



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, April 21, 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: JoAnn Seghini

COUNCIL MEMBERS: Council Member Stephen Brown
Council Member Paul Glover - Excused
Council Member Paul Hunt
Council Member Quinn Sperry
Council Member Wayne Sharp

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; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Jay Ziolkowski, UFA; Danny Walz, RDA Director; and Mike Welling, IT Technician.

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

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Chief Mason reported that he followed up on utilizing our volunteer advocates that Councilmember Sharp inquired about. He said that the volunteer's management had been turned over to the Kearns Magna area and he feels that they aren't utilizing the volunteers like we used to. He is going to put in a proposal to Chief Winder to request local management for the volunteer program at the Midvale Precinct. He said they utilize the volunteer advocates for the call outs.

Kane Loader said the Court feels that if they had more support from the crime victim advocates, they would be more successful in prosecuting.

Jay Ziolkowski, Unified Fire Authority, reported that on May 15th the UFA union is sponsoring Fire School 101, and he invited the Council to attend.

Phillip Hill reported on the ceremony deleting Bingham Junction site from the EPA national priorities list, which had a great turnout. A meeting was held with UDOT where they discussed the pedestrian crossings problem on State Street. UDOT will conduct a study on this issue. Holden Street contractors received their notice to start today and will have a pre-con meeting next week. Construction on 7200 South should be ready to go in about a month.

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II. CITY MANAGER'S REPORT

Kane Loader reported on VECC (Valley Emergency Communications Center) and the selection of a CAD system. They have reviewed the proposals and will make a decision by the end of May. They will start using the new program by the end of June He said he has discussed the Midvale raccoon problem with Salt Lake County. The County has a trapper program, which he felt would be beneficial for all cities to participate in. He is hoping to get the program into place and keep the Council updated.

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 Hunt and Wayne Sharp, Quinn Sperry, and Paul Glover were present at roll call.

C. Proclamation – Honoring the Unified Police Dispatchers

Mayor Seghini read the proclamation and honored the Unified Fire Authority and Valley Emergency Communications Center dispatchers.

IV. PUBLIC COMMENTS

Richard Homer, 438 East 6865 South, asked about the proposed changes to the bee keeping ordinance. Mayor Seghini informed Mr. Homer that this issue will be addressed during the public hearing and he will be given the opportunity to speak to the issue at that time.

V. COUNCIL REPORTS

A. Councilmember Stephen Brown – expressed appreciation for the great job the dispatchers do for the City. He said he had an explosion at work and had to talk to a dispatcher and was very impressed with them.

B. Councilmember Paul Glover – said he attended the Dare Graduation and enjoyed the program.

C. Councilmember Paul Hunt – had nothing to report.

D. Councilmember Quinn Sperry – had nothing to report.

E. Councilmember Wayne Sharp – reported on the issue of waiting during a 911 call. He talked about the 911 phones being very busy during an emergency and would like to prepare and educate people about 911 calls during a disaster.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – expressed her appreciation to the elected officials. It took 26 years instead of 81 years to get Bingham Junction off the national priorities list. She said the site is clean and safe. She thanked everyone for all their efforts.

MOTION: Councilmember Wayne Sharp moved to open public comment. The motion was seconded by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S) – 7:00 PM

A. CONSIDER A TEXT AMENDMENT TO CHANGE THE REVIEW PROCESS AND REQUIREMENTS FOR APIARIES IN THE SINGLE FAMILY RESIDENTIAL ZONES (SF-1 AND SF-2)

Phillip Hill said after receiving some comments from the public, the City Council requested that Staff prepare some possible modifications to the City's apiary (beekeeping) regulations in the single family residential zones (SF-1 and SF-2). Currently, apiaries are allowed as conditional uses (approved by the Planning Commission) in the SF-1 and SF-2 zones with some specific standards. The Council heard that the City's current ordinance discourages people from keeping bees in Midvale because the minimum lot size requirement is too large, and the time and cost to obtain a permit is too long and too much. Based on these concerns, Staff researched other jurisdictions' requirements and prepared a proposed text amendment that would make the following changes to the current provision:

- Change the review process from a conditional use to an administrative conditional use.
- Allow apiaries on all single family residential properties in the SF-1 and SF-2 zones regardless of size, provided the other standards are satisfied. Currently, apiaries are only allowed on properties that are at least 1/3 acre in size in these zones.
- Increase the number of colonies allowed on a property. The current ordinance allows one colony on properties between 1/3 acre to 1/2 acre and two colonies on properties more than 1/2 acre. The proposed amendment would allow two colonies on properties less than or equal to 1/2 acre and five colonies on properties greater than 1/2 acre.

Planning Commission Recommendation

The Planning Commission reviewed this proposed text amendment and held a public hearing on February 11, 2015. The Planning Commission tabled taking action at that time because the Legislature was considering a proposed bill that would prohibit a political subdivision (the City) from enforcing regulations regarding raising or managing bees. By the close of the 2015 Legislative Session, the proposed bill (HB0224) did not make it out of committee, leaving beekeeping regulations at a local level. On March 25, 2015, the Planning Commission forwarded a positive recommendation to the City Council to amend the language for apiary uses in the SF-1 and SF-2 zone districts as included in the proposed Option A ordinance. This recommendation essentially includes what was originally proposed by Staff, but adds a requirement for applicants to complete a beekeeping class before keeping bees on their property (subsection "iv" in ordinance attachment includes the specific language added for this requirement).

Based on the City Council discussion on April 7, 2015 regarding concerns with the recommended requirement for applicants to complete a beekeeping class, Staff has prepared an alternative ordinance, Option B. The Option B ordinance eliminates the beekeeping class requirement. If the City Council decides to adopt Ordinance 2015-O-04, it will need to decide whether to adopt Option A or Option B. All other language in the two options is the same.

- Option A, including beekeeping class requirement

- Option B, eliminating beekeeping class requirement

Councilmember Glover asked what the fee is.

Phillip said it will be a \$75.00 fee.

Richard Homer resident said he attended the Planning Commission Meeting on bee keeping. He feels that individuals should attend the class so they will be more responsible for keeping bees. He said he did not agree with a fee being charged by the City.

Mayor Seghini asked Mr. Homer if he is a bee keeper. Mr. Homer said he was. Mayor Seghini asked if the class is helpful. Mr. Homer said it was and he feels if individuals are new bee keepers, they should take a class.

Councilmember Paul Hunt said it is hard to put a class requirement into an ordinance.

Councilmember Stephen Brown said that there are no other cities that require taking a class.

Richard Homer said there are no other cities that charge fees for bee keeping.

Councilmember Paul Glover said the Council has to think of the neighbors that don't have bees.

MOTION: Councilmember Wayne Sharp moved to close the public hearing. The motion was seconded by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2015-O-4 TEXT AMENDMENT TO CHANGE THE REVIEW PROCESS AND REQUIREMENTS FOR APIARIES IN SINGLE FAMILY RESIDENTIAL ZONES

MOTION: Councilmember Stephen Brown moved to adopt Option B of Ordinance No. 2015-O-04, modifying the review process and requirements for Apiaries in the SF-1 and SF-2 zone districts. 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
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

VIII. CONSENT AGENDA

A. APPROVE MINUTES OF APRIL 7, 2015

- B. SET DATE AND TIME (MAY 05, 2015 AT 7:00 PM) FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE MIDVALE CITY TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016**
- C. SET DATE AND TIME (MAY 5, 2015 AT 7:00 PM) FOR A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO ADD MINOR VEHICLE SALES CATEGORY TO VEHICLE RELATED USES AS AN ADMINISTRATIVE CONDITIONAL USE WITH SPECIFIC STANDARDS; CLEAN INDUSTRIAL, STATE STREET COMMERCIAL AND REGIONAL COMMERCIAL ZONE DISTRICTS**
- D. SET A PUBLIC HEARING (MAY 5, 2015 7:00 PM) FOR ROOFTOPS AT 7800 HUNDRED TOWNHOMES PHASE 5 PRELIMINARY SUBDIVISION PLAT LOCATED AT APPROXIMATELY 7700 S EURO DRIVE**
- E. APPROVE RESOLUTION NO. 2015-R-17 DECLARING SURPLUS PROPERTY**
- F. APPROVE RESOLUTION NO. 2015-R-20 AMENDING THE RETIREMENT HEALTH SAVINGS (RHS) PLAN REGARDING THE DEFENSE OF MARRIAGE ACT (DOMA)**

MOTION: Councilmember Wayne Sharp moved to approve the consent agenda. The motion was seconded by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none 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-19 APPOINTING MAYOR JOANN B. SEGhini TO SERVE ON THE UNIFIED FIRE SERVICE AREA AND UNIFIED FIRE AUTHORITY BOARD FOR A 4 YEAR TERM COMMENCING ON JANUARY 1, 2015 THROUGH JANUARY 1, 2019.**

Kane Loader said when the City became a member of the Salt Lake Valley Fire Service Area and entered into a fire service contract with the Unified Fire Authority in July 2011, Mayor JoAnn B. Seghini was appointed to serve on those Boards as the City's Representative. As that term has ended, she now needs to be reappointed and have an alternate appointed to serve in her absence or disability and to have voting privileges. The Council has assigned Councilmember Paul Glover to serve as the alternate representative on these Boards. The term commenced on January 1, 2015 and ending January 1, 2019. A resolution has been prepared for the Council's consideration in approval of these appointments.

MOTION: Councilmember Quinn Sperry **MOVED** that we approve Resolution No. 2015-R-19 appointing Mayor JoAnn B. Seghini to serve on the Unified Fire Service Area and Unified Fire Authority Board for a 4 year term commencing on January 1, 2015 through January 1, 2019 with Councilmember Paul Glover serving as the alternate

representative. 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.

B. APPROVE RESOLUTION NO. 2015-R-21 APPOINTING CANDACE TIPPETTS TO SERVE AS CHAIR ON THE YOUTH AMBASSADOR PROGRAM

Kane Loader said the Youth Ambassador Program has been managed by Candace Tippetts for several years and she has done an excellent job. She has expressed the desire to continue working with the Youth Ambassadors outside of the Community Council. As Candace has been the foundation of this program, it would serve the community and youth well to appoint her as the Chair of the Youth Ambassador Program. Candace will appoint a committee to assist her with the continuous development of this program. A resolution has been prepared for the Council's consideration in approval of this appointment.

MOTION: Councilmember Stephen Brown **MOVED** that we approve Candace Tippetts to serve as chair on the Youth Ambassador Program. 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.

X. DISCUSSION ITEMS

A. DISCUSS A TEXT AMENDMENT TO ADD MINOR VEHICLE SALES CATEGORY TO VEHICLE RELATED USES AS AN ADMINISTRATIVE CONDITIONAL USE WITH SPECIFIC STANDARDS; CLEAN INDUSTRIAL, STATE STREET COMMERCIAL AND REGIONAL COMMERCIAL ZONE DISTRICTS

Annaliese Eichelberger said currently, the City's Zoning ordinance has a single category for all Vehicle-Related uses. The Planning Commission asked that staff look into the possibility of adding a category to our Vehicle-Related uses that would allow vehicle sales uses with minimal inventory and outside display as an Administrative CUP. Staff drafted a proposed amendment addressing these items in the CI, SSC, and RC zone districts. These are the zone districts that currently allow a vehicle sales use. The Planning Commission reviewed the proposed amendment on February 25th, 2015. On March 25th, 2015 the Planning Commission conducted a public hearing and forwarded a recommendation to the City Council. The Planning Commission recommended approval of the text amendment with specific recommended language. To summarize, the Planning Commission's recommendation includes the following changes to the ordinance:

Revising existing definition and adding new definition:

- **Vehicle Sales (minor):** A business engaged in only the sale of operable vehicles and that display no more than three vehicles outside and ten vehicles inside.
- **Vehicle Sales and service (major):** A business primarily engaged in the sale of operable vehicles with more than three vehicles displayed outside and ten vehicles inside. Vehicle parts and accessories may be sold, and minor repair and installation of parts and accessories may be performed onsite as part of this use.

Adding new parking requirement for Minor Vehicle Sales:

- **Minor Vehicle Sales:** 3 spaces, plus 1 per employee per shift and a minimum of 2 for customers.

Adding new required conditions for Minor Vehicle Sales:

- A maximum of three vehicles may be displayed outside. All vehicles must be parked within an improved parking area in designated parking stalls. Additional for sale vehicles may be stored indoors.
- Vehicles displayed outside shall be located in a manner as to not obstruct drive aisles, doors or pedestrian pathways.
- The business shall provide three spaces for displayed vehicles, plus a minimum of one parking space per employee per shift and one parking stall for customers. Depending on the business operation plan, additional spaces may be required for customers.
- With the exception of three displayed vehicles, no other outdoor storage shall be permitted on site.
- Any vehicle repair is prohibited onsite.

Councilmember Paul Glover asked why the Council is being asked to amend this ordinance.

Ms. Eichelberger said this amendment would streamline the process.

B. DISCUSS ROOFTOPS AT 7800 HUNDRED TOWNHOMES PHASE 5 PRELIMINARY SUBDIVISION PLAT LOCATED AT APPROXIMATELY 7700 S EURO DRIVE

Lesley Burns said the Rooftops Project includes 131 townhouse units on approximately 6.4 acres located at the northwest corner of 7800 South and Euro Drive. This project has received Small Scale Master Plan approval from the Planning Commission and Final Site Plan approvals for all five phases of the project. These five phases include 16 buildings. Subdivision Plats have also been approved for the first four phases, which include 97 units. The four buildings in Phase 5, which include the remaining 34 units in the project, have not been officially subdivided into individual townhouse units. The applicant and developer, Solstice Homes, is requesting subdivision approval to create the 34 individual townhouse units in Phase 5, so these units can be sold.

This plat reflects and is consistent with the Phase 5 area that has received Final Site Plan approval. The proposed plat provides for the individual ownership of each of the townhouse units in the approved Phase 5 Final Site Plan, common area for the landscaped areas, and the private roads providing access to the individual units. These common areas will be owned and maintained by the Homeowners Association. The declaration of covenants, conditions and restrictions document (CC&R's) was completed and recorded with the Phase 1 subdivision plat. The area covered by the CC&R's has been expanded to include Phases 2, 3 and 4, and will need to be further expanded to include the units of the Phase 5 area.

The proposed Preliminary Subdivision Plat has been reviewed by the City Engineer. There are some technical corrections that will need to be made on the final subdivision plat, but nothing significant. All utility companies will need to be notified regarding utility easements and notes on the subdivision plat. A water and sewer letter has been provided by Midvale City. For a preliminary approval, this request

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complies with the City's subdivision requirements. Final subdivision approval will require compliance with the conditions recommended below.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body.

The Planning Commission conducted a public hearing on this application on April 8, 2015 and forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, City Planner and City Council.
2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.
3. The applicant shall expand the area covered by the existing declaration of covenants, conditions and restrictions (CC&R's) for Rooftops at 78 Hundred Townhomes, to include the townhouse units in the Phase 5 area. This amendment to the document shall be recorded concurrently with the subdivision plat. The applicant is working on completing these items.

The applicant is working on completing these items.

XI. AJOURN

MOTION: Councilmember Paul Hunt MOVED to adjourn the meeting. 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.

The meeting adjourned at 7:50 p.m.

/s/

**Rori L. Andreason, MMC
CITY RECORDER**

Approved this 5th day of May, 2015.