

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 7, 2014, 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:

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

16758

OPENING CEREMONY

The Opening Ceremony was conducted by Tom Huynh who led the Pledge of Allegiance to the Flag.

16759

SCOUTS

Mayor Bigelow welcomed Scout Troop Nos. 662, 672, and 913 in attendance to complete requirements for the Communications merit badge.

16760

APPROVAL OF MINUTES OF REGULAR MEETINGS HELD SEPTEMBER 16, 2014 AND SEPTEMBER 23, 2014

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-2-

The Council read and considered Minutes of the Regular Meetings held September 16, 2014 and September 23, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Nordfelt moved to approve the Minutes of the Regular Meetings held September 16, 2014 and September 23, 2014, as written. 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.

16761 **PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER 2014 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN WEST VALLEY CITY**

Mayor Bigelow read a Proclamation recognizing the month of October 2014 as National Domestic Violence Awareness Month in West Valley City.

16762 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

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

B. **CITY COUNCIL COMMENTS**

Councilmember Rushton thanked the Victim Services Division staff and those who spoke during the program regarding Domestic Violence Awareness that had been held in the lobby of City Hall prior to this meeting. He also congratulated the Police Chief for being proactive regarding the processing of rape kits.

16763 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2014-2015 BUDGET**

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to accept public input regarding re-opening the FY 2014-1025 Budget.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-3-

Proposed Ordinance No. 14-37 that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds was discussed as follows:

State State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. West Valley City held public hearings on budget amendments on a quarterly basis each fiscal year and a public notice had been posted as required by law.

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

ACTION: CONSIDER ORDINANCE NO. 14-37, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The Council previously held a public hearing regarding proposed Ordinance No. 14-37 that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

After discussion, Councilmember Buhler moved to approve Ordinance No. 14-37, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. 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.

16764

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING A PROPOSED MORATORIUM ON APPLICATIONS TO CHANGE ZONING ON PROPERTY TO ANY RESIDENTIAL ZONE

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-4-

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to accept public input regarding a proposed moratorium on applications to change zoning on property to any residential zone.

City Manager, Wayne Pyle, discussed some background information regarding the proposal for the benefit of members of the Council and others in attendance at the meeting. He noted per the Council's direction at a previous study meeting, the proposed ordinance had been amended to only include properties that were two acres or larger. He indicated the most recent amended draft version had been previously provided to members of the Council.

Proposed Ordinance No. 14-38 that would enact a temporary land use regulation regarding rezoning of property within the City and related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

The City Council was currently in the process of updating the General Plan and evaluating current and future land use priorities in West Valley City. Accordingly, the subject ordinance proposed to impose a temporary land use regulation prohibiting applications requesting to re-zone property for residential use for a period of six months. The City was authorized to enact temporary land use ordinances by U.C.A. 10-9c-504.

Mayor Bigelow opened the public hearing.

Jim Defa addressed the City Council and advised he was in attendance to obtain more information. He stated the term "moratorium" was of concern to those who owned property, that concern being they would not be able to develop their property as they saw fit. He expressed a desire to be involved in the process and part of any discussion. He explained developers were not the only ones affected by this action as property owners were also affected.

Kim LeFevre addressed the City Council and expressed concern that she lived in an area with open spaces that would be designated for development. Ms. LeFevre stated she also wanted to be involved in the process as she had built her home in an agricultural area some 30 years ago. She explained development and more people had changed her lifestyle. She expressed the need to consider people who lived in the area and not just property owners and/or developers. She indicated she wanted to be included in plans for the future and how to handle traffic and congestion. She stated people who lived in those areas also needed to have a voice.

Chris Jacketta addressed the City Council stating he was glad to have the opportunity to give input into the City's master plan and that was how they got

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-5-

together with neighbors. He expressed the need to take a step back and plan for the future. He indicated the Mountain View Corridor would also impact areas of open space.

Elliott Mott addressed the City Council and advised he advocated for open space and suggested the moratorium be applied to all open space. He encouraged consideration regarding connectivity of the trail system to homeless people and cited examples of Central Park in New York City and the value it gave to that city similar to the Jordan River corridor here.

Mary Jane Newton-Davis addressed the City Council and stated she was a life-long resident of West Valley City and discussed family history of living here since the 1870's. Ms. Newton-Davis indicated open space should be supported wherever possible. She explained she had tried to write grants and raise funds to maintain their property as open space and the moratorium would be in their best interest. She expressed desire to be involved in the process every step of the way to find the best solution for the Newton family and their property. She also discussed doing the best for those that could not maintain the open space. She concluded by reminding of the Newton family and their commitment to West Valley City.

Billy Burke addressed the City Council and stated he had been involved in the formation of West Valley City many years ago. He discussed what he viewed as a problem because the paper said there would be three million more people in Salt Lake County in the next few years, and where would they reside? He indicated the problem could be solved and real changes were about to occur. He expressed the need to be included in the process because builders and developers were only in it for the money.

Frank Newton addressed the City Council and expressed appreciation for what the City Council was doing. He indicated it was a difficult decision and he wished he had answers regarding the proper balance between development and open space. He expressed appreciation for the opportunity to be involved in the process.

Mark Bradshaw addressed the City Council and expressed the need for adequate parks and open areas and prudence of saving those areas for the future. He suggested the City plan well in that regard.

Tony Jacketta addressed the City Council and stated he owned a small piece of ground and could not grow anything on it except weeds. He informed he desired to develop the property, but could not for several reasons. He expressed opposition to the moratorium and asked to be involved in future discussions.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-6-

There being no one else who desired to address the City Council, Mayor Bigelow closed the public hearing.

Upon discussion, Councilmember Rushton pondered as to what magic word had brought out all of his favorite West Valley City residents tonight. He expressed appreciation to those who had addressed the City Council noting their request of the City to be careful in planning for the future. He explained where the moratorium had come from and discussed the update of the General Plan in developing a vision and future of the City. He advised the Council had felt that zoning matters should be held until more information could be gathered in the process as plans continued for the City. He indicated it would be undesirable to develop piece meal and the Council desired to use all the tools and resources available to help property owners receive the highest and best use of their lands. He expressed the priority of maintaining a high quality of life in West Valley City. He indicated the Council also wanted to make the best decisions regarding land use for all interested parties and the City. He stated the Jordan River corridor was a special part of the City and preserving that feature would require some help to make it happen. He expressed appreciation to everyone for their input and interest in being part of the process.

Councilmember Vincent expressed agreement with Councilmember Rushton's remarks and comments. He expressed appreciation to long-time residents of the City and stated the Council needed their input in moving forward in determining what would be in the best interest and right for West Valley City.

Councilmember Lang also expressed agreement with Councilmember Rushton's remarks and stated the Newton and Defa families really cared what happened to their properties as they desired the best for the City. She expressed appreciation to those families for looking out for the best interest of the City.

Mayor Bigelow stated one of his concerns was park space including local neighborhood parks. He discussed background information regarding discussions and the proposal of two developers of parcels within a larger property that had been asked to provide a park. He discussed some of the issues faced by the City Council including traffic, development, small amount of development land, and other issues. He expressed need for more information and input in order to do the best for property owners, neighbors and the City. He explained the Council desired to make sure decisions were right while moving forward. He advised City staff would lead the effort to gather information and obtain feedback from all interested parties including property owners, neighbors, adjacent property owners, developers, and others. He indicated the Council would do its best and in as little time as possible. He noted there were some real challenges to be faced.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-7-

ACTION: CONSIDER ORDINANCE NO. 14-38, ENACTING A TEMPORARY LAND USE REGULATION REGARDING THE RE-ZONING OF PROPERTY WITHIN THE CITY

The Council previously held a public hearing regarding proposed Ordinance No. 14-38 that would enact a temporary land use regulation regarding the re-zoning of property within the City.

After discussion, Councilmember Rushton moved to approve Ordinance No. 14-38, an Ordinance Enacting a Temporary Land Use Regulation Regarding the Re-zoning of Property within the City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16765

RESOLUTION NO. 14-157, APPROVE FRANCHISE AGREEMENT WITH tw telecom of utah llc AND WEST VALLEY CITY FOR A TELECOMMUNICATIONS NETWORK IN THE CITY

Mayor Bigelow presented proposed Resolution No. 14-157 that would approve a Franchise Agreement with tw telecom of utah llc for a telecommunications network in the City.

He stated the proposed Franchise Agreement would allow tw telecom of utah llc (tw) to establish a telecommunications network in, under, along, over and across present and future rights-of-ways of West Valley City.

Applications for telecommunications networks in the City were governed by Chapter 20-5 of the City Code. The franchise granted by the subject agreement would be for a ten-year period, with the option to renew for an additional ten years with the same terms and conditions. Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject agreement memorialized this provision as well as acknowledging tw's obligation to secure permits from the Public Works Department for any excavation or construction.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-8-

After discussion, Councilmember Lang moved to approve Resolution No. 14-157, a Resolution Approving a Franchise Agreement with tw telecom of utah llc and West Valley City for a Telecommunications Network in the City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16766

RESOLUTION NO. 14-158, APPROVE THE PURCHASE OF A 2015 FORD F250 TRUCK FROM HENRY DAY FORD FOR USE BY THE PUBLIC WORKS DEPARTMENT

Mayor Bigelow presented proposed Resolution No. 14-158 that would approve the purchase of a 2015 Ford F250 4-Door Crew Cab truck from Henry Day Ford, in an amount not to exceed \$30,496.60, for use by the Public Works Department.

Henry Day Ford had been selected as the supplier of the above-described vehicle to be used by the Public Works Storm Water Engineering Division. The original estimate from Henry Day Ford had been in the amount of \$30,000.00 and upon delivery of the vehicle the invoice reflected a \$496.00 overage of that original estimate. The City's procurement code allowed purchases without bidding from vendors within the City at an amount within 1% of the State bid. The proposed purchase would replace a vehicle from the Light Vehicle Replacement List.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-158, a Resolution Approving the Purchase of a 2015 Ford F250 from Henry Day Ford for use by the Public Works Department. Councilmember Buhler 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 – OCTOBER 7, 2014

-9-

Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16767

RESOLUTION NO. 14-159, AUTHORIZE FIVE PERCENT CONTINGENCY TO THE CONTRACT WITH ACE CONSTRUCTION FOR THE CONSTRUCTION OF THE GLENN WEAVER MEMORIAL PARK TO COVER CURRENT AND POTENTIAL CHANGE ORDERS ON THE PROJECT

Mayor Bigelow presented proposed Resolution No. 14-159 that would authorize five percent contingency, up to \$44,330.62, to the contract with Ace Construction for construction of the Glenn Weaver Memorial Park to cover current and potential change orders on the project.

He stated the proposed five percent contingency would cover three current change orders totaling \$5,882.50 and anticipated future change orders to the original contract amount of \$886,612.47.

During construction of most park projects there were conditions that turned out to be materially different than the plans and specifications indicated. The first three change orders fell into that category. Changes in the design had been made during negotiations with the contractor that needed correction as well as design discrepancies between the architect, engineer and City staff that were discovered during the construction process. These errors needed correction to produce a satisfactory and functional final product.

The proposed contingency should cover all corrected change orders as well as any future change orders, and he assured prudence in administering any additional change orders would be exercised by staff.

Review of historical information regarding the project included that Glenn Weaver Memorial Park at the Vistas had been purchased in 2004 as the area developed into single-family residences. The City awarded the construction of Weaver Park to Ace Construction in July and the contractor had been working on the project over the last two months and progress had been made. The park would be a 2.8-acre facility with a fantastic view of the Salt Lake Valley. It had been during this initial work that the changes in work and scope had been identified.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-159, a Resolution Authorizing a Five Percent Contingency to the Contract with Ace Construction for the Construction of the Glenn Weaver Memorial Park to Cover Current and Potential Change Orders on the Project. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-11-

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

Unanimous.

16768

RESOLUTION NO. 14-160, RATIFY THE CITY MANAGER'S APPOINTMENT OF DAVID MCEWEN AS A MEMBER OF THE WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE, TERM: OCTOBER 7, 2014 – JUNE 30, 2018

Mayor Bigelow presented proposed Resolution No. 14-160 that would ratify the City Manager's appointment of David McEwen as a Member of the West Valley City Clean and Beautiful Committee for the term October 7, 2014 through June 30, 2018.

He stated that Mr. McEwen was willing to serve as a member of the City's Clean and Beautiful Committee for the above-stated term. He advised that members of the Committee were appointed for four-year terms by the City Manager with the advice and consent of the City Council.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-160, a Resolution Ratifying the City Manager's Appointment of David McEwen as a Member of the West Valley City Clean and Beautiful Committee for a Term Commencing October 7, 2014 and Ending June 30, 2018. 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.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

-12-

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 7, 2014, WAS ADJOURNED AT 7:31 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, October 7, 2014.

Sheri McKendrick, MMC
City Recorder