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

MIDVALE CITY COUNCIL REGULAR MEETING
AGENDA
August 23, 2022

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **23rd day of August, 2022** 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. 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 August 22nd. 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

- Gang Presentation ***[Unified Police Department]***
- Appointment of Assistant City Manager ***[Matt Dahl, City Manager]***
- Report on Recent Concerns ***[Matt Dahl, City Manager]***

7:00 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 Bryant Brown
B. Councilmember Heidi Robinson
C. Councilmember Paul glover
D. Councilmember Dustin Gettel
E. Councilmember Quinn Sperry

IV. MAYOR REPORT

A. Mayor Marcus Stevenson

V. CITY MANAGER REPORT

VI. DEPARTMENT REPORTS

A. Administrative Services Report ***[Mariah Hill, Administrative Services Director]***

VII. CONSENT

A. Consider Minutes of August 9 and August 16, 2022 ***[Rori Andreason, H.R. Director/City Recorder]***

B. Set date and time [September 6, 2022 at 7:00 p.m.] for a public hearing to Consider Amending the FY2023 Midvale City Fee Schedule ***[Mariah Hill, Administrative Services Director]***

VIII. ACTION ITEMS

A. Consider ***Resolution No. 2022-R-38*** Confirming the Mayoral Appointment of Nate Rockwood as the Midvale Assistant City Manager for Midvale City ***[Mayor Marcus Stevenson]***

B. Consider ***Resolution No. 2022-R-39*** Adopting Updated Rules and Regulations for the Cemetery and to Allow for the Installation of Upright Headstones (Markers) ***[Jerimie Thorne, Deputy Director of Public Works]***

C. Consider ***Resolution No. 2022-R-40*** Approving the Use of Funds from the Bingham Junction RDA to fund the City Hall Plaza Project ***[Kate Andrus, Redevelopment Agency Program Manager]***

D. Discuss and Consider ***Resolution No. 2022-R-41*** Authorizing the Execution of a Right of Way Lease Agreement with 4th Ave & Main LLC and Waiver of the Associated Annual Rent for use of an Existing Bulb Out Located on the West Side of the Building at 7567 South Main Street ***[Kate Andrus, Redevelopment Agency Program Manager]***

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 days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at 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.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: AUGUST 18, 2022

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

COUNCIL MEETING
Minutes

Tuesday August 9, 2022
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Glen Kennedy, Public Works Director; Nate Rockwood, Community Development Director; Mariah Hill, Administrative Services Director; Laura Magness, Communications Director; Jerimie Thorne, Deputy Public Works Director; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Josh Short, IT Technician.

6:00 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:05 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

B. ROLL CALL - Council Members Heidi Robinson, Dustin Gettel, Bryant Brown, Paul Glover were present at roll call. Council Member Quinn Sperry arrived at 6:35 p.m.

C. UNIFIED POLICE REPORT

Chief Randy Thomas reported that the statistics were not ready, but the trend is consistent providing the ability to identify where the case loads are. He congratulated the Harvest Days Committee for a very successful celebration. In his opinion it was the most family friendly Harvest Days of all time. He said a month ago, the Canyon School District requested an additional school resource officer. They want to dedicate the existing school officer to the middle school. It probably won't get passed this year since they pay only a portion of the school resource officer salary. It will stay status quo; same as last year. The option has been sent to Canyons to keep it as is for this year. He said the Dare program is an awesome event. They are working on school crossing enforcement and dedicating

PENDING

officers to the school zones. He said on August 23rd they will give a gang awareness update.

II. PUBLIC COMMENTS

There was no one who desired to speak.

III. COUNCIL REPORTS

A. Council Member Bryant Brown – thanked everyone that made Harvest Days possible. Unfortunately, he had COVID and was unable to attend. His kids were in the parade and enjoyed it. He said the comments from the block parties that he was able to attend, were concerns about the MODA Apartment Complex.

B. Council Member Heidi Robinson – thanked the Harvest Days committee and city staff that handled the event.

C. Council Member Paul Glover - thanked everyone that participated and helped with Harvest Days. He said he had a great time, and it was a lot of fun. He felt holding Bingo on Saturday brought more people to Harvest Days.

D. Council Member Dustin Gettel – said Harvest Days was a success as usual. He thanked the Fire Department for watching out for the fireworks. There were some complaints about the mural on main street with the minor that depicts an incorrect street section of pioneer and main. He has received 6-8 complaints about it. He asked if the artist would consider changing it to be more accurate.

Matt Dahl stated it is open to more discussion on the mural. It is not good practice to go back and edit the art after the fact. The artist stayed within the rules of the contract. He said he recognizes the concerns that the citizens have.

E. Council Member Quinn Sperry – absent.

IV. MAYOR REPORT

Mayor Stevenson said he attempted to attend all of the block parties. Wednesday was great to honor Kane Loader, long time city manager. He thanked the Unified Fire and Police for keeping everyone safe during the Harvest Days events. He also thanked Midvale city staff for their efforts. He added a special thanks to the Art Council for their work and the Harvest Days Committee.

V. CITY MANAGER REPORT

Matt Dahl also thanked everyone for their work with Harvest Days. He said he would have the committee come to a city council meeting to discuss Harvest Days this year and next year. He said he has a to do list from the block parties and will be reaching out to the citizen concerns. There was discussion on some of the telecommunication boxes that are in the right of way and do not look good. There are a few things that the city can do regarding the telecommunication boxes with the city code, and staff is currently working on this.

PENDING

VI. DEPARTMENT REPORTS

A. PUBLIC WORKS DEPARTMENT REPORT

Glen Kennedy reported on the Public Works Department.

UOSHA performed a comprehensive review and inspection of Public Works Safety Program(s) last month. This included individual interviews with random frontline staff, requests and reviews of program and training documentation, and physical inspections of the majority of Public Works specific sites/facilities.

Overall, Public Works is in a good spot with our safety programs. There were a few follow-up items and a few programs needing to be updated, overhauled, or created. Assignments have been distributed with good progress towards completion.

Vehicle Supply Chain

- There are eight F-150's for replacement this year (some carried over from last year). Ford recently opened the plant for F-150 builds, and the city has until August 16th to place orders. The Fleet Manager is working closely with the Ford rep to make sure we get our orders in.
- Ford has dramatically reduced the rebates for government agencies. Dodge is not offering any rebates and Chevrolet is not allowing any discounted builds. The Fleet Manager believes we can cover the cut in Ford's rebate by downsizing a few vehicles and the anticipated higher surplus values. Staff is monitoring this closely.

Staffing issues:
Facilities – Brian Hullinger moved from the Backflow Tech position in water, to the Facilities Tech position.

Streets – Currently has two open positions (40% of their staffing)

Water – Currently has three positions open (38% of their staffing)

Senior Van Driver – Bob Lawrence is retiring at the end of week. Other divisions will fill in until a replacement can be found.

Applicants are hard to come by and five of the last six scheduled interviews have either cancelled or simply no showed. He is anticipating being short staffed for a while.

Harvest Days Numbers:
So far there are 47 work orders entered into the Iworqs system associated with Harvest Days, ranging from parade route prep, attending planning meetings, purchasing, and delivering supplies, prepping the grounds and facilities, schedules shifts on the day of the event, setup/take down, clean-up the week following etc.

Up to this point Public Works has put in 411 labor hours for this year's event and 108 of those were outside of normal work hours/shifts.

PENDING

He wanted to give a big thanks to the Public Works staff – all of which had a hand in pulling off Harvest Days, and especially to the 22 of them that sacrificed one of the few summer weekends they have with their families before school starts back-up.

Council Member Dustin Gettel asked if the city is still maintaining the park strip on Bingham Junction buildout to 700 west?

Glen Kennedy said yes, the city is maintaining that.

Council Member Dustin Gettel said the weeds are very bad there and it needs to be addressed.

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

VII. PUBLIC HEARING

A. CONSIDER AMENDMENTS TO TITLE 17 OF THE MIDVALE CITY MUNICIPAL CODE TO ADDRESS LICENSURE OF CHILD CARE CENTERS AND CHILD CARE FACILITIES WITHIN THE CITY

Adam Olsen said the city proposes an amendment to the above listed chapters of the Municipal Code. The amendment removes the requirement for proof of a state childcare license and requires in its place a city business license. HB 15 approved this past legislative session, states in part, that a municipality cannot "enact or enforce an ordinance that: (a) imposes licensing or certification requirements for a childcare program…". To ensure compliance with this recent revision enacted by HB 15, the city proposes to remove the requirement in our Code for proof of state licensure.

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 June 22, 2022 meeting and recommended approval of the amendment to the City Council.

STAFF ANLYSIS:
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):

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 remove the requirement for proof of state licensure.

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

Response: This criterion is not applicable.

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

Response: This criterion is not applicable.

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. Approval of the amendment will bring the City into compliance with the applicable portion of HB 15, by removing the proof of state licensure requirement.

Mayor Stevenson 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 Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The motion passed unanimously.

ACTION: Consider Ordinance No. 2022-O-13 AN ORDINANCE AMENDING CHAPTERS 17-7-1.10.B.1.a(i) SINGLE FAMILY RESIDENTIAL ZONE (SF-1), 17-7-2.10.B.1.a(i) SINGLE FAMILY RESIDENTIAL ZONE (SF-2), 17-7-3.10.B.1.a(i) MULTIFAMILY RESIDENTIAL-MEDIUM DENSITY ZONE (RM-12), 17-7-4.10.B.1.a(i) MULTIFAMILY RESIDENTIAL-MEDIUM TO HIGH DENSITY ZONE (RM-25), 17-7-5.8.B.1.a(i) MIXED-USE ZONE, 17-7-7.11.B.1.a(i) STATE STREET ZONE (SSC), 17-7-15.12.B.1.a(i) STATE STREET OVERLAY ZONE (SSOZ), 17-7-8.11.B.1.a(i) TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD), 17-7-9.9.B.1.a(i) BINGHAM JUNCTION ZONE (BJ), 17-7-10.11.2.B.2.a(i) JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT, 17-7-10.12.12.A(1) JORDAN BLUFFS SUBAREAS 1-3 DEVELOPMENT, 17-7-12.9.B.1.a(i) REGIONAL COMMERCIAL RESIDENTIAL OVERLAY, 17-7-13.9.B.1.a(i) CLEAN INDUSTRIAL ZONE (CI), 17-7-17.11.B.1.a(i) TRANSIT-ORIENTED DEVELOPMENT OVERLAY ZONE (TODO) OF THE MIDVALE CITY MUNICIPAL CODE.

PENDING

MOTION: Council Member Bryant Brown MOVED to Approve Ordinance No. 2022-O-13 Approving the amendment as provided in Exhibit A, with the finding noted in the staff report. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

Council Member Dustin Gettel said he would vote yes but wanted everyone to know he thinks this is a horrible idea.

VII. CONSENT AGENDA

A. CONSIDER MINUTES OF JULY 19, 2022

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

Council Member Quinn Sperry	**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.

Council Member Quinn Sperry arrived at 6:35 p.m.

VIII. ACTION ITEMS

A. CONSIDERATION AND DIRECTION REGARDING MIDVALE'S ROLE AS A MEMBER OF THE UNIFIED POLICE DEPARTMENT

Matt Dahl said Midvale City joined the Unified Police Department (UPD) in 2011. At that time, the UPD model of operating local precincts and sharing regional services (HR, Legal, SWAT, K9, investigations, forensics, evidence, etc.) with UPD Member Communities allowed for Midvale to continue the high level of service expected by its residents and achieve significant cost savings for the City's general fund. In 2011, Midvale City's UPD member fee was $5,321,734. In Midvale's FY2023 budget, Midvale's UPD annual member fee increased by $1,911,967 over FY2022, resulting in the current member fee of $11,786,484.

Given the significant impact that law enforcement has on Midvale City's budget, UPD's system of governance and Midvale's role within that system have been issues of concern. The basic rules of governance for UPD are outlined in an interlocal agreement, of which

all UPD Member Communities are a party. As outlined in the interlocal agreement, UPD is governed by a Board of Directors with representation from the UPD Member Communities. The UPD Board currently has eleven members, with Salt Lake County being the only community with two members. Currently, each member has an equal vote on non-budgetary issues and a weighted vote for the approval of the budget and budget amendments.

In June, Mayor Stevenson, with the support of the City Council, cast the sole "no" vote during the adoption of UPD's FY2023 budget. Midvale's dissenting vote was the result of dissatisfaction with the budget process and the subsequent $1,911,967 increase in Midvale's member fee. This outcome has raised concerns among the Mayor, Council, and staff regarding Midvale's ability to meaningfully influence budgetary decisions within UPD, which in turn dictate how nearly half of the City's general fund is spent each year.

Following the vote on the UPD Budget, staff spoke individually with City Council members to gather their opinions regarding the outcome of the budget process, as well as on any other issues they had with the finances or governance of the Unified Police Department. One area of commonality among the City Council, Mayor, and Staff is their appreciation for the professionalism, dedication, and hard work provided by UPD's officers, as well as recognition that we still receive the high level of service that was promised when Midvale joined UPD. Among a subset of City Council members there was support for the goal of bolstering the shared services model of law enforcement through Unified Police Department reforms that increase transparency, reinforce cost controls, and enhance the devolution of the community precincts. Following the meetings with the City Council members, staff began speaking with the UPD Administration and members of the UPD Board of Directors about Midvale's concerns. Based on those discussions, staff has prepared a list of potential UPD reform concepts for consideration by the City Council.

1. Budget Process Changes and Cost Controls: The UPD budget process should be modified to encourage greater transparency, provide early and reliable data that supports the annual budget processes of UPD's member communities, and incorporate procedural steps to establish cost expectations and controls. In support of these changes, additional detail should be provided on the financial and operational performance of UPD's shared services to support the UPD Board's efforts to strategically control costs.

2. Organizational Evaluation: An independent review of the operations and financial performance of UPD's shared services should be conducted to support the UPD Board's evaluation and decisions of the organization's annual budget.

3. Fund Balance. UPD must establish policies regarding its use of fund balance associated with the shared services. The shared services fund balance should be maintained at a level that is sufficient to insulate members from significant financial impacts during emergencies but should not be a regular tool for funding ongoing expenses or amassed without specific organizational goals. As a member-funded organization, the transparent, strategic, and effective use of members' fees, including fund balance, should be a top organizational priority. Beyond the aggregated fund

balance of shared services, the fund balance of the precincts should be left largely under the control of the individual member communities.

4. Local Branding Emphasis. The branding of equipment and uniforms for officers operating primarily in community precincts should emphasize the community. This change is intended to emphasize the primary responsibility of the local precinct to the community it serves. This change does not need to be completed immediately, but over time as equipment is replaced.

It should be noted that staff prepared a memo with a different set of reform proposals to facilitate a discussion during the July 19, 2022 City Council meeting. That discussion was tabled at the request of staff. The reforms proposed by staff have changed based on subsequent discussions with UPD stakeholders.

During the City Council meeting, staff will provide additional detail on the proposed reforms to facilitate the Council Member's discussion. Staff will seek direction on the following questions through the approval of a motion or motions:

1. How should Midvale Proceed to address issues with the UPD Budget process, cost, controls, and governance.

2. If Midvale is to seek UPD reforms, what are Midvale City's priorities?

3. If Midvale is to seek UPD reforms, how should that be communicated to UPD and its Community Members?

Consideration and Direction Regarding Midvale City's Role as a Member of the Unified Police Department.

Unified Police Department Reform August 9, 2022.
Evaluation of Options

- Control
- Cost
- Service

Member and Fee Costs:

PENDING

Member Fee and Costs

Fiscal Year	Member Fee	Member Cost	Precinct Cost	Shared Service Cost
2012	$5,108,578	$5,792,147	$4,555,322	$1,236,825
2013	$5,321,734	$6,048,386	$4,527,831	$1,520,555
2014	$5,590,372	$6,396,127	$4,562,658	$1,833,469
2015	$5,978,368	$6,646,006	$4,621,835	$2,024,171
2016	$6,070,016	$6,729,496	$4,582,709	$2,146,787
2017	$6,439,006	$7,105,950	$4,807,700	$2,298,250
2018	$6,863,884	$7,286,367	$4,956,425	$2,329,942
2019	$8,095,434	$8,545,147	$5,916,845	$2,628,302
2020	$9,011,469	$9,575,296	$6,205,725	$3,369,571
2021	$8,877,323	$9,560,441	$6,087,175	$3,473,266
2022	$9,874,517	$10,702,105	$6,997,287	$3,704,818
2023	$11,351,484	$11,982,272	$7,697,100	$4,285,172

Member Fee and Costs

Fiscal Year	Member Fee	Member Cost	Precinct Cost	Shared Service Cost
2012	$5,108,578	$5,792,147	$4,555,322	$1,236,825
2013	$5,321,734	$6,048,386	$4,527,831	$1,520,555
2014	$5,590,372	$6,396,127	$4,562,658	$1,833,469
2015	$5,978,368	$6,646,006	$4,621,835	$2,024,171
2016	$6,070,016	$6,729,496	$4,582,709	$2,146,787
2017	$6,439,006	$7,105,950	$4,807,700	$2,298,250
2018	$6,863,884	$7,286,367	$4,956,425	$2,329,942
2019	$8,095,434	$8,545,147	$5,916,845	$2,628,302
2020	$9,011,469	$9,575,296	$6,205,725	$3,369,571
2021	$8,877,323	$9,560,441	$6,087,175	$3,473,266
2022	$9,874,517	$10,702,105	$6,997,287	$3,704,818
2023	$11,351,484	$11,982,272	$7,697,100	$4,285,172

Member Fee and Costs

Fiscal Year	Member Fee	Member Cost	Precinct Cost	Shared Service Cost
2012	$5,108,578	$5,792,147	$4,555,322	$1,236,825
2013	$5,321,734	$6,048,386	$4,527,831	$1,520,555
2014	$5,590,372	$6,396,127	$4,562,658	$1,833,469
2015	$5,978,368	$6,646,006	$4,621,835	$2,024,171
2016	$6,070,016	$6,729,496	$4,582,709	$2,146,787
2017	$6,439,006	$7,105,950	$4,807,700	$2,298,250
2018	$6,863,884	$7,286,367	$4,956,425	$2,329,942
2019	$8,095,434	$8,545,147	$5,916,845	$2,628,302
2020	$9,011,469	$9,575,296	$6,205,725	$3,369,571
2021	$8,877,323	$9,560,441	$6,087,175	$3,473,266
2022	$9,874,517	$10,702,105	$6,997,287	$3,704,818
2023	$11,351,484	$11,982,272	$7,697,100	$4,285,172

Analysis – Member Fee and Member Cost

- Member Fee Increase 2011-2022: $6,242,906 (122.2%)
- Average Member Fee Increase 2011-2022: $567,536
- Average Member Fee % Increase: 7.66%
- Member Cost Increase 2011-2022: $6,242,125
- Average Member Cost Increase: $562,738

Analysis – Precinct Cost vs. Shared Services Cost

- Precinct Cost Increase 2011-2022: $3,141,778 (69.0%)
- Average Cost Increase 2011-2022: $285,616
- Shared Services Cost Increase 2011-2022: $3,048,347 (246.5%)
- Average Cost Increase 2011-2022: $277,122

Statistics and Analysis

- Precinct Staffing
  - 2011: 40 Sworn (0 Shelter Officers)
  - 2023: 46 Sworn (9 Shelter Officers)
- General Fund Dedicated to Law Enforcement 2011-2016: 42-46%

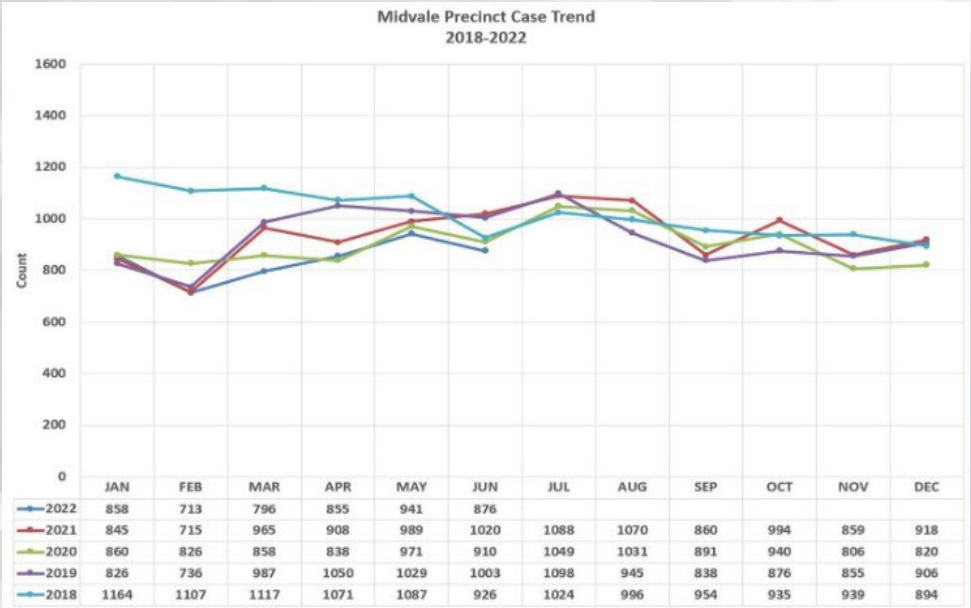
Statistics and Analysis

Regional Services

INVESTIGATIONS REGIONAL (VCU, SVU, MHU, CAR)	
JUNE 2022	
VCU:	
TOTAL ACTIVE CASES	128
NEW	5
Death Investigation	*1*
Felony Assault	*3*
Misd Assault / Threat	*1*
Robbery	-
Other / Suspicious	-
SVU:	
TOTAL ACTIVE CASES	117
NEW	18
Child Sex Abuse	*4*
Adult Sex Assault	*4*
Child Physical Abuse	*1*
Other	*4*
Missing	*2*
Runaway	*3*
MHU:	
TOTAL ACTIVE CASES	247
NEW	26
CAR:	
TOTAL CALL OUTS	5
NEW	-

SPECIAL OPS (SWAT / K-9)	
JUNE 2022	
SWAT	6
NEW	-
K-9	
NEW	16
Property Crime	*2*
Alarm	*2*
Suspicious	*3*
Lost / Missing Person	*2*
Trespassing	*1*
Disturbance	*1*
Traffic Offense	*2*
Family Offense	*1*
Medical / Fire Assist	*2*

Statistics and Analysis



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2022	858	713	796	855	941	876						
2021	845	715	965	908	989	1020	1088	1070	860	994	859	918
2020	860	826	858	838	971	910	1049	1031	891	940	806	820
2019	826	736	987	1050	1029	1003	1098	945	838	876	855	906
2018	1164	1107	1117	1071	1087	926	1024	996	954	935	939	894

History - 2022

- April:
  - April 21: Midvale/UPD Preliminary Budget Discussion

- May:
    - May 3: City Council Workshop – UPD Budget Discussion
    - May 17: City Council – Approved FY2023 Tentative Budget
    - May 19: UPD Board – Approved FY2023 Tentative Budget
- June:
    - June 21: City Council Meeting – Approve Final Budget
    - June 23: UPD Meeting – Approve Final Budget (Midvale Votes "No")
- July
    - Early July: Council Member Discussions – UPD Issues
    - July 11-15: UPD Admin and Board Member Discussions
    - July 19: Council Meeting – Reform Action Tabled
- August:
    - July 27 – August 5: UPD Admin and Board Member Discussions
    - August 9: City Council Meeting

Progress

- Meetings:
    - Precinct Officers
    - Council Members
    - UPD Administration
    - UPD Board Members
- Product
    - Data – Budget, Shared Services
    - Draft Fund Balance Policy
    - Initial Research Into Organizational Evaluations

Proposed Law Enforcement Goal and Reforms

- Goal: Support the shared services model of law enforcement through Unified Police Department reforms that increase transparency, reinforce cost controls, and enhance the devolution of the community precincts.
- Reform #1: Budget Process Changes and Cost Controls
- Reform #2: Organizational Evaluation
- Reform #3: Establish a Fund Balance Policy
- Reform #4: Local Branding Emphasis

Reform #1: Budget Process Changes and Cost Controls

- Budget Increase Expectations: UPD Board to establish budget increase expectation early in the budget process.
- Budget Retreat: UPD to provide a budget retreat for member communities with greater detail regarding the organization and cost increases.
- Budget Constraint: UPD will establish a super-majority vote threshold to approve UPD's tentative and final budgets, as well as amendments, if the increase exceeds the Budget Increase Expectation established by the UPD Board.

PENDING

Reform #2: Organizational Evaluation

- Evaluation: In order to support the UPD Board's evaluation of the annual budget, an independent third-party will be hired evaluate the organization. The evaluation will need to take into account the needs of the member communities, law enforcement best practices, and financial and organizational efficiency.

Reform #3: Establish a Fund Balance Policy

- Official Policy: The UPD Board shall adopt a policy for the control and reporting of UPD's governmental fund balance assignments. The policy shall include:
  - Minimum and Maximum Fund Balance
  - Order and Use Requirements
  - Incorporate Best Practices
  - Provide flexibility to member communities for the use of precinct fund balance.

Reform #4: Local Branding Emphasis

- Community Emphasis: The branding of buildings, equipment, and uniforms should emphasize the member community.

City Council Direction

- How should Midvale proceed to address issues with the UPD Budget process, cost controls, and governance?
- If Midvale is to seek UPD reforms, what are Midvale City's priorities?
- If Midvale is to seek UPD reforms, how should that be communicated to UPD and its Community Members?

MOTION: Council Member Dustin Gettel MOVED to open the action item for public comment. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a 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.

Stacey Phillips said she appreciated the Council looking out for the costs. However, she is in favor of staying with Unified Police. She said the Midvale Police Department was terrible. She has seen a vast improvement in the last 10 years. This tax increase is to cover the costs for UPD. She asked why there has not been a small cost each year to cover increasing costs. She would like to see that built in so there is not a 144% increase at one time. If the Police Department has to be branded, she would also like to see that with businesses in the city that are not promoting being in Midvale.

PENDING

There were no further comments.

MOTION: Council Member Dustin Gettel MOVED to close the public comment. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a 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.

Council Member Paul Glover asked if they were making progress towards the items brought up.

Chief Jason Mazuran said yes, there is a sense of urgency to get these items completed. The fund balance was a starting point for the Board and hope to have that approved and finalized at the September Board Meeting. He said they are discussing ideas for branding. The board has become very active in communicating issues with Mayor Stevenson. He said he appreciates the comments and discussions in making it better for everyone.

Mayor Stevenson stated the staff is in a tough situation right now because they do not have board approval to move forward with all of the reforms. Every person has said they thought they could work with this. He said he has spoken with all Unified Board Members, and they have been supportive. He said he needs more discussions in order to move forward.

Council Member Bryant Brown said the Council would like to give as much money as possible to our precinct. He has heard great things about the Midvale Precinct. His concern is the shared services budget has increased twice as much as 10 years ago.

Chief Mazuran said they would like to do an analysis on the shared services and increases. Salt Lake City did a study that had recommendations. He said he would like to do a study.

Council Member Dustin Gettel stated his concerns are the same as Council Member Bryant Brown. No one is questioning the services. As far as the budget increasing, he looked back at the last six years of stats and the budget has increased 76% and crimes, calls, cases, etc., are the same or even less now than back then. How can we continue to increase the budget when the crimes statistics are the same or even lower? He said this leads him to believe that the budget explosion is in the shared services of which we have no control over. He asked if there is any way to quantify those expenses.

Matt Dahl said some of the expenses are due to inflationary costs, particularly in the last few years.

PENDING

Chief Randy Thomas said that it is hard to look at case counts as a true reflection. A good example of that is when we received the resource officers for the homeless shelter. Expecting the case count to go way up when they actually came down. There are many other examples that have a significant effect.

Council Member Paul Glover said he is favor of keeping the Unified Police, but if this is not resolved this year, they will be doing this same thing every year.

Council Member Dustin Gettel said that almost all of the major cities have left Unified Police. The cities that have remained in Unified are very small communities except for Midvale.

Council Member Bryant Brown asked why Unified Fire is separate from Unified Police.

Council Member Paul Glover said the Unified Fire Board decides if there is a tax increase not the City Council. With Unified Police, the City Council decides if there is a tax increase.

Council Member Dustin Gettel said two years ago the Council was reassured the budget would get better. No one has any complaints on the actual police work. Things have gotten slightly better on some things in the budget, except for the budget meeting in May when the Council and staff had no idea of the significant increase. Two years ago, the Council was told the Unified Police budget would be more transparent. This increase came at the last minute. He said he would like a renewed commitment from Unified Police. The city cannot be surprised every year on the budget. This causes issues in the partnership between the City and Unified Police.

Matt Dahl said he feels it is important to point out that the partnership goes two ways. As the city looks at their ongoing role with the Unified Police, when things are going smooth, nothing is really said but when the city gets a surprise at the last minute on the budget, that is not good either. As the role of the city manager, he is responsible for making sure there are no surprises, and he will continue to improve on that. The wage increases in the Unified Police has caused significant increases as well.

Mayor Stevenson asked the council to submit a letter regarding the requested reforms. He said the discussions with the board have been successful. He requested more time to continue the discussions with the board.

Council Member Dustin Gettel said with all due respect, they have been told of these things in the past and UPD is still making the same mistakes.

Council Member Heidi Robinson said the city has a new Mayor and he is working well with Unified Board Members and has made progress. She said she was in favor of giving the Mayor more time to work on the cost controls. Also, with that being said, she does not want to be in the same situation next year.

Council Member Dustin Gettel said the Unified Police should all be under one umbrella with Salt Lake County.

PENDING

Matt Dahl said as the Mayor has had conversations with the Unified Police Board, he has brought up all of these issues and changed the discussions and he is making progress. He said the four reforms are budget processes and cost controls, organizational evaluation in process, establish a fund balance policy, and addressing the local branding emphasis.

MOTION: Council Member Paul Glover MOVED to give the Mayor six months to put these reforms into action, not only action but some type of a written form from the Unified Police agreeing to the reforms, and if they don't, then at that time take another vote to remain or leave Unified Police Department.

AMENDED MOTION: Council Member Dustin Gettel MOVED to amend the motion to have that discussion in 3 months instead of 6 months. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion failed 2-3 in favor.

ORIGINAL MOTION: The motion was SECONDED by Council Member Quinn Sperry. Mayor Stevenson called for discussion on the motion.

Council Member Bryant Brown said he does not want to be in this discussion again. The Unified Police Department's credibility is plummeting. He said it does not look like any changes have been made.

Council Member Dustin Gettel said the difference between six months and three months is the difference between a yes and a no vote.

Mayor Stevenson 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	**No**
Council Member Dustin Gettel	**No**

The motion passed 3-2 in favor.

PENDING

The Council recessed at 8:10 p.m. and reconvened at 8:22 p.m.

B. CONSIDER RESOLUTION NO. 2022-R-34 APPROVING THE SALE OF CITY RIGHT-OF-WAY LOCATED AT 100 WEST CENTER STREET, C-STREET TOWNHOMES

Adam Olsen said Darren Nate, representing Ryker Development, LLC, appeared before the City Council on May 17, 2022 requesting right-of-way vacation for a portion of the Center Street right-of-way. The request accompanied preliminary and final plat approval for a project called "C Street Towns," a 26-unit townhome development. The right-of-way vacation request was made to allow the development to more closely follow the City's TOD code relating to building setbacks; among other reasons such as the right-of-way being in excess of what exists in the vicinity and absolving the city of ongoing maintenance and ownership of an area that had been used as a parking lot for a former restaurant (Joe Morley's).

The Council approved the preliminary and final plats contingent on an appraisal of the area requested for right-of-way vacation, in addition to the applicant preparing all legal documents for the transfer of property. Mr. Nate obtained an appraisal which valued the property at $11,800.00. Mr. Nate has prepared an offer to the City to sell the property for the appraised value of $11,800.00.

The item is before the Council for consideration and finalization of the sale.

STAFF RECOMMENDATION:
Based on the condition of approval from May 17, 2022 being fulfilled, Staff recommended approval of the sale.

MOTION: Council Member Quinn Sperry MOVED to Adopt Resolution No. 2022-R-34 Approving the sale of property located at approximately 100 W Center, pursuant to the condition of approval given at the May 17, 2022 City Council meeting. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

C. CONSIDER APPROVING THE PURCHASE OF TWO VEHICLES FOR WATER UTILITY DEPARTMENT (HYDRO EXCAVATOR AND UTILITY TRUCK)

Glen Kennedy said the water division is requesting and need of the purchase of two pieces of equipment.

The first is a Hydro-Excavator and will be an addition to the fleet, and with approval, would be procured via a cooperative purchasing agreement through Sourcewell, which the City is a member and is allowed through the City purchasing policy. Currently there is a chassis and build slot available.

The second is a Utility Truck, replacing the current Utility Truck which has been in service 8 years and was up for replacement last year, however the chassis required wasn't available to due to manufacturer supply issues. The fleet manager was able to acquire a chassis and a build slot is available.

Due to the current supply and demand issues, there will be a request to suspend the rules to both discuss and take action on approving these vehicles to avoid losing out on availability and to expedite delivery.

Both the hydro-excavator and utility truck purchases were approved as part of annual budget processes and are built into the CFSP put together in conjunction with the recent utility rate study. However, both purchases exceed $100,000 requiring them to be specifically brought to Council for another approval.

Fiscal Impact – Hydro Excavator, $524,876.15 and Utility Truck Build, $105,429.83

Council Member Dustin Gettel asked staff what the cost is to insure the Hydro Excavator.

Rori Andreason said she would get that information and send it to the Council.

MOTION: Council Member Dustin Gettel MOVED to Approve the purchase of a Hydro Excavator and Utility Truck Build for the Public Works Water Department as presented. The motion was SECONDED by Council Member Paul Glover. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

IX. DISCUSSION ITEM

A. DISCUSS CEMETERY UPRIGHT MONUMENTS

Jerimie Thorne said the City's governing body has not updated the "rules and regulations" of the Cemetery as it pertains to headstones (markers) since its adoption in 1978. Since the adoption, City staff has undergone numerous changes resulting in varying levels of enforcement and exceptions to the rules. As a result, the adopted rules are not published and have had multiple interpretations by City staff. An overview of the impact uprights has

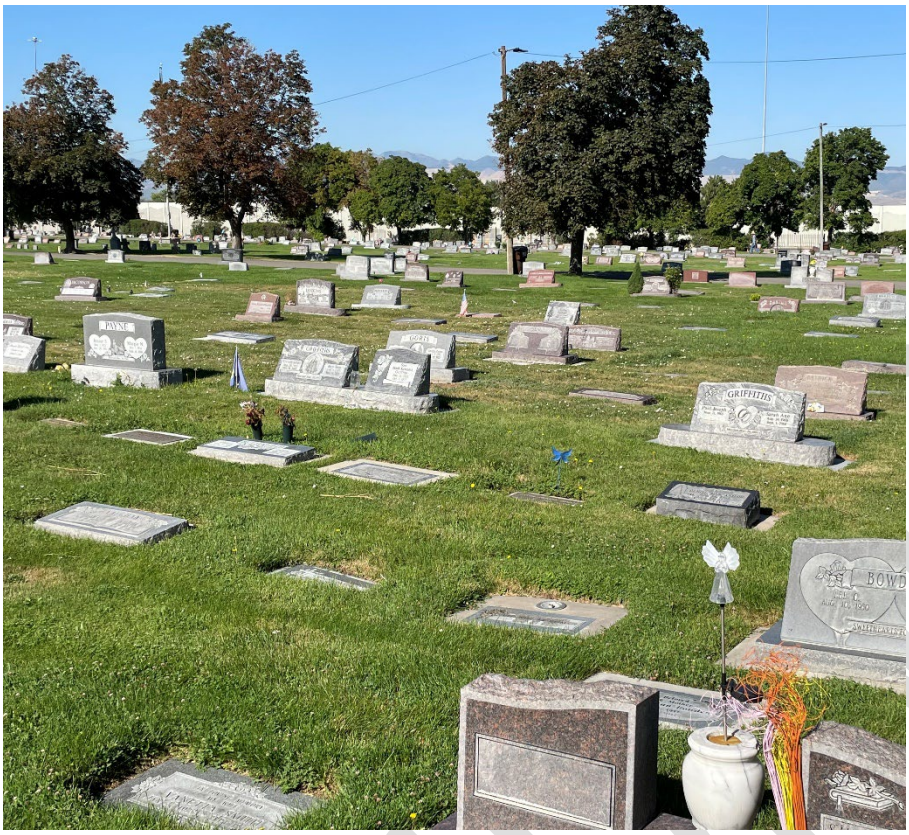
on staff performing burials and maintenance at the Cemetery will be presented, along with recommendations for rules and regulations. Finally, City Staff is looking for a decision or confirmation on upright headstones to move forward equitably for all plot owners, allowing staff to respond and inform the plot owners, their families, and industry professionals who service the Cemetery.

Midvale City Cemetery Rules and Regulations
Current Headstone Guidelines

1. **Midvale City Cemetery no longer allows installation of upright headstones and/or markers.**
2. No headstones or markers of any kind shall be installed upon any lot upon which the full price is not paid.
3. All headstones and markers shall be installed with the approval and under the supervision of the Midvale City Parks Manager.
4. All headstones and markers shall be installed with a sufficient foundation to prevent tipping or settling. The margin shall also be determined by the Midvale Parks Manager.
5. No headstones or markers are to be installed without the Midvale Parks Manager first being notified.
6. No headstone shall exceed the regulations listed below:

- **Double Headstone:** L.72” W.28” H.4” (Foundation included in measurement, and no less than 4” and not to exceed 6” in depth)
- **Single Headstone:** L.36” W.28” H.4” (Foundation included in measurement, and no less than 4” and not to exceed 6” in depth)
- **Vases:** All permanent vases must be placed in the monument, or base, and must be recessed to ground level when not in use. (Because of the potential for theft and/or vandalism, the installation of removable vases is discouraged. Midvale City is not liable for stolen vases and/or property.)

PENDING



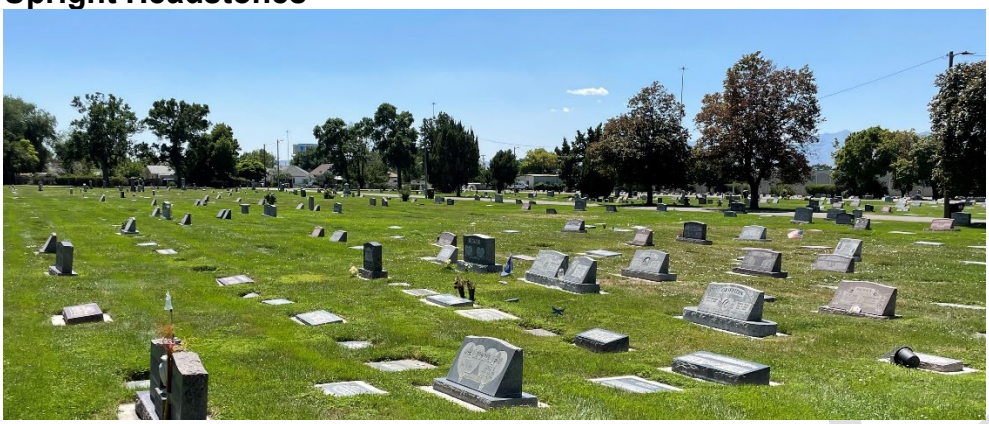
Desired Outcome – Provide an equitable solution for the plot owners and their families wanting to memorialize their loved ones.

- Confirmation on flat headstones only per the current regulations or allow upright headstones.

Current Code-

- 12.20.240
- Promulgation of additional rules and regulations.
- A. The governing body may promulgate by resolution such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.
- B. The mayor from time to time as the governing body deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the municipal cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by resolution of the governing body.
- C. Any changes in the rules and regulations shall be adopted by the governing body before such changes shall be official. (Code 1975 § 8-237)

Upright Headstones



Upright Headstone Issues

Burial/Maintenance-

- More headstones are needed to be moved for burials (additional staff and equipment time).
- Put the City at risk for damage caused during movement.
- Creates watering issues, more irrigation adjustments and heads needing to be moved.

Administration-

- Families see uprights adjacent to their plot with recent dates, administration time spent dealing with upset families.
- Unauthorized headstone placement, and time resolving issues/removal.
- Exceptions- are they allowed, if so, what is the criteria, and time spent approving.

Flat Headstones

Burial/ Maintenance-

- Less headstones to move to perform burial.
- Headstone will not impact watering or sprinklers.
- Better maneuverability for lawn car and maintenance.

Administration-

- Communication with families and industry professionals of Rules and Regulations.
- Research and enforcement of unauthorized headstone placement and removal.

Recommendations Upright Headstones

- Change the current regulation to allow upright headstones.
    - Update all Rules and Regulations.
    - Update City Code.
    - Add signage to the Cemetery.
    - Notify industry businesses of our Rules and Regulations.
    - Create an inspection program for headstone installation, including fee.
    - Assess fee for upright headstones due the additional costs associated with them.
    - Assess and update burial fees.

PENDING

Recommendations Flat Headstones

- Keep the current regulation allowing only flat headstones, taking the steps necessary to enforce the rule with no exceptions.
    - Update Rules and Regulations.
    - Update City Code for flat headstones only.
    - Add signage to the Cemetery.
    - Notify industry businesses of our Rules and Regulations.
    - Create an inspection program for headstone installation, including fee.
    - Assess and update burial fees.

The Council agreed with charging a premium cost for raised headstones.

Glen Kennedy said there may be some residents that will have complaints since they had been enforcing the flat headstones.

I. ADJOURN

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

The meeting adjourned at 8:49 p.m.

_____

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

Approved this 23rd day of August 2022.

PENDING

SPECIAL COUNCIL MEETING
Minutes

Tuesday August 16, 2022
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, Deputy, City Attorney; Glen Kennedy, Public Works Director; Mariah Hill, Administrative Services Director; Nate Rockwood, Community Development Director; Laura Magness, Communications Director; Chief Randy Thomas, UPD; Christian Larson, Senior Accountant; Juan Rosario, Systems Administrator; and Josh Short, IT Technician.

6:00 PM – SPECIAL MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:04 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.

II. PUBLIC COMMENTS

There was no one who desired to speak.

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

III. PUBLIC HEARING

A. CONSIDER A 7.31% INCREASE TO THE 2022 CERTIFIED PROPERTY TAX RATE FOR MIDVALE CITY

PENDING

Mariah Hill said on June 21, 2022 the Midvale City Council rejected the Certified Tax Rate and moved into the Truth in Taxation process. In keeping with state law – the property tax increase was noticed by the County on July 17 and July 24 in the Salt Lake Tribune. The city noticed the increase and the public hearing in the Salt Lake Tribune as well on July 31 and August 7. The notice was also posted on various online noticing websites and sent out in the Midvale Journal. This set of notices and the public hearing tonight satisfy the laws surrounding the Truth in Taxation process.

Staff proposes increasing the revenue generated by the Certified Tax Rate by $225,294. This is the amount of additional revenue needed to help fund the FY23 Unified Police Department Member Assessment increase of approximately $1.2 million, provide appropriate COLA and merit increases to our staff, and continue to provide the same level of service during a time of high inflation.

The average resident will see a tax increase of approximately $14.50 per year if the City Council approves this rate increase. After the conclusion of the Truth in Taxation public hearing, the City Council will vote on the proposed tax rate.

Additional information about the proposed fiscal year 2023 property tax revenue is below:

Prior Year Tax Revenue	2,652,109
New Growth	65,733
Revenue from Proposed Tax Increase	265,076
	2,917,185

FISCAL IMPACT:
Proposing the increased tax rate will generate $2,917,185 in Property Tax revenue. This has already been included in the fiscal year 2023 budget. If the City Council chooses to not accept the proposed tax increase and adopt the initial rate calculated by the Salt Lake County Auditor, property tax revenue will only increase by the new growth to $2,718,621.

Fiscal Year 2023 Property Tax Increase & Final Budget
Property Tax Basics
How the City's property tax rate is calculated:

$$\frac{\text{Previous year property tax revenue + new growth}}{\text{Assessed property tax value}}$$

When assessed value goes up, tax rate goes down.
When assessed value goes down, tax rate goes up.
Assessed property tax value = Total assessed value less allowable exemptions

- Example – 45% residential exemption

If an entity wishes additional revenue, goes through a process called Truth in Taxation.

Truth in Taxation Process

- June 21, 2022 - City adopted "proposed" tax rate and moved into Truth in Taxation

- July 17 & 24, 2022 - County published notice in Salt Lake Tribune
- July 22, 2022 – Electronic and physical Notice of Valuation and Tax Changes were sent out by the County
- August 7 & 14, 2022 - City published notice in Salt Lake Tribune
- Ads are also on multiple websites (Public Notice website, Utahlegals.com, etc.)
- Public hearing agenda has only tax increase and final budget approval
- August 16, 2022- Public Hearing and adoption of tax rate and final budget

NOTICE OF PROPOSED TAX INCREASE
MIDVALE CITY

The MIDVALE CITY is proposing to increase its property tax revenue.

- The MIDVALE CITY tax on a $447,000 residence would increase from $199.38 to $213.89, which is $14.51 per year.

- The MIDVALE CITY tax on a $447,000 business would increase from $362.52 to $388.89, which is $26.37 per year.

- If the proposed budget is approved, MIDVALE CITY would increase its property tax budgeted revenue by 7.31% above last year's property tax budgeted revenue excluding eligible new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: 8/16/2022 6:00PM

Location: Midvale City Hall City Council Chambers
7505 Holden Street
Midvale

To obtain more information regarding the tax increase, citizens may contact MIDVALE CITY at 801-567-7206.

Tax Year 2022 Information

- Total Taxable Value - $3,271,131,846
- New Growth Value - $81,051,635 (2.4% Increase)
    - Originally projected 1.5% Increase
- Average Midvale Residential Value - $446,900
- Average Taxable Residential Value (55%) - $245,795

Certified Tax Rate vs Proposed Tax Rate

Certified Tax Rate

- Certified Tax Rate - .000811

- FY2023 Property Tax Revenue - $2,718,621
- Average Residential Taxes - $199.34

Proposed Tax Rate

- Proposed Tax Rate - .000870
- FY2023 Property Tax Revenue - $2,917,185 ($225,294 Increase)
- Average Residential Taxes - $213.84
    - $14.50 Annual Increase
- 7.3% Increase

FY2023 Final Budget Overview

- The Final Budget is the City's estimated revenues and expenditures for July 1, 2022 to June 30, 2023.
- A Final Budget is presented for each fund (all departments fall within a fund).
- The Final Budget has been prepared by the Finance Department and City Manager and is officially presented by the City's Budget Officer (City Manager) and reflects an effort to maintain the City's current level of service in these trying economic times.
- A Final Budget will be adopted after a tax rate is adopted.

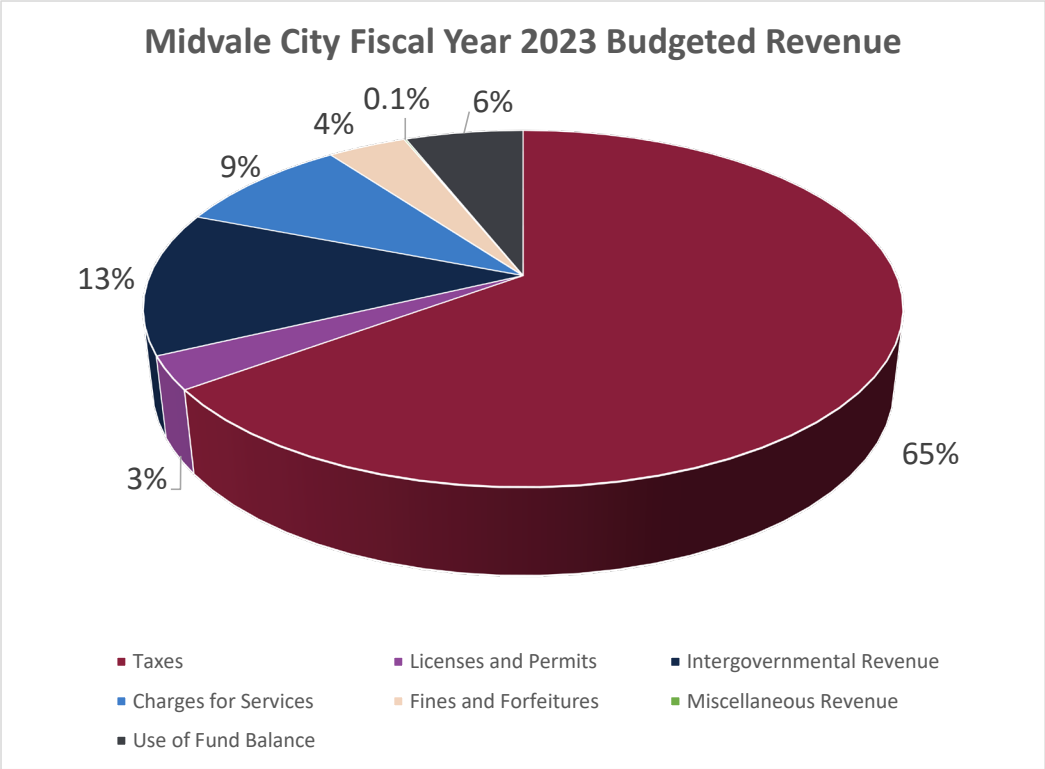
General Fund

- Total revenues and Expenditures - $25,470,980 (11.2% increase from Amended FY22 Budget).
    - Projected new on-going funds - $2,245,982
    - Projected available one-time funds - $1,637,066

General Fund Revenues

- Taxes - $16.6 million
- Licenses and Permits - $885,000
- Intergovernmental Revenue - $3.23 million
    - $445,000 increase in Shelter Mitigation Funding (HB440)
- Charges for Services - $2.24 million
- Fines and Forfeitures - $888,000
- Miscellaneous Revenue - $17,253
- Use of Fund Balance - $1.64 million

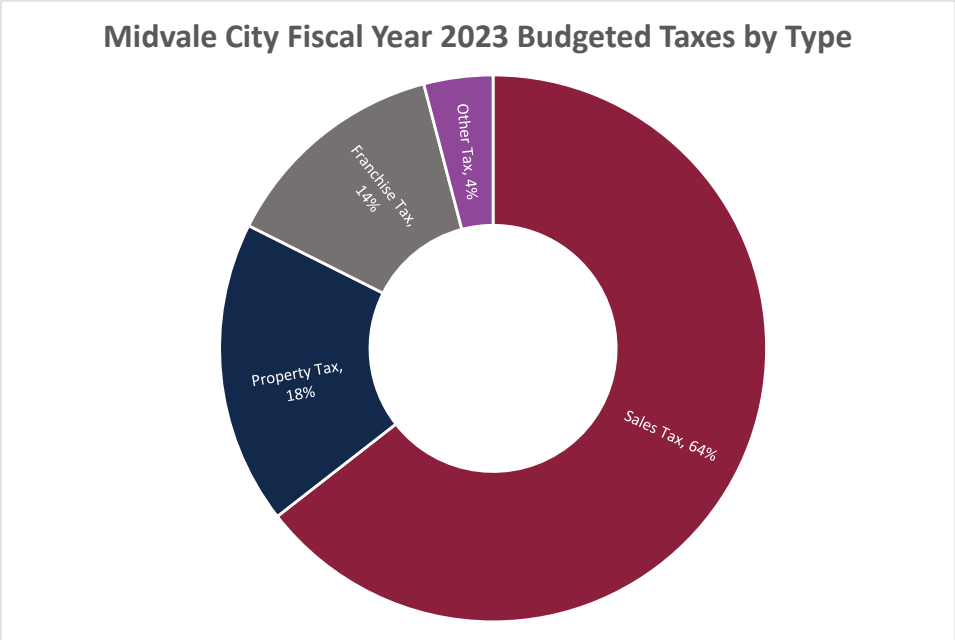
PENDING



General Fund Tax Revenues

- Sales Tax - $10.7 million
    - 12% Increase
- Property Tax – $2.9 million
    - 2.4% New Growth
    - 7.31% Property Tax Increase
- Franchise Tax - $2.24 million
- Other Taxes - $723,523
    - Delinquent Property Tax
    - Telecommunication Tax
    - Transient Room Tax

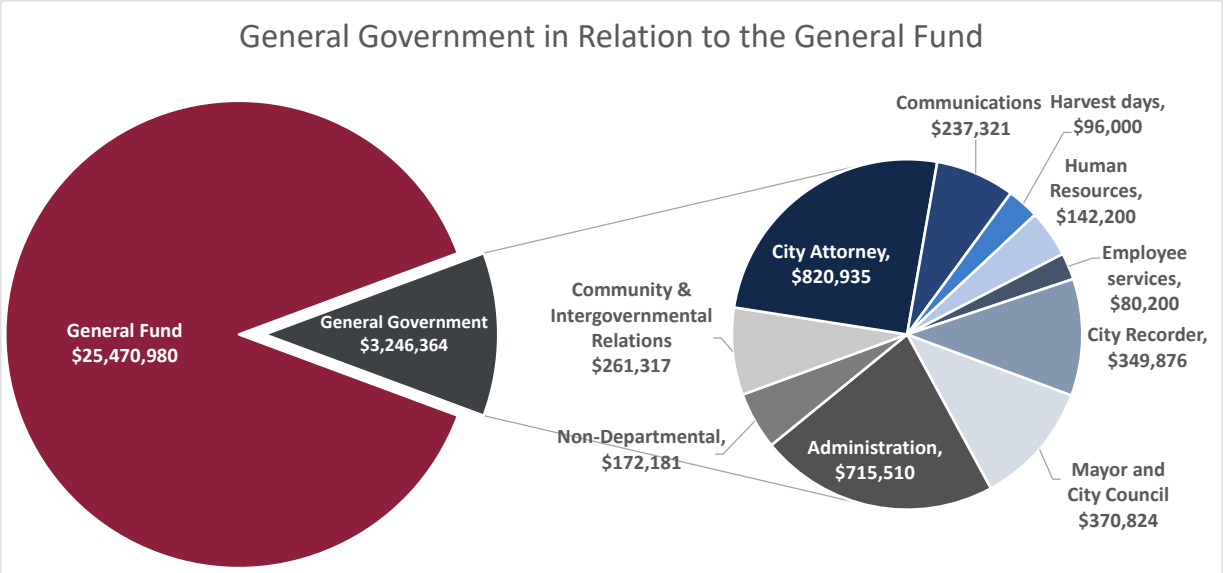
Motor Vehicle in Lieu of Tax



General Fund – Changes since Tentative

General Ledger Account Description	FY23 Tentative Budget	Proposed Change	FY23 Final Budget	Description
		General Fund		
Revenues				
Property Tax	$ 2,936,964	$ (19,779)	$ 2,917,185	Decrease in needed property tax increase
Use of Fund Balance	$ -	$ 1,637,066	$ 1,637,066	for one-time expenditures
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - GENERAL FUND	$ 2,936,964	$ 1,617,287	$ 4,554,251	
Expenditures				
Unified Policy Department Contract	$ 11,180,547	$ 170,937	$ 11,351,484	Adopted tentative UPD budget
Court	$ 1,058,834	$ 20,200	$ 1,079,034	Market adjustments for Judicial Assistants
Building Inspections	$ 289,432	$ 55,115	$ 344,547	Addition of in-house Building Official
Bank Charges - Non-Departmental	$ 20,075	$ (4,395)	$ 15,680	Moving to better reflect actuals
Bank Charges - Court	$ 10,605	$ 4,395	$ 15,000	Moving to better reflect actuals
Transfers				
Transfer to Capital Projects	$ 1,037,600	$ (50,000)	$ 987,600	Decrease in park funding due to one-time funding being used to cover fleet replacement costs
Transfer to Telecomm Fund	$ 843,466	$ (140,982)	$ 702,484	Decrease in UTOPIA pledge needed from the General Fund
Fleet Operating Cost Increase (Gasoline)	$ 62,400	$ 22,600	$ 85,000	Increase across departments due to the current price of gasoline
TOTAL RECOMMENDED EXPENDITURE BUDGET ADJUSTMENTS - GENERAL FUND	$ 14,502,959	$ 77,870	$ 14,580,829	

General Fund – General Government
Total Budget - $3,246,364 (12.7%)

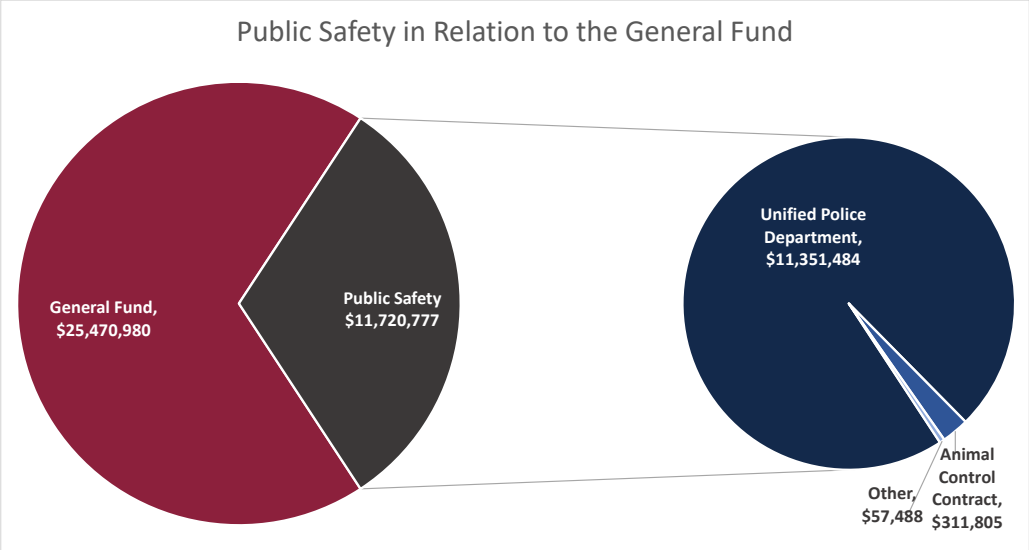


↑ 3%
From FY2022 Amended Budget

Notable Expenditures

- Employee Market, & COLA Increases (All Departments) - $188K
- Full-Time Prosecutor - $133K
- Grants (Boys & Girls, CBC, Midvale Arts, Hillcrest Ute) - $130K

General Fund – Policy Safety
Total Budget - $11,720,777 (46%)

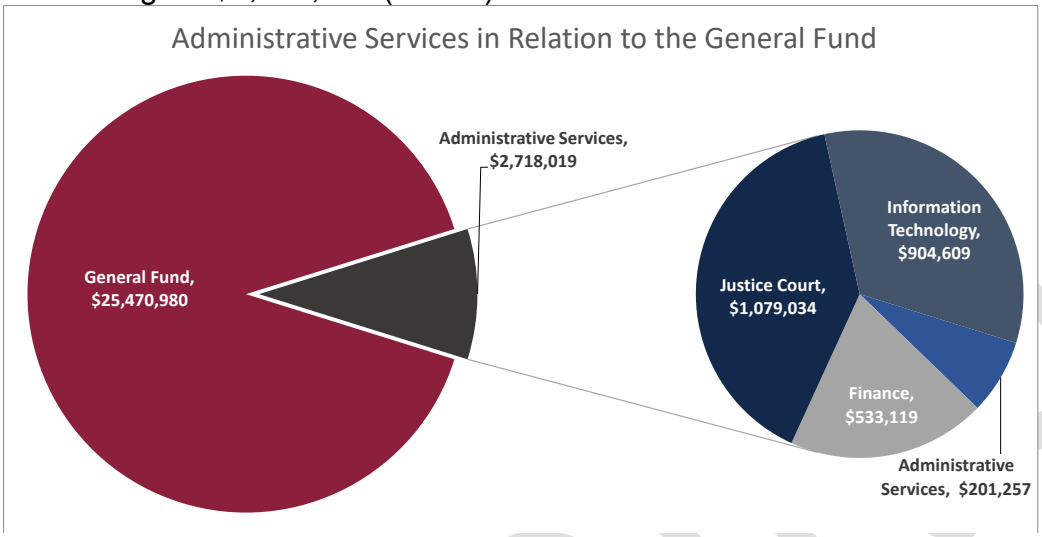


↑ 13%

Notable Expenditures

- 28% Increase in UPD contract from the original FY22 Budget - $2.5M
- 5% Increase in Animal Control Contract – $15K

General Fund – Administrative Services
Total Budget - $2,718,019 (10.7%)



↑ **16%**
From FY2022 Amended Budget

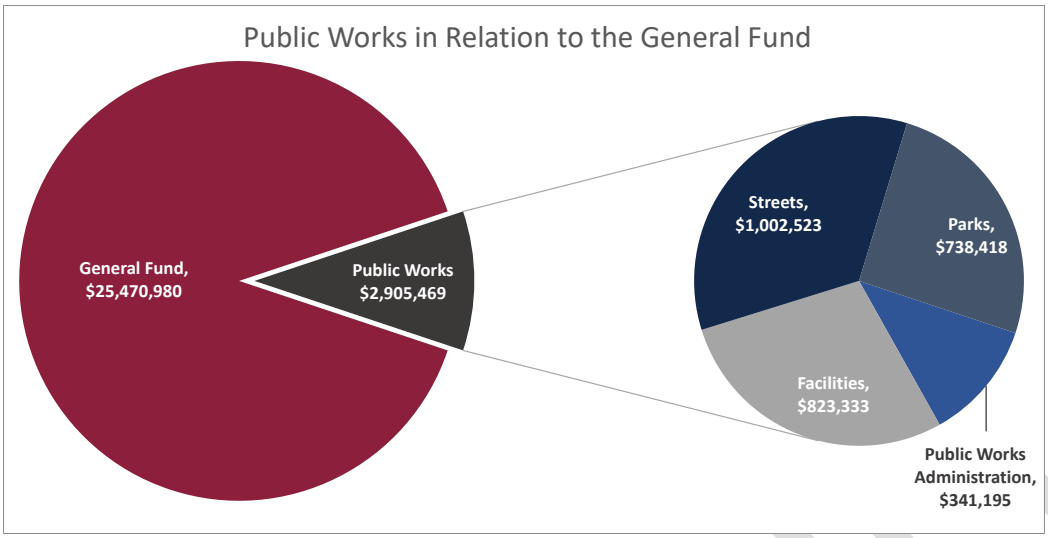
Notable Expenditures

- Employee Market, & COLA Increases (All Departments) - $322K
- GIS operating budget moved from Engineering to IT - $54K

General Fund – Public Works
Total Budget - $2,905,469 (11.4%)

↑ **12%**
From FY2022 Amended Budget

PENDING

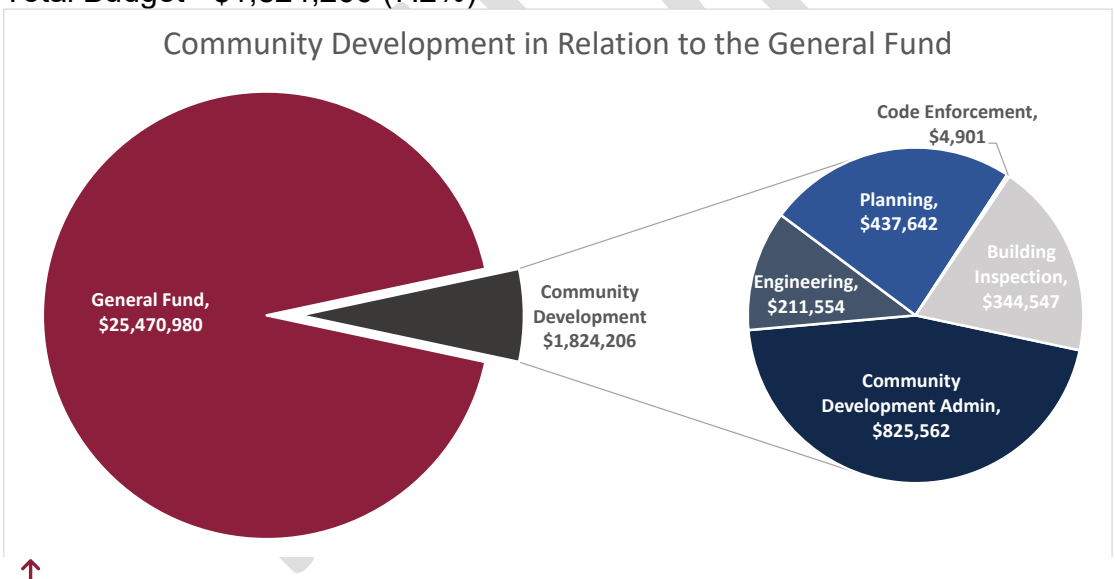


Notable Expenditures

- Employee Market, & COLA Increases (All Departments) - $121K
- Full-Time Parks Technician- $74K (Half-Year)
- Fleet Vehicle Replacement - $132K

General Fund – Community Development

Total Budget - $1,824,206 (7.2%)



↑ 4%

From FY2022 Amended Budget

Notable Expenditures

- Employee Market, & COLA Increases (All Departments) - $68K
- Full-Time Building Official $55K (1/3-Year)
- GIS operating budget moved from Engineering to IT – ($54K)

Debt Service Fund

Total Budget - $1,852,424

Revenues

- Transfer from General Fund – $1.16M
- Developer Loan Payment - $245K
- Transfer from RDA - $445K

Expenditures

- 2017 Sales Tax Bonds (Road Bond) - $777K
- Lease payment to MBA (City Hall/Parks Bond) - $375K
- CHG Parking Structure Loan (developer paid) - $245K
- Zions Parking Structure Loan (RDA paid) - $445K (Addition since Tentative)

Capital Projects Fund

Total Budget - $2,592,600

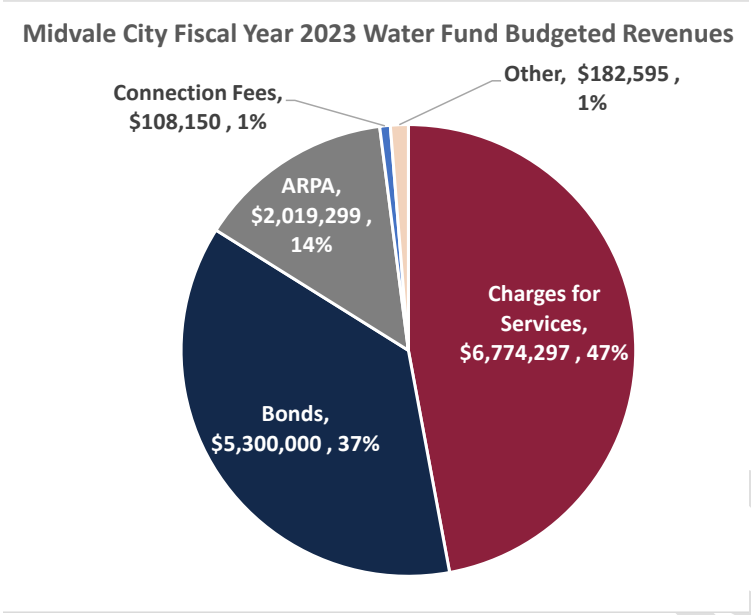
General ($987K)		Sales Tax ($1M)	HB244 ($500K)
City Building Improvements ($73K)	Midvale Mural Program ($20K)	Sidewalk, Curb, & Gutter Replacement ($200K)	Transporation Project ($500K)
Facility Maintenance ($94.6K)	Recreation Center "Seed" Money ($200K)	Pavement Management ($800K)	
Public Works Building Renovation Study ($75K)	Park Improvements ($250K)		
Cemetery Improvements/Study ($90K)	Main Street Utility Upgrades ($100K)		
Fort Union Corridor Study ($115K w/ $105K Grant)	Community Gardens ($50K)		
Holiday Lights ($25K)			

Capital Projects Fund – Changes since Tentative Budget

General Ledger Account Description	FY23 Tentative Budget	Proposed Change	FY23 Final Budget	Description
Capital Projects Fund				
Revenues				
Transfer from GF	$ 1,037,600	$ (50,000)	$ 987,600	Decrease in park funding due to one-time funding being used to cover fleet replacement costs
TOTAL RECOMMENDED REVENUE BUDGET ADJUSTMENTS - CAPITAL PROJECTS FUND	$ 1,037,600	$ (50,000)	$ 987,600	
Midvale City Park Improvements	$ 300,000	$ (50,000)	$ 250,000	Decrease in park funding due to one-time funding being used to cover fleet replacement costs
TOTAL RECOMMENDED EXPENDITURE BUDGET ADJUSTMENTS - CAPITAL PROJECTS FUND	$ 300,000	$ (50,000)	$ 250,000	

Water Fund – Revenues

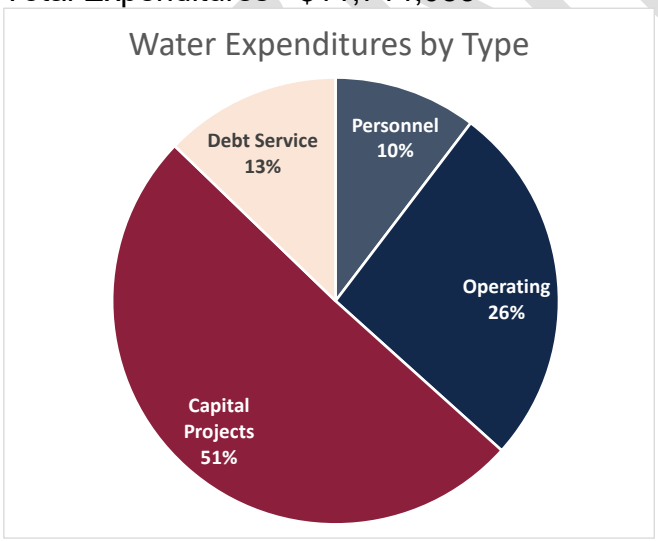
Total Revenues - $14,384,341



↑ 82%
From FY2022 Amended Budget

- The Water Fund budget is prepared per the five-year Comprehensive Financial Sustainability Plan (CFSP) that was completed in FY2021.
- Capital Projects will be paid for with a Water Bond and American Rescue Plan Act (ARPA) funds.

Water Fund – Expenditures
Total Expenditures - $11,714,083

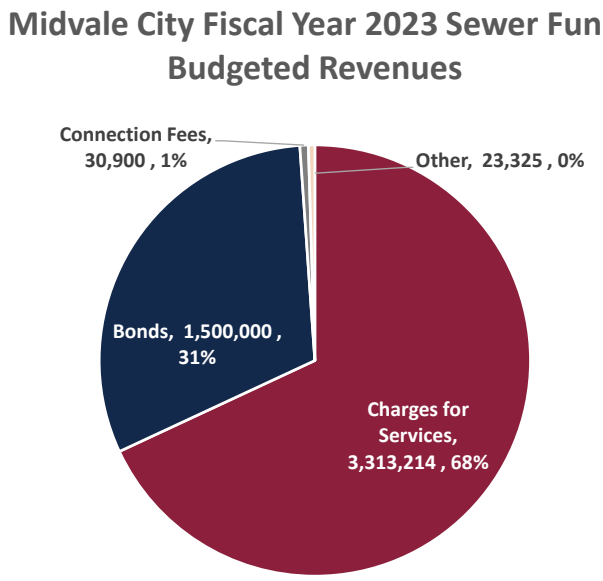


↑ 55%
From FY2022 Amended Budget

<u>Notable Expenditures</u>

- Employee Market, & COLA Increases - $70K
- Wholesale Water Contract Increase - $120K
- Water Master Plan Projects – $5.3M
- Inflationary Operating Costs - $35K
- Bond Issuance Costs - $106K

Sewer Fund – Revenues
Total Revenues - $4,867,439

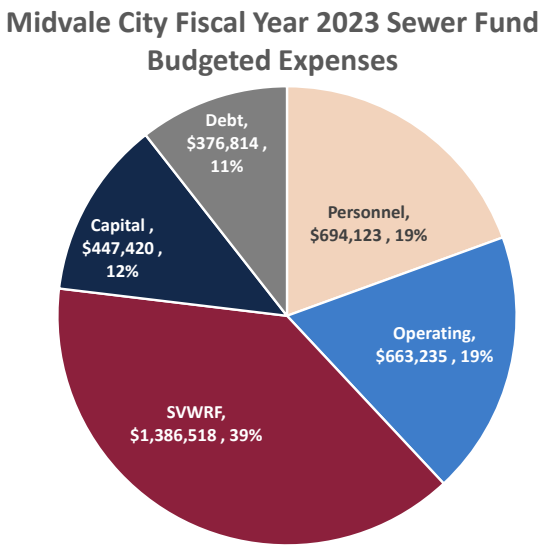


↑ 39%
From FY2022 Amended Budget

- The Sewer Fund budget is prepared per the five-year Comprehensive Financial Sustainability Plan (CFSP) that was completed in FY2021.
- Capital Projects will be paid for with a Sewer Bond.

Sewer Fund - Expenditures
Total Expenditures - $3,578,977

PENDING

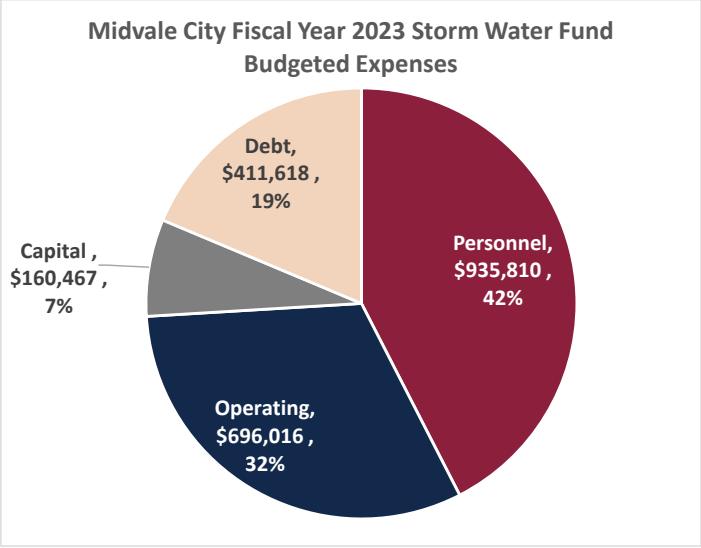


↑ 7%
From FY2022 Amended Budget

Notable Expenditures

- Employee Market, & COLA Increases - $55K
- SVWRF Operating and Capital Increases- $117K
- Trash Pump & TV Transporter – $124K
- Inflationary Operating Costs - $9K
- Bond Issuance Costs - $30K
- *Changes since Tentative - $7K Increase in Postage

Storm Water Fund
Total Budget - $2,203,911



↑ 2.3%

PENDING

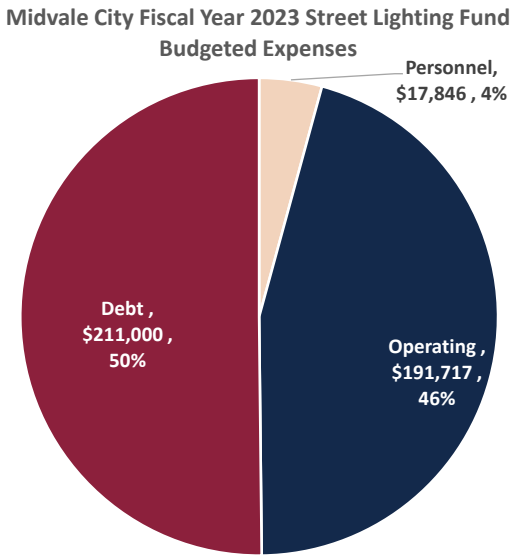
From FY2022 Amended Budget
Storm Water Master Plan & Rate Study set to begin in 2023.

Notable Expenditures

- Employee Market, & COLA Increases - $76K
- Inflationary Operating Costs - $2K

Fleet Charges - $35K

Street Lighting Fund
Total Budget - $420,563



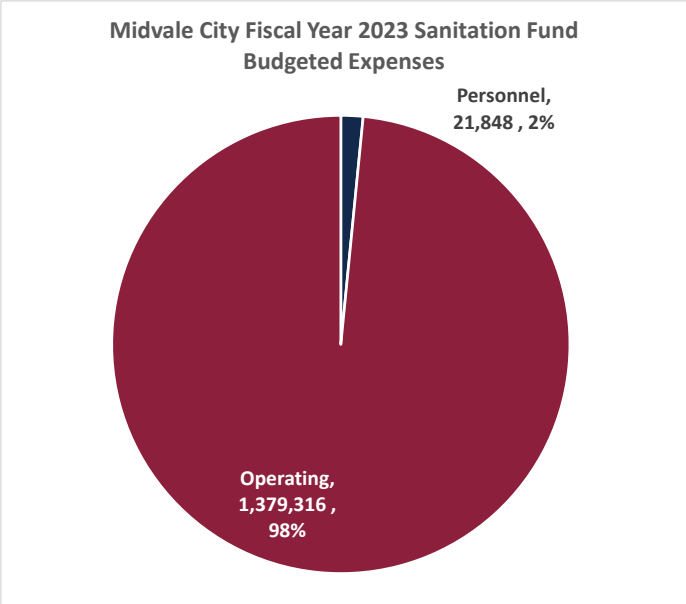
↑ 2.6%
From FY2022 Amended Budget

Notable Expenditures

- Employee Market, & COLA Increases - $1K
- Streetlight Repair Increase- $10K

Sanitation Fund
Total Revenues - $1,356,789
Total Expenditures – $1,401,164

PENDING

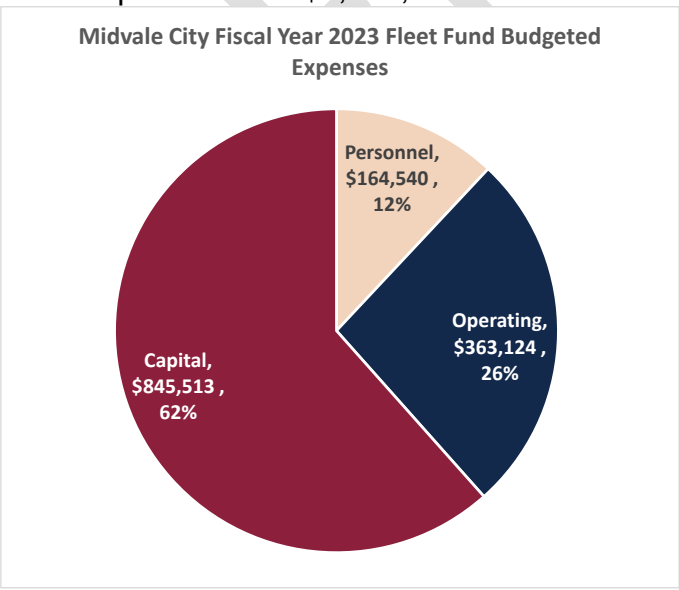


↑ 5.2%
From FY2022 Amended Budget Expenditures
$44K Use of Fund Balance to decrease amount of user fee increase in FY23

Notable Expenditures

- Employee Market, & COLA Increases - $1K
- 7.1% Increase in Ace Contract - $59K
- Glass Dumpster Murals & Leaf Program - $8K

Fleet Fund
Total Revenues - $1,349,031
Total Expenditures – $1,121,495



PENDING

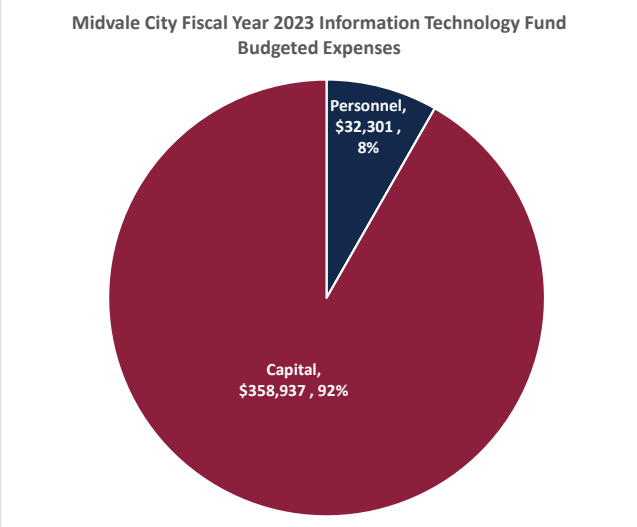
↑ 37%
From FY2022 Amended Budget Expenditures

Notable Expenditures
- Employee Market, & COLA Increases - $12K
- Vehicle & Equipment Purchase & Replacement- $571K
- Inflationary Operating Increase - $7K

*Change since Tentative Budget - $22K Increase for Gasoline ($85K Total)

Information Technology Fund
Total Revenues - $384,750

Total Expenditures – $391,399formation Technology Fund



↑ 17%
From FY2022 Amended Budget Expenditures
*$200K Transfer from GF for Software Initiative & a decrease in all department contributions

Notable Expenditures
- Server & Switch Replacements - $42K
- GIS Equipment & Software $25K

Mayor Stevenson opened the hearing to public comment. There was no one who desired to speak.

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

PENDING

ACTION: CONSIDER RESOLUTION NO. 2022-R-35 A RESOLUTION SETTING THE RATE OF .000870 TAX FOR CALENDAR YEAR 2022 AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CORPORATE BOUNDARIES OF MIDVALE CITY, UTAH

MOTION: Council Member Dustin Gettel MOVED to Adopt Resolution No. 2022-R-35 Adopting a Tax Rate of 0.000870 for calendar year 2022. The motion was SECONDED by Council Member Paul Glover. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

IV. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2022-R-36 ADOPTING THE FINAL OPERATING AND CAPITAL BUDGETS FOR MIDVALE CITY, STATE OF UTAH, FOR FISCAL YEAR 2023

Mariah Hill said in adopting the FY 2023 budgets there are several procedural steps that you, as the City Council, are required to take to be compliant with state statute:

1. UCA 10-6-111(1) requires the Budget Officer (City Manager) to present a tentative budget for each fund within the City. The budgets must be submitted no later than the first regularly scheduled meeting in May. The City Manager and staff presented tentative budgets for the City in a Public Hearing on Tuesday, May 3, 2022. We briefed you on the revenue estimates, provided an overview of the expenditures and presented budget highlights. A detailed budget book was also made available on the City's website www.midvalecity.org.
2. UCA 10-6-111(3) further requires the City Council to adopt the tentative budget at the first regularly scheduled board meeting in May, which you did.
3. Public hearings were held on May 3, 2022, and June 7, 2022.
4. A Resolution adopting the final budget for Midvale City is hereby presented for your consideration on Tuesday, August 16, 2022.

FISCAL IMPACT:

FUND	REVENUES	EXPENDITURES
General	$25,470,980	$25,470,980
Debt Service	$1,403,292	$1,403,292
Capital Projects	$2,592,600	$2,592,600
Water	$14,384,341	$11,714,083

PENDING

Sewer	$4,867,439	$3,578,977
Storm Water	$2,203,911	$2,203,911
Sanitation	$1,356,789	$1,379,316
Street Lighting	$420,563	$420,563
Telecommunications	$964,664	$964,664
Information Technology	$384,750	$391,399
Fleet	$1,349,031	$1,098,895

MOTION: Council Member Bryant Brown MOVED to Approve Resolution No. 2022-R-36 Adopting the Fiscal Year 2023 Budget for Midvale City with the Fleet Fund Expenditure Budget Being Set at $1,121.495.00. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

B. CONSIDER RESOLUTION NO. 2022-R-37 ADOPTING THE MIDVALE CITY JOB CLASSIFICATION PLAN, SALARY PLAN, ELECTED OFFICIAL'S SALARIES, AND BENEFIT PACKAGE FOR FISCAL YEAR 2023 RETIREMENT

Mariah Hill said as part of the budget process, the employee job compensation plan, salary plan, elected official's salaries, and benefits package for FY2022 needs to be adopted.

MOTION: Council Member Dustin Gettel MOVED to Approve Resolution No. 2022-R-37 Adopting the Midvale City Job Classification Plan, Salary Plan, Elected Official's Salaries, and benefit package for Fiscal Year 2023 Retirement. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

V. ADJOURN

MOTION: Council Member Paul Glover MOVED to adjourn the meeting. The motion was SECONDED by Council Member Dustin Gettel. Mayor

Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 6:29 p.m.

_____

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

Approved this 23rd day of August 2022

PENDING

MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: August 23, 2022

SUBJECT: Consideration of Resolution No. 2022-R-38 Confirming the Mayoral Appointment of Nate Rockwood as the Assistant City Manager for Midvale City.

SUBMITTED BY: **Marcus Stevenson, Mayor**

SUMMARY:

I have appointed Nate Rockwood to the position of Assistant City Manager. As required under Midvale City Ordinance, I am submitting Nate's appointment to the City Council for advice and consent.

Nate has 15 years of local government management experience. Prior to assuming his role as Community Development Director in Midvale, Nate was employed by Park City for 12 years. During that time he held the positions of Budget, Debt and Grants Manager, Director of Redevelopment, and Capital Management and Arts and Culture District Project Manager. In these positions, he created or managed multi-million dollar projects and programs including, the development of the Park City Arts and Cultural District, the revolving finance plan for affordable housing, strategic land acquisition, and the $450 million 5-year capital improvement plan. In 2016, Nate was selected as one of 18 mangers from across the country by the International City Managers Association (ICMA) to participate in a two-year leadership program. The program included intense training and lectures on city management, community strategies, and staff motivation, and culminated with Nate, as part of a three person team, providing recommendations to the management of an east coast city on how to improve their organizational culture.

In 2020, Nate was appointed as Midvale's Community Development Director, and has overseen the Planning and Zoning, Building Services, Engineering, Code Enforcement, Economic Development, and Business Licensing Divisions, as well as the Redevelopment Agency. Nate has demonstrated his enthusiasm for creativity and innovation, which can be seen in the many projects he's overseen, including the expansion of city arts programs, the development of new development finance programs, and the revitalization of Main Street. Nate also showed himself to be a resilient manager by guiding his department through the COVID-19 pandemic and the national "Great Resignation" of 2021.

Nate has been a strategic, creative, and hardworking department director during his time at Midvale. He brings a wealth of experience and abilities through his time working on complex projects in different political

environments. And, above all else, he has shown a commitment to do what is best for Midvale. It is for these reasons that I have appointed Nate to the position of Assistant City Manager.

Notice of Nate's appointment was first provided to the Midvale City Council on August 17, 2022. Under Midvale City Ordinance, appointees must receive the consent of the City Council prior to filling their new role.

Nate will be available at the City Council Meeting to answer questions as part of the advice and consent process.

Recommended Motion - Approve: I move that we approve Resolution No. 2022-R-38 Confirming the Mayoral Appointment of Nate Rockwood as the assistant city manager for Midvale City.

Alternate Motion - Table: I move that we table the decision on Resolution No. 2022-R-38 confirming the mayoral appointment of Nate Rockwood as the assistant city manager for Midvale City.

Alternate Motion - Deny: I move that we deny approval of Resolution No. 2022-R-38 confirming the mayoral appointment of Nate Rockwood as the assistant city manager for Midvale City.

Attachments: Proposed Resolution

MIDVALE CITY, UTAH
RESOLUTION NO. 2022-R-38
A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF NATE ROCKWOOD AS THE ASSISTANT CITY MANAGER OF MIDVALE CITY

WHEREAS, Mayor Marcus Stevenson is authorized to appoint, with the advice and consent of the City Council, a qualified person to serve as the assistant city manager; and

WHEREAS, Mayor Marcus Stevenson has determined that Nate Rockwood has the qualifications and experience to serve as the assistant city manager; and

WHEREAS, Mayor Marcus Stevenson desires to appoint Nate Rockwood to the position of assistant city manager; and

WHEREAS, Mayor Marcus Stevenson has sought the advice and consent of the City Council concerning such appointment; and

WHEREAS, the City Council desires to consent to this appointment.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE, UTAH:

Section 1. The City Council hereby consents to the appointment of Nate Rockwood as the assistant city manager for Midvale City.

Section 3. This resolution shall take effect immediately.

APPROVED AND ADOPTED this 23rd day of August 2022.

_____
Marcus Stevenson, Mayor

Voting by the City Council	"Aye"	"Nay"
Quinn Sperry	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____

ATTEST:

_____
Rori L. Andreason, MMC
City Recorder

MIDVALE CITY COUNCIL
SUMMARY REPORT

August 23, 2022

SUBJECT: Action to adopt rules and regulations of the City Cemetery, including the allowance of upright headstones (markers).

SUBMITTED BY: Jerimie Thorne, Deputy Public Works Director

SUMMARY:

The City's governing body has not adopted the "rules and regulations" of the Cemetery as it pertains to headstones (markers) since its adoption in 1978, and the last amendment and adoption of the rules and regulations was in 1997, which was mainly focused on hours of operation and holidays.

Since the original adoption, City staff has undergone numerous changes resulting in varying levels of enforcement and exceptions to the rules. As a result, the adopted rules are not published and have had multiple interpretations by City staff.

Staff is asking for formal adoption of updated cemetery rules and regulations, with the major change being the allowance and process to install "upright" headstones.

RECOMMENDED MOTION: I move that we adopt Resolution No. 2022-R-39, adopting the updated rules and regulations for the Midvale City Cemetery and to allow the installation of upright headstones.

ATTACHMENTS:

- Updated 2022 Cemetery Rules and Regulations
- Rules and Regulations of the Midvale City Cemetery (upright headstone revision)- Effective January 1, 1941, Amended August 15, 1978.
- Current Headstone Regulations Form (which staff have been using as policy)

MIDVALE CITY, UTAH

RESOLUTION NO. No. 2022-R-39

A RESOLUTION ADOPTING UPDATED RULES AND REGULATIONS FOR THE CEMETERY AND TO ALLOW FOR THE INSTALLATION OF UPRIGHT HEADSTONES

WHEREAS, the Midvale City Municipal Code allows for the addition of rules and regulations concerning the care, use operation and maintenance of the cemetery through resolution by the governing body: and

WHEREAS, the City; is updating its cemetery rules and regulations to allow the installation of upright monuments within the cemetery; and

WHEREAS, the City is updating its rules and regulations to be current with operating hours and methods of those responsible for overseeing cemetery operations; and

WHEREAS, any changes in the rules and regulations shall be adopted by the governing body before such changes shall be made official.

NOW THEREFORE BE IT RESOLVED, that based on the foregoing, the Midvale City Council approves this resolution adopting the updated cemetery rules and regulations.

APPROVED AND ADOPTED this _____ day of _____, 2022.

_____
Marcus Stevenson, Mayor

ATTEST:

_____
Rori L. Andreason, MMC
City Recorder

Voting by the City Council	"Aye"	"Nay"
Dustin Gettel	_____	_____
Paul Glover	_____	_____
Quinn Sperry	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____

RULES AND REGULATIONS OF THE MIDVALE CITY CEMETERY
EFFECTIVE January 1, 1941, REVISED October 1, 1952
AMENDED August 25, 1964, AMENDED August 15, 1978

From and after August 15, 1978, any persons buying lots in the Midvale City Cemetery, or using lots therein, shall do so subject to and in accordance with the following rules and regulations:

1. There shall be a cemetery committee composed of three members of the Midvale City Council, which committee shall have general supervision over the use, development, maintenance and sale of lots in the cemetery.

2. Subject to the general control aforesaid, the sexton of the Midvale City Cemetery shall have control of the operation of the Cemetery.

3. The price of cemetery lots, including perpetual care upon such lots, shall be as follows:

MIDVALE RESIDENT	SINGLE GRAVE	PERPETUAL CARE	TOTAL COST
ADULT GRAVE	$ 150.00	$ 50.00	$ 200.00
INFANT GRAVE	75.00	25.00	100.00
NON-RESIDENT			
ADULT GRAVE	262.50	87.50	350.00
INFANT GRAVE	131.25	43.75	175.00
ADULT GRAVE OPENING	$ 75.00		
INFANT GRAVE OPENING	35.00		

Twenty five percent of the gross amount of the sale of the cemetery lot is to go into the perpetual care fund.

4. Persons desiring to purchase lots may make their selection from plats to be furnished by the City office, whereupon they shall pay the required amount, in full, as hereinabove set forth with the City Clerk and obtain a receipt therefore.

5. No grave shall be opened upon any lot upon which there is a balance due and unpaid unless and until the full amount thereof is paid.

6. Any person desiring to have a grave opened in the Midvale City Cemetery shall first pay to the City office all amounts stipulated above to be paid, and obtain from the City office a written receipt showing that all amounts required to be paid have been paid, and then the sexton shall proceed to open such grave.

7. No headstones or markers of any kind shall be installed upon any lot upon which the full purchase price is not paid.

8. All headstones and markers shall be installed with the approval and under the supervision of the City Sexton. The owners of a full lot may erect upon such lot one, and only one, large family marker to be placed upon whichever corner of said lot shall be designated by the sexton. With the above exception,

all headstones and markers shall be flat and shall not project above the level of the earth, all markers shall be installed with a sufficient foundation to prevent tipping or settling. The margin shall also be determined by the Sexton.

9. No person shall dig upon grave surfaces or plant any shrubs, trees or other plants in the City Cemetery.

10. No transfers of graves may be made. They may be sold only to Midvale City with purchase price refunded, but they cannot be sold to another person. However, a grave may be designated for another person's burial by a written, notarized designation left on file with the City by the grave OWNER.

11. It shall be permissible to place identical or similar headstones or markers in cemetery lots already established previous to April 15, 1941, with the exception of family monuments, of which only one may be erected for each full lot as hereinbefore stated. Flat markers will be required in any lot, regardless of date of purchase, if no markers have been placed prior to April 15, 1941.

12. Normal rule for burial:

Wife buried on left of husband.
Body buried facing East.
1st baby buried in West half of Grave.
No wooden boxes for burial shall be permitted.

13. DISINTERRMENT OR REINTERRMENT - Cash - To be determined upon the actual cost at the time such work is done.

14. REGULAR LOT AND GRAVE DESIGNATIONS AND DIVIDED LOT DESIGNATIONS ARE ON THE FOLLOWING PAGE.

Enclosed is a copy of the "Rules & Regulations of the Midvale City Cemetery" and a form to be signed by everyone that has a grave opened in the Midvale City Cemetery.

Please note that these "Rules and Regulations" have been in effect since January 1, 1941 and the most recent amendment is the form to be signed.

This means that only the owners of a full lot (8 graves) may erect one, and only one, large family marker and all other headstones or markers must be flat. No headstones or markers are to be installed at any time without the approval and under the supervision of the Cemetery sexton.

Very truly your,
MIDVALE CITY CEMETERY

Charles R. Clayton
Mayor

rb

Midvale City Cemetery Rules and Regulations Amended August 23, 2022

After August 23, 2022, any person owning or purchasing a grave in the Midvale City Cemetery shall do so under the following amended rules and regulations:

1. The operations of the Cemetery are subject to the control of the Cemetery Superintendent or designee.

2. The price of Cemetery graves and fees shall be listed on the Midvale City Fee Schedule.

3. According to the schedule below, a 48-hour notice to the Cemetery office is required for all burial arrangements.
    a. For a burial on Monday or Tuesday, notification to the City is due on the prior Thursday by noon.
    b. For burial on Wednesday, notification to the City is due on the prior Monday by noon.
    c. For burial on Thursday, notification to the City is due on the prior Tuesday by noon.
    d. For a burial on Friday, notification to the City is due on the prior Wednesday by noon.
    e. For a burial on Saturday, notification to the City is due on the prior Thursday by noon.

4. No burial services will be performed on the following dates:
    a. New Year's Day, Memorial Day, Thanksgiving Day, Christmas Day, and during the City's Harvest Days Celebration;
    b. Sundays; and
    c. Any day deemed necessary by the Cemetery Superintendent due to staffing, scheduling, weather, or unforeseen circumstances.

5. The setting of, or work on a headstone, requires a request to be submitted, approved, and scheduled by the Public Works Department. Additionally, no headstone shall be installed/set from October 15 to March 1 unless the City determines that the weather allows for the correct installation/setting of the headstone.

6. Upright headstones can be up to 30" from ground level and require a fee of $500 before the headstone is installed.

7. One headstone per grave is allowed. The headstone is to be placed at the head of the grave. The only exception to this shall be for a veteran, where a second marker, supplied by the Veteran's Administration, may be placed at the foot of the grave.

8. No headstone shall exceed these measurements: Double Headstone- Overall headstone and concrete border (mow strip) shall not exceed 72 inches wide by 28 inches deep and

30 inches tall (upright). Single Headstone- Overall headstone and concrete border (mow strip) shall not exceed 36 inches wide by 28 inches deep and 30 inches tall (upright).

9. If an urn is to be placed inside a headstone, the family or mortuary must submit a headstone installation request to be approved and scheduled by the Public Works department.

10. Vases: All permanent vases must be placed in the cement or stone base of the headstone/marker and recessed to ground level when not in use.

11. Liability for Damage: As provided in Midvale Municipal Code 12.20.140, the City is not liable for damage to headstones, markers, tombstones, or monuments unless the City caused such damage. The City is not responsible for repair of chipped, scratched, or scraped headstones.

12. Decorum: Properly displayed flowers and decorations add to the beauty and character of the Cemetery. Therefore, decorations are permitted to stay on the headstone within the vase or concrete border permanently as long as they do not infringe upon the mow strip or become unsightly. Any decorations, including artificial flowers, that infringe on the mow strip or interfere with scheduled maintenance will be removed and discarded weekly. Furthermore, the Cemetery will be cleaned on the last Thursday of every month with discretion given to recent burials and holidays.

13. When any decoration becomes detrimental to adjacent lots or walks or becomes unsightly, the City has the right to remove such decoration.

14. Subject to all other applicable rules, any grave decoration not removed by the owner 14-days after any holiday will be removed and discarded by cemetery staff.

15. All funeral flowers and floral pieces will be removed and discarded when they become unsightly.

16. No glass, including vases and other containers, is permitted and will be removed.

17. Shepherd's hooks are prohibited and will be removed.

18. No plants, shrubbery, flowers, or trees of any kind may be planted in the City Cemetery.

19. No lot or grave shall be defined by fences, railings, coping, hedges, trees, shrubs, corner posts, or any other markers to describe its corners or boundaries.

Policy & Procedure
Midvale City Cemetery

1. **As of October 2013, Midvale City Cemetery no longer allows installation of upright headstones and/or markers**.
2. No headstones or markers of any kind shall be installed upon any lot upon which the full price is not paid.
3. All headstones and markers shall be installed with the approval and under the supervision of the Midvale City Parks Manager.
4. All headstones and markers shall be installed with a sufficient foundation to prevent tipping or settling. The margin shall also be determined by the Midvale Parks Manager.
5. No headstones or markers are to be installed without the Midvale Parks Manager first being notified.
6. No headstone shall exceed the regulations listed below:

Double Headstone: L.72" W.28" H.4" (Foundation included in measurement, and no less than 4" and not to exceed 6" in depth)

Single Headstone: L.36" W.28" H.4" (Foundation included in measurement, and no less than 4" and not to exceed 6" in depth)

Vases: All permanent vases must be placed in the monument, or base, and must be recessed to ground level when not in use. (Because of the potential for theft and/or vandalism, the installation of removable vases is discouraged. Midvale City is not liable for stolen vases and/or property.)

GENERAL RULES AND REGULATIONS

CEMETERY OFFICE

Amber Hirsbrunner
ahirsbrunner@midvale.com
8196 South Main Street
Midvale, UT 84047
(801)567-7235

HOURS OF OPERATION

Monday-Thursday 6:30am-5:00pm

SCHEDULING

1. A 48-hour notice to the Cemetery office is required for all burial arrangements.

   ** Note: The Cemetery office is closed on Friday's, therefore, all burial arrangements for Monday's and Tuesday's are due by 12:00pm on the Thursday prior to services.

2. The Cemetery office is to be contacted prior to placing obituaries in the newspaper or online.

DECORUM

1. Properly displayed flowers/decorations add to the beauty and character of the Cemetery. Decorations are permitted to stay on the headstone permanently as long as they do not encroach upon the mow strip or become unsightly. All decorations that encroach into or beyond the mow strip will be removed and discarded weekly.

2. No artificial flowers, decorations, or artificial plants shall be placed or allowed in the cemetery during the period of April 1st through October 31st of each year. Any artificial flowers, decorations, or plants will be removed if found during this period. Refer to Midvale Municipal Code 12.20.230

3. If any decoration becomes detrimental to adjacent lots or walks, or interferes with the general appearance of the Cemetery, the City has the right to remove such decorations of any kind. Additionally, the City may remove any unauthorized plantings that do not conform to the rules and regulations of the Cemetery.

4. Any grave decorations not removed by the owner's two weeks (14-days) after any holiday will be removed and discarded by cemetery staff.

5. All funeral flowers and floral pieces will be removed and discarded without notice when they become unsightly.

6. To protect the safety of cemetery staff, no glass, including vases and other containers, are permitted and will be removed if found.

7. The use of shepherds hooks in the cemetery is prohibited. Use of shepherds hooks will result in removal by cemetery staff.

8. No plants, shrubbery, flowers, or tree's of any kind may be planted in the City cemetery except as approved by the Parks Manager.

9. No plat, lot, or grave shall be defined by fences, railings, coping, hedges, trees, shrubs, corner posts, or any other markers to describe its corners or boundaries unless approved by the Parks Manager.

   **Note: Every Tuesday, Cemetery Staff removes and discards all decorum that has become unsightly and/or does not conform to the aforementioned rules and regulations.

MIDVALE CITY COUNCIL
SUMMARY REPORT

Meeting Date: August 23, 2022

Subject:

Consider Resolution 2022-R-40 Approving the use of funds from the Bingham Junction Project Area to fund the City Hall Plaza project.

Submitted By:

Kate Andrus, RDA Program Manager

Summary:

The Redevelopment Agency of Midvale City will be considering the execution of the Midvale City Hall Plaza Project Agreement between Redevelopment Agency of Midvale City and blū line designs. The proposed resolution is to permit the Agency to utilize existing revenue funds in the amount of $130,435 from the Bingham Junction Project Area to finance the related design and project management services provided by blū line designs for the development of the City Hall Plaza. Staff recommends this funding source as an appropriate use pursuant to U.A.C. § 17C-1-409(1)(a)(iii)(e), as project is in a critical location and nexus between Main Street, Bigham Junction and Jordan Bluffs making it a highly visible corridor connecting all three project areas. This authorization satisfies the legal requirement outlined in Utah State Code Section 17C-1-409.

Fiscal Impact:

The Agency will utilize $130,435 from fund balance from the Bingham Junction Project Area in order to fund the City Hall Plaza Project. This use of funds is an allowable use per U.A.C. § 17C-1-409(1)(a)(iii)(E) and is therefore not a loan and will not require a repayment.

Staff Recommendation:

Adopt Resolution No. 2022-R-40

Recommended Motion:

"I move to adopt Resolution No. 2022-R-40 a resolution approving the use of funds from the Bingham Junction Project Area to fund the City Hall Plaza project.

Attachments:
Resolution No. 2022-R-40

RESOLUTION NO. 2022-R-40

A RESOLUTION APPROVING THE USE OF FUNDS FROM THE BINGHAM JUNCTION PROJECT AREA TO FUND THE CITY HALL PLAZA PROJECT

WHEREAS, Redevelopment Agency of Midvale City (the "Agency") was created to transact the business and exercise the powers provided for in the Utah Redevelopment Agencies Act; and

WHEREAS, the Agency's Board of Directors is considering the execution of the Midvale City Hall Plaza Project Agreement between Redevelopment Agency of Midvale City and blū line designs to provide design work and other services related to the Midvale City Hall Plaza ; and

WHEREAS, this use of funds is an allowable use of agency funds under the requirements listed in Utah State Code Annotated I 7C-1-409(1)(iii)(e) as the location of the plaza will deliver an improvement that will provide a direct benefit to the area and its residents.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, that the City Council does hereby approve the use of funds from the Bingham Junction project to fund the City Hall Plaza Project as it meets the listed requirements set forth in Utah State Code Annotated I 7C-1-409(1)(iii)(E)

PASSED AND ADOPTED BY THE CITY COUNCIL OF MIDVALE CITY this ___day of August 2022.

_____
Marcs Stevenson
Mayor

ATTEST:

_____
Rori L. Andreason, MMC
City Recorder

Voting by the City Council	"Aye"	"Nay"
Quinn Sperry	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____

MIDVALE CITY COUNCIL
SUMMARY REPORT

Meeting Date: August 23, 2022

Subject:

Discussion and action regarding the execution of a Right of Way Lease Agreement with 4th Ave & Main LLC and waiver of the associated annual rent for the use of an existing bulb out located on the west side of the building at 7567 S Main St, Midvale, UT 84047.

Submitted By:

Kate Andrus, Redevelopment Agency Program Manager

Summary:

City staff is actively working with property owners and developers along Midvale's Main Street to encourage the development and use of new and existing bulb-outs along the street as revitalization efforts begin to take place. The construction and use of these bulb-outs will provide a number of benefits to the street and will play an important role in its revival and create placemaking elements in the following ways:

- Improved safety by reducing motor vehicle speeds and emphasizing pedestrian crossing location.
- Improved streetscape at little to no expense by the city, as businesses will both landscape as well as maintain the utilized space, and as a result these improvements will provide the street with an added visual element that contributes to its overall character and sense of place.
- Increased attraction of desired retail and restaurant businesses to the area as the street begins to provide a much-needed supply of added space including outdoor dinning options.
- Increased pedestrian and consumer traffic as the visibility of people along the streets will be boosted and as a result will establish the area as a place of interest that passersbys will want to visit.
- Increased social activities as these spaces provide additional community gathering spaces for residents and patrons of the area.

Over past the few months, city staff has been working with 4th Ave & Main LLC (Rick Service), the property owner of the building located at 7567 S Main St, , to develop a Right of Way Lease

Agreement which will allow for the use of an existing bulb-out to provide additional outdoor seating and dining options for patrons of Tres Gatos. This agreement has been reviewed by the city attorney. The key terms outlined in the agreement include:

- Annual rent for the use of the street for the deck or bulb out is nine hundred and ten ($910.00) per parking space of a linear length of 20 feet. The City may at its discretion wave the required fee if a determination of an economic offset is established based on use.
- The lease for use of a permanent bulb-out shall be in effect for a period of ten (10) years. The tenant shall have the option to extend the lease for two (2) additional, five (5) year terms.
- Tenant shall not make any improvements to the Premises without first obtaining Midvale City's written consent. Any improvements approved by Midvale City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted unless approved by the City as part of an approved site plan.
- Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per combined single limit per occurrence and Three Million Dollars ($3,000,000) per aggregate for personal injury, bodily injury and property damage. Midvale City shall be named as an additional insured by endorsement on each policy.

In addition, in accordance with Section 2 of the proposed Right of Way Lease Agreement, 4th Ave & Main LLC is requesting the waiver of the annual rent, which is allowed at the city's discretion if a determination of an economic offset is established based on the use. This request would waive the annual fee for the duration of the lease which is if executed would be for a period of 10 years with the option to extend the lease for 2 additional, 5 year terms.

City staff supports the execution of the agreement as well as the request to waive the annual fee as the intended use provides an economic offset by fulfilling the City's goal of maintaining and furthering economic opportunities as well as enhancing the economic viability of Midvale City's Main Street area in the following ways:

- Enables opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities;
- Establishes new and creative opportunities to facilitate the Main Street experience for residents and visitors alike; and
- Provides preservation and enhancement of Midvale Main Street's character and the desire to strengthen the pedestrian experience along Main Street.

In addition, City staff does not believe that the City will incur a financial loss in waiving the annual rent, as the bulb-out is an existing structure along Main Street and in its current state does not provide parking value to the City.

Fiscal Impact:

Net benefit. City Staff believes that the annual rent of $910 the City will forego in annual rent will be more than offset by the enhanced use of the space.

Staff Recommendation:

Suspend the rules and approve Resolution No. 2022-R-41 authorizing the execution of a Right of Way Lease Agreement with 4th Ave & Main Street and waives the associated annual rent for the use of an existing bulb out located on the west side of the building at 7567 S Main St, Midvale, UT 84047.

Recommended Motion:

"*I move that we suspend the rules and approve adopt Resolution No. 2022-R-41 _ authorizing the execution of a Right of Way Lease Agreement with 4th Ave & Main Street and waives the associated annual rent for the use of an existing bulb out located on the west side of the building at 7567 S Main St, Midvale, UT 84047."*

Attachments:

Resolution No. 2022-R-41
Right of Way Lease Agreement on Midvale's Main Street
Aerial View of Bulb-out
Proposed Renderings of Bulb-out Improvements

RESOLUTION NO. 2022-R-41

A RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF WAY LEASE AGREEMENT WITH 4TH AVE. & MAIN LLC AND WAIVER OF THE ASSOCIATED ANNUAL RENT FOR THE USE OF AN EXISITNG BULB-OUT LOCATED ON THE WEST SIDE OF THE BUILDING AT 7567 S MAIN ST, MIDVALE, UT 84047

WHEREAS, the City is pursuing efforts to improve streetscape design elements along Midvale's Main Street which promote a sense of place, encourage increased walkability, provide additional amenities and attract both businesses and patrons to the area.

WHEREAS, the City owns the property generally described as the bulb-out located on the west side of the building at 7567 S Main St, Midvale, UT 84047 (the Property); and

WHEREAS, 4th Ave & Main LLC owns the property located at 7567 S Main St, Midvale, UT 84047; and

WHEREAS, 4th Ave & Main LLC would like to lease the property to provide additional seating and dining options for patron of Tres Gatos; and

WHEREAS, City desires to lease the property to 4th Ave & Main LLC as the City believes its intended use will provide desired streetscape elements along Midvale's Main Street.

WHEREAS, 4th Ave & Main LLC has requested the waiver of the annual rent for the duration of the executed lease agreement.

WHEREAS, Section 2 of the right of way lease agreement states that the city may at its discretion waive the required fee if a determination of an economic offset is established based on use; and

WHEREAS, the City has determined that the intended use provides an economic offset by fulfilling the City's goal of maintaining and furthering economic opportunities as well as enhancing the economic viability of Midvale City's Main Street area and therefore supports this request; and

NOW THEREFORE BE IT RESOLVED, by the City Council of Midvale City, Utah to hereby authorize the execution of a right of way lease agreement with 4th Ave & Main Street and waives the associated annual rent for the use of an existing bulb out located on the west side of the building at 7567 S Main St, Midvale, UT 84047.

This Resolution shall become effective immediately upon passage thereof.

APPROVED AND ADOPTED this ___day of September 2022

Marcus Stevenson
Mayor

Matt Dahl
City Manager

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the Council:	**"Aye"**	**"Nay"**
Bryant Brown	_____	_____
Paul Glover	_____	_____
Quinn Sperry	_____	_____
Heidi Robinson	_____	_____
Dustin Gettel	_____	_____

RIGHT OF WAY LEASE AGREEMENT
ON MIDVALE'S MAIN STREET

This Right of Way Lease Agreement on Midvale's Main Street (the "Lease" or "Agreement") is made and executed this 9 day of August, 2022, by and between **MIDVALE CITY,**, a Utah municipal corporation, (the "City", "Midvale City", or "Landlord") and 4th Ave & Main LLC, a Utah Limited Liability Company (the "Tenant") located at 7567 So. Main St, Midvale City, Utah.

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City's goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors a like ; and

WHEREAS, the City's goals include the preservation and enhancement of Midvale Main Street's character and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City's General Plan and Main Street Community Development Project Area Plan recommends utilizing design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City's goals include maintaining and furthering economic opportunities, as well as enhancing the economic viability of Midvale City's Main Street area.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

TERMS & CONDITIONS OF LEASE

1. PROPERTY. The property affected by this Lease is generally described as the street area, bulb outs, and sidewalk directly fronting Tenant's building located at 7567 So. Main St, which has a length of 30 feet, and more specifically described in site plan **Exhibit A**, attached hereto and incorporated herein by this reference, (the "Premises").

2. RENT. Annual rent for the use of the street for the deck or bulb out is nine hundred and ten ($910.00) per parking space of a linear length of 20 feet. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this Lease, including but not limited to additional business licensing fees, insurance, sales taxes and other expenses. The City may at its discretion wave the required fee if a determination of an economic offset is established based on use.

3. TERM. Unless otherwise delayed, suspended or terminated by Salt Lake County health order(s), the term of this Agreement shall commence on August 9, 2022, and shall terminate on August 1, 2032 ("Term") unless terminated earlier as provided herein. The lease for use of a permanent bulb out shall be in effect for a period of ten (10) years. The tenant shall have the option to extend the lease for two (2) additional, five (5) year terms. Additional term restrictions are attached hereto and incorporated herein by this reference in **Exhibit B** (Right of Way Use Guidelines). This Agreement may be terminated by Midvale City upon a finding of non-compliance with this Agreement or the attached operational restrictions.

4. MAIN STREET IMPROVEMENTS. If at any time the removal of amenities from a bulb out is required due to construction related to Main Street improvements, the City will give each affected business owner a minimum of two (2) weeks' notice.. The City will not be responsible for any associated costs involving deck/bulb out removal/placement or potential lost revenue.

5. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with applicable Salt Lake County health orders, Section 17-7-11. of the Midvale City Municipal Code and the terms of this Agreement. Additional operational restrictions, which must be complied with as part of the conditions of this Lease, are attached hereto and incorporated herein in **Exhibit B**. Midvale City makes no representations regarding the Premises and Tenant accepts the Premises "AS IS."

6. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Midvale City's written consent. Any improvements approved by Midvale City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted unless approved by the City as part of an approved site plan.

7. SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Midvale City Municipal Corporation Planning Department pursuant to the Midvale Municipal Code.

8. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per combined single limit per occurrence and Three Million Dollars ($3,000,000) per aggregate for personal injury, bodily injury and property damage. Midvale City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Midvale

City's and Midvale City's insurance shall be non-contributory. A certificate of insurance naming Midvale City as an additional insured shall be provided to Midvale City on or before the Lease commencement. Insurance shall be maintained continuously during the term of the Lease and should any of the above-described policies be cancelled before the expiration date thereof, Tenant shall deliver notice to Midvale City within thirty (30) days of cancellation. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Midvale City. Midvale City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act on behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Midvale City for liability or allegations arising out of the Tenant's use of the Premises.

9. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, and hold Midvale City harmless from all claims, loss, damage, injury or liability (hereafter "Liability") resulting from Tenant's use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of Midvale City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, or utility, the structure may be removed or damaged by response teams at the cost of the Tenant.

   Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

10. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Midvale City. Any assignment or transfer without written approval is void. The City will not hold transfer of interest without reasonable cause and will provide reasonable transfer within a timely manner.

11. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this Agreement at the highest professional standards, and to the satisfaction of Midvale City.

12. COUNTERPARTS. This Agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument.

13. ELECTRONIC SIGNATURES. Each party agrees that the signatures of the parties included in this Agreement, whether affixed on an original document manually and later electronically transmitted or whether affixed by an electronic signature through an electronic signature system such as DocuSign, are intended to authenticate this writing and to create a legal and enforceable agreement between the parties hereto.

14. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between the parties, and it cannot be altered or amended except by written instrument, signed by both parties.

[Signature Page Follows]

Executed the day and year first above written.

Tenant:

4th Ave & Main LLC
a Utah corporation,
dba

By: Rick Service
Name Printed:
Title: Mgr.

THE CITY REQUIRES THE TENANT TO COMPLETE EITHER THE NOTARY BLOCK OR THE UNSWORN DECLARATION, WHICH ARE BELOW.

ACKNOWLEDGMENT

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

On this 9TH day of AUGUST, 2022, personally appeared before me RICK SERVICE, who being duly sworn, did say that he/she is the OWNER. of 4TH AVE. & MAIN LLC, a Utah corporation, **dba** _____, and acknowledged to me that the preceding Agreement was signed on behalf of the company, and he/she acknowledged that the company did execute the same for its stated purpose.

Fabiola Nelson
Notary Public

FABIOLA NELSON
NOTARY PUBLIC· STATE OF UTAH
COMMISSION# 722903
COMM. EXP. 02-07-2026

MIDVALE CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: _____
Marcus Stevenson, Mayor

Attest:

_____
Rori Andreason City Recorder

Approved as to form:

_____
City Attorney's Office

I declare under criminal penalty under the law of Utah that the foregoing is true and correct. Signed on the ___ day of _____, _____, at _____ (insert State and County here).

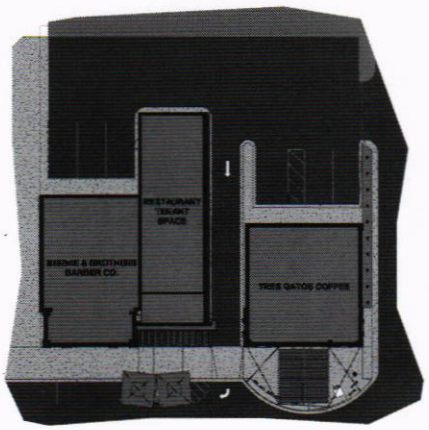
Printed name _____

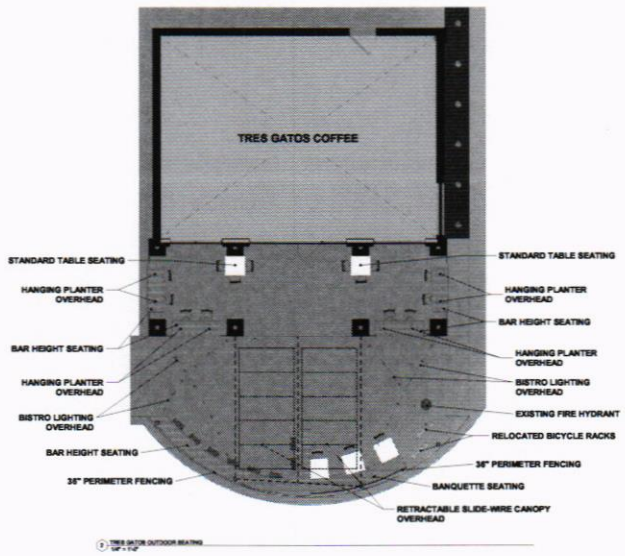
Signature: _____

Exhibit A

7567 South Main Street
Bulb Out Dinning







002 - TRES GATOS COFFEE

MIDVALE MAIN STREET - RICK SERVICE

MAIN STREET
MIDVALE, UT 84047

Exhibit B

Right of Way Use Guidelines

The use of existing street areas, bulb-outs, and sidewalk may be allowed upon review and approval of a right-of-way use site plan and an executed lease agreement. The applicant must submit a site plan, including proposed use and operations, to be reviewed by the City Planner and City Engineer. Upon approval, the applicant must enter into a lease agreement with Midvale City. Ongoing monitoring will be provided to ensure compliance with these parameters. The lease may be revoked for failure to comply with the terms of the lease.

Required Submittals:

- Site Plan – This plan shall be drawn to scale and indicate: the applicant's building as it relates to the exact proximity of the existing right of way use area. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, etc., and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.). The site plan shall include the proposed use, including hours of operations.

- Details/specifications sheets – A specification/ detail sheet shall be submitted for each piece of equipment proposed with each site plan, including all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. The use of an existing right of way use area shall be limited to the linear frontage of the building along Main Street. The encroachment of the proposed right of way use area into the street shall not exceed nine feet, three inches (9'-3") in width from the curb. With written permission of the adjacent property owner submitted to the City, the applicant may extend into the neighbor's street frontage.

2. Unobstructed Passageway. When in operation, an unobstructed passageway of five feet (5') shall be maintained within the sidewalk area at all times. This passageway must be free of obstructing the flow of pedestrian traffic. The five-foot (5') passageway is measured from any display, seating, or dining facility to the nearest obstruction affecting the flow of pedestrian traffic. Obstructions include; traffic signals, traffic signs, light poles, pedestrian curb cuts, parking meters, bus stops, garbage cans, benches, trees, grates, fire hydrants, displays, and seating or dining uses. Recesses in the building facade shall not be used to satisfy the clear path.

3. Location/Proximity/Spacing. The City reserves the right to reject any right-of-way use site plan, including but not limited to the following:

    - The plan is within the proximity of another right-of-way use agreement and created a concentrated parking issue along Main Street.
    - If the proposed right-of-way use area is for a restaurant that does not have direct access at street level.
    - If the proposed right of way use area is for a business with existing outdoor dining space, the expansion of such is deemed excessive.
    - If the plan is deemed detrimental to the health, safety, and welfare of the area proposed right-of-way use area creates too much private use of the public right-

of-way.

- The Building, Planning, and Engineering Departments will review each right-of-way use area's location, proximity, and spacing and the impacts of traffic and public safety concerns.

4. Material. All permanent rights-of-way use areas shall be constructed out of concrete and must comply with International Building Code requirements (including fire standards).

5. Height. The maximum height of the right of way use area shall not exceed twenty-four inches (24") measured from existing grade to the base/floor of the structure at any given point. The layout may include a step to meet the maximum height allowed.

6. Barricades. All barricades shall be installed directly to the concrete. Barrier materials should be sturdy, durable, and weather-resistant, and the design of the barrier fence should contribute to the streetscape and appeal to the pedestrian experience. Barrier height shall be no less than 24 inches and no more than 36 inches. All Barriers shall maintain a minimum of 50% transparency (openness) to provide visibility of street-level activity; solid fencing is discouraged. All Barriers shall also maintain ADA accessibility.

7. Advertising. Additional signing or advertising beyond what is allowed by the Midvale City Municipal Code is prohibited.

8. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. The Planning Department must approve all furniture.

9. Umbrellas. Umbrellas must be free-standing and are prohibited from extending beyond the right-of-way use area. In addition, any umbrellas shall be affixed permanently to the structure as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.

10. Posts. The installation of structural posts used for awnings and lighting is allowed but must be cemented permanently as posts into the ground.

11. Awnings. Awnings are permitted but must comply with Midvale City Municipal Code.

12. Lighting. Consider lighting needs for nighttime use and use pedestrian-scale lighting where needed.

13. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed with the site plan and shall not create any public hazard or unnecessary clutter. All plant materials must be maintained in a manner that ensures their viability.

14. Use. The tenant may use the existing right of way use area for outdoor dining services consistent with applicable Salt Lake County health orders, Section 17-7-11, Midvale Municipal Code, and the terms of the lease agreement. For establishments that serve alcoholic beverages, the tenant must comply with all requirements outlined by the Utah State Department of Alcoholic Beverage Control.

15. Licensing. The additional square footage of the existing right of way use area must be added to the existing licensed area for the business, with applicable use. The applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the applicant to ensure that all licenses are properly

obtained and adhered to.

16. Health & Safety. The use of an existing right-of-way use shall not violate the Salt Lake County Health Code, Salt Lake County Health Orders, State of Utah Health Orders, the Fire Code, or the International Building Code.

17. Music. Music and noise are allowed but shall comply with Midvale City Municipal Code.

18. Maintenance. The existing right of way use area shall be clean and maintained in a neat and orderly fashion.

19. Removal. All amenities existing in the right-of-way use area must be removed entirely from the Right-of-Way before the termination of the lease agreement. If amenities from the right of way use area are not removed as required, the City will remove the structures at a cost to compensate for the employees and equipment needed to complete the task. Any permanent infrastructure remaining after the lease's termination will become the City's property.

20. Drainage. Design of the right of way use area and its skirting shall not interfere with the existing street drainage. The site plan shall be reviewed by the City Engineer for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.

21. Utilities. The structures shall not hinder access to utilities. No right-of-way use areas will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed due to the proposed use.

22. Insurance. The tenant shall carry a policy of general liability insurance in the amount of at least One Million Dollars ($1,000,000) per combined single limit per occurrence and Three Million Dollars ($3,000,000) per aggregate for personal injury, bodily injury, and property damage. Midvale City shall be named as an additional insured by endorsement on each policy.

23. Main Street Improvements. Due to the possible conflicts with scheduled Main Street improvements, the City may postpone approving leases until the construction schedule is finalized to determine appropriate dates.

    If at any time the removal of amenities from a right of way use area is required due to construction related to Main Street improvements, the City will give each affected business owner a minimum of two (2) weeks' notice. The City will not be responsible for any associated costs involving deck/bulb out removal/placement or potential lost revenue.

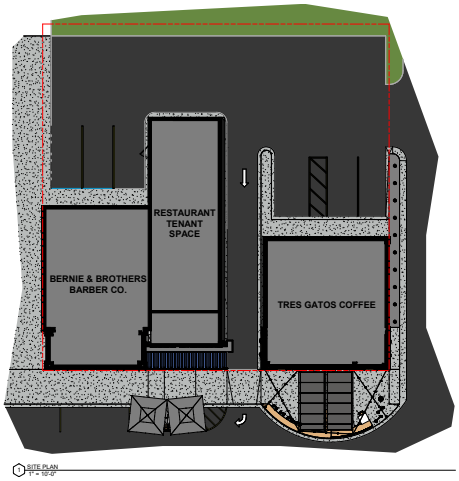
24. Violations. The right-of-way use area shall comply with all County and State Health Orders in addition to Municipal Codes. From the time that any Notice of Violation is given, the City may withhold permits for any alteration, repair, or construction, which pertains to any existing or new structures or signs on the property or any permits pertaining to the use and development of the real property or the structure where a violation is located. The City may withhold permits until the enforcement official has issued a Notice of Compliance. In addition, the City may withhold permits that are necessary to obtain a Notice of Compliance or that are necessary to correct serious health and safety violations.


S MAIN ST
307-014
21 - 25
W 4TH AVE

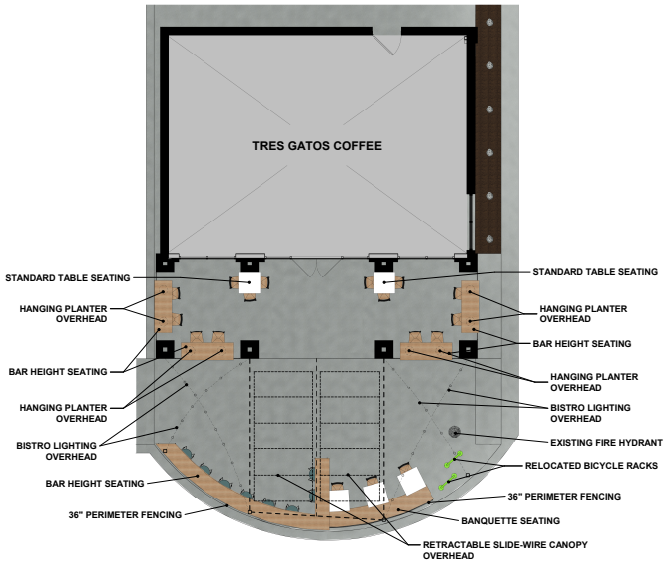

TRES GATOS COFFEE
Order Delivery
on Grubhub

7567 South Main Street
Bulb Out Dinning





1 SITE PLAN
1" = 10'-0"



1 TRES GATOS OUTDOOR SEATING
1/4" = 1'-0"

002 - TRES GATOS COFFEE

MIDVALE MAIN STREET - RICK SERVICE

MAIN STREET
MIDVALE, UT 84047