

MINUTES OF COUNCIL STUDY MEETING – AUGUST 21, 2012

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, AUGUST 21, 2012, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Steve Buhler
Don Christensen
Tom Huynh
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Karen Lang
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Layne Morris, CPD Director
Nicole Cottle, CED Director
Eric Bunderson, City Attorney
Russell Willardson, Public Works Director
Scott Freckleton, Acting Finance Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Steve Pastorik, CED Department
Rachelle Hill, Law Department

1. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED AUGUST 21, 2012**
City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Meeting scheduled August 21, 2012, at 6:30 P.M. He discussed other matters as follows:

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Mr. Pyle distributed a copy of a letter from Terry Orme, Managing Editor of the Salt Lake Tribune, which was requested to be read by the City Council prior to a GRAMA appeal hearing scheduled on the subject Agenda later this night.

Upon inquiry by the City Manager there were no questions regarding items scheduled on the subject Agenda.

2. **PUBLIC HEARINGS SCHEDULED AUGUST 28, 2012:**

A. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-1-2012, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT CHANGE TO REPEAL CHAPTER 7-26 OF THE WEST VALLEY CITY MUNICIPAL CODE, TRANSFER OF DEVELOPMENT RIGHTS OVERLAY ZONE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M., in order for the City Council to accept public input regarding Application No. ZT-1-2012, filed by West Valley City, requesting a zone text change to repeal Chapter 7-26 of the West Valley City Municipal Code, Transfer of Development Rights Overlay Zone. He discussed proposed Ordinance No. 12-35 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 12-35, REPEALING CHAPTER 7-26 OF THE WEST VALLEY CITY MUNICIPAL CODE, LAND USE DEVELOPMENT AND MANAGEMENT ACT, REGARDING TRANSFER OF DEVELOPMENT RIGHTS IN THE TDR OVERLAY ZONE

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-35 which would repeal Chapter 7-26 of the West Valley City Municipal Code, Land Use Development and Management Act, regarding transfer of development rights in the TDR Overlay Zone.

Mr. Pyle stated the TDR ordinance allowed development rights to be transferred from a sending area, an area being preserved, to a receiving area or an area where development was appropriate. He indicated the ordinance had first been adopted in 2000 and amended in 2001 and 2007. He discussed five reasons the ordinance should be repealed, summarized as follows:

1. The purposes of the ordinance had been accomplished to a certain degree;
2. Remaining property owners within the sending area planned on developing their land instead of preserving their land as open space through transferring development rights;
3. Changing conditions within the sending area made open space preservation less likely and less desirable;
4. Given the current recession the economics of the system were, in staffs' opinion, no longer viable;

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5. When balancing the practicality and fairness of the development requirements imposed on development, it was believed all of the other requirements imposed on development TDR, under current market conditions, could make development very difficult if not impractical.

Steve Pastorik, CED Department, used PowerPoint and further reviewed and discussed the Application and proposed Ordinance, summarized as follows:

- Review of TDR
- Map showing location of sending area as existed in Zoning Ordinance
- Purposes of TDR ordinance
- Economics of system
- Property ownership
- Northwest EDA study area in context with TDR sending site and anticipated development
- Summary of reasons for proposing to repeal the ordinance

Mr. Pastorik and the City Manager answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-1-2012 and consider proposed Ordinance No. 12-35 at the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M.

3. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2012, FILED BY WEST VALLEY CITY, REQUESTING TO REDUCE THE OPEN SPACE PRESERVATION AREA ALONG THE RITER CANAL BETWEEN 6800 WEST AND 6000 WEST AND BETWEEN 2400 SOUTH AND PARKWAY BOULEVARD, FROM APPROXIMATELY 160 ACRES TO APPROXIMATELY 46 ACRES AND TO REMOVE THE TDR-S OVERLAY ZONE FROM THE ZONING MAP**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2012, filed by West Valley City, requesting to reduce the open space preservation area along the Riter Canal between 6800 West and 6000 West and between 2400 South and Parkway Boulevard, from approximately 160 acres to approximately 46 acres and to remove the TDR-S Overlay Zone from the Zoning Map. He discussed proposed Ordinance No. 12-36 and proposed Ordinance No. 12-37 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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ORDINANCE NO. 12-36, AMENDING THE GENERAL PLAN TO REDUCE THE OPEN SPACE PRESERVATION AREA ALONG THE RITER CANAL BETWEEN 6800 WEST AND 6000 WEST AND BETWEEN 2400 SOUTH AND PARKWAY BOULEVARD FROM APPROXIMATELY 160 ACRES TO APPROXIMATELY 46 ACRES; AND ORDINANCE NO. 12-37, AMENDING THE ZONING MAP TO REMOVE THE TDR-S OVERLAY ZONE

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-36 which would amend the General Plan to reduce the open space preservation area along the Riter Canal; and proposed Ordinance No. 12-37 which would amend the Zoning Map to remove the TDR-S Overlay Zone, for property located between 6800 West and 6000 West and between 2400 South and Parkway Boulevard from approximately 160 acres to approximately 46 acres.

Mr. Pyle stated the subject property was currently zoned a combination of 'A' (Agriculture, Minimum Lot Size of ½ Acre) and 'A-1' (Agriculture, Minimum Lot Size of One Acre) and included the TDR-S Overlay Zone. He also stated the General Plan designation for this area was Rural Residential (one to two units per acre) and Light Manufacturing. He further informed the General Plan also included an open space preservation overlay for the area. He reiterated the proposed General Plan change would reduce the open space preservation overlay from approximately 160 acres to 46 acres and remove the TDR-S Overlay Zone.

The City Manager reported reasons for the reduction of the open space preservation area in the General Plan, summarized as follows:

- The 46 acres that would remain within the open space preservation area had been acquired by the City.
- The City Council recently authorized a study to evaluate the potential of forming a large Economic Development Area (EDA) in the northwest portion of the City. He indicated EDA's allowed the City to utilize tax increment to provide incentives to attract new employment. He advised that if the EDA was approved it would encompass most of the TDR sending site.
- The City's Economic Development staff had been working on two large, light industrial developments to the southwest and northeast of Rocky Mountain Raceway. To provide better access to those anticipated developments the City would be making improvements to the south frontage road and extending 6400 West to the north to connect with the frontage road. The anticipated light industrial development, together with the planned road improvements, would make development within the sending area much more likely.
- Owners of about 107 acres of the area designated as open space preservation intended to develop their property and did not desire to participate in the TDR ordinance.

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- Part of the purpose behind the open space preservation area was to preserve land for storm water detention needs. The 46 acres of property acquired by the City would be sufficient to meet storm water detention needs of the area.
- Another purpose of an open space preservation area would be to preserve what was considered to be wetlands at the time. During the mid to late 1990's the City had commissioned a general wetlands study to identify wetlands within the northwest portion of the City. Since that study had been completed, there were several site specific studies conducted showing that either the wetlands delineated in the study were no longer deemed wetlands, or that the area of the wetlands was less than what had been shown in the City study. Also, as discussed by the City Council at a meeting held July 3, 2012, recent case law had limited the scope of what were considered as "wetlands".
- City staff had received a letter from Brent Rushton (provided in the Council informational packets) that outlined his reasons for removing both the TDR-S Overlay Zone and the open space designation in the General Plan from his family's property.

Steve Pastorik, CED Department, referenced information discussed in the above PowerPoint presentation, further reviewed the Application and proposed Ordinances, and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. GPZ-1-2012 and consider proposed Ordinance No. 12-36 and proposed Ordinance No. 12-37 at the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M.

4. **RESOLUTION NO. 12-127, APPROVE AN AGREEMENT WITH KEDDINGTON & CHRISTENSEN, CERTIFIED PUBLIC ACCOUNTANTS, LLC, TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-127 which would approve an Agreement with Keddington & Christensen, Certified Public Accounts, LLC, in the amount of \$76,384.00, to provide auditing services to West Valley City.

Mr. Pyle stated West Valley City was required by law to engage an independent audit firm to audit the City's financial operations. He also stated Keddington & Christensen auditors had demonstrated experience and proficiency in municipal audits and knowledge of City operations. He indicated the audit would be conducted in accordance with auditing standards generally accepted in the United States of America, the standards for financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States. He explained Keddington & Christensen had provided audit services for the City in the past and had the technical expertise to evaluate and review all aspects of the City's complex operations.

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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. 12-127 at the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M.

5. **RESOLUTION NO. 12-128, APPROVE AN AGREEMENT WITH MELINDA CHECKETTS HIBBERT TO PROVIDE ADMINISTRATIVE LAW JUDGE SERVICES TO WEST VALLEY CITY**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-128 which would approve an Agreement with Melinda Checketts Hibbert, at a rate of \$45.00 per hour, to provide Administrative Law Judge (ALJ) services to West Valley City.

Mr. Pyle stated the subject contract would award a non-exclusive one year term to Melinda Checketts Hibbert to be an ALJ for West Valley City. He reported the contract set forth the duties to include all ACE hearings, and parking tickets and other matters as assigned by the West Valley City Administration. He explained the contract allowed for the City to dismiss Ms. Hibbert for cause and either party to rescind the contract with 30 days written notice. He also advised the rate of pay and contract did not guarantee a minimum number of hours or any exclusivity. He stated Ms. Hibbert had several years of experience as a licensed attorney in the State of Utah.

City Attorney, Eric Bunderson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-128 at the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M.

6. **RESOLUTION NO. 12-129, ACCEPT A DEDICATION FROM THE UTAH TRANSIT AUTHORITY (UTA) FOR PORTIONS OF MARKET STREET AND LEHMAN AVENUE**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-129 which would accept a dedication from the Utah Transit Authority (UTA) for portions of Market Street and Lehman Avenue.

Mr. Pyle stated as part of the continued progress of Fairbourne Station the City recently reconstructed Lehman Avenue. He indicated reconstruction of Lehman Avenue included a park-strip and sidewalk on the north side of the street. He explained that prior to reconstruction of Lehman Avenue there was no park-strip on the south side of UTA's park and ride lot. The right-of-way dedication along Lehman Avenue provided the space needed to accommodate a park-strip and sidewalk as illustrated in a drawing provided to the City Council.

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The City Manager reported the City would shortly construct the north half of Market Street which would include a 6-foot park-strip and 10-foot sidewalk along the west side of that street. Along the east side of UTA's park and ride lot there was currently a 6-foot sidewalk with no park-strip. He indicated the right-of-way dedication on Market Street provided the space needed to transition the 10-foot sidewalk that was set back 6-foot from the curb to a 6-foot sidewalk at the back of the curb, as illustrated in a drawing previously provided to the City Council.

Steve Pastorik, CED Department, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-129 at the Regular Council Meeting scheduled August 28, 2012, at 6:30 P.M.

7. **NEW BUSINESS SCHEDULED AUGUST 28, 2012, 5:00 P.M. – 6:30 P.M. IN THE LOBBY OF CITY HALL:**

A. **CLEAN & BEAUTIFUL AWARDS CEREMONY AND RECEPTION**

City Manager, Wayne Pyle, advised a Clean & Beautiful awards ceremony and reception had been scheduled on August 28, 2012, between the hours of 5:00 P.M. – 6:30 P.M. in the Lobby of City Hall.

8. **COMMUNICATIONS:**

A. **RACHELLE HILL – VICTIMS ADVOCATES REPORT**

City Manager, Wayne Pyle, stated as part of grant funding requirements Rachelle Hill, Victims Services Coordinator, was required to give a report to the City Council. Upon direction, Ms. Hill distributed and discussed written information regarding the Victims' Advocates Program and answered questions from members of the City Council.

City Manager, Wayne Pyle, expressed pleasure and appreciation for those individuals providing service as victims' advocates.

B. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: July 12 – August 29, 2012: Face of Utah Sculpture VIII Exhibit, UCCC; August 28, 2012: Ipad Training, Multi-purpose Room, 3:30 P.M. – 4:30 P.M.; August 28, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 28, 2012: Clean & Beautiful Awards Ceremony and Reception, Lobby, 5:00 P.M. – 6:30 P.M.; September 3, 2012: Labor Day – City Hall closed; September 4, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 11, 2012: SIRE Agenda to Go Training, Multi-purpose Room, 3:30 P.M. – 4:30 P.M.; September 11, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 12-14, 2012: ULCT Annual

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Convention; September 18, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 19, 2012: Lake Park Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; September 24, 2012: Nantou Delegation Arrives, 7:00 P.M. – 8:00 P.M.; September 25, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 27, 2012: Kellogg's Tour of Gymnastics Champions, Maverik Center, 7:30 P.M.; September 28, 2012: Private Reception for Nantou Delegation, UCCC, 5:00 P.M. – 10:00 P.M.; October 2, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 2, 2012: Domestic Violence Awareness Program, Lobby, 6:00 P.M.; October 4, 2012: ChamberWest 2012 Legacy Awards Gala, Hilton Salt Lake City Airport, 5151 Wiley Post Way, 6:00 P.M.; October 9, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 10, 2012: Carrie Underwood, Maverik Center, 7:30 P.M.; October 16, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 19-21, 2012: Sesame Street Live, Maverik Center; October 23, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 23 – November 2, 2012: Early Voting Period for General Election at City Hall; October 31 – November 4, 2012: Cirque du Soleil: Quidam, Maverik Center; November 6, 2012: General Election; November 6, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 12, 2012: Veteran's Day – City Hall closed; November 13, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 17, 2012: Eric Church, Maverik Center, 7:30 P.M.; November 20, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 22, 2012: Thanksgiving – City Hall closed; November 27, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 4, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 11, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 18, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and December 24 & 25, 2012: Christmas Holiday – City Hall closed.

9. **COUNCIL REPORTS:**

A. **COUNCILMEMBER DON CHRISTENSEN – TAIWANESE EXCHANGE STUDENTS, DEDICATION OF CHINESE FRIENDSHIP GATE AND RELAY FOR LIFE EVENT**

Councilmember Christensen reported regarding the Taiwanese Exchange Students recent visit and farewell dinner.

Councilmember Christensen stated a delegation from Taiwan would attend the dedication of the Chinese Friendship Gate scheduled for next month.

Councilmember Christensen reported regarding the American Cancer Society Relay for Life event held the previous week.

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B. COUNCILMEMBER TOM HUYNH – RIBBON CUTTING AT ENDEAVOR HALL CHARTER SCHOOL

Councilmember Huynh reported regarding a ribbon cutting event at Endeavor Hall Charter School.

C. MAYOR PRO TEM COREY RUSHTON – SALT LAKE COUNTY PARKS BOND AND NAVAHO CODE TALKERS DAY ACTIVITY

Mayor Pro Tem Rushton reported regarding a recent meeting with Mayor Corroon regarding a Salt Lake County Parks Bond and Mayor Corroon's desire to meet with municipalities to discuss that proposal. Upon discussion, members of the Council expressed a desire to hear Mayor Corroon's views on the bond proposal.

Mayor Pro Tem Rushton stated he represented the City at the Navaho Code Talkers Day activity held the previously week.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, AUGUST 21, 2012, WAS ADJOURNED AT 5:14 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, August 21, 2012.

Sheri McKendrick, MMC
City Recorder