

MINUTES OF COUNCIL REGULAR MEETING – MARCH 8, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 8, 2011, AT 6:35 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Eric Bunderson, Acting City Attorney
Stan Varney, Acting Fire Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15245 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

15246 **SCOUTS**

Mayor Winder welcomed Scout Troop Nos. 479, 942, 745, 844 and 766 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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15247 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 22, 2011**

The Council read and considered Minutes of the Regular Meeting held February 22, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held February 22, 2011, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15248 **COMMENT PERIOD**

Upon inquiry by Mayor Winder there was no one who desired to address the City Council during the comment period.

15249 **PUBLIC HEARING, PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-16-2010, FILED BY WEST VALLEY CITY, REQUESTING AN ORDINANCE TEXT CHANGE TO ALLOW RECEPTION CENTERS AS AN ACCESSORY USE TO A NURSERY/GARDEN CENTER IN A ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE**

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. ZT-16-2010, filed by West Valley City, requesting an ordinance text change to allow reception centers as an accessory use to a nursery/garden center in a C-1 (Neighborhood Commercial) zone. He presented proposed Ordinance No. 11-11 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. 11-11 which would amend Section 7-1-103, 7-6-1002 and 7-6-1103 of Title 7 of the West Valley City Municipal Code to allow reception centers as an accessory use to a nursery/garden business.

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Mr. Pyle stated reception centers were allowed in the C-2, C-3 and M (Manufacturing) zones as a conditional use. He also stated Western Garden operated a nursery/garden center in a C-1 zone and desired the ability to do receptions similar to their Sandy facility. He indicated, however, if the ordinance text change was approved it would apply to any nursery/garden center in a C-1 zone as long as the business and site met all requirements such as parking and any building and fire code requirements. He explained the reception part of the business would have to be accessory to the nursery/garden center.

The City Manager indicated reception centers close to residential uses had been problematic in the past. Because of these problems, the City modified the ordinance dealing with reception centers and similar uses to require any of these uses within 500 feet of residences to close down by 10:00 P.M. He further stated since the City's zoning ordinance did not have a definition of a nursery or garden center, the following definition was proposed as part of the text change:

“garden center” means a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other garden variety tools and utensils.

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

ACTION: CONSIDER ORDINANCE NO. 11-11, AMENDING SECTION 7-1-103, 7-6-1002 AND 7-6-1103 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ALLOW RECEPTION CENTERS AS AN ACCESSORY USE TO A NURSERY/GARDEN BUSINESS

The City Council previously held a public hearing regarding Application No. ZT-16-2010 and proposed Ordinance No. 11-11 which would amend Section 7-1-103, 7-6-1002 and 7-6-1103 of Title 7 of the West Valley City Municipal Code to allow reception centers as an accessory use to a nursery/garden business.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-11, an Ordinance Amending Section 7-1-103, 7-6-1002 and 7-6-1103 of Title 7 of the West Valley City Municipal Code to Allow Reception Centers as an Accessory Use to a Nursery/Garden Business. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15250

RESOLUTION NO. 11-30, AWARD A CONTRACT TO COTTONWOOD BUILDERS, INC. FOR CONSTRUCTION OF THE HOMESTEAD FARMS STORM DRAIN PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-30 which would award a contract to Cottonwood Builders, Inc., in the amount of \$63,979.61, for construction of the Homestead Farms Storm Drain Project.

Mr. Pyle stated bids had been solicited and a total of eight bids received, as follows:

Cottonwood Builders:	\$ 63,979.61
Wasatch West Construction:	64,283.97
Kipp Construction:	78,687.00
Arrowpoint Solutions:	84,114.00
Concrete Concrete:	88,323.98
General Contractors:	94,965.00
Kapp Construction:	92,397.85
Leon Poulsen Construction:	123,103.25

The City Manager reported the engineers estimate had been in the amount of \$95,365.00. He further stated the lowest responsible bid had been submitted by Cottonwood Builders, Inc.

Mr. Pyle stated the Homestead Farms Storm Drain project was located on 1950 West 3600 South from Homestead Farms to the storm drain at Granger Elementary. He stated the project was intended to alleviate a reoccurring flooding problem at the Homestead Farms development on 1950 West. He explained the City storm drain that the property currently connected to was over capacity and this project would connect it directly to the new storm drain in the Granger Elementary property to aid in relieving the flooding problems.

The City Manager also reported the project included construction of a 24-inch storm drain in 1950 West and placement of storm drain boxes and a short section of 4-foot x 3-foot precast concrete box culvert and pond modification in the Weaver Park Detention Basin.

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After discussion, Councilmember Christensen moved to approve Resolution No. 11-30, a Resolution Awarding a Contract to Cottonwood Builders, Inc. and Authorizing the Execution of a Contract for the Homestead Farms Storm Drain Project. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15251

RESOLUTION NO. 11-31, APPROVE A SPONSORSHIP AGREEMENT WITH LAND O' FROST

City Manager, Wayne Pyle, presented proposed Resolution No. 11-31 which would approve a Sponsorship Agreement with Land OøFrost.

Mr. Pyle stated Land Oø Frost desired to advertise their products by being a sponsor of West Valley City recreation programs. He reported Land OøFrost was willing to pay the City \$12,000.00 in return for having their name on uniforms and signs. He indicated Land Oø Frost was a food distributor to grocery stores and had chosen to advertise their products across the country by sponsoring local recreational programs.

The City Manager also reported the payment of \$12,000.00 would be for a one year sponsorship. In return, they required the recreation programs to put their name and logo on team uniforms, distribute coupons to the teams, provide a banner to be displayed at the programs, and promote their company in other ways as listed in the contract. He stated the Parks and Recreation Department often used sponsorships as a way to off-set the cost of programs and keep participation prices affordable. He indicated this proposal was similar to sponsorships that had been done in the past.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-31, a Resolution Authorizing the Execution of a Sponsorship Agreement between West Valley City and Land OøFrost. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 8, 2011, WAS ADJOURNED AT 6:50 P.M., BY MAYOR WINDER.

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, March 8, 2011.

Sheri McKendrick, MMC
City Recorder