

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MARCH 7, 2017, 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
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager
DeAnn Varney, Deputy City Recorder

Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/ General Counsel/ CED Director
Eric Bunderson, City Attorney
Lee Russo, Police Chief
Joe White, Fire Marshall
Jim Welch, Finance Director
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
Steve Lehman, CED Department
Steve Pastorik, CED Department
Brandon Hill, City Attorney

APPROVAL OF MINUTES OF STUDY MEETING HELD FEBRUARY 28, 2017

The Council considered the Minutes of the Study Meeting held February 28, 2017. There were no changes, corrections or deletions.

Councilmember Don Christensen moved to approve the Minutes of the Study Meeting held February 28, 2017. Councilmember Karen Lang seconded the motion.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-2-

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

REVIEW AGENDA FOR REGULAR MEETING OF MARCH 7, 2017

Upon inquiry by Mayor Bigelow, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular Meeting scheduled later this night.

PUBLIC HEARINGS SCHEDULED FOR MARCH 14, 2017

A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-1-2017, FILED BY WEST VALLEY CITY, REQUESTING A PARTIAL STREET VACATION FOR 2700 WEST AT APPROXIMATELY 2163 SOUTH
Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled March 14, 2017, in order for the City Council to hear and consider public comments regarding application No. SV-1-2017, filed by West Valley City, requesting a partial street vacation for 2700 West at approximately 2163 South.

Proposed Ordinance 17-11 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ORDINANCE NO. 17-11, VACATE A PORTION OF 2700 WEST AT APPROXIMATELY 2163 SOUTH IN WEST VALLEY CITY

Steve Lehman, CED Department, discussed proposed Ordinance 17-11 that would vacate a portion of 2700 West at approximately 2163 South in West Valley City.

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

The West Valley City Engineering Division is requesting a partial street vacation for 2700 West at approximately 2163 South. The right-of-way to be vacated was platted in 1895 in a subdivision known as Asbury Park Addition. The street width illustrated on the original subdivision plat is 132 feet in width. Staff is unsure why such a large right-of-way was platted, but over the years, the City has vacated various sections of this street to a more standard half width of 50-feet.

The right-of-way to be vacated is located at the northern end of 2700 West. This street transitions at the northern end by veering off toward the northwest, essentially becoming the south frontage road along the Highway 201. When this transition was constructed, a uniquely shaped property was created. Access to the Kenworth property also comes off 2700 West at this location, but at a perpendicular angle to the street and north of the uniquely shaped property.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-3-

The property owner of Artisan Granite and Marble is proposing to develop the remainder of his property. His property is located immediately to the east of that portion to be vacated. During discussions with staff about this spending development, a decision was made to vacate the right-of-way which will allow landscaping on that portion of property located within the original right-of-way. This will also create a more pleasing street scene as improvements to the area including curb, gutter, sidewalk and landscaping will be installed.

Councilman Karen Lang asked if gravel would be installed as well on this piece. Steve Lehman indicated there will be additional landscaping on that property but discussions on that haven't happened yet.

Councilman Steve Buhler asked why the roads were built with the curve. Steve Lehman indicated this was plated in 1895 and at this location the road stopped and several parcels were vacated by the City.

Steve Lehman indicated Mr. Hernandez is in favor of this request.

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

The City Council will hold a public hearing and consider proposed ordinance No. 17-11 at the Regular Council Meeting scheduled March 14, 2017, at 6:30 P.M.

RESOLUTION NO. 17-35, APPROVE A FRANCHISE AGREEMENT BETWEEN ELECTRIC LIGHTWAVE LLC AND WEST VALLEY CITY FOR A TELECOMMUNICATIONS NETWORK IN THE CITY

There was no discussion.

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

Applications for telecommunications networks in West Valley City are governed by Chapter 20-5 of the City Code. The franchise granted by this Agreement is for a 10 year period, with the option to renew for an additional 10 years with the same terms and conditions. Chapter 20-6 of the City Code permits the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. This agreement memorializes this provision as well as acknowledging Electric Lightwave's duty to secure permits from Public Works for any excavation or construction.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-4-

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

The City Council will hold a public hearing and consider proposed Resolution No. 17-35 at the Regular Council Meeting scheduled March 14, 2017, at 6:30 P.M.

CONSENT AGENDA SCHEDULED FOR MARCH 14, 2017

A. RESOLUTION 17-36, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JODY L. KENDALL FOR PROPERTY LOCATED AT 3268 WEST TESS AVENUE (PARCEL 15-29-427-022)

Mayor Bigelow discussed proposed Resolution No. 17-36 that would authorize the City to accept a Grant of Temporary Construction Easement from Jody L. Kendall for property located at 3268 West Tess Avenue (Parcel 15-29-427-022).

Written information previously provided to the City Council included the following:

The Jody L. Kendall property located at 3268 W. Tess Avenue is one of the properties affected and benefitted by the Tess Avenue Sidewalk Project. This project will include the installation of sidewalk, new curb and gutter, and other related improvements on portions of Tess Avenue and Lee Ann Street to provide safer pedestrian access to Hillsdale Elementary School. It will also include the installation of drive approaches, and textured, colored concrete park strip between the curb and the new sidewalk. Compensation for the purchase of the Grant of Temporary Construction Easement is \$250.00.

Upon inquiry by Mayor Bigelow, the Council had no further questions or concerns.

B. RESOLUTION 17-37, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSE N MONTOYA FOR PROPERTY LOCATED AT 3238 WEST TESS AVENUE (PARCEL 15-29-428-012)

Mayor Bigelow discussed proposed Resolution No. 17-37 that would authorize the City to accept a Grant of Temporary Construction Easement from Jose N Montoya for property located at 3238 West Tess Avenue (Parcel 15-29-428-012).

Written information previously provided to the City Council included the following:

The Jose N. Montoya property located at 3238 W. Tess Avenue is one of the properties affected and benefitted by the Tess Avenue Sidewalk Project.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-5-

This project will include the installation of sidewalk, new curb and gutter, and other related improvements on portions of Tess Avenue and Lee Ann Street to provide safer pedestrian access to Hillsdale Elementary School. It will also include the installation of drive approaches, and textured, colored concrete park strip between the curb and the new sidewalk. Compensation for the purchase of the Grant of Temporary Construction Easement is \$250.00.

Upon inquiry by Mayor Bigelow, the Council had no further questions or concerns.

C. RESOLUTION 17-38, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KEVIN BARR FOR PROPERTY LOCATED AT 3222 WEST TESS AVENUE (PARCEL 15-29-428-013)

Mayor Bigelow discussed proposed Resolution No. 17-38 that would authorize the City to accept a Grant of Temporary Construction Easement from Kevin Barr for property located at 3222 West Tess Avenue (Parcel 15-29-428-013).

Written information previously provided to the City Council included the following:

The Kevin Barr property located at 3222 W. Tess Avenue is one of the properties affected and benefitted by the Tess Avenue Sidewalk Project. This project will include the installation of sidewalk, new curb and gutter, and other related improvements on portions of Tess Avenue and Lee Ann Street to provide safer pedestrian access to Hillsdale Elementary School. It will also include the installation of drive approaches, and textured, colored concrete park strip between the curb and the new sidewalk. Compensation for the purchase of the Grant of Temporary Construction Easement is \$250.00.

Upon inquiry by Mayor Bigelow, the Council had no further questions or concerns.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-6-

- D. RESOLUTION 17-39, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BODELL H BENSON TRUSTEE OF THE RALPH D BENSON AND BODELL H BENSON REVOCABLE LIVING TRUST AGREEMENT (GRANTOR) FOR PROPERTY LOCATED AT 3264 SOUTH 3200 WEST (15-29-428-014)**
Mayor Bigelow discussed proposed Resolution No. 17-39 that would authorize the City to accept a Grant of Temporary Construction Easement from Bodell H Benson Trustee of the Ralph D Benson and Bodell H Benson Revocable Living Trust Agreement (Grantor) for property located at 3264 South 3200 West (15-29-428-014).

Written information previously provided to the City Council included the following:

The Ralph D. Benson and BoDell H. Benson Revocable Living Trust Agreement, dated May 19, 1994 property located at 3264 South 3200 West is one of the properties affected and benefitted by the Tess Avenue Sidewalk Project. This project will include the installation of sidewalk, new curb and gutter, and other related improvements on portions of Tess Avenue and Lee Ann Street to provide safer pedestrian access to Hillsdale Elementary School. It will also include the installation of drive approaches, and textured, colored concrete park strip between the curb and the new sidewalk. Compensation for the purchase of the Grant of Temporary Construction Easement is \$250.00.

Upon inquiry by Mayor Bigelow, the Council had no further questions or concerns.

- E. RESOLUTION 17-40, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DAVID A. PETERSON, FOR PROPERTY LOCATED AT 3310 SOUTH LEE ANN STREET (PARCEL 15-29-478-019).**

Mayor Bigelow discussed proposed Resolution No. 17-40 that would authorize the City to accept a Grant of Temporary Construction Easement from David A. Peterson for property located at 3310 South Lee Ann Street (Parcel 15-29-478-019).

Written information previously provided to the City Council included the following:

The David A. Peterson property located at 3310 S. Lee Ann Street is one of the properties affected and benefitted by the Tess Avenue Sidewalk Project.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-7-

This project will include the installation of sidewalk, new curb and gutter, and other related improvements on portions of Tess Avenue and Lee Ann Street to provide safer pedestrian access to Hillsdale Elementary School. It will also include the installation of drive approaches, and textured, colored concrete park strip between the curb and the new sidewalk. Compensation for the purchase of the Grant of Temporary Construction Easement is \$250.00.

City Manager Wayne Pyle indicated we have a specialized individual negotiate these properties.

Russ Willardson stated we don't need any additional right of way and set a policy to offer the \$250 to get them to sign the easement in order to use a portion of their property.

Mayor Ron Bigelow asked if something's damaged we have something in place to make repairs. Russ Willardson indicated the contractors are responsible to make the repairs.

Upon inquiry by Mayor Bigelow, the Council had no further questions or concerns.

The City Council will consider proposed Resolutions No. 17-36, 17-37, 17-38, 17-39, and 17-40 at the Regular Council Meeting scheduled March 14, 2017, at 6:30 P.M.

COMMUNICATIONS

A. HOA DISCUSSION

Steve Pastorik provided a PowerPoint Presentation summarized as follows:

- HOA's and PUD's
 - i. HOAs may be used in standard subdivisions with public streets or non-PUD developments.
 - ii. HOAs must be used in PUD developments with features like private streets and common open space areas.
 - iii. Not all PUDs have private streets. Examples of PUDs with public streets include Hunter Village and HighburyPlace.
- The City, HOA's, and PUD's
 - i. What the City Can't Do
 - 1. Prohibit HOAs
 - 2. Prohibit private common area
 - 3. Enforce CC&Rs
 - ii. What the City Can Do
 - 1. Prohibit private streets
 - 2. Prohibit attached housing

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-8-

3. Prohibit PUD type exceptions on lot size, setbacks, etc.
 4. Establish minimum standards for private streets
 5. Enforce City ordinances in a PUD
- HOA Benefits
 - i. Maintenance of common features like private streets and common open space
 - ii. Maintenance of buildings with multiple dwelling units and multiple owners
 - iii. Provision of services like snow removal and yard maintenance
 - iv. Covenants, Conditions and Restrictions (CC&Rs)
 - PUD Benefits
 - i. Variety of housing types: single family detached, townhomes, condos, etc.
 - ii. Design flexibility on items like lot size and setbacks
 - iii. Private common areas
 - iv. Private recreational amenities
 - PUD Processing
 - i. City staff does not promote or require PUD developments
 - ii. With one exception, all of the PUD developments approved over the last 5 years with private streets have been townhome or condo developments
 1. Cobalt Landing Townhomes
 2. Majestic Villas Senior Condos
 3. Steely Terrace Single Family Homes
 4. Truong Townhomes
 5. Views on 62 Townhomes
 6. Villages at Westridge Townhomes
 - HOA Drawbacks
 - i. HOA Fees
 - ii. Over-management
 - iii. Under-Management
 - Public and Private Streets
 - i. Steve Displayed a map indicating their locations in the City.

Councilmember Steve Vincent mentioned at Sunset Hills that is all single-family homes but where the lot sizes are smaller are all part of the HOA. There's one HOA and the other half is private so how does that work. The fees where the private streets are will be higher than the public streets.

Steve Pastorik indicated streets have to meet certain requirements with the width of the street to meet Fire Codes.

Councilmember Steve Vincent mentioned wanting to make some minimum standards so we're not have to maintain them as often.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-9-

Steve Pastorik stated if we imposed private street standards we could have a third-party inspector review the streets saving an employee going out and doing the inspection.

Councilmember Steve Buhler stated an HOA should be maintained to a higher standard and do we want to enforce these standards so we can get our police and fire in there. Is there a tool we can use to require them to enforce their standards?

Steve Pastorik indicated we can say that we as a City can deny them having private streets.

Mayor Ron Bigelow indicated he didn't see any reason to take over any of these streets.

City Manager Wayne Pyle clarified that Councilmember Steve Buhler asked for options to involve Code Enforcement.

Councilmember Steve Vincent stated if the HOA comes to us and requests our help with services then we could go in and help with code violations.

Layne Morris we get calls from the HOA owners complaining and wanting us to help with the issues, however the owner is the PUD which is the person we would cite. The PUD would need to enforce the towing, etc.

Layne Morris indicated we could enforce these private streets by citing the PUD or HOA and stated he will get with Legal and come up with a short list of enforcement options that may work with the different PUD's and HOA's.

Councilmember Steve Vincent mentioned having some types of restrictions on PUD's that apply with the city.

Councilmember Steve Vincent suggested surveying these areas to see to what extent the problems exist and then compare it to where we are at as a city.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-10-

B. LEGISLATIVE UPDATE

Nicole Cottle discussed current bills being debated at the legislature and positions that the City has taken on specific proposals.

C. COUNCIL UPDATE

Mayor Bigelow referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

There were no future agenda items discussed.

B. COUNCIL REPORTS

Councilmember Don Christensen stated Doris Lang from Nantou as reached out to him again about student exchange which has been the most rewarding and hardest to implement.

COUNCILMEMBER Don Christensen – Uni-versity Di-versity Mash Up at the Utah Cultural Celebration Center

Councilmember Don Christensen has been volunteering over at the UCCC working with the Mash Up and suggest if any of them have time to stop buy and volunteer.

COUNCILMEMBER Steve Vincent – Orchard Elementary Improvement Project Open House

Councilmember Steve Vincent indicated he didn't make it to the Orchard Elementary event regarding the traffic exit to the west.

COUNCILMEMBER Don Christensen – Orchard Elementary Improvement Project Open House

Councilmember Don Christensen indicated there were 5 individuals from the neighborhood and are worried about how this entrance will affect their property. However, they never attending the meetings they invited and notified the neighbors about this west exit.

COUNCILMEMBER Steve Vincent – Arts Council

Councilmember Steve Vincent asked how we are going to utilize these appointments to the Arts Council while in standby mode.

Paul Isaac stated they will be put on projects that are currently taking place at the UCCC until we can get the Arts Council moving forward.

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-11-

COUNCILMEMBER Steve Vincent – Cats on a Leash

Councilmember Steve Vincent received a request for cats on a leash. We as a city do “catch and release” so it seems like a double standard. He would like this put on as a further agenda discussion.

MOTION FOR EXECUTIVE SESSION

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

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

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, March 7, 2017.

DeAnn Varney
Deputy City Recorder

MINUTES OF COUNCIL STUDY MEETING – MARCH 7, 2017

-12-

THE WEST VALLEY CITY COUNCIL RECONVENED IN EXECUTIVE SESSION ON TUESDAY, MARCH 7, 2017, AT 5:45 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, 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
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager
DeAnn Varney, Deputy City Recorder
Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department

The City Council met in Executive Session and discussed disposition of real property and pending or reasonably imminent litigation.

Motion to reconvene after the Regular Council Meeting made by Councilmember Steve Vincent with Councilmember Karen Lang seconding.

THE EXECUTIVE SESSION OF MARCH 7, 2017 WAS ADJOURNED AT 6:30 P.M. BY MAYOR BUT WILL RECONVENE FOLLOWING THE REGULAR COUNCIL MEETING.

DeAnn Varney
Deputy City Recorder