

MINUTES OF COUNCIL REGULAR MEETING – APRIL 16, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 16, 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
John Evans, Fire Chief
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Jeannette Carpenter, Acting Finance Director
Larry Marx, Acting Police chief
Mike Powell, Police Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Jody Knapp, CED Department
Lee Logston, CED Department
Kevin Despain, CED Department

16122

OPENING CEREMONY

The Opening Ceremony was conducted by Mayor Mike Winder who asked those present to join him in observing a moment of silence in respect and remembrance of people who had lost lives or been injured in the recent violent acts in Boston, Massachusetts, and Newtown, Connecticut.

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16123 **SCOUTS**
Mayor Winder welcomed Scout Troop 1124 in attendance to complete requirements for the Citizenship in the Community merit badge.

16124 **RECOGNITION**
Mayor Winder recognized Representative Janice Fisher who was in attendance at the meeting.

16125 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 2, 2013**
The Council read and considered Minutes of the Regular Meeting held April 2, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held April 2, 2013, as written. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

16126 **COMMENT PERIOD**
A. **PUBLIC COMMENTS**
Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

Josh Scheuerman addressed the City Council. Mr. Scheuerman discussed positive things in West Valley City such as the no kill animal shelter, major businesses moving to the City, the Embassy Suites Hotel, the plaza and TRAX station, Pioneer Crossing Bridge, a storm water advisory board, and a skatepark. He indicated everyone desired clean water and protection of the environment. He thanked members of the City Council for moving forward with a skatepark. He advised of a recent meeting with City staff regarding skatepark funding which would include \$365,000 from the County, some money from the City, together with additional

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dollars from fundraising efforts. He also discussed the upcoming Earth Day and organizing the skating community to clean up property for a skatepark in Centennial Park. He expressed importance of including everyone so they felt part of the project moving forward.

Ghundi Jones addressed the City Council stating she had been traveling for the last 10-12 days and news regarding the City had reached her in other parts of the country. She stated some people did bad things and made good people look bad. She discussed good people in the city and the importance of making continued improvements. Ms. Jones stated there was much in the city to be proud of and discussed the need to stick together. She stated a committee needed to investigate the Police Department and report to the public in the newsletter. She expressed love and support for the city and the people who lived here and indicated all of her personal experiences with the Police Department had been of a positive nature. She discussed the importance of not making rash judgments and waiting for what was proven.

Patrick Powers addressed the City Council stating he represented an organization that supported opinions and concerns of West Valley City residents. He stated he desired feedback from the City Council regarding the Police Department given the recent and highly publicized criticism and investigations. He indicated it seemed obvious there was an accountability issue and that those responsible were not being held accountable. He discussed the Professional Standards Review Board (PSRB) and its oversight of the Police Department and an article in the Tribune that highlighted some inadequacies of that board. Mr. Powers suggested these issues could be resolved by restructuring of the PSRB. He explained he had reviewed models of review boards of police departments in other parts of the country and there were key factors. One key factor was that the police department not be involved in selection of those who served on a review board. He suggested complaints not be funneled through the police department, but rather directly to the PSRB to maintain objectivity. He also suggested consideration of election of those serving on the board positions, which would give it more "teeth." He observed the West Valley City Police Department seemed to have discretion in cases brought to the review board and there was a potential moral hazard in that. He stated the PSRB lacked investigative capability and had no authority to exercise discipline. He requested input and opinions from members of the City Council and offered the service of his organization to render assistance.

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B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, expressed appreciation to Josh Scheuerman and Ghundi Jones for attending the meeting and for their positive comments.

The City Manager also thanked Mr. Powers for respectfully expressing his concerns. He commented regarding the nature of the City's Professional Standards Review Board (PSRB) including giving background information and reasons for establishing the PSRB board. He stated the focus of the board was for internal oversight of the Police Department and the nature of that body was an advisory capacity with no authority for adjudication or discipline. He indicated as to changes to the PSRB, the City Council remained concerned and had requested his recommendations in that regard. He advised that the City Council desired time to deliberate on those recommendations and had scheduled further discussion for the following week. He also advised a memorandum and recommendations had been submitted to the City Council and made available to news media, and would also be available to Mr. Powers on request. He explained some of the same information and ideas mentioned by Mr. Powers had been included in the memorandum.

C. CITY COUNCIL COMMENTS

Councilmember Vincent thanked the Police Department for their good work. He stated there were over 200 employees in the Police Department and it seemed unfair that a handful of officers would define the entire department. He indicated there were many outstanding officers who had good relationships with citizens in the community.

Councilmember Christensen stated he concurred with above comments by Councilmember Vincent and applauded the Police Department and Fire Department for what those employees did every day.

Councilmember Christensen also announced the West Valley TRAX train was now connected directly to the Salt Lake City International Airport.

16127

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2013, FILED BY RYAN ANDERTON, REQUESTING A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL TO NON-RETAIL COMMERCIAL, AND A ZONE CHANGE FROM 'A' (AGRICULTURE) TO 'RB' (RESIDENTIAL BUSINESS) FOR PROPERTY LOCATED AT 4110 SOUTH AND 4130 SOUTH 3600 WEST

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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. GPZ-1-2013, filed by Ryan Anderton, requesting a General Plan change from Low Density Residential to Non-Retail Commercial, and a zone change from 'A' (Agriculture) to 'RB' (Residential Business) for property located at 4110 South and 4130 South 3600 West. He discussed proposed Ordinance Nos. 13-15 and 13-16 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. 13-15 which would amend the General Plan to show a change of land use from Low Density Residential land uses to Non-Retail Commercial land uses; and proposed Ordinance No. 13-16 which would amend the Zoning Map to show a change of zone from zone 'A' (Agriculture) to 'RB' (Residential Business) zone for property located at 4110 South and 4130 South 3600 West.

Mr. Pyle stated the application included two parcels totaling 1.68 acres at the above location. He indicated the proposed 'RB' zone and General Plan designation as non-retail commercial was meant to invite small-scale commercial offices and professional services.

The City Manager advised surrounding zones included 'R-1-8' (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) to the west, north and east, and 'A' to the south. Surrounding land uses included single-family homes to the south, west and east, and the Harman Home senior center to the north. He advised the north parcel included a home built in 1962, and the south parcel included the Small World daycare business.

He reported if the application was approved the applicant planned to demolish the home on the north parcel and develop the property into an office building. He stated the daycare use on the south parcel would remain the same. He also stated a copy of the office concept plan had been distributed to the City Council, including a letter from the applicant outlining the reasons for the proposed change.

Mr. Pyle recommended an office would be an appropriate use at the specified location for reasons as follows:

1. The south parcel was already in commercial use as a daycare.
2. The proposed office use was a fairly low impact use adjacent to residential since most offices were not open late in the evenings.
3. The Harman Home is located across the street on the northwest corner of the intersection.

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4. While the General Plan states that "development along 4100 South should remain primarily single-family residential," there are nodes of commercial use at 2700 West, 3200 West, 3600 West, Bangerter Highway, 4000 West, 4800 West, 5600 West and 6400 West.

Mayor Winder opened the public hearing.

Dale Bennett, representing the applicant, addressed the City Council. Mr. Bennett stated he was in attendance to answer questions regarding the subject property and proposed use.

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

Upon discussion, Councilmember Buhler explained he would not be in favor of the proposal because of his opposition to parcel by parcel commercialization of 4100 South and 3600 West. He explained that without long-term plans he would be unwilling to approve change to one parcel.

Councilmember Vincent stated as he looked at the subject parcel and commercial on the corner near the medical clinic and one street east, he was concerned regarding sandwiching one small street between two commercial areas. He indicated, therefore, he would not be in favor of the proposed change.

ACTION: CONSIDER ORDINANCE NO. 13-15, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL LAND USES TO NON-RETAIL COMMERCIAL LAND USES FOR PROPERTY LOCATED AT 4110 SOUTH AND 4130 SOUTH 3600 WEST

The City Council previously held a public hearing regarding Application No. GPZ-1-2013, filed by Ryan Anderton, and proposed Ordinance No. 13-15 which would amend the General Plan to show a change of land use from Low Density Residential land uses to Non-Retail Commercial land uses for property located at 4110 South and 4130 South 3600 West.

After discussion, Councilmember Vincent moved to deny proposed Ordinance No. 13-15. Councilmember Buhler seconded the motion.

Upon further discussion, Mayor Winder stated he desired to speak against the motion as he deemed residential business use to be more appropriate as it seemed unrealistic for that property to remain an agriculture use.

Councilmember Rushton discussed the major issue of vision on 4100 South including uses and fitting into long term plans. He stated those long-term plans

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were yet to be defined and the subject proposal would place the "cart before the horse." He suggested in the future 'RB' zoning could be an appropriate use, but without benefit of long-term vision, it would be premature.

Councilmember Lang questioned what use would be appropriate given the daycare business to the south of the subject property. She stated similar uses were across the street and it would seem office type uses would be more appropriate and practical than residential on that corner.

Mayor Winder expressed respect for concerns expressed by Councilmember Rushton; however, he did not feel it fair to the property owner to deny the application as it seemed to be a reasonable and responsible request. He stated it was not common for the Council to overturn a decision made by the Planning Commission.

Councilmember Rushton stated the Planning Commission had not been informed regarding the Council's major goals and vision for 4100 South Street and that unfortunately 4100 South had "morphed" into what it was today, but enough was enough. He stated his desire would not be to hold up progress and felt this should add some urgency to developing plans for 4100 South Street.

Councilmember Buhler stated there were four buildings on four corners of the subject intersection and three were homes including the City's Harman Home, a daytime use. He indicated he felt those buildings would be impacted by a commercial development. He also discussed the need for an overall plan for development in those two corridors.

Councilmember Vincent expressed the importance to consider and develop larger plans for 4100 South before taking a "piece-meal" approach on the subject corner.

A roll call vote was taken on the motion to deny proposed Ordinance No. 13-15:

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

Motion Failed - Lack of Majority.

After further discussion and upon consensus expressed by members of the City Council, Mayor Winder re-opened the public hearing.

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Dale Bennett, representing the applicant, addressed the City Council. Mr. Bennett distributed and discussed an aerial map showing the subject property and other intersections on 4100 South that had commercial development. He stated the proposed use would be similar and limited to a daytime use. He indicated having a single-family residence on the subject corner would not make sense, but the proposal was for a residential business that would match up with adjacent uses and also be a daytime use.

Councilmember Christensen commented that when UDOT (Utah Department of Transportation) contemplated a continuous flow intersection on Bangerter Highway and 4100 South, Andrew Street residents had voiced concerns.

Mr. Bennett addressed the Council and stated the neighbors had voiced concerns at the Planning Commission hearing, but at a subsequent meeting with them the neighbors had expressed willingness to work together and they had not come to the meeting this night.

Councilmember Vincent stated the map illustrated a problem on 4100 South with no cohesiveness regarding uses; and he would remain opposed to the proposal.

Councilmember Rushton advised the Planning Commission minutes of the public hearing reflected opposition by the residents of Andrew Street.

Mayor Winder closed the public hearing.

After further discussion, Councilmember Christensen moved to approve Ordinance No. 13-15, an Ordinance Amending the General Plan to Show a Change of Land Use from Low Density Residential Land Uses to Non-Retail Commercial Land Uses for Property Located at 4110 South and 4130 South 3600 West. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Majority.

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ACTION: CONSIDER ORDINANCE NO. 13-16, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 4110 SOUTH AND 4130 SOUTH 3600 WEST FROM ZONE ‘A’ (AGRICULTURE) TO ‘RB’ (RESIDENTIAL BUSINESS)

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-16 which would amend the Zoning Map to show a change of zone for property located at 4110 South and 4130 South 3600 West from zone ‘A’ (Agriculture) to ‘RB’ (Residential Business).

Mr. Pyle stated the City Council previously approved Ordinance No. 13-15 amending the General Plan to show a change of land use from Low Density Residential land uses to Non-Retail Commercial land uses for property located at 4110 South and 4130 South 3600 West.

After discussion, Councilmember Lang moved to approve Ordinance No. 13-16, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 4110 South and 4130 South 3600 West from Zone ‘A’ (Agriculture) to ‘RB’ (Residential Business). Councilmember Christensen seconded the motion.

Councilmember Rushton stated the General Plan amendment had been previously approved by majority of the City Council; so he would, therefore, vote in favor of the zone change.

A roll call vote was taken:

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

Majority.

Mayor Winder urged attention to and completion of the City Council's Strategic Plan goal regarding 4100 South Street.

16128

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-1-2013 FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT CHANGE TO AMEND THE ORDINANCE REGARDING CARGO CONTAINERS IN RESIDENTIAL AND AGRICULTURAL ZONES

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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. ZT-1-2013, filed by West Valley City, requesting a zone text change to amend the ordinance regarding cargo containers in Residential and Agriculture zones. He discussed proposed Ordinance No. 13-17 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. 13-17 which would amend Sections 7-1-103 and 7-2-130 of Title 7 of the West Valley City Municipal Code, Land Use Development and Management Act, regarding cargo containers and temporary residential storage containers.

Mr. Pyle stated cargo containers were large prefabricated metal structures used for overseas shipping, for rail car freight, or as enclosed truck trailers. He indicated the proposed ordinance change would specify where and when those containers would be allowed.

The City Manager reported the City had received complaints over the past few years concerning use of cargo containers in residential neighborhoods. He advised the primary issue was their lack of aesthetic appeal due to their industrial appearance and incompatibility with architecture of homes. He reported based on research of what other communities throughout the country had done, along with input from City staff and the Planning Commission, it was proposed to prohibit cargo containers in residential zones and allow them on agriculture properties of one acre or more provided they met certain criteria in terms of placement, color, use and quantity. He also reported City ordinances did allow for "temporary residential storage containers" to be used for up to 14 days for moving purposes, and up to six months for remodeling and construction purposes.

Mayor Winder opened the public hearing.

Mike Markham addressed the City Council and stated he supported the City Manager and the City. He indicated shipping containers should not be allowed in West Valley City and POD storage containers should be regulated in neighborhoods. He stated shipping containers were ugly and did not belong in the neighborhoods and certain property in his neighborhood had turned into a "catch all" for dumping and unlicensed cars. He indicated agricultural property should be farmed and properly maintained.

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

ACTION: CONSIDER ORDINANCE NO. 13-17, AMENDING SECTIONS 7-1-103 AND 7-2-130 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE, LAND USE DEVELOPMENT AND MANAGEMENT ACT, REGARDING CARGO CONTAINERS AND TEMPORARY RESIDENTIAL STORAGE CONTAINERS

The Council previously held a public hearing regarding Application No. ZT-1-2013, filed by West Valley City, and proposed Ordinance No. 13-17 which would amend Sections 7-1-103 and 7-2-130 of Title 7 of the West Valley City Municipal Code, Land Use Development and Management Act, regarding cargo containers and temporary residential storage containers.

After discussion, Councilmember Vincent moved to approve Ordinance No. 13-17, an Ordinance Amending Sections 7-1-103 and 7-2-130 of Title 7 of the West Valley City Municipal Code, Land Use Development and Management Act Regarding Cargo Containers and Temporary Residential Storage Containers. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

16129

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE PLANNING COMMISSION'S DENIAL OF APPLICATION NO. ZT-2-2013, FILED BY STEVE APOSHIAN (REPRESENTING FIREFLY EQUIPMENT, LLC), REQUESTING A ZONE TEXT AMENDMENT TO THE 'A' (AGRICULTURE) ZONE TO ALLOW FOR ASSEMBLY, REPAIR AND SERVICE OF TURF FARM EQUIPMENT AS A CONDITIONAL USE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding an appeal of the Planning Commission's denial of Application No. ZT-2-2013, filed by Steve Aposhian (representing Firefly Equipment, LLC), requesting a zone text amendment to the 'A' (Agriculture) zone to allow for assembly, repair and service of turf farm equipment as a conditional use. He discussed proposed Ordinance No. 13-18 related to the Application, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 13-18 which would amend Sections 7-1-103, 7-6-203 and 7-6-204, and enact Section 7-6-215 of the West Valley City Municipal Code to allow for assembly, repair and service of turf farming equipment as a conditional use.

Mr. Pyle stated the applicant had developed a sod harvesting machine which he desired to assemble and sell out of his existing sod farm and retail greenhouse located at 6570 West 3550 South. He indicated currently the agricultural zone did not permit any manufacturing or assembly use; therefore, it had been proposed to amend the ordinance to allow for that type of facility. He reported the applicant had submitted a list of suggested regulations to accompany this use, as follows:

Assembly, repair and service to turf farm related equipment on a turf farm of five to ten acres:

- a. Construction of a building, 25,000 square feet
- b. Assembly of one to five machines per month
- c. Hard surface access with off street parking
- d. Building to be 75-feet from existing residences
- e. Noise level not to exceed levels normally used in turf farming operations (i.e., tractors, implements, trucks, forklifts and harvesters)
- f. Storage building for turf farm equipment, parts and turf
- g. Hours of normal operation – daylight in summer, 7:00 a.m. – 7:00 p.m. winter hours
- h. Testing of turf equipment

The City Manager advised staff had reviewed the above suggestions and drafted a definition as well as a proposed ordinance fitting the structure of the ‘A’ zone, as follows:

Turf Farm Equipment Manufacturing would be defined as a commercial business engaged in assembling, testing, storing, selling and/or repairing equipment, parts and machinery used exclusively for sod harvesting. The use would be listed under the conditional uses and the guidelines that would apply under the zoning regulations would be as follows:

- a. A minimum lot size of five acres shall be required
- b. All assembly, repair, storage and maintenance must be conducted within an enclosed structure
- c. The total area dedicated to this use within a structure or structures shall not exceed 25,000 square feet
- d. Must provide a hard surface access to the facility and hard surface parking for employees and customers

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- e. All structures used for this purpose must be setback at least 75-feet from any residential zone boundary

Mr. Pyle stated all other issues including, but not limited to, screening, landscaping, access, hours of operation, number of employees, parking, off-site improvements, and others, would be reviewed during the conditional use process.

The City Manager reported the Planning Commission had denied the Application stating the current ordinance requirements were adequate and the proposed use would not be appropriate in this zone.

Mayor Winder opened the public hearing.

Lawrence Aposhian addressed the City Council and advised he had operated the nursery/sod business on his property since 1975 and lived there prior to incorporation. He indicated the application had been submitted by his son who was currently out of the State of Utah and who had designed and built the sod harvester. He discussed details regarding the sod harvesting machine and expressed his desire to build the unique high-tech machine in West Valley City. He advised the machine would be used in Utah, but the main market was in other states and places all over the world. He discussed reasons for the requested text change to allow the conditional use on a farm and stated they needed an adjacent sod farm to test the machines after being built. He also explained reasons for not requesting a zoning change. He advised he had worked with City staff and found out small farms in the City were almost non-existent because farming a small parcel was no longer economically feasible. Mr. Aposhian indicated he did not want to see green space disappear and governments were trying to stop that trend by purchasing properties to preserve green space. He expressed the desire to also preserve green space on his property. He reported his customers had signed a petition in support of his proposal after hearing about the project. He expressed the feeling of fairness by the City and stated City staff had been cooperative. He requested approval of the application and answered questions from members of the City Council.

Upon request by Mayor Winder, those in attendance in support of the proposal raised their hands.

Matt Aposhian, General Manager of Firefly Equipment, addressed the City Council. Mr. Aposhian expressed excitement regarding the new project. He stated this was an innovative piece of equipment and five new jobs had been posted for the project. He requested approval of the application.

Odine Christensen addressed the City Council. Mr. Christensen stated the Aposhian family had owned and operated the nursery and sod business for many

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years on 3500 South, and were great people. He indicated the second family generation was involved in development of the sod harvester, which was an amazing machine. He indicated the machine would be built on property away from 3500 South. He also stated the machine was not noisy, had no air pollution, and there would be no access issues. He expressed pride there would be something besides housing on the property that was landlocked, and he requested approval of the application.

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

Upon discussion, Councilmember Rushton thanked those in attendance and for being involved in the process. He stated the Aposhian family were good West Valley City residents with a home grown business, and lived on the subject property. He indicated the change would have low impact on the neighbors and would accommodate a growing business in the City. He stated small concerns would be addressed during the conditional use process.

Councilmember Vincent advised he rarely considered overturning a decision of the Planning Commission; however, was in favor of this proposal.

Mayor Winder expressed support for the proposal.

ACTION: CONSIDER ORDINANCE NO. 13-18, AMENDING SECTIONS 7-1-103, 7-6-203 AND 7-6-204, AND ENACTING SECTION 7-6-215 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ALLOW FOR ASSEMBLY, REPAIR AND SERVICE OF TURF FARMING EQUIPMENT AS A CONDITIONAL USE

The City Council previously held a public hearing regarding an appeal of the Planning Commission's denial of Application No. ZT-2-2013, filed by Steve Aposhian (representing Firefly Equipment, LLC), requesting a zone text amendment to the 'A' (Agriculture) zone to allow for assembly repair and service of turf farming equipment as a conditional use; and proposed Ordinance No. 13-18 which would amend Sections 7-1-103, 7-6-203 and 7-6-204, and enact Section 7-6-215 of the West Valley City Municipal Code to allow for assembly, repair and service of turf farming equipment as a conditional use.

After discussion, Councilmember Rushton moved to approve Ordinance No. 13-18, an Ordinance Amending Sections 7-1-103, 7-6-203 and 7-6-204, and Enact Section 7-6-215 of the West Valley City Municipal Code to Allow for Assembly, Repair and Service of Turf Farming Equipment as a Conditional Use. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

16130

RESOLUTION NO. 13-54, APPROVE THE PURCHASE OF REPLACEMENT EVIDENCE LOCKERS FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-54 which would approve the purchase of replacement evidence lockers, in an amount not to exceed \$37,000.00, for use by the Police Department.

Mr. Pyle stated the proposed purchase of replacement evidence lockers would be funded from the Justice Assistance Grant (J.A.G.) through the U.S. Department of Justice. He reported the purchase from Spacesaver International would be under vendor contract MA 1943 with the State of Utah.

The City Manager explained the U.S. Department of Justice Programs granted J.A.G. funds to West Valley City Police Department that could be used to purchase equipment, fund approved programs, and pay salaries for approved programs. He indicated this would be a non-matching grant which meant the Police Department would not be required to match those funds. He also advised the application for the 2012 J.A.G. funds had been approved pursuant to Resolution No. 12-146.

He reported the evidence storage lockers would replace the current wooden lockers that had deteriorated. The new lockers were metal construction which would improve the Police Department's ability to maintain a secure chain of custody for items of evidence.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-54, a Resolution Approving Purchase of Replacement Evidence Lockers for use by the Police Department. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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|-------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |

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

Unanimous.

16131

RESOLUTION NO. 13-55, APPROVE THE PURCHASE OF NEW TEE SIGNS FROM DELTA STONE PRODUCTS FOR THE RIDGE GOLF CLUB

City Manager, Wayne Pyle, presented proposed Resolution No. 13-55 which would approve the purchase of new tee signs from Delta Stone Products in an amount not to exceed \$43,160.00, for The Ridge Golf Club (formerly West Ridge Golf Course).

Mr. Pyle stated proposals had been solicited for tee signs and directional signs for The Ridge Golf Club through the public request for proposal process. He further stated the request specified 28 signs to be constructed of smooth-faced stone with ¾- inch depth letters, colored for each tee distance, and the price should include all costs for production, delivery, and installation of the signs. He reported four proposals had been received, as follows:

| | |
|-------------------------|--|
| Delta Stone Products: | \$43,160.00 |
| National Golf Graphics: | \$50,292.00 |
| James Moore Company: | \$88,300.00 |
| Eagle One Golf: | (Not responsive to specifications; Proposal was for bronze and aluminum signs) |

After discussion, Councilmember Vincent moved to approve Resolution No. 13-55, a Resolution Approving Purchase of New Tee Signs from Delta Stone Products for The Ridge Golf Club. Councilmember Christensen 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 |

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Unanimous.

16132

RESOLUTION NO. 13-56, AWARD A CONTRACT TO KILGORE CONTRACTING FOR THE WESTRIDGE BOULEVARD CUL-DE-SAC PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-56 which would award a contract to Kilgore Contracting, in an amount not to exceed \$82,993.55, with a possible increase of up to 5% of the contract amount or \$30,000 whichever is greater, for change orders, for the Westridge Boulevard Cul-De-Sac Project.

Mr. Pyle stated bids had been solicited and 7 bids received as follows:

| | |
|----------------------|--------------|
| Kilgore Contracting: | \$ 82,993.55 |
| Bowen Construction: | \$ 83,611.00 |
| Morgan Asphalt: | \$ 93,995.00 |
| Kriser Excavating: | \$ 95,847.60 |
| Miller Paving: | \$103,957.73 |
| Lyndon Jones: | \$111,908.60 |
| Davis Construction: | \$119,480.99 |

The City Manager reported Kilgore Contracting had submitted the lowest responsible bid.

He further advised the project would consist of construction of a cul-de-sac at the new terminus of Westridge Boulevard and would also incorporate a slurry seal and restriping on the existing parking lot.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-56, a Resolution Awarding a Contract to Kilgore Contracting for the Westridge Boulevard Cul-de-Sac Project. Councilmember Rushton 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.

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16133

RESOLUTION NO. 13-57, APPROVE A ROAD IMPACT FEES REIMBURSEMENT AGREEMENT WITH SPERRY TRADING, LLC, FOR ROADWAY IMPROVEMENTS

City Manager, Wayne Pyle, presented proposed Resolution No. 13-57 which would approve a Road Impact Fees Reimbursement Agreement with Sperry Trading, LLC, in the amount of \$19,697.25 for roadway improvements.

Mr. Pyle stated Sperry Trading, LLC had installed certain qualified improvements to the City's major roadway system in exchange for future reimbursement for the successful installation, construction and completion of those improvements. He advised the qualified improvements had been completed in compliance with the West Valley City Road Impact Fee Ordinance, Section 8-4-103. He further advised Sperry had installed, constructed, financed, and completed the improvements and were due reimbursement subject to terms of the agreement.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-57, a Resolution Approving a Road Impact Fees Reimbursement Agreement with Sperry Trading, LLC, for Roadway Improvements. Councilmember Christensen 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.

16134

CONSENT AGENDA:

A. RESOLUTION NO. 13-58, AUTHORIZE THE CITY TO GRANT A PERPETUAL NON-EXCLUSIVE CABLE AND FACILITIES EASEMENT TO UTOPIA FOR PLACEMENT OF A CABINET AT 4155 WEST 3980 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-58 which would authorize the City to grant a Perpetual Non-Exclusive Cable and Facilities Easement to UTOPIA for placement of a cabinet at 4155 West 3980 South.

Mr. Pyle stated the proposed easement would approve placement of a cabinet on City-owned property at the above described location. He

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indicated UTOPIA was currently constructing its telecommunications infrastructure in the City and that construction required use of certain cabinets to connect the infrastructure.

B. RESOLUTION NO. 13-59, AUTHORIZE THE CITY TO GRANT A PERPETUAL NON-EXCLUSIVE CABLE AND FACILITIES EASEMENT TO UTOPIA FOR PLACEMENT OF A CABINET AT 4314 WEST 4100 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-59 which would authorize the City to grant a Perpetual Non-Exclusive Cable and Facilities Easement to UTOPIA for placement of a cabinet at 4314 West 4100 South.

Mr. Pyle stated the proposed easement would approve placement of a cabinet on City-owned property at the above described location. He indicated UTOPIA was currently constructing its telecommunications infrastructure in the City and that construction required use of certain cabinets to connect the infrastructure.

C. RESOLUTION NO. 13-60, AUTHORIZE THE CITY TO GRANT A PERPETUAL NON-EXCLUSIVE CABLE AND FACILITIES EASEMENT TO UTOPIA FOR PLACEMENT OF A CABINET AT 4087 SOUTH 3670 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 13-60 which would authorize the City to grant a Perpetual Non-Exclusive Cable and Facilities Easement to UTOPIA for placement of a cabinet at 4087 South 3670 West.

Mr. Pyle stated the proposed easement would approve placement of a cabinet on City-owned property at the above described location. He indicated UTOPIA was currently constructing its telecommunications infrastructure in the City and that construction required use of certain cabinets to connect the infrastructure.

D. RESOLUTION NO. 13-61, AUTHORIZE THE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH DARRIN SOLOMON AND MERRILL JENSEN FOR PROPERTY LOCATED AT 3972 SOUTH 4000 WEST, AND TO ACCEPT A WARRANTY DEED

City Manager, Wayne Pyle, presented proposed Resolution No. 13-61 which would authorize the City to enter into a Right-of-Way Agreement with Darrin Solomon and Merrill Jensen for property located at 3972 South 4000 West, and to accept a Warranty Deed.

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Mr. Pyle stated Darrin Solomon and Merrill Jensen had signed the Right-of-Way Agreement and Warranty Deed.

He reported the subject parcel was one of the properties affected by construction of the 4000 West Pipe Replacement Project which extended from 4100 South to 3500 South along the west side of 4000 West. He indicated as part of the project the existing drainage box beneath the sidewalk at Volta Avenue would be replaced, and the street corner would be reconstructed with an ADA (Americans with Disabilities Act) compliant pedestrian access ramp. He advised the property was being acquired to provide room for the new ADA pedestrian ramp. He stated as the cost of an appraisal would likely exceed the actual value of the property, compensation had been based on a range of rates used by other entities for similar small property acquisitions.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 13-58, 13-59, 13-60 and 13-61 as presented on the Consent Agenda. 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, APRIL 16, 2013, WAS ADJOURNED AT 7:48 P.M., BY MAYOR WINDER.

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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, April 16, 2013.

Sheri McKendrick, MMC
City Recorder