



**Midvale City**  
**CITY COUNCIL MEETING**  
*Minutes*

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

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**MAYOR:** Mayor JoAnn B. Seghini - Excused

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

**STAFF:** 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; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Lt. Kim Burgon, UPD Midvale Precinct; Chief Stephen Higgs, UFA; Danny Walz, RDA Director; and Jarin Blackham, IT Manager.

Mayor Pro-Tem Paul Hunt called the meeting to order at 6:30 p.m.

**I. INFORMATIONAL ITEMS**

**A. DEPARTMENT REPORTS**

Phillip Hill said there had been some changes taking place within Logan Simpson who is working on the City's General Plan rewrite. He introduced the individuals that will now be working on the General Plan.

Jim Carter said he has been with Logan Simpson for nine years and is very excited to work on the project for the General Plan.

Lt. Kim Burgon said she was representing UPD that evening and asked if the Council had any questions. Councilmember Paul Glover asked about the area by Harts Gas Station. There are homeless people hanging out there and people are nervous about going into the station.

Lt. Burgon said the police are looking into this situation.

Danny Walz reported on the Community Development project for the Main Street area. He is working with Laura Lewis on the bonding for the CHG Project. He also reminded the Council about the ribbon cutting for Senior Center tomorrow.

Bob Davis said last week they had a water break every day. He also presented pictures of the new designed Midvale City Float.

Rori Andreason reported that the next Council meeting will be on August 11<sup>th</sup>.

Phillip Hill reported on several city projects (i.e. the splash pad construction and the 7200 South project from 700 East to 1300 East.) He said the funding for the 7200 South project has been approved by the Salt Lake County Council.

Councilmember Stephen Brown asked about the progress on the lights for Chapel Street and in the parking lot.

Phillip Hill said they are working on that area.

## **II. CITY MANAGER'S REPORT**

Kane Loader, City Manager was excused.

Mayor Pro-tem Hunt 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 and Wayne Sharp, Quinn Sperry and Paul Glover were present at roll call.

## **IV. PUBLIC COMMENTS**

There was no one present who wished to speak.

## **V. COUNCIL REPORTS**

**A. Councilmember Paul Hunt** – had nothing to report.

**B. Councilmember Quinn Sperry** – reported on what Bill Miller from the Museum said at the Community Council meeting. He said the Community Council also discussed their bylaws. He said there were some citizens in attendance that wanted something done about a dog on Allen Street that is attacking children. The police were called but wouldn't do anything because the kids were trespassing. He said the Community Council has scheduled a "Meet and Greet" for the election candidates on September 2<sup>nd</sup>.

**C. Councilmember Wayne Sharp** – had nothing to report.

**D. Councilmember Stephen Brown** – discussed the Harvest Days Committee meeting from last week and reviewed the schedule.

E. **Councilmember Paul Glover** – said he attended the “Once upon a Mattress” play performed by the Arts Council. He said it is worth going to see. He really enjoyed it.

**VI. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – Mayor Seghini was excused.

**VII. CONSENT AGENDA**

**A. 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 Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Pro-Hunt called for discussion on the motion. There being none the Mayor Pro-tem 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 RESOLUTION NO. 2015-R-39 DESIGNATING AND APPOINTING POLL WORKERS TO SERVE IN THE 2015 MUNICIPAL PRIMARY ELECTION.**

Rori Andreason said in accordance with Section 20A-5-602, Utah State Code, a resolution has been prepared designating and appointing poll workers to serve in the 2015 Municipal Primary election on August 11, 2015.

A list of poll workers has been prepared by the Salt Lake County Clerk’s Office for Council approval.

**MOTION:** Councilmember Quinn Sperry **MOVED** to approve Resolution No. 2015-R-39 designating and appointing poll workers to serve in the 2015 municipal primary election. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Pro-Hunt called for discussion on the motion. There being none the Mayor Pro-tem 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. DISCUSSION ITEMS**

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

Matt Hilderman said the Electric Guard Dog Company, based out of Columbia, South Carolina, has 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 Midvale Municipal Code only allows electrically charged fencing within the Agricultural Overlay zone for the development of agricultural and farm related uses through a Conditional Use Permit (CUP) review. The use of electric fences in other zone districts is currently prohibited. The applicant, Michael Pate representing The Electric Guard Dog Company, submitted a packet that provides a variety of materials and illustrations concerning the proposed text amendment. Staff has summarized the request below:

- Conformance to the International Electrical Code for electrical fences
- Fence is energizer by a 12-volt DC battery
- Electrical fence must be completely surrounded by a no less than 6-foot non-electrical fence or wall
- Permitted use on any non-residential outdoor storage area in all commercial and industrial zones
- Electrical fence shall have a height of 10-feet
- Electric fences shall have warning signs reading, “Warning-Electric Fence” at 60-foot intervals
- Electric fences shall be governed and regulated under burglar alarm regulations

Staff reached out to the Midvale City Building Official, Unified Fire Authority Area Inspector, and Unified Police Department and requested any comments or conditions for this proposed use.

The following is information we received from each agency:

**Midvale Building Official** – “I have researched the electric fence proposal and the NEC electrical code does not address electric fences. If the City elects to allow them, the Building Department has no jurisdiction over them.”

**Unified Fire Area Inspector** - “I can’t find much, any really, on related topics in my national or International fire code books. If it’s approved by the City, I would require a Knox Box to provide access to an exterior control panel so we could D/C power if needed.”

**Unified Police Department** - NO COMMENT RECEIVED

**Other Jurisdictions** - Staff researched and contacted several jurisdictions within the Salt Lake Valley and determined one (1) jurisdiction, Salt Lake City, currently allows electrical fencing within Industrial Zone Districts and requires special exception approval for electrical fencing within Commercial Zone Districts.

**Planning Commission Recommendation**

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 where this use is proposed, and

the surrounding neighborhoods and overall city character associated with this proposed use. It was the Planning Commission's recommendation to approve the text amendment 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."

**Legal Review**

Since the Planning Commission meeting, Staff distributed the recommended text amendment and information to the City Legal Department for further review; particularly the issue of the lack building/electrical/fire code provisions to regulate the safety of electrical fences. Recommended Conditions 2 and 4, which identify the International Electro Technical Commission (IEC) Standard No. 60335-2-76, conflicts with the current electrical codes that have been adopted by the City of Midvale and that can be enforced by the City's Building Official. Further discussion with the City Attorney determined there is a 'gray-area' among international and national electrical codes when regulating the construction and installation of electrical fences. The City Attorney is in favor of taking a position on the conservative side, thus not recommending approval of this proposed text amendment.

Chad Woolley, City Attorney explained that he did not see the benefit outweighing the risk of approving this.

**B. CBC UPDATE**

Mayor Pro-tem Hunt said this item will be rescheduled when the City Manager can be in attendance.

**X. AJOURN**

**MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Hunt called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

The meeting adjourned at 7:37 p.m.

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

Approved this 11th day of August, 2015.