



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, February 03, 2015
Council Chambers
655 West Center Street
Midvale, Utah 84047

MAYOR: JoAnn 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 and Economic Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Alan Hoyne, Interim Public Works Director; Stephen Black, Interim Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Brad Larson, UFA; 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 reviewed parking issues being addressed.

Laurie Harvey introduced Alan Madsen, Water Meter Technician.

Phillip Hill reported on a business that looked like a check cashing business. He reviewed the check cashing business definition. He updated the Council on the street lighting project. He also announced the kickoff for the General Plan Update.

Danny Walz announced that last Friday was the deadline to submit proposals for public art. He said 11 proposals were received, which was a good response to the Request for Proposal. He said the committee will meet on February 19th to make review the proposals, which will then go to the Council for approval.

Stephen Black reported on the public works building remodel as well as the water projects that are out for bid.

Councilmember Sperry said there is mud on the street at 150 East 8000 South that needs to be cleaned up.

Alan Hoyne discussed the water pressure on 1000 East. He said there will always be some kind of pressure problem there until the City is able to move away from Sandy City water to Jordan Valley.

Councilmember Quinn Sperry said the resident said the pressure is fine during the winter but he has problems in the summer.

Councilmember Wayne Sharp suggested having different watering times with houses on either side of the street.

II. CITY MANAGERS REPORT

Kane Loader discussed the Local Officials Day luncheon. He said the League has been very active on the hill this year. It's been a very stressful legislative year already. He updated the Council on several bills that could have a negative impact on the city.

Mayor JoAnn B. Seghini opened the regular meeting at 7:00 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS

Sophie Hawes-Tingey said the Community Council adopted bylaws about a year ago but they were never given to the City. She has asked the city attorney to review them.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp - said he was contacted by the Chair of Harvest Days and asked to bring up a few items at this meeting. He said Tyler Sharp appreciates the trust for his position but feels there should be more accountability. He thought it would be good to come once a month and give an update to the Council. He thinks the City Council should have more say as to what takes place during the celebration.

Kane Loader said Councilmember Brown is now on that committee.

Councilmember Wayne Sharp said Tyler feels the activities during the day at the park are a waste of money. He suggested not having any booths or anything during the day and maybe a BBQ right before the concert and fireworks.

B. Councilmember Stephen Brown

Councilmember Brown reported on the CERT training that Jesse Valenzuela organized. Jesse has a grant that will pay for the course if the person completes the course, so now is the time to do so.

C. Councilmember Paul Glover

Councilmember Glover said he would like continual updates on Park Station Apartments.

D. Councilmember Paul – Had nothing to report.

E. Councilmember Quinn Sperry – Had nothing to report.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini

Mayor Seghini said there is a free CPR training class for anyone wanting to come. She said to watch the city newsletter. Most of training will be done here in our in community room. Sandy City is talking to a company that will create an incinerator that will incinerate regular garbage waste. This process has only been successful with green waste and has never been tried with regular waste. She will write a letter opposing this and anyone can come sign it if they desire.

MOTION: Councilmember Paul Glover MOVED to open a public hearing. 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.

VII. PUBLIC HEARING(S) – 7:00 PM

A. CONSIDER UNION GARDENS MPD PRELIMINARY SUBDIVISION PLAT FOR AN EIGHT-UNIT RESIDENTIAL PROJECT LOCATED AT 7351-7371 SOUTH 300 EAST

Lesley Burns said the applicant, Carefree Living Group, LC, is in the process of acquiring two parcels located at 7351 South and 7371 South 300 East. These properties total 1.29 acres in size and currently include two single-family houses with accessory structures. The applicant has created a development plan for the combined property. The proposed development plan includes demolishing the north house and all of the accessory structures in order to construct four single-family detached houses and a mansion house (3 residences within one structure). These units would be accessed from a new private road off of 300 East. The existing house at 7371 South 300 East would be remodeled and become part of the overall development, for a total of eight residential units. The plan also includes common open space/recreation areas and three guest parking spaces. There are four different house plans proposed for the new single-family detached units, all of which are 1½ stories with basements and two-car garages. The proposed mansion house is 2½ stories; two of the units have two-car garages and one unit has a single car garage.

The property is zoned SF-1 (single-family residential, minimum lot size 7,000 square feet). The applicant is utilizing the master planned development (MPD) provision to allow some flexibility in the lot sizes, setbacks and unit type. The overall density complies with the SF-1 Zone; however, these units have been clustered on smaller lots with the remaining area left as common open space, which includes some recreation amenities for the residents of the development.

The Planning Commission conducted a public hearing and reviewed the MPD preliminary site plan for this project on November 12, 2014. On December 10, 2014, the Planning Commission approved the MPD preliminary site plan with the following conditions:

1. The common recreation area details need to be included on the final site plan. These details shall include plans for the planter boxes, appropriate ground cover between the 2 planter boxes, concrete pads under the benches and tables, bench/table/play equipment details, etc.
2. The exterior building colors presented to the Planning Commission, with the exception of the greys shown on one of the structures, shall be used on all building exteriors. The greys shall be changed to an earth tone color. The colors shall be indicated on the building elevations included on the final site plan and color samples provided.
3. The applicant shall provide existing grade measurements on the final grading plan to ensure the mansion structure does not exceed the maximum 28-foot height allowed in the zone district.
4. All fencing shall be clearly indicated on the final site plan and address height and sight distance requirements where applicable. No fencing shall be allowed within the front yard setback paralleling 300 East.
5. A landscape plan documentation package shall be prepared as part of the final site plan. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following changes:
 - Foundation landscaping shall be added along the west and north elevations of the existing home and along the west elevation of the Dahlia unit.
 - Eliminate all lawn areas that are less than five feet in width and replace with planter areas.
6. A note shall be added to the site plan indicating no above-grade decks beyond a landing and stairs extending a maximum of three feet from the back wall of the structure and required by Building Code shall be constructed in the rear yards of the single family detached houses.
7. The street lights shall include LED fixtures and comply with the City's street light standards. These details shall be included on the final site plan.
8. Detailed construction drawings shall be reviewed and approved by the City Engineer as part of the final site plan. These plans shall include the public road improvements along 300 East, private road improvements; utilities; storm water improvements; street lights; street signs; grading plans, irrigation system, etc.
9. All requirements of the Building Official shall be satisfied.

10. The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance to be reviewed and approved by the City Engineer, Fire Marshal and City Planner.

11. The applicant shall obtain duty to serve letters for water and sewer prior to final site plan approval.

12. The private road shall be posted as a “No Parking” area except in the designated off-street guest parking stalls. Based on these conditions of approval from the Planning Commission, the applicant is preparing a final site plan for review and approval by Staff. The MPD site plan does not require any specific action by the City Council.

Subdivision Plat

On December 10, 2014, the Planning Commission also forwarded a positive recommendation to the City Council for approval of the preliminary subdivision plat for the Union Gardens MPD project. The subdivision plat, once recorded, will allow the individual ownership of each 3 structure on a small lot as shown on the preliminary subdivision plat. The remainder of the property will be included as common area on the plat, including the private road. These areas will be owned and maintained by a homeowners association. The subdivision plat requires a preliminary and final approval from the City Council. The Planning Commission’s recommendation included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.

2. A note shall be added to the subdivision plat indicating no above-grade decks beyond a landing and stairs extending a maximum of three feet from the back wall of the structure and required by Building Code shall be constructed in the rear yards of the single family detached houses.

3. The common recreation amenity area currently designated as “open space” on the plat shall be included in “common area” designation.

4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.

5. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

6. The applicant shall prepare a final declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat. The proposed preliminary subdivision plat corresponds with the development layout in the master planned development approved by the Planning Commission. The applicant has added the note regarding the limitation on above-grade decks and has clarified the “common area” designation with regard to the common recreation

amenity area as recommended by the Planning Commission. The plat denotes the small lots as private ownership areas, and the remainder of the property as common area (including the private road). Every property owner within the project will have an equal ownership interest in this common area. The City Engineer and Fire Marshal have reviewed and approved this preliminary plat.

Councilmember Quinn Sperry reported that he had talked with a resident regarding some issues with this development; however, the resident did not retain him or his firm.

Mayor Seghini opened the hearing to public comment. There were no public comments at that time.

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

Since there were several residents in the audience, Councilmember Sharp explained what the public comment period was. Several people indicated their desire to speak to this issue.

MOTION: Councilmember Quinn Sperry MOVED back into a public hearing. Councilmember Wayne Sharp SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

Jay Brennan said he lives north of this proposed development. Several people gave input at the Planning Commission hearing and felt they were not heard. The mansion house is a fancy word for a triplex. He felt the setbacks for the mansion were smaller than any adjacent property. He said there was some adamant objection to this development.

Mark Thompson asked how it would affect the water pressure, sewer, etc. of houses. Since they put new pipeline down their street, the water tastes different.

Kane Loader said there is a new waterline in that street. The source is the same as it always has been through Sandy City. The eight inch line is more than adequate for the area.

Kyle Taylor lives south of the proposed subdivision. The mansion house in comparison to surrounding homes is about four times the size. He wants something that fits with the rest of the neighborhood. He personally feels that the single family homes are fine, but the mansion house where it sits is four times the size of his place which can be seen from his house.

Kelly Sheppard, developer on the site, said in reference to scale of property, the mansion house is 2300 square feet. Mr. Taylor's home is about 1100 square feet. The actual footage is about two times the size of his home but it is a larger property. The mansion house seems to be the property most are concerned about. It's geared for empty nester users. The rear yard setbacks are 15 feet which is the same as when he developed Union Village. It was his understanding this is a hearing

for the subdivision. All of the issues the Planning Commission asked be addressed with the neighbors has been done.

Ronald Burton, said he was representing Clyde Olsen, who owns one of those plots of ground. When Mr. Olsen was alive he was approached to sell the property. As his son-in-law, he told him to make sure this development goes through and doesn't affect Union Village. Because it was in the County at that time, he could not make that happen so he sold the property to Mr. Shepherd. He is trying to develop the property to the betterment of the community.

Dale Leiker, asked if mansion house is a single level or two story house?

The developer showed pictures and described the mansion home called the Lily home. She said there has been a lot of discussion with the Planning Commission regarding this plan. She reviewed their philosophy at the Care Free Living group.

Dale Leiker asked if sidewalks are only in front of the two lots or down the road.

Lesley Burns said as part of this development they are required to improve 300 East which does not have curb gutter and sidewalk. The private improvements inside the development will also be required.

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

ACTION: **APPROVE ORDINANCE NO. 2015-O-01 AMENDING THE MIDVALE MUNICIPAL CODE REGARDING NEW DEVELOPMENT STANDARDS FOR SPORTS FACILITY FENCING AND EXTERIOR**

MOTION: Councilmember Paul Hunt moved that we adopt Ordinance No. 2015-O-01, that we approve the preliminary subdivision plat for the Union Gardens M.P.D. Subdivision located at 7351-7371 South 300 East with the following conditions:

- 1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.**
- 2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.**
- 3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.**
- 4. The applicant shall prepare a final declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the**

subdivision plat. The motion was seconded by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

VIII. CONSENT AGENDA

- A. APPROVE MINUTES OF JANUARY 20, 2015
- B. SET DATE AND TIME (FEBRUARY 17, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FY 2015 BUDGETS AND AMENDMENTS TO THE MIDVALE MUNICIPAL FEE SCHEDULE
- C. APPROVE ORDINANCE NO. 2015-O-02 AMENDING THE MIDVALE MUNICIPAL CODE DESIGNATING TIER 2 ELECTED OFFICIALS AS PART-TIME UNDER THE UTAH RETIREMENT SYSTEM
- D. SET DATE AND TIME (FEBRUARY 17, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A PRELIMINARY SUBDIVISION PLAT FOR ENDO SUBDIVISION LOCATED AT 280-282 WEST 7200 SOUTH, 7199 AND 7052-7072 S COTTONWOOD STREET FOR A 5 LOT COMMERCIAL SUBDIVISION

MOTION: Councilmember Wayne Sharp moved to approve the consent agenda. The motion was seconded by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

IX. DISCUSSION ITEMS

- A. DISCUSS MID-YEAR BUDGET REVIEW

Laurie Harvey discussed the Midyear Budget Review.

General Fund Revenues

- Total revenue projected - \$15.7 million
 - Taxes - \$300,000 short of \$10.2 million projection
 - Licenses & permits - \$500,000 over \$650,000 projection
 - Estimated revenue - \$200,000 over projections

General Fund Expenditures

- Total expenditures projected - \$16.5 million
- Estimated expenditures - \$100,000 less than projected
 - Personnel turnover savings
 - Contingencies

Rainy Day Fund

- Balance as of June 30, 2014 - \$2.7 million
 - 16% of General Fund Budget
 - Appropriated to FY 2015 Budget - \$800,000
 - Drops back to 11%
- Fleet Fund reserves - \$800,000 belonging to Gen Fund
 - Adds 5% - total 16% of General Fund Budget

General Fund – looking ahead

- Further reductions to Fund Balance not recommended
- May have hit ceiling on sales tax revenues

Public Utilities Fund – Water

- Water user charges are on target
- Water connection fees – already \$65,000 ahead of projections
- Savings anticipated on completion of conversion to Neptune meters system-wide - \$200,000
- Capital projects budgeted in FY 2015 - \$780,000
 - Healthy Fund Balance – can increase amounts available for current year based upon needs

Public Utilities Fund – Sewer

- Sewer user fees are on target
- All expenditures are within budget
- Fund balance adequate but declining
 - Working capital would cover 60 days operations

Storm Water Enterprise Fund

- User fees are on target
- Service charges are exceeding projections
- Operations at or below budget
- Capital projects
 - Remodel of Public Works facility within budget
 - Bond proceeds of approx. \$2.5 million available for system improvements

- Fund balance would cover 45 days operations

Street Lighting Enterprise Fund

- User fees are on target
- Maintenance fees currently lower than projected
- Haven't yet realized full savings on electricity costs
- Any savings in this Fund reduces the General Fund subsidy required for operations

Sanitation Enterprise Fund

- User fees are on target
- Dumpster rental fees and service charges are exceeding projections
- Fund balance adequate to cover 45 days of operating costs

Telecommunications Enterprise Fund

- User fees (CUE contracts) are on target
- All expenditures are within budget

Summary

- No big surprises in FY 2015 budgets for any fund
- Biggest concern is our capacity to cover General Fund expenses in FY 2016
- FY 2015 budget amendments on Council calendar for February
- Budget Retreat – February 26

B. DISCUSS AGREEMENT FOR SERVICES FOR THE MIDVALE ARTS COUNCIL

Laurie Harvey said the City originally had a service agreement with the Arts Council for 2014. This agreement addresses the full \$21,000 the City contributes to the Arts Council. She will be requesting the Arts Council present an annual report and submit an annual financial statement within 30 days of completion. The proposed agreement for services is the same as the 2014 agreement. The Council agreed to place it on the Consent Agenda for February 17th.

C. DISCUSS MIDVALE CITY FLOAT

Kane Loader discussed the city float and having a motorized float. He discussed using a truck the City was going to surplus. Creative Concepts said if we provide the truck and chase, they will build the float and framework for an additional \$5,000. There are three options available: 1-stay with float currently have; 2-go with a motorized option; or 3-do away with float completely. He said if we go to other city's parades and put our float in their parade they will come to our parade. The Council agreed to proceed with the motorized float.

D. DISCUSS PRELIMINARY SUBDIVISION PLAT FOR ENDO SUBDIVISION LOCATED AT 280-282 WEST 7200 SOUTH, 7199 AND 7052-7072 SOUTH COTTONWOOD STREET FOR A 5 LOT COMMERCIAL SUBDIVISION

Lesley Burns said currently there are five parcels, two on the west side of Cottonwood Street and three at the northeast corner of Cottonwood Street and 7200 South, that are all owned by Nob

Endo Family, LLC. The two parcels on the west side of Cottonwood Street are vacant; the three parcels on the east side include a restaurant and hotel with shared access and parking between, and parking for a business to the north (Utah Medical Products). This area is part of the Clean Industrial (CI) Zone. The parcels were created a number of years ago through the recording of legal descriptions with Salt Lake County. Although the County recorded these legal descriptions, the property divisions technically should have been reviewed and approved through the City's subdivision process. To avoid any potential issues in the future, the property owner has been advised by its legal counsel to go back and formally subdivide the property.

The proposed Endo Subdivision plat (preliminary subdivision plat attached) creates a lot for the existing restaurant with associated parking (Lot 1), a lot for the hotel with associated parking (Lot 2), a lot which includes the existing parking area currently used by Utah Medical Products to the north (Lot 3), and two vacant lots on the west side of Cottonwood Street (Lots 4 & 5). The proposed subdivision plat includes a shared access and parking easement between Lots 1 and 2. This will ensure the current shared access and parking arrangement between the two existing uses remains in place if the two lots are owned by different individuals or parties. An easement agreement that provides details on the use and owner responsibilities of the shared access and parking easement area will need to be prepared and recorded concurrently with the subdivision plat. The CI Zone does not have a minimum lot size requirement, but the proposed lots, with the shared access and parking easement on Lots 1 and 2, provide for the continued use of the existing developed property and future development of the vacant property. The proposed subdivision plat complies with all applicable zoning requirements. The approval of this subdivision plat provides the mechanism to sell or lease the individual lots; it does not allow new development or redevelopment on any of the lots without further reviews and approvals under the Zoning Ordinance.

The City Engineer has reviewed the preliminary subdivision plat and has required some technical corrections that will need to be addressed on the final subdivision plat, but otherwise has approved the proposal. Because no changes are being made to the infrastructure or physical development in the area with this proposal, the Fire Marshal did not have any concerns or comments. The final subdivision plat will not show the existing development on the property. This was included on the preliminary plat for review purposes only.

The Planning Commission conducted a public hearing and reviewed the preliminary subdivision plat on January 28, 2015. It was the decision of the Planning Commission to forward a positive recommendation to the City Council to approve the Preliminary Subdivision Plat for the Endo Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. An easement agreement that provides details on the use and owner responsibilities of the shared access and parking easement area on Lots 1 and 2 shall be prepared and recorded concurrently with the subdivision plat.

X. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Quinn Sperry SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Seghini adjourned the regular meeting at approximately 8:45 p.m.

Rori L. Andreason, MMC
CITY RECORDER

Approved this 17th day of February 2015.