



**Midvale City
CITY COUNCIL MEETING
Minutes**

**Tuesday, November 17, 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047**

MAYOR: Mayor JoAnn B. 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 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; Battalion Chief Scott McBride, UFA; Annaliese Eichelberger, RDA Coordinator; Danny Walz, RDA Director; Christopher Butte, Economic Development Director; Michelle Henderson, Court Administrator; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 7:08 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason reported briefly on some training at the police range. Detective Ed Meono reported on the Good Landlord Program statistics.

Battalion Chief McBride had nothing to report.

Laurie Harvey said the legislature will be addressing indigent defense this year and our Court Administrator got ahead of the game and created a memorandum regarding this issue. Michelle Henderson discussed indigent defense and proposed recommendations. After extensive discussion, the Council said they would like her to proceed with her recommendations on this issue.

Phillip Hill reported on the Legislative Policy Committee meeting he recently attended regarding the Good Landlord program. He said he will be writing a grant for the swimming pool on behalf

of Salt Lake County. He reported that he has not yet heard back regarding the State Street crossing so he will continue trying to get ahold of them.

Kane Loader said Councilmember Sharp had a question on the splash pad and reuse of the water. He said the City is planning on reusing the water on the splash pad and will have people testing the water similar to a swimming pool. Phillip Hill said if you don't recirculate the water and put it down the sewer each day, it gets very expensive.

Councilmember Sharp said spoke with a parks employee in West Jordan who said it is quite expensive to get everyone certified to check the chlorine. He suggested looking at not recirculating and possibly having an underground tank to catch the water then hook it up to the sprinkling system in the park. The Council and staff discussed this issue at length. Staff will look into all options.

Danny Walz distributed information on the time capsule under the old bell in 1995 which was found filed away in the museum. He recommended leaving it where it is but add a plaque so others know it is there. Councilmember Sharp suggested opening it before the designated date and adding to it.

Bob Davis thanked staff for their participation in the Veterans Day Program. He reported on the leaf bag program. Councilmember Sperry asked about the house that has had several cars run into it and a resolution for this to continue happening. Councilmember Sharp said in these cases no amount of signs will stop people who are evading the police and run into this house. He was concerned about setting a precedent.

II. CITY MANAGER'S REPORT

Kane Loader discussed a meeting held with VECC regarding the purchase order for the new CAD system. The installation will begin soon. He informed the Council that the Legislative Breakfast is scheduled for December 3rd. He mentioned he has informed the CBC that they must vacate the old city hall by the end of the month. He said the CBC could move to the old seminary building but it is not set up for the two clinics. The cost of the utilities for the CBC is approximately \$3,600 per month. The City does not own the building, it belongs to UFA and the City would like to see UFA move forward with building a fire station at that location. He said Mauricio Agramont, CBC, has requested a six month extension to stay in the building while he works on finding a new location.

Mauricio Agramont stated his plans for moving the CBC and clinics fell through and he asked for an extension. He said they are currently looking for a place to move temporarily.

Councilmember Wayne Sharp said he had concerns that the City has already given deadlines and they have come and gone, and the CBC is asking for another extension.

The Council and CBC discussed the CBC and clinics at length.

The Council said CBC has until the end of the year and no more. They will have to move out of the old city hall at that time. The Council said he must come back to them with a plan and that plan must include a place to reside.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS

Sophia Hawes-Tingey invited the Council to the Community Council holiday pot luck the first week in December.

Spencer Mears thanked the Council for the Splash Pad. He said there are systems out there that will measure the chlorine in the water and report it.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp – asked how our relationship is with the post master. Their yard looks terrible. He would like to see them cleanup the yard.

B. Councilmember Stephen Brown – asked where the parking is with Millennial Way. Chief Mason said he felt the problem had been solved for now. Councilmember Brown said there should be one side (north side) striped red so there is enough good space on the south side for the trucks to park. He felt it needs to be done quickly before the bad weather hits.

C. Councilmember Paul Glover –said a resident asked if the City could force a restaurant to fix a hole in their floor. Phillip Hill said the Building Official has no authority to make them do anything. Councilmember Glover asked if we could just ask them to fix it.

D. Councilmember Paul Hunt – had nothing to report.

E. Councilmember Quinn Sperry – said he will not be here on December 1st.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – had nothing to report.

MOTION: Councilmember Wayne Sharp **MOVED** to go into a public hearing. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS

A. CONSIDER A TEXT AMENDMENT REGARDING FEATHER FLAGS AS AN ALLOWED TYPE OF TEMPORARY SIGNAGE

Annaliese Eichelberger said local business owners have asked that staff look into the possibility of adding Feather Flags as an allowable type of temporary sign requiring a temporary sign permit. Currently the city allows Banners, Mobile Changeable Copy signs, Balloon signs, and Pennants/Streamers. This would apply to the RM-12, RM-25, 7200 S Overlay, SSC, RC, TOD, BJ, HC, CI, and SSOZ zone districts and could be used by apartment complexes and businesses. The Planning Commission reviewed the proposed amendment on September 23th, 2015.

On October 14th, the Planning Commission conducted a public hearing and forwarded a recommendation to the City Council. The Planning Commission recommended approval of the text amendment with the following changes to the ordinance:

Proposed definition:

Feather Flag” means a vertical portable temporary sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand and has a maximum height of 12 feet.

Mayor Seghini opened the public comment portion of the hearing. There was no one present who desired to speak to this issue.

MOTION: Councilmember Paul Glover MOVED to close the public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2015-O-13 APPROVING A TEXT AMENDMENT REGARDING THE ADDITION OF FEATHER FLAGS AS AN ALLOWED TYPE OF TEMPORARY SIGNAGE

MOTION: Councilmember Paul Glover MOVED to adopt Ordinance 2015-O-13, modifying the requirements in the Clean Industrial (CI), State Street Commercial (SSC) and Regional Commercial (RC), Multifamily (RM-12, RM-25), 7200 S Overlay, Transit Oriented Development (TOD), Bingham Junction (BJ), and Historic Commercial (HC) zone districts by adding a category to sign regulations that would allow Feather Flags as an allowed type of temporary signage. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she 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.

MOTION: Councilmember MOVED to go into a public hearing. The motion was SECONDED by Councilmember. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

B. CONSIDER A PRELIMINARY SUBDIVISION PLAT FOR FOUNDERS POINT (FORMERLY KIMPTON SQUARE), LOCATED AT APPROXIMATELY 7612 SOUTH HOLDEN STREET

Lesley Burns stated that on April 22, 2015, the Planning Commission approved an amended Large Scale Master Plan (LSMP) for the Silver Refinery Overlay area located at the northwest corner of 7800 South and Holden Street. This LSMP includes a 2.21 acre multi-family residential area, a 6.31 acre medium density single family detached residential area, and a 0.84 acre public open space area. In conjunction with the LSMP, the Kimpton Square Subdivision was approved and recorded dividing these three areas into individual lots. On June 24, 2015, the Planning Commission approved a Small Scale Master Plan for the single family detached and public open space areas (Lots 2 and 3 of the Kimpton Square Subdivision). The single family detached project includes 67 detached residential units with four housing model types, a private road system with five-foot sidewalks and guest off-street parking, and open space/landscape area with recreation amenities. The City Council approved a Development Agreement for the overall project on August 18, 2015. This Development Agreement lays out the expectations and timing of improvements for the overall project. The Developer of the multi-family residential area has received final approvals and has begun construction on the corner multi-family area. The Developer of the single family and public open space has more recently submitted a final site plan for the single family and public open space areas. These plans are currently being reviewed by Staff.

It has always been the intent of the Developer of the single-family area to create a "for sale" housing product. In order to do that, a subdivision plat, designating the individual residential units, is required. The applicant has started the subdivision review process, and is requesting approval from the City Council on a preliminary subdivision plat that will further divide Lot 2 into the 67 individual residential units and common area. The common area, a combination of common and limited common designations, includes the private roads, and landscape and recreation amenity areas. The intent of the plat is to allow each unit to be owned by an individual and all other areas to be owned by a home owners association (HOA). The limited common areas around each unit, although owned by the HOA, would be primarily used and maintained by the adjacent unit owner; the common areas, i.e. private roads and larger landscape/recreation amenities, would be maintained by the HOA through a contracted property management company. This relationship and associated responsibilities will need to be articulated in a required declaration of covenants, conditions and restrictions document (CC&R's) that is recorded along with the subdivision plat.

The proposed preliminary subdivision plat for the Founders Point Subdivision is attached. This plat reflects and is consistent with the approved Small Scale Master Plan for this development area, including the public easement for access to the public open space and shared guest parking between developments. The Development Agreement requires notes be included on the subdivision plat to ensure specific conditions of the site plan are addressed when Building

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Permits are reviewed for the individual units and to notify prospective buyers of certain requirements and expectations. These notes include designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation. There are some modifications and additions to the notes on the proposed preliminary plat that will need to be included on the final subdivision plat. In addition, the final subdivision plat will not be able to be approved until the final site plan for the project is approved.

On October 28, 2015, the Planning Commission forwarded a recommendation to the City Council to approve the proposed Founders Point preliminary subdivision plat. The Planning Commission's recommendation included 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 final subdivision plat shall include the notes required by the Development Agreement, i.e. designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation.
3. The final subdivision plat shall note the book and page of the recorded access and parking easement as part of the legend.
4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the development.
5. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall include, among others, the items required by the Planning Commission in its Small Scale Master Plan approval. This document shall be recorded concurrently with the subdivision plat.

Mayor Seghini opened the public comment portion of the hearing. There was no one present who desired to speak to this issue.

MOTION: Councilmember Wayne Sharp **MOVED** to close the public hearing. The motion was **SECONDED** by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

ACTION: **APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR FOUNDERS POINT, (FORMERLY KIMPTON SQUARE), LOCATED AT APPROXIMATELY 7612 SOUTH HOLDEN STREET**

MOTION: Councilmember Paul Hunt **MOVED** to approve the preliminary subdivision plat for the Founders Point Subdivision located at approximately 7612 South Holden Street 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 final subdivision plat shall include the notes required by the Development Agreement, i.e. designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation.
3. The final subdivision plat shall note the book and page of the recorded access and parking easement as part of the legend.
4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the development.
5. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall include, among others, the items required by the Planning Commission in its Small Scale Master Plan approval. This document shall be recorded concurrently with the subdivision plat."

The motion was **SECONDED** by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none the she 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. CONSENT AGENDA

A. APPROVE MINUTES OF NOVEMBER 10, 2015

MOTION: Councilmember Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she 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. ACTION ITEMS

A. APPROVE RESOLUTION NO. 2015-R-54 ACCEPTING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 3, 2015

Rori Andreason reported the Mayor and City Council are the legislative body for Midvale City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301. Utah Code requires the Board of Municipal Canvassers to meet to canvass the returns of the Municipal General Election no sooner than 14 days and no later than 14 days after the election.

Salt Lake County has prepared the election results report for your review and approval. Any valid ballots received by noon on the day of the official canvass and postmarked before Election Day will be opened and added to the election results. The final canvass report will be distributed and reviewed at the meeting.

STAFF RECOMMENDATION:

Staff recommended the Board of Canvassers approve Resolution No. 2015-R-54 Accepting and Approving the Results of the Municipal General Election held November 3, 2015 as shown on the Canvass Report. The Board of Canvassers will be requested to sign the official canvass results indicating their approval. Rori Andreason reviewed the election canvass report.

MOTION: Councilmember Stephen Brown **MOVED** that we approve Resolution No. 2015-R-54 Accepting and approving the results of the Municipal General Election held November 3, 2015 as shown on the Canvass Report. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she 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.

B. DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2015-O-14; AN ORDINANCE APPROVING THE ADOPTION OF THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE MAIN STREET COMMUNITY DEVELOPMENT PROJECT AREA, AS APPROVED BY THE REDEVELOPMENT AGENCY OF MIDVALE CITY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE MAIN STREET COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE

Danny Walz stated on September 22, 2015, the Redevelopment Agency Board of Directors approved the resolution designating the Midvale Main Street Community Development Project Area. The purpose of the project area is to preserve the historic character of Main Street, stabilize the residential neighborhood and redevelop the surrounding commercial uses.

The Board of Directors of the Redevelopment Agency reviewed and approved the plan via resolution, and forwarded a positive recommendation to City Council to review and adopt the ordinance.

The plan provides a general description of the proposed area as well as the goals and objectives for redevelopment. Public notices were mailed to each property owner on October 16th. The plan has been prepared by Smith Hartvigsen and made available to the public for review at City Hall. Agency Staff will then begin meeting with the taxing entities to negotiate the individual Interlocal agreements which authorize the payment of tax increment to the Agency.

MOTION: Councilmember Paul Glover MOVED that we approve Ordinance No. 2015-O-14 approving and adopting the Project Area Plan for the Midvale Main Street Community Development Project area, as approved by the Redevelopment Agency of Midvale City, as the Official CDA project area plan for the Midvale Main Street CDA project area, and directing that notice of the adoption be given as required by statute. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the she 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	Absent for the vote

The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2015-R-55 APPROVING THE MIDVALE CITY HAZARD MITIGATION PLAN

Jesse Valenzuela stated that on November 10, 2015 the proposed Midvale City Hazard Mitigation Plan was discussed with the City Council. Staff recommends the City Council approve and implement the Hazard Mitigation Plan (HMP), which complies with existing federal, state and local statutes. The purpose of the HMP is to promote sound public policy and protect or reduce the vulnerability of the citizens, critical facilities, infrastructure, private property and natural environment within the city. This can be achieved by increasing public awareness, documenting resources for risk reduction and loss prevention and identifying activities to guide the development of a less vulnerable and more sustainable community.

MOTION: Councilmember Paul Hunt MOVED that we approve Resolution No. 2015-R-55 approving and implementing the Midvale City Hazard Mitigation Plan (HMP) agreement as outlined in Exhibit A. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the she 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

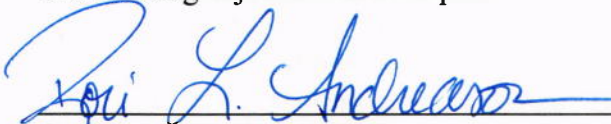
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Councilmember Wayne Sharp Aye
Council member Quinn Sperry Aye
The motion passed unanimously.

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 pm.


Rori L. Andreason, MMC
CITY RECORDER



Approved this 1st day of December, 2015.

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Sign In Sheet
Tuesday, November 17, 2015

NAME (PLEASE PRINT)	ADDRESS	CITY
Rolayne Mattson	87069 S Adams St	Midvale
Chris Ballman	87069 S Adams St.	Midvale
GARY ROGERSON	715.7800S.	MIDVALE
Wesley Van Duren	655 W 5th Ave	Midvale
Betsy L. Hahn	1001 W. 5th Ave	Midvale
Glenn Jarar	7681 S. Main St	Midvale
Tommy Ross	7711 S. Main St.	midvale
Stephen Ross	7711 S. Main St	Midvale
William C. Rogers	645 W 1st Ave	Midvale
Candace Carter	4511 S. Main St.	Midvale
Kay Egersten	5993rd Avenue	Midvale
Gene Gonzales	678 4th Ave	Midvale
Hector Zule	656 W 4th Ave	Midvale
Therence Susanna	672 W 1st Ave	Midvale
Theresa Gamallo	628 W. 2nd Ave	Midvale
Ann Arnold	651 W. 5th Ave	Midvale
Marcus Bennett	856 W Rantano Court	Midvale
Spencer Means	384 W Rinceland Dr	Midvale
Emil Justice	801 W. Canassa Way	Midvale
Ryan Peterson	299 S. Main St #2400	SLC
John C. Azabiz	7638 N. Main St.	Midvale
Carla Ann M. Ellis	7474 S. 3rd Grande	Midvale
Sharon Ideyda	100825 390 S	Sandy

