



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

**MIDVALE CITY COUNCIL REGULAR MEETING
AGENDA
NOVEMBER 15, 2022**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **15th day of November, 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. **Public comments may be submitted electronically to the City Council at www.Midvalecity.org/government/contact-us by 5:00pm on November 14, 2022. Electronic public comments submitted will be included in the meeting record.**

The meeting will be broadcast on the following: **You Tube:** www.MidvaleCity.org/YouTube

6:00 PM – WORKSHOP

- Interview City Attorney Appointee – Garrett Wilcox **[Mayor Stevenson]**

6:30 PM - REGULAR MEETING

I. GENERAL BUSINESS

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

II. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing on the agenda may address the City Council at this point by stepping to the microphone and giving their name for the record. **Comments should be limited to not more than three (3) minutes unless additional time is authorized by the City Council.** 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 items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

III. MAYOR REPORT

- A. Mayor Marcus Stevenson

IV. COUNCIL REPORTS

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

V. CITY MANAGER REPORT

VI. PUBLIC HEARING

- A. Consider Midvale City Request for Amendments to Title 17 of the Midvale City Municipal Code to Address Setbacks for Garages, Carports, and Accessory Structures within the SF-1 and SF-2 Zones **[Adam Olsen, Planning Director]**

ACTION: Adopt Ordinance No. 2022-O-19 An Ordinance Amending Chapters 17-7-1.4.A.2(d) and 17-7-1.8.C Single Family Residential Zone (SF-1), 17-7-2.4.A.2(d) and 17-7-2.8.C Single Family Residential Zone (SF-2), Table 17-7-1.4 Single Family Residential Zone (SF-1) and Table 17-7-2.4 Single Family Residential Zone (SF-2) of the Midvale City Municipal Code

VII. CONSENT

- A. Consider Minutes of November 1, 2022 **[Rori Andreason, H.R. Director/City Recorder]**
- B. Consider **Ordinance No. 2022-O-20** Amending Chapter 8.09 of the Midvale Municipal Code regarding Wastewater Disposal **[Glen Kennedy, Public Works Director]**

VIII. DISCUSSION ITEMS

- A. Discuss Establishing a Time and Place for Holding Regular City Council Meetings, Designate the Mayor Pro-Tempore Schedule, and Adopt the Holiday Schedule for the 2023 Calendar Year. **[Rori Andreason, HR Director/City Recorder]**
- B. Discussion 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 a bulb out located on the west side of the building at 7563 S. Main St, Midvale, UT 84047 **[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: NOVEMBER 10, 2022

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



COUNCIL MEETING *Minutes*

Tuesday November 15, 2022
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Nate Rockwood, Assistant City Manager; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Garrett Wilcox, Deputy City Attorney; Jerimie Thorne, Deputy Public Works Director; Adam Olsen, Planning Director; Wendelin Knobloch, Senior Planner; Cody Hill, Redevelopment Agency Manager; Laura Magness, Communications Director; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Juan Rosario, Systems Administrator.

6:00 PM - WORKSHOP

- Interview City Attorney Appointee **[Mayor Stevenson]**

Mayor Stevenson and Matt Dahl expressed their desire to appoint Garrett Wilcox as City Attorney with a contract to be approved in the future.

The Council discussed the appointment of Garrett Wilcox to the position of City Attorney with all positive comments.

Matt Dahl requested the ability to post the Deputy City Attorney position immediately.

The Council agreed.

6:30 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 6:33 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

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

C. UNIFIED FIRE REPORT

Chief Brad Larson discussed the July to September quarterly report.

Council Member Bryant Brown asked Chief Larson to take into account parking in regards to their response times when approving developments within the City.

Chief Larson said one thing to keep in mind with a lot of these apartment type developments, is they have a fire sprinkler system in them that is very effective. That is one thing in favor of these types of developments.

Mayor Stevenson asked if the report shows calls and responses that Midvale responds to outside of Midvale City? He said it would be interesting to see the emergent percentage of calls outside of Midvale.

Council Member Dustin Gettel said it would be nice to be able to drill down on those calls to see the response time on those calls and what the calls were for.

Chief Brand Larson said they are planning on moving into the new fire station by end of month if everything goes well with the contractor.

Chief Larson cautioned everyone on preparing for Thanksgiving to be careful with cooking.

II. PUBLIC COMMENTS

There was no one who desired to speak.

III. MAYOR REPORT

Mayor Stevenson said he is excited for Station 125 being almost completed. He updated the Council on the Unified Police. The cost control went to the finance committee and is now going back to the UPD Board for approval of an Interlocal Agreement. They are meeting with IACP to provide scope of work and feedback prior to their starting the process. The majority of the report will be completed by May so it can be used for the budget. The final report will be available by summer. A draft bill was released at the legislature that will be reviewed at committee tomorrow. The bill states any sheriff of a first class county cannot be a CEO or in charge of any other agency.

Mayor Stevenson expressed his appreciation to Lisa Garner for her dedication and excellent work for the City.

IV. COUNCIL REPORTS

A. Council Member Paul Glover- said he agreed with Mayor Stevenson with what was said about Lisa Garner. He said he appreciates her work for the City.

B. Council Member Dustin Gettel – reported that in the Animal Services Committee they are looking at opening a new animal care center which is very much needed. They are planning on funding the new facility with ARPA funds. The County Council will vote on this next week. County Council Member Amy Winder Newton said she would like to come to a workshop to discuss things that may affect Midvale City. He expressed his appreciation to Lisa Garner for her friendship to him. He said she has been the best counsel for him on the Council and as a friend.

C. Council Member Quinn Sperry - said he had the opportunity to deliver checks to teachers in Canyons School District for the Innovation Grant, which was really exciting. He also expressed his appreciation to Lisa Garner and wished her luck.

D. Council Member Bryant Brown – said Lisa Garner has been a mentor to him and has always been very kind and giving. He thinks she is one of the smartest attorneys in the state.

E. Council Member Heidi Robinson – said she agreed with everything said about Lisa Garner and thanked her for her support.

V. CITY MANAGER REPORT

Matt Dahl said “Light Up Main Street” is on December 3rd from 6-9. He also expressed his appreciation to Lisa Garner for everything she has done and for her friendship. He said everyone will miss her.

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 vote. The motion passed unanimously.

VI. PUBLIC HEARING

A. CONSIDER MIDVALE CITY REQUEST FOR AMENDMENTS TO TITLE 17 OF THE MIDVALE CITY MUNICIPAL CODE TO ADDRESS SETBACKS FOR GARAGES, CARPORTS, AND ACCESSORY STRUCTURES WITHIN THE SF-1 AND SF-2 ZONES

Adam Olsen said staff was proposing amendments to the above listed chapters of the Municipal Code. The amendments will allow flexibility in setbacks for expansion of existing attached garages and/or carports that could not otherwise occur. Current Code allows a side setback of four feet (4') for expansion of an attached garage or carport. Multiple areas within the SF-1 and SF-2 zones have existing structures within the 4' setback, leaving many of these structures unable to expand as they are classified as “non-conforming”. The amendments, as proposed, will allow a side expansion to the property line, as well as the ability to expand deeper into the lot at the current non-conforming setback line. For an expansion to a property line, proof of a licensed survey will be required, identifying the location of said property line. In addition, no openings on the side of the structure contiguous to the property line will be allowed, nor will drainage from a roof be allowed to discharge on an adjacent property.

Setbacks for unoccupied accessory structures and External Accessory Dwelling Units (EADU's) will remain at 2' from side and rear property lines. However, the proposed amendment will allow the ability for no minimum setback; provided certain criteria are met (identified in draft ordinance).

These amendments will allow enhanced opportunities for expansion of existing structures and placement of new unoccupied accessory structures and EADU's in established areas of the city within the SF-1 and SF-2 zones.

In addition to the text amendments, the associated tables are updated to reflect the proposed amendments, as well as updates to illustrate other recent changes to setback allowances.

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

The Planning Commission reviewed the request at their October 26, 2022 meeting and recommended approval of the amendments to the City Council.

STAFF ANALYSIS:

-AMENDMENTS TO THE ZONING CODE OR MAP

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

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

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

Response: The request is not for a rezone; rather, amendments to allow flexibility in setbacks for attached garage and carport structures, as well as flexibility in siting unoccupied accessory structures and EADU's.

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 recommended approval of the amendment. A finding is offered for consideration:

1. Approval of the amendments will allow flexibility in setbacks for attached garage and carport structures, as well as flexibility in siting unoccupied accessory structures and EADU's in established areas of the City within SF-1 and SF-2 zones.

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

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

ACTION: ADOPT ORDINANCE NO. 2022-O-19 AN ORDINANCE AMENDING TITLE 17 OF THE MIDVALE CITY MUNICIPAL CODE TO ADDRESS SETBACKS FOR GARAGES, CARPORTS, AND ACCESSORY STRUCTURES WITHIN THE SF-1 AND SF-2 ZONES

MOTION: Council Member Dustin Gettel MOVED to Adopt Ordinance No. 2022-O-19 An Ordinance Amending Chapters 17-7-1.4.A.2(d) and 17-7-1.8.C Single Family Residential Zone (SF-1), 17-7-2.4.A.2(d) and 17-7-2.8.C Single Family Residential Zone (SF-2), Table 17-7-1.4 Single Family Residential Zone (SF-1) and Table 17-7-2.4 Single Family Residential Zone (SF-2) of the Midvale City Municipal Code. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member 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.

VII. CONSENT AGENDA

A. CONSIDER MINUTES OF NOVEMBER 1, 2022

B. CONSIDER ORDINANCE NO. 2022-O-20 AMENDING CHAPTER 8.09 OF THE MIDVALE MUNICIPAL CODE REGARDING WASTEWATER DISPOSAL

MOTION: Council Member Paul Glover MOVED to Approve the Consent Agenda. The motion was SECONDED by Council Member Quinn Sperry. 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.

VIII. DISCUSSION ITEM

A. DISCUSS ESTABLISHING A TIME AND PLACE FOR HOLDING REGULAR CITY COUNCIL MEETINGS, DESIGNATE THE MAYOR PRO-TEMPORE SCHEDULE, AND ADOPT THE HOLIDAY SCHEDULE FOR THE 2023 CALENDAR YEAR

Rori Andreason said Section 2.36 of the Midvale Municipal Code outlines the City Council meeting schedule as required by state statute. The Council is scheduled to meet the first and third Tuesdays of each month for a City Council meeting. Workshop meetings will be held prior to the regular meeting as needed. The City Council meetings scheduled in the months of July, August, November, and December may differ from the above schedule. The proposed Council meeting schedule and holiday schedule for the City for calendar year 2023 has been included for Council consideration as well as the Mayor Pro-Tempore schedule.

The Council directed staff to place this item on the consent agenda at the next meeting.

B. DISCUSSION 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 A BULB OUT LOCATED ON THE WEST SIDE OF THE BUILDING AT 7653 SOUTH MAIN STREET, MIDVALE, UT 84047

Kate Andrus said 4th Ave & Main LLC (Rick Service), the property owner of the building located at 7563 S. Main St., wishes to enter into a right of way lease agreement which will allow for the use of a newly constructed permanent bulb-out to provide additional outdoor seating and dining options for patrons of the building located at 7563 S. Main St. 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.

Fiscal Impact:

Net benefit. City Staff believes that the annual rent of two parking spaces (\$1,820.00) the city will forego in annual rent will be more than offset by the enhanced use of the space.

Staff Recommendation:

The plans have been approved by both planning and public works. Engineering is waiting on the submission of a drainage plan. Upon final approval from the City Engineer. City staff recommended 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 7563 S. Main St., Midvale, UT 84047.

Council Member Dustin Gettel and Council Member Bryant Brown expressed their concern about the bulb outs causing it difficult to see traffic and pedestrians when pulling through the drive through.

Mayor Stevenson is concerned for pedestrians. He asked to have a pedestrian sign installed.

Council Member Dustin Gettel said he likes the look and feel of the bulb outs.

The Council agreed to place this item on the next meeting agenda as an action item.

IX. ADJOURN

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

The meeting adjourned at 7:23 p.m.


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



Approved this 6th day of December, 2022

[illegible]

