

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 24, 2016 AT 4:30 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
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
Anita Schwemmer, Police Department
Jason Ereksen, CED Department
Jake Arslanian, Public Works Department
Jeannette Carpenter, Finance Department

OPENING CEREMONY

Councilmember Vincent conducted the Opening Ceremony and asked members of the City Council, City staff and the audience to rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 10, 2016

The Council read and considered Minutes of the Regular Meeting held May 10, 2016. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-2-

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

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

PRESENTATION OF MAYOR’S STAR OF EXCELLENCE AWARDS TO STUDENTS OF GRANGER, HUNTER, CYPRUS AND TAYLORSVILLE HIGH SCHOOLS

Mayor Bigelow advised a presentation of the Mayor’s Star of Excellence Awards had been scheduled for presentations to students of Granger, Hunter, Cyprus and Taylorsville High Schools. A list of students receiving awards had previously been provided to the City Council, as follows:

Jasmine Christman
Katya Marie Pilkington
Lotz Nelson
Alora Easton
Enoch Noffsinger
Chandler Parish
Hannah Terry
Benjamin Daniel Kuhn
Madeleine Nordfelt
Dawn Caliann Smith
Alex Spencer Groesbeck
Katrina Turley
Cambria Goodwin
Naomi Mae Scheer
Dakota Kylee Smith
Sergio Castanon
Andrea Jimenez Flores
Koral Chadwick
Rory Hayes
Raquel Goldrup
Cassandra Lavell Hunt
Matthew Clawson
Elise Fulton
Dallin Tarr
Sarah Michelle Moore
Timothy Cort Olschewski
Steve Moroni Burggraaf
Tanner Christopher Riding
Kalen Daniel Fernandez
Ian Hunter Janowitz

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-3-

Paulina Cruz
Diana Hoang Nguyen
Merlynn Lam
Benjamin Zulcic
Del Ro Thaiss
Mei Sorensen
Madison Jean Ashby
Kymber Ressa Sadler
Melinda Jackson
Amanda Mackay
Andalynne Moore
Sydney Bell
Travis Keo
Inas Sheikh
Tommy Vo
Diana Pogosyan
Courtney Jean Hightower
Tristan Paul Palmer
Mitchell Fisher Roers
Steven Giang
Brittany Nguyen
Mitchell Lindsey
Isabela Aquino
Kurt Bell
Jordan Griffith

Members of the City Council presented the awards to students in attendance at the meeting.

PUBLIC COMMENT PERIOD

Upon inquiry by Mayor Bigelow there was no one desiring to address the City Council during the comment period.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-3-2016 FILED BY HUGHES GENERAL CONTRACTORS REQUESTING A ZONE CHANGE FROM ZONE A (AGRICULTURE) TO M (MANUFACTURING) ON PROPERTY LOCATED AT 7114 WEST SR-201 NORTH FRONTAGE ROAD

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled May 24, 2016, in order for the City Council to hear and consider public comments regarding Application No. Z-3-2016 filed by Hughes General Contractors requesting a zone change from zone A (Agriculture) to M (Manufacturing) on property located at 7114 West SR-201 North Frontage Road.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-4-

Mayor Bigelow presented proposed Ordinance No. 16-23 related to the proposal to be considered by the City Council subsequent to the public hearing. The City Council had previously received written information as follows:

Hughes General Contractors, representing the Mountain West Truck Center, had requested a zone change for 0.17 acres located at 7114 W. SR-201 North Frontage Road from A (Agriculture minimum lot size ½ acre) to M (Manufacturing). Surrounding zones included M on all sides. Surrounding land uses included the Mountain West Truck Center project to the north and west, the North Frontage Road and SR-201 were located to the south, and 1st Choice Storage to the east. The subject property was designated as Light Manufacturing in the West Valley City General Plan.

The requested rezone was for three small parcels that were part of the Mountain West Truck Center project (C-28-2015). Initially this area had been part of the landscaped setback however the applicant planned to relocate the entrance to provide better maneuvering area for the trucks so they were rezoning the subject parcels to incorporate it into the overall project.

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

ACTION: ORDINANCE NO. 16-23, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7114 WEST SR-201 NORTH FRONTAGE ROAD FROM ZONE A (AGRICULTURE) TO M (MANUFACTURING)

The City Council previously held a public hearing regarding Application No. Z-3-2016 filed by Hughes General Contractors, and proposed Ordinance No. 16-23 that would amend the Zoning Map to show a change of zone for property located at 7114 West SR-201 North Frontage Road from zone A (Agriculture) to M (Manufacturing).

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Vincent moved to approve Application No. Z-3-2016 filed by Hughes General Contractors and Ordinance No. 16-23, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 7114 West SR-201 North Frontage Road from Zone A (Agriculture) to M (Manufacturing). Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-5-

Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-5-2016 FILED BY ADAM NASH REQUESTING A ZONE CHANGE FROM ZONE A (AGRICULTURAL) TO RE (RESIDENTIAL ESTATE) ON PROPERTY LOCATED AT 3320 SOUTH 6400 WEST

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled May 24, 2016, in order for the City Council to hear and consider public comments regarding Application No. Z-5-2016 filed by Adam Nash requesting a zone change from zone A (Agricultural) to RE (Residential Estate) on property located at 3320 South 6400 West.

Mayor Bigelow presented proposed Ordinance No. 16-24 and proposed Resolution No. 16-83 related to the proposal to be considered by the City Council subsequent to the public hearing. The City Council had previously received written information as follows:

Adam Nash had requested the subject zone change on a five-acre parcel located at 3320 South 6400 West from A to RE. For reference, a copy of the RE zone standards had been included in the Council's informational packet. Surrounding zones included A to the east and south and R-1-8 (Single Family Residential, minimum lot size 8,000 square feet) to the north and west. The property was surrounded by agricultural ground to the east and south and single-family homes to the north and west. The subject property had been designated as large lot residential that anticipated two to three units per acre in the West Valley City General Plan.

The applicant had submitted a concept plan showing the subject property being subdivided into 12 lots averaging over 15,000 square feet and yielding a density of 2.4 units per acre. For the development agreement, the applicant indicated he would follow the City's single-family home standards. Standards were summarized as follows:

- Minimum rambler size: 2,000 square feet
- Minimum multi-level size: 3,000 square feet
- Minimum garage size: 3 car (2 car allowed in certain instances)
- Exterior materials allowed: brick, stone and fiber cement siding
- Further material restrictions: fiber cement siding limited to 75% of exterior
- Minimum roof pitch: 6/12

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-6-

- Minimum number of points required for a rambler from design features list: 250
- Minimum number of points required for a multi-level from design features list: 300
- Architectural singles required

Proposed Resolution No. 16-83 would authorize the City to enter into a Development Agreement with Mountain Vista Development Inc. for approximately 5.0 acres of property located at 3320 South 6400 West.

The proposed use for the subject property was a new single-family home subdivision.

The applicant had requested to follow the latest housing standards as well as the standards found in the RE zone.

Mayor Bigelow opened the public hearing.

Jennifer Cooper, 3283 South 6580 West, addressed the City Council. Ms. Cooper indicated the notice she received had not provided much information. She inquired regarding the plan for the property if changed to residential.

Upon recognition, Steve Pastorik, CED Department, explained the setback guidelines.

Curtis Habland, 3348 South 6400 West, addressed the City Council and stated the address on the agenda was wrong. Ms. Habland indicated he did not have enough information on the proposal and as a property owner who owned livestock he desired to make sure a proper fence would be installed.

Adam Nash, 4376 South 700 East, applicant addressed the City Council. **(NO NOTES)**

Shawn Knowlden, 3748 South 4210 West, addressed the City Council and stated a sense of community and historical image should be kept.

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

ACTION: ORDINANCE NO. 16-24, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3320 SOUTH 6400 WEST FROM ZONE A (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) TO RE (RESIDENTIAL ESTATE)

The City Council previously held a public hearing regarding Application No. Z-5-2016 filed by Adam Nash, and proposed Ordinance No. 16-24 that would amend the Zoning Map to show a change of zone for property located at 3320 South 6400 West from zone

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-7-

A (Agriculture, Minimum Lot Size ½ Acre) to RE (Residential Estate).

Councilmember Vincent stated that both current residents and developers were kept in mind when evaluating and deciding on these matters.

Councilmember Buhler advised the City required current housing standards to be high in order to provide availability for nice and new neighborhoods.

Councilmember Christensen indicated progress could not be stopped, as there remained a need for homes for our children.

Mayor Bigelow briefly discussed procedures regarding Council review of these items.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Vincent moved to approve Application No. Z-5-2016 filed by Adam Nash and Ordinance No. 16-24, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 3320 South 6400 West from Zone A (Agriculture, Minimum Lot Size ½ Acre) to RE (Residential Estate). Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

ACTION: RESOLUTION NO. 16-83, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MOUNTAIN VISTA DEVELOPMENT INC. FOR APPROXIMATELY 5.0 ACRES OF PROPERTY LOCATED AT 3320 SOUTH 6400 WEST

The City Council considered proposed Resolution No. 16-83 that would authorize the City to enter into a Development Agreement with Mountain Vista Development Inc. for approximately 5.0 acres of property located at 3320 South 6400 West.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-8-

Councilmember Buhler moved to approve Resolution No. 16-83, a Resolution Authorizing the City to Enter Into a Development Agreement With Mountain Vista Development Inc. for Approximately 5.0 Acres of Property Located at 3320 South 6400 West. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-4-2016 FILED BY WEST VALLEY CITY REQUESTING A ZONE TEXT CHANGE TO SECTION 7-14-105 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REQUIRE BASEMENTS IN SINGLE FAMILY DWELLINGS WHERE SOIL CONDITIONS ALLOW AND TO INCREASE THE MINIMUM SIZE FOR SINGLE FAMILY DWELLINGS WHERE SOIL CONDITIONS DO NOT ALLOW BASEMENTS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled May 24, 2016, in order for the City Council to hear and consider public comments regarding Application No. ZT-4-2016 filed by West Valley City requesting a zone text change to Section 7-14-105 of the West Valley City Municipal Code to require basements in single family dwellings where soil conditions allowed, and to increase the minimum size for single family dwellings where soil conditions did not allow basements.

Mayor Bigelow presented proposed Ordinance No. 16-25 related to the proposal to be considered by the City Council subsequent to the public hearing. The City Council had previously received written information as follows:

At the City Council's request, an amendment to Section 7-14-105 of the Zoning Ordinance had been drafted and recommended by City staff. If adopted, this section would require basements in single-family dwellings where soil conditions allowed and increase the minimum size for single-family dwellings by 500 square feet where soil conditions would not allow basements.

Last year the City adopted new housing standards with the goal of creating a greater

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-9-

balance of housing choices. These standards included increased minimum home sizes. The Council had expressed concern that if a basement were not included the purpose of the new standards would not be fully met without additional area being added to homes without basements.

The Planning Commission had recommended denial because they believed the current standards were sufficient.

Mayor Bigelow opened the public hearing.

Shawn Knowlden, 3749 South 4310 West, addressed the City Council and informed of his approval of the proposed amendment but indicated he would like to see it changed to reflect the square footage and do away with the basement regulations. He also indicated a desire for the standard for the three-car garage to be eliminated.

Councilmember Vincent concurred that a house should not have to have a basement based on the size of the proposed homes.

Councilmember Buhler indicated that perhaps consideration had not been given to the possibility that a homeowner might not want a basement when originally considering the change.

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

ACTION: ORDINANCE NO. 16-25, AMENDING SECTION 7-14-105 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND PROVISIONS GOVERNING THE CONSTRUCTION OF CERTAIN SINGLE FAMILY DWELLINGS

The City Council previously held a public hearing regarding Application No. ZT-4-2016 filed by West Valley City and proposed Ordinance No. 16-25 that would amend Section 7-14-105 of the West Valley City Municipal Code to amend provisions governing the construction of certain single family dwellings.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Christensen moved to approve Application No. ZT-4-2016 filed by West Valley City and Ordinance No. 16-25, an Ordinance Amending Section 7-14-105 of the West Valley City Municipal Code to Amend Provisions Governing the Construction of Certain Single Family Dwellings. Councilmember Huynh seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-10-

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-5-2016 FILED BY WEST VALLEY CITY REQUESTING A ZONE TEXT CHANGE TO SECTION 7-14-105 OF THE WEST VALLEY CITY MUNICIPAL CODE TO EXEMPT PROPERTIES UNDER CERTAIN INSTANCES FROM THE LATEST SINGLE FAMILY DWELLING STANDARDS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled May 24, 2016, in order for the City Council to hear and consider public comments regarding Application No. ZT-5-2016 filed by West Valley City requesting a zone text change to Section 7-14-105 of the West Valley City Municipal Code to exempt properties under certain instances from the latest single family dwelling standards.

Mayor Bigelow presented proposed Ordinance No. 16-26 related to the proposal to be considered by the City Council subsequent to the public hearing. The City Council had previously received written information as follows:

The amendment, if adopted, would exempt properties from the latest single-family dwelling standards in the following situations:

1. A home not subject to the single family dwelling standards adopted in Ordinance No. 15-27 (the latest standards) was demolished and rebuilt
2. Vacant, legal parcels zoned for single-family dwellings in existence prior to April 15, 2015, and where no development agreement applied
3. All lots in subdivisions submitted prior to April 15, 2015, where no development agreement applied
4. An existing, developed single-family dwelling lot in existence prior to April 15, 2015, large enough to be subdivided to create one new lot

Homes built under the circumstances listed above would follow the design standards put in place before the current standards were adopted as outlined in Ordinance No. 14-28.

The Council had directed preparation of an ordinance revision that specifically addressed the first situation listed in the proposed ordinance. The Council also requested proposals

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-11-

of other exceptions that might be appropriate given staffs' experience of working with people "over the counter".

For the second exception, staff estimated there were approximately 130 parcels that would qualify for this exception. There were 30 lots estimated to be eligible for the third exception. The fourth exception would be difficult to estimate.

Mayor Bigelow opened the public hearing.

Joyce Shumacher, 3430 Burry Court, addressed the City Council and indicated she was a real estate agent representing the property owner. Ms. Schumacher expressed concern that the new building codes were affecting the sale of the property. She also advised she thought the new codes were inconsistent.

Upon recognition, Steve Pastorik clarified the proposed changes for the City Council.

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

ACTION: ORDINANCE NO. 16-26, AMENDING SECTION 7-14-105 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND PROVISIONS GOVERNING THE CONSTRUCTION OF CERTAIN SINGLE FAMILY DWELLINGS

The City Council previously held a public hearing regarding Application No. ZT-5-2016 filed by West Valley City, and proposed Ordinance No. 16-26 that would amend Section 7-14-105 of the West Valley City Municipal Code to amend provisions governing the construction of certain single-family dwellings.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Buhler moved to approve Application No. ZT-5-2016 filed by West Valley City and Ordinance No. 16-26, an Ordinance Amending Section 7-14-105 of the West Valley City Municipal Code to Amend Provisions Governing the Construction of Certain Single Family Dwellings. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-12-

Mayor Bigelow Yes

Unanimous.

RESOLUTION NO. 16-84, APPROVING THE PURCHASE OF A REPLACEMENT AMBULANCE CAB AND CHASSIS FOR USE BY THE FIRE DEPARTMENT

Mayor Bigelow presented proposed Resolution No. 16-84 that would approve the purchase of a replacement ambulance cab and chassis in an amount not to exceed \$41,263.22, for use by the Fire Department.

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

Ken Garff Ford held the State Contract to supply the Ford F550 ambulance cabs and chassis.

The vehicle being replaced was a 2008 Chevrolet, Model 4500 (ICN731093) with mileage of 104420. The City Shops would switch the ambulance module from the Chevrolet to the new Ford and complete a full refurbishment of the ambulance module.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Huynh moved to approve Resolution No. 16-84, a Resolution Approving the Purchase of a Replacement Ambulance Cab and Chassis for Use by the Fire Department. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 16-85, APPROVING THE PURCHASE OF A VERMEER BC1500 WOOD CHIPPER FROM VERMEER ROCKY MOUNTAIN INC. FOR USE BY THE PUBLIC WORKS DEPARTMENT

Mayor Bigelow presented proposed Resolution No. 16-85 that would approve the

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-13-

purchase of a Vermeer BC1500 Wood Chipper from Vermeer Rocky Mountain Inc. for use by the Public Works Department.

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

The new wood chipper under State Contract MA2182 would replace a 2004 Wood Chipper. The existing chipper was 12 years old and due to its everyday wear-and-tear the Fleet Manager recommended replacement at this time. Vermeer Rocky Mountain was a State Contract vendor.

The Fleet Manager had met with the Operations Division and determined the proposed equipment best suited the needs of the Department and would be the most efficient equipment for their intended purposes.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Vincent moved to approve Resolution No. 16-85, a Resolution Approving the Purchase of a Vermeer BC1500 Wood Chipper from Vermeer Rocky Mountain Inc. for Use by the Public Works Department. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 16-86, AWARDING A CONTRACT TO STAPP CONSTRUCTION FOR THE FAIRBOURNE STATION PHASE II ROADWAY AND UTILITY PROJECT

Mayor Bigelow presented proposed Resolution No. 16-86 that would award a contract to Stapp Construction in an amount not to exceed \$2,577,000.00, for the Fairbourne Station Phase II Roadway and Utility Project.

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

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-14-

Bids had been solicited and a total of 3 bids received, as follows:

Stapp Construction:	\$2,454,309.45
Vancon, Inc.:	\$2,511,942.80
Condie Construction:	\$2,707,000.00

Staff advised Stapp Construction had submitted the lowest responsible bid.

The subject contract would build the next phase of public improvements in Fairbourne Station, including a new street at 3030 West, extension of Weigh Station Road, and a reconstruction of a portion of Lehman Avenue. A new traffic signal would be built on 3500 South at 3030 West along with Bus Rapid Transit stations within Fairbourne Station. The project included installation of water, sewer, power, and other utility improvements for future development of new buildings. The project also included installation of landscape and street light improvements.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Christensen moved to approve Resolution No. 16-86, a Resolution Awarding a Contract to Stapp Construction for the Fairbourne Station Phase II Roadway and Utility Project. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 16-87, APPROVING THE PURCHASE OF TRAFFIC SIGNAL EQUIPMENT FROM UTAH DEPARTMENT OF TRANSPORTATION FOR THE FAIRBOURNE STATION PHASE II ROADWAY PROJECT

Mayor Bigelow presented proposed Resolution No. 16-87 that would approve purchase of traffic signal equipment from the Utah Department of Transportation (UDOT), in an amount not to exceed \$75,000.00, for the Fairbourne Station Phase II Roadway Project.

Written documentation previously provided to the City Council included information as

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-15-

follows:

As part of the Fairbourne Station Phase II Roadway and Utility Project, a new traffic signal would be built at 3030 West 3500 South. The new signal would be owned and maintained by UDOT. Per the proposed road construction contract at Fairbourne Station, the City would provide traffic signal equipment to the contractor for installation. UDOT ran a warehouse that furnished signal equipment to state road projects.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Buhler moved to approve Resolution No. 16-87, a Resolution Approving the Purchase of Traffic Signal Equipment from Utah Department of Transportation for the Fairbourne Station Phase II Roadway Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 16-90, AUTHORIZING THE EXECUTION AND RECORDING OF A DELAY AGREEMENT BETWEEN WEST VALLEY CITY AND HD MAGNA, LLC, FOR PROPERTY LOCATED AT 4320 SOUTH 5600 WEST

Mayor Bigelow presented proposed Resolution No. 16-90 that would authorize the execution and recording of a Delay Agreement between West Valley City and HD Magna, LLC for property located at 4320 South 5600 West.

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

The proposal would authorize a Delay Agreement to delay installation of required landscaping along 5600 West.

On October 26, 2015, VASA Fitness submitted a building permit for a tenant improvement for property owned by HD Magna, LLC. The estimated construction costs

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-16-

for the project totaled approximately \$2,300,000.00. The property had frontage along 5600 West and was listed as one of West Valley City's High Image arterials. These frontages had specific landscaping requirements as set forth in Chapter 7-13 of the Municipal Code. The requirements took effect when any substantial modification to an existing site or structure in which the estimated construction cost exceeded \$50,000.00. These standards required a 20' bermed landscaped area be constructed between the sidewalk and parking area with one tree every 7 30'. The site currently had an 11' wide landscaped area so an additional 9' would be required to be installed.

The subject property was located in the UDOT notice area for the Mountain View Corridor project. Therefore, they had received notice of the proposal. They had identified a conflict because this portion of 5600 West would be widened as early as 20-18. Therefore, their recommendation was to delay the improvements until the corridor project was completed. City staff supported the recommendation.

The final construction documents were not complete at this time but it appeared if the 20' of landscaping were added today from the current right-of-way there would be a 5' strip remaining after the corridor project was completed. City staff recommended that upon completion of the widening project there would be at least 5' of landscaping installed west of the sidewalk.

Upon inquiry by Mayor Bigelow, and after discussion, he called for a motion.

Councilmember Vincent moved to remove proposed Resolution No. 16-90 from the Agenda. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous. Proposed Resolution No. 16-90 removed from the Agenda.

CONSENT AGENDA

A. RESOLUTION NO. 16-88, AUTHORIZING THE CITY TO GRANT A TEMPORARY CONSTRUCTION EASEMENT TO RALPH L. WADSWORTH/STAKER PARSONS (RLW/SPC) JOINT VENTURE ON PARCEL 20-11-302-003

Mayor Bigelow presented proposed Resolution No. 16-88 that would authorize

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-17-

the City to grant a Temporary Construction Easement to Ralph L. Wadsworth/Staker Parsons (RLW/SPC) Joint Venture on Parcel 20-11-302-003.

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

The City owned property immediately adjacent to the Mountain View Corridor near the USANA Amphitheater parking lots. The property had recently been unencumbered from a parking easement to enable use of the land for a more favorable trail alignment parallel to the new highway. UDOT's contractor had requested use of the land for staging material and potential use of some of the material in the hillside property. The grant of the easement would allow the contractor to use the property and give direction on how the property was to be left after the work. The new Shared Use Path would now be diverted through the City property in an S-curve shape but would be in a cut with upward slopes on either side. By allowing the contractor to use some of the existing material the City would benefit with the trail having a more open feel with flatter slopes and a more natural shape on either side of the trail.

B. RESOLUTION NO. 16-89, AUTHORIZING WEST VALLEY CITY TO GRANT A RIGHT OF WAY EASEMENT IN FAVOR OF ROCKY MOUNTAIN POWER FOR THE WEST VALLEY SKATE PARK LOCATED AT 3201 SOUTH 5600 WEST IN CENTENNIAL PARK

Mayor Bigelow presented proposed Resolution No. 16-89 that would authorize West Valley City to grant a Right of Way Easement in favor of Rocky Mountain Power for the West Valley Skate Park located at 3201 South 5600 West in Centennial Park.

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

The West Valley City Skate Park would need to have additional power to operate the parking lot lights, security lights, security cameras, and irrigation controller. There was not presently enough power available at the existing power meters in Centennial Park.

Centennial Park's current infrastructure used the entire capacity of existing power meters and transformers so the power for the Skate Park would need to come from a new service connection, meter and transformer. Rocky Mountain Power required an easement from the power pole to the pad where the meter and transformer would be placed in order to provide this service.

C. RESOLUTION NO. 16-91, AUTHORIZING THE EXECUTION AND

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-18-

RECORDING OF A DELAY AGREEMENT BETWEEN WEST VALLEY CITY AND WILLOW WOOD L.L.C. FOR PROPERTY LOCATED AT 3515 WEST 3500 SOUTH

Mayor Bigelow presented proposed Resolution No. 16-91 that would authorize execution and recording of a Delay Agreement between West Valley City and Willow Wood L.L.C. for property located at 3515 West 3500 South.

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

On February 15, 2016, Dollar Tree submitted a building permit for a tenant improvement for property at 3515 West 3500 South. The estimated construction costs for the project totaled approximately \$150,450.00. The property had frontage along 3500 South, which was listed as one of West Valley City's High Image arterials. These frontages had specific landscaping requirements set forth in Chapter 7-13 of the Municipal Code. These requirements took effect when any substantial modification to an existing site or structure had an estimated construction cost exceeding \$50,000.00. These standards required a 20' bermed landscaped area be constructed between the sidewalk and parking area with one tree every 30 feet.

This particular parcel was part of a larger overall commercial complex and had very limited frontage along 3500 South (approximately 24') so it would be difficult to install just this small portion of the landscaping. Therefore, they desired to delay installation of any landscaping improvements until one of the adjacent properties also triggered the requirements and a larger portion of the frontage could then be completed.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council regarding items scheduled on the Consent Agenda, and he called for a motion.

Councilmember Vincent moved to approve Resolution Nos. 16-88, 16-89 and 16-91 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-19-

Unanimous.

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

Mayor Bigelow presented 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 had requested easements in Favor of PacifiCorp (Rocky Mountain Power) over a portion of the future WolverineWay.

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 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 the City, they needed an easement from West Valley City for its existing transmission lines.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Nordfelt moved to approve Resolution No. 16-92, a Resolution Authorizing the City to Accept a Quit Claim Deed from PacifiCorp (Rocky Mountain Power) and Approval of an Easement in Favor of PacifiCorp. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-20-

ADVISORY REVIEW OF CITY COUNCIL DECISION ON APPLICATION NO. Z-1-2016

Mayor Bigelow stated an advisory review of the City Council’s decision regarding Application No. Z-1-2016 had been scheduled.

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

A review had been scheduled for an advisory decision to determine whether or not zone change Z-1-2016 constituted a constitutional taking under West Valley City Municipal Code Section 2-5-104.

The City Council had 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, a notice posted on Utah’s public notice website and the City’s website, and the Agendas for the Planning Commission and City Council had been emailed to appropriate Granite School District representatives.

The action taken by the City Council on April 19, 2016, in no way constituted a constitutional taking or exaction. When reviewing this decision, West Valley City ordinance 2-5-2015 required the City 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 would 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.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-21-

2. Whether a legitimate governmental interest exists for the action taken by the City – there was no physical taking or exaction.
3. 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 recognition, Don Adams, Granite School District, and Matt Anderson, Counsel for Granite School District, addressed the City Council and presented information on behalf of Granite School District regarding the decision on Application No. Z-1-2016.

Brandon Hill responded and presented information on behalf of West Valley City.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Buhler moved to deny the request. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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 REGULAR MEETING OF TUESDAY, MAY 24, 2016, WAS ADJOURNED AT 9:40 P.M. BY MAYOR BIGELOW.

MINUTES OF COUNCIL REGULAR MEETING – MAY 24, 2016

-22-

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, May 24, 2016.

Angel Pezely
Deputy City Recorder