

MINUTES OF COUNCIL REGULAR MEETING - NOVEMBER 19, 2013

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

MAYOR-ELECT AND COUNCIL MEMBER-ELECT PRESENT:

Ron Bigelow, Mayor-elect
Lars Nordfelt, At-Large

STAFF PRESENT:

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

16380 **OPENING CEREMONY**
Tom Huynh who led the Pledge of Allegiance to the Flag conducted the Opening Ceremony.

16381 **SCOUTS**
Mayor Winder welcomed Scout Troop No. 144 in attendance to complete requirements for the Citizenship in the Community merit badge.

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16382 **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 5, 2013**

The Council read and considered Minutes of the Regular Meeting held November 5, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held November 5, 2013, as written. 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.

16383 **PRESENTATION OF ESSENTIAL PIECE AWARD TO EAST HOLLYWOOD HIGH SCHOOL**

Mayor Winder read the nomination and presented the Essential Piece Award to East Hollywood High School. East Hollywood High School had been nominated for their unique model and solid liberal arts education to students in preparation for college entry and assisting students at risk of not graduating from high school.

Upon recognition, representatives Eric Lindsay, Executive Director, and Katrina Walker, Principal, from East Hollywood High School, introduced themselves to members of the City Council and expressed appreciation for the award. They also discussed their mission of reaching out to students who might not graduate from high school and helping them succeed in an environment where they could “find a niche.” They also expressed appreciation for the partnership with the City during their ten years in West Valley City.

16384 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

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

B. **CITY COUNCIL COMMENTS**

Mayor Winder informed he recently attended the National League of Cities (NLC) conference in Seattle, Washington, and advised that

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Councilmember Corey Rushton had been nominated to chair one of the committees in that organization.

16385

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-5-2013, FILED BY MILT SHIPP, REQUESTING A GENERAL PLAN CHANGE FROM COMMERCIAL/LIGHT MANUFACTURING LAND USES TO VERY HIGH DENSITY RESIDENTIAL LAND USES AND A ZONE CHANGE FROM 'M' (MANUFACTURING) AND 'A' (AGRICULTURE) TO 'RM' (RESIDENTIAL MULTI-FAMILY) FOR PROPERTY LOCATED AT 2882 SOUTH DECKER LAKE DRIVE

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-5-2013, filed by Milt Shipp, requesting a General Plan change from Commercial/Light Manufacturing land uses to Very High Density Residential land uses and a zone change from 'M' (Manufacturing) to 'A' (Agriculture) to 'RM' (Residential Multi-Family) for property located at 2882 South Decker Lake Drive. He discussed proposed Ordinance No. 13-46 and proposed Ordinance No. 13-47 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. 13-46 that would amend the General Plan to show a change of land use from Commercial/Light Manufacturing to Very High Density Residential for property located at 2882 South Decker Lake Drive; and proposed Ordinance No. 13-47 that would amend the Zoning Map to show a change of zone for property located at 2882 South Decker Lake Drive from Zone 'M' (Manufacturing) and 'A' (Agriculture) to 'RM' (Residential Multi-Family).

Mr. Pyle stated the proposed amendments were related to 16 acres of property located at 2882 South Decker Lake Drive and to support the application, Mr. Shipp had submitted several documents and plans, described and summarized as follows:

- Letter from Milt Shipp with DAI – Letter outlines justification for the request and includes a petition signed by nearby business owners in support of the application.
- Apartment Master Plan: Plan shows the proposed apartment development that includes 368 units housed in 12 three-story buildings with unit sizes ranging from 699 square feet to 1,195 square feet. The proposed density is 23 units/acre. To address concerns of the Planning Commission regarding number of one-bedroom units, the applicant reduced the number of one-bedroom units by 24. The proposed unit mix, that is different from

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the master plan, is 18% three-bedroom, 47% two-bedroom, and 35% one-bedroom.

- Exhibit B – Development Standards: Document includes proposed standards for a development agreement.
- Project Plans: Document includes a vicinity map, a colored conceptual site plan, renderings of different buildings, color schemes for the proposed exterior materials, elevations and floor plans.
- Decker Lake Presentation – A PowerPoint presentation including economic and other information in support of the application.

The City Manager advised that both City staff and the Planning Commission recommended denial of the Application and specific reasons for the recommendation could be found in the minutes of the Planning Commission meeting, copies of which had previously been distributed to members of the City Council.

He reported that while the applicant had proposed standards for a development agreement, a draft had not been included since the Planning Commission had recommended denial. He advised if, however, the Council so directed a draft would be prepared for consideration thereby making a continuance in order.

Mayor Winder opened the public hearing.

Milt Shipp, applicant, addressed the City Council and expressed hope that Council members had been able to attend the grand opening of a similar project in Lehi, Utah, called Crest Haven. He made a presentation regarding the proposal for a Class A 368 unit apartment project. He pointed out there were currently four such projects in West Valley City. He used PowerPoint and overhead projection and discussed information (previously distributed to the City Council) summarized as follows:

- Only 9% of West Valley City's rental pool is Class A apartments.
- Will develop and maintain this project for generations to come.
- Map of other Class A apartments in the City and the difference for their project is being located near major shopping and on a TRAX line.
- Introduced partners in attendance: Jeff Flamm, Brian Flamm and Tim Soffe, and requested they be allowed to address the City Council.

Tim Soffe, Think Architecture, addressed the City Council and discussed information summarized as follows:

- Addressed the broad nature rather than specifics of the subject area – part of an overall mixed use fabric with entertainment, commercial/retail, some

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housing, office, hotels, and transit options. A successful mixed-use development in comparison to others including one in Sandy City, which in retrospect neglected to consider a full-time residential population resulting in nothing to perpetuate nightlife or entertainment on the weekend. Have an opportunity in West Valley City in this area to supply a land use that fits well with and supports other components in the area as mentioned above without impacting residential neighborhoods.

- Discussed sustainability and uses that support one another. An apartment project in this particular spot would be the right use in the right place and if managed properly with quality and integrity could be a great addition without any ill effects or impacts on the surrounding area.

Milt Shipp, applicant addressed the City Council and discussed information summarized as follows:

- Map showing other areas of successful mixed uses in West Valley City near the Valley Fair Mall and Maverik Center.
- Would develop a quality, high-end apartment project in the area.
- Difference of opinion with City staff regarding this property and its use. Jeff Flamm and family own the property and they indicated another office building would not be built on this property, as the market did not justify it. Class A apartments make sense here.
- Proposed that it was in the City's best interest to find a scenario that benefited the City.

Jeff Flamm addressed the City Council and discussed information summarized as follows:

- Information regarding his business background and dealings with the City over many years. They purchased land and the City set up a Special Improvement District (SID) and then E-Center and Hale Centre Theatre had been built. He and other partner own this property and remaining acreage. Explanation of impact of downturn in the economy (2008) that caused office space to be empty for almost four years. Sold some property to Homeland Security, but had not been what they really wanted in their business park and turned down warehouse uses. To get renters in, had to make concessions and decrease rents (2012); cannot borrow money in these conditions. He discussed building costs and rents available in other communities.
- People did not want to build a new building in old park; that and other issues are what they are up against.
- Narrow window of opportunity with low interest rates to make Class A apartments and he wanted what was best for the City. Want to retain property and keep it great and do something nice.

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Mr. Shipp addressed the City Council and discussed information summarized as follows:

- Some local businesses signed petition in support of proposal, which had been included in information given to the City Council prior to this meeting
- Reasons why apartments vs. office buildings in this location:
 - This is the highest and best use for the ground in that the market still resists office building development at this location and soundly encourages apartment development; review of tax generation comparisons; description of amenities.
 - Adjacent to Trax for a “greener” environment. This TOD site will benefit apartment tenants and the City.
 - Will help to increase income for local businesses that are trying to overcome the affects from the Hale Centre Theatre relocating.
 - Will benefit the Maverick Center by bringing in 368 families who can be additional patrons.
 - Utopia is already at our site and available for our tenants. If it is cost effective, UTOPIA will be part of our fiber optic package.
 - Apartments support the city’s desire to help Lake Park obtain more office buildings by not competing for the same tenants.
 - Apartments support Petzl’s “green” living for employees to work, play and live close by.
- Explanation of property tax summary sheet comparison regarding office building and proposed Decker Lake Apartments.
- Renderings and photographs regarding similar projects and details of quality relating to proposed Decker Lake Apartments.

Brian Flamm addressed the City Council and discussed information summarized as follows:

- Owner of Candlelight Homes discussed types of design features and details not seen in a lot of other projects, but will be included in proposed Class A apartments.
- Discussed amenities of his high-end apartments such as granite countertops, 9-foot ceilings and hard surface flooring, clubhouse and pool.
- Discussed additional amenities for proposed project such as splash pads and barbecue areas.

Mr. Shipp addressed the City Council and discussed information summarized as follows:

- Other features such as “tuck under” garages (192) or covered carports (189) for each unit.
- Results of study of mix of units, amenities and square footage, and comparisons with other similar developments.

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- Comments regarding concerns expressed about number of one-bedroom units as mentioned in Council's earlier study meeting. Large portion of population do not have children and are young professionals and/or empty nesters.
- After listening to Planning Commission discussion, square footage was voluntarily increased for one bedroom and decreased the total number of one-bedroom units. Looked at market in surrounding neighborhood with nearest project being E-Gate, which does not have one-bedroom units. He showed floor plan and livability of the units including description of storage spaces.
- Transportation corridor and TRAX divided the subject property, which did not allow for a campus feel in an office park, but could be turned into a positive for an apartment complex.
- Schools near Decker Lake – called and talked to nearby schools and learned student to teacher ratio and none were maxed out.
- Major concern regarding security and very conscious of that as they will own project for a long time. They will put on-duty security person at their project and would so agree to that term in a development agreement to be implemented when there was a demonstrated need. Their management company is AMC who manages 15% of multi-family properties in the City.
- Details regarding parking and providing one more stall than the city code required.
- Trail system and open space that would be linked to their project from the Jordan River and Decker Lake.
- Summary of proposal and pointed out not a lot of opposition, and have support of local businesses.
- Respect and appreciate deliberations of the City Council opinions.

Mr. Shipp answered questions from members of the City Council regarding definition of Class A apartment complexes. Mr. Shipp advised there were no specific definitions; however, it seemed to be based on granite countertops, hardwood flooring, two tone paint, and garages.

Paul Jensen addressed the City Council and stated he and Mark Green owned nearby property to the north of the subject property. He advised they had no financial interest in the proposed project. Mr. Jensen advised he knew all of the individuals involved by reputation, which was sterling; however, he desired to address what this meant to the neighborhood. He indicated if Hale Centre Theatre did move and other competition and attrition occurred, as developers they were concerned. He explained this, absent some infusion of new energy, could be tell tale for this area. He stated the City had invested in the area and they had shared concerns. He acknowledged difficulty in securing financing for office buildings,

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and stated if circumstances were different it would be the thing to do. He asked what was the solution to increase value to community and properties around the Maverik Center. He indicated the project would be a positive step forward and bring vitality to the area, especially as presently proposed. He indicated the proposal was a worthwhile project and hoped the City Council would agree. He expressed the view it would be dangerous to let things stay as presently existed, as the area needed some vitality and this would be an excellent and realistic choice. He requested approval of the application.

Mr. Jensen answered questions from members of the City Council regarding location of his property as related to the subject property.

Mr. Shipp addressed the City Council and stated he wanted to be sure he had advised the rents would be between \$900 and \$1200 per month.

Jeff Flamm addressed the City Council and referenced the site plan and pointed out layout of buildings, which had been designed on an irregular shaped parcel. He indicated all apartments would face the mountains or Decker Lake, which would be a nice feature to draw people here.

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

Mayor Winder called for discussion by members of the Council.

Councilmember Vincent commented regarding the synergy of the area and having residents to add vitality and support of businesses in the area certainly seemed to be a valid point. He expressed some concern regarding accommodations of families at a City park for activities such as baseball, softball and soccer activities. He pointed out the Redwood Center did also provide those facilities. He stated West Valley City should be able to attract quality "class A" businesses that would be viable in the City.

Councilmember Buhler stated 15 years was not very long in the life of a city and the subject area needed a boost in development of either office or apartment spaces.

Councilmember Huynh discussed tax generation for benefit of citizens of the City. He stated it was a complex and difficult decision to find the right project for this unique area.

Councilmember Rushton concurred with comments made previously by Councilmember Buhler and explained recently the Council had undergone dialogue with the Planning Commission regarding goals and needs of the entire

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City. He reflected on the importance of long-term planning and his belief that, with time, many of the City's areas will become viable and sought after for residential and business projects. He stated the General Plan should be followed.

Councilmember Rushton moved to deny Application No. GPZ-5-2013 and proposed Ordinance No. 13-46. Councilmember Lang seconded the motion.

Upon further discussion, Councilmember Lang stated the project seemed to be that of quality and many questions had been answered but some answers remained unclear. She indicated other places in the City would be better suited for the project and the General Plan for the subject area should be followed with an eye for high density in other locations.

Upon inquiry regarding information presented to the Planning Commission and upon direction, Steve Pastorik, CED Department, addressed the City Council. Mr. Pastorik advised the project proposal made to the Planning Commission was substantially the same as presented to the City Council.

Upon inquiry, City Manager, Wayne Pyle, discussed options of the applicant if the application was denied. Mr. Pyle advised all options would remain open in terms of the applicant coming back with another proposal. He stated City staff had worked diligently with all members of the applicant's team and would continue to do so.

Councilmember Buhler stated the City's General Plan had been developed and emerged from an existing suburb and it continued to be a developing document. He also expressed understanding for a variety of uses of properties.

Upon recognition and no objection being heard from the City Council, Mr. Shipp commented and requested the application be tabled and continued in order to allow time to work with City staff regarding a development agreement.

City Manager, Wayne Pyle, stated further review and discussion with City staff regarding the current proposal on the subject site would not produce a favorable recommendation. He indicated, however, staff would certainly be prepared to discuss other projects for the site or the current project on a different site.

Councilmember Rushton and Councilmember Vincent again pointed out the importance of the General Plan.

City Manager, Wayne Pyle, expressed appreciation to the applicant for the cooperative efforts with the City. He reminded much progress had been made in West Valley City over the years and expressed appreciation to the community partners who had contributed to that development.

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ACTION: CONSIDER ORDINANCE NO. 13-46, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM COMMERCIAL/LIGHT MANUFACTURING TO VERY HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 2882 SOUTH DECKER LAKE DRIVE

The Council previously held a public hearing regarding Application No. GPZ-5-2013, filed by Milt Shipp, and proposed Ordinance No. 13-46, that would amend the General Plan to show a change of land use from Commercial/Light Manufacturing to Very High Density Residential for property located at 2882 South Decker Lake Drive.

Mayor Winder called for a vote on the motion for denial previously made by Councilmember Rushton and seconded by Councilmember Lang (see above).

A roll call vote was taken:

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

Majority.

Application No. GPZ-5-2013 and proposed Ordinance No. 13-46 - denied.

ACTION: CONSIDER ORDINANCE NO. 13-47, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2882 SOUTH DECKER LAKE DRIVE FROM ZONE 'M' (MANUFACTURING) AND 'A' (AGRICULTURE) TO 'RM' (RESIDENTIAL MULTI-FAMILY)

The Council previously held a public hearing regarding Application No. GPZ-5-2013 and considered proposed Ordinance No. 13-47, and subsequently denied both.

After discussion, Councilmember Vincent moved to deny proposed Ordinance No. 13-47. 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.

Proposed Ordinance No. 13-47 - denied.

16386

RESOLUTION NO. 13-166, APPROVE AN AGREEMENT WITH PINNACLE RISK MANAGEMENT SERVICES, INC. TO PROVIDE CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES FOR THE CITY'S WORKER'S COMPENSATION CLAIMS EXISTING AS OF JUNE 30, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 13-166 that would approve an Agreement with Pinnacle Risk Management Services, Inc., to provide claims adjusting and administrative services for the City's Worker's Compensation claims existing as of June 30, 2013.

Mr. Pyle stated Pinnacle Risk Management Services Inc. had provided workers' compensation related services to the City for several years, including all claims adjusting and claim related administrative services. He advised, under the agreement, Pinnacle would continue to manage workers' compensation claims made prior to July 1, 2013. He indicated they would continue to adjust, track, and make required payments to employees and medical care providers on those claims and provide the City with various reports on claims made through June 30, 2013.

The City Manager reported because the City was self-insured for workers' compensation claims, all claims adjusting and administrative tracking of claims and payments was done either "in-house" or through a private contractor. He advised the City had moved to the Workers' Compensation Fund of Utah as of July 1st but determined it advantageous to leave claims existing prior to July 1st with the third party administrator to provide those services. He stated Pinnacle had provided excellent service to the City for many years at a very competitive price and the proposed contract with Pinnacle could be reconsidered for renewal on an annual basis.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-166, a Resolution Approving an Agreement with Pinnacle Risk Management Services, Inc., to Provide Claims Adjusting and Administrative Services for the

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City's Workers' Compensation Claims Existing as of June 30, 2013.
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.

16387

CONVENE AS BOARD OF CANVASSERS FOR THE 2013 MUNICIPAL GENERAL ELECTION HELD NOVEMBER 5, 2013

The City Council convened as the Board of Canvassers for the 2013 Municipal General Election held November 5, 2013.

The Board of Canvassers, with City Recorder, Sheri McKendrick, reviewed results of the Municipal General Election held November 5, 2013, as shown on the Canvass Report.

ACTION: CONSIDER RESOLUTION NO. 13-167, ACCEPTING AND APPROVING RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 5, 2013, AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-167, that would accept and approve results of the Municipal General Election held November 5, 2013, as shown on the Canvass Report.

He stated the City Council was the legislative body for West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code Section 20A-4-301(2). He reported the Code required the Board of Municipal Canvassers meet to canvass the returns of the Municipal General Election no sooner than seven days and no later than 14 days after the election.

After discussion, Councilmember Buhler moved to approve Resolution No. 13-167, a Resolution Accepting and Approving the Results of the Municipal General Election held November 5, 2013, as shown on the Canvass Report.

A roll call vote was taken:

Mr. Vincent	Yes
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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, NOVEMBER 19, 2013, WAS ADJOURNED AT 8:07 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, November 19, 2013.

Sheri McKendrick, MMC
City Recorder