

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 24, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 24, 2015, 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
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2

STAFF PRESENT:

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

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OPENING CEREMONY

The Opening Ceremony was conducted by Ron Bigelow who led the Pledge of Allegiance to the Flag.

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SPECIAL RECOGNITIONS – SCOUTS

Mayor Bigelow welcomed Scout Troop No. 703 in attendance to complete requirements for the Communications merit badge.

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16913 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 10, 2015**

The Council read and considered Minutes of the Regular Meeting held February 10, 2015. There were no changes, corrections or deletions.

After discussion, Councilmember Lang moved to approve the Minutes of the Regular Meeting held February 10, 2015, as written. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

16914 **EMPLOYEE OF THE MONTH AWARD, FEBRUARY 2015 – CHRISTOPHER FREESTONE, POLICE DEPARTMENT**

Mayor Bigelow informed that Christopher Freestone, Police Department, had been scheduled to receive the Employee of the Month Award for February 2015. However, Officer Freestone was unable to attend the meeting so the presentation would be rescheduled.

16915 **COMMENT PERIOD**

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

16916 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-5-2014, FILED BY LAWRENCE APOSHIAN, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘C-1’ (NEIGHBORHOOD COMMERCIAL) FOR PROPERTY LOCATED AT 6570-6586 WEST 3500 SOUTH**

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-5-2014, filed by Lawrence Aposhian, requesting a zone change from zone ‘A’ (Agriculture) to zone ‘C-1’ (Neighborhood Commercial) for property located at 6570-6586 West 3500 South.

Mayor Bigelow presented proposed Ordinance No. 15-06 and proposed Resolution No. 15-30 related to the application to be considered by the City Council after the public hearing, as follows:

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Proposed Ordinance No. 15-06 would amend the Zoning Map to show a change of zone for property located at 6570-6586 West 3500 South from zone ‘A’ (Agriculture) to zone ‘C-1’ (Neighborhood Commercial).

Mr. Aposhian had submitted a zone change application for two parcels totaling 2.37 acres at the above-referenced location. The properties were currently zoned ‘A,’ (Agriculture) with a General Plan designation of mixed use (Retail, Office and High Density Residential). The proposed zone was ‘C-1’ (Neighborhood Commercial).

Surrounding zones included ‘R-1-8’ to the west and south and ‘A’ to the north and east. Surrounding land uses included Aposhian Farm property to the north and east and single-family residential on the remaining sides.

There was currently a home used as rental property located on the parcel adjacent to 3500 South. The other parcel contained the garden center and greenhouse area for the Aposhian Farms retail business. If the application was approved, Mr. Aposhian planned to develop the property into a reception center and outdoor garden space. In the future, the rental home adjacent to 3500 South would be demolished and the garden space expanded onto the adjacent properties. Further development would include other neighborhood commercial/retail-type uses (i.e., photography studio, small restaurant, dress shop and spa) that would help perpetuate a public non-profit garden-type facility.

A copy of the concept plan had been included with the application and distributed to members of the City Council. A letter from the applicant outlining reasons for the proposal had also been provided to the Council. All other issues including but not limited to screening, landscaping, access, hours of operation, parking, off-site improvements and others would be reviewed during the conditional use process.

Proposed Resolution No. 15-30 would authorize the City to enter into a Development Agreement with Lawrence Aposhian and Red/Gray House, LLC, for approximately 2.37 acres of property located at 5670-6586 West 3500 South.

The proposal would authorize a Development Agreement between the City and Lawrence Aposhian to acquire additional right-of-way along 3500 South, as well as establish standards for development of property in the ‘C-1’ zone at the above-referenced location.

The zone change application requested to change 2.37 acres of property from ‘A’ (Agricultural) to ‘C-1’ (Neighborhood Commercial) zone. The Planning Commission and staff had recommended a development agreement in conjunction with the zone change to acquire additional right-of-way as outlined in the City’s

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Major Street Plan and also ensure development would be compatible with the residential character of the adjacent properties. The proposed Development Agreement contained the following requirements:

1. Property shall be dedicated to a 106-foot right-of-way along 3500 South
2. The uses on the subject property shall be limited to the following, as outlined in Exhibit C

Mayor Bigelow opened the public hearing.

Lawrence Aposhian, applicant, 6570 West 3500 South, addressed the City Council. Mr. Aposhian stated he understood the Councilmembers were familiar with his property and what he was trying to do. He expressed desire to preserve green space well into the future and to construct a reception center on the property. He emphasized his anxiousness to keep the green space, but indicated in order to do so the work needed to be done in phases. He discussed the increase of indoor and outdoor garden space and the plan to expand that concept to more of the property in the future. He indicated that when it became profitable in the future perhaps it could be turned into a non-profit charity.

Tamra Aposhian, 6570 West 3500 South, addressed the City Council and stated this green space and garden was not a vegetable garden. She explained the vision for a beautiful garden such as Longwood Gardens and Thanksgiving Point and she felt this was also the vision of the Council.

Chris Draper, 6541 West 3270 South, addressed the City Council and stated he had lived in the area for 20 years and watched alfalfa fields disappear and high density housing take its place. He indicated this was a great opportunity for West Valley City to have a beautiful open space as in other Utah communities. He requested approval of the proposal.

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

ACTION: CONSIDER ORDINANCE NO. 15-06, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 6570-6586 WEST 3500 SOUTH FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘C-1’ (NEIGHBORHOOD COMMERCIAL)

The City Council previously held a public hearing regarding Application No. Z-5-2014, filed by Lawrence Aposhian, and proposed Ordinance No. 15-06 that would amend the Zoning Map to show a change of zone for property located at 6570-6586 West 3500 South from zone ‘A’ (Agriculture) to zone ‘C-1’ (Neighborhood Commercial).

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Upon discussion, Councilmember Rushton inquired if the first action item, amending the zoning map, was approved but the second action item was not approved (regarding terms of the proposed development agreement), what the procedure would be going forward.

City Manager, Wayne Pyle, advised the City Council could discuss all items related to the Application including the requested zoning map amendment and the proposed development agreement.

Councilmember Vincent suggested consideration be first given to discussion of the development agreement.

Councilmember Vincent discussed some larger commercial uses that the Council had given direction to be removed from the list of permitted uses.

Councilmember Lang stated her only concern was the neighborhood grocery and she discussed the importance of protecting the current neighbors and future neighbors.

Councilmember Vincent inquired regarding the method of tracking the restrictions in the future to make certain if the property changed hands the new owners would not just assume all items in a 'C-1' zone would be allowed.

Upon direction, Jody Knapp, Planning and Zoning, addressed the City Council and reviewed procedures used to track and monitor compliance of zoning ordinances. She explained the development agreement would be recorded with the Salt Lake County Recorder's Office and would therefore be noted in a title search. She also advised that on a staff level a computer program was used to flag special conditions on a property. She answered questions regarding conditional uses and permitted uses, and advised conditional uses, including landscaping and hours of operation, would be heard by the Planning Commission.

Councilmember Rushton expressed general agreement with the schedule of uses as outlined, however, wondered if it was perhaps too restrictive. He also discussed several of the listed conditional uses.

Hearing no further discussion, Mayor Bigelow called for action by the Council on the proposal.

Councilmember Rushton stated the City's General Plan called for mixed use at the subject location, and moved to approve Ordinance No. 15-06, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at

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6570-6586 West 3500 South from Zone ‘A’ (Agriculture) to Zone ‘C-1’ (Neighborhood Commercial). Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

ACTION: CONSIDER RESOLUTION NO. 15-30, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH LAWRENCE APOSHIAN AND RED/GRAY HOUSE, LLC, FOR APPROXIMATELY 2.37 ACRES OF PROPERTY LOCATED AT 6570-6586 WEST 3500 SOUTH

The City Council previously held a public hearing regarding Application No. Z-5-2014, filed by Lawrence Aposhian, and approved Ordinance No. 15-06 that amended the Zoning Map to show a change of zone for property located at 6570-6586 West 3500 South from zone ‘A’ (Agriculture) to zone ‘C-1’ (Neighborhood Commercial).

The City Council considered proposed Resolution No. 15-30 that would authorize the City to enter into a Development Agreement with Lawrence Aposhian and Red/Gray House, LLC, for approximately 2.37 acres of property located at 6570 – 6586 West 3500 South.

After discussion, Councilmember Rushton moved to approve Resolution No. 15-30 a Resolution Authorizing the City to enter into a Development Agreement with Lawrence Aposhian and Red/Gray House, LLC, for Approximately 2.37 Acres of Property Located at 6570-6586 West 3500 South. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

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PUBLIC HEARING, ACCEPT INPUT REGARDING APPLICATION NO. Z-6-2014, FILED BY HALLMARK HOMES AND DEVELOPMENT, REQUESTING A ZONE CHANGE FROM ‘A’ (AGRICULTURE) TO ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) FOR PROPERTY LOCATED AT 3700 SOUTH WEST 6400 WEST

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-6-2014, filed by Hallmark Homes and Development, requesting a zone change from ‘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.

Mayor Bigelow presented proposed Ordinance No. 15-07 and proposed Resolution No. 15-31 related to the application to be considered by the City Council after the public hearing, as follows:

Proposed Ordinance No. 15-07 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).

Hallmark Homes had requested a zone change for six parcels totaling 25.9 acres at the above-referenced location. Hallmark Homes and Fieldstone Homes had submitted re-zone applications from ‘A’ to ‘R-1-10’ for five of the six subject parcels in April of 2014. The Planning Commission recommended approval of the zone change; however, the City Council denied the request in September of 2014.

Following the City Council denial, City staff held numerous meetings with the Newton family, Hallmark Homes and Fieldstone Homes to develop a concept plan and development agreement that would address the City Council’s desire for a unique, high quality development and accomplish the housing goals identified in the latest General Plan draft. After extensive discussions, Hallmark Homes in partnership with Fieldstone Homes, submitted a new zone change application with an accompanying concept plan and development agreement. The proposed development agreement included standards that were much more stringent than the previous proposal.

The concept plan included the six subject parcels as well as other properties that were not part of this application. The latest concept was a planned unit development (PUD) with an overall density of 3.21 units/acre. Included in the PUD concept was a one-acre neighborhood park together with a linear parkway

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running the entire length of the property and connecting to Orchard Elementary School.

While the Tom Nixon property to the south was already zoned ‘R-1-10’ and included a development agreement, Mr. Nixon had requested his development agreement be amended to match the agreement proposed by Hallmark Homes.

The Planning Commission had recommended approval of an application submitted by Hallmark Homes subject to a development agreement, the terms summarized as follows:

- The minimum home size for ramblers is 1,600 square feet (up to 12 can be 1,550 square feet) and the minimum size for two-story homes is 2,100 square feet
- At least 60% of all homes will have a three-car garage
- Exteriors will be 100% masonry (stucco, brick, stone or fiber cement siding) with every home having brick or stone on the front façade
- All homes shall use architectural shingles
- The minimum number of points required for design features has been increased from 250 to 350 points for ramblers and from 300 to 420 points for two-story homes
- At least 50% of all homes will have front porches
- 1.4 acres of ground will be dedicated to the City for a neighborhood park and linear parkway
- Front yard landscaping and irrigation shall be installed by the homebuilder
- The maximum density shall be 3.21 units/acre
- The project shall include an entry feature along 6400 West, consistent fencing along the linear parkway, consistent address plates on each home and unique street lighting

Mayor Bigelow opened the public hearing.

Russ Tolbert, Hallmark Homes and Development, applicant, addressed the City Council. Mr. Tolbert expressed appreciation to the Council for hearing his application again and thanked the Planning and Zoning staff noting that they had spent a lot of time on the project. He indicated he had attended the previous Council Study Meeting and heard “loud and clear” the issues of concern.

Mr. Tolbert requested the Council consider a continuance of the application for two weeks to allow him time to resolve some of those issues of concern. He expressed the goal of continuing the legacy of the Newton family and creating and building a project the City could be proud of, including the generations to come. He discussed plans for a lineal park and walkway to the elementary school and Hunter Village, and making it so future developments could continue that

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walkway. He also discussed plans for the barn. He expressed the goal of the project being something the entire community could use. He indicated new plans and elevations had been designed which was a difficult process but had been achieved.

He stated the stucco issue needed to be addressed and he discussed reasons why they wanted stucco. He stated the use of minimal stucco combined with fiber cement siding added more variety in architectural features of the homes thus improving the overall aesthetics of the project. He advised it was not an economical issue and he was agreeable to abiding by the City's requirements and ordinances.

In addition, Mr. Tolbert advised he had no problem with adding more three-car garages, however economics would prohibit some buyers; some buyers would rather have a four-bedroom house than a three-car garage.

He stated eight house plans had been presented to the Council, but a portfolio of additional plans could be developed. He expressed the importance of having a gauge, as the project would be on-going for between five and six years to possibly include future development of other properties such as pieces owned by Tom Nixon, Harry Bishop, and Bill Burke. He also discussed how those pieces of property would affect the overall layout of the project.

Mr. Tolbert again requested a two week continuance to allow for further preparation and discussions in order to resolve the remaining and outstanding issues.

Councilmember Vincent expressed appreciation to the applicant for listening to the Council's concerns. He also discussed a preference for having enough setback space to allow for adding onto a two-car garage in the future. He acknowledged some constraints were due to existing stub streets. He also expressed a preference for a variation in setbacks to preclude a straight line of homes and indicated cul-de-sacs could be a concern to the Public Works Department.

Mayor Bigelow mentioned various ways existed in creating setback concepts such as extending some garages forward rather than an entire home.

Councilmember Vincent discussed side-entry garages thus making the garage less prominent and again expressed preference for a variation in styles and lots.

Mr. Tolbert stated the conceptual plan had purposely been drawn so the roads did not go straight through in order to create some variation. He indicated cul-de-sacs were nice and often preferred and a variation of setbacks could be accomplished

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with the road design. He also advised there were some corner lots that could accommodate side-entry garages.

Billy Newton Burke, 3801 South 6400 West, addressed the City Council and referenced his previous appearance at a council meeting when he requested to get some of the traffic off 6400 West. Mr. Burke discussed some family history and encouraged a continuance in order to allow Mr. Tolbert more time for negotiations.

Jim Defa, 905 South Military Drive, addressed the City Council. Mr. Defa stated he owned the largest parcel of property adjacent to the subject property and not mentioned in the previous discussion. He indicated he had a copy of a development standards agreement and asked for that to be defined. Mr. Defa informed he was not interested in development at this time, but was interested and concerned regarding a long-term plan. He advised he was still irrigating and farming his property.

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

Councilmember Rushton pointed out the City was in the middle of a moratorium that had previously been implemented by the Council and expressed concern regarding granting the applicant an exception outside of that existing moratorium.

Councilmember Lang recommended continuing the matter to no specific date.

Councilmember Vincent moved to continue Application No. Z-6-2014 filed by Hallmark Homes and Development, to no date certain.

The Council discussed the above motion and Mayor Bigelow provided opportunity for the above motion to be restated.

Councilmember Vincent moved to continue Application No. Z-6-2014, filed by Hallmark Homes and Development, and proposed Ordinance No. 15-07 and proposed Resolution No. 15-31, to no date certain. Councilmember Lang seconded the motion.

Upon further discussion, Councilmember Rushton suggested the motion be amended to also include re-opening the public hearing at the time the proposal was brought back to the Council.

The suggested amendment to the motion regarding re-opening the public hearing at a future date was accepted by Councilmember Vincent and Councilmember Lang.

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Mayor Bigelow advised the motion made by Councilmember Vincent and seconded by Councilmember Lang had been amended and, although not restated, the motion would read as follows: Councilmember Vincent moved to continue Application No. Z-6-2014, filed by Hallmark Homes and Development, and proposed Ordinance No. 15-07 and proposed Resolution No. 15-31, to no date certain; and when presented back to the Council the public hearing to be re-opened.

Upon further discussion, Councilmember Nordfelt expressed concerns regarding lot sizes in that based on the Development Agreement many lots were under 9,000 square feet.

Mayor Bigelow called for a vote on the motion.

A roll call vote was taken:

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

Unanimous.

Application No. Z-6-2014 and proposed Ordinance No. 15-07 and proposed Resolution No. 15-31 continued to no date certain; and the public hearing to be re-opened.

16918

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-8-2014, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT REGARDING FOOD TRUCK REGULATIONS

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-8-2014, filed by West Valley City, requesting a zone text amendment regarding food truck regulations.

Mayor Bigelow presented proposed Ordinance No. 15-08 related to the proposal to be considered by the City Council after the public hearing, as follows:

Proposed Ordinance No. 15-08 would enact Section 7-6-1612 and amend Sections 7-2-116, 7-30-102, 7-22A-101 and 17-22A-104 of the West Valley City Municipal Code to amend City ordinances governing mobile food vending

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vehicles.

The ordinance enactment and amendments had been proposed to set forth regulations for the operation of mobile food vending trucks throughout West Valley City. Currently mobile food vending vehicles were permitted to operate on a site within the ‘B/RP,’ ‘C-2,’ ‘C-3’ and ‘M’ zones for no longer than one hour. The revisions would allow food vending vehicles to operate as a temporary use, permit trucks to operate in the public right-of-way along Lehman Avenue in the City Center Zone, and increase the duration of time mobile food vending vehicles could operate from one hour to four hours. This modification also stipulated a hospital, college, university, elementary school, middle school or high school could allow the use upon submittal of written consent.

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

ACTION: CONSIDER ORDINANCE NO. 15-08, ENACTING SECTION 7-6-1612 AND AMENDING SECTIONS 7-2-116, 7-30-102, 17-22A-101 AND 17-22A-104 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CITY ORDINANCES GOVERNING MOBILE FOOD VENDING VEHICLES

The City Council held a public hearing regarding Application No. ZT-8-2014, filed by West Valley City, and considered proposed Ordinance No. 15-08 that would enact Section 7-6-1612 and amend Sections 7-2-116, 7-30-102, 17-22A-101 and 17-22A-104 of the West Valley City Municipal Code to amend City ordinances governing mobile food vending vehicles.

After discussion, Councilmember Vincent moved to approve Ordinance No. 15-08, an Ordinance Enacting Section 7-6-1612 and Amending Sections 7-2-116, 7-30-102, 17-22A-101 and 17-22A-104 of the West Valley City Municipal Code to Amend City Ordinances Governing Mobile Food Vending Vehicles. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

DEVELOPMENT AGREEMENT WITH T&M NIXON FAMILY LIMITED PARTNERSHIP FOR APPROXIMATELY 5.04 ACRES OF PROPERTY LOCATED AT 3750 SOUTH 6770 WEST

Mayor Bigelow presented proposed Resolution No. 15-32 that would authorize the City to enter into a Development Agreement with T&M Nixon Family Limited Partnership for approximately 5.04 acres of property located at 3750 South 6770 West.

The proposed agreement would establish minimum standards for a new single-family home subdivision at the above-referenced location.

Mr. Nixon had received approval for Application No. Z-12-2006 to change 5.04 acres from 'A' (Agriculture, minimum lot size ½ acre) to 'R-1-10' (Single-Family Residential, minimum lot size 10,000 square feet) in 2006. A development agreement had been approved in conjunction with that re-zone.

While working with the Newton family and Russ Tolbert with Hallmark Homes on the Newton family farm property, City staff suggested to Mr. Nixon that he could choose to replace his approved development agreement with a new agreement that matched the standards proposed for the Newton property. The intent was to have continuity in standards that were higher than what had previously been adopted. Mr. Nixon requested his current development agreement be replaced by the proposed development agreement.

A summary of the Development Agreement changes included the following:

- The minimum home size for the two story homes had been increased from 1,850 square feet to 2,100 square feet
- The minimum percent of three-car garages had been increased from 33% to 60% of all homes
- The old point system had been replaced by the new point system
- The minimum number of points required for design features had been increased from 200 to 350 points for ramblers and from 220 to 420 points for two story homes
- The standard of at least 50% of homes to have front porches had been added
- Standards for address plates and street lights had been added
- The maximum number of lots had been increased from 15 to 17

After discussion, Councilmember Rushton moved to continue proposed Resolution No. 15-32 to no date certain as this matter was related to above Item No. 16917. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

Proposed Resolution No. 15-32 continued to no date certain.

16920

RESOLUTION NO. 15-33, APPROVE AGREEMENT BETWEEN WEST VALLEY CITY, THE UTAH DEPARTMENT OF TRANSPORTATION, TAYLORSVILLE CITY AND AVENUE CONSULTANTS, INC. FOR TRAFFIC SIGNAL IMPROVEMENTS AT THREE INTERSECTIONS ON 4100 SOUTH: 1300 WEST, 2700 WEST, AND 4000 WEST

Mayor Bigelow presented proposed Resolution No. 15-33 that would approve a Local Government Contract between West Valley City, the Utah Department of Transportation, Taylorsville City and Avenue Consultants, Inc. for traffic signal improvements at the intersections on 4100 South at 1300 West, 2700 West and 4000 West.

The consultant contract went along with the Federal Aid Agreement previously approved in November of 2014 regarding the City's portion of the matching funds for this project.

After discussion, Councilmember Lang moved to approve Resolution No. 15-33, a Resolution Approving an Agreement between West Valley City, the Utah Department of Transportation, Taylorsville City and Avenue Consultants, Inc., for Traffic Signal Improvements at Three Intersections on 4100 South: 1300 West, 2700 West and 4000 West. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

16921

RESOLUTION NO. 15-34, APPROVE A COOPERATION AGREEMENT WITH BEST FRIENDS ANIMAL SOCIETY TO ASSIST IN IMPROVING ANIMAL SERVICES IN WEST VALLEY CITY

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Mayor Bigelow presented proposed Resolution No. 15-34 that would approve a Cooperation Agreement with Best Friends Animal Society to assist in improving animal services in West Valley City.

Several years ago the City Council directed staff to explore ways to make the City's shelter a no kill shelter. Best Friends Animal Society Utah brought expertise, additional resources, and community programming that would assist the Shelter in maintaining its status as a no kill shelter. At that time research identified No More Homeless Pets, now known as Best Friends Animal Society Utah, as an organization that could provide expertise, additional resources, and community programming to make that goal a reality. The City's alliance with Best Friends Animal Society Utah had enabled the City to achieve and maintain the no kill status.

Because of the contractual relationship with Taylorsville City, the City (as established in the current budget) paid Best Friends Animal Society Utah \$45,000 annually. Taylorsville City reimbursed West Valley City \$15,000 over the course of the annual contract.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 15-34, a Resolution Authorizing the City to enter into an Agreement with Best Friends Animal Society to Assist in Improving Animal Services in West Valley City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16922

CONSENT AGENDA:

A. RESOLUTION NO. 15-35, ACCEPT A QUIT CLAIM DEED FROM ORANGE PANDA PROPERTIES, LLC, FOR A PORTION OF PROPERTY LOCATED AT 2606 SOUTH 3270 WEST

Mayor Bigelow presented proposed Resolution No. 15-35 that would accept a Quit Claim Deed from Orange Panda Properties, LLC, for a portion of property located at 2606 South 3270 West.

Orange Panda Properties, LLC had signed a Quit Claim Deed for the northerly 8.50 feet of its property located at 2606 South 3270 West (Parcel

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15-20-477-006).

The Orange Panda Properties, LLC was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The City initially had requested a Storm Drain Easement and Grant of Temporary Construction Easement from the property owner for construction of the project. The owner was unwilling to grant any easements on the property but was willing to deed a portion of its property to the City to allow construction of the project. This project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600-feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. This ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

B. RESOLUTION NO. 15-36, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KH MOUNTAIN INVESTMENTS, LLC, FOR PROPERTY LOCATED AT 2594 SOUTH 3270 WEST

Mayor Bigelow presented proposed Resolution No. 15-36 that would accept a Grant of Temporary Construction Easement from KH Mountain Investments, LLC, for property located at 2594 South 3270 West.

KH Mountain Investments, LLC, a Utah Limited Liability Company, had signed a Grant of Temporary Construction Easement across its property located at 2594 South 3270 West (Parcel 15-20-477-011).

In August of 2014, KH Mountain Investments signed a Storm Drain Easement and a Grant of Temporary Construction Easement for the 2600 South Ditch Piping Project. The project had been delayed until the 2015 construction season. As the original Grant of Temporary Construction Easement expired December 31, 2014, a new Grant of Temporary Construction was required. The KH Mountain Investments, LLC property was one of eight properties affected and benefitted by construction of the project. This project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600-feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. This ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway

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Boulevard and the SR-201 South Frontage Road.

- C. **RESOLUTION NO. 15-37, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CUBAN CIGAR CO., INC., FOR PROPERTY LOCATED AT 3379 WEST 2555 SOUTH**
Mayor Bigelow presented proposed Resolution No. 15-37 that would accept a Grant of Temporary Construction Easement from Cuban Cigar Co., Inc., for property located at 3379 West 2555 South.

Cuban Cigar Co., Inc. had signed a Grant of Temporary Construction Easement across its property located at 3379 West 2555 South (Parcel 15-20-476-005).

In July of 2014, the Cuban Cigar Co., Inc. had signed a Storm Drain Easement and a Grant of Temporary Construction Easement for the 2600 South Ditch Piping Project. The project had been delayed until the 2015 construction season. As the original Grant of Temporary Construction Easement expired December 31, 2014, a new Grant of Temporary Construction had been required. The Cuban Cigar Co. property was one of eight properties affected and benefitted by construction of the project. This project would pipe an existing open storm water ditch located on the west side of 3200 West approximately 600-feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. This ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

- D. **RESOLUTION NO. 15-38, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CUBAN CIGAR, INC. FOR PROPERTY LOCATED AT 3349 WEST 2555 SOUTH**
Mayor Bigelow presented proposed Resolution No. 15-38 that would accept a Grant of Temporary Construction Easement from Cuban Cigar, Inc. for property located at 3349 West 2555 South.

Cuban Cigar, Inc. had signed a Grant of Temporary Construction Easement across its property located at 3349 West 2555 South (Parcel 15-20-476-006).

In July of 2014, Cuban Cigar, Inc. signed a Storm Drain Easement and a Grant of Temporary Construction Easement for the 2600 South Ditch Piping Project. The project had been delayed until the 2015 construction season. As the original Grant of Temporary Construction easement expired December 31, 2014, a new Grant of Temporary Construction

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Easement had been required. The Cuban Cigar, Inc. property was one of eight properties affected and benefitted by construction of the project. This project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600-feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

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E. RESOLUTION NO. 15-39, RATIFY THE CITY MANAGER’S APPOINTMENT OF LATAI TUPOU TO THE PLANNING COMMISSION, TERM: FEBRUARY 24, 2015 – JULY 1, 2016

Mayor Bigelow presented proposed Resolution No. 15-39 that would ratify the City Manager’s appointment of Latai Tupou to the Planning Commission for the term February 24, 2015, through July 1, 2016.

Ms. Tupou had been serving as an alternate member of the Planning Commission since March of 2014, and was now being recommended for appointment as a member of that body to fill the unexpired term of Phil Conder.

F. RESOLUTION NO. 15-40, RATIFY THE CITY MANAGER’S APPOINTMENT OF MARTELL WINTERS TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER, TERM: FEBRUARY 24, 2015 – JULY 1, 2017

Mayor Bigelow presented proposed Resolution No. 15-40 that would ratify the City Manager’s appointment of Martell Winters to the Planning Commission as an alternate member for the term February 24, 2015, through July 1, 2017.

Mr. Winters had been recommended to fill the unexpired term of Latai Tupou as an alternate member.

After discussion, Councilmember Rushton moved to approve Resolution No. 15-35, 15-36, 15-37, 15-38, 15-39 and 15-40, as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 24, 2015, WAS ADJOURNED AT 7:32, 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, February 24, 2015.

Sheri McKendrick, MMC
City Recorder