



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

**MIDVALE CITY COUNCIL REGULAR MEETING
AGENDA
FEBRUARY 6, 2024
AMENDED**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **6th day of February 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 February 5th and will be included in the record.**

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

6:00 PM – WORKSHOP

- Justice Court Report *[Judge Vo-Duc]*
- Legislative Update

7:00 PM - REGULAR MEETING

I. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. Unified Fire Authority Report
- D. **Proclamation declaring February 2024 as Black History Month
- E. Arts Council 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. PUBLIC HEARINGS

- A. Final Plat for the Cottages at 7240, consisting of two lots, located at 7240 S 525 E in the Single-Family Residential Zone (SF-1 DO) – ***[Wendelin Knobloch, Planning Director]***

ACTION: Approval of Final Plat for the Cottages at 7240, consisting of two lots, located at 7240 S 525 E in the Single-Family Residential Zone (SF-1 DO)

- B. Consider a Final Subdivision Plat request for a property located at 641 W Third Ave in the Single-Family Residential (SF2) zone to be split into two lots – ***[Elizabeth Arnold, Senior Planner]***

ACTION: Approve a Final Subdivision Plat for a property located at 641 W Third Ave in the Single-Family Residential (SF-2) zone to be split into two lots.

VII. CONSENT

- A. Consider Minutes of January 16, 2024 ***[Rori Andreason, H.R. Director/City Recorder]***

VIII. DISCUSSION ITEM

- A. Uplift Midvale Bylaw Discussion ***[Vanessa Guevara, Community Violence Coalition Coordinator]***

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

WORKSHOP 8:00 PM OR IMMEDIATELY AFTER THE RDA MEETING

- A. Discuss Unified Police Department Reorganization and Amended Interlocal Agreement

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: FEBRUARY 5, 2024
Time: 12:00 Noon**

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



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

MIDVALE CITY COUNCIL STAFF REPORT 02/06/2024

SUBJECT

Final Plat for the Cottages at 7240, consisting of two lots, located at 7240 S 525 E in the Single-Family Residential Zone (SF-1 DO).

SUBMITTED BY

Wendelin Knobloch, Planning Director

BACKGROUND AND OVERVIEW

Mark Snow requests a Final Subdivision approval for a plat that consists of two lots in a Flag Lot arrangement located at 7240 S 525 E, immediately east of the Jordan Salt Lake City Canal.

The Planning Commission unanimously recommended approval of the plat application and finalized the associated conditional use permit at its 1/24/2024 regular session. Several neighbors attended the Planning Commission meeting and expressed favorable opinions regarding the project.

Planning Staff, Engineering Staff, the Fire Marshall, and - due to its proximity to the Jordan Salt Lake City Canal - Salt Lake City Public Utilities reviewed the application and found that it complies with the applicable federal, state, and local requirements.

Public notice has been sent to property owners within 500 feet of the subject parcel; additionally, a sign was placed on the property. At the time of this writing public comment only occurred during Planning Commission meeting as described above.

STAFF RECOMMENDATION

Staff recommends the City Council approve the Subdivision Plat with the following findings:

1. The application conforms with Midvale Municipal Code 16.04.040 (Subdivisions), MMC 17-7-1 (SF-1 Zone) and other applicable federal, state, and local requirements.
2. The Midvale City Planning Commission approved the Conditional Use Permit on which the plat application depends during its 1/24/2024 regular session.

RECOMMENDED MOTION

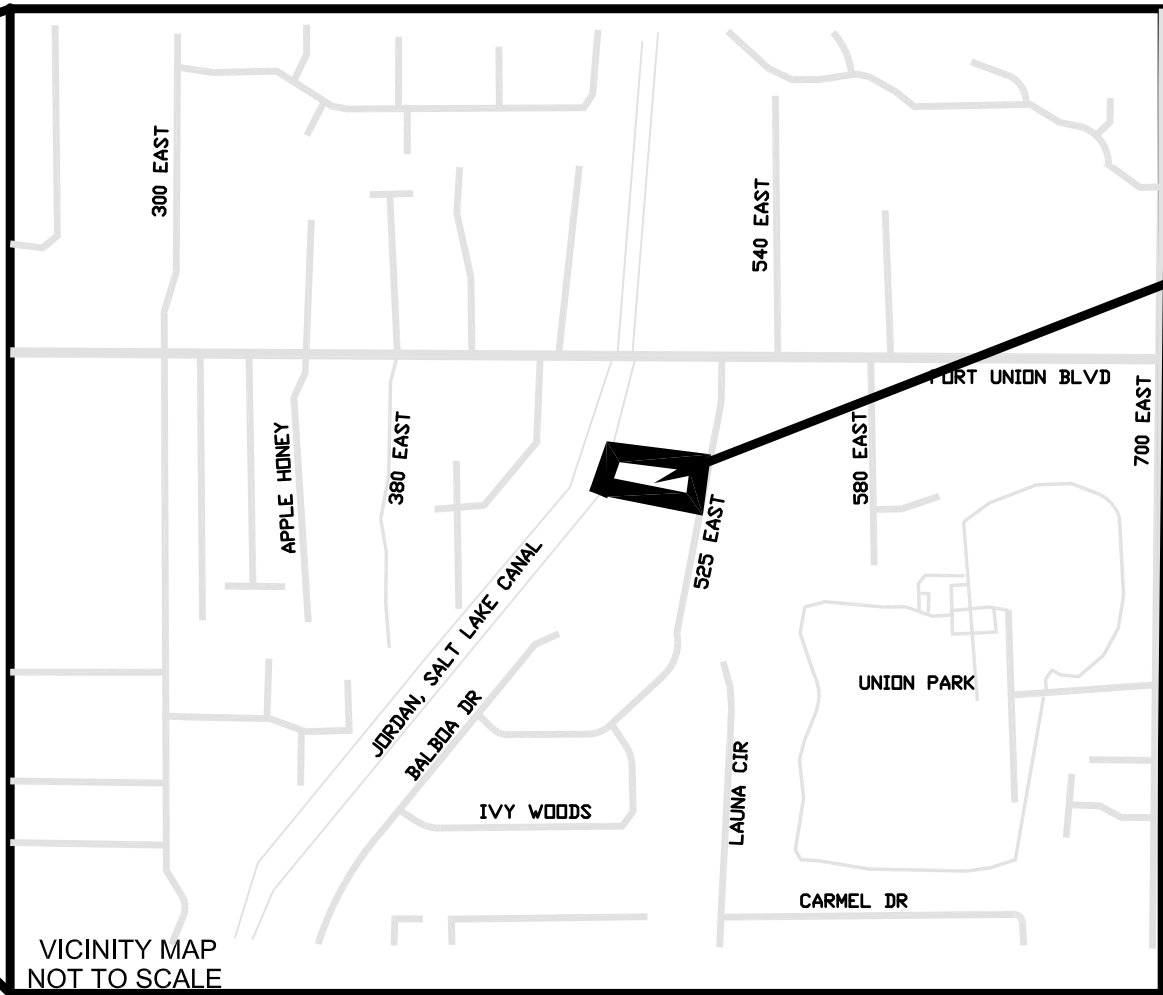
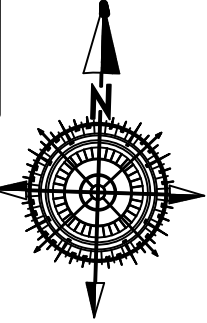
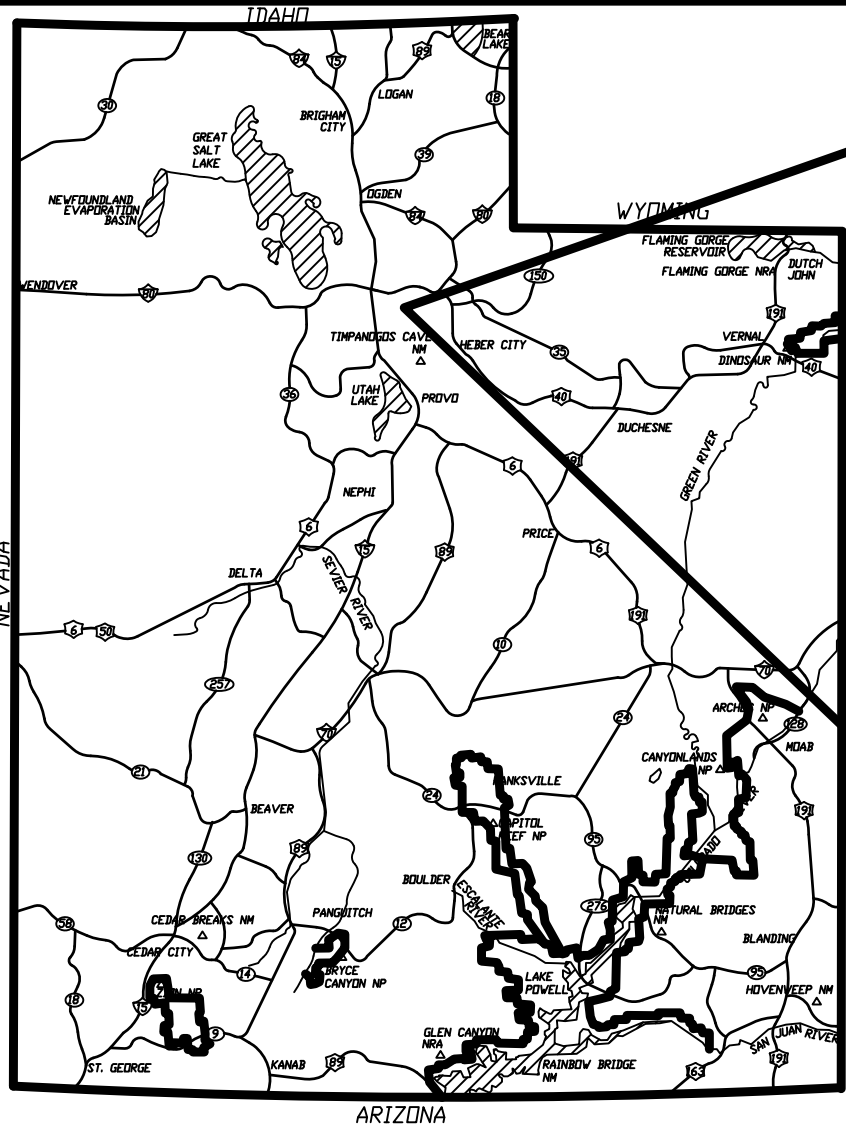
I move that we approve the Final Plat for the Cottages at 7240, consisting of two lots, located at 7240 S 525 E in the Single-Family Residential Zone (SF-1 DO) with findings noted in the staff report.

CITIZEN AGENDA SUMMARY

The approval of this application will allow the developer to subdivide the existing lot into two lots.

ATTACHMENTS

1. Plat



PROJECT AREA

COTTAGES AT 7240

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30,
TOWNSHIP 2 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN.
MIDVALE CITY, SALT LAKE COUNTY, UTAH

SURVEYOR'S CERTIFICATE

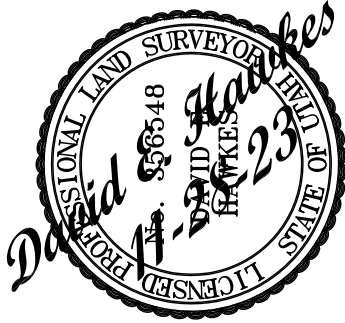
I, David E. Hawkes, certify that I am a Professional Land Surveyor holding license number 356548 in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act and that a survey of the described tract of land has been completed by me in accordance with Section 17-23-17 and that I have verified all measurements, and have placed monuments as shown hereon.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LYING AND SITUATE IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, COMPRISING THAT PARTICULAR PARCEL OF LAND DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED AS ENTRY #13795174 IN BOOK 11252 AT PAGES 155-156 OF THE SALT LAKE COUNTY RECORDS, SUBJECT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP WELL MONUMENT MARKING THE INTERSECTION OF 7200 SOUTH AND 700 EAST STREETS, THENCE NORTH 89°42'08" WEST 1188.26 FEET COINCIDENT WITH THE MONUMENTED CENTERLINE OF 7200 SOUTH STREET; THENCE SOUTH 04°38'08" WEST 246.31 FEET; THENCE SOUTH 11°31'08" WEST 43.25 FEET; THENCE NORTH 83°39'19" WEST 25.10 FEET TO THE WEST RIGHT-OF-WAY OF 525 EAST STREET A NUMBER 5 REBAR AND CAP STAMPED "PLS 356548" AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 11°31'08" WEST 101.16 FEET COINCIDENT WITH SAID WEST RIGHT-OF-WAY TO A #5 REBAR AND CAP STAMPED "PLS 356548"; THENCE NORTH 83°05'10" WEST 262.49 FEET TO A #5 REBAR AND CAP STAMPED "PLS 356548"; THENCE NORTH 19°43'03" EAST 100.87 FEET TO A #5 REBAR AND CAP STAMPED "PLS 356548"; THENCE SOUTH 83°39'19" EAST 248.27 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.58 ACRES AND 2 LOTS



OWNER'S DEDICATION

Known all men by these presents that the undersigned are the owners of the above described parcel of land, having caused same to be divided into lots and roads together with easements as set forth, hereafter to be known as the:

COTTAGES AT 7240

The undersigned owners hereby dedicate to Midvale City all those parts or portions of said tract of land on said plat designated hereon as public roads, the same to be used as public thoroughfares. The undersigned owners also hereby convey to any and all public and private utility companies providing service to the hereon described tract of land and perpetual, non-exclusive easement over the public, private streets, open spaces and public utility and drainage easements shown on this plat, the same to be used for drainage and installation, maintenance and operation of public and private utility service lines and facilities.

In witness whereof I/we have hereunto set our hand (s) this

_____ day of _____, A.D., 2023

N. BROCKBANK INVESTMENTS LLC, ITS MANAGER



GATEWAY CONSULTING, inc.

P.O. BOX 951005 SOUTH JORDAN, UT 84095

PH: (801) 694-5848

paul@gatewayconsultingllc.com

CIVIL ENGINEERING • CONSULTING • LAND PLANNING
CONSTRUCTION MANAGEMENT

Boundary Consultants
Professional Land Surveyors

5554 West 2425 North, Hooper, Utah

801-792-1569

dave@boundaryconsultants.biz

COTTAGES AT 7240

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30,
TOWNSHIP 2 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN.
MIDVALE CITY, SALT LAKE COUNTY, UTAH

DOMINION ENERGY QUESTAR CORPORATION

DOMINION ENERGY QUESTAR CORPORATION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS, DOMINION ENERGY QUESTAR CORPORATION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT.

THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDE BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY QUESTAR CORPORATION'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532.

Approved this _____ day of _____, 20____

QUESTAR GAS COMPANY

By _____

Title _____

ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. 17-27b-603(4)(c)(iii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

- A RECORDED EASEMENT OR RIGHT-OF-WAY
- THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
- TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
- ANY OTHER PROVISION OF LAW

Approved this _____ day of _____, 20____

ROCKY MOUNTAIN POWER

RECORD OF SURVEY

R.O.S. NO. _____

COUNTY SURVEYOR REVIEWER _____ DATE _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, A.D.2023, NATHAN A. BROCKBANK PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, WHO BEING DULY SWORN, DID SAY TO ME THAT HE IS THE MANAGER OF, MANAGER OF N. BROCKBANK INVESTMENTS, LLC. A UTAH LIMITED LIABILITY COMPANY AND IS AUTHORIZED TO EXECUTE THE FOREGOING IN ITS BEHALF AND THAT HE EXECUTED IT IN SUCH CAPACITY.

MY COMMISSION EXPIRES: _____

PRINTED NAME: _____ NOTARY PUBLIC

A NOTARY PUBLIC COMMISSION IN UTAH, RESIDING IN SALT LAKE COUNTY

CITY ENGINEER

APPROVED THIS _____ DAY OF _____, 20____ BY THE MIDVALE CITY ENGINEER..

MIDVALE CITY ENGINEER

CITY PLANNING

APPROVED THIS _____ DAY OF _____, 20____ BY THE MIDVALE CITY PLANNING.

CHAIR, PLANNING COMMISSION

DATE _____

BOARD OF HEALTH

APPROVED THIS _____ DAY OF _____, 20____ BY THE SALT LAKE VALLEY BOARD OF HEALTH.

SALT LAKE COUNTY HEALTH DEPARTMENT

DATE _____

APPROVAL AS TO FORM

APPROVED THIS _____ DAY OF _____, 20____ BY THE MIDVALE CITY ATTORNEY.

MIDVALE CITY ATTORNEY

DATE _____

CITY COUNCIL APPROVAL

PRESENTED TO THE MIDVALE CITY COUNCIL THIS _____ DAY OF _____, 20____, AT WHICH TIME THE SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: MIDVALE CITY RECORDER

MAYOR

SALT LAKE COUNTY RECORDER

RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE \$

DEPUTY SALT LAKE COUNTY RECORDER

SHEET NO

1 / 2



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

MIDVALE CITY COUNCIL STAFF REPORT 2/6/2024

SUBJECT

Keith Jakob requests Final Subdivision approval for a two-lot subdivision located at 641 W Third Ave in the Single-Family Residential-2 (SF-2) zone.

SUBMITTED BY

Elizabeth Arnold, Senior Planner

BACKGROUND AND OVERVIEW

This proposal has been reviewed by Planning Staff, the City Engineer, and the Unified Fire Authority for compliance with the respective guidelines, policies, standards, and codes. Staff finds the proposal complies with requirements outlines in Midvale City Municipal Code for minor subdivisions (16.04.050) and the lot development standards of the SF-2 zone (17-7-2.3).

Public notice has been sent to property owners within 500 feet of the subject parcel. No written objections have been received as of the writing of this report.

STAFF RECOMMENDATION

Based on compliance with the requirements of Chapter 16.04.050 and 17-7-2.3 of the Midvale City Municipal Code demonstrated in the application or addressed by the inclusion of conditions of approval, Staff recommends the City Council approve the project with the following findings:

Findings:

1. The application is for a final subdivision to allow for a two-lot split located at 641 W Third Ave.
2. The project complies with the minor subdivision procedure outlined in Midvale City Code 16.04.050 and the lot development standards of the SF-2 zone in 17-7-2.3.
3. The applicable review departments have reviewed the project and forwarded the item on for the City Council to render a decision.

PLANNING COMMISSION RECOMMENDATION

Recommend approval.

RECOMMENDED MOTION

“I move that we approve the Final Subdivision located at 641 W Third Ave with the findings included in the staff report.”

CITIZEN AGENDA SUMMARY

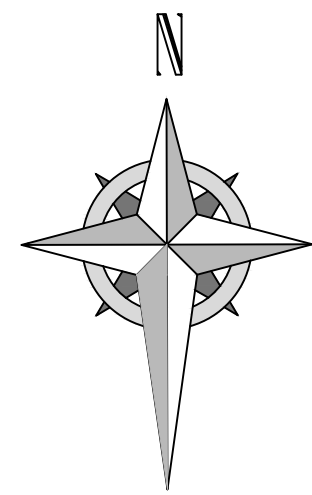
This project is to split an existing lot into two smaller lots.

ATTACHMENTS

1. Final Plat

641 WEST 3RD AVENUE SUBDIVISION PLAT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, T2S, R1W, SLB&M,
MIDVALE CITY, SALT LAKE COUNTY, UTAH

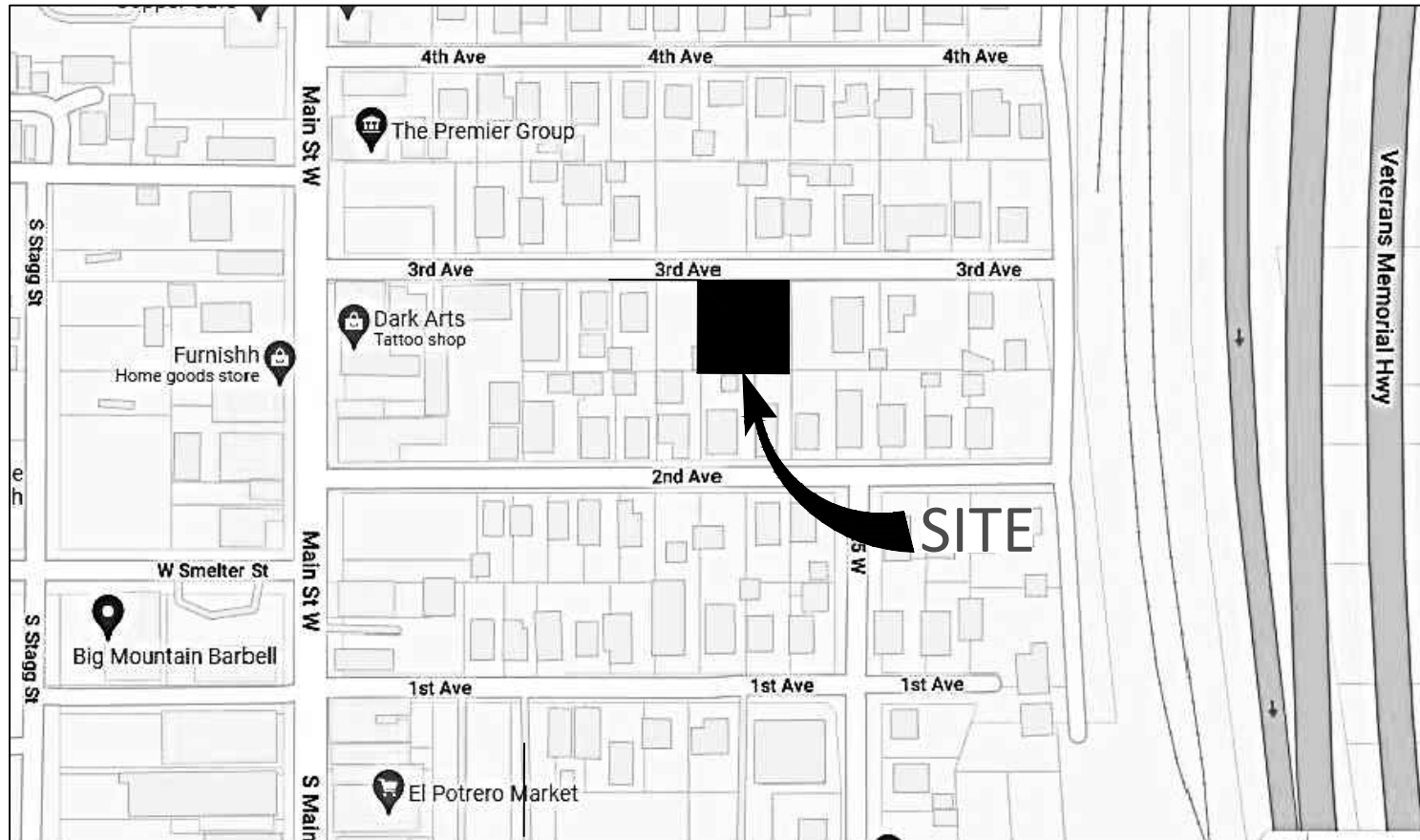


SCALE
HORIZONTAL: 1" = 20'
0 5' 10' 20' 30'

CALCULATED WEST 1/4 CORNER OF
SECTION 25, T2S, R1W, SLB&M
PER TIE SHEET

POINT OF COMMENCEMENT

FOUND 2.5" FLAT BRASS CAP MONUMENT
POINT NAME 21264002
AT THE INTERSECTION OF
3RD AVENUE AND MAIN STREET
BENCHMARK: 4,346.39'
PER TIE SHEET



VICINITY MAP

FOUND 2.5" FLAT BRASS CAP MONUMENT
POINT NAME 2S1W261A
AT THE INTERSECTION OF
WEST CENTER STREET AND MAIN STREET
PER TIE SHEET

LEGEND:

- LOT LINES BOUNDARY
- SUBDIVISION BOUNDARY
- NEIGHBOR BOUNDARY LINE
- MONUMENT LINE
- RIGHT-OF WAY LINE
- FOUND MONUMENT AS NOTED
- FOUND SECTION CORNER AS NOTED
- SET 5/8" REBAR AND CAP STAMPED
VARA 3D UNLESS OTHERWISE NOTED
- FIRE HYDRANT

NOTES

1. ALL DIMENSIONS SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY VARA 3D. ALL INFORMATION REGARDING RECORD EASEMENTS, BOUNDARIES, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON CAN BE OBTAINED FROM THE COUNTY OFFICES. THIS DRAWING DOES NOT GUARANTEE THE EXISTENCE OR ABSENCE OF ADDITIONAL EASEMENTS OR BOUNDARIES WITHIN THE PROJECT AREA.
3. THE DEVELOPER SHALL INSTALL DECIDUOUS TREES, TWO INCHES IN CALIPER, FOR EACH THIRTY FEET OF FRONTAGE AS PER MIDVALE CITY CODE 16.040 (A) (3.)
4. THE RECORD BEARINGS / DISTANCES ARE ADJUSTED TO MATCH "PAULA CARL SURVEY" (ROS NO. S2005-10-0721).



SURVEYOR'S CERTIFICATE

I, JAMES V. HEINRITZ, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO. 11072412-2201 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYOR'S ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND THAT THIS PLAT OF

641 WEST 3RD AVENUE SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, SIGNED THIS ____DAY OF _____, 20__

PRELIMINARY

JAMES V. HEINRITZ, PLS 11072412-2201
FOR AND ON BEHALF OF VARA 3D, INC.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE SALT LAKE BASE & MERIDIAN, SALT LAKE COUNTY, UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 1,384.50 FEET SOUTH AND EAST 433.00 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER AND THE LOCATION OF THE WEST QUARTER CORNER OF SAID SECTION 25 REFERENCED FROM THE VESTING DEED FOUND AT BOOK NO. 9112, PAGE 417 IN THE SALT LAKE COUNTY RECORDERS;

THENCE SOUTH 89°50'20" EAST A DISTANCE OF 100.00 FEET ALONG THE SOUTH RIGHT-OF-WAY OF 3RD AVENUE;
THENCE SOUTH 00°09'40" WEST A DISTANCE OF 100.00 FEET;
THENCE NORTH 89°50'20" WEST A DISTANCE OF 100.00 FEET;
THENCE NORTH 00°09'40" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10,000 SQ. FT. OR 0.230 ACRES.

OWNERS' DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE INTO TWO LOTS AS SHOWN ON THIS PLAT AND NAME SAID PLAT AS THE

641 WEST 3RD
AVENUE SUBDIVISION

IN WITNESS WHEREOF WE HAVE SET OR HANDS THIS ____ DAY OF _____, A.D. 2023.

K2 MOUNTAIN PROPERTIES LLC

BY
ITS:

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT:

STATE OF UTAH |
COUNTY OF SALT LAKE | S.S.

ON THIS ____ DAY OF _____, 2023, PRESIDENT PERSONALLY APPEARED BEFORE ME, KEITH JAKOB WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE K2 MOUNTAIN PROPERTIES LLC, AND THAT THE FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY HIS AUTHORITY AS SAID PRESIDENT, AND HE ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY EXECUTE THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____
MY COMMISSION NUMBER: _____
RESIDING IN _____ COUNTY,

SCALE: 1" = 20' SHEET 1 OF 1

HEALTH DEPARTMENT

APPROVED THIS ____DAY OF _____
A.D. 20__.

SALT LAKE COUNTY HEALTH DEPARTMENT

PLANNING AND ZONING
COMMISSION

APPROVED THIS ____DAY OF _____
A.D. 20__
BY THE MIDVALE CITY PLANNING AND ZONING
COMMISSION

PLANNING AND ZONING COMMISSION CHAIRMAN

MIDVALE CITY COUNCIL

PRESENTED TO THE MIDVALE CITY COUNCIL THIS
____ DAY OF _____, 20__, AT WHICH TIME
THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST

CITY RECORDER DATE

ATTEST

MIDVALE CITY MAYOR DATE

APPROVAL AS TO FORM

APPROVED THIS ____DAY OF _____
A.D. 20__.

MIDVALE CITY ATTORNEY

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT
EXAMINED BY THIS OFFICE AND IT IS CORRECT
IN ACCORDANCE WITH INFORMATION ON FILE.

MIDVALE CITY ENGINEER DATE

RECORD OF SURVEY

R.O.S. NO. _____

SURVEY REVIEWER DATE

OWNER/DEVELOPER

K2 MOUNTAIN PROPERTIES LLC
3867 THOUSAND OAKS CIRCLE
MILLCREEK, UT 84124



CITY COUNCIL MEETING *Minutes*

Tuesday January 16, 2024
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Bonnie Billings
Council Member Dustin Gettel
Council Member Bryant Brown
Council Member Heidi Robinson

STAFF: Matt Dahl, City Manager; Nate Rockwood, Assistant City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Mariah Hill, Administrative Services Director; Adam Olsen, Community Development Director; Elizabeth Arnold, Senior Planner; Wendelin Knobloch, Planning Director; Jonathan Anderson, Planner II; Erinn Summers, Policy and Project Manager; Kate Andrus, RDA Program Manager; Laura Magness, Communications Director; Aaron McKnight, Deputy City Attorney; Chief Randy Thomas, UPD; Josh Short, Junior Network Administrator.

6:00 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:06 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. UNIFIED POLICE DEPARTMENT REPORT

Chief Randy Thomas said on January 4th there was a homicide they are currently working on and on January 7th there was a snowstorm. He said he was pleased the officers issued 197 warning citations for winter parking. If they have time they will go out and saturate the area so public works can do their work. He said they have been in constant code blue status for weeks now and Mayor Stevenson and his wife have done some great voluntary work with the homeless. He said there is a flashing sign under the freeway that was knocked down. He finally got in touch with someone at UDOT to get that flashing sign put up and to fix lighting under the pedestrian bridge. He said he has been working with the UPD CFO to get budget estimations and preparations. He attended an eight hour training

today called Able Active Bystander for Law Enforcement. The training taught officers to intervene if they see any misconduct starting to occur. When this is applied, you don't see it because you don't see any misconduct.

II. PUBLIC COMMENTS

There was no one who desired to speak.

III. MAYOR REPORT

Mayor Stevenson reported that the state has been in constant code blue due to the cold weather. Volunteers are needed for this program with many different shifts to volunteer for. He encouraged everyone to volunteer, because the county is in dire need of volunteers. He gave a shout out to the new Midvale Coalition Coordinator, Vanessa Guevara who is really doing good work. The legislative session is starting this week. UPD's update is that the Sheriff's office is starting to meet with the Metro Townships. The Townships are saying that they are still committed to Unified Police.

IV. COUNCIL REPORTS

A. Council Member Paul Glover – had nothing to report.

B. Council Member Bonnie Billings – had nothing to report.

C. Council Member Dustin Gettel – said he had been hearing comments about whether the City is going with the Sheriff or staying with UPD. He asked if the Mayor knew when that decision would be made.

Mayor Stevenson said hopefully within a month they will be able to circulate the agreement and the UPD Board will vote to pass it onto the communities. July 1, 2024 would be the start date.

Garrett Wilcox said the Unified Police Department goal is to have a good idea of who will be participating and not participating by end of March.

Council Member Dustin Gettel thanked Public Works and the Unified Police Department for all the work with the snow events. He reminded the public about the winter parking ordinance and asked them to move their cars off the streets during snow events.

D. Council Member Bryant Brown – also thanked Public Works and the Unified Police Department for snow events. He said he is still receiving a few complaints, but the public understand the order of operations and the priority roads. He said to make sure that by the third day the whole city has at least a salting. He also reminded everyone to keep roads as clean as possible. He asked staff to fine those that are just moving the snow piles on the property when they should be removing it. The City shouldn't let them build any more in the city until they fix these code violations. He said to remind them but be hard on them. He said he received feedback on the proposed Midvale sign. He said it's too colorful, too much. Midvale is an old city and would like a classic look.

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

V. CITY MANAGER REPORT

Matt Dahl had nothing to report.

MOTION: Council Member Paul Glover **MOVED** to table the public hearing until 7:00 p.m. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

VI. CONSENT

A. CONSIDER MINUTES OF JANUARY 2, 2024

MOTION: Council Member Paul Glover **MOVED** to Approve the Consent Agenda. 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 Bonnie Billings	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. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2024-R-04 UPDATED BOARD AND COMMITTEE ASSIGNMENTS FOR MIDVALE CITY

Matt Dahl said Midvale City is a member entity to several interlocal, non-profit, and governmental organizations. Each year the Mayor and City Council consider Midvale's current representatives for these organizations and appoint individuals they feel would best represent the City on the various governing boards and committees for those organizations in the next year. During the January 2, 2024 City Council Meeting, the City Council directed staff to add Council Member Bonnie Billings to the Midvale City Audit Committee, ULCT Legislative Policy Committee, and Canyons Education Foundation.

They also sought to have Mayor Marcus Stevenson serve on the Shelter the Homeless Board and Council Member Heidi Robinson serve as an alternate on the for the UIA Board. The current Board and Committee Assignment List has been updated to reflect these changes.

Council Member Dustin Gettel said he would like to get information from the Air Quality Board. He said he has not received any information from them for about two years.

Matt Dahl said he would have Keith Ludwig reach out to them to get Council Member Gettel information on the meetings.

MOTION: Council Member Heidi Robinson **MOVED** to approve Resolution No. 2024-R-04 a resolution adopting the updates to the Mayor and City Council's board and committee assignments. 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 Bonnie Billings	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. CONSIDER RESOLUTION NO. 2024-R-05 AUTHORIZING THE MAYOR TO DIRECT ADDITIONAL STATE HOMELESS SHELTER CITIES MITIGATION PROGRAM FUNDS TO THE ROAD HOME TO USE ON PROJECTS AT THE MIDVALE FAMILY RESOURCE CENTER

Erinn Summers said the State Homeless Shelter Cities Mitigation (HSCM) Fund was established in 2018 through legislation (HB 499) with the objective to alleviate the impact of year-round and emergency shelters on the host cities throughout the State. The HSCM Restricted Account is funded through sales tax revenue from areas that do not host eligible shelters and direct funding from the state. Host cities must reapply for HSCM funds each year, and funds awarded must be used within the fiscal year in which they are awarded. The Office of Homeless Services (OHS) is responsible for reviewing the applications from eligible municipalities to ensure funding requests are directed to eligible services (public safety, direct services, or emergency services which mitigate the impacts of the eligible shelter on the municipality) and disbursing funds to eligible entities (municipalities and designated service providers, like shelter operators) from the Homeless Shelter Cities Mitigation Fund, following the guidelines and formula outlined in Utah State Code 35A-16-4.

This fiscal year, Midvale City received \$2,893,318.00, which was approved to fund the FTE for 9 Shelter Resource Officers, 0.5 victim advocate, insurance and supplies needed for these FTEs, a weekly clean-up of the 7200 S Corridor, and a sidewalk and crosswalk along 700 W (from where the sidewalk ends in front of Pro Storage Midvale to Midvale City Hall).

In December, OHS notified Midvale City that more funds than expected were available in the HSCM Restricted Account and an additional \$228,000 (one-time) would be awarded to Midvale City, which must be used by June 30, 2024. Since Midvale City cannot expect these funds in future fiscal years, Midvale Staff worked with stakeholders and service providers to identify the greatest needs that are non-programmatic (or could be achieved through a one-time funding). Midvale City plans to purchase daily bus passes and Narcan for our patrol and shelter resource officers to utilize when they are working in the ½ mile radius surrounding the Midvale Family Resource Center (MFRC). With the remaining

\$218,496, the Road Home (shelter operator for MFRC) identified a list of priority projects which they could leverage these funds toward, including:

- Kitchen Renovation: To help return the kitchen to full operation, the funds will be used to swap out the countertops and replace and fix non-functioning appliances – stoves and commercial refrigerator, respectively. With 10 families sharing each stove due to multiple stoves being out of commission, the many residents at MFRC must find food elsewhere, especially at dinnertime. A kitchen renovation will help reduce the number of families navigating busy roads along the 7200 S Corridor during peak rush hours or after dark.
- Facility Improvements: Updating the security in the parking lot, including installing cameras throughout the lot, resurfacing the parking lot, and improving the fencing. Currently, the parking lot does not have sufficient security cameras, has areas that are not fenced, and is narrow and difficult to traverse for residents, service providers, emergency vehicles, and school buses. This project will help with security, reduce the parking down along 9th Avenue by shelter residents, and alleviate some of the safety concerns, as buses drop off students and try to turn around in that narrow parking lot.
- Any additional funding would be directed toward application fees for housing to residents, to get them into housing faster. Since the discontinuation of limited time covid funding, there is little funding to support families with application fees, holding fees, security deposits, etc. when they are trying to get into housing, which leaves families often losing housing or left in the shelter for longer, increasing the number of families continuously requiring support by the shelter.

Eligible municipalities are entitled to waive the receipt of any portion of the HSCM funds and direct the Office of Homeless Services to divert those funds to a designated service provider. In the effort to develop the plan to best utilize the additional HSCM funds, it would be advantageous to have the Mayor should instruct OHS to contract directly with the Road Home to spend the remaining \$218,496 HSCM funds awarded to Midvale City because the projects are on the MFRC property, requires the coordination of the Road Home throughout each aspect of each project, and needs to be completed by June 30, 2024.

Council Member Dustin Gettel said he loved everything about this.

Mayor Stevenson thanked Erinn for her hard work.

MOTION: Council Member Dustin Gettel MOVED to approve Resolution No. 2024-R-05 a resolution authorizing the Mayor to direct additional State Homeless Shelter Cities Mitigation Program funding to the Road Home to use on projects at the Midvale Family Resource Center. 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 Bonnie Billings	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. 2024-R-06 ADOPTING THE MIDVALE
FT. UNION AND MIDVALE CENTER STATION AREA PLAN**

Adam Olsen said in 2022 the Utah State Legislature passed HB 462 which, among other things, requires municipalities with fixed rail guideways (commuter and light rail) to prepare and adopt station area plans (SAP) covering a half mile radius of each fixed rail station. SAP's may be unique to their jurisdiction and setting; however, key aspects are to include strategies to increase the availability of affordable housing, promotion of sustainable environmental conditions, enhancements of access to employment opportunities and increase of transportation choices and connections.

Midvale has three stations within its boundaries. Two station area plans, Midvale Ft. Union and Midvale Center, are complete and ready to proceed toward adoption, certification and implementation. A third station, Bingham Junction, is nearing completion. MHTN, the consultant group commissioned to prepare the SAP will lead the discussion and presentation at the January 16th City Council meeting. They will highlight recommendations for plan implementation.

Upon Council adoption of the SAP, staff will submit a request for certification to Wasatch Front Regional Council (WFRC) and the Utah Transit Authority (UTA). Certification by WFRC and UTA will place the City in compliance with the State as required in HB 462. This same process will take place for the Bingham Junction SAP, which follows closely behind the Midvale Ft. Union and Midvale Center SAP.

STAFF RECOMMENDATION

Approval of the resolution adopting the Midvale Ft. Union and Midvale Center SAP.

Dan Smith, Landscape and architectural planner with MHTN Architects.

Midvale Station Areas Plan

Station Area Plan Objectives

1. Increase the availability and affordability of housing
2. Promote sustainable environmental conditions
3. Enhance access to opportunities
4. Increase transportation choices and connections

Midvale Station Areas Plan Content

Guiding Principles & Visions

Community/ Stakeholder Engagement

Existing Conditions

Preferred Plan

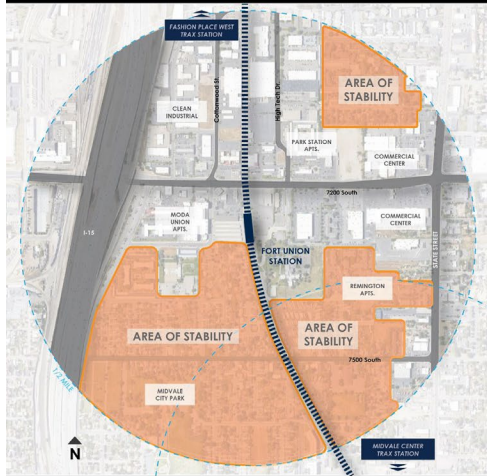
5-Year Implementation Projects, Policies, Programs, Funding

Zoning & Regulation Recommendations

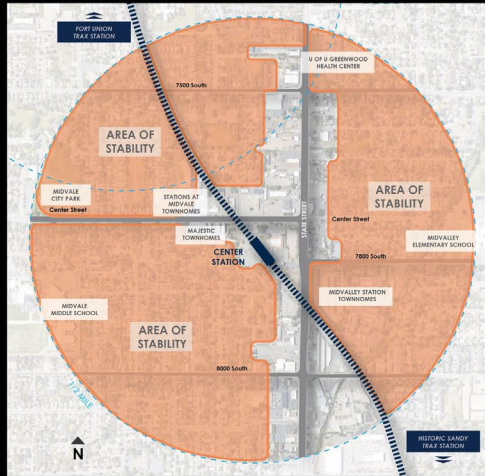
Public Infrastructure and Improvements

Moderate Income Housing Strategies

Fort Union Station Area



Center Station Area

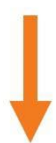


Community Engagement and Survey Responses

**80% LIVE CLOSE
TO CENTER
STATION**



**30% TAKE
TRANSIT A FEW
TIMES A YEAR**



**Second biggest barrier
is accessing transit by
walking or biking**



**Willing to walk/
bike .5 mile to
access transit**



**Utilize park
and ride lots**



**In support of incentive for
riding transit for adjacent
residential units**



Fort Union Station Area



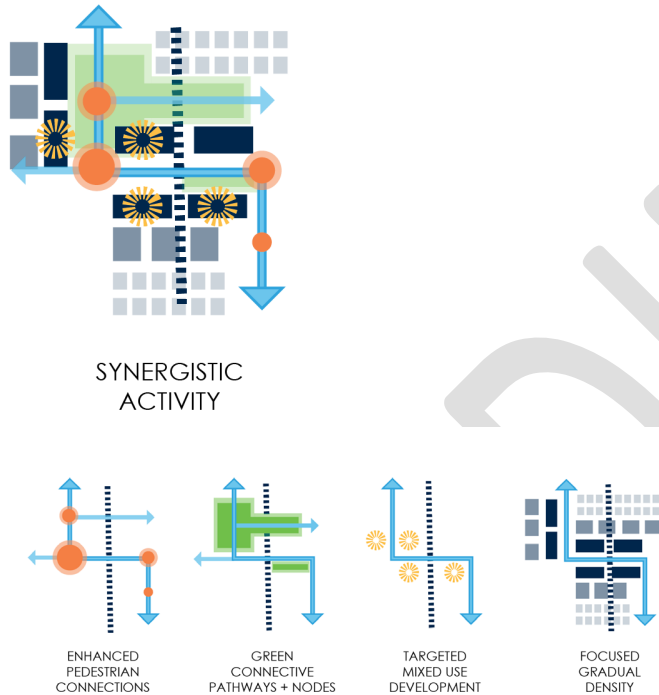
Center Station Area



Midvale can see progress with preservation, be open to the new opportunities that come with development but not at the risk of loss of identity, character, safety, development without displacement.

Fort Union Station Area – Achieving the Vision

The Fort Union Station Area is a welcoming gateway which presents an opportunity to live in a walkable neighborhood in Midvale, with ample opportunities to also work and play. As a gateway to the community, it welcomes residents and visitors to explore Midvale's diverse cultures and key destinations.

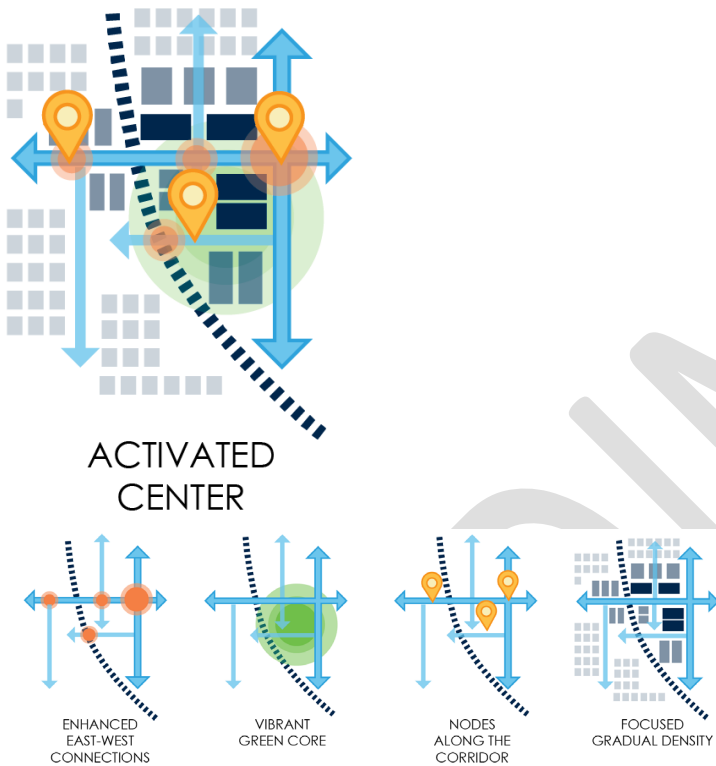


Proposed View from 7200 South to Fort Union Station TRAX Station



Center Station Area – Achieving the Vision

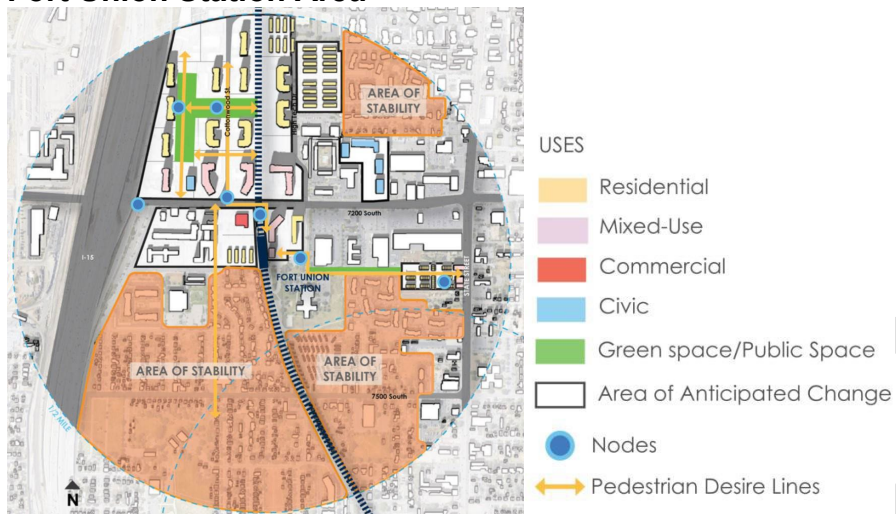
As the vital crossroads of regional transportation access, which lies in the heart of Midvale, the Center Station Area is a key intersection with infrastructure to support activities and events which evoke a strong sense of place and pride for the diversity, vitality, and opportunity in Midvale.



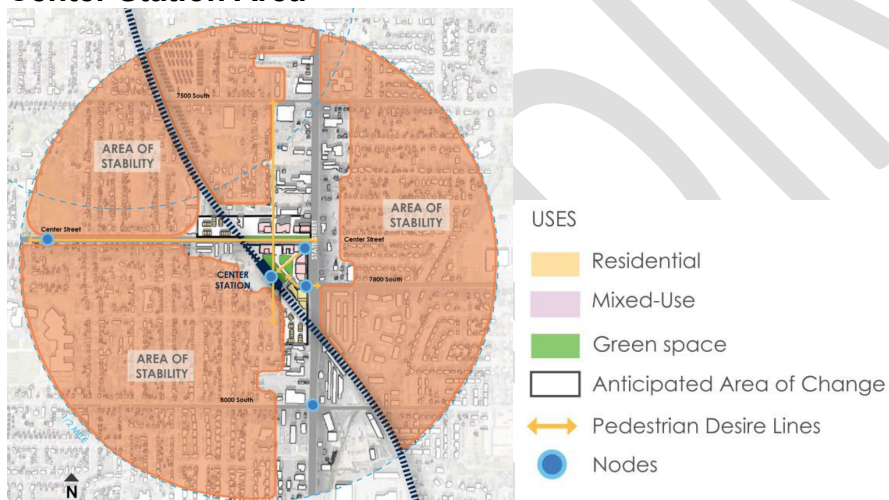
West View from State and Center Street to Center Station



Fort Union Station Area



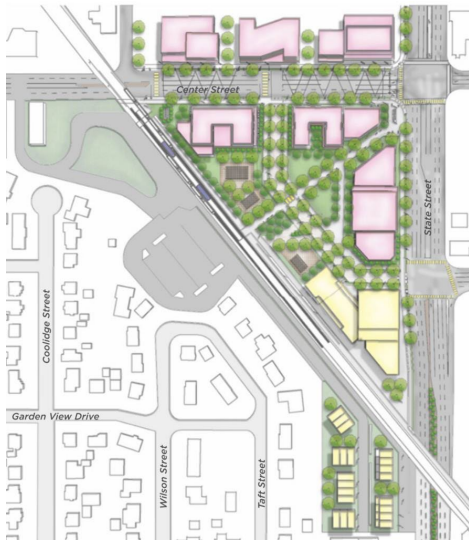
Center Station Area



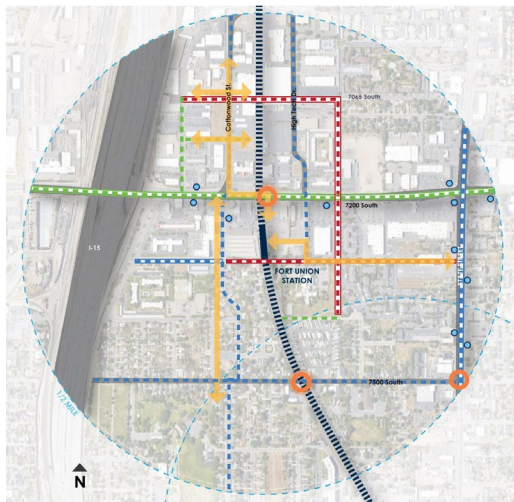
Fort Union Station Area



Center Station Area



Fort Union Station Area



Center Station Area



RECOMMENDED FIRST-LAST-MILE CONNECTIONS

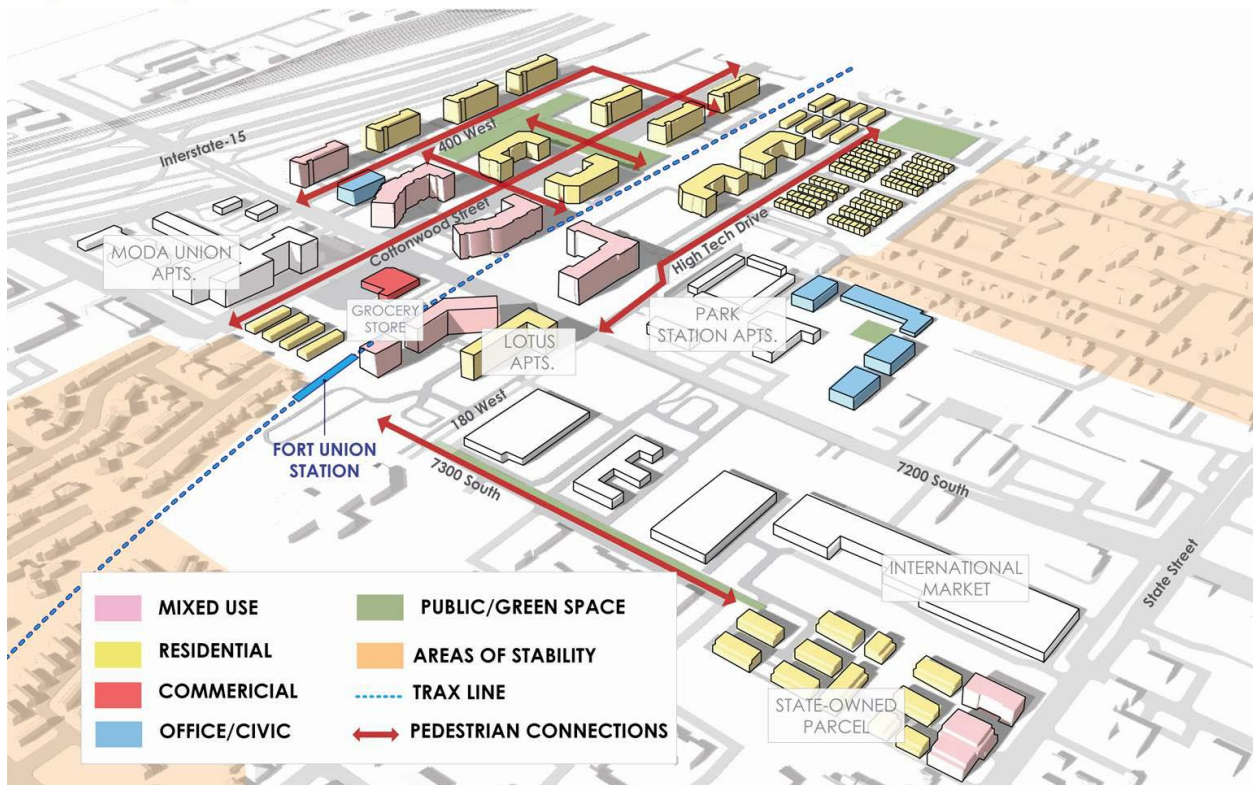
-  On-Street Facilities
-  Off-Street Facilities
-  New Connection

PLANNED REGIONAL CONNECTIONS

-  On-Street Facilities
-  Off-Street Facilities

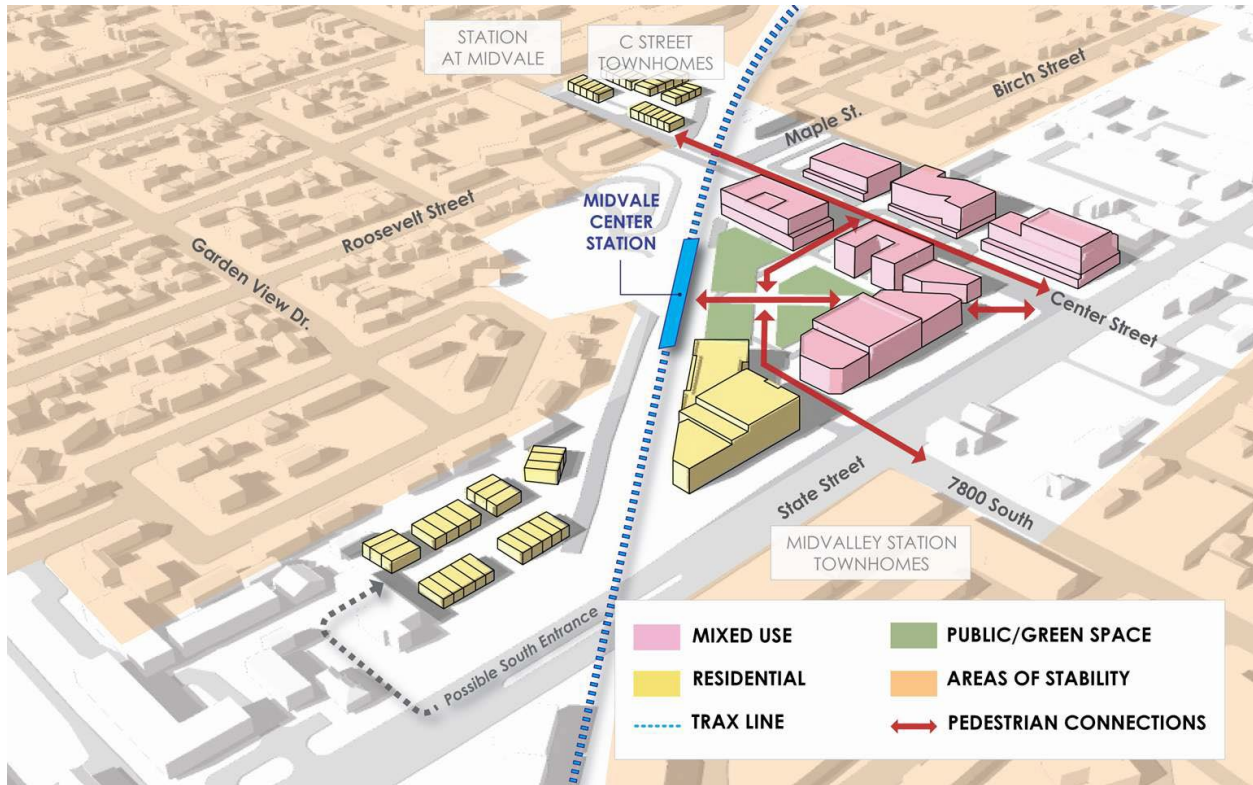
LEGEND

-  Bus Stops
-  TRAX Line
-  Crossing Improvements
-  Pedestrian Desire Lines



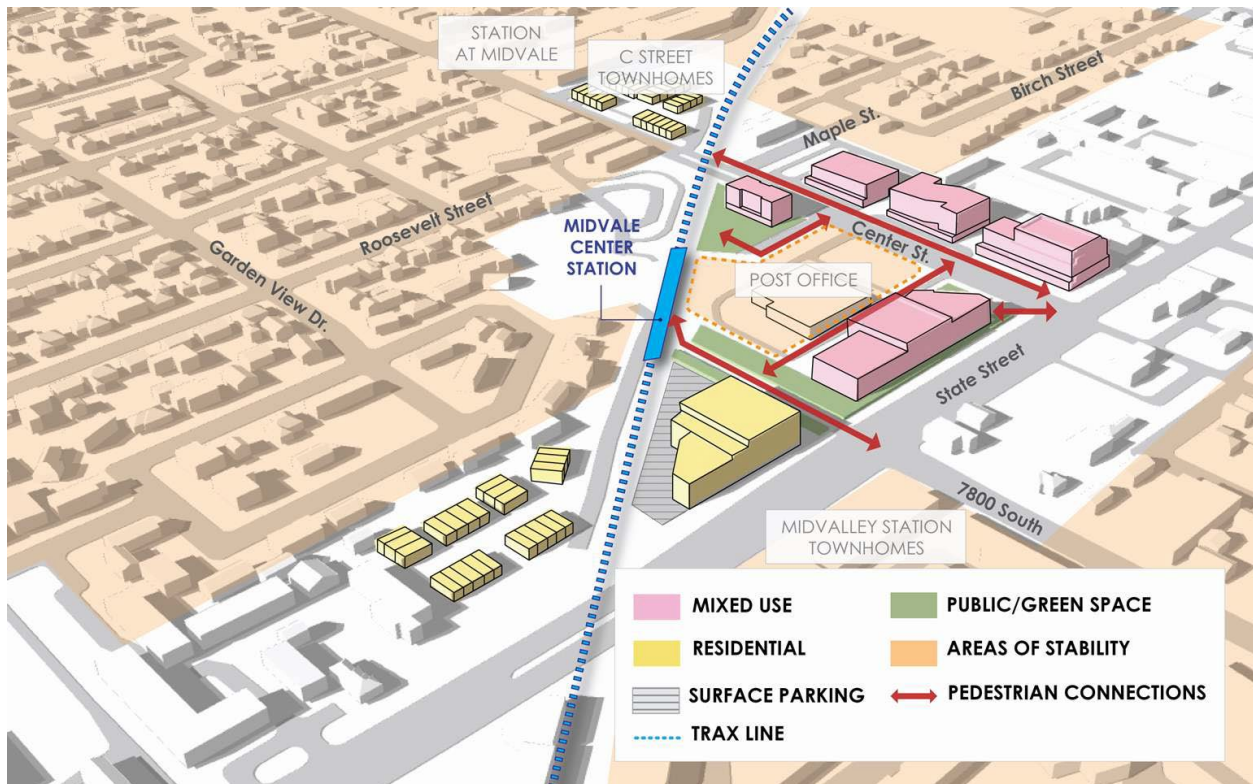
Fort Union Station Preferred Plan

Mixed-Use Residential	545,400 SF	436-582 Units
Residential	1,099,800 SF	880-1,173 Units
Row Style Housing	180,900 SF	144-193 Home Units
Ground Floor Commercial	122,010 SF	
Commercial	95,830 SF	
Office/Civic	10,050 SF	



Center Station Preferred Plan

Mixed-Use Residential	370,770 SF	296-395 Units
Residential	76,500 SF	62-85 Units
Row Style Housing	35,670 SF	14-21 Home Units
Ground Floor Commercial	65,600 SF	



Center Station Concept with the Post Office

Mixed-Use Residential	281,680 SF	225-300 Units
Residential	83,130 SF	67-89 Units
Row Style Housing	35,670 SF	14-21 Home Units
Ground Floor Commercial	70,420 SF	

Recommended Public Infrastructure & Strategies

Major Parks and Transportation Projects

Parks and open spaces

City should acquire land for the large parks shown, particularly those that are north of 7200 South

Crossing improvements

On- and off-Street Facilities

Sidewalks, bike lanes, etc. within existing rights of way

Consider shared parking options

and possible shared parking structures

Consider pedestrian crossings

over TRAX rail at key locations

Strategies and Funding Opportunities

Use strategies from the Midvale

Moderate Income Housing Plan

Form Housing and Transit Reinvestment Zones (HTRZ)

at both Station Areas






Consider supplementing an HTRZ

with a new CRA

Partner w/entities applying for state/federal funds/incentives for
MIH production. (i.e. Station Area UTA sites)

TODO Rezone and Zoning Revisions

Regulatory Changes: Revisions to TODO

	Ground Floor Commercial	Requiring at least 2,500 SF of ground floor commercial for projects along major corridors
	Reducing the Front Setback	Proposed a project contains 60% of primary ground floor commercial
	Regulating Density by Height and Setback	Remove the dwelling unit per acre (85) maximum in TODO
	Parking Reductions	Reducing requirements by 0.5 space per unit
	Special consideration for key corner locations to encourage placemaking and pedestrian-focused spaces.	

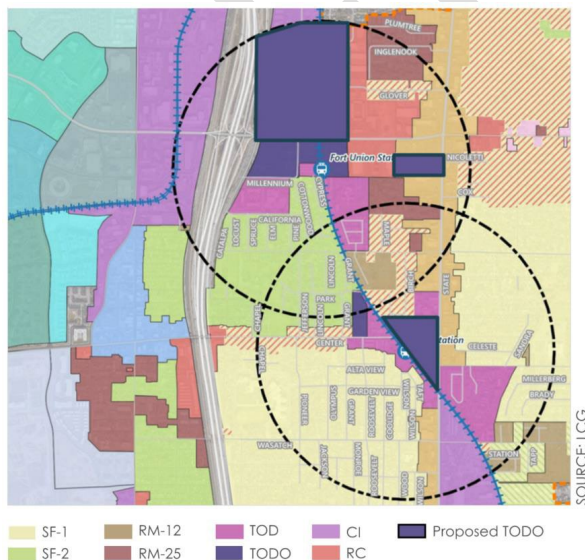


Figure 4.2 Map of Areas Proposed for Rezoning

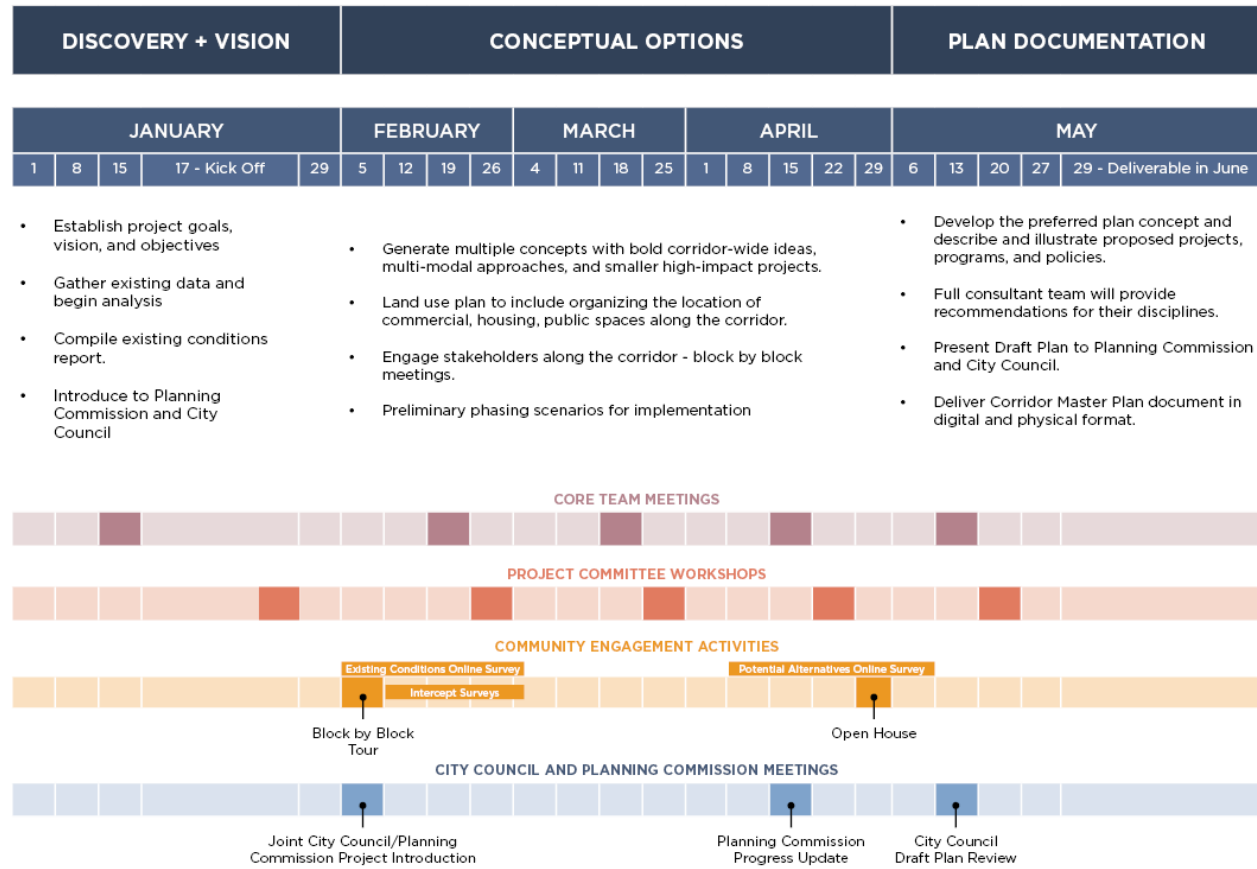
Key Recommendations from Implementation Plan

Example: Murray Theater Plaza (Mixed-Use City Hall)

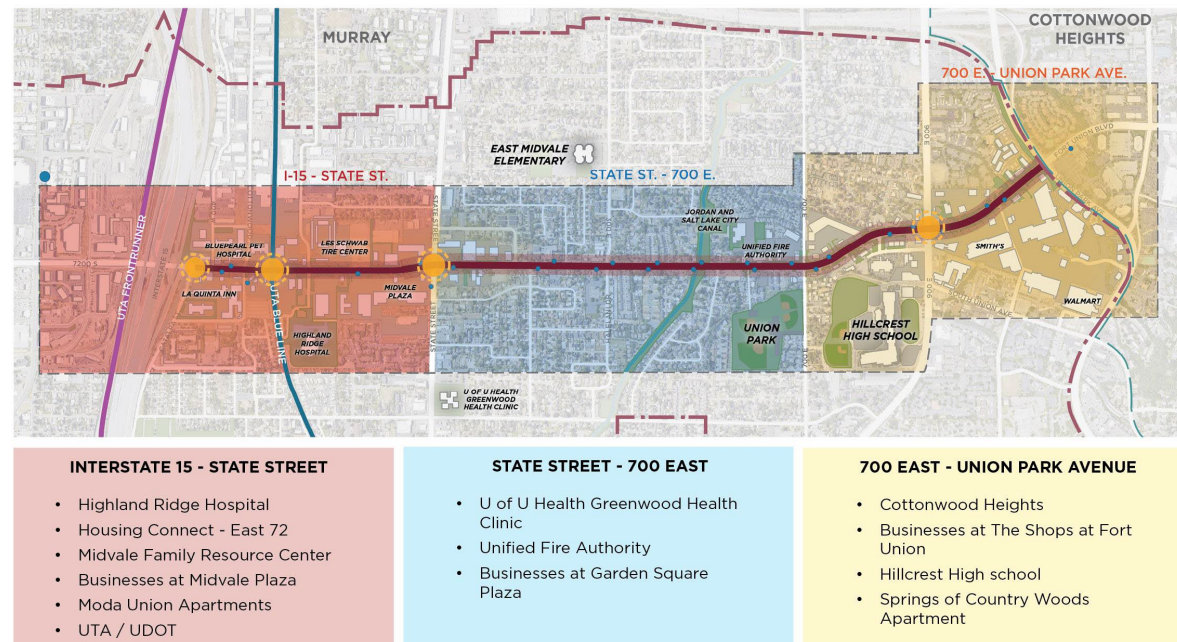
- Publicly owned land
- Supported with RDA/TIF involvement
- Gateway location
- Anchoring site for Murray's downtown
- Includes housing, medical offices, restaurants, and Murray Theater



Midvale Fort Union Corridor Study



Study Area and Stakeholders



Mayor Stevenson asked about the public processes.

Mr. Smith said the process included engagement with surveys, open houses, social media, English and Spanish choices. There was a fairly good turnout to the open houses and surveys.

Council Member Bryant Brown said public input has been taken into consideration.

Mayor Stevenson appreciates all the work that has gone into this project.

MOTION: Council Member Dustin Gettel MOVED to reopen action item C to public comment. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

There was no one who desired to speak.

MOTION: Council Member Dustin Gettel MOVED to close the public comment. The motion was SECONDED by Council Member Bryant Brown. 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. 2024-R-06 adopting the Midvale Ft. Union and Midvale Center Station Area Plan. 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 Bonnie Billings	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. PUBLIC HEARING

A. PUBLIC RECEIVE PUBLIC COMMENTS REGARDING AMENDMENTS TO TITLE 16, 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, 17-3-13 AND TO CREATE TITLE 18 OF THE MIDVALE CITY MUNICIPAL CODE

Aaron McKnight said 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

Staff recommended adopting Ordinance 2024-O-01 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 to bring the City into compliance with state law, particularly SB 174 of the 2023 General Legislative Session, to clarify the City's subdivision ordinance, and to protect the City's interests during the subdivision process.

MOTION: Council Member Dustin Gettel MOVED to open the public comment for this public hearing. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

There was no one who desired to speak.

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

ACTION: CONSIDER ORDINANCE NO. 2024-O-01 ADOPTING AMENDMENTS TO THE MIDVALE CODE, TITLE 16, SECTIONS 17-2-4, 17-2-13, 17-2-16, 17-2-18, 17-2-19, 17-3-2, 17-3-13 AND TO CREATE TITLE 18 OF THE MIDVALE CITY MUNICIPAL CODE

MOTION: Council Member Dustin Gettel MOVED to Approve Ordinance No. 2024-O-01 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. 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 Bonnie Billings	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.

MOTION: Council Member Dustin Gettel MOVED to temporarily table discussion item A and move directly into the Redevelopment Agency meeting. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The Council recessed at 7:17 p.m. and reconvened at 7:42 p.m.

IX. DISCUSSION ITEM

A. OPEN MEETINGS ACT, SOCIAL MEDIA AND GRAMA 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 meet that requirement by covering a variety of topics related to the Open and Public Meetings Act including its legislative intent, important definitions, legal requirements, and common violations. Additionally, tonight's training will also cover the basics of Utah's Government Records Access and Management Act. Finally, the training will address best practices regarding social media and elected officials based on the current state of law and in context of both Acts.

Garrett Wilcox discussed open and public meetings act, GRAMA Act, and social media with the city council.

Agenda

1. Open and Public Meetings Act (OPMA)
2. Government Records Access and Management Act (GRAMA)
3. Social Media
4. My Role

Open and Public Meetings Act

Utah Code

**Part 1
General Provisions**

52-4-101 Title.

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

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:
 - (a) take their actions openly; and
 - (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103 Definitions.

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
 - (a) an electronic meeting originates; or
 - (b) the participants are connected.
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3)
 - (a) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
 - (b) "Convening" does not include the initiation of a routine conversation between members of a board of trustees of a large public transit district if the members involved in the conversation do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation.
- (4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
- (5) "Electronic message" means a communication transmitted electronically, including:

OPMA: Apology and Correction

Utah Code 52-4-204. Closed meeting held upon vote of members

1. A closed meeting may be held if:
 - (a) (i) a quorum is present;
 - (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and
 - (iii) (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting[.]

For our Council, a motion to close a meeting will fail if two or more members vote against it.

OPMA 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.

OPMA 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)).

OPMA Notice and Agenda

Notice

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.

OPMA 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.

A Public Meetings vs. Public Hearings

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.

OPMA Closed Meetings

Closed meetings are limited to very specific purposes and require a 2/3 vote. 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.

OPMA 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.

OPMA 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.

PMA Minutes

OPMA 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.

Government Records Access and Management Act

Utah Code

Part 1 General Provisions

63G-2-101 Title.

This chapter is known as the "Government Records Access and Management Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63G-2-102 Legislative Intent.

- (1) In enacting this act, the Legislature recognizes two constitutional rights:
- (a) the public's right of access to information concerning the conduct of the public's business; and
 - (b) the right of privacy in relation to personal data gathered by governmental entities.
- (2) The Legislature also recognizes a public policy interest in allowing a government to restrict access to certain records, as specified in this chapter, for the public good.
- (3) It is the intent of the Legislature to:
- (a) promote the public's right of easy and reasonable access to unrestricted public records;
 - (b) specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access;
 - (c) prevent abuse of confidentiality by governmental entities by permitting confidential treatment of records only as provided in this chapter;
 - (d) provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices;
 - (e) favor public access when, in the application of this act, countervailing interests are of equal weight; and
 - (f) establish fair and reasonable records management practices.

Renumbered and Amended by Chapter 382, 2008 General Session

63G-2-103 Definitions.

As used in this chapter:

- (1) "Audit" means:
- (a) a systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

GRAMA Legislative Intent

Utah Code 63G-2-102. Legislative intent

Recognition of two constitutional rights:

1. Public's right of access to information concerning the conduct of the public's business; and
2. The right of privacy in relation to personal data gathered by public entities.

Recognition of allowing government to restrict access to certain records for public good.

Purpose of act:

1. Promote public's right of easy and reasonable access to unrestricted public records;
2. Specify the conditions where restricting access may outweigh public's interest in access;

3. Limit confidential treatment of records by government entities as provided in act;
4. Provide guidelines for both disclosure and restrictions on access to government records;
5. Favor public access when countervailing interests are of equal weight; and
6. Establish fair and reasonable management practices.

GRAMA Definitions

a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics that is prepared, owned, received, or retained by a governmental entity or political subdivision.

Record does not mean:

- A personal note that is not related to your government capacity and public business;
- Copyrighted or patented materials; or
- A temporary draft or similar material prepared for the personal use of the originator.

GRAMA Process

Request

A person making a request for a record must submit a written request containing the person's contact information and a description of the requested record(s) with reasonable specificity.

Response

Unless the request is expedited, a government entity has 10 business days to respond to a record request. A government entity may approve the request and provide a copy of the record, deny the request, direct the requestor to an entity that has the requested record, or notify the requestor of a delay due to extraordinary circumstances.

GRAMA Public Records

Is any record or a portion of a record in the possession of a government entity that is not otherwise classified as private, controlled, or protected.

Examples include:

- Laws;
- Final opinions and interpretations of statutes, rules, and decisions made in court;
- Correspondence including emails and Teams and text messages.

A record's classification does not change based on whether it is stored on a public or private device.

GRAMA Classifications

Private

Examples include SSN's, medical records, welfare program eligibility, and employment records.

Controlled

Medical, psychiatric, or psychological data about an individual which release would be detrimental to the subject's mental health or safety.

Protected

Examples include proprietary information, investigation material, attorney-client privileged communications, security system information, and test questions and answers.

GRAMA Retention Schedule **Retention Schedule**

Government records must be retained in accordance with an approved retention schedule. Some records, such as parcel data or land use final plans, must be retained permanently. Some records, such as transitory correspondence, may be destroyed as soon as the issue has been resolved.

Midvale's Retention Schedule

Midvale follows the Utah Division of Archives and Records Service's General Retention Schedule:

<https://axaemarchives.utah.gov/solr/axaem/GRSItem>

GRAMA Balancing Test

A government entity may disclose a record that is private or protected if the head of a governmental entity, or a designee, determines that (i) there is no interest in restricting access to the record, or (ii) the interests favoring access are greater than or equal to the interest in favoring restriction of access.

What does this mean for us?

Midvale cannot guarantee that our records will not be released and made public. Be careful what records you create.

GRAMA Enforcement **Injunction and Attorney's Fees**

A district court may enjoin a governmental entity that violates or proposes to violate GRAMA and award attorney fees to the requestor.

Discipline

A government entity may suspend or discharge any employee who intentionally violates GRAMA.

Criminal Penalties

It is a class B misdemeanor to (i) intentionally disclose a private, controlled, or protected record, or (ii) refuse to release a record which is required to be disclosed by law.

Social Media

Social Media Current State of Law

Circuit Split and Supreme Court

Lindke v. Freed and O'Conner-Ratcliff v. Garnier

Forum

Notable courts have found social media to be a designated public forum. This means that the government may not restrict content or viewpoints.

Blocking Individuals

Not permitted violation of First Amendment.

Deleting Comments

Not permitted violation of First Amendment.

Social Media OPMA and GRAMA Meetings

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

Retention

Record means a document, map, plan, photograph, film, recording, electronic data, or other documentary material regardless of physical form or characteristics (i) that is prepared, owned, received, or retained by a governmental entity or political subdivision and (ii) where all of the information in the original is reproducible by electronic means.

Social Media Best Practices

Do:

- Keep separate private and public social media accounts.
- Use your account to engage with the public.

Don't:

- Post about public business on your private account.
- Block people or delete comments on your public accounts.
- Delete posts on your public account without consulting with the City Recorder.
- Create a meeting with other Councilmembers.

My Role

Midvale is My Client

The city, as an organization, is my client. The City Council, as whole, generally represents the direction and will of my client. This means that elected officials and employees are not individually my clients.

Why Does This Matter?

I can always help an elected official or employee before there is a problem. Midvale's interests are aligned with the individual's interests. Once there is a problem, I may have less ability to help. If the City's interests diverge from the individual's interests, I will ethically be unable to help.

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 8:47 p.m.

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

Approved this 6th day of February, 2024



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: February 5, 2024

SUBJECT: Uplift Midvale Bylaw Discussion

SUBMITTED BY: Matt Dahl, City Manager

SUMMARY:

Uplift Midvale is a community coalition that has the goal of addressing the causes of youth violence in our community. The coalition has been operating as a community led 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 seeks to discuss the framework of the proposed bylaws and will return to the City Council with a final copy for approval in a future meeting.

Staff 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. Staff and community stakeholders hope to develop prevention programs to assist in providing protective factors for our youth and our community.

The CTC framework provides options for the structure of a community coalition, though it has been formed and operated in a variety of ways in other communities. One option is having less formal ties to the City, as well as operating as a formal city committee. In at least one community the coalition operates like an administrative department. Staff is proposing to knit together the proposed structure of the CTC and the formal committee requirements in Midvale City Code. Uplift Midvale would be comprised of three groups that will make recommendations to the City Council, as well as work with the Uplift Midvale coordinator and other city staff to administer programs and events, and work with community partners.

1) Key Leadership Group (KLG):

- a. Role: The KLG will operate as the executive committee of Uplift Midvale. Proposals from Uplift Midvale, including budget requests or changes to the strategic plan, will be reviewed by the KLG before being presented to the City Council, or before new programs, projects, or events are undertaken by the staff or community partners on behalf of the City.
- b. Members:
 - i. City Manager
 - ii. Mayor of Midvale City
 - iii. Midvale Police Precinct Chief
 - iv. City Council Member (Appointed and Approved by City Council)
 - v. Community Board Chair (Appointed by Mayor and Approved By City Council)

2) Community Board (CB):

- a. Role: The CB will develop a data driven strategic plan to provide protective factors for Midvale's youth and community to address issues of violence. The CB will follow the CTC framework in preparing the strategic plan and maintain a network of community stakeholders that will support the implementation of the plan.
- b. Members – CB members will represent the following:
 - i. Law Enforcement
 - ii. Education
 - iii. Youth Serving Organizations
 - iv. Civic organizations
 - v. Youth
 - vi. Parents
 - vii. Substance abuse treatment
 - viii. Healthcare professionals
 - ix. Media
 - x. Business
 - xi. Religious organizations
 - xii. Governmental agencies
- c. Basic Details
 - i. Appointed by the Mayor
 - ii. Serve 2-year renewable terms
 - iii. Required meeting attendance

3) Workgroups:

- a. Role: The working groups shall be a subcommittee of the CB. Working groups shall be formed as needed to address specific issues and provide recommendations to the CB for consideration.
- b. Basic Details:
 - i. Members will be appointed by the CB Chair
 - ii. Working group members shall be appointed for one-year or until the tasks of the working group are complete.

Staff intends to discuss the framework of the bylaws with the City Council and use the feedback provided to finalize the bylaws. Staff will return to the City Council for consideration and approval of the bylaws. In addition to the bylaws, Uplift Midvale is currently working on preparing its strategic plan, which will also be brought to the City Council for consideration and approval later in 2024.