MIDVALE CITY COUNCIL MEETING
AGENDA
September 19, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 19th Day of September, 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
C. Economic Development Update – [Christopher Butte, Economic Development Director]

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 Quinn Sperry
B. Councilmember Wayne Sharp
C. Councilmember Stephen Brown
D. Councilmember Paul Glover
E. Councilmember Paul Hunt

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARING(S) - 7:00 PM
A. Public Hearing to Consider a Rezone Request from Single-Family Residential to Single-Family Residential with a Duplex Overlay (SF-1 to SF1/DO) located at 7410 South 240 East [Matt Hilderman, Associate Planner]
VIII. CONSENT AGENDA

A. Consider Minutes of September 5 & 12, 2017 [Rori Andreason, H.R. Director/City Recorder]

B. Set date and time [October 3, 2017 at 7:00 p.m.] for a public hearing to consider proposed amendments to the FY 2018 Budget in the General Fund and other funds as necessary [Laurie Harvey, Assistant City Manager/Admin. Services Director]

IX. ACTION ITEMS

A. Consider Ordinance No. 2017-O-14 Amending the Zoning Ordinance in the Midvale Municipal Code to define and regulate an “amusement house” use [Lesley Burns, City Planner]

B. Consider Resolution No. 2017-R-34 Approving JAG Grant Application [Chief Mazuran]

C. Consider Resolution No. 2017-R-35 Authorizing the Mayor to enter into a Stormwater Interlocal Agreement between Murray City and Midvale City regarding Stormwater [Kane Loader, City Manager]

D. Consider Resolution No. 2017-R-36 Supporting GO RAIL’s Opposition to Proposed New Regulations that would Undermine Private Investment in Freight Rail Network [Kane Loader, City Manager]

E. Consider Resolution No. 2017-R-37 Supporting the Canyons School District Bond [Kane Loader, City Manager]

X. DISCUSSION ITEM

A. Discuss proposed amendments to the FY 2018 Budget in the General Fund and other funds as necessary [Laurie Harvey, Assistant City Manager/Admin. Services Director]

XI. 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: SEPTEMBER 15, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT:
Public Hearing on a Rezone request from Single-Family Residential to Single-Family Residential with a Duplex Overlay (SF-1 to SF1/DO) located at 7410 South 240 East

SUMMITTED BY:
Matt Hilderman, Associate Planner

SUMMARY:
Adam Burak, identified property owner, is proposing to rezone his property in order to make the existing structure compliment for the applicant/property owner’s proposed use. This proposal includes one (1) parcel totaling approximately 0.20 acres (8,712 sq. ft.) and currently has one, existing single-family residence with the following improvements:

- Two, separate living quarters, each containing two (2) bedrooms, one (1) bath, kitchen/eatery area, and living room space totaling 900± square feet;
- Separate entrances for each unit; and
- A one-car garage with a 27-foot wide driveway space.

The applicant is proposing, upon approval of the rezone request, to occupy one living quarters and utilize the second living quarters as a tenant apartment. In order for this development to proceed as proposed, the following approvals are required:

1. A rezone of the entire property from SF-1 to SF1/DO.
2. Approval of a Conditional Use Permit for the duplex use that complies with the requirements of the SF1-DO development standards.

History

Records from the Salt Lake County Assessor’s Office indicate this parcel is part of a recorded subdivision identified as Lot 10 of the Halelani Subdivision. The County identifies this structure as being built in 1953 and currently identifies 4 bedrooms, 2 full bathrooms, 2- ¾ bathrooms, 1 kitchen, a total square footage of 1,788, and 1 attached, 264 sq. foot one-car garage space. Midvale City archive records for this property identifies a code enforcement violation that was addressed in March, 2001 for converting the single-family residence into more than one-dwelling unit. A re-inspection of the property was conducted on July 5, 2001 and the Building Department determined that the basement stove had been removed, thus determining the home had been converted back to a single-family dwelling, and the case had been closed.

General Plan and Rezone

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan and the following:
1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development caused 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 identified as being within a Stability Area. The General Plan states there are relatively stable residential neighborhoods, throughout most areas of Midvale City, where little change internal to the neighborhood itself is expected. New development along major streets and in areas of underutilized properties is expected however; measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change (2016 General Plan, Pg. 45). The General Plan further states the current overall land-use mix is desirable in these Stability Areas and the preservation of these areas character and function is the desired future condition. Some additional future land use goals for these Stability Areas include:

1. Support property maintenance and neighborhood stability.
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas.
3. Provide for better pedestrian/bicycle connections through and between neighborhoods.
4. Provide for access to parks, trails and recreation facilities.
5. Provide for appropriate transit opportunities.
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today’s lifestyles and needs.

The General Plan identifies some future goals for Residential Development and Housing development (2016 General Plan, Pg. 56) that includes:

1. Maintain and strengthen stable neighborhoods. The goal includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.
2. Maintain and improve the quality of the existing housing stock in Midvale, and revitalize the physical and social fabric of neighborhoods that are in decline.
3. Expand the variety of housing opportunities to allow for more choices in types and locations of residences. This includes providing for a mixture of housing sizes, densities, types and affordability in each area of the City.
4. Support the development of more affordable housing in appropriate locations, i.e., near transit, retail commercial, schools and recreational amenities.

Staff believes the existing zone district was not the result of a clerical error or mistake of fact when the zoning designation for this property was created. Building Department records indicate that minimal changes have occurred within this surrounding neighborhood such as; furnace replacements, service panel changes, solar panel installations, and structural reroofs. The only significant surrounding environ change that has occurred within this area was a single-family dwelling that was built at 247 East 7390 South, back in December, 2006.
This rezone request represents a slight, but important, change to the current zoning and land use on this parcel of property. If the property receives approval of the rezone amendment, the applicant would then be required to receive a Conditional Use Permit approval for the additional dwelling unit, which at the minimum, would require the following development requirements:

- Allocation of two, off-street parking spaces for each dwelling unit; and
- Building permit application submittal for review and inspection of the existing two-unit structure for compliance with existing building codes.

Planning Commission Recommendation

On August 23, 2017, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to; resembles a spot-zone, spot-zone will set a precedence for this area, parking and traffic concerns, and the General Plan identifies this area as a Stability Area. After further discussion and review, the Commission forwarded a negative recommendation concerning the rezone request with the following motion:

“For the following reasons, I move that we forward a negative recommendation to the City Council denying the request to rezone the property located at 7410 South 240 East:

1. None of the criteria for a rezone amendment has been met
2. The property is in a Stability Area as identified in the General Plan for single-family homes and this rezone would go against maintaining the stability of this area.
3. The rezone would create spot-zoning that does not directly tie to the surrounding Duplex Overlay zone.

A roll call vote was taken with a unanimous vote of 4-0.

STAFF RECOMMENDATION:

In reviewing this application and the above criteria, the City Council shall consider the appropriateness of this rezone request, consider all appropriate and applicable input received and determine a final decision on this legislative change request at their next available meeting.

Attachments:

- Vicinity Map
- Applicant Submittal
- Floor Plan
- 2016 General Plan
- Zoning Map
- Interior/Exterior Property Pictures
- 2001 Code Violation Letter
Concept and Reasoning

The home at 7410 South 240 East is currently zoned as single family (SF-1). I am petitioning to have it rezoned to duplex overlay (SF1-DO). A basic drawing of the property has been attached, detailing the interior and exterior layout. The home was purchased in its current layout.

The layout was desirable, initially, because it allowed my sister and I to share a house, while maintaining separate living areas, and thereby privacy. However, my sister has moved out of state, leaving myself as the only permanent occupant in the home. The home has two full living spaces, including separate entrances. Each living space comprises of two bedrooms, one bathroom, kitchen, living room, and is about 900 square feet. I would like to utilize the second living space as a tenanted apartment.

As the home is already arranged thus, no development is required. There is ample off-street parking, accommodating six vehicles. This rezoning proposal supports the general plan in several ways:

- Midvale’s population is projected to increase by over 13,000 by 2030. This proposal increases housing density while maintaining the character and stability of the neighborhood (General Plan, page 14, page 21, etc.)
- To support continued economic growth for Midvale City, housing opportunities should be expanded allowing for more choices in place and type of residence. This proposal increases the variety of housing options. (General Plan, page 11, page 21, etc.)
- Midvale City is home to technical companies, such as FLSmith, and would like to locate a college campus in Midvale. This proposal provides an attractive, moderately affordable, housing option for a young engineer moving to Utah that wants to get to know the area before purchasing a home. It also provides an attractive housing option for someone attending college nearby, including access to Utopia fiber optic internet. (General Plan, page 11, page 19)
- Pressure for development, specifically for higher density housing, if State Street and 7200 South are redeveloped. This proposal relieves some of that pressure, supporting redevelopment of State Street and 7200 South. (General Plan, Appendices page A-36)
- Broad generalizations, such as poor quality of property maintenance, less community involvement, and increased crime rate, may be concerning. Owner occupancy and a diligent and thorough vetting process minimize the likelihood of these occurrences. (General Plan, page 18)

This proposal supports several of the goals enumerated in the General Plan. In addition, no redevelopment is anticipated. I believe that the numerous benefits of this proposal outweigh the almost nonexistent draw-backs. I look forward to garnering feedback and addressing any remaining concerns when given the chance to defend this proposal.

Sincerely,

Adam Burak
Early in the planning process, the planning team identified fifteen distinct Midvale neighborhoods to acknowledge the City's variety and diversity. The identification of distinct neighborhoods also facilitated conversations about present Midvale and the City's future at a scale that was meaningful to City residents and stakeholders. Maps were prepared for each neighborhood showing current land uses, public facilities, transportation systems and other features that establish the character of each neighborhood. The maps also showed areas in each neighborhood where little change is anticipated in the foreseeable future, and areas where market forces, increased land values and opportunities for redevelopment of under-utilized land are likely to bring about changes in land uses. For the purposes of this Land Use Element, areas of little anticipated change in the City have been characterized as Stability Areas. Areas where changes in land uses are anticipated in the foreseeable future are characterized as Opportunity Areas. Map 8 shows Stability Areas in base colors and nine Opportunity Areas with plum and blue shading.

The planning team sought suggestions and ideas from neighborhood residents and business owners about attributes of the neighborhoods they would like to preserve and enhance, and the kinds of changes they would like to see in under-utilized areas. That input was used to develop descriptions of desired future conditions and land uses in each neighborhood.

Within several of the shaded Opportunity Areas there are relatively stable residential neighborhoods where little change internal to the neighborhood itself is expected. However, new development along major streets and in areas of underutilized properties is expected in the future. In these areas, measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change.

1 The plum and blue colors are for illustrative purposes only.
**Future Land Use**

For most of the areas of Midvale, the current land uses, current zoning and future land uses are substantially similar. In Stability Areas the current overall land-use mix is desirable, and preservation of these areas’ character and function is the desired future condition. These areas are nearly fully developed and have little foreseeable change in the types or intensity of land uses in the future. In Opportunity Areas, minor-to-major changes in current land uses are likely to occur due to market forces, increasing land values and opportunities to optimize land uses to take advantage of transit and other public investments. Projects in Opportunity Areas are anticipated to be at higher levels of density than current land uses and should be carefully planned and designed to integrate into the fabric of the area and minimize impacts on adjacent and nearby existing land uses. Future proposed uses in the Opportunity Areas may or may not be consistent with current zoning, and the desirability of the proposed use and the need for re-zoning should be evaluated on a case by case basis.

**STABILITY AREAS**

Most of the land in Midvale is in areas of relative stability where little significant change in either the types or intensities of land uses is anticipated in the foreseeable future. Stability Areas are characterized primarily by residential neighborhoods with schools, parks, churches and other public facilities. Many Stability Areas abut existing commercial areas and Opportunity Areas, and some are within the exterior boundaries of Opportunity Areas as shown in Map 8.

**Goals:**
The land use goals for Stability Areas include:

1. Support property maintenance and neighborhood stability
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas
3. Provide for better pedestrian/bicycle connections through and between neighborhoods
4. Provide for access to parks, trails and recreation facilities
5. Provide for appropriate transit opportunities
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today's lifestyles and needs
Residential Development and Housing

Vision: Midvale provides a variety of diverse, high quality housing stock that incorporates a range of housing forms and densities that appeal to new and existing residents at different income levels and life stages while retaining the character and form of established neighborhoods.

One of Midvale's goals is to ensure its residential development and housing is safe, supports community functions, is efficiently served by infrastructure, provides a diversity of types and affordability, and enhances residents' quality of life. Much of the quality of life of a community is connected to the character of its housing. The image of the City is to a large degree conveyed by the type, quality, and appearance of its residential developments and neighborhoods. Midvale's housing mix is influenced by many factors, including existing land uses and transportation patterns, market forces, and the City's zoning and land use regulations.

Midvale's housing mix is integrally tied to its economics and influences the jobs and businesses that can be attracted to and sustained by the City. Successful commercial developments depend on the close proximity of enough residents to support them. It is of the utmost importance to Midvale's financial well-being that residential development in the community is attractive, diverse, and desirable. This can be achieved by supporting excellence in design and high quality construction. The value of trees and other landscaping in residential developments cannot be overemphasized.

Goals:
Midvale has a number of stable residential areas and attractive new residential developments. The General Plan goals focus on building on that foundation and encouraging excellence in design and diversity of housing types for new residential development. Residential Development and Housing goals include:

1. Maintain and strengthen stable neighborhoods. This goal includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.
2. Maintain and improve the quality of the existing housing stock in Midvale, and revitalize the physical and social fabric of neighborhoods that are in decline.
3. Expand the variety of housing opportunities to allow for more choices in types and locations of residences. This includes providing for a mixture of housing sizes, densities, types and affordability in each area of the City.
4. Support the development of more affordable housing in appropriate locations, i.e., near transit, retail commercial, schools and recreational amenities.
5. Encourage higher density residential in appropriate locations in Opportunity Areas to create the market needed for viable commercial development.
6. Continue to encourage a variety of housing types, sizes and pricing with new developments.

Best Practice
Scale and Density Transitions: Transitions in scale and density within residential areas should be gradual. Sharp distinctions in scale and density on different sides of a street typically should be avoided. Identifiable edges should be defined by natural features, transitions in development density, and/or changes in building style, scale, buffering, or massing.
(Salt Lake County Township General Plan: 109)
April 23, 2001

Ms. Luann Spiers
1907 E. 7325 South
Salt Lake City, UT 84121

Subject: 7410 South 240 East

Dear Ms. Spiers,

Please accept this letter as a follow-up to our site inspection and various phone conversations these past few weeks. As you are aware, your house at 7410 South 240 East is zoned for a single-family residence only, therefore, the separate living quarters in the basement must be removed. In order to be considered a single-family dwelling, the stove/oven in the basement must be removed and the locks on the interior doors separating the two living areas must be eliminated. As we previously discussed, Midvale City will allow 60 days from the date of this letter for you to make these changes.

We will expect to hear from you within this 60-day period to schedule another inspection to ensure this work has been completed. The Building Official will also do a final inspection of the electrical work at that time. If you have any further questions, please call me at (801) 567-7231. Otherwise, I will wait to hear from you within the specified time frame.

Sincerely,

Lesley Burns
Associate Planner

/lb

cc: Donna Jackson, Building Official
MIDVALE CITY DEPARTMENT OF BUILDING AND SAFETY
INSPECTION REPORT

PROPERTY ADDRESS ________________________________  DATE 7/5/01

SUBDIVISION NAME 74110 8 240 E  TIME 3:10 PM

PERMIT # __________________

BASIC REFERRAL CHECK LIST

(CHECK ONE BOX)

A 1. FOOTINGS  2. FOUND  3. BOND BEAM  B  FRAMING:

C ELECTRICAL:  D  PLUMBING:

E HEATING:  F  FINAL:

G BUSINESS LICENSE:  H  FIREPLACE:

I MISC.

CORRECTIONS REQUIRED:

Stone has been removed.

No longer hear and in Basement.

House has been changed to

Single Family.

☐ BUILDING PASSES INSPECTION CHECKED ABOVE

☐ REINSPECTION REQUIRED

☐ REINSPECTION FEE $ ___________ INSPECTOR
Mayor Seghini called the meeting to order at 6:32 p.m.

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Lt. Mark Olson updated the Council on recent incidents.

Chief Scott McBride discussed the call volume at the Midvale Stations. He thanked the Unified Police Department for their assistance with the fire on 700 West last week. He said with all the fires in the state and disasters in other states, it’s keeping them very busy.

Matt Dahl introduced the newest Redevelopment Agency employee, Jena Hancock, RDA Executive Assistant. He updated the Council on the water issues with the new Bingham Junction Park. The architect and engineer are working on solutions that should not be at any cost to the City.

Larry Wright wanted to thank the Fire and Police Department for their quick response on that fire. It came very close to some of the Public Works equipment.

Rori Andreason conducted the oath of office for Matt Dahl, Redevelopment Agency Director.

Lisa Garner reported that a candidate has been chosen for the Procurement/Contract Specialist position. Her name is Shane Clement and will be starting with the City on September 25, 2017.

II. CITY MANAGER’S REPORT
Kane Loader announced that the Utah League of Cities and Towns has hired Cameron Diehl as the new Executive Director. He is excited with the selection and thinks he will do a great job.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

C. Honor students for winning the Presidential Youth Environment Award

Mayor Seghini introduced a group of honor students from Midvale Middle School and Beehive Academy who joined together to enter a contest and won “The Presidents Environmental Youth Award for Region 8”. The winners are Abby Gale Slama Catron, Eric Snauffer, Allison Drennan, and Timothy Holt. The project they chose was to prevent bird strikes at the airport. They installed a device called the bionic scarecrow. They demonstrated the device and reviewed how it works.

D. Recognition of Allen Litster, Planning Commission Member

Mayor Seghini recognized Allen Litster for his dedicated service to the City on the Planning Commission. She expressed her appreciation as well as the other Council Members for Mr. Litster’s hard work.

Allen Litster expressed his appreciation to the Mayor and Council for all they do and thanked them for the opportunity to serve the community.

E. Canyon School District Bonding Presentation

Jeff Haney and Mont Millerberg were present to discuss the Canyon School District bonding proposal. Mr. Millerberg said he feels great support from the City of Midvale and felt this bonding proposal will be very beneficial. Mr. Haney reviewed the following information regarding the bonding proposal to be on the ballot in November:

Building Canyons
- 2009 – Canyons District Established
- 2010 - $650M in needs identified
  - $250M Bond Approved
- 2011-2017 – 13 schools rebuilt, upgraded

He said many needs still exist in our school district. The June 2010 bond corrected approximately half of our facility needs. Action is still necessary, however, to address the remaining needs throughout our community. Some schools still need to be upgraded to accommodate new technologies and provide ample learning environments. Interest rates and construction costs are anticipated to continue rising. Construction costs generally rise by 5% on average each year. Because of this, we recommend beginning building now to secure lower prices while simultaneously taking advantage of higher property values in the future.
The bond is for a $283 million-dollar tax rate neutral bond proposal. They would like to continue to upgrade and re-build schools. The proposal will not increase taxes. Property taxes will not be increased if this proposal is supported. The reviewed the following proposed projects:

Projects:

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<thead>
<tr>
<th>Projects</th>
<th>Year Built</th>
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<tbody>
<tr>
<td>Alta High Remodel</td>
<td>1978</td>
</tr>
<tr>
<td>CCHS Wings</td>
<td>2013</td>
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<tr>
<td>West Draper Elementary</td>
<td>----------</td>
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<tr>
<td>White City Elementary Rebuild</td>
<td>----------</td>
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<tr>
<td>Midvalley Elementary</td>
<td>1957</td>
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<tr>
<td>Peruvian Park Elementary</td>
<td>1964</td>
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<tr>
<td>Union Middle</td>
<td>1968</td>
</tr>
<tr>
<td>Hillcrest High</td>
<td>1962</td>
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<tr>
<td>Brighton High</td>
<td>1969</td>
</tr>
<tr>
<td>Six Elementary Office Upgrades</td>
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<tr>
<td>18 Elementary Lighting Upgrades</td>
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Research shows that natural light greatly aids and helps improve student performance, behaviors, and health. Studies show greater energy efficiency, significant cost savings, and reduced environmental impact.

Natural Lighting Projects:
- Alta
- Bell View
- Canyon View
- Crescent
- East Midvale
- East Sandy
- Granite
- Lone Peak
- Oakdale
- Oak Hollow
- Park Lane
- Quail Hollow
- Ridgecrest
- Silver Mesa
- Sprucewood
- Sunrise
- Willowsprings

Elementary Office Remodels:
- Brookwood
- Granite
- Oakdale
- Park Lane
- Silver Mesa
- Sunrise

Mr. Haney stated that this bond proposal will not raise tax rates. The District will layer on debt as the former Jordan debt and current debt is retired. This ensures that the proposal is tax neutral and will not raise taxes. Layering the issuance of bonds also takes advantage of the continued expected increases in assessed valuation, which is the biggest factor in determining issuances. Additionally, the district will use Capital Outlay funds to cover $4m in expenses per year for five years, with a total direct contribution of $20M.
Councilmember Paul Hunt asked how you would rebuild Brighton and Hillcrest. Mr. Haney stated they would do it in segments and phases, and the students would stay on campus during this time.

Councilmember Stephen Brown asked if the Hillcrest renderings include a pool. Mr. Haney stated he hasn’t seen the renderings on the schools, but will check.

Mont Millerberg said there are a lot of needs and project lists for the schools. He asked for the community’s support on the proposal. Building a community is a group effort and we need each of you. Please vote. For more information please visit bond.canyonsdistrict.org.

IV. PUBLIC COMMENTS
Ken Harper said last week there was a pretty devastating field fire at the end of Holden Street. He thanked the police and fire for their response. There are a lot of people in their homes tonight because of their quick response. He said at the end of Lennox Street is a gathering place for vagrants. They throw their trash everywhere. The police have had more of a presence over the last six weeks and he appreciates it. He thanked the Council and Kane Loader for responding to him quickly and taking action.

V. COUNCIL REPORTS
A. Councilmember Quinn Sperry – Had nothing to report.

    B. Councilmember Wayne Sharp – said the mosquitos carrying the West Nile Virus are alive and well. He clarified that the spaghetti dinner fundraiser listed on the City website is for the Senior Center. He discussed an incorrect article written by the City Journal regarding Applewood. It stated the City offered $100,000 to Applewood. He said the City has NOT donated those funds.

    C. Councilmember Stephen Brown – said he received another report that skunks are getting worse. He asked if Animal Control was trapping them and Kane Loader said yes. He received a suggestion from a resident to have a hot spot for police to write tickets on Center Street and other school areas. He also said there is no “Dead End” sign going north on Cottonwood Street as well as a “No Outlet” sign.

    D. Councilmember Paul Glover – Had nothing to report.

    E. Councilmember Paul Hunt – Had nothing to report.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – Had nothing to report.

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

VII. PUBLIC HEARING(S)
A. PUBLIC HEARING ON PROPOSED TEXT AMENDMENT TO DEFINE AND REGULATE AN “AMUSEMENT HOUSE” USE

Lesley said staff is proposing a text amendment to address some issues that led to the City Council adopting a temporary zoning regulation last year prohibiting residential properties being used for haunted house/maze attractions and similar activities which were being advertised to the public for patrons to tour and move through. The zoning ordinance does not currently contain specific language regarding this type of use. This use has periodically occurred over the past 4-5 years in a single-family residential neighborhood. It has created negative impacts on the immediate neighborhood of noise, parking, traffic and an influx of larger than normal crowds that are uncharacteristic of a residential area. The City Council directed staff to review this issue and provide a recommended long-term solution.

Based on the commercial nature of haunted house and similar seasonal type attractions, whether an entrance fee is charged or not charged, and the impacts of noise, traffic, parking and the influx of people in one location on a residential neighborhood, staff is recommending this type of use continue to be allowed in commercial areas, but be prohibited in residential areas. To clarify this intent, staff is recommending a new term and definition be created for this type of use in the zoning ordinance and the existing term for “entertainment center” be expanded to include this new term. In the past, the City has interpreted the definition for “entertainment center” to include haunted house and similar seasonal attractions, so this expanded definition is simply for clarity purposes.

17-2-1 “A” definitions.
“Amusement house” means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that: a. is advertised to the public for patrons to tour or move through; or b. requires a building permit under the Building Code; or c. violates health or safety codes, including but not limited to the Fire Code. An “amusement house” use can be for either profit or non-profit. An “amusement house” use is allowed in zones allowing an “entertainment center” use, and in residential zones if it is part of a community event within a public facility or church.

17-2-1 “E” definitions.
“Entertainment center” means an establishment or enterprise for the purpose of amusing or entertaining persons for profit or nonprofit and generally contained within a structure. Such uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, amusement house, or bowling alley. This use does not include “sexually oriented business entertainment.”

With this proposed text amendment, the use tables in the residential zone districts do not designate “amusement house” as an allowed or conditional use, therefore making the use prohibited in the residential zones. The use tables currently allow “entertainment center” uses as a conditional use in the mixed use, commercial and industrial zones, and these uses would continue to be allowed through the conditional use process in these zones.

It is not the intent of this proposed language to prohibit holiday decorations and private social gatherings associated with the holidays and other life events, or that are part of a community event within a public facility or church designed to accommodate large groups of people.
Planning Commission Recommendation
The Planning Commission reviewed the proposed language and conducted a public hearing on August 23, 2017. There was no public comment. The Planning Commission forwarded the following motion to the City Council for its consideration:
“Based on the commercial nature of haunted house and similar seasonal type attractions and the impacts of noise, traffic, parking and the influx of people in one location on a residential neighborhood, I move that we forward a recommendation to the City Council to approve the text amendment to define and regulate an “amusement house” use as proposed in Attachment A.”

Mayor Seghini opened the public hearing to public comment.

Spencer Mears said the Castle of Chaos has had complaints. You need to go after the commercial haunts that are making money and that still are having issues with the neighborhoods.

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

VIII. CONSENT AGENDA
A. APPROVE MINUTES OF AUGUST 29, 2017

MOTION: Councilmember Stephen Brown MOVED to approve the consent agenda. 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  | Aye |

The motion passed unanimously.

IX. ACTION ITEMS
A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-R-32 AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH GARDNER JORDAN BLUFFS, L.C.

Phillip Hill said Resolution 2017-R-32 authorizes the Mayor to enter into an Amended Master Development Agreement for the Jordan Bluffs Project with the Master Developer. This amended agreement in no way eliminates or modifies any of the requirements in the Original MDA dated December 1, 2004, it merely supplements and clarifies that existing agreement.

Listed below are the key points of the Amended Master Development Agreement for the Jordan Bluffs Project:
- This Amended DA recognizes that the Original MDA dated December 1, 2004 remains in full force and effect except as specifically amended in this document. These amendments
do not eliminate or modify any requirements of the Original MDA, merely supplement or clarify. Upon closing, elements of the Original MDA will be negotiated and memorialized in the Amended DA;

- This Amended DA only becomes effective upon Master Developer closing on the purchase of the property;
- This Amended DA acknowledges that the Master Developer and the City recognize that the current project will differ in several important respects from what was contemplated by the Original MDA based on the geotechnical studies of the past 13 years. Open space sizes and configuration, phasing of BJ Blvd., less residential;
- This Amended DA will adopt by reference specific development standards (current JB zone), Design Guidelines and a Concept Plan;
- This Amended DA recognizes that detailed ordinances will be crafted after closing, as anticipated by the JB zone, to be reviewed and adopted by the City Council following the appropriate process with the Planning Commission;
- This Amended DA recognizes the currently vested rights with respect to uses, density and the maximum number of residential units allowed across the entire site;
- The term of this Amended DA is 25 years unless buildout occurs earlier;
- This Amended DA shall automatically terminate if no substantial construction has been initiated within 5 years, absent any agreed extensions.

Councilmember Paul Glover expressed concern about the building heights.

Phillip Hill stated the renderings show 2, 3, or 4 story units. The transition will be looked at as they go through the master planning process and development with Wasatch. The zoning language can have residential transitioning.

**MOTION:** Councilmember Paul Hunt MOVED to approve Resolution No. 2017-R-32 authorizing the Mayor to enter into an Amended Master Development Agreement for the Jordan Bluffs Project with Gardner Jordan Bluffs, L. C. subject to the Master Developer closing on the purchase of the property. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghi called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Aye
- Council member Quinn Sperry Aye

The motion passed unanimously.

**B. CONSIDER ORDINANCE NO. 2017-O-13 REZONING PROPERTY AT 475 EAST FORT UNION BOULEVARD FROM SINGLE FAMILY RESIDENTIAL (SF-1) ZONE/DUPLEX AND 7200 SOUTH OVERLAYS TO MIXED USE ZONE/7200 SOUTH OVERLAY**

Lesley said the applicant, James Rohbock, is proposing to convert the existing single family house at 475 East Fort Union Boulevard into a small office for their business under the Mixed Use/7200
The property is approximately 0.35 acres in size (0.24 acres outside an existing easement for the Jordan and Salt Lake City Canal) and includes a single-family house and detached garage. The proposed office use would encompass the entire house, approximately 700 square feet; the detached garage would be used for parking and storage. No expansion of the existing structures is being contemplated. As part of this conversion, the owners are proposing to construct four parking stalls in addition to the two spaces in the detached garage, and landscape the property.

Rezone
Currently the property is zoned Single-family Residential (SF-1) with a Duplex Overlay; it is also part of the 7200 South Overlay. The 7200 South Overlay was created to facilitate the transition of the 7200 South Corridor from residential to a mix of residential and commercial uses. To allow a general office use, the property needs to be rezoned to Mixed Use (MU) in conjunction with a proposed site plan that complies with the requirements of the Mixed Use Zone and the 7200 South Overlay.

Planning Commission Recommendation
The Planning Commission reviewed the rezone request along with the preliminary site plan for the parking and landscape improvements for the proposed house/office conversion on July 26, 2017. Following the public hearing, the Planning Commission forwarded a positive recommendation to the City Council to rezone the property to the Mixed Use zone with the condition that the development on the property occur in a manner consistent with the preliminary site plan approved concurrently by the Planning Commission. As part of its review, the Planning Commission found the proposal complies with the intent of the 7200 South Overlay and is consistent with the goals of the Midvale City General Plan 2016, specifically the land use goal to support new office uses west of 700 East (pg. 54 – Midvale City General Plan 2016).

City Council Public Hearing
On August 29, 2017, the City Council held a public hearing on this request. No public comment was received.

Proposed Ordinance
Adoption of an ordinance is required for all rezones. If the City Council decides to approve the rezone as requested, an ordinance has been prepared to accomplish this. Proposed Ordinance No. 2017-O-13 is attached.

STAFF RECOMMENDATION:
Staff agrees with the Planning Commission’s recommendation and recommends the City Council approves Ordinance No. 2017-O-13.

MOTION: Councilmember Wayne Sharp MOVED that we adopt Ordinance No. 2017-O-13, rezoning the property at 475 East Fort Union Boulevard from Single Family Residential (SF-1) with Duplex and 7200 South Overlays to Mixed Use with 7200 South Overlay. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:
C. CONSIDER A FINAL SUBDIVISION PLAT FOR JORDAN BLUFFS 2-LOT SUBDIVISION, 8056 SOUTH MAIN STREET (7800-8600 SOUTH AND 700 WEST TO JORDAN RIVER)

Phillip Hill said Gardner & Co. L.C. is requesting approval of a two-lot subdivision for the 263-acre Jordan Bluffs property. Lot 1 will consist of 38 acres and Lot 2 225 acres. An approved subarea plan, dividing the property into four areas for purposes of land uses and densities, is part of the Jordan Bluffs zoning for this property. For reference, Lot 1 will encompass sub-area 4, and Lot 2 will include sub-areas 1, 2, & 3. The purpose of this subdivision is to allow Gardner & Co. L.C. to sell Lot 1 to Wasatch Properties after closing on the property through the purchase agreement with the Midvale Redevelopment Agency (RDA).

Section 2.11 of the purchase agreement allows the “Purchaser” to apply to the City for approval to subdivide the property. Through Section 2.15 of the purchase agreement with the RDA, this allowance extends to Gardner & Co. L.C.

Staff has reviewed the general layout of the subdivision plat and finds that it meets the requirements of the Jordan Bluffs Zone and Title 16 of the Midvale Municipal Code.

On August 9, 2017, the Planning Commission forwarded a positive recommendation to the City Council for approval of the subdivision plat for the Jordan Bluffs 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 applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
3. The applicant shall provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.

A final subdivision plat has been prepared and is being reviewing by the City Engineer to ensure the boundaries, legal descriptions and dimensions of the plat are accurate. Any required changes to the plat following this review will just be technical in nature and not affect the proposed lot layout. On August 29, 2017, the City Council held a public hearing and took public comment.

STAFF RECOMMENDATION:

Staff recommended the City Council approves the final subdivision plat for the Jordan Bluffs Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall obtain duty to serve letters for water and sewer, and provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

MOTION: Councilmember Stephen Brown MOVED to approve final subdivision plat for the 2-lot Jordan Bluffs Subdivision with the following conditions:
   1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
   2. The applicant shall obtain duty to serve letters for water and sewer, and provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

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     Aye

The motion passed unanimously.

D. CONSIDER RESOLUTION NO. 2017-R-33 AUTHORIZING THE MAYOR TO ENTER INTO A STANDSTILL AGREEMENT BETWEEN MIDVALE CITY AND CROWN CASTLE, A WIRELESS COMMUNICATIONS FACILITY PROVIDER

Lisa Garner said as previously discussed with Council, Crown Castle has submitted applications to enter into the City’s Right-of-Way for the purpose of installing small cell facilities and equipment. Midvale City’s current ordinance does not allow for such use in its Right-of-Way. The City and Crown Castle believe that it is in their best interest to enter into a Standstill Agreement in order to allow time for the City to draft and enact an ordinance and to preserve Crown Castle’s legal rights granted under the Federal Telecommunications Act. A resolution has been prepared for Council consideration authorizing the Mayor to enter into a Standstill Agreement with Crown Castle NG West LLC.

Councilmember Paul Glover suggested looking at size and aesthetics in the ordinance. Ms. Garner agreed and said the purpose of the standstill agreement is to give the City time to do this.

MOTION: Councilmember Quinn Sperry MOVED to adopt Resolution No. 2017-R-33 Authorizing the Mayor to enter into a Standstill Agreement between Midvale City and Crown Castle NG West LLC. 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:
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Council member Stephen Brown    Aye
Council member Paul Glover       Aye
Council member Paul Hunt         Aye
Councilmember Wayne Sharp        Aye
Council member Quinn Sperry      Aye

The motion passed unanimously.

X. ADJOURN

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

The meeting adjourned at 8:21 p.m.

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

Approved this 19th day of September, 2017.
Mayor Pro-tem Quinn Sperry called the meeting to order at 6:32 p.m.

I. DISCUSSION ITEMS
   A. DISCUSS BULKY WASTE PROGRAM

Larry Wright discussed the Bulky Waste program. He expressed his concerns about the program lasting a full month.

Dawn Beagley, Ace Disposal, discussed a new bulk program as follows:

- Once a month bulk pickup for every resident
- On their trash day – the third week of every month
  - If the trash day is Monday. The bulk items will be picked up on Monday, Tuesday on Tuesday, Wednesday on Wednesday and Thursday on Thursday.
  - Less trash on the curb side (no resident needs to hold onto their bulk items for six months)
  - Two-man crew with a rear load truck
  - Will take the same route as the resident’s drivers use
  - $1.20 per home once a month
- Recommend they start this program off with the Christmas Tree & Bulk Pickup

Fall Leaf Bag Drop Off

- Deliver 2 – 30 yard dumpsters to each park November 20th
• Dump & return 30 yard dumpsters November 22nd, 24th, 27th, and December 1st.
• Dump & remove the 30 yard dumpsters December 5th
• $156.46 a haul – Midvale pays Trans Jordan Landfill

Christmas Tree Drop Off

• Deliver 2 – 30 yard dumpsters to each park January 5th
• Dump & return January 8th, 10th, and 12th
• Dump & remove all 30 yard dumpsters January 15th

The Council instructed staff to look at the exact costs associated with each of these programs and bring it back for further consideration.

The Council expressed concern with the leaf bag program. The concern was the residents would not participate if they had to haul the leaf bags to a different place.

B. DISCUSS UTOPIA OPTIONS FOR BUILDOUT
Kane Loader said he has been receiving more and more calls from residents wanting to get UTOPIA. He reviewed the following information and options for buildout:

UTOPIA/UIA Current Overview

• Financial Status
• Service Providers
• Customer Satisfaction (NPS)
• Buildout Options

UIA Revenue vs Debt Service
(3 bonds over time)
UTOPIA/UIA Combined Monthly Revenue

Service Providers
Currently there are 10 residential and 30+ business class service providers on the network

- Beehive Broadband
- Sumo Fiber
- Brigham.net
- Senawave
- Intellipop
- XMission
- Fibernet
- Voonami
- VeraCity Networks
- InfoWest

How is UTOPIA Fiber doing based on customer satisfaction?
How likely are you to recommend UTOPIA to a friend or colleague?

Third-party survey conducted May 2017 by Boncom
- Net Promoter Score = 60

What are the speeds available on UTOPIA Fiber?

- Residential
  - 250 Mbps
  - 1 Gbps
- Commercial
Proceedings of the City Council Workshop Meeting
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- 1 Gbps
- 10 Gbps
- 100 Gbps

All connections dedicated, symmetrical Ethernet
No shared GPON like other Utah fiber providers

Current Status of UTOPIA in Midvale
*2017 Midvale is adding 10+ new customers/month

Midvale Buildout Options:

- Status Quo
- Fiberhood Model
Utility Fee Model

Layton City Model

Status Quo Model

- Buildout network as the subscriber base and recurring revenues increase
- City currently pays $850K/year or $71K/month which is approximately $6/property for Phase I construction.
- Current projections are now at 5 to 7 years for buildout
- Example:
  - Recurring revenues are now at a point that an additional 13 million dollars in bonding can be issued and the UIA Board will be considering that by the end of this calendar year.
  - Network will be built considering highest take rate opportunities and return on investment within 18 months.
  - As revenues increase new bonds will be issued

Fiberhood Model

- Neighborhoods are organized using volunteer advocates to promote the network.
- Network is built in selected neighborhoods/areas where the subscriber base meets a minimum 25% take rate.
- All financing and construction will be done incrementally based on pre-signups and projected take rates.
- Could be built a little faster than Status Quo Model but also could mean some areas could take a long time to have the service.

Utility Fee Model

- City would assess a fee on every property to build the base network. (est. $6/month)
- More than likely the City would like buy in from the residents (public opinion poll)
- City would issue bonds to cover construction
- Connection to the network is voluntary and the cost for connection could be covered in a monthly base fee.
- Base network is built within 2 years

Layton City Model

- Model patterned after the one developed for Layton City.
- City pledges Franchise Fee revenues to backstop the bonds.
- UIA issues the bonds and completes construction of the network
- Revenues are shared back to the City

City Specific Completion Project

$65/Mo All-in Price

- Infrastructure $30/Mo Billed by UIA
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- Bond Repayment
- Churn Replacement
- Excess Revenue

- Retail Fee $35/Mo Billed by Service Provider
  - UTOPIA Operations/Maintenance
  - Service Provider
  - City Transport Revenue

35% Take Rate Example

- Assumptions
  - Target take rates
    - Residential – 35%
    - Business – 20%
  - Remaining Project Build Cost – $12,550,959 (including 2yr cap interest)
  - Monthly debt service on 30yr bond – $59,919
  - Monthly infrastructure revenue - $69,060
  - Monthly transport revenue – $10,500
  - Monthly churn replacement - $9,000
  - Net Monthly Debt Relief to City - $10,641

* Numbers expected to improve as UTOPIA completes feasibility including new revenues from existing areas

45% Take Rate Example

- Assumptions
  - Target take rates
    - Residential – 45%
    - Business – 20%
  - Remaining Project Build Cost– $13,150,959 (including 2yr cap interest)
  - Monthly debt service on 30yr term – $62,783
  - Monthly infrastructure revenue - $87,060
  - Monthly transport revenue – $13,500
  - Monthly churn replacement - $11,250
  - Net Monthly debt relief to City - $26,527

*Numbers expected to improve as UTOPIA completes feasibility including new revenues from existing areas

The Council discussed several options to incentivize residents to connect to UTOPIA. Follow-up with them and get an estimated plan as to where they will build in Midvale over the next few years.

**C. DISCUSS FOOD TRUCKS**

Phillip Hill discussed amendments to the Midvale Municipal Code regarding food trucks. He reviewed the following requirements:
• General
  o Private property only in commercial, industrial and mixed use zones
  o Public property if part of a city sanctioned event
  o This ordinance does not apply to mobile ice cream vendors, seasonal farm stands or other temporary or seasonal uses authorized by this title or other city ordinances
  o Business activity is temporary:
    ▪ May operate no more than 16 hours during a 24-hour period
    ▪ Food truck must be occupied by the owner/operator
    ▪ No overnight parking
  o No more than one property unless size of property will support spacing of (?) Distance requirements?

• Site Requirements
  o Hard surface
  o Cannot occupy required parking stalls
  o Cannot interfere with internal parking circulation
  o Power, self-contained or through agreement with property owner
  o All materials properly disposed

• Design and Operation
  o Meet all health department requirements
  o Maximum size: 24 feet long; 8’6” wide; 12 feet high
  o No drive through
  o Kept in good condition; no peeling paint or rust
  o Provide trash and recycling containers
  o Enclosures or canopies must be integrated into the design of the vehicle
  o Operating within 100’ of a dwelling shall:
    ▪ Cease operations by 10:00 p.m.
    ▪ Prohibited from using portable generators
  o Only signage to be physically attached to vehicle and one A-frame
  o No personal or professional services shall be provided
  o Property owner responsible for ensuring food truck schedules do not conflict

• Mobile Food Courts
  o Requires site plan approval from Staff; setbacks, landscaping, vendor locations, circulation, parking
  o Minimum lot size 7,000 s.f.
  o No less than 2 and no more than 10 food vendor pads
  o Mobile food courts for sale of food products only except directly related non-food promotional items
  o Commercial, industrial and mixed use zones only

The Council discussed these requirements and instructed staff to proceed.

D. DISCUSS AUDIO AND VIDEO LIVE STREAMING CITY COUNCIL MEETINGS
Jarin Blackham discussed what he is currently doing to provide audio live streaming. He currently uses a program called Mixlr costing $200 a year. He reviewed a few other cities and what they
are doing. The Council said to continue with what the City is currently doing until there is more interest in the live streaming.

The Council discussed the three-minute limit on public comments that is listed on the agenda but not enforced. The decision was not to enforce this limit unless it starts to get out of hand.

II. ADJOURN
Mayor Seghini adjourned the meeting at approximately 8:37 p.m.

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

Approved this 19th day of September, 2017
SUBJECT:

Consider Ordinance No. 2017-O-14 which amends the zoning ordinance to define and regulate an “amusement house” use

SUBMITTED BY:  Lesley Burns, City Planner

SUMMARY:

Staff is proposing a text amendment to address some issues that led to the City Council adopting a temporary zoning regulation last year prohibiting residential properties being used for haunted house/maze attractions and similar activities which were being advertised to the public for patrons to tour and move through. The zoning ordinance does not currently contain specific language regarding this type of use. This use has periodically occurred over the past 4-5 years in a single-family residential neighborhood. It has created negative impacts on the immediate neighborhood of noise, parking, traffic and an influx of larger than normal crowds that are uncharacteristic of a residential area. The City Council directed staff to review this issue and provide a recommended long-term solution.

Based on the commercial nature of haunted house and similar seasonal type attractions, whether an entrance fee is charged or not charged, and the impacts of noise, traffic, parking and the influx of people in one location on a residential neighborhood, staff is recommending this type of use continue to be allowed in commercial areas, but be prohibited in residential areas. To clarify this intent, staff is recommending a new term and definition be created for this type of use in the zoning ordinance and the existing term for “entertainment center” be expanded to include this new term. In the past, the City has interpreted the definition for “entertainment center” to include haunted house and similar seasonal attractions, so this expanded definition is simply for clarity purposes.
17-2-1 “A” definitions.

“Amusement house” means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that:

a. is advertised to the public for patrons to tour or move through; or
b. requires a building permit under the Building Code; or
c. violates health or safety codes, including but not limited to the Fire Code.

An “amusement house” use can be for either profit or non-profit. An “amusement house” use is allowed in zones allowing an “entertainment center” use, and in residential zones if it is part of a community event within a public facility or church.

17-2-1 “E” definitions.

“Entertainment center” means an establishment or enterprise for the purpose of amusing or entertaining persons for profit or nonprofit and generally contained within a structure. Such uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, amusement house, or bowling alley. This use does not include “sexually oriented business entertainment.”

With this proposed text amendment, the use tables in the residential zone districts do not designate “amusement house” as an allowed or conditional use, therefore making the use prohibited in the residential zones. The use tables currently allow “entertainment center” uses as a conditional use in the mixed use, commercial and industrial zones, and these uses would continue to be allowed through the conditional use process in these zones.

It is not the intent of this proposed language to prohibit holiday decorations and private social gatherings associated with the holidays and other life events, or that are part of a community event within a public facility or church designed to accommodate large groups of people.

Planning Commission Recommendation

The Planning Commission reviewed the proposed language and conducted a public hearing on August 23, 2017. There was no public comment. Based on the commercial nature of haunted house and similar seasonal type attractions and the impacts of noise, traffic, parking and the influx of people in one location on a residential neighborhood, the Planning Commission forwarded a recommendation to the City Council to approve the text amendment as included in this report.
City Council Public Hearing

On September 5, 2017, the City Council held a public hearing on this request. One comment was received.

Proposed Ordinance

Adoption of an ordinance is required for a text amendment. If the City Council decides to approve the text amendment as recommended by Staff and the Planning Commission, an ordinance has been prepared to accomplish this. Proposed Ordinance No. 2017-O-14 is attached.

FISCAL IMPACT:

N/A

RECOMMENDED MOTIONS:

Option 1 - Approve Text Amendment

“I move that we adopt Ordinance No.2017-O-14, approving the text amendment to define and regulate an “amusement house” use in Midvale City.”

Option 2 – Deny Text Amendment

“I move that we deny the proposed text amendment.”

Attachment:

• Proposed Ordinance No. 2017-O-14
ORDINANCE NO. 2017-O-14

AN ORDINANCE DEFINING AND REGULATING “AMUSEMENT HOUSE” USE IN MIDVALE CITY (SECTION 17-2-1 OF THE MIDVALE MUNICIPAL CODE); ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, Midvale City (the “City”) has the authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, the City has found a number of areas requiring amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, protect its citizens, and/or include new provisions to further the vision of the City; and

WHEREAS, the City has determined a need to have a specific land use regulation regarding residential properties being used for purposes of amusement, entertainment or fright, e.g. a haunted house attraction or similar activity advertised to the public for patrons to tour or move through; and

WHEREAS, this need stems from the negative impacts on a neighborhood associated with such a use, such impacts being noise, parking, traffic and an influx of people in one location which are uncharacteristic of a residential area; and

WHEREAS, the City has further concern regarding the health and safety of participants and those adjacent to such use; and

WHEREAS, it is not the intent of the City to prohibit holiday decorations and private social gatherings associated with the holidays and other life events, or that are part of a community event within a public facility or church designed to accommodate large groups of people; and

WHEREAS, the Planning Commission held a public hearing on August 23, 2017 to review the proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 9, 2017, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on August 23, 2017; and
WHEREAS, the City Council of Midvale City, Utah held a public hearing on September 5, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 22, 2017; and

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make this change in the Midvale Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. Sections 17-2-1 “A” and 17-2-1 “E” of the Midvale Municipal Code is hereby amended as specifically shown below.

Text Additions

Text Deletions

17-2-1 “A” definitions.

“Amusement house” means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that:

a. is advertised to the public for patrons to tour or move through; or
b. requires a building permit under the Building Code; or

c. violates health or safety codes, including but not limited to the Fire Code.

An “amusement house” use can be for either profit or non-profit. An “amusement house” use is allowed in zones allowing an “entertainment center” use, and in residential zones if it is part of a community event within a public facility or church.

17-2-1 “E” definitions.

“Entertainment center” means an establishment or enterprise for the purpose of amusing or entertaining persons for profit or nonprofit and generally contained within a structure. Such uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, amusement house, or bowling alley. This use does not include “sexually oriented business entertainment.”

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the
persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of ______________, 2017.

________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

________________________
Rori Andreason, MMC
City Recorder

Date of first publication: _____________

Voting by City Council  “Aye”  “Nay”
Stephen Brown ________ ________
Paul Glover ________ ________
Paul Hunt ________ ________
Wayne Sharp ________ ________
Quinn Sperry ________ ________
SUBJECT: Requesting Approval for Purchases funded by Edward Byrne Memorial Justice Assistance Grant FY 2017 Local Solicitation

SUBMITTED BY: Chief Jason Mazuran, Unified Police Department

SUMMARY:
Midvale City has been allocated $15,448.00 in JAG grants funds. This request is for approval to purchase the following equipment for Midvale UPD Precinct with the grant funds:

- 20 Wireless Mic with Earpiece (for police radio) = $5,200.00
- 55 Chairs for Precinct = $10,461.00

$15,661.00 Total
$15,448.00 Grant Award
$213.00 Difference (Unified Police Department has agreed to pay the balance)

Budget Justification – Wireless Mics: would give the officers the ability to communicate through their police radio hands free—without having to pull their radio from their duty belt for push to talk. An included earpiece allows the officer to hear radio transmissions more clearly. This improves communication and allowing only the officer to hear radio communications handsfree promotes officer safety.

Budget Justification - Furniture/Chairs: The chairs in the UPD Midvale precinct need to be replaced. The chairs currently have arms (that are not removable) that catch the items on the officer’s duty belt or gun holster when they sit down or get up from the chair. New chairs would be purchased that do not have arms so officers can easily get in and out of a chair when wearing a duty belt or gun holster.

FISCAL IMPACT: Grant funds will cover the cost resulting in no fiscal impact to Midvale City.

STAFF’S RECOMMENDATION AND MOTION: I MOVE to approve Resolution No. 2017-R-36 Authorizing the Application and Use of JAG Grant Funds to purchase equipment for the MIDVALE UPD Precinct as indicated.

Attachments: 2017 Utah Local JAG Allocation
Proposed Resolution
MIDVALE CITY, UTAH

RESOLUTION NO. 2017-R-34

A RESOLUTION REQUESTING APPROVAL FOR GRANT FUNDS
FOR PURCHASE OF EQUIPMENT FOR MIDVALE UPD PRECINCT

WHEREAS, each year the Midvale City receives the opportunity to apply for grant funds from
the Edward Byrne Memorial Justice Assistance Grant / Local Solicitation; and

WHEREAS, these funds are utilized to purchase equipment for the Midvale UPD Precinct; and

WHEREAS, the City Council finds it in the best interest of the City and the residents to apply
for these funds to be used to purchase equipment needed for the Midvale UPD Precinct,

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

Section 1. The City Council hereby approves the application and use of the proposed JAG
Grant funds to purchase equipment for the Midvale UPD Precinct.

Section 2. This Resolution shall take effect immediately upon passage.

APPROVED AND ADOPTED this 19th day of September 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council

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<tr>
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<tbody>
<tr>
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<td>Paul Hunt</td>
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<tr>
<td>Wayne Sharp</td>
<td>_____</td>
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</tbody>
</table>
2017 UTAH LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Funding/JAGFAQ.pdf

Finding your jurisdiction:

1. Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
2. Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.
3. Counties that have an asterisk (*) under the “Eligible Individual Allocation” column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: https://www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

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Local total $726,712
ITEM: Action adopting Resolution No. 2017-R-35 a resolution approving an interlocal agreement between Murray City and Midvale City for Stormwater detention at the Bingham Junction Detention Facility and authorizing the Mayor to sign the agreement on behalf of the City.

SUBMITTED BY: Kane Loader, City Manager

SUMMARY:

Murray City has requested that Midvale City provide storm water service for a new subdivision being proposed at approximately 6700 South 700 West and continue to provide that service to that existing area of Murray. A report dated June 26, 2006 was completed prior to the development of the Bingham Junction/Riverwalk project that provided findings, calculations and conclusions regarding the handling of storm water for both cities. A 48” outfall pipe was designed and installed with the Riverwalk project to facilitate all of the storm water runoff based on the report. The two cities would like to memorialize this shared facility with an interlocal agreement that delineates the responsibilities and liabilities for the system.

STAFF’S RECOMMENDATION AND MOTION:

I move that we adopt Ordinance No. 2017-R-37 approving the Interlocal Cooperation Agreement between Murray City and Midvale City for Stormwater detention at the Bingham Junction Detention Facility and authorizing the Mayor to sign the agreement on behalf of the City.
A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY, UTAH, APPROVING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN MURRAY CITY AND MIDVALE CITY FOR STORMWATER DETENTION AT THE BINGHAM JUNCTION FACILITY

WHEREAS, Murray City and Midvale City are public agencies as defined under the Interlocal Cooperation Act; and

WHEREAS, Murray and Midvale are contiguous to each other and share a common boundary; and

WHEREAS, in 2006 Midvale approved the Bingham Junction commercial and residential projects that included an open space area consisting of a wetlands mitigation area and a park and a storm drain detention pond known as the Bingham Junction Detention Facility; and

WHEREAS, Midvale owns, maintains, and operates the Bingham Junction Detention Facility; and

WHEREAS, a drainage report with storm drain calculations, dated June 26, 2006 was prepared by Ensign Engineering and Land Surveying for the Bingham Junction Development that identified 11 drainage basins of which basins 7 and 10 are the only Areas located in Murray with all other Areas located in Midvale; and

WHEREAS, Midvale owns and maintains a 48” diameter storm drain pipe located in Midvale near the boundary between Murray and Midvale that collects storm water from drainage basins identified in the Report including areas 7 and 10; and

WHEREAS, Area 10 is a proposed residential subdivision that will require on-site detention and will discharge into the Midvale system; and

WHEREAS, Murray and Midvale acknowledge that Midvale should be responsible for 68% and Murray for 32% if the maintenance costs of the 48” outfall pipe and Bingham Junction Detention Facility

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

SECTION 1.

The Midvale City Council has determined that it would be in the best interests of the City as well as the general public to enter into an interlocal agreement with Murray City for the purpose of providing storm water detention at the Bingham Junction Detention Facility and authorizes the Mayor to sign said agreement on behalf of the City
SECTION 2. Effective Date.

This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF THE MIDVALE CITY, UTAH, ON THIS _____ DAY OF ___________________, 2017.

JoAnn B. Seghini, Mayor

Vote by the City Council: Aye Nay
Stephen Brown
Paul Glover
Paul Hunt
Quinn Sperry
Wayne Sharp

Attest:

Rori L. Andreason, MMC
City Recorder

Approved as to form:

_________________________________________________________________
Lisa Garner, City Attorney
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MURRAY CITY
AND
MIDVALE CITY

FOR STORMWATER DETENTION AT THE
BINGHAM JUNCTION DETENTION FACILITY

This Interlocal Cooperation Agreement (Agreement) is made and entered into this ___ day of ___________, 2017, by and between MURRAY CITY CORPORATION (Murray) and MIDVALE CITY (“Midvale”). Murray and Midvale are sometimes referred to collectively as the “Parties” and either may be referred to individually as a “Party”, all as governed by the context in which such words are used.

RECITALS

A. Murray and Midvale are public agencies as defined under the Interlocal Cooperation Act, Title 11, Chapter 3 of the Utah Code (the “Interlocal Act”) which Interlocal Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action.

B. Murray and Midvale are contiguous to each other and share a common boundary as shown on the map attached as Exhibit “A”.

C. In 2006, Midvale approved the Bingham Junction commercial and residential project. This project included an open space area consisting of a wetlands mitigation area and a park and storm drain detention pond area (“Bingham Junction Detention Facility”). Midvale owns and maintains the Bingham Junction Detention Facility.

D. A drainage report with storm drain calculations, dated June 26, 2006 was prepared by Ensign Engineering and Land Surveying, Incorporated (“Report”; see copy of the Report attached as Exhibit “B”). The Report identified 11 drainage basins referred to as Area 1 through Area 11 (referred to herein as “Areas” collectively). Area 7 and Area 10 identified in the Report are the only Areas located in Murray. All of the other Areas are located in Midvale.

E. Midvale owns and maintains a 48” in diameter main storm drain pipe (“Midvale Main”) located inside Midvale near the border of Murray and Midvale. The Midvale Main collects storm water from the developed drainage basins identified in the Report, including Area 7, and will collect storm water from the Area 10 drainage basin that is not yet developed. The Report attributes to Murray 32% of the proportion of
storm drain water that will flow through the Midvale Main into the Bingham Junction Detention Facility from the combined Areas 7 and 10 after Area 10 is developed.

F. Area 10 is a proposed residential subdivision that will require an on-site detention pond that will discharge into the Midvale Main at the reduced rate identified in the Report by means of an outfall pipe not greater than 24” in diameter. The Area 10 on-site detention pond will be developed and constructed by the developer, Garbett Homes, in accordance with Murray storm water improvement construction standards. Murray plans to inspect and accept the dedication of the on-site detention pond and outfall pipe and to maintain them in perpetuity.

G. Murray and Midvale acknowledge that Midvale should be responsible for 68% and Murray for 32% of the maintenance costs of the 48” outfall pipe and Bingham Junction Detention Facility. Murray’s contribution will be made by cash contributions to Midvale.

H. Murray and Midvale want to enter into this Agreement to specify the terms and conditions to work cooperatively in mitigating the storm water from the Bingham Junction Project (Areas 1 – 5 in the Report), the adjacent Midvale areas (Areas 6, 8, 9, and 11 in the Report) and the adjacent Murray Areas 7 and 10.

NOW, THEREFORE, in reliance on the stated recitals, which are incorporated herein by reference and in consideration of the mutual covenants set forth herein, Murray and Midvale agree as follows:

1. Definitions. Terms defined in the foregoing recitals shall, to the extent used but not otherwise defined herein, be used as so defined.

2. Purpose. This Agreement is entered into by Murray and Midvale to accomplish the purposes set forth in the recitals.

3. Accept Findings and Conclusions of Reports.

Murray and Midvale accept the findings and conclusions of the drainage report, including the storm drain calculations, dated June 26, 2006, prepared by Ensign Engineering and Land Surveying, Incorporated (“Report”) a copy of which is attached as Exhibit “B”. In particular, Murray and Midvale agree that the proportion of storm drain water between Murray and Midvale that will flow into the Bingham Junction Detention Facility after drainage basin Area 10 is developed is as follows:

Murray 32%
6. **Maintenance of Improvements.** After acceptance by Murray of the dedication of the Area 10 detention pond and outfall pipe, Murray shall thereafter maintain the Area 10 detention pond and outfall pipe and shall reimburse through payment to Midvale for thirty-two percent (32%) of the maintenance costs of the Midvale Main and Bingham Junction Detention Facility within thirty (30) days after Murray receives an invoice from Midvale specifying the maintenance costs.

7. **Midvale Stormwater Ordinance.** In order to ensure compliance with any permitting requirements from state and federal authorities, Midvale and Murray agree that in the event that any property in Area 7 or Area 10 is developed for any use other than a single-family home or a duplex, that property will be required to enter into a Long-term Stormwater Management Agreement with Midvale. Murray agrees to assist Midvale in taking any corrective action for any property affected by this provision.

8. **Liability and Indemnification.** Murray and Midvale are governmental entities under the Governmental Immunity Act of Utah, Title 63G, Chapter 7 of the Utah Code. Consistent with the Governmental Immunity Act of Utah, Murray and Midvale shall be responsible and liable for their own wrongful or negligent acts which they commit. Murray and Midvale do not waive any defenses otherwise available to them under the Governmental Immunity Act of Utah.

9. **Term of Agreement.**
   
a. This Agreement shall take effect immediately upon completion of all of the following:

   i. The approval of the Agreement by the Murray City Council and the Midvale City Council, including the adoption of any necessary resolutions or ordinances authorizing the execution of this Agreement by the appropriate person or persons for Murray and Midvale;

   ii. The execution of this Agreement by a duly-authorized official of Murray and Midvale.

b. This Agreement shall be effective until the purposes of the Agreement are completed, not to exceed the limitation provided in Section 11-13-204 of the Utah Code. This Agreement may be terminated for cause on providing not less than ninety (90) days’ written notice to the other party advising the other party of the cause for termination and providing the other a reasonable opportunity and time to cure the cause for termination.
10. **No Separate Entity Created.** No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Mayor of Murray and the City Manager of Midvale.

11. **Counterparts.** This Agreement may be executed in counterparts by Murray and Midvale.

12. **Notices.** Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

   **Murray:**
   Doug Hill  
   Public Services Director  
   4646 South 500 West  
   Murray, Utah 84123

   **Midvale:**
   Kane Loader  
   City Manager  
   7505 S. Holden Street  
   Midvale, Utah 84047

13. **Amendments.** This Agreement may be amended, changed, modified or altered only by an instrument in writing which shall be (a) approved by the Murray City Council and the Midvale City Council, including the adoption of any necessary resolutions or ordinances authorizing the execution of any amendment, change, modification or alteration of this Agreement, (b) executed by a duly-authorized official of each Party.

14. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

15. **Resolution of Claims and Disputes.** In any action brought to enforce the terms of this Agreement Murray and Midvale agree that the appropriate venue shall the Third Judicial District Court in and for Salt Lake County, Utah.

16. **Entire Agreement.** This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either Murray or Midvale or their agents that are not contained in this written Agreement shall be binding or valid.
17. **Severability.** If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.

IN WITNESS WHEREOF, Murray and Midvale have subscribed their names and seals the day and year first above written.

MIDVALE CITY

_________________________
JoAnn B. Seghini, Mayor

ATTEST:

_________________________
City Recorder

APPROVED AND REVIEWED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW

Midvale City Attorney

MURRAY CITY CORPORATION

_________________________
David Ted Eyre, Mayor

ATTEST:

_________________________
City Recorder

APPROVED AND REVIEWED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW

Murray City Attorney
STORM DRAIN CALCULATIONS

Bingham Junction Phase 1
7200 South 700 West
Midvale, UT

Date: June 26, 2006

Prepared For:
John D. Mercer & Company
200 Brown Road, Suite 102
Fremont, CA 94539

Ensign Job Number: 3404

Prepared By: B. Morris
1.0 INTRODUCTION

The purpose of this report is to describe the storm drainage design for the Bingham Junction Commercial and residential Project. The project is located in Midvale City, Utah and is bounded on the north by the Murray City boundary, on the west by the Jordan River, on the East by 700 West Street, and on the south by the Jordan River Boulevard (7200-7000 South). The site is 129.70 acres. The proposed development consists of mixed use development with areas of Retail Space, Professional Office, Medium Density Housing, High Density Housing, and an open space area consisting of a wetlands mitigation area and a park/storm drain detention pond area.

The development of the site has proposed many significant engineering challenges. Soils on the site have wind-blown contamination from the old Sharon Steel Factory. There are also a few areas of jurisdictional wetlands that have been identified on the site. The site is also a natural low graded area with a large amount of adjacent tributary area that drains to it. This report does not deal with all of these items, although each one is currently being addressed with the corresponding agency. This report outlines the engineering design concepts used to mitigate the storm water from the site and adjacent areas, and locate and size the required detention ponds and storm drain conveyance systems.

2.0 DESIGN CRITERIA AND ASSUMPTIONS

A large amount of investigational work was necessary to determine the existing adjacent areas that currently drain to the site. This work is based on conversations with corresponding agencies, site visits, and survey information that were provided. Working with the developer a proposed layout was developed. Based on this information drainage basin areas were established. The coefficient of runoff was assumed or calculated based on the existing or proposed developed area. The time of concentration was calculated for each site and rounded to the nearest 15 minutes. Drainage basins were placed in two categories. The first category is undetained flows, and the second category was sites with existing detention flow restrictions or undeveloped sites that need to be designed with detention and flow restrictions. The flow restriction on those sites was anticipated at 0.2 cfs/acre.

Rainfall intensities were taken from “Rainfall Intensity Duration Analysis,” prepared for Salt Lake County by “TRC North American Weather Consultants, and Meteorological Solutions Inc.” Pipes are sized based on the 10-year frequency storm, using “Manning’s” Equation. Detention facilities are sized based on the Rational Formula using a 100-year frequency 24 hour duration storm.

3.0 SITE DRAINAGE

The drainage basins that were established were numbered as Area 1 through Area 11. Areas 1 through Area 7 are undetained drainage basins that flow directly to the detention basin. Areas 8 through Area 11 have existing detention facilities, or are undeveloped areas that will have to
provide detention once developed. A map of these drainage basins is included, and each one of these drainage basins will be described.

Areas 1 and 2 are the proposed site commercial areas. Area 3 is the proposed professional office area. Area 4 is the High Density Residential Housing area, Area 5 is the Medium Density Housing area. These five areas include all of the site development area for Bingham Junction. The remainder of the basin areas are not within the proposed development area, however they currently drain onto our site. Area 6 is the south section of the Salt Lake County Facilities. From site observation there appears to be no detention for this area. Area 7 is an existing subdivision in Murray which also appears to have no detention facilities. Detention for Areas 6 and 7 have been added to the detention requirements for the Bingham Junction site detention.

Areas 8 and 9 are existing industrial/commercial buildings along 700 West. These areas have been assumed to have detention and are restricted to 0.2 cfs/acre. Area 10 is basically undeveloped area on the north side of the project in Murray City. There appears to be no existing detention facilities for this area. Once Area 10 is developed it should be restricted to an outlet of 0.2 cfs/acre. Area 11 is also existing Salt Lake County property. However, this area appears to have detention facilities and is assumed to be restricted to 0.2 cfs/acre.

**Pipe Sizing**

Once the drainage basins were identified, time of concentration was calculated, and a runoff coefficient was determined, these values were then modeled into a computer program for hydrology called Storm CAD to help determine pipe sizes. The results of that model have been included in this report. The corresponding pipe sizes and lengths can also be seen on sheet C 2.0 and the plan and profile sheets of the design drawings.

**Detention Facilities**

The proposed layout of the Bingham Junction site provides a large area to facilitate detention requirements in the open space area. The proposed detention pond is designed to provide detention to those areas tributary to the site without detention facilities. The restrictions within the detention pond have been sized so that those areas that currently have detention facilities are allowed to pass through the site detention facilities. All of the combined flows, detained and undetained, flow from the detention pond, through the wetlands and into the Jordan River. The drainage basin areas were input into an excel spreadsheet and storage requirements were obtained. The restricted release rate for all of these areas is 0.2 cfs/acre. Those results have been provided in this report.

The total volume required for this detention pond is 356,361 cubic feet or 8.2 acre feet. The allowable discharge for the total drainage area of 262.81 acres at 0.2 cfs/acre is 52.56 cfs. The high water elevation in the detention pond is at the 4278 contour. The maximum depth of the pond is 4.8 feet deep. The discharge outlet pipe would be two 24-inch diameter reinforced concrete pipes.
### DRAINAGE CALCULATION FOR
#### BINGHAM JUNCTION

**LOCATION:** 700 West 7200 South  
**PROJECT NO.:** 3404  
**BY:** B. Morris  
**DATE:** 6/27/2005

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<td>Area 4 12.51 acres 0.70</td>
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<td>Area 5 49.68 acres 0.30</td>
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<td>Area 6 31.12 acres 0.60</td>
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<td>Area 7 49.20 acres 0.35</td>
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<td><strong>TOTAL AREA:</strong> 197.48 acres <strong>TOTAL C:</strong> 0.52</td>
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\text{TOTAL } C = \frac{A_1 \times C_1 + A_2 \times C_2 + \ldots + A_n \times C_n}{A}
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<td>Area 8 21.05 acres</td>
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<td>Area 9 10.11 acres</td>
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<td>Area 10 34.17 acres</td>
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<td>Area 11 36.01 acres</td>
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<td><strong>OVERALL TOTAL AREA:</strong> 262.81 acres</td>
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### ALLOWABLE RUNOFF

\[0.2 \text{ cfs/ac} = 52.56 \text{ cfs}\]

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<td>0.33</td>
<td>21,600</td>
<td>737,955</td>
<td>1,135,339</td>
<td>-397,384</td>
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<tr>
<td>720</td>
<td>103.53</td>
<td>0.20</td>
<td>43,200</td>
<td>894,491</td>
<td>2,270,678</td>
<td>-1,376,188</td>
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<tr>
<td>1440</td>
<td>103.53</td>
<td>0.12</td>
<td>86,400</td>
<td>1,073,389</td>
<td>4,541,357</td>
<td>-3,467,968</td>
</tr>
</tbody>
</table>

*NOTE: 100 Year Storm*

STORAGE REQUIRED: 356,361 ft^3  
STORAGE PROVIDED: 366,700 ft^3

<table>
<thead>
<tr>
<th>OUTLET CONTROL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Q (cfs)=</strong> 52.6</td>
</tr>
<tr>
<td><strong>HWM</strong> 78.0</td>
</tr>
<tr>
<td><strong>C=</strong> 0.6</td>
</tr>
<tr>
<td><strong>FL @ GATE</strong> 73.2</td>
</tr>
<tr>
<td><strong>g (ft/s^2)=</strong> 32.2</td>
</tr>
<tr>
<td><strong>h (ft)=</strong> 4.8</td>
</tr>
</tbody>
</table>

\[
\text{AREA (in}^2) = 717.50 = \frac{Q}{(C \times (2 \times g \times h)^{0.5})}
\]

\[
\text{DIAM. (in)} = 30.22
\]

**AREA OF (2) 24" PIPES =** 904.8  
**AREA OF (2) 21" PIPES =** 692.7  
**PROVIDE: (2) 24" DIAMETER PIPES**
ITEM: Action approving Resolution No. 2017-R-36 a resolution supporting GoRail’s opposition to proposed new regulations that would undermine private investment in the Freight Rail Network.

SUBMITTED BY: Kane Loader, City Manager

SUMMARY:

A few weeks ago, the Mayor and I met with a representative of an organization called GoRail. Their organization is tasked with obtaining support for the Freight Railroad’s opposition to proposed new regulations on the freight rail system by the Federal government. Their position is that the current regulatory system works and allows America’s freight rail network to achieve efficiencies that make it the best in the world. In their view the proposed new regulations being considered would be taking a step backwards harming not only the railroads and companies and communities nationwide.

After reviewing the GoRail materials and doing some additional research online I would recommend that the Mayor and City Council support this movement by approving the resolution and allowing Midvale City to be listed in support of this initiative.

STAFF’S RECOMMENDATION AND MOTION:

I move that we approve Resolution No. 2017-R-36 a resolution supporting GoRail’s opposition to proposed new regulations that would undermine private investment in the Freight Rail Network.
MIDVALE CITY, UTAH

RESOLUTION NO. 2017-R-36

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY, UTAH, SUPPORTING GORAIL’S OPPOSITION TO PROPOSED NEW REGULATIONS THAT WOULD UNDERMINE PRIVATE INVESTMENT IN FREIGHT RAIL NETWORK

WHEREAS, the U.S. Surface Transportation Board (STB) has a plan to impose a series of new regulations on freight railroads; and

WHEREAS, these burdensome new rules would undermine the balanced regulatory framework established by the Staggers Rail Act of 1980, which brought freight railroads back to financial health and stability after years of federal over-regulation had nearly driven them to extinction; and

WHEREAS, the Proposed Rulemaking (NPRM), STB will require railroads to open up their lines to competitors that would significantly compromise the efficiency of the nation’s rail network; and

WHEREAS, this action by STB is being proposed without any evidence that market conditions have changed and despite the fact that none of these commodity groups petitioned for re-regulation; and

WHEREAS, the proposals represent a sweeping change to the market-based approach favored by regulators since 1980; and

WHEREAS, revenues are at risk, by reducing revenue, these new regulations would have a chilling effect on the ability of railroads to make the investments in track, equipment and maintenance that created today’s system of strong service, record efficiency and competitive customer rates,

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

SECTION 1. The current regulatory system works. It allows America’s freight rail network to achieve efficiencies that make it the envy of the world, while protecting shippers. Stepping back would harm not only railroads, but also companies and communities nationwide.

SECTION 2. The Midvale City Council has determined that it would be in the best interests of the City and its residents to approve this resolution showing support for GORAIL’s opposition to the proposed new regulations that would undermine private investment in freight rail network.

SECTION 3. Effective Date: This Resolution shall become effective upon passage.
APPROVED BY THE CITY COUNCIL OF MIDVALE CITY, UTAH, ON THIS 19th DAY OF SEPTEMBER 2017.

JoAnn B. Seghini, Mayor

Vote by the City Council:  Aye  Nay
Stephen Brown  ___  ___
Paul Glover   ___  ___
Paul Hunt     ___  ___
Quinn Sperry  ___  ___
Wayne Sharp   ___  ___

Attest:

Rori L. Andreason, MMC
City Recorder
The U.S. Surface Transportation Board (STB) has announced a plan to impose a series of new regulations on freight railroads. STB is a government agency with broad economic regulatory authority over railroads.

These burdensome new rules would undermine the balanced regulatory framework established by the Staggers Rail Act of 1980, which brought freight railroads back to financial health and stability after years of federal over-regulation had nearly driven them to extinction. The proposals would expand government intrusion in daily business decisions at railroads and have far-reaching impacts if enacted, affecting consumers, manufacturers, farmers, passenger rail lines, ports and others from coast to coast. By undercutting railroads’ ability to earn revenue and operate efficiently, the new regulations would stifle private investment in the nation’s rail network, which is critical to meeting the needs of a growing economy.

**What the Regulations Would Do**

In its Notice of Proposed Rulemaking (NPRM), STB proposed to:

- Require railroads to open up their lines to competitors, introducing a radical approach that would force railroads to turn over traffic to other railroads, potentially at below-market rates and without proof that they are being uncompetitive. This “forced access” rule also would significantly compromise the efficiency of the nation’s rail network;

- Re-regulate certain commodities (crushed and broken stone, coke produced from coal, primary iron and steel products, hydraulic cement, and iron and steel scrap, wastes and tailings) that the STB has previously determined are subject to pervasive competition. This action by STB is being proposed without any evidence that market conditions have changed and despite the fact that none of these commodity groups petitioned for re-regulation.

In addition, other proposals currently pending before the STB would:

- Cap rates that railroads charge shippers, a step that would amount to government price controls. This would be a dramatic change from the regulatory system set up by the Staggers Act, where the STB is supposed to assist railroads in achieving long-term financial health and stability and let railroads operate in the free market like other companies (including rail shippers).

- Establish special, more lenient rules for evaluating grain rates, essentially using favoritism to give preferential treatment to shippers based on what they ship.

**How This Would Impact Freight Railroads**

When considered as a whole, these proposals represent a sweeping change to the market-based approach favored by regulators since 1980.
Railroads are capital intensive and must spend huge sums on rail infrastructure to keep their lines safe and efficient. Existing smart, balanced regulations have supported a freight rail renaissance that has seen railroads invest $26 billion of their own money into their infrastructure each year for the last five years alone.

Past analysis by the Association of American Railroads found that a proposal similar to STB's forced access proposal could affect an estimated 7.5 million carloads of traffic, placing nearly $8 billion in revenues at risk. By reducing revenue, these new regulations would have a chilling effect on the ability of railroads to make the investments in track, equipment and maintenance that created today's system of strong service, record efficiency and competitive customer rates. Over time, this would shrink the size of the rail network and impede the flow of goods to and from factories, farms and ports. Transportation costs would increase, impacting jobs and raising prices for consumers.

The recently enacted STB Authorization Act of 2015 did not call for the adoption of any of these measures and, in fact, similar proposals were rejected every time they came before Congress.

**Why This Matters**

If the STB makes good on this threat, railroads will be less efficient and less able to invest in their infrastructure, which supports companies and communities across the country. A recent study by Towson University’s Regional Economic Studies Institute found that in 2014 alone, freight railroads supported approximately 1.5 million jobs and $274 billion in annual economic activity, nearly $90 billion in wages and $33 billion in tax revenues.

Undermining efficiency and investment would compromise the public benefits of private railroad investment:

- Aiding a still-recovering national economy;
- Increasing U.S. exports, one-third of which are shipped by rail;
- Achieving U.S. energy independence through rail transport of domestic energy products;
- Reducing the taxpayer burden for already underfunded and crumbling highways and bridges;
- Improving air quality by moving freight long-haul by rail, which emits 75 percent fewer greenhouse gases than trucks;
- Ensuring reliable service for Amtrak passengers and commuters because many passenger trains fun on freight rail infrastructure.

The current regulatory system works. It allows America’s freight rail network to achieve efficiencies that make it the envy of the world, while still protecting shippers. Stepping backward would harm not only railroads, but also companies and communities nationwide.

**Congress should call on the Surface Transportation Board to withdraw these shortsighted and heavy-handed regulations.**

**The STB should continue the smart, balanced regulations that sparked a freight rail renaissance and avoid harming the rail network and the nation.**
ITEM: Action approving Resolution No. 2017-R-37 a resolution supporting the Canyons School District’s Bond Initiative.

SUBMITTED BY: Kane Loader, City Manager

SUMMARY:

The Canyons School District is proposing to new bonding initiative to build, rebuild and remodel several schools in the district. In last week’s City Council Meeting representatives of the school district made a presentation outlining their proposal and showing the need for these projects.

When the Jordan School District split and the Canyons District was created in 2009 there was over $650 million worth of new construction and rebuild/remodel projects that were identified and needed attention. Several of these projects were funded and completed in the first phase of a three-phase program. The second phase needs to begin soon and the estimated cost is $283 million. The proposed funding will come from tax-rate-neutral bonds which means there is no proposed property tax increase as a result.

The District’s Board of Education has voted to put this initiative on the November ballot for voter approval and they are asking for support from cities of Midvale, Sandy, Cottonwood Heights, Draper and the Town of Alta.

STAFF’S RECOMMENDATION AND MOTION:

I move that we adopt Resolution No. 2017-R-37 a resolution supporting the Canyons School District’s Bond Initiative.
MIDVALE CITY, UTAH

RESOLUTION NO. 2017-R-37

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY, UTAH,
SUPPORTING THE CANYONS SCHOOL DISTRICT BOND

WHEREAS, the Canyons Board of Education has endorsed a plan to continue building momentum in the Canyons School District’s efforts to modernize and upgrade schools across the District; and

WHEREAS, Members of the Board of Education cast a historic vote to seek voter approval of a $283 million, tax-rate-neutral bond on the November 7th ballot; and

WHEREAS, if the bond proposal gains passage, the district will rebuild and remodel several schools as well as install windows and skylights for natural lighting at several more schools; and

WHEREAS, the proposed bond will not raise property taxes; and

WHEREAS, the City Council feels it is in the best interests of the City and its residents to support the proposed Canyons School District Bond Proposal,

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

SECTION 1. The Midvale City Council hereby supports the Proposed Canyons School District $283M Tax-Rate-Neutral Bond being considered by voters in the November 7th election.

SECTION 2. Effective Date: This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF MIDVALE CITY, UTAH, ON THIS 19th DAY OF SEPTEMBER 2017.

JoAnn B. Seghini, Mayor

Vote by the City Council:  Aye  Nay
Stephan Brown   _____  _____
Paul Glover    _____  _____
Paul Hunt      _____  _____
Quinn Sperry   _____  _____
Wayne Sharp    _____  _____

Attest:

Rori L. Andreason, MMC
City Recorder