



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

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**MIDVALE CITY COUNCIL REGULAR MEETING  
AGENDA  
APRIL 2, 2024  
\*\*AMENDED\***

**PUBLIC NOTICE IS HEREBY GIVEN** that the **Midvale City Council** will hold a regular meeting on the **2nd day of April 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](http://www.Midvale.Utah.gov) by 5:00pm on April 1st and will be included in the record.**

The meeting will be broadcast on the following: **YouTube: [Midvale.Utah.gov/YouTube](https://www.youtube.com/Midvale.Utah.gov)**

**6:00 PM – WORKSHOP**

- Discuss FY2025 Budget [*Mariah Hill, Administrative Services Director*]

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**7:00 PM - REGULAR MEETING**

**I. GENERAL BUSINESS**

- WELCOME AND PLEDGE OF ALLEGIANCE
- ROLL CALL
- Unified Fire Authority 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**

- Mayor Marcus Stevenson

**IV. COUNCIL REPORTS**

- Councilmember Paul Glover
- Councilmember Bonnie Billings
- Councilmember Dustin Gettel
- Councilmember Bryant Brown
- Councilmember Heidi Robinson

**V. CITY MANAGER REPORT**

- Matt Dahl, City Manager

**VI. ACTION ITEM**

- A. Consider **Ordinance No. 2024-O-05** Approving Amendments to Chapter 9.32.090 of the Midvale Municipal Code Regarding Alcoholic Beverages in the Public Parks and Public Places — **[Kate Andrus, RDA Program Manager]**

**VII. 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.

**VIII. 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 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [Midvale.Utah.gov](http://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: APRIL 1, 2024**  
**Time: 4:55 p.m.**

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



## MIDVALE CITY COUNCIL SUMMARY REPORT

**Meeting Date: April 2, 2024**

**ITEM TYPE:** Action

**SUBJECT:** Consider **Ordinance No. 2024-O-05** Approving Amendments to Chapter 9.32.090 of the Midvale Municipal Code Regarding Alcoholic Beverages in Public Parks and Public Places.

**SUBMITTED BY:** Kate Andrus, RDA Program Manager

### **SUMMARY:**

On March 16, 2024, City Council held a discussion regarding proposed amendments to Chapter 9.32.090. On March 26, 2024, city staff brought back these proposed amendments to City Council for adoption. These amendments modify existing regulations concerning the consumption of alcoholic beverages in public parks and public places. The proposed amendment provides a framework for allowing alcohol consumption in public parks and public places under the following conditions and requirements:

1. **Approved Site Plan Requirement:** The proposed amendment allows the consumption and possession of alcoholic beverages in specified public areas if the location is included in an approved site plan filed with the City by a licensee.
2. **Compliance with State and Local Regulations:** The amendment specifies that any licensee wishing to allow alcohol consumption must adhere to all state and local regulations related to the sale and distribution of alcoholic beverages.

Upon further discussion by the Council, it was moved to table this item with a request for staff to bring back this same proposed amendment along with an alternate amendment that would remove Public Parks as an allowable place for the consumption of alcohol.

The catalyst for this code amendment includes the recent ability for restaurant and entertainment businesses on Midvale Main to enter use agreements for the use of bulb outs and other publicly owned property on Midvale Main to enable outdoor dining. This amendment would allow those businesses with appropriate liquor licenses to serve alcohol in these leased areas. Additionally, it will provide the opportunity for events to host beer gardens or other related activities. This will be pivotal in activating Midvale Main and other Midvale locations through events, creating a controlled environment for the consumption of alcohol when appropriate.

City staff believes that the proposed code amendment allowing for alcohol consumption in public parks and public spaces can help to activate city-owned spaces as well as to establish Midvale City as a destination for increased festivals and fairs, in which the community can enjoy. Many festivals ranging from the Salt Lake City Living Traditions Festival, Ogden Twilight Concert Series, Park City Arts Festival, and Moab Music Festival have historically offered the ability to consume alcohol within a controlled environment. This ability is believed to provide an added experience for patrons and can be a significant draw for increased participation. Midvale City has always celebrated its diversity and welcomes a variety of cultural events. This amendment would provide the option to provide this added experience that enhances these events in a way for all to enjoy.

**PLAN COMPLIANCE:** N/A

**FISCAL IMPACT: N/A**

**RECOMMENDED MOTION:**

"I move that we approve Ordinance No. **2024-O-05** Amending Chapter 9.32.090 of the Midvale Municipal Code Regarding Alcoholic Beverages in Public Parks and Public Places as provided in Attachment \_\_\_\_.

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**Attachments:**

1. Ordinance No. 2024-O-05 Amending Midvale Municipal Code Section 9.32.090 Alcoholic Beverages in Public Parks and Public Places.
2. Attachment A: Proposed Midvale Municipal Code Section 9.32.090 Alcoholic Beverages in Public Parks and Public Places permitting the consumption of alcohol in public parks under limited circumstances.
3. Attachment B: Proposed Midvale Municipal Code Section 9.32.090 Alcoholic Beverages in Public Parks and Public Places prohibiting the consumption of alcohol in public parks and the Community Center.

**MIDVALE CITY**

**ORDINANCE NO. 2024-O-05**

**AN ORDINANCE AMENDING MIDVALE MUNICIPAL CODE SECTION 9.32.090 ALCOHOLIC BEVERAGES IN PUBLIC PARKS AND PUBLIC PLACES.**

**WHEREAS**, as authorized by Utah Code Ann. § 10-8-84, the City Council is authorized to "pass all ordinances and rules, and make all regulations, not repugnant to law, [...] as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and

**WHEREAS**, as authorized by Utah Code Ann. § 32B-1-204, the City Council is "expressly granted regulatory authority to regulate" issues related to alcoholic product control as provided by Title 32B and, if Title 32B "does not expressly address an issue related to alcoholic product control, a local authority may regulate that issue if the regulation: (a) is of the sale, offer for sale, furnishing, or consumption of an alcoholic product; and (b) does not conflict with [Title 32B]"; and

**WHEREAS**, Utah Code Ann. Title 32B requires a person to receive written consent of the City prior to applying for an alcohol license with the Department of Alcohol Beverage Services; and

**WHEREAS**, Utah Code Ann. § 32B-4-421 prohibits a person from "consum[ing] liquor in a public building, park, or stadium, except as provided by [Title 32B]"; and

**WHEREAS**, as authorized by Utah Code Ann. § 10-8-11, the City Council is authorized to "regulate the use of use of streets, alleys, avenues, sidewalks, crosswalks, parks, and public grounds;" and

**WHEREAS**, the City Council regulates the sale, manufacture, wholesaling, and warehousing of alcoholic beverages within Midvale City pursuant to Midvale Municipal Code 5.10.030; and

**WHEREAS**, Midvale Municipal Code 9.32.090 currently prohibits the consumption and possession of any alcoholic beverage in any public park, public place, public building, stadium, street, alley, sidewalk, and roadway; and

**WHEREAS**, the City Council desires to activate Midvale Main Street by encouraging restaurants, outdoor dining, community events and festivals, and other activities that will draw residents, businesses, and visitors to Midvale Main Street; and

**WHEREAS**, the City Council already permits the use of public spaces along Midvale Main Street for outdoor dining and community events and festivals if the applicant has the appropriate permissions, agreements, and licenses; and

**WHEREAS**, the City Council believes that allowing the sale and consumption of alcohol in public spaces, when properly permitted and regulated, will further encourage the activation of Midvale Main Street; and

**WHEREAS**, the City Council desires that any sale or consumption of alcohol in a public place be appropriately regulated and overseen by the City and the Department of Alcohol Beverage Services; and

**WHEREAS**, the City Council desires to provide for similar opportunities to use public places for the sale and consumption of alcohol throughout the City as such opportunities potentially become available in the future and with similar requirements for permissions, agreements, and licenses; and

**WHEREAS**, based on the forgoing, the City Council finds it is appropriate and within the best interest of the City to amend the Code to permit the consumption of alcohol in public parks and public places under limited circumstances and with appropriate oversight and regulation.

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

**Section 1.** The City Council desires to amend Midvale Municipal Code Chapter 9.32.090 as set forth in Exhibit A.

**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 Section 10-3-711 of the Utah Code.

**PASSED AND APPROVED** this 2nd day of April, 2024.

**MIDVALE CITY**

By: \_\_\_\_\_  
Mayor Marcus Stevenson

[SEAL]

**VOTING:**

Bryant Brown	Yea	___	Nay	___
Dustin Gettel	Yea	___	Nay	___
Paul Glover	Yea	___	Nay	___
Heidi Robinson	Yea	___	Nay	___
Bonnie Billings	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

Published this \_\_\_ day of \_\_\_\_, 2024.

## 9.32.090 Alcoholic beverages in public parks and public places.

### A. Definitions

1. “Public park,” as contained in this Section, includes all parks owned and maintained by the City and all public school grounds and public playgrounds insofar as they are under the jurisdiction and control of the City.
2. “Alcoholic beverage” has the same definition as that found in Utah Code § 32B-1-102(3) (1953, as amended).

B. Except as provided in Subsection (C), it is unlawful for any person to consume beer or any alcoholic beverage or to have in his possession possess any beer or alcoholic beverage, except in a sealed container, within any public place, public park, public building, stadium, street, alley, sidewalk, or roadway located within the corporate limits of the cityCity. -

~~B. The term “public park,” as contained in this section, shall includes all parks owned and maintained by the city and all public school grounds and public playgrounds insofar as they same are under the jurisdiction and control of the city government.~~

~~“Alcoholic beverage” has the same definition as that found in Utah Code § 32B-1-102(3) (1953, as amended).~~

C. ~~It is not a violation of this section~~An individual may consume an alcoholic beverage or possess an alcoholic beverage in an unsealed container within a public place, public park, public building, stadium, street, alley, sidewalk, or roadway located within the corporate limits of the City if:

1. ~~-~~The location of the consumption or possession of alcoholthe alcoholic beverage is found within thean approved site plan filed with the City by a licensee in accordance with Midvale Municipal Code 5.10.040(B)(3); and
2. The licensee has complied with all state and local regulations governing the sale and distribution of alcoholic beverages.~~It is unlawful for any person to drink any intoxicating liquor of any kind or to be under the influence of an intoxicating liquor, a controlled substance, or of any substance having the property of releasing toxic vapors in any public place, public building, stadium, street, alley, sidewalk, roadway or in or upon any vehicle commonly used for the transportation of passengers within the corporate limits of the city.~~

D. Violation of this ~~section~~Section is a class C misdemeanor.

**MIDVALE CITY**

**ORDINANCE NO. 2024-O-05**

**AN ORDINANCE AMENDING MIDVALE MUNICIPAL CODE SECTION 9.32.090 ALCOHOLIC BEVERAGES IN PUBLIC PARKS AND PUBLIC PLACES.**

**WHEREAS**, as authorized by Utah Code Ann. § 10-8-84, the City Council is authorized to "pass all ordinances and rules, and make all regulations, not repugnant to law, [...] as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and

**WHEREAS**, as authorized by Utah Code Ann. § 32B-1-204, the City Council is "expressly granted regulatory authority to regulate" issues related to alcoholic product control as provided by Title 32B and, if Title 32B "does not expressly address an issue related to alcoholic product control, a local authority may regulate that issue if the regulation: (a) is of the sale, offer for sale, furnishing, or consumption of an alcoholic product; and (b) does not conflict with [Title 32B]"; and

**WHEREAS**, Utah Code Ann. Title 32B requires a person to receive written consent of the City prior to applying for an alcohol license with the Department of Alcohol Beverage Services; and

**WHEREAS**, Utah Code Ann. § 32B-4-421 prohibits a person from "consum[ing] liquor in a public building, park, or stadium, except as provided by [Title 32B]"; and

**WHEREAS**, as authorized by Utah Code Ann. § 10-8-11, the City Council is authorized to "regulate the use of use of streets, alleys, avenues, sidewalks, crosswalks, parks, and public grounds;" and

**WHEREAS**, the City Council regulates the sale, manufacture, wholesaling, and warehousing of alcoholic beverages within Midvale City pursuant to Midvale Municipal Code 5.10.030; and

**WHEREAS**, Midvale Municipal Code 9.32.090 currently prohibits the consumption and possession of any alcoholic beverage in any public park, public place, public building, stadium, street, alley, sidewalk, and roadway; and

**WHEREAS**, the City Council desires to activate Midvale Main Street by encouraging restaurants, outdoor dining, community events and festivals, and other activities that will draw residents, businesses, and visitors to Midvale Main Street; and

**WHEREAS**, the City Council already permits the use of public spaces along Midvale Main Street for outdoor dining and community events and festivals if the applicant has the appropriate permissions, agreements, and licenses; and

**WHEREAS**, the City Council believes that allowing the sale and consumption of alcohol in public spaces, when properly permitted and regulated, will further encourage the activation of Midvale Main Street; and

**WHEREAS**, the City Council desires that any sale or consumption of alcohol in a public place be



appropriately regulated and overseen by the City and the Department of Alcohol Beverage Services; and

**WHEREAS**, the City Council desires to provide for similar opportunities to use public places for the sale and consumption of alcohol throughout the City as such opportunities potentially become available in the future and with similar requirements for permissions, agreements, and licenses; and

**WHEREAS**, based on the forgoing, the City Council finds it is appropriate and within the best interest of the City to amend the Code to permit the consumption of alcohol in public places under limited circumstances and with appropriate oversight and regulation.

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

**Section 1.** The City Council desires to amend Midvale Municipal Code Chapter 9.32.090 as set forth in Exhibit A.

**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 Section 10-3-711 of the Utah Code.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of April, 2024.

**MIDVALE CITY**

By: \_\_\_\_\_  
Mayor Marcus Stevenson

[SEAL]

**VOTING:**

Bryant Brown	Yea	___	Nay	___
Dustin Gettel	Yea	___	Nay	___
Paul Glover	Yea	___	Nay	___
Heidi Robinson	Yea	___	Nay	___
Bonnie Billings	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

Published this \_\_\_\_ day of \_\_\_\_\_, 2024.

9.32.090 Alcoholic beverages in public parks and public places.

A. Definitions

- 1. ~~“Public park,” as contained in this Section, includes all parks owned and maintained by the City and all public school grounds and public playgrounds insofar as they are under the jurisdiction and control of the City.~~
- 2. ~~“Alcoholic beverage” has the same definition as that found in Utah Code § 32B-1-102(3) (1953, as amended).~~

B. ~~Except as provided in Subsection (C), it is unlawful for any person to consume beer or any alcoholic beverage or to have in his possession~~possess any beer or alcoholic beverage, ~~except in a sealed container,~~ within any ~~public park, public place, public park, public building, stadium, street, alley, sidewalk, or roadway~~ located within the corporate limits of the ~~city~~City. -

B. ~~The term “public park,” as contained in this section, shall includes all parks owned and maintained by the city and all public school grounds and public playgrounds insofar as they same are under the jurisdiction and control of the city government.~~

~~“Alcoholic beverage” has the same definition as that found in Utah Code § 32B-1-102(3) (1953, as amended).~~

C. ~~It is not a violation of this section~~An individual may consume an alcoholic beverage or possess an alcoholic beverage in an unsealed container within a public place, a public building other than the Midvale Community Center, a stadium, a street, an alley, a sidewalk, or a roadway located within the corporate limits of the City if:

- 1. ~~The location of the consumption or possession of alcohol~~the alcoholic beverage is found within ~~the~~an approved site plan filed with the City by a licensee in accordance with Midvale Municipal Code 5.10.040(B)(3); and
- 2. ~~T~~the licensee has complied with all state and local regulations governing the sale and distribution of alcoholic beverages.~~It is unlawful for any person to drink any intoxicating liquor of any kind or to be under the influence of an intoxicating liquor, a controlled substance, or of any substance having the property of releasing toxic vapors in any public place, public building, stadium, street, alley, sidewalk, roadway or in or upon any vehicle commonly used for the transportation of passengers within the corporate limits of the city.~~

D. Violation of this ~~section~~Section is a class C misdemeanor.

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## **MIDVALE CITY COUNCIL SUMMARY REPORT**

**Meeting Date: April 2, 2024**

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**SUBJECT: Discuss Midvale City's Position Regarding A Ceasefire in Israel-Gaza Crisis**

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### **SUMMARY:**

On March 26, 2024, Midvale residents attended the Midvale City Council meeting and spoke during public comments regarding their desire for the City Council to approve a resolution supporting a ceasefire in the Israel-Gaza Crisis. In response to this request, the City Council agreed to discuss a ceasefire resolution during the April 2, 2024 City Council Meeting.

Staff is working to prepare a draft resolution for the City Council that will be used to facilitate the discussion during the meeting. Based on the feedback provided by the City Council, a final version will be prepared for approval during a future City Council meeting.

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