



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

**MIDVALE CITY COUNCIL REGULAR MEETING
AGENDA
JANUARY 17, 2023**

****Amended****

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **17th day of January 2023** 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 January 16th and will be included in the record.**

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

6:00 PM – WORKSHOP

- Discuss Options for Potential Recreation Center *[Matt Dahl, City Manager]*

7:00 PM - REGULAR MEETING

I. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. Unified Police Department Report
- D. Unified Police Department Team Citation
- E. Proclamation recognizing January 16, 2023 as Dr. Martin Luther King, Jr. Day

II. PUBLIC COMMENTS

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

III. MAYOR REPORT

- A. Mayor Marcus Stevenson

IV. COUNCIL REPORTS

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

V. CITY MANAGER REPORT

VI. CONSENT

- A. Consider Minutes of December 1, 2022 and January 3, 2023 [**Rori Andreason, H.R. Director/City Recorder**]
- B. Set Date and Time [February 7, 2023 at 7:00 p.m.] for a Public Hearing to Consider Proposed Budget Amendments to FY2023 General Fund and other funds as necessary [**Mariah Hill, Administrative Services Director**]

VII. ACTION ITEMS

- A. Consider **Ordinance No. 2023-O-01** Amending Chapter 5.08 of the Midvale Municipal Code regarding Business Licenses [**Aubrey Ruiz, Community Development Executive Assistant**]
- B. Consider **Resolution No. 2023-R-06** Authorizing the City to enter into a Month-to-Month Lease Agreement for the Property Located at 7683 South Holden Street between Midvale City and UGIA [**Nate Rockwood, Assistant City Manager**]

VIII. DISCUSSION ITEMS

- A. Discuss General Plan Moderate-Income Housing Element Amendment and State Code Compliance [**Meggie Troili, RDA Project Manager**]
- B. Discuss Amending Chapter 3.02 of the Midvale Municipal Code regarding Procurement [**Mariah Hill, Administrative Services Director**]
- C. Discuss Amending Midvale Code Section 8.10.030 & 8.10.060 - Jordan Bluffs Institutional Controls Ordinance [**Nate Rockwood, Assistant City Manager**]

IX. POSSIBLE CLOSED SESSION

The City Council may, by motion, enter into a Closed Session for:

- A. To discuss the Character, Professional Competence or Physical or Mental Health of an Individual;
- B. Strategy sessions to discuss pending or reasonably imminent litigation;
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property;
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Investigative proceedings regarding allegations of criminal misconduct.

X. ADJOURN

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

DATE POSTED: JANUARY 13, 2023

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



COUNCIL MEETING ***Minutes***

Tuesday January 17, 2023
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Marcus Stevenson

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

STAFF: Matt Dahl, City Manager; Nate Rockwood, Assistant City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Mariah Hill, Administrative Services Director; Adam Olsen, Community Development Director; Meggie Troili, RDA Project Manager; Aubrey Ruiz, Community Development Executive Assistant; Cody Hill, RDA Manager; Wendelin Knobloch, Senior Planner; Laura Magness, Communications Director; Chief Randy Thomas, UPD; and Matt Pierce, IT Director.

6:00 PM - WORKSHOP

- Discuss Option for Potential Recreation Center ***[Matt Dahl, City Manager]***

Matt Dahl discussed funding mechanism options for a recreation center in Midvale City. He discussed centers in neighboring cities and the costs associated with those recreation centers.

The Council discussed this project at length and expressed concern with the costs associated with building a recreation center. Staff was instructed to proceed with researching the funding and design of a recreation center for the City.

7:00 PM – REGULAR MEETING

Mayor Marcus Stevenson called the business meeting to order at 7:02 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 POLICE DEPARTMENT REPORT

Chief Randy Thomas reported on the case load for the month of December. He said he recently attended a ceremony in remembrance of Officer Doug Barney who was killed in the line of duty in 2016.

D. UNIFIED POLICE DEPARTMENT TEAM CITATION

Sheriff Rosie Rivera read the Team Citation as follows:

On December 9th at approximately 7:30 pm dispatch received calls of a possible auto-pedestrian accident near 7568 South Bingham Junction. Unified Police and Unified Fire were dispatched. The victim was critically injured, and an off-duty nurse was providing emergency care. It soon became apparent the victim was injured as the result of a stabbing, not an auto accident. Witnesses recounted that a 4-year old child was also taken in a vehicle by the stabbing suspect. The suspect and child were believed to have fled the area in a white SUV, and are still missing.

An investigative Command Center was set up at the Midvale Precinct. Investigative units consisted of the Special Victim Unit, the Violent Crimes Unit, the Major Investigations Unit, and the Forensics Unit.

An Amber Alert Notification was broadcast for the child. Soon after, the child was found by citizens a few blocks from the crime scene. These citizens had attempted to locate the child's parents before contacting officers. The Amber Alert was cancelled, and the child was reunited with family members.

Investigators worked tirelessly to locate the suspect in Ogden, Utah. Ogden Police assisted in taking the suspect into custody after a short barricade incident. The UPD Investigative Team took custody of the suspect and booked him into jail.

I would like to respectfully recognize all involved in this incident. Outstanding efforts resulted in timely resolution of this critical incident. The victim of the stabbing is recovering from her wounds, the child re-united with her family and the suspect booked in jail awaiting prosecution.

Lieutenant Nate Lord, UPD Watch Commander
Heidi Reynaud, UPD Forensics Supervisor
Sergeant Christopher Benedict, Midvale Shift Supervisor
Sergeant Edwin Meono, Kearns Patrol Supervisor
Sergeant Zachary Bench, Millcreek Patrol Supervisor
Sergeant Rob Scott, Special Victim Unit-Supervisor
Sergeant James Taylor, Major Inv. Unit Supervisor
Sergeant Melody Grey, PIO

Mayor Stevenson thanked the Unified Police and Unified Fire, and everyone involved in this critical incident.

E. PROCLAMATION DECLARING JANUARY 16, 2023 AS DR. MARTIN LUTHER KING, JR. DAY

Council Member Dustin Gettel and Mayor Stevenson read the proclamation declaring January 16, 2023 as Dr. Martin Luther King, Jr. Day. Council Member Dustin Gettel said he would like to schedule some kind of event in future years to recognize Dr. Martin Luther King, Jr. Day.

II. PUBLIC COMMENTS

There was no one who desired to speak.

III. MAYOR REPORT

Mayor Stevenson reported that meetings have been scheduled for a six-month follow-up on police reforms with the Unified Police Department. He said the legislative session began that day and the City is heavily engaged in the session. This year there will be bills on homelessness, police, and growth. He announced that he was just elected as the Vice Chair of the Unified Fire Authority Board.

IV. COUNCIL REPORTS

A. Council Member Quinn Sperry - had nothing to report.

B. Council Member Dustin Gettel – recognized Mayor Stevenson for being appointed as the Chair of UFA. He asked if there were any legislative bills the Council needed to watch.

Matt Dahl said there are two bills the City has been paying attention to but have not been numbered yet. He said he is hoping to have more information at the next council meeting.

C. Council Member Bryant Brown - had nothing to report.

D. Council Member Heidi Robinson – had nothing to report.

E. Council Member Paul Glover – had nothing to report.

V. CITY MANAGER REPORT

Matt Dahl said will be sending out an updated calendar of events for the year.

VI. CONSENT AGENDA

A. CONSIDER MINUTES OF DECEMBER 1, 2022 AND JANUARY 3, 2023

B. SET DATE AND TIME [FEBRUARY 7, 2023 AT 7:00 P.M.] FOR A PUBLIC HEARING TO CONSIDER PROPOSED BUDGET AMENDMENTS TO FY2023 GENERAL FUNDS AND OTHER FUNDS AS NECESSARY

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	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. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2023-O-01 AMENDING SECTION 5.08 OF THE MIDVALE MUNICIPAL CODE REGARDING BUSINESS LICENSES

Aubrey Ruiz said the proposed amendments to the Midvale Municipal Code Section 5.08, as outlined below, were discussed with the city council on January 3, 2023. The amendments include:

- (1) clarifying the language in the text,
- (2) providing the most current business licensing fee schedule, and
- (3) updating the most current business licensing bonding schedule.

The business licensing section of the code requires updates to reflect the most up-to-date information from the department. The business licensing fee schedule explanation does not currently define the purpose intended for the fees being charged. It would be beneficial to the City to specify the usage of the funds for current and future business owners.

The Midvale City Municipal Code currently reflects an incorrect fee schedule from years ago. The past fees do not match the most recent fee schedule currently being used within the department. A new fee schedule is adopted each year and the new language in the code will refer to that.

Midvale City staff have prioritized amending the ordinance to ensure compliance with state code and to provide transparency for residents and business owners. Staff will present the proposed changes to the City Council during the meeting.

MOTION: Council Member Dustin Gettel MOVED to Approve Ordinance No. 2023-O-01 Amending Section 5.08 of the Midvale Municipal Code regarding Business Licenses. 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. 2023-R-06 AUTHORIZING THE CITY TO ENTER INTO A MONTH-TO-MONTH LEASE AGREEMENT FOR THE PROPERTY LOCATED AT 7683 SOUTH HOLDEN STREET BETWEEN MIDVALE CITY AND UGIA

Nate Rockwood said on December 6, 2022, City Manager Matt Dahl presented a discussion item to City Council regarding the temporary use of the former Unified Fire Station 125 at 7683 S. Holden Street by UPD and Utah Gang Investigators Association (UGIA), to host Choose Gang Free Advocates programing. At that time, the Council indicated they were in favor of city staff putting together a month-to-month lease with UGIA to move forward with the programing. The lease allows full use of the property specifically for Choose Gang Free Advocates programing. The programming will all be administered by UGIA staff with specific requirements for participation in the programing. All funding will come from UGIA or private donors. The facilities will be operated and maintained by UGIA throughout the lease at no cost to the City. The lease requires all insurance coverage and liability to be covered by UGIA and amounts specified by Midvale City. Staff recommend entering into the attached lease with UGIA for the terms and conditions included in the lease.

FISCAL IMPACT:

It is anticipated that the property will be redeveloped as part of the Main Street CDA project area in 2023/2024. This lease is a month-to-month lease which will allow the property to be available once redevelopment conditions are most advantageous. In the interim, the building will be used and maintained by UGIA (Utah Gang Investigators Association), which will relieve the City from the added cost of maintaining the property.

Council Member Dustin Gettel expressed concerns with the building where there is gang activity.

Chief Randy Thomas said they are looking at putting in a security system. It is for youth that want to get out of gang activity. There will be anywhere from 6 to 15 youth at the facility and the advocates and Canyons School District will work with them. He said they are looking for opportunities to help the youth become productive and work with them one on one. He said he is impressed with the advocates rules for the youth to follow and they will know if program works within six months to a year.

Council Member Bryant Brown said he was concerned with the surrounding cars and property.

Nate Rockwood said the youth are reminded every day by the advocates to leave surrounding cars and property alone. He said he is happy to have a presence in the building and there are no vehicles allowed overnight.

Council Member Dustin Gettel said he is a fan of the program and hopes it will succeed.

MOTION: Council Member Dustin Gettel MOVED to Approve Resolution No. 2023-R-06 Authorizing the Mayor to sign a month-to-month Lease Agreement for the Property located at 7683 South Holden Street between Midvale City and UGIA. 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.

VIII. DISCUSSION ITEM

A. DISCUSS GENERAL PLAN MODERATE-INCOME HOUSING ELEMENT AMENDMENT AND STATE CODE COMPLIANCE

Meggie Troili stated Midvale City requests an amendment to the General Plan Moderate-Income Housing Element to be in compliance with Utah State Code 10-9a-403 and 17-27a-403 which requires specified municipalities and counties develop a five-year plan that provides a realistic opportunity to meet the need for additional moderate income housing. Because Midvale City has a fixed guide-way public transit station the Moderate-Income Housing Element includes a strategy to develop and adopt a station area plan and must also include at least one of the following strategies: G, H, or Q, as described below, to be in compliance with Utah State Code 10-9a-403(2)(b)(iv).

G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors

H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities

Q. Create a housing and transit reinvestment zone pursuant to Title 63N Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act

Midvale City Recommends Strategy Q, to create a housing and transit reinvestment zone, as it best aligns with the development of city-initiated station area plans. A five-year implementation plan is also required as shown below in the amended Housing Element.

General Plan Amendment – Moderate-Income Housing Element

Amendment Overview

General Plan Moderate-Income Housing Element Amendment to Comply with Utah State Code 10-9a-403 and 17-27a-403.

- Moderate-Income Housing Element adopted as part of the General Plan – Sept 20, 2022
- Because Midvale City has a fixed guide-way public transit station, the Moderate-Income Housing Element includes a strategy to develop and adopt a station area plan and must also include strategy G, H, or Q.
- Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors
- **H.** Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities
- **Q.** Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act

HTRZ Overview

Housing and Transit Reinvestment Zone (HTRZ)

An HTRZ (SB 140) encourages transit-oriented development through tax increment financing and integral city and agency planning efforts. An HTRZ is a development tool to help address Utah's housing crisis by facilitating mixed-use, multi-family and affordable housing development within a 1/4-mile radius of light rail and Bus Rapid Transit stations (BRT) or 1/3-mile radius of commuter rail stations (FrontRunner).

Core Objectives of SB 140 (Utah Code 63N-3-603(1)):

- Promote greater utilization of public transit
- Increase availability of housing, including affordable housing
- Conserve water resources through efficient land use
- Improve air quality by reducing fuel consumption and motor vehicle trips
- Encourage transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas
- Strategic land use and municipal planning in major transit investment corridors
- Increase access to employment and educational opportunities

Requirements	Commuter Rail	Light Rail, BRT	BRT
% affordable housing required on developable acres	10%	10%	10%
Residential % of developable land	51%	51%	51%
# DUs per acre	>=50	>=50	39-49
Mixed-use development required	Yes	Yes	Yes
Reasonable % of DUs>1 bdrm required	Yes	Yes	Yes
Radius from station	<=1/3 mile**	<=1/4 mile** and ***	<=1/4 mile
Maximum acres (noncontiguous)	125	100	100
Property tax Increment	80%, 25 yrs max per parcel, 45-yr period	80%, 15 yrs max per parcel, 30-yr period	60%, 15 yrs max per parcel, 30-yr period

Sales tax increment capture	15% to TTIF	15% to TTIF	15% to TTIF
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Other Key Provisions and Requirements:

- Light rail HTRZ zones are limited to 8 per county.
 - SSL, SoJo, SLC
- All taxing entities are required to participate and required to participate equally.
- An independent gap analysis must be conducted to evaluate minimum public financing for development costs and excludes direct subsidies to developers.
- All relevant zoning changes must be made before HTRZ is approved.
 - Mixed use requirement
 - 51% of land must be used for multi-family at an average density of 50 units per acre.

Potential Midvale HTRZ

Fort Union Station

Current Zoning

TODO - maximum 85 units per acre

TOD – maximum of 25 units per acre

CI Zone – doesn't allow residential

RC Zone – doesn't allow residential

SF-2 - Single Family Zone

RM-25 – Residential multi-family

HTRZ Overview

Use of Tax Increment Generated in the HTRZ

- Income targeted housing costs
- Structured parking within the HTRZ
- Enhanced development costs
- Horizontal and Vertical construction costs
- Land purchase costs
- Cost of municipality to create and administer the HTRZ, which may not exceed one percent the total HTRZ funds, plus the costs to complete the gap analysis.
- Cost of bonds

Creating an HTRZ - General Overview

1. Submit HTRZ proposal to the Governor's Office of Economic Opportunity (GOEO)
2. GOEO contracts with an independent entity to conduct a gap analysis
3. Required entities form the HTRZ committee.
4. A public hearing is convened to consider the HTRZ Proposal
5. If approved, the HTRZ is established per the terms of the proposal. At that point, the affected local taxing entities are required to participate according to the terms of the HTRZ proposal.

The HTRZ Committee consist of 11 members from the following entities: GOEO, UDOT, Tax Commission, School District. Additional members are designated by the

county, the school superintendent, public transit, president of the senate, and speaker of the house of representatives.

Council Member Paul Glover asked how many stations the city is applying for.

Ms. Troili said Midvale is applying for just one station; however, there are a total of 8 stations for the county.

Nate Rockwood said the City can apply for more than one; however, only one station is required. He said staff is working with a consultant on how to create a station area plan in this half mile radius, knowing that the City has a potential financial tool for this quarter mile radius.

Mayor Stevenson asked if the City went higher than the requirement, would it be beneficial.

Ms. Troili said if the City goes above the requirement, the City will get priority funding.

B. DISCUSS AMENDING CHAPTER 3.02 OF THE MIDVALE MUNICIPAL CODE REGARDING PROCUREMENT

Mariah Hill said as the procurement analyst has worked within the City's existing code, it became evident that some updates were needed to assure the City's procurement processes are efficient, effective, and competitive in the current economy. This includes updates that more accurately reflect processes and technologies as well as update our exceptions to make our process more fluid. We are also proposing increases to our thresholds to be more in line with the cost of inflation and the State of Utah, who recently increased their thresholds. Below you will find a list of major changes – all other changes are clerical in nature.

Threshold Changes:

- Removing the threshold titles
- Increase the threshold of \$3,000 to \$7,500.
- Increase the threshold of between \$3,000 and \$25,000 to between \$7,500 and \$50,000.
- Increase the threshold of \$25,000 to \$50,000.

Exception Changes:

- Update professional services exception and add example expenditures including, but not limited to: accounting, architecture, artistic endeavors, construction design and management, engineering, financial services, information technology, law, medicine, psychiatry, and underwriting.
- Add the following exceptions:
 - o Following state or federal procurement codes when using federal or state funds.
 - o Purchasing things with a gift or bequest that had specific terms and conditions that would not allow following the procurement code.

- o Purchasing items which are needed without following the procurement code due to compatibility of parts or training.

Other Changes:

- Remove all parts of the code specifically related to CARES Act expenditures.
- Removing requirements to post RFSQs, RFPs, etc. in the newspaper and adding posting to the City's procurement platform.
- Removing public opening of bids – this is an obsolete process due to the procurement platform we use.
- Changing the evaluating of proposals so that the procurement officer facilitates the process but is not an evaluator.

In addition to the previously discussed changes, we will also be discussing a change to Section 3.02.090 Prequalification of potential vendors that is not yet included in the redline version of the code. Staff would like to update this section to remove the requirement of formal bidding procedures after a prequalification of vendors and instead propose the use of quotes after the prequalification process is complete. As it is currently written, the prequalification of potential vendors process does not provide any benefit to departments, and we believe this change would make it an effective and efficient procurement tool.

Midvale Procurement

- Exists "to ensure that all such purchases or encumbrances are made *equitably, efficiently, and economically.*"
- Midvale Staff works diligently to follow our procurement code, but efficiency is limited with current thresholds and exceptions.
- Time spent does not equal money saved at current thresholds.

Threshold Changes

- Removed Threshold Names
- Made with as much competition is practicable under the circumstance
- Requires informal bidding procedures (quotes)
- Requires formal bidding procedures (RFP, IFB, etc.)

Current

\$3,000
\$3,000 to \$25,000
\$25,000+

Proposed

\$7,500
\$7,500 to \$50,000
\$50,000+

Exception Changes

Exempt Expenditures: *Expenditures that can be made without formal or informal bidding procedures with the approval of the procurement officer regardless of amount.*

Changes:

- Update professional services exceptions and add examples
- Add state or federal funds exception
- Add gift or bequest exception

Add a compatibility of parts or training exception

Other Changes

- Remove all part of the code specifically related to CARES Act expenditures
- Replacing requirements to post formal bids in the newspaper to posting to the City's procurement platform
- Remove public opening of bids
- Changing the evaluation of bids to include the procurement officer as a facilitator, not an evaluator
- Clerical clarifications and changes

Changes to Prequalifying Vendors

- Section 3.02.090 – Prequalification of potential vendors
 - Formal bidding process without the price component
 - Currently requires following bidding processes of all thresholds
- Proposed Changes
 - Allow for informal bidding procedures to be used with prequalified vendors up to the bid limit as set by Utah State Code 11-39-101 (1).
 - Set a price in 2003 and increases each year by the lesser of 3% or CPI
 - Building Improvements - \$58,948 (2022)
 - Public Works Projects - \$184,214 (2022)
 - Propose all other projects also follow the public works project limit
- All projects greater than these thresholds will follow the formal bidding process.

The Council agreed with the proposed amendments to the procurement code, which will be brought back at the next meeting for approval.

C. DISCUSS AMENDING MIDVALE CODE SECTION 8.10.060 - JORDAN BLUFFS INSTITUTIONAL CONTROLS ORDINANCE

Nate Rockwood said Midvale code chapter 8.10 is the Institutional Controls Ordinance for Bingham Junction and Jordan Bluffs. The ordinance sets forth the requirements and procedures for the public institutional controls ("ICs") for the redevelopment and reuse of the Bingham Junction and Jordan Bluffs properties. The purpose of the ICs is to prevent unacceptable human exposure to contaminants that remain on site by ensuring the protection, maintenance, and improvement of physical barriers that have been placed on the various properties.

With the continued development of Jordan Bluffs, the Gardner Company has requested amending the ordinance to clarify and further detail the responsibility for compliance with the institutional controls by property owners. The redline changes have been proposed by the Midvale City Attorney and have been accepted by the owner and developer. The section will require all property to fall under the oversight of a single "Project Association" which will be responsible for the continued compliance with the requirements of the IC. Individual property owners will be primarily responsible for compliance within Property Owners Association (POA) which will be required to be sub-associations of the Project Association.

Therefore, these amendments will require each property owner to be responsible for compliance with the IC associated with its property through the creation of a POA. The Project Association will have oversight and enforcement responsibility over all POAs as well as the sloped areas along the Jordan River and 7800 South and the wetland areas. The City remains the ultimate authority over the protection and proper maintenance of the Jordan Bluffs site and has the authority to make any repairs and recover any associated costs it determines necessary.

These changes in no way reduce the overall objective or effectiveness of the ICs, which is to prevent human exposure to contaminants. The changes provide additional levels of accountability to ensure protection and maintenance of the cap and ensure overall health and safety of the area.

FISCAL IMPACT:

This code change will have no fiscal impact on the City.

Council Member Paul Glover asked if the liability gets shifted.

Mr. Rockwood said no, liability remains the same.

Council Member Dustin Gettel said personally he does not like this because it puts too many corporate interests at play. Less people responsible for maintaining these areas would be better. The Gardner Company is very married to some of the companies that have bought into the projects. When it gets more people living there, it would be best handled by a government agency. He said he would oppose anything that would be put into the hands of the corporate entities.

Council Member Paul Glover asked who has the responsibility now as it is written.

Mr. Rockwood said, as it is written now, the property owners have the responsibility. Ultimately it is the city who is responsible if the property owners fail to take responsibility.

Garrett Wilcox said currently that project association is the primary layer in charge of enforcement. This just allows that umbrella organization to give property owners that responsibility for their own parcels but still maintain that responsibility to oversee it.

Council Member Dustin Gettel asked if the issue was that the Gardner Company was worried about having overall liability for the land, even though they own it, they may not be the primary operator of that particular parcel.

Mr. Rockwood said the issue is they have sold the parcel and need to have a type of mitigation plan to allow them to be solely responsible for the project. It does put layers into the project, but it's beneficial to the City.

Council Member Dustin Gettel said he has concerns that 10-15 years from now, these parcels could be owned by who knows how many different corporate entities.

Council Member Bryant Brown asked if all the sites are monitored for contamination.

Mr. Rockwood said yes, they are all actively monitored.

Council Member Paul Glover asked what the pros and cons were with what the City has now, and the pros and cons of the proposed amendments.

Garret Wilcox said the pros are that there is one entity the City currently goes to. The cons are that the organization is not aware of what is going on every day. There is a risk with the master owner not being on site everyday so if there is an issue, they are not aware of it right away. The pros for the proposed amendments from Gardner are to have the ability to hold everyone responsible from the property on up and still hold the master property association accountable. The con is that there are a lot more entities to be accountable.

Mr. Rockwood said developing on a cap is always a risk. Years down the road this may come up as a discussion again.

Council Member Dustin Gettel said the cap itself will have some sort of life expectancy. The cap, through a natural process, will need to be replaced at some point. Safeguards can fail at any time.

Mr. Rockwood said at some point the City needs to rely on the EPA. This is their project site that has been signed off by them and is continuing to be monitored. The EPA does not want to sign off on a project and have the river become contaminated, which is why they pay to have it monitored.

Council Member Bryant Brown asked if there any other superfund sites in the valley that people are living on.

Matt Dahl said each site has their own individual remediation and tracking plan that comes from the state. If any of the other sites are similar to ours, they are all going to be tracking it. Midvale City has the EPA tracking, staff member Billy Smathers tracking, and DEQ tracking what is going on. The other sites will do that as well unless they have determined there are no more requirements. Whoever owns the property is always going to have


some amount of responsibility. Anyone who has bought there has had to sign a significant amount of disclosures so they cannot claim they were not aware of the liabilities.

Council Member Paul Glover said the more people that are liable, the better off you are because in any lawsuit the more people you have to go after is always better than one entity.

X. 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 8:44 p.m.


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



Approved this 7th day of February, 2023

[illegible]



Recreation Center Discussion

January 17, 2023

1

Summary and Questions

- The Draper City Recreation Center was the most recent full service (pools, fitness, community space, indoor-sports, outdoor amenities) facility to be completed. The project cost approximately \$25,000,000 and was completed in 2020.
- It is estimated that a similar facility would cost \$40,000,000 today.
- The Draper City Recreation Center was primarily funded through the Salt Lake County Zoo, Arts, and Park Program (ZAP).
- Over the past 18 months staff has met with members of the Salt Lake County Council and administration. While the individual responses have varied, the consistent message has been:

2

Summary and Questions

- No commitments can be made outside of the ZAP process.
- Midvale must participate in Salt Lake County's recreation planning efforts and ZAP process.
- The recreation center needs to serve a region of the county, not just Midvale.
- There is not interest in paying for amenities that only benefit the school district.
- Midvale will need to fund a significant portion of the construction cost of the Rec Center.
- The need to replace the Tyler Library and Copperview Recreation Center may impact decisions related to a potential recreation center.

3

2016 ZAP

In November 2016, Salt Lake County residents voted to approve the Parks & Recreation Bond, which authorizes the county to issue \$90 million in bonds to build new parks, trails, recreational amenities and a recreation center, as well as renovate and improve existing facilities. The Parks & Recreation Bond provides \$59 million to build 11 new projects in Salt Lake County, and \$31 million for maintenance and improvement funding for existing projects. Each project fills current and future recreational needs of the citizens, as identified in the Salt Lake County 2015 Parks & Recreation Master Plan.

4

Case Study – Draper City Recreation Center

A 60,000-square-foot recreation center providing a competition lap pool with spectator seating, leisure pool with water slide and play amenities, a party room, child care, two dance/multi-use rooms, fitness area, trails, open space, picnic pavilion, expanded parking, restrooms, playground, and indoor field house. The project was completed in 2020.

Funding

Project Cost -	<u>\$25,000,000</u>
Salt Lake County ZAP -	\$21,700,000
Draper -	\$2,000,000
Canyons School Dist. -	\$1,300,000

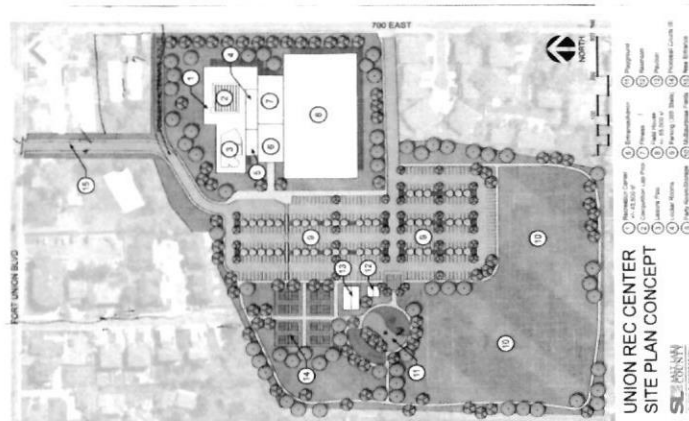
5

Assumptions

- Draper Model
 - 60,000 Square Feet
 - Lap/Leisure Pool, Childcare, Fitness, Multi-Purpose, Field House, Outdoor Amenities
 - Estimated Cost: \$40,000,000
- Concept Drawing
 - 93,500 Square Feet
 - 43,500s.f. – Recreation Center (Pools, Childcare, Fitness, Multipurpose)
 - 55,000 s.f. – Field House (Indoor Sports)
 - Outdoor – Pickle Ball, Soccer Fields, Playground
 - Estimated Cost: \$55,000,000

6

Concept Drawing



7

General Obligation Bonds

- General Obligation Bonds (GO Bonds) is a method of financing a capital project by issuing debt that is repaid through a property tax increase that is approved by the voters.
- Pursuant to the Local Government Bonding Act, the issue of general obligation bonds must be authorized by resolution of the local governing body and approved by a majority of voters in an election.
- A proposition for the issuance of bonds or debt may be submitted to voters at a regular general election, municipal general election, or at a special election.

8

General Obligation Bonds

- At least 75 days before the date of election, the governing body must approve a resolution submitting the question of the issuance of the bonds to the voters of that local political subdivision, and must provide a copy of the resolution to the lieutenant governor and the appropriate election officer.
- The ballot proposition must include the maximum principal amount of the bonds the maximum number of years from the issuance of the bonds to final maturity, and the general purpose for which the bonds are to be issued. The purpose of the bonds may be stated in general terms. The proposition does not need to specify the particular projects for which the bonds are to be issued or the specific amount of bond proceeds to be used for each project.
- A municipality may provide educational materials regarding the GO Bond, but cannot advocate for its approval.

9

General Obligation Bond - Timeline

- Today – July 25: Collaborative effort to determine facility needs and develop cost estimates. Continue to work with Salt Lake County to assume participation threshold.
- July 25, 2023: City Council Approval of bond election details (bond amount, terms, use, ballot language)
- August 24, 2023: Final day to approve bond election details and submit information to election official.
- October 17, 2023: Deadline for City to post and mail election notices to each registered voter.
- September 22-October 23, 2023: Timeframe during which city must mail voter information pamphlet or notice of information site.
- November 7, 2023: Election Day

10

General Obligation Bond

Scenario	Average Debt Service	Midvale Taxable Value*	Estimated Tax Rate	Estimated Median Home Value**	Estimated Median Home Taxable Value	Estimated Yearly Taxes	Estimated Monthly Taxes
10M, 20 Years	748,926	3,448,796,775	0.0002172	444,900	244,695	53.14	4.43
15M, 20 Years	1,123,295	3,448,796,775	0.0003257	444,900	244,695	79.70	6.64
20M, 20 Years	1,497,921	3,448,796,775	0.0004343	444,900	244,695	106.28	8.86
10M, 30 Years	611,316	3,448,796,775	0.0001773	444,900	244,695	43.37	3.61
15M, 30 Years	916,717	3,448,796,775	0.0002658	444,900	244,695	65.04	5.42
20M, 30 Years	1,222,519	3,448,796,775	0.0003545	444,900	244,695	86.74	7.23

* Excluding Motor Vehicle

** Source: Realtor.com

Scenario	Average Debt Service	Midvale Taxable Value*	Estimated Tax Rate	\$100,000 Home	\$100,000 Home Taxable Value	Estimated Yearly Taxes	Estimated Monthly Taxes
10M, 20 Years	748,926	3,448,796,775	0.0002172	100,000	55,000	11.94	1.00
15M, 20 Years	1,123,295	3,448,796,775	0.0003257	100,000	55,000	17.91	1.49
20M, 20 Years	1,497,921	3,448,796,775	0.0004343	100,000	55,000	23.89	1.99
10M, 30 Years	611,316	3,448,796,775	0.0001773	100,000	55,000	9.75	0.81
15M, 30 Years	916,717	3,448,796,775	0.0002658	100,000	55,000	14.62	1.22
20M, 30 Years	1,222,519	3,448,796,775	0.0003545	100,000	55,000	19.50	1.62

* Excluding Motor Vehicle

11

General Obligation Bond

Annual Tax/\$100k (Residential)

- \$10,000,000/20 Years: \$11.94
- \$10,000,000/30 Years: \$9.75
- \$15,000,000/20 Years: \$17.91
- \$15,000,000/30 Years: \$14.62
- \$20,000,000/20 Years: \$23.89
- \$20,000,000/30 Years: \$19.50
- \$10,000,000/20 Years: \$21.72 (Commercial)
- \$10,000,000/30 Years: \$17.73 (Commercial)

12

Questions

- Recreation Center
 - Do you want a recreation center?
 - What level of service do you want it to provide?
- Funding
 - Do you want to fund it on our own?
 - Do you want us to try to maximize Zap funding or maximize the likelihood of receiving Zap funding?
 - Do you have a preference on how we finance our contribution to the project?