

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 21, 2014**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 21, 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  
Corey Rushton, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

ABSENT: Steve Vincent, Councilmember District 4

STAFF PRESENT:

Eric Bunderson, City Attorney  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
John Evans, Fire Chief  
Lee Russo, Police Chief  
Sam Johnson, Strategic Communications Director  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Steve Pastorik, Acting CED Director  
Steve Lehman, CED Department  
Jake Arslanian, Public Works Department

16783      **OPENING CEREMONY**  
The Opening Ceremony was conducted by Karen Lang who led the Pledge of Allegiance to the Flag.

16784      **SCOUTS**  
Mayor Bigelow welcomed Scout Troop Nos. 343 and 1944 in attendance to complete requirements for the Citizenship in the Community merit badge.

16785      **COMMENT PERIOD**  
Upon inquiry by Mayor Bigelow, there was no one in attendance who desired to address the City Council during the comment period.

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16786

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NOS. S-12-2009 AND S-2-2010, FILED BY WOODBURY CORPORATION, REQUESTING FINAL PLAT APPROVAL FOR WILLOW WOOD SHOPPING CENTER AMENDED LOCATED AT 3450 WEST 3500 SOUTH**

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application Nos. S-12-2009 and S-2-2010, filed by Woodbury Corporation, requesting final plat approval for Willow Wood Shopping Center Amended located at 3450 West 3500 South.

Proposed Ordinance No. 14-39 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

A similar application had been approved by the City Council in March of 2010. However, due to issues related to the widening of 3500 South Street the applicant postponed the recording of the original subdivision plat. The applicant had now resolved those issues with the Utah Department of Transportation (UDOT) and was prepared to move forward with the subdivision. The reason the plat had come back to the Council was that Lot 5 had now been included within the boundary, which was not the case during the original review.

The applicant had stated there were multiple reasons for amending the plat – one was to correct inaccuracies on the original plat recorded in 1993. The inaccuracies had been the result of deed errors. Another reason for the amendment was the property owner would like to accurately reflect the right-of-way dedication along 3500 South Street. The applicant had explained to staff that they recently resolved legal issues with UDOT and would like the existing right-of-way to be illustrated on an amended plat. The last reason for the plat amendment was the applicant was in the process of revising the Declaration of Restrictions and Grant of Easements within the shopping center. They would like the new legal description and right of way dedication to also be part of the revised declaration.

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. 14-39, APPROVING THE AMENDMENT OF LOTS 2, 5, 6 AND 8 OF THE WILLOW WOOD SHOPPING CENTER SUBDIVISION**

The City Council previously held a public hearing regarding Application Nos. S-12-2009 and S-2-2010 and considered proposed Ordinance No. 14-39 that would

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approve the amendment of Lots 2, 5, 6 and 8 of the Willow Wood Shopping Center Subdivision.

After discussion, Councilmember Lang moved to approve Ordinance No. 14-39, an Ordinance Approving the Amendment of Lots 2, 5, 6 and 8 of the Willow Wood Shopping Center Subdivision. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16787

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-12-2014, FILED BY ROBIN BUTLER, REQUESTING FINAL PLAT APPROVAL FOR WEST VALLEY COMMERCE CENTER SUBDIVISION – LOT 2 AMENDED LOCATED AT 3358 SOUTH DECKER LAKE DRIVE**

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-12-2014, filed by Robin Butler, requesting final plat approval for West Valley Commerce Center Subdivision – Lot 2 Amended located at 3358 South Decker Lake Drive.

Mayor Bigelow presented proposed Ordinance No. 14-40 related to the proposal to be considered by the City Council subsequent to the public hearing, and incorporated information into the record as follows:

The original West Valley Commerce Center Subdivision had been recorded with the Salt Lake County Recorder's Office in October of 1996. The purpose for the original subdivision had been to create lots for commercial purposes including hotels and restaurants to support the Maverik Center.

The Applebee's restaurant located on the northeast corner of Lot 2 had been constructed in 1997, and in 1999 the City approved a second restaurant on the south end of Lot 2 that was known as The Puck. Both restaurants were operating at this time.

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In questioning the purpose for the amended plat, the applicant had explained to staff the property owner desired the option to sell one or both of the businesses. Each business had its own utility connections and the applicant would record cross access, parking and storm drain easements to preserve those functions, as they presently existed. Maintenance of the parking lot and storm drain system would be covered in the easement agreement.

Additionally, both restaurants had been reviewed by the Planning Commission as a conditional use. To staff's knowledge there were no outstanding issues related to these properties, nor was staff aware of parking or other issues related to the site.

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

**ACTION: CONSIDER ORDINANCE NO. 14-40, APPROVING THE AMENDMENT OF LOT 2 IN THE WEST VALLEY COMMERCE CENTER SUBDIVISION**

The Council previously held a public hearing regarding Application No. S-12-2014 and considered proposed Ordinance No. 14-40 that would approve the amendment of Lot 2 in the West Valley Commerce Center Subdivision.

After discussion, Councilmember Nordfelt moved to approve Ordinance No. 14-40, an Ordinance Approving the Amendment of Lot 2 in the West Valley Commerce Center Subdivision. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16788

**RESOLUTION NO. 14-177, APPROVE REAL A ESTATE PURCHASE AGREEMENT WITH JUSTIN GROW TO PURCHASE PROPERTY LOCATED AT 2715 SOUTH 6750 WEST IN WEST VALLEY CITY**

Mayor Bigelow presented proposed Resolution No. 14-177 that would approve a Real Estate Purchase Agreement with Justin Grow to purchase property located at 2715 South 6750 West in West Valley City.

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The subject property would become part of an 80-acre tract of land acquired for storm water detention and preservation of open space. The City Council had previously received a map of the subject property showing the property was bordered on three sides by parcels already owned by the City. The subject property jutted into the existing City parcels and acquisition of this parcel would square off the City property thus allowing for more effective use of the surrounding land.

The General Plan called for preservation of open space and trail extensions in this area. With the acquisition of this parcel, the existing conceptual plan for the City-owned land could be modified and solidified. The plan included storm water detention and education facilities, and trails to facilitate enjoyment of the wetlands and open space.

There were three structures on the subject property: an old remodeled residence; a garage (that had been converted to a studio apartment or guesthouse) and a 40-foot by 70-foot newer shop/garage that had been partially converted to a residence. The old residence and the guesthouse would be demolished by the City after the seller had salvaged any desirable materials. Use of the large shop/garage would be evaluated, as a plan for the entire 80-acre site was completed. Possible uses included a maintenance building for the site, seasonal equipment, or recreation.

The real estate agent had inquired if the City had any interest, and subsequently listed the property for \$750,000. The City had the property appraised and offered the appraised value of \$437,000, which heavily discounted the value of the structures. The owner eventually agreed to the appraised value. The City will also incur additional costs of approximately \$8,000 for a title report and insurance, recording fees, and other related costs.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-177, a Resolution Approving a Real Estate Purchase Agreement with Justin Grow to Purchase Property Located at 2715 South 6750 West in West Valley City. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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**RESOLUTION NO. 14-178, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH IFTIGER REAL PROPERTY, LLC, TO PURCHASE A PARCEL ADJACENT TO THE PUBLIC WORKS MAINTENANCE FACILITY AT 2881 SOUTH 3600 WEST IN WEST VALLEY CITY**

Mayor Bigelow presented proposed Resolution No. 14-178 that would approve a Real Estate Purchase Agreement with Iftiger Real Property, LLC, to purchase a 2.06 acre parcel adjacent to the Public Works maintenance facility at 2881 South 3600 West in West Valley City.

The City currently operated the Public Works maintenance facility on the existing acreage at the above location, but it was overcrowded. Acquisition of the subject parcel would allow for more efficient expansion of the operations on the current site in lieu of constructing a separate maintenance facility.

The current facilities on 3600 West housed the following City functions: fleet maintenance for all City departments, streets and storm drain maintenance, park maintenance, garbage and recycling can storage, and police motorcycle and line vehicle storage. Another location had been sought to relocate park maintenance and reduce overcrowding at the current site. When the property immediately south of the existing site became vacant, the City approached the owner with an offer to purchase. The acquisition of this adjacent property would eliminate the need to construct additional facilities at a new site, such as gas pumps and equipment washout areas, and keep parks maintenance functions close to the fleet maintenance facility.

The new parcel was zoned 'M' (Manufacturing) with residential property to the east and additional manufacturing property to the south. The property had an existing masonry wall on three sides and was well suited for the City's intended purpose.

Although the property had been appraised for \$700,000 the owner was unwilling to sell for that amount. Through negotiations, a final purchase price of \$762,500 had been agreed upon. Additional costs would also be incurred of approximately \$7,550 for a title report and insurance, recording fees, and environmental assessment.

Because the property acquisition would benefit several City departments and their functions, some of which were funded with special funds, costs had been allocated as follows:

Capital Improvement Program Funds:	\$250,000.00
Storm Water Utility:	\$210,000.00

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Class C Road Fund:	\$210,000.00
Sanitation Fund:	\$100,050.00

After discussion, Councilmember Buhler moved to approve Resolution No. 14-178, a Resolution Approving a Real Estate Purchase Agreement with Iftiger Real Property, LLC, to Purchase a Parcel Adjacent to the Public Works Maintenance Facility at 2881 South 3600 West in West Valley City. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16790

**RESOLUTION NO. 14-179, AUTHORIZE THE CITY TO GRANT A RIGHT-OF-WAY EASEMENT IN FAVOR OF ROCKY MOUNTAIN POWER OVER A PORTION OF CITY PROPERTY LOCATED WITHIN THE GLENN WEAVER PARK AT THE VISTAS**

Mayor Bigelow presented proposed Resolution No. 14-179 that would authorize the City to grant a Right-of-Way Easement in favor of Rocky Mountain Power over a portion of City property located within the Glenn Weaver Park at the Vistas, servicing the Kearns Improvement pump house.

The service line to the pump house was currently an overhead service line. To remove the visual clutter of the poles and power lines, the overhead lines were being replaced with underground lines making for a better park with uncluttered views of the Salt Lake Valley. The underground lines required a 10-foot easement across the park property.

West Valley City acquired the subject property when the Vistas Subdivision had been developed in 2004. It was 2.82 acres in size and had a small Kearns Improvement District pump house that would stay as the park would be developed around the existing pump house. Park improvements were currently underway.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-179, A Resolution Authorizing West Valley City to Grant a Right-of-Way Easement in Favor of Rocky Mountain Power Over a Portion of City Property Located Within the Glenn Weaver Memorial Park at the Vistas. Councilmember

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Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 21, 2014, WAS ADJOURNED AT 6:46 P.M., BY MAYOR BIGELOW.

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 21, 2014.

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Sheri McKendrick, MMC  
City Recorder