

MINUTES OF COUNCIL REGULAR MEETING – JULY 22, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 22, 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 PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton, Mayor Pro Tem
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Ron Bigelow, Mayor

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Layne Morris, CPD Director
Sam Johnson, Strategic Communications Director
Jeanette Carpenter, Acting Finance Director
Anita Schwemmer, Acting Police Chief
Jake Arslanian, Public Works Department
Jody Knapp, CED Department
Craig Thomas, Administration

16687

OPENING CEREMONY

Mayor Pro Tem Rushton stated the Mayor had previously arranged for Pastor Sid Casillas of Life Church to participate in the opening ceremony. The Pastor was recognized and led the audience in an invocation.

16688

APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 8, 2014

The Council read and considered Minutes of the Regular Meeting held July 8, 2014. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held July 8, 2014, as written. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16689 **PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 5, 2014, AS “NATIONAL NIGHT OUT 2014” IN WEST VALLEY CITY**

Councilmember Vincent read a Proclamation declaring August as “Neighborhood Nights” month and August 5, 2014, as “National Night Out 2014” in West Valley City.

16690 **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Rushton, the following individual addressed the City Council during the comment period:

A. **PUBLIC COMMENTS**

James Wright addressed the City Council and stated he worked for Cascade Refining. Mr. Wright expressed frustration regarding the lack of response by the Police Department if felons were in their office. He discussed an incident that occurred at their business this date and complained regarding an officer still not being on the scene after an hour. He indicated an officer did not respond to their call, but instead one later used their parking lot to pull over speeders. He questioned the Police Department’s priorities and lack of response. He stated this was not an isolated incident and had happened before and it took over 90 minutes for a response. He also stated this was unacceptable as crime prevention should be a higher priority.

B. **CITY MANAGER COMMENTS**

Acting City Manager, Paul Isaac, stated Mr. Wright’s comments were well taken and he would direct the Acting Police Chief to speak with Mr. Wright after the meeting.

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16691

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-3-2014, FILED BY WEST VALLEY CITY, REQUESTING AN ORDINANCE TEXT AMENDMENT TO REGULATE SIGNAGE ON PUBLIC PROPERTY

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-3-2014, filed by West Valley City, requesting an ordinance text amendment to regulate signage on public property.

Proposed Ordinance No. 14-33 to be considered by the City Council subsequent to the public hearing was discussed as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 14-33 that would enact Section 4-3-104 and amend Sections 11-4-106 and 11-5-102 of the West Valley City Municipal Code to amend City ordinances governing signs upon City property.

He stated the proposed amendments had been proposed to prohibit signage that was not explicitly authorized by ordinance on city-owned property and city rights-of-way. He indicated that currently, political signs were permitted in the public right-of-way and must be removed within 15 days after the date of an election. He advised these signs were the only ones permitted in the right-of-way and no other signage was allowed. The proposed amendment would remove these standards so that all signage was treated equally and the ordinance was consistent and in compliance with free speech regulations as set forth in the United States Constitution.

He reported the Planning Commission felt that political signs were important and that since used by persons running for public office the signs should be permitted in the public right-of-way. The Commission was also concerned that private property owners might not want to express their political viewpoints publically, so it would be more difficult to get exposure if political signs were limited to private property only. He stated other methods may be used to get the word out like social media, flyers, etc. but the Commission felt those methods might not be as cost effective as signage in the right-of-way.

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

Upon discussion, Councilmember Buhler referenced UDOT (Utah Department of Transportation) policy for signage in public rights-of-way and stated political signs should be treated in the same way. He explained such a policy would be good for West Valley City and eliminate “eye pollution.” He indicated there were

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plenty of other ways to get a message out and he believed property owners were willing to let signs be posted in their yards.

Councilmember Vincent expressed agreement with remarks made by Councilmember Buhler regarding keeping the right-of-way clean thus improving the City's appearance. He advised also of consideration regarding not needing more government rules and regulations, and indicated he would probably not vote in favor of the proposal.

Councilmember Nordfelt stated the importance of compliance with the First Amendment. He indicated political speech was very important, but a sign in a public place might not be the best way. He discussed waste materials that added to the landfill. He expressed belief that political signs in a neighbor's yard meant more and sent a better message, as opposed to signs in a park or a public right-of-way.

Councilmember Lang stated the proposal would also eliminate other signs that "popped up" but questioned how City-sponsored signs would be distinguished from others.

Upon recognition, Jody Knapp, CED Department, addressed the City Council and clarified language in the proposed ordinance. Assistant City Manager/CED Director, Nicole Cottle, also noted there was an exception for "public service announcement" type signs that staff would weigh very carefully depending on content of the sign, as there were First Amendment issues. Layne Morris, CPD Director, also answered questions regarding enforcement of the sign ordinance.

Mayor Pro Tem Rushton stated regulations were important and enforcement would be an issue if the ordinance were approved. He indicated there could be a need for amendment and "tweaking" in the future while continuing to be aware of protection of free speech.

ACTION: CONSIDER ORDINANCE NO. 14-33, ENACTING SECTION 4-3-104 AND AMENDING SECTIONS 11-4-106 AND 11-5-102 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CITY ORDINANCES GOVERNING SIGNS UPON CITY PROPERTY

The City Council previously held a public hearing regarding Application No. ZT-3-2014 and proposed Ordinance No. 14-33 that would enact Section 4-3-104 and amend Sections 11-4-106 and 11-5-102 of the West Valley City Municipal Code to amend City ordinances government signs upon City property.

After discussion, Councilmember Buhler moved to approve Ordinance No. 14-33, an Ordinance Enacting Section 4-3-104 and Amending Sections 11-4-106 and 11-5-102 of the West Valley City Municipal Code to Amend City Ordinances

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Governing Signs Upon City Property. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Majority.

16692

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-6-2013, FILED BY CHUN HSLANG AND HONG XIAO, REQUESTING A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL; AND A ZONE CHANGE FROM ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-6-2013, filed by Chun Hslang and Hong Xiao, requesting a General Plan change from Low Density Residential to Neighborhood Commercial; and a zone change from ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) to ‘C-1’ (Neighborhood Commercial) for property located at 4758 West 4100 South.

Proposed Ordinance Nos. 14-34 and 14-35, and proposed Resolution No. 14-126, to be considered by the City Council subsequent to the public hearing, was discussed as follows:

Mr. Isaac presented proposed Ordinance Nos. 14-34 and 14-35 that would amend the General Plan from Low Density Residential to Neighborhood Commercial; and a zone change from ‘R-1-8’ (Single-Family Residential, minimum lot size 8,000 sq. ft.) to ‘C-1’ (Neighborhood Commercial).

He advised Chun Hsiang and Hong Xiaco had submitted the application for one parcel totaling 1.01 acres located at 4758 West 4100 South. He indicated the property was currently zoned ‘R-1-8’ with a General Plan designation of Low Density Residential (three to four units per acre).

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He stated surrounding zones included ‘R-1-8’ to the north and east and ‘C-1’ to the west and south. Surrounding land uses included the Hunter Library to the north and east, a bank to the west, and a church and physical therapy office to the south.

He also reported there were currently two single-family residential homes on the parcel. Salt Lake County records indicated the homes had been constructed in 1959 and currently occupied by rental tenants. If the application was approved, the applicant planned to demolish the homes on the parcel and develop the property into a multi-tenant commercial building. The tenant mix would include retail/office uses and a restaurant.

He stated subsequent to the Planning Commission hearing the applicant had finalized purchase of the property and also changed engineers. Therefore, there were some slight modifications to the conceptual site design as well as the applicant information. The property owner had also submitted a letter outlining the reasons why he proposed the change.

Acting City Manager, Paul Isaac, presented proposed Resolution No. 14-126 that would authorize the City to enter into a Development Agreement with Chun Hsiang and Hong Xiao to establish standards for a new building in the ‘C-1’ zone at 4758 South 4000 West.

He reiterated that Chun Hsiang and Hong Xiao had submitted a General Plan/zone change to change 1.01 acres of property as described above (Application No. GPZ-6-2013). Staff and the Planning Commission recommended consideration of a development agreement in conjunction with the General Plan and zone change to help the planned new building to be compatible with the residential character of 4100 South. The proposed Development Agreement contained the following requirements:

1. The building shall have a pitched roof design with no parapet walls.
2. The parking shall be located to the north or east side of the site and the building shall be oriented towards the streets.

Mayor Pro Tem Rushton opened the public hearing.

Chun Hsiang and Hong Xiao, applicants, addressed the City Council and discussed the proposal for a two level neighborhood business including retail, a restaurant and office use on the subject property.

Jared (last name not audible), architect, addressed the City Council. He suggested changes to the proposed development agreement regarding a sloped roof over the restaurant and parapet over the remainder. He indicated city staff had a drawing that he did not bring with him to the meeting.

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Councilmember Vincent stated a pitched roof would maintain the residential feel that would be important in the area.

Mayor Pro Tem Rushton inquired regarding conversations with Salt Lake County and integrating a fence on the property with that of the adjacent Hunter Library.

In response, the Acting City Manager advised staff had just been notified prior to this meeting regarding proposed changes to the development agreement and suggested the Council may want to consider continuing the matter and delaying a decision to allow time for further study.

Mathew Laker addressed the City Council and stated he would not personally purchase a home located on 4100 South and welcomed neighborhood commercial in that area.

James Wright addressed the City Council and stated it would be a good idea to having a zone change to provide convenience in the neighborhood, as it would add flavor to the community.

There being no one else desiring to address the City Council, Mayor Pro Tem Rushton closed the public hearing.

Upon discussion, Councilmember Buhler expressed no concern with the corner being commercialized as was typical of intersections, but was concerned the Planning Commission recommended approval based on a development agreement that the applicant now wanted to change. He expressed concern for “piece meal” changes to 4100 South and discussed the update of the General Plan currently in process. He expressed opposition to any changes until a comprehensive plan for this corridor could be put in place.

Councilmember Vincent concurred with comments previously made by Councilmember Buhler. He indicated it would be an appropriate change for that corner, but because of changes in elevations and requested changes to the terms of the development agreement further review would be in order.

Councilmember Huynh noted there was other commercial on three corners of the intersection. He also stated the fence between this property and the library needed to be higher.

Mayor Pro Tem Rushton expressed agreement with above comments and stated 4100 South was in a state of transition. He suggested a continuance to review changes in elevations proposed by the applicant. He discussed neighborhood fit with the proposed commercial space, such as walkability, barriers of fencing, and

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the importance of meshing in with the rest of the community and the General Plan.

Councilmember Lang stated her opinion that commercial would be appropriate on the subject property and neighborhood commercial would be the best use.

ACTION: CONSIDER ORDINANCE NO. 14-34, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH

The Council previously held a public hearing regarding Application No. GPZ-6-2013 and proposed Ordinance No. 14-34 that would amend the General Plan to show a change of land use from Low Density Residential to Neighborhood Commercial for property located at 4758 West 4100 South.

After discussion, Councilmember Lang moved to continue Application No. GPZ-6-2013 and proposed Ordinance No. 14-34 to the Council Study Meeting scheduled August 12, 2014, thus allowing time for staff to review and submit any proposed changes to the Development Agreement as proposed by the applicants. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

Application No. GPZ-6-2013 and proposed Ordinance No. 14-34 continued to the Study Meeting scheduled August 12, 2014.

ACTION: CONSIDER ORDINANCE NO. 14-35, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH FROM ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL)

The Council previously held a public hearing regarding Application No. GPZ-3-2014 and proposed Ordinance No. 14-35 that would amend the Zoning Map to show a change of zone for property located at 4758 West and 4100 South from zone ‘R-1-8 (Single-Family Residential, minimum lot size 8,000 sq. ft.) to ‘C-1’ (Neighborhood Commercial).

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After discussion, Councilmember Vincent moved to continue Application No. GPZ-6-2013 and proposed Ordinance No. 14-35 to the Council Study Meeting scheduled August 12, 2014, thus allowing time for staff to review and submit any proposed changes to the Development Agreement as proposed by the applicants. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

Application No. GPZ-6-2013 and Proposed Ordinance No. 14-35 continued to Study Meeting scheduled August 12, 2014.

ACTION: CONSIDER RESOLUTION NO. 14-126, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CHUN HSIANG AND HONG XIAO

The City Council previously held a public hearing regarding Application No. GPZ-6-2013 and thereafter continued action regarding the Application and proposed Ordinance Nos. 14-34 and 14-35 to the Study Meeting of August 12, 2014.

After discussion, Councilmember Lang moved to continue proposed Resolution No. 14-126 to the Council Study Meeting scheduled August 12, 2014, thus allowing time for staff to review and submit any proposed changes to the Development Agreement as proposed by the applicants. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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Application No. GPZ-6-2013 and Proposed Resolution No. 14-126 continued to Study Meeting scheduled August 12, 2014.

16693

RESOLUTION NO. 14-127, APPROVE AN AGREEMENT WITH KEDDINGTON & CHRISTENSEN, CERTIFIED PUBLIC ACCOUNTANTS, L.L.C. TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY

Acting City Manager, Paul Isaac, presented proposed Resolution No. 14-127 that would approve an agreement with Keddington & Christensen, Certified Public Accountants, L.L.C., in the amount of \$76,384.00, to provide auditing services to West Valley City.

He stated West Valley City was required by law to engage an independent audit firm to audit the City's financial operations. He reported Keddington & Christensen auditors had demonstrated experience and proficiency in municipal audits and knowledge of West Valley City's operations. He indicated the audit would be conducted in accordance with auditing standards generally accepted in the United States of America, being the standards for financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States.

He also advised Keddington & Christensen had provided audit services for the City in the past and had the technical expertise to evaluate and review all aspects of the City's complex operations.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-127, a Resolution Authorizing the Execution of an Agreement between West Valley City and Keddington & Christensen, Certified Public Accountants, L.L.C. to Provide Auditing Services to West Valley City. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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16694

RESOLUTION NO. 14-128, AWARD A CONTRACT TO COMMERCIAL MECHANICAL TO REPLACE THE HVAC ROOFTOP UNITS ON CITY HALL

Acting City Manager, Paul Isaac, presented proposed Resolution No. 14-128 that would award a contract to Commercial Mechanical, in an amount not to exceed \$207,630.00, to replace the HVAC rooftop units on City Hall.

He stated the City Hall rooftop units were old and obsolete, repairs were costly, and replacement with new and up-to-date units would save costs of repairs. He indicated replacements would also be energy efficient.

He indicated the HVAC system had been servicing the building for over 24 years, with a lifecycle of 15-20 years as projected by the manufacturer. The units had been very well maintained and serviced the City's needs well; however, they had outlived their lifecycle with expensive breakdowns having been experienced. He explained because of the age of the units, replacement parts were scarce and obsolete. The units would be replaced with the latest technology and advance energy efficiency components. He also advised the new units would replace the old units on the same footprints without need of retrofitting the roof. He reported the need to replace the units as soon as possible as mechanical failures had been experienced on the north unit that includes the Multi-Purpose Room, Council Chambers and the computer rooms in the basement. He stated the south unit that supplied the HVAC for the remainder of the building had also been problematic and unreliable.

He reported proposals had been solicited and five proposals received, as follows:

Commercial Mechanical	\$207,630.00
UTAH Engineering	\$217,100.00
American Mechanical	\$226,334.00
Tod R. Packer Inc.	\$232,361.00
Wasatch Comfort	\$247,068.00

The Acting City Manager advised Commercial Mechanical had submitted the lowest and most responsible bid.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-128, a Resolution Awarding a Contract to Commercial Mechanical to Replace the HVAC Rooftop Units on City Hall. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

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Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16695

RESOLUTION NO. 14-129, AUTHORIZE THE CITY TO PURCHASE SERVICES FROM LEGACY EQUIPMENT TO REFURBISH TWO INTERNATIONAL DUMP TRUCKS FOR USE BY THE PUBLIC WORKS DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 14-129 that would authorize the City to purchase services from Legacy Equipment to refurbish two International dump trucks, in an amount not to exceed \$153,920.00, for use by the Public Works Department.

He stated the proposal would authorize refurbishment of a 2003 International 10-wheel dump truck and a 2005 International bobtail dump truck. He indicated refurbishing this equipment would save the City an estimated \$190,000 compared to cost of replacement.

He reported the Fleet Manager had determined the referenced trucks themselves were in good working order. He stated due to years of snow plowing, salt corrosion, and asphalt work, the beds, hydraulic system and snowplows were worn out and needed replacement.

He advised that the Public Works Department had requested approval for the purchase under Section 5-3-109 Sole Source Procurement. He explained that to eliminate the potential warranty work issues that might arise by using multiple vendors to install portions of equipment, Legacy Equipment had been selected as the sole source vendor, to provide beds, hydraulic systems and plows, all in one location.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-129, a Resolution Authorizing West Valley City to Purchase Services from Legacy Equipment to Refurbish Two International Dump Trucks for use by the Public Works Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes

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Mayor Pro Tem Rushton Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 22, 2014, WAS ADJOURNED AT 7:22 P.M., BY MAYOR PRO TEM RUSHTON.

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, July 22, 2014.

Sheri McKendrick, MMC
City Recorder