



**MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 23, 2010**

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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

**2. KEVIN BRUDER, PRESIDENT/CEO OF CENTENNIAL MANAGEMENT – E-CENTER UPDATE**

Kevin Bruder, President/CEO of Centennial Management, addressed the City Council and using PowerPoint provided an update regarding the E-Center, summarized as follows:

- Events and entertainment at the venue in 2009
- Events and entertainment scheduled for 2010
- Utah Grizzlies Hockey
- Arena Football – Utah Blaze open inaugural season in April
- Days of '47 Rodeo
- Highway marquee
- Marketing efforts including corporate partnerships
- Partnership success, in particular, with Sprint and Zions Bank
- List of corporate partners

During the above presentation of information and discussion, Mr. Bruder answered questions from members of the City Council.

Mayor Pro Tem Rushton thanked Mr. Bruder for his presentation.

**3. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED FEBRUARY 23, 2010**

Acting City Manager, Russ Willardson, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled February 23, 2010, at 6:30 P.M.

Upon inquiry by the Acting City Manager, there were no questions from members of the City Council regarding items scheduled on the subject agenda.

**4. PUBLIC HEARINGS SCHEDULED MARCH 2, 2010:**

**A. PUBLIC HEARING, APPLICATION NO. GPZ-2-2009, FILED BY ENSIGN ENGINEERING, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN BY RECLASSIFYING 0.72 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST FROM NON-RETAIL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL AND AMEND THE ZONE FROM 'RM' (RESIDENTIAL**

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### **MULTI-FAMILY) ZONE TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE**

Acting City Manager, Russ Willardson, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 2, 2010, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GPZ-2-2009, filed by Ensign Engineering, requesting to amend the West Valley City General Plan by reclassifying 0.72 acres of property located at approximately 4085 South 4000 West from Non-Retail Commercial to Neighborhood Commercial and amend the zone from ‘RM’ (Residential Multi-Family) zone to ‘C-1’ (Neighborhood Commercial) zone. He discussed proposed Ordinance Nos. 10-05 and 10-06 and proposed Resolution No. 10-22 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

### **ORDINANCE NO. 10-05, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM NON-RETAIL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST**

Acting City Manager, Russ Willardson, discussed proposed Ordinance No. 10-05 which would amend the General Plan to show a change of land use from Non-Retail Commercial to Neighborhood Commercial for property located at approximately 4085 South 4000 West.

Mr. Willardson stated Ensign Engineering had submitted the application for a 0.72 acre parcel currently zoned ‘RM’ (Residential, Multi-Family) with a General Plan designation of Non-Retail Commercial. He further stated the ‘RM’ zoning on the property had been in place at the time the City incorporated in 1980. He indicated the proposed zone would be ‘C-1’ (Neighborhood Commercial) and the proposed General Plan designation would be Neighborhood Commercial.

The Acting City Manager explained surrounding zones included ‘RM’ to the north and south, ‘RB’ (Residential Business) to the east, and ‘C-1’ to the west. Surrounding land uses included a single-family home and townhomes to the south, a convenience store to the west, a single-family home to the north and a doctor’s office to the east. He further explained the existing 2,459 square foot building on the property had been built in 1951 as a single-family dwelling. In 1975, the building had been converted to commercial use and used for a credit union and a preschool/daycare center. In 2008, the Planning Commission approved a conditional use permit for SG Tax Service to provide commercial bookkeeping services. He further stated the applicants did not follow through with the application and a business license had never been obtained. Due to the poor condition of the subject property, the conditional use permit included a long list of conditions related to the repair and enhancement of the property. He stated, at present, the building was boarded up.

**ORDINANCE NO. 10-06, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST FROM ZONE ‘RM’ (RESIDENTIAL MULTI-FAMILY) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE**

Acting City Manager, Russ Willardson,, discussed proposed Ordinance No. 10-06 which would amend the Zoning Map to show a change of zone for property located at approximately 4085 South 4000 West from zone ‘RM’ (Residential Multi-Family) to ‘C-1’ (Neighborhood Commercial) zone.

Mr. Willardson stated Ensign Engineering had submitted the application for a 0.72 acre parcel currently zoned ‘RM’ (Residential, Multi-Family) with a General Plan designation of Non-Retail Commercial. He further stated the ‘RM’ zoning on the property had been in place at the time the City incorporated in 1980. He indicated the proposed zone would be ‘C-1’ (Neighborhood Commercial) and the proposed General Plan designation would be Neighborhood Commercial.

The Acting City Manager explained surrounding zones included ‘RM’ to the north and south, ‘RB’ (Residential Business) to the east, and ‘C-1’ to the west. Surrounding land uses included a single-family home and townhomes to the south, a convenience store to the west, a single-family home to the north and a doctor’s office to the east. He further explained the existing 2,459 square foot building on the property had been built in 1951 as a single-family dwelling. In 1975, the building had been converted to commercial use and used for a credit union and a preschool/daycare center. In 2008, the Planning Commission approved a conditional use permit for SG Tax Service to provide commercial bookkeeping services. He further stated the applicants did not follow through with the application and a business license had never been obtained. Due to the poor condition of the subject property, the conditional use permit included a long list of conditions related to the repair and enhancement of the property. He stated, at present, the building was boarded up.

**RESOLUTION NO. 10-22, AUTHORIZING CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THANG PHAM AND LOAN LUU FOR APPROXIMATELY 0.72 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 4085 SOUTH 4000 WEST**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-22 which would authorize the City to enter into a Development Agreement with Thang Pham and Loan Luu for approximately 0.72 acres of real property being developed in the vicinity of 4085 South 4000 West.

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Mr. Willardson stated Ensign Engineering, representing Thang Pham and Loan Luu, had submitted a General Plan/zone change request, Application No. GPZ-2-2009, to change 0.72 acres of property from Non-Retail Commercial to Neighborhood Commercial in the General Plan and from the 'RM' (Residential Multi-Family) zone to the 'C-1' (Neighborhood Commercial) zone. He also stated City staff and the Planning Commission had recommended a Development Agreement in conjunction with the General Plan/zone change to help the new building planned be compatible with the residential character of 4100 South.

The Acting City Manager reported the proposed agreement contained the following requirements: 1) All new buildings built on the property shall have a pitched roof with no parapet walls; and 2) All parking shall be placed to the north or east of all new buildings.

Acting City Manager, Russ Willardson, reported the Council had received a copy of a letter from Cameron Duncan with Ensign Engineering stating why he believed the application should be approved. He indicated if the application was approved, the property owners intended to demolish the existing building and construct a new strip mall. He stated the Council also received a copy of the concept plan. He indicated the property owners had two potential tenants in mind – a tax service and a Tongan grocery store. He reported the proposed use would be reviewed as a conditional use in the 'C-1' zone.

Steve Pastorik, CED Department, further reviewed the Application and proposed Ordinances and Resolution, and displayed the plat map. He also discussed terms of the development agreement and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. GPZ-2-2009 and consider proposed Ordinance No. 10-05, Ordinance No. 10-06, and proposed Resolution No. 10-22 at the Regular Council Meeting scheduled March 2, 2010, at 6:30 P.M.

Councilmember Brooks arrived at the meeting at 5:09 P.M.

Upon discussion, members of the City Council expressed personal opinions regarding the site plan proposed by the applicant, Ensign Engineering. Some members of the City Council offered suggestions regarding the location of the building and parking on the subject property, including issues discussed and considered by the Planning Commission. The City Council also discussed surrounding uses and the impact of the proposal on residential to the north, and requested clarification regarding types of uses allowed in the 'RM' and 'C-1' zones.

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5. **RESOLUTION NO. 10-23, AWARD CONTRACT TO R & D EXCAVATING, LCC, AND AUTHORIZE EXECUTION OF A CONTRACT FOR THE 6400 WEST STORM DRAIN PROJECT**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-23 which would award a contract to R & D Excavating, LLC, and authorize execution of a contract in the amount of \$127,249.00 for the 6400 West Storm Drain Project.

Mr. Willardson stated the project was located on 6400 West extending from 3500 South to 3270 South. He reported bids had been solicited and a total of 31 bids had been received, as follows:

R & D Excavating	\$127,249.00
Westbrook Construction	\$138,965.00
Extreme Excavating	\$150,929.00
HOG Excavating	\$153,991.00
Cody Ekker Construction	\$158,060.00
Western Excavating	\$159,888.50
Newman Construction	\$167,672.95
GEC Construction, Inc.	\$168,138.93
Regency Excavation	\$168,972.00
Stapp Construction	\$169,710.00
Blaine Home Excavating	\$175,513.42
Lyndon Jones Construction	\$175,856.00
Dymock Construction	\$182,132.79
Innovative Excavation	\$190,112.00
Jordan Valley Construction	\$191,422.50
Camelot Excavation	\$195,000.00
Rino Construction	\$196,566.70
RT Excavation	\$197,325.63
Sunroc	\$199,020.00
Johnston and Phillips	\$200,020.10
Reynolds Brothers	\$205,063.72
B. Jackson Construction	\$206,245.00
Mickelsen Excavation	\$208,427.10
Civil Constructors	\$211,127.00
Kapp Construction	\$223,779.50
Spade Excavating	\$231,514.50
Wardell Brothers Construction	\$231,604.75
Associated Brigham Contractors	\$240,750.00
Harper Contracting	\$241,227.71
BD Bush Excavation	\$245,510.44
Dwight D. Peterson	\$246,906.00

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The Acting City Manager stated R & D Excavating, LLC, had submitted the lowest responsible bid.

Mr. Willardson reported the project consisted of installation of curb and gutter and asphalt to improve the intersection at 3500 South, installation of a storm drain line consisting of reinforced concrete pipe and cleanout boxes, and other minor tie-ins to the existing storm drain system, and other work associated with storm drain work.

The Acting City Manager further reported the project had originally been bid and awarded to Nichols Development, in the amount of \$153,112.12, during the summer of 2009. He indicated the contract had mutually been rescinded by both parties after Nichols failed to start the project in a manner that would allow completion before the winter weather.

Acting City Manager, Russ Willardson, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-23 at the Regular Council Meeting scheduled March 2, 2010, at 6:30 P.M.

**6. RESOLUTION NO. 10-24, AUTHORIZE THE PURCHASE OF A MINI MOBILE COMMAND VEHICLE FROM WARNER TRUCK CENTER FOR USE BY THE POLICE DEPARTMENT**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-24 which would authorize purchase of a mini mobile command vehicle from Warner Truck Center, in an amount not to exceed \$45,000.00, for use by the Police Department.

Mr. Willardson stated the Police Department had acquired funding from the 2009 JAG Grant and desired to purchase the subject vehicle for use by the Department. He advised Warner Truck Center had been recommended as the sole source supplier for a new 2008 Freightliner High Roof Sprinter 3500 Van with a 170-inch wheelbase that fit the Department's needs. He stated as the vehicle was a new 2008 model it was not available under State contract and was currently the only vehicle of its kind in the state that met the necessary specifications.

Mike Wells, Acting Police Chief, further discussed the proposed Resolution and answered questions from members of the City Council.

Councilmember Brooks inquired if staff had considered converting vehicles to natural gas to enable dual fuel capacity.

The City Council will consider proposed Resolution No. 10-24 at the Regular Council Meeting scheduled March 2, 2010, at 6:30 P.M.

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**7. CONSENT AGENDA SCHEDULED FOR MARCH 2, 2010:**

**A. RESOLUTION NO. 10-25, APPROVE A RIGHT-OF-WAY AGREEMENT WITH DOUG C. DENSLEY FOR PROPERTY LOCATED AT 3357 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-25 which would approve a Right-of-Way Agreement with Doug C. Densley for property located at 3357 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Willardson stated Doug G. Densley had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He indicated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He also reported compensation for purchase of the right-of-way and the easement would be in the amount of \$6,200.00. He explained the amount had been negotiated based upon an appraisal prepared by Free and Associates, Inc. that indicated a value of \$5,800.00.

**B. RESOLUTION NO. 10-26, APPROVE A RIGHT-OF-WAY AGREEMENT AND RIGHT-OF-ENTRY AGREEMENT WITH LONNIE W. SHAW AND BONNIE SHAW FOR PROPERTY LOCATED AT 3327 SOUTH 7200 WEST, AND ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-26 which would approve a Right-of-Way Agreement and Right-of-Entry Agreement with Lonnie W. Shaw and Bonnie Shaw for property located at 3327 South 7200 West, and accept a Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Willardson stated Lonnie W. Shaw and Bonnie Shaw had signed the Right-of-Way Agreement, Right-of-Entry Agreement and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He stated

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compensation for purchase of the right-of-way would be \$15,500.00 based upon an appraisal prepared by Free and Associates, Inc. He indicated a partial reconveyance document from the owners' mortgage company would be required for the City to obtain clear title to the property. He also indicated as the process could take up to several months, the owners had signed a Right-of-Entry Agreement to allow construction to proceed while the City worked to obtain a partial reconveyance from the mortgage company. He stated a warranty deed would be recorded after receipt of the partial reconveyance document and payment would be subject to receipt of that reconveyance document.

**C. RESOLUTION NO. 10-27, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THOMAS MICHAEL MANSFIELD FOR PROPERTY LOCATED AT 2753 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-27 which would accept a Grant of Temporary Construction Easement from Thomas Michael Mansfield for property located at 2753 South 7200 West for the 7200 West Improvement Project.

Mr. Willardson stated Thomas Michael Mansfield had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the owner's property. He advised that compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

**D. RESOLUTION NO. 10-28, AUTHORIZE CITY TO ACCEPT AND RECORD A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE FRATERNAL ORDER OF EAGLES #3285, INC., FOR PROPERTY LOCATED AT 4565 WEST 3500 SOUTH FOR SIDEWALK ON 3500 SOUTH**

Acting City Manager, Russ Willardson, discussed proposed Resolution No. 10-28 which would authorize the City to accept and record a Warranty Deed and Grant of Temporary Construction Easement from the Fraternal Order of Eagles #3285, Inc. for property located at 4565 West 3500 South for sidewalk on 3500 South.

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Mr. Willardson stated the Fraternal Order of Eagles #3285, Inc. had agreed to donate property and had signed a Warranty Deed and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the Sidewalk Projects on State Highways (2010) which would construct sidewalk and related improvements at various locations on 3500 South in West Valley City. He indicated the property owner had agreed to donate that portion of property required to allow for construction of the project. He also reported the project was being constructed with funding from the State Safe Sidewalk Program.

The City Council will consider proposed Resolution Nos. 10-25 thru 10-28 at the Regular Council Meeting scheduled March 2, 2010, at 6:30 P.M.

### 8. **COMMUNICATIONS:**

#### A. **LEGISLATIVE UPDATE**

CED Director, Nicole Cottle, updated the City Council regarding issues and bills of interest being considered during the current session of the Utah State Legislature. She discussed retirement issues, B&C roads, animal euthanasia, and fit premises. Ms. Cottle answered questions from members of the City Council regarding those issues and others.

#### B. **COUNCIL UPDATE**

Acting City Manager, Russ Willardson, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: February 25, 2010: Multi-Chamber Luncheon, Speaker: Mayor Peter Corroon, Columbus Center, 2531 South 400 East, Noon; March 2, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 6, 2010: WWE Raw “Road to WrestleMania,” E-Center, 7:30 P.M.; March 9, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 13-17, 2010: NLC Conference, Washington D.C.; March 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 31, 2010: Michael Buble’ “Crazy Love Tour” Concert, E-Center, 8:00 P.M.; April 5, 2010: Muse Concert, E-Center, 7:30 P.M.; April 6, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 7-9, 2010, ULCT Mid-Year Conference, Dixie Center, St. George; April 13, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 20, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 22, 2010: Daughtry Concert, E-Center; April 27, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 6, 2010: UDOT’s Annual Meeting with Salt Lake County and Municipalities, Calvin Rampton Complex, 4501 South 2700 West, 9:00 A.M. – 11:00 A.M.; May 7, 2010: Sugarland

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Concert, E-Center; May 10, 2010: Paramore with Relient K and Fun Concert, E-Center; May 19-23, 2010: Cirque Du Soleil Alegria Concert, E-Center; May 26, 2010: Smucker's Stars on Ice, E-Center; and May 31, 2010: Memorial Day Holiday – City Hall closed.

**9. COUNCIL REPORTS**

**A. COUNCILMEMBER CAROLYNN BURT – LETTER SENT BY CITY MANAGER TO UTA**

Councilmember Burt stated she appreciated the “stand” taken in a letter recently sent by the City Manager to UTA concerning BRT, rather than light rail along 5600 West.

**B. COUNCILMEMBER RUSS BROOKS – GRAVEL DRIVEWAYS**

Councilmember Brooks inquired if there was a “grandfather” clause for properties that never had paved driveways of any kind, just dirt. Community Preservation Director, Layne Morris, explained requirements in the existing ordinance including focus of enforcement efforts.

**C. DON CHRISTENSEN – LETTER SENT BY CITY MANAGER TO UTA**

Councilmember Christensen stated he agreed with the above comments by Councilmember Burt regarding the letter recently sent by the City Manager to UTA concerning BRT, rather than light rail along 5600 West.

**D. COUNCILMEMBER STEVE VINCENT –FOLLOW-UP REGARDING COMMUNITY GARDENS DISCUSSION**

Councilmember Vincent reported regarding contacts he made in follow-up to the community gardens discussion in the recent Council Strategic Planning Meeting. He also stated there was a meeting with some interested parties scheduled for the upcoming week.

**E. MAYOR PRO TEM COREY RUSHTON – BLUEPRINT JORDAN RIVER COMMITTEE MEETING REGARDING PROPOSED INTERLOCAL AGREEMENT**

Mayor Pro Tem Rushton reported regarding a Blueprint Jordan River Committee meeting held the previous week and a proposed Interlocal Agreement currently being reviewed by the entities involved. The City Council discussed issues and concerns regarding the proposed agreement.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, FEBRUARY 23, 2010, WAS ADJOURNED AT 6:01 P.M., BY MAYOR PRO TEM RUSHTON.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, February 23, 2010.

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Sheri McKendrick, MMC  
City Recorder