

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 1, 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:

- **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**
- **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**
- **Meadow Brook Annexation Request
Presented by Jim Bolser**

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.

TOOELE CITY CORPORATION

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).

WHEREAS, during heavy storm events, Tooele City experiences significant storm water flows along Broadway Avenue between 400 North and 700 North Streets, which result in street flooding and related traffic impairment; and,

WHEREAS, the City Administration proposes a project to install storm water infrastructure in Broadway Avenue between 400 North and 700 North Streets (the Project); and,

WHEREAS, Tooele City has adopted a Storm Water Master Plan which identifies the Project; and,

WHEREAS, Tooele City has enacted a Storm Water Fee, and created a storm water enterprise fund funded by that Fee, for the purpose of mitigating storm water conveyance and flooding within City limits, and has collected sufficient funds to pay for the Project; and,

WHEREAS, the City accepted public bids for construction of the Project in accordance with the procedures of §11-39-101 *et seq.*, Utah Code Annotated, as amended; and,

WHEREAS, Silver Spur Construction has submitted a cost proposal of Five Hundred Fifty Seven Thousand Seven Hundred Forty Dollars (\$557,740.00) for completion of the Project and is the lowest responsive responsible bidder (see the Bid Tabulation attached as Exhibit A); and,

WHEREAS, the City Administration requests an additional appropriation of 5% of the bid amount, or Twenty Eight Thousand Dollars (\$28,000.00), as contingency for change orders for changed conditions that may arise during the Project, as reviewed and authorized by the Mayor; and,

WHEREAS, the Project is to be funded using Tooele City revenue sources that include the storm water enterprise funds:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign a contract (attached as Exhibit B) with Silver Spur Construction for completion of the Broadway Storm Drain Project (400 North to 700 North), for a sum not to exceed Five Hundred Fifty Seven Thousand Seven Hundred Forty Dollars (\$557,740.00), plus an additional Twenty Eight Thousand Dollars (\$28,000.00) 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

Bid Tabulation

EXHIBIT B

Contract:
Silver Spur Construction



2017 Broadway Storm Drain Project

(400 North to 700 North)

BID TABULATION



Item No.	Description	Estimated Quantity	Unit	Silver Spur Construction		Newman		Broken Arrow		Dennis Leer II Const.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
GENERAL											
1	Mobilization	1	LS	\$47,300.00	\$47,300.00	\$13,500.00	\$13,500.00	\$36,214.29	\$36,214.29	\$100,000.00	\$100,000.00
2	Construction Layout	1	LS	\$1,485.00	\$1,485.00	\$1,600.00	\$1,600.00	\$5,208.00	\$5,208.00	\$5,000.00	\$5,000.00
3	Potholing/Location of Existing Sanitary Sewer Service Laterals	1	LS	\$4,400.00	\$4,400.00	\$3,150.00	\$3,150.00	\$6,732.82	\$6,732.82	\$10,000.00	\$10,000.00
DEMOLITION											
4	Demolition and Disposal of Existing Storm Drain Inlets/Outlets, Junction Boxes and Pipe (400 North)	1	LS	\$5,000.00	\$5,000.00	\$9,100.00	\$9,100.00	\$9,237.31	\$9,237.31	\$1,500.00	\$1,500.00
5	Demolition and Disposal of Existing Concrete Sidewalk and Subbase	1,400	SF	\$1.00	\$1,400.00	\$1.40	\$1,960.00	\$4.26	\$5,964.00	\$2.50	\$3,500.00
6	Demolition and Disposal of Existing Concrete Waterway and Subbase	1,500	SF	\$1.00	\$1,500.00	\$4.08	\$6,120.00	\$3.26	\$4,890.00	\$2.50	\$3,750.00
7	Demolition and Disposal of Existing Curb & Gutter and Subbase	850	LF	\$8.00	\$6,800.00	\$3.00	\$2,550.00	\$4.89	\$4,156.50	\$2.50	\$2,125.00
STORM DRAIN											
8	Furnish and Install 15" Dia. NRCP Storm Drain Pipe	420	LF	\$62.00	\$26,040.00	\$64.50	\$27,090.00	\$72.08	\$30,273.60	\$60.50	\$25,410.00
9	Furnish and Install 18" Dia. RCP Storm Drain Pipe	330	LF	\$63.50	\$20,955.00	\$67.50	\$22,275.00	\$75.17	\$24,806.10	\$58.00	\$19,140.00
10	Furnish and Install 21" Dia. RCP Storm Drain Pipe	40	LF	\$73.00	\$2,920.00	\$82.25	\$3,290.00	\$80.90	\$3,236.00	\$65.00	\$2,600.00
11	Furnish and Install 30" Dia. RCP Storm Drain Pipe	2,400	LF	\$85.00	\$204,000.00	\$87.65	\$210,360.00	\$97.68	\$234,432.00	\$70.00	\$168,000.00
12	Furnish and Install Single Storm Drain Inlet Box	2	EA	\$2,250.00	\$4,500.00	\$2,500.00	\$5,000.00	\$2,387.99	\$4,775.98	\$2,500.00	\$5,000.00
13	Furnish and Install Double Storm Drain Inlet Box	15	EA	\$3,265.00	\$48,975.00	\$4,000.00	\$60,000.00	\$3,781.83	\$56,727.45	\$3,500.00	\$52,500.00
14	Furnish and Install Double Storm Drain with Combination Inlet Box	3	EA	\$4,650.00	\$13,950.00	\$6,325.00	\$18,975.00	\$4,023.68	\$12,071.04	\$6,000.00	\$18,000.00
15	Furnish and Install Quad Storm Drain Inlet Box	2	EA	\$9,695.00	\$19,390.00	\$11,800.00	\$23,600.00	\$11,483.78	\$22,967.56	\$10,000.00	\$20,000.00
16	Furnish and Install Storm Drain Junction Box	6	EA	\$3,400.00	\$20,400.00	\$4,290.00	\$25,740.00	\$3,378.40	\$20,270.40	\$4,000.00	\$24,000.00
17	Furnish and Install Storm Drain Manhole	3	EA	\$2,600.00	\$7,800.00	\$2,900.00	\$8,700.00	\$3,518.73	\$10,556.19	\$3,000.00	\$9,000.00

Item No.	Description	Estimated Quantity	Unit	Silver Spur Construction		Newman		Broken Arrow		Dennis Leer II Const.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
CULINARY WATER											
18	Remove and Replace Existing Water Service Laterals	12	EA	\$1,240.00	\$14,880.00	\$2,460.00	\$29,520.00	\$2,097.57	\$25,170.84	\$1,800.00	\$21,600.00
19	Loop Existing Water Lines	6	EA	\$3,800.00	\$22,800.00	\$3,800.00	\$22,800.00	\$2,988.19	\$17,929.14	\$4,000.00	\$24,000.00
20	Furnish and Install 400 North New Water Valve Cluster, Bypass Waterline and Loop under Storm Drain Line	1	LS	\$16,320.00	\$16,320.00	\$10,500.00	\$10,500.00	\$9,943.33	\$9,943.33	\$6,000.00	\$6,000.00
21	Remove and Replace Existing Fire Hydrant	1	EA	\$5,500.00	\$5,500.00	\$5,360.00	\$5,360.00	\$5,977.77	\$5,977.77	\$6,800.00	\$6,800.00
ROADWAY / CONCRETE											
22	Asphalt Taper Mill (400 South)	1	L.S.	\$2,750.00	\$2,750.00	\$10,640.00	\$10,640.00	\$5,031.60	\$5,031.60	\$2,500.00	\$2,500.00
23	Furnish and Install New 6" Thick Concrete Sidewalk and Subbase	1,600	SF	\$5.50	\$8,800.00	\$7.10	\$11,360.00	\$8.62	\$13,792.00	\$8.00	\$12,800.00
24	Furnish and Install New 8" Thick Concrete Waterway and Subbase	1,500	SF	\$7.75	\$11,625.00	\$12.75	\$19,125.00	\$11.24	\$16,860.00	\$10.00	\$15,000.00
25	Furnish and Install New Concrete Curb & Gutter and Subbase	900	LF	\$19.00	\$17,100.00	\$20.86	\$18,774.00	\$22.43	\$20,187.00	\$36.00	\$32,400.00
26	Furnish and Install ADA Truncated Dome Tactile Pads in New Sidewalk	15	EA	\$400.00	\$6,000.00	\$360.00	\$5,400.00	\$210.00	\$3,150.00	\$1,000.00	\$15,000.00
27	Furnish and Install ADA Truncated Dome Tactile Pads in Existing Sidewalk	6	EA	\$600.00	\$3,600.00	\$800.00	\$4,800.00	\$865.75	\$5,194.50	\$1,200.00	\$7,200.00
SANITARY SEWER											
28	Lower and Replace Existing Sanitary Sewer Service Laterals	11	EA	\$1,050.00	\$11,550.00	\$1,575.00	\$17,325.00	\$1,004.45	\$11,048.95	\$2,000.00	\$22,000.00
Total				\$557,740.00		\$598,614.00		\$626,804.37		\$634,825.00	



2017 Broadway Storm Drain Project

(400 North to 700 North)

BID TABULATION



Item No.	Description	Estimated Quantity	Unit	Wardell Brothers Const.		Vancon Inc.		Beck Const. & Excav.		Knife River	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
GENERAL											
1	Mobilization	1	LS	\$18,500.00	\$18,500.00	\$161,000.00	\$161,000.00	\$26,500.00	\$26,500.00	\$68,000.00	\$68,000.00
2	Construction Layout	1	LS	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,725.00	\$1,725.00	\$2,300.00	\$2,300.00
3	Potholing/Location of Existing Sanitary Sewer Service Laterals	1	LS	\$17,200.00	\$17,200.00	\$3,500.00	\$3,500.00	\$6,000.00	\$6,000.00	\$6,500.00	\$6,500.00
DEMOLITION											
4	Demolition and Disposal of Existing Storm Drain Inlets/Outlets, Junction Boxes and Pipe (400 North)	1	LS	\$4,500.00	\$4,500.00	\$1,500.00	\$1,500.00	\$6,560.00	\$6,560.00	\$3,500.00	\$3,500.00
5	Demolition and Disposal of Existing Concrete Sidewalk and Subbase	1,400	SF	\$3.50	\$4,900.00	\$0.65	\$910.00	\$3.00	\$4,200.00	\$1.15	\$1,610.00
6	Demolition and Disposal of Existing Concrete Waterway and Subbase	1,500	SF	\$3.50	\$5,250.00	\$0.65	\$975.00	\$5.00	\$7,500.00	\$1.85	\$2,775.00
7	Demolition and Disposal of Existing Curb & Gutter and Subbase	850	LF	\$8.50	\$7,225.00	\$2.10	\$1,785.00	\$11.50	\$9,775.00	\$3.60	\$3,060.00
STORM DRAIN											
8	Furnish and Install 15" Dia. NRCP Storm Drain Pipe	420	LF	\$89.00	\$37,380.00	\$70.00	\$29,400.00	\$76.00	\$31,920.00	\$73.00	\$30,660.00
9	Furnish and Install 18" Dia. RCP Storm Drain Pipe	330	LF	\$95.00	\$31,350.00	\$64.00	\$21,120.00	\$85.00	\$28,050.00	\$73.00	\$24,090.00
10	Furnish and Install 21" Dia. RCP Storm Drain Pipe	40	LF	\$200.00	\$8,000.00	\$94.00	\$3,760.00	\$95.00	\$3,800.00	\$81.00	\$3,240.00
11	Furnish and Install 30" Dia. RCP Storm Drain Pipe	2,400	LF	\$93.00	\$223,200.00	\$78.00	\$187,200.00	\$105.00	\$252,000.00	\$100.00	\$240,000.00
12	Furnish and Install Single Storm Drain Inlet Box	2	EA	\$2,550.00	\$5,100.00	\$1,700.00	\$3,400.00	\$1,785.00	\$3,570.00	\$2,200.00	\$4,400.00
13	Furnish and Install Double Storm Drain Inlet Box	15	EA	\$3,290.00	\$49,350.00	\$3,400.00	\$51,000.00	\$3,275.00	\$49,125.00	\$3,900.00	\$58,500.00
14	Furnish and Install Double Storm Drain with Combination Inlet Box	3	EA	\$4,450.00	\$13,350.00	\$5,000.00	\$15,000.00	\$5,400.00	\$16,200.00	\$5,800.00	\$17,400.00
15	Furnish and Install Quad Storm Drain Inlet Box	2	EA	\$10,050.00	\$20,100.00	\$7,500.00	\$15,000.00	\$13,775.00	\$27,550.00	\$12,000.00	\$24,000.00
16	Furnish and Install Storm Drain Junction Box	6	EA	\$3,940.00	\$23,640.00	\$2,500.00	\$15,000.00	\$3,600.00	\$21,600.00	\$4,100.00	\$24,600.00
17	Furnish and Install Storm Drain Manhole	3	EA	\$3,280.00	\$9,840.00	\$2,600.00	\$7,800.00	\$2,550.00	\$7,650.00	\$3,300.00	\$9,900.00

Item No.	Description	Estimated Quantity	Unit	Wardell Brothers Const.		Vancon Inc.		Beck Const. & Excav.		Knife River	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
CULINARY WATER											
18	Remove and Replace Existing Water Service Laterals	12	EA	\$2,550.00	\$30,600.00	\$1,300.00	\$15,600.00	\$2,250.00	\$27,000.00	\$1,950.00	\$23,400.00
19	Loop Existing Water Lines	6	EA	\$2,300.00	\$13,800.00	\$4,800.00	\$28,800.00	\$4,500.00	\$27,000.00	\$6,000.00	\$36,000.00
20	Furnish and Install 400 North New Water Valve Cluster, Bypass Waterline and Loop under Storm Drain Line	1	LS	\$23,180.00	\$23,180.00	\$9,700.00	\$9,700.00	\$12,250.00	\$12,250.00	\$18,000.00	\$18,000.00
21	Remove and Replace Existing Fire Hydrant	1	EA	\$7,505.00	\$7,505.00	\$6,500.00	\$6,500.00	\$5,925.00	\$5,925.00	\$7,875.00	\$7,875.00
ROADWAY / CONCRETE											
22	Asphalt Taper Mill (400 South)	1	L.S.	\$9,650.00	\$9,650.00	\$5,400.00	\$5,400.00	\$8,000.00	\$8,000.00	\$8,300.00	\$8,300.00
23	Furnish and Install New 6" Thick Concrete Sidewalk and Subbase	1,600	SF	\$8.50	\$13,600.00	\$7.10	\$11,360.00	\$7.25	\$11,600.00	\$6.80	\$10,880.00
24	Furnish and Install New 8" Thick Concrete Waterway and Subbase	1,500	SF	\$10.00	\$15,000.00	\$6.70	\$10,050.00	\$9.25	\$13,875.00	\$11.00	\$16,500.00
25	Furnish and Install New Concrete Curb & Gutter and Subbase	900	LF	\$25.00	\$22,500.00	\$33.00	\$29,700.00	\$25.00	\$22,500.00	\$21.00	\$18,900.00
26	Furnish and Install ADA Truncated Dome Tactile Pads in New Sidewalk	15	EA	\$450.00	\$6,750.00	\$930.00	\$13,950.00	\$925.00	\$13,875.00	\$750.00	\$11,250.00
27	Furnish and Install ADA Truncated Dome Tactile Pads in Existing Sidewalk	6	EA	\$500.00	\$3,000.00	\$1,100.00	\$6,600.00	\$1,750.00	\$10,500.00	\$900.00	\$5,400.00
SANITARY SEWER											
28	Lower and Replace Existing Sanitary Sewer Service Laterals	11	EA	\$1,700.00	\$18,700.00	\$860.00	\$9,460.00	\$1,250.00	\$13,750.00	\$850.00	\$9,350.00
Total				\$644,670.00		\$666,970.00		\$670,000.00		\$690,390.00	



2017 Broadway Storm Drain Project

(400 North to 700 North)

BID TABULATION



Item No.	Description	Estimated Quantity	Unit	Staff		Counterpoint Const.		Geneva Rock		Assoc. Brigham Contractors	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
GENERAL											
1	Mobilization	1	LS	\$74,921.00	\$74,921.00	\$11,500.00	\$11,500.00	\$73,000.00	\$73,000.00	\$26,531.46	\$26,531.46
2	Construction Layout	1	LS	\$3,746.00	\$3,746.00	\$8,800.00	\$8,800.00	\$3,500.00	\$3,500.00	\$1,227.34	\$1,227.34
3	Potholing/Location of Existing Sanitary Sewer Service Laterals	1	LS	\$4,995.00	\$4,995.00	\$7,250.00	\$7,250.00	\$5,000.00	\$5,000.00	\$1,060.90	\$1,060.90
DEMOLITION											
4	Demolition and Disposal of Existing Storm Drain Inlets/Outlets, Junction Boxes and Pipe (400 North)	1	LS	\$3,255.00	\$3,255.00	\$7,200.00	\$7,200.00	\$5,200.00	\$5,200.00	\$7,669.07	\$7,669.07
5	Demolition and Disposal of Existing Concrete Sidewalk and Subbase	1,400	SF	\$3.17	\$4,438.00	\$4.10	\$5,740.00	\$4.75	\$6,650.00	\$2.19	\$3,066.00
6	Demolition and Disposal of Existing Concrete Waterway and Subbase	1,500	SF	\$4.25	\$6,375.00	\$5.20	\$7,800.00	\$4.00	\$6,000.00	\$2.46	\$3,690.00
7	Demolition and Disposal of Existing Curb & Gutter and Subbase	850	LF	\$7.96	\$6,766.00	\$9.00	\$7,650.00	\$2.50	\$2,125.00	\$21.85	\$18,572.50
STORM DRAIN											
8	Furnish and Install 15" Dia. NRCP Storm Drain Pipe	420	LF	\$115.26	\$48,409.20	\$92.00	\$38,640.00	\$150.00	\$63,000.00	\$152.99	\$64,255.80
9	Furnish and Install 18" Dia. RCP Storm Drain Pipe	330	LF	\$116.63	\$38,487.90	\$126.80	\$41,844.00	\$160.00	\$52,800.00	\$152.19	\$50,222.70
10	Furnish and Install 21" Dia. RCP Storm Drain Pipe	40	LF	\$149.93	\$5,997.20	\$202.30	\$8,092.00	\$250.00	\$10,000.00	\$278.10	\$11,124.00
11	Furnish and Install 30" Dia. RCP Storm Drain Pipe	2,400	LF	\$131.73	\$316,152.00	\$163.80	\$393,120.00	\$155.00	\$372,000.00	\$156.38	\$375,312.00
12	Furnish and Install Single Storm Drain Inlet Box	2	EA	\$2,014.92	\$4,029.84	\$2,200.00	\$4,400.00	\$3,300.00	\$6,600.00	\$2,984.44	\$5,968.88
13	Furnish and Install Double Storm Drain Inlet Box	15	EA	\$2,175.48	\$32,632.20	\$2,600.00	\$39,000.00	\$3,800.00	\$57,000.00	\$5,178.56	\$77,678.40
14	Furnish and Install Double Storm Drain with Combination Inlet Box	3	EA	\$4,937.79	\$14,813.37	\$5,700.00	\$17,100.00	\$6,200.00	\$18,600.00	\$7,312.46	\$21,937.38
15	Furnish and Install Quad Storm Drain Inlet Box	2	EA	\$10,860.46	\$21,720.92	\$11,100.00	\$22,200.00	\$13,480.00	\$26,960.00	\$10,887.70	\$21,775.40
16	Furnish and Install Storm Drain Junction Box	6	EA	\$2,510.53	\$15,063.18	\$3,200.00	\$19,200.00	\$4,320.00	\$25,920.00	\$4,467.42	\$26,804.52
17	Furnish and Install Storm Drain Manhole	3	EA	\$2,170.31	\$6,510.93	\$3,100.00	\$9,300.00	\$3,760.00	\$11,280.00	\$4,439.90	\$13,319.70

Item No.	Description	Estimated Quantity	Unit	Staff		Counterpoint Const.		Geneva Rock		Assoc. Brigham Contractors	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
CULINARY WATER											
18	Remove and Replace Existing Water Service Laterals	12	EA	\$1,911.39	\$22,936.68	\$2,000.00	\$24,000.00	\$2,880.00	\$34,560.00	\$5,658.11	\$67,897.32
19	Loop Existing Water Lines	6	EA	\$4,246.00	\$25,476.00	\$5,000.00	\$30,000.00	\$7,000.00	\$42,000.00	\$5,931.70	\$35,590.20
20	Furnish and Install 400 North New Water Valve Cluster, Bypass Waterline and Loop under Storm Drain Line	1	LS	\$19,674.22	\$19,674.22	\$13,500.00	\$13,500.00	\$11,900.00	\$11,900.00	\$31,146.34	\$31,146.34
21	Remove and Replace Existing Fire Hydrant	1	EA	\$6,284.36	\$6,284.36	\$6,400.00	\$6,400.00	\$6,900.00	\$6,900.00	\$6,886.27	\$6,886.27
ROADWAY / CONCRETE											
22	Asphalt Taper Mill (400 South)	1	L.S.	\$9,134.10	\$9,134.10	\$9,200.00	\$9,200.00	\$7,700.00	\$7,700.00	\$5,603.73	\$5,603.73
23	Furnish and Install New 6" Thick Concrete Sidewalk and Subbase	1,600	SF	\$6.13	\$9,808.00	\$12.60	\$20,160.00	\$7.50	\$12,000.00	\$7.33	\$11,728.00
24	Furnish and Install New 8" Thick Concrete Waterway and Subbase	1,500	SF	\$14.01	\$21,015.00	\$15.60	\$23,400.00	\$13.00	\$19,500.00	\$11.51	\$17,265.00
25	Furnish and Install New Concrete Curb & Gutter and Subbase	900	LF	\$23.53	\$21,177.00	\$40.80	\$36,720.00	\$22.50	\$20,250.00	\$46.28	\$41,652.00
26	Furnish and Install ADA Truncated Dome Tactile Pads in New Sidewalk	15	EA	\$1,869.82	\$28,047.30	\$600.00	\$9,000.00	\$475.00	\$7,125.00	\$1,458.48	\$21,877.20
27	Furnish and Install ADA Truncated Dome Tactile Pads in Existing Sidewalk	6	EA	\$644.17	\$3,865.02	\$200.00	\$1,200.00	\$420.00	\$2,520.00	\$1,552.68	\$9,316.08
SANITARY SEWER											
28	Lower and Replace Existing Sanitary Sewer Service Laterals	11	EA	\$1,372.88	\$15,101.68	\$1,500.00	\$16,500.00	\$2,900.00	\$31,900.00	\$1,048.58	\$11,534.38
Total				\$790,832.10		\$838,916.00		\$941,990.00		\$990,712.57	

DOCUMENT 00 52 00

AGREEMENT

PART 1 GENERAL

1.1 CONTRACTOR

- A. Name: Silver Spur Construction
- B. Address: 392 East 12300 South, Suite 1E, Draper, Utah 84020
- C. Telephone number: (801) 501-8803
- D. Facsimile number: (801) 501-7385
- E. Email: shawn@silverspurconst.com

1.2 OWNER

- A. The name of the OWNER is Tooele City Corporation

1.3 CONSTRUCTION CONTRACT

- A. The Construction Contract is known as

**Broadway Storm Drain Project
(400 North to 700 North)**

1.4 ENGINEER

- A. Paul Hansen Associates, L.L.C. is the OWNER's representative and agent for this Construction Contract who has the rights, authority and duties assigned to the ENGINEER in the Contract Documents.

PART 2 TIME AND MONEY CONSIDERATIONS

2.1 CONTRACT PRICE

- A. The Contract Price includes the cost of the Work specified in the Contract Documents, plus the cost of all bonds, insurance, permits, fees, and all charges, expenses or assessments of whatever kind or character.

B. The Schedules of Prices awarded from the Bid Schedule are as follows.

1. Base Bid.
2. _____
3. _____
4. _____

C. An Agreement Supplement [] is, [] is not attached to this Agreement.

D. Based upon the above awarded schedules and the Agreement Supplement (if any), the Contract Price awarded is: Five Hundred Fifty Seven Thousand Seven Hundred Forty Dollars (\$557,740.00)

2.2 CONTRACT TIME

- A. Substantial Completion of the Work shall occur within 70 calendar days of the date of the Notice to Proceed. Final completion shall occur within occur within 75 calendar days of the date of the Notice to Proceed.
- B. Any time specified in work sequences in the Summary of Work shall be a part of the Contract Time. _____

2.3 PUNCH LIST TIME

- A. The Work will be complete and ready for final payment within 5 days after the date CONTRACTOR receives ENGINEER's Final Inspection Punch List unless exemptions of specific items are granted by ENGINEER in writing or an exception has been specified in the Contract Documents.
- B. Permitting the CONTRACTOR to continue and finish the Work or any part of the Work after the time fixed for its completion, or after the date to which the time for completion may have been extended, whether or not a new completion date is established, shall in no way operate as a waiver on the part of the OWNER of any of OWNER's rights under this Agreement.

2.4 LIQUIDATED DAMAGES

A. Time is the essence of the Contract Documents. CONTRACTOR agrees that OWNER will suffer damage or financial loss if the Work is not completed on time or within any time extensions allowed in accordance with Part 12 of the General Conditions. CONTRACTOR and OWNER agree that proof of the exact amount of any such damage or loss is difficult to determine. Accordingly, instead of requiring any such proof of damage or specific financial loss for late completion, CONTRACTOR agrees to pay the following sums to the OWNER as liquidated damages and not as a penalty.

1. **Late Contract Time Completion:**
Five Hundred dollars and 00 cents (\$ 500.00) for each day or part thereof that expires after the Contract Time until the Work is accepted as Substantially Complete as provided in Article 14.5 of the General Conditions.
2. **Late Punch List Time Completion:** 50% of the amount specified for Late Contract Time Completion for each day or part thereof if the Work remains incomplete after the Punch List Time. The Punch List shall be considered delivered on the date it is transmitted by facsimile, hand delivery or received by the CONTRACTOR by certified mail.
3. **Interruption of Public Services:** No interruption of public services shall be caused by CONTRACTOR, its agents or employees, without the ENGINEER's prior written approval. OWNER and CONTRACTOR agree that in the event OWNER suffers damages from such interruption, the amount of liquidated damages stipulated below shall not be deemed to be a limitation upon OWNER's right to recover the full amount of such damages.

Five Hundred dollars and 00 cents (\$ 500.00) for each day or part thereof of any utility interruption caused by the CONTRACTOR without the ENGINEER's prior written authorization.

- C. **Survey Monuments:** No land survey monument shall be disturbed or moved until ENGINEER has been properly notified and the ENGINEER's surveyor has referenced the survey monument for resetting. The parties agree that upon such an unauthorized disturbance it is difficult to determine the damages from such a disturbance, and the parties agree that CONTRACTOR will pay as liquidated damages the sum of (\$500.00) to cover such damage and expense.

3.3 OWNER'S SUBSCRIPTION AND ACKNOWLEDGMENT

A. OWNER's signature: _____

B. Please print name here: _____

C. Title: _____

ATTEST:

Michelle Y. Pitt
Tooele City Recorder

S E A L

APPROVED AS TO FORM

Roger Evans Baker
Tooele City Attorney

END OF DOCUMENT

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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)

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 1, 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 2017-02 An Ordinance of Tooele City Amending Chapter 5-1 of the Tooele City Code Regarding Business Licenses for Special Events
Presented by Michelle Pitt
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
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
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
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 2017-02

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

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

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

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

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

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

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

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Proposed Amendments to TCC Chapter 5-1

TITLE 5. BUSINESS REGULATION TITLE OF TOOELE CITY

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

CHAPTER 1. GENERAL PROVISIONS

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

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

5-1-1. Purpose.

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

5-1-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5-1-4. Responsibility for obtaining license.

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

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

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

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

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

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

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

5-1-6. Duty to display license.

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

5-1-7. Exemptions.

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

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

(2) Where Utah statutes exempt certain businesses from local business licensing fees, such business shall not be exempt from the requirement to apply for and obtain a license.
(Ord. 2009-16, 03-17-2010); (Ord. 2002-05, 04-03-2002); (Ord. 1983-22, 12-07-1983)

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

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

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

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

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

the noncompliance, verified by City inspection. The payment of a business license renewal fee by a noncompliant business shall not estop the City from revoking a business license, or refusing to renew a business license, due to such noncompliance.
(Ord. 2014-07, 06-04-2014); (Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

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

The City Recorder shall prepare and issue appropriate licenses for every person qualifying therefor under the provision of this Title and shall state in each license the name and address of the licensed business and the period of time for which it is issued. All licenses shall be signed by the City Recorder or designated business license official. The City Recorder shall maintain a list of all persons holding licenses and the status of each such license.
(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-10. License fees.

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

(a) Base Fee: \$40.00

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

(2) The annual business license fee shall not exceed \$1,000.00.
(Ord. 2009-16, 03-17-2010); (Ord. 2003-31, 12-03-2003); (Ord. 1998-09, 05-06-1998); (Ord. 1983-22, 12-07-1983)

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

The license fees imposed by this Title shall be in addition to any and all other taxes or fees imposed by any other provisions of the Ordinances of the City of Tooele.
(Ord. 2009-16, 03-17-2010); (Ord. 1983-22, 12-07-1983)

5-1-12. Revenue tax on business in competition with public utilities. Repealed. (Ord. 2009-16, 03-17-2010);

5-1-13. Revenue Measure. Repealed. (Ord. 1998-09, 05-06-1998).

5-1-14. Fee payments.

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

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

(3) Fees shall not be prorated.

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

5-1-15. Renewal billing procedure.

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

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

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

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

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

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

5-1-18. Time periods.

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

5-1-19. Mistakes in fee calculations.

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

5-1-20. Deviations prohibited.

No greater or lesser amounts shall be charged or

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

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

5-1-21. Fee for duplicate license.

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

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

5-1-22. Refunds.

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

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

5-1-23. License transfers.

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

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

5-1-24. Applications for special licenses.

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

(a) Activities:

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

(b) Occupations:

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

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

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

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

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

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

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

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

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

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

5-1-28. Revocation.

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

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

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

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

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

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

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

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

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

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

(i) deviation from standards set by any statute;

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

(iii) deviation from legal requirements for

truthfulness or disclosure in labeling as required by any statute;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07-1983)

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

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

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

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

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

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

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

5-1-33. Violations and penalties.

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

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

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

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

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

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

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

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

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

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

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

5-1-35. Separability clause.

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

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

(Page 5-7 Reserved)

TOOELE CITY CORPORATION

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).

WHEREAS, Section 10-8-38(2)(a)(i) of the Utah Code empowers municipalities to “require connection to the sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy”; and,

WHEREAS, prior to June 3, 2015, Section 8-6-12 of the Tooele City Code (TCC) provided, among other things, that “No owner, or his agent, or other person having charge of or occupying any property within 300 feet of a POTW sewer shall maintain or use or cause or permit to exist any privy vault, septic tank, or cesspool upon such property” (originally enacted by Ordinance 1993-12 on September 20, 1993); and,

WHEREAS, on June 3, 2015, the City Council approved Ordinance 2015-17, enacting a comprehensive wastewater pre-treatment regulation and reenactment of TCC Chapters 8-5 through 8-13 regarding wastewater treatment; and,

WHEREAS, during the preparation of Ordinance 2015-17 City staff worked closely with a consultant with expertise in wastewater pretreatment programs and in harmonizing existing municipal regulations with federal and state of Utah regulatory requirements; and,

WHEREAS, the requirement for mandatory connection to the POTW contained in the former TCC 8-6-12 was inadvertently omitted from Ordinance 2015-17; and,

WHEREAS, public health and welfare policy, in addition to POTW funding policy, supports municipal legislation minimizing the number of septic systems in Tooele City and requiring mandatory connection to the POTW; this is true for both residential structures and non-residential structures, both of which involve human occupancy, because the use of septic systems for either directly impact the public health and the POTW; and,

WHEREAS, the City Administration recommends that the provision for mandatory POTW connection be reenacted and modernized in a new TCC Section 8-5-6, as shown below:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Section 8-5-6, shown below, is hereby enacted.

8-5-6. Mandatory Connections.

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

(1) No property owner, agent, or other person having charge of or occupying any property within 300 feet of a POTW sewer shall maintain, use, or allow to exist any privy vault, septic tank, or cesspool upon such property.

(2) No person shall erect or maintain any septic tank, outhouse, or privy within the POTW boundaries.

(3) The City shall require the owner of any property containing a building or structure approved, meant, or used for human occupancy to connect to the POTW if:

(a) the property is situated within the POTW boundaries;

(b) the property lies within 300 feet of an existing POTW sewer, measured directly to the closest point of the POTW sewer; and,

(c) capacity in the POTW exists.

(4) All costs for permitting, sewer lateral and other construction, and connection to the POTW under this Code shall be borne entirely by the property owner.

(5) Any City requirement for connection to the POTW according to this Title shall:

(a) be in the form of a written notice issued to the property owner by the City;

(b) be delivered to the property owner by certified mail at the property address;

(c) identify a deadline not less than 90 days from the date of the notice by which the connection to the POTW must occur;

(d) identify the requirements of this Title under which the notice is being issued;

(e) identify the potential penalties for failure

to comply with the requirements of the notice; and,

(f) identify the applicable standards and specifications to be adhered to in order to effect the connection to the POTW, or where those standards can be found.

(6) Failure to connect to the POTW following a properly issued notice to do so shall result in:

(a) a violation of the Tooele City Code for each day of non-compliance with the properly issued notice of the requirement to connect to the POTW, punishable as an Infraction under Chapter 1-4;

(b) water service to the property being terminated until such time as compliance with the notice to connect to the POTW is completed; and,

(c) fines and fees in the combined amount of:

(i) criminal fines;

(ii) disconnection and reconnection fees for water service;

(iii) permitting, inspection, and connection fees for the connection to the POTW;

(iv) regular monthly charges for sewer utility service, for not less than one month, for the time between the deadline for connection and compliance with the notice to connect to the POTW; and,

(v) payment of any and all outstanding utility billing amounts.

(7) The City shall maintain, in its sole discretion, the right to seek compliance with the terms of this Section, including from a court of competent jurisdiction, which may include:

(a) compliance with the terms of this Section;

(b) payment of required fees for permitting, inspection, and connection to the POTW;

(c) payment of fines and fees outlined in this Section; and,

(d) attorney's fees and costs.

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

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

Date: Wednesday, January 18, 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
Brian Roth, Parks and Recreation Director
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:

- Utah Open and Public Meetings Act Training

Presented by Roger Baker

Mr. Baker pointed out that there are lengthy materials in the Council packets that were provided by David Church of the Utah League of Cities and Towns to a conference of city attorneys in May 2016. At the request of Chairwoman Winn, Mr. Baker focused on one of the questions included in these materials, "Is it a violation of the open meetings act to engage in electronic communications outside of the public meeting?" Mr. Church's answer is, "it depends." Mr. Baker provided an outline providing a short answer to this question. To be categorized as a meeting, a meeting must be convened (which means called by someone with authority), there must be a quorum present (with three or more members of the Council), and business of the City must be discussed. Mr. Baker explained that the Mayor has the authority to call a Council meeting. This is unique to Tooele City - it is the only City in the state where the Mayor has authority to do that, because of the City Charter. If one or two Council members want a meeting, but the Chairperson doesn't, there cannot be a meeting. Mr. Baker gave some examples of scenarios and whether they could be considered a meeting or not a meeting.

Mr. Baker stated that he appreciated working with six elected officials that care about what the law says. He also expressed appreciation for the fact that this Council can work together, even when they have differing opinions.

Mr. Baker cautioned that electronic messages are public and discoverable under GRAMA. Mr. Baker went on to say that the Council can communicate electronically all they want, until it could be considered deliberation, which could make it a meeting of a public body. The law doesn't say that they can't text during a meeting, but Mr. Church advises that the Council not text each other, or a member of the audience, during a meeting.

Mr. Baker further cautioned that whether texting in or out of a meeting, it could still be considered as convening a meeting illegally. He said to be careful when texting each other and try to keep texts as informational only, and to not elicit responses from other Council members.

- Resolution 2017-05 A Resolution of the Tooele City Council Appointing Jeff Hammer to the Administrative Control Board of the North Tooele City Special Service District
Presented by Roger Baker

Mr. Baker stated that there are currently two vacancies on the Administrative Board of the North Tooele City Special Service District (NTCSSD), with the resignation of two members. The board suggested Jeff Hammer fill one of the vacancies. The other position would still be vacant.

Chairwoman Winn said that she met with the NTCSSD at their meeting last night. Jeff Hammer was there and was excited about being on the board. Chairwoman Winn told Mr. Hammer that this appointment would be on the agenda for tonight's meeting. Mr. Hammer was called out of town, so he will not be present.

Mr. Baker reminded the Council that even though there is an administrative board, it is the Council's district, with its administration delegated to the board, and the Council instructs the

board on how they would like things, rather than the board instructing the Council. Mr. Baker stated that historically, the City has allowed the district to propose names for appointment to the board.

- Acceptance of Public Improvements
Presented by Roger Baker

Mr. Baker stated that this is a small issue that raises big issues. The acceptance of public improvements is a small administrative act that the Council performs. The larger issue that it raises is the separation of powers - legislative vs. executive. Under the City Charter, City Code, and state law, the Mayor and staff run the administration of the City. The Mayor acts as the Chief Executive Officer (CEO), as stated in the Charter. The Council performs equally important, but different roles of legislative government. The acceptance of public improvements is, by its nature, an administrative function that should be performed by the Mayor. City staff is recommending this function be transferred from the legislative to the administrative body. Councilman Wardle stated that he felt that the checks and balances needed to stay in place. Councilman Wardle said that he was comfortable with the team that is currently in place, but the team can change over time. He said he struggled with moving it to an administrative function. Councilman Pratt agreed with Councilman Wardle. Councilman Pratt stated that he felt responsibility there, and that the City has been burned in the past. Councilman Wardle said that he felt it was important to have more than one set of eyes or one set of approval for the safety of the City and the Mayor.

Mr. Baker said that as a counterpoint, it is not the legislature's role to make sure the CEO and staff are competent and are fulfilling their administrative roles; it is the public's role to do that, through the democratic process. If the public is dissatisfied with the competency of the administration, they get to tell the Mayor and staff every four years. Councilman Wardle said that the public has responded in the form of a jury. Councilman Wardle went on to say that this was a major question in the [Tooele Associates] trial. There were policies and procedures that were not followed and called in to question. This Council now has to take care of that settlement. Councilman Wardle said that he wouldn't support taking this out of that realm, knowing that processes were not followed in the past. Mr. Baker stated that it was not the fault of the Council because they didn't ever accept the public improvements, because they were never completed. It was the fault of lower level employees that signed documents that should not have been signed. Councilman Wardle felt that this level of check and balance should remain in balance and the integrity of that system stay the way it is.

Chairwoman Winn said that she was not here during the lawsuit and she hasn't thought of it that way. When there is a staff member standing in front of her, telling her that improvements were done, she bases her decision on what the staff member is telling her. Chairwoman Winn said that she is not able to go out and look at the improvement, so she believes and has the faith in staff that it has been done. If the staff member is not doing their job correctly, it will fall back on someone.

Councilman Wardle said that staff and the public works department have done a phenomenal job on this. This Mayor was not the Mayor at the time of the lawsuit. If the City has a Community

Development Director or Mayor that is not attentive, then there will be issues similar to those in the lawsuit.

Councilman McCall said that although he was not part of the City Council at the time of the lawsuit, he was part of the City. Based on the way it happened, and things that he heard, he believes that some city employees may have been enticed to do what they did. They were told not to sign the documents, but they were enticed to sign them anyway. Some people are enticed to do things that they wouldn't normally do. Councilman McCall went on to say that the Mayor at that time didn't catch it, or caught it and didn't care. He said he didn't have a problem with continuing as they are currently doing it. He said the Council is going to rely on Mr. Hansen's or Mr. Bolser's say on whether the improvements were done the way it was supposed to be done. There was a method behind all of that.

Councilman Wardle said that the way that Mr. Hansen and Mr. Bolser do the approval process, they always have pictures so the Council is able to see the improvements. There are five people knowing, in addition to the mayor.

Councilman Pratt stated that he greatly appreciated the knowledge and expertise provided by the staff. He said that the Mayor has incredible staff. In all these situations, all the information that has been needed has been given to them. All questions are immediately answered. Because of past bruises, he felt that the situation should continue the way it is for the safety and security of the City. His theory was that the more support the Council can give the Mayor and staff, the better working relationship there will be, and the better the outcome.

Councilman Pruden said that Council relies on the expertise of the staff, so in a lot of incidences, the Council rubber stamps decisions made by staff because they don't have the knowledge or expertise. In giving the CEO the authority it's more critical to make sure that the staff are experts and that the Council trusts them. He felt that the change may save a step and make efficiency better. He said that the Council was basically relying on everyone's expertise and understanding. The change would move things along because they wouldn't have to wait for the Council to convene a meeting before improvements could be approved.

Mr. Baker stated that no one, including Councilman McCall has never presented him with information about any employees having been unduly influenced or enticed (i.e., by the developer in the Tooele Associates matter).

Mr. Baker thanked everyone for their discussion.

- 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 this proposed Ordinance change was regarding business licensing for special events. City staff would like to allow the sponsoring organization to obtain the business license for the event, and allow the other businesses conducting business at that event to fall under that license. Thus, not every vendor would have to obtain their own individual license.

For example, during the Tooele Arts Festival, the arts festival would apply for the business license. Once the business license is approved, the arts festival would then sign up vendors for their event – rather than require each vendor at the arts festival to obtain their own license, and pay a booth fee.

The wording in the ordinance would be similar to the ordinance already in place for park concession licensing.

- Rezone Proposal at Approximately 500 East 2400 North
Presented by Jim Bolser

Mr. Bolser stated that this property is one parcel that has a roadway cutting through the middle of it, north and south. The proposal was initially to rezone the entire thing, but the applicant is now asking to only rezone a portion. The zoning is currently General Commercial (GC). If the Council is interested in the rezone, the City would have to change the General Plan as well. The proposal is to rezone east of the right of way to an HDR zone to do some multi-family development. The project would be a mixture of townhomes and apartments. Mr. Bolser showed images to the Council of the proposed rezone.

Mr. Bolser explained that the intent of this proposal was to bring it to the Council before it gets too far down the road, with design and application, to see if the Council likes the idea. Councilman Pruden asked if this was south of Liddiards. Mr. Bolser answered yes, it was the area south and east of Liddiards. Councilman Pruden asked if infrastructure was available there. Mr. Hansen stated that the developers would have to upgrade some things, however, there is great sewer capacity. Chairwoman Winn felt that it fit in with the General Plan. Mr. Bolser clarified that the City would have to amend the General Plan, and it would create a solitary pocket of residential land uses on the map, but that the request was not illegal. Councilman Wardle said that he liked the concept. He said that area is not a great destination because it's a dead end. If it's done on the east end, it would hopefully bring further development near it. Ms. Custer said that the developer has letters of interest from small corporations but are waiting until the Council gives the nod. The developers are not willing to accept any offers on the commercial portion until they know that the City gives their okay. Chairwoman Winn asked if it fit in with the density requirements. Mr. Bolser answered that it did. Councilman Pruden said that it might lay the ground work to eventually punch the road all the through to Droubay. Mr. Hansen stated that the railroad made it clear that they would not approve any more railroad crossings. If the road were to punch through, it would have to be by overpass or underpass. Mr. Bolser said that currently the dirt road from the end of 2400 North has a curve in it that connects over to Droubay Road north of the existing railroad crossing so they would still have an option to tie it across, but it would not be a direct line across.

Councilman McCall asked if there was any concern about building residential that close to the fish food factory. Ms. Custer said that developers were made aware of the plant and invited them to visit the area in all different climates and times of the day.

Mr. Sant said that area had been rezoned for an industrial area because of its location with the fish food plant. He said that there are other areas in the city that can accomplish that zone.

Mr. Hansen added that this was a conceptual rendering of the layout. The developers haven't done a full evaluation of road widths. Mr. Bolser added that there are some concerns with the layout. For example, he didn't believe that the current drawing would comply with parking requirements.

Mr. Baker said that when Liddiards went in, they had to lift their sewer. He asked if this property would also have to lift the sewer. Mr. Hansen answered that most of this development would be able to be served, if they built it correctly. Mr. Hansen said that they have let the developers know that they will not support a lift station on the residential portion.

Mr. Sant asked when the site plan would be done. Mr. Hansen said that the rezone could be done concurrently. Ms. Custer added that the developers had done a lot of work on the concept plan already. City staff has met with the developers several times to get to this point but investors don't want to invest any more in engineering until they know the City likes the idea. Councilman McCall again voiced concern with the fish food plant. He said it would disappoint him if they built it, and then the City gets complaints about the smell.

- Mandatory Sewer Connections
Presented by Jim Bolser

Mr. Baker stated that in June of 2015, City staff brought to the council an Ordinance that enacted a pretreatment regulation required by the EPA. The City engaged a consultant to help write the pretreatment ordinance. At the same time the City overhauled the chapters that had to do with sewer. In that process, the City inadvertently left out a portion that needs to be reinstated and updated. If a house or building is built within 300 feet of a sewer line, the proposed ordinance diminishes the number of septic tanks that you have for homes or businesses when there is a sewer system available. Mr. Baker stated that City staff would like the language put back in place. Mr. Bolser drafted the legislative language and Mr. Baker felt it was better than the language in place before. Mr. Bolser said that when looking at this language, it may seem to be written as a very hard line because there aren't any outs to it. He asked the Council if they wanted an out. He recommended that they don't offer outs because it would be hard to decide what sort of an out to include. He went on to say that finding criteria that was not subjective is hard to do. He added that a reason for such an ordinance and to have a hard line in it is that it has been documented in this valley and elsewhere that infiltration from septic tanks are affecting ground water creating a public health concern. Councilman Pruden stated that if loopholes are included, they tend to bite us later. Mayor Dunlavy stated that the County is running out of septic tank permits. Now the County is hustling to provide sewer. Councilman Wardle asked how much it was to connect to sewer. The city is only giving people 90 days to connect and it may cause a hardship. If it's not new construction, and someone has a septic tank, they may not have the money to connect before fines for daily noncompliance is assessed. He asked how the City was going to handle those situations. Mr. Bolser said that to address existing septic tanks, if they have a failure, they don't have 90 days anyway. They are either out of their home because they don't have sewer services, or they have to make a connection. For new businesses, or new

residential, there won't be a choice. This Ordinance will come in to play, with a septic failure. Mr. Bolser went on to say that the cost is hard to answer because it depended on how deep, how far away from the property, etc. An estimate would be a couple of thousand dollars. Councilman Wardle asked where the Ordinance specifies that it is only on a failure basis.

Mr. Sant suggested that the City apply for CDBG money. He said that this might be an excellent use of the CDBG grant. Homes could be identified that are on septic and if they meet the CDBG criteria, they might be able to receive grant money to connect to sewer. The City would need to apply for the grant, but it could take care of a lot of those homes to connect.

Mr. Baker stated that the Ordinance, as drafted, doesn't say they have 90 days from the day that the Ordinance is enacted, it's 90 days from when they get a notice from the City. If there is some reason to be sympathetic to a resident, they can simply not issue a notice.

- Legislative Update
Presented by Randy Sant

Mr. Sant stated that there are 153 bills already done, 88 in the senate. The session starts Monday and ends March 9th. Local official's day is next Wednesday, at 11:00 a.m., with a meeting at the Salt Palace, then lunch at noon.

The City is working with Doug Sagers on:
Appropriation for a feasibility study for the Pony Express State Park.
Legislature is requiring 125% of all cities for state incentives, and they have to meet a salary minimum requirement. The City needs to have a competitive advantage. He would like to see legislation diminishing that amount to 110%.

Mr. Sant said that Midvalley Highway funding is not guaranteed, even though the paper said it was. There will be extreme competition for that money.

Mr. Sant said there are some Bills to watch:

- Land use bills
- Law enforcement
- Service Districts
- Business Licensing for home occupations
- Funding
- Transportation
- Economic Development
- Unfounded mandates
- Limit or Reduce our local controls

4. 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 6:14 p.m.

No minutes were taken on these items.

5. Adjourn

Councilman Pruden moved to adjourn the meeting. Councilman Wardle 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 6:53 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 1st day of February, 2017

Debra E. Winn, Tooele City Council Chair

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

Date: Wednesday, January 18, 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
Glenn Caldwell, Finance Director
Chief Ron Kirby, 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
Brian Roth, Parks and Recreation Director
Kami Perkins, Human Resources Director

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 McCall.

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 Chief Ron Kirby

Mayor Dunlavy welcomed those in attendance and expressed his appreciation for this important part of the meeting. Honoring these special students is a privilege, and Mayor Dunlavy believes we have the best young people anywhere. These students do remarkable things in their schools, homes, churches, and community. They go beyond what is expected of them in all aspects of their lives. Mayor Dunlavy introduced Heidi Peterson, Director of Communities that Care and Chief Ron Kirby of the Police Department to help him present the awards.

Ms. Peterson thanked the Mayor and those in attendance. She expressed her appreciation to be involved in these awards. For several years in our nation, a lot of guesswork has been done to figure out what kids need to be able to succeed and what prevents them from getting into harmful situations, like drug and alcohol abuse. However, over the past couple of decades, a field of science, called prevention science, has determined certain things that can best help our youth to succeed. We are fortunate to be one of the first communities in the nation to use this information to collect data to see where youth and families are at the most risk, and develop programs to lower that risk. Our Mayor and City Council have made these programs a priority for our community.

One of these programs is called Guiding Good Choices. Ms. Peterson encouraged everyone to try it out. Information for the next class can be found on the Tooele City website. It's a five-week parenting workshop that is absolutely free of charge. In fact, at the end of the workshop, Walmart gift cards are given to the participants. Through this class, parents are able to learn tools to help their families succeed.

The next program Ms. Peterson highlighted is called QPR, which stands for Question, Persuade, and Refer. It's a program brought to Tooele because of the increase in depression symptoms and suicides. Through this ninety minute class, participants are trained to know and recognize the signs of suicidality using a three-step skill. Information on these classes is also available on the Tooele City website.

The last program Ms. Peterson highlighted is called Second Step. It's a program partnered with Tooele County School District. This evidence-based program teaches kids many great skills, such as how to handle anger and anxiety, how to make good friends, how to set goals, and how to resist drugs and alcohol. The Tooele City Police Department is also involved in this program and sends police officers to sixth grade classrooms to discuss the problems that these students face.

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 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:

- * Tori Kibbee, Tooele High School
- * Ryan Alexis Rignell, Clarke N. Johnsen Jr. High School
- * Felicity Parks, Clarke N. Johnsen Jr. High School
- * Dylan Makoni, Tooele Junior High School
- * Kiplynn Lawson, Tooele Junior High School
- * Tanner Murdock, Stansbury High School
- * Damien Christofferson, Stansbury High School

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

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

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.

Councilman Pruden commented that he has been approached by citizens remarking how pleased they were with the working street lights. He thanked the administration for their efforts in taking care of this situation.

Chairwoman Winn added that she also had someone approach her about a street light issue. After she informed the City, it was fixed within 24 hours.

There were no comments from the public.

Chairwoman Winn closed the public comment period at 7:30 pm.

5. Resolution 2017-01 A Resolution of the Tooele City Council Approving an Agreement with the Local Public Safety and Firefighter Surviving Spouse Trust Fund and a Cost-Sharing Agreement

Presented by Kami Perkins

Ms. Perkins previously brought this issue to the Council during a Work Session Meeting in December. She discussed with them the changes that were made to the Utah State Law during 2015. A requirement was made during the legislative session that if an officer is killed in the line of duty, their family is maintained on the City's insurance plan until they become Medicare eligible and/or the children turn 26 years old. To help with the costs associated with this, Tooele City has the option to participate in a Cost-Sharing Fund. This Resolution gives the Mayor permission to sign the agreement with the Cost-Sharing Fund that has been set up. This allows

the City to pay an annual premium into the Fund. In the event that the City becomes liable to provide health insurance on a surviving spouse or children, the cost of that coverage would be paid out of the City's budget for the first 24 months and month 25 forward would be re-insured by this fund. Hopefully this fund is never needed, but it allows Tooele City to be prepared to help support the loved ones of those officers that may lose their lives in the line of duty.

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

6. **Resolution 2017-05 A Resolution of the Tooele City Council Appointing Jeff Hammer to the Administrative Control Board of the North Tooele City Special Service District**

Presented by Roger Baker

Mr. Baker stated that in the late 1990's, the City Council formed a Special Service District that today encompasses Overlake Phases 1A through 1J and some portions of the Sunset Estates Development located to the north of 2000 North. The purpose of that District is to maintain special features of those developments that are over and above what the City provided for other places at that point in time, including special street lights, street signs, landscaped areas, etc. The previous City Council followed a procedure established by State Law to delegate the administration of that District to a Board. The Board has seven people. This Resolution is to fill one of two vacancies on that Board. The other vacancy will be filled at a later time.

Chairwoman Winn commented that she has had the pleasure of serving with this Board for the past four years. She remarked that they are very dedicated individuals, and she believes that Mr. Hammer will make a great addition to the Board. She excused Mr. Hammer from the meeting, as he was out of town for business.

Councilman Pratt moved to adopt Resolution 2017 - 05. Councilman McCall 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. **Resolution 2017-03 A Resolution of the Tooele City Council Amending Golf Course Fees**

Presented by Brian Roth

When the Oquirrh Hills Golf Course was completed ten years ago, a policy was implemented to re-evaluate fees every 2-3 years and compare them to other courses within the county. At this time, it is proposed to increase all green fees by \$1 and slightly increase the punch passes and annual passes as well. These increased fees help offset the increase in maintenance costs and helps to avoid large increases in fees over longer periods of time. These new fees also keep the golf course competitive with surrounding courses.

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

8. Resolution 2017-04 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule for Cemetery Fees

Presented by Brian Roth

The cemetery fees were changed about a year ago, however, it has been discovered that in the newer sections, to the north, that the ratio of low stones to high stones is off balance. There are significantly more low stone sections available. Because the current cost is almost the same for low and high stone plots, many people choose a high stone plot. This proposal hopes to correct this imbalance by increasing the fees for the high stone plots. The proposed fee change is from \$600 to \$800 for residents and \$1,000 to \$1,200 for non-residents.

Councilman Wardle asked for clarification that the new fees applied only to the remaining plots available in the north section. Mr. Roth confirmed this statement.

Councilman McCall moved to approve Resolution 2017 – 04. 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.”

9. Minutes: Dec. 7, 2016 and Jan. 4, 2017

Councilman Pruden moved to approve the minutes for the meetings held on Dec. 7, 2016 and Jan. 4, 2017 as presented. 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.”

10. Invoices

Presented by Michelle Pitt

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

- * Johansen’s Swim-Pool Plastering, Inc. for \$75,000.00 for repair and re-plaster of lap pool at Pratt Aquatic Center.
- * Clyde Snow & Sessions for \$88,514.43 for Aposhian Sod Farm litigation.
- * Spillman Technologies Inc. for \$40,063.00 for data processing software. A grant from Homeland Security will cover \$15,236.90 and the remaining \$24,826.10 will come from the Police Department’s budget.

Councilman Pruden asked how long the pool would need to close for the repairs. Ms. Pitt responded that it would take three weeks, starting Feb. 13th, 2017.

Councilman Pratt moved to approve the invoices as presented by Ms. Pitt. 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.”

11. Adjourn

Councilman Pruden moved to adjourn the meeting. 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 meeting adjourned at 7:45 pm.

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Approved this 1st day of February, 2017

Debbie Winn, Tooele City Council Chair