

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 16, 2016

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 16, 2016, 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
Don Christensen, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Karen Lang, Councilmember District 3

ABSENT: Steve Buhler, Councilmember District 2 (Excused)
Steve Vincent, Councilmember District 4 (Excused)

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

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

_____ **OPENING CEREMONY**

In the excused absence of Councilmember Vincent, the Opening Ceremony was conducted by Karen Lang. Councilmember Lang asked members of the audience to rise and recite the Pledge of Allegiance.

_____ **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 2, 2016**

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The Council read and considered Minutes of the Regular Meeting held February 2, 2016. There were no changes, corrections or deletions.

Councilmember Nordfelt moved to approve the Minutes of the Regular Meeting held February 2, 2016. Councilmember Christensen seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

COMMENT PERIOD

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

A. PUBLIC COMMENTS

Randy Northrup, 3405 S Beaver Street, addressed the City Council. Mr. Northrup stated he had several code violation complaints against his property and he felt all of them were unfair and inaccurate and he would like the Council to reconsider. He further stated he maintained his property and was unsure why he was being cited.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, advised Mr. Northrup that the City Council did not know the specifics of his property at this time but appropriate City staff would look into the complaint and contact him.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-2-2015 FILED BY EUGENE HAN REQUESTING A GENERAL PLAN CHANGE FROM LARGE LOT RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND A ZONE CHANGE FROM A (AGRICULTURAL) TO RM (RESIDENTIAL MULTIFAMILY) FOR PROPERTY LOCATED AT 3732 AND 3736 SOUTH 3200 WEST

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled February 16, 2016, in order for the City Council to hear and consider public comments regarding Application No. GPZ-2-2015 filed by Eugene Han requesting a General Plan change from Large Lot Residential to Medium Density Residential and a zone change from A (Agricultural) to RM (Residential Multifamily) for property located at 3732 and 3736 South 3200 West.

Written information previously provided to the City Council included the following:

Eugene Han had submitted a General Plan/zone change application for three parcels totaling 3.15 acres located at 3732 and 3736 South 3200 West on 3.15 acres. The property was currently zoned A (Agriculture, minimum lot size ½ acre) with a General Plan designation of large lot residential (2 to 3 units/acre). The proposed zone was RM

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(Residential Multifamily) and the proposed General Plan designation was Medium Density Residential (7 to 12 units/acre).

Surrounding zones included R-1-8 (Single Family Residential, minimum lot size 8,000 square feet) to the west and south, A to the north and R-1-8 and A to the east. Surrounding land uses included single-family homes to the north and south; duplexes and single family homes to the west and a Fourplex, duplexes and single family homes to the east. The north parcel includes a home built in 1920. The other two parcels were vacant.

The applicant proposed to demolish the existing home and develop a 29-unit townhome project. Two concept plans were included with this issue paper along with information from the applicant to support and further describe this application. The colored version of the concept plan included just the subject properties. The black and white version showed how adjoining properties could be incorporated into the development.

Zoning and General Plan designations on these three parcels, some adjoining parcels and other properties throughout the City, had been changed by the City in July of last year to encourage larger lots and higher value housing. The subject properties were changed from R-1-8 to A.

Mayor Bigelow opened the public hearing.

Anna Han, 11131 S Palisade Rim, addressed the City Council. Ms. Han presented the proposed concept plan and indicated property to the north was owned by an elderly woman who did not want to sell at this time, but the woman's children might sell in the future. She expressed her desire to incorporate that property into the proposed community eventually. She explained that property owners to the south were interested in selling soon and she hoped to also incorporate those properties to prevent any landlocked property. Ms. Han stated she purchased the subject property two years ago and was informed at that time a multi-family development could be constructed. She indicated there had been sudden regulation changes last year but the property was still able to meet requirements regarding the exception provided for in the City Code. She also stated the quality of the materials being provided for the townhome units would be far above average and her goal was to help improve and beautify the City.

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

ACTION: ORDINANCE NO. 16-07, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LARGE LOT RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 3732 AND 3736 SOUTH 3200 WEST ON 3.15 ACRES

The City Council previously held a public hearing regarding Application No. GPZ-2-

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2015 filed by Eugene Han and proposed Ordinance No. 16-07 that would amend the General Plan to show a change of land use from Large Lot Residential to Medium Density Residential for property located at 3732 and 3736 South 3200 West on 3.15 acres.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Huynh moved to approve Application No. GPZ-2-2015 filed by Eugene Han, and Ordinance No. 16-07, an Ordinance Amending the General Plan to Show a Change of Land Use from Large Lot Residential to Medium Density Residential for Property Located at 3732 and 3736 S 3200 W on 3.15 Acres. Councilmember Christensen seconded the motion.

Upon discussion, Councilmember Lang stated if properties in the subject area were assembled it would be ideal for larger lot single-family homes.

Councilmember Huynh stated single-family homes would not make sense in the subject area particularly because the property was surrounded by various multi-family uses. He further stated he owned a duplex in the surrounding neighborhood and there were issues with vacant property including trespassing, wild animals, and other problems. He stated neighbors there wanted to see development in the area and there were not enough single-family homes that could be built for the applicant to make a profit.

Mayor Bigelow stated when the ordinance was approved by the Council he had assumed that for a property to qualify for the exception it would need to be fully surrounded on two sides by multi-family and not just touching one or two parcels.

Responding to inquiry, Steve Pastorik, CED Department, read the ordinance and advised that City staff had determined the applicant met the ordinance requirements in order to make application.

Upon further inquiry regarding actions that could be considered by the City Council, Mr. Pastorik advised the Council did have the option of denying an application if they felt the proposal did not meet the goal of the City.

After further discussion and recognition by Mayor Bigelow, a substitute motion was made by Councilmember Christensen to reopen the public hearing. Councilmember Nordfelt seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

Mayor Bigelow reopened the public hearing.

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Anna Han, applicant, addressed the City Council. Ms. Han stated the price of a new single-family home would far exceed the cost of other homes in the area. She indicated the cost of the proposed townhomes would be significantly more expensive as it was. She explained the amount of money to bring utilities to a few single-family homes from the street would be very expensive and was not feasible. She further stated it would be very difficult to make a profit under those conditions.

Mayor Bigelow closed the public hearing.

Councilmember Lang stated there were single-family infill properties throughout the City that worked very well. She indicated the City wanted nicer, larger homes on the property that was left to be developed.

Councilmember Huynh stated that not enough homes could be built with the new requirements for property size and the cost would be too expensive for the applicant.

Councilmember Nordfelt stated he understood this was a difficult issue and expressed concern for the individual interests of the applicant as well as for the entire City. He indicated he did not feel comfortable approving this because it was important to look to the future for the entire neighborhood and townhomes would not be best in the long run for the area.

Mayor Bigelow commented this was the first project to be reviewed by the City Council under the new guidelines approved last year. He indicated the Code read that two complete sides of a property must be multi-family to qualify for an exception and not just a few parcels.

Hearing no further discussion, Mayor Bigelow called for a vote on the motion previously made by Councilmember Huynh and seconded by Councilmember Christensen.

A roll call vote was taken:

Ms. Lang	No
Mr. Huynh	Yes
Mr. Christensen	No
Mr. Nordfelt	No
Mayor Bigelow	No

Motion Failed, Lack of Majority; Application No. GPZ-2-2015 and proposed Ordinance No. 16-07 not approved.

ACTION: ORDINANCE NO. 16-08, AMENDING THE ZONING MAP TO

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SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3732 AND 3736 SOUTH 3200 WEST FROM ZONE A (AGRICULTURAL) TO RM (RESIDENTIAL MULTIFAMILY)

The City Council previously held a public hearing regarding Application No. GPZ-2-2015 filed by Eugene Han, and proposed Ordinance No. 16-08 that would amend the Zoning Map to show a change of zone for property located at 3732 and 3736 South 3200 West from zone A (Agricultural) to RM (Residential Multifamily).

The City Council previously considered and did not approve Application No. GPZ-2-2015 filed by Eugene Han and did not approve proposed Ordinance No. 16-07 related to the application.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Christensen moved to deny proposed Ordinance No. 16-08, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 3732 and 3736 S 3200 W from Zone A (Agricultural) to RM (Residential Multifamily). Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	No
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority; Proposed Ordinance No. 16-08 denied.

ACTION: RESOLUTION NO. 16-35, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH EUGENE HAN FOR APPROXIMATELY 3.15 ACRES OF PROPERTY LOCATED AT 3732-3736 SOUTH 3200 WEST

Mayor Bigelow presented proposed Resolution No. 16-35 related to Application No. GPZ-3-2015 filed by Eugene Han, said Application having not been previously approved by the City Council.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Christensen moved to deny proposed Resolution No. 16-35, Authorizing the City to Enter Into a Development Agreement with Eugene Han for Approximately

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3.15 Acres of Property Located at 3732-3736 South 3200 West. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	No
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority; Proposed Resolution No. 16-35 denied.

PUBLIC HEARING, APPLICATION NO. Z-4-2015 FILED BY RAUL RIVERA REQUESTING A ZONE CHANGE FROM A (AGRICULTURE) TO M (MANUFACTURING) FOR PROPERTY LOCATED AT 2327 SOUTH 7200 WEST

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled February 16, 2016, in order for the City Council to hear and consider public comments regarding Application No. Z-4-2015 filed by Raul Rivera requesting a zone change from A (Agriculture) to M (Manufacturing) for property located at 2327 South 7200 West.

Written information previously provided to the City Council included the following:

Matt Chadwick had requested a zone change for a 0.73 acre parcel located at 2327 South 7200 West from A (Agriculture, minimum lot size ½ acre) to M (Manufacturing). Surrounding zones included M to the north, east and south and A-20 (Agriculture, minimum lot size 20 acres) to the west in the Magna area. Surrounding land uses included vacant land to the north and west, the north frontage road and SR-201 to the south and what was used as a small rucking property to the east. The Mountain West Truck Center project had recently been approved on the property to the north and east. The subject property was designated as light manufacturing in the City's General Plan.

The subject property included a home built in 1977, a large shed and a pole barn. If the rezone application was approved, the applicant intended to:

- Convert the home into an office (entire house will be used as office) and repair the roof
- Convert the shed into a mechanic shop and replace any missing siding or windows
- Pave the area east of the shed and south of the pole barn for parking
- Enhance the site landscaping

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- Repair the existing fence
- Reserve at least 8 parking spaces for auto sales

Automobile sales and service was a conditional use in the M zone. If the rezone application was approved, a conditional use permit, building permit and business license would be required to make the necessary improvements and convert the use from residential to auto sales and service. Some of the improvements required as part of the conditional use and building permits would include at least 20' of landscaping along 7200 West and the frontage road; hard surfaced parking designated by an engineer for the office, mechanic shop and cars sales area, and interior upgrades to the home and shed to meet building code requirements.

Mayor Bigelow opened the public hearing.

Mathew Chadwick, 5952 Fox River Drive, addressed the City Council. Mr. Chadwick stated he desired to do auto sales and service on the subject property. He indicated everything would be constructed per the City's Code.

Upon inquiry by Councilmember Christensen, the applicant advised the home would be modified into an office.

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

ACTION: ORDINANCE NO. 16-09, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2327 SOUTH 7200 WEST FROM ZONE A (AGRICULTURE) TO M (MANUFACTURING)

The City Council previously held a public hearing regarding Application No. Z-4-2015 filed by Raul Rivera, and proposed Ordinance No. 16-09 that would amend the Zoning Map to show a change of zone for property located at 2327 South 7200 West from zone A (Agriculture) to M (Manufacturing).

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Huynh moved to approve Application No. Z-4-2015 filed by Raul Rivera and Ordinance No. 16-09, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 2327 S 7200 W from Zone A (Agriculture) to M (Manufacturing). Councilmember Lang seconded the motion

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	Yes

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Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

ACTION: RESOLUTION NO. 16-36, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RAUL RIVERA FOR APPROXIMATELY 0.73 ACRES OF PROPERTY LOCATED AT 2327 SOUTH 7200 WEST

The Council considered proposed Resolution No. 16-36 related to Application No. Z-4-2015 previously considered and approved.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Huynh moved to approve Resolution No. 16-36, a Resolution Authorizing the City to Enter Into a Development Agreement with Raul Rivera for Approximately 0.73 Acres of Property Located at 2327 South 7200 West. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 16-37, APPROVING AN AGREEMENT BETWEEN WEST VALLEY CITY AND THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR ADMINISTRATIVE SERVICES RELATED TO THE CITY'S 457 RETIREMENT PLAN

Mayor Bigelow presented proposed Resolution No. 16-37 that would approve an Administrative Services Agreement between West Valley City and International City Management Association (ICMA) Retirement Corporation for administrative services related to the City's 457 Retirement Plan.

Written information previously provided to the City Council included the following:

ICMA would pay the City an administrative fee of \$28,000 annually during the 5 year

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term of the subject agreement, that reflected ICMA Retirement Corporation’s assumptions about the revenue it would receive from City funds that were part of its investment plans.

The City maintained two retirement plans with ICMA Retirement Corporation. The 457 Deferred Compensation Plan was funded by employee contributions, and the 401a Money Purchase Plan was funded by City contributions ICMA Retirement Corporation is a non-profit corporation offering retirement investment options available only to public employers.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Lang moved to approve Resolution No. 16-37, a Resolution Approving an Agreement Between West Valley City and the International City Management Association Retirement Corporation for Administrative Services Related to the City’s 457 Retirement Plan. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

CONSENT AGENDA

A. RESOLUTION NO. 16-38, AUTHORIZING THE CITY TO ACCEPT AND RECORD A WARRANTY DEED FROM RAR INVESTMENTS, LLC FOR PROPERTY LOCATED AT 2283 SOUTH 7200 WEST (PARCEL 14-22-151 AND 14-22-151-025)

Mayor Bigelow presented proposed Resolution No. 16-38 that would authorize the City to accept and record a Warranty Deed from RAR Investments, LLC for property located at 2283 South 7200 West (Parcel 14-22-151 and 14-22-151-025).

Written information previously provided to the City Council included the following:

RAR Investments, LLC had signed a Warranty Deed for additional right-of-way on 7200 West at 2283 South. RAR Investments, LLC was the owner of the properties for the proposed Mountain West Truck Center site. As a condition of

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approval for the proposed project, conveyance of right-of-way had been required in accordance with the West Valley City Major Street Plan. The existing right-of-way width on the east side of 7200 West was a 33-foot half width and being widened to a 40-foot half width right-of-way.

B. RESOLUTION NO. 16-39, AUTHORIZING THE ACCEPTANCE OF A STORM DRAIN EASEMENT FROM RAR INVESTMENTS, LLC, FOR PROPERTY LOCATED AT 7094 WEST SR-201 NORTH FRONTAGE ROAD (14-22-151-025)

Mayor Bigelow presented proposed Resolution No. 16-39 that would authorize the acceptance of a Storm Drain Easement from RAR Investments, LLC, for property located at 7094 West SR-201 North Frontage Road (14-22-151-025).

Written information previously provided to the City Council included the following:

RAR Investments, LLC had signed a Storm Drain Easement in favor of West Valley City. The easement would allow for the realignment and piping of an existing storm drainage ditch across the RAR Investments property to allow for the construction of the proposed Mountain West Truck Center site.

C. RESOLUTION NO. 16-40, AUTHORIZING THE CITY TO EXECUTE AN ABANDONMENT OF STORM DRAIN EASEMENT ON PROPERTY OWNED BY RAR INVESTMENTS, LLC (PARCEL NO. 14-22-151-025)

Mayor Bigelow presented proposed Resolution No. 16-40 that would authorize the City to execute an Abandonment of Storm Drain Easement on property owned by RAR Investments, LLC (Parcel No. 14-22-151-025).

Written information previously provided to the City Council included the following:

West Valley City had an existing Storm Drain Easement on property currently owned by RAR Investments. As RAR Investments had granted a new Storm Drain Easement and would be realigning and installing new storm drain piping, the existing easement would no longer be necessary.

In 2004, a Storm Drain Easement had been conveyed to West Valley City across property currently owned by RAR Investments, LLC. A storm drainpipe was constructed within this easement by the developer of the First Choice Storage site located on property adjacent to the east boundary of the RAR Investments property. The existing storm drain took storm water from the First Choice Storage site and other properties to an existing drainage ditch on the RAR property. As part of the Mountain West Truck Center project on its property,

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RAR Investments had granted a new Storm Drain Easement to the City and would pipe the drainage ditch and realign the existing storm drain. As a result of the proposed construction and the new Storm Drain Easement, the existing Storm Drain Easement would no longer be necessary.

Upon inquiry by Mayor Bigelow there were no further questions or concerns from members of the City Council, and he called for a motion.

Councilmember Christensen moved to approve Resolution Nos. 16-38, 16-39 and 16-40 as listed on the Consent Agenda. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

MOTION TO ADJOURN

Upon motion by Councilmember Huynh all members voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, FEBRUARY 16, 2016, WAS ADJOURNED AT 7:26 P.M. BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, February 16, 2016.

Nichole Camac
City Recorder