



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

**MIDVALE CITY COUNCIL MEETING
AGENDA
January 22, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **22nd day of January 2019** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM PRE-MEETING WORKSHOP
I. STAFF REPORTS

**6:30 PM CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR
LEASE OF REAL PROPERTY**

7:00 PM
REGULAR MEETING

II. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. UPD AND UFA REPORTS
- D. Proclamation declaring Martin Luther King Jr. Day as Designated
- E.. UDOT I-15 Northbound Project Update

III. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing 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.

IV. COUNCIL REPORTS

- A. Council Member Paul Hunt
- B. Council Member Dustin Gettel
- C. Council Member Paul Glover
- D. Council Member Quinn Sperry
- E. Council Member Bryant Brown

V. MAYOR REPORT

- A. Mayor Robert M. Hale

VI. CONSENT AGENDA

- A. Consider minutes of January 8, 2019 [**Rori Andreason, H.R. Director/City Recorder**]

VII. ACTION ITEMS

- A. Consider request to Vacate City-Owned Property located at 7287 South Catalpa Street [**Alex Murphy, Associate Planner**]
- B. Consider Ordinance No. 2019-O-01 rezoning 3.4 acres of property to include Regional Commercial Residential Overlay for 227-Mixed Use Project located at 7205 South 900 East, Midvale Creekview LLC [**Alex Murphy, Associate Planner**]
- C. Consider Resolution No. 2019-R-02 Authorizing the Mayor to enter into a Development Agreement for North Union Apartments (formerly Creekview Apartments) [**Alex Murphy, Associate Planner**]
- D. Consider Resolution No. 2019-R-03 Appointing Bryce Haderlie to serve on the Salt Lake County Animal Services Board [**Kane Loader, City Manager**]
- E. Consider Resolution No. 2019-R-04 Appointing Bryce Haderlie to serve on the Utah Infrastructure Agency Board [**Kane Loader, City Manager**]

VIII. DISCUSSION ITEMS

- A. Update on Community Engagement Plan [**Laura Magness, Communications Specialist**]

IX. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day 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 also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pmn.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: JANUARY 18, 2019

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



CITY COUNCIL MEETING
Minutes

Tuesday January 22, 2019
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

COUNCIL MEMBERS: Council Member Paul Hunt
Council Member Dustin Gettel
Council Member Paul Glover
Council Member Quinn Sperry
Council Member Bryant Brown

STAFF: Kane Loader, City Manager; Brian Berndt, Asst. City Manager/CD Director; Bryce Haderlie, Asst. City Manager/Admin. Services Director; Shelly Reed, Deputy Recorder; Lisa Garner, City Attorney; Matt Dahl, Redevelopment Agency Director; Alex Murphy, Associate Planner; Laura Magness, Communications Specialist; Glen Kennedy, PW Director; Chief Randy Thomas, UPD; Battalion Chief Scott McBride, UFA; and Jake Shepherd, Network Administrator.

The pre-meeting workshop began at 6:00 p.m.

PRE-MEETING WORKSHOP

- I. Staff and Council discussed agenda items as well as updates from staff.
- II. Closed Session to Discuss the Purchase, Exchange, or Lease of Real Property

MOTION: Council Member Dustin Gettel **MOVED** to go into closed session to discuss the purchase, exchange, or lease of real property. The motion was **SECONDED** by Bryant Brown Council Member. Mayor Hale called for discussion on the Motion. There being none he called for a roll call vote. The voting was as follows:

Council Member Paul Hunt **Aye**
Council Member Dustin Gettel **Aye**
Council Member Paul Glover **Aye**
Council Member Quinn Sperry **Aye**
Council Member Bryant Brown **Aye**

The motion passed unanimously.

The Council went into closed session at 6:36 pm

MOTION: Council Member Paul Glover **MOVED** to reconvene into open session. Council Member Dustin Gettel **SECONDED** the motion. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The Board reconvened at 7:03 pm

Mayor Hale called the regular meeting to order at 7:06 p.m.

II. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

B. Roll Call - Council Members Paul Hunt, Quinn Sperry, Bryant Brown, Dustin Gettel, and Paul Glover were present at roll call.

C. UPD and UFA Reports

Chief Randy Thomas reported on the December stat report. Stats were low, and even lower than 2016. Locally we wrote a lot of citations with the snow. He was recently assigned to the Public Safety steering Committee for the transitional down town Rio Grande area for the new shelters. He will provide information to them on dealing with our Road Home Shelter. UDOT property closures on Adams Street have seen a significant amount of progress over the last couple of weeks.

Council Member Paul Hunt asked if they are taken care of abandoned cars on the streets with the snow.

Chief Thomas said they would watch out for them.

Battalion Scott McBride, UFA, introduced station 125 crew members. Station 125 and 126 are very busy stations in all of UFA. The UFA audit findings have been completed and are moving forward. He reported February 4th they are starting the One on One program where there will be a paramedic on every piece of equipment that rolls out of the station. Training Division will have 28 new employees starting on February 4th. Four Captains were recently promoted. Report call volumes for station 125 for the month of December were high and very busy. Station 126 call volumes went down for December.

Council Member Paul Glover asked if the reason station 125 calls went up had anything to do with the homeless shelter.

Chief McBride said before Christmas it possibly was. He said he could run data on the homeless shelter address.

D. Proclamation Declaring Martin Luther King Jr. Day as Designated
Mayor Hale read the proclamation declaring Martin Luther King Jr. Day as designated.

E. UDOT I-15 Northbound Project Update

Jessica Wright, UDOT Project Manager for the I-15 Northbound Project gave a brief overview of the UDOT I-15 Northbound Project

Project Purpose & Need

- Address the current and future travel demand on northbound I-15 from Bangerter Highway to I-215.
- Improve safety on northbound I-15 from Bangerter Highway to I-215.

Alternatives Screening Process Reduces Morning Congestion

Provides corridor average LOS D or better on northbound I-15 from Bangerter Highway to I-215 during the AM peak in 2040

Improves Safety

Reduces the number of crashes on northbound I-15 from Bangerter Highway to I-215 when compared to the No-action Alternative

Preferred Alternative (Alternative 3)

Construct two separate Collector-Distributor Systems:

- Northbound Collector-Distributor System A on I-15 from 9000 South to the I-215 east/westbound entrance ramps
- Northbound Collector-Distributor System B on the I-15 from Bangerter Highway to 9000 South

What is a Collector-Distributor System?

A collector-distributor system parallels the mainline freeway and connects to more than one entrance/exit to the freeway. This system improves traffic flow by allowing mainline through traffic to bypass exit and entrance ramps.

Construction Phasing

If implemented, the Preferred Alternative would be constructed in two phases:

Phase 1 – Construct Collector-Distributor System A and add a general-purpose lane from Bangerter Highway to 9000 South.

Phase 2 – Construct Collector-Distributor System B.

Design-Build Process

Design-Build is contracting method where the design and construction are combined into one contract that is awarded to a single design-build team.

If the Preferred Alternative is implemented, UDOT intends to construct Phase 1 improvements using the Design-Build process.

Why is Design-Build a good fit?

- Innovation – Promotes innovative design and construction ideas, improving project outcomes and reducing a public impact.
- Schedule – Allows streamlining of design and construction timelines to expedite project delivery.
- Quality – Enhances design results in a superior finished product.

Noise

UDOT will conduct a balloting for each new noise wall to determine if noise abatement is desired by property owners and residents.

The balloting process, as defined by the UDOT Noise Policy, requires the following:

- A noise ballot will be sent to property owners and residents who are either directly adjacent to the noise all or benefited by the noise wall (receive at least a 5-dBA noise reduction).
- At least 75% of ballots sent out need to be filled out and returned.
- 75% of returned ballots need to be in favor of the noise wall.

If property owners and residents vote to reject construction of a noise wall (less than 75% in favor), there will not be another opportunity to address noise impacts until another project that adds lanes or substantially alters lane location impacts the same area.

Council Member Dustin Gettel asked why do through all this process, rather than just building the sound wall.

Jessica said that it is a UDOT process. Not everyone benefits from or wants a noise wall. Some commercial areas do not want a noise wall.

Council Member Paul Glover asked if you are tearing down a noise wall, why do you have to go through the process of building another one when at one time, the wall was wanted.

Jessica said that the wall is now taller, which requires us to go through the process.

Council Member Bryant Brown said that sound travels farther than one property. The property owners that live farther out will still be affected.

Mendy Magistro, UDOT Public Involvement Specialist, said that a benefited receiver is a property that anyone that receives a 5% reduction from the noise wall.

Council Member Paul Glover asked about replacing the ball fields at the Copperview Community Center.

Jessica said she is working with S L County to reconfigure the ball fields. The contractor will be building two soccer fields.

If anyone has questions regarding the Northbound I-215 project, you may call 801-747-9950.

III. PUBLIC COMMENTS

Mike Paul reported that he did not plan a Cinco De Mayo last year for numerous reasons. He would like to see Cinco De Mayo be represented in Midvale City again. They are excited to get involved with Cinco De Mayo again. He asked for ideas, suggestions and permission from the council to resume the Cinco De Mayo celebration.

Mayor and council referred Mr. Paul to Laura Magness, Midvale Communications Specialist.

Sophia Hawes-Tingey said the Community Council meeting on February 6th will have an update on the Jordan Bluffs Project. We will be adopting a plan for the business reports to start at 6:00 instead of 7:00 p.m. She plans on attending the legislative sessions every Wednesday.

Council Member Dustin Gettel asked if Jodi, secretary for the Community Council, was able to meet with Rori and go over minutes.

Sophia said yes, and she did a great job with the minutes.

IV. COUNCIL REPORTS

A. Council Member Paul Hunt – asked if we have representation for the legislative sessions, he is unable to make it.

B. Council Member Dustin Gettel – He attended the Jordan River Commission meeting last Wednesday. They discussed grant opportunities that are available to Midvale City. He reported that one of our representatives, Ken Ivory, wants to pass a bill to allow running red lights - (HB151). We have been working on and promoting pedestrian safety. He feels that it is a bad idea and should not support the bill. He urged everyone to call Representative Ivory to not support the bill.

C. Council Member Paul Glover – Had nothing to report.

D. Council Member Quinn Sperry – Attended the Homeless Shelter Board Meeting. The resource centers being built, two of them are on schedule to open at the end of May and the shelter in South Salt Lake is behind schedule and is looking at September. To help raise money for the shelters, the Miller family put up a matching donation dollar for dollar up to ten million dollars. He encouraged everyone to donate at home4change.org.

E. Council Member Bryant Brown – Attended the Arts Council Board meeting. The overflow parking where the old city hall used to be has a no parking sign and is confusing people. He asked if the wording can be changed on the sign or have the sign taken down. The taco truck neighbors are using the parking lot when they are staging. He would like to know the boundaries of the Arts Council parking lot. Would the Arts Council be able to participate in the Bulky Waste pick up?

Kane Loader said the bulky waste is for residential only. Coordinate with Public Works to come and pick it up for them.

Bryant said the Midvale Elementary school is failing. A report was just released for the elementary school, and it is it's third year for failing for a turnaround school. Part of the problem is that it is over populated. He doesn't agree that the council cannot vote on the schools. He feels that we are setting up a generation of kids with a disadvantage. It is historically proven through data that the developmental years sets you up for success or failure. He wants the citizens to know that he cares.

Council Member Dustin Gettel said we have to rely on the School Board to make adjustments for population. We need to share responsibilities with the members of the school board.

V. MAYOR REPORT

Mayor Robert Hale reported that the police chief called and said that there was flooding at Homewood Suites Hotel. The construction company for Hillcrest High School. They are in the process of putting the culvert in to go underneath the concrete. They diked off the canal, however we have had unusual rain in January and the water came down the canal and up over the dike into the parking lot. There was damage to rooms and cars in the hotel. Our public works helped the disaster crew clean it up. He reported on Oak Street where he visited with the Habitat for Humanity and UDOT regarding the homes that are being demolished. They took anything from the homes of value that can be resold to the Habitat for Humanity Re-store. He reminded the citizens that the sidewalks need to be cleared of snow within a reasonable amount of time.

VI. CONSENT AGENDA

A. CONSIDER MINUTES OF JANUARY 8, 2019

MOTION: Council Member Paul Glover **MOVED** to approve the consent agenda. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry **Aye**
Council Member Paul Glover **Aye**
Council Member Paul Hunt **Aye**
Council Member Bryant Brown **Aye**
Council Member Dustin Gettel **Aye**

The motion passed unanimously.

VII. ACTION ITEMS

A. CONSIDER REQUEST TO VACATE CITY-OWNED PROPERTY LOCATED AT 7287 SOUTH CATALPA STREET

Alex Murphy said Midvale City owns a piece of property approximately 0.49 acres in size at 7287 South Catalpa Street. This is a vacant parcel, with the exception of a Utopia

cabinet hub located at the east end. The City has received a request to sell the property from Ryan Hughes, who is interested in purchasing the property for a private development. After this formal request from Mr. Hughes, the adjacent property owner, Holly Ernest, also expressed interest in purchasing the property. Mr. Ernest owns a strip of land between the City's parcel and Millennium Street approximately 8' in width.

The City currently has no plans for development on this parcel. The UTOPIA cabinet and associated easement will need to remain on the property, should the City decide to sell. Any future development on this parcel must comply with the development standards in effect at the time of application. The current zone, Transit Oriented Development (TOD), allows a variety of uses, including residential, commercial, office, etc.

CITY REVIEWERS:

§12.16.050 of the Midvale City Municipal Code establishes a process for reviewing and responding to requests to vacate City-owned property. As required by that process, this request was forwarded to other affected City departments to determine potential impacts to the City. The affected City departments concluded disposal of the property was appropriate and raised the following concerns during the internal review and discussion of the proposal:

1. The property does not have direct sewer access on Catalpa or Millennium Street. A sewer line will need to be extended to service the property if it is developed.
2. The UTOPIA easement may need to be updated if the property transfers ownership.

PLANNING COMMISSION PUBLIC HEARING:

A public hearing was held by the Planning Commission on September 26, 2018 to consider the request and make a recommendation to the City Council. The Planning Commission decided to recommend sale of the property with the following conditions:

1. The future developer shall be solely responsible for any public improvements required to service the project.
2. The UTOPIA easement shall be updated, if required, to guarantee future access or clarify its impacts on future development.

CITY COUNCIL PUBLIC HEARING:

The Council held a public hearing on the matter on October 16, 2018, where a decision on the item was tabled to provide time for Staff to obtain an appraisal and survey of the property. Staff has obtained those items, plus a title report, and now requests a decision from the Council.

APPRAISAL:

The applicant, Mr. Hughes, commissioned a property appraisal from Matthew Frentheway, Certified Residential Appraiser with Aspen Appraisal Group, which valued the property at \$80,000 and submitted an offer to purchase the property for \$75,000.

City Staff commissioned a property appraisal from Paul and Jacob Thronsen, Certified General Appraisers with Appraisal Group LLC, which valued the property at \$200,000.

Holly Ernest, owner of adjacent parcel and second interested party in purchasing this lot, also commissioned an appraisal, from David P. Holtby, Certified General Appraiser with DH Group LLC, which valued the property at \$106,000.

SALE OPTIONS IF PROPERTY DECLARED SURPLUS:

With multiple parties interested in purchasing the property and a large difference in appraised value, Staff would like direction regarding how the Council would like to proceed. Should the Council decide to declare the property surplus and proceed with sale, possible options include listing the property for competitive bids for purchase or transferring the property to the RDA to explore other sales options allowed by code.

If the Council wishes to encourage prompt development of the site, a reversionary interest could be included as a condition for the sale, a development agreement could be required prior to transfer, or both could be required as a condition of the sale.

FISCAL IMPACT:

Should the Council decide to sell the property, the City will receive funds, up to the market value of the property, in exchange and will no longer have maintenance responsibilities for the property.

If the property is not sold, the City will continue to be responsible for ongoing maintenance of the property.

STAFF RECOMMENDATION:

Staff and the Planning Commission recommend the City Council declare the approximately 0.49-acre property located at 7287 South Catalpa Street as surplus and provide direction on how to proceed with the sale of the property.

Council Member Paul Hunt said the council was inclined to sell the property. We are inclined to sell it for no less than \$130,000. The process to determine the buyer is by auction.

Council Member Gettel said we agreed to right of first refusal and the right to reclaim the property if there is no development in 7 years.

Alex said to move forward, we will require a resolution with your decisions.

Council Member Quinn Sperry said the evaluation was based on the appraisals. We took an average of the appraisals which is \$130,000.

Council Member Dustin Gettel said two of the appraisals were done by a Commercial/Residential appraiser, and the other appraisal was done by a residential only

appraiser. That may be why there is discrepancies in the appraisals of 80,000, 106,000, and 200,000.

MOTION: Council Member Paul Hunt Moved that we declare the approximately 0.49-acre property located at 7287 South Catalpa Street as surplus and direct Staff to prepare a resolution to proceed with the sale of the property to include the following parameters:

1. Property sale price to be no less than \$130,000.
2. Utopia easement to remain with necessary modifications to easement description/location to work with future development.
3. Process to determine buyer shall be based upon auction.
4. Purchase contract to include first right of refusal and 7 years right to reclaim property. if property is not developed in 7 years. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

Council Member Quinn Sperry said to clarify, it is the right to reclaim the property if it is not developed in 7 years.

B. CONSIDER ORDINANCE NO. 2019-O-1 REZONING 3.4 ACRES OF PROPERTY TO INCLUDE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY FOR 227-MIXED USE PROJECT LOCATED AT 7205 SOUTH 900 EAST, MIDVALE CREEKVIEW LLC

Alex Murphy said the applicant, RW Midvale Creekview LLC represented by Adam Davis, is proposing to redevelop approximately 3.4 acres of property located at 7205 South 900 East, including the Flower Patch property and Creekview Plaza office complex, into a mixed-use project with 7500 SF of commercial space, 227 residential apartment and townhome units, a 2-story parking garage, and various other amenities. The proposal includes 7 existing parcels located between North Union and South Union Avenues, 900 East, and the East Jordan Canal. The existing structures will be removed to accommodate this project.

This property is located in the Regional Commercial (RC) zone and is adjacent to properties in the RC and Residential Multifamily – Medium to High Density (RM-25) zones. The applicant is proposing to utilize the Regional Commercial Residential Overlay (RCRO) for the high density residential component of this proposal. For this development to proceed as proposed, the following approvals are required from the City:

1. Rezone of the 3.4-acre property to include the Regional Commercial Residential Overlay (RCRO).
2. Conditional use permit for the mixed-use element.
3. Site plan approval.
4. Development agreement.

The Planning Commission reviewed this development proposal and conducted a public hearing on November 14, 2018. The Planning Commission considered the submitted information and public comment before deciding to recommend approval of the rezone request including the associated development plan with the following motion:

Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve a rezone of 7205 South 900 East and associated parcels to the Regional Commercial zone with Residential Overlay:

1. *The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;*
2. *The proposed redevelopment of these properties fulfills the goals of the Regional Commercial Residential Overlay; and*
3. *The proposed redevelopment supports and enhances the existing Fort Union commercial area.*

It is recommended that the effective date of an ordinance approving the rezone be tied to the City Council's approval and execution of a Development Agreement for the project site.

The Planning Commission also approved the preliminary site plan and conditional use permit for the project, subject to a number of conditions including approval of the rezone by the City Council. A copy of this approval is attached.

On December 4, 2018, the City Council held a public hearing on the request to rezone the property to Regional Commercial with Residential Overlay (RCRO). After hearing public comment, the Council tabled a decision on the rezone to provide time for the required Development Agreement to be drafted. A Development Agreement has been prepared, reviewed and approved by all involved, and is now ready for Council consideration. The Agreement includes the following:

- The agreement will run with the property and will be binding on any successors/assigns of the current Developer in the future;
- Requires the Developer to construct the project in accordance with the approved Final Site Plan for the project. The Final Site Plan must be consistent with the Preliminary Site Plan and Conditional Use Permit approved by the Planning Commission.
- Vests the property owner for the use and density indicated on the approved development plan for 5 years.

- Requires a pedestrian connection to The Shops at Fort Union project to support pedestrian activity between the residential and commercial developments.

If the City Council is comfortable with this Agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission's recommendation of approval for the requested rezone and recommends the City Council approve Ordinance 2019-O-01, rezoning the property to include the Regional Commercial Residential Overlay. To ensure the rezone fulfills the goals of the RCRO, Staff further recommends the Council approve Resolution 2019-R-02, authorizing the Mayor to enter into a Development Agreement for the North Union Apartments project.

MOTION: Council Member Dustin Gettel Moved based on the following findings, I move that we adopt Ordinance 2019-O-01, rezoning approximately 3.4 acres located at 7205 South 900 East to include the Regional Commercial Residential Overlay:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;
2. The proposed redevelopment of these properties fulfills the goals of the Regional Commercial Residential Overlay; and
3. The proposed redevelopment supports and enhances the existing Fort Union commercial area. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Aye
Council Member Bryant Brown Nay
Council Member Dustin Gettel Aye

The motion passed unanimously.

Council Member Paul Glover talked with people that live in the area. They are all for the development but are concerned with the traffic. They feel the traffic is a problem.

Council Member Bryant Brown said that the amount of commercial overlay is meager on the bottom corner and he isn't sure if that area is prepared for that level of density yet.

- C. **CONSIDER RESOLUTION NO. 2019-R-02 AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT FOR NORTH UNION APARTMENTS (FORMERLY CREEKVIEW APARTMENTS)**

Alex Murphy said the applicant, RW Midvale Creekview LLC represented by Adam Davis, is proposing to redevelop approximately 3.4 acres of property located at 7205 South 900 East, including the Flower Patch property and Creekview Plaza office complex, into a mixed-use project with 7500 SF of commercial space, 227 residential apartment and townhome units, a 2-story parking garage, and various other amenities. The proposal includes 7 existing parcels located between North Union and South Union Avenues, 900 East, and the East Jordan Canal. The existing structures will be removed to accommodate this project.

This property is located in the Regional Commercial (RC) zone and is adjacent to properties in the RC and Residential Multifamily – Medium to High Density (RM-25) zones. The applicant is proposing to utilize the Regional Commercial Residential Overlay (RCRO) for the high density residential component of this proposal. For this development to proceed as proposed, the following approvals are required from the City:

5. Rezone of the 3.4-acre property to include the Regional Commercial Residential Overlay (RCRO).
6. Conditional use permit for the mixed-use element.
7. Site plan approval.
8. Development agreement.

The Planning Commission reviewed this development proposal and conducted a public hearing on November 14, 2018. The Planning Commission considered the submitted information and public comment before deciding to recommend approval of the rezone request including the associated development plan with the following motion:

Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve a rezone of 7205 South 900 East and associated parcels to the Regional Commercial zone with Residential Overlay:

4. *The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan;*
5. *The proposed redevelopment of these properties fulfills the goals of the Regional Commercial Residential Overlay; and*
6. *The proposed redevelopment supports and enhances the existing Fort Union commercial area.*

It is recommended that the effective date of an ordinance approving the rezone be tied to the City Council's approval and execution of a Development Agreement for the project site.

The Planning Commission also approved the preliminary site plan and conditional use permit for the project, subject to a number of conditions including approval of the rezone by the City Council. A copy of this approval is attached.

On December 4, 2018, the City Council held a public hearing on the request to rezone the property to Regional Commercial with Residential Overlay (RCRO). After hearing public comment, the Council tabled a decision on the rezone to provide time for the required Development Agreement to be drafted. A Development Agreement has been prepared, reviewed and approved by all involved, and is now ready for Council consideration. The Agreement includes the following:

- The agreement will run with the property and will be binding on any successors/assigns of the current Developer in the future;
- Requires the Developer to construct the project in accordance with the approved Final Site Plan for the project. The Final Site Plan must be consistent with the Preliminary Site Plan and Conditional Use Permit approved by the Planning Commission.
- Vests the property owner for the use and density indicated on the approved development plan for 5 years.
- Requires a pedestrian connection to The Shops at Fort Union project to support pedestrian activity between the residential and commercial developments.

If the City Council is comfortable with this Agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission's recommendation of approval for the requested rezone and recommends the City Council approve Ordinance 2019-O-01, rezoning the property to include the Regional Commercial Residential Overlay. To ensure the rezone fulfills the goals of the RCRO, Staff further recommends the Council approve Resolution 2019-R-02, authorizing the Mayor to enter into a Development Agreement for the North Union Apartments project.

MOTION: Council Member Paul Hunt Moved that we adopt Resolution 2019-R-02, authorizing the Mayor to enter into a Development Agreement for the North Union Apartments project, as presented. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

D. CONSIDER RESOLUTION NO. 2019-R-03 APPOINTING BRYCE HADERLIE TO SERVE ON THE SALT LAKE COUNTY ANIMAL SERVICES BOARD

Kane Loader said with the resignation of Laurie Harvey, it is necessary to appoint someone to replace her as she represented the City on both the Salt Lake County Animal Services Advisory Committee and the Utah Infrastructure Agency Board of Directors.

Mayor Hale has asked Bryce Haderlie, Assistant City Manager/Administrative Services Director, to fill the vacancies created by Laurie's departure. Bryce has the skills, abilities and experience to represent the City in of these assignments and is excited for the opportunity serve.

MOTION: Council Member Bryant Brown Moved to Approve Resolution No. 2019-R-03 Appointing Bryce Haderlie to serve on the Salt Lake County Animal Services Board. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

**Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye**

The motion passed unanimously.

E. CONSIDER RESOLUTION NO. 2019-R-04 APPOINTING BRYCE HADERLIE TO SERVE ON THE UTAH INFRASTRUCTURE AGENCY BOARD

Council Member Quinn Sperry said that UIA are allowing other cities to join but are not benefiting the income.

Kane Loader said the UIA and the eight pledging cities are benefiting from the income. Other cities can join but will not benefit from the income.

MOTION: Council Member Bryant Brown Moved to Approve Resolution No. 2019-R-04 Appointing Bryce Haderlie to serve on the Utah Infrastructure Agency Board. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

**Council Member Quinn Sperry Aye
Council Member Paul Glover Aye
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye**

The motion passed unanimously.

VIII. DISCUSSION ITEMS

A. UPDATE ON CIVIC ENGAGEMENT PLAN

Laura Magness said communities work best when residents and agencies are engaged and working together. Midvale City is no exception. The people who live, work and play here take enormous pride in this city and care deeply about keeping it healthy and vibrant. Midvale City wants to accommodate different perspectives and encourage more residents to be informed and involved in shaping decisions.

Because it may be difficult for residents to attend City Council meetings or stay current on city issues, we are implementing a simple, online survey system (Midvale Connect) that enables residents to voice their opinions on topics that impact our community.

The surveys are protected from tampering. All participants will be allowed only one submission per survey. Duplicated responses and survey resubmissions will be filtered and removed from the final sample set. This will ensure the information collected fairly represents the community's opinion.

In order to receive and participate in these email surveys, residents must opt-in. We will invite residents to opt-in via email (utilizing the utility billing database), social media, the Midvale City Journal, Midvale City's website, and through the school district's online newsletter, PeachJar.

Objectives

- Build relationships with the community to instill trust and solicit feedback on a variety of issues.
- Identify the most important issues currently facing Midvale City and its residents.
- Determine residents' engagement in Midvale City's decisions and direction.
- Evaluate resident opinions about eight larger categories: quality of life, community characteristics, growth, code enforcement, public safety, personal safety, recreation and wellness, community inclusiveness, level of city communication, civic engagement and public trust.
- Gauge residents' contact with Midvale City offices.
- Determine

Introduction Survey - Design

The introduction survey (see attached) is composed of 27 questions and 5 demographic questions using a variety of question formats including multiple choice and fill in the blank.

Introduction Survey - Comparing Survey Results

Certain kinds of services tend to be thought better of by residents in many communities across the country. For example, public safety services tend to be received better than transportation services by residents of most American communities. Where possible, the better comparison is not from one service to another in Midvale City, but from Midvale City to services provided by other jurisdictions.

Introduction Survey - Sample size goals

Statistically 380 responses would be a sufficient sample size (5% margin of error/95% confidence level) if this was a truly random sample. Since this is a self-reporting survey

our goal is to receive 760 responses. We also want to ensure the responses represent all areas of Midvale.

Council Member Quinn Sperry is concerned with the length of the survey and that it will take to long. He feels that citizens will lose interest.

Council Member Dustin Gettel said apartments have property management companies that you can reach out to.

Council Member Paul Glover said he would like to start with simple questions to begin with.

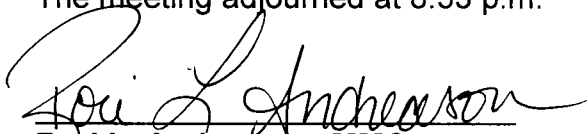
Council Member Bryant Brown said that he doesn't want the survey to set us up with poor reviews that we will have to come up with a long-term plan for those survey results.

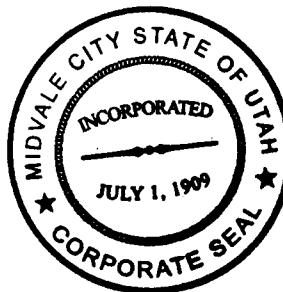
Council Member Dustin Gettel is concerned with the crime related questions on the survey. There should be different introductory questions than crime.

IX. ADJOURN

MOTION: Council Member Paul Glover **MOVED** to adjourn the meeting. The motion was **SECONDED** by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 8:33 p.m.


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



Approved this 5th day of February 2019.

