

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 28, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Carolynn Burt
Don Christensen

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Corey Rushton
Steve Vincent

STAFF PRESENT:

Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Layne Morris, Community Preservation Director
Claire Gillmor, Acting City Attorney
Mike Wells, Acting Police Chief
Steve Pastorik, CED Department
Jake Arslanian, Public Works Department
Nora Clements, Finance Department
Cindy Hobbs, Finance Department
Machel Richards, Finance Department
Jeanette Carpenter, Finance Department
Nick Hales, Finance Department
Russ Condie, Finance Department
Paula Fox, Finance Department

15079 **OPENING CEREMONY**

Mike Winder who invited Russ Condie, an employee, to lead the Pledge of Allegiance to the Flag, conducted the Opening Ceremony.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-2-

15080 **SCOUTS**
Mayor Winder welcomed Jacob Pastorik, a scout working on both the Citizenship in the Community and Communications merit badges.

15081 **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 14, 2010**

The Council read and considered Minutes of the Regular Meeting held September 14, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held September 14, 2010, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

| | |
|-----------------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Christensen | Yes |
| Mayor Pro Tem Rushton | Yes |

Unanimous.

15082 **EMPLOYEE OF THE MONTH, AUGUST 2010 – NORA CLEMENTS, FINANCE DEPARTMENT**

Councilmember Christensen read the nomination of Nora Clements, Finance Department, to receive the Employee of the Month award for August of 2010.

The award was presented to Ms. Clements and members of the City Council offered congratulations and expressed appreciation for her efforts on behalf of West Valley City. Ms. Clements introduced her family members in attendance at the meeting.

15083 **COMMENT PERIOD**

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

Rich Hales, 3419 South 3450 West, addressed the City Council. Mr. Hales discussed the noise ordinance and inquired regarding raising fines.

Upon inquiry by Mayor Winder, the City Manager, Wayne Pyle, responded regarding studies completed in Mr. Hales' neighborhood and findings from those

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-3-

studies by the Police Department. Mr. Pyle informed staff did not intend to recommend raising fines, but that issue would be at the discretion of the City Council. Mayor Winder requested the City Manager review the ordinances of other cities to determine if West Valley City's fines were in line with the norm.

Councilmember Brooks stated another individual had discussed noise issues previously during the comment period and he inquired if the entire noise ordinance should be reviewed.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. He gave a special "welcome back" to Councilmember Burt and stated he was glad to see her. Mr. Fynbo complimented the street division employees for their great work on many projects throughout the city. He also expressed concern regarding bad conditions of some sidewalks in the community.

15084

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-1-2010, FILED BY PHIL HOLLAND, REQUESTING A CHANGE OF ZONE FROM ZONE 'M' (MANUFACTURING) TO 'R-1-4' (RESIDENTIAL, SINGLE-FAMILY, MINIMUM LOT SIZE 4,000 SQUARE FEET) AND 'C-2' (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 5300 SOUTH 5600 WEST

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-1-2010, filed by Phil Holland, requesting a change of zone from zone 'M' (Manufacturing) to 'R-1-4' (Residential, Single-Family, Minimum Lot Size 4,000 sq. ft.) and 'C-2' (General Commercial) for property located at 5300 South 5600 West. He discussed proposed Ordinance No. 10-29 and proposed Resolution No. 10-175 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-29 which would amend the Zoning Map to show a change of zone for property located at 5300 South 5600 West from zone 'M' (Manufacturing) to 'R-1-4' (Residential, Single-Family, Minimum Lot Size 4,000 sq. ft.) and 'C-2' (General Commercial).

Mr. Pyle stated the requested zone change related to 16.4 acres and surrounding zones included 'R-1-7' to the west and north, 'R-1-6' to the east in Salt Lake County, and 'C-2' to the south. He advised the surrounding land uses included single-family homes or lots planned for single-family homes to the north and west, single-family homes to the east, and a convenience store and vacant land to the south. He indicated the subject property had been designated as mixed use including commercial and medium density residential (7 to 12 units per acre) in

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-4-

the West Valley City General Plan. He further indicated the southeast portion of the property had been developed as a Maverik convenience store.

The City Manager advised the Council had received a copy of a letter from the applicant outlining the reasons for the application, as well as a timeframe for when the different components of the project would be built. He stated a copy of the proposed concept plan had also been distributed to the Council. He discussed the latest concept that included three different types of uses. He indicated the 'R-1-4' portion of the project included an 80 unit, four-story, senior apartment building and 55 single-family home lots ranging in width from 45 feet to 60 feet and in area from 4,230 square feet to 6,133 square feet. He indicated the 'C-2' portion included the existing Maverik convenience store and two other commercial pads.

City Manager, Wayne Pyle, reported State law required municipalities to notify the Utah Department of Transportation (UDOT) of any land use application on property that would be impacted by the Mountain View Corridor as well as the associated transit corridor planned on 5600 West. He further reported City staff had notified UDOT of this application and UDOT had forwarded the information to the Utah Transit Authority (UTA). He stated Julianne Sabula with UTA had provided a written response that had been copied to the Council, including several attachments referenced in the letter.

City Manager, Wayne Pyle, presented proposed Resolution No. 10-175 which would authorize the City to enter into a presented a Development Agreement with SCP Westridge, LLC, for approximately 16.39 acres of real property being developed in the vicinity of 5610 West 5400 South.

Mr. Pyle stated SCP Westridge, LLC, was willing to design and develop the subject property and desired to enter into an agreement for creation of The Villages at Westridge. He further stated the number of residential units on the property would be limited to 55 single-family detached dwellings and 80 senior apartments. He advised the Development Agreement contained standards for the PUD overall, as well as standards for the two housing types. He indicated the final number of units could be less to accommodate engineering issues. He reported the development would include the following:

- A library/technology center within the senior apartment building
- An on-site manager for the senior apartments
- A fitness room within the senior apartment building
- A common lobby within the senior apartment building
- 30 covered parking stalls for the senior apartment building
- A walking/exercise trail

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-5-

- A tot lot in the common open space

Mayor Winder opened the public hearing.

Phil Holland, applicant, addressed the City Council. Mr. Holland discussed background information and the timeline for the proposal which began in 2008. He reviewed differences from the 2008 proposal and the current proposal regarding density, and also discussed in detail the site plan, reasons the development would be an amenity for the area, letters of intent from retailers, reasons for proposing an apartment building for residents 55 and older. He further stated it was only a rendering for the re-zone application and he would focus on what it took to bring tenants into the building like an elevator. He explained the proposal was for five amenities for the building along with a walking trail and tot lot and it would create a place in which people desired to reside. He stated Henry Walker Homes would build the residential units and they felt this was a great site for a residential community. Mr. Holland further discussed the current economic climate and the success of Henry Walker Homes. He indicated the proposed community would have CC&R's (covenants and restrictions) and would benefit from open spaces. He pledged to adhere to energy star requirements and all City ordinances and requested approval of the proposal. Mr. Holland also answered questions from members of the City Council regarding the proposal.

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

Upon discussion by the City Council, Mayor Winder read aloud an e-mail statement from Councilmember Rushton regarding the proposed development. He stated Councilmember Rushton desired the statement be made part of the record: *“Councilman Rushton submitted written comments to members of the Council concerning this application and ultimately expressed reservations and reluctance in supporting the adoption of Ordinance 10-29.”*

ACTION: ORDINANCE NO. 10-29, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 5300 SOUTH 5600 WEST FROM ZONE ‘M’ (MANUFACTURING) TO ‘R-1-4’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM LOT SIZE 4,000 SQUARE FEET) AND ‘C-2’ (GENERAL COMMERCIAL)

The Council previously held a public hearing regarding Application No. Z-1-2010, filed by Phil Holland, and proposed Ordinance No. 10-29 requesting to amend the Zoning Map to show a change of zone for property located at 5300 South 5600 West from zone ‘M’ (Manufacturing) to ‘R-1-4’ (Residential, Single-Family, Minimum Lot Size 4,000 Square Feet) and ‘C-2’ (General Commercial).

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-6-

After discussion, Councilmember Christensen moved to continue action regarding proposed Ordinance No. 10-29 until the Regular Meeting of October 12, 2010, in order to address concerns and/or until all Council members were present. Councilmember Burt seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous. Ordinance No. 10-29 – continued to October 12, 2010.

ACTION: RESOLUTION NO. 10-175, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SCP WESTRIDGE, LLC, FOR APPROXIMATELY 16.39 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 5610 WEST 5400 SOUTH

The City Council previously held a public hearing regarding Application Z-1-2010, filed by Phil Holland, and proposed Resolution No. 10-175 which would authorize the City to enter into a Development Agreement with SCP Westridge, LLC, for approximately 16.39 acres of real property being developed in the vicinity of 5610 West 5400 South.

After discussion, Councilmember Burt moved to continue action regarding proposed Resolution No. 10-175 until the Regular Meeting of October 12, 2010, in order to address concerns and/or until all Council members were present. Councilmember Brooks seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous. Resolution No. 10-175 – continued to October 12, 2010.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-7-

15085

RESOLUTION NO. 10-176, APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND THE CITY OF TAYLORSVILLE IN ORDER FOR WEST VALLEY CITY TO PROVIDE ANIMAL CONTROL SERVICES TO THE CITY OF TAYLORSVILLE

City Manager, Wayne Pyle, presented proposed Resolution No. 10-176 which would approve an Interlocal Cooperation Agreement between West Valley City and the City of Taylorsville in order for West Valley City to provide Animal Control Services to the City of Taylorsville.

Mr. Pyle stated Taylorsville City desired to continue to contract with West Valley City to provide animal control services. He advised West Valley City began providing comprehensive animal control services to the citizens of Taylorsville City last year. He indicated those services included animal control administration, licensing, regulation and adoption of animals. He explained the services would be at essentially the same level as previously provided. He indicated the agreement would be for one year, July 1, 2010, to June 30, 2011, but could be extended upon annual negotiation of the parties.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-176, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and the City of Taylorsville in order for West Valley City to Provide Animal Control Services to the City of Taylorsville. Councilmember Buhler seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 28, WAS ADJOURNED AT 7:07 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 28, 2010

-8-

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, September 28, 2010.

Sheri McKendrick, MMC
City Recorder