MIDVALE CITY COUNCIL MEETING
AGENDA
October 17, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 17th Day of October, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL

IV. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember 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. Jordan Bluffs Subarea 4 Residential Development Ordinance [Phillip Hill, Asst. City Manager/Community Development Director; Lesley Burns, City Planner]
ACTION: Consider Ordinance No. 2017-O-17 Adopting the Jordan Bluffs Subarea 4 Residential Development Ordinance

VIII. CONSENT AGENDA
A. Approve Minutes of October 3 & 10, 2017 [Rori Andreason, H.R. Director/City Recorder]
B. Consider Resolution No. 2017-R-41 Declaring Surplus Property [Jarin Blackham, IT Manager]

IX. ACTION ITEMS
A. Consider Resolution No. 2017-R-38 Amending the General Fund and other funds of the FY2018 Budget [Dalin Hackett, Assistant Finance Director]
B. Consider Ordinance No. 2017-O-16 for 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 [Lesley Burns, City Planner]
C. Consider Resolution No. 2017-R-42 Expressing Support for Legislation During the 2018 Session Providing Law Enforcement Stronger Tools to Address Crime that Deliberately Targets a Victim because of an Individual’s Ancestry, Disability, Ethnicity, Gender, Gender Identity, National Origin, Race, Religion, or Sexual Orientation [Councilmember Quinn Sperry]

X. DISCUSSION ITEM
A. Discuss Proposed Wireless Communications Ordinance [Lisa Garner, City Attorney & Garrett Wilcox, Deputy Attorney]

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: OCTOBER 13, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
Mayor Seghini called the meeting to order at 6:31 p.m.

I. **INFORMATIONAL ITEMS**

A. **DEPARTMENT REPORTS**

Chief Jason Mazuran reviewed a recent incident regarding a 7-Eleven clerk that had his credit card stolen by a woman while he was having a seizure. This woman has been apprehended. He also introduced the Officer of the Month, Officer Kent Lundberg who apprehended the suspects that were vandalizing the City.

Chief Brad Larson said he has the crews scheduled for the November 11th Veteran’s Day Ceremony. He reported that eight firefighters and two apparatus have been sent to California to assist with the wild fires. He reported on incidents handled by their Wildland Fire Crew. He said Nile Easton was selected as the UFA Director of Communications; he has excellent experience and will do a great job. He distributed a safety message for the month, which has been emailed to Laura Magness for the City’s website and newsletter.

Phillip Hill reported on the UIA Board meeting. At that meeting they considered and adopted a parameters resolution for a bond. The bond will refund $58.3 million dollars in outstanding bonds, our 2011, 2013, and 2015 series bonds with an additional $15 million in new monies to keep Utopia running 18 to 24 months. Utopia is doing great. There is one negative to refunding the bonds. The 2011 bond has a benefit to refund, 2013 breaks even, and the 2015 has negative arbitrage of about $1.5 million dollars. Even though it will be a bit of a hit now, moving forward it really gives the two entities the ability to move forward and complete the buildout. He introduced Alexander
Murphy, new Associate Planner. Alex worked for Salt Lake County on Millcreek issues. When they incorporated, Salt Lake County had layoffs. The City is lucky to have him on board.

Councilmember Stephen Brown asked if staff would review the hours of operation of the splash pad for next summer so it stays open later.

Rori Andreason informed the Council about a special meeting scheduled for October 24th. She also reminded the Council about the volunteer dinner on Wednesday, October 18, 2017 at 6:00 p.m. at the Midvale Senior Center. She announced that Jarin Blackham, IT Manager, has resigned his position and will be moving on to the Unified Fire Authority. She expressed her appreciation for Jarin’s hard work over the years.

Jarin Blackham thanked the Council and staff for the opportunity to serve them for the last 14 and a half years. He is excited to start with the Unified Fire Authority; however, he is sad to leave his relationships he has developed with Midvale City.

Kane Loader expressed his appreciation to Jarin for his dedicated work. He will be missed.

II. CITY MANAGER’S REPORT
Kane Loader reported on the Utopia UIA Bonding. Bonding gives them the ability to move forward with their financing plan. They are finally there and it is an exciting time for UTOPIA. He said they are gratified to get to this position. He also announced that Stephen Black has resigned his position with Public Works.

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.

IV. PUBLIC COMMENTS
Wade Walker said he and his wife will be more positive in their comments from now on. He thanked the Council for the bulky waste program. He also thanked Jarin Blackham for his work for the Arts Council. He also met the new Communications Specialist, Laura Magness, and are excited to work with her.

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

B. Councilmember Wayne Sharp – discussed a website called Donerschoose.org where teachers will post what they are in need of for their school classes and people can donate. It’s been a great website for the schools. With the freezing temperatures, the mosquitoes have slowed down a lot; however, a lot of them can hibernate throughout the winter. There have been quite a few west Nile Virus cases this year throughout the valley.

C. Councilmember Stephen Brown – he asked if the COP officers can contact Midvale Elementary about an assembly they are planning.
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 Paul Glover MOVED to open a public hearing. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S)
A. JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT ORDINANCE
Phillip Hill stated the Jordan Bluffs Zone and zoning ordinance were originally adopted in 2004 for the vacant 263-acre property located between 7800 South/8600 South and 700 West/Jordan River. The ordinance includes land uses, densities and common development standards related to parking, utilities, signage, access management and outdoor lighting. The zone allows up to 2,500 residential units as well as non-residential uses on the property. The location of these densities and uses is further refined through a Subarea Plan which is part of the adopted zoning ordinance. The boundaries of the four subareas within the Subarea Plan were recently amended to reflect the consensus of numerous geotechnical studies that have been done since the original plan adoption in 2004. Although the Jordan Bluffs Zone creates the use and density allowed on the property, details related to building architecture, landscaping, setbacks, fencing, etc. were only outlined through intent statements in the current ordinance. These intent statements were envisioned to guide the adoption of future specific development standards to be created with collaboration between the City and a master developer of the Jordan Bluffs property. The City has been working with the Gardner Company and Wasatch Residential Group in creating a viable master plan for the Jordan Bluffs property that recognizes the realities of the site and fits within the parameters of the adopted Jordan Bluffs zoning ordinance. The adoption of specific development standards is the next step.

The proposed standards reflect the goals of the Midvale City General Plan 2016 including the land use goals for the Jordan Bluffs Area, as well as goals for residential development and transportation.

• Promote consistency and compatibility with the Bingham Junction project to the north.

• Provide connectivity to the Main Street neighborhood, either physically (crosswalks) or by urban design.

• Support redevelopment of the adjacent area to the east to blend and enhance any redevelopment of the Jordan Bluffs Area.
• Maintain and strengthen stable neighborhoods. This 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.

• Connect Main Street to surrounding neighborhoods and to Bingham Junction and Jordan Bluffs through pedestrian and bicycle pathways and urban design techniques to create a cultural center.

Planning Commission Recommendation
The Planning Commission conducted a public hearing on the proposed text amendment on September 27, 2017 and has extensively reviewed the proposed ordinance language with consideration given to the public comment received and the goals of the General Plan. Based on this, the Planning Commission has forwarded a draft ordinance to the City Council for its consideration (Draft 1.11). Along with the ordinance language, the Planning Commission has also forwarded its findings for this recommendation, as well as the following recommendation regarding a traffic study:

“We acknowledge the community concerns for existing and future traffic in the area, and recommend the City engages a transportation consultant to study the area between 7200 South to 9000 South and Main Street to Bingham Junction Boulevard to provide the City with recommendations on future road connections and improvements before new development occurs to ensure these are incorporated into these plans and the City can plan for needed improvements outside the development area.”

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Wasatch Residential Group has been involved in this process and has some changes to the Planning Commission’s recommended ordinance they would like the City Council to consider.

Jordan Bluffs Development

- 263 acres
- Jordan Bluffs Zone adopted in 2004
  - Zone includes:
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- Allowance for residential and commercial uses
- Allowance for up to 2,500 residential units
- Subarea Plan refining location of uses and densities
- Common development standards:
  - Sign standards
  - Parking requirements
  - Access management
  - Outdoor lighting
- Intent statements to guide specific development standards:
  - Architecture, building materials, landscaping, open space, etc.
- Requirement to adopt specific development standards before development occurs

Subarea Plan
- 263 acres has been divided into four subareas

Midvale City General Plan 2016 Goals
- Promote consistency and compatibility with the Bingham Junction project to the north.
- Support redevelopment of the adjacent area to the east to blend and enhance any redevelopment of the Jordan Bluffs Area.
- Maintain and strengthen stable neighborhoods. This 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.
- Connect Main Street to surrounding neighborhoods and to Bingham Junction and Jordan Bluffs through pedestrian and bicycle pathways and urban design techniques to create a cultural center.

Development Standards
- Recreation Amenities: 15%
- Open Space/Landscaping: 25%
- Landscape Architecture

Proposed Parking Ratios

<table>
<thead>
<tr>
<th>Use</th>
<th>Existing Parking Ratio</th>
<th>Proposed Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio and 1 Bedroom units</td>
<td>1.5 stalls per unit</td>
<td>1.5 stalls per unit</td>
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<tr>
<td>2 Bedroom units</td>
<td>2.0 stalls per unit</td>
<td>1.75 stalls per unit</td>
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<tr>
<td>3+ Bedroom units</td>
<td>2.5 stalls per unit</td>
<td>2.0 stalls per unit</td>
</tr>
<tr>
<td>Guest parking</td>
<td>1.0 stalls per 4 units</td>
<td>1.0 stalls per 10 units</td>
</tr>
</tbody>
</table>
Public Road Improvements were discussed.

Additional Requests
- Add language allowing surface patios to extend up to eight (8) feet into the setback
- Add language allowing for a 20% parking reduction for projects for all of the units that satisfy an affordability requirement.
  - https://cloud.pix4d.com/pro/project/190706?shareToken=7be36bd0efe643b798eef 7351f9ace93

Councilmember Paul Glover said he did not like the parking. He felt there is not enough parking available now. He doesn’t want it reduced.

Councilmember Stephen Brown said he would not approve a four-story building. He will never be convinced that it’s okay to build a building of that height next to residential. He wants transition.

Adam Langford, Wasatch Group, said this is a complicated site. They would like some flexibility to develop this property. He said the setbacks address the concerns with the height. He said parking is very important to them as well. He said they like to keep a 1.8 stalls per unit but the City standards are currently about 2. They compromised with the Planning Commission to about 1.9 stalls per unit. They are asking for a reduction in parking just for the affordable units because they don’t usually have as many vehicles.

Jeff discussed affordable housing and the criteria required to meet in order to live in the affordable housing. Extensive background checks are done on people who move in and if they are not good neighbors, they will be removed.

Wade Walker said he loves Midvale, but he hates the zoning. The property is zoned for single family and we are not putting single family homes in. We are putting in apartments and it’s discouraging to see this. He asked if we have time to down zone the property.

Lisa Garner stated that it could be potentially problematic for the City to down zone with the development agreement that was put in place in 2004. Based on those expectations you have property owners or people with interest on that property.

Mr. Walker encouraged the Council to consider the down zone. He thinks single family homes would be more effective than more apartments. He agreed with Councilmember Brown about the transition of the height. He didn’t agree with the independent study on the parking ratio. The study was done by the developer, he felt it should have come from someone else rather than the developer. He encouraged a study on the parking in the winter time. He knows the area pretty well, and feels that the parking should not be reduced.

Councilmember Wayne Sharp said with the cost of developing that property, single family homes would cost too much to build and people would not pay that much to live there. He didn’t think building single family homes on Jordan Bluffs would remedy the problems between Main Street and Jordan Bluffs.
Melissa Hoagland said she disagreed with the use for this land even though it’s be best way to get a return on their investment. She doesn’t agree it is the best option for her and the residents. She is still hopeful to clean up the Jordan Bluffs area even though the cost is so much. She felt the cap it just a band aid on an infected wound. She doesn’t agree with the apartments.

Laurene Walker said it seems to her she is fighting against four story buildings against residential neighborhoods. She said everywhere you go there are apartments in Midvale. She said she objects to the four-story apartments.

Dustin Gettel said everything Wade Walker said is spot on. He said he lives in the San Moritz and the management communicated to him that the covered parking stalls and garages are increasing in price. Those that cannot find a guest parking spot, park on the street. He said the Florentine Villas has a dark parking lot that people don’t park in because they are afraid their cars will be broken into. He did not feel the study was an accurate display of the parking.

Councilmember Quinn Sperry asked Mr. Gettel if he wanted to see more communities like the one he lives in.

Dustin Gettel said he prefers to live in an apartment community at this point in his life. He thinks Midvale has a plethora of apartments and doesn’t feel it should be the first go to. It’s not necessarily best for the community. He said no, he doesn’t want to see that as a first option.

Jeff Burnson said he has a vested interest in this property selling it for the City as well as being involved in the property since 2004 and the contaminations involved. The bottom line is as they look at what can be done on all of these sites, was to create something that would be a diamond. Originally there was coal there and it has been forged to a diamond over time. EPA is very impressed with what the City has done in developing the site. He said the RM-25 zone is already there. Single family homes can be torn down and a four-story building can be built.

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

**ACTION:** CONSIDER ORDINANCE NO. 2017-O-17 ADOPTING THE JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT ORDINANCE

Phillip Hill said he did not feel the issue was ready for action at that time with the additional issues that were raised at the meeting. He would like to come back with some additional language on buildings heights, etc. This item will be brought back for action on November 14, 2017.

**VIII. CONSENT AGENDA**

A. APPROVE MINUTES OF OCTOBER 3 & 10, 2017

B. CONSIDER RESOLUTION NO. 2017-R-41 DECLARING SURPLUS PROPERTY
MOTION: Councilmember Wayne Sharp MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

IX. ACTION ITEMS
A. CONSIDER RESOLUTION NO. 2017-R-38 AMENDING THE GENERAL FUND AND OTHER FUNDS OF THE FY2018 BUDGET

Dalin Hackett said staff proposes amendments to the FY 2018 Budget for the following funds: General Fund, Capital Improvement Projects Fund, Sewer Utility Fund, and Storm Water Utility Fund. These amendments cover new revenues, carryovers from the FY 2017 budget, and adjustments in current year operations.

Midvale City Budget Amendments FY2018 Proposed October 3, 2017

Proposed Amendments to General Fund FY2018
- Proceeds from sale of Right-of-way to UDOT
  o $166,000
  o Capital project – 7200 South Gateway
  o Justice Assistance Grant (JAG)
  o FY 2018 - $15,500 for wireless mics and chairs for precinct
  o FY 2017 carryover - $16,600 for ballistic shields, entry ram, car printers
  o Community Development Block Grant
  o FY 2017 carryover - $89,200 remaining for Allen Street Project

- EPA Institutional Controls Grant
  o $45,000 for FY 2018 – New FTE salary and benefits
  o Contributions from/(to) Fund Balance
  o $30,000 from Fund Balance for specialized legal services – Cell towers
  o $13,800 from Fund Balance for the remaining lobbyist contract
  o $(30,000) to Fund Balance from the CIP to refund Arts Council contribution towards cancelled Amphitheater architectural drawings

Proposed Amendments to CIP Fund FY2018
- Transfers from/(to) General Fund
  o 7200 S. Gateway project - $166,000
  o CDBG project – Allen Street - $89,200
  o Refund of Arts Council contribution - $(30,000)

- Transfers from CIP Fund Balance for work in progress
  o Sidewalk/Curb/Gutter replacement - $100,000
Proposed Amendments to Enterprise Funds FY2018

- Sewer Fund
  - From Fund Balance - $30,000 for infrastructure improvements
    - $100,000 total to include choppers for 2 lift stations and electrical work
- Storm Water
  - From Fund Balance – Carryover remaining debt proceeds - $475,000

FISCAL IMPACT:
General Fund – Reduction of $13,800 in Fund Balance
Capital Projects Fund – no change to Fund Balance
Sewer Utility Fund – Reduction of $30,000 in Fund Balance
Storm Water Utility Fund – no change to Fund Balance

MOTION: Councilmember Wayne Sharp MOVED to adopt Resolution 2017-R-38, amending the budgets of the following funds: General Fund, Capital Improvement Projects Fund, Sewer Utility Fund, and Storm Water Utility Fund for the fiscal year ending June 30, 2018. 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:

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-16 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

Lesley Burns stated 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:
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- 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- ½ 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
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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.

City Council Public Hearing
On September 19, 2017, this application was presented before the City Council at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to: spot-zoning, precedence of spot-zoning, and parking and traffic concerns. 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-16

MOTION: Councilmember Paul Hunt MOVED to deny the request to rezone the properties located at 7410 South 240 East for the following reasons:
1. None of the criteria for a rezone amendment has been met.
2. This property has been designated as being within a Stability Area and a rezone of this property would violate the intent and recommended goals for this area.
3. This rezone would resemble a spot-zone which does not correlate with the surrounding parcels of property.

The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

Councilmember Wayne Sharp said he abstained because he does work for the applicant.

C. CONSIDER RESOLUTION NO. 2017-R-42 EXPRESSING SUPPORT FOR LEGISLATION DURING THE 2018 SESSION PROVIDING LAW ENFORCEMENT STRONGER TOOLS TO ADDRESS CRIME AND DELIBERATELY TARGETS A VICTIM BECAUSE OF AN INDIVIDUAL’S ANCESTRY, DISABILITY, ETHNICITY, GENDER,
GENDER IDENTITY, NATIONAL ORIGIN, RACE, RELIGION, OR SEXUAL ORIENTATION

Councilmember Quinn Sperry said he was contacted by a resident within his district that asked the Council to consider adoption of this proposed resolution. West Jordan City adopted the resolution, and other cities are considering the resolution. The current law that has been in effect for many years is no longer effective for enforcing or pursuing these individuals. He was asked to bring a resolution for support to the Council for consideration. Other groups that are in support of this are the Utah Attorney General, Salt Lake County District Attorney, Statewide Association of Prosecutors, Utah Police of Chiefs Association, Utah Sheriffs Association, Commission of Criminal and Juvenile Justice, Utah Sentencing Commission, Utah Council of Victims of Crime, Law Enforcement Legislative Committee, and religious and community Groups.

Chief Mazuran said putting some pressure on the legislature to address this situation would be helpful.

The Council discussed this issue and agreed to support the resolution.

MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2017-R-42 expressing support for legislation during the 2018 session providing law enforcement stronger tools to address crime and deliberately targets a victim because of an individual’s ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation. 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:

- 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. DISCUSSION ITEMS
A. DISCUSS PROPOSED WIRELESS COMMUNICATIONS ORDINANCE

Lisa Garner stated that the wireless communications ordinance addressed the small cell attachments that they put onto existing poles, and or other poles. The concerns are the placement of poles, the height of the poles, and the overall look of the poles. The ordinance is designed to address the Council’s concerns and the regulations.

Garrett Wilcox discussed the ordinance and the importance of adopting the ordinance to protect the City. He addressed what they could and couldn’t do legally.

Proposed Chapter 5.54
Wireless Communications Services

Small Cells
Concerns
Telecommunications Act of 1996
• Municipal powers and limitations
• Towers
• “Shot Clocks

Working Toward an Ordinance

Chapter 5.54 Wireless Communication Services
• Franchise requirements
• General site requirements

Specific site requirements

Franchise Requirement
• Nonexclusive franchise.
• Franchise only provides permission to site wireless facilities in the right-of-way.
• Limits ability to transfer and assignment of franchises.
• Compensation is required in the form of application and permit fees, telecommunications
tax, and attachment fees.
• Provider must provide:
  • Certificate of convenience and public necessity from Utah’s Public Service
    Commission.
  • Certification of Provider’s financial ability to compensate the City for intrusion in
    the City’s rights-of-way.
  • Affidavit showing Provider’s agreement to follow siting requirements under
    Chapter 5.54 and application limits.
  • Copy of Provider’s FCC license.
  • Copy of Provider’s insurance policy.
  • Detailed alternative sites analysis demonstrating why the Provider must enter the
    City’s rights-of-way.
  • Signed authorization allowing others to collocate on the Provider’s facilities.
  • Description of Provider’s general approach to complying with City’s visual impact
    and design requirements.
  • Noise study for proposed wireless facilities.
  • Report prepared and signed by a Utah-licensed engineer demonstrating that the
    facilities are within the emissions limit establish by the FCC.

General Sire Requirements
• Separate franchises required for wired and wireless portions of system.
• Marcotowers are prohibited.
• Speculation is prohibited.
• Discourages new towers by incentivizing the use of existing poles.
• Pole height restricted to 50’ poles for one provider. Option to increase to 60’ if multiple
  providers can collocate on pole.
• No more than 17 cubic feet footprint including equipment.
• Undergrounding is encouraged.
• Attempts to minimize visual impact on surrounding properties through stealth, materials,
  and colors.
• Lighting is prohibited unless required by FAA.
• No advertising or additional signage allowed.
- Some discretion left to City to choose between sites and design elements.
- Limits number and size of application submissions.

### Specific Site Requirements

<table>
<thead>
<tr>
<th>Eligible Facilities Request</th>
<th>Collocation</th>
<th>Replacement Pole</th>
<th>New Pole</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 day review</td>
<td>90 day review</td>
<td>150 day review</td>
<td>150 day review</td>
</tr>
<tr>
<td>Scaled site plan</td>
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<td>Scaled site plan</td>
<td>Scaled site plan</td>
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<tr>
<td>Drawings and simulations of proposed facilities</td>
<td>Drawings and simulations of proposed facilities</td>
<td>Permission from pole owner to replace pole</td>
<td>Alternative site analysis</td>
</tr>
<tr>
<td>Dimensions of existing facilities</td>
<td>Permission from pole owner to collocate</td>
<td>Alternative site analysis</td>
<td>Significant gap and least intrusive means analysis</td>
</tr>
<tr>
<td></td>
<td>Notice requirement to all property owners within 300'</td>
<td>Noise study</td>
<td>Notice requirement to all property owners within 300'</td>
</tr>
</tbody>
</table>

The council discussed the wireless communications ordinance options and regulations. This item will be scheduled for a future agenda for action.

### XI. 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 10:06 p.m.

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

Approved this 14\textsuperscript{th} day of November 2017.
<table>
<thead>
<tr>
<th>NAME (PLEASE PRINT)</th>
<th>ADDRESS</th>
<th>CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Hale</td>
<td>998 E North Unipoloce</td>
<td>Midvale</td>
</tr>
<tr>
<td>Dustin Gettel</td>
<td>7542 S Rope Key</td>
<td>Midvale</td>
</tr>
<tr>
<td>Wade Walker</td>
<td>116 W Alta View Dr</td>
<td>Midvale</td>
</tr>
<tr>
<td>Melanie Beardall</td>
<td>81685 Wilson St</td>
<td>Midvale</td>
</tr>
<tr>
<td>Brent Beardall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jeremy Beauld</td>
<td>7452 S Locust St</td>
<td>Midvale</td>
</tr>
<tr>
<td>Adam Burak</td>
<td>7460 S 270 E.</td>
<td>11</td>
</tr>
<tr>
<td>Lauren Beauld</td>
<td>7886 S Olympic St</td>
<td>11</td>
</tr>
<tr>
<td>Alyssa Youngland</td>
<td>1657 W Road Dr.</td>
<td>11</td>
</tr>
</tbody>
</table>
Plan Ahead! If a fire breaks out in your home, you may have only a few minutes to get out safely once the smoke alarm sounds. Everyone needs to know what to do and where to go if there is a fire.

SAFETY TIPS

- MAKE a home escape plan. Draw a map of your home showing all doors and windows. Discuss the plan with everyone in your home.
- KNOW at least two ways out of every room, if possible. Make sure all doors and windows leading outside open easily.
- HAVE an outside meeting place (like a tree, light pole or mailbox) a safe distance from the home where everyone should meet.
- PRACTICE your home fire drill at night and during the day with everyone in your home, twice a year.
- PRACTICE using different ways out.
- TEACH children how to escape on their own in case you can't help them.
- CLOSE doors behind you as you leave.

IF THE ALARM SOUNDS...

- If the smoke alarm sounds, GET OUT AND STAY OUT. Never go back inside for people or pets.
- If you have to escape through smoke, GET LOW AND GO under the smoke to your way out.
- CALL the fire department from outside your home.

FACTS

- A closed door may slow the spread of smoke, heat, and fire. Install smoke alarms inside every sleeping room and outside each separate sleeping area. Install alarms on every level of the home. Smoke alarms should be interconnected. When one smoke alarm sounds, they all sound.

- According to an NFPA survey, only one of every three American households have actually developed and practiced a home fire escape plan.

- While 71% of Americans have an escape plan in case of a fire, only 47% of those have practiced it.

- One-third of American households who made an estimate thought they would have at least 6 minutes before a fire in their home would become life-threatening. The time available is often less. And only 8% said their first thought on hearing a smoke alarm would be to get out!
How fast does fire move? Very fast. You could have less than 2 minutes to get out safely once the smoke alarm sounds.

7 steps to practicing your escape plan

1. Draw a map of your home. Include all doors and windows.
2. Find two ways out of every room.
3. Make sure doors and windows are not blocked.
4. Choose an outside meeting place in front of your home.
5. Push the test button to sound the smoke alarm.
6. Practice your drill with everyone in the home.
7. Get outside to your meeting place.

For more information about escape planning, visit: www.usfa.fema.gov and www.firepreventionweek.org.
How to make a Home Fire Escape Plan

- Draw a map of your home. Show all doors and windows.
- Visit each room. Find two ways out.
- All windows and doors should open easily. You should be able to use them to get outside.
- Make sure your home has smoke alarms. Push the test button to make sure each alarm is working.
- Pick a meeting place outside. It should be in front of your home. Everyone will meet at the meeting place.
- Make sure your house or building number can be seen from the street.
- Talk about your plan with everyone in your home.
- Learn the emergency phone number for your fire department.
- Practice your home fire drill!
- Make your own home fire escape plan using the grid provided on page 2.
How to make a Home Fire Escape Plan

- Draw a floor plan or a map of your home. Show all doors and windows.
- Mark two ways out of each room.
- Mark all of the smoke alarms with $\text{SA}$. Smoke alarms should be in each sleeping room, outside each sleeping area, and on every level of the home.
- Pick a family meeting place outside where everyone can meet.
- Remember, practice your plan at least twice a year!

Grown-ups: Children don’t always wake up when the smoke alarm sounds. Know what your child will do before a fire occurs. Get more information on smoke alarms and escape planning at [www.nfpa.org/factsheets](http://www.nfpa.org/factsheets).