



7505 South Holden Street
Midvale, UT 84047
(801) 567-7200
www.midvalecity.org

MIDVALE CITY COUNCIL MEETING AGENDA December 11, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **11th day of December 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 – 7:00 p.m.

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

ACTION: Approve Resolution No. 2018-R-52 approving the FY2019 Budget Amendments for the General Fund and other Funds as necessary

VII. REPORTS

- A. Audit Report
B. Salt Lake County Animal Control Report

VIII. CONSENT AGENDA

- A. Consider minutes of December 4, 2018 [**Rori Andreason, H.R. Director/City Recorder**]

IX. ACTION ITEM

- A. Consideration and Approval of Resolution No. 2018-R-53 Approving an Interlocal Agreement for the Installation of a Traffic Light on Coliseum Way [**Annaliese Eichelberger, Project Manager**]
B. Consider Ordinance No. 2018-O-17 Amending the Midvale City Loitering Ordinance [**Lisa Garner, City Attorney**]

X. DISCUSSION ITEM

- A. Discuss Jordan Bluffs Master Agreement and Project Discussion [**Brian Berndt, Assistant City Manager/CD Director**]

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 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: DECEMBER 7, 2018

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



CITY COUNCIL MEETING
Minutes

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

MAYOR: Mayor Robert M. Hale

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

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; Glen Kennedy, PW Director; Annaliese Eichelberger, RDA Project Manager; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Matt Pierce, IT Manager.

The pre-meeting workshop began at 6:14 p.m.

PRE-MEETING WORKSHOP – Staff and Council discussed agenda items as well as updates from staff.

Brian Berndt discussed a change in the Planning Commission meeting schedule to one regular meeting and one workshop a month.

Kane Loader discussed a letter that was recently sent to the Mayor and Council from a disgruntled employee. He reported that he was meeting with the employee's association to work through this complaint. It is unusual for an employee to send this type of letter to the council without first giving management an opportunity to address the concerns.

Chief Thomas reviewed the recent homicide in Midvale.

Chief Brad Larson discussed the One on One program where every medical call will have a paramedic there. The program allows them to hire more firefighters. He said it should enhance their capabilities for medical calls.

Kane Loader discussed the timeline for a new fire station in Midvale, which should be in the year 2021.

Council Member Quinn Sperry asked about the UIA responding to RFPs from other cities.

Kane Loader said they are talking to cities that want to join UIA. They are required to provide their own fiber and construction, then they will be allowed to hook into UTOPIA. This will increase revenue to Utopia and UIA. It also increases their ability to bond faster by having increased revenue.

Council Member Dustin Gettel said the temporary off ramps on 7200 South are terrifying. Kane Loader said he would talk with UDOT.

Council Member Bryant Brown asked if a turn light was going in by the HARTS service station on 7200 South. Kane Loader said that whole intersection will be improved.

Council Member Bryant Brown said there are a lot of residents worried they will not get a sound wall installed by UDOT. He wants to make sure they are notified. Brian Berndt said he would follow-up on this issue.

Council Member Quinn Sperry said for the main street small area plan it talks about the form-based zoning. He asked what it meant. Matt Dahl explained the meaning of a form-based zone. He said it's beneficial because it allows for some flexibility and has design guidelines; however, some may say it could be viewed as being a little more complex as to conformity.

Mayor Hale called the regular meeting to order at 7:00 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

C. UPD and UFA Reports

Chief Randy Thomas said tomorrow will be a somber day not only for our nation's president, but also for South Salt Lake Officer Romrell's memorial services. His services will start at 11:00 a.m. at the Maverik Center. Larkin Sunset Memorial will have the interment and graveside services. He reported on a press conference on a cold case file that happened in Midvale in 2008. The victim's case went unsolved since 2009. UPD cold case Officer Pender did extensive investigative work and he now has two arrest warrants for suspects involved. He reported that UPD dispatch has physically moved to the VECC facility in West Valley. There has been no interruption. The latest update on the CAD system is that it will be up and online in April. He said they escorted the Midvale Rotary Club shop with Santa, which made 99 children very happy. He invited the Council to attend the precincts Christmas Bid on Thursday.

Council Member Dustin Gettel asked what the Christmas Bid was.

Chief Thomas said it is where the officers with seniority bid for where they are going to work. They have the bids four times a year.

Chief Brad Larsen expressed appreciation for the police department and condolences for Officer Romrell. He said last July the medical division put a group together to review how they are providing medical services. UFA has had trouble filling stations due to a large turnover. The committee looked at options and came up with the One-on-One program. Every ambulance and rescue unit will have a paramedic and EMT. This will enhance their skills and service. It will provide more consistency and medical service to communities. All EMT's are also firefighters so they can switch roles when needed.

D. Recognize Shane Liedtke and Evan Hanson for Service on Planning Commission

Mayor Hale presented Shane Liedtke and Evan Hanson certificates for their dedicated service on the Planning Commission.

IV. PUBLIC COMMENTS

Sophia Hawes Tingey reported that her street was rocked with another gun shot. She said Midvale City is not the only community affected by domestic violence. She said she's had the opportunity to talk with many officials regarding domestic violence. She reminded everyone that tomorrow is the Community Council annual potluck. Bring friends and family. There will be a white elephant gift exchange.

Wade Walker thanked Shane and Evan for their service on the Planning Commission. He said he wanted to voice his opposition to Tayler Jensen being appointed to the Planning Commission based on his comments and posts on social media. He did not feel he supported the citizens in his controversial views of high density housing. He also wanted the swimming pool in the Jordan bluffs area due to the growth there.

Meg Jankovich thanked the Council for listening to their desire to have a swimming pool on the east side of the city. She said she appreciates the Council's willingness to talk with the county and citizens.

Kathie Rebe, said she is the new senator for this area. She said she hopes to build a relationship with the City of Midvale. She is impressed with how the city operates.

Candace said she has the pygmy goats being discussed that evening. She said they are cute little goats and have been as asset to the neighborhood. She expressed her appreciation for what the police department did for her ex-husband Sgt. Peterson.

V. COUNCIL REPORTS

A. Council Member Paul Hunt – Excused

B. Council Member Dustin Gettel – said after the incident happened on Center Street with a domestic violence incident ending in a homicide, the community started an unpleasant conversation stating that the high-density building may have contributed to this incident. He was happy with the residents who mentioned it.

C. Council Member Paul Glover – said the budget for the South Mosquito Abatement District will be adopted on Monday the 10th at 6:00 p.m. and is an open meeting.

D. Council Member Quinn Sperry – reiterated appreciation to Shane Liedtke and Evan Hanson for their service on the Planning Commission. He asked for an update on the water project on 1000 East.

Glen Kennedy said they were hoping to have it done today but not sure. If not today, it should be done tomorrow.

E. Council Member Bryant Brown – discussed the lengthy retreat the Arts Council had at city hall last Saturday. These individuals volunteer their time and are very dedicated to the City. He thanked all of the volunteers on the Arts Council. He said the townhomes are almost finished and the residents next to them are concerned with parking issues. He suggested implementing a parking permit for Roosevelt Street. He said that road has to be plowed. He asked if there was any way to get in front of that issue.

Chief Thomas said they will try to get voluntary compliance from residents.

VI. MAYOR REPORT

Mayor Robert Hale reported on the recent bond rating trip to San Francisco. Midvale City was rated AA from one agency and AA+ from the other rating agency. He thanked Laurie Harvey and Matt Dahl for their preparations and the City Manager for his overall supervision of this process.

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.**

VII. PUBLIC HEARINGS

A. CONSIDERATION OF MAIN STREET SMALL AREA PLAN

Annaliese Eichelberger said on November 17, 2015 the Redevelopment Agency (“Agency”) created the Midvale Main Street Community Development Project Area (CDA). To implement the goals and objectives of the CDA, it was necessary to draft a Small Area Plan that would help guide resource allocations and regulatory objectives for Midvale City and the Agency. The proposed small area plan provides details about the current conditions in the Main Street neighborhood, identifies goals and objectives for the revitalization of the project area, and outlines a multi-year implementation plan.

Since October 2017, the Agency has been working with its planning consultant, VODA, in the crafting of the Midvale Main Street Small Area Plan (“SAP”). The RDA and VODA have held two open houses, distributed and received 300 responses to our Main Street survey, and for the last 3 months have been working on the drafting of the SAP.

The Agency presented the SAP to the Planning Commission for discussion on October 2nd. On October 24th the Planning Commission took action and forwarded a positive recommendation to the City Council for the approval of the SAP.

On November 13, 2018 Staff brought the SAP to the Agency Board of Directors (“Board”) for discussion. The purpose of this discussion item was to give the Board an overview of the SAP’s vision, process, and implementation steps, as well as to answer questions and gain feedback regarding the plan.

The goals for the Main Street small area plan are:

- To attract new investment and support existing businesses.
- To preserve and enhance existing residential areas.
- Approve connectivity
- Enhance connections from the project throughout the rest of the city
- Improve neighborhood identity

Council Member Paul Glover said what does it really mean to say: attract new investment support existing businesses. How stringent are the new implementations? If they can’t meet everything the city wants them to do, are they going to leave. He would like to see something in writing that says the City is going to help existing businesses in the plan.

Annaliese Eichelberger said this was discussed in length with the RDA staff and VODA. As far as the plan goes the goal is to provide programs to existing businesses to help them succeed. It is a vital part of this plan implementation.

Council Member Paul Glover said there needs to be something in the ordinance that it is a win for the city and win for the businesses.

Annaliese Eichelberger said the ordinance will be very sensitive to the businesses.

Council Member Quinn Sperry asked about the zoning.

Annaliese Eichelberger said they are basically saying that the intent is to preserve the businesses that are there now but also allow for uses in the future that complement each other.

Council Member Quinn Sperry said there needs to be more education to help people understand the concept.

Annaliese Eichelberger said the goal of this plan is to have potential change and being cohesive in the future. The City wants to preserve existing businesses and residential areas. This plan will give us guidance in the future.

Mark Morris, VODA, said the goal of the plan is to have a walkable mixed-use neighborhood. It has residential, commercial, and industrial areas.

Council Member Quinn Sperry said that is what the City wants with a balance in all the areas.

Kane Loader said this will increase the value of the properties. It then increases lease rates that brings in a different type business. A lot of the business won't be able to afford the building and lease rates, so there will be a turnover of different types of businesses.

Mark Morris said that the RDA goal is to attract private investment. Once that wheel is in motion, these property owners have more value because they will have more financial tools available to them.

Mayor Hale said this project is made in an opportunity zone.

Mark Morris said at the federal level there are certain tax breaks.

Council Member Quinn Sperry asked if it was so onerous the business owners won't want to deal with it?

Matt Dahl said what they have been hearing is that there are a lot of funds available for these types of areas. Essentially what the program says is if you receive capital gains anywhere else and you invest those in the opportunity zone, for 10 years you won't have to pay the capital gains on those taxes. The City should benefit from that program.

Mayor Hale opened the hearing to public comments.

Wade Walker said having lived in Midvale his whole life, he is excited to see some revitalization efforts to main street. He feels it is a great opportunity to make this area a great place to visit.

Sophia Hawes-Tingey said this is an example where community engagement makes all the difference. She thanked the city for this process.

MOTION: Council Member Paul Glover **MOVED** to close the 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.

ACTION: **APPROVE RESOLUTION NO. 2018-R-47 APPROVING THE MAIN STREET SMALL AREA PLAN**

MOTION: Council Member Dustin Gettel **MOVED** to approve Resolution No. 2018-R-47 approving the Main Street Small Area Plan. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the motion.

Council Member Quinn Sperry said his biggest concern is the new form-based zoning. He asked if they had to approve this before that zone has been written.

Matt Dahl said the Council could change the form-based zoning if desired at a later date.

Council Member Bryant Brown said he has heard mostly positive comments on this plan. He felt it is good for the area.

Council Member Dustin Gettel said the residents have had the opportunity to voice their approval or disapproval. He said he felt good with the process.

Mayor Hale called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Absent
Council Member Bryant Brown Aye
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 Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

B. CONSIDERATION OF ORDINANCE NO. 2018-O-16 APPROVING THE CREEKVIEW APARTMENTS REZONE OF 3.4 ACRES TO INCLUDE COMMERCIAL REGIONAL OVERLAY FOR 227-MIXED USE PROJECT LOCATED AT 7205 SOUTH 900 EAST; APPLICANT ADAM DAVIS RW MIDVALE CREEKVIEW LLC

Alex Murphy said the applicant, RW Midvale Creekview LLC represented by Adam Davis, is proposing to redevelop approximately 3.4 acres of property located at 7205 South 900 East, including the Flower Patch property and Creekview Plaza office complex, into a mixed-use project with 7500 SF of commercial space, 227 residential apartment and townhome units, a 2-story parking garage, and various other amenities. The proposal includes 7 existing parcels located between North Union and South Union Avenues, 900 East, and the East Jordan Canal. The existing structures will be removed to accommodate this project.

This property is located in the Regional Commercial (RC) zone and is adjacent to properties in the RC and Residential Multifamily – Medium to High Density (RM-25) zones. The applicant is proposing to utilize the Regional Commercial Residential Overlay (RCRO) for the high density residential component of this proposal. For this development to proceed as proposed, the following approvals are required from the City:

1. Rezone of the 3.4-acre property to include the Regional Commercial Residential Overlay (RCRO).
2. Conditional use permit for the mixed-use element.
3. Site plan approval.

4. Development agreement.

The Planning Commission reviewed this development proposal request and conducted a public hearing on November 14, 2018. This resulted in a recommendation to approve the rezone and a decision to approve the conditional use permit and preliminary site plan with conditions to be addressed in the Final Site Plan application. The conditional use permit and site plan approval is also subject to Council approval of the rezone and development agreement.

GENERAL PLAN AND ORDINANCE CONSIDERATIONS:

The 2016 Midvale City General Plan locates the subject properties in the Fort Union Opportunity Area. The General Plan identifies the following future land use goals for this Opportunity Area:

1. Diversify and increase density of land use mix to develop a compact full-service pedestrian scale walkable shopping center.
2. Provide and implement new bike routes to complete the transportation system.
3. Support redevelopment of the area to include mixed office/residential and commercial uses by incorporating structured parking.
4. Strengthen retail uses in the vicinity of the Shops at Fort Union to remain competitive.
5. Enhance Fort Union Boulevard with urban design standards to create a distinct area character.
6. Enhance public transit to the Fort Union area.
7. Improve internal circulation in the Fort Union area.
8. Attract visitors traveling on Fort Union Boulevard to the Cottonwood Canyons.

The General Plan anticipates this Opportunity Area will transition to a higher intensity and density of uses, as indicated by the goals for the Area. The proposed project is consistent with these goals, not only as it relates to the specific property the project is located on, but also to the larger overall expectations for the Fort Union area.

The RCRO ordinance requires that a proposed development plan be submitted in conjunction with this type of rezone request. To utilize the RCRO, it must be demonstrated the proposed development fulfills the following goals:

- A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;
- B. Creates a consistently high quality urban environment;
- C. Enhances the investment of those locating within the regional commercial zone;
- D. Promotes economic development by increasing the utilization of existing parcels within current developments;
- E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
- F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and

- G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.

Consistent with the General Plan, the Fort Union area has seen an increasing interest in the construction of higher density residential and mixed-use projects. The proposed project serves as a catalytic project for the Fort Union area, kickstarting the redevelopment process and encouraging future projects to be considered. As such, the appropriateness of this project for its site should not be the only consideration; how it ties into the larger Fort Union area and beyond should also be considered.

With the larger context in mind, the Planning Commission and Staff believe the proposed rezone is consistent with the goals of the RCRO and General Plan. The addition of 227 households and development of integrated connections between the residential and commercial uses provides additional support for the existing commercial businesses and promotes future economic development.

PLANNING COMMISSION RECOMMENDATION:

Section 17-3-1 of the Midvale City Municipal Code requires the Planning Commission hold a public hearing and adopt a written recommendation to the City Council, advising the City Council to approve, disapprove, or modify a request on all zoning map amendments.

The Planning Commission reviewed this development proposal and conducted a public hearing on November 14, 2018. The Planning Commission considered the submitted information and public comment before making a decision to recommend approval of the rezone request including the associated development plan with the following motion:

Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve a rezone of 7205 South 900 East and associated parcels to the Regional Commercial zone with Residential Overlay:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;
2. The proposed redevelopment of these properties fulfills the goals of the Regional Commercial Residential Overlay; and
3. The proposed redevelopment supports and enhances the existing Fort Union commercial area.

It is recommended that the effective date of an ordinance approving the rezone be tied to the City Council's approval and execution of a Development Agreement for the project site.

The Planning Commission's decision on the development proposal and the executive summary from the Traffic Impact Study the Planning Commission considered is attached.

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission's recommendation of approval for the requested rezone. However, to provide time for the Council to fully consider comments received during the public hearing and the Development Agreement to be completed, Staff recommends the Council table its decision until the Development Agreement is presented to the Council and any other questions, concerns, or comments from the Council are addressed by the applicant.

Council Member Paul Glover said without the rezone on this property what could happen.

Alex Murphy said it is currently regional commercial. It would be strictly retail offices. It could go taller, but no mixed use or residential components.

Council Member Quinn Sperry asked if this would be similar to the Heinz project at the shops at Ft. Union.

Alex Murphy said yes, it is on the opposite side of the shops where this project is at.

Council Member Bryant Brown asked if it is for rent or for sale.

Alex Murphy said this is for rent. He explained where the green space areas are located as well as the proposal for trails.

Adam Davis, Creekview Developer, said he appreciates the opportunity to be here and has enjoyed working with the planning and economic development staff. The project is located on the east side of Midvale. The shops at Ft. Union and office space fulfil the goal of the general plan and residential overlay creating an urban environment that allows for walkability and connectivity. He showed a model of the project and explained the proposal for the project. He feels that they have addressed a number of the goals within the general plan and residential overlay plan. They have included a mix of uses.

Council Member Quinn Sperry asked if the walkway was on his property.

Mr. Davis said yes, the walkway is on his property. It serves as a protection for those walking through there.

Council Member Dustin Gettel said he was concerned with the project and the 227 units. He feels that it is a walkable area, but it is not very public transit friendly.

Mr. Davis said the general plan goal is to create on the east side of Midvale around the shopping center a much more vibrant walkable mixed-use environment.

Council Member Paul Glover said the project has little commercial space.

Ben Brown, partner in project, said the commercial space is a great place for this retail. He said there is very little commercial here. Over the last few years, online sales have

been rising. He feels the commercial space will do well with the mixed-use project. The best way for retail to survive is by mixing of uses.

Council Member Dustin Gettel asked if he would be willing to work with UTA to explore passes for the area.

Mr. Brown said he would see what he could do.

Mayor Hale opened the hearing to public comment.

Steve Hurshack said he is in support of the presentations given.

Robyn Anderson said she doesn't particularly love all the rentals because they are surrounded by rentals. There will be a lot of traffic. She asked if they are ready for that? Why isn't the family center more for families? There needs to be more there for families to do.

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

ACTION: APPROVE ORDINANCE NO. 2018-016 APPROVING THE CREEKVIEW APARTMENTS REZONE OF 3.4 ACRES TO INCLUDE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY FOR 227-MIXED USE PROJECT LOCATED AT 7205 SOUTH 900 EAST; APPLICANT ADAM DAVIS RW MIDVALE CREEKVIEW LLC

Alex Murphy said the comments received at the Planning Commission meeting were limited. He did not recall receiving a lot of concerns. He said the development agreement is being drafted.

MOTION: Council Member Quinn Sperry **MOVED** to table decision on the proposed rezone until a development agreement is finalized and presented to the council. 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 Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

VIII. CONSENT AGENDA

- A. **CONSIDER MINUTES OF NOVEMBER 13, 2018**
- B. **CONSIDER RESOLUTION NO. 2018-R-48 ADOPTING THE MIDVALE CITY COUNCIL MEETING SCHEDULE FOR 2019**
- C. **CONSIDER RESOLUTION NO. 2018-R-45 AMENDING SECTION 5.0 LEAVE POLICIES AND PROCEDURES MANUAL**
- D. **SET DATE AND TIME [DECEMBER 11, 2018 AT 7:00 P.M.] FOR A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FY2019 BUDGETS**

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

The motion passed unanimously.

IX. ACTION ITEMS

- A. **CONSIDER RESOLUTION NO. 2018-R-49 APPOINTING ZACHARY SMALLWOOD AS A FULL MEMBER OF THE PLANNING COMMISSION**

Mayor Hale said that Zachary served as an alternate member for about a year. Zachary said he currently works at Murray City as an associate planner. He just received his master's degree in city and metropolitan planning and urban design at University of Utah.

Council Member Bryant Brown said you are on Facebook with comments that are agreeable and disagreeable to everyone. If you were to become full time, would you still be available to the public?

Zachary Smallwood said his intent would be to educate the public best as he can.

MOTION: Council Member Bryant Brown **Moved to Approve Appointing Zachary Smallwood as a full member of the Planning Commission Resolution No. 2018-R-49.** 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 **Absent**
Council Member Bryant Brown **Aye**
Council Member Dustin Gettel **Aye**

The motion passed unanimously.

B. CONSIDER RESOLUTION NO. 2018-R-50 APPOINTING TAYLER JENSEN AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

Tayler Jensen said he graduated with a master's degree in planning and done country and residential planning in Northern Ireland. He currently is working at Eagle Mountain as a Planner and has been for the past three years.

Council Member Bryant Brown expressed his concerns with Tayler Jensen due to his comments on social media.

The Council reviewed and discussed Tayler's qualifications for the Planning Commission.

MOTION: Council Member Dustin Gettel Moved to Approve Resolution No. 2018-R-50 Appointing Tayler Jensen as an alternate member of the Planning Commission. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion.

Council Member Quinn Sperry said his knowledge as a planner can be beneficial to our planning commission. His experience will come into play.

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 Absent
Council Member Bryant Brown No
Council Member Dustin Gettel Aye**

The motion passed 3-1 in favor.

C. CONSIDER RESOLUTION NO. 2018-R-51 APPOINTING ROBYN ANDERSON AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

Robyn Anderson said she grew up in Midvale and attended many Midvale schools. She is anxious to learn more about planning. She feels that it is a privilege to serve those in our community.

Council Member Quinn Sperry said he has known Robyn for many years. Yes, she is opinionated, but in a good way. She will keep an open mind and listen to what you have to say.

MOTION: Council Member Quinn Sperry Moved to Approve Resolution No. 2018-R-51 Appointing Robyn Anderson as an alternate member of the Planning Commission. 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 Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

D. CONSIDERATION TO AMEND ORDINANCE 2018-O-15 CORRECTING ERRORS FOUND IN PRIOR ORDINANCE

Alex Murphy said Ordinance 2018-O-15, approving a rezone of property located at approximately 145 E Fort Union Boulevard, was approved by the City Council on October 16, 2018. After the ordinance was approved, Staff identified two errors in the Ordinance, one mis-identifying the exhibit and the other mis-identifying one of the subject parcel numbers. To correct the official record and avoid any questions in the future, Staff is requesting the City Council approve a corrected ordinance document under the same number. This action does not change the City Council's original decision on rezoning the property.

MOTION: Council Member Quinn Sperry Moved to ensure the City Council's intent is clear regarding its October 16, 2018 decision to rezone the property at 145 E Fort Union Blvd, I move that we approve the corrected Ordinance No. 2018-O-15 document as presented. 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 Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

E. DISCUSSION AND ACTION ON CITY'S POSITION TO PURSUE ORDINANCE CHANGES REGARDING PYGMY GOATS

Kane Loader said this issue has been before the City Council a couple of times over the past seven months resulting in a six-month moratorium on enforcement of the City's current ordinance which prohibits livestock in all zones except for those designated for agricultural use. The moratorium expired on November 15th and some of the City Council Members have asked to place this item the agenda for further discussion and/or action.

In May a presentation was made by the Planning Department on Pygmy Goats with a status report on how other cities were dealing with the issue. There has been little or no change except for some additional discussion but, to our knowledge, there has been no new ordinances allowing Pygmy Goats in residential zones in our neighboring cities.

The staff has considered the options that are available to the City Council for consideration and they are the following:

1. Do nothing
 - Allows the current zoning ordinance to stay in effect which prohibits Pygmy Goats in all zones except the Agricultural Overlay
 - Current residents with Pygmy Goats would be out of compliance and subject to enforcement
2. Bring back for additional discussion and direct city staff to conduct city-wide public opinion poll on the issue.
 - Staff could continue to gather information and perform a public opinion poll to find out how the residents feel about the issue
 - Current residents with Pygmy Goats would be out of compliance and subject to enforcement.
3. Direct the staff to draft an ordinance allowing Pygmy Goats under certain recommended conditions.
 - Requiring goats be dehorned and neutered/spayed
 - Requiring no more and no less than 2 goats
 - Shelter required to be on average 10 ft²
 - Outdoor enclosures required to be on average 200 ft² and connected to the shelter
 - 30'- 50' setback from a habitable structure
 - Shelter and fenced enclosure an average of 10' from the property line, meeting all accessory structure setbacks
 - 5' fence, setback from the property line
4. Reclassify Pygmy Goats by amending Title 6 of the Municipal Code exempting them as livestock.
 - Exempt Pygmy Goats as Livestock in both small and large categories
 - No restrictions on properties or facilities

Council Member Bryant Brown said Seattle's ordinance allowed pygmy goats. He couldn't find any complaints regarding the goats.

Council Member Paul Glover asked if the neighbor of the owner of the pygmy goats has any say as to whether a person can have the goats or not.

Council Member Dustin Gettel suggested reclassifying pygmy goats as pets and adding restrictions.

Council Member Quinn Sperry asked what the definition is now.

Lisa Garner said they are defined as livestock which is prohibited and not allowed in this zone.

Council Member Dustin Gettel said the time has come to make a decision. He said he was comfortable with a reclassification and adding the pygmy goats as a pet. We can talk about adding in restrictions. He said for the most part, the pygmy goats regulate themselves.

Council Member Paul Glover suggested to Council Member Dustin Gettel that he develop the ordinance, and the Council will vote on it.

Council Member Quinn Sperry said the Council needs to make a decision and take into consideration how it will affect the City as a whole.

Kane Loader asked the Council what they would like to see in the ordinance.

Council Member Paul Glover said the pygmy goats need to be de-horned, neutered or spay, must have two goats, and room for shelter.

Council Member Bryant Brown said he would rather have a goat than a vicious dog as a neighbor.

Council Member Dustin Gettel said his concern was the Council adopts an ordinance where the owner of the pygmy goat would not be able to keep it.

Mayor Hale said he is worried about spot zoning. If the Council does this for one resident, they are setting a pattern for the whole city. This is something that needs to be considered.

Council Member Dustin Gettel said he would love to have this pass for the owner of the pygmy goats. He will work with the Council and the owner of the pygmy goats to add the restrictions to the ordinance.

MOTION: Council Member Dustin Gettel Moved to amend Midvale Municipal Code chapter 6 to exempt pygmy or dwarf goats or other similar animals from the cities definition of livestock and instead include them under the more traditional definition of pets including dogs, cats, and ferrets. 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	No
Council Member Paul Glover	No
Council Member Paul Hunt	Absent
Council Member Bryant Brown	Yes
Council Member Dustin Gettel	Yes
Mayor Robert Hale	No

The motion failed 3-2 against.

MOTION: Council Member Dustin Gettel Moved that we direct City Staff to develop the necessary ordinance amendments to allow for Pygmy Goats in all zones and prepare the amended ordinance for the approval process with the City's Planning Commission and City Council. 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 Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

F. DISCUSSION AND ACTION ON THE CITY'S POSITION TO DEVELOP AN ORDINANCE THAT WOULD PROHIBIT OR LIMIT VEHICLE IDLING WITHIN THE CITY'S CORPORATE BOUNDARIES.

Kane Loader said there are currently five cities in Salt Lake County that have passed an "Anti-Idling" ordinance they are Salt Lake, South Salt Lake, Holladay, Murray and Sandy with others still contemplating doing so. Most of the current ordinances prohibit idling after two minutes but the ordinance passed by Sandy City in the Spring of 2018 allows for only one minute of idling. They are all similar in that they allow for three warnings to be issued before and an actual citation or fine.

Some things to think about with passing a "Anti-Idling" ordinance are:

1. Enforcement
2. Educating the Public and businesses
3. Signage (est. \$100/sign not including labor)
4. Public perception and business patronage

The City's Legal Department has prepared an ordinance with variations for the Council to consider.

Council Member Paul Glover said he likes the idea of a proclamation and education. He feels that we should not have our police enforce this.

Council Member Quinn Sperry said it isn't wise to pass an ordinance for a law that is not going to be enforced. He feels public education would be best.

Council Member Dustin Gettel said there are elected officials that support enforcing this. It is impractical to enforce. We and other cities need to lead on this issue. What is important is, is to get people to anti idle.

MOTION: Council Member Dustin Gettel Moved to direct city staff to prepare an Anti-Idling Ordinance and present it for discussion and approval. 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 No
Council Member Paul Glover No
Council Member Paul Hunt Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye
Mayor Hale No

The motion passed unanimously.

MOTION: Council Member Dustin Gettel Moved to draft a proclamation to support no idling including signage. 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 Absent
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

G. DISCUSSION AND ACTION REGARDING THE CITY'S PREFERENCE ON A FUTURE LOCATION FOR A NEW RECREATION/AQUATIC CENTER

Kane Loader said I have been asked by a couple of the new Council Members when and why the decision was made to locate a new Recreation/Aquatic Center at the Union Park. I will attempt to give a brief background to the subject in hopes that, at some point, the City Council will be able to support a resolution or recommendation on the future location of a new recreation center.

The process of building a new facility started with the demolition of the old Midvale Middle School and the loss of the pool in that building. The Canyons School district notified the City that they would not be able to provide a pool in their new middle school but would like to partner with the community to have one available. The City met with the Salt Lake County Mayor's Office and the Parks and Rec Department to see what the possibilities were to construct and operate a pool somewhere in the City. Our initial request was to build the new facility near the Hillcrest High School. The only property that would accommodate the proposed pool was the Union Park, to which the Parks and Rec people adamantly opposed because of the need for baseball facilities. In further discussions the County indicated they could only support a pool being built and operated at the Copperview Community Center and the funding for construction would have to come through the Zoo Arts and Park Tax. We took that information to the City Council and they also were opposed to having the facility at the Copperview Center but still supported the Union Park location.

The Council directed staff to go back to the County with their decision/position in hopes of changing their stance. The County stood fast on Copperview and told city staff to prepare a project funding request before the deadline or take the chance of missing out on any funding. The staff relayed the message to the Council and convinced them that the City should submit a funding request and that if the City was successful in getting the funding the Council could always decide to turn it down and not build the facility.

The funding request was for a \$22 million project but was not chosen by the ZAP Committee to be funded in 2016. With that we figured our next opportunity for funding would be in 2026 or the next round.

Another opportunity came along with the Jordan Bluffs development. Working with the developer, the Gardner Company, we asked for help in building a pool. They agreed to donate up to six acres of property and \$4 million for construction. With an additional \$1.5 million from the Canyons District and a contribution from the City we thought we could move our project to the top of the list and motivate the County to build and operate it. We were making great progress in getting this done when a contingency from the community and the school district came to a Council Meeting to request the facility be built at the Union Park. The City Council asked that the Mayor, Council Member Glover and the City Manager attend the meeting. The County Mayor and Parks and Recreation Director heard the plea from the group to reconsider the location of the facility. The Mayor asked for some time to work out the details. A few weeks later we were notified that the County would support a new facility at the Union Park and it would be a full-blown rec center with a swimming pool. The downside being that it probably won't be funded until the next round of ZAP in 2016 which means the facility won't be built until 2018.

The Union Park location has support now from the County Council, Mayor's Office and Parks and Rec Department as well as the Canyons School District and Hillcrest parents. We have also been told by Parks and Rec that they will only run one facility of this kind in the City any others would be the sole responsibility of the City.

Council Member Bryant Brown said the problem exists on both sides. The options are on the far ends from each other. He said the school district should have some responsibility in this. The demographics have changed since the pool was discussed by the previous council members.

Council Member Quinn Sperry said the apartment complex or HOA in Jordan Bluffs will probably already have a pool.

Kane Loader said it wouldn't be available to the public.

Council Member Paul Glover said all of Hillcrest is from the whole Midvale area. Those kids will be able to use it for years and years. The east side won't have the amenities like the Jordan Bluffs area will have.

Kane Loader said he is working with Jordan Bluffs on what amenities to have for the green space.

Council Member Quinn Sperry asked about the timing and the funding. The next issue is that we need to talk about is, are we going to adopt a resolution in support of having the pool in Union Park. If we do that when is the next ZAP funding.

Kane Loader said the next ZAP funding is in 2026. It has changed now that Mayor McAdams is now becoming our congressman. Now we need to start over with a new

Mayor. They are exploring other ways to fund the recreation center. One of the things the SL County Parks and Rec suggested is to build the pool part of the building first and the rec part of it second. The worst-case scenario is that we put in for ZAP funding in 2026 and we would need to come up with funding along with the school district and build it in 2026.

Council Member Dustin Gettel asked what the cost comparison would be.

Kane Loader said the east side would cost \$35 million dollars. For Jordan Bluffs it would be around \$15 million just for the pool, and about \$22 million for the rec center.

Council Member Dustin Gettel said the Jordan Bluffs pool would be built in 3 to 5 years. This is a huge consideration. The concern for him is when the funding is available for the pool to be built. He said at the end of the day, our citizens will go where ever it is built.

Council Member Quinn Sperry said we don't have to wait for the ZAP funding to fund it. We would need to bond for it and have the citizens pay for it.

Council Member Paul Glover felt that the citizens would possibly pay to have the pool.

Council Member Bryant Brown said with the change in Mayor for SL County, there is a chance of losing the pool on the east side.

Council Member Dustin Gettel asked the difference in maintaining the pool on the east side verses the west side.

Kane Loader said if the City had to run the Jordan Bluffs pool, we would lose money. It would be around a million dollars a year to maintain. S L County would maintain the east side location, and they would have to take the loss. The loss would be made up by county taxes. Either way we will be paying.

MOTION: Council Member Quinn Sperry Moved to direct staff to prepare a resolution supporting the Union Park location for a new recreation facility. 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	Absent
Council Member Bryant Brown	No
Council Member Dustin Gettel	No
Mayor Hale	Aye

The motion passed 3-2 in favor.

The Council recessed at 10:30 p.m. and reconvened at 10:35 p.m.

X. DISCUSSION ITEMS

A. DISCUSS AMENDMENT TO LOITERING ORDINANCE

Lisa Garner discussed the city's loitering ordinance. She said UPD came to her and they have had complaints from business about loitering going on. They asked the city to look at the ordinance to see if they could enforce it. They took a look to see what loitering really meant. She feels the ordinance needs to be amended. She discussed the proposed amendments with the council.

Council Member Dustin Gettel said he had issues with the amendments and felt it was cruel to .

Council Member Paul Glover said the officers will ask the citizens to move along. If they don't, then the officer can enforce.

Council Member Bryant Brown said he liked the amendments.

Lisa Garner said that the purpose of this is to allow pedestrians to feel safe walking on the sidewalk without feeling hindered or impeded.

Chief Randy Thomas said respectfully what this will give us is an option for gang members coming back to our schools to recruit younger people. This is happening everywhere. He feels that this is a tool for them to keep people moving. He feels that it will give them more options.

The Council agreed to bring this item back as an action item.

B. DISCUSS PROPOSED AMENDMENTS TO THE FY2019 BUDGET

Laurie Harvey discussed the proposed FY2019 Budget amendments.

Proposed FY2019 Budget Amendments:

General Fund

Transfer from reserves budgeted in Employee Services

- \$53,000 for average 3% merit increase
- \$61,300 for insurance increases and merit related benefit increases
- Allocated to all General Fund departments with employees

Carryover capital grants – to be passed through to CIP

- TIGER (crosswalk) - \$158,600
- CDBG (Grant Street) - \$41,500
- SL County road funds (Bingham Junction Blvd) - \$1,500,000

Remove VECC 911 funds from City Budget

- \$231,600 from revenue and expenses

Estimated revenue from ROW fees (small cell) \$ 5,000

Increase Cemetery Service Fee revenue est. \$10,000

Remove VECC 911 funds from City Budget

- \$231,600 from revenue and expenses

Estimated revenue from ROW fees (small cell) \$ 5,000

Increase Cemetery Service Fee revenue est. \$10,000

Capital Improvement Projects (CIP)

Carryover unfinished FY2018 Projects

• Sidewalk/curb/gutter replacement	\$ 188,000
• 7 th East to Union Park Avenue	134,800
• Amphitheater improvements	30,000
• Splashpad improvements	55,500
• 50/50 sidewalk program	20,000
• Major road CIP (bond proceeds)	2,315,400
• City Hall overflow parking	55,000
• Jordan River Trail extension	40,600
• Millennial Way/7200 S.	\$ 10,000
• Housing Trust Fund	50,000
• Open space acquisition	5,000
• Community Center remodel	585,800
• Crosswalk improvements	62,000
• 7200 S. Gateway project	166,000
• Pavement Management	4,842,600
• Future projects	360,000

Public Utilities – bond proceeds

Carryover of FY2018 capital projects

Water Fund

• Jordan Valley Water pipeline connections	\$1,198,300
• Union Jordan retail area meter swaps	200,000
• Fixed meter reading system	150,000
• System waterline improvements	1,226,200
• Sewer Fund	
• System sewer line projects	\$ 850,000
• SVWRF phosphorous/grit removal project	1,700,000

Storm Water Utility Fund

• Increase to cost of benefits	\$40,000
• From Fund Balance	\$40,000

Sanitation Fund

• Increase to landfill costs	\$ 17,000
• Increase to pickup costs	\$ 47,700
• From Fund Balance	\$ 64,700

New Public Utilities Inspector Position

- New FTE position – Salary \$65,000, Benefits \$25,000
 - 40% Water
 - 40% Storm Drain
 - 20% Sewer
- New vehicle - \$28,700
- Equipment - \$3,000
- Total - \$121,700

- \$48,700 Water, \$48,700 Storm Drain, \$24,300 Sewer (from fund balances)

Council Member Paul Glover asked if FTE position was necessary.

Glen Kennedy said yes, it is necessary due to additional service area the City is taking over from Jordan Valley as well as the new construction in the Jordan Bluffs area.

Laurie Harvey said a public hearing is scheduled for December 11, 2018.

XI. ADJOURN

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

The meeting adjourned at 11:08 p.m.

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

Approved this 11th day of December 2018.



CITY COUNCIL OF MIDVALE CITY

STAFF REPORT

MEETING DATE: DECEMBER 11, 2018

SUBJECT: Consider Resolution No. 2018-R-53 Approving an Interlocal Agreement between the Redevelopment Agency of Midvale City, Midvale City, and Salt Lake County for Installation of a Traffic Signal at Bingham Junction Blvd. and Coliseum Way.

SUBMITTED BY: Annaliese Eichelberger, Redevelopment Project Manager

SUMMARY: The current intersection of Bingham Junction Blvd. and Tuscan View Road has been identified as a safety hazard for pedestrians and motorists. The City Council asked redevelopment staff to consider the possibility of installing a traffic signal at this location to mitigate for these issues. Staff has been working with Salt Lake County's Public Works Division over the last few months to work through the design and schedule.

The signal will be a 4-way lighted intersection with flashing yellow arrows for left-hand turns. For pedestrians this intersection will include crosswalks in all directions, as well as push button walk signals. The City will own the traffic signal once completed and the County will maintain it. Because the traffic signal will be placed on City property by the County and funded by the RDA, the Interlocal agreement will be between all three parties. The County anticipates beginning construction by September 2019 with a completion date no later than December 30, 2019.

The agreement has been prepared by the County's legal counsel and reviewed by the City's legal department. Staff recommends adopting the resolution and executing the agreement.

FISCAL IMPACT: The cost estimate for this project is \$201,700.00 and will be funded from the Agency's Infrastructure budget.

RECOMMENDED MOTION: I move that we adopt Resolution No. 2018-R-53 authorizing the execution of an Interlocal Agreement between Salt Lake County, the Redevelopment Agency of Midvale City and Midvale City for the Installation of a traffic signal at Bingham Junction Blvd. and Coliseum Way.

ATTACHMENTS: Resolution No. 2018-R53, Interlocal Agreement

EXHIBIT A

RESOLUTION NO. 2018-R-53

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY APPROVING THE INTERLOCAL AGREEMENT BETWEEN SALT LAKE COUNTY, THE REDEVELOPMENT AGENCY OF MIDVALE CITY AND MIDVALE CITY FOR INSTALLATION OF A TRAFFIC SIGNAL AT BINGHAM JUNCTION BLVD AND COLISEUM WAY.

WHEREAS Salt Lake County (the “**County**”), the Redevelopment Agency of Midvale City (the “**Agency**”), and Midvale City (the “**City**”) are “public agencies” for purposes of the Act (collectively referred to as the “**Parties**”); and

WHEREAS, the Parties are public agencies and therefore are authorized under the Utah Interlocal Cooperation Act, Section 11-13-101, et seq., U.C.A. 1953, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers; and

WHEREAS, the City and the Agency desire to contract with the County for the installation and maintenance of a traffic signal at Bingham Junction Blvd. and Coliseum Way (“**Site**”) in Salt Lake County; and

WHEREAS, the County is willing to enter into such an agreement, and to install the traffic signal at the Site.

NOW, THEREFORE, be it resolved by the City Council of Midvale City that the Interlocal Cooperation agreement between the County, City, and Agency be accepted and approved and the Mayor of Midvale City is hereby authorized to execute the Interlocal Cooperation Agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, this _____ day of _____, 2018.

Robert M. Hale
Mayor

Kane Loader
City Manager

ATTEST:

Rori L. Andreason, MMC
City Recorder

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

EXHIBIT B

Interlocal Agreement

County Contract No. _____

District Attorney No.

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
REDEVELOPMENT AGENCY OF MIDVALE CITY,
MIDVALE CITY, AND
SALT LAKE COUNTY
FOR
INSTALLATION OF TRAFFIC SIGNAL
*Bingham Junction & Coliseum Way***

THIS AGREEMENT (“Agreement”) made pursuant to the Utah Interlocal Cooperation Act, by and between SALT LAKE COUNTY (“County”), a body corporate and politic of the state of Utah, and MIDVALE CITY (“City”), a municipal corporation created under the laws of the State of Utah, and REDEVELOPMENT AGENCY OF MIDVALE CITY (“RDA”), a Utah limited purpose local government entity. The County, the RDA, and the City may be jointly referred to as the “Parties.”

WITNESSETH:

WHEREAS, the Parties are public agencies and are therefore authorized under the Utah Interlocal Cooperation Act, Section 11-13-101, et seq., U.C.A. 1953, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers; and

WHEREAS, the City and the RDA desire to contract with the County for the installation and maintenance of a traffic signal at Bingham Junction Coliseum way (“Site”) in Salt Lake County; and

WHEREAS, the County is willing to enter into such an agreement, and to install the traffic signal at the Site.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the Parties agree as follows:

1. PURPOSE. The County, through its Public Works Department, Operations Division, shall be responsible for all matters pertaining to the installation of and improvements to the traffic signal located at the Site and will provide the necessary labor, equipment and materials for said installation, as set out in the Scope of Work, attached hereto as EXHIBIT A and incorporated by reference. Work shall be performed by County to existing County standards for traffic signals on County's public roads. This Agreement governs the County's above installation as set out in the Scope of Work.

2. DURATION. The term of this Agreement shall begin upon execution and shall expire on December 31, 2019.

3. OWNERSHIP. Upon installation, the traffic signal shall be owned by the City, and maintained by the County.

4. FINANCING AND PAYMENT. The RDA shall pay to County the installation costs per services rendered as set forth in EXHIBIT A. The estimated cost of completion is Two Hundred One Thousand Seven Hundred Dollars (\$201,700.00). Upon completion of the services each month, the County shall send the RDA an invoice for the services which the RDA agrees to pay within thirty (30) days.

Upon installation, the traffic signal shall be automatically added to Appendix A of the existing Traffic Signal Maintenance Agreement between the County and the City (County Contract No. CA000000000273), as provided in Paragraph 8 of the Traffic Signal Maintenance

Agreement. The City shall pay the County the cost of maintaining the traffic signal in accordance with the Traffic Signal Maintenance Agreement and its subsequent amendments. All County maintenance and inspection of the traffic signal shall be governed by the Traffic Signal Maintenance Agreement.

5. LIABILITY. The City, the RDA, and the County are governmental entities under the Utah Governmental Immunity Act, Utah Code Ann. § 63G-7-101. Consistent with the terms of the Act, and as provided herein, it is mutually agreed that each Party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officers or employees. No Party waives any defenses otherwise available under the Act nor does any Party waive any limits of liability currently provided by the Act.

6. INDEMNIFICATION. Each Party agrees to indemnify and hold the other Parties and their agents, officials, officers, employees, and volunteers harmless from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), that directly result from the performance of this Agreement, but only to the extent the same are caused by any negligent or wrongful act or omission of the Party or its officials, officers, agents, employees, or volunteers.

7. REQUIRED INSURANCE POLICIES. Parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

8. TERMINATION. This Agreement may be terminated (with or without cause) by any Party upon at least ninety (90) days prior written notice to the other Parties. Payment shall be made for all work performed prior to termination.

9. NOTICES. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

If to Salt Lake County: Salt Lake County Public Works Operation
Division Director
604 West 6960 South
Midvale, Utah 84047

If to the City: Midvale City
Attn: City Engineer
7505 S. Holden St.
Midvale, Utah 84047

If to the RDA: RDA of Midvale City
Attn: Annaliese Eichelberger
7505 S. Holden Street
Midvale, Utah 84047

10. AGENCY. No agent, employee or servant of the City, the RDA, or County is or shall be deemed to be an employee, agent, or servant of the other Parties. None of the benefits provided by each Party to its employees including, but not limited to, worker's compensation insurance, health insurance, and unemployment insurance, are available to the employees, agents, or servants of the other Parties. City, RDA, and County shall each be solely and entirely responsible for its own acts and for the acts of its own agents, employees, and servants during the performance of this Agreement. The County acts as an independent contractor and is not an employee or agent of the City or the RDA.

11. FORCE MAJEURE. No Party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that part, including but not limited to acts of God, fires, floods, strikes, or unusually severe weather. If such condition continues for a period in excess of 60 days, City, RDA, or County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other Parties.

12. NO OBLIGATIONS TO THIRD PARTIES. The Parties agree that the County's obligations under this Agreement are solely to the RDA and the City. This Agreement shall not confer any rights to third parties.

13. GOVERNING LAW. The laws of the State of Utah govern all matters arising out of this Agreement.

14. COUNTERPARTS. This Agreement may be executed in counterparts and all so executed will constitute one agreement binding on all the Parties, it being understood that all Parties need not sign the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email will be deemed an original signed copy of this Agreement.

15. COUNTY ETHICAL STANDARDS. The City and the RDA represent that they have not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statutes or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of Ordinances, 2001; or (d) knowingly influenced, and hereby promises that it will

not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statutes or Salt Lake County ordinances.

16. NO OFFICER OR EMPLOYEE INTEREST. It is understood and agreed that no officer or employee of County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. No officer or employee of City or the RDA or any member of their families shall serve on a County Board or Committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises City's or RDA's operations, or authorizes funding or payment to City or RDA.

17. INTERLOCAL COOPERATION ACT. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

- a. This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- c. A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;
- d. Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and
- e. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the director of the RDA and the public works directors of the City and the County, or their designees. No real or personal

property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

18. ENTIRE AGREEMENT AND AMENDMENT. This agreement constitutes the entire agreement between the Parties, and no other promises or understandings, express or implied, shall be binding upon the Parties. No amendment to this agreement shall be effective unless made in writing and signed by the parties.

IN WITNESS WHEREOF, the Parties have subscribed their names hereon and caused this agreement to be duly executed on the _____ day of _____, 2018.

SALT LAKE COUNTY

MIDVALE CITY

By: _____
Mayor or Designee

By: _____

Name: _____

Title: _____

Departmental Approval:

By: _____
Scott Baird,
Public Works Director

ATTEST:

Date: _____

Division Approval:

Midvale City Recorder

By: _____
Kevyn Smeltzer,
Division Director

Date: _____

Approved as to Form:

Approved as to Form:

By: _____
Deputy District Attorney

By: _____
Midvale City Attorney

Date: 11/19/18

Date: _____

**REDEVELOPMENT AGENCY OF
MIDVALE CITY**

By: _____
Robert M. Hale.
Chief Administrative Officer

ATTEST:

By: _____
RDA Secretary

Approved as to Form:

By: _____
RDA Counsel

EXHIBIT “A”

SCOPE OF WORK

INSTALLATION OF TRAFFIC SIGNAL at Bingham Junction Coliseum Way:

- Install signal bases
- Junction boxes
- Pedestrian heads
- Traffic Signal heads
- Controller cabinet
- Powder coated poles
- Install push buttons
- Install service
- Install Radar Detection

Location – Bingham Junction & Coliseum Way

Estimated Cost: \$201,700.00

Upon installation of and improvements to the signal, the signal shall be owned by the City and maintained by the County. The traffic signal will be added to the current Traffic Signal Maintenance Agreement between the parties.

Determination of signal phasing and timing shall be the responsibility of the City. Prior to the County activating the signal, the City shall approve in writing the phasing and timing of the signal. Any changes related to signal phasing, timing, or other modification of the signal shall be initiated and approved in the writing by the City’s traffic engineer or other authorized engineering representative prior to the County implementing the change.



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: December 11, 2018

ITEM: **Approve Ordinance No. 2018-O-17, amending Title Section 9.54.070 of the Midvale Municipal Code**

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

SUMMARY:

After discussing this matter during the Midvale City Council Meeting of December 4, 2018, it was determined that it is in the best interest of the public health, safety, and welfare of the City to regulate individuals who remain on or about premises to a degree that warrants alarm for the safety of a person or property located in the City of Midvale. It was also determined that it is in the best interest of the citizens of Midvale to provide certain protections for those individuals and businesses who may be affected by those who engage in the act of loitering. The proposed ordinance makes it unlawful for any person remain, wander, or linger in or about a school, business, vacant property, and sidewalk without having a legitimate reason for being on any of these properties, and upon inquiry by a law enforcement official, the person fails to give a reasonably credible account of his identity, conduct, or purposes. Violation of this ordinance is an Infraction unless the individual has had a prior loitering or criminal trespass citation within a year of the current violation.

Fiscal Impact: None

STAFF'S RECOMMENDATION AND MOTION:

I move that we approve Ordinance No. 2018-O-17, amending Midvale Municipal Code Section 9.54.070 as provided in the attached proposed amendment.

Attachments: Proposed amendment to 9.54.070 Midvale Municipal Code

**MIDVALE CITY, UTAH
ORDINANCE NO. 2018-O-17**

An Ordinance Amending Midvale Municipal Code 9.54.070

WHEREAS, Midvale City Council has determined that it is in the best interest of the public health, safety, and welfare of the City to regulate individuals who remain on or about premises to a degree that warrants alarm for the safety of a person or property located in the City of Midvale.

WHEREAS, Midvale City Council has also determined that it is in the best interest of the citizens of Midvale to provide certain protections for those individuals and businesses who may be affected by those who engage in the act of loitering.

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

Section 1. The City Council desires to amend section 9.54.070 of the Midvale Municipal Code as set forth in Exhibit A.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This Ordinance shall be effective upon date of first publication.

PASSED AND APPROVED this 11th day of December, 2018.

Robert Hale, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

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

EXHIBIT "A"

9.54.070 Loitering.

A. A person is guilty of loitering if that person:

1. appears at a place or at a time under circumstances that warrant alarm for the safety of a person or property in the vicinity, and upon inquiry by a law enforcement official, the person fails to give a reasonably credible account of his identity, conduct, or purposes;
2. remains, wanders, or lingers in or about a school without having a relationship with a student, employee, or guest of the school or any other specific, legitimate reason for being there, and upon inquiry by a law enforcement official, the person fails to give a reasonably credible account of his identity, conduct, or purposes;
3. remains, wanders, or lingers on a property where a sign prohibiting loitering has been posted without permission of the owner or tenant of said property or without visible or lawful business with the owner or tenant of said property;
4. remains, wanders, or lingers on a property that is vacant, abandoned, condemned, or closed to occupancy without permission of the owner of said property and, if an authority's permission is necessary to access a structure on the property, permission of the authority;
5. remains, wanders, or lingers on any sidewalk or curb ramp for longer for a period longer than two minutes in such manner as to obstruct the free passage of a pedestrian or vehicle; or
6. willfully continues to obstruct the free passage of a pedestrian or vehicle after being requested to move by another.

B. A person may be cited under this section even if the person is in or on a vehicle.

C. A law enforcement official may disregard any form of identification which, based upon a reasonable suspicion under the circumstances, is altered or falsified or may belong to a third party. The provision of such identification shall be considered prima facie evidence of a violation of this section.

D. No person shall be convicted under this section if the explanation he gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.

E. Loitering is punishable:

1. as an infraction if the person has not had a loitering or criminal trespass conviction within one year of the current offense; or
2. as a class C misdemeanor if the person has been convicted of loitering or criminal trespass within one year of the current offense. (Prior code § 13-973)