



Midvale City
7505 South Holden Street
Midvale, UT 84047
801-567-7200
www.midvalecity.org

**MIDVALE CITY COUNCIL MEETING
AGENDA
April 05, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **5th Day of April, 2016** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

**6:30 PM
INFORMATIONAL ITEMS**

- I. DEPARTMENT REPORTS**
- II. CITY MANAGER BUSINESS**

**7:00 PM
REGULAR MEETING**

- III. GENERAL BUSINESS**
 - A. WELCOME AND PLEDGE OF ALLEGIANCE
 - B. ROLL CALL
 - C. Proclamation for Child Abuse Prevention Month
 - D. United Way Presentation

- IV. PUBLIC COMMENTS**

Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

- V. COUNCIL REPORTS**
 - A. Councilmember Stephen Brown
 - B. Councilmember Paul Glover
 - C. Councilmember Paul Hunt
 - D. Councilmember Quinn Sperry
 - E. Councilmember Wayne Sharp

- VI. MAYOR REPORT**
 - A. Mayor JoAnn B. Seghini

- VII. CONSENT AGENDA**
 - A. Approve minutes of March 15, 2016 [*Rori Andreason, H.R. Director/City Recorder*]

- B. Set date and time (April 19, 2016 at 7:00 p.m.) for a public hearing to Consider a Text Amendment to Modify Building Heights and Setbacks in the RM-12, RM-25, State Street Commercial TOD Zones [*Lesley Burns, City Planner*]

VIII. ACTION ITEMS

- A. Approve Resolution No.2016-R-10 adopting the ICMA-RC 401 Money Purchase Plan Document Restatement [*Rori Andreason, H.R. Director/City Recorder*]
- B. Approve Resolution No.2016-R-11 adopting the ICMA-RC Vantage Trust II Multiple Collective Investment Funds Trust Participation Agreement [*Rori Andreason, H.R. Director/City Recorder*]
- C. Approve Resolution No. 2016-R-12 authorizing the Mayor to enter into a contract with Miller Paving for the construction of Lennox Street [*Keith Ludwig, City Engineer*]
- D. Approve Resolution No. 2016-R-13 authorizing the Mayor to sign a professional services agreement with Hansen, Allen, & Luce, Inc. for Design and construction management services for the 2016 Pipeline Replacement Project [*Keith Ludwig, City Engineer*]

IX. DISCUSSION ITEMS

- A. Discuss a Text Amendment to Modify Building Heights and Setbacks in the RM-12, RM-25, State Street Commercial TOD Zones [*Lesley Burns, City Planner*]

X. ADJOURN

XI. CALENDAR OF EVENTS

- A. Apr 4-6 Utah City Manager's Conference (St. George)
- B. Apr 6 - Community Council
- C. Apr 6-8 ULCT Conference (St. George)
- D. Apr 12 - Workshop
- E. Apr 13 - Planning Commission
- F. Apr 18 - 22 UGFOA (St. George)
- G. Apr 19 - Regular Meeting
- H. Apr 26 - Workshop
- I. Apr 27 - Planning Commission

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pmn.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: APRIL 1, 2016

**RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER**



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, April 5, 2016
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor JoAnn B. Seghini

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

STAFF: Phillip Hill, Assistant City Manager/Community Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Bob Davis, Public Works Director; Chief Tony Mason, UPD Midvale Precinct; Chief Scott McBride, UFA; Danny Walz, RDA Director; Lesley Burns, City Planner; Keith Ludwig, City Engineer; and Mike Welling, IT Tech.

Mayor JoAnn Seghini called the meeting to order at 6:32 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason said Officer Chavez has been brought on to be the dedicated officer at the homeless shelter. He said he would introduce Officer Chavez to the Council at the next meeting. He also reported that Sergeant Ken Malone has moved to the Metro Gang Force so Sergeant Ed Toohill will be his replacement.

Chief Scott McBride had nothing to report.

Laurie Harvey had nothing to report.

Danny Walz discussed the successful completion of the first public art project. He said they have received 11 proposals for this year's public art project.

Bob Davis said the spring cleanup has begun. It is a good program. He said someone may be coming in regarding Station Place Condominiums and the flooding problem. He has looked at the problem and has a couple of options that could remedy the situation. He said meetings are being held regarding capital projects. Curb, gutter, and sidewalk replacement has started in the Enchanted Village area. He discussed possible charges for mattresses in the landfill as well as pizza boxes with pizza on them.

Rori Andreason reviewed amendments to the minutes for March 15, 2016, job openings, and distributed the Council identification cards.

Phillip Hill reviewed City projects including the 7200 South corridor and the CDBG project on South Allen Street.

Councilmember Sharp asked about the settling ponds or detention basin ponds that were placed in the front yards rather than the back yards on Wasatch Street.

Keith Ludwig said the City did not dictate where the developer put the detention ponds. The developers placed the detention ponds where they felt the fit best with their plan and open space.

II. CITY MANAGER'S REPORT

Kane Loader was excused.

III. GENERAL BUSINESS

A. 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.

C. Proclamation for Child Abuse Prevention Month

The proclamation for child abuse prevention month was read, signed and presented to the Family Support Center.

Mayor Seghini left the meeting at 7:12 p.m.

D. United Way Presentation – postponed to a later date.

IV. PUBLIC COMMENTS

Sophia Hawes-Tingey presented a petition for the 7600 South Grant Street neighborhood regarding interest in getting Utopia installed in that area. She said there is a lot of interest in getting Utopia fiber to this area.

Val Anderson requested they be kept in the loop as far as the design and resolution to the Station Place Condominium flooding area. He thanked Bob Davis with Public Works for his help with this issue.

V. COUNCIL REPORTS

A. Councilmember Stephen Brown – discussed a petition from Candlelight Homes and the walkway to Canyon Crossing. The walkway is not well lit and there are kids that are throwing snowballs at windows, etc. It's incredibly dark at night. He would like to look at potential solutions for the area i.e. lighting, and options for the trail.

B. Councilmember Paul Glover – had nothing to report.

C. Councilmember Paul Hunt – had nothing to report.

D. Councilmember Quinn Sperry – had nothing to report.

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E. Councilmember Wayne Sharp – the City use to have a SWAT team with a nice big truck. UPD now uses it for their mobile crime lab. He said in the Midvale City Code, Section 17-7-1.8 regarding parking on the lawn ordinance is not clear enough. He said he does not want people parking on their front lawn but it doesn't say that specifically. Phillip Hill said he would review it and bring it back for further discussion.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – excused

VII. CONSENT AGENDA

A. APPROVE MINUTES OF MARCH 15, 2016

B. SET DATE AND TIME (APRIL 19, 2016 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO MODIFY BUILDING HEIGHTS AND SETBACKS IN THE RM-12, RM-25, STATE STREET COMMERCIAL TOD ZONES

MOTION: Councilmember Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Pro-tem Brown called for discussion on the motion. There being none the he 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. 2016-R-10 ADOPTING THE ICMA-RC 401 MONEY PURCHASE PLAN DOCUMENT RESTATEMENT

Rori Andreason stated the IRS has a six year review schedule for the type of 401 plan documents ICMA-RC make available to its clients. Following the IRS schedule, ICMA-RC submitted their updated plan documents for review and approval in 2012 and received favorable opinion letters last year. The documents incorporate amendments for legislative and regulatory changes enacted since the prior restatement in 2006.

In the past, ICMA-RC has utilized a negative election adoption process in an effort to make the plan document adoption process as easy as possible. This time around, per instructions from the IRS, each plan sponsor using the ICMARC plan document is required to execute a new adoption agreement. There was some discussion in regards to a Stand Alone Final Plan that would allow employees to contribute accrued vacation time the year they were separating from the City. With further discussions with ICMA-RC, this Stand Alone Final Plan will need to be a separate document. Once the details have been determined, it will be presented to the City Council for consideration.

MOTION: Councilmember Paul Hunt **MOVED** to approve Resolution No. 2016-R-10 authorizing the Mayor to execute the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Adoption Agreement as

presented. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Pro-tem Brown called for discussion on the motion. There being none the he 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. APPROVE RESOLUTION NO. 2016-R-11 ADOPTING THE ICMA-RC VANTAGE TRUST II MULTIPLE COLLECTIVE INVESTMENT FUNDS TRUST PARTICIPATION AGREEMENT

Rori Andreason said for the past several years Midvale City has participated in the ICMA-RC VantageCare Retirement Health Savings Plan. There is a new series of Collective Investment Trust (“CIT”) funds, the VantageTrust II Funds (“VT II Funds”), available for the VantageCare Retirement Health Savings Plan. The VT II Funds will offer significant savings to the RHS plan and participants.

Investment through VTII offers the following benefits:

- Access to lower-cost investment options
- Alignment of RHS plan and 401/457 plan fee structures
- Governance focused on the public sector

Staff recommends adoption of the Resolution authorizing the Mayor to enter into the VantageTrust II Multiple Collective Investment Trust Funds Participation Agreement as presented.

MOTION: Councilmember Quinn Sperry **MOVED** to approve Resolution No. 2016-R-11 Authorizing the Mayor to execute the ICMA-RC VantageTrust II Multiple Collective Investment Trust Funds Participation Agreement. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Pro-tem Brown 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 Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2016-R-12 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MILLER PAVING FOR THE CONSTRUCTION OF LENNOX STREET

Keith Ludwig said the City has received CDBG funds for the Lennox Street project. The plans and specifications were finalized and this project was put out for bid. A bid opening was held on March 17, 2016. After evaluating the bids, staff determined that Miller Paving had the lowest responsible bid. An award letter was sent to Miller Paving and an agreement has been prepared

for this project. A preconstruction meeting will be held with Miller Paving as soon as possible so that they can get this project underway.

As your next regular Council Meeting is two weeks out, he requested suspension of the rules so action can be taken on this item.

FISCAL IMPACT:

The funding for this project consists of \$164,773 of CDBG funds and \$45,000 from City B&C road funds for a total of \$209,773. Out of that amount, \$189,973 is available for construction. Miller Paving's bid is \$177,158.

MOTION: Councilmember Paul Glover **MOVED** to suspend the rules and approve Resolution No. 2016-R-12 approving the agreement with Miller Paving Inc. for the construction of the Lennox Street Project and authorize the Mayor to sign the agreement. The motion was **SECONDED** by Councilmember Wayne Sharp. Mayor Pro-tem Brown 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 Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

D. APPROVE RESOLUTION NO. 2016-R-13 AUTHORIZING THE MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HANSEN, ALLEN, & LUCE, INC FOR THE DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE 2016 PIPELINE REPLACEMENT PROJECT

Keith Ludwig said over the last several years many projects have been completed relating to the City's water system. These projects were funded by bonds and more recently by budgeting \$500,000 yearly out of the Public Utilities Enterprise Fund for capital improvements.

Staff would like to continue these improvements to the water system. In discussion with the City's Water Consultant, Hansen, Allen, and Luce, several projects have been identified. These projects are outlined below:

1. An 8-inch diameter pipeline in Roosevelt Street, from Wasatch Street to Princeton Street.
2. An 8-inch diameter pipeline in Grant Street, from 7500 South to Center Street.
3. An 8-inch diameter pipeline in Adams Street, from Wasatch Street to Princeton Street.
4. An 8-inch diameter pipeline in Baker Drive, from 770 East to 900 East -Project
5. An 8-ionch diameter pipeline in Tera Circle.
6. An 8-inch diameter pipeline in 840 East, from Baker Drive to Newbold Circle.
7. An 8-inch diameter pipeline in 770 East, south of Baker Drive.

Design work will begin on these projects this summer with bidding and construction slated for spring and summer of 2017. Funding for these projects will be identified in from Fiscal Year 16, Fiscal Year 17, & Fiscal Year 18 budgets.

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The proposed contract with Hansen, Allen, & Luce for design and construction management services for these projects totals \$155,800.

FISCAL IMPACT:

This fee will be taken out of the budgeted amount for capital improvements in the water fund.

MOTION: Councilmember Paul Glover **MOVED** to suspend the rules and approve Resolution No. 2016-R-13 authorizing the Mayor to sign a professional services agreement with Hansen, Allen, & Luce, Inc. for the design and construction management services for the 2016 Pipeline Replacement Project. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Pro-Tem Brown 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 Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

IX. DISCUSSION ITEMS

A. DISCUSS A TEXT AMENDMENT TO MODIFY BUILDING HEIGHTS AND SETBACKS IN THE RM-12, RM-25, STATE STREET COMMERCIAL TOD ZONES

Lesley Burns stated that there have been discussions with both the City Council and Planning Commission in the past few months to address recent community concerns regarding building heights and setbacks in areas immediately adjacent to single family residential zones. Of particular concern is the potential for five story buildings to be developed near single family residential neighborhoods. After reviewing the development standards in the RM-12, RM-25, State Street Commercial (SSC) and Transit Oriented Development (TOD) zones, which are directly adjacent to single family residential zones, it was found that each of the zones has different buffering and height requirements for new multi-family and commercial buildings.

Looking to balance the need to provide appropriate areas for growth and new development to occur while protecting adjacent, stable residential neighborhoods from the impacts of more intense development, Staff proposed the following concepts be implemented into the zoning ordinance text in the RM-12, RM-25, SSC and TOD zones regarding building heights and setbacks.

- Utilizing the concept currently included in the TOD zone that larger setbacks from single family residential zones are required as building heights increase, make the setbacks for various buildings heights the same in all four zones.
- Include the 15 foot residential landscape buffer requirement (to include 6 foot masonry wall, large trees and shrubs) currently in the TOD zone, in the other three zones.
- Unless projects have frontage on State Street or 7200 South, limit building heights to 4 stories with a 66 foot setback from single family residential zones.

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- Projects with frontage on State Street or 7200 South would still have the ability to go up to 6 and 7 stories if the building is a mixed-use structure and up to 5 stories if the building is commercial (graduated setbacks from adjacent single family residential zones still required).
- Modifying the current definitions for “mixed-use” to avoid confusion.

This was presented to the Planning Commission at a public hearing held on March 9, 2016. After receiving public input, the Planning Commission had a lengthy discussion and requested some information on what other cities in the area are doing. The Planning Commission also formulated a number of questions to consider at its next meeting. These included, but were not limited to, the following. These questions are key components of the City’s General Plan Update, currently underway, which is intended to guide the City in its land development decisions to ensure these decisions are working towards achieving the overall goals of the City.

- How does the proposed text amendment fit within the current General Plan Update process?
- Are the concerns we are trying to address with the proposed text amendment community-wide concerns or the reaction to an isolated issue?
- What implications does the proposed text amendment have on future growth and opportunities to provide sustainable services to the City’s residents?
- Is the “one size fits all” approach the best solution or do we need to consider different development requirements in different areas?

Planning Commission Recommendation

After another lengthy discussion on March 23, 2016, the Planning Commission forwarded the following recommendation to the City Council:

“I move that we forward a recommendation to the City Council to make no changes to the ordinance with regard to building heights and setbacks in the RM-12, RM-25, SSC and TOD zones until a more comprehensive review of all of the issues can be done that is based on the considerations and goals of the General Plan Update. It is our hope that these changes can be made immediately upon the approval of the General Plan update. The Commission further expresses to the City Council the sense of the Commission that the City needs to promote higher density commercial and residential projects in the TOD and SSC zones. It is the hope of the Commission that this will be reflected in the updates to the General Plan.”

The Council and staff discussed this issue at length.

Councilmember Paul Glover said something needs to be done; doing nothing is not an option.

Councilmember Stephen Brown expressed how difficult this discussion was for the Planning Commission Members and that they did a great job. He did agree that something has to be done.

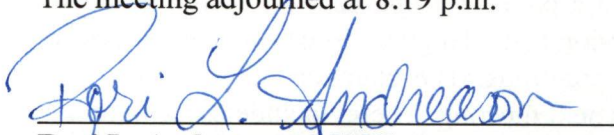
Councilmember Quinn Sperry said he liked the idea of looking at neighborhood zoning.

X. ADJOURN

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

The meeting adjourned at 8:19 p.m.



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



Approved this 19th day of April, 2016.

