



*****AMENDED BLUFFDALE CITY COUNCIL
MEETING AGENDA
Wednesday, July 22, 2015**

Notice is hereby given that the Bluffdale City Council will hold a meeting Wednesday, July 22, 2015 at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah scheduled to begin promptly at 7:00 p.m. or as soon thereafter as possible. Notice is further given that access to this meeting by the Mayor and or City Council may be by electronic means via telephonic conference call.

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING 7:00 P.M.

1. Roll Call, Invocation, Pledge of Allegiance*
2. **PUBLIC FORUM** – (4 minute maximum per person to bring items not already on the agenda before the Council. Participants are encouraged to submit a written statement (1 copy) for items that are complex or that may require more than 4 minutes to present).
3. **CONSENT AGENDA** –
 - 3.1 Approval of the June 24, 2015 meeting minutes.
 - 3.2 Approval of the July 08, 2015 meeting minutes.
4. Presentation and update regarding Bluffdale City Hall Design Workshop, Jim Child, JRCA.
5. ***Discussion regarding the zoning of 14-acres of property, located at approximately 14400 South 2200 West, Kathi Jones Bergquist, Alyn Jones and Patty Sleight, family members of Heber Jones, property owner.
6. Presentation and discussion regarding the Bluffdale City Police Department Quarterly Statistical Report, staff presenter, Sergeant Shane Taylor.
7. *****PUBLIC HEARING** - Consideration and vote on a proposed amendment to Chapter 12-5-3(F) of the Bluffdale City Land Use Ordinance to allow a temporary emergency second point of ingress and egress for more than (30) residential lots, David Tolman, applicant, staff presenter, Jennifer Robison.
8. Consideration and vote on a proposed preliminary plat for Mountain Pointe Business Park, a seven lot subdivision for an industrial office building park, located at approximately 930 West 14600 South, Justin Earl, ICO Development, applicant, staff presenter, Alan Peters.
9. Consideration and vote on a proposed final plat for Mountain Pointe Business Center Phase 1, a one lot subdivision in an industrial office building park, located at approximately 930 West 14600 South, Justin Earl, ICO Development, applicant, staff presenter, Alan Peters.
10. Consideration and vote on a resolution approving a request for a refund of Storm Drainage Impact Fees previously paid by ICO Development, Justin Earl, ICO Development, applicant, staff presenter, Alan Peters.

11. **PUBLIC HEARING** – Consideration and vote on a proposed plat amendment for Center Point Business Park Plat “A” PUD Amended 2 in order to relocate an existing utility easement, located on lot 9, Ken Day, applicant, staff presenter, Alan Peters.
12. **PUBLIC HEARING** – Consideration and vote on a proposed site plan for a new 24,940 sq. ft. office/warehouse building to be located at 974 West 14420 South, lot 9, Center Point Business Park, Ken Day, applicant, staff presenter, Alan Peters.
13. *****PUBLIC HEARING** – Consideration and vote on an ordinance approving the adjustment of a common municipal boundary with Draper City, staff presenter, Grant Crowell.
14. Consideration and vote on a resolution authorizing the negotiated amendments to the Encroachment Agreement with Utah Lake Distributing Company (ULDC) for the storm drain pipe, staff presenter, Matt Chadwick.
15. Mayor’s Report
16. City Manager’s Report and Discussion

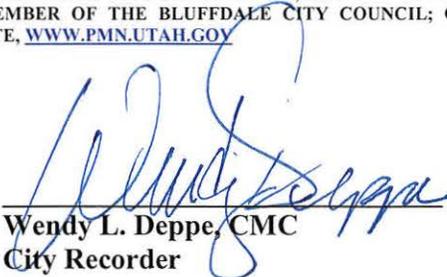
PLANNING SESSION

Please Note: The planning session is for identifying future items and other council discussion in accordance with Utah Code § 52-4-201(2)(a). While the meeting may be open to the public, there will not be any opportunity for public input during the planning session.

17. **WORK SESSION** – Regarding the subdivision and future public streets of the Dansie’s property, located at approximately 14525 South 3400 West, Kenneth and Colleen Dansie.
18. Closed meeting pursuant to Utah Code § 52-4-205(1) to discuss the character, professional competence, or health of an individual, collective bargaining, pending or imminent litigation, strategies to discuss real property acquisition, including any form of a water right or water shares, security issues, or any alleged criminal misconduct (if needed).
19. Adjournment

Dated this 21st day of July, 2015

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND AGENDA WAS FAXED TO THE SOUTH VALLEY JOURNAL, THE SALT LAKE TRIBUNE, AND THE DESERET MORNING NEWS; POSTED AT THE BLUFFDALE CITY HALL, BLUFFDALE CITY FIRE STATION, AND THE COMMUNITY BULLETIN BOARD AT THE BLUFFS APARTMENTS; EMAILED OR DELIVERED TO EACH MEMBER OF THE BLUFFDALE CITY COUNCIL; ON THE CITY’S WEBSITE AT WWW.BLUFFDALE.COM AND ON THE PUBLIC MEETING NOTICE WEBSITE, WWW.PMN.UTAH.GOV


Wendy L. Deppe, CMC
City Recorder

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening’s agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting. In compliance with the American with Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 801-254-2200. TTY 7-1-1. *Contact the City Recorder if you desire to give the Invocation.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

Present: Mayor Derk Timothy
Bruce Kartchner
Ty Nielsen
Heather Pehrson
Justin Westwood

Staff: Mark Reid, City Manager
Vaughn Pickell, City Attorney
Grant Crowell, City Planner/Economic Development Director
Michael Fazio, City Engineer
Blain Dietrich, Public Works Operations Manager
Alan Peters, Associate City Planner
Jennifer Robison, Associate City Planner
Matthew Chadwick, Assistant City Engineer
Wendy Deppe, City Recorder
Shane Taylor, Police Sergeant
Police Chief, Andy Burton
Fire Chief, John Roberts

Excused: Alan Jackson

Others: Dave Tolman, Aclaime
Jim Child, JRCA
Justin Earl, ICO Development
Ken Day, Property Management Company
Boyd Preece, Council Member Candidate
James L. Wingate, Council Member Candidate

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING

Mayor Derk Timothy called the meeting to order at 7:00 p.m.

1. Roll Call, Invocation, and Pledge.

All Members of the City Council were present with the exception of Alan Jackson, who was excused.

Heather Pehrson offered the invocation.

Ty Nielsen led the Pledge of Allegiance.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

2. PUBLIC FORUM.

Mayor Timothy acknowledged that Heather Pehrson will be moving out of state and will resign. Gratitude was expressed for her time served on the City Council. The Mayor presented her with a commemorative plaque in appreciation of her service to the City of Bluffdale.

3. CONSENT AGENDA:

3.1 Approval of the June 24, 2015, Meeting Minutes.

3.2 Approval of the July 08, 2015, Meeting Minutes.

Ty Nielsen moved to approve the consent agenda. Bruce Kartchner seconded the motion. The motion passed with the unanimous consent of the Council.

4. Presentation and Update Regarding Bluffdale City Hall Design Workshop, Jim Child, JRCA.

Architect Jim Child provided an update on the City Hall Design Workshop and stated that the total square footage is 34,010. The various spaces were described. Mr. Child stated that the Council Chambers and the Multi-Purpose Room can be combined to create a large open space. Other design details were also discussed such as a combined Council/Courtroom. Mr. Child described how the building will flow and ways the courtroom will remain secure. It was noted that the Judge's chambers will have a separate entrance and restroom. Office areas were described.

Heather Pehrson asked how much thought had gone into the audio visual components of the building. Mr. Child stated that they have been discussed but it is still quite early to finalize them. He stated that in the Council/Multi-Purpose Room there are a variety of ways to project and view things.

He indicated that early in the design phase test wells will be drilled and used if that type of system is pursued. The test wells will show how many wells need to be drilled. They can also determine how cost effective the system will be because of the ground conditions. Mayor Timothy proposed that test wells be drilled so that the design and cost comparison can be done accurately. The cost of drilling the two wells was estimated at \$15,000. Cost issues were discussed. Mr. Child explained that before drilling they will meet with a Mechanical Engineer who can obtain geotechnical information and make a judgement call about feasibility. The purpose of the test wells is to take the guesswork out of the rest of the system. Mayor Timothy asked for the difference between the two systems.

The Mayor thought the space was well used and liked that there is no wasted space.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

Mr. Child reviewed the 110-foot length of the ramp that would go to the basement versus the option of stairs. It was noted that the ramp would be used to transport and store Bluffdale Arts Advisory Board equipment.

5. Discussion Regarding the Zoning of 14 Acres of Property, Located at Approximately 14400 South 2200 West, Kathi Jones Bergquist, Alyn Jones, and Patty Sleight, Family Members of Heber Jones, Property Owner.

Bruce Kartchner moved to remove the above matter from the agenda indefinitely. Ty Nielsen seconded the motion. The motion passed with the unanimous consent of the Council.

6. Presentation and Discussion Regarding the Bluffdale City Police Department Quarterly Statistical Report, Staff Presenter, Sergeant Shane Taylor.

Chief Burton expressed appreciation to Heather Pehrson for her support of the Police Department during her time on the Council.

Chief Burton reported that law enforcement in Utah has been involved in supporting the Special Olympics for many years. He described various events the department has participated in from April to July 2015. These include Special Olympics events and Officer SWAT trainings. The Chief also highlighted upcoming events the Police Department will be involved in such as the Veterans Memorial.

Heather Pehrson appreciated the presence the Police Department has had in the community and for their service.

Chief Burton reported that over the past few years they have upgraded equipment and training. He stated that their team is top notch. He commended the Mayor for his support, which contributed to the overwhelming success of the recent SWAT Team training. The Mayor was presented with a special award.

Chief Burton identified areas where the Police Department supports the Bluffdale precinct portion of the department, which is principally in the areas of administration. The Bluffdale and Saratoga Springs precincts help back each other in terms of backup and it is a mutually beneficial relationship.

Ty Nielsen expressed appreciation to Chief Burton.

Mayor Timothy reported that at three monthly Mayor's Meetings in a row he received complaints from residents about police-related issues. He was able to talk to Sergeant Taylor and the department responded very well. At the last meeting there were no complaints about speeding or running stop signs. He thought that increased awareness in those areas has been very much appreciated.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

Sergeant Taylor reported on recent burglaries in the community and described efforts taken including working with other departments on the investigation and surveillance. It was reported that a person of interest was identified and the case was moving forward. He stated that with the increased nightly patrols the burglaries have stopped.

Sergeant Taylor presented the Police Department Quarterly Statistical Report and compared data from the months of April and May to the same months in 2013 and 2014. Calls for service increased dramatically and officers have been very busy. Citizen assists was the highest category and officers have made an effort to reach out to those needing help on the roadside. The category for Extra Patrols included people on vacation who would like added security, businesses, and the Camp Williams Base.

Traffic citation data was next presented along with response time data. Average response times were reported at approximately eight minutes. They do not include emergency calls where response times are much faster. Sergeant Taylor reported that extreme emergency call response times are two to four minutes.

Sergeant Taylor reported that there were a total of 328 incidents in June including five burglaries, four vehicle burglaries, two thefts, five domestic disputes, one vehicle theft, one child abuse case, five criminal mischief cases, two missing persons, and no assaults. There were currently 97 active cases under investigation. Nine of the cases were screened by the District or City Attorney's Office, and nine involved arrests. There were 38 suspicious calls and 27 alarm calls. The number of traffic offenses decreased. Sergeant Taylor reported that officers are very busy and the department is fully staffed.

Monthly case statistics were presented. Sergeant Taylor reported that there are currently 89 active cases, 59 new cases, and 77 cases cleared.

7. PUBLIC HEARING: Consideration and Vote on a Proposed Amendment to Chapter 12-5-3(F) of the Bluffdale City Land Use Ordinance to Allow a Temporary Emergency Second Point of Ingress and Egress for more than (30) Residential Lots, David Tolman, Applicant, Staff Presenter, Jennifer Robison.

Associate City Planner, Jennifer Robison, presented the staff report and stated that the application is proposed by Westgate Partners who was represented by Dave Tolman. She indicated that the 1000 West connection is very important and provides circulation in the City. It is also shown on the current Master Plan and there had been some discussion about how the access will impact the property recently approved for 256 units. Mrs. Robison identified the access into the development. The current ordinance states that only up to 30 units or lots can be accessed by one access. The applicant was proposing to increase that to allow one access for all 256 units with a possible temporary access.

Staff reviewed the proposed text amendment along with the DRC. The items shown in red in the staff report represented the proposed changes. It was recommended that there be a secondary

BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015

access with a locked gate that would be accessible to emergency personnel. The concern was that the proposed location is near the canal crossing where there is an existing gate owned by private property owners. The special access would have to cross over the Newman property. To the north is Westgate Partners as well as other private properties. The Planning Commission reviewed the request and made a recommendation with findings set forth in the staff report. There was concern that there was not enough evidence from the Fire Chief and Police Chief about the locked gate. They also asked if written permission had been received from the private property owner, Mr. Newman, about using some of his property for the proposed access.

Staff felt that the proposed amendment represents a substantial deviation from the ordinance. There was also concern about how to access the locked gate and how it would function. It was noted that all of the access for construction and residential traffic would be pushed back to 1000 West into the DAI portion of Independence.

Mrs. Robison stated that if the applicant could provide a 20-foot unobstructed access to 14600 South he could be approved for all 256 units. In response to a question raised by Heather Pehrson about who controls the gate, it was Mrs. Robison's understanding that the gate is on the Newman property.

City Attorney, Vaughn Pickell, reported that Westgate has an easement that was signed by their predecessors. Even though the gate is physically on a neighboring property, Westgate would have the right to control access to the gate. Access issues were discussed.

Dave Tolman gave his address as 1245 Westwood Drive and was present representing the applicant. He explained that the gate was constructed by the Erickson family who manages the access. The intent was for the gate to be accessible to emergency personnel. In the event of a problem it would be a crash gate. Keys would be provided to the Fire Marshall, Police Department, and Fire Department. When the property owners got together they wanted to make sure that each had access to their property. As a result, Westgate has an easement that runs across the Newman property. The intent was to move forward and get the roads in. He noted that their first lot won't be permitted until October and people are expected to start moving in in February or March.

Mr. Tolman indicated that the desire was to find a way to utilize a temporary access until the access is completed. Each of the three developers agreed to put up \$300,000 for a total of \$900,000 for the construction of the road. They are ready, willing, and able to do the work as soon as the access is acquired and the engineering is completed.

Bruce Kartchner suggested expanding the access over the canal to avoid going across the Newman property or leaving the gate locked. Mr. Tolman explained that the Easement Agreement specifies that it should be controlled as a private road and would not allow for through traffic. In response to a question raised by Heather Pehrson, Mr. Tolman reported that the cost of crossing the canal is approximately \$100,000. Other options were discussed. Mrs. Robison explained that the City does not want there to be any crossing of the detention area.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

Mr. Tolman referenced Section 2 of the Development Agreement, which states that in the event of a conflict between the agreement, the Westgate Project Plan, and City ordinances, the agreement and the Westgate Project plan shall control. It further states that in all events, the City shall agree to properly adopt the agreement as a change and/or modification to the City ordinance with respect to the Westgate property. The City further agrees to take any and all action to cause adoption of the agreement as a change or modification to the City ordinances.

City Manager, Mark Reid, reported that the direction staff was given was to accept an offer. Mr. Tolman thought that was fair. He stated that there was concern raised by City Engineer, Michael Fazio, about the existing culvert and whether it had been engineered properly. A report was prepared and submitted to the Engineering Department to ensure that it is sound and secure and can accommodate emergency vehicles. Some work needed to be done on the culvert to make it safer. It was also necessary to purchase right-of-way and make the property available for construction.

Mr. Tolman stated that from the standpoint of the project itself, the lots will be ready in October and there will be a 60 to 90-day process. Timing issues of the road were discussed. Mayor Timothy stated that the City is being pulled a different direction and trying to protect the residents of Independence. Mr. Tolman felt that the access would not be needed beyond October but noted that the road will not be complete. The Council, staff, and the applicant addressed clarifying questions relative to options that would make the Council more comfortable with the request.

Mr. Tolman stated that the Newman property was given certain rights based on them adhering to the development of the project. The access onto 1000 West was approved as part of the plan. In his view, if they deny access they are in violation of the Development Agreement. Mr. Reid stated that they are probably not saying "no" but do not want to do it right now. Mr. Tolman stated that if that is the case they could wait 25 years but the Development Agreement granted rights to other parcels based on those access points.

Mayor Timothy opened the public hearing. There were no members of the public wishing to speak. The public hearing was closed.

Chief John Roberts commented on safety issues and stated that the road does not line up with the bridge. He felt that modifications need to be made to the gate to ensure that is unobstructed. It was his opinion that there was confusion with respect to emergency accesses. Bruce Kartchner agreed and stated that from an emergency standpoint it is normal for a road to be built one-half at a time. When the ultimate construction of 1000 West goes through he believed it would still be possible to allow access without having to shut everything down. It was noted that the road alignment would have to be shifted and will cross private property. Sergeant Taylor felt that if the culvert were large enough it would be sufficient to accommodate emergency vehicles.

Mr. Tolman commented that the culvert that runs along the side is not on where the road will go. The road will actually run to the side of it so it will never be blocked off. It was confirmed that

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

the new bridge/culvert must be built to the roadway and will not impose upon the current culvert. Ty Nielsen felt it was too open ended and asked at what point it will no longer be needed as a temporary access. Mayor Timothy commented that eventually the property will be acquired. Bruce Kartchner stated that the development to the south essentially meets the requirements but will create a similar problem. He did not support the amendment as currently written because it allows something similar in any area of Independence.

Mr. Pickell felt that in some ways it is too specific to refer to a Development Agreement that was adopted in 2007. Possible options were discussed such as a sunset clause.

Council Member Westwood supported the idea of having the secondary access around the subdivision due to the elementary school and the church. The Mayor suggested putting a limit on construction traffic. Bruce Kartchner asked staff if the road could be completed if there were limits set including a limit of one year and a maximum of 115 units. A consensus of the Council supported staff drafting a plan for consideration.

Ross Holliday, a Draper resident who resides at 14051 Sage Hollow Drive, indicated that he is a builder and a member of the Salt Lake Home Builders Association. They had been working with Dave Tolman for two years in an effort to move forward. He felt it was difficult to create a predictable outcome for planning. He suggested the developer pay deposits with the risk of 30 units being able to be built at one time. Additionally, he felt that the reality is that no residents will want to occupy homes until March, at the earliest. He recommended holding off of on the text amendment and enacting something similar to the sunset clause and make the necessary changes now.

Bruce Kartchner moved to table the matter until the next meeting. Ty Nielsen seconded the motion. The motion passed with the unanimous consent of the Council.

8. **Consideration and Vote on a Proposed Preliminary Plat for Mountain Pointe Business Park, a Seven-Lot Subdivision for an Industrial Office Building Park, Located at Approximately 930 West 14600 South, Justin Earl, ICO Development, Applicant, Staff Presenter, Alan Peters.**

9. **Consideration and Vote on a Proposed Final Plat for Mountain Pointe Business Center Phase 1, a One-Lot Subdivision in an Industrial Office Building Park, Located at Approximately 930 West 14600 South, Justin Earl, ICO Development, Applicant, Staff Presenter, Alan Peters.**

Associate City Planner, Alan Peters, reported that agenda item numbers eight and nine would be discussed together but voted on separately. He presented the staff report and identified the property on a map displayed. He reported that Ivory Commercial also received site plan approval for the proposed seven industrial buildings. The overall site has already been approved and no further changes were proposed. The applicants have requested to subdivide the property into

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

seven building lots ranging in size from 4.4 acres to 10.72 acres. Each lot would include one industrial office warehouse building, parking, landscaping, and drive aisles.

Storm water issues were discussed. Mr. Peters reported that the storm water manual requires that detention ponds fully drain within 48 hours of a 100-year storm. To mitigate concerns, a six-foot fence will be installed around the perimeter of the pond to keep people out when the water is high. They will also provide an emergency outfall system in the event it overflows. It was noted that the pond will be 5 ½ feet deep.

Mayor Timothy's intent was for there to be individual ownership. He asked who will ultimately end up with the detention pond and the associated responsibility. Mr. Peters stated that it would lie entirely on Lot 7. Bruce Kartchner asked if the storm water system for the entire project will be put in prior to some of the lots being built. Mr. Peters stated that it likely will not be entirely. They would have to accommodate storm water for each individual site. Mayor Timothy commented that individual ownership could become a potential issue. He noted that storm water on private property has been an issue.

Mr. Pickell recommended the detention pond be on its own parcel and maintained by the HOA. Any flooding that occurs would be the responsibility of the private property owner.

With regard to the final plat, Mr. Peters stated that what is proposed is the first phase of the development. The building on the property is already under construction. The final plat consists of one lot that is 7.12 acres in size. The plat also includes a roadway dedication for 14600 South. A number of easements run through the property. The entire development will have two access points. One condition was proposed.

Justin Earl was present representing ICO Development and stated that Ivory Commercial doesn't sell lots and they have no intention to sell. The matter was being brought forward because they don't want to be stuck dealing with one bank for the entire project. They would prefer to have individual plats. He noted that the project is planned for a 100-year event.

Ken Day gave his address as 11617 Copper Road Way in Daybreak. He stated that he is developing a piece of ground next to this property and wondered about the sewer system because one side has to be pumped while the other has access to the sewer. He asked if they would be able to connect to the sewer system as well. Mayor Timothy suggested the question be raised with Mike Forrester at the South Valley Sewer District.

Ty Nielsen moved to approve the proposed preliminary plat for Mountain Point Business Park, a seven-lot subdivision for an industrial building park located at approximately 930 West 14600 South. Heather Pehrson seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

Ty Nielsen moved to approve the proposed final plat for Mountain Point Business Center Phase 1, a one-lot subdivision located at 930 West 14600 South. Heather Pehrson seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

10. Consideration and Vote on a Resolution Approving a Request for a refund of Storm Drainage Impact Fees Previously Paid by ICO Development, Justin Earl, ICO Development, Applicant, Staff Presenter, Alan Peters.

Mr. Peters presented the staff report and stated that the request is for an impact fee reduction. The impact fee for Phase 1 was paid when Ivory Development received a building permit for the first building. They paid total impact fees of \$336,000 and a storm drainage impact fee of \$48,577.10. Since then the plan was changed to retain drainage on-site and they were requesting a refund of the Storm Drainage impact fee portion only and credit for future phases of the project so long as they continue to retain all storm water on site.

Bruce Kartchner was concerned that if all of the fees are waived for individual projects there will be none left for the infrastructure the City needs. Heather Pehrson disagreed and stated that their impact is the change made to the lot. Bruce Kartchner indicated that it doesn't cover the cost of City infrastructure. He asked how those costs would be covered. Heather Pehrson claimed that they would not impact that particular cost. Bruce Kartchner's question was whether to give a 100% refund.

Mr. Reid reported that with Independence they gave a 100% refund with an exclusion from storm drain because they retain all of their water. Mr. Pickell stated that their water is contributing to the City's system.

Ty Nielsen moved to approve a resolution approving a request for a refund of Storm Drainage Impact Fees in the amount of \$48,577.10, previously paid by ICO Development and exempt Mountain Point Business Park from future Storm Drain Impact Fees.

Mr. Pickell clarified that the check was originally paid by Sundborn, LLC on behalf of Mountain Point, LLC/ICO Development. The refund should be issued back to the same entity.

Justin Westwood seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

11. PUBLIC HEARING: Consideration and Vote on a Proposed Plat Amendment for Center Point Business Park Plat "A" PUD Amended 2 in Order to Relocate an Existing Utility Easement, Located on Lot 9, Ken Day, Applicant, Staff Presenter, Alan Peters.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

12. PUBLIC HEARING: Consideration and Vote on a Proposed Site Plan for a New 24,940 Square-Foot Office/Warehouse Building to be Located at 974 West 14420 South, Lot 9, Center Point Business Park, Ken Day, Applicant, Staff Presenter, Alan Peters.

Agenda items 11 and 12 were to be discussed together but voted on separately. Mr. Peters presented the staff report and stated that the property is 1.24 acres in size. Lot 9 is accessed using private road systems throughout the Center Point Project. The primary access is off of 14600 South. The proposed plan amendment will not affect the boundaries or size of the lot in any way. The current easement includes storm drain, which runs to the back of the property. The existing configuration makes it difficult to place a building in the center of the lot. The utility easement is being vacated and rerouted.

Mr. Peters presented the site plan and stated that it is a proposal for a 24,940 square-foot office/warehouse building. The applicant owns a business that he is proposing to relocate to this building and perhaps have future tenants in it as well. The building is on the center of the property and conforms to the standard setbacks. There will be parking in the rear of the property with access off of a private road. An additional 22 stalls were proposed in the front.

Mayor Timothy opened the public hearing. There were no public comments. The public hearing was closed.

Heather Pehrson moved to approve the proposed plat amendment for Center Point Business Park Plat A PUD Amended 2. Bruce Kartchner seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

Heather Pehrson moved to approve the proposed site plan for a new 24,940 square foot office/warehouse building to be located at 974 West 14420 South, Lot 9, Center Point Business Park subject to the following:

Conditions:

- 1. That all requirements of the City Code, adopted ordinances, and building and fire codes are met and adhered to for this subdivision.**

Findings:

- 1. That this application conforms to the City of Bluffdale Land Use Ordinance requirements regarding amended plat approvals and site plans.**
- 2. That the proposed site plan conforms to the City of Bluffdale design standards.**

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

3. That the proposed change will not be detrimental to the health, safety, or general welfare of persons or property within the area.

Justin Westwood seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

13. **PUBLIC HEARING: Consideration and Vote on an Ordinance Approving the Adjustment of a Common Municipal Boundary with Draper City, Staff Presenter, Grant Crowell.**

City Planner/Economic Development Director, Grant Crowell, reported that recently the Council approved a resolution to adjust the municipal boundary with the City of Draper. They have also adopted a resolution. Once approved, both cities are required to hold a hearing after which an official mutual boundary adjustment plat will be prepared. The cost will be borne by Bluffdale City. The reason for the boundary adjustment is to provide clarity and make it a more easily recognizable area. Mayor Timothy asked about the alignment on the north end. Specific details were discussed.

Mayor Timothy opened the public hearing. There were no public comments. The public hearing was closed.

Bruce Kartchner moved to approve an ordinance approving the adjustment of a common municipal boundary with Draper City noting that the northern boundary is on the north side of the roadway, so the entire roadway is in Bluffdale City. Ty Nielsen seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

14. **Consideration and Vote on a Resolution Authorizing the Negotiated Amendments to the Encroachment Agreement with Utah Lake Distributing Company (ULDC) for the Storm Drain Pipe, Staff Presenter, Matt Chadwick.**

Mr. Fazio reviewed the proposed amendment to the original Encroachment Agreement dated March 25, 2015, with Utah Lake Distributing Company (ULDC). The original agreement allowed the City to drill under the canal to install a storm drain pipe. Since then there has been a mishap and the canal company is asking that the City install a concrete apron to further protect the canal from any failures that could result from the pipe drainage. Bruce Kartchner felt the amendment goes beyond the agreement. Mr. Fazio indicated that the Engineering Department budgeted for the added expense.

Bruce Kartchner moved to pass a resolution authorizing the negotiated amendments to the Encroachment Agreement with Utah Lake Distributing Company. Ty Nielsen seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Ty Nielsen-Aye, Justin Westwood-Aye. The motion passed unanimously.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

15. Mayor's Report.

Mayor Timothy expressed appreciation for the flowers and condolences offered on his mother's passing.

16. City Manager's Report and Discussion.

Mr. Reid reported that the previous day he and Mr. Pickell attended the closing of the Sales Tax Bond Refund.

The day prior staff also met with Moody's to discuss the bond rating and keeping the rates down. They seemed impressed by the City and its financial statements.

Mr. Reid provided each Council Member with four complimentary event tickets. Two tickets were for the Rodeo and two were for the Monster Truck event.

Mr. Reid reported that Old West Days will begin on August 10. Each Council Member received a copy of the schedule.

Council Members needing transportation arrangements for the parade were identified as Alan Jackson and Justin Westwood.

Mr. Reid reported that the Council vacancy was to be announced the following day and will close on August 19. Two applications had been received thus far. Mr. Pickell reviewed the process and stated that individuals are invited to submit their name for the Council vacancy. Those who submit their names are required to attend the meeting and be interviewed by the Council in public at the meeting. Two separate votes will be required. The first will narrow the choices down to two candidates. The second will choose between the two finalists.

PLANNING SESSION

Justin Westwood reported that he had an Eagle Scout Contact Meeting and reported on the organization of the Youth City Council. Mayor Timothy agreed to send Justin Westwood the draft Youth City Council ordinance prepared previously.

17. WORK SESSION – Regarding the Subdivision and Future Public Streets of the Dansie's Property, Located at Approximately 14525 South 3400 West, Kenneth and Colleen Dansie.

Colleen Dansie gave her address as 14525 South 3400 West and stated that when they came to Bluffdale they traded 65 acres in Idaho for 2 ½ acres in Bluffdale. They have been trying over a number of years to divide off one acre on the north side of their parcel. The problem has been with the street requirements, which are 25 feet on each side of 3400 West and prevent them from

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

subdividing the lots. Mrs. Dansie asked the Council if options could be worked out with respect to the right-of-way.

With regard to the right-of-way, Mrs. Dansie stated that they would consider moving the right-of-way to 25 feet if it is an all-weather surface. She stated that for 31 years they have been continually improving the road with gravel road base. Shared driveway and subdivision issues were discussed. Mayor Timothy stated that the ordinance specifies that if a property is divided the property owner must put in the improvements, which includes one-half the width of the road plus 10 feet.

Mr. Crowell stated that if the Council feels there is a need for a larger right-of-way for a future network, it puts the Board of Adjustment in an interesting position in terms of policy, however, the Dansies still have a right to apply. Mayor Timothy stated that while they have the right to apply, it is something that needs to be dealt with by the Council. Heather Pehrson thought the Board of Adjustment may be more effective in the end.

The problem Bruce Kartchner saw was with creating a situation where an ordinance is written specifically for a unique piece of property. If it is ultimately the desire for a road to go through, the City has just taken on the responsibility and cost of building it. The reason for the existing ordinance is so that the City is not financially bearing the cost of the infrastructure the subdivision is causing.

Mayor Timothy suggested the possibility of letting the property owners subdivide and then enter into a Delay Agreement. Heather Pehrson questioned why the road would be desired in this location when they already own half of it going another direction. Her suggestion was for the property owners to go to the Board of Adjustment first since they are established to address unique situations like this one.

Mr. Reid stated that if in the end what occurred was not a lot line adjustment, it was a mistake on the part of the City. Because the City makes a mistake does not mean it is to be perpetuated on the neighboring lots. Mrs. Dansie stated that the purported mistake made it possible to develop on a shared driveway. Mayor Timothy explained that the improvements are required as a result of the Dansies dividing the property.

If a Delay Agreement is pursued, Mr. Pickell stated that the Dansies would have to accept it in lieu of the subdivision improvements. Mayor Timothy explained that with the Delay Agreement, if nothing were ever developed that would require the road to be a public, paved, improved road, the Dansies would never pay for that improvement. Road dedication issues were discussed.

Various options were discussed. The Mayor considered the Delay Agreement to be the easiest and cost the least. Mrs. Dansie agreed. She requested that the City investigate a minor subdivision ordinance so that others don't have to go through what they have. Mayor Timothy stated that the Council tried and it took about one year to come up with the current ordinance. Procedural issues were discussed.

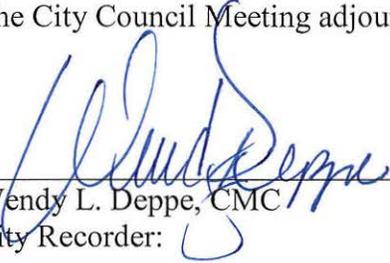
**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Wednesday, July 22, 2015**

18. **Closed Meeting Pursuant to Utah Code §52-4-205(1) to Discuss the Character, Professional Competence, or Health of an Individual, Collective Bargaining, Pending or Imminent Litigation, Strategies to Discuss Real Property Acquisition, Including Any Form of a Water Right or Water Shares, Security Issues, or any Alleged Criminal Misconduct.**

There was no closed meeting.

19. **Adjournment.**

The City Council Meeting adjourned at 11:23 p.m.



Wendy L. Deppe, CMC
City Recorder:

Approved: August 26, 2015