

MINUTES OF COUNCIL REGULAR MEETING – AUGUST 19, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 19, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Steve Vincent, Councilmember District 4

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Lee Russo, Police Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Sam Johnson, Strategic Communications Director
Steve Pastorik, Acting CED Director
Steve Lehman, CED Department
Jake Arslanian, Public Works Department

16704 **OPENING CEREMONY**

The Opening Ceremony was conducted by Karen Lang who led the Pledge of Allegiance to the Flag.

16705 **COMMENT PERIOD**

Upon inquiry by Mayor Bigelow the following individual addressed the City Council during the comment period:

A. **PUBLIC COMMENTS**

Chris Gamvroulas, representing Ivory Development, addressed the City Council. Mr. Gamvroulas stated he desired to speak regarding an agenda

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item that was not scheduled for public comment (Item No. 7.F). He discussed their proposed development agreement relating to property purchased for intended development on 4100 South 7000 West. He explained they were trying to connect an adjacent subdivision to their development; and indicated there were setback and other issues involved. He discussed remedies for those issues that would limit buildable depth, including their request related to setbacks. He also discussed their request for use of stucco as a building material and stated all of their economics had been based on their catalog of homes with building materials as presented. Mr. Gamvroulas stated they wanted to build the same type of homes as in Highbury and Westridge subdivisions and requested approval of the development agreement.

16706

ORDINANCE NO. 14-36, AMENDING SECTION 20-6-103 OF TITLE 20 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CHANGE THE FRANCHISE TAX LEVY RATE

Mayor Bigelow presented proposed Ordinance No. 14-36 that would amend Section 20-6-103 of Title 20 of the West Valley City Municipal Code to change the franchise tax levy rate.

He stated the proposed amendment would bring the tax levy rate for telecommunication providers into compliance with State law. He indicated the Utah State Code allowed for a 3.5% telecommunications tax to be levied upon telecommunication providers and the tax levy amount in the City Code was currently set at 4%. He explained the proposal would change the rate of 3.5% bringing the City Code into compliance with State Code.

After discussion, Councilmember Lang moved to approve Ordinance No. 14-36, an Ordinance Amending Section 20-6-103 of Title 20 of the West Valley City Municipal Code to Change the Franchise Tax Levy Rate. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16707

RESOLUTION NO. 14-133, APPROVE A FRANCHISE AGREEMENT WITH SYRINGA NETWORK, LLC, FOR A TELECOMMUNICATIONS NETWORK IN THE CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 14-133 that would approve a Franchise Agreement with Syringa Network, LLC, for a telecommunications network in the City.

He stated the proposed agreement would allow Syringa Networks to establish a telecommunications network in, under, along, over, and across present and future rights-of-way of the City.

He informed applications for telecommunications networks in West Valley City were governed by Chapter 20-5 of the City Code. He indicated the franchise granted by the subject agreement would be for a 10 year period with the option to renew for an additional 10 years with the same terms and conditions. He explained Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. He stated the proposed agreement memorialized that provision as well as acknowledging Syringa's duty to secure permits from the Public Works Department for any excavation or construction.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-133, a Resolution Approving a Franchise Agreement with Syringa Network, LLC and West Valley City for a Telecommunications Network in the City. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16708

RESOLUTION NO. 14-134, APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH KILGORE CONTRACTING FOR THE 2014 ASPHALT OVERLAY PROJECT

Mayor Bigelow presented proposed Resolution No. 14-134 that would approve Change Order No. 1 to the contract with Kilgore Contracting for the 2014 Asphalt Overlay Project.

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He stated the proposed change order would approve the addition of an overlay of 4000 West from 3500 South to 4100 South. He explained the storm drain rehabilitation and replacement project on 4000 West was in the final stages. He indicated pavement on that segment of roadway was in poor condition and would greatly benefit from an asphalt overlay. He further explained the change order added the rotomilling and overlay of 4000 West from 3500 South to 4100 South to the contract.

Additionally, the work could be completed within the current budget because originally there were other roads planned for inclusion in the project that had been postponed and removed from the contract prior to bidding. Also, the bid for the original project had been very favorable, making more money available for the added work.

The proposal would approve Change Order No. 1, in the amount of \$283,890.60 and authorize an additional \$28,389.00 in potential future change orders on this work, for a total authorization of \$312,279.60.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-134, a Resolution Authorizing Change Order No 1 to the Contract with Kilgore Contracting for the 2014 Asphalt Overlay Project. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16709

RESOLUTION NO. 14-135, AUTHORIZE THE PURCHASE OF A TYMCO 600 STREET SWEEPER FROM INTERMOUNTAIN SWEEPER FOR USE BY THE PUBLIC WORKS DEPARTMENT

Mayor Bigelow presented proposed Resolution No. 14-135 that would authorize the purchase of a Tymco 600 Regenerative Street Sweeper from Intermountain Sweeper, in an amount not to exceed \$145,975.00.

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He stated the proposal would authorize purchase of a new Tymco 600 Regenerative Air Street Sweeper valued at \$230,975.00 less \$85,000 trade-in value of a Tymco 600 Sweeper.

Information had been presented regarding street sweepers being high maintenance vehicles thus the current policy of replacing sweepers every four years had proven economical by avoiding high repair costs and recouping high trade-in values. The sweeper being replaced was a 2010 Tymco 600.

The Public Works Department had used Tymco sweepers for many years, having been pleased with the equipment performance and customer service from Intermountain Sweeper, the local Tymco vendor.

To ensure the City received the best value for its dollars, a formal request for proposals had been made this year. Two proposals had been received from Intermountain Sweeper and from Maric Sales for a Schwarze Industries sweeper. Purchase of a Tymco sweeper had been determined to be in the City's best interests based on the familiarity and experience with the make and model of the sweeper. Cost was also a factor in the evaluation and the Tymco sweeper proposal with trade-in option had been the lowest cost proposal. The evaluation sheet for both sweepers had been provided to members of the City Council.

Recommendation for the purchase included the Tymco 600 Sweeper from Intermountain Sweeper Company, with a 2010 Tymco Sweeper as a trade-in. Cost of the new sweeper would be in the amount of \$230,975.00 minus the trade-in value of \$85,000.00 for a net purchase cost of not to exceed \$145,975.00.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-135, a Resolution Authorizing West Valley City to Purchase a Tymco 600 Street Sweeper from Intermountain Sweeper for use by the Public Works Department. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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16710

RESOLUTION NO. 14-136, AUTHORIZE WEST VALLEY CITY TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION (DEA), SALT LAKE CITY, UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE, THE UTAH DEPARTMENT OF PUBLIC SAFETY, MURRAY CITY, SANDY CITY, WEST JORDAN CITY, THE UTAH DEPARTMENT OF CORRECTIONS, THE SUMMIT COUNTY SHERIFF OFFICE AND COTTONWOOD HEIGHTS CITY (THE AGENCIES) FOR THE SALT LAKE METROPOLITAN NARCOTICS TASKFORCE (TASKFORCE)

Mayor Bigelow presented proposed Resolution No. 14-136 that would authorize West Valley City to enter into a Cooperative Agreement with the Drug Enforcement Administration (DEA), Salt Lake City, Unified Police Department of Greater Salt Lake, the Utah Department of Public Safety, Murray City, Sandy City, West Jordan City, the Utah Department of Corrections, the Summit County Sheriff Office and Cottonwood Heights City (the Agencies) for the Salt Lake Metropolitan Narcotics Task Force (Task Force).

He stated in an effort to coordinate local law enforcement resources in the investigation of drug traffickers and their associated organization and networks, law enforcement agencies of the greater Salt Lake Valley, State and Federal agencies had united efforts and resources to form the Salt Lake Metro Narcotics Task Force. The West Valley City Police Department had been an active participant in the taskforce since its inception. He indicated currently one investigator from the Police Department was assigned to the Task Force, but with the recent addition of personnel to achieve full staffing, the Police Department sought to increase the number of full-time Task Force members to four investigators. He explained the agreement clarified the responsibilities of participating agencies to establish the groundwork for the administration and operation of the Task Force.

The Task Force initiated and investigated major drug related crimes, including drug trafficking organizations, money laundering, and cases requiring personnel or financial resources above what a local agency could supply.

Upon inquiry, Chief Russo addressed the City Council and answered questions regarding the number of officers were being considered for this assignment and qualifications required for participation. Chief Russo explained individuals were currently being screened and evaluated. He advised the assignments would be long-term to best facilitate the relationships with the entities involved.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-136, a Resolution Authorizing West Valley City to Enter Into a Cooperative Agreement with the Drug Enforcement Administration (DEA), Salt Lake City, Unified Police Department of Greater Salt Lake, the Utah Department of Public

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Safety, Murray City, Sandy City, West Jordan City, South Jordan City, the Utah Department of Corrections, the Summit County Sheriff Office and Cottonwood Heights City (the Agencies) for the Salt Lake Metropolitan Narcotics Task Force (Task Force). Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16711

RESOLUTION NO. 14-137, APPROVE AN AGREEMENT WITH DLS CONSULTING, INC., TO PROVIDE PROFESSIONAL SERVICES DURING THE 2014-2015 FISCAL YEAR

Mayor Bigelow presented proposed Resolution No. 14-137 that would approve an Agreement for Professional Services with DLS Consulting, Inc., in the amount of \$80,000.00, to provide professional services during the 2014-2015 fiscal year.

He stated Dave Stewart (DLS) had represented the City for several years at the State Legislature. He indicated his representation resulted in receipt of significant appropriation and provided the City with protection from regulations that could have been detrimental. He explained that Mr. Stewart had exceptional knowledge of the City and its needs and was able to effectively represent the City.

DLS would provide the City with professional services by interacting with other governmental agencies, including lobbying the Utah Legislature on issues important to the City. The subject agreement would be effective thru the 2014-2015 fiscal year with a 30-day termination provision.

After discussion, Councilmember Lang moved to approve Resolution No. 14-137, a Resolution Authorizing the City to Enter Into an Agreement with DLS Consulting, Inc. to Provide Professional Services During the 2014-2015 Fiscal Year. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes

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Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16712

RESOLUTION NO. 14-138, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH IVORY DEVELOPMENT, LLC FOR APPROXIMATELY 26.03 ACRES OF PROPERTY LOCATED AT 4100 SOUTH 7000 WEST

Mayor Bigelow presented proposed Resolution No. 14-138 that would authorize the City to enter into a Development Agreement with Ivory Development, LLC for approximately 26.03 acres of property located at 4100 South 7000 West.

Upon direction, City Manager, Wayne Pyle, requested Steve Lehman, CED Department, to provide additional information to the City Council.

Mr. Lehman addressed the City Council and stated Ivory Homes had proposed a new subdivision to be known as the Park Vista Subdivision located at approximately 4100 South 7000 West. The lot layout and street designs had been planned to take advantage of existing stub streets from the north, south, east and west. However, due to the location of the existing streets and corresponding lot patterns, lot depths in some locations were rather shallow.

Mr. Lehman indicated due to challenges of connecting the existing street system, Ivory Homes had requested to allow a reduction in the front yard setbacks for various lots, a reduction of the frontage and area requirements of Lot 20, and relief from the required lot depth of 120 feet adjacent to 4100 South Street. He also advised that in consideration of those requests, Ivory had submitted a proposed development agreement that offset the City's consideration of the reductions.

Mr. Lehman advised that Ivory Homes anticipated the property would develop in similar fashion to the Westridge Estates, Valley Fields, and Highbury subdivisions. Housing plans and building materials found in those subdivisions would be the same as used in the Park Vista Subdivision.

He summarized challenges encountered in developing the property. He reviewed the request as submitted by Ivory Development and terms of the proposed development agreement.

Upon inquiry by the Mayor, Mr. Lehman also explained requirements in the Subdivision Ordinance as related to stub streets.

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Councilmember Buhler expressed appreciation to Ivory and for the quality of their developments built in West Valley City. He stated there were challenges with this property and he was basically in agreement with the proposal, but had issues regarding the requested exception to building materials as required by current City code. He explained the City Council had recently changed the point system regarding building materials with much study, discussion and effort. He further explained his disfavor with setting a precedent by allowing an exception to the code.

Councilmember Rushton stated the subject application had been discussed at length. He pointed out that showcase neighborhoods in the City had been built by Ivory and he would be excited to see this one move forward.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-138, a Resolution Authorizing the City to Enter Into a Development Agreement with Ivory Development, LLC for Approximately 26.03 Acres of Property Located at 4100 South 7000 West, with two changes as follows: first, the Development Agreement would include and provide a street tree plan for 4100 South to address lots not being as deep; and second, the Development Agreement would remove all exceptions regarding exterior building materials. Councilmember Buhler seconded the motion.

Upon further discussion, Councilmember Lang requested inquired regarding location of trees as related to the cinder block wall. It was clarified the trees would be on the inside of the cinder block wall.

Councilmember Rushton expressed the need for specificity of the plan to address the rear of the lots backing onto 4100 South in addition to addressing all other residential roads.

Hearing no further discussion, Mayor Bigelow called for a vote on the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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16713

**APPLICATION NO. S-9-2014, FILED BY AUSTIN SUMMERS,
REQUESTING FINAL PLAT APPROVAL FOR SUMMERS
SUBDIVISION LOCATED AT 3662 SOUTH 6000 WEST**

City Manager, Wayne Pyle, presented Application No. S-9-2014, filed by Austin Summers, requesting final plat approval for Summers Subdivision located at 3662 South 6000 West.

He stated the proposed final plat for the Summers Subdivision would divide an existing parcel into two lots. He explained there was an existing dwelling on what would become Lot 1 in the subdivision and Lot 2 would be created for a new single-family dwelling.

The subject property had been re-zoned in August of 2013, and as part of that re-zone the property owner agreed to a minimum dwelling size of 1,600 square feet. He stated the property owner agreed to other site improvements regarding the north fence and general clean up of the property along 6000 West Street.

The subdivision would consist of two lots on .46 acres. The existing dwelling would remain on Lot 1 and would meet all setback requirements in relation to the new property line. Lot 1 would be 9,157 square feet in size, while the new lot would be approximately 10,771 square feet. Both the area and frontage requirements exceeded City standards.

Access to the subdivision would be gained from 6000 West and from either Brook Hollow Drive and/or Brook Hollow Court. All public improvements were existing including the curb, gutter, and sidewalk. He stated the applicant would need to coordinate any proposed changes to the existing improvements with the City Engineering Division.

Upon inquiry, Steve Lehman, CED Department, addressed the City Council and answered questions regarding conditions of approval imposed by the Planning Commission.

After further discussion, Councilmember Buhler moved to approve Application No. S-9-2014, filed by Austin Summers, and give final plat approval for Summers Subdivision located at 3662 South 6000 West. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes

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Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16714

APPLICATION NO. S-10-2014, FILED BY PAUL THOMAS, REQUESTING FINAL PLAT APPROVAL FOR APPLE ORCHARD ESTATES SUBDIVISION LOCATED AT 3610 SOUTH 6000 WEST

City Manager, Wayne Pyle, presented Application No. S-10-2014, filed by Paul Thomas, requesting final plat approval for Apple Orchard Estates Subdivision located at 3610 South 6000 West.

He stated the proposed subdivision consisted of 16 lots on 5.8 acres that equated to an overall density of 2.7 units per acre. Lot sizes ranged from 11,101 to 15,012 square feet with the average lot size calculated at 12,430 square feet.

The subject property had been re-zoned a number of years ago and as part of the re-zone a development agreement had been required. Although the square footage standards in the agreement were slightly less than what the City required today, the developer believed new homes in the subdivision would meet or exceed current ordinances relating to square footage and building materials.

He explained that as with all new subdivision development there was a concern with potential ground water impacts. During the preliminary review a soils report had been submitted indicating groundwater had not been encountered to a depth of 17 feet.

The subdivision plat contained two flag lots in order to better utilize the southeast portion of the development site. The area calculation of these lots exceeded the minimum requirements of the flag lot ordinance. The ordinance required that flag lots be a minimum of 12,000 square feet excluding the stem portion of the lot and square footage proposed for the subject lots was approximately 13,700 square feet.

After discussion, Councilmember Lang moved to approve Application No. S-10-2014 and give final plat approval for Apple Orchard Estates Subdivision located at 3610 South 6000 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes

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Mr. Nordfelt Yes
Mayor Bigelow Yes

Unanimous.

16715

CONSENT AGENDA SCHEDULED AUGUST 19, 2014:

- A. **RESOLUTION NO. 14-139, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND TELEPORT COMMUNICATIONS AMERICA, TO ALLOW TELEPORT COMMUNICATIONS AMERICA TO INSTALL, OPERATE, AND MAINTAIN A FIBER OPTIC DUCT BANK WITH THREE 1.25-INCH HDPE CONDUITS WITHIN THE CITY'S RIGHT-OF-WAY AT 3725 WEST 4100 SOUTH**

Mayor Bigelow presented proposed Resolution No. 14-139 that would approve an Easement Encroachment Agreement between West Valley City, the U. S. Department of the Interior and Teleport Communications America, to allow Teleport Communications America to install, operate, and maintain a fiber optic duct bank with three 1.25 inch HDPE conduits within the City's right-of-way at 3725 West 4100 South.

Teleport Communications America had requested permission to cross the Jordan Aqueduct and the City's right-of-way with a fiber optic duct bank. The City owned property encumbered by an easement owned by the U.S. Department of the Interior that allowed them to operate the Jordan Aqueduct. Teleport desired to install, operate and maintain the fiber optic duct bank with the above-referenced specifications over the Jordan Aqueduct within the City's right-of-way. The U.S. Department of the Interior was also required to consent because Teleport's action would encroach on their easement.

- B. **RESOLUTION NO. 14-140, ACCEPT A STORM DRAIN EASEMENT FROM GRANITE SCHOOL DISTRICT FOR PROPERTY LOCATED AT 5300 WEST CHERRYWOOD LANE**

Mayor Bigelow presented proposed Resolution No. 14-140 that would accept a Storm Drain Easement from Granite School District for property located at 5300 West Cherrywood Lane (4415 South), Salt Lake County Parcel 20-01-326-050.

Granite School District had granted an easement in favor of the City across the above-referenced property. In order for storm water from the Ashlee Commons Phase 2 Subdivision to drain to the City storm drain system in Cherrywood Lane, the developers were required to construct a storm drain line through the adjacent Granite School District property at

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Cherrywood Lane (4415 South). In addition to constructing the storm drain line, the developers had also been required to obtain a storm drain easement from Granite School District in favor of the City. Construction of the subdivision and the required storm drain improvements would also allow an existing temporary retention pond on Lot 3C of the Chad Turpin Subdivision Lot 3 Amended to be abandoned.

C. **RESOLUTION NO. 14-141, APPROVE A DELAY AGREEMENT WITH SAMIR AND SUADA ADOBASIC FOR PROPERTY LOCATED AT 1530 W. SOUTHGATE AVENUE**

Mayor Bigelow presented proposed Resolution No. 14-141 that would approve a Delay Agreement with Samir and Suada Adobasic for property located at 1530 W. Southgate Avenue.

The proposed Delay Agreement would allow the property owners to delay construction of curb, gutter and sidewalk improvements in order to allow time for additional development and provide a more complete and contiguous design of curb and gutter.

D. **RESOLUTION NO. 14-142, RATIFY THE CITY MANAGER'S APPOINTMENT OF ALLEN PIERCE AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: AUGUST 19, 2014 – JUNE 30, 2018**

Mayor Bigelow presented proposed Resolution No. 14-142 that would ratify his appointment of Allen Pierce as a member of the Clean and Beautiful Committee for the term August 19, 2014, through June 30, 2018.

E. **RESOLUTION NO. 14-143, RATIFY THE CITY MANAGER'S APPOINTMENT OF TERI-MAE PIERCE AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: AUGUST 19, 2014 – JUNE 30, 2018**

Mayor Bigelow presented proposed Resolution No. 14-143 that would ratify his appointment of Teri-Mae Pierce as a member of the Clean and Beautiful Committee for the term August 19, 2014, through June 30, 2018.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 14-139, 14-140, 14-141, 14-142 and 14-143 as presented on the Consent Agenda. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes

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Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16716

APPLICATION NO. GPZ-6-2013, FILED BY CHUN HSLANG AND HONG XIAO, REQUESTING A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL AND A ZONE CHANGE FROM ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH (PUBLIC HEARING HELD AND CLOSED ON JULY 22, 2014; ACTION CONTINUED TO REGULAR MEETING OF AUGUST 19, 2014)

Mayor Bigelow informed a public hearing regarding Application No. GPZ-6-2013 was held and closed at the Regular Council Meeting of July 22, 2014. He stated the Application was filed by Chun Hslang and Hong Xiao and requested a General Plan change from Low Density Residential to Neighborhood Commercial; and a zone change from ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) to ‘C-1’ (Neighborhood Commercial) for property located at 4758 West 4100 South.

The Mayor reminded that after the public hearing, the Council had continued action regarding proposed Ordinance Nos. 14-34 (General Plan Amendment) and 14-35 (Zone Change); and proposed Resolution No. 14-126 (Development Agreement) as the Applicants had suggested changes to the Development Agreement. The motion was to continue the matter to allow staff time to review the proposed changes to the development agreement and bring them back to the Council for further discussion.

He indicated subsequent to the Planning Commission hearing, the applicant finalized the purchase of the property, changed engineers and hired an architect. Therefore, the site and building design have been explored in more detail. The building was proposed to have two-stories on the west side and the applicant was having some difficulties with the pitched roof requirement proposed in the development agreement. Therefore, they have proposed to modify the agreement so they can also include a parapet roof on the building and feel that the design still meets the intent of the Code and fit in well with its surroundings.

He stated the Applicant proposed new language for the development agreement as follows:

1. The building design shall include a pitched roof and parapets.

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2. The parking shall be located to the north or east side of the site and the building shall be oriented towards the street.

ACTION: CONSIDER ORDINANCE NO. 14-34, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH

The Council previously held a public hearing regarding Application GPZ-6-2013, filed by Chun Hsiang and Hong Xiao, and proposed Ordinance No. 14-34 which would amend the General Plan from Low Density Residential to Neighborhood Commercial for property located at 4758 West 4100 South.

After discussion, Councilmember Huynh moved to approve Ordinance No. 14-34, an Ordinance Amending the General Plan to Show a Change of Land Use from Low Density Residential to Neighborhood Commercial for Property Located at 4758 West 4100 South. Councilmember Lang seconded the motion.

Upon further discussion, Councilmember Rushton stated his comments pertained to the three proposed documents relating to this application. He advised the General Plan change seemed to be somewhat obvious and made sense and the zone change would be suitable. He informed, however, the proposed development agreement terms created a problem in his mind in that there were still unanswered questions regarding the overall plan and how it would fit into Salt Lake County's adjacent library complex. He explained he had attempted to telephone and get answers but had received no response to date. He suggested approval of only the two ordinances relating to the application and postponing action on the proposed resolution to approve the development agreement until more information could be obtained.

Councilmember Lang inquired regarding removal of the fence that required coordination with the library and county.

Councilmember Rushton stated Ms. Lang's inquiry was an example of his concerns, as there remained unanswered questions regarding the overall plan. He expressed the importance of appropriately melding the project into the neighborhood by following an overall plan with all parties involved.

Councilmember Buhler reiterated his previous concerns regarding development of 4100 South parcel-by-parcel rather than developing and following a comprehensive plan for the entire street. He added, however, changing this particular corner would seem to make sense.

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Hearing no further discussion, Mayor Bigelow called for a vote on the motion on the floor.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	No
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority.

ACTION: CONSIDER ORDINANCE NO. 14-35, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 4758 WEST 4100 SOUTH FROM ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL)

The Council considered proposed Ordinance No. 14-35 that would amend the Zoning Map to show a change of zone for property located at 4758 West 4100 South from zone ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 Square Feet) to ‘C-1’ (Neighborhood Commercial).

After discussion, Councilmember Lang moved to approve Ordinance No. 14-35, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 4758 West 4100 South from Zone ‘R-1-8’ (Single Family Residential, Minimum Lot Size 8,000 Square Feet) to ‘C-1’ (Neighborhood Commercial). Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	No
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority.

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ACTION: CONSIDER RESOLUTION NO. 14-126, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CHUN HSIANG AND HONG XIAO FOR APPROXIMATELY 1.01 ACRES OF PROPERTY LOCATED AT 4758 WEST 4100 SOUTH

The Council considered proposed Resolution No. 14-126 relating to Application No. GPZ-6-2013, that would authorize the City to enter into a Development Agreement with Chun Hsiang and Hong Xiao for approximately 1.01 acres of property located at 4758 West 4100 South Street.

After discussion, Councilmember Lang moved to continue proposed Resolution No. 14-126 to no date certain to give staff and/or the applicant time to meet with Salt Lake County regarding the fence and resolve other issues regarding the proposal relating to 4100 South Street. Councilmember Rushton seconded the motion.

Upon discussion, Councilmember Huynh stated commercial zoning would bring more people. He indicated he had no concern regarding the fence and discussed reasons.

Councilmember Rushton spoke in favor of taking additional time for obtaining more information in order to make a decision that would provide the best possible use of the property.

There being no further discussion, Mayor Bigelow called for a vote on the motion on the floor.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	No
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority.

On behalf of the City Council the Mayor directed the City Manager to proceed to obtain answers from Salt Lake County, as previously expressed and discussed by the Council. In response, the City Manager, Wayne Pyle, advised he would direct appropriate staff to proceed with obtaining information to answer questions raised by the Council. He also advised the City and the applicants had attempted to contact the County, but had received no response.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 19, 2014, WAS ADJOURNED AT 7:26 P.M., BY MAYOR BIGELOW.

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, August 19, 2014.

Sheri McKendrick, MMC
City Recorder