



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, September 16, 2014
Council Chambers
655 West Center Street
Midvale, Utah 84047

MAYOR: JoAnn Seghini

COUNCIL MEMBERS: Council Member Stephen Brown
Council Member Paul Glover
Council Member Paul Hunt
Council Member Robert Hale
Council Member Wayne Sharp

STAFF: Kane Loader, City Manager; Phillip Hill, Assistant City Manager/Community Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Ken Vance, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Brad Larson, UFA; Danny Walz, RDA Director; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 6:30 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason said officers have been working vice operations on the local hotels, which has been successful.

Battalion Chief Brad Larson said he had nothing to report. Mayor Seghini asked if she could get the American flag hoisted on the ladder truck and pipers for the Veteran's Day Ceremony.

Phillip Hill reported on how the staff handles graffiti removal in the city.

Councilmember Wayne Sharp questioned the timeframe to notify the property owner about removing the graffiti. The timeframe needs to be defined.

Danny Walz discussed the time capsule in the bell at Old City Hall and his attempt to find out if there is really a time capsule there. He will keep the Council informed on his findings. He said he has had a lot of conversations with the contractor of New City Hall and there are several items that could affect the move-in date. The October 7th meeting may be held in the old city hall due to noticing requirements. He discussed foregoing the Leed Certification if the delay is a week or so. The Council said to continue as needed.

Ken Vance reported on a fire in the bathroom at the park. He reported the E-Waste event was very successful. The bulk waste starts October 6 and the calendar is posted on the city's website. He also reported on the relocation of the glass recycling bin, which will be in the next newsletter. He discussed a Cooperative Agreement with UDOT to allow City staff to enter into the UDOT pumps then stay

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there until they arrive to finish the process. He asked the Council if he could place a resolution on the next agenda to approve this cooperative agreement. The Council agreed.

Chad Woolley had nothing to report.

II. CITY MANAGERS REPORT

Kane Loader reported on the Utah League of Cities and Towns Conference he attended last week. The big topic is transportation funding. The league is putting together a proposal to increase the sales tax 1/4 percent to pay for road repairs, bike lanes, and parking structures. This would mean about \$1.6 million dollars to the City. That along with B&C road funds would give us \$2 million dollars a year to use on roads, which is in dire need for the city. He suggested holding off on a road fee, which has been previously discussed, until this issue has been reviewed by the legislature. Each City will be asked to approve a resolution in support of the 1/4 percent tax increase.

Mr. Loader said Councilmember Sharp asked him about the City's Logo. There have been a couple of logos approved by the City Council. The round centennial is the logo being used for business cards, etc. Councilmember Wayne Sharp said he was just curious if there was a new logo due to some emails he had seen.

Mr. Loader said the RFQ is out for the VECC CAD system. They anticipate they will have a consultant on board within the next month and by the first of the year they'll have a good idea of which CAD system they will be converting to.

Mayor JoAnn B. Seghini opened the regular meeting at 7:05 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Stephen Brown, Paul Glover, Robert Hale, Paul Hunt and Wayne Sharp were present at roll call.

C. Certificate of Appreciation for David Justice, Planning Commission Member

Mayor Seghini presented David Justice with a certificate of appreciation for serving on the Planning Commission

IV. PUBLIC COMMENTS

Becky Ranosa 118 East 7420 South said she tried to build a garage on the side of the house. They were not aware of the permits needed. Now she is running into the 8 ft. easement on the side of the house, which is preventing them from building what they need. There are many residents that are retired but many that are moving because they cannot expand their garages as needed. She said the unintended consequences are that the younger families are leaving. The houses may become rentals because the garages cannot be expanded. She asked if an exception could be made for her home.

Councilmember Wayne Sharp said if any change is made it is city-wide, not just exceptions to the rules.

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Connie Goff said this issue affects everyone in the neighborhood. When they move and sell homes it affects the neighborhood.

Councilmember Paul Hunt said the 8 ft. setback is so there is space between the houses.

Becky Ranosa said a lot of the houses have less than the 8 ft. because they were built when the property was in the county.

Councilmember Wayne Sharp asked how the city dealt with the setbacks that were different.

Phillip Hill said it was an 8 ft. setback and was changed to 5 ft. in some areas such as the avenues. He said Building Code requires a 5 foot setback as a minimum. He said maybe this area lends itself to a study to look and see if the setbacks can be changed.

Councilmember Stephen Brown suggested maybe an overlay zone could be applied.

Connie Goff said there are other houses by Becky that don't have an 8 ft. setback. She said she just cannot lose these good neighbors over a garage they need.

Brad Garner said he lives on Ramani Drive and is not a proponent of building right up to the property line but he does not want to lose good neighbors. He said he is getting conflicting information from the city staff regarding whether a garage can be built and wants to know how this could be remedied.

Phillip Hill said a few years ago the Council asked staff to explore the setbacks for a detached garage.

Mr. Garner said he would appreciate the Council looking at this to allow others to also build to their needs.

Bill Brinton 7816 S Wilson said he wanted to discuss the debt of the city. He did not feel the debt the city has incurred is good. He expressed disagreement with assessing a fee for Utopia and setting up a monopoly to cover up a mistake made to go with Utopia. He disagreed that Utopia is infrastructure and can be assessed a fee.

Councilmember Wayne Sharp said Provo has a monopoly with google, but with Macquarie there are options for different providers.

Councilmember Paul Glover said the Council will not make the decision it will go to a vote of the people.

Mr. Brinton said enough debt is enough.

Councilmember Wayne Sharp said a public hearing is held every time the city bonds for anything. He explained why the city bonded for the streetlights.

Councilmember Glover said approximately half the debt is for the RDA area and is being paid back by the development on the superfund sites not the citizens.

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Phillip Hill suggested he address the zoning situation during the general plan process.

Councilmember Wayne Sharp said he appreciated what Becky Ranosa said and one of the problems is with rental properties. Neighborhoods may be saved from going to rentals if the homeowners can build to suit their needs.

Mayor Seghini asked if the City can we work with this specific case.

Councilmember Paul Glover said he would like to look at an overlay zone now for this area.

Teresa Garner said she is pleased the Council is willing to look at this for their neighborhood. The purpose of city government is to support the citizens of the city not just as a group and not just individuals. She would like to see the Ranosa's stay. The work they are doing to their home is an improvement to their neighborhood.

There was no one else present who desired to speak.

V. COUNCIL REPORTS

- A. Councilmember Robert Hale** - reported on the most recent UIA meeting. The income is right on target and slightly positive. Expenses are down; it has been a good month. The revenues from UEN start to come in in August and they expect to have positive numbers from that also. Xmission shifted their network at Social Hall Avenue which created a \$300,000 profit.
- B. Councilmember Wayne Sharp** – reported that the mosquitos are still flying and biting. He thanked Public Works for taking care of the mosquito problem by fur breeders.
- C. Councilmember Stephen Brown** – said the Community Council would like as much assistance as possible. There are a few positions opened due to conflicts between community council members. They need more members.
- D. Councilmember Paul Glover** – asked Chief Mason to get with him regarding the issue with Marianne Fisher.
- E. Councilmember Paul Hunt** – reported on the Midvale Arts Council. Wade Walker is the new president, Shane Liedtke Vice President, Stephanie Johnson Secretary, Melanie Beardall Treasurer, and Paul Hunt is a member director. They hired Suzanne Walker with funds approved and being matched by the county as the Admin Asst.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – reported the structure in the yard across from Zion's Bank is being removed by the owner.

VII. CONSENT AGENDA

- A. APPROVE MINUTES OF September 2 and 9, 2014**

- B. APPROVE RESOLUTION NO. 2014-R-42 A RESOLUTION OF THE MIDVALE CITY COUNCIL AGREEING TO SUPPORT A SINGLE COMPUTER AIDED PLATFORM**
- C. SET DATE AND TIME (OCTOBER 7, 2014 AT 7:00 P.M. FOR A PUBLIC HEARING TO CONSIDER A FINAL SUBDIVISION PLAT FOR TWIN OAKS SUBDIVISION, LOCATED AT APPROXIMATELY 112 EAST 7100 SOUTH**
- D. APPROVE RESOLUTION NO. 2014-R-48 A RESOLUTION DECLARING PROPERTY SURPLUS**

MOTION: Councilmember Wayne Sharp moved to approve the consent agenda. The motion was seconded by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

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|------------------------------|-----|
| Council member Stephen Brown | Aye |
| Council member Paul Glover | Aye |
| Council member Robert Hale | Aye |
| Council member Paul Hunt | Aye |
| Council member Wayne Sharp | Aye |

The motion passed unanimously.

VIII. DISCUSSION ITEMS

- A. DISCUSS A FINAL SUBDIVISION PLAT FOR TWIN OAKS SUBDIVISION, LOCATED AT APPROXIMATELY 112 EAST 7100 SOUTH**

The applicant, Troy Ferran, is requesting approval to subdivide the property located at 112 East 7100 South into two lots in conjunction with a two-unit residential structure that was approved by the Planning Commission through the Conditional Use process. This subdivision would allow each unit within the two-unit residential structure to be individually owned. Attached is a copy of the proposed subdivision plat, and the approved site plan and building elevations for the two-unit residential structure. The property includes approximately 12,530 square feet with frontage on 7100 South (a public street).

This property is zoned SF-1 with a Duplex Overlay. This is an existing lot that complies with all of the lot standards for the SF-1 zone district. The overlay allows two-unit residential structures as a Conditional Use. On April 23, 2014, the Planning Commission approved a two-unit residential structure on the property. The applicant is currently constructing this structure and the two residential units are nearing completion. Section 17-7-1.14 C of the Zoning Ordinance provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a two-unit residential structure. In this particular case, the proposed boundary that creates the two lots reflects the common wall between the two dwelling units within the proposed structure, as provided for in Section 17-7-1.14 C.

The City Engineer has reviewed this request and has approved the final subdivision plat, subject to the applicant providing a cash bond for the completion of the curb, gutter and sidewalk along this property

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frontage. Currently, 7100 South does not have these improvements. This money will be held by Midvale City until such time as further improvements can be constructed along 7100 South. The Fire Marshal has approved the proposal and will not require any additional improvements. The Subdivision Ordinance requires that 2" caliper deciduous street trees be planted with any new subdivision at a rate of one tree for every 30 feet of frontage. Based on this requirement, two street trees are required to be planted on each lot.

The Planning Commission conducted a public hearing on this subdivision plat on April 23, 2014. Based on compliance with the zoning subdivision requirements of the SF-1 Zone District and the 2 Duplex Overlay, the Planning Commission forwarded a positive recommendation to the City Council to approve the Twin Oaks Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. A note shall be added to the subdivision plat indicating that two, 2-inch caliper, deciduous street trees be planted along 7100 South on each lot or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.
3. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center lot line is required to be constructed on the property unless the subdivision plat is officially amended.
4. The applicant shall provide a cash bond for the cost of the curb, gutter and sidewalk improvements along the property frontage for these improvements to be done by Midvale City at a future date.
5. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
6. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval. The applicant has addressed these conditions.

IX. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Stephen Brown SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Seghini adjourned the regular meeting at approximately 8:14 p.m.

**Rori L. Andreason, MMC
CITY RECORDER**

Approved this 7th day of October, 2014.