



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, December 1, 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 - Excused

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; Chief Stephen Higgs, UFA; Annaliese Eichelberger, RDA Coordinator; 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 had nothing to report. Councilmember Sharp suggested receiving the good landlord program reports via email monthly but the Detectives only need to report in person to the Council on a quarterly basis. The Council agreed.

Chief Higgs said he received the letter of appreciation from Mayor Seghini and thanked her.

Laurie Harvey suggested dates for the budget retreat. The Council agreed on March 16th.

Phillip Hill reported the owner of the Bar Named Sue said he would fix the hole in the floor. He also said he would have the City Engineer look at the parking situation on Millennial Way. He said staff is prepared to discuss some ideas for the TOD zone so he will schedule that item on a future agenda.

Bob Davis discussed the leaf bag program which has been completed. He reported that the snow plows had been out and the employees are geared up for the winter. He announced that Ralph Stocking will be retiring in December after 33 years with the City.

II. CITY MANAGER'S REPORT

Kane Loader said the Legislative Breakfast is on Thursday at 7:30 a.m. at the Bohemian. He discussed the use of the old Senior Center. He said staff is receiving inquiries as to the ability to use the facility. He suggested renaming it to the Midvale Community Center. He suggested using a similar agreement to the one for the Dahl Community Room for this facility. He said he would review the use on a case by case basis. The Council agreed. Kane said he would bring back an agreement for approval.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS

Jim Harrison said he has a business in Midvale and has concerns on the increased business license fees. Phillip Hill said there were a few errors made with the business license renewals and Mr. Harrison was put in the wrong category. He said those errors will be fixed immediately.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp – had nothing to report.

B. Councilmember Stephen Brown – asked if Century Link is using the Utopia lines. He said there is a salesman going around stating Utopia is opening their lines to Century Link giving the impression if someone signs up for Century Link they would get Utopia. Kane Loader said he would look into this.

C. Councilmember Paul Glover – said he received an email from a resident who could not find the veteran's day program on the city website. He wants to make sure there is a calendar on city website showing events.

D. Councilmember Paul Hunt – reported he had Jesse go to his ward to give a presentation on emergency preparedness. He said it works out very well and was very thankful for Jesse's efforts.

E. Councilmember Quinn Sperry – was excused.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – will send out an email with a calendar of events to the Council.

VII. CONSENT AGENDA

A. APPROVE MINUTES OF NOVEMBER 17, 2015

B. SET DATE AND TIME (DECEMBER 15, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT REQUEST

TO CHANGE THE AREA OF LIMITATIONS FOR WALL AND ROOM MOUNTED TELECOMMUNICATION FACILITIES

MOTION: Councilmember Wayne Sharp **MOVED** to approve the consent agenda. 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
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Absent

The motion passed unanimously.

VIII. DISCUSSION ITEMS

A. DISCUSS MEETING SCHEDULE AND MAYOR PRO-TEM FOR CALENDAR YEAR 2016

Rori Andreason discussed the meeting schedule for the calendar year 2016 as well as the Mayor Pro-Tem and holiday schedule. She said this item would be brought back for approval at the next meeting.

B. DISCUSSION ON A TEXT AMENDMENT REQUEST TO CHANGE THE AREA OF LIMITATIONS FOR WALL AND ROOF MOUNTED TELECOMMUNICATION FACILITIES

Matt Hilderman stated an application was received proposing a text amendment concerning telecommunication facilities within the City of Midvale. Discussion with the applicant and information submitted with the application states with the advent of increased technology concerning wireless devices such as; cellular phones, smartphones, and tablets; the current US Population relies heavily on wireless connections to keep in contact with individuals, conduct business, provide pleasure, and provide undisturbed communication for emergency responders.

Currently, the City's telecommunication facility ordinance has an 'Area Of Limitations' that limits the amount of wall- and roof-mounted antennas on a building to 40 square feet (40 s.f.) per exterior wall or 160 square feet (160 s.f.) per building for all carriers on the building. The applicant is contesting, based upon the current telecommunication industry and technology and in order to provide the necessary communication for the activities stated above, this would limit the amount of carriers on one particular site to one, possibly two; and colocation would be difficult to accommodate as well. The applicant also states,

“As the industry evolves and the demand for data increases, the amount and size of equipment being installed at communication facilities is increasing. This increase in equipment and antenna sizes will become a challenge for carriers in the future within Midvale City to meet the increased network needs for customers.”

As stated by the applicant and confirmed by Staff, the area of limitations is to limit the visual impact on the surrounding area. The applicant has proposed to limit the area of limitations to

only wall-mounted antennas since; roof-mounted antennas are required to be screened, constructed, and painted to match the structure to which they are attached. The applicant states since roof-mounted antennas are screened and blend into the building, it seems unnecessary to require an area of limitations. The applicant has also proposed to amend the area of limitations requirement for wall-mounted antennas to be allowed for each individual carrier rather than a total for all carriers. The applicant states,

“By allowing the carriers to each abide by the area of limitations individually, rather than collectively, it can help reduce the number of these types of facilities in a given area as well as provide them with increased opportunity to help improve their networks for the residents and emergency responders within Midvale City.”

The applicant submitted a packet that provided a variety of materials and illustrations concerning the applicant’s statement of need, proposed text amendment, and illustrations of screening and stealth construction. Staff has summarized the applicant’s request below:

- a. Stealth wall-mounted and roof-mounted antennas not required to abide by area of limitations.
- b. Area of Limitations for non-stealth wall-mounted antennas.
- c. Total area of non-stealth wall-mounted antennas and supporting structures not to exceed forty square feet (40 sq. ft.) per carrier.
- d. Visible portion of the supporting structure will be used to calculate the area of limitation.

Staff has determined the following zone districts address a telecommunications facility use through approval of an Administrative Conditional Use Permit (ACUP); Single Family Residential (SF-1, SF-2); Medium-High Density Residential (RM-12, RM-25); Mixed Use (MU); State Street Commercial (SSC); Transit-Oriented Development (TOD); Bingham Junction (BJ); Jordan Bluffs (JB); Regional Commercial (RC); and Clean Industrial (CI).

Staff recognizes the need to support the increasing need of wireless technology services; while still addressing the possible visual impacts on surrounding areas that this proposal may present. After reviewing and compiling the information, Staff prepared a revised ordinance proposal that addressed the following:

- a. Any proposed telecommunication facility will still require submittal of an ACUP application and approval from the Department of Community Development;
- b. Any proposed telecommunication facility that requires construction of a new screening wall will require approval of this feature from the Planning Commission;
- c. Staff recommends stealth-roof mounted antennas shall not abide by the Area of Limitations requirement;
- d. Staff recommends that the ordinance language for wall-mounted antennas, stealth- and non-stealth, continue to remain as presently adopted; and
- e. Additional organization of the overall ordinance.

PLANNING COMMISSION RECOMMENDATION

On July 8, 2015, this item was presented before the Midvale City Planning Commission. After the public hearing portion and discussion amid the applicant, Commission members, and Staff; the Planning Commission moved to table this item and requested additional information such as the following;

- What the current network looks like; Existing network and data projecting the proposed future needs; What other networks look like during operation; Drop rate at certain antennas; Examples of loads on particular equipment; Stealth concealment company credentials; Diagrams of equipment currently required and sizes; Data showing the actual need; More dialog with other jurisdictions; and Information from UPD & UFA.

On September 17, 2015, the applicant and representatives from the telecommunication industry addressed the Planning Commissions' concerns stated above and provided educational materials and illustrations of their ordinance proposal. Staff was able to reach out to the Unified Police Department (UPD) and Unified Fire Authority (UFA). UPD stated they haven't had any issues with systems crashing or dropped calls and UFA stated the Valley Emergency Communication (VEC) system does not use the same mechanisms as personal cellular phones therefore; the VEC system would not be affected by this ordinance proposal.

On November 18, 2015, the Planning Commission reviewed all the information received and discussed the aesthetics of this use as is related to the surrounding neighborhoods and overall city character. It was the Planning Commission's recommendation to approve Staff's ordinance 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, I move that we forward a positive recommendation to the City Council to change the language for the area of limitations requirement under the telecommunications ordinance provision as included in Attachment A, B, & C."

Council discussed this issue at length and agreed to hold the public hearing but not make a decision until January when more information can be provided by the applicant.

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.

Proceedings of the Midvale City Council Meeting
December 1, 2015

The meeting adjourned at 7:47 pm.

Rori L. Andreason, MMC
CITY RECORDER

Approved this 15th day of December, 2015.