

MINUTES OF COUNCIL STUDY MEETING – MARCH 5, 2013

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MARCH 5, 2013, 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 WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Anita Schwemmer, Acting Police Chief
Kelly Davis, Acting CPD Director
Steve Pastorik, CED Department
John Brubaker, Parks and Recreation Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD FEBRUARY 19, 2013**
The Council read and considered Minutes of the Study Meeting held February 19, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Study Meeting held February 19, 2013, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

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

Unanimous.

2. REVIEW AGENDAS FOR REGULAR COUNCIL, REDEVELOPMENT AGENCY AND HOUSING AUTHORITY MEETINGS SCHEDULED MARCH 5, 2013

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled March 5, 2013, at 6:30 P.M. He advised consideration of minutes and two resolutions had been scheduled on the Redevelopment Agency Agenda and consideration of minutes on the Housing Authority Agenda, for the meetings scheduled later this night.

Upon direction, the Assistant City Manager/CED Director, Nicole Cottle, discussed the Redevelopment Agency resolutions in detail and answered questions from members of the City Council.

Upon inquiry by the Acting City Manager, there were no further questions regarding items scheduled on the subject Agendas.

3. PUBLIC HEARINGS SCHEDULED MARCH 19, 2013

A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-7-2012, FILED BY MATTHEW WIRTHLIN, APPEALING THE PLANNING COMMISSION'S DENIAL OF A CHANGE OF ZONE FROM 'C-1' (NEIGHBORHOOD COMMERCIAL) TO 'C-2' (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 5619 WEST AND 5635 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-7-2012, filed by Matthew Wirthlin, appealing the Planning Commission's denial of a change of zone from 'C-1' (Neighborhood Commercial) to 'C-2' (General Commercial) for property located at 5619 West and 5635 West 3500 South. He discussed proposed Ordinance No. 13-10 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 13-10, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 5619 WEST AND 5635 WEST 3500 SOUTH FROM 'C-1' (NEIGHBORHOOD COMMERCIAL) TO ZONE 'C-2' (GENERAL COMMERCIAL)

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Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 13-10 which would amend the Zoning Map to show a change of zone for property located at 5619 West and 5635 West 3500 South from 'C-1' (Neighborhood Commercial) to zone 'C-2' (General Commercial).

Mr. Isaac stated the application requested a zone change on two parcels totaling 1.25 acres on the southwest corner of 5600 West 3500 South from 'C-1' (Neighborhood Commercial) to 'C-2' (General Commercial). He explained surrounding zones included 'C-2' to the north and east as well as the northeast corner of 5600 West 3500 South, 'C-1' to the south, and 'R-1-8' (Single-Family Residential, Minimum Lot Size 8,000 Square Feet) to the west. He further stated surrounding uses included a shopping center to the north, McDonald's restaurant on the northeast corner, a convenience store to the east, a small shopping center to the south, and single-family homes to the west. The property fell within the Hunter Town Center Plan, which designated these properties as part of the Town Center District. He indicated on the Town Center District, the Hunter Town Center Plan stated: "The plan encourages the greatest intensity of development at the intersection to help more people to easily ride high capacity transit. Office uses and high density residential should be emphasized since they generate the most ridership for transit. Retail is also welcome."

The Acting City Manager indicated the applicant had submitted two letters (one for the original application and one for the appeal) supporting his application which had been distributed to the City Council. He stated the purpose of the re-zone would be to allow more tenant options for the west parcel. He further advised if the application received approval the owner planned to submit a conditional use application for a pawn shop with no new development contemplated at this time.

Mr. Isaac reported as required by State law, City staff notified the Utah Department of Transportation (UDOT) of this application as these properties would eventually be impacted by the Mountain View Corridor project. He stated attached to the report was a letter from UDOT as well as a map showing the future right-of-way impacts to the subject parcels, copies of which had been distributed to the Council. He explained as indicated in the letter, "UDOT would prefer that the zoning not be changed." He stated this position could be because changing the zoning from 'C-1' to 'C-2' could increase the value of the property and make it more expensive for UDOT to acquire. He indicated while UDOT's position was certainly understandable, City staff did not consider an increase in value as a valid land use reason to deny a re-zone.

He further reported that on January 23, 2013, the Planning Commission denied the subject Application given the proximity of residential uses, and decided the zoning should remain 'C-1' to minimize impacts on residences.

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Steve Pastorik, CED Department, informed this was an appeal of the Planning Commission's denial of the subject Application. He also reviewed the Application and proposed Ordinance and displayed a map, and answered questions from members of the City Council.

Mr. Pastorik informed that the applicant originally had requested to hold a hearing after March 5, 2013, which request had been accommodated. He explained since that time the applicant had requested to postpone the public hearing to April 2, 2013; however, all legal notices and mailing notifications to adjacent property owners had already been done. He suggested the City Council hold the public hearing as advertised and consider continuation of the hearing and table action to the Council Meeting scheduled April 2, 2013, as requested by the applicant.

The City Council discussed matters pertaining to UDOT and, in particular, the need for them taking care of the corridor preservation issues in advance. Discussion also included comments and concerns regarding the proposed use.

Mr. Pastorik advised if the Council felt the 'C-2' zone would be appropriate, a development agreement could be required to address any concerns regarding the subject property.

The City Council will hold a public hearing regarding Application No. Z-7-2012 and consider proposed Ordinance No. 13-10 at the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M.

4. **ORDINANCE NO. 13-11, AMEND SECTION 1-2-107 OF THE WEST VALLEY CITY MUNICIPAL CODE TO UPDATE THE FEES FOR THE PARKS AND RECREATION DEPARTMENT**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 13-11 which would amend Section 1-2-107 of the West Valley City Municipal Code to update the fees for the Parks and Recreation Department.

Mr. Isaac stated the proposed amendment to Section 1-2-107 of the West Valley City Municipal Code would amend various user fees and ensure all fees were listed correctly in the Fee Schedule. He advised the Fee Schedule had last been updated in 2003.

Parks and Recreation Director, Kevin Astill, reviewed the proposed changes to the Fee Schedule, discussed details of the proposed Ordinance, and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 13-11 at the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M.

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5. RESOLUTION NO. 13-32, APPROVE PURCHASE OF NEW MAINTENANCE EQUIPMENT FOR THE RIDGE GOLF CLUB AND STONEBRIDGE GOLF COURSE

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-32 which would approve purchase of new maintenance equipment for The Ridge Golf Club (formerly known as West Ridge Golf Course) and Stonebridge Golf Course, in the amount of \$604,900.04.

Mr. Isaac stated competitive bids had been solicited through a public bidding process for 17 pieces of equipment for The Ridge Golf Club and three proposals had been received, as follows:

Turf Equipment & Irrigation: (Toro)	\$571,076.08
Greenline Equipment Company (John Deere)	\$501,434.51
Rocky Mountain Turf (Jacobsen)	No Bid

He reported in addition, a Mini-Excavator on State Contract from Bonneville Equipment Company was proposed for purchase at \$33,823.96 to be utilized at the Stonebridge Golf Course.

The Acting City Manager explained Greenline Equipment had some good prices but ranked lower for reasons summarized as follows:

14-Blade Reel Greens Mowers:	Greenline bid 11-Blade Reels
8-Blade Reel Greens Mowers:	Reel to bed knife adjustment is less than Toro model
Fairway Mowers:	Use now, reels replaced because diameter too small; No savings in long run
Rough Mowers:	Width of cut is 88 inches; bid asked for 154 inches
Debris Blower:	Did not meet specifications; did not include remote controller

He stated Turf Equipment & Irrigation had submitted the lowest responsible bid. He also noted the Turf Equipment gave a package discount for 100% Toro purchase.

Parks and Recreation Director, Kevin Astill, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 13-32 at the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M.

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6. RESOLUTION NO. 13-33, AWARD A CONTRACT TO STAPP CONSTRUCTION FOR THE 201 FRONTAGE ROAD AND COMMERCE CENTER DRIVE ROADWAY PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-33 which would award a contract to Stapp Construction, in an amount not to exceed \$1,823,231.50, for the 201 Frontage Road and Commerce Center Drive Roadway Project.

Mr. Isaac stated bids had been solicited and 11 proposals received, as follows:

Stapp Construction:	\$1,736,431.50
Goran Inc.:	\$1,750,168.20
Jordan Valley Construction:	\$1,772,660.34
Kilgore Contracting:	\$1,779,098.08
Lyndon Jones:	\$1,920,485.50
Staker Parsons:	\$1,938,840.00
Noland & Son:	\$1,951,272.00
Bowen Construction:	\$1,976,918.58
S & L Inc.:	\$1,989,098.58
Vancon:	\$2,001,500.05
Granite Construction:	\$2,181,750.12

He reported the project included installation of water, sewer, storm drain and other utility work normally encountered in road work. He indicated the project included roadway improvements on the south frontage road of SR-201, and construction of a new roadway called Commerce Center Drive connecting Links Drive to the south frontage road of SR-201. He stated the project was being paid for from State funds appropriated by the Utah State Legislature through Senate Bill 164 to pay for highway improvements to SR-201 Frontage Road at Bangerter Highway, and associated roads which would ease traffic flow onto Bangerter Highway between SR-201 and Lake Park Boulevard. He advised the contract would be let in the amount of \$1,736,431.50 and a "not to exceed" amount of \$1,823,231.50 through change orders on the project.

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

The City Council will consider proposed Resolution No. 13-33 at the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M.

7. RESOLUTION NO. 13-34, APPROVE AN AGREEMENT WITH 201CC LAND L.L.C. FOR PROPERTY AND UTILITY INSTALLATION, COMMERCE CENTER DRIVE

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-34 which would approve an Agreement with 201CC Land L.L.C. for property and utility installation to facilitate construction of Commerce Center Drive.

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Mr. Isaac stated the proposal would approve an agreement under which 201CC Land, L.L.C. would convey property to the City in exchange for the City constructing street improvements and development utilities. He advised that the Utah State Legislature, through Senate Bill 164 in the 2012 Session, had appropriated \$2,000,000 to West Valley City to pay for highway improvements to SR-201 Frontage Road at Bangerter Highway, and associated roads to ease traffic flow onto Bangerter Highway between SR-201 and Lake Park Boulevard.

He further explained the City would construct a new roadway, Commerce Center Drive, through property owned by 201CC Land, L.L.C. and the proposed agreement would facilitate the right of way acquisition from the property owner. He stated the land needed for the roadway would be conveyed to the City in exchange for installation of utility improvements as part of the roadway construction contract.

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. 13-34 at the Regular Council Meeting scheduled March 19, 2013, at 6:30 P.M.

8. **COMMUNICATIONS:**

A. **ETHICS, OPEN MEETINGS, AND FORM OF GOVERNMENT DISCUSSION**

Acting City Manager, Paul Isaac, stated time had been scheduled for discussion of ethics and open meeting laws, and form of government. Upon direction, the City Attorney, Eric Bunderson, discussed information summarized as follows:

- Open meetings checklist
 - Is there a quorum?
 - Are you talking about, hearing about, or acting on a matter you have control over?
- Closed meetings checklist
 - Professional competence
 - Litigation
 - Real property
 - Security deployment
 - Criminal conduct
- "Stay out of jail" checklist (Municipal Ethics Act)
 - Using position for personal benefit
 - Gifts: Cannot accept gift over \$50; can accept political contributions or awards

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- Private business: Can have certain business dealings or substantial business interest within the City, but have to disclose those interests on form filed in the City Recorder's Office
- Headline test
- Form of government (Council/Manager)
 - Duties of the Mayor
 - Duties of the City Manager
 - Duties of the City Council members

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

B. LEGISLATIVE UPDATE

Acting City Manager, Paul Isaac, stated time had been scheduled to provide the City Council with a legislative update. Upon direction, Nicole Cottle, Assistant City Manager/CED Director, used PowerPoint and discussed information summarized as follows:

- Proposed Federal legislative agenda
 - Historically
 - West Valley City has participated at Federal level both on the earmark side and the grant side
 - Earmarks went away several years ago and all funding was pushed through grants
 - Sequestration
 - No one is doing anything
 - Funding already allocated will continue to flow
 - Agenda
 - Zip Code Municipal Bond Interest Incentives
 - CDBG funding
 - Grants
 - Formula
 - Competitive
 - Our experience

Ms. Cottle also discussed and updated the Council regarding bills and issues of interest to West Valley City including: concealed carry and constitutional carry of weapons, billboards, open meetings and posting of agendas and minutes online, transportation funding, water issues, land use, and others.

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

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C. COUNCIL UPDATE

Acting City Manager, Paul Isaac, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows March 6, 2013: Utah Grizzlies vs. Gwinnett Gladiators, Maverik Center, 7:05 P.M.; March 7 – April 24, 2013: Utah's Beehive Exhibit, UCCC (Opening Reception on March 7th from 6:00 P.M. to 8:00 P.M.); March 9, 2013: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; March 9-13, 2013: National League of Cities Conference, Washington, D.C.; March 10, 2013: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 4:05 P.M.; March 12, 2013: Council Study and Regular Meetings – Canceled; March 14, 2013: Utah Legislature Session Ends; March 14, 2013: Police Department Retirement Reception, Stonebridge Golf Course, 4415 Links Drive, 3:00 P.M. – 5:00 P.M.; March 18, 2013: Free CPR Class sponsored by Fire Department, Fire Station #74, 5545 West 3100 South, 6:00 P.M.; March 19, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 20, 2013: Free CPR Class sponsored by Fire Department, Fire Station #74, 5545 West 3100 South, 6:00 P.M.; March 21, 2013: Groundbreaking for Residences at Fairbourne Station, 11:30 A.M. – 1:30 P.M. (On site at corner of Lehman and Three Mill Lane); March 22, 2013: Free CPR Class sponsored by Fire Department, Fire Station #74, 5545 West 3100 South, 6:00 P.M.; March 23, 2013: Free CPR Class sponsored by Fire Department, Fire Station #74, 5545 West 3100 South, 10:00 A.M.; March 23, 2013: Free CPR Class (Spanish) sponsored by Fire Department, Fire Station #74, 5545 West 3100 South, 11:30 A.M.; March 26, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 27, 2013: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; March 28, 2013: Best Practices for Riverfront Communities Stakeholder Workshop hosted by Jordan River Commission, UCCC, 8:30 A.M. – 11:30 A.M.; March 29, 2013: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; March 29 & 30, 2013: Easter Events at Fitness Center; March 30, 2013: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; April 2, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 2, 2013: Congressman Chris Stewart's Town Hall Meeting, UCCC, 5:00 P.M. – 7:00 P.M.; April 9, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 10-12, 2013: ULCT Conference, St. George; April 16, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 23, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 30, 2013: No Council Meeting Scheduled (5th Tuesday); May 2, 2013: UDOT's Annual Meeting with Municipalities in Salt Lake County, Calvin Rampton Complex, 4501 South 2700 West, 9:00 A.M. – 11:00 A.M.; May 7, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 11, 2013: Council District 1 Neighborhood "Meet-up" at Hillsdale Park, 3205 South 3200 West, 9:00 A.M. – 11:00 A.M.; May 14, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 21, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 27, 2013: Memorial Day Holiday – City Hall closed; May 28, 2013: Council Study

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Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 3-17, 2013: Filing Period for Municipal Election (During regular business hours); June 4, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 8, 2013: Council District 2 Neighborhood "Meet-up" at the Fairbourne Station Promenade, 9:00 A.M. – 11:00 A.M.; June 11, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 18, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 25, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 4, 2013: Independence Day Holiday – City Hall closed; July 13, 2013: Council District 3 Neighborhood "Meet-up" at Centennial Park, 5415 West 3100 South, 9:00 A.M. – 11:00 A.M.; July 24, 2013: Pioneer Day Holiday – City Hall closed; July 25, 2013: One Direction, Maverik Center, 7:30 P.M.; August 2, 2013: Bruno Mars, Maverik Center, 7:30 P.M.; August 10, 2013: Council District 4 Neighborhood "Meet-up" at West View Park, 4100 South 6000 West, 9:00 A.M. – 11:00 A.M.; August 13, 2013: Municipal Primary Election; and November 5, 2013: Municipal General Election.

9. COUNCIL REPORTS

A. COUNCILMEMBER DON CHRISTENSEN – POLICE OFFICER SWORN IN

Councilmember Christensen discussed the swearing in of one new police officer.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, MARCH 5, 2013, WAS ADJOURNED AT 5:57 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, March 5, 2013.

Sheri McKendrick, MMC
City Recorder