

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MAY 24, 2016, 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  
Don Christensen, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Steve Vincent, Councilmember District 4

ABSENT: Karen Lang, Councilmember District 3 (Excused)

STAFF PRESENT:

Wayne Pyle, City Manager  
Angel Pezely, Acting City Recorder  
  
Paul Isaac, Assistant City Manager/HR Director  
Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
John Evans, Fire Chief  
Layne Morris, CPD Director  
Russell Willardson, Public Works Director  
Sam Johnson, Strategic Communications Director  
Jason Erekson, CED Department  
Jake Arslanian, Public Works Department  
Steve Pastorik, CED Department  
Jody Knapp, CED Department  
Steve Lehman, CED Department  
Matt Elson, Police Department  
Brock Anderson, CED Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD MAY 10, 2016**  
The Council read and considered Minutes of the Study Meeting held May 10, 2016. There were no changes, corrections or deletions.

Councilmember Nordfelt moved to approve the Minutes of the Study Meeting held May 10, 2016. Councilmember Christensen seconded the motion.

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-2-**

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

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MAY 24, 2016**

The City Council reviewed the Agenda for the Regular Meeting scheduled later this night.

Upon request of Councilmember Vincent, a brief summary of some of the previous week's meeting agenda items was given by Steve Pastorik, CED Department. In particular, Mr. Pastorik reviewed the discussion regarding basement change.

Councilmember Buhler requested additional information regarding detached garages and how a resident could apply for a variance.

The City Council expressed interest in scheduling time for additional conversation regarding basements, variances, etc. during an upcoming meeting.

Councilmember Vincent volunteered to conduct the opening ceremony in the absence of Councilmember Lang, at the Regular Meeting scheduled later this night.

3. **NEW BUSINESS SCHEDULED MAY 24, 2016**

A. **RESOLUTION NO. 16-92, AUTHORIZING THE CITY TO ACCEPT A QUIT CLAIM DEED FROM PACIFICORP (ROCKY MOUNTAIN POWER) AND APPROVAL OF AN EASEMENT IN FAVOR OF PACIFICORP**

Russell Willardson, discussed proposed Resolution No. 16-92 that would authorize the City to accept a Quit Claim Deed from Pacificorp (Rocky Mountain Power) and approve an Easement in favor of Pacificorp.

Written documentation previously provided to the City Council included information as follows:

As part of the Mountain View Corridor project the Utah Department of Transportation (UDOT) and PacifiCorp requested an easement in favor of PacifiCorp over a portion of the future Wolverine Way.

UDOT would construct a new road crossing under the Mountain View Corridor at approximately 4200 South to provide access to Hunter High School. The portion of this future road lying on the east side of the Mountain View Corridor was located on properties owned by PacifiCorp. UDOT would acquire property for the road from PacifiCorp on behalf of West Valley City. In exchange for the conveyance of property from PacifiCorp to West Valley City, PacifiCorp needed an easement from the City for its existing transmission lines.

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-3-**

**B. ADVISORY REVIEW OF CITY COUNCIL DECISION ON APPLICATION NO. Z-2-2016**

Eric Bunderson, City Attorney, discussed an item regarding the advisory review of the City Council decision on Application No. Z-2-2016.

Written documentation previously provided to the City Council included information as follows:

The City Council changed zoning on Parcel No. 1424376006 from M (Manufacturing) to A-2 (Agricultural) on April 19, 2016. Granite School District had been notified by direct letter via United States mail, notice posted on Utah's public notice website and the City's website, and the Agendas for the City Council and the Planning Commission had been emailed to Granite School District addressed to appropriate personnel.

The action taken by the City Council on April 19, 2016, was in no way a constitutional taking or exaction. When reviewing this decision, West Valley City ordinance No. 2-5-105 required the Council to consider the following:

1. Whether there is a physical taking or exaction;
2. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
3. Whether a legitimate governmental interest exists for the action taken by the City; and
4. If the property and exaction taken is roughly proportionate or reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

Granite School District failed to articulate any physical taking or exaction of their real property through the zone change, thus not reaching the threshold issue of whether there even was a physical taking or exaction. A zone change of this type did not constitute a "physical taking or exaction of ... private real property" under well-established case law. As the threshold question indicated there was no physical taking or exaction, the three considerations should be answered as follows:

1. Whether the physical taking or exaction of private real property bears an essential nexus to a legitimate governmental interest – there was no physical taking or exaction.
2. Whether a legitimate governmental interest exists for the action taken by the City – there was no physical taking or exaction.

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-4-**

Was the property an exaction taken roughly proportionate or reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed – there was no physical taking or exaction.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

4. **AWARDS, CEREMONIES AND PROCLAMATION SCHEDULED JUNE 7, 2016**
  - A. **EMPLOYEE OF THE MONTH AWARD, JUNE 2016 – RACHELLE HILL, LAW DEPARTMENT**

Councilmember Vincent volunteered to read the nomination of Rachelle Hill, Law Department, to receive the Employee of the Month Award for June 2016, at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.
  
5. **PUBLIC HEARINGS SCHEDULED JUNE 7, 2016**
  - A. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY-015-2016 BUDGET**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled June 7, 2016, in order for the City Council to hear and consider public comments regarding re-opening the FY20115-2016 Budget.

Proposed Ordinance No. 16-27 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

**ORDINANCE NO. 16-27, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 16-27, that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2015 and ending June 30, 2016, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

Written documentation previously provided to the City Council included information as follows:

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 four such public hearings on budget amendments annually.

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-5-**

A public notice had been posted in newspapers of general circulation as required by law.

The City Council will hold a public hearing and consider proposed Ordinance No. 16-27 at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.

**B. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-6-2016 FILED BY WEST VALLEY CITY REQUESTING A ZONE TEXT AMENDMENT TO SECTION 7-2-116 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING FIREWORK STORAGE CONTAINERS**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled June 7, 2015, in order for the City Council to hear and consider public comments regarding Application No. ZT-6-2016 filed by West Valley City requesting a zone text amendment to Section 7-2-116 of the West Valley City Municipal Code regarding firework storage containers.

Proposed Ordinance No. 16-28 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

**ORDINANCE NO. 16-28, AMENDING SECTION 7-2-116 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CLARIFY PROVISIONS GOVERNING THE STORAGE OF FIREWORKS**

Jody Knapp, discussed proposed Ordinance No. 16-28 that would amend Section 7-2-116 of the West Valley City Municipal Code to clarify provisions governing the storage of fireworks.

Written documentation previously provided to the City Council included information as follows:

Currently the Code allowed for one temporary fireworks storage container per site with the requirement the container must be less than 120 square feet. City staff had recently been contacted by several fireworks companies indicating the Code was too restrictive due to the volume of sales and size of fireworks that could be sold.

Most companies in the fireworks industry stored their merchandise in Conex containers that were made of metal, being a safe and secure method of storage. The Fire Department had indicated those were the preferred method of storage.

The standard sizes of the Conex containers were 8' x 20' (160 square feet) and 8' x 40' (320 square feet). Firework standards that had a higher volume of customers usually had two containers that were 8' x 40' for a total of 640 square

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-6-**

feet of storage space.

It was felt that increasing the size of the containers would bring the City Code in line with current standards in the fireworks industry. It was proposed to allow up to two containers per site and the combined square footage of the containers would be no greater than 640 square feet.

Upon inquiry by Councilmember Buhler, it was explained a new application had been made asking for the change. Councilmember Buhler commented on his preference that the referenced section should be eliminated.

Councilmember Christensen stated firework sales had been violating the Code.

In further discussion, Councilmember Vincent concurred with Councilmember Buhler's comments that if the State did not regulate it why would the City do so.

Staff indicated the Planning and Zoning Department would revisit the Code and submit possible new changes, striking the new and old language, for consideration by the City Council.

The City Council will hold a public hearing and consider Application No. ZT-6-2016 and proposed Ordinance No. 16-28 at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.

6. **RESOLUTION NO. 16-93, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY CITY AND THE FEDERAL BUREAU OF INVESTIGATION (FBI), CHILD EXPLOITATION TASK FORCE (CETF)**

Matt Elson, Police Department, discussed proposed Resolution No. 16-93 that would approve a Memorandum of Understanding between West Valley City and the Federal Bureau of Investigation (FBI), Child Exploitation Task Force (CETF).

Written documentation previously provided to the City Council included information as follows:

The FBI CETF provided rapid, proactive, and intelligence-driven investigative response to the sexual victimization of children, and other crimes against children, within the FBI's jurisdiction. The FBI would reimburse the City and other participating law enforcement agencies for overtime payments made to the officers assigned to the task force, incurred during CETF-related investigations.

The Police Department had been asked by the FBI to participate in the CETF based upon having personnel who were already trained in techniques and skills necessary for these

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-7-**

types of investigations. Participation would be a part-time collateral assignment, determined by operational needs of the CETF. The Police Department would benefit from additional specialized training and resources provided by participation in the CETF.

Upon inquiry by Mayor Bigelow, the Council was informed this had been done before by agreements with other agencies but this would be the first with the FBI.

The City Council will consider proposed Resolution No. 16-93 at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.

**7. NEW BUSINESS SCHEDULED JUNE 7, 2016**

**A. CONSIDER APPLICATION NO. S-2-2016 FILED BY FRED ALBERT REQUESTING FINAL PLAT APPROVAL FOR THE ALBERT ACRES SUBDIVISION LOCATED AT 3681 SOUTH 5600 WEST**

Steve Lehman, CED Department, discussed Application No. S-2-2016 filed by Fred Albert requesting final plat approval for the Albert Acres Subdivision located at 3681 South 5600 West.

Written documentation previously provided to the City Council included information as follows:

The applicant had proposed a 4-lot subdivision on 1.8 acres in the R-1-8 zone. At the present time, there was an existing dwelling on what would be known as Lot 1. It was anticipated this dwelling would remain in place with three new dwellings planned for Lots 2, 3 and 4. The accessory building currently located on the east end of the property would be removed.

The City's Subdivision Ordinance required all flag lots have a minimum of 12,000 square feet. The square footage of the flag lot excluded the stem portion that served as an access to the lot. In this case, the proposed flag lots were in excess of the minimum requirement.

Due to the location of the existing dwelling and out-building to the north, setback and frontage variances had been granted by the Board of Adjustment in May of 2015. The granting of these variances allowed the applicant to subdivide the property as proposed. The new driveway would be positioned in accordance with the setback variance from the existing dwelling and out-building as granted by the Board of Adjustment.

As 5600 West was under the jurisdiction of UDOT any improvements to the right-of-way would need to be coordinated through them. It was City staff's understanding that the existing circular drive would be removed in favor of a single point of access. All lots within the subdivision would utilize the private

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-8-**

driveway for access. As with other similar situations, it would be required that cross access and maintenance agreements would be recorded with the plat.

Property to the east was zoned Agriculture an as such the applicant would need to install a 6-foot chain link fence. A different fence material could be used but would need to be coordinated with the adjacent landowner and City staff.

Councilmember Vincent informed he was acquainted with the property owner to the east, and advised there was a dispute regarding the property line.

Mr. Lehman indicated staff had been aware of the dispute and the subdivision would not be recorded until after the Engineering Division had reviewed and resolved the matter.

Councilmember Buhler inquired regarding the adjacent property line.

The City Council will consider Application No. S-2-2016 at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.

**B. CONSIDER APPLICATION NO. S-6-2016 FILED BY ROGER CHASE REQUESTING FINAL PLAT APPROVAL FOR THE CHASE MEADOWS SUBDIVISION LOCATED AT 3380 WEST 3100 SOUTH**

Brock Anderson, CED Department, discussed proposed Application No. S-6-2016 filed by Roger Chase requesting final plat approval for the Chase Meadows Subdivision located at 3380 West 3100 South.

Written documentation previously provided to the City Council included information as follows:

The subject application requested a residential subdivision consisting of 2.26 acres in an R-1-8 zone. The proposed subdivision consisted of 7 lots. There was an existing home on the property that would remain on Lot 101 of the subdivision, leaving six developable lots for new single-family homes. Lot sizes ranged from 9,222 to 15,580 square feet, with the average lot size being calculated at 10,479 square feet.

Access to the subdivision would be gained from 3100 South. The road would meet the typical 54-foot right-of-way. This would allow for the City's standard improvements of 29 feet of asphalt, 5 feet for curb and gutter, along with a 5-foot parkstrip and 5-foot sidewalk.

All new homes would need to meet the single-family development requirements as outlined in 7-14-105 of the West Valley City Code.

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-9-**

Upon concern expressed by Councilmember Vincent, it was explained the homes would be required to meet the current housing standards.

The City Council will consider Application No. S-6-2016 at the Regular Council Meeting scheduled June 7, 2016, at 6:30 P.M.

**8. COMMUNICATIONS**

**A. SKATE PARK UPDATE**

Jason Ereksen, CED Department, discussed updated information regarding the Skate Park. He also displayed pictures depicting the progress of construction.

**B. WEST VALLEY FIBER UPDATE**

City Manager, Wayne Pyle, updated the City Council regarding the West Valley Fiber network.

**C. COUNCIL UPDATE**

**D. POTENTIAL FUTURE AGENDA ITEMS**

The City Council discussed possible criteria and ways regarding how to recognize various groups.

Mayor Bigelow suggested the possibility of a letter of commendation from the City Council similar to what was done for Eagle Scouts.

Upon discussion, the City Council expressed a consensus and concurred with Mayor Bigelow's suggestion.

**9. COUNCIL REPORTS**

**A. COUNCILMEMBER STEVE BUHLER – INQUIRY REGARDING METRO BUSINESS PARK PROPERTY/CROSS WALK ACCIDENT**

Councilmember Buhler requested information regarding the status of the Metro Business Park property.

Russell Willardson, Public Works Director, advised there had been work done to remove dead trees, and discussions were ongoing. He also informed the budget had increased significantly so staff was now working with the business owners association for possible participation in contributing to beautification of the property.

Councilmember Buhler stated he heard a student got hit in the cross walk at Valley Junior High School, and he expressed concern about the crosswalk and the difficulty getting into that school. He expressed a desire to review the possibility

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-10-**

of crossing guard lights similar to Granger High School.

**B. MAYOR RON BIGELOW – JORDAN RIVER COMMISSION  
COTTONWOOD PONDS BEAUTIFICATION PROJECT**

Mayor Bigelow discussed the Cottonwood Ponds beautification project being done by the Jordan River Commission.

**10. MOTION FOR EXECUTIVE SESSION**

Councilmember Buhler moved to adjourn and reconvene in an Executive Session for discussion of pending litigation and disposition of real property. Councilmember Vincent seconded the motion.

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

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE  
STUDY MEETING OF TUESDAY, MAY 24, 2016, WAS ADJOURNED AT 5:51 P.M.  
BY MAYOR BIGELOW.**

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, May 24, 2016.

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Angel Pezely  
Deputy City Recorder

**THE WEST VALLEY CITY COUNCIL RECONVENED IN EXECUTIVE SESSION ON  
TUESDAY, MAY 24, 2016, AT 5:57 P.M., IN THE MULTI-PURPOSE ROOM, WEST  
VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY,**

**MINUTES OF COUNCIL STUDY MEETING – MAY 24, 2016**

**-11-**

UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Lars Nordfelt, Councilmember At-Large  
Don Christensen, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Steve Vincent, Councilmember District 4

ABSENT: Karen Lang, Councilmember District 3

STAFF PRESENT:

Wayne Pyle, City Manager  
Angel Pezely, Acting City Recorder  
  
Paul Isaac, Assistant City Manager/HR Director  
Nicole Cottle, Assistant City Manager/HR Director  
Eric Bunderson, City Attorney

The City Council discussed pending litigation and disposition of real property.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF MAY 24, 2016, WAS ADJOURNED AT 6:23 P.M. BY MAYOR BIGELOW.

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Angel Pezely  
Deputy City Recorder