THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 19, 2007, 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 BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Joel Coleman
Steve Vincent
Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks
Margaret K. Peterson
Mike Winder

STAFF PRESENT:

Richard Catten, City Attorney
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Chief of Police
Jim Welch, Finance Director
Joseph Moore, CED Director
Aaron Crim, Administration

13310 OPENING CEREMONY
The Opening Ceremony was conducted by Carolynn Burt who read a prize winning essay by a junior from Bingham High School, Cara Copeland.

13311 APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 5, 2007
The Council read and considered the Minutes of the Regular Council Meeting held June 5, 2007. There were no changes, corrections or deletions.
After discussion, Councilmember Burt moved to approve the Minutes of the Regular Council Meeting held June 5, 2007, as written. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Coleman Yes
Ms. Burt Yes
Mayor Nordfelt Yes

Unanimous.

EMPLOYEE OF THE MONTH, JUNE 2007 – DETECTIVE ELLIS MAXWELL, POLICE DEPARTMENT

Councilmember Burt read the nomination of Detective Ellis Maxwell, Police Department, to receive the Employee of the Month Award for June 2007.

The award was presented to Detective Ellis Maxwell and the City Council congratulated him for his outstanding job performance.

JOHN HUBER, U.S. ATTORNEY’S OFFICE – PRESENTATION OF PROJECT SAFE NEIGHBORHOOD PARTNERSHIP AWARD TO WEST VALLEY CITY PROSECUTOR’S OFFICE

City Manager, Wayne Pyle, introduced John Huber of the U.S. Attorney’s Office. He also recognized City Prosecutor, Eric Bunderson and police officers, Jim Crowley and Mike Christensen, in attendance at the meeting.

Mr. Huber addressed the City Council and introduced Dave Backman from the U.S. Attorney’s Office. He discussed the Project Safe Neighborhoods Program and stated efforts and commitments from the City contributed to its success. Mr. Huber recognized Jim Crowley and Mike Christensen, Police Department, for their efforts regarding the program. He also indicated he and Mr. Backman were in attendance to present an award to West Valley City prosecutors involved in prosecuting Federal firearms cases out of West Valley City. He discussed statistics regarding the cases and the benefit of the program to the City. He also expressed appreciation for the partnership of the City and its prosecutor’s office and presented a plaque to City Attorney, Richard Catten. Mr. Huber stated as a token of appreciation for service at the U.S. Attorney’s Office by a West Valley City prosecutor, he presented an award to Eric Bunderson for his efforts in putting “bad guys” in prison.
Dave Backman, U.S. Attorney’s Office, addressed the City Council and stated he represented and was speaking on behalf of Brent Tolman, U.S. Attorney. Mr. Backman indicated the statistics were quite telling and the City’s prosecutors were handling an astounding number of cases each year which was a significant achievement. He stated the U.S. Attorney’s Office appreciated the efforts of the West Valley City staff. He indicated it had been a great experience to work with West Valley City and he expressed appreciation for the City’s support of the program.

Mayor Nordfelt stated the City Council valued the partnership with the U.S. Attorney’s Office and recognized the City had benefited greatly from that relationship. He also expressed appreciation for the City employees and the valuable work they had accomplished.

**COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt there was no one who desired to address the City Council during the Comment Period.

**PUBLIC HEARING, APPLICATION NO. GPZ-1-2007, FILED BY RYAN LOWDER, REQUESTING TO AMEND THE GENERAL PLAN TO SHOW CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO OFFICE; AND CHANGE OF ZONE FROM ‘R-1-7’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 7,000 SQ. FT. LOT SIZE) AND ‘C-2’ (GENERAL COMMERCIAL) TO ‘RB’ (RESIDENTIAL BUSINESS) ZONE FOR PROPERTY LOCATED AT 5430 WEST 3500 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled June 19, 2007, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2007, filed by Ryan Lowder, requesting to amend the General Plan to show change of land use from Low Density Residential to Office; and to amend the Zoning Map from zone ‘R-1-7’ (Residential, Single-Family, Minimum 7,000 sq. ft. lot size) and ‘C-2’ (General Commercial) to ‘RB’ (Residential Business) zone for property located at 5430 West 3500 South. He presented proposed Ordinance Nos. 07-38 and 07-39, and proposed Resolution No. 07-120, 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. 07-38 which would amend the General Plan to show a change of land use from Low Density Residential to Office for property located at 5430 West 3500 South.
The City Manager reported that for the west portion of 3500 South, the General Plan recommended commercial uses at major intersections like 5600 West and 7200 West. He stated the property was approximately 1,000 feet east of 5600 West; however, only one residential use existed on the north side of 3500 South between 5600 West and the subject property. He indicated moving from west to east, the uses beginning at 5600 West were as follows: McDonalds, Subway, an emission’s business, Checker Auto Parts, a home that had been converted to an office, a single-family home, 5450 West, the subject property, and then one more commercial/office use east of the subject property.

Mr. Pyle stated where there were residential uses adjacent to the subject property staff recommended if the General Plan/zone changes were approved, a development agreement should be required to include items to help the office blend in with the neighboring homes.

City Manager, Wayne Pyle, discussed Ordinance No. 07-39 which would amend the Zoning Map to show a change of zone for property located at approximately 5430 West 3500 South from zone ‘R-1-7’ (Residential, Single-Family, Minimum 7,000 sq. ft. lot size) and ‘C-2’ (General Commercial) to ‘RB’ (Residential Business) zone.

Mr. Pyle stated surrounding zones included ‘C-2’ to the east, ‘R-2-8’ to the south, ‘R-1-8’ to the west, and ‘R-1-7’ to the north. He also stated surrounding land uses included single-family homes to the south, west, and north, and an office building to the east. He indicated if the application was approved, Mr. Lowder intended to develop the property as a dentist’s office.

City Manager, Wayne Pyle, discussed proposed Resolution No. 07-120 which would authorize the City to enter into a Development Agreement with Steve and Elva Lowder for approximately 0.49 acres of property located at 5430 West 3500 South.

Mr. Pyle stated Ryan Lowder, Steve Lowder’s son, had submitted a General Plan/zone change application (GPZ-1-2007) to change 0.49 acres of property from Low Density Residential to Office in the General Plan and from ‘R-1-7’ (single-family residential, minimum lot size 7,000 sq. ft.) and ‘C-2’ (General Commercial) to ‘RB’ (Residential Business). He further stated a development agreement had been recommended in conjunction with the General Plan/zone change to help the office be compatible with neighboring homes.
The City Manager reported the proposed Development Agreement contained the following requirements:

- The office building to be built on the property shall have a pitched roof with no parapet walls
- All parking shall be placed to the side or rear of the building

Mayor Nordfelt opened the public hearing.

Ryan Lowder, applicant, 5462 Hunter Drive, addressed the City Council. Mr. Lowder stated the subject property had been in his family for over 50 years. He also stated the current state of the property made it difficult to maintain. He indicated McKay Dental had been looking for a property in West Valley City to construct a new office. He advised of his hope the re-zone request would be approved so that McKay could build a dentist office on the property. Mr. Lowder answered questions from members of the City Council.

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

**ACTION:** ORDINANCE NO. 07-38, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO OFFICE FOR PROPERTY LOCATED AT 5430 WEST 3500 SOUTH

The City Council previously held a public hearing regarding Application No. GPZ-1-2007, filed by Ryan Lowder, and proposed Ordinance No. 07-38 which would amend the General Plan to show a change of land use from Low Density Residential to Office for property located at 5430 West 3500 South.

After discussion, Councilmember Coleman moved to approve Ordinance No. 07-38, An Ordinance Amending the General Plan to Show a Change of Land Use from Low Density Residential to Office Land Uses for Property Located at Approximately 5430 West 3500 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

- Mr. Vincent: Yes
- Mr. Coleman: Yes
- Ms. Burt: Yes
- Mayor Nordfelt: Yes
Unanimous.

**ACTION:** ORDINANCE NO. 07-39, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5430 WEST 3500 SOUTH FROM ZONE ‘R-1-7’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 7,000 SQ. FT. LOT SIZE) AND ‘C-2’ (GENERAL COMMERCIAL) TO ‘RB’ (RESIDENTIAL BUSINESS) ZONE

The City Council previously held a public hearing regarding Application No. GPZ-1-2007, filed by Ryan Lowder, and proposed Ordinance No. 07-39 which would amend the Zoning Map to show a change of zone for property located at approximately 5430 West 3500 South from zone ‘R-1-7’ (Residential, Single-Family, minimum 7,000 sq. ft. lot size) and ‘C-2’ (General Commercial) to ‘RB’ (Residential Business) zone.

After discussion, Councilmember Vincent moved to approve Ordinance No. 07-39, An Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 5430 West 3500 South from Zone ‘R-1-7’ (Residential, Single-Family, Minimum 7,000 sq. ft. lot size) and ‘C-2’ (General Commercial) to ‘RB’ (Residential Business) Zone. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent  Yes
Mr. Coleman  Yes
Ms. Burt  Yes
Mayor Nordfelt  Yes

Unanimous.

**ACTION:** RESOLUTION NO. 07-120, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH STEVE AND ELVA LOWDER FOR APPROXIMATELY 0.49 ACRES OF PROPERTY LOCATED AT 5430 WEST 3500 SOUTH

The City Council previously considered Application No. GPZ-1-2007, filed by Ryan Lowder, and approved Ordinance Nos. 07-38 and 07-39. City Manager, Wayne Pyle, presented proposed Resolution No. 07-120 which would authorize the City to enter into a Development Agreement with Steve and Elva Lowder for approximately 0.49 acres of property located at 5430 West 3500 South.
After discussion, Councilmember Burt moved to approve Resolution No. 07-120, A Resolution Authorizing the City to Enter Into a Development Agreement with Steve and Elva Lowder for Approximately 0.49 Acres of Property Located at 5430 West 3500 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt   Yes
Mayor Nordfelt  Yes

Unanimous.

PUBLIC HEARING, APPLICATION NO. Z-9-2007, FILED BY ROBERT SCHROEDER, REQUESTING CHANGE OF ZONE FROM ZONE ‘A-1’ (AGRICULTURE, MINIMUM ONE ACRE) TO ‘A’ (AGRICULTURE) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 6101 WEST PARKWAY BOULEVARD

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled June 19, 2007, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-9-2007, filed by Robert Schroeder, requesting a change of zone from zone ‘A-1’ (Agriculture, Minimum One Acre) to ‘A’ (Agriculture) zone for property located at approximately 6101 West Parkway Boulevard. Mr. Pyle presented proposed Ordinance No. 07-40 and proposed Resolution No. 07-121 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. 07-40 which would amend the Zoning Map to show a change of zone for property located at approximately 6101 West Parkway Boulevard from zone ‘A-1’ (Agriculture, Minimum One Acre) to ‘A’ (Agriculture).

Mr. Pyle stated surrounding land uses included single-family homes on large agricultural lots to the south, west, and east, and vacant land to the north. He also stated the subject property had been designated as rural residential allowing one to two units an acre as per the West Valley City General Plan.
The City Manager indicated the concept plan submitted by the applicant’s daughter, Ms. Isbell, showed two lots with the west lot at 0.5 acres and the east lot at 0.6 acres which would include the existing house. He further indicated that included with that report was a letter from Ms. Isbell explaining why she requested the zone change.

Mr. Pyle reported a development agreement would be required for the project. He stated Section 7-14-105 (3)(l)(x) of the West Valley City Zoning Ordinance stated: “All new subdivisions involving a re-zone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105(3)(l)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet.”

City Manager, Wayne Pyle, presented proposed Resolution No. 07-121 which would authorize the City to enter into a Development Agreement with Robert Schroeder for approximately 1.22 acres of property located at 6101 West Parkway Boulevard.

Mr. Pyle stated Audrey Isbell, Robert Schroeder’s daughter, had submitted a rezone application (Z-9-2007) to change 1.22 acres of property from A-1 (Agriculture, Minimum Lot Size 1 Acre) to A (Agriculture, Minimum Lot Size ½ Acre). He further stated a development agreement had been recommended in conjunction with the rezone to ensure the applicant’s commitments were met. He discussed the proposed development agreement including the requirements, as follows:

- The architectural design standards outlined in Section 7-14-105 (3)(l)(iii) through (x) of the West Valley City Code shall apply to the new home.
- The minimum house size shall be 1,600 square feet, except as provided in item 3 below.
- The minimum size for a rambler with a 100% masonry exterior may be reduced to 1,400 square feet.

Mayor Nordfelt opened the public hearing.
Audrey Isbel, 6101 West Parkway Boulevard, representing the applicant, addressed the City Council. Ms. Isbel explained the proposal and requested approval. She also answered questions from members of the City Council.

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

**ACTION: ORDINANCE NO. 07-40, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 6101 WEST PARKWAY BOULEVARD FROM ZONE ‘A-1’ (AGRICULTURE, MINIMUM ONE ACRE) TO ‘A’ (AGRICULTURE)**

The City Council previously held a public hearing regarding Application No. Z-9-2007, filed by Robert Schroeder, and proposed Ordinance No. 07-40 which would amend the Zoning Map to show a change of zone for property located at approximately 6101 West Parkway Boulevard from zone ‘A-1’ (Agriculture, minimum one acre) to ‘A’ (Agriculture).

After discussion, Councilmember Burt moved to approve Ordinance No. 07-40, An Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 6101 West Parkway Boulevard from Zone ‘A-1’ (Agriculture, Minimum One Acre) to ‘A’ (Agriculture). Councilmember Coleman seconded the motion.

A roll call vote was taken:

- Mr. Vincent: Yes
- Mr. Coleman: Yes
- Ms. Burt: Yes
- Mayor Nordfelt: Yes

Unanimous.

**ACTION: RESOLUTION NO. 07-121, AUTHORIZING CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ROBERT SCHROEDER FOR APPROXIMATELY 1.22 ACRES OF PROPERTY LOCATED AT 6101 WEST PARKWAY BOULEVARD**

The City Council previously held a public hearing regarding Application No. Z-9-2007, filed by Robert Schroeder, and approved Ordinance No. 07-40. City Manager, Wayne Pyle, presented proposed Resolution No. 07-121 which would
authorize the City to enter into a Development Agreement with Robert Schroeder for approximately 1.22 acres of property located at 6101 West Parkway Boulevard.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-121, A Resolution Authorizing the City to Enter Into a Development Agreement with Robert Schroeder for Approximately 1.22 Acres of Property Located at 6101 West Parkway Boulevard. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt       Yes
Mayor Nordfelt Yes

Unanimous.

13317

RESOLUTION NO. 07-122, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE CITY TO INDEMNIFY SALT LAKE CITY FOR USE OF ITS FIRE TRAINING FACILITY BY THE WEST VALLEY CITY POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-122 which would approve an Interlocal Cooperation Agreement with Salt Lake City to indemnify Salt Lake City for use of its fire training facility by the West Valley City Police Department.

Mr. Pyle stated that by the terms of the subject agreement, the City would be responsible for all injuries or damages that might occur as a result of the Police Department’s use of the Salt Lake City Fire Department training facility. The use of the facility was being provided to the Police Department at no cost by Salt Lake City.

The City Manager indicated the Salt Lake City Fire Department operated a training facility for its employees. He also indicated West Valley City’s Police Department desired to use that training facility for its SWAT Team’s training purposes. He reported Salt Lake City had agreed to provide the use of the facility free of charge in exchange for indemnification by West Valley City.

After discussion, Councilmember Vincent moved to approve Resolution No. 07-122, A Resolution Approving an Interlocal Cooperation Agreement between West
Valley City and Salt Lake City to Indemnify Salt Lake City for the use of its Fire Training Facility by the West Valley City Police Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt   Yes
Mayor Nordfelt  Yes

Unanimous.

RESOLUTION NO. 07-123, AUTHORIZE WEST VALLEY CITY POLICE DEPARTMENT TO PROCESS AN APPLICATION PACKET FOR SUBMISSION TO THE U.S. DEPARTMENT OF JUSTICE FOR A JUSTICE ASSISTANCE GRANT (J.A.G.)

City Manager, Wayne Pyle, presented proposed Resolution No. 07-123 which would authorize West Valley City Police Department to process an application packet for submission to the U.S. Department of Justice for a Justice Assistance Grant (J.A.G.).

Mr. Pyle stated the City Council previously approved the application for the subject grant under Resolution No. 07-111. He also recommended processing of the application upon approval by the City Council.

The City Manager reported the U.S. Department of Justice Program allowed the Police Department to apply for the J.A.G. grant. He stated the funds could be used to purchase equipment, fund approved programs, and pay salaries for approved programs. He indicated the grant would be non-matching and was a four year grant.

After discussion, Councilmember Burt moved to approve Resolution No. 07-123, A Resolution Authorizing the West Valley City Police Department to Process an Application Packet for Submission to the U.S. Department of Justice for a Justice Assistance Grant (J.A.G.). Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt       Yes
Mayor Nordfelt  Yes

Unanimous.

RESOLUTION NO. 07-124, AUTHORIZE CITY TO ENTER INTO A ROAD IMPACT FEES REIMBURSEMENT AGREEMENT WITH AMERICRAFT HOMES, INC., FOR ROADWAY IMPROVEMENTS

City Manager, Wayne Pyle, presented proposed Resolution No. 07-124 which would authorize the City to enter into a Road Impact Fees Reimbursement Agreement with Americraft Homes, Inc. in an amount not to exceed $119,115.00 for roadway improvements at approximately 4610 South on 6400 West.

Mr. Pyle stated Americraft Homes, Inc. had agreed to install certain qualified improvements to the City’s major roadway system in exchange for reimbursement upon the successful installation, construction and completion of those improvements. He indicated the improvements would be completed in compliance with the City’s Road Impact Fee Ordinance, Section 8-4-103. He reported the subject agreement set forth the obligations of the parties, with Americraft agreeing to install, construct and finance, as part of the Vistas at Westridge No. 3B Subdivision, certain improvements. He indicated that in accordance with the terms set forth, Americraft would complete the improvements and would be due reimbursement for the improvements by the City.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-124, A Resolution Authorizing the City to Enter Into a Road Impact Fees Reimbursement Agreement with Americraft Homes, Inc. for Roadway Improvements. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent      Yes
Mr. Coleman      Yes
Ms. Burt         Yes
Mayor Nordfelt   Yes

Unanimous.
RESOLUTION NO. 07-125, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR CHIP SEAL SERVICES ON CERTAIN STREETS IN WEST VALLEY CITY
City Manager, Wayne Pyle, presented proposed Resolution No. 07-125 which would approve an Interlocal Cooperation Agreement with Salt Lake County in the amount of $650,700.00 for chip seal services on certain streets in West Valley City.

Mr. Pyle stated the proposed chip seal to streets had been identified in the City’s Pavement Management Plan. He also stated the County had applied chip seal to the City’s highways for the past four years. He indicated the quality of work had been as promised and the projects completed within budget. He reported this process was a critical part of the City’s pavement program and Salt Lake County Public Works provided the best service for the price.

After discussion, Councilmember Vincent moved to approve Resolution No. 07-125, A Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for Chip Seal Services on Certain Streets in West Valley City. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt   Yes
Mayor Nordfelt  Yes

Unanimous.

RESOLUTION NO. 07-126, APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BOWEN CONSTRUCTION FOR THE FRANKLIN COVEY STORM DRAIN PROJECT
City Manager, Wayne Pyle, presented proposed Resolution No. 07-126 which would approve Change Order No. 3 to the contract with Bowen Construction for the Franklin Covey Storm Drain Project in the amount of $53,604.78.

Mr. Pyle stated the change order would cover cost to compensate for various delays encountered during construction of the storm drain through the Franklin Covey property. He further stated there had been several unknown utilities in the Franklin Covey Campus that caused much delay on the project.
The City Manager reported Bowen Construction had been awarded the contract to construct a storm drain through the Franklin Covey property to alleviate flooding problems in the area. He stated many unknown utilities had been found on the Campus that were owned by Franklin Covey and, when encountered, caused considerable delay in the installation of the pipeline. He further stated those changed items of work had been documented and quantified by the Engineering Division to be acceptable compensation to the contractor.

After discussion, Councilmember Burt moved to approve Resolution No. 07-126, A Resolution Authorizing Change Order No. 3 to the Contract with Bowen Construction Co. for Construction of the Franklin Covey Storm Drain Project. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt     Yes
Mayor Nordfelt  Yes

Unanimous.

RESOLUTION NO. 07-127, AWARD CONTRACT TO KILGORE PAVING AND MAINTENANCE FOR THE 2007 PULVERIZATION AND OVERLAY PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 07-127 which would award a contract to Kilgore Paving and Maintenance in the amount of $388,472.90 for the 2007 Pulverization and Overlay Project.

Mr. Pyle stated a total of four bids had been received, as follows: 1) Kilgore Paving: $388,472.90; 2) Geneva Rock: $421,009.40; 3) Granite Construction: $444,149.38; and 4) Staker & Parsons Co.: $485,592.75. He reported the engineer’s estimate had been in the amount of $434,737.50.

The City Manager stated Kilgore Paving had submitted the lowest responsible bid.

Mr. Pyle reported construction included pulverization, stabilization, reconstruction and overlay of three City streets, as follows: 1) 3195 South 3450 West (West Lake Road); 2) 4355 West 3230 South; and 3) Hunter Drive (5180 West).
West to 5420 West). He also reported the project included a three inch overlay of Upper Ridge Drive (5600 South to 5400 South).

After discussion, Councilmember Coleman moved to approve Resolution No. 07-127, A Resolution Awarding a Contract to Kilgore Paving and Maintenance and Authorizing Execution of a Contract for the 2007 Pulverization and Overlay Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt   Yes
Mayor Nordfelt   Yes

Unanimous.

RESOLUTION NO. 07-128, AUTHORIZE EXECUTION OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH ADAMS BAY LIGHTHOUSE DEVELOPMENT INVESTMENTS, L.L.C. FOR PROPERTY LOCATED AT APPROXIMATELY 3765 SOUTH 6515 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 07-128 which would authorize execution of an Amendment to the Development Agreement with Adams Bay Lighthouse Development Investments, L.L.C. for property located at approximately 3765 South 6515 West.

Mr. Pyle stated the Council had previously approved Resolution No. 06-82 authorizing a development agreement between the City and Adams Bay Lighthouse Investments L.L.C. for a new subdivision located at 3765 South 6515 West. He also stated the subject agreement set forth development standards to enhance the residential subdivision. He indicated the subject proposed Resolution would modify a portion of Exhibit B regarding the fencing requirement.

The City Manager reported that during the re-zoning process, Mr. Bishop committed to certain development standards. He stated item 8 of the Development Agreement read that the developer shall install a six foot vinyl fence along the entire north and west sides of the property with the exception of stub streets.

Mr. Pyle stated when the original development agreement was reviewed and approved; Mr. Bishop’s re-zone had been the only property being considered for
residential development in the area. He indicated property to the north and west had been agriculturally zoned and in order to comply with residential ordinances, a fence was needed. He stated however, subsequent to the approval of Mr. Bishop’s re-zone; Tom Nixon submitted and received approval for a re-zone application on land immediately to the west of Mr. Bishop’s property.

The City Manager indicated the two properties would be known as the Newton Farms Subdivision Phases 2 and 1 respectively. He further indicated that during the final plat review by the Planning Commission; Mr. Bishop inquired about the possibility of removing the vinyl fence between the developments as both properties were now residential and not agricultural. He stated the Planning Commission agreed with Mr. Bishop on the basis that fencing between residential properties was not required by ordinance and recommended to the City Council the vinyl fence requirement be removed along the west property line of Mr. Bishop’s subdivision.

After discussion, Councilmember Vincent moved to approve Resolution No. 07-128, A Resolution Authorizing Execution of an Amendment to the Development Agreement with Adams Bay Lighthouse Development Investments, L.L.C. for Property Located at Approximately 3765 South 6515 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Coleman Yes
Ms. Burt Yes
Mayor Nordfelt Yes

Unanimous.

APPLICATION NO. S-47-2006, FILED BY TOM NIXON, REQUESTING FINAL PLAT APPROVAL FOR NEWTON FARMS SUBDIVISION – PHASE 1, LOCATED AT 3770 SOUTH 6670 WEST

City Manager, Wayne Pyle, presented Application No. S-47-2006, filed by Tom Nixon, requesting final plat approval for Newton Farms Subdivision – Phase 1 located at 3770 South 6670 West.

Mr. Pyle stated the phase consisted of 15 lots on 5.04 acres equating to an overall density of 2.97 units per acre. He indicated lot sizes ranged from 10,002 to
12,439 square feet with the average lot size calculated at approximately 10,400 square feet.

The City Manager indicated the subject property had been re-zoned from the ‘A’ zone to the ‘R-1-10’ zone. He further indicated as part of the re-zone, a development agreement had been approved by the Planning Commission and City Council. He stated an executive summary had been provided to the City Council regarding the developer’s commitments.

Mr. Pyle reported that during the re-zone hearings concerns had been expressed about the overall area and whether properties would develop independent of each other. He stated to address that concern; Mr. Nixon prepared a conceptual plat showing how the entire area would develop with street patterns and residential connectivity. He further stated this plan had been reviewed during the preliminary process and seemed to adequately address the development options for adjacent properties.

After discussion, Councilmember Burt moved to approve Application No. S-47-2006, filed by Tom Nixon, and give final plat approval for Newton Farms Subdivision – Phase 1 located at 3770 South 6670 West. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent  Yes
Mr. Coleman  Yes
Ms. Burt  Yes
Mayor Nordfelt  Yes

Unanimous.

APPLICATION NO. S-4-2007, FILED BY ERIC BISHOP, REQUESTING FINAL PLAT APPROVAL FOR NEWTON FARMS SUBDIVISION – PHASE 2, LOCATED AT 3765 SOUTH 6515 WEST

City Manager, Wayne Pyle, presented Application No. S-4-2007, filed by Eric Bishop, requesting final plat approval for Newton Farms Subdivision – Phase 2 located at 3765 South 6515 West.

Mr. Pyle stated the subject subdivision would consist of 19 lots on 6.4 acres equating to an overall density of 2.96 units per acre. He also stated lot sizes
would range from 10,000 to 13,547 square feet with the average lot size calculated at 10,330 square feet.

The City Manager reported the subject property had been re-zoned from the ‘A’ zone to the ‘R-1-10’ zone and received preliminary plat approval in February of 2007. He stated as part of the re-zone; a development agreement had been approved by the Planning Commission and City Council. He further stated the development agreement had been similar to the Newton Farms Phase 1 Subdivision with increased dwelling sizes and masonry requirements.

Mr. Pyle stated access to the subdivision would be gained from an existing stub street in the Copper Hill Heights No. 2 Subdivision to the south. He indicated a second access would be provided from Phase 1 to the west. Overall, both phases of the Newton Farms Subdivision would have sufficient access and connectivity at this point in the process.

The City Manager further reported the cross section to be used throughout the subdivision would consist of a standard 54 foot right-of-way. He indicated this would allow a five foot park strip and five foot sidewalk. The developer would need to transition the new improvements with the existing improvements on 6515 West. The developer would also need to coordinate the dedication and improvements of all streets with the City Engineering Division. He stated the northern street would dead-end for the present time. He further stated a turnaround would need to be provided for the Fire Department. The developer had suggested using a wider drive on Lot 201 to satisfy that requirement. He reported the developer would be required to coordinate this issue with the Fire Department. He stated notations regarding the turnaround area would be noted on the plat.

Mr. Pyle stated the developer had submitted a soils report which indicated ground water had not been encountered to a depth of 17 feet. He also stated basements would be allowed in the subdivision and soil characteristics did not appear to be problematic.

The City Manager reported fencing would be required as part of the subdivision and in accordance with the development agreement. He stated the development agreement required a six foot vinyl fence along the north and west boundary. As property to the west was now going to develop with residential housing, the Planning Commission recommended the development agreement be modified to remove the vinyl fencing condition.
Mr. Pyle stated the subdivision included various irrigation ditches. He also stated that as many property owners still relied on irrigation water, the developer would need to make sure this matter was fully addressed. He stated the developer would need to coordinate any piping of the ditches with the City Engineering Division. In addition, measures would be taken to ensure the appropriate water users were aware of the proposed subdivision, including the suggested methods to continue delivery irrigation water to those holding water shares. He indicated the location of the easement would require the home placement be toward the east side of the property. He stated as that lot was rather wide, it should not be a problem.

After discussion, Councilmember Coleman moved to approve Application No. S-4-2007, filed by Eric Bishop, and five final plat approval for Newton Farms – Phase 2 located at 3765 South 6515 West. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent   Yes
Mr. Coleman   Yes
Ms. Burt   Yes
Mayor Nordfelt  Yes

Unanimous.

APPLICATION NO. SD-1-2007, FILED BY ZION’S SECURITIES, REQUESTING APPROVAL OF STREET DEDICATION PLAT FOR Highbury Parkway Extension located at 2700 South 5200 West (CONTINUED FROM REGULAR MEETING OF JUNE 12, 2007)

City Manager, Wayne Pyle, presented Application No. SD-1-2007, filed by Zion’s Securities, requesting approval of a street dedication plat for Highbury Parkway Extension located at 2700 South 5200 West.

Mr. Pyle stated the proposal had been initiated due to present and future development in the subject area. He indicated extension of Highbury Parkway would provide a connection from Lake Park Boulevard to Daybury Drive.

The City Manager reported the proposed right-of-way would be consistent with previously approved rights-of-way in the Lake Park development. He indicated the right-of-way would be 85 feet in width having a five foot park strip and sidewalk. Mr. Pyle stated landscaped medians would also be positioned in the entire right-of-way consistent with other roads in the development. He further
stated the intersections at both ends of the road would flow into the previously approved roundabouts.

Mr. Pyle indicated various cutouts would also be planned for the roadway. He stated Zion’s would place the cutouts at various intervals along the right-of-way to accommodate future development on each side of the street.

The City Manager reported Highbury Parkway would also contain a bridge over a yet to be constructed waterway. The construction of the bridge would allow water to flow from the large detention basin into an overall waterway system to be used as an amenity for the Lake Park Development. Mr. Pyle stated the construction and materials used for the bridge would be similar to other bridges previously constructed.

City Manager, Wayne Pyle, stated this matter had been continued from the Regular Council Meeting held June 12, 2007.

After discussion, Councilmember Burt moved to approve Application No. SD-1-2007, filed by Zion’s Securities, and approve the Street Dedication Plat for Highbury Parkway Extension located at 2700 South 5200 West; with the stipulation to eliminate parking until needed and stripe bicycle lanes in the road. There was no second to the motion.

After further discussion, Councilmember Vincent moved to approve Application No. SD-1-2007, filed by Zion’s Securities, and approve the Street Dedication Plat for Highbury Parkway Extension located at 2700 South 5200 West; with instructions to dedicate a bicycle lane. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Mr. Vincent</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Coleman</td>
<td>Yes</td>
</tr>
<tr>
<td>Ms. Burt</td>
<td>Yes</td>
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<tr>
<td>Mayor Nordfelt</td>
<td>Yes</td>
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</tbody>
</table>

Unanimous.
CONSENT AGENDA:


City Manager, Wayne Pyle, presented proposed Resolution No. 07-129 which would ratify the City Manager’s reappointment of Necia Christensen to the West Valley City Board of Adjustment for the term July 1, 2007 through July 1, 2012.

Mr. Pyle stated Ms. Christensen had expressed an interest in serving an additional term on the Board and had been a valuable, contributing member since December 1998. He also stated Ms. Christensen was currently serving as the Chairman of the West Valley City Board of Adjustment.

B. RESOLUTION NO. 07-130, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF RUSSELL MOORE TO THE WEST VALLEY CITY BOARD OF ADJUSTMENT, TERM: JULY 1, 2007 – JULY 1, 2012

City Manager, Wayne Pyle, presented proposed Resolution No. 07-130 which would ratify the City Manager’s reappointment of Russell Moore to the West Valley City Board of Adjustment for the term July 1, 2007 through July 1, 2012.

Mr. Pyle stated Mr. Moore had expressed an interest in serving an additional term on the Board and had been a valuable, contributing member.

C. RESOLUTION NO. 07-131, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF KAREN LANG TO THE WEST VALLEY CITY PLANNING COMMISSION, TERM: JULY 1, 2007 – JULY 1, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 07-131 which would ratify the City Manager’s reappointment of Karen Lang to the West Valley City Planning Commission for the term July 1, 2007 through July 1, 2011.

Mr. Pyle stated Ms. Lang was a current member of the Planning Commission and expressed a desire serve for another term.
D. RESOLUTION NO. 07-132, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF TERRI MILLS TO THE WEST VALLEY CITY PLANNING COMMISSION, TERM: JULY 1, 2007 – JULY 1, 2011
City Manager, Wayne Pyle, presented proposed Resolution No. 07-132 which would ratify the City Manager’s reappointment of Terri Mills to the West Valley City Planning Commission for the term July 1, 2007, through July 1, 2011.

Mr. Pyle stated Ms. Mills currently served on the Planning Commission and desired to serve another term.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-133 which would ratify the City Manager’s appointment of Bill Leach to the West Valley City Civil Service Commission for the term June 19, 2007, through July 1, 2012.

Mr. Pyle stated he would recommend appointment of Mr. Leach to fill the unexpired term of Guy Kimball.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-134 which would ratify the City Manager’s reappointment of Sheri McKendrick as Chair of the West Valley City License Hearing Board for the term July 1, 2007, through June 30, 2008.

Mr. Pyle stated Ms. McKendrick had expressed a desire to continue serving as the chairperson of the Business License Hearing Board.

After discussion, Councilmember Burt moved to approve Resolution Nos. 07-129, 07-130, 07-131, 07-132, 07-133, and 07-134 as presented on the Consent Agenda. Councilmember Coleman seconded the motion.
A roll call vote was taken:

Mr. Vincent       Yes
Mr. Coleman       Yes
Ms. Burt          Yes
Mayor Nordfelt    Yes

Unanimous.

13328

RECOGNITION OF BILL LEACH

Upon recognition by Mayor Nordfelt; Bill Leach addressed the City Council. Mr. Leach stated he was honored to be asked to serve West Valley City as a member of the Civil Service Commission. He indicated he had volunteered in other capacities for over 14 years and he believed a citizen should be involved in his community. Mr. Leach stated he looked forward to serving on the Commission. The City Council expressed appreciation to Mr. Leach for his willingness to serve West Valley City.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 19, 2007, WAS ADJOURNED AT 7:16 P.M., BY MAYOR NORDFELT.

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 June 19, 2007.

_____________________________
Sheri McKendrick, MMC
City Recorder