

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council, and the Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, July 19, 2017 at the hour of 6:00 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:
 - Canyon Village – Rust Phase 1 – Final Plat Request
Presented by Rachele Custer
4. Council Reports
5. Close Meeting
 - Litigation
 - Property Acquisition
6. 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.

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Tooele City Redevelopment Agency, will meet in a Business Meeting on Wednesday, July 19, 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. Public Comment Period
4. Canyon Village – Rust Phase 1 – Final Plat Request
Presented by Rachelle Custer
5. Minutes
6. Invoices
Presented by Michelle Pitt
7. 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.

EXHIBIT A

MAPPING PERTINENT TO THE CANYON VILLAGE - RUST SUBDIVISION

CANYON VILLAGE - RUST PHASE 1 SUBDIVISION

FINAL PLAT

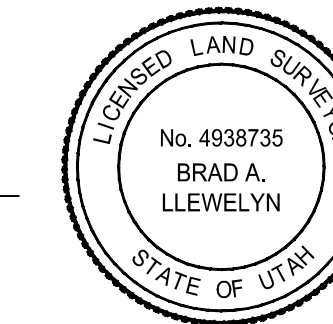
LOCATED IN THE NW¹/₄ OF SECTION 15, T3S, R4W, SLB&M
TOOELE CITY, TOOELE COUNTY, UTAH



EAST 1/4 CORNER SECTION 15,
T3S, R4W, SLB&M
1982 TOOELE COUNTY
BRASS CAP MONUMENT

SURVEYOR'S CERTIFICATE

I, Brad A. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 4938735 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, parcels, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.



BRAD A. LLEWELYN
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 4938735

DATE

BOUNDARY DESCRIPTION

A portion of the NW¹/₄ of Section 15, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:
Beginning on the easterly line of Lot 1, CANYON VILLAGE PHASE 2 Subdivision, according to the Official Plat thereof on file in the Office of the Tooele County Recorder, located N89°53'05"E along the 1/4 Section line 1,237.53 feet and North 1,295.19 feet from the West 1/4 Corner of Section 15, T3S, R4W, SLB&M; thence N9°05'20"W along said lot 96.43 feet to the northeast corner of said lot, being also the easterly corner of Lot 9, CANYON VILLAGE PHASE 1 Subdivision, according to the Official Plat thereof on file in the Office of the Tooele County Recorder, thence N52°00'26"W along said lot 173.00 feet to the easterly line of Ponderosa Drive; thence along said street the following 3 (three) courses and distances: N37°59'34"E 38.42 feet; thence along the arc of a 538.00 foot radius curve to the left 356.75 feet through a central angle of 37°59'34" (chord: N18°59'47"E 350.25 feet); thence North 565.81 feet; thence S89°36'11"E 87.02 feet; thence S89°24'28"E 60.00 feet; thence South 87.52 feet; thence East 95.00 feet; thence South 810.99 feet; thence East 155.00 feet; thence South 7.41 feet; thence East 95.00 feet to the West line of that Real Property described in Deed Entry No. 421359 of the Official Records of Tooele County; thence South along said deed 221.83 feet to the northeast corner of Lot 9 of said CANYON VILLAGE PHASE 2 Subdivision; thence West along said plat 478.09 feet to the point of beginning.

Contains: 7.896± acres
27 Lots

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

CANYON VILLAGE - RUST PHASE 1 SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL STREETS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO TOOELE CITY AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

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

RUST PINE CANYON LAND PARTNERS, LC

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____
ON THE ____ DAY OF _____ A.D. 20__ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____, IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE _____ OF _____ L.L.C., A UTAH L.L.C. AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ A NOTARY PUBLIC COMMISSIONED IN UTAH
RESIDING IN _____ COUNTY
MY COMMISSION No. _____
PRINTED FULL NAME OF NOTARY

CITY COUNCIL

APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE TOOELE CITY COUNCIL.

TOOELE CITY COUNCIL MEMBER
TOOELE CITY COUNCIL MEMBER
TOOELE CITY COUNCIL MEMBER

TOOELE CITY COUNCIL MEMBER
TOOELE CITY COUNCIL MEMBER
TOOELE CITY COUNCIL MEMBER
ATTEST: CITY RECORDER

COUNTY TREASURER

APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE TOOELE COUNTY TREASURER PROPERTY TAXES DUE AND OWING HAVE BEEN PAID IN FULL.

TOOELE COUNTY TREASURER

COUNTY HEALTH DEPARTMENT

APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION

APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE TOOELE CITY PLANNING COMMISSION.

CHAIR, TOOELE CITY PLANNING COMMISSION

CITY ATTORNEY

APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

TOOELE CITY ATTORNEY

CITY ENGINEER

APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT

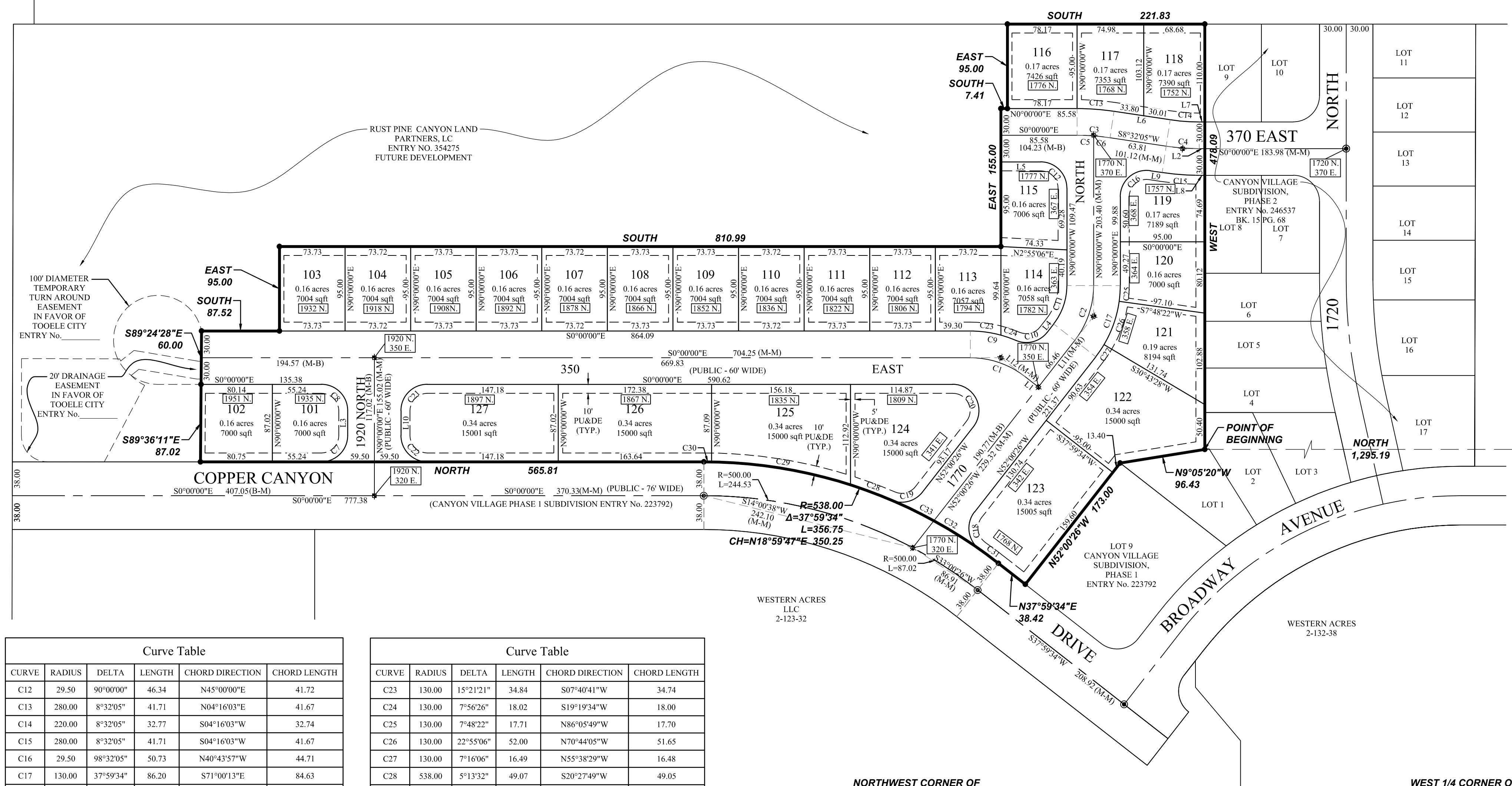
APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

TOOELE CITY COMMUNITY DEVELOPMENT

TOOELE COUNTY SURVEY DEPARTMENT

APPROVED THIS ____ DAY OF _____ A.D. 20__

TOOELE COUNTY SURVEY DEPARTMENT



VICINITY MAP

NOTES
1. 5/8"X24" REBAR & CAP SET AT ALL REAR LOT CORNERS. NAIL SET IN CURB AT THE EXTENSIONS OF SIDE LOT LINES.

- LEGEND
- STREET MONUMENT TO BE SET PER TOOELE COUNTY STANDARDS.
 - EXISTING STREET MONUMENT
 - (M-B) MONUMENT TO BOUNDARY
 - (M-M) MONUMENT TO MONUMENT
 - BOUNDARY CORNER MARKER
 - P&D&E

LINE	DIRECTION	LENGTH
L1	S37°59'34"W	19.04
L2	S00°00'00"E	6.35
L3	N90°00'00"W	28.02
L4	S52°00'26"E	12.18
L5	S00°00'00"E	44.73
L6	S08°32'05"W	63.81
L7	S00°00'00"E	6.35
L8	S00°00'00"E	6.35
L9	S08°32'05"W	13.37
L10	N90°00'00"E	28.02
L11	S52°00'26"E	100.89
L12	S37°59'34"W	53.46

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	100.00	37°59'34"	66.31	N18°59'47"E	65.10
C2	100.00	37°59'34"	66.31	S71°00'13"E	65.10
C3	250.00	8°32'05"	37.24	N04°16'03"E	37.21
C4	250.00	8°32'05"	37.24	S04°16'03"W	37.21
C5	250.00	4°16'46"	18.67	N02°08'23"E	18.67
C6	250.00	4°15'20"	18.57	N06°24'25"E	18.56
C7	29.50	90°00'00"	46.34	S45°00'00"E	41.72
C8	29.50	90°00'00"	46.34	N45°00'00"E	41.72
C9	130.00	23°17'47"	52.86	N11°38'54"E	52.49
C10	29.50	75°18'13"	38.77	S14°21'19"E	36.04
C11	70.00	37°59'34"	46.42	S71°00'13"E	45.57

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C12	29.50	90°00'00"	46.34	N45°00'00"E	41.72
C13	280.00	8°32'05"	41.71	N04°16'03"E	41.67
C14	220.00	8°32'05"	32.77	S04°16'03"W	32.74
C15	280.00	8°32'05"	41.71	S04°16'03"W	41.67
C16	29.50	98°32'05"	50.73	N40°43'57"W	44.71
C17	130.00	37°59'34"	86.20	S71°00'13"E	84.63
C18	29.50	92°44'06"	47.75	S81°37'31"W	42.70
C19	29.50	75°05'01"	38.66	S14°27'56"E	35.95
C20	29.50	127°59'34"	65.90	N63°59'47"E	53.03
C21	29.50	90°00'00"	46.34	N45°00'00"W	41.72
C22	29.50	90°00'00"	46.34	S45°00'00"W	41.72

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C23	130.00	15°21'21"	34.84	S07°40'41"W	34.74
C24	130.00	7°56'26"	18.02	S19°19'34"W	18.00
C25	130.00	7°48'22"	17.71	N86°05'49"W	17.70
C26	130.00	22°55'06"	52.00	N70°44'05"W	51.65
C27	130.00	7°16'06"	16.49	N55°38'29"W	16.48
C28	538.00	5°13'32"	49.07	S20°27'49"W	49.05
C29	538.00	16°55'14"	158.88	S09°23'25"W	158.30
C30	538.00	0°55'49"	8.73	S00°27'54"W	8.73
C31	538.00	2°44'06"	25.68	N36°37'31"E	25.68
C32	538.00	6°31'33"	61.28	N31°59'41"E	61.24
C33	538.00	5°39'20"	53.11	N25°54'15"E	53.08

QUESTAR GAS

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR RIGHT-OF-WAY DEPARTMENT AT 1-800-336-8532.

APPROVED THIS ____ DAY OF _____ A.D. 20__
QUESTAR GAS COMPANY
BY: _____
TITLE: _____

ROCKY MOUNTAIN POWER

ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS ____ DAY OF _____ A.D. 20__
ROCKY MOUNTAIN POWER
BY: _____
TITLE: _____

PREPARED BY
ADAM NASH
LAND DEVELOPMENT LLC
4376 SOUTH 700 EAST SUITE 200
SALT LAKE CITY, UT 84107
PH: 801-5801428

PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
2 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 552-0075
www.focusnh.com

Scale: 1"=80'
Date: 4/18/2017

Drawn: BP
Job #: 16-163

PLANNING COMMISSION
APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE TOOELE CITY PLANNING COMMISSION.

CITY ATTORNEY
APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

CITY ENGINEER
APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

COMMUNITY DEVELOPMENT
APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__

TOOELE COUNTY SURVEY DEPARTMENT
APPROVED THIS ____ DAY OF _____ A.D. 20__

CANYON VILLAGE - RUST PHASE 1 SUBDIVISION

FINAL PLAT
LOCATED IN THE NW¹/₄ OF SECTION 15, T3S, R4W, SLB&M
TOOELE CITY, TOOELE COUNTY, UTAH

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

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

Date: Wednesday, June 21, 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

Chief Ron Kirby, Police Department

Michelle Pitt, City Recorder

Rachelle Custer, City Planning and Zoning Administrator

Chief Bucky Whitehouse, Fire Department

Glenn Caldwell, Finance

Paul Hansen, City Engineer

Jim Bolser, Director of Community Development and Public Works

Minutes prepared by Amanda Graf

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chief Bucky Whitehouse

2. Roll Call

Scott Wardle, Present

Brad Pratt, Present

Steve Pruden, Present

Dave McCall, Present

Debbie Winn, Present

3. Public Comment Period

Chairwoman Winn invited public comment from the audience.

Albert Arellano came forward to express his concern over the high weeds and the potential fire hazard risk that they pose behind Van Dyke Way; he said another fire was started there not too long ago. He wanted to know what the Council is doing to address this issue.

Chairwoman Winn explained that agenda item number eight is an ordinance that will address this issue. She said the property owner has been notified and has until Monday to get that field mowed according to the new ordinance they will be discussing. The ordinance will extend the required depth that weeds need to be cut down from 15 feet to 30 feet. She stated that if the property owner doesn't take care of this issue by Monday then the City will pay to take care of the weeds and seek reimbursement from the property owner for the work.

Mr. Arellano is also concerned that the Settlement Canyon Irrigation Company has a ditch that has 10 feet of their land according to the markers that the City put out after the fire last year. The markers go beyond the bottom of the ditch and he wants to know if the irrigation company needs to move the ditch to put it on the company's land; the citizens want their land back. Chairwoman Winn asked Roger Baker, the City Attorney, about this matter.

Mr. Baker wasn't prepared to give a legal opinion on the issue at the time but his understanding is that the Settlement Canyon Irrigation Company has an easement across the backs of those properties. While the property owners have title to the land the Settlement Canyon Irrigation Company owns the easement and the right to occupy whatever the easement property is. Mr. Arellano was told the easement is 10 feet but the ditch is in the middle of the easement and they would like to get their land back if it's possible. Mr. Baker asked Mr. Arellano if he feels that the irrigation company is occupying more land than their easement allows and Mr. Arellano responded that he does feel the Company is encroaching on their land. Mr. Baker explained that it is a private civil issue and that Mr. Arellano would have to get legal counsel to determine their rights against the irrigation company.

Mr. Arellano also asked about the weeds and trees coming up in the ditch; he was concerned about the fire hazard risk they pose. Chairwoman Winn explained that she spoke with the President of the Settlement Canyon Irrigation Company. There had been some misunderstanding whether the City or the Company was responsible to take care of the weeds but it is the responsibility of the Company. The irrigation company has hired a company to come in to cut the weeds down and put something down so the weeds won't come back. Mr. Arellano stated that as citizens they would like to see piping put in place to rectify the problem.

The Mayor asked Mr. Arellano if he'd had any conversations with the irrigation company. He said he hadn't but his neighbor had; his neighbor was told he couldn't put anything in in the ditch because if it flooded he'd be responsible for it.

Chairwoman Winn invited anyone else from the public to come forward; there were no other public comments. Chairwoman Winn closed the public comment period.

4. Public Hearing and Motion on Resolution 2017-20 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2017-2018.

Presented by Mayor Patrick Dunlavy

The Mayor presented a \$43.2 million dollar budget which includes all of the general, enterprise, and other funds. It is a balanced budget as mandated by state law. It currently meets the needs of the City in order to perform the necessary services to meet the needs of the community. In addition, there are no additional tax increases to the budget.

Chairwoman Winn thanked the Mayor and Glenn Caldwell for all of their work on the budget.

Chairwoman Winn invited anyone from the public to comment on the Resolution; there were no public comments. Chairwoman Winn closed the public hearing.

Chairwoman Winn asked the Council if they had any questions or comments on this item; there were no concerns.

Councilman Pruden expressed appreciation to the Mayor and all of the department heads for all of their work.

Councilman Wardle expressed that the City's greatest assets are its employees; he expressed appreciation to the Mayor for retaining the employees in tough economic times and for maintaining a balanced budget.

Councilman Pratt moved to adopt Resolution 2017-20. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

5. Ordinance 2017-20 An Ordinance of the Tooele City Council Adopting a Compensation Schedule

Presented by Roger Baker

State law and City Ordinance both require that the compensation of the elected and statutory officers be adopted by the City Council in a formal way by ordinance or resolution. Statutory officers include appointed officers and employees. Every position in the city is carefully analyzed to determine the appropriate pay. The salary schedule is available on the city website. The budget the Council just adopted contains the required budget allocations for all of the salaries for all of the elected, appointed, and other employees. It is his opinion that adopting the budget is tantamount to adopting the salary schedule that is contained in the budget. It is also his opinion that the public hearing they had on the budget satisfies the requirement for a public hearing to establish salaries.

Chairwoman Winn asked the Council if they had any questions or comments on this item; there were no concerns.

Councilman Wardle moved to adopt Ordinance 2017-20. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

6. Public Hearing and Motion on Resolution 2017-21 A Resolution of the Tooele City Council Approving Budget Adjustments for Fiscal Year 2016-2017

Presented by Glenn Caldwell

Mr. Caldwell summarized some of the budget adjustments for the Council. A full description of the budget adjustments are attached to these minutes.

Chairwoman Winn expressed appreciation to the various departments who have worked to attain various grants for the City.

Chairwoman Winn invited anyone from the public to comment on the Resolution; there were no public comments. Chairwoman Winn closed the public hearing.

Chairwoman Winn asked the Council if they had any questions or comments on this item; there were no concerns.

Councilman Pruden moved to adopt Ordinance 2017-21. 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." The motion passed.

7. Resolution 2017-24 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2017-2018

Presented by Glenn Caldwell

Utah Code requires the City set by ordinance or resolution the certified tax rate. It will be .001938% for the 2017-2018 fiscal year and should generate \$2,517,000.

Chairwoman Winn asked the Council if they had any questions or comments on this item; there were no concerns.

Councilman Wardle moved to adopt Resolution 2017-24. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

8. Ordinance 2017-17 An Ordinance of Tooele City Amending Tooele City Code Chapter 8-4 Regarding Nuisance Vegetation and Allowing the Emergency Abatement of Imminent Fire Hazards Due to Vegetation

Presented by Roger Baker

In 2014 the City adopted a new program to address abatement of nuisances. Prior to that program the only recourse the city had for individuals who had hazardous debris on their lots was criminal prosecution which was a lengthy process that didn't yield the best results.

The program the City implemented a few years ago has already addressed many issues on various lots in the City and has helped address this problem. The types of nuisances the City sees most often are: weeds and grass that are too high, unregistered, unlicensed, or inoperable vehicles, and piles of debris that are too high. The City has one employee who addresses all of these issues.

Since the fire that occurred July 19, 2016 the Mayor and City staff have had many discussions with lawyers, office staff, and fire professionals to strategize the best way to address this issue. This ordinance will accomplish two things:

1. The strip of property around the perimeter of undeveloped properties will be increased from 15 to 30 feet. Staff is of the consensus that that a 30 foot barrier will slow the spread of a fire much better than the current 15 foot requirement. There is a science to how a fire spreads depending on the type of vegetation being burned, the height, the chemical composition, the aridity, the presence of wind, if there are homes nearby, etc. Under existing City Code if an unimproved field is less than five acres the entire field needs to be cut. If a parcel of property is five acres or more then a 30 foot strip has been deemed a sufficient fire retardant.
2. The City Code currently has an emergency abatement procedure that if an imminent hazard exists then the City can take more expeditious action to mitigate the imminent hazard. There is a balance between protecting property rights and protecting the community. Protecting property rights involves giving notice to the property owner that there is a problem that needs to be rectified within a certain time frame. The Code allows that as the danger level goes up the amount of due process the City needs to give to property owners goes down proportionately. If a lot has debris or weeds that pose a significant threat the City would still need to give notice that action is being taken but the City would give notice after the City has already taken care of eliminating the hazard.

This Ordinance adds to the list of imminent hazards in the City Code. It states that if the circumstances involving vegetation (the height, the aridity, the type of vegetation, etc.) give rise to an imminent fire hazard the City can bring to bear this expedited emergency abatement process to eliminate the fire hazard.

Councilman Wardle verified that this ordinance would take effect immediately once they pass it; Mr. Baker confirmed that it would. Councilman Pruden expressed appreciation to Mr. Baker and Mr.

Whitehouse for all of the work they have put into this ordinance. Chairwoman Winn expressed appreciation to Mr. Baker, the staff, and the fire department as well.

Councilman Pratt moved to adopt Ordinance 2017-17. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

9. Ordinance 2017-22 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-7A-7 Regarding Solicitor ID Badges

Presented by Roger Baker

Chapter 5-7A of the City Code addresses the business licensing requirements for solicitors, transient merchants, and agricultural vendors. A requirement exists that all three groups provide photo identification and be issued identification badges to have with them at all times. The City Staff believes that the intention of this ordinance is to require identity badges of solicitors who are going door-to-door so that residents can identify that the merchants have been licensed by the City. There is no benefit for an agricultural vendor who already has a business license who is at a fruit stand to have a photo identification. This Ordinance would also change the City Code to eliminate the photograph requirement. The identity badge requirement would not apply to agricultural vendors or transient merchants; it would only apply to solicitors.

Councilman Wardle moved to adopt Ordinance 2017-22. 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." The motion passed.

10. Public Hearing and Motion on Ordinance 2017-11 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High Density Residential (HDR) for Approximately 8.81 Acres Located at Approximately 600 East 2400 North

Presented by Jim Bolser

This property is adjacent to Liddiards. The nature of this request requires two steps by law. The first step is amend the Land Use Element of the Tooele City General Plan. The second step is an amendment to the Zoning Map of the City. The nature of the Land Use Element change is to change the designation on the map from general commercial (GC) to high density residential (HDR) for a portion of the property. The property owners have expressed a desire to place a multi-family, high density residential project as well as a commercial project on the land. The portion being changed to HDR is 8.81 acres. The Planning Commission has forwarded a negative recommendation by a 4-3 vote for this change to the Tooele City General Plan.

Chairwoman Winn asked the Council if they had any questions or comments on this item; there were no comments from the Council at that time.

Chairwoman Winn invited anyone from the public to comment on this ordinance.

Sheri Martin came forward; she is the CEO of Cornerstone Residential, a professional property management company based in Bountiful, Utah. They manage 6,000 units in Nevada, Idaho, and Utah, including The Cove at Overlake apartment complex. Cornerstone Residential has been part of this project since its inception. She commented on the need for HDR housing in Tooele; the occupancy at The Cove remains high; they are 100% leased and turn people away daily for housing. They feel strongly that Tooele could benefit from another multi-family community. The Richie Group, who is the development group for this project, is a respected multi-family developer. They feel strongly that combined with the management of Cornerstone that this project would be a great benefit to the residents of Tooele.

James Knight came forward; he is the operations manager for Skretting which owns the land south of the property in discussion. Their company owns the land directly south of Liddiards. The traffic study completed April 26-May 3, 2017, would not include the trucks for the Clean Harbors company, due to the placement of the lines used in the study. April is a slow month for their company; the study isn't reflective of traffic during their busy season.

Skretting's peak volumes are during the summer months. Mr. Knight has a concern for transport trucks and children if this multi-family project were to be completed. There's a 30% increase of traffic for their company in June compared to April; July/August/September has an increase of 45% of traffic compared to April. Skretting is a global corporation under the umbrella company of Nutreco which owns over 200 different companies. They have a very aggressive agenda to get this plant up to full capacity. The company is looking at running the operation five days a week. They are looking at producing 35,000 tons for 2018. The company is also looking at potentially adding a 3rd shift to their plant.

Councilman Wardle asked about the time frame for a 3rd shift and what the noise is like. Mr. Knight explained that the noise level itself wouldn't go up but the amount of days of production would go up.

Frank Liddiard came forward to speak in favor of the project. Smell and traffic was never an issue when the property was annexed. When he sat down with Paul Hansen, Cary Campbell, and Richard Jorgensen they initially stated they were going to make that area HDR but that the only reason they didn't make it HDR was because they didn't want the taxpayer to pay at the higher tax rate on that property. Mr. Liddiard feels that the City needs to incentivize big box retailers to come to the community and the way to do that is to create more housing in the community. This developer who wants to put 100 new homes in our community. Walmart has HDR right behind it and they have lots of trucks going to and from their store.

Mr. Liddiard also stated that there's a difference between an HDR project and a single family housing project; it's not permanent homes. Families have the option of finding another place to live if they don't like it there. Working at Liddiards he knows firsthand that the traffic and smell is not an issue; he feels the project would be really good for the community and good for business. He encouraged the Council to vote for this.

Alan Cohen came forward. His family owns the property in question. Each councilmember has had a chance to see their submission at the work session meeting. He wanted to thank the Council for the

time they have given them for this project. He wanted to thank Michelle Pitt and Paul Hansen for their time; they were great to work with. Mr. Cohen pointed out that Mr. Knight stated at the zoning meeting that they have 3,000 trucks a year and the traffic study confirms that. If so approved the Cohens would like to invest \$25 million on just the HDR portion and a similar amount on the commercial portion of the property.

Chairwoman Winn invited anyone else from the public to come forward; there were no other public comments. Chairwoman Winn closed the public comment period.

Councilman Pruden thanked everyone for their diligence in working on this. His concern is not with the trucks or the smell. His concern is creating an island community that is far away from the City as far as what a residential development needs. There's no retail, no parks, no schools; kids would have to be bussed to their schools. He's concerned about changing something that was originally designated commercial for a reason. He's hesitant to create a situation similar to the one Stericycle had in Davis County. The housing crept in and soon the business had issues due to the homes in the area. He is not in favor mainly for the reason of creating an island community.

Councilman Pratt thanked them for the materials they brought to the Council in regards to this project. He was impressed with everything they had been given. He feels the project would be a great asset to the community in a different location. There would be a lot of problems with creating an island community.

Councilman Wardle feels it has been a very deliberative process. He's not from Tooele; he came here 20 years ago. Nelson and Sons owned a plant in Murray, Utah near where the Costco/hospital are located. The industrial parcels forced industry out. They saw the commercial area develop around that area and even more businesses left. The first thing to happen in Murray was HDR before businesses started leaving. It's created a large problem in that community. He commended them on their project and feels it's a great project.

Another concern Councilman Wardle has is that the property to the east of the property will remain a farm. There's no access to the property to the east unless they rebuilt the railroad crossing which would cost millions; in addition, the railroad company would most likely not grant that access. He hopes there's a way for Mr. Cohen to swap, trade, or buy land for this project in a separate part of the City. It's a great project, just not in the right location.

Chairwoman Winn agrees with Councilmen Pruden, Pratt, and Wardle. She has spent more time studying this issue than any other issues in her time as a Councilmember in the last 4.5 years. She's a big supporter of business and land use and letting the property owner using the land for what they want. However, it does impact the property rights of other property owners around them. She is not in support of this project. The staff went to a lot of time and effort to show the City what is already zoned HDR in city limits; there are plenty of locations that would work better for this proposed development.

Councilman McCall recommended Mr. Cohen look at other pieces of land in the City to build his development and suggested that the City might possibly have some land they'd be willing to trade him

or sell to him. He advised him to meet with Rachele Custer, the City Planner and Zoning Administrator for the City, to look into this possibility.

Councilman Wardle moved to vote on Ordinance 2017-11. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, "Nay," Councilman Pratt, "Nay," Councilman Pruden, "Nay," Councilman McCall, "Nay," and Chairwoman Winn, "Nay." The motion to amend the Tooele City General Plan, Land Use Element from General Commercial to High Density Residential failed.

11. Public Hearing and Motion on Ordinance 2017-12 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 8.81 Acres of Property Located Near 600 East 2400 North from General Commercial (GC) to High Density Residential (HDR)

Presented by Jim Bolser

This is the same item as the item number 10 on the agenda. This is the zoning step involved in the process. The Council does have the legal flexibility to approve this zoning change regardless of their vote to not amend the Tooele City General Plan, Land Use Element from General Commercial to High Density.

Chairwoman Winn invited anyone from the public to comment on this Ordinance.

Rob Haywood, who represents the Richie Group, came forward. They are the development partner for the Cohen family that owns the land in discussion. He stated that when you look at what happened at 5300 South in Murray that over time some industry left but a much larger, better industry came forward. The homes around that community supported that development.

James Knight came forward and stated that this Ordinance ties into the last issue. If the Council votes to change the zoning on this they'd be back on this same road again sometime in the future.

Councilman McCall moved to vote on Ordinance 2017-12. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Nay," Councilman Pratt, "Nay," Councilman Pruden, "Nay," Councilman McCall, "Nay," and Chairwoman Winn, "Nay." The motion to amend the Tooele City Zoning Map from General Commercial to High Density Residential failed.

12. Bolinder Subdivision, Amended #1 Final Plat, a 3 Lot Subdivision Located at 1830 West Highway 112 Including 148.35 Acres

Presented by Jim Bolser

This is an item that the Council has already seen. It is a project located at the intersection of 1000 North and Highway 112 that includes the Bolinder Property. There was a strip of land that was originally set aside with the intent of becoming a right of way for 1000 North extending to Highway 112. That strip of land is no longer needed due to the curve in the final alignment of the road. Part of this Plat is to clear up any encumbrance that was on that part of land and allow it to be part of the subdivision for the Bolinders.

Councilman Pruden moved to accept the Bolinder Subdivision Final Plat. 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 motion passed.

13. Sunset Estates Subdivision, Phase 7 Final Plat, a 29 Lot Subdivision Located at 244 West 2200 North Including 10.72 Acres

Presented by Jim Bolser

This is the final plat for a project that the Council has already seen. This is a residential subdivision on the North side of Clark Johnsen Junior High along 400 West and 2200 North. This is the next phase to the North of the homes along 2200 North in Sunset Estates. It has met all of the requirements.

Councilman Pratt moved to accept the Sunset Estates Final Plat. Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

14. Minutes

Councilman Pratt moved to approve the minutes from the City Council Meeting dated June 7, 2017. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

15. Invoices

Presented by Michelle Pitt

An invoice for \$37,905.00 for Widdison Turbine Service for the Kennecott Well Project was presented.

Councilman Pruden moved to approve the invoice. 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." The motion passed.

16. Adjourn to RDA

Councilman Pratt moved to adjourn the meeting to an RDA meeting. Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," Councilwoman Winn, "Aye." The motion to adjourn to the RDA meeting passed. The meeting was turned over to the RDA Chair Councilman Pratt.

17. Public Hearing and Motion on RDA Resolution 2017-04 A Resolution of the Redevelopment Agency of Tooele City, Utah, Adopting a Budget for Fiscal Year 2017-2018

Presented by Randy Sant

This is the public hearing to adopt the RDA budget. The tax increment went up a little bit due to Cabela's coming onto the tax rolls; a portion of that tax increment is given back to Cabela's for an incentive. In addition, there was a decrease in revenue because the City issued a bond last year to purchase 31 acres on 1000 North. Expenditures have remained the same. The budget does meet the requirements under the Redevelopment Statute.

Chairman Pratt invited anyone from the public to comment on this Ordinance; there were no public comments. Chairman Pratt closed the public hearing.

Councilman Pruden moved to adopt RDA Resolution 2017-04. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilwoman Winn, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Chairman Pratt, "Aye." The motion passed.

18. RDA Resolution 2017-05 A Resolution of the Redevelopment Agency of Tooele City, Utah ("RDA") Approving an Exclusive Sales Listing Agreement with Coldwell Banker Commercial for the Tooele City Commercial Park

Presented by Randy Sant

The Redevelopment Agency (RDA) owns approximately 246 acres in the Education Corridor which is the property to the south of the TATC and USU buildings. The time has come to market the property. They looked at existing real estate agents within the county and city and agents outside the county. After discussion with the Chairman and Vice Chair they decided to go with a Real Estate Agency that has experience listing industrial properties. They looked at two companies: CBRE, who currently has property in the Ninigret and Utah Industrial Depot, and Coldwell Banker. It is Mr. Sant's advisement that the RDA sign an Exclusive Sales Listing Agreement with Coldwell Banker since they don't have a number of parcels in Tooele County that they are currently listing for industrial development. This would allow Coldwell Banker to give the RDA's property the time and attention it needs. This is a six month listing agreement; at that time the RDA could look at extending the contract with Coldwell Banker or look at other options.

Chairman Pratt asked the RDA if they had any questions or comments on this item; there were no concerns from the RDA.

Councilman Pruden moved to adopt RDA Resolution 2017-05. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilwoman Winn, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," Chairman Pratt, "Aye." The motion passed.

19. Adjourn

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

The meeting adjourned at 8:20 p.m.

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

Approved this 19th day of July, 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: Friday, June 30, 2017

Time: 1:00 p.m.

Place: Tooele City Hall, Large Conference Room
90 North Main Street, Tooele, Utah

City Council Members Present:

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

City Employees Present:

Roger Baker, City Attorney
Paul Hansen, City Engineer
Jim Bolser, Public Works and Community Development Director
Glenn Caldwell, Finance Director
Lisa Carpenter, Deputy Recorder

Minutes prepared by Lisa Carpenter.

Chairwoman Winn called the meeting to order at 1:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairwoman Debbie Winn.

2. Roll Call

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

3. Public Comment Period

There were no public comments.

Chairwoman Winn closed the public comment period at 1:03 p.m.

4. Resolution 2017-25 A Resolution of the Tooele City Council Appointing Katrina Call to the Administrative Control Board of the North Tooele City Special Service District

Presented by Roger Baker

Mr. Baker noted that he received a letter from the Board Chairman, Jeff Hammer, containing a statement of interest from Katrina Call for serving on their board. At the request of the City Council, he was bringing a Resolution to the Council for her appointment.

Councilwoman Winn shared that she had invited Katrina to attend this meeting, but she wasn't able to attend as her family was camping for the holiday week-end. However, Ms. Call was aware of the appointment and is excited to serve on their board.

Councilman McCall moved to approve Resolution 2017-25. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman McCall "Aye," and Chairwoman Winn, "Aye."

5. Resolution 2017-26 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with KK&L Administration, LLC for the 2017 Culinary Water Improvement Project

Presented by Paul Hansen

Mr. Hansen informed the Council that the waterline was publicly bid. The project was divided into two separate work schedules in order to account for work in the established side of the City and work at the Depot, which will be paid using RDA funds. There were 4 contractors who submitted bids on both projects. Petersen Industrial Properties bid to do work only within the Depot. KK&L was the apparent low of \$1,297,310.00, which is approximately \$13,000 lower than the second bid (Silver Spur), and 4% lower than the third bidder (Broken Arrow). All three bids came within 5% of each other, which is very competitive. As with past project, we ask that the Council authorize an additional 5% contingency for unanticipated conditions, which the Mayor can use at his discretion. This contingency would be an additional \$65,000. The RDA would reimburse the project approximately \$260,000, for their portion of that 1.3 million dollar project.

Councilman Pruden thanked Mr. Hansen for checking with other cities in regards to this contractor and everyone seemed to be pleased.

Mr. Hansen responded by saying they have never worked with this group, as they are new to us. The other cities said, "They would have them back."

Councilman Wardle asked about the 5% contingency and if it doesn't get used, where does it go? Do we roll that into next year's budget?

Mr. Hansen answered that it just remains in the water fund.

Councilman Pruden moved to approve Resolution 2017-26. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman McCall “Aye,” and Chairwoman Winn, “Aye.”

6. Resolution 2017-27 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with M&M Asphalt Services for the 2017 Roadway Improvement Project, Schedule “C” Slurry Seal

Presented by Paul Hansen

Mr. Hansen stated that the roadwork project had been discussed before with the Council. Typically repairs are done in a variety of measures based on the need of the road. The preference is maintain the roadways before we have to get to a heavy overlay or reconstruction. The City received three bides for the Slurry Seal, and M&M is the apparent low bid. In the Bid Documents, the City reserves the right to award the bid schedules separately, as in the best interest of the City. It is recommended that the City award the slurry seal contract to M&M Asphalt in the amount of \$183,800.00, with a 5% contingency of \$9,000.00.

Councilman Wardle moved to approve Resolution 2017-27. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman McCall “Aye,” and Chairwoman Winn, “Aye.”

7. Resolution 2017-28 A Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Kilgore Contracting for the 2017 Roadway Improvement Project, Schedule “A” (Roadway Reconstruction) and Schedule “B” (Roto-Mill and Asphalt Overlay)

Presented by Paul Hansen

Mr. Hansen mentioned that this is part of the same roadway bid package. This will include work that will be done at the Depot. We recommend that the City award the overlay and the road reconstruction bid schedules to Kilgore Contracting in the amount of \$1,887,302.50, which is \$200,000.00 less that the next bid (Staker Parsons). Kilgore has done work for the City the past few years and they’ve worked with us very well. Approximately \$500,000.00 of this roadway improvement project cost is being done within the Depot on Garnet Way and James Way. The intent to the Administration is to have the RDA reimburse as the invoices come in, and as the work is completed out there. It is therefore recommended that the City authorize the Mayor to sign a contract with Kilgore Contracting Bid Schedules “A” & “B” in the amount of \$1,887,302.50, with an additional 5% contingency (\$94,400.00) which may be uses as needed.

Councilman Pratt moved to approve Resolution 2017-28. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman McCall “Aye,” and Chairwoman Winn, “Aye.”

Mr. Hansen wanted to comment to the Council that the bids and list of streets shown in the bid are based upon information we have early in the year. However, we ask flexibility in adjusting the actual streets upon which work will be completed based upon changed conditions. For example, the project includes an overlay on 100 East, between 500 North and 100 North. However, we have recently learned that a developer plans to build a multi-family development on 100 East, behind the commercial development, and which will require cutting into the roadway to connect water, sewer and storm drain. In order to avoid cutting into a newly paved road, the City may elect to remove that portion of the work at this time and perform work on other streets with similar needs. The Council agreed that was an acceptable approach.

8. Work Session Minutes: June 21, 2017

Councilman Pruden moved to approve the minutes for the Work Session meeting held on June 21, 2017, as presented. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman McCall “Aye,” and Chairwoman Winn, “Aye.”

9. Invoices

There were no invoices to present.

10. Adjourn

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

The meeting adjourned at 1:13 p.m.

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

Approved this 19th day of July, 2017

Debbie Winn, Tooele City Council Chair