



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 July 14, 2015

**PUBLIC NOTICE IS HEREBY GIVEN** that the **Midvale City Council** will hold a regular meeting on the **14th Day of July, 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
- 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 Paul Hunt
  - B. Councilmember Quinn Sperry
  - C. Councilmember Wayne Sharp
  - D. Councilmember Stephen Brown
  - E. Councilmember Paul Glover
- VI. MAYOR REPORT**
  - A. Mayor JoAnn B. Seghini

- VII. CONSENT AGENDA**
  - A. Set Date and Time (August 11, 2015 at 7:00 p.m.) for a public hearing to consider a Text Amendment request for the allowance of electrified security fencing for non-residential outdoor storage areas. *[Matt Hilderman, Associate Planner]*

- VIII. ACTION ITEMS**
  - A. Approve Resolution No. 2015-R-39 Designating and Appointing Poll Workers to Serve in the 2015 Municipal Primary Election *[Rori Andreason, H.R. Director/City Recorder]*

**IX. DISCUSSION ITEMS**

- A. Discuss a Text Amendment request for the allowance of electrified security fencing for non-residential outdoor storage areas [*Matt Hilderman, Associate Planner*]
- B. CBC Update [*Kane Loader, City Manager*]

**X. ADJOURN**

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

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 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://pnn.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: JULY 09, 2015**

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



## **MIDVALE CITY COUNCIL SUMMARY REPORT**

**Meeting Date: July 14, 2015**

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**SUBJECT: Resolution Designating and Appointing Poll Workers to Serve in the 2015 Municipal Primary Election**

**SUBMITTED BY: Rori Andreason, HR Director/City Recorder**

**SUMMARY:**

In accordance with Section 20A-5-602, Utah State Code, a resolution has been prepared designating and appointing poll workers to serve in the 2015 Municipal Primary election on August 11, 2015.

A list of poll workers has been prepared by the Salt Lake County Clerk's Office for Council approval.

**FISCAL IMPACT: N/A**

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**STAFF'S RECOMMENDATION AND MOTION: I move that we approve Resolution No. 2015-R-39 Designating and Appointing Poll Workers to Serve in the 2015 Municipal Primary Election.**

**Attachments: Proposed Resolution**

**MIDVALE CITY, UTAH  
RESOLUTION NO. 2015-R-39**

**A RESOLUTION DESIGNATING AND APPOINTING POLL WORKERS TO  
SERVE IN THE 2015 MUNICIPAL PRIMARY ELECTION**

**WHEREAS**, Section 20A-5-602, Utah State Code, sets forth the procedure for appointing poll workers, designating their compensation and setting forth their duties; and

**WHEREAS**, the City Council of Midvale City desires to make the appointments, set their compensation and provide for other matters relating to them.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of Midvale City, Utah as follows:

**Section 1. Appointment of Poll Workers.** The persons named as poll workers and alternates, or subsequent names as appointed by the Salt Lake County Clerk’s Office, on the list attached hereto are hereby appointed to serve in the 2015 Municipal Primary Election.

**Section 2. Availability of Poll Worker List.** The list attached hereto shall be available in the City Recorder's Office for inspection and examination during business hours by any voter of the City and any voter may make a copy of it.

**Section 3. Compensation.** The poll workers shall be compensated at a rate not to exceed Salt Lake County’s rate paid for elections.

**Section 4. Oath of Each Judge.** The Salt Lake County Clerk’s office shall administer an oath to each poll worker as provided in the Utah State Code.

**PASSED AND APPROVED** by the City Council of Midvale City, Utah, this 14<sup>th</sup> day of July 2015.

\_\_\_\_\_  
JoAnn B. Seghini, Mayor

ATTEST:

\_\_\_\_\_  
Rori L. Andreason, MMC  
City Recorder

Voting by the City Council	“Aye”	“Nay”
Stephen Brown	_____	_____
Paul Glover	_____	_____
Quinn Sperry	_____	_____
Paul Hunt	_____	_____
Wayne Sharp	_____	_____

**2015 MUNICIPAL PRIMARY ELECTION  
POLL WORKER LIST**

Midvale City Hall Leah Anderson  
424 W. Wasatch Street, Midvale, UT 84047  
801-366-7890

Midvale City Hall Daniel Harman  
8313 S. Adams Street, Midvale, UT 84047  
801-738-0303

Midvale City Hall Claudette Winegar  
7456 S. Pine Street, Midvale, UT 84047  
801-971-3883



## MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: July 14, 2015

### SUBJECT:

Set Public Hearing for August 11, 2015 and Discussion on a text amendment request for the allowance of electrified security fencing for non-residential outdoor storage areas

### SUBMITTED BY:

Matt Hilderman, Associate Planner

### SUMMARY:

The Electric Guard Dog Company, based out of Columbia, South Carolina, has submitted a proposed text amendment that would allow the installation of electrified fencing for security purposes within non-residential outdoor storage areas. This text amendment proposal is being requested for the purpose of a business located within Midvale City that has had several thefts from their outdoor storage area in the recent months. The property owner and applicant have determined additional security features should be installed to help deter further criminal activity.

The Midvale Municipal Code only allows electrically charged fencing within the Agricultural Overlay zone for the development of agricultural and farm related uses through a Conditional Use Permit (CUP) review. The use of electric fences in other zone districts is currently prohibited.

The applicant, Michael Pate representing The Electric Guard Dog Company, submitted a packet that provides a variety of materials and illustrations concerning the proposed text amendment. Staff has summarized the request below:

- Conformance to the International Electrical Code for electrical fences
- Fence is energized by a 12-volt DC battery
- Electrical fence must be completely surrounded by a no less than 6-foot non-electrical fence or wall
- Permitted use on any non-residential outdoor storage area in all commercial and industrial zones
- Electrical fence shall have a height of 10-feet
- Electric fences shall have warning signs reading, "Warning-Electric Fence" at 60-foot intervals
- Electric fences shall be governed and regulated under burglar alarm regulations

Staff reached out to the Midvale City Building Official, Unified Fire Authority Area Inspector, and Unified Police Department and requested any comments or conditions for this proposed use. The following is information we received from each agency:

- Midvale Building Official – “I have researched the electric fence proposal and the NEC electrical code does not address electric fences. If the City elects to allow them, the Building Department has no jurisdiction over them.”
- Unified Fire Area Inspector - “I can’t find much, any really, on related topics in my national or international fire code books. If it’s approved by the City, I would

require a Knox Box to provide access to an exterior control panel so we could D/C power if needed.”

Unified Police Department - NO COMMENT RECEIVED

Other Jurisdictions - Staff researched and contacted several jurisdictions within the Salt Lake Valley and determined one (1) jurisdiction, Salt Lake City, currently allows electrical fencing within Industrial Zone Districts and requires special exception approval for electrical fencing within Commercial Zone Districts.

### **Planning Commission Recommendation**

The Planning Commission reviewed the text amendment request and conducted a public hearing on May 13, 2015 and June 10, 2015. The Planning Commission reviewed the submitted information and discussed the aesthetics of this use, the locations where this use is proposed, and the surrounding neighborhoods and overall city character associated with this proposed use. It was the Planning Commission’s recommendation to approve the text amendment with the following motion:

*“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to further provide safety and security of individual properties and their uses, we move to forward a positive recommendation to the City Council to add language in the Clean Industrial Zone District under the fencing provision to include electrified security fencing for an outdoor storage use as included in Attachment A.”*

### **Legal Review**

Since the Planning Commission meeting, Staff distributed the recommended text amendment and information to the City Legal Department for further review; particularly the issue of the lack building/electrical/fire code provisions to regulate the safety of electrical fences. Recommended Conditions 2 and 4, which identify the International Electro Technical Commission (IEC) Standard No. 60335-2-76, conflicts with the current electrical codes that have been adopted by the City of Midvale and that can be enforced by the City’s Building Official. Further discussion with the City Attorney determined there is a ‘gray-area’ among international and national electrical codes when regulating the construction and installation of electrical fences. The City Attorney is in favor of taking a position on the conservative side, thus not recommending approval of this proposed text amendment.

**FISCAL IMPACT:** N/A

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### **Attachments:**

- Applicant Statement of Need
- Attachment A; Ordinance Proposal
- Clean Industrial Zoning Districts
- Salt Lake Valley jurisdictional review



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## **Statement of Need – Text Amendment**

We are requesting a text amendment for the installation 10-foot high electric fence security system (Electric Guard Dog aka EGD) approximately 4"-12" inside an existing perimeter fence.

The EGD Security system is a 10' high, electrically charged fence powered by 12 Volt marine battery which is charged by a solar panel. An energizer retains the voltage for 1.3 seconds and thus when released it is boosted to 7,000 volts of a totally safe, pulsed electrical charge. Signage posted a minimum of every 60' warns of the electric fence. However, the safety of the 'shock' is not advertised and therefore, due to our inherent fear of electricity, most criminals will not take a chance in breaching the perimeter. With this, the EGD proactively deters crime unlike cameras, beams and alarms that react to a crime in commission.

The amendment would help provide secure locations for businesses to operate and store equipment and merchandise outdoors. Businesses containing highly desirable, easily 'fenceable' inventory are most susceptible to an even higher increase in would-be criminal activity.

Many businesses in various industries (industrial, commercial, manufacturing, trucking) use 'electric fence' security systems to effectively protect their property where other systems have failed. In addition, Homeland Security has recommended Electric Guard Dog, LLC to many businesses of this nature to protect their business and employees.

### **Essential safety facts regarding Electric Guard Dog fence**

- Totally independent of city electrical grid – does not plug in to the county's grid.
- Powered by 12v marine battery and solar panel
- Totally enclosed inside perimeter solid fence of 6' minimum height
- Pulsed current, shock delivered every 1.3 seconds for one-ten thousandth of a second
- Shortness of duration makes it very safe.
- Fully tested and approved by:
  - MetLabs, a Nationally Recognized Testing Lab with equal authority as UL
  - Dr. Webster, University of Wisconsin, the leading expert in pulsed electricity
- Adheres to International Standard IEC 60336.2.76 of which the United States is a supporting member.



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## Summary of Electric Guard Dog Security System

Our Electric Guard Dog security system is a primary low voltage (12V), battery powered (DC), independent of the electrical grid, self-contained system that has a variety of functions to it which make for a 100% medically safe and extremely effective crime deterrent. This system is 10' high and is placed approximately 4"-12" inside of the existing perimeter fence. It is comprised of 20, 12.5 gauge, galvanized steel wires which are run horizontally to the height of 10'. In our system the first layer of protection (visual deterrent) is our signage (located every 50') which advertises that it is an electric fence. This deters most would-be criminals.

The second layer of protection (audible deterrent) of our system is sirens. These sirens sound when an illegal criminal trespasser cuts the wires or places objects on them to insulate them so as to bypass the system. The sirens will automatically shut off after a set amount of time. This audible deterrent usually drives away most of the would-be criminals that are bold enough to proceed in spite of the aforementioned visual deterrent (signage). Included in this second layer of protection is that we monitor our systems. In the event of an alarm, a signal will be sent to our monitoring station, who in turn, contacts our clients to let them know they had an alarm event. Our system does not directly connect to emergency services.

The final layer of protection is our voltage. We have a burst of voltage (from the 12V battery) that has a duration of four-ten-thousandths of one second (.00004). If a criminal was bold enough to actually grab or touch our system, they will receive this temporary pulse of voltage which is akin to a slap on the hand from a ruler. This final layer of protection stops the remaining number of criminals that are not deterred by the other layers of protection.

Safety of these devices is unparalleled as no deaths or serious injuries have occurred since the inception of UL69 in 1939 with installations consistent with the UL69 Standard. This can be confirmed through Joel Hawk, Principal Engineer of UL69, Underwriters Laboratories. Bill Fulcher of OSHA, Leader of Enforcement Programs, maintains a data base of accidental death from all causes and no incidents have occurred directly related to the proper installation and operation of an electric fence consistent with the UL69 standards. With the inclusion of a perimeter buffer fence, for all electric security fences as specified in IEC 60335-2-76, the risk of accidental contact is substantially lowered.

Please also take a moment to look at our website, [www.electricguarddog.com](http://www.electricguarddog.com), you will find it helpful as well.

**ATTACHMENT A**  
**Electrified Security Fencing**  
*Revised: 06-05-2015*

Text Additions  
 Text Deletions

**17-2-5 “E” definitions.**

“Elderly person” means a person who is sixty years old or older, who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

“Electrified security fence” means a fence designed to protect a property or properties from intrusion by means of conducting an electric current along one or more wires thereof so that a person or animal contacting any such wire or wires will receive an electric shock.

“Elevation” means the outer surface of a building.

**17-2-6 “F” definitions.**

“Fence” means a structure made of various materials that separates, encloses, screens or divides outdoor areas, including property perimeters. The term “fence” includes, but is not limited to, net screening for recreational activities, masonry walls, hedges, bollards with chains, posts with rails, and barriers.

“Fence, electrified security. See “Electrified security fence”.

“Filtered light fixture” means any outdoor light fixture that has a refractive light source.

**Revise Use Table CI (17-7-13.2)**

**Uses**

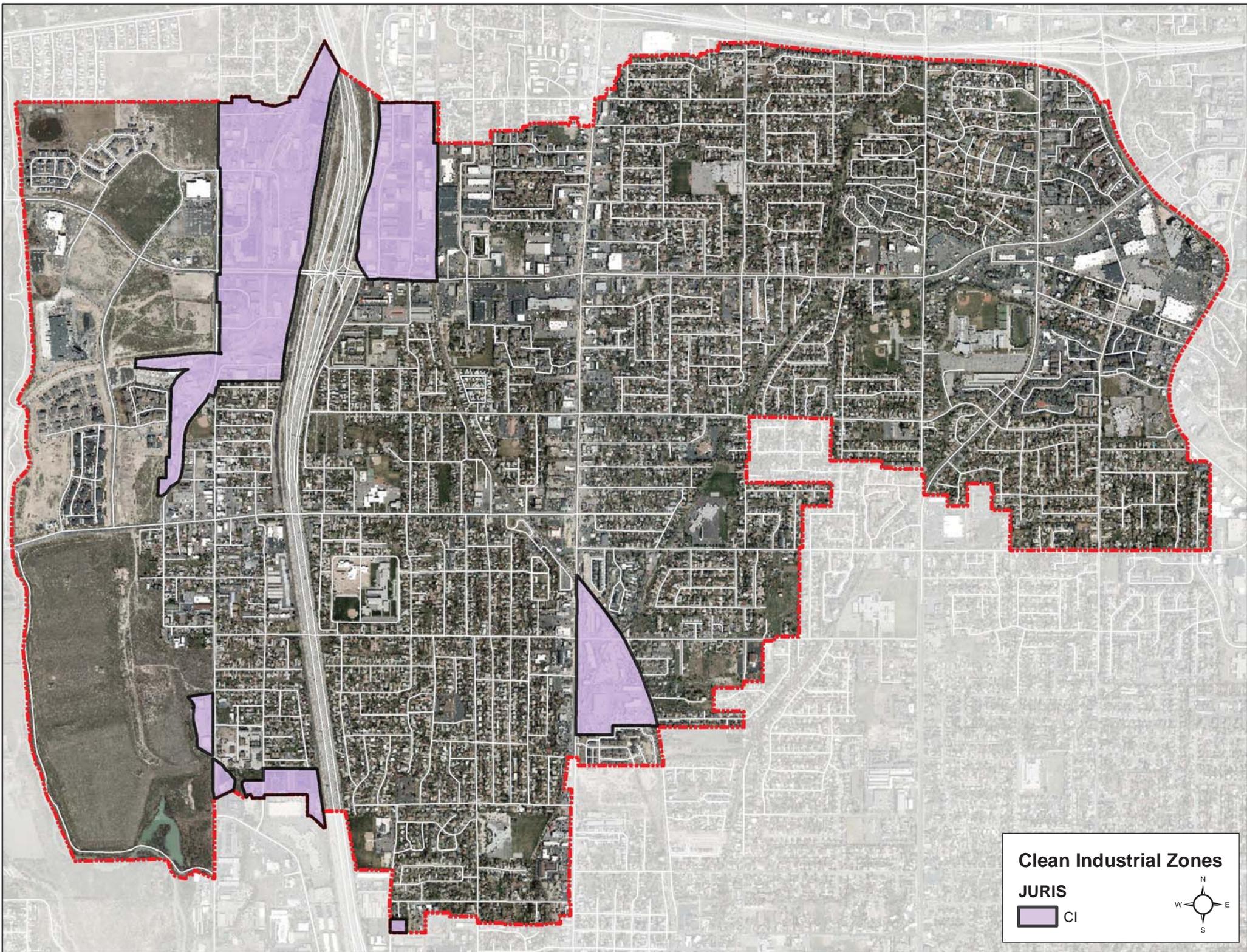
Type	Allowed	Administrative	Conditional	Business License
Fences				
≤ 6'	X			
> 6'		X		
W/barbed or razor wire			X	
Electrified security			X	

**Add new section and language as follows: CI (17-7-13.9 B.1.f)**

B. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:

f. Electrified Security Fence. Each application for an electrified security fence must comply with the following:

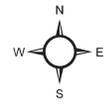
- i. Evidence must be presented showing that a higher degree of security is required that cannot be provided by a standard fence.
- ii. Electric fences shall be constructed and installed in conformance with the specifications set forth in International Electro Technical Commission (IEC) Standard No. 60335-2-76, regulating the fence location, prohibited zones for pulsed conductors, separation of electric fences from physical barriers, and operation of the electric security fence.
- iii. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery should be charged primarily by a solar panel; however, the solar panel may be augmented by a commercial trickle charger.
- iv. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.
- v. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet (6') in height. The electric fence shall be located a maximum of twelve-inches (12") inside the perimeter fence or wall. It shall be the responsibility of the property owner to ensure weeds and debris do not accumulate between the non-electrical fence or wall and electrical fence. Where the perimeter fence is constructed of concrete or a masonry product, the electric fence may be attached to the top of the fence or wall with brackets, provided the overall height of the fence does not exceed ten-feet (10'), the electrical fence does not extend beyond the outside perimeter fence or wall, and no portion of the electric fence is greater than twelve-inches (12") from the non-electrical fence or wall.
- vi. Electric fences shall have a maximum height of ten-feet (10') and shall not be located within a front yard setback. Any fence greater than six-feet (6') in height shall require a building permit for the fence installation.
- vii. Electric fences shall be clearly identified with warning signs not to exceed 0.075 sq. ft. (12"x9") in size stating: "Warning – Electric Fence". Signs shall be located on each side of the electrical fenced area at intervals of sixty-feet (60') on each side. Signs on different fence elevations can be closer than sixty-feet (60'). The business name and/or advertising copy shall not be allowed on these warning signs.
- viii. If the applicant's proposal has the capability, electric fences shall be governed and regulated under burglar alarm regulations and shall receive approval, beforehand, from the applicable regulatory agency-(ices); i.e. UPD, UFA; before a building permit application can be approved.



**Clean Industrial Zones**

**JURIS**

 CI





- Salt Lake City** – electric fences allowed in Industrial Zones; special exception for Commercial Zones
- South Salt Lake** – not allowed anywhere in city except as security for correctional institutions
- West Valley City** – livestock fencing in agricultural zones and residential non-conforming use of animals
- Taylorsville City** – not allowed anywhere in city
- West Jordan City** – not allowed anywhere in city except in rural residential zones around public utility sites
- Murray City** – not allowed anywhere in city except for agricultural purposes
- Holladay City** – nothing specifically restricts however fencing material requirements make it not feasible
- Midvale City** – not allowed anywhere in city except for agricultural purposes
- Sandy City** – livestock fencing in agricultural zones with permission
- Draper City** – not allowed anywhere in city except for horse ownership and attached to top of approved fencing
- South Jordan City** – nothing specifically restricts however fencing material requirements make it not feasible
- Herriman City** – nothing specifically restricts however fencing material requirements make it not feasible
- Riverton City** – not allowed anywhere in city except for agricultural purposes
- Bluffdale City** – not allowed anywhere in city