

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 14, 2012, 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 BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Jason Ereksen, Acting Parks and Recreation Director
Steve Pastorik, CED Department
Anita Schwemmer, Police Department
Mike Powell, Police Department
Jeanette Carpenter, Finance Department
Jake Arslanian, Public Works Department

15844 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who discussed a recent shooting tragedy at the Sikh Temple in Wisconsin. He recognized members of the Sikh Temple of Utah in attendance at the meeting and upon invitation one of the members offered an invocation.

15845 **SCOUTS**

Mayor Winder recognized and welcomed Scout Troop No. 561 in attendance to complete requirements for the Star merit badge.

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-2-

15846

APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 10, 2012

The Council read and considered Minutes of the Regular Meeting held July 10, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held July 10, 2012, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15847

APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 17, 2012

The Council read and considered Minutes of the Regular Meeting held July 17, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held July 17, 2012, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-3-

15848

COMMENT PERIOD

Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

Elaine Jones addressed the City Council. Ms. Jones stated part of her comments had been drafted after she attended last year's budget hearing. She also stated citizens had the feeling that being involved was not worth their time if elected officials did whatever they wanted and not what the citizens' desired. Ms. Jones discussed items important to her as part of the budget including public safety functions. She indicated city employees' health insurance costs should come from the budget and not the employees' pockets. She stated West Valley City was a community where people lived and they did not expect to use hotels and other facilities built by the city.

Louis Severin addressed the City Council. Mr. Severin inquired what could be done by the city to stop theft of copper from street lights that had been paid for by taxpayers. He also stated thieves were going into neighborhoods. Mr. Severin suggested burying copper wires if other methods did not deter thieves. He inquired regarding homeowner associations and asked about City responsibility to make sure a developer followed through with terms of a development agreement. City Manager, Wayne Pyle, responded regarding Mr. Severin's questions.

Fynbo (no first name given) addressed the City Council and discussed the Fairbourne Station. He expressed willingness to bet the Council had not walked through there. He stated it was a pretty nice place, but the main problem was it was good for children but had no shade for adults. Fynbo stated he thought there would be entertainment on the stage and questioned the design of the shade structure, as it gave no protection to performers or the audience. He also expressed displeasure with small shelters at the TRAX station adjacent to City Hall.

Upon inquiry by Mayor Winder there was no one else who desired to address the City Council during the comment period.

15849

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE FY 2012-2013 TENTATIVE BUDGET

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the FY 2012-2013 Tentative Budget. He discussed proposed Resolution No. 12-116 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 12-116 which would adopt a Final Budget, make appropriations for the support of West Valley

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-4-

City for the fiscal year beginning July 1, 2012, and ending June 30, 2013, and determine the rate of tax and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2012.

Mr. Pyle explained specific budget line items in expenditures and revenues, including elimination of certain positions.

Upon direction, Finance Director, Jim Welch, used PowerPoint and presented an overview and summary of the budget for benefit of the City Council and citizens in attendance, summarized as follows:

- Budget reflected City Council objectives and strategic plan
- Blueprint for governmental operations matching available resources to essential City services
- Promotes efficiency in government
- Public disclosure
- Required State law
- Prepared to Government Finance Officers Association (GFOA) standards
- Budget calendar and significant dates
- Expenditure projections
- Adopted Budget comparison in the General Fund for FY 2011-2012 and FY 2012-2013
- Revenue sources
- Expenditures

Finance Director, Jim Welch, answered questions from members of the City Council.

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

ACTION: CONSIDER RESOLUTION NO. 12-116, ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013; AND DETERMINING THE RATE OF TAX AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN WEST VALLEY CITY, UTAH, TAXABLE BY LAW FOR THE YEAR 2012

The City Council previously held a public hearing regarding the FY 2012-2013 Tentative Budget and proposed Resolution No. 12-116 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2012, and ending June 30, 2013; and determine the rate of

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-5-

tax and levying taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2012.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-116, a Resolution Adopting a Final Budget; Making Appropriations for the Support of West Valley City for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2013; and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within West Valley City, Utah, Taxable by Law for the Year 2012. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15850

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-3-2012, FILED BY RUSSELL PLATT, REQUESTING A ZONE CHANGE FROM ZONE ‘C-2’ (GENERAL COMMERCIAL), ‘C-3’ (TRANSITIONAL COMMERCIAL), ‘M’ (MANUFACTURING), AND ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘RM’ (RESIDENTIAL MULTI-FAMILY) FOR PROPERTY LOCATED AT 1559 WEST AND 1605 WEST 3860 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-3-2012, filed by Russell Platt, requesting a zone change from zone ‘C-2’ (General Commercial), ‘C-3’ (Transitional Commercial), ‘M’ (Manufacturing), and ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) to ‘RM’ (Residential Multi-Family), for property located at 1559 West and 1605 West 3860 South. He discussed proposed Ordinance No. 12-32 and proposed Resolution No. 12-117 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-32 which would amend the Zoning Map to show a change of zone for property located at 1559 West and 1605 West 3860 South from zone ‘C-2’ (General Commercial), ‘C-3’ (Transitional Commercial), ‘M’ (Manufacturing), and ‘R-1-8’ (Single-

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-6-

Family Residential, Minimum Lot Size 8,000 sq. ft.) to zone 'RM' (Residential Multi-Family).

Mr. Pyle stated the subject three parcels totaled 6.5 acres. He advised the surrounding zones included 'R-1-8' and 'C-2' to the south; 'C-2' to the west; 'R-1-8' to the east, and 'C-2,' 'M' and 'RM' to the north. He further advised surrounding uses included Stock Components (a truss manufacturer) and the Gates at Kingspointe condominium/townhome development to the north; single-family homes to the east; church, senior apartments and car sales businesses to the south and two other car sales businesses to the west. He indicated the applicant had also submitted a conditional use permit to develop a commercial building on the west 0.73 acres of the western subject parcel.

The City Manager reported most of the subject property was designated as mixed use in the General Plan. He indicated at this location mixed use was defined as commercial and medium density residential which anticipated seven to 11 units per acre. The eastern 125 feet of the eastern most parcel had been designated as low density residential (three to four units per acre) in the General Plan. He also stated the General Plan specified the need for a neighborhood park in the subject area, which typically ranged from 0.5 to 5 acres in size.

Mr. Pyle advised the applicant had submitted a concept plan showing four land uses: a new commercial building along Redwood Road, townhomes east of the commercial, an existing warehouse building constructed in 1978 on a separate one acre parcel and a City park. The proposed commercial building was located on property already zoned 'C-2' and the warehouse building was on property already zoned 'M' (both shown in the concept plan for context). He clarified the proposed re-zone application dealt with the proposed townhome areas and the proposed City park property.

The City Manager stated for the townhomes there were 78 units proposed with a combination of two story/three bedroom units and three story/four bedroom units. He also stated the proposed three bedroom units were 1,400 square feet and the four bedroom units were 1,750 square feet.

City Manager, Wayne Pyle, explained the proposed City park shown on the east end of the subject property had been included at the request of City staff. He advised the proposed park location was supported by the Parks and Recreation Department.

Mr. Pyle stated the owner of the subject property also owned the one acre parcel with the warehouse building. He indicated placing townhomes on two sides of the warehouse building was a bit awkward; however, City staff believed with

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-7-

appropriate setbacks, fencing and landscaping, the impact of the warehouse use on the residential could be minimized.

City Manager, Wayne Pyle, presented proposed Resolution No. 12-117 which would authorize the City to enter into a Development Agreement with David Truong for approximately 6.5 acres of property located at 1559 West and 1605 West 3860 South.

Mr. Pyle stated the applicant had submitted a request to change the zoning from ‘C-2,’ ‘C-3,’ ‘M’ and ‘R-1-8’ to ‘RM’ on the above referenced property. He advised the proposed use for the ‘RM’ property was a townhome development. He reported the Planning Commission had recommended approval of the zone change subject to a development agreement.

City Manager, Wayne Pyle, discussed the proposed agreement, summarized as follows:

- Standards for the proposed townhomes
- Requirements to minimize the impact of the existing warehouse building on the townhomes
- Requirements for graffiti and junk cleanup
- A park dedication requirement

Mr. Pyle reported the townhome standards addressed the maximum number of 78 units, building elevations, two-car garages, fencing and amenities. In addition, he stated the warehouse language addresses fencing, an exterior remodel requirement, landscaping and a warehouse use limitation.

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

ACTION: CONSIDER ORDINANCE NO. 12-32, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 1559 WEST AND 1605 WEST 3860 SOUTH FROM ZONE ‘C-2’ (GENERAL COMMERCIAL), ‘C-3’ (TRANSITIONAL COMMERCIAL), ‘M’ (MANUFACTURING), AND ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ZONE ‘RM’ (RESIDENTIAL MULTI-FAMILY)

The City Council previously held a public hearing regarding Application No. Z-3-2012, filed by Russell Platt, and proposed Ordinance No. 12-32 which would amend the Zoning Map to show a change of zone for property located at 1559 West and 1605 West 3860 South from zone ‘C-2’ (General Commercial), ‘C-3’ (Transitional Commercial), ‘M’ (Manufacturing), and ‘R-1-8’ (Single-Family

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-8-

Residential, Minimum Lot Size 8,000 sq. ft.) to zone ‘RM’ (Residential Multi-Family).

After discussion, Councilmember Christensen moved to approve Ordinance No. 12-32, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 1559 West and 1605 West 3860 South from Zone ‘C-2’ (General Commercial), ‘C-3’ (Transitional Commercial), ‘M’ (Manufacturing), and ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 Square Feet) to Zone ‘RM’ (Residential Multi-Family). Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

ACTION: CONSIDER RESOLUTION NO. 12-117, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH DAVID TRUONG FOR APPROXIMATELY 6.5 ACRES OF PROPERTY LOCATED AT 1559 WEST AND 1605 WEST 3860 SOUTH

The City Council previously held a public hearing regarding Application No. Z-3-2012, filed by Russell Platt, and subsequently approved Ordinance No. 12-32 amending the Zoning Map to zone ‘RM’ (Residential Multi-Family) for property located at 1559 West and 1605 West 3850 South. The proposed action also included a Development Agreement with David Truong for approximately 6.5 acres of property at the stated location.

After discussion, Councilmember Buhler moved to approve Resolution No. 12-117, a Resolution Authorizing the City to Enter Into a Development Agreement with David Truong for Approximately 6.5 Acres of Property Located at 1559 West and 1605 West 3860 South. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-9-

Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15851 **RESOLUTION NO. 12-118, APPROVE AN AGREEMENT WITH DLS CONSULTING, INC. TO PROVIDE PROFESSIONAL SERVICES DURING THE 2012-2013 FISCAL YEAR**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-118 which would approve an Agreement with DLS Consulting, Inc., in the amount of \$80,000.00, to provide professional services during the 2012-2013 fiscal year.

Mr. Pyle stated DLS would provide the City with professional services in interacting with other governmental agencies, including lobbying the Utah Legislature on issues important to West Valley City, which issues would be identified by the City Manager and DLS Consulting, Inc.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-118, a Resolution Authorizing the City to enter into an Agreement with DLS Consulting, Inc. to Provide Professional Services during the 2012-2013 Fiscal Year. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15852 **RESOLUTION NO. 12-119, APPROVE A CLAIM SERVICE RENEWAL AGREEMENT WITH PINNACLE RISK MANAGEMENT SERVICES, INC., FOR CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES FOR THE CITY'S WORKERS' COMPENSATION PROGRAM**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-119 which would approve a Claim Service Renewal Agreement with Pinnacle Risk Management Services, Inc., in the amount of \$45,840.00 plus on-going expenses,

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-10-

for claims adjusting and administrative services for the City's Workers' Compensation Program.

Mr. Pyle stated Pinnacle Risk Management Services, Inc. had provided workers' compensation related services to the City for several years. He further stated those services included all claims adjusting and claim related administrative services. He explained all City workers' compensation claims were made directly to Pinnacle, who then adjusted the claims, tracked the claims, made required payments to employees and medical care providers, and provided the City with various reports.

The City Manager reported because the City was self-insured for workers' compensation claims, all claims adjusting and administrative tracking of claims and payments must be done either "in house" or through a private contractor. He indicated it had been determined to be more cost effective to hire a private third party administrator to provide those services. He reported Pinnacle had provided excellent service to West Valley City for many years at a very competitive price and there would be no price increase from last year's agreement.

After discussion, Councilmember Lang moved to approve Resolution No. 12-119, a Resolution approving a Claim Service Renewal Agreement with Pinnacle Risk Management Services, Inc. for Claims Adjusting and Administrative Services for the City's Workers' Compensation Program. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 14, 2012, WAS ADJOURNED AT 7:10 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING –AUGUST 14, 2012

-11-

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, August 14, 2012.

Sheri McKendrick, MMC
City Recorder