

MINUTES OF COUNCIL REGULAR MEETING – MARCH 25, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 25, 2014, 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 PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton, Mayor Pro Tem
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Ron Bigelow, Mayor

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
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
John Evans, Fire Chief
Sam Johnson, Strategic Communications Director
Russell Willardson, Public Works Director
Anita Schwemmer, Acting Police Chief
Brandon Hill, Law Department
Brent Garlick, CED Department
Steve Pastorik, CED Department
Jody Knapp, CED Department
Jake Arslanian, Public Works Department
Leslie Hudson, Administration
Cathie Alberico, Administration

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16520 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who invited Police Chaplain Don Maruji to give an invocation.

16521 **SCOUTS**

Mayor Pro Tem Rushton welcomed Scout Troop No. 758 in attendance to complete requirements for the Citizenship in the Community merit badge.

16522 **SPECIAL RECOGNITIONS**

Mayor Pro Tem Rushton welcomed and acknowledged the attendance of Senator Karen Mayne and Representative Larry Wiley.

16523 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 4, 2014**

The Council read and considered Minutes of the Regular Meeting held March 4, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held March 4, 2014, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16524 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 11, 2014**

The Council read and considered Minutes of the Regular Meeting held March 11, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held March 11, 2014, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16525 **PROCLAMATION RECOGNIZING APRIL 1, 2014, AS “NATIONAL SERVICE RECOGNITION DAY”**

Councilmember Vincent read a Proclamation recognizing April 1, 2014, as “National Service Recognition Day” in West Valley City.

16526 **PRESENTATION OF ENGLISH ACHIEVEMENT AWARDS**

Mayor Pro Tem Rushton invited students in attendance to receive the English Achievement Awards and make introductions to the City Council and tell their respective country of origin. Awards were presented to students in attendance from the following schools:

English Skills Learning Center

Olinda Barrios

Pioneer Elementary

Lilia Hernandez

Guadalupe Cruz

Raquel Baez

Quisela Ayala

Maria Alarcon

Ana Guerrero

Ingrid Flores

Granite Peaks Learning Center

Maria Aguilera

Nadia Ahmad

Any Alvarado

Euclides Ciliezasr

Nany Lourdes Cruz

Dora Duarte

Jorge Espinosa

Cesar GTarcia

Aveline Gonzalez

Deysi Guerra

Julio Guerra

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Monir Houshmand
Florida Kabula
Phouveha Khampraseutsy
Vilma Lobo
Diana Lopez
Gricelda Magdaleno
Lilliam Martinez
Jesus Matos
Cheatana Ok
Evenlyn Okwabi
Ramiro Perz
Silvia Remirez
Jorge Rodriquez
Berlis Rosario
Ketmakhone Senekham
Villeta Vasquez
Ana L. Liboria

Members of the City Council presented certificates to the award recipients and offered congratulations for their achievement.

16527

COMMENT PERIOD

Upon inquiry by Mayor Pro Tem Rushton the following individuals addressed the City Council during the comment period.

Brad Knowlton, JRM LLC, (Ascent Construction), addressed the City Council. Mr. Knowlton stated he was working on issues related to the Jordan River Marketplace project and was ready to submit an application for building permits in the next 30 days. He related steps taken to date regarding the project and explained unforeseen issues and remedies. He advised of his work with city staff regarding storm drainage and other issues. He advised elevations had been completed on nearly the entire project and informed regarding progress of the project including leasing. He indicated they had submitted a re-zone application for a parcel to the west. He also stated he looked forward to a wonderful project and support from the City Council later this night.

Dale Bennett, engineer and surveyor for the Jordan River Marketplace project, addressed the City Council. Mr. Bennett discussed challenges in dealing with various issues and meetings with city staff and Granger Hunter Improvement District regarding resolution of those issues. He indicated they had been working continuously for many months to get the project where it was now.

Ryan Naylor, architect for the Jordan River Marketplace project, addressed the City Council. Mr. Naylor expressed excitement to work on the project and

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advised he had been doing so for four years. He explained in the last few days he had heard concerns regarding level of quality of the project and the possibility of it looking like a standard strip mall. He discussed a revised site plan and indicated it was currently on display in the lobby of City Hall. He stated this would be a gathering place for people of many cultures to enjoy with the end result being a project of great pride.

Bob Murri, JRM LLC (Ascent Construction), addressed the City Council and expressed excitement for the project. He advised everything was in place including financing and they were ready to move forward upon approval by the City Council. He advised regarding the timeline to begin construction in early June. He discussed lessees who desired to locate in the city and be part of this crown jewel. Mr. Murri stated there were several leases in place and he mentioned names of restaurants. He explained there were over 20 other businesses and restaurants that desired to locate in the project. He indicated the process had taken longer than anticipated and expressed the desire to hold the groundbreaking at the beginning of June.

Alan Anderson, President and CEO of ChamberWest, addressed the City Council. Mr. Anderson stated the Jordan River Marketplace would be an economic engine for this gateway to West Valley City and a great showcase for diversity of the community. He advised the Chamber had signed a letter of intent to move their offices to the project and adjacent to the Utah Cultural Celebration Center (UCCC). He stated the Chamber was in support of the project moving forward.

Gundi Jones addressed the City Council and expressed support of the Jordan River Marketplace project with her only concern as being against any high-density apartments as part of the development. Ms. Jones stated she would welcome townhomes as part of the development. She indicated it was a wonderful project and stated she still planned to build a spa retreat nearby. She expressed excitement about the project and stated sometimes quality took extra time.

Joe Garcia addressed the City Council and expressed support for the Jordan River Marketplace project. Mr. Garcia stated he would enjoy the opportunity to visit the development with his family. He indicated diversity of West Valley City and Salt Lake County should be celebrated and this would be a proper tie-in for the Utah Cultural Celebration Center (UCCC) facility and would be a recreation destination for family fun.

Karen Mayne addressed the City Council and stated West Valley City should be a city of destination. She explained her neighbors and friends always wanted to go to Salt Lake City for dinner, while she desired to be able to stay in West Valley City. Ms. Mayne discussed the need to employ our residents and hoped that the Jordan River Marketplace would provide more jobs.

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Mike Winder, consultant for the Jordan River Marketplace project, addressed the City Council. Mr. Winder stated he had heard tonight some great reasons to move forward on this project. He indicated he was amazed the project was this far along and stated the team had been working very hard. He advised most people were thrilled about this concept and its location in West Valley City. He requested the Council approve the project so it could begin immediately and indicated that with controls in place it would be a quality development. He stated with a common vision and approval by the Council; the developers would be back in the near future with additional phases of the project.

Dan Potts addressed the City Council and stated he was not a resident of the city. He advised he represented wildlife interests. Mr. Potts stated the developer had many chances to follow through with the Jordan River Marketplace project and they had defaulted. He questioned how much more concrete, steel, asphalt and glass were needed in West Valley City. He discussed an existing herd of deer on the property and stated it took a lot of courage to protect wildlife rather than move in other directions.

Elliott Mott addressed the City Council and stated he wanted to stand up for the Jordan River corridor and requested the City embrace, preserve and protect it. He requested the Council consider the potential of the Jordan River corridor that was relatively undeveloped. He indicated mistakes made in other communities should not be duplicated in West Valley City. He urged the City Council to appreciate the natural open space in the area and make it a showpiece to advance recreational opportunities for the city's residents. Mr. Mott stated the Jordan River had a much greater value for the city as a natural preserve than any other type of development.

Larry Wiley addressed the City Council. Mr. Wiley stated he maintained a neutral position regarding the Jordan River Marketplace and noted there were good comments and ideas from all who had spoken. He indicated it seemed to be a trust issue and he desired to make sure the process was properly followed. He explained it was a beautiful area that could be developed nicely and do a lot for the area particularly as it was the gateway to the city. He expressed concern regarding high-density residential housing being built at that location.

Upon inquiry by Mayor Pro Tem Rushton there was no one else who desired to address the City Council during the comment period.

16528

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-1-2014, FILED BY WEST VALLEY CITY, REQUESTING AN ORDINANCE TEXT AMENDMENT TO AMEND THE DEFINITION OF HOUSEHOLD PETS, ALLOW CHICKENS AS HOUSEHOLD PETS AND ADDRESS INCONSISTENCIES IN THE WEST

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VALLEY CITY MUNICIPAL CODE BETWEEN THE ANIMAL CONTROL ORDINANCE (TITLE 23) AND THE ZONING ORDINANCE (TITLE 7)

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. ZT-1-2014, filed by West Valley City, requesting an ordinance text amendment to amend the definition of household pets, allow chickens as household pets and address inconsistencies in the West Valley City Municipal Code between the Animal Control Ordinance (Title 23) and the Zoning Ordinance (Title 7). He discussed proposed Ordinance No. 14-19 related to the Application to be considered by the City Council subsequent to the public hearing as follows:

City Manager, Wayne Pyle, presented an amended proposed Ordinance No. 14-19 (dated 3/17/14) that would enact Sections 7-2-132 and 23-3107 and amend Sections 7-1-103, 23-1-102, 23-2-102 23-5-106, 23-5-110, 23-6-106, and 23-7-101 of the West Valley City Municipal Code to amend City ordinances governing animals. He specifically reviewed Section 7-2-132 as follows:

“Household Pets. (1) The following terms, when used in this Section, shall have the following meaning:

- a. “Amphibian” means any cold blooded vertebrate of the class Amphibia, such as frogs, toads, newts, or salamanders.
- b. “Animal” means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

Mr. Pyle stated the City Council had requested preparation of an ordinance amendment to address household pets that would allow chickens as household pets, redefine the term “household pets” so that it was very clear which animals were allowed, and correct inconsistencies between Titles 7 and 23. He clarified that allowing chickens as household pets would mean they would be allowed in residential zones, while currently chickens were allowed only in agricultural zones.

He reviewed statistics stating Animal Control received about 15 to 20 complaints per week regarding failure to maintain control of noise and smells, inadequate accommodations and alleged commercial enterprise, meat/eggs. He indicated while the City would technically address noise, smell and commercial use issues via other ordinances, there was concern of the potential volume of complaints if the ordinance was amended to allow chickens as household pets. He advised this could become beyond the City’s ability to address those problems at the current staffing levels.

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The City Manager discussed the definition of household pets and advised research had been conducted of other cities. He advised those definitions had been found to be general in nature as opposed to the very specific definition in the subject draft document. He reported Animal Control had advised the current definition was effective at addressing issues that arose.

He reported the Planning Commission had considered the changes to Title 7 and opposed allowing chickens as household pets and documented the following reasons:

- The nature of feeding chickens attracts rodents
- Chickens are preyed on by dogs and other animals resulting in increased barking
- Allowing chickens would result in a significant increase in calls for animal control services
- Small lots in particular would be problematic with chickens
- Chickens can create a nuisance by going into neighbors' yards and producing smells especially strong in the summer months

Mayor Pro Tem Rushton opened the public hearing.

Gloria vanSoolen addressed the City Council and distributed copies of a deed to her property that had prohibited farm animals for 40 years. Ms. vanSoolen stated she had a neighbor who, against the rules, had built a chicken coop. She advised the smell was awful and the West Valley City police had been contacted. She stated she was not in favor of chickens in neighborhoods as she chose to live in a city not on a farm.

Upon request of Mayor Pro Tem Rushton, the City Manager explained the difference between the City ordinance and neighborhood CC&R's and advised if conflicted the City ordinance would take precedence.

Gerald Everett, a Layton City resident, addressed the City Council. Mr. Everett stated he desired to share a success story and experience he had in Layton City. He indicated he raised chickens not knowing it was not alright to do so and code enforcement came to his home. He explained the problem was that he owned a rooster that crowed at 4:00 a.m. He advised he complied and got rid of the rooster and also went to a city council meeting. He stated it was about the freshness of the eggs as compared to store bought eggs. He stated he lived on the east side of Layton City on a relatively large lot and dealt with the rodents and raccoons that came along with raising chickens. He indicated people who owned chickens would do a better job of taking care of rodents. He also stated Layton City allowed him to have six hens and he kept the coops clean. He stated friends and

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neighbors wanted the chicken manure for their gardens as it was great fertilizer. He indicated there should be no problems if the number of chickens was limited based on the size of a lot, and included inspection of coops. Mr. Everett discussed other communities that allowed residential chickens and encouraged the Council to approve the ordinance.

David Park addressed the City Council and stated he was in support of the ordinance mostly for economic reasons as he lived on a fixed income. He urged the City Council to also consider allowing rabbits as they did not have odor and could thrive in a smaller hutch, were cheaper to feed and created no noise. He stated one male and three females could produce as much meat as a cow that would help feed their family. Mr. Park expressed the importance of being self-reliant.

Pete Trebesch addressed the City Council. Mr. Trebesch indicated his objection to passage of the ordinance and stated he lived on a farm and there was odor with chickens. He indicated West Valley City was in the middle of an urban area with not much land available for building. He stated eggs could be purchased in stores. He also expressed concern about possible contraction of salmonella with contaminated eggs.

Irene Jensen addressed the City Council and stated she had been born and raised on a farm with a chicken coop located far away from her house. She explained the smell of the coop and stated it also created a lot of bugs. She advised a neighbor with chickens, turkeys and rabbits had infringed on her rights with a coop next to her home and the smell was terrible. She expressed opposition to the proposed ordinance.

Barry Farrer addressed the City Council and stated he wanted his rights and freedoms back. Mr. Farrer stated laws were wrong when they limited how many animals one could have and he wanted to have four dogs and four cats. He expressed trust that neighbors would do the right thing and, if not, the authorities should take care of it.

Erik Farr addressed the City Council and stated he had read an article in the Tribune newspaper regarding this issue. Mr. Farr indicated the Planning Commission had already voted against the proposal and city staff also recommended against the proposal. He explained the problem was that people who had chickens sometimes did not take care of them. He advised he had lived next door to people who had chickens and he described the smell, diseases, bugs and filth that occurred in that regard. He stated chickens did not belong in a city. He indicated the vast majority of people abided by rules while a small group wanted to change the rules. Mr. Farr expressed frustration stating he was sick and tired of this issue as this was a city and not the middle ages.

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Fred Cox addressed the City Council and stated his wife had grown up in a neighborhood with chickens and there had been no problems. He explained he had lived in West Valley City for 25 years and some neighbors had chickens and took care of them with no resultant smell or noise, and it had been on a small lot. He indicated some people could handle chickens living next door without causing problems. He stated some dogs caused problems. He expressed agreement with changing the ordinance to allow chickens with proper balance.

Michaela Sanders addressed the City Council and stated a business should not be in a backyard and she wanted two to four chickens for pets as they ate bugs. Ms. Sanders advised she would clean up after them and chickens did not make noise like dogs or roosters. She expressed full support of allowing chickens with limits as to how many could be owned.

Mike Markham addressed the City Council and expressed opposition to chickens in neighborhoods. Mr. Markham stated he lived in a residential subdivision and wanted to keep it without chickens, as there were many other places chickens could be raised outside of the city. He questioned where the line would be drawn regarding animals people wanted to have in residential neighborhoods. He advised he had grown up on a farm and stated chickens did stink which was why farmers always built coops far away from their bedrooms and/or decks. He stated if chickens were allowed, there needed to be courtesy on owner's part to respect the rights of neighbors. He indicated chickens were messy, stunk and attracted rats and he hoped the City Council members who voted for the proposal would clean up if chicken owners did not.

Ona Welch addressed the City Council and spoke in favor of allowing backyard chickens. She indicated she raised chickens not knowing they were against the ordinance. She explained she kept the coop clean and took care of the chickens; and there were more problems with dogs than the chickens. Ms. Welch stated she enjoyed fresh eggs and expressed desire to again raise chickens. She indicated many neighboring communities allowed chickens. She expressed the need for guidelines along with freedom of choice.

Tammy Wilson addressed the City Council and stated she had been raised in West Valley City with horses, cattle and chickens. She discussed the historical change in the city regarding zoning and indicated limitations did need to be imposed such as allowing no more than six chickens.

Casey King addressed the City Council. Mr. King stated he had no chickens but had strong smells in his yard from other things in the area not created by animals, such as the dump. He indicated his favor of allowing chickens.

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Tayna Gillmore addressed the City Council and expressed favor of allowing backyard chickens, as they were wonderful pets. She indicated raising chickens was a good 4H project for children and the fertilizer was good for gardens. Ms. Gillmore indicated chickens were abused that produced eggs for stores and she shared some facts about nutrients in eggs from backyard chickens that were much healthier. She expressed the need to be more self-reliant and raising chickens would assist in that regard. She explained chickens were easy to take care of, did not smell, and did not make as much noise as a barking dog. She discussed classes to learn how to raise chickens and requested approval of the proposal.

Claudia Jensen addressed the City Council and expressed opposition to allowing backyard chickens and stated the city was no longer a farming community. She stated if allowed the chickens' owners should pay for permits. She also advised ordinance enforcement did not need more to do.

Josh Daniels, representing Libertas Institute of Utah, addressed the City Council. Mr. Daniels advised his organization was dedicated to principles of liberty. He drew attention to a copy of the Declaration of Independence on display in the Council Chambers and explained private property rights. He stated zoning was a violation of private property rights and stated existing nuisance laws were sufficient to deal with all problems mentioned regarding chickens. He indicated raising chickens was a reasonable use on private property and government should not micro manage ways that owners used their properties.

Ralph Astorga addressed the City Council and stated the Great Salt Lake also smelled, but could not be shut down. Mr. Astorga expressed willingness to allow people to raise chickens.

Burt Dennis addressed the City Council and discussed noise and smell from chickens as compared to a dog run next to his home that produced a terrible smell. Mr. Dennis stated barking dogs were also an issue, but prohibiting them had not been proposed.

Craig Dawson addressed the City Council. Mr. Dawson discussed the importance of teaching responsibility to the next generation by such things as raising chickens. He requested the pros and cons be evaluated resulting in residents having their freedoms.

Upon inquiry by Mayor Pro Tem Rushton, those in attendance displayed support and opposition of the proposal by the raise of hands.

There being no one else to speak in favor or in opposition, Mayor Pro Tem Rushton closed the public hearing.

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Mayor Pro Tem Rushton called for and opened the floor to discussion.

Councilmember Buhler expressed favor of pets in general to teach children responsibility. He discussed his tally of those who previously spoke in the public hearing and he shared results. He indicated after some issues were brought up regarding animals he had taken a closer look at the ordinance and, at that time, requested review of the entire ordinance. He advised of his absence at a previous study meeting when this matter was reviewed and suggested more discussion could be in order. He discussed the desire for animals to be safe, healthy and well cared for in the City. He indicated the current proposal appeared better than the previous proposed ordinance and the Councilmembers had suggested additional language, as the desire would be to not pass an unclear and/or vague ordinance.

Councilmember Vincent stated this was one of the subjects that had come before the Council many times with previous determinations having been made that domestic fowl was not reasonable in neighborhoods. He stated the proposed ordinance for household pets was a separate issue from domestic fowl and should, therefore, be addressed in a separate ordinance.

Councilmember Lang stated her children had ducks as pets while growing up and they fit into a household pet category. She indicated a limit of four animals should include all pets and also expressed the need to “tie down” language in that regard so responsible pet owners could have chickens or ducks with the privilege being taken away if not responsible.

Councilmember Huynh expressed agreement with some comments made by Councilmembers and stated the question seemed to be an issue of responsibility.

Councilmember Nordfelt stated this issue came up many times as he campaigned last year. He discussed liberty being important along with the pursuit of happiness. He indicated having four hens could be done responsibly without impacting neighbors. He explained the proposed ordinance was better than the existing ordinance as some residents desired to raise chickens. He expressed concurrence with passing of the ordinance with possible review of certain language in the future.

ACTION: ORDINANCE NO. 14-19, ENACTING SECTIONS 7-2-132 AND 23-3-107 AND AMENDING SECTIONS 7-1-103, 23-1-102, 23-2-102, 23-5-106, 23-5-110, 23-6-106, AND 23-7-101 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CITY ORDINANCES GOVERNING ANIMALS

The City Council previously held a public hearing regarding Application No. ZT-1-2014, filed by West Valley City, and proposed Ordinance No. 14-19 that would enact Sections 7-2-132 and 23-3-107 and amend Sections 7-1-103, 23-1-102, 23-

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2-102, 23-5-106, 23-5-110, 23-6-106 and 23-7-101 of the West Valley City Municipal Code to amend City ordinances governing animals.

After discussion, Councilmember Buhler moved to continue proposed Ordinance No. 14-19, to the Study Meeting scheduled April 8, 2014, for further discussion and study before coming back to the City Council for a vote at the Regular Council Meeting scheduled April 15, 2014. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	No

Majority.

Proposed Ordinance No. 14-19 continued for further review at the Study Meeting scheduled April 8, 2014, and consideration for action at the Regular Council Meeting scheduled April 15, 2014.

16529

RESOLUTION 14-39, RATIFY THE CITY MANAGER'S APPOINTMENT OF LARS NORDFELT TO THE WEST VALLEY CITY HISTORICAL SOCIETY FOR A TERM COMMENCING MARCH 25, 2014 AND ENDING DECEMBER 31, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 14-39 that would ratify his appointment of Lars Nordfelt to the West Valley City Historical Society for a term commencing March 25, 2014 and ending December 31, 2014.

Mr. Pyle stated Lars Nordfelt was willing to serve as a member of the West Valley City Historical Society and would fill a vacant position on the Board through the end of the calendar year. He advised members of the West Valley City Historical Society were appointed for a two-year term by the City Manager with the advice and consent of the City Council.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-39, a Resolution Ratifying the City Manager's Appointment of Lars Nordfelt as a Member of the West Valley City Historical Society for a Term Commencing March 25, 2014 and Ending December 31, 2014. Councilmember Huynh seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16530

RESOLUTION NO. 14-40, AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT WITH AGRICREDIT ACCEPTANCE LLC FOR NEW GOLF CARTS AT STONEBRIDGE GOLF COURSE

City Manager, Wayne Pyle, presented proposed Resolution No. 14-40 that would authorize execution of a Lease Agreement with Agricredit Acceptance LLC, in the amount of \$117,030.00, for new golf carts at Stonebridge Golf Course.

Mr. Pyle stated the proposal would authorize trade in of old golf carts and lease of new golf carts from Intermountain Golf Cars with lease financing through Agricredit Acceptance LLC. He advised the existing fleet was worn out and needed to be replaced. He indicated Stonebridge Golf Club had a fleet of 120 golf carts and along with the Beverage, Marshall and Range vehicles were ready to be replaced. He explained the equipment had been used over six seasons and were worn, did not always operate and needed thousands of dollars in repairs. He further advised much of the staffs' time was being taken up with repairs and rescuing stranded golfers.

The City Manager reported bids had been solicited through the public bidding process for five year leases with trade in of old equipment, and three bids received as follows:

<u>Company</u>	<u>Brand</u>	<u>Lease Cost for 5 Years</u>
Intermountain Golf Cars	Club Car	\$117,030.00
RMT	E-Z-GO	\$194,968.40
Highland Equipment Co	Yamaha	\$207,557.40

Mr. Pyle stated Intermountain Golf Cars had submitted the lowest responsible bid and financing would be through Agricredit Acceptance LLC.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-40, a Resolution Authorizing the Execution of a Lease Agreement with Agricredit Acceptance LLC for New Golf Carts at Stonebridge Golf Course. Councilmember Buhler seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16531

RESOLUTION NO. 14-41, APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT DESIGN, DEVELOPMENT, AND CONSTRUCTION MANAGEMENT OF THE PIONEER CROSSING BRIDGE OVER THE JORDAN RIVER, TO PROVIDE ENGINEERING SERVICES FOR THE PIONEER CROSSING MEMORIAL BRIDGE OVER THE JORDAN RIVER

City Manager, Wayne Pyle, presented proposed Resolution No. 14-41 that would approve Amendment No. 1 to the Professional Services Agreement Design, Development, and Construction Management of the Pioneer Crossing Bridge over the Jordan River and provide engineering services for the Pioneer Crossing Memorial Bridge over the Jordan River, in the amount of \$19,460.00.

Mr. Pyle stated Project Engineering Consultants (PEC) had been selected to provide engineering services for the pedestrian suspension bridge over the Jordan River east of the Utah Cultural Celebration Center in the amount of \$81,650.00. He explained the proposed amendment would increase the amount to be paid by \$19,460.00 to cover an increase in the scope of work. He indicated that during the design development process it had become apparent the original concept would be too costly and not be a good fit to the area given the topographic and poor soil conditions. He stated for this reason the bridge needed to be substantially redesigned with a completely new concept and the proposed amendment included the cost for that additional engineering time to redesign the bridge.

He also indicated the amendment covered the cost of a permit fee for a Utah State Division of Water Rights Stream Alteration Permit, not included in the original scope. He advised PEC had also requested during construction to provide testing services to verify the bearing capacity of the driven steel piles.

After discussion, Councilmember Lang moved to approve Resolution No. 14-41, a Resolution Approving Amendment No. 1 to the Professional Services Agreement Design, Development, and Construction Management of the Pioneer Crossing Bridge Over the Jordan River to Provide Engineering Services for the

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Pioneer Crossing Memorial Bridge Over the Jordan River. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16532

RESOLUTION NO. 14-42, AUTHORIZE EXECUTION OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH HWL WESTRIDGE, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 5610 WEST 5400 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 14-42 that would authorize execution of an Amendment to the Development Agreement with HWL Westridge, LLC, for property located at approximately 5610 West 5400 South.

Mr. Pyle stated the proposed amendment would change the type of townhomes to be constructed within future phases of the subject development. He indicated that in 2011, the City entered into a Development Agreement with SCP Westridge, LLC for 16.39 acres at 5610 West 5400 South that addressed standards for commercial and residential portions of the development. He indicated for the residential portion, the agreement required at least three different styles of townhomes be included and they be constructed similar to the renderings included in the agreement. He stated the first phase of the project was under construction and being built in accordance with that agreement. He also advised HWL Westridge, LLC currently owned the property and was the successor in interest to SCP Westridge 1, LLC.

He further explained that toward the end of last year, Henry Walker Homes, the developer submitted the second phase of the project for review. On November 12, 2013, the Council continued the application indefinitely to allow the developer time to address the Council's concerns regarding the mansion townhomes that had not met expectations. Since that time, City staff had worked with Henry Walker Homes to develop a new product to meet the Council's expectations for a mansion townhome. He explained the latest proposal outlined was an improvement over the previous proposal in the following ways: the townhomes were designed around linear parkways, there were no garages in the front, the

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buildings included front porches, the latest design looked much more like a large house and units were about 20% larger.

The City Manager reported the proposed amendment included the following three revisions:

- Replaces the traditional and mansion townhome renderings in Exhibit E with a new mansion rendering
- Replaces the concept plan in Exhibit D to reflect the new product type
- Amends the language of the agreement so that only two different styles of townhomes are required

He also advised the Council had previously been given information summarized as follows:

- Original concept plan
- Current site plan
- Courtyard townhomes
- 92 units: alley loaded garages; 59% of total units
- Traditional townhomes: 44 units; alley loaded garages; 29% of total units
- Mansion townhomes: 18 units; front/side loaded garages; 12% of total units
- Proposed site plan
- Proposed elevations
- Proposed rendering
- Summary of improvements: Townhomes designed around linear parkways; no garages in front; alley loaded; front porches; looks more like large house; units are larger; original sizes 1,692 square feet to 1,874 square feet; proposed sizes 2,143 square feet to 2,211 square feet

After discussion, Councilmember Vincent moved to approve Resolution No. 14-42, a Resolution Authorizing the Execution of an Amendment to the Development Agreement with HWL Westridge, LLC, for Property Located at Approximately 5610 West 5400 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. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

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Unanimous.

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RESOLUTION NO. 14-43, AUTHORIZE APPROVAL OF THE DEVELOPMENT OF 220,000 SQUARE FEET PURSUANT TO THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT (ADL) WITH JORDAN RIVER MARKETPLACE, LLC

City Manager, Wayne Pyle, presented proposed Resolution No. 14-43 that would authorize approval of the development of the first 220,000 square feet pursuant to the Agreement for Disposition of Land for Private Development (ADL) with Jordan River Marketplace, LLC.

Mr. Pyle stated that in 2009 the City entered into an ADL with Jordan River Marketplace, LLC for development of the Jordan River Marketplace. He indicated that at that time the Council and the developer had detailed discussions of the vision for the marketplace. He explained since then two amendments had been made to the original agreement that provided the developer with more time to make the improvements required by the ADL and provide for more flexibility. In addition, the second amendment outlined an approval process where the developer obtained approval from the Redevelopment Agency and City Council for the first 334,224.5 square feet developed.

The City Manager advised the developer desired to present potential buildings for the first 220,000 square feet of the development. He explained information provided by the developer was much less detailed than prior presentations, as materials were extremely preliminary in the form of “potential” tenant lists, renderings, and illustrations.

Upon discussion, Councilmember Vincent discussed having been through this process for the second time with Ascent Construction (JRM LLC) working on it for a number of years. He indicated he liked the concept and the fact that the commercial side was moving forward which would perhaps change the direction of the project. He expressed some concerns regarding preservation of the Jordan River and the desire to see certain property stay in the natural state.

Councilmember Lang discussed the difference of the proposal made in May of 2013, and indicated she preferred the 2013 proposal with the more international qualities. She indicated the current proposal was generic and looked more like a strip mall. She expressed concern that restaurants rather than boutiques and/or retail had leased.

Councilmember Buhler stated as a private project the proposal would be fine, but as an RDA project, time was of the essence. He indicated it had been extended

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for a year with nothing being built and he expressed concerns regarding the financial viability of the proposal as an RDA project.

Mayor Pro Tem Rushton expressed appreciation for the Council's comments and indicated agreement with all of them. He stated it boiled down to attracting tenants with art and beauty being "in the eye of the beholder." He discussed his own calculations regarding the project and questioned if the math was there. He expressed concern regarding the numbers and, in particular, a shortfall in RDA increment. He discussed the Council's responsibility to get a return on the investment. He explained his love for the project and the area, but the price needed to be right for investment by the City. He indicated time had run out and expressed the need to figure out the best course of action moving forward.

Upon inquiry, Mayor Pro Tem Rushton discussed what a reasonable payback would be to make this a viable project and advised City staff could answer more detailed and specific questions. He stated with five years left on the tax increment the City could recoup between \$8–10 million if every deadline was met in 2014, and another \$10 million in 2015, making a total tax increment of \$950,000, which was way below the sale of \$3.00 per square foot. He questioned how that gap would be filled regarding the goal of being made whole for the property. He reviewed that the property had been purchased by the City for \$4.00 per square foot, sold for \$3.00 per square foot and was now appraised at \$12.00 per square foot. He stated the question was would the City receive \$4 million dollars worth of betterments in return on this investment. He reiterated the numbers did not make this proposal a financially viable project for the citizens of West Valley City.

Councilmember Huynh commented regarding the length of time Ascent had worked on the project having first submitted a request for a Charter School and then a high-density apartment complex, neither of which had been approved for the RDA project area. He indicated the request was now for a 220,000 square feet project with restaurants, which he did not feel would survive without an anchor tenant.

Upon further discussion, Councilmember Huynh moved to deny Resolution No. 14-43, a Resolution Authorizing the Approval of the Development of 220,000 Square Feet Pursuant to the Agreement for Disposition of Land for Private Development (ADL) with Jordan River Marketplace, LLC. Councilmember Lang seconded the motion.

Councilmember Lang expressed appreciation for information and discussion regarding the financial aspects of the RDA project. She also stated it was the Council's responsibility to make good decisions on behalf of West Valley City citizens.

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Councilmember Vincent expressed pride in previous RDA projects and reflected on and discussed the viable numbers and monetary returns that had resulted from those endeavors.

Councilmember Buhler commented on discussions with citizens regarding successful development of business through viable redevelopment; however, with this project he would not be able to do that.

Mayor Pro Tem Rushton 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. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

Resolution No. 14-43 was denied.

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MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Buhler moved to adjourn and reconvene in an Executive Session for discussion of disposition of property. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 25, 2014, WAS ADJOURNED AT 9:04 P.M., BY MAYOR PRO TEM RUSHTON.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, MARCH 25, 2014, AT 9:11 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton, Mayor Pro Tem
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Ron Bigelow, Mayor

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF MARCH 25, 2014, WAS ADJOURNED AT 9:30 P.M., BY MAYOR PRO TEM RUSHTON.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held Tuesday, March 25, 2014.

Sheri McKendrick, MMC
City Recorder