

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 10, 2017**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 10, 2017, 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  
Steve Vincent, Councilmember District 4

ABSENT:

Karen Lang, Councilmember District 3

STAFF PRESENT:

Wayne Pyle, City Manager  
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/ HR Director  
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director  
Ryan Robinson, Acting City Attorney  
Jim Welch, Finance Director  
Colleen Nolan, Police Chief  
Chris Beichner, Acting Fire Chief  
Dan Johnson, Acting Public Works Director  
Layne Morris, CPD Director  
Nancy Day, Parks and Recreation Director  
Sam Johnson, Strategic Communications Director  
Russ Bailey, Public Works Department  
Steve Pastorik, CED Department

**OPENING CEREMONY**

Don Christensen conducted the Opening Ceremony. He indicated that Councilmember Lang is dealing with personal family issues and requested that the audience keep her and her family in their thoughts. He requested that members of the audience, City Staff, and the Council rise and recite the Pledge of Allegiance.

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**APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 3, 2017**

The Council considered the Minutes of the Regular Meeting held October 3, 2017. There were no changes, corrections or deletions.

Councilmember Christensen moved to approve the Minutes of the Regular Meeting held October 3, 2017. Councilmember Buhler seconded the motion.

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

Mayor Bigelow stated that a policy decision has been made to add public comments to the Study Meeting the following week to give the Council the opportunity to discuss. He indicated that this will be under “Potential Future Agenda Items” on the Study Meeting agenda where the Council will not take action but can get input or direct staff.

**COMMENT PERIOD**

**A. PUBLIC COMMENTS**

Upon inquiry, there were no members of the public wishing to speak.

**B. CITY MANAGER COMMENTS**

Wayne Pyle, City Manager, had no comments.

**C. CITY COUNCIL COMMENTS**

Upon inquiry, members of the City Council had no comments.

**ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-4-2017, FILED BY RAYMOND CRANE, REQUESTING AN ORDINANCE AMENDMENT TO CHANGE THE CRITERIA FOUND IN SECTION 7-5-11 USED TO DETERMINE WHETHER A PROPERTY IS ELIGIBLE TO BE REZONED TO THE RM (MULTIPLE UNIT DWELLING RESIDENTIAL) ZONE**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled October 10, 2017, in order for the City Council to hear and consider public comments regarding application ZT-4-2017, filed by Raymond Crane, requesting an Ordinance Amendment to change the criteria found in section 7-5-11 used to determine whether a property is eligible to be rezoned to the RM (Multiple Unit Dwelling Residential) Zone.

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

Raymond Crane has submitted a zone text change application to amend the criteria found in Section 7-5-101 used to determine whether a property is eligible to be rezoned to the RM zone.

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In July of 2015, the City Council passed an ordinance where rezones to the RM zone were prohibited. In November of the same year, the City Council amended the ordinance to allow rezone applications to the RM zone under certain conditions. Those conditions are:

- For properties without existing Structures which are proposed to be developed, the property must be a minimum of two acres and the Density must not exceed twelve units per acre. For properties with existing Structures proposed to be redeveloped, there is no minimum acreage requirement, but the Density must not exceed twenty units per acre;
- The property shall either i) have access and Frontage on a Street with a planned Right-of-way width of at least 80' (for properties under two acres) or 100' (for properties two acres or larger) as indicated on the Major Street Plan; or ii) be adjacent to existing multifamily residential Development on two sides; and
- A Development Agreement must be proposed with the zone change application that addresses Dwelling Unit sizes, exterior materials, architecture, Landscaping, and project Amenities.

The application submitted proposes to change the second condition to: The property shall either i) have access ~~and~~ or Frontage on a Street with a planned Right-of-way width of at least 80' (for properties under two acres) or 100' (for properties two acres or larger) as indicated on the Major Street Plan; or ii) be adjacent to existing multifamily residential Development on two sides;

Included with this application is a concept plan for property owned by the applicant on the northeast corner of 6000 West and 4100 South. Under the current ordinance, this property would not be eligible to be rezoned to the RM zone because it only has frontage and not access onto 4100 South.

Mayor Bigelow opened the Public Hearing.

Raymond Crane, the applicant, explained the purpose for his proposal and the reason that he brought the request before the City. He indicated that he feels requiring access to major streets could cause additional traffic and safety concerns.

Mayor Bigelow closed the Public Hearing.

### **ORDINANCE NO. 17-36, AMEND SECTION 7-5-101 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING THE REZONING OF PROPERTY**

The City Council previously held a public hearing regarding proposed Ordinance 17-36

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that would amend Section 7-5-101 of the West Valley City Municipal Code to amend certain requirements concerning the rezoning of property.

Councilmember Vincent stated that this one change affects multiple properties throughout the City and a lot of those cases could be a possible detriment to the goal of the City Council. Councilmember Buhler agreed and stated that he worries this could create a misunderstanding or provide an invitation to other developers to apply for something the Council does not want.

Mayor Bigelow asked if the City Council could consider any other text change options that would apply for this one piece of property that would not pertain to the entire City. Steve Pastorik stated that the Code change could be more narrowly defined but text changes do apply City wide.

Councilmember Vincent asked if a conditional use or variance could be applied for in place of a zone text change. Steve replied no because the Code states an applicant cannot apply unless they meet specific criteria. Nicole Cottle agreed.

Councilmember Buhler stated that an ordinance change is for the entire city and should always be approached cautiously.

Mayor Bigelow urged staff to evaluate safety and traffic volumes as a consideration and suggested a potential continuance.

Councilmember Vincent asked if the exit for the applicant's specific property, on 6000 West, would be too close to the intersection. Steve replied 6000 West is City owned but indicated there could be a potential right in, right out or other potential scenarios.

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

Councilmember Vincent moved to continue ordinance 17-36 to allow staff and the applicant time to evaluate more strict requirements for the zone text change request.

Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes

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Mayor Bigelow

Yes

Unanimous. Continued.

**RESOLUTION 17-159: AUTHORIZE WEST VALLEY CITY TO ENTER INTO AN AGREEMENT WITH THE WEST VALLEY REDEVELOPMENT AGENCY AND WEST VALLEY LAND HOLDINGS, LLC, FOR COMMERCIAL DEVELOPMENT IN FAIRBOURNE STATION**

Mayor Bigelow presented proposed Resolution 17-159 that would authorize West Valley City to enter into an agreement with the West Valley Redevelopment Agency and West Valley Land Holdings, LLC, for commercial development in Fairbourne Station.

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

Pursuant to this ADL the Developer shall construct a nine story, 225,000 square-foot class A office tower on the property located north of the new public safety building. The development shall be constructed as set forth in the ADL and shall include a sky bridge that connects the tower to the parking structure to be constructed on Market Street. Further, Developer shall have options, pursuant to the ADL, to develop the remainder of this commercial corner and expects to construct additional office, retail, hospitality and other commercial uses. These options can only be exercised once certain milestones have been reached by the Developer on the previous phases in order to ensure an expeditious completion of the development as a whole.

For decades, the City and the Redevelopment Agency have planned for and worked towards the redevelopment of this corner so that it will be in concert with the creation of a vibrant city center for the citizens of the City. As one of the most prominent blocks of the City, situated across from the Valley Fair Mall, clearly visible from I-215, and along the main artery of 3500 South, development here must be first class and reflective of the new West Valley City downtown area known as Fairbourne Station. This development represents phase four of the overall development of Fairbourne Station and is a significant milestone for the development.

This ADL ensures that a high-end class A development will be built on this corner. The addition of a significant amount of class A office space reflects the City Council's master plan for the area and lends to the long term viability and sustainability of the area while also bringing additional vibrancy. This use compliments the civic uses located on the block and in the vicinity. This development also invigorates Market Street as planned and will bring a large

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number of people to the area daily which increases the viability of the mall and surrounding uses.

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

Councilmember Vincent moved to approve Resolution 17-159.

Councilmember Christensen seconded the motion.

Councilmember Buhler stated that the City is not constructing this development. West Valley Land Holdings is a private developer and not associated with the City.

A roll call vote was taken:

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

Unanimous.

**RESOLUTION 17-160: AWARD A CONTRACT TO QUICKSILVER CONCRETE FOR THE 5600 WEST SIDEWALKS GAP PROJECT**

Mayor Bigelow presented proposed Resolution 17-160 that would award a contract to Quicksilver Concrete for the 5600 West Sidewalks Gap Project.

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

Bids were opened for the project on September 19, 2017. A total of eight (8) bids were received. The lowest responsible bidder was Quicksilver Concrete.

The West Valley City Public Works Department applied for and received Utah State Safe Sidewalk funds to construct a new sidewalk in two areas on the west side of 5600 West; between 2700 South and 2900 South. The Safe Sidewalks Program provides a legislative funding source for construction of new sidewalks adjacent to state routes where sidewalks do not currently exist and where major construction or reconstruction of the route, at that location, is not planned for ten or more years. A cooperative agreement has been executed with the Utah Department of Transportation, with 75% of the project being paid for by the State, up to \$30,000.

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The project will close two gaps in sidewalk on 5600 West, between Parkway Boulevard and the Veterans Administration Clinic, and between 2856 South and 2900 South.

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

Councilmember Huynh moved to approve Resolution 17-160.

Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

**MOTION TO ADJOURN**

Upon motion by Councilmember Buhler voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, OCTOBER 10, 2017, WAS ADJOURNED AT 6:56 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 10, 2017.

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Nichole Camac  
City Recorder