

Midvale City  
7505 South Holden Street  
Midvale, UT 84047  
801-567-7200  
[www.midvalecity.org](http://www.midvalecity.org)

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**MIDVALE CITY COUNCIL MEETING  
AGENDA  
September 06, 2016**

**PUBLIC NOTICE IS HEREBY GIVEN** that the **Midvale City Council** will hold a regular meeting on the **6th Day of September, 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 Chief Tony Mason

- 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 Quinn Sperry
  - B. Councilmember Wayne Sharp
  - C. Councilmember Stephen Brown
  - D. Councilmember Paul Glover
  - E. Councilmember Paul Hunt

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

- VII. PUBLIC HEARING(S) - 7:00 PM**
  - A. Consider a text amendment to clarify language for parking and landscaping requirements associated with single family and duplex lots in the SF-1, SF-2, RM-12, and RM-25 zones [*Lesley Burns, City Planner*]

**ACTION: Approve Ordinance No. 2016-O-11 approving a text amendment to clarify language for parking and landscaping requirements associated with single family and**

**duplex lots in the SF-1, SF-2, RM-12, and RM-25 zones**

**VIII. CONSENT AGENDA**

- A. Approve minutes of August 23, 2016 [*Rori Andreason, H.R. Director/City Recorder*]
- B. Set date and time (September 20, 2016 at 7:00 p.m.) for a public hearing to consider a rezone request to add the Public Facilities Overlay to the Canyons School District property and allow a Telecommunications Facility; Canyons School District (applicant); 7852 South Pioneer Street [*Lesley Burns, City Planner*]
- C. Set date and time (September 20, 2016 at 7:00 p.m.) for a public hearing on the Midvale City General Plan 2016 [*Lesley Burns, City Planner*]
- D. Set date and time (September 20, 2016 at 7:00 p.m.) for a public hearing to consider proposed amendments for the FY2017 Budgets [*Laurie Harvey, Assistant City Manager/Admin. Services Director*]

**IX. ACTION ITEMS**

- A. Approve Resolution No. 2016-R-23 approving the Seminary Building Lease Agreement between Midvale City and Utah Community Action [*Lisa Garner, City Attorney*]
- B. Discussion and Approval of Resolution No. 2016-R-30 authorizing the Mayor to enter into a contract with A to Z Landscaping [*Lisa Garner, City Attorney*]
- C. Approve Resolution No. 2016-R-31 ratifying the Unified Police Department's Appointment of a Midvale City Precinct Police Chief [*Kane Loader, City Manager*]
- D. Final Subdivision Plats for Founders Point Phase 1, Phase 2 and Phase 3 (formerly Kimpton Square); located at approximately 7612 South Holden Street. [*Lesley Burns, City Planner*]

**X. DISCUSSION ITEMS**

- A. Discuss Surplus Property [*David Starkey, Senior Accountant*]
- B. Discussion on a rezone request to add the Public Facilities Overlay to the Canyons School District property and allow a Telecommunications Facility; Canyons School District (applicant); 7852 South Pioneer Street [*Lesley Burns, City Planner*]
- C. Discussion on the Midvale City General Plan 2016 [*Lesley Burns, City Planner*]
- D. Discuss proposed amendments to the Overstock Easement Agreement [*Lesley Burns, City Planner*]
- E. Discuss proposed amendment to Exhibit J (Exterior Materials and Colors for Single Family Housing Product) of the Development Agreement for the Founders Point Project, fka Kimpton Square Project [*Lesley Burns, City Planner*]

**XI. ADJOURN**

**CALENDAR OF EVENTS**

Sept 7 – Community Council  
Sept 13 - Workshop

Sept 14 – Planning Commission  
Sept 14-16 – ULCT Conference  
Sept 20 – Regular Meeting  
Sept 28 – 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 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [www.midvalecity.org](http://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: SEPTEMBER 2, 2016**

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



## CITY COUNCIL MEETING

### *Minutes*

**Tuesday, September 6, 2016**

**Council Chambers**

**7505 South Holden Street**

**Midvale, Utah 84047**

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**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; Lisa Garner, City Attorney; Lt. Kim Burgon, UPD Midvale Precinct; Chief Scott McBride, UFA; Alan Hoyne, Water/Sewer Superintendent; Lesley Burns, City Planner; Matt Pierce, Systems Network Administrator, Associate Planner; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 6:35 p.m.

### **I. INFORMATIONAL ITEMS**

#### **A. DEPARTMENT REPORTS**

Lt. Kim Burgon reported on a homicide home invasion that took place over the weekend as well as a house fire.

Chief Scott McBride also reported on two house fires that recently took place.

Laurie Harvey reported that Midvale received the first Excellence in Achievement on Financial Reporting Award. This last year was the first year a full CAFR was submitted. The Council expressed their appreciation for her hard work.

Phillip Hill reported on City projects. He reported the address mix up regarding Casa Blanca vs Casa Blanco issue has been resolved. He reported that nothing could be done regarding the pedestrian access by the bridge by Gardner Village until the bridge is replaced, which is very expensive. He reported the splash pad should be completed by the first or second week of October.

Alan Hoyne reported on the streetlight at Roosevelt and Marquette, it should be resolved by the end of the week. Staff is in the process of getting bids on an electronic speed limit sign for 1000 East. The goal is to put one on each end of the street and have them installed within two weeks. He said staff will be meeting with Jordan Valley Water Conservancy District regarding the vault for next year. He feels the next vault will be ready by June of next year.

The Council discussed the speed limit signs that are solar powered. Kane Loader said a traffic study will be conducted prior to the signs being installed and after to see the benefits.

Rori Andreason discussed starting the next two Council meetings at 6:00 p.m. The Council asked that the land use training be put out on e-notification.

Lisa Garner reported on the process of selecting a new judge.

## **II. CITY MANAGER'S REPORT**

Kane Loader reported he attended the SWANA Conference in Indianapolis regarding the TransJordan Landfill. They discussed recycling and whether it really pays and works. The companies are getting more finicky. They are claiming only 20% is going to the landfill. They want cleaner materials and better separation. The single stream recovery companies aren't working out to well. He feels that TransJordan can't do it any better than what they are doing now. The Sandy City pyrolysis project is no longer. He feels that Sandy will be rejoining TransJordan Landfill. With TransJordan joining NUERA, they will have enough capacity for the next 50-100 years. After all of the five entities are approved, they will be ready to start running the landfill. They won't be putting any waste in the new landfill because there is still about 15 years of life left at the TransJordan landfill.

## **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. Proclamation for Chief Tony Mason**

Mayor JoAnn Seghini and the City Council read and presented a proclamation of appreciation to Chief Tony Mason for 35 years of service to Midvale City. Chief Mason was also presented with a plaque and gift certificate.

## **IV. PUBLIC COMMENTS** - There was no one present who desired to speak.

## **V. COUNCIL REPORTS**

**A. Councilmember Stephen Brown** – Had nothing to report.

**B. Councilmember Paul Glover** – Had nothing to report.

**C. Councilmember Paul Hunt** – Had nothing to report.

- D. **Councilmember Quinn Sperry** – Had nothing to report.
- E. **Councilmember Wayne Sharp** – Had nothing to report.

**VI. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – expressed her appreciation to Chief Mason for his service to Midvale City.

**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 CLARIFY LANGUAGE FOR PARKING AND LANDSCAPING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY AND DUPLEX LOTS IN THE SF-1, SF-2, RM-12, AND RM-25 ZONES**

Lesley Burns said after receiving some comments from Midvale residents indicating they have trouble understanding where and what improvements are required for parking on single family and duplex lots, the City Council requested that Staff review the current language and see if it could be clarified and written to be more easily understood by everyone. In reviewing the current language, Staff found the required information to be in both parking and landscaping subsections with wording that is difficult to follow. To address this issue, Staff prepared a proposed text amendment to add clarifying language to the parking improvement provision. This provision is included in all four of the City's residential zoning chapters. The intent of the proposed text amendment was to keep the requirements that have been in place, i.e. required parking to occur on an improved surface (driveway) with limitations on how much area a driveway can cover to ensure there is a balance of landscaping and hard surface areas in front yards, but make the language more understandable.

**Planning Commission Recommendation**

The proposed text amendment was presented to the Planning Commission at a public hearing held on July 27, 2016. Following the public hearing and some discussion, the Planning Commission requested some additional modifications. On August 10, 2016, the Planning Commission forwarded a recommendation to the City Council to clarify the language related to the parking and landscape requirements for single family and duplex lots in the SF-1, SF-2, RM-12 and RM-25 zone districts.

Mayor Seghini opened the hearing to public comments.

Lorene Walker 7886 S. Olympus St. asked what could be done about people who park on the lawn. Mayor Seghini said to report it to code enforcement.

Valene Nyser said in the winter time in a bad snow storm and they have two vehicles and only one fits on the tiny black top driveway. She asked where you put the other one so the snow plows can plow the roads.

Phillip Hill said to contact the City and they would review her situation.

**MOTION: Councilmember Quinn Sperry 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: ADOPT ORDINANCE 2016-O-11 CLARIFYING THE LANGUAGE FOR PARKING AND LANDSCAPING REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX LOTS IN THE SF-1, SF-2, RM-12, AND RM-25 ZONE DISTRICTS**

**MOTION: Councilmember Paul Hunt MOVED that we adopt ordinance 2016-O-11 clarifying the language for parking and landscaping requirements for single family and duplex lots in the SF-1, SF-2, RM-12 and RM-25 zone districts. The motion was SECONDED by Councilmember Wayne Sharp. 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.**

**MOTION: Councilmember Wayne Sharp MOVED to move item C forward. 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.**

**C. APPROVE RESOLUTION NO. 2016-R-31 RATIFYING THE UNIFIED POLICE DEPARTMENT'S APPOINTMENT OF A MIDVALE CITY PRECINCT POLICE CHIEF**

Kane Loader stated that due to the retirement of Chief Tony Mason, it was necessary for the City to go through a selection process for a new Deputy Chief of Police of Services. According to the Unified Police Department Interlocal Agreement, the Mayor of the City has the right to appoint the Chief's position and under Midvale City's form of government the City Council should approve that appointment by advice and consent.

The City followed the UPD notice and selection process which required the applicants to have at least the rank of Lieutenant. There were four that applied for the position and met the qualifications. The Mayor requested a selection committee be formed to help her with selecting

the best qualified candidate. The committee consisted of the Mayor, City Manager, City Attorney and the two Assistant City Managers. The committee interviewed and evaluated all four candidates after which a unanimous decision was made to select Lt. Jason Mazuran as the best qualified to fill the position.

Sheriff Jim Winder said he could not express enough Jason Mazuran's excellent qualifications for the position. He knows he will do a wonderful job and support the community of Midvale City. He concurred with the resolution for adoption.

Lt. Jason Mazuran said he is grateful for the opportunity and thanked Kane for his kind words. He said he is thankful for Tony Mason's work over the years. He said he's enjoyed the process and getting to know everyone better. He said he is excited to serve this community.

**MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2016-R-31 a resolution approving the Mayor's appointment of Lt. Jason Mazuran as Deputy Chief of Police Services for the Midvale Precinct. 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:**

<b>Council member Stephen Brown</b>	<b>Aye</b>
<b>Council member Paul Glover</b>	<b>Aye</b>
<b>Council member Paul Hunt</b>	<b>Aye</b>
<b>Councilmember Wayne Sharp</b>	<b>Aye</b>
<b>Council member Quinn Sperry</b>	<b>Aye</b>

**The motion passed unanimously.**

#### **VIII. CONSENT AGENDA**

- A. APPROVE MINUTES OF AUGUST 23, 2016**
- B. SET DATE AND TIME (SEPTEMBER 20, 2016 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A REZONE REQUEST TO ADD THE PUBLIC FACILITIES OVERLAY TO THE CANYONS SCHOOL DISTRICT (APPLICANT); 7852 SOUTH PIONEER STREET**
- C. SET DATE AND TIME (SEPTEMBER 20, 2016 AT 7:00 P.M.) FOR A PUBLIC HEARING ON THE MIDVALE CITY GENERAL PLAN 2016**
- D. SET DATE AND TIME (SEPTEMBER 20, 2016 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS FOR THE FY 2017 BUDGETS**

**MOTION: Councilmember Stephen Brown MOVED to approve the consent agenda. 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:**

<b>Council member Stephen Brown</b>	<b>Aye</b>
<b>Council member Paul Glover</b>	<b>Aye</b>
<b>Council member Paul Hunt</b>	<b>Aye</b>



**Councilmember Wayne Sharp     Aye**  
**Council member Quinn Sperry     Aye**

**The motion passed unanimously.**

**IX.     ACTION**

**A.     APPROVE RESOLUTION NO. 2016-R-23 APPROVING THE SEMINARY BUILDING LEASE AGREEMENT BETWEEN MIDVALE CITY AND UTAH COMMUNITY ACTION**

Lisa Garner stated that on June 2, 2015, the Church of Jesus Christ of Latter-day Saints donated the former Midvale Middle School Seminary Building to the City. As a condition of its donation, the Church required that the City use the property as “an education center and a community medical and dental clinic.” Originally the City envisioned allowing Community Building Community using the building as a medical clinic. However, as the City and CBC became more familiar with the building, it became evident that the CBC would be unable to use the building as a clinic.

After terminating the lease agreement with CBC, another non-profit, Utah Community Action (formerly known as Salt Lake Community Action), approached the City about leasing the property to house its Head Start program. The Head Start program is a comprehensive early childhood development program that serves low-income children and their families. UCA believes that this property will be perfect for their needs. Furthermore, UCA’s use will not violate the conditions of the City’s deed.

This agreement is intended to be a long-term arrangement, and the initial term is 20 years. UCA has agreed to pay \$2,000 per month in rent for use of the property. In addition, they have also agreed to pay for any improvements they choose to make for the property. The City would primarily be responsible for maintenance of the structure and parking areas. Additionally, the rent amount is reviewable every two years to ensure that rent does not fall far behind market rates.

**FISCAL IMPACT: Annual income of \$24,000.**

**MOTION:     Councilmember Stephen Brown MOVED to approve Resolution No. 2016-R-23 authorizing the Mayor to execute a lease agreement with Utah Community Action for the use of the former Midvale Middle School Seminary Building. 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     Aye**

**The motion passed unanimously.**

**B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-R-30  
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH  
A TO Z LANDSCAPING**

Lisa Garner stated that Midvale City owns and is responsible for maintaining numerous parks, open spaces, and park strips. The City wants to ensure that these areas are attractive and inviting to residents and visitors. The City has found that hiring a private contractor has been the most cost-effective way to ensure that these areas are maintained according to the City's standards.

In 2015, the City made a request for proposals to provide maintenance services for its parks, open spaces, and park strips. After carefully considering the various proposals, A-Z Landscaping was selected as the lowest responsive responsible bidder. The City wishes to enter into a contract with A-Z Landscaping to continue to provide maintenance services for one year with the option to renew for four additional one-year periods.

**FISCAL IMPACT: Annual cost of \$164,530.71**

**MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2016-R-30, authorizing the Mayor to execute the Agreement for Park, Open Space, and Park Strip Maintenance with A to Z Landscaping. 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:**

<b>Council member Stephen Brown</b>	<b>Aye</b>
<b>Council member Paul Glover</b>	<b>Aye</b>
<b>Council member Paul Hunt</b>	<b>Aye</b>
<b>Councilmember Wayne Sharp</b>	<b>Aye</b>
<b>Council member Quinn Sperry</b>	<b>Aye</b>

**The motion passed unanimously.**

**D. FINAL SUBDIVISION PLATS FOR FOUNDERS POINT PHASE 1,  
PHASE 2 AND PHASE 3 (FORMERLY KIMPTON SQUARE); LOCATED  
AT APPROXIMATELY 7612 SOUTH HOLDEN STREET**

Lesley Burns stated that on November 17, 2015, the City Council approved the preliminary subdivision plat for the Founders Point single family development located at approximately 7612 South Holden Street. This development includes 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 City Council's preliminary approval 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.

The applicant has prepared the final subdivision plats. The original preliminary plat has been broken into three phases with each phase being a separate plat. The plats include the required notes and access and parking easement language as required. These plats have been reviewed and approved by the City Engineer, Fire Marshal and City Planner. The final site plan for this project was approved on May 9, 2016. The applicant has prepared the required Declaration of Covenants, Conditions and Restrictions for the overall subdivision. This document has been reviewed by Staff and is in the process of being finalized.

**MOTION: Councilmember Stephen Brown MOVED to approve the final subdivision plats for the Founders Point Subdivision Phases 1-3 located at approximately 7612 South Holden Street with the following conditions:**

1. **The applicant shall obtain all required signatures on the subdivision plat Mylars.**
2. **The declaration of covenants, conditions and restrictions shall be finalized and recorded concurrently with the subdivision plats.**

**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:**

<b>Council member Stephen Brown</b>	<b>Aye</b>
<b>Council member Paul Glover</b>	<b>Aye</b>
<b>Council member Paul Hunt</b>	<b>Aye</b>
<b>Councilmember Wayne Sharp</b>	<b>Aye</b>
<b>Council member Quinn Sperry</b>	<b>Aye</b>

**The motion passed unanimously.**

**X. DISCUSSION ITEMS**

**A. DISCUSS SURPLUS PROPERTY**

David Starkey reviewed the proposed surplus vehicles and equipment as well as the process to dispose of the vehicles and equipment. The Council instructed staff to place this item on the next consent agenda for approval.

**B. DISUCSSION ON A REZONE REQUEST TO ADD THE PUBLIC FACILITIES OVERLAY TO THE CANYONS SCHOOL DISTRICT PROPERTY AND ALLOW A TELECOMMUNICATIONS FACILITY; CANYONS SCHOOL DISTRICT (APPLICANT); 7852 SOUTH PIONEER STREET**

Lesley Burns stated that The Canyons School District and AT&T are proposing to construct a 70 foot high "slim line" monopole with up to 12 flush mounted, panel antennas near the middle of the Midvale Elementary and Middle School grounds located at 7852 South Pioneer Street. This telecommunications facility would also include an adjacent 12 x 24 foot equipment shelter. This monopole would replace the temporary facility that was erected when the Middle School building with wall and roof mounted antennas was torn down for the construction of the new middle school.

The school property is currently zoned Single Family Residential (SF-1). This zone allows the school, but does not allow telecommunications facilities greater than 35 feet in height. The antennas on the old building complied with the wall and roof mounted telecommunications facility requirements in the SF-1 zone. The new middle school building cannot provide the needed height to provide cellular coverage to the surrounding area and along I-15 as did the old building. This telecommunications facility serves the community by providing cellular service, including service used by emergency response agencies. Without it, all of the surrounding area, including a section of I-15, will not have cellular coverage. In order to address this need, a request has been made to rezone the school district property (approximately 25 acres) to include the Public Facilities Overlay, which can allow a telecommunications facility with a 70 foot monopole, as well as to approve the proposed site plan for the monopole.

The Public Facilities Overlay can allow a telecommunications facility with a pole over 35 feet in height provided the telecommunications facility complies with the specific criteria found in the Overlay. The school campus, an educational institution, is considered a public facility. This criteria includes the following:

1. The telecommunications facility must be located with and designed as part of a public facility.
2. Evidence must be provided demonstrating the telecommunications facility location and configuration is necessary to provide transmission/reception coverage for an area that cannot otherwise be serviced by other telecommunications facility sites; and, without the proposed telecommunications facility, it would result in a public detriment.
3. The telecommunications facility shall be designed to allow for co-location of services for multiple providers if possible.
4. If the telecommunications facility includes a tower or pole above thirty-five feet in height, the structure shall comply with the following:
  - a. The structure shall be located a minimum of 250 feet from an existing residential use.
  - b. The maximum height shall be eighty-five feet.
  - c. No more than one tower or pole, of any height shall be considered for each public facility.

The proposed telecommunications facility has been incorporated into the overall site for the two school campus. The location is proposed in a fenced area near the middle of the property, where it does not impact the operation and function of the schools. It is also the location that is the least obtrusive to the surrounding residences on all four sides of the school district property. The

school district has an existing lease with AT&T that allows the telecommunications facility on the property. AT&T has provided maps showing the coverage with and without this facility. For the facility to provide any coverage, the antennas cannot be less than 55 feet in height. In order to flush mount the antennas (providing the smallest span of antennas on the pole) and provide room for additional antennas that may be needed in the future (possibly co-location with other providers); the 70 foot high pole is being proposed. The pole is proposed to be located approximately 500 feet from the rear property lines of the surrounding residential properties.

**Planning Commission Recommendation:**

The Planning Commission conducted a public hearing and discussed this request on August 24, 2016. At this meeting, the Planning Commission forwarded the following findings and motions to the City Council for its consideration:

**Findings:**

*"I move we adopt the following findings:*

- 1. The public school is considered in our code as a Public Facility and thereby qualifies for the Public Facility overlay.*
- 2. Reasonable telecommunication services could not be provided at any other reasonable location in Midvale.*
- 3. There would be a significant hole in telecommunication service provided by AT&T if they were not to locate in this location."*

**Rezone:**

*"Based upon these findings, I move that we forward a positive recommendation to the City Council to rezone the 25 acres owned by the Canyons School District located at 7852 South Pioneer Street to include the Public Facilities Overlay Zone."*

**Telecommunications Facility Site Plan:**

*"Based on the proposed telecommunications facility with the 70 foot monopole complying with the specific criteria for a telecommunications facility in the Public Facilities Overlay, I move that we approve the site plan for the AT&T facility as presented. Before construction of the facility can commence, AT&T will need to obtain a Building Permit from Midvale City."*

**C. DISCUSSION ON THE MIDVALE CITY GENERAL PLAN 2016**

Lesley Burns stated that there is a public hearing on September 20<sup>th</sup> scheduled for the General Plan. It has been recommended to you by the Planning Commission. She said they have put notices and flyers out. It has been put on the Public Notice Website as a public notice, and in the newspaper.

**D. DISCUSS PROPOSED AMENDMENTS TO THE OVERSTOCK EASEMENT AGREEMENT**

Lesley Burns stated that the Overstock Development Agreement that was approved had an issue with a perpetual public open space easement that runs along the rail line for the trail. There is a drainage there that conflicts with where the walkway needs to go. The walkway will need to be moved over.

There are safety concerns with the easement agreement that was approved. She would like to amend the agreement for a fence and gate at the ends of the public walkway closing it from dusk to dawn.

This item will be schedule for approval at the next Council meeting.

**E. DISCUSS PROPOSED AMENDMENT TO EXHIBIT J (EXTERIOR MATERIALS AND COLORS FOR SINGLE FAMILY HOUSING PROJECT) OF THE DEVELOPMENT AGREEMENT FOR THE FOUNDERS POINT PROJECT, FKA KIMPTON SQUARE PROJECT**

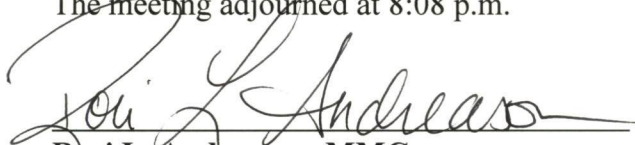
Lesley Burns stated that the Development Agreement includes a list of colors and materials for the Founders Point project. It was brought back to the Planning Commission for approval of new housing models. The new models are proposing stucco that was not originally discussed. They feel this will tie everything in with the other materials. They would like an amendment to the agreement.

This item will be scheduled for approval at the next Council meeting.

**XI. 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 8:08 p.m.

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



Approved this 20th day of September, 2016.

