

**MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 4, 2012**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 4, 2012, 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  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
Nicole Cottle CED Department  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Dan Johnson, Acting Public Works Director  
Steve Pastorik, CED Department  
Jake Arslanian, Public Works Department  
Aaron Crim, Administration  
Kevin Conde', Administration

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**OPENING CEREMONY**

The Opening Ceremony was conducted by Don Christensen who discussed a recent visit to Boston and he recalled historic events in that area. He also led the Pledge of Allegiance to the Flag.

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**SCOUTS**

Mayor Winder welcomed Scout Troop No. 1404 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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15978      **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 20, 2012**

The Council read and considered Minutes of the Regular Meeting held November 20, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held November 20, 2012, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15979      **ESSENTIAL PIECE AWARD – MARGARET PETERSON AND THE COMMUNITY EDUCATION PARTNERSHIP (CEP) OF WEST VALLEY CITY**

Councilmember Rushton read the nomination of Margaret Peterson and the Community Education Partnership (CEP) of West Valley City to receive the Essential Piece Award. Ms. Peterson had been nominated for her work in building an organization of business and community partners, the Community Education Partnership (CEP) of West Valley City, thus improving the lives and education of children throughout the community.

The City Council congratulated Ms. Peterson and the CEP and expressed appreciation for the valuable program.

Margaret Peterson addressed the City Council and introduced CEP board members in attendance. She thanked donors and financial contributors to the program and expressed appreciation to the City Council, City Manager, and Assistant City Manager for their support and involvement in the program. She indicated children were the future and the quality of after-school programs made a significant difference in education as well as creating positive behaviors.

On behalf of the City Council, Mayor Winder stated the City appreciated Ms. Peterson's service to the community, as many lives had been made better due to

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the CEP program. He also thanked the board members for their service and involvement in the program.

15980 **COMMENT PERIOD**

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

15981 **RESOLUTION NO. 12-158, APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH ZPSCO CONTRACTORS FOR THE 3100 SOUTH 1400 WEST ROUNDABOUT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-158 which would approve Change Order No. 1 to the contract with ZPSCO Contractors, in the amount of \$16,975.00, for the 3100 South 1400 West Roundabout Project.

Mr. Pyle stated ZPSCO Contractors had been required to place additional road base and asphalt over and above what was included in the original construction contract regarding the roundabout project.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-158, a Resolution Authorizing Change Order No. 1 to the Contract with ZPSCO Contractors for the 3100 South 1400 West Roundabout Project. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15982 **APPLICATION NO. GP3-2012, FILED BY TIM SOFFE WITH ASWN + JSA ARCHITECTS, REQUESTING TO AMEND THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL (7 TO 12 UNITS/ACRE) TO HIGH DENSITY RESIDENTIAL (12 TO 20 UNITS/ACRE) FOR PROPERTY LOCATED AT APPROXIMATELY 2600 SOUTH ANNA CAROLINE DRIVE (PUBLIC HEARING HELD AT REGULAR MEETING OF OCTOBER 16, 2012; ACTION TABLED AND ITEM CONTINUED IN ORDER TO BE PLACED BACK ON AGENDA WITH AMENDED DEVELOPMENT AGREEMENT)**

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City Manager, Wayne Pyle, presented Application No. GP-3-2012, filed by Tim Soffe with ASWN + JSA Architects, requesting to amend the General Plan from Medium Density Residential (7 to 12 units/acre) to High Density Residential (12 to 20 units/acre) for property located at approximately 2600 South Anna Caroline Drive. He also discussed proposed Ordinance No. 12-41 (General Plan amendment) and proposed Resolution No. 12-159 (Development Agreement) to be considered by the City Council.

Mr. Pyle stated a public hearing had been held at the Regular Meeting of October 16, 2012, with action tabled and the matter continued in order to be placed back on an agenda to be considered with an amended development agreement.

The City Manager reminded that the Council had previously been provided with copies of the concept plan and elevations for the proposed project. The documentation also included a letter from Mr. Soffe that supported the application as well as proposed language for a new development agreement.

The City Manager reported Colony Partners, LLC now proposed an amendment to allow for apartments as part of a General Plan change (Application No. GP-3-2012), and he discussed information included in the amended agreement summarized as follows:

- A cap of 278 on the number of units
- Prescribed unit sizes and a unit mix
- Standards for exterior and interior finishes such as granite countertops and 9-foot ceilings
- Standards for the amenities like garages, a clubhouse and swimming pool
- A cash contribution of \$96,000 for the development of the Cross Towne Trail as proposed by the applicant
- A cash payment of \$250,000 to fund construction of a bridge over the Riter Canal to facilitate traffic from the apartment development as required by City staff. The applicant proposed a \$100,000 contribution for the bridge.

### **ACTION: CONSIDER ORDINANCE NO. 12-41, AMENDING THE WEST VALLEY CITY GENERAL PLAN TO CHANGE THE LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR 13.9 ACRES OF PROPERTY LOCATED AT 2600 SOUTH ANNA CAROLINE DRIVE**

The City Council held a public hearing October 16, 2012 regarding Application No. GP3-2012, filed by Tim Soffe with ASWN + JSA Architects, requesting to amend the General Plan from Medium Density Residential (7 to 12 units/acre) to

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High Density Residential (12 to 20 units/acre) for property located at approximately 2600 South Anna Caroline Drive.

After discussion, Councilmember Rushton moved to approve Ordinance No. 12-41, an Ordinance Amending the West Valley City General Plan to Change the Land Use from Medium Density Residential to High Density Residential for 13.9 Acres of Property Located at 2600 South Anna Caroline Drive. Councilmember Buhler seconded the motion.

Upon discussion of the motion, members of the City Council expressed opinions, comments and concerns regarding the proposal.

Councilmember Vincent indicated the developer had worked hard to make adjustments to the proposal as required by the City Council. He stated, however, the densities as proposed were still too high although there were other places for this type of project.

Councilmember Lang expressed concern regarding the proposed high density and the original proposed density had been much lower. She stated it had always been known the Mountain View Corridor would go through that area. She also pointed out the proposal had been denied by the Planning Commission.

Mayor Winder commented that higher density was not always a negative factor and in this case, the subject property was located between uses that made it difficult for development. He stated the Class A apartments as proposed would be the highest and best use for the property. He indicated traffic would not flow through any neighborhoods and the surrounding businesses would be excited for additional rooftops in that area. He pointed out the willingness of the applicant to compromise and submit alternate solutions, including a \$96,000 donation for additional trail expansion.

Mayor Winder called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	No
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

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**ACTION: CONSIDER RESOLUTION NO. 12-159, AUTHORIZE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT AMENDMENT WITH COLONY PARTNERS FOR PROPERTY LOCATED AT APPROXIMATELY 2606 SOUTH ANNA CAROLINE DRIVE**

The City Council considered proposed Resolution No. 12-159 which would authorize the City to enter into a Development Agreement Amendment with Colony Partners for property located at approximately 2606 South Anna Caroline Drive.

After further discussion, Councilmember Christensen moved to approve Resolution No. 12-159, a Resolution Authorizing the City to Enter Into a Development Agreement Amendment with Colony Partners, for Property Approximately Located at 1606 South Anna Caroline Drive. Councilmember Huynh seconded the motion.

Upon discussion, Councilmember Vincent stated the subject application had been approved by a vote of the City Council and, therefore, he would vote in favor of the Development Agreement to insure completion of a quality project.

Mayor Winder called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	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, DECEMBER 4, 2012, WAS ADJOURNED AT 6:59 P.M., BY MAYOR WINDER.

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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 4, 2012.

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Sheri McKendrick, MMC  
City Recorder