MIDVALE CITY COUNCIL MEETING
AGENDA
April 2, 2019

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 2nd day of April 2019 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM – Dahl Conference Room
COUNCIL BUSINESS

6:30 PM – Council Chambers
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS
   • Public Works Report
   • Community Development Report

II. UNIFIED POLICE DEPARTMENT REPORT

III. CITY MANAGER REPORT

7:00 PM
REGULAR MEETING

IV. GENERAL BUSINESS
   A. WELCOME AND PLEDGE OF ALLEGIANCE
   B. ROLL CALL
   C. Proclamation declaring May 18, 2019 Kids to Park Day

V. 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.

VI. COUNCIL REPORTS
   A. Councilmember Dustin Gettel
   B. Councilmember Paul Glover
   C. Councilmember Quinn Sperry
   D. Councilmember Bryant Brown
   E. Councilmember Paul Hunt
VII. **MAYOR REPORT**
   A. Mayor Robert M. Hale

VIII. **CONSENT AGENDA**
   A. Consider Minutes of March 19 & 21, 2019 [Rori Andreason, H.R. Director/City Recorder]

IX. **ACTION ITEMS**
   A. Consider Resolution No. 2019-R-11 authorizing the Mayor to enter into an Agreement with Noland Construction for the Construction of the Jordan Valley Water Conservancy District Retail Takeover [Keith Ludwig, City Engineer]

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: MARCH 29, 2019**

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
Community Development March City Council report

UDOT- freeway expansion
I-15 Southbound Construction Report

7200 S Full Closure
On Saturday March 16, 2019, crews will be placed a new bridge girder for the SB I-15 mainline structure over 7200 S. To accommodate this work, EB and WB 7200 S underneath mainline I-15 was closed from 10 PM to 5 AM.

Tanker Fire Roadway Repair Impacts
Due to the tanker fire that occurred on Feb. 22, crews will be working on I-15 Southbound at 1800 S. to make repairs to the roadway. Additional work will be needed to complete the repairs in the coming weeks. There will be additional nightly lane closures in the upcoming weeks to accommodate this work.

I-15 Southbound New Construction Activities
• Beginning on Thursday March 21, 2019, crews will shift the 5300 S off ramp to the east.
• Crews will be placing concrete slope paving at 9800 S. This will require a daytime one-way flagging operation on 300 W. Area residents and businesses may notice traffic delays on 300 W. and an increase in construction noise while this work occurs.

Ongoing Construction Activities
Crews will continue work along the northern segments of the I-15 Southbound project – from 2700 S. to 7800 S. You can expect:
• Current work in the northern segment (2700 S. – 7800 S.) may include crews working at various locations on drainage, excavation, retaining walls, bridge widening, and utility relocation in preparation for the new lane addition.
• Between I-215 and 7800 S. crews are:
  o Installing drainage and grading at 7200 S exit ramp.
  o Paving and barrier placement at the 7200 S. entrance ramp

Division Reports

Administration

Station Area Plan Approval
The UTA Advisory Board approved both station area plans (Center Street and 7200 South) at their March 20th Advisory Board of the Utah Transit Authority meeting. The approval will move both plans to the next review for future consideration of which UTA project areas will be developed.

WFRC Grant
The Mid-Valley Active Transportation Plan grant has been approved by WFRC. Midvale will be working Millcreek, Cottonwood Heights, Murray, and Taylorsville to create a comprehensive master plan that
further active transportation across this part of the Salt Lake Valley. The work will begin after a consultant is selected.

**Grants Application Pending**
- EPA grant to fund Project Site Coordinator for Jordan Bluffs
- CDBG Housing Improvement grant with SLCo
  - Lack of affordable housing
  - 46% of Midvale renters are considered cost burdened
  - Hope to purchase single family homes that are not occupied, neglected, and attract crime
  - New homes buyer opportunity for lower income families
  - Neighborhood revitalization
- CDBG ADA Improvement Grant with SLCo
  - Continuation of on-going street improvements throughout the City
  - Provide needed accessibility

**Census**
Have met with SLC County and State officials on several occasions to plan organization, implementation, and budget for promoting the 2020 Census
- Part of the State Census Committee for designing and creation of State-wide plan
  - Formed internal Committee to work on our own City’s efforts
    - Budget
    - Marketing

**CD Team**
- Continue to improve communication and simplify workflow processes within CD
- Phone training
  - Establish internal call routing and message handling
    - Eliminated:
      - Dropped calls
      - Unanswered voicemail
      - Incorrect call routing

**Business Development/Economic Development**
- 33 New business’
  - 15 Commercial Licenses
  - 7 Booth Renters
  - 4 Home Occupied Business
  - 7 SOB Licenses
- 28 Pending business licenses
- 1 Ribbon cuttings
  - BIG THANK YOU for all who came to support the ribbon cutting of Little Geniuses Learning Center!
- Approximately 30 business licenses will expire after April 15th for non-renewal
Projects of March
- Put together application packets for:
  - updating information
  - change of address
  - change of ownership
  - name changes
- Create front counter Training Manual with written procedures for Business Licensing processes

Economic Development
- UTOPIA expansion and coordination
- CHG expansion
- Discussion about a potential Data Center on Jordan Bluffs
- On-going business retention, expansion and attraction activities.
- Over $250 million dollars of new investments In District 1, Fort Union area with more in planning phase.
- The purchase and remodel of The Shops @ Fort Union: Systematic and strategic construction activity will be proceeding as we work through the remodel, relocation of tenants, tenant improvements and attraction of new tenants. UTOPIA install into The Shops @ Fort Union.
- Midvale Mountain Corridor (7200 South/Fort Union Blvd) hotels sold $192,087 thousand dollars in lift tickets through the Ski City Super Pass, some 1,563 tickets in total.
- View 72: Phase II at Jordan Bluffs ongoing planning and entitlement, marketing and construction for 7% land mass or 265 acres.

Planning

Development Applications under review
- Ganesh Restaurant Site Plan (135 E Fort Union Blvd)
- Yorktown Twin Homes (616-618 E Fort Union Blvd)
- Union Manor Subdivision (7270 S 1035 E)
- Catalpa Property Vacation
- North Union Apartments Site Plan (7205 S 900 E)
- 7-Eleven Conditional Use Permit/Site Plan (180 W 7200 S)
- R&R BBQ Small Scale Master Plan/Site Plan (7171 S Bingham Junction Blvd)
- CHG Phase 2 Office Small Scale Master Plan/Site Plan (7225 S Bingham Junction Blvd)
- Calaveras Apartments Swimming Pool ACUP (7940 S Main St)
- Text amendment request for RM-12/RM-25 building height adjustment
- Groove Office Building Site Plan (6849 S 700 W)
- Brown Apartments Conditional Use Permit/Site Plan (8283 S 700 W – extends to Allen St)
- Shupe Office/Warehouse Building Site Plan (7267 S 700 W)

Other
- OnBase Implementation (scanning, archiving project files)
- Jordan Bluffs Subareas 1-3 Ordinance
- Jordan Bluffs MDA
- Boundary Adjustment with Sandy (7596 S 700 E)
- Assisting U of U MRED students with class project
• Updates to lighting ordinance
• Final inspections/closeout Founders Point single family and public park

Ongoing
• Sign Permits
• Business Licenses
• Building Permits
• Small Cell Wireless Facilities

Code Enforcement

March 2019 Stats

<table>
<thead>
<tr>
<th>Code Violation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Structures unsecured</td>
<td></td>
</tr>
<tr>
<td>Weeds</td>
<td></td>
</tr>
<tr>
<td>Junk/ Trash on Property</td>
<td>39</td>
</tr>
<tr>
<td>Inoperative/Junk Vehicle</td>
<td>3</td>
</tr>
<tr>
<td>Door Hangers</td>
<td>1</td>
</tr>
<tr>
<td>Reinspection</td>
<td>77</td>
</tr>
<tr>
<td>Graffiti</td>
<td>3</td>
</tr>
<tr>
<td>Sign/Zoning Violation/Parking</td>
<td>22</td>
</tr>
<tr>
<td>Business Violation</td>
<td>22</td>
</tr>
<tr>
<td>Snow</td>
<td></td>
</tr>
<tr>
<td>Exterior Structure</td>
<td></td>
</tr>
<tr>
<td>Trash in gutter</td>
<td>5</td>
</tr>
<tr>
<td>Exterior property areas</td>
<td></td>
</tr>
<tr>
<td>Total Violations</td>
<td>172</td>
</tr>
</tbody>
</table>

Engineering

• Finalized plans for pavement management work for the season.
  o Reviewed plans with Staker Paving and Kilgore
    ▪ Will begin projects on or before the next month
• Final year plan reviews for:
  o CIP Roadwork
  o Sewer rehab
  o Storm drains
• Opened bid for JVWCD retail area takeover
  o Noland Construction awarded contract
  o Agreement to Council on April 2nd
• Concrete replacement work will begin early April
• Monitoring several development projects that have started construction along Jordan Bluffs
## Building Plan Review and Inspection

### March 2019 Month End Report

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Valuation</th>
<th># Projects</th>
<th>Fees</th>
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</thead>
<tbody>
<tr>
<td>1 Single Family Detached</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2 Duplex/Twin Home</td>
<td>$ 780,618.00</td>
<td>4</td>
<td>$ 13,491.16</td>
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<tr>
<td>3 Condo/Town Home</td>
<td>$ 11,957.00</td>
<td>2</td>
<td>$ 75.75</td>
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<tr>
<td>5 Apartments/ (5) families or more</td>
<td>$ 29,665.00</td>
<td>6</td>
<td>$ 1,977.67</td>
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<tr>
<td>9 Mobile Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Garage/Carport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Amusement &amp; Entertainment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Churches and Other Religious</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Industrial/Warehouse/Manufacturing</td>
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<tr>
<td>18 Office/Bank/Professional</td>
<td>$ 1,723,836.00</td>
<td>1</td>
<td>$ 14,421.51</td>
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<tr>
<td>21 Retail/Mercantile</td>
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<td></td>
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<tr>
<td>22 Agricultural/Shed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Other Non-Residential Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Sign/Cell Tower/Fences/Pools</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Public Building</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>26 Res. Additions/Repairs/Alterations</td>
<td>$ 347,472.59</td>
<td>15</td>
<td>$ 5,828.71</td>
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<tr>
<td>27 Nonresidential Alterations</td>
<td>$ 302,369.00</td>
<td>5</td>
<td>$ 4,439.57</td>
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<td></td>
<td></td>
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<tr>
<td>Commercial Demolitions</td>
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<td></td>
<td>329.00</td>
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<tr>
<td>Residential Demolitions</td>
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<tr>
<td><strong>Totals:</strong></td>
<td>$ 3,195,917.59</td>
<td>33</td>
<td>$ 40,563.37</td>
</tr>
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</table>
Whereas, May 18th, 2019 is the ninth Kids to Parks Day organized and launched by the National Park Trust, held annually on the third Saturday of May; and

Whereas, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America’s parks; and

Whereas, it is important to introduce a new generation to our nation’s parks; and

Whereas, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension, hypercholesterolemia; and

Whereas, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

Whereas Kids to Parks Day will broaden children’s appreciation for nature and outdoors; and

Now, Therefore, the Mayor and City Council of Midvale City, do hereby proclaim to participate in Kids to Parks Day. We urge residents of Midvale City to make time May 18th, 2019 to take the children in their lives to a neighborhood, state or national park.

ADOPTED on this 2nd day of April 2019.

Robert Hale, Mayor

Dustin Gettel, Council Member

Paul Glover, Council Member

Quinn Sperry, Council Member

Attest:

Bryant Brown, Council Member

Rori Anderson
City Recorder

Paul Hunt, Council Member
The pre-meeting workshop began at 6:00 p.m.

COUNCIL BUSINESS
Staff and Council discussed agenda items as well as updates from staff.

INFORMATIONAL ITEMS
I. DEPARTMENT REPORTS
Bryce Haderlie reported on the Administrative Services Department activities.

Matt Dahl reported on legislative issues regarding the Redevelopment Agency. SB34 bill for affordable housing passed. This bill is for housing units needed to fill the gap between the housing units available and the housing units needed. The bill says that you need to have a moderate-income housing plan which will include density in order to qualify for state funds. They are currently working on the housing plan and are making adjustments to the plan with the new bill requirements. They have had challenges with the neighborhood housing program and are working on new ideas. He updated the council on the Jordan Bluffs closing transactions. He is currently working on the Main Street project with one of the parking lots the City owns. He is looking at addressing the business owner’s needs. They own three different properties within the Main Street Area Plan and are working on a plan to maintain those appropriately. They are looking into holding more events on Main Street and are looking for new ideas.
II. UPD AND UFA REPORTS
Chief Randy Thomas reported on recent incidents within the City.

Chief Brad Larson reported on the UFA budget as well as other incidents including a canal that had flooded. They contacted the city’s public works who were a huge help and he wanted to express his appreciation. UFA Station 126 crew were present to discuss the Adopt a School Program. Each of the crews have a different elementary school they go to. They visit the kids once a month minimum and then do a fire safety lesson once a month. They found that third grade kids are at the best age to take the information home and get their parents to practice fire drills with them.

Mayor Hale opened the business meeting at 7:07 p.m.

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. Proclamation declaring April as Child Abuse Prevention Month
Mayor Hale read the proclamation declaring April as Child Abuse Prevention Month.

D. Legislative Update
David and Ashley Spatafore were present to give a legislative update to the Council and staff. They both discussed legislation from the recent legislative session that may impact the City.

IV. PUBLIC COMMENTS
Kara Cole said her family has been here their whole lives. She spoke against high density housing. She did not feel the roads could handle the influx of people. She suggested putting in a park or shopping area but not another 1000 units in Jordan Bluffs. She expressed her appreciation to Chief Thomas for the additional speed signs. She said the apartments on Allen street have numerous families living in them. You cannot park anywhere on the street after 10 pm because of all the cars. She suggested making Allen Street a one-way street or a one-way street and parking on only one side of the street. In the winter time, more police are needed to enforce the no parking on streets. It’s ridiculous. She said since the east side has been brought into the City she see’s enforcement on the east side but not on the west side.

Natasha Hill said she lives in Midvale and likes the feel. She expressed her opposition to multi-family housing. She said she likes Midvale and felt the Council should focus on single family housing, not apartments. She said high density housing is just a quick fix.

Benjamin Hill said previous concerns had been expressed regarding the Jordan Bluffs development, citizens have openly expressed their concerns with rental units. Many citizens know that the state is pushing high density housing. He feels that Midvale City
has one of the highest percentages of rental properties compared to sister cities. He asked why the council would vote against the public concerns. Is it necessary, and is the city being transparent? He said the City needs to spend the money on improving the condition of the existing housing units. Some of the units are run down, over populated, and un-regulated. Are the population growths predictions accurate? Is that taken into account when high density housing is being discussed.

Kris Sydenham said he lives in Midvale and loves it. Traffic has increased making it difficult to back out of his house on Main Street. Please do not expand Main Street. By maintaining our stand-alone home properties, we can pull a higher number of potential residents. We don’t just have to appeal to the high-income families. He believes in preserving the historic downtown Main Street. We have the opportunity to plan and set Main Street up for the next 50-100 years. He feels we should cut off 9000 South from Main Street.

Rocky Robloez said he lives on Main and Wasatch. Snow plows went past his house so fast that it pushed the snow against his house. He asked about expanding Main Street.

Kane Loader said there are no plans to expand Main Street. That is an incorrect rumor.

Greg Penrose discussed Adams Street and what’s being done with the vacant property. Brian Berndt said the property will be a park.

Mr. Penrose expressed his frustration with his neighbor and the façade in his yard.

Mayor Hale said the City is very transparent. City meetings are held regularly that have addressed these very issues. Those meetings are advertised for anyone to attend. He said the participation from the community is greatly needed. This is why meetings are held, to receive input from residents. There is nothing hidden. Please attend the meetings and participate.

V. COUNCIL REPORTS

A. Council Member Dustin Gettel – said the residents can also reach out to their Council member and Mayor. He showed a picture of a couple of decks at Florentine Villas where the decking has blown off. He also said the lights in the carports are out, and the lights at the lofts by the dog park are out.

Adam Langford, Wasatch Residential Group, said they have money for those repairs and will be working on it. They have a 3-hour work request where tenants can go to the office and report these things.

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

   C. Council Member Quinn Sperry – said he had a few things that he will just email to the appropriate department heads.
D. **Council Member Bryant Brown** – said he also lives by the freeway expansion and doesn’t want a bad looking park there. He also said there are no plans to widen Main Street. He gave an update on the Arts Council and the direction they are moving to apply for grant funding.

E. **Council Member Paul Hunt** – Had nothing to report.

VI. **MAYOR REPORT**
Mayor Robert Hale – asked the Council if they would like to again donate to a fundraiser for Canyons School District by purchasing a $1500 table. The Council agreed. He invited everyone to the budget retreat. He also said the budget will be discussed over the next few months at the City Council meetings.

VII. **CONSENT AGENDA**
   A. **CONSIDER MINUTES OF MARCH 5, 2019**

**MOTION:** Council Member Paul Glover MOVED to approve the consent agenda. 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. **ACTION ITEMS**
   A. **CONSIDER RESOLUTION NO. 2019-R-09 AUTHORIZING THE MAYOR TO ENTER INTO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR JORDAN BLUFFS AGREEMENT**

Brian Berndt said the redevelopment of Jordan Bluffs, a former EPA Superfund site, helped Midvale reclaim what is now known as Bingham Junction by reusing 351 acres of formerly contaminated land. Repurposing the land will serve the community for decades to come. Once rife with contaminants like lead and arsenic and plagued by a toxic status that disrupted neighboring home sales, the sprawling Bingham Junction site now supports a $300 million tax base and is being heralded as a national model for cleanup and site redevelopment.

The subject site is located adjacent to the existing View 72 Corporate Center in Bingham Junction, the site is in the middle of the Salt Lake Metropolitan area along the banks of the Jordan River with access to regional transportation networks. The Jordan Bluffs project is situated at the crossroads of 78th South to approximately 85th South and from 7th West to the Jordan River.
The master-planned, mixed-use project is slated to bring more than 1 million square feet of additional office space to Midvale in a series of six-story towers, a data center, commercial areas along with thousands of multistory apartments and townhouses, all built around a mile-long linear city park that runs parallel to the Jordan River. The site is approximately 265 acres in size.

Running through the site will be a linear park that is roughly 15.5 acres. The park will have various amenities and facilities including playgrounds, community gathering areas, sport fields, walking paths, restrooms, and other active and passive recreational services.

The Master Development Agreement (MDA) will:

- Update the previous Jordan Bluffs Project MDA dated December 1, 2004
  - Introduce a Concept Plan for Development Pods that will be developed as largescale master plans
  - Update the Jordan Bluff (JB) Zoning that includes mixed uses within a planned development
  - Define buildout, community central park, concept plan, development timing
  - Detail the components of the Community Central Park including:
    - Terms, timing and specifications
    - Designate up to 15+ acres that will be donated for a community park that may include: passive and active recreation, gathering areas, and other similar community facilities
    - Developer will donate land and construct the community park
    - Feature trails and area connections to schools, shopping, light rail stations, employment and housing.

If the City Council is comfortable with this agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

Council Member Paul Glover said the infrastructure needs to be put in the park for future development needs (e.g. additional restrooms, etc.) He asked the developer what the timing would be for the completion of the park.

Brian Berndt said first phase will be the northern part of park.

Mark Murdock, Gardner and Company, said they would like to put the park in sooner than later. They will work on getting the north section in as soon as possible. He cannot say an exact time because they have been waiting for this agreement before they start marketing the area. He said they would put conduit in the ground, so it won’t need to be dug up in the future.

Council Member Paul Glover asked staff how long they have been working on this project.

Brian Berndt said the original development agreement was in 2004, about 15 years ago.
Council Member Paul Glover asked what the challenges are with this development.

Brian Berndt said the property was a contaminated site. Removing the contaminates became cost prohibitive. The developer has had several test areas. The buildings will all need to be on piers. The EPA didn’t want any water to leak into the contaminated soil. This is the reason for the cap, for protection so that doesn’t happen.

Kane Loader said it’s not so much the environmental issues with the property, it’s the more geotechnical. It has to be built with the piers. Secondly with the road traffic on Main Street, this is our savior if you will, with Bingham Junction Blvd from Sandy Parkway out to 7800 South, it will take the traffic from Main Street and put it on a five-lane boulevard. This will solve a lot of the traffic problems. Our goal is to connect 9000 South with 7200 South with a boulevard and take the traffic off the residential roads. That is why Main Street and Wasatch Street do not need to be widened.

Council Member Bryant Brown said he did not feel this project will help the traffic on Wasatch Street.

Council Member Paul Hunt said adding a traffic light would help tremendously.

**MOTION:** Council Member Paul Hunt Moved that we adopt Resolution 2019-R-09, Authorizing the Mayor to enter into the Amended and Restated Master Development Agreement between Midvale City Corporation and the Gardner Jordan Bluffs LC for the proposed Jordan Bluffs Project as presented. 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.

**B.** CONSIDER ORDINANCE NO. 2019-O-03 APPROVING A PROPOSED TEXT AMENDMENT TO INCREASE THE RESIDENTIAL DENSITY IN THE JORDAN BLUFFS ZONE, CREATE A REVIEW PROCESS AND DEVELOPMENT STANDARDS FOR RESIDENTIAL, COMMERCIAL, AND MIXED-USE DEVELOPMENT IN SUBAREAS 1-3 OF THE JORDAN BLUFFS ZONE, AND AMEND CHAPTERS 17-7-10 AND 17-2 OF THE MIDVALE MUNICIPAL CODE

Brian Berndt said on March 5, 2019, the City Council held a public hearing on this proposed text amendment which includes the following:
• Increases the allowed residential density within the Jordan Bluffs zone from 2,500 units to 3,500 units.
• Creates a review process and development standards for residential, commercial, and mixed-use development in Subareas 1-3 of the Jordan Bluffs Zone.
• Adds new and amended definitions for terms in the proposed zoning chapter.
• Amends and repeals sections of the existing Jordan Bluffs zone chapter to incorporate the new zone plans for each subarea of the Jordan Bluffs property.

The City Council has received information and studies on traffic, public facilities, and infrastructure regarding the development anticipated to occur under this proposed ordinance. It has been determined existing and planned infrastructure facilities are sufficient for the additional residential units being requested.

Planning Commission Recommendation
Approval of this proposed text amendment has been recommended by the Planning Commission. This recommendation to the City Council was made after a number of discussions and analysis of the issues, as well as a public hearing on February 13, 2019.

The Planning Commission recognized the proposed development standards reflect several goals of the Midvale City General Plan 2016, which includes the Jordan Bluffs property as an Opportunity Area, as well as recognizing the proposed Jordan Bluffs Project amenities and improvements included in the Amended and Restated Master Development Agreement (the "MDA") being finalized in conjunction with this text amendment. The main project amenities in the MDA include an improved 15-acre public park, trail connections to the Jordan River Parkway, and public facilities and infrastructure. The proposed development standards also reflect the specific nature of the Jordan Bluffs property, especially the environmental constraints that exist.

Council Member Bryant Brown said it’s difficult to go back to residents who were set on having a pool on this property. The park has a lot of amenities part-time where a recreation center would be all the time.

Council Member Quinn Sperry said he was sympathetic about having to go back to the residents but there is still an opportunity to have a pool located by Hillcrest. He said it’s offensive to him to hear the east side versus west side. He too grew up in Midvale and this is one unified city. He said everyone wants single family homes. He said he felt there needs to be a mix of housing.

MOTION: Council Member Dustin Gettel Moved to allow public comment on this item. 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 Nay
Council Member Bryant Brown Aye
Proceedings of City Council Meeting
March 19, 2019

Council Member Dustin Gettel  Aye
The motion passed 4-1 in favor.

Natasha Hill addressed Council Member Sperry and said it doesn’t feel like a mix. Everything in Midvale is so old. It would feel like a mix if it wasn’t mostly all apartments.

Benjamin Hill expressed his frustration with Council Member Quinn Sperry’s comments. He said this development affects his district, not the district Council Member Sperry lives in. He said he did not feel Council Member Sperry was representing everyone, just the district he is in. The person that represents his district does care.

Council Member Quinn Sperry apologized for saying personally. He does care, and if you look back, he has voted for high density within his district. He listens to the concerns from his district as well as other districts.

Council Member Paul Hunt said the Council cares about the city has a whole, that is why they are in these council seats. They have concerns for each district as well as the city as a whole.

John Cole said he has lived here for 72 years. He said there are way too many apartments.

Mayor Hale closed the public comments.

MOTION: Council Member Paul Hunt Moved that we adopt Ordinance No. 2019-O-03 increasing the residential density in the Jordan Bluffs zone creating a review process and development standards for Residential, Commercial, and Mixed-Use Development in Subareas 1-3 of the Jordan Bluffs Zone and amend Chapters 17-7-10 and 17-2 of the Midvale Municipal Code as presented. 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  No
Council Member Dustin Gettel  No

The motion passed 3-2 in favor.

C. CONSIDER RESOLUTION NO. 2019-R-10 AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURES
Lisa Garner said the rules of order and procedures were discussed with the Council at the last meeting. She reviewed two modifications changing aye or yes to affirmative and nay or no to decent. And changing the rules to state two members of the Council can ask to have staff research an item.
MOTION: Council Member Dustin Gettel Moved that we adopt Resolution 2019-R-10, amending the Midvale City Council Rules of Order and Procedures as discussed. 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.

D. CONSIDER ORDINANCE NO. 2019-O-04 AMENDING SECTION 2.36.40 “ELECTRONIC MEETINGS’ OF THE MIDVALE MUNICIPAL CODE

Lisa Garner said as staff was looking into the Rules of Order and Procedure code, they found that the provision of the City ordinance allows for electronic meetings, and specifically states that they all be held at the old city hall address. Amendments were made to the ordinance stating the meetings be held at city hall without an address, so in the future if a new city hall is built and the location changes, the ordinance won’t have to be changed. She asked Council to consider these amendments for approval that evening.

MOTION: Council Member Bryant Brown Moved to suspend the rules that we adopt Ordinance No. 2019-O-04 Amending Section 2.36.40 “Electronic Meetings” of the Midvale Municipal Code. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

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

The motion passed unanimously.

IX. DISCUSSION ITEMS
A. DISCUSS REALLOCATION OF BOND MONEY

Glen Kennedy discussed reallocating the bond money to purchase a Scada system to protect the lift stations and wells. Council agreed to move forward.

Council Member Paul Glover asked what it will do to the utility rates.

Glen Kennedy said that he hasn’t seen the numbers yet, however it will affect the rates. He also addressed snow plowing and his future plan. There are many new employees in the Public Works Department and will be receiving more training.
Council Member Glover and Council Member Hunt said they both received a lot of calls expressing appreciation for the plows.

X. **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 9:07 p.m.

_Rori L. Andreason, MMC_
_H.R. DIRECTOR/CITY RECORDER_

Approved this 2\textsuperscript{nd} day of April 2019.
Kane Loader welcomed everyone at 8:30 a.m.

I. DISCUSSION ITEMS
   A. FISCAL YEAR 2020 BUDGET
Staff reviewed the budget process, key issues for the FY 2020 budget. Each department reviewed specifics regarding budget needs and desires for the upcoming budget. An economic development report was presented as well as a Redevelopment Agency report. Capital projects and operating budgets were also discussed at length. The Council reviewed each of the requests and ranked them according to priority and need. Staff will utilize those recommendations to prepare a recommended City Management budget for Fiscal Year 2020.

II. ADJOURN
The meeting adjourned at 4:00 p.m.
Approved this 2\textsuperscript{nd} day of April 2019
SUBJECT: Agreement with Noland & Son Construction for the Jordan Valley Water Conservancy District Retail Area Take Over Project

SUBMITTED BY: Keith Ludwig, P.E., City Engineer

SUMMARY:

For some time now the City and Jordan Valley Water Conservancy District (JVWCD) has been planning for the City to take over water deliveries in the JVWCD retail area. This was included in a Memorandum of Understanding (MOU) between the City and JVWCD dated February 2014.

Our consultant, Hansen, Allen, & Luce has designed a project which separates that area from JVWCD distribution lines and connects it to City lines. Also included in this project is the replacement of the water line in Princeton Drive.

This project went out to bid on January 23rd, 2019. We held a bid opening on February 7th, 2019 and received two bids. One from RDJ Construction and one from Noland & Son Construction. We have worked with these contractors previously and have had good experiences with them.

We evaluated the bids based on the criteria outlined in the bid documents, which include the bid price at 40% of the total score, approach to the project at 30% of the total score and past experience, including past work they have done with Midvale City, also at 30% of the total score.

Included is a copy of the bid sheet.

We carefully look at the approach that each contractor submits. We are concerned as to how they will handle access into homes and businesses, traffic control, the continuous operation of existing water lines while replacement lines are being installed, their approach to public relations, how they see the construction process progress, and any other aspect to this project that the contractor view as crucial to its success.

We look at the past experience of the contractor especially on projects they have done for us in the past.

I have attached the scoring sheet that shows how we ranked each of the bidders in the various areas and how the final ranking came out.

As you can see the high score went to Noland Construction and staff recommends awarding this bid to them. The City has worked with Noland
Construction on previous projects and feels confident they can do the work in a timely and professional manner.

As your next regular Council Meeting will not be until April 16th, I am asking for a suspension of the rules so that you can take action on this item tonight.

**FISCAL IMPACT:** Their bid of $1,419,590 will be financed through bond proceeds and the annual $500,000 budgeted in the water capital improvement fund. Also, as some of this work benefits JVWCD directly they will participate financially to the tune of $108,160.

**STAFF’S RECOMMENDATION AND MOTION:**

I move that we suspend the rules and approve Resolution No. 2019-R-11, approving the agreement with Noland & Son Construction for the construction of the Jordan Valley Water Conservancy District Retail Area Take Over Project and authorize the Mayor to sign the agreement.

**Attachments:**

Resolution  
Agreement  
Bid documents  
MOU Between Midvale City & the JVWCD Dated February 2014
RESOLUTION NO. 2019-R-11

WHEREAS, Midvale City has in the past built several projects related to the improvement and expansion of the City’s water system; and

WHEREAS, The Jordan Valley Water Conservancy District (the District) provides culinary water service to an area within the corporate boundaries of Midvale City, more specifically in the area generally east of 900 East, referred to as the Jordan Valley Water Conservancy District Retail Area (Retail Area); and

WHEREAS, the City and the District desire to have the Retail Area serviced by the City and memorialized this desire in a Memorandum of Understanding dated February 2014; and

WHEREAS, the City’s consultant, Hansen, Allen & Luce, Inc. (HAL), with input from City and District staff, has designed a project that will disconnect the Retail Area from the District’s distribution lines to City lines entitled ‘Jordan Valley Water Conservancy District Retail Area Take Over Project’ (Project); and

WHEREAS, the Project was advertised for bid, and bids were received by the City for the construction of this project; and

WHEREAS, the City has evaluated the bids based on the criteria noted in the bid documents, and based on that analysis wishes to award the Project to Noland & Son Construction Company; and

WHEREAS, an agreement has been prepared between the City and Noland & Son Construction Company.

NOW THEREFORE BE IT RESOLVED, that based on the foregoing, the Midvale City Council adopts this resolution authorizing the Mayor to sign the agreement with Noland & Son Construction Company for the construction of the Jordan Valley Water Conservancy District Retail Area Take Over Project.

APPROVED AND ADOPTED this _____ day of ____________, 2019.

_________________________________________________________
Robert M. Hale, Mayor

ATTEST:

_________________________________________________________
Rori L. Andreason,
City Recorder
<table>
<thead>
<tr>
<th>Voting by the City Council</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<tbody>
<tr>
<td>Bryant Brown</td>
<td></td>
<td></td>
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<tr>
<td>Paul Glover</td>
<td></td>
<td></td>
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<tr>
<td>Quinn Sperry</td>
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<tr>
<td>Paul Hunt</td>
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<td></td>
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<tr>
<td>Dustin Gettel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAME/s OF COMPANY</td>
<td>BID TOTAL</td>
<td>Bond</td>
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<tr>
<td>---------------------------</td>
<td>---------------</td>
<td>------</td>
</tr>
<tr>
<td>RDJ Construction</td>
<td>$2,079,310.19</td>
<td>✓</td>
</tr>
<tr>
<td>Noland &amp; Son Construction Co</td>
<td>$1,419,590.00</td>
<td>✓</td>
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Midvale City
JVWCD Retail Area Takeover Design
13-Feb-19

Evaluation:

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<th>Criteria</th>
<th>CONTRACTORS</th>
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<tr>
<td></td>
<td>RDJ</td>
<td>Noland</td>
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<tr>
<td>1 Bid Price</td>
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<tr>
<td>2 Experience</td>
<td>30%</td>
<td>10</td>
<td>9</td>
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<tr>
<td>3 Approach</td>
<td>30%</td>
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<table>
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<tr>
<th>Criteria</th>
<th>WEIGHTED SCORES</th>
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<tr>
<td></td>
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<tr>
<td>1 Bid Price</td>
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<td>4</td>
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<tr>
<td>2 Experience</td>
<td>3</td>
<td>2.7</td>
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</tr>
<tr>
<td>3 Approach</td>
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<tr>
<td>Total</td>
<td>8.42</td>
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Note: Highest Number is awarded contract

Ranking

2

1

Recommendation: Noland and Sons
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<th>Item No.</th>
<th>Description</th>
<th>Qty</th>
<th>Unit</th>
<th>Unit Bid Amount</th>
<th>Total Bid Amount</th>
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<th>Total Bid Amount</th>
<th>Unit Bid Amount</th>
<th>Total Bid Amount</th>
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<tbody>
<tr>
<td>H.11</td>
<td>Remove Valve, Valve Box, and Plug Tee on Existing Jordon Valley Waterline (Off Work Hours) (7070 South Union Park Ave Connection, 1151 East 7975 South Connection, &amp; 1000 East Ridge Hill Ln. Connection, 1020 East South Union Ave. Connection, Union Park Ave. 7800 South, 7250 South Union Park Ave.)</td>
<td>5</td>
<td>Each</td>
<td>$4,500.00</td>
<td>$22,500.00</td>
<td>$5,210.00</td>
<td>$26,050.00</td>
<td>$10,006.22</td>
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<td>H.12</td>
<td>Connect to Existing Fire Hydrant Line (900 East Essex Court Way)</td>
<td>1</td>
<td>L.S.</td>
<td>$8,600.00</td>
<td>$8,600.00</td>
<td>$13,010.00</td>
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<td>H.13</td>
<td>Materials Testing</td>
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<td>L.S.</td>
<td>$1,325.00</td>
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<td>$3,186.17</td>
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<td>H.14</td>
<td>Implementation of the SWPPP</td>
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<td>L.S.</td>
<td>$1,090.00</td>
<td>$1,090.00</td>
<td>$4,190.00</td>
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<td>E-TOTAL</td>
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<td>$109,985.00</td>
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**ADDITIVE BID ALTERNATE:**

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<th>Item No.</th>
<th>Description</th>
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<th>Total Bid Amount</th>
<th>Unit Bid Amount</th>
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<tr>
<td>A-1*</td>
<td>Extend Existing 3/4&quot; Copper Water Service</td>
<td>24</td>
<td>Each</td>
<td>$1,590.00</td>
<td>$38,160.00</td>
<td>$2,290.37</td>
<td>$54,008.88</td>
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<td>A-2*</td>
<td>Connect Existing 3/4&quot; Copper Water Service</td>
<td>3</td>
<td>Each</td>
<td>$4,765.00</td>
<td>$5,570.00</td>
<td>$1,997.13</td>
<td>$3,994.26</td>
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<td>A-3*</td>
<td>Connect Existing 1&quot; Copper Water Service</td>
<td>1</td>
<td>Each</td>
<td>$1,615.00</td>
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<td>$2,442.01</td>
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<tr>
<td>A-4*</td>
<td>Connect Existing 1 1/2&quot; Copper Water Service</td>
<td>3</td>
<td>Each</td>
<td>$1,915.00</td>
<td>$4,545.00</td>
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<td>$10,335.60</td>
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<td>A-5*</td>
<td>Connect Existing 2&quot; Copper Water Service</td>
<td>2</td>
<td>Each</td>
<td>$1,740.00</td>
<td>$3,480.00</td>
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<td>Alt-6</td>
<td>Deduct for Connections if 2 Vertical 45 Degree Bends are not Necessary (5F Connection)</td>
<td>5</td>
<td>Each</td>
<td>-$935.00</td>
<td>-$4,675.00</td>
<td>-$657.23</td>
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<td>Alt-7</td>
<td>Deduct for Connections if 2 Vertical 45 Degree Bends are not Necessary (10&quot; Connection)</td>
<td>1</td>
<td>Each</td>
<td>-$1,505.00</td>
<td>-$1,505.00</td>
<td>-$764.61</td>
<td>-$764.61</td>
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**The materials of existing water services are unknown. The numbers in the bid schedule regarding replacing galvanized water service assume all services are galvanized. Depending on the area, there are typically a good number of water services that are already copper lines. Bid Alternate ALT-1 thru ALT-7 are intended for use when copper service lines are already existing. Bid Alternate Items ALT-6 thru ALT-7 are to serve as an alternate used to show the deduction that would be taken if the two prescribed 45-degree bends are not necessary and the connection is complete without them.**
LETTER OF TRANSMITTAL

Date: March 14, 2014

To: The Honorable JoAnn Seghini
   Mayor
   Midvale City
   655 West Center Street
   Midvale, UT 84047

The following items are:  ( ) Requested
                          (X) Enclosed
                          ( ) Sent separately via:

<table>
<thead>
<tr>
<th>No. of Copies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Fully executed original of the Memorandum of Understanding between Midvale City and JVWCD.</td>
</tr>
</tbody>
</table>

These data are submitted:  ( ) At your request  ( ) For your information
                          ( ) For your approval ( ) For your action
                          ( ) For your review  (X) For your files
                          ( ) Per our telephone conversation on:

Remarks:
Enclosed for your files is a fully executed original of the Memorandum of Understanding between Midvale City and JVWCD.

JORDAN VALLEY WATER CONSERVANCY DISTRICT

By:  Jackie Maas
     Executive Assistant

Jordan Valley Water Conservancy District
8215 South 1300 West
West Jordan, UT 84088
(801) 565-4300
fax (801) 565-4399
MEMORANDUM OF UNDERSTANDING BETWEEN MIDVALE CITY AND JORDAN VALLEY WATER CONSERVANCY DISTRICT

Midvale City ("Midvale") and Jordan Valley Water Conservancy District ("District") are embarking on plans to provide substantial new water service in the recently annexed areas of Midvale City, including the Union & Jordan service area. Preliminary discussions have identified a multi-year plan for providing that water service. This is an appropriate time to commit the parties' intentions and goals to a memorandum of understanding.

Background:

A. The Union & Jordan Irrigation Company acquired water rights in Little Cottonwood Creek and provided service to its stockholders in a service area generally extending from 7000 South to 7800 South, and from 700 East to 1300 East (the "Union & Jordan Area"), beginning in 1877.

B. The landowners in the Union & Jordan Area annexed to Salt Lake County Water Conservancy District (SLCWCD) during the 1950s. This resulted in a SLCWCD property tax levy on those lands.

C. Sandy City acquired Little Cottonwood Creek rights from the Union & Jordan Irrigation Company in 1974. Under the acquisition agreement, Sandy began serving potable water throughout the Union & Jordan Area, and continues to serve the Union & Jordan Area now. The Union & Jordan Area currently includes 2,765 retail water connections, with annual deliveries of about 2,050 acre-feet, and the area is shown on attached Exhibit 1.

D. SLCWCD changed its name to Jordan Valley Water Conservancy District in 1999. The District began providing retail water service to an area generally from 1200 East to 800 East and from 7400 South to 7800 South (the "JWWCD 10th East Retail Area") in the 1960s. The JWWCD 10th East Retail Area currently has 510 retail water connections, with annual deliveries of about 885 acre-feet, and the area is shown on Exhibit 1.
E. Midvale annexed the Union & Jordan Area and the JVWCD 10th East Retail Area in 1998.

F. In an effort to provide retail water service in the Union & Jordan Area, Midvale reached an agreement with Sandy in 2009 which provides for Midvale to acquire the Union & Jordan Area water distribution system. This agreement also provides for Midvale to continue purchasing water from Sandy for the Union & Jordan Area through June 2019.

G. Midvale desires to acquire the JVWCD 10th East Retail Area water distribution system sometime before or by June 2019, and to assume retail water service duties to that area. Midvale and the District have discussed this transfer of water distribution system and retail service accounts to Midvale, including Midvale amending its existing wholesale water purchase contract with the District to acquire additional water equal to the annual water deliveries for this area.

H. By June 2019, Midvale must be ready to assume retail water distribution service to the Union & Jordan Area, and desires to assume these obligations for the JVWCD 10th East Retail Area also. This will require additional wholesale water deliveries to Midvale from the District.

I. It is contemplated that the District’s primary delivery location for wholesale water service to Midvale’s Union & Jordan Area and the JVWCD 10th East Retail Area will be in the 700 East 7600 South vicinity, by June 2019. Midvale has estimated its total, maximum peak day demand at this location will be 5,220 gallons per minute (gpm).

J. Midvale’s retail water distribution services will require distribution water storage. However, Midvale has found it difficult to locate a suitable reservoir site at the correct elevation. Midvale desires to identify interim and permanent distribution storage options by June 2019. One interim option under consideration is to enter into an agreement with the District to provide peak hour and/or fire flow capacity at the delivery location, in addition to the peak day water delivery capacity available from the District under typical wholesale service arrangements.
Conceptual Agreements:

1. To provide water transmission capacity and wholesale water deliveries at the needed pressures, the District will make capital improvements to its 33-inch diameter cross-valley water transmission pipeline along 7800 South/7500 South by June 2019. These improvements will include a flow control station to provide wholesale water deliveries to Midvale at a hydraulic grade line elevation of 4,700 feet above mean sea level. Midvale and the District have identified a location near 7600 South 700 East for wholesale deliveries from the District to Midvale. The District's improvements will provide for up to 8,870 gpm of peak hour demands or up to 9,220 gpm of peak day plus fire flow demands, which is requested by Midvale at the delivery location. This site was located to take advantage of the transmission pipeline fluoride feed station operated by the District at 7618 South 700 East.

2. The District and Midvale will decide later which of them will design and construct a wholesale meter station near 7600 South 700 East. The meter station will meet District design, construction, and operational standards and it will be paid for by Midvale, with the District constructing a turnout and valve at its cost. Midvale and the District will study a site layout for the meter station in the near future to identify a potential location and to acquire land, if needed.

3. The District and Midvale will negotiate and execute amendments to their existing wholesale water purchase contract, in which Midvale will agree to purchase water from the District as follows:
   a. For the JVWCD 10th East Retail Area – approximately 885 acre-feet per year.
   b. For the Union & Jordan Area – approximately 2,050 acre-feet per year.

4. To provide an interim distribution storage option for Midvale, the District will lease three million gallons (MG) of finished water storage at its 2800 East 9400 South reservoir site to Midvale. The District is willing to lease an additional 1.8 MG of storage in its 2300 East 9800 South reservoir, if needed, to Midvale. The parties
contemplate a 10-year lease term, beginning in 2019 and renewable upon the agreement of both parties. Midvale will pay lease compensation annually based upon annual depreciation expenses for the replacement cost of the leased storage.

5. During the term of an interim storage lease to Midvale, the District will calculate a peak-hour water demand credit based on the projected average operation of the storage, in favor of Midvale. This credit will be applied during annual water rate calculations involving peak-hour factors, for the benefit of Midvale, as if Midvale owned and operated the storage within its own distribution system.

6. To assist Midvale in acquiring permanent distribution storage to serve the Union & Jordan Area and the JVVCD 10th East Retail Area, the District is willing to pursue discussions with Midvale for purchase of land or an option to purchase land, at the District’s 2300 East 9800 South reservoir site.

7. This document is not a contract but rather an expression of the Parties’ current understandings on the matters identified. No term or provision of this document shall be binding on the Parties. Should the Parties desire to contract between themselves on any matter identified in this document, they will enter into separate contracts which shall be subject to the formal approval of their governing bodies before they are binding and effective.
Midvale City

Dated: [February 2014]

JoAnn B. Seghini
Its Mayor

City Recorder

Jordan Valley Water Conservancy District

Dated: [March 12, 2014]

Gary C. Swensen
Its Chair, Board of Trustees

Richard P. Bay
Its Clerk

APPROVED AS TO FORM BY [Signature] 2/25/14
MIDVALE CITY, UTAH
RESOLUTION NO. 2014-R-13

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A ‘MEMORANDUM OF UNDERSTANDING’ BETWEEN MIDVALE CITY AND JORDAN VALLEY WATER CONSERVANCY DISTRICT (JVVCD) FOR PROVIDING CULINARY WATER IN THE UNION & JORDAN SERVICE AREA & JVVCD 10th EAST RETIAL SERVICE AREA

WHEREAS, Midvale City annexed the Union & Jordan service area and the JVVCD 10th East retail service area in 1998; and

WHEREAS, this area is included in the JVVCD boundary, and as such has a property tax levy to JVVCD; and

WHEREAS, Midvale City, in June if 2009, acquired the Union & Jordan water distribution system from Sandy City with an agreement that culinary water for this area will be purchased from Sandy City thru June of 2019; and

WHEREAS, it is the desire of Midvale City to begin purchasing wholesale water for this area from JVVCD after June of 2019, and to enter into discussions with JVVCD about acquiring their 10th East retail area;

NOW THEREFORE BE IT RESOLVED, based on the foregoing, the Midvale City Council does hereby approve the Memorandum of Understanding and authorizes the Mayor to sign the same between Midvale City and JVVCD.

APPROVED AND ADOPTED this 18th day of February, 2014.

ATTEST:

Rori L. Andreauson, MMC
City Recorder

JoAnn B. Seghini, Mayor

Voting by the City Council

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<tr>
<th>Name</th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<td>Stephen Brown</td>
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<td>Paul Glover</td>
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<td>Robert Hale</td>
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<td>Paul Hunt</td>
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<td>Wayne Sharp</td>
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DOCUMENT 00 50 00

AGREEMENT FORM

THIS AGREEMENT dated as of the 8 day of March, 2019, is by and between Midvale City (hereinafter called OWNER), and Noland and Son Construction Co., Inc. (hereinafter called CONTRACTOR). OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

1. WORK

   CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

   This project consists of the construction of five different drinking water pipeline replacement projects throughout Midvale, Utah and twelve different locations where connections/disconnections from Jordan Valley Water Conservancy District (JVWCD) waterlines are to be completed. The Princeton Drive project consists of roughly 1,812 feet of 10" diameter PVC. The 900 East project consists of about 1,373 feet of 12" diameter PVC. The Husky Drive project consists of about 530 feet of 8" diameter PVC. The 7180 South project consists of roughly 869 feet of 8" diameter PVC. The Chapel Hill Drive project consists of 1,783 feet of 8" diameter PVC. The 7800 South project consists of switching over existing waterlines and services from an existing JWVCD pipeline to an existing 24-inch Midvale pipeline from 1000 East to 1175 East. The connection/disconnection projects are located at the following locations: 900 East and Essex Court Way, 7063 South and 900 East, 6990 South and South Union Park Avenue, 7070 South and Union Park Avenue, 1000 East and South Union Avenue, 1191 East and 7575 South, 1000 East and Ridge Hill Lane, 1000 East and Casa Roja Street, and 7250 South and Union Park Avenue. At several of the connections/disconnections and at water service change orders, abandonment of the remaining waterlines at JWVCD waterline will also need to be completed. Each of the projects also may include switching over existing and installing new water services, furnishing and installing fittings, fire hydrants, connection materials, and miscellaneous appurtenances.

2. ENGINEER

   The Project has been designed by:

   Hansen, Allen & Luce, Inc.
   859 West South Jordan Parkway, Suite 200
   South Jordan, UT 84095

   who is hereinafter called ENGINEER and who will assume all duties and responsibilities and will have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

3. CONTRACT TIME

3.1. The Project shall be substantially completed on or before 115 days from the date of Notice to Proceed. The remaining Work shall be completed and ready for final payment in accordance with paragraph 15.06 of the General Conditions on or before 130 days from the date of Notice to Proceed.

3.2. LIQUIDATED DAMAGES

   OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 11 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration preceding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER One Thousand Dollars ($1,000.00) for each calendar day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or within any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER One Thousand Dollars ($1,000.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

4. CONTRACT PRICE

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4.1. OWNER shall pay CONTRACTOR for performance of the Work in accordance with the Contract Documents in current funds in accordance with the Bid Form included herewith.

5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1. PROGRESS PAYMENTS: All progress payments will be on the basis of the progress of the Work estimated by the engineer.

5.2. FINAL PAYMENT: Upon final completion and acceptance of the Work in accordance with paragraph 15.06 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 15.06.

6. INTEREST

All moneys not paid when due as provided in Article 15 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

7. CONTRACTOR'S REPRESENTATIONS

In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

7.1. CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.

7.2. CONTRACTOR has studied carefully all reports of explorations and tests of subsurface conditions and drawings of physical conditions which are identified in the Supplementary Conditions as provided in paragraph 5.03 of the General Conditions, and accepts the determination set forth in the Supplementary Conditions of the extent of the technical data contained in such reports and drawings upon which CONTRACTOR is entitled to reply.

7.3. CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Paragraph 7.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 5.03 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar data are or will be required by CONTRACTOR for such purposes.

7.4. CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities.

No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 5.04 of the General Conditions.

7.5. CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6. CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

8. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the work consist of the following:

8.1. This Agreement (pages 1 to 4, inclusive).

8.2. Performance and Payment Bonds

8.3. General Conditions (pages 1 to 71, inclusive).

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8.4. Supplementary Conditions (pages 1 to 8, inclusive).

8.5. Specifications bearing the title TECHNICAL SPECIFICATIONS as listed in table of contents hereof.

8.6. Drawings bearing the title JWVCD RETAIL AREA TAKEOVER DESIGN as listed in the Index of Drawings on Sheet G-2 of said drawings.

8.7. Addenda numbers ___ to ___ inclusive.

8.9. Exhibits to this Agreement, identified as follows:
   Exhibit A – Notice of Award – Document 00 51 00
   Exhibit B – Notice to Proceed – Document 00 52 00
   Exhibit C – Contractor’s Bid (Including Documentation Accompanying Bid)
   Exhibit D – Insurance Certificates

8.10. Documentation submitted by CONTRACTOR prior to Notice of Award.

8.12. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to Article 11 of the General Conditions.

8.13. The documents listed in paragraphs 8.2 et seq. above are attached to the Agreement (except as expressly noted otherwise above). There are no Contract Documents other than those listed above in the Article 8. The Contract Documents may only be amended, modified or supplemented as provided in Article 11 of the General Conditions.

9. MISCELLANEOUS

9.1. Terms used in this Agreement which are defined in Article 1 of the General Conditions shall have the meanings indicated in the General Conditions.

9.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

10. OTHER PROVISIONS
   None
IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on ___3-8____ 2019.

Midvale City Owner

By: 

[CORPORATE SEAL]

CONTRACTOR

By: 

[CORPORATE SEAL]

Attest: 

[Signature]

Address for Giving Notices:

7505 Holden Street

Midvale, Utah 84047

Address for Giving Notices:

1350 W. 7900 S.
West Jordan, UT 84088

License No.: 231300-5501

Attest: 

[Signature]

END OF SECTION

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May 14, 2014

To Whom It May Concern

The following is a list and signatures of the Corporate Officers for Noland & Son Construction Company, Inc. who has the authorization to sign for the corporation:

Kathleen Noland-Dotson/President

Doug Noland/Vice-President

State of Utah
County of Salt Lake

On the 14th of May, 2014, personally appeared before me, Kathleen Noland-Dotson and Doug Noland, who being by me sworn, says that they are the President and Vice-President of Noland & Son Construction Company, Inc. the corporation that executed the above and foregoing statement.

Cheryl McMillan
Notary Public Signature & Seal

My commission expires: April 4, 2018

Should you have any questions concerning this matter, please feel free to contact me at (801) 566-7219.

Sincerely

Kathleen Noland-Dotson
President