MIDVALE CITY COUNCIL MEETING
AGENDA
April 04, 2017
**AMENDED**

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 4th day of April, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

II. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. Proclamation Declaring May 20th as "Kids to Park Day"

III. 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.

IV. COUNCIL REPORTS
A. Council Member Stephen Brown
B. Council Member Paul Glover
C. Council Member Paul Hunt
D. Council Member Quinn Sperry
E. Council Member Wayne Sharp

V. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VI. ACTION ITEMS
A. Approve Resolution No. 2017-R-11 Authorizing the Mayor to enter into an agreement with Black Forest Paving for the Allen Street Reconstruction Project [Keith Ludwig, City Engineer]

B. Approve Resolution No. 2017-R-12 Authorizing the Mayor to enter into an agreement with Kilgore Contracting for the 2017-2020 Midvale City Paving Preservation Project [Keith Ludwig, City
City Council Meeting
April 04, 2017
Page 2

Engineer]

C. Approve Resolution No. 2017-R-13 Authorizing the Mayor to enter into an agreement with Staker Parsons Companies for the 2017-2020 Midvale City Paving Restoration Project [Keith Ludwig, City Engineer]

D. Approve Resolution No. 2017-R-14 Authorizing the Mayor to enter into an agreement with Quick Silver Concrete for the 2017-2020 Midvale City Concrete Repair Project [Keith Ludwig, City Engineer]

E. **Consider adoption of Ordinance No. 2017-O-04 amending the Transit Oriented Development (TOD) Zone, creating the Transit Oriented Development (TOD) Overlay Zone and amending the City Zoning Map [Phillip Hill, Asst. City Manager/Community Development Director]

VII. CLOSED SESSION FOR DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

VIII. 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: APRIL 3, 2017
TIME: 11:15 A.M.

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
Mayor Seghini called the meeting to order at 6:33 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS

Chief Mazuran and Lt. Mark Olson discussed the funding received from the legislature for new officers for the homeless shelter. Ed Meono and Matt Harper, two Midvale Unified Police traffic officers. The work they do is off the charts. Their spirit and work ethic is the best. They give 100% on everything they do. Both received officer of the month.

Chief Scott McBride said everything is going smooth and moving forward.

Laurie Harvey said the revenue bonds will be sold tomorrow. The interest rate is hopeful for 2.75%. She sent the two rating reports to the Council. The Fitch rating was AA and the Standard and Poor was AA- which is normal.

Larry Wright said the swings will be upgraded at the main park for small kids.

Councilmember Paul Glover said North Grant Street was having a lot of problems with flooding there with the storm drains. He asked when something would be done. Larry Wright said he would make sure they get taken care of.

Councilmember Quinn Sperry said the storm drain on 7800 South is working well. City employees are parking up on the curb on the side of the street when doing work.
Larry Wright said he would discuss that issue with the employees to make sure that does not take place in the future.

Phillip Hill said he received notification from the county CDBG funding positive recommendation for North Grant Street curb gutter sidewalk, and trees. Those funds will become available July 1, 2017. Have a project with RDA that was going to put in a traffic light on Bingham junction by the Trax station.

II. CITY MANAGER’S REPORT
Kane Loader was excused.

The Mayor called the business meeting to order at 7:00 p.m.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

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

C. Proclamation Declaring May 20th as “Kids to Park Day”
Councilmember Paul Hunt read the proclamation declaring May 20th as “Kids to Park Day”

IV. PUBLIC COMMENTS
Sophia Hawes-Tingey said there should be a lot more kids in the park day. She has a lot of neighbors who will be excited to hear North Grant Street will be repaired. She wanted to make sure everyone knew there will be a legislative update at the Community Council meeting tomorrow night at 7:00 p.m. in the Dahl Conference Room.

Tom Silverstorff, 470 East 6990 South said he lives near a canal. For many year’s there’s been a short trailing leading from the street to the canal road so they can walk to the canal. His neighbor has put a gate and fence and locked them out of using the canal. He wants to know what can be done. He’s been using the canal for 25 years. He wanted to know if something could be enforced called adverse possession.

Councilmember Quinn Sperry said it would be more along the lines of prescriptive easement rights. Phillip Hill said staff will look into this.

V. COUNCIL REPORTS
A. Councilmember Stephen Brown – had nothing to report.

B. Councilmember Paul Glover – said he is working with UFA on compensation.

C Councilmember Paul Hunt – had nothing to report.

D. Councilmember Quinn Sperry – had nothing to report.
E. Councilmember Wayne Sharp – had nothing to report.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – said many of the staff and City Manager are in St. George at their spring conference.

VII. ACTION ITEMS
A. APPROVE RESOLUTION NO. 2017-R-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BLACK FOREST PAVING FOR THE ALLEN STREET RECONSTRUCTION PROJECT
Keith Ludwig stated the City has received CDBG funds for the Allen Street project. We had the plans and specifications finalized and put this project out for bid. We held a bid opening on March 16, 2017 and after evaluating the bids, determined that Miller Paving had the lowest responsible bid.

An award letter was sent to Black Forest Paving and an agreement has been prepared for this project.

We will hold a preconstruction meeting with Black Forest Paving as soon as possible so that they can get this project underway. As your next regular Council Meeting is two weeks out, I am asking for a suspension of the rules so that you can take action on this item tonight.

FISCAL IMPACT: Black Forest Paving’s bid is $171,558. The funding for this project consists of $108,000 of CDBG funds and the balance of $63,558 from City B&C road funds.

MOTION: Councilmember Paul Hunt MOVED that we suspend the rules and approve Resolution No. 2017-R-11, and authorize the Mayor to sign the agreement with Black Forest Paving for the construction of the Allen Street Project. 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:

<table>
<thead>
<tr>
<th>Member</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council member Stephen Brown</td>
<td>Aye</td>
</tr>
<tr>
<td>Council member Paul Glover</td>
<td>Aye</td>
</tr>
<tr>
<td>Council member Paul Hunt</td>
<td>Aye</td>
</tr>
<tr>
<td>Councilmember Wayne Sharp</td>
<td>Aye</td>
</tr>
<tr>
<td>Council member Quinn Sperry</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion passed unanimously.

B. APPROVE RESOLUTION NO. 2017-R-12 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KILGORE CONTRACTING FOR THE 2017-2020 MIDVALE CITY PAVING PRESERVATION PROJECT
Keith Ludwig stated each year we do as much as we can in way of street maintenance. This work can include asphalt overlays, milling, slurry seals, crack seals, road base and subgrade rehabilitation, and other treatments as deemed appropriate.
Over the next three years, we will be using $6 million in bond money, along with some B&C Road Funds, to do as much pavement management work as possible.

We have split this work into two pieces. This contract specifically deals with slurry seals and crack sealing.

We had two contractors submit proposals, and after going through our evaluation process which included project approach, experience of foremen, track record and bid, Kilgore Contracting was deemed to be the best overall bidder.

We have a contract prepared for the City to enter into with Kilgore Contracting and would like to have the Mayor sign this contract. A resolution has been prepared to that affect. As your next regular meeting is two weeks out, I am asking that you suspend the rules so that you can act on this item tonight.

FISCAL IMPACT: We typically use money from our allocation of B&C Road Funds, this will be supplemented by the bond funds for the next three years. I anticipate spending around $200,000 per year on this portion of the work.

MOTION: Councilmember Quinn Sperry MOVED that we suspend the rules and approve Resolution No. 2017-R-12, authorizing the Mayor to sign an agreement with Kilgore Contracting for the 2017-2020 Midvale City Pavement Preservation Project. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

<table>
<thead>
<tr>
<th>Council member</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>Aye</td>
</tr>
<tr>
<td>Paul Glover</td>
<td>Aye</td>
</tr>
<tr>
<td>Paul Hunt</td>
<td>Aye</td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2017-R-13 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH STAKER PARSONS COMPANIES FOR THE 2017-2020 MIDVALE CITY PAVING RESTORATION PROJECT

Keith Ludwig stated Each year we do as much as we can in way of street maintenance. This work can include asphalt overlays, milling, slurry seals, crack seals, road base and subgrade rehabilitation, and other treatments as deemed appropriate.

Over the next three years, we will be using $6 million in bond money, along with some B&C Road Funds, to do as much pavement management work as possible.
Proceedings of the City Council Meeting
April 4, 2017

We have split this work into two pieces. This contract specifically deals with milling, asphalt overlays, subgrade repair, and soft spot rehabilitation.

We had Five contractors submit proposals, and after going through our evaluation process which included project approach, experience of foremen, track record and bid, Staker Parsons Companies was deemed to be the best overall bidder.

We have a contract prepared for the City to enter with Staker Parsons and would like to have the Mayor sign this contract. A resolution has been prepared to that effect. As your next regular meeting is two weeks out, I am asking that you suspend the rules so that you can act on this item tonight.

FISCAL IMPACT: We typically use money from our allocation of B&C Road Funds, this will be supplemented by the bond funds for the next three years. I anticipate spending around $2 million per year on this portion of the work.

MOTION: Councilmember Stephen Brown MOVED that I move that we suspend the rules and approve Resolution No. 2017-R-13, authorizing the Mayor to sign an agreement with Staker Parsons for the 2017-2020 Midvale City Paving Restoration project. The motion was SECONDED by Councilmember Paul Hunt. 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. APPROVE RESOLUTION NO. 2017-R-14 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH QUICK SILVER CONCRETE FOR THE 2017-2020 MIDVALE CITY CONCRETE REPAIR PROJECT

Keith Ludwig said each year staff does as much as possible with curb/gutter and sidewalk maintenance. This mostly involves the replacement of damaged sections of curb/gutter and sidewalk. This can also involve the upgrade of sidewalk ramps to current ADA standards. Most of this work is done through a contractor working for the City. City crews are also involved in this, but due to their other duties, what they can replace is limited.

This is a three-year contract and the City has had great success with the contractors over the years. The City partners with the contractor and uses his input as well as that of City staff to come up with strategies on how to best utilize the funds for this project.

This project was put out to bid in February and four contractors submit proposals. After going through the evaluation process which included project approach, experience of foremen, track record and bid, Quicksilver Concrete was deemed to be the best overall bidder.
A contract has been prepared for the City to enter into with Quicksilver Concrete. A resolution has been prepared to authorizing the Mayor to sign that contract. As the next regular Council meeting is two weeks out, he asked that the Council suspend the rules so action can be taken on this that night.

**FISCAL IMPACT:** The typical budget amount for this work is $100,000 per year. Over the life of this contract he will also use some of the bond money the City will obtain for pavement management work.

**MOTION:** Councilmember Paul Hunt MOVED that we suspend the rules and approve Resolution No. 2017-R-14, and authorize the Mayor to sign the agreement with Quicksilver Concrete for the 2017 – 2020 Midvale City Concrete Repairs Project. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none 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.

**E. CONSIDER ORDINANCE NO. 2017-O-04 REGARDING AMENDMENTS TO THE TRANSIT ORIENTED DEVELOPMENT ZONE, THE CREATION OF THE TOD OVERLAY ZONE AND AMENDMENTS TO THE MIDVALE CITY ZONING MAP**

Phillip Hill said the amendment before the Council would amend the current TOD zone, reducing the maximum allowable height from 7 stories to 3 stories and reducing the maximum allowable density from approximately 100 residential dwelling units per acre to 25 residential dwelling units per acre. Also, as part of this amendment, a new TOD Overlay zone that could be applied to properties within the TOD zone through a rezone process, allowing up to 85 residential dwelling units per acre and a maximum allowable height of 7 stories. Through discussions with the Planning Commission on how these two zones would be applied, staff has drafted a map for each TOD area reflecting boundaries for the TOD and TOD Overlay zones at the request of the Commission. These boundaries are not final and may be amended by the City Council as a part of this process.

Any properties zoned TOD with the final action of the City Council will be eligible for a rezone to the TOD Overlay zone through a rezone process involving public hearings with both the Planning Commission and City Council. As a part of the rezone process, a development agreement will be required between the city and the developer to memorialize site plan approvals and any conditional use permit approvals. The rezone and development agreement would be approved at the same City Council meeting and any requested changes to the project would be required to go back before the approving bodies. Any parcel zoned TOD Overlay through this process will be afforded all the applicable development rights of that zone without need for a rezone process. It should be noted that whether a rezone is necessary or not, the developer will be required to enter into a development agreement with the City.
The Midvale City General Plan 2016 sets goals for public transit and associated opportunities in the City. The goal to “Develop standards in the vicinity of the Center Street and 7200 South TRAX Stations for mixed-use and transit oriented developments that take advantage of the proximity of transit while protecting the character of adjacent residential neighborhoods.” has helped to inform many of the recommended changes. Through the adoption of an amended TOD zone and the implementation of the TOD Overlay zone, standards will continue that take advantage of the proximity of the transit system while looking at identified parcels on a case by case basis to ensure the protection of the character of the adjacent stable residential neighborhoods as those parcels redevelop. As part of these proposed ordinances, the following amendments are proposed to clean up and clarify existing language:

**TOD**
1. Single Family clean up (setbacks [porches, garages front setback], parking, accessory structures)
2. Fencing height and materials
3. Adding access management to multi-family
4. Removal of street accessed garage requirement; not practical
5. Clarifying that recreation amenities are not a requirement of commercial development

**TOD Overlay**
1. Residential open space 30% (TOD up to 40%)
2. No changes to setbacks or buffering standards

Following a Public Hearing on February 08, 2017, the Planning Commission directed staff to provide the following:

1. Maximum heights and densities in TOD zones of surrounding jurisdictions; and
2. Map options including the elimination of certain parcels in the 7800 South TOD Overlay area and the inclusion of certain parcels in the 7200 South TOD Overlay area.

Included below is a synopsis of the maximum heights and densities allowed in surrounding jurisdictions.
The first appeal is from the owners of the parcel located at 7300 South and 300 West. The appeal requests that this parcel be included in the 7200 South TOD Overlay. The second appeal is from ICO Multifamily Holdings, owners of the Applewood Mobile Home Park. Their appeal requests that the City consider increasing the TOD density from 25 to 35 dwelling units per acre, allowing for 4 stories rather than 3 as is allowed in the RM-25 zone, and counting roads, railroads and the like in the residential buffer calculations.

**Council Requests**
Following an initial discussion with the Council on March 07, 2017, it was requested that a third set of zoning map amendments be provided for consideration which eliminate the TOD Overlay from the Planning Commission’s recommendation on all parcels except the existing Center Square development.

Another point of discussion with the Council was the 15-foot front setback requirement in this zone, which includes a 5-foot amenity strip and 10-foot sidewalk. For reference, the south building at Center Square is set back anywhere from 18 to 30 feet from the back of curb along Center Street with 14 feet of landscaping, a 4-foot sidewalk, and a minimum of 5 feet of landscaping between the sidewalk and building. Along Center Square the building is setback 15 to 22 feet from the back of curb.

**MOTION:** Councilmember Paul Hunt MOVED that in an effort to encourage the development of parcels proximate to TRAX stations while providing for the logical and orderly transition from the higher density development to the surrounding, stable, single-family neighborhoods, I move that we adopt Ordinance 2017-O-04 amending the existing TOD zone, creating the TOD Overlay zone, and amending the zoning map as noted in option 7200 South #2 Center Street #3. 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:
Proceedings of the City Council Meeting
April 4, 2017

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.

Councilmember Stephen Brown said thank you to Phillip Hill and staff with putting this information together and all the work they did on this. It is appreciated.

VIII. CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.

MAYOR:  Mayor JoAnn B. Seghini

COUNCIL MEMBERS:  Council Member Wayne Sharp
Council Member Stephen Brown
Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry

STAFF:  Phillip Hill, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; and Garrett Wilcox, Deputy City Attorney.

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

The Council went into closed session at 8:14 p.m.

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

The Council reconvened into open session at 8:31 p.m.
IX.  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 8:31 p.m.

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

Approved this 18th day of April, 2017.
<table>
<thead>
<tr>
<th>NAME (PLEASE PRINT)</th>
<th>ADDRESS</th>
<th>CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Hade</td>
<td>998 E North Union Ave</td>
<td>Midvale</td>
</tr>
<tr>
<td>Bryan Brown</td>
<td>7281 S. Coolidge</td>
<td>Midvale</td>
</tr>
<tr>
<td>Trillo Beci</td>
<td>7757 S. Roos</td>
<td>Midvale</td>
</tr>
<tr>
<td>Kris Caffey</td>
<td>8204 S. Lisbon</td>
<td>Midvale</td>
</tr>
<tr>
<td>Lisa Marquardt</td>
<td>150 W. 7500 S.</td>
<td>Midvale</td>
</tr>
<tr>
<td>Verdun Walker</td>
<td>7886 Oly men</td>
<td>Midvale</td>
</tr>
<tr>
<td>Laurene Walker</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>