



7505 S Holden Street
Midvale, UT 84047
801-567-7200
Midvale.Utah.gov

**MIDVALE CITY COUNCIL REGULAR MEETING
AGENDA
JANUARY 2, 2024**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **2nd day of January 2024** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

Electronic & In-Person City Council Meeting

This meeting will be held electronically and in-person. **Public comments may be submitted electronically to the City Council at www.Midvale.Utah.gov by 5:00pm on January 1st and will be included in the record.**

The meeting will be broadcast on the following: **You Tube: Midvale.Utah.gov/YouTube**

6:00 PM – Council Chambers

- Swearing in Ceremony for Newly Elected City Council Members

6:30 PM - REGULAR MEETING

I. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. Unified Fire Department Report

II. PUBLIC COMMENTS

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

III. MAYOR REPORT

- A. Mayor Marcus Stevenson

IV. COUNCIL REPORTS

- A. Councilmember Paul Glover
- B. Councilmember Bonnie Billings
- C. Councilmember Dustin Gettel
- D. Councilmember Bryant Brown
- E. Councilmember Heidi Robinson

V. CITY MANAGER REPORT

VI. CONSENT

- A. Consider Minutes of November 30, and December 6, 2023 [**Rori Andreason, H.R. Director/City Recorder**]

VII. ACTION ITEMS

- A. Consider **Resolution No. 2024-R-01** Authorizing the Conveyance and Acceptance of the Park Area adjacent to Zions (Jordan Bluffs) [**Adam Olsen, Community Development Director**]
- B. Consider **Resolution No. 2024-R-02** Authorizing the Mayor to enter into a Federal Aid Agreement between the Utah Department of Transportation and Midvale City for the reconstruction of the Bridge over the Jordan and Salt Lake Canal located at approximately 80 East 8000 South [**Keith Ludwig, City Engineer**]

VIII. DISCUSSION ITEMS

- A. Recommendations for Naming of the Midvale City Community Coalition [**Matt Dahl, City Manager**]
- B. Board and Committee Assignments for Midvale City [**Matt Dahl, City Manager**]
- C. Discuss City-Initiated Request to Amend Title 16, Sections 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, and 17-3-13 and to Create Title 18 of the Midvale City Municipal Code. [**Aaron McKnight, Deputy City Attorney**]

IX. POSSIBLE CLOSED SESSION

The City Council may, by motion, enter into a Closed Session for:

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual;
- B. Strategy sessions to discuss pending or reasonably imminent litigation;
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property;
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Investigative proceedings regarding allegations of criminal misconduct.

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 days advance 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 posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at Midvale.Utah.gov 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.

DATE POSTED: DECEMBER 28, 2023

**RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER**



CITY COUNCIL LEGISLATIVE BREAKFAST

Minutes

Thursday, November 30, 2023
Bohemian Brewery
94 South Fort Union Boulevard
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Nate Rockwood, Assistant City Manager; Rori Andreason, H.R. Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Adam Olsen, Community Development Director; Mariah Hill, Administrative Services Director; Cody Hill, Economic Development Director; Laura Magness, Communications Director; Chief Randy Thomas, UPD; Lt. Ken Malone, UPD; and Chief Brad Larson, UFA.

LEGISLATORS: Senator Kathleen Riebe
Representative Gay Lynn Bennion
Representative Andrew Stoddard
US Congressman Burgess Owens, District Director, Casey Saxton
US Congressman Burgess Owens, Deputy District Director, Alex Johnson

OTHERS: Dave Spatafore, Lobbyist
Ashley Spatafore Mirabelli, Lobbyist
Cameron Diehl, ULCT Executive Director

Mayor Stevenson called the meeting to order at 8:00 a.m.

I. Projects and Programs

Matt Dahl and staff reviewed the following Projects and Programs:

- Midvale Recreation Center
- Canal Trail Development
- Main Street Improvements
- City Hall and 700 West Improvements
- Water System Upgrades
- Lead & Copper Assessment & Mitigation
- Unified Police Department Reorganization

II. Legislative Issues and Positions

Matt Dahl and others discussed the following legislative issues and the impact to Midvale City:

- **Unified Police Department Reorganization**
- **Municipal Justice Courts provide an important service for their community**
- **Active Transportation requires financial support at the State and Local Levels**
- **Shelter Mitigation Funding is a priority issue for Midvale**
- **Support and Expand Housing and Transit Reinvestment Zones (HTRZ)**
- **Support Funding and Flexibility for the State Infrastructure Bank (SIB)**
- **Direct Utah Department of Transportation to address camping on its property**

III. Legislator's Comments

Each Representative discussed the issues they would be addressing during the 2024 legislative session.

IV. ADJOURN

The meeting adjourned at 9:00 a.m.

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

Approved this 2nd day of January 2024.



CITY COUNCIL MEETING *Minutes*

Tuesday December 6, 2023
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Nate Rockwood, Assistant City Manager; Mariah Hill, Administrative Services Director; Elizabeth Arnold, Senior Planner; Meggie Troili, RDA Project Manager; Suzy Grandgent, City Management Executive Assistant; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; Juan Rosario, Systems Administrator; and Matt Pierce, IT Director.

6:00 PM WORKSHOP MEETING

- **MIDVALE ENTRYWAY MONUMENT DESIGN DISCUSSION**

Adam Olsen discussed the Midvale entryway monument design with the council.



6:30 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:36 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. UNIFIED POLICE DEPARTMENT REPORT

Chief Randy Thomas reported that the monthly stat report is not yet completed. 973 traffic citations were issued and only 73 of those citations were warnings. Worked with public works to clean up a homeless camp by the Jordan river. First snowstorm of the year, officers will go out and do a warning blitz to educate. Looking forward to Saturday event Shop with a Shield at Walmart. Will also be at the Midvale Light up Main event. Chief Thomas thanked Council Member Quinn Sperry for his service.

D. RECOGNITION OF COUNCIL MEMBER QUINN SPERRY

Mayor Stevenson thanked Council Member Quinn Sperry for his service. Quinn has been kind and thoughtful throughout. Speaks to residents and hears their concerns. Happy for Quinn to spend more time with his family.

Council Member Paul Glover said that it has been fantastic working with Council Member Quinn Sperry. Have seen a lot of ups and downs and overall it has been wonderful. Appreciates his dedication.

Council Member Dustin Gettel said Council Member Quinn Sperry is our own Anthony Kennedy. Quinn has been a swing vote on many items. Appreciates how Quinn looks at issues and takes a reasonable approach. Quinn will be missed and hopes he will come visit from time to time.

Council Member Bryant Brown expressed his gratitude for Council Member Quinn. Appreciates Quinn for walking him through procedures when he was new as a council member. Appreciates Quinn for his dedication.

Council Member Heidi Robinson expressed her gratitude for Council Member Quinn Sperry and mentoring her as a new council member. Quinn is the reason I ran for council another term. Thanked Quinn personally and also all the citizens of Midvale.

Matt Dahl said Council Member Quinn Sperry is and has been a great council member. Quinn Sperry is really a great person. Have worked together for 6 years and feel that I only really got to know him in the last year, and we had some really good conversations. Don't always agree on everything, but will have a conversation and talk things through, and that is important to me as well as staff and community. Matt thanked Quinn for all he has done, and that he will be missed.

Nate Rockwood thanked Council Member Quinn Sperry for working with staff in a consistent and logical manner. Have been very supportive of staff. Have enjoyed the RDA meetings with you.

Glen Kennedy also thanked Council Member Quinn Sperry for his support with staff and community.

Rori Andreason also thanked Council Member Quinn Sperry. Has been a pleasure to work with and also fun. Quinn will be missed.

Laura Magness thanked Council Member Quinn Sperry for his dedication to Midvale City. Have learned a lot from him personally. Quinn is respected by all and will be missed.

Garrett Wilcox said his career has followed Council Member Quinn Sperry's leadership on council. Appreciates Quinn's support for staff and the community. Have enjoyed our conversations and Quinn will be missed not only by staff but also the community.

E. PROCLAMATION HONORING COUNCIL MEMBER QUINN SPERRY

Mayor Stevenson read a proclamation honoring Council Member Quinn Sperry for his dedication to Midvale City as council member.

II. PUBLIC COMMENTS

Lorene Butler said Council Member Quinn Sperry has been great. Thanked him for his service as council member and also his friendship. Thanked Midvale City Staff that came to her home.

III. MAYOR REPORT

Reported on Maple Street tour where Midvale staff and Chief Thomas met with residents in neighborhood and walked the trail. Residents concerned isn't a good place for a trail. Invited everyone to come to Light up Main event on Saturday at 6:30pm. There will be a holiday market with vendors for unique Christmas gifts. Attended public hearing for Unified Fire Authority. Looking at a budget increase.

IV. COUNCIL REPORTS

A. Council Member Paul Glover – Monday is a public meeting for the Mosquito Abatement District.

B. Council Member Quinn Sperry – Thanked everyone for the proclamation and kind words. Has been a privilege to serve on the council. Good learning experience. Grew up in Midvale and taking pride in serving the community and getting to know the staff. Appreciates the leadership and examples that were set by fellow council members. Time on council has been challenging at times but rewarding. Not an easy job to make some decisions that will affect residents. Relationships with staff and council members will be missed. Hope to stay in touch. Thanked the residents of Midvale City for allowing him to serve. Look forward to seeing what the council does in the future.

C. Council Member Dustin Gettel - Thanked Public Works and Unified Police for the camp cleanup. Hopes surrounding cities step up and help with unsheltered people.

D. Council Member Bryant Brown – said he is really going to miss Council Member Quinn Sperry and thanked him for his service.

E. Council Member Heidi Robinson – Had nothing to report.

V. CITY MANAGER REPORT

Matt Dahl said in a moment will go through the recreation bond in the canvass. Next steps in the planning process will reach out to neighborhoods. Reason for the special bond election was to have a strategy to develop the best application for funding for a new recreation center. Once the recreation bond is certified in the canvass report will move into a new campaign phase to ensure Midvale's needs are heard. Regarding homelessness issues, Unified Police officers are on the front lines in dealing with these issues and specifically trained in this area. Midvale staff regularly meets with the state to work with them to maintain funding for the homelessness issues. Statewide and also nationwide there has been an uptick on homelessness.

VI. PUBLIC HEARINGS

A. MIDVALE CITY INITIATED REQUEST TO AMEND SECTION 17-7-8.4(A)(9)(C) OF THE TRANSIT ORIENTED DEVELOPMENT (TOD) ZONE RELATING TO TOWNHOME DEVELOPMENT IN THE MIDVALE CITY MUNICIPAL CODE

ACTION: CONSIDER APPROVAL OF ORDINANCE NO. 2023-O-16 MIDVALE CITY INITIATED REQUEST TO AMEND SECTION 17-7-8.4(A)(9)(C) OF THE TRANSIT ORIENTED DEVELOPMENT (TOD) ZONE RELATING TO TOWNHOME DEVELOPMENT IN THE MIDVALE CITY MUNICIPAL CODE

Elizabeth Arnold said Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. This section regulates the development of townhouses in medium and high-density residential developments. The proposed amendment removes language that is cumbersome and difficult to implement in practice. The amendment will make the development process smoother and easier for both applicants and city staff.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

-AMENDMENTS TO THE ZONING CODE OR MAP-

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

Response: The request is not for a rezone; rather, an amendment that simplifies townhouse development in the TOD zone and satisfies ongoing community needs.

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

Response: This criterion is not applicable.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area; **Response: This criterion is not applicable.**

Planning Commission Recommendation

Recommend Approval.

Council Member Dustin Gettel asked if the current code was difficult for developers to develop a townhome community.

Council Member Bryant Brown asked how hard the characteristics are to adhere to for the developers.

Council Member Dustin Gettel asked if the last sentence is necessary regarding the three characteristics.

Council Member Quinn Sperry likes the change. Fine with the three characteristics.

Garrett Wilcox said if the code is not clear ambiguity goes to the developer.

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

There were no one who desired to speak.

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

MOTION: Council Member Dustin Gettel MOVED to Approve Ordinance No. 2023-O-16 Amending Section 17-7-8.4(A)(9)(c) of the TOD zone as provided in the attachments, with the finding noted in the summary report. *Finding: 1.* The amendment complies with Midvale City Code 17-3-1(E)(1). The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

VII. CONSENT

A. CONSIDER MINUTES OF NOVEMBER 14, 2023

B. CONSIDER RESOLUTION NO. 2023-R-43 ESTABLISHING A TIME AND PLACE FOR HOLDING REGULAR CITY COUNCIL MEETINGS, DESIGNATE THE MAYOR PRO-TEMPORE, AND ADOPT THE HOLIDAY FOR THE 2024 CALENDAR YEAR

Rori Andreason said 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 the months of March, November, and December may differ from the above schedule. The proposed holiday schedule for the calendar year 2024 has also been included for Council consideration as well as the Mayor Pro-Tempore designation. A resolution has been prepared for Council consideration.

FISCAL IMPACT:

N/A

C. CONSIDER RESOLUTION NO. 2023-R-44 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GROUP BENEFITS SERVICES FOR INSURANCE BROKER SERVICES

Rori Andreason said In July 2023, a Request for Proposal (RFP) was issued for insurance broker services. The RFP sought qualified bidders to submit proposals meeting specific criteria. A committee was formed to evaluate these proposals, consisting of Susan Stengel, Procurement/Contract Analyst; Rori Andreason, HR Director; Sherri Timmerman, Benefits Coordinator; and Adam Olsen, Community & Development Director.

Each committee member independently rated the bidder's proposals to identify the top four providers. These top four providers were then invited to present their proposals to the committee. After the presentations, the committee requested the final and best pricing from the four providers. Upon receiving the final pricing, the committee unanimously decided to award the bid to Group Benefit Services. This decision was made after a thorough evaluation of the proposals and presentations, signifying that Group Benefit Services provided the most favorable and competitive offer for insurance broker services. The contract has a term from January 1, 2024 to December 31, 2028 with the option to renew for an additional 2-year term.

The Council discussed this item on November 14th with instructions to schedule this item for approval at the next meeting.

FISCAL IMPACT:

Contract not to exceed \$77,000 annually.

MOTION: Council Member Paul Glover **MOVED** to Approve the Consent Agenda. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

VIII. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2021-R-45 CANVASS THE RESULTS OF THE NOVEMBER 21,2023 GENERAL MUNICIPAL ELECTION

Rori Andreason said the Mayor and City Council are the legislative body for Midvale City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301. Utah Code requires the Board of Municipal Canvassers to meet to canvass the returns of the Municipal General Election no sooner than 14 days and no later than 14 days after the election.

Salt Lake County has prepared the election results report for your review and approval. Any valid ballots received by noon on the day of the official canvass and postmarked before election day will be opened and added to the election results. The final canvass report will be distributed and reviewed at the meeting.

STAFF RECOMMENDATION:

Staff recommends the Board of Canvassers approve Resolution No. 2023-R-45 Accepting and Approving the Results of the Municipal General Election held November 21, 2023 as shown on the Canvass Report. The Board of Canvassers will be requested to sign the official canvass results indicating their approval.

FISCAL IMPACT:

N/A

Rori Andreason said the following candidates, resolutions, and questions are declared and certified to have received the number of votes indicated:

Council Member District 1 (4-Year Term)

Candidate Votes

Bonnie Billings 641

Dustin Snow 284

Ben Umeadi 132

Council Member District 2 (4-Year Term)

Candidate Votes

Paul Glover 658

Council Member District 3 (4-Year Term)

Candidate Votes

Heidi Robinson 445

Evan Feinberg 378

Bart Benson 248

The following three candidates, having qualified by number of votes, are hereby declared elected as members of the Council for the following terms of office:

Bonnie Billings Council Member – District 1 Four-year term

Paul Glover Council Member – District 2 Four-year term

Heidi Robinson Council Member – District 3 Four-year term

Council Member Dustin Gettel said 27% voters is low.

MOTION: Council Member Quinn Sperry MOVED to approve Resolution No. 2023-R-45 Accepting and Approving the Results of the Municipal General Election held November 21, 2023 as shown on the Canvass Report. The motion was SECONDED by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

B. CANVASS THE RESULTS OF THE NOVEMBER 21, 2023 BOND ELECTION

Rori Andreason said the election numbers for the bond election as follows:

MIDVALE CITY REVISED RESOLUTION CALLING BOND ELECTION NO. 2023-R-32 (Vote for 1)

FOR THE ISSUANCE OF BONDS (YES)

2,345 61.00%

AGAINST THE ISSUANCE OF THE BONDS (NO)

1,499 39.00%

Total Votes 3,844

On July 18, 2023, the Midvale City Council adopted Resolution No. 2023-R-32 approving a special bond election on November 21, 2023. The Special Bond Election was intended to give the residents of Midvale the opportunity to consider the following proposition:

PROPOSITION

Shall the City Council (the “Council”) of Midvale City, Utah (the “City”), be authorized to issue General Obligation Bonds in an amount not to exceed ELEVEN MILLION AND TWO HUNDRED THOUSAND (\$11,200,000) (the “Bonds”) for the purpose of financing a portion of the costs to construct a new recreation center, including a community pool, and other recreational amenities, including trails, and all related improvements; said Bonds to be due and payable in not to exceed thirty-one (31) years from the date of issuance of the Bonds?

Property Tax Cost of Bonds: If the Bonds are issued as planned, a property tax sufficient to pay debt service on the Bonds will be required over a period of thirty (30) years in the estimated average amount of \$48.80 per year on a \$438,000 primary residence and in the estimated amount of \$88.74 per year on a business property having the same value.

The foregoing information is only an estimate and is not a limit on the amount of taxes that the Council may be required to levy to pay debt service on the Bonds.

The Council is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and taxable values of property in Midvale City, Utah.

The Mayor and City Council are the legislative body for Midvale City and comprise the Board of Municipal Canvassers. In this role, the City Council is required to canvass the election returns for the special bond election in accordance with Sections 11-14-207, 20A-4-301(3), 20A-4-302, and 20A-4-303, Utah Code Annotated 1953, as amended, publicize the election results and make an official finding on the outcome of the election.

Salt Lake County has prepared the election results report for your review and approval. Any valid ballots received by noon on the day of the official canvass and postmarked before Election Day will be opened and added to the election results. The final canvas report will be distributed and reviewed at the meeting.

STAFF’S RECOMMENDATION

Staff recommends the Board of Canvassers approve the results of the Special Bond Election held November 21, 2023 as shown on the Canvass Report and declare the Proposition to have carried.

MOTION: Council Member Dustin Gettel MOVED that we the board of canvassers approve the results of the special bond on election held on November 21, 2023 as shown in the canvass report and declare the proposition to have carried. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye

Council Member Bryant Brown **Aye**
Council Member Dustin Gettel **Aye**
The motion passed unanimously.

C. CONSIDER RESOLUTION NO. 2023-R-46 REQUESTING THE RECERTIFICATION OF THE MIDVALE JUSTICE COURT

Mariah Hill said Section 78A-7-103 of the Utah Code requires that municipal justice courts be recertified by the Utah Judicial Council every four years. The certification for the Midvale City Justice Court (“the Court”) expires in January 2024. To qualify for recertification, Midvale City must submit the following three documents:

1. An affidavit submitted by Judge Vo-Duc certifying that the Court meets the state requirements for a Class I Justice Court
2. A letter from the city attorney attesting to the viability of the justice court, and
3. A resolution adopted by the City Council

The Court is a Class I Court. The operational standards for a Class I Court are as follows:

- **Over 500 Filings Per Month:** Currently, the Court averages 780 total filings per month, which includes traffic, criminal and small claims cases.
- **Full-Time Hours and Full-Time Judge:** The Court is currently open Monday to Thursday from 8:00 a.m. to 5:45 p.m. and on Friday from 8:00 a.m. to 4:45p.m. and employs a full-time judge.
- **Dedicated Facility:** The Court is housed in a separate section of Midvale City Hall. It contains a dedicated courtroom, judge’s chambers and clerk’s office. The facilities provided meet or exceed the minimum requirements, and the judge has been provided with the required attire and tools as specified by the Judicial Council.
- **Clerical Resources – Minimum of Three Full-Time Clerks:** The Court employs a full-time court administrator, six full-time judicial clerks, and one part-time judicial clerk.
- **Prosecution:** Midvale City has a full-time prosecutor.
- **Indigent Defense:** Midvale City budgets funds to provide for a defense attorney to represent indigent defendants. The City contracts with the law firm of Stowell, Crayk & Bown for its indigent defense services.
- **Legal Resources:** Midvale City provides a yearly copy of the Utah Code and Midvale Municipal Code. Copies of the Utah Justice Court Manual, Utah Code of Judicial Administration and Utah Uniform Bail Schedule are kept electronically and updated regularly through the Utah Administrative Office of the Courts.
- **Law Enforcement:** Midvale City currently contracts with Unified Police Department to enforce the law with Midvale City boundaries.
- **Bailiff:** The Court contracts with All-Pro Security for its bailiff services. All-Pro is a bonded and registered constable company who employs POST certified officers.
- **Security Plan:** A draft security plan is attached and will be submitted per Rule 3-414 of the Utah Code of Judicial Administration.
- **Jury/Witness Fees:** The City provides funding for the payment of all statutory juror and witness fees.

- **Education:** The City provides full funding for judicial and court clerk conferences. These conferences satisfy continuing professional education requirements for Judge Vo-Duc and the judicial assistants.
- **Reporting:** All reporting required by the Utah Judicial Council is submitted in a timely manner and within the governing rules and laws. All reporting to the Utah Driver's License Division and the Bureau of Criminal Identification are made via the state case management system: CORIS. All surcharges are forwarded to the Utah State Treasurer's Office no later than the tenth day of each month.

PLAN COMPLIANCE:

N/A

FISCAL IMPACT:

N/A

MOTION: Council Member Heidi Robinson **MOVED** to Adopt Resolution No. 2023-R-46 requesting the recertification of the Midvale Justice Court. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

**D. DISCUSS AND CONSIDER RESOLUTION NO. 2023-R-47
ACKNOWLEDGING COMPLETION AND RECEIPT OF FISCAL YEAR
2023 ANNUAL AUDIT**

Mariah Hill said an annual financial audit is required of all municipalities who have revenues or expenditures of \$1,000,000 or more. The audit must be submitted to the State Auditor's Office by December 31 of the year. The independent auditor is responsible for reporting whether or not the governing body's financial statements are prepared in conformity with generally accepted accounting principles. This report will be presented by Marcus Arbuckle of Keddington & Christensen L.L.C. The report will be submitted to the State Auditor's Office in order to meet state mandated deadlines and will be available to the public. An electronic version of the Annual Comprehensive Financial Report will be sent to the Council. An electronic version of the Annual Comprehensive Financial Report will be posted on the City's website shortly after acceptance by the Council. As required in Utah Code section 10-6-152, notice will be given to the public that the audit has been completed and is available for inspection.

PLAN COMPLIANCE:

N/A

FISCAL IMPACT:

See Annual Comprehensive Financial Report for fiscal year 2023 performance.

FY2023 Annual Comprehensive Financial Report Review

Sections of Report

1. Introductory
2. Financial
3. Basic Financial Statements
4. Required Supplementary Information
5. Supplementary Information
6. Statistical Section
7. Internal Controls and Compliance Reports

Introductory Section

- Transmittal Letter
- Audit Requirements, Intro of Auditors, Profile of Midvale, Factors Affecting Financial Condition, Long-Term Financial Planning
- Certificate of Achievement for previous FY
- Organizational Chart
- Elected and Appointed Officials

Financial Section

- Independent Auditor's Report (10-12)
-
- Management's Discussion and Analysis (MD&A) (13-26)
- Objective, easily readable analysis of a government's financial activities.
- Summaries, significant events and changes, financial highlights
- Only information specifically outlined by the GFOA can be included.

Basic Financial Statements

- Government-Wide Financial Statements (29-31)
- Governmental Fund Financial Statements (33-39)
- Proprietary Fund Financial Statements (41-47)

Notes to the Financial Statements

- An in-depth explanation to financial statements
- Significant accounting policies
- Reconciliation of government-wide statements to fund statements
- Deposits and investments (page 59-63)
- Capital asset information (page 65-67)
- Debt (pages 71-76)
- Pension plan (pages 77-85)

Required Supplementary Information

- Pension disclosures
- Midvale's proportion of net pension liability (page 89).
- Midvale's pension contributions (page 90).

Supplementary Information

- Nonmajor proprietary fund financial statements
- Street lighting, sanitation, telecommunications.
- Internal service funds (fleet and information technology).
- Statement of net position (balance sheet).
- Statement of revenues, expenses, and changes in net position (income statement).
- Cash flow statement.

Statistical Section

- Operational, economic, and historical data (10 years).
- Financial trends
- Revenue capacity
- Debt capacity
- Demographic and economic information
- Operating information

Internal Control and Compliance Reports

- Report on Internal Control over Financial Reporting
- Governmental Auditing Standards
- State Compliance Audit Guide
- Schedule of Findings and Questioned Costs

Financial Results

- Revenues exceeded expenditures by \$467,173
- Revenues (largely taxes) \$1.9 million over budget
- Expenditures \$1.3 million under budget (All Departments)
- \$4M in Transfers (Debt Service, Internal Services, Capital Projects)

Fund Balance Available					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	3,797,469	4,422,731	7,319,204	7,867,165	7,746,019
Addition (Use of)	625,506	2,896,613	841,832	467,173	(16,243)
Restricted Balance	244	140	293,871	588,319	-
Unrestricted Ending Balance	\$ 4,422,731	\$ 7,319,204	\$ 7,867,165	\$ 7,746,019	\$ 7,729,776
% of revenues	20%	31%	34%	32%	31%
Amount above/(Below) Policy					
Recommended Amount (15%)	\$ 1,071,927	\$ 3,752,022	\$ 4,782,168	\$ 4,150,707	\$ 3,953,689
Amount Above/(Below) 3% Year/ Increase Recommendation					
\$ 401,766	\$ 2,325,149	\$ 2,931,169	\$ 1,274,458	\$ 177,602	
<small>(State Maximum Amount Allowed - 35%)</small>					

Financial Results RDA Funds

- Revenues exceeded expenditures by \$3,318,168
- Spread across all RDA Funds (Operating, Bingham Junction, Jordan Bluffs, Main Street, City-Wide Housing)

Fund Balance Available					
	FY2020	FY2021	FY2022	FY2022	FY2024 (Budget)
Beginning Balance	\$ 26,053,568	\$ 7,892,978	\$ 10,459,251	\$ 12,779,645	\$ 12,779,645
Addition (Use of)	(18,160,990)	2,566,273	2,320,394	3,318,168	(2,178,388)
Ending Balance	\$ 7,892,978	\$ 10,459,251	\$ 12,779,645	\$ 16,097,813	\$ 10,601,257

Financial Results Capital Projects

- Revenues exceeded expenditures by \$2,154,201
- Delayed projects will be pushed to FY24

Fund Balance Available					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	6,395,448	2,298,652	1,860,248	4,363,744	6,517,945
Addition (Use of)	(4,096,796)	(438,404)	2,503,496	2,154,201	(805,515)
Ending Balance	\$ 2,298,652	\$ 1,860,248	\$ 4,363,744	\$ 6,517,945	\$ 5,712,430
Subsequent Year Appropriation	2,084,553	1,608,908	2,592,600	805,515	-
Amount Available for Appropriation	\$ 214,099	\$ 251,340	\$ 1,771,144	\$ 5,712,430	\$ 5,712,430

Financial Results Water Fund

- Increase in days of working capital \$362k (32%).
- ARPA funds are not shown in Fund Balance

Water Fund Balance Available (Current Assets Less Current Liabilities)					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	3,200,886	1,535,411	1,494,162	927,144	1,289,544
Addition (Use of)	(1,665,475)	(41,249)	(567,018)	362,400	-
Ending Balance	\$ 1,535,411	\$ 1,494,162	\$ 927,144	\$ 1,289,544	\$ 1,289,544
Number of Days-Working Capital	119	116	65	86	86
Financial Policy Goal	180	180	180	180	180
Excess (Deficiency) Days	(61)	(64)	(115)	(94)	(94)
Fund Balance In Excess (Deficient) of Policy Goal	\$ (784,942)	\$ (827,255)	\$ (1,628,416)	\$ (1,410,151)	\$ (1,410,151)

Financial Results Sewer Fund

- Slight decrease of available working capital - \$95k increase, 11 day decrease
- Significant increase in operating costs

Sewer Fund Balance Available (Current Assets Less Current Liabilities)					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	3,216,598	1,841,833	1,087,302	1,147,489	1,242,962
Addition (Use of)	(1,374,765)	(754,531)	60,187	95,473	-
Ending Balance	\$ 1,841,833	\$ 1,087,302	\$ 1,147,489	\$ 1,242,962	\$ 1,242,962
Number of Days-Working Capital	297	176	160	149	149
Financial Policy Goal	180	180	180	180	180
Excess (Deficiency) Days	117	(4)	(20)	(31)	(31)
Fund Balance In Excess (Deficient) of Policy Goal	\$ 724,453	\$ (24,759)	\$ (143,042)	\$ (259,182)	\$ (259,182)

Financial Results Stormwater Fund

- Slight decrease of available working capital - \$25K increase, 12-day decrease

Storm Water Fund Balance Available (Current Assets Less Current Liabilities)					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	703,891	709,128	979,770	1,106,148	1,132,107
Addition (Use of)	5,237	270,642	126,378	25,959	(287,402)
Ending Balance	\$ 709,128	\$ 979,770	\$ 1,106,148	\$ 1,132,107	\$ 844,705
Number of Days-Working Capital	155	245	233	221	165
Financial Policy Goal	180	180	180	180	181
Excess (Deficiency) Days	(25)	65	53	41	(16)
Fund Balance In Excess (Deficient) of Policy Goal	\$ (108,712)	\$ 298,229	\$ 251,603	\$ 209,835	\$ (81,887)

Financial Results Street Lighting Fund, Sanitation Fund Street Lighting Fund

- Increase of available working capital - \$46K

Street Lighting Fund Balance Available					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	46,487	72,508	97,810	183,805	230,476
Addition (Use of)	26,021	25,302	83,995	46,671	
Ending Balance	\$ 72,508	\$ 97,810	\$ 183,805	\$ 230,476	\$ 230,476
Number of Days-Working Capital	73	90	209	230	230
Financial Policy Goal	60	60	60	60	60
Excess (Deficiency) Days	13	30	149	170	170
Fund Balance In Excess (Deficient) of Policy Goal	\$ 12,992	\$ 37,737	\$ 131,308	\$ 170,536	\$ 170,536

Sanitation Fund

- Increase of available working capital - \$234K

Sanitation Fund Balance Available					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	1,444,569	1,525,125	1,796,839	2,075,548	2,310,051
Addition (Use of)	80,536	271,714	278,709	234,903	
Ending Balance	\$ 1,525,125	\$ 1,796,839	\$ 2,075,548	\$ 2,310,051	\$ 2,310,051
Less: Investment in Trans Jordan	\$(1,487,433)	\$(1,638,669)	\$(1,840,452)	\$(2,025,473)	\$(2,025,473)
Ending Balance	\$ 27,692	\$ 138,173	\$ 235,096	\$ 284,578	\$ 284,578
Number of Days-Working Capital	9	43	71	79	79
Financial Policy Goal	60	60	60	60	60
Excess (Deficiency) Days	(51)	(17)	11	19	19
Fund Balance In Excess (Deficient) of Policy Goal	\$ (50,971)	\$ (54,641)	\$ 36,436	\$ 68,340	\$ 68,340

Financial Results Fleet and Information Technology Funds Fleet Internal Service Fund

- Departments assessed a “user charge” for operating and capital costs.
- Contributions include capital replacement charge

Fund Balance Available (Current Assets Less Current Liabilities)					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	1,045,759	1,441,257	2,128,863	3,052,103	2,953,776
Addition (Use of)	395,498	687,606	923,240	(98,327)	(563,137)
Ending Balance	\$ 1,441,257	\$ 2,128,863	\$ 3,052,103	\$ 2,953,776	\$ 2,390,639

Info Technology Internal Service Fund

- Departments assessed a “user charge” for operating and capital costs.
- Contributions include capital replacement charge

Fund Balance Available (Current Assets Less Current Liabilities)					
	FY2020	FY2021	FY2022	FY2023	FY2024 (Budget)
Beginning Balance	62,090	134,735	246,195	335,197	551,702
Addition (Use of)	72,645	111,460	89,002	216,505	(37,893)
Ending Balance	\$ 134,735	\$ 246,195	\$ 335,197	\$ 551,702	\$513,812

Council Member Paul Glover thanked the auditors for their work and findings.

Mayor Stevenson thanked Christian Larsen for his assistance in working with the auditors.

Marcus Arbuckle Canyon and Christensen said our responsibility is to oversee the financial reporting. Important part of internal controls is to look at the processes and transactions of internal controls. Staff have corrected the mistakes and have a process moving forward. State compliance is another part of the audit. The state has a check list for auditors to check. Found no errors in the state compliance list. The Midvale accounting policies and procedures are designed well. There were no findings in fraud. Marcus thanked Mariah and Christian for their assistance during the audit.

MOTION: Council Member Dustin Gettel **Moved** to Approve Resolution No. 2023-R-47 acknowledging completion of the fiscal year 2023 audit and direct that notice be published pursuant to section 10-6-152 of the Utah Code. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

E. CONSIDER RESOLUTION NO. 2023-R-48 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HANSEN, ALLEN, LUCE FOR THE STORM WATER MASTER PLAN

Jerimie Thorne said City staff solicited Requests for Proposals (RFP) from qualified engineering firms for the development of Midvale City's first Stormwater Master Plan. The objective of the plan is to enhance the aging stormwater infrastructure, address flooding issues during moderate rainfall, minimize pollution discharge, and comply with regulatory mandates while accommodating future development. In coordination with the City's procurement officer, a selection committee was created to review and rate the proposals based on the following rating criteria:

- Project Experience – 30%
- Project Team Experience – 20%
- Project Understanding and Approach – 20%
- Pricing – 30%

The selection committee included the following City staff:

- Procurement Officer

- Public Works Director
 - Public Works Deputy Director
 - City Engineer
 - Public Works Streets and Stormwater Manager
- The City received proposals from the following companies:
- Bowen Collins & Associates
 - Hansen, Allen & Luce, Inc. (HAL)

The selection committee conducted Independent proposal reviews on the first three review criteria. The Cost/pricing was provided and scored separately after the independent reviews were completed.

Compiled Results (before cost inclusion)

1. Hansen, Allen & Luce 342.5
2. Bowen Collins & Associates 232.5

After the price was inserted into the formula, the ratings are as follows:

1. Hansen, Allen & Luce 477.45
2. Bowen Collins & Associates 382.50

Hansen, Allen & Luce were ranked first before and after pricing insertion, and the committee felt their understanding and detailed approach to meeting the scope of work requirements was significantly better.

SCOPE OF WORK:

The Consultant will complete the following objectives as outlined in the RFP:

- A. Conduct a comprehensive assessment of the current stormwater system, including identifying drainage basins and system components such as pipes, ditches, swales, outfalls, ponds, rivers, creeks, canals, etc.
- B. Utilize hydraulic modeling to identify potential problems and areas for improvement in the stormwater system.
- C. Identify and create plans to eliminate shared (private irrigation/stormwater) systems within the City.
- D. Collaborate with City staff and incorporate their input throughout the planning process.
- E. Define goals and objectives for the Stormwater Master Plan, adhering to industry standards and relevant federal, state, and local laws and permits.
- F. Outline specific projects and programs to address current system constraints and issues related to stormwater management.
- G. Establish a timeline for implementing the identified projects and programs based on industry standards and available resources.
- H. Develop cost estimates for each project and program identified in the Stormwater Master Plan.
- I. Review the City's Storm Water Management Plan and stormwater ordinance, suggesting improvements to enhance compliance with the UPDES permit requirements.
- J. Develop a strategy for monitoring, evaluating, and maintaining the stormwater system.
- K. Present the completed Stormwater Master Plan to the Midvale City Council for approval and adoption.

FISCAL IMPACT:

The development of the Stormwater Master Plan will incur one-time costs of **\$96,700.00**, as listed in the agreement.

STAFF RECOMMENDATION:

Based on the evaluation of proposals received and the qualifications of Hansen, Alan & Luce, City staff recommends approving **Resolution No. 2023-R-48** authorizing the Mayor to enter into an agreement with the firm to develop the Stormwater Master Plan.

Stormwater Masterplan Contract



Timeline

Action	Date
RFP Placed on the State Procurement Site	8/28/2023
Pre-Bid Mandatory Meeting	9/7/2023
Deadline for written questions and comments	9/12/2023
Proposals Due	9/18/2023
Committee Review	10/5/2023
Awarding of selected Proposal	10/9/2023
City Council Approval of Contract	12/6/2023

Review and Selection Process

In coordination with the City’s procurement officer, a selection committee was created to review and rate the proposals based on the following rating criteria:

- Project Experience – 30%
- Project Team Experience – 20%
- Project Understanding and Approach – 20%
- Pricing – 30%

The selection committee included the following City staff:

- Procurement Officer
- Public Works Director
- Public Works Deputy Director
- City Engineer
- Public Works Streets and Stormwater Manager

Proposals

The City received proposals from the following five companies:

- Bowen Collins & Associates
- Hansen, Allen & Luce, Inc. (HAL)

The selection committee conducted Independent proposal reviews on the first three review criteria. The Cost/pricing was provided and scored separately after the independent reviews were completed.

Compiled Results (before cost inclusion)

1. Hansen, Allen & Luce 342.5
2. Bowen Collins & Associates 232.5

After the price was inserted into the formula, the ratings are as follows:

1. Hansen, Allen & Luce 477.45
2. Bowen Collins & Associates 382.50

Hansen, Allen & Luce were ranked first, before and after pricing insertion, and the committee felt their understanding and detailed approach to meeting the scope of work requirements was significantly better.

Council Member Paul Glover asked what the cost was.

Jeremie said cost was \$97,000 for Hansen Allen & Luce and for the other company was about 5 or 6% lower.

Council Member Dustin Gettel asked why not go with the lower cost if we have worked with them and do a good job.

Jeremie said the committee felt that Hansen Allen & Luce have extensive experience and knowledge with adjoining neighboring areas.

MOTION: Council Member Quinn Sperry MOVED to Suspend the rules and Adopt Resolution No. 2023-R-48 approving the Mayor to sign and enter into an agreement with Hansen, Allen & Luce Inc. to provide a Stormwater Master Plan for Midvale City. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

F. CONSIDER RESOLUTION NO. 2023-R-49 APPROVING CDBG GRANT FUNDING CONTRACT WITH SALT LAKE COUNTY

Meggie Troili said On December 19, 2022, Midvale City applied for a Community Development Block Grant (CDBG) through Salt Lake County to support the Redevelopment Agency's Home Repair Loan Program (HRLP). On July 1st, 2023, Midvale City was awarded \$100,000 in CDBG funding to support the Redevelopment Agency's Home Repair Loan Program. Salt Lake County and Midvale City have drafted an agreement for CDBG funds and Resolution No. 2023-49RDA will provide consent for Midvale City to enter into this agreement with Salt Lake County.

FISCAL IMPACT: An additional \$100,000 in grant funding to support Agency and City housing initiatives.

STAFF RECOMMENDATION: RDA staff recommends suspending the rules in consideration of **Resolution No. 2023-R-49** providing consent to enter into an agreement with Salt Lake County for Community Development Block Grant funds to support the Redevelopment Agency Home Repair Loan Program.

CDBG Funding Agreement

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGENDA ITEMS

1. CDBG Agreement with Salt Lake County for Home Repair Loan funding.
2. CDBG Pass-Through Agreement between Midvale City and the Redevelopment Agency – This is both a City Council and RDA Item
3. Amendment to NeighborWorks Salt Lake agreement to comply with CDBG

MOTION: Council Member Dustin Gettel **MOVED** to suspend the rules and pass Resolution No. 2023-R-49 providing consent to enter into an agreement with Salt Lake County for Community Development Block Grant Funds to Support the Redevelopment Agency Home Repair Loan Program. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

G. CONSIDER RESOLUTION NO. 2023-R-50 CONSENT TO ENTER INTO AN AGREEMENT WITH THE REDEVELOPMENT AGENCY OF MIDVALE CITY TO PASS THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING TO SUPPORT THE REDEVELOPMENT AGENCY'S HOME REPAIR LOAN PROGRAM

Meggie Troili said Midvale City applied for and was awarded \$100,000 in Community Development Block Grant funding from Salt Lake County to support the Redevelopment Agency's (RDA) Home Repair Loan Program (HRLP). **Resolution No. 2023-R-50** will provide consent for Midvale City to pass Community Development Block Grant funding to the RDA of Midvale City to support the HRLP. This pass-through agreement is necessary because the CDBG funds were awarded to the City, but the RDA administers the Home Repair Loan Program and holds the contract with the provider who implements the Home Repair Loan Program.

Salt Lake County distributes CDBG funding through a reimbursement process. Therefore, the RDA will fund the HRLP program upfront with restricted affordable housing funds and request reimbursement from Midvale City, who will request reimbursement from Salt Lake County.

FISCAL IMPACT:

\$0

STAFF RECOMMENDATION:

RDA staff recommends suspending the rules in consideration of **Resolution No. 2023-R-50** consent to Enter Into a Pass-Through Agreement with the Redevelopment Agency of Midvale City for Community Development Block Grant Funding to Support the Redevelopment Agency's Home Repair Loan Program.

MOTION: Council Member Heidi Robinson **MOVED** to suspend the rules and pass Resolution No. 2023-R-50 consent to enter into a Pass-Through Agreement with the Redevelopment Agency of Midvale City for Community Development Block Grant Funding to Support the Redevelopment Agency's Home Repair Loan Program. The motion was **SECONDED** by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

H. CONSIDER RESOLUTION NO. 2023-R-51 AUTHORIZING MAYOR STEVENSON TO EXECUTE AN AGREEMENT WITH MHTN ARCHITECTS FOR THE FORT UNION BOULEVARD CORRIDOR STUDY

Wendelin Knobloch said this agenda item authorizes Mayor Stevenson to execute an agreement with MHTN architects to serve as the consultant for the Fort Union Boulevard Corridor Study. Over 90% of this study will be funded through a previously secured UDOT Technical Planning Assistance Program grant in the amount of \$105,000 with a local match of \$10,000 that has already been budgeted.

The Fort Union Boulevard Corridor Study has five objectives that focus on:

1. Connectivity for all users.
2. Policies and regulatory framework to promote reinvestment.
3. Creation of character districts to establish a sense of place.
4. Improvement of corridor aesthetics.
5. Maximization of the project budget.

This study will actively involve the City Council and give timely policy direction for ongoing improvements of this important asset.

STAFF RECOMMENDATION

Staff recommends approval of the motion to authorize Mayor Stevenson to execute an agreement with MHTN Architects for the Fort Union Boulevard Corridor Study.

Fort Union Corridor Study Contract

Ft. Union Blvd. Corridor Study Services Agreement

This Agreement to provide a corridor study of Ft. Union Blvd. (7200 South) is executed on _____, 2023, by Midvale City, a Utah municipal corporation and a political subdivision of Utah, and MHTN Architects, a planning and urban design team (“Contractor”, “Consultant”).

Background

Midvale City is looking for a firm to provide a corridor study for the Fort Union Boulevard (7200 South) area in Midvale City (“Corridor,” “Study Area,” “Area”) for the purpose of providing focused direction for improvements to urban design, land use, economic development, and active transportation along the corridor.

Midvale desires to (i) improve local and regional connectivity for all users along the Corridor, (ii) develop new policies and a regulatory framework to promote reinvestment in the Corridor, (iii) create a complimentary network of character districts to establish a sense of place, (iv) improve the aesthetic appearance of the Corridor, and (v) maximize the project budget to

- Study Objectives
- Connectivity
- Framework to promote reinvestment
- Creation of character districts to establish a sense of place
- Improvement of corridor aesthetics
- Budget UDOT \$105,000, Midvale \$10,000

Council Member Quinn Sperry asked if Cottonwood Heights is doing one as well as it moves up further east.

Wendelin indicated that they have not implemented anything yet.

MOTION: Council Member Heidi Robinson **MOVED** to suspend the rules and approve Resolution No. 2023-R-51 authorizing Mayor Stevenson to execute an agreement with MHTN Architects for the Fort Union Boulevard Corridor Study. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

I. CONSIDER RESOLUTION NO. 2023-R-52 AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BETWEEN MIDVALE CITY AND PAUL HANSEN ASSOCIATES LLC FOR THE 2024 WEST MAIN STREET AREA ROADWAY AND UTILITY PROJECT

Kate Andrus said the West Main Street Area Infrastructure Study was recently completed by Paul Hansen Associates LLC under a contract executed on December 2, 2020. This study aimed to evaluate and provide recommendations for utilities, easements, and property parcels in the area west of Main Street. It signifies the initial phase of upgrading utilities and infrastructure crucial for the revitalization of the Main Street area. The next step in this project is the design of the West Main Street Area roadway and utilities.

Given their prior involvement in the study, the staff collaborated with Paul Hansen Associates LLC to formulate a scope of work and agreement for design and project management services in this upcoming phase. The proposed agreement has been reviewed by the City Attorney and RDA Staff.

Staff now seeks City Council authorization to execute the agreement, enabling survey work to commence before any potential heavy snowfall. The anticipated completion date for this phase is July 1, 2024, and will be followed shortly by a formal bidding process and eventual utilities and roadway construction.

FISCAL IMPACT:

This design contract and the following construction will be funded through a combination of funding sources including state funds allocated as part of UCA 72-2-121, Main Street CDA funds, and related utility project funds. As part of UCA 72-2-121, Midvale City receives annual funding of \$500,000 from the County of the First Class Highway Projects Fund. These funds must be used for roadway congestion and safety improvements. Having received the first allotment in FY22, Midvale City will continue to receive these funds for the next 15 years, totaling \$7,500,000 over time. The engineering services required for the West Main Street Area Roadway and Utility improvements total \$142,920, which will be funded from the UCA 72-2-121 project funds and the Main Street CDA infrastructure budget .

Agreement with Paul Hansen Associates regarding 2024 West Main Street Area Roadway and Utility Project

West Main Street Area Roadway and Utility Project

- This project is responsible for upgrading utilities and infrastructure crucial for the revitalization of the Main Street area.
- Paul Hansen recently completed the West Main Street Infrastructure Study.
- The next phase is the design and development of construction bid documents for the construction of upgrading utilities and infrastructure.
- This phase of the project will begin right away and is anticipated to be completed by July 1, 2024.
- The engineering services required during this phase totals \$142,920.00.



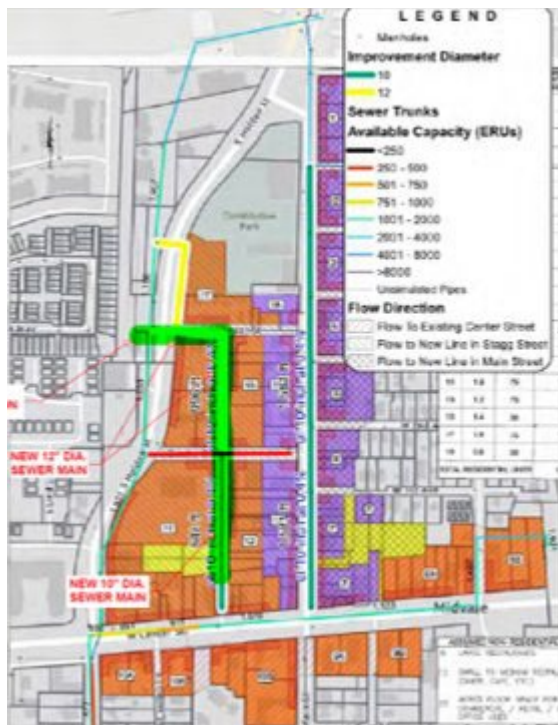
Phases

- Infrastructure Study Completed by Paul Hansen Associates
- Design of Roadway and utility upgrades by Paul Hansen Associates
- Construction of Roadway and Utilities

Scope of Work

The design plans and construction bid documents will include the following utility and roadway improvements:

- Culinary Water Improvements
- Sanitary Sewer Improvements
- Storm Drain Improvements
- Roadway Reconstruction Improvements



Fiscal Impact

The engineering services required for the West Main Street Area Roadway and Utility improvements total \$142,920. Funding for this project will derive from the UCA 72-2-121* project funds and the Main Street CDA infrastructure budget .

*As part of UCA 72-2-121, Midvale City receives annual funding of \$500,000 from the County of the First Class Highway Projects Fund. These funds must be used for roadway congestion and safety improvements. Having received the first allotment in FY22, Midvale City will continue to receive these funds for the next 15 years, totaling \$7,500,000 over time.

Council Member Quinn Sperry asked if we get the funds every year.

Nate Rockwood said the state code authorizes the 500,000 per year without restrictions. There is also the ability to bond against it. There is a lot of flexibility.

Nate Rockwood said that this will help the projects moving forward. Doing the infrastructure work upfront will minimize construction and facilitate developments on Main Street.

MOTION: Council Member Quinn Sperry MOVED to suspend the rules and approve Resolution No. 2023-R-52 authorizing the Mayor to enter into and Engineering Services Agreement between Midvale City and Paul Hansen Associates LLC for the 2024 West Main Street Area Roadway and Utility Project. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

IX. DISCUSSION ITEMS

A. OPEN AND PUBLIC MEETINGS ACT TRAINING

Garrett Wilcox said Utah Code Ann. § 52-4-104 requires that members of a public body are provided annual training on the Open and Public Meetings Act. Tonight's training will cover the following topics:

- The Act's legislative intent;
- Definitions;
- Notice requirements;
- Agenda requirements;
- Public meeting requirements;
- Public hearing requirements;
- Closed meetings requirements;
- Common violations;
- Minute requirements; and
- Enforcement mechanisms.

B. DISCUSS CONVEYANCE OF PARK ADJACENT TO ZION'S/JORDAN BLUFFS, TO MIDVALE CITY

Adam Olsen said on November 16, 2021, the Council approved the final plat of Jordan Bluffs 2nd Amended Subdivision. The plat identified "Parcel B" consisting of 4.2 acres. Parcel B, intended for park and open space purpose, has been improved as the first phase of a multi-phase park; ultimately consisting of 15 acres and extending south along the top of the bluff overlooking the Jordan River. Parcel B is fully landscaped and

improved, has been inspected by Community Development and Public Works staff, and is recommended for conveyance to the City. Improvements include a children's play area, field area, pickleball court, half basketball court, volleyball court, BBQ stands and picnic tables. In addition, a trail connection from the top of the bluff to the Jordan River Parkway Trail has been constructed.

Section 3.3.1, Amended and Restated Master Development Agreement for Jordan Bluffs (MDA), outlines the process for park construction and conveyance, stating in part "the required park improvements shall be completed...in conjunction with the construction of each project phase with frontage adjacent to the central community park"; further stating "the City will accept the required park improvements in phases as the work is completed". This first phase is compliant with Section 3.3.1 of the MDA.

Acceptance of the park area will officially open it for public use.

The City's Legal Department reviewed conveyance documents and finds them acceptable. Staff will prepare a resolution for consideration of formal acceptance and conveyance of the park area for the January 2, 2024 Council meeting.

STAFF RECOMMENDATION

No formal action will be taken. Staff will bring the item back for formal acceptance in January through a resolution.

Garrett Wilcox presented the Open and Public Meeting Act with the council.

Open and Public Meeting Act

Legislative Intent

Utah Code 52-4-102. Declaration of Public Policy.

1. The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
2. It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 1. take their actions openly; and
 2. conduct their deliberations openly.

Definitions

Electronic meeting means a public meeting convened or conducted by means of a conference using electronic communications.

Meeting means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

Meeting does not mean a chance gathering or social gathering. Meeting does not mean the convening of the City Council if no public funds are appropriated for expenditure

during the time the public meeting is convened, and the public body convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required or that would not come before the public body for discussion or action.

Quorum means a simple majority of the membership of a public body, unless otherwise defined by applicable law. For our Council, this means 3 Council members (see Utah Code Ann. § 10-3-504(3)).

Notice and Agenda

Public meetings must be noticed at least 24 hours in advance of each meeting. The notice must include the date, time, place, and agenda of the meeting.

Agenda

The agenda must reasonably specify the topics being considered at the meeting. Each topic must be listed as an agenda item. The City Council may not take final action on an item unless it is on the agenda.

Public Meetings vs. Public Hearings

Public Meeting

A public meeting is a meeting of a public body that:

- is posted and noticed;
- is open to the public; and
- has a reasonably specific agenda.

A public meeting does not require public input or comment.

Public Hearing

A public hearing is a hearing for a specific agenda item that:

- is posted and noticed;
- requires a reasonable opportunity for public input;
- may uniformly limit the time of input;
- may accept written comments; and
- may be continued to another meeting.
-

A public hearing is agenda-related, not meeting-related.

Closed Meetings

Closed meetings are limited to very specific purposes. Some examples include:

- Discussion of the character, professional competence, or physical or mental health of an individual;
- Strategy sessions to discuss pending or reasonably imminent litigation; or

- Strategy sessions to discuss the purchase, exchange, lease, or sale of real property if the public discussion would disclose the appraisal or estimated price of the property.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved in a closed meeting.

Common Violations

Ex Parte Communication and Deliberation During Meeting.

Avoid communicating with interested parties or deliberating with other Council Members during the meeting using electronic communication. The public's business needs to be conducted in public.

After-Meeting Meeting

One of the most common ways OPMA is violated is when officials have an after-meeting meeting in which decisions continue to be discussed or deliberated. Please avoid this mistake.

Minutes

Minutes are required for all portions of a meeting. They must include the substance of all matters proposed, discussed, or decided by the public body and a record, by individual member, of each vote taken by the body.

Posting

Pending minutes are required to be posted within 30 days of the open meeting. Official minutes and any public materials are required to be posted within 3 business days after they are approved by a public body.

Enforcement

Lawsuit

If the City violates the Open and Public Meetings Act, an individual may file:

- A suit to void the final action; and
- A suit to compel compliance or enjoin violations.

Closed Meeting Violation

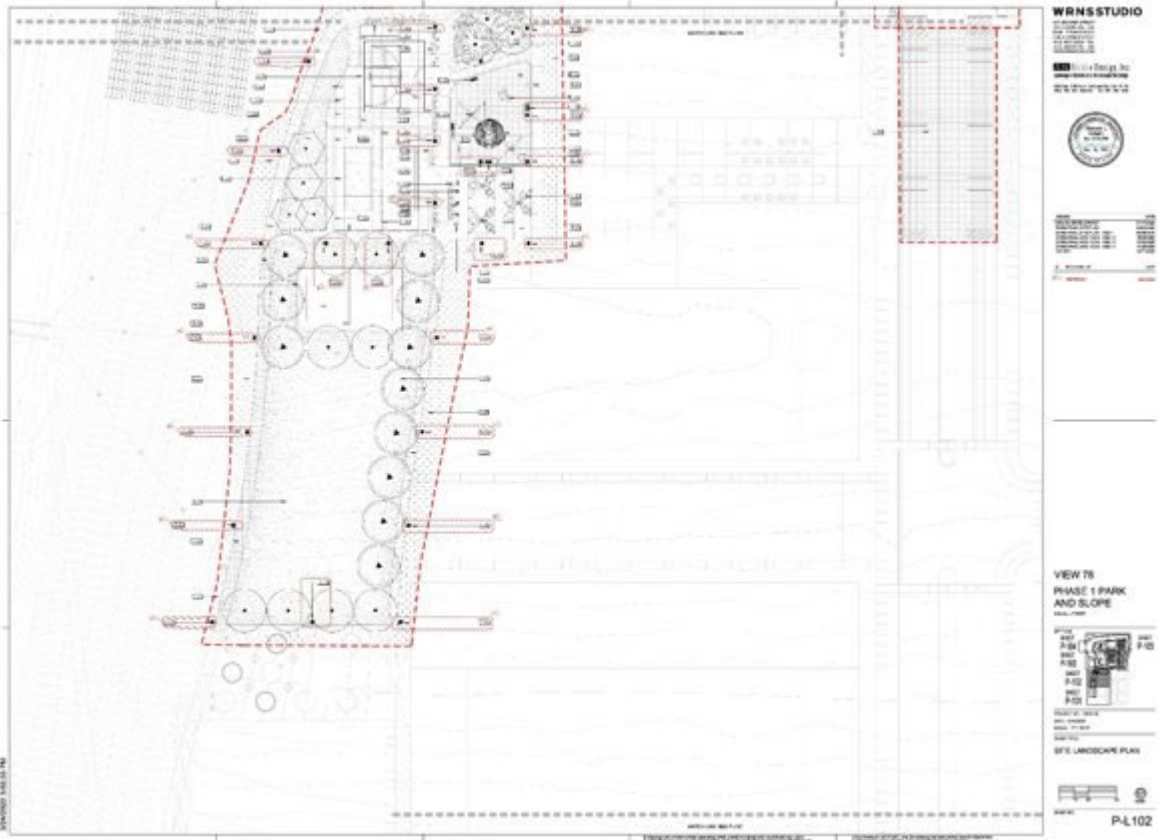
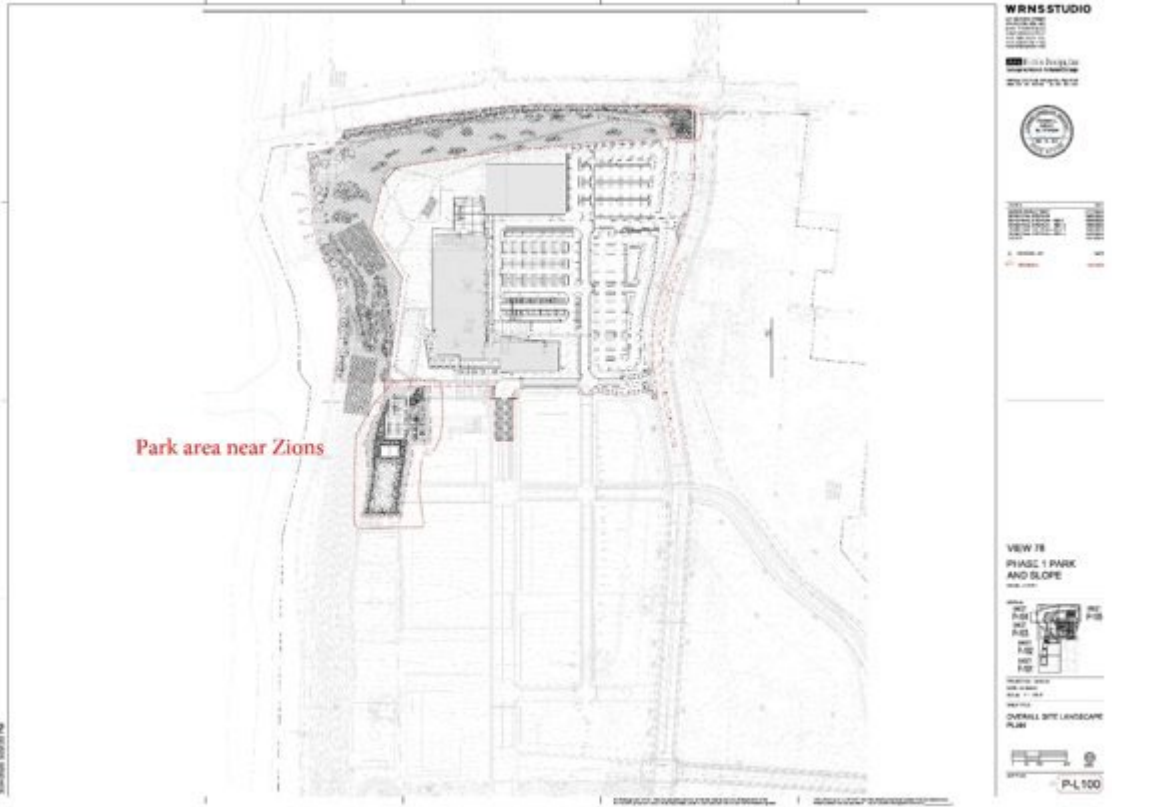
For a closed meeting violation, it may result in:

- Disclosure of the recording or minutes of the closed meeting; and
- Possible class B misdemeanor charges for Councilmembers.

The Open and Public Meetings Act was discussed with the council.

B. DISCUSS CONVEYANCE OF PARK ARE ADJACENT TO ZION'S/JORDAN BLUFFS, TO MIDVALE CITY

Adam Olsen discussed the park area near Zions.



- Area is fully landscaped and improved.
- Compliance with Amended and Restated Master Development Agreement, Section 3.3.1.
- Staff will draft a resolution of acceptance for consideration at a future/next Council meeting.

Council Member Dustin Gettel said the park is very nice and hopes the views will stay as they are now. It will be a great asset to the community.

X. POSSIBLE CLOSED SESSION

The City Council may, by motion, enter into a Closed Session for:

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual;
- B. Strategy sessions to discuss pending or reasonably imminent litigation;
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property;
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Investigative proceedings regarding allegations of criminal misconduct.

XI. ADJOURN

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

The meeting adjourned at 9:15 p.m.

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

Approved this 2nd day of January, 2024



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY COUNCIL STAFF REPORT 1/2/2024

SUBJECT

Consider Resolution No. 2024-R-01, authorizing the conveyance and acceptance of the Park Area adjacent to Zions Technology Center (Jordan Bluffs).

SUBMITTED BY

Adam Olsen, Community Development Director

BACKGROUND AND OVERVIEW

On November 16, 2021, the Council approved the final plat of Jordan Bluffs 2nd Amended Subdivision. The plat identified “Parcel B” consisting of 4.2 acres. Parcel B, intended for park and open space purpose, has been improved as the first phase of a multi-phase park; ultimately consisting of 15 acres and extending south along the top of the bluff overlooking the Jordan River. Parcel B is fully landscaped and improved, has been inspected by Community Development and Public Works staff, and is recommended for conveyance to the City. Improvements include a children’s play area, field area, pickleball court, half basketball court, volleyball court, bbq stands and picnic tables. In addition, a trail connection from the top of the bluff to the Jordan River Parkway Trail has been constructed.

Section 3.3.1, Amended and Restated Master Development Agreement for Jordan Bluffs (MDA), outlines the process for park construction and conveyance, stating in part “the required park improvements shall be completed...in conjunction with the construction of each project phase with frontage adjacent to the central community park”; further stating “the City will accept the required park improvements in phases as the work is completed”. This first phase is compliant with Section 3.3.1 of the MDA. Conveyance documents, as well, are provided per Section 3.3.1 of the MDA.

The City’s Legal Department reviewed conveyance documents and finds them acceptable. Staff has prepared a resolution for consideration of formal acceptance and conveyance of the park area for the January 2, 2024, Council meeting.

Acceptance of the park area will officially open it for public use.

STAFF RECOMMENDATION

Approval of the resolution authorizing acceptance and conveyance of the Jordan Bluffs Park area.

RECOMMENDED MOTION

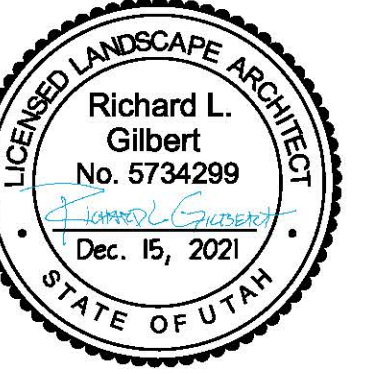
I move that we approve Resolution No. 2024-R-01, authorizing the Mayor to formalize the acceptance and conveyance of the Jordan Bluffs Park area.

CITIZEN AGENDA SUMMARY

The resolution of acceptance and conveyance will open the park to public use as it will be City owned and maintained.

ATTACHMENTS

1. Site Plan
2. Landscape Plan
3. Subdivision Plat
4. Title Report
5. Quit Claim Deed
6. Resolution



ISSUES	DATE
DESIGN DEVELOPMENT	07/17/2020
ZIONS FINAL SITE PLAN	08/03/2020
ZIONS FINAL SITE PLAN - REV. 1	09/09/2020
ZIONS FINAL SITE PLAN - REV. 2	10/09/2020
ZIONS FINAL SITE PLAN - REV. 3	11/02/2020
ZIONS FINAL SITE PLAN - REV. 4	11/23/2020
BID SET	12/11/2020

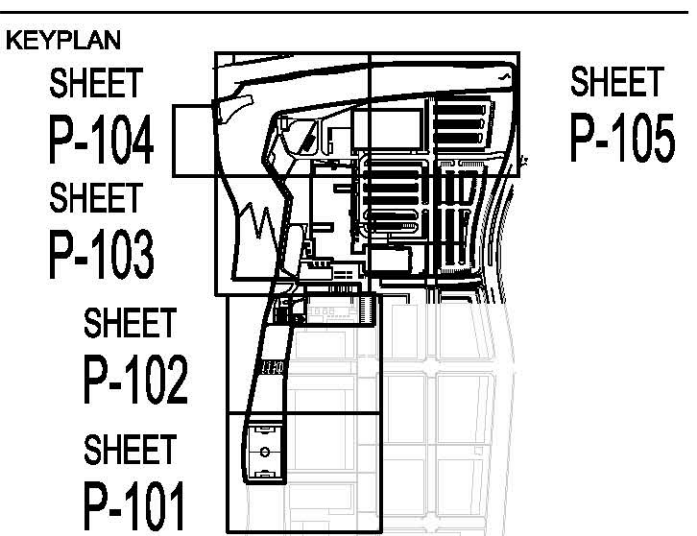
#	REVISION LIST	DATE
REV-1	REVISION 1	12/27/2021

Park area near Zions

VIEW 78

PHASE 1 PARK AND SLOPE

Midvale, UT 84047



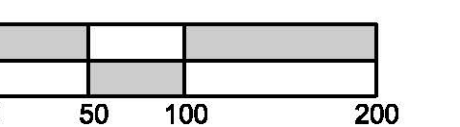
PROJECT NO.: 200022.00

DATE: 12/15/2021

SCALE: 1" = 100'-0"

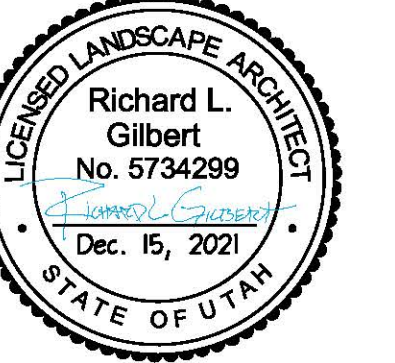
SHEET TITLE:

OVERALL SITE LANDSCAPE PLAN



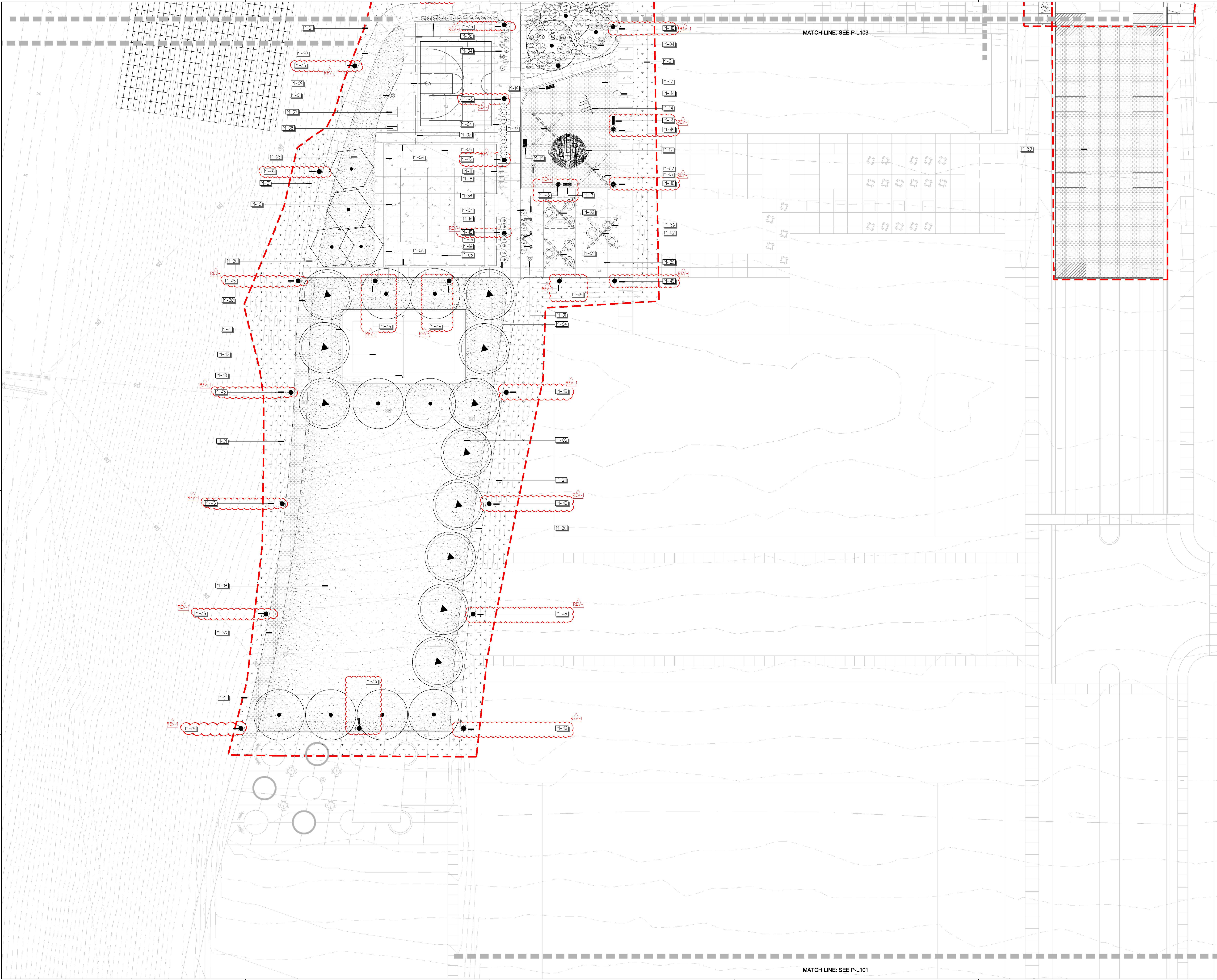
SHEET NO.:

P-L100



ISSUES	DATE
DESIGN DEVELOPMENT	07/17/2020
ZIONS FINAL SITE PLAN	08/03/2020
ZIONS FINAL SITE PLAN - REV. 1	09/09/2020
ZIONS FINAL SITE PLAN - REV. 2	10/09/2020
ZIONS FINAL SITE PLAN - REV. 3	11/02/2020
ZIONS FINAL SITE PLAN - REV. 4	11/23/2020
BID SET	12/11/2020

#	REVISION LIST	DATE
REV-1	REVISION 1	12/27/2021

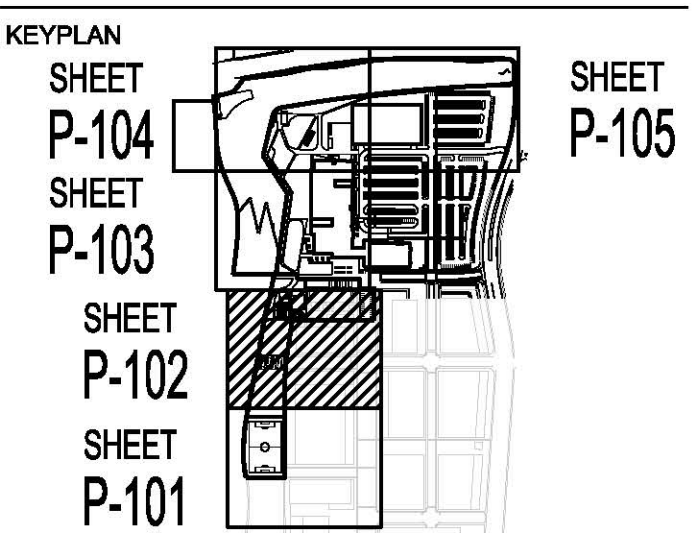


MATCH LINE: SEE P-L103

MATCH LINE: SEE P-L101

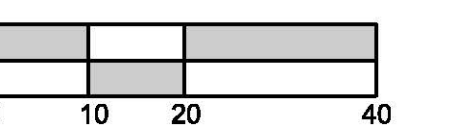
VIEW 78
PHASE 1 PARK AND SLOPE

Midvale, UT 84047



PROJECT NO.: 20002.00
DATE: 12/15/2021
SCALE: 1" = 20'-0"

SHEET TITLE:
SITE LANDSCAPE PLAN



SHEET NO.:

P-L102

3/24/2020 3:02:33 PM



1996 East 6400 South, Suite 120, Salt Lake City, UT 84121
Phone: 801 277 9999 | Fax: 801 277 1411

REAL PROPERTY TITLE REPORT

NOTICE

At your request, Cottonwood Title Insurance Agency, Inc. ("Cottonwood") has conducted a search of public records and provides the following Report based on that search. **Please note that this Report is NOT: (i) title insurance; (ii) a commitment for title insurance; (iii) an abstract of title; or (iv) a guarantee of the status of title or of any information reflected in this Report.** No representation is made or liability assumed as to the effect, completeness, validity, priority or the accuracy of any disclosure herein or the various documents reported herein. The Report is provided as an accommodation to you for informational purposes only, and any liability of Cottonwood in connection with this Report is strictly limited to the compensation Cottonwood receives from you for issuing the Report.

If you desire title insurance or a guarantee respecting any information reflected in this Report, please notify Cottonwood so that Cottonwood may assist you in obtaining such coverage through one of our title insurance underwriters.

REPORT

File Number: 172435-TOF

1. Effective Date: September 7, 2023 at 7:30AM
2. The estate or interest in the land described or referred to in this Report is Fee Simple and title thereto is at the effective date hereof vested in:
[Gardner Jordan Bluffs, L.C., a Utah limited liability company](#)
3. The land referred to in this Report is situated in the County of Salt Lake, State of Utah, and is described as follows:

See Exhibit A attached hereto

NOTE: Parcel Identification Numbers: 21-35-201-015 and 21-35-201-016 (for reference purposes only)

RECORD MATTERS

The search of public records conducted by Cottonwood for this Report did not include a search of the State Construction Registry or any other non-public record sources. Cottonwood makes no representations, and disclaims any liability, concerning the existence or absence of any filings or other information on the State Construction Registry.

The following items of record may affect title to the land:

1. Taxes for the year 2023 are accruing as a lien not yet due and payable under Parcel No. 21-35-201-015. Taxes for the year 2022 have been paid with other land.

Taxes for the year 2023 are accruing as a lien not yet due and payable under Parcel No. 21-35-201-016. Taxes for the year 2022 have been paid with other land.
2. The herein described Land is located within the boundaries of Canyon School District, Unified Fire Services, Central Utah Water Conservancy District, Jordan Valley Water Conservancy District, South Salt Lake Valley Mosquito Abatement District, Jordan Bluffs No. 1 Redevelopment Area, Midvale City, and is subject to any and all charges and assessments levied thereunder.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
5. Partial Consent Decree, by and between The United States of America on behalf of The United States Environmental Protection Agency, Sharon Steel Corporation and the State of Utah as disclosed by an Affidavit recorded October 28, 1991 as Entry No. [5145549](#) in Book 6369 at Page 2544.

Order Confirming Stipulation and Granting Joint Motion for Modification and Termination of Partial Consent Decree, recorded November 29, 2004 as Entry No. [9233667](#) in Book 9065 at Page 8302.

Stipulation and Joint Motion for Modification and Termination of Partial Consent Decree, recorded November 29, 2004 as Entry No. [9233668](#) in Book 9065 at Page 8323.
6. Notice of Adoption by the Midvale City Redevelopment Agency of the Jordan Bluffs Redevelopment Area, recorded September 15, 2004 as Entry No. [9173412](#) in Book 9037 at Page 7001.

Notice of Adoption by the Redevelopment Agency of Midvale City of the Jordan Bluffs Redevelopment Area, recorded January 24, 2005 as Entry No. [9281048](#) in Book 9086 at Page 7232.
7. Notice of Institutional Controls by Jordan Bluffs Inc., a Utah corporation and Jordan Bluffs II L.C., a Utah Limited Liability Company, recorded March 21, 2005 as Entry No. [9327848](#) in Book 9107 at Page 7714.
8. Maintenance Agreement between Wasatch Jordan Bluffs, LLC, a Utah limited liability company and Mountain West Capital Partners, LLC, a Utah limited liability company and Gardner Jordan Bluffs, L.C., a Utah limited liability company, dated November 16, 2017 and recorded November 16, 2017 as Entry No. [12660574](#) in Book 10620 at Page 4583.

**RECORD MATTERS
(CONTINUED)**

9. Improvement Agreement by and between Sandy City Corporation, a municipal corporation in the State of Utah and Gardner Jordan Bluffs, L.C., recorded March 11, 2019 as Entry No. [12947548](#) in Book 10759 at Page 5067.
10. Amended and Restated Master Development Agreement for Jordan Bluffs Project, recorded April 5, 2019 as Entry No. [12963264](#) in Book 10767 at Page 3334.

First Amendment to Amended and Restated Master Development Agreement for Jordan Bluffs Project, recorded October 5, 2020 as Entry No. [13416441](#) in Book 11032 at Page 6511.
11. Right of First Refusal Agreement by and between Gardner Jordan Bluffs, L.C., a Utah limited liability company and Wasatch Residential Group, LLC, a Utah limited liability company, dated November 16, 2017 and recorded November 16, 2017 as Entry No. [12660564](#) in Book 10620 at Page 4487. (covers this and other land)

Partial Termination of Right of First Refusal Agreement recorded May 1, 2020 as Entry No. [13259927](#) in Book 10937 at Page 5121. (affects a portion of the Land)
12. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Declaration for Jordan Bluffs recorded May 1, 2020 as Entry No. [13259853](#) in Book 10937 at Page 4548, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.
13. Memorandum of Right of First Refusal recorded May 1, 2020 as Entry No. [13259929](#) in Book 10937 at Page 5131. (covers this and other land)
14. Development Agreement for the Zions Bancorporation Project by and between Midvale City, a political subdivision of the State of Utah and Zions Center of Excellence, LLC, a Delaware limited liability company, dated August 11, 2020 and recorded August 19, 2020 as Entry No. [13366231](#) in Book 11002 at Page 1117.
15. Easements, notes and restrictions as shown on the recorded plat for Jordan Bluffs 2nd Amended Subdivision, recorded January 18, 2022 as Entry No. [13871265](#) in Book 2022P at Page 30.
16. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).

NOTE: The following names have been checked for judgments:

Gardner Jordan Bluffs, L.C., a Utah limited liability company

No unsatisfied judgments appear of record in the last eight years except as shown herein.

**EXHIBIT A
LEGAL DESCRIPTION**

All of Parcel B, JORDAN BLUFFS 2ND AMENDED SUBDIVISION, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on January 18, 2022 as Entry No. 13871265 in Book 2022P at Page 30.

AFTER RECORDING RETURN TO

Midvale City Recorder
7505 S Holden Street
Midvale, Utah 84047

QUIT CLAIM DEED

GARDNER JORDAN BLUFFS, L.C., a Utah limited liability company (“Grantor”) hereby quit claims to and **MIDVALE CITY**, a municipal corporation of the State of Utah, whose address is 7505 S Holden Street, Midvale, Utah 84047 (“Grantee”), for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, all and any interest of Grantor in the following described real property situated in Salt Lake County, State of Utah, as described herein:

Parcel B, JORDAN BLUFFS 2ND AMENDED SUBDIVISION, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on January 18, 2022, as Entry No. 13871265 in Book 2022P at Page 30.

Tax Parcel Nos. 21-35-201-015-0000 and 21-35-201-016-0000

WITNESS the hand of the GRANTOR this ____ day of _____, 2023.

**GARDNER JORDAN BLUFFS, L.C., a Utah
limited liability company, by its Manager**

**KC GARDNER COMPANY, L.C., a Utah
limited liability company**

By: _____
Name: _____
Its: Manager

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____, the Manager of KC Gardner Company, L.C., a Utah limited liability company, the Manager of Gardner Jordan Bluffs, L.C.

Notary Public
Residing at: _____
Commission Expires: _____

Accepted by Midvale City Council on _____, 20 ____, by Resolution 20 __-R-_____.

Marcus Stevenson, Mayor

ATTEST:

Rori L. Andreason, City Recorder

**MIDVALE CITY, UTAH
RESOLUTION NO. 2024-R-01**

**A RESOLUTION OF FORMAL ACCEPTANCE AND CONVEYANCE OF PARK AREA
WITHIN JORDAN BLUFFS; MORE SPECIFICALLY, ‘PARCEL B’ JORDAN BLUFFS
2ND AMENDED SUBDIVISION**

WHEREAS, the Jordan Bluffs 2nd Amended Subdivision was approved by the City Council on November 16th, 2021; and

WHEREAS, the final plat identified a “Parcel B”, intended for park and open space purposes; and,

WHEREAS, Section 3.3.1 of the Amended and Restated Master Development Agreement for Jordan Bluffs (MDA) outlines the process for park area construction and conveyance; and,

WHEREAS, staff from the City’s Community Development and Public Works Departments have inspected the park area improvements and recommend conveyance to and acceptance by the City; and,

WHEREAS, conveyance documents have been provided per Section 3.3.1 of the MDA, reviewed by City Legal and are found suitable for conveyance.

NOW THEREFORE BE IT RESOLVED, by the City Council of Midvale City, Utah to hereby accept the conveyance of ‘Parcel B’, Jordan Bluffs 2nd Amended Subdivision and the improvements thereon, and authorize the Mayor to sign the resolution of acceptance, subject to any additional terms and conditions approved by the Midvale City Attorney’s Office.

APPROVED AND ADOPTED this 2nd day of January 2024.

Marcus Stevenson, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the Council:	“Aye”	“Nay”
Bonnie Billings	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY COUNCIL STAFF REPORT 1/2/2024

SUBJECT

Federal Aid Agreement between the Utah Department of Transportation and Midvale City for the reconstruction of the bridge of the Jordan and Salt Lake Canal located at roughly 80 East 8000 South.

SUBMITTED BY

Keith Ludwig, City Engineer

BACKGROUND AND OVERVIEW

The city was contacted by UDOT some time ago regarding a program called the 'Bridge Formula Program' (BFP) which is part of the Infrastructure Investment and Jobs Act. This program provides money to the states for the rehabilitation or replacement of bridges that are in poor condition and are not part of the federal aid system. Our bridge over the Jordan and Salt Lake Canal on 8000 South qualifies for this program.

After gathering some preliminary information, UDOT is now ready to begin the design process. Our bridge is being grouped into one package with 4 bridges in Sandy City and one in Draper City. To get this process started, we will need to enter into a Federal Aid Agreement (FAA) with UDOT which outlines the responsibilities of each party.

UDOT will be administering all the design and construction contracts. We will be able to provide input in all phases of design and construction. UDOT will select one of their engineering firms that has been pre-qualified to do the design work and will bid the project using their typical process.

The BFP requires a 6.77% local match, which in our case amounts to \$203,100 which is spelled out in the FAA.

The FAA was developed and vetted by the feds and the States Attorney Generals office. Staff has reviewed the FAA as well.

I am asking for, and appreciate your consideration of, a suspension of the rules so that you may act on this tonight.

FISCAL IMPACT

The local match for this will be \$203,100 which is 6.77% of the total cost. These funds have been allocated out of the pavement management budget.

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2024-R-02, a resolution authorizing the mayor to sign the Federal Aid Agreement with UDOT.

RECOMMENDED MOTION

I move that we suspend the rules and approve Resolution No. 2024-R-02, a resolution authorizing the Mayor to sign the Federal Aid Agreement with UDOT for the reconstruction of the bridge over the Jordan and Salt Lake Canal, located on 8000 South.

CITIZEN AGENDA SUMMARY

The council will consider approval of a resolution authorizing the mayor to sign a Federal Aid Agreement with the Utah Department of Transportation (UDOT). This agreement will enable the City to participate with UDOT in using federal and local funds to replace the bridge over the Jordan and Salt Lake Canal on 8000 South.

ATTACHMENTS

1. Resolution No. 2024-R-02
2. Federal Aid Agreement (FAA)
3. UDOT Letter

**MIDVALE CITY, UTAH
RESOLUTION NO. 2024-R-02**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE FEDERAL AID AGREEMENT BETWEEN UDOT AND MIDVALE CITY FOR THE REPLACEMENT OF THE BRIDGE OVER THE JORDAN AND SALT LAKE CANAL

WHEREAS, Midvale City has an interest in maintaining its street network in as good as condition as practical; and

WHEREAS, the City has been contacted by the Utah Department of Transportation (UDOT) regarding the ‘Bridge Formula Program’ (BFP), a program using federal funds for the rehabilitation or replacement of local bridges that are not part of the federal aid system which includes the bridge over the Jordan and Salt Lake Canal located on 8000 South; and

WHEREAS, UDOT will administer the design and construction contracts, with input from the city; and

WHEREAS, the BFP requires local matching funds of 6.77% of the total cost, in this case that match is \$203,100; and

WHEREAS, the City is able to meet that match by using pavement management funds; and

WHEREAS, a Federal Aid Agreement between the City and UDOT has been prepared and needs to be entered into between the parties to start the process.

NOW THEREFORE BE IT RESOLVED, that based on the foregoing, the Midvale City Council adopts this resolution authorizing the Mayor to sign the Federal Aid Agreement between UDOT and Midvale City for the replacement of the bridge over the Jordan and Salt Lake Canal that is located at roughly 80 East 8000 South.

APPROVED AND ADOPTED this 2nd day of January 2024.

Marcus Stevenson, Mayor

Voting by the City Council	“Aye”	“Nay”
Bonnie Billings	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____

ATTEST:

Rori L. Andreason, MMC
City Recorder



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

March 23, 2022

Keith Ludwig
Midvale City Engineer
7505 Holden Street
Midvale, UT 84047

RE: Infrastructure Investment and Jobs Act, Bridge Formula Program

Dear Keith Ludwig,

The Infrastructure Investment & Jobs Act Bridge Formula Program (BFP) provides an opportunity for funding the rehabilitation and replacement of existing bridges to address deficiencies due to aging and deterioration. The five-year program (FY22 to FY26) provides Utah with a minimum of \$45M per year. A minimum of 15% per year will be used to address local-owned qualified bridges that are off the federal aid system. According to the National Bridge Inspection Standards (NBIS), Utah has 41 bridges in poor condition and 137 load posted bridges (19 of which are both poor condition and load posted) on the local-owned system. A load posted bridge is a bridge that has load restrictions due to original design or current condition.

UDOT's goal is to efficiently and strategically address the needs of as many local-owned bridges as possible through this funding. The majority of the BFP funds are anticipated to be used on local on- and off- federal aid system bridges, with a smaller percentage targeting state-owned bridges. UDOT has identified a list of potential eligible bridges (based on current condition, and load postings) that will be considered for inclusion in the program. UDOT will present the proposed bridge list to the Transportation Commission later this month for review and approval. UDOT will be hiring a program manager to assist in preparing, scoping, designing, reviewing, managing, and delivering projects associated with the BFP. Through the course of managing the program, bridges may be combined together for construction advertising; taking advantage of advertising benefits like bridge type or locations. Depending on design and construction costs, there is no guarantee that all of the bridges on the proposed list will be addressed. Furthermore, there may be issues (i.e. right-of-way, environmental, utilities, or hydraulics) that make the proposed bridges unsuitable candidates to address as part of this program at which point they would be removed from the bridge list.

As part of this program, UDOT will be engaging local-owners in a series of out-reach and coordination meetings. This letter is just the first step in notifying local-owners of the program, potential candidate bridges, and UDOT's plan for the BFP. Off-system bridges on the proposed bridge list, will have 100% federal funding (no local match required). On-system bridges on the proposed bridge list, will be subject to a minimum local match of 6.77% of the federal funding. The program management contract may be subject to applicable matches. Our future coordination efforts will include working with each owner to verify the ability to provide the required match and if so, which fiscal year of the program to target. Other things to be discussed include the minimum typical section, maintenance of traffic, other limitations, and issues/concerns. We anticipate that the program manager will be developing the initial cost

estimates. After those initial project cost estimates are available, further coordination will address the cost implications and responsibility of the local owner.

Please see the attached list of candidate bridges. Your entity has one bridge(s) currently on the list of candidates.

We are excited by the potential opportunities of the BFP and look forward to collaborating with your agency to strategically and efficiently improve the statewide condition of bridges.

If you have any additional questions feel free to contact me at 801.557.7846 or cherylhersh@utah.gov or Rebecca Nix at 801.633.2810 or RNix@utah.gov

Sincerely,

A handwritten signature in black ink that reads "Cheryl Hersh Simmons". The signature is written in a cursive style.

Cheryl Hersh Simmons
Chief Structural Engineer
Utah Department of Transportation

Type	Bridge	Region	County	Owner	Location
Local FA	003004D	1	Box Elder County	Snowville Town	Deep Creek Bridge, West of Snowville
Local FA	003040C	1	Box Elder County	Elwood Town	Malad River Bridge on the South side of I-15
Local FA	035003D	2	Salt Lake County	Riverton City	Utah & Salt Lake Canal on 13400 South
Local FA	035026F	2	Salt Lake County	West Valley City	Utah & Salt Lake Canal on 6000 West St
Local FA	035029F	2	Salt Lake County	West Valley City	Utah and Salt Lake Canal Bridge on 5400 West
Local FA	035035F	2	Salt Lake County	Midvale City	Jordan and Salt Lake Canal Bridge on 8000 South
Local FA	035047F	2	Salt Lake County	West Valley City	Utah and Salt Lake Canal Bridge on 4520 West St.
Local FA	035054D	2	Salt Lake County	West Jordan City	Jordan River Bridge on 7800 South
Local FA	035057F	2	Salt Lake County	Draper City	11400 So St in Draper over East Jordan Canal
Local FA	035058F	2	Salt Lake County	Bluffdale City	Utah & Salt Lake Canal bridge on 14400 S
Local FA	035066D	2	Salt Lake County	Holladay City	Big Cottonwood Creek Bridge at Cottonwood Mall
Local FA	035085F	2	Salt Lake County	Taylorsville City	Utah and Salt Lake canal Bridge on 2200 West
Local FA	035100F	2	Salt Lake County	Salt Lake City	200 South Over the Jordan River
Local FA	035107F	2	Salt Lake County	Salt Lake City	1500 West 650 North
Local FA	035126F	2	Salt Lake County	South Salt Lake City	300 East Bridge over Mill Creek in South Salt Lake
Local FA	035131D	2	Salt Lake County	Holladay City	Jordan and Salt Lake Canal bridge on 5600 So.
Local FA	035211F	2	Salt Lake County	Sandy City	Jordan and Salt Lake Canal Bridge on 106th South
Local FA	035212F	2	Salt Lake County	Sandy City	East Jordan Canal on 10600 South
Local FA	043007D	2	Summit County	Summit County	Smith-Morehouse Creek Bridge above Oakley
Local FA	043042F	2	Summit County	Summit County	1200 South Over Weber-Provo Diversion Canal
Local FA	047039C	3	Uintah County	Uintah County	Brush Creek Canal Bridge, North of Jensen
Local FA	057001F	1	Weber County	Weber County	Warren Canal Bridge on 5900 West St in Weber Co
Local FA	057040F	1	Weber County	Weber County	North Fork Bridge, East of Liberty

Type	Bridge	Region	County	Owner	Location
Local Non FA	001003C	4	Beaver County	Beaver County	Adamsville Bridge over the Beaver River
Local Non FA	001010C	4	Beaver County	Beaver County	Navajo Trail over Beaver River
Local Non FA	003001F	1	Box Elder County	Box Elder County	Malad River Bridge, East of Portage
Local Non FA	003024C	1	Box Elder County	Box Elder County	5600 W. 17600 N., Garland
Local Non FA	003026F	1	Box Elder County	Box Elder County	West Canal Bridge, 2.5 miles east of Fielding
Local Non FA	003028C	1	Box Elder County	Box Elder County	Corinne Canal Bridge, SE of Fielding
Local Non FA	003034F	1	Box Elder County	Elwood Town	Malad River Bridge on the South side of Elwood
Local Non FA	003037F	1	Box Elder County	Elwood Town	Malad River Bridge on the West side of Elwood
Local Non FA	003064D	1	Box Elder County	Brigham City	Intersection Culvert at 300 E. and 300 No.
Local Non FA	007021D	4	Carbon County	Carbon County	Spring Canyon Wash Bridge at Spring Canyon
Local Non FA	011007F	1	Davis County	Clearfield City	Canal Bridge on 300 North St
Local Non FA	013007C	3	Duchesne County	Duchesne County	Duchesne River Truss Bridge, SE of Tabiona
Local Non FA	013018C	3	Duchesne County	Duchesne County	Lake Fork Overflow Bridge, Boys Ranch Bridge
Local Non FA	013053F	3	Duchesne County	Duchesne County	Duchesne River Bridge, 5 miles North of Duchesne
Local Non FA	013067A	3	Duchesne County	Duchesne County	Duchesne River Bridge in Hanna
Local Non FA	017006C	4	Garfield County	Garfield County	Sevier River Bridge, on the North edge of Panquitch
Local Non FA	017024D	4	Garfield County	Garfield County	4.5 miles West of Escalante
Local Non FA	017035E	4	Garfield County	Garfield County	Henrieville Wash Culvert, South of Henrieville
Local Non FA	019027F	4	Grand County	Grand County	Upper Windy Structure
Local Non FA	027003F	4	Millard County	Millard County	Sevier River Bridge , East of Lynndyl
Local Non FA	027005A	4	Millard County	Millard County	Central Utah Canal, SW of Leamington
Local Non FA	027022F	4	Millard County	Millard County	Wilson Canal Bridge on 1500 No Road
Local Non FA	033001A	1	Rich County	Rich County	Home Ranch Road over Saleratus Creek
Local Non FA	033005C	1	Rich County	Rich County	Woodruff-Randolph Canal Bridge on Hatch Lane

Type	Bridge	Region	County	Owner	Location
Local Non FA	033007C	1	Rich County	Rich County	Woodruff-Randolph Canal Bridge 6 mile South of Randolph
Local Non FA	033016C	1	Rich County	Rich County	Crawford Lane Bridge over the Bear River
Local Non FA	035036F	2	Salt Lake County	Sandy City	East Jordan Canal Bridge on 8000 S at 480 East
Local Non FA	035051F	2	Salt Lake County	Sandy City	East Jordan Canal Bridge on 9400 South
Local Non FA	035097F	2	Salt Lake County	Salt Lake City	Jordan River Bridge on 500 South in Salt Lake
Local Non FA	035118F	2	Salt Lake County	Taylorsville City	4200 S Street in Taylorsville over North Jordan Canal
Local Non FA	035119F	2	Salt Lake County	West Valley City	2495 South 1585 West over Brighton Canal
Local Non FA	035123F	2	Salt Lake County	South Salt Lake City	Mill Creek Bridge on 200 East Street
Local Non FA	035161F	2	Salt Lake County	Sandy City	Willow Green Circle Bridge over Little Cottonwood
Local Non FA	035162F	2	Salt Lake County	Sandy City	Cobble Canyon Lane Bridge over Little Cottonwood
Local Non FA	035218F	2	Salt Lake County	Taylorsville City	Utah & Salt Lake Canal Bridge in Taylorsville
Local Non FA	041048D	4	Sevier County	Sevier County	Ivie Creek Bridge at Red Creek near I-70 MP 85.2
Local Non FA	043013C	2	Summit County	Oakley Town	Bridge over Town Street East Side of Oakley
Local Non FA	043022F	2	Summit County	Summit County	1 Mile East of Oakley over Weber River
Local Non FA	043030F	2	Summit County	Kamas City	200 West over Weber Canal in Kamas
Local Non FA	043043D	2	Summit County	Oakley Town	River Road over Weber River in Oakley
Local Non FA	043044C	2	Summit County	Oakley Town	Millrace Road Southwest Side of Oakley
Local Non FA	043048F	2	Summit County	Coalville City	Chalk Creek Bridge 50 North Street in Coalville
Local Non FA	047058C	3	Uintah County	Uintah County	Willow Creek Bridge, 4 miles South Buck Can. Jct.
Local Non FA	047060C	3	Uintah County	Uintah County	Willow Creek Bridge, 13 miles South Buck Can Jct.
Local Non FA	049001D	3	Utah County	American Fork City	American Fork Creek Bridge on 200 So. St. in AF
Local Non FA	049044F	3	Utah County	Utah County	Spanish fork R.Bridge on 1100 E., SW of Spanish Fk.
Local Non FA	049048C	3	Utah County	Salem City	Highline Canal Bridge on 800 West St. in Salem
Local Non FA	049056C	3	Utah County	Santaquin City	Highline Canal Bridge on 200 E. St. in Santaquin

Type	Bridge	Region	County	Owner	Location
Local Non FA	051006C	3	Wasatch County	Wasatch County	Main Canyon Creek Bridge, 1 mile above Wallsburg
Local Non FA	049069V	3	Utah County	American Fork City	400 E over American Fork Creek
Local Non FA	053023D	4	Washington County	Toquerville Town	Town Road over Wet Sandy Wash Bridge
Local Non FA	053030F	4	Washington County	Washington County	Bonnie Reeder Bridge over North Creek
Local Non FA	055007C	4	Wayne County	Wayne County	Bailey Bridge over the Fremont River by Hanksville
Local Non FA	057028D	1	Weber County	Ogden City	Gramercy Avenue bridge over the Ogden River
Local Non FA	057038C	1	Weber County	Weber County	North Branch of the South Fork of the Ogden River
State-Owned	0D 235	4	Wayne County	UDOT	Fremont River Bridge, East of Fruita
State-Owned	0D 261	1	Morgan County	UDOT	SR-167 Gordon Creek Bridge, East of Mountain Green
State-Owned	0D 368	1	Cache County	UDOT	SR-101 Little Bear River Bridge, East of Wellsville
State-Owned	0D 375A	4	Sevier County	UDOT	SR-256 Sevier River Bridge North of Redmond
State-Owned	0D 383	1	Box Elder County	UDOT	Chase Slough Bridge on SR-13, Northwest of Brigham City
State-Owned	0D 561	3	Duchesne County	UDOT	SR-35 over Duchesne River, North of Duchesne
State-Owned	0D 659	4	Beaver County	UDOT	Beaver River Bridge on SR-21, West of Beaver
State-Owned	0D 668	4	Carbon County	UDOT	Willow Creek Bridge on SR-191, North of US-6
State-Owned	0D 772	2	Summit County	UDOT	Weber River Bridge at Henefer
State-Owned	0E 1256	4	Garfield County	UDOT	11.6 MI E Bryce Cyn. Jct.
State-Owned	0F 457	2	Summit County	UDOT	Silver Creek Bridge in Wanship on SR-32
State-Owned	0F 464	2	Summit County	UDOT	Provo River Bridge, East of Francis



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: January 2, 2024

SUBJECT: Recommendations for Naming the Midvale City Community Coalition

SUBMITTED BY: Matt Dahl, City Manager

SUMMARY:

The Midvale City community coalition is an initiative that is intended to address the causes of youth violence in our community. The coalition has been operating as a community lead organization for 18 months, with support from the City and Salt Lake County. City staff members are currently working on preparing the necessary bylaws to make the coalition a formal City committee. City staff will present the bylaws to the City Council for consideration in early 2023.

The City and community stakeholders have selected to develop the coalition under the Communities that Care (CTC) framework. CTC is a national framework for community organizing that is based on evidence that has proven to be effective in helping support healthy behaviors that are protective factors against unhealthy habits that lead to an increase in violence. The City and community stakeholders hope to develop prevention programs to assist in developing protective factors for our youth and our community.

In accordance with the CTC framework, the coalition has representation from individuals and organizations serving vital roles in our community. These roles include:

- Law Enforcement
- Education
- Youth Serving Organizations
- Civic organizations
- Youth
- Parents
- Substance abuse treatment
- Healthcare professionals
- Media
- Business
- Religious organizations
- Governmental agencies

The coalition members have discussed options for formally naming the coalition. Staff intends for the City Council to formally adopt a name as part of the City Council's consideration of the bylaws in early 2024. The coalition has discussed several names, settling on 'Uplift Midvale' or 'Midvale G.R.I.T', (Generating Resiliency, Igniting Transformation) for recommendation to the City Council. The names were chosen by coalition members based on the belief that they represent our efforts to promote healthy youth behavior and decrease community crime. The

coalition has submitted the proposed names to the City Council for consideration and direction.

CITIZEN AGENDA SUMMARY:

The City Council will discuss potential names for the Midvale City community coalition that is tasked with addressing youth violence.



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: January 2, 2024

SUBJECT: Board and Committee Assignments for Midvale City

SUBMITTED BY: Matt Dahl, City Manager

SUMMARY:

Midvale City is a member entity to several interlocal, non-profit, and governmental organizations. Each year the Mayor and City Council deliberate and consider individuals they feel would best represent the City on the various governing boards and committees for those organizations. The attached Board and Committee Assignment List has been updated to reflect changes that occurred in 2023, including open assignments resulting from changes to the City Council membership.

The City Council will be asked to provide direction regarding changes to the Board and Committee Assignment List. Staff will return with an updated list for approval at the next City Council meeting.

Citizen's Agenda Summary:

The City Council will discuss who should represent the City on various boards and committees.

Attachments: Draft City Council Committee and Board Assignments List



BOARD AND COMMITTEE ASSIGNMENTS

January 2, 2024

<u><i>UIA Board</i></u> Nate Rockwood TBD (Alt) (Council/Manager Decision)		<u><i>UTOPIA Board</i></u> Matt Dahl Council Member Bryant Brown (Alt) (Council/Manager Decision)
<u><i>Unified Fire Authority Board</i></u> Mayor Marcus Stevenson Council Member Paul Glover (Alt.) Matt Dahl (Council/Manager Decision)		<u><i>Unified Police Department Board</i></u> Mayor Marcus Stevenson Council Member Paul Glover (Alt.) Matt Dahl
<u><i>Unified Fire Service District Board</i></u> Mayor Marcus Stevenson Council Member Paul Glover (Alt.) Matt Dahl (Council/Manager Decision)		<u><i>Midvale City Audit Committee</i></u> Council Member Paul Glover Council Member Heidi Robinson Jared Zachariah (Council/Manager Decision)
<u><i>Community Council of Midvale City</i></u> Council Member Heidi Robinson Matt Dahl/Nate Rockwood (Council/Manager Decision)		<u><i>Midvale Arts Council</i></u> Council Member Bryant Brown (Council/Manager Decision)
<u><i>Harvest Days Committee</i></u> Council Member Heidi Robinson Chair Molly Signoretty George Ferris Mike Williams Rebecca Pipkin (Council/Mayor Decision)		<u><i>South Valley Reclamation Facility</i></u> Glen Kennedy Keith Ludwig (Alt.)
<u><i>Jordan Valley Water Cons. Dist.</i></u> Glen Kennedy Keith Ludwig Alan Hoyne		<u><i>TransJordan Landfill</i></u> Kane Loader Glen Kennedy (Alt.)

<u>Historical Society</u> Council Member Paul Glover (Council/Manager Decision)		<u>Community Building Community</u> Mayor Marcus Stevenson (Council/Manager Decision)
<u>Mosquito Abatement District</u> Council Member Paul Glover (Council/Manager Decision)		<u>VECC</u> Matt Dahl (City Manager Appt.)
<u>ULCT Legislative Policy Committee</u> Mayor Marcus Stevenson Matt Dahl TBD (Council/Manager Decision)		<u>Assoc. of Government Councils</u> Council Member Heidi Robinson (Council/Manager Decision)
<u>Council Governments (COG)</u> Mayor Marcus Stevenson (Mayor Appt.)		<u>Shelter the Homeless Board</u> TBD (Council/Manager Decision)
<u>Conference of Mayors</u> Mayor Marcus Stevenson (Mayor Appt.)		<u>Planning Commission</u> Council Member Dustin Gettel (Council/Manager Decision)
<u>Boys and Girls Club Board</u> Council Member Dustin Gettel Mayor Marcus Stevenson (Council/Manager Decision)		<u>Animal Services Advisory Committee</u> Council Member Dustin Gettel
<u>Jordan River Commission</u> Council Member Dustin Gettel (Council/Manager Decision) Wendelin Knobloch (Alt.)		<u>Road Home Coordinating Committee</u> Mayor Marcus Stevenson
<u>Utah Homelessness Council</u> Mayor Marcus Stevenson		<u>Community Development Block Grant Policy Committee</u> Mayor Marcus Stevenson
<u>Air Quality Policy Advisory Board</u> Keith Ludwig Council Member Dustin Gettel		<u>Canyons Education Foundation</u> Quinn Sperry TBD
<u>Homeland Security Grants Council</u> Nate Rockwood Christian Larsen (Alt.)		<u>Salt Lake County Board of Health</u> Mayor Marcus Stevenson
<u>Utah Community Action Board of Trustees</u> Mayor Marcus Stevenson		

<p><u>Main Street Façade Improvement Advisory Board</u> Council Member Dustin Gettel RDA Representative City Planner RDA Board Member CD Rep Main Street Business Alliance Rep</p>		
<p><u>Art Advisory Boards</u> RDA Rep City Planner RDA Board Member CD Rep Main Street Business Alliance Rep</p>		
<p><u>Bingham Junction</u> Council Member Dustin Gettel</p>		
<p><u>Main Street</u> Council Member Bryant Brown</p>		
<p><u>City Wide</u> Council Member Heidi Robinson</p>		



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY COUNCIL STAFF REPORT 1/2/2024

SUBJECT

City-Initiated Request to Amend Title 16, Sections 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, and 17-3-13 and to Create Title 18 of the Midvale City Municipal Code.

SUBMITTED BY

Aaron McKnight, Deputy City Attorney

CITIZEN AGENDA SUMMARY

The proposed ordinance rewrites the City's subdivision ordinance to bring the ordinance into compliance with state law, particularly Senate Bill 174 from the 2023 General Session of the Utah Legislature, and to bring clarity and enforceability to the City's subdivision process.

BACKGROUND AND OVERVIEW

Senate Bill (SB) 174 from the 2023 General Session created new requirements for municipal subdivision ordinances. Specifically, SB 174 requires municipalities to limit the number of review cycles they can engage in when reviewing subdivision applications. SB 174 also prohibited city councils from being involved in the subdivision approval process and limited planning commissions' participation to the approval of preliminary subdivision applications only.

Title 16 is Midvale City's subdivision ordinance, and it needs to be updated to comply with SB 174 by February 1, 2024. Because of the widespread changes to the City's subdivision ordinance required by SB 174 and deficiencies identified by staff, staff determined to re-write the entire Title to make it more easily understood and to ensure Title-wide compliance with state law. The new Title 16 clarifies the difference between preliminary and final subdivision applications and processes. It clarifies all the documents needed to properly process an application, and it eliminates the distinction between a "large subdivision" and a "minor subdivision." The new Title 16 fully complies with state law and more clearly defines prohibited subdivisions of land.

Related sections in Title 17, the City's zoning code, are also being amended to reflect the changes to Title 16. Most of these changes are to definitions found in Title 17 but are used in Title 16.

Finally, Title 18 is created to provide better defined infrastructure requirements and construction standards for when developers are constructing public infrastructure that will be dedicated to the City. Staff determined that better defined standards are necessary to protect the City's interest in roads, sidewalks, and other infrastructure dedicated to the City during the subdivision process.

STAFF'S RECOMMENDATION

No formal action will be taken. Staff will bring the item back for formal action in the next City Council meeting through an ordinance.

RECOMMENDED MOTION

No motion is proposed as this is a discussion item only.

ATTACHMENTS

1. Proposed Ordinance No. 2023-O-XX *Amending Title 16, Sections 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, and 17-3-13, and Creating Title 18 of the Midvale City Municipal Code.*
2. Attachment A: Amending Title 16 Subdivisions.
3. Attachment B: Amending Section 17-2-4 "D" definitions.
4. Attachment C: Amending Section 17-2-13 "M" definitions.
5. Attachment D: Amending Section 17-2-16 "P" definitions.
6. Attachment E: Amending Section 17-2-18 "R" definitions.
7. Attachment F: Amending Section 17-2-19 "S" definitions.
8. Attachment G: Amending Section 17-2-20 "T" definitions.
9. Attachment H: Amending Section 17-3-2 Reviewing Bodies.
10. Attachment I: Amending Section 17-3-13 Variance Process.
11. Attachment J: Creating Title 18 Infrastructure and Engineering Standards.

ORDINANCE NO. 2024-O-XX

AN ORDINANCE AMENDING TITLE 16, SECTIONS 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, AND 17-3-13, AND CREATING TITLE 18 OF THE MIDVALE CITY MUNICIPAL CODE.

WHEREAS, pursuant to Utah Code Annotated Sections 10-8-84, 10-9a-501 through 10-9a-503, and 10-9a-601, Midvale City (“the City”) has authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance and to enact a subdivision ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, pursuant to Section 16.04.010 of the Code, the City desires to guide future growth and development of the city, in accordance with the general plan; provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards and other dangers, and to prevent overcrowding of the land and undue congestion of population; protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the municipality; protect and preserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings; guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities; and establish reasonable standards of design and procedures for subdivisions, records of survey, replats, and lot line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land; and

WHEREAS, Utah Code Annotated Section 10-9a-604.1 prohibits the City Council from approving subdivision application and limits to the Planning Commission from approving preliminary subdivision applications only; and

WHEREAS, Utah Code Annotated Section 10-9a-604.2 prescribes processes for reviewing subdivision applications and limits the number times a subdivision application may be reviewed; and

WHEREAS, the City desires to amend Title 16 and Sections 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-2-20, 17-3-2, and 17-3-13 and to create Title 18 of the Midvale City Municipal Code to better protect the City’s interest in public infrastructure and comply with state law; and

WHEREAS, the Planning Commission held a public hearing on December 12, 2023, to review the request for text amendments and, after considering all the information received, made a recommendation to approve the text amendments to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on _____, 2024; and

WHEREAS, after taking into consideration citizen testimony, legal, planning, and engineering analysis, and the Planning Commission’s recommendation as part of its deliberations, the City Council finds it is appropriate and within the best interest of the City to make changes to the Code.

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

Section 1. The following portions of the Midvale City Municipal Code are hereby amended and created as included in the following attachments to this document:

- Attachment A: Amending Title 16 Subdivisions.
- Attachment B: Amending Section 17-2-4 “D” definitions.
- Attachment C: Amending Section 17-2-13 “M” definitions.
- Attachment D: Amending Section 17-2-16 “P” definitions.
- Attachment E: Amending Section 17-2-18 “R” definitions.
- Attachment F: Amending Section 17-2-19 “S” definitions.
- Attachment G: Amending Section 17-2-20 “T” definitions.
- Attachment H: Amending Section 17-3-2 Reviewing Bodies.
- Attachment I: Amending Section 17-3-13 Variance Process.
- Attachment J: Creating Title 18 Infrastructure and Engineering Standards.

Section 2. A violation of this ordinance includes the possibility of fines or imprisonment. Midvale City is required, under Utah Code Annotated Section 78B-22-301, to provide for indigent legal defense, as that term is defined in Utah Code Annotated Section 78B-22-102.

Section 3. This ordinance is effective upon publication in accordance with Utah Code Annotated Section 10-3-711.

PASSED AND APPROVED this ____ day of _____, 2024.

Marcus Stevenson, Mayor

SEAL

Voting by City Council	“Aye”	“Nay”
Bonnie Billings	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____

ATTEST:

Rori L. Andreason, MMC
City Recorder

Published this ____ day of _____, 2024, on the Utah Public Notice Website.

ATTACHMENT A: Amending Title 16 Subdivisions

Title 16 is repealed and replaced in its entirety by the following:

Title 16
SUBDIVISIONS

Chapters:

- 16.01 Administration**
- 16.02 Preliminary Subdivision**
- 16.03 Final Subdivision**
- 16.04 Boundary Line Adjustment**
- 16.05 Vacation, Replat, or Amendment of Plat**

Chapter 16.01
Administration

Sections:

- 16.01.010 Purpose.**
- 16.01.020 Definitions.**
- 16.01.030 Applicability.**
- 16.01.050 Violation of Subdivision Ordinance.**
- 16.01.060 Fees.**
- 16.01.070 Invalidity or Unconstitutionality.**
- 16.01.080 Unlawful Subdivision.**
- 16.01.090 Nonconforming Structures.**
- 16.01.100 Condominium Plat**
- 16.01.110 Appeals.**
- 16.01.120 Pre-Application Meeting**
- 16.01.130 Overview of Subdivision Process.**

16.01.010 Purpose.

This Title is enacted pursuant to Utah Code Ann. § 10-9a-601. The purpose of this title is to:

-
- A. Protect and provide for the public health, safety, and general welfare of the City;
 - B. Guide the future growth and development of the City, in accordance with the General Plan;
 - C. Provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards and other dangers, and to prevent overcrowding of the land and undue congestion of population;
 - D. Protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the municipality;
 - E. Protect and preserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
 - F. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
 - G. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic and public transportation, throughout the City, having particular regard to the avoidance of congestion in the streets, highways, and public transportation, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
 - H. Establish reasonable standards of design and procedures for subdivisions, records of survey, replats, and boundary line adjustments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;
 - I. Ensure that public facilities are available and will have a sufficient capacity to serve the City's population and the proposed subdivision, replat, or boundary line adjustment;
 - J. Prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site
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disturbance, removal of native vegetation, and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

- K. Preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features;
- L. Provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and area of lots, while preserving the density of land as established in this title and Title [17](#) of this Code;
- M. Minimize the number of boundary line disputes in the City and to eliminate existing property line gaps and property line overlaps; and
- N. Avoid poorly planned developments that:
 - 1. Cannot be adequately served by existing utilities or public services;
 - 2. May prove to be dangerous or unsafe;
 - 3. May cause an undue burden on existing traffic or transportation services;
 - 4. May require the future expenditure of public funds to correct problems caused by the development.

16.01.020 Definitions.

For the purpose of this Title, certain abbreviations, terms, and words shall be used, interpreted and defined as set forth herein. Words not included herein, but which are defined in Chapter [17-2](#), shall be construed as defined therein.

“Culinary Water Authority” has the definition provided in Utah Code Ann. § 10-9a-103, as amended.

“Review cycle” has the definition provided in Utah Code Ann. § 10-9a-604.2, as amended.

“Sanitary Sewer Authority” has the definition provided in Utah Code Ann. § 10-9a-103, as amended.

“Subdivision improvement plans” has the definition provided in Utah Code Ann. § 10-9a-604.2, as amended.

“Subdivision improvement” means the required infrastructure, improvements, and municipally controlled utilities required for a subdivision.

“Subdivision ordinance review” has the definition provided in Utah Code Ann. § 10-9a-604.2, as amended.

“Subdivision plan review” has the definition provided in Utah Code Ann. § 10-9a-604.2, as amended.

“Underground facility” has the definition provided in Utah Code Ann. § 10-9a-603, as amended.

16.01.030 Applicability

Any division of real property located within Midvale City is subject to the terms of this Title. However, if state law exempts a particular division of real property, then the state law governs.

The division of real property includes any sale, gift, transfer, conveyance, consolidation, split, or other division that results in changing the boundaries or legal description of a given parcel or lot of real property.

16.01.050 Violation of Subdivision Ordinance.

Unless otherwise specified by State law or this Title, the violation of any of the provisions of this Chapter is a class C misdemeanor. This provision may not be used against City officers and staff in their good faith attempts to administer and enforce the terms of this Title.

16.01.060 Fees.

Fees required by this Title must be paid in the amount set by the City Council.

16.01.070 Invalidity or Unconstitutionality.

Should any portion of this Title be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or constitutional will remain in full force and effect.

16.01.080 Unlawful Subdivision.

- A. It is unlawful to transfer, sell, convey, gift, or assign any lot before a final subdivision plat for the lot to be transferred, sold, conveyed, gifted, or assigned is approved and recorded pursuant to the requirements of this Title and applicable State law.
 - B. Except as otherwise provided, all lots or parcels created by the subdivision of real property must comply with the City's lot size, lot width, lot depth, lot frontage, and buildable area requirements, and must abut a public or private street.
 - C. No subdivision may leave a lot or parcel outside the subdivision without access to a public street or a private street which the lot or parcel outside the subdivision has the legal right to use.
 - D. Any applicant desiring to develop property that has been subdivided illegally must comply with the requirements of this Title before developing the property, regardless of whether or not the applicant was the one who illegally subdivided the property. No building permit may be issued for real property that has been illegally subdivided until the property has come into compliance with this Title. The restrictions of this subsection do not apply to legally nonconforming lots.
 - E. It is unlawful to amend, vacate, alter, or modify any plat which has been approved and/or recorded, without first receiving City approval of the amended, vacated, altered, or modified plat.
 - F. It is unlawful to divide real property in such a way that a lot or parcel of property is created or left behind that cannot be developed according to the requirements of this Title, the City Zoning Ordinance, and other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of this type of violation include, but are not limited to, nuisance or protection strips, parcels or lots created or left for the sole purpose of denying another property owner access to his or her property, parcels or lots with insufficient square footage, parcels or lots with insufficient buildable area, parcels or lots that do not meet the institutional controls requirements under Title 8, Chapter 10 of the Midvale Municipal Code, and parcels or lots that do not abut on a street.
 - G. All property must be developed in strict compliance with the approved preliminary plat, the approved final plat, the approved construction drawings, the City's
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Construction Standards and Specifications, and all notes, restrictions, covenants, dedications, boundaries, and other commitments shown on the approved preliminary or final plat. Failure to note any improvement required by this Title or any other part of the Midvale Municipal Code on the preliminary plat, final plat, or the construction drawings will not eliminate the applicant's responsibility to complete that improvement in the subdivision.

- H. It is unlawful to convey or to record any conveyance of any real property to the City without following the appropriate processes outlined in this Title and in Section 18.01.030 of the Midvale Municipal Code or without otherwise obtaining the consent of the City Council. Any such conveyance is voidable by the City.

16.01.090 Nonconforming Structures.

A subdivision that has the effect of rendering any existing structure nonconforming to current City ordinances shall not be allowed. All property lines, streets and other improvements shall be located in such a way as not to render any existing use or structure nonconforming.

However, an applicant may request a variance pursuant to Midvale Municipal Code Section 17-3-13.

16.01.100 Condominium Plat.

Each application for condominium on land that has never been subdivided shall be processed as a new subdivision, including the preliminary plat and final subdivision process if new. Each application for condominium on previously subdivided land shall be processed as an amendment of plat.

16.01.110 Appeals.

Final decisions on applications under this Title may be appealed to the hearing officer appointed pursuant to Midvale Municipal Code Section 17-5-3 and according to the processes described in Midvale Municipal Code Section 17-3-14.

16.01.120 Pre-Application Meeting.

- A. An applicant for a subdivision, record of survey, amended subdivision, boundary line adjustment, plat vacation, or vacation of a public street may request to meet with the Community Development Department to discuss the scope, purpose, procedures, and requirements of the proposed subdivision and the requirements of this code.
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- B. As part of the request for a pre-application meeting, the applicant must provide drawings to the Community Development Department in sufficient detail to allow staff to review the proposal for compliance with this code and to direct the applicant to the appropriate process.
 - C. Within 15 days of the request for a pre-application meeting, City staff must schedule a meeting to review the concept plan and provide initial feedback.
 - D. At the pre-application meeting, City staff must provide or have available on the municipal website (i) copies of applicable land use regulations; (ii) a complete list of standards required for the project; (iii) preliminary and final application checklists; and (iv) feedback on the concept plan.

16.01.130 Overview of Subdivision Process.

The following paragraphs provide a brief overview of the subdivision approval process in Midvale City. This Section is not intended to give an exhaustive review of the subdivision process. More specific provisions relating to the approval process are found elsewhere in this Title.

- A. The applicant and their engineer are responsible for knowing and complying with the provisions of this Title.
 - B. The applicant prepares a preliminary plat. See Midvale Municipal Code 16.02.030.
 - C. The applicant completes an application for preliminary plat approval, submits the application, the preliminary plat, required supporting documents, and the applicable fee to the Community Development Department. See Midvale Municipal Code 16.02.020.
 - D. The preliminary plat is reviewed by the Development Review Committee to determine if it complies with applicable City ordinances, and the City Engineer determines what public improvements are required. See Midvale Municipal Code 16.02.040(A) & (B).
 - E. The Planning Commission holds a public hearing on the preliminary plat and approves or denies it. See Midvale Municipal Code 16.02.040(C).
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- F. If the Planning Commission approves the preliminary plat, the applicant prepares a final plat, completes an application for final plat approval, and submits the application, the final plat, required supporting documents, and the applicable fee to the Community Development Department. See Midvale Municipal Code 16.03.020.
 - G. The final plat is reviewed by the Development Review Committee. See Midvale Municipal Code 16.03.040.
 - H. The applicant completes the required improvements or provides the appropriate completion assurance for required improvements. See Midvale Municipal Code 16.03.050.
 - I. The Development Review Committee approves the final subdivision plat, and it is signed by appropriate City personnel if it complies with all applicable laws. See Midvale Municipal Code 16.03.040.
 - J. If the applicant provided completion assurance, the applicant completes the required improvements within a year. See Midvale Municipal Code 18.01.020.
 - K. The City inspects the required improvements, and if they comply with the City's construction standards and a certificate of occupancy has been issued for a property that relies on said public improvements, then the City accepts the improvements and 90% of the completion assurance is released. See Midvale Municipal Code 18.01.020.
 - L. If the required improvements remain free from defects through the required warranty period, the rest of the completion assurance is released to the applicant. See Midvale Municipal Code 18.01.020.

Chapter 16.02

Preliminary Plat

Sections:

- 16.02.010** **Preliminary Plat Required.**
 - 16.02.020** **Application for Preliminary Plat Approval.**
 - 16.02.030** **Contents of Preliminary Plat.**
 - 16.02.040** **Preliminary Plat Approval Process.**
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16.02.050 **Design Standards.**

16.02.060 **Expiration of Preliminary Plat.**

16.02.010 Preliminary Plat Required.

- A. The purpose of the preliminary plat is to review and plan for the overall development of the subdivision and the land surrounding the subdivision.
- B. A preliminary plat must be approved for a parcel or lot before a final subdivision plat can be approved for that parcel or lot. An applicant may request simultaneous preliminary and final subdivision plat approval but bears the risk of having either or both rejected.

16.02.020 Application for Preliminary Plat Approval.

The applicant shall prepare and submit the following in a format acceptable to the Community Development Department:

- A. The preliminary plat.
 - B. Fees sufficient to mail out appropriate notices for a public hearing.
 - C. A preliminary title report prepared within 30 days of the application by a title company licensed to practice in the State of Utah, which shows the owner of every parcel or lot of land contained within the proposed subdivision.
 - D. A signed affidavit or sworn statement in which each owner identified by the preliminary title report provides consent to the proposed subdivision.
 - E. A grading plan containing the following information:
 - 1. Property lines, street names, and existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
 - 2. Existing and proposed contour lines and spot elevations. Contour lines must show every one foot of change for grades less than 5%, every two feet of change for grades more than 5% and less than 10%, and every five feet of change for grades more than 10%.
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3. Grade shall slope away from structures as required by the applicable building code and shall comply with other building codes and standards adopted by the City Engineer.
- F. The fee for a preliminary subdivision application as passed by the City Council.
 - G. Subdivision improvement plans.
 - H. Any other documents related to the subdivision required by the City's current, published preliminary plat application.

16.02.030 Contents of Preliminary Plat.

The preliminary plat shall include the following:

- A. Scale must be indicated on the plat. (Minimum scale: one inch equals fifty feet);
 - B. All proposed streets, alleys, parks, open spaces, and other offers of public dedications, showing widths and pertinent dimensions of each;
 - C. An arrow indicating North drawn on each sheet;
 - D. Boundary dimensions and legal description of the entire subdivision;
 - E. The dimensions, legal description, and square footage of each lot;
 - F. Streets stubs into the subdivision;
 - G. Legend of symbols;
 - H. The dimensions and locations of existing and proposed survey monuments, improvements, irrigations systems, structures, easements, exceptional topographical features, and other important features such as rail lines and water lines within the land to be subdivided and within one hundred feet of the proposed subdivision boundaries;
 - I. Description of every existing right-of-way and recorded easement located within the plat for:
 1. An underground facility;
 2. A water conveyance facility; or
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3. Any other utility facility; and
 4. Any water conveyance facility located entirely or partially within the plat that:
 - a. Is not recorded; and
 - b. Of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor.
- J. Proposed subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
- K. Name and address of the applicant, engineer or surveyor for the subdivision, and owners of the land to be subdivided;
- L. Streets, lots, and properties within one hundred feet surrounding the subdivision shown in ghost lines and the owner names and parcel numbers of land immediately adjacent to the subdivision;
- M. A vicinity drawing accurately locating the property shown on the plat; and
- N. The location of existing structures within the preliminary plat boundaries and a notation as to whether the existing structures will remain or be demolished.

16.02.040 Preliminary Plat Approval Process.

- A. Review by City Staff. The members of the Development Review Committee shall review the submitted application and plans for compliance with City code, state law, and any other applicable law. The City Engineer will review the submitted application to determine what public improvements are required. As part of its review, the City must comply with the requirements of Utah Code Ann. § 10-9a-603(3)(d), as amended, regarding notice to facility owners of water conveyance facilities.
- B. Review Cycles.
1. For a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the City must complete the initial review of the application, including subdivision improvement plans, no later than 15 business days after
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the day on which an applicant submits a complete preliminary plat application.

2. In reviewing a preliminary plat the City may require (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. The City's request for additional information or modifications to plans under this Subsection must be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and must be logged in an index of requested modifications or additions.
 3. After the City has requested additional information or modifications to plans, the applicant must provide revised plans to the City. In addition to revised plans, the applicant must provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation must be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the application but only with respect to the portion of the plan set that the material change substantively affects.
 4. The City may require up to four review cycles for a preliminary plat application. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections. Unless a change or correction is necessitated by the applicant's adjustment to a plan set or an
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update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's review is waived. However, a modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

5. If, on the fourth or final review, the City fails to respond within 20 business days, the City must, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code § 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination in accordance with Midvale City Code Section 16.01.110.
6. If the applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 days to respond to the plans.

C. Public Hearing. After the City Development Review Committee has determined that the proposed subdivision complies with State law and City code or after four complete review cycles, the Planning Commission will hold a public hearing on the preliminary plat and must approve or deny the application. The public hearing must be noticed as outlined in Midvale Municipal Code § 17-3-9 and in accordance with State law.

16.02.050 Design Standards.

The following standards apply to all subdivisions within the City:

- A. Lot Standards. All resulting lots shall comply with the lot standards for the zone district. Lots shall be perpendicular to the street. Double frontage lots are prohibited
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unless the Planning Commission, with the recommendation of the Development Review Committee, determines that:

1. The topography or other unusual condition exists that requires deviation from the standard; and
2. If the rear yard is adjacent to a collector or arterial street, the applicant shall install a six-foot masonry wall or its functional equivalent, unless for aesthetic or safety reasons such requirement is waived.

B. Street Layout.

1. Streets shall comply with the City's Transportation Master Plan.
 2. Streets shall align with and connect to existing streets on adjoining properties unless the Planning Commission, with the recommendation of the Development Review Committee, determines that the general plan, topography, traffic demands or other conditions make it better to depart from the system.
 3. Streets shall be laid out in a manner that reduces, to the extent possible, dead-end roads and promotes connectivity.
 4. Streets shall be laid out in a manner that provides future access to undeveloped and underdeveloped property.
 5. The Planning Commission, after recommendation by the Development Review Committee, may grant up to a ten percent density bonus or up to a ten percent reduction to width, depth, frontage, area, and setback requirements when the layout of future access as required herein results in a reduction of ten percent or more of buildable units. The bonus or reduction approved by the Planning Commission should be roughly proportional to the reduction in buildable units due to future access, up to a maximum of ten percent. When providing such approval, the Planning Commission must explicitly make the applicable findings and must include the specifics of the bonus or reduction granted in its motion.
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- C. Landscaping. Along all streets, the applicant shall install deciduous trees, two inches in caliper, for each thirty feet of frontage.
- D. Infrastructure. All preliminary plats shall include subdivision improvement plans for subdivision improvements required by the City Engineer pursuant to Midvale City Code 18.01.010.
- E. Private Streets. The applicant may propose private streets within the subdivision so long as the proposed street(s) include a right-of-way width of thirty-five feet, with twenty feet of pavement installed to City specifications and fire code, two and one-half feet of curb and gutter on each side and either a five-foot sidewalk adjacent to the curb on both sides or a four-foot sidewalk and a five-foot park strip on one side.
1. Private streets shall align with and connect to existing streets, whether public or private, on adjoining properties unless the Planning Commission, after recommendation of City staff, determines that the general plan, topography, traffic demands, or other conditions make it better to depart from the system.
 2. To the extent possible, private streets shall be laid out in a manner that reduces dead-end roads and promotes connectivity.
 3. Private streets shall be laid out in a manner that provides future access to undeveloped and underdeveloped property.
 4. The Planning Commission, after recommendation by the Development Review Committee, may grant up to a ten percent density bonus or up to a ten percent reduction to width, depth, frontage, area, and setback requirements when the layout of future access as required herein results in a reduction of ten percent or more of buildable units. The bonus or reduction approved by the Planning Commission should be roughly proportional to the reduction in buildable units due to future access, up to a maximum of ten percent. When providing such approval, the Planning Commission must explicitly make the applicable findings and must include the specifics of the bonus or reduction granted in its motion.
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5. All new private streets shall comply with the following street lighting standards:
- a. Light sources shall be at least as efficient as LED and no greater than four thousand K in correlated color temperature (CCT).
 - b. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures.
 - c. Luminaires shall be mounted at a height no higher than twenty feet above the adjacent roadway.
 - d. Streetlights shall be placed at intersections and at a frequency no less than one streetlight per every 150 feet of roadway, rounded up to the next whole number. Streetlight locations shall alternate sides of the street to the greatest extent possible.
 - e. Poles and fixtures shall be black, dark brown, or another neutral color approved by the Community Development Director.
 - f. Poles, luminaires, sources, and associated fixtures shall match in construction those used on public streets to the greatest extent possible. The Community Development Director may exempt an applicant from this requirement if the applicant is implementing a thematic design which incorporates lighting.

F. Lighting Plan. A lighting plan is required for all developments and must contain the following:

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emission.
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3. A point-by-point light plan to determine the adequacy of the lighting over the site.
- G. Driveways. Lots which lack frontage on a public or private street, when permitted by the zoning ordinance, shall utilize access easements. Residential flag lots may share an access drive for up to two residential structures in addition to any access required by the frontage lot when the access drive is at least 20 feet wide and the units with frontage on the street have the required side setback between the unit and the driveway.

16.02.060 Expiration of Preliminary Plat.

- A. An application for preliminary plat approval shall expire if the application has not been approved within 12 months after the date it was submitted. Upon expiration, an application for final plat approval shall be considered null and void, and a new application must be submitted and fees paid.
- B. An approved preliminary plat expires one year after approval unless a complete final subdivision application has been filed for all of a preliminary plat or a portion of a preliminary plat for a phased subdivision. If the plat still complies with all applicable laws and ordinances, the applicant may make a written request for an extension, and the Development Review Committee may, in its discretion, extend the validity of an approved preliminary plat by six month or one year increments up to a total of two additional years for single phased plats and up to a total of four years for multi-phased plats.

Chapter 16.03

Final Subdivision

Sections:

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|------------------|---|
| 16.03.010 | Final Subdivision Plat Required. |
| 16.03.020 | Application for Final Subdivision Plat Approval. |
| 16.03.030 | Contents of Final Plat. |
| 16.03.040 | Final Subdivision Plat Approval Process. |
| 16.03.050 | Requirements for Final Subdivision Plat. |
| 16.03.060 | Expiration of Final Subdivision Plat. |
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16.03.010 Final Subdivision Plat Required.

- A. Upon City staff recommendation and Planning Commission approval of the preliminary plat, an applicant shall prepare a final plat, which accurately reflects each and every Planning Commission- and staff-imposed requirement including the applicant's offer and dedication of public lands.
- B. A final plat may be submitted for approval concurrently with the preliminary plat, provided the final plat meets the requirements of this Chapter. If the applicant chooses to submit the preliminary and final plats concurrently, the City maintains the right to deny one or both of the plats, and the applicant shall bear all risks associated with their preparation and submittal.

16.03.020 Application for Final Subdivision Plat Approval.

The applicant shall prepare and submit the following in a format acceptable to the Community Development Department:

- A. The final plat.
 - B. A preliminary title report prepared within 30 days of the application by a title company licensed to practice in the State of Utah that shows the owner of every parcel or lot of land contained within the proposed subdivision or a signed affidavit or sworn statement by each owner identified by the preliminary title report used for the preliminary plat in which each owner affirms that title for the property has not changed ownership;
 - C. The fee for a final subdivision application as passed by resolution by the City Council;
 - D. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements, and the location of all public utilities. Improvements shown on the construction drawings shall be in accordance with the preliminary plat;
 - 1. The City Engineer may adopt a policy governing additional requirements for Construction drawings. All Construction drawings shall have the designing engineer or architect state license seal stamped on all submitted sheets. No final plat may be approved by the City Engineer until the construction drawings have been approved by the City Engineer.
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- E. A tax clearance, indicating that all taxes, interest, and penalties owing on the land have been paid;
 - F. For a condominium application, a signed affidavit by an attorney who is licensed to practice in Utah that states that the condominium declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (Utah Code Ann. §§ 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Salt Lake County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects; and
 - G. Any other documents related to the subdivision required by the City's current, published final subdivision application.

16.03.030 Contents of Final Plat.

The final plat shall include the following:

- A. All features required by Midvale Municipal Code Section 16.02.030;
 - B. Streets indicating numbers and/or names and lots addressed and numbered consecutively;
 - C. Boundary dimensions and legal description of the subdivision and each lot therein which close within 0.010 feet with point of beginning clearly labeled;
 - D. Location, width, centerlines bearings and curve data (including delta angle, radius, length, tangent, and the long chord on curves) and other dimensions of all existing proposed or platted streets and easements;
 - E. Location, width, centerlines bearings and curve data (including delta angle, radius, length, tangent, and the long chord on curves) and other dimensions of all important features such as rail lines, water lines, exceptional topography, and structures within the proposed area and within a 100-foot perimeter of the subdivision. Water system features must appear on the plat;
 - F. Signature boxes for the following:
 - 1. Surveyor's stamped certificate with subdivision boundary legal description;
 - 2. Owner's dedication signed by all owners of any property on the plat;
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3. Salt Lake County Health Department approval;
 4. Community Development Director approval;
 5. Planning Commission Chair approval;
 6. City Attorney approval as to form;
 7. City Engineer approval;
 8. County Recorder's certificate; and
 9. Mayor's approval.
- G. A certification by the surveyor that complies with Utah Code 10-9a-603(6)(b), as amended;
- H. Dedication language and the date of the owner's dedication on each sheet;
- I. A note indicating the existence of institutional controls or other environmental regulations in areas where such controls or regulations, particularly Midvale's Institutional Controls Ordinance (Midvale Municipal Code Chapter 8.10), are in effect;
- J. A note indicating that the plat will expire and be void if it is not recorded within one year of the date it is approved by the City;
- K. A note indicating the existence of covenants, conditions, or restrictions, if any; and
- L. Language conveying to the association all common areas (as those terms are defined in Utah Code § 57-8a-102, as amended) if any part of the subdivision is to be part of a community association subject to Utah Code Title 57, Chapter 8a, Community Association Act, as amended.

16.03.040 Final Subdivision Plat Approval Process.

- A. Review by City Staff. The members of the Development Review Committee shall review the submitted application and plans for compliance with City code, state law, and any other applicable law.
1. The City Planning Director or designee shall review the application for compliance with all state and local zoning regulations and shall forward the
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application to other members of the Development Review Committee for review.

2. The City Engineer shall:

- a. Review all required construction drawings. The City Engineer shall not approve the construction drawings unless they comply with generally accepted engineering standards, the City's Construction Standards and Specifications and any other specifications, standards or policies established by the City;
- b. Make recommendations to the Development Review Committee in accordance with City requirements concerning the final plat or construction drawings; and
- c. Prior to recording, review the final plat and surveyor's certification for acceptability.

3. All other members of the Development Review Committee shall review the application for compliance with state, local, and federal laws and regulations related to their area of expertise.

B. Review Cycles.

1. For a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the City shall complete the initial review of the application, including all subdivision plan reviews no later than 20 business days after the day on which an applicant submits a complete final subdivision application.
 2. In reviewing a final subdivision plat the City may require (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information. The City's request for additional information or modifications to plans under this Subsection shall be specific and include citations to ordinances, standards, or specifications that require the
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modifications to plans, and shall be logged in an index of requested modifications or additions.

3. After the City has requested additional information or modifications to plans, the applicant shall provide revised plans to the City. In addition to revised plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed. If an applicant makes a material change to a plan set, the City has the discretion to restart the review process at the first review of the application but only with respect to the portion of the plan set that the material change substantively affects.
 4. The City may require up to four review cycles for a final subdivision plat application. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections. Unless a change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's review is waived. However, a modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
 5. If, on the fourth or final review, the City fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
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- a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Ann. § 10-9a-508(5)(d), as amended, to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.
6. If the applicant does not submit a revised plan within 20 business days after the City requires a modification or correction, the City shall have an additional 20 days to respond to the plans.
- C. After all review cycles and prior to final approval of the final subdivision application, the applicant shall complete the required subdivision improvements or shall provide adequate completion assurance pursuant to Midvale Municipal Code Section 18.01.020.
 - D. The Development Review Committee shall approve the final plat if it meets the requirements of the preliminary plat and all applicable laws, ordinances, codes, and regulations. The Development Review Committee may deny approval of the final plat if the plat does not comply with all applicable laws, ordinances, codes, and regulations. If the request for final plat approval is denied, the Development Review Committee shall state the reasons for the denial in writing.
 - E. After the Development Review Committee has approved the final plat, the applicant shall print the final plat on linen or mylar and obtain the necessary signatures prior to recording.
 - F. Within 30 days of approval, City staff shall submit an electronic copy of the final plat to the Utah Geospatial Resource Center as required by Utah Code Ann. § 10-9a-603(5), as amended.
 - G. The owner(s) of an acknowledged, certified, and approved plat shall record the plat in the county recorder's office.
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16.03.050 Requirements for Final Subdivision Plat.

- A. The final subdivision plat shall comply with all applicable City ordinances, State law, and conditions imposed by the preliminary plat.
 - B. All subdivision improvements shall be completed by qualified contractors in accordance with the construction standards in Midvale Municipal Code 18.03.010. No work may be commenced on public improvements without first obtaining a permit from the City Engineer.
 - 1. If the applicant elects to not finish subdivision improvements prior to recording the final subdivision plat, then the applicant shall provide completion assurance for all public improvements as determined by the City Engineer. If the applicant provides completion assurance for the public improvements, the completion assurance shall comply with the requirements of Midvale Municipal Code 18.01.020.
 - C. No final subdivision plat shall be approved or recorded until:
 - 1. The subdivision improvements have been constructed to the satisfaction of the City Engineer; or
 - 2. the applicant for the subdivision has tendered the completion assurance required by this Chapter and entered into an agreement with the City in which the applicant agrees to install the improvements as required by this Chapter, and to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of the property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period); and the owner(s) of the subdivision has given written permission to the City or its representatives to enter upon the property included within the final plat to complete any subdivision improvements required by this Title in the event that the owner/applicant fails to satisfactorily complete such improvements in the time allowed by this Title and Title 18.
 - D. The final subdivision plat must be signed by all property owners identified on the title report.
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1. If ownership has changed since the preparation of the title report, the applicant must provide proof of the recorded change of ownership to the City.
 2. Any subdivision plat that has an owner's dedication signed by someone other than the entity who was the owner on the date that the owner's dedication was signed is void.

16.03.060 Expiration of Final Subdivision Plat.

- A. An application for final plat approval shall expire immediately following the passage of one year of no activity with respect to the application. Activity means submission of documents by the applicant for review or responses to comments in a current review cycle by the applicant, request for inspection by the applicant, or other active communication between the applicant and City engineering staff. Upon expiration, an application for final plat approval shall be considered null and void and a new application must be submitted and fees paid.
- B. The final plat shall expire and be void one year after approval by the Development Review Committee unless the plat has been recorded. Upon expiration, new applications for preliminary and final subdivisions must be submitted.

Chapter 16.04

Boundary Line Adjustment

Sections:

- 16.04.010** **Boundary Line Adjustment Permitted.**
- 16.04.020** **Application for Boundary Line Adjustment.**
- 16.04.030** **Boundary Line Adjustment Review.**

16.04.010 Boundary Line Adjustment Permitted.

This Chapter applies to boundary adjustments between two properties where at least one property is a lot or where one property is a parcel that includes a dwelling unit. The owners of record of two adjoining properties may relocate the common property boundary line between the two properties by an exchange of title if they comply with the provisions of this Chapter 16.04. This Chapter does not apply to the merging of two lots or parcels.

16.04.020 Application for Boundary Line Adjustment.

The applicant shall prepare and submit the following in a format acceptable to the Community Development Department:

- A. A legal description of both the original properties and the properties resulting from the boundary line adjustment;
- B. A diagram of the two resulting properties prepared by a surveyor showing the location of all existing improvements, irrigations systems, structures, and easements;
- C. A signed affidavit or sworn statement in which each property owner provides consent to the boundary line adjustment;
- D. A notice of approval required by Utah Code § 10-9a-606(5)(b) & (c) if the boundary line adjustment includes common area or common area and facility as those terms are defined in Section 10-9a-606, as amended.
- E. A tax clearance, indicating that all taxes, interest, and penalties owing on both properties have been paid;
- F. The fee for a boundary line adjustment application as passed by resolution by the City Council; and
- G. Any other documents related to the subdivision required by the City's current, published boundary line adjustment application.

16.04.030 Boundary Line Adjustment Review.

The City Development Review Committee shall review a boundary line adjustment application and provide written notice of its decision in accordance with Utah Code § 10-9a-524(5)(b) within 14 days. The Development Review Committee shall issue a notice of approval for a boundary line adjustment if, after review, it determines that:

- A. No new dwelling lot or housing unit results from the boundary line adjustment;
 - B. The adjoining property owners consent to the boundary line adjustment;
 - C. The boundary line adjustment does not result in remnant land that did not previously exist;
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- D. The boundary line adjustment identifies and preserves any easements owned by third parties including, but not limited to, the City, a public utility, a Special Service District, a Culinary Water Authority, or a Sanitary Sewer Authority for existing facilities located on either of the properties; and
 - E. The adjustment does not result in violation of applicable subdivision or zoning requirements.

Chapter 16.05

Vacation, Replat, or Amendment of Plat

Sections:

- 16.05.010** **Subdivision Amendments Not Involving Public Streets.**
- 16.05.020** **Subdivision Amendments Involving Public Streets.**

16.05.010 Subdivision Amendments Not Involving Public Streets.

- A. Subdivision amendments not involving the vacation of all or a portion any public street, right of way, or easement and that cannot be processed as a boundary line adjustment shall be processed as a new subdivision, including the preliminary plat and final subdivision process. The preliminary and final plats shall include the following additional features:
 - 1. The amended plat must depict only the portion of the subdivision that is proposed to be amended;
 - 2. The amended plat must include a plat name distinguishing the amended plat from the original plat;
 - 3. The amended plat must describe the differences between the amended plat and the original plat;
 - 4. The amended plat must include references to the original plat; and
 - 5. The amendment must identify and preserve any easements owned by a Culinary Water Authority and Sanitary Sewer Authority for existing facilities located within the subdivision.
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- B. An applicant shall provide the notice of approval required by Utah Code Ann. § 10-9a-606(5)(b) & (c), as amended, if the subdivision includes common area or common area and facility as those terms are defined in Utah Code Ann. § 10-9a-606, as amended.
- C. After completion of the final subdivision process, the Development Review Committee shall approve the amendment if it finds that:
1. there is good cause for the vacation or amendment; and
 2. no public street or municipal utility easement has been vacated or amended.

16.04.020 Subdivision Amendments Involving Public Streets.

- A. Subdivision amendments involving the vacation (in whole or in part), alteration, or amendment of any public street, right of way, or easement or the dedication of a public street shall be processed as a new subdivision, including the preliminary and final subdivision process.
- B. The preliminary and final plats shall include the following additional features:
1. The amended plat must depict only the portion of the subdivision that is proposed to be amended;
 2. The amended plat must include a plat name distinguishing the amended plat from the original plat;
 3. The amended plat must describe the differences between the amended plat and the original plat;
 4. The amended plat must include references to the original plat;
 5. The amendment must identify and preserve any easements owned by a Culinary Water Authority and Sanitary Sewer Authority for existing facilities located within the subdivision;
- C. The preliminary application shall include:
1. The name and address of each owner of record of land that is
 - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
-

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- b. Accessed exclusively by or within 300 feet of the public street or municipal utility easement;
2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
 3. The signature of each owner under Subsection (C)(1)(a) who consents to the vacation.
 4. A notice of approval required by Utah Code Ann. § 10-9a-606(5)(b) & (c), as amended, if the subdivision includes common area or common area and facility as those terms are defined in Utah Code Ann. § 10-9a-606, as amended.
- D. After completion of the preliminary subdivision process, the City Council shall hold a public hearing in accordance with Utah Code Ann. § 10-9a-208, as amended. The City Council shall approve the vacation or amendment if it finds that:
1. Good cause exists for the vacation or amendment; and
 2. Neither the public interest nor any person will be materially injured by the proposed vacation or amendment.
- E. The effect of a vacation or amendment under this Section does not impair:
1. Any right-of-way or easement of any parcel or lot owner;
 2. The rights of any public utility; or
 3. The rights of a culinary water authority or sanitary sewer authority.
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Legend:

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ATTACHMENT B: Amending Section 17-2-4 “D” Definitions

The definition of “Development Review Committee” in Section 17-2-4 is amended as follows:

17-2-4 “D” definitions.

“Development Review Committee” means a committee comprised of City staff designed to provide input to an applicant prior to submitting an official development application and to act as the land use authority for specific types of land use applications. This Committee is chaired by the ~~director of community and economic development~~ Community Development Director and includes the City Planner, Building Official, Fire Marshal, Public Works Director, City Attorney, and City Engineer or their respective designees, ~~CPTED coordinator, code enforcement officer, and business license administrator.~~

Legend:

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ATTACHMENT C: Amending Section 17-2-13 “M” Definitions

The definitions of “Major subdivision” and “Minor subdivision” in Section 17-2-13 are amended as follows:

17-2-13 “M” definitions.

~~“Major subdivision” means all subdivisions of four or more lots, or any size subdivision requiring any new street or extension of municipal facilities or the creation of any public improvements.~~

~~“Minor subdivision” means any subdivision containing not more than three lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the general plan, official zoning map, streets master plan, or this title.~~

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ATTACHMENT D: Amending Section 17-2-16 "P" Definitions

The definitions of "Plat" and "Public improvement" in Section 17-2-16 are amended as follows:

17-2-16 "P" definitions.

"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Ann. § ~~10-9-804~~ 10-9a-603, as amended.

"Public improvement" means any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the City, another government entity, or a public utility may ultimately assume responsibility or which may effect ~~a city~~ such an improvement.

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ATTACHMENT E: Amending Section 17-2-16 “R” Definitions

The definition of “Resubdivision” in Section 17-2-16 is amended as follows:

17-2-18 “R” definitions.

~~“Resubdivision” means a change in a map of an approved or recorded subdivision plat if such change affects any right of way or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling subdivisions.~~

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ATTACHMENT F: Amending Section 17-2-19 “S” Definitions

The definitions of “sketch plat” and “subdivision” in Section 17-2-19 are amended as follows:

17-2-19 “S” definitions.

~~“Sketch plat” means a sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the planning commission as to the form of the plat.~~

“Subdivision” means any land, vacant or improved, which is merged, or which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

~~A. “Subdivision” includes:~~

- ~~1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and~~
- ~~2. Except as provided in subsection B of this section, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~

~~B. “Subdivision” does not include:~~

- ~~1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;~~
 - ~~2. A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - ~~a. No new lot is created; and~~
 - ~~b. The adjustment does not violate applicable land use ordinances;~~~~
 - ~~3. A recorded document, executed by the owner of record;~~
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~~a. Revising the legal description of more than one contiguous un~~
~~subdivided parcel of property into one legal description encompassing all such parcels of property; or~~

~~b. Joining a subdivided parcel of property to another parcel of property that has~~
~~not been subdivided, if the joinder does not violate applicable land use ordinances; or~~

~~4. A recorded agreement between owners of adjoining subdivided properties~~
~~adjusting their mutual boundary if:~~

~~a. No new dwelling lot or housing unit will result from the adjustment; and~~

~~b. The adjustment will not violate any applicable land use ordinance.~~

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ATTACHMENT G: Amending Sections 17-2-20 “T” Definitions

The definitions of “Townhome” and “Townhouse” are added to Section 17-2-4 as follows:

17-2-20 “T” definitions.

“Townhome” means a single attached dwelling unit where ownership includes airspace, walls, and the ground upon which the dwelling unit sits, and where the ownership includes an undivided interest in the common areas and limited common areas of the development, and where no dwelling unit is built above or below another dwelling unit.

“Townhouse” means the same as Townhome.

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ATTACHMENT H: Amending Sections 17-3-2 Reviewing Bodies

Section 17-3-2 is amended as follows:

17-3-2 Reviewing bodies.

The community and economic development department (CEDD), the appeal authority (AA), the planning commission (PC), and the city council (CC) each have the following primary authority to review applications for compliance with this title:

Table 17-3-2. Reviewing Bodies

Type of Review	CEDD	AA	PC	CC
Administrative Lot Line Adjustment				
Appeal	X	X		
Allowed Use	X			
Appeal		X		
Business License	X			
Conditional Use	X		X	
Appeal		X		
Conditional Use-Administrative	X			
Appeal		X		
MPD				
Large Scale	X		X	X
Large Scale MPD Appeal		X		
Small Scale	X		X	

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Small Scale MPD Appeal		X		
Plat Amendment	X	X	X	
Subdivision/Condo	X	X	X	
Title 17/Map Amendment	X	X	X	
Variance		X		

A. No building permit shall be valid for any structure unless the plans for the proposed structure have been submitted to and have been approved by the community and economic development department.

B. No new use shall be valid on any property unless the use is allowed in the zone or unless a conditional use permit has been properly issued for the use.

C. No subdivision map shall be recorded unless all conditions of subdivision approval have been satisfied or otherwise secured.

D. The community and economic development department initially reviews all complete applications requiring action by the planning commission and recommends approval or rejection to the planning commission, according to the type of application filed. The community and economic development department may process one application at a time per property or may process coordinated applications simultaneously.

E. The community and economic development department issues permits for allowed uses, administrative ~~lot~~ ~~boundary~~ line adjustments, administrative conditional uses, and building permits and issues business licenses.

F. The planning commission reviews ~~and approves, and forwards a recommendation to the city council regarding,~~ each application for a preliminary ~~subdivision~~ plat approval and, a preliminary ~~subdivision~~ plat amendment. The planning commission reviews and forwards a recommendation to the city council regarding initial zoning, rezoning, ~~condominium record of survey,~~ master planned developments, and amendments to this title.

G. The appeal authority hears all requests for variances and land use appeals.

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H. No review shall occur until all applicable fees are paid. (Ord. 2012-09 § 2 (Att. B (part)); Ord. 8/10/2004O-25 § 1(5) (part); Ord. 12-11-2001C § 2 (part))

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ATTACHMENT I: Amending Section 17-3-13 Variance Process

Section 17-3-13 is amended as follows:

17-3-13 Variance Process.

Any person or entity desiring a waiver or modification of the requirements of ~~the zoning~~ ~~a land use~~ ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply for a variance from the terms of the ~~zoning~~ ~~land use~~ ordinance.

A. *Variance Criteria.*

1. *Standards.* A variance may only be granted if all of the following conditions are met:
 - a. Literal enforcement of the ~~zoning~~ ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the ~~zoning~~ ~~land use~~ ordinance is observed and substantial justice done.
 2. *Unreasonable Hardship.* In determining whether or not enforcement of the ~~land use~~ ~~zoning~~ ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In addition, the appeal authority may not find an unreasonable hardship unless the applicant proves that the alleged hardship:
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- a. Is located on or associated with the property for which the variance is sought;
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. Special circumstances must:
 - i. Relate to the hardship complained of; and
 - ii. Deprive the property of privileges granted to other properties in the same district.
3. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 4. The appeal authority may not grant a use variance.
 5. Variances run with the land.
 6. *Additional Requirements.* In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
- B. *Process.* The appeal authority shall review all applications for variance requests according to the following procedure:
1. Variance requests must be submitted to the community development department. The applicant must pay all appropriate fees and must file a complete application, including an explanation of how all variance criteria has been met.
 2. *Notice/Posting.* Upon receipt of a complete application, the community and economic development department shall set a public hearing date with the appeal authority and shall provide notice as provided in Section [17-3-9\(E\)](#).
 3. The appeal authority shall consider the variance application in accordance with subsection [\(A\)](#) of this section.
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4. The appeal authority shall prepare written findings and a final decision on the variance request within thirty working days of the appeal authority meeting.

5. *Appeal of Final Decision.* The applicant or any person aggrieved by the final decision on the variance request may appeal to a court of competent jurisdiction within thirty days of the written decision. The decision shall stand, and those affected by the decision may act in reliance on it, unless and until a court enters an interlocutory or final order modifying or suspending the decision. (Ord. 2021-17 § 1 (Att. A); Ord. 2012-09 § 2 (Att. B (part)))

17-3-13 zoning ordinance → land use ordinance

ATTACHMENT J: Creating Title 18 Infrastructure and Engineering Standards

Title 18 is hereby created as follows:

Title 18
Infrastructure and Engineering Standards

Chapters:

- 18.01 Infrastructure Requirements**
- 18.02 Adoption of Master Plans**
- 18.03 Construction Standards**

Chapter 18.01
Infrastructure Requirements

Sections:

- 18.01.010 Public Improvements.**
- 18.01.020 Completion Assurance.**
- 18.01.030 Acceptance of Public Improvements by City.**

18.01.010 Public Improvements.

Each application for new development must include the applicant's demonstration of its capacity to complete or provide completion assurance for 100% of the value of all required public improvements, to provide, to construct, and to dedicate required public improvements.

Required public improvements include:

- A. Streets for internal circulation, with a minimum right-of-way width of 50 feet including sidewalk, curb and gutter according to Midvale Standard Construction Specifications and Drawings and a minimum paved width of 25 feet;
 - 1. *Residential.* The applicant shall install four-foot wide sidewalks, to a minimum depth of four inches in a new residential subdivision. Sidewalks shall be backfilled at the lot line and shall be constructed with a two percent cross slope toward the street.

2. *Commercial.* The applicant shall install sidewalks consistent with the zone standards.

- B. Off-site street improvements to mitigate demonstrated off-site impacts;
- C. Wellhead protection;
- D. On- and off-site sanitary and storm sewer lines, including mains, manholes, lateral, clean-outs, and treatment capacity sufficient to satisfy peak demand of the subdivision (i.e., duty to serve letter) and sufficient to satisfy all Utah Pollutant Discharge Elimination System permit requirements;
- E. Water lines and wet water rights and availability (i.e., duty to serve letter);
- F. Street signs are required on all roads interior to the development;
- G. Fire hydrants;
- H. Street lighting consistent with the lighting standards for the zone;
- I. Bridges;
- J. Grading;
- K. Retaining walls;
- L. Covering, piping, relocating, or abandoning irrigation ditches;
- M. Public facilities; and
- N. All other improvements the City Engineer deems reasonably necessary to promote the public health, safety, and welfare.

18.01.020 Completion Assurance.

- A. If the applicant does not complete required public improvements prior to final application approval, the applicant shall provide completion assurance for 100% of the value of all required public improvements as determined by the City Engineer. Completion assurance means a surety bond, letter of credit, financial institution bond, cash, or other equivalent security acceptable to the City to guaranty the proper completion of landscaping or a public improvement required as a condition
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precedent to recording a subdivision plat or development of a project requiring landscaping or public improvements.

- B. The applicant's completion assurance shall be held to guarantee that the required improvements will:
1. Be constructed in accordance with the City's Construction Standards and Specifications and the construction drawings approved by the City Engineer; and
 2. Be completed and pass City inspection within one year of the date that the final plat is recorded.
- C. The purpose of the completion assurance is to enable the City to make or complete the required improvements in the event of the applicant's inability or failure to do so. The City need not complete the required improvements before collecting on the completion assurance. The City may, in its sole discretion, delay taking action on the completion assurance and allow the applicant to complete the improvements if it receives adequate assurances that the improvements will be completed in a timely and proper manner.
- D. A sum equal to ten percent of the total amount covered by the completion assurance shall be held and not released for a period of one year after all improvements are completed and final inspection is made by the City. This ten percent is to be used if repairs need to be performed on the improvements and the applicant fails to complete the repairs to the City's satisfaction.
- E. If, for any reason, the completion assurance provided for the guarantee of improvements are insufficient to properly complete the improvements, the applicant shall be personally liable to complete the improvements required by this Chapter. If the applicant is a corporation, the principal officers of the corporation shall be personally liable to complete the improvements.
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18.01.030 Acceptance of Public Improvements by the City.

- A. Standards of Construction. Construction of all public improvements must comply with the standards adopted in Chapter 18.03 of this Title.
- B. Timing of City's Acceptance. Public improvements may not be accepted by the City until a certificate of occupancy has been issued for a property that relies on said public improvements and until the improvements have passed inspection by City representatives for compliance with the City's construction standards found in Chapter 18.03 of this Title. Notwithstanding the approval and recording of a final subdivision plat, acceptance of public improvements shall not be deemed to have been accepted by the City until the applicant has received written notice of acceptance from the City.
- C. Warranty Period Assurance. Applicants/owners of public improvements to be dedicated to the City shall warranty that the public improvements will remain free from defects for a period of one year following the date that all improvements pass City inspection and acceptance. The applicant/owner shall repair or replace any improvements which are or become defective during this time period. All repairs or replacements shall be made to the satisfaction of the City. The City may require the applicant/owner to guarantee and warrant that any repairs remain free from defect for a period of one year following the date that the repairs pass City inspection. The City may retain the applicant's completion assurance until the repairs have lasted through the warranty period, and may take action on the completion assurance if necessary to properly complete the repairs.

Chapter 18.02

Adoption of Master Plans

Sections:

18.02.010 Development Compatible with Adopted Master Plans.

18.02.010 Development Compatible with Adopted Master Plans.

The City may require development, infrastructure, and public improvements to comply with plans and standards outlined in the following adopted master plans:

- A. Water Master Plan;
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- B. Transportation Master Plan;
 - C. Sewer Master Plan; and
 - D. Storm Water Master Plan.

Chapter 18.03

Construction Standards

Sections:

18.03.010 **Construction Standards for Development.**

18.03.010 Construction Standards for Development.

All development in the City must comply with the following construction standards. When any standards conflict, the more stringent, exacting standards shall apply.

- A. The building and other related codes adopted in Chapter 15.12 of the Midvale Municipal Code;
 - B. The current APWA Manual of Standard Specifications;
 - C. The current Manual on Uniform Traffic Control Devices adopted by the City Engineer;
 - D. The Midvale Standard Construction Specifications and Drawings adopted by the City Engineer;
 - E. The standards developed by a manufacturer for the installation of equipment;
 - F. The standards of utilities or special improvement districts for improvements related to their services;
 - G. The Institutional Controls outlined in Chapter 8.10 of the Midvale Municipal Code when applicable; and
 - H. Any other industry standards adopted by the City Engineer.
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