**Midvale City**

**CITY COUNCIL MEETING**

***Minutes***

**Tuesday, January 6, 2015**

**Council Chambers**

**655 West Center Street**

**Midvale, Utah 84047**

***MAYOR:*** JoAnn Seghini

***COUNCIL MEMBERS:*** Council Member Wayne Sharp

Council Member Stephen Brown

Council Member Paul Glover

Council Member Paul Hunt

Council Member Quinn Sperry

***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; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; 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 discussed the issues the residents are having at the Park Station Apartments and the Good Landlord Program. The problems they are having are due to additional people living there that management does not know about. He said they will continue working with them.

Laurie Harvey asked the Council if March 5th would work to hold the budget retreat at the ULGT building. The Council said they would check their schedules.

Phillip Hill announced that the Mayor appointed him to serve on the UIA Board to replace Councilmember Robert Hale. The UIA Board accepted that appointment yesterday. He confirmed the splash pad did stay in the County Council's budget. He will work with architects on how to put that in the park and bring it back to the Council for a decision. He said someone took their 4-wheel drive in the new park and left some big ruts. They will fix it in the spring. He asked the Council to let him know what they would like to discuss in regards to apartments for the next meeting. He discussed letters the residents were receiving who live by the old Cut Above. These letters are in regards to old CC&R's that state no one of color is allowed to live there. The attorneys for developers trying to amend the CC&Rs.

Stephen Black updated the Council on the Public Works remodel. It should be complete by the end of February. He said the crews did a good job with snow removal with the last storm.

Kane Loader said he received a few calls thanking the City for doing such a good job with snow removal.

Rori Andreason asked the Council if they would like to attend the Local Officials Day on January 28th.

Jarin Blackham discussed a new city website and asked the Council what they would like on the site.

**II. CITY MANAGERS REPORT**

Kane Loader discussed the proposed transportation funding bill that will be addressed during the legislature this year. Councilmember Wayne Sharp said every time they add it to the sales tax it hurts the businesses because citizens can buy off the internet for less. Kane Loader discussed a business license bill that is proposing to take away licensing home occupations and there is a bill regarding the good landlord program that no one will discuss yet. He discussed several other proposed bills. He announced a settlement received for UTOPIA. Legal costs will come back to the cities but the rest will go into infrastructure.

Mayor JoAnn B. Seghini opened the regular meeting at 7:14 p.m.

**III. GENERAL BUSINESS**

1. **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.

**IV. PUBLIC COMMENTS**

Wade Walker Alta View Drive, asked about a legal summons he received regarding the property on Center Street. Mayor Seghini said in 1953 a subdivision was created with CC&R's that prohibited anyone living there of color and other restrictions. Apparently that group never did anything with it and the land was sold and those restrictions still exist. The new developer is trying to get those restrictions changed. Phillip Hill asked for a copy of the letter since staff has not seen it.

**V. COUNCIL REPORTS**

1. **Councilmember Wayne Sharp** – reported that the Mosquito Abatement District Manager retired and his replacement has been hired. He also discussed finding ways to reduce the amount of trash going to the landfill so it doesn’t fill up too quickly.

**B. Councilmember Stephen Brown –** Had nothing to report.

**C. Councilmember Paul Glover –** apologized for not attending the audit committee meeting; he said he was in surgery.

**D. Councilmember Paul Hunt** – Had nothing to report.

**E. Councilmember Quinn Sperry** – discussed the fence on 700 to 900 East that needs to be replaced. He said the City owns a small portion. Kane Loader said the City will only pay for the portion of the fence that is owned by the City.

**VI. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – discussed the importance of attending the Local Officials day luncheon to network with legislators.

**VIII. CONSENT AGENDA**

**A. APPROVE MINUTES OF DECEMBER 16, 2014**

**B. SET THE DATE AND TIME [JANUARY 20, 2015 AT 7:00 PM] FOR A PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS REGARDING NEW DEVELOPMENT STANDARDS FOR SPORTS FACILITY FENCING AND EXTERIOR LIGHTING FOR RETAIL OFFICE/OFFICE/FLEX/MIXED USE PROJECTS IN THE BINGHAM JUNCTION ZONE AND RIVERWALK OVERLAY AND MODIFICATIONS TO THE SIGN STANDARDS FOR COMMERCIAL BUILDINGS IN SUBAREAS 2, 3 AND 5 OF BINGHAM JUNCTION ZONE**

**MOTION: Councilmember Wayne Sharp moved to approve 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:**

**Council member Stephen Brown Aye**

**Councilmember Paul Glover Aye**

**Council member Paul Hunt Aye**

**Council member Wayne Sharp Aye**

**Council member Quinn Sperry Aye**

**The motion passed unanimously.**

**X. DISCUSSION ITEMS**

**A. INDEPENDENT AUDITORS REPORT**

Laurie Harvey introduced Ed Erickson from Hansen, Malrose and Erickson, auditors for the City. She said the audit was filed on time with the state and the bonding agencies. The report in the packet is the final audit report.

Ed Erickson discussed the letter given to the Council regarding the audit. There were no findings.

Councilmember Paul Hunt said he knows how much work goes into keeping work moving forward. Laurie Harvey does a great job in keeping things moving smoothly. He expressed his appreciation to Laurie for her excellent work.

Ed Erickson said the City does have a very good qualified staff and he appreciates their work.

**B. DISCUSS TEXT AMENDMENTS REGARDING NEW DEVELOPMENT STANDARDS FOR SPORTS FACILITY FENCING AND EXTERIOR LIGHTING FOR RETAIL OFFICE/OFFICE/FLEX/MIXED USE PROJECTS IN THE BINGHAM JUNCTION ZONE AND RIVERWALK OVERLAY AND MODIFICATIONS TO THE SIGN STANDARDS FOR COMMERCIAL BUILDINGS IN SUBAREAS 2,3 AND 5 OF BINGHAM JUNCTION ZONE**

Lesley Burns said currently, the City’s Zoning Ordinance does not include provisions that address fencing and lighting for larger commercial outdoor recreation/entertainment type uses. At the request of Arco/Murray National Construction Company, representing Top Golf, Staff has drafted some proposed amendments addressing these items in the Bingham Junction Zone and Riverwalk Overlay, as well as a proposed modification to the sign ordinance for the commercial areas of Bingham Junction that adds a new permitted sign type. The proposed language for each of these amendments is included as an attachment to this staff report.

Sports/Athletic Facility Fencing – Riverwalk Overlay (Attachment A)

This text amendment adds language to the existing code section regarding athletic facility fencing in the Riverwalk Overlay (Section 17-7-9.12.1.8 C) to include a provision for fencing around golf courses and driving ranges. The intent of the provision is to allow fencing for this type of facility at heights up to what is necessary to contain 99% of the golf balls based on the specific facility situation, provided specific standards are satisfied, and impacts on adjacent properties and areas are mitigated. It will be up to the Planning Commission to review and approve such fences as part of a development project. As provided through the conditional use permit process, the Planning Commission can require any conditions it deems necessary to mitigate potential impacts on the area. This includes, but is not limited to, increased setbacks, additional landscaping, etc. The applicant will be required to submit appropriate studies regarding the proposed fence height, as well as a color study showing the proposed pole color is appropriate for the area, for the Planning Commission’s review.

Lighting for Outdoor Athletic Facilities – Bingham Junction Zone (Attachment B)

This text amendment adds a new section to the exterior lighting standards in the Bingham Junction Zone (Section 17-7-9.6 F) creating lighting standards for outdoor athletic facilities. The intent of this provision is to allow outdoor sports lighting, provided the applicant demonstrates the need for such lighting, the light fixtures are located and designed to ensure no light trespass off the site, and impacts on the surrounding area (including hours of light usage) are mitigated. It will be up to the Planning Commission to review and approve such lighting as part of a development project.

As part of this amendment, Staff is also recommending that the overall lighting provision be modified to include LED and induction as allowable light sources. Currently, the ordinance, which was written prior to these types of lights being available, does not include this current technology/product type.

Above Canopy Signs – Bingham Junction Zone Subareas 2, 3, 5 (Attachment C)

This text amendment adds a new sign type to the list of allowable signs for commercial projects in Subareas 2, 3, and 5 of the Bingham Junction Zone. It creates a provision for signs to be mounted on flat canopies without being attached to a wall, typically at building entrances. The provision includes specific size, height, and other required parameters to ensure this type of sign is used appropriately and fits the associated building. This proposed text amendment adds a definition for “above canopy sign” to Section 17-2 of the Zoning Ordinance, and adds specific sign standards for above canopy signs in the Bingham Junction Zone (Section 17-7-9.4 D) allowing this standard to be used for commercial projects in Subareas 2, 3 and 5 of the Bingham Junction Zone. These subareas include parts of both the Riverwalk Overlay and the Junction at Midvale Overlay.

**Planning Commission Recommendations**

The Planning Commission reviewed these proposed text amendments and held a public hearing on December 17, 2014. At that time, the Planning Commission made the following motions:

**Sports/Athletic Facility Fencing**

“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted, I move that we forward a positive recommendation to the City Council to add language to the athletic facility fencing in the Riverwalk Overlay to include a provision for fencing around golf courses and driving ranges as included in Attachment A.”

**Lighting for Outdoor Athletic Facilities**

“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted; I move that we forward a positive recommendation to the City Council to add language to the outdoor lighting standards in the Bingham Junction Zone to include a provision for outdoor athletic facilities as included in Attachment B.”

**Above Canopy Signs**

“In order to provide additional variety in commercial building signage that acknowledges present-day architectural elements, I move that we forward a positive recommendation to the City Council to add a provision for “above canopy signs” for commercial projects in Subareas 2, 3 and 5 of the Bingham Junction Zone as included in Attachment C.”

This item has been scheduled for a public hearing on January 20, 2015.

**XI. ADJOURN**

**MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Quinn Sperry 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 8:10 p.m.

**Rori L. Andreason, MMC**

**CITY RECORDER**

Approved this 20th day of January 2015.