



The Regular Meeting of the West Valley City Council will be held on Tuesday, January 20, 2015, at 6:30 PM, in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

Posted 1/15/2015, 1:30 PM

A G E N D A

1. Call to Order
2. Roll Call
3. Opening Ceremony: Councilmember Karen Lang
4. Special Recognitions
5. Approval of Minutes:
 - A. January 6, 2015 (Regular Meeting)
6. Awards, Ceremonies and Proclamations:
 - A. Employee of the Month Award, January 2015 - Courtney Frehner, Justice Court
 - B. Division of the Quarter Award - Justice Court, Administration
7. Comment Period:

(The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.)

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.

- A. Public Comments
 - B. City Manager Comments
 - C. City Council Comments
8. Public Hearings:
- 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

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
9. Ordinances:
- A. 15-05: Amending Ordinance No. 14-38 Regarding the Re-zoning of Property Within the City
10. 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
11. New Business:

- 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
 - D. 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 6, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 6, 2015, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

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

16844 **OPENING CEREMONY**

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

16845 **SPECIAL RECOGNITIONS**

Mayor Bigelow recognized State Representative-elect Fred Cox in attendance at the meeting.

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16846

**APPROVAL OF MINUTES OF REGULAR MEETINGS HELD
DECEMBER 9, 2014 AND DECEMBER 16, 2014**

The Council read and considered Minutes of the Regular Meetings held December 9, 2014, and December 16, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meetings held December 2, 2014, and December 9, 2014, as written. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

16847

COMMENT PERIOD

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

A. PUBLIC COMMENTS

Jen Mascaro, representing the listing agent for a property in West Valley City, addressed the City Council. Ms. Mascaro advised she had a property under contract and there was an issue with stucco. She indicated recently the Council passed an ordinance requiring only hardie board that had increased the price of the home by \$8,000 and was something the home purchaser did not want. She inquired regarding reasons for the ordinance change.

In response, Mayor Bigelow advised City staff would be glad to explain and further discuss the matter immediately following adjournment of the meeting.

Fred Cox addressed the City Council and advised he noticed an item on the agenda regarding the prison. He indicated he had sent a letter to Prison Relocation Commission members questioning whether to move the prison at all. He submitted a copy of that letter to the City Recorder for

distribution to members of the City Council. He explained there was enough room to double the beds on the Draper site and the Gunnison Prison could also be expanded. He shared his concerns and those of others regarding other sites under consideration.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, stated he would have further conversations with Ms. Mascaro and CED Department staff regarding the issue she raised about building materials. He indicated staff would explore ways in which to address that matter.

16848

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

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and accept public input regarding re-opening the Fiscal Year 2014-2015 Budget.

Mayor Bigelow presented proposed Ordinance No. 15-01 related to the proposal to be considered by the City Council subsequent to the public hearing, as follows:

Proposed Ordinance No. 15-01 would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

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

Mayor Bigelow opened the public hearing.

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

ACTION: CONSIDER ORDINANCE NO. 15-01, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance No. 15-01 that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

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After discussion, Councilmember Buhler moved to approve Ordinance No. 15-01, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

16849

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-19-2014, FILED BY ABDUL AFRIDI, REQUESTING A PLAT AMENDMENT FOR LOTS 1, 13 AND 14 AND A PARTIAL STREET VACATION FOR A PORTION OF WINTON STREET IN THE CHESTERFIELD PLAT A SUBDIVISION LOCATED AT APPROXIMATELY 2516 SOUTH WINTON STREET

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public input regarding Application No. S-19-2014, filed by Abdul Afridi, requesting a plat amendment for Lots 1, 13 and 14 and a partial street vacation for a portion of Winton Street in the Chesterfield Plat A Subdivision located at approximately 2516 South Winton Street.

Mayor Bigelow presented proposed Ordinance No. 15-02 related to the proposal to be considered by the City Council subsequent to the public hearing, as follows:

Proposed Ordinance No. 15-02 would approve the amendment of Lots 1, 13 and 14 of the Chesterfield Plat A Subdivision, including a partial street vacation to a portion of Winton Street.

The application would approve the amendment as described and also dedicate a new cul-de-sac to allow Winton Street to end with an approved terminus. It would also vacate a portion of Winton Street that was no longer needed. The property was bordered on the north, south and west by existing residential uses and the east by Winton Street and Utah Transit Authority's (UTA) TRAX line.

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The applicant had proposed to construct a cemetery at the south end of Winton Street, located in close proximity to the Islamic Society of Greater Salt Lake. That organization would oversee the operation of the cemetery. A cemetery was defined as a community use in the City's land use code. In the agricultural zone, community use was listed as a permitted use. Issues related to the development of this site would be addressed as part of the permitted use application. The subject application would consolidate lots and vacate and dedicate right-of-way.

Access to the cemetery would be gained from Winton Street via the new cul-de-sac. At the present time, public improvements did not exist along Winton Street. The cul-de-sac would be constructed with curb, gutter, sidewalk, and a streetlight. The south end of Winton Street was not needed and would therefore be vacated.

Mayor Bigelow opened the public hearing.

Abdul Afridi, applicant, addressed the City Council and expressed appreciation to City staff for their efforts in working on the project. He gave background information relating to the subject property including plans to develop the property into a cemetery. Mr. Afridi requested approval of the application and proposed ordinance.

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

Hearing no objections, Mayor Bigelow reopened the public hearing.

Mr. Afridi answered questions from members of the City Council.

Mayor Bigelow closed the public hearing.

Upon request of the members of the City Council, Steve Lehman, CED Department, addressed the City Council and answered various questions regarding requirements for a cemetery and if there would be groundwater issues on the subject property. Additional questions regarding perpetual landscaping and maintenance were also discussed and answered.

ACTION: CONSIDER ORDINANCE NO. 15-02 APPROVING THE AMENDMENT OF LOTS 1, 13 AND 14 OF THE CHESTERFIELD PLAT A SUBDIVISION, INCLUDING A PARTIAL STREET VACATION TO A PORTION OF WINTON STREET

The City Council previously held a public hearing regarding Application No. S-10-2014, filed by Abdul Afridi, and considered proposed Ordinance No. 15-02 that would approve the amendment of Lots 1, 13 and 14 of the Chesterfield Plat A Subdivision, including a partial street vacation to a portion of Winton Street.

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After discussion, Councilmember Vincent moved to approve proposed Ordinance No. 15-02, an Ordinance Approving the Amendment of Lots 1, 13 and 14 of the Chesterfield Plat A Subdivision, Including a Partial Street Vacation to a Portion of Winton Street. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Majority.

16850

RESOLUTION NO. 15-01, CHANGING THE TRUSTEE ON THE CITY'S LIFE INSURANCE POLICY WITH WESTERN RESERVE LIFE

Mayor Bigelow presented Resolution No. 15-01 that would change the trustee on the City's life insurance policy with Western Reserve Life.

He stated the proposal would change the trustee on the Western Reserve Life insurance policy from Shirlayne George to Aimee Tye-Critchley. A former employee of the City desired to change the beneficiary on the Western Reserve Life insurance policy he had with West Valley City as he retired from another city at the end of this year. The proposed resolution would allow the City to make that change after Aimee Tye-Critchley became the trustee.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 15-01, a Resolution Changing the Trustee of the City's Life Insurance Policy with Western Reserve Life. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

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Unanimous.

16851

RESOLUTION NO. 15-02, APPROVE A RIGHT-OF-WAY AGREEMENT WITH EL DORADO INVESTMENT COMPANY, L.C., A UTAH LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 4899 WEST 2100 SOUTH (PARCEL 14-24-227-006) AND ACCEPT A SPECIAL WARRANTY DEED AND STORM DRAIN EASEMENT

Mayor Bigelow presented proposed Resolution No. 15-02 that would approve a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for property located at 4899 West 2100 South (Parcel 14-24-227-006) and accept a Special Warranty Deed and Storm Drain Easement.

El Dorado Investment Company, L.C. had signed a Right-of-Way Agreement and agreed to sign a Special Warranty Deed and Storm Drainage Easement for property located at the above-referenced location.

The subject parcel was one of the properties affected and benefitted by construction of the 2400 South 4800 West Roadway Extension Project that would extend from 2400 South eastward to 4800 West and north to the SR-201 South Frontage Road. Compensation for the purchase of 28,325 square feet (0.650 acres) of property would be in the amount of \$141,600.00 based on an appraisal report prepared by the DH Group, LLC.

After discussion, Councilmember Lang moved to approve Resolution No. 15-02, a Resolution Authorizing the City to enter into a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for Property Located at 4899 West 2100 South (Parcel 14-24-227-006) and to Accept a Special Warranty Deed and Storm Drain Easement. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

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16852

RESOLUTION NO. 15-03, APPROVE A RIGHT-OF-WAY AGREEMENT WITH EL DORADO INVESTMENT COMPANY, L.C., A UTAH LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED AT 4899 WEST 2100 SOUTH (PARCEL 14-24-227-007) AND ACCEPT A SPECIAL WARRANTY DEED AND STORM DRAIN EASEMENT

Mayor Bigelow presented proposed Resolution No. 15-03 that would approve a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company for property located at 4899 West 2100 South (Parcel 14-24-227-007) and accept a Special Warranty Deed and Storm Drain Easement.

El Dorado Investment Company, L.C. had signed a Right-of-Way Agreement and agreed to sign a special Warranty Deed and a Storm Drainage Easement for property located at 4899 West 2100 South (Parcel 14-24-227-007).

The subject parcel was one of the properties affected and benefitted by construction of the 2400 South 4800 West Roadway Extension Project that would extend from 2400 South eastward to 4800 West and north to the SR-201 South Frontage Road. Compensation for purchase of 88,227 square feet (2.025 acres) of property would be in the amount of \$441,200.00 based on an appraisal report prepared by the DH Group, LLC.

After discussion, Councilmember Vincent moved to approve Resolution No. 15-03, a Resolution Authorizing the City to enter into a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for Property Located at 4899 West 2100 South (Parcel 14-24-227-007) and to Accept a Special Warranty Deed and Storm Drain Easement. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

16853

RESOLUTION NO. 15-04 APPROVE A RIGHT-OF-WAY AGREEMENT WITH EL DORADO INVESTMENT COMPANY, L.C. A UTAH LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED AT 5065 WEST 2100 SOUTH (PARCEL 14-24-201-007) AND ACCEPT A SPECIAL WARRANTY DEED

Mayor Bigelow presented proposed Resolution No. 15-04 that would approve a Right-of-Way Agreement with El Dorado Investment Company, L.C. a Utah Limited Liability Company for property located at 5065 West 2100 South (Parcel 14-24-201-007) and accept a Special Warranty Deed.

El Dorado Investment Company, L.C. had signed a Right-of-Way Agreement and agreed to sign a Special Warranty Deed for property located at 5065 West 2100 South (Parcel 14-24-201-007).

The subject parcel was one of the properties affected and benefitted by construction of the 2400 South 4800 West Roadway Extension Project that would extend from 2400 South eastward to 4800 West and north to the SR-201 South Frontage Road. Compensation for purchase of 3,762 square feet of property would be in the amount of \$153,900.00 based on an appraisal report prepared by the DH Group, LLC.

After discussion, Councilmember Lang moved to approve Resolution No. 15-04, a Resolution Authorizing the City to enter into a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for Property Located at 5065 West 2100 South (Parcel 14-24-201-007) and to Accept a Special Warranty Deed. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

16854

RESOLUTION NO. 15-05, APPROVE A RIGHT-OF-WAY AGREEMENT WITH EL DORADO INVESTMENT COMPANY, L.C., A UTAH LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 4901 WEST 2100 SOUTH (PARCEL 14-24-226-003) AND ACCEPT A SPECIAL WARRANTY DEED

Mayor Bigelow presented proposed Resolution No. 15-05 that would approve a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for property located at 4901 West 2100 South (Parcel 14-24-226-003) and accept a Special Warranty Deed.

El Dorado Investment Company, L.C. had signed the Right-of-Way Agreement and agreed to sign a Special Warranty Deed for the subject property.

The subject parcel was one of the properties affected and benefitted by construction of the 2400 South 4800 West Roadway Extension Project that would extend from 2400 South eastward to 4800 West and north to the SR-201 South Frontage Road. Compensation for the purchase of 56,343 square feet of property would be in the amount of \$281,800.00 based on an appraisal report prepared by the DH Group, LLC.

After discussion, Councilmember Huynh moved to approve Resolution No. 15-05, a Resolution Authorizing the City to enter into a Right-of-Way Agreement with El Dorado Investment Company, L.C., a Utah Limited Liability Company, for Property Located at 4901 West 2100 South (Parcel 14-24-226-003) and to Accept a Special Warranty Deed. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16855

RESOLUTION NO. 15-06, ACCEPT A SPECIAL WARRANTY DEED FROM TYP COMPANY FOR A PORTION OF PROPERTY LOCATED AT 4071 SOUTH 4000 WEST (PARCEL 15-32-354-030)

Mayor Bigelow presented proposed Resolution No. 15-06 that would accept a Special Warranty Deed from TyP Company for a portion of property located at 4071 South 4000 West (Parcel 15-32-354-030).

TyP Company had signed a Special Warranty Deed for right-of-way on 4000 West. He indicated TyP Company was the owner of the property for the proposed BKP Dental Development. The description for the subject property currently extended to the centerline of 4000 West. As the right-of-way had not been previously dedicated or conveyed to the City, conveyance of right-of-way to a 40-foot half width had been required as a condition of building permit approval. The West Valley City Major Street Plan showed 4000 West as an 80-foot right-of-way (40- feet each side of the section line/centerline).

After discussion, Councilmember Lang moved to approve Resolution No. 15-06, a Resolution Authorizing the City to Accept a Special Warranty Deed from TyP Company for a Portion of Property Located at 4071 South 4000 West (Parcel 15-32-354-030). Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

16856

RESOLUTION NO. 15-13, OPPOSING THE RELOCATION OF THE UTAH STATE PRISON TO THE PROPOSED LOCATION AT THE INTERCHANGE OF INTERSTATE 80 AND 7200 WEST

Mayor Bigelow presented proposed Resolution No. 15-13 that would oppose the relocation of the Utah State Prison to the proposed location at the interchange of Interstate 80 and 7200 West.

He stated the proposal would outline West Valley City's opposition to the relocation of the Utah State Prison to the above-referenced location for a myriad of reasons, including its impact on economic development.

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The subject location was currently ranked among the top choices under evaluation by the Prison Relocation Commission as a future site for the prison. The area was close to the boundaries of the City and would have a significant negative impact on economic development, particularly in the Class A industrial development currently ongoing. Moving the prison to the proposed location would have a negative impact on the City's image and establish the prison at a primary gateway to West Valley City. The subject location, like the current location of the prison, was located near a major interstate highway and would create significant social and economic disruption for neighboring communities.

After discussion, Councilmember Rushton moved to remove proposed Resolution No. 15-13 from the Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

Proposed Resolution No. 15-13 was removed from the Agenda.

16857

HEAR AND CONSIDER AN APPEAL OF THE CITY MANAGER'S DENIAL OF A GRAMA REQUEST FROM NATE CARLISLE OF THE SALT LAKE TRIBUNE

Mayor Bigelow opened a hearing that had been scheduled regarding an appeal of the City Manager's denial of a GRAMA (Government Record Access and Management Act) request from Nate Carlisle of the Salt Lake Tribune. He stated a packet of information and documentation had previously been uploaded to the agenda for access by members of the City Council.

Upon inquiry, the City Manager instructed the City Attorney to discuss and review procedures for the appeal hearing.

City Attorney, Eric Bunderson, addressed the City Council and reviewed procedures for the hearing. He advised the City Council would act in their quasi-judicial role and he read aloud from the West Valley City Code (3-16-502) and informed that statute mirrored the State Code.

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Mr. Bunderson stated the appellant, Nate Carlisle, would be recognized first to present his arguments, present evidence, and make comments. Next, the City's representative, Martha Stonebrook, West Valley City's Public Safety Attorney, would respond and present information and evidence. Both sides would then be given opportunity for rebuttal. In addition, he advised the Council could, at their discretion, take testimony from others in attendance at the meeting regarding this matter.

He further indicated the City Council could ask questions of both sides, and look at documents and deliberate "in camera," if desired. He also advised regarding the decision process, including the required timeline, and stated subsequently preparation of that decision would be completed in writing.

Councilmember Rushton informed members of the Council had received the PowerPoint documentation previously sent by email from the appellant, Nate Carlisle.

The City Attorney further reviewed processes and procedures regarding the City Council's responsibilities in making a decision. He advised the decision must be made within five business days of the hearing. He informed that the Council, in their quasi-judicial role, could deliberate in private after the hearing, if desired, or could deliberate and render a decision immediately.

Mayor Bigelow opened the hearing and recognized the appellant, Nate Carlisle.

Nate Carlisle, Salt Lake Tribune, appellant, addressed the City Council. Mr. Carlisle expressed appreciation to Sheri McKendrick, City Recorder, and the City Attorney, Eric Bunderson, for assisting him in following the proper procedures in anticipation of the hearing. He also thanked Martha Stonebrook and City Manager, Wayne Pyle, for their articulate denials thereby aiding in his preparation. He advised he would speak regarding judicial precedent in Utah when similar documents had been sought.

Mr. Carlisle displayed and discussed information in a PowerPoint presentation that, by reference, is made a part of this record.

The appellant stated his request included internal affairs files related to Police Officer Kevin Salmon and a recording or transcript of Mr. Salmon's interviews concerning the events of November 2, 2012. He indicated his original request had been broader and the City provided some documents, but this appeal was related to documents the City felt were not classified as a public record.

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Mr. Carlisle pointed out an error in his documentation where the wrong sub-chapter dealing with private records had been cited (UCA 63G-302 subparagraphs (2)(d)) which dealt with private records, and UCA Chapter 305 subparagraphs 10 (a) and (b). He stated Chapter 302 dealt with private records and the wrong sub-chapter had been cited. He expressed appreciation to Ms. Stonebrook as the denial letter corrected his error. He read aloud some of the information in the referenced chapters. He stated UCA Chapter 305 (10) (a) and (b) talked about a category of protected records considered not public and allowed for some records to be made public based on specific classification. He referenced the City's denial letter and read aloud some excerpts from that document.

Mr. Carlisle referenced and read excerpts from a 2008 Utah Supreme Court case, the Deseret News Publishing Company v. Salt Lake County, regarding denial of records relating to a sexual harassment case. He expressed his belief there was no on-going investigation regarding Kevin Salmon and that Mr. Salmon had resigned. He also discussed his understanding that the District Attorney had declined to prosecute the matter and West Valley City had stopped its investigation. Mr. Carlisle advised he had sent a link via e-mail to the entire Supreme Court opinion and invited the City Council to review the ruling.

He discussed a second judiciary case, Jeffrey B. Lawrence v. Utah Department of Public Safety (Utah Highway Patrol), where records had been requested and denied regarding a complaint of a state trooper. He referenced and read aloud excerpts from some sections of the ruling, and cited other cases and rulings where records had been released.

Mr. Carlisle concluded and expressed belief there was an inequity in not releasing records simply because Mr. Salmon had quit his job and had not been disciplined. He indicated Mr. Salmon had been on paid leave for about 23 months during which time there had been an on-going investigation.

Mayor Bigelow recognized the City's representative, Martha Stonebrook.

Martha Stonebrook, Public Safety Attorney for West Valley City, addressed the City Council. She stated West Valley City had properly classified the documents that included interviews and investigation files based on an incident on November 2, 2012, and requested by Mr. Nate Carlisle, Salt Lake Tribune. She advised the subject records had been properly classified under UCA Section 63G-2-305 10 (a) and (b) because it offered protection for records associated with disciplinary or investigative purposes and where disclosure of those records could reasonably be expected to interfere with investigations and/or proceedings.

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Ms. Stonebrook stated Mr. Salmon had resigned his employment before the City completed its investigation; therefore, making the facts different from the Deseret News case cited by Mr. Carlisle. She stated in the Deseret News case the decision had been rendered, a formal investigative report had been completed and filed, and the matter had been closed. She indicated the GRAMA law anticipated records would be public if discipline had been issued and all of the allotted times for appeal had run out. She explained in this case the file remained incomplete. She stated release of an uncompleted file could impact and compromise the integrity of an investigation thus allowing for speculation and conjecture as to innocence or guilt, and again separating this case from the cited Deseret News case.

Ms. Stonebrook stated making an officer's statements public prior to a completed investigation could compromise that investigation and further place increased difficulty on an officer who had been in a terrible situation, particularly, if the officer thought those statements would be made public.

She advised the two interviews referenced were both well within the protected category. She further explained one interview included an officer's statement concerning a shooting, and the second, not a West Valley City investigation, had been conducted by one or more federal agencies. She stated West Valley City had not to date been informed of the status of the federal investigation; and, therefore giving over interviews that were taken as part of that procedure could compromise the federal investigation if not completed. She expressed the importance of a municipality to be reliable and not release private records prior to other agency investigations being completed.

Ms. Stonebrook stated Judge Dever's ruling did not have binding precedent to the Council in making their decision. She also stated that while the ruling talked about invasion of privacy, West Valley City felt the private classification of the referenced records was appropriate. She indicated by releasing an officer's statement when the matter had not been finally resolved would be an unwarranted invasion of privacy.

Ms. Stonebrook stated Judge Dever's decision did not speak to a protected classification of an investigation and/or disciplinary-type records. She indicated nothing had been mentioned in the ruling about UCA Section 305-10 (a) and (b) and the Department of Public Safety had not raised that issue as a reason for denial. She stated the matter of a protected record under that section had not been before Judge Dever for consideration. She stated the Department of Public Safety had determined their record to be a personnel record and therefore protected by the attorney/client privilege.

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Ms. Stonebrook stated the GRAMA statute provided for entities when reviewing documents to review those documents and make classifications on a case-by-case basis. She stated in the Carlisle case all documents had been individually reviewed. She indicated the City released documents properly classified as public records and did not release those classified as protected and private records.

Ms. Stonebrook stated to release files in investigative cases that had not been completed either by a municipality or other federal agency would not be appropriate and have a chilling effect going forward.

She stated the GRAMA statute allowed for making wise decisions on a case-by-case basis when classifying records and it also allowed for appeals and set forth evidentiary standards for release of certain records and provided guidance at the various levels of review. She stated GRAMA Section 63G-2-406 (1) stated to release any record initially classified as protected, the requestor must establish by a preponderance of the evidence that the public interest was equal to or greater than the interest favoring restriction of releasing the documents if an investigation had not been completed. Ms. Stonebrook stated the appellant had not met that burden.

Ms. Stonebrook concluded and requested Mr. Carlisle's letter of appeal be re-read during deliberations and that the City Manager's decision denying release of the protected records be upheld.

Ms. Stonebrook answered questions from members of the City Council.

Upon inquiry by Councilmember Huynh, Ms. Stonebrook advised the investigation would remain as a case not completed due to Mr. Salmon's resignation from employment. She stated a record would be public if disciplinary action had been taken; however, the matter had been suspended due to Mr. Salmon's resignation from employment with West Valley City. She advised when appropriate the City had released letters of discipline as public records in other cases.

Upon inquiry by Councilmember Buhler, the City Attorney, Eric Bunderson, stated documents eligible for discovery in a civil law suit would depend on the particular lawsuit with some documents being released in discovery and some not being released.

Councilmember Buhler inquired regarding specific documents requested and denied. Ms. Stonebrook responded with the following: record pertaining to an internal affairs uncompleted investigation file regarding the shooting and included the District Attorney's ruling letter that had been classified as a public record and released; document regarding the adjudication by a West Valley City Deputy

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Chief giving his recommendation to the West Valley City Police Chief, and classified as a protected record; document regarding interviews of two West Valley City police officers conducted by an investigator for the police officers' attorneys. She advised a joint investigation had been conducted by the Department of Justice and the Federal Bureau of Investigations (FBI).

In response to Councilmember Buhler's question, Ms. Stonebrook and the City Attorney advised that the Deputy Chief's adjudication and the interview had not been turned over nor the FBI interview. Ms. Stonebrook indicated uncertainty if the above-referenced interview at the police officers' attorneys' office had been turned over.

Upon inquiry by Councilmember Buhler, Ms. Stonebrook advised that West Valley City did not have information as to whether the federal investigation was on-going. In response, she also advised Mr. Salmon had not made request for any city records.

In response to further inquiry, City Attorney, Eric Bunderson, advised those documents not turned over in the civil law suit discovery included everything referenced except the Deputy Chief's adjudication. He advised the civil case did have a protective order attached to it that would preclude all parties from making disclosures. He advised it would preclude the City and all parties from providing documents to newspapers.

Ms. Stonebrook advised the GRAMA statute did not provide in-depth direction in cases, for example, when a person died or resigned and the city decided not to pursue an investigation. She indicated rather the GRAMA statute allowed choices to be made appropriately and it specifically indicated what sustained findings would be deemed to be public when all appeal times had run out.

She stated the GRAMA statute addressed matters of subpoenas and discovery, other court matters of discovery, and indicated discovery in those matters was not considered to be a GRAMA request.

In response to inquiry by Councilmember Buhler, Ms. Stonebrook advised unless discipline was actually issued, those records would never become public as there would be no sustained findings of misconduct. She stated this protected against false accusations and speculation and protected innocent reputations. She indicated an investigation could be compromised by releasing information prior to completion and could result in an unwarranted invasion of personal privacy.

In response to Councilmember Buhler, Ms. Stonebrook advised West Valley City had received the federal interview document in its file to possibly provide

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 6, 2015

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information about the city's investigation since the city had been allowed to ask a few questions at that interview.

Upon inquiry by Councilmember Rushton, the City Attorney advised other investigative agencies and/or interested parties had not requested records in this matter.

Upon inquiry by Councilmember Buhler, the City Attorney advised when the recording and transcript of the federal interview conducted by the federal agencies was provided to the City, it had been disclosed to the City as part of the on-going investigation which, at that time, was all considered as protected and private classifications. In further response, he indicated the Department of Justice had not specifically said to keep the record private.

Upon inquiry by Councilmember Buhler, the City Attorney advised Mr. Salmon had not made any request for the subject records.

Upon inquiry by Mayor Bigelow, Ms. Stonebrook advised the investigation not being completed meant that the Police Chief had not rendered a decision and there had been no disciplinary hearing; therefore, Mr. Salmon's due process rights of speaking to the issues had not occurred.

Mayor Bigelow spoke to the right to obtain information and maintaining transparency to the public. He also spoke to not wanting to harm someone because of speculation, including news sensationalism. The Mayor also discussed redacting any harmful information in the records and expressed concern that any investigation not completed would not be made public.

In further response to Mayor Bigelow's inquiry, Ms. Stonebrook stated protected records were never released whether the file had been completed or remained uncompleted. She advised internal affairs files were not made public, by GRAMA classification. Ms. Stonebrook advised the appellant had been provided with the resignation letter, the Public Safety Review Board finding, and other documents classified as public records, as would be consistent with conformity to the GRAMA statutes.

Councilmember Buhler expressed the importance of a policy that followed the law. Ms. Stonebrook concurred the GRAMA statute did not specifically contain language that stated a document was protected based upon having a possible chilling effect on future investigations.

In response to questions by Councilmember Huynh, Ms. Stonebrook stated internal affairs files were generated as all kinds of allegations occurred, whether

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valid or invalid. She explained the importance of providing police officers with due process if accused, with a final determination made by the Police Chief.

Ms. Stonebrook advised West Valley City had received the document regarding the interview from the FBI and the document had not been generated by the City. She stated West Valley City had attempted to obtain information on the federal investigations but had not been successful therefore releasing the federal agency's documents could compromise a possible on-going federal investigation. She explained nothing would preclude the appellant from making request of the Department of Justice and the FBI for documents.

Councilmember Buhler discussed and recapped that there had been no final determination made and he discussed Mr. Salmon's right of due process.

Mayor Bigelow stated there seemed to be reasonable justification to not releasing documents when a federal investigation was on-going.

Mayor Bigelow opened the floor to rebuttal.

Nate Carlisle, appellant, addressed the City Council. Mr. Carlisle stated the FBI and Department of Justice provided the interview record to West Valley City and they had not indicated it should not be released and that they were still investigating. He stated Mr. Salmon's feelings were not the issue and case law specified what constituted personal privacy. He indicated the Deseret News opinion and Judge Dever also addressed that matter in the cases he cited earlier. Mr. Carlisle disagreed that the Tribune must show by preponderance of the evidence that the public would be served by release of the documents. He stated this matter had also been addressed in Judge Dever's ruling stating the public is best served about knowing what public officials were doing in the performance and discharge of their duties. He stated there had been contradictory statements regarding the classification of the subject records and he believed there had not been proper review of documents. He stated according to the Deseret News ruling, the City had an obligation to do a fresh review of records to determine classification prior to release. He referenced some discussion as to whether there would be conjecture regarding Mr. Salmon if documents were released on an uncompleted investigation, and suggested there would be more conjecture if documents were not released. He stated the GRAMA statute did not reference finished or unfinished investigations.

Councilmember Buhler commented the City had not released records in other cases when investigations had not been completed and were on-going and, upon completion of those investigations, had then released documents. He referenced the Joshua Powell case and indicated records had been released when the investigation concluded.

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Upon inquiry by Councilmember Huynh, Mr. Carlisle explained the Salt Lake Tribune's interest in this case. He stated information had been made available regarding the other officer involved in the November 2, 2014, incident, but not a lot had been known about Mr. Salmon's involvement. He stated the District Attorney had determined Mr. Salmon had no criminal involvement, but it was felt there was an inequity in not letting the public hear that information.

Councilmember Rushton moved to suspend the fact-finding portion of the hearing and deliberate in-camera.

City Manager, Wayne Pyle, recommended a motion include that deliberation would take place in-camera following two other scheduled meetings that followed this one, with a decision to be issued by the following Tuesday.

Mr. Carlisle stated if the City Attorney issued an opinion that the records were covered under the court's protective order he would like an opportunity to address that opinion.

Councilmember Rushton pointed out the Salt Lake Tribune would have the available appeal process through the courts if they did not agree with the City Council's decision. He stated all information would be taken under advisement during deliberations.

Upon inquiry by Mayor Bigelow regarding the City Council's responsibility in rendering a decision in the specified time frame, the City Attorney advised the Council must render a decision within the five business days period as previously discussed.

Upon inquiry, City Attorney, Eric Bunderson, advised the Council was required to hear testimony, evidence and comments on the issues and may allow other interested persons to comment on the issues.

Councilmember Rushton restated his earlier motion. There was no second to the motion.

After discussion, Mayor Bigelow called for testimony to be heard from other interested persons.

Fred Cox addressed the City Council and stated he was familiar with the GRAMA laws. Mr. Cox indicated the Deseret News ruling predated 2012 SB117, so the law had changed since then. He stated if the decision was to deny releasing the records, the appellant had the opportunity to appeal the decision. He also stated if an officer was required to testify without the ability to use the Fifth Amendment

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that testimony would not be allowed in a court of law as it would be self-incriminating. He encouraged the Council to also read sections (c) (d) and (e) of 63G-2-305, in particular reference to protected records from outside sources.

Upon inquiry by Councilmember Rushton, the City Attorney advised that if desired by the Council it would seem appropriate to read the entire section of the statute when deliberating although he was not aware of specific case law regarding that issue.

Mayor Bigelow inquired if any Council member required further information from interested parties.

Mr. Buhler moved to conclude and close the hearing and deliberate in-camera immediately following scheduled meetings of the Redevelopment Agency and Housing Authority boards. Councilmember Huynh seconded the motion.

Upon discussion, Councilmember Nordfelt spoke to hearing additional testimony from Martha Stonebrook.

Mayor Bigelow called for a vote on the motion.

A roll call vote was taken:

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

Motion failed for lack of majority.

Mayor Bigelow recognized Martha Stonebrook who addressed the City Council. Ms. Stonebrook clarified she had not directly contacted the FBI or Department of Justice, but rather checked on the status of the federal investigation matters with the Police Department administration who would have that information. Secondly, she stated Mr. Carlisle had received documents from Internal Affairs files on many occasions in the past and files were never “rubber stamped” denying everything in the file. She stated each document and file was looked at individually and properly classified.

Mr. Carlisle addressed the City Council and stated the GRAMA statute specified records in Utah were public unless the law expressly said otherwise. He also

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stated, regarding whether Mr. Salmon had counsel or if allowed to take the Fifth Amendment, the GRAMA statute did not address that issue.

After discussion, Councilmember Nordfelt moved to reconsider the previous motion made by Councilmember Buhler. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

Mayor Bigelow instructed the City Council to consider the previous motion made by Councilmember Buhler and requested the motion be restated.

Councilmember Buhler moved to conclude and close the hearing and deliberate in-camera immediately following scheduled meetings of the Redevelopment Agency and Housing Authority boards. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 6, 2015, WAS ADJOURNED AT 8:59 P.M., BY MAYOR BIGELOW.

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 6, 2015

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, January 6, 2015.

Sheri McKendrick, MMC
City Recorder

DRAFT



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 – 4th 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

The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.

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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ATTEST:

CITY RECORDER

MAYOR

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 12th. During the meeting on the 12th, 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.

Zone	Total Acreage
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.

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.

Zone	Total Acreage
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

WEST VALLEY CITY, UTAH
ORDINANCE NO. _____

Draft Date: 12/18/2014

Date Adopted: _____

Date Effective: _____

**AN ORDINANCE AMENDING SECTION 7-22-104 OF THE
WEST VALLEY CITY MUNICIPAL CODE TO AMEND
THE DECKER LAKE STATION OVERLAY ZONE**

WHEREAS, Title 7 of the West Valley City Municipal Code governs the uses of land within the City, under authority of the Municipal Land Use, Development, and Management Act; and

WHEREAS, the Decker Lake Station Overlay Zone is intended to permit a full range of commercial uses that serve the City as a whole, while promoting entertainment, restaurant, and hospitality uses; 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 Section 7-22-104 of the West Valley City Municipal Code;

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. Section 7-22-104 is hereby amended as follows:

7-22-104. USE LIMITATIONS.

Use limitations will be imposed which limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones may not be compatible with the City's image for gateway and special district areas, and compliance with architectural standards would not be practical. The following uses are not permitted in the Decker Lake Station Overlay Zone:

- 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**

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

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.

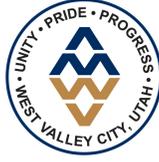
PASSED, APPROVED, and MADE EFFECTIVE this _____ day of January, 2015.

WEST VALLEY CITY

Mayor

ATTEST:

City Recorder



FISCAL YEAR 2016 FEDERAL AGENDA

PRIORITY ISSUES

	PROJECT/ISSUE	ACTION ITEM	FEDERAL AGENCY AND GRANT PROGRAM
1	Metro Crime Laboratory Infrastructure	Pursue additional funding for consolidation of evidence collection/storage/processing, essential forensic examinations and DNA laboratory, for participating regional agencies in one facility.	Department of Justice – Edward Byrne Memorial Justice Assistance Grant (JAG)
2	Neighborhood Revitalization	Seek Assistance for low to moderate homeowners to renovate their homes and improve neighborhoods throughout the City.	HUD – Choice Neighborhoods Grant Program and CDBG
3	Mountain View Corridor Environmental Remediation	Seek Federal funding to assess potential contamination of hazardous substances or petroleum to assist in redevelopment efforts along MVC.	Environmental Protection Agency Brownfields Assessment Grants
4	Community Education Partnership of West Valley City Education Enrichment Program	Support expansion of initiatives to maximize out-of-school time opportunities for West Valley City youth.	Department of Education Elementary and Secondary Education Grants

ADVOCACY ISSUES

ISSUE	DESCRIPTION
Marketplace Fairness	Urge Congress to pass legislation allowing local stores and online sellers to operate under the same rules by allowing local and state governments to collect already-owed taxes regardless of whether a purchase is made physically in a store, on the phone or online.
Transportation	Advocate to Congress to fix the Highway Trust Fund (HTF) and pass a multi-year surface federal transportation authorization bill that provides long-term certainty and supports local surface transportation priorities.
Public Safety	Seek federal funding to support law enforcement communications infrastructure, community policing, and internal affairs best practices initiatives.
Tax-Reform	Oppose efforts to repeal tax-exempt municipal bonds, and deductions from federal income tax for state income tax, real property taxes and mortgage interest.
Housing and Community Development	Maintain level funding for the Community Development Block Grant (CDBG) and HOME Programs to West Valley City's continued efforts to provide important services and programs to low and moderate-income residents.
Stormwater Regulatory Relief	Advocate for local regulatory relief from unfunded and mandated burdensome EPA stormwater rules and oppose any unfunded mandates from proposed EPA stormwater permitting regulations.
Federal Grants Support	Identify, monitor, and gain congressional support for West Valley City federal grant applications.

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)









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

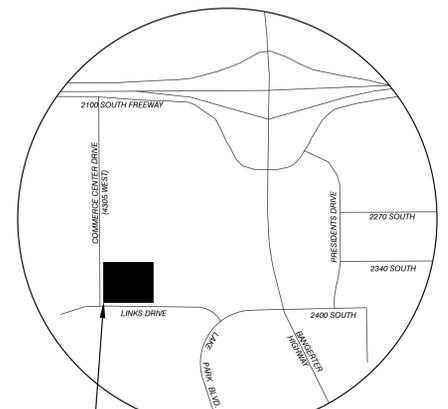
ACKNOWLEDGMENT

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 _____

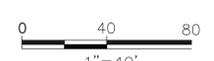
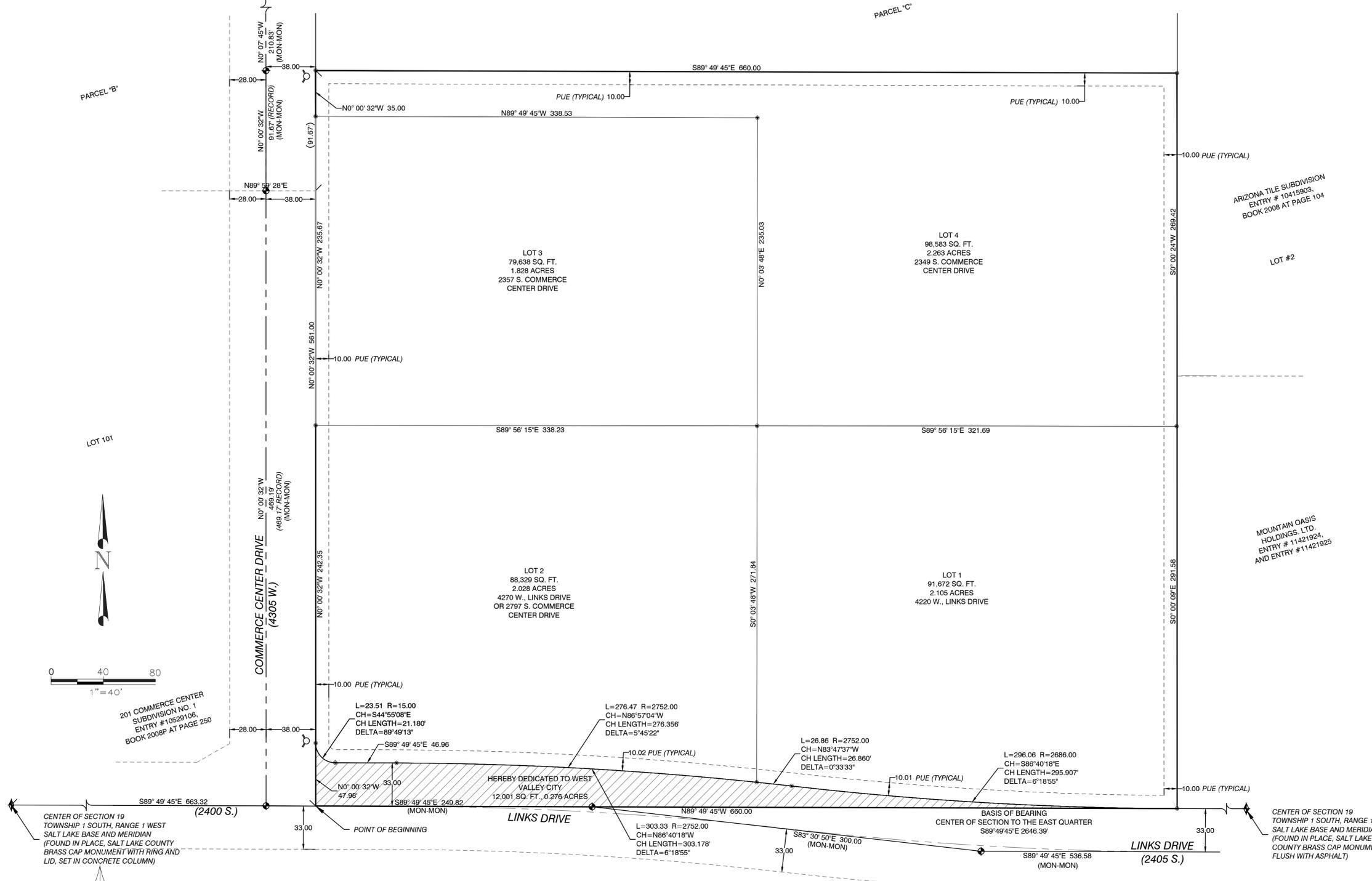


VICINITY MAP NOT TO SCALE

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

201 COMMERCE CENTER SUBDIVISION NO. 2 ENTRY #11628584, BOOK 2013P AT PAGE 74

ARIZONA TILE SUBDIVISION ENTRY # 10415903, BOOK 2008 AT PAGE 104

MOUNTAIN OASIS HOLDINGS, LTD. ENTRY # 11421924, AND ENTRY #11421925

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.

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

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

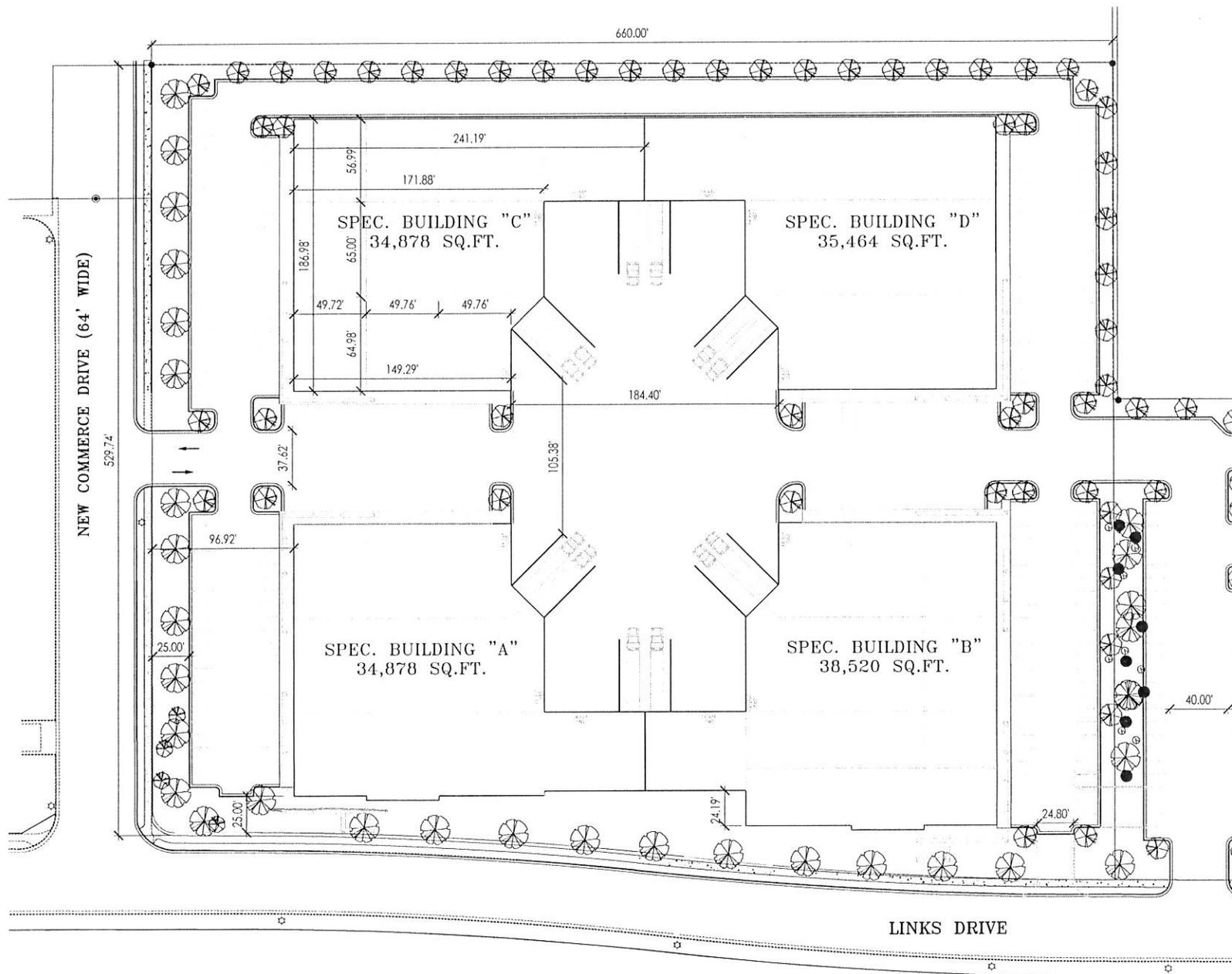
GRANGER HUNTER IMPROVEMENT DISTRICT
Approved this _____ day of _____, A.D. 2014.
District Engineer

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

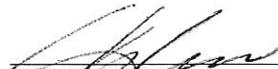
Psomas
4179 Riverboat Road
Salt Lake City, Utah 84123

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)





pharmacy

Open

Open 24 Hours

CVS/pharmacy

CVS
pharmacy
OPEN 24 HOURS

EZ PAWN

W

Lowes



WE HAND DRY
CAR WASH

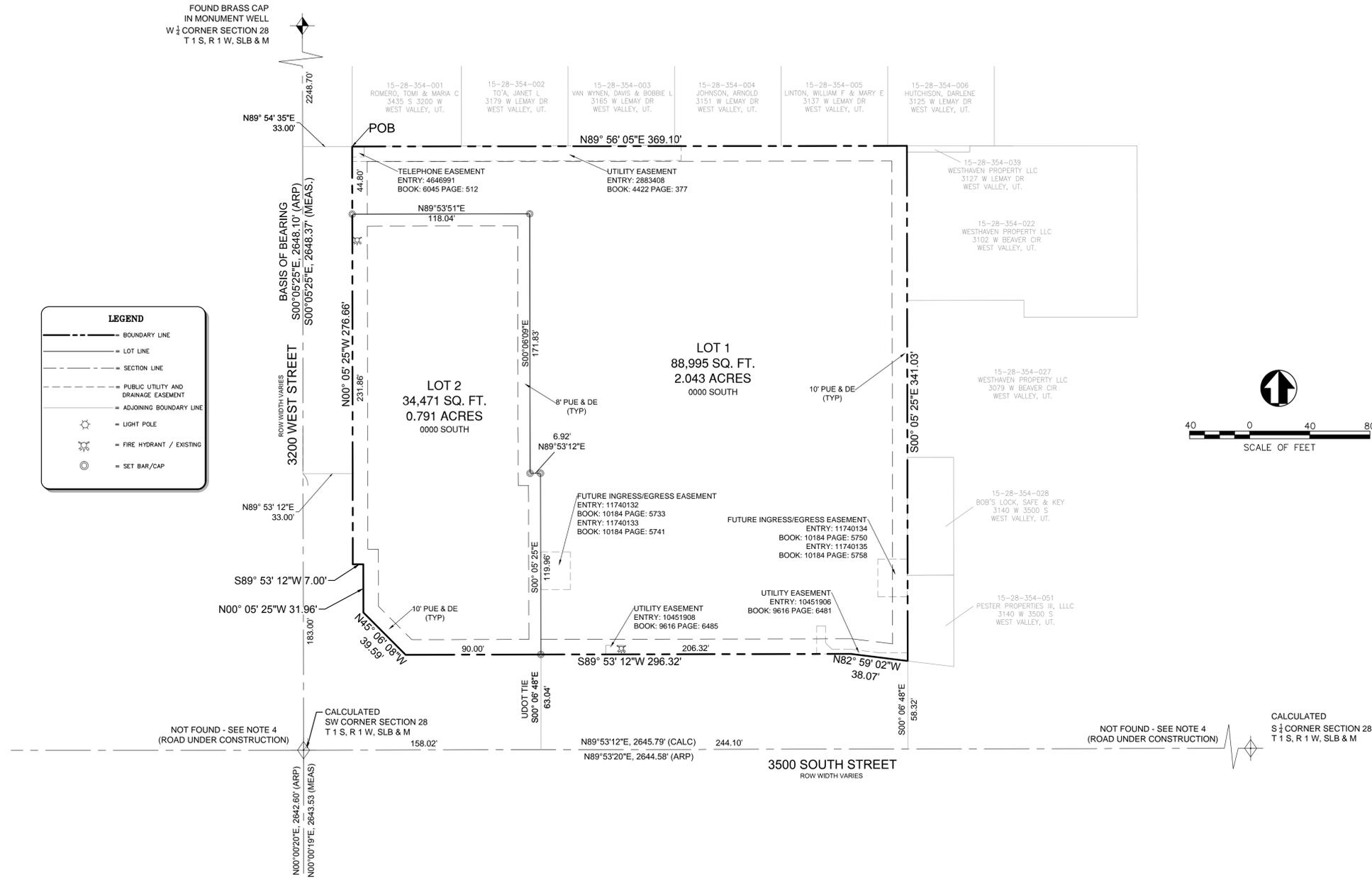
WE
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Hand Dryers

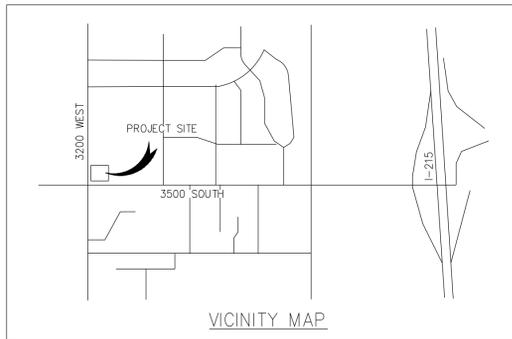
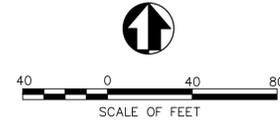
CVS WEST VALLEY PLAZA SUBDIVISION

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



LEGEND

- BOUNDARY LINE
- - - LOT LINE
- - - SECTION LINE
- - - PUBLIC UTILITY AND DRAINAGE EASEMENT
- - - ADJOINING BOUNDARY LINE
- ☼ LIGHT POLE
- ⊕ FIRE HYDRANT / EXISTING
- ⊙ SET BAR/CAP



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

<p>PSOMAS 4179 RIVERBOAT ROAD Salt Lake City, Utah 84123 (801) 270-5777 (801) 270-5782 (FAX)</p>	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.

ATTTEST: 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)





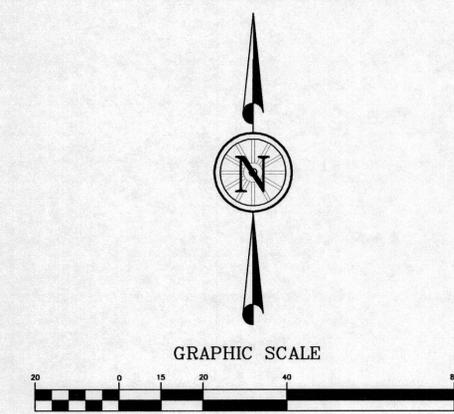
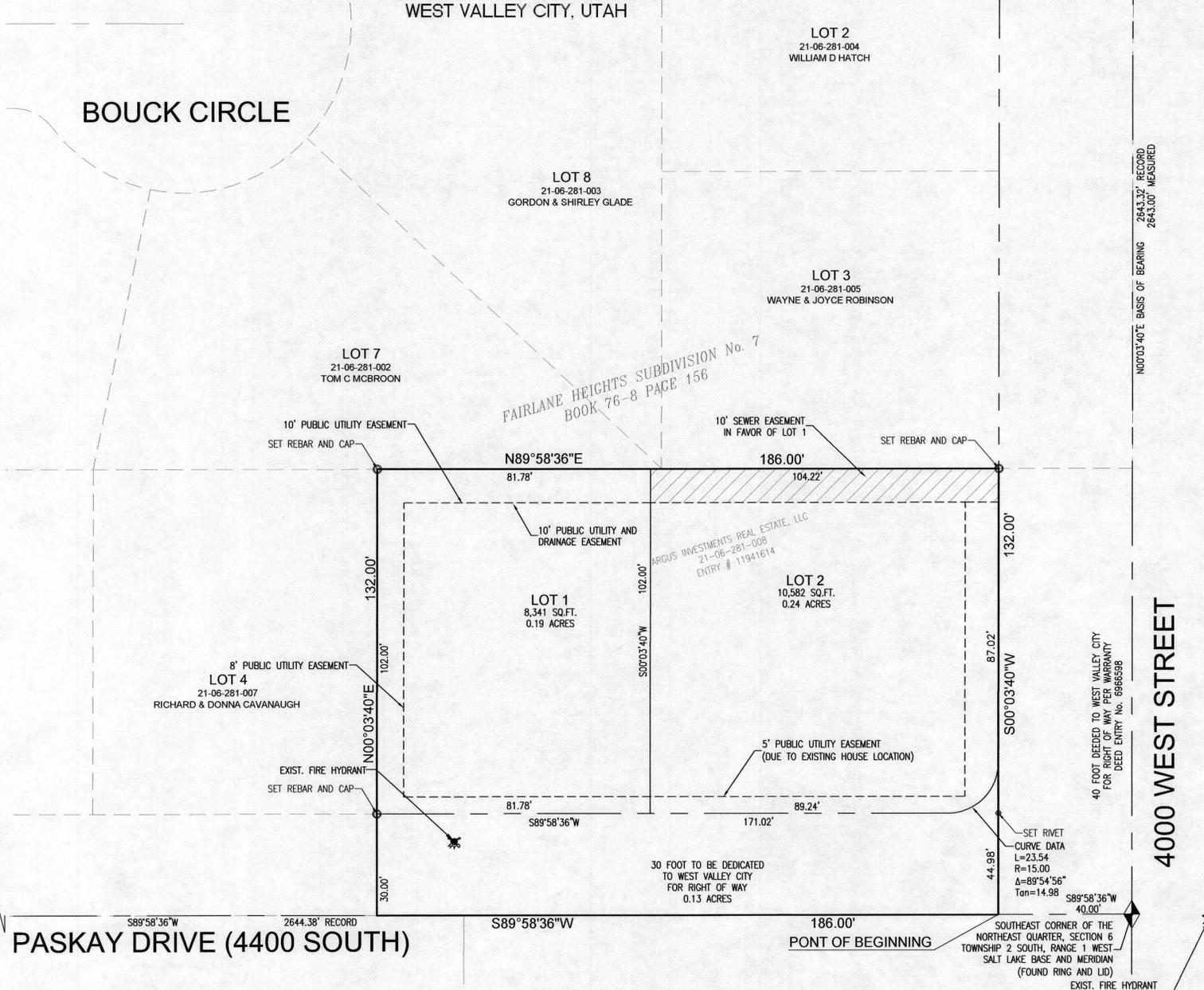




ARGUS SUBDIVISION

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)



- LEGEND**
- SECTION CORNER
 - FIRE HYDRANT
 - STREET MONUMENT FOUND
 - FOUND REBAR AND CAP
 - SET RIVET
 - SET REBAR AND CAP
 - BOUNDARY LINE
 - DEED AND ADJACENT SUBDIVISIONS

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.

Evan J. Wood
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____.

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 and 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: _____

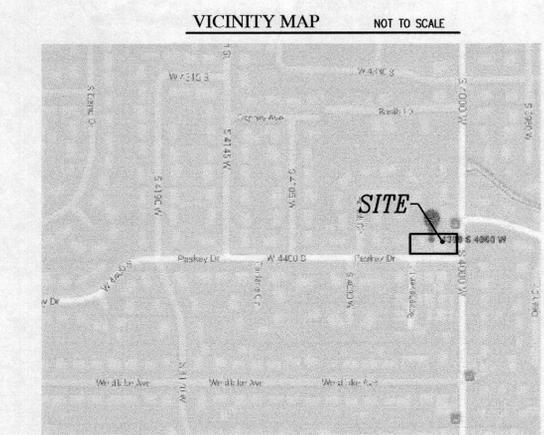
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

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 and 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



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

PLANNING COMMISSION APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE CITY PLANNING COMMISSION CHAIRMAN, CITY PLANNING COMMISSION	GRANGER-HUNTER IMPROVEMENT DISTRICT APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE IMPROVEMENT DISTRICT GENERAL MANAGER	BOARD OF HEALTH APPROVED THIS _____ DAY OF _____ A.D., 20____ BY _____ DIRECTOR	CITY ENGINEER'S CERTIFICATE APPROVED AS TO COMPLIANCE WITH CITY ORDINANCE DATE _____ CITY ENGINEER	APPROVAL AS TO FORM APPROVED THIS _____ DAY OF _____ A.D., 20____ CITY ATTORNEY	CITY COUNCIL APPROVAL 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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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

INTRADPARTMENTAL CORRESPONDENCE

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

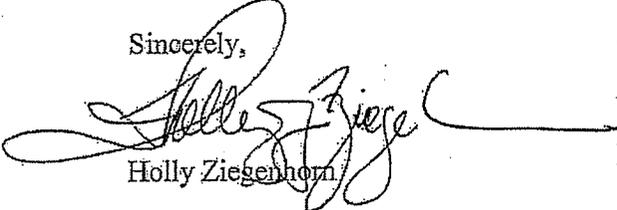
This intradepartmental correspondence is to notify you, per West Valley City Police Policy 1010, that criminal charges were filed against me on October 27, 2014 by West Valley City.

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

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).

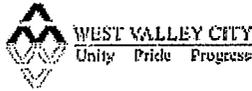
You have the right to appeal the City's response to your GRAMA request to Wayne Pyle, City Manager, 3600 Constitution Blvd., West Valley City, UT, 84119, within 30 days. Your notice of appeal must be in writing. It must include your name, mailing address, a daytime telephone number and explanation of 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>

WVC response to your GRAMA request

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]

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

December 10, 2014

Holly Ziegenhorn
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.

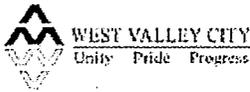
Your argument that files should be made public because they are unsubstantiated also fails to persuade me for the same reasons, unsubstantiated claims should always be protected, as making such files public would expose our officers to public scrutiny for claims we have deemed not valid. As to your other 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.

Sincerely,

Sheri McKendrick, MMC
City Recorder

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



Appeal to Mayor December 3, 2014
Lead to appeal to court

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

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.

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.

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)