



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, August 11 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Seghini

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry
Council Member Wayne Sharp
Council Member Stephen Brown

STAFF: Kane Loader, City Manager; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Bob Davis, Public Works Director; Keith Ludwig, City Engineer; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Battalion Chief Brad Larson, UFA; Danny Walz, RDA Director; Annaliese Eichelberger, RDA Coordinator; 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 talked about an issue with homeless individuals going to gas stations to use their electricity to plug in their cell phones as well as using the bathrooms to shoot up with drugs. The homeless are getting creative on where they sleep. He has put out a notice of no tolerance for these people so if they commit crimes, they will be cited. He has more officers working overtime shifts to deal with these situations. He said if the City had no loitering areas that would help with the situation.

Detective Paul and Detective Meono reported on the Good Landlord program. He said the percentages of calls are still increasing some due to fireworks. Detective Meono invited the Council to attend the upcoming Citizen's Academy.

Battalion Chief Brad Larson reported on a pancake breakfast held on August 1st for the Angel Hands fundraiser. Angel Hands is for kids who have terminal illnesses. He said they had a good turnout. He also commented that the firefighters usually go with the police to the calls at the apartment complexes.

Laurie Harvey said she sent out the July checklist to the Council for review. During the week of Harvest Days some questions were raised regarding the use of the credit card by volunteers. She reviewed the process for use of the credit cards. The transaction limits are \$1500 for each card except for IT due to the amount of equipment they purchase. She has seen a substantial increase on the number of purchases on credit cards due to travel arrangements, etc. Anything over \$1000 must have a requisition prior to paying the card. All invoices require a department head signature on the invoice before it is paid. There is a list of all departments and directors who are authorized to approve invoices. There are internal controls in place to protect the cities and volunteers. She said she has been working with Zion's Bank regarding having purchase cards. The card would be issued to individuals. They would like to try this with admin services first. Departments would be able to set limits and each individual would be responsible for paying the invoices. She said she is also looking into using a ghost card to pay vendors instead of printing a check.

The Council agreed as long as it is monitored. Councilmember Brown suggested whoever uses the card must have someone else review the purchases.

Laurie Harvey said the purchases would be reviewed on a daily basis. She said being able to use purchase cards would make it much easier.

Councilmember Glover said to make sure the credit cards are getting the percentage cash back.

Bob Davis thanked everyone on the Harvest Days Committee. He said he felt good about the preparation of the parks for the event. He also attended some great neighborhood block parties. He discussed the rental of the bowery. The bowery is rented out to either residents or non-residents for a fee. The concern was that it came back in good shape. The Dahl Conference room rental agreement could be used for the bowery. The City is not currently charging a deposit for the rental of the bowery so he suggested adding a required deposit of \$200 similar to the required deposit for the rental of the Dahl Conference Room. He felt the deposit would help in making sure the facility is cleaned after each event. The Council agreed. He said he would proceed and bring an agreement back for approval. He reported that they are making progress on water pressure issues. Sandy City cut off connection recently with only one day notice. He thinks he knows what the solution is, but it involves a couple of metering stations connecting to Jordan Valleys watering system. He met with Jordan Valley and they are amenable to this. He is meeting with Sandy City next week to talk about getting out of a 40 year agreement early. It's going to be more complicated than originally thought but he thinks it is worth doing. It will take about a year to one year and a half to complete.

Rori Andreason discussed the primary election, ULGT (Utah Local Governments Trust) dividend, and ULCT (Utah League of Cities and Towns) Conference attendance.

II. CITY MANAGER'S REPORT

Kane Loader expressed appreciation for the Harvest Days Committee as well. A meeting will be scheduled to discuss the event and what worked well and what did not. He updated the Council on the VECC CAD system. He discussed the options for the CAD system which does not include Spillman or Versaterm. Everyone is very happy with the selection and on board with the process. He also discussed House Bill 362 regarding transportation funding. The Salt Lake

County Council voted to put it on the ballot so staff will come back with some information. He will also be working with the ULCT regarding getting information to the voters so they can make a good decision on this issue. He said the Raccoon Program is moving forward. Salt Lake County is now taking the lead and asking those interested in joining to let them know. He will figure out the cost and bring that back.

Mayor Seghini called on Mark Hoyer, Community Gardens, who gave a presentation to the Council. He distributed a picture of the Mayor at the Community Gardens Grand Opening. He said they recently harvested 130 lbs. of honey. He brought some for the Council and staff in appreciation for their support. They have rented out every single garden plot to gardeners, and built two ADA accessible gardens for next year. They won a \$4000 grant from Wasatch Community Gardens to build an irrigation head wall for irrigation water. He encouraged everyone to stop by and take a walk through the garden. The honey is called Sweet Beezers honey. He said he would submit a news article for September.

Councilmember Brown said the Wasatch Community Garden Board is just thrilled with what has been done with the community garden.

Mayor Seghini opened the regular meeting at 7:50 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

C. Proclamation honoring Gus Katis – This agenda item was rescheduled.

IV. PUBLIC COMMENTS

Mayor Seghini asked if there were a several people present for one item that they select a spokesperson. She said she expected everyone to treat each other with courtesy and as you make your remarks you will have three minutes to state your position.

Max Burton said he lives at 412 W. Princeton Drive. He said his comments will take more than three minutes. He said he does a haunted house for charity called ‘Scared’ and Councilmember Brown told him to come tell his story again tonight so that’s why he was there. In 2009 he set up a little front yard scene at his daughter’s house in a neighborhood that had no real Halloween activities going on. Everyone came out and told him he was really cool and they had a great time and had a lot of fun. He told them that he would expand this haunt into a haunted house in his backyard next year. He did his haunted house in 2010 at his daughter’s home. They called the City and asked if there was anything they should be aware of and were told no. The only thing they research and could find was in permits A105.2 that pretty much describes what he is...he is a theatrical production with scenery and sets and actors. He is exempt from any permits. He built his haunt in 2010; they had seven rooms, and had a great time. The neighborhood came out and the community was excited. He told them next year he would expand it into his daughter’s back yard and make it bigger.

Meanwhile the house across the street was a dilapidated piece of crap with weeds in the front yard, but he bought it. It had a side yard so it was perfect for what he wanted to do. So 2011, he sets up his haunted house and get a stop work order notice. He goes down to the City to find out why he got the stop work order notice and the first person he talks to is Donna Jackson. He said Donna Jackson approached him with an attitude right out of the gate. She was rude, she was ignorant; she was so bad he copped an attitude back. They went through 45 minutes of “if we had an ordinance, if we had a code you had to comply”. You don’t have a code, show me the codes. So if you had it you would have to comply. You don’t, I can’t find them. Forty five minutes later Donna now decides this is a business licensing issue. This gal from business licensing comes out and she says, “what are you doing?” He said some sort of a haunted house. She said what do you charge? He said nothing I do it for free. He said he got a look out of this gal that she had just met the stupidest man alive and I have to agree with her, I’m nuts. He said they came to an agreement, she said we don’t charge, there’s no reason to have a business license, have fun and out the door she goes. Well now it’s a zoning ordinance issue. He said get them people out, let me talk to them. Donna goes to the back to get this individual. A little gal comes around the corner and says Hi. He said he’s a flirt, so he flirted back. He didn’t know it was Ms. Burns, the Planning and Zoning gal. She said Hi and I said Hi back. Donna comes out and says the gal you need to talk to is not in the office today. So he set up an appointment. He came in Monday morning for his appointment and low and behold the gal he flirted with is the gal he talked to. But Donna had said she wasn’t in the office that day. He said he would admit he was pretty pissed off with Donna and he left the Midvale City office mad, he was fuming mad.

He said he couldn’t get any answers. He went home and called his attorney. He went to see his attorney and his attorney calls the City Attorney and tells him to cite the exact ordinances he was using against him. And we are in a class action lawsuit and we are going to sue the city. He said his attorney called him and told him to proceed; don’t worry about it. He said he came home and Fox News was sitting in his driveway. Well he didn’t call them the neighbors did because he posted a sign that said no haunted house this year. He said he spent \$3500 and the City wants an additional \$3500. He said going back to Donna she said he had to withstand 90 mph winds on a temporary structure and a Class D earthquake. The joke of the neighborhood was well let’s conform to that so when the big one does hit, at least they have a place to live. He said he house wouldn’t withstand a 90 mph wind nor would the old Midvale City office building. But they argued about it. He said his attorney said to proceed with the haunted house, go ahead and go in. Fox 13 does their report. The City said they never tried to stop him they just had questions for him. He said he had a stop work order notice that was stopping him. It said do not proceed any further. He held that thing during his interview; it got a little nasty during the interview. That night Wayne Sharp shows up at his house to try and resolve this. The bottom line was from Wayne was, you need to let the City back pedal and backtrack rise up above so they look good and you be kind of the back guy so they look good and we’ll get this resolved.

Mayor Seghini informed Mr. Burton that his three minutes were up and asked the Council if any of them wanted to extend the time.

Councilmember Wayne Sharp said he was concerned because they were getting one side of the story. The last paragraph was not accurate so he didn’t know where it was going to go from there. He said he did show up at his house and tried to accommodate so he could....

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Mr. Burton interrupted and said in a loud voice, “Wayne you told me to allow the City to back pedal.”

Kane Loader said, “Sir you are out of line.”

Councilmember Paul Hunt said, “Please.”

Mr. Burton said he was invited here by the City Council. Councilmember Paul Hunt said, “Sir Please.” Mr. Burton said no he knew he was going to get mad. He told his people he would have a hard time composing his composure here because this is a long ongoing story where he has been lied to by the City. He has been misrepresented. He has asked the City to give him the specific ordinances that he is in violation of and four years later, he still does not them.

Chad Woolley, City Attorney, said he would have the Chief of Police remove Mr. Burton if he did not follow the rules. Listen to the Mayor, she has the floor.

Mayor Seghini asked the Council again if they wanted to extend Mr. Burton’s time. None of the Councilmembers were in favor of extending the time. Mayor Seghini told Mr. Burton that his three and a half minutes were up and asked if there were others that wanted to speak to this issue.

Mr. Burton said so pretty much here, he gets invited by the Councilmember Stephen Brown and he explains to him this will take longer than three minutes. This is not a short story. He tells him they have families and all that and like to go home early but with all that said, he would stay as long as he wanted. So once again, Midvale City is lying to him.

Councilmember Stephen Brown asked Mr. Burton to explain in one sentence what he would have the Council do.

Mr. Burton said it can’t be done.

Councilmember Stephen Brown said what would you have us do?

Mr. Burton said you invited me to come and tell my story.

Councilmember Stephen Brown said he did.

Mr. Burton said he came in here and is getting the same shit so what you’re going to have me do is he is going to go out to every media there is and he is going to blast Midvale City and say this is what he is dealing with. Your inspectors have lied to me. I’ve got Kane saying we don’t have no communication between our departments in Midvale City and I have it on tape recording. He said typical, typical Midvale City bullshit.

Mr. Burton continued with vulgarity and was removed from the building by the Police.

Greg Penrose said he actually came there because of the voting. He said all due respect to Mr. Burton but his parents’ live next door to him and this has been going on too long. He said it’s time for the City to put an end to this. His parents have been there since 1959 and don’t deserve

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this. It takes six months to put up and two months to take down. It's been an eyesore. The weeds across the street are still high. It's turning this area into a slum area and it's time to pony up and take care of it; enough of this bullshit.

Councilmember Wayne Sharp said it appears that Mr. Penrose does not like what's happening and asked if he would like to see it go away?

Mr. Penrose said yes, he can't make it more obvious. For years this has been going on. Kids that come to this are not Midvale residents. They come in swarms weeks beforehand. There's got to be a half a dozen ordinances he has violated for the outside buildings, weeds, you name it, it's despicable. He said there should be an actual apology given in writing to the long term residents by the Council. This is a residential neighborhood, not a business. He said if you open up a brothel down the street and it's for charity, is that okay.

Councilmember Wayne Sharp said at the block party he talked to many neighbors who were very thankful the haunted house was not being allowed this year.

Greg Penrose said his parents have no idea he is here and want nothing bad to happen to his parents. He said there better not be any repercussions come to his parents. They do not want to get involved.

Councilmember Wayne Sharp said there are others in the neighborhoods in those areas that are afraid to say anything because they are afraid of retribution.

Mr. Penrose said they don't want blight to continue on Princeton and it will if something is not done.

Spencer Mears, 384 west Princeton drive, said nothing will happen against his parents. He loves his parents. The block parties need better promotion to define when and where they are. He is a web developer and would like to help out by putting the list of block parties on the website. He spoke to a police officer who said he would bring the idea to Rori.

Mr. Mears said he started a community garden and asked neighbors what they like so he could grow it. He said he would like the City to promote community gardens and take the excess to the food pantry. He said he felt the haunted house helped kids who had been in trouble turn their lives around. This haunted house has collected 6000 pounds of food and \$1000 for Shriners Hospital. It would be nice if Midvale City would encourage more of this.

Mr. Mears said not everyone feels comfortable with the police department. One night he saw lights in his window and went out to ask what was going on. The officer said nothing. He found out the next day it was a drug bust and a triple homicide. The Police Department needs to be upfront with them so they feel they can trust the police. He is very concerned with other things going on in the city he would like time to talk on. He asked the City to be more willing to work with citizens. He said promises had been made but not been made good on. He said he would do everything he could to find corruption in the City and fight.

Dallas Madrigal said the other guy that spoke was not even from the City.

Jen Carpenter with Copperview Recreation Center has a cross country program and would like to practice in the Midvale City Park. It is for ages between 6 and 18. Now there are football practices, she talked with coaches and they said it would be ok and that they would not interfere with them. The Council agreed.

Spencer Mears said had several run-ins with the City. His lawn is not the best but he tries hard. He said some of his neighbors have received a code violation warning even when items have only been out for a few hours.

Councilmember Glover said he has received fix it tickets all the time. It's great because he has 14 days to fix it.

Spencer Mears said he has other neighbors that haven't gotten warnings or violations that should have.

V. COUNCIL REPORTS

A. Councilmember Paul Hunt – thanked staff and everyone for Harvest Days. He thanked them for going the extra mile and being there. He said he received a lot of positive feedback on Harvest Days.

B. Councilmember Quinn Sperry – said the block parties were great. He said the Community Council is hosting a “Meet the Candidate” night on September 2nd. He also stated that an issue came up in July regarding issues with sidewalks on the east side. Public Works responded and the neighbors are very appreciative.

C. Councilmember Wayne Sharp – said he has a list of issues from the block parties he will address at a later date. The Mosquito Abatement says the mosquitoes are here in the valley carrying the West Nile virus. He said to wear deet. There are no human cases at this time. The closest pool is 3300 South and close to the Jordan River.

D. Councilmember Stephen Brown – said most of the comments he received from the block parties he will save until later. One important one that needs to be addressed is the intersection on Main to Fern and Allen that is being used as cut through to Wasatch. He would like Unified Police Department to do a traffic study in that area. The families on that street have kids and are concerned.

Detective Meono said they were at the same block party and they sat out there for the next two days during rush hour traffic. There were only a couple of stop sign violations and a couple speeding violations in those two days. The trailer is a great tool and their two motor officers are aware of it. They were in unmarked cars during those two days.

Kane Loader said whenever there is a problem on I-15; traffic is diverted to Main Street. He has seen it happen frequently lately. The ultimate solution is Jordan River Blvd.

Councilmember Paul Glover said it happens every night because of the construction on I-15.

Councilmember Stephen Brown suggested maybe looking into a daily measure such as speed bumps, etc.

Keith Ludwig said he received a petition for Fern Drive today along with several others so he will be requesting Unified Police do several speed studies for them and Fern Drive is one of them.

E. Councilmember Paul Glover – said he enjoyed Harvest Days. On 7666 South Grant St. the sidewalk in front of house and both sides need something done. He has pictures and it is not good. There are three houses there that have problems with raised sidewalks due to the trees. He received a lot of positive things happening in Midvale City.

Councilmember Wayne Sharp reported that he went to block party scheduled for Monday night and there were 80 people there.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – Mayor Seghini had nothing to report.

VII. PUBLIC HEARING(S) – 7:00 PM

A. CONSIDER A TEXT AMENDMENT REQUEST FOR ALLOWANCE OF ELECTRIFIED SECURITY FENCING FOR NON-RESIDENTIAL OUTDOOR STORAGE AREAS

MOTION: Councilmember Paul Glover moved to open a public hearing. The motion was seconded by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

Matt Hilderman said The Electric Guard Dog Company, based out of Columbia, South Carolina, submitted a proposed text amendment that would allow the installation of electrified fencing for security purposes within nonresidential outdoor storage areas. This text amendment proposal is being requested for the purpose of a business located within Midvale City that has had several thefts from their outdoor storage area in the recent months. The property owner and applicant have determined additional security features should be installed to help deter further criminal activity.

The Planning Commission reviewed the text amendment request and conducted a public hearing on May 13, 2015 and June 10, 2015. The Planning Commission reviewed the submitted information and discussed the aesthetics of this use, the locations of where this use is proposed, and the surrounding neighborhoods and overall city character associated with this proposed use. It was the Planning Commission's decision to forward a positive recommendation with the following motion:

"In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to further provide safety and security of individual properties and their uses, we move to forward a positive recommendation to the City Council to add language in the

Clean Industrial Zone District under the fencing provision to include electrified security fencing for an outdoor storage use as included in Attachment A.”

To summarize the Planning Commission is recommending electrified security fencing with the following parameters

- Allowed as a Conditional Use in the Clean Industrial Zone District
- Applicant to present evidence that a higher degree of security is required
- Electrical fences may have a maximum height of 10-feet and any fence higher than 6-feet requires a building permit
- Electrical fence must be completely surrounded by a minimum 6-foot, non-electrified fence and located a maximum of 12-inches inside the perimeter fence or wall
- “Warning-Electric Fence” signage to be located on each side of electrical fence at 60-foot intervals

Some concerns were raised by the City Attorney and City Building Official regarding this request. The Building Official has a concern that the Building Codes adopted by the State and the City does not address this type of electrical fencing, leaving the Building Department unable to regulate and inspect the 2 electrical components of these fences. The City Attorney has liability concerns for the City if someone or something were to be caused harm or damage.

On July 14, 2015, the City Council discussed this item and requested some additional information as to whether or not the City can adopt Building Codes to address this specific type of use. In researching the legality of the City adopting building codes beyond those adopted by the State, the City Attorney’s office has indicated that there is not a definitive answer. It could be argued either way, with a final decision resting with a judicial determination if the City were challenged. One possible solution could be to add language to the proposed text amendment (Attachment A) that states the City is not responsible for the review and inspection of the electrical components of the fence. However, there is still a concern of the City’s liability associated with this proposed use.

Councilmember Quinn Sperry said he is concerned with legal concerns of liability issues. He asked if there is different form other than electrified fencing, like camera’s and barb wire. He suggested at looking at the draft of the text amendment.

Matt Hilderman said he is looking for some direction and guidance from the council.

Michael Pate, applicant from Electrified Guard Dog, said they provide security for outdoor storage yards. Most are trucking companies, insurance repair yards, and wrecker services. He has 3000 across America right now. In regards to the buffer zone between residential and industrial areas he feels the perimeter of the fence is adequate enough. There are some municipalities that have a concrete barrier or a slatted fence. He discussed and explained how the electric fences work, along with the codes and standards.

Chad Woolley discussed the risks of electric fencing.

Chief Brad Larson said he had some concerns with the electricity. He did have concerns with access for firefighters and safety concerns. Mr. Pate has talked to him and will get him some information. It is not addressed in the fire code so he will talk with some fire marshals back east that have them. Once he gets that information, he will forward it to the City. He said he was not opposed to it, just want more information.

Chief Tony Mason said he has also been zapped by electric fences growing up. He said the one most common question he is asked is how someone can protect their property. Other security options take time to respond where an electric fence gets an instant response. He said if he had a property like that, he would want the electric fence.

Councilmember Paul Glover said he would like to hear back from the fire when they get their information.

Councilmember Quinn Sperry said he would like the City Attorney to do some research done on the razor wire.

Matt Hilderman asked the Council if they would like him to bring back the information with an ordinance. The Council said yes.

Mayor opened public comment. There was no one present who desired to speak to this issue.

MOTION: Councilmember Stephen Brown moved to close the public hearing. The motion was seconded by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

VIII. CONSENT AGENDA

A. APPROVE MINUTES OF JULY 7 AND 14, 2015

B. SET DATE AND TIME (AUGUST 11, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT REQUEST FOR THE ALLOWANCE OF ELECTRIFIED SECURITY FENCING FOR NON-RESIDENTIAL OUTDOOR STORAGE AREAS.

MOTION: Councilmember Paul Hunt MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Quinn Sperry. Mayor called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

IX. ACTION ITEMS

A. APPROVE RESOLUTION NO. 2015-R-40 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH HOGAN AND ASSOCIATES FOR THE MAIN PARK SPLASH PAD

Keith Ludwig said on July 22, 2015 the city received three proposals for the Main Park Splash Pad project. Following a committee review of qualifications and price, the apparent qualified low bidder was Hogan and Associates Construction. This project was bid as a CM/GC (Construction Management/ General Contractor) contract so that this can be a collaborative approach between the city, designer and contractor to keep the project within the budget of \$400,000 as the final construction documents are completed.

After evaluating the bids based on the criteria outlined in the bid documents, it is recommended that the contract be awarded to Hogan and Associates Construction. The contract for this project will set a not to exceed amount of \$400,000 to which the contractor will be bound upon completion of the final construction documents.

FISCAL IMPACT:

Funds for this project have been previously secured through the Salt Lake County TRCC process. No other funding source is necessary.

MOTION: Councilmember Stephen Brown MOVED to approve Resolution No. 2015-R-40, authorizing the Mayor to enter into a contract with Hogan and Associates Construction for the Main Park Splash Pad Project. 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:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

B. APPROVE RESOLUTION NO. 2015-R-41 APPROVING A DEVELOPMENT AGREEMENT FOR THE “FOUNDERS POINT PROJECT, FKA KIMPTON SQUARE PROJECT”, LOCATED AT THE NORTHWEST CORNER OF 7800 SOUTH AND HOLDEN STREET.

Lesley Burns said on April 22, 2015, the Planning Commission approved an amended Large Scale Master Plan (LSMP) for the Silver Refinery Overlay area located at the northwest corner of 7800 South and Holden Street. This LSMP includes a 2.21 acre multi-family residential area, a 6.31 acre medium density single family detached residential area, and a 0.84 acre public open space area. In May and June, the Planning Commission approved Small Scale Master Plans for each of these areas. These approvals include a 97 unit senior affordable apartment complex, 67 single family detached homes with common recreation and amenity areas, and a 1.1 acre park (which includes the Pioneer Cemetery area) to be dedicated to Midvale City for public use. With these approvals, the Developer has used the residential density allocated under the Silver Refinery Overlay, has provided the required improved public open space for this density, and has provided shared access and parking between the three development areas.

Sections 17-7-9.2 and 17-3-5 of the Zoning Ordinance require a Development Agreement between Midvale City and the property owner/developer of this type of project. A condition of

the Small Scale Master Plan approvals required the property owner/developer work with the City on a Development Agreement to be reviewed and approved by the City Council. The intent of the Development Agreement is to ensure compliance with the approved development plans, and provide a timeline for completion of the public and common area improvements required under the Silver Refinery Overlay.

A development agreement has been written, and has been through a number of iterations after review and comments by the property owner, the City Attorney, Community Development Staff, and the Fire Marshal. The attached Development Agreement has been agreed upon by all involved and is now before the City Council for its consideration. The agreement includes the following:

- The agreement will run with the property and will be binding on any successors and assigns of the current Developer/Property Owner in the future.
- A guarantee of off and on-site public improvements through performance bonds.
- Compliance with the Institutional Controls required for the overall Bingham Junction area.
- A copy of the approved amended Large Scale Master Plan and conditions of approval.
- A copy of the approved Small Scale Master Plans and conditions of approval for the two residential projects and public open space. This includes site layout, landscaping, recreation amenities, and building architecture for the residential developments; and a layout/landscape plan for the public open space parcel.
- A guarantee and timing for the conveyance of the required improved public open space. The agreement requires that the public open space improvements be completed on or before the 45th residential unit receives a Certificate of Occupancy. A four month grace period has been written into the agreement, provided the required improvements are guaranteed with an irrevocable commitment of funds from the Developer to the City.
- A guarantee and timing for the common area improvements to be completed within the single family residential project.
- Specific conditions for approval of Final Site Plans and Subdivision Plats. Many of these are in the exhibits attached to the agreement, including the small scale master plan, construction plans, landscape plans, building models, exterior building materials and colors, and recreation amenity details.
- Shared access and parking between the three development areas.

If the City Council is comfortable with this agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

MOTION: Councilmember Paul Hunt **MOVED** to approve Resolution No. 2015-R-41, authorizing the Mayor to enter into the Development Agreement for the Founder's Point Project, fka Kimpton Square Project, as presented. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

X. DISCUSSION ITEMS

A. DISCUSS DECLARING SURPLUS PROPERTY

Dave Starkey presented a list of equipment and vehicles he would like to surplus in order to dispose of the property. The Council instructed him to schedule this item on the consent agenda for approval of the next meeting.

B. CBC/FACILITIESUPDATE

Kane Loader asked Laurie Harvey to report on where the CBC is financially and any projections for the near future.

Laurie Harvey said the amount the CBC owes the Midvale City the end of June 2015 is \$21,000. Their projected revenue for 2016 is \$210,000 and projected expenditures \$265,000. With a \$55,000 net loss the projected amount owed to the City at the end of June 2016 is \$76,000. She discussed the grants available to the CBC and what they would pay for and for how long. The only one they know of right now is the abstinence grant. Solutions - there are over \$100,000 pending from grant requests with some verbal commitments but they have not seen anything yet. With the \$55,000 debt, that would get them through March of 2016. She has indicated to the grant writers that they should submit what they have not but nothing else until they are given approval.

Kane Loader said the old city hall will be demolished by the end of the year. The seminary building can be used as is right now without any work being done on it. The only consideration to look at is air conditioning next summary. Mauricio would like to leave the dental clinic at the old city hall. There is an issue with the U of U and the clinic and not wanting to move into a temporary building. He told them there was no way that could be done at this time. Dr. Samuelson may be willing to look at using the portable units the school district has offered to let us use for the clinic. This is only a solution for two to five years, but it gives Mauricio time work on a permanent solution. He will now talk with the school district regarding the portables and look at remodeling the portables for the clinic with the \$50,000 grant they can use for remodeling. If there are successful the CBC will go into the old seminary building and the clinic in the portables. His understanding is they will apply for CDBG funding for their salaries but that

would not give them any new money until July 2016. Somehow they have to figure out how to get from March to July of next year.

Councilmember Wayne Sharp questioned why the grants they currently have cannot all be used for salaries.

Laurie Harvey explained the \$100,000 grant received from the Utah Primary Care grant is specific as to what it can be used for. She has asked Mauricio to show her where it can be used for salaries. He has assured Laurie that this grant can be flexible and pay a portion of salaries. She said she has not seen the grant as of yet.

The Council instructed staff to not spend another dime on CBC without prior Council approval. Kane Loader said that is exactly what they understood and he is proposing to move them to the seminary building without any additional costs. No money will be extended to them to operate or relocate. He does have a question as to whether they will survive from March through July 2016.

Laurie Harvey said a lot of these grants are reimbursable grants so they may need money to float until they can request reimbursement. She said that will be brought back to the Council for prior approval.

Kane Loader said he asked Jim Childs, Architect, to look at the existing senior center and how it can be used. He previewed a plan for the building. He said he felt like they needed to stay around the \$400,000 mark with the sale of the museum property to do this building. He reviewed the proposed architectural plan putting the museum on the back of the building and the rest of the building as a reception hall. He discussed the possibility of moving the bowery to this building and removing the existing bowery to allow for more parking in the park.

XI. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

MAYOR: Mayor Seghini

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry
Council Member Wayne Sharp
Council Member Stephen Brown

STAFF: Kane Loader, City Manager; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Detective Edwin Meono, UPD; Danny Walz, RDA Director; and Jarin Blackham, IT Manager.

MOTION: Councilmember Stephen Brown **MOVED** to move into a closed session to discuss pending or reasonably imminent litigation. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

The Council went into closed session at 10:07 p.m.

MOTION: Councilmember Wayne Sharp **MOVED** to reconvene into open session. Councilmember Stephen Brown **SECONDED** the motion. Mayor Seghini called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The Council reconvened into open session at 10:27 p.m.

XII. 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, he called for a vote. The motion passed unanimously.

The meeting adjourned at 10:27 p.m.

Rori L. Andreason

Rori L. Andreason, MMC
CITY RECORDER

Approved this 1st day of September 2015.