MIDVALE CITY COUNCIL MEETING
AGENDA
December 4, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 4th day of December 2018 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM PRE-MEETING WORKSHOP
I. STAFF REPORTS

7:00 PM REGULAR MEETING

II. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. UPD AND UFA REPORTS
D. Recognize Shane Liedtke and Evan Hanson for Service on Planning Commission

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

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

V. MAYOR REPORT
A. Mayor Robert M. Hale
VI. **PUBLIC HEARINGS – 7:00 p.m.**

A. **Consideration of Main Street Small Area Plan [Annaliese Eichelberger, Project Manager]**

   **ACTION:** Approve Resolution No. 2018-R-47 approving the Main Street Small Area Plan

B. **Consideration of Ordinance No. 2018-O-16 approving the Creekview Apartments rezone of 3.4 acres to include Regional Commercial Residential Overlay for 227-Mixed Use Project located at 7205 South 900 East; Applicant Adam Davis RW Midvale Creekview LLC**

   **ACTION:** Approve Ordinance No. 2018-O-16 Adopting Creekview Apartments rezone of 3.4 acres to include Regional Commercial Residential Overlay for 227-Mixed Use Project located at 7205 South 900 East; Applicant Adam Davis RW Midvale Creekview LLC

VII. **CONSENT AGENDA**

A. **Consider minutes of November 13, 2018 [Rori Andreason, H.R. Director/City Recorder]**

B. **Consider Resolution No. 2018-R-48 Adopting the Midvale City Council Meeting Schedule for 2019 [Rori Andreason, H.R. Director, City Recorder]**

C. **Consider Resolution No. 2018-R-45 Amending Section 5.0 Leave Policies and Procedures Manual [Rori Andreason, H.R. Director/City Recorder]**

D. **Set date and time [December 11, 2018 at 7:00 p.m.] for a public hearing to consider amendments to the FY2019 Budgets [Laurie Harvey, Assistant City Manager/Admin Services Director]**

VIII. **ACTION ITEMS**

A. **Consider Resolution No. 2018-R-49 Appointing Zachary Smallwood as a full member of the Planning Commission [Robert M. Hale, Mayor]**

B. **Consider Resolution No. 2018-R-50 Appointing Tayler Jensen as an alternate member of the Planning Commission [Robert M. Hale, Mayor]**

C. **Consider Resolution No. 2018-R-51 Appointing Robyn Anderson as an alternate member of the Planning Commission [Robert M. Hale, Mayor]**

D. **Consideration to Amend Ordinance 2018-O-15 correcting errors found in prior ordinance [Alex Murphy, Associate Planner]**

E. **Discussion and Action on the City’s position to pursue ordinance changes regarding pygmy goats [Kane Loader, City Manager]**
F. Discussion and Action on the City’s position to develop an ordinance that would prohibit or limit vehicle idling within the City’s corporate boundaries. [Kane Loader, City Manager]

G. Discussion and Action regarding the City’s preference on a future location for a new Recreation/Aquatic Center [Kane Loader, City Manager]

IX. DISCUSSION ITEMS
   A. Discuss Amendment to Loitering Ordinance [Lisa Garner, City Attorney]
   B. Discuss Proposed Amendments to the FY2019 Budget [Laurie Harvey, Assistant City Manager/Admin Services Director]

X. 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: NOVEMBER 30, 2018

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT: Public Hearing and Approval of Resolution No. 2018-R-47 Adopting the Midvale Main Street Small Area Plan.

SUBMITTED BY: Annaliese Eichelberger, Project Manager

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

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

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

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

Agency and consultant staff members will provide any additional information or background that the City Council requests. The City Council may request changes to the document for further review at a future meeting or request additional time to consider the presented materials.

RECOMMENDATION MOTION – APPROVAL: “I move that we approve Resolution 2018-R-47 adopting the Midvale Main Street Small Area Plan.

ATTACHMENTS: Draft Midvale Main Street Small Area Plan
RESOLUTION No. 2018-R-47

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY ADOPTING THE MIDVALE MAIN STREET SMALL AREA PLAN.

WHEREAS, Midvale City (“City”) adopted its updated General Plan on October 18, 2016 which recommended the preservation of historic Midvale Main Street; and

WHEREAS, on November 17, 2015 the Redevelopment Agency of Midvale City (“Agency”) adopted Resolution 2015-13RDA approving the Community Development Project Area Plan for the Midvale Main Street Community Development Project Area (“CDA”); and

WHEREAS, the Agency and Midvale City (“City”) seek to revitalize and preserve the CDA and the Main Street neighborhood; and

WHEREAS, the City believes a Small Area Plan would assist in the revitalization and preservation of the Midvale Main Street neighborhood and CDA; and

WHEREAS, significant public input was generated as part of the small area planning process the through online surveys and open houses; and

WHEREAS, the Agency, in cooperation with the City, has prepared the Midvale Main Street Small Area Plan based on public input, market data, and best practices; and

WHEREAS, the City seeks to incorporate the Midvale Main Street Small Area Plan as City policy for the purpose of guiding future revitalization and preservation efforts; and

WHEREAS, on October 24, 2018 the Planning Commission forwarded a positive recommendation of the Midvale Main Street Small Area Plan to the City Council.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, that the City Council does hereby approve and adopt the Midvale Main Street Small Area Plan for the purpose of guiding future revitalization and preservation efforts within the Main Street neighborhood and the Midvale Main Street Community Development Project Area.
PASSED AND ADOPTED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, this ______day of ____________, 2018.

___________________________________
Robert Hale
Mayor

___________________________________
Kane Loader
City Manager

ATTEST:

______________________________
Rori L. Andreason, MMC
City Recorder

Voting by the City Council: “Aye” “Nay”

Dustin Gettel
Paul Glover
Quinn Sperry
Paul Hunt
Bryant Brown
SUBJECT:

Public Hearing on request to rezone property located at approximately 7205 South 900 East from the Regional Commercial (RC) zone to Regional Commercial with Residential Overlay (RCRO) zone to redevelop the property into a mixed-use project with 227 residential units and 7500 SF of commercial space.

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

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

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

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

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

GENERAL PLAN AND ORDINANCE CONSIDERATIONS:

The 2016 Midvale City General Plan locates the subject properties in the Fort Union Opportunity Area. The General Plan identifies the following future land use goals for this Opportunity Area:
1. Diversify and increase density of land use mix to develop a compact full-service pedestrian scale walkable shopping center.
2. Provide and implement new bike routes to complete the transportation system.
3. Support redevelopment of the area to include mixed office/residential and commercial uses by incorporating structured parking.
4. Strengthen retail uses in the vicinity of the Shops at Fort Union to remain competitive.
5. Enhance Fort Union Boulevard with urban design standards to create a distinct area character.
6. Enhance public transit to the Fort Union area.
7. Improve internal circulation in the Fort Union area.
8. Attract visitors traveling on Fort Union Boulevard to the Cottonwood Canyons.

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

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

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

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

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

**PLANNING COMMISSION RECOMMENDATION:**

Section 17-3-1 of the Midvale City Municipal Code requires the Planning Commission hold a public hearing and adopt a written recommendation to the City Council, advising the City Council to approve, disapprove, or modify a request on all zoning map amendments.
The Planning Commission reviewed this development proposal and conducted a public hearing on November 14, 2018. The Planning Commission considered the submitted information and public comment before making a decision to recommend approval of the rezone request including the associated development plan with the following motion:

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

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

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

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

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

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

RECOMMENDED MOTION – TABLE DECISION:

“I move that we table a decision on the proposed rezone until the Development Agreement is presented to the Council and the following comments are addressed:

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
• Preliminary Landscape Plan
• Preliminary Floor Plans
• Preliminary Building Elevations and Renderings
• Planning Commission Decision Letter
• Traffic Impact Study Executive Summary
November 15, 2018

Adam Davis
adavis@rockworthco.com

RE: Rezone/Conditional Use Permit/Preliminary Site Plan: Creekview Apartments at approx. 7205 South 900 East

Mr. Davis:

This letter is to confirm action taken by the Midvale City Planning Commission at their regularly scheduled meeting on Wednesday, November 14, 2018 and shall serve as the official decision with regards to the above application request. It was the decision of the Planning Commission to recommend approval of the proposed rezone and approve the Conditional Use Permit and Preliminary Site Plan for a mixed-use project at approximately 7205 South 900 East using the following motions:

Rezone:

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

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

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

Conditional Use Permit/Preliminary Site Plan:

*Based on the following findings, I move that we approve the Preliminary Site Plan and Conditional Use Permit request for the proposed redevelopment of property at 7205 South 900 East with the subsequent conditions of approval:*

**Findings:**

1. With the conditions included in this approval, the proposed preliminary site plan complies with the development standards and requirements of the Regional Commercial zone with Residential Overlay;
2. The recreational amenity areas are appropriate and adequate for the proposed mixed-use project;
3. The use of the parking structure by commercial tenants is appropriate, provided a minimum of 372 stalls are reserved for resident use and a direct pedestrian connection is established between the parking structure and commercial space; and

4. The overall proposed architectural design, including openings, façade shifts, and variation in exterior materials and colors, is appropriate for the area with the changes required below.

5. Fencing is necessary for protection of recreational amenities or screening of ground level equipment and service areas between the single-family residence and canal adjacent to the project area.

Conditions of approval:

1. This approval is contingent upon the City Council approving the rezone request for the subject properties to include the Regional Commercial Residential Overlay;

2. The applicant shall prepare and submit a Final Site Plan application to be reviewed and approved by the City Engineer, Fire Marshal, and City Planner. The Final Site Plan application shall include the following:
   
   a. Those changes necessary to comply with the City Engineer, Fire Marshal, and Salt Lake City Public Utilities requirements;
   b. Detailed plans, including fixtures, improvements, and programming, where applicable, for the plaza space to be located along 900 East;
   c. A Snow Removal and Storage Plan;
   d. A revised landscape documentation package complying with the landscape and site design standards of the RCRO zone;
   e. A non-sight-obscuring fence shall be provided along the canal. Details for the proposed fencing shall be provided;
   f. Detailed plans for the recreational amenity areas;
   g. An improved pedestrian connection between the proposed project and The Shops at Fort Union property across North Union Avenue. The applicant shall work with the owner of The Shops property to determine the appropriate location;
   h. Stamped concrete, asphalt, or other distinguishable material where pedestrian walkways cross roads or driveways;
   i. Approval by the City Engineer of the reduction in stall length across the parking garage;
   j. A Lighting Plan, complying with the City’s exterior lighting standards, for the surface parking areas, parking structure, and pedestrian areas;
   k. Building Elevations clearly showing materials, colors, and coverage percentages. Color samples shall be provided; and
   l. Details for the trash enclosure. The enclosure shall provide complete screening and be compatible with the building. The enclosure may be located inside the parking garage.

3. The applicant shall comply with all requirements from the City Engineer, Building Official, and Fire Marshal.

4. All signage on the property shall comply with the requirements of the RCRO zone and sign permits shall be obtained prior to installation of such signage.

5. The applicant shall work with the City to draft a Development Agreement for this project site. This agreement shall be executed in conjunction with the effective
date of the ordinance approving the rezone to allow the Regional Commercial Residential Overlay.

I will tentatively schedule this item for the Council agenda on December 4 and begin work on the Development Agreement.

Should you have any additional questions, please contact our office. My direct contact information is available below.

Sincerely,

Alex Murphy
Associate Planner
Midvale City
7505 S Holden Street
Midvale, UT 84047
amurphy@midvale.com
(801) 567-7231 (office)
(801) 567-0518 (fax)
EXECUTIVE SUMMARY

This study addresses the traffic impacts associated with the proposed Creekview Apartments located in Midvale, Utah. The proposed project is located on the east side of 900 East, between North Union Avenue and South Union Avenue.

Included within the analyses are the traffic operations and recommended mitigation measures for existing conditions and plus project conditions (conditions after development of the proposed project) at key intersections and roadways near the site. Future 2024 conditions were also analyzed.

The evening peak hour level of service (LOS) was computed for each study intersection. The results of this analysis are shown in Table ES-1.

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1. Intersection LOS and delay (seconds/vehicle) values represent the overall intersection average for roundabout, signalized, all-way stop controlled intersections and the worst approach for all other unsignalized intersections.

2. This intersection is a project access and was only analyzed in "plus project" scenarios.

Source: Hales Engineering, November 2018
SUMMARY OF KEY FINDINGS/RECOMMENDATIONS

The following is a summary of key findings and recommendations:

- All study intersections are currently operating at acceptable levels of service during the evening peak hour in existing (2018) background conditions.
  
  - The development will consist of residential townhomes, apartments, and retail space.
    
    - The access onto 900 East does not meet minimum spacing requirements as outlined in UDOT’s R930-6 rules and will require a variance.
    
    - It is recommended that the South Access intersection be painted, striped, and signed saying “Do Not Block Intersection” to allow vehicles to enter the access.
  
  - All study intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added except Fort Union Boulevard / 900 East, North Union Avenue / 900 East, West Access / 900 East, and South Access / South Union Avenue.
    
    - The potential for the South Access to be blocked by upstream intersection queues may prohibit vehicles from entering the access and backing up traffic.
    
    - It is recommended that the South Access intersection be painted, striped, and signed saying, “Do Not Block Intersection.”
    
    - With the inclusion of the recommended mitigation measures, all intersections in the study area are anticipated to perform at acceptable LOS except North Union / 900 East.
      
      - Making turns onto busy roadways is commonly known to be difficult and may take longer than normal to perform. North Union Avenue is only 200 feet from Fort Union Boulevard and queues from this intersection will occasionally block the North Union Intersection with 900 East.

- The Hillcrest high School is planned to be rebuilt in the near future. The traffic and intersection improvements/changes have been incorporated into this analysis.

- All study intersections are anticipated to operate at acceptable levels of service during the evening peak hour in future (2024) background conditions, except North Union Avenue / 900 East.

  - Making turns onto busy roadways is commonly known to be difficult and may take longer than normal to perform. North Union Avenue is only 200 feet from Fort Union Boulevard and queues from this intersection will occasionally block the North Union Intersection with 900 East.
For the future (2024) plus project conditions, all study intersections are anticipated to perform at acceptable LOS during the evening peak hour except North Union Avenue / 900 East.

- Making turns onto busy roadways is commonly known to be difficult and may take longer than normal to perform. North Union Avenue is only 200 feet from Fort Union Boulevard and queues from this intersection will occasionally block the North Union Intersection with 900 East.
Mayor Hale called the meeting to order at 6:30 p.m.

PRE-MEETING WORKSHOP

I. STAFF REPORTS

Council Member Bryant Brown and Council Member Dustin Gettel questioned how the swimming pool location was moved to the east side. Council member Dustin Gettel said he thought the location was going to be investigated rather than just being moved from Jordan Bluffs to the east side by the high school. And now there is no fitness center being built on Jordan Bluffs either.

Kane Loader said he would schedule this item for discussion with the council for an update. He said staff is working with Gardner to see what will be included in the development agreement.

Council Member Paul Glover said three years ago the City Council all wanted the pool located by Hillcrest. The County said it had to be located at Copperview or nothing. Now the City has two choices. All of the people on the east side have never received anything since incorporation. They feel nothing has been done for them. He said he would support it up there for that reason and it provides the high school and middle school somewhere
to go swim. He said he wants a recreation center and a swimming pool. A decision needs to be made as to the location.

Council Member Dustin Gettel said why can’t this question be put out there to ask the citizens where they want it?

Matt Dahl said one consideration is to think about the people that aren’t living there yet.

Mayor Hale said even though the Council represents one district, they are representing the city as a whole.

Council Member Dustin Gettel said he would like to see a comparison of the costs to build in both locations.

Council Member Quinn Sperry said the east side residents do feel the west side gets all the amenities such as parks.

Kane Loader said the second meeting in December this item will be on the agenda for an update with information so that the Council can make a decision.

Council Member Paul Glover said he would like to see a bundle from UTOPIA be offered in the new developments.

Dustin Gettel asked if UTOPIA could be offered to individual apartment units? Kane Loader said it’s up to the owner of the complex.

Mayor Hale said there have been items on the tabled list (i.e. pygmy goats, no idling, districting). He wanted to get a sense of where the Council would like to go with these three items that Council Member Dustin Gettel brought up to the City Manager.

Mayor Hale said the census comes out in 2020, so at that time a committee can be put together to work on the districting. He asked if the Council wanted to bring up the Pygmy goat issue.

Kane Loader said a moratorium was placed on it May 15th. The Council needs to decide what direction they would like to go.

Council Member Dustin Gettel suggested accepting pygmy goats as non-livestock. He felt a weight limit should be placed on them, so someone cannot have 150-pound pygmy goat. No one complains about the goats and they are well taken care of. He doesn’t know why the council wouldn’t want to help someone who has come to the city asking for help.
Council Member Paul Glover said the problem is opening this up and then if someone does have problems, they have to be dealt with.

Council Member Dustin Gettel said to place a restriction on how many pygmy goats an individual can have. He recommended passing an ordinance that identifies pygmy goats as a pet and not livestock. Then if there is a nuisance, proceed with the nuisance ordinance.

Council Member Bryant Brown said the restriction would have to be two pygmy goats since they cannot be alone.

Kane Loader recommended also including neutering and dehorning.

Council Member Quinn Sperry said he would rather not have them, but if you do, have restrictions on the lot size. Council member Paul Hunt agreed with Council member Quinn Sperry. Council Member Paul Glover said he would also like some type of a lot size.

Council Member Dustin Gettel said he did a Facebook poll with 92 respondents who were in favor. He suggested to use Qualtrics for a survey.

Laura Magness said she doesn’t have a good pool of email addresses. Council Member Dustin Gettel said if the housing survey was valid, use the same list for the pygmy goats. Laura Magness said she is working with Qualtrics to develop an email address pool.

Mayor Hale opened the business meeting at 7:10 p.m.

II. 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.
   C. UPD AND UFA REPORTS
Chief Randy Thomas updated the Council on recent incidents. He reported that one of his sergeants recently passed away. A memorial service and viewing will take place this Thursday and Friday with full honors. He said he really appreciates the speed signs. He felt they are making a difference in speed enforcement. He said he just got word a week ago that the Midvale Rotary Club is sponsoring “Shop with a Cop”.

Chief Brad Larsen reported on efforts the Midvale Fire Stations made to get the safety message out to the public and schools. He reviewed the individuals that went to California to assist with the “Camp Fire”. He said he would have some statistics at the next meeting.

III. PUBLIC COMMENTS
Sophia Hawes-Tingey said she was speaking as the chair of the transgender inclusion project. On November 20th is the annual International Transgender Day of Remembrance. The Community Council annual pot luck is the first Wednesday in December. All are invited.

Wade Walker thanked the Council, Mayor and Staff for the pickle ball courts. He said it was a good investment for quality of life for Midvale. He also thanked the city for the speed limit signs.

IV. COUNCIL REPORTS
A. Council Member Paul Hunt – said there was a great turnout at the Veteran’s Day celebration. He thanked the staff and Laura for their efforts. He said many people are complaining about the UDOT plant on 7200 South. He asked Kane to say something to UDOT and keep it clean as possible.

Council member Paul Glover said he can hear the plant all night long at his house.

B. Council Member Dustin Gettel – said midterm elections took place and we have two new individuals to represent Midvale. Andrew Stoddard and Kathleen Riebe. He looks forward to working with both of them. The Community Council had their new elections. Sophia Hawes-Tingey was elected Chair, Steve Hurcheck, Vice Chair, Jodi Smith, Secretary, Susan Hale, Treasurer. He reported on several issues discussed during the Community Council meetings where everyone is invited to attend. Ranked choice voting has been discussed previously. The Lt. Governor’s office has decided to try ranked choice voting. He felt the group that wanted to discuss ranked choice voting should be able to present to the city.

C. Council Member Paul Glover – said he was in California yesterday morning trying to get to the airport and the fires are real. It took him an hour and a half to go a mile.

D. Council Member Quinn Sperry – said on 1000 East Jordan Valley has been doing construction for the last 120 days. He asked how much longer they would be. Glen Kennedy said he will follow up on this.

E. Council Member Bryant Brown – said the medians are being put in on Center Street. He felt it would provide some additional safety. He said the Holladay City citizen referendum passed. He felt cities should take note. Council members represent the citizens at large and need to listen to them.

V. MAYOR REPORT
Mayor Robert Hale – reported that the city is paying insurance premiums to the Utah local governments trust and they have a program to remit funds if various entities perform well and their workers are safe. This year Midvale City will receive $26,867 of premium relief credit. He applauded the employees. The cities are encouraged to implement safety
incentive programs within the city. He said he, Kane Loader City Manager, Brian Berndt, Assistant City Manager met with S L County Parks and Recreation and Canyons School District to see what the possibilities are for a recreation complex on the Union Park grounds at 700 East and 7300 South. These are ongoing negations. The timeframe is somewhere around 10 to 12 years from now. They are also looking at recreation facilities at the Jordan Bluffs, but there is nothing certain right now. He said he attended the Keys to Success with Progressive Insurance Claims Center. They presented three automobiles to our armed forces Veterans. They took cars that had been totaled and repaired them. The cars were brought back to be 100%; they were painted, licensed and insured. He said he would be meeting with the Joint Board Team with UTA so if anyone had any long-term issues with UTA to let him know.

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

VI. PUBLIC HEARINGS
A. CONSIDER A FINAL SUBDIVISION PLAT FOR THE PEAR HOLLOW SUBDIVISION LOCATED AT 156 EAST FORBUSH AVENUE FROM APPLICANT RYAN LITKE

Alex Murphy stated the proposed Pear Hollow Subdivision plat consists of two (2) proposed lots on a total of approximately 0.50 acres located at 156 East Forbush Avenue. This request was submitted by Ryan Litke, owner of the property, for the purpose of creating a flag lot behind the existing single-family dwelling on the property. This property is zoned Single Family Residential (SF-1) and would allow a single story single-family house to be constructed on the flag lot once the subdivision plat is recorded. The applicant is not proposing to construct this house at this time.

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 October 10, 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 Pear Hollow 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. The applicant shall stake the location of the property boundary and proposed flag lot driveway and obtain approval from the Fire Marshal and City Planner of the configuration prior to recording the final subdivision plat. Should the existing fire hydrant obstruct access to the flag lot driveway or reduce the base lot width below the required minimum, relocation of the hydrant shall be required and shall be
guaranteed by a cash bond or approved alternative prior to recording the final subdivision plat.

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 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.

5. Two improved parking spaces shall be constructed in 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 applicant has revised the plan to relocate the existing fire hydrant to avoid conflicts with the future flag lot driveway. The duty to serve letters and utility notices have been provided.

The proposed subdivision plat was reviewed and approved by the City Engineer, provided some minor technical revisions are completed, and Fire Marshall. The City Engineer will ensure the fire hydrant has been relocated or require the applicant to post a bond for the relocation prior to signing the subdivision plat for recording. The only recommended condition from the Planning Commission that has not been addressed is the requirement for two off-street parking stalls for the existing house.

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.

STAFF RECOMMENDATION:
Staff recommended the City Council approve the final subdivision plat for the Pear Hollow Subdivision with the following conditions:

1. Two improved parking spaces shall be constructed in side or rear yard of the base lot house prior to the subdivision plat being recorded.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

Mayor Hale opened the hearing to public comment.

Ryan Litke discussed the parking and accommodating the traffic. He said the neighbor to the west will purchase the lot adjacent to him.

MOTION: Council Member Paul Glover 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.
ACTION: CONSIDER A FINAL SUBDIVISION PLAT FOR THE PEAR HOLLOW SUBDIVISION LOCATED AT 156 EAST FORBUSH AVENUE FROM APPLICANT RYAN LITKE

MOTION: Council Member Paul Hunt MOVED that 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 Pear Hollow Subdivision with the following conditions:

1. Two improved, off-street parking spaces shall be constructed for use by the base lot house prior to the subdivision plat being recorded.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

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.

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF OCTOBER 16, 2018

MOTION: Council Member Bryant Brown MOVED to approve the consent agenda. 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.

MOTION: Council Member Quinn Sperry MOVED to move item 9A Report from Arts Council up in the agenda. 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.
X. DISCUSSION ITEM

B. REPORT FROM ARTS COUNCIL

Wade Walker said he is standing in for Stephanie Johnson, Chair, as she was not able to attend that night. He reported on the Arts Council programs for the past year. It has been a part of the city for the past 35 years. They were a city funded entity until 2012 when the Arts Council became a separate 501C3 non-profit organization. The City Council recognized the Arts Council as the official arts entity of the city. They have free concerts, low cost theatrical productions, outreach programs, Harvest Days involvement and rent out the arts council facilities. Since they became a non-profit since 2012, they rely heavily on the city and the Zoo Arts and Parks Programs for on-going support. They feel that they have used those funds to enhance the quality of life and promote a positive image in our city.

Theatrical productions include 150 cast and crew members with over 1500 in attendance to these productions. They hope to add value to the Main Street revitalization. They have free concert Fridays. They present those concerts for free to the citizens of Midvale. They have sponsors that had displays set up at the concerts and gave away free gifts as well as dessert vendors. Their estimated attendance for the summer concerts series for the course of the summer was about 3,000 people. They continue to support Harvest Days with the Hall of Honors, Arts Contest, and the Youth Ambassadors induction and recognition ceremony. They also helped to arrange entertainment acts on the stage for Harvest Days throughout the day.

He introduced Bob Bedore to talk about the outreach programs. Mr. Bedore said it is important to them to not just be a performance arm for the city. He feels that the arts bring confidence and creativity to the children. Quick Wits has done many outreach programs. They build trust, acceptance, and teamwork. The Boys and Girls Club are sponsored to be a part of the outreach programs. The Art Show had over 100 art pieces that were submitted. The facility rentals had diverse rentals with dance groups, operas, and other municipalities. They have over 30 improv groups come to Midvale. He thanked the Council and City for their support.

Wade Walker said the revitalization of Main Street could be a tremendous thing for the city. He also thanked the Council and City for their support.

Council Member Bryant Brown said that these people are all volunteers. They spend countless hours working very hard. He challenged everyone to attend a concert and or theater production this upcoming year.

Council Member Dustin Gettel asked if Wade Walker could work with Laura Magness to put the Arts Council video they showed on social media.

IX. ACTION ITEM
A. CONSIDER A FINAL SUBDIVISION PLAT FOR THE 7TH AVENUE COTTAGES PUD LOCATED AT 7575/7601 SOUTH 700 EAST FROM APPLICANT BRIAN McMULLIN

Alex Murphy said the proposed Cottages on 7th Subdivision plat consists of seven (7) proposed residential lots and additional common area on a total of 1.16 acres located on 700 East. This request has been submitted by Brian McMullin, representing the owners of the two properties involved, as part of an overall proposal for a Master Planned Development. The Planning Commission granted approval of the Conditional Use Permit and Preliminary Site Plan for the Master Planned Development, subject to the City Council’s approval of the subdivision plat.

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 April 25, 2018 and issued a decision and recommendation on the application on May 9, 2018. The Council conducted a public hearing on this subdivision plat on June 5, 2018 and approved the preliminary subdivision plat 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 and a requirement stating garbage cans be stored in the garage, 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 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.

7. The applicant shall provide accommodations for the irrigation ditches running west and north across the property prior to final plat approval.

The applicant has prepared and submitted the final plat. The Final Site Plan for the Master Planned Development has been approved. The CC&Rs have been drafted and approved. Duty to serve letters and utility notices have been provided. The note regarding no parking
being allowed on the private road has been added to the plat. An irrigation easement for the irrigation ditch on the property and approval from the canal company for development along the canal bank have been provided. The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall.

The last remaining requirement before recording the subdivision plat is to remove the existing structures on the property. Staff recommends including this requirement in a motion to approve the subdivision plat.

STAFF RECOMMENDATION:
Staff recommended the City Council approve the final subdivision plat for the 7th Ave Cottages Subdivision with the following conditions:

1. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.
3. The approved CC&Rs shall be recorded concurrently with the subdivision plat.

MOTION: Council Member Bryant Brown MOVED that 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 7th Avenue Cottages Subdivision with the following conditions:
1. The subdivision plat and associated documents shall not be recorded until all existing structures have been removed from the property.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.
3. The approved CC&Rs shall be recorded concurrently with the subdivision plat.

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.

B. CONSIDER RESOLUTION NO. 2018-R-46 CONFIRMING THE APPOINTMENTS OF TY MONTALVO, CHRIS KIMBALL, ROBERT PINON, MARK CHESLEY, CURT BROOKS, AND DONNA JACKSON TO THE BOARD OF APPEALS
Brian Berndt said as a Building Code Compliance Agency under State law, Midvale City has the responsibility to review, inspect, and enforce compliance with the State’s adopted building codes. Don Steffensen, our Building Official, is primarily responsible for overseeing these responsibilities and interpreting the building codes on the City’s behalf. If a person disputes Don’s application or interpretation of a code, they are entitled to an appeal under Utah Code Ann.15A-1-207(3).

Midvale has established a Board of Appeals under Midvale Municipal Code 15.06.010 to hear appeals of this nature. The Mayor appoints members to the Board of Appeals with the advice and consent of the City Council. By ordinance, the Mayor must consider a Board of Appeals candidate’s (1) knowledge of building construction and life safety standards, (2) reputation and integrity, (3) commitment to the Board of Appeals with regard to both time commitment and respect for the value of such Board, and (4) judgement, fairness, wisdom, and ability to be impartial. Members of the Board of Appeals serve no longer than two-year terms.

The City has previously appointed members to sit on the Board of Appeals, but each of the member’s terms has since expired. With the Board of the Appeals being completely vacant, the Mayor proposes appointing Ty Montalvo, Chris Kimball, Robert Pinon, Mark Chesley, Curt Brooks, and Donna Jackson (Alternate) to the Board of Appeals. The Mayor has reviewed their qualifications and finds that each of the candidates is qualified to sit on the Board of Appeals.

It is anticipated that there may be an appeal of a building code interpretation filed shortly with the City. Because this is the only City Council meeting in November, and the next City Council meeting is not scheduled until December 4, the Mayor and the City staff are requesting that the City Council suspend their rules and confirm the appointments of the submitted Board of Appeals candidates.

FISCAL IMPACT: None. Midvale Municipal Code 15.06.010(C) specifically prohibits paying the members of the Board of Appeals for their service.

MOTION: Council Member Quinn Sperry MOVED to approve Resolution No. 20185-R-46 confirming the appointments of Ty Montalvo, Chris Kimball, Robert Pinon, Mark Chesley, Curt Brooks, and Donna Jackson to the Board of Appeals. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion.

Council Member Dustin Gettel said he did not think a paragraph about each person is sufficient. He would like them to attend the meeting when they are appointed.

Lisa Garner stated that this board is only used if the city receives an appeal. The last time they were used this board was over 15 years ago. They need to be qualified in
building codes. These applicants are all people that are in the field and know the building codes and requirements. It is a five-member volunteer board. Their role is to assist the city and hear the appeals.

After discussion, Mayor Hale called for roll call vote. The voting was as follows:

Council Member Quinn Sperry  Aye
Council Member Paul Glover  Aye
Council Member Paul Hunt  Aye
Council Member Bryant Brown  Aye
Council Member Dustin Gettel  Aye

The motion passed unanimously.

C. CONSIDER A FINAL SUBDIVISION PLAT FOR MIDVALE TOWNHOMES LOCATED AT 7475-7495 SOUTH 700 EAST

Lesley Burns stated On November 14, 2017, the City Council approved the preliminary subdivision plat for the Midvale Townhomes Master Planned Development located at 7475-7495 South 700 East. This project will redevelop the 1.05 acres which included two single family houses and accessory structures with 10 two-story townhouse units. These units will be accessed from a new private road from 700 East and the development will include common landscaped open space, recreation amenities and guest parking. The City Council’s preliminary subdivision plat approval included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.
3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.
4. The applicant shall prepare a declaration of covenants, conditions, and restrictions, including the creation of a homeowners’ association and language requiring garages be maintained to allow parking for two cars and for respective garbage can storage, for the development. This document shall be recorded concurrently with the subdivision plat.
5. The subdivision plat shall not be recorded until all existing structures have been removed from the property.

The final site plan for the master planned development was approved in October and the applicant has demolished one house and started the grading and utility work for the project. The applicant has also had the final subdivision plat prepared and it has been reviewed and approved by the City Engineer. All the required utility companies have been
notified. The Declaration of Covenants, Conditions and Restrictions has been reviewed by Staff and includes the garage language required by the Planning Commission and City Council. Before the plat can be recorded, the remaining single-family house will need to be removed from the property.

David George said it has taken some time to work with UDOT. Since everything is cleared off, they will landscape it and take care of it. He said he would expand the plat when that is acquired.

**MOTION:** Council Member Paul Hunt MOVED to approve a Final Subdivision Plat for Midvale Townhomes with the following conditions:

Based on compliance with the requirements of the Midvale Municipal Code, I move that we approve the final subdivision plat for Midvale Townhomes with the following conditions:
1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The subdivision plat shall not be recorded until all existing structures have been removed from the property.
3. The Declaration of Covenants, Conditions & Restrictions shall be recorded concurrently with the subdivision plat.

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

- Council Member Quinn Sperry Aye
- Council Member Paul Glover Aye
- Council Member Paul Hunt Aye
- Council Member Bryant Brown Aye
- Council Member Dustin Gettel Aye

The motion passed unanimously.

**D. CONSIDER RESOLUTION NO. 2018-R-45 AMENDING SECTION 5.0 LEAVE POLICIES OF THE MIDVALE CITY PERSONNEL POLICIES AND PROCEDURES MANUAL**

Rori Andreason said the proposed amendments to Section 5.0 Leave Policies were discussed with the City Council on October 16, 2018. Since that time, one more amendment has been identified for revision. Currently, employees are allowed to convert up to 25% of their sick leave over 240 hours to vacation once a year. Employees who are planning to retire within that year have the option of waiting until their retirement date to convert that 25%. The proposed amendment would include those employees who resign within the year with a minimum of 5 years with the City and have not converted the allowed 25% sick leave to vacation within that year. The maximum allowed would be no more than 25% within a year’s time.
The proposed amendments have been discussed with the Employees Association in which they expressed agreement.

Council Member Dustin Gettel asked for an additional amendment regarding ineligibility for the sick leave conversion if the employee is on a performance improvement plan.

MOTION: Council Member Dustin Gettel tabled Resolution No. 2018-R-45 Amending Section 5.0 Leave Policies of the Midvale City Personnel Policies and Procedures Manual to December 4, 2018 Council Meeting Consent Agenda. 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.

X. DISCUSSION ITEM

B. DISCUSS THE COUNCIL MEETING, MAYOR PRO-TEMPORE, AND HOLIDAY SCHEDULE FOR CALENDAR YEAR 2019

Rori Andreason discussed the Council Meeting schedule, Mayor Pro-Tempore, and holiday schedule for the calendar year 2019 with the council. The budget retreat is attentively scheduled for March 28th.

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 8:43 p.m.

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

Approved this 4th day of December 2018.
SUBJECT: Establish Time and Place to hold Regular City Council Meetings, Designate the Mayor Pro Tempore Schedule, and Adopt the Holiday Schedule for the 2019 Calendar Year

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

SUMMARY:
Section 2.36 of the Midvale Municipal Code outlines the City Council meeting scheduled as required by state statute. The Council is scheduled to meet the first and third Tuesdays of each month for a City Council meeting. Workshop meetings will be scheduled as needed at a date and time designated by the City Council. The City Council meetings scheduled in months of July, August, November, and December may differ from the above schedule. The proposed holiday schedule for calendar year 2019 has also been included for Council consideration as well as the Mayor Pro-Tempore schedule. A resolution has been prepared for Council consideration.

FISCAL IMPACT: N/A

RECOMMENDED MOTION:
I move that we adopt Resolution No. 2018-R-48 Establishing a Time and Place for Holding Regular City Council Meetings, Designate the Mayor Pro Tempore Schedule, and Adopt the Holiday Schedule for the 2019 Calendar Year.

Attachments: Proposed Resolution
WHEREAS, pursuant to Section 52-4-2 of the Utah Code Annotated and the Midvale Municipal Code, Section 2.36, the Midvale City Council hereby gives notice of their 2019 City Council meeting schedule; and

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

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

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

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

Section 1. The Midvale City Council hereby gives notice of the time and place for holding its regular Council meetings for the 2019 Calendar Year as follows:

City Council meetings are scheduled to be conducted on the first and third Tuesday of each month unless otherwise posted. City Council meetings shall begin at 6:00 p.m. with a Pre-Meeting Workshop. The regular meeting will begin at 7:00 p.m. If needed, the City Council will schedule Workshop Meetings, the time and place of which will be designated by the City Council. The exceptions to the above schedule will be in the months of July, August, November, and December as follows:

- Budget Retreat will be held on the 28th day of March
- July Council Business meeting will be held on the 2nd and 16th
- August Council Business meetings will be held on the 20th and 27th
- November Council Business meetings will be held on the 12th and 19th
- December Council Business meetings will be held on the 3rd and 10th

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

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

Section 2. The Midvale City Council desires to designate the following members of the governing body to automatically succeed to the position of Mayor Pro-Tempore when the Mayor is absent:

- Councilmember Paul Hunt January and February
- Councilmember Paul Glover March and April
- Councilmember Dustin Gettel May and June
Section 3. The City Council desires to observe certain Holidays in which the City Offices will be closed. The following Holiday schedule is hereby adopted for full-time and qualified part-time employees:

New Year’s Day .............................................. January 1
Martin Luther King, Jr.’s Birthday ................................ January 21
Presidents’ Day .............................................. February 18
Memorial Day ................................................ May 27
Independence Day ........................................... July 4
Pioneer Day ...................................................... July 24
Labor Day ....................................................... September 2
Veterans’ Day (Observed) .................................. November 11
Thanksgiving Day ........................................... November 28
Day after Thanksgiving ..................................... November 29
Christmas Day ............................................... December 25
Day after Christmas ......................................... December 26

Section 4. The City Council directs the City Recorder to publish the 2019 City Council meeting schedule in at least one newspaper of general circulation in Midvale City, State of Utah.

Section 5. This Resolution shall take effect immediately.

APPROVED AND ADOPTED this 4th day of December 2018.

Robert M. Hale, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the Council:  

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SUBMITTED BY: Rori Andreason, HR Director/City Recorder

SUMMARY:
The proposed amendments to Section 5.0 Leave Policies were discussed with the City Council on October 16, 2018 and November 13, 2018. Suggested amendments have been made to Section 5.4, Sick Leave Conversion and Payment.

The proposed amendments have been discussed with the Employees Association in which they expressed agreement. The proposed amendments are highlighted in the attached document for Council consideration.

FISCAL IMPACT: N/A


Attachments: Proposed Resolution Section 5.0 Leave Policies of the Midvale City Personnel Policies and Procedures
MIDVALE CITY, UTAH

RESOLUTION NO. 2018-R-45

A RESOLUTION ADOPTING AMENDMENTS TO SECTION 5.0 LEAVE POLICIES OF THE MIDVALE CITY POLICIES AND PROCEDURES MANUAL

WHEREAS, periodic reviews of the City’s policies and procedures are conducted by City Staff and the City Council in order to update policies and be consistent with legislative changes; and

WHEREAS, in order to maintain the City’s policies and procedures in the most current manner, each section is amended separately as needed; and

WHEREAS, the City Council finds the revisions to the Midvale City Policies and Procedures Manual to be in the best interest of the City,

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

Section 1. The City Council hereby desires to approve the proposed amendments to Section 5.0 Leave Policies of the Midvale City Policies and Procedures Manual (Exhibit A).

Section 2. This Resolution shall take effect immediately upon passage.

APPROVED AND ADOPTED this 4th day of December 2018.

__________________________
Robert M. Hale, Mayor

ATTEST:

__________________________
Rori L. Andreason, MMC
City Recorder

Voting by the City Council

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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:

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<th>Years of Consecutive City Service</th>
<th>Hours of Vacation Per Month</th>
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<td>144</td>
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<td>16+</td>
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<td>168</td>
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A maximum of 240 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 240 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
- Martin Luther King Day
- Presidents’ Day
- Memorial Day
- Independence Day
- Pioneer Day
- Labor Day
- Veteran’s Day
- Thanksgiving Day
- Thanksgiving Day (Day After)
- Christmas Day
- Christmas Holiday

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<th>Holiday</th>
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<tr>
<td>New Year’s Day</td>
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<td>Martin Luther King Day</td>
<td>3rd Monday in January</td>
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<tr>
<td>Presidents’ Day</td>
<td>3rd Monday in February</td>
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<td>Memorial Day</td>
<td>Last Monday in May</td>
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<tr>
<td>Independence Day</td>
<td>July 4th</td>
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<td>Pioneer Day</td>
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<td>Labor Day</td>
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<td>Veteran’s Day</td>
<td>November 11th</td>
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<tr>
<td>Thanksgiving Day</td>
<td>4th Thursday in November</td>
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<tr>
<td>Thanksgiving Day (Day After)</td>
<td>4th Friday in November</td>
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<tr>
<td>Christmas Day</td>
<td>December 25th</td>
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<tr>
<td>Christmas Holiday</td>
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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 of holiday pay per holiday listed above. All holidays must be taken as a full 8 (eight) 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 8 (eight) 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 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 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 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 resigning with a minimum of 5 consecutive years with the City, other City approved retirement program benefits during a calendar year, may elect to convert additional 25% of their unused sick leave over 240 hours, not to exceed 25% within a one year period, on the effective date of retirement or resignation. Employees are eligible for this benefit if they are in good standing and not on a performance improvement plan.

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 - 240 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 BEREAVEMENT 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, 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 may take up to 2 weeks of paid leave to care for and bond with the 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)

5.11 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 year’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.
5.12.13 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.
- 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.

5.13.14 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.
Zachary Smallwood has served on the Planning Commission as an alternate for the past year. During this time, he has attended meetings, participated in discussions, and voted on agenda items in the absence of a full member. Earlier this year, Zac received a degree from the University of Utah College of Architecture and Planning and is working as a planner for Murray City. He has attended land use training sessions, understands the purpose and role of the Planning Commission, and brings professional experience to the Planning Commission. He represents the City and Commission well.

It is my recommendation the City Council adopts Resolution No. 2018-R-49, appointing Zachary Smallwood as a full member of the Planning Commission, filling the unexpired term of Evan Hanson, who recently resigned from the Planning Commission.

Attachment: Resolution No. 2018-R-49
A RESOLUTION CONFIRMING THE APPOINTMENT OF ZACHARY SMALLWOOD AS A FULL MEMBER OF THE PLANNING COMMISSION

WHEREAS, in accordance with Section 17-4-1 of the Midvale City Municipal Code, the Planning Commission is comprised of five full members and two alternates to serve four-year terms; and

WHEREAS, with the recent resignation of Evan Hanson, the Planning Commission has a vacancy for a full member seat; and

WHEREAS, Zachary Smallwood has been serving as an alternate member on the Planning Commission since October 2017; and

WHEREAS, members of the Planning Commission are appointed by the Mayor with the advice and consent of the City Council per Section 17-4-2 of the Midvale Municipal Code; and

WHEREAS, the Mayor desires to change Mr. Smallwood’s appointment from an alternate to a full member of the Planning Commission based on his contributions and dedication to the Planning Commission as an alternate member; and

WHEREAS, Mr. Smallwood has expressed a desire to serve on the Planning Commission as a full member; and

WHEREAS, the City Council consents to this appointment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Midvale City, Utah:

SECTION 1. The City Council hereby confirms the Mayor’s appointment of Zachary Smallwood as a full member of the Planning Commission filling the unexpired term of Mr. Hanson’s seat expiring October 31, 2021.

SECTION 2. This Resolution shall take effect immediately.

PASSED AND APPROVED this ___ day of ____________, 2018.

________________________________________
Robert M. Hale, Mayor

ATTEST:

__________________________
Rori Andreason, MMC
City Recorder

Voting by City Council

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<tr>
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<td>Quinn Sperry</td>
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Date: November 29, 2018
To: City Council Members
From: Mayor Robert M. Hale
Subject: Planning Commission Appointments

Tayler Jensen (Resolution No. 2018-R-50)
Robyn Anderson (Resolution No. 2018-R-51)

With two members of the Planning Commission resigning in the past few months, there are two vacancies on the Planning Commission. I have interviewed residents who expressed interest in serving on the Planning Commission and am recommending Taylor Jensen and Robyn Anderson be appointed as alternate members.

Tayler Jensen has been a resident of Midvale for 11 months and resides in the Avenues (District 5). He has a master’s degree in planning and works as a planner for local government. Robyn Anderson grew up in Midvale, living here for 20 years, moved away, and came back making Midvale her home again for the past 11 years. She currently resides near The Shops at Fort Union in District 1. After talking with both, I believe they both have Midvale’s best interests in mind for a strong community and prosperous city and will each bring insight and fair decision making to the Planning Commission.

It is my recommendation the City Council adopts Resolution No. 2018-R-50, appointing Tayler Jensen as an alternate member of the Planning Commission, and Resolution No. 2018-R-51, appointing Robyn Anderson as an alternate member of the Planning Commission.

Attachment: Resolution No. 2018-R-50
Resolution No. 2018-R-51
Planning Commissioner Applications
A RESOLUTION CONFIRMING THE APPOINTMENT OF TAYLER JENSEN TO AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

WHEREAS, in accordance with Section 17-4-1 of the Midvale City Municipal Code, the Planning Commission is comprised of five full members and two alternates to serve four-year terms; and

WHEREAS, the Planning Commission currently has an alternate member vacancy; and

WHEREAS, members of the Planning Commission are appointed by the Mayor with the advice and consent of the City Council per Section 17-4-2 of the Midvale Municipal Code; and

WHEREAS, the Mayor desires to appoint Tayler Jensen to serve on the Planning Commission as an alternate member; and

WHEREAS, Tayler Jensen has expressed a desire to serve on the Planning Commission as an alternate member; and

WHEREAS, the City Council consents to this appointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Midvale City, Utah:

SECTION 1. The City Council hereby confirms the Mayor’s appointment of Tayler Jensen as an alternate member of the Planning Commission beginning January 1, 2019 with the term expiring December 31, 2023.

SECTION 3. This Resolution shall take effect immediately.

PASSED AND APPROVED this ____ day of ______________, 2016.

______________________________
Robert M. Hale, Mayor

ATTEST:

______________________________
Rori Andreason, MMC
City Recorder

Voting by City Council        “Aye”  “Nay”
Bryant Brown                ______  ______
Dustin Gettel                ______  ______
Paul Glover                  ______  ______
Paul Hunt                    ______  ______
Quinn Sperry                 ______  ______
MIDVALE CITY, UTAH
RESOLUTION NO. 2018-R-51

A RESOLUTION CONFIRMING THE APPOINTMENT OF ROBYN ANDERSON TO AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

WHEREAS, in accordance with Section 17-4-1 of the Midvale City Municipal Code, the Planning Commission is comprised of five full members and two alternates to serve four-year terms; and

WHEREAS, the Planning Commission currently has an alternate member vacancy; and

WHEREAS, members of the Planning Commission are appointed by the Mayor with the advice and consent of the City Council per Section 17-4-2 of the Midvale Municipal Code; and

WHEREAS, the Mayor desires to appoint Robyn Anderson to serve on the Planning Commission as an alternate member; and

WHEREAS, Robyn Anderson has expressed a desire to serve on the Planning Commission as an alternate member; and

WHEREAS, the City Council consents to this appointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Midvale City, Utah:

SECTION 1. The City Council hereby confirms the Mayor’s appointment of Robyn Anderson as an alternate member of the Planning Commission beginning January 1, 2019 with the term expiring December 31, 2023.

SECTION 3. This Resolution shall take effect immediately.

PASSED AND APPROVED this ___ day of ________________, 2016.

________________________________________
Robert M. Hale, Mayor

ATTEST:

________________________
Rori Andreason, MMC
City Recorder

Voting by City Council

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PLANNING COMMISSIONER APPLICATION

Applicant name: Taylor Jensen
Home address: 618 W. 7th Avenue
Mailing address: 618 W. 7th Avenue City: Midvale State: UT Zip: 84047
Contact information (phone, email): (801) 830-7062, TaylerJenson@zoho.com
Current occupation: City Planner
Years lived in Midvale: 9 months
Previous public service: I have worked in various planning departments around the State of Utah since 2014

Briefly state why you are interested in this position: I am a planner by profession, and I am interested in applying my knowledge towards making my city a prosperous place where I can successfully raise a family.

Please disclose any possible conflicts of interest with this appointment, i.e. real estate holdings within Midvale City; employment or business interests subject to Midvale City regulations; felony or treason convictions; other situations, past or present, that may conflict with Midvale City’s best interests: I own a home at 618 W 7th Avenue in Midvale.

Signature: [Signature]
Date: 9-18-2018
Tayler Jensen  
618 W 7th Avenue, Midvale Utah, 84047  
(801) 830-7062 · TaylerJensen@zoho.com

EDUCATION

Queen’s University of Belfast  
Belfast, UK  
Master of Science, Environmental (Town and Country) Planning  
Dec 2012

- Graduated with Commendation
- Winner of the John Greer Prize for best MSc Thesis on rural planning, with my thesis: The Community Acceptability of Fracking: A Case Study in County Fermanagh, thesis based off original Quantitative and Qualitative Research
- Recipient of a Queen’s International Postgraduate Scholarship for Academic Excellence
- Formulation of a 15 year development plan, technical supplement, and design brief for the city of Dromore Extensive experience with GIS, SPSS, Photoshop, and InDesign

Utah State University  
Logan, UT  
Bachelors of Science, Political Science, emphasis in International Studies  
Aug 2011

- GPA 3.7/4.0 ACT 28/36
- Dean’s List Award for academic excellence, Cum Laude Graduate
- Phi Sigma Alpha (Political Science Honor Society), Government Relations Council member; dedicated to ensuring students are informed and active participants in the political process, Vice-President and co-founder of the Utah State University Chapter of Amnesty International

EXPERIENCE

Eagle Mountain City  
Eagle Mountain, UT  
Planner II  
June 2015 – Current

- Code Writing
- Project Management (Residential Projects, Commercial Projects, Master Development Agreements)
- General Plan Update
- Staff Reports
- Presenting to Planning Commission and City Council

Bountiful City  
Bountiful, UT  
Assistant Planner  
August 2014 – June 2015

- Code enforcement for the city of Bountiful.
- Drafting of City Ordinances
- Presenting staff reports for Lot Line Adjustments, Conditional Use Permits, Home Occupations, and Solar arrays to the Bountiful City Administrative Committee

City of Cottonwood Heights  
Cottonwood Heights, UT  
Planning Intern  
January 2014-April 2015

- Using GIS to create maps, depicting existing city features, as well as proposed future developments.
- Working to create a Master Bicycle, Pedestrian, and Urban Trail Plan for the City of Cottonwood Heights, working in tandem with city officials, and local bicycle clubs.
- Working with the City Planner to investigate the possible implementation of form based, and overlay codes into the City of Cottonwood Heights
- Economic Development Projects as assigned.
- Preparation of grant proposals.
- Form Based Code

Discover Financial Services  
Salt Lake City, UT  
Online Servicing Professional  
Sept 2013-June 2015

Planning Appeals Commission of Northern Ireland  
Belfast, UK  
Intern- Planning Appeals Fellow  
Jun 2012 – Sep 2012

- Read planning appeal application and engaged in research to discover merits of the application, then conducted a site visit of the property in question
- Drafted judgment on the planning appeal, which coincided with the planning commissioners ruling

The White House, Office of Presidential Correspondence  
Washington, DC  
Spring Volunteer Leader  
Jan 2011 – May 2011

ADDITIONAL INFORMATION

- Computer Skills: GIS, Microsoft Office (Excel, PowerPoint, Word), Adobe Creative Suite (PhotoShop, InDesign), Analytical research, note taking, date entry, SPSS, and SketchUp Quantitative and Qualitative Research, Surveying, and Canvassing. I love Irish History and Literature, English Soccer, Cattle Ranching at my Grandfathers Cattle Ranch, and I once caught on fire.
PLANNING COMMISSIONER APPLICATION

Applicant name: ROBYN ANDERSON

Home address: 963 E, 7400 S. # 204

Mailing address: __________________________ City: MIDVALE  State: UT  Zip: 84047

Contact information (phone, email): 801-635-8285 / robtheaussie@meail.com

Current occupation: HOMEMAKER

Years lived in Midvale: 18/11

Previous public service: PTA PRESIDENT AT BOTH W. JORDAN ELEMENTARY AND MIDDLE SCHOOL. CURRENTLY SERVING ON THE HOA BOARD OF OUR COMMUNITY.

Briefly state why you are interested in this position: I WOULD LIKE TO BE A PART OF THE PLANNING PROCESS, TO HAVE INPUT CONCERNING WHAT HAPPENS IN OUR COMMUNITY. I BELIEVE I WOULD BE A VALUABLE ASSET.

Please disclose any possible conflicts of interest with this appointment, i.e. real estate holdings within Midvale City; employment or business interests subject to Midvale City regulations; felony or treason convictions; other situations, past or present, that may conflict with Midvale City's best interests: 

WE HAVE 3 PROPERTIES - TWO RENTALS AND ONE OWNERSHIP

Signature: __________________________ Date: 9/16/18
SUBMITTED BY:

Alex Murphy, Associate Planner

SUBJECT: Corrections to approved Ordinance 2018-O-15 correcting errors in original Ordinance (Corrected Ord. No. 2018-O-15)

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

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff recommends the Council adopt the corrected Ordinance No. 2018-O-15 document.

RECOMMENDED MOTION – APPROVAL:

“To ensure the City Council’s intent is clear regarding its October 16, 2018 decision to rezone the property at 145 E Fort Union Blvd, I move that we approve the corrected Ordinance No. 2018-O-15 document as presented.”

ATTACHMENTS:

- Corrected Ordinance No. 2018-O-15
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 22-30-107-030) 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: _____________

Voting by City Council

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“EXHIBIT A”
(Ordinance No. 2018-O-15)

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 213.55FT 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
MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: December 4, 2018

SUBJECT: Discussion/Action on the City’s position to pursue ordinance changes regarding Pygmy Goats

SUBMITTED BY: Kane Loader, City Manager

SUMMARY:

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

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

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

1. **Do nothing**
   - Allows the current zoning ordinance to stay in effect which prohibits Pygmy Goats in all zones except the Agricultural Overlay
   - Current residents with Pygmy Goats would be out of compliance and subject to enforcement

2. **Bring back for additional discussion and direct city staff to conduct city-wide public opinion poll on the issue.**
   - Staff could continue to gather information and perform a public opinion poll to find out how the residents feel about the issue
   - Current residents with Pygmy Goats would be out of compliance and subject to enforcement.
3. Direct the staff to draft an ordinance allowing Pygmy Goats under certain recommended conditions.
   - Requiring goats be dehorned and neutered/spayed
   - Requiring no more and no less than 2 goats
   - Shelter required to be on average 10 ft²
   - Outdoor enclosures required to be on average 200 ft² and connected to the shelter
   - 30' - 50' setback from a habitable structure
   - Shelter and fenced enclosure an average of 10’ from the property line, meeting all accessory structure setbacks
   - 5’ fence, setback from the property line

4. Reclassify Pygmy Goats by amending Title 6 of the Municipal Code exempting them as livestock.
   - Exempt Pygmy Goats as Livestock in both small and large categories
   - No restrictions on properties or facilities

STAFF’S RECOMMENDED MOTIONS:

Motion #1
I move that we table discussion on this item until such time that it’s deemed more appropriate for the City to consider.

Motion #2
I move that we direct city staff to continue gathering information on the issue including a comprehensive public opinion poll

Motion #3
I move that we direct the City Staff to develop the necessary ordinance amendments to allow for Pygmy Goats in all zones and the prepare the amended ordinance for the approval process with the City’s Planning Commission and City Council.

Motion #4
I move that we direct city staff to prepare amendments to Title 6 of the Midvale Municipal Code to reclassify Pygmy Goats as pets under the “livestock” definition similar to dogs, cats and ferrets
SUBJECT: Discussion/Action on the City’s position to develop an ordinance that would prohibit/limit idling within the City’s corporate boundaries.

SUBMITTED BY: Kane Loader, City Manager

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

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

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

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

STAFF’S RECOMMENDED MOTIONS:

Motion #1
I move that we table discussion on this item until such time that it’s deemed more appropriate for the City to consider.

Motion #2
I move that we direct city staff to prepare an Anti-Idling Ordinance and present it for discussion and approval.
SUBJECT: Discussion/Action on the City’s preference on a future location for a new Recreation/Aquatic Center

SUBMITTED BY: Kane Loader, City Manager

SUMMARY:

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

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

The Council directed staff to go back to the County with their decision/position in hopes of changing their stance. The County stood fast on Copperview and told city staff to prepare a project funding request before the deadline or take the chance of missing
out on any funding. The staff relayed the message to the Council and convinced them that the City should submit a funding request and that if the City was successful in getting the funding the Council could always decide to turn it down and not build the facility.
The funding request was for a $22 million project but was not chosen by the ZAP Committee to be funded in 2016. With that we figured our next opportunity for funding would be in 2026 or the next round.

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

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

STAFF’S RECOMMENDED MOTIONS:

Motion #1
I move that we table discussion on this item until such time that it’s deemed more appropriate for the City to consider.

Motion #2

I move that we direct the staff to prepare a resolution supporting the Union Park location for a new recreation facility.