MIDVALE CITY COUNCIL MEETING
AGENDA
October 16, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 16th day of October 2018 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM  PRE-MEETING WORKSHOP
Dahl Conference Room

6:30 PM  INFORMATIONAL ITEMS
Council Chambers

7:00 PM
REGULAR MEETING

I. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL

II. 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.

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

IV. MAYOR REPORT
A. Mayor Robert M. Hale

V. PUBLIC HEARINGS
A. Consider request to Vacate City-Owned Property located at 7287 South Catalpa Street from applicant Ryan Hughes [Alex Murphy Associate Planner]

       ACTION: Approve request to Vacate City-Owned Property located at 7287 South Catalpa Street from applicant Ryan Hughes

B. Consider Ordinance No. 2018-O-15 for a Rezone on three parcels from Single Family Residential (SF-1) with Duplex and 7200 South Overlays to Regional Commercial with 7200 South Overlay from applicant Sourabh Singha, Ganesh Restaurant Center [Alex Murphy, Associate Planner]
ACTION: Approve Ordinance No. 2018-O-15 for a Rezone on three parcels from Single Family Residential SF-1 with Duplex and 7200 South Overlays to Regional Commercial with 7200 South Overlay from applicant Sourabh Singha, Ganesh Restaurant Center

C. Consider a Final Subdivision Plat located at Lang Subdivision 6891 South 185 East from applicant Justin Lang [Alex Murphy, Associate Planner]

ACTION: Approve a Final Subdivision Plat located at Lang Subdivision 6891 South 185 East from applicant Justin Lang

VI. CONSENT AGENDA
A. Consider Minutes of October 2 & 9, 2018 [Rori Andreason, H.R. Director/City Recorder]
B. Consider Resolution No. 2018-R-43 Adopting Amendments to Midvale City’s Financial Policies [Dalin Hackett, Assistant Finance Director]

VII. ACTION ITEM
A. Consideration for Adoption of Resolution No. 2018-R-44 of the City of Midvale City Utah, Authorizing the Execution and Delivery of a Bond Purchase Agreement and an Interlocal Sales Tax Pledge and Loan Agreement in Connection with the Issuance by the Redevelopment Agency of Midvale City of Its Tax Increment and Sales Tax Revenue Bonds in the Aggregate Principal Amount of not to Exceed $9,750,000 in one or more Series and with such Additional or Alternate Designations as the Agency may Determine and Related Matters [Laurie Harvey, Assistant City Manager/Admin Services Director]

VIII. DISCUSSION ITEMS
A. Discussion on Jordan Bluffs Development [Brian Berndt, Community Development Director]
B. Discuss Amendments to the Midvale Policies and Procedures Manual, Section 5.0 Leave Policies [Rori Andreason, H.R. Director/City Recorder]

IX. 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 SILENCE CELLPHONES DURING THE MEETING

DATE POSTED: OCTOBER 12, 2018 RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT:

Public Hearing to consider declaring approximately 0.49 acres of City-owned property located at 7287 South Catalpa Street surplus for future sale.

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

Midvale City owns a piece of property approximately 0.49 acres in size at 7287 South Catalpa Street. The City has received a request to sell the property from Ryan Hughes, who is interested in purchasing the property for a private development.

The subject parcel was created in 1998 as the result of an eminent domain action by UDOT during a project to widen I-15. Millennium Street was created as part of this project to redirect traffic from Catalpa Street to Cottonwood Street to create a more efficient interchange at 7200 South and I-15. UDOT transferred this property to the City in 2006. A UTOPIA hub was added to the property near the east end around the same time with an easement recorded on the property for access and maintenance.

The City currently has no plans for development on this parcel. The UTOPIA easement will need to remain on the property, should the City decide to sell.

Any future development on this parcel must comply with the development standards in effect at the time of application. The current zone, Transit Oriented Development (TOD), allows a variety of uses, including residential, commercial, office, etc.

§12.16.050 of the Midvale City Municipal Code establishes a process for reviewing and responding to requests to vacate City-owned property. Per that process, this request was forwarded to other affected City departments to determine potential impacts to the City. The affected City departments concluded disposal of the property was appropriate and raised the following concerns during the internal review and discussion of the proposal:

1. The property does not have direct sewer access on Catalpa or Millennium Street. A sewer line will need to be extended to service the property if it is developed.
2. The UTOPIA easement may need to be updated if the property transfers ownership.

A public hearing was held by the Planning Commission on September 26, 2018 to consider the request and make a recommendation to the City Council. The Planning Commission decided to recommend sale of the property with the following conditions:
1. The future developer shall be solely responsible for any public improvements required to service the project.

2. The UTOPIA easement shall be updated, if required, to guarantee future access or clarify its impacts on future development.

At the Planning Commission public hearing, the owner of the adjacent property (375 West Millennium Street) expressed interest in purchasing the property and explained that his company now owns a strip approximately 8’ wide between the City’s parcel and the Millennium Street public right-of-way after purchasing property from UDOT in August 2018. An exhibit has been included to clarify the approximately location of this new parcel.

With multiple parties interested in purchasing the property and the complication of loss of access to Millennium Street from the City’s parcel, Staff would like direction regarding how the Council would like to proceed. Possible options include:

- Sell the property
  - Choose one interested party
  - Allow competitive bids for purchase
  - Transfer the property to the RDA to pursue other options for disposition allowed by code

- Keep the property, either for a specific use or a use to-be-determined in the future

- Table decision to obtain additional information (survey, title report, etc.)

**FISCAL IMPACT:** Should the Council decide to sell the property, the City will receive funds, up to the market value of the property, in exchange.

If the property is not sold, the City is responsible for ongoing maintenance of the property, except for the UTOPIA easement area.

**STAFF RECOMMENDATION:**

Staff would like direction from the Council on how to proceed. With this direction, Staff will bring this item back in a later meeting as a discussion or action item with whatever additional information is requested.

**ATTACHMENTS:**

- Vicinity Map
- Property Ownership Map
SUBJECT:

Public Hearing on request to rezone property located at 145 East Fort Union Boulevard (7200 South) from Single Family Residential w/ Duplex and 7200 South Overlays (SF-1/DO & 7200 S) to Regional Commercial w/ 7200 South Overlay (RC/7200 S). (Proposed Ord. No. 2018-O-15)

SUMMARY:

The applicant, Sourabh Sinha, NJRA Architects on behalf of Ganesh Gardens Midvale LLC, is requesting to rezone property located at 145 East Fort Union Boulevard from Single Family Residential with the Duplex and 7200 South Overlays (SF-1/DO & 7200 S) to Regional Commercial with the 7200 South Overlay (RC/7200 S) for the purpose of consolidating existing parcels to develop a new restaurant and retail/service commercial project. This request includes 3 of the 5 parcels under Ganesh Gardens Midvale LLC ownership; the remaining parcels will remain under the RC/7200 S zone. A Preliminary Site Plan application has been included with this rezone request and will be reviewed by Staff, provided the rezone request is approved.

The overall property owned by Ganesh Gardens Midvale LLC includes approximately 0.98 acres in five parcels under both the Single Family Residential with Duplex Overlay and Regional Commercial zones. The 7200 South Overlay applies to the entire area as well.

The subject property is adjacent to other property zoned RC/7200 S on the west; to the north is the SF-1/DO; to the east is the SF-1/DO & 7200 S and Mixed Use with 7200 South Overlay (MU/7200 S); and to the south is the RC/7200 S and SF-1/DO & 7200 S zones. Adjacent development patterns include a variety of commercial and residential projects at varying scales, including single family residential, two-family residential, and commercial uses including offices, retail, and restaurants.

GENERAL PLAN CONSIDERATIONS:

The 2016 Midvale City General Plan locates the subject properties in the 7200 South Opportunity Area. The General Plan identifies the following future land use goals for this Opportunity Area:

1. Support new retail and office uses located west of 700 East.
2. Plan for bike ways to connect to the 7200 South TRAX station.
3. Develop urban design standards for new commercial development to create a distinct area character.
4. Continue to employ design and landscaping elements to buffer the effects of higher intensity uses on adjacent existing residential uses.
The proposed rezone is consistent with the General Plan because it furthers goal #1 by allowing a new retail commercial, office, and restaurant use to develop in the Opportunity Area and #4 by utilizing the existing requirements in the RC zone to buffer higher intensity uses along Fort Union Boulevard from the adjacent existing residential uses.

**ORDINANCE CONSIDERATIONS:**

The City Council may only approve a rezone application if it determines, in written findings, that the proposed re zoning is consistent with the policies and goals of the general plan and that the applicant has demonstrated the following:

1. The proposed rezone is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;
2. The existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The discussion above in the General Plan Considerations section addresses how the proposed re zoning is consistent with the General Plan. Further, the proposed rezone can be supported by findings addressing goals 2 and 3 above.

Of the three parcels included in the requested rezone, two do not meet the lot standards for the current zone (SF-1). Despite being pre-existing lots, these lots would be difficult to develop due to the setback requirements in place for projects in the existing zone. The third parcel, the northernmost lot, does meet the lot standards for the SF-1 zone. However, if developed according to the current zone, it would complicate development of the remaining property on the corner to a point that the corner may not be usable; a viable commercial development, as suggested by the General Plan, will require rezoning of all the parcels included in this request. For these reasons, it can be concluded the existing zoning was applied in error.

In addition to the issues above, the Fort Union Boulevard corridor has transitioned from a residential corridor to a commercial corridor as intended with the creation of the 7200 South Overlay in 2000, further supporting the need to rezone the subject parcels.

**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 approval, disapprove, or modify a request on all zoning map amendments.

The Planning Commission reviewed this rezone request and conducted a public hearing on September 26, 2018. The Planning Commission reviewed the submitted information and public comment before deciding to recommend approval of the rezone request with the following motion:

> “Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve the rezoning of 145 East Fort Union Boulevard to the Regional Commercial zone with 7200 South Overlay:”
1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;
2. The existing zoning is the result of an error in that it failed to take into account the constraints on development under the current zone; and
3. The land and its surrounding environs have changed to such a degree that it is in the public interest to recognize the changed character or the area and encourage redevelopment of the area.”

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission’s recommendation and recommends the requested rezone be approved through adoption of Ordinance No. 2018-O-15.

RECOMMENDED MOTION – APPROVAL:

“Based on the following findings, I move that we adopt Ordinance No. 2018-O-15, rezoning property located at 145 East Fort Union Boulevard from Single Family Residential with the Duplex and 7200 South Overlays to Regional Commercial with the 7200 South Overlay:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;
2. The existing zoning is the result of an error in that it failed to take into account the constraints on development under the current zone; and
3. The land and its surrounding environs have changed to such a degree that it is in the public interest to recognize the changed character or the area and encourage redevelopment of the area.”

ALTERNATE MOTION – TABLE DECISION:

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

1. ...
2. ...”

ALTERNATE MOTION – DENY:

“I move that we deny the proposed rezone for the following reasons:

1. ...
2. ...”

ATTACHMENTS:

• Vicinity Map
• Zoning Map
• Preliminary Site Plan
• Proposed Ordinance No. 2018-O-15
Subject Property

Zoning

RM-25  Residential Multi-family 25 (RM-25)
MU     Mixed Use (MU)
SF1-DO Duplex Overlay (SF1-DO)
SS     State Street (SS)
RC     Regional Commercial (RC)

Zoning Overlay

7200 South Overlay
ORDINANCE NO. 2018-O-15

AN ORDINANCE REZONING APPROXIMATELY 0.64 ACRES OF PROPERTY LOCATED AT 145 EAST FORT UNION BOULEVARD (7200 SOUTH) FROM SINGLE FAMILY RESIDENTIAL WITH THE DUPLEX AND 7200 SOUTH OVERLAYS (SF-1/DO & 7200 S) TO REGIONAL COMMERCIAL WITH THE 7200 SOUTH OVERLAY (RC/7200 S); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2018, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on September 12, 2018, to review the request for rezone, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on October 16, 2018, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on October 2, 2018; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property, and the Planning Commission’s recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and fulfills the needs of the City as a whole.

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

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The properties (Parcel No’s. 22-30-107-017; 22-30-107-019; and 22-30-109-030) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 7160 and 7170 South 150 East and 145 East Fort Union Boulevard (7200 South), Midvale, Utah, and are currently zoned Single Family Residential with the Duplex and 7200 South Overlays (SF-1/DO & 7200 S), shall be zoned Regional Commercial with 7200 South Overlay (RC/7200 S).
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential with Duplex and 7200 South Overlays (SF-1/DO & 7200 S)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial with 7200 South Overlay (RC/7200 S)

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

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

PASSED AND APPROVED this ___ day of _______________, 2018.

________________________________________________________________________

Robert Hale, Mayor

ATTEST:

________________________________________________________________________

Rori Andreason, MMC  
City Recorder

Date of first publication: ________________

<table>
<thead>
<tr>
<th>Voting by City Council</th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quinn Sperry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bryant Brown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dustin Gettel</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
“EXHIBIT A”
(Ordinance No. 2018-O-02)

REZONE APPROXIMATELY 0.64 ACRES OF PROPERTY LOCATED AT 145 EAST
FORT UNION BOULEVARD (7200 SOUTH) FROM SINGLE FAMILY RESIDENTIAL
WITH THE DUPLEX AND 7200 SOUTH OVERLAYS (SF-1/DO & 7200 S) TO
REGIONAL COMMERCIAL WITH THE 7200 SOUTH OVERLAY (RC/7200 S):

Legal Descriptions
Parcel # 22-30-107-017
Address: 7160 South 150 East
BEG 1223 FT S & 200.7 FT E & S 89°37' E 1100.4 FT & N 213.55 FT FR NW COR SEC 30, T
2S, R 1E, S L M; N 70 FT; N 89°37' W 209.75 FT; S 70 FT; S 89°37' E 209.75 FT TO BEG
0.34 AC

Parcel # 22-30-107-019
Address: 7170 South 150 East
COM 1223 FT S & 200.7 FT E & S 89°37' E 1100.4 FT & 134 FT NFR NW COR SEC 30 T 2S
R 1E SL MER N 79.5 FT W 66 FT S 79.5 FT E 66 FT TO BEG 0.17 AC

Parcel # 22-30-107-030
Address: 145 East Fort Union Boulevard
BEG N 77 FT & E 1239.4 FT FR SW COR OF NW 1/4 OF NW 1/4 SEC 30, T 2S, R 1E, SLM;
N 88 FT; E 66 FT; S 59.5 FT; SW'LY ALG A 28.5 FT RADIUS CURVE TO L 44.77 FT; N
89°42'16" W 37.5 FT TO BEG. 0.13 AC M OR L
SUBJECT:
Public Hearing and Subdivision Plat Approval for 3-lot Lang Subdivision located at 6891 South 185 East

SUBMITTED BY:
Alex Murphy, Associate Planner

SUMMARY:
The proposed Lang Subdivision plat consists of three (3) proposed lots on a total of approximately 0.54 acres located at the intersection of 6890 South and 185/190 East. This request was submitted by Justin Lang, owner of the subject properties, for the purpose of creating a flag lot for a twin home structure behind the existing single-family dwelling on the property. The twin home was reviewed and approved by the Planning Commission subject to this subdivision plat being approved by the City Council. This plat will allow each of the units in the twin home to be individually owned. This property is zoned Single Family Residential with Duplex Overlay (SF-1/DO).

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this subdivision plat on July 11, 2018. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the subdivision plat for the Lang Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall is required to be constructed along the center line dividing Lots 2 and 3 unless the subdivision plat is officially amended.
3. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
4. The applicant shall provide evidence that courtesy notices has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.
5. A minimum six-foot high screening fence shall be constructed and maintained around the exterior of the project. This fence shall be completed prior to certificates of occupancy being issued for the twin home. A note indicating this requirement shall be included on the final subdivision plat. The owner will also work with the neighboring property owners in replacing or enhancing the existing fences or working with them, as needs be.
6. All new development on the flag lots shall comply with the flag lot requirements, i.e. setbacks, height (limited to a single story), parking, and provision of a 20-foot wide paved driveway. A note indicating these requirements shall be included on the final subdivision plat.
7. The flag lot driveway shall remain clear of overhanging vegetation and be posted with “No Parking” signs every fifty feet (50’). A note to this effect shall be included on the final subdivision plat.
8. The existing accessory structure on the proposed flag lot shall be demolished prior to the subdivision plat being recorded.
9. Two improved parking spaces shall be constructed in the side or rear yard of the base lot house prior to the subdivision plat being recorded.

The applicant has prepared and submitted the final plat (see attached). The applicable notes regarding flag lot access, development, and fence requirements have been added.

The proposed subdivision plat was reviewed and approved by the City Engineer, provided some minor technical revisions are completed, and Fire Marshall. Planning Commission conditions remaining to be addressed include the following. These conditions do not affect the proposed subdivision layout but should be addressed prior to the subdivision plat being recorded.

- No duty to serve letters for water or sewer service or evidence that courtesy notices have been sent to the other applicable utilities have been provided.
- The existing accessory structure has not been demolished.
- The required parking spaces for Lot 1 have been identified on the civil drawings but have not been installed.

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

**FISCAL IMPACT:** N/A

---

**STAFF RECOMMENDATION:**

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

1. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
2. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.
3. Two improved parking spaces shall be constructed in the side or rear yard of the base lot house prior to the subdivision plat being recorded.
4. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

**RECOMMENDED MOTION – APPROVAL:**

“Based on compliance with the requirements of the Midvale City Municipal Code demonstrated in the application or addressed by conditions of approval, I move that we approve the final subdivision plat for the Lang Subdivision with the following conditions:

1. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
2. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.
3. Two improved parking spaces shall be constructed in the side or rear yard of the base lot house prior to the subdivision plat being recorded.
4. 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 Lang subdivision to address the following questions/comments:

1. ...
2. ...”

ATTACHMENTS:

- Vicinity Map
- Final Subdivision Plat
- Twin Home Elevation
- Twin Home Floor Plan
CITY COUNCIL MEETING
Minutes
Tuesday October 2, 2018
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale
COUNCIL MEMBERS: Council Member Bryant Brown
Council Member Paul Hunt
Council Member Dustin Gettel
Council Member Paul Glover
Council Member Quinn Sperry

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

Mayor Hale called the meeting to order at 6:00 p.m.

PRE-MEETING WORKSHOP

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS
Chief Randy Thomas updated the Council on recent activities of the police.

Chief Brad Larson updated the Council on fire activities. He reviewed the Herriman fire
that took place on September 15th. He also said the District Attorney has decided not to
pursue legal actions against former UFA Leaders. The UFA and UFSA Board have
expressed their disagreement with this decision. He reviewed the testing process for new
recruits.

Brian Berndt updated the Council on establishing community partnerships in regards to
updating the census in the coming months. He said he went to a workshop on electric
vehicles. There is funding available for the installation of charging stations for electric
vehicles. The month of October is the installation period. He asked the Council if were
interested in installing a charging station at city hall. The cost for a multiport station is
$40,000, the grant would cover 75%, so the cost to the City would be $10,000. A regular
port is $30,000 the city’s portion would be $7500. The Council agreed to proceed with
the application for the grant funding.
Lisa Garner informed the Council that the FCC made a decision that affects the City’s small cell ordinance. It will limit the amount that can be collected per pole and the attachments. She discussed the sidewalk self-propelled vehicle and definition on the sidewalk. She said the Council had discussed carving out an exception for the e-scooters; however, that cannot be done because of current state law. Due to the popularity of the e-scooters, she feels the legislators will make changes to the law. She said she would like to table amending the ordinance until after the legislative session.

II. CITY MANAGER’S REPORT
Kane Loader reported on a marquee sign at the Performing Arts Center requested by Council Member Brown. Because of the current zoning, a marquee sign cannot be located there. There is a marquee sign in front of the park that can be used. Staff is also getting a bid to make the sign electronic. It would allow the Arts Council to advertise both the amphitheater and Performing Arts activities. The cost will be approximately $25,000. This item will be brought back to the Council for approval. The slurry seal on the Performing Arts parking lot has been completed as well as the striping. And the building will be cleaned twice a week.

Council Member Gettel suggested approaching businesses for donations towards the marquee sign.

Kane Loader said the landscaping at the building has been cleaned up and trimmed.

Council Member Gettel said he would like the Council to have more say in the selection of department directors. Kane Loader explained the state code regarding the roles of Council and staff regarding hiring. The hiring if department heads is not the role of the Council.

Kane Loader reported that Valley Emergency Communications Board met and talked about the merger between VECC and UPD. They are currently going through training sessions and hope to get this done by the end of this year. They will be located in the West Valley Emergency Communications Center. All calls in Salt Lake County except for Salt Lake City and Sandy, will go to this center. No calls will be transferred to another dispatch center. They are in the process of converting the CAD system and are working on the records management system with the police and fire.

Mr. Loader said he met with Utopia and the full build out in all 11 cities is estimated to be five years away. Midvale’s full build out is within three years. He posed the question that if the city were able to bond and take on the footprints on our own, could we move the schedule up. The answer is no. They are building as fast as they can go right now, so it will not get done any sooner.

He said the TransJordan Board of Trustees Board are discussing waiving the mattress fees. It is causing problems when the residents find out they have to pay a fee for the mattresses. The mattresses are being illegally dumped into dumpsters and on the side of
the road. He said the transfer station study is now underway and should be done by the end of the year.

Mr. Loader said the department reports will now be in written form and will be sent out with the Council packets for review. If the Council has questions regarding any item, that can be brought up during the regular meeting. Hopefully this new process will assist with shortening the length of the meetings.

III. GENERAL BUSINESS
   A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS
Sophia Hawes-Tingey said the topic at the Community Council meeting presentation will be discussing medical marijuana. The meeting is scheduled for the October 10th. She asked about the buildout schedule of Midvale regarding Utopia.

Kane Loader said they are currently working on a footprint schedule.

Laurene Walker complimented Public Works on Wasatch Street. A couple of weeks ago the water was turned off on Olympus Street. When the water came back on, she turned back on her washing machine which turned her clothes yellow. Her neighbor had the same issue. She called Public Works and asked them to clean out the hydrant. She soaked and washed her clothes for a couple of days. She asked if it was standard procedure to clean out the hydrants. Glen Kennedy said the lines get sediment in the pipes because they are depressurized and then pressurized. He said the hydrants are not flushed unless its needed.

Kelly Phillips said he was looking to get approval on a house as a duplex. Mayor Hale advised him to give his information to staff.

Greg Johnson said he is running for House Seat in District 46. He said he was reaching out to the city councils to introduce himself. He is a first-time candidate and running against a 10-year incumbent. His opponent ran unopposed last election and he felt the district needs a choice. He has been working as a force for common solutions. He would like the opportunity to bring his skills and serve the district.

Boyd Brown said he’s owned a piece of property that he has had for more than a decade. It is on 7th East below the Hillcrest High School. It is next to the property controlled by the County Housing Authority and owned by HUD. He owns duplexes on the property and has a couple of challenges with developing it. It is a flag lot and doesn’t have a second access. He would like to work with the city to do something with it like affordable housing. He would like to put this property to good use. He asked if there are any specific needs with the city.
V. COUNCIL REPORTS
   A. Council Member Bryant Brown – said the new signs on Pioneer for the elementary school are great. He asked if they could be double sided so residents can see them traveling both ways on the street. He said the citizens living on the border of Sandy and Midvale, 150 East, get the Sandy paper and they want the Midvale paper.

   Mayor Hale said he and Laura Magness met with the City Journals and went over the maps to determine exactly what streets to include. They will give them house by house address, so the papers can be delivered.

   The construction for the townhomes is obstructive to the citizens. Citizens from Roosevelt have pictures of the construction workers throwing garbage out of their vehicles in the gutter. It is creating an “us against them” mentality.

   B. Council Member Paul Hunt – said he sent an email to Kane Loader regarding street lights that were out. Mr. Loader followed up with that and took care of 65 lights. He thanked him for a great job.

   Kane Loader said staff will be doing better job of checking the lights to make sure they are working.

   C. Council Member Dustin Gettel – said the intersection on 7200 South 700 West has become very dangerous with people turning out of the gas station. He suggested putting up a no left turn sign at the gas station.

   Kane Loader said this intersection is going to be re-worked next spring and the issues will be discussed.

   Council Member Gettel said the political signs need to be removed at 7200 South by McDonalds and outside the Jordan Bluffs construction zone.

   D. Council Member Paul Glover – Had nothing to report.

   E. Council Member Quinn Sperry – Had nothing to report.

VI. MAYOR REPORT
   Mayor Robert Hale – thanked Matt Dahl for inviting him to attend PPRC (Promise Partnership Regional Council) meeting. It is a sub-committee on financial assistance for families. We are looking especially for housing. He said Matt did a great job at presenting. He attended a meeting at the Tyler Library also talking about housing affordability. There were many representatives from all over the state that addressed what the issues are and what can be done to prepare for the 50,000-people coming into the state of Utah each year. Density and compromise are part of the answer. There was discussion on more townhomes. Building materials and land costs are high. They are requesting that cities reduce or eliminate permit fees. Representative Becky Edwards is creating a commission on affordable housing. House Bill 36 from 2016 addresses the housing gap. The legislation is promoting a deed restriction for 50 years on affordable housing. The 51 homes in Midvale that UDOT is taking was discussed. UDOT will have to replace those
51 homes with something equivalent. Sweat equity self-help programs is an option that was discussed. Tiny Homes were also discussed as far as codes and standards. There is a lot of interest in housing. It is a serious issue. Salt Lake County continues to grow in value. In 2050 the average home will sell for $700,000. The Utah River Council has rain river barrels available if anyone is interested.

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

VII. PUBLIC HEARINGS

A. CONSIDER PRELIMINARY SUBDIVISION PLAT FOR AN 8-UNIT SUBDIVISION (ANDERSON SUBDIVISION) FROM BOYD BROWN LOCATED AT 139 EAST 8000 SOUTH

Alex Murphy said the proposed Anderson Subdivision consists of eight proposed residential lots and additional common area on a total approximately 1 acre located on 8000 South. This request has been submitted by Boyd Brown, agent of the property owner, as part of an overall proposal for a Master Planned Development that includes 8 two-story units, private road, landscaping, and amenities for the residents. The Planning Commission granted approval of the Master Planned Development Preliminary Site Plan for the Master Planned Development, subject to the City Council’s approval of the subdivision plat.

The proposed subdivision plat has been reviewed and approved by the City Engineer and Fire Marshal. As a large subdivision request (more than 3 lots), this request is subject to and complies with the requirements of the Medium Density Residential zone (RM-12) and the subdivision ordinance (Title 16), provided the recommended conditions below are satisfied.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council with public hearings held before each body. The Planning Commission conducted a public hearing on this subdivision plat on September 12, 2018 and approved the Master Planned Development component of the application the same day. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the Anderson Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council. Prior to final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.

2. The applicant shall prepare a draft Declaration of Covenants, Conditions, and Restrictions, including the creation of a homeowner’s association, for the
development. Once approved, this document shall be recorded concurrently with the subdivision plat.

3. The applicant shall obtain duty to serve letters for water and sewer service and bond for any required public improvements prior to the subdivision plat being recorded.

4. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and Century Link regarding the utility easements on the subdivision plat with the Final Subdivision Plat application.

5. A note indicating the parking restriction along the private road shall be included on the final plat.

6. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property and the final site plan is approved.

The Planning Commission did include a condition of approval for the Conditional Use Permit and Preliminary Site Plan for the Master Planned Development stating the front yard setback would need to be modified if additional property was dedicated to the City along 8000 South. This revision may slightly affect the configuration of the subdivision plat. Including a condition of approval requiring the final subdivision plat be updated to reflect the final site plan would resolve this issue. This condition language is included in condition #1 in the recommended motion.

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

**STAFF RECOMMENDATION:**

Staff agrees with the Planning Commission’s recommendation of approval with an additional condition of approval being included stating the final subdivision plat must be updated to include any revisions that result from addressing the Planning Commission’s requirements.

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

**MOTION:** Council Member Bryant Brown MOVED to close the public hearing. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.
Boyd Brown said he appreciates the time staff has put in on this. He felt it hit the requirements. He said these units will be owner occupied and controlled by an HOA.

Council Member Bryant Brown said he appreciated the units being owner occupied.

**ACTION:** CONSIDER APPROVAL OF A PRELIMINARY SUBDIVISION PLAT FOR AN 8-UNIT SUBDIVISION (ANDERSON SUBDIVISION) FROM BOYD BROWN LOCATED AT 139 EAST 8000 SOUTH

**MOTION:** Council Member Paul Hunt MOVED based on compliance with the requirements of Midvale City Municipal Code demonstrated in the application or addressed by the inclusion of conditions of approval, I move that we approve the preliminary subdivision plat for the Anderson Subdivision located at 139 East 8000 South with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council. Prior to final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development. The final subdivision plat shall be adjusted to reflect any changes required by the final site plan.

2. The applicant shall prepare a draft Declaration of Covenants, Conditions, and Restrictions, including the creation of a homeowner’s association, for the development. Once approved, this document shall be recorded concurrently with the subdivision plat.

3. The applicant shall obtain duty to serve letters for water and sewer service and bond for any required public improvements prior to the subdivision plat being recorded.

4. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and Century Link regarding the utility easements on the subdivision plat with the Final Subdivision Plat application.

5. A note indicating the parking restriction along the private road shall be included on the final plat.

6. The subdivision Plat and associated documents shall not be recorded until all existing structures have been removed from the property and the final site plan is approved.

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

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

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF SEPTEMBER 18, 2018

MOTION: Council Member Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:
   Council Member Quinn Sperry  Aye
   Council Member Paul Glover  Aye
   Council Member Paul Hunt  Aye
   Council Member Bryant Brown  Aye
   Council Member Dustin Gettel  Aye
The motion passed unanimously.

IX. ACTION ITEM
A. CONSIDER RESOLUTION NO. 2018-R-42 APPOINTING CANDACE TIPPETTS AS A FULL TIME PLANNING COMMISSION MEMBER

Mayor Robert Hale said Candace has been an alternate on the Planning Commission for one year. She’s had experience reviewing plans and making decisions. She has participated in many of the discussions and voted on agenda items in the absence of the full-time member. She has attended land use training sessions. She understands the role and purpose of the Planning Commission. She represents the City well with her fairness, respectfulness, and knowledge. She has been a resident of Midvale for 17 years. She has held numerous volunteer and service positions in the City. She served as the Community Council Chair and member, Midvale Arts Council Committee, Midvale Youth Ambassador Program, Harvest Days Chair and member, and Bountiful Performing Arts Center Board.

Council Member Hunt thanked Candace for her great work on the Planning Commission.

Council Member Gettel also thanked her for work on the Planning Commission and said he appreciates her involvement with the City.

MOTION: Council Member Quinn Sperry MOVED to approve Resolution No. 2018-R-42 Appointing Candace Tippetts as a full time Planning Commission member. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:
   Council Member Quinn Sperry  Aye
   Council Member Paul Glover  Aye
   Council Member Paul Hunt  Aye
   Council Member Bryant Brown  Aye
   Council Member Dustin Gettel  Aye
The motion passed unanimously.

X. DISCUSSION ITEM
   A. DISCUSSION REGARDING THE ISSUANCE OF TAX INCREMENT AND
      SALES TAX REVENUE BONDS
Matt Dahl discussed the issuance of tax increment and sales tax revenue bonds to cover some of the costs for the Bingham Junction area. There are about 10 different developers the RDA is obligated to reimburse for development costs they have incurred on this site. The approximate cost is $9 million dollars. He would like to use these bond funds to remove these obligations. The other benefit for some of the larger developers is that the carrying cost of 6% could be lowered with bonding. He said he has looked at projections on what the debt service costs will be and there is sufficient tax increment to cover that. The project areas have been growing by double digits in tax increment generation for the last ten years, so those costs are already being covered. He said he would come back on October 16th with a parameters resolution for the bonds. The maximum bond amount will be $9.75 million with an interest rate of a maximum 5.75%. If approved, the closing should take place in December.

Council Member Glover said if the interest rate is only going from 6% to 5.75% it is not worth pursuing.

Matt Dahl said 5.75% is the maximum interest rate. The other reason for pursuing this is the developers derive their rights for reimbursement from an original agreement that was entered into in 2004. Because of some of the terms in the original agreement and how each subsequent assignment has tweaked the original provisions, it makes the administration of the reimbursements challenging. He would like to try and alleviate any potential problems in the future associated with administering those 10 different agreements. That coupled with the potential interest rate savings is what he wanted to address.

XI. ADJOURN

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

The meeting adjourned at 8:08 p.m.

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

Approved this 16th day of October 2018.
MIDVALE CITY
CITY COUNCIL/WORKSHOP MEETING
Minutes
Tuesday, October 9, 2018
Council Chambers
7505 S. Holden Street
Midvale, Utah 84047

MAYOR: Robert M. Hale

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

STAFF: Laurie Harvey, Asst. City Manager/Admin. Services Director; Brian Berndt, Assistant City Manager/Community Development Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Laura Magness, Communications Specialist; Dalin Hackett, Asst. Finance Director; and Jake Shepherd, Network Administrator.

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

I. DISCUSSION ITEMS
A. DISCUSS MINORITY INCLUSION IN GOVERNMENT
Carlos Moreno discussed his desire to create a cultural diversity committee. Duties and responsibilities would include: education, culture, health, and civic engagement.

CULTURAL DIVERSITY COMMITTEE
• Mission Statement: The Cultural Diversity Committee assists and provides counsel to the City Council and the Mayor regarding diverse citizen involvement in local government.
• Members: The Cultural Diversity Committee shall consist of not more than fifteen (15) members.
• The committee officers (Chair, Vice Chair, Treasurer, Secretary, and any future officers.
• Shall be residents of the City or Taylorsville; business owners or their designated representatives.

Duties and Responsibilities:
The Cultural Diversity Committee shall study and provide objective, current, and relevant information leading to the creation of multi-cultural events, activities, and celebration opportunities to the City Council, the Mayor, and staff as requested, in an effort to increase multi-cultural awareness within and outside of the City.
• Other committee duties and responsibilities shall include the following:
• 1. Assist the City Council and the Mayor in improving the quantity and quality of cultural experiences and opportunities for residents and visitors to the City;
• 2. Assist the City Council and the Mayor in providing an optimum range, mix, and location of multi-cultural opportunities for all people;
• 3. Promote preserving or developing appropriate City and community resources to serve their highest and best use;
• 4. Communicate recreational and multi-cultural plans to other City committees, thus maximizing City resources efficiency, and building an environment where committees can work together to plan and sponsor events;
• 5. Promote public understanding of and support for cultural diversity at all levels of government;
• 6. Encourage public and private cooperation to provide cultural diversity opportunities in the City;
• 7. Work with and solicit involvement from ethnic businesses and other cultural groups;
• 8. Review and report to the City Council and the Mayor the status of existing and proposed cultural events that the committee considers would benefit both the City and various cultural organizations;
• 9. Perform any other duties and functions as are consistent with the promotion of cultural diversity activities in the City as directed by the City Council and the Mayor;
• 10. Publicize and disseminate news and information regarding cultural diversity activities within the City. Work with the City’s communication staff members to promote events and activities in all news and social media;
• 11. Hold publicized meetings in which cultural diversity within the City is discussed;
• 12. Initiate, sponsor, and promote involvement, activities, and contributions by the private sector for the expansion and awareness of cultural diversity within the City.
• 13. Submit an annual budget request to the City Council and review actual revenues and expenditures as compared to budgeted amounts, evaluating variances and reasons for variances, and submit a quarterly report to the City Council and the Mayor
• 14. Work with agencies and organizations within and outside of the City to assist the City Council and the Mayor with the implementation of cultural events and programs to improve the community and the lives of the City’s citizens;
• 15. Conduct educational events for ethnic groups with the purpose of sharing different cultural beliefs, traditions, and customs of citizens of the City;
• 16. Conduct educational events for ethnic and other groups to learn about City, county and state government; and
• 17. Provide a voice for the ethnic and other communities to communicate issues that are important for each group to City, county and state officials

Statistics of Salt Lake City:
• Since the 2010 Census, Utah’s minority population has grown by 129,526 people — the equivalent of adding a city the size of West Valley City, according to new estimates released Thursday by the U.S. Census Bureau.
• More than one in five Utahans — 21.5 percent to be exact — is now a minority, up by two percentage points since 2010.
• Minority groups are also growing faster than whites.
• Utah’s white population has grown by 9.4 percent since 2010. Minorities overall have grown by 24 percent.
Growth by Minority Group
Among Utah minorities, Latinos added the most people since 2010 — 75,948 (the equivalent of a city the size of South Jordan), growing by 21.2 percent. As Utah’s largest minority, they now comprise 14 percent of the state population, or 434,288 people. “Growth in the Hispanic population — which is significant — is really being driving by natural increase [through births], not migration.” “West Valley City is close to becoming a minority-majority city. I would not be surprised to see that in the 2020 Census.” “The changes are ongoing, cumulative and irreversible,” she said. “Utah is becoming more multicultural, multilingual and multiethnic.”

The Council asked the City Attorney to work on this issue and come back with alternatives to getting something like this started. Laura Magness will also meet with Mr. Moreno to discuss this further.

B. DISCUSS UTILITY SERVICE PARTNERS
Mayor Hale introduced Dennis Lyon, Utility Service Partners. Dennis Lyon said he wanted to explain the Service Line Warranty Program to the Council.

Recent Harris Poll results (2000 adults surveyed)
- Nearly 2 in 5 Americans don’t have the necessary funds set aside to cover a $500 repair (including almost half of millennials)
- 1 in 2 Americans describe their current state of household finances as either fair, poor, or terrible.
- 3 in 10 Americans aged 37+ cited they had no money set aside for emergency repairs.
- 46% of respondents had an emergency repair in the last 12 months.
- 80% of respondents either strongly or somewhat agreed with the statement: Local community governments should be responsible for educating homeowners about external water lines on their property that are not covered by homeowners’ insurance, the city/town or the local utility (i.e., meaning that if a problem were to occur, the homeowner would be solely responsible for the cost out of pocket).

Program Benefits
- Only Service Line Program Endorsed by the National League of Cities
- Helps address the public policy issue of aging infrastructure
- No cost for the Municipality to participate
- Ongoing Revenue Stream for the Municipality
- Educates homeowners about their lateral line responsibilities
- Free Public Awareness Campaign
- Peace of Mind - with one toll-free call a reputable contractor is dispatched
- All repairs performed to code by local licensed contractors
- Contractors undergo rigorous vetting process to ensure quality service

Our Service and what it Covers
Sewer Lateral & Septic Line Coverage
Water Line & Well Line Coverage
Homeowner repair protection for leaking, clogged or broken water and sewer lines from the point of utility connection to the home exterior.

**Coverage includes:**
- Educating homeowners about their service line responsibilities
- Up to $8,500 coverage per repair incident.
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- Repairs made only by licensed, local contractors
- Affordable rates and multiple payment methods

**Interior Plumbing and Drainage**
Homeowner repair protection for in-home water supply lines and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry.

**Coverage Includes:**
- Up to $3,000 coverage per repair incident
- Includes coverage for broken or leaking water, sewer, or drain lines under the slab or basement floor
- Repair of clogged toilets
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- Repairs made only by licensed, local contractors
- Affordable rates and multiple payment methods

**Marketing Approach**
- No Public Funds are used in marketing, distribution, or administration of the program.
- Only market by direct mail, no door to door or telemarketing
- Would never mail without your review and approval of marketing material before each and every campaign
- Limited to 3 mailing campaigns per year
- Marketing clearly states city does not provide program
- Participation always voluntary for the homeowner
- Consumers can enroll one of three ways:
  - Calling into our toll-free number that is provided on the mailing
  - Returning the bottom of the letter to us in the self-addressed stamped envelope provided
  - Visiting our consumer website www.slwofa.com at any time

**Over 500 Municipal Partners In 37 States**
Including three in Utah
- Alabama
- Arkansas
- Arizona
- California
- Colorado
- Connecticut
- Florida
- Georgia
- Iowa
- Illinois
- Indiana
- Kansas
- Kentucky
- Louisiana

- Maryland
- Michigan
- Minnesota
- Missouri
- North Carolina
- Nebraska
- New Jersey
Our Partnerships in Utah
• City of Clearfield
• City of Orem
• City of Kaysville
• Salt Lake City
Over 3,000 Utah residents currently enrolled in the program
Over $173,000 paid in repair costs over the last three years

Program Success
• Endorsement =/= Exclusivity
• Currently serving over 3.6 million customers
• Saved customers over $394 million in repair costs over the past 3 years
• 97% claim approval rating
• 99.6% claims satisfaction rate
• 82.5% customer retention rate
• Currently over 1,300 contractors in network
• 9 of every 10 customers surveyed have recommended the program to friends, family, and neighbors

City would receive 50 cents per month for each warranty agreement. Paid out in royalty every January. Can choose to opt out of that revenue. In that case, the homeowner would receive it in a cost reduction.

The Council asked the City Attorney to look into this further and bring it back for discussion.

C. DISCUSS MIDVALE CITY FINANCIAL POLICIES
Dalin Hackett reviewed the following financial policies:

Purpose of Financial Policies
• Set forth parameters and guidelines for prudent fiscal operational practices and management
• Establish “rules of the game”

Formal Adoption Requested
• Formal adoption on agenda for Wednesday, October 16, 2018

General Fund Reserve Policies
• Purpose: comply with UT law; plan for contingencies; avoid interest expense; generate investment income
• 15% reserve target adopted by resolution (approx. 2005)
• Fleet Fund has substantial reserves
• Only change from prior policy is state increase to 25% maximum

Reserve Policies in Other Funds
• Purpose: provide working capital; maintain stable fee structure; provide capital replacement funds
• Internal Service Fund – wording added to include computer equipment
• Enterprise funds – change from working capital of 45 days to 60 days worth of annual operating expenses for Sanitation, Street Lighting, and Telecommunications funds; change from 90 days to 180 days for Water, Sewer, and Storm Water funds

Reserve Policies in Other Funds Cont.
• New paragraph: “In an effort to maintain adequate reserves, the City shall conduct an analysis of its utility rates on an annual basis. Rate increases, if needed, shall be proposed to City Council during the annual budgeting process.”

Revenue Policies
• Purpose: ensure sufficient and stable revenues in order to consistently produce desired programs and services; develop and maintain fair and consistent revenue sources
• One-time funds cannot be used for ongoing programs
• Carefully review grant opportunities for commitment of local funds
• Municipal fee schedule reviewed annually by Council
• No changes from prior policy

Expenditure Policies
• Purpose: ensure public funds are spent with integrity, directness, and transparency; ensure expenditures are directed to services citizens prefer
• New paragraph: “Staffing shall not exceed the authorized level, and all new positions must be approved by City Council before they are filled.”

Operating Budget Policies
• Purpose: acknowledge that the operating budget is among the most important public documents produced by the City; ensure the budget sets forth the City’s taxing and spending direction; establish policies that allow leeway for the inevitable give-and-take of politics
• City Administrator can approve line item shifts within a department
• City Council must approve inter-departmental budget amendments
• No changes from prior policy

Capital Asset Management Policies
• Purpose: recognize the major impact capital projects have on the quality of local government services, the community’s economic vitality, and the overall quality of life for citizens; stimulate informed debate and to help leaders make optimal choices
• Removed: “Assets will be kept in good condition. The city has established an Internal Service Fund for the purpose of accumulating resources to replace
vehicles every five years (light fleet) or ten years (heavy fleet), and to recover fleet operating costs from the appropriate fund.”

Capital Asset Management Policies
- Replaced with:
  “The City has established an Internal Service Fund for the purpose of accumulating resources to replace vehicles according to a replacement schedule established by the Fleet Manager, and to recover fleet operating costs from appropriate funds. The City has also established an Internal Service Fund for the purpose of accumulating resources to replace computer equipment according to a replacement schedule established by the Information Technology Manager, and to recover IT operating costs from appropriate funds.

Department managers/heads shall exercise supervision of all inventories of tangible City property within the control of or assigned to their departments, this includes ensuring all City assets are safeguarded and kept in good working condition. All City property located in warehouse(s) or storage areas shall be inventoried annually, and accountability for the property shall reside with the respective department manager/heads.”

Long-term Financial Planning Policies
- Purpose: assist government in providing stable tax and service levels to the community of a multi-year period; uncover minor problems which, left unresolved, could require dramatic action later; demonstrate commitment to sound financial management and a willingness to control spending
- No changes from prior policy

Debt Policies
- Purpose: ensure debt is used wisely and future financial flexibility remains relatively unconstrained; establish criteria for issuance of debt obligations; provide consistency and continuity to public policy development
- Debt should not be used for operating expenses
- General Fund debt service shall not exceed 15% of expenditures
- No changes from prior policy

Investment Policies
- Purpose: maximize interest income while preserving principal and maintaining sufficient liquidity to meet expenditure obligations
- Midvale has investments with Moreton
- No changes from prior policy

Accounting, Auditing, Fin. Reporting Policies
- Purpose: Set the tone at the top for how the City will account for its financial resources and be accountable for making financial information available to the public; satisfy external financial reporting requirements as well as the City’s managerial needs
- Audit committee established
- No changes from prior policy
Internal Control and Risk Management Policies
- Purpose: protect assets in order to ensure continuity of service; maintain a safe work and service environment; ensure the efficiency of risk management activities
- Internal controls are established to:
  - Segregate duties
  - Provide security over assets and records
  - Ensure periodic reconciliation and verification
  - Assure proper authorization
- No changes from prior policy

Local Economic Dev Finance Policies
- Purpose: improve local economic conditions through direct and indirect intervention
- Midvale City has no impact fees
- The City uses RDA tax increment financing to encourage development
- No changes

Procurement Policies
- Purpose: ensure the procurement process is fair; ensure good stewardship over public funds; help clarify the goals of the purchasing system
- Expenditures for ten three thousand dollars or more, but less than twenty-five thousand dollars, shall be made pursuant to the informal bidding procedures set forth in Midvale Municipal Code § 2.28.290.
- Minor. Any expenditure amounting to less than one three thousand dollars.

Procurement Policies
- Sole Source. Any expenditure for goods or services which are clearly by their nature not reasonably adapted to award by competitive bidding. Sole source procurements must be approved in writing by the city manager City’s Purchasing Committee.

Summary
- Staff requests resolution adopting policies on 10/16/2018

The Council instructed staff to place this item on the consent agenda for the next meeting.

D. DISCUSSION ON RDA/SALES TAX BONDS
Laura Lewis discussed the Redevelopment Agency sales tax revenue bonds. She discussed the process of the bonds as well as the anticipated rates. She also reviewed the timeline for the closing of the bonds.

E. DISCUSS LONG-TERM FINANCIAL PLAN
Laurie Harvey discussed the long-term financial plan and options for the City.
II. ADJOURN

Mayor Hale adjourned the meeting at approximately 8:48 p.m.

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

Approved this 16th day of October 2018
SUBJECT: Midvale City Corporation Resolution No. 2018-R-43
Adoption of Midvale City Financial Policies

SUBMITTED BY: Dalin Hackett, Assistant Finance Director

SUMMARY: Staff has prepared a document stating Midvale City’s Financial Policies and has reviewed the document with executive management and City Council. The purpose of these policies is to set forth parameters and guidelines for prudent fiscal operational practices and management. In order to strengthen the importance of these policies, staff is requesting formal adoption by the City Council.

FISCAL IMPACT: No immediate fiscal impact.

STAFF RECOMMENDATION (MOTION READY): I move we adopt Resolution 2018-R-43, approving the Midvale City Financial Policies.

Attachments: Resolution and Midvale City Financial Policies.
A Resolution of Midvale City adopting the policies stated in the attached “Midvale City Financial Policies” document.

Whereas, city staff and Council have long followed guidelines and policies related to finance, both written and unwritten; and

Whereas, formal policies promote stability and continuity for any organization; and

Whereas, financial policies define a shared understanding of how the municipality will develop its financial practices and manage its resources to provide the best value to the community; and

Whereas, a solid set of financial policies can help support a good bond rating, thereby reducing the cost of borrowing; and

Whereas, the Government Finance Officers Association recognizes financial policies as an essential part of public financial management.

Now therefore be it resolved, that the Midvale City Council approves and adopts the policies stated in the attached “Midvale City Financial Policies” document.

This resolution shall become effective immediately upon passage thereof.

Passed and adopted by the City Council of Midvale City, State of Utah, this 16th day of October, 2018.

________________________________________________________________________

Robert M. Hale, Mayor

ATTEST:

________________________________________________________________________

Rori L. Andreason, MMC
City Recorder

<table>
<thead>
<tr>
<th>Voting by the City Council: “Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quinn Sperry</td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td></td>
</tr>
<tr>
<td>Dustin Gettel</td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td></td>
</tr>
<tr>
<td>Bryant Brown</td>
<td></td>
</tr>
</tbody>
</table>
Midvale City, Utah

Financial Policies
Robert M. Hale – Mayor
Kane B. Loader – City Administrator
Laurie N. Harvey – Director of Administrative Services
Dalin W. Hackett – Asst. Finance Director
2018

Introduction

This document formally memorializes financial policies currently in effect for Midvale City elected officials and staff. This 2018 edition may be expanded and refined over time.

As stated by Jeffrey L. Esser, Executive Director of the Government Finance Officers Association, “financial policies are a key element of sound fiscal administration. Policies provide the guidance or “rules of the game” that shape the decisions of public managers. When policies are effective, they can preserve or enhance the fiscal health of governments. By contrast, weak policies promote fiscal instability and can also reduce citizen confidence in government.”

Questions regarding information in this document should be directed to Dalin Hackett, Midvale City, 7505 S. Holden Street, Midvale, Utah, 84047, telephone (801)-567-7220, Email address dhackett@midvale.com.
Purpose

The purpose of Financial Policies is to set forth parameters and guidelines for prudent fiscal operational practices and management. These policies were developed by Midvale’s Department of Administrative Services with assistance from the Government Finance Officers Association publication “Financial Policies” by Shayne C. Kavanaugh and the City’s Financial Advisor, Lewis Young Robertson & Burningham. These policies have been approved by executive management, and formally adopted by resolution by the Midvale City Council.

Formal Adoption of Financial Policies

These Midvale City Financial Policies were adopted by a resolution of the Midvale City Council (2018-R-43) on October 16, 2018.
Midvale City, Utah

Financial Policies

Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Reserve Policies</td>
<td>4</td>
</tr>
<tr>
<td>Reserve Policies in Other Funds</td>
<td>5</td>
</tr>
<tr>
<td>Revenue Policies</td>
<td>7</td>
</tr>
<tr>
<td>Expenditure Policies</td>
<td>8</td>
</tr>
<tr>
<td>Operating Budget Policies</td>
<td>9</td>
</tr>
<tr>
<td>Capital Asset Management Policies</td>
<td>10</td>
</tr>
<tr>
<td>Long-term Financial Planning Policies</td>
<td>11</td>
</tr>
<tr>
<td>Debt Policies</td>
<td>12</td>
</tr>
<tr>
<td>Investment Policies</td>
<td>14</td>
</tr>
<tr>
<td>Accounting, Auditing, and Financial Reporting Policies</td>
<td>15</td>
</tr>
<tr>
<td>Internal Control and Risk Management Policies</td>
<td>16</td>
</tr>
<tr>
<td>Local Economic Development Finance Policies</td>
<td>17</td>
</tr>
<tr>
<td>Procurement Policies</td>
<td>18</td>
</tr>
</tbody>
</table>
General Fund Reserve Policies

Purpose

- Comply with Utah state law
- Plan for contingencies
- Maintain good standing with rating agencies
- Avoid interest expense
- Generate investment income
- Ensure cash availability when revenue is unavailable
- Create a better working relationship between the governing board and staff

Utah Code § 10-6-116 requires that municipalities maintain a fund balance between five and twenty five percent of the estimated general fund revenues.

Midvale City will maintain a General Fund fund balance (reserve) of fifteen percent of budgeted general fund revenues.

The reserve may be used at the discretion of the City Council for temporary shortfalls, or if the Mayor declares a state of disaster. Once used, the reserve should be replenished in a timely manner.

Unassigned general fund balance in excess of fifteen percent may be used for one-time purchases.
Reserve Policies in Other Funds

Purpose

- Provide working capital
- Support continuity of operations
- Maintain a stable fee structure
- Provide capital replacement funds
- Maintain good standing with rating agencies
- Create a better working relationship between the governing board and staff

Capital Projects Fund

This fund is used to track spending on major capital projects, therefore; there is no need to maintain a budgetary cushion.

Internal Service Funds (Fleet, IT)

The purpose of the Fleet and IT Internal Service Funds is to accumulate resources to replace vehicles and computer equipment according to assigned replacement schedules and to recover the operating costs of both funds. City funds are charged replacement costs pro rata over the life of the vehicle or computer equipment based upon estimated replacement cost less estimated sales proceeds. Internal Service Funds recover operations costs in the year they are incurred by charging City funds their pro rata share of the operations costs. Interest earned on investment of reserves is used to offset the cost of annual operations. Fund balance for Internal Service Funds represent resources collected from City funds to be used for future purchases of vehicles and computer equipment. Reserves for future operations costs are not needed because operations costs are funded in the year they are incurred.

Enterprise Funds (Public Utilities, Storm Water Utility, Sanitation, Street Lighting, Telecommunications)

Midvale City will strive to maintain working capital (current assets less current liabilities) of no less than 60 days worth of annual operating expenses for the Sanitation, Street Lighting and Telecommunications Funds, and no less than 180 days worth of annual operating expenses for the Public Utilities and Storm Water Utility Funds.

In an effort to maintain adequate reserves, the City shall conduct an analysis of its utility rates on an annual basis. Rate increases, if needed, shall be proposed to City Council during the annual budgeting process.

In order to substantiate the value of Accounts Receivable in the enterprise funds, the City will enforce aggressive collection practices, including termination of service for accounts 60 days past due.
The minimum working capital reserve may be used at the discretion of the City Council for temporary shortfalls or to downsize operations. Once used, the reserve should be replenished in a timely manner. Excess working capital may be used for capital improvements or for one-time purchases.

Other Funds

Adequate reserves will be considered.
Revenue Policies

Purpose

- Ensure sufficient and stable revenues in order to consistently produce desired programs and services
- Develop and maintain revenue sources that are fair and consistent

Midvale City strives to achieve diversification and stabilization of the revenue base. While recognizing that property taxes are the most stable, the City will not increase property taxes when other revenues such as sales tax and franchise fees are adequately funding operations.

The City will not use one-time revenues towards ongoing expenditures.

User fees will be charged to obtain cost recovery for regulatory services such as building permits, plan checks, and business licensing.

Administrative fees will be charged by the General Fund to the Enterprise Funds in order to recapture direct and indirect costs which benefit all funds. These fees will be reviewed annually in association with the budget process.

A municipal fee schedule shall be reviewed and adopted by the City Council annually in conjunction with the operating and capital budgets.

Before applying for and accepting intergovernmental aid, the City will assess the merits of a particular program as if it were funded with local tax dollars. Local tax dollars will not be used to make up for losses of intergovernmental aid without first reviewing the program and its merits as a budgetary increment.

A conservative approach will be used to forecast revenues. However, when such an approach leads to considerations of raising taxes or cutting services, a more objective approach will be analyzed in order to avoid unpopular budget-balancing measures that later prove unnecessary.

Multi-year forecasts will be prepared and presented to the Council annually as part of the budget process.
Expenditure Policies

Purpose

- Ensure that public funds are spent with integrity, directness, and transparency
- Ensure that expenditures are directed to services that citizens prefer

Ongoing expenditures will not expand beyond the City’s ability to pay for them with current revenues. When practical, resources should be used for preventative investments that can be made to avoid even larger costs in the future.

Funding for new programs and services should be limited to the extent that they can be reasonably funded over the near-to-long term given the current revenue stream.

Increasing efficiencies and effectiveness of the delivery of City services through process review, technology improvements, or outsourcing must be considered before adding permanent staff.

Staff shall prepare an analysis of costs borne by the General Fund which benefit other funds, most importantly, enterprise funds. Enterprise Funds will reimburse the General Fund for these costs through administrative fees, which are appropriated as part of the budget each year.

Efforts will be made to maintain compensation packages that are sufficient to attract and retain quality employees. Salary range structures shall be evaluated periodically to determine the relative competitiveness of the pay structure to the job market. The midpoint of the salary range is the market value against which the City will assess its pay plan relative to the job market. If the midpoint of the City’s salary range is more than five percent below market for any given position, the grade of that particular position shall be adjusted upward.

The City’s pay plan shall be reviewed and adopted annually by the City Council in conjunction with the annual budget.

Staffing shall not exceed the authorized level, and all new positions must be approved by City Council before they are filled.
Operating Budget Policies

Purpose

- Acknowledge that the operating budget is among the most important public documents produced by the City
- Ensure the budget sets forth the City’s taxing and spending direction
- Establish policies that allow leeway for the inevitable give-and-take of politics

Midvale will adopt an annual operating budget for all funds.

Budgets are prepared on a cash basis. Under the cash basis, capital expenditures and the redemption of bonds are recorded as expenditures. Depreciation and amortization costs are not budgeted since these costs are non-cash transactions.

Budget policies define the broad guidelines under which the budget process will operate. Staff is then responsible for designing a process that conforms to the policies.

Because the City’s budget is a spending plan, and because circumstances change throughout the fiscal year, staff may propose budget adjustments for any or all funds throughout the year. Those adjustments require discussion and adoption by the City Council to become effective.

The City Administrator has authority to reallocate line items within a department budget, but any inter-departmental budget adjustments must be approved by the City Council. Grants, additional personnel, new programs, etc. must be appropriated by the City Council.

The City Administrator, after meeting with all City departments, will present a balanced budget to the Mayor and City Council in May of each year. This document will serve as a working tool for the City Council in developing their operating budget.

Consistent with Utah Code § 10-6-111, a tentative budget will be prepared and filed with the City’s elected officials on or before the first regularly scheduled meeting of the governing body in May of the current period. The tentative budget will be reviewed and discussed in Council meetings throughout May and June.

A public hearing will be held in May to adopt the tentative budget. An additional public hearing will be held prior to the adoption of the final budget. Citizen participation and comment is encouraged.

Consistent with Utah Code § 10-6-118, the City Council will adopt a final budget before June 22 of each fiscal period, or, in the case of a property tax increase, before August 17 of the year for which a property tax increase is proposed.

The City Council will adopt its certified property tax rate on the same date as the final budget is adopted.
Capital Asset Management Policies

Purpose

- Recognize the major impact capital projects have on the quality of local government services, the community’s economic vitality, and the overall quality of life for citizens
- Stimulate informed debate and to help leaders make optimal choices

The City will develop and maintain a Capital Improvement Plan which includes a realistic project timing and scope, and operating budget impacts.

Appropriations for capital projects are for the period of construction or acquisition, and do not lapse at the end of the fiscal year. Funds remaining in the project budget after its completion may be appropriated for other capital projects or revert to the General Fund.

Appropriate ongoing funding for maintenance is a high priority. Deferring maintenance or asset replacement has the potential for reducing a government’s ability to provide services and/or threatening public health, safety and overall quality of life. In addition, as the physical condition of an asset declines, deferring maintenance and/or replacement may increase long-term costs and liabilities.

The City has established an Internal Service Fund for the purpose of accumulating resources to replace vehicles according to a replacement schedule established by the Fleet Manager, and to recover fleet operating costs from appropriate funds. The City has also established an Internal Service Fund for the purpose of accumulating resources to replace computer equipment according to a replacement schedule established by the Information Technology Manager, and to recover IT operating costs from appropriate funds.

Department managers/heads shall exercise supervision of all inventories of tangible City property within the control of or assigned to their departments, this includes ensuring all City assets are safeguarded and kept in good working condition. All City property located in warehouse(s) or storage areas shall be inventoried annually, and accountability for the property shall reside with the respective department manager/head.
Long-term Financial Planning Policies

Purpose

- Assist the government in providing stable tax and service levels to the community over a multi-year period
- Uncover minor problems which, left unresolved, could require dramatic action later
- Demonstrate a sound commitment to sound financial management and a willingness to control spending

Each year, staff shall develop a forecast of operating expenditures and revenue for the next five years. The presentation and discussion of the forecast and resulting long-term financial plan will be an integral part of the annual budget process.

Midvale City will address imbalances in future revenues and expenditures in establishing property tax rates.
Debt Policies

Purpose

- Ensure that debt is used wisely and that future financial flexibility remains relatively unconstrained
- Establish criteria for the issuance of debt obligations so that acceptable levels of indebtedness are maintained
- Transmit the message to investors and rating agencies that the City is committed to sound financial management
- Provide consistency and continuity to public policy development

The City may use debt to help distribute the payments for a capital asset over its useful life so that benefits more closely match costs.

The City may also use pay-as-you-go financing, in that it helps to keep the City’s debt burden down.

As there are merits to both methods of financing, Midvale may use a combination of debt and pay-as-you-go to finance capital assets.

Using long-term debt for operations is discouraged.

Issuing debt with a longer amortization period than the life of the asset it is financing is prohibited.

Debt service as a percent of general expenditures of the General Fund shall not exceed fifteen percent.

Capitalization of interest, the practice of using bond proceeds to pay the interest due on debt during the construction period of an asset, is generally acceptable.

Long-term financing must comply with federal, state, and local legal requirements.

The City will consider debt issuance (rather than paying cash) when interest rates are low. The City might use its debt capacity to acquire capital assets for a lower total cost when construction costs are increasing or are very low.

The City shall engage the following outside professionals to assist with bond sales, as bond sales are not a routine activity for most local governments:

- Financial Advisor
- Bond Counsel
- Underwriter
- Paying agent/Registrar
Bond proceeds will be invested in accordance with the City’s general investment policy. Staff must take steps to minimize arbitrage liability on bond proceeds in order to avoid penalties.

Refunding bonds will be considered when there is an interest rate savings, a change in anticipated revenues, or when the City Council desires a change in the provisions of a bond covenant.

Midvale City shall comply with all ongoing disclosure conditions and shall file such required documents in a timely manner.

Interfund loans are contemplated for short-term use only. Any transfers between funds where reimbursement is not expected within one fiscal year shall not be recorded as interfund borrowings; they shall be recorded as interfund operating transfers.
Investment Policies

Purpose

- Maximize interest income while preserving principal and maintaining sufficient liquidity to meet expenditure obligations.

Midvale City shall comply with the state of Utah’s “Money Management Act”.

Unless approved by the City Administrator, all funds will be invested with the Utah State Treasurer’s Public Treasurers Investment Fund.

The pooling of funds is authorized, and interest earnings will be credited to the source of the invested funds at the end of each month based on the average daily cash balances during the month.

Appropriate separation of duties is required; in no circumstance can the same individual prepare the deposit, take the deposit to the bank, and/or reconcile the bank statement to the books.
Accounting, Auditing, and Financial Reporting Policies

Purpose

- Set the tone at the top for how the City will account for its financial resources and be accountable for making financial information available to the public
- Satisfy external financial reporting requirements as well as meet the City’s managerial needs.

Midvale City has established an Audit Committee to serve as a practical means for the City to provide independent review and oversight of the government’s financial reporting processes, framework of internal control, and independent auditors.

The Audit Committee shall report to the City Council at least annually.

Accounting records will be maintained in accordance with state and federal law and regulations.

Midvale adopts the Government Finance Officers Association recommendation that governments use a multi-year audit contract for a period of no less than five years.

Annual financial reporting in compliance with generally accepted accounting principles (GAAP) is required.

Monthly revenue and expenditure reports for each fund shall be presented to the City Council.

A listing of checks issued shall be supplied to the City Council monthly.

Midvale City will strive for transparency and shall comply with all state records transparency requirements.

Capital assets are defined as assets costing at least $5,000 with an expected useful life in excess of one year.

Sensitive non-capitalized items such as computers shall be inventoried and controlled.
Internal Control and Risk Management Policies

Purpose

- Protect assets in order to ensure continuity of service
- Maintain a safe work and service environment,
- Ensure the efficiency of risk management activities

The City shall work closely with its insurer to accomplish goals stated above and to minimize the cost of risk management activities.

The Human Resources Director shall be designated as the Risk Manager. Senior Staff shall serve as the risk management committee. Meetings shall be held quarterly to review insurance claims and reported incidents.

Employees will be provided with the official Midvale City Policies and Procedures Manual regarding employment, and shall file an acknowledgment of receipt and understanding of the manual with the Human Resources department annually.

City employees and councilmembers are required to report conflicts of interest and to refrain from participating in or deliberating on any matters regarding such interest.

Sexual Harassment training shall be conducted annually for all employees.

The City shall appoint an Emergency Operations Manager who is responsible for maintaining the City’s Emergency Management Plan.

Midvale City staff shall participate in regional and statewide safety exercises in coordination with area police and fire.

Internal Controls shall be developed to:
- Segregate duties
- Provide security over assets and records
- Ensure periodic reconciliation and verification
- Assure proper authorization
Local Economic Development Finance Policies

Purpose

- Improve local economic conditions through direct and indirect intervention

Midvale City’s Redevelopment Agency may use tax increment financing to improve designated project areas within the City.

Midvale City will strive to attract businesses that pay a salary equal to or above the average wage level for Midvale, and businesses that provide healthcare and retirement benefits to their employees.

Although some taxing entities within Midvale city boundaries may charge impact fees, Midvale City itself does not charge impact fees.

The City employs an Economic Development Director who is charged with attracting new businesses to the City, as well as serving as a liaison between the private sector (in many cases, the developer) and City staff.
Procurement Policies

Purpose

- Ensure that the procurement process is fair
- Ensure good stewardship over public funds
- Help clarify the goals of the purchasing system

The City will strive to consider full lifecycle costs of a good or service rather than simply accepting the lowest initial purchase price.

Quality should be an integral evaluation component when reviewing vendor proposals. Purchasing decisions will be based on best value, not lowest cost.

Procurements will be conducted fairly and the process and results will be open to the public.

Training on Midvale’s purchasing ordinance will be provided to City staff on a regular basis, at least once every two years.

Midvale City staff and elected officials shall comply with Midvale Municipal Code § 3.02 regarding procurement. Important purchasing thresholds for expenditures for supplies, services or construction are described below:

- Expenditures of twenty-five thousand dollars or more shall be made pursuant to the formal bidding procedures set forth in Midvale Municipal Code § 3.02.110. An expenditure of twenty-five thousand dollars or more must be approved by the City Administrator. Any expenditure of one hundred thousand dollars or more must be approved by the City Council.

- Expenditures for three thousand dollars or more, but less than twenty-five thousand dollars, shall be made pursuant to the informal bidding procedures set forth in Midvale Municipal Code § 3.02.100.

- The following expenditures of the City shall be referred to as “exempt expenditures” and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances.
  - Minor. Any expenditure amounting to less than three thousand dollars.
  - Sole Source. Any expenditure for goods or services which are clearly by their nature not reasonably adapted to award by competitive bidding. Sole source procurements must be approved the City’s Purchasing Committee.
  - Emergency. See Midvale Municipal Code § 3.02.070 for procedures to follow.
• State Bidding. Any expenditure for which competitive bidding or price negotiation has already occurred on the state level.

• Interlocal Cooperation. Any expenditure made in conjunction with an agreement approved by resolution of the City Council between the City and another city or governmental entity.

• Professional Services. Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding. Such expenditures shall be awarded at the discretion of the City Administrator based on the recommendation of the department head. If the City Administrator determines that competitive bidding for certain professional services would benefit the City, the procedures set forth in Midvale Municipal Code § 3.02.130, Request for proposals (professional services), must be followed.

• Special Sale. Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the procurement officer determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods and such determination is reviewed and approved by the City Council.

• Exchanges. Any exchange of supplies, materials, property, or equipment between the City and any other public or private party made by mutual agreement of the respective parties.

• Utah Correctional Industries. Supplies, services, or construction produced by Utah Correctional Industries may be purchased without seeking competitive quotes or bids.

The Mayor is the only individual with authority to bind the City. The Mayor’s signature is required on all City contracts.
Consideration and adoption of a resolution authorizing the execution and delivery of a bond purchase agreement and an interlocal sales tax pledge and loan agreement in connection with the issuance by the Redevelopment Agency of Midvale City of its tax increment and sales tax revenue bonds in the aggregate principal amount of not to exceed $9,750,000 in one or more Series and with such additional or alternate designations as the Agency may determine

Resolution No. 2018-R-44

SUBMITTED BY: Matt Dahl
Redevelopment Agency Director

SUMMARY:

In 2004, the Redevelopment Agency of Midvale City (Agency) entered into the original tax increment reimbursement agreement (TIRA) in the Bingham Junction Project Area with Littleson Inc. Over the intervening 14 years, the original TIRA was assigned in part to 10 different entities based on the geographic area that they developed. The Agency is currently obligated to reimburse these developers approximately $9,000,000 for expenses resulting from the unique site conditions in the Bingham Junction Project Area.

Staff is proposing to issue bonds for the purpose of fully reimbursing the developers that received assignments from the original TIRA. The Agency would fund the debt service with tax increment generated in the Bingham Junction Project Area. Based on the actual tax increment revenue received in 2018 and projections for the remaining life of the Bingham Junction Project Area, staff anticipates having sufficient tax increment revenue to cover the new debt service, as well as current obligations. Similar to the bonds refunded by the RDA in 2017, the proposed bonds would need to be backstopped by Midvale City’s sale tax revenue.

The attached resolution establishes parameters within which designated City officials can approve the proposed bonds. The parameters in the resolution allow a maximum aggregate principal amount of $9.75 million, a maximum interest rate of 5.5% with a maximum length to maturity of 20 years.

The Resolution provides for a 30-day contest period. Upon passage of this Resolution, the City and its partners will continue to refine the bond documents, meet with rating agencies, and price the bonds December.
FISCAL IMPACT:

The maximum annual debt service on the bonds under the terms of the parameters resolution is $950,000. In FY2018, the RDA provided the Bingham Junction developers reimbursements of $2.1 million under the terms of the existing TIRAs. If the bonds are approved and sold under the terms of the parameters resolution, the approximately $1.1 million difference between the new debt service and the FY2019 budget for development reimbursements would need to be reallocated through a budget amendment.

STAFF RECOMMENDATION (MOTION READY):

Staff recommends adopting the following resolution:

I move that we approve Resolution Number 2018-R-44, authorizing the execution and delivery of a bond purchase agreement and an interlocal sales tax pledge and loan agreement in connection with the issuance by the Redevelopment Agency of Midvale City of its tax increment and sales tax revenue bonds in the aggregate principal amount of not to exceed $9,750,000 in one or more Series and with such additional or alternate designations as the Agency may determine.

Attachments: Resolution 2018-R-44
Midvale, Utah
October 16, 2018

The City Council (the “Council”) of Midvale City, Utah (the “City”), met in regular public session at the regular meeting place of the City Council in Midvale, Utah, on October 16, 2018, at the hour of 6:00 p.m. with the following members of the Council being present:

Robert M. Hale Mayor
Bryant Brown Councilmember
Paul Hunt Councilmember
Dustin Gettel Councilmember
Quinn Sperry Councilmember
Paul Glover Councilmember

Also present:

Kane Loader City Administrator
Rori Andreason City Recorder
Lisa Garner City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, there was presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this October 16, 2018, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember ___________ and seconded by Councilmember ___________, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor and recorded in the official records of Midvale City. The resolution is as follows:
RESOLUTION 2018-R-44

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY, UTAH (THE “CITY”), AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN INTERLOCAL SALES TAX PLEDGE AND LOAN AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE REDEVELOPMENT AGENCY OF MIDVALE CITY (THE “AGENCY”) OF ITS TAX INCREMENT AND SALES TAX REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $9,750,000 IN ONE OR MORE SERIES AND WITH SUCH ADDITIONAL OR ALTERNATE DESIGNATIONS AS THE AGENCY MAY DETERMINE (THE “BONDS”); AND RELATED MATTERS.

WHEREAS, pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the “Redevelopment Act”), the City is authorized to grant or contribute funds to the Redevelopment Agency of Midvale City, Utah (the “Agency”), for redevelopment projects; and

WHEREAS, a redevelopment plan (the “Redevelopment Plan”) for the Bingham Junction Redevelopment Project Area as described in the Redevelopment Plan (the “Redevelopment Project Area”) has heretofore been adopted and approved and all requirements of law for, and precedent to, the adoption and approval of said Redevelopment Plan have been duly complied with; and

WHEREAS, the City desires to pledge certain sales tax moneys to be received by the City to assist in repaying the Series 2018 Bonds to the extent other revenues are insufficient therefor pursuant an Interlocal Sales Tax Pledge and Loan Agreement by and between the City and the Agency (the “Sales Tax Agreement”), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Agency has negotiated the purchase of and desires to sell the Series 2018 Bonds to an underwriter/purchaser (the “Underwriter/Purchaser”) pursuant to a Bond Purchase Agreement (the “Purchase Agreement”), to be entered into among the Underwriter/Purchaser, the Agency, and the City, a copy of which is attached hereto as Exhibit C; and

NOW, THEREFORE, it is hereby resolved by the City Council of Midvale City, Utah, as follows:

Section 1. Terms defined in the foregoing recitals hereto shall have the same meaning when used in this Resolution.

Section 2. The Sales Tax Agreement in the form attached hereto as Exhibit B is hereby authorized and approved, and the Mayor and City Recorder are hereby authorized to execute said Sales Tax Agreement on behalf of the City.
Section 3. The Series 2018 Bonds shall be sold to an Underwriter/Purchaser in accordance with the Purchase Agreement presented to the Issuer. Said Purchase Agreement in the form attached hereto as Exhibit C is hereby authorized and approved, and the Mayor and City Recorder are hereby authorized to execute said Purchase Agreement on behalf of the City.

Section 4. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by the officers of the City directed toward the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.
APPROVED AND ADOPTED this October 16, 2018.

MIDVALE CITY, UTAH

(SEAL)

By:_________________________________
   Mayor

ATTEST:

By:_________________________________
   City Recorder
(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

______________________________
Mayor

ATTEST:

______________________________
City Recorder

(SEAL)
STATE OF UTAH  
COUNTY OF SALT LAKE  

I, Rori Andreason, the duly appointed and qualified City Recorder of Midvale City, Utah (the “City”), do hereby certify:

(a) The foregoing pages are a true, correct and complete copy of a resolution duly adopted by the City Council of the City (the “City Council”) had and taken at a lawful regular meeting of said City Council held at the City’s offices in Midvale, Utah, on October 16, 2018 (the “Resolution”), commencing at the hour of 6:00 p.m., as recorded in the regular official book of the proceedings of the City Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

(b) All members of said City Council were duly notified of said meeting, pursuant to law.

(c) The Resolution, with all exhibits attached, was deposited in my office on October 16, 2018.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this October 16, 2018.

(SEAL)

By: ____________________________
    City Recorder
EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Rori Andreason, the undersigned City Recorder of Midvale City, Utah (the “City”), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the October 16, 2018, public meeting held by the City Council of the City (the “City Council”), as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices on October ___, 2018, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret News and the Salt Lake Tribune on October ___, 2018, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2018 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on ____________ at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the City on ____________ and (c) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.

(SEAL)

By: ______________________
   City Recorder
SCHEDULE 1

NOTICE OF MEETING
EXHIBIT B

INTERLOCAL SALES TAX PLEDGE AND LOAN AGREEMENT

(See Transcript Document No. ___)
EXHIBIT C

BOND PURCHASE AGREEMENT

(See Transcript Document No. ___)
SUBJECT: Discuss Amendments to Midvale Policies and Procedures Manual, Section 5.0 Leave Policies

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

SUMMARY:

During the FY 2019 budget discussions, a parental leave policy was approved as part of the employee benefits package. Attached is an updated leave policy with that parental leave policy and minor amendments to this section of the Midvale City Employees Policies and Procedures Manual for discussion.
5.0 LEAVE POLICIES

5.1 ANNUAL VACATION LEAVE
Vacation time off with pay is available for eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Persons hired on an emergency, seasonal, or temporary basis shall not be eligible for annual vacation leave. Part-time employees are not eligible for vacation leave. Qualified part-time employees receive vacation on a pro-rated basis. Benefited full-time employees shall accrue annual vacation leave in accordance with the following:

<table>
<thead>
<tr>
<th>Years of Consecutive City Service</th>
<th>Hours of Vacation Per Month</th>
<th>Accrued Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 5</td>
<td>8</td>
<td>96</td>
</tr>
<tr>
<td>6 – 10</td>
<td>10</td>
<td>120</td>
</tr>
<tr>
<td>11 – 15</td>
<td>12</td>
<td>144</td>
</tr>
<tr>
<td>16+</td>
<td>14</td>
<td>168</td>
</tr>
</tbody>
</table>

A maximum of 160 hours per year shall be allowed to be carried forward from one calendar year to the next. If the amount of unused, accrued or credited vacation time on December 31st of each year exceeds the cap of 160 hours, the excess balance will be forfeited and added to the sick leave bank.

In the event an employee is not allowed to use previously scheduled and approved vacation leave because of unforeseen needs of the City, the City Manager may, in writing, grant an extension up to 60 calendar days from the forfeiture date in which the employee may use his/her vacation time. All accrued or credited vacation time will be paid at time of separation from the City.

Employees who have been separated from the City for less than one year, and are reinstated to the same position, may be allowed to reinstate their previous vacation accrual rate according to years of service. Employees, who have been separated for one year or more, will be prohibited from vacation time reinstatement. Reinstatement of vacation time must be approved by the City Manager.

Department Heads are credited their authorized number of vacation pay annually on January 1 of each year. If the eligible employee is hired after January 1, the number of hours of vacation pay credited on the date of hire will be pro-rated based on the months remaining in the year. The City Manager reserves the right to negotiate vacation time upon hiring of Department Heads.

A holiday that falls during an employee’s annual vacation leave shall be counted as a paid holiday. Annual vacation leave shall be requested on a leave request form and pre-approved by the employee’s Supervisor. Advancing vacation leave to any employee is prohibited.
5.2 HOLIDAY LEAVE AND HOLIDAY PAY
Midvale City recognizes the following holidays for purposes of paid holiday leave:

- New Year’s Day, January 1st
- Martin Luther King Day, 3rd Monday in January
- Presidents’ Day, 3rd Monday in February
- Memorial Day, Last Monday in May
- Independence Day, July 4th
- Pioneer Day, July 24th
- Labor Day, 1st Monday in September
- Veteran’s Day, November 11th
- Thanksgiving Day, 4th Thursday in November
- Thanksgiving Day (Day After), 4th Friday in November
- Christmas Day, December 25th
- Christmas Holiday, TBD Annually

If any of the above holidays fall on Saturday, the holiday shall be observed on the preceding Friday. If any of the above holidays fall on a Sunday, the holiday shall be observed on the following Monday or as designated by the City Manager.

Full-time employees are eligible for 8 eight hours (8) of holiday pay per holiday listed above. All holidays must be taken as a full 8-hour day. No incremental usage is allowed. Qualified Part-time employees will receive holidays on a pro-rated basis, which also may not be used incrementally. Part-time employees (working less than 30 hours per week) are not eligible for holiday pay.

Employees required to work on an observed holiday or an actual holiday that falls on their regularly scheduled day off, are paid at a rate of one and one-half (1.5) times their straight time base pay rate plus eight (8) hours of holiday pay if they meet the 40-hour work week including the holiday.

If a shift work employee works a shift that spans a two-day period, one of which is a holiday, any holiday pay shall be limited to the hours falling within the 24 hours constituting the applicable holiday.

Exempt employees are paid based on set compensation and are compensated for all holidays based on that compensation/their salaries. If an exempt employee works on a holiday, they are not compensated additionally for such work.

5.3 SICK LEAVE
Sick leave time off with pay is provided to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves and/or their dependents at the discretion of the Department Head. Sick leave hours are intended primarily to provide income protection in the event of illness or injury and may not be used for any other absence.
Full-time employees shall accrue one 8-hour day per month for a total of 12 (12) days (96 hours) annually. Qualified Part-time employees are eligible to receive sick leave on a pro-rated basis. Part-time employees and persons hired on an emergency, seasonal, or temporary basis shall not be eligible for sick leave.

An employee hired within one year to their former job or department may have their prior sick-leave balances reinstated, following the successful completion of either the six or twelve-month probationary period, unless it has been converted to the retirement health savings plan.

Paid sick leave shall be accounted for in minimum increments of one quarter (1/4) hour. Exempt employees who are off work for less than a full workday shall not have their sick leave deducted for sick time taken. Otherwise, exempt employees are subject to the same conditions and limitations applicable to the qualified and proper use of sick leave for illness, injury, or bereavement.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.

Employees unable to fulfill normal work assignments due to illness or injury may or may not be allowed light duty assignments depending on availability.

Paid sick leave is a privilege and not a right of employment. Abuse of the sick leave privilege shall constitute grounds for disciplinary action. Employees who consistently utilize sick leave (accrual of less than 40 hours), shall become suspect of policy abuse.

Where a pattern of sick leave use is present, or a question arises as to the legitimate use of accrued sick leave, Department Heads have the right to investigate use of sick leave, make inquiry of the employee as to his/her ability to perform essential functions of the job, and otherwise request medical information be provided to the supervisor.

Advancing sick leave to any employee is prohibited.

A medical release may be required before returning to work.

Employees, Supervisors, and Department Heads are required to notify the City Manager and Human Resource Director whenever paid sick leave is used for a medical disability or serious health condition of the employee. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an absence of three consecutive workdays or longer under the care of a health care provider, inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

An FMLA request form is to be completed by the employee and submitted to both the employee’s Department Head and the Human Resource Director to be approved by the City Manager. This form is used to determine the effective date of any medical disability or serious health condition of the employee and the period of available leave (paid and unpaid) benefit for the employee.
If the proper form is not completed, the City Manager will determine the effective date of any serious health condition and the period of available leave (paid or unpaid), based on the first date the employee was granted leave related to, and/or in connection with, the employee’s medical disability or serious health condition.

**5.4 SICK LEAVE CONVERSION AND PAYMENTS**

Full-time employees who have accrued a minimum of 240 hours of sick leave may elect to convert 25% of their additional earned, unused sick leave benefits to vacation leave **one time per each** calendar year at the end of the first complete pay period in January.

Employees retiring with state retirement benefits or other City approved retirement program benefits during a calendar year, may elect to convert 25% of their unused sick leave over 240 hours at the end of the first complete pay period in January or delay the conversion to the effective date of retirement within the same year. This election is allowed **one time each per** calendar year.

Unused sick leave benefits will not be paid as direct compensation to employees while they are employed or upon termination of employment except as otherwise stated in this policy.

**5.5 LEAVE DONATIONS**

Employees may voluntarily and anonymously donate accumulated unused leave (vacation, comp-time, or sick leave) hours to the sick leave bank of the City to be used by an employee who has suffered an incapacitating major illness or injury, or family emergency, which has exhausted the employee’s regular sick leave, vacation, and comp-time accounts.

Any unused vacation hours over the **160** allowed that are forfeited by employees at the end of the year shall be donated to the sick leave bank.

Eligible full-time City employees must have been employed with the City for one year or more and accumulated 40 or more hours of unused sick leave at the time of the request (or when the illness began) for extended sick leave compensation.

A maximum of 160 hours of extended sick leave compensation may be requested per rolling 12-month period.

**ROLLING 12-MONTH PERIOD**: A “rolling” 12-month period is measured backward from the date an employee uses any leave. Each time an employee receives sick leave compensation from sick leave donations, the remaining leave entitlement would be any balance of the 160 hours, which has not been used during the immediately preceding 12 months.

Sick leave bank hours are granted on an as-needed basis and may not be accrued. The employee must exhaust all personal leave prior to using any sick leave bank hours. No sick leave or vacation leave will be accrued while an employee is using sick leave bank hours.
All requests must be approved by the employee’s Department Head and the City Manager. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.

Advancing sick leave to any employee is prohibited.

### 5.6 BEREAEMENT LEAVE

Full-time employees working 40 hours per week and qualified part-time employees working a minimum of 30 hours per week are eligible for bereavement leave. Qualified part-time employees receive bereavement leave on a pro-rated basis. Employees working a 40-hour work week will receive a maximum of three (3) days bereavement leave with the availability of an additional two (2) days as needed for travel or family responsibilities dealing with the funeral services upon approval by the Department Head. Bereavement leave is for making arrangements for and attendance at funeral services upon the death of an immediate member of the employee’s family as defined in this section.

For purposes of this section, “immediate members” will include father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, stepsister, half-sister, sister-in-law, aunts, uncles, nieces, nephews, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse. The days will be with pay and will not be charged to either earned sick leave or annual leave. Bereavement leave will not accrue to the employee’s benefit if not used for the intended purpose. Leave for attendance at funerals other than those covered above will be considered either leave without pay, personal leave, or vacation. Employees may be required to provide verification of the death (obituary) and their attendance at the funeral (funeral program).

### 5.7 MILITARY LEAVE

Persons serving in the uniformed military services will be granted military leave without pay for the period of service and a reasonable amount of time to travel to and return from duty as prescribed by federal law. The vacated position may be temporarily filled, and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility, if the employee meets the requirements of federal law. During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. All employees who are or shall become members of a reserve component shall be allowed full pay equal to the difference between military pay and City pay, when military pay is less than City pay, spent on duty with military units of the United States and the State of Utah in an “activated or deployment” status. Military leave for the purpose of annual training or other non-deployment activity will not qualify the employee for the full pay equal to the difference between military pay and City pay. This leave shall be in addition to annual vacation leave with pay. A copy of orders will be required for salary payment. Any employee serving with the uniformed services may use accrued annual leave (vacation), if he/she requests it before commencing such service.
No officer or employee shall be subjected to any loss or decrease of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuances in office, employment, reappointment to office, or reemployment.

An employee reinstated under the foregoing provisions shall not be discharged from his/her position within one year after the reinstatement unless there is just cause for the discharge or a reduction in force.

Employees serving on active duty with the armed forces pursuant to a leave of absence under this section may participate for up to 24 months following separation from City employment in the City-sponsored employee group health and accident insurance plan for themselves and dependents, if they make the required timely premium payments pursuant to federal law.

Upon reinstatement to City employment, the employee shall be entitled to participate in the retirement insurance and other benefit programs offered by the City pursuant to the established laws, rules, and practices related to persons on leave of absence in effect at the time the reinstated employee commenced such active military service. This section shall not be construed to retain, in office or in the employment of the City, any person elected or appointed for a definite term of office, or any person appointed by or serving under a person elected or appointed for a definite term of the person by whom he/she was appointed or under whom he/she was serving whose term shall otherwise expire in operation of law.

The employee serving on active duty with the military has the right to convert the City employees’ group term life insurance containing a “war exclusion” provision, which would prevent payment of the double indemnity for accidental death.

Active duty service in the armed forces may qualify for service credit, which may qualify and/or increase the retirement benefits an employee might receive from the retirement program administered by the Utah State Retirement System, as provided by law. It is the employee’s responsibility to contact the State Retirement Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City in behalf of the employee, for former employees serving on active military duty. For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer’s contribution for the period of military service upon the following conditions:

- The reinstated employee requests the City to make the contribution adjustment payment to the Utah State Retirement System.
- The reinstated employee makes the contribution adjustment payment to the Utah State Retirement System as required by law.
- The reinstated employee meets all the criteria for eligibility for the service credit, as provided by state and/or federal law.
Active duty service in the armed forces will be used in calculating the “length of service” for “annual leave” (vacation) for a reinstated employee, pursuant to this manual.

5.8 JURY OR WITNESS DUTY
The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive his/her regular pay when performing jury and witness duty. Money received for jury or witness service must be returned to the City within one (1) week of receipt. Verification of jury and witness duty will be required. If you fail to comply with this policy, disciplinary action may be taken.

5.9 PAID LEAVE/UNPAID LEAVE
Accrued leave must be used during an approved leave in order to maintain City provided benefits. If an employee has no accrued leave and is on approved unpaid leave, all benefits including vacation, sick leave, holiday leave and retirement will be discontinued until the employee returns to work, unless provided for under state or federal guidelines. Insurance benefits may be continued under approved unpaid leave if the full premium is paid by the employee.

5.10 FAMILY MEDICAL LEAVE [FMLA]
The Family and Medical Leave Act of 1993 ("FMLA") grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave per year under specified circumstances related to serious health conditions and childbirth. Employees are encouraged to talk with their Supervisors, Department Head, or Human Resource Director to raise concerns and seek information about the Family and Medical Leave Act [FMLA], or their working conditions related to taking such leave, without fear of retaliation.

5.10.1 ELIGIBLE EMPLOYEES
Only eligible employees are entitled to take FMLA leave. An eligible employee is an:
- Employee who has worked for Midvale City for at least 12 months; and
- Has at least 1,250 hours of service for Midvale City during the 12-month period immediately preceding the leave

Eligible employees are entitled to 12 weeks of paid or unpaid Family and Medical Leave within the calculated leave year if the following definition of serious health condition is met:
- An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing
treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

5.10.2 MILITARY FAMILY LEAVE ENTITLEMENTS
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

5.10.3 ROLLING 12-MONTH PERIOD
A “rolling” 12-month period is measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months. FMLA leaves may be approved for a maximum of 12 weeks in a 12-month period.

EXAMPLE FOR 12-MONTH ROLLING PERIOD
If an employee has taken 8 weeks of leave during the past 12 months, an additional 4 weeks of leave could be taken. If an employee used 4 weeks beginning February 1, 2003, and 4 weeks beginning June 1, 2003 and 4 weeks beginning December 1, 2003, the employee would not be entitled to any additional leave until February 1, 2004. However, beginning on February 1, 2004, the employee would be entitled to 4 weeks of leave, on June 1, 2004 the employee would be entitled to an additional 4 weeks, etc.

5.10.4 INTERMITTENT LEAVE
When medically necessary, you may be eligible to take FMLA Leave intermittently for your own serious health condition, the serious health condition of a spouse, child or parent or for military caregiver leave. You must make reasonable attempts to arrange leave to minimize disruption of the City’s operations. Qualifying exigency leave may also be taken intermittently; however, leave due to the birth or placement of a child for adoption or foster care may not be taken intermittently and must be completed within a 12-month period from the date of birth or placement of the child and requires the City Manager’s approval.
5.10.5 NOTICE OF LEAVE
You should not use FMLA leave to circumvent your department’s leave request procedure. To request FMLA leave, contact Human Resources 30 days in advance of when you want the leave to begin. In case of an emergency, contact Human Resources as soon as is practical. Supervisors also have a responsibility to notify Human Resources if they are aware of an employee with a medical condition who may be eligible to be placed on FMLA leave. Failure to provide timely notice may result in a delay in the start of your leave. Within five business days of your leave request, Human Resources will notify you if the leave will be designated as FMLA Leave.

5.10.6 CONCURRENT LEAVE
When taking FMLA leave for your own serious health condition, you are required to use accrued paid leave (sick leave, compensatory time and vacation) before going on unpaid leave status. The City recognizes that employees may need to take time, under this policy, to care for a seriously ill spouse or family member. Your supervisor may require you to return to work if you use the leave for unrelated activities such as working a second job, or any other activity not related to caring for a family member during regularly scheduled Midvale City working hours.

5.10.7 WORKER’S COMPENSATION LEAVE
An absence from work due to an on-the-job injury or illness, which qualifies as a worker's compensation absence also qualifies as an FMLA absence.

5.10.8 PAID LEAVE DURING FMLA LEAVE
You are required to use accrued vacation, comp--time, or sick leave during a FMLA leave according to the provisions of the City’s sick and annual leave policies. Consistent with sick leave policies, sick leave may only be used to care for the medical needs of you or another qualified individual, as defined in the Family Medical Leave Act. In all other situations, leave without pay will apply.

5.10.9 MAINTENANCE OF BENEFITS
The City will continue health benefits (medical and dental insurance coverage) for benefit-eligible employees during any paid FMLA leave on the same basis as for active employees.

The regularly deducted premiums due for medical and dental coverage during periods of unpaid FMLA leave will be collected according to existing procedures for premium payment during an approved leave without pay. Employees will be contacted by Human Resources regarding provisions for payments. If you fail to make payments for your portion of the insurance premiums in a timely manner, the City may terminate those benefits.

The flexible spending account (“FSA”) program is governed by specifications of the FSA plan. Human Resources will inform employees regarding payment provisions for continuation of the FSA plan during FMLA leave.
Under circumstances where you fail, without cause related to any medical condition, to report back after the leave ends, you may be required to reimburse the City for the health insurance premium costs paid on your behalf during the entire period of the leave.

5.10.10 MARRIED COUPLES WORKING FOR MIDVALE CITY
If you and your spouse both work for Midvale City, the total number of weeks of FMLA Leave to which both employees are entitled will be limited to 12 weeks during any leave year if the leave is taken (1) for the birth of a child, (2) for the placement of a child for adoption or foster care, or (3) to care for a parent with a serious medical condition. Each employee would then be entitled to the difference between the amount of leave taken for the above-mentioned reasons and 12 weeks. Likewise, the total number of weeks of leave to which both employees are entitled will be limited to 26 weeks during a single 12-month period if the leave is taken for (1) Military Caregiver Leave, or (2) a combination of Military Caregiver Leave and leave taken for the birth or placement of a child for adoption or foster care or to care for a parent with a serious medical condition. For example, you and your spouse both take six weeks off for the birth of your child. Those 12 weeks are the maximum combined total you and your spouse can take for the birth of a child. Each employee would then have six remaining weeks of FMLA leave available in the year.

5.10.14 RETURN FROM LEAVE
Upon return from FMLA Leave, you will be restored to your original position or an equivalent position if the original position is not available. Upon returning from leave for your own serious health condition, you may be required to provide a Fitness for Duty ("FFD") certification signed by a health care provider. Failure to provide a FFD certification may delay your return to work. In addition, the City may take any personnel action/decision that would have happened if you had continued to work while you are on FMLA Leave.

If you have any questions regarding FMLA Leave, please contact Human Resources.

5.11 PARENTAL LEAVE
1) In order to care for and bond with their child, employees who are eligible for FMLA leave are entitled to receive up to 2 weeks (80 Hours) of consecutive paid leave due to the birth, adoption or foster care of a child.

2) Parental leave will start on the date of the child’s birth or, in the case of adoption or foster care, the date the child is placed in the employee’s home.

3) Employees will report the pending birth or adoption of a child to their supervisor as soon as practicable.

4) Parental leave will run concurrently (during the same period of time) with FMLA and Short-Term Disability (if applicable).
5) Parental leave is limited to 2 weeks per 12-month rolling period. If additional leave is needed, employees must refer to FMLA policy for options for the additional leave.

5) Employees seeking parental leave must:

- Complete parental leave request form and provide applicable documentation.
- Complete FMLA paperwork as per the FMLA policy.
- File a Short-Term Disability claim (if applicable)

5.14 12 LEAVE WITHOUT PAY
Employees are advised to accumulate leave to have available for unexpected reasons such as vacation opportunities, family events, injury or illness. Employees that have not kept adequate leave balances sometimes want to take leave without pay. The use of unpaid leave may indicate that the employee’s absenteeism is excessive, and therefore, leave without pay is discouraged.

The City may terminate insurance benefits during any leave without pay exceeding one full pay period. Vacation time and sick leave will be prorated based on the hours worked for the pay period when leave without pay is used.

Leaves of absence without pay may be granted by a Department Head for the following reasons only:

- Military Leaves of Absence
- Eligible leave covered under the Family and Medical Leave Act or the Americans with Disabilities Act
- Other medical absences of less than five working days when the Department Head determines that absence will not adversely impact operations
- Temporary leaves of absence to mitigate budget shortfalls
- Jury duty and witness leave
- Disciplinary action
- Previously scheduled commitments of new employees that are agreed to at the time of job offer.

Employees who exhaust all eligible leave and are unable or unwilling to work may be terminated. Any leave without pay must be approved in writing by the Department Head.

5.42 13 ADMINISTRATIVE LEAVE WITH PAY
Administrative leave with pay may be granted with prior approval of the City Manager or designee under the following circumstances:
▪ Pending the outcome of an investigation to determine possible disciplinary action against the employee.

▪ With regard to incidents resulting in extreme stress.

Any employee placed on administrative leave with pay must be available and responsive to their Supervisor or Department Head during regular business hours.

5.13 Leave of Absence

Under special circumstances, employees may find it necessary to request leave without pay for a reason other than family or medical leave.

Full-time employees who have successfully completed their probationary period are eligible to request leave as described in this policy.

Eligible employees may be granted a period of up to 30 consecutive calendar days on a rolling year basis. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 60 consecutive calendar days.

Eligible employees interested in a leave of absence must submit a written request to their Department Head detailing the nature of the leave.

Requests for leave of absence will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant a leave of absence without pay unless it is believed the employee will return to City employment at the end of the leave.

Prior written approval will be obtained from the employee’s Department Head and the City Manager.

During an approved leave of absence, an employee is required to use any applicable and available paid leave before the commencement of any leave of absence without pay.

1) Once the employee has exhausted all his or her applicable leave benefits, they will no longer continue to accrue vacation, sick leave, holiday leave, and other City benefits during the approved leave of absence period, unless provided for under state or federal guidelines.

2) Accrued leave must be used during an approved leave of absence in order to maintain City provided benefits. If an employee has no accrued leave, all benefits will be discontinued until the employee returns to work. Insurance benefits may be continued if the full premium is paid by the employee.

3) At the completion of an approved leave of absence, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified, or in accordance with any leave...
agreement(s). However, the City cannot guarantee reinstatement in all cases and is under no obligation to hold a specific job.

4) If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

5.14.15 TIME OFF TO VOTE

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, their Department Head may grant a reasonable amount of paid time off, up to two hours, for employees to vote. Employees should request time off to vote from their supervisor at least two working days prior to the election day. Advance notice is required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.