



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

MIDVALE CITY COUNCIL MEETING AGENDA DECEMBER 7, 2021

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold an electronic and in-person meeting on the **7th day of December 2021** as follows:

Electronic & In-Person City Council Meeting

This meeting will be held electronically and in-person. Midvale City no longer requires masks and social distancing; however, Midvale City recommends following the CDC guidelines. **Public comments may be submitted electronically for City Council consideration at www.Midvalecity.org/government/contact-us by 5:00pm on December 6th. Please indicate if you would like your comment addressed in the City Council meeting.**

The meeting will be broadcast on the following:

You Tube: www.MidvaleCity.org/YouTube

6:00 PM – WORKSHOP

- **Communications Update** [*Laura Magness, Communications Director*]
- **Legislative Update** [*Matt Dahl, City Manager*]

6:30 PM - REGULAR MEETING

I. GENERAL BUSINESS

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

II. PUBLIC COMMENTS

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

III. COUNCIL REPORTS

- A. Councilmember Paul Glover
- B. Councilmember Dustin Gettel
- C. Councilmember Quinn Sperry
- D. Councilmember Bryant Brown
- 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*]

VII. PUBLIC HEARINGS

- A. Consider an Amendment to the Midvale City Municipal Code Relating to Fencing of Solar Arrays, Chapter 17-7-10.12 [*Adam Olsen, Planning Director*]

ACTION: Approve Ordinance No. 2021-O-23 An Ordinance Amending Chapter 17-7-10.12 of the Midvale City Municipal Code Relating to Fencing of Solar Arrays

- B. Consider an Amendment to the Midvale City Municipal Code Relating to Landscaping Setbacks, Chapter 17-7-10.11 [*Adam Olsen, Planning Director*]

ACTION: Approve Ordinance No. 2021-O-24 An Ordinance Amending Chapter 17-7-10.11 of the Midvale City Municipal Code Relating to Landscaping Setbacks

- C. Consider New Starr LLC, Bruce McMullin, Request Minor/Final Subdivision Approval to Subdivide a Duplex Located at 495-497 Acoma Rd in the Single Family Residential/Duplex Overlay (SF-1/DO) Zone [*Elizabeth Arnold, Planner II*]

ACTION: Approve New Starr LLC, Bruce McMullin, Request Minor/Final Subdivision Approval to Subdivide a Duplex Located at 495-497 Acoma Rd in the Single Family Residential/Duplex Overlay (SF-1/DO) Zone (21-004

- D. Consider Maria Paredes Request Minor/Final Subdivision Approval to Subdivide a Duplex Located at 7531 South Birch Street in the Single Family Residential/Duplex Overlay (SF-1/DO) Zone [*Elizabeth Arnold, Planner II*]

ACTION: Approve Maria Paredes Request Minor/Final Subdivision Approval to Subdivide a Duplex Located at 7531 South Birch Street in the Single Family Residential/Duplex Overlay (SF-1/DO) Zone

VIII. CONSENT AGENDA

- A. Consider Minutes of November 16, 2021 [*Rori Andreason, H.R. Director/City Recorder*]
- B. Approve **Resolution No. 2021-R-39** A Resolution Establishing a Time and Place for Holding Regular City Council Meetings, Designate the Mayor Pro Tempore Schedule, and Adopt the Holiday Schedule for the 2022 Calendar Year [*Rori Andreason, H.R. Director/City Recorder*]

IX. 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 2, 2021

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



COUNCIL MEETING Minutes

**Tuesday December 7, 2021
Council Chambers
7505 South Holden Street
Midvale, Utah 84047**

MAYOR: Mayor Robert M. Hale

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

STAFF: Matt Dahl, City Manager; Kyle Maurer, Assistant City Manager; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Glen Kennedy, Public Works Director; Laura Magness, Communications Director; Nate Rockwood, Community Development Director; Adam Olson, Planning Director; Elizabeth Arnold, Planner II; Mariah Hill, Administrative Services Director; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Matt Pierce, IT Director.

WORKSHOP at 6:00 PM

Legislative Update

Matt Dahl reviewed the items to be discussed during the Legislative Breakfast scheduled for Thursday, December 9th, 2021:

Infrastructure

- **Water, Sewer, and Storm Water Improvements:** To meet the current and future needs of Midvale residents substantial improvements to the water, sewer, and storm water systems are required. Midvale has completed long range plans for the water system. The cost of the system improvements and storage is \$25,800,000. The plan also recommended spending an additional \$2,300,000 annual for maintenance. Midvale is currently in the process of preparing long-term plans for the sewer and storm water systems, which will require millions of dollars in additional public investment. To fund the water and sewer improvements Midvale has increased user fees and committed the use of its allocation of ARPA funding. Midvale has applied for, and will continue to seek, State funding opportunities. Midvale submitted an application for State ARPA funding earlier this year, but the program was oversubscribed, and our application was not selected. Midvale would encourage the State to make additional ARPA funds available for infrastructure, especially water system improvements.

- **Midvale Recreation Center:** Midvale City and its residents have expressed a strong desire to build a new recreation center and pool. Midvale does not currently have a competition sized public pool and the Copperview Recreation Center will need to be replaced or renovated in the next decade. Midvale commenced discussions with Salt Lake County in 2017 in hopes of receiving an allocation of ZAP funds in 2026, however this is a competitive process. Midvale has allocated a substantial amount of funding for project planning and matching requirements. The Canyons School District has also committed over a million dollars to the project. Similar projects constructed throughout Salt Lake County have exceeded \$40 million to construct. Midvale is exploring all options available to fund the construction and operation of the recreation center.
- **Active Transportation:** Midvale City is focusing on creating an active transportation network within Midvale City. Midvale has adopted the Mid-Valley Active Transportation Plan, which identified bike routes that would serve and connect several different communities in Salt Lake County. Midvale has begun a process of developing more in-depth plans that will help implement the proposals included in the Mid-Valley Active Transportation Plan. The improvements needed to implement dedicated bike and pedestrian facilities can be costly, and Midvale will pursue all available funding opportunities. Midvale would encourage the expansion of resources provided by the State to support active transportation.

Law Enforcement and Justice Courts

- **Homeless Shelter and 7200 South Corridor - Community Impacts and Funding:** Midvale is home to the largest homeless shelter in the State. Midvale's law enforcement related expenses associated with the shelter and the adjacent 7200 South corridor exceeds \$2,000,000 annually. Midvale receives 20% of the funds generated by the State Homeless Shelter Cities Mitigation Fund annually, which will result in an estimated \$1.1 million in FY23. Midvale also receives an additional \$210,000 in direct State funding for crime mitigation. These two sources leave Midvale to cover the remaining \$700,000 in costs associated with the State mandated shelter. This has a huge impact on Midvale's budget. The State Shelter Mitigation Fund currently generates approximately \$5.7 million annually, which is significantly less than the cost to mitigate crime in the five communities that host shelters. Legislation is being considered to expand the mitigation fund by \$5.0 million. This expansion will also be included in the Governor's budget proposal. Midvale supports efforts to expand the State Homeless Shelter Cities Mitigation Fund and focus its resources on the State's five shelter communities.
- **Law Enforcement Costs:** Law enforcement wages have risen significantly in 2021. Midvale dedicates 47% of its general fund to law enforcement. Further wage increases and the potential for expensive changes to the retirement system for emergency service providers will impact Midvale's financial resources, diminish the City's ability to provide other services, and will require property tax increases or budget cuts. While some of these changes are warranted, Midvale is concerned

about the total increase in expenses, the rate at which the increases in expenses occur, and the method and timing for paying the costs. Midvale encourages the legislature to consider the impacts on effected cities. Midvale staff would be willing to provide any information required to support decisions related to this issue.

- **Department of Corrections Mental Health Probation Facility:** This summer Midvale was contacted by the Department of Corrections regarding their interest in using the old Work Force Services Building 7290 South State Street for a 100+ bed Mental Health Parole Facility. Midvale expressed in no uncertain terms that the proposed location was inappropriate. It is located near Midvale's highest concentration of crime, it is adjacent to a residential neighborhood, is within walking distance of the Midvale Family Shelter, and could stifle development opportunities on State Street and along the 7200 South Corridor. The Department of Corrections told Midvale City Staff in July that they will explore other options but have not explicitly said that the facility won't go in Midvale. We remain vigilant and concerned about the possibility of this facility being located in Midvale, and especially at this location. Midvale would appreciate support in discouraging the location of the proposed facility in Midvale.
- **Justice Courts:** The Midvale Justice Court has jurisdiction over Class B and Class C misdemeanors, infraction level citations, and small claims actions that occur within the boundaries of Midvale City. These include all traffic, parking, and criminal offenses. The Midvale Justice Court is committed to providing an open, fair, efficient, and independent system for the advancement of justice under the law, as well as a convenient resource for Midvale residents to access the justice system. Midvale thinks it is important to provide these services, however the Justice Court does not pay for itself and is subsidized by the City's general fund. Midvale is concerned about recent legislative proposals that would affect Justice Court revenue. Midvale is also concerned about a report that was issued by the Justice Court Reform Task Force in August that provides recommendations for major changes to justice court system. While Midvale City is open to change, the report's recommendations could negatively impact the services provided by Midvale's Justice Court and increase the burden on the general fund. Midvale would encourage the legislature to work closely with municipalities prior to adopting justice court reform policies or new policies that would negatively impact justice court revenue. Midvale City staff is willing to provided support for any discussion related justice court reform.

Economic Development and Land Use

- **Sales Tax Distribution:** Sales tax is the single largest source of revenue in the general fund. It accounts for 42% of revenue. In addition to funding City activities, sales tax is also used as the backstop for some bonds issued by Midvale. For several years, proposals to modify the sales tax distribution formula have been discussed. There has been pressure to change the formula to reward population, rather than providing revenue in the City the sales tax was collected. As a small city with a significant sales tax base, it is likely that any change to the distribution

formula that increases the amount distributed based on population will negatively impact Midvale. Midvale City would strongly oppose any formula that would modify the sales tax distribution formula.

- **Resources to Support Quality Development:** Midvale has been successful in working with the private sector to turn over 400 acres of contaminated brownfields into a mixed-use center that benefits the city, region, and state. Today the Bingham Junction and Jordan Bluffs Project Areas include the corporate headquarters for Savage, Overstock, FLSmidth, CHG Healthcare, and Zagg, as well as major facilities for Intermountain Healthcare and Zions Bank. In addition to the office uses, the project areas include 3,000 units of housing, with a mix of types and income levels. In order to facilitate this transformation Midvale utilized state approved financial tools, including Community Reinvestment Areas, the State Infrastructure Bank, and direct transportation funding allocations. In addition to the continued development of the Bingham Junction and Jordan Bluffs Project Areas, other areas such as the 7200 South Corridor and State Street require public and private investment to transform into vibrant mixed-use corridors that support the needs of current and future residents, as well as addressing issues of crime and blight. In order to achieve this vision, ongoing state participation will be required. Midvale would encourage the State's ongoing support for Community Reinvestment Areas (CRAs), the State Infrastructure Bank (SIB), and Housing and Transit Reinvestment Zones (HTRZs). These tools support the development of parking structures, mixed-use development, and public infrastructure that create great neighborhoods, but that are not achievable by through the partnership of Cities and the private sector alone.
- **Point of the Mountain Development:** A partnership between Midvale City, local taxing entities, and the State of Utah have invested in converting over 400 acres of contaminated brownfields into a mixed-use center that benefits the city, region, and state. These investments were sufficient to overcome the barriers to development associated with the brownfields, but not enough to give developers a windfall. Midvale is concerned that State policies may give advantages to the development at the Point of Mountain that will hurt the ability of Midvale and other communities to compete in the market. Midvale would encourage the State to hold the development of the Point of the Mountain to the same standards, tools, and resources available to other communities and not provide subsidies that would unfairly affect the market.
- **Land Use Control:** Midvale has experienced significant growth over the past decade in both residential and commercial development. Recent changes to land use regulations by the legislature have been concerning because they are broad in nature and do not take into account the unique character of neighborhoods or communities. Midvale has supported residential development, including mixed-income communities and varying unit types. We recognize that not every community has planned for or acted on addressing Utah's housing crisis, however Midvale would encourage the legislature to consider incentivizing needed

development rather than creating one size fits all legislation. Midvale feels strongly that land use regulation is one of municipal governments most important roles, because it is closest to the people.

Bills:

- **Catalytic Converter Theft – Support**
 - This bill puts catalytic converter sales in code and treats the businesses that buy them similarly to other secondhand dealers like pawn shops
- **Citation Fines Amendments – Oppose**
 - This bill requires that a fine collected by a justice court for certain violations. Issued by the Utah Highway Patrol be paid to the General Fund. This would reduce Midvale's revenue by \$100,000.
- **Public Safety Retirement Amendments – TBD**
 - The bill will do the following three things:
 - Change tier 2 public safety retirement back to the tier 1 system.- This will be an additional annual cost to the City
 - Backfill the tier 2 retirement benefits for current employees to make them on par with the tier 1 system – This will be a one-time cost to the City
 - Shorten the one year separation period for reentering the Utah retirement system from one year to 60 days – This will be an annual cost to the City
- **Economic Development Modifications – Oppose**

This bill would prohibit providing financial support for retail operations or development. The bill includes a long list of exceptions.

Mayor Robert Hale called the business meeting to order at 6:39 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. UNIFIED FIRE REPORT

Chief Brad Larson said UFA is starting their recruitment for 2023. He said nearly 90% of Unified Fire staff have been vaccinated for COVID-19. The new fire station is making progress and starting to look like a building. Unified Fire has started a multi-family residential fire mitigation in the fire prevention division. Nationally and in the state of Utah, more fires are started in apartments and single-family homes than anywhere else. The number one cause of fire is cooking. They will be distributing fliers to all apartments with good fire safety tips and will post the same on their website. Their hope is to make the program more robust in the future.

II. PUBLIC COMMENTS

Adam Neil said they are looking for places to worship. He said they would like to use the Midvale Community Center; however, it is not open on Sundays. He said he would like to find a way to make it easier to schedule the community center. He said he had heard that the fees to rent the community center may go up. He said he was afraid if the fees go up, the community center won't get rented out.

Matt Dahl said the fees and events held at the community center are currently being evaluated.

III. COUNCIL REPORTS

A. Council Member Paul Glover – thanked staff for Christmas Tree lighting event.

B. Council Member Dustin Gettel – said he enjoyed the tree lighting event. He thanked staff for the work that went into the event. He said the state is offering 4 hours mental health time off per year, which he thought was a great idea. He said he would also like to see an incentive from the city's insurance provider for employees and their family members getting vaccinated.

Rori Andreason said Select Health is currently offering \$100.00 to get vaccinated.

C. Council Member Quinn Sperry – Had nothing to report.

D. Council Member Bryant Brown – said he received complaints about leaf pickup and bulky waste pickup. He said he would like to move the fall pickup to mid-November. He said he has a group in Midvale looking for somewhere to store their float.

E. Council Member Heidi Robinson – Thanked the staff for the Christmas event.

IV. MAYOR REPORT

Mayor Robert Hale thanked Unified Fire station 126 for attending the meeting and thanked them for their service. He said today marked the 80th anniversary of the attack on Pearl Harbor. He encouraged everyone to give the veterans a big thank you for their service. He said he attended a ribbon cutting of a new business that praised the Midvale staff. He said he also attended a high school play, which was done with great enthusiasm. The new auditorium is wonderful, and he encouraged everyone to attend a play. The Community and Economic Development Advisory Council Committee at Salt Lake County has a volunteer opportunity to represent Midvale City. If interested apply at **APPLY NOW AT SLCO.ORG/BOARDS**.

V. CITY MANAGER REPORT

Matt Dahl thanked staff for the tree Lighting event on Main Street. He said Cody Hill did a great job.

Rori Andreason said in preparation for review of the ranked choice voting comparison to traditional voting she spoke with Sherrie Swensen who is currently compiling a more in depth report to assist with that comparison. Once that information is received, that discussion can take place. She also said the State Legislature needs to address an issue with the new district boundaries. The County will proceed with adjusting their precincts so when the legislature addresses that boundary issue, the cities can proceed with their redistricting process.

VI. DEPARTMENT REPORTS

A. COMMUNITY DEVELOPMENT/RDA REPORT

Nate Rockwood said he is dealing with an unfortunate technical issue regarding business license renewals. They have new staff, and they are in the process of running the renewal notices. There are some irregularities of fees and renewal amounts. These notices were held not send out. The problem has been corrected so they will now be sent out. They are taking steps to put checks and balances in place to make sure this doesn't happen in the future. He said businesses will not be penalized with late fees due to the notices being sent out late. He said he was happy with the tree Light event and the staff that put the event together. He said they are trying to create a feel for the community to be special.

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

VII. PUBLIC HEARINGS

A. CONSIDER AN AMENDMENT TO THE MIDVALE CITY MUNICIPAL CODE RELATING TO FENCING OF SOLAR ARRAYS, CHAPTER 17-7-10.12

Adam Olson said the City proposes an amendment to Chapter 17-7-10.12 (Jordan Bluffs Subareas 1-3) of the Municipal Code. The requested amendment would allow non-obscuring, open fencing around solar energy systems located within open space areas of Jordan Bluffs Subareas 1-3. Any fencing would be limited to 7' in height.

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

The Planning Commission reviewed the request at their November 10, 2021 meeting and recommended approval of the amendment to the City Council.

STAFF ANALYSIS:

-AMENDMENTS TO THE ZONING CODE OR MAPMidvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

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

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

Response: The request is not for a rezone; rather, an amendment to allow non-obscuring, open fencing material around solar arrays within the JB 1-3 zone.

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

Response: This criterion is not applicable as the underlying, existing zone designation is appropriate to the site and overall area.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

Response: This criterion is not applicable. The area is undergoing development and the requested amendment allows a safety feature for solar arrays.

STAFF RECOMMENDATION:

Based on the requirements of Chapter 17-3-1.E of the Midvale City Municipal Code Staff recommends approval of the amendment. A finding is offered for consideration:

1. Non-obscuring, open fencing of solar energy systems located within open space areas of Jordan Bluffs Subareas 1-3 will allow a measure of safety for the systems while keeping the intended open space for such areas.

The Council wants to make sure it is well maintained and doesn't just have chain-link fence around it.

Mayor Hale opened the hearing to public comment. There were no comments.

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

ACTION: APPROVE AMENDMENT TO THE MIDVALE CITY MUNICIPAL CODE RELATING TO FENCING OF SOLAR ARRAYS, CHAPTER 17-7-10.12

MOTION: Council Member Dustin Gettel MOVED to approve Ordinance No. 2021-O-24 amending Chapter 17-7-10.12 of the Midvale City Municipal Code with the finding noted in the staff report and with the prohibition of

chain link fencing as discussed. 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	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 Quinn Sperry **MOVED** to open the public hearing. 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.

B. CONSIDER AN AMENDMENT TO THE MIDVALE CITY MUNICIPAL CODE RELATING TO LANDSCAPING SETBACKS, CHAPTER 17-7-10.11

Adam Olson said the applicant, Wasatch Residential Group, requests an amendment to Chapter 17-7-10.11 (Jordan Bluffs Subarea 4) of the Municipal Code. The requested amendment would reduce the required landscape setback area/build-to line along Seghini Drive from thirty feet (30') to twenty feet (20').

The applicant requests this change as they propose a residential product with front porch entrances along Seghini Drive. A 20' setback, they feel, will create a better streetscape by bringing the structures closer to the road. The applicant has an adjacent development (ParcView), along the northeast portion of Seghini Drive, with a 20' landscape setback. Per the Code, this area consisting of ParcView (Area A in the Code) is exempt from the 30' landscape setback requirement (see map in Exhibit A). However, another adjacent development, directly east across Seghini Drive (Reserve at View 78) has adhered to the 30' setback as it falls outside of the exempt "Area A" as identified in the Code.

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

The Planning Commission reviewed the request at their November 10, 2021 meeting and recommended approval of the amendment to the City Council.

STAFF ANALYSIS:

-AMENDMENTS TO THE ZONING CODE OR MAP Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

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

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

Response: The request is not for a rezone; rather, an amendment to allow residential structures to be placed closer to Seghini Drive.

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

Response: This criterion is not applicable as the underlying, existing zone designation is appropriate to the site and overall area.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

Response: Adjacent residential development to the northeast has been constructed with a 20' landscape setback/build-to line. Adjacent residential development to the east has been constructed with a 30' landscape setback/build-to line. Both adjacent developments adhere to Code requirements for their respective sites. A 30' landscape setback/build-to line will remain along Bingham Junction Boulevard and Ivy Drive.

STAFF RECOMMENDATION:

Based on the requirements of Chapter 17-3-1.E of the Midvale City Municipal Code and existing development patterns found directly east and northeast of the site, Staff can support amending the Code by reducing the landscape setback/build-to line to 20'. A finding for approval is offered below:

1. Adjacent development to the northeast, along Seghini Drive, has been constructed with a 20' landscape setback/build-to line. Amending the Code to allow a reduction along the remainder of Seghini Drive will create a cohesive development pattern of structures closer to the street.

Council Member Dustin Gettel asked about one development of 20 feet and the other development at 30 feet. How is that possible being so close to each other.

Adam Olsen said on one development there was a call out for the particular development but no call out on the other development

Mayor Hale opened the hearing to public comment.

Adam Langford, Developer Wasatch Langford Group, said this project has been a long time coming. The code change only affects the last phase; it does not affect Bingham Junction.

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

ACTION: APPROVE AMENDMENT TO THE MIDVALE CITY MUNICIPAL CODE RELATING TO LANDSCAPING SETBACKS, CHAPTER 17-7-10.11

MOTION: Council Member Bryant Brown MOVED to approve Ordinance 2021-O-24 Amending Chapter 17-7-10.11 of the Midvale City Municipal Code relating to landscape setbacks/build to lines of the Midvale City Municipal Code with the finding noted in the staff report. The motion was SECONDED by Council Member Heidi Robinson. Mayor Hale called for discussion on the motion.

Council Member Dustin Gettel said he struggles with this one. At Park View he knows it might look better, but he also knows the reality of the fact of the 30 feet of grass and structures are where residents walk their dogs. By reducing by 10 feet will significantly reduce green space.

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

Adam Lanford, developer, said one thing about the 30 foot reserve on Seghini is that there is a portion of the liner that is not on the liner and there is a phase that runs along Seghini. That is why the building is back 30 feet. He said no green space will be lost.

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

Mayor Hale called for a roll call vote on the motion. The voting was as follows:

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

Council Member Dustin Gettel No
The motion passed 4-1 in favor. Council Member Dustin Gettel casting the negative vote.

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

C. CONSIDER BRUCE MCMULLIN, REPRESENTING NEW STARR LLC, REQUESTS MINOR/FINAL SUBDIVISION APPROVAL TO SUBDIVIDE A DUPLEX LOCATED AT 495-497 ACOMA RD IN THE SINGLE FAMILY RESIDENTIAL/DUPLEX OVERLAY (SF-1/DO) ZONE (21-004

Elizabeth Arnold said the applicant, Bruce McMullin, requests minor/final subdivision approval to subdivide a duplex located at 495-497 Acoma Rd in the SF-1/DO zone. The project would allow for individual ownership of the two units. Public notice has been sent to property owners within 500 feet of the subject parcel. No objections have been received as of the writing of this report.

Midvale City Code 16.04.050 outlines the procedure for a minor subdivision and details that they may be subdivided in the same manner as the major subdivision. The criteria for a major subdivision are outlined in 16.04.040.

This proposal has been reviewed by Planning Staff, the City Engineer, the Unified Fire Authority, and Public Works for compliance with the respective guidelines, policies, standards, and codes.

Staff finds the proposed subdivision complies with requirements outlined in Midvale City Municipal Code 16.04.040 and 17-7-3.

STAFF RECOMMENDATION:

Approve with the following findings:

Findings:

1. The application is for a minor/final subdivision to subdivide a duplex.
2. The subject property is on a total of 0.17 acres.
3. The project area is in the SF-1/DO zone.
4. The subdivision of the property will allow for individual ownership of the two units.
5. The project complies with the minor subdivision procedure outlined in Midvale City Code 16.04.040.
6. The applicable review departments have reviewed the project and forwarded the item on for a decision by the City Council.

Mayor Hale opened the hearing to public comment. There were no comments.

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

ACTION: APPROVE BRUCE MCMULLIN, REPRESENTING NEW STARR LLC, REQUESTS MINOR/FINAL SUBDIVISION APPROVAL TO SUBDIVIDE A DUPLEX LOCATED AT 495-497 ACOMA RD IN THE SINGLE FAMILY RESIDENTIAL/DUPLEX OVERLAY (SF-1/DO) ZONE (21-004

MOTION: Council Member Dustin Gettel **MOVED** to approve the Final Subdivision located at 495-497 Acoma Rd consistent with the findings noted in the summary report. 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	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 Paul Glover **MOVED** to open the public hearing. The motion was **SECONDED** by Council Member Heidi Robinson. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

D. CONSIDER MARIA PAREDES REQUEST MINOR/FINAL SUBDIVISION APPROVAL TO SUBDIVIDE A DUPLEX LOCATED AT 7531 SOUTH BIRCH STREET IN THE SINGLE FAMILY RESIDENTIAL/DUPLEX OVERLAY (SF-1/DO) ZONE

Elizabeth Arnold said the applicant, Maria Paredes, requests minor/final subdivision approval to subdivide a duplex located at 7531 S Birch St in the SF-1/DO zone. The subject property is considered a "pre-existing lot", which Midvale City Code defines in §17-2-16. However, the subdivision does not increase the degree of nonconformity, it simply allows for individual ownership of the two units. Public notice has been sent to property owners within 500 feet of the subject parcel. No objections have been received as of the writing of this report.

Midvale City Code 16.04.050 outlines the procedure for a minor subdivision and details that they may be subdivided in the same manner as the major subdivision. The criteria for a major subdivision are outlined in 16.04.040.

This proposal has been reviewed by Planning Staff, the City Engineer, the Unified Fire Authority, and Public Works for compliance with the respective guidelines, policies, standards, and codes.

Staff finds the proposed subdivision complies with requirements outlined in Midvale City Municipal Code 16.04.040 and 17-7-3.

STAFF RECOMMENDATION:

Approve with the following findings:

Findings:

1. The application is for a minor/final subdivision to subdivide a duplex.
2. The subject property is on a total of 0.23 ACRES.
3. The project area is in the SF-1/DO zone.
4. The subject property is considered a "pre-existing lot".
5. The subdivision of the property does not increase the degree of nonconformity.
6. The subdivision of the property will allow for individual ownership of the two units.
7. The project complies with the minor subdivision procedure outlined in Midvale City Code 16.04.040.
8. The applicable review departments have reviewed the project and forwarded the item on for a decision by the City Council.

Mayor Hale opened the hearing to public comment. There were no public comments.

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

ACTION: APPROVE MARIA PAREDES REQUEST MINOR/FINAL SUBDIVISION APPROVAL TO SUBDIVIDE A DUPLEX LOCATED AT 7531 SOUTH BIRCH STREET IN THE SINGLE FAMILY RESIDENTIAL/DUPLEX OVERLAY (SF-1/DO) ZONE

MOTION: Council Member Bryant Brown **MOVED** to approve the Final Subdivision located at 7531 S Birch St consistent with the findings noted in the summary report. 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	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. CONSENT AGENDA

A. CONSIDER MINUTES OF NOVEMBER 16, 2021

B. APPROVE RESOLUTION NO. 2021-R-39 A RESOLUTION ESTABLISHING A TIME AND PLACE FOR HOLDING REGULAR CITY COUNCIL MEETINGS, DESIGNATE THE MAYOR PRO TEMPORE SCHEDULE AND ADOPT THE HOLIDAY SCHEDULE FOR THE 2022 Ro CALENDAR

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 a roll call vote. The voting was as follows:

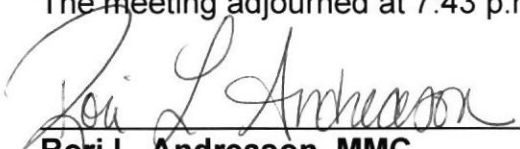
Council Member Quinn Sperry	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

IX. 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 7:43 p.m.


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

Approved this 14th day of December



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MIDVALE CITY

Meeting Date: December 7, 2021

SUBJECT: Legislative Issues

Infrastructure

- **Water, Sewer, and Storm Water Improvements:** To meet the current and future needs of Midvale residents substantial improvements to the water, sewer, and storm water systems are required. Midvale has completed long range plans for the water system. The cost of the system improvements and storage is \$25,800,000. The plan also recommended spending an additional \$2,300,000 annual for maintenance. Midvale is currently in the process of preparing long-term plans for the sewer and storm water systems, which will require millions of dollars in additional public investment. To fund the water and sewer improvements Midvale has increased user fees and committed the use of its allocation of ARPA funding. Midvale has applied for, and will continue to seek, State funding opportunities. Midvale submitted an application for State ARPA funding earlier this year, but the program was oversubscribed and our application was not selected. Midvale would encourage the State to make additional ARPA funds available for infrastructure, especially water system improvements.
- **Midvale Recreation Center:** Midvale City and its residents have expressed a strong desire to build a new recreation center and pool. Midvale does not currently have a competition sized public pool and the Copperview Recreation Center will need to be replaced or renovated in the next decade. Midvale commenced discussions with Salt Lake County in 2017 in hopes of receiving an allocation of ZAP funds in 2026, however this is a competitive process. Midvale has allocated a substantial amount of funding for project planning and matching requirements. The Canyons School District has also committed over a million dollars to the project. Similar projects constructed throughout Salt Lake County have exceeded \$40 million to construct. Midvale is exploring all options available to fund the construction and operation of the recreation center.
- **Active Transportation:** Midvale City is focusing on creating an active transportation network within Midvale City. Midvale has adopted the Mid-Valley Active Transportation Plan, which identified bike routes that would serve and connect several different communities in Salt Lake County. Midvale has begun a process of developing more in-depth plans that will help implement the proposals included in the Mid-Valley Active Transportation Plan. The improvements needed to implement dedicated bike and pedestrian facilities can be costly, and Midvale will pursue all available funding opportunities. Midvale would encourage the expansion of resources provided by the State to support active transportation.

Law Enforcement and Justice Courts

- **Homeless Shelter and 7200 South Corridor - Community Impacts and Funding:** Midvale is home to the largest homeless shelter in the State. Midvale's law enforcement related expenses associated with the shelter and the adjacent 7200 South corridor exceeds \$2,000,000 annually. Midvale receives 20% of the funds generated by the State Homeless Shelter Cities Mitigation Fund annually, which will result in an estimated \$1.1 million in FY23. Midvale also receives an additional \$210,000 in direct State funding for crime mitigation. These two sources leave Midvale to cover the remaining \$700,000 in costs associated with the State mandated shelter. This has a huge impact on Midvale's budget. The State Shelter Mitigation Fund currently generates approximately \$5.7 million annually, which is significantly less than the cost to mitigate crime in the five communities that host shelters. Legislation is being considered to expand the mitigation fund by \$5.0 million. This expansion will also be included in the Governor's budget proposal. Midvale supports efforts to expand the State Homeless Shelter Cities Mitigation Fund and focus its resources on the State's five shelter communities.
- **Law Enforcement Costs:** Law enforcement wages have risen significantly in 2021. Midvale dedicates 47% of its general fund to law enforcement. Further wage increases and the potential for expensive changes to the retirement system for emergency service providers will impact Midvale's financial resources, diminish the City's ability to provide other services, and will require property tax increases or budget cuts. While some of these changes are warranted, Midvale is concerned about the total increase in expenses, the rate at which the increases in expenses occur, and the method and timing for paying the costs. Midvale encourages the legislature to consider the impacts on effected cities. Midvale staff would be willing to provide any information required to support decisions related to this issue.
- **Department of Corrections Mental Health Probation Facility:** This summer Midvale was contacted by the Department of Corrections regarding their interest in using the old Work Force Services Building 7290 South State Street for a 100+ bed Mental Health Parole Facility. Midvale expressed in no uncertain terms that the proposed location was inappropriate. It is located near Midvale's highest concentration of crime, it is adjacent to a residential neighborhood, is within walking distance of the Midvale Family Shelter, and could stifle development opportunities on State Street and along the 7200 South Corridor. The Department of Corrections told Midvale City Staff in July that they will explore other options, but have not explicitly said that the facility won't go in Midvale. We remain vigilant and concerned about the possibility of this facility being located in Midvale, and especially at this location. Midvale would appreciate support in discouraging the location of the proposed facility in Midvale.
- **Justice Courts:** The Midvale Justice Court has jurisdiction over Class B and Class C misdemeanors, infraction level citations, and small claims actions that occur within the boundaries of Midvale City. These include all traffic, parking, and criminal offenses. The Midvale Justice Court is committed to providing an open, fair, efficient, and independent system for the advancement of justice under the law, as well as a convenient resource for Midvale residents to access the justice system. Midvale thinks it is important to provide these services, however the Justice Court does not pay for itself and is subsidized by the

City's general fund. Midvale is concerned about recent legislative proposals that would affect Justice Court revenue. Midvale is also concerned about a report that was issued by the Justice Court Reform Task Force in August that provides recommendations for major changes to justice court system. While Midvale City is open to change, the report's recommendations could negatively impact the services provided by Midvale's Justice Court and increase the burden on the general fund. Midvale would encourage the legislature to work closely with municipalities prior to adopting justice court reform policies or new policies that would negatively impact justice court revenue. Midvale City staff is willing to provide support for any discussion related justice court reform.

Economic Development and Land Use

- **Sales Tax Distribution:** Sales tax is the single largest source of revenue in the general fund. It accounts for 42% of revenue. In addition to funding City activities, sales tax is also used as the backstop for some bonds issued by Midvale. For several years, proposals to modify the sales tax distribution formula have been discussed. There has been pressure to change the formula to reward population, rather than providing revenue in the City the sales tax was collected. As a small city with a significant sales tax base, it is likely that any change to the distribution formula that increases the amount distributed based on population will negatively impact Midvale. Midvale City would strongly oppose any formula that would modify the sales tax distribution formula.
- **Resources to Support Quality Development:** Midvale has been successful in working with the private sector to turn over 400 acres of contaminated brownfields into a mixed-use center that benefits the city, region, and state. Today the Bingham Junction and Jordan Bluffs Project Areas include the corporate headquarters for Savage, Overstock, FLSmidth, CHG Healthcare, and Zagg, as well as major facilities for Intermountain Healthcare and Zions Bank. In addition to the office uses, the project areas include 3,000 units of housing, with a mix of types and income levels. In order to facilitate this transformation Midvale utilized state approved financial tools, including Community Reinvestment Areas, the State Infrastructure Bank, and direct transportation funding allocations. In addition to the continued development of the Bingham Junction and Jordan Bluffs Project Areas, other areas such as the 7200 South Corridor and State Street require public and private investment to transform into vibrant mixed-use corridors that support the needs of current and future residents, as well as addressing issues of crime and blight. In order to achieve this vision, ongoing state participation will be required. Midvale would encourage the State's ongoing support for Community Reinvestment Areas (CRAs), the State Infrastructure Bank (SIB), and Housing and Transit Reinvestment Zones (HTRZs). These tools support the development of parking structures, mixed-use development, and public infrastructure that create great neighborhoods, but that are not achievable by through the partnership of Cities and the private sector alone.
- **Point of the Mountain Development:** A partnership between Midvale City, local taxing entities, and the State of Utah have invested in converting over 400 acres of contaminated brownfields into a mixed-use center that benefits the city, region, and state. These investments were sufficient to overcome the barriers to development associated with the

brownfields, but not enough to give developers a windfall. Midvale is concerned that State policies may give advantages to the development at the Point of Mountain that will hurt the ability of Midvale and other communities to compete in the market. Midvale would encourage the State to hold the development of the Point of the Mountain to the same standards, tools, and resources available to other communities and not provide subsidies that would unfairly affect the market.

- **Land Use Control:** Midvale has experienced significant growth over the past decade in both residential and commercial development. Recent changes to land use regulations by the legislature have been concerning because they are broad in nature and do not take into account the unique character of neighborhoods or communities. Midvale has supported residential development, including mixed-income communities and varying unit types. We recognize that not every community has planned for or acted on addressing Utah's housing crisis, however Midvale would encourage the legislature to consider incentivizing needed development rather than creating one size fits all legislation. Midvale feels strongly that land use regulation is one of municipal governments most important roles, because it is closest to the people.

Bills:

- **Catalytic Converter Theft – Support**
 - This bill puts catalytic converter sales in code and treats the businesses that buy them similarly to other second hand dealers like pawn shops
- **Citation Fines Amendments – Oppose**
 - This bill requires that a fine collected by a justice court for certain violations. Issued by the Utah Highway Patrol be paid to the General Fund. This would reduce Midvale's revenue by \$100,000.
- **Public Safety Retirement Amendments – TBD**
 - The bill will do the following three things:
 - Change tier 2 public safety retirement back to the tier 1 system.- This will be an additional annual cost to the City
 - Backfill the tier 2 retirement benefits for current employees to make them on par with the tier 1 system – This will be a one time cost to the City
 - Shorten the one year separation period for reentering the Utah retirement system from one year to 60 days – This will be an annual cost to the City
- **Economic Development Modifications – Oppose**
 - This bill would prohibit providing financial support for retail operations or development. The bill includes a long list of exceptions

VOLUNTEER OPPORTUNITY

Community and Economic Development Advisory Council



Increase affordable
housing inventory for
all County residents



Review applications
from municipalities and
nonprofits in weekly
meetings



Recommend grants
help expand affordable
housing, housing
rehabilitation, economic
development, and more

APPLY NOW AT SLCO.ORG/BOARDS