

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 7, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 7, 2010, AT 6:39 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR PRO TEM RUSHTON CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Steve Buhler
Carolynn Burt
Don Christensen
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Jim Welch, Finance Director
Mike Wells, Acting Police Chief
Eric Bunderson, Acting City Attorney
Jason Eriksen, Acting Parks and Recreation Director
Steve Pastorik, CED Department
Scott Freckleton, Finance Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15129

OPENING CEREMONY

Carolynn Burt who read a poem she had written entitled, “The Christmas Candle”, conducted the Opening Ceremony. She also gave each member of the Council a candle and copy of the poem. Councilmember Burt informed she had donated \$200 to Neighborhood Services to be used to assist children in need this holiday season and challenged members of the City Council to do the same.

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SCOUTS

Mayor Pro Tem Rushton welcomed Scout Troop Nos. 6646 and 677 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

15131

APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 9, 2010

The Council read and considered Minutes of the Regular Meeting held November 9, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held November 9, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15132

APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 16, 2010

The Council read and considered Minutes of the Regular Meeting held November 16, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held November 16, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

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15133 **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Rushton, there was no one who desired to address the City Council during the comment period.

15134 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2010, FILED BY LINEU CORDEIRO, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN BY RECLASSIFYING PROPERTY LOCATED AT APPROXIMATELY 3641 SOUTH 7200 WEST FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND A ZONE CHANGE FROM ‘M’ (MANUFACTURING) TO ‘R-2-8’ (RESIDENTIAL DUPLEX, MINIMUM LOT SIZE 8,000 SQUARE FEET)**

City Manager, Wayne Pyle stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2010, filed by Lineu Cordeiro, requesting to amend the West Valley City General Plan by reclassifying property located at approximately 3641 South 7200 West from Low Density Residential to Medium Density Residential and a zone change from ‘M’ (Manufacturing) to ‘R-2-8’ (Residential Duplex, Minimum Lot Size 8,000 Square Feet). He discussed proposed Ordinance No. 10-37 and 10-38 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. 10-37 which would amend the General Plan to show a change of land use from Low Density Residential to Medium Density Residential; and proposed Ordinance No. 10-38 which would amend the Zoning Map to show a change of zone for property located at 3641 South 7200 West from Zone ‘M’ (Manufacturing) to ‘R-2-8’ (Residential Duplex, Minimum Lot Size 8,000 Square Feet) for property located at approximately 3641 South 7200 West.

Mr. Pyle stated the application included a 0.43 acre parcel which was currently zoned ‘M’ (DR) (manufacturing with a deed restriction) with a General Plan designation of Low Density Residential (3 to 4 units/acre). He also stated the proposed zone was ‘R-2-8’ (Residential Duplex, Minimum Lot Size 8,000 Square feet) and the proposed General Plan designation was Medium Density Residential (7 to 12 units/acre).

The City Manager explained surrounding zones included ‘R-1-8’ to the north and east, ‘M’ (DR) to the south, and ‘C-2’ to the west in Magna (Salt Lake County). The surrounding land uses included single-family homes to the north and east, a landscaping maintenance business to the south, and Deseret Industries to the west. He indicated the property was currently developed as a triplex and garage/shop space. He stated the Building Inspection Division recently cited the property owner for having converted the single-family home into a triplex without a permit

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and, pending the outcome of the subject application, would require the owner to either convert the building back to a single-family home or to a duplex. He further indicated a detailed report had been prepared outlining necessary requirements for the conversion.

Mr. Pyle advised that a document prepared by the applicant explaining why he believed the application should be approved had been distributed to the City Council.

The City Manager stated if the application was approved, the triplex on the property would need to be converted to a duplex and the deed restriction, which applied to the subject property as well as the property to the south, would need to be amended. He explained the owner of the property to the south had indicated in a letter that he did not object to the subject property having a duplex. In addition to the deed restriction amendment, staff recommended a development agreement be used to require improvements to the property. He further explained if the application was denied, the triplex would need to be converted back to a single-family home or modified to be used for one of the other uses described in the deed restriction document. He stated, as an example of this, the property to the south once included a home that had been demolished to make room for the contractor's yard.

Mayor Pro Tem Rushton opened the public hearing.

Ellen Club, 2133 Carefree Drive, West Jordan, addressed the City Council. Ms. Club stated she was a partner in a company that owned the subject property and leased to the applicant. She discussed background information regarding purchase of the property and steps taken to make the property come into compliance with City ordinances. She stated the building was being used as a triplex when first purchased, but she did not know how long the resident had been living there. She indicated based on past history and other land use change requests, the owners desired to find a "happy medium." She asked the Council to consider changing the use/zone to bring the property into compliance. Ms. Club answered questions from members of the City Council.

Lineu Cordero, applicant, addressed the City Council and stated good families lived there and the intent was to keep the property as a family unit. Mr. Cordero stated the property had been used as multi-family for over 17 years and he wanted to make it legal for a duplex rather than going back to a manufacturing use. He discussed major changes that would need to be made to the building to turn it back into a single-family dwelling. He requested approval for a duplex.

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

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Upon discussion, members of the Council expressed comments and concerns regarding the application and subject property. During the discussion, Steve Pastorik, CED Department, answered questions from members of the Council.

After further discussion, Councilmember Vincent moved to continue Application No. GPZ-1-2010 for further discussion and review of a development agreement to be prepared by staff; and schedule the matter for the January 4, 2011, Regular Council Meeting. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	No
Ms. Burt	No
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Motion Failed – Lack of Majority.

After further discussion, Councilmember Burt moved to deny Application No. GPZ-2-2010. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	No
Mayor Pro Tem Rushton	No

Motion Failed – Lack of Majority.

15135

RESOLUTION NO. 10-191, RECOGNIZE THE NEED TO APPOINT A CITY TREASURER TO FILL VACANCY LEFT BY RETIREMENT OF THE PREVIOUS TREASURER AND RATIFY THE CITY MANAGER'S APPOINTMENT OF ROBERT SCOTT FRECKLETON TO THE OFFICE OF WEST VALLEY CITY TREASURER

City Manager, Wayne Pyle, presented proposed Resolution No. 10-191 which would recognize the need to appoint a City Treasurer to fill the vacancy left by retirement of the previous Treasurer, and ratify the City Manager's appointment of Robert Scott Freckleton to the office of West Valley City Treasurer.

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Mr. Pyle stated the previous City Treasurer retired as of June 2010, leaving the position vacant. He also stated it had become necessary to appoint a new City Treasurer to fill the duties of that position and meet State Code requirements. He advised that Robert Scott Freckleton had demonstrated by his experience as a Certified Public Accountant, business owner, manager and auditor, all the competencies and qualifications necessary to fulfill the duties of City Treasurer.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-191, a Resolution Recognizing the Need to Appoint a City Treasurer to Fill the Previous Treasurer and Ratifying the City Manager’s Appointment of Robert Scott Freckleton to the Office of West Valley City Treasurer. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15136

ADMINISTER OATH OF OFFICE TO SCOTT FRECKLETON, OFFICE OF CITY TREASURER

City Recorder, Sheri McKendrick, administered the oath of office to Scott Freckleton, City Treasurer.

Finance Director, Jim Welch, formally introduced Scott Freckleton to the City Council and discussed his background and experience.

City Treasurer, Scott Freckleton, addressed the City Council and introduced his family members in attendance at the meeting. He discussed his educational background and financial experience; and expressed appreciation for the opportunity to work for West Valley City.

On behalf of the City Council, Mayor Pro Tem Rushton welcomed Mr. Freckleton to the “West Valley City family.”

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15137

RESOLUTION NO. 10-192, AUTHORIZE PURCHASE OF AMMUNITION FOR THE POLICE DEPARTMENT FROM SALT LAKE WHOLESALE SPORTS

City Manager, Wayne Pyle, presented proposed Resolution No. 10-192 which would authorize purchase of ammunition, in the amount of \$57,143.01, for the Police Department from Salt Lake Wholesale Sports.

Mr. Pyle stated the Police Department had an ongoing need to purchase ammunition to be used for training and for on-duty use. He also stated the appropriation would allow the Department to purchase those supplies in one large order. He indicated the ammunition would be purchased from Salt Lake Wholesale who had won a State contract to supply this item under number PD137. He advised the duration of the contract would be from January 23, 2008, through January 22, 2011.

The City Manager explained that World events had resulted in the United States government authorizing military action in several countries around the World. He stated those activities had resulted in reduction in the amount of ammunition readily available to law enforcement agencies. He continued that this had resulted in price increases for ammunition every year and including delays in receiving a complete order of ammunition. He informed by ordering all ammunition before January of every year, when prices were usually adjusted, the Police Department would avoid paying price increases and also help to reduce delays in receiving the complete order in a timely manner. He indicated funds were currently budgeted for and allocated in accounts in the Police Department budget.

After discussion, Councilmember Burt moved to approve Resolution No. 10-192, a Resolution Authorizing the Purchase of Ammunition for the Police Department from Salt Lake Wholesale Sports. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 10-193, APPROVE A WIND ART PURCHASE AND INSTALLATION AGREEMENT BETWEEN WHITAKER STUDIO AND WEST VALLEY CITY FOR PURCHASE OF 30 PIECES OF WIND ART FOR THE CITY CENTER PLAZA

City Manager, Wayne Pyle, presented proposed Resolution No. 10-193 which would approve a Wind Art Purchase and Installation Agreement between Whitaker Studio and West Valley City, in the amount of \$99,550.00, for purchase of 30 pieces of wind art for the City Center Plaza.

Mr. Pyle stated as part of the City Center Redevelopment Project, West Valley City collaborated with the Utah Transit Authority to construct a plaza that provided a pedestrian friendly connection to the intermodal transit center, City facilities, and the Valley Fair Mall. He indicated the plaza was intended to be an urban outdoor gathering space and an essential component of the City's future redevelopment efforts in the City Center. He informed that Lyman Whitaker, a Utah artist, designed and built dynamic wind art sculptures that honored the City's vision for the plaza. He stated West Valley City had secured a federal grant to fund that work including additional seating and landscaping enhancements in front of City Hall.

The City Manager reported that in early 2010, City staff presented the City Council with the City Center Plaza Vision, developed internally, that emphasized a contemporary interpretation on the four classical elements. He stated the plaza should be a dynamic urban outdoor gathering place and include iconic features that would begin to define the emerging West Valley City Center. He stated elements to be reflected in the Plaza were sun, sound, wind and water. He indicated Whitaker Studios had been invited to submit a proposal for a wind art forest, an arrangement of wind art sculptures of varying shapes and heights throughout the plaza. The sculptures were intended to provide a dynamic and visually pleasing component to the City Center Plaza. He indicated Whitaker Studios would collaborate with City staff and Stanley Consultants on placement of the sculptures on the Plaza, and the timing of their installation. He indicated the sculptures intended for the plaza in front of City Hall would be installed within 90 days from the date of execution of the agreement.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-193, a Resolution Approving a Purchase and Installation Agreement between Whitaker Studio and West Valley City for the Purchase of 30 Pieces of Wind Art for the City Center Plaza. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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

Unanimous.

15139

RESOLUTION NO. 10-194, APPROVE AN AGREEMENT BETWEEN STANLEY CONSULTANTS AND WEST VALLEY CITY FOR PROFESSIONAL ARCHITECTURAL SERVICES REGARDING CONSTRUCTION OF CITY CENTER PLAZA ENHANCEMENTS

City Manager, Wayne Pyle, presented proposed Resolution No. 10-194 which would approve an Agreement between Stanley Consultants and West Valley City, in the amount of \$100,000.00, for professional architectural services regarding construction of the City Center Plaza Enhancement.

Mr. Pyle stated that as part of the City Center Redevelopment Project, West Valley City had collaborated with the Utah Transit Authority to construct a plaza that provided a pedestrian friendly connection of the intermodal transit center, City facilities, and the Valley Fair Mall. He indicated the plaza was intended to be an urban outdoor gathering space and an essential component of the City's future redevelopment efforts in the City Center. He explained West Valley City had secured a \$1,000,000 federal grant to enhance the plaza's functionality and aesthetics. He indicated the City had determined Stanley Consultants was the best-qualified firm to provide professional architectural services regarding construction of the plaza enhancement.

The City Manager reported that in July 2010, the City received Statements of Qualifications for the architectural services for enhancements to the City Center Plaza. He also reported Stanley Consultants had been chosen as the most advantageous firm to meet the City's needs for the project. The qualifications solicited included team history, team experience, team composition, design philosophy and project approach, and project schedule. He explained teams had been asked to submit proposals that responded to two fundamental elements: 1) to establish a signature, iconic plaza that impacted perceptions about West Valley City and anchored the City Center with a creative message; and 2) to create a community gathering place with compelling features in a public space. He stated this space would serve as a regional attraction that would also provide a benefit to West Valley City residents. He indicated further that upon receiving the proposal and conducting interviews with three firms, a committee of City employees representing Planning and Zoning, Facilities, Parks and Recreation, and the Utah Cultural Celebration Center recommended the City retain Stanley Consultants to provide the design services.

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After discussion, Councilmember Christensen moved to approve Resolution No. 10-194, a Resolution Approving an Agreement between Stanley Consultants and West Valley City for Professional Architectural Services for the Construction of City Center Plaza Enhancements. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, DECEMBER 7, 2010, WAS ADJOURNED AT 7:20 P.M., BY MAYOR PRO TEM RUSHTON.

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, December 7, 2010.

Sheri McKendrick, MMC
City Recorder