



7505 South Holden Street
Midvale, UT 84047
(801) 567-7200
www.midvalecity.org

**MIDVALE CITY COUNCIL MEETING
AGENDA
June 7, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **7th day of June, 2016** 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 Glover
- B. Councilmember Paul Hunt
- C. Councilmember Quinn Sperry
- D. Councilmember Wayne Sharp
- E. Councilmember Stephen Brown

VI. MAYOR REPORT

- A. Mayor JoAnn B. Seghini

VII. CONSENT AGENDA

- A. Approve minutes of May 17, 2016

- B. Set date and time (7:00 p.m. – June 21, 2016) for a public hearing to receive public comment of the proposed FY 2017 Budget *Kane Loader/City Manager; Laurie Harvey, Asst. City Manager/Admin. Services Director*
- C. Set date and time (7:00 p.m. – June 21, 2016) for a public hearing to consider amendments to the FY 2016 Budgets for the General Fund and other funds as necessary [*Laurie Harvey, Asst. City Manager/Admin. Services Director*]

VIII. DISCUSSION ITEMS

- A. Discuss the proposed budgets for the Administrative Services Department, Non-Departmental, Employee Services, Human Resources, and Capital Projects [*Laurie Harvey, Asst. City Manager/Admin Services Director; Rori Andreason, H.R. Director/City Recorder*]

IX. ADJOURN

X. CALENDAR OF EVENTS

- | | |
|-------------------------------------|-------------------------------|
| June 8 – Planning Commission | June 14 – Workshop |
| June 9 – Golf Tournament/Summer BBQ | June 21 – Regular Meeting |
| | June 22 – Planning Commission |

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

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://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: JUNE 3, 2016

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



CITY COUNCIL MEETING

Minutes

**Tuesday, May 17, 2016
Council Chambers
7505 South Holden Street
Midvale, Utah 84047**

MAYOR: Mayor JoAnn B. Seghini

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

STAFF: Kane Loader, City Manager; Phillip Hill, Assistant City Manager/Community Development Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Bob Davis, Public Works Director; Lt. Kim Burgon, UPD Midvale Precinct; Chief Scott McBride, UFA; Lesley Burns, City Planner; Dalin Hackett, Asst. Finance Director/City Treasurer; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 6:33 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Lt. Kim Burgon discussed recent incidents as well as traffic enforcement on 1000 East.

Chief Scott McBride said things are moving along smoothly.

Laurie Harvey talked about the general employee meeting held that day. She said there were currently two vacancies in the court. One has been filled and the other one will not be filled. Michelle Henderson, Court Administrator, feels the work can be accomplished without the extra person. She and Kane met with Keybank and discussed the refunding of the 2007 water sewer bonds, which would provide a net savings at present value of \$539,000 calculating to about \$40,000 a year. The Excise Tax Bonds (B & C Road Fund) have about three years left on. They are looking at wrapping the balance on those into a new road bond to start funding the City's road projects.

Kane Loader said when the study on our road conditions was done in 2011 the funding needed was about \$6 million dollars. He said he discussed the option of issuing a bond for the roads to bring them up to an acceptable level with Keybank. He discussed issuing bonds about every 10 years for the maintenance and up keep of the roads.

Phillip Hill updated the Council on City projects. He said he is part of the committee to review the indigent defense proposals.

Bob Davis discussed the two positions that have been filled in Public Works. He also updated the Council on the CDBG Road Project on Lennox Street. He also discussed a storm drain project that needs to be addressed.

Councilmember Wayne Sharp said a citizen stopped and thanked him for the handicap sidewalk and stated how nice the construction workers were to her.

Rori Andreason invited the Council to attend Open Enrollment on June 1st and Harassment Training on June 6th.

Lisa Garner discussed preparing a conflict waiver for the legal department to do some work for UTOPIA.

Jesse Valenzuela updated the Council on the Cinco de Mayo celebration and the CERT team involvement.

II. CITY MANAGER'S REPORT

Kane Loader discussed the basketball court across the street from the Senior Center, which is used daily for basketball and pickle ball. The parking here on this site is not sufficient for large events being held at the Senior Center. Staff would like to pave the extra space in front of the Senior Center to be used for basketball and pickle ball so the other property can be freed up to be sold. He would like to discuss this option with Salt Lake County to see if they would be willing to be involved in this upgrade. He also discussed paving the vacant property on the south side of the senior center. The Council agreed.

Kane Loader said Judge Ron Wolthuis is not seeking retention in the next election. So there will be a process to go through to replace the Judge. He discussed this process.

Mayor Seghini called the business meeting to order at 7:09 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

IV. PUBLIC COMMENTS

There was no one present who desired to speak.

V. COUNCIL REPORTS

A. Councilmember Paul Glover – had nothing to report.

B. Councilmember Paul Hunt – had nothing to report.

C. Councilmember Quinn Sperry – had nothing to report.

D. Councilmember Wayne Sharp – discussed the Zika virus, which is similar to the West Nile Virus because it is transmitted through mosquitoes. That type of mosquito is

not in the country right now. In the past the County Health Department did the testing of the mosquitoes but a lot of their funding has been taken away. At some point the taxes may have to be raised to fund the testing.

He said a citizen suggested shutting down Main Street to foot traffic only after 5:00 p.m.

E. Councilmember Stephen Brown – had nothing to report.

Kane Loader said the Arts Council has signed both contract for the concerts for Harvest Days. They have indicated that they have the funding for both of them. Also, Top Golf is open if anyone would like to go over there.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – had nothing to report at this time.

MOTION: Councilmember Paul Glover MOVED to open a public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S) – 7:00 PM

A. CONSIDER WHITE PINES PHASE VIII LOCATED AT 189-193 EAST 8000 SOUTH; GENERAL PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND REZONE FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH AGRICULTURAL OVERLAY TO MULTI FAMILY RESIDENTIAL (RM-12)

Lesley Burns said the applicant, Steve Brendle, is proposing to expand the White Pines townhouse development onto the two parcels to the west of the existing development along 8000 South. These parcels, located at 189 East and 193 East 8000 South, are narrow, deep lots with older single family homes and are currently zoned single family residential (SF-1) with an Agricultural Overlay (AO). As shown on the attached concept plan, the intent is to extend the existing private road from White Pines Phase VI to access some of the proposed new units, with other new units proposed along 8000 South. The applicant was the original developer of the White Pines project, and is working with the White Pines Homeowners Association on this proposed expansion.

At this time, the applicant is requesting that the two parcels, totaling 0.66 acres, be re-designated from a low density residential use to a medium density residential use on the General Plan Proposed Land Use Map and rezoned from SF-1 AO to RM-12 (multi-family residential 12 units per acre). Provided this General Plan Amendment/Rezone request receives a favorable decision, the applicant will move forward with the development application for the project itself.

General Plan Amendment and Rezone

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan, and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The north side of 8000 South between the TRAX line and 300 East is primarily zoned RM-12, with some SF-1/Agricultural Overlay zoning interspersed. The adjacent RM-12 zoning was changed during 2000-2003 to accommodate the various phases of the White Pines development. This rezone request is on property directly west of the existing RM-12 zone. The General Plan shows this property as a low density residential designation. The City Council has amended the General Plan on the parcels that have become RM-12 to a medium density residential designation prior to the zone changes occurring. This request would be an orderly progression of the medium density land use designation and RM-12 zone, particularly with the existing development pattern providing a road access into the property. These properties have a history of code enforcement violations with weeds, storage of junk and general disrepair.

Planning Commission Recommendation

The Planning Commission conducted a public hearing and discussed these requests on April 27, 2016. At this time, the Planning Commission found that:

1. This area is in an area of transition.
2. The single family homes to the north of the proposed area have different access
3. This is an extension of an existing HOA, not a proposal for a single parcel or single unit of development.

The Planning Commission also forwarded the following motions to the City Council for its consideration:

“Based on the development pattern in the area, I move that we forward a positive recommendation to the City Council to amend the General Plan proposed land use map changing the land use designation on the property at 189-193 East 8000 South from low density residential to medium density residential.”

“Based on compliance with the General Plan, the orderly progression of development that would occur as a result, and creating an opportunity to better utilize and maintain the property, I move that we forward a positive recommendation to the City Council to rezone the property at 189-193 East 8000 South from SF-1 with an Agricultural Overlay to RM-12 for the purpose of expanding the White Pines development.”

Adoption of an ordinance is required for all rezones. If the City Council decides to approve the general plan amendment and rezone as requested, an ordinance has been prepared to accomplish this.

STAFF RECOMMENDATION:

Staff agreed with the Planning Commission's recommendations and recommended the requested General Plan amendment be approved, as well as the rezone be approved through the adoption of Ordinance No. 2016-O-05.

Mayor Seghini opened the hearing to public comment.

Steve Brendle, 6832 South State Street, said he is the applicant for this project. He said this is an extension of the same plan he has done in the past. The whole street is in transition and has been for a long time.

John Bruderer said he lives on 8033 South Tapp Lane and his concern was that there is enough parking for guests. His recommendation was that when it does come time to build there, that there be sufficient parking for the guests that visit. He also doesn't want any low income dwellings to be built on this property.

Lora Owens, 176 East Tennyson Ave., asked if all the trees would be taken out. Mr. Brendle said he loves trees and will try and save as many as possible.

MOTION: Councilmember Stephen Brown 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 she called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2016-O-05 WHITE PINES PHASE VIII LOCATED AT 189-193 EAST 8000 SOUTH. GENERAL PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND REZONE FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH AGRICULTURAL OVERLAY TO MULTI FAMILY RESIDENTIAL (RM-12)

MOTION: Councilmember Quinn Sperry MOVED that based on the Planning Commission's recommendations, I move that we approve the request to amend the General Plan proposed land use map changing the land use designation on the property at 189-193 East 8000 South from low density residential to medium density residential, and to adopt Ordinance No. 2016-O-05 rezoning the properties located at 189-193 East 8000 South from SF-1 with an Agricultural Overlay to RM-12. The motion was SECONDED by Councilmember Paul Hunt Mayor Seghini called for discussion on the motion. There being none the 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.

MOTION: **Councilmember Quinn Sperry MOVED to open a public hearing. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.**

B. CONSIDER ORDINANCE NO. 2016-O-06 REZONING THE .072 ACRE PARCEL LOCATED AT 193 WEST 8600 SOUTH FROM REGIONAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL (SF-1)

Lesley Burns said the applicant, Brandon Fry, is requesting that the property located at 193 West 8600 South be rezoned from Regional Commercial (RC) to Single Family Residential (SF-1). This property includes an older single family house and is 0.72 acres in size. The applicant is making this request in order to develop the property into three single family residential lots. The applicant has provided a concept plan illustrating the anticipated use of the property; however, the subdivision plat is not being reviewed at this time.

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan, and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The General Plan Proposed Land Use Map designates this property as a low density residential use. The current RC zoning designation is not consistent with the General Plan Proposed Land Use Map; the proposed rezone to SF-1 would make the zoning on the property consistent with the current land use designation. The property directly east, although zoned RC, is currently being used as single family residential. The property directly west is an existing commercial use. With the exception of the properties to the west of this parcel, 8600 South is primarily a single family residential neighborhood west of the canal near State Street to Harrison Street. 8600 South functions and is designed as a neighborhood road. The location is not conducive to most 2 commercial uses with its lack of visibility and traffic. It is better suited for a residential type development. The applicant has provided a narrative on the rezone request.

Planning Commission Recommendation

The Planning Commission conducted a public hearing and discussed this request on April 27, 2016. At this time, the Planning Commission found that:

1. The existing use is compatible with the proposed rezone.
2. This rezone is necessary to comply with the General Plan proposed Land Use Map, and is consistent with the goals and policies of the General Plan. The Planning Commission also forwarded the following motion to the City Council for its consideration:

“Based on compliance with the Midvale City General Plan, the findings adopted by this Commission and the existing development in the area, I move that we forward a positive recommendation to the City Council to rezone the property at 193 West 8600 South from Regional Commercial (RC) to Single Family Residential (SF-1).”

Adoption of an ordinance is required for all rezones. If the City Council decides to approve the rezone as requested, an ordinance has been prepared to accomplish this.

She said staff agreed with the Planning Commission’s recommendation and recommends the requested rezone be approved through the adoption of Ordinance No. 2016-O-06.

Mayor Seghini opened the hearing to public comment.

Brandon Fry said he is the applicant. He talked with the neighbors and they all seemed excited for the development. The intent is to build three single family dwellings there.

Amber Lindsey, 184 West 8600 South, said the applicant did approach her and she is thrilled about building residential in this area. People are caring more about their yards and homes so she would really like to see more residential.

MOTION: Councilmember Stephen Brown MOVED to close the hearing to public comment. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

Councilmember Stephen Brown said the property owner to the east was at the Planning Commission meeting and was in favor of this rezone and the possibility of what he could do with his property in the future.

ACTION: ADOPT ORDINANCE NO. 2016-O-06 REZONING THE .072 ACRE PARCEL LOCATED AT 193 WEST 8600 SOUTH FROM REGIONAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL (SF-1)

MOTION: Councilmember Wayne Sharp MOVED that based on the Planning Commission’s recommendation, I move that we adopt Ordinance No. 2016-

O-06 rezoning the 0.72 acre parcel located at 193 West 8600 South from Regional Commercial to Single Family Residential (SF-1). The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the 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. CONSENT AGENDA

- A. APPROVE MINUTES OF MAY 3 AND 10, 2016**
- B. APPROVE RESOLUTION NO. 2016-R-17 AUTHORIZING THE MAYOR TO EXECUTE THE “TERMINATION OF AGREEMENT AND LICENSE AND RELEASE AN UNUSED EASEMENT TO INSTALL A PUMP ON JORDAN BLUFFS TO REMOVE SLAG WATER**
- C. APPROVE RESOLUTION NO. 2016-R-18 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY FOR THE DESIGN OF THE AMPHITHEATER**

MOTION: Councilmember Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the 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.

IX. DISCUSSION ITEMS

- A. DISCUSS THE PROPOSED BUDGETS FOR PUBLIC WORKS**

Bob Davis reviewed the details of the proposed FY 2017 budgets for Public Works, Fleet, and Enterprise Funds.

X. ADJOURN

MOTION: Councilmember Wayne Sharp **MOVED** to adjourn the meeting. 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.

The meeting adjourned at 8:17 p.m.

Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 7th day of June, 2016.

PENDING