

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 23, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 23, 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
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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Corey Rushton, Councilmember At-Large (Excused)

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Stan Varney, Acting Fire Chief
Steve Pastorik, CED Department
Jake Arslanian, Public Works Department

16749 **OPENING CEREMONY**

The Opening Ceremony was conducted by Ron Bigelow, and upon invitation Pastor Charlie Phim of the Cambodian Church located in West Valley City offered a prayer.

16750 **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 9, 2014**

The Council read and considered Minutes of the Regular Meeting held September 9, 2014. There were no changes, corrections or deletions.

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After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held September 9, 2014. 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 Bigelow	Yes

Unanimous.

16751

COMMENT PERIOD

Upon inquiry by Mayor Bigelow there was no one in attendance desiring to address the City Council during the comment period.

16752

RESOLUTION NO. 14-153, AWARD A CONTRACT TO INNOVATIVE MARKING SYSTEMS FOR THE 2014-2015 STRIPING PROJECT

Mayor Bigelow presented proposed Resolution No. 14-153 that would award a contract to Innovative Marking Systems, in an amount not to exceed \$70,250.00 with authorization to spend an amount not to exceed \$75,000.00 in change orders, for the 2014-2015 Striping Project.

Roadway striping needed to be re-applied every one to two years. The Transportation Division painted all of the intersection markings and school zone markings every year, but did not have equipment to apply the longitudinal lane markings. The subject contract would provide for striping about 800,000 feet of the approximately 1,400,000 linear feet of longitudinal markings.

Bids had been solicited and four bids received as follows:

Innovative Marking Systems	\$70,250.00
Mountain West Striping	\$77,826.70 (preference reduction)
Peck Striping	\$82,371.96 (preference reduction)
Ridge Rock	\$89,265.00

Innovative Marking Systems had submitted the lowest responsible bid.

After discussion, Councilmember Lang moved to approve Resolution No. 14-153, a Resolution Awarding a Contract to Innovative Marking Systems for the 2014-2015 Striping Project. Councilmember Vincent 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 Bigelow	Yes

Unanimous.

16753

RESOLUTION NO. 14-154, APPROVE CHANGE ORDER NO 2 TO THE CONTRACT WITH KILGORE CONTRACTING FOR THE 2014 ASPHALT OVERLAY PROJECT

Mayor Bigelow presented proposed Resolution No. 14-154 that would approve Change Order No. 2 to the contract with Kilgore Contracting, in the amount of \$227,617.50 and authorize an additional \$11,500.00 in change orders, with a total authorization of \$239,117.50, for the 2014 Asphalt Overlay Project.

He stated the SR-201 south Frontage Road was heavily traveled with truck traffic and had a high volume of left turns onto Bangerter Highway. The subject change order would allow for a lane reconfiguration making the loading of northbound left turn lanes more efficient.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-154, a Resolution Authorizing Change Order No. 2 to the Contract with Kilgore Contracting for the 2014 Asphalt Overlay Project. 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 Bigelow	Yes

Unanimous.

16754

RESOLUTION NO. 14-155, APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH COURT SERVICES OF UTAH IN ORDER TO CORRECT THE PAYMENT SCHEDULE FOR SERVICES OUTLINED IN THE AGREEMENT

Mayor Bigelow presented proposed Resolution No. 14-155 that would approve Amendment No. 1 to the agreement with Court Services of Utah in order to correct the payment schedule for services outlined in the agreement.

On April 22, 2014, the City entered into an agreement with Court Services of Utah for bailiff and transportation services for the West Valley City Justice Court. It had recently been discovered the payment schedule in the agreement was incorrect and did not reflect the amounts outlined in the proposal submitted by Court Services. The proposed action would correct the payment schedule under which Court Services would be paid.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-155, a Resolution Approving Amendment No. 1 to the Agreement with Court Services of Utah in Order to Correct the Payment Schedule for Services Outlined in the Agreement. Councilmember Nordfelt 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 Bigelow	Yes

Unanimous.

16755

RESOLUTION NO. 14-156, RATIFY THE CITY MANAGER'S APPOINTMENT OF MEMBERS TO THE UTAH CULTURAL CELEBRATION CENTER FOUNDATION COMMITTEE

Mayor Bigelow presented proposed Resolution No. 14-156 that would ratify the City Manager's appointment of members to the Utah Cultural Celebration Center Foundation Committee.

He stated the proposal would ratify eight appointments to the Utah Cultural Celebration Center Foundation Committee for a two-year term, October 1, 2014 through September 30, 2016, and as noted on a list attached to the subject Resolution, as follows:

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Ron Bigelow
Shauna Bona
Jason Carter
Don Christensen

Tom Huynh
Franz Kolb
Sterling Poulson
Jesse Soriano

The Utah Cultural Celebration Center Foundation Committee consisted of up to 13 members each serving for a term of two years. The Committee worked to further interests of the Foundation and the Utah Cultural Celebration Center by assisting in program development, fundraising, and promoting the cause of cultural diversity in West Valley City.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-156, a Resolution Ratifying the City Manager’s Appointment of Members to the Utah Cultural Celebration Center Foundation Committee. 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 Bigelow	Yes

Unanimous.

16756

APPLICATION NO. Z-1-2014, FILED BY FIELDSTONE UTAH INVESTORS, 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 3700 SOUTH 6400 WEST (PUBLIC HEARING HELD AND CLOSED; AND ACTION REGARDING ORDINANCE NO. 14-29 AND RESOLUTION NO. 14-89 CONTINUED AT REGULAR MEETING OF JUNE 3, 2014)

Mayor Bigelow presented Application No. Z-1-2014, filed by Fieldstone Utah Investors, requesting a zone change from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) for property located at 3700 South 6400 West. He indicated a public hearing had been held and closed; and action regarding proposed Ordinance No. 14-29 and proposed Resolution No. 14-89 continued at the Regular Meeting held June 3, 2014.

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Application No. Z-1-2014 and proposed Ordinance No. 14-29 and proposed Resolution No. 14-89 related to the application, was discussed as follows:

Proposed Ordinance No. 14-29 would amend the Zoning Map to show a change of zone for property located at 3700 South 6400 West from zone 'A' (Agriculture) to zone 'R-1-10' (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.).

Fieldstone Homes had requested the zone change for a 6.18 acre parcel at 3700 South 6400 West from 'A' (Agriculture, minimum lot size of ½ acre) to 'R-1-10' (Single-Family Residential, minimum lot size of 10,000 sq. ft.). He advised surrounding zones included 'A' to the north and west, 'R-1-8' (Single-Family Residential, minimum lot size of 8,000 sq. ft.) to the east, and 'A' and 'R-1-10' to the south. The property was surrounded by vacant/agricultural ground to the north, west and south, and single-family homes to the east along 6400 West. The subject property was designated as large lot residential that anticipated two to three units per acre in the West Valley City General Plan. The General Plan also indicated the need for a park in the area.

A separate re-zone application (Z-2-2014) from 'A' to 'R-1-10' had been submitted by Hallmark Homes for the property directly north and west of the subject property. (see Item No. 16757)

After considering the application on June 3, 2014, the Council directed staff to work with the applicant to address comments regarding a park and lot size. To address the park, Fieldstone and Hallmark proposed dedicating a two-acre park in the northeast corner of the Newton property to the City. For lot size, the development agreement included a maximum density of three units/acre and a minimum lot size of 9,000 square feet. While the Minimum lot size was 9,000 square feet, the density cap of three units/acre would result in an average lot size of over 10,000 square feet.

Proposed Resolution No. 14-89 would authorize the City to enter into a Development Agreement with Fieldstone Utah Investors, LLC, for approximately 6.18 acres of property located at 3700 South 6400 West.

The proposal would establish minimum standards for a new single-family home subdivision at 3700 South 6400 West. Jason Harris had submitted the re-zone application to change a 6.18-acre parcel from 'A' (Agriculture, minimum lot size ½ acre) to 'R-1-10' (Single-Family Residential, minimum lot size 10,000 sq. ft.). The Planning Commission had recommended approval of the zone change subject to a development agreement with standards summarized as follows:

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- The minimum house size for ramblers shall be 1,550 square feet. For all other home plans, the minimum size shall be 1,850 square feet.
- At least 1/3 of all homes shall have a three-car garage.
- The exterior of all homes shall include brick or stone on the front.
- All homes shall use architectural shingles.
- Setback reductions are allowed for living space and front porches.
- Street trees shall be provided to the homeowners.
- Front yard landscaping and irrigation shall be installed by the homebuilder.
- The maximum density shall be three units/acre.
- All homes shall meet the new housing standards approved by the Council.
- The minimum lot width shall be 80 feet and minimum lot size shall be 9,000 square feet.
- Fieldstone and Hallmark will work together to dedicate a two-acre park in the northeast corner of the Newton's property to the City.

ACTION: CONSIDER ORDINANCE NO. 14-29, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3700 SOUTH 6400 WEST FROM ZONE 'A' (AGRICULTURE) TO ZONE 'R-1-10' (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET)

The Council previously held and closed a public hearing on June 3, 2014 regarding Application No. Z-1-2014, filed by Fieldstone Utah Investors, and proposed Ordinance No. 14-29 that would amend the Zoning Map to show a change of zone for property located at 3700 South 6400 West from zone 'A' (Agriculture) to zone 'R-1-10' (Single-Family Residential, minimum lot size 10,000 square feet).

Mayor Bigelow opened the floor to discussion.

Councilmember Vincent commented regarding the subject Application and reflected on when the Newton family (owners of the property) had attended a Council meeting and expressed their desire for the property to be turned into something special for the City. He discussed the re-zone issue and indicated a special proposal had not yet been presented that would evolve into the uniqueness sought by the City Council. He suggested the applications regarding the subject properties (reference to Item No. 16757 below) be reconsidered.

Mayor Bigelow requested clarification of proper procedure in the event no motion was made on an item. Acting City Manager, Paul Isaac, advised a proposal would die for lack of a motion and no action would be considered a denial.

Councilmember Buhler advised he had mixed feelings about the property and the proposal, but for sake of clarity would move to deny Application No. Z-1-2014

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filed by Fieldstone Utah Investors and deny proposed Ordinance No. 14-29. Councilmember Nordfelt seconded the motion.

Upon further discussion, Councilmember Nordfelt commented that the subject property would ultimately become a great part of the City, but needed to be considered after the Council had worked through possible amendments to the City's General Plan. He stated that process would allow that it would be done correctly.

Upon request of a member of the audience to speak, Mayor Bigelow explained that a public hearing had previously been noticed, held and closed, and the rules would not permit additional comment outside of those parameters. He also recommended Councilmembers having specific issues regarding this development be heard on their concerns during the General Plan updating process. He also suggested representation from the development community would be appropriate. He informed of the Council's desire to have an expeditious process in order to bring these matters to a successful conclusion.

Hearing no further discussion and upon the Mayor's request, Councilmember Buhler restated his motion to deny Application No. Z-1-2014 and proposed Ordinance No. 14-29.

Mayor Bigelow 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 Bigelow	Yes

Unanimous.

Application No. Z-1-2014 and proposed Ordinance No. 14-29 were denied.

ACTION: CONSIDER RESOLUTION NO. 14-89, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH FIELDSTONE UTAH INVESTORS, LLC, FOR APPROXIMATELY 6.18 ACRES OF PROPERTY LOCATED AT 3700 SOUTH 6400 WEST

The Council previously denied Application No. Z-1-2014, filed by Fieldstone Utah Investors, LLC, and denied proposed Ordinance No. 14-29 that would have amended the Zoning Map for property located at 3700 South 6400 West from

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zone ‘A’ to Zone ‘R-1-10.’ The Council considered proposed Resolution No. 14-89 that would approve a Development Agreement for the subject property.

After discussion, Councilmember Lang moved to deny proposed Resolution No. 14-89. Councilmember Buhler 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 Bigelow	Yes

Unanimous.

Proposed Resolution No. 14-89 was denied.

16757

APPLICATION NO. Z-2-2014, FILED BY HALLMARK HOMES AND DEVELOPMENT, 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 3654 SOUTH 6400 WEST (PUBLIC HEARING HELD AND CLOSED; AND ACTION REGARDING ORDINANCE NO. 14-30 AND RESOLUTION NO. 14-90 CONTINUED AT REGULAR MEETING HELD JUNE 3, 2014)

Mayor Bigelow presented Application No. Z-2-2014, filed by Hallmark Homes and Development, requesting a zone change from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, minimum lot size 10,000 sq. ft.) for property located at 3654 South 6400 West. A public hearing had been held and closed; and action regarding Ordinance No. 14-30 and Resolution No. 14-90 continued at the Regular Meeting held June 3, 2014.

(Discussion in Item No. 16756 above made a part of this record.)

ACTION: CONSIDER ORDINANCE NO. 14-30, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3654 SOUTH 6400 WEST FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET)

After discussion, Councilmember Vincent moved to deny Application No. Z-2-2014, filed by Hallmark Homes and Development, and deny proposed Ordinance No. 14-30. 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 Bigelow	Yes

Unanimous.

Application No. Z-2-2014 and proposed Ordinance No. 14-30 were denied.

ACTION: CONSIDER RESOLUTION NO. 14-90, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH HALLMARK HOMES AND DEVELOPMENT FOR APPROXIMATELY 18.5 ACRES OF PROPERTY LOCATED AT 3654 SOUTH 6400 WEST

The Council previously considered and denied Application No. Z-2-2014 and proposed Ordinance No. 14-30 related to the application.

The Council considered proposed Resolution No. 14-90.

After discussion, Councilmember Lang moved to deny proposed Resolution No. 14-90. 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 Bigelow	Yes

Unanimous.

Proposed Resolution No. 14-90 was denied.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 23, 2014, WAS ADJOURNED AT 6:55 P.M., BY MAYOR BIGELOW.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 23, 2014.

Sheri McKendrick, MMC
City Recorder