



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

MIDVALE CITY COUNCIL MEETING AGENDA April 19, 2016

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **19th 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. Presentation from ULGT on TAP Award

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. PUBLIC HEARING(S) - 7:00 PM

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

ACTION: Approve Ordinance No. 2016-O-04, a Text Amendment to Modify Building Heights and Setbacks in the RM-12, RM-25, State Street Commercial, and TOD Zones [Lesley Burns, City Planner]

VIII. CONSENT AGENDA

- A. Approve Minutes of March 16, April 5 & 12, 2016 [*Rori Andreason, H.R. Director/City Recorder*]

IX. ACTION ITEMS

- A. Approve Resolution No. 2016-R-14 Authorizing the Mayor to enter into an agreement with Salt Lake County for the use of the Senior Center [*Kane Loader, City Manager*]

X. ADJOURN

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 15, 2016

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



CITY COUNCIL MEETING

Minutes

Tuesday, April 19, 2016
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; 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; Lesley Burns, City Planner; Matt Hilderman, Associate Planner; Christopher Butte, Economic Development 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 introduced Officer Chavez who is dedicated to the Homeless Shelter. He has been there for two weeks and is loved by all. Officer Chavez said there is no one standing in the road anymore and enforcing the pan handling regulations. Chief Mason said Officer Chavez is also working with the Head Start Program.

Chief Mason introduced Detective Archuleta who has put together a program for the high school regarding texting and driving. She said they are cracking down on distracted driving. She has been tasked with educating the students at Hillcrest High School. She previewed a video she had put together. Chief Mason said the COP officers were out of town so they will attend the next meeting.

Chief McBride reminded the Council about Fire School on May 6th.

Council Member Wayne Sharp asked if a report is being kept regarding calls at the Homeless Shelter. Kane Loader said those calls are being tracked.

Phillip Hill discussed the South Allen Street CDBG project. He updated the Council on the status of the splash pad, which is still waiting on the Health Department approval. He said the City finally received the funding from Salt Lake County for the 7200 South corridor.

Bob Davis updated the Council on several city projects as well as the bulky waste cleanup. He discussed the Station Place Condominium storm drain problem. He said they are moving ahead with a resolution to this issue.

II. CITY MANAGER'S REPORT

Kane Loader said TransJordan Landfill is changing managers. Dwayne Woolley, Executive Director; and Craig Jorgensen, Operations Superintendent; are both retiring from the Landfill. They will have a send-off celebration on Thursday, April 28th from 3:30 to 6:30 p.m. at West Jordan City Hall. Mark Hooyer is the new Executive Director. They also hired Jarin Scott who will be the Landfill Manager replacing Craig Jorgensen. He said several meetings have been held regarding the homeless issue. The Fire, Police, and Code Enforcement will be included in monthly meetings with the Homeless Shelter. These meetings will be open to all businesses and the City Council. Kane Loader discussed street trees and planting them in the park strips.

Council Member Wayne Sharp said he does not want any street trees within the park strip. If you take out a tree in the park strip and give the residents another tree, they will plant it in the park strip again just like what happened on Grant Street.

Kane Loader said he would like to schedule this item for discussion at a workshop.

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.

C. Presentation from ULGT on TAP Award

Doug Folsom, ULGT, was present to give the City the Trust Accountability Program Award. The ULGT has about 500 different members throughout the State of Utah. The TAP award ends up being awarded to the elite membership. Only 75 members completed the program this year. He said Midvale has been doing a very good job. He said he appreciates the City Council and staff for their dedication. In receiving this award it saves the city money on the workers comp premium as well as a refund on our premiums. Mayor Seghini expressed her appreciation for the Utah Local Governments Trust and what they do for the City. Kane Loader thanked Rori Andreason for her hard work on the TAP award as well as the Public Works Department.

IV. PUBLIC COMMENTS

Ron Sperry invited the Council to a lunch meeting at the Jordan Valley Water Conservancy District.

Lauren Davison said she lives in a neighborhood by Winco and since the Canyon Crossing apartments have opened, they have had a large increase in theft, vandalism, etc. There is a pathway that attaches the apartments with their neighborhood. They have attempted talking with the kids as well as called the police a few times but it doesn't seem to help. She said they would like to block off the pathway to increase the safety of the neighborhood. She said they have a petition with 60 signatures which represent 33% of the homes that are finished.

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Lesley Burns stated that the pathway was originally installed to connect the neighborhoods and allow for residents to get to areas of the commercial development without having to walk around the streets.

Councilmember Paul Glover asked what the neighborhood needed to do from here to get this issue looked at?

Phillip Hill said they just have to present the petition and the Council can look at this issue. The Council said they would like this issue scheduled for a workshop meeting.

Lauren Davison presented the petition to the Council.

Kane Loader suggested holding a neighborhood meeting to discuss this issue.

Emily Fielding said she has lived in East Riverwalk for two years. They had no problem with vandalism until the path opened. She said they are financially responsible for the pathway, which doesn't seem fair to them especially when they would like it blocked off. There are a lot of transients using the pathway to get to the Jordan River. She said they don't have enough fencing or lighting in the area.

Rhett Olton expressed his frustration with the pathway and that it has brought nothing but trouble to their neighborhood.

Floyd Tarbet asked how the Community Council should be involved with this issue. Mayor Seghini suggested attending the neighborhood meeting and let them know the community council exists.

Sophia Hawes-Tingey said she is the secretary for the community council. She would like to reiterate that the community council is looking for more active participants and would really like a representative from their area.

Melvin Nimer said the path has no lights; it is a very dark area.

Councilmember Paul Glover also suggested maybe looking at some low voltage lighting for the pathway. He said the Council will contact Ms. Davison about a date and time for the neighborhood meeting.

V. COUNCIL REPORTS

- A. Councilmember Stephen Brown** – had nothing to report.
- B. Councilmember Paul Glover** – said he received a complaint from a resident living next to the Center Square development who indicated the developer is allowing trucks to idle there for a very long period of time. He asked if the developer would idle the trucks elsewhere instead of next to the neighborhood.
- C Councilmember Paul Hunt** – had nothing to report.
- D. Councilmember Quinn Sperry** – had nothing to report.

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E. **Councilmember Wayne Sharp** – had nothing to report.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – had nothing to report.

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

VII. PUBLIC HEARING(S) – 7:00 PM

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

Lesley Burns said there have been discussions with both the City Council and Planning Commission in the last 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. The attached tables summarize the allowable building heights and required setbacks currently in the ordinance. 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.
- Projects with frontage on State Street or 7200 South would 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 or mixed-use (graduated setbacks from adjacent single 2 family residential zones still required). The maximum building height for multifamily buildings would be 4 stories.
- 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

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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."

City Council Discussion – April 5, 2016

During the discussion on April 5, 2016, the City Council requested Staff put together alternative language to Attachment A that would not require buildings to be mixed use or commercial in order to be 5, 6 or 7 stories. This also requires a modification to the definition for "mixed-use". Attachment B includes this alternative. All other components of the original proposal would remain, including setbacks from residential zones.

If the City Council decides to adopt the text amendments in either Attachment A or Attachment B, Staff has prepared an ordinance, Ordinance No. 2016-O-04. In adopting this ordinance, the City Council will need to decide whether to include Attachment A (requiring 5 story structures to be commercial or mixed use and requiring 6 and 7 story structures to be mixed use) or Attachment B (allowing 5, 6 and 7 story structures to be residential, commercial or a mix).

STAFF RECOMMENDATION:

The City Council has a number of options in addressing this item:

1. Follow the Planning Commission's recommendation making no changes to the current 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.
2. Adopt proposed Ordinance No. 2016-O-04 with Attachment A which provides for the following:

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- Utilize the development standards currently in the TOD zone requiring larger setbacks from single family residential zones as building heights increase in the RM-12, RM-25 and SSC zones.
 - Require the 15 foot residential landscape buffer standard (to include 6 foot masonry wall, large trees and shrubs) currently in the TOD zone, in the RM-12, RM-25 and SSC 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.
 - Allow projects with frontage on State Street or 7200 South 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 a commercial or mixed-use structure. The maximum building height for multi-family buildings is 4 stories.
3. Adopt proposed Ordinance No. 2016-O-04 with Attachment B which provides for the following:
- Utilize the development standards currently in the TOD zone requiring larger setbacks from single family residential zones as building heights increase in the RM-12, RM-25 and SSC zones.
 - Require the 15 foot residential landscape buffer standard (to include 6 foot masonry wall, large trees and shrubs) currently in the TOD zone, in the RM-12, RM-25 and SSC 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.
 - Allow projects with frontage on State Street or 7200 South to go up to 7 stories regardless of use, i.e. remove mixed-use requirement for 6 and 7 story buildings.
4. Request Staff to put together different ordinance language for consideration at the next meeting. Staff recommends the City Council conducts a public hearing, considers the comments received as well as the information provided, and makes one of the following motions.

Mayor Seghini opened the public hearing to public comment.

John McDonald, said he has property at 7300 South Cottonwood Drive, and has been waiting patiently to see what happens. He discussed impact this decision could have on developers and the viability of commercial development. He also said he can only wait so long before he needs to go a different direction.

Melvin Nimer asked if the moratorium had ended.

Phillip Hill said legally the moratorium ended in March. An application can be made but won't go into effect until the ordinance is finished, which will indicate what the developer would be bound to.

Hooper Knowlton, Partner in Parleys Partners, said he does not have a dog in this fight. He owns the several properties within the City with options to purchase more property. He said he brought before the design review committee a site plan and layout which complies with the ordinance. He closed on that property 15 days prior to the moratorium was put into place. He indicated that he had read every set of minutes of the City Council and Planning Commission for the past two years. He expressed his appreciation for the intelligent Planning Commission

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members of the City. He felt it was prudent to complete the General Plan before making a decision on 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 ORDINANCE NO. 2016-O-04, A TEXT AMENDMENT TO MODIFY BUILDING HEIGHTS AND SETBACKS IN THE RM-12, RM 25, STATE STREET COMMERCIAL, AND TOD ZONES**

Councilmember Quinn Sperry expressed concern that the Council was reacting to one bad incident regarding a development next to a neighborhood and should wait to make a decision that is good for the entire City. He felt the General Plan Update should be completed prior to taking any action on this issue.

MOTION: Councilmember Quinn Sperry **MOVED** that we make no changes to the ordinance with the exception of removing the mixed use requirement and leave all of the other requirements the same 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. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none, she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Nay
Council member Paul Glover	Nay
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Nay
Council member Quinn Sperry	Aye

The motion failed 3-2 against.

MOTION: Councilmember Stephen Brown **MOVED** that we adopt Ordinance No. 2016-O-04 with Attachment B with the following change being made to Section 17-7-8.4C and Section 17-7-8.5D: The maximum height is 7 stories. Buildings of 5, 6, and 7 stories are limited to State Street and 7200 South "or in the area bounded by Catalpa, Millenium and 300 West, the maximum height is 5 stories." The motion was **SECONDED** by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion.

MOTION: Councilmember Wayne Sharp **MOVED** to allow Christopher Butte to speak to this issue. 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.

Christopher Butte expressed his concern with the Council changing the ordinance prior to the completion of the General Plan Update. He said it is unrealistic that any 6 or 7 story buildings

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would be built in the State Street area. He agreed with the Planning Commission's recommendation of waiting to make a decision until after completion of the General Plan update.

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

PREVIOUS MOTION CONTINUED: Mayor Seghini called for a roll call vote on the motion. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Nay
Councilmember Wayne Sharp	Nay
Council member Quinn Sperry	Nay

The motion failed 3-2 against.

MOTION: Councilmember Wayne Sharp MOVED the previous motion made by Councilmember Quinn Sperry that we make no changes to the ordinance with the exception of removing the mixed use requirement and leave all of the other requirements the same 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. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none, she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Nay
Council member Paul Glover	Nay
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed 3-2 in favor.

Phillip Hill said there wasn't an ordinance before the Council that night to do what the motion indicated so staff will prepare one and bring it back for official approval at the next regular meeting. Until that time, staff will abide by the motion made and will move in that direction.

VIII. CONSENT AGENDA

A. APPROVE MINUTES OF MARCH 16, APRIL 5 & 12, 2016

MOTION: Councilmember Paul Hunt 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 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

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The motion passed unanimously.

IX. ACTION

A. APPROVE RESOLUTION NO. 2016-R-14 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SALT LAKE COUNTY FOR THE USE OF THE SENIOR CENTER

Kane Loader said in April of 2016 Midvale City and Salt Lake County entered into an Interlocal agreement to construct and operate a new Senior Center. Since the new center has been completed and in operation the City and County have had discussions regarding the afterhours use of the facility by the community. We have worked out the details and terms of how the facility can be used and all that is needed is to amend the existing Interlocal agreement. I have included the amendment and the term sheet that was developed for the amendment. The City Attorney has reviewed and signed off on the amendment.

FISCAL IMPACT:

Six month trial period will not exceed \$3,100

MOTION: Councilmember Paul Hunt **MOVED** to adopt Resolution No. 2016-R-14, a resolution approving the First Amendment to the Interlocal Cooperation Agreement between Salt Lake County and Midvale City for the Construction and Operation of a Senior Center and authorize the Mayor to sign the amendment in behalf of the City. The motion was **SECONDED** by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none 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.

X. ADJOURN

MOTION: Councilmember Wayne Sharp **MOVED** to adjourn the meeting. Councilmember Paul Hunt **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 9:11 p.m.


Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER



Approved this 3rd day of May, 2016.

Tuesday, April 19, 2016

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