

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 20, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 20, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Russ Brooks
Steve Buhler
Don Christensen
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt
Mike Winder

STAFF PRESENT:

Eric Bunderson, City Attorney
Layne Morris, CPD Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Jim Welch, Finance Director
Steve Pastorik, Acting CED Director
Jake Arslanian, Acting Public Works Director
Kevin Conde, Administration

15477 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mayor Pro Tem Rushton who noted that Mayor Winder had arranged for the opening ceremony. He read a biography and introduced Rajan Zed, Hindu leader, who recited from Rig-Veda, the oldest scripture of the world still in common use, along with lines from Upanishads and Bhagavad-Gita (Song of the Lord), both ancient Hindu scriptures.

15478 **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 6, 2011**

The Council read and considered Minutes of the Regular Meeting held September 6, 2011. There were no changes, corrections or deletions.

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After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held September 6, 2011, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

15479

COMMENT PERIOD

Upon inquiry by Mayor Pro Tem Rushton, the following individual addressed the City Council during the comment period:

Ralph Astorga addressed the City Council and expressed the need to take more pride in our city. He stated the overflow parking lot at the Maverik Center was overgrown with weeds and was a disgrace to the City as the owner. Mr. Astorga stated we should take care of our property. He discussed another issue on 2700 West stating a fence was in disrepair and had been that way for over a month. He indicated whether it was the responsibility of the City or the property owner, it needed to be fixed. He requested the City Council address these two issues.

15480

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2011, FILED BY LELAND POWELL, REQUESTING AN AMENDMENT TO THE WEST VALLEY CITY GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL AND A ZONE CHANGE FROM ‘A’ (AGRICULTURE) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5628 W. PARKWAY BOULEVARD

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2011, filed by Leland Powell, requesting an amendment to the West Valley City General Plan from Medium Density Residential to Neighborhood Commercial and a zone change from ‘A’ (Agriculture) to ‘C-1’ (Neighborhood Commercial) zone for property located at approximately 5628 W. Parkway Boulevard. He discussed proposed Ordinance Nos. 11-22 and 11-23 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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Acting City Manager, Paul Isaac, presented proposed Ordinance No. 11-22 which would amend the General Plan to show a change of land use from Medium Density Residential to Neighborhood Commercial; and proposed Ordinance No. 11-23 which would amend the Zoning Map to show a change of zone from zone 'A' (Agriculture) to 'C-1' (Neighborhood Commercial) zone for property located at approximately 5628 W. Parkway Boulevard.

Mr. Isaac stated the application was for a one-acre parcel of property that was currently zoned 'A' with a General Plan designation of Medium Density Residential (seven to 12 units/acre). He explained the application proposed a zone change to 'C-2' (General Commercial) and a General Plan change designation to General Commercial. He indicated, however, the Planning Commission and applicant determined during the public hearing that the 'C-1' zone and General Plan designation of Neighborhood Commercial would be more appropriate.

The Acting City Manager reported surrounding zones included 'RM' (Residential, Multi-Family) to the north and south, 'C-2' to the east, and 'A' to the west. He stated surrounding land uses included townhomes to the south, vacant land planned for townhomes to the north, vacant commercial pads to the east and a single-family home on a two-acre lot to the west. He further advised the subject property was vacant.

Mr. Isaac indicated if the application was approved, the applicant planned to develop the property into a dental office. He indicated a copy of the dental office concept plan had been provided to members of the Council, including a letter from the applicant outlining reasons for the proposed change.

The Acting City Manager reported that in 2007, an application had been submitted to change the zoning on the subject property along with the two parcels to the west (four acres total) from 'A' to 'RM.' He stated the Planning Commission recommended approval; however, prior to the application going before the City Council, the application had been withdrawn. While a medium density residential development, typically townhomes, was possible on a one acre lot, it was not ideal in that there was little room for amenities and relatively few owners to contribute to common area maintenance costs.

Acting City Manager, Paul Isaac, advised a dental office would be an appropriate use at the subject location and discussed reasons summarized as follows:

1. Commercial pads existed directly east of the subject property
2. The use was a fairly low impact use adjacent to residential
3. A partial interchange for the Mountain View Corridor would be built on Parkway Boulevard approximately 400 feet to the west

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4. A one acre parcel by itself was relatively small for medium density residential
5. The planned townhome development to the north included back yards adjoining the subject property; in other words there were no connections between the subject property and the property to the north

Mayor Pro Tem Rushton opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Pro Tem Rushton closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 11-22, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT APPROXIMATELY 5628 W. PARKWAY BOULEVARD

The City Council previously held a public hearing regarding Application No. GPZ-1-2011 and proposed Ordinance No. 11-22 which would amend the General Plan to show a change of land use from Medium Density Residential to Neighborhood Commercial for property located at approximately 5628 W. Parkway Boulevard.

After discussion, Councilmember Vincent moved to approve Ordinance No. 11-22, an Ordinance Amending the General Plan to Show a Change of Land Use from Medium Density Residential Land Uses to Neighborhood Commercial Land Uses for Property Located at Approximately 5628 W. Parkway Boulevard. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

ACTION: CONSIDER ORDINANCE NO. 11-23, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5628 W. PARKWAY BOULEVARD FROM ZONE ‘A’ (AGRICULTURE) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE

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The City Council previously held a public hearing regarding Application No. GPZ-1-2011, filed by Leland Powell, and proposed Ordinance No. 11-23 which would amend the Zoning Map to show a change of zone for property located at approximately 5628 W. Parkway Boulevard from zone ‘A’ (Agriculture) to ‘C-1’ (Neighborhood Commercial) zone.

After discussion, Councilmember Christensen moved to approve Ordinance No. 11-23, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 5628 W. Parkway Boulevard from Zone ‘A’ (Agriculture) to ‘C-1’ (Neighborhood Commercial) Zone. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

Mayor Pro Tem Rushton recessed the Regular Meeting at 6:44 P.M. and then reconvened the Meeting at 6:45 P.M.

15481 **RESOLUTION NO. 11-142, ACCEPT SPECIAL WARRANTY DEED FROM THE MUNICIPAL BUILDING AUTHORITY FOR PROPERTY LOCATED AT APPROXIMATELY 5055 SOUTH WESTRIDGE BOULEVARD**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-142 which would accept a Special Warranty Deed from the West Valley City Municipal Building Authority for property located at approximately 5055 South Westridge Boulevard.

Mr. Isaac stated 21.3 acres of land at the above described location was owned by the Building Authority and recommended to be conveyed to the City by Special Warranty Deed. He explained once the City accepted the Deed it would sell the land to the Utah Department of Transportation (UDOT) for construction of the Mountain View Corridor.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-142, a Resolution Authorizing the City to Accept a Special Warranty Deed from the Municipal Building Authority for Property Located at Approximately 5055 South Westridge Boulevard. Councilmember Christensen seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

15482

RESOLUTION NO. 11-143, APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY AND PRISTINE ALPINE ENTERTAINMENT GRANTING A PARKING EASEMENT OVER PROPERTY ACQUIRED BY THE CITY AS A RESULT OF THE MOUNTAIN VIEW CORRIDOR PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-143 which would approve an Agreement between West Valley City and Pristine Alpine Entertainment granting a parking easement over property acquired by the City as a result of the Mountain View Corridor Project.

Mr. Isaac stated the subject easement agreement would take the place of a previous easement agreement executed in 2002. He also stated the easement would give Pristine Alpine Entertainment, the company that operated USANA Amphitheater, easements for parking over land the City had acquired as a result of the Utah Department of Transportation (UDOT) Mountain View Corridor Project.

The Acting City Manager reported the City and Pristine Alpine Entertainment (PAE) entered into an agreement on October 3, 2002, setting forth the conditions for a parking easement on the City-owned land surrounding the USANA Amphitheater. He stated the Mountain View Corridor Project would directly affect that easement. He indicated the City, PAE, and UDOT had negotiated the trade of several parcels of land to allow the City to continue to honor its agreement with Pristine. He explained the new easement agreement was similar to the original agreement in terms, and set forth the new legal boundaries for the easement. He advised the proposed agreement would be fully executed at a closing on the same day UDOT and PAE executed their agreement and at the same time UDOT swapped the property with the City.

Acting City Manager, Paul Isaac, requested the Council entertain a motion to continue this matter to the Regular Council Meeting scheduled September 27, 2011, as the subject agreement had not been finalized.

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After discussion, Councilmember Buhler moved to continue proposed Resolution No. 11-143 to the Regular Council Meeting scheduled September 27, 2011, to allow time for finalization of the proposed agreement. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

15483

CONVENE AS BOARD OF CONVASSERS FOR THE 2011 MUNICIPAL PRIMARY ELECTION HELD SEPTEMBER 13, 2011

Acting City Manager, Paul Isaac stated the City Council was the legislative body for West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code Section 20A-4-301(2). He also stated the Code required the Board of Municipal Canvassers to meet and canvass the returns of the Municipal Primary Election no sooner than seven days and no later than 14 days after the election.

The City Council convened as the Board of Canvassers and with the City Recorder, Sheri McKendrick, reviewed results of the Primary Election held September 13, 2011, as shown on the Canvass Report.

ACTION: CONSIDER RESOLUTION NO. 11-138, ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION HELD SEPTEMBER 13, 2011, AS SHOWN ON THE CANVASS REPORT

After discussion, Councilmember Buhler moved to approve Resolution No. 11-138, a Resolution Accepting and Approving the Results of the Municipal Primary Election held September 13, 2011, as Shown on the Canvass Report. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 20, 2011, WAS ADJOURNED AT 6:48 P.M., BY MAYOR PRO TEM RUSHTON.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 20, 2011.

Sheri McKendrick, MMC
City Recorder