PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 3rd day of January, 2017 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 Wayne Sharp
B. Councilmember Stephen Brown
C. Councilmember Paul Glover
D. Councilmember Paul Hunt
E. Councilmember Quinn Sperry

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. CONSENT AGENDA
A. Approve Minutes of December 13, 2016 [Rori Andreason, HR Director/City Recorder]
B. Approve Minutes of December 13, 2016 [Rori Andreason, HR Director/City Recorder]

[January 17, 2017 at 7:00 p.m.] for a public hearing to consider approval of the
Union Woods Subdivision Plat (2 Lots) located at 7090 South Union Park Avenue  

C. Set date and time [January 17, 2017 at 7:00 p.m.] for a public hearing to consider rezoning 0.77 acres of property located at 7697 South Holden Street and 788-798 West Center Street from Historic Commercial to Regional Commercial  

VIII. ACTION ITEMS  
A. Approve Resolution No. 2017-R-01 Authorizing the Mayor to enter into an Interlocal Agreement with The Trans-Jordan Cities and adopting and implementing the Midvale City Debris Management Plan Appendix M  

IX. DISCUSSION ITEMS  
A. Discuss the Union Woods Subdivision Plat (2 Lots) located at 7090 South Union Park Avenue  

B. Discuss a Rezone Request from Historic Commercial to Regional Commercial on three parcels (0.77 acres) located at 7697 South Holden Street and 788-798 West Center Street  

X. 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 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://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: DECEMBER 30, 2016  

RORI L. ANDREASON, MMC  
H.R. DIRECTOR/CITY RECORDER
Mayor Seghini called the meeting to order at 6:32 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Larson, Unified Fire Authority, reported that the Unified Fire and Fire District will be signing a contract to hire a new Fire Chief.

Laurie Harvey reported that Laura Lewis will be here for the next workshop meeting to discuss the proposed road bonds. She reported that Brandon Smith had been hired to replace David Starkey as the City Treasurer. There is now an opening for an Accounts Payable Clerk to fill Brandon’s position. There will also be an opening for a meter reader technician since Tony Brown just submitted his resignation. In reviewing B&C Road Bond Revenue it looks like the legislation fixed the issues with the money going to the counties. It looks like the increase will be closer to a 40 percent increase rather than the 18 percent that was estimated. It is difficult to estimate because the distributions vary.

Rori Andreason reminded the Council of the Midvale City employee Christmas lunch.

Jarin Blackham introduced Juan Rosario, new I.T. Technician.
II. CITY MANAGER’S REPORT
Kane Loader reported on the League’s Legislative Policy Committee meeting he recently attended where they talked about the gas taxes. As Laurie Harvey mentioned, the numbers on the gas tax were a higher percentage than what was estimated. Midvale City was surveyed and the information from that could have made the numbers more accurate. He also reported that the state made a deal with Amazon.com to collect sales tax. Amazon will be paying sales tax on the internet sales to the state and Midvale City will get a portion of that back from the state. This will go into effect on January 1, 2017. He said The Good Landlord Program and issues were also discussed at the meeting. Salt Lake City announced the new sites for homeless shelters. They also would like to have programs that will assist the homeless. There is a shortage of beds with the new sites, which is a concern. The Committee felt that building smaller shelters would have less of an impact on the cities with the shelters. The Road Home Shelter in Midvale was also discussed.

Chief Mazuran, Unified Police, reported Officer Havier Chavez was nominated for the NAACP award for public safety. He discussed items they are currently working on at the precinct.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance
B. Roll Call – Council Members Stephen Brown, Paul Hunt, Wayne Sharp, and Paul Glover was present at roll call. Council Member Quinn Sperry was excused.

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

V. COUNCIL REPORTS
A. Councilmember Paul Hunt – Had nothing to report.
B. Councilmember Quinn Sperry – Was excused
C. Councilmember Wayne Sharp – Had nothing to report.
D. Councilmember Stephen Brown – Reported on a concert he attended where the Midvale Elementary performed at the Midvale Arts Center. He said he enjoyed it and said it was very well attended.
E. Councilmember Paul Glover – Had nothing to report.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – discussed the hiring and interviewing she has been involved in with the UFA (Unified Fire Authority) regarding a new Fire Chief.

VII. CONSENT AGENDA
A. APPROVE MINUTES OF DECEMBER 6, 2016
B. APPROVE RESOLUTION NO. 2016-R-41 A RESOLUTION ESTABLISHING A TIME AND PLACE FOR HOLDING REGULAR CITY COUNCIL MEETINGS, DESIGNATE MAYOR PRO-TEMPORE SCHEDULE, AND ADOPT THE HOLIDAY SCHEDULE FOR THE 2017 CALENDAR YEAR

C. APPROVE RESOLUTION NO. 2016-R-42 DECLARING SURPLUS PROPERTY

MOTION: Councilmember Wayne Sharp MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Paul Glover. 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 Absent

The motion passed unanimously.

VIII. ACTION ITEM

A. APPROVE RESOLUTION NO. 2016-R-43 APPOINTING WAYNE SHARP

Mayor Seghini said the South Salt Lake Valley Mosquito Abatement District is governed by a Board of Trustees of member cities. A representative for Midvale City needs to be appointed to this board. Councilmember Wayne Sharp has been serving in this capacity and done an excellent job. It is my recommendation with advice and consent of the City Council to reappoint Councilmember Wayne Sharp as Midvale City’s representative on that Board.

MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2016-R-43 appointing Councilmember Wayne Sharp as Midvale City’s representative to serve on the Board of Trustees of the South Salt Lake Valley Mosquito Abatement District. 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 Absent

The motion passed unanimously.

IX. DISCUSSION ITEMS

A. DISCUSS AUDITORS REPORT

Laurie Harvey reviewed the Audit Report for 2016 in great detail.
Jeff Miles, Hansen, Malmrose, Bradshaw, and Erickson, reviewed the opinion from the auditors. Two more reports are issued with the audit in accordance with the Governmental Accounting Principles. They are required to access the internal controls. They did not find anything that was a material weakness. They feel the control structure is proper and is doing its job. The last report is in regards to state compliance. They did not find any instances of non-compliance in FY 2016. The City is doing a great job in maintaining the records and the controls and reporting.

Mayor Seghini thanked Laurie Harvey for her excellent service to the City. She is very committed to the City and does a great job.

Councilmember Paul Glover expressed his appreciation to staff. He would like to go further into depth on the controls with credit cards and P-Cards. He asked that this issue be brought back in a workshop during the year.

Councilmember Paul Hunt agreed. He expressed his appreciation for the controls Laurie has in place for financial management.

B. DISCUSS DEBRIS MANAGEMENT PLAN
Jesse Valenzuela discussed the proposed Debris Management Plan to have in place in case of a disaster.

Kane Loader said this allows the debris to be taken to TransJordan Landfill depending on the amount of debris and type.

Jesse Valenzuela asked the Council to send him any questions so he can get them addressed.

MOTION: Councilmember Paul Glover moved to recess City Council meeting to hold the Redevelopment Agency and Municipal Building Authority Meetings. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The Council recessed at 7:55 p.m.

MOTION: Councilmember Paul Hunt moved to reconvene into the City Council meeting. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The Council reconvened into regular session at 8:40 p.m.
X. CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

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 - Excused

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; and Lisa Garner, City Attorney.

MOTION: Councilmember Paul Glover MOVED to go into a closed session to discuss the character, professional competence, or physical or mental health of an individual. The motion was SECONDED by Councilmember Wayne Sharp. 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 Absent

The motion passed unanimously.

The Council went into closed session at 8:41 p.m.

MOTION: Councilmember Wayne Sharp MOVED to reconvene into open session. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion was unanimous.

The Council reconvened into open session at 8:55 pm.

XI. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Paul Glover SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 8:55 p.m.
Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 3rd day of January, 2017.
SUBJECT: Approve Resolution No. 2017-R-01 Authorizing the Mayor to enter into an Interlocal Agreement with the Trans-Jordan Cities and adopting and implementing the Midvale City Debris Management Plan Appendix M

SUBMITTED BY: Jesse Valenzuela, Emergency Manager

SUMMARY: As previously discussed with Council, Midvale City Debris Management plan is supported by entering into an Interlocal Agreement with Trans-Jordan Cities as a temporary staging area for debris management generated during an emergency event. The purpose in developing and adopting this agreement is due to the fact that FEMA is not obligated to fully reimburse the City post disaster unless this plan is officially adopted.

The purpose of this Debris Management Support annex is to provide a guideline for how Midvale City will manage debris as well as provide assistance to local jurisdictions for debris management. These efforts may include: pre-disaster debris planning, technical assistance, recommendations, and/or guidance to other entities with regard to debris operations, potential funding, resources, contracting, etc. Implementation of this support annex will be coordinated through the Midvale City Emergency Operation Center (EOC). And be added to and referenced as appendix M in the Midvale City Emergency Operation Plan (EOP). A resolution has been prepared to take action on both of these items as the Council deems appropriate.

FISCAL IMPACT: N/A

STAFF’S RECOMMENDATION AND MOTION: I move that we approve Resolution No. 2017-R-01 Authorizing the Mayor to enter into an Interlocal Agreement with the Trans-Jordan Cities and adopting and implementing the Midvale City Debris Management Plan (DMP) as outlined in Exhibit A.

Attachments: Proposed Resolution
Midvale City Debris Management Plan (DMP)
Trans-Jordan Cities Interlocal Agreement
MIDVALE CITY, UTAH
RESOLUTION NO. 2017-R-01

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TRANS-JORDAN CITIES REGARDING DEBRIS MANAGEMENT

WHEREAS, Midvale City desires to authorizing the Mayor to enter into an Interlocal Agreement with the Trans-Jordan Cities regarding Debris Management; and

WHEREAS, the Midvale City Council desires to be in full compliance with FEMA in regards to disaster recovery regulations and debris management appendix M in the Midvale City EOP; and

WHEREAS, this Midvale City Emergency Operations Plan supersedes any other emergency operation plans that existed prior to this date; and

WHEREAS, the Midvale City Council have a working awareness, value, purpose, and importance of this document; and

WHEREAS, the Midvale City Council recognizes this document is a flexible working document to be utilized during a disaster;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, UTAH:

Section 1. The Midvale City Council hereby authorizes the Mayor to enter into an Interlocal Agreement with the Trans-Jordan Cities and adopt and implement the Midvale City Debris Management Plan Appendix M (Exhibit B).

Section 2. This Resolution shall take effect immediately.

APPROVED AND ADOPTED this 3rd day of January, 2017.

________________________
JoAnn B. Seghini, Mayor

ATTEST:

________________________
Rori L. Andreason, MMC
City Recorder

Voting by the Council:     “Aye”     “Nay”
Wayne Sharp
Stephen Brown
Paul Glover
Paul Hunt
Quinn Sperry
I. INTRODUCTION
   A. Purpose
   The purpose of this Debris Management Support annex is to provide a guideline for how the Midvale City will manage debris as well as provide assistance to local jurisdictions for debris management. These efforts may include: pre-disaster debris planning, technical assistance, recommendations, and/or guidance to other entities with regard to debris operations, potential funding, resources, contracting, etc. Implementation of this support annex will be coordinated through the Midvale City Emergency Operation Center (EOC).

   B. Scope
   During an incident, the affected local area normally utilizes their own resources to accomplish debris clearance and disposal. However, if the situation is of such magnitude that the jurisdiction resources are insufficient to accomplish the work, County, State and Federal government assistance may be requested to supplement the efforts and resources. The city will also be responsible for clearing city roads and facilities.

   This document defines roles, responsibilities, and guidance for development and implementation of all elements involved in managing debris removal operations required following a disaster event and in support of Emergency Support Function (ESF) #3 - Public Works of the Emergency Operations Plan.

II. POLICIES AND AUTHORITIES Supporting Midvale City
   A. Midvale City Emergency Operations Plan/Appendix M
   B. Midvale City has Mutual Aid agreements and/or Memorandum of Understandings currently with SLCo. Public Works, Unified Fire Authority, SLCo., TJC and State of Utah Emergency Management. Referenced in Midvale City’s EOP.

III. SITUATION AND ASSUMPTIONS
   A. Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, appliances, personal property, and vehicle wreckage.

   B. Some debris materials may contain or be comprised of hazardous substances requiring special handling and/or disposal.

   C. The quantity and type of waste generated from any particular incident will be a function of the location and kind of event experienced, as well as its magnitude, duration, and intensity. These factors will determine the type of collection, recycling, and disposal.
methods utilized to safely manage this waste, associated costs incurred, and how quickly the affected area can be safely cleaned up.

D. During an incident, Midvale City, County and State agencies may have difficulty in locating staff, equipment, and funds to devote to debris removal, in short as well as long term. Communication between agencies and jurisdictions will be needed.

E. Midvale City shall characterize the waste (organic content, toxicity, asbestos containing, hazardous, radioactive, etc.) and these efforts should be done first as part of any response to the incident. Segregation and management strategies of the waste removal, storage and disposal will depend on its characteristics and hazards. Midvale City will be initially responsible for the debris management. Until the scope of the debris becomes unmanageable for city resources. Then Salt Lake County has an MOU/ MA agreement with the Midvale City to assist with debris removal. Midvale will then use a certified contractor to support continual debris removal augmenting city and county resources until these tasks are concluded.

F. The amount of waste generated from an incident could exceed Midvale City’s ability to dispose of it within the county or through normal disposal procedures. They may run their own debris management and may declare an emergency if the quantity of debris has exceeded their ability to manage and dispose of it. If needed, the County and or the Governor may declare a State of emergency that authorizes the use of State resources to assist in the removal and disposal of debris. In the event federal resources are needed, the Governor may request federal assistance.

G. Temporary Debris Management Sites and Disposal Locations have been determined. Midvale City has signed an MOU with TJC.

H. Midvale City appurtenances (such as equipment and other items) that are on private property are the City responsibility and the City must gain permission to enter the property to clear the items.

IV. CONCEPT OF OPERATIONS

A. Midvale City follows these best practices:
   1. Diverting as much material from disposal as possible through recycling, composting and other legitimate diversion options
   2. Utilizing volume reduction techniques to improve debris management efficiency and minimize impacts on landfill capacities
   3. Considering alternative technologies for managing portions of the debris waste stream, in city, in county or in-state.
   4. Using approved temporary debris management sites for processing debris for recycling and/or final disposal. Midvale has an MOU with Trans-Jordan Cities.

B. Excess Debris Management

When an incident occurs which generates debris exceeding city and or local government waste management resources or debris is created from city owned infrastructure, the City EM and Public Works through, the county emergency management will respond
accordingly. The County will coordinate with the State Division of Emergency Management and the Utah Department of Transportation (UDOT) who is the lead State agency in debris clearance. UDOT and the DEM Operations Manager will determine if additional federal support is required to support these removal and disposal efforts. Continued response is listed below:

1. Estimating the Types and Amounts of Debris
2. Temporary Debris Storage Site Selection and Site Priorities

C. Debris Removal

Debris removal can be divided into three phases:

1. Life and health safety
2. Clearance and Removal
3. Clean up and close out finalization

D. Emergency Clearance and Removal

During an incident, these immediate actions may be taken for life safety:

1. Emergency Access Route Clearance
2. Identification/Stabilization of Hazardous Substance-Containing Debris
3. Emergency Debris/Hazardous Removal

E. Non-Emergency Debris Removal

When life safety is not threatened, the following actions may occur:

1. Removing debris and starting to restore access to City services
2. Access to Services and Public Right of Way
3. Household Hazardous Waste (HHW) Removal

F. Health and Safety Issues

Midvale City’s Debris Management Support annex is based on an all-hazard approach. A critical component of debris management includes:

1. Protecting the safety and well-being of workers
2. Personal Hygiene Practices and Decontamination
3. Personal Protective Equipment
4. Respiratory Protection
5. Hazardous Chemicals
6. Asbestos, Lead, and Silica

G. Debris Collection and Reduction Sites
Site Selection should take into consideration the following, but is not limited to: access, topography, and environmental ownership, impacts on water wells, waterways, and wetlands.

All temporary debris sites will need to obtain the correct permitting and appropriate sources must process permission for site approvals.

Site preparation and operations shall be determined by Midvale Public Works and/or Midvale Emergency Manager. Proper guidance can help avoid problems at closeout.

Debris site closeout recommendations include:

1. Temporary debris staging and reduction site will eventually be emptied.
2. Midvale Emergency Management and/or Public Works must be assured by the contractor that all sites are properly remediated.
3. Each temporary debris management site must be cleared and restored to pre-disaster conditions and uses.

H. Contract Services

All Contractors shall be monitored by Midvale City Building Inspectors, Midvale City Public Works or Midvale City Emergency Manager to follow proper procurement of Environmental Quality, Health Department policies and have a current State and Federal certifications to handle debris removal material properly.

I. Curbside Collection

Some incidents generate a large amount of debris, which affects local businesses and home/property owners. Debris removal from private property is generally the responsibility of the individual property owners; however, when it is in the public interest to remove debris, the affected jurisdiction may act to abate the threat. Debris on private property may be moved to “curbside” for pickup by Midvale City or contracted debris removal vehicles. Careful planning and monitoring is required so only eligible debris is collected.

J. Building Demolition Policy

ALL Emergency demolition of any structures located on private property may be necessary when partial or complete collapse is imminent and that collapse poses an immediate threat to the general public. Shall be determined and monitored by Midvale City Engineers and Inspectors.

V. REFERENCES

Refer to FEMA PAPPG Chapter 2 Section VI.B.16 to determine PA reimbursement eligibility.

PA Program and Policy Guide (PAPPG)

Utah Administrative Code, 53-2a-3
Utah Administrative Code, Rule R704-2.

Statewide Mutual Aid Act Activation: Defines Mutual Aid Activation procedures.

Utah Administrative Code, Title 72: Gives authority and outlines rights of UDOT to maintain and clear roadways.
AGREEMENT FOR A TEMPORARY STAGING AREA
FOR DEBRIS IN THE EVENT OF AN EMERGENCY

This Agreement is made by and between Midvale, a Utah municipal corporation (“CITY”), and Trans-Jordan Cities, an interlocal entity (“TJC”). The CITY and TJC are referred to hereinafter as the “Parties.”

WHEREAS, City is a municipality that in an emergency event or major disaster will need to coordinate and facilitate the management of debris deposited on public lands and public right-of-way; and

WHEREAS, because of the inherent danger posed by uncollected debris from an emergency condition, it is in the public’s interest that the CITY protect against the accumulation of debris and its accompanying hazard to human life and property; and

WHEREAS, the CITY’s Debris Management Plan states that the CITY’s Public Works Department will coordinate the establishment of temporary and permanent sites to accept debris; and

WHEREAS, TJC is an entity that provides for waste disposal and other landfill operations; and

WHEREAS, TJC has a leasehold interest in approximately 50 acres of property (the “Site”) located at approximately 10473 S. Bacchus Hwy (U-111) South Jordan City, UT and has been identified as a site for temporary storage of all construction debris in the event of a catastrophic event; and

WHEREAS, the CITY has requested permission to use the Site, described in the attached Exhibit A, as a temporary staging area for short-term debris storage and for debris separation in the event of an emergency; and

WHEREAS, TJC has agreed to make the Site available to the CITY for such purposes subject to the terms and conditions hereinafter set out.

NOW THEREFORE, for and in consideration of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Use of the Site.** Use of the Site for debris is subject to availability and TJC approval. The CITY will provide TJC’s Executive Director with advance notice of its need for the use of the Site. TJC must acknowledge and approve the request prior to CITY use of the Site. Upon the occurrence of an emergency condition, and after permission from TJC is received, the CITY, its affiliated contractors, and their personnel and vehicles may enter the Site to dump debris. The CITY or its affiliates will separate the debris, as directed by TJC personnel, so it may be moved to an appropriate storage location. Further, the CITY or its affiliates agree to move debris to a permanent destination when identified.

2. **Term.** This Agreement shall remain in effect for a term of five years with one automatic five year renewal unless earlier terminated by either party upon ninety days written notice. This
Agreement shall automatically terminate if the lease between the Site property owner and TJC expires, or is revoked, or is cancelled. The CITY’s use of the Site, as a temporary staging area for debris storage and separation, shall extend for that period of time reasonably required by the CITY to respond to the emergency event or major disaster. In the event this agreement is terminated while debris is on the Site, the CITY will have thirty days from written notification by TJC to remove the debris.

3. **Site Repairs.** CITY agrees that, upon cessation of use of the Site, the CITY will either restore the Site to the same condition as existed before its use, or pay TJC an agreed upon sum for restoration. The CITY shall repair any damage to ancillary land owned by TJC immediately adjacent to the Site that may be caused by any activity of the CITY or its employees, agents and contractors on the Site.

4. **Indemnification.** TJC and the City recognize that both Parties are government entities and are covered under Utah’s Government Immunity Act (U.C.A. 63G-7-101 et seq.). Each Party recognizes that it is solely responsible for the actions of its employees, contractors, and agents.

5. **Notices.** All notices shall be in writing and shall be delivered to the following addresses or at such different addresses as shall be directed by the Parties in writing from time-to-time.

   **CITY:** Midvale City  
   ATTN: Public Works Director  
   7505 South Holden Street  
   Midvale, UT 84047

   **TJC:** Trans-Jordan Cities Landfill  
   10473 S Bacchus Hwy  
   South Jordan, UT 84009

6. **Assignment.** The CITY shall not assign this Agreement without the prior written consent from TJC.

7. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof. All prior agreements, representations and negotiations between the Parties regarding the subject matter are hereby superseded. The Agreement shall not be altered or amended except by an agreement in writing executed by both Parties.

8. **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the State of Utah.

9. **Signatory Warranty.** The undersigned signatories for the CITY and TJC hereby represent and warrant that they are authorized to sign the organization for which he or she has executed this Agreement.

10. **Severability.** If a court of competent jurisdiction determines that any term of this Agreement is invalid or unenforceable, the remainder of the Agreement shall not be
affected, and each remaining term shall be valid and enforceable to the fullest extent permitted by law.

EXECUTED AND MADE EFFECTIVE ON THE DATE LAST SIGNED BELOW.

<table>
<thead>
<tr>
<th>CITY: Midvale</th>
<th>TJC: TRANS-JORDAN CITIES</th>
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<tbody>
<tr>
<td>Signature: ______________________________</td>
<td>Signature: _____________________________</td>
</tr>
<tr>
<td>Printed Name: JoAnn B. Seghini</td>
<td>Printed Name: Mark J. Hooyer</td>
</tr>
<tr>
<td>Title: Mayor</td>
<td>Title: Executive Director</td>
</tr>
<tr>
<td>Date: _____________________________</td>
<td>Date: _____________________________</td>
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Approved as to form  
Approved as to form  

_________________________________________  
Attorney for the City  

_________________________________________  
Attorney for Trans-Jordan
NOTARY:

State of ____________________________ )

County of __________________________ )

On this _______ day of ____________________, 20____, personally appeared before me ___________________________________________ (name of person), whose identity is personally known to me or provided to me on this basis satisfactory evidence, and who affirmed that he/she is the ________________________________ (title), of the ________________________________ (name of entity), and said document was signed by him/her in behalf of said entity by authority of its bylaws or of a Resolution of its Board of Directors, and he/she acknowledged to me that said entity executed the same.

_______________________________________

Notary Public
SUBJECT:

Set Public Hearing for January 17, 2017 and Discussion on the Union Woods Subdivision Plat (2 Lots) located at 7090 South Union Park Avenue

SUMMARY:

The applicant, Union Woods Acquisitions Partners LLC, represented by Dusty Harris, is proposing to redevelop a portion of its existing 5.58 acre office development site located at 7090 South Union Park Avenue. Currently, the property includes a six story office building (approx. 82,000 square feet of leasable space) and surface parking. The applicant is proposing to replace the majority of the surface parking with a 209 unit apartment building and a four level commercial parking structure. The existing office building would remain on approximately 3.12 acres of the site, which would also include the proposed commercial parking structure located directly west of the office building. The apartment building is proposed to be located on the remaining 2.46 acres of the site at the south end of the overall property. This proposal requires the following approvals from the City. (When the application was originally submitted, an amendment to the General Plan Proposed Land Use Map was also required. With the adoption of the Midvale City General Plan 2016, this is no longer necessary.)

1. A subdivision plat dividing the overall property into two lots, one lot for the office and proposed commercial parking structure and one lot for the proposed multi-family residential building.
2. A rezone of the 2.46 acre residential lot to include the Regional Commercial Residential Overlay.
3. A conditional use permit for the proposed multi-family residential use.
4. A site plan approval for the new structures and how they integrate with the existing and surrounding development.
5. A development agreement.

At this time, applicant is requesting the City Council approves the subdivision plat that will divide the property into two lots. This division will create a 3.12 acre lot for the existing commercial building and proposed commercial parking structure, and a 2.46 acre lot for the proposed residential building. The subdivision plat is intended to facilitate
future lending on the property, and will also create the legal description to be tied to the rezone request to allow the residential development. The RC Zone and RCRO do not have minimum lot size requirements, so the two proposed lots comply with the zone standards.

On October 12, 2016, the Planning Commission forwarded a positive recommendation to the City Council for approval of the subdivision plat for the Union Woods Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. The final subdivision plat shall note all existing easements to remain on the property, including the access easement for the property to the north, the East Jordan Canal easement (Salt Lake City Public Utilities), and utility easements.
3. The final subdivision plat shall note all new parking and access easements between the two lots, as well as any other operational agreements required for the project.

A final subdivision plat has been prepared with the required existing easements being shown. This plat has been reviewed by the City Engineer, and a few technical corrections are being made at this time. The applicant is working on the required recording language for parking and access easements between the two lots. This will need to be recorded concurrently with the subdivision plat to ensure the shared access from Union Park Avenue continues in perpetuity and the current surface parking for the existing office building can continue to be utilized until the proposed redevelopment of the overall site occurs at a future time.

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Staff agrees with the Planning Commission’s recommendation.

**RECOMMENDED MOTION:**

N/A

**Attachments:**

- Vicinity Map
- Proposed Preliminary Site Plan
- Proposed Subdivision Plat
Project Area

Union Woods
7090 S. Union Park Avenue
LEGEND:
- Existing tree (Deciduous and evergreen).
- Foliage plant on podium deck.
- Foliage plant on podium deck.
- Proposed evergreen trees.

At least 25% of the landscaping must be evergreen.

No landscaping may be removed without replacement of equal or better quality.

A min of one tree for every 400 sf of landscaping is required for all landscaped area.

All deciduous trees shall have a min. caliper size of two inches.

All ornamental trees shall have a min. caliper size of one and one half inches.

All evergreen trees shall have a min. height of six feet.
MATERIALS AND FINISH LEGEND

- EXTERIOR FINISH PLASTER
- VINYL WINDOW
- PERFORATED METAL RAILING
- CORRUGATED METAL
- CEMENTITIOUS FIBER-CEMENT PANEL
- STOREFRONT WINDOW SYSTEM
- METAL U-ARRIER ECLIPSE REINFORCING
- FAUX BRICK
- CEMENTITIOUS FIBER-CEMENT SIDING

NOTE: ALL MATERIALS NOTED "OR APPROVED EQUAL"

EAST (FRONT) ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 20%
GROUND FLOOR GLASS - 10% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

NORTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 18% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

SOUTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 0% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 0% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

EXTERIOR FINISH PLASTER
VINYL WINDOW
PERFORATED METAL RAILING
CORRUGATED METAL
CEMENTITIOUS FIBER-CEMENT PANEL
STOREFRONT WINDOW SYSTEM
METAL U-ARRIER ECLIPSE REINFORCING
FAUX BRICK
CEMENTITIOUS FIBER-CEMENT SIDING

NOTE: ALL MATERIALS NOTED "OR APPROVED EQUAL"
SUBJECT:

Set Public Hearing for January 17, 2017 and Discussion on a Rezone request from Historic Commercial to Regional Commercial on three parcels (0.77 acres) located at 7697 South Holden Street and 788-798 West Center Street

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

Unique Auto Body, located on the northeast corner of Center and Holden Street, has been a successful Midvale business since 1983. The vehicle repair business currently occupies one building located on two parcels totaling 0.52 acres. In order to operate more effectively, Unique has purchased the 0.25 acre parcel directly east at 788 West Center Street. The building on this parcel was originally constructed as a carwash, operating from 1980-84. The building has more recently been used as office space for various businesses. Unique would like to remodel this building and create two vehicle detailing bays and approximately 550 square feet of office space. This would free up some of the space in the existing building to better accommodate the existing business.

Unique’s current business and the office building to the east are on properties located in the Historic Commercial (HC) Zone District. These properties were included in the HC Zone when this zone was created and adopted in 2002 as part of a City-wide zoning ordinance rewrite and new zoning map. The HC Zone does not allow a vehicle repair use. Because Unique’s business was legally existing before the HC Zone District was created, it is considered a non-conforming use and can remain. Any new development or expansion beyond the current boundary of the non-conforming use is required to comply with the current zoning and development standards. In order to change the use of the existing building at 788 West Center Street from office to vehicle repair and office, the property needs to be located in a zone that allows such a use. Chad Weller, representing Unique Auto Body, is requesting that all three parcels totaling 0.77 acres be rezoned from HC to Regional Commercial (RC). The RC Zone allows a vehicle repair use with a Conditional Use Permit.

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.

With the adoption of the Midvale City General Plan 2016, there is no longer a General Plan Proposed Land Use Map designating future uses of property. Under the new General Plan, these properties are part of the Main Street/Old Town Opportunity Area. The General Plan anticipates minor-to-major changes in current land uses to occur in Opportunity Areas due to market forces, increasing land values and other opportunities to optimize land uses with the need for rezoning to be evaluated on a case by case basis. Two goals for commercial development and economic sustainability (p. 57 Midvale City General Plan 2016) include the following:

- Redevelop existing commercial and industrial areas to generate economic revitalization, and improved physical conditions.
- Rekindle interest and investment in the Main Street area.

This rezone request represents a minor change to the current land uses on the property; the existing non-conforming use will remain with or without the rezone. It stems from a long time, successful business wanting to remain and invest in the Main Street area. It will also allow the property owner/business to improve some of the physical conditions of the existing business site by providing needed room for vehicles to be located inside the shop space. Currently, the non-conforming nature of the site creates a barrier for any substantial improvements/investments to be made.

**Planning Commission Recommendation**

The Planning Commission conducted a public hearing and discussed this request on December 14 2016. At this meeting, the Planning Commission forwarded a positive recommendation to the City Council to rezone the property at 7697 South Holden Street and 788-798 West Center Street from Historic Commercial (HC) to Regional Commercial (RC) based on the following findings:

- It helps redevelop the existing commercial area to generate economic revitalization, and improved physical conditions for the property.
- It helps rekindle interest and investment in the Main Street area.
- It helps support a long-time, successful, local business.
- It provides consistency between the current favorable land use and zoning.

**FISCAL IMPACT:** N/A
STAFF RECOMMENDATION:
Staff agrees with the Planning Commission’s recommendation.

RECOMMENDED MOTION:
NA

Attachments:
- Vicinity Map
- Zoning Map
Unique Autobody
7697 S. Holden/788-798 W. Center St.
Unique Autobody
7697 S. Holden/788-798 W. Center St.