

MINUTES OF COUNCIL STUDY MEETING – AUGUST 16, 2011

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, AUGUST 16, 2011, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks

STAFF PRESENT:

John Evans, Fire Chief
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Jim Welch, Finance Director
Nicole Cottle, CED Director
Kevin Astill, Parks and Recreation Director
Eric Bunderson, City Attorney
Anita Schwemmer, Acting Police Chief
Ed Domian, CED Department
Steve Pastorik, CED Department
Gregg Cudworth, Parks and Recreation Department
Aaron Crim, Administration
Russ Bailey, Public Works Department

1. **MOSQUITO ABATEMENT DISTRICTS UPDATE**

Acting City Manager, Paul Isaac, advised an update had been scheduled regarding the Mosquito Abatement Districts; however, the presenter was unable to attend the meeting. He indicated the City Recorder, Sheri McKendrick, would reschedule this item.

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2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED AUGUST 16, 2011:

Acting City Manager, Paul Isaac, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled August 16, 2011, at 6:30 P.M. He discussed the new item and others, as follows:

Item No. 6.A. – EMPLOYEES OF THE MONTH, AUGUST 2011 – STEVE DALE AND WALT WEIDNER, PUBLIC WORKS DEPARTMENT

Acting City Manager, Paul Isaac, stated Steve Dale and Walt Weidner, Public Works Department, had been scheduled to receive the Employees of the Month Award for August 2011; however, one of the recipients could not attend the meeting so this item would be rescheduled for the following week.

Item No. 6.B. – PRESENTATION OF ESSENTIAL PIECE AWARD TO MEMBERS OF THE WESTFEST COMMITTEE 2011

Acting City Manager, Paul Isaac, stated at the request of the City Council a special recognition and presentation of the Essential Piece Award had been scheduled for the Regular Meeting in order to recognize members of the 2011 WestFest Committee. He indicated the Mayor would present the awards to committee members in attendance at the meeting.

Redevelopment Agency Special Regular Meeting - RESOLUTION NO. 11-35, AWARD A CONTRACT TO WADMAN CORPORATION FOR THE PROMENADE/PLAZA SITE IMPROVEMENTS PROJECT

Acting City Manager, Paul Isaac, stated there was one item scheduled on the agenda for the Special Regular Meeting of the Redevelopment Agency. He reviewed proposed Resolution No. 11-35 which would award a contract to Wadman Corporation, in the amount of \$4,529,902.26, for the Promenade/Plaza Site Improvements Project.

Mr. Isaac stated bids had been solicited and four bids received, as follows:

	<u>Promenade</u>	<u>Plaza</u>	<u>Total</u>
Allstate Construction Inc.	\$3,421,416.00	\$1,488,818.00	\$4,910,234.00
Interwest Construction	\$3,195,146.00	\$1,452,770.00	\$4,647,916.00
Valley Crest L.D.	\$3,481,900.22	\$2,016,088.96	\$5,498,079.12
Wadman Corporation	\$2,979,646.06	\$1,550,256.20	\$4,529,902.26

The Acting City Manager advised the engineer's estimate was \$3,002,149.00 for the Promenade and \$1,268,492.50 for the Plaza for a total of \$4,270,641.50. He advised bidders had all been pre-qualified from a pool of potential contractors and only those meeting or exceeding the contractor criteria had been approved to bid.

Mr. Isaac reported the Promenade project had been under development over the past year and was the focal point of the new City Center revitalization project of Fairbourne

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Station. He stated the work contained in the contract would construct a new plaza icon element that could be seen from surrounding roadways and from I-215. The Promenade open space would provide outdoor recreational opportunities along with several water features for residents living in the new multi-story condos to be constructed along Lehman Avenue. He advised that employees of businesses in the area would also find enjoyment in the Promenade and Plaza.

The Acting City Manager stated GSBS Architects were the architects for the Promenade and Stanley Consultants were the architects for the Plaza. He stated City staff had taken design and contract information from the architects and placed it in a unit price format for bidding purposes.

Acting City Manager, Paul Isaac, informed that in response to City Council inquiry, the Parks and Recreation Director, Kevin Astill, had been directed to prepare a presentation and discuss renderings of the project. Mr. Astill then made a presentation and there was discussion regarding placement of the wind art throughout the City Center area and, in particular, relocating existing trees with planter boxes and artwork tiles.

Councilmember Burt inquired regarding the proposed bell tower and CED Director, Nicole Cottle, advised it would also be a clock and located near TRAX stop on the site plan.

Upon inquiry by the Acting City Manager there were no further questions regarding items scheduled on the referenced Agendas.

3. **PUBLIC HEARINGS SCHEDULED AUGUST 23, 2011:**

A. **ACCEPT PUBLIC INPUT REGARDING DECLARING A PARCEL OF CITY-OWNED LAND LOCATED AT 5975 WEST DOUBLE EAGLE DRIVE AS SURPLUS PROPERTY AND AUTHORIZING ITS SALE**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 23, 2011, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding declaring a parcel of City-owned land located at 5975 West Double Eagle Drive as surplus property and authorizing its sale. He discussed proposed Resolution No. 11-124 to be considered by the City Council subsequent to the public hearing, as follows:

RESOLUTION NO. 11-124, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 5975 WEST DOUBLE EAGLE CIRCLE TO BE SURPLUS AND APPROVING A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO THE UTAH DEPARTMENT OF TRANSPORTATION

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 11-124 which would declare a parcel of property located at approximately 5975 West

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Double Eagle Circle to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation.

Mr. Isaac stated the Utah Department of Transportation (UDOT) desired to purchase 2.101 acres of property owned by the City for the Mountain View Corridor project. He indicated the subject parcel was one of the properties required by UDOT to construct the Mountain View Corridor and they had offered \$366,100.00 based on fair market value of the property.

Acting City Manager, Paul Isaac, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will hold a public hearing and consider proposed Resolution No. 11-124 at the Regular Council Meeting scheduled August 23, 2011, at 6:30 P.M.

B. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-2-2011, FILED BY WEST VALLEY CITY, REQUESTING AN ORDINANCE TEXT CHANGE TO CHAPTER 7-2-125 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REDUCE THE SETBACK REQUIRED TO THE SIDE AND REAR YARD PROPERTY LINES AND ELIMINATE THE SETBACK REQUIRED TO DWELLING UNITS ON AN ADJACENT PROPERTY FOR SWIMMING POOLS

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 23, 2011, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-2-2011, filed by West Valley City, requesting an ordinance text change to Chapter 7-2-125 of the West Valley City Municipal Code to reduce the setback required to the side and rear yard property lines and eliminate the setback required to dwelling units on an adjacent property for swimming pools. He discussed proposed Ordinance No. 11-18 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 11-18, AMENDING SECTION 7-1-125 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REDUCE THE SIDE AND REAR YARD SETBACK REQUIREMENTS FOR SWIMMING POOLS

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 11-18 which would amend Section 7-1-125 of the West Valley City Municipal Code to reduce the side and rear yard setback requirements for swimming pools.

Mr. Isaac stated the proposed amendment would make a text change to Chapter 7-2-125 dealing with swimming pools. He also stated the proposal would reduce the setback required to the side and rear yard property lines and eliminate the setback required to dwelling units on an adjacent property. He advised the swimming pool

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standards had been adopted, along with other miscellaneous changes to the Zoning Ordinance, in 1988. He indicated documentation for the changes to the Zoning Ordinance did not include any concerns or discussions for the swimming pool section.

The Acting City Manager reported City staff conducted research on other local community standards for swimming pools and found some used a setback of five feet to property lines as proposed, others had no swimming pool standards and some had setbacks of eight feet to 10 feet. He stated none of the communities surveyed had a requirement for 30 feet to any dwelling on an adjoining lot.

Mr. Isaac also reported while no clear reasons for the swimming pool setbacks had been stated in the original ordinance adoption, the thought could have been the setbacks were used as a way to reduce noise impacts on neighbors. He stated however, even with the current setbacks, noise would still be an issue.

Acting City Manager, Paul Isaac, further reviewed and discussed the Application and proposed Ordinance and answered questions from members of the City Council.

Mr. Isaac noted this item had previously been scheduled for consideration and action on the August 16, 2011, Regular Meeting agenda; however, due to a procedural error it had been noticed for a public hearing and rescheduled.

Upon discussion, Councilmember Burt requested clarification regarding the definition of a swimming pool and fencing requirements. After further discussion, the City Council suggested to amend and clarify language regarding the size and depth of pools and fence requirements.

Acting City Manager, Paul Isaac, responded that answers to inquiries made by the Council and/or a new draft of the proposed ordinance would be provided to the City Council prior to the scheduled meeting. At the Acting City Manager's direction, Steve Pastorik, CED Department, addressed this issue. He indicated staff desired to bring back a separate ordinance clarifying definitions.

The City Council will hold a public hearing regarding Application No. ZT-2-2011 and consider proposed Ordinance No. 11-18 at the Regular Council Meeting scheduled August 23, 2011, at 6:30 P.M.

4. **BUILDING CODE ENFORCEMENT PROGRAM DISCUSSION**

Acting City Manager, Paul Isaac, directed City staff to provide information and lead a discussion regarding the Building Code Enforcement Program. Using PowerPoint, CED Department staff provided information summarized as follows:

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Steve Pastorik, Planning Director/Assistant CED Director:

- Zoning map with setback history
- Setbacks set tone and character for neighborhoods
- Purpose of setbacks
- Photographs with examples of issues regarding setbacks and “add on” carports

Ed Domian, Chief Building Official:

- Total number of homes in West Valley City and number with violations
- Common excuses
- What makes a carport illegal and/or dangerous
- Fire separation distance
- Slide show with photos of illegal carports
- Discussion of process – surveys of neighborhoods, courtesy notices, discussion of options, notice of violation with deadline to come into compliance

During the above presentation of information and discussion, Mr. Pastorik and Mr. Domian answered questions from members of the City Council.

5. **COUNCIL UPDATE**

Acting City Manager, Paul Isaac, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: August 19-20: American Cancer Society Relay for Life, Centennial Park; August 20, 2011: Los Tigres Del Norte, Maverik Center, 7:00 P.M.; August 22, 2011: Death Cab for Cutie, Maverik Center, 7:30 P.M.; August 22, 2011: WorldStage! Concert Series – Islands in the Desert, UCCC, 8:00 P.M.; August 23, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 24, 2011: Meet the Candidates Night for Primary Election, UCCC, 7:00 P.M.; August 26, 2011: Living Proof Live with Beth Moore, Maverik Center, 7:00 P.M. and 9:30 P.M.; August 27, 2011: Living Proof Live with Beth Moore, Maverik Center, 8:30 A.M. and 12:00 P.M.; August 27, 2011: ChamberWest Night Out at Rocky Mountain Raceways; August 29, 2011: WorldStage! Concert Series – Partners Program Showcase, UCCC, 8:00 P.M.; August 30 – September 9, 2011: Early Voting for Municipal Primary Election, City Hall; September 5, 2011: Labor Day Holiday – City Hall closed; September 7, 2011: Selena Gomez, Maverik Center, 7:00 P.M.; September 13, 2011: Municipal Primary Election; September 14-16, 2011: ULCT Annual Conference; September 15, 2011: National Association of Letter Carriers, Golden Corral, 3399 West 3500 South, 4:30 P.M. – 6:00 P.M.; September 19, 2011: Lake Park Golf Social, Stonebridge Golf Course, 8:00 A.M.; September 20, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 20, 2011: Canvass of Municipal Primary Election during Regular Council Meeting; September 27, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 28, 2011: Furthur, Maverik Center, 7:00 P.M.; October 4, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 11, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 11, 2011: Foo Fighters,

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Maverik Center, 7:00 P.M.; October 12, 2011: Meet the Candidates Night for Municipal General Election, UCCC, 7:00 P.M.; October 18, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 25 – November 4, 2011: Early Voting for Municipal General Election, City Hall; October 25, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 26, 2011: So You Think You Can Dance, Maverik Center, 7:00 P.M.; November 1, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 2, 2011: Celtic Thunder, Maverik Center, 7:30 P.M.; November 4, 2011: Judas Priest, Maverik Center, 6:30 P.M.; November 8, 2011: Municipal General Election; November 8, 2011: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; November 9-12, 2011: National League of Cities Conference, Phoenix, Arizona; November 15, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 22, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 22, 2011: Canvass of Municipal General Election during Regular Council Meeting; and November 24, 2011: Thanksgiving Holiday – City Hall closed.

6. **RUSHTON FAMILY GRANARY**

Acting City Manager, Paul Isaac, read aloud a written response received from the Utah Historical Society regarding the granary that the Rushton family desired to donate to West Valley City.

Upon discussion, Mayor Winder stated the question was still if the granary had historical value to the City even if it did not qualify to be listed on the Historic Register. Acting City Manager, Paul Isaac, stated direction was needed from the City Council on how to proceed. Councilmember Rushton advised the granary had been built with the first lumber pulled out of Bingham Canyon and even though the architecture might not be significant, it was used by one of six founding members of this area. Mayor Winder indicated even if the granary was not of value enough to be listed on the National Historic Register, it did have value in the City's history and the Council should determine if it should be moved to another location.

Acting City Manager, Paul Isaac, advised information regarding the granary had been transmitted to an architect who would provide an analysis on what it would take to move it to another location within the City. Councilmember Burt suggested it would be worthwhile to obtain an estimate of costs for relocation and restoration. Mr. Isaac advised the matter would be pursued and additional information brought back to the Council for further consideration.

7. **COUNCIL REPORTS:**

A. **COUNCILMEMBER CAROLYNN BURT – NEWSPAPER ARTICLE REGARDING PROPERTY TAX INCREASE**

Councilmember Burt informed that Councilmember Buhler had written a good article giving reasons why he voted for the property tax increase the previous week.

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Mayor Winder advised that Paul Rolly also had written an op-ed article about Councilmember Brooks' "exchange" with Howard Stephenson. It was also noted that Mayor Winder had written an op-ed piece about the importance of the new West Valley TRAX line.

B. COUNCILMEMBER STEVE BUHLER – RIDE-A-LONG WITH FIRE DEPARTMENT, UTAH DEPARTMENT OF COMMERCE MEETING REGARDING CHAMBERWEST PROPOSAL AND BUDGET SHORTFALLS IN OTHER JURISDICTIONS

Councilmember Buhler reported regarding a recent ride-a-long with the Fire Department the previous week. He expressed appreciation of the work being done by employees of that department.

Councilmember Buhler reported regarding a recent meeting with the Utah Department of Commerce regarding ChamberWest's proposal to expand to the east side of the Salt Lake Valley to increase contacts. Mayor Winder discussed a recent meeting with Alan Anderson, Chief Executive Officer of ChamberWest, and Mayor Wall of Taylorsville, regarding proposed changes and suggestions for the future. Councilmember Buhler discussed advantages of expansion such as local identity, dual membership for one fee, and broader coverage.

Councilmember Buhler stated an article in today's newspaper mentioned Salt Lake County and other communities had budget shortfalls and were considering tax increases. He suggested a truth in taxation hearing held by the City every year, not just to capture the judgment levy; but also to consider either small increases or decreases in the property tax rate. Councilmember Burt reminded that was what citizens had asked the Council to do in previous years.

C. COUNCILMEMBER DON CHRISTENSEN – CHAMBERWEST GOVERNMENT AFFAIRS COMMITTEE, ULCT LEGISLATIVE POLICY COMMITTEE AND AMERICAN CANCER SOCIETY RELAY FOR LIFE

Councilmember Christensen reported regarding a recent meeting with the ChamberWest Government Affairs Committee and comments regarding the City's tax increase from one person in attendance at that meeting.

Councilmember Christensen reported regarding the Utah League of Cities & Towns (ULCT) Legislative Policy Committee meeting and the issues discussed.

Councilmember Christensen reminded regarding the American Cancer Society Relay for Life event scheduled Friday night at the Fitness Center at Centennial Park.

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D. COUNCILMEMBER COREY RUSHTON – UTA PLANNING AND DEVELOPMENT COMMITTEE MEETING, “FREE RIDE ZONE,” AND MEETING WITH SENATOR FROM RHODE ISLAND

Councilmember Rushton stated he attended the Utah Transit Authority (UTA) Planning and Development Committee meeting the previous week. He indicated UTA was considering becoming a member of the Jordan River Commission. Councilmember Rushton stated the Committee also had a strategic plan goal-setting meeting at that time.

Councilmember Rushton inquired regarding the status of a “free ride zone” from City Hall to the Maverik Center. Mayor Winder informed UTA was not establishing any more free fare zones, but rather looking into agreements with municipalities, hotels, restaurants, etc. CED Director, Nicole Cottle, advised staff was conducting regular meetings with UTA representatives with on-going conversations regarding this issue. Councilmember Rushton stated he saw this as a priority and explained reasons.

Councilmember Rushton reported he recently met with a Senator from Rhode Island and mentioned issues discussed.

E. MAYOR MIKE WINDER – UTAH HISPANIC CHAMBER MEETING, CULTURAL RELIC GARDEN PROPOSAL, SISTER CITY RECOMMENDATION FOR FRIENDSHIP CITY, GRANGER-HUNTER IMPROVEMENT DISTRICT RETREAT, NAVY BAND PERFORMANCE AT UCCC AND PROCLAMATION REQUESTS

Mayor Winder reported he had recently been invited to a Utah Hispanic Chamber meeting at which the Secretary of Labor spoke. He indicated e-verify and other issues had been discussed and the Secretary stated her opinion that immigration issues should be overseen at the Federal level.

Councilmember Burt stated a good article had appeared in the recent National League of Cities (NLC) newsletter regarding immigration.

Mayor Winder discussed a proposal for a cultural relic garden at the Utah Cultural Celebration Center (UCCC) facility. He also discussed a possible sister city relationship with a city in the state of Chiapas, Mexico. He stated West Valley City already had a sister city in Mexico, so there had been a recommendation from the Sister City Committee and CAB for a “friendship city” due to limited funding and other resources.

Mayor Winder advised Granger-Hunter Improvement District had held their retreat the previous week at which time water rates were discussed. He noted

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cities with their own water utility did not raise property taxes, but raised water and utility rates instead.

Mayor Winder reported the U.S. Navy Band would perform at the UCCC in September 2011, and he informed a proclamation had been prepared and signed in recognition of that event.

Mayor Winder discussed other requests for proclamations submitted by citizens or groups. After discussion, the Council concurred not to schedule the proclamations discussed as agenda items.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, AUGUST 16, 2011, WAS ADJOURNED AT 6:22 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, August 16, 2011.

Sheri McKendrick, MMC
City Recorder