

MINUTES OF COUNCIL REGULAR MEETING – MAY 28, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 28, 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
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Larry Marx, Acting Police Chief
Steve Pastorik, Acting CED Director
Jody Knapp, CED Department

16171 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Buhler who read the oath of office administered to the Mayor and Council members. He also read the oath taken by West Valley City police officers and he thanked the vast majority of police officers who were mindful of and upheld that oath.

16172 **SCOUTS**

Mayor Winder recognized Scout Christopher Cox who was in attendance to complete requirements for the Citizenship in the Community merit badge.

16173 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

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

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B. CITY COUNCIL COMMENTS

Mayor Winder stated as the U.S. Senate was currently considering various immigration proposals he had reached out to Senator Hatch and Senator Lee to encourage changing the current system in a way that would aid both residences and businesses in West Valley City.

16174

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-3-2013, FILED BY HUY NGUYEN, REQUESTING A ZONE TEXT CHANGE TO AMEND THE SHARED PARKING ORDINANCE IN SECTION 7-9-106 OF THE WEST VALLEY CITY MUNICIPAL CODE

City Manager, Wayne Pyle, stated a public hearing was advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-3-2013, filed by Huy Nguyen, requesting a zone text change to amend the Shared Parking Ordinance in Section 7-9-106 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 13-23 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. 13-23 which would amend Section 7-9-106 of the West Valley City Municipal Code to modify conditions under which shared parking is allowed.

Mr. Pyle stated the applicant was interested in opening up a reception center at 2644 West 2365 South and that site had very limited parking. He advised the applicant had inquired about utilizing parking on an adjacent property which currently the City Code did permit, however, there were some restrictions. He cited the existing language as follows:

- 7-9-106(2) Neighboring property owners may share parking space if:
- a. a permanent cross-access easement or other recorded agreement is established;
 - b. access between the properties can be gained without utilizing a public or private street; and
 - c. the combined parking required for all properties can be met as outlined in 7-9-105 or in 7-9-106(1) when involving two or more uses.

Mr. Pyle further explained due to the layout of the site the applicant was not able to meet the requirements set forth in section b. and would need to cross a public street to gain access to additional parking. He indicated the applicant had requested to eliminate that requirement, and City staff proposed the following amendment:

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7-9-106(2) Neighboring property owners may share parking space if:

- a. a permanent cross-access easement or other recorded agreement is established;
- b. pedestrian access between the properties can be gained without utilizing a public or private street that is listed on the West Valley City Major Street Plan;
- c. all of the parking must be located within a 400-foot radius of the main entrance of the use requesting the additional parking;
- d. the combined parking required for all properties can be met as outlined in 7-9-105 or in 7-9-106(1) when involving two or more uses.

Mayor Winder opened the public hearing.

Huy Nguyen, applicant, addressed the City Council and requested approval of his application. He discussed the need for more parking for a reception center he was attempting to open.

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

ACTION: CONSIDER ORDINANCE NO. 13-23, AMENDING SECTION 7-9-106 OF THE WEST VALLEY CITY MUNICIPAL CODE TO MODIFY CONDITIONS UNDER WHICH SHARED PARKING IS ALLOWED

The City Council previously held a public hearing regarding Application ZT-3-2013, filed by Huy Nguyen, requesting a zone text change to amend the Shared Parking Ordinance in Section 7-9-106 of the West Valley City Municipal Code, and proposed Ordinance No. 13-23 which would amend Section 7-9-106 of the West Valley City Municipal Code to modify conditions under which shared parking would be allowed.

After discussion, Councilmember Huynh moved to approve Ordinance No. 13-23, an Ordinance Amending Section 7-9-106 of the West Valley City Municipal Code to Modify Conditions Under Which Shared Parking is Allowed. 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

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Mayor Winder Yes

Unanimous.

16175 **ADDITIONAL COMMENT PERIOD**

Upon recognition, Councilmember Rushton noted a citizen had come into the meeting and signed the comment period sign-up sheet; he moved to suspend the rules and re-open that item on the agenda. Councilmember Buhler seconded the motion and all members of the Council voted in the affirmative.

Fran Crookston addressed the City Council and stated she was a member of the St. Stephen's Episcopal Church in West Valley City and a board member of the Literacy Action Center. She discussed programs provided by the Literacy Action Center and advised Federal funding had ceased so their funding was very low. Ms. Crookston indicated she had been working on organizing a fundraiser at the church to raise money for the program, but a special events permit from West Valley City for serving alcohol cost thousands of dollars and were allowed only for concerts and not charitable fundraisers. She inquired regarding the restriction and requested consideration.

In response, the City Manager suggested to Ms. Crookston that she discuss her concerns and suggestions with Jody Knapp and Steve Pastorik, CED Department.

16176 **RESOLUTION NO. 13-74, AUTHORIZE A PUBLIC UTILITY EASEMENT OVER PORTIONS OF WEST VALLEY CITY PROPERTY LOCATED AT 4109 SOUTH HOLDER DRIVE**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-74 which would authorize a public utility easement over portions of West Valley City property located at 4109 South Holder Drive.

Mr. Pyle stated the public utility easement was required as part of the UTOPIA telecommunications infrastructure being installed at the subject location in West Valley City. He advised the City had granted a cable and facilities easement to UTOPIA on April 2, 2013, by Resolution No. 13-47. He indicated a public utility easement was needed to supply power to the telecommunications cabinet at the site.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-74, a Resolution Authorizing a Public Utility Easement Over Portions of West Valley City Property Located at 4109 South Holder Drive. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 28, 2013, WAS ADJOURNED AT 6:47 P.M., BY MAYOR WINDER.

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, May 28, 2013.

Sheri McKendrick, MMC
City Recorder