MIDVALE CITY COUNCIL MEETING
AGENDA
September 18, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 18th day of September 2018 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM  PRE-MEETING WORKSHOP

6:35 PM  INFORMATIONAL ITEMS
I.  DEPARTMENT REPORTS
II.  CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

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

IV.  PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise 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.

V.  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

VI.  MAYOR REPORT
A.  Mayor Robert M. Hale

VII.  PUBLIC HEARINGS
A.  Consider proposed amendments to the FY2019 Budget for the General Fund and other funds as necessary [Laurie Harvey, Assistant City Manager/Admin Services Director]
ACTION: Consider Resolution No. 2018-R-39 amending the FY2019 Budget for the General Fund and Capital Improvement Projects Fund

VIII. CONSENT AGENDA
A. Consider Minutes of September 4 & 11, 2018 [Rori L. Andreason, HR Director/City Recorder]

IX. ACTION ITEMS
A. Consider Resolution No. 2018-R-40 Appointing Jared Zacharias to the Midvale City Audit Committee [Laurie Harvey, Assistant City Manager/Admin Services Director]


C. Consider Ordinance No. 2018-O-14 Amending Chapter 15.12 of the Midvale Municipal Code regarding Adoption of Building and other Related Codes to add penalty section [Lisa Garner, City Attorney]

D. Consider Resolution No. 2018-R-41 Authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C. [Lisa Garner, City Attorney]

X. DISCUSSION ITEMS
A. Discuss an Amendment to Section 12.08.060 of the Midvale Municipal Code – Vehicles or Animals to use Established Crossings [Garrett Wilcox, Deputy Attorney]

XI. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: SEPTEMBER 14, 2018

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
CITY COUNCIL MEETING
Minutes
Tuesday September 18, 2018
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

COUNCIL MEMBERS: Council Member Bryant Brown - Excused
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; Glen Kennedy, Public Works Director; Laura Magness, Communications Specialist; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Juan Rosario, IT Tech.

PRE-MEETING WORKSHOP – 6:00 p.m.
The Council and staff met for a workshop meeting to discuss any questions the Council had regarding items on the agenda. Kane Loader discussed the Utah League of Cities and Towns Convention in which the main topic was growth.

Mayor Hale called the meeting to order at 6:46 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS
Chief Randy Thomas reviewed the call volume for the department and where they have been concentrating efforts. The UDOT Northbound expansion project is starting to buy houses. They have taken over 6 homes. UPD has been working aggressively with UDOT with clearing garbage out of the homes and securing the homes.

Chief Brad Larson reported Station 125 crew responded on the Herriman fire. They also responded on the Rose Canyon fire, which with the quick response were able to put out the fire. He reported on a recent duplex fire. He explained the accident that caused Chief Burchett's death. One of the 747 dropping the fire retardants hit a pine tree that uprooted and came down on Chief Burchett.

Council Member Glover asked for updates on when the new station will start construction.
Chief Larson reported that they are moving forward on it and are still discussing this station. Mr. Loader said he spoke with Chief Watson and Chief Petersen, and they said the Midvale station is in the next round of bonding. He said the plan is to start construction on some of the worst stations this next year, which moves the Midvale station to the second year of the plan.

Brian Berndt reported he has been working with the Southbound and Northbound groups with UDOT. They have committed to adding sod, irrigation, 100 trees, and a sidewalk along the west side of Adams Street, to the property after the freeway is built. He asked the Council if there was any consideration on recreation fields for the placement of the trees. He suggested something like a little league soccer field. UDOT has a sound wall in the RFP. There will be 50 homes acquired; 35 are willing property owners. UDOT will start demolition on November 1st.

Council Member Paul Glover suggested that staff and/or a consultant look at the property and tell us what can be done with the property.

Matt Dahl reminded everyone about the open house Wednesday evening 4:30 to 6:30 p.m. regarding the Housing Improvement Program.

Glen Kennedy said they had received some electronic speed signs to be installed. He suggested having the traffic officers determine where the best places would be for the signs to be installed. He said the crosswalks on Grant & Chapel will have a refuge island in the middle and pedestrian activated street lights. The lift station that flooded a few months ago is up and going again. Al Hoyne and Curtis Nielsen did a great job in researching to get a less expensive control panel for the lift station.

II. CITY MANAGER’S REPORT
Kane Loader reported there is a group that going to cities pushing a Rank Choice Voting software system. They are very tenacious and are making false statements stating that Utah County can run the Salt Lake County elections if desired, which is not true.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS
Heidi Miller asked if any testing had been done on the Jordan Bluffs area regarding monitoring of the contaminants or vapors.

Kane Loader said there is monitoring on pollution of the ground water. The main concern for public health is contamination of the ground river and the Jordan river. That is constantly being monitored and is sent to the environmental protection agency.

Ms. Miller asked about trees breaking the cap.
Mr. Loader said there will be no trees on the cap only in planter boxes.

V. COUNCIL REPORTS
   A. Council Member Bryant Brown – Excused
   B. Council Member Paul Hunt – Had nothing to report.
   C. Council Member Dustin Gettel – said last week the Community Council held a candidate forum and many of the candidates came. It was a great meeting and is available on Facebook.
   D. Council Member Paul Glover – cautioned about mosquitos that are still out there. The Zika virus is still out there. He said he is still receiving calls regarding the bulky waste and people not doing it correctly. Kane Loader said the calls are starting to dwindle. He will bring it back to the Council around the first of the year with Ace Disposal and see if it is working or not.
   E. Council Member Quinn Sperry – thanked Public Works and Code Enforcement for addressing issues he’s had in a timely manner. The Shelter of the Homeless Committee is still discussing new shelters. They are waiting for information on who the administrators will be over the resource centers. They discussed possibly selling the Rio Grande site. The state has offered to buy the property for $4 million. They will vote on both of these issues at their next meeting.

VI. MAYOR REPORT
Mayor Robert Hale – reported on his attendance to the Utah League of Cities and Towns Convention last week. He recommended the Council attend one of these conferences since they have outstanding workshops and speakers. There was discussion on the future of transportation funding and a gasoline tax that will be on the voters’ ballot. The funds will go into education. It’s not clear what parts of the education will be funded by it. They are also considering changing the way vehicles are taxed, moving away from gasoline to miles driven as soon as January of 2020. There is a challenge with recycling worldwide. It is a serious problem. Materials are being changed for recycling purposes. There were discussions on disasters on the effects and how local government can prepare for disasters. They talked about affordable housing. There is a need for moderate income housing. Utah has the highest growth rate and income increase right now. There is pressure for the cities to address the growth that is sustainable with the least amount of interruption. It is a constant decision process.

MOTION: Council Member Paul Glover MOVED to open a 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.

VII. PUBLIC HEARINGS
A. CONSIDER PROPOSED AMENDMENTS TO THE FY2019 BUDGET FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY

Laurie Harvey reviewed proposed amendments to the FY 2019 budget for the General Fund and Capital Improvement Projects Fund. These amendments cover new revenues available and adjustments in current year operations, including the allocation of salary and benefit adjustments for FY 2019 previously appropriated to a reserve account.

FISCAL IMPACT:
General Fund – $138,000 reduction to Fund Balance
Capital Projects Fund – no change to Fund Balance

Amendments to FY 2019 Midvale City Budget

Amendments to General Fund

• Allocation of reserve account for merit increases
  • $57,800 from “Employee Services” to various departments
  • JAG grant - UPD
  • $15,200 2018 grant
    • Speed trailer
    • Thermal imaging monoculars
    • GPS trackers
  • $15,400 2017 grant (carryover)
    • Wireless mics with earpieces for police radios
    • 55 chairs for precinct
• Recreation Director position
  • Salary and benefits - $27,000
  • Software and operations - $8,000
  • From Fund Balance - $35,000

• Dinners/snacks for Council meetings
  • From Fund Balance - $3,000

• Replace air conditioning unit at Police Station
  • From Fund Balance - $100,000

• Total from Fund Balance - $138,000
  • Leaves FB reserve at approximately $4.1 million - 20.5% of $20 million GF revenue

• Dinners/snacks for Council meetings
  • From Fund Balance - $3,000

• Replace air conditioning unit at Police Station
  • From Fund Balance - $100,000

• Total from Fund Balance - $138,000
• Leaves FB reserve at approximately $4.1 million - 20.5% of $20 million GF revenue

Amendments to General Fund and CIP
• $5,250,000 Grant from Salt Lake County
  • Pass through to CIP for Bingham Junction Blvd

• $470,000 from sale of Main Street basketball court and Museum
  • Increase of $70,000 from FY 2018 estimate
  • Pass through to CIP for Community Center/Bowery project

• $400,000 increase in budget for Community Center/Bowery project
  • $330,000 transfer from "Future Projects" CIP line item
  • Balance from increase in estimated revenue from sale of properties

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

MOTION: Council Member Quinn Sperry MOVED to close the 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.


MOTION: Council Member Quinn Sperry MOVED to adopt Resolution 2018-R-39 amending the budgets of the General Fund and Capital Improvement Projects Fund for the fiscal year ending June 30, 2019. The motion was SECONDED by Council Member Paul Hunt. 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  Absent
  Council Member Dustin Gettel  Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF SEPTEMBER 4 & 11, 2018

MOTION: Council Member Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:
Proceedings of City Council Meeting
September 18, 2018

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

IX. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2018-R-40 APPOINTING JARED ZACHARIAS TO THE MIDVALE CITY AUDIT COMMITTEE

Laurie Harvey said Midvale City established an Audit Committee by Ordinance in October 2013. The committee members are appointed by the City Council. The Committee consists of two members of the City Council, and one government finance expert. The finance expert will be a non-voting member of the committee and may be paid a stipend.

Councilmembers Quinn Sperry and Bryant Brown are currently serving as members of the Audit Committee. Midvale citizen Mont Millerberg’s term has expired. Staff recommended the appointment of Jared Zacharias as the third member of the committee.

Mr. Zacharias has extensive experience with governmental accounting. He currently serves as the Assistant Finance Director for Draper City. Mayor Hale met with Mr. Zacharias earlier this month and is in favor of his appointment. Staff recommended payment of a $50 stipend for each Audit Committee meeting he attends.

MOTION: Council Member Paul Hunt MOVED to approve Resolution No. 2018-R-40 Appointing Jared Zacharias to the Audit Committee of Midvale City and authorizing a stipend of $50 per meeting. 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 Absent
Council Member Dustin Gettel Aye
The motion passed unanimously.

B. CONSIDER ORDINANCE NO. 2018-O-13 AMENDING CHAPTER 5 OF THE MIDVALE MUNICIPAL CODE REGARDING FOOD TRUCKS

Brian Berndt said Midvale City does not currently have an ordinance to license mobile food trucks. Proposed Chapter 5.36 of the Midvale Municipal Code will establish the conditions in which the City can license and regulate mobile food trucks in accordance with Utah S.B. 250 and Midvale City policies. This new provision states that it is unlawful for any food truck to engage in vending without first having obtained a food truck license, and requires that a food truck adhere to federal, state, and local laws, regulations and policies. This includes, but is not limited to, the City’s zoning, noise, stormwater, building, and fire ordinances, as well as the Salt Lake County Health Department’s Regulations.
Proposed Chapter 5.36 provides definitions pertaining to food trucks, differentiating between Food Carts and Food Trucks. It provides regulations pertaining to application requirements, operations, permitted locations, prohibited acts and compliance with the law.

MOTION: Council Member Dustin Gettel MOVED to approve Ordinance No. 2018-O-13 creating a provision for licensing mobile food trucks in Title 5 of the Midvale Municipal Code. The motion was SECONDED by Council Member Paul Hunt. 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  Absent
       Council Member Dustin Gettel  Aye

The motion passed unanimously.

C. CONSIDER ORDINANCE NO. 2018-O-14 AMENDING 15.12 REGARDING ADOPTION OF BUILDING AND OTHER RELATED CODES TO ADD PENALTY SECTION

Lisa Garner said Utah has adopted a number of standardized constructions codes with the State Construction and Fire Codes Act (Title 15 A of the Utah Code). These codes include the International Building Code, the International Residential Code, the International Plumbing Code, the International Fuel Gas Code, and the National Electrical Code to name a few. These codes “establish provisions that adequately protect public health, safety and welfare [and] that do no unnecessarily increase construction costs” (Preface, 2018 International Building Code).

Under Utah Code § 15A-1-207, the administration and enforcement of these codes has been delegated to agencies and political subdivisions of the State including Midvale City. These construction codes empower jurisdictions to enforce certain violations including not correcting a violation or continuing to work after a stop work order has been issued. However, these codes do not identify the penalties for such violations. Instead, they state “[a]ny person who violates a provision of this code […] shall be subject to penalties as prescribed by law” (2018 IBC 114.4).

While state law makes it unlawful and provides penalties for an individual that fails to obtain a building permit, it does not provide penalties for other violations of the construction codes (Utah Code Ann. § 58-55-501(7) and 503(1)(a)(i)). Instead the penalties for these violations are left to the jurisdiction to establish. Midvale City currently does not have penalties affixed to these violations, and, as a result, the Building Department has lacked the power to intervene and ensure compliance at an early stage.

As violations of these construction codes involve the health, safety, and preservation of residents and property, Staff proposes making it a class B misdemeanor to violate these construction codes or any lawful order from the Building or Fire departments. This is in
line with many of the City’s neighboring municipalities. To Staff’s knowledge, no municipality has adopted a penalty for these violations less than a class C misdemeanor.

It is important to note that Staff does not wish to criminally prosecute every violator. Instead, Staff wishes only to ensure compliance with these constructions codes to protect the health, safety, and preservation of residents and property. While many individuals are happy to comply with the constructions codes, there are some who refuse. By adopting penalties for these violations, the Staff will be more effective in ensuring compliance because their enforcement actions can begin earlier and will be backed with legal consequences.

She discussed the proposed amendment to the Building Code and related codes to add a penalty section as follows:

**Purpose of Amendment**
- Chapter 15.12 does not contain an enforcement provision for those who violate the ordinance.
- Most frequent violation is doing work without obtaining a building permit.
- Currently, the only enforcement tool our building officials have is to file a Notice of Non-Compliance on the property.
- The purpose of this amendment is to add a mechanism in which the City can enforce building code violations.
- It is believed that this will deter future and continued violations.

**Violation**
- A. Unlawful for any person or entity to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building in violation of this chapter.
- B. Unlawful for any person or entity to fail to comply with a lawful order of the building official, building inspector, or fire marshal.
- C. Any person or entity who violates the provision of this ordinance is guilty of a Class B Misdemeanor. Each day violation occurs and continues is a separate offense.

**MOTION:** Council Member Quinn Sperry MOVED to approve Ordinance No. 2018-O-14 amending Chapter 15.12 Adoption of Building and other codes. The motion was SECONDED by Council Member Paul Hunt. 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  Absent
- Council Member Dustin Gettel  Aye

The motion passed unanimously.
D. CONSIDER RESOLUTION NO. 2018-R-41 AUTHORIZING THE MAYOR TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH GARDNER AND COMPANY

Lisa Garner said Midvale City received a grant in the amount of $6,750,000.00 from the State of Utah for the expansion of Bingham Junction Boulevard. The grant funds must be used for the construction of the extension of Bingham Junction Boulevard. Gardner Jordan Bluffs, L.C. is the developer who is responsible for the expansion of Bingham Junction Boulevard and has already begun construction on Bingham Junction Boulevard. The expansion extends Bingham Junction Boulevard from 7800 South to Sandy Parkway. The estimated cost of this construction is in excess of $7,300,000.00. Midvale City will receive the monthly payments in the amount of $600,000.00 from Salt Lake County and then pay that amount to Gardner Jordan Bluffs, L.C. in accordance with the terms of the Reimbursement Agreement. A resolution has been prepared for Council consideration authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C.

MOTION: Council Member Dustin Gettel MOVED that we suspend the rules and approve Resolution No. 2018-R-41 a resolution authorizing the Mayor to enter into a Reimbursement Agreement with Gardner Jordan Bluffs, L.C. 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  Absent
- Council Member Dustin Gettel  Aye

The motion passed unanimously.

X. DISCUSSION ITEMS
A. DISCUSS AN AMENDMENT TO SECTION 12.08.060 OF THE MIDVALE MUNICIPAL CODE — VEHICLES OR ANIMALS TO USE ESTABLISHED CROSSINGS

Lisa Garner discussed the 12.08.060 Municipal Code.

12.08.060 Vehicles or animals to use established crossings.

A. A self-propelled vehicle is defined as any vehicle that is propelled by its own engine, motor, or the like. A self-propelled vehicle does not include the following:
   i. a vehicle moved solely by human power;
   ii. a motorized wheelchair;
   iii. an electric personal assistive mobility device as defined in Utah Code Ann. § 41-6a-102(18), as amended;
   iv. an electric assisted bicycle as defined in Utah Code Ann. § 41-6a-102(17), as amended; or
   v. a personal delivery device as defined by Utah Code Ann. § 41-6a-1119, as amended,
B. It is unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings. (Prior code § 11-366)

She said this item would be brought back in the future for action.

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 8:02 p.m.

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

Approved this 2\textsuperscript{nd} day of October 2018.
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<th>ADDRESS</th>
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<tbody>
<tr>
<td>JoAnn Seppini</td>
<td>7890 Pioneer</td>
<td>Midvale</td>
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<tr>
<td>Heidi Miller</td>
<td>1653 W. Lenna</td>
<td>Midvale</td>
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Tuesday, September 18, 2018