

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 28, 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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Layne Morris, CPD Director
Jim Welch, Finance Director
Lee Russo, Police Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Sam Johnson, Strategic Communications Director
Brandon Hill, Acting City Attorney
Bob Fitzgerald, Acting Fire Chief
Jake Arslanian, Public Works Department
Steve Pastorik, CED Department
Andrew Wallentine, Administration

17094

OPENING CEREMONY

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

17095

APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 14, 2015

The Council read and considered Minutes of the Regular Meeting held July 14, 2015. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-2-

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held July 14, 2015, as written. 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.

17096 **PROCLAMATION DECLARING AUGUST 2015 AS “NEIGHBORHOOD NIGHTS MONTH” AND AUGUST 4, 2015, AS “NATIONAL NIGHT OUT 2015” IN WEST VALLEY CITY**

Councilmember Buhler read a Proclamation declaring August 2015 as “Neighborhood Nights Month” and August 4, 2015 as “National Night Out 2015” in West Valley City.

17097 **COMMENT PERIOD**

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

A. **PUBLIC COMMENTS**

Don Mignola addressed the City Council and stated the image of West Valley City had been a topic of discussion for many years. Mr. Mignola discussed a recommendation regarding the relationship between renters and landlords or property managers. He expressed hope that by taking proper action other tenants could avoid problems he had incurred, thereby making West Valley City a better place and improving properties in a positive way. He discussed his perspective and suggested a group meeting that would involve renters, owners and property managers to come up with guidelines. He expressed willingness to sit on a committee in order to further share his ideas.

Paul Nichols addressed the City Council. Mr. Nichols advised he was in attendance regarding the same issue as in the past and referenced the speed limit on 4100 South Street. He indicated drivers were going 70-80 mph and there was inaction of police officers on that street. He inquired if the speed limit was going to be raised or if the current speed limit would be

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-3-

maintained even though no one observed it. He requested answers to his questions.

Mike Markham addressed the City Council and showed a door handle flyer regarding National Night Out and inquired who decided which houses were picked to receive information regarding the neighborhood block parties. He expressed the need to get more people involved who cared about their neighborhoods, not just those that belonged to a local church group. He stated everyone in the neighborhood needed to get together, not just four or five houses.

Brandon Alger addressed the City Council. Mr. Alger advised he was a new resident of the City and lived near 6400 West 3500 South in a great neighborhood. He stated there was a smell that came from a property actually located in Salt Lake City proper and he believed it to be coming from a soil reclamation business, ET Technologies. He indicated the smell was quite bad and had increased in intensity over the last few years. He explained his desire to bring this matter up in order to raise awareness and he requested further discussion with members of the Council.

B. **CITY MANAGER COMMENTS**

City Manager, Wayne Pyle, stated Mr. Nichols had previously met with the Police Chief on two occasions. He advised that police officers continued enforcement on 4100 South Street. He stated though speeding and high traffic volume did exist and would probably always exist, the Police Department would continue to do their best to address those issues.

The City Manager reviewed staffing and responsibilities of the Neighborhood Services Division in response to Mr. Markham's comments. He explained there were a number of active neighborhood groups and each neighborhood was responsible for its own block parties. He stated elected officials made efforts to attend those events, and he pointed out the City's efforts in this regard had been nationally recognized for many years.

Mr. Pyle expressed appreciation to Mr. Alger for his comments and stated he was correct regarding the referenced business. He advised City staff had engaged in conversations with that business even though not located in West Valley City. He pointed out no enforcement could be done on the City's behalf because the business was located in Salt Lake City. He assured West Valley City staff would continue to do what they could to try to alleviate the problem.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-4-

17098

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE WEST VALLEY CITY POLICE DEPARTMENT'S APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the West Valley City Police Department's application for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs.

Mayor Bigelow presented proposed Resolution No. 15-125 related to the proposal to be considered by the City Council after the public hearing, as follows:

Proposed Resolution No. 15-125 would authorize the West Valley City Police Department to apply for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs.

The grant amount was in the sum of \$90,892.00 and would be utilized to pay for a portion of the annual fees associated with the Department's 190 body worn cameras. The Police Department would not be required to match funds, as this was a non-marching grant. The 2015 JAG Program was a three-year grant with additional funding possibly being awarded in future years to continue the program.

The U.S. Department of Justice Programs allowed the Police Department to apply for a Justice Assistance Grant in order to purchase equipment, fund training, fund approved programs, and pay salaries for approved programs. The procedure for allocating JAG funds was a formula based on population and crime statistics in combination with a minimum allocation to ensure each state and territory received an appropriate share. The Edward Byrne Memorial Justice Assistance Grant Program allowed states and local governments to support a broad range of activities to improve the criminal justice system. JAG had replaced the Byrne Formula and Local Law Enforcement Block Grant programs.

Earlier in the year, the Police Department purchased 190 body worn cameras with one-time assistance from State funds. The costs associated with maintaining the body worn camera program was \$197,748.00 annually. The Police Department was exploring several different avenues through both State and Federal grants in order to fund these costs for the 2015 fiscal year.

Mayor Bigelow opened the public hearing.

Billy Burke addressed the City Council and stated his comments were about helping the Police Department. He stated the Chief was doing a good job and if this was government money it should be used to help the community.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-5-

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

ACTION: CONSIDER RESOLUTION NO. 15-125, AUTHORIZING THE WEST VALLEY CITY POLICE DEPARTMENT TO APPLY FOR A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS

The City Council previously held a public hearing regarding the West Valley City Police Department's Application for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs, and considered proposed Resolution No. 15-125 that would authorize the Police Department to apply for a Justice Assistance Grant (JAG) grant through the U.S. Department of Justice Programs.

After discussion, Councilmember Buhler moved to approve Resolution No. 15-125, a Resolution Authorizing the West Valley City Police Department to Apply for Justice Assistance Grant (JAG) Through the U.S. Department of Justice Programs. 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.

17099

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-2-2015, FILED BY ANDERSON WAHLEN AND ASSOCIATES, REQUESTING A ZONE CHANGE FROM ZONE 'RB' (RESIDENTIAL BUSINESS) TO ZONE 'C-1' (NEIGHBORHOOD COMMERCIAL) FOR PROPERTY LOCATED AT 5576 WEST 4100 SOUTH AND 4049 SOUTH, 4061 SOUTH AND 4095 SOUTH 5600 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-2-2015, filed by Anderson Wahlen and Associates, requesting a zone change from zone 'RB' (Residential Business) to zone 'C-1' (Neighborhood Commercial) for property located at 5576 West 4100 South and 4049 South, 4061 South and 4095 South 5600 West.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-6-

Mayor Bigelow presented proposed Ordinance No. 15-26 related to the application to be considered by the City Council after the public hearing, as follows:

Proposed Ordinance No. 15-26 would amend the Zoning Map to show a change of zone for property located at 5576 West 4100 South and 4049 South, 4061 South and 4195 South 5600 West from zone 'RB' (Residential Business) to zone 'C-1' (Neighborhood Commercial).

The applicant, Anderson Wahlen & Associates, had requested the zone change for five parcels totaling 3.1 acres on the northeast corner of 5600 West 4100 South from 'RB' (Residential Business) to 'C-1' (Neighborhood Commercial). Surrounding zones included 'C-2' (General Commercial) to the west, 'RB' to the north and east, and 'C-1' to the south. Surrounding uses included the Smiths and Lowes and Legacy Shopping Center to the west, a church to the north, a largely vacant property to the east, and two homes and a vacant parcel to the south. Property to the south had recently been re-zoned from 'A' (Agriculture) to 'C-1' where a CVS Pharmacy was proposed. The property was designated as non-retail commercial in the General Plan.

The applicant had submitted a concept plan (a copy was provided to the City Council), showing the proposed use for this corner as an America First Credit Union branch and retail building. The Council had also been given a letter from the applicant supporting the application. The existing 'RB' zone allowed for financial institutions like America First Credit Union, but did not allow a retail building.

The concept plan showed the development setback well over the required 20-feet to accommodate future road widening planned along 5600 West and 4100 South. As part of the extension of the Mountain View Corridor from 5400 South to 4100 South, the Utah Department of Transportation (UDOT) would be widening the intersection of 4100 South and 5600 West to accommodate double left turns. The project was scheduled to begin in 2016 and completed in 2017. The next section of the Mountain View Corridor from 4100 South to SR-201 had recently been funded and would be under construction in the year 2018.

Documentation also included information summarized as follows:

- The other three corners of this intersection were zoned 'C-1' and 'C-2'
- This property was not directly adjacent to 'R-1' zoning
- Traffic volumes at this intersection were anticipated to increase once the Mountain View Corridor extension to 4100 South was completed in 2017

Mayor Bigelow opened the public hearing.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-7-

Jeff Randall, representing the applicant, addressed the City Council. Mr. Randall stated he was excited to move forward with the project that fit in well with 5600 West, the Mountain View Corridor, and widening of 4100 South Street. He requested approval of the application.

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

ACTION: CONSIDER ORDINANCE NO. 15-26, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 5576 WEST 4100 SOUTH AND 4049 SOUTH, 4061 SOUTH AND 4095 SOUTH 5600 WEST FROM ZONE ‘RB’ (RESIDENTIAL BUSINESS) TO ZONE ‘C-1’ (NEIGHBORHOOD COMMERCIAL)

The City Council previously held a public hearing regarding Application No. Z-2-2015 and considered proposed Ordinance No. 15-26 that would amend the Zoning Map to show a change of zone for property located at 5576 West 4100 South and 4049 South, 4061 South, and 4095 South 5600 West from zone ‘RB’ to zone ‘C-1.’

After discussion, Councilmember Huynh moved to approve Ordinance No. 15-26, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 5576 West 4100 South and 4049 South, 4061 South, and 4095 South 5600 West from Zone ‘RB’ (Residential Business) to Zone ‘C-1’ (Neighborhood Commercial). 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.

17100

INFORMATIONAL PRESENTATION REGARDING FOLLOWING ITEM NOS. 8.C. AND 8.D. ON THE AGENDA

Prior to presentation and opening of the public hearings regarding the next two items on the Agenda, Nos. 8.C. and 8.D.; Mayor Bigelow invited Steve Pastorik, CED Department, to provide a brief summary of the two related proposals and highlight changes from what had been discussed and recommended by the Planning Commission.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-8-

Steve Pastorik, CED Department, addressed the City Council and explained there were two applications on the agenda, ZT-3-2015 and GPZ-1-2015. He gave a history of the process of the applications and explained noticing that had been given. He advised public hearings had been held by the Planning Commission regarding the two applications, and subsequently the Commission had made recommendations to the City Council. He gave a summary of the proposed changes directed by the City Council at the previous Study Meeting. He advised one change was that all property currently zoned 'A' or 'A-1' had been excluded and would not be changed. He reviewed the changes to the proposed ordinance and stated the previous version would not have allowed applications to re-zone to 'A' or 'A-1.' He also reviewed a change regarding the 'RE' zone that originally had the minimum lot size as 15,000 square feet and had been changed to a minimum lot size of 12,000 square feet, with a total average square feet of 15,000. He stated in a PUD in the 'RE' zone the original version had specified a minimum of 12,000 square feet and had been amended to a minimum of 10,000 square feet.

He suggested the changes made by the Council had added flexibility to the standards as previously written.

Mr. Pastorik further discussed the change regarding requiring 100% masonry rather than 100% brick, and housing standards. He advised the proposed revision on housing standards regarding the 'RE' zone would apply to all new housing.

He clarified that an applicant would have the option of developing under the 'A' and/or 'A-1' zoning or under the new 'RE' zoning standards.

Upon inquiry by Councilmember Vincent, explanation was given regarding how the 'RM' zone would function in the new plan. Mr. Pastorik advised an application to change zoning to 'RM,' as written now, would not be accepted by the City.

In response to inquiry by Councilmember Rushton, the latest application from the Newton family was explained including how it would fit in the process. He indicated with the revision it would be a similar layout and lot size with modification to the 10,000 square foot lots.

17101

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-3-2015, FILED BY WEST VALLEY CITY, REQUESTING AMENDMENTS TO THE ZONING ORDINANCE TO CREATE THE NEW 'A-2' AND 'RE' ZONES

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-3-2015, filed by West Valley City, requesting amendments to the Zoning Ordinance to create the new 'A-2' and 'RE' zones.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-9-

Mayor Bigelow presented proposed Ordinance No. 15-27 related to the application to be considered by the City Council after the public hearing, as follows:

Proposed Ordinance No. 15-27 would enact Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221 and amend Sections 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105 and 7-23-210 of the West Valley City Municipal Code to create the Residential Estate and ‘A-2’ zones, define regulations concerning these zones, and amend provisions governing the re-zoning of property within the City.

The new ‘A-2’ zone would be identical to the ‘A’ and ‘A-1’ zones in all respects and requirements except for the minimum lot size that was proposed at two acres. A property zoned ‘A-2’ could be developed under the two acre format or the property owner could submit an application for a zone change to the ‘RE’ zone if smaller lots were preferred.

The new ‘RE’ (Residential Estate) zone addressed permitted and conditional uses, minimum lot size, frontage and setback requirements, minimum housing standards, height restrictions, landscaping standards, parking restrictions, subdivision standards and PUD standards for the zone. This zone would establish a minimum lot size of 15,000 square feet and housing standards to provide areas in the City for larger lots than were currently found in the City for single-family residential development. The housing standards in the ‘RE’ zone superseded the housing design standards or point system found in Section 7-14-105.

The proposed ordinance amendment also included the following regulation: “Property within City limits may only be amended or re-zoned to the following zones: ‘A-2,’ ‘RE,’ ‘C-1,’ ‘C-2,’ ‘C-3,’ ‘BRP,’ ‘MXD,’ ‘CC’ and ‘M.’” If adopted, this provision would prohibit zone changes to any of the following zones: ‘A,’ ‘A-1,’ ‘R-1-4,’ ‘R-1-6,’ ‘R-1-8,’ ‘R-1-10,’ ‘R-1-12,’ ‘R-1-15,’ ‘R-1-20,’ ‘R-2.6.5,’ ‘R-2-8,’ ‘RM,’ ‘RMH,’ and ‘RB.’ All new residential only developments within the City that had not already received entitlements would be developed either in one of the ‘A’ zones or in the ‘RE’ zone if such re-zone request was approved.

After holding two public hearings, the Planning Commission recommended approval subject to three changes. The first recommended change was to add the following zones to the list of allowed future zone changes: ‘RM,’ ‘RB,’ ‘R-1-8,’ ‘R-1-10,’ ‘R-1-12,’ ‘R-1-15,’ ‘R-1-20,’ ‘A’ and ‘A-1.’ The second recommended change was to make the masonry wall requirement (Item 3 from Section 7-6-605) applicable to all new single-family developments. The third recommended change was to discard all remaining housing standards from Section 7-6-605.

Mayor Bigelow opened the public hearing.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-10-

Tom Giovenga addressed the City Council and stated he had been through this twice and “shot down” and the City does not listen. He read comments made by Hank Price (West Valley City’s first Mayor) in a newspaper article regarding one of the reasons for West Valley City incorporating was residents having control over planning and zoning. The article quoted Mr. Price as saying local government would be close to the people. He indicated not all land in West Valley City was being changed. He stated 95% of the ground was in Hunter, not Granger or Chesterfield, and that area was being taken advantage of in the same way as with the overpressure zone. He questioned who would benefit if the master plan zoning was changed from ‘RB’ to ‘A-2.’ He indicated the owner did not have to sell if not offered the right price. He stated the proposal did not make any sense at all and would be lowering values for people who wanted to develop by making bigger lots. He emphasized he did not have to sell and stated, “go ahead and lower the price.”

Eugene Han addressed the City Council (using an interpreter) and stated last year he purchased property as part of a plan to change to an ‘A’ zone. He discussed intentions to develop near a neighborhood with smaller homes and with a change requiring bigger lots that would not fit. He indicated it was not a good match for the neighborhood and discussed his plan to develop according to the ‘R-1-8’ zoning. He stated there was more value with the current zoning rather than changing to bigger lots and he would prefer to keep the same zoning to match the neighborhood. He indicated from a developer standpoint the preference would be to maintain consistency with the policy and regulations and he requested to keep the current zoning.

Mary Jane Newton Davis addressed the City Council and quoted her favorite author, Jonathan Swift who wrote, “Vision is the art of seeing the invisible.” She indicated to some degree the City Council had done that for them in addressing concerns regarding housing. She stated much grumbling in the City for many years had been regarding too many unmaintained starter homes. She explained it appeared the Council did have a vision regarding what the City should look like for the residents. She indicated it might be that ‘A-2’ created in the beginning had been overly restrictive and perhaps in the revision the rigidity needed to be addressed, the question being how rigid did we want to be? She stated City staff should recognize the vision desired by the residents and she named specific staff and stated they were talented and could enhance the City’s vision. She explained the Newton family desired to partner with the City and felt they needed a myriad of options to bring the Councils’ vision to fruition. She cautioned the Council to be cautious and not limit the ability to create vision. She stated the neighbors enjoyed a sense of community and caring that had been part of the Hunter area tradition forever. She expressed the importance to find a way to develop property into a village not just a subdivision. She indicated developers would do this and marry traditions of family and community, bring newer ideas with not necessarily larger lots but smaller pieces of property allowing neighborhoods to come together. She also shared ideas

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-11-

regarding uses and keeping current structures. She stated there were so many other ways to use creativity and talent to bring the vision to fruition and expressed a desire to strategize and work as a team with the City. She stated each property was unique and she respectfully requested the City to partner with each landowner to help with design of properties to honor the history of the Hunter area.

Mayor Bigelow encouraged those speaking in the hearing to cover all their important points while being as brief as possible.

Justin Allen, representing the Salt Lake Board of Realtors, addressed the City Council. Mr. Allen advised he had been unable to attend the Planning Commission meetings when this matter had been heard. He stated the Salt Lake Board of Realtors advocated to all municipalities to have a whole spectrum to meet housing needs in a community. He indicated West Valley City met housing needs of all income levels and commended this effort of the Council to meet the needs of higher income levels. He indicated concerns had been expressed at the Planning Commission meetings, and this was not a textbook example of doing large changes. He stated revisions to the proposal had been released just the previous day and he recommended consideration of a cautious approach. Mr. Allen stated some changes were good ones and demonstrated citizens' concerns had been considered. He advised of some primary concerns, that is, being mindful of private property rights and expectation of uses and values, as changing rules midstream was a serious matter. He pointed out that a lot of issues related to density and what types of housing made sense in different situations, and advised there could be unintended consequences to reinvestment. He suggested more study could be done on these issues and other matters and, in closing, concurred with Ms. Davis' recommendation to find partnerships and win/win situations for developers and property owners in exchange for higher quality. He encouraged continuing to look for that win/win and requested consideration for properties that had current zoning to include possible exemptions.

Michael Mansfield addressed the City Council. Mr. Mansfield read aloud his written comments and objections to the proposal which will be made part of the record.

Jim Defa addressed the City Council. Mr. Defa expressed confusion on the change and how it would affect his property. He advised he was incensed at going in and changing property values as he had his own plans on developing properties that had been "sunk" with the proposed changes. He indicated bigger lots and bigger houses did not always equate to better neighborhoods. He questioned why any developer would build that type of house, as there was no market. He advised he had attended every meeting regarding this proposal and did not think it was very well thought through. Mr. Defa requested denial of the proposal.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-12-

Lawrence Aposhian addressed the City Council. He stated he had attended a number of meetings on this issue and it seemed about everyone was opposed except City staff who had been given instructions to do this or lose their jobs. He indicated the Planning Commission members had to do what the City Council wanted as they were appointed by the Council. He stated the City Council wanted this and maybe that was the problem. He discussed reasons for incorporation that had been the desire for a local government that would listen to the residents. He used an analogy of a steam engine trying to run something down our throats. He reminded the City Council had a boss and they were sitting in the audience and when it came election time they might get fired. He pointed out it should be kept in mind they were talking to the very backbone of the City and now some would be left with land they could not do anything with. He stated if someone wanted to build a million dollar home on a two acre lot they could do that now. He suggested to change other things first and he discussed plans for his property and his neighbors who had lots that would be useless unless they got together and did a big project.

Curtis Haviland addressed the City Council and expressed some confusion regarding the proposal. He advised he had 5.5 acres that would be changed to 'A-2' and was confused regarding the size of lots on this property on 6400 West. He indicated his land had been developed under Salt Lake County and now West Valley City would make all these changes that did not make sense, as all properties were all different. He stated some properties were landlocked and gave examples. He discussed an issue a neighbor had encountered when building a \$350,000 home that did not account for an additional \$250,000 in infrastructure required to be put in. He stated no homes around it were worth that much. He expressed the need to consider what homes would appraise for in order to obtain loans. He discussed a recent fire on some rental property and the media wanted to know how many citations had been issued. He stated big homes with so many restrictions could not be put next to junkyards or lots full of weeds. He stated there were two standards for West Valley City and he had been told to mind his own business when he called animal control. He indicated the proposal would make more problems for landowners because they could not do anything with so many restrictions. He expressed the need to consider each property separately as they were all different. He explained his neighbor had five acres and could not even give it away. He requested denial of the proposal.

Don Parker addressed the City Council and stated he had farmed and owned land in West Valley City for over 50 years. Mr. Parker stated the proposal was the same as painting a wall with too wide a brush. He indicated that in fairness everyone owning agricultural land should have the individual opportunity to discuss that property.

Tiffani Peterson, realtor representing the Harmon Family, addressed the City Council. Ms. Peterson stated an offer had been accepted on their property and

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-13-

submittal of the application was pending. She advised that the price per acre currently under contract would take a significant hit if the proposal were approved. She indicated she had worked in the City for more than 15 years and no two buyers had the same criteria. She explained buyers researched before buying and they wanted choices and would go to communities who provided those choices. She recommended each parcel be looked at with the right decision being made for a specific parcel in a specific neighborhood. She also shared information regarding listings for the last 90 days in different price ranges. She advised no developer would build where there was not a market. She advised of support for the direction of the City Council, but expressed the need to be flexible and reasonable. She indicated diversity in homes was like diversity of people who lived in the homes and a narrow approach to all development hindered valuable growth rather than promoting it. She stated these were real people and real property owners with individual parcels and the “one-size-fits-all” approach would not make sense.

Jim Yeates addressed the City Council and advised his father-in-law was Glen Brock. He advised the Brock family had attended every meeting regarding this matter and Councilmember Rushton had met with the family. He discussed Glen Brock’s property stating there were four different roads, with no mathematical way to break down into a one-size-fits-all category. He stated it seemed as though 3% of the remaining property was owned by families who had owned and farmed the land for many years. He explained the decrease in property value and this burden would be shared among the backbone of the community. He stated Mr. Brock had a plan of how to develop the property with the City Council having the ultimate final say. He stated, as commented on, it was tough to put properties in a one-size-fits-all category as neighborhoods and property sizes were different. He explained he was all for raising the standards. He stated many places in Salt Lake County were having flag lots or subdivisions put in where orchards used to be. He discussed larger and expensive homes on smaller lots and expressed the importance and need to consider water conservation. He requested denial of Application No. ZT-3-2015 and Application No. GPZ-1-2015.

Dan McLaughlin addressed the City Council and advised he had lived in West Valley City when he was young. He also advised he owned property near the Buddhist Temple where he would like to build a small home, not a large one. He stated all his points on the matter had been previously discussed and he was against the re-zoning.

Terry Jacketta addressed the City Council and advised of her sentiments being in concurrence with previous remarks. She stated the City wanted to approve the zone change in spite of objections. She discussed property values, crime levels, and unreasonable standards and restrictions and stated this was government overreach. She referenced certain language in documentation regarding the City Council knowing what was best for her. She stated one of the problems with re-zoning was

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-14-

it imposed on landowners' rights, and there was nobody stopping someone from building an expensive home. She expressed her belief that this proposal fell under the takings clause of the Fifth Amendment, and she read some of the Fifth Amendment of the Bill of Rights aloud regarding the taking of property by the government. She stated this was exactly where this fell as property owners would lose so much value if the proposal were adopted.

Mary Ann Doxey Farnsworth addressed the City Council. Ms. Doxey stated she wanted the Council to know that West Valley City, Utah, meant unity, pride and progress. She indicated some people had not been here before it was a city. She informed that the last meeting before the area was made a City the wonderful mayor, the City's first mayor, Hank Price, stood up and promised if this was going to be a city we wanted it to be the best, and she had always remembered the additional words, "this city is going to bloom like a rose." She stated City staff did not need all this trash thrown on them. She concurred with abiding by the rules and regulations and expressed trust in planning and zoning and expressed hope to be able to trust the City Council. She stated the proposal would not allow the City to bloom and would "place a blanket over the City and smother the residents." She also expressed desire to be able to come as individuals, realtors and developers and apply for changes. She requested denial of the proposal indicating it was stupid. She expressed appreciation to the Police and Fire Departments for helping the community.

Robert Farnsworth addressed the City Council and advised that his mother, the previous speaker, and her family had settled in the area in 1937. Mr. Farnsworth advised he was a real estate developer and broker and the proposal would eliminate most zoning uses. He stated the Planning Commission rightfully made recommendations to add most uses back into the proposed ordinance. He explained the best plans had flexibility and the current proposal restricted the rights of property owners and tied the hands of future Planning Commissions and City Councils. He indicated as land was consumed, redevelopment was the future and looking at the list about 741 acres would be gone very soon. He explained with eliminating other zoning codes would stifle the future. He indicated the proposal would require to be zoned to 'A-2' and developed into 'RE' zone, which did not make sense due to minimum lot requirements. He indicated inferior and old housing would be left. He also discussed how new housing stock was created and informed that just last month he closed on a .83 acre parcel in Sandy City where the builder was tearing down an old house in order to develop four new \$350,000 homes. He stated that was why there was a need for some of the zones that were being eliminated. He indicated downzoning created economic hardship for property owners in loss of value. He also stated without a doubt the amendments did not meet future citizens' needs. He discussed the need to protect water instead of promoting and legislating additional water use, especially for increasing of home values. He stated the plan eliminated and did not consider future affordable

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-15-

housing. He stated there were different housing types that made affordable housing and he gave examples. He explained this would eliminate any development of active 55+ communities, affordable or not. He questioned as baby boomers sold off larger homes or parcels, where would they live? He requested some time be taken in order to do this right, with more study, more input, meetings with builders, developers and realtors, and getting the word out in addition to legal requirements. He advised a lot of people would be affected that did not receive notice, even though the noticing had properly been done. He indicated the only way to be noticed was if they lived next to a parcel under consideration. He discussed the General Plan and stated landowners had reasonable expectations to look at that plan and see down the road. He asked, how someone could reasonably invest in the City with unknown expectations in the future. He expressed that concerns regarding lack of high-end housing did not make sense. He also quoted the Wikipedia definition of “public policy.” He indicated the wealthiest among us could build anywhere they chose and there would be tens of millions of dollars in lost economic value to land owners with this proposal, making this bad public policy. He stated he did not believe this was related to health, safety and general welfare of the community. He requested the proposal be denied and to not rush into a decision.

Terri Mills addressed the City Council and stated she was glad to learn about the changes but felt they would be far too restrictive. Ms. Mills read a brief statement she had written earlier but had amended it since the Planning Commission hearings. She advised she had learned of this meeting earlier in the day and did not have time to submit photographs of both inside and outside of West Valley City that were attractive estate homes that had no brick. She recommended these things be considered and be less restrictive with building materials and that parcels be looked at individually.

Thad Bangerter addressed the City Council and stated all points had been well covered in previous comments. Mr. Bangerter stated he had lived in West Valley City for 50 years and he agreed with what had been said. He indicated if larger lots were approved it would decrease his value 30-40% and affect his family drastically. He advised he had farmed for many years with thoughts to develop and use funds to accomplish his plans.

Frank Newton addressed the City Council and stated he lived on the farm his great grandfather settled many years ago and there were still quality people in that area. Mr. Newton read a “whereas” clause in a letter he received and expressed the desire to see quality homes to improve the quality of the City. He indicated this was not the way to improve the City and requested denial of the re-zoning changes.

Greg Fabiold addressed the City Council and stated some citizens of a fine city had spoken very well and he agreed with all comments. He indicated there was unity tonight with those who had spoken against the proposed actions and expressed the

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-16-

desire that due consideration be given to the matter. He stated he represented the government affairs committee of the Salt Lake Board of Realtors who advocated property rights for all and helped hundreds of clients to buy and sell properties in West Valley City. He stated he echoed comments already made and looked forward to letting the market and demand dictate the types of housing stock in the City. He stated there was great interest in seeing money invested wisely. He advised he had attended two Planning Commission meetings and not one person had spoken in favor of the proposals. He discussed numbers regarding basic housing trends and expressed his opinion the proposal was counter to the existing master plan and would do the opposite of what was intended. He stated the valley would continue to grow and if we wanted to encourage expensive housing stock we needed to have faith in the vested interests of those sitting in this room.

Anthony Jacketta addressed the City Council and stated he echoed what everyone else had said. He indicated with larger lots people did not take care of them. He stated existing codes were not upheld. He explained revisions had been made to the proposal the previous day and people were confused. He requested the Council take more time and listen to the citizens.

Jaren Davis, Executive Officer for Salt Lake Home Builders, addressed the City Council. He thanked the City Manager, Wayne Pyle, and Assistant City Manager/CED Director, Nicole Cottle, for their time and dedication and collaborative efforts. He requested tabling the proposal for further discussion and expressed his willingness to aid in that endeavor.

Billy Burke addressed the City Council and indicated as he looked around there was not one face on the Granger Hunter Community Council who gave time to incorporating the city. Mr. Burke stated he felt the Council was bluffing for time to figure it all out and the current direction was all screwed up, and all the builders present were voting from the pocketbook. He stated the Hunter area was always behind because the Granger area always had control. He discussed the attempt of trying to make a silk purse out of a pig's ear and stated these things were wrong and it was going down a blind alley and not correct.

Don Wilkerson, HOA president for Madison Place, addressed the City Council. He stated when he heard about the proposal he thought there goes the property values up. He advised theirs was the smallest gated community in the City with the least amount of crime. He indicated their homes were on small lots and he had moved from Taylorsville from a home on a half acre. He advised in Madison Place homes sold almost immediately. He stated West Valley City was not a luxury home place and the idea should be to make it a better place. He concluded the City got people who wanted nice homes at affordable prices and we should accommodate that.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-17-

Eric Bishop, Sandy resident and West Valley City property owner, addressed the City Council. Mr. Bishop advised he was a property owner in the City and also represented other property owners. He indicated the legislative body and City had certain rights and landowners had rights, and somewhere in the middle was fairness and the best interest of the City and property owners. He indicated the decision at hand was very broad reaching and inquired regarding if study and analysis or research had been done to justify this broad blanket application of a zoning ordinance. Having been told there was no study, he suggested a study would look at the best interest of the public and private property owners. He also stated another thing unusual about this process was not following normal process in amending the General Plan. He stated the basic definition of real estate was that no two parcels were the same and good planning looked at each unique piece and assessed its highest and best use. He discussed his parcel west of the Utah Department of Transportation and American Express buildings on 2700 West, which was entirely isolated from the existing single-family residential. He stated normal planning would suggest some type of transition between uses as the master plan contemplated office, medical or medium density residential. He advised that in the proposal no more medium density would be allowed, with no flexibility. He had marketed his property and there was no demand. He requested fairness be considered, including uses and merits of each parcel, and denial of both applications.

Mike Markham addressed the City Council and stated he had no dog in this fight. He stated he applauded what the Council was trying to do in improving the City's image by bringing in bigger and nicer houses. He suggested if the Council really wanted to make the City nicer, more funds should be given to the Community Preservation Department for more code enforcement officers. He indicated if it was desired to change the image the City, it needed to be cleaned up and people not "let off the hook." He stated the price point of a home in a neighborhood was no guarantee of a nice yard.

Scott Helm addressed the City Council and stated he had lived in the City all his life, and had built in the City. He named the subdivisions that he had developed and indicated they tried to do their best and create good areas. He stated changing the size of the lot did not do anything and gave examples. He indicated when platting subdivisions, lots did not end up being the size you thought and gave reasons. He stated this proposal would not work and lot sizes did not make any difference. He discussed the biggest house not being on the biggest lot and expressed the need to think about that when thinking about lots, as none were square.

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

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-18-

Mayor Bigelow stated image did not solely drive the City Council, as the desire was to develop a sustainable and livable community. He indicated different things had been tried with other city councils and the goal was how to get there. He stated after listening to citizens and brokers he was convinced both sides were right. He voiced concerns of brokers steering prospective buyers away from building in West Valley City and advised this was a very real problem. He indicated because the City evolved from a farming and mining community, there were a lot of smaller homes in existence today. He continued, therefore when children arrived families moved away, so the question becomes how to fix that problem. He stated it had been suggested that the process was not being followed, but he believed the process had consistently been followed and he discussed and advised regarding some of those details. He also advised this process had not been done in a matter of a few weeks, but rather had been on-going for years.

Mayor Bigelow identified some changes that had been positively received and advised that the City Council was aware of the need for active 55+ senior communities and had requested staff to come back with recommendations.

The Mayor stated people sometimes assumed the City Council did not listen, but Councilmembers did listen to many people. He validated the fact that the Council should be concerned about value, but would be failing if value alone were used for the zoning criteria. He stated the question was how to make a sustainable community. He advised all transcripts had been read of all comments of those who spoke at the Planning Commission public hearings, including e-mails and letters from residents. He expressed difficulty in deciding the right answer, as there were good points and answers on both sides. He stated West Valley City's great secret should be nice homes at a decent price and property rights should be properly balanced with zoning.

Councilmember Buhler stated the proposal at hand had been discussed for months and even years and he would "coat-tail" on the Mayor's comments. He advised the City had good planning and zoning staff and the Council did not attempt to restrict staff, but rather attempted to work with staff to improve the City. He explained that each property had been looked at with decisions made as to where to draw lines and make restrictions. He advised of reading emails and letters and stated had read all comments from the Planning Commission meetings. He indicated he had no problem with those concerned about their wallets. He stated as a City Council, that body needed to look out for the whole City and the subject ordinances affected a very small percentage of the residential land. He expressed his view that the Council's job was to improve the City by doing what could be done and it was an on-going job to facilitate some higher quality development and make the City a better place. He stated the Council would have future discussions regarding active 55+ senior community development, in-fill properties and further redevelopment.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-19-

Councilmember Vincent stated it had been mentioned that no study had been done which was incorrect; a study had been done that aided in the basis for a decision. He stated the study had shown the City's housing need had been met by existing affordable housing and that it would be untrue to say people were being priced out of the market. He discussed the goal of not trying to change an image, but rather provide the opportunity for people who wanted to stay in the City to do so, as some housing options were not presently available. He also discussed other concerns being senior housing that needed to be addressed. He explained the need to look out for the community as a whole and not allow the market to drive decisions resulting in the same starter homes continuing to be built. He discussed the need to allow a variety of lot sizes and reduced restrictions on building materials. He expressed the desire to be flexible and fair, but still find ways to provide choices in housing in order to keep good people in the community.

Councilmember Lang expressed agreement with previous remarks and stated she had served on the Planning Commission for ten years and continued to be passionate about zoning. She explained she lived on a larger lot on a cul-de-sac and her children had been able to play in their yard where she could view their activities.

Councilmember Huynh stated the Council had heard a lot of people speaking to something good for the City. He stated to be honest he had different opinions. He stated Fox 13 News the previous Thursday reported regarding an LDS church building in Lehi and meetings with residents. He stated, "you are us" and "you vote for us" and you want us to represent and work for you, and that is what we need to do. He discussed the procedures of the Planning Commission and then to the City Council for a public hearing this night. He indicated all had spoken against the proposal at the Planning Commission. He indicated he felt it arrogant to not listen to citizens and ignore comments of the people in the public hearing. He referenced a Time Magazine article from May of 2015 regarding the trend of homes and businesses going to solar energy and he thought we were headed in that direction in the future. He stated the stage was being set for the next 20 years. He discussed growing up in Vietnam where government controlled too much. He stated he was speaking against making the change this night.

Councilmember Nordfelt expressed appreciation for those attending the meeting and expressing their concerns. He stated those individuals were worried about their own parcels of property as well as the City's welfare. He indicated the City Council was also concerned about the City and stated he disagreed with Councilmember Huynh's comments regarding ignoring information resulting from the Planning Commission hearings. He informed he had listened to citizen comments and concerns and the changes being recommended were because the Council had listened to landowners and citizen comments about the City. He advised he had

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-20-

spoken to as many people as possible and landowners were against it; however, other citizens had spoken in favor of the proposal. He stated many people had “spoken” by moving out of the City because their desired home was not offered in here. He indicated the proposed ordinance change was not perfect and there would still be a lot of work to do in the future. He advised he would continue to listen and try to make decisions that would benefit the City. He stated it would be easier to vote against the proposal, but he had not signed up to do this for political reasons. He indicated he looked toward the future for his children and grandchildren.

Councilmember Rushton stated members of the City Council covered technical points regarding the legal and process side. He stated he spoke from the heart as he was among friends and those who had made the community what it was today. He thanked all those in attendance for their time and input. He expressed appreciation to Tony Jacketta for showing that ‘A’ uses were thriving, thanked Scott Helm for his comments regarding lot sizes, applauded the City Council for making that change, and stated variety was the goal. He expressed thanks to the Newtons for input on building materials, and discussed more flexibility to find the right building partner. He stated Tom Giovengo was the smartest man regarding land use, development and real estate matters and he had learned a lot in talking with him. He indicated spelling out a definite plan would take the guesswork out and would serve the community well in moving forward. He stated he believed the proposed changes would be good for developers as well because more clarity would mean more fairness. He further discussed concerns including that half of the City’s current housing stock was 8,000 square foot lots. He expressed other concerns being that one-third of the City’s residents could actually afford a house as was being discussed, but present housing stock did not provide those choices. He indicated there were great places in West Valley City and expressed the need for a few more housing options. He advised everything the Council had heard in the past few months would continue to be addressed in the future. He talked about the need to address the ‘RM’ zone and that it was a complicated matter. He thanked everyone in attendance for being at the meeting.

Councilmember Huynh thanked everyone in attendance for listening and for taking the time to attend the meeting. He referenced Councilmember Nordfelt’s comments and stated the desire for the best solutions for all sides. He mentioned his responsibility and duty and advised he desired the best city in Utah as well as working with citizens to find solutions.

Mayor Bigelow stated his previous conversations with a representative of the real estate industry had helped put things in perspective as they made some valid points. He expressed the importance of listening to the people and stated if so many people were opposed to the proposal then maybe he was wrong. He indicated maybe the proposal was not quite right yet, but if it passed and was adopted the Council would keep working on it; and if it didn’t pass, the Council would keep working on it.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-21-

ACTION: CONSIDER ORDINANCE NO. 15-27, ENACTING PART 7-6-600P AND SECTIONS 7-6-216, 7-6-220, AND 7-6-221 AND AMENDING SECTIONS 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105 AND 7-23-210 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CREATE THE RESIDENTIAL ESTATE AND ‘A-2’ ZONES, DEFINE REGULATIONS CONCERNING THESE ZONES, AND AMEND PROVISIONS GOVERNING THE REZONING OF PROPERTY WITHIN THE CITY

The City Council previously held a public hearing regarding Application No. ZT-3-2015, filed by West Valley City, and considered proposed Ordinance No. 15-27 that would enact Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221 and amend Sections 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105 and 7-23-210 of the West Valley City Municipal Code to create the Residential Estate and ‘A-2’ zones, define regulations concerning these zones, and amend provisions governing the re-zoning of property within the City.

After discussion, Councilmember Buhler moved to approve Ordinance No. 15-27, an Ordinance Enacting Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221 and Amending Sections 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105 and 7-23-210 of the West Valley City Municipal Code to Create the Residential Estate and ‘A-2’ Zones, Define Regulations Concerning These Zones, and Amend Provisions Governing the Re-zoning of Property within the City. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Majority.

17102

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2015, FILED BY WEST VALLEY CITY, REQUESTING AMENDMENTS TO THE GENERAL PLAN AND RE-ZONING OF CERTAIN PROPERTIES IN WEST VALLEY CITY

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2015, filed by West Valley City, requesting amendments to the General Plan and re-zoning of certain properties in West Valley City.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-22-

Mayor Bigelow presented proposed Ordinance Nos. 15-28 and 15-29 related to the application to be considered by the City Council after the public hearing, as follows:

Proposed Ordinance No. 15-28 would amend the General Plan to show a change of land use from various land use designations to large lot residential or non-retail commercial for property located at various locations.

At the direction of the City Council, a General Plan/zone change application had been submitted for 741 acres in various locations throughout the City. The proposed General Plan changes were from low density residential (three to four units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (two to three units/acre) or, in one situation, non-retail commercial. The proposed zone changes were from 'A,' 'A-1,' 'M,' 'R-1-6,' 'R-1-8,' 'R-1-10' and 'R-4-8.5' to either 'A' or 'A-2.' Included with information provided to the Council was a map highlighting the proposed zone changes and a list that identified all of the properties affected by the proposed General Plan changes and zone changes. Also, documentation included letters from residents as well as housing information shared with the Planning Commission in support of the subject application.

When compiling the list of properties to include in the application, staff had used the following criteria:

- The property was vacant or only partially developed
- The property individually was at least two acres, or the property together with other adjoining property was at least two acres
- Residential development was anticipated on the property

Properties that had already been entitled for residential development were excluded.

After holding two public hearings the Planning Commission recommended denial of the application. The Planning Commission also recommended staff initiate several General Plan/Zone change applications to consider the same properties in smaller increments instead of all of them at once.

Proposed Ordinance No. 15-29 would amend the Zoning Map to show a change of zone for property located at various locations from various zones to zone 'A' or 'A-2.'

At the direction of the City Council, a General Plan/Zone change application had been submitted for 741 acres in various locations throughout the City. The proposed General Plan changes were from low density residential (two to four units/acre),

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-23-

residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (two to three units/acre) or, in one situation, non-retail commercial. The proposed zone changes were from ‘A,’ ‘A-1,’ ‘M,’ ‘R-1-6,’ ‘R-1-8,’ ‘R-1-10’ and ‘R-4-8.5’ to either ‘A’ or ‘A-2.’ Included with information provided to the Council was a map highlighting the proposed zone changes and a list that identified all of the properties affected by the proposed General Plan changes and zone changes. Also, documentation included letters from residents as well as housing information shared with the Planning Commission in support of the subject application.

When compiling the list of properties to include in the Application, staff had used the following criteria:

- The property was vacant or only partially developed
- The property individually was at least two acres, or the property together with other adjoining property was at least two acres
- Residential development was anticipated on the property

Properties that had already been entitled for residential development were excluded.

After holding two public hearings the Planning Commission recommended denial of the application. The Planning Commission also recommended staff initiate several General Plan/Zone change applications to consider the same properties in smaller increments instead of all of them at once.

Mayor Bigelow opened the public hearing.

Tom Giovengo addressed the City Council and stated the Council had now made property unsellable and would result in lower property taxes. He also stated the actual landowners were not listened to as to what they wanted, so the Council could “pat themselves on the back.”

Terri Mills addressed the City Council discussed the City Council members’ comments prior to the previous motion. Mr. Mills indicated some good people had left West Valley City because not everyone wanted to stay, but would rather have a change. She indicated even though one-third of residents could afford higher priced homes some did not desire to do so.

Eric Bishop addressed the City Council and stated the heart of the change was treating 130 properties on a similar basis when they should be considered on their own merits individually. He advised he was not aware of reports and studies previously mentioned and would like to see them as citizens and landowners should be able to see those reports and have them be part of the public record. He

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-24-

recommended and appealed to the City Council for denial of the proposal as it would not be fair or right to treat all properties the same.

Jim Yeates addressed the City Council and stated Glen Brock's property was in both areas and, for the record, he was against this proposal also. He stated everything was not all about the pocketbook. He indicated Walter Brock, Glen's father, had been part of the incorporation committee and won awards for his involvement with Granger-Hunter Improvement District and also West Valley City. He stressed the importance of what the family would like to do and indicated he was against the proposal.

Mary Ann Doxey Farnsworth addressed the City Council and spoke in opposition to the proposal. She discussed the need for helping planning and zoning and stated the Council had crushed big ideas. She indicated the City staff was good and worked together, but property owners could not come to the City and ask for help. She requested denial of the proposal, thereby, allowing individual properties to develop on their own.

Robert Farnsworth addressed the City Council and discussed the concept about general plans and reasonable expectations of landowners and investors in the community. He advised he did not agree with the concept regarding the future mentioned by members of the Council and investors relied on the general plan. He stated there was a reasonable expectation when citizens bought land and invested in the community that the plan would be there.

Billy Burke addressed the City Council. Mr. Burke thanked the City Council for having the guts to speak their minds and vote their consciences. He pointed out the majority of people at the meeting who spoke had favored one side; however, the City had a population of about 136,000 people; and, therefore, the possibility existed that the opinion of the majority had not been given. He expressed appreciation to Councilmembers for voting their individual convictions.

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

Upon discussion, Councilmember Rushton stated the Farnsworths had posed some good questions and he desired to address some of those. He explained for the last two years the City Council, Planning Commission, and staff had done more denials than approvals. He indicated over the last 12 years there had been 22 Councilmembers who never voted for an 'R-1-7' zone; therefore, the question was why keep it on the books. He stated nobody applied for an 'R-1-7' zone because it was not marketable. He explained applicants needed a clear and definitive directive regarding what would be acceptable by the City. He discussed the flexibility of development as the 'A' zone was excluded from the proposal. He also stated the

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-25-

General Plan designation would remain single-family, whether it be ‘R-1-7,’ ‘R-1-8,’ ‘R-1-10,’ or higher.

ACTION: CONSIDER ORDINANCE NO. 15-28, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM VARIOUS LAND USE DESIGNATIONS TO LARGE LOT RESIDENTIAL OR NON-RETAIL COMMERCIAL FOR PROPERTY LOCATED AT VARIOUS LOCATIONS

The Council previously held a public hearing regarding Application No. GPZ-1-2015, filed by West Valley City, and considered proposed Ordinance No. 15-28 that would amend the General Plan to show a change of land use from various land use designations to large lot residential or non-retail commercial for property located at various locations in West Valley City.

After discussion, Councilmember Rushton moved to approve Ordinance No. 15-28, an Ordinance Amending the General Plan to Show a Change of Land Use from Various Land Use Designations to Large Lot Residential or Non-Retail Commercial for Property Located at Various Locations. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Majority.

ACTION: CONSIDER ORDINANCE NO. 15-29, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT VARIOUS LOCATIONS FROM VARIOUS ZONES TO ZONE A OR A-2

The City Council previously held a public hearing and subsequently approved Application No. GPZ-1-2015 and Ordinance No. 15-28 amending the General Plan.

after discussion, Councilmember Buhler moved to approve Ordinance No. 15-29, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Various Locations From Various Zones to Zone ‘A’ or ‘A-2;’ excluding parcels listed that are already zoned ‘A’ and ‘A-1,’ and to be consistent with Ordinance No. 15-27. Councilmember Lang seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-26-

A roll call vote was taken:

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

Majority.

17103

RESOLUTION NO. 15-126, AUTHORIZE THE CITY TO PURCHASE RADIO COMMUNICATIONS EQUIPMENT FROM MOTOROLA SOLUTIONS, INC. FOR USE BY THE POLICE AND FIRE DEPARTMENTS

Mayor Bigelow presented proposed Resolution No. 15-126 that would authorize the City to purchase radio communications equipment from Motorola Solutions, Inc., for use by the Police and Fire Departments.

The City had need to replace a significant amount of Police and Fire radio communications equipment. Hand-held portable radios and mobile radios were recommended to be purchased from Motorola Solutions, Inc., with the vendor and equipment being on the Utah State Purchasing Contract. Favorable terms had been negotiated with US BANCORP Government Leasing and Finance, in order to initiate a lease purchase transaction. Terms of the lease would expire in advance of the 15-year useful life of the assets acquired. The City had obtained a rate of 2.07% for seven years.

Payments for the equipment purchase would be 28 quarterly payments in advance at \$16,249.19 starting July 30, 2015, totaling \$454,977.32. The principal would be \$425,000.00 and interest costs would be \$29,977.32.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 15-126, a Resolution Authorizing the City to Purchase Radio Communications Equipment from Motorola Solutions, Inc., for use by the Police and Fire Departments. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-27-

Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

17104

RESOLUTION NO. 15-127, AUTHORIZE CITY TO ENTER INTO PROPERTY SCHEDULE NO. 2 OF THE MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT WITH US BANCORP GOVERNMENT LEASING AND FINANCING, INC., WITH RESPECT TO A LEASE FOR THE PURCHASE AND REPLACEMENT OF POLICE AND FIRE RADIO EQUIPMENT

Mayor Bigelow presented proposed Resolution No. 15-127 that would authorize the City to enter into Property Schedule No. 2 of the Master Tax-Exempt Lease/Purchase Agreement with US BANCORP Government Leasing and Financing, Inc., in the amount of \$454,977.32, regarding a lease for the purchase and replacement of Police and Fire radio equipment.

The City had need to replace a significant amount of police and fire radio communications equipment. Hand held portable radios and mobile radios would be purchased from Motorola Solutions Inc. The vendor and equipment were on the Utah State Purchasing Contract. Favorable terms had been negotiated with US Bancorp Government Leasing and Finance, Inc. to initiate a lease purchase transaction. Terms of the lease would expire in advance of the 15 year useful life of the assets acquired. The City had obtained a rate of 2.05% for seven years.

Payments for the subject equipment would be 28 quarterly payments in advance at \$16,249.19 starting July 29, 2015, totaling \$454,977.32. The principal would be \$425,000.00 and interest costs would be \$29,977.32.

After discussion, Councilmember Buhler moved to approve Resolution No. 15-127, a Resolution Authorizing the City to enter into Property Schedule No. 2 of the Master Tax-Exempt Lease/Purchase Agreement with US BANCORP Government Leasing and Financing, Inc., with Respect to a Lease for the Purchase and Replacement of Police and Fire Radio Equipment. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-28-

Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

17105

RESOLUTION NO. 15-128, APPROVE A FEDERAL AID AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION AND SALT LAKE COUNTY FOR THE 4700 SOUTH IMPROVEMENT PROJECT

Mayor Bigelow presented proposed Resolution No. 15-128 that would approve a Federal Aid Agreement with the Utah Department of Transportation and Salt Lake County in the amount of \$281,000.00, for the 4700 South Improvement Project.

An environmental study had been approved by the Utah Department of Transportation (UDOT) and the Federal Highway Administration to evaluate the reconstruction of 4700 South from 4000 West to 5600 West. The exact scope of work to be performed would be defined during the design process.

The Federal Aid Agreement would enable the project to access Federal funds to begin the project. The total project cost for the project was anticipated to be \$8,302,135.00; that included a local match of 6.77% to be paid by West Valley City and Salt Lake County in the amount of \$562,055.00. Total Federal participation in the project would be in the amount of \$7,740,080.00. Under the agreement the City would be responsible for 50% of the matching funds, but the proportionate share of matching funds were defined in an Interlocal Cooperation Agreement between the City and Salt Lake County being executed concurrently to the subject Agreement.

Upon execution of the Federal Aid Agreement, the City and County could select a consultant engineering firm to design the project.

The subject Federal Aid Agreement would authorize the expenditure of funds through the entire project process, including design, right-of-way acquisition and construction. The matching funds would be paid during different phases of the project. Funds for design and early action items were included in the 2015-2016 Tentative Budget and funds would be budgeted in future budget years to cover right-of-way and construction costs.

After discussion, Councilmember Rushton moved to approve Resolution No. 15-128, a Resolution approving a Federal Aid Agreement with the Utah Department of Transportation and Salt Lake County for the 4700 South Improvement Project. Councilmember Lang seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-29-

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

Unanimous.

17106

RESOLUTION NO. 15-129, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR THE 4700 SOUTH IMPROVEMENT PROJECT

Mayor Bigelow presented proposed Resolution No. 15-129 that would approve an Interlocal Cooperation Agreement with Salt Lake County, in the amount of \$350,000.00, for the 4700 South Improvement Project.

West Valley City and Salt Lake County received Federal funds under the Surface Transportation Program (STP) to reconstruct a portion of 4700 South, a roadway shared between the two agencies. A Federal Aid Agreement was being executed by the City and County concurrently to the subject agreement. The Interlocal Cooperation Agreement addressed cost sharing between the City and County under the Federal Aid Agreement. West Valley City would be responsible for payment of matching funds and any overrun costs on improvements within its jurisdictional limits. It was anticipated that roughly one quarter of the project costs would be paid by the City. The maximum amount authorized by the subject agreement was in the amount of \$350,000.00, that would include payment of the City's share of matching funds and some potential project overruns above the federally programmed funds. The County would take the lead on the project, but the City would participate during all phases of design and construction.

The matching funds would be paid during different phases of the project. Funds for design and early action items had been included in the 2015-2016 Tentative Budget and would be budgeted in future budget years to cover right-of-way and construction costs.

After discussion, Councilmember Buhler moved to approve Resolution No. 15-129, a Resolution approving an Interlocal Cooperative Agreement between West Valley City and Salt Lake County for the 4700 South Improvement Project. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
-------------	-----

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-30-

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

Unanimous.

17107

RESOLUTION NO. 15-130, AWARD A CONTRACT TO RIDGE ROCK, INC. FOR THE 2015 ASPHALT POLYMER TREATMENT PROJECT

Mayor Bigelow presented proposed Resolution No. 15-130 that would award a contract to Ridge Rock, Inc., in an amount not to exceed \$249,134.36 with authorization to spend an amount not to exceed \$261,000.00 through change orders, for the 2015 Asphalt Polymer Treatment Project.

Bids had been solicited for the 2015 Asphalt Polymer Treatment Project, and a total of five bids received, as follows:

Ridge Rock:	\$249,134.36
Top Job:	\$273,765.72
Eccles Paving:	\$285,041.39
Precision Asphalt:	\$293,806.73
Morgan Pavement Maintenance:	\$307,122.53

The lowest responsible bid had been submitted by Ridge Rock.

The project consisted of the application of a polymer mastic seal as a high-density roadway surface preservation treatment on several roads within the City. It was designed to seal the surface on newer pavements to prevent oxidation of the asphalt oil from water infiltration and ultraviolet exposure.

Areas of work included the following:

- 3145 South
- 4760 West
- 4355 West
- 4140 West
- Pioneer Parkway
- Lemar Way
- Hawkeye Drive
- Eagle Glen Way
- Hawkeye Street
- Eagle Heights Drive

MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2015

-31-

Barton Crest Circle
Various roads in the Highbury area
Various roads in the Vistas neighborhood
Various roads in the Westridge area

After discussion, Councilmember Huynh moved to approve Resolution No. 15-130, a Resolution Awarding a Contract to Ridge Rock, Inc., for the 2015 Asphalt Polymer Treatment Project. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 28, 2015, WAS ADJOURNED AT 10:30 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, July 28, 2015.

Sheri McKendrick, MMC
City Recorder