MIDVALE CITY COUNCIL MEETING
AGENDA
December 5, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 5th day of December, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. UFA Presentation

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

V. COUNCIL REPORTS
A. Councilmember Wayne Sharp
B. Councilmember Stephen Brown
C. Councilmember Paul Glover
D. Councilmember Paul Hunt
E. Councilmember Quinn Sperry

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARINGS
A. Consider 2 Lot subdivision request from PK Properties at 7159 South 150 East [Alex Murphy, Associate Planner]

ACTION: Approve 2 Lot subdivision request from PK Properties at 7159 South 150 East
B. Consider Ordinance No. 2017-O-19 a Zoning Map update for the entire City, incorporating amendments between 2008 and the present [Alex Murphy, Associate Planner]

**ACTION:** Approve Ordinance No. 2017-O-19 updating the City-wide zoning map incorporating amendments between 2008 and present

VIII. **CONSENT AGENDA**

A. Consider Minutes of November 28 & 30, 2017 [Rori Andreason, H.R. Director/City Recorder]

B. Consider Resolution No. 2017-R-46 Establishing a Time and Place for Holding Regular City Council Meetings, Designate the Mayor Pro-Tempore Schedule, and Adopt the Holiday Schedule for the 2018 Calendar Year [Rori Andreason, H.R. Director/City Recorder]

IX. **ACTION ITEMS**

A. Consider Ordinance No. 2017-O-20 Amending the Midvale Municipal Code, Title 5, Allowing a Business License Fee Reduction for Rental Units; and a Home Occupation Fee Exemption; and reciprocal licensing for Mobile Food Businesses [Phillip Hill, Assistant City Manager/Community Development Director]

X. **CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

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 days advance 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 posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City’s website at [www.midvalecity.org](http://www.midvalecity.org) and the State Public Notice Website at [http://pmn.utah.gov](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 1, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: December 5, 2017

SUBJECT:

Public Hearing and Subdivision Plat Approval for 2 lot PK7159 Subdivision located at 7159 S 150 E

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

The proposed PK7159 Subdivision plat consists of two (2) proposed lots on a total of 0.55 acres located north of 7200 South on 150 E and is being submitted by Dale Bennett, Benchmark Engineering, on behalf of the property owner, PK Properties, for the purpose of creating a second lot to construct a two-unit dwelling behind the existing single family dwelling on the subject property. The Planning Commission approved a conditional use permit for a two-unit dwelling on Lot 2 of the proposed subdivision, subject to the subdivision receiving approval from the City Council.

The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall. All utility companies have been notified regarding utility easements and notes on the subdivision plat. As a minor subdivision request, this request is subject to and complies with the requirements of the Single Family Residential Zone with Duplex Overlay (SF-1/DO), including flag lot requirements, and the subdivision ordinance (Title 16), subject to the recommended conditions below.

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 June 14, 2017. 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 PK7159 Subdivision with 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. A note shall be added to the subdivision plat indicating that three, 2-inch caliper, deciduous street trees are to be planted along 150 East or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.
3. A note shall be added to the subdivision plat indicating that the required public improvements shall be bonded for, constructed to the standards of Midvale City, and inspected and approved by the City Engineer.
4. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center line is required to be constructed on the property unless the subdivision plat is officially amended.
5. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
6. The applicant shall provide evidence that courtesy notices have 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.

The applicant has prepared and submitted the final plat. The applicable notes regarding the street tree requirement and the two-unit residential structure on Lot 2 have been added. After the Planning Commission hearing, it was decided that Midvale City would be responsible for installing the public improvements along 150 East.

Based on the potential for the subdivided lots to end up in separate ownership prior to construction on the new lot, it is recommended to revise the Planning Commission recommendation regarding street trees to require the trees be planted or otherwise guaranteed prior to recording of the plat. This will result in the modification or removal of a note on the final plat.

The applicant has provided a duty to serve letter from Midvale City for culinary water service, but has yet to provide the required letter from the sanitary sewer provider (Midvalley Improvement District). Copies of courtesy notices sent to local utilities have been provided by the applicant.

**FISCAL IMPACT:** N/A

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**STAFF RECOMMENDATION:**

Staff recommends the City Council approve the subdivision plat for the PK7159 Subdivision with the following conditions:

1. Three, 2-inch caliper, deciduous street trees are to be planted along 150 East or guaranteed by a cash bond prior to a recordation of the final plat.
2. The applicant shall obtain a duty to serve letter for sanitary sewer service prior to the subdivision plat being recorded.
3. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

**RECOMMENDED MOTION – TABLE DECISION:**

“I move that we table decision on the proposed subdivision to address the following questions/comments:

1. ...
2. ...”

**RECOMMENDED MOTION – APPROVAL:**

“Based on demonstrated compliance with the requirements of Chapter 17-7-1, Single Family Residential zone with Duplex Overlay and Title 16, Subdivisions, I move that we approve the subdivision plat for the PK7159 Subdivision with the following conditions:

1. Three, 2-inch caliper, deciduous street trees are to be planted along 150 East or guaranteed by a cash bond prior to a recordation of the final plat.
2. The applicant shall obtain a duty to serve letter for sanitary sewer service prior to the subdivision plat being recorded.
3. The applicant shall prepare a final subdivision plat and verify that all required signatures are obtained before final recording.”
Attachments:

- Vicinity Map
- Final Subdivision Plat
SUBJECT:

Public Hearing on Updated Zoning Map

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

In 2002, the City adopted a new zoning map reflecting the new zone districts created in the 2001 zoning ordinance rewrite. Over time, the zoning map was amended through rezone applications and boundary adjustments and in 2008, a revised map was adopted by the City, including all rezones and boundary adjustments completed between 2002 and 2008.

As Zone Map Amendments have been adopted between 2008 and the present, the Zone Map has been changed and the specific change is noted in an amendment table on the Zone Map document. The draft zoning map enclosed reflects the most current base map for Midvale City and includes the zones adopted in 2008 with all the rezone amendments from 2008 to the present. Staff is proposing that the Planning Commission recommend and the City Council adopt this newly formatted map reflecting all the amendments that have occurred since 2008. Doing so will create a new starting point for amendments from this time forward until another updated map is adopted. Staff has attached a list of the ordinances adopting the Zone Map Amendments from 2008 to the present.

In addition to cleaning up the map and restarting the amendment list, this zoning map update also includes minor revisions to various zone boundaries to fill in streets and revise zoning district boundaries such that they reflect the language in 17-1-3(A):

A. Unless otherwise expressly defined on the zoning map, district boundary lines are lot lines, section lines, city limit lines, centerlines of streambeds, and centerlines of streets, alleys, or railroad rights-of-way or such lines extended. District boundary lines shall be calculated on the northern and eastern edge of the zoning lines depicted on the zoning map. If uncertainty remains as to the boundary of a district after application of the provisions of this subsection, the planning commission will interpret the district boundary.

These modifications include:

- Cleaning up zone boundaries within the I-15 right-of-way;
• Aligning zone boundaries with the centerline of streets, alleys, or railroad rights-of-way through the City; and
• Revising the color scheme to more clearly indicate overlay zone boundaries.

No districts have been altered beyond what was necessary to match the language in this section. No areas have had their zoning designation changed.

The Planning Commission conducted a public hearing and reviewed the updated Zoning Map on November 8, 2017. At that time, the Planning Commission forwarded a positive recommendation to the City Council to approve the updated City-wide zoning map, reflecting amendments made from 2008 to the present.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff finds that proper legal notice was provided for the public hearings held with the Planning Commission on November 8, 2017 and the City Council on December 5, 2017, as required to adopt an amendment to the zoning map. Staff recommends the City Council approve the updated City-wide zoning map reflecting amendments from 2008 to the present through the adoption of proposed Ordinance No. 2017-O-19.

**RECOMMENDED MOTIONS:**

Option 1 – Table Decision

“I move that we table a decision on the proposed ordinance to address the following questions/comments:

1. . . .
2. . . .”

Option 2 – Approval

“I move that we approve Ordinance 2017-O-19, updating the City-wide zoning map as presented.”

**Attachments:**

• List of Zoning Map Amendments from 2008 to the present
• Revised Zoning Map
• Proposed Ordinance No. 2017-O 19
<table>
<thead>
<tr>
<th></th>
<th>Order</th>
<th>Action</th>
<th>Zoning</th>
<th>Location</th>
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<tr>
<td>1</td>
<td>Ordinance 02/05/2008 O-01</td>
<td>RC to CI-JBO</td>
<td>8315 S 700 W</td>
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<td>6820 S 900 E</td>
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<td>3</td>
<td>Ordinance 12/16/2008 O-10</td>
<td>SF-1 to RM-12</td>
<td>197 E S 7800 S</td>
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<td>Ordinance 01/20/2009 O-4</td>
<td>SF-1 DO to MU</td>
<td>602 E S 7200 S</td>
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<td>5</td>
<td>Ordinance 09/21/2010 O-09</td>
<td>SF-1 DO to RC</td>
<td>74 W 7200 S</td>
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<td>6</td>
<td>Ordinance 10/19/2010 O-12</td>
<td>RC to RM-25</td>
<td>approx 8274 S Lance St</td>
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<td>7</td>
<td>Ordinance 2011-04</td>
<td>RM-25 to SSC</td>
<td>6980 S State St</td>
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<td>8</td>
<td>Ordinance 2011-10</td>
<td>SF-1 to RC</td>
<td>7404 S Union Park Ave</td>
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<td>9</td>
<td>Ordinance 2011-12</td>
<td>TOD to SSC</td>
<td>7615-7791 S State St</td>
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<td>Ordinance 2012-02</td>
<td>RM-25 to SSC</td>
<td>6832 S State St</td>
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<td>Ordinance 2011-16</td>
<td>SF-1 DO to MU</td>
<td>618 E Fort Union Blvd</td>
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<td>approx 1078 E North Union Ave</td>
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<td>13</td>
<td>Ordinance 2012-15</td>
<td>SF-1 RC to CI-JBO</td>
<td>8645-8665 S Harrison St</td>
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<td>Ordinance 2013-O-02</td>
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<td>7510 S Main St</td>
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<td>15</td>
<td>Ordinance 2013-O-07</td>
<td>BJ with Junction at Midvale Overlay to BJ with Silver Refinery Overlay</td>
<td>7612 S Holden St</td>
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<td>Ordinance 2013-O-10</td>
<td>CI-JBO to CI-JBO with Public Facilities Overlay</td>
<td>8196 S Main St</td>
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<td>Ordinance 2013-O-13</td>
<td>SF-1 AO/DO to RM-12</td>
<td>380 E between 7800 S &amp; 8000 S</td>
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<td>Ordinance 2014-O-01</td>
<td>HC to HC with Public Facilities Overlay</td>
<td>7540 S Main St</td>
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<td>RC to RM-25</td>
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<td>SF-1 AO to RM-12</td>
<td>385 E 8000 S</td>
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<td>Ordinance 2016-O-05</td>
<td>SF-1 AO to RM-12</td>
<td>183-193 E 8000 S</td>
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<td>22</td>
<td>Ordinance 2016-O-06</td>
<td>RC to SF-1</td>
<td>193 W 8600 S</td>
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<td>23</td>
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<td>RC to SF-1</td>
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<td>7852 S Pioneer St</td>
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<td>26</td>
<td>Ordinance 2017-O-01</td>
<td>HC to RC</td>
<td>7697 S Holden &amp; 788-798 W Center</td>
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<td>27</td>
<td>Ordinance 2017-O-04</td>
<td>TODO created</td>
<td>300 W 7200 S &amp; 7650 S Center Sq</td>
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<td>28</td>
<td>Ordinance 2017-O-11</td>
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<td>7120 S Union Park Ave</td>
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<td>29</td>
<td>Ordinance 2017-O-13</td>
<td>SF-1 DO with 7200 S Overlay to MU with 7200 S Overlay</td>
<td>475 E Fort Union</td>
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ORDINANCE NO. 2017-O-19

AN ORDINANCE UPDATING THE CITY-WIDE ZONING MAP REFLECTING ALL ZONING MAP AMENDMENTS FROM 2008 TO 2017; ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, Midvale City has adopted a zoning map pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code as amended;

WHEREAS, over time, the City has amended the zoning map through rezone applications;

WHEREAS, the Midvale City Planning Commission held a public hearing on November 8, 2017 to review the zoning map, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News on October 25, 2017 and resulted in a positive recommendation to the Midvale City Council to adopt the updated zoning map;

WHEREAS, the Midvale City Council held a public hearing on December 5, 2017, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on November 21, 2017;

WHEREAS, the Midvale City Council, after taking into consideration the information presented and the Planning Commission’s recommendation, finds it is appropriate and beneficial to officially adopt the updated zoning map.

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

Section 1. The City-wide zoning map with updated formatting and reflecting all zoning map amendments from 2008 through 2017 shall be adopted as the official zoning map for the City as reflected in Exhibit A attached hereto.

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

Section 3. This ordinance shall be effective upon publication of a summary thereof.
APPROVED AND ADOPTED this ___ day of ____________, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

_________________________
Rori Andreason, MMC
City Recorder

Date of first publication: __________

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<tr>
<th>Voting by City Council</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tr>
<td>Stephen Brown</td>
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<td>Paul Glover</td>
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<td>Quinn Sperry</td>
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<td>Paul Hunt</td>
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<td>Wayne Sharp</td>
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</table>
MAYOR: Mayor JoAnn B. Seghini

COUNCIL MEMBERS: Council Member Wayne Sharp
Council Member Stephen Brown
Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry - Electronic

STAFF: Kane Loader, City Manager; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Matt Dahl, Redevelopment Agency Director; and Matthew Pierce, IT Manager.

Mayor Seghini called the meeting to order at 7:26 p.m.

I. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Paul Hunt, Wayne Sharp, and Paul Glover were present at roll call. Council Member Quinn Sperry attended electronically.

II. ACTION ITEM
A. CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $6,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2017; AND RELATED MATTERS

Laura Lewis stated on November 2nd the house proposed a tax reform bill that since has been passed. In that bill, it eliminates the ability for local governments to do advance refunding of municipal bonds. It is taking away the flexibility to act on refunds to receive some savings. Now cities are required to wait until the call date and are no longer able to do advance refunding.

In order to take have some flexibility to take advantage of the refunding it has to be done before December 31st. She asked that the Council adopt the parameter resolution that sets the interest rates and terms. If they can hit the savings targets, then they will proceed. If they go down this road, the reward would be a savings to the City, but the risk would be that they could get the rating and the market could move away so they couldn’t save the money and would not do the transaction,
but there would still be a fee that the City would have to pay. The challenge is not knowing what
the market will do, and if the federal government continues debating and does not take any action,
the bill is still live with the effective date. She said she was not able to get a legal opinion on this
because it is still being debated.

Laura Lewis, Lewis Young said they would be doing this transaction publicly offered bond in a
different way and the numbers will be different. It will be a direct purchase instead. The process
puts a little less burden on the staff. They will go through a process to see what will benefit
the City the best. If they see that it won’t benefit the City, they won’t do the transaction. The good
news is that there is no risk because there will be no rating agency payment. The risk would be a
tax rate deduction. They have heard that at least one bank will put in a provision and they will go
through the process of the bidding. If there are no bidders they like, then they will wait until the
bonds are callable.

Councilmember Quinn Sperry left the meeting at 7:30 p.m.

MOTION: Councilmember Paul Hunt MOVED to authorizing the issuance and sale of
not more than 6,000,000 aggregate principal amount of water and sewer
revenue refunding bonds series 2017 and other related matters. The motion
was SECONDED by Councilmember Paul Glover. Mayor Seghini called for
discussion on the motion. There being none she called for a roll call vote.
The voting was as follows:

Council member Stephen Brown Aye
Council member Paul Glover Aye
Council member Paul Hunt Aye
Councilmember Wayne Sharp Aye
Council member Quinn Sperry Absent

The motion passed unanimously.

III. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting.
Councilmember Paul Hunt SECONDED the motion. Mayor Seghini called for
discussion on the motion. There being none, she called for a vote. The motion
passed unanimously.

The meeting adjourned at 7:34 p.m.

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

Approved this 5th day of December, 2017.
CITY COUNCIL LEGISLATIVE BREAKFAST
Minutes
Thursday, November 30, 2017
Bohemian Brewery
94 South Fort Union Boulevard
Midvale, Utah 84047

MAYOR: Mayor JoAnn B. Seghini

COUNCIL MEMBERS: Council Member Wayne Sharp
Council Member Stephen Brown - Excused
Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry

STAFF: Kane Loader, City Manager; Phillip Hill, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Larry Wright, Public Works Director; Matt Dahl, Redevelopment Agency Director; Christopher Butte, Economic Development Director; Laura Magness, Communications Specialist; and Acting Chief Mark Olsen, UPD.

LEGISLATORS: Senator Brian Shiozawa
Representative Ken Ivory
Representative Marie Poulson

OTHERS: Mayor-Elect Robert Hale
Council Member-Elect Bryant Brown
Council Member-Elect Dustin Gettel
David Spatafore, Lobbyist
Ashley Spatafore, Lobbyist
Cameron Diehl, ULCT Executive Director

Mayor Seghini called the meeting to order at 7:45 a.m.

I. KEY ISSUES FOR THE UPCOMING SESSION
The following issues were discussed in detail regarding their impact on Midvale City residents and businesses.

A. Midvale Homeless Resource Center Update
   a. Transitional Homeless Housing – Midvale Hotels
   b. Impacts to the Midvale Boys and Girls Club
   c. Impacts to Canyon School District
   d. Additional municipal costs not being reimbursed
B. Jordan Bluffs Development/Bingham Junction Boulevard
C. Proposed Solid Waste Fee Increase for Landfills
D. Economic Development Update
E. Statewide Issues for Cities and Towns

II. **ADJOURN**

The meeting adjourned at 9:00 a.m.

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

Approved this 5\textsuperscript{th} day of December 2017.
SUBJECT: Establish Time and Place to hold Regular City Council Meetings, Designate the Mayor Pro Tempore Schedule, and Adopt the Holiday Schedule for the 2018 Calendar Year

SUBMITTED BY: Rori L. Andreason, H.R. Director/City Recorder

SUMMARY:
Section 2.36 of the Midvale Municipal Code outlines the City Council meeting scheduled as required by state statute. The Council is scheduled to meet the first and third Tuesdays of each month for a City Council meeting and every second Tuesday for a Council Workshop meeting. The months of July, August, November, and December have been scheduled with two regular City Council meetings each month and no workshop meetings. The proposed holiday schedule for calendar year 2018 has also been included for Council consideration as well as the Mayor Pro-Tempore schedule.

A Resolution has been prepared outlining the proposed City Council meeting schedule for the 2018 calendar year, as well as identifying the Mayor Pro Tempore schedule and holiday schedule for the year for the Council’s consideration.

FISCAL IMPACT: N/A

RECOMMENDED MOTION:
I move that we adopt Resolution No. 2017-R-46 Establishing a Time and Place for Holding Regular City Council Meetings, Designate the Mayor Pro Tempore Schedule, and Adopt the Holiday Schedule for the 2018 Calendar Year.

Attachments: Proposed Resolution
WHEREAS, pursuant to Section 52-4-2 of the Utah Code Annotated and the Midvale Municipal Code, Section 2.36, the Midvale City Council hereby gives notice of their 2018 City Council meeting schedule; and

WHEREAS, the City Council desires to encourage residents of Midvale City to attend City Council meetings; and

WHEREAS, the City Council desires to have a designated member of the governing body automatically succeed the position of Mayor Pro Tempore whenever the Mayor is absent; and

WHEREAS, the City Council desires to observe certain Holidays throughout the year in which the City Offices will be closed,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, UTAH:

Section 1. The Midvale City Council hereby gives notice of the time and place for holding its regular Council meetings for the 2018 Calendar Year as follows:

The City is required to hold a minimum of one regular City Council meeting each month. However, two City Council meetings are scheduled to be conducted on the first and third Tuesday of each month or as posted, which meetings shall begin at 6:30 p.m. On the second Tuesday of each month a workshop is scheduled to be conducted. Workshops will begin at 6:30 p.m. or at any time designated by the Council. The exceptions to the above schedule will be in the months of July, August, November, and December as follows:

- Budget Retreat will be held on the 22nd day of March
- July Council Business meeting will be held on the 10th and 17th
- August Council Business meetings will be held on the 14th and 21st
- November Council Business meetings will be held on the 6th and 13th
- Legislative Breakfast will be held on the 29th day of November
- December Council Business meetings will be held on the 4th and 11th

Midvale City may call an emergency meeting to consider matters of an emergency or urgent nature. In accordance with Section 52-4-202 (5) UCA, notice requirements may be disregarded and the best notice practicable given. In accordance with Section 10-3-502 UCA, the Council may call a special meeting providing at least a three hour notice.

Location of Meetings: All meetings described above, except those meetings for which notice is given that the meeting will be held at a different location, will be held at City Hall, 7505 South Holden Street, Midvale, Utah.

Section 2. The Midvale City Council desires to designate the following members of the governing body to automatically succeed to the position of Mayor Pro-Tempore when the Mayor is absent:
Section 3. The City Council desires to observe certain Holidays in which the City Offices will be closed. The following Holiday schedule is hereby adopted for full-time and qualified part-time employees:

New Year’s Day .............................................. January 1
Martin Luther King, Jr.’s Birthday ................................ January 15
Presidents’ Day ................................................ February 19
Memorial Day ................................................ May 28
Independence Day .......................................... July 4
Pioneer Day ................................................ July 24
Labor Day ................................................ September 3
Veterans’ Day (Observed) .................................. November 12
Thanksgiving Day .......................................... November 22
Day after Thanksgiving ..................................... November 23
Christmas Day .............................................. December 25
Day after Christmas ........................................ December 26

Section 4. The City Council directs the City Recorder to publish the 2018 City Council meeting schedule in at least one newspaper of general circulation in Midvale City, State of Utah.

Section 5. This Resolution shall take effect immediately.

APPROVED AND ADOPTED this 5th day of December 2017.

_______________________________
JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

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<tr>
<th>Voting by the Council:</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tbody>
<tr>
<td>Wayne Sharp</td>
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<td>Stephen Brown</td>
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<td>Quinn Sperry</td>
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SUBJECT:  Action to adopt Ordinance 2017-O-20 amending Title 5.02.090 allowing for prorated business license fees for home rentals; amending Title 5.02.010 T.1. allowing certain home occupations to be exempt from business license fees; and amending Title 5.02.140 E. allowing for reciprocal licensing for Mobile Food businesses.

SUBMITTED BY: Phillip Hill, Assistant City Manager/Director CD

SUMMARY:

Title 5.02.090

This title currently allows for all nonrental business licenses to be prorated semi-annually. The justification for excluding rental business licenses stemmed from the adoption of the Good Landlord program, when it was identified that numerous such businesses throughout the city were and had been operating without licenses. It was determined that because these businesses had been operating without a license, that as they were identified it would not be appropriate to prorate the business license fee. We are now at a position where it is believed that the existing rental businesses have been licensed and as new businesses come in they should be afforded the same fee reduction as other businesses.

Title 5.02.010 T.1.

During the last legislative session, SB81 was adopted requiring cities to provide for a business license fee exemption for Home Occupations as follows:

132   (7) A municipality may not;
137    (b) charge a license fee for a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone
In working with the League of Cities and Towns, the following language is proposed to be added to this title:

5.02.010 T.1 Home Occupation—Exempt—A business, transaction or activity conducted entirely within no more than 25% of a primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, creating an unsafe condition, requiring outdoor storage or signage, or providing a short term residential rental.

**Title 5.02.140 E.**

During the last legislative session, SB250 was adopted requiring cities to allow for mobile food business licenses to be reciprocal between jurisdictions. This title can be brought into compliance with the new state law by simply eliminating “mobile food units”.

**FISCAL IMPACT:**

It is anticipated that there will be a slight decrease in business license fee revenue as a result of the Home Occupation exemption and the pro-rating of residential rental unit licenses. Based on 63 new home occupation licenses per year and assuming 20% of those are exempt, we would expect a revenue decrease of roughly $500. While we expect some pro-rated rental unit licenses, it is not anticipated to be a significant measurable number.

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**STAFF RECOMMENDATION (MOTION READY):**

Staff recommends that the Council adopt Ordinance 2017-O-20 amending Title 5.02.090 allowing for prorated business license fees for home rentals; amending Title 5.02.010 T.1. allowing certain home occupations to be exempt from business license fees; and amending Title 5.02.140 E. allowing for reciprocal licensing for Mobile Food businesses.

**Attachments:**

- Ordinance 2017-O-20 with exhibits
ORDINANCE NO. 2017-O-20

AN ORDINANCE AMENDING TITLE 5 OF THE MIDVALE CITY MUNICIPAL CODE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has authority to adopt the Midvale City Municipal Code; and

WHEREAS, the City Council of Midvale City, Utah, held a public meeting regarding the amendment of certain sections of Title 5 on December 5, 2017; and

WHEREAS, the City Council found the proposed amendments appropriate in furthering the goals and policies of the City of Midvale.

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

Section 1. The Municipal Code which sets forth the laws and policies within Midvale City, is hereby amended as follows:

See Attachment “A”

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

Section 3. This ordinance shall be effective upon date of first publication.

Signatures begin on next page
PASSED AND APPROVED this ____ day of ______________, 2017.

________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

________________________
Rori Andreason, MMC
City Recorder

Date of first publication: ____________
5.02.090 Business license due dates and waiver.

A. Business license fees for new businesses shall be due and payable upon making application to the business license division. The application shall not be processed until the fees, fines and penalties, if applicable, are paid.

B. Nonrental business license fees for renewal businesses shall be due and payable on or before January 15th of each calendar year. The penalty for nonpayment of the renewal fee shall be:

1. Fifty percent of the fee due if paid by February 15th;

2. Seventy-five percent of the fee due if paid by March 15th; and

3. If the fee plus penalty is not paid by March 15th, the business shall be considered to be operating without a business license in violation of this chapter, subject to criminal prosecution for every day of operation after two months from the due date, and the license fee, if a license is granted thereafter, shall be doubled.

C. All initial nonrental business licenses issued after the commencement of the current license year shall be prorated semi-annually, and the fee paid for each semi-annual period or fraction thereof during which the business has been or will be conducted, according to the following schedules; provided, however, that no annual license fee of thirty-five dollars or less shall be prorated:

1. On or after January 15th, but prior to July 1st, the fee shall be one-half of the annual fee;

2. On or after July 1st, but prior to January 15th, the fee shall be one-half of the annual fee;

3. Each application for a license under this title shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be equal to twenty-five percent of the regular license fee if the applicant has operated without a license for less than thirty days, and shall be equal to one hundred percent of the regular license fee if the applicant has operated without a license for more than thirty days during the calendar year in question. Any license which has been issued pursuant to payment by means of check or bond shall be void and of no force or effect if such check or bond is not honored.
5.02.010 T.1 Home Occupation-Exempt—A business, transaction or activity conducted entirely within no more than 25% of a primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, creating an unsafe condition, requiring outdoor storage or signage, or providing a short term residential rental.

5.02.110 Exemptions to business license fees requirements.

A. A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt under the provision of Section 501(c) of the United States Tax Code.

B. A business license fee shall not be imposed on any person engaged in a business type specifically exempted from paying business licensing fees by the laws of the state of Utah or an "exempt home occupation".

C. Any business exempt from paying the license fee as provided in this section shall still comply with all other requirements of this title. (Ord. 2015-10 § 1 (Exh. A) (part): Ord. 10/28/2003O-12 (part), 2003: Ord. 12-09-97 (part), 1997)

5.02.140 Reciprocal recognition of business licenses.

No license fee or tax shall be imposed by the city on any business whose only activity is the delivery of property sold at a regular place of business licensed and maintained outside the city where:

A. The business is at the time of such delivery licensed by a Utah municipality or county; and

B. The authority licensing such business grants to licensees of the city making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section. However, before said business shall commence within the city a police background investigation may be required where appropriate; and

C. Neither the property delivered nor its manufacturing, producing or processing facilities are subject to inspection pursuant to any health or sanitary standards prescribed by the city; and

D. The delivery motor vehicle prominently displays a license plate or symbol issued by a Utah municipality or county evidencing compliance with its business license regulations; and

E. Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards. (Ord. 2015-10 § 1 (Exh. A) (part): Ord. 10/28/2003O-12 (part), 2003)