

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 22, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 22, 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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Lee Russo, Police Chief
Jake Arslanian, Public Works Department

16342 **OPENING CEREMONY**

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

16343 **SPECIAL RECOGNITIONS**

Mayor Winder recognized and welcomed Karen Lang and Ron Bigelow (Mayoral candidates); Phil Conder and Lars Nordfelt (At-Large candidates); Steve Buhler (District 2 candidate); and Steve Vincent (District 4 candidate).

16344 **SCOUTS**

Mayor Winder recognized Scout Troop Nos. 648, 488 and 1944 in attendance to complete requirements for the Citizenship in the Community merit badge.

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16345 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 8, 2013**

The Council read and considered Minutes of the Regular Meeting held October 8, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held October 8, 2013, as written. 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.

16346 **PROCLAMATION DECLARING OCTOBER 24, 2013, AS “FOOD DAY” IN WEST VALLEY CITY**

Councilmember Lang read a Proclamation declaring October 24, 2013, as “Food Day” in West Valley City.

16347 **PROCLAMATION DECLARING NOVEMBER 1, 2013, AS “EXTRA MILE DAY” IN WEST VALLEY CITY**

Councilmember Huynh read a Proclamation declaring November 1, 2013, as “Extra Mile Day” in West Valley City.

16348 **PROCLAMATION DECLARING NOVEMBER 2013, AS “PANCREATIC CANCER AWARENESS MONTH” IN WEST VALLEY CITY**

Councilmember Christensen read a Proclamation declaring November 2013, as “Pancreatic Cancer Awareness Month” in West Valley City.

16349 **COMMENT PERIOD**

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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16350

RESOLUTION NO. 13-147, AWARD A CONTRACT TO NOLAND AND SONS CONSTRUCTION COMPANY FOR THE LUND PARK TO BRIGHTON CANAL STORM DRAIN PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-147 which would award a contract to Noland and Sons Construction Company, in an amount not to exceed \$434,270.84, with a possible increase of up to 5% of the contract amount or \$30,000.00 whichever is greater, for change orders for the Lund Park to Brighton Canal Storm Drain Project.

Mr. Isaac stated bids had been solicited and six bids received as follows:

Noland & Sons:	\$434,270.84
J. B. Gordon Construction:	\$549,923.22
S&L Inc.:	\$561,477.11
Vancon:	\$596,197.50
Lyndon Jones:	\$609,862.85
Hughes General:	\$617,294.00

The Acting City Manager reported Noland and Sons had submitted the lowest responsible bid and he recommended approval of the proposal. He stated the project bypassed and replaced a problematic storm drain system referred to as the "Chicken Coop Drain." He also stated the project collected existing drainage running through the proposed Lund Park Subdivision and crossing through an easement granted by the Compass Court Condominiums. He indicated the pipe alignment then ran north to 3300 South, under the Brighton Canal, and discharged in an existing ditch. He stated the project would improve drainage in the area and replace an aging and failing culvert under the Brighton Canal.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-147, a Resolution Awarding a Contract to Noland and Sons Construction Company for the Lund Park to Brighton Canal Storm Drain Project. 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.

16351 **RESOLUTION NO. 13-148, AUTHORIZE CHANGE ORDER NOS. 1, 2 AND 3 TO CONTRACT WITH STAPP CONSTRUCTION FOR THE SR-201 FRONTAGE ROAD WIDENING AND COMMERCE CENTER DRIVE PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-148 which would authorize Change Order Nos. 1, 2 and 3 to the contract with Stapp Construction, in the amount of \$102,695.25, for the SR-201 Frontage Road Widening and Commerce Center Drive Project.

Mr. Isaac stated various changes had been made in the field that necessitated change orders regarding the construction contract with Stapp Construction. He reported due to utility conflicts the storm drain boxes could not be pre-manufactured in a factory and needed to be cast in place. In addition, conduit had been added to the project to facilitate UTOPIA fiber and other future needs, and changes had been made to the utility plans that required the addition of pipe, valves and other fittings.

After discussion, Councilmember Lang moved to approve Resolution No. 13-148, a Resolution Authorizing Change Orders No. 1, 2 and 3 to the Contract with Stapp Construction for the SR-201 Frontage Road Widening and Commerce Center Drive Project. 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.

16352 **RESOLUTION NO. 13-149, APPROVE THE PURCHASE OF AN ASPHALT ZIPPER MILLING MACHINE FROM ASPHALT ZIPPER, INC., FOR USE BY THE PUBLIC WORKS DEPARTMENT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-149 which would approve the purchase of an Asphalt Zipper Milling Machine from Asphalt Zipper, Inc., in an amount not to exceed \$125,490.00, for use by the Public Works Department.

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Mr. Isaac stated Asphalt Zipper, Inc. was a local manufacturer and the sole source for the subject equipment. He advised the Asphalt Zipper was a self-contained milling machine mounted on a front-end loader and used to grind up failed sections of pavement that had been set aside or stockpiled for use as new road base. He indicated failed road base and sub-base material was removed and the asphalt millings were used as new high quality road base under a new asphalt layer. This process replaced the current practice of saw cutting and removing damaged asphalt, repairing the existing road base, and replacing the asphalt.

He further indicated in an effort to improve the quality and efficiency of roadway repairs, the Public Works Department investigated the Asphalt Zipper equipment. He stated the Operations Division rented a 30-inch Zipper during the month of September and over that time used it on typical roadway repairs such as potholes, uneven or surface damaged pavement, and failed pavement. He stated that as the crews grew accustomed to the equipment they determined the Zipper provided an advantage in quality and efficiency for certain types of repairs. It had also been determined the larger 48-inch Zipper worked the best.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-149, a Resolution Approving the Purchase of an Asphalt Zipper Milling Machine From Asphalt Zipper, Inc. for use by the Public Works Department. 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.

16353

RESOLUTION NO. 13-150, APPROVE A DEVELOPMENT AGREEMENT WITH MURRAY FAMILY INVESTMENTS, L.L.C. TO MODIFY LANDSCAPING REQUIREMENTS FOR A COMMERCIAL SITE LOCATED AT 5338 SOUTH 5600 WEST

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-150 which would approve a Development Agreement with Murray Family Investments, L.L.C. to modify landscaping requirements for a commercial site located at 5338 South 5600 West.

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Mr. Isaac stated the property owner, Murray Family Investments, L.L.C. desired to enter into an agreement to allow McDonald's to reduce the required landscaping setback from 20 feet to 15 feet to improve traffic flow at that business. He advised the City's ordinance governing commercial properties required a 20 foot landscaped area for any development having a side yard facing a street. As per Section 7-6-1003(4) setbacks could be reduced as negotiated in a development agreement through the Planning Commission and City Council.

He informed that during the conditional use application process, the Planning Commission approved the site for a fast food restaurant along with a request to reduce the north landscape area to a setback of 15 feet. The 15 foot landscaped area would incorporate a berm three feet high, a retaining wall, and additional trees and shrubs as outlined in the landscape plans.

The Acting City Manager reported there was an existing development agreement with SCP Westridge 1, LLC, recorded in August 2011, establishing development standards for the entire planned unit development at 5610 West 5400 South Street. He stated the proposed agreement would not conflict with or affect terms of the existing development agreement.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-150, a Resolution Authorizing Execution of a Development Agreement with Murray Family Investments, L.L.C. to Modify Landscaping Requirements for a Commercial Site. 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.

16354

RESOLUTION NO. 13-151, APPROVE AN AMENDMENT TO THE WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE'S BYLAWS

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-151 which would approve an amendment to the West Valley City Clean and Beautiful Committee's Bylaws.

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Mr. Isaac stated the Clean and Beautiful Committee's Bylaws presently required meeting on the first Wednesday of the month and scheduling needs had changed requiring an amendment. He advised bylaws needed to have provisions regarding the scheduling of meetings, but having a specific time some times was not practical. By amending the bylaws to refer to the schedule that must be submitted to the City Manager, the Committee then would have the flexibility to change meeting times while still having a fixed, public meeting schedule on file with the City Recorder.

He also advised the Bylaws had been amended to clarify procedure for removal of members as well as additional changes recommended by the City Council, copies having been previously distributed.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-151, a Resolution Approving an Amendment to the West Valley City Clean and Beautiful Committee's Bylaws. 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.

16355

RESOLUTION NO. 13-152, AUTHORIZE EXECUTION OF AN AMENDMENT TO THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT (ADL) WITH THE ARGENT GROUP 201, LLC, TO APPROVE CHANGES TO THE DEVELOPMENT STANDARDS AND LANDSCAPING PLAN FOR THE SITE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-152 which would authorize execution of an Amendment to the Agreement for disposition of Land for Private Development (ADL) with the Argent Group- 201, LLC, to approve changes to the Development Standards and Landscaping Plan for the site.

Mr. Isaac stated the Argent Group had asked to amend the existing ADL to allow construction of buildings larger than those originally proposed. He indicated the new amendment proposed a change in the cap on the building size from 120,000 square feet to 325,000 square feet.

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He further stated in addition to the building cap, the RDA had requested an amendment calling for additional landscaping on the south and east end of the initial buildings. This additional landscaping would act as a “screen” to keep the professional look of the park.

The Acting City Manager reviewed previous information stating the North Central EDA had been created to be a premier industrial/business park. After completion of the first building (Quartzdyne), the economy turned and the target companies went dark. As the economy was slowly recovering the demand had changed and 50,000 square foot tenants were not looking as much as the larger 75-150,000 square foot tenants were. In order to meet the current demand, the Argent Group would like to ability to go after larger tenants. In addition, the North Central EDA was already into its third year of its 15-year increment generation. The developer would like to build a building as soon as possible in order to capitalize on the recruitment tool the EDA offered.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-152, a Resolution Authorizing the Execution of an Amendment to the Agreement for Disposition of Land for Private Development (ADL) with the Argent Group 201, LLC to Approve Changes to the Development Standards and Landscaping Plan for the Site. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 22, 2013, WAS ADJOURNED AT 6:50 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, October 22, 2013.

Sheri McKendrick, MMC
City Recorder