



---

**MIDVALE CITY COUNCIL MEETING  
AGENDA  
September 18, 2018**

**PUBLIC NOTICE IS HEREBY GIVEN** that the **Midvale City Council** will hold a regular meeting on the **18<sup>th</sup> day of September 2018** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

**6:00 PM      PRE-MEETING WORKSHOP**

**6:35 PM      INFORMATIONAL ITEMS**

**I.      DEPARTMENT REPORTS**

**II.      CITY MANAGER BUSINESS**

**7:00 PM  
REGULAR MEETING**

**III.      GENERAL BUSINESS**

- A.      WELCOME AND PLEDGE OF ALLEGIANCE
- B.      ROLL CALL

**IV.      PUBLIC COMMENTS**

Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

**V.      COUNCIL REPORTS**

- A.      Council Member Bryant Brown
- B.      Council Member Paul Hunt
- C.      Council Member Dustin Gettel
- D.      Council Member Paul Glover
- E.      Council Member Quinn Sperry

**VI.      MAYOR REPORT**

- A.      Mayor Robert M. Hale

**VII.      PUBLIC HEARINGS**

- A.      Consider proposed amendments to the FY2019 Budget for the General Fund and other funds as necessary [*Laurie Harvey, Assistant City Manager/Admin Services Director*]

**ACTION: Consider Resolution No. 2018-R-39 amending the FY2019 Budget for the General Fund and Capital Improvement Projects Fund**

**VIII. CONSENT AGENDA**

- A. Consider Minutes of September 4 & 11, 2018 **[Rori L. Andreason, HR Director/City Recorder]**

**IX. ACTION ITEMS**

- A. Consider Resolution No. 2018-R-40 Appointing Jared Zacharias to the Midvale City Audit Committee **[Laurie Harvey, Assistant City Manager/Admin Services Director]**
- B. Consider Ordinance No. 2018-O-13 Amending Chapter 5 of the Midvale Municipal Code Regarding Food Trucks **[Jessie Stuart, Business Development Coordinator]**
- C. Consider Ordinance No. 2018-O-14 Amending Chapter 15.12 of the Midvale Municipal Code regarding Adoption of Building and other Related Codes to add penalty section **[Lisa Garner, City Attorney]**
- D. Consider Resolution No. 2018-R-41 Authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C. **[Lisa Garner, City Attorney]**

**X. DISCUSSION ITEMS**

- A. Discuss an Amendment to Section 12.08.060 of the Midvale Municipal Code – Vehicles or Animals to use Established Crossings **[Garrett Wilcox, Deputy Attorney]**

**XI. ADJOURN**

***In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711***

***A copy of the foregoing agenda was provided to the newsmedia by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at [www.midvalecity.org](http://www.midvalecity.org) and the State Public Notice Website at <http://pmn.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.***

**PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING**

**DATE POSTED: SEPTEMBER 14, 2018**

**RORI L. ANDREASON, MMC  
H.R. DIRECTOR/CITY RECORDER**



## MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: September 18, 2018

---

**SUBJECT:** Midvale City Corporation Resolution No. 2018-R-39  
Budget Opening #1 for Fiscal Year 2019

**SUBMITTED BY:** Laurie Harvey, Assistant City Manager

**SUMMARY:** Staff proposes amendments to the FY 2019 Budget for the General Fund and Capital Improvement Projects Fund. These amendments cover new revenues available and adjustments in current year operations, including the allocation of salary and benefit adjustments for FY 2019 previously appropriated to a reserve account. The resolution and budget detail are attached.

**FISCAL IMPACT:**

General Fund – \$138,000 reduction to Fund Balance  
Capital Projects Fund – no change to Fund Balance

**STAFF RECOMMENDATION (MOTION READY):** I move we adopt Resolution 2018-R-39, amending the budgets of the General Fund and Capital Improvement Projects Fund for the fiscal year ending June 30, 2019.

**ATTACHMENTS:** Resolution and proposed budget adjustments.

**MIDVALE CITY CORPORATION  
RESOLUTION 2018-R-39**

A Budget Appropriation Resolution of Midvale City, amending the budgets of the General Fund and Capital Improvement Projects Fund for the Fiscal Year ending June 30, 2019.

**Whereas**, Utah State Code, Sections 10-6-109, 10-6-127, and 10-6-128 of the Uniform Fiscal Procedures Act for Utah Cities, requires that increases in appropriations for operating budgets of the General Fund and other funds be made by resolution of the governing body; and

**Whereas**, the required public notice was properly published in newspapers of general circulation in Salt Lake County; and

**Whereas**, pursuant to notice, the public hearing was held on the 18<sup>th</sup> day of September, 2018; and

**Whereas**, in compliance with statutory requirements, Midvale City amends the revenue and appropriation budgets of the General Fund and Capital Improvement Projects Fund as detailed on the attached schedule:

**Now therefore be it resolved**, by the Midvale City Council, that the above budget amendments be made for the appropriate budgets for the Fiscal Year ending June 30, 2019.

**This resolution** shall become effective immediately upon passage thereof.

**Passed and adopted by the City Council of Midvale City, State of Utah**, this 18th day of September, 2018.

\_\_\_\_\_  
Robert M. Hale, Mayor

ATTEST:

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

<b>Voting by the City Council: “Aye”</b>	<b>“Nay”</b>
Dustin Gettel	_____
Paul Glover	_____
Quinn Sperry	_____
Paul Hunt	_____
Bryant Brown	_____

**MIDVALE CITY CORPORATION - BUDGET OPENING # 1 - FY 2019**

Description	Revenue	A/C #	Expenditure	A/C #
<b>GENERAL FUND</b>				
Allocate reserve for salary adjustments - merit	\$ -		\$ (57,800)	10-4152-627-000
Allocate reserve for salary adjustments - Court			7,300	10-4120-110-000
Allocate reserve for salary adjustments - Gen Admin			4,600	10-4131-110-000
Allocate reserve for salary adjustments - HR			1,000	10-4134-110-000
Allocate reserve for salary adjustments - IT			2,900	10-4136-110-000
Allocate reserve for salary adjustments - Admin Svcs			2,500	10-4140-110-000
Allocate reserve for salary adjustments - Finance			3,700	10-4141-110-000
Allocate reserve for salary adjustments - Recorder			2,900	10-4144-110-000
Allocate reserve for salary adjustments - Legal			5,900	10-4145-110-000
Allocate reserve for salary adjustments - Bldgs & Grounds			2,000	10-4160-110-000
Allocate reserve for salary adjustments - Streets			3,600	10-4410-110-000
Allocate reserve for salary adjustments - Engineering			1,500	10-4412-110-000
Allocate reserve for salary adjustments - Parks			2,500	10-4510-110-000
Allocate reserve for salary adjustments - P&Z			3,600	10-4610-110-000
Allocate reserve for salary adjustments - Dev Svcs			6,100	10-4620-110-000
Allocate reserve for salary adjustments - Code Enf			1,700	10-4628-110-000
Allocate reserve for salary adjustments - Business Licensing			3,500	10-4630-110-000
Allocate reserve for salary adjustments - Bldg Insp			2,500	10-4640-110-000
JAG grant 2018 for equipment	15,200	10-3312-100-002	15,200	10-4215-324-000
JAG grant 2017 carryover for equipment	15,400	10-3312-100-002	15,400	10-4215-324-000
AOC grant for monitors in Court Room	1,000	10-3359-000-000	1,000	10-4120-250-000
Recreation program - salary			22,000	10-4515-110-000
Recreation program - benefits			5,000	10-4515-130-000
Recreation program - operations			8,000	10-4515-250-000
From Fund Balance	35,000	10-3890-000-000		

**MIDVALE CITY CORPORATION - BUDGET OPENING # 1 - FY 2019**

Description	Revenue	A/C #	Expenditure	A/C #
Dinners for Council meetings From Fund Balance	3,000	10-3890-000-000	3,000	10-4111-610-000
Replace air conditioning unit at Police Station From Fund Balance	100,000	10-3890-000-000	100,000	10-4160-720-000
Grant - state legislature - Tfr to CIP for BJ Blvd	5,250,000	10-3340-000-000	5,250,000	10-4830-910-105
Sale of assets (Bball Court and Museum) - to CIP	<u>470,000</u>	10-3640-000-000	<u>470,000</u>	10-4830-910-100
<b>TOTAL GENERAL FUND</b>	<u><u>\$ 5,889,600</u></u>		<u><u>\$ 5,889,600</u></u>	
<b>CAPITAL IMPROVEMENT PROJECTS FUND</b>				
Community Center/Park/Cemetery Unallocated funds (Future projects)	\$ -		\$ 800,000 (330,000)	41-4983-718-006 41-4983-750-999
Transfer from GF	470,000	41-3810-100-000		
Transfer from GF - County transportation grant Bingham Junction development - BJ Blvd	5,250,000	41-3840-000-000	5,250,000	41-4983-750-963
<b>TOTAL CAPITAL IMPROVEMENT PROJ FUND</b>	<u><u>\$ 5,720,000</u></u>		<u><u>\$ 5,720,000</u></u>	



**CITY COUNCIL MEETING**  
*Minutes*

**Tuesday September 4, 2018**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

---

**MAYOR:** Mayor Robert Hale

**COUNCIL MEMBERS:** Council Member Bryant Brown - Excused  
Council Member Paul Hunt  
Council Member Dustin Gettel  
Council Member Paul Glover  
Council Member Quinn Sperry

**STAFF:** Kane Loader, City Manager; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Matt Dahl, Redevelopment Agency Director; Lesley Burns, City Planner; Alex Murphy, Associate Planner; Laura Magness, Communications Specialist; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Matt Pierce, IT Manager.

Mayor Hale called the meeting to order at 6: 08 p.m.

**PRE-MEETING WORKSHOP AND STAFF REPORTS**

**I. A. DEPARTMENT REPORTS**

Chief Thomas discussed an officer involved shooting and the investigation that took place regarding the shooting. The officers and suspect are okay.

Laurie Harvey discussed animal control meeting and the process for taking care of skunks and racoons.

Chief Brad Larson said he spoke with the investigators regarding the fire on the river bottoms. It was human cause and started around the homeless camp that was down there. He said UFA is starting a recruiting effort and are starting with over 500 applicants. A Recruitment camp is scheduled in the winter for those that make it through the testing. The focus this month is on home evacuation plans. He advised residents to install smoke detectors in every room and hallway of the home. Also, make sure the street numbers on your home are visible.

Lesley Burns discussed the Jordan Bluffs Subareas 1-3 Development. The Council said they would like to discuss this further in a workshop meeting.

Matt Dahl discussed housing affordability and how to fund it. The state needs to come up with a larger funding source for the state. He suggested bringing this subject up during the legislative breakfast. He said the last open house for the housing plan is scheduled

for September 19<sup>th</sup> 4:30 – 6:30 pm. He said the traffic light on Tuscany should be on soon. Rocky Mountain power said an email was needed in order for them to install the meter.

Council Member Dustin Gettel said there is plastic and tape hanging down that needs to be taken care of.

Lisa Garner asked if the Council was interested in proceeding with an idling ordinance. Council Member Dustin Gettel said the governor said he would like to see more cities have this ordinance. "Utahcleancities.org" is the governor's website. Chief Thomas said he didn't know how that would be enforced.

Rori Andreason discussed the pre-meeting workshop and the agenda process. Workshop meetings will have refreshments only. Pre-workshop will be discussion by the Council and dinner from 6:00 to 6:35. Department reports will begin in the Council Chambers at 6:35 p.m. and then the regular meeting. She discussed the use of a time clock for public comments. Council agreed.

## **B. CITY MANAGER'S REPORT**

Kane Loader reported on his trip to Nashville Tennessee regarding the landfill. There are other processes being considered for the landfills. With the recycling situation the way it is, it will speed up an alternative solution. He said he serves on a committee that is an advisory group for ULCT working on issues coming up in the legislature. Housing will be the big issue this year. The problem is cities get fingers pointed at them as the bottleneck for the housing shortage. The housing shortage for the state is 55,000 units. The developers are saying the cities are the problem, but that is not true. Developers are wanting to build new houses, so the older homes become more affordable but that's not the answer. This will be a battle in the legislative session this year. Builders don't make any money on affordable housing projects. There needs to be some incentives for the developers from the state.

Mayor Hale called the meeting to order at 7:03 p.m.

## **REGULAR MEETING**

### **II. GENERAL BUSINESS**

#### **A. Welcome and Pledge of Allegiance**

**B. Roll Call** - Council Members Paul Hunt, Quinn Sperry, Dustin Gettel, and Paul Glover were present at roll call. Council Member Bryant Brown was excused.

#### **C. Presentation to Boys and Girls Club**

Josh Allred presented a \$500 check to the Boys and Girls Club, which was funds raised from the Harvest Days 5K race.

#### **D. Proclamation Declaring September 17-23 Constitution Week**

Mayor Hale presented the Daughters of the Utah Pioneers with the Proclamation Declaring September 17-23 as Constitution Week.



**IV. PUBLIC COMMENTS**

Sophia Hawes-Tingey invited the public to attend the candidate forum held at the Community Council Meeting on Wednesday, September 5, 2018 at 7:00 p.m.

Representative Bruce Cutler updated the Council on some of the items he worked on in the past legislative session. The committee he is on worked on a complete recodification of the public education code. It is much easier to read now. He is on a subcommittee for the special education and worked on two sections of the special education section of code. He is also working on early childhood services, and they are providing oversight and reorganizing. They will be recommending a children's council. The HB462 Homeless bill he worked on provided additional resources to the cities. The inland port authority will provide job opportunities. The transportation governance had significant changes, and he hopes this will provide oversight to the UTA. The UTA name change was voted against at a public hearing. The sign-on for the business portal will take effect approximately 2020. They are also working on the bureau of pardons and parole. They are doing a complete upgrade of their paper systems that will be automating the process. They also passed a fireworks restrictions bill that will give the cities more flexibility.

**IV. COUNCIL REPORTS**

**A. Council Member Bryant Brown** – Excused.

**B. Council Member Paul Hunt** – Had nothing to report.

**C. Council Member Dustin Gettel** – showed a picture of Council Member Bryant Brown's new baby girl. He said Council Member Bryant Brown had received complaints about tents being set up between homes on Oak Street and the freeway. Council Member Dustin Gettel said there has been a lot of speeding on Tuscany Road. One in particular was at about 10 or 11 pm at night. He's seen a lot of RV's on Bingham Junction Blvd. and on Tuscany View Road. He asked if there was an ordinance prohibiting RV parking? Parking in general off Bingham Junction Boulevard is becoming more of a safety issue with cars on both sides of the street. He's had people express concern that the city will be taking away the basketball court that's located across the street from the senior center.

**D. Council Member Paul Glover** – Reported mosquitoes are out and West Nile is in the area. There has been one death reported. If you are going out in the evening, use deet and wear long sleeves.

**E. Council Member Quinn Sperry** – thanked Spencer Mears and his group that helps people that need help in cleaning up their yard. He feels it is a great program he has going. He thanked Rockne Crisp, Code Enforcement Officer, for taking care of an issue he had. He also has an issue for public works he will be passing on to them. He said he is meeting tomorrow for the Shelter of the Homeless Board and they will be discussing the down town shelter location, value, and sale of that property. They want to

use the property as something like a museum or for the arts. He asked the Council if they had any comments on this.

Council Member Paul Glover said it depends on what kind of museum it will be, and it needs to support the community and provide the best opportunity for our citizens.

Council Member Quinn Sperry said they would like him to report on our experience on the Midvale Homeless Shelter and the provider.

**V. MAYOR REPORT**

**Mayor Robert M. Hale** – Midvale City approached Salt Lake City public utilities on a portion of Midvale that is west of 1300 East and about 7200 South that still receives its water from Salt Lake City water. They are discussing having Midvale City provide this service. Mayor Hale said he was appointed to UTA member advisory board, which will be making sure UTA provides services within budget and meets their customers transportation needs. He reported a gutter where 1100 East meets 7700 South is deteriorating and has rebar coming out of the concrete. The intersection needs to be reviewed and repaired.

**MOTION:** Council Member Paul Glover **MOVED** to open a public hearing. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**VI. PUBLIC HEARING**

**A. CONSIDER A PRELIMINARY SUBDIVISION PLAT FOR A 6-LOT SUBDIVISION (UNION MANOR) FROM GREG HANSEN LOCATED AT 987 EAST 7240 SOUTH**

Alex Murphy said the proposed Union Manor Subdivision consists of six (6) proposed lots, including flag lots, on a total of 0.69 acres located at the intersection of 7240 South and 1035 East. This request has been submitted by Greg Hansen, representing the owner of the properties involved, as part of an overall proposal for a trio of twin homes. The Planning Commission granted approval of the Conditional Use Permit for the proposed twin homes and flag lots, subject to the City Council's approval of the subdivision plat.

The proposed subdivision plat has been reviewed and approved by the City Engineer and Fire Marshal. As a large subdivision request (more than 3 lots), this request is subject to and complies with the requirements of the Single Family Residential zone with Duplex Overlay (SF-1/DO) and the subdivision ordinance (Title 16), provided the recommended conditions below are satisfied.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council with public hearings held before each body. The Planning Commission conducted a public hearing on this preliminary subdivision plat on August 8, 2018. Based on compliance with the City's zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City

Council to approve the preliminary subdivision plat for the Union Manor Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall is required to be constructed along the center lines dividing Lots 1 & 2, 3 & 4, and 5 & 6 unless the subdivision plat is officially amended.
3. All new development on the flag lots shall comply with the flag lot requirements, i.e. setbacks, height (limited to a single story), parking, and provision of a minimum 20-foot wide paved driveway. A note indicating these requirements shall be included on the final subdivision plat.
4. The flag lot driveway shall remain clear of overhanging vegetation and be posted with "No Parking" signs every fifty feet (50') with the provision that the 8' area may be used for parking if it can be accommodated. A note to this effect shall be included on the final subdivision plat.
5. A minimum of three (3) additional street trees are required to be planted along. These trees shall be planted or guaranteed by a cash bond prior to certificates of occupancy being issued for the units on Lots 5 & 6. A note indicating this requirement shall be added to the final plat.
6. The applicant shall obtain duty to serve letters for water and sewer and shall bond for any required public improvements prior to the subdivision plat being recorded.
7. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and Century Link regarding the utility easements on the subdivision plat prior to final approval.
8. A minimum six-foot high screening fence shall be constructed and maintained around the exterior of the project and between structures unless all affected property owners agree in writing that a fence is not necessary. This fence shall comply with the fence requirements of the applicable zone and shall be completed prior to any certificates of occupancy being issued for the twin homes. A note indicating this requirement shall be included on the final subdivision plat. The owner shall work with the neighboring property owners in replacing or enhancing the existing fences as needed.
9. Any improvements to the existing irrigation ditch required by the City Engineer or irrigation company shall be completed prior to recording the final subdivision plat.

Upon City Council approval of the preliminary plat, the applicant will be required to prepare Final Subdivision Plat application reflecting the conditions of approval imposed by the City Council. The subdivision shall not be considered approved until final action by the City Council on the final subdivision plat at a future date.

Mayor Hale opened the hearing to public comment. There was no one present who desired to speak on this issue.

**MOTION: Council Member Paul Glover MOVED to close a public hearing. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale**

called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**ACTION: APPROVE A PRELIMINARY SUBDIVISION PLAT FOR A 6-LOT SUBDIVISION (UNION MANOR) FROM GREG HANSEN LOCATED AT 987 EAST 7240 SOUTH**

**MOTION:** Council Member Paul Hunt **MOVED** Based on demonstrated compliance with the requirements of Midvale City Municipal Code demonstrated in the application or addressed by the inclusion of conditions of approval, I move that we approve the preliminary subdivision plat for the Union Manor Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall is required to be constructed along the center lines dividing Lots 1 & 2, 3 & 4, and 5 & 6 unless the subdivision plat is officially amended.
3. All new development on the flag lots shall comply with the flag lot requirements, i.e. setbacks, height (limited to a single story), parking, and provision of a minimum 20-foot wide paved driveway. A note indicating these requirements shall be included on the final subdivision plat.
4. The flag lot driveway shall remain clear of overhanging vegetation and be posted with "No Parking" signs every fifty feet (50') with the provision that the 8' area may be used for parking if it can be accommodated. A note to this effect shall be included on the final subdivision plat.
5. A minimum of three (3) additional street trees are required to be planted along. These trees shall be planted or guaranteed by a cash bond prior to certificates of occupancy being issued for the units on Lots 5 & 6. A note indicating this requirement shall be added to the final plat.
6. The applicant shall obtain duty to serve letters for water and sewer and shall bond for any required public improvements prior to the subdivision plat being recorded.
7. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and Century Link regarding the utility easements on the subdivision plat prior to final approval.
8. A minimum six-foot high screening fence shall be constructed and maintained around the exterior of the project and between structures unless all affected property owners agree in writing that a fence is not necessary. This fence shall comply with the fence requirements of the applicable zone and shall be completed prior

**to any certificates of occupancy being issued for the twin homes. A note indicating this requirement shall be included on the final subdivision plat. The owner shall work with the neighboring property owners in replacing or enhancing the existing fences as needed.**

- 9. Any improvements to the existing irrigation ditch required by the City Engineer or irrigation company shall be completed or guaranteed by a bond prior to recording the final subdivision plat.**

**The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:**

**Council Member Quinn Sperry Aye  
Council Member Paul Glover Aye  
Council Member Paul Hunt Aye  
Council Member Bryant Brown Absent  
Council Member Dustin Gettel Aye**

**The motion passed unanimously.**

**MOTION: Council Member Paul Glover MOVED to open a public hearing. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.**

**B. CONSIDER A FINAL SUBDIVISION PLAT FOR A 2-LOT SUBDIVISION AND ROAD DEDICATION (JORDAN BLUFFS LOT 2 AMENDED) FROM BEN SEASTRAND, KC GARDNER COMPANY, LOCATED AT 983 WEST CENTER STREET**

Alex said the proposed Jordan Bluffs Lot 2 Amended Subdivision plat consists of two (2) proposed lots on a total of 223.41 acres located on Jordan Bluffs between Center Street, Main Street, and the Jordan River. This request was submitted by Ben Seastrand, representing KC Gardner Company, for the purpose of dedicating the road rights-of-way for the extensions of Bingham Junction Boulevard and Ivy Drive onto the former Sharon Steel site. These roads are already under construction; no new development is proposed as part of this subdivision request.

This property is located in the Jordan Bluffs zoning district (JB). A complete ordinance for the JB zone is not currently in place and, as a result, no lot standards have been adopted for this zone. The current JB zone ordinance allows subdivision plats to be considered prior to approval of specific development plans and dedication of the public streets is necessary as part of the construction process.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this subdivision plat on July 25, 2018. Based on compliance with the City's zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to

approve the subdivision plat for the Jordan Bluffs Lot 2 Amended Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. Street trees along Bingham Junction Boulevard and Ivy Drive shall be installed as part of individual development proposals at a rate determined by the to-be adopted Jordan Bluffs zoning ordinance. A note to this effect shall be added to the plat.

The applicant has prepared and submitted the final plat. The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshal, although some minor technical changes are required prior to completing the Mylar.

As a minor subdivision request, this request is subject to and complies with the requirements of the JB zone and the subdivision ordinance (Title 16), subject to the recommended conditions below.

Staff recommended the City Council approve the final subdivision plat for the Jordan Bluffs Lot 2 Amended Subdivision with the following conditions:

1. Street trees along Bingham Junction Boulevard and Ivy Drive shall be installed as part of individual development proposals at a rate determined by the to-be adopted Jordan Bluffs zoning ordinance. A note to this effect shall be added to the plat.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

Mayor Hale opened the hearing to public comment.

Rosemary Stelz asked if this involved housing. Mayor Hale said no, not yet. She asked what was going in the area.

Ben Seastrand with Gardner & Company, said Jordan bluffs is a large site. It will be driven by the market and what it will support in that area. They have multiple options to come up with a good plan and zone text that will allow some flexibility. Class A office space, parks, amenities, multifamily housing, flex warehouses maybe. He said they are trying to get something that will be a great asset to the city.

Ms. Stelz said she moved in for the beautiful view of the mountains and was afraid that view won't be there.

Ben Seastrand said depending on the area in the master plan, there are different heights they are looking at. This action is just for the road.

Ken Harper 7860 S. Holden Street said he had one question. As the development begins will there be public hearings on what goes there? The Council said yes.

Heidi Miller said she was at the Planning and Zoning Commission meeting last week. There were only 2 people there to discuss this. She felt this development will bring a lot

of traffic to the streets across from it. She thinks that people will cut across this street to get to 8000 South to get to State Street. It is scary when the kids come home from school on 8000 South because people speed on that street all the time. She said the traffic is going to be horrendous. She hopes that the Council will get input on this from the citizens.

**MOTION:** Council Member Paul Glover **MOVED** to close a public hearing. The motion was **SECONDED** by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**ACTION:** APPROVE A FINAL SUBDIVISION PLAT FOR A 2-LOT SUBDIVISION AND ROAD DEDICATOIN (JORDAN BLUFFS LOT 2 AMENDED) FROM BEN SEASTRAND, KC GARDNER COMPANY, LOCATED AT 983 WEST CENTER STREET

**MOTION:** Council Member Dustin Gettel **MOVED** that based on compliance with the requirements of the Midvale City Municipal Code demonstrated in the application or addressed by conditions of approval, I move that we approve the final subdivision plat for the Jordan Bluffs Lot 2 Amended Subdivision with the following conditions:

1. Street trees along Bingham Junction Boulevard and Ivy Drive shall be installed as part of individual development proposals at a rate determined by the to-be adopted Jordan Bluffs zoning ordinance. A note to this effect shall be added to the plat.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.”

The motion was **SECONDED** by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye  
Council Member Paul Glover Aye  
Council Member Paul Hunt Aye  
Council Member Bryant Brown Absent  
Council Member Dustin Gettel Aye

The motion passed unanimously.

**VII. CONSENT AGENDA**

**A. CONSIDER MINUTES OF AUGUST 14 & 28, 2018**

**B. SET DATE AND TIME [SEPTEMBER 18, 2018 AT 7:00 P.M.] TO CONSIDER PROPOSED AMENDMENTS TO THE FY2019 BUDGETS FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY**

**MOTION:** Council Member Paul Glover **MOVED** to approve the consent agenda. The motion was **SECONDED** by Council Member Paul Hunt. Mayor

Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye  
Council Member Paul Glover Aye  
Council Member Paul Hunt Aye  
Council Member Bryant Brown Absent  
Council Member Dustin Gettel Aye

The motion passed unanimously.

### III. ACTION ITEMS

#### A. **CONSIDER RESOLUTION NO. 2018-R-38 APPOINTING GLEN KENNEDY AS PUBLIC WORKS DIRECTOR**

Kane Loader said he tried to handpick a replacement for the public works director position. He spoke with Glen Kennedy who's had a lot of experience in public works. He has had over 20 years in the public works field. He is presently serving in South Jordan City as the Associate Public Works Director. He was very impressed with Glen, so he brought him back for a second interview. He is more than qualified to fill this position.

Glen Kennedy said he started his career at Jordan Valley Water Conservancy District and spent 10 years there. He moved to South Jordan City and has been with them for about 13 years. He feels that he would be a good fit for Midvale City.

**MOTION:** Council Member Quinn Sperry **MOVED** to approve Resolution No. 2018-R-38 Appointing Glen Kennedy as the Midvale City Public Works Director. The motion was **SECONDED** by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye  
Council Member Paul Glover Aye  
Council Member Paul Hunt Aye  
Council Member Bryant Brown Absent  
Council Member Dustin Gettel Aye

The motion passed unanimously.

Rori Andreason administered the oath of office to Glen Kennedy.

#### B. **CONSIDER ORDINANCE NO. 2018-O-12 AMENDING AND RENUMBERING THE MIDVALE MUNICIPAL CODE 2.28, FINANCE PURCHASING ORDINANCE**

Laurie Harvey reviewed the proposed amendments to the Purchasing ordinance as follows:

#### **Reclassify Finance Ordinances from Title 2 to Title 3**

- ❖ Title 2 of MMC entitled "Administration"
  - ❖ Chapter 2.28 - Finance
- ❖ Title 3 of MMC is "Finance and Revenue"
  - ❖ Chapter 3.02 – Procurement



Proceedings of the Midvale City Council Meeting  
September 4, 2018

- ❖ Chapter 3.03 – Public Property
- ❖ Chapter 3.04 – Sales and Use Tax
- ❖ Chapter 3.08 – Utility Revenue Tax
- ❖ Chapter 3.12 – Property Tax
- ❖ Chapter 3.16 – Energy Sales and Use Tax
- ❖ Chapter 3.20 – Municipal Budget Procedures
- ❖ Chapter 3.24 – Municipal Telecommunications
- ❖ Chapter 3.25 – Transient Room Tax
- ❖ Chapter 3.30 – Municipal Fee Schedule

**Enhance Definitions Section**

- ❖ 40 definitions added
  - ❖ More user friendly

**Update Current Expenditure Thresholds for Determining Procurement Procedure**

- ❖ CURRENT THRESHOLDS
- ❖ Minor – less than \$1,000
  - ❖ No solicitation
- ❖ Small - > \$1,000 < \$10,000
  - ❖ 3 oral quotes
- ❖ Medium - > \$10,000 < \$25,000
  - ❖ 3 written quotes
- ❖ Large - > \$25,000
  - ❖ Formal bidding procedure

**Allow Exemption from Solicitation for Expenditures Less than \$3,000**

- ❖ “Minor” purchases – exempt from solicitation

FY 2017	\$1,000	\$2,000	\$3,000	\$4,000	\$5,000
Midvale					
Riverton					
Sandy					
South Salt Lake					
Draper					
Cottonwood Hts					
South Jordan					
Murray					
Holladay					

- ❖ Increase Midvale threshold to \$3,000
  - ❖ 2010 – increased from \$750 to \$1,000
  - ❖ Reduces processing time
  - ❖ Increases efficiency

**Require Written Quotes for Informal Bidding Procedures**

- ❖ Current ordinance and practice
  - ❖ >\$1,000 < \$10,000 – ORAL QUOTES
  - ❖ >\$10,000 < \$25,000 – WRITTEN QUOTES

- ❖ Recommended ordinance and practice
  - ❖ >\$3,000 <\$25,000 – WRITTEN QUOTES
    - ❖ Provides traceable responses for records
    - ❖ Assures consistency of Request for Quotes

### **Expenditures to Resolve Claims and Lawsuits**

- ❖ Current ordinance doesn't address
- ❖ Recommendation:
  - ❖ Explicitly exempt from solicitation
  - ❖ Use as much due diligence as possible

### **Expand Definition of Emergency Expenditures Exempt from Solicitation**

- ❖ Current ordinance includes:
  - ❖ Mayor's declaration of local emergency
  - ❖ Threat to public health, welfare, and safety
- ❖ Recommendation:
  - ❖ Add "public property" to list of "threats"
  - ❖ Add "avoiding a lapse in critical government service and protecting the legal interest of the City"

### **Require Use of AD-HOC Purchasing Committees**

- ❖ Committee of 3 recommended
  - ❖ Procurement Officer
  - ❖ Department Head
  - ❖ Another department head, Legal, or Finance
- ❖ Approval in these situations:
  - ❖ Selection of contractor in formal bidding process
  - ❖ Selection of contractor in request for proposals
    - ❖ (For contracts > \$25,000)
  - ❖ Determination of "sole source" vendor

### **Guidance for Construction Projects and Contract Modifications**

- ❖ Construction projects
  - ❖ Reference to Utah Code
  - ❖ Construction Management information
- ❖ Contract modifications
  - ❖ Guidance as to modifications allowed
  - ❖ Authority to modify

### **Amendments Regarding Surplus Property**

- ❖ Surplus Property" is defined
- ❖ Procurement Officer oversees disposal
  - ❖ Competitive bid
  - ❖ Appraisal or other professional publication/valuation service
  - ❖ Informal market survey
- ❖ Significant parcel of real property is defined
  - ❖ Owned by City for at least one year, and

- ❖ Exceeding one acre OR exceeding \$100,000 in value
- ❖ Process of disposal includes public hearing
- ❖ Declaration of surplus
  - ❖ Less than \$3,000 in value approved by City Manager
  - ❖ Greater than \$3,000 in value approved by City Council

**Additional Oversight**

- ❖ Procurement Officer or Designee
  - ❖ More authority over selection process
  - ❖ Oversees preparation of specifications for ITB
  - ❖ Input on “sole source” designation
- ❖ More sets of eyes on the procurement process

Council Member Paul Glover said he is ok as long as staff gets a list of items being surplus and shows the revenue received for it.

Council Member Dustin Gettel said he is struggling taking purchases from \$1000 to \$3000.

Council Member Paul Glover said the Director of Finance needs to spot check the purchases to make sure they are receiving the best price possible.

Council Member Quinn Sperry said he did not have a problem with the threshold. He asked about the accumulative threshold. Laurie Harvey said it is in the purchasing ordinance and is still forbidden.

**MOTION: Council Member Paul Hunt MOVED to approve Ordinance No. 2018-O-12 Amending and Renumbering the Midvale Municipal Code Chapter 2.28, Finance Purchasing Ordinance. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:**

**Council Member Quinn Sperry Aye  
Council Member Paul Glover Aye  
Council Member Paul Hunt Aye  
Council Member Bryant Brown Absent  
Council Member Dustin Gettel Aye**

**The motion passed unanimously.**

**IX. DISCUSSION ITEMS**

**A. DISCUSSION REGARDING AMENDMENTS TO CHAPTER 5 OF THE MIDVALE MUNICIPAL CODE REGARDING FOOD TRUCKS**

Jessie Stuart discussed licensing food trucks and regulations as follows:

**Background and Intent**

- Midvale previously had no ordinance to regulate or license food trucks
- SB167 streamlines regulations for food truck licensing

- Amendment to Midvale City Municipal Code Title 5.36 Food Trucks

### **Licensing & Reciprocity**

- A license is required to operate in Midvale
- A separate food truck license is required for each food truck

### **The City shall grant a food truck license to operate to any food truck operator that presents the city with:**

- A current business license from another city within Utah
- A current health department food truck permit
- A current fire safety inspection

### **Operations**

- Hours 6 A.M. to 10 P.M.
- Authorization required to operate on city owned property
- Trash receptacles required
- Kept clean, attractive and in good condition
- Signs must be attached to the food truck
- A truck cannot idle while operating

### **Permitted Locations**

- i. Mixed Use Zone
- ii. State Street Zone
- iii. Transit-Oriented Development Zone
- iv. Historic Commercial Zone
- v. Regional Commercial Zone
- vi. Clean Industrial Zone
- vii. State Street Overlay Zone
- viii. Transit-Oriented Development Overlay Zone
- ix. Commercial properties within the Bingham Junction Zone; and
- x. Commercial properties within the Jordan Bluffs Zone

A food truck may operate on public property if:

- i. Participating in a community event
- ii. By invitation of a property owner
- iii. Only serves those participating in the community event

### **Prohibited Acts**

- May only sale its own food beverages and merchandise branded with the food truck log, name or mark
- May not obstruct the view or impede pedestrians or vehicular traffic
- May only sale to pedestrians and not as a drive thru/drive in
- May not operate in any portion of the right-of-way  
Or violate any other requirements in the ordinance

### **Licensing Fee**

- A licensing fee may only be charged in the amount that reimburses the City for the actual cost of regulating the food truck

She said this ordinance will be brought back for action at the next regular meeting.

**B. DISCUSS PROPOSED AMENDMENT OF CHAPTER 15.12 ADOPTION OF BUILDING AND OTHER RELATED CODES TO ADD A PENALTY SECTION**

Lisa Garner discussed Building Code Amendments as follows:

**Proposed Amendment**

- Chapter 15.12 does not contain an enforcement provision for those who violate the ordinance.
- Most frequent violation is doing work without obtaining a building permit.
- Currently, the only enforcement tool our building officials have is to file a Notice of Non-Compliance on the property.
- The purpose of this amendment is to add a mechanism in which the City can enforce building code violations.
- It is believed that this will deter future and continued violations.

**Violation**

- A. Unlawful for any person or entity to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building in violation of this chapter.
- B. Unlawful for any person or entity to fail to comply with a lawful order of the building official, building inspector, or fire marshal.
- C. Any person or entity who violates the provision of this ordinance is guilty of a Class B Misdemeanor. Each day violation occurs and continues is a separate offense.

Council Member Paul Glover and Council Member Dustin Gettel asked why the word “repair” is listed in the violation. Lisa Garner explained that if what you are repairing needed a building permit when it was built or installed, then you would need a building permit to repair it.

Council Member Paul Glover asked what the penalty fees are. Lisa Garner said it is up to \$2500.00 in fines. It would be handled in the Justice Court. It is mainly used for an enforcement mechanism to comply.

**X. ADJOURN**

**MOTION: Council Member Quinn Sperry MOVED to adjourn the meeting. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

The meeting adjourned at 9:00 p.m.

Proceedings of the Midvale City Council Meeting  
September 4, 2018

---

**Rori L. Andreason, MMC**  
**H.R. DIRECTOR/CITY RECORDER**

Approved this 18<sup>th</sup> day of September 2018.



**MIDVALE CITY  
CITY COUNCIL WORKSHOP MEETING**  
*Minutes*

**Tuesday, September 11, 2018  
Council Chambers  
7505 S. Holden Street  
Midvale, Utah 84047**

---

**MAYOR:** Robert M. Hale

**COUNCIL MEMBERS:** Council Member Dustin Gettel  
Council Member Paul Glover  
Council Member Quinn Sperry  
Council Member Bryant Brown  
Council Member Paul Hunt

**STAFF:** Kane Loader, City Manager; Laurie Harvey, Asst. City Manager/Admin. Services Director; Brian Berndt, Assistant City Manager/Community Development Director; Rori Andreason, H.R. Director/City Recorder; Matt Dahl, Redevelopment Agency Director; Lisa Garner, City Attorney; Glen Kennedy, Public Works Director; Laura Magness, Communications Specialist; Lesley Burns, City Planner; Patrick O'Brien, RDA Housing Project Manager; and Juan Rosario, IT Tech.

Mayor Hale called the meeting to order at 6:35 p.m.

**I. DISCUSSION ITEMS**

**A. DISCUSS MIDVALE/UNITED WAY PROMISE PARTNERSHIP PROGRAM**

Bill Crim, United Way, said this presentation is about a partnership that has been working with the Canyon School District students. Self reliance is not universal. Kids who come from families that struggle from poverty, struggle in school. They have thousands of nonprofits and 10s of thousands of programs which equals "service delivery chaos". He discussed collective impact as a way to develop these programs to work towards a common goal. With Canyon School District and dozens of nonprofits they have been trying to build that infrastructure that allows this to happen. Communities are where things happen, and problems get solved. Change can be made and measured for every child.

Karen Sterling, Canyons School District, said it is their commitment to provide an equitable education to the children in Midvale. Children deserve quality principals and teachers. She discussed her experience in teaching kids from all walks of life. The Community School model was developed and is now being followed. School is the heart of the community; it is open all year, and all day. The logic model being comprised of academic learning; youth development, parent/family engagement and support; health and social services; and community partnerships was discussed. It will maximize the academic learning time, promote climate and positive youth development; align all resources and services; develop community partnerships. She discussed statistics regarding how schools are doing with these goals.

Katherine Zachera said they have designed a rigorous approach to looking at data and wanted to introduce the Promise Midvale Partnership Structure. They would like to create a leadership committee including City Council, Mayor, Canyons School District, business leaders, police, some partners, UWSL, Community members, School Board, Salt Lake

County, and parents. Community Schools have already been developed and are receiving strong support. They are developing all partner groups through senate bill 67. They will map resources and gather data to inform decisions, identify gaps and set priorities; and to develop strategies and interventions to address these gaps.

Council Member Bryant Brown discussed the large class sizes that need to be smaller.

## **B. DISCUSS CITIZENS CLIMATE LOBBY**

Bill Barron, Regional Coordinator for Citizens Climate Lobby, said they are a volunteer-based organization out of San Diego, California. Their goal is to build a political will for a livable world. They are advocating for a specific policy at the federal level to put a fee on carbon emissions and return the all revenue to all the households. It is a legislative proposal called Carbon Fee Dividend. They need to reach out to all levels of congress addressing climate change. Their approach is building relationships and focused on the information they are providing. The Carbon Fee Dividend is the legislative proposal they are advocating. The way it works is to put a graduating increasing fee on carbon emissions at the source with \$15-ton the first year and \$10 each additional ton each year. The proposal is to accelerate away from using fossil fuels which are creating the change in the climate. The money would be collected and distributed equally with a dividend check to every citizen. They are proposing border trade adjustments. Products coming in from other countries would be assessed a fee for the embedded carbon cost of their products. There are other forms of governments who currently have carbon pricing.

A study was conducted called the REMI Study as follows:

- CO2 emissions declined by 33% in 10 years and 52% after 20 years.
- National Employment increases by 2.1 Million jobs after 10 years and 2.8 after 20 years.
- Reduced air pollution saves 13,000 lives annually after 10 years with cumulative 227,000 American lives saved after 20 years.
- GDP Cumulative increase of \$1.375 trillion after 20 years.

Laser talks answers questions on carbon pricing.

Laser Talks link reference: <http://citizensclimatelobby.org/laser-talks>

One of the highlights of the work they have done is the creation of a bipartisan climate solutions caucus that is in the house, which currently has 86 members. For every republican member there is a democrat member. They believe it should not be a partisan decision. He provided a link for resolutions from State, County and City Resolutions for support: <https://citizensclimatelobby.org/endorsements/municipal> and link for influencer letter to Congress: <https://citizensclimatelobby.org/leaders/>

Bill Barron asked for consideration to support action on a resolution for climate action. He also encourages and invites city leaders to join them in congress to share concerns.

## **C. DISCUSS ARTS COUNCIL FACILITY LEASE AGREEMENT**



Stephanie Johnson and Melanie Beardall reviewed the plays and concerts for the past year. They discussed the grants and finances of the arts council. Stephanie Johnson said they would like to have some janitorial services to take out garbage, bathrooms cleaned, and vacuumed once a week. Someone from public works takes the garbage cans out to the street on Wednesday nights which is greatly appreciated. She said they don't have an industrial vacuum, so they cannot get in-between the seats.

Council Member Paul Glover said the Arts Council needs to add to their agreement to least out the facility, a required cleaning deposit or clean it themselves.

Stephanie Johnson said they are very grateful to Andrea Andreason and Levi McNeill from Public Works and appreciate their help.

Lisa Garner said when the City gifts money to any organization, the organization must show the City is receiving services, etc. equaling fair market value for the money being donated. She said the contract needs some clarification on the funds being received and expended.

The Council discussed the agreement between Midvale City and the Arts Council, plans moving forward, and options.

#### **D. DISCUSS JORDAN BLUFFS PROPOSED ZONING**

Brian Berndt and Lesley Burns discussed the Jordan Bluffs Subarea Plan.

##### **The proposed ordinance**

- applicable to all development in subareas 1-3
  - Commercial
  - Retail
  - Office
  - Residential
  - All allowed uses – no conditional
- Subareas divided into 6 pods for large scale master plans.

##### **Review Process**

- Concept plan for workshop meeting with Planning Commission (prior to any formal application.)
- Large Scale Master Plan – Planning Commission
- Development Agreement – City Council
- Site Plan Approval – Staff
- Subdivision Plats – Planning Commission/City Council

##### **Large Scale Master Plan**

- Site plan showing general location and size of buildings, setbacks, streets, walkways, parking areas, general landscaping, plazas, recreational amenities.
- Preliminary master utility plan

- Transportation plan showing road, bicycle and pedestrian networks.
- Master parking plan
- Traffic analysis
- Illustrative architectural elevations
- Thematic design elements
- Signage master plan

### **Development Standards**

- Uses
- Building height
- Landscape setbacks from roads
- Roads
- Parking (shared parking available)
- Landscape & irrigation
- Fencing & Screening
- Outdoor Lighting
- Residential Development
- Commercial Development
- Sign Standards
- Additional Standards for specific uses

Council Member Paul Glover asked what the council has control over and what they can change.

Lesley Burns said they can change the development standards, parking, building height, and landscaping standards.

### **E. DISCUSS SMALL AREA MASTER PLAN**

Christine Richman, GSBS Consulting, Buck Sweeny and Tim Sullivan were present to discuss the small area master plan process. Christine Richman said they started with an existing conditions analysis and market opportunities. They reviewed and gave feedback on options, identify preferences and recommendations, and now have a draft plan to review and hopefully adopt.

Christine Richman and Buck Sweeney reviewed the following:

#### **7200 South area vision principles**

- Transformative through urban design and land use.
- Increase human designed space (as opposed to automobile designed space) to 25-30 percent.
- Connect the area to the rest of the community
- Focus on hotels and hospitality
- Create a cohesive brand for the area as a regional entry point to the community and a gateway to recreation.

### **Projects and Implementation Area**

- Work with existing business and property owners to identify a brand and theme consistent with the plan vision statements.
- Explore the appropriate mix of funding mechanisms for the public improvements within the station area.
- Work with UTA to implement the plan.
- Update the Zoning Code to require:
  - Dedication of open space associated with new developments to support the public space network incorporated in the plan,
  - Contribution to an open space fund in lieu of dedication if the development is not adjacent to the public space network,
  - Require a balanced mix of land use types within the station area to include:
    - Medium and high density residential,
    - Office,
    - Hotel,
    - Retail,
  - Require new development to comply with design guidelines implementing the station area's brand and theme,
  - Focus the most intensive development along the 7200 South frontage.
  - Buffer existing single-family residential areas with less intensive development
  - Update parking requirements in accordance with parking analysis recommendations, and
- Develop street cross sections and streetscape requirements consistent with the station area brand and theme.

### **Vision Principles – Center Street Area**

- Awaken and activate the area
- Design and improve for charm
- Encourage transformative development

### **Midvale City Station Area Plans:**

- Existing Conditions & Market Opportunities
- Vision & Guiding Principals
- Review & Feedback on Options
- Identity Preferences & Recommendation
- Submit Draft Plan for Review

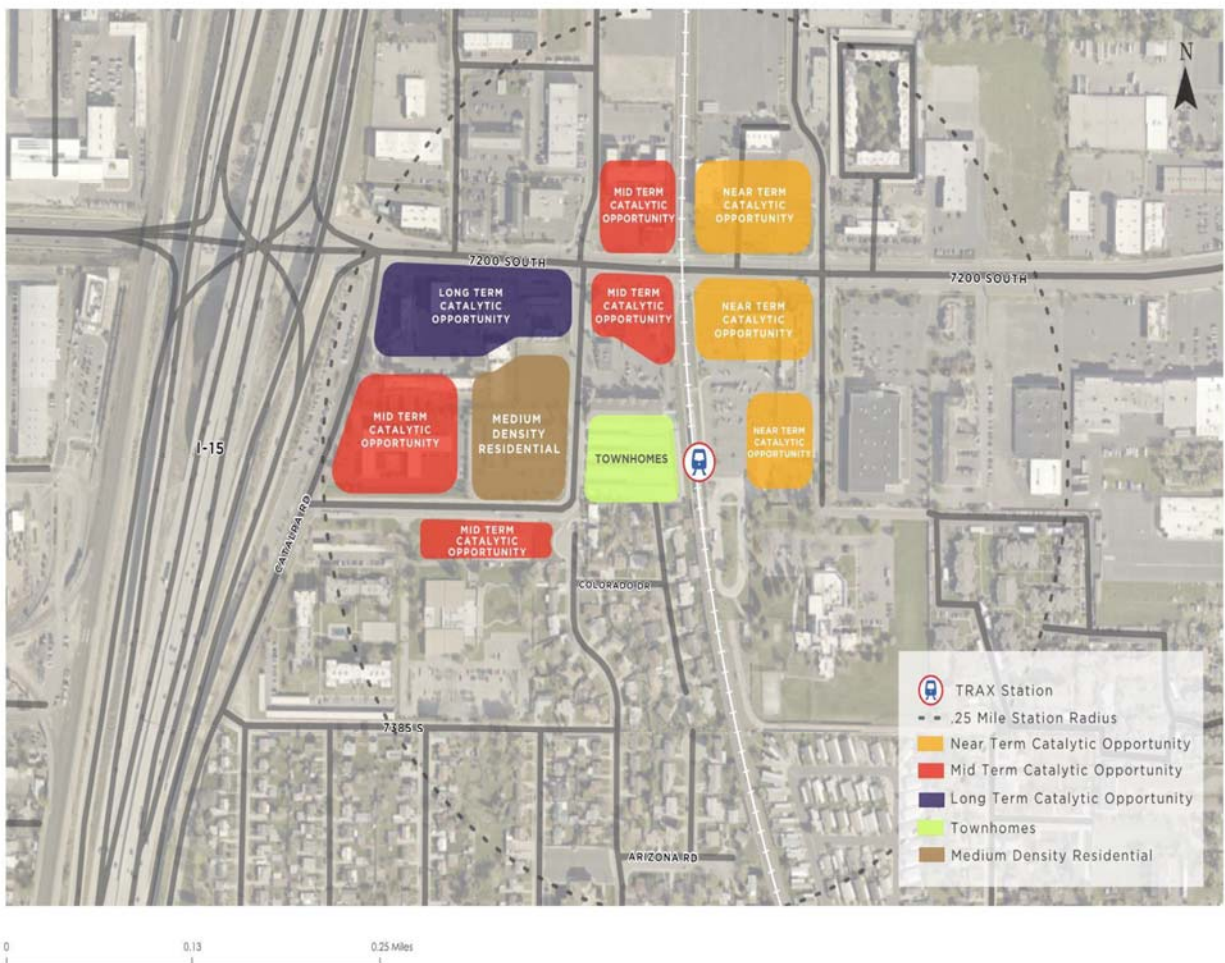
### **Vision Principles**

- Transformative through urban design and land use
- Increase human designed space (as opposed to automobile designed space) to 25-30 percent
- Connect the area to the rest of the community
- Focus on hotels and hospitality
- Create a cohesive brand for the area as a regional entry point to the community and a gateway to recreation
- Midvale Small Area Plans

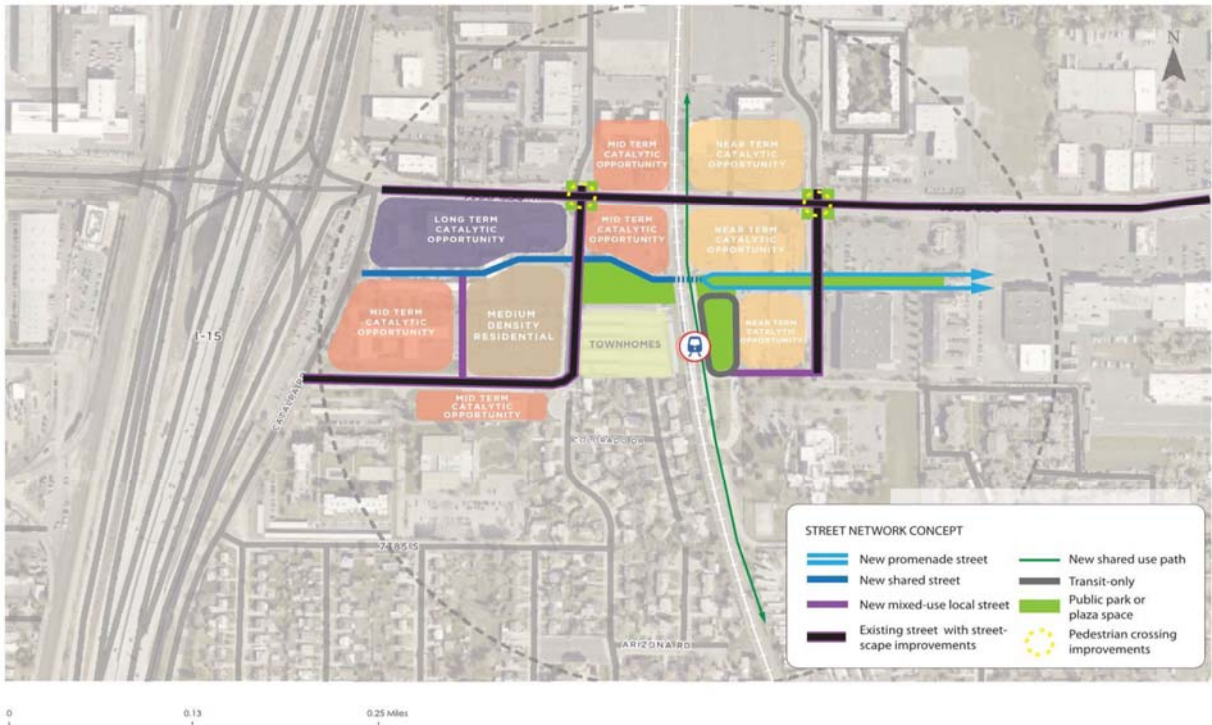
**Preferred alternative land use intensity**

Land Use	Unites	SF	Acres
Residential	224	212,400	5
Office		216,000	1
Retail		124,500	3
Human Designed Public Space		360,000	8
Total Developed			17

7200 SOUTH STATION PLAN



7200 SOUTH STREET NETWORK PLAN



**Projects and Implementation**  
**7200 South Station Area**

- Work with existing business and property owners to identify a brand and theme consistent with the plan vision statements
- Explore the appropriate mix of funding mechanisms for the public improvements within the station area
- Work with UTA to implement plan
- Update the Zoning Code to require:
  - Dedication of open space associated with new developments to support the public space network incorporated in the plan
  - Contribution to an open space fund in lieu of dedication if the development is not adjacent to the public space network
  - Require a balanced mix of land use types within the station area to include:
    - Medium and high density residential
    - Office
    - Hotel
    - Retail
  - Require new development to comply with design guidelines implementing the station area's brand and theme
  - Focus the most intensive development along the 7200 South frontage
  - Buffer existing single-family residential areas with less intensive development



- Update parking requirements in accordance with parking analysis recommendations, and
- Develop street cross sections and streetscape requirements consistent with the station area

**Vision Principles**

**Awaken and activate the area**

- Design and improve for charm
- Encourage transformative development.
- Concentrate the most intense uses near State Street and Center Street
- Create a cohesive brand for the area as a village center and activity hub in the community.

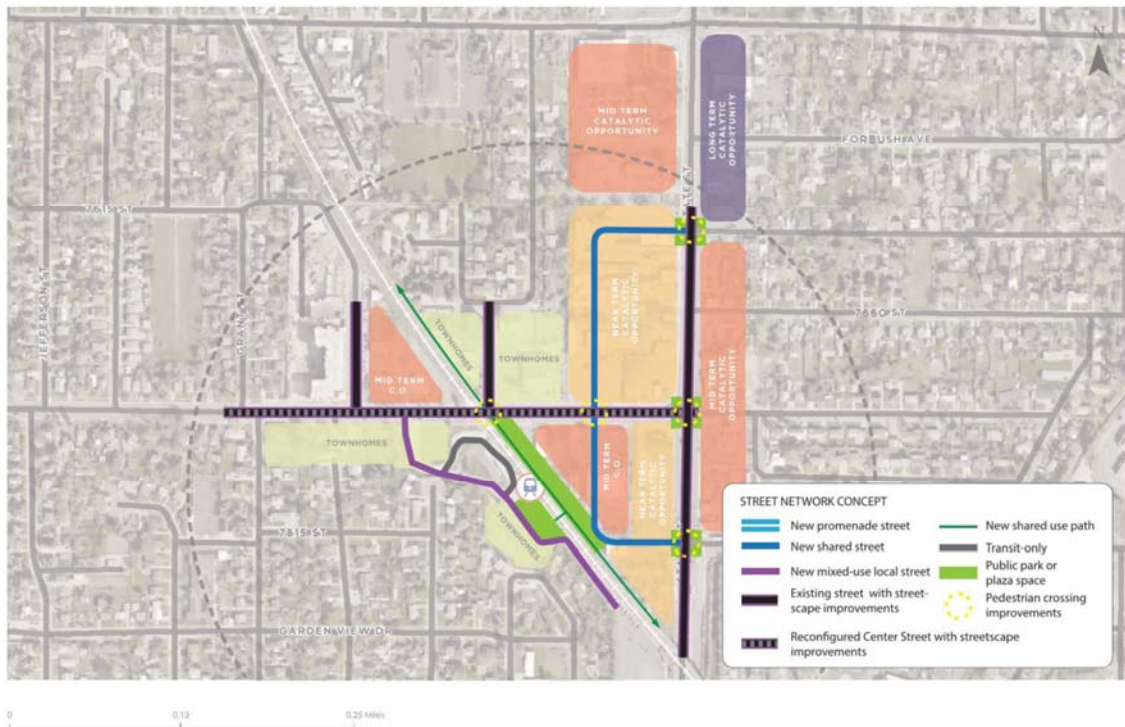
**Center Street Station Area**

Land Use	Units	SF	Acres
Residential	695	642,600	15
Office		270,000	6
Retail		96,300	2
Human Designed Public Space		177,500	4
<b>Total Developed</b>			<b>27</b>

CENTER ST STATION PLAN



CENTER ST STATION PLAN



## Projects and Implementation Center Street Station Area

- Work with existing business and property owners to identify a brand and theme consistent with the plan vision statements
- Explore the appropriate mix of funding mechanisms for the public improvements within the station area
- Work with UTA to implement plan
- Update the Zoning Code to require:
  - Dedication of open space associated with new developments to support the public space network incorporated in the plan
  - Contribution to an open space fund in lieu of dedication if the development is not adjacent to the public space network
  - Require a balanced mix of land use types within the station area to include:
    - Medium and high density residential
    - Office
    - Retail
  - Require new development to comply with design guidelines implementing the station area's brand and theme
  - Focus the most intensive development from State Street to the station,
  - Buffer existing single-family residential areas with less intensive development,
  - Update parking requirements in accordance with parking analysis recommendations, and

- Develop street cross sections and streetscape requirements consistent with the station area brand and theme
- Create pedestrian areas on all four corners of the State Street and 8000 South, State Street and Center Street and State Street and 7615 South intersections, and
- Reconfigure Center Street to improve the pedestrian environment and install streetscape improvements.

Christine Richman said the next step is to discuss the implementations and make sure the type of development the City wants is the key to putting the zone together and implementing the plan.

**F. DISCUSS PROPOSED AMENDMENTS TO THE FY2019 BUDGETS FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY**

Laurie Harvey discussed the proposed budget amendments as follows:

**Amendments to General Fund**

- Allocation of reserve account for merit increases
  - \$57,800 from “Employee Services” to various departments
  - JAG grant - UPD
  - \$15,200 2018 grant
    - Speed trailer
    - Thermal imaging monoculars
    - GPS trackers
  - \$15,400 2017 grant (carryover)
    - Wireless mics with earpieces for police radios
    - 55 chairs for precinct
- Recreation Director position
  - Salary and benefits - \$27,000
  - Software and operations - \$8,000
  - From Fund Balance - \$35,000
  -
- Dinners/snacks for Council meetings
  - From Fund Balance - \$3,000
  -
- Replace air conditioning unit at Police Station
  - From Fund Balance - \$100,000
- Total from Fund Balance - \$138,000

Leaves fund balance reserve at approximately \$4.1 million - 20.5% of \$20 million General Fund revenue.

**Amendments to General Fund and CIP**

- \$5,250,000 Grant from Salt Lake County



Proceedings of the City Council Workshop Meeting  
September 11, 2018

- Pass through to CIP for Bingham Junction Blvd
- \$470,000 from sale of Main Street basketball court and Museum
  - Increase of \$70,000 from FY 2018 estimate
  - Pass through to CIP for Community Center/Bowery project
- \$400,000 increase in budget for Community Center/Bowery project
  - \$330,000 transfer from “Future Projects” CIP line item
  - Balance from increase in estimated revenue from sale of properties

Kane Loader proposed a new meeting schedule starting in January with only two meetings a month starting at 6:00 p.m., with no workshops. A quarterly workshop can be scheduled if needed. The Council agreed to proceed.

**II. ADJOURN**

Mayor Hale adjourned the meeting at approximately 10:13 p.m.

---

**Rori L. Andreason, MMC**  
**H.R. DIRECTORY/CITY RECORDER**

Approved this 18<sup>th</sup> day of September 2018



## MIDVALE CITY COUNCIL SUMMARY REPORT

**Meeting Date: September 18, 2018**

---

**SUBJECT:** Resolution No. 2018-R-40, appointing Jared Zacharias to the Audit Committee of Midvale City

**SUBMITTED BY:** Laurie N. Harvey, Director of Administrative Services

**SUMMARY:**

Midvale City established an Audit Committee by Ordinance in October 2013. The committee members are appointed by the City Council. The Committee consists of two members of the City Council, and one government finance expert. The finance expert will be a non-voting member of the committee and may be paid a stipend.

Councilmembers Quinn Sperry and Bryant Brown are currently serving as members of the Audit Committee. Midvale citizen Mont Millerberg's term has expired. Staff recommends the appointment of Jared Zacharias as the third member of the committee.

Mr. Zacharias has extensive experience with governmental accounting. He currently serves as the Assistant Finance Director for Draper City. Mayor Hale met with Mr. Zacharias earlier this month and is in favor of his appointment.

Staff recommends payment of a \$50 stipend for each Audit Committee meeting he attends.

**FISCAL IMPACT:**

General Fund – minimal – stipend for financial expert

**STAFF RECOMMENDATION (MOTION READY):** I move we adopt Resolution 2018-R-40, appointing Jared Zacharias to the Audit Committee of Midvale City, and authorizing a stipend of \$50 per meeting.

**ATTACHMENTS:** Resolution 2018-R-40

**MIDVALE CITY CORPORATION  
RESOLUTION 2018-R-40**

A Resolution appointing Jared Zacharias to the Audit Committee of Midvale City

**Whereas**, the City Council has formed by ordinance the Audit Committee of Midvale City; and

**Whereas**, the Audit Committee consists of two members of the City Council and a government finance expert; and

**Whereas**, the position of governmental finance expert is currently vacant; and

**Whereas**, the City Council wishes to appoint Jared Zacharias to fill that vacancy; and

**Whereas**, the ordinance allows for payment of a stipend to the government finance expert position on the committee, and the City Council has determined that \$50 per meeting is reasonable.

**Now therefore be it resolved**, by the Midvale City Council, that Jared Zacharias is appointed to serve as a member of the Audit Committee of Midvale City. A stipend of \$50 per meeting is authorized for Mr. Zacharias.

**This resolution** shall become effective immediately upon passage thereof.

**Passed and adopted by the City Council of Midvale City, State of Utah**, this 18th day of September, 2018.

\_\_\_\_\_  
Robert M. Hale, Mayor

ATTEST:

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

<b>Voting by the City Council: “Aye”</b>	<b>“Nay”</b>
Paul Glover	_____
Paul Hunt	_____
Quinn Sperry	_____
Bryant Brown	_____
Dustin Gettel	_____



## MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: September 18, 2018

---

### **SUBJECT:**

Approve Ordinance No. 2018-O-13, creating a new provision for licensing and regulating mobile food trucks in Title 5 of the Midvale Municipal Code.

### **SUBMITTED BY:**

Jessie Stuart, Business Development Coordinator

---

### **SUMMARY:**

Midvale City does not currently have an ordinance to license mobile food trucks. Proposed Chapter 5.36 of the Midvale Municipal Code will establish the conditions in which the City can license and regulate mobile food trucks in accordance with Utah S.B. 250 and Midvale City policies. This new provision states that it is unlawful for any food truck to engage in vending without first having obtained a food truck license, and requires that a food truck adhere to federal, state, and local laws, regulations and policies. This includes, but is not limited to, the City's zoning, noise, stormwater, building, and fire ordinances, as well as the Salt Lake County Health Department's Regulations. Proposed Chapter 5.36 provides definitions pertaining to food trucks, differentiating between Food Carts and Food Trucks. It provides regulations pertaining to application requirements, operations, permitted locations, prohibited acts and compliance with the law.

**FISCAL IMPACT:** N/A

---

### **STAFF'S RECOMMENDATION AND MOTION:**

Staff recommends the City Council approves Ordinance No. 2018-O-13, creating a provision for licensing mobile food trucks in Title 5 of the Midvale Municipal Code.

### **ATTACHMENTS:**

- Proposed Ordinance No. 2018-O-13

**ORDINANCE NO. 2018-O-13**

**AN ORDINANCE CREATING A PROVISION FOR LICENSING AND REGULATING MOBILE FOOD TRUCKS IN TITLE 5 - BUSINESS TAXES, LICENSES AND REGULATIONS OF THE MIDVALE MUNICIPAL CODE**

**WHEREAS**, Midvale City does not currently have a provision for licensing mobile food trucks; and

**WHEREAS**, the State of Utah has adopted regulations for food trucks, Utah State Code 11-56; and

**WHEREAS**, the City has interest in creating licensing and regulations for mobile food trucks complying with the State's regulations within its municipal boundary; and

**WHEREAS**, the Midvale City Council has discussed this topic and finds it in the City's best interest to create a provision for licensing and regulating mobile food trucks within Title 5 of the Midvale Municipal Code.;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Midvale City, Utah as follows:

**Section 1.** The City Council desires to amend Midvale Municipal Code Title 5 as set forth in Exhibit A.

See "ATTACHMENT A" (Attachment A is the proposed code)

**Section 2.** If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section 3.** This ordinance shall be effective upon publication of a summary thereof.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Robert Hale, Mayor

ATTEST:

---

Rori Andreason, MMC  
City Recorder

Date of first publication: \_\_\_\_\_

Voting by City Council	“Aye”	“Nay”
Quinn Sperry	_____	_____
Paul Glover	_____	_____
Paul Hunt	_____	_____
Bryant Brown	_____	_____
Dustin Getttel	_____	_____

**Chapter 5.36**  
**FOOD TRUCKS**

Sections:

5.36.010	Definitions.
5.36.020	License required.
5.36.030	Application.
5.36.040	Current licenses.
5.36.050	Reciprocity.
5.36.060	Operations.
5.36.070	Permitted locations.
5.36.080	Compliance with law.
5.36.090	Prohibited acts.

**5.34.010 Definitions.**

“City-owned property” means all parks, open space, parcels, rights-of-way, buildings, parking lots, and other such properties owned or operated by the City.

“Fire safety inspection” means a document that a political subdivision issues as evidence that a food truck complies with the criteria set forth by the Utah Fire Prevention Board.

“Food cart” means a cart that is not motorized and that a vendor, standing outside of the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

“Food truck” means a fully encased food service establishment (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport and (b) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption. “Food truck” does not include a food cart or an ice cream truck.

“Food truck license” means a City business license that permits a food truck operator to operate a food truck within the City and engage in vending.

“Food truck operator” means a person who owns, manages, or controls, or who has the duty to manage or control the operation of a food truck.

“Food truck vendor” means a person who sells, cooks, or serves food or beverages from a food truck.

“Health department food truck permit” means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.

“Ice cream truck” means a fully encased food service establishment (a) on a motor vehicle or a trailer that a motor vehicle pulls to transport, (b) from which a vendor, from within the frame of a vehicle, serves ice cream, (c) that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by

playing music, and (d) that may stop to serve ice cream at the signal of a patron.

“Local health department” means a single county local health department, a multicounty local health department, a united local health department, or a multicounty united local health department in Utah.

“Political subdivision” means a city, town, metrotownship, or a county in Utah.

“Vending” means the donation or sale of food and beverages ready for immediate consumption or merchandise containing a food truck’s logo, name, or mark.

**5.34.020 License required.**

- A. It is unlawful for any food truck to engage in vending without first having obtained a food truck license as provided in this chapter.
- B. A separate food truck license is required for each food truck.

**5.34.030 Application.**

A food truck operator applying for food truck license shall submit the following information to the business license administrator:

- A. A completed business license application form, as provided by the City;
- B. A current health department food truck permit; and
- C. A current fire safety inspection.

**5.34.040 Current licenses.**

- A. A food truck is required to maintain a current health department food truck permit and to pass a fire safety inspection each calendar year.
- B. A food truck operator is responsible for providing the City with current copies of a health department food truck permit and a fire safety inspection.
- C. A food truck license under this chapter will expire upon expiration of a health department food truck permit or a fire safety inspection, whichever is earlier.

**5.34.050 Reciprocity.**

- A. The City shall grant a food truck license to operate food truck to any food truck operator that presents the City with:
  - i. a current business license from another political subdivision;
  - ii. a current health department food truck permit; and
  - iii. a current fire safety inspection.
- B. The food truck license issued by the City shall expire on the same day as the business license in Section 5.34.050(A)(i).

**5.34.060 Operations.**



- A. A food truck may only operate between 6 A.M. to 10 P.M., except as authorized by the City.
- B. A food truck may not park or engage in vending on City-owned property, except as authorized by the City.
- C. A food truck must provide trash receptacles for its patrons while engaged in vending.
- D. A food truck and its immediate vicinity must be kept in clean, attractive, and good operating condition.
- E. A food truck may only use signs to advertise if such signs are physically attached to the food truck.
- G. A food truck may not idle while operating.
- H. A food truck may play music subject to Chapter 8.01A 'Noise Control.'

**5.34.070 Permitted locations.**

A. A food truck may engage in vending in the following locations if the food truck's vending does not reduce the parking below the amount required for the property's use and the food truck has the property owner's permission:

- i. Mixed Use Zone;
  - ii. State Street Zone;
  - iii. Transit-Oriented Development Zone;
  - iv. Historic Commercial Zone;
  - v. Regional Commercial Zone;
  - vi. Clean Industrial Zone;
  - vii. State Street Overlay Zone;
  - viii. Transit-Oriented Development Overlay Zone;
  - ix. Commercial properties within the Bingham Junction Zone; and
  - x. Commercial properties within the Jordan Bluffs Zone.
- B. A food truck may engage in vending at any church or school in any zone within the City if:
- i. The food truck is participating in a community event;
  - ii. The food truck has been invited to participate by the property owner; and
  - iii. The food truck only serves those participating in the community event.

**5.34.080 Compliance with law.**

A food truck must adhere to federal, state, and local laws, regulations, and policies. This includes, but is not limited to, the City's zoning, noise, stormwater, building, and fire ordinances and Salt Lake County Health Department's regulations.

**5.34.090 Prohibited acts.**

- A. A food truck may only engage in the vending of food, beverages, and merchandise branded with the food truck's logo, name, or mark. A food truck may not engage in the vending of other merchandise, professional or personal services, or alcoholic beverages.
- B. A food truck and any related accessories may not obstruct or impede pedestrian or vehicular traffic, access to and from driveways, or clear vision lines for vehicle drivers.
- C. A food truck may only engage in vending to pedestrians. A food truck may not provide drive-thru or drive-in service.
- D. A food truck may not engage in vending to any customer that is located in any portion of the right-of-way.
- E. A food truck may not violate any other requirement under this chapter.



## MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: September 18, 2018

**SUBJECT:** Consider adopting Ordinance 2018-O-14 amending Chapter 15.12 'Adoption of Building and Other Related Codes.'

**SUBMITTED BY:** Lisa Garner, City Attorney

**SUMMARY:**

Utah has adopted a number of standardized constructions codes with the *State Construction and Fire Codes Act* (Title 15 A of the Utah Code). These codes include the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel Gas Code, and the National Electrical Code to name a few. These codes “establish provisions that adequately protect public health, safety and welfare [and] that do no unnecessarily increase construction costs” (Preface, 2018 International Building Code).

Under Utah Code § 15A-1-207, the administration and enforcement of these codes has been delegated to agencies and political subdivisions of the State including Midvale City. These construction codes empower jurisdictions to enforce certain violations including not correcting a violation or continuing to work after a stop work order has been issued. However, these codes do not identify the penalties for such violations. Instead, they state “[a]ny person who violates a provision of this code [...] shall be subject to penalties as prescribed by law” (2018 IBC 114.4).

While state law makes it unlawful and provides penalties for an individual that fails to obtain a building permit, it does not provide penalties for other violations of the construction codes (Utah Code Ann. § 58-55-501(7) and 503(1)(a)(i)). Instead the penalties for these violations are left to the jurisdiction to establish. Midvale City currently does not have penalties affixed to these violations, and, as a result, the Building Department has lacked the power to intervene and ensure compliance at an early stage.

As violations of these construction codes involve the health, safety, and preservation of residents and property, Staff proposes making it a class B misdemeanor to violate these construction codes or any lawful order from the Building or Fire departments. This is in line with many of the City’s neighboring municipalities. To Staff’s knowledge, no municipality has adopted a penalty for these violations less than a class C misdemeanor.

It is important to note that Staff does not wish to criminally prosecute every violator. Instead, Staff wishes only to ensure compliance with these constructions codes to protect the health, safety, and preservation of residents and property. While many individuals are happy to comply with the constructions codes, there are some who refuse. By adopting penalties for

these violations, the Staff will be more effective in ensuring compliance because their enforcement actions can begin earlier and will be backed with legal consequences.

**FISCAL IMPACT: None.**

---

**STAFF'S RECOMMENDATION AND MOTION: I move that we approve Ordinance No. 2018-O-14 amending Chapter 15.12 'Adoption of Building and Other Codes.'**

**Attachments: Proposed Ordinance 2018-O-14  
Amended Chapter 15.12 'Building and Other Related  
Codes'**

**MIDVALE CITY**

**ORDINANCE NO. 2018-O-14**

**AN ORDINANCE AMENDING CHAPTER 15.12 ADOPTION OF BUILDING AND OTHER RELATED CODES.**

**WHEREAS**, Utah has recognized the importance of adopting and enforcing standardized construction codes for the health, safety, and preservation of its citizens and property as evidenced by Utah Code Ann. Title 15A ‘State Construction and Fire Codes Act;’ and

**WHEREAS**, Utah has delegated the responsibility of administering and enforcing the State’s construction codes to various agencies and political subdivisions including Midvale City under Utah Code Ann. § 15A-1-207; and

**WHEREAS**, the constructions codes leave decisions regarding penalties for certain code violations to the enforcing jurisdiction; and

**WHEREAS**, these code violations endanger the health, safety, and preservation of residents and property in the City; and

**WHEREAS**, the City desires to protect the health, safety, and preservation of residents and property in the City; and

**WHEREAS**, the City desires to provide enforcement mechanisms and penalties for certain code violations to ensure the health, safety, and preservation of residents and property in the City;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Midvale City, Utah as follows:

**SECTION I**

The City Council desires to amend Midvale Municipal Code Chapter 15.12 ‘Adoption of Building and Other Related Codes’ as set forth in Exhibit A.

**SECTION II**

A violation of this ordinance includes the possibility of imprisonment. As such, Midvale City is required, under Utah Code Ann. § 77-32-301, to provide for indigent legal defense, as those terms are defined in Utah Code Ann. § 77-32-201.

**SECTION III**

This ordinance shall be effective upon date of first publication.

**PASSED AND APPROVED** this 18<sup>th</sup> day of September, 2018.

**MIDVALE CITY**

By: \_\_\_\_\_  
Mayor Robert M. Hale

[SEAL]

**VOTING:**

Paul Glover	Yea	___	Nay	___
Quinn Sperry	Yea	___	Nay	___
Paul Hunt	Yea	___	Nay	___
Bryant Brown	Yea	___	Nay	___
Dustin Gettel	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

Published this \_\_\_ day of \_\_\_\_, 2018.



## MIDVALE CITY COUNCIL SUMMARY REPORT

**Meeting Date: September 18, 2018**

---

**ITEM:** **Approve Resolution No. 2018-R-41, authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C.**

**SUBMITTED BY:** **Lisa A. Garner, City Attorney**

**SUMMARY:**

Midvale City received a grant in the amount of \$6,750.00.00 from the State of Utah for the expansion of Bingham Junction Boulevard. The grant funds must be used for the construction of the extension of Bingham Junction Boulevard. Gardner Jordan Bluffs, L.C. is the developer who is responsible for the expansion of Bingham Junction Boulevard and has already begun construction on Bingham Junction Boulevard. The expansion extends Bingham Junction Boulevard from 7800 South to Sandy Parkway. The estimated cost of this construction is in excess of \$7,200,000.00. Midvale City will receive the monthly payments in the amount of \$600,000.00 from Salt Lake County and then pay that amount to Gardner Jordan Bluffs, L.C. in accordance with the terms of the Reimbursement Agreement. A resolution has been prepared for Council consideration authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C.

**Fiscal Impact: None**

---

**STAFF'S RECOMMENDATION AND MOTION:**

***I move that we adopt Resolution No. 2018-R-41, a resolution authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C.***

**MIDVALE CITY, UTAH  
RESOLUTION NO. 2018-R-41**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A REIMBURSEMENT  
AGREEMENT WITH GARDNER JORDAN BLUFFS, L.C.**

WHEREAS, Gardner Jordan Bluffs, L.C. (“Developer”) is the owner of a parcel of real property located within the Jordan Bluffs Subdivision in Midvale City, Salt Lake County, Utah;

WHEREAS, The Jordan Bluffs Subdivision is located within the project area covered by the Jordan Bluffs Project Area Redevelopment Plan adopted by the City on August 10, 2004;

WHEREAS, Developer is developing portions of the Jordan Bluffs Subdivision pursuant to that certain Amended Master Development Agreement for the Jordan Bluffs Project between Developer and Midvale City (“City”), pursuant to which Developer agreed to construct a portion of the Bingham Junction Boulevard;

WHEREAS, Developer entered into that certain Tax Increment Reimbursement Agreement dated November 9, 2017 (the “TIF Agreement”), with the Redevelopment Agency of Midvale City, a public agency (“Agency”), pursuant to which Agency agreed to reimburse certain costs incurred by Developer in connection with the Jordan Bluffs Subdivision and the construction of a portion of Bingham Junction Boulevard from tax increment generated from the Jordan Bluffs Project

WHEREAS, The TIF Agreement provides that, if the City or Agency receives funding from the State of Utah for the expansion of Bingham Junction Boulevard, such funding will also be used to reimburse Developer’s costs to construct the portion of Bingham Junction Boulevard;

WHEREAS, The City has or will receive funding from the State of Utah for the construction of the Connector Road in the amount of \$6,750,000.00;

WHEREAS, Developer and the City desire to enter into this Agreement to provide for the reimbursement of Developer’s costs to construct the expansion of Bingham Junction Boulevard from the Reimbursement Funds, as set forth below

**NOW THEREFORE BE IT RESOLVED**, based on the foregoing, the Midvale City Council does hereby approve this agreement between Midvale City and Gardner Jordan Bluffs, L.C., and authorizes the Mayor to sign the agreement.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Robert M. Hale, Mayor

ATTEST:

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder



Voting by the City Council	“Aye”	“Nay”
Dustin Gettel	_____	_____
Paul Glover	_____	_____
Quinn Sperry	_____	_____
Paul Hunt	_____	_____
Bryant Brown	_____	_____

**CONNECTOR ROAD REIMBURSEMENT AGREEMENT  
(Jordan Bluffs Project Area)**

THIS CONNECTOR ROAD REIMBURSEMENT AGREEMENT (this “**Agreement**”) is made and entered into on August \_\_\_, 2018, between **MIDVALE CITY**, a political subdivision of the State of Utah (the “**City**”), and **GARDNER JORDAN BLUFFS, L.C.**, a Utah limited liability company (the “**Developer**”), sometimes collectively referred to as the “**Parties**,” and individually, as a “**Party**.”

RECITALS

A. The Developer is the owner of a parcel of real property located in Midvale City, Salt Lake County, Utah, more particularly described on Exhibit A attached hereto and made a part hereof (the “**Developer Parcel**”).

B. The Developer Parcel is located within the project area covered by the Jordan Bluffs Project Area Redevelopment Plan adopted by the City on August 10, 2004 (the “**Jordan Bluffs Project**”).

C. Developer is developing the Developer Parcel pursuant to that certain Amended Master Development Agreement for the Jordan Bluffs Project between Developer and the City (the “**Development Agreement**”), pursuant to which Developer agreed to construct a portion of the Bingham Junction Boulevard (the “**Connector Road**”).

D. Developer entered into that certain Tax Increment Reimbursement Agreement dated November 9, 2017 (the “**TIF Agreement**”), with the Redevelopment Agency of Midvale City, a public agency (“**Agency**”), pursuant to which Agency agreed to reimburse certain costs incurred by Developer in connection with the Jordan Bluffs Project and the Connector Road from tax increment generated from the Jordan Bluffs Project.

E. The TIF Agreement provides that, if the City or Agency receives funding from the State of Utah for the Connector Road, such funding will also be used to reimburse Developer’s costs to construct the Connector Road.

F. The City has or will receive funding from the State of Utah for the construction of the Connector Road in the amount of \$6,750,000.00 (the “**Reimbursement Funds**”).

G. Developer and the City desire to enter into this Agreement to provide for the reimbursement of Developer’s costs to construct the Connector Roads from the Reimbursement Funds, as set forth below.

## A G R E E M E N T

NOW, THEREFORE, in consideration of the terms and conditions hereby agreed to, and other good and valuable consideration, the Parties hereby agree as follows:

1. Recitals. The above Recitals are incorporated herein as material factual context and expressions of intent for this Agreement.

2. Agreement to Reimburse. Subject to the terms of this Agreement, and so long as Developer is not in default under the Development Agreement or TIF Agreement beyond all applicable notice and cure periods, the City agrees to reimburse Developer, in an amount equal to the Reimbursement Funds, for all hard and soft costs, including, without limitation, the cost of the land for the Connector Road, incurred by Developer in connection with the construction of the Connector Road.

3. Supporting Documents. No Reimbursement Funds shall be paid to Developer until the City receives the following documents:

- a. Executed contract between Developer and the architect that designed the Connector Road.
- b. Executed contract between Developer and the contractor that constructed Connector Road.
- c. Final plans of Connector Road.

4. Payment of Reimbursement Funds. The City agrees to pay the Reimbursement Funds to Developer as follows:

- a. Monthly Payments. Commencing on October 15, 2018, and on the fifteenth (15<sup>th</sup>) day of each calendar month thereafter until the Final Payment Date, City shall reimburse Developer from the Reimbursement Funds for costs included in Developer's Reimbursement Report (see #5 below) up to a maximum of \$600,000 per month. Any unreimbursed costs shall carry over to the following

months until reimbursed and are again subject to the \$600,000 monthly maximum amount (other than the payment on the Final Payment Date).

b. Final Payment. On or before June 30, 2019 (the “**Final Payment Date**”), the City shall pay Developer all remaining Reimbursement Funds for previously unreimbursed costs included in Developer’s Reimbursement Reports (see #5 below).

5. Reimbursement Report. Approval for reimbursement costs require a report that includes the following:

- a. Document showing progress in construction contract.
- b. Invoice(s) for expenses.
- c. Proof of payment.
- d. Acknowledgement of reduction of TIF reimbursement amount.

6. Miscellaneous.

6.1 Entire Agreement. This Agreement constitutes the full and entire understanding and agreement among the Parties regarding the matters set forth herein and no party shall be liable or bound to any other Party in any manner by any warranties, representations, or covenants regarding the matters set forth herein except as specifically set forth herein.

6.2 Successors and Assigns. Except as otherwise provided herein, the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the Parties. Nothing in this Agreement, express or implied, is intended to confer upon any party other than the Parties hereto or their respective successors and assigns any rights, remedies, obligations or liabilities under or by reason of this Agreement, except as expressly provided in this Agreement.

6.3 Governing Law. This Agreement shall be governed by and construed under the laws of the State of Utah without regard to its choice of law provisions.

6.4 Counterparts. This Agreement may be executed by facsimile and/or in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6.5 Construction. The Parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.6 Notices. Unless otherwise provided, all notices and other communications shall be made as set forth in the Development Agreement.

6.7 Attorney's Fees. In the event that any action is filed in relation to this Agreement, the unsuccessful Party in the action shall pay to the successful Party, in addition to all the sums that any party may be called on to pay, a reasonable sum for the successful party's attorney's fees.

6.8 Amendments and Waivers. Any term of this Agreement may be amended and the observance of any term of this Agreement may be waived (either generally or in a particular instance and either retroactively or prospectively), only with the written consent of the Parties. Any amendment or waiver effected in accordance with this Section shall be binding upon the successors and assigns of the Parties.

6.9 Severability. If one or more provisions of this Agreement are held to be unenforceable under applicable law, such provisions shall be excluded from this Agreement and the balance of the Agreement shall be interpreted as if such provisions were so excluded and shall be enforceable in accordance with its terms.

6.10 Further Assurances. The Parties each shall execute and deliver such instruments and documents as may be reasonably necessary to carry out the purposes and intent of this Agreement.

*[Remainder of Page Intentionally Left Blank]*

*[Signature Page to Follow]*

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

CITY: MIDVALE CITY, a political subdivision of the State of Utah

By \_\_\_\_\_  
Robery M. Hale  
Its: Mayor

Attest: \_\_\_\_\_  
City Recorder

APPROVED:

\_\_\_\_\_  
City Attorney

DEVELOPER: GARDNER JORDAN BLUFFS, L.C., a Utah limited liability company, by its Manager

KC Gardner Company, L.C., a Utah limited liability company

By \_\_\_\_\_  
Christian Gardner  
Its Manager

Voting by the City Council	“Aye”	“Nay”
Dustin Gettel	_____	_____
Paul Glover	_____	_____
Quinn Sperry	_____	_____
Paul Hunt	_____	_____
Bryant Brown	_____	_____

**12.08.060 Vehicles or animals to use established crossings.**

A. A self-propelled vehicle is defined as any vehicle that is propelled by its own engine, motor, or the like. A self-propelled vehicle does not include the following:

- i. a vehicle moved solely by human power;
- ii. a motorized wheelchair;
- iii. an electric personal assistive mobility device as defined in Utah Code Ann. § 41-6a-102(18), as amended;
- iv. an electric assisted bicycle as defined in Utah Code Ann. § 41-6a-102(17), as amended; or
- v. a personal delivery device as defined by Utah Code Ann. § 41-6a-1119, as amended.

B. It is unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings. (Prior code § 11-366)