

MINUTES OF COUNCIL REGULAR MEETING – JUNE 21, 2016

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 21, 2016, 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
Don Christensen, Councilmember At-Large
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

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Lee Russo, Police Chief
John Evans, Fire Chief
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
Steve Lehman (CED)
Jody Knapp (CED)
Freya Johnson (CED)

OPENING CEREMONY

Councilmember Lars Nordfelt conducted the Opening Ceremony and asked members of the City Council, City staff and the audience to rise and recite the Pledge of Allegiance.

SPECIAL RECOGNITIONS - SCOUTS

Mayor Bigelow welcomed Scout Troop No. 1918 in attendance at the meeting to complete requirements for the Citizenship in the Nation merit badge.

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APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 7, 2016

The Council read and considered Minutes of the Regular Meeting held June 7, 2016. There were no changes, corrections or deletions.

Councilmember Don Christensen moved to approve the Minutes of the Regular Meeting held June 7, 2016. Councilmember Tom Huynh seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

COMMENT PERIOD

Upon inquiry by Mayor Bigelow the following individual(s) made remarks during the comment period.

A. PUBLIC COMMENTS

Paul Nichols, 5329 West 4100 South, stated that traffic has gotten faster and more dangerous along 4100 South. He expressed frustration that nothing is being done to prevent this and indicated that there should be a stronger Police presence on the street.

B. CITY MANAGER COMMENTS

Upon inquiry, City Manager Wayne Pyle had nothing to comment.

C. CITY COUNCIL COMMENTS

Upon inquiry, the City Council had nothing to comment.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-8-2016, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT CHANGE TO SECTION 7-1-103 OF THE WEST VALLEY CITY MUNICIPAL CODE TO DEFINE PATIO COVERS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled June 21, 2016, in order for the City Council to hear and consider public comments regarding application ZT-8-2016, filed by West Valley City, requesting a Zone Text Change to Section 7-1-103 of the West Valley City Municipal Code to define patio covers.

Written documentation previously provided to the City Council included information as follows:

On April 19, 2016 the West Valley City Council approved a text amendment for setback exceptions for attached patio covers. Upon approval of that amendment the Council

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directed staff to prepare a definition of patio covers. Therefore, staff proposes the following definition be added to the City Code:

“Patio Cover” means a single-story shade structure covering a patio or deck area consisting of a solid or open roof and structural supports, attached to or detached from the primary dwelling, which is used only for recreational, outdoor purposes and which is not used as a carport, garage, storage room, or habitable living space.

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: ORDINANCE NO. 16-29, AMENDING SECTION 7-1-103 OF THE WEST VALLEY CITY MUNICIPAL CODE TO DEFINE PATIO COVERS

Mayor Bigelow presented proposed Ordinance No. 16-29 that would amend Section 7-1-103 of the West Valley City Municipal Code to define patio covers.

Councilmember Steve Vincent stated that he would like the language to more clearly indicate that a patio cover is an open sided structure.

Jody Knapp, CED Department, stated that a recent text change approved by the Council that discusses exceptions for patio covers attached to a home indicates that there will be no more than a 3 foot wall. She added that the code does not specifically state open sides on a detached structure.

Councilmember Vincent stated that he would like the definition to specifically state open sides and requested that the Council wait to vote on this item while Ms. Knapp confers with Legal to get the appropriate line number and language added to the proposed ordinance. Members of the Council agreed.

Mayor Bigelow stated that the agenda would be modified and this item would be revisited prior to the end of the meeting for voting.

RESOLUTION NO. 16-97, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$9,750,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2016 (THE "BONDS"); FIXING THE MAXIMUM AGGREGATE OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE

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ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPLEMENTAL INDENTURE, A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, A BOND PURCHASE CONTRACT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

Mayor Bigelow presented proposed Resolution No. 16-97 that would authorize the Issuance and Sale of Not More Than \$9,750,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2016 (The "Bonds"); Fixing the Maximum Aggregate of Years Over Which the Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Delegating to Certain Officers Of The Issuer The Authority To Approve The Final Terms Set Forth Herein; Providing For The Publication Of A Notice of Bonds To Be Issued; Providing For The Running Of a Contest Period; Authorizing And Approving The Execution of a Supplemental Indenture, A Preliminary Official Statement, An Official Statement, A Bond Purchase Contract, And Other Documents Required in Connection Therewith; Authorizing The Taking of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters

Written documentation previously provided to the City Council included information as follows:

The bonds to be refunded were originally issued to provide funding for land acquisition, infrastructure improvements for the Stonebridge Golf Course and Public Safety Building. It is anticipated that by refinancing the 2006 Bonds that the City may realize savings of about 6.8% depending on market conditions at the time of the sale. This savings roughly translates to about \$602,000 over the life of the bonds. The bonds sold in this refunding will not extend the maturity of the original bonds but will reduce the annual payments.

Upon inquiry by Mayor Bigelow there were no further questions or discussion by members of the City Council, and he called for a motion.

Councilmember Steve Buhler moved to approve Resolution No. 16-97, a Resolution authorizing the Issuance and Sale of Not More Than \$9,750,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2016 (The "Bonds"); Fixing the Maximum Aggregate of Years Over Which the Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Delegating to Certain Officers Of The Issuer The Authority To Approve The Final Terms Set Forth Herein; Providing For The Publication Of A Notice of Bonds To Be Issued; Providing For The Running Of a Contest Period; Authorizing And

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Approving The Execution of a Supplemental Indenture, A Preliminary Official Statement, An Official Statement, A Bond Purchase Contract, And Other Documents Required in Connection Therewith; Authorizing The Taking of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters. Councilmember Tom Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

APPLICATION S-11-2016, FILED BY 4100 INVESTMENT LLC, REQUESTING FINAL PLAT APPROVAL FOR JMYL WEST VALLEY SUBDIVISION LOCATED AT 4100 SOUTH REDWOOD ROAD

Mayor Bigelow presented proposed application S-11-2016 that would authorize final plat approval for JMYL West Valley Subdivision located at 4100 South Redwood Road.

Written documentation previously provided to the City Council included information as follows:

Jake Tate, representing 4100 Investment LLC, is requesting final plat approval for the JMYL West Valley Subdivision. The subject property is located on the northwest corner of 4100 South and Redwood Road. At the present time, Kmart occupies the majority of the property with three ancillary uses at the southwest corner of the property. The southeast corner parcel is not part of the subdivision application, but will be developed in the future as a CVS Pharmacy.

The proposed subdivision is being requested as part of an overall redevelopment project. The proposed subdivision will consist of 9 commercial lots on 13.5 acres. The majority of lots within the subdivision will have access to Redwood Road and 4100 South. For those lots that lack dedicated frontage, internal cross access and parking easements will be needed.

Lots range in size from .5 acres to 6.8 acres. All lots meet the area requirements of the C-2 zone. Although the C-2 zone does not have frontage requirements, each lot has

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sufficient size and adequate frontage to be developed successfully.

Access will be gained by Redwood Road and 4100 South. Both streets have been dedicated to their full right-of-way width. As development occurs on those lots fronting these streets, various public improvements may need to be replaced or repaired if broken or found inadequate to service their intended purpose. These will be more fully addressed through the conditional use application.

There are three lots with frontage along Redwood Road. As this road is controlled by the Utah Department of Transportation, the developer will need to coordinate new access points. The future CVS store at the southeast corner has an existing access on Redwood Road at the present time. Staff believes that there will be separation requirements between accesses and these will be worked out as part of the conditional use.

Located at the southwest corner of the subdivision and adjacent to lots 8 and 9, is the North Jordan Canal. City ordinance requires that this portion of the canal be piped as part of the subdivision development.

The subdivision plat will be the mechanism to divide property and to create cross access and parking easements. It will also show any easement of record which will need to be taken into account when redeveloping this site. The redevelopment project will eventually be processed as a conditional use permit. Topics such as land use, building location, architecture and landscaping will be addressed as part of that process.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Karen Lang moved to approve Application S-11-2016, authorizing final plat approval for JMYL West Valley Subdivision located at 4100 South Redwood Road. Councilmember Steve Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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CONSENT AGENDA

A. RESOLUTION NO. 16-98, APPROVING AN AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND MAINTENANCE OF LANDSCAPING ON PROPERTY LOCATED AT 2443 SOUTH 7200 WEST IN THE RIGHT-OF-WAY OF STATE ROUTE 201

Mayor Bigelow presented proposed Resolution No. 16-98 that would approve an agreement with the Utah Department of Transportation for installation and maintenance of landscaping on property located at 2443 South 7200 West in the Right-Of-Way of State Route 201.

Written documentation previously provided to the City Council included information as follows:

In order to comply with landscaping code requirements, Maverik, Inc., submitted plans to the City for landscaping on property owned by UDOT that abuts the Maverik gas station and convenience store located at 2443 South and 7200 West. UDOT requires a landscape maintenance agreement before landscaping can be installed on its property, but it will only enter into a landscape maintenance agreement with the City and not a private entity. For this reason, staff is proposing this landscape maintenance agreement with UDOT, which requires the City to maintain the landscaping at the intersection. The City in turn will have a landscape maintenance agreement with Maverik, and Maverik will install and maintain the landscaping.

B. RESOLUTION NO. 16-98, APPROVING AN AGREEMENT WITH MAVERIK, INC., FOR INSTALLATION AND MAINTENANCE OF LANDSCAPING ON PROPERTY LOCATED AT 2443 SOUTH 7200 WEST IN THE RIGHT-OF-WAY OF STATE ROUTE 201

Mayor Bigelow presented proposed Resolution No. 16-99 that would approve an agreement with Maverik, Inc., for installation and maintenance of landscaping on property Located at 2443 South 7200 West in the Right-Of-Way of State Route 201.

Written documentation previously provided to the City Council included information as follows:

In order to comply with landscaping code requirements, Maverik submitted plans to the City for landscaping on property owned by the Utah Department of Transportation (UDOT) that abuts the Maverik gas station and convenience store located at 2443 South and 7200 West. UDOT requires a landscape maintenance agreement before landscaping can be installed on its property, but it will only enter

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into a landscape maintenance agreement with the City and not a private entity. For this reason, staff is proposing a landscape maintenance agreement with UDOT, which requires the City to maintain the landscaping at the intersection. The City in turn will enter into this landscape maintenance agreement with Maverik, and Maverik will install and maintain the landscaping. on a range of rates used by other entities for similar small acquisitions.

C. RESOLUTION NO. 16-100, AUTHORIZING THE EXECUTION AND RECORDING OF A DELAY AGREEMENT BETWEEN WEST VALLEY CITY AND HD MAGNA, LLC, FOR PROPERTY LOCATED AT 3420 SOUTH 5600 WEST

Mayor Bigelow presented proposed Resolution No. 16-100 that would authorize the execution and recording of a Delay Agreement between West Valley City and HD Magna, LLC, for property located at 3420 South 5600 West

Written documentation previously provided to the City Council included information as follows:

On October 26, 2015, VASA Fitness submitted a building permit for a tenant improvement for property owned by HD Magna, LLC. The estimated construction costs for this project totaled approximately \$2,300,000. The property has frontage along 5600 West, which is listed as one of West Valley City's High Image arterials. These frontages have specific landscaping requirements set forth in Chapter 7-13 of the West Valley City Municipal Code. These requirements take effect when any substantial modification to an existing site or structure in which the estimated construction cost exceeds \$50,000. These standards require a 20' bermed landscaped area be constructed between the sidewalk and parking area with one tree every 30'. The site currently has an 11' wide landscaped area so an additional 9' would be required to be installed.

This property is located in the UDOT notice area for the Mountain View Corridor project. Therefore, they received notice of the proposal. They have identified a conflict because this portion of 5600 W. will be widened as early as 2018. Therefore, their recommendation was to delay the improvements until the corridor project is completed. Staff supports this recommendation and has outlined the following delay agreement.

The final construction documents for the widening of 5600 West are not complete at this time but staff recommends that upon completion of the widening project there shall be at least 20' of landscaping installed west of the new sidewalk.

D. RESOLUTION NO. 16-101, RATIFY THE CITY MANAGER'S

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APPOINTMENT OF DAVID MCEWEN AS CHAIR OF THE WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE FOR A TERM COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017

Mayor Bigelow presented proposed Resolution No. 16-101 that would ratify the City Manager's appointment of David McEwen as Chair of the West Valley City Clean and Beautiful Committee for a term commencing July 1, 2016 and ending June 30, 2017

Written documentation previously provided to the City Council included information as follows:

David McEwen is willing to serve as Chair of the West Valley City Clean and Beautiful Committee.

Members of the West Valley City Clean and Beautiful Committee are appointed by the City Manager with the advice and consent of the City Council.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council regarding items scheduled on the Consent Agenda, and he called for a motion.

Councilmember Steve Vincent moved to approve Resolution Nos. 16-98, 16-99, 16-100, and 16-101 as presented on the Consent Agenda. Councilmember Don Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

Mayor Bigelow stated that the City Council would now return to Ordinance No. 16-29 that was scheduled earlier on the agenda.

ACTION: ORDINANCE NO. 16-29, AMENDING SECTION 7-1-103 OF THE WEST VALLEY CITY MUNICIPAL CODE TO DEFINE PATIO COVERS

Jody Knapp stated that the words “open sides” would be added to the definition of patio covers and read aloud specifically where this would be placed.

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Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Steve Vincent moved to approve Ordinance No. 16-28, an ordinance amending Section 7-1-103 of the West Valley City Municipal Code to define patio covers, with the noted changes indicated by staff. Councilmember Karen Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

MOTION TO ADJOURN

Upon motion by Councilmember Tom Huynh all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, JUNE 21, 2016, WAS ADJOURNED AT 6:50 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, June 21, 2016.

Nichole Camac
City Recorder

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