

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 25, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 25, 2014, AT 6:33 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
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Lee Russo, Police Chief
Layne Morris, CPD Director
Sam Johnson, Strategic Communications Director
Dan Johnson, Acting Public Works Director
Steve Pastorik, CED Department
Steve Lehman, CED Department
Ross Olsen, Administration
Russ Bailey, Public Works Department

16812

OPENING CEREMONY

The Opening Ceremony was conducted by Mayor Bigelow who informed that Pete Harman, a great contributor to West Valley City, had recently passed away. The Mayor showed video of Kate Smith singing *God Bless America*. He also discussed Thanksgiving as being “the Great American holiday” and stated all could enjoy or celebrate this holiday in their own way. He also led the Pledge of Allegiance to the Flag.

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16813 **SCOUTS**
Mayor Bigelow welcomed Scout Troop Nos. 244 and 4 in attendance to complete requirements for the Citizenship in the Community merit badge.

16814 **SPECIAL RECOGNITIONS**
Mayor Bigelow welcomed and recognized Representative-elect Fred Cox in attendance at the meeting.

16815 **COMMENT PERIOD**
Upon inquiry by Mayor Bigelow the following individuals addressed the City Council during the comment period:

PUBLIC COMMENTS

Fred Cox, Representative-elect, addressed the City Council. He commented on an issue to come before the Council in the future regarding proposed modification of uses in the City Center zone. He encouraged the Council to study this issue at that time as sometimes modifications helped and at times they did not.

Mike Markham addressed the City Council and stated he desired to bring to the Council's attention the new subdivision going in on Lancer Way on a property that had previously been an eyesore. He also mentioned Nicole Cottle's presentation in the Study Session prior to this meeting in which property rights had been discussed. He cited past City actions where he thought property rights had not been taken into consideration. He also expressed appreciation to the Mayor for the opening ceremony.

16816 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-1-2014, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE THE 6-FOOT ALLEY LOCATED BETWEEN LOTS 36 AND 37, LOTS 54 AND 55 AND LOTS 74 AND 75, OF THE GRANGER PARK SUBDIVISION LOCATED AT APPROXIMATELY 1930 WEST 3255 SOUTH**

Mayor Bigelow stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. SV-1-2014, filed by West Valley City, requesting to vacate the 6-foot alley located between Lots 36 and 37, Lots 54 and 55 and Lots 74 and 75, of the Granger Park Subdivision located at approximately 1930 West 3255 South.

Mayor Bigelow presented Ordinance No. 14-42 related to the proposal to be considered by the City Council subsequent to the public hearing, and incorporated information into the record as follows:

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The proposal included vacation of two existing walkways in the Granger Park Subdivision. The subdivision had been recorded with the Salt Lake County Recorder's Office in December of 1954. The walkways had been platted as part of that subdivision and were located between the above-described lots.

Condition of the walkways was not very good and it appeared that portions had some type of hard surface, but mostly consisted of broken-down gravel and overgrown weeds. After discussing the matter with staff, it was determined the walkways had not been actively maintained. It was believed the walkways had been platted to provide access from one part of the subdivision to the other. Sidewalks did not exist in the subdivision and the walkways would have been one way to provide shorter walking distances without having to use the street. There appeared to be no purpose of the walkway on the north side of 3255 South as it dead-ended into the back of a residential lot without providing a connection to the north.

Although these types of walkways were not common, they did appear in some of the earlier subdivisions. Most in the City had been vacated for lack of use and being a maintenance problem for adjoining landowners. The vacation of these alleys would help eliminate graffiti, trash collection and other activities that adjacent land owners would like to see go away.

If the City did vacate these walkways, the walkway would be divided down the middle with each adjacent property owner taking three feet. There had been situations where one owner had expressed interest in the entire walkway and they would need to work with their neighbor to have this deeded over to them.

Mayor Bigelow opened the public hearing.

Daniel Marty addressed the City Council and advised he had seen the area and alley used daily by children going to the school bus stop. He also discussed problems such as graffiti and illegal activity.

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

Upon discussion, Councilmember Vincent requested a photograph of the alley be shown for benefit of those in attendance. He stated if the alley was used by school children, a discussion should be had regarding keeping it open; as having a walkable community and access to schools was an issue of concern to citizens and the Council. He indicated there were obvious issues regarding care and maintenance as seen in the photo.

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Councilmember Lang stated no sidewalks existed in the area so, it might be good to leave the alley open.

Councilmember Rushton thanked Mr. Marty for coming and giving additional information to the City Council.

ACTION: CONSIDER ORDINANCE NO. 14-42, VACATING THE 6-FOOT ALLEY LOCATED IN THE GRANGER PARK SUBDIVISION BETWEEN LOTS 36 AND 37, LOTS 54 AND 55 AND LOTS 74 AND 75, IN WEST VALLEY CITY

The Council previously held a public hearing regarding Application No. SV-1-2014 and considered proposed Ordinance No. 14-42 that would vacate the 6-foot alley located in the Granger Park Subdivision between Lots 36 and 37, Lots 54 and 55 and Lots 74 and 75, in West Valley City.

After discussion, Councilmember Rushton moved to approve Ordinance No. 14-42, an Ordinance Vacating the 6-Foot Alley Located in the Granger Park Subdivision between Lots 36 and 37, Lots 54 and 55 and Lots 74 and 75 in West Valley City; with the amendment that only the section north of 3255 South be vacated and not the south portion. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

16817

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-4-2014, FILED BY JOE CUNNINGHAM, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘C-2’ (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 2938 SOUTH GLEN EAGLES DRIVE

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-4-2014, filed by Joe Cunningham, requesting a zone change from zone ‘A’ (Agriculture) to zone ‘C-2’ (General Commercial) for property located at 2938 South Glen Eagles Drive.

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Mayor Bigelow presented proposed Ordinance No. 14-43 related to the proposal to be considered by the City Council subsequent to the public hearing, and incorporated information into the record as follows:

The proposed zone change included two parcels totaling 2.09 acres. Surrounding zones included 'C-2' to the east and south and 'RM' (residential, multi-family) to the north and west. The surrounding land uses included commercial to the south, a narrow vacant strip and then commercial to the east and vacant land to the north and west. The Mountain View Corridor would be built to the west of the subject property, which was designated as general commercial in the General Plan.

If the application was approved, Mr. Cunningham planned to consolidate the subject two parcels with the parcel to the east and develop the property a storage units along with an auto brokerage building approved by the Planning Commission in 2012 (Application No. C-43-2012). The Council had been provided with a letter from Mr. Cunningham in support of the application as well as a concept plan for the proposed storage units.

Staff supported the commercial zoning on the property for reasons summarized as follows:

- Commercial use was anticipated in the General Plan
- There was existing commercial use on two sides
- The Mountain View Corridor would be located to the west of the property; UDOT had already acquired the property to the west
- Given the narrow access to the subject property with the associated limited visibility from Glen Eagles Drive, storage units seemed like a good fit here

Mayor Bigelow opened the public hearing.

Joe Cunningham, applicant, addressed the City Council. He discussed the proposal, thanked City Planning and Zoning staff, and requested approval.

Joann Jacobs addressed the City Council. Upon request of Ms. Jacobs, Mayor Bigelow requested a map be shown of the subject property.

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

ACTION: CONSIDER ORDINANCE NO. 14-43, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2938 SOUTH GLEN EAGLES DRIVE FROM ZONE 'A' (AGRICULTURE) TO ZONE 'C-2' (GENERAL COMMERCIAL)

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The City Council previously held a public hearing regarding Application No. Z-4-2014 and considered proposed Ordinance No. 14-43 that would amend the Zoning Map to show a change of zone for property located at 2938 South Glen Eagles Drive from zone 'A' (Agriculture) to zone 'C-2' (General Commercial).

After discussion, Councilmember Rushton moved to approve Ordinance No. 14-43, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 2938 South Glen Eagles Drive from Zone 'A' (Agriculture) to Zone 'C-2' (General Commercial). Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16818

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GP-1-2014, FILED BY WEST VALLEY CITY, TO UPDATE THE CITY'S MODERATE INCOME HOUSING PLAN

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GP-1-2014, filed by West Valley City, to update the City's Moderate Income Housing Plan.

Mayor Bigelow presented proposed Ordinance No. 14-44 related to the proposal to be considered by the City Council subsequent to the public hearing and incorporated information into the record as follows:

The proposed Ordinance No. 14-44 that would adopt the 2014 Moderate Income Housing Plan as part of the West Valley City General Plan.

Utah municipalities were required by law to perform a biennial review of the moderate income housing element of their General Plans. The 2014 Moderate Income Housing Plan addressed the following points:

1. An estimate of the existing supply of moderate income housing within West Valley City

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2. An estimate of the need for moderate income housing for the next five years
3. A survey of total residential land use
4. An evaluation of how existing land uses and zoning affect the opportunity for moderated income housing
5. A description of West Valley City's program to encourage an adequate supply of moderate income housing

In addition, the City's moderate income housing included a section of West Valley City demographics and population trends. The analysis used both 2012 American Community Survey data and 2010 Census data. Any 2012 data had been adjusted to provide approximately 2014 figures.

The 2014 adjusted median household income for Salt Lake County was \$59,613.00. Moderate income housing was defined as that which is affordable to those making 80% of the County median household income, or \$47,690.00. Using the U.S. Department of Housing and Urban Development's guideline for affordability that a household should not pay more than 30% of its monthly income for housing; this means a moderate income household in West Valley City could spend \$1,192.00 per month for housing.

Based on a survey of current and planned land use and zoning, it was determined that at the end of 2014 West Valley City had 19,883 housing units affordable to moderate income families (53.7% of total City units), well in excess of the calculated need of 14,667. Based on population growth estimates and building trends, this surplus would meet our estimated requirements for the next five years even if no additional affordable units were built.

Mayor Bigelow opened the public hearing.

Tara Rawlings, Utah Housing Coalition, addressed the City Council and explained their mission as increasing affordable and accessible housing. Ms. Rawlings discussed statistics and other information regarding housing in general. She also distributed written information to the City Council regarding housing that was broken down by counties in Utah. She suggested members of the Council look at current housing stock including housing that people could afford and plan from there.

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

ACTION: CONSIDER ORDINANCE NO. 14-44, ADOPTING THE 2014 MODERATE INCOME HOUSING PLAN AS PART OF THE WEST VALLEY CITY GENERAL PLAN

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The City Council previously held a public hearing regarding Application No. GP-1-2014 and considered proposed Ordinance No. 14-44 that would adopt the 2014 Moderate Income Housing Plan as part of the West Valley City General Plan.

After discussion, Councilmember Buhler moved to approve Ordinance No. 14-44, an Ordinance Adopting the 2014 Moderate Income Housing Plan as part of the West Valley City General Plan. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

16819

RESOLUTION NO. 14-187, ADOPT THE 2014 BIENNIAL REVIEW OF THE MODERATE INCOME HOUSING PLAN

Mayor Bigelow presented proposed Resolution No. 14-187 that would adopt the 2014 Biennial Review of the Moderate Income Housing Plan.

He stated Utah Code Section 10-9a-408 required the legislative body of each city to biennially prepare a report outlining their review of the Moderate Income Housing Plan. The report must include a description of the following:

1. Efforts made by the City to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
2. Actions taken by the City to encourage preservation of existing moderate income housing and development of new moderate income housing;
3. Progress made within the City to provide moderate income housing as measured by permits issued for new units of moderate income housing; and
4. Efforts made by the City to coordinate moderate income housing plans and actions with neighboring municipalities.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-187, a Resolution Adopting the 2014 Biennial Review of the Moderate Income Housing Plan. Councilmember Lang 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. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16820

RESOLUTION NO. 14-188, AUTHORIZE THE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH E & E INVESTMENT CO. LLC, FOR PROPERTY LOCATED AT 4701 WEST 2100 SOUTH; AND ACCEPT A SPECIAL WARRANTY DEED, GRANT OF TEMPORARY CONSTRUCTION EASEMENT AND A PUBLIC UTILITY EASEMENT

Mayor Bigelow presented discussed proposed Resolution No. 14-188 that would authorize the City to enter into a Right-of-Way Agreement with E & E Investment Co. LLC, for property located at 4701 West 2100 South; and accept a Special Warranty Deed, Grant of Temporary Construction Easement, and a Public Utility Easement, in the amount of \$92,000.00 for purchase of 18,395 square feet of property.

The subject parcel was one of the properties affected and benefitted by construction of the 2400 South 4800 West Roadway Extension Project that will extend from 2400 South eastward to 4800 West and north to the SR-201 South Frontage Road. Compensation for the 18,395 square feet of property would be in the amount of \$92,000.00 based on an appraisal report prepared by the DH Group, LLC. Distribution of funds would be handled through a title company.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-188, a Resolution Authorizing the City to enter into a Right-of-Way Agreement with E & E Investment Co. LLC, for Property Located at 4701 West 2100 South and to Accept a Special Warranty Deed, Grant of Temporary Construction Easement and a Public Utility Easement. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

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Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 25, 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, November 25, 2014.

Sheri McKendrick, MMC
City Recorder