

**MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 17, 2013**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 17, 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  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director  
Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
Lee Russo, Police Chief  
John Evans, Fire Chief  
Jake Arslanian, Acting Public Works Director  
Sam Johnson, Strategic Communications Director  
Steve Pastorik, CED Department  
Brent Garlick, CED Department  
Pauline Davies, CED Department

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16412      **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who reviewed past opening ceremonies, read a secret plan delivered by a Star Wars organization and Darth Vader, and declared today “Celebration of Life” day.

16413      **SPECIAL RECOGNITIONS**

A.      **SCOUTS**

Mayor Winder welcomed Scout Troop No. 1034 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

B.      **GRANGER-HUNTER IMPROVEMENT DISTRICT AND UTA BOARD MEMBERS**

Mayor Winder recognized Kent Winder, Granger-Hunter Improvement Board member, and Necia Christensen, Utah Transit Authority (UTA) Board member.

C.      **WINDER FAMILY**

Mayor Winder recognized family members in attendance including his wife, children and sister.

16414      **APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 3, 2013**

The Council read and considered Minutes of the Regular Meeting held December 3, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held December 3, 2013, as written. Councilmember Vincent 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.

16415

**COMMENT PERIOD**

**A. PUBLIC COMMENTS**

Upon inquiry by Mayor Winder, the following individuals addressed the City Council during the comment period:

Dennis Peters addressed the City Council and stated he came “bearing gifts.” He expressed appreciation to Mayor Winder and Councilmember Christensen for their service to West Valley City. Mr. Peters showed slides regarding his gift. He discussed a bid on property the City was selling and stated he and Randy Moore had decided to go 50/50, if awarded the bid. He stated Lot 406 in Southridge Subdivision Phase 4 would be deeded back to the City next year. He wished everyone a Merry Christmas.

Mayor Winder, on behalf of the City Council, thanked Mr. Peters for the generous gift.

Scott Bohn addressed the City Council and stated he had appeared before the Council a few months prior regarding lack of stop signs in his neighborhood. He advised signs had been installed and he thanked the City Council. He explained he dropped off his children at West Lake Jr. High and Granger High and there were concerns at those locations. He indicated cars went through the red light and blocked the intersection as they turned onto 3600 West in front of Granger High School. He shared a solution that he thought would mitigate the problem that included posting no right turn on the red light signs at the intersection where the high school was located during times when school was in session. He also expressed

appreciation to Mayor Winder and Councilmember Christensen for their years of service to the city.

**B. CITY MANAGER COMMENTS**

City Manager, Wayne Pyle, advised the City was currently working with the Granite School District to find solutions to the problems as mentioned by Mr. Bohn. He indicated Mr. Bohn's ideas and comments would be shared with representatives of the District.

**C. CITY COUNCIL COMMENTS**

Councilmember Christensen expressed appreciation for the past four years serving on the City Council and stated it had been a wonderful experience. He thanked other members of the City Council, City staff, and also the residents of West Valley City.

Councilmember Rushton shared a story from a dinner of the Utah cities delegation at the National League of Cities and Towns Conference in Washington D.C. He stated everyone had shared what they were grateful for and he had said he was grateful for his association with members of the City Council while serving together on behalf of the city. He also expressed love and appreciation for Mayor Mike Winder and Councilmember Don Christensen as they prepared to leave their offices.

16416

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-10-2013, FILED BY NEWTON INVESTMENTS, LLC, REQUESTING A ZONE CHANGE FROM ZONE 'A' (AGRICULTURE) TO ZONE 'R-1-10' (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) FOR PROPERTY LOCATED AT 3694 SOUTH 6400 WEST**

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. Z-10-2013, filed by George Newton representing Newton Investments, LLC, requesting a zone

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change from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) for property located at 3694 South 6400 West. He discussed proposed Ordinance No. 13-48 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. 13-48 that would amend the Zoning Map to show a change of zone for property located at 3694 South 6400 West from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.).

Mr. Pyle stated the applicant had requested a zone change for the northeast portion of the property located at 3694 South 6400 West. He advised the parcel was surrounded by agricultural zoning. He also advised the City’s General Plan designated the area and surrounding agricultural land between 3635 South and 3785 South just west of 6400 West to be Large Lot Residential (two to three units per acre).

The City Manager explained the applicant owned the home fronting onto 6400 West, and that home was part of a larger parcel of about 6.5 acres. He indicated the applicant desired to split the lot in order to sell off the home, but retain the larger agricultural piece for future development. He explained under the current zoning of ‘A’ the minimum lot size was a half acre (21,780 square feet) and the area of the land surrounding the referenced home was only about 17,500 square feet or 0.4 acres therefore the agricultural zoning would need to be changed to residential.

Mr. Pyle recapped that the intent of this application was to re-zone a portion of the parcel to ‘R-1-10’ and leave the rest of the parcel under its current zoning, leaving the remaining parcel not re-zoned as agricultural property. He reported should this parcel subdivide and develop in the future, a re-zone would be required along with a development agreement.

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

**ACTION: CONSIDER ORDINANCE NO. 13-48, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3694 SOUTH 6400 WEST FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET)**

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-48 that would amend the Zoning Map to show a change of zone for property located at 3694 South 6400 West from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.).

After discussion, Councilmember Vincent moved to approve Ordinance No. 13-48, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 3694 South 6400 West from Zone ‘A’ (Agriculture) to Zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 Square Feet). 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.

16417

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-5-2013, FILED BY M SEVEN LLC, AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THEIR REQUEST FOR A ZONE CHANGE FROM ZONE 'R-1-10' (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) TO ZONE 'R-1-8' (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) FOR PROPERTY LOCATED AT 7018 WEST 4100 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding an appeal of the Planning Commission's denial of Application No. Z-5-2013, filed by M Seven LLC, regarding their request for a zone change from zone 'R-1-10' (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) to zone 'R-1-8' (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) for property located at 7018 West 4100 South. He discussed proposed Ordinance No. 13-49 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. 13-49 that would amend the Zoning Map to show a change of zone for property located at 7018 West 4100 South from zone 'R-1-10' (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) to zone 'R-1-8' (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.).

Mr. Pyle stated the applicant had requested a zone change for a 25.26 acre parcel of property. He advised surrounding zones included 'R-1-7' to the north, 'A' and 'R-1-8' to the west, 'R-1-7' and 'R-1-8' to the east, and 'A' and 'M' to the south. He advised the subject property was surrounded by single-family homes to the north and east, vacant land to the south, and single-family homes and the City's old animal shelter property to the west. The subject property had been designated as low density residential in the City's General Plan that anticipated three to four units per acre. He stated given the property's proximity to AlliantTech Systems (ATK), it fell within the overpressure zones.

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The City Manager reported the applicants had submitted a concept plan (copy provided in the Council's informational packet) showing the subject property being subdivided into 91 lots. The proposed lot sizes ranged from 8,000 to 11,238 square feet with an average size of 8,774 square feet. He stated there were six stub streets abutting the property and the concept plan connected to and extended all of those streets. The housing standards proposed by the applicant had also been distributed to the Council.

Mr. Pyle discussed the recommendation of the Planning Commission that the zoning remain 'R-1-10.' In addition to the opposition expressed during the Planning Commission public hearing, the Commission also considered several letters of opposition (previously distributed to the Council). He advised the Commission voted to deny the application because 'R-1-10' zoning was more appropriate to provide a greater variety of lot sizes in the neighborhood and 'R-1-10' zoning was a fitting zone given the General Plan designation of low density residential.

The City Manager also advised the applicant's appeal letter regarding the Planning Commission's denial of the application had been distributed to the City Council.

Mr. Pyle stated that while the applicant did propose standards for a development agreement, staff had not included a drafted development agreement due to the Planning Commission's denial of the application. He advised, however, if the Council so directed a development agreement would be prepared and submitted for Council consideration.

Mayor Winder opened the public hearing.

Dennis Peters, applicant, addressed the City Council. Mr. Peters used PowerPoint and discussed information summarized as follows:

- Bar chart prepared by city staff regarding parcel sizes in the city



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- The city decided to go to large lots based on this study, however, there was no written policy other than minutes that he paraphrased aloud.
- Bar graph represents inventory and actual preference that people want; that is what graph says to him.
- 78% of residents in West Valley City live on lots smaller than 10,000 square feet.
- Current market conditions and statistics from South Ridge Subdivision in West Valley City.
- More people aging and not wanting bigger lots; others are first time buyers for which there is no demographic.
- People not necessarily looking for larger lots when moving up as it is a price decision.
- Envision Utah website – Housing and Cost of Living.
- Lot sizes not getting bigger in every community in Utah, they are getting smaller because that is what people want.
- Example using favorite ice cream flavors and stated cannot legislate demand.
- Back to chart – 8,000 to 9,000 square foot lot is the most popular in West Valley City.
- Falcon Crest Subdivision – all adjoining property to subject property was master planned on this plat for ‘R-1-7’ zoning.
- Existing neighborhood plat – lot configurations have narrower front than depth. That is a preferred lot configuration no matter the lot size. People want extra land in the back rather than the front. He explained difficulty in platting 10,000 square foot lots. Not preference of buyer, developer or builder.
- Existing conditions on the subject property including stub streets. This is a unique property with seven access points. Other problems including required right-of-way for streets.
- Concept layout for proposed plat. He pointed out size of certain lots and reasons for platting that way. Existing conditions require thought processes that make it work.
- Proposal to Planning Commission had a good variety of lot sizes.
- Compromise proposal to City Council tonight – approve ‘R-1-8’ zone with development agreement to govern housing standards.

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Councilmember Vincent stated he preferred to make reference to 8,000 – 9,000 square foot lots as compared to 10,000 square foot lots, rather than using the terms “small lots” and “large lots.” He acknowledged the surrounding areas were ‘R-1-7.’ He also discussed creativity in utilizing yard spaces in both narrow and wide lots.

Mr. Peters discussed economics and the need for longer sewer and water runs and more curb and gutter required for wider lots, which equated to 30% higher development costs.

Councilmember Vincent commented that different configurations have been tried over the years and it had been found size did not always equate to quality. He suggested that rather than being market driven there had not been options available in terms of larger lots. He also suggested an ‘R-1-10’ would not necessarily provide a better neighborhood than say an ‘R-1-8’ with requirements for higher standards.

Mr. Peters stated one out of every three people had purchased 8,000 square foot lots in the city and those people could have gone to many other areas for larger lots.

Upon inquiry by Councilmember Buhler, Mr. Peters provided explanation of each lot size and indicated there would be 48 lots between 8,000 and 9,000 square feet. He advised the bigger lots would come from the 9,000 square foot lots.

Randy Moore addressed the City Council and thanked Mayor Winder and Councilmember Christensen for their service to the city. He stated he had built and developed in West Valley City since day one and had tried to provide the best product for the city. He referenced Hunter Village and stated it had been an asset and a project that moved beyond what was happening in the city at that time. He advised the last home in that development had just closed. He discussed changes in buyers over the last 30 years, with those changes occurring even more in the last few years. He indicated many buyers now were second and third time buyers and many from West Valley City

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already living in close proximity to new developments. He discussed demographics and what people were looking for in the homes; and advised that the largest lots in the last phase of Hunter Village had not sold until last summer. He advised the majority of buyers wanted an average size lot with some desiring the smallest lot available. He discussed needs of widows and elderly couples and the change of buyers' demands regarding sizes of homes. He expressed concurrence with Councilmember Vincent's comments regarding lot sizes and pointed out buyers tended to put money into finishing basements and upgrading finishes such as countertops and cabinets. He explained there were issues with this difficult piece of property and many stub streets, with seven roads coming in to this one piece of land. He stated if the lots went from 8,000 square feet to 10,000 square feet they essentially would be wider lots and not deeper with the extra footage going into the side yards. He concluded with the hope the City Council could see the issues with this particular project and he understood what the city was trying to accomplish.

David Madsen addressed the City Council and thanked Mayor Winder and Councilmember Christensen, as well as other members, for their service. He stated there had been a lively debate at the Planning Commission meeting regarding this application. He also stated that trying to do what was average was a bad argument and West Valley City should make decisions that would make a difference. He indicated we did not need more average size homes or large homes on average lots. He explained the residents desired to see nice homes on the subject property where it could be a great neighborhood with a gem of a park. He expressed interest in seeing plans showing the layout for 10,000 square foot lots.

Marcos Cossa addressed the City Council and stated his home was one of the last next to the field. He indicated development would be good for him, but he was concerned they would not get the 'R-1-10' homes. He stated larger lots would uplift the area so people would want to live there. He asked the City Council to make good choices.

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Steve Davies addressed the City Council and advised he had moved to his home because of the field behind his home as he enjoyed the open space and privacy in the backyard. He explained a couple years ago, he went to a planning meeting regarding a possible park on the property and a lot of people came and were excited about that idea. He indicated the last thing the neighbors wanted was a lot of houses behind them and he showed a photograph taken from his backyard illustrating what he liked about where he lived. He stated he did not want a lot of homes behind his house but if homes were built, he would prefer large lots with fewer homes. He advised there was a train that went across nearby tracks near the subject property that could be a safety issue. He stated he had talked to people at ATK who indicated the field was a buffer zone between their facility and homes. He requested the City Council to keep the property zoned at ‘R-1-10.’

Upon inquiry by Mayor Winder, those in attendance who desired to keep the property zoned ‘R-1-10’ raised their hands.

Kenny Branson addressed the City Council and indicated he would be in favor of developing the land, but not in favor of more houses crammed in and bringing more vehicles and more traffic. He indicated he shopped for homes five years ago and looked for homes not built so close together. He requested the property be developed as wisely as possible and requested the City Council uphold the Planning Commission’s denial of the proposal.

Mayor Winder inquired if members of the City Council had questions or discussion regarding this matter.

Upon inquiry, the City Manager advised all seven streets into the project would likely be necessary; however, some cul-de-sac streets could be investigated.

In response to a question regarding decreasing the number of streets, Randy Moore advised they had looked at the roads and he further explained some of the issues involved regarding all of the streets. He advised they had not been able to find a way to vacate some of the

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existing streets in lieu of cul-de-sacs. He stated the difference between the 'R-1-8' zone and the 'R-1-10' zone would be approximately 14 lots.

In response to a question by Mayor Winder regarding the developers' plans, if any, to improve the quality such as adding three car garages and using stucco or hardie plank materials, Mr. Moore advised many homes he had built in the last few years had quality products. He also advised in some cases the points had been increased to 300.

In response to inquiry by Councilmember Buhler regarding assurances for development, the City Manager advised a development agreement could be prepared upon direction of the City Council; however, as previously stated none had been prepared based on the denial of the proposal by the Planning Commission.

Upon inquiry by Councilmember Christensen regarding general planning for the streets and street angles, Mr. Moore advised roads were already set in the east half by roads coming in. He advised regarding earlier planning for 'R-1-7' and stated there had been more flexibility with the roads using that design.

Councilmember Christensen also briefly discussed ATK and some personal experiences regarding trains.

Upon inquiry by Councilmember Lang regarding the Planning Commission's concern about impact of the railroad, Mr. Moore stated the design would pull the corner in a little bit with deeper lots and that would all be refined on the plat. He stated the railroad continued all through the Vistas and other new homes in that area and the subject homes would be the same distance from the tracks. He indicated there was a requirement on 4100 South Street for a six-foot solid wall and the proposed subject project would have that wall continued to the referenced corner.

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

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Mayor Winder called for discussion.

Councilmember Buhler expressed concern regarding the number of streets going into the subdivision, but questioned whether 10,000 square foot lots would provide a way to mitigate the road issues.

Councilmember Vincent stated the land had been pre-platted years ago as ‘R-1-7’ and did create a problem of the depth of the property. He also discussed the decision made to not allow anything less than ‘R-1-10’ and pointed out the subject property had been pre-platted as ‘R-1-7.’ He discussed the ‘R-1-10’ perhaps working better on raw land and from this point forward. He also discussed inferior requirements pertaining to the ‘R-1-10’ zone.

Councilmember Lang expressed concern regarding the section showing ‘R-1-8’ lots and questioned if more design work could be done utilizing larger lots in that area. She also suggested allowing the applicant time by a continuance to do some additional design work on that side of the park.

Mayor Winder expressed concurrence with entertaining a motion to continue the matter to allow the applicant additional time to develop some compromises as presented by the applicant.

Councilmember Huynh expressed concern regarding small lots and the roadways with potential of increased traffic.

Councilmember Rushton stated arguments presented for ‘R-1-8’ on the subject property had not been convincing. He pointed out projects in the future would also be on more difficult and unique properties such as the power corridor, Redwood Road, and Jordan River areas. He indicated the need for creative solutions in order to assure quality neighborhoods. He further stated compromise solutions were possible, such as amenities and utilizing the City’s point system. He discussed the decision of the Planning Commission and suggested the matter might be better served to uphold the decision denying the application

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thus allowing the applicant to redesign, work with City staff and the Planning Commission, including a development agreement.

Councilmember Christensen stated the Planning Commission was unanimous in their decision.

Councilmember Lang stated the need for the proposal to go back to the Planning Commission for further deliberations regarding compromises, roads and other issues.

Councilmember Vincent discussed various solutions including utilizing side yards rather than back yards.

Councilmember Buhler also discussed options such as smaller setbacks, but indicated those compromises should come to the Council from a recommendation of the Planning Commission.

Mayor Winder discussed various possibilities that would accommodate the unique piece of property that could satisfy the neighbors and at the same time be a quality project and economically viable for the developer.

**ACTION: CONSIDER ORDINANCE NO. 13-49, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7018 WEST 4100 SOUTH FROM ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) TO ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET)**

The City Council previously held a public hearing regarding Application No. Z-5-2013, filed by M Seven LLC, and proposed Ordinance No. 13-49 that would amend the Zoning Map to show a change of zone for property located at 7018 West 4100 South from zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) to zone ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.).

Mayor Winder called for a motion.

Councilmember Rushton moved to deny Application No. Z-5-2013, filed by M Seven LLC, and deny proposed Ordinance No. 13-49; thereby upholding the Planning Commission's denial of the Application. 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.

Mayor Winder encouraged the developers to continue to work with City staff, nearby residents, and the Planning Commission.

16418      **RESOLUTION NO. 13-174, APPROVE SECOND AMENDMENT TO THE ARENA LICENSE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH GRIZZLIES HOCKEY CLUB**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-174 that would approve a Second Amendment to the Arena License Agreement between West Valley City and the Utah Grizzlies Hockey Club.

Mr. Pyle stated the subject agreement contained terms whereby the City permitted the Grizzlies to play hockey games and conduct related events at the Maverik Center. He also stated the subject Amendment contained amended terms of the agreement clarifying the obligations of the parties and would conform more closely to current management practices.



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He reported the Arena License Agreement had originally been signed in 2002 prior to the City's assumption of a partial ownership interest in the Grizzlies. He stated the agreement was amended in 2009 to alter the fee structure and amounts paid to the City by the Grizzlies. This Second Amendment would make it clear the Grizzlies did not have total and exclusive control over any area of the Maverik Center but were a licensee with rights equivalent to any other licensee. He indicated the Second Amendment further clarified the procedure used to allow the City or other licensees to use certain areas within the Maverik Center.

The City Manager requested the proposed Resolution be tabled and the matter continued to no date certain to allow additional time for further negotiations.

After discussion, Councilmember Vincent moved to table proposed Resolution No. 13-174 and continue the matter to no date certain. 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.

Proposed Resolution No. 13-174 was tabled and continued to no date certain.

16419      **RESOLUTION NO. 13-175, APPROVE A DEVELOPMENT AGREEMENT WITH MCDONALD'S REAL ESTATE COMPANY FOR APPROXIMATELY 0.93 ACRES OF PROPERTY LOCATED AT 3464 WEST 3500 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-175 that would approve a Development Agreement with McDonald's Real Estate company for approximately 0.93 acres of property located at 3464 West 3500 South.

Mr. Pyle stated the proposed agreement would allow a reduction to the required landscaping for the existing McDonalds site at the above referenced location.

He indicated the Planning Commission had recently approved a conditional use amendment to redevelop an existing McDonalds fast food restaurant. Since this project was a redevelopment as opposed to a remodel, all current landscaping requirements applied to the site. He explained the proposal included a request to allow for a reduction in the requirements setback area along the north side of the site.

The City Manager reported the commercial ordinance required five feet of landscape setback along the perimeter of any parking area that was not adjacent to a street and as per 7-6-1003(4) setbacks could be reduced as negotiated in a development agreement through the Planning Commission and City Council. He further advised currently along the northern property boundary there was a 100-foot section of existing chain-link fence and the remainder of the boundary contained a masonry wall. He stated there was some existing landscaping on the opposite side of the wall that was part of the West Lake Junior High property.

Mr. Pyle advised the applicant had requested approval to be able to keep the existing wall and fence in place and not modify that setback area or install the required five feet of landscaping.

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He concluded the property was located in the ‘C-2’ zone that required at least 15% of the site be landscaped. He stated currently there was 10% landscaping on site and this would be increased to 15.2% as part of the remodel project. He reported the site met all other required setback and landscaping requirements, therefore approval of the agreement reduction was recommended.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-175, a Resolution Authorizing the City to enter into a Development Agreement with McDonald’s Real Estate Company, for Approximately 0.93 Acres of Property Located at 3464 West 3500 South. 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.

16420

**RESOLUTION NO. 13-180, CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL PLEDGE AND LOAN AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, OF ITS TAX INCREMENT REVENUE BONDS, SERIES 2014, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,250,000; AND RELATED MATTERS**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-180 that would authorize execution and delivery of an Interlocal

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Pledge and Loan Agreement in connection with the issuance by the Redevelopment Agency of West Valley City, Utah, of its Tax Increment Revenue Bonds, Series 2014, in the aggregate principal amount of not to exceed \$4,250,000; and related matters.

Mr. Pyle stated the Redevelopment Agency (RDA) had determined purchasing properties located in the City Center Redevelopment Area would assist in future development of that area. He also stated acquisition of properties would be financed by issuing bonds for a term of 15 years at a rate of not to exceed 6.5% per annum, with an approximate issue amount of \$4,250,000.

The City Manager indicated proceeds of the bonds issued would be used to acquire certain real properties in the area neighboring the West Valley City governmental complex. He explained projects would be completed by the Agency to facilitate redevelopment activity and revenues generated from rental and lease income would be used for debt service and maintenance costs. He stated additional future revenues from RDA increment and sale of properties could be used for debt service.

Upon recognition, Laura Lewis, Lewis Young Robertson Birmingham, the City's financial advisor, distributed information pertaining to revenues and payments on debt service, and ending balance showing net revenues over time. The City Manager reviewed the bond information in detail including cash flow analysis. The City Manager and Ms. Lewis answered questions from members of the City Council.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-180, a Resolution of the City Council of West Valley City, Utah, Authorizing the Execution and Delivery of an Interlocal Pledge and Loan Agreement in Connection with the Issuance by the Redevelopment Agency of West Valley City, Utah, of its Tax Increment Revenue Bonds, Series 2014, in the Aggregate Principal Amount of Not to Exceed \$4,250,000; and Related Matters. 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.

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**CONSENT AGENDA:**

**A. RESOLUTION NO. 13-176, RATIFY THE CITY MANAGER'S APPOINTMENT OF RON BIGELOW AS A MEMBER OF THE AUDIT REVIEW COMMITTEE, TERM: JANUARY 6, 2014 – DECEMBER 31, 2016**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-176 that would ratify his appointment of Ron Bigelow as a member of the Audit Review Committee for the term January 6, 2014, through December 31, 2016.

Mr. Pyle stated the appointment of Ron Bigelow would replace outgoing Councilmember Don Christensen. He advised the Audit Review Committee consisted of five members who served terms of three years and comprised of the City Manager, two members of the City Council, one appointed citizen, and a finance director from another community.

**B. RESOLUTION NO. 13-177, RATIFY THE CITY MANAGER'S APPOINTMENT OF RON BIGELOW TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 6, 2014 – DECEMBER 31, 2018**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-177 that would ratify his appointment of Ron Bigelow to the

West Valley City Housing Authority Commission for the term January 6, 2014 through December 31, 2018.

Mr. Pyle stated the West Valley City Housing Authority was comprised of seven members each appointed for a five-year term by the City Manager with the advice and consent of the City Council. He reported the appointment was pursuant to Section 35A-8-404, Utah Code Annotated, as amended.

**C. RESOLUTION NO. 13-178, RATIFY THE CITY MANAGER'S APPOINTMENT OF LARS NORDFELT TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 6, 2014 – DECEMBER 31, 2018**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-178 that would ratify his appointment of Lars Nordfelt to the West Valley City Housing Authority Commission for the term January 6, 2014, through December 31, 2018.

Mr. Pyle stated the West Valley City Housing Authority was comprised of seven members each appointed for five-year terms by the City Manager with the advice and consent of the City Council and the appointment was pursuant to Section 35A-8-404, Utah Code Annotated, as amended.

**D. RESOLUTION NO. 13-179, APPOINTING KAREN LANG TO REPLACE DON CHRISTENSEN ON THE TAXING ENTITY COMMITTEE FOR ALL URBAN RENEWAL AND ECONOMIC DEVELOPMENT PROJECT AREAS IN WEST VALLEY CITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-179 that would appoint Karen Lang to replace Don Christensen on the Taxing Entity Committee for all Urban Renewal and Economic Development Project Areas in West Valley City.

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Mr. Pyle stated West Valley City was allocated two voting members on the eight member Taxing Entity Committee (TEC), established to approve all Urban Renewal and Economic Area “Project Area Plans and Budgets.” He advised Karen Lang had been selected and appointed to fill one of the City’s vacant positions created by out-going Councilmember Don Christensen.

He reviewed information regarding establishment of an Urban Renewal or Economic Development Project Area requiring preparation of a Project Area Plan and Budget. He informed to formalize the establishment of such areas the Plan and Budget must be approved by super majority of the eight members TEC that consisted of representatives from taxing entities affected by the Urban Renewal or Economic Development Area. He indicated the City had two voting members on the TEC and Ms. Lang had been selected to fill one of the City’s vacant positions.

After discussion, Councilmember Christensen moved to approve Resolution Nos. 13-176, 13-177, 13-178, and 13-179 as presented on the Consent Agenda. 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.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL THE REGULAR MEETING OF TUESDAY, DECEMBER 17, 2013, WAS ADJOURNED AT 8:22 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, December 17, 2013.

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Sheri McKendrick, MMC  
City Recorder