



**MIDVALE CITY COUNCIL MEETING
AGENDA
November 13, 2018**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **13th day of November 2018** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM PRE-MEETING WORKSHOP

I. STAFF REPORTS

7:00 PM

REGULAR MEETING

II. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. UPD AND UFA REPORTS

III. 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.

IV. COUNCIL REPORTS

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

V. MAYOR REPORT

- A. Mayor Robert M. Hale

VI. PUBLIC HEARINGS

- A. Consider a Final Subdivision Plat for the Pear Hollow Subdivision located at 156 East Forbush Avenue from applicant Ryan Litke [*Alex Murphy, Associate Planner*]

ACTION: Consider a Final Subdivision Plat for the Pear Hollow Subdivision located at 156 East Forbush Avenue from applicant Ryan Litke

VII. CONSENT AGENDA

- A. Consider minutes of October 16, 2018 [**Rori Andreason, H.R. Director/City Recorder**]

VIII. ACTION ITEMS

- A. Consider a Final Subdivision Plat for the 7th Avenue Cottages PUD located at 7575/7601 South 700 East from applicant Brian McMullin [**Alex Murphy, Associate Planner**]
- B. Consider Resolution No. 2018-R-46 Confirming the Appointments of Ty Montalvo, Chris Kimball, Robert Pinon, Mark Chesley, Curt Brooks, and Donna Jackson to the Board of Appeals [**Brian Berndt, Asst. City Manager/Community Development Director**]
- C. Consider a Final Subdivision Plat for Midvale Townhomes located at 7475-7495 South 700 East [**Lesley Burns, City Planner**]
- D. Consider Resolution No. 2018-R-45 Amending Section 5.0 Leave Policies of the Midvale City Personnel Policies and Procedures Manual [**Rori Andreason, H.R. Director/City Recorder**]

IX. DISCUSSION ITEMS

- A. Report from Arts Council [**Stephanie Johnson, Midvale Arts Council**]
- B. Discuss the Council Meeting, Mayor Pro-Tempore, and Holiday Schedule for Calendar Year 2019 [**Rori Andreason, H.R. Director/City Recorder**]

X. 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 news media 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 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: NOVEMBER 9, 2018

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



CITY COUNCIL MEETING
Minutes

Tuesday November 13, 2018
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

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

STAFF: Kane Loader, City Manager; Brian Berndt, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Matt Dahl, Redevelopment Agency Director; Alex Murphy, Associate Planner; Laura Magness, Communications Specialist; Glen Kennedy, PW Director; Patrick O'Brien, RDA Housing Project Manager; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Jake Shepherd, Network Administrator.

Mayor Hale called the meeting to order at 6:30 p.m.

PRE-MEETING WORKSHOP

I. STAFF REPORTS

Council Member Bryant Brown and Council Member Dustin Gettel questioned how the swimming pool location was moved to the east side. Council member Dustin Gettel said he thought the location was going to be investigated rather than just being moved from Jordan Bluffs to the east side by the high school. And now there is no fitness center being built on Jordan Bluffs either.

Kane Loader said he would schedule this item for discussion with the council for an update. He said staff is working with Gardner to see what will be included in the development agreement.

Council Member Paul Glover said three years ago the City Council all wanted the pool located by Hillcrest. The County said it had to be located at Copperview or nothing. Now the City has two choices. All of the people on the east side have never received anything since incorporation. They feel nothing has been done for them. He said he would support it up there for that reason and it provides the high school and middle school somewhere

to go swim. He said he wants a recreation center and a swimming pool. A decision needs to be made as to the location.

Council Member Dustin Gettel said why can't this question be put out there to ask the citizens where they want it?

Matt Dahl said one consideration is to think about the people that aren't living there yet.

Mayor Hale said even though the Council represents one district, they are representing the city as a whole.

Council Member Dustin Gettel said he would like to see a comparison of the costs to build in both locations.

Council Member Quinn Sperry said the east side residents do feel the west side gets all the amenities such as parks.

Kane Loader said the second meeting in December this item will be on the agenda for an update with information so that the Council can make a decision.

Council Member Paul Glover said he would like to see a bundle from UTOPIA be offered in the new developments.

Dustin Gettel asked if UTOPIA could be offered to individual apartment units? Kane Loader said it's up to the owner of the complex.

Mayor Hale said there have been items on the tabled list (i.e. pygmy goats, no idling, districting). He wanted to get a sense of where the Council would like to go with these three items that Council Member Dustin Gettel brought up to the City Manager.

Mayor Hale said the census comes out in 2020, so at that time a committee can be put together to work on the districting. He asked if the Council wanted to bring up the Pygmy goat issue.

Kane Loader said a moratorium was placed on it May 15th. The Council needs to decide what direction they would like to go.

Council Member Dustin Gettel suggested accepting pygmy goats as non-livestock. He felt a weight limit should be placed on them, so someone cannot have 150-pound pygmy goat. No one complains about the goats and they are well taken care of. He doesn't know why the council wouldn't want to help someone who has come to the city asking for help.

Council Member Paul Glover said the problem is opening this up and then if someone does have problems, they have to be dealt with.

Council Member Dustin Gettel said to place a restriction on how many pygmy goats an individual can have. He recommended passing an ordinance that identifies pygmy goats as a pet and not livestock. Then if there is a nuisance, proceed with the nuisance ordinance.

Council Member Bryant Brown said the restriction would have to be two pygmy goats since they cannot be alone.

Kane Loader recommended also including neutering and dehorning.

Council Member Quinn Sperry said he would rather not have them, but if you do, have restrictions on the lot size. Council member Paul Hunt agreed with Council member Quinn Sperry. Council Member Paul Glover said he would also like some type of a lot size.

Council Member Dustin Gettel said he did a Facebook poll with 92 respondents who were in favor. He suggested to use Qualtrics for a survey.

Laura Magness said she doesn't have a good pool of email addresses. Council Member Dustin Gettel said if the housing survey was valid, use the same list for the pygmy goats. Laura Magness said she is working with Qualtrics to develop an email address pool.

Mayor Hale opened the business meeting at 7:10 p.m.

II. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

C. UPD AND UFA REPORTS

Chief Randy Thomas updated the Council on recent incidents. He reported that one of his sergeants recently passed away. A memorial service and viewing will take place this Thursday and Friday with full honors. He said he really appreciates the speed signs. He felt they are making a difference in speed enforcement. He said he just got word a week ago that the Midvale Rotary Club is sponsoring "Shop with a Cop".

Chief Brad Larsen reported on efforts the Midvale Fire Stations made to get the safety message out to the public and schools. He reviewed the individuals that went to California to assist with the "Camp Fire". He said he would have some statistics at the next meeting.

III. PUBLIC COMMENTS

Sophia Hawes-Tingey said she was speaking as the chair of the transgender inclusion project. On November 20th is the annual International Transgender Day of Remembrance. The Community Council annual pot luck is the first Wednesday in December. All are invited.

Wade Walker thanked the Council, Mayor and Staff for the pickle ball courts. He said it was a good investment for quality of life for Midvale. He also thanked the city for the speed limit signs.

IV. COUNCIL REPORTS

A. Council Member Paul Hunt – said there was a great turnout at the Veteran’s Day celebration. He thanked the staff and Laura for their efforts. He said many people are complaining about the UDOT plant on 7200 South. He asked Kane to say something to UDOT and keep it clean as possible.

Council member Paul Glover said he can hear the plant all night long at his house.

B. Council Member Dustin Gettel – said midterm elections took place and we have two new individuals to represent Midvale. Andrew Stoddard and Kathleen Riebe. He looks forward to working with both of them. The Community Council had their new elections. Sophia Hawes-Tingey was elected Chair, Steve Hurcheck, Vice Chair, Jodi Smith, Secretary, Susan Hale, Treasurer. He reported on several issues discussed during the Community Council meetings where everyone is invited to attend. Ranked choice voting has been discussed previously. The Lt. Governor’s office has decided to try ranked choice voting. He felt the group that wanted to discuss ranked choice voting should be able to present to the city.

C. Council Member Paul Glover – said he was in California yesterday morning trying to get to the airport and the fires are real. It took him an hour and a half to go a mile.

D. Council Member Quinn Sperry – said on 1000 East Jordan Valley has been doing construction for the last 120 days. He asked how much longer they would be. Glen Kennedy said he will follow up on this.

E. Council Member Bryant Brown – said the medians are being put in on Center Street. He felt it would provide some additional safety. He said the Holladay City citizen referendum passed. He felt cities should take note. Council members represent the citizens at large and need to listen to them.

V. MAYOR REPORT

Mayor Robert Hale – reported that the city is paying insurance premiums to the Utah local governments trust and they have a program to remit funds if various entities perform well and their workers are safe. This year Midvale City will receive \$26,867 of premium relief credit. He applauded the employees. The cities are encouraged to implement safety

incentive programs within the city. He said he, Kane Loader City Manager, Brian Berndt, Assistant City Manager met with S L County Parks and Recreation and Canyons School District to see what the possibilities are for a recreation complex on the Union Park grounds at 700 East and 7300 South. These are ongoing negotiations. The timeframe is somewhere around 10 to 12 years from now. They are also looking at recreation facilities at the Jordan Bluffs, but there is nothing certain right now. He said he attended the Keys to Success with Progressive Insurance Claims Center. They presented three automobiles to our armed forces Veterans. They took cars that had been totaled and repaired them. The cars were brought back to be 100%; they were painted, licensed and insured. He said he would be meeting with the Joint Board Team with UTA so if anyone had any long-term issues with UTA to let him know.

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 HEARINGS

A. CONSIDER A FINAL SUBDIVISION PLAT FOR THE PEAR HOLLOW SUBDIVISION LOCATED AT 156 EAST FORBUSH AVENUE FROM APPLICANT RYAN LITKE

Alex Murphy stated the proposed Pear Hollow Subdivision plat consists of two (2) proposed lots on a total of approximately 0.50 acres located at 156 East Forbush Avenue. This request was submitted by Ryan Litke, owner of the property, for the purpose of creating a flag lot behind the existing single-family dwelling on the property. This property is zoned Single Family Residential (SF-1) and would allow a single story single family house to be constructed on the flag lot once the subdivision plat is recorded. The applicant is not proposing to construct this house at this time.

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 October 10, 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 Pear Hollow 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. The applicant shall stake the location of the property boundary and proposed flag lot driveway and obtain approval from the Fire Marshal and City Planner of the configuration prior to recording the final subdivision plat. Should the existing fire hydrant obstruct access to the flag lot driveway or reduce the base lot width below the required minimum, relocation of the hydrant shall be required and shall be

- guaranteed by a cash bond or approved alternative prior to recording the final subdivision plat.
3. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
 4. 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 the subdivision plat being recorded.
 5. Two improved parking spaces shall be constructed in side or rear yard of the base lot house prior to the subdivision plat being recorded.

The applicant has prepared and submitted the final plat (see attached). The applicant has revised the plan to relocate the existing fire hydrant to avoid conflicts with the future flag lot driveway. The duty to serve letters and utility notices have been provided.

The proposed subdivision plat was reviewed and approved by the City Engineer, provided some minor technical revisions are completed, and Fire Marshall. The City Engineer will ensure the fire hydrant has been relocated or require the applicant to post a bond for the relocation prior to signing the subdivision plat for recording. The only recommended condition from the Planning Commission that has not been addressed is the requirement for two off-street parking stalls for the existing house.

As a minor subdivision request, this request is subject to and complies with the requirements of the Single Family Residential (SF-1) zone and the subdivision ordinance (Title 16), subject to the recommended conditions below.

STAFF RECOMMENDATION:

Staff recommended the City Council approve the final subdivision plat for the Pear Hollow Subdivision with the following conditions:

1. Two improved parking spaces shall be constructed in side or rear yard of the base lot house prior to the subdivision plat being recorded.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

Mayor Hale opened the hearing to public comment.

Ryan Litke discussed the parking and accommodating the traffic. He said the neighbor to the west will purchase the lot adjacent to him.

MOTION: Council Member Paul Glover **MOVED** to close the 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: CONSIDER A FINAL SUBDIVISION PLAT FOR THE PEAR HOLLOW SUBDIVISION LOCATED AT 156 EAST FORBUSH AVENUE FROM APPLICANT RYAN LITKE

MOTION: Council Member Paul Hunt 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 Pear Hollow Subdivision with the following conditions:

- 1. Two improved, off-street parking spaces shall be constructed for use by the base lot house prior to the subdivision plat being recorded.**
- 2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.**

The motion was SECONDED by Council Member Bryant Brown. 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 Aye
Council Member Dustin Gettel Aye**

The motion passed unanimously.

VIII. CONSENT AGENDA

A. CONSIDER MINUTES OF OCTOBER 16, 2018

MOTION: Council Member Bryant Brown MOVED to approve the consent agenda. 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 Aye
Council Member Dustin Gettel Aye**

The motion passed unanimously.

MOTION: Council Member Quinn Sperry MOVED to move item 9A Report from Arts Council up in the agenda. 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.

X. DISCUSSION ITEM

B. REPORT FROM ARTS COUNCIL

Wade Walker said he is standing in for Stephanie Johnson, Chair, as she was not able to attend that night. He reported on the Arts Council programs for the past year. It has been a part of the city for the past 35 years. They were a city funded entity until 2012 when the Arts Council became a separate 501C3 non-profit organization. The City Council recognized the Arts Council as the official arts entity of the city. They have free concerts, low cost theatrical productions, outreach programs, Harvest Days involvement and rent out the arts council facilities. Since they became a non-profit since 2012, they rely heavily on the city and the Zoo Arts and Parks Programs for on-going support. They feel that they have used those funds to enhance the quality of life and promote a positive image in our city.

Theatrical productions include 150 cast and crew members with over 1500 in attendance to these productions. They hope to add value to the Main Street revitalization. They have free concert Fridays. They present those concerts for free to the citizens of Midvale. They have sponsors that had displays set up at the concerts and gave away free gifts as well as dessert vendors. Their estimated attendance for the summer concerts series for the course of the summer was about 3,000 people. They continue to support Harvest Days with the Hall of Honors, Arts Contest, and the Youth Ambassadors induction and recognition ceremony. They also helped to arrange entertainment acts on the stage for Harvest Days throughout the day.

He introduced Bob Bedore to talk about the outreach programs. Mr. Bedore said it is important to them to not just be a performance arm for the city. He feels that the arts bring confidence and creativity to the children. Quick Wits has done many outreach programs. They build trust, acceptance, and teamwork. The Boys and Girls Club are sponsored to be a part of the outreach programs. The Art Show had over 100 art pieces that were submitted. The facility rentals had diverse rentals with dance groups, operas, and other municipalities. They have over 30 improv groups come to Midvale. He thanked the Council and City for their support.

Wade Walker said the revitalization of Main Street could be a tremendous thing for the city. He also thanked the Council and City for their support.

Council Member Bryant Brown said that these people are all volunteers. They spend countless hours working very hard. He challenged everyone to attend a concert and or theater production this upcoming year.

Council Member Dustin Gettel asked if Wade Walker could work with Laura Magness to put the Arts Council video they showed on social media.

IX. ACTION ITEM

A. CONSIDER A FINAL SUBDIVISION PLAT FOR THE 7TH AVENUE COTTAGES PUD LOCATED AT 7575/7601 SOUTH 700 EAST FROM APPLICANT BRIAN MCMULLIN

Alex Murphy said the proposed Cottages on 7th Subdivision plat consists of seven (7) proposed residential lots and additional common area on a total of 1.16 acres located on 700 East. This request has been submitted by Brian McMullin, representing the owners of the two properties involved, as part of an overall proposal for a Master Planned Development. The Planning Commission granted approval of the Conditional Use Permit and Preliminary Site Plan for the Master Planned Development, subject to the City Council's approval of the subdivision plat.

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 April 25, 2018 and issued a decision and recommendation on the application on May 9, 2018. The Council conducted a public hearing on this subdivision plat on June 5, 2018 and approved the preliminary subdivision plat 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. Prior to final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development. The final subdivision plat shall be adjusted to reflect any changes required by the final site plan.
2. The applicant shall prepare a draft Declaration of Covenants, Conditions, and Restrictions, including the creation of a homeowner's association and a requirement stating garbage cans be stored in the garage, for the development. Once approved, this document shall be recorded concurrently with the subdivision plat.
3. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
4. 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 with the Final Subdivision Plat application.
5. A note indicating the parking restriction along the private road shall be included on the final plat.
6. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property.
7. The applicant shall provide accommodations for the irrigation ditches running west and north across the property prior to final plat approval.

The applicant has prepared and submitted the final plat. The Final Site Plan for the Master Planned Development has been approved. The CC&Rs have been drafted and approved. Duty to serve letters and utility notices have been provided. The note regarding no parking

being allowed on the private road has been added to the plat. An irrigation easement for the irrigation ditch on the property and approval from the canal company for development along the canal bank have been provided. The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall.

The last remaining requirement before recording the subdivision plat is to remove the existing structures on the property. Staff recommends including this requirement in a motion to approve the subdivision plat.

STAFF RECOMMENDATION:

Staff recommended the City Council approve the final subdivision plat for the 7th Ave Cottages Subdivision with the following conditions:

1. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.
3. The approved CC&Rs shall be recorded concurrently with the subdivision plat.

MOTION: Council Member Bryant Brown **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 7th Avenue Cottages Subdivision with the following conditions:

1. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.
3. The approved CC&Rs shall be recorded concurrently with the 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 Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

- B. CONSIDER RESOLUTION NO. 2018-R-46 CONFIRMING THE APPOINTMENTS OF TY MONTALVO, CHRIS KIMBALL, ROBERT PINON, MARK CHESLEY, CURT BROOKS, AND DONNA JACKSON TO THE BOARD OF APPEALS**

Brian Berndt said as a Building Code Compliance Agency under State law, Midvale City has the responsibility to review, inspect, and enforce compliance with the State's adopted building codes. Don Steffensen, our Building Official, is primarily responsible for overseeing these responsibilities and interpreting the building codes on the City's behalf. If a person disputes Don's application or interpretation of a code, they are entitled to an appeal under Utah Code Ann.15A-1-207(3).

Midvale has established a Board of Appeals under Midvale Municipal Code 15.06.010 to hear appeals of this nature. The Mayor appoints members to the Board of Appeals with the advice and consent of the City Council. By ordinance, the Mayor must consider a Board of Appeals candidate's (1) knowledge of building construction and life safety standards, (2) reputation and integrity, (3) commitment to the Board of Appeals with regard to both time commitment and respect for the value of such Board, and (4) judgement, fairness, wisdom, and ability to be impartial. Members of the Board of Appeals serve no longer than two-year terms.

The City has previously appointed members to sit on the Board of Appeals, but each of the member's terms has since expired. With the Board of the Appeals being completely vacant, the Mayor proposes appointing Ty Montalvo, Chris Kimball, Robert Pinon, Mark Chesley, Curt Brooks, and Donna Jackson (Alternate) to the Board of Appeals. The Mayor has reviewed their qualifications and finds that each of the candidates is qualified to sit on the Board of Appeals.

It is anticipated that there may be an appeal of a building code interpretation filed shortly with the City. Because this is the only City Council meeting in November, and the next City Council meeting is not scheduled until December 4, the Mayor and the City staff are requesting that the City Council suspend their rules and confirm the appointments of the submitted Board of Appeals candidates.

FISCAL IMPACT: None. Midvale Municipal Code 15.06.010(C) specifically prohibits paying the members of the Board of Appeals for their service.

MOTION: Council Member Quinn Sperry **MOVED** to approve Resolution No. 20185-R-46 confirming the appointments of Ty Montalvo, Chris Kimball, Robert Pinon, Mark Chesley, Curt Brooks, and Donna Jackson to the Board of Appeals. The motion was **SECONDED** by Council Member Paul Glover. Mayor Hale called for discussion on the motion.

Council Member Dustin Gettel said he did not think a paragraph about each person is sufficient. He would like them to attend the meeting when they are appointed.

Lisa Garner stated that this board is only used if the city receives an appeal. The last time they were used this board was over 15 years ago. They need to be qualified in

building codes. These applicants are all people that are in the field and know the building codes and requirements. It is a five-member volunteer board. Their role is to assist the city and hear the appeals.

After discussion, Mayor Hale 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 Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

C. CONSIDER A FINAL SUBDIVISION PLAT FOR MIDVALE TOWNHOMES LOCATED AT 7475-7495 SOUTH 700 EAST

Lesley Burns stated On November 14, 2017, the City Council approved the preliminary subdivision plat for the Midvale Townhomes Master Planned Development located at 7475-7495 South 700 East. This project will redevelop the 1.05 acres which included two single family houses and accessory structures with 10 two-story townhouse units. These units will be accessed from a new private road from 700 East and the development will include common landscaped open space, recreation amenities and guest parking. The City Council's preliminary subdivision plat approval included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.
3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.
4. The applicant shall prepare a declaration of covenants, conditions, and restrictions, including the creation of a homeowners' association and language requiring garages be maintained to allow parking for two cars and for respective garbage can storage, for the development. This document shall be recorded concurrently with the subdivision plat.
5. The subdivision plat shall not be recorded until all existing structures have been removed from the property.

The final site plan for the master planned development was approved in October and the applicant has demolished one house and started the grading and utility work for the project. The applicant has also had the final subdivision plat prepared and it has been reviewed and approved by the City Engineer. All the required utility companies have been

notified. The Declaration of Covenants, Conditions and Restrictions has been reviewed by Staff and includes the garage language required by the Planning Commission and City Council. Before the plat can be recorded, the remaining single-family house will need to be removed from the property.

David George said it has taken some time to work with UDOT. Since everything is cleared off, they will landscape it and take care of it. He said he would expand the plat when that is acquired.

MOTION: Council Member Paul Hunt MOVED to approve a Final Subdivision Plat for Midvale Townhomes with the following conditions:

Based on compliance with the requirements of the Midvale Municipal Code, I move that we approve the final subdivision plat for Midvale Townhomes with the following conditions:

- 1. The applicant shall obtain all required signatures on the subdivision plat Mylar.**
- 2. The subdivision plat shall not be recorded until all existing structures have been removed from the property.**
- 3. The Declaration of Covenants, Conditions & Restrictions shall be recorded concurrently with the subdivision plat.**

The motion was SECONDED by Council Member Quinn Sperry. 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 Aye
Council Member Dustin Gettel Aye**

The motion passed unanimously.

D. CONSIDER RESOLUTION NO. 2018-R-45 AMENDING SECITON 5.0 LEAVE POLICIES OF THE MIDVALE CITY PERSONNEL POLOCIES AND PROCEDURES MANUAL

Rori Andreason said the proposed amendments to Section 5.0 Leave Policies were discussed with the City Council on October 16, 2018. Since that time, one more amendment has been identified for revision. Currently, employees are allowed to convert up to 25% of their sick leave over 240 hours to vacation once a year. Employees who are planning to retire within that year have the option of waiting until their retirement date to convert that 25%. The proposed amendment would include those employees who resign within the year with a minimum of 5 years with the City and have not converted the allowed 25% sick leave to vacation within that year. The maximum allowed would be no more than 25% within a year's time.

The proposed amendments have been discussed with the Employees Association in which they expressed agreement.

Council Member Dustin Gettel asked for an additional amendment regarding ineligibility for the sick leave conversion if the employee is on a performance improvement plan.

MOTION: Council Member Dustin Gettel tabled Resolution No. 2018-R-45 Amending Section 5.0 Leave Policies of the Midvale City Personnel Policies and Procedures Manual to December 4, 2018 Council Meeting Consent Agenda. 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 Aye
Council Member Dustin Gettel Aye
The motion passed unanimously.

X. DISCUSSION ITEM

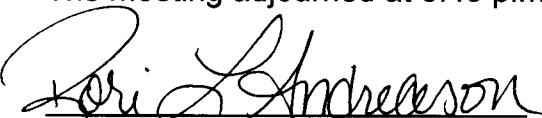
B. DISCUSS THE COUNCIL MEETING, MAYOR PRO-TEMPORE, AND HOLIDAY SCHEDULE FOR CALENDAR YEAR 2019

Rori Andreason discussed the Council Meeting schedule, Mayor Pro-Tempore, and holiday schedule for the calendar year 2019 with the council. The budget retreat is attentively scheduled for March 28th.

XI. ADJOURN

MOTION: Council Member Paul Glover **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 8:43 p.m.


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



Approved this 4th day of December 2018.

Board of Appeals Candidates

Ty Montalvo, CBO, CBCO has more than 25 years of experience in building code administration including over 20 as the Chief Building Official for South Jordan City. He has 14 certifications including: Fire Plans Examiner; Accessibility Inspector/Plans Examiner; Certified Building Code Official; Electrical Inspector; and Plumbing Inspector. Ty also currently sits on the Building Board of Appeals for Draper.

Chris Kimball, S.E., P.E., MCP, CBO has more than 18 years of experience in the design, construction and building safety industries. He is a licensed Structural Engineer as well as an ICC Master Code Professional. He has performed building code and structural plan reviews for thousands of projects throughout Utah, Wyoming, Nevada, California, Washington, Arizona, and Texas. In addition, Chris has provided numerous training classes to help design professionals, building officials, and contractors alike to understand both the nonstructural and structural requirements of the adopted building codes.

Robert Pinon, AIA, LEED AP is a Vice President|Principal for MHTN Architects with over 22 years of experience in architectural design. He has a Master of Architecture degree from the University of Utah. Over the last 5 years, Robert has been responsible for the development and construction of RiverPark in South Jordan with over 1 million square feet of Class A office space.

Mark Chesley has more than 44 years of experience in the construction field. Between 1974 and 1996, he worked in many areas of the industry including working as a superintendent for a general contractor. From 1996 to 2001, Mark worked as building inspector for South Jordan City. In 2001, he left South Jordan City for his current position as the Chief Building Official of Saratoga Springs.

Kurt Brooks has over 36 years of experience as an electrician. In addition to doing electrical work, he also has experience framing, plumbing, roofing, drywalling, landscaping, and completing HVAC work. Kurt was the owner of Eagle Electric for 26 years when he sold the company to his employees, so he could focus on other projects including his current business, 1 Source Business Solutions.

Donna Jackson is retired a retired building official for Midvale with over 25 years of experience in building inspections, plan reviews, and enforcement. She served as the building official from 1998 to 2014. Prior to working for Midvale, Donna worked as a building inspector for Sandy for 12 years.



Community Development
Department

Date: December 4, 2018
To: City Council Members
From: Community Development Staff
Subject: Planning Commission Meeting Schedule

The Planning Commission will be considering the adoption of its 2019 meeting schedule next week. After reviewing the Planning Commission agendas for the past few years and the types of expected projects the Planning Commission will be reviewing, Staff is recommending next year's meeting schedule includes one regular meeting and one workshop meeting each month. These meetings will continue to be held the second and fourth Wednesdays of each month. Based on the number of agenda the Planning Commission has historically been reviewing, this format will provide sufficient time for development applications. It will also provide a specific time for more in-depth, hands on-discussions on larger projects, presentations from other departments and organizations, field trips, etc. as the Planning Commission considers policy related issues before providing recommendations to the City Council. In the past, these types of discussions and presentations have been difficult to juggle with development application items on the same night. The Planning Commission Bylaws allow the Planning Commission to schedule Special Meetings if something unexpected occurs requiring the Planning Commission to take action.

Attachment: 2016-18 Meeting Statistics

**MIDVALE PLANNING AND ZONING COMMISSION
MEETING STATISTICS**

	2018		2017		2016	
	Development Applications	Discussion/ Info Items	Development Applications	Discussion/ Info Items	Development Applications	Discussion/ Info Items
Jan (1 st mtg)	3			1	5	
Jan (2 nd mtg)	1		2		canceled	
Feb (1st mtg)	3		2		1	1
Feb (2nd mtg)	3		1		1	1
Mar (1st mtg)	2		1		1	1
Mar (2nd mtg)		1	1		2	
Apr (1st mtg)	1		3		1	
Apr (2nd mtg)	1		1	1	2	1
May (1st mtg)	2		2		1	2
May (2nd mtg)	canceled		1		4	3
June (1st mtg)	1		2		4	1
June (2nd mtg)	3	1	3	1	4	
July (1st mtg)	1		4		3	
July (2nd mtg)	2		3		4	
Aug (1st mtg)	2		2	1	2	1
Aug (2nd mtg)	1		3		3	1
Sept (1st mtg)	3		3		4	1
Sept (2nd mtg)	3		1		2	1
Oct (1st mtg)	1	1	1		3	1
Oct (2nd mtg)	1	1	2		canceled	
Nov	5		1	1	3	1
Dec			2		2	1