



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, March 17, 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 and Economic Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Alan Hoyne, Interim Public Works Director; Stephen Black, Interim Public Works Director; Lisa Gardner, City Prosecutor; Chief Tony Mason, UPD Midvale Precinct; Chief Stephen Higgs, 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 introduced Kim Burgeon the new Lieutenant for Midvale Precinct. He discussed a campaign with texting while driving with Councilmember Sharp.

Chief Mason updated the Council on the COP officers and assigned areas. He also updated the Council on fatal accidents in Midvale.

Chief Higgs said he attended the St Patrick's Parade and thanked the Mayor for the invitation. He inquired on the Veteran's Day Ceremony festivities.

Laurie Harvey discussed the February financials and court revenues. She discussed credit card fees. She said they are charged a percentage of each transaction and proposed 1 1/2 % fee per transaction. She said the utility billing clerk is no longer with the City and the current Purchasing Agent has taken the Utility Billing clerk position. She is opening a position for a Senior Accountant.

Phillip Hill discussed mobile food vending and said in researching other cities found that they are usually licensed elsewhere so he had not pursued charging another fee for Midvale since they

are traveling throughout the valley. The Council agreed that it was not necessary to change the ordinance.

Phillip Hill also reported that the Center Square Apartment's application is on hold. They are seeking legal counsel on open space.

Danny Walz discussed the reimbursement agreement for CHG. He is still working on that with Laura Lewis, and they have a few options to review. He hopes to bring this back on April 7th.

Stephen Black reported on the new cemetery program. The new system has a map to help find the gravesites. Councilmember Hunt suggested scout troops volunteer to help citizens find gravesites with service hours.

Rori Andreason reminded the Council about the ULCT Conference the first week of April. She also reported on the hiring of a facilities maintenance technician, who will be starting on Monday.

II. CITY MANAGERS REPORT

Kane Loader updated the Council on legislative House Bill 362 that passed on transportation. It has a 12 % tax. This means a .05% increase for Midvale City. This becomes effective Jan 1, 2016. The bill was expanded on how the funds can be used and it is by voter approval. The other bill he worked on was House Bill 420, which amended funding for road projects. These two bills were very important to Midvale City. He reported on his discussion with Salt Lake County regarding the City's raccoon problem. Salt Lake County is unable to help because they are a no kill facility. The state requires that when you catch a raccoon that is needs to be killed. He is still working on this situation.

Councilmember Glover asked if Sandy City could charge us to pick up the raccoons.

Kane Loader asked if the Council would agree to buy traps for the raccoons. The Council agreed.

Mayor JoAnn B. Seghini opened the regular meeting at 7:11 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

C. Proclamation Declaring March 22nd through March 28, 2015 Boys & Girls Club Week

Mayor Seghini read the proclamation declaring March 22nd through March 28th, 2015 as the Boys and Girls Club for providing excellent service.

IV. PUBLIC COMMENTS

Mike Groth, representing the Ute Conference football for girls and boys ages 7-14 teams, said they would like to use the fields at the park for practices and games.

Kane Loader said he met with league officials. He thinks the sod will be ready by August. He has checked with other cities, and they rent the fields out for practices and games. He has talked with the league about using the facilities. He has been assured that the activities would stay at the south end of the field. He said he would like to see the league use the fields.

Mayor Seghini said the City also offers a youth scholarship program.

Kane Loader requested the City Attorney draw up an agreement for use of the fields. The Council agreed.

Chad Woolley, City Attorney, agreed that the scholarship program is a great program.

Tyler Sharp, Chairperson of Harvest Days, discussed the schedule of events and details for Harvest Days.

Councilmember Sperry asked about having a youth activity that would bring kids as well as the parents for an activity during the day.

Councilmember Brown suggested having Hillcrest Football exhibition games.

Mike Pahl vendor Chair for Harvest Days said he would like to do an activity during the day and bring in some vendors.

Tyler Sharp said he would work on the activities and let the Council know the schedule.

Mike Pahl, Director of Cinco de Mayo, discussed the Cinco de Mayo schedule of events and activities. He proposed to extend the celebration and have a two day Cinco de Mayo celebration and asked for support from the City for this event.

Chief Mason said he would need to have a full staff for the events and activities. He would have to pay a lot of overtime.

Kane Loader said the City did not have the budget to increase the costs for the event.

Mayor Seghini suggested keeping the event for a one day instead of a two day celebration.

Mike Paul asked if Council would consider having a movie in the park and bingo on Friday night. He said he would keep the parade the same as the previous year. The Council agreed.

V. COUNCIL REPORTS

A. Councilmember Stephen Brown – had nothing to report.

B. Councilmember Paul Glover – reported he will be out of town for the next Council meeting on April 7th.

C. Councilmember Paul Hunt – had nothing to report.

D. Councilmember Quinn Sperry – said he was contacted on the blade banners and advertising.

E. Councilmember Wayne Sharp – reported on the mural on 8000 South and 1st East. He said he liked it.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – had nothing to report.

VII. CONSENT AGENDA

A. APPROVE MINUTES OF MARCH 03 & 10, 2015

MOTION: Councilmember Wayne Sharp moved to approve the consent agenda. The motion was seconded by Councilmember Stephen Brown. 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.

VIII. ACTION ITEMS

A. APPROVE FINAL SUBDIVISION PLAT FOR MONTGOMERY PUD SUBDIVISION LOCATED AT 8000 SOUTH BETWEEN 359 WEST AND 427 WEST

Matt Hilderman reported on February 26, 2014, the Planning Commission approved a master planned development for an 11-unit single-family housing project located at 8000 South between 359 West and 427 West, excluding 399 West and is known as the Montgomery PUD Subdivision [a Master Planned Development]. This property includes approximately 2.52 acres and is located within the SF-1 zone district. It is the intent of the residential developer to create a “for sale” housing product. In order to do this, a subdivision plat designating the individual single-family units is required.

The Final Subdivision plat is consistent with the Final Site Plan that was approved by the Midvale City Staff on December 8, 2014. The plat provides for individual ownership of each single-family unit and adjacent yard space. The remainder of the property will be included in common areas, including the pedestrian sidewalks and private roads. The common areas will be owned and maintained by a homeowners association, with individual owners having an equal ownership interest in the association and these areas. The declaration of covenants, conditions,

and restrictions (CC&R's) will specify the use and maintenance of the private and common areas and this document will need to be recorded concurrently with the final subdivision plat.

The Planning Commission reviewed this request and conducted the required public hearing on November 8, 2013 and also January 8, 2014. Following the public hearing, the Planning Commission moved to table this project requesting the applicant to address particular concerns. On February 26, 2014, the Planning Commission reviewed the revised proposal and forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat. The City Council conducted a public hearing on the preliminary subdivision plat on May 6, 2014.

Based on compliance with the City's subdivision requirements and consistency with the master planned development site plan, the City Council motioned to approve the preliminary subdivision plat for Montgomery PUD 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. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.
3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, and Qwest Communications regarding the utility easements on the subdivision plat prior to final approval.
4. The applicant shall submit a declaration of covenants, conditions, and restrictions, including the creation of a homeowners association for the development. This document shall be recorded concurrently with the subdivision plat.
5. Prior to the subdivision plat being recorded, the applicant shall obtain final site plan approval for the master planned development.

The applicant has submitted a final subdivision plat which has been reviewed and approved by the City Engineer and Fire Marshall. This final subdivision plat includes the required approvals and notices from all utility companies regarding services and public utility easements and the applicant has provided a copy of the declaration documents that ensures the maintenance of the private and common areas. With these items completed, the proposed final subdivision plat complies with the City's subdivision standards and is ready to be recorded following the appropriate signatures being obtained on the final subdivision plat Mylar.

Councilmember Sperry asked about the limited common areas.

Kent Montgomery, applicant said the limited common areas in the front were by request of the Planning for maintenance purposes. The HOA has jurisdiction over what can be done there. The back yards are for the private areas.

ACTION: APPROVE FINAL SUBDIVISION PLAT FOR MONTGOVERY PUD SUBDIVISION LOCATED AT 8000 SOUTH BETWEEN 359 WEST AND 427 WEST

MOTION: Councilmember Wayne Sharp moved that we approve the Montgomery PUD Subdivision located at 8000 South between 359 West and 427 West with the conditions that the applicant obtains all required signatures on the final subdivision plat Mylar and the declaration of covenants, conditions, and restrictions shall be recorded concurrently with the Subdivision Plat. 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 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.

B. APPROVE RESOLUTION NO. 2015-R-13 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KILGORE CONTRACTING, L.L.C. FOR THE CONSTRUCTION OF THE OAK STREET RECONSTRUCTION PROJECT

Keith Ludwig said the City over the last several years has been accumulating CDBG funds for the Oak Street project. We have not got the funds necessary to build this project.

The plans and specifications were finalized and the project was put out to bid last September. A bid opening was held on September 23, 2014 and after evaluating the bids, determined that Kilgore Contracting had won the bid.

The contractor was given the option of starting the project last fall with the condition that the street could not be left in a state of disrepair during the winter or starting this spring with the condition that the irrigation line running under the north end of Oak Street be in service by April 15th. Kilgore opted to wait to start the project now. They are planning on mobilizing the week of March 23rd and be finished by June 1st, weather permitting.

A meeting was held last week with Kilgore and representatives of Canyons School District to discuss the issues this will create for the schools. The District and schools along with Kilgore will provide information regarding vehicular and pedestrian access. Oak Street will be closed to all but local traffic.

As the next regular Council Meeting will not be until April, he asked the Council to suspend the rules so action could be taken on this item that night.

FISCAL IMPACT: Their bid of \$340,402.15 is within the budget for this project.

ACTION: APPROVE RESOLUTION NO. 2015-R-13 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KILGORE CONTRACTING, L.L.C. FOR THE CONSTRUCTION OF THE OAK STREET RECONSTRUCTION PROJECT

MOTION: Councilmember Wayne Sharp moved that we suspend the rules and approve Resolution No. 2015-R-13, approving the agreement with Kilgore Contracting, L.L.C. for the construction of the Oak Street Reconstruction Project and authorize the Mayor to sign the agreement. 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.

C. APPROVE RESOLUTION NO. 2015-R-14 CONFIRMING THE APPOINTMENT OF BOB DAVIS AS THE DEPARTMENT HEAD FOR THE PUBLIC WORKS DEPARTMENT

Mayor Seghini said over recent months, the City has received several applications for the Public Works Director position. An Interview Committee comprised of Kane Loader, Phillip Hill, Laurie Harvey, Danny Walz, Rori Andreason, Alan Hoyne, Andrea Timmerman and Stephen Black was formed. The Interview Committee focused on finding the candidate that could pick-up where Ken Vance left off and continue in the same direction. It was also very imperative that the candidate was a good fit with the Public Works employees as well as senior staff.

With this focus in mind, interviews were held and two very qualified candidates were selected as the top candidates. Both candidates had experience as a Public Works Director; however, Bob Davis had more hands-on experience in the field as well as leadership qualities. The Committee felt his personality would be a great fit as well. The recommendation of Bob Davis as the top candidate was then forwarded to Mayor Seghini. Mayor Seghini interviewed Bob Davis and is forwarding her recommendation to appoint Bob Davis as the Public Works Director with the advice and consent of the City Council.

Bob Davis' resume showing his vast experience and expertise as a Public Works Director is attached for your review. Bob has served on several boards and committees that deal directly with the City. He will be in attendance at the meeting for the Council to ask questions as desired.

Stephen Black thanked the Mayor and City Manager for letting them get involved with the hiring process for the Department Head of Public Works Department.

Kane Loader said he has known Bob Davis for several years and was excited to bring him on as the Public Works Director. He is very skilled and has a lot of knowledge in this area.

Bob Davis introduced himself and said how excited he was to be a part of Midvale City.

ACTION: APPROVE RESOLUTION NO. 2014-R-14 CONFIRMING THE APPOINTMENT OF BOB DAVIS AS THE DEPARTMENT HEAD FOR THE PUBLIC WORKS DEPARTMENT

MOTION: Councilmember Paul Hunt moved that we approve Resolution No. 2015-R-14, confirming the Mayor's appointment of Bob Davis as the Public Works Director. 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 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.

Rori Andreason administered the Oath of Office to Mr. Bob Davis.

IX. DISCUSSION ITEMS

A. DISCUSS PLANS FOR THE MIDVALE AMPHITHEATER AND THE PERFORMING ARTS CENTER, AND REPORT ON ARTS COUNCIL ACTIVITIES

Kane Loader discussed the Midvale Amphitheater and Performing Arts Center. He then turned the time over to Suzanne Walker for their report.

Suzanne Walker discussed the financials, plans, and desires for the Midvale City Arts Council.

B. DISCUSSION ON MIDVALE CITY MUSEUM

Kane Loader discussed the Midvale City Museum. He explained it is a 501C3 organization. He met with Bob Miller and discussed a new location and improvements to the Museum.

Bob Miller, Chair of the Midvale Historical Society, suggested using the old Senior Center for the museum. He feels it would get more traffic with that location and room to update and organize the museum.

Councilmember Sharp introduced David Dean who has expressed interest in assisting the Historical Society with the updating of the museum.

David Dean said he feels that a lot of the items in the museum are not related to Midvale City. He felt that the inventory should be stored and rotated, and the items need to be catalogued. He currently works in an archival facility. He said he thinks the museum still has a future.

Councilmember Glover said he feels that the items should be rotated in order for additional foot traffic. He said if Midvale is going to support the museum, the Historical Society needs to do some updating and have activities to get more visitors. He suggested that they apply for a grant.

Councilmember Hunt and Brown like the idea of moving the museum to the old Midvale Senior Center.

Kane Loader suggested he look at moving the museum to the senior center. He would have Jim Childs look at the center and see what needs to be done. The Council agreed.

C. DISCUSS TEXT AMENDMENT TO PROVIDE AN EXCEPTION TO REQUIRED SIDE YARD SETBACK FOR ATTACHED GARAGES IN THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE

Lesley Burns said after receiving some comments from the public, the City Council requested that Staff look into changing the setback requirement for attached garages in the SF-1 zone district (single-family residential/7,000 square foot lot) to allow homeowners to expand their attached garages, particularly in older houses that only have single car garages or carports. The Council heard that the inability to expand single car garages in older homes to more usable and practical spaces for today's lifestyles, is forcing some people to consider moving from neighborhoods they would otherwise live. Currently, the zoning ordinance requires a minimum eight (8) foot side yard setback. Taking into consideration the intent of the request to the City Council, Building Code requirements, and neighborhood character, Staff prepared a proposed text amendment that would allow the required side yard setback to be decreased for an existing attached single car garage or carport to be expanded with specific standards. The proposed provision includes the following:

- Applicable in the SF-1 Zone District for houses with an attached garage/carport that accommodates less than two cars in width.
- Intended to provide a property owner of an older home with an attached single car garage/carport the ability to have a standard attached two car garage where it otherwise would not be allowed because of the eight foot side yard setback.
- Allows garage/carport to be extended within four feet of the property line (current ordinance requires eight feet) if the following standards are satisfied:
 - Eaves may extend one foot into the four foot setback, but no other projections are allowed, i.e. stairs, landings, etc.
 - Extended area is for garage use only, not habitable space;
 - Extended structure cannot exceed one story or above the roofline of the existing house;
 - Width of the garage/carport cannot exceed 24 feet;
 - Depth of the garage/carport cannot exceed 24 feet; and
 - All Building Codes must be satisfied.

In addition to the new provision, there are also some proposed minor changes in the wording for front, side and rear yard setbacks that is currently unclear.

Planning Commission Recommendation

The Planning Commission reviewed this proposed text amendment and held a public hearing on March 11, 2015. The Planning Commission has forwarded a positive recommendation to the City Council to amend the language in the SF-1 Zone District to provide an exception to the required side yard setback for attached garages and to clarify the existing setback language as included in Attachment A.

A public hearing was scheduled for April 7, 2015.

X. 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.

The meeting adjourned at 9:43 p.m.

/s/

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

Approved this 7th day of April, 2015.