

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, DECEMBER 1, 2015, AT 4:30 P.M. IN THE MULTI-PURPOSE ROOM, 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 (Arrived as noted)
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

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

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD NOVEMBER 17, 2015**
The Council read and considered Minutes of the Study Meeting held November 17, 2015. There were no changes, corrections or deletions.

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-2-

Councilmember Buhler moved to approve the Minutes of the Study Meeting held November 17, 2015. Councilmember Huynh seconded the motion.

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

Councilmember Lang arrived at 4:40 P.M.

2. MOSQUITO ABATEMENT PRESENTATION

Upon recognition and invitation, Janice Fisher introduced Ryan Lusty and Sam Dickinson to members of the City Council. Mr. Lusty provided a presentation and discussed the West Nile Virus, impact on animals, and its impact in this area. Mr. Dickson also presented and discussed further information regarding the West Nile Virus and its impact on the human population. In addition, he informed regarding the prison relocation and how that would impact the mosquito abatement areas.

3. REVIEW AGENDA FOR REGULAR COUNCIL MEETING, REDEVELOPMENT AGENCY, BUILDING AUTHORITY AND HOUSING AUTHORITY MEETINGS SCHEDULED DECEMBER 1, 2015

City Manager, Wayne Pyle, discussed proposed Ordinance No. 15-39 and proposed Resolution No. 15-189 listed on the Agenda for the Regular Council Meeting scheduled later this night.

He stated that based on the discussion had by the Council the previous week regarding these items and the General Plan update, he would recommend a continuation to no date certain to allow adequate time for further detailed review of the documents and maps. He explained this would also provide City staff additional time to look at options in moving forward with the proposal.

4. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED DECEMBER 8, 2015

A. ESSENTIAL PIECE AWARDS PRESENTATION, JEFF SCOTT, PRESIDENT OF INTERMOUNTAIN BOBCAT

Upon inquiry, Councilmember Lang indicated she would read the Essential Piece Award to Jeff Scott, President of Intermountain Bobcat, scheduled December 8, 2015, at 6:30 P.M. Intermountain Bobcat, a business unit of Scott Intermountain Companies and a full-service equipment distributor supplying Bobcat-brand machinery and products throughout the Intermountain West, had been nominated for their valued presence in the West Valley City community. A partnership had been forged over the years with Intermountain Bobcat to improve softball fields, thus providing a valuable service to the City.

5. PUBLIC HEARINGS SCHEDULED DECEMBER 8, 2015

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-3-

A. PUBLIC HEARING, APPLICATION NO. ZT-5-2015 FILED BY WEST VALLEY CITY REQUESTING VARIOUS AMENDMENTS TO TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REGULATE SIGNS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled December 8, 2015, in order for the City Council to hear and consider public comments regarding Application No. ZT-5-2015 filed by West Valley City requesting various amendments to Title 11 of the West Valley City Municipal Code to regular signs.

Proposed Ordinance No. 15-40 related to the proposal to be considered by the City Council subsequent to the public hearing was discussed as follows:

ORDINANCE NO. 15-40, AMENDING TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE REGULATING SIGNS WITHIN THE CITY

Steve Pastorik, CED Department, discussed proposed Ordinance No. 15-40 that would amend Title 11 of the West Valley City Municipal Code regulating signs within the City.

Other documentation previously provided to the City Council included the following:

In June of this year the U. S. Supreme Court rendered a decision in *Reed v. Town of Gilbert, Arizona* that had implications for municipal sign regulations. In summary, the court held that a sign ordinance could not contain content-based regulations without passing strict scrutiny. Surviving strict scrutiny analysis meant the regulations must further a compelling governmental interest, and the regulations must be narrowly tailored to achieve that end. After this decision by the U. S. Supreme Court, City staff reviewed the City's Sign Ordinance and found several areas where changes were recommended.

Summarizing the proposed revisions staff had prepared a table entitled "Summary of Sign Types and Regulations. The top half of the table listed current code requirements for sign types where staff recommended changes. The bottom half of the table summarized the proposed changes to the sign types and regulations. In several instances, sign types were given new titles and definitions to clarify the City's intent to regulate signage without regulating content.

Three types of amendments were proposed in the application. The first type amended the definitions of various sign types to make it clear the City's intent was to regulate and define signage without referencing content. One example was the proposed change to the definition of a "name plate sign". The change made it

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-4-

clear the City was uninterested in the specific content of the sign and wanted to regulate only the number, size, and placement of the sign, which was now generically called a “plate sign”. The second type of amendment clarified existing language or corrected inconsistencies. The third type of change introduced new standards as necessary to regulate sign types that had been renamed. For example, the proposal renamed “service signs” as “permanent entry signs” and limited the size and placement of those signs.

Overall, the objective of the proposed revisions was to make it clear the City’s sign ordinance was consistent with the decision in *Gilbert* while keeping setback, height, and area-type regulations largely the same.

Mr. Pastorik further explained the Supreme Court decision indicating the Court had rendered a decision that stated signage could not be regulated based on content. He explained staff had reviewed the sign code and recommended several changes to ensure West Valley City was in compliance with that Supreme Court decision. He emphasized no regulations were being changed as the ordinance would be updated to ensure the sign code was neutral as related to content.

The City Council discussed signage at Highbury, temporary signage, residential flags, and enforcement of any signage that might be in violation of the City’s Sign Ordinance.

Councilmember Buhler advised he desired to revisit the sign code and look at specific regulations regarding temporary signs and whether any changes needed to be made to the Code in that regard.

The City Council will hold a public hearing and consider Application No. ZT-5-2015 and proposed Ordinance No. 15-40 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

6. RESOLUTION NO. 15-194, APPROVING A FRANCHISE AGREEMENT BETWEEN EXTENET SYSTEMS INC. AND WEST VALLEY CITY FOR A TELECOMMUNICATIONS NETWORK IN THE CITY

City Attorney, Eric Bunderson, discussed proposed Resolution No. 15-194 that would approve a Franchise Agreement between ExteNet Systems Inc. and West Valley City for a telecommunications network in the City.

Documentation previously provided to the City Council included:

The proposed Franchise Agreement would allow ExteNet to establish a telecommunications network in, under, along, over and across present and future rights-of-ways in the City.

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-5-

Applications for telecommunications networks in the City were governed by Chapter 20-5 of the City Code. The franchise granted by the subject Agreement would be for a 10 year period with the option to renew for an additional 10 years under the same terms and conditions. Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject Agreement memorialized this provision as well as acknowledged ExteNet's duty to secure permits from the Public Works Department for any excavation or construction.

The City Attorney advised this would be the 10th franchise agreement the City had entered into of this nature. He also advised telecommunication lines were installed as part of these types of agreements.

The City Council will consider proposed Resolution No. 15-194 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

7. **RESOLUTION NO. 15-195, AUTHORIZING THE EXECUTION OF A BETTERMENT AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO CITY INFRASTRUCTURE ASSOCIATED WITH THE CONSTRUCTION OF THE MOUNTAIN VIEW CORRIDOR FROM 5400 SOUTH TO 4100 SOUTH**

Public Works Director, Russell Willardson, discussed proposed Resolution No. 15-195 that would authorize the execution of a Betterment Agreement between West Valley City and the Utah Department of Transportation (UDOT) for improvements to City infrastructure associated with the construction of the Mountain View Corridor from 5400 South to 4100 South.

Documentation previously provided to the Council included the following:

With the subject agreement construction of a new storm drain on 4100 South from the Utah and Salt Lake Canal to 5600 West, and a 2" overlay of 6000 West from 4190 South to 4100 South would be included in UDOT'S construction contract for this segment of the Mountain View Corridor. West Valley City would pay UDOT for the cost of the additional work.

The Mountain View Corridor project would be an ideal time to install a new storm drain and replace an existing line located in an easement through the adjacent shopping center parking lot. The City had also requested an overlay on 6000 West be included in the project. The primary entrance to the Hunter High School parking lot would be from 6000 West following construction of the Mountain View Corridor.

West Valley City would pay UDOT the estimated cost of this work upon approval of the

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-6-

proposed agreement. Final cost adjustments would be made after completion of the work.

Councilmember Rushton inquired regarding UDOT's plans for property on the southwest corner of 5600 West and 4100 South where a gas station used to be located.

The Public Works Director informed the most recent information he received was that the School District might purchase and landscape the referenced property.

The City Council will consider proposed Resolution No. 15-195 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

8. **RESOLUTION NO. 15-196, AUTHORIZING THE EXECUTION OF A MASTER UTILITY AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF THE MOUNTAIN VIEW CORRIDOR FROM 5400 SOUTH TO 4100 SOUTH**

Public Works Director, Russell Willardson, discussed proposed Resolution No. 15-196 that would authorize the execution of a Master Utility Agreement between West Valley City and the Utah Department of Transportation (UDOT) for construction of the Mountain View Corridor from 5400 South to 4100 South.

Documentation previously provided to the City Council included the following:

The proposed Master Utility Agreement was a standard UDOT agreement for working in and around City utility infrastructure such as storm drains and street lighting. No utility relocations by City forces were anticipated.

The subject agreement would authorize UDOT to design and construct the utility relocations necessitated by the construction of the Mountain View Corridor. West Valley City would approve the design and inspect and accept the work. All costs would be borne by UDOT.

The Supplemental Agreement attached to the Master Utility Agreement as Exhibit A would be used to cover utility work performed by the City at specific project locations.

The City Council will consider proposed Resolution No. 15-196 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

9. **RESOLUTION NO. 15-197, AWARDED A CONTRACT TO WHITAKER CONSTRUCTION FOR THE 2400 SOUTH 4800 WEST ROADWAY PROJECT**

Dan Johnson, Public Works Department, discussed proposed Resolution No. 15-197 that would award a contract to Whitaker Construction in an amount not to exceed \$3,847,328.75 with authorization to spend an amount not to exceed \$4,001,000.00

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-7-

through change orders on the project, for the 2400 South 4800 West Roadway Project.

Documentation previously provided to the City Council included the following:

Bids had been solicited and opened for the project on November 12, 2015, and a total of nine bids received, as follows:

Whitaker Construction Co.:	\$3,847,328.75
VanCon Inc.:	\$3,880,319.75
Geneva Rock Products:	\$4,003,600.10
MC Green & Sons Inc.:	\$4,213,887.15
Brinkerhoff Excavating:	\$4,261,675.70
Kilgore Contracting:	\$4,311,783.40
Reynolds Excavation:	\$4,326,780.00
Condie Construction Co.:	\$4,422,091.70
COP Construction:	\$4,565,293.00

House Bill 377 of the 2013 Utah State Legislative Session provided \$4,000,000 to West Valley City for highway improvements to 2400 South from 4800 West to 7200 West. These funds had also paid for right-of-way acquisition and engineering. The remainder of the project costs was being paid using road impact fees and Class C Road funds.

The project would extend 2400 South from the current cul-de-sac terminus at approximately 5500 West to 5600 West where a new traffic signal would be constructed, replacing the signal current at 2455 South. This would be the location of the future SR-201 frontage road connection to 5600 West after the Mountain View Corridor construction. The project would also extend 2400 South to the east from approximately 5200 West to 4800 West where it turned to the north and connected to the south frontage road of SR-201. The project also included installation of a storm drain into the Riter Canal to the south within the future roadway alignment of the 4800 West Connection north of the roundabout on Lake Park Boulevard. West Valley City had previously executed an agreement with Granger-Hunter Improvement District to have water and sewer improvements installed as part of the road construction project.

Mr. Johnson displayed a map of the new road and indicated the existing signal located at 2450 South would be relocated to 2400 South. He also stated this would become the new main entrance to the trucking businesses in the area. He advised Whitaker Construction had submitted the lowest responsible bid and the just over four million dollars requested would allow for any issues that could occur.

Upon inquiry by Mayor Bigelow regarding what would happened with the existing 2450 South, Mr. Johnson informed it would become a right in, right out street and UDOT had required a median be installed to prevent left hand turns.

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-8-

The City Council will consider proposed Resolution No. 15-197 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

10. **RESOLUTION NO. 15-198, AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM RAYMOND E. CRANE AND JAMIE CRANE, FOR PROPERTY LOCATED AT APPROXIMATELY 5980 WEST 4100 SOUTH, PARCEL 14-35-452-003**

Mayor Bigelow discussed proposed Resolution No. 15-198 that would authorize the acceptance of a Warranty Deed from Raymond E. Crane and Jamie Crane for property located at approximately 5980 West 4100 South, Parcel 14-35-452-003.

Documentation previously provided the City Council included the following:

Raymond E. Crane and Jamie Crane had executed a Warranty Deed in favor of West Valley City, and the document had been recorded by the Utah Department of Transportation (UDOT).

UDOT was in the process of acquiring right-of-way for the next phase of the Mountain View Corridor Project from 5400 South to 4100 South. Part of this phase would include widening of the intersection of 4100 South and 6000 West. The subject property was located at 5980 West 4100 South. As 4100 South was a West Valley City street, the right-of-way had been conveyed to the City. This deed and other deeds for the project had previously been recorded by UDOT without prior approval and acceptance by the West Valley City Council. UDOT had been notified that future conveyances to the City needed to be approved and accepted by the City Council prior to recordation.

Mayor Bigelow reminded this was another warranty deed that had already been recorded by UDOT, and was on the City Council's agenda for acceptance.

The City Council will consider proposed Resolution No. 15-198 at the Regular Council Meeting scheduled December 8, 2015, at 6:30 P.M.

11. **COMMUNICATIONS**

A. **COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PROGRAM UPDATE**

Bob Fitzgerald, Fire Department, provided the City Council with an update regarding the Community Emergency Response Team (CERT) Program.

Mr. Fitzgerald stated the City had been the first to adopt and implement a CERT Program in 1994. He used PowerPoint to provide a presentation to the City Council and discussed various aspects of the program, summarized as follows:

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-9-

- In 1994 West Valley City first city in Utah to implement CERT Program
- Since 1994 over 3,000 residents and businesses had been trained
- Currently training 100-175 new volunteers each year; providing on-going training for any previous students
- Conduct 2 disaster drills each year
- Attend various City functions
- Participate in multiple safety fairs
- Fire Department oversees CERT Program since 2010; association with elected officers
- Challenges include funding, supplies, recruitment, maintaining rosters of active CERT teams and members

Councilmember Vincent stated a tremendous amount of time and effort went into the CERT Program. He indicated the classes were excellent and encouraged people to attend and get certified. He also inquired regarding where more information regarding the program could be obtained by interested people.

Mr. Fitzgerald advised information was available on the City's website.

Upon further inquiry, Mr. Fitzgerald indicated incidents had occurred where volunteers had participated and extended needed help. He stated Salt Lake City had encountered an incident where members of the West Valley City CERT Program were able to offer assistance.

Upon recognition, Jill Shopay, president of the CERT organization, answered questions and provided additional information to members of the Council.

B. **STRATEGIC PLAN – STREETSCAPE AESTHETICS**

Steve Pastorik, CED Department, updated the Council regarding the Strategic Plan – Streetscape Aesthetics. He showed a PowerPoint presentation, including photographs, and discussed information summarized as follows:

- Project updates: streetscape, monumentation, neighborhood health report
- Streetscape – 3500 South
- Streetscape – 2700 West (various locations, including estimated costs)
- Streetscape – 4100 South (various locations, including estimated costs)
- Differences between 2700 West and 4100 South
- Monumentation – possible locations
- Monumentation – Option 1
- Monumentation – Option 2
- Neighborhood Health Report (static information and changing information)

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-10-

Mr. Pastorik advised that the streetscape referred to the property from the back of a curb to a property line. He indicated this could include the park strip, trees, streetlights, and other. He discussed existing and proposed streetscape improvements along 3500 South 2700 West and 4100 South.

Members of the City Council and City staff also further discussed fencing and graffiti, maintenance of streetscape areas, cost of installing improvements, types of improvements that should be installed, monumentation, including ideas and costs, uniformity, and the neighborhood health report.

12. COUNCIL REPORTS

A. COUNCILMEMBER STEVE VINCENT – RESPONSIBILITY FOR CORNER OF PARKWAY BOULEVARD AND DECKER LAKE DRIVE

Councilmember Vincent inquired regarding the City's responsibility for the corner of Parkway Boulevard and Decker Lake Drive.

In response, Parks and Recreation Director, Kevin Astill, advised it had been installed by the City and an agreement made with Salt Lake County to help manage it.

Councilmember Vincent stated it needed to be maintained.

B. COUNCILMEMBER COREY RUSHTON – PUBLIC COMMENTS REGARDING Highbury AND LOT SIZES AND HOME STANDARDS

Councilmember Rushton stated he had listened with interest regarding comments made in the previous week's meeting relating to Highbury and lot sizes as well as home standards. He indicated he had found an article stating average home sizes were larger than the City's proposal and he felt the City was heading in the right direction.

13. MOTION TO ADJOURN

Upon motion by Councilmember Buhler all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING OF TUESDAY, DECEMBER 1, 2015, WAS ADJOURNED AT 6:24 P.M. BY MAYOR BIGELOW.

MINUTES OF COUNCIL STUDY MEETING – DECEMBER 1, 2015

-11-

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, December 1, 2015.

Nichole Camac
City Recorder