**Midvale City**

**CITY COUNCIL MEETING**

***Minutes***

**Tuesday, June 03, 2014**

**Council Chambers**

**655 West Center Street**

**Midvale, Utah 84047**

***MAYOR:*** JoAnn Seghini - Excused

***COUNCIL MEMBERS:*** Council Member Paul Glover

 Council Member Paul Hunt

 Council Member Robert Hale

 Council Member Wayne Sharp

 Council Member Stephen Brown

***STAFF:*** Phillip Hill, Assistant City Manager/Community Development Director; Rori Andreason, H.R. Director/City Recorder; Dalin Hackett, Asst. Finance Director/City Treasurer; Ken Vance, Public Works Director; Lt. Bill Robertson, UPD Midvale Precinct; Brad Larson, Battalion Chief, UFA; Danny Walz, RDA Director; and Jarin Blackham, IT Manager.

Councilmember Paul Hunt called the meeting to order at 6:30 p.m. Mayor Pro-Tem Paul Glover arrived shortly thereafter.

1. **INFORMATIONAL ITEMS**

**A. DEPARTMENT REPORTS**

Lt. Bill Robertson reported on recent incidents. He said the City has been awarded a law enforcement JAG Grant $18,821. They will purchase ballistic vests with the money as well as under body equipment such as wires. They will also purchase three mobile radars for the patrol cars.

Councilmember Paul Hunt said the house on 123 East 7570 South is a nuisance house. He said this is a house full of cats but is otherwise not occupied. He asked the police to follow-up on it.

Dalin Hackett said the City closed on the storm water revenue bond with an interest rate of 2.77%. This is a private placement with JP Morgan Chase and will mature in 2029.

Ken Vance said it’s good to be back. He said he is working half days. They are working hard on the weeds and the sprinkling systems in the parkways. The community garden water is hooked up. The storm drain personnel are working hard on clearing drains for the run off.

Councilmember Wayne Sharp asked about the ditch on the west side of the fence runs down from Public Works. He said part of the ditch has been cleaned but it’s not finished. Ken Vance said he would follow-up.

Danny Walz said he knows officially now that the new city hall completion is being delayed. They are targeting October 2nd to move in with the first day for business being October 6th. A pre-construction meeting for Public Works remodel is scheduled for tomorrow. He said he was excited that Ken Vance is back so he can hand off the building to him.

Rori Andreason reminded the Council of the employee BBQ on Wednesday as well as the cancellation of the June 10th workshop.

 **B. CITY MANAGER’S REPORT**

Phillip Hill said the RFP is out for the main park. The bid opening is on Wednesday. He said he would bring the contract to council for approval on June 17th. He said the park will be ready for Harvest Days. Since all of the new area will be fenced off for fireworks, they won’t need to worry about anyone being on the new grass.

Councilmember Paul Glover said since nothing has been done on the park and it does not need to be done for Harvest Days, he would like to look at doing the project in the fall so the City can get a better price.

Phillip Hill said they put in a not to exceed amount and if they go over that they will hold off.

Councilmember Paul Glover said he felt it would be better to wait until fall to get a better price.

Phillip Hill said the dirt hills will be leveled to prepare the area for the fireworks. He said if he can get it within budget, he would like to have it look as good as possible for Harvest Days.

Danny Walz explained the general conditions and penalties regarding the new city hall.

Mayor Pro-Tem Paul Glover opened the regular meeting at 7:00 p.m.

**II. REGULAR CITY COUNCIL MEETING**

**III. GENERAL BUSINESS**

1. **Welcome and Pledge of Allegiance**
2. **Roll Call** – Council Members Stephen Brown, Paul Glover, Robert Hale, Paul Hunt and Wayne Sharp were present at roll call.

**IV. PUBLIC COMMENTS**

Judith Gonzales, 310 West Center Street, said she lives by the park and there are some horrible trees surrounding that area. She spoke to Canyon School District when they were tearing the school down and found that one tree does belong to them but they couldn't do anything about it because the property has been turned over to Midvale. She would like something done to get rid of some of the trees.

Councilmember Paul Glover said if they are Chinese Elm trees, they need to go.

There was no one else present who desired to speak..

**V. COUNCIL REPORTS**

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

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

 **C. Councilmember Robert Hale** – reported he recently attended the Building Healthy Communities event in West Jordan City. It was a well presented program with great ideas for following up on reports from Salt Lake County Health Dept. on the state of health in various areas they surveyed. They narrow the areas down by zip codes for their assessments. Midvale has some areas that need attention. He has materials which he will provide to the Mayor. Their goal is to make Salt Lake County the healthiest county in the state. He said he also attended the dedication of Last Bridge over Jordan River and that was great.

1. **Councilmember Wayne Sharp** – had nothing to report.
2. **Councilmember Stephen Brown –** had nothing to report.

**VI. MAYOR REPORT**

Mayor JoAnn Seghini was excused.

**MOTION: Councilmember Paul Hunt MOVED to open a public hearing. Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

**VII. PUBLIC HEARING – 7:00PM**

1. **CONSIDER THE POWELL SUBDIVISION PLAT B LOCATED AT 260 EAST CAROL WAY**

Lesley Burns said the applicant, Rochelle DB-3 LC represented by Brian Pearson, is requesting approval to subdivide the property located at 261 East Carol Way into two lots in conjunction with a two unit residential structure that was recently approved by the Planning Commission through the Conditional Use process. This subdivision would allow each unit within the two-unit residential structure to be individually owned. The property includes approximately 8,540 square feet with frontage on Carol Way (a public street). The property is currently vacant.

This property is zoned SF-1 with a Duplex Overlay. This is an existing lot that complies with all of the lot standards for the SF-1 zone district. The overlay allows two-unit residential structures as a Conditional Use. On April 23, 2014, the Planning Commission approved a two-unit residential structure on the property. The applicant’s Building Permit for this structure is currently under review with the City. Section 17-7-1.14 C of the Zoning Ordinance provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a two-unit residential structure. In this particular case, the proposed boundary that creates the two lots reflects the common wall between the two dwelling units within the proposed structure, as provided for in Section 17-7-1.14 C.

The City Engineer has reviewed the proposal. This area has existing curb, gutter and sidewalk. A Road Cut Permit will be required for the construction of the driveway where it ties into the public street. This will be addressed in conjunction with the Building Permit for the structure. The Fire Marshal has approved the proposal and will not require any additional improvements. The Subdivision Ordinance requires that 2” caliper deciduous street trees be planted with any new subdivision at a rate of one tree for every 30 feet of frontage. Based on this requirement, one street tree is required to be planted on each lot.

The Planning Commission conducted a public hearing on this subdivision plat on April 23, 2014. Based on compliance with the zoning subdivision requirements of the SF-1 Zone District and the 2 Duplex Overlay, the Planning Commission forwarded a positive recommendation to the City Council to approve the Powell Subdivision, Plat B 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. A note shall be added to the subdivision plat indicating that one, 2-inch caliper, deciduous street tree be planted along Carol Way on each lot or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.
3. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center lot line is required to be constructed on the property unless the subdivision plat is officially amended.
4. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
5. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

The applicant has submitted a final subdivision plat. This plat includes all of the notes required by the Planning Commission. Evidence of water and sewer availability for the new lots has been provided, and the applicant has notified all of the required utility companies. With these items, the proposed subdivision plat complies with the City’s subdivision standards.

**STAFF RECOMMENDATION:**

Based on compliance with the zoning and subdivision requirements and the Planning Commission’s recommendation, Staff recommends that the City Council approves the Powell Subdivision, Plat B with the condition that the applicant obtains all required signatures on the final subdivision plat Mylar.

Mayor Pro-tem Paul Glover opened public comment portion of the public hearing. There was no one present who desired to speak to this issue.

**MOTION: Councilmember Robert Hale MOVED to close a public hearing. Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

 **ACTION: APPROVE THE POWELL SUBDIVISION PLAT B, LOCATED AT 260 EAST CAROL WAY WITH THE CONDITION THAT THE APPLICANT OBTAINS ALL REQUIRED SIGNATURES ON THE FINAL SUBDIVISION PLAT MYLAR**

**MOTION: Councilmember Paul Hunt MOVED to approve the Powell Subdivision Plat B, located at 261 East Carol Way with the condition that the applicant obtains all required signatures on the final subdivision plat Mylar.” Councilmember Robert Hale SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

 **Council member Stephen Brown Aye**

 **Council member Paul Glover Aye**

 **Council member Robert Hale Aye**

 **Council member Paul Hunt Aye**

 **Council member Wayne Sharp Aye**

 **The motion passed unanimously.**

**MOTION: Councilmember Stephen Brown MOVED to open a public hearing. Councilmember Paul Hunt SECONDED the motion. Mayor Pro Tem Paul Glover called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

1. **CONSIDER THE PRELIMINARY AND FINAL SUBDIVISION PLATS FOR ROOFTOPS AT 7800 HUNDRED TOWNHOMES PHASE 4 LOCATED AT THE NORTHWEST CORNER OF 7800 SOUTH EURO DRIVE**

Lesley Burns said the Rooftops Project includes 131 townhouse units on approximately 6.4 acres located at the northwest corner of 7800 South and Euro Drive. This project has received Small Scale Master Plan approval from the Planning Commission and Final Site Plan approvals for the first four phases of the project. These four phases include 12 buildings with 97 units. Subdivision Plats have also been approved for the first three phases, which include 67 of these units. The four buildings that are currently under construction in Phase 4 have not been officially subdivided into individual townhouse units. The applicant and developer, Solstice Homes, is requesting subdivision approval to create the 30 individual townhouse units in Phase 4, so these units can be sold. In addition to the individual units, the proposed Phase 4 Subdivision Plat also creates the building parcels for the remaining four buildings within the Rooftops Project. In the future, once Final Site Plan approvals have been obtained on these four buildings, the building parcels will be further subdivided into the remaining 34 townhouse units, completing the project.

This plat reflects and is consistent with the Phase 4 area that has received Final Site Plan approval, and is consistent with the building locations in the approved Small Scale Master Plan for the remainder of the project. The proposed plat provides for the individual ownership of each of the townhouse units in the approved Phase 4 Final Site Plan; common area for the landscaped areas, and the private roads providing access to the individual units. These common areas will be owned and maintained by the Homeowners Association. The declaration of covenants, conditions and restrictions document (CC&R’s) was completed and recorded with the Phase 1 subdivision plat. The area covered by the CC&R’s has been expanded to include Phases 2 and 3, and will be further expanded to include the units of the Phase 4 area, expanding the existing homeowners association to include these new units.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this application on May 14, 2014 and forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, City Planner and City Council.

2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

3. The applicant shall expand the area covered by the existing declaration of covenants, conditions and restrictions (CC&R’s) for Rooftops at 78 Hundred Townhomes, to include the townhouse units in the Phase 4 area. This amendment to the document shall be recorded concurrently with the subdivision plat.

The subdivision plat has been approved by the City Engineer and Fire Marshal. All utility companies have been notified. A water and sewer letter has been provided by Midvale City. The applicant is working on the document to expand the area covered by the existing declaration of covenants, conditions and restrictions (CC&R’s) for Rooftops at 78 Hundred Townhomes, to include the Phase 4 area.

**STAFF RECOMMENDATION:**

Staff recommended approval of the preliminary and final subdivision plat for the Rooftops at 78

Hundred Townhomes Phase 4 Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.

2. The applicant shall expand the area covered by the existing declaration of covenants, conditions and restrictions (CC&R’s) for Rooftops at 78 Hundred Townhomes, to include the Phase 4 area. This amendment to the document shall be recorded concurrently with the subdivision plat.

Mayor Pro-Tem Paul Glover opened the public comment portion of the public hearing. There was no one present who desired to speak to this issue.

**MOTION: Councilmember Robert Hale MOVED to close a public hearing. Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

 **ACTION: APPROVE THE PRELIMINARY AND FINAL SUBDIVISION PLAT FOR THE ROOFTOPS AT 7800 HUNDRED TOWNHOMES PHASE 4 LOCATED AT THE NORTHWEST CORNER OF 7800 SOUTH EURO DRIVE**

**MOTION: Councilmember Robert Hale MOVED that “Based on compliance with the City’s subdivision requirements and consistency with the approved Final Site Plan for the Rooftops Phase 4 development and the building locations in the approved Small Scale Master Plan for the remainder of the project, as well as the Planning Commission’s recommendation, we approve** **the Preliminary and Final Subdivision Plat for Rooftops at 78 Hundred Townhomes Phase 4 with the following conditions:**

**1. The applicant shall obtain all required signatures on the subdivision plat Mylar.**

**2. The applicant shall expand the area covered by the existing declaration of covenants, conditions and restrictions (CC&R’s) for Rooftops at 78 Hundred Townhomes, to include the Phase 4 area. This amendment to the document shall be recorded concurrently with the subdivision plat.”**

 **Councilmember Paul Hunt SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

 **Council member Paul Glover Aye**

 **Council member Robert Hale Aye**

 **Council member Paul Hunt Aye**

 **Council member Wayne Sharp Aye**

 **Council member Stephen Brown Aye**

 **The motion passed unanimously.**

**VIII. CONSENT AGENDA**

**A. APPROVE MINUTES OF May 20, 2014**

**B. SET DATE AND TIME (June 17, 2014 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER THE PICKENS PLACE SUBDIVISION LOCATED AT 261 EAST 6790 SOUTH**

**C. SET DATE AND TIME (JUNE 17, 2014 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT REQUEST FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND A REZONE REQUEST FROM SF1-AO TO RM-12 AT 385 EAST 8000 SOUTH**

**MOTION: Councilmember Wayne Sharp MOVED to approve the Consent Agenda. Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

 **Council member Robert Hale Aye**

 **Council member Paul Hunt Aye**

 **Council member Wayne Sharp Aye**

 **Council member Stephen Brown Aye**

 **Council member Paul Glover Aye**

 **The motion passed unanimously.**

**IX. ACTION ITEMS**

1. **APPROVE THE FINAL SUBDIVISION PLAT FOR STRAFTORD SUBDIVISION LOCATED AT 7460 SOUTH 410 EAST**

Matt Hilderman said the applicant, Carl Allgrunn, is requesting approval to subdivide the property located at 7460 South 410 East into two lots in conjunction with a two-unit residential structure that was recently approved by the Planning Commission through the Conditional Use process. This subdivision would allow each unit within the two-unit residential structure to be individually owned. Attached is a copy of the proposed subdivision plat, the approved site plan, and building elevations for the two-unit residential structure. This property includes approximately 9,042 and has frontage on a recognized private lane (410 East). There is an existing concrete footing structure on the property that will be removed before the new structure is constructed.

The property is zoned SF-1 with a Duplex Overlay. This is a pre-existing lot that complies with most of the lot standards for the SF-1 zone district, specifically minimum lot area and width and frontage along the east boundary fronting 410 East. The lot depth is smaller than what is required in this zone, however because this lot existed prior to this current standard, it is still considered a buildable lot. The overlay allows two-unit structures as a Conditional Use. On March 26, 2014, the Planning Commission approved a two-unit residential structure on this property. In addition, Section 17-7-1.14(C) of the Zoning Ordinance provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a twin home structure. In this particular case, the proposed boundary that creates the two lots reflects the common wall between the two dwelling units within the proposed twin home structure, as provided for in Section 17-7-1.14 (C).

The Subdivision Ordinance requires that 2-inch caliper deciduous street trees be planted with any new subdivision at a rate of one tree for every 30 feet of frontage. Based on this requirement, two street trees are required to be planted on Lot 1 and two trees are required to be planted on Lot 2.

On January 18, 2007, the Midvale City Board of Adjustment granted a variance to the rear yard setback requirement and the front yard setback requirement on this property. Specifically, the Board allowed a 10-foot variance to the 25-foot rear yard setback requirement and a 5-foot variance to the 20-foot front yard setback requirement. This variance required that the setback to any garage door would need to be a minimum of 20 feet for safety reasons. What the variance allows is a residential structure to be built on this property with a 15-foot front yard setback to any living area; a 20-foot front yard setback to a garage; a 15-foot rear yard setback; and 8-foot side yard setbacks. The variance was granted based on the Board’s finding that the request met all of the conditions required for a variance. 2

The Planning Commission conducted a public hearing on this preliminary subdivision plat on March 26, 2014. Based on compliance with the zoning and subdivision requirements of the SF-1 Zone District and the Duplex Overlay, the Planning Commission forwarded a positive recommendation to the City Council to approve the Stratford 1 Subdivision plat with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.

2. A note shall be added to the subdivision plat indicating that two, 2-inch caliper deciduous street trees be planted along 410 East on each lot or guaranteed by a cash bond prior to certificate of occupancy being issued for the units.

3. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center lot line is required to be constructed on the property unless the subdivision plat is officially amended.

4. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.

5. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Qwest Communications, and UTOPIA regarding the utility easements on the subdivision plat prior to final approval.

The applicant has submitted a final subdivision plat, which has been reviewed and approved by the City Engineer. This final subdivision plat includes the required notes from the Planning Commission’s decision and the applicant has notified all of the utility companies regarding public utility easements. With these items completed, the proposed 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.

**MOTION: Councilmember Robert Hale MOVED to Approve** **the Stratford 1 Subdivision, allowing the individual ownership of each unit in the two-unit residential structure to be built at 7460 South 410 East, with the condition that the applicant obtains all required signatures on the final subdivision plat Mylar.”. Councilmember Wayne Sharp SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

 **Council member Paul Hunt Aye**

 **Council member Wayne Sharp Aye**

 **Council member Stephen Brown Aye**

 **Council member Paul Glover Aye**

 **Council member Robert Hale Aye**

 **The motion passed** **unanimously.**

1. **APPROVE THE FINAL SUBDIVISION PLAT FOR THE COTTAGES ON 78TH LOCATED AT 380 EAST BETWEEN 7800 SOUTH & 8000 SOUTH**

The applicant, Brad Reynolds Construction, is requesting approval to subdivide the property located at 385 East between 7800 South and 8000 South. This subdivision plat will allow the individual ownership of each unit and adjacent yard space. The remainder of the property will be included in common and limited common areas on the plat, including the pedestrian sidewalks and private roads. These areas will be owned and maintained by an established homeowners association. This property includes approximately 11.268 acres and has frontage along 7800 South and 8000 South.

The property was rezoned from Single Family Residential with an Agricultural Overlay (SF1-AO) to Multifamily Medium Density Residential (RM-12) on November 19, 2013. This property has been under single-ownership for over four decades within minimal improvements existing on the property, i.e. singlefamily home, several accessory structures, and cultivation of land. The applicant is making this request in order to propose a Multi-family townhome development, proposing 34 single- and two-story buildings with basement living area, totaling a maximum build out of 107 units. The applicant has indicated two locations for access, one from 7800 South and the second from 8000 South, both confirmed with recorded warranty deeds identifying a 50-foot easement for construction of a roadway. The construction of this proposed roadway will provide a critical neighborhood transportation and overall circulation element creating a connection between an existing collector road and local neighborhood streets.

The Planning Commission conducted a public hearing on this preliminary subdivision plat on January 8, 2014 and forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the Cottages at Woodard Farms. The City Council conducted a public hearing on this preliminary subdivision plat on February 4, 2014. Based on compliance with the subdivision requirements and consistency with the preliminary site plan, the City Council motioned to approve the preliminary subdivision plat for The Cottages at Woodard Farms development with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City

Engineer, Fire Marshall, and City Council

2. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.

3. The applicant shall provide evidence that courtesy notices have been sent to Questar Gas, Utah Power, Comcast Cable, Utopia, and Qwest Communications regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare 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 multifamily development.

6. The preliminary subdivision plat shall be amended to change limited common area behind Units 81 thru 84 to common area.

The applicant has submitted a final subdivision plat, which has been reviewed and approved by the City Engineer and Fire Marshall. The final site plan was submitted and approved on April 14, 2014 and the applicant has satisfied all of the conditions stated above. With these items completed, the proposed 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 Robert Hale asked how they resolved the ditch flooding issue.

Matt Hilderman said they worked with the City Engineer and did pipe work that the engineer was happy with.

**MOTION: Councilmember Paul Hunt MOVED to Approve** **the Cottages on 78th Subdivision located at 380 East between 7800 South and 8000 South, with the condition that the applicant obtains all required signatures on the final subdivision plat Mylar.” Councilmember Stephen Brown SECONDED the motion. Mayor Pro-Tem Paul Glover called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

 **Council member Wayne Sharp Aye**

 **Council member Stephen Brown Aye**

 **Council member Paul Glover Aye**

 **Council member Robert Hale Aye**

 **Council member Paul Hunt Aye**

 **The motion passed unanimously.**

**X. DISCUSSION ITEM**

1. **DISCUSS AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $17,500,000 AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE REFUNDING BONDS, SERIES 2014 (“THE SERIES 2014 BONDS”) TO BE ISSUED BY THE SOUTH VALLEY WATER RECLAMATION FACILITY (“ISSUER”); TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THE RESOLUTION AND RELATED MATTERS**

Keith Ludwig stated Midvale City along with the cities in the southern portion of Salt Lake County participates in the South Valley Water Reclamation Facility. In 2005, South Valley issued approximately $17,500,000 in bonds for construction and improvements to the facility. These improvements were generally required because of the growth in West Jordan City. Midvale is indirectly responsible for only small portion of the present outstanding bond. West Jordan is responsible for the balance outstanding. The present action is requested by West Jordan to refund the 2005 Series and re-issue bonds at a lower interest rate. This action will save Midvale and West Jordan interest expenses. The resolution before the Council is necessary to authorize South Valley to proceed with this proposed refunding process.

Mark Edminster, Lewis Young Robertson, said this is a straight up refunding of the bonds. West Jordan has 88% of the bonds and Midvale has 12%. No new money in this, it is strictly refunding. The current bonds have an interest rate of 3% up to 5% so they are looking to refund the bonds with a projected new interest rate of approximately 2.9%, which is a significant savings. He said the dates will not be extended.

1. **DISCUSS A GENERAL PLAN AMENDMENT REQUEST FROM LOW DENISTY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND A REZONE REQUEST FROM SF1-AO TO RM-12 AT 385 EAST 8000 SOUTH**

Matt Hilderman stated This General Plan amendment and rezone proposal is being requested in order to add an additional three structures to further expand the approved multifamily townhome development known as the Cottages at Woodard Farms. This property includes three (3) parcels, approximately 1.066 acres in size, and includes one, existing single-family home, detached accessory garage, and associated accessory structures. This property has one location for access via 8000 South and confirmed with a recorded warranty deed identifying a 50-foot easement for construction of a roadway. This proposal will require an amendment to the General Plan Proposed Land Use Map from low density residential to a medium density residential land use designation and rezone from SF1-AO to RM-12 for the entire property.

The applicant, Brad Reynolds, received approval on January, 2014 for the initial development of the Cottages at Woodard Farms multifamily development. The inclusion of this additional acreage will provide an overall development of 37 single- and two-story buildings with basement living area, totaling a maximum build-out of 117 units. The applicant has submitted a revised site plan by including an additional private roadway and locating each proposed structure at similar distances from adjacent property lines thus creating an orderly and consistent development pattern for this project.

In order for this development to proceed as proposed, the following approvals are required from the City:

1. An amendment to the General Plan Proposed Land Use Map for the remaining property from a Low Density Residential use to a Multifamily Medium Density Residential use;
2. A rezone of the remaining property from SF1-AO to RM-12;
3. CUP / Site Plan Amendment; and
4. Subdivision Plat.

**General Plan Amendment and Rezone**

The remaining property is approximately 1.066 acres is size. This area is currently designated as Low Density Residential on the General Plan Proposed Land Use Map and is part of the SF1-AO zone district. The applicant is requesting this amendment to further create an effective transition from high density residential to the West, medium density on the proposed parcels of properties, and low density residential to the East and rezoned to reflect the General Plan Proposed Land Use map. This surrounding uses 2 include an existing multifamily residential development to the west and existing single family residential development to the north, south, and east

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan, and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan.
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The City has not proposed any development plans for this area based upon the original property owner’s stance to keep this property undeveloped. The applicant believes they have found a viable use for the property that will provide a needed service to the community, provide the continuation of an orderly development pattern, fit into the community with few impacts, and be an enhancement to this area. The frontage along 8000 South will provide the appropriate residential accesses into the property without impacting the surrounding residential uses. This request allows residential in-fill development opportunities of an area that could otherwise remain underutilized and furthers the City goal to provide an appropriate mixture of housing options.

**Planning Commission Recommendation**

The Planning Commission reviewed the General Plan amendment/rezone request and proposed development plan and conducted a public hearing on Wednesday, May 28, 2014. It was the Planning Commission’s recommendation to approve the general plan amendment and rezone request with the following motion:

*“Based on the development patterns in the area and the configuration of the property, I move that we forward a positive recommendation to the City Council to amend the General Plan Proposed Land Use Map, changing the land use designation on the property located at 385 East 8000 South from Low Density Residential to Medium Density Residential. I further recommend that we forward a positive recommendation to the City Council to rezone this 1.066 acres from Single-Family Residential Agricultural Overlay Zone (SF1-AO) to Multifamily Residential Medium Density Zone (RM-12).”*

1. **DISCUSS PICKENS PLACE SUBDIVISION LOCATED AT 261 EAST 6790 SOUTH**

Lesley Burns stated the applicant, Len Pickens, is requesting approval to subdivide the property located at 261 East 6790 South into two lots in conjunction with a two-unit residential structure that was recently approved by the Planning Commission through the Conditional Use process. This subdivision would allow each unit within the two-unit residential structure to be individually owned. Attached is a copy of the proposed subdivision plat, and the approved site plan and building elevations for the two-unit residential structure. The property includes approximately 11,760 square feet with frontage on 6790 South (a public street). The property is currently vacant.

This property is zoned SF-1 with a Duplex Overlay. This is an existing lot that complies with all of the lot standards for the SF-1 zone district. The overlay allows two-unit residential structures as a Conditional Use. On April 23, 2014, the Planning Commission approved a two-unit residential structure on the property. The applicant’s Building Permit for this structure is currently under review with the City. Section 17-7-1.14 C of the Zoning Ordinance provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a two-unit residential structure. In this particular case, the proposed boundary that creates the two lots reflects the common wall between the two dwelling units within the proposed structure, as provided for in Section 17-7-1.14 C.

The City Engineer has reviewed this request and required some technical items be added to the final subdivision plat. This portion of 6790 South currently does not have curb, gutter and sidewalk. As part of the subdivision process, the applicant will be required to complete the curb, gutter and sidewalk along this property frontage, tying into the existing improvements to the west. The Fire Marshal has approved the proposal and will not require any additional improvements. The Subdivision Ordinance requires that 2” caliper deciduous street trees be planted with any new subdivision at a rate of one tree for every 30 feet of frontage. Based on this requirement, one street tree is required to be planted on each lot.

The Planning Commission conducted a public hearing on this subdivision plat on April 23, 2014. Based on compliance with the zoning subdivision requirements of the SF-1 Zone District and the 2 Duplex Overlay, the Planning Commission forwarded a positive recommendation to the City Council to approve the Pickens Place 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. A note shall be added to the subdivision plat indicating that one, 2-inch caliper, deciduous street tree be planted along 6790 South on each lot or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.

3. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center lot line is required to be constructed on the property unless the subdivision plat is officially amended.

1. The applicant shall complete the sidewalk along this property frontage, tying into the existing sidewalk to the west, and make necessary improvements to the curb and gutter, as required by the City Engineer. This work shall be completed and approved by the City Engineer prior to a certificate of occupancy being issued for the units.
2. The applicant shall obtain duty to serve letters for water and sewer 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, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

The applicant is currently working on these conditions.

1. **DISCUSS PROPOSED AMENDMENT TO PURCHASING ORDINANCE**

Keith Ludwig would like to have a prequalification process for the purchasing ordinance. There are several instances where projects can be combined. His hope is that this process will help staff be more selective in bids and weed out contractors that are not qualified. He said if staff goes through this process on an annual basis, they would be able to keep the pool of contractors fresh.

Councilmember Paul Glover said he concern is if there are only a few pre-qualified contractors it may cause the bids to be higher.

Keith Ludwig said if that happened, he would maybe combine projects to get a bigger pool of contractors.

Councilmember Paul Glover said for this to work there needs to be a certain amount of contractors bid the projects and if there are not enough, do not take the pre-qualifiers.

Keith Ludwig said if staff doesn’t get the desired results from the pre-qualification process, he would go back to the current process.

1. **DISCUSS PROPOSED FY 2015 INTERGOVERNMENTAL, INFORMATION TECHNOLOGY INTERNAL SERVICE FUND AND STREET LIGHTING BUDGETS**

Dalin Hackett reviewed the proposed FY 2015 Intergovernmental fund, street lighting fund, and IT Internal Service Fund in detail.

1. **DISCUSS PROPOSED FY 2015 PUBLIC WORKS BUDGETS**

Ken Vance reviewed the Proposed FY 2015 Public Works Budget in detail.

1. **DISCUSS PROPOSED FY 2015 COMMUNITY DEVELOPMENT BUDGET**

Phillip Hill discussed FY 2015 Proposed CD Budget in detail.

Phillip Hill discussed the Road Home remodel project.

Councilmember Robert Hale discussed First Digital who is interested in purchasing UTOPIA. He said in 30 years First Digital would own the system and the cities would own nothing.

**XI. ADJOURN**

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

Mayor Pro-Tem Paul Glover adjourned the meeting at approximately 8:15 p.m.

**Rori L. Andreason, MMC**

**CITY RECORDER**

Approved this 17th day of June, 2014.