief's decision to the animal owner, pursuant to the provisions of Chapter 1-28.~~

(Ord. 2013-07, 04-17-2013); (Ord. 2012-20, 09-19-12); (Ord. 2003-28, 12-17-2003)

6-5b-9. Penalties.

It shall be a class B misdemeanor for any person to own, possess, harbor, or keep any animal:

(1) ~~A~~fter a final decision declaring the animal dangerous; or, ~~or,~~

(2) ~~W~~ithin the city limits in violation of any term, condition, or limitation imposed upon the owner's continued possession or control of the animal pursuant to a final decision rendered under the provisions of this Chapter.

Each and every day that a violation of this ~~Chapter Section~~ continues shall constitute a separate offense.

(Ord. 2008-11, 11-05-2008); (Ord. 2003-28, 12-17-2003)

6-5b-10. Law enforcement animals.

The provisions of this Title do not apply to dogs used by law enforcement officers while in the course of performing police work.

(Ord. 2003-28, 12-17-2003)

CHAPTER 7. IMPOUNDING

6-7-1. Animals to be impounded.

6-7-2. Case report.

6-7-3. Disposition of impounded animals.

6-7-4. Fees.

6-7-1. Animals to be impounded.

(1) ~~The animal control supervisor or officer~~ Officers shall place animals taken into custody into an animal shelter designated impound facility.

(2) The following animals may be taken into custody and impounded without the filing of a complaint:

(a) ~~Any~~ any animal being kept contrary to Tooele City Code Title 6;

(b) ~~Any~~ any animal creating a nuisance;

(c) ~~Any~~ any animal required to be licensed which is not licensed. An animal not wearing a tag shall be presumed to be unlicensed;

(d) ~~Any~~ any sick or injured animal whose owner cannot be located after reasonable effort;

(e) ~~Any~~ any lost, strayed, or abandoned animal;

(f) ~~Any~~ any animal required to be vaccinated for rabies which is not so vaccinated;

(g) ~~Any~~ any animal to be held for quarantine;

(h) ~~Any~~ any animal running at large;

(i) ~~Any~~ any animal that has attacked a person or domestic animal; and,

(j) any animal that has bitten a person or domestic animal.

(3) The following animals shall be summarily and immediately taken into custody and impounded:

(a) ~~Any~~ any animal that has bitten a person or a domestic animal without provocation;

(b) ~~Any~~ any animal that has been determined to be dangerous pursuant to is the subject of a complaint filed under Section 6-5b-6; and,

(c) ~~Any~~ any animal previously designated as a potentially dangerous animal that is not being kept under the conditions imposed pursuant to Sections 6-5b-6~~7~~ or 6-5b-7~~8~~.

(Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-2. Case report.

~~The animal control officer~~ Officers shall complete a case reports on all impounded animals, which reports shall include, as applicable:

(1) a detailed ~~complete~~ description of the animal, including tag number, if present;

(2) the reason for and the date of impound;

(3) the location of the pickup;

(4) the name of the officer picking up the animal;

(5) the name and address of any person relinquishing an animal to the officer or to the Tooele Animal Shelter;

(6) the name and address of the redeemer or purchaser;

(7) all expenses accruing during impoundment;

(8) all fees received; and,

(9) the manner and date of disposal.

(Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-3. Disposition of impounded animals.

(1) Except as otherwise provided in Title 6 (i.e., for dangerous or quarantined animals), any impounded animal may be redeemed by its owner during the impound period upon payment of the applicable fees.

(2) During impound, reasonable efforts shall be made to identify the animal's owner and give such owner notification of the impoundment. Notice shall be deemed given when contact is made by telephone or in person, or when a written message is left at the last known address of the registered owner.

(3) The owner of an impounded animal must ~~shall~~ redeem the animal within 5 business ~~three~~ days after notification. Failure to so redeem the animal shall indicate that the animal is abandoned and subject the animal ~~it~~ to immediate destruction or other disposition~~sale~~.

(4) Each impounded, unredeemed animal shall be kept a minimum of 5 business ~~three~~ days after impound, except as otherwise provided in this Title 6.

(5) Following impound, animals which are not redeemed, except for those animals quarantined under the provisions of Section 6-6-7, held under the provisions of Section 6-5b-5, or confined by court order, may be destroyed or otherwise disposed of ~~old to any person desiring to purchase such animal~~. The Animal Control Division shall not sell or adopt out any animal that has not been spayed or neutered.

(6) Quarantined animals not redeemed by their owner within 5 business ~~two~~ days after the quarantine is ended shall be subject to immediate destruction or other disposition~~sale~~.

(7) Any animal voluntarily relinquished by its owner to the Division or the shelter ~~animal control~~ for destruction or other disposition may be destroyed or otherwise disposed of ~~old~~ immediately upon receipt.

(8) At the discretion of a supervisor, ~~Any~~ any impounded animal having or suspected of having a serious physical injury or a contagious disease requiring medical attention may, at the discretion of the animal control supervisor, be released to the care of a veterinarian, with the consent of the owner. The owner shall be responsible for all costs and fees.

(9) When, in the judgment of a ~~the animal control supervisor or officer~~, an impounded animal must ~~should~~ be destroyed for humane reasons or to protect the public from imminent danger to persons or property, ~~such~~ the animal may be destroyed without regard to any time limitations otherwise established herein and without court order.

(Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

(Ord. 1994-02, 01-11-1994)

6-7-4. Fees.

(1) Fees relating to impounding animals shall be established by resolution of the Tooele City Council.

(2) Except as otherwise provided in Title 6, the owner of an impounded animal, or the owner's agent, may redeem the animal before disposition provided all applicable impounding, boarding, veterinary, licensing, rabies vaccination, and other fees and costs are first paid.

(3) No impound fee shall be charged to:

(a) ~~The~~ the reporting owner of a suspected rabid animal if ~~such~~ the owner complies with Tooele City Code

~~Title 6, Chapter 6-6;~~ or,

(b) ~~The~~ owner of an animal not found to be either potentially dangerous or dangerous after a hearing under ~~Title 6, Chapter 6-5b.~~

(4) The owner of an impounded animal is liable for all impound, disposition, and other costs, which if not voluntarily paid may be collected through a civil action or by being added to the owner's tax or utility bill.

(5) Persons may obtain any animal not timely redeemed by its owner for a fee per animal established by resolution of the City Council, plus the costs of license, spay, neuter, and rabies vaccination, as applicable if required.

(Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

(Ord. 1994-02, 01-11-1994)

CHAPTER 7. IMPOUNDING

6-7-1. Animals to be impounded.

6-7-2. Case report.

6-7-3. Disposition of impounded animals.

6-7-4. Fees.

6-7-1. Animals to be impounded.

(1) ~~The animal control supervisor or officer~~ Officers shall place animals taken into custody into ~~an animal shelter designated impound facility~~.

(2) The following animals may be taken into custody and impounded without the filing of a complaint:

(a) ~~Any~~ animal being kept contrary to Tooele City Code Title 6;

(b) ~~Any~~ animal creating a nuisance;

(c) ~~Any~~ animal required to be licensed which is not licensed. An animal not wearing a tag shall be presumed to be unlicensed;

(d) ~~Any~~ sick or injured animal whose owner cannot be located ~~after reasonable effort~~;

(e) ~~Any~~ lost, strayed, or abandoned animal;

(f) ~~Any~~ animal required to be vaccinated for rabies which is not so vaccinated;

(g) ~~Any~~ animal to be held for quarantine;

(h) ~~Any~~ animal ~~running~~ at large;

(i) ~~Any~~ animal that has attacked a person or domestic animal; ~~and~~,

(j) ~~any animal that has bitten a person or domestic animal~~.

(3) The following animals shall be ~~summarily and~~ immediately taken into custody and impounded:

(a) ~~Any~~ animal that has bitten a person or a domestic animal without provocation;

(b) ~~Any~~ animal that ~~has been determined to be dangerous pursuant to is the subject of a complaint filed under~~ Section 6-5b-6; ~~and~~,

(c) ~~Any~~ animal previously designated as a potentially dangerous animal that is not being kept under the conditions imposed pursuant to Sections 6-5b-6~~7~~ or 6-5b-7~~8~~.

(Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-2. Case report.

~~The animal control officer~~ Officers shall complete ~~a~~ case reports on all impounded animals, which ~~reports~~ shall include, ~~as applicable~~:

(1) a ~~detailed complete~~ description of the animal, including tag number, if present;

(2) the reason for and the date of impound;

(3) the location of the pickup;

(4) the name of the officer picking up the animal;

(5) the name and address of any person relinquishing an animal to the ~~officer or to the Tooele Animal Shelter~~;

(6) the name and address of the redeemer or purchaser;

(7) all expenses accruing during impoundment;

(8) all fees received; ~~and~~,

(9) the manner and date of disposal.

(Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-3. Disposition of impounded animals.

(1) Except as otherwise provided in Title 6 (~~i.e., for dangerous or quarantined animals~~), any impounded animal may be redeemed by its owner during the impound period upon payment of the applicable fees.

(2) During impound, reasonable efforts shall be made to identify the animal's owner and give such owner notification of the impoundment. Notice shall be deemed given when contact is made by telephone or in person, or when a written message is left at the last known address of the registered owner.

(3) The owner of an impounded animal ~~must shall~~ redeem the animal within ~~5 business three~~ days after notification. Failure to so redeem the animal shall ~~indicate that the animal is abandoned and~~ subject the animal ~~it~~ to immediate destruction or ~~other disposition~~ sale.

(4) Each impounded, unredeemed animal shall be kept a minimum of ~~5 business three~~ days after impound, except as otherwise provided in this Title 6.

(5) Following impound, animals which are not redeemed, except for those ~~animals~~ quarantined under the provisions of Section 6-6-7, held under the provisions of Section 6-5b-5, or confined by court order, may be destroyed or ~~otherwise disposed of~~ sold to any person ~~desiring to purchase such animal~~. The Animal Control Division shall not sell or adopt out any animal that has not been spayed or neutered.

(6) Quarantined animals not redeemed by their owner within ~~5 business two~~ days after the quarantine is ended shall be subject to immediate destruction or ~~other disposition~~ sale.

(7) Any animal voluntarily relinquished by its owner to ~~the Division or the shelter animal control~~ for destruction or other disposition may be destroyed or ~~otherwise disposed of~~ sold immediately upon receipt.

(8) At the discretion of a supervisor, ~~Any~~ impounded animal having or suspected of having a serious physical injury or a contagious disease requiring medical attention may, ~~at the discretion of the animal control supervisor~~, be released to the care of a veterinarian, with the consent of the owner. ~~The owner shall be responsible for all costs and fees~~.

(9) When, in the judgment of ~~a the animal control supervisor or officer~~, an impounded animal ~~must should~~ be destroyed for humane reasons or to protect the public from imminent danger to persons or property, ~~such~~ the animal may be destroyed without regard to any time limitations otherwise established herein and without court order.

(Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

(Ord. 1994-02, 01-11-1994)

6-7-4. Fees.

(1) Fees relating to impounding animals shall be established by resolution of the Tooele City Council.

(2) Except as otherwise provided in Title 6, the owner of an impounded animal, or the owner's agent, may redeem the animal before disposition provided all applicable impounding, boarding, veterinary, licensing, rabies vaccination, and other fees and costs are first paid.

(3) No impound fee shall be charged to:

(a) ~~The~~ reporting owner of a suspected rabid animal if ~~such~~ the owner complies with ~~Tooele City Code~~

~~Title 6, Chapter 6-6;~~ or,

(b) ~~The~~ owner of an animal not found to be either potentially dangerous or dangerous after a hearing under ~~Title 6, Chapter 6-5b.~~

(4) The owner of an impounded animal is liable for all impound, disposition, and other costs, which if not voluntarily paid may be collected through a civil action or by being added to the owner's tax or utility bill.

(5) Persons may obtain any animal not timely redeemed by its owner for a fee per animal established by resolution of the City Council, plus the costs of license, spay, neuter, and rabies vaccination, as applicable if required.

(Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

(Ord. 1994-02, 01-11-1994)

CHAPTER 8. ANIMAL ~~CONTROL~~-SHELTER

6-8-1. Animal shelter provided.

6-8-2. Disposal facilities.

6-8-3. Medical treatment.

6-8-1. Animal shelter provided.

Tooele City shall provide premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. The City shall purchase and supply food and furnish humane care for impounded animals, ~~subject to owner reimbursement.~~—

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-8-2. Disposal facilities.

Tooele City shall provide for the ~~painless and~~ humane destruction of dogs and other animals required to be destroyed by this ~~Title ordinance~~ or by the laws of the State of Utah.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-8-3. Medical treatment.

Tooele City may furnish medical treatment, when necessary, to animals impounded under the provisions of this Title. The costs for such treatment shall be assessed to the owner upon redemption, or ~~to~~ the new owner upon purchase ~~or adoption.~~

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

CHAPTER 9. CRUELTY TO ANIMALS

6-9-1. Repealed.

6-9-2. Repealed.

6-9-3. Repealed.

6-9-4. Repealed.

6-9-5. Repealed.

6-9-6. Repealed.

6-9-7. Injuries to animals by motorists.

6-9-8. Repealed.

6-9-9. Malicious impounding.

6-9-10. Penalties.

6-9-8. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-9. Malicious impounding.

It is unlawful for any person maliciously to secrete or impound the animal of another.

(Ord. 2003-28, 12-17-2003) (Ord. 1989-03, 03-01-1989)

6-9-10. Penalties.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

6-9-1. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-2. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-3. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-4. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-5. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-6. Repealed.

(Ord. 1989-03, 03-01-1989)

6-9-7. Injury to animals by motorists.

(1) Every operator of a vehicle upon the streets of Tooele City shall immediately upon injuring, striking, maiming, or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, the operator shall immediately notify the ~~Police~~ Department or the ~~Animal Control~~ Division, furnishing requested facts relative to such injury.

(2) It shall be the duty of ~~such~~the vehicle operator to remain at or near the scene until such time as ~~an officer~~the appropriate authorities arrives. ~~;~~and ~~u~~Upon the arrival of ~~an officersuch~~ authorities, the operator shall immediately provide the operator's identity, as well as incident details, to the ~~officersuch~~ authorities. Alternatively, in the absence of the owner of the injured animal, the operator or other ~~a~~ person may give aid by taking the animal to the ~~animal shelter~~ Animal Control facility or other animal care appropriate facility and by promptly notifying the ~~Animal Control~~ Division. Such animal may be taken in by the ~~animal shelter~~ Animal Control facility and dealt with as deemed appropriate by shelter personnel under the circumstances.

(3) Emergency vehicles are exempted from the requirements of this ~~Section~~ provision.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

CHAPTER 10. WILD ANIMALS

6-10-1. Wild animals.

6-10-2. Protected species.

6-10-3. Penalties.

6-10-1. Wild animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, purchase, or otherwise harbor any wild animal as defined in Section 6-2-1, except that the animal shelter, zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

(Ord. 2003-28, 12-17-2003) (Ord. 1988-17, 08-03-1988)

6-10-2. Protected species.

It is unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation or law of the State of Utah.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-10-3. Penalties.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

**CHAPTER 11. REGULATORY PERMITS;
KENNELS**

6-11-1. Commercial permits.

6-11-2. Display of permit.

6-11-3. Renewal of permit.

6-11-4. Permit fees.

6-11-5. Exemptions.

6-11-6. Inspections.

6-11-7. Standards for establishments.

6-11-8. Suspension or revocation of permits.

6-11-9. Repealed.

6-11-1. Commercial permits.

(Repealed Ord. 2017-07)

It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, or any similar establishment unless such person first obtains a regulatory permit from the Tooele City Recorder, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Tooele City Recorder. Before the permit is issued, approval shall be granted by the Tooele City-County Health Department, Tooele City Planning Commission and the Animal Control Division. (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-11-2. Display of permit.

(Repealed Ord. 2017-07)

A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the Animal control Division within 30 days of any change in his establishment or operation which may affect the status of his permit. In the event of a change in ownership of the establishment or operation which may affect the status of his establishment, the permittee shall notify the Animal Control Division immediately. Permits shall not be transferable from one owner to another. (Ord. 1981-14, 05-25-1981)

6-11-3. Renewal of permit.

(Repealed Ord. 2017-07)

Any permit issued pursuant to this Section shall automatically expire on December 31st immediately following date of issue. Within two (2) months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after December 31st, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee. (Ord. 1981-14, 05-25-1981)

6-11-4. Permit fees.

(Repealed Ord. 2017-07)

(1) Kennels, groomeries, pet shops, veterinary clinics, or hospitals:

Class A, 3-15 animals	\$ 50.00
Class B, 16-30 animals	\$ 75.00
Class C, 30 or more animals	\$100.00

(2) Riding Stables \$100.00

(3) Late fee \$ 25.00

(Ord. 1981-14, 05-25-1981)

6-11-5. Exemptions.

(Repealed Ord. 2017-07)

Research facilities where bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by state or local government or which are licensed by federal law are excluded from the licensing requirements of this ordinance.

(Ord. 1981-14, 05-25-1981)

6-11-6. Inspections.

(Repealed Ord. 2017-07)

All establishments required to be permitted under this ordinance shall be subject to periodic inspections, at any reasonable time and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Division. Failure to allow such inspections shall be grounds for revoking the permit under Section 6-11-8. (Ord. 1981-14, 05-25-1981)

6-11-7. Standards for establishments.

(Repealed Ord. 2017-07)

The Division of Animal Control shall promulgate rules and regulations governing the operation of kennels, groomeries, pet shops, riding stables, and veterinary clinics or hospitals. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required to the animal sought to be kept, harbored or confined on such premises; the manner of which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters as the Supervisor shall deem necessary. Such rules and regulations shall be deemed a violation of this Ordinance and grounds for revocation of a permit issued by the Animal Control Division. (Ord. 1981-14, 05-25-1981)

6-11-8. Suspension or revocation of permits.

(Repealed Ord. 2017-07)

(1) Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

(a) falsification of facts in a permit application;

(b) failure to allow inspection pursuant to Section 6-11-6;

(c) violation of any of the provisions of this ordinance or any other law or regulation governing the establishment, including noise, building and zoning

ordinances;

(d) conviction on a charge of cruelty to animals;

(e) maintenance of a nuisance.

(2) Procedure: If an inspection of kennels, groomeries, pet shops, riding stables, veterinary clinics or hospitals reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

(a) set forth the specific violation(s) found;

(b) establish a specific and reasonable period of time for the correction of the violation(s) found;

(c) state that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit;

(d) state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Chief of Police within five (5) days of the date of the notice.

(3) Revocation or suspension: Any permit granted under this ordinance may be suspended or revoked by the City Council for violations listed in part (a) above. A minimum of five (5) days notice shall be given to the permittee advising him of the date and time for such hearing, and stating the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this Ordinance have been met.

(4) Emergency suspension: Notwithstanding the other provisions of this Ordinance, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, shops, or any similar establishments which in his judgment, constitute a substantial hazard to public health, he may without warning, or hearing, issue a written notice to the permit holder or operator citing such condition and specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such facility may be confiscated by the Animal Control Division and impounded or otherwise provided for according to the provisions of this ordinance.

(5) Notice provided for under this Section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Animal Control Division.

(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-11-9. Repealed.

(Ord. 2003-28, 12-17-2003)

INCENTIVE POLICY FOR TOOELE COUNTY

ECONOMIC DEVELOPMENT

BASIC GOAL OF INCENTIVE USE:

Development incentives are to be used to encourage private development that will achieve and meet the economic priorities established by the County Economic Development Organization. Incentives should become investments that eventually benefit the community in a matter that exceeds the value of that incentive investment.

INCENTIVES SHOULD MEET MULTIPLE PRIORITIES:

Projects receiving development tax incentives should meet multiply priorities, which include the following:

- 1- Promoting development in specific locations (defined sure site locations)
- 2- Promoting development of specific types that increase the wage rate of the County
- 3- Attracting business of certain types (defined cluster development)
- 4- Provides a return on the investment to the County
- 5- Participates and becomes a community partner

AVAILABLE INCENTIVES:

The following incentives could be available to assist both new and existing companies with the development of their business within Tooele County:

- 1- Tax Increment Financing
- 2- Utah Enterprise Zone
- 3- Recycling Zone
- 4- State IAF/EDTIF funding
- 5- Industrial revenue Bonds
- 6- Manufacturing sales tax on new/replacement equipment (SIC 2000-3999)
- 7- Custom Fit Training
- 8- Private Activity Bonds
- 9- Individual City considerations

GUIDELINES FOR INCENTIVE APPROVAL:

The following are policies that provide a guideline for the use of economic development incentives. All policies are intended to aid the County Economic Development Organization, and the partners of the organization in evaluating and deciding whether to grant the use of economic development incentives.

USE OF INCENTIVES IN THE PUBLIC INTEREST

Issuance of incentives will be provided to projects that provide a public benefit, or will serve a public interest. Examples of the type of public benefits may include but are not limited to the following:

- 1- Strengthen the county's employment and the economic base and enhances the public entities tax base.
- 2- Encourages quality development and provides quality jobs for residents
- 3- Provides for construction of needed and necessary infrastructure
- 4- Supports investment in human capital by providing skill development, continuing education and training
- 5- Develop and maintains business relationships with existing Tooele County businesses
- 6- Support of our public schools for K-12 education for the future employment base
- 7- Promotes higher education opportunities to increase the number of college and university graduates in Tooele County to meet the demand for a highly skilled vocational and professional workforce

PROTECTION OF PUBLIC FINANCIAL INVESTMENT

All efforts will be made to protect the public investment that is made in any project receiving any economic incentive. These efforts should include the following:

- 1- Public incentive should be "post performance". This means the public funding is based on the project being completed.
- 2- Any required up front of funding should be secured
- 3- Development agreements should be required
- 4- Pro forma of the project is a requirement and should be professional reviewed to determine if the investment is needed
- 5- Communication should occur in the beginning of the incentive process to outline all terms, conditions, obligations, and returns required for the public investment
- 6- All public investments should be measured best on the requirements outlined in this paper.
- 7- Transparency should be required on all public financing of incentives.
- 8- Project Performance should be clearly stated and monitored on ongoing bases. Failure to fulfill conditions should result in a discontinuing of the incentives. Consideration should also be given to a requirement to pay back incentives already given if performance measures are not met.
- 9- Length of time of the incentive and amounts should be based on the wage, number of jobs created, and the capital investment to be made.

APPLICATION/REVIEW PROCESS:

A consistent application and review process should be required for any requested incentive. The application should include the following information:

- 1- Letter from the company which includes information about the company, project to be built, number of jobs to be created, wages to be paid, capital investment to be made, time frame for construction, and specific request of incentive
- 2- A development proforma is to be submitted for review.
- 3- A Meeting with GOED and EDCU is required to understand any state incentive.

The review process shall consist of the steps:

- 1- Information provided by the applicant is reviewed by staff, and a recommendation is prepared.
- 2- The information and recommendation is reviewed with the Tooele Economic Development Organization, and a recommendation to participate, or not to participate is made,
- 3- If tax increment is part of the incentive package, a meeting is held with all taxing entities that would be required to participate and a preliminary approval is obtained.
- 4- If tax increment is required, a meeting is held with the responsible RDA to review the project, all applicable information, and the recommendations of other parties, and the incentive requested. The applicable RDA shall have the final decision as to offering any tax increment based on the information provided.
- 5- A letter/ meeting is prepared to the applicant outlining any terms and conditions of the incentive to be offered. With a formal request for the company to either accept or reject the incentive
- 6- A meeting is held with EDCU/GOED to review the incentive to be offered.
- 7- Sponsoring public entity prepares all final documents including development agreement, incentive offer, interlocal agreements form taxing entities, and official offers the incentive, and takes the responsibility of any public release of the project.
- 8- Sponsoring public entity is responsible for any project monitoring of incentive requirements.
- 9- Sponsoring entity, or its assign representative communicates as needed with the Tooele Economic Development Board, and other partners on the progress of the project.

Tax Increment Incentive Criteria

	Tier 1	Tier 2	Tier 3	Tier 4
Incentive	40% of available tax increment generated by the project for 5 years	50% of available tax increment generated by the project for 10 years	60% of available tax increment generated by the project for 15 years	To be negotiated, but in But in no event more than 75% for 25 years

Requirements	Capital Investment	\$5 -9 Million	\$10-15 Million	\$16-35 Million	Greater than 35 million And more than 100 jobs Jobs hired in the first Year of operation, no Less than 100% of County Average Wage
	Job Creation (FTEs)	20-35	36-50	51-100	
	Average Wage	110% of County average	110% of County average	110% of County average	

Note: As a general rule, a project should meet all tier requirements to be eligible for incentive. However, the Tooele Economic Development Committee (EDC) and applicable Redevelopment Agency (RDA) may consider substitutions if a project falls short of the minimum requirement in one category, but exceeds the minimum requirement in another category. For example, \$10 million project creating only 30 jobs might be considered for an incentive, at the discretion of the EDC and RDA.

Definitions

Available Tax Increment—The portion of the tax increment generated by the project that is available to the Redevelopment Agency to be used for incentives, to fund public improvements, or other purposes. The RDA may deduct administrative cost from the increment, and provide the difference as the incentive

Average Wage—of the jobs to be created, the average weekly wage per FTE

Capital Investment—the amount of funding that the business is investing into the project; the cost of the project. Capital investment includes property acquisition, related public improvements, construction of real property, and personal property to be located at the site. Capital investment does not translate directly into increased taxable value, upon which tax increment is dependent.

Job Creation (FTEs)—the number of full-time equivalent (FTE) jobs that will be created at the site.

Tooele County Average Wage—the average monthly/quarterly wage in Tooele County, as reported by the Bureau of Labor Statistics.

Process

1. Prior to issuance of a building permit*, applicant submits a letter requesting incentives. The letter shall include:
 - An explanation of the project
 - Other potential sites being considered
 - An explanation of how the project meets the capital investment (and/or sales tax generation), job creation, and wage criteria
2. Economic Development Committee (EDC) considers the request, which may include a presentation from the applicant at an EDC meeting.
3. EDC makes a recommendation to the Redevelopment Agency (RDA) Board of Directors. If an incentive is recommended, a tax increment participation agreement shall be drafted accordingly.
4. RDA considers approval of the tax increment participation agreement. If approved, the tax increment participation agreement is executed and recorded.

*If the criteria and process for considering requests for incentives were not in place at the time the building permit was issued, and the applicant made their interest in incentives known prior to obtaining a building permit, the EDC and RDA may consider the request.

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, February 15, 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. Ordinance 2017-08 An Ordinance of Tooele City Amending Tooele City Code Chapters 5-1 Regarding Business Licensing for Independent Contractors
Presented by Michelle Pitt**
- 6. Ordinance 2017-06 An Ordinance of Tooele City Amending Tooele City Code Chapter 1 - 4 Regarding Punishments for Criminal Violations of the City Code
Presented by Roger Baker**
- 7. Resolution 2017 – 08 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Top Choice Auto Repair Project
Presented by Paul Hansen**
- 8. Resolution 2017 – 11 A Resolution of the Tooele City Council Ratifying a Contract with Widdison Turbine Service for Further Groundwater Development of the Kennecott "B" Well
Presented by Paul Hansen**
- 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

ORDINANCE 2017-08

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 5-1 REGARDING BUSINESS LICENSING FOR INDEPENDENT CONTRACTORS.

WHEREAS, TCC Title 5 governs the licensing of businesses operating in Tooele City; and,

WHEREAS, Section 5-1-2 defines the term “employee” to include independent contractors and other non-employees, as follows:

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.

and;

WHEREAS, the City definition of “employee” is antiquated and inconsistent with the federal law definition of “employee” inasmuch as federal law excludes independent contractors from the definition of “employee” because independent contractors are not true employees but are in fact separate business entities operating independently from the contracting entity; and,

WHEREAS, generally speaking, an independent contractor is a business independent of and not controlled by the business entity for which it does work or at which it conducts business; and,

WHEREAS, for example, a person doing business as a salon artist who rents salon space or booth space at a salon, but is not an employee of the salon, is an independent contractor and should be considered as a separate business for licensing purposes; and,

WHEREAS, many Utah cities and towns license independent contractors individually and separately from the business premises at which the independent contractors lease space and work, including the following:

- Salt Lake City
- Lindon
- Sough Ogden
- South Salt Lake City
- Riverdale
- Layton
- Cedar City
- Smithfield

- Spanish Fork
- Murray
- Springville
- Cottonwood Heights
- Orem
- South Jordan
- Brigham City
- Salt Lake County

; and,

WHEREAS, in light of the above, the City Administration recommends that the Tooele City definition of “employee” for business licensing purposes not include independent contractors, and that all independent contractors engaged in or conducting business in Tooele City should obtain a business license:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Sections 5-1-2 and 5-1-4 are hereby amended, as shown in Exhibit A, attached.

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 Section 5-1-2
and
TCC Section 5-1-4

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) 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) All independent contractors engaged in or conducting business must obtain a business license.~~

(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

TOOELE CITY CORPORATION

ORDINANCE 2017-06

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 1-4 REGARDING PUNISHMENTS FOR CRIMINAL VIOLATIONS OF THE CITY CODE.

WHEREAS, Tooele City Code (TCC) Chapter 1-4 regards punishments and penalties for criminal violations of the TCC; and,

WHEREAS, TCC Section 1-4-4 contains antiquated language that allows for persons convicted of a crime who cannot pay their fines to work for Tooele City and receive a credit toward their fines in the amount of hourly wages established in the Tooele City salary schedule; and,

WHEREAS, the City Attorney recommends that the current policy is contrary to Tooele City's interests in part because the convicted persons would become City risks and liabilities as volunteers and/or compensatory service workers (reference UCA Chapter 67-20) subject to the City's workers compensation and liability insurance policies; and,

WHEREAS, the courts have the discretion to allow convicted persons unable to pay their fines to do community service for qualifying entities, making the current TCC 1-4-4 obsolete; and,

WHEREAS, the City Attorney desires to modernize the language of TCC Chapter 1-4, as shown in the attached Exhibit A:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 1-4 is hereby amended as shown in the attached Exhibit A.

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 1-4

CHAPTER 4. PUNISHMENTS

1-4-1. Application - Separate offenses for each day of violation.

1-4-2. Classification of ~~offense violation~~.

1-4-3. Penalties.

1-4-4. Labor in case of default - Incarceration in lieu of fine or labor. (Repealed.)

1-4-5. Revocation of licenses upon conviction.

1-4-6. Liability of officers.

1-4-1. Application - Separate offenses for each day of violation.

(1) Whenever acting or failing to act constitutes a violation of any section or provision of this Tooele City Code, and no ~~classification of offense~~, fine, or sentence is specifically found to apply to the violation, the provisions of this ~~Chapter~~ shall apply.

(2) Each 24-hour period in which a violation of any section or provision of this ~~Code~~ occurs shall constitute a separate offense.
(Ord. 1994-54, 11-08-1994)

1-4-2. Classification of ~~offense violation~~.

An offense designated ~~as~~ a misdemeanor in this ~~Code~~ or in another law, without specification as to punishment or category, is a class B misdemeanor. Any offense which is an infraction within this ~~Code~~ is expressly designated ~~as such~~.
(Ord. 1994-54, 11-08-1994)

1-4-3. Penalties.

(1) A person who has been convicted of a misdemeanor ~~under this Code~~ may be sentenced to imprisonment as follows:

(a) in the case of a class B misdemeanor, for a term not exceeding ~~6 six~~ months;

(b) in the case of a class C misdemeanor, for a term not exceeding 90 days.

(2) A person convicted of an offense may be sentenced to pay a fine, not exceeding:

(a) \$1,000 when the conviction is for a class B misdemeanor, ~~plus applicable state surcharges~~;

(b) \$750 when the conviction is for a class C misdemeanor or infraction, ~~plus applicable state surcharges~~.

(3) Subsection (2) does not apply to a corporation, association, partnership, government, ~~or~~ governmental instrumentality, ~~or other business entity~~.

(4) The sentence to pay a fine, when imposed upon a corporation, association, partnership, government, ~~or~~ governmental instrumentality, ~~or other business entity~~ for an offense defined in this ~~Code~~ shall be to pay an amount, fixed by the court, not exceeding:

(a) \$5,000 when the conviction is for a class B misdemeanor, ~~plus applicable state surcharges~~;

(b) \$1,000 when the conviction is for a class

C misdemeanor or for an infraction, ~~plus applicable state surcharges~~.

(Ord. 1994-54, 11-08-1994)

1-4-4. Labor in case of default - Incarceration in lieu of fine or labor. (Repealed.)

~~(1) Any person delinquent in the payment of any fine or costs may be permitted to work for the City at such labor as is available to be credited with the amount earned from such labor as shall be set pursuant to the wage schedule of Tooele City for the type of labor performed.~~

~~(2) Any person who does not desire to work at labor for Tooele City and is delinquent in the payment of any fine, or fine and costs shall be incarcerated in the Tooele County Jail and shall receive credit at the rate of \$5.00 per day for each day of incarceration, said credit to be applied against the outstanding fine balance.~~

(Ord. 1994-54, 11-08-1994)

1-4-5. Revocation of licenses upon conviction.

Any person found guilty of violating any provision of this ~~Code~~, when the violation necessarily includes the violation of the terms of any license ~~or permit~~ issued to the ~~such~~ person by Tooele City, shall be subject to revocation of the ~~said~~ license ~~or permit~~ upon a hearing held pursuant to the procedures of Chapter 5-1 and Chapter 1-28, as applicable ~~for said revocation~~.

(Ord. 1994-54, 11-08-1994)

1-4-6. Liability of officers ~~and employees~~.

No provision of this City Code designating the duties of any ~~city~~ officer or employee shall be so construed as to make the ~~such~~ officer or employee liable for any fine or penalty provided ~~under this Code~~ for a failure to perform such a duty, unless the intention of the ~~City Council~~ to impose a ~~such~~ fine or penalty on the ~~such~~ officer or employee is specifically and clearly expressed in the ~~Code provision section~~ creating the duty.

(Ord. 1994-54, 11-08-1994)

TOOELE CITY CORPORATION

RESOLUTION 2017-08

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE TOP CHOICE AUTO REPAIR PROJECT.

WHEREAS, Tooele City previously approved a commercial site plan for the Top Choice Auto Repair project located at 85 East 1280 North in Tooele City; and,

WHEREAS, public improvements constructed in connection with an approved land use application are accepted by Resolution of the City Council following verification by the City Engineer or Public Works Director that all the improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications; and,

WHEREAS, the required verification associated with the Top Choice Auto Repair project has been provided by way of the Certificate of Completion of Public Works attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the completed public improvements associated with the Top Choice Auto Repair project are hereby accepted, and that the one-year warranty period shall begin on the date of this Resolution.

This Resolution shall become effective on the date of passage.

Approved this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt
Tooele City Recorder

S E A L

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

Exhibit A

Certificate of Completion of Public Works

TOOELE CITY CORPORATION
 90 NORTH MAIN
 TOOELE, UTAH 84074
 (435) 843-2130



Certificate of Completion of Public Works

(Start of One-Year Warranty)

Date: 01/31/2017

Permit No: 2160304	Public Work Elements	Completed	Not Required
Project Name: Top Choice Automotive	Culinary Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Address: 85 East 1280 North	Secondary Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tooele, Utah 84074	Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Storm Drain / Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner/Developer: Tom Parker	Curb & Gutter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5337 Derby Lane	Sidewalk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stansbury Park	Street Lights	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Landscaping	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Other: See original bond estimate</i>			

* Note: The above Public Work Elements are general in nature. See Public Works for detailed descriptions and comments:

Based upon review of documentation provided by the Developer/Owner, inspection records on file with the Community Development Department and upon site review, all public improvements for the above referenced project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards. It is hereby recommended that the one year warranty period commence for this project. Responsibility for maintenance and protection of all public work items remains with the Developer/Owner during the warranty period.

Recommended By	Title	Date
	Civil Inspector	01/31/2017
	City Engineer	1-31-2017
	Community Development / Public Works	2/1/2017

Acknowledged and Accepted _____
 City Council, Chair _____ Date _____

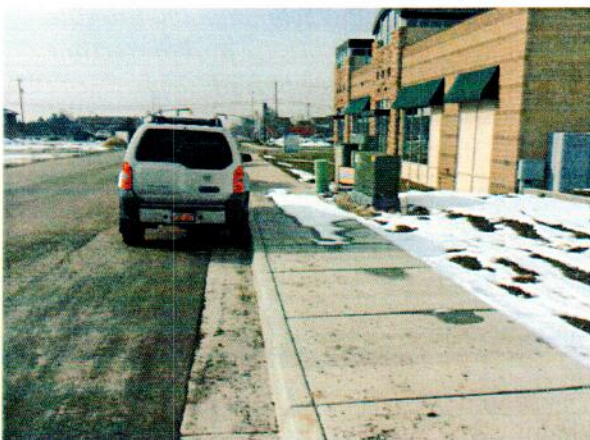
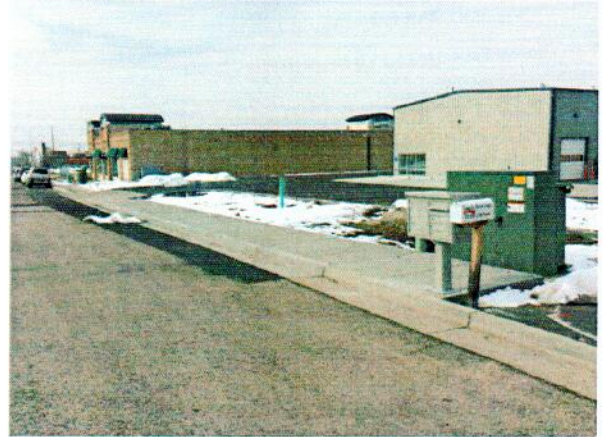
Scheduled Date for End of Warranty Final inspection: 01/31/2016

TOOELE CITY CORPORATION
90 NORTH MAIN
TOOELE, UTAH 84074
(435) 843-2130



Certificate of Completion of Public Works
(Start of One-Year Warranty)

Permit No: 2160304
Page 2 of 2



TOOELE CITY CORPORATION

RESOLUTION 2017-11

A RESOLUTION OF THE TOOELE CITY COUNCIL RATIFYING A CONTRACT WITH WIDDISON TURBINE SERVICE FOR FURTHER GROUNDWATER DEVELOPMENT OF THE KENNECOTT “B” WELL.

WHEREAS, Tooele City recently drilled and put into operation the Kennecott “B” Well for use as a culinary water source for use within the Tooele City Water Special Service District; and,

WHEREAS, the well is in need of further groundwater development in order to improve well production, remove sand, and generally enhance the quality of water; and,

WHEREAS, Tooele City has solicited a cost proposal from Widdison Turbine Service to perform the requested work due to their demonstrated knowledge, available resources, and ability to assist the City with this project; and,

WHEREAS, Widdison Turbine Services has submitted a cost proposal of One Hundred Thirty-Nine Thousand One Hundred Sixty-Two Dollars (\$139,162.00) for completion of the project; and,

WHEREAS, the City Administration requests an additional appropriation of 5% of the bid amount, or Seven Thousand Dollars (\$7,000.00), as contingency for change orders for changed conditions that may arise during the project, as reviewed and authorized by the Mayor; and,

WHEREAS, funding for the work will be using culinary water impact fees, as the proposed work is a continuation of the development of this new drinking water source; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL ratifies a contract (attached as Exhibit A) with Widdison Turbine Service for further groundwater development of the Kennecott “B” Well, for a sum not to exceed One Hundred Thirty-Nine Thousand One Hundred Sixty-Two Dollars (\$139,162.00), plus an additional Seven Thousand Dollars (\$7,000.00) contingency (5%), which may be used as necessary for changed conditions at the discretion of the Mayor.

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

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

EXHIBIT A

Agreement:
Widdison Turbine Service

AGREEMENT

TOOELE CITY CORPORATION, a municipal corporation of the State of Utah, (hereinafter "City"), and WIDDISON TURBINE SERVICE of 12645 South Minuteman Drive, Building B, Draper, Utah 84020, a corporation, (hereinafter "Contractor") enter into this Agreement on the day of February, 2017 (the "Effective Date").

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

1. Services (Scope of Work). The Contractor shall provide the following services to the City: Provide additional well development and rehabilitation of the Kennecott B Well, as outlined in the attached fee estimate correspondence dated January 24, 2017 (Appendix A).
2. Disclaimer of Right of Control. Contractor shall perform its duties competently. The City disclaims any right to control the Contractor's performance of the Services.
3. Compensation.
 - a. Rate. The City shall pay the Contractor the not to exceed sum of \$139,162.00 for fully performing the Services, pursuant to invoice.
 - b. Unit Cost Contract. This Agreement is a Unit Cost Contract." The contract Rate includes all costs and expenses associated with the provision of the Services. See Appendix A for unit costs and rates.
 - c. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded City employees.
4. Term of Agreement. Contractor shall fully perform the Services by March 31, 2017.
5. Termination. The City may terminate this Agreement at any time. Should the City terminate this Agreement prior to the Services being fully performed, the City shall pay for those Services performed.
6. Indemnification and Insurance.
 - a. Contractor Liability Insurance. Contractor shall obtain and maintain liability insurance in the amount of at least \$1,000,000.
 - b. Contractor Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims of liability for injury or damage caused by any act or omission of Contractor or its agents in performance of this Agreement.
 - c. Contractor Workers Compensation Insurance. Contractor shall purchase and maintain workers compensation insurance for all of its employees. If Contractor is a sole proprietor, Contractor shall purchase and maintain workers compensation insurance or obtain an exclusion from Workers Compensation Fund of Utah.
 - d. Evidence of Contractor Insurance. Contractor shall provide written evidence of liability insurance and workers compensation insurance or exclusion to the City within ten (10) days of the Effective Date. The City will not make any payments under this Agreement until it receives from Contractor the evidence of insurance.
 - e. Status Verification Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims resulting from any violation of immigration status verification obligations contained in U.C.A. §63G-11-103 et seq.

7. Permits. Contractor shall obtain all permits required by Federal, State and Local laws.
8. Complete Agreement. This Agreement is the only agreement or understanding between the parties, and may be modified or amended only by a written document signed by both parties.

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

TOOELE CITY CORPORATION
90 North Main
Tooele, Utah 84074

WIDDISON TURBINE SERVICES
12645 South Minuteman Drive, Building B
Draper, Utah 84020

Patrick Dunlavy, Tooele City Mayor

Signature
Print Name/Title: _____

Attest:

Michelle Pitt, Tooele City Recorder

SEAL

Approved as to form:

Roger Baker, Tooele City Attorney

Quote:

Tooele City Corp. Kennecott Well

Chemical treatment of the Kennecott Well

This quote is provided in an effort to improve water quality and to control the bio-fouling occurring in the well. It would involve a multi step process that would include a treatment dose with a catalyzed Hydrogen Peroxide, followed by a compound acid treatment that includes surfactants and inhibitors. This would then be followed by a high dose disinfection Sodium Hypochlorite and an enhancer/buffering agent to act as a biocide.

The work process begins with the mobilization to the site of all of the rigs, tanks, pumps, generator, hosing, meters and all other required equipment needed for the chemical/development process. This is all staged at the site and set up ready for the treatment process.

The treatment process would start with a batch mix of catalyzed Hydrogen Peroxide that is mixed at the surface in tanks and then injected into the well. This is allowed to soak in the well for 24-48 hrs. This chemical remains in the well and it is then followed by the batch of acid and the other compounds. This is injected and agitated in the well and again allowed to soak of 24-48 hrs. These two batches are then pump back from the well into the surface tanks. The batches are neutralized in the surface tanks and then will be transported by tanker truck to the Tooele City water treatment plant. After this is complete it is then followed by a high dose disinfection. After it is agitated in the well it is also pumped back into the surface tanks and neutralized and disposed of in the same way. There will also be included many hours of development time as part of the treatment. Our proprietary dual swab development tools and method is used to both apply and in the removal of the chemistry. This has the effect of more than doubling the efficiency of the operation overall. We always feels this adds value to the project and gives a much better result. This is also what Water Systems has recommended.

The chemistry amounts below are based on the recommendations from Water Systems and in conjunction with the recommendations from my local chemist (Ameriwest Water, LeRoy Plamer) and engineer (CRS, Mark Chandler). All three have reviewed the history and the Water Systems report to come up with what we think is the best balance of chemistry and cost.

Acid treatment of the Kennecott Well to kill and control the bio-mass and provide additional development to the well. This well was not developed by us when drilled but was test pumped only. We have always felt that this well would really benefit from some additional development.

The volume of the well is as follows

Static W/L = 650'+-

Total depth = 1005'

Total casing standing volume= 355' @16.25 gal/ft = 5,775 gallons.

Borehole volume at screens. = 210' @32.0 gal/ft = 6,720 gallons

Total treatment volume = 9,300 gallons to reach out into the formation = 10,000 gal.

= Total batch size of 10,000 gallons.

Acid Treatment:

Batch size 10,000 gallons (Chemical mix recommended by our chemist.)

472 gallons of Hydrogen Peroxide in a separate batch of 10K gallons. This is mixed and goes in first.

This is allowed to soak and followed by the Acid batch as follows:

7,900 gallons water.

1,800 gallons HCL (hydrochloric acid)

75 gallons KW 186 bio dispersant.

5 gallons KW NIS surfactant.

230 gallons KW inhibitor.

= 10,010 gallons.

Note: All of these chemicals are NSF 60 certified for use in a drinking water source.

This treatment will require a permit from the Div. of Drinking Water. Mark has started the permitting process.

Also a permit (or at least permission) to dispose of the waste to the local sanitary sewer from them. We will need to work with the Tooele City plant to make these arrangements.

Total chemical cost \$45,657.00

Labor and procedure. Acid treatment.

Mobilize the following equipment to the site.

Bucyrus-Erie model 36-L drill/development rig.

2 frac/weir tanks. 20K gallon each.

Dual swab development /isolation tool.

Work tubing and all other required equipment.

Mix and injection pump.

Hoses, meters, electrical panel, wiring, etc.

125 KVA portable gen set.

26 ton crane truck/tender.

Pickup, tools and crew.

- | | | |
|--|-----------------------------|-------------|
| 1. Mobilization to the site. | L/S | \$ 8,500.00 |
| 2. Mix and inject the Hydrogen Peroxide batch. | est 12 hrs / \$320.00/hr / | \$ 3,840.00 |
| 3. Mix and inject the the acid chemical batch. | est 36 hrs / \$320.00/hr / | \$11,520.00 |
| 4. Develop and agitate in the well. | est. 16 hrs / \$320.00/hr / | \$ 5,120.00 |
| 5. Develop and pump out chemical batch.
neutralize and pump to waste. | est. 48 hrs / \$320.00/hr / | \$15,360.00 |
| 6. Engineering and permitting cost. | L/S | \$ 8,000.00 |
| 7. Transport and disposal via tanker trucks. | L/S | \$ 6,500.00 |

Notes: The development water it treated and settled onsite and then released to the storm water system or land applied. This is after all traces of chemicals have been removed.

The acid waste and the chlorine water is settled, neutralized and then hauled off to the sanitary sewer plant. It cannot be land applied due to the salt content.

High Dose Disinfection:

Batch size, same 10,000 gallons

9,500 gallons water.

51 gallons 12.5% sodium hypochlorite.

40 gallons KW Chlorhelp Enhancer/buffering agent.

Note: All chemicals are NSF 60 certified for use in a drinking water source.

Also requires approval from Drinking Water.

Also a permit from the local sewer dist.

Total Chemical cost \$4,585.00

Labor and Procedure. High Dose disinfection.

- | | | |
|--|----------------------------|-------------------|
| 1. Mix and inject the disinfection chemical batch. | est 30 hrs / \$320.00/hr / | \$ 9,600.00 |
| 2. Develop and agitate in the well | est 16 hrs / \$320.00/hr / | \$ 5,120.00 |
| 3. Develop and pump out chemicals
neutralize and pump to waste. | est 48 hrs / \$320.00/hr / | \$15,360.00 |
| 4. Engineer and permitting cost. | L/S | \$ included above |

Total cost for chemical treatments and development = \$139,162.00

Both the treatments and the development that goes with it should increase the specific capacity of the well by at least double. If we control and kill the bio-mass it should dramatically reduce the corrosion you are seeing. The water sample showed that the water is "moderately corrosive" but the bacteria is also contributing to the corrosion. My guess is that the chemical treatment would reduce the corrosion by a bit more than half.

Ameriwest Water also suggested an additional treatment first with Hydrogen Peroxide. That would go in first and is a really strong biocide. It is not removed and the acid goes in after 24 hours and is added to the batch. I only added the number of hours to mix and inject the HP batch and the rest of the hours would be the same. The total time needed is not known for sure as each well we treat acts differently. These times submitted are based on past experience on wells similar to yours.

That part would go something like this....

Acid/HP batch. The mixture would go down hole at a PH of about 0.8 . We agitate it down hole as it reacts with both the mineral and biological material in the well. After 48 hrs it usually comes back at a PH of about 4.0. This fluid is pumped back to our tanks on site and the PH is monitored. Once a batch of 20K gallons is pumped back we circulate the tank and slowly add Soda ash to raise the PH back to near neutral. Once we get the PH above about 5.5 then most sewer districts will take this waste fluid like this. I am told that they would prefer a slightly acidic fluid rather than slightly base. The target we shoot for is between 5.5 and 7.5. As you are aware PH is a logarithmic scale and so once you reach 5.5 PH just a tiny bit of soda ash too much will drive the PH clear past 7 and all the way to 8 or higher. It's trick to balance it just right.

At that point all that you have in the tank is water and soluble salts. basically a very weak brine solution. The TSS load is normally very low but there will be some turbidity remaining in the water. The solids all settle out in the tank and after completion these are vacuumed out of the tank and taken to the landfill. This material is minerals and the dead biomass. We then would start hauling the water in 8,000 gallon tanker loads to the nearest sewer and drain these tank loads in the sewer. We normally release it at about 150 GPM or about an hour to unload. This process of pumping back from the well in batches and hauling the water off is repeated until the PH of the return water is back to the pre-treatment levels. In your case about 7.35. It normally takes 3-4 times the injection amount to get all of the fluid back so you can anticipate a 30-40,000 gallon (5 truck loads) discharge for this treatment.

The treatment with the High dose chlorine treatment is handled a similar way. Injected and pumped back in batches. We neutralize the chlorine by adding Sodium Thiosulfate. The use of this chemical is remarkable. It takes very little and the reaction with the chlorine is nearly instantaneous. It will be injected at about 250 Mg/L and usually comes back at 10-50 Mg/L. as little as a pound or two will oxidize the chlorine in a 20K batch and then there should be no residual detectable. We then do the same thing, haul it in batches to the sewer. This is usually the batch of a little more concern, as the sewer district do not want us to kill the natural bacteria in the digesters at the sewer plant. If we can demonstrate a 0.0 residual then they are good to let us dispose of it. This fluid would also be very slightly salty but that really is all there is in it.

This of course will all have to have Drinking Water approval before we start and approval from the sewer district. With the sewer dist. we usually call and give them 24 hr notice of when the batches are going to them and we report a total discharge to them each day via e-mail.

Let me know if I can answer any additional questions and I could also schedule a meeting with you, me, the chemist and the engineer I use to do the permitting if you would like. Thanks, Kyle



CONTACT@WIDDISONTURBINE.COM
HTTP://WWW.WIDDISONTURBINE.COM

12645 S MINUTEMAN DR BLDG B
DRAPER, UT 84020

OFFICE: 801-571-8509

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

Date: Wednesday, February 1, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairwoman Debbie Winn
Scott Wardle
Dave McCall
Steve Pruden
Brad Pratt

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
Rachelle Custer, City Planner
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairwoman Winn called the meeting to order at 5:00 p.m.

2. Roll Call

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

3. Discussion:

- Resolution 2017-06 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Silver Spur Construction for the Broadway Storm Drain Project (400 North to 700 North)
Presented by Paul Hansen

Mr. Hansen indicated that this is a project that is part of the storm drain plan. The City received 12 bidders for this project. Silver Spur Construction was the low bid at \$557,740.00. The City is familiar with Silver Spur because they did the 2016 waterline upgrade. City staff recommends that Silver Spur be awarded the contract. They won't begin on this project until the weather breaks. This project will take approximately three months to put in place. Mr. Hansen said that he will also ask the Council for a 5% contingency to cover possible unknown utility conflicts or costs.

- Ordinance 2017-06 An Ordinance of Tooele City Amending Tooele City Code Chapter 1-4 Regarding Punishments for Criminal Violations of the City Code
Presented by Roger Baker

Mr. Baker stated that this ordinance is to modernize some of the language of the City Code that governs punishments. There are punishments scattered throughout the City Code, and this is the chapter that specifies what the penalty would be for committing offenses. Mr. Baker cited one of the proposed changes – there is a section allowing a person to work off their fines by working for the City. This may have been a good idea at one point in time, but there are liabilities in allowing them to work for the City. The court has avenues for offenders to work off their fines. Mr. Baker stated that he and the Human Resources Director are recommending that this section be repealed.

- Meadow Brook Annexation Request
Presented by Jim Bolser

Mr. Bolser showed a conceptual map to the Council of the proposed annexation. He explained that the property was near Droubay Road and the Carr Fork subdivision. Mr. Bolser stated that the property was being proposed as an annexation into the City for a boy's ranch and a development with 11 five acre properties. Mr. Bolser stated that staff was bringing this proposal to the Council to see if they would like this to progress to a more formal stage. Mr. Bolser stated that one comment from staff is that they would not be in favor of five acre lots as they tend to become mini subdivisions further down the road. Councilman Pruden asked if the east road could be connected through to Ericson Road. Mr. Bolser said that it potentially could. Councilman Pruden asked if this area was annexed, would all those lots have to be connected to the sewer system. Mr. Hansen said that the City has water down Droubay to Arrow Street. He said that the sewer begins in that area as well. If the City annexes this property, they could most easily connect there. Councilman Wardle asked if this project figured in with the annexation plan. Ms. Custer answered that it currently doesn't, and that the City would have to amend the annexation plan. Mr. Bolser said that most five acre lots are for agriculture purposes. There aren't many five acre lots in the City. Councilman Wardle asked if the City annexed and approved the five acre lots, would the owners have animal rights. Ms.

Custer answered that anything larger than one acre would allow full animal rights. Councilman Wardle said that it wasn't a bad buffer on that side. Councilman Pruden said that this developer has a nice product. The developer is the same developer of the girl's home, and it is really nice. Councilman Wardle indicated that he liked the idea of a higher end product coming in to that area. He said that he would hate septic tanks to be put in next to City boundaries. Mr. Hansen said that the County requested that the developers come to the City for annexation.

The Mayor stated that he would oppose the annexation. He said that it is not part of the City's annexation plan, and that five acre lots are not something that say "Tooele City". Five acre lots are only available in the County, not Tooele City. Tooele City should not consider any annexations at this point until they fully realize the 4800 lots at Overlake and the demand that that will put on the City's water and sewer systems. The Mayor indicated that he is in favor of a good spot for the boy's ranch, but he is not in favor of five acre lots and the annexation. There may be a major gas line in this area that may prohibit some building on certain lots. Mr. Baker stated that the City will either need to require sufficient water rights to irrigate the entirety of each five acre lot, or will need to limit the amount of watering based on the amount of water rights they provide the City for each lot. Mr. Bolser said that this is another reason that staff has shared the Mayor's opinion about the five acre lots. Councilman Wardle pointed out that limited water was a stipulation on Mathew Arbshay's development. Councilman Wardle went on to say that he struggled approving something that was not in the annexation plan. Mr. Hansen offered that the City could consider putting this development in the City sewer district, so that they wouldn't put in septic tanks, but require the County to put in their own roads and other improvements for the project. Councilman Pratt said that he didn't like the five acre lots next to a subdivision. Councilman Pruden said that the Mayor made a good point regarding the Overlake lots because those lots are already in the City.

4. Council Reports

Councilman Pratt: Attended the Communities that Care (CTC) meeting. Councilman Pratt thanked the Council for letting him be back on that committee. He feels that CTC is one of the greatest thing the City does. It is a successful asset in the community. One of the board members, from the Health Department, is concerned and looking in to the electronic cigarette situation and it's use with illegal substances. This is becoming an issue in our community. The Health Department is doing some tracking on this issue. The Health Department complimented this Council and administration in handling the difficulties encountered in smoke shops in our community. The steps the City has taken have been mirrored in other communities. Policies are in place, but they still need to be monitored. Councilman Pratt expressed appreciation to the police chief for their involvement in the classrooms. CTC is doing amazing things to help our youth. CTC is looking at a program to recognize parents and/or teachers that help youth.

Council of Governments (COG): Councilman Pratt attended the recent meeting. They made new assignments to the Wasatch Front Regional Council (WFRC). It was a controversial meeting. There were some suggestions that were thrown to them at the last minute which caused

some excitement. Councilman Pratt took an assignment as a representative to the WFRC, replacing Mayor Marshall. Dispatch fees were discussed at that meeting.

Councilman Wardle: Councilman Wardle said that Cody Deiter provided materials to the COG showing four different proposals for dispatch fees. 1) Move forward without a contract, and pay what the City decides to pay. 2) Sign a contract for fees. 3) Move to a special service district to pay for just the dispatch services, with a price per home at about \$28-\$30 per year. 4) Move all emergency services to a service district - with dispatch. COG will have to have a recommendation at their next meeting in April. Councilman Wardle asked the Council to look at the materials. Councilman Wardle indicated that the contract currently has a built in 8% increase per year. He felt that was not tenable. He said he didn't understand why the County built in increases at 8%. In the April meeting he has been asked to take a decision to the COG meeting. He may ask the Council to decide by Resolution which option to choose.

USU: A new president has been selected. They are finishing the process of the Provost selection. Most frustrations have come out of the development office. Councilman Wardle has discussed this with the new president and feels these issues will get resolved. He expressed appreciation for Mr. Sant's and Scott Snelson's help in keeping the continuity in that project area.

Councilman Pratt added that the Council needs to come back on the dispatch fee situation and whether to create a service district or not. If the City decides to contract with the County for fees, the contract would have to be negotiated with administration. He stated that he could not find any reason that justified the increase every year. The call volume spreadsheet didn't show that call volume had gone up. The Mayor said that the City has been negotiating dispatch fees for at least 11 years. The contract has been negotiated all that time, but the County refuses to list an amount in the contract. About six years ago, there was an amount agreed upon, but it hasn't been listed in the last contract. The Mayor has asked for a number from the past and present sheriff and commissioners, but they will not give a number. The Mayor said he has also asked for an itemized list showing what he was paying for. He was told that they might need the amounts for future expenses and/or equipment but they couldn't justify the amounts then, and they obviously can't now. Councilman Wardle asked what citizens receive in exchange for the taxes and increases. The Mayor said that the City will pay their fair share, but the fees should be based on needs and be justified. The Mayor felt that this could be worked out with the sheriff.

Councilman Pruden: The Arts Council is putting together the Fridays on Vine calendar. They are bringing back some of the past performers. The Arts Council has agreed not to compete with home football games, so thought about having an all day music jam in the park on Labor Day. They will look at the budget to see if there is money for this event. Carol LaForge's summer musical will be Disney's, Little Mermaid.

Councilman McCall: Missed the last library board meeting. He indicated that he attended the last COG meeting, as a citizen, not as a councilmember. While there, he was put in as a member of the WFRC.

Chairwoman Winn: will meet with the North Tooele City Special Service District (NTCSSD) next week. Jeff Hammer is the new chair.

Mr. Hansen added that on the Broadway storm drain, the wastewater department has some areas of the existing sewer line that have been broken or settled over time. He asked if he could come back with an addenda to the project. It would make sense to do the work while Silver Spur is already there, to have them repair that sewer, so that there aren't conflicts. The estimate for this additional work is about \$80,000.

Mr. Hansen also asked if he could bring back a change order to replace the sewer line on Caldwell Drive because the line there has collapsed. The estimate for this project is \$63,000. Mr. Hansen said that the City has money in the budget for these projects.

Mr. Hansen stated that the Kennecott Well has been generating sand. The sand has caused damage to the pump and motor and they need to be replaced. Mr. Hansen told the Council that he will come back with a cost of about \$83,000 to pull and reset the motor and pump. While they have the pump and motor out of the ground, they would like to do some additional development of that well. The additional work would be \$140,000. These costs should be addressed through impact fees, so there are funds there. Mr. Hansen asked if he could get this work started, and then come back with a ratification of the contract in the summer.

Mr. Sant stated that there is a legislative breakfast meeting with the legislators February 13th from 7 am – 8 am at the Capitol in the Majority Caucus room. The Council and Mayor will receive an official invite.

5. Close Meeting to Discuss Litigation, and Property Acquisition

Councilman Pratt moved to close the meeting. 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."

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

The meeting closed at 5:57 p.m.

No minutes were taken on these items.

6. Adjourn

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

The meeting adjourned at 6:49 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 15th day of February, 2017

Debra E. Winn, Tooele City Council Chair

DRAFT

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

Date: Wednesday, February 1, 2017
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

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

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Captain Adrian Day, Police Department
Jim Bolser, Public Works and Community Development Director
Paul Hansen, City Engineer
Heidi Peterson, Communities that Care Director
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy Recorder

Minutes prepared by Cami Cazier.

Chairwoman Winn called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Pruden.

2. Roll Call

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

3. Mayor's Youth Recognition Awards

Presented by Mayor Dunlavy, Heidi Peterson and Captain Adrian Day

Mayor Dunlavy welcomed those present and said that it was an honor and privilege to acknowledge some very special young people in our community. He takes great pride in knowing that these kids are preparing to be great leaders in the future. The City has had the opportunity to recognize over 300 students so far and it never gets old, just better each time. He asked the audience to pay attention to the great things that will be said about these special young people. Mayor Dunlavy also pointed out that these kids are honored for different reasons, not necessarily just because they are on the Honor Roll at school.

The Mayor introduced Heidi Peterson, Director of Communities that Care, and Captain Adrian Day of the Tooele City Police Department. The Police Department sends officers into the schools to help the kids deal with difficult issues that many of them face, including drugs and alcohol.

Ms. Peterson welcomed and thanked those in attendance. She explained that for years, our nation has done a lot of guesswork at how we help kids to grow up to be successful, safe, and healthy. Fortunately, there has now been several decades of research done into this, and Tooele City is on the very cutting edge of it. Over ten years ago, Communities that Care was established here in Tooele City, and through this department we can evaluate where our community is at the most risk. Through this research, the very best prevention programs have been implemented in our community. We are lucky to have local officials and city leadership that put a high priority on our kids and families.

One of the programs offered to families is a parenting program called Guiding Good Choices. This is a five week parenting workshop that is absolutely free. The next workshop starts in March. She encouraged all families to register for this workshop through the Tooele City webpage. Gift certificates and other fun prizes are given to participants.

Another program offered to the community is called QPR, or Question, Persuade, and Refer. It addresses the concern of the increasing cases of depression and suicidality among our nation, state, and city. In only 90 minutes, participants learn how to recognize the warning signs and risk factors associated with suicidality. They also learn a 3-step process used to help those at risk. This program has saved lives within our own community. Ms. Peterson encouraged the audience to sign up for this class as well, through the Tooele City webpage. The next class will be offered February 9th at City Hall in the Council Chambers room.

The last program Ms. Peterson highlighted is called Second Step. This program is done in collaboration with the Tooele County School District. It's a prevention program for K-8th grades. As the Mayor mentioned, our wonderful police officers go into the 6th grade classrooms and teach the kids the importance of staying drug and alcohol free.

Research shows that in order for kids to be really successful, they need to be recognized for the great things they do. The recipients of this award will be receiving backpacks that include

donations and prizes 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:

- * Kayla Wilcox, Copper Canyon Elementary
- * Rebecca Miles, Middle Canyon Elementary
- * Rowdy Combs, Northlake Elementary
- * Kaleb Pilcher, Overlake Elementary
- * Corazon Chapman, Settlement Canyon Elementary
- * Marynn Hamilton, Sterling Elementary
- * Bryton Smith, West Elementary
- * Anthony Prosser, Saint Marguerite Catholic School

Mayor Dunlavy again expressed his appreciation to be a part of recognizing these amazing students for the great things they do. At their young age, they've already developed unselfishness, courage, and the ability to relate to other people and help those in need. 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 Bulletin.

Chairwoman Winn acknowledged and welcomed Tooele County Commissioners Shawn Milne, Wade Bitner, and Myron Bateman.

4. Public Comment Period

Chairwoman Winn opened the public comment period to anyone who would like to come forward and address the Council. She asked those interested to sign their name on the roster, speak clearly into the microphone, and to keep comments brief.

There were no comments from the public.

Chairwoman Winn closed the public comment period at 7:33 p.m.

5. 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

Ms. Pitt stated that at certain times organizations will hold events at our City parks or facilities. This Ordinance will allow the organizing or sponsoring entity to get the business license for the event, but not require each individual vendor at the event to also obtain a business license. This is similar to the Ordinance already in place for park concession licensing, where only the organizing entity gets the business license and not each food vendor. As an example, the Tooele Arts Festival uses our City Park for the Festival. It's an organized event, so they would be the

sponsoring entity responsible to come in to get the business license, and not each artist or food vendor at their event.

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

6. **Resolution 2017 - 06 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Silver Spur Construction for the Broadway Storm Drain Project (400 North to 700 North)**

Presented by Paul Hansen

Mr. Hansen stated that Tooele City has a storm drain master plan that they’ve been implementing over the past several years. One of the projects contained within that plan is the installation of storm drain along Broadway Street between 400 North and approx. 700 North. This line, in the future years as funding becomes available, would continue south. This is one of the next segments on that line that would help alleviate the flooding that occasionally happens in large run-off events.

The City put this project out for bid and received 12 bids. The lowest responsive bidder was Silver Spur Construction with a bid of \$557,740. The City has experience with this contractor; they recently completed our water line upgrade this past summer and fall. Mr. Hansen requested of the Council that the Mayor be authorized to sign a contract with Silver Spur for the storm drain installation project, as well as an additional 5% contingency to be used at the Mayor’s discretion for any unknown utilities or conflicts during construction.

Councilman Pruden moved to approve Resolution 2017 - 06. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” Councilman McCall, “Aye,” and Chairwoman Winn, “Aye.”

7. **Ordinance 2017 - 03 An Ordinance of Tooele City Enacting Tooele City Code Section 8-5-6 Regarding Mandatory Connection to the Publicly Owned Treatment Works (POTW)**

Presented by Jim Bolser

About two years ago an extensive overhaul of the Ordinances that are in Chapter 8-5 was undertaken regarding sewer systems, or POTW. As a part of doing that, inadvertently, this same provision was stricken out of the code. It’s a fairly common provision that can be found in many other cities, especially those that operate their own sewer systems. The provision states that if you are a property owner with a residence or a business on a piece of property that is located within 300 feet of an active, valid sewer line, you are required to connect to that rather than have a septic system. In our valley and around the state, there is increasing information coming to light that shows that the increasing number of septic systems is starting to infiltrate and pose health risks to underwater ground sources. The City uses these ground sources which are

exclusive, so this situation is becoming a greater concern. Therefore, it's being proposed to re-enact this provision and place it back into Chapter 8-5 of the Code and have it operate as it always has in the past, with a more modern spin to address the current legal requirements and mandates.

Councilman Pruden moved to approve Ordinance 2017 - 03. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye."

8. Resolution 2017 - 07 A Resolution of the Tooele City Council Authorizing the Termination of Wastewater Treatment Services to the Deseret Peak Complex and Utah Motorsports Campus in Favor of Wastewater Treatment Services being Provided by Grantsville City

Presented by Roger Baker

Mr. Baker began with a brief introduction to this situation. Tooele County built the Deseret Peak Recreation Complex in the early 2000's. In the beginning, culinary water was provided by Tooele City under a special agreement between the City and County. By law, water could only be provided outside of city limits on a surplus basis. At any point in time in which water was no longer surplus to the City's needs, then non-City customers would need to be cut off. This became the case. The City needed to give written notice to the County that the City could no longer provide water service to Deseret Peak and that the County had to find water services elsewhere. Also, Deseret Peak began to utilize Tooele City's wastewater collection facilities, being sewer interceptor B, as well as the wastewater treatment facilities at the City's plant.

In 2009, Tooele City and Tooele County entered into a short-term inter-local agreement for 3 years. After it expired, it became a month-to-month contract in which an invoice would be sent for payment.

Tooele City Council has established over the years a policy of providing municipal services, mainly water and sewer, first to residents and businesses of Tooele City. It is Tooele City's duty to serve them first and foremost. However, there is no duty or obligation to serve residents and businesses outside of Tooele City. Policy may allow it, but as a rule with very limited exceptions, the City Council and its predecessors have established the policy of only providing municipal services to those that pay taxes to pay for those services.

In late 2014, Grantsville City annexed up to Sheep Lane, and in one instance across Sheep Lane to include the Reckitt Benckiser building. That annexation included the Deseret Peak Complex and the then Miller Motorsports Park, today known as the Utah Motorsports Campus owned by Tooele County. Grantsville City provides water to these facilities, and is willing and able to provide sewer collection and treatment services to these facilities as well. Therefore, because Grantsville City is willing and able to provide these services to these properties that are inside their city limits, Tooele City has deemed it appropriate for Tooele City to no longer provide those services because the appropriate party can and will provide them.

Discussions have been ongoing for several months, including meetings and correspondence involving elected leaders from Grantsville City, Tooele City, and Tooele County culminating in this Resolution. The Resolution contains the most comprehensive history from information available to Mr. Baker regarding providing municipal services to these properties. The Resolution is 7 pages long and includes 84 pages of exhibit materials consisting mostly of contracts between the parties over the years. One important piece of correspondence is not included in the Resolution because it was received late in the current business day. This letter is dated February 1, 2017 from the Tooele County Commission. Mr. Baker requested from Chairwoman Winn that the letter be included in the official record of the meeting so that the Resolution has a more complete history. The letter was given to the Recorder's Office to be included with these minutes. Mr. Baker asked the Council for any questions or discussion.

Councilman Wardle asked for clarification that the Resolution allows the Mayor to move forward with letters to the Tooele County Commission with either termination or options, as well as to the tenants at Utah Motorsports Campus to help them understand this situation.

Mr. Baker responded that Exhibit N to the Resolution is a draft of a letter from Chairwoman Winn and the Mayor to the Tooele County Commission indicating that it is time for wastewater treatment services to be disconnected from Tooele City and connected to Grantsville City. It authorizes that letter to be delivered. It also authorizes the Mayor to implement the terms to the letter and instructs him to send a copy of that letter to the businesses at Utah Motorsports Campus. Additionally, it authorizes the Mayor to do whatever else is necessary to implement the letter.

There were no other comments or discussion.

Councilman Pratt moved to approve Resolution 2017 – 07. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye."

9. Minutes: Jan. 18, 2017

Councilman Wardle moved to adopt the minutes for the meetings held on Jan. 18, 2017 as presented. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye."

10. Invoices

Presented by Michelle Pitt

There were no invoices to present.

11. Adjourn

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

The meeting adjourned at 7:48 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 15th day of February, 2017

Debbie Winn, Tooele City Council Chair

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