



COUNCIL MEETING
Minutes

Tuesday January 16, 2018
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; Phillip Hill, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Garrett Wilcox, Deputy City Attorney; Larry Wright, Public Works Director; Matt Dahl, Redevelopment Agency Director; Lesley Burns, City Planner; Alex Murphy, Associate Planner; Dan Schuler, Streets/Storm Drain Superintendent; Chief Randy Thomas, UPD; Curtis Day, UFA; and Matthew Pierce, IT Manager.

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

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Chief Randy Thomas reported on the statistics for the Midvale precinct for citations and the Trax UTA issues. He reminded the Council that he would be presenting an award to Angie Hunter for her service and her last month with UPD. He reported on the White City stabbing incident, and how well the officers responded to this. He reported on the statistics from the task force for overdose cases. He said they have had a car in Midvale that has been fleeing from police officers. Our detectives pulled a surveillance camera and attempted to locate the driver. They were able to locate the driver and were following the car today when the car met up with another vehicle which just happened to be involved with an aggravated robbery carjacking in Millcreek the night before. That car also had a shooter in it that was involved in a shooting in Magna just hours before. The shooting suspect was arrested in Tooele just a couple of hours ago. He discussed graffiti that was tagged over the weekend, and believes it is a tagger rather than a gang. On Friday, he will be conducting interviews for the DEU Unit position.

Councilmember Dustin Gettel asked if there were any updates on the pedestrian fatality on 8000 South. Chief Thomas said the driver was a 15-year old with a learner permit and a 16-year old in the front seat. The victim did not survive. Speed appears to be the main factor.

Councilmember Paul Glover asked about police protection at McDonalds. Chief Thomas said that it was a misunderstanding. The officers are in plain clothes rather than uniforms, and McDonalds thought that there was no police protection.

Chief Curtis Day reported on the firefighters that were sent to California to assist with the fires. He asked if residents would clear the snow around the fire hydrants if they have one in their yard. They need a clearance of three feet around the fire hydrant. He said Station 125 responded on 160 calls, and Station 126 responded on 120 calls. Many of the calls were flu based, seizure calls and multiple traffic accidents. They've had a number of assault calls and breathing problems. They also responded on five cardiac arrests.

Councilmember Paul Glover asked who pays for the firefighters to respond to California? Chief Day said they get reimbursed for the costs.

Laurie Harvey said the monthly financial report was sent out for December. She discussed issuing a water, sewer and storm water revenue bond for \$6 - \$7 million dollars for several projects including: replacing pipes under the roads that are planned for construction this spring; connecting the Jordan Valley Water Conservancy District pipes to the City's retail area and purchasing meters for these connections. The JWCD are not automated read meters. They are also looking at a tower meter read system. All City's meters are radio read. With a tower read system, it would enable us to see the data from the meters at all time. Residents would be able to view their usage at any time. The biggest benefit would be that we are getting reads constantly from all meters. Because these would be water, sewer, and storm water revenue bonds, additional projects could be included such as any sewer projects that were identified in the sewer master plan that were completed and a \$1.5 million dollar investment, which is in order for South Valley Water Reclamation Facility dealing with grit and phosphorus removal. She said they looked at issuing these bonds through Midvale City, South Valley Water Reclamation, or West Jordan. They determined that Midvale City would be the best option.

Phillip Hill reported that the Center Street study has been received from the consulting engineers. This item will be discussed on the 6th of February. Also, the grant came in from UTA, which will also be discussed on February 6th.

Councilmember Paul Hunt asked how long it will take to complete the sewer and water connections on the project by the Trax station. The traffic is really getting backed up there. He asked to put a little pressure on them.

Phillip Hill said he would check with them on their schedule and get back to the Council.

Councilmember Dustin Gettel asked if there were any temporary solutions for the crosswalks on Center Street.

Phillip Hill said a couple of them just need to be restriped and some signage, which can be done quickly.

Councilmember Bryant Brown said he has not had any complaints with any of the construction workers parking in their neighborhood.

Matt Dahl introduced Patrick O'Brien, new RDA Housing Project Manager. He comes with most of his work experience in local government in Ireland and England. He expressed his excitement to have him onboard.

Larry Wright introduced Dan Schuler, Streets/Storm Drain Superintendent. He comes with 28 years' experience in Clearfield City.

Councilmember Quinn Sperry said he sent an email to Larry about a water leak and a street light that needs to be fixed. The water leak is in the Jordan Valley Water Conservancy District, but it hasn't been fixed yet.

Rori Andreason reminded the Council about Local Officials Day on January 24th.

Lisa Garner said Rich Bush is here and would like to make comments during that action item regarding the wireless communications ordinance. She also discussed proposed legislation regarding wireless communications.

II. CITY MANAGER'S REPORT

Kane Loader reported on a meeting he attended with the Utah League of Cities and Towns regarding proposed legislation. A couple of the issues were a tax overhaul and the growth issue with the affordable housing component. Recently staff went out to the Jordan Bluffs project with the developer and would like to take the Council out there to look at the site. He suggested taking a tour prior to the next workshop which is February 13th.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance led by Porter Peck, Scout

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

C. Recognize 100-Year-old residents of Midvale City, Enedina Stubbs & Olive Gammel

Mayor Robert Hale recognized and presented Dena Stubbs with a certificate of appreciation for obtaining her centenarian status. He also presented the same certificate of appreciation to the son of Olive Gammel who was unable to attend the meeting. Kane Loader said a luncheon will be held every year recognizing the centenarians of Midvale City.

D. Update on Upcoming Legislative Session

Representative Bruce Cutler said he has three house bills at the legislature this year. He reported that the tax reform is a key issue. Separations of Power is another big issue. The executive branch

and the legislative branch and the divisions between the two need to be defined as well as the Attorney General's office. There is talk of reimbursing the rainy-day fund to get it to where it needs to be. He is concerned with UTA governance particularly the waste in the technology arena. The number one bill for him is the single sign on business portal for the state of Utah including municipalities. He is proposing an increase of \$5 of the business license renewal fee for the for-profit businesses. Utah is one of the few states in the nation that has no state sponsored early childhood education program. He would like to pass a law to be tobacco free as well as an Innovation bill to provide a fund for the technology services to come up with ideas for significant improvements.

Councilmember Bryant Brown asked about the kindergarten situation on the class size. Representative Cutler said that is always an issue.

Councilmember Dustin Gettel asked if he anticipates in this session any discussion on medical cannabis. Representative Cutler said his gut feeling was there probably would be.

Councilmember Paul Hunt thanked Representative Cutler for his representation for Midvale City on Capitol Hill and all of his hard work.

IV. PUBLIC COMMENTS – There was no one present who desired to speak.

V. COUNCIL REPORTS

A. Councilmember Paul Hunt – said the Planning Commission has organized themselves for this year to retain the leadership they currently have. It is a well-organized commission, and they go through a lot of detail and workout a lot of the land use and zoning. He said he appreciates their work.

B. Councilmember Dustin Gettel – said on January 3rd the Midvale Community Council held their re-organizational meeting and elected new officers. Andrew Stoddard is the new Chair, Sophia Hawes-Tingey is the vice-chair, Jodi Smith, Secretary and Susan Hale was sworn in as a Board member. They are in the process or reorganizing. They do have a Midvale Community Council Facebook page. He discussed an article in the paper regarding Midvale as the shining example of what a superfund site can become. He discussed another article about the businesses in the Bingham Junction area. Top Golf has brought more than 500,000 people through their doors last year. The State annual PCN Health Insurance enrollment starts Feb 1st and goes through the 28th. It has income and eligibility requirements. For more information, you can visit the website at: health.utah.gov/pcn.

C. Councilmember Paul Glover – said he had his Christmas party for his business at Top Golf and it was very nice. He said the mosquitoes are not out yet.

D. Councilmember Quinn Sperry – discussed a meeting he attended at the capitol today involving community associations. One of the issues that came up was community associations disasters and clean-up. If the municipality goes on any of the community associations

property for road clean up, FEMA considers those areas private and will not reimburse for this unless the City has some type of contract with them or a City ordinance. It would be a good idea to adopt an ordinance for this.

E. Councilmember Bryant Brown – said he met with the Arts Council. Stephanie Johnson was added to the Board. For Harvest Days, they have Bellamy Brothers but would like to know if the City would commit to an opening act. Kane Loader said his plan was to start harvest days meetings next month. A religious organization reached out to the building maintenance person for the Arts Council and asked to use the building on every Sunday. He said the Midvale Elementary School, which is in his district, received a failing grade on a state grading system that came out last month. He mentioned it to the school district and received feedback from the school district board and staff members. He feels that the problem is not from the actual staff, but the class sizes.

VI. MAYOR REPORT

Mayor Robert M. Hale – said he attended the Republican Caucus training meeting on the 10th. He was given 3-5 minutes to welcome everyone. He was at the CHG building which received an architectural award. He said he took the time to welcome them all to Midvale and mentioned that 10 years ago that area was covered with pollution. He also mentioned the homeless shelter and the need to assist the City with that issue. He asked the representatives to remember this as they are allocating funding to the family homeless shelters. He also met with UFA Fire and UFA Service District. They are concerned with legislation regarding fireworks, the retirement program for public service employees, the state procurement, and ambulance service.

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

VII. PUBLIC HEARINGS

A. CONSIDER A 2-LOT SUBDIVISION REQUEST FROM INTELLECTUAL INTEREST LLC LOCATED AT 7860 SOUTH HOLDEN STREET

Alex Murphy stated the request is for a 2-lot subdivision located at 7860 South Holden Street. The applicant is working with the property owner to divide the back portion of the lot for eventual development. The proposal complies with the requirements. There are a couple of minor changes that need to be addressed with the fencing. The applicant said they will take care of this. The Planning Commission recommended a couple of conditions. One being the fencing and to plant the required street trees. The utilities companies also need to be notified.

Mayor Hale opened the public hearing to public comment.

Mike Watson said he is the applicant on this project. He said he would like to receive approval on the project. He is happy to meet all the requirements.

MOTION: Councilmember Paul Glover **MOVED** to close into a public hearing. The motion was **SECONDED** by Councilmember Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for a vote. The motion passed unanimously.

ACTION: CONSIDER APPROVAL OF A 2-LOT SUBDIVISION REQUEST FROM INTELLECTUAL INTEREST LLC LOCATED AT 7860 SOUTH HOLDEN STREET

MOTION: Councilmember Dustin Gettel **MOVED** that based on demonstrated compliance with the requirements of chapter 17-7-4, RM-25 with Duplex Overlay and Title 16, Subdivisions, I move that we approve the subdivision plat for the Isabel's Place Subdivision with the following conditions:

1. The applicant shall demonstrate the existing fences and accessory buildings on Lot 1 comply with applicable development standards prior to recording the final plat.
2. A minimum of four (4) additional street trees are required to be planted along Holden and/or Lennox Streets. These trees shall be planted or guaranteed by a cash bond prior to recording of the final plat.
3. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to recording the final plat.
4. The applicant shall obtain all required signatures on the final subdivision plat Mylar.”

The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Hale called for discussion on the motion. There being none then 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
Councilmember Quinn Sperry	Aye
Council member Bryant Brown	Nay

The motion passed 4-1 in favor.

Councilmember Bryant Brown said he was concerned with how the land would be developed to the north.

VIII. CONSENT AGENDA

A. CONSIDER MINUTES OF JANUARY 2 & 9, 2018

MOTION: Councilmember Quinn Sperry **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Paul Hunt. Mayor Hale called

for discussion on the motion. There being none then 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
Councilmember Quinn Sperry	Aye
Council member Bryant Brown	Aye

The motion passed unanimously.

IX. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2018-R-07 CONFIRMING THE REAPPOINTMENT OF COLLEEN COSTELLO TO SERVE AS A FULL TIME MEMBER OF THE PLANNING COMMISSION

Lesley Burns said Members of the Midvale City Planning Commission are appointed to serve four-year terms or to finish the unexpired terms of past members. Members can serve a maximum of two full consecutive terms. Colleen Costello will be finishing her first four-year term at the end of January. Ms. Costello has expressed a desire to continue serving a new full term. If re-appointed, Ms. Costello's second term would end in January 2022.

It is the desire of the Mayor to re-appoint Colleen Costello so she can continue to serve as a full-time member on the Planning Commission. The Mayor is requesting the Council's consent for this appointment. A resolution has been prepared for the City Council's consideration of this re-appointment.

Councilmember Bryant Brown said he would like to have the applicant come before the Council to ask them questions.

Councilmember Dustin Gettel said he agreed with Councilmember Bryant Brown. He has a problem with the applicant not being in attendance at the meeting. He felt the applicant should be in attendance for the appointment, to allow for questions to be asked.

Mayor Robert Hale said Colleen Costello has done very well over the years, and she is probably the most trained member of that commission. She attends all the trainings.

Councilmember Quinn Sperry received an email from a concerned resident regarding Colleen's appointment. He said he contacted one of the Planning Commission members to get a feel for Colleen Costello, and they expressed support for her reappointment to the Planning Commission.

The Council decided to table this item until the applicant could be present.

MOTION: Councilmember Dustin Gettel MOVED to table the Resolution No. 2018-R-07 Confirming the Reappointment of Colleen Costello to serve as a full-time member of the Planning Commission. The motion was SECONDED by Councilmember Bryant Brown. Mayor Hale called for discussion on the

motion. There being none then 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
Councilmember Quinn Sperry	Aye
Council member Bryant Brown	Aye

The motion passed unanimously.

B. CONSIDER ORDINANCE NO. 2018-O-01 ADOPTING CHAPTER 5.54 OF THE MIDVALE MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS SERVICES

Garrett Wilcox stated that on December 12, 2017, the City Council discussed the introduction of wireless communication facilities to the City's rights-of-way and the standstill agreement between the City and Crown Castle. The City Council recognized the value of these facilities to residents, businesses, and visitors to the City. The City Council and staff discussed the public nature of rights-of-way, the limited space within the rights-of-way, and the significant impact these facilities would have on visual makeup of the City. The City Council gave staff the instruction to continue drafting an ordinance that would attempt to minimize these impacts. Since that time the City staff has had ongoing communication with our outside counsel, Thomas Duchen of River Oaks Communications Corporation, and a number of representatives of various providers and infrastructure providers to achieve these goals.

With the standstill agreement with Crown Castle expiring at the end of this month, the staff presents the proposed ordinance as partial fulfillment of its agreement with Crown Castle. The proposed ordinance allows the City to grant a non-exclusive franchise to an entity to install wireless communication facilities into the City's rights-of-way conditional on their compliance with the City's requirements. In order to receive a franchise, a provider must agree to follow the City's ordinance and must demonstrate that it possesses adequate means to protect the City and the City's rights-of-way from any damage that the entity may cause.

The proposed ordinance attempts to incentivize providers to install less-intrusive facilities in the rights-of-way. To this end, this ordinance allows facilities defined as 'small cells' to bypass zoning requirements. Small cells are further incentivized by the method in which they are installed in the rights-of-way. The City's priority is for providers to install facilities according to the following order of preference: (1) operate in-strand antennas; (2) collocate on existing poles; (3) replace existing poles; and (4) construct new poles. The City's level of scrutiny increases as its preference decreases.

Under the proposed ordinance, providers will be required to get a pole design approved by the City if they are installing a new pole or a replacement pole of a different material than the pole being replaced. By doing so, the City would like to ensure that designs are appropriate and somewhat standardized across providers for neighborhoods.

Regardless of the method of installation, the proposed ordinance also places certain requirements on all installed facilities. Wireless communication facilities may not exceed a height of 50'. Facilities are required to be located at a site within 100' radius of a provider's chosen site that provides the least intrusive visual impact. Equipment is required to be installed within or on the pole, underground, or on private property inside a building or an appropriately screened enclosure. Any macro-cell must comply with the requirements of this chapter as well as with zoning requirements.

FISCAL IMPACT: Currently the City has spent and continues to spend general funds in drafting the proposed ordinance and its associated franchise agreement. The City should recoup its costs to review site, building, and roadcut permit applications through their respective application fees. The City should receive compensation from providers and infrastructure providers for City's management of its rights-of-way.

Garrett Wilcox discussed the following items:

Proposed Chapter 5.54 Wireless Communications Services

Agenda

- Franchise
- Compensation
- General Requirements
- Incentivizing City's Preferences
 - Definitions
 - Method of installation

Addressing Crown Castle's Concerns
Provider-driven Legislation

Franchise

Nature of Franchise

- Nonexclusive.
- Required to install wireless communications facilities within City's rights-of-way.
- Only extends to wireless communication facilities.
- Other franchises, permits, or permissions may still be required.

Requirements

- Copy of certificate of public convenience and necessity, if applicable.
- \$25,000 performance bond or letter of credit to compensate City for any damage caused by a provider.
- Written agreement to comply with Chapter 5.54.
- Copy of FCC license, if applicable.
- Insurance certificate with City listed as an additional insured.
- Written agreement allowing others to collocate on provider's facilities.
- Description of provider's approach to minimize its visual impact.

COMPENSATION

Application Fee

- \$700
- Recoup costs for Engineering, Planning and Zoning, and Legal Department reviews.

Permit Fees

- Permit-dependent.
- Recoup costs for reviews from applicable department.

Third-party Engineers

- Cap of \$1000 per site.
- Allows City to recoup costs of hiring RF or structural engineering expert.

Franchise Fee

- \$1000 per third-party pole/\$2000 per City-owned pole.
- Challenged by Crown Castle: “management costs only” under U.C.A. 72-7-102.
- Will be an issue this legislative session.

GENERAL REQUIREMENTS

Height and size restrictions

- No more than 50’ in height.
- No more than 6 cubic feet of antennas.
- No more than 17 cubic feet of equipment.

Equipment

- Within pole or on pole with certain size, height, and color restrictions.
- Underground in vault flush with surrounding grade.
- On private property inside building or screened enclosure.

Visual Impact

- Least-intrusive site within 100’ of provider’s chosen site.

Stealth Design

- Required for all antennas and equipment.
- Minimize appearance through material, screening, color, and/or finish.
- Equipment required to be flush with poles.

INCENTIVIZING CITY’S PREFERENCES

Definitions

In-strand antenna

- Low-power antenna suspended along a wireline between support structures.
- No more than 3 cubic feet for antennas.
- No more than 17 cubic feet for equipment.
- Exempt from Title 17 zoning requirements.

Proceedings of the City Council Meeting
January 16, 2018

Small cell

- Low-power antennas that are less than 3 cubic feet in volume.
- No more than 6 cubic feet for antennas.
- No more than 17 cubic feet of equipment.
- Exempt from Title 17 zoning requirements.

Macrocell

- Anything other than a small cell or in-strand antenna.
- Required to comply with Title 17 zoning requirements.

Method of Installation

Requirement	In-strand	Collocation	Replace Pole	New Pole
Specifications	X	X	X	X
RF Affirmation	X	X	X	X
Gen. Noise Study	X	X	X	X
Exec. Lease	X	X	X	X
Visual Analysis	Style*	Site	Site	Site
Permission	Owner	Owner	Owner	City
Site Plan	Equipment	Antenna & Equip.	Antenna & Equip.	Antenna & Equip.
Property Owners			Adjacent	75' or 150'
Alternative Site			<i>Macrocell</i>	X
Significant Gap			<i>Macrocell</i>	<i>Macrocell</i>
Site Noise Study			<i>Macrocell</i>	<i>Macrocell</i>
Min. Distance Req.				Avg. Dist. or 250'

* Visual analysis still required for ground equip.

ADDRESSING CROWN CASTLE’S CONCERNS

Crown Castle’s Concern

“The proposed ordinance includes a long list of items which must be filed with the City to request approval to install a strand-mounted antenna. We believe the City should treat strand-mounted antennas in the same way the City treats similar objects that are installed in the right-of-way today without any land use permit filing requirements at all. [...]

The small cell strand-mounted cable splice box and antenna are the same size [roughly 12” tall by 28” wide]—or smaller—than the cable splice boxes installed in the public right-of-way today without any land use applications or approvals. [...]

We believe the City should not adopt these unduly onerous and expensive filing requirements for low-impact, strand-mounted antennas.”

Response

- Size is not the only factor that matters. However, these antennas are nearly as large as the 3 cubic feet maximum (~2.3 cubic feet).
- City needs to know location of the antennas and their associated equipment.
- Different providers use different designs, and so photo simulations are only required for each style of antenna per application.
- Cable splice and power supply boxes do not create interference or require a four-foot safety area for other right-of-way users.
- Cable splice and power supply boxes do not come with an allowance of 17 cubic feet of equipment for every box or even every 4 boxes.
- Cable company backhaul provider is self-evident.
- Cable companies still must apply to place ground equipment in the right-of-way.
- Cable companies, if they enter a franchise, are required to provide service to residents and are essentially not allowed to speculate.
- Application and 90-day review period are authorized by the FCC under 74 FR 67871 (2009).
- City staff is currently reviewing right-of-way requirements for users as changes are likely necessary in order to be able to manage all users effectively. The entrance of small cells has highlighted the importance of this review.

PROVIDER-DRIVEN LEGISLATION

Similar to New Mexico’s Bill (Nov. 28, 2017 Draft)

- Expansion of small cell size to 6 cubic feet per antenna and 28 cubic feet for equipment with significant exclusions.
- Aesthetic-related regulations are only allowed in federally-recognized historic districts.
- Small wireless facilities are exempt from zoning laws or other regulations.
- Issued permit remains active for 180 days.
- Shortened shot clocks for City response (150 days to 90 days).
- No permits or applications are required for providers to replace equipment with equipment that is “substantially similar” in size.

- Application fees are limited.
- The City may not collect more than \$50 per pole per year.
- Limited grandfathering of existing agreements and ordinances.

Councilmember Paul Glover said to contact our local officials and tell them that we don't want the same Bill as New Mexico's.

Councilmember Dustin Gettel thanked Garret and Lisa for their hard work on this issue.

Garrett Wilcox discussed a letter received that day from Crown Castle indicating the regulations were too strict.

Rich Busch said he did support the ordinance except for the one concern about the filing requirements for the antennas'. He appreciates Lisa and Garrett for their work on this issue. He provided a copy of the photo sim of what Crown is proposing to install. The filing requirements are that you need to submit an application for 10 antennas'. He discussed the requirements and photos with the Council and staff.

Councilmember Dustin Gettel asked if he was opposed to paying an annual franchise fee? Mr. Busch said Crown may not be opposed to paying the fee, but it's not appropriate under Utah State Law. He said he was willing to talk with Lisa on this issue.

Councilmember Paul Glover said the Council needs to make sure they are not making a mistake upfront. This information is needed so they can make sure it is done right. The ordinance can always be changed if needed.

Councilmember Paul Hunt said he agreed with Councilmember Paul Glover.

Councilmember Bryant Brown said the City doesn't know how many of these are going to be installed and what the impact will be on the City. Mr. Busch said if they don't come to you and tell you where they are located, then that is an enforcement issue.

Councilmember Quinn Sperry asked if Mr. Wilcox anticipated the State Bill would address the filing requirements.

Garrett Wilcox said it very well may. There are significant exemptions in the New Mexico's Bill. One of the exemptions are for the same type as these wireless facilities. He said one of the reasons this is a requirement for each application is the City has very limited staff. One of the reasons they are requiring this per style per application, this that it is a repetitive thing. If there are 10 that are the same, the City is only requiring one copy for that style. The more staff time saved, the easier it is to comply with the federal guidelines.

Councilmember Paul Glover said there will be several providers, so this will make it an easier process.

Councilmember Paul Glover said he felt the ordinance needed to be adopted.

Garrett Wilcox said this is the last meeting before the end of the month. In order to be compliance with the contract, the ordinance needed to be adopted.

MOTION: Councilmember Quinn Sperry MOVED finding that there has been thoughtful consideration of the comments and information provided during those meetings, I move that we approve Ordinance No. 2018-O-1 creating Midvale Municipal Code Chapter 5.54 Wireless Communication Services as presented and staff bring this back to the Council post legislation to consider any changes that need to be made or how it has been working for us at that time. The motion was SECONDED by Councilmember Paul Glover. Mayor Hale called for discussion on the motion. There being none the 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
Councilmember Quinn Sperry	Aye
Council member Bryant Brown	Aye

The motion passed unanimously.

X. ADJOURN

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

The meeting adjourned at 9:25 p.m.

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

Approved this 6th day of February 2018.