



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, April 14, 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: JoAnn Seghini

COUNCIL MEMBERS: Council Member Stephen Brown
Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry
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; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Chief Stephen Higgs, UFA; Danny Walz, RDA Director; Lesley Burns, City Planner; Annaliese Eichelberger, RDA Coordinator; Michelle Henderson, Court Administrator; 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 discussed a joint operation conducted on crosswalks on State Street and Center Street. The results of the operation yielded several noteworthy issues:

- 1) A total of 27 citations were issued in a time span of 4 hours. A large portion of the enforcement was directed towards community/driver education as released to crosswalk issues.
- 2) The crosswalk approximately 6900 South State Street was identified as having several issues. There is a very high amount of vehicle and foot traffic in this area. The signage and crosswalks is illuminated using yellow lighting. Based on observation of Motor Officers and communication with stopped drivers, this caused confusion. Drivers only associated the yellow lights to use caution and not stop for pedestrians. There are several other areas in the valley with crosswalks using red lights for these types of crosswalks. Participating Motor Officers suggested red lights may decrease the confusion and increase safety of pedestrian in this specific area.
- 3) Several citizens observing the operation stopped and thanked officers for their efforts. Targeted areas were confirmed to be problem locations for residents.

Chief Mason said he met with Councilmember Sharp regarding his campaign to "Stop, look up and look out". He is working with him on this campaign with Cumulous and schools. He is also working on a you tube video for this campaign as well. He thinks this may help save some lives.

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Phillip Hill reminded the Council of the EPA event next week at the FLSmidth site removing this site from their list.

Danny Walz said the RDA started meeting with legislative representatives regarding the RDA law to see if any amendments need to be made.

Bob Davis reported that the roof of the new public works building blew off. We are in the second week of the 4 week cleanup.

Rori Andreason informed the Council that she will be on vacation next week and Shelly Reed will be at Council meeting. She also notified the Council about the open enrollment meeting as well as the HSA meeting in May.

II. CITY MANAGERS REPORT

Kane Loader reported on the ULCT conference in St. George. He previewed the transportation video created by the ULCT. He said the City needs to notify Salt Lake County that we want the transportation tax on the ballot this year. He distributed the leading economic indicators created by the League of Cities and Towns.

Mayor JoAnn B. Seghini opened the regular meeting at 7:00 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS

There was no one who wished to comment.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp – said the S L County health department has a program for recycling. You can call for hazardous waste drop off. He reported on the costs for recycling with the County.

B. Councilmember Stephen Brown - said he attended the ULCT Conference. He said West Valley City did a session on their website. He suggested when we are looking into redoing our website, we should look at theirs.

C. Councilmember Paul Hunt – said the ULCT Conference was great.

D. Councilmember Quinn Sperry – said one of the breakout sessions he attended was on cyber security. He was pleased to talk with a presenter who recommended a good vendor who was at the conference. He found out the city is already working with them and was very complimentary of Jarin.

- E. **Councilmember Paul Glover** – said he called 911 today and was put on hold for about a minute and a half. He called and he was asked what city he was with. He said it was probably 2 minutes that maybe could have saved a man in his parking lot today.

Kane said an RFP is out for the CAD system with VECC. If the call goes to Salt Lake and they are very busy, it takes a while for the call to get answered. He said everyone in Salt Lake County has to come to an agreement to use one CAD system. We are hoping this RFP will solve that.

VI. **MAYOR REPORT**

Mayor JoAnn B. Seghini – said her report follows up with Kane's report. She was happy to see so many council members in attendance.

VII. **ACTION ITEMS**

A. **APPROVE RESOLUTION NO. 2015-R-16 APPROVING THE DEVELOPMENT AGREEMENT WITH RIVERWALK INVESTMENTS II, LLC FOR THE TOPGOLF PROJECT**

Lesley Burns said the Planning Commission approved the Small Scale Master Plan and Conditional Use Permit for the Topgolf Project in December 2014. This project, located on 12.75 acres in the Riverwalk area of Bingham Junction, is a golf entertainment center which includes a 65,000 square foot three story building with 102 climate-controlled hitting bays, a full-service restaurant, a bar, lounges, corporate event meeting space, a family entertainment area, an open air rooftop terrace with tables, couches, fire pits and a stage for live entertainment. The associated outfield is approximately 4.7 acres and 240 yards long with a perimeter steel mesh net fence that ranges from 90 feet to 170 feet in height. The outfield is illuminated by six 1,000 watt metal halide lights mounted on the roof above the hitting bays. Since this approval, the applicant has submitted a final site plan for the project. This final site plan has been approved by Staff (planning, fire, engineering), subject to a development agreement being executed.

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 approval required the property owner/developer work with the City on a Development Agreement to be reviewed and approved by the City Council. In this case, the property owner (Riverwalk Investments II, LLC) has a long-term ground lease with Topgolf. Topgolf will be constructing and operating the facility. Because of this lease, Topgolf is also consenting to the Development Agreement. The intent of the Development Agreement is to ensure compliance with the approved development plan, as well as the conditions of the Conditional Use Permit for the facility operations.

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

- Agreement to comply with the approved final site plan, which is included as Exhibit D.
- Parameters for emergency access into the project.
- Agreement to allow access and circulation through the parking field for adjacent developments within the Riverwalk West Retail Master Plan.

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- Agreement to comply with the Institutional Controls for the Bingham Junction area.
- Agreement to continually work with the City in addressing any noise and lighting impacts on the surrounding area.
- Agreement to remove fencing and rooftop lights if Topgolf ceases its operation on the property and a tenant needing these improvements is not operating within 2 ½ years.

She recommended approval of the agreement if the Council deems it appropriate.

MOTION: Councilmember Quinn Sperry MOVED that we adopt Resolution No. 2015-R-16 authorizing the Mayor to enter into the Development Agreement for the Topgolf Project as presented. 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 Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye
Council member Stephen Brown	Aye

The motion passed unanimously.

VIII. DISCUSSION ITEMS

A. LEGISLATIVE UPDATE

Representative Bruce Cutler discussed the legislative session and the bills that were passed including the transportation bill, anti-discrimination/fair housing act, religious liberty bill, removal of statute of limitations on child abuse, and education equalization.

Mayor Seghini asked about the appetite for Medicare expansion.

Representative Cutler said the house held firm on healthy Utah and didn't get anywhere on that one.

B. DISCUSS LEGAL CLINIC

Michelle Henderson reported on the legal clinic and the success she has experienced. They have been able to assist the public and feel it has been a success. She reviewed the operations of the Court and what they have been able to accomplish over the past year. She said she sends the legal clinic notice out through the newsletter, churches, and Midvale Facebook page. Since no one comes in after 7:00 pm the clinic will only be open until 7:30 pm. She felt the City needs to continue with the clinic.

The Council said it would be helpful for them to have some fliers.

C. DISCUSS INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY FOR THE MIDVALE SENIOR CENTER

Chad Woolley discussed the Interlocal Agreement with Salt Lake County for the Midvale Senior Center. He said the agreement is ready for approval and will be scheduled for April 21st. He will provide the agreement at that time.

D. DISCUSS AMENDING THE RETIREMENT HEALTH SAVINGS (RHS) PLAN REGARDING THE DEFENSE OF MARRIAGE ACT (DOMA)

Rori Andreason discussed the proposed the amendment to the City's VantageCare Retirement Health Savings Account regarding changes to the definition of a spouse according to the Defense of Marriage Act ("DOMA"). RHS plans must recognize same-sex marriages and provide the same benefits to all married participants, including with respect to the following:

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- Eligible Expenses – Participants may use RHS plan assets for tax-free reimbursement of qualifying medical expense attributable to their spouses.
- Survivor Benefits – In the event of a participant's death, his or her spouse is entitled to use any remaining funds in the RHS plan account for qualifying medical expenses.

The Council instructed staff to place this item on the consent agenda for the next meeting for approval.

MOTION: Councilmember Wayne Sharp **MOVED** to adjourn the open council meeting and move into the Redevelopment Agency Meeting, then return to the council agenda to the Closed Session. 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.

The Council recessed at 8:30 p.m. and reconvened at 9:03 p.m.

X. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

MAYOR: JoAnn Seghini

COUNCIL MEMBERS: Council Member Stephen Brown
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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; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Danny Walz, RDA Director; Lesley Burns, City Planner; and Jarin Blackham, IT Manager.

MOTION: Councilmember Quinn Sperry **MOVED** to go into 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 Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye
Council member Stephen Brown	Aye

The motion passed unanimously.

The Council went into closed session at 9:07 p.m.

MOTION: Councilmember Stephen Brown **MOVED** to reconvene into open session. The motion was **SECONDED** by Councilmember Wayne Sharp. Mayor Seghini called

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for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

The Council reconvened at 9:34 p.m.

XI. AJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn. 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.

The meeting adjourned at 9:34 p.m.

/s/

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

Approved this 5th day of May, 2015.