

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 26, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 26, 2013, AT 6:30 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 (Arrived as noted)
Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
Anita Schwemmer, Acting Police Chief
Jake Arslanian, Acting Public Works Director
Aaron Crim, Administration
Steve Pastorik, CED Department
Steve Lehman, CED Department

- 16057 **OPENING CEREMONY**
The Opening Ceremony was conducted by Mike Winder who invited a Boy Scout, Carlos Munoz, to lead the Pledge of Allegiance to the Flag.
- 16058 **SCOUTS**
Mayor Winder welcomed Scout Troop Nos. 535, 629, and 1273 in attendance to complete requirements for the Community and Communications merit badges.
- 16059 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 12, 2013**
The Council read and considered Minutes of the Regular Meeting held February 12, 2013. There were no changes, corrections or deletions.

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After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held February 12, 2013, 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.

16060 **PROCLAMATION DECLARING MARCH 4, 2013, AS THE CENTENNIAL ANNIVERSARY OF THE UNITED STATES DEPARTMENT OF LABOR**

Councilmember Rushton would read a Proclamation declaring March 4, 2013, as the Centennial Anniversary of the United States Department of Labor.

16061 **COMMENT PERIOD**

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

Councilmember Christensen noted this year was the 100th anniversary of the Boy Scouts of America's organization in the State of Utah.

16062 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-18-2012, FILED BY SUBURBAN LAND RESERVE, INC., REQUESTING FINAL PLAT APPROVAL FOR Highbury CENTRE SUBDIVISION – LOTS 1, 2, 4, 5 AND 6 AMENDED, LOCATED AT 2938 SOUTH 5518 WEST**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-18-2012, filed by Suburban Land Reserve, Inc. requesting final plat approval for Highbury Centre Subdivision – Lots 1, 2, 4, 5 and 6 Amended, located at 2938 South 5518 West. He discussed proposed Ordinance No. 13-08 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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Acting City Manager, Paul Isaac, presented proposed Ordinance No. 13-08 which would approve the Amendment of Lots 1, 2, 4, 5 and 6 of the Highbury Centre Subdivision located at 2938 South 5518 West.

Mr. Isaac stated the proposed amendment would adjust certain property lines in order to create two additional commercial building lots. He advised the Highbury Centre Subdivision had been recorded in June of 2011, and Suburban Land Reserve Inc. processed the subdivision plat and Target conditional use permit. He indicated the property owner had entered into negotiations to sell the remainder of this subdivision to Arbor Gardner. He further explained as Arbor Gardner began to evaluate the recorded subdivision plat a better design had been developed.

The Acting City Manager further explained the amendment was rather insignificant given the overall scope of the subdivision. The proposal included adding one additional lot from Lot 2 and one additional lot from Lot 4. The boundary of Lot 1 would change because Target required a certain amount of parking. He stated the other lots were simply renumbered to reflect the changes proposed from creation of the new lots.

Mayor Winder opened the public hearing.

Mike Markham addressed the City Council and stated he was not opposed to the proposed development; however, this was the same arm of an organization (LDS Church) that owned a lot on Lancer Way that had not been properly maintained or taken care of since the building had been torn down. He indicated it remained an eyesore in the community and the owner needed to "step up" and take care of it.

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

Upon discussion, Councilmember Buhler acknowledged the concerns expressed by Mr. Markham and discussed whether this project should be approved prior to the property owner cleaning up the other property needing attention.

Acting City Manager, Paul Isaac, reported the City had made contact with the property owner's representative regarding cleaning up the other referenced property.

Upon further discussion, Councilmember Rushton discussed reasons for denial of an application. Mayor Winder discussed whether the applicant, Suburban Land Reserve, should have an application withheld because a parent company did not take care of other property. Acting City Manager, Paul Isaac, acknowledged the Council's concerns and, upon direction, the Assistant City Manager/CED Director, Nicole Cottle, discussed administrative action taken to date. She

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referenced the subject application and stated if all requirements had been met by the applicant, the City Council should give approval of the application. She advised against not giving approval based on other property issues. She also advised City staff had been working on the other property mentioned and it could be appropriate to request the applicant to facilitate further discussion regarding the unmaintained property.

ACTION: CONSIDER ORDINANCE NO. 13-08, APPROVING THE AMENDMENT OF LOTS 1, 2, 4, 5 AND 6 OF THE Highbury Centre Subdivision

The City Council previously held a public hearing regarding Application No. S-18-2012, filed by Suburban Land Reserve, Inc., and proposed Ordinance No. 13-08 which would approve the Amendment of Lots 1, 2, 4 5 and 6 of the Highbury Centre Subdivision, located at 2938 South 5518 West.

After discussion, Councilmember Christensen moved to approve Application No. S-18-2012 Filed by Suburban Land Reserve, Inc. and Give Final Plat Approval for Highbury Centre Subdivision – Lots 1, 2, 4, 5 and 6 Amended, Zone M, Located at 2938 South 5518 West, and Ordinance No. 13-08, an Ordinance Approving the Amendment of Lots 1, 2, 4, 5 and 6 of the Highbury Centre Subdivision Located at 2938 South 5518 West; with caveat that the parent company of Suburban Land Reserve, the LDS Church, enter into discussions with West Valley City regarding cleaning up and improvement of property located on Lancer Way. Mayor Winder called for a second to the motion; hearing none, the motion failed for lack of a second.

After further discussion regarding time sensitivities of the applicant and consensus expressed by the City Council, the Mayor re-opened the public hearing for the taking of additional public input.

Mark Murdock, Arbor Gardner Company, addressed the City Council. Mr. Murdock stated he was currently purchasing ground from Suburban Land Reserve and a delay would cause problems with time sensitivity of their closing scheduled in three weeks. He advised regarding several extremely time sensitive issues.

Terry Roylance, representing Suburban Land Reserve, applicant, addressed the City Council and advised they had opened up discussion with the LDS Church regarding the issue discussed above. He indicated they would again go back and put more pressure on and attempt to facilitate a resolution to the problems. He stated it was discouraging there was still a problem with the property on Lancer Way. He indicated the subject property and issue before the Council was very time sensitive.

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Upon discussion, Councilmember Lang expressed desire for an update from Suburban Land Reserve regarding the Lancer Way property at a Study Meeting in the near future.

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

After further discussion, Councilmember Buhler moved to approve Application No. S-18-2012, filed by Suburban Land Reserve, Inc. and Ordinance No. 13-08, an Ordinance Approving the Amendment of Lots 1, 2, 4, 5 and 6 of the Highbury Centre Subdivision Located at 2938 South 5518 West. Councilmember Christensen 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.

City Manager, Wayne Pyle, arrived at the meeting at 6:56 P.M.

16063 **ORDINANCE NO. 13-09, ENACT TITLE 27 OF THE WEST VALLEY CITY MUNICIPAL CODE ESTABLISHING A WEST VALLEY CITY ETHICS COMMISSION PURSUANT TO STATE LAW**

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-09 which would enact Title 27 of the West Valley City Municipal Code establishing a West Valley City Ethics Commission pursuant to State law.

Mr. Pyle stated that in 2012 the Utah Legislature established a Political Subdivisions Ethics Review Commission to review ethics complaints against elected officials and chief executives of political subdivisions. He explained the commission would be authorized to hear ethics complaints against members of the City Council and the City Manager and could make recommendations to the City Council and to the district attorney. He reported however, under the new law cities could establish their own ethics review commissions which would then be the forum in which ethics complaints were heard. He stated by establishing an ethics commission locally, ethics complaints against Council members or the City Manager would be heard locally.

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Upon discussion, members of the City Council expressed individual comments and opinions and the City Manager clarified certain language in the proposed ordinance. Members of the City Council pointed out a preference for utilizing the existing Utah State's Ethics Committee for any necessary review as that would provide a more removed and independent and fair evaluation of any alleged ethics violation.

After calling for a motion on the proposed Ordinance and hearing none, Mayor Winder declared the proposed ordinance would not be considered for vote due to lack of a motion.

16064

RESOLUTION NO. 13-27, APPROVE AN AGREEMENT WITH COMMUNITY DEVELOPMENT CORPORATION OF UTAH FOR THE CONDUCT OF A HOME FACELIFT PROGRAM

City Manager, Wayne Pyle, presented proposed Resolution No. 13-27 which would approve an Agreement with Community Development Corporation of Utah (CDCU), in the amount of \$150,000.00 Community Development Block Grant (CDBG) funds, for the conduct of a Home Facelift Program.

Mr. Pyle stated the proposed agreement would allocate CDBG funds to purchase, rehabilitate and resell homes within West Valley City. He reported the City's Strategic Plan included the following goal: "improve housing stock of existing neighborhoods by facilitating cost, design and process incentives to residents." He indicated to implement this goal the Home Facelift Program had been developed. One component of the Home Facelift Program was a partnership with CDCU where CDCU would purchase homes in need of renovation, rehabilitate the homes, and resell the homes to low/moderate income families.

The City Manager further indicated the City Council recently approved a Substantial Amendment to the Consolidated Plan 2012 Annual Action Plan for the Community Development Block Grant Program and allocated \$150,000.00 for the Home Facelift Program.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-27, a Resolution Approving an Agreement between Community Development Corporation of Utah and West Valley City for the Conduct of a Home Facelift Program. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

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Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16065

RESOLUTION NO. 13-28, APPROVE A ROAD IMPACT FEES REIMBURSEMENT AGREEMENT WITH PLANET TOOTH RESERVE FOR ROADWAY IMPROVEMENTS

City Manager, Wayne Pyle, presented proposed Resolution No. 13-28 which would approve a Road Impact Fees Reimbursement Agreement with Planet Tooth Reserve, in the amount of \$17,924.63 for roadway improvements.

Mr. Pyle stated the proposed reimbursement covered certain qualified improvements to the City's major roadway system on Parkway Boulevard as part of the Planet Tooth Dental Office site located at 2682 South Anna Caroline Drive (5715 West). He advised Planet Tooth had agreed to install certain improvements in exchange for reimbursement upon the successful installation, construction and completion of those qualified improvements. He reported the qualified improvements would be completed in compliance with the West Valley City Road Impact Fee Ordinance, Section 8-4-103.

The City Manager discussed background information and advised in accordance with the agreement Planet Tooth Reserve, LLC would complete the improvements and be due reimbursement according to terms of the agreement.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-28, a Resolution Authorizing the City to enter into a Road Impact Fees Reimbursement Agreement with Planet Tooth Reserve for Roadway Improvements. Councilmember Vincent 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.

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RESOLUTION NO. 13-29, APPROVE PURCHASE OF NEW FLOOR COVERINGS FOR THE WEST RIDGE GOLF COURSE CLUBHOUSE

City Manager, Wayne Pyle, presented proposed Resolution No. 13-29 which would approve purchase of new floor coverings for the West Ridge Golf Course, in amount not to exceed \$44,611.00.

Mr. Pyle stated the West Ridge Golf Club clubhouse was being remodeled as part of construction of the new golf course and needed new floor coverings. He reported bids had been solicited and two vendors had visited the site and measured for coverings, after which one bid had been submitted as follows:

Wasatch Front Floor Coverings:	\$44,611.00
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The City Manager reported Wasatch Front Floor Coverings had submitted the lowest responsible bid.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-29, a Resolution Approving Purchase of New Floor Coverings for West Ridge Golf Course Clubhouse. Councilmember Lang 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.

16067

RESOLUTION NO. 13-30, APPROVE AN AGREEMENT WITH IHC HEALTH SERVICES, INC. d/b/a WORK/MED FOR OCCUPATIONAL HEALTH SERVICES FOR CITY EMPLOYEES

City Manager, Wayne Pyle, presented proposed Resolution No. 13-30 which would approve an Agreement with IHC Health Services, Inc. d/b/a WorkMed for occupational health services for City employees, compensation as specified in Exhibit A, Itemized Fee Scheduled attached to the WorkMed Agreement.

Mr. Pyle stated under the proposed agreement WorkMed would perform the City's drug testing, new hire physicals, and assist in getting employees back to work after worker compensation injuries. He reported the City submitted the request for services through the City's agent, Benefit Management Services.

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After discussion, Councilmember Rushton moved to approve Resolution No. 13-30, a Resolution Approving an Agreement between IHC Health Services, Inc. d/b/a WorkMed and West Valley City for Occupational Health Services for City Employees. 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.

16068

APPLICATION NO. PUD-1-2013 FILED BY RUSSELL PLATT, REQUESTING FINAL PLAT APPROVAL FOR TRUONG PUD PHASE 1, LOCATED AT 1600 WEST 3860 SOUTH

City Manager, Wayne Pyle, presented Application No. PUD-1-2013, filed by Russell Platt, requesting final plat approval for Truong PUD Phase 1 located at 1600 West 3860 South.

Mr. Pyle stated the applicant had requested approval for the first phase of the Truong Planned Unit Development (PUD), which had received preliminary approval by the Planning Commission in September 2012. He reported the project site was bordered on the north by light industrial uses and the Gates at Kingspointe Condominiums. He indicated property to the east would be a future phase of the development. He also advised property to the south was a senior community while property to the west was zoned commercial.

He explained the first phase of the Truong PUD would consist of 27 residential lots and one commercial lot. During re-zoning of the property a development agreement had been reviewed and approved by the City Council and all conditions outlined would be required as part of this development.

The City Manager reported access to the development would be gained from 3860 South and all streets within the development that intersected 3860 South would be private. The private right-of-ways would be 26 feet in width, and improvements within the right-of-way would be 24 feet of asphalt, a rolled gutter and ribbon curb on the opposite side.

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He stated housing proposed for the project would be a combination of two and three-story units, with the two-story units having three bedrooms and comprising 1,400 square feet of finished floor area. In addition, a 600 square foot basement had also been planned. The three-story units would have four bedrooms and be approximately 1,800 square feet. Each unit would have a two-car garage accessed from the rear of the building allowing the front of each dwelling to front a common green space.

Mr. Pyle explained the elevations consisted of architectural enhancements placed along different planes to create a visual depth resulting in a more attractive building. Varied roof pitches and second floor balconied would add to that concept. The rear elevation had been designed with boxed windows, raised roof sections and building relief to help enhance the elevations. Building materials would consist of brick, stucco and hardi-plank. He stated City staff had evaluated this project in regards to the multiple family design standards and the buildings met the design criteria and would be fine-tuned when the applicant submitted building plans.

The City Manager reported all units would have a two-car garage, with the three-story units having driveways in front of the unit, and the two-story units would not. He indicated even though the City's parking requirements had been met (two spaces per unit) a number of guest parking spaces would be provided at the south end of the project. He stated the total number of required space was 54 and the developer had proposed a total of 80 spaces within this phase.

He discussed the overall open space and stated it had been calculated at 3.31 acres for this development, which would be just over 50% of the project area. This phase of the project had approximately .80 acres of open space with enhanced landscaping being provided along 3860 South to help buffer buildings from the street.

Mr. Pyle reported a soils report had been prepared indicating ground water encountered at a depth of 15 feet. Based on soil samples the report indicated water levels could fluctuate between 10 and 15 feet. Based on these findings, the developer had decided to install basements in all end units.

He stated the developer would provide a Home Owner's Association for the entire project which would be responsible to hire a property management company. He indicated as per previous PUD applications, City staff recommended that prior to the development being turned over the association a meeting with staff, the developer, and the management company should take place. He stated this would provide an opportunity to ensure all development standards and improvements had been completed in accordance with the City's approval of the project.

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After discussion, Councilmember Huynh moved to approve Application No. PUD-1-2013, filed by Russell Platt and give final plat approval for Truong PUD Phase 1 – Final Plat Located at 1600 West 3860 South. 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.

16069

APPLICATION NO. S-17-2012 FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR Highbury Place Subdivision – Phase 8, Located at 2860 South 5120 West

City Manager, Wayne Pyle, presented Application No. S-17-2012, filed by Ivory Homes, requesting final plat approval for Highbury Place Subdivision – Phase 8, located at 2860 South 5120 West.

Mr. Pyle stated the proposed subdivision was located to the southeast of Phases 5 and 6 and immediately north of an existing waterway which divided this phase from the Greenbriar Subdivision to the south. Property to the east was vacant and would be platted as future phases of Highbury in the future.

He indicated Phase 8 consisted of 12 lots and three parcels on 6.2 acres, with lot sizes ranging from 9,087 square feet to 25,637 square feet. He advised the average lot size was 11,600 square feet with the largest lot not used in the overall calculation due to its size.

The City Manager reported access to the subdivision would be gained from Brixham Way located to the northwest of the subdivision. This phase would extend Brixham Way to the east for future development. All streets in the subdivision would be dedicated and consist of a 54-foot right-of-way, allowing for a five-foot parkstrip and five foot sidewalk. He indicated Ivory Homes had submitted a tree planting plan for the entire Highbury Place Subdivision and would provide home owners with a voucher to purchase and plant these trees. The residential homeowner association would ensure the trees were planted and maintained in accordance with the approved plan.

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Mr. Pyle reminded the Council had reviewed and previously approved a Development Agreement for the entire Highbury community that addressed dwelling size, building materials and other items related to construction of residential homes.

He reported the subdivision was located next to one of many waterways planned for the overall development. He stated in phases 2, 3 and 5 Ivory installed a semi-private fence along the rear property lines constructed of a Trex post and wrought iron thus allowing visibility into the waterway. The same fence type would be installed along lots in this phase that were adjacent to the waterway.

The City Manager stated Ivory Homes planned to install basements for all homes. He indicated a soils report had been prepared indicating ground water encountered at a depth ranging from 9-13 feet below existing grades. All homes were eligible for basements and would comply with the water table elevation as noted on the plat. In addition, Ivory would install a sub-drain system to provide an extra measure of protection for new home owners.

After discussion, Councilmember Rushton moved to approve Application No. S-17-2012, filed by Ivory Homes and give final plat approval for Highbury Place – Phase 8 Subdivision Located at 2860 South 5120 West. Councilmember Vincent 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 26, 2013, WAS ADJOURNED AT 7:06 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, February 26, 2013.

Sheri McKendrick, MMC
City Recorder