

**MINUTES OF COUNCIL REGULAR MEETING – MARCH 11, 2014**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 11, 2014, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Karen Lang, Councilmember District 3  
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Corey Rushton, Councilmember At-Large  
Steve Buhler, Councilmember District 2

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director  
Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Jim Welch, Finance Director  
Russell Willardson, Public Works Director  
Layne Morris, CPD Director  
John Evans, Fire Chief  
Lee Russo, Police Chief  
Sam Johnson, Strategic Communications Director  
Mike Richards, Acting Parks and Recreation Director  
Steve Lehman, CED Department  
Kevin Conde', Administration  
Russ Bailey, Public Works Department  
Jeannette Carpenter, Finance Department  
Don Groo, Finance Department  
Niclas Hales, Finance Department  
Tallen Meek, Finance Department  
Shelley Larsen, Finance Department  
Scott Freckleton, Finance Department  
Russ Condie, Finance Department  
Nora Clements, Finance Department

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Wendy Motteshard, Finance Department

16510 **OPENING CEREMONY**

The Opening Ceremony was conducted by Karen Lang who invited scouts from Troop No. 646 to conduct the flag ceremony.

16511 **SCOUTS**

Mayor Bigelow expressed appreciation for the flag ceremony and welcomed Scout Troop No. 646 in attendance to complete requirements for the Citizenship in the Community merit badge.

16512 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 25, 2014**

The Council read and considered Minutes of the Regular Meeting held February 25, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Lang moved to approve the Minutes of the Regular Meeting held February 25, 2014, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16513 **EMPLOYEE OF THE MONTH, MARCH 2014 – DON GROO, FINANCE DEPARTMENT**

Mayor Bigelow read the nomination of Don Groo, Finance Department, to receive the Employee of the Month Award for March 2014. Mr. Groo had been nominated for his 24 years of service and exhibiting pride and professionalism in every aspect of his job.

The award was presented and the City Council congratulated Mr. Groo and expressed appreciation for his work and dedication to West Valley City.

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16514      **DANYCE STECK, PAST PRESIDENT OF THE UTAH GOVERNMENT FINANCE OFFICERS ASSOCIATION – PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AWARD TO WEST VALLEY CITY**

Finance Director, Jim Welch, introduced Danyce Steck, Past President of the Utah Government Finance Officers Association (UGFOA).

Ms. Steck addressed the City Council and discussed background information regarding the Comprehensive Annual Financial Report (CAFR) award, including the judging criteria, standards and reporting requirements. She congratulated West Valley City staff on receiving this national award for the last 21 years. She also acknowledged City staff's efforts and, in particular, Don Groo, Chief Accountant.

Finance Director, Jim Welch, addressed the City Council and expressed pride in the very competent Finance Department staff.

16515      **COMMENT PERIOD**

Upon inquiry by Mayor Bigelow the following individual addressed the City Council during the comment period:

Mike Markham addressed the City Council and expressed desire to be on record as being opposed to allowing chickens in residential neighborhoods. He stated he hoped City Council members would personally clean up for those who had chickens and did not take care of them. Mr. Markham indicated he would not have chickens on a small lot and thought his neighbors should not be able to do so either.

Upon inquiry by Mayor Bigelow, there was no one else present who desired to address the City Council during the comment period.

16516      **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-9-2013, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND SECTION 7-19-618 AND 7-19-619 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING PERFORMANCE BONDS FOR SUBDIVISION DEVELOPMENT**

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-9-2013, filed by West Valley City, requesting to amend Section 7-19-618 and 7-19-619 of the West Valley City Municipal Code regarding performance bonds for subdivision development. He discussed proposed Ordinance No. 14-17 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 14-17 that would amend Section 7-9-618 and 7-9-619 of the West Valley City Municipal Code to update City ordinances government performance bonds consistent with State law.

Mr. Pyle stated the City’s Subdivision Ordinance established requirements for performance bonds guaranteeing the construction of required improvements. He advised recently the Utah Legislature amended the law governing performance bonds to require cities to impose lower bond requirements. He indicated Title 7, Chapter 19 of the Subdivision Ordinance required performance bonds guaranteeing construction and suitability of public improvements constructed as a condition of approval. Previously the State’s subdivision statute and the City’s corresponding ordinance permitted the City to require a bond in the amount of 20% of the cost of installation of the public improvements covered by the bond. The legislature recently amended the State statute to limit the City to require a bond for 10% of the cost of installation of the public improvements covered by the bond.

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

**ACTION: CONSIDER ORDINANCE NO. 14-17, AMENDING SECTION 7-9-618 AND 7-9-619 OF THE WEST VALLEY CITY MUNICIPAL CODE TO UPDATE CITY ORDINANCES GOVERNING PERFORMANCE BONDS CONSISTENT WITH STATE LAW**

The Council previously held a public hearing regarding Application No. ZT-9-2013, filed by West Valley City, and proposed Ordinance No. 14-17 that would amend Section 7-9-618 and 7-9-619 of the West Valley City Municipal Code to update City ordinances governing performance bonds consistent with State law.

After discussion, Councilmember Vincent moved to approve Ordinance No. 14-17, an Ordinance Amending Sections 7-19-618 and 7-19-619 of the West Valley City Municipal Code to Update City Ordinances Governing Performance Bonds Consistent with State Law. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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16517

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-28-2013, FILED BY DLM DEVELOPMENT – BRET MACKAY, REQUESTING FINAL PLAT APPROVAL FOR THE 201 COMMERCE CENTER SUBDIVISION NO. 3 AND THE AMENDMENT OF PARCEL C OF THE 201 COMMERCE CENTER SUBDIVISION NO. 2 LOCATED AT 2200 SOUTH COMMERCE CENTER DRIVE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 11, 2014, at 6:30 P.M. in order for the City Council to hear and consider public comments regarding Application No. S-28-2013 filed by DLM Development – Bret Mackay requesting final plat approval for the 201 Commerce Center Subdivision No. 3 and the Amendment of Parcel C of the 201 Commerce Center Subdivision No. 2 located at 2200 South Commerce Center Drive. He discussed proposed Ordinance No. 14-18 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. 14-18 that would approve the amendment of Parcel C of the 201 Commerce Center Subdivision No. 2 located in West Valley City, Utah.

Mr. Pyle stated the subject property was presently vacant and located in a manufacturing zone. He indicated the amendment would divide the existing large parcel into two platted lots; Lot 301 would be approximately 17.9 acres, and Lot 302 would be 12.1 acres.

He indicated access to the subdivision would be from Commerce Center Drive that had recently been completed along with improvements to the 201 Frontage Road. He explained Commerce Center Drive Drive would provide a connection with Links Drive to the south.

The City Manager reported the applicant recently received conditional use approval from the Planning Commission for the first building, and construction was expected to be underway this spring with the first building planned for Lot 301.

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

**ACTION: CONSIDER ORDINANCE NO. 14-18, APPROVING THE AMENDMENT OF PARCEL C OF THE 201 COMMERCE CENTER SUBDIVISION NO. 2 LOCATED IN WEST VALLEY CITY, UTAH**

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The City Council previously held a public hearing regarding Application No. S-28-2013, filed by DLM Development – Bret Mackay, and proposed Ordinance No. 14-18 that would approve the Amendment of Parcel C of the 201 Commerce Center Subdivision No. 2 located in West Valley City, Utah.

After discussion, Councilmember Huynh moved to approve Ordinance No. 14-18, an Ordinance Approving the Amendment of Parcel C of the 201 Commerce Center Subdivision No. 2 Located in West Valley City, Utah. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16518

**RESOLUTION NO. 14-38, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY TO PROVIDE CONGREGATE MEALS AND TRANSPORTATION TO THE HARMAN SENIOR RECREATION CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 14-38 that would approve an Interlocal Cooperation Agreement with Salt Lake County to provide congregate meals and transportation to the Harman Senior Recreation Center.

Mr. Pyle stated the existing agreement between the parties needed to be updated and changed periodically to reflect current practices. He indicated the City and Salt Lake County had worked together for many years to provide meals, transportation and other federally funded services to seniors at the Harman Senior Recreation Center. He advised the contract needed to be renewed and updated to make changes reflecting current practices.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-38, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County to Provide Congregate Meals and Transportation to the Harman Senior Recreation Center. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
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Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16519

**APPLICATION NO. S-31-2013, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR HIGHBURY PLACE SUBDIVISION PHASE 9 LOCATED AT 5100 WEST HIGHBURY PARKWAY**

City Manager, Wayne Pyle, presented Application No. S-31-2013, filed by Nick Mingo representing Ivory Homes, requesting final plat approval for Highbury Place Subdivision Phase 9 located at 5100 West Highbury Parkway.

Mr. Pyle stated the proposed subdivision was located to the north and east of Phase 6 and to the east of Phase 8. He indicated property to the east was vacant and would be platted as future phases of Highbury. He reported this phase consisted of 29 lots and seven parcels on 10.3 acres. He advised lot sizes ranged from 6,510 square feet to 11,872 square feet, with an average lot size at 8,500 square feet. He reported home construction would be similar to other phases in the Highbury community with Ivory using select plans from their various catalogues.

The City Manager explained Parcels A-F were located within various areas of the waterway system. These areas included landscaping and sidewalk. He stated Parcels B and E were owned by the City and were specific to the waterway itself. A new parcel was being created within the proposed subdivision. He stated Parcel G was situated between Lots 806 and 920. The purpose for this parcel would be to provide access to the sidewalk system along the waterway to the south, and would be a ten-foot wide hard surfaced area maintained by the residential homeowners association (HOA). He indicated fencing would be installed on each side of the walkway and, upon staff recommendation, would match the fencing used along the waterways.

He continued that access to the subdivision would be gained from Brixham Way, Dartford Way and Sandwell Drive. Each of the existing streets was located to the west of the new subdivision. This phase would extend Brixham Way and Sandwell Drive to the east for future development. All streets in the subdivision would be dedicated and consist of a 54 foot right-of-way. This would allow a five foot park strip and five foot sidewalk. He stated Ivory Homes had submitted a tree-planting plan for the entire Highbury Place Subdivision. He also stated Ivory would provide home owners with a voucher to purchase and plant the trees and

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the HOA would ensure the trees were planted and maintained in accordance with the approval plan.

Mr. Pyle reminded the City Council had reviewed and approved a Development Agreement for the entire Highbury community that addressed lot size, dwelling size, building materials and other items related to construction of residential homes. He reported requirements outlined in the agreement had created a unique community with a variety of housing options along with ample open space and recreational opportunities.

He also discussed the subdivision being located next to two of many waterways planned for the overall development. In Phases 2, 3, 5 and 8, Ivory installed a semi-private fence along the rear property lines adjacent to the waterway. This fence was constructed of a Trex post and wrought iron allowing visibility into the waterway. He explained the same fence type would be installed along Lots 920-922 in this phase adjacent to the waterway.

The City Manager reported Ivory Homes planned to install basements for all homes based on a soils report indicating the ground water had been encountered at a depth ranging from 9-13 feet below existing grades. He advised all homes would be eligible for basements and would comply with the water table elevation as noted on the plat. In addition, a sub-drain system would be installed to provide an extra measure of protection for new homeowners.

After discussion, Councilmember Vincent moved to approve Application No. S-31-2013, filed by Ivory Homes, and give final plat approval for Highbury Place – Phase 9 located at 5100 West Highbury Parkway. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 11, 2014, WAS ADJOURNED AT 6:52 P.M., BY MAYOR BIGELOW.**

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held Tuesday, March 11, 2014.

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Sheri McKendrick, MMC  
City Recorder