MIDVALE CITY COUNCIL MEETING
AGENDA
March 6, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 6th day of March 2018 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

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 Dustin Gettel
B. Councilmember Paul Glover
C. Councilmember Quinn Sperry
D. Councilmember Bryant Brown
E. Councilmember Paul Hunt

VI. MAYOR REPORT
A. Mayor Robert Hale

VII. PUBLIC HEARINGS
A. Consider a Text Amendment to Clarify Implementation of Single Family Setback and Residential Buffer Standards in Transit Oriented Development (TOD) and Transit Development Overlay (TODO) Zones [Lesley Burns, City Planner]
ACTION: Consider Ordinance 2018-O-03 Adopting a Text Amendment to clarify implementation of Single Family Setback and Residential Buffer Standards in Transit Oriented Development (TOD) and Transit Oriented Development Overlay (TODO) Zones

VIII. CONSENT AGENDA
A. Consider Minutes of February 20, 2018 [Rori Andreason, H.R. Director/City Recorder]

IX. DISCUSSION ITEMS
A. Land-Use Training [Lisa Garner, City Attorney]
B. Discuss Amendments to the Midvale City Purchasing Ordinance [Laurie Harvey, Asst. City Manager/Admin Services Director]

X. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

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.midxalecity.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: MARCH 2, 2018

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
COUNCIL MEETING
Minutes

Tuesday March 6, 2018
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

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

STAFF: Kane Loader, City Manager; 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; Laura Magness, Communications Specialist; Lesley Burns, City Planner; Chief Randy Thomas, UPD; Brad Larson, UFA; Matthew Pierce, IT Manager; and Jake Shepherd, Network Administrator.

Mayor Hale called the meeting to order at 6:33 p.m.

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Chief Randy Thomas recognized Officer Fenton for his great police work. He reported on the call volume for the last month as well as a shooting that just took place on a domestic violence case.

Chief Brad Larson said one of his inspectors was seriously injured just before the meeting, so he asked to be excused after his report. He reported on the past months call volume. He reported the Utah Narlozone, a non-profit organization, has provided naloxone kits to all UFA stations. They are available to pick up from the public as needed. The kits reverse the effects of an overdose. They are going through the budgeting process and planning for the upcoming fiscal year. The budget will be very transparent. On April 3, the chief will present the proposed budget to the finance committee, and on the 19th to adopt the finalized budget proposal. The fireworks legislation, House Bill 38, passed. It shortens the days to discharge fireworks from 14 to 8 days. The penalties are stiffer and have strict liability.

Councilmember Dustin Gettel asked what the process was to obtain a naloxone kit. Chief Larson said he would find out and report back.

Laurie Harvey said she is attending a bond trip in San Francisco tomorrow with a few other staff members. She thanked Phillip Hill for his service to Midvale City and said she enjoyed working with him for the last 18 years and will miss him.
Phillip Hill said the Planner I position has been filled with Jana Ward who was an intern with Cottonwood Heights City. Today the Site Coordinator started who will oversee the development on the Jordan Bluffs. Her name is Jordan Vaughn and is extremely qualified. The development site plan has been forwarded to EPA. He discussed the process from this point. Staff has been working with Kevin Murray, Adjunct professor at U of U, helping him with his Master of Real Estate Course that they will be finishing up with a mock planning commission meeting at city hall. He thanked the Council and staff and said it would be hard to leave, but he is excited as well.

Councilmember Paul Hunt thanked Phil for his vast knowledge and for everything he has done for the City.

Mayor Hale also expressed his appreciation as did Councilmember Glover, Sperry and Gettel.

Kane Loader said Phillip has done a fabulous job here at Midvale City. He is irreplaceable. He really cares and will do a great job. He thanked Phil for his service to Midvale City.

Matt Dahl said next week the details of the main street small area plan and project will be discussed. They had very good attendance at the open house and over 400 people filled out the survey. He said he was very disappointed to see Phil leave but wished him the best.

Councilmember Bryant Brown said the snow plows are turning before the circle ends on Coolidge which creates a snow row that people are having to plow through. Larry Wright said he would look into it.

Rori Andreason wished Laurie Harvey a Happy Birthday tomorrow and expressed her appreciation to Phillip Hill for all he has done for the City.

Lisa Garner said Fawn Hullinger was hired as the Procurement/Contract Analyst and started at the City last week.

II. CITY MANAGER’S REPORT
Kane Loader said he was staying home from the bond trip to make sure he was available for the end of the state legislative session on Thursday. He discussed the potential bills that could impact the City. He said apparently there won’t be a Cinco de Mayo celebration this year in the City. The committee said it’s just become too much for them to put it on. They are talking about holding bingo Friday night but that is it.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

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

C. Salt Lake County Animal Control Annual Report/Presentation
Carrie Sibert discussed the Annual Animal Control report in detail with the Council. They responded to 1600 calls in Midvale over the last year and presented valuable information.
Kane Loader said he and Laurie Harvey attended their last advisory meeting. At that time, they had taken in over 200 animals including reptiles and exotic animals. He said the City could not have handled this type of situation on our own. Their service is the best.

IV. PUBLIC COMMENTS
Sophia Hawes-Tingey, Vice-Chair Community Council, said she is a firm believer in no-kill shelters. She said she too will miss Phillip Hill. She commended UFA for their response to the recent fire in Midvale City.

Malia Joy said she is asking for a signal that can be seen.

Mayor Hale asked if the location was at 995 East Fort Union Boulevard heading East making a right turn into the shopping center?

Ms. Joy said yes. She received a citation there and felt the “no turn on red” sign was not visible enough.

Councilmember Quinn Sperry said there are several signs in that location already.

Ms. Joy said yes but it’s not working. It’s not creating the visibility needed.

V. COUNCIL REPORTS
A. Councilmember Dustin Gettel – said there are some things he would like to see in the next fiscal year. He asked about the process for the budget retreat.

Kane Loader said the budget retreat is normally for the departments to make requests for items they need and then ask the Council what their priorities are based on what they have seen.

Councilmember Dustin Gettel said he would like to see the funding for live streaming for Council meetings. He also thought paid parental leave may assist with attracting better candidates for employment.

B. Councilmember Paul Glover – said a gentleman came into his business and said he would be moving out of Midvale because of the homeless. He doesn’t feel safe letting his kids walk home anymore because of the needles on the ground, etc.

C. Councilmember Quinn Sperry – had nothing to report.

D. Councilmember Bryant Brown – said the townhomes on Center Street need to be reminded to keep snow off the sidewalks. There are a lot of intersections in his neighborhood (Grant and Roosevelt) that do not have handicap ramps. He felt these should be looked in to, possibly at the budget retreat.

Kane Loader said any kind of overlay or rebuild requires the replacement of those ramps. He said he would have the City Engineer look at that.

E. Councilmember Paul Hunt – discussed an app for the phone that will tell you what the air quality is. It is a great benefit for those with asthma, etc.
VI. MAYOR REPORT
Mayor Robert M. Hale – said on April 19th the Canyon School District Education Foundation will have a fundraiser. They want to increase their donations to the school district through this Gala. They have several different layers of sponsorship. Maybe it can be discussed at the budget retreat. He asked the Council to let him, Kane or Laurie know if they are aware of anyone that is an auditor and would be willing to serve on the Audit Committee. He also asked each Council member to find a couple or person from their district who would like to be involved in the Harvest Days Committee.

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

VII. PUBLIC HEARING(S)
A. CONSIDER A TEXT AMENDMENT TO CLARIFY IMPLEMENTATION OF SINGLE FAMILY SETBACK AND RESIDENTIAL BUFFER STANDARDS IN TRANSIT ORIENTED DEVELOPMENT (TOD) AND TRANSIT ORIENTED DEVELOPMENT OVERLAY (TODO) ZONES

Lesley Burns said in 2017, the City adopted a land use ordinance which made some changes to the Transit Oriented Development (TOD) Zone and created the Transit Oriented Development Overlay (TODO) Zone. As the City has begun reviewing projects under these land use regulations, a question has arisen regarding the required “single family setback”. The “single family setback” is one of the development standards for TOD and TODO projects that provides distance and buffering between TOD/TODO buildings and single family residential zones. The standard requires a greater distance between the two as building height increases. The current language is as follows:

Single Family Setback. The minimum setback from the property line, when adjacent to a single family residential zone, is fifteen feet, subject to the following exceptions.

a. Three-story structures must be set back thirty-seven feet; four-story structures must be set back sixty-six feet; five-story structures must be set back eighty-three feet; six-story structures must be set back one hundred feet; and seven-story structures must be set back one hundred sixteen feet.

There is some ambiguity in what was intended by “adjacent to a single family residential zone”. Does this setback requirement apply when a TOD/TODO project abuts a roadway, canal or rail line that borders a single family residential zone, or only when a TOD/TODO project directly abuts a single family residential zone parcel? See attached examples. There are also some potential conflicting development standards regarding the “build-to line” and the “residential buffer” when applying the single family residential setback standard to projects that abut a roadway bordering a single family residential zone. Without some amending language, it could be interpreted a seven-foot wall adjacent to the roadway needs to be constructed. This would defeat some of the architectural and safety standards required for the building.

This proposed text amendment is intended to merely clarify the current language, so the original intent of the single-family setback requirement is correctly applied to TOD/TODO projects. The
proposed text amendment does not change the development standards adopted by the City last year.

Planning Commission Recommendation
The Planning Commission conducted a public hearing on the proposed text amendment on February 14, 2018 and considered clarifying language that defines “adjacent to a single family residential zone” as a TOD/TODO property sharing a property boundary with a property in a single family residential zone or sharing a property boundary with a roadway, canal or rail line that borders a single family residential zone. This language also clarified the “build-to line” and “residential buffer” standards so these standards would not conflict with other development standards in the zone. After reviewing the proposed clarifying language and the related locations, the Planning Commission forwarded a recommendation to the City Council to approve this language with a change that would allow the single-family setback to be reduced by the width of the adjacent roadway, canal or rail line to not penalize properties adjacent to a roadway, canal or rail line but still maintain the distance from the single family residential zones required by the setback.

The Planning Commission’s recommendation is included in Option 1 of the proposed ordinance and allows the single-family setback to be reduced by the width of the adjacent roadway, canal or rail line. The original clarifying language is included in Option 2 of the proposed ordinance.

Councilmember Paul Glover said the Council spent many months on this language and option 1 would take them back to where they were before it was changed.

The Council discussed the available options.

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

MOTION: Councilmember Paul Glover MOVED to close the public hearing. Councilmember Dustin Gettel SECONDED the motion. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

ACTION: CONSIDER ORDINANCE 2018-O-03 ADOPTING A TEXT AMENDMENT TO CLARIFY IMPLEMENTATION OF SINGLE FAMILY SETBACK AND RESIDENTIAL BUFFER STANDARDS IN TRANSIT ORIENTED DEVELOPMENT (TOD) AND TRANSIT ORIENTED DEVELOPMENT OVERLAY (TODO) ZONES

MOTION: Councilmember Paul Glover MOVED to adopt Ordinance No. 2018-O-03 with Option 2 attachment, clarifying the implementation of the single-family setback and residential buffer standards in the Transit Oriented Development (TOD) and Transit Development Overlay (TODO) Zones. The motion was SECONDED by Councilmember Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:
Proceedings of the City Council Meeting  
March 6, 2018

Council member Quinn Sperry  Aye  
Council member Paul Glover  Aye  
Council member Paul Hunt  Aye  
Councilmember Bryant Brown  Aye  
Council member Dustin Gettel  Aye  
The motion passed unanimously.

VIII. CONSENT AGENDA  
A. CONSIDER MINUTES OF FEBRUARY 20, 2018

MOTION: Councilmember Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he 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  Aye  
Councilmember Bryant Brown  Aye  
Council member Dustin Gettel  Aye  
The motion passed unanimously.

IX. DISCUSSION ITEMS  
A. LAND-USE TRAINING
Lisa Garner introduced Craig Call, shareholder with Anderson Call & Wilkinson.

Craig Call said he has always been a fan of the City’s downtown. He was very impressed with the new development in the City. He discussed legislative and administrative decisions. He said the Council is required to follow the laws and you took an oath to do so. It’s a legislative’s body’s prerogative to determine public policy, a judicial body’s job to interoperate the policy, and administrative body’s job to enforce policy. Establishing zoning classifications reflects a legislative policy decision with which courts will not interfere except in the most extreme cases. He has found no Utah case nor a case from any other jurisdiction in which a zoning classification that was reversed on grounds of being arbitrary capricious. In a legislative context, when someone needs a zone change, to change the general plan, amend the ordinance, or to annex those kinds of decisions, then it is a matter of policy and the council’s decision will be upheld unless it is illegal. The council is required to follow the law. You run a risk of legal consequences when you don’t follow your own rules and ordinances. In the context of the administrative acts, the question you need to ask yourself is does the application comply with the ordinance that was in place when the application was submitted, if the application complies it must to be approved.

Administrative Acts

- Building Permits
- Site Plan Review
- Subdivisions
- Conditional Use Permits
- Master Planned Developments

6
Administrative review involves an analysis of the application to determine only if it complies with the ordinances in place at the time the complete application was submitted. If the application complies, it must be approved. Decisions must comply with relevant local, state and federal laws.

**Legislative Acts**
- General Plan Amendments
- Zone Changes
- Ordinance Amendments
- Annexation

A legislative decision is a policy decision, subject only to the requirement that it must be reasonably debatable that the decision advances the purposes of the State Land Use Statute. Must comply with relevant local, state and federal laws.

Craig Call discussed Land-Use in detail with the Council.

**B. DISCUSS AMENDMENTS TO THE MIDLVALE CITY PURCHASING ORDINANCE**

Laurie Harvey discussed proposed amendments to the Midvale City Purchasing Ordinance as follows:

**Improving Midvale’s Purchasing process**
- Contracts/procurement Specialist position authorized for FY 2018
  - Shane Clement – 9/2017 to 12/2017
  - Fawn Hullinger – 2/26/2018
- Responsibilities include:
  - Managing contracts database
  - Approving purchase requisitions
  - Providing staff assistance with quotes and bids
  - Reviewing/approving all Requests for Proposal and/or Invitations to Bid
  - Reviewing/approving all Contracts

**Balancing Regulations and Efficiency**
- Last review of City’s Purchasing Ordinance – 2004
- Due diligence for all purchasing is vital
  - Keeps costs as low as possible
  - Keep employees and vendors honest
- Strict regulations can result in a bottleneck for staff
  - Approval for purchases after quotes are received takes 3-5 days

**Time and paperwork for small purchases**
- 363 requisitions for purchase orders processed in last 12 months
  - 40% (147) between $1,000 - $3,000
  - 39% (140) between $3,000 - $25,000
  - 21% (76) greater than $25,000
- $22,249,400 total amount of requisitions entered
  - 6% ($1,382,300) between $1,000 - $3,000
  - 4% ($935,300) between $3,000 - $25,000
• 90% ($19,931,800) greater than $25,000

Increase “small purchase” classification from $1,000 to $3,000
• Reduce number of requisitions processed by 40% (363 to 216)
• Reduce $ amount of open market quotes by only 6% ($1,382,300)
• Purchases less than $3,000
  • Computer equipment
  • Wiring projects for electronics
  • Contract labor small jobs – paving and concrete, auto repair
  • Supplies for buildings, grounds, utilities maintenance

COMPARISON OF CITIES
Small purchases exempt from open market solicitation

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COMPARISON OF CITIES
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PROPOSED MODIFICATIONS FOR SMALL PURCHASES

Existing Ordinance
• No solicitation required for purchases under $1,000
• 3 bids required for purchases between $1,000 and $25,000
  • Oral for <$10,000
  • Written for $10,000 - $25,000
Proposed Ordinance
- No solicitation required for purchases under $3,000
- 3 written quotes required for purchases between $3,000 and $25,000

PROPOSED MODIFICATIONS TO "PIGGY-BACKING" ON OTHER GOVERNMENT CONTRACTS

Existing Ordinance
- Allows joining any existing state of Utah contract (Utah.gov website)
- Allows joining Interlocal (other than state of Utah) contract WITH resolution of City Council

Proposed Ordinance
- Allows joining any existing Utah state/county/municipality contract w/ approval of Procurement Officer/City Mgr.
- Allows joining ANY out-of-state Interlocal contract with approval of Procurement Officer/City Mgr.

Next steps
- Resolution considered March 27, 2018
- Additional training for departments
- Review of other proposed amendments with Procurement Officer

Councilmember Bryant Brown would like to look at what other cities do regarding joining existing Utah state/county/municipality contracts with approval of the procurement officer/city manager.

Councilmember Quinn Sperry asked what limit the state has on purchases.

Councilmember Paul Glover asked staff to spot check purchases under $3,000 to ensure the City is getting the best pricing available.

X. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

MAYOR: Mayor Robert M. Hale

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

STAFF: Lisa Garner, City Attorney

MOTION: Councilmember Paul Hunt MOVED to go into closed session to discuss pending or reasonably imminent litigation. The motion was SECONDED by Councilmember Dustin Gettel. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:
Proceedings of the City Council Meeting
March 6, 2018

Council member Quinn Sperry    Aye
Council member Paul Glover      Aye
Council member Paul Hunt        Aye
Councilmember Bryant Brown      Aye
Council member Dustin Gettel    Aye

The motion passed unanimously.

The Council recessed at 9:29 p.m. and reconvened in closed session at 9:50 p.m.

MOTION: Councilmember Paul Hunt MOVED to reconvene into open session. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he 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        Aye
  Councilmember Bryant Brown      Aye
  Council member Dustin Gettel    Aye

The motion passed unanimously.

The Council reconvened into open session at 11:00 p.m.

XI. ADJOURN

MOTION: Councilmember Paul Glover MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 11:00 p.m.

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

Approved this 27th day of March 2018.
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Tuesday, March 6, 2018
**ADMINISTRATIVE ACTS**

- BUILDING PERMITS
- SITE PLAN REVIEW
- SUBDIVISIONS
- CONDITIONAL USE PERMITS
- MASTER PLANNED DEVELOPMENTS

Administrative review involves an analysis of the application to determine only if it complies with the ordinances in place at the time that the complete application was submitted. If the application complies, it must be approved. Decision must comply with relevant local, state and federal laws.

**LEGISLATIVE ACTS**

- GENERAL PLAN AMENDMENTS
- ZONE CHANGES
- ORDINANCE AMENDMENTS
- ANNEXATION

A legislative decision is a policy decision, subject only to the requirement that it must be reasonably debatable that the decision advances the purposes of the State Land Use Statute. Must comply with relevant local, state and federal laws.