

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 19, 2013, 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 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/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Anita Schwemmer, Acting Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Steve Pastorik, CED Department
Brent Garlick, CED Department
John Brubaker, Parks and Recreation Department

16075 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

16076 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2013**

The Council read and considered Minutes of the Regular Meeting held February 26, 2013. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-2-

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held February 26, 2013, as written. 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.

16077 **COMMENT PERIOD**

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

16078 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-7-2012, FILED BY MATTHEW WIRTHLIN, APPEALING THE PLANNING COMMISSION'S DENIAL OF A REQUEST FOR A CHANGE OF ZONE FROM 'C-1' (NEIGHBORHOOD COMMERCIAL) TO 'C-2' (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 5619 WEST AND 5635 WEST 3500 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-7-2012, filed by Matthew Wirthlin, appealing the Planning Commission's denial of a request for a change of zone from 'C-1' (Neighborhood Commercial) to 'C-2' (General Commercial) for property located at 5619 West and 5635 West 3500 South. He discussed proposed Ordinance No. 13-10 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. 13-10 which would amend the Zoning Map to show a change of zone for property located at 5619 West and 5635 West 3500 South from 'C-1' (Neighborhood Commercial) to zone 'C-2' (General Commercial).

Mr. Pyle stated the application requested a zone change on two parcels totaling 1.25 acres on the southwest corner of 5600 West 3500 South from 'C-1' (Neighborhood Commercial) to 'C-2' (General Commercial). He explained surrounding zones included 'C-2' to the north and east as well as the northeast

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-3-

corner of 5600 West 3500 South, 'C-1' to the south, and 'R-1-8' (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) to the west. He further stated surrounding uses included a shopping center to the north, McDonalds on the northeast corner, a convenience store to the east, a small shopping center to the south, and single-family homes to the west. The property fell within the Hunter Town Center Plan which designated these properties as part of the Town Center District. He indicated on the Town Center District, the Hunter Town Center Plan stated: "The plan encourages the greatest intensity of development at the intersection to help more people to easily ride high capacity transit. Office uses and high density residential should be emphasized since they generate the most ridership for transit. Retail is also welcome."

The City Manager indicated the applicant had submitted two letters (one for the original application and one for the appeal) supporting his application which had been distributed to the City Council. He stated the purpose of the re-zone would be to allow more tenant options for the west parcel. He further advised if the application received approval, the owner planned to submit a conditional use application for a pawn shop with no new development contemplated at this time.

Mr. Pyle reported as required by State law, City staff notified the Utah Department of Transportation (UDOT) of this application as these properties would eventually be impacted by the Mountain View Corridor project. He stated attached to the report was a letter from UDOT as well as a map showing the future right-of-way impacts to the subject parcels, copies of which had been distributed to the Council. He explained as indicated in the letter, "UDOT would prefer that the zoning not be changed." He stated this position could be due to the fact that changing the zoning from 'C-1' to 'C-2' could increase the value of the property and make it more expensive for UDOT to acquire. He indicated while UDOT's position was certainly understandable, City staff did not consider an increase in value as a valid land use reason to deny a re-zone.

He further reported that on January 23, 2013, the Planning Commission denied the subject Application given the proximity of residential uses, and decided the zoning should remain 'C-1' to minimize impacts on residences.

Mayor Winder opened the public hearing.

Gary White, property owner, addressed the City Council. Mr. White stated since Blockbuster had vacated the building no one had expressed an interest due to the 'C-1' zoning. He stated 'C-2' would work for the City and the property owner.

Matt Wirthlin, applicant, addressed the City Council and expressed appreciation for his great experience in working with City staff throughout the process. He stated the planning staff recognized existing violations that needed to be

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-4-

addressed and a re-zone would help facilitate that process. He indicated this would help fill the vacant storefront, as he had not been able to find tenants with the limited opportunity in the 'C-1' zone. He discussed the conditional use process that would be required in the 'C-2' zone and stated West Valley City would have control at the Planning Commission level. He requested the City Council consider giving approval to his application.

Steven Barker addressed the City Council and stated he resided two doors down from the subject property. He expressed concern about the types of businesses that might go in, such as the proposed pawn shop. He also discussed other corners that were 'C-1' and stated those did not have residential next to them. He advised that his father lived right next door and was concerned about impacts on the residents.

Bill Nelson addressed the City Council and informed he lived behind the subject property and the elevation of his home was higher so he had view of that location. He stated the Blockbuster building had been vacant for a long time and he would like to see someone occupy that building.

Councilmember Vincent inquired if the applicant was familiar with property owners to the south and if there was intent from them to ask for the same zone change.

Mr. Wirthlin addressed the City Council and stated because of proximity to the Mountain View Corridor the City might want to look at those properties but he had not had discussions with them.

Upon recognition, Steven Barker again addressed the City Council and inquired regarding the tenant that would be allowed on the property.

Upon request by Mayor Winder, a list of uses allowed in the 'C-2' zone and 'C-1' zone was read aloud by Steve Pastorik, CED Department. Mr. Pastorik answered additional questions from members of the City Council regarding uses that would require conditional use approval from the Planning Commission including the types of conditions that could be imposed.

Councilmember Lang inquired if a development agreement would be appropriate for the subject application if a zone change was approved. Mr. Pastorik advised this was an appeal of a denial by the Planning Commission, therefore, the City Council could make that determination.

Mr. Wirthlin, applicant, addressed the City Council and answered questions and reiterated his desire to fill a vacant storefront at the subject property location.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-5-

Assistant City Manager/CED Director, Nicole Cottle, discussed the zoning process and legal issues related to the conditional use process, including the possibility of requiring a development agreement as related to the application.

Ron Barker addressed the City Council and stated he lived adjacent to the subject property. He advised he had good neighbors there for many years. He discussed his understanding there was a pawn shop planned and expressed concern it would attract a criminal element.

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

Upon discussion, the City Council commented and expressed individual opinions and observations regarding the proposal.

ACTION: CONSIDER ORDINANCE NO. 13-10, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 5619 WEST AND 5635 WEST 3500 SOUTH FROM ‘C-1’ (NEIGHBORHOOD COMMERCIAL) TO ZONE ‘C-2’ (GENERAL COMMERCIAL)

The City Council previously held a public hearing regarding Application No. Z-7-2012, filed by Matthew Wirthlin, appealing the Planning Commission's denial of a request for a change of zone from ‘C-1’ (Neighborhood Commercial) to ‘C-2’ (General Commercial).

After discussion, Councilmember Rushton moved to overturn the Planning Commission's denial of Application No. Z-7-2012 and approve Ordinance No. 13-10, Amending the Zoning Map to Show a Change of Zone for Property Located at 5619 West and 5635 West 3500 South from ‘C-1’ (Neighborhood Commercial) to Zone ‘C-2’ (General Commercial). Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	No
Mayor Winder	Yes

Majority.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-6-

16079

ORDINANCE NO. 13-11, AMEND SECTION 1-2-107 OF THE WEST VALLEY CITY MUNICIPAL CODE TO UPDATE THE FEES FOR THE PARKS AND RECREATION DEPARTMENT

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-11 which would amend Section 1-2-107 of the West Valley City Municipal Code to update fees for the Parks and Recreation Department.

Mr. Pyle stated the proposed amendment to Section 1-2-107 of the West Valley City Municipal Code would amend various user fees and ensure all fees were listed correctly in the Fee Schedule. He advised the Fee Schedule had last been updated in 2003.

After discussion, Councilmember Christensen moved to approve Ordinance No. 13-11, an Ordinance Amending Section 1-2-107 of the West Valley Municipal Code to Update the Fees for the Parks and Recreation Department. 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.

16080

RESOLUTION NO. 13-32, APPROVE PURCHASE OF NEW MAINTENANCE EQUIPMENT FOR THE RIDGE GOLF CLUB AND STONEBRIDGE GOLF COURSE

City Manager, Wayne Pyle, presented proposed Resolution No. 13-32 which would approve purchase of new maintenance equipment for The Ridge Golf Club (formerly known as West Ridge Golf Course) and Stonebridge Golf Course in the amount total amount of \$604,900.04.

Mr. Pyle stated Turf Equipment and Irrigation had submitted the lowest responsible bid at \$571,076.08 for The Ridge Golf Club, and in addition, a mini-excavator on State Contract from Bonneville Equipment Company in the amount of \$33,823.96 had been proposed for purchase for Stonebridge Golf Course.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-7-

He reported stated competitive bids had been solicited through a public bidding process for 17 pieces of equipment for The Ridge Golf Club and three proposals had been received, as follows:

Turf Equipment & Irrigation: (Toro)	\$571,076.08
Greenline Equipment Company (John Deere)	\$501,434.51
Rocky Mountain Turf (Jacobsen)	No Bid

He reported in addition, a Mini-Excavator on State Contract from Bonneville Equipment Company was proposed for purchase at \$33,823.96 to be utilized at the Stonebridge Golf Course.

The City Manager explained Greenline Equipment had some good prices but ranked lower for reasons summarized as follows:

14-Blade Reel Greens Mowers:	Greenline bid 11-blade reels
8-Blade Reel Greens Mowers:	Reel to bed knife adjustment is less than Toro model
Fairway Mowers:	Use now, reels replaced because diameter too small; no savings in long run
Rough Mowers:	Width of cut is 88 inches; bid asked for 154 inches
Debris Blower:	Did not meet specifications; did not include remote controller

He stated Turf Equipment & Irrigation had submitted the lowest responsible bid. He also noted the Turf Equipment gave a package discount for 100% Toro purchase.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-32, a Resolution Approving the Purchase of New Maintenance Equipment for The Ridge Golf Club and Stonebridge Golf Course. 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

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-8-

Unanimous.

16081

RESOLUTION NO. 13-33, AWARD A CONTRACT TO STAPP CONSTRUCTION FOR THE 201 FRONTAGE ROAD AND COMMERCE CENTER DRIVE ROADWAY PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-33 which would award a contract to Stapp Construction, in an amount not to exceed \$1,823,231.50, for the 201 Frontage Road and Commerce Center Drive Roadway Project.

Mr. Pyle stated bids had been solicited and 11 proposals received, as follows:

Stapp Construction:	\$1,736,431.50
Goran Inc.:	\$1,750,168.20
Jordan Valley Construction:	\$1,772,660.34
Kilgore Contracting:	\$1,779,098.08
Lyndon Jones:	\$1,920,485.50
Staker Parsons:	\$1,938,840.00
Noland & Son:	\$1,951,272.00
Bowen Construction:	\$1,976,918.58
S & L Inc.:	\$1,989,098.58
Vancon:	\$2,001,500.05
Granite Construction:	\$2,181,750.12

He reported the project included installation of water, sewer, storm drain and other utility work normally encountered in road work. He indicated the project included roadway improvements on the south frontage road of SR-201, and construction of a new roadway called Commerce Center Drive connecting Links Drive to the south frontage road of SR-201. He stated the project was being paid for from State funds appropriated by the Utah State Legislature through Senate Bill 164 to pay for highway improvements to SR-201 Frontage Road at Bangerter Highway, and associated roads which would ease traffic flow onto Bangerter Highway between SR-201 and Lake Park Boulevard. He advised the contract would be let in the amount of \$1,736,431.50 and a "not to exceed" amount of \$1,823,231.50 through change orders on the project.

After discussion, Councilmember Lang moved to approve Resolution No. 13-33, a Resolution Awarding a Contract to Stapp Construction for the 201 Frontage Road and Commerce Center Drive Roadway Project.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-9-

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

Unanimous.

16082

RESOLUTION NO. 13-34, APPROVE AN AGREEMENT WITH 201CC LAND L.L.C. FOR PROPERTY AND UTILITY INSTALLATION, COMMERCE CENTER DRIVE

City Manager, Wayne Pyle, presented proposed Resolution No. 13-34 which would approve an Agreement with 201CC Land L.L.C. for property and utility installation to facilitate construction of Commerce Center Drive.

Mr. Pyle stated the proposal would approve an agreement under which 201CC Land, L.L.C. would convey property to the City in exchange for the City constructing street improvements and development utilities. He advised that the Utah State Legislature, through Senate Bill 164 in the 2012 Session, had appropriated \$2,000,000 to West Valley City to pay for highway improvements to SR-201 Frontage Road at Bangerter Highway, and associated roads to ease traffic flow onto Bangerter Highway between SR-201 and Lake Park Boulevard.

He further explained the City would construct a new roadway, Commerce Center Drive, through property owned by 201CC Land, L.L.C. and the proposed agreement would facilitate the right of way acquisition from the property owner. He stated the land needed for the roadway would be conveyed to the City in exchange for installation of utility improvements as part of the roadway construction contract.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-34, a Resolution Authorizing the City to enter into an Agreement with 201CC Land L.L.C. for Property and Utility Installation. 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

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-10-

Unanimous.

16083

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Rushton moved to adjourn and reconvene in an Executive Session for discussion of property acquisition and professional character and competency matters. 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 CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 19, 2013, WAS ADJOURNED AT 7:03 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-11-

THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, MARCH 19, 2013, AT 7:10 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:

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director (excused at 7:50 P.M.)
Brent Garlick, CED Department (excused at 7:50 P.M.)
Steve Pastorik, CED Department (excused at 7:50 P.M.)

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF MARCH 19, 2013, WAS ADJOURNED AT 8:30 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – MARCH 19, 2013

-12-

SWORN STATEMENT

As the Mayor, I presided at a closed meeting of the West Valley City Council on March 19, 2013. Pursuant to Section 52-4-7.5 Utah Code annotated, 1953 as amended, I hereby sign this sworn statement and affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual.

SWORN to this 19th day of March, 2013.

MAYOR

ATTEST:

City Recorder

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held Tuesday, March 19, 2013.

Sheri McKendrick, MMC
City Recorder