



Midvale City  
CITY COUNCIL MEETING  
*Minutes*

Tuesday, September 2, 2014  
Council Chambers  
655 West Center Street  
Midvale, Utah 84047

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**MAYOR:** JoAnn Seghini

**COUNCIL MEMBERS:** Council Member Stephen Brown  
Council Member Paul Glover  
Council Member Paul Hunt  
Council Member Robert Hale  
Council Member Wayne Sharp

**STAFF:** 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; Ken Vance, Public Works Director; Lisa Gardner, Prosecuting Attorney; Chief Tony Mason, UPD Midvale Precinct; Stephen Higgs, 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 a shooting that took place over the weekend.

Chief Higgs said he really did not have anything to report.

Laurie Harvey said during the neighborhood block parties, citizens were asking when the Jordan School District bonds would be paid off. She said the bonds will be paid off in June 2022. She also discussed savings from the new street lights. Additional savings will be seen with the change to LED lights.

Danny Walz discussed the time capsule for the new city hall. He asked the Council to let him know if they would like to add any items. He said the name he came up for the community room is the Alexander Dahl room.

Councilmember Wayne Sharp asked if the time capsule under the bell will be moved to the new city hall. Danny Walz said he would follow-up.

Ken Vance said south of public works building there is a storm drain ditch which has the West Nile Virus. He said they are trying to remove the cat tails which are 6-7 ft. tall which is holding the water up from moving down the ditch. He reported on the public works expansion.

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

Councilmember Robert Hale said there is a hole in the asphalt at 940 East South Union Avenue and 72 South 1035 East has a chuckhole.

Rori Andreason updated the Council on scheduling items.

Phillip Hill updated the Council on general plan update. He has contacted UDOT regarding the split phase light on the 7200 South Cottonwood Street. He said he will keep Council up to date on that issue. He said the main park is moving forward now the rain has stopped.

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

**II. GENERAL BUSINESS**

**A. Welcome and Pledge of Allegiance**

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

**III. PUBLIC COMMENTS**

Sophia Hawes Tingey said she is running for the Community Council. Neighbors feel a general neglect around the block on Grant Street. Neighbors feel the business center on Center Street and State Street has been neglected. There are rutted sidewalks and gutters that need repair and they would like trees replaced on boulevard.

Darrin Atkinson asked about a zoning violation on Harvel. The dumpster on Tennyson and Harvel is not within code. He was told something would be done with it but he has not heard anything. He said has ultimately been against the Brad Reynold's development.

Phillip Hill said the City Engineer did return Mr. Atkinson's call and the property is being built according to the approved plans.

Mr. Atkinson said it does not look natural and looks isolated. He said he dislikes the property being taller than adjoining property.

There was no one else present who desired to speak.

**IV. COUNCIL REPORTS**

**A. Councilmember Robert Hale** - had nothing to report.

**B. Councilmember Wayne Sharp** – Reported the West Nile Virus is becoming active in the valley. There is a case now on 1500 East 7200 South and the virus is active here in the City. There is a problem with the storm drain by fur breeders. Public Works was there immediately to clean out the drain. Mosquito abatement was very impressed with the quick response of the public works employees. He said to remove any standing water in your yards.

**C. Councilmember Stephen Brown** –had nothing to report.

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

**D. Councilmember Paul Glover** –had nothing to report. He asked to be excused for next week’s meeting as he will be out of town.

**E. Councilmember Paul Hunt** – said this is a very sharp looking council tonight.

**V. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – had nothing to report.

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

**VI. PUBLIC HEARING**

**A. CONSIDER A PRELIMINARY SUBDIVISION PLAT FOR THE COTTAGES ON 78<sup>TH</sup> AMENDED TOWNHOME DEVELOPMENT LOCATED AT 385 EAST 8000 SOUTH**

Matt Hilderman said on August 13, 2014, the Planning Commission approved a multifamily development for an additional 10 townhome units to be combined with The Cottages on 78th multi-family subdivision development which received final approval on June, 2014. This property includes approximately 1.066 acres and is located within the RM-12 zone district. The preliminary subdivision plat is consistent with the approved preliminary site plan. The applicant will need to obtain approval of a final site plan from Midvale City Staff.

This proposal will provide an overall total of 37 single- and two-story buildings totaling a maximum build-out of 117 units and will create a “for sale” housing product. A subdivision plat is required in order to sell these townhome units. The applicant has begun the subdivision review process and is requesting approval of the preliminary subdivision plat for this project.

The plat is consistent with the Preliminary Site Plan that was approved by the Midvale City Planning Commission. The plat provides for individual ownership of each townhome unit and adjacent yard space. The remainder of the property will be included in common areas, including the pedestrian sidewalks and private roads. The common areas will be owned and maintained by a homeowners association, with all individual owners having an equal ownership interest in the association and these areas. The declaration of covenants, conditions, and restrictions (CC&R’s) will specify the use and maintenance of the private and common areas and this document will need to be recorded concurrently with the final subdivision plat.

The Planning Commission reviewed this request and conducted the required public hearing on August 13, 2014. Following the public hearing, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for The Cottages on 78th Amended 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. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

3. The applicant shall provide evidence that courtesy notices have been sent to Questar Gas, Utah Power, UTOPIA, Comcast Cable, and Qwest Communications regarding the utility easements on the subdivision plat prior to final approval.
4. The applicant shall submit a 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.
5. Prior to the subdivision plat being recorded, the applicant shall obtain final site plan approval for the multifamily development.

Matt Hilderman distributed an email he received from a resident of Harvel Condominiums against adding additional units to the development. He discussed the fence and the difference in the height of the existing condominiums and the new development. He discussed the dumpster on Harvel. The decision to vacate the street has not been made due to the amount of utilities that are located on that street. The dumpster is for Harvel Park. The HOA said they are willing to move it but are concerned with the location as to where to move it.

Mayor Seghini opened public comment.

Charlene Larsen asked questions about the height of the development. She appreciates what Brad Reynolds is doing and thinks it looks good. She said her fence was placed where it was because the previous owner was so difficult to deal with so she moved the fence in more away from the property line so Woody would not sue her.

There was no one else present who desired to speak.

Brad Reynolds said his understanding on the fence is they have a superintendent that has approached the neighbors asking if they want their fences taken down. Some did not. There are some discrepancies on the neighbor's side that would enable them to have more property but they do not want to remove the fences. He said he has tried to mitigate the weeds. He would be happy to bear the cost of taking the neighbors fences down if they so choose so there is no problem with the weeds. He said they have not changed anything off the approved plans. He is trying to cooperate with the neighbors on the west side.

**MOTION: Councilmember Stephen Brown MOVED to close the 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 PRELIMINARY SUBDIVISION PLAT FOR THE COTTAGES ON 78<sup>TH</sup> AMENDED TOWNHOME DEVELOPMENT LOCATED AT 385 EAST 8000 SOUTH**

**MOTION: Councilmember Paul Hunt moved that "Based on compliance with the subdivision requirements and consistency with the preliminary site plan, I move that we approve the preliminary subdivision plat for The Cottages on 78th Amended 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. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
3. The applicant shall provide evidence that courtesy notices have been sent to Questar Gas, Utah Power, UTOPIA, Comcast Cable, and Qwest Communications regarding the utility easements on the subdivision plat prior to final approval.
4. The applicant shall submit a 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.
5. Prior to the subdivision plat being recorded, the applicant shall obtain final site plan approval for the multifamily development.”

The motion was seconded by Councilmember Robert Hale. 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 Robert Hale	Aye
Council member Paul Hunt	Aye
Council member Wayne Sharp	Aye

The motion passed unanimously.

**MOTION:** Councilmember Paul Hunt **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 A PRELIMINARY SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCTION PHASE 2 OFFICE DEVELOPMENT LOCTED AT 920 WEST RIVER GATE DRIVE**

Matt Hilderman said the applicant is requesting approval to subdivide the property located at 920 West River Gate Drive. The developer is proposing a two-story, 34,992 sq. ft. office building, known as Presidio Office Building, within the Riverwalk West at Bingham Junction Retail Development Large Scale Master Plan (LSMP), located in the northwest portion of the site. This will be the second proposed development within this LSMP which was approved by the Planning Commission on November 14, 2012. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay and the Riverwalk West Retail Development Agreement.

The proposed subdivision plat, Riverwalk at Bingham Junction, Phase 2, creates a 2.676 acre lot for the Presidio Office building site and depicts the initial location of the east-west road connection through the LSMP area, with the remaining area of the Riverwalk West Retail area as one, large lot (parcel) to be further subdivided in the future as other projects are developed.

The Planning Commission reviewed this request and conducted the required public hearing on this preliminary subdivision plat on August 13, 2014. Following the public hearing, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

subdivision plat for the Riverwalk at Bingham Junction Phase 2 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. This subdivision plat shall include the following:
  - Relocating the identified 65-foot sewer, water and public utility easement to accurately reflect the proposed private right-of-way.
  - The 'initial west common driveway', described as Note 7, shall be removed.
  - The amended plat name shall be changed in the owner's dedication title block to reflect the proposed subdivision plat name.
2. The applicant shall obtain a water and sewer availability letter prior to final 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, Utopia and Qwest Communications regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.
4. The applicant shall prepare an amended declaration to include this lot with the existing development. This ensures that both short term and long term maintenance of commonly used areas, landscaping, and parking, as well as continued shared access throughout the LSMP area. This document shall be recorded concurrently with the subdivision plat.

The subdivision plat is intended to work in conjunction with the approved LSMP, which anticipates this area to be a cohesive development with shared amenities, accesses and parking. The CC&R's will establish the relationship between the various owners and ensure both short term and long term maintenance of commonly used areas and landscaping, and ensure continued shared accesses through the LSMP area.

Mayor Seghini opened public comment. There was no one present who desired to speak to this issue.

**MOTION: Councilmember Paul Glover MOVED to close the 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 PRELIMINARY SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCTION PHASE 2 OFFICE DEVELOPMENT LOCATED AT 920 WEST RIVER GATE DRIVE**

**MOTION: Councilmember Stephen Brown moved to "Based on compliance with the subdivision requirements and consistency with the approved Large Scale Master Plan for the Riverwalk West Retail Project, I move that we approve the preliminary subdivision plat for the Riverwalk at Bingham Junction, Phase 2 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. This subdivision plat shall include the following:**
  - Relocating the identified 65-foot sewer, water and public utility easement to accurately reflect the proposed private right-of-way.**

- The ‘initial west common driveway’, described as Note 7, shall be removed.
- The amended plat name shall be changed in the owner’s dedication title block to reflect the proposed subdivision plat name.

2. The applicant shall obtain a water and sewer availability letter prior to final 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, Utopia and Qwest Communications regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

4. The applicant shall prepare an amended declaration to include this lot with the existing development. This ensures that both short term and long term maintenance of commonly used areas, landscaping, and parking, as well as continued shared access throughout the LSMP area. This document shall be recorded concurrently with the subdivision plat.”

The motion was seconded by Councilmember Robert Hale. 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 Robert Hale	Aye
Council member Paul Hunt	Aye
Council member Wayne Sharp	Aye
Council member Stephen Brown	Aye

The motion passed unanimously.

**MOTION:** Councilmember Paul Glover **MOVED** to open the 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 DEVELOPMENT AGREEMENT FOR THE VIEW 8 OFFICE BUILDING LOCATED AT 910 WEST LEGACY CENTER WAY, WITHIN THE JUNCTION AT MIDVALE MASTER PLAN**

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 22, 2014, the Planning Commission approved a 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, 106,250 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

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

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 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 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 development agreement for the City Council's consideration. The agreement language has been approved by the Developer/Property Owner. 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 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 agreement, Staff has prepared a resolution, Resolution No. 2014-R-39 attached, that would authorize the Mayor to sign the Development Agreement on behalf of the City.

Mayor Seghini opened public comment. There was no one present who desired to speak to this issue.

**MOTION: Councilmember Paul Glover MOVED to close the 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 RESOLUTION NO. 2014-R-39 APPROVING THE DEVELOPMENT AGREEMENT FOR THE VIEW 8 OFFICE BUILDING LOCATED AT 910 WEST LEGACY CENTER DRIVE**

**MOTION: Councilmember Paul Glover moved that we adopt Resolution 2014-R-39, authorizing the Mayor to enter into the 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 Robert Hale            Aye**

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

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

**The motion passed unanimously.**

**D. CONSIDER A TEXT AMENDMENT MODIFYING DEVELOPMENT STANDARDS FOR PARKING IN THE FRONT SETBACK OF LARGE BUILDINGS; THE JUNCTION AT MIDVALE OVERLAY**

**MOTION: Councilmember Robert Hale MOVED to open the 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.**

Lesley Burns said it is the intent of the development standards in The Junction at Midvale Overlay to locate buildings near the roads with parking located behind in order to create interest along the public roadways. The ordinance includes provisions for build-to line requirements and no parking in front setbacks. However, the ordinance also provides for some exceptions to these standards when pedestrian oriented elements, i.e. plazas, outside seating, special landscaping, etc., are utilized, as well as allowing for some handicapped and executive visitor parking near the main front entry of large office buildings to address the operating needs of large corporations/ businesses in modern office parks. These provisions have been successfully utilized by the existing office buildings in the area, i.e. FL Smidth and Savage. Sections 17-7-9.12.2.6 (C) (1) and 17-7-9.12.2.11 of the Zoning Ordinance include these provisions.

As the City has begun reviewing development proposals for larger single tenant office buildings, it has been realized that the current standard for handicapped and executive visitor parking near the front entry of large office buildings is not workable for the new, larger development proposals coming into the City. Specifically, the current 20 parking space maximum of handicapped and executive visitor parking spaces allowed in front of a building is not sufficient. For example, in considering a 250,000 square foot office building, the standard will not allow the number of handicapped parking spaces required by Building Code.

To address this issue, Staff prepared some modifications to the existing language in the ordinance. This proposed language is included in Attachment A of the proposed ordinance. Primarily, the proposed change eliminates the current flat not-to-exceed parking space number, and replaces it with a multiplier to be used with the building square footage. This multiplier was created based on the square footage and amount of executive guest parking for the existing large office buildings in the area. The proposed language also better defines the design expectations in utilizing this provision to ensure the overall intent of creating an appropriate streetscape throughout the Junction at Midvale area is maintained.

**Planning Commission Recommendation**

The Planning Commission reviewed the proposed text amendment and held a public hearing on August 13, 2014. At that time, the Planning Commission made the following motion:

*“In order to accommodate the needs of larger office buildings in The Junction at Midvale area and ensure the overall intent of creating appropriate streetscapes along the public roadways is*

Proceedings of the Midvale City Council Meeting  
September 02, 2014

*maintained, I move that we forward a positive recommendation to the City Council to modify the development standards for parking in the front setback of large buildings in The Junction at Midvale Overlay (Sections 17-7-9.12.2.6(C)(1) and 17-7-9.12.2.11 of the Zoning Ordinance) as included in Attachment A.”*

Staff agreed with the Planning Commission’s recommendation, and recommended the adoption of the proposed ordinance.

Mayor Seghini opened public comment. There was no one present who desired to speak to this issue.

**MOTION:** Councilmember Paul Glover **MOVED** to close the 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 ORDINANCE NO. 2014-O-09 AMENDING THE MIDVALE MUNICIPAL CODE MODIFYING DEVELOPMENT STANDARDS FOR PARKING IN THE FRONT SETBACK OF LARGE BUILDINGS; THE JUNCTION AT MIDVALE OVERLAY

**MOTION:** Councilmember Paul Glover moved to approve Ordinance No. 2014-O-09, which includes Attachment A from the Planning Commission’s recommendation, amending the Midvale Municipal Code modifying development standards for parking in the front setback of large buildings; The junction at Midvale Overlay. 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 Paul Hunt	Aye
Council member Wayne Sharp	Aye
Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Robert Hale	Aye

The motion passed unanimously.

**E. CONSIDER AMENDMENTS TO THE FISCAL YEAR 2015 BUDGETS FOR THE PUBLIC UTILITIES FUND**

**MOTION:** Councilmember Robert Hale **MOVED** to open the 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.

Danny Walz discussed the process taken to repurchase the property for Overstock back from the County in order to sell it to Overstock. Amendments need to be made to the budget of the public utilities fund as well as the Redevelopment Agency fund in order to fund the purchase of this property until it sells to Overstock.

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

Laurie Harvey said staff proposes an amendment to the FY 2015 Budget for the Public Utilities Fund. The budget amendment appropriates a transfer to the Redevelopment Agency (RDA) and the subsequent repayment. The transaction is supported by a Loan and Repayment Agreement between Midvale City and the RDA of Midvale City.

**FISCAL IMPACT:** Public Utilities Fund – None. The RDA will reimburse interest lost by the Public Utilities Fund.

Mayor Seghini opened public comment. There was no one present who desired to speak to this issue.

**MOTION:** Councilmember Paul Glover **MOVED** to close the public hearing. Councilmember Robert Hale **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. 2014-R-40 AMENDING THE BUDGET OF THE PUBLIC UTILITIES FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2015**

**MOTION:** Councilmember Paul Hunt moved to adopt Resolution 2014-R-40, amending the Public Utilities Fund budget for the fiscal year ending June 30, 2015. The motion was seconded by Councilmember Paul Glover. 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 Wayne Sharp	Aye
Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Robert Hale	Aye
Council member Paul Hunt	Aye

The motion passed unanimously.

**VII. CONSENT AGENDA**

**A. APPROVE MINUTES OF AUGUST 19, 2014**

**MOTION:** Councilmember Wayne Sharp **MOVED** to approve the Consent Agenda. Councilmember Paul Hunt **SECONDED** the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Robert Hale	Aye
Council member Paul Glover	Aye
Council member Wayne Sharp	Aye

The motion passed unanimously.

**VIII. ACTION ITEMS**

**A. APPROVE RESOLUTION NO. 2014-R-41 AUTHORIZING THE MAYOR TO ENTER INTO A TELECOMMUNICATIONS FRANCHISE AGREEMENT WITH TW TELECOM, LLC**

Lisa Gardner 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. Upon the passing of this ordinance, TW Telecom of Utah, LLC, (formerly Time Warner of Utah, LLC) has expressed great interest in obtaining a telecommunications franchise in Midvale. TW Telecom already operates in Salt Lake City and would like to expand its operations throughout the valley. By completing a Telecommunications Franchise Agreement between TW Telecom and the City, TW Telecom will be to expand its telecommunications services to residents of the City. It will also allow the City to collect a 3.5% Municipal Telecommunications License Tax and to ensure TW Telecom's compliance with City ordinances.

**FISCAL IMPACT:** Potentially create revenue from the operation of TW Telecom within Midvale.

Ms. Bertelsen said she works for Ballard Spahr and represents TW Telecom. She is currently working with Sandy, West Valley City, West Jordan and Draper. They have tapped into Zale Group Dark Fiber.

Councilmember Stephen Brown asked what kind of services they provide.

Ms. Bertelsen said it is internet, video, and virtual networks for commercial business. They would like to tap into Zale Group Dark Fiber and add that to their networks.

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

**MOTION:** Councilmember Robert Hale moved to approve Resolution No. 2014-R-41 Authorizing the Mayor to execute a Telecommunications Franchise Agreement with TW Telecom. 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
Council member Paul Hunt	Aye
Council member Robert Hale	Aye
Council member Wayne Sharp	Aye

The motion passed unanimously.

**B. APPROVE RESOLUTION 2014-R-42 A RESOLUTION OF THE MIDVALE CITY COUNCIL AGREEING TO SUPPORT A SINGLE COMPUTER AIDED DISPATCH PLATFORM**

**MOTION:** Councilmember Robert Hale **MOVED** to table item B. 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. APPROVE RESOLUTION NO. 2014-R-43 APPOINTING SHANE LIEDTKE AS AN ALTERNATE PLANNING COMMISSION MEMBER**

Lesley Burns said the Midvale City Planning Commission is comprised of five full time members and two alternate members. Currently, there are vacancies for the alternate positions. Shane Liedtke and Kassidy Wallin have expressed interest in serving on the Planning Commission.

It is the Mayor's desire to appoint Mr. Liedtke and Mr. Wallin to the Planning Commission as alternate members, and she is requesting the Council's consent to these appointments. Resolutions have been prepared for the City Council's consideration of these appointments, which would be for four year terms beginning immediately.

**MOTION:** Councilmember Wayne Sharp moved to adopt Resolution No. 2014-R-43, appointing Shane Liedtke to serve on the Planning Commission as an alternate member with his term expiring September 2018." 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 Robert Hale	Aye
Council member Paul Hunt	Aye
Council member Wayne Sharp	Aye
Council member Stephen Brown	Aye

**D. APPROVE RESOLUTION NO. 2014-R-44 APPOINTING KASSIDY J. WALLIN AS AN ALTERNATE PLANNING COMMISSION MEMBER**

**MOTION:** Councilmember Paul Hunt moved to adopt Resolution No. 2014-R-44, appointing Kassidy Wallin to serve on the Planning Commission as an alternate member with his term expiring September 2018."The motion was seconded by Councilmember Robert Hale. 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 Robert Hale	Aye
Council member Paul Hunt	Aye
Council member Wayne Sharp	Aye
Council member Stephen Brown	Aye
Council member Paul Glover	Aye

**E. APPROVE RESOLUTION NO. 2014-R-45 AUTHORIZING THE EXECUTION OF A LOAN AND REPAYMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF MIDVALE CITY**

Danny Walz stated that Midvale City's Redevelopment Agency (RDA) is vested with the responsibility of undertaking redevelopment projects within the City. At the present time, a specific parcel of real estate in the project area is available for the RDA to purchase. The RDA anticipates an

**Proceedings of the Midvale City Council Meeting  
September 02, 2014**

immediate sale of the property to a third party; The RDA does not have adequate cash to purchase the property. Midvale City's Public Utilities Fund has adequate cash reserves available to advance to the RDA. The RDA intends to reimburse the Public Utilities Fund immediately upon the sale of the property to a third party. If the anticipated sale does not take place immediately, the RDA will seek to secure a loan in order to repay the City. Attached is a draft Loan and Repayment Agreement. The purpose of the agreement is to establish the terms for the loan to the Agency. The agreement obligates the Agency to reimburse the City for all funds advanced, plus interest. The loan will be repaid through proceeds of the sale of the property or proceeds of RDA debt issued if the property is not sold immediately. The total amount of funds borrowed plus interest must be repaid to the City no later than October 31, 2014.

**FISCAL IMPACT:** The Loan and Repayment Agreement has a minimal impact on the City's overall budget. While the debt obligation and associated commitment of repayment is significant, the Agency anticipates an immediate sale of the property and repayment of funds. The timing of these transactions and transfer of funds make it necessary to execute this agreement.

**MOTION:** Councilmember Robert Hale moved to that we adopt Resolution No. 2014-R-45 authorizing execution of a Loan and Repayment Agreement between the Redevelopment Agency of Midvale City and Midvale City. 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
Council member Wayne Sharp	Aye
Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Robert Hale	Aye

**F. APPROVE RESOLUTION NO. 2014-R-46 DECLARING SURPLUS PROPERTY**  
Jarín Blackham said in preparation to move to the new city hall, there are several old items that need to be declared surplus in order to dispose of them. He said staff will try to get the best price possible for these items but they need to be moved out in order for us to proceed with moving records and files. City ordinance requires that the Council declare any property, equipment, etc. surplus before disposal. A resolution has been prepared for your consideration to declare miscellaneous equipment.

**MOTION:** Councilmember Stephen Brown moved to that we approve and adopt Resolution No. 2014-R-46 declaring miscellaneous equipment, as outlined in Attachment 'A', as surplus. The motion was seconded by Councilmember Robert Hale. 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 Wayne Sharp	Aye
Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Robert Hale	Aye
Council member Paul Hunt	Aye

**IX. ADJOURN**

Proceedings of the Midvale City Council Meeting  
September 02, 2014

**MOTION:** Councilmember Wayne Sharp **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.

Mayor Seghini adjourned the regular meeting at approximately 8:30 p.m.

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

Approved this 16<sup>th</sup> day of September, 2014.