

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 14, 2010

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, DECEMBER 14, 2010, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Carolynn Burt
Corey Rushton (Arrived as noted)
Don Christensen
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Buzz Nielsen, Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Richard Catten, City Attorney
Layne Morris, Community Preservation Director
Jim Welch, Finance Director
Steve Pastorik, Acting CED Director
Gregg Cudworth, Acting Parks and Recreation Director
Aaron Crim, Administration
Eric Bunderson, Law Department
Marshall Hendrickson, Law Department
Hannah Thiel, CED Department
Lee Logston, CED Department
Mark Nord, CED Department
Phil Markham, Public Works Department
Jeff Nosack, Public Works Department
Jake Arslanian, Public Works Department

1. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED DECEMBER 14, 2010

City Manager, Wayne Pyle, stated no new items were added to the Agenda for the Regular Meeting scheduled December 14, 2010. He discussed items on that Agenda and other items, as follows:

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Item No. 8.A. – 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) (PUBLIC HEARING HELD AND CLOSED AT REGULAR MEETING OF DECEMBER 7, 2010; NO ACTION TAKEN)

City Manager, Wayne Pyle, discussed 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 change of zone from ‘M’ (Manufacturing) to ‘R-2-8’ (Residential Duplex, Minimum Lot Size 8,000 sq. ft.). He stated a public hearing had been held and closed at the Regular Council Meeting of December 7, 2010; however, no action was taken regarding Ordinance Nos. 10-37 and 10-38 related to the Application.

City Manager, Wayne Pyle, further explained there had been two motions made subsequent to closing the public hearing and both failed for lack of a majority of the City Council. He stated, therefore the application had been placed on the Agenda for the Regular Council Meeting of December 14, 2010, under the category of unfinished business.

Mr. Pyle further reviewed and discussed the Application and proposed Ordinances and answered questions from members of the City Council.

The City Council will consider Application No. GPZ-1-2010 and proposed Ordinance No. 10-37 and Ordinance No. 10-38 at the Regular Council Meeting scheduled December 14, 2010, at 6:30 P.M.

Redevelopment Agency Meeting Scheduled December 14, 2010

City Manager, Wayne Pyle, reviewed proposed Resolution No. 10-35 scheduled on the Agenda for the Redevelopment Agency Meeting to be held December 14, 2010. Mr. Pyle answered questions from members of the City Council.

Mr. Pyle introduced Robert Bethke of backcountry.com.

Keith Morrey, CED Department, distributed written information to members of the City Council, and using PowerPoint, he discussed information summarized as follows:

- Background information
- Economic development incentive proposal
- Benefit to West Valley City

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- Photographs of facility

During the above presentation of information, Mr. Morrey answered questions from members of the City Council.

City Manager, Wayne Pyle, discussed several reasons taken into consideration regarding proposals of incentive agreements, including expansion of existing businesses, and bringing new businesses and jobs to the City.

Mayor Winder noted backcountry.com was one of the businesses scheduled to be recognized during the Regular Council Meeting scheduled later this night, but Mr. Bethke would be unable to stay for that meeting. The Mayor then presented a signed Proclamation and Essential Piece certificate and holiday basket to Mr. Bethke. Mr. Bethke expressed appreciation for their ability to partner with West Valley City.

Upon inquiry by the City Manager, there were no further questions or discussions regarding the subject Agendas.

2. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-15-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO TITLE 7 OF THE LAND USE DEVELOPMENT AND MANAGEMENT ACT OF THE WEST VALLEY CITY CODE REGARDING STANDARDS FOR ACCESSORY BUILDINGS ON LOTS LESS THAN 0.5 ACRES IN AN AGRICULTURAL ZONE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-15-2010, filed by West Valley City, requesting a zone text amendment to Title 7 of the Land Use Development and Management Act of the West Valley City Municipal Code regarding standards for accessory buildings on lots less than 0.5 acres in an Agriculture zone. He discussed proposed Ordinance No. 10-39 to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 10-39, AMENDING SECTION 7-6-209 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADDRESS MINIMUM AREA STANDARDS FOR ACCESSORY BUILDINGS ON AGRICULTURALLY ZONED PROPERTIES THAT ARE LESS THAN ONE-HALF ACRE

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-39 which would amend Section 7-6-209 of the West Valley City Municipal Code to address minimum area standards for accessory buildings on agriculturally zoned properties that are less than one-half acre.

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Mr. Pyle stated as agriculturally zoned homes, with less than half an acre, could currently occupy almost all of their back yard with accessory buildings, the proposed ordinance would require the same standards as a single-family residential zone area if the single-family residential zone setbacks were used.

The City Manager further stated currently in single-family residential zones accessory buildings could occupy up to 25% of the rear yard. He indicated agricultural properties had no limit for accessory building area coverage and had larger setbacks than required in the single-family zones. The agricultural zone currently allowed an exception for small agricultural lots that were less than half an acre to use the same setback standards as the single-family residential zones.

Mr. Pyle indicated the proposed ordinance added the requirement to use the same area regulations as the single-family zone, which was that no more than 25% of the rear yard shall be covered, when the exception for closer setbacks for agricultural properties was applied.

The City Manager reported the Planning Commission initially had concerns regarding the existing exception to allow accessory buildings to be placed closer than the minimum setbacks for the agricultural zone as the accessory buildings could house animals. He stated, however, any structure that housed animals must be placed a minimum of 40 feet from any dwelling.

Hannah Thiel, CED Department, further reviewed and discussed the Application and proposed Ordinance and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-15-2010 and consider proposed Ordinance No. 10-39 at the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M.

3. **RESOLUTION NO. 10-197, AUTHORIZING TERMINATION OF A FLOOD CONTROL EASEMENT GRANTED BY KENNECOTT TO WEST VALLEY CITY AND SALT LAKE COUNTY, AND THE TERMINATION OF ALL RIGHTS UNDER THE FLOOD CONTROL EASEMENT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-197 which would authorize termination of a Flood Control Easement granted by Kennecott to West Valley City and Salt Lake County, and the termination of all rights under the Flood Control Easement.

Mr. Pyle stated that under the proposal the City would agree to terminate a Flood Control Easement, granted by Kennecott, to use a portion of the Riter Canal located on the Canal lands, as a flood control facility. He further stated the City would also warrant there were no successors or assignees to the subject agreement.

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Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-197 at the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M.

4. **RESOLUTION NO. 10-198, AUTHORIZING AN AGREEMENT BETWEEN WEST VALLEY CITY, SALT LAKE COUNTY, AND SUBURBAN LAND RESERVE, INC., TO CONFIRM THE Highbury Canal and Highbury Waterways are subject to the Supplemental Agreement through an Amendment to the Supplemental Agreement; AND AUTHORIZING THE MAYOR TO ACCEPT A SPECIAL WARRANTY DEED FROM SUBURBAN LAND RESERVE, INC. FOR CONVEYED PROPERTY IN ACCORDANCE WITH THE SUPPLEMENTAL AGREEMENT AND KENNECOTT AGREEMENT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-198 which would authorize an Agreement between West Valley City, Salt Lake County, and Suburban Land Reserve, Inc. to confirm the Highbury Canal and Highbury Waterways are subject to the Supplemental Agreement, and authorize the Mayor to accept a Special Warranty Deed from Suburban Land Reserve, Inc. for conveyed property in accordance with the Supplemental Agreement and Kennecott Agreement.

Mr. Pyle stated under the proposal the City would agree to amend the Supplemental Agreement in order to subject the Highbury Canal and the Highbury Waterways to the Supplemental Agreement through modification and extension of certain provisions in the Supplemental Agreement.

The City Manager reported this was one of several agreements with Suburban Land Reserve that would extend the same ownership and maintenance responsibilities to the new Highbury canals and waterways currently in place for the Lake Park Corporate Center waterways.

City Manager, Wayne Pyle, indicated development of improvements in Highbury Commons included certain canals and waterways which would be extensions of or part of the Replacement Canal and Secondary Waterways. He further advised because the Highbury Canal and Highbury Waterways were an integral part of the system for management of storm water runoff, the parties desired to be subject to the Supplemental Agreement through modification and extension of certain provisions in the Supplemental Agreement to such improvements.

Public Works Director, Russell Willardson, further discussed and reviewed the proposed Resolution and answered questions from members of the City Council.

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The City Council will consider proposed Resolution No. 10-198 at the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M.

5. CONSENT AGENDA SCHEDULED DECEMBER 21, 2010:

A. RESOLUTION NO. 10-199, APPROVE AN AGREEMENT WITH BRAD PENNY FOR PURCHASE OF A VINYL FENCE AND EASEMENT TO ACCESS THE FENCE

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-199 which would approve an Agreement with Brad Penny, in the amount of \$2,210.29, for purchase of a vinyl fence and easement to access the fence.

Mr. Pyle stated the City would purchase two fences with maintenance easements along the south boundary of Hunter Village Park. He indicated this appeared to be the fair and proper thing to do, as the homeowners were unaware the City was to install fencing around the park. He explained most of the cost for the fences had been programmed into the park development budget anyway, so final fencing cost was only slightly higher than it would have been if the fencing had been left in the original construction contract and installed by the City.

The City Manager explained that during construction of Hunter Village Park two adjacent homeowners installed fencing along the shared boundary between the park and their homes. He stated that when the City extended the fencing adjacent to the two remaining undeveloped lots on the south side of the park, the homeowners approached the City and requested they be reimbursed for half of their initial outlay for fencing as they saw the City had planned to fence the entire shared boundary as part of the overall park project. He informed the payment amount would be equal to 60% of the installed price paid by the homeowner.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-199 at the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M.

B. RESOLUTION NO. 10-200, APPROVE AGREEMENT WITH JAY TINGEY FOR PURCHASE OF A VINYL FENCE AND EASEMENT TO ACCESS THE FENCE

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-200 which would approve an Agreement with Jay Tingey, in the amount of \$715.20, for purchase of a vinyl fence and easement to access the fence.

Mr. Pyle stated the City would purchase two fences with maintenance easements along the south boundary of Hunter Village Park. He indicated this appeared to be the fair and proper thing to do, as the homeowners were unaware the City was

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to install fencing around the park. He explained most of the cost for the fences had been programmed into the park development budget anyway, so final fencing cost was only slightly higher than it would have been if the fencing had been left in the original construction contract and installed by the City.

The City Manager explained that during construction of Hunter Village Park two adjacent homeowners installed fencing along the shared boundary between the park and their homes. He stated that when the City extended the fencing adjacent to the two remaining undeveloped lots on the south side of the park, the homeowners approached the City and requested they be reimbursed for half of their initial outlay for fencing as they saw the City had planned to fence the entire shared boundary as part of the overall park project. He informed the payment amount would be equal to 60% of the installed price paid by the homeowner.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-200 at the Regular Council Meeting scheduled December 21, 2010, at 6:30 P.M.

C. **RESOLUTION NO. 10-201, APPROVE A DELAY AGREEMENT WITH RON AND SHELLEY ROBERTSON FOR A MONUMENT SIGN LOCATED AT APPROXIMATELY 3455 SOUTH 4300 WEST**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-201 which would approve a Delay Agreement with Ron and Shelley Robertson for a monument sign located at approximately 3455 South 4300 West.

Mr. Pyle stated Enterprise Rent A Car Company of UT, LLC would like to market their business using a monument sign on property owned by Ron and Shelley Robertson. He further stated due to the future right-of-way street width for 3500 South, the setbacks required for this new monument sign were 22 ½ feet from the existing property line or inside of sidewalk. He explained this setback required for the monument sign made it difficult to place the sign in a practical location. He explained staff recommendations as follows:

1. The required setbacks would place the monument sign further back than adjacent business signs and would be difficult to see from 3500 South
2. The ordinance (11-5-103(1)) required a five foot setback from the public right-of-way for a monument sign that was less than five feet in height. The proposed sign was set back five feet from the current public right-of-way which would be moved to the appropriate future setbacks when 3500 South was widened.

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The City Manager further discussed his recommendation the monument sign setbacks required for future right-of-way on 3500 South be delayed until the street was widened to its full width.

Hannah Thiel, CED Department, answered questions by members of the City Council.

City Manager, Wayne Pyle, further discussed and reviewed the proposed Resolution and answered questions.

The City Council will consider proposed Resolution No. 10-201 at the Regular Council meeting scheduled December 21, 2010, at 6:30 P.M.

6. **COMMUNICATIONS:**

A. **STRATEGIC PLAN PRESENTATION – POLICE DEPARTMENT**

City Manager, Wayne Pyle, stated a Strategic Plan presentation by the Police Department had been scheduled to provide the City Council with information in preparation for the City Council's upcoming Strategic Planning Meeting.

Police Chief, Buzz Nielsen, distributed written information including statistics regarding the Police Department. He used PowerPoint and discussed information summarized as follows:

- Economic and environmental trends
- Valley Police Alliance
- New Organizational chart
- Update regarding strategic plan goals including economic influences
- Part 1 crimes
- Statistical information

During the above presentation and discussion, Chief Nielsen answered questions from members of the City Council.

B. **STRATEGIC PLAN PRESENTATION – LAW DEPARTMENT**

City Manager, Wayne Pyle, stated a Strategic Plan presentation by the Law Department had been scheduled to provide the City Council with information in preparation for the City Council's upcoming Strategic Planning Meeting.

City Attorney, Richard Catten, used PowerPoint and discussed information summarized as follows:

- City Attorney's Office and Strategic Plan
- City Council action items

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- Support most other Departments' Strategic Plan goals
- Rental Task Force and Good Landlord Program
- Organization and IT upgrades to the ACE process
- Department goals and benchmarks regarding risk management, prosecution, victims services, civil, and collection program

Councilmember Rushton arrived at the meeting at 5:53 P.M.

- The “news” from their office

During the above presentation and discussion, the City Attorney answered questions from members of the City Council.

C. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: December 16, 2010: Holiday Reception and Employee Awards, City Hall Lobby, 2:00 P.M. – 4:00 P.M.; December 20, 2010: Annual Luncheon with COG Members & Legislative Representatives from Salt Lake County, UCCC, Noon; December 21, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 4, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 11, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 17, 2011: Martin Luther King Jr. Holiday – City Hall closed; January 18, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 25, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 26, 2011: ULCT Local Officials Day at the Legislature; and April 11-13, 2011: ULCT Mid-Year Conference, St. George.

D. **PLOWING EFFORTS DURING FIRST TWO MAJOR SNOWSTORMS AND FRIGID TEMPERATURES**

City Manager, Wayne Pyle, instructed Phil Markham, Public Works Department, to update the City Council regarding experiences and plowing efforts during the first two major snowstorms of the season and frigid temperatures. Mr. Markham related statistics regarding lane miles, number of cul-de-sacs, number of employees and hours worked by each crew, equipment, costs including overtime and cost and amounts of salt used.

Mayor Winder noted plowing efforts during heavy storms created tough jobs for staff and he expressed appreciation to those workers on behalf of the City Council.

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E. SALE FOR PLACEMENT OF UTAH CULTURAL CELEBRATION CENTER (UCCC) REFUNDING BONDS

City Manager, Wayne Pyle, discussed the sale for placement of the Utah Cultural Celebration Center (UCCC) refunding bonds and informed the anticipated interest rates would not net quite as much savings as originally anticipated.

F. ECONOMIC DEVELOPMENT PROJECTS

City Manager, Wayne Pyle, updated the City Council regarding two economic development projects including a major retailer who desired to locate in West Valley City, and a proposed hotel development in the City Center area. He also complimented economic development staff for their efforts regarding these projects.

7. COUNCIL REPORTS

A. COUNCILMEMBER CAROLYNN BURT – HISTORICAL SOCIETY

Councilmember Burt reported regarding a recent meeting of the Historical Society Committee.

B. COUNCILMEMBER COREY RUSHTON – PTA REQUEST FOR VOLUNTEER SUPPORT

Councilmember Rushton discussed a request from the PTA for volunteer support regarding graduation ceremonies. He advised he had discussed this issue recently with the City Manager.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, DECEMBER 14, 2010, WAS ADJOURNED AT 6:30 P.M., BY MAYOR WINDER.

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, December 14, 2010.

Sheri McKendrick, MMC
City Recorder