



**Midvale City**  
**CITY COUNCIL MEETING**  
*Minutes*

**Tuesday, October 20, 2015**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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**MAYOR:** Mayor JoAnn B. Seghini

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

**STAFF:** Kane Loader, City Manager; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Lt. Kim Burgon, UPD Midvale Precinct; Battalion Chief Brad Larson, UFA; Lesley Burns, City Planner; Christopher Butte, Economic Development Director; Matt Hilderman, Associate Planner; Danny Walz, RDA Director; and Matt Pierce, Systems Administrator.

Mayor Seghini called the meeting to order at 6:30 p.m.

**I. INFORMATIONAL ITEMS**

**A. DEPARTMENT REPORTS**

Lt. Kim Burgon reported that the police had talked with the owner of the trucks that were parking on Millennial Way who indicated he would no longer park there.

Chief Brad Larson said he had nothing to report.

Detective Paul reported on the Good Landlord Program. He reviewed the recent statistics within the City. Councilmember Glover said Park Station is not lit well and needs to be changed.

Laurie Harvey discussed the status of revenues and expenditures.

Phillip Hill updated the City projects including the Splash Pad, Christmas lighting for City Hall, State Street decorations, and the swimming pool. He said Salt Lake County said there is not enough property for a swimming pool at the park on 700 East.

Danny Walz discussed the scheduled public hearing on November 17<sup>th</sup> for the Main Street Community Development Project Area. All property owners received this notice and many are concerned with what will happen with their property. He said to direct questions to staff.

Bob Davis reported on the bulk waste program. He also reported on the benefit of having a part-time person updating the cemetery program. It's been very successful.

Rori Andreason informed the Council that the next meeting will be November 10, 2015.

Chad Woolley said the Bowery Agreement has been revised to include noise control and bowery users and allowing the police officers to enforce the noise ordinance. He also added no smoking or e-cigarettes.

## **II. CITY MANAGER'S REPORT**

Kane Loader discussed the Raccoon program, which will begin January 1, 2016. He also discussed the replacement of the railroad bridges on 7200 South, which will cost a considerable amount of funding. He will be working with Lobbyists to take this issue to the Legislature and also partner with stakeholders to offset costs to the City. He said this should take about five years to obtain the necessary funding.

Mayor Seghini called the meeting to order 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 Declaring November 16-20, 2015 as Utah College Application Week** – Councilmember Stephen Brown read the proclamation.

## **IV. PUBLIC COMMENTS**

Jarred Cameron said he lives on Lincoln Street. He said about 15 years ago when the SF2 code changed, he was the ginnie pig for splitting his lot. He has another home on Lincoln St. and is on a corner lot and it does not meet the code requirements to split the lot. He would like to split the lot so he can building on both lots. He distributed information to the Council. The Council said they will have staff look into this issue.

## **V. COUNCIL REPORTS**

**A. Councilmember Quinn Sperry** – mentioned code enforcement has been talking with residents who said they would like to strengthen the ordinances to deal with the enforcement issues.

Kane Loader said he could schedule a workshop with Code Enforcement Officers to discuss issues they are dealing with. The Council agreed.

**B. Councilmember Wayne Sharp** – the bushes have been trimmed at the performing arts center so now you can see the bell. He would like to see it moved so it won't get stolen. He reported on the mosquitoes. He also reported on the TransJordan Landfill and recycling. He expressed his appreciation for the excellent job Dwayne Woolley does for that agency.

**D. Councilmember Stephen Brown** – said the citizens' academy is still going well.

**E. Councilmember Paul Glover** – had nothing to report.

**F. Councilmember Paul Hunt** – had nothing to report.

**VI. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – reported on the Veteran's Day Ceremony on November 11<sup>th</sup> at 11:00 a.m. Councilmember Sperry will be the MC for the ceremony. She is looking for a veteran or someone returning from the war recently that would be willing to speak. She asked the Council to let her know if they know of anyone. She also needs a vocalist to sing God Bless America.

**VII. CONSENT AGENDA**

**A. APPROVE MINUTES OF OCTOBER 6 AND OCTOBER 13, 2015**

**MOTION:** Councilmember Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she 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. ACTION ITEM**

**A. APPROVE ORDINANCE NO. 2015-O-10 AMENDING THE MIDVALE MUNICIPAL CODE CHAPTER 5.02 BUSINESS LICENSES GENERALLY**

Chad Woolley stated this amendment of Midvale Municipal Code 5.02 Business Licenses Generally brings the ordinance up-to-date and solves two problems facing Community Development Department.

First, the current ordinance requires that all businesses, regardless of type, are required to renew their license on or before January 15 of each year. Due to the significant number of businesses in Midvale, this annual demand creates significant delays in processing each of the renewals. In order to alleviate this problem, this amendment distinguishes between rental and non-rental business licenses. Non-rental businesses will remain on the current January 15th renewal schedule. Rental businesses licenses (licenses for individuals or businesses renting residential

units) will be switched to a September 15th renewal schedule. By placing rental and non-rental business licenses on different renewal schedules, the Community Development Department will better be able to process business license renewals in a timely manner.

Second, after the adoption of the most recent fee schedule, the Community Development Department has not been able to recover the costs for incomplete, withdrawn, or denied business license applications. As a result, business license applications that have gone through the costly review or inspection processes are still able to recover 100% refund. This amendment helps the City recover some of the costs of its employees' valuable time. Business license applications that are withdrawn or denied before the inspection process are entitled to recover 75% of the business license application fees. If a business license application is withdrawn or denied after the inspection process, only 25% of the business license application fees may be refunded. These amounts are based on other local municipalities, including Sandy City.

**MOTION: Councilmember Quinn Sperry MOVED to approve Ordinance No. 2015-O-10 amending Midvale Municipal Code 5.02 Business Licenses Generally. 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:**

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

**The motion passed unanimously.**

**B. APPROVE ORDINANCE NO. 2015-O-11 AMENDING THE MIDVALE MUNICIPAL CODE CHAPTER 5.26 MASSAGE ESTABLISHMENTS**

Chad Woolley stated across Utah, numerous municipalities, including Midvale, are facing problems with their massage establishments. Individuals have found loopholes in local ordinances that allow them to run unsavory businesses while being shielded from the law.

Midvale's current ordinance allows an individual to apply for a massage establishment license by simply being 21 years old and passing a simple background checks. Under the current requirements, the City struggles to distinguish between unsavory "massage establishments" and reputable massage businesses.

The amended ordinance requires massage establishment license applicants to submit copies of and keep current with the City each of their therapists' current Utah massage licenses. In addition, the owner and each employee must complete and pass a background check. And lastly, each applicant must also meet with the Midvale Precinct Police Chief and review applicable laws and regulations.

With these new requirements, the City will better be able to distinguish between legitimate massage establishments and unsavory massage businesses, and take appropriate action.

**MOTION: Councilmember Paul Hunt MOVED to approve Ordinance No. 2015-O-11 amending Midvale Municipal Code 5.26 Massage Establishments. 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 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.**

**C. APPROVE RESOLUTION NO. 2015-R-52 APPOINTING DON SLICK TO SERVE ON THE PLANNING COMMISSION AS AN ALTERNATE MEMBER**

Lesley Burns stated the Midvale Planning Commission is comprised of five full time members and two alternate members. Currently, there are vacancies for the alternate positions. Don Slick has expressed an interest in serving on the Planning Commission in this capacity. Mr. Slick has lived in Midvale City for five years. He is currently a Building Inspector for Sandy City and would like to get involved in his community. It is the Mayor's desire to appoint Mr. Slick to the Planning Commission as an alternate member. The Mayor is requesting the Council's consent for this appointment, which would be for a four year term beginning immediately.

**MOTION: Councilmember Wayne Sharp MOVED to approve Resolution No. 2015-R-52, appointing Don Slick as an alternate member on the Planning Commission for a four year term. 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.**

**D. APPROVE ORDINANCE NO. 2015-O-12 AMENDING THE MIDVALE MUNICIPAL CODE CREATING A NEW DEFINITION AND DEVELOPMENT STANDARDS FOR ELECTRIFIED SECURITY FENCES FOR NON-RESIDENTIAL OUTDOOR STORAGE AREAS IN THE CLEAN INDUSTRIAL ZONE DISTRICTS**

Matt Hilderman stated The Electric Guard Dog Company, based out of Columbia, South Carolina, submitted a proposed text amendment that would allow the installation of electrified fencing for security purposes within nonresidential 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 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 of where this use is proposed, and the surrounding neighborhoods and overall city character associated with this proposed use. It was the Planning Commission's decision to forward a positive recommendation to the City Council concerning this proposed use.

Some concerns were raised by the City Attorney and City Building Official regarding this request. The Building Official has a concern that the Building Codes adopted by the State and the City does not address this type of electrical fencing, leaving the Building Department unable to regulate and inspect the electrical component of these fences. The City Attorney has liability concerns for the City if someone or something were to be caused harm or damage.

On July 14, 2015, the City Council discussed this item and requested some additional information as to whether or not the City can adopt Building Codes to address this specific type of use. In researching the legality of the City adopting building codes beyond those adopted by the State, the City Attorney's office has indicated that there is not a definitive answer. It could be argued either way, with a final decision resting with a judicial determination if the City were challenged.

On August 11, 2015, the City Council reviewed this item through the Public Hearing process and requested additional information as to any case law from other jurisdictions concerning the use of razor wire and also receiving final comments from the Unified Police Department and Unified Fire Authority. The City Attorney's office has stated there were no specific cases that addressed liability issues, for a City, to adopt security measures, such as the one proposed. Further discussion with Unified Police and Unified Fire determined they approve of the literature and concept of the proposed use.

Staff has prepared a revised ordinance from the June 10th Planning Commission meeting after receiving the requested information and further discussion. Staff determined the ordinance may have been viewed as being specific to the applicant's use and removed language to generalize the standards for other fence providers to utilize.

Councilmember Quinn Sperry commended Matt Hilderman for his dedication to getting the Council the information they needed on this issue.

**MOTION: Councilmember Wayne Sharp MOVED to approve Ordinance No. 2015-O-12, "In order to accommodate uses originally not contemplated and to further provide safety and security of individual properties and their uses, I move that we adopt Ordinance No. 2015-O-12 to add language in the Clean Industrial Zone District under the fencing provision to include electrified security fencing for an outdoor storage use, as specifically described in Attachment A." 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**  
**Councilmember Wayne Sharp**       **Aye**  
**Council member Quinn Sperry**      **Aye**

**The motion passed unanimously.**

**E. APPROVE RESOLUTION NO. 2015-R-53 AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT AND EASEMENT AGREEMENT FOR THE CHG OFFICE BUILDING AND CAMPUS LOCATED AT 7250 SOUTH BINGHAM JUNCTION BOULEVARD, WITHIN THE JUNCTION AT MIDVALE MASTER PLAN**

Matt Hilderman stated The Gardner Company has proposed a general office use development at the southeast corner of 7200 South and Bingham Junction Boulevard. This project, the CHG Office Building and Campus, is part of the Bingham Junction zone district and includes The Junction at Midvale Overlay. The total project area for CHG is approximately 12.97 acres in size. On June 24, 2015 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 CHG Project includes two phases and together, these phases consist of approximately 339,000 square feet of building space comprised of office and ancillary, incidental and related use, within two buildings, surface and structured parking, landscaping, and improved public open spaces. The overall project includes perpetual open space public use easement areas which will be improved by the Developer with landscaping, irrigation, pedestrian pathways and pedestrian amenities. Phase I of the CHG Project consists of 277,000 square feet of intensive office space, certain interior landscaping and related irrigation equipment and installations, surface and structured parking. Phase II of the CHG Project is proposed to utilize a portion of the surface parking included in Phase I for additional office space and structured parking. The developer is currently working on a final site plan for the office development.

Sections 17-7-9.2 and 17-3-5 of the Zoning Ordinance requires a Development Agreement between Midvale City and the property owner/developer of this type of project. A condition of the CHG 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 CHG, the Developer, Community Development Staff, and the Fire Marshal. The attached Development 2 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.
- Expectations for project landscaping and long term maintenance.
- Expectations for perimeter open space improvements. This includes the public walkways 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 CHG 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 Paul Hunt MOVED to “I move that we adopt Resolution 2015-R-53, authorizing the Mayor to enter into the Development Agreement and Easement Agreement for the CHG Office Building and Campus 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 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. DISCUSSION ITEMS**

**A. HARVEST DAYS DEBRIEFING**

Kane Loader discussed Harvest Days. He said he would bring this item back when Tyler Sharp, Chair of Harvest Days, could be in attendance.

**X. ADJOURN**

**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.**

The meeting adjourned at 8:40 pm.

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

Approved this 10th day of November, 2015.