MIDVALE CITY COUNCIL MEETING
AGENDA
August 14, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 14th day of August, 2018 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. Employee of the Year Recognition
D. Recognition of Youth Ambassadors
E. Proclamation Declaring Year of 2018 as “Great Salt Lake Council 100th Scouting Anniversary Year”

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. Council Member Quinn Sperry
B. Council Member Bryant Brown
C. Council Member Paul Hunt
D. Council Member Dustin Gettel
E. Council Member Paul Glover

VI. MAYOR REPORT
A. Mayor Robert M. Hale

VII. PUBLIC HEARINGS
A. Consider a Final Subdivision Plat for a 2-Lot subdivision from Mark Snow and Brad Heaps located at 7777 South 300 East [Alex Murphy, Associate Planner]
ACTION: Approve Final Subdivision Plat for a 2-Lot subdivision from Mark Snow and Brad Heaps located at 7777 South 300 East

VIII. CONSENT AGENDA
A. Consider Minutes of July 17, 2018 [Rori Andreason, H.R. Director/City Recorder]

IX. DISCUSSION ITEMS
A. Discussion of Amendments to Purchasing Ordinance [Laurie Harvey, Assistant City Manager/Admin Services Director, Lisa Garner, City Attorney]
B. Discussion of Amendments to Chapter 5.54, Wireless Communication Services, and Chapter 12.14, Installations within City Rights-of-Way [Garrett Wilcox, Deputy Attorney]

X. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

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 day 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 also posted at the following locations on the date and time as posted above: 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: AUGUST 10, 2018

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT:
Public Hearing and Subdivision Plat Approval for 2 lot Cottages at 7777 Subdivision located at 7777 South 300 East

SUBMITTED BY:
Alex Murphy, Associate Planner

SUMMARY:
The proposed Cottages at 7777 Subdivision plat consists of two (2) proposed lots on a total of 0.33 acres located north of 7800 South on 300 East and is being submitted by Mark Snow and Brad Heaps for the purpose of dividing a proposed duplex into a twin home, allowing separate ownership of each unit.

The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall. As a minor subdivision request, this request is subject to and complies with the requirements of the Single Family Residential Zone with Duplex Overlay (SF-1/DO) and the subdivision ordinance (Title 16), subject to the recommended conditions below.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this subdivision plat on June 27, 2018. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the subdivision plat 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. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall is required to be constructed along the center line dividing Lots 1 and 2 unless the subdivision plat is officially amended.
3. A minimum of two (2) additional street trees are required to be planted along 300 East, one on each parcel. These trees shall be planted or guaranteed by a cash bond prior to recording of the final plat. A note indicating this requirement shall be added to the final plat.
4. The applicant shall complete the sidewalk along the property frontage, tying into the existing sidewalk to the north, and make necessary improvements to the curb and gutter, as required by the City Engineer. This work shall be completed and approved by the City Engineer prior to a certificate of occupancy being issued for the units.
5. The applicant shall obtain duty to serve letters for water and sewer and a fire hydrant flow verification letter prior to the subdivision plat being recorded.
6. The applicant shall provide evidence that courtesy notices has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.
The applicant has prepared and submitted the final plat (see attached). The applicable notes regarding the two-unit residential structure and street tree requirements have been added. Proof that notices have been sent to the local utility companies has been provided.

The subdivision plat dedicates a portion of the 300 East right-of-way to the City. The applicant will need to install curb, gutter, and sidewalk prior to a certificate of occupancy being issued for the building. No water and sewer duty to serve letters or fire flow confirmation have been provided.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council approve the subdivision plat for the Cottages at 7777 Subdivision with the following conditions:

1. The applicant shall complete the sidewalk along the property frontage, tying into the existing sidewalk to the north, and make necessary improvements to the curb and gutter, as required by the City Engineer. This work shall be completed and approved by the City Engineer prior to a certificate of occupancy being issued for the units.
2. The applicant shall obtain duty to serve letters for water and sewer and a fire hydrant flow verification letter prior to the subdivision plat being recorded.
3. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

**RECOMMENDED MOTION – APPROVAL:**

"Based on compliance with the requirements of the Midvale City Municipal Code demonstrated in the application or addressed by the inclusion of conditions of approval, I move that we approve the subdivision plat for the Cottages at 7777 Subdivision with the following conditions:

1. The applicant shall complete the sidewalk along the property frontage, tying into the existing sidewalk to the north, and make necessary improvements to the curb and gutter, as required by the City Engineer. This work shall be completed and approved by the City Engineer prior to a certificate of occupancy being issued for the units.
2. The applicant shall obtain duty to serve letters for water and sewer and a fire hydrant flow verification letter prior to the subdivision plat being recorded.
3. The applicant shall obtain all required signatures on the final subdivision plat Mylar."

**RECOMMENDED MOTION – TABLE DECISION:**

"I move that we table decision on the proposed subdivision to address the following questions/comments:

1. ...
2. ..."

**ATTACHMENTS:**

- Vicinity Map
- Final Subdivision Plat
Mayor Hale called the meeting to order at 6:32 p.m.

I. INFORMATIONAL ITEMS
A. DEPARTMENT REPORTS

Chief Randy Thomas provided a 6-month summary to the Council on case details regarding patrol activity, response times, good landlord program, and shift information. He discussed the highlights with the Council. He reported on a house fire in the avenues and commended Unified Fire Authority on a job well done. He thanked Laurie Harvey and Kane Loader for their help on a proposal for the Homeless Shelter. He said he is looking forward to Harvest Days.

Council Member Paul Glover said he has received a few calls of break-ins in cars at Brighton Place.

Council Member Gettel said there is a jeep that is parked on Bingham Junction for the last 5 days.

Chief Thomas said he would look into these incidents.

Chief Brad Larson thanked the Unified Police for their hard work and support. He reported on the house fire in the avenues and said there were no injuries from the fire. He said Station 125 had a total of 40 calls from July 8 to July 14th. Station 126 had a total of 24 calls for that same time period. Of those calls, 23 were for medical reasons. On July 4th, there were two outside fires and
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a car fire. It was fairly quiet on the east side. In talking with the media, they came to the conclusion that we got the word out to the public on restricted areas. He shared a safety tip for summer on what they call the 100 deadliest days for road crashes and fatalities. It is due to the vacation season, warm weather, and increased travel. Approximately 94% of crashes are from human error and 80% of those are in warm weather. He asked everyone to buckle up and stay alert.

Laurie Harvey said she sent out the annual court report put together by Ivan Sandoval. She reviewed this report with the Council. There were 9600 cases filed and the court disposed of 11,100 cases. Fines and forfeitures met the revenue projection for 2018. The state debt collection does a good job of collecting fines Midvale cannot collect on. The UIA issued bonds of $22 million, which closed last week. They are also issuing $22 million bonds in a partnership with Layton City. Layton City has pledged franchise fees to back the debt service. The $30 per month infrastructure payment will be used to make debt service. Once debt service is made, anything over that will go to Layton City. She reported on the funding request for the Utah State Homeless Coordinating Committee in the amount of $1.3 million in 2019. The estimate for 2020 is similar because of the delay in hiring officers until October 1, which will be after hearing back as to whether they will receive the money or not. The City’s transient related cases did increase about 139% from 2015 to 2017. Chief Thomas provided maps supporting these statistics. There will be a meeting on August 8th on this. She reported that Daniel Daniels, Executive Director, of the Arts Council is no longer employed by the Arts Council. There were issues with credit card usage and failure to pay back credit card charges. That position is currently open. The Arts Council met with staff when they found out what was happening. The lease agreement for the Performing Arts Center renews on July 1st. She said Council Member Paul Hunt would like to look at the lease agreement, so it will be scheduled for discussion on the September 4th Council meeting. There was a story in the Tribune on truth and taxation where the taxpayer association said they don’t resist increasing taxes for cities, they just want transparency. It would probably be a good idea to have that hearing every year. She said the City received the GFOA certificate of excellence award again for the City’s 2017 CAFR. This is the third-year staff has applied and received it. The CAFR is a Comprehensive Annual Financial Report.

Brian Berndt introduced Rockne Crisp, Code Enforcement Officer. Rockne shared his ideas for enforcement, education, and streamlining the process.

Council Member Paul Glover asked what happened with repeat offenders. He said the City needs something stronger to enforce. Mr. Crisp said that issue needs to be addressed.

Council Member Gettel asked if there is an appeal process. Mr. Crisp said residents can call the code enforcement officers to discuss the issues. The appeal process starts after the notice of violation is issued.

Council Member Paul Glover said for those people that are repeat offenders, there needs to be more aggressive enforcement. There needs to be a way to take care of those that are abusing the system.

Keith Ludwig updated the Council on the crosswalks that are being worked on. He met with Parametrics who is doing the design of the crosswalks on Chapel and Grant Street. The plan is to get the drawings ready and use the City’s existing contractors, so it doesn’t have to go to bid this
late in the season. The crosswalk at the Trax Station at Center Square is being done through the Tiger Grant. UTA received $30 million dollars from the federal government for the grant. The construction schedule is in the fall.

Kane Loader asked for an update on the left turn light on South Main. Keith Ludwig said he would like to wait until Bingham Junction Blvd. opens, and then do a study.

Council Member Bryant Brown asked about crosswalks on Pioneer and Alta View by the schools. Kane Loader said City crews will be working on those crosswalks.

Alan Hoyne said the sweeper schedule map will be placed on the city website soon. The water project on 7200 South is done until the water season in the canal is over. He said the waterline/storm drain project on 150 East is complete and they will be building that road up with asphalt by the end of the month.

Rori Andreason mentioned registration for the Utah League of Cities and Towns Convention in September. She also reported Sherrie Swensen, County Clerk, has requested the placement of an election ballot drop box at city hall. The Council felt this would be a great benefit to the citizens.

II. CITY MANAGER’S REPORT
Kane Loader reported that Larry Wright, Public Works Director, has chosen to retire at the end of the month. He is looking to replace that position very quickly. Alan Hoyne has been doing a great job at filling in and keeping everything going. He just received news that S L County Council approved the funding for Bingham Junction Blvd through the Jordan Bluffs project. The agreement is ready for the Mayor’s signature.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

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

C. Proclamation Recognizing Abigail Slama-Catron – Utah State Honoree Award
Mayor Hale read the Proclamation recognizing Abigail Slama-Catron for receiving the Utah State Honoree Award for her project. Abigail worked with her robotics team on a competition calling for projects that improve animal/human interactions. The team invented a “bionic scarecrow” to keep birds away from airplanes as they take off and land at airports. The bionic scarecrow device is currently being used at Salt Lake International Airport. Abigail has continued to raise awareness about her project by making a film called “Strike Out”, which has featured by her school district and Colorado Environmental Film Festival. The Mayor and City Council recognized her for her innovative and creative use in her continuing efforts for awareness of the Bionic Scarecrow.

D. Recognize Harvest Days Committee Members
Laura Magness reviewed the Harvest Days activities and dates with the Council. She recognized the Harvest Days Committee members for all their effort and hard work.
IV. PUBLIC COMMENTS
Sophia Hawes-Tingey reported on an active shooter training the UPD offered to the Community Council. The Road Home will be presenting at their next Community Council meeting. She said it’s been seven months from the original date of installation for Utopia to be installed in the North Grant Street neighborhood. She asked when it will be scheduled for installation. She also said there is a no right turn on red light when you are turning on Holden Street from Coliseum. She expressed her dislike for this no right turn light and felt it should be changed.

Meg Jankovich asked about the plans for building a swimming pool within the City. She has spoken to many Midvale citizens who all want a swimming pool in the city and would like it on the east side of the city. The park by Hillcrest High School would be an ideal space. Also, the design is very important to bring people from other cities to enjoy it.

Council Member Quinn Sperry said he also lives on the east side and would like to have a pool there, but the County said no to the pool in the park by Hillcrest High School.

Ms. Jankovich asked if it would be better to move the baseball fields from the county park to the Jordan Bluffs area due to the cap.

Kane Loader said the City applied for a grant for a pool a couple of years ago, but because of the cost, it was turned down. The City has taken another approach which is to build a pool on the west side of the city in the new development in Jordan Bluffs. Staff is working with a developer to build a facility there. It is a recreation facility with a competition pool that can be used by high schools. The property is available, and the City has a developer that is willing to donate several million dollars for this project. It puts the pool on the Jordan Bluffs project. He said they did everything they could to have the pool on the east side. With the expansion of I-15, the Copperview Community Center will lose some of the facilities. They will have to build those somewhere else, which the City is hoping will be in the Jordan Bluffs area.

Council Member Glover suggested the residents call S L County representatives to voice their opinions.

Michael Martin said he has been a resident since 1994. He said dogs are off their leashes at the park. He feels it is a dangerous situation and is looking for help. There is a limit of where they can be. There needs to be better signage to state dogs are not allowed off leashes.

Council Member Dustin Gettel said he received an email from the people training the dogs. She said the dogs are not off their leashes. The animal control has been called several times and everything is fine.

Mr. Martin said he’s afraid the dogs can get lose off their leashes. He does not trust any dog. There is no dog that is so cooperative that in the event someone or something was to set the dog off, it would get lose.
Spencer Mears said he appreciated the effort of Rockne Crisp to work with the residents of Midvale. He started a group called Midvale Cares. It is for citizens that need help with yard maintenance etc.

Mont Millerberg said even though he has an 84070-zip code, he lives in Midvale and is a resident of the City. He was not representing the Canyon’s School District at that time. He said he is excited of the possibility to have a real recreation center within the City of Midvale. He appreciates Ms. Jankovich’s comments on the pool. He said that $22 million dollars is a lot of money for a pool. The City needs to take this opportunity and make sure the pool is done right and in the right location. He said they also need to remember that the purpose of government is to represent the people. He believes that the Jordan Bluffs area is not the proper location for the pool. He feels that it is too close to the Gene Fulmer Center. For the safety of the students, the facility needs to be closer to the high school.

Greg Penrose said the pool at the middle school was underutilized.

Karli Hanson asked what the design of the pool is.

Council Member Dustin Gettel said the design of the pool is in the future. The City needs to get the funding for the pool first and then talk about the design.

Michele Lowery asked if we are talking about just a pool, or a recreation center.

Council Member Paul Glover said the goal is a recreation center, but it all depends on the funding.

Spencer Mears asked for the names of the people to contact at S L County.

Sophia Hawes-Tingey said it is an election year, you can bring it up with all of them.

Joyce Bedont said she has been in Midvale for 70 years. She would like to organize a committee and get it going.

Mary Hewlett said one of the action agenda items is going from City to City. The issue is regarding the sale of puppies and how should be regulated. She asked the Council to consider the issue from both sides. Puppies can get sick no matter where they come from. She felt there should be regulations on the sale of puppies and requiring shots etc., but she also thinks it is important to allow free enterprise. If stores are not able to sell puppies, it sets people up to buy on the internet and then they don’t know what they will be getting. There is another side to the story. She feels it is important to not just look at organizations that have lobbyists to assist them but small businesses that are in business. Her store is Puppy Matchmakers.

Deann Shepherd, Humane Society of Utah, said they receive 12,000 animals annually. She said they fully support Midvale’s proposed ordinance. Pet store ordinances like this are not designed to put pet stores out of business. The largest successful pet store chains do not sell pets in the stores, they allow the shelters to adopt pets out of their stores. This ordinance does not affect dog breeders.
V. COUNCIL REPORTS

A. Council Member Quinn Sperry – reported the homeless shelter and the road home have started to implement some of the security measures that were recently adopted. On June 29th he went to the Road Home to a fair they had for the residents there. He had the opportunity to talk to the director on the security issues. They are having success working with Unified Police on the security issues.

B. Council Member Bryant Brown – expressed appreciation to the citizens for coming out to voice their opinions on the pool. He discussed the concerts the Arts Council are scheduling. He expressed appreciation to those people attending on Facebook live. Hopefully we can see the numbers rise of people watching online. There is a structure to the east of the Arts Center that has parking on the east side only. There is a sign that says no parking, or your vehicle will be towed away. He would like to see if the company will allow parking during the performances. He said he appreciates Kane Loader and Keith Ludwig talking to the construction workers to not park where they are not supposed to at the new town homes on Center Street. He gets calls constantly asking where parking is available on Roosevelt. It makes it dangerous. There are residents on Coolidge, Alta view, Roosevelt and Grant that now have windows from the 3rd story of the townhomes that can now look in their back yards. He asked the City to look at the ordinance to see if this kind of impact can be minimized.

C. Council Member Paul Hunt – had nothing to report.

D. Council Member Dustin Gettel – reported that there is a false sense of affordable housing in Midvale. He just renewed his lease and it was quite an increase. He said the active shooter training for the Community Council was pretty terrifying but was very informative. He would like to have the training at city hall. The food trucks for Harvest Days will be coming at different times of the day. They will have good food options and encourage people to come try the food trucks during Harvest Days.

E. Council Member Paul Glover – reported the zika virus is active. He reminded people to use sprays and cover up.

VI. MAYOR REPORT

Mayor Robert Hale – reported that on Halloween on October 31st, the Tyler Library on Wood Street is going to have a truck and treat. The Police, Fire, Public Works and various agencies will come with their big utility trucks and hand out treats from 4:00 to 5:30 p.m. The Natural History Museum of Utah is requesting people to take pictures of wild animals or plants within the city and submit them. The 2020 Census coming up in April of 2020. He wants to encourage citizens to have everyone in their household be counted. Every individual that is not counted, reduces the contributions to the City $1,000. It is important information to have from the census data.

MOTION: Council Member Paul Glover MOVED to open a public hearing. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS
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A. PUBLIC HEARING TO CONSIDER A FINAL SUBDIVISION PLAT FOR A 2-LOT SUBDIVISION FROM JARRIED CAMERON LOCATED AT 7509 SOUTH LINCOLN STREET

Alex Murphy said the proposed Cameron Subdivision plat consists of two (2) proposed lots on a total of 0.30 acres located on Lincoln Street at the intersection of Lincoln Street and 7500 South. This request was submitted by Jarred Cameron, representing himself as owner of the subject property, for the purpose of creating a new parcel. The existing house will remain on one of the new lots and the second lot will be ready to accommodate a new single-family dwelling. This property is zoned Single Family Residential (SF-2).

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this subdivision plat on May 9, 2018. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the subdivision plat for the Cameron Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. The applicant shall demonstrate the existing accessory buildings on the subject property comply with applicable development standards prior to recording the final plat.
3. A minimum of two street trees shall be planted on Lot 8A along Lincoln Street and a minimum of two street trees shall be planted on Lot 8B along Lincoln Street or guaranteed by a cash bond prior to recording the final plat. Existing, qualifying street trees along Lincoln Street on either lot may be counted towards this requirement.
4. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
5. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and Century Link regarding the easements on the subdivision plat with the Final Subdivision Plat application.

The applicant has prepared and submitted the final plat (see attached). The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshal. The required utility notices and duty to serve letters have been provided. Planning Commission conditions remaining to be addressed include the items below; these conditions do not affect the proposed subdivision layout but will need to be addressed prior to the subdivision plat being recorded.

- The existing accessory building on the proposed Lot 8B has not been removed or relocated.
- Planting the street trees along Lincoln Street or posting a cash bond guaranteeing planting of the trees.

These items should be required before the final subdivision plat is recorded.
As a minor subdivision request, this request is subject to and complies with the requirements of the Single Family Residential (SF-2) zone and subdivision ordinance (Title 16), subject to the recommended conditions below.

**STAFF RECOMMENDATION:**

Staff recommends the City Council approve the final subdivision plat for the Cameron Subdivision with the following conditions:

1. The applicant shall demonstrate the existing accessory buildings on the subject property comply with applicable development standards prior to recording the final plat.
2. Two 2-inch caliper deciduous street trees are required along Lincoln Street on each lot. These trees shall be in place or guaranteed by a cash bond prior to a Certificate of Occupancy being issued for each new residential structure. Existing street trees can count towards the requirement. A note indicating this shall be included on the final subdivision plat Mylar.

Jared Cameron, applicant, said he has lived in Midvale for 21 years and owns 3 homes here. He has spoken with Alex Murphy on numerous occasions, and he has been very easy to work with and helpful.

Mayor Hale opened the hearing the public comment.

Michael Larson said his mother lives right across the street and their main concern is the parking. There seems to be a lot of cars parked on the street now.

Anna Larson said she is directly across the street from the house being built. Her concern is with the utility lines and how that will affect her getting out to go to the store.

Council Member Paul Glover said they will have to keep the roads open for her during construction.

Jarred Cameron said the plan is for a single-family home with a 2-car attached garage.

**MOTION:** Council Member Paul Glover MOVED to close the public hearing. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**MOTION:** Council Member Bryant Brown MOVED Based on compliance with the requirements of the Midvale City Municipal Code demonstrated in the application or addressed by conditions of approval, I move that we approve the final subdivision plat for the Cameron Subdivision with the following conditions:
1. The applicant shall demonstrate the existing accessory buildings on the subject property comply with applicable development standards prior to recording the final plat.

2. Two 2-inch caliper deciduous street trees are required along Lincoln Street on each lot. These trees shall be in place or guaranteed by a cash bond prior to a Certificate of Occupancy being issued for each new residential structure. Existing street trees can count towards this requirement. A note indicating this shall be included on the final subdivision plat Mylar.

The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  Aye
- Council Member Paul Glover  Aye
- Council Member Paul Hunt  Aye
- Council Member Bryant Brown  Aye
- Council Member Dustin Gettel  Aye

The motion passed unanimously.

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

B. CONSIDER A 2-LOT SUBDIVISION PLAT FROM SANCHEZ ESTATES LOCATED AT 611 WEST FIFTH AVENUE

Jana Ward said the proposed Sanchez Estates Subdivision plat consists of two (2) proposed lots on a total of 0.26 acres located between Main Street and the I-15 freeway sound wall on Fifth Avenue. This request was submitted by Carlo Sanchez, representing himself as the owner of the subject property. Mr. Sanchez is requesting the creation of a second lot east of the existing single-family dwelling on the subject property. The single-family dwelling will remain on its own lot. This property is zoned Single Family Residential (SF-2). This zone will allow a single-family house to be constructed on the newly created lot.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body. The Planning Commission conducted a public hearing on this subdivision plat on June 13, 2018. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the subdivision plat for the Sanchez Estates Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.

2. The final subdivision plat shall include a note stating one two-inch caliper deciduous street tree is required to be planted or shown to be existing prior to a Certificate of Occupancy being issued for the new house on Lot 1.
3. One two-inch caliper deciduous street tree shall be planted on Lot 2 or guaranteed with a cash bond prior to recording the final subdivision plat.

4. The applicant shall obtain duty to serve letters for water and sewer prior to final approval of the subdivision plat.

5. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, X-finity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.

The applicant has prepared and submitted the final plat (see attached). The applicable notes regarding the planting of street trees has been added. The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall.

A duty to serve letter for water and sewer service has been provided by Midvale City. All courtesy letters to the other utility providers have been submitted.

**STAFF RECOMMENDATION:**
Staff recommends the City Council approves the final subdivision plat for the Sanchez Estate Subdivision with the following conditions:

1. One two-inch caliper deciduous street tree shall be planted on Lot 2 or guaranteed with a cash bond prior to recording the final subdivision plat.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.

Carlos Sanchez discussed the parking. He said they have a single-family residence with a garage. The current property already has a 2-car garage in the back. We are planning on doing the same thing.

Mayor Hale opened the hearing to public comment. There was no one that desired to speak to this issue.

**MOTION:** Council Member Paul Glover MOVED to close the public hearing. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called a vote. The motion passed unanimously.

**MOTION:** Council Member Paul Hunt MOVED Based on compliance with the requirements of the Midvale City Municipal Code demonstrated in the application or addressed by the conditions of approval, I move that we approve the final subdivision plat for the Sanchez Estates Subdivision with the following conditions:

1. One two-inch caliper deciduous street tree shall be planted on Lot 2 or guaranteed with a cash bond prior to recording the final subdivision plat.
2. The applicant shall obtain all required signatures on the final subdivision plat Mylar.
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The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  Aye
- Council Member Paul Glover  Aye
- Council Member Paul Hunt  Aye
- Council Member Bryant Brown  Aye
- Council Member Dustin Gettel  Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF JUNE 19, 2018

MOTION: Council Member Quinn Sperry MOVED to approve the consent agenda. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry  Aye
- Council Member Paul Glover  Aye
- Council Member Paul Hunt  Aye
- Council Member Bryant Brown  Aye
- Council Member Dustin Gettel  Aye

The motion passed unanimously.

IX. ACTION ITEMS
A. CONSIDER RESOLUTION NO. 2018-R-34 AUTHORIZING THE MAYOR TO ENTER INTO A WIRELESS AND TELECOMMUNICATION SERVICES FRANCHISE AGREEMENT WITH CROWN CASTLE

Lisa Garner said the Midvale Municipal Code 5.52 and 5.54 require companies providing telecommunications and wireless communication services within Midvale to acquire a franchise agreement with the City prior to providing services. In addition to ensuring compliance with the City’s ordinance, each franchise agreement further specifies a number of requirements including those for insurance and bonding.

Crown Castle NG West LLC wishes to install small wireless facilities and corresponding fiber within Midvale and has requested to enter into the attached franchise agreements with the City. Crown Castle will not be using this system to directly provide service to Midvale residents, but will instead be leasing its system to other cellular companies such as Sprint, AT&T, and others. Under our Wireless Communication Services ordinance, Crown Castle will have to provide a binding lease from a service provided for any equipment that is installed in the right-of-way.

Crown Castle has not yet provided all the documentation as required by Midvale Municipal Code 5.52.230 and 5.54.230 and understands that the franchise agreements will not be executed by the City until that documentation is received. However, due to the time between City Council meetings, we are requesting that the franchise agreements be approved with the condition that the required documentation must be provided first.
FISCAL IMPACT:
The City will receive revenue under its franchise agreements for access to the City’s right-of-way as well as access to City-owned poles within the right-of-way. This will be at a higher rate through August 31, 2018. On September 1, 2018, SB 189 will take effect and will likely decrease the City’s revenue.

MOTION: Council Member Bryant Brown MOVED to approve Resolution No. 2018-R-34 authorizing the Mayor to execute a Telecommunications Services and a Wireless Communications Services Franchise Agreement with Crown Castle NG West LLC upon meeting the City’s franchise application requirements as expressed under Midvale Municipal Code 5.52.230 and 5.54.230. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry Aye
- Council Member Paul Glover Aye
- Council Member Paul Hunt Aye
- Council Member Bryant Brown Aye
- Council Member Dustin Gettel Aye

The motion passed unanimously.

B. CONSIDER RESOLUTION NO. 2018-R-35 APPOINTING LAURIE HARVEY TO SERVE AS A MIDVALE CITY BOARD MEMBER ON THE ANIMAL SERVICES ADVISORY COMMITTEE

Kane Loader said Salt Lake County recently passed an ordinance establishing the Salt Lake County Animal Services Advisory Committee. The membership of the committee consists of:

- a representative from each contract City
- a representative from each Metro Township
- a representative of all unincorporated County Community Councils
- the Salt Lake County Mayor or designee
- a member of the Salt Lake County Council or its designee, and
- one member of the public with technical expertise in the field of animal control or shelter services

Laurie Harvey, Midvale Assistant City Manager, has agreed to serve on this committee as the Mayor’s designee for Midvale City. The Mayor is requesting confirmation of the appointment by the City Council.

MOTION: Council Member Paul Hunt MOVED to approve Resolution No. 2018-R-35 appointing Laurie Harvey, Assistant City Manager, to the Salt Lake County Animal Services Advisory Committee. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry Aye
- Council Member Paul Glover Aye
- Council Member Paul Hunt Aye
C. CONSIDER RESOLUTION NO. 2018-R-36 AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH JF CAPITAL, LLC FOR THE MODA UNION PROJECT

Alex Murphy stated that on March 15, 2018, the Planning Commission approved a Conditional Use Permit and Preliminary Site Plan for the property located at 7304 South Cottonwood Street. This property includes approximately 3.17 acres located on the northwest corner of the Cottonwood Street (300 West) and Millennium Street intersection. The approved site plan allows 206 residential units and provides the layout of the building, landscape areas, recreational amenity areas, a pedestrian system, parking, and vehicular circulation. The building is divided into two sections, one 2 stories in height and one 5 stories in height, and parking is provided with surface stalls and a parking garage.

This project was reviewed under Chapter 17-7-17 of the Midvale City Municipal Code, the Transit Oriented Development Overlay zone, and complies with the development standards in this ordinance. Section 17-7-17-9 requires a Development Agreement between Midvale City and the property owner/developer for this type of project. The intent of the Development Agreement is to ensure compliance with the development standards of the ordinance and the approved site plan over the course of completion of this project.

A development agreement has been written and has been through a few iterations after review and comments by the property owner, the City Attorney, and Community Development Staff. The attached Development Agreement has been agreed upon by all involved and is now before the City Council for its consideration. The agreement includes the following:

- The agreement will run with the property and will be binding on any successors and assigns of the current Developer/Property Owner in the future.
- Requires developer to develop the property as shown on the approved site plan, which is attached as an exhibit.
- Vests property owner for site plan.
- Term of the agreement is 5 years.

If the City Council is comfortable with this agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

STAFF RECOMMENDATION:
Staff recommends that the City Council approves Resolution No. 2018-R-36, authorizing the Mayor to enter into the Development Agreement for the MODA Union Project, as presented.

Council Member Dustin Gettel said he felt in the future this type of project should have more of a say by the Council in the approval of this type of project.
Council Member Paul Hunt said the Planning Commission has been delegated that authority by the City Council and Mayor to do all these things and to do all of the studying and to make sure it is in compliance with the current zoning ordinance. We want the Planning Commission to look over those things, that is what the purpose of the Planning Commission is.

Council Member Dustin Gettel said his frustration is that it is in his district. He feels that there are traffic issues, and the residents in that district do not want this project.

Council Member Bryant Brown asked what the project time table is on fixing the dip in the road.

Keith Ludwig said the dip will be fixed by next summer. This will be included in the Capital Improvement Projects for next summer.

Jake Wood, Project Manager, said the next step is to close on the land in September and hope to have that completed by the end of 2018. He said they would like to begin site work at the first of the year and be into construction 2019. He anticipates a 20-month schedule from ground breaking to completion. Roughly summer of 2020 to third quarter 2020 for the first occupants. He said the units are lower than allowed in the zone. They have made several changes to address the concerns of the citizens. He said they look forward to being a part of Midvale. He said they pride themselves on doing high quality projects.

Council Member Bryant Brown said there was a small area plan that isn’t related to you, and one of the things presented was having a more open communal space and it looks like a lot of the green space of this property is sitting on top of a parking garage.

Mr. Wood said the plan was introduced to them when they were finalizing their site plan. He said they do have an interest in improving the entire area. They want to expand their footprint to include redevelopments in the surrounding areas to create a more vibrant area.

Council Member Dustin Gettel asked Mr. Wood if he paid for the traffic studies.

Mr. Wood said yes, they paid for the traffic study, and they looked to see if it would be a heavy impact on the area. The study determined that it would not be.

Council Member Paul Glover asked if the green space was on top of the buildings.

Mr. Wood said yes, it is.

Council Member Paul Glover asked if this counts as green space, being on top of the buildings.

Lesley Burns said the Council approved text amendments for the TOD overlay zone, and one of those amendments was to allow for some of the amenities areas to be on the building open space areas on the parking structures which is the case of this. There is some landscaping requirements and amenities. Those amenities can be on the building or on the roof or parking structures.

Council Member Bryant Brown said to the citizens it is insulting because they felt that this project didn’t fit into the zoning ordinance.
Council Member Paul Glover said if we are going to do studies and get input we need to take those plans and put it into our zoning. That is the only way it will work.

**MOTION:** Council Member Paul Hunt MOVED to approve Resolution No. 2018-R-36 Authorizing the Mayor to enter into a Development Agreement for the MODA Union Project, as presented. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry: Aye
- Council Member Paul Glover: Aye
- Council Member Paul Hunt: Aye
- Council Member Bryant Brown: Aye
- Council Member Dustin Gettel: Nay

The motion passed 4-1 in favor.

**D. CONSIDER ORDINANCE NO. 2018-O-06 PROPOSED PUPPY MILL AND PET LEMON ORDINANCE**

Lisa Garner said after multiple discussions by the City Council, it was determined that it was necessary to codify the regulation of the commercial sale of certain animals within Midvale City as well as pet purchase protections for consumers. The City Council was presented with proposed ordinances with respect to the sale of certain animals and pet purchase protections in its regular meeting on June 19, 2018. It was determined that it is in the best interest of the public health, safety, and welfare of the City to prohibit the sale of any dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment located in the City of Midvale, unless the dog, cat or rabbit was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit rescue organization. The proposed ordinance prohibits such commercial sale of specified animals. It was further determined that it is in the best interest of the citizens of Midvale to provide certain protections for those individuals who purchase an animal that later becomes ill or is determined to have congenital or hereditary conditions. The proposed ordinance makes it unlawful for any person to sell any animal that is ill or suffers from a congenital or hereditary condition without disclosing such to purchaser. The proposed ordinance also provides the obligations and remedies under which the protections may be realized.

Council Member Paul Glover said he doesn’t like telling a business what they can or can’t do. He asked if an ordinance could be drafted that protects the public and the owner of the store.

Lisa Garner said the Council went in this direction, so she did not look at a middle ground option but can if the Council desires.

**MOTION:** Councilmember Paul Glover moved to open this item to discussion. Council Member Paul Hunt Seconded the motion. The motion passed 4-1 in favor. Councilmember Dustin Gettel voted against the motion.

Mary Hewlett said the objections are that the animals don’t have to be from puppy mills, one of the objections is regarding health. She said in her business, if the pet becomes sick, or has issues, the pet will be returned to her, not to the shelters.
Council Member Paul Glover said he would like to see if there was a middle ground option to this before voting on this.

Council Members Dustin Gettel and Bryant Brown said they like the ordinance as is and would like to vote on it.

Council Member Paul Hunt agreed with Council Member Paul Glover, to table this item and do some more research.

Deann, Humane Society, said pets are not products for sales, these are animals. There are consequences to producing and selling for profit of the animal to the community. With pet stores, you encourage irresponsible breeders. The pet stores sell the pets from irresponsible breeders. The middle ground is to have adoptions from our shelters or pet stores that have adoptions through the non-profit organization shelters in their stores. For middle ground she would prefer the pet stores to sell pet supplies, not pets, and have adoptions available from the non-profit organizations.

MOTION: Councilmember Quinn Sperry moved to close this item for discussion. Council Member Paul Glover Seconded the motion. The motion passed unanimously.

MOTION: Council Member Dustin Gettel MOVED to approve Ordinance No. 2018-O-06 amending Title 6 of the Midvale Municipal Code as provided, specifically Chapter 6.04 Definitions, 6.14 Sale of Animals, and 6.15 Pet Purchase Protections. The motion was SECONDED by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

- Council Member Quinn Sperry Aye
- Council Member Paul Glover Nay
- Council Member Paul Hunt Nay
- Council Member Bryant Brown Aye
- Council Member Dustin Gettel Aye

The motion passed 3-2 in favor.

E. CONSIDER ORDINANCE NO. 2018-O-08 AMENDING THE MIDVALE MUNICIPAL CODE CHAPTER 5.04.020 and 5.26.040 BUSINESS LICENSING ORDINANCE

Lisa Garner said Chapter 5.04.02 of the Midvale Municipal Code regulates the conditions in which the City can suspend or revoke a business license previously issued to a business by the City. The proposed amended ordinance allows for the suspension of a business license for any violation of any provision of Chapter 5 of the Midvale Municipal Code. The current ordinance only allows for a business license suspension if the licensee violates any provision of the chapter. The amended ordinance will extend to any violation committed by agent, employee, or independent contractor working for or representing the business. Chapter 5.26.040 identifies the acts that are considered prohibited acts by a business. The current ordinance does not include an independent contractor as a representative of the business and therefore not subject to the provisions of Chapter 5. Both proposed changes to the ordinances are designed to include independent contractors as individuals who are governed by the ordinance.
MOTION: Council Member Quinn Sperry MOVED to approve Ordinance No. 2018-O-08 Amending Chapter 5.04.020 and 5.26.040 of the Midvale Municipal Code. The motion was SECONDED by Council Member Paul Glover. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry  Aye
Council Member Paul Glover   Aye
Council Member Paul Hunt     Aye
Council Member Bryant Brown  Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

F. CONSIDER ORDINANCE NO. 2018-O-09 AMENDMENT TO CHAPTER 13.04 OF THE MIDVALE MUNICIPAL CODE WATER SYSTEM AND CHAPTER 13.08 SEWER SYSTEM

Lisa Garner said Chapters 13.04 and 13.08 or the Midvale Municipal Code regulates the City’s water and sewer systems, respectively. Currently, Chapters 13.04 and 13.08 do not provide for the division of responsibilities between the City and the property owner/resident. Chapter 13.04.395 provides that the customer is responsible for the installation, repair, and maintenance of water mains and lateral lines from the water main to the connection point on the meter. Chapter 13.08.055 states that the customer is responsible for the installation, repair, maintenance of the sewer lateral from the customer to the main sewer line. The city is responsible for the installation, repair, and maintenance of the sewer main.

MOTION: Council Member Paul Hunt MOVED to approve Ordinance No. 2018-O-09 Amending Chapters 13.04 and 13.08 of the Midvale Municipal Code. The motion was SECONDED by Council Member Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry  Aye
Council Member Paul Glover   Aye
Council Member Paul Hunt     Aye
Council Member Bryant Brown  Nay
Council Member Dustin Gettel Aye

The motion passed unanimously.

X. DISCUSSION ITEMS
   A. DISCUSSION ON HANDICAP RAMPS

Kane Loader discussed the handicap ramp information as follows:

ADA Law Regarding Curb Ramps
- Established in 1991 with various modifications over the years

Truncated Domes or curb ramp indicators
- Requires all new curb constructed after the effective date of the law to meet ADA accessibility standards.
• Requires all state and local governments to inventory and evaluate pre-1991 curb and sidewalk facilities for compliance
• Requires all state and local governments to have a transition plan to bring facilities into compliance
• DOJ and FHA provided guidelines for when facilities were required to be in compliance

**Alteration Projects (triggers replacement)**
Any alteration treatment to a road or street requires that all curb ramps and sidewalks are brought into ADA compliance

**Maintenance Projects (do not trigger replacement)**
Maintenance treatments that serve solely to seal and protect the road surface, improve friction and control splash and spray.

**Compliance with the ADA Law**
- **What pavement resurfacing treatment constitutes an alteration?**
  An alteration is work that is a *change that affects or could affect the usability of all or part of a building or facility*. To eliminate confusion, the DOJ and FHWA met to produce a clear delineation of what pavement treatments are considered maintenance and what treatments are alterations, so highway agencies can know if they are required to incorporate curb ramps into a project. The table below shows which pavement treatments are considered maintenance versus an alteration. Any work listed in the alteration column must address ADA compliance regardless of who is paying for the project.

**Joint DOJ/DOT (FHWA) Technical Assistance**

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**Joint Technical Assistance**
- Distinguishes alterations from maintenance based on the type of road treatment:

### MAINTENANCE
- Chip Seals
- Crack Filling and Sealing
- Diamond Grinding
- Dowel Bar Retrofit
- Fog Seals
- Joint Crack Seals
- Joint Repairs
- Pavement Patching
- Scrub Sealing
- Slurry Seals
- Spot High-Friction Treatments
- Surface Sealing

### ALTERATION
- Addition of New Layer of Asphalt
- Cape Seals
- Hot In-Place Recycling
- Microsurfacing / Thin-Lift Overlay
- Mill & Fill / Mill & Overlay
- New Construction
- Open-graded Surface Course
- Rehabilitation and Reconstruction

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**How is Midvale doing?**
- The City has followed the law explicitly since its inception
  All new projects have been required to meet standards
  All road and street alteration projects have required replacement and compliance with ADA standards
• Completed city-wide curb ramp inventory and assessment  
• Need written policy and transition plan for future  
• Need to develop complaint form for special needs situations  
• Future budget for special/critical needs replacement projects

**Current Status**

- Total curb ramps: 1,130
- ADA compliant: 758
- Not compliant: 372
- Scheduled for replacement 2018-19: 62
- Ramps remaining to be replaced: 310
- Est. cost (today’s $): $1.10 Million
- Replacement avg./year: 33/year
- Estimated full compliance: 8-10 years

**B. DISCUSS JORDAN BLUFFS MASTER DEVELOPMENT AGREEMENT**

Brian Berndt discussed the Jordan Bluffs Master Development Agreement:

**Jordan Bluffs**

**Master Development Agreement (MDA)**

- Jordan Bluffs Property is approximately 265 acres
- Updates previous Jordan Bluffs Project MDA dated December 1, 2004
- Introduces Concept Plan for Development Pods
- Updates Jordan Bluff (JB) Zoning – mixed uses with planned development
- Defines buildout, community center, concept plan, development timing
- Community Center-

Terms and specifications

- Up to 6 acres donated for a community recreation center that may include: ballfields, aquatic center, basketball court, work out facilities, meeting rooms and other similar community facilities
- Developer will pay $4 million towards construction of rec center
- Trails and Connections
Proceedings of City Council Meeting  
July 17, 2018

The Council discussed the recreation center with the pool location issues, and the Jordan Bluffs Development Agreement.

• Concept Plan

![Diagram of the recreation center](image)

- Plat and Road Dedication
- Data Center
- [http://www.cirrusds.com/](http://www.cirrusds.com/)

The Council agreed to move forward with the development agreement.

IX. **ADJOURN**

MOTION: Council Member Quinn Sperry MOVED to adjourn the meeting. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 10:47 p.m.

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

Approved this 14th day of August 2018.