



7505 South Holden Street
Midvale, UT 84047
(801) 567-7200
www.midvalecity.org

MIDVALE CITY COUNCIL MEETING AGENDA DECEMBER 8, 2020

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold an electronic meeting on the **8th day of December 2020** as follows:

Electronic City Council Meeting

This meeting will be an electronic meeting, without a physical location pursuant to Utah Code 52-4-207, as amended by HB 5002, Mayor Robert Hale as Chair of Midvale City Council hereby makes the determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based upon the fact that the City is unable to ensure compliance with the guidelines and public health protocols mandated by the state's current risk phase.

As restrictions take place across the state for limiting public gatherings, the City wants to make sure everyone interested in participating in City Council Meetings can do so. The meeting will be broadcast on the following links:

You Tube: https://www.youtube.com/channel/UCLDszK2kMUHuc3-bV-BBSlQ?view_as=subscriber

If you would like to provide public comments, please email your comments to Lmagness@midvale.com or comment on Midvale City's Facebook page prior to the completion of the public comments portion of the meeting. You may also submit comments if the Mayor and City Council open a specific agenda item to public comment. These comments will be read aloud in the meeting and will be part of the public record.

6:00 PM – Dahl Conference Room

WORKSHOP

- Discuss Curbside Glass Recycling Program **[Jason Utgaard]**
- Discuss Future of Basketball Site on 695 West 5th Avenue on Main Street **[Cody Hill and Patrick O'Brien, Redevelopment Agency]**

7:00 PM

REGULAR MEETING – Council Chambers

I. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. Representative Steve Christianson
- D. Unified Police and Fire Reports

II. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may submit their comment via email to Lmagness@midvale.com or on Midvale City's Facebook page prior to the completion of this portion of the meeting. 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. **COUNCIL REPORTS**

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

IV. **MAYOR ROBERT M. HALE REPORT**

V. **CITY MANAGER REPORT**

VI. **DEPARTMENT REPORTS**

- A. Community Development/RDA Report *[Nate Rockwood, Community Development Director]*
- B. Administrative Services Report *[Kyle Maurer, Administrative Services Director]*

VII. **CONSENT AGENDA**

- A. Consider Minutes of November 17, 2020 *[Rori Andreason, H.R. Director/City Recorder]*

VIII. **ACTION ITEMS**

- A. Consider **Resolution No. 2020-R-50** Authorizing the Mayor to Enter into a Cost Sharing Agreement with Jordan Valley Water Conservancy District (JVWCD) for Water Vault Upgrades *[Glen Kennedy, Public Works Director]*
- B. Consider **Resolution No. 2020-R-51** Approving the Appointment of Stacey Phillips to Represent Midvale City on the Salt Lake County Community & Economic Development Advisory Council *[Mayor Robert Hale]*
- C. Consider **Resolution 2020-R-52** Declaring the Property Located in Sandy City Surplus and Authorizing the Mayor to Execute Documents to Sell Property to Adjacent Property Owner *[Lisa Garner, City Attorney]*
- D. Consider Temporary Zoning Ordinance for Monument Sign Standards in the Main Street Form-Based Code Zone - **Ordinance No. 2020-O-20** *[Matt Dahl, Assistant City Manager]*
- E. Consider **Resolution No. 2020-R-53** Approving the Terms & Agreement with Freedom LED, LLC to install an LED Monument Sign at Midvale City Hall *[Laura Magness, Communications Director]*

IX. **DISCUSSION ITEM**

- A. Discuss Regarding Legal Considerations with the Proposed Banner Program with CGI *[Lisa Garner, City Attorney]*

X. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pmn.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

DATE POSTED: DECEMBER 3, 2020

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



COUNCIL MEETING *Minutes*

Tuesday December 8, 2020
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

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

STAFF: Kane Loader, City Manager; Matt Dahl, Asst. City Manager; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Glen Kennedy, Public Works Director; Laura Magness, Communications Director; Kyle Maurer, Administrative Services Director; Nate Rockwood, Community Development Director; Cody Hill, RDA Manager; Patrick O'Brien, RDA Housing Manager; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Juan Rosario, Systems Administrator.

WORKSHOP

- **Discuss Curbside Glass Recycling Program**

Jason Utgaard, Monument Recycling, reviewed a power point regarding the glass recycling facility and the service the community could take advantage of for a cost. He said this is the only glass recycling company in Utah. They offer curbside pickup and drop off locations.

The Council expressed their desire to have this service in Midvale. Staff expressed some concerns with needing an amendment to the code to allow this service as well as other concerns.

The Council asked staff to work through the issues and bring this item back January 5th with a code amendment and vote as to whether to move forward with offering this service in Midvale City.

- **Discuss Future of Basketball Site on 695 West 5th Avenue on Main Street**

Cody Hill said this discussion concerns the future of the basketball court site located at 695 West 5th Avenue on Main Street. (the "Rec Site"). He discussed the following:

- .032 Acres owned by the Agency
- The Rec Site is under utilized

1) **Keep as a Rec Site**

- Small Area Plan, Housing Plan, and Project Area Budget all call for recreational amenities

Questions

- How will a Rec Site benefit the Area?
- What are the disadvantages of preserving as a Rec Site?
- Would another use provide a greater benefit to the residents, Area, and City?

Patrick O'Brien discussed other options:

2) Daycare and Housing Concept

Considerations

- Small Area Plan, Housing Plan, and Project Area Budget call for additional and improved services and amenities

Questions

- How will a daycare and affordable housing benefit the Area?
- Are there possible disadvantages to consider?
- Would another use provide a greater benefit to the residents, Area and City?

3) Send out RFP

Considerations

- Agency can still direct and guide how the Rec Site will be developed. Several developers have shown interest in this site

Questions

- What are the benefits of selling the Rec Site property and having it developed?
- Are there possible disadvantages to consider?
- Would another use provide a greater benefit to the residents, Area, and City?

4) Alternative or Hybrid Direction

The Council instructed staff to send out an (RFP) Request for Proposal to determine the best use for the area.

Mayor Robert Hale called the business meeting to order at 7:00 p.m.

Mayor Robert Hale said this meeting will be an electronic meeting, without a physical location pursuant to Utah Code 52-4-207, as amended by HB 5002. I, Mayor Hale, Chair of Midvale City Council, hereby make the determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based upon the fact that the City is unable to ensure compliance with the guidelines and public health protocols mandated by the state's current risk phase.

Mayor Hale said this is the portion of the agenda that allows any person to express ideas, concerns, comments, or issues. If you would like to comment on a Public Hearing item, you will be allotted time during the Public Hearings portion of the meeting.

Email your comments to Laura Magness at Lmagness@midvale.com.

When commenting, please:

- Limit your comments to 400 words (which is the equivalent of 3 minutes)
- Include your first and last name
- Include your city of residence (this is optional) and
- Include the name of the Agenda item

City staff will only read into the record the equivalent of three minutes. So, please be concise with your statements.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. REPRESENTATIVE STEVE CHRISTIANSON

Representative Steve Christianson read a citation honoring Utah First Responders who sacrifice their lives for the good of the community. He expressed his appreciation for the police and fire and for the dedicated service.

D. UNIFIED POLICE & UNIFIED FIRE DEPARTMENT REPORTS

Chief Randy Thomas said he was humbled by the citation read by Representative Steve Christianson for Utah First Responders. He said COVID-19 is constantly being discussed and finding ways to keep staff and the public safe. He said their statistics for November were 805 cases, which is the lowest case count within the last five years for the month of November. He thanked Mayor Hale for attending the UPD Finance Committee meeting. The audit looks good and shows that UPD did really well and is very promising. He said officers will be giving out warning citations for winter parking for the storm expected in the next few days. A citizen, Valine Neisser, brought in thank you letters to the officers. Marilyn Wootton also called and thanked the UPD for their services.

Chief Brad Larson thanked Representative Steve Christianson for the citation and kind words for Utah's First Responders. They are continuing to monitor the COVID-19 trends within the community. They have seen a slight increase with staff testing positive for COVID-19. COVID-19 has also had an impact on fire inspections. They are performing virtual inspections for safety reasons. The UFA Strategic Plan looks good and he would like to present it to the Council sometime in the future. He sadly announced that retired Paramedic Doug Robinson recently passed away. He will be remembered as a dedicated paramedic and will be missed. There was a house fire Friday morning on 1st Avenue. The fire crew arrived quickly and stopped the fire from spreading and saved the rest of the home. Midvale crews have been very busy with calls and trainings. Wildland firefighter

applications are currently being accepted for the 2021 year. Information regarding this job opening is located on the UFA website.

Mayor Hale said this is the portion of the agenda that allows any person to express ideas, concerns, comments, or issues. If you would like to comment on a Public Hearing item, you will be allotted time during the Public Hearings portion of the meeting.

Email your comments to Laura Magness at Lmagness@midvale.com.

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II. PUBLIC COMMENTS

Public comment read by Laura Magness, Communications Specialist:

I've been informed Midvale City will be listening and /or deciding the fate of Midvale City's Main Street basketball court this coming Tuesday. I'm hoping my following thoughts can be shared with the City Council.

For the last 6-7 years, I've been closely watching Midvale City develop into a destination location for shopping, living, etc. In addition, I've been impressed with the demographic range the city now represents in its community. Interestingly, Midvale City offers a unique advantage over many of its neighboring cities on the south end of the county. Midvale City has a beautiful downtown Main Street- a jewel in the county that has been underleveraged for many years. It's historic buildings with charming sidewalks arguably makes Main Street the last opportunity available in Salt Lake County that can offer a living experience similar to downtown Sugarhouse and Park City's Main Street. With the right vision, Main Street can be the nucleus for significant growth and quite possibly much more e.g. hotels, fine dining, etc.. Surprisingly, I've been told Midvale City is considering a few options: doing nothing at all with the basketball court or collaborate on a daycare business with multi-family component above or go out for an RFP. Respectfully, doing nothing at all with the land would be a waste when Main Street is ripe for growth. With so many Utahns living on the south end of the valley being tired of driving downtown, as well as having limited options for dining, Main Street could be the answer everyone is looking for. The second option offering a daycare use seems counter intuitive to attracting other businesses into Main Street. Consequently, allowing the development of the land for mixed use between office or retail and possible multi-family above would compliment the growth mindset needed for a strong and stable business community in downtown Midvale. As a business owner of 2 companies, I consider Main Street an ideal location to relocate either of my businesses.

In closing, I recommend Midvale City's leadership step back and re-evaluate its long term vision of how they wish to see Main Street playing a role in Midvale City, as well as, the contributions it could make to Salt Lake County overall.

Thank you for your consideration.

Warmest Regards,

William Bustos

III. COUNCIL REPORTS

A. Council Member Paul Glover – expressed appreciation to staff, Council, UPD and UFA for everything during this challenging year. He wished everyone Happy Holidays.

B. Council Member Bryant Brown – thanked Nate Rockwood for responding to his email regarding the parking structure by CHG. He expressed his frustration that the parking garage has not been completed and is only halfway built. He asked staff to keep pressure on them and to keep the Council updated. He wished everyone happy holidays.

C. Council Member Dustin Gettel – wish everyone Happy Holidays and expressed his appreciation for the working relationships he has with the City. Traffic from 7800 South and Bingham Junction Blvd is still a little wild west like with cars zooming through the intersection. He asked if the police could provide some targeted enforcement in that area. He reviewed the COVID numbers for Midvale. He said November doubled positive cases from October in Midvale City. There were two deaths in October and two deaths in November from COVID-19. The case counts in Utah are not sustainable. He asked everyone to wear a mask when outside of their residence.

D. Council Member Quinn Sperry – Excused

E. Council Member Heidi Robinson – wished everyone Happy Holidays and a glorious new year.

IV. MAYOR REPORT

Mayor Robert Hale – discussed the opportunity he had to wed his grandson the weekend before Thanksgiving. The COVID vaccine should be here in the next few days. The medical field will be the first to receive it. The second group will be the first responders. He is hoping by end of July everyone will have the opportunity to get vaccinated. He encouraged everyone to get the vaccination. He reminded the Council that every Friday in the City Hall parking lot medical, professionals will be administering free flu shots. He too Wished everyone a Happy Holiday Season.

V. CITY MANAGER REPORT

Kane Loader thanked Representative Christianson for presenting the Citation to our First Responders. He thanked staff for all of their hard work and dedication during this difficult time. The Employees Association has suggested that because the City is unable to have a Christmas Party, they would like to take the funds from the Christmas Party and give it to the employees in the form of gift cards. He too wished everyone a safe Merry Christmas and Happy New Year. He thanked the Council for their service and dedication to the City.

Laura Magness updated the Council on the Warm Program and applicants.

VI. DEPARTMENT REPORTS

A. COMMUNITY DEVELOPMENT/RDA REPORT

Nate Rockwood updated the Council on the CARES Act funding. The Disc Golf course has been installed. All grants for businesses have been completed. The Midvale Mills Project will come back to the Council for consideration in January. The RDA staff and Mayor received public comment on the Main Street Project.

B. ADMINISTRATIVE SERVICES REPORT

Kyle Maurer presented Administrative Services updates as follows:

Justice Court

- **October 2020 Claims Filed:**

Traffic – 375 (prior year 667)

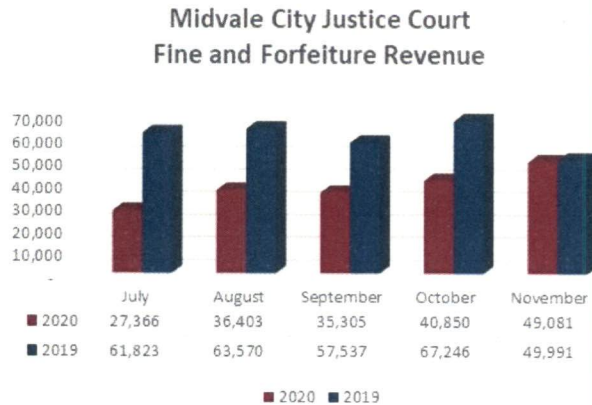
Criminal – 81 (prior year 69)

Small Claims – 47 (prior year 108)

- **Plea in abeyance document scope/planning (2.5 days)**

**Midvale City Justice Court
Claims Filed**





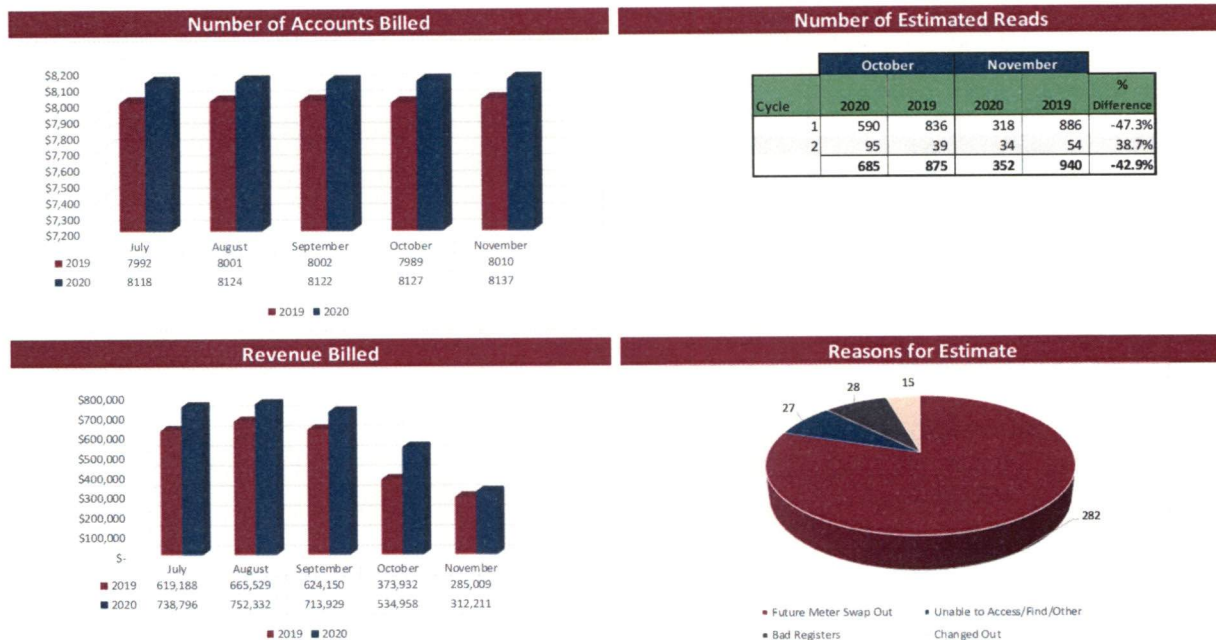
Information Technology

- New phone system – Going live December 18th.
- Electronic signature software – Implementation meeting this week.
- Plea in abeyance automation – Document scope/planning last week.
- System needs assessment – Staff review draft document.
- OnBase (document management) upgrades.
- GRAMA redaction software.
- Final telecommuting technology purchases.
- New employee – Noah Lee.

Utility Billing

- Midvale Journal article – Meter reading
- Update on billing changes (dashboard)
- Other changes:
 - Short term
 - Admin Services Director final “sign off”
 - City Council dashboard (beta) (next slide)
 - “Estimated read” added to bills
 - More communication to residents
 - List of known inoperable meters
 - Intermediate to long term
 - Policies and procedures document
 - Examination of department workload
 - Meter replacement program
 - Water bill redesign
 - Bill payment portal investigation

Utility Billing Dashboard – November 2020



Finance

- **External financial audit**
 - Fieldwork complete.
 - Statements completed, working on CAFR (Comprehensive Annual Financial Report).
- **Closed on 2020 Water, Sewer, and Storm Water Revenue Refunding Bonds (\$8,175,000) (November 20th).**
 - Purchaser: Chase Bank.
 - Interest rate: 1.36%
 - Total savings over remaining life of bond: \$844,033 (10 years).
- **Audit Committee**
 - Rescheduled to when financial statements are presented.
 - Staff representation – Administrative Services Director.
 - Implementing GFOA's "best practices."
 - Recommendation to Council on financial and internal control policies.

VII. CONSENT AGENDA

A. CONSIDER MINUTES OF NOVEMBER 17, 2020

MOTION: Council Member Paul Glover **MOVED** to approve the Consent Agenda. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called for roll call vote. The voting was as follows:

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

The motion passed unanimously.

VIII. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2020-R-50 AUTHORIZING THE MAYOR TO ENTER INTO A COST SHARING AGREEMENT WITH JORDAN VALLEY WATER CONSERVANCY DISTRICT (JVWCD) FOR WATER VAULT UPGRADES

Glen Kennedy said JVWCD is conducting a major pipeline and vault upgrade project on a 33" transmission line that serves a number of cities, including Midvale. The City has two source connections on this line that require improvements, one at 175 W and 7500 S, the other at 987 E and 7800 S. In addition, the City needs a new source connection on this line at 700 W and Winchester.

It is optimal to perform the City required improvements in conjunction with the JVWCD project to minimize impacts on both the City and Jordan Valley water systems, and for significant cost savings resulting from economies of scale, mobilization, permitting and shared oversight.

FISCAL IMPACT:

Description / Cost

New turn-out at 145 West 7500 South	\$40,740
New turn-out at 700 West Winchester and new 20-inch piping	\$262,568
Improvements to the 987 East 7800 South meter Station	\$20,602
Design and Construction Management	\$15,500

MOTION: Council Member Dustin Gettel MOVED to Approve Resolution No. 2020-R-50 approving the Mayor to enter into a cost sharing agreement with Jordan Valley Water Conservancy District to complete required work on three vaults as outlined in the 2020 Water Master Plan. The motion was SECONDED by Council Member Heidi Robinson. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Absent
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. 2020-R-51 APPROVING THE APPOINTMENT OF STACEY PHILLIPS TO REPRESENT MIDVALE CITY ON CEDAC COMMITTEE

Mayor Hale said the Community & Economic Development Advisory Council is made up of up to 15 resident representatives. They try to include an appointed resident from each of the participating jurisdictions and Metro Townships. This group reviews all the "Hard Cost" projects which includes Acquisition, Housing Programs, Facility Improvements,

Public Infrastructure Projects, and Economic Development. The funding for these programs includes the Community Development Block Grant (CDBG) grant funds.

The Council meets once a week for a three-month period (January – March). Members all spend many hours outside the meetings reviewing, scoring and ranking the applications received then discussing them during the Council meetings. It is an extensive process and the volunteers are very dedicated to making the process fair and transparent. Mr. Allen Litster has served as the City's representative on CEDAC for the past six years and has reached the end of his allowable term. It is my recommendation to appoint Stacey Phillips to represent Midvale City on the Community & Economic Development Advisory Council.

Council Member Dustin Gettel said he felt Stacey Phillips would be a great addition to the board and serve Midvale City well.

Council Member Bryant Brown agreed with Council Member Dustin Gettel.

MOTION: Council Member Dustin Gettel MOVED to Approve Resolution No. 2020-R-51 Appointing Stacey Phillips to Represent Midvale City on the Salt Lake County Community & Economic Development Advisory Council. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Quinn Sperry	Absent
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. 2020-R-52 DECLARING THE PROPERTY LOCATED IN SANDY CITY SURPLUS AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS TO SELL PROPERTY TO ADJACENT PROPERTY OWNER

Lisa Garner said this item came before the Council as a discussion item on August 27, 2019. In 1991 UDOT deeded a small strip of land to Midvale City. The land had been previously used, by virtue of an easement, for a water line that serviced Midvale residents. It appears that UDOT deeded the property to Midvale so that Midvale could then sell the abandoned easement property to the adjacent property owners. This intention is evidenced by a deed from Midvale City to one of the adjacent property owners dated August of 1991. However, there was a small piece of property that remained the ownership of Midvale City. The adjacent property owner discovered that this piece of property was owned by Midvale City and now desires to purchase this property from the City. This piece is approximately .27 acres and valued at \$700.00 by the Salt Lake County Assessor's Office. As the property is under one acre and valued at less than \$100,000.00, it is not considered a significant piece of property under Title 3 of the Midvale Municipal

Code and is not required to be publicly noticed. It is staff's recommendation that the remnant piece of property be declared surplus property and sold to the adjacent property owner with an access easement for another adjacent property owner.

FISCAL IMPACT:

Midvale City will receive the assessed value of the property of \$700.00.

MOTION: Council Member Dustin Gettel **MOVED** to Approve Resolution 2020-R-52 declaring the property located within Sandy City, Parcel Number 22-31-379-027-0000, surplus and allowing the City to execute the necessary documents to effectuate the transfer of the property to the adjacent property owner: Lyle E. Kunz, Trustee of the Clayton and Sharon Green Family Trust Dated December 2, 2020 with an access easement granted to the adjacent property on the southern end of the property parcel number 22-31-3729-029-0000 currently owned by Major Realty LLC. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

D. CONSIDER TEMPORARY ZONING ORDINANCE FOR MONUMENT SIGN STANDARDS IN THE MAIN STREET FORM-BASED CODE ZONE ORDINANCE NO. 2020-O-20

Matt Dahl said earlier this year, City Council members expressed interest in having electronic signage on the Midvale City Hall site for the purposes of providing information to the public on a variety of issues. However, the primary and pressing need was to provide information regarding the COVID-19 pandemic. Staff has pursued the design and procurement of an LED sign to achieve the City's communication goals. Through that process, staff determined that in order for the sign to have the proper pedestal, display area, and branding that it would narrowly exceed the limitations on height and surface area established in the Main Street Form-Based Code (FBC).

Staff has also pursued a plan to fund the sign and its related infrastructure with the Federal CARES Act resources received by the City. Projects funded through the CARES Act must be completed by December 31, 2020. Given the immediate need to keep our community informed about the current health crisis, the limited amount of time that funding is available, and the duration of the normal process to amend land use regulations, City staff seeking a temporary zoning ordinance that would allow for the installation of the proposed sign.

In cases where there is a compelling, countervailing public interest, both the Midvale City

Municipal Code and Utah Code allow the City to adopt a temporary zoning ordinance, effective for no longer than 6 months, without going through the typical ordinance amendment process.

Staff has prepared a temporary ordinance that would establish new conditions for monument signs and that would allow for the construction of the proposed LED sign. The temporary ordinance would include the following:

Buildings on a lot with a width of greater than six hundred feet, measured across a primary frontage, may have signage with the following parameters along such frontage:

- Up to 9' tall and a maximum area of 75 SF per sign face.
- Up to two monument signs on one frontage.
- Signs shall be at least three hundred feet apart.
- Monument signs may not be pole mounted.
- Manually changeable text is not permitted for monument signs.
- May serve multiple purposes, such as seating.
- If placed closer than five feet from the front and corner side property lines, signs must meet clear view requirements.
- Double sided signs are permitted.

Placing this temporary ordinance into effect would allow staff to install the proposed LED sign using CARES Act funding and meet the need to provide another means of communicating with the public during the current public health emergency. The temporary timeframe proposed in the ordinance could also allow for the monument sign requirements to be reviewed and changed, if necessary, through the typical ordinance amendment process.

MOTION: Council Member Bryant Brown MOVED to Adopt Ordinance No. 2020-O-20, an ordinance establishing temporary monument sign standards in the Main Street Form-Based Code (MS-FBC) Zone, as presented. The motion was SECONDED by Council Member Heidi Robinson. Mayor Hale called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

E. CONSIDER RESOLUTION NO. 2020-R-53 APPROVING THE TERMS & AGREEMENT WITH FREEDOM LED LLC TO INSTALL AN LED MONUMENT SIGN AT MIDVALE CITY HALL

Laura Magness said the World Health Organization declared a public health emergency on January 30, 2020, and on March 13, 2020 the Midvale City Council declared a local

emergency, due to COVID-19. The Coronavirus Aid, Relief, and Economic Security Act was passed on March 27, 2020 to provide financial assistance to public employers to deal with necessary expenditures incurred due to the public health emergency as long as the expenses are incurred between March 1, 2020 and December 30, 2020 and were not accounted for in City's most-recently adopted budget. The U.S. Treasury has indicated that costs incurred to communicate important COVID-19 messages with the community are necessary expenditures.

Midvale City is committed to utilizing a variety of communications tools to communicate important COVID-19 messages to combat and reduce the spread of COVID-19. Installing an LED monument sign at City Hall would provide an additional tool to share these important messages with the community.

CARES Act Funds

- Accurate and timely messages are crucial during an emergency
- Midvale City utilizes a variety of communication tools to share important messages
- U.S. Treasury has indicated that costs incurred to communicate important COVID-19 messages are necessary expenditures and are reimbursable under the CARES Act
- Utilize CARES Act Funds to purchase and LED sign at City Hall for \$50,650.

Freedom LED, LLC Agreement

- Custom LED Monument Sign
- Warranty
- 7-year factor parts/labor
- 1 year on site labor on all LED's
- WatchFire LED Sign Graphics
- Utilize CARES Act funds (50,650.00) to purchase an LED sign at City Hall

MOTION: Council Member Heidi Robinson **MOVED** to Adopt Resolution 2020-R-53 Approving the Terms and Conditions Agreement with Freedom LED, LLC to install an LED monument sign at Midvale City Hall. The motion was **SECONDED** by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none, he called for roll call vote. The voting was as follows:

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

The motion passed unanimously.

IX. DISCUSSION ITEM

A. DISCUSSION REGARDING LEGAL CONSIDERATIONS WITH PROPOSED BANNER PROGRAM WITH CGI

Lisa Garner said the banner program with a company named CGI was brought to the City Council. The Council made a favorable recommendation with moving forward with this program. As the Legal Department reviewed CGI's contract to install banners on city-owned light poles, several legal considerations of this program were raised. Because these legal considerations may have significant impacts on the use of City-owned property and may expose the City to greater liability, they are being brought before the Council to be considered before moving forward with the banner program.

The City has historically not allowed other entities to post banners on its light poles. As a result, the City has maintained complete discretion and control of the speech on its light poles. However, by allowing a commercial entity like CGI to place banners on city-owned light poles, it will create a public speech forum that didn't previously exist. The City will lose its complete discretion and control of the speech on its light poles.

Before creating this forum, the City needs to contemplate the consequences that may arise due to the placement of the banners on city-owned light poles. These consequences could include First Amendment challenges, political backlash, and overall city liability. This discussion is designed to highlight the challenges, present certain mitigating factors, and suggest potential solutions to limit City liability so that the Council can make an informed decision.

Council Member Dustin Gettel said when this was discussed earlier in the year, he did not anticipate the potential problems that could potentially become liabilities.

Council Member Bryant Brown said he would rather go with Midvale City owned banners that are Midvale specific.

Glen Kennedy said it is a lot more work than you would think. He would need to provide staff members as well as a bucket truck. Public Works currently has to drive a manlift down the road, which is not safe and is very slow.

Council Member Paul Glover said he did not like the risk of this contract and did not want to proceed with it.

Matt Dahl said Nate Rockwood is putting together a list of impact fees. He will be looking at the issue of how much open space we have and what resources we have to maintain it.

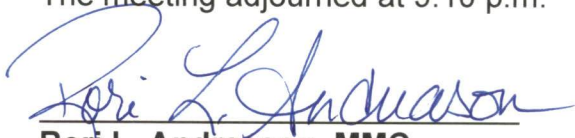
Council Member Dustin Gettel said he originally just asked if the City could get banners for the Bingham Junction area and have the RDA pay for it.

Matt Dahl said yes that is possible.

X. ADJOURN

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

The meeting adjourned at 9:10 p.m.



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

Approved this 5th day of January 2021

