7505 S. Holden St.
Midvale, UT 84047
801-567-7200
www.midvalecity.org

MIDVALE CITY COUNCIL MEETING
AGENDA
February 17, 2015

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **17th Day of February, 2015** 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. Employee Service Awards
- D. Employee of the Year

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

VI. MAYOR REPORT

A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARING(S) - 7:00 PM

A. Consider amendments to the FY 2015 Budget for the General Fund and other funds as necessary ***[Laurie Harvey, Asst. City Manager/Admin. Services Director]***

ACTION: Approve Resolution No. 2015-R-09 Amending the Budget of the General Fund, Capital Improvement Projects Fund, Public Utilities Fund, and Telecommunications Fund for the Fiscal Year ending June 30, 2015

B. Consider amendments to the FY 2015 Midvale Municipal Fee Schedule ***[Laurie Harvey, Asst. City Manager/Admin. Services Director]***

ACTION: Approve Resolution No. 2015-R-10 Amending the Midvale City Municipal Fee Schedule for the 2015 Fiscal Year

C. Consider a Subdivision Plat for the Riverwalk at Bingham Junction Phase 2 Amended located at 920 West River Gate Drive ***[Matt Hilderman, Associate Planner]***

ACTION: Approve a Subdivision Plat for the Riverwalk at Bingham Junction Phase 2 Amended located at 920 West River Gate Drive

D. Consider a Subdivision Plat for the View 8 Hotel Subdivision located at 7161 South FL Smidth Drive ***[Matt Hilderman, Associate Planner]***

ACTION: Approve a Subdivision Plat for the View 8 Hotel Subdivision located at 7161 South FL Smidth Road

E. Consider a Preliminary and Final 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, City Planner]***

ACTION: Approve a 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

VIII. CONSENT AGENDA

A. Approve Minutes of February 3, 2015 ***[Rori Andreason, H.R. Director/City Recorder]***

B. Approve Resolution No. 2015-R-07 Authorizing the Mayor to enter into an Agreement for Services between Midvale City and the Midvale Arts Council (MAC) ***[Laurie Harvey, Asst. City Manager/Admin. Services Director]***

C. Approve Resolution No. 2015-R-08 Appointing a Representative and Alternate to Serve on the Trans-Jordan Landfill Board ***[Kane Loader, City Manager]***

D. Approve Resolution No. 2015-R-11 authorizing the Mayor to enter into an Agreement with Sandy City for the Exchange of Water Shares ***[Keith Ludwig, City Engineer]***

E. Approve Resolution No. 2015-R-01 authorizing the Mayor to execute an Interlocal Agreement for Election Services with Salt Lake County for 2015 Vote by Mail Municipal Elections ***[Rori Andreason, H.R. Director/City Recorder]***

IX. ACTION ITEMS

A. Approve Resolution No. 2015-R-03 to Reappoint Richard Judkins as Planning Commission Member ***[Lesley Burns, City Planner]***

B. Approve Resolution No. 2015-R-04 to Reappoint Brent Christenson as Planning Commission Member ***[Lesley Burns, City Planner]***

C. Approve Resolution No. 2015-R-02 Authorizing the Mayor to enter into a Telecommunications Franchise Agreement with Syringa Networks ***[Chad Woolley, City Attorney]***

D. Approve Resolution No. 2015-R-05 Authorizing the Mayor to enter into an Amended and Restated Development Agreement with View 8 Office Building Development ***[Matt Hilderman, Associate Planner]***

E. Approve Resolution No. 2015-R-06 Authorizing the mayor to enter into a Development and Easement Agreement with O.com Land, LLC for the Overstock project. ***[Lesley Burns, City Planner]***

X. DISCUSSION ITEMS

A. Discuss General Plan Update Kickoff ***[Phillip Hill, Assistant City Manager, CD Director; Lesley Burns, City Planner]***

XI. 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: FEBRUARY 13, 2015

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

Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, February 17, 2015
Council Chambers
7505 South Holden 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 reported on calls at Park Station Apartments.

Chief Brad Larson discussed the St. Patricks' Day Parade.

Kane Loader discussed a bill in the legislature that would help UFA.

Laurie Harvey reported on discrepancies in the water bills. This is due to the water meters being changed out. Some of the citizens have large bills. Staff is working with citizens to make payment arrangements to assist with this issue.

Councilmember Wayne Sharp asked about credit card convenience fees. Laurie said the fees are passed on to the enterprise fund. There are many rules regarding credit card fees. There are surcharges and convenience fees. Sometimes it is difficult to differentiate between the two. The City benefits from taking credit cards (i.e. court fees.) She recommended staff keep looking at this issue. Changing the fees would include notifying all customers that a fee will be charged.

Councilmember Wayne Sharp said when he uses his credit card he knows there will be a $2.00 upfront fee. He feels this issue should be looked into since it is costing the City a lot of money.

The Council and staff discussed this issue at length. The Council would like to discuss this item in a workshop.

Phillip Hill reported on additional street lights being added to the City.

Councilmember Stephen Brown said there needs to be a light on the crosswalk on 7200 South by McDonalds.

Rori Andreason reviewed a few scheduling items.

Stephen Black discussed upcoming street projects.

Kane Loader said the public works remodel is close to being done. He recommended taking a tour during the March workshop at 6 pm.

Chad Woolley introduced Garrett Wilcox, Intern, who has been incredibility awesome and done a great job for the City.

II. CITY MANAGERS REPORT

Kane Loader briefly reviewed the legislative bills that may affect the City.

Mayor JoAnn B. Seghini opened the regular meeting at 7:13 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.

C. Employee Service Awards

Mayor Seghini presented the following service awards:

Mauricio Agramont – 10 Years

Keith Ludwig - 15 years

Levi McNiell - 10 years

Danniel Walz - 10 years

D. Employee of the Year

Mayor Seghini announced Lesley Burns as the 2014 Employee of the Year. Mayor Seghini read the proclamation recognizing Lesley as Employee of the Year.

IV. PUBLIC COMMENTS

Colleen Costello, 7426 Spruce Street, discussed the upcoming St. Patrick's Day parade. It will be on March 14th at the Gateway. The lineup is on 2nd North and 4th West at 8:30 a.m. she invited everyone to attend.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp – had nothing to report.

B. Councilmember Stephen Brown – had nothing to report.

C. Councilmember Paul Glover – had nothing to report.

D. Councilmember Paul Hunt – had nothing to report.

E. Councilmember Quinn Sperry – said the Community Council expressed some concerns about getting communication out to the residents. They would like a questionnaire be sent to the citizens to see what they would like to see on the Saturday of Harvest Days.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – discussed the general plan update. It is important for people to know what they want in their community.

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 AMENDMENTS TO THE FY 2015 BUDGET FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY

Laurie Harvey discussed the FY 2015 Budget for the General Fund and other funds.

General Fund

Grants and Awards

- Community Development Block Grant - $13,800
  - Original grant was $50,000. $23,800 added to cover compensation for CBC Director
  - $10,000 in our existing FY 2015 budget for B&G Club has expired and will be transferred to CBC
- Salt Lake County Grant - $75,800
  - Pass-through grant for Midvale Boys & Girls Club
- Utah Local Governments Trust - $21,700
  - $14,500 liability program dividend, $7,200 Trust Accountability Program Award

- Salt Lake County TRCC Fund - $450,000
    - Splash pad in City Park – CIP project

- Department of Health Abstinence Grant - $48,700
    - Pass-through to Community Building Community

Requested budget increases - $70,000

- Special lobbyist for 2015 session - $15,000
- Reallocation of salaries and benefits between departments - $(47,000)
- Bailiff contract for Court and building security - $15,000
- Professional grant writers - $15,000
- Legal defenders - $30,000
- Unemployment insurance premiums - $15,000
- Vehicle for float rebuild - $12,000
- Contract labor for parks - $15,000

Revenue source to cover budget increases - $70,000

- ULGT dividend/award - $21,700
- Professional services savings (Engineering, Dev Svcs, Bldg. Inspections) - $25,000
- Building permit revenue - $23,300

Capital Improvement Projects Fund

- Splash pad in Park - $450,000
    - Transfer from General Fund

- City Park improvements - $60,000
    - Transfer from MBA Street Lighting project

Public Utilities Fund - Water

- Capital projects - $800,000
    - In addition to $780,000 appropriated in original budget – total $1,580,000

Telecommunications Fund

- Repayment of legal fees for RUS lawsuit - $18,000
    - Pledge payments

MIDVALE CITY CORPORATION - BUDGET OPENING #3 - FY 2015

Description	Revenue	A/C#	Expenditure	A/C#
GENERAL FUND				
Building permits - increase projected revenue	$23,300	10-3221-000-000		
Utah Local Governments Trust – dividend	14,500	10-3690-100-000		
Utah Local Governments Trust - TAP program	7,200	10-3690-100-000		
Legislative lobbyist for 2015 session			$15,000	10-4111-310-000
Employee benefits - City Council			10,000	10-4111-130-000

Employee benefits - Intergovernmental			5,000		10-4151-130-000
Employee benefits - Buildings & Grounds			(15,000)		10-4160-130-000
Employee benefits - Public Works Administration			(20,000)		10-4450-130-000
Employee benefits - Business Licensing			13,000		10-4630-130-000
Employee benefits - Building Inspections			(5,000)		10-4640-130-000
Part-time wages adjustment - General Administration			(5,000)		10-4131-120-000
Full-time wages adjustment - Intergovernmental			10,000		10-4151-110-000
Full-time wages adjustment - Public Works Administration			(30,000)		10-4450-110-000
Full-time wages adjustment - Building Inspections			(5,000)	1	10-4640-110-000
Overtime adjustment - Building Inspections			(5,000)		10-4640-113-000
Bailiff contract - Court			15,000	1	10-4120-310-600
Professional services - grant writers			15,000		10-4140-310-000
Legal defenders			30,000		10-4145-310-400
Unemployment insurance			15,000		10-4152-510-100
Vehicle for float - Harvest Days			12,000		10-4155-320-000
Professional services - Engineering			(10,000)		10-4412-310-000
Professional services - Development Services			(5,000)		10-4620-310-000
Professional services - Building Inspection			(10,000)		10-4640-310-000
Contract labor - Parks			15,000		10-4510-340-000
Salt Lake County "TRCC" Grant -Splash pad (CIP)	450,000	10-3370-400-000	450,000		10-4830-910-100
Salt Lake County grant to Boys & Girls Club	75,800	10-3370-200-000	75,800		10-4151-540-100
CDBG grant to CBC - reprogram lapsed funds	13,800	10-3319-000-000			
CBC professional services lease (decrease)	(23,800)	10-3494-100-000			
CDBG grant to B&G Club (expired contract)	(10,000)	10-4151-540-400			
Abstinence grant - pass-through to CBC	48,700	10-3320-000-000	48,700		10-4151-540-600
Total General Fund	**$ 609,500**		**$609,500**		
CAPITAL IMPROVEMENT PROJECTS FUND					
Transfer from General Fund - Splash pads	$450,000	41-3810-100-000	$450,000		41-4983-715-001
Transfer from MBA street lighting to parks	60,000	41-3810-800-000	60,000		41-4983-713-014
Total Capital Improvement Projects Fund		**$510,000**			**$510,000**
PUBLIC UTILITIES FUND					
Repair water mains and service - from Fund Balance	$800,000	51-3880-000-000	$800,000		51-5100-790-203
TELECOMMUNICATIONS FUND					
Reimb of legal fees advanced - use toward pledge pmts	$18,000	59-3690-000-000	$ 18,000		59-5900-810-000

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

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 RESOLUTION NO. 2015-R-09 AMENDING THE BUDGET OF THE GENERAL FUND, CAPITAL IMPROVEMENTS PROJECTS FUND, PUBLIC UTILITIES FUND, AND**

TELECOMMUNICATIONS FUND FOR FISCAL YEAR ENDING JUNE 30, 2015

MOTION: **Councilmember Paul Hunt moved that we adopt Resolution No. 2015-R-09, amending the budget of the General Fund, Capital Improvement Projects Fund, Public Utilities Fund, and Telecommunications Fund for the fiscal year ending June 30, 2015. The motion was seconded by Councilmember Quinn Sperry. 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 Wayne Hunt	**Aye**
Council member Wayne Sharp	**Aye**
Council member Quinn Sperry	**Aye**

The motion passed unanimously.

MOTION: **Councilmember Quinn Sperry MOVED to open 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.**

B. CONSIDER AMENDMENTS TO THE FY 2015 MIDVALE FEE SCHEDULE

Phillip Hill said staff proposes amendments to the FY 2015 Municipal Fee Schedule to accurately reflect the cost of providing certain services. Many of these adjustments are the result of a Business License Fee study performed by Lewis, Young, Robertson, & Burningham.

FISCAL IMPACT:

General Fund – decrease in revenues of approximately $60,000 annually.

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

MOTION: **Councilmember Wayne Sharp MOVED to close 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.**

ACTION: **APPROVE RESOLUTION NO. 2015-R-10 AMENDING THE MIDVALE CITY MUNICIPAL FEE SCHEDULE FOR THE 2015 FISCAL YEAR**

MOTION: **Councilmember Quinn Sperry moved that we adopt Resolution No. 2015-R-10, amending the Midvale City Municipal Fee Schedule for the 2015 Fiscal Year ending June 30, 2015. The motion was seconded by Councilmember Wayne Sharp. 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.

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.

C. CONSIDER A SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCITON PHASE 2 AMENDED LOCATED AT 920 WEST RIVER GATE DRIVE

Matt Hilderman said the applicant, Marty Biljanic representing Wadsworth Development, is requesting approval to further subdivide the property located at 920 West River Gate Drive. The Riverwalk at Bingham Junction, Phase 2 Amended plat consists of four (4) proposed lots on a total of 19.251 acres located North of Jordan River Boulevard (7200 South) between River Gate Drive (1000 W) and Bingham Junction Boulevard (900 W). This subdivision plat consists of one, proposed development known as Top Golf on Lot 1 and three, additional lots proposed to provide commercial services to accommodate the proposed and existing surrounding uses. The Wadsworth Development Group is requesting subdivision approval to create a 4- lot subdivision so these lots can be sold. In addition, this plat also provides the necessary public road dedication of Bingham Junction Boulevard and creates the necessary public utility easements and drainage easements for this particular area. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay, and the Riverwalk West Retail Development Agreement.

This plat reflects and is consistent with the lot locations for the approved Small Scale Master Plans for Progressive Insurance and Riverwalk Investments (Presidio Office Building) and provides for the East-West road easement connection, public utility and drainage easements, and dedication of Bingham Junction Boulevard. The applicant has provided a recorded amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots, with the existing development, to ensure that both the short term and long term maintenance of commonly used area, landscaping, and parking, as well as continued shared access throughout the LSMP area.

The Planning Commission conducted a public hearing on this subdivision plat on January 14, 2015. Based on compliance with the City's subdivision requirements and the lot locations in the approved Small Scale Master Plans for the remainder of the project, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the Riverwalk at Bingham Junction Phase 2 Amended with the following conditions:

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

2. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.

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

4. The applicant shall submit an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots with the existing developments, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as the continued shared access throughout the LSMP area is maintained.

The applicant has submitted a final subdivision plat which has been reviewed and approved by the City Engineer and Fire Marshall. This final subdivision plat includes the required approvals and notices from all utility companies regarding services and public utility easements and the applicant has provided a recorded copy of the amended declaration documents that ensures maintenance of the common areas, landscaping, and parking as well as the continued shared access through the LSMP. With these items completed, the proposed final subdivision plat complies with the City's subdivision standards and is ready to be recorded following the appropriate signatures being obtained on the final subdivision plat Mylar.

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

MOTION: **Councilmember Paul Glover MOVED to close a public hearing. 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.**

ACTION: **APPROVE A SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCTION PHASE 2 AMENDED LOCATED AT 920 WEST RIVER GATE DRIVE**

MOTION: **Councilmember Paul Hunt moved that we approve the Riverwalk at Bingham Junction phase 2 Amended Subdivision at 920 West River Gate Drive with the condition that the applicant obtains all required signatures on the final subdivision Plat Mylar. 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 Hunt	**Aye**
Councilmember Wayne Sharp	**Aye**
Council member Quinn Sperry	**Aye**

Council member Stephen Brown Aye
Council member Paul Glover Aye
The motion passed unanimously.

MOTION: Councilmember Stephen Brown MOVED to open a public hearing. 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.

D. CONSIDER A SUBDIVISION PLAT FOR THE VIEW 8 HOTEL SUBDIVISION LOCATED AT 7161 SOUTH FL SMIDTH DRIVE

Matt Hilderman said the applicant, Mark Murdock representing the Gardner Company, is requesting approval to subdivide the property located at 7161 South FL Smidth Drive. The View 8 Hotel Subdivision consists of two (2) proposed lots on a total of 8.941 acres located South of Jordan River Boulevard (7200 South) between FL Smidth Drive (1000 W) and Bingham Junction Boulevard (900 W). This subdivision plat consists of one, proposed development known as the View 8 Office Building on Lot 2 and one, additional lot proposed to provide a hotel/commercial service to accommodate the proposed and existing surrounding uses. The Gardner Company is requesting subdivision approval to create a 2-lot subdivision so these lots can be sold. In addition, this plat also provides the necessary East-West private road dedication of Legacy Center Way and creates the necessary public utility easements and drainage easements for this particular area. This area is subject to the requirements of the Bingham Junction Zone, the Junction at Midvale Overlay, and the Junction at Midvale Development Agreement.

This plat reflects and is consistent with the approved Small Scale Master Plan for the View 8 Office Building and provides the public utility and drainage easements and dedication of the East-West road easement connection. The applicant has prepared an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots, with the existing development, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as maintaining the continued shared access throughout the LSMP area.

The Planning Commission conducted a public hearing on this subdivision plat on January 14, 2015. Based on compliance with the City's subdivision requirements and compliance with the approved Small Scale Master Plan for the remainder of the project, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the View 8 Hotel Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.
2. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.
3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Century Link Communications, and UTOPIA regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall submit an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots with the existing developments, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as the continued shared access throughout the LSMP area is maintained.

The applicant has submitted a final subdivision plat which has been reviewed and approved by the City Engineer and Fire Marshall. This final subdivision plat includes the required approvals and notices from all utility companies regarding services and public utility easements and the applicant has provided a copy of the amended declaration documents that ensures the maintenance of the common areas, landscaping, and parking as well as the continued shared access through the LSMP. With these items completed, the proposed final subdivision plat complies with the City's subdivision standards and is ready to be recorded following the appropriate signatures being obtained on the final subdivision plat Mylar.

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

MOTION: **Councilmember Paul Glover MOVED to close 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.**

ACTION: **APPROVE A SUBDIVISION PLAT FOR THE VIEW 8 HOTEL SUBDIVISION LOCATED AT 7161 SOUTH FL SMIDTH ROAD**

MOTION: **Councilmember Stephen Brown moved that we approve the view 8 Hotel Subdivision at 7161 South FL Smidth Drive with the conditions that the applicant obtains all required signatures on the final subdivision plat Mylar and the amended declaration of covenants, conditions, and restrictions shall be recorded concurrently with the subdivision plat. The motion was seconded by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:**

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

The motion passed unanimously.

MOTION: **Councilmember Wayne Sharp 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.**

E. CONSIDER A PRELIMINARY AND FINAL 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 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. A recorded easement agreement that provides details on the use and owner responsibilities of the shared access and parking easement area is needed. 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 reviewed the preliminary subdivision plat and required some technical corrections that to be addressed on the final subdivision plat. 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 does 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.

Since the Planning Commission meeting, the applicant has prepared a final subdivision plat that addresses the technical comments from the City Engineer. This plat complies with all of the subdivision requirements in the ordinance. The applicant has notified all of the utility companies to ensure they do not have any concerns with the public utility easements being shown on the plat. The applicant has also prepared an easement agreement that provides the details on the use and maintenance responsibilities for the shared access and parking between Lots 1 and 2. This agreement has been reviewed and found acceptable by the City Attorney. This document is ready to be recorded concurrently with the final subdivision plat.

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

MOTION: **Councilmember Wayne Sharp 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 A 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**

MOTION: **Councilmember Paul Hunt moved that we approve the preliminary and final subdivision plats with the following conditions:**

1. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

2. The shared access and parking easement agreement shall be recorded concurrently with the plat.

The motion was seconded by Councilmember Quinn Sperry. 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 Quinn Sperry	**Aye**
Council member Stephen Brown	**Aye**
Council member Paul Glover	**Aye**
Council member Paul Hunt	**Aye**
Councilmember Wayne Sharp	**Aye**

The motion passed unanimously.

VIII. CONSENT AGENDA

A. APPROVE MINUTES OF FEBRUARY 03, 2015

B. APPROVE RESOLUTION NO. 2015-R-07 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SERVICES BETWEEN MIDVALE CITY AND MIDVALE ARTS COUNCIL (MAC)

C. APPROVE RESOLUTION NO. 2015-R-08 APPOINTING A REPRESENTATIVE AND ALTERNATE TO SERVE ON THE TRANS-JORDAN LANDFILL BOARD

D. APPROVE RESOLUTION NO. 2015-R-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SANDY CITY FOR THE EXCHANGE OF WATER SHARES

E. APPROVE RESOLUTION NO. 2015-R-01 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR ELECTION SERVICES WITH SALT LAKE COUNTY FOR 2015 VOTE BY MAIL MUNICIPAL ELECTIONS

MOTION: Councilmember Stephen Brown moved to approve consent agenda. The motion was seconded by Councilmember Paul Hunt. 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**
Council member Paul Hunt	**Aye**
Councilmember Wayne Sharp	**Aye**
Council member Quinn Sperry	**Aye**

The motion passed unanimously.

IX. ACTION ITEMS

A. APPROVE RESOLUTION NO. 2015-R-03 TO APPOINT RICHARD JUDKINS AS PLANNING COMMISSION MEMBER

Lesley Burns said members of the Midvale City Planning Commission are appointed to serve four year terms or to finish the unexpired terms of past members. Members are allowed to serve a maximum of two full consecutive terms. Richard Judkins will be finishing an unexpired term at the end of February. Mr. Judkins has expressed an interest in serving a new full term. If re-appointed, Mr. Judkins term would end in February 2019. Brent Christenson will be finishing an unexpired term at the end of March. Mr. Christenson has expressed an interest in serving a new full term. If re-appointed, Mr. Christenson's term would end in March 2019.

It is the Mayor's desire to re-appoint Mr. Judkins and Mr. Christenson so they continue to serve as full time members on the Planning Commission for four more years. The City Council is required to consent to appointments to the Planning Commission. Resolutions have been prepared for the City Council's consideration of these re-appointments.

MOTION: **Councilmember Stephen Brown moved that we adopt Resolution No. 2015-R-03, re-appointing Richard Judkins to the Planning Commission as a full time member with his term expiring February 2019. The motion was seconded by Councilmember Quinn Sperry. 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.

B. APPROVE RESOLUTION NO. 2015-R-04 TO REAPPOINT BRENT CHRISTENSON AS PLANNING COMMISSION MEMBER

MOTION: **Councilmember Quinn Sperry moved that we adopt Resolution No. 2015-R-04, re-appointing Brent Christenson to the Planning Commission as a full time member with his term expiring February 2019. The motion was seconded by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:**

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

The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2015-R-02 AUTHORIZING THE MAYOR TO ENTER INTO A TELECOMMUNICATIONS FRANCHISE AGREEMENT WITH SYRINGA NETWORKS

Chad Woolley said on August 5, 2014, the City Council approved Ordinance No. 2014-O-08 to amend Chapter 52 of Title 5 of the Midvale City Municipal Code pertaining to Telecommunications Services. The updated ordinance has increased Midvale's flexibility to administer telecommunications franchises. The scope of telecommunications franchises has been broadened, and the City has been given greater power to negotiate with interested parties. Within a few months of the passage of the ordinance, Syringa Networks expressed interest in expanding its services to Midvale. A Telecommunications Franchise Agreement is needed between Syringa and the City to facilitate this expansion. The Agreement will also allow the City to collect a 3.5% Municipal Telecommunications License Tax and to ensure Syringa's compliance with City ordinances.

FISCAL IMPACT:
Potentially create revenue from the operation of Syringa Networks within Midvale.

MOTION: **Councilmember Paul Glover moved that we approve Resolution No. 2015-R-02 Authorizing the Mayor to execute a Telecommunications Franchise Agreement with Syringa Networks. The motion was seconded by Councilmember Wayne Sharp. 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 Quinn Sperry	**Aye**
Council member Stephen Brown	**Aye**
Council member Paul Glover	**Aye**
Council member Paul Hunt	**Aye**
Councilmember Wayne Sharp	**Aye**

The motion passed unanimously.

D. APPROVE RESOLUTION NO. 2015-R-05 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH VIEW 8 OFFICE BUILDING DEVELOPMENT

Matt Hilderman said the Gardner Company has proposed a general office use development at the southwest corner of 7200 South and Bingham Junction Boulevard. This project, the View 8 Office Building, is part of the Bingham Junction zone district and includes The Junction at Midvale Overlay. The project area is approximately 10.37 acres in size. On November 14, 2007, Midvale City entered into and approved a Master Planned Development Agreement for this property, known as "The Junction at Midvale Project," which includes approximately 215.17 acres with 41.44 acres dedicated to open space and the remaining acreage proposed to be a combination of mixed use retail, residential, and office development.

On January 14, 2015, the Planning Commission approved an amendment to the Small Scale Master Plan for the office use and public open space parcels within the Large Scale Master Plan area with a number of conditions. The office building development includes the construction of a five-story, 125,000 square foot building on 7.19 acres and includes adequate parking stalls, associated landscaping, construction of private access drive, and perpetual open space easements along Bingham Junction Boulevard and 7200 South. The public open space along Bingham Junction Boulevard will transition into the landscaped areas of the office building development. A public walkway and associated amenities will also be located within the public open parcel. The developer is currently working a final site plan for the office development.

One of the conditions of approval required the applicant to work with the City on a revised Development Agreement to be reviewed and approved by the Midvale City Council as required in Sections 17-7-9.2 and 17-3-5 of the Zoning Ordinance. This Amended and Restated Development Agreement is intended to ensure compliance with the approved development plans and completion of the perimeter open space improvements. The Developer/Property Owner and Staff have written a revised development agreement for the City Council's consideration. The agreement language has been approved by the Developer/Property Owner and a copy of this agreement is attached. The agreement provides for and includes the following:

- The agreement will run with the property and will be binding on any successors and assigns of the current Property Owner in the future.

- Compliance with the Institutional Controls required for the overall Bingham Junction area.
- A copy of the approved Amended Small Scale Master Plan and conditions of approval for the office use and public open space components. This includes site layout, landscaping, amenities, and building architecture for the office development and a general layout for the public open space parcel (Exhibit C).
- A guarantee of perimeter open space improvements
- Development standards and review process for the future phase(s) and Site Plan approvals of this property.

If the City Council is comfortable with the proposed revised agreement, Staff has prepared a resolution, Resolution No. 2015-R-05 attached, that would authorize the Mayor to sign the Amended and Restated Development Agreement on behalf of the City.

MOTION: Councilmember Quinn Sperry moved that we adopt Resolution 2015-R-05, authorizing the Mayor to enter into the Amended and Restated Development Agreement for the View 8 Office Building, as presented. The motion was seconded by Councilmember Paul Hunt. 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**
Council member Paul Hunt	**Aye**
Councilmember Wayne Sharp	**Aye**
Council member Quinn Sperry	**Aye**

The motion passed unanimously.

E. APPROVE RESOLUTION NO. 2015-R-06 AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AND EASEMENT AGREEMENT WITH O.COM LAND, LLC FOR THE OVERSTOCK PROJECT

Lesley Burs said the Planning Commission approved the Small Scale Master Plan for the Overstock Project in December. This project, located on 18.6 acres in the View 72 area of Bingham Junction, includes a 230,000 square foot, three-story office building; a 15,000 square foot, one-story employee amenities building to include exercise/workout space, a child care facility and a medical clinic; a four-level parking structure accommodating 1004 parking stalls; surface parking for 264 vehicles (34 in front of the office building, the remainder in the surface parking lot near the east end of the project); and improved green space, including required public linear open space around the perimeter. Since this approval, the applicant has submitted a final site plan for the project that includes everything but the employee amenities building. This final site plan has been approved by Staff (planning, fire, engineering), subject to a development agreement being executed.

Sections 17-7-9.2 and 17-3-5 of the Zoning Ordinance require a Development Agreement between Midvale City and the property owner/developer of this type of project. A condition of the Overstock Large and Small Scale Master Plan approval required the property owner/developer to work with the City on a Development Agreement to be reviewed and

approved by the City Council. The intent of the Development Agreement is to ensure compliance with the approved development plan, provide a timeline for completion of the public and private improvements, as well as layout expectations for both parties.

A development agreement has been written with the help of outside legal counsel for the City. This agreement has been through a number of iterations after review and comments by Overstock, the City Attorney, Community Development Staff, and the Fire Marshal. The attached Development Agreement has been agreed upon by all involved and is now before the City Council for its consideration. The agreement includes the following:

- Agreement to comply with the approved final site plan, which is included as Exhibit D.
- Parameters for emergency access during construction of the project.
- Expectations for project landscaping and long term maintenance.
- Expectations for perimeter open space improvements. This includes the public walkways and trails along the project perimeter, and the timing for completion.
- Timing of completion of other site improvements.
- Agreement to comply with the Institutional Controls for the Bingham Junction area.

In addition to the Development Agreement, an Easement Agreement has also been drafted to ensure the long term maintenance of the perimeter perpetual public open space areas that are located within the Overstock property. This agreement helps ensure these public areas, which were required as part of the overall open space for Bingham Junction, remain viable public use areas and are appropriately maintained by the property owner over the long term.

If the City Council is comfortable with these agreements, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement and the Easement Agreement on behalf of the City.

MOTION: **Councilmember Wayne Sharp moved that we adopt Resolution 2015-R-06, authorizing the Mayor to enter into the Development Agreement and Easement Agreement for the Overstock Project as presented. 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.

X. DISCUSSION ITEMS

A. DISCUSS GENERAL PLAN UPDATE KICKOFF

Phillip Hill introduced Buck Swaney.

Buck Swaney, Logan Simpson Design, project manager for the general plan process discussed the general plan update process for Midvale City. He suggested visiting the website at: planmidvale.com.

XI. 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 9:30 p.m.

Rori L. Andreason

Rori L. Andreason, MMC
CITY RECORDER

Approved this 3rd day of March, 2015.

MIDVALE CITY STATE OF UTAH
INCORPORATED
JULY 1, 1909
CORPORATE SEAL

Midvale City Council Meeting
Sign In Sheet

Tuesday, February 17, 2015

NAME (PLEASE PRINT)	ADDRESS	CITY
Roger ROBINSON	7780 So. 100 E.	MIDVALE
Sophia Hawes-Tingey	7667 S Grant St	Midvale
Doris Hale	6791 So 345 East	Midvale
George Hale	"	"
Steve Hopkins	5420 Cottonwood Ln	Holladay
[illegible]	7426 Spruce St. Mid	Midvale
Buck Swaney	1685 E Haven Brook Ln	Murray