



The Study Meeting of the West Valley City Council will be held on Tuesday, January 13, 2015, at 4:30 PM, in the Multi-Purpose Room, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

Posted 1/12/2015, 9:00 AM

## A G E N D A

1. Call to Order
2. Roll Call
3. Review Agenda for Regular Meeting of January 13, 2015
4. Awards, Ceremonies and Proclamations Scheduled for January 20, 2015:
  - A. Employee of the Month Award, January 2015 - Courtney Frehner, Justice Court
  - B. Division of the Quarter Award - Justice Court, Administration
5. Public Hearings Scheduled for January 20, 2015:
  - A. Accept Public Input Regarding Application No. ZT-6-2014, filed by West Valley City, Requesting a Zone Text Amendment to the City Center Zone to Expand the List of Prohibited Uses  
  
Action: Consider Ordinance No. 15-03, Amending Section 7-6-1605 of the West Valley City Municipal Code to Amend the City Center Zone
  - B. Accept Public Input Regarding Application No. ZT-7-2014, filed by Hillcrest Investment, Requesting a Zone Text Amendment to the City Center Zone to Allow Secondhand Stores Within 6,000 Square Feet or Less Within the Decker Lake Station Overlay Zone

*West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.*

*If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Sheri McKendrick.*

Action: Consider Ordinance No. 15-04, Amending Section 7-22-104 of the West Valley City Municipal Code to Amend the Decker Lake Station Overlay Zone

6. Ordinances:
  - A. 15-05: Amending Ordinance No. 14-38 Regarding the Re-zoning of Property Within the City
7. Resolutions:
  - A. 15-14: Approve a Cooperative Agreement with the Utah Department of Transportation for the Relocation of a Signal Pole as part of the 2400 South 5600 West Project
  - B. 15-15: Approve an Agreement with J-U-B Engineers, Inc., to Provide Professional Services for the Metro Business Park Pond Renovation Project
  - C. 15-16: Adopt the State Legislative Agenda of West Valley City for the 2015 Utah State Legislative Session
  - D. 15-17: Adopt the Federal Legislative Agenda of West Valley City for the 2015-2016 Legislative Cycle
  - E. 15-18: Ratify the City Manager's Appointment of Carol Hunter and Tom Alder as Members of the Utah Cultural Celebration Center Foundation Committee, Term: January 20, 2015 - September 30, 2016
8. New Business Scheduled for January 20, 2015:
  - A. Application No. S-29-2013, filed by Brandt Bird, Requesting Final Plat Approval for Stonebridge Commerce Park Subdivision Located at 4100 West Links Drive
  - B. Application No. S-20-2014, filed by Leslie Morton, Requesting Final Plat Approval for CVS West Valley Plaza Subdivision Located at 3200 West 3500 South
  - C. Application No. S-21-2014, filed by Sani Malicevic, Requesting Final Plat Approval for Argus Subdivision Located at 4390 South 4000 West
9. Communications:
  - A. Strategic Plan Presentation - Law Department (15 minutes)
  - B. Strategic Plan Presentation - Administration (15 minutes)
  - C. West Valley Fiber Network Update (15 minutes)
  - D. Council Update
  - E. Potential Future Agenda Items

- F. 4700 South & Mountain View Corridor Discussion (30 minutes)
- 10. New Business:
  - A. Council Reports
- 11. New Business Scheduled for January 20, 2015:
  - A. Hear and Consider an Appeal of the City Manager's Denial of a GRAMA Request from Holly Ziegenhorn
- 12. Motion for Executive Session
- 13. Adjourn



West Valley City Justice Court  
3590 South Constitution Boulevard  
West Valley City, UT 84119  
Phone: 801-963-3590  
Fax: 801-963-2589

**January 2015 EAC Employee of the Month**  
**Courtney Frehner**  
**Administration Department**

I would like to nominate one of our Assistant Court Administrators as Employee of the Month. Courtney Frehner has been an employee of the city and court since May 2008. She has had many responsibilities since joining the court and a year ago was selected as a new supervisor. Courtney enjoys her responsibilities and goes above and beyond to make sure her responsibilities are covered and done well. She does her best to make sure all of the other clerks she supervises are trained, are doing their work well, and she makes sure that she communicates expectations and encourages others to do their best in their positions. Courtney always does her best to make sure that the atmosphere at the court is positive and she tries to plan lunches, parties, and other activities that help employees here to enjoy coming to work.

Courtney is also great at dealing with court patrons and those that require the services of the court process. She is patient and extremely customer friendly. She does her best to provide the assistance people need as they wade through the court process.

Courtney is an example of doing great work and encouraging others to do the same. I recommend that she be considered as Employee of the Month and hope she is seriously considered as she deserves recognition for her hard work.

Submitted by Kevin Nudd; Court Administrator



**West Valley City Justice Court**  
**3590 South Constitution Boulevard**  
**West Valley City, UT 84119**  
**Phone: 801-963-3590**  
**Fax: 801-963-2589**

### **Quarterly Division Award – 4<sup>th</sup> Quarter 2014** **Justice Court Division**

I would like to nominate the West Valley Justice Court as Division of the Quarter. I have been at the court since February 2011, and have watched the clerks at the court consistently do great work and help the citizens of West Valley and others go through the court process with great customer service. The court is not a place where anyone wants to come. The reasons people come to the court or contact the court is due to something as minor as a seat belt ticket and as major as criminal violations that are not at the felony level.

Court employees understand that people are not happy to be here, and it is the responsibility of all the court employees to assist and help people go through this process. Our employees work hard to provide good customer service and help people with questions they may have about any and all aspects of the court system. Whether the contact with court patrons is over the phone, in a courtroom, or whether the contact is face to face by our cashiers and traffic coordinators, the clerks all do their best to serve those that come here by providing professional and polite service and information.

At times there is a tremendous amount of work to complete at the court, and every employee has been asked to assist in other major tasks that are outside their regular court duties. Much of the recent work this past quarter has been validating warrants as required by the state, learning new court software that assists with scanning and going paperless, and every clerk has been asked to assist in major projects. I feel the employees here at the court go above and beyond to do their jobs well and this in turn is a great service to the citizens of West Valley. I feel the court deserves to be recognized for their work as they represent the city.

Submitted by Kevin Nudd; Court Administrator

Item: \_\_\_\_\_  
Fiscal Impact:       N/A        
Funding Source:       N/A        
Account #:       N/A        
Budget Opening Required:

**ISSUE:**

Application: ZT-6-2014  
Applicant: West Valley City

**SYNOPSIS:**

An ordinance amending Section 7-6-1605 of the West Valley City Municipal Code to expand the list of prohibited uses in the City Center (CC) Zone.

**BACKGROUND:**

The proposed amendment to expand the list of prohibited uses will further the purposes of the CC Zone specifically by encouraging development that supports transit, encouraging redevelopment and enhancing neighborhood identity. Each of the proposed additions to the prohibited use list falls into at least one of the following three categories:

Low Intensity Uses

Higher intensity uses have more people per square foot and support transit more effectively than lower intensity uses. Examples of low intensity uses include furniture stores and moving truck rental businesses.

Uses that Discourage Redevelopment

Since the adoption of the CC Zone, the City Center project (now known as Fairbourne Station) has been the highest priority project for the City. This is evidenced by the City's huge investment in staff time and capital for this project. To protect the City's investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

**RECOMMENDATION:**

The Planning Commission recommends approval of the amendment.

**SUBMITTED BY:**

Steve Pastorik, Planning Director/Assistant CED Director

1 WEST VALLEY CITY, UTAH  
2 ORDINANCE NO. \_\_\_\_\_

3 Draft Date: 10/21/2014

4 Date Adopted: \_\_\_\_\_

5 Date Effective: \_\_\_\_\_

6 AN ORDINANCE AMENDING SECTION 7-6-1605 OF THE  
7 WEST VALLEY CITY MUNICIPAL CODE TO AMEND  
8 THE CITY CENTER ZONE.

9 WHEREAS, Title 7 of the West Valley City Municipal Code, under authority of the  
10 Municipal Land Use, Development, and Management Act, regulates land use within the City;  
11 and

12 WHEREAS, Section 7-6-1601 of the West Valley City Municipal Code sets forth the  
13 purposes of the City Center zone, including the creation of a recognizable downtown area, the  
14 furtherance of economic development and transit-oriented development, and the creation of a  
15 neighborhood identity; and

16 WHEREAS, Part 7-6-1600P of the West Valley City Municipal Code establishes the  
17 uses permitted in the City Center zone; and

18 WHEREAS, the City Council finds that certain uses are incompatible with the creation  
19 of a recognizable downtown, economic development, transit-oriented development, and a  
20 cohesive neighborhood identity consistent with the Fairbourne Station Vision and the General  
21 Plan; and

22 WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is  
23 in the best interests of the health, safety, and welfare of the citizens of West Valley City to  
24 amend Section 7-6-1605 of the West Valley City Municipal Code;

25 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,  
26 Utah, as follows:

27 **Section 1. Repealer.** Any provision of the West Valley City Municipal Code found  
28 to be in conflict with this Ordinance is hereby repealed.

29 **Section 2. Amendment.** Section 7-6-1605 is hereby amended as follows:  
30  
31

32 **7-6-1605. STANDARDS FOR ALL PROPERTIES.**

33  
34 (2) Use Limitations

35 a. The following uses are prohibited in the CC Zone:

- 36 i. Automobile sales and leasing;
- 37 ii. Automobile service within a single use building that is not part of a large non-  
38 automobile retail building
- 39 iii. Automobile parts/supply store
- 40 iv. Bail bonds
- 41 v. Billboards
- 42 vi. Blood plasma center
- 43 vii. Car title loan business
- 44 viii. Check cashing/deferred deposit loan
- 45 ix. Chemical, explosive and fuel manufacturing and/or storage, such as firewood, coal,  
46 etc.
- 47 x. Commercial indoor recreation
- 48 xi. Commercial outdoor recreation
- 49 xii. Convenience store
- 50 xiii. Dance hall
- 51 xiv. Dance studio
- 52 xv. Detention facility/jail
- 53 xvi. Fast food restaurant with a drive-up window
- 54 xvii. Fitness center/health club
- 55 xviii. Funeral home
- 56 xix. Furniture store
- 57 xx. Hardware store/home improvement center
- 58 xxii. Indoor/outdoor gun range or gun store
- 59 xxii. Indoor/outdoor swap meet
- 60 xxiii. Laundromat
- 61 xxiv. Lingerie store
- 62 xxv. Light or heavy manufacturing
- 63 xxvi. Office/warehouse – more than 50% interior storage
- 64 xxvii. Outside storage or display
- 65 xxviii. Manufacturing uses which include production, processing, cleaning, testing and  
66 distribution of material goods and services
- 67 xxix. Martial arts/karate studio
- 68 xxx. Massage parlor
- 69 xxxi. Motor fuel sales
- 70 xxxii. Movie theater
- 71 xxxiii. Moving truck rental
- 72 xxxiv. Neighborhood grocery
- 73 xxxv. Non-stealth wireless communication facilities
- 74 xxxvi. Non-stealth radio towers
- 75 xxxvii. Outdoor kennel
- 76 xxxviii. Outcall services and service-oriented escort bureaus
- 77 xxxix. Pawnshop
- 78 xl. Private club
- 79 xli. Reception center

- 80 xlii. Retail tobacco specialty store
- 81 xliii. Sale and/or lease of mobile homes, travel trailers, campers, motorcycles and other
- 82 recreational vehicles
- 83 xliv. Sanitary landfill
- 84 xlv. Secondhand precious metal dealer/processor and/or precious gem dealer
- 85 xlvi. Secondhand store
- 86 xlvii. Self-storage facility
- 87 xlviii. Supermarket
- 88 xlix. Sexually-oriented business
- 89 l. Tattoo establishment
- 90 li. Taxicab business
- 91 lii. Towing and impound yards
- 92 liii. Tavern
- 93 liv. Vehicle recycling facilities
- 94 lv. Warehousing, distribution facilities or truck transfer company
- 95

96 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid  
97 by a court of competent jurisdiction, the remainder shall not be affected thereby.

98 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting  
99 in the manner required by law.

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101 **PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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103 WEST VALLEY CITY

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108 MAYOR

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110 ATTEST:

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115 CITY RECORDER



## Planning Commission Minutes from December 10, 2014

**ZT-6-2014**

**West Valley City**

**Amending Section 7-6-1605 of the City Center Zone**

This application was continued during the public hearing on November 12<sup>th</sup>. During the meeting on the 12<sup>th</sup>, Fred Cox expressed concern about the prohibition on automobile service. Included with this report is an email received from Mr. Cox outlining some suggested revisions. The Commission also discussed the possibility of removing fitness centers from the prohibited use list. Staff recommends that the proposed ordinance remain unchanged.

Staff is proposing an amendment to paragraph 2 of Section 7-6-1605 of the City Center (CC) Zone. This paragraph lists the prohibited uses in the Zone. The proposed amendment, which is attached to this report, expands the list of prohibited uses.

When the CC Zone was first adopted in 2006, it included ten purposes which are listed below:

1. Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
2. Create a recognizable center or downtown for West Valley City.
3. Encourage and direct development that supports transit.
4. Encourage infill and redevelopment near the transit station by City Hall.
5. Create new opportunities for economic growth and redevelopment.
6. Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
7. Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
8. Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
9. Provide a mix of housing types, costs and densities.
10. Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

The proposed amendment that expands the list of prohibited uses will further the purposes of the CC Zone specifically by encouraging development that supports transit, encouraging redevelopment and enhancing neighborhood identity. Each of the proposed additions to the prohibited use list falls into at least one of the following three categories:

### Low Intensity Uses

Higher intensity uses have more people per square foot and support transit more effectively than lower intensity uses. Examples of low intensity uses include furniture stores and moving truck rental businesses.

Uses that Discourage Redevelopment

Since the adoption of the CC Zone, the City Center project (now known as Fairbourne Station) has been the highest priority project for the City. This is evidenced by the City’s huge investment in staff time and capital for this project. To date the City has:

- Acquired nearly 60 properties – \$20 million
- Built new roads and the promenade park – \$11 million
- Facilitated mall renovation by assisting with demolition and infrastructure – \$10 million
- Secured funding for parking structure – \$16 million

To protect the City’s investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

The CC Zone area of 49 acres represents a small portion of the overall zoning that allows commercial uses. The following table lists the zones that allow some form of commercial use and the total acreage of each zone within the City. The zones listed in the table allow some or all of the proposed prohibited uses for the CC Zone. In other words, there are still opportunities for these uses to locate elsewhere in the City.

<b>Zone</b>	<b>Total Acreage</b>
Neighborhood Commercial (C-1)	43
General Commercial (C-2)	1,033
Transitional Commercial (C-3)	27
Business/Research Park (B/RP)	304
Mixed Use (MXD)	15
Manufacturing (M)	8,126

**Staff Alternatives**

1. Approval of the application as proposed to amend the City Center Zone.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

**Applicant:**  
West Valley City

**Opposed:**  
Fred Cox  
4466 Early Duke Street

**Discussion:** Steve Pastorik presented the application. Barbara Thomas asked how many acres the City Center Zone consists of. Steve replied 49 and indicated it’s a small area of the City where these specific regulations would apply.

Fred Cox, representing a property owner within the City Center Zone, stated that if automobile service is restricted the client would need to find other tenants and would not be allowed to operate. He indicated that this may result in a vacant property that will sit unused for the next 5 years which is when the contract expires. Mr. Cox stated that it's important for the City to create a scenario where a business could be open, operational, and generating tax. He indicated that the City is approaching the population of Salt Lake City and there are automobile uses in downtown Salt Lake that don't detract from the feel. Jack Matheson stated that the owner has had a lot of time to open this facility and would have been grandfathered in. Mr. Cox agreed but added that the property owner and tenant were unaware of this until recently when they were denied a business license.

Commissioner Matheson stated that on the north end of this zone there are height restrictions for buildings and he feels the additional restricted uses are good ones. Terri Mills stated that she is okay with it as presented but would prefer a list of desired uses instead of restricted ones. Commissioner Thomas stated that the auto use was noisy when it existed and caused a lot of concern with neighbors. She indicated she is satisfied with the list proposed as well.

**Motion:** Commissioner Thomas moved for approval.

Commissioner Tupou seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

**Unanimous-ZT-6-2014- Approved**

## Planning Commission Minutes from November 12, 2014

### **ZT-6-2014**

#### **West Valley City**

#### **Amending Section 7-6-1605 of the City Center Zone**

Staff is proposing an amendment to paragraph 2 of Section 7-6-1605 of the City Center (CC) Zone. This paragraph lists the prohibited uses in the Zone. The proposed amendment, which is attached to this report, expands the list of prohibited uses.

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- Secured funding for parking structure – \$16 million

To protect the City’s investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

The CC Zone area of 49 acres represents a small portion of the overall zoning that allows commercial uses. The following table lists the zones that allow some form of commercial use and the total acreage of each zone within the City. The zones listed in the table allow some or all of the proposed prohibited uses for the CC Zone. In other words, there are still opportunities for these uses to locate elsewhere in the City.

<b>Zone</b>	<b>Total Acreage</b>
Neighborhood Commercial (C-1)	43
General Commercial (C-2)	1,033
Transitional Commercial (C-3)	27
Business/Research Park (B/RP)	304
Mixed Use (MXD)	15
Manufacturing (M)	8,126

**Staff Alternatives**

1. Approval of the application to amend the City Center Zone.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

**Applicant:**  
West Valley City

**Opposed:**  
Fred Cox  
4466 Early Duke Street

**Discussion:** Steve Lehman presented the application. Terri Mills stated that a fitness center seems like a high intensity use and questioned why this would be restricted from the zone. Steve replied that something like this wouldn’t contribute to the overall City Center Zone since it doesn’t typically enhance transit and also because it takes up a lot of space for parking.

Fred Cox indicated that a tenant in this area has a 15 year lease and still has 5 years left. He stated that the use is auto related and can currently get a business license through a loophole but this ordinance will effectively remove that option. Mr. Cox indicated that the tenant would like to put in landscape, improve the site, and generate sales tax but with this approval it will remain vacant and unused for 5 years. He stated that the applicant has had 10 years to open but hasn't made the decision to operate until recently. Phil Conder asked if there are conditional uses in the 'CC' zone. Mr. Cox replied that there are but the building must be over 100,000 square feet.

Barbara Thomas stated that it is difficult to think of all the potential negative businesses that could operate in a downtown area. She indicated that the City is trying to create a specific image and develop a more urban downtown for West Valley City. Jack Matheson asked if non-conforming businesses will still be allowed. Steve replied yes and added that for a non-conforming business to continue it must be operational continuously. If one year passes and the use hasn't continued, it becomes void. Phil Conder stated that he isn't sure if he feels good about this list but does understand what the City is trying to do. Clover Meaders agreed and stated that it may be a good idea to study the list a little more extensively. Jack Matheson stated that automotive uses were not allowed in 2006 but if the tenant had been operating at that time he could have continued his business as a non-conforming use. Harold asked if the north side of 3500 S has always been part of the City Center Zone. Steve replied yes. Terri Mills stated that she still likes the idea of allowing a fitness center and added that it may be beneficial to have a permitted use list included in the CC zone. Harold Woodruff agreed but added that a fitness center may need a lot of parking. Commissioner Mills replied that transit is being encouraged in the area. Brent Fuller added that a parking garage was recently approved.

**Motion:** Commissioner Fuller moved for continuance.

Commissioner Meaders seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	No
Commissioner Woodruff	Yes
Chairman Conder	Yes

**Majority-ZT-6-2014- Continued**

Item: \_\_\_\_\_  
Fiscal Impact:       N/A        
Funding Source:       N/A        
Account #:       N/A        
Budget Opening Required:

**ISSUE:**

Application: ZT-7-2014  
Applicant: Hillcrest Investment

**SYNOPSIS:**

An ordinance amending Section 7-22-104 of the West Valley City Municipal Code by allowing secondhand stores with 6,000 square feet or less within the Decker Lake Station Overlay Zone.

**BACKGROUND:**

Chris Howells with Hillcrest Investment Company, LLC is proposing an amendment to Section 7-22-104 of the Decker Lake Station Overlay Zone which includes a list of prohibited uses. Hillcrest Investment Company, LLC is the owner of the Shops at Decker Lake, formerly known as Grizzly Plaza, located on both the northwest and northeast corners of 3500 South Decker Lake Drive.

Attached to this report is a letter from the applicant outlining the proposed amendment. In summary, the amendment would change the prohibited use of secondhand stores to secondhand stores over 6,000 leasable square feet. In other words, if this application is approved, secondhand stores with 6,000 square feet or less would be allowed in the Overlay Zone whereas they are currently prohibited. For reference, a secondhand store is defined as: “any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods.”

While the proposed amendment will apply to the entire Overlay Zone, the applicant’s purpose in submitting this application is to allow a Kid to Kid store to locate within the Shops at Decker Lake.

The Decker Lake Station Overlay Zone was first adopted in 1996 at the time the Maverik Center and surrounding property began to develop. The stated purpose of the Overlay Zone is: “The Decker Lake Station Overlay Zone permits a full range of office, retail commercial and service uses which are oriented to serve the City as a whole. The Decker Lake Station Overlay Zone is intended to encourage uses in a planned commercial setting which will be compatible and complimentary with the existing entertainment, restaurant and hospitality uses as well as nearby residential neighborhoods. The Overlay Zone also promotes quality architecture that complements the Maverik Center and landscape themes.” The original Overlay Zone included a list of prohibited uses. This list was expanded in 2002 and again in 2013.

Staff supports this application in that we believe the addition of small secondhand stores will not detract from the area nor undermine the purpose of the Overlay Zone.

**RECOMMENDATION:**

The Planning Commission recommends approval of the amendment.

**SUBMITTED BY:**

Steve Pastorik, Planning Director/Assistant CED Director



- 31 (1) Automobile sales and service.
- 32 (2) Commercial outdoor recreation as a primary use.
- 33 (3) Convenience store.
- 34 (4) Fast foot with drive-up windows (fast foot permitted as an accessory use, not primary use).
- 35 (5) Motor fuel sales.
- 36 (6) Recreational vehicle sales.
- 37 (7) Residential uses other than caretaker's facility associated and incorporated in a primary use.
- 38 (8) Bail bonds.
- 39 (9) Pawn shops.
- 40 (10) Check cashing, payday loans and car title loans.
- 41 (11) Tattoo establishments.
- 42 (12) Sexually-oriented businesses.
- 43 (13) Self-storage facilities.
- 44 (14) Hardware stores.
- 45 (15) Secondhand stores over 6,000 leasable square feet.
- 46 (16) Office/warehouse.

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48 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid  
49 by a court of competent jurisdiction, the remainder shall not be affected thereby.

50 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting  
51 in the manner required by law.

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63 **PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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WEST VALLEY CITY

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MAYOR

69 ATTEST:

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73 CITY RECORDER



COMMUNITY & ECONOMIC DEVELOPMENT  
DEPARTMENT

December 11, 2014

Hillcrest Investment Company, LLC  
Attn: Chris Howells  
5320 S 900 E  
Suite 250  
Salt Lake City, UT 84117

Dear Mr. Howells:

The West Valley City Planning Commission voted on December 10, 2014 to recommend approval of application #ZT-7-2014 to the City Council. This application is for a zone text change amending Section 7-22-104 of the West Valley City Zoning Ordinance by allowing secondhand stores with 6,000 square feet or less within the Decker Lake Station Overlay Zone.

You will be notified by the City Recorder of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please feel free to contact our office at 963-3545.

Sincerely,

Steve Pastorik, AICP  
Planning Director/ Assistant CED Director

SP/nc

**ZT-7-2014**

**Hillcrest Investment Company, LLC**

**Amending Section 7-22-104 of the Decker Lake Station Overlay Zone**

Chris Howells with Hillcrest Investment Company, LLC is proposing an amendment to Section 7-22-104 of the Decker Lake Station Overlay Zone which includes a list of prohibited uses in the Overlay Zone. Hillcrest Investment Company, LLC is the owner of the Shops at Decker Lake, formerly known as Grizzly Plaza, located on both the northwest and northeast corners of 3500 South Decker Lake Drive.

Attached to this report is a letter from the applicant outlining the proposed amendment. In summary, the amendment would change the prohibited use of secondhand stores to secondhand stores over 6,000 leasable square feet. In other words, if this application is approved, secondhand stores with 6,000 square feet or less would be allowed in the Overlay Zone whereas they are currently prohibited. For reference, a secondhand store is defined as: “any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods.”

While the proposed amendment will apply to the entire Overlay Zone, the applicant’s purpose in submitting this application is to allow a Kid to Kid store to locate within the Shops at Decker Lake.

The Decker Lake Station Overlay Zone was first adopted in 1996 at the time the Maverik Center and surrounding property began to develop. The stated purpose of the Overlay Zone is: “The Decker Lake Station Overlay Zone permits a full range of office, retail commercial and service uses which are oriented to serve the City as a whole. The Decker Lake Station Overlay Zone is intended to encourage uses in a planned commercial setting which will be compatible and complimentary with the existing entertainment, restaurant and hospitality uses as well as nearby residential neighborhoods. The Overlay Zone also promotes quality architecture that complements the Maverik Center and landscape themes.” The original Overlay Zone included a list of prohibited uses. This list was expanded in 2002 and again in 2013.

Staff supports this application in that we believe the addition of small secondhand stores will not detract from the area nor undermine the purpose of the Overlay Zone.

**Staff Alternatives**

1. Approval of the application as proposed.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

**Applicant:**

Chris Howells  
5320 S 900 E  
Suite 250  
SLC, UT 84117

**Applicant:**

Merrick Wright  
1390 Ambassador Way  
SLC, UT 84108

**Discussion:** Steve Pastorik presented the application. Phil Conder asked where else secondhand stores could be located in the overlay zone with the exception of the Shoppes at Decker Lake. Steve replied that the space is limited since most of the area is already developed or planned for development. He indicated the Shoppes at Decker Lake will likely be the only location.

Chris Howells, the applicant, stated that the types of uses that fall under this category are very limited. He stated that they are traditional retailers that are conducive to shopping centers like this and can include stores like Kid to Kid or Game Stop. Mr. Howells stated that he feels the potential of uses provided with this change will fit in with the current mix of businesses and benefit the entire center. Chairman Conder stated that the remodel looks very good. Mr. Howells stated that the last piece will be to remodel the old Denny's. Commissioner Thomas asked how big the current Kid to Kid store is. Mr. Howells replied it is 3600 square feet.

Merrick Wright, representing Kid to Kid, stated that Kid to Kid has been a business within West Valley City for a very long time and would like to stay close to where their current business operates from. He indicated that Kid to Kid has acquired good quality customers and steady sales and added that the business would like to keep spacing between other stores intact. Barbara Thomas asked if outside display of merchandise is critical to the success of the business. Mr. Wright replied that it is very helpful. Commissioner Thomas stated that she doesn't like the idea of outside display in this area. Mr. Wright replied that this is determined by the landlord. Jody Knapp added that the only requirement the City has is that outside display be kept out of the setback, pedestrian paths, and cannot take up any parking stalls. Latai Tupou asked how the 6,000 square foot number was reached. Mr. Merrick replied that it gave the ability for Kid to Kid to expand but the lease in the new location is only 3,600 square feet. Mr. Howells added that he wanted flexibility for potential tenants.

**Motion:** Commissioner Matheson moved for approval.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	No
Commissioner Tupou	Yes
Chairman Conder	Yes

**Majority-ZT-7-2014- Approved**

Item: \_\_\_\_\_  
Fiscal Impact: \_\_\_\_\_ N/A  
Funding Source: \_\_\_\_\_ N/A  
Account #: \_\_\_\_\_ N/A  
Budget Opening Required:

**ISSUE:**

An ordinance amending Ordinance No. 14-38, which restricts certain rezone applications.

**SYNOPSIS:**

This ordinance amends Ordinance No. 14-38 to exclude certain property from the restrictions set forth therein.

**BACKGROUND:**

Pursuant to Utah Code Section 10-9a-504, the City Council may enact temporary land use regulations within the City. Accordingly, the City Council passed Ordinance No. 14-38 on October 7, 2014, which restricted rezone applications for properties over two acres that proposed to rezone property to any residential zone. That ordinance will expire in April.

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

Specifically, the property to be exempted from the moratorium by this ordinance was the subject of two applications by Fieldstone Utah Investors and Hallmark Homes and Development concerning property held by the Newton family and anticipated to be developed as low density residential construction. Those applications were denied by the City Council on September 23, 2014, with Council members expressing concerns about the lack of a compelling vision for the property in those applications.

**RECOMMENDATION:**

City staff recommends approval of the resolution.

**WEST VALLEY CITY, UTAH**

**ORDINANCE NO. \_\_\_\_\_**

Draft Date: 1/7/2015  
Date Adopted: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 14-38  
REGARDING THE REZONING OF PROPERTY  
WITHIN THE CITY.**

**WHEREAS**, West Valley City, pursuant to Utah Code Annotated §10-9a-504, has the authority to enact, without prior consideration, advance public notice, or recommendation from the Planning Commission, an ordinance establishing a temporary land use regulation within the City; and

**WHEREAS**, West Valley City, pursuant to Utah Code Annotated §10-9a-504, found a compelling, countervailing public interest supporting a temporary restriction of certain zone change applications; and

**WHEREAS**, West Valley City accordingly adopted Ordinance No. 14-38 on October 7, 2014, which temporarily restricted certain zone change applications; and

**WHEREAS**, West Valley City, by and through the City Council, finds that there is a compelling, countervailing public interest in amending Ordinance No. 14-38 to permit the consideration of zone change applications concerning certain properties under rezone discussion immediately prior to the passage of said Ordinance to permit the conclusion of that process and to allow for Planning Commission input; and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Ordinance No. 14-38 as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City, Utah, as follows:

**Section 1. Repealer.** Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

**Section 2. Amendment.** Ordinance 14-38 is hereby amended as follows:

A. As of the effective date of this Ordinance, no application may be made to rezone any property of two (2) acres or more within the City to any of the following zones:

1. Any residential zone, including but not limited to R-1-4, R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, R-4 or R-4-8.5, RM, and

RMH.

B. This Ordinance does not prohibit applications for amendments to or enactments of ordinances which do not change the zoning designation of any property within the City, such as ordinances setting forth the regulations applicable within a zone or in all zones.

C. This Ordinance shall become effective as set forth below and shall remain in effect for six months from the effective date.

D. This Ordinance shall not apply to the property described in Exhibit A, which is hereby incorporated by reference.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

**EXHIBIT A**

**EXCLUDED PROPERTIES**

Parcel No. 14-34-251-003  
Parcel No. 14-34-251-004  
Parcel No. 14-34-276-058  
Parcel No. 14-34-276-049  
Parcel No. 14-34-276-026  
Parcel No. 14-34-276-061

**Item:** \_\_\_\_\_  
**Fiscal Impact**     \$28,128.00      
**Funding Source** State Funds  
**Account No:** 45-9610-40750-75160-0000  
**Budget Opening Required: No**

**Issue:**

Cooperative Agreement – 2400 South 5600 West Signal - UDOT

**Synopsis:**

UDOT will participate in the relocation of a traffic signal on 5600 West from 2455 South to 2400 South

**Background:**

West Valley City is preparing to construct a new roadway at 2400 South to intersect into the east side of 5600 West. It is desired by West Valley City and UDOT to relocate the existing traffic signal from 2455 South to 2400 South to accommodate the new roadway, and the future relocation of the SR-201 Frontage Road into the west side of 5600 West as part of the proposed Mountain View Corridor. It is estimated that the signal relocation will cost \$140,000. Through this agreement, UDOT commits \$28,128 toward the project, and the remaining cost will be paid with state funds received from HB-377 from the 2013 Legislative Session.

**Recommendation:**

Approval of the Cooperative Agreement with the Utah Department of Transportation

**Submitted By:**

Daniel Johnson, P.E., City Engineer

**WEST VALLEY CITY, UTAH**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE RELOCATION OF A SIGNAL POLE AS PART OF THE 2400 SOUTH 5600 WEST PROJECT.**

**WHEREAS**, West Valley City plans to construct a new traffic signal at 2400 South 5600 West (hereinafter the “Project”); and

**WHEREAS**, as part of the Project, an existing traffic signal pole will be relocated; and

**WHEREAS**, the Utah Department of Transportation (hereinafter “UDOT”) will contribute funds to the Project in anticipation of the new traffic signal being a part of the future Mountain View Corridor at this location; and

**WHEREAS**, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, entitled “Interlocal Cooperation Act” provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency is authorized by law to perform; and

**WHEREAS**, an agreement entitled “Cooperative Agreement 2400 South 5600 West Signal” (hereinafter the “Agreement”) has been prepared for execution by and between West Valley City and UDOT, a copy of which is attached hereto, and which sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to approve the Agreement between West Valley City and UDOT;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah, that the Agreement between West Valley City and UDOT is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City, subject to approval of the final form of the agreement by the City Manager and the City Attorney’s Office.

**PASSED, APPROVED and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

S-0172(29)5; Salt Lake County  
SR-172 (5600 West) & 2455 South  
Authority No. 72068 PIN 13273

**COOPERATIVE AGREEMENT**  
2400 South 5600 West Signal

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2015, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and **West Valley City**, a political subdivision of the State of Utah hereinafter referred to as the “**City**.”

**RECITALS**

**WHEREAS**, the City plans constructing a project called 2400 South 5600 West Signal (“Project”); and

**WHEREAS**, the relocation of the signal pole will benefit UDOT with the future tie in for Mountain View Corridor and benefit future development for the City.

**WHEREAS**, UDOT desires to contribute funds to the Project.

**AGREEMENT**

**NOW THEREFORE**, it is agreed by and between the parties hereto as follows:

1. The City shall construct the Project in compliance with the plan set contained Exhibit A, which is incorporated by reference. The Project will be constructed fall of 2015 or spring 2016. Any changes to the plan set must be approved by UDOT.
2. UDOT will pay the City \$28,128.00 within 30 days after execution of this Agreement. UDOT will also be paying for Rocky Mountain Power's expenses for the installation of the new power service for the relocated signal pole and the removal of the old power service to the signal pole. In the event the City does not construct the Project within the time frame stated in paragraph one, the City will promptly refund the money to UDOT.
3. This Agreement may be executed in counterparts by the parties.
4. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
5. This Agreement does not create any type of agency relationship, joint venture, or partnership between UDOT and the City.

SR-172 2400 South 5600 West  
Signal Replacement  
**UDOT & West Valley City**

- 6. This Agreement, together with all exhibits and attachments, constitutes the entire agreement between the parties and supersedes any prior understandings, agreements, or representations, verbal or written. No subsequent modification or amendments will be valid unless in writing and signed by both parties.
  
- 7. Each party represents that it has the authority to enter into this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed by its duly authorized officers as of the day and year first above written.

**ATTEST:**

**WEST VALLEY CITY** a political  
subdivision of the State of Utah

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

(IMPRESS SEAL)

\*\*\*\*\*

**UTAH DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Region Director

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

**COMPTROLLER OFFICE**

This Form Agreement has been previously  
approved as to for by the Utah Attorney  
General's Office

By: \_\_\_\_\_

Contract Administrator

Date: \_\_\_\_\_

Item #:	
Fiscal Impact:	\$47,950
Funding Source:	Storm Water Utility
Account #:	36-7532-40750-75168-0000
Budget Opening Required:	No

**ISSUE:**

Agreement with J-U-B Engineers Inc. for the Metro Business Park pond cleanup and renovation.

**SYNOPSIS:**

Over time, the storm water pond at Metro Business Park (1400 W 2200 S) has deteriorated and become a detriment to the surrounding business park, rather than the attraction it was initially intended to be. Under this contract, J-U-B Engineers will assess the existing conditions, identify infrastructure and landscape improvements to resolve erosion, water quality and aesthetic issues, and complete construction drawings.

**BACKGROUND:**

West Valley City acquired this pond in 2013 as part of an economic development effort to attract and retain businesses in the Metro Business Park, by improving the pond and surrounding property. Storm water runoff from the adjacent business park and residential properties is collected in this pond and, subsequently, pumped to the Jordan River.

Funding for both this design contract, and construction of future improvements will come from the Storm Water Utility. The City collects approximately \$35,000 annually from the businesses and residents, north of 2320 South and east of Redwood Road. Following completion of the design work included in this contract, a construction contract will be advertised in the spring of 2015.

**RECOMMENDATION:**

Approval of the Agreement with J-U-B Engineers Inc.

**SUBMITTED BY:**

Russell B Willardson, P.E., Public Works Director

**WEST VALLEY CITY, UTAH**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH J-U-B ENGINEERS, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE METRO BUSINESS PARK POND RENOVATION PROJECT.**

**WHEREAS**, West Valley City wishes to renovate the storm drainage pond in Metro Business Park, at approximately 1355 West 2200 South in West Valley City (hereinafter the "Project"); and

**WHEREAS**, the City desires to contract with a professional engineering firm to survey existing utilities and infrastructure, perform engineering design, produce construction documents, and provide administrative services for the Project; and

**WHEREAS**, J-U-B Engineers, Inc. (hereinafter "J-U-B"), is a professional engineering firm that has the qualifications, expertise, and desire to provide the necessary services to the City; and

**WHEREAS**, an agreement has been prepared for execution by and between the City and J-U-B, a copy of which is attached hereto and entitled "West Valley City Professional Services Agreement, Metro Business Park Pond Clean-up and Renovation," (hereinafter the "Agreement"), that sets forth the rights, duties, and obligations of each of the parties thereto; and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the citizens of West Valley City to enter into the Agreement with J-U-B for professional services;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah, that the Agreement with J-U-B is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City, subject to approval of the final form of the Agreement by the City Manager and the City Attorney's Office.

**PASSED, APPROVED, and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

**West Valley City  
Professional Services Agreement  
Metro Business Park Pond Clean-Up and Renovation**

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**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between West Valley City, a municipal corporation of the State of Utah (hereinafter the “CITY”), located at 3600 Constitution Boulevard, West Valley City, Utah, and J.U.B. Engineers, Inc. (hereinafter “J-U-B”), with a location of 466 North 900 West, Kaysville, Utah 84037.

**W I T N E S S E T H :**

**WHEREAS**, the CITY wishes to rehabilitate the storm drainage pond in Metro Business Park at approximately 1355 West 2200 South in West Valley City (hereinafter the “Project”); and

**WHEREAS**, the CITY desires to contract with a professional engineering firm to assist the CITY with development of the Project; and

**WHEREAS**, J-U-B is a professional engineering firm that has the qualifications, expertise, and desire to provide the necessary services to the CITY; and

**NOW, THEREFORE**, for and in consideration of the mutual covenants made herein, the parties agree as follows:

**A G R E E M E N T :**

1. **J-U-B’s Obligations.** J-U-B agrees to perform the work necessary to complete the following tasks as outlined below:
  - a. **Project Management.** Organize and direct at least two (2) meetings of City staff and stakeholders as necessary to establish goals and objectives for development of plans.
  - b. **Survey & Base Map.** Obtain field survey data to gather information needed for project design. Develop accurate base map from survey data for design work.
  - c. **Inventory.** Identify existing infrastructure by using City utility maps and site survey information to compile an inventory and assessment of existing storm drain piping to the existing pond. Examine existing pond banks to identify erosion concerns and determine the condition of existing concrete curb wall around the perimeter. Evaluate replacement options for the curb wall. Assess the pond outlet channel and evaluate options for replacement piping. Examine

existing landscape treatment in order to develop recommendations for practicable landscape improvements that will be more attractive, require less maintenance and care, and provide positive opportunities for people to enjoy and interact with the pond, such as viewing areas and places to sit and watch wildlife.

- d. Design. Based on the Inventory, develop a plan to renovate the pond to collect storm water in an aesthetically pleasing and environmentally friendly manner. From the approved plan, develop a set of construction documents for implementation. All of the following plans, designs, and construction documents are subject to approval by the CITY prior to preparation of the next set of plans.
  - i. Final Site Plan. Develop a master plan for pond rehabilitation and stabilization of its banks that includes an appropriate retaining system to prevent erosion and create a pedestrian-friendly perimeter; planting concepts; irrigation system renovations; pedestrian sitting areas; piping options for outlet channel to pump station; landscape treatment over piped areas; sediment trap at inlet; natural nutrient removal on the east end prior to runoff entering pipe; pond “cleanup” including aeration system. The master plan will be the base map for all design work.
  - ii. Preliminary Construction Documents. Prepare 60% construction plans and drawings of proposed improvements to include demolition plan; preliminary layout and dimensioning plan; drainage and grading plan; pond edge retaining system, piping and other infrastructure improvements; electrical plans, if required; preliminary construction details; irrigation main line layout plan; planting plan; and preliminary opinion of probable construction costs.
  - iii. Final Construction Documents. Based on CITY review and comment, prepare complete set of construction documents for successfully bidding and constructing the project, including all design plans; all construction details; technical specifications; prepare any other necessary bidding documents as needed such as bid forms and bid schedule; provide a final set of bidding documents in electronic format; and provide final opinion of probable construction costs.
- e. Bidding Assistance. Attend one (1) pre-bid meeting and answer questions from bidders and contractors; interpret drawings and technical information as needed; prepare and issue addenda as required for bidding.
- f. Construction Administration. During the construction period, perform regular weekly site visits of 4 hours each over approximately 12 weeks, and a substantial completion walk-thru and a final acceptance walk-thru for a total of approximately 56 hours of construction observation. Perform administrative tasks

during construction, including receiving, reviewing and processing of payment requests; prepare punch lists; write and distribute status reports of visits; review as-built drawings as prepared by the construction contractor. J-U-B shall submit all change orders to the City for review and approval prior to authorization.

- g. Additional Tasks at the Request of CITY. J-U-B agrees to perform any additional tasks, not specifically stated herein, requested by CITY in conjunction with this Project.

- 2. **Project Schedule.** J-U-B shall complete the work as set forth in Section 1 of this Agreement within six (6) months of the execution of this Agreement, which completion time may be extended by the CITY, at the CITY's sole discretion.

- 3. **CITY's Obligations.**

- a. In consideration for the work performed by J-U-B, as set forth in Sections 1 and 2 above, the CITY agrees to pay J-U-B for the cost of services up to a maximum fee of Forty Seven Thousand Nine Hundred Fifty Dollars (\$47,950).

- 4. **Term of Agreement.** This Agreement shall commence upon execution by the parties and shall continue for a period of six months or until either of the following occurs:

- a. J-U-B completes the work set forth in this Agreement.
- b. The CITY has paid J-U-B the maximum compensation amount of Forty Seven Thousand Nine Hundred Fifty Dollars (\$47,950).

- 5. **Termination.**

- a. In the event J-U-B fails to comply with any provisions of this Agreement, or if the progress or quality of the work is unsatisfactory, the CITY may serve written notice thereof upon J-U-B, and if J-U-B fails within a period of three (3) days thereafter to correct failure, the CITY may terminate this Agreement upon written notice to J-U-B. Upon such termination, J-U-B shall immediately cease its performance of this Agreement and the City shall determine and pay to J-U-B the amount due for such satisfactory work up to the effective date of Termination. Conditions which may result in termination of this Agreement specifically include, but are not limited to, failure to comply with any applicable federal, state, or local laws or regulations. Notwithstanding the above, J-U-B shall not be relieved of liability to the CITY for damages sustained by virtue of any breach by J-U-B.
- b. The CITY also reserves the right to terminate this Agreement at any time for its convenience, or in the event that it abandons or indefinitely postpones the Project.

Such terminations shall be accomplished by written notice to that effect, delivered to J-U-B. Upon receipt of such notice, J-U-B shall immediately cease work. Payment to J-U-B shall be made for work performed prior to receipt by J-U-B of such termination notice, and J-U-B shall have no claim for loss of anticipated profits or any additional compensation.

- c. In the event the City fails to substantially comply with the provisions of this Agreement, or if it fails to timely pay compensation due to J-U-B, J-U-B may serve written notice thereof upon the CITY, and, if the CITY fails within a period of seven (7) working days thereafter to correct such failure, J-U-B may terminate this Agreement upon written notice to the CITY. J-U-B accepts no liability in such circumstances for damages or delays that result from suspension of work by the CITY.

- 6. **CITY Representative.** The CITY hereby appoints Russ Willardson or his designee as the CITY's representative to assist in the administrative management of this Agreement, to ensure that the work to be performed by J-U-B is timely and adequately performed, and to provide for CITY approvals as may be required by this Agreement or the nature of the work. The CITY's representative shall assist in coordinating, monitoring, and evaluating this Agreement to completion. J-U-B understands and agrees that the CITY's representative shall have no control over the means, methods, techniques, or procedures employed by J-U-B, it being clearly understood that the CITY is interested only in the results obtained under this Agreement, with the manner and means of obtaining those results being under the sole control of J-U-B.

7. **Additional Conditions.**

- a. CITY will furnish all applicable criteria and operating standards needed to meet CITY requirements.
- b. **Responsibility for Consultants.** J-U-B shall be responsible for all of J-U-B's consultants and subconsultants of any tier for the services set forth in this Agreement. J-U-B shall be solely responsible for compensation due to consultants and subconsultants at any tier for the services set forth in this Agreement. J-U-B shall indemnify and hold the City harmless from any claims, damages or expenses related to J-U-B's consultants or subconsultants of any tier resulting from performance under this Agreement.
- c. **Responsibility for Documents.** Notwithstanding any approval from the CITY of the documents prepared by J-U-B pursuant to this Agreement, J-U-B and J-U-B's consultants shall be solely responsible, as measured by the standard of care as defined herein, for (i) the technical accuracy and adequacy of such documents; (ii) the constructability of the improvements described in such documents; (iii) the compliance of such documents and the improvements described in such

documents with all laws, ordinances, codes, regulations, rules, or other requirements of governmental authorities having jurisdiction over the Project applicable to the Project at the time of the issuance of the Building Permit for the improvements described in such documents (including the Americans with Disabilities Act Accessibility Guidelines); and (iv) the compliance of such documents and improvements described in such documents with the design and construction standards provided by the CITY, if any. J-U-B shall be responsible for the adequacy, accuracy, and coordination of all documents used on the Project prepared by J-U-B, J-U-B's consultants, or their subconsultants of any tier.

- d. **Instruments of Service.** The CITY and J-U-B acknowledge that any and all drawings, specifications, reports, models, and other documents and data (including documents, drawings, and data retained or stored by electronic means, such as AutoCad 2008 or compatible or similar files) prepared by J-U-B or by J-U-B's consultants or its subconsultants of any tier related to the Project pursuant to this Agreement are Instruments of Service. J-U-B represents and warrants that J-U-B owns all of the rights, title and interest in the Instruments of Service and that ownership of the Instruments of Service is fully assignable. Accordingly, J-U-B hereby assigns to the CITY ownership of all Instruments of Service and hereby assigns to the CITY all common law, statutory, or other reserved rights, including all copyrights that J-U-B has in the Instruments of Service. J-U-B shall require similar assignment by its consultants and subconsultants of any tier to the CITY. At the completion of the Project or upon termination of this Agreement, whichever occurs first, J-U-B, its consultants, and subconsultants at any tier shall promptly deliver reproducible files (including AutoCad 2008 or compatible or similar files) to the CITY all Instruments of Service related to the Project and/or prepared pursuant to this Agreement. Any reuse of the Instruments of Service by the CITY for any project other than the Project will be at the CITY's sole risk, and J-U-B, its consultants, and subconsultants shall not be liable.
8. **Independent Contractor.** It is understood and agreed that J-U-B is an independent contractor, and that the officers and employees of J-U-B shall not be employees, officers, or agents of the City; nor shall they represent themselves to be City employees; nor shall they be entitled, as a result of the execution of this Agreement, to any benefits or protections that would otherwise be available to City employees.
9. **Conflict of Interest.** J-U-B warrants that no City employee, official, or agent has been retained by J-U-B to solicit or secure this Agreement upon an agreement or understanding to be or to become an officer, agent, or employee of J-U-B, or to receive a commission, percentage, brokerage, contingent fee, or any other form of compensation.
10. **Indemnification and Insurance.** J-U-B agrees to indemnify and hold the CITY harmless from and against damages and expenses, including reasonable court costs and attorney's fees, by reason of liability imposed against the CITY for damages because of

bodily injury, death, and/or property damages, intellectual property or otherwise, resulting from the J-U-B's performance of services under this Agreement, to the extent that such bodily injuries, death, and/or property damages, intellectual or otherwise, are attributable to the negligence of J-U-B and/or J-U-B's consultants, subconsultants of any tier, representatives, servants, agents, employees, and/or assigns. The indemnification required by this section shall not apply to any bodily injuries, death, and/or property damages that are attributable to the negligence of the CITY. As used in this section, the CITY shall also refer to the officers, agents, assigns, volunteers, and employees of the CITY.

J-U-B will maintain insurance coverage throughout the term of the Agreement. Insurance coverage will include:

1)	Worker's Compensation State Employer's Liability	Statutory \$100,000
2)	Commercial General Liability Bodily Injury and Property Damage Aggregate	\$2,000,000 \$4,000,000
3)	Automobile Liability Per-Occurrence Limit	\$2,000,000
4)	Professional Liability	\$2,000,000

11. **Subcontract Assignment.** Neither party shall assign any rights or interest herein without prior written consent of the other party.
12. **Attorney's Fees.** In the event of default hereunder, all costs incurred in enforcing this Agreement, including reasonable attorney's fees, whether legal services are provided by in-house or outside counsel and whether incurred through initiation of legal proceedings or otherwise, shall be allocated in accordance with State law.
13. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties.
14. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no statement, promise, or inducements made by either party or agents for either party, which are not contained in this written Agreement, shall be binding or valid.
15. **Modification of Agreement.** This Agreement may be modified only by written amendment executed by all of the parties hereto.



WEST VALLEY CITY

\_\_\_\_\_  
Ron Bigelow, Mayor

ATTEST:

\_\_\_\_\_  
Sheri McKendrick, City Recorder

J-U-B ENGINEERS, INC.

\_\_\_\_\_  
By:  
Its:

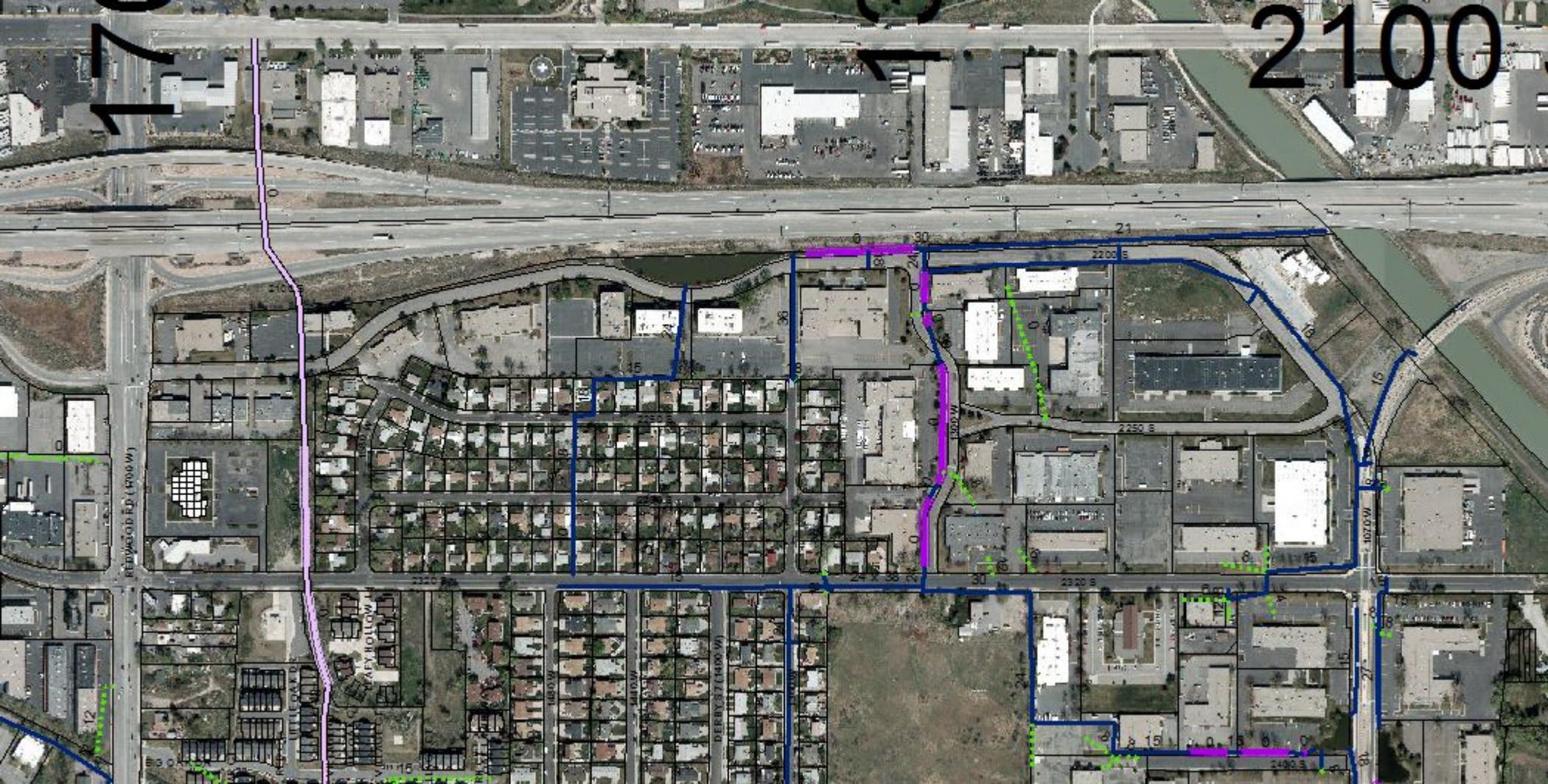
STATE OF UTAH            )  
                                      : ss.  
COUNTY OF SALT LAKE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me \_\_\_\_\_, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the \_\_\_\_\_ [title] of J-U-B Engineers, Inc., and that this Professional Services Agreement was signed by him in behalf of said corporation by authority of its bylaws or of a Resolution of its Board of Directors, and he acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
Notary Public

17

2100



Item: \_\_\_\_\_  
Fiscal Impact: NA  
Funding Source: NA  
Account #: NA  
Budget Opening Required:

ISSUE:

A Resolution adopting the State Legislative Agenda of West Valley City for the 2015 Legislative session.

SYNOPSIS:

The City is actively engaged in activities at the State Legislature each year. Pursuant to this activity the City employs multiple resources. In an effort to both inform and set forth the general policy direction on these matters, the guidelines for these activities are set forth in the Resolution. Because specific legislative and lobbying efforts during the legislative session change on a daily and sometimes hourly basis, the guidelines set forth in the Resolution are meant to be guidelines only to allow for maximum flexibility in obtaining success.

This year the likely topics of discussion will be as follows.

1. Transportation funding  
There is a discussion of an increase across the state but there are currently several very preliminary proposals on how to accomplish this. Support for funding increase and monitor methodologies. The City also has specific funding asks this year which will be pursued.
2. Redevelopment Law Amendments  
There is a bill being drafted that would amend the definition of “new growth.” Currently that definition is confusing and not applied consistently. Support the new definition and monitor to ensure that this is the only change and that the definition is accurate.
3. Township, Annexation and Incorporation Law Changes  
There is a bill that would modify the methodology by which unincorporated townships act. The proposal currently being drafted is the Salt Lake County Proposal and is an effort to provide alternatives but limit status quo. Support moving toward wall to wall cities and monitor the methodology by which this would occur to ensure it is beneficial to the City.
4. Land Use  
There are various land use topics being discussed including prohibiting outside consultants who provide impact fee studies from also building, engineering or providing financial advice after the study is completed. Monitor this and the other land use matters to ensure beneficial outcome.
5. Law Enforcement  
There are multiple law enforcement topics of discussion including funding and policy surrounding body cameras. Monitor each of these matters and ensure our benefit.

SUBMITTED BY:

Nicole Cottle, Assistant City Manager

**WEST VALLEY CITY**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE STATE LEGISLATIVE AGENDA OF WEST VALLEY CITY FOR THE 2015 UTAH STATE LEGISLATIVE SESSION.**

**WHEREAS**, by this Resolution, West Valley City (the “City”), has determined that it is in the best interests of the City to pursue favorable laws, funding mechanisms and other interests at the state level; and

**WHEREAS**, the City recognizes that a specific list of agenda items would change often and would become obsolete very quickly; and

**WHEREAS**, given that the specific items being sought by the City are also subject to change rapidly and even prior to the session, this agenda represents a general direction on several items and a general direction rather than a specific list of items so that administration, staff and consultants may appropriately conduct representation on behalf of the City to the fullest extent; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City as follows:

**Section 1.** The City Council of the City hereby determines that it is in the best interests of the City to adopt the following Utah state legislative agenda for the 2015 legislative cycle:

- A. Monitor and amend as necessary any statute that is necessary to maintain and support the business of the City and its continued strength and success and ability to serve its citizens; and
- B. Maintain or increase the City’s share of any funding generated by the state or received by the state and distributed to the City; and
- C. Secure funding where appropriate for infrastructure needs including but not limited to funds to support transportation, building infrastructure of specific uses and any other appropriate funds.

**PASSED, APPROVED, and MADE EFFECTIVE** this \_\_\_\_ day of January, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

Item: \_\_\_\_\_

Fiscal Impact: NA

Funding Source: NA

Account #: NA

Budget Opening Required:

ISSUE:

A Resolution adopting the Federal Legislative Agenda of West Valley City for the 2015 -2016 Legislative session.

SYNOPSIS:

The City is actively engaged in activities at the Congressional level. Pursuant to this activity the City employs multiple resources. In an effort to both inform and set forth the general policy direction on these matters, the guidelines for these activities are set forth in the Resolution. Additionally attached to the resolution are the actual items currently being pursued. This list does change as the year moves forward.

SUBMITTED BY:

Nicole Cottle, Assistant City Manager

**WEST VALLEY CITY**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE FEDERAL  
LEGISLATIVE AGENDA OF WEST VALLEY  
CITY FOR THE 2015-2016 LEGISLATIVE CYCLE.**

**WHEREAS**, the City is actively engaged in pursuing various grants, benefits, assistance and formula funds in the federal process and has endeavored to continue to secure the funding currently in place; and

**WHEREAS**, the City recognizes that a specific list of agenda items will change often and would become obsolete very quickly, however it desires to provide policy direction to those conducting the efforts on its behalf; and

**WHEREAS**, given that the specific items being sought by the City are also subject to change, this agenda represents a general direction rather than a specific list of items so that administration, staff and consultants may appropriately conduct representation on behalf of the City to the fullest extent;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City as follows:

Section 1. The City Council of the City hereby determines that it is in the best interests of the City to adopt the Federal Legislative Agenda for the 2015-2016 legislative cycle attached hereto as Exhibit A.

**PASSED, APPROVED, and MADE EFFECTIVE** this \_\_\_\_\_ day of January, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

1. **Marketplace Fairness Issues**

Marketplace Fairness continues to be an ongoing issue and matter of discussion. West Valley City recognizes its great local business partners and their needs as well as those brick and mortar retail sales facilities. We encourage a fair analysis and methodology to level the playing field. West Valley City further advocates for a return of any sales tax recognized from this type of legislation be returned to municipalities as current sales tax is distributed.

2. **Federal Transportation Funding**

West Valley City continues to recognize that transportation funding is a substantial issue that must be discussed. Given that the needs are so substantial and because they are also regional the solutions must be found at the federal, state and local level. Therefore West Valley City urges Congress to authorize a new, long-term federal surface transportation program that recognizes the central role of transportation to metropolitan and regional economies and includes local voices in planning and project selection. With a strong federal partnership, cities can continue transportation and infrastructure investments that ensure everyone in our communities has access to education, training and employment. The program must provide cities a greater role in decision-making for transportation projects to meet community goals and recognize the role of metropolitan economies to the nation's economic wellbeing and competitiveness. The overall transportation system must be made more efficient, including upgrades to older systems and the addition of new modes like light rail and bus rapid transit.

3. **Municipal Bond Protection**

West Valley City opposes any attempt to eliminate or limit the traditional tax exemption for municipal bonds, whether as a part of a deficit reduction plan, a push for comprehensive tax reform or as an offset for new spending. As the Administration and Congress look for revenue to reduce the deficit and still fund programs, the federal income tax exemption provided to interest paid on state and municipal bonds (debt) is under threat. In addition to increasing taxes, the federal government can raise revenue by expanding what is subject to being taxed (broadening the base); as an alternative to raising taxes, interest paid on bonds issued by local governments currently not taxed could lose their exemption from taxation.

4. **Federal funding – Grant Applications**

- a. As in past years the City has multiple funding matters in play at the federal level. Including keeping a close watch on CDBG funds the following is a general list of funding we are currently pursuing.

Item #:	_____
Fiscal Impact:	N/A
Funding Source:	N/A
Account #:	N/A
Budget Opening Required:	N/A

**ISSUE:**

A resolution appointing Carol Hunter and Tom Alder as members of the Utah Cultural Celebration Center Foundation Committee.

**SYNOPSIS:**

The Resolution ratifies the City Manager’s appointment of Carol Hunter and Tom Alder as members of the Utah Cultural Celebration Center Foundation Committee for a term commencing January 20, 2015 and ending September 30, 2016. Carol Hunter and Tom Alder are willing to serve as members of the Utah Cultural Celebration Center Foundation Committee.

**BACKGROUND:**

The Utah Cultural Celebration Center Foundation Committee consists of up to 13 members who serve for a term of two years. The Committee works to further the interests of the Foundation and the Utah Cultural Celebration Center by assisting in program development, fundraising, and promoting the cause of cultural diversity in the City.

**RECOMMENDATION:**

Approval of this Resolution.

**WEST VALLEY CITY, UTAH**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION RATIFYING THE CITY  
MANAGER'S APPOINTMENT OF CAROL  
HUNTER AND TOM ALDER AS MEMBERS OF  
THE UTAH CULTURAL CELEBRATION CENTER  
FOUNDATION COMMITTEE.**

**WHEREAS**, the Utah Cultural Celebration Center Committee consists of members appointed by the City Manager; and

**WHEREAS**, the City Manager desires to appoint Carol Hunter and Tom Alder as members of the Utah Cultural Celebration Center Foundation Committee for a term commencing January 20, 2015 and ending September 30, 2016; and

**WHEREAS**, Carol Hunter and Tom Alder are willing to accept said appointments; and

**WHEREAS**, said appointments require the advice and consent of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah, that it hereby ratifies the City Manager's appointment of Carol Hunter and Tom Alder as members of the Utah Cultural Celebration Center Foundation Committee for a term commencing January 20, 2015 and ending September 30, 2016.

**PASSED, APPROVED and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

ITEM#: \_\_\_\_\_  
FISCAL IMPACT: \_\_\_\_\_  
FUNDING SOURCE: \_\_\_\_\_  
ACCOUNT #: \_\_\_\_\_  
BUDGET OPENING REQ'D

**ISSUE:**

S-29-2013 – Stonebridge Commerce Park Subdivision

**SYNOPSIS:**

Applicant: Brandt Bird  
Proposal: Final Plat Approval  
Location: 4100 West Links Drive  
Lots: 4  
Acres: 8.5

**BACKGROUND:**

Brandt Bird, representing Mountain Oasis Holding Ltd., is requesting final plat approval for the Stonebridge Commerce Park Subdivision. An earlier version of the Stonebridge Commerce Park Subdivision was approved by the City Council in January 2014. The subdivision plat however, has not been recorded. The original subdivision consisted of 2 lots on 8.5 acres. After re-evaluating the project site, a determination has been made to add two additional lots. The subject property is presently vacant and is located north of Links Drive and east of Commerce Center Drive.

The subdivision is being requested to divide the existing property into 4 lots. It is expected that the future uses here will be light manufacturing and office. Access will be gained from Links Drive and from Commerce Center Drive.

Internal access will be accomplished by cross access easements. Although the subdivision plat will denote these easement locations, the developer will need to record documents that set forth the conditions upon which these easements will be used. Both Commerce Center Drive and Links Drive are dedicated streets and therefore are maintained by the City.

The subdivision does contain a flag lot. Lot 4 is designed as a flag lot, but just for water and sewer purposes. It is not anticipated that the stem to the flag lot will be used for access. Access will be provided between the buildings on Commerce Center Drive and Links Drive.

**RECOMMENDATION:**

The Planning Commission approved this application.

**SUBMITTED BY:**

Steve Lehman, Current Planning Manager



COMMUNITY & ECONOMIC DEVELOPMENT  
DEPARTMENT

December 11, 2014

Magnifi Construction, LLC  
Attn: Brandt Bird  
831 N 100 E  
Spanish Fork, UT 84660

Dear Mr. Bird,

The West Valley City Planning Commission voted on December 10, 2014 to recommend to the City Council final plat approval for the Stonebridge Commerce Park Subdivision on application #S-29-2013. The property is located at 4100 W Links Drive.

The motion for approval is subject to the resolution of staff and agency concerns.

Any conditions attached to this approval will need to be satisfied one week prior to the date set for hearing before the City Council. You will be notified by the City Recorder of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please feel free to contact our office at 963-3311.

Sincerely,

Steve Lehman, AICP  
Current Planning Manager

SL/nc

**S-29-2013**  
**Stonebridge Commerce Park Subdivision**  
**4100 West Links Drive**  
**M Zone**  
**4 Lots**  
**8.5 Acres**

**BACKGROUND:**

Brandt Bird, representing Mountain Oasis Holding Ltd., is requesting consideration to modify the original Stonebridge Commerce Park Subdivision. The Stonebridge Commerce Park Subdivision was approved by the Planning Commission in December 2013. The subdivision plat however, has not been recorded. The original subdivision consisted of 2 lots on 8.5 acres. After re-evaluating the project site, a determination has been made to add two additional lots. The subject property is presently vacant and is located north of Links Drive and east of Commerce Center Drive.

**ISSUES:**

The proposed subdivision is being requested in order to divide the existing property into 4 lots. It is expected that the future uses here will be light manufacturing and office. Access will be gained from Links Drive and from Commerce Center Drive.

The Planning Commission may remember that Links Drive and Commerce Center Drive were dedicated as part of the first phase of the 201 Commerce Center Subdivision. The cross section which will be used for both streets is a 66-foot right-of-way. A parkstrip and sidewalk will be located on the east side of Commerce Center Drive and on the north side of Links Drive.

Internal access will be accomplished by cross access easements. Although the subdivision plat will denote these easement locations, the developer will need to record documents that set forth the conditions upon which these easements will be used. Both Commerce Center Drive and Links Drive are dedicated streets and therefore maintained by the City.

The subdivision does contain a flag lot. Lot 4 is designed as a flag lot, but just for water and sewer purposes. It is not anticipated that the stem to the flag lot will be used for access. Access will be provided between the buildings on Commerce Center Drive and Links Drive.

At a future date, staff will review either conditional use and/or permitted use applications. At that time, staff and agency comments will be more thoroughly addressed as part of the site plan review process. The subdivision plat will contain easements dedication of right-of-way and other information applicable to the division of property.

**STAFF ALTERNATIVES:**

1. Approve the Stonebridge Commerce Center Subdivision subject to a resolution of staff and agency comments.

2. Continue the application in order for the developer to address the Planning Commissions concerns.

**Applicant:**

Brandt Bird  
2545 N 400 E  
Provo, UT 84604

**Discussion:** Steve Lehman presented the application. Barbara Thomas asked what the dark images on the aerial photograph are. Steve replied that this site was previously used to produce landscaping material and he believes that is what it is.

Brandt Bird, the applicant, stated that the dark images are different materials that were chopped and used for landscaping. He added that the site used environmentally friendly dye that was put into the wood chips to add color and variety.

**Motion:** Commissioner Meaders moved for approval.

Commissioner Tupou seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

**Unanimous-S-29-2013- Approved**

**S-29-2013** Petition by **BRANDT BIRD** requesting **final plat approval** for the Stonebridge Commerce Park Subdivision. The subdivision consists of 4 lots on 8.5 acres. The subdivision is located at 4100 West Links Drive and is zoned 'M' (manufacturing). (Staff- **Steve Lehman** at 801-963-3311)



**S-29-2013** Petition by **BRANDT BIRD** requesting **final plat approval** for the Stonebridge Commerce Park Subdivision. The subdivision consists of 4 lots on 8.5 acres. The subdivision is located at 4100 West Links Drive and is zoned 'M' (manufacturing). (Staff- **Steve Lehman** at 801-963-3311)



LINKS DR (2400 S)







# STONEBRIDGE COMMERCE CENTER

LOCATED IN THE NORTHEAST QUARTER OF SECTION 19 TOWNSHIP 1 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN, WEST VALLEY UTAH

## SURVEYOR'S CERTIFICATE

I Travis J. Daley do hereby certify that I am a Professional Land Surveyor and that I hold certificate No. 6387184 in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I further certify that, by the authority of the owner, I have completed a survey of the tract of land shown hereon and have subdivided said Parcel of Land into lots and streets, together with easements hereafter known as STONEBRIDGE COMMERCE CENTER and that the same has been correctly surveyed and staked on the ground as shown on this Plat.

Travis J. Daley, P.L.S. Date \_\_\_\_\_

## BOUNDARY DESCRIPTION

A parcel of land situate in the Northeast Quarter of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian being more particularly described as follows:

Beginning at a point on the Quarter Section line, said point being South 89°49'45" East 663.32 feet from the center of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence North 00°00'32" West 561.00 feet along the East line of Commerce Center Drive; thence South 89°49'45" East 660.00 feet along the South line of Parcel "C" of the 201 Commerce Center Subdivision No. 2; thence South 00°00'32" East 561.00 feet, to the Quarter Section line, and the North line of Links Drive; thence North 89°49'45" West 660.00 feet along said line to the point of beginning. Contains 370,258 Sq. Ft. 8.499 Acres and, 4 Lots.

## OWNER'S DEDICATION

Know all men by these presents that we, \_\_\_\_\_, the undersigned owner of the above described tract of land having caused the same to be subdivided into lots and streets, together with easements to be hereafter known as,

### STONEBRIDGE COMMERCE CENTER

do hereby dedicate for perpetual use of the public all roads and other areas of land shown on this plat as intended for public use. The undersigned owner also hereby conveys to West Valley City, and to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat. In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Mountain Oasis Holdings, LTD, a Utah limited Partnership

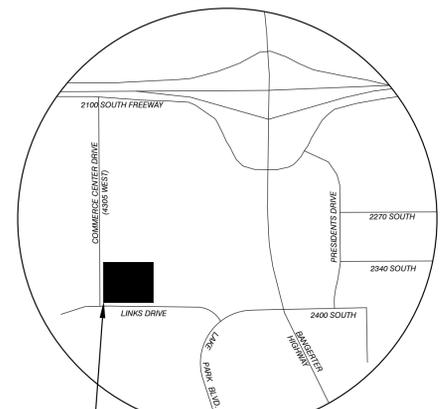
## ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF \_\_\_\_\_ ) S.S.

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2014 personally appeared before me, the undersigned notary public, \_\_\_\_\_ the signer of the above Owner's Dedication, who duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

My Commission expires \_\_\_\_\_

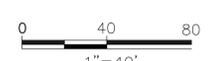
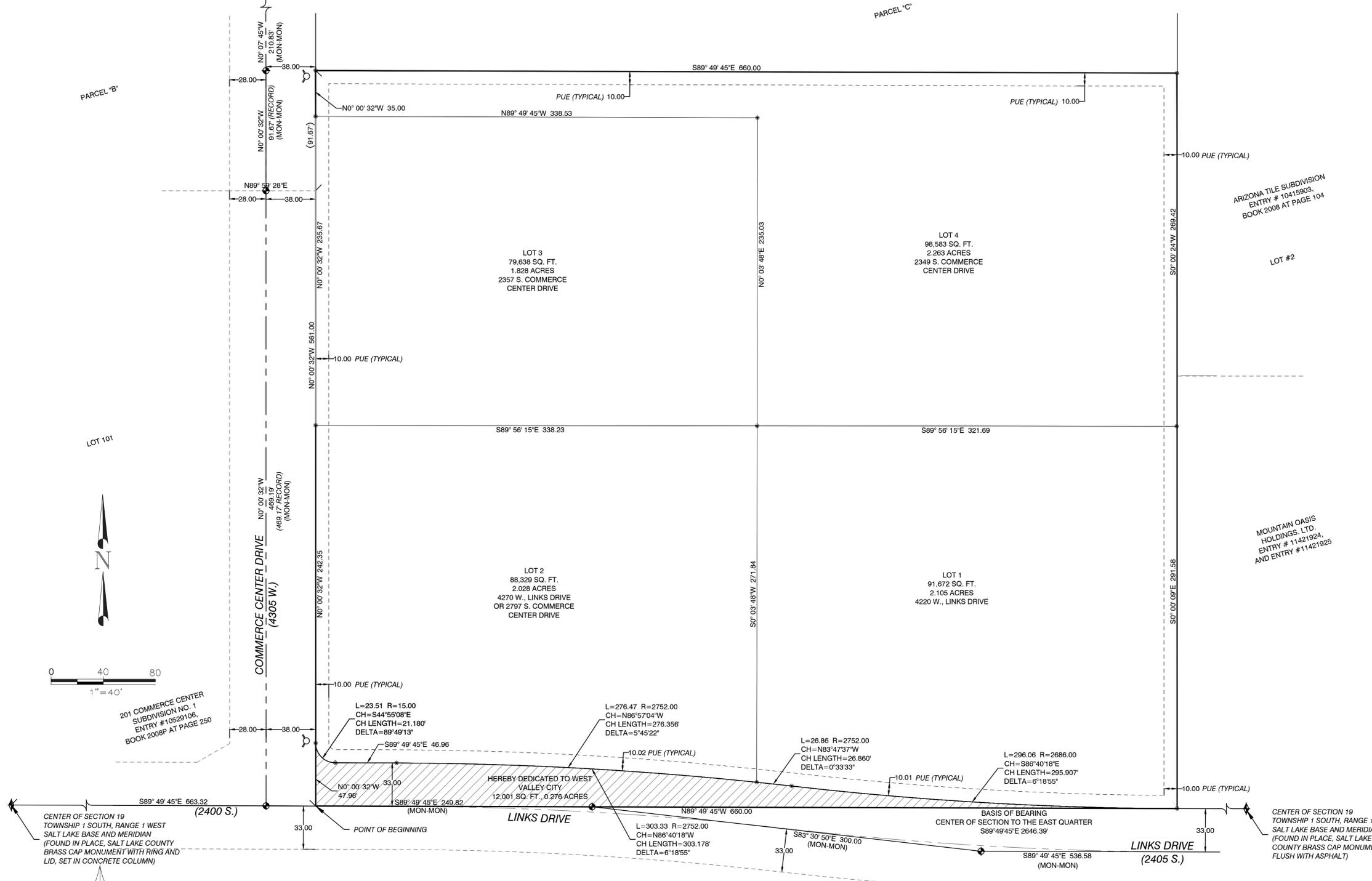


VICINITY MAP NOT TO SCALE

STONEBRIDGE COMMERCE CENTER  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, WEST VALLEY CITY, UTAH.

## SALT LAKE COUNTY RECORDER

Recorded: \_\_\_\_\_ State of Utah, County of Salt Lake, Recorder and filed at the request of \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
Fee \_\_\_\_\_ Salt Lake County Recorder



201 COMMERCE CENTER SUBDIVISION NO. 1 ENTRY #10529106, BOOK 2008P AT PAGE 250

**T&T**  
LAND SURVEYING  
153 S. 500 W.  
HEBER CITY, UTAH  
801.885.1766

### LEGEND

- ◆ SALT LAKE COUNTY MONUMENT AS NOTED
- ◆ EXISTING CENTERLINE MONUMENT
- SET 5/8"X24" REBAR AND CAP MARKED "PLS 6387184"
- ⊕ EXISTING FIRE HYDRANT
- BOUNDARY LINE
- - - 10' PUBLIC UTILITY EASEMENT (PUE TYPICAL)
- - - RIGHT-OF-WAY

### NOTES

1. Offset pins to be placed in the back of the curb and 5/8" x 24" rebar with numbered survey cap to be placed at all rear corners prior to any occupancy.
2. Building permits will not be issued for any structure until 1) asphalt paving is installed; and 2) fire hydrants are installed, approved & charged.

PLANNING COMMISSION  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014, by the city of West Valley Planning Commission.  
CHAIRMAN, West Valley City Planning and Zoning Commission

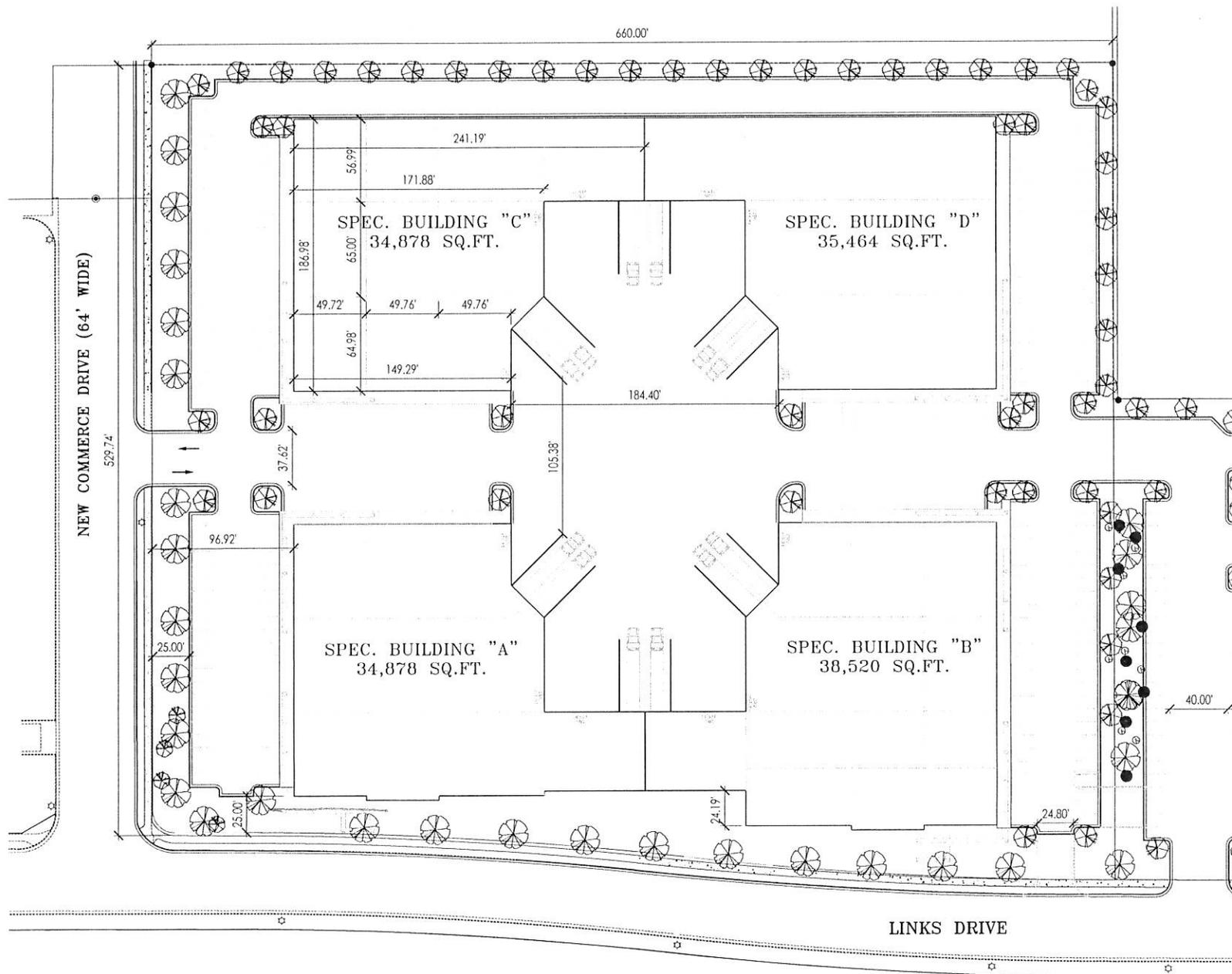
GRANGER HUNTER IMPROVEMENT DISTRICT  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.  
District Engineer

SALT LAKE VALLEY HEALTH DEPARTMENT  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.  
Salt Lake Valley Health Department

WEST VALLEY CITY ENGINEERING DIVISION  
I hereby certify that this office has examined this plat and it is correct in accordance with the information on file in this office.  
Date \_\_\_\_\_ W.V.C. Engineer

APPROVAL AS TO FORM  
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
West Valley City Attorney

WEST VALLEY CITY COUNCIL  
Presented to the West Valley City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014, at which time this Subdivision was approved and accepted.  
Attest: City Recorder \_\_\_\_\_ W.V.C. City Manager



ITEM#: \_\_\_\_\_  
FISCAL IMPACT: \_\_\_\_\_  
FUNDING SOURCE: \_\_\_\_\_  
ACCOUNT #: \_\_\_\_\_  
BUDGET OPENING REQ'D

**ISSUE:**

S-20-2014 – CVS West Valley Plaza Subdivision

**SYNOPSIS:**

Applicant: Leslie Morton  
Proposal: Final Plat Approval  
Location: 3200 West 3500 South  
Lots: 2

**BACKGROUND:**

Utah CVS Pharmacy LLC, is requesting final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is located on the northeast corner of 3200 West and 3500 South.

The CVS Pharmacy was issued a permitted use application in 2013. The project site consisted of multiple parcels, but did not include the existing car wash and inspection/emission parcels. As part of the permitted use application, staff requested that CVS consolidate all of the parcels into one development parcel. CVS chose to leave the portion adjacent to 3200 West undeveloped with a future expectation of subdividing this area along with the two corner parcels when they could be acquired.

Recently, CVS was able to secure the inspection/emission parcels and would like to formally divide the property into two lots. Lot 1 (CVS Pharmacy) will consist of 2.04 acres while lot 2 will consist of .80 acres. Access will be gained from the drive approaches approved during the permitted use process along 3500 South and 3200 West.

**RECOMMENDATION:**

The Planning Commission approved this application.

**SUBMITTED BY:**

Steve Lehman, Current Planning Manager



WEST VALLEY CITY

Unity Pride Progress

COMMUNITY & ECONOMIC DEVELOPMENT  
DEPARTMENT

December 31, 2014

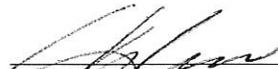
Psomas  
4179 Riverboat Road  
Salt Lake City, Utah 84123

Leslie,

The CVS West Valley Plaza Subdivision has been reviewed by the City Engineering Division. Please note the redlines and return **3 copies of the revised plat** to the Community Development Department.

Should you have questions related to the redlines, please call Steve Dale at 801-963-3218. If you have additional questions, please call me at 801-963-3311.

Respectfully,



---

Steve Lehman

Current Planning Manager

**S-20-2014**  
**CVS West Valley Plaza Subdivision**  
**3200 West 3500 South**  
**C-2 Zone**  
**2 Lots**  
**2.8 Acres**

**BACKGROUND**

Utah CVS Pharmacy LLC, is requesting preliminary and final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is located on the northeast corner of 3200 West and 3500 South.

**ISSUES:**

The CVS Pharmacy submitted a permitted use application in 2013. The project site consisted of multiple parcels, but did not include the existing car wash and inspection/emission parcels. As a condition of the permitted use, staff requested that CVS consolidate all of the parcels into one development parcel. CVS chose to leave the portion adjacent to 3200 West undeveloped with a future expectation of subdividing this area along with the two corner parcels.

The purpose for the commercial subdivision is to now divide the existing parcel, along with the two corner parcels into 2 subdivision lots. Lot 1 (CVS Pharmacy) will consist of 2.04 acres while lot 2 will consist of .80 acres. Access will be gained from the drive approaches approved during the permitted use process along 3500 South and 3200 West.

Due to this application being a commercial subdivision, staff and agency comments regarding site design will be better addressed through the permitted and/or conditional use processes. This application is simply to divide the parcel into developable lots and to create cross access, parking and storm drain easements.

**STAFF ALTERNATIVES:**

Approve the CVS West Valley Plaza Subdivision subject to a resolution of staff and agency comments.

Continue the application to address concerns raised during the Planning Commission hearing.

**Applicant:**

Leslie Morton

**Discussion:** Steve Lehman presented the application. Leslie Morton, representing the applicant, stated that there will be cross access easements but shared parking is probably not likely. She indicated that any use will meet City requirements on site. Phil Conder asked if there are any potential tenants.

Ms. Morton replied there are none yet but the next step will be to tear down the existing buildings and make the site more appealing for sale. Jack Matheson stated that he is concerned about the access on 3200 West. Ms. Morton replied UDOT created the strange jog in the curb when they expanded 3500 S. She added that access will be evaluated when a developer comes in for site plan approval. Terri Mills stated that there is a large mature tree that adds value to the site and questioned if it will remain. Ms. Morton replied she doesn't know that at this time. Commission Mills stated she would encourage this.

**Motion:** Commissioner Tupou moved for approval.

Commissioner Thomas seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

**Unanimous-S-20-2014- Approved**

**S-20-2014** Petition by **UTAH CVS PHARMACY LLC** requesting **preliminary and final plat approval** for the CVS West Valley Plaza Subdivision. The subdivision consists of 2 lots on 2.8 acres. The subdivision is located at 3200 West 3500 South and is zoned 'C-2' (general commercial). (Staff- **Steve Lehman** at 801-963-3311)



**S-20-2014** Petition by **UTAH CVS PHARMACY LLC** requesting **preliminary and final plat approval** for the **CVS West Valley Plaza** Subdivision. The subdivision consists of 2 lots on 2.8 acres. The subdivision is located at 3200 West 3500 South and is zoned 'C-2' (general commercial). (Staff- **Steve Lehman** at 801-963-3311)





CVS/pharmacy

**CVS**  
pharmacy  
OPEN 24 HOURS

Open 24 Hours

EZ PAWN



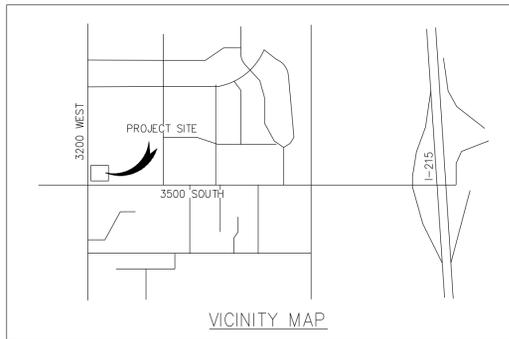
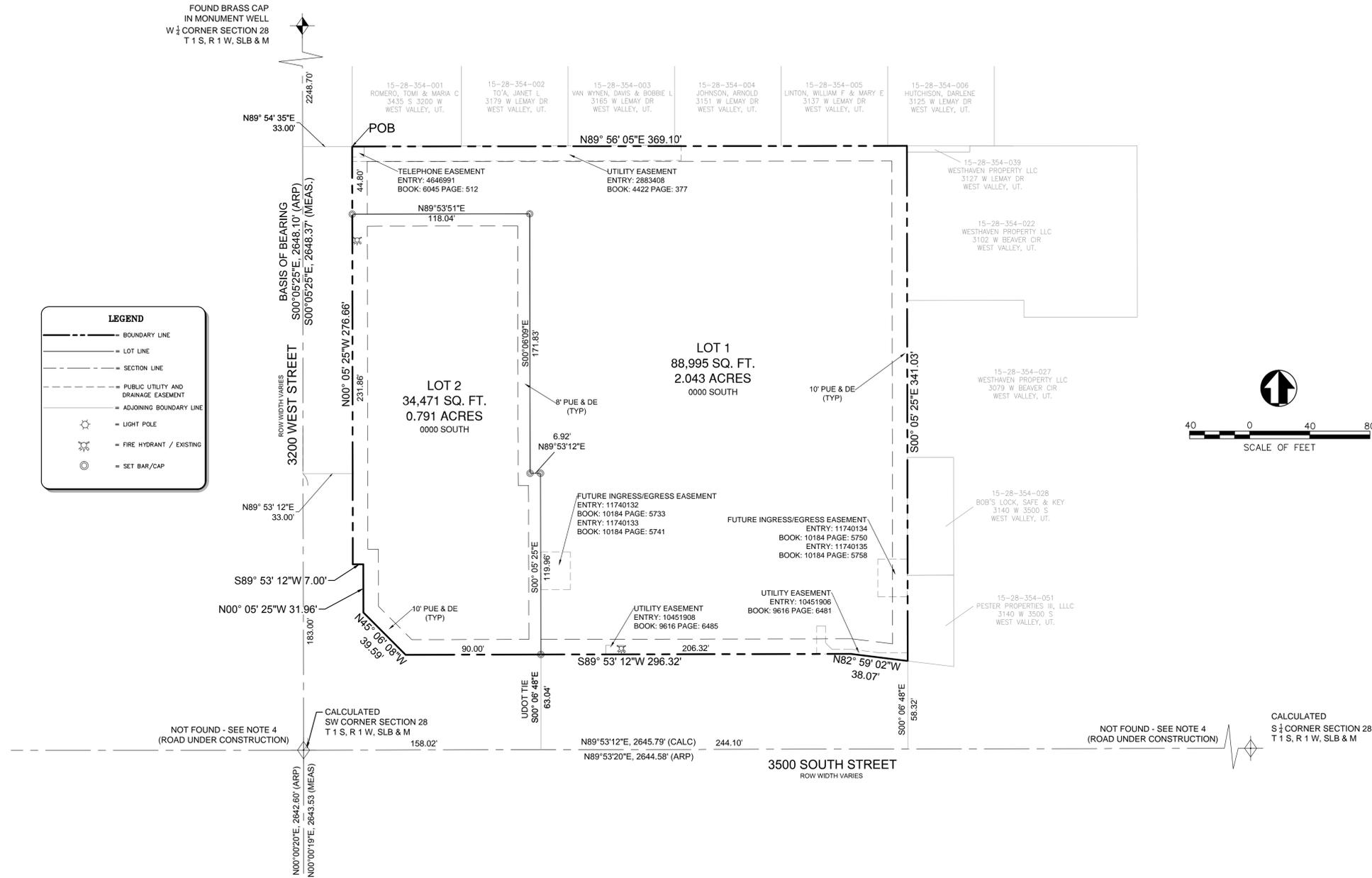
WE HAND DRY  
CAR WASH

WE  
HAND  
DRY

WE HAND DRY

# CVS WEST VALLEY PLAZA SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, T1S, R1W,  
SALT LAKE BASE AND MERIDIAN, WEST VALLEY CITY, SALT LAKE COUNTY, UTAH



### SOIL INFORMATION

A soils report in accordance with Section 7-19-604 of the West Valley City Ordinances has been prepared by, Ninyo and Moore Consultants  
February 12, 2013 / Report No. 303563001

### NOTES

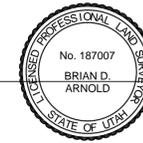
- All drainage swales will be maintained by the property owner and will not be maintained by West Valley City.
- Off-set pins to be placed in the back of curb and 5/8" X 24" rebar with numbered survey cap to be placed at all rear corners prior to any occupancy.
- Building permits will not be issued for any building until 1) asphalt paving is installed; and 2) fire hydrants are installed, approved and charged.
- The location of the calculated section corners was determined from earlier survey work performed in this area for Utility Research. The location is also in harmony with a ALTA/ACSM survey performed on the corner parcel. (Thompson-Hysell Engineers S97-12-1008) and a UDOT Survey (Meridian Engineering S2009-01-0055)

### SURVEYOR'S CERTIFICATE

I, Brian D. Arnold, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 187007 as prescribed by the Laws of the State of Utah. I further certify that by Authority of the Owners I have made a Survey of the Parcel of Land shown on this Plat and have subdivided said Parcel of Land into Lots, together with easements hereafter known as

### CVS WEST VALLEY PLAZA SUBDIVISION

and that the same has been correctly surveyed and staked on the ground as shown on this Plat.



Date \_\_\_\_\_

### BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southwest quarter of Section 28, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 28; thence South 00°05'25" East along the West line of said section 28 and the centerline of 3200 West Street for 2248.70 feet; thence North 89°54'35" East 33.00 feet to a point on the East Right-of-Way line of 3200 West Street, said point being the POINT OF BEGINNING; thence North 89°56'05" East along the South line of Hillsdale Subdivision No. 2 369.10 feet; thence South 00°05'25" East 341.03 feet to a point on the North Right-of-Way line of 3500 South Street; thence North 82°59'02" West along said North Right-of-Way line 38.07 feet; thence South 89°53'12" West along said North Right-of-Way line 296.32 feet; thence North 45°06'08" West 39.59 feet to a point on the said East Right-of-Way line of 3200 West Street; thence North 00°05'25" West 31.96 feet along said East Right-of-Way line; thence South 89°53'12" West 7.00 feet along said East Right-of-Way line; thence North 00°05'25" West 276.66 feet along said East Right-of-Way line to the POINT OF BEGINNING.

Said tract contains 2.834 acres./ 2 Lots

### OWNER'S DEDICATION

Know all men by these presents that we, Utah CVS Pharmacy, L.L.C., the undersigned owner of the above described parcel of land having caused the same to be subdivided into lots, together with easements to be hereafter known as,

### CVS WEST VALLEY PLAZA SUBDIVISION

do hereby convey to West Valley City, and to any and all public utility companies a perpetual, non-exclusive easement over the public utility and drainage easements shown on this plat. The undersigned owner also hereby conveys any other easements shown on this plat to the parties indicated and for the purposes shown hereon. In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

Cheryl Green, Assistant Secretary

### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF RHODE ISLAND }  
COUNTY OF PROVIDENCE } s.s.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, Cheryl Green, who being duly sworn did say he is the Assistant Secretary of Utah CVS Pharmacy, L.L.C., a Utah limited liability company, and that the hereon Owner's Dedication was signed on behalf of said limited liability company by authority of its Operating Agreement and the said Cheryl Green duly acknowledged to me that said limited liability company executed the same.

My commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_

### CVS WEST VALLEY PLAZA SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN  
WEST VALLEY CITY, SALT LAKE COUNTY, UTAH

SHEET 1 OF 1

<b>PSOMAS</b> 4179 RIVERBOAT ROAD Salt Lake City, Utah 84123 (801) 270-5777 (801) 270-5782 (FAX)	DATE: 10-23-14	DESIGNED: BDA
	SCALE: 1" = 40'	DRAFTED: TM
	PROJECT No.: 8CVS010116	CHECKED: BDA

PLANNING COMMISSION  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014 BY THE CITY OF WEST VALLEY PLANNING COMMISSION.  
CHAIRMAN, WEST VALLEY CITY PLANNING AND ZONING COMMISSION

GRANGER HUNTER IMPROVEMENT DISTRICT  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014.  
DISTRICT ENGINEER

SALT LAKE VALLEY HEALTH DEPARTMENT  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014.  
DIRECTOR, SALT LAKE VALLEY HEALTH DEPARTMENT

WEST VALLEY CITY ENGINEERING DIVISION  
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
DATE \_\_\_\_\_ W.V.C. CITY ENGINEER

APPROVAL AS TO FORM  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014.  
WEST VALLEY CITY ATTORNEY

WEST VALLEY CITY COUNCIL  
PRESENTED TO THE WEST VALLEY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
ATTEST: CITY RECORDER \_\_\_\_\_ W.V.C. CITY MANAGER

SALT LAKE COUNTY RECORDER  
RECORDED \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_  
SALT LAKE COUNTY RECORDER

ITEM#: \_\_\_\_\_  
FISCAL IMPACT: \_\_\_\_\_  
FUNDING SOURCE: \_\_\_\_\_  
ACCOUNT #: \_\_\_\_\_  
BUDGET OPENING REQ'D

**ISSUE:**

S-21-2014 – Argus Subdivision

**SYNOPSIS:**

Applicant: Sani Malicevic  
Proposal: Final Plat Approval  
Location: 4390 South 4000 West  
Lots: 2

**BACKGROUND:**

Sani Malicevic, is requesting final plat approval for the Argus Subdivision. The proposed subdivision will divide an existing parcel into two lots. There is an existing dwelling on what will become lot 2 in the subdivision. Lot 1 will be created for a new single family dwelling. The subdivision is bordered on the north and west by the Fairlane Heights No. 7 Subdivision. The east by 4000 West and the south by Paskay Drive.

The subdivision will consist of 2 lots on .56 acres. The existing dwelling was constructed in 1949 and will remain on what will be lot 2. An existing detached garage located on lot 1 will be removed and replaced with a future single family dwelling. Lot 1 is approximately 8,341 square feet with lot 2 being 10,582 square feet. Both the area and frontage requirements exceed City standards in the R-1-8 zone.

Access to the subdivision will be gained from 4000 West and from Paskay Drive. All public improvements along 4000 West are currently in place. The applicant will need to coordinate new improvements along Paskay Drive. Said improvements will tie in with the existing improvements on 4000 West and with those existing to the west of lot 1.

The applicant will need to address the potential of ground water impacts at the time of a new building permit. The Building Official, in conjunction with the Engineering Division will do an on-site investigation and will evaluate surrounding development to determine if a soils report is needed.

**RECOMMENDATION:**

The Planning Commission approved this application.

**SUBMITTED BY:**

Steve Lehman, Current Planning Manager

**S-21-2014**  
**Argus Subdivision**  
**4390 South 4000 West**  
**R-1-8 Zone**  
**2 Lots**

**BACKGROUND**

Sani Malicevic, is requesting preliminary and final plat approval for the Argus Subdivision. The proposed subdivision will divide an existing parcel into two lots. There is an existing dwelling on what will become lot 2 in the subdivision. Lot 1 will be created for a new single family dwelling. The subdivision is bordered on the north and west by the Fairlane Heights No. 7 Subdivision. The east by 4000 West and the south by Paskay Drive.

Fire Department:

- \* Fire hydrant to be within 250 feet of the new dwelling.

Granger Hunter Improvement District:

- \* Project will need to run availability for water, sewer and fire protection.
- \* Subject to design and review inspections.

Utility Agencies:

- \* Subject to all standard easements.

Public Works:

- \* Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- \* Will need to install public improvements along Paskay Drive. Improvements will consist of curb, gutter, sidewalk and street tie-in.
- \* Revisions to the plat required.
- \* Will need to coordinate subdivision name with County Auditor's Office.

Building Inspections:

- \* Will evaluate ground water issues at the building permit stage.

## **ISSUES:**

The applicant is proposing a new subdivision to be known as the Argus Subdivision. The proposal will create an additional building lot from an existing parcel. This property is not part of a formal subdivision, but is located adjacent to the Fairlane Heights No. 7 Subdivision to the north and west.

The subdivision will consist of 2 lots on .56 acres. The existing dwelling was constructed in 1949 and will remain on what will be lot 2. An existing detached garage located on lot 1 will be removed and replaced with a future single family dwelling. Lot 1 is approximately 8,341 square feet with lot 2 being 10,582 square feet. Both the area and frontage requirements exceed City standards in the R-1-8 zone.

Access to the subdivision will be gained from 4000 West and from Paskay Drive to the south. All public improvements along 4000 West are currently in place. The applicant will need to coordinate new improvements along Paskay Drive. Said improvements will tie in with the existing improvements on 4000 West and to the west of lot 1.

The applicant will need to address the potential of ground water impacts at the time of a new building permit. The Building Official, in conjunction with the Engineering Division will do an on site investigation and will evaluate surrounding development to determine if a soils report is needed.

## **STAFF ALTERNATIVES:**

- A. Approval of the Argus Subdivision subject to a resolution of staff and agency comments.
- B. Continue the application to address issues raised during the public h

### **Applicant:**

Sani Malicevic  
1155 E 2100 S

**Discussion:** Steve Lehman presented the application. Terri Mills asked if lot two has enough room for a detached garage. Steve replied yes and indicated there is enough room on the north side of the property which will allow access from either Paskay Drive or 4000 W. He added that there is an electricity pole that can restrict the location but there is still plenty of room. Sani Malicevic, the applicant, stated that a curb, gutter, and sidewalk will improve the look of the area.

**Motion:** Commissioner Thomas moved for approval.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

**Unanimous-S-21-2014- Approved**



COMMUNITY & ECONOMIC DEVELOPMENT  
DEPARTMENT

December 11, 2014

Sani Malicevic  
1155 E 2100 S  
#828  
Salt Lake City, UT 84106

Dear Mr. Malicevic:

The West Valley City Planning Commission voted on December 10, 2014 to recommend to the City Council preliminary and final plat approval for the Argus Subdivision on application #S-21-2014. The property is located at 4390 S 4000 W.

The motion for approval is subject to the resolution of staff and agency concerns.

Any conditions attached to this approval will need to be satisfied one week prior to the date set for hearing before the City Council. You will be notified by the City Recorder of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please feel free to contact our office at 963-3311.

Sincerely,

Steve Lehman, AICP  
Current Planning Manager

SL/nc

**S-21-2014** Petition by **SANI MALICEVIC** requesting **preliminary and final plat approval** for the Argus Subdivision. The subdivision will consist of 2 lots on .44 acres. The subdivision is located at 4390 South 4000 West and is zoned 'R-1-8' (single family residential, minimum lot size 8,000 square feet). (Staff- **Steve Lehman** at 801-963-3311)



**S-21-2014** Petition by **SANI MALICEVIC** requesting **preliminary and final plat approval** for the Argus Subdivision. The subdivision will consist of 2 lots on .44 acres. The subdivision is located at 4390 South 4000 West and is zoned 'R-1-8' (single family residential, minimum lot size 8,000 square feet). (Staff- **Steve Lehman** at 801-963-3311)





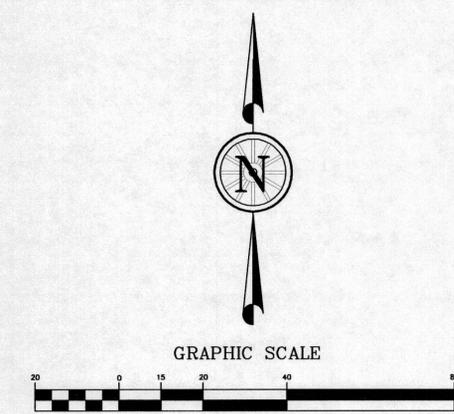
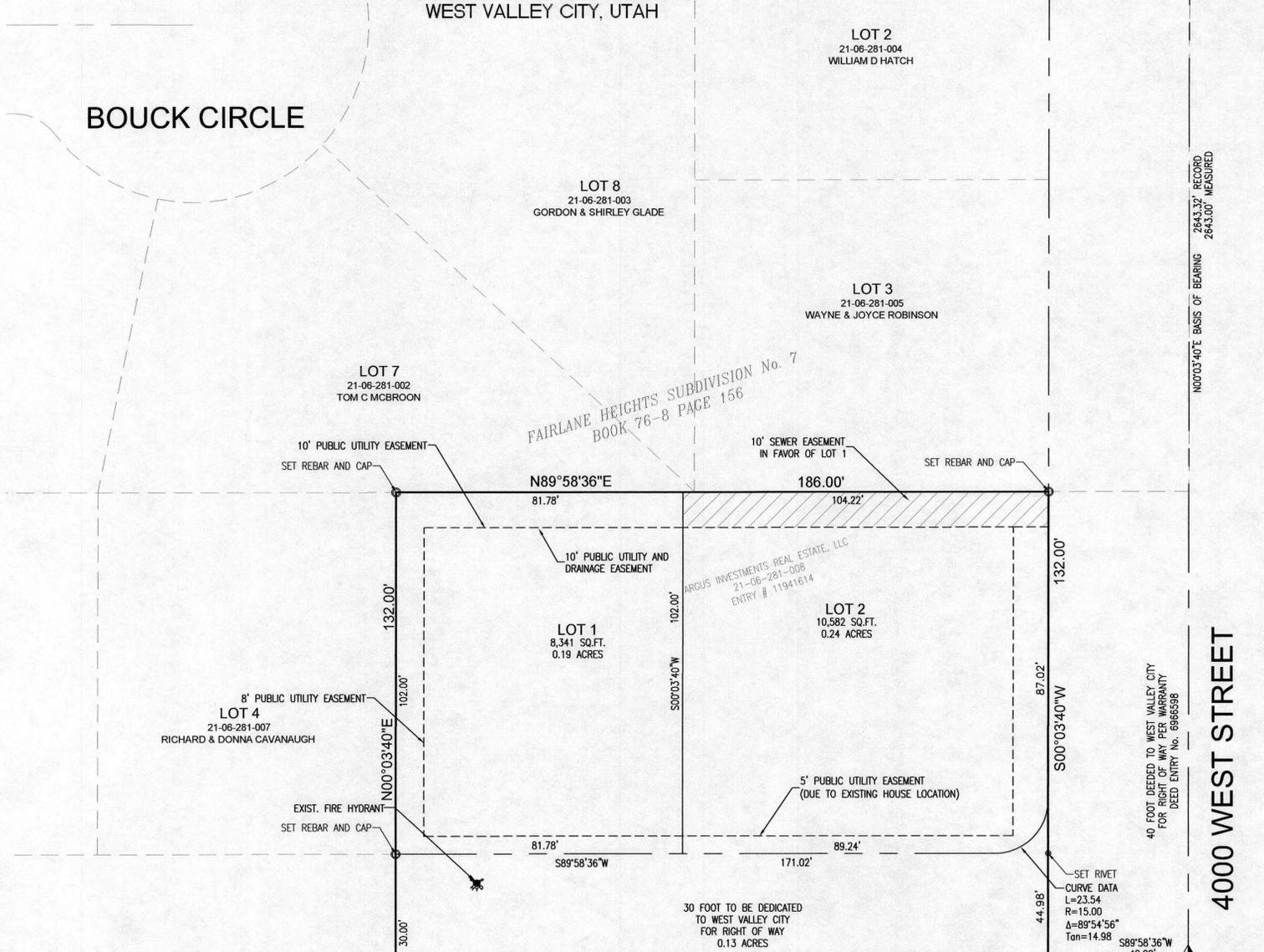




# ARGUS SUBDIVISION

LOCATED IN THE NORTHEAST  
QUARTER OF SECTION 6  
TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN  
WEST VALLEY CITY, UTAH

NORTHEAST CORNER, SECTION 6  
TOWNSHIP 2 SOUTH, RANGE 1 WEST  
SALT LAKE BASE AND MERIDIAN  
(FOUND RING AND LID)



**SURVEYOR'S CERTIFICATE**

I, EVAN J. WOOD DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 183395 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREET TOGETHER WITH EASEMENTS TO BE KNOWN AS ARGUS SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS IS TRUE AND CORRECT.

**Professional Land Surveyor**  
183395  
Evan J. Wood  
STATE OF UTAH

**Nov. 17, 2014**  
DATE

EVAN J. WOOD  
LICENSE No. 183395

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT SOUTH 89°58'36" WEST 40.00 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING, THENCE SOUTH 89°58'36" WEST 186.00 FEET, THENCE NORTH 00°03'40" EAST 132.00 FEET, THENCE NORTH 89°58'36" EAST 186.00 FEET TO THE WEST RIGHT OF WAY LINE OF 4000 WEST STREET, THENCE SOUTH 00°03'40" WEST ALONG THE WEST RIGHT OF WAY LINE OF SAID STREET 132.00 FEET TO THE POINT OF BEGINNING. CONTAINS 0.564 ACRES.

**OWNER'S DEDICATION**

Known all men by these presents that \_\_\_\_\_, the \_\_\_\_\_ undersigned owner ( ) of the above described tract of land, having caused same to be subdivided into lots and street, together with easements to be hereafter known as the

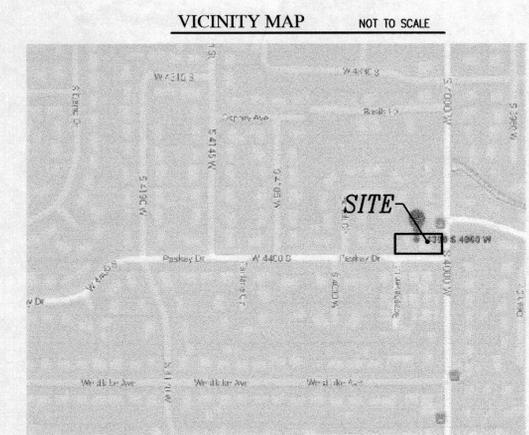
**ARGUS SUBDIVISION**

do dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also do hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon. In witness whereof \_\_\_\_\_ have hereunto set \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

CENTER, SECTION 6  
TOWNSHIP 2 SOUTH, RANGE 1 WEST  
SALT LAKE BASE AND MERIDIAN  
(NOT FOUND)

**NOTES:**  
OFF-SET PINS TO BE PLACED IN THE BACK OF THE CURB AND 3/4" X 24" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL OTHER CORNERS, UNLESS OTHERWISE INDICATED.

**PIONEER LAND SURVEYING**  
BROADBENT BUSINESS PARK  
3613 WEST 1987 SOUTH  
SALT LAKE CITY, UTAH 84104  
PHONE (801) 975-1017 FAX (801) 975-1156



**ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
COUNTY OF SALT LAKE }

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_, personally appeared before me, the undersigned Notary Public, in end for said County of Salt Lake in said State of Utah, the signer ( ) of the above Owner's dedication \_\_\_\_\_ in number, who duly acknowledged to me that \_\_\_\_\_ signed it freely and voluntarily and for the uses and purposes therein mentioned. MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTY

**ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
COUNTY OF SALT LAKE }

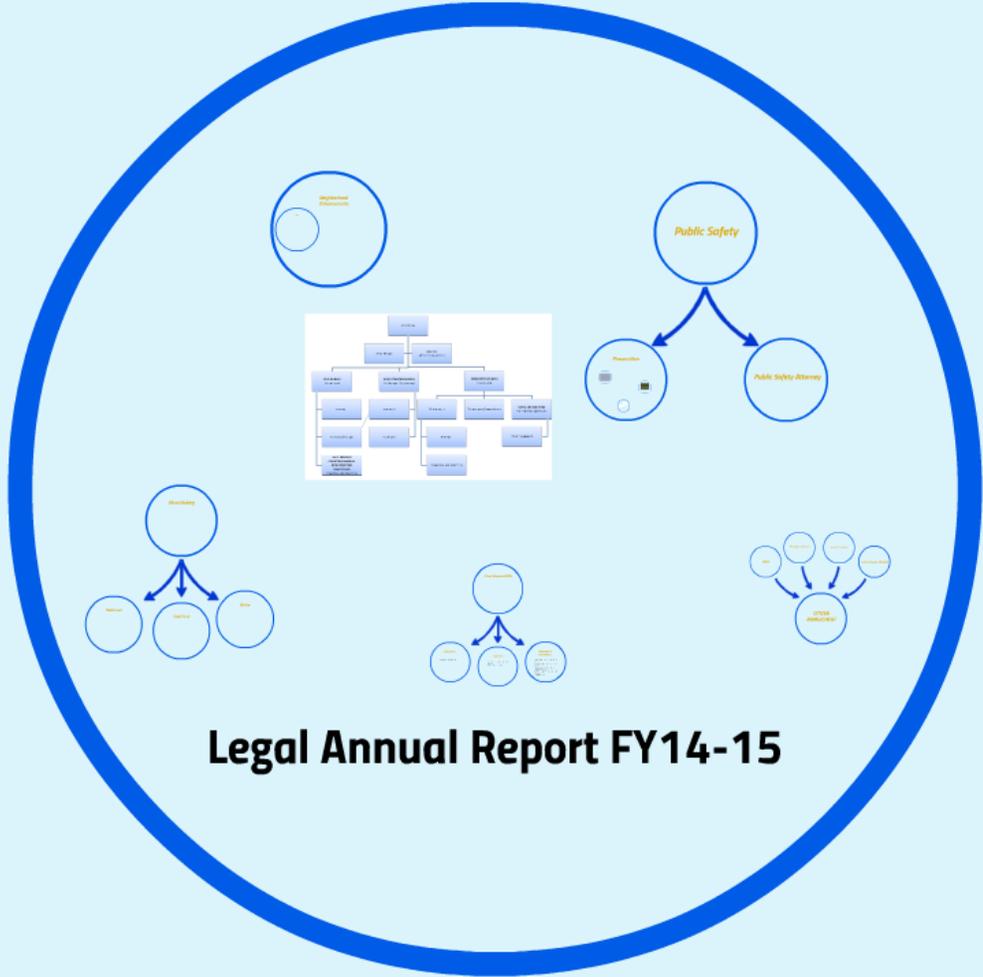
On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_, personally appeared before me, the undersigned Notary Public, in end for said County of Salt Lake in said State of Utah, the signer ( ) of the above Owner's dedication \_\_\_\_\_ in number, who duly acknowledged to me that \_\_\_\_\_ signed it freely and voluntarily and for the uses and purposes therein mentioned. MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTY

**ARGUS SUBDIVISION**

LOCATED IN THE NORTHEAST  
QUARTER OF SECTION 6  
TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN  
WEST VALLEY CITY, UTAH 14015

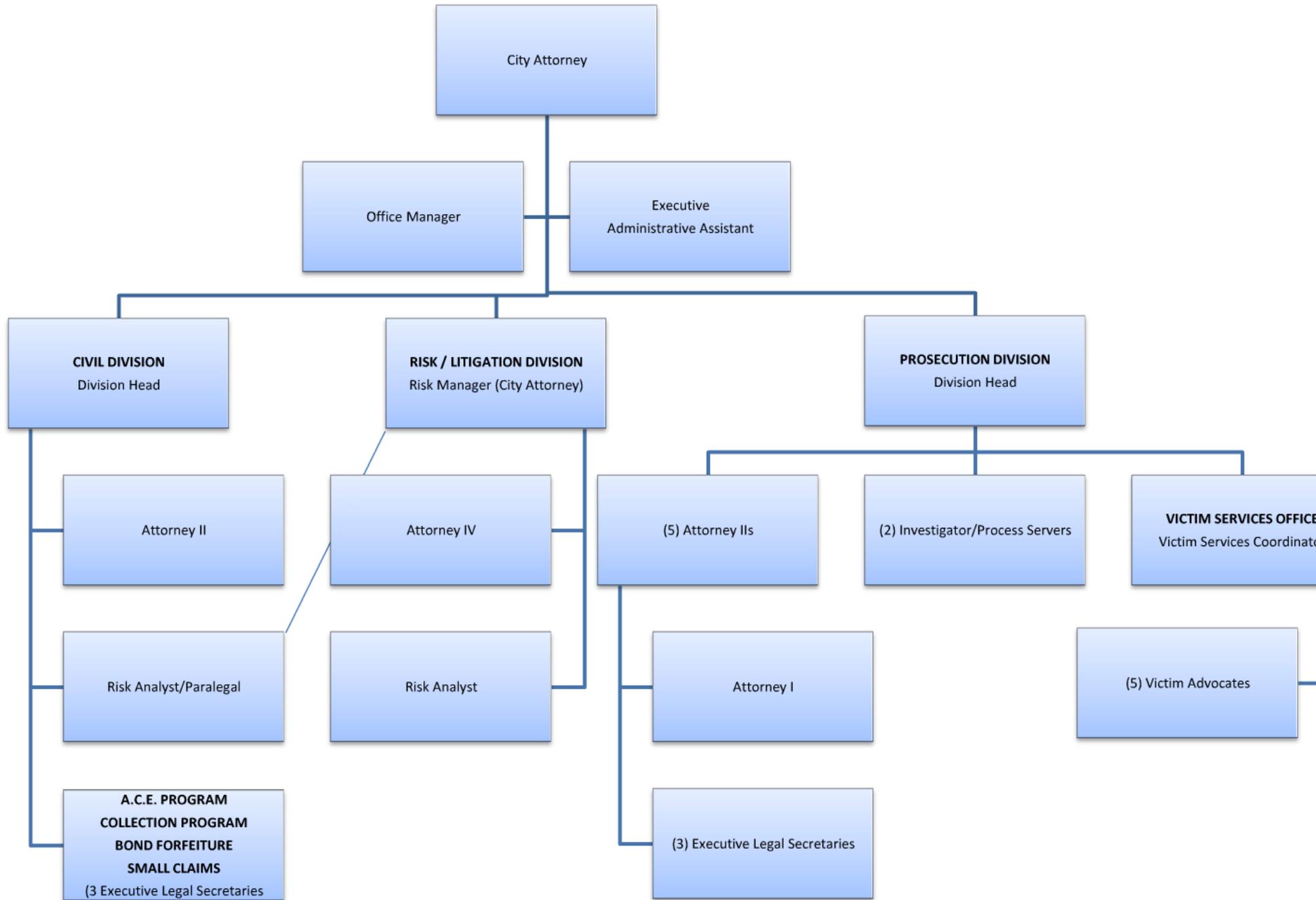
<b>PLANNING COMMISSION</b> APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE CITY PLANNING COMMISSION CHAIRMAN, CITY PLANNING COMMISSION	<b>GRANGER-HUNTER IMPROVEMENT DISTRICT</b> APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE IMPROVEMENT DISTRICT GENERAL MANAGER	<b>BOARD OF HEALTH</b> APPROVED THIS _____ DAY OF _____ A.D., 20____ BY _____ DIRECTOR	<b>CITY ENGINEER'S CERTIFICATE</b> APPROVED AS TO COMPLIANCE WITH CITY ORDINANCE DATE _____ CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED THIS _____ DAY OF _____ A.D., 20____ CITY ATTORNEY	<b>CITY COUNCIL APPROVAL</b> PRESENTED TO THE CITY COUNCIL APPROVED THIS _____ DAY OF _____ A.D., 20____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. ATTEST: CITY RECORDER CITY MANAGER	RECORDED # STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF DATE _____ TIME _____ BOOK _____ PAGE _____ FEE \$ _____ CLERK _____ SALT LAKE COUNTY RECORDER _____
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**Legal Annual Report FY14-15**



**Legal Annual Report FY14-15**



*Public Safety*

*Prosecution*



*Public Safety Attorney*

# *Prosecution*



*Victim Advocates*



*Performance Measures*



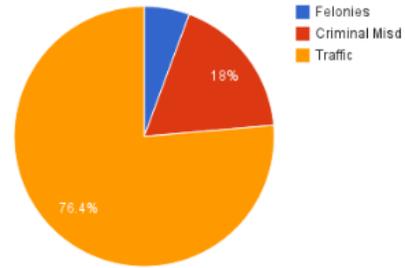
*State*



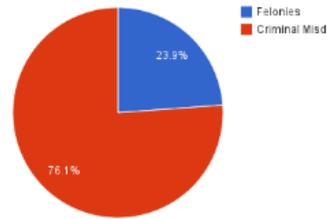
***Victim Advocates***

# Stats

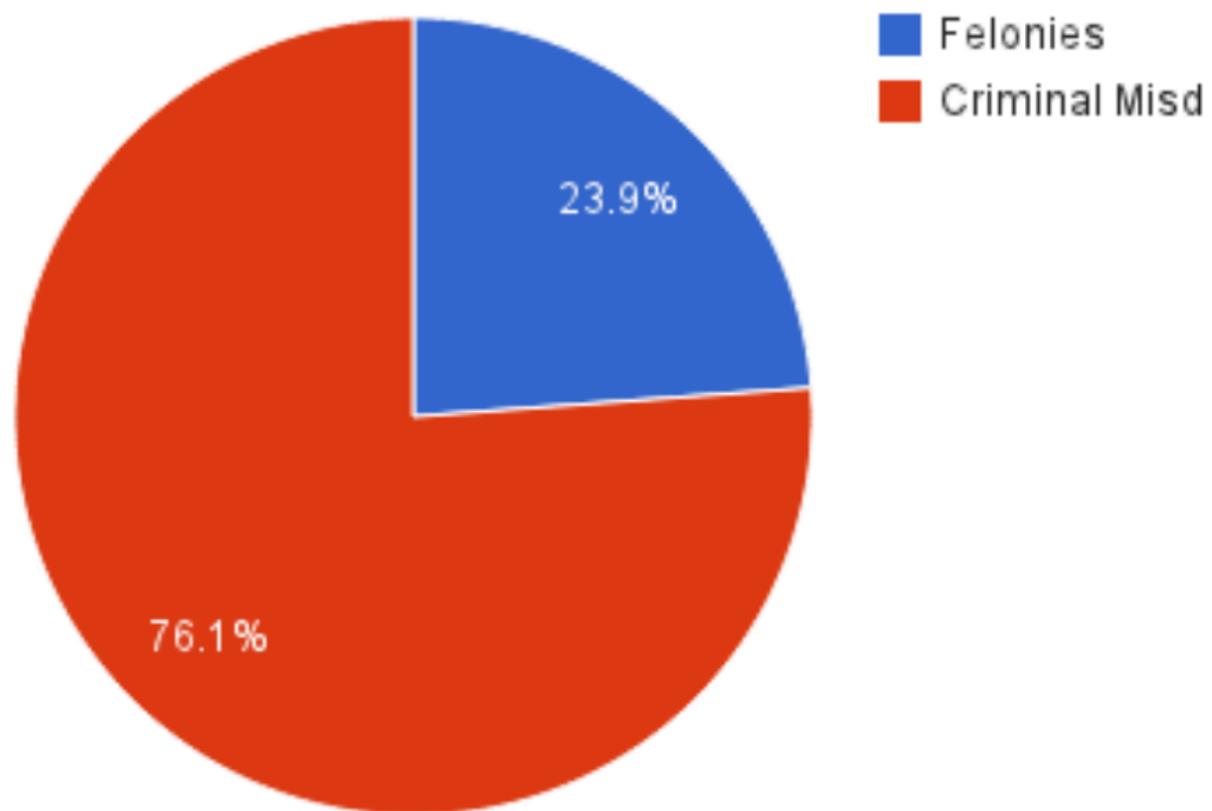
All Cases FY13-14



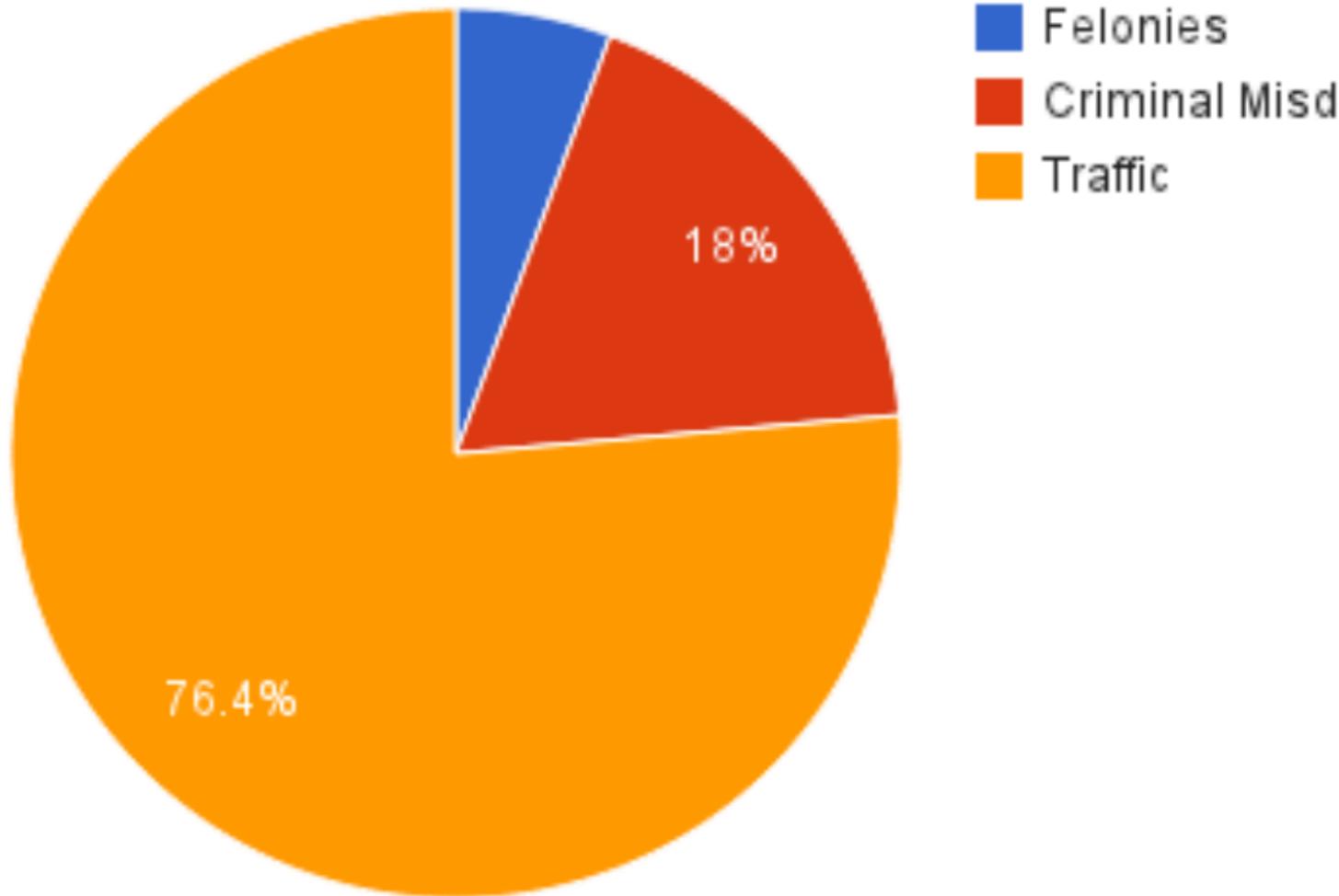
Non Traffic Cases FY13-14



## Non Traffic Cases FY13-14



# All Cases FY13-14

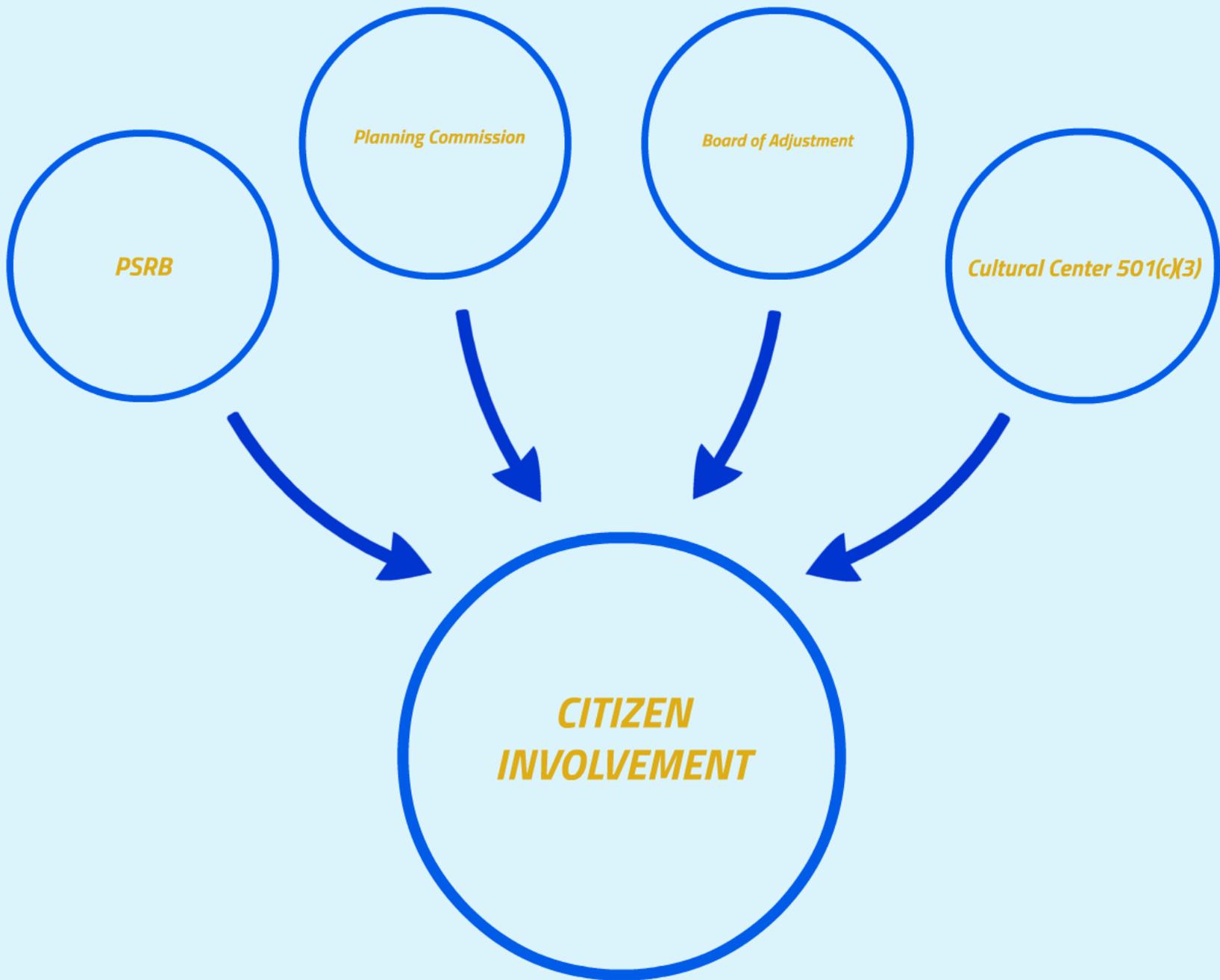


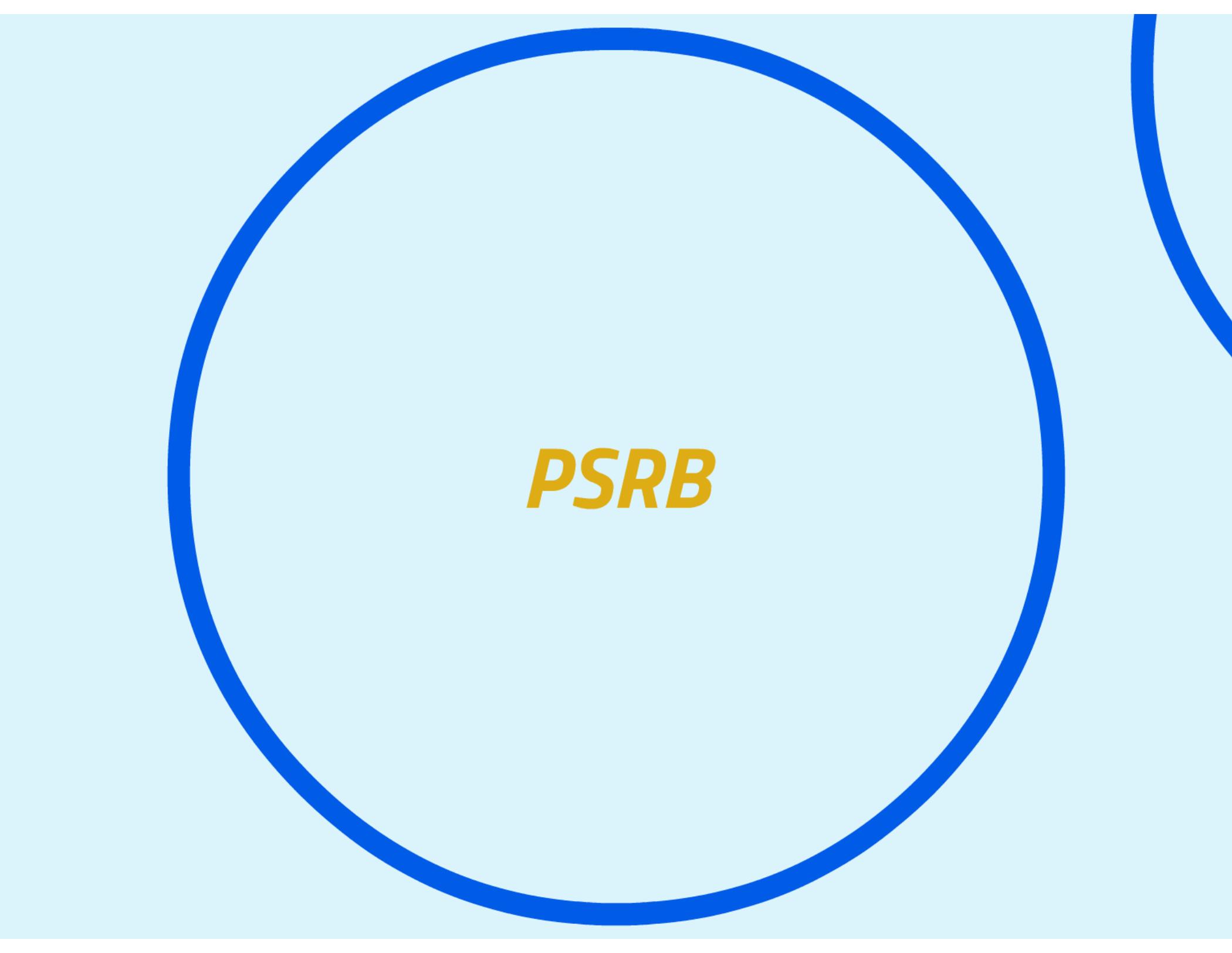


## *Performance Measures*



***Public Safety Attorney***

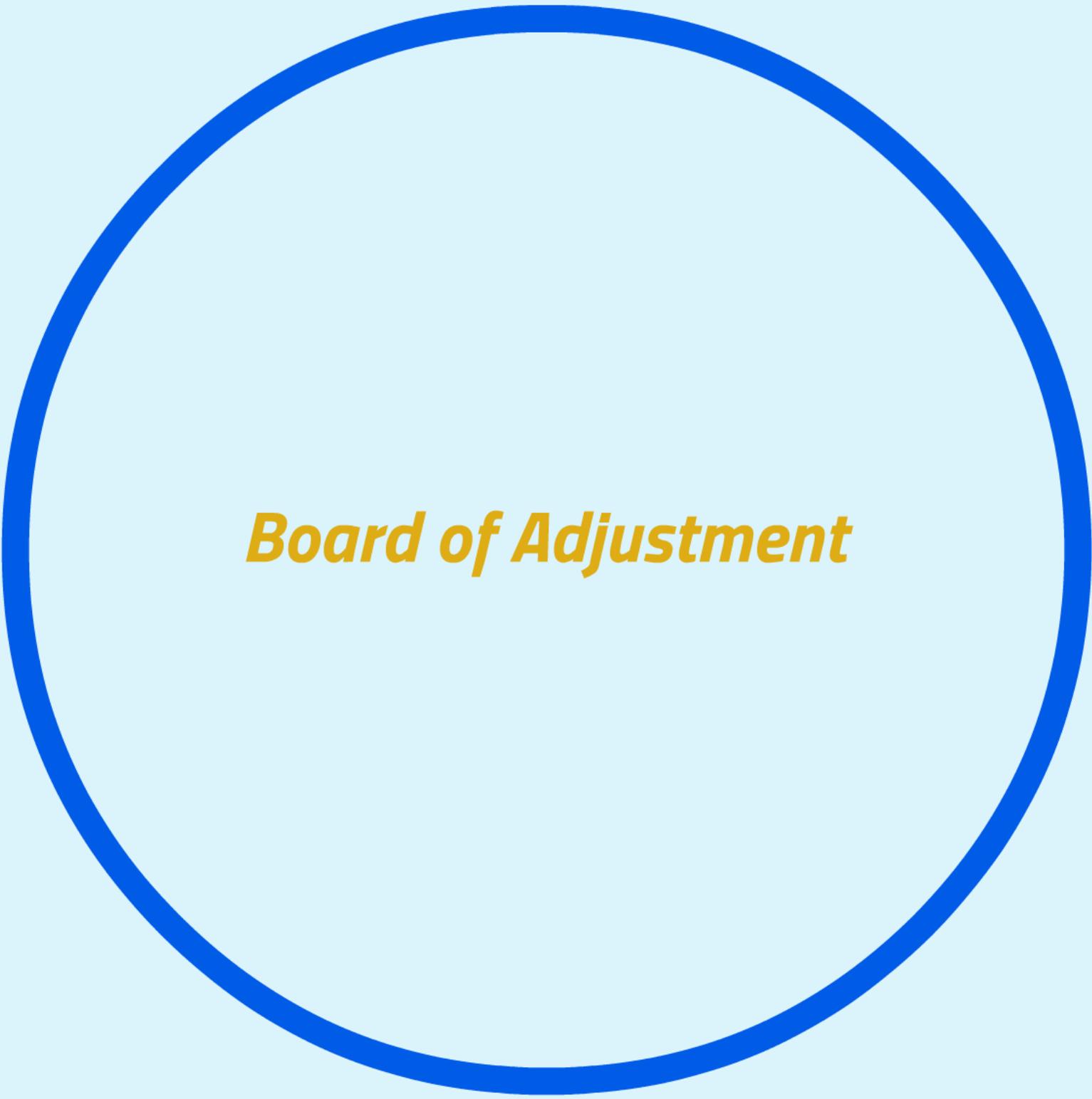




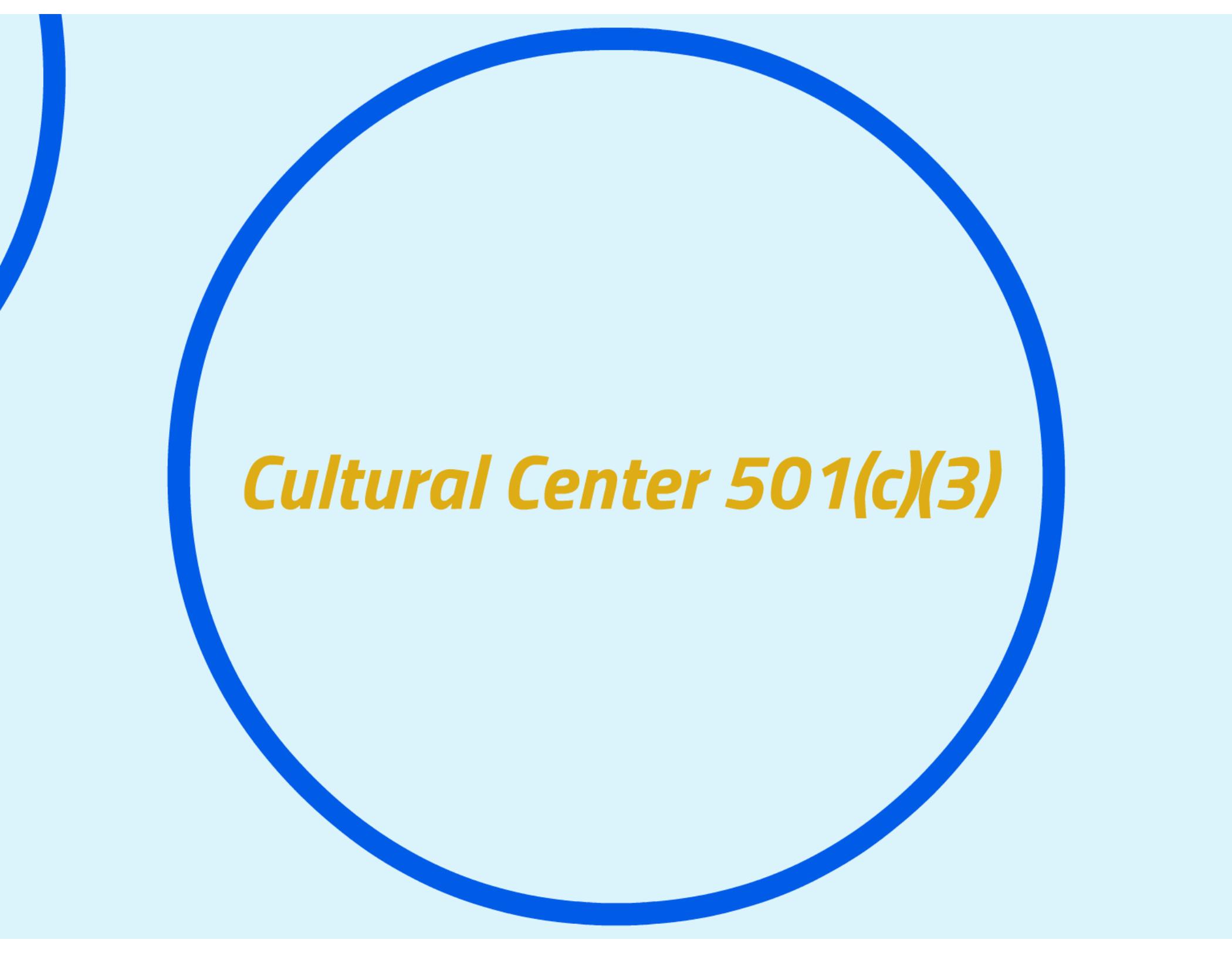
***PSRB***



***Planning Commission***



***Board of Adjustment***



***Cultural Center 501(c)(3)***

# *Fiscal Responsibility*

## *Collections*

- \$318,460 FY14-15 to date

## *Litigation*

- Review outside counsel time and research
- Litigate some cases in house

## *Contracts & Resolutions*

- 67 Contracts from scratch FY14-15 to Date
- 89 other legal documents reviewed FY14-15 to date
- 111 ordinances and resolutions drafted/reviewed
- Numerous informal and formal legal opinions
- GRAMA requests

## *Collections*

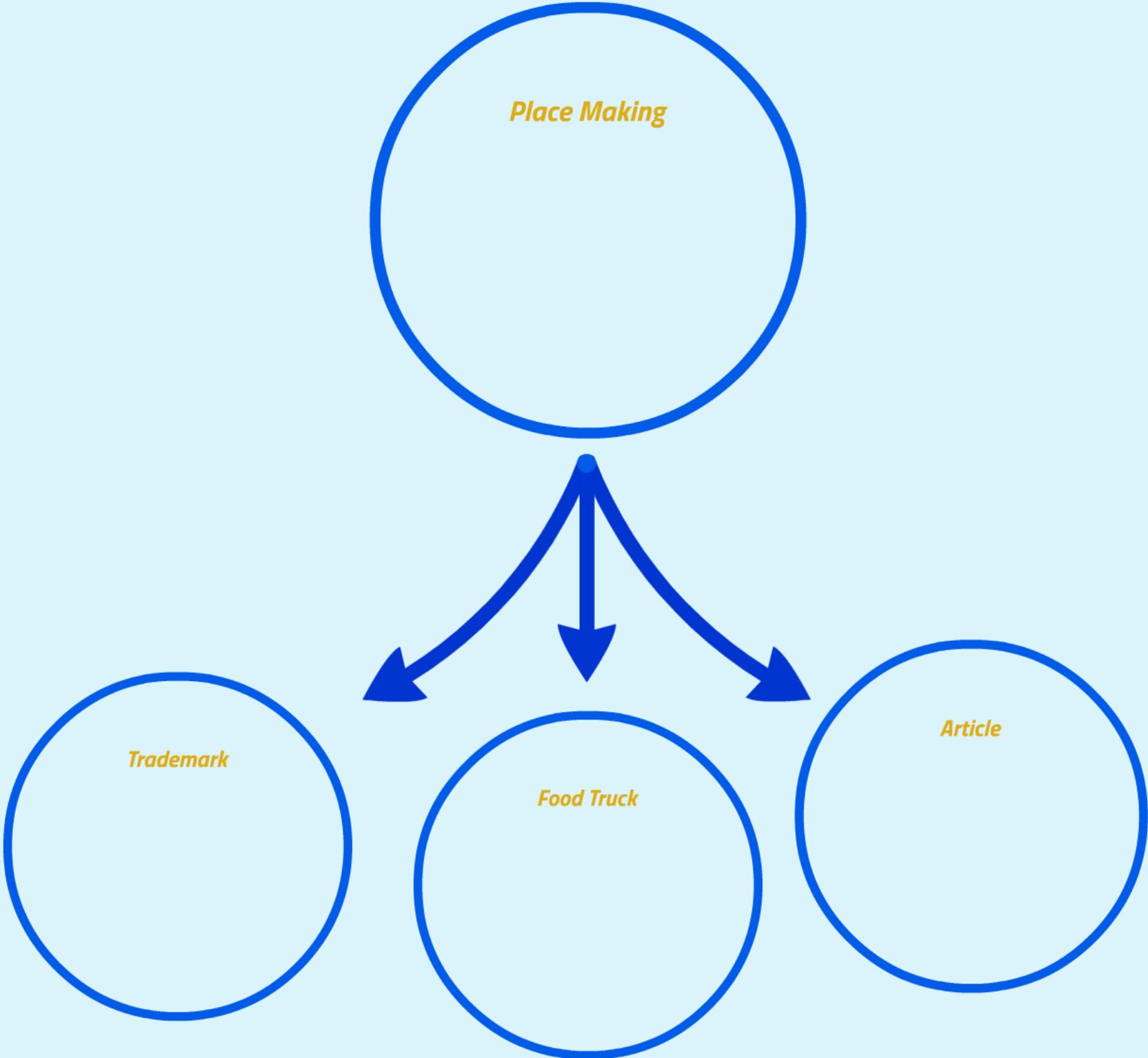
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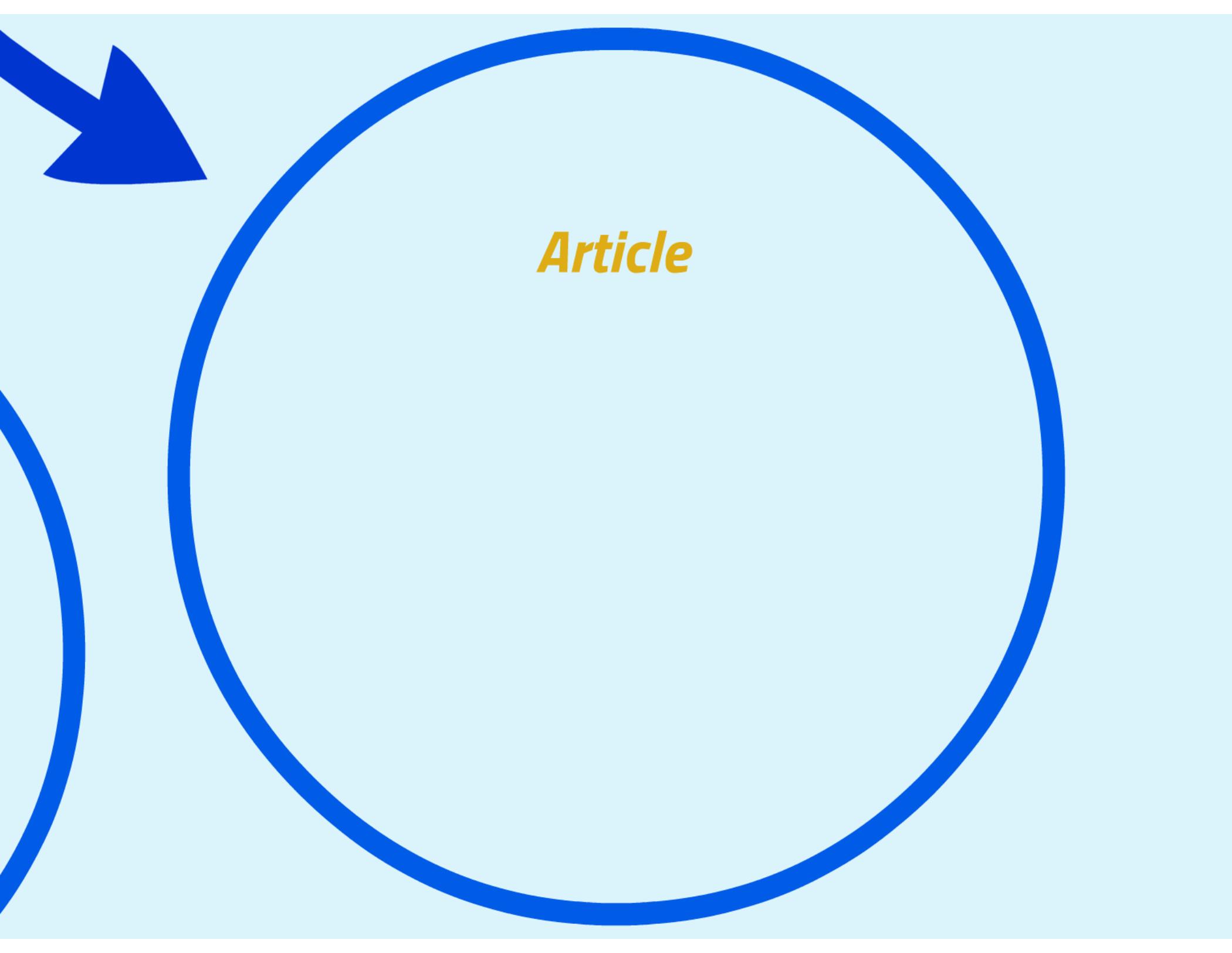
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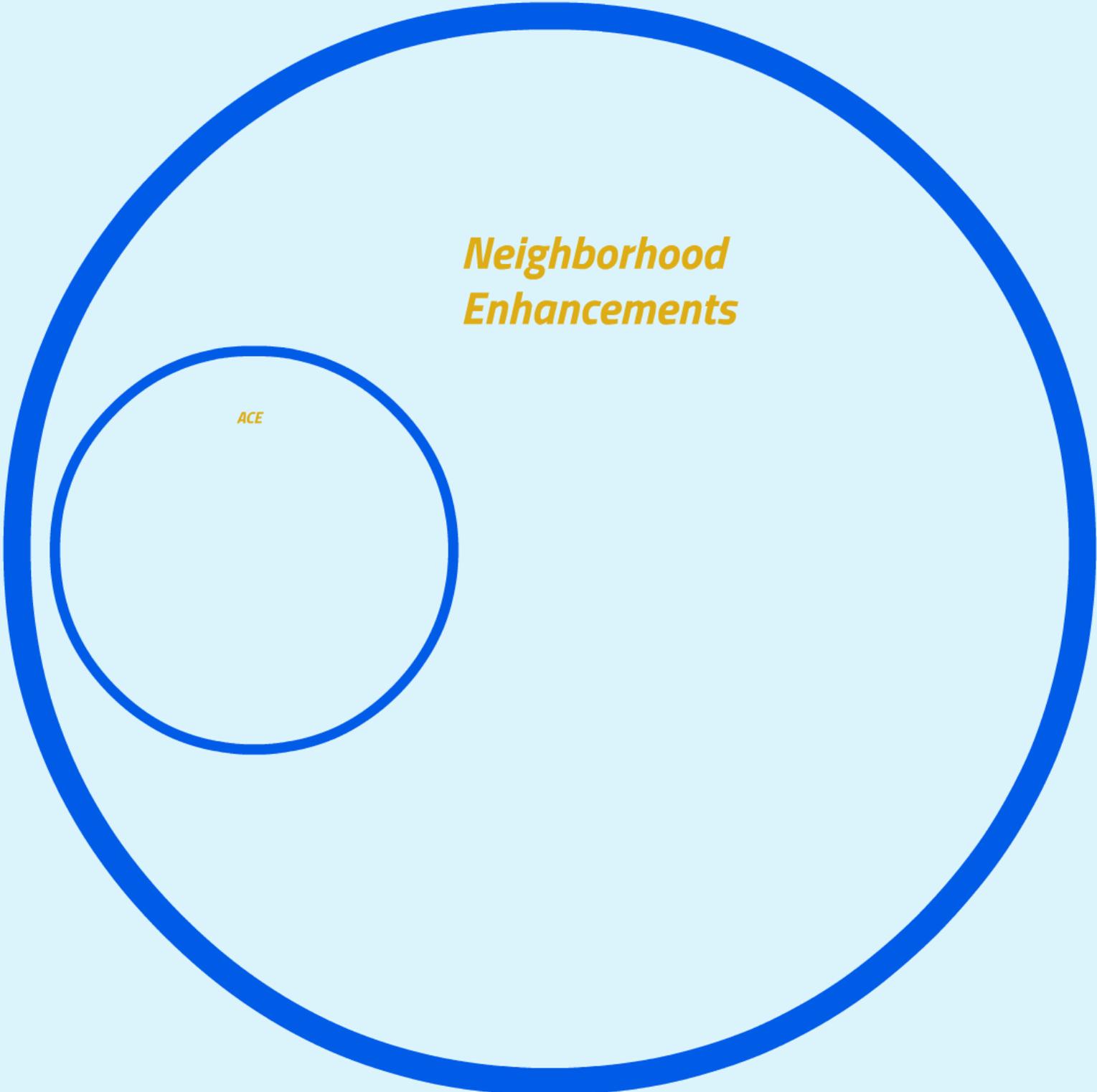


***Trademark***

***Food Truck***

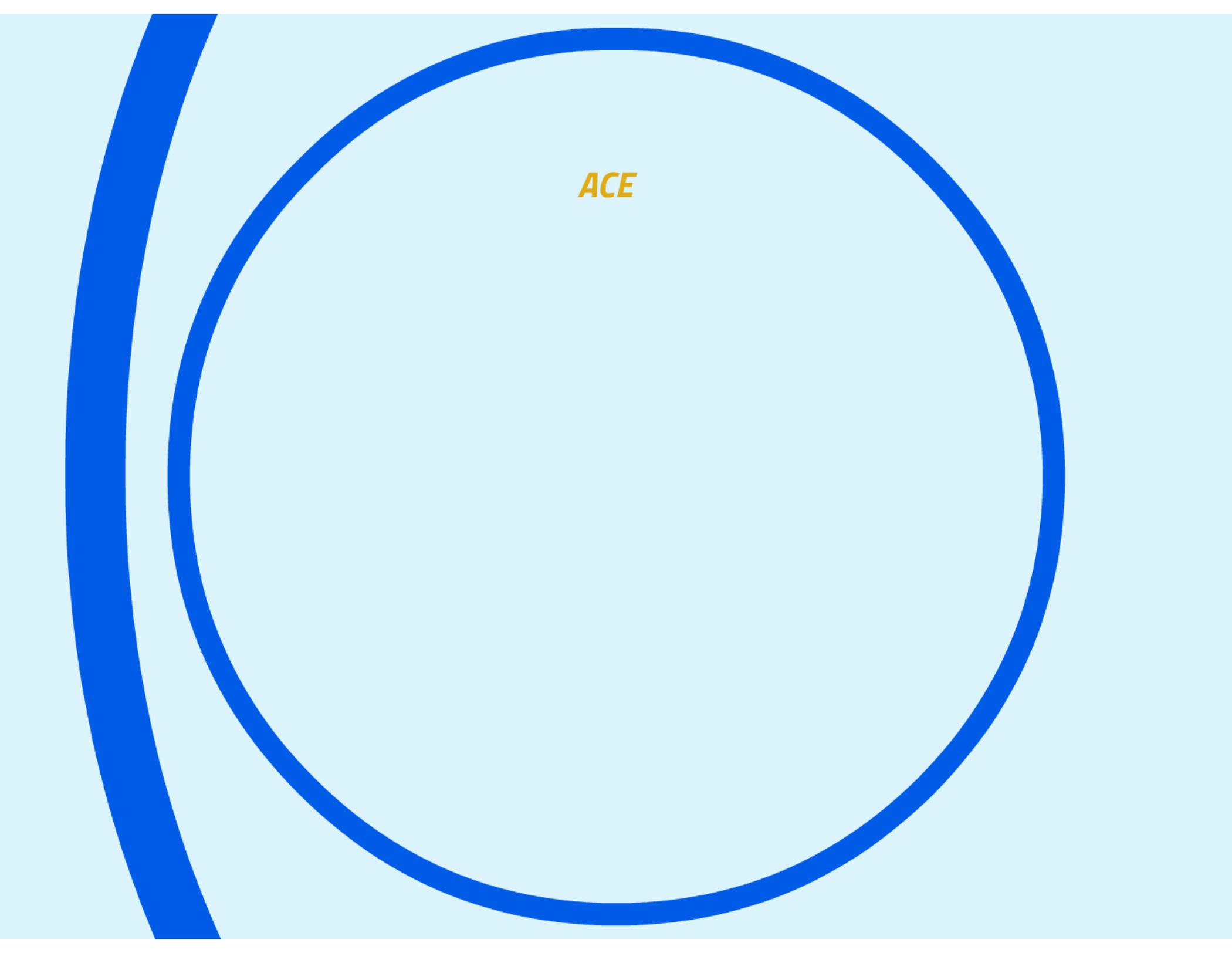


*Article*

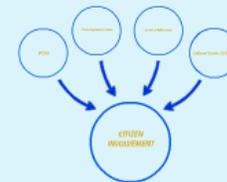
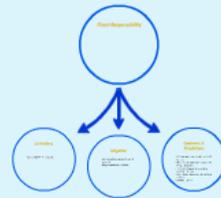
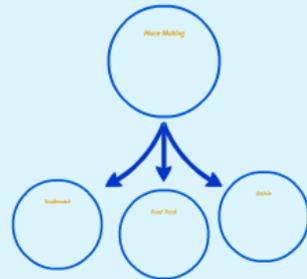
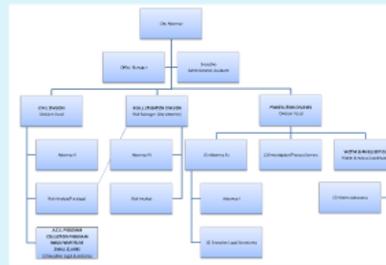
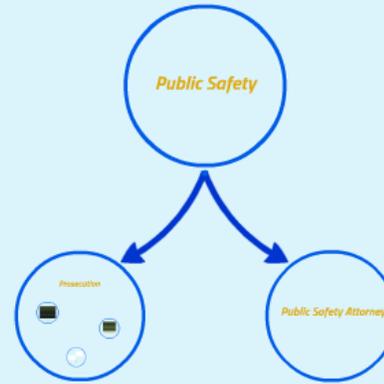
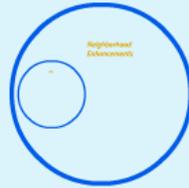


***Neighborhood  
Enhancements***

***ACE***



*ACE*



# Legal Annual Report FY14-15



January 8, 2015

**MEMORANDUM**

TO: CITY COUNCIL

FROM: WAYNE T. PYLE, CITY MANAGER

RE: UPCOMING MEETINGS AND EVENTS

January 9, 2015 Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.

January 10, 2015 Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.

January 13, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Steve Buhler

- January 14, 2015 WVC Watch Wednesday: How to Organize a New Neighborhood Group, City Hall, 6:00 P.M. – 7:00 P.M.

- January 14, 2015 Community Meeting with Chief Russo, City Hall, 7:00 P.M. – 8:00 P.M.

- January 15 –  
March 4, 2015 Mary Atwater Weaver’s Guild presents *Inspired Fiber Art: Contemporary Fiber Art Inspired by Traditional Textiles*, UCCC

January 19, 2015 Martin Luther King, Jr. Holiday – City Hall closed

January 19, 2015 Utah Grizzlies vs. Ontario Reign, Maverik Center, 1:35 P.M.

- January 20, 2015

Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Karen Lang
- January 21, 2015

Retirement Open House for Greg Cudworth, Parks & Recreation Department, Multi-purpose Room, 2:30 P.M. – 5:00 P.M.
- January 23, 2015

Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 7:05 P.M.
- January 26, 2015

Utah State Legislative Session Begins
- January 27, 2015

Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Steve Vincent
- January 28, 2015

ULCT Local Officials Day at the Utah Legislature
- January 31, 2015

PBR Blue Def Velocity Tour, Maverik Center, 7:00 P.M.
- February 2, 2015

Neighborhood Dumpster scheduling begins – call 801-955-3723
- February 3, 2015

Council Study Meeting, 4:30 P.M.; Regular Council, RDA & Housing Authority Meetings, 6:30 P.M. – Opening Ceremony: Corey Rushton
- February 4, 2015

Meet with Mayor Bigelow, City Hall, 4:30 P.M. – 6:00 P.M.
- February 5, 2015

Dancing With The Stars: Live! Tour, Maverik Center, 8:00 P.M.
- February 6, 2015

Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 7:05 P.M.
- February 7, 2015

WWE Live – Road to Wrestlemania, Maverik Center, 1:00 P.M.

- February 7, 2015 Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 8:05 P.M.
- February 10, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Lars Nordfelt
- February 10, 2015 First Aid Merit Badge Class, Fire Station #74, 5545 West 3100 South, 6:00 P.M. – 8:00 P.M.
  - February 11, 2015 WVC Watch Wednesday: What to look for – current criminal activity and trends, City Hall, 7:00 P.M. – 7:00 P.M.
  - February 11, 2015 Community Meeting with Chief Russo, City Hall, 7:00 P.M. – 8:00 P.M.
- February 16, 2015 President’s Day Holiday – City Hall closed
- February 16, 2015 Utah Grizzlies vs. Idaho Steelheads, Maverik Center, 1:35 P.M.
- February 17, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Ron Bigelow
- February 18, 2015 Police Department Awards Banquet, UCCC, 7:00 P.M. – 9:00 P.M.
- February 20 & 21, 2015 Council Strategic Planning Meeting (Details to Follow)
- February 23, 24 & 25, 2015 University Diversity Mash-up, UCCC, 2:00 P.M. – 6:00 P.M.
- February 24, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Tom Huynh

- February 25, 2015 Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.
- February 27, 2015 Employee Bowling Tournament Sponsored by EAC, Delton Lanes, Noon – 3:00 P.M.
- February 28, 2015 Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.
- March 2, 2015 Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.
- March 3, 2015 Council Study Meeting, 4:30 P.M.; Regular Council, RDA & Housing Authority Meetings, 6:30 P.M. – Opening Ceremony: Steve Buhler
- March 6, 2015 Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.
- March 7, 2015 Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.
- March 7-11, 2015 NLC Congressional City Conference, Washington, D.C. (Details to follow)
- March 9, 2015 Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.
- March 10, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Karen Lang
- March 12, 2015 Utah State Legislative Session Ends
- March 17, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Steve Vincent
- March 20, 2015 Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 7:05 P.M.

- March 21, 2015 Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 7:05 P.M.
- March 24, 2015 Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M. – Opening Ceremony: Corey Rushton
- March 25, 2015 Utah Grizzlies vs. Idaho Steelheads, Maverik Center, 7:05 P.M.
- March 27, 2015 WVC Employee Appreciation Night at Utah Grizzlies vs. Idaho Steelheads, Maverik Center, 7:05 P.M.
- March 28, 2015 Utah Grizzlies vs. Idaho Steelheads, Maverik Center, 7:05 P.M.
- March 31, 2015 No Council Meetings Scheduled (5<sup>th</sup> Tuesday)
- April 3, 2015 Utah Grizzlies vs. Alaska Aces, Maverik Center, 7:05 P.M.
- April 4, 2015 Utah Grizzlies vs. Alaska Aces, Maverik Center, 7:05 P.M.
- April 20, 2015 Barry Manilow “One Last Time” Concert, Maverik Center, 7:30 P.M.
- April 22, 2015 Cirque de Soleil – Varekai, Maverik Center, 7:30 P.M.
- April 23, 2015 Cirque de Soleil – Varekai, Maverik Center, 7:30 P.M.
- April 24, 2015 Cirque de Soleil – Varekai, Maverik Center, 7:30 P.M.
- April 25, 2015 Cirque de Soleil – Varekai, Maverik Center, 4:00 P.M. & 7:30 P.M.
- April 26, 2015 Cirque de Soleil – Varekai, Maverik Center, 1:30

P.M. & 5:00 P.M.

**City Manager's Voice Mail Messages**

**INTRADPARTMENTAL CORRESPONDENCE**

**TO:** Sgt. Mike Christenson  
**FROM:** Holly Ziegenhorn  
**DATE:** October 30, 2014  
**RE:** Criminal Charges Pending

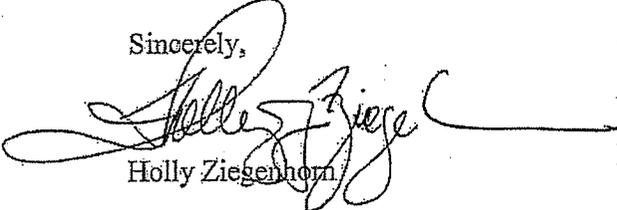
This intradepartmental correspondence is to notify you, per West Valley City Police Policy 1010, that criminal charges were filed against me on October 27, 2014 by West Valley City.

I have not received anything from West Valley City Police Department or West Valley City advising me of their actions to pursue criminal charges against me, but I have verified criminal proceedings against me to be true, and even though I have not yet been officially notified via in person, mail, email, or by telephone, I have received several requests from criminal defense attorneys wanting to represent me on pending Court Case No. 141703827 West Valley City v. Holly Ziegenhorn.

Also attached is a GRAMA Request, which I have completed requesting copies of any and all documents regarding West Valley City's internal affairs investigations, as well as any additional investigation(s) which lead to West Valley City filing criminal charges against me. Please advise what the costs are so I can pay for them asap.

Thank you!

Sincerely,

  
Holly Ziegenhorn

WEST VALLEY CITY POLICE DEPARTMENT  
RECORDS REQUEST

3575 S. Market St.  
West Valley City, UT 84119  
(801) 963-3226

① Court case No  
② C14-047 141703827  
③ C14-050  
④ AG 2014580

LAST NAME: ZIEGENHORN FIRST: Molly MI: J

ADDRESS: 6317 W. Rodeo Way CITY: HERRINGMAN UT ZIP: 84096

DATE OF BIRTH: (MM/DD/YYYY) 12 / 04 / 1970

DAYTIME PHONE# (801) 209-7623 HOME # (801) 209-7623

CELL # (801) 209-7623 DATE OF REQUEST: 10/30/14 TIME: 1:06 PM

RECORDS REQUESTED: (case numbers, if possible) 1A files a Attorney

General's investigation for or on behalf of WVC

Total # of Reports 7 RE: 1A - C14-047 + C14-050  
Court Case No. 141703827 Information/citation

REASON WHY I AM REQUESTING THESE RECORDS: charges filed against me by WVC notified via mail need from attys wanting to represent me.

**PLEASE READ THE FOLLOWING BEFORE SIGNING THIS REQUEST**

Your request for records will be processed in accordance with the requirements of the Government Records Access Management Act (GRAMA), 63-2-101 et. Seq., Utah Code. Your request will be handled as soon as reasonably possible, but may take up to ten business days to be granted.

The records that may be provided to you, subsequent to your request, may contain information that is classified as "Protected", and will be edited in accordance with GRAMA and may only be disclosed under certain circumstances. 63-2-2-2 (U.C.A.) I understand that there is no charge to view a record.

I agree to pay a fee of \$15.00 (per report) to cover the actual cost of research and duplicating a record if copies are requested. This fee is subject to change if extensive research and copies are requested.

Requester's Signature: [Signature] Date: 10/30/14

FOR DEPARTMENT USE ONLY - DO NOT WRITE IN THIS AREA			
<input type="checkbox"/> I.D.	<input type="checkbox"/> Paid \$	<input type="checkbox"/> Fee Waived	By: _____ Date: _____
Report(s) to be:		<input type="checkbox"/> Mailed to above location	<input type="checkbox"/> Will pick up <input type="checkbox"/> Date Promised
Reviewed by _____	Authorized release by _____	Date _____	
Request Denied: (Restricted by & Reason) _____			
Report(s) released:	Mailed to Requester <input type="checkbox"/>	In Person <input type="checkbox"/>	FAX <input type="checkbox"/>
Clerk's Signature: _____	IBM# _____	Date: _____	



**WEST VALLEY CITY**  
Unity · Pride · Progress

Office of the City Attorney

November 19, 2014

Detective Holly Ziegenhorn  
[holly.ziegenhorn@wvc-ut.gov](mailto:holly.ziegenhorn@wvc-ut.gov)

Re: GRAMA request dated October 30, 2014

Dear Detective Ziegenhorn:

On October 30, 2014, you submitted a GRAMA request seeking "IA files and Attorney General's investigation for or on behalf of WVC" including IA File C14-047 and C14-050. On November 13, 2014, you were provided a copy of IA file C14-047. You then requested additional documentation from Captain Sandquist pertaining to that file and the related Attorney General's investigation. Captain Sandquist is in the process of fulfilling that additional request for information.

You have been provided with all documents responsive to your request for IA File C14-047. As to the Attorney General's investigation, Captain Sandquist has, or is in the process of, providing you with documents relating to that investigation. The City does not possess the Attorney General's file of the investigation. You will have to seek those documents from the Attorney General's office.

You received a letter notifying you that the allegations set forth in that IA case 14-050 were not sustained. Based on that, your request for a copy of that file is denied on the grounds that the information you have requested is classified as private and protected pursuant to U.C.A. 63G-2-302(2)(d)(records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy); and U.C.A. 63G-2-305(10)(a) and (b)(records created or maintained for civil, criminal or administrative enforcement purposes or discipline if release of the records reasonably could be expected to interfere with investigations or enforcement proceedings).

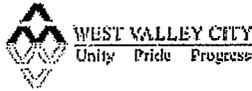
You have the right to appeal the City's response to your GRAMA request to Wayne Pyle, City Manager, 3600 Constitution Blvd., West Valley City, UT, 84119, within 30 days. Your notice of appeal must be in writing. It must include your name, mailing address, a daytime telephone number and explanation of what relief you are seeking. You may also include any supporting information with your notice of appeal.

Very truly yours,

Martha S. Stonebrook  
Public Safety Attorney

Attachments

cc: Eric Bunderson, City Attorney



Barbara Holtry <barbara.holtry@wvc-ut.gov>

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## WVC response to your GRAMA request

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Holly Ziegenhorn <holly.ziegenhorn@wvc-ut.gov>

Wed, Dec 3, 2014 at 3:26 PM

To: Wayne Pyle <Wayne.Pyle@wvc-ut.gov>

Cc: Barbara.Holtry@wvc-ut.gov, Eric Bunderson <Eric.Bunderson@wvc-ut.gov>, bret@bretlawson.com, Martha Stonebrook <martha.stonebrook@wvc-ut.gov>

Dear Wayne:

Good Afternoon. I submitted a Grama Request on October 30, 2014 to West Valley City Internal Affairs through Sgt. Mike Christenson. On November 19, 2014, I received a letter via email from Martha Stonebrook stating I could not have a copy of C14-050 and C14-055 (which is related to C14-047) because it is considered private and protected citing U.C.A. 63G-2-302(2)(d) (other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.) and 63G-2-305(10)(a) and (b) (records created or maintained for civil, criminal or administrative enforcement purposes or discipline if release of the records reasonably could be expected to interfere with investigations or enforcement proceedings.) Neither of which applies in my situation.

I am not sure why this request would be considered a "clearly unwarranted invasion of personal privacy" when said internal affair's investigations are about myself and my alleged actions and it clearly does not apply to U.C.A. 63G-2-305(10)(a) and (b) because these internal affair's investigations have been unsubstantiated and therefore the release of said records would not interfere with investigations or enforcement proceedings.

Per Mrs. Stonebrook's instructions, I am appealing this decision to you. (see attached email/letter regarding same.)

I am asking that you overturn this decision by advising the proper individual(s) and/or department(s) to give me a complete copy of Internal Affairs Investigations C14-050 & C14-055 (which is related to C14-047). Thank you!

Holly Ziegenhorn  
holly.ziegenhorn@wvc-ut.gov  
6317 West Rodeo Way  
Herriman, Utah 84096  
(801)209-7623

[Quoted text hidden]

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 WVC response to HZiegenhorn 10-30 GRAMA request.pdf  
66K

December 10, 2014

Holly Ziegenhorn  
[Holly.Ziegenhorn@wvc-ut.gov](mailto:Holly.Ziegenhorn@wvc-ut.gov)

RE: Your GRAMA Appeal Dated December 3, 2014

Dear Holly:

I have received your GRAMA request dated December 3, 2014. After careful review of the law and the documents, *I am denying your appeal*. Your request, if granted, would allow the release of internal affairs documents into the public realm; that is, once released, those documents would no longer be protected by GRAMA. This sets a precedent that all IA files be public. I am sure you can understand why that result is unacceptable to West Valley City.

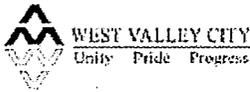
Your argument that files should be made public because they are unsubstantiated also fails to persuade me for the same reasons, unsubstantiated claims should always be protected, as making such files public would expose our officers to public scrutiny for claims we have deemed not valid. As to your other argument, even though you believe that the "clearly unwarranted invasion of personal privacy" does not pertain to you, the investigations also touch on other employees who do have privacy concerns.

Pursuant to West Valley City Municipal Code §3-16-502, you may appeal this determination to the City Council, in writing, no later than 30 calendar days after my denial.

Very truly yours,

Wayne T. Pyle  
City Manager

cc: J. Eric Bunderson, City Attorney  
Lee Russo, Police Chief  
Martha Stonebrook, Public Safety Attorney  
Sheri McKendrick, City Recorder



Barbara Holtry <barbara.holtry@wvc-ut.gov>

**Re: Appeal to Receive Copies of IA Personnel Files on Myself**

3 messages

**Eric Bunderson** <eric.bunderson@wvc-ut.gov>

Mon, Dec 29, 2014 at 9:48 AM

To: Sheri McKendrick <sherimckendrick@wvc-ut.gov>, Barbara Holtry <Barbara.Holtry@wvc-ut.gov>

Let's do the 20th since we are are doing two million things this month. I'll have Barb double check to make sure we have all the files.

E

On Mon, Dec 29, 2014 at 8:43 AM, Sheri McKendrick <sherimckendrick@wvc-ut.gov> wrote:

Eric -

In looking at the Code and calendar, we can schedule this on Jan. 13th or Jan. 20th to meet the no sooner than 15 days and no later than 30 days requirement for the appeal hearing. Do you have a preference?

Also - please look at the attachments and forward any other documents that I may need to include in the Council's packet.

Thanks -  
Sheri

----- Forwarded message -----

From: **Holly Ziegenhorn** <holly.ziegenhorn@wvc-ut.gov>

Date: Tue, Dec 23, 2014 at 10:34 AM

Subject: Appeal to Receive Copies of IA Personnel Files on Myself

To: Sheri McKendrick <Sheri.McKendrick@wvc-ut.gov>

Cc: bret@bretlawson.com, nate@nelsonjoneslegal.com

December 23, 2014

Dear Ms. McKendrick:

This email is in response to Wayne Pyle's and Martha Stonebrook's declination for myself to receive copies of recent IA Personnel Files on myself. I have been advised to send my Appeal request to you to forward to the West Valley City Council. I am requesting a public hearing that can be on the record regarding this appeal. Please advise when I may be added to the agenda. Thank you!

I have included a copies of Martha Stonebrook's Response to my Grama Request, My Appeal letter to Mr. Pyle and his response to my appeal letter. Thank you for your assistance with this.

Holly Ziegenhorn  
6317 West Rodeo Way  
Herriman, Utah 84096  
(801)209-7623 Personal Cell  
(801)509-1600 Business Cell

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WEST VALLEY CITY  
Unity Pride Progress

City Recorder's Office

December 31, 2014

Holly Ziegenhorn  
6317 West Rodeo Way  
Herriman UT 84096

Dear Ms. Ziegenhorn:

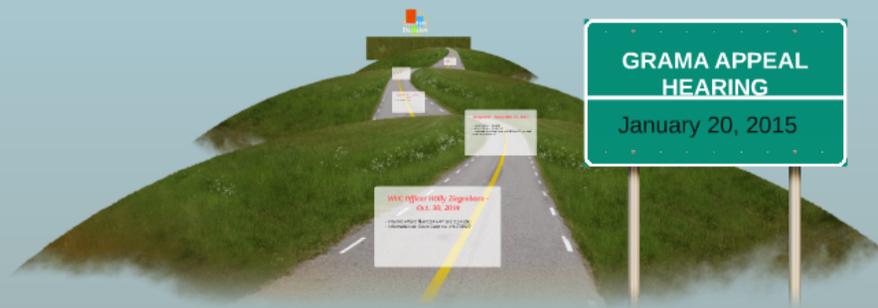
Please be advised that a hearing regarding your appeal of the City Manager's denial of a records request is scheduled before the City Council at their regular meeting to be held on **January 20, 2015**, at **6:30 P.M.**, or as soon thereafter as business permits. The meeting will be held in the Council Chambers at West Valley City Hall, 3600 S. Constitution Boulevard, West Valley City, Utah.

If you have any questions, please call me at 801-963-3203 or e-mail [sheri.mckendrick@wvc-ut.gov](mailto:sheri.mckendrick@wvc-ut.gov).

Sincerely,

Sheri McKendrick, MMC  
City Recorder

cc: Mayor & City Council  
Wayne T. Pyle, City Manager  
Eric Bunderson, City Attorney



**GRAMA APPEAL  
HEARING**

January 20, 2015



Appeal to Mayor December 3, 2014

*Response - November 19, 2014*

- IA file C14-047 - granted
- IA file C14-050 - granted
- Information on Court Case no. 141703827 - granted what we possessed

***WVC Officer HOLLY Ziegenhorn -  
Oct. 30, 2014***

- Internal Affairs files C14-047 and C14-050
- Information on Court Case no. 141703827

# GRAMA APPEAL HEARING

January 20, 2015

***WVC Officer HOLLY Ziegenhorn -  
Oct. 30, 2014***

- Internal Affairs files C14-047 and C14-050
- Information on Court Case no. 141703827

## *Response - November 19, 2014*

- IA file C14-047 - granted
- IA file C14-050 - protected
- Information on Court Case no. 141703827 - granted what we possessed

# *Appeal to Wayne December 3, 2014*

- Denied December 10, 2014

# *Appeal To Council December 23, 2014*

- Hearing January 20, 2015

# *Procedures*

- Argument phase
  - Both sides argue
- Deliberation phase (on "bench" or "in chambers")
  - View documents *in camera*



# Written Decision



Appeal to Mayor December 3, 2014

*Response - November 19, 2014*

- IA file C14-047 - granted
- IA file C14-050 - granted
- Information on Court Case no. 141703827 - granted what we possessed

***WVC Officer HOLLY Ziegenhorn -  
Oct. 30, 2014***

- Internal Affairs files C14-047 and C14-050
- Information on Court Case no. 141703827

# GRAMA APPEAL HEARING

January 20, 2015

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## CHAPTER 3-16 GOVERNMENT RECORDS ACCESS MANAGEMENT ACT

**Sections:**

3-16-100P	Part 1—West Valley City Records
3-16-101.	Short Title.
3-16-102.	Purpose and Intent.
3-16-103.	Repealed.
3-16-104.	City Records Officer: Designation and Duties.
3-16-105.	Records Maintenance Procedures.
3-16-106.	Storage Medium.
3-16-107.	Repealed.
3-16-108.	Repealed.
3-16-109.	Repealed.
3-16-110	Repealed.
3-16-200P	Part 2—Access and Disclosure of Records
3-16-201.	Access to Public Records; Right to Inspect and Receive Copies.
3-16-202.	Repealed.
3-16-203.	Repealed.
3-16-204.	Repealed.
3-16-205.	Repealed.
3-16-206.	No Duty to Create a Record.
3-16-207.	Repealed.
3-16-208.	Obligation to Make Copies of Large Records.
3-16-209.	Repealed.
3-16-210.	Repealed.
3-16-211.	Repealed.
3-16-212.	Repealed.
3-16-213.	Repealed.
3-16-214.	Repealed.
3-16-215.	Repealed.
3-16-216.	Repealed.
3-16-217.	Repealed.
3-16-218.	Repealed.
3-16-219.	Repealed.
3-16-220.	Repealed.
3-16-221.	Repealed.
3-16-222.	Repealed.
3-16-300P.	Repealed
3-16-301.	Repealed.
3-16-302.	Repealed.
3-16-303.	Repealed.
3-16-304.	Repealed.
3-16-305.	Repealed.
3-16-306.	Repealed.
3-16-307.	Repealed.

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3-16-308.	Repealed.
3-16-309.	Repealed.
3-16-400P	Part 4—Procedure for Access
3-16-401.	Request for Record.
3-16-402.	Repealed.
3-16-403.	Repealed.
3-16-404.	Repealed.
3-16-405.	Repealed.
3-16-406.	Repealed.
3-16-407.	Fees.
3-16-408.	Repealed.
3-16-500P	Part 5—Appeals
3-16-501.	Appeal to City Manager.
3-16-502.	Appeal to the City Council.
3-16-503.	Judicial Review.
3-16-600P	Repealed
3-16-601.	Repealed.
3-16-602.	Repealed.
3-16-603.	Repealed.
3-16-604.	Repealed.
3-16-700P	Part 7—Penalties
7-16-701.	Repealed.
3-16-702.	Repealed.
3-16-703.	Disciplinary Action.

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### **3-16-100P PART 1—WEST VALLEY CITY RECORDS**

**Ord. No. 05-52 Amended 12/06/2005**

#### **3-16-101. SHORT TITLE.**

This Chapter shall be known as the West Valley City Government Records Access and Management Act.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Amended 12/06/2005)**

#### **3-16-102. PURPOSE AND INTENT.**

It is the further purpose and intent of the West Valley City Council to provide, in accordance with the Government Records Access and Management Act, Chapter 2 of Title 63G of the Utah Code Annotated, 1953 as amended, an ordinance acknowledging and complying with said Act and providing for its application in the City. City departments shall comply with the provisions of this Chapter and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Amended 12/06/2005)**

**3-16-103. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-104. CITY RECORDS OFFICER: DESIGNATION AND DUTIES.**

- (1) The City Recorder is hereby appointed as the Records Officer to oversee and coordinate records access and management and City archives activities.
- (2) The Records Officer shall:
  - a. Make annual reports of records services activities to the City Council, as requested;
  - b. Provide training relative to records management, maintenance and access, to the various City departments, as necessary;
  - c. Establish and maintain an active, continuing program for the economical and efficient management of the City's records as provided by this Chapter;
  - d. Make and maintain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the City designed to furnish information to protect the legal and financial rights of persons directly affected by the City's activities;
  - e. Submit to the state archivist proposed schedules of records;
  - f. Cooperate with the state archivist in conducting surveys made by the state archivist;
  - g. Evaluate all record series that the City uses or creates and report to the state archives the classification of each record series that is classified;
  - h. Establish and report, to the state archives, retention schedules for objects that the City determines are not records, but that have historical or evidentiary value; and
  - i. Designate those record series as required by this Chapter and report the designations of its record series to the state archives.
- (3) The Records Officer may classify a particular record, record series or information within a record at any time, but is not required to classify a particular record, record series or information until access to the record is requested.
- (4) The Records Officer may redesignate a record series or reclassify a record, record series or information within a record at any time.
- (5) The Records Officer shall file with the state archives a copy of any amendment to this Ordinance, no later than 30 days after its effective date.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

**3-16-105. RECORDS MAINTENANCE PROCEDURES.**

Records maintenance procedures shall be developed by the Records Officer to ensure that due care is taken to maintain and preserve City records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication and disposal of City Records, and shall monitor compliance with the required standards of quality, permanence and admissibility pertaining to the creation, use and maintenance of records.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

**3-16-106. STORAGE MEDIUM.**

The City retains and reserves to itself the right to use any type of non-verbal or non-written format for the storage, retention and retrieval of government records, including, but not limited to, audio tapes, video tapes, microforms, any type of computer, data processing, imaging or electronic information storage or processing equipment or systems, which are not prohibited by state statute and do not compromise legal requirements for records storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written format records and data which are designated and classified in accordance with this Chapter shall be made available to a requester in accordance with this Chapter.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

**3-16-107. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-108. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-109. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-110. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-200P PART 2—ACCESS AND DISCLOSURE OF RECORDS****3-16-201. ACCESS TO PUBLIC RECORDS; RIGHT TO INSPECT AND RECEIVE COPIES.**

Every person has a right to inspect a public record, free of charge, and has the right to take a copy of a public record during normal City business hours, subject to the payment of costs and fees as set forth in this Chapter.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

**3-16-202 TO 3-16-205. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-206. NO DUTY TO CREATE A RECORD.**

- (1) The City has no obligation to create a record or a record series in response to a request, if the record or record series requested is not otherwise regularly maintained or kept.

- (2) Upon request, the City shall provide a record in a particular format if:
- a. The City is able to do so without unreasonably interfering with the City's duties and responsibilities; and
  - b. The requester agrees to pay the City for its additional costs actually incurred in providing the record in the requested format.
- (3) Nothing in this section requires the City to fulfill a person's record request if the request unreasonably duplicates prior record requests from that person.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

### **3-16-207. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

### **3-16-208. OBLIGATION TO MAKE COPIES OF LARGE RECORDS.**

If a person requests copies of more than 50 pages of records, and, if the records are contained in files that do not contain records that are exempt from disclosure, the City may:

- (1) Provide the requester with the facilities for copying the requested records and require that the requester make the copies himself; or
- (2) Allow the requester to provide his own copying facilities and personnel to make the copies at the City's offices and waive the fees for copying the records.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)

### **3-16-209 TO 3-16-222. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

### **3-16-300P TO 3-16-309. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

## **3-16-400P PART 4—PROCEDURE FOR ACCESS**

### **3-16-401. REQUEST FOR RECORD.**

All record requests shall be directed to the City department where the record is kept in writing on forms provided by West Valley City.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Amended 12/06/2005)

### **3-16-402 TO 3-16-406. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-407. FEES.**

- (1) The City may charge a reasonable fee to cover its actual cost of duplicating a record, compiling a record in a form other than that maintained by the City, postage or any other fee reasonably related to the request for the record consistent with this Chapter.
- (2) The City may fulfill a record request without charge, when it determines that:
  - a. Releasing the record primarily benefits the public rather than a person;
  - b. The individual requesting the record is the subject of the record; or
  - c. The requester's rights are directly implicated by the information in the record, and the requester is impecunious.
- (3) Fees to be charged under this section shall be set forth in the West Valley City Consolidated Fee Schedule.
- (4) The City shall not charge a fee for:
  - a. Reviewing a record to determine whether it is subject to disclosure; or
  - b. Inspecting a record.

(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)

**3-16-408. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-500P PART 5—APPEALS****3-16-501. APPEAL TO CITY MANAGER.**

- (1) Any person aggrieved by an access determination of the Records Officer under this Chapter may appeal the determination to the City Manager by filing a notice of appeal with the City Manager within ten (10) calendar days of receiving notice of denial.
- (2) If the Records Officer claims extraordinary circumstances and specifies the date when the records will be available, and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the Records Officer's claim of extraordinary circumstances or date for compliance within 30 days after notification of a claim of extraordinary circumstances by the Records Officer, despite the lack of a "determination" or its equivalent.
- (3) If the appeal involves a record that is the subject of a business confidentiality claim under this Chapter, the City Manager shall:
  - a. Send notice of the requester's appeal to the business confidentiality claimant within three business days after receiving notice of the appeal; except that if notice under this section must be given to more than 35 persons, it shall be given as soon as reasonably possible; and
  - b. Send notice of the business confidentiality claim and the schedule for the Records Officer's determination to the requester within three business days after receiving notice of the requester's appeal.
- (4) The claimant shall have seven business days after notice of the requester's appeal is sent by the City Manager to the claimant to submit further support for the claim of business confidentiality.
- (5) The City Manager shall make a determination on any appeal within the following period of time:
  - a. Within five business days after the City Manager's receipt of the notice of appeal; or

- b. Within 12 business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality.
- (6) If the City Manager fails to make a determination within the time specified in paragraph (3)(a) above, the failure shall be considered the equivalent of an order denying the appeal.
- (7) The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time period specified in this section.
- (8) The City Manager may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or non-disclosure of a record, order the disclosure of information properly classified as private or protected, if the interest favoring access outweighs the interest favoring restriction of access.
- (9) The City Manager shall send written notice of the determination of the City Manager to all participants. If the City Manager affirms the denial in whole or in part, the denial shall include a statement that the requester has the right to appeal the denial to the City Council pursuant to this Chapter and the time limits for filing an appeal.
- (10) A person aggrieved by the City's classification or designation determination under this Chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section. If a non-requester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within 30 days after the City Manager receives the notice of appeal.
- (11) The duties of the City Manager under this section may be delegated.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; (Ord. No. 05-52 Repealed 12/06/2005)**

### **3-16-502. APPEAL TO THE CITY COUNCIL.**

- (1) Any person aggrieved by a determination of the City Manager under this Chapter may appeal the determination to the City Council.
- (2) The notice of appeal to the City Council shall be in writing and shall be filed with the City Recorder no later than 30 calendar days after the City Manager has denied the appeal or fails to make a determination within the time period specified in this Chapter.
- (3) The notice of appeal shall contain the following information:
- a. The petitioner's name, mailing address and daytime telephone number;
  - b. A copy of any denial of the records request; and
  - c. The relief sought.
- (4) The petitioner shall file a short supporting statement, including a statement of facts, and a recitation of the reasons and legal authority in support of the appeal.
- (5) No later than three business days after receiving a notice of appeal, the City Recorder shall:
- a. Schedule a hearing for the City Council to discuss the appeal. Unless otherwise agreed to by all the parties, the hearing shall be held no sooner than 15 days and no later than 30 days after receiving the notice of appeal;
  - b. Send a copy of the notice of hearing to the petitioner; and
  - c. Send a copy of the notice of appeal, supporting statement and a notice of the hearing to:
    - i. Each member of the City Council;
    - ii. The Records Officer and the City Manager;
    - iii. The City Attorney; and
    - iv. Any person who made a business confidentiality claim under this Chapter for a record that is the subject of the appeal.

- (6) No later than ten business days after the notice of appeal is sent by the City Recorder, any person whose legal interest may be substantially affected by the appeal may file a request for intervention before the City Council. Any written statement of facts, reasons and legal authority in support of the intervener's positions shall be filed with the request for intervention. The person seeking intervention shall provide copies of the statement to all parties to the proceeding before the City Council.
- (7) The City Council shall hold a hearing no sooner than 15 days and no later than 30 days after receiving the notice of appeal.
- (8) At the hearing, the City Council shall allow the parties to testify, present evidence and comment on the issues. The City Council may allow other interested persons to comment on the issues.
- (9) The City Council may review the disputed records.
  - a. The review shall be in camera; and
  - b. Members of the City Council may not disclose any information or record reviewed by the City Council in camera, unless the disclosure is otherwise authorized by this Chapter.
- (10) No later than five business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part, or upholding the determination of the City Manager in whole or in part.
- (11) The City Council may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or non-disclosure, order the disclosure of information properly classified as private, controlled or protected, if the public interest favoring access outweighs the interest favoring restriction of access. In making a determination under this section, the City Council shall consider and, where appropriate, limit the requester's use and further disclosure of the record in order to protect privacy interests in the case of private or controlled records, business confidentiality interests and privacy interests or the public interest in the case of other protected records.
- (12) The order of the City Council shall include:
  - a. A statement of reasons for the decision;
  - b. A description of the record or portions of the record to which access was ordered or denied, or to which it refuses to amend, provided that the description does not disclose private, controlled or protected information;
  - c. A statement that any party to the appeal may appeal the City Council's decision to district court; and
  - d. A brief summary of the appeal and a notice that, in order to protect its right on appeal, the party may wish to seek advice from an attorney.
- (13) If the City Council fails to issue a decision within ten business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal. The petitioner shall notify the City Council, in writing, if he considers the appeal denied.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Amended 12/06/2005)**

### **3-16-503. JUDICIAL REVIEW.**

Any party to a proceeding before the City Council may petition for judicial review by the district court of the City Council's order. The petition shall be filed no later than 30 days after the date of the City Council's decision.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Amended 12/06/2005)**

**3-16-600P TO 3-16-604. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-700P PART 7 – PENALTIES**

(Ord. No. 05-52 Amended 12/06/2005)

**3-16-701. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-702. REPEALED.**

(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 05-52 Repealed 12/06/2005)

**3-16-703. DISCIPLINARY ACTION.**

The City may take disciplinary action, which may include suspension or discharge, against any employee who intentionally violates any provision of this Chapter.

(Ord. No. 99-42 Repealed & Replaced 07/02/1999)