

MINUTES OF COUNCIL REGULAR MEETING – MARCH 17, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 17, 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
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

STAFF PRESENT:

Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department

16939 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

16940 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 3, 2015**

The Council read and considered Minutes of the Regular Meeting held March 3, 2015. There were no changes, corrections or deletions.

After discussion, Councilmember Lang moved to approve the Minutes of the Regular Meeting held March 3, 2015, as written. Councilmember Vincent 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.

16941 **EMPLOYEE OF THE MONTH, MARCH 2015 – DETECTIVE TYLER LONGMAN, POLICE DEPARTMENT**

Councilmember Vincent read the nomination of Detective Tyler Longman, Police Department, to receive the Employee of the Month award for March 2015, and presented the award. Detective Longman had been nominated for his heroic efforts in saving the life of a nine-month-old child.

The City Council members congratulated Detective Longman and expressed appreciation for his service to West Valley City.

16942 **PROCLAMATION SUPPORTING THE “START BY BELIEVING” PUBLIC AWARENESS CAMPAIGN**

Councilmember Nordfelt read a Proclamation supporting the “Start by Believing” public awareness campaign.

16943 **COMMENT PERIOD**

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

A. **PUBLIC COMMENTS**

Josh Scheuerman addressed the City Council and stated he was happy to hear from the Parks and Recreation Director that the wetland mitigation for the skatepark would be considered by the Council. Mr. Scheuerman indicated this would be one more hurdle out of the way to providing a skatepark in the City. He also stated it would give underprivileged youth opportunities to grow in non-traditional and individual sports. He updated the Council regarding fundraising and sponsorship efforts. He expressed hope the project would move forward and citizens would step up and purchase bricks if the City funded the skatepark construction. He thanked the Council and City staff for their support and efforts regarding the project.

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B. CITY COUNCIL COMMENTS

Councilmember Rushton stated he noticed signs at City Park indicating “no skateboarding” which was a good reminder of the need for a skatepark in the City. He indicated a skatepark would be a welcome addition to the community and expressed excitement to see the project move forward.

16944

ORDINANCE NO. 15-11, AMENDING ORDINANCE NO. 15-05 REGARDING THE RE-ZONING OF PROPERTY WITHIN THE CITY

Mayor Bigelow presented proposed Ordinance No. 15-11 that would amend Ordinance No. 15-05 regarding the re-zoning of property within the City.

The proposal would exclude certain property from the restrictions set forth therein. Pursuant to Utah Code Section 10-9a-504, the City Council could enact temporary land use regulations within the City. Accordingly, the City Council adopted Ordinance No. 14-38 on October 7, 2014, that restricted re-zone applications for properties over two acres that proposed to re-zone property to any residential zone. That ordinance would expire in April of 2015.

The proposed amendment would permit consideration of applications governing certain property in the City that were the subject of re-zone applications immediately prior to the moratorium. This amendment would permit the Planning Commission and City Council to consider the applications and continue the re-zone discussions that had been initiated prior to the passage of the moratorium.

The property to be exempted by the proposed ordinance amendment was the subject of an application by Ivory to re-zone property just prior to the enactment of the moratorium.

Upon discussion, Councilmember Vincent discussed being very close with a new ordinance that would direct future developments in the City, but advised he would vote against the proposal at this time.

Councilmember Rushton mentioned some discussions in previous meetings and indicated the Council also wanted to see the moratorium ended as soon as possible. He expressed sympathy for builders who needed to move their projects along, especially with warm weather coming. He stated if this developer wanted to get started, the City should probably accommodate them. He indicated timing might be an issue as the Council was close to adopting the new standards. He expressed belief the City would get the type of development desired.

Councilmember Buhler recalled that another developer had wanted to bypass the ordinance and indicated the Council still needed to approve that application. He encouraged opening the door to discussion rather than preclusion.

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Councilmember Lang indicated the previous developer had listened to the City Council's comments and concerns in Study Meetings and this developer might start the process, but would be the same result as after the moratorium.

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

Councilmember Rushton moved to approve Ordinance No. 15-11, an Ordinance Amending Ordinance No. 15-05 Regarding the Re-zoning of Property within the City. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Majority.

16945

RESOLUTION NO. 15-46, AUTHORIZE CITY TO ENTER INTO A WETLAND CREDIT PURCHASE AGREEMENT WITH WARNER MITIGATION BANK/TRUCKPRO L.C. FOR THE PURCHASE OF WETLAND CREDITS

Mayor Bigelow presented proposed Resolution No. 15-46 that would authorize the City to enter into a Wetland Credit Purchase Agreement with Warner Mitigation Bank/Truckpro L.C., in an amount not to exceed \$184,800.00, for purchase of wetland credits.

The proposal would approve purchase of 2.64 emerging-marsh wetland credits from Warner Mitigation Bank to comply with Corps of Engineers requirements for development of Centennial Park. Purchase of the credits would move wetland off Centennial Park and allow construction of the skatepark to be completed.

A 4.1 acre wetland mitigation site at Centennial Park had failed to meet its requirements as a mitigation site as compensation for impacts to 2.64 acres of jurisdictional waters of the United States. A wetland delineation on the mitigation site had been conducted by Stantec Consulting and submitted to the Corps of Engineers in January of 2009. It was determined the 4.1 acre mitigation site be

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condemned and an alternate mitigation plan be implemented. The City and the Corp had been working on a viable plan since that time.

An alternate plan had been found and the Corp of Engineers determined the 2.64 acres of fresh wet-meadow credit must be purchased from a Corps-approved mitigation bank. Purchase of the credits would move the wetland off Centennial Park, allow the park to be developed, and construction of the skatepark to be completed.

After discussion, Councilmember Vincent moved to approve Resolution No. 15-46, a Resolution Authorizing the City to enter into a Wetland Credit Purchase Agreement with Warner Mitigation Bank/Truckpro, L.C., for the Purchase of Wetland Credits. Councilmember Nordfelt 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.

16946

RESOLUTION NO. 15-47, APPROVE A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE PARKWAY BOULEVARD AND 3100 SOUTH I-215 BRIDGE DECK REHAB PROJECT

Mayor Bigelow presented proposed Resolution No. 15-47 that would approve a Cooperative Agreement with the Utah Department of Transportation (UDOT) for the Parkway Boulevard and 3100 South I-215 Bridge Deck Rehab Project.

The City was preparing to perform pavement rehabilitation work on the bridge decks over I-215 at 3100 South and Parkway Boulevard. Under UDOT administrative rules, in the event a state route crossed under a local road, the local jurisdiction was responsible for pavement and minor deck maintenance, and the State was responsible for major structure maintenance. The proposed agreement would facilitate UDOT participation in the amount of \$100,000.00 to reconstruct the expansion joints on both structures.

After discussion, Councilmember Lang moved to approve Resolution No. 15-47, a Resolution Approving a Cooperative Agreement between West Valley City and

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the Utah Department of Transportation for the Parkway Boulevard and 3100 South I-215 Bridge Deck Rehab Project. 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.

16947

RESOLUTION NO. 15-48, AWARD A CONTRACT TO GRANITE CONSTRUCTION FOR THE PARKWAY BOULEVARD AND 3100 SOUTH I-215 BRIDGE DECK REHAB PROJECT

Mayor Bigelow presented proposed Resolution No. 15-48 that would award a contract to Granite Construction, in an amount not to exceed \$373,604.00, with authorization to spend an amount not to exceed \$410,000.00 through change orders, for the Parkway Boulevard and 3100 South I-215 Bridge Deck Rehab Project.

Bids had been solicited and two bids received for the project, as follows:

Granite Construction:	\$373,604.00
Gerber Construction:	\$389,611.60

Under UDOT administrative rules in the event a State route crossed under a local road, the local jurisdiction was responsible for pavement and minor deck maintenance and the State was responsible for major structure maintenance. The two bridges were in need of pavement replacement and this project would remove existing asphalt and water proofing membrane down to the concrete bridge deck and repair any defects in the bridge deck surface. As part of the project the expansion joints on both bridges would be reconstructed. The joint replacement would be paid for by UDOT under a cooperative agreement.

After discussion, Councilmember Vincent moved to approve Resolution No. 15-48, a Resolution Awarding a Contract to Granite Construction for the Parkway Boulevard and 3100 South I-215 Bridge Deck Rehab Project. Councilmember Huynh seconded the motion.

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A roll call vote was taken:

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

Unanimous.

16948

CONSENT AGENDA:

A. RESOLUTION NO. 15-49, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BARNEY INVESTMENT COMPANY FOR PROPERTY LOCATED AT 3329 WEST 2555 SOUTH

Mayor Bigelow presented proposed Resolution No. 15-49 that would accept a Grant of Temporary Construction Easement from Barney Investment Company for property located at 3329 West 2555 South.

Barney Investment Company had signed the Grant of Temporary Construction Easement across its property (Parcel 15-20-476-003).

In July of 2014 Barney Investment Company 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 seasons. As the original Easement expired December 31, 2014, a new one had been required. The Barney Investment Company property was one of eight properties affected and benefitted by construction of the project. The 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. 15-50, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOHN G. DILLON AND LISA D. DILLON FOR PROPERTY LOCATED AT 2560 SOUTH 3270 WEST

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Mayor Bigelow presented proposed Resolution No. 15-50 that would accept a Grant of Temporary Construction Easement from John G. Dillon and Lisa D. Dillon for property located at 2560 South 3270 West.

John G. Dillon and Lisa D. Dillon had signed Grant of Temporary Construction Easement across their property (Parcel 15-20-476-001).

In August of 2014 the Dillons 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 Easement had expired December 31, 2014, a new one required. The Dillon property was one of eight properties affected and benefitted by construction of the project. The 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 east 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.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 15-49 and 15-50 as presented on the Consent Agenda. 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
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 17, 2015, WAS ADJOURNED AT 6:57 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, March 17, 2015.

Sheri McKendrick, MMC
City Recorder