

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 8, 2015, AT 6:36 P.M. IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

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

ABSENT: Steve Vincent, Councilmember District 4 (Excused)

STAFF PRESENT:

Paul Isaac, Acting City Manager
Nichole Camac, City Recorder

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Steve Pastorik, CED Department
Steve Hyde, Finance Department
Mike Powell, Police Department
Jake Arslanian, Public Works Department

_____ **OPENING CEREMONY**

The Opening Ceremony was conducted by Karen Lang who 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 NOVEMBER 24, 2015**

The Council read and considered Minutes of the Regular Meeting held November 24, 2015. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-2-

Councilmember Buhler moved to approve the Minutes of the Regular Meeting held November 24, 2015. Councilmember Huynh seconded the motion.

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

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

Councilmember Lang read the Essential Piece Award to Jeff Scott, President of Intermountain Bobcat, and presented the Essential Piece Award. The presentation included that 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.

COMMENT PERIOD

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

A. PUBLIC COMMENTS

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham stated there seemed to be a lot of time and effort put into reviewing and updating ordinances but no ordinances were being enforced. He expressed concern about the City's lack of enforcement and stated he felt fines should be increased for people in violation. He also stated the City needed to improve its image and clean up existing neighborhoods instead of focusing so much on new development. He further discussed several issues in his neighborhood.

Bruce Hastings, 3759 S. Brookhurst Circle, addressed the City Council and stated he had received a notice of violation regarding his patio cover. Mr. Hastings indicated that based on discussions by the Council in a Study Meeting it sounded like the ordinance might be changed in the future. He stated that he had a deadline for early January to remove his structure and requested a moratorium until the ordinance was reviewed so he would not accrue fines.

B. CITY MANAGER COMMENTS

Acting City Manager, Paul Isaac, stated that Mr. Markham's and Mr. Hastings' comments had been noted and a member of City staff would promptly provide answers to their requests.

C. CITY COUNCIL COMMENTS

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-3-

Councilmember Rushton stated the City and Council worked together to establish balance and that laws were written, enforced, cleared up and rewritten to ensure concerns were addressed.

Mayor Bigelow stated the Council worked together but did not always totally agree on all issues. He expressed the desire to see fewer ordinances but those fewer ones be more aggressively enforced. He added that some people did not agree with this perspective but it was about finding a balance for what was best for the City.

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.

Mayor Bigelow presented proposed Ordinance No. 15-40 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:

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 clear the City was uninterested in the specific content of the sign and wanted to regulate only the number, size, and

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-4-

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.

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. 15-40, AMENDING TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE REGULATING SIGNS WITHIN THE CITY
The City Council previously held a public hearing regarding Application No. ZT-5-2015 and proposed Ordinance No. 15-40 that would amend Title 11 of the West Valley City Municipal Code regulating signs with the City.

Upon discussion, Councilmember Rushton stated the sign ordinance was often very controversial and a proper balance was always being reviewed. He indicated the subject change would be a good step for the City and ensure the Code was in compliance with recent legislative changes.

Hearing no further discussion, Mayor Bigelow called for a motion.

Councilmember Lang moved to approve Application No. ZT-5-2015 and Ordinance No. 15-40, an Ordinance Amending Title 11 of the West Valley City Municipal Code Regulating Signs Within the City. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

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

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-5-

TELECOMMUNICATIONS NETWORK IN THE CITY

Mayor Bigelow presented 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.

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.

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. 15-194, a Resolution Approving a Franchise Agreement Between ExteNet Systems Inc. and West Valley City for a Telecommunications Network in the City. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

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

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-6-

THE MOUNTAIN VIEW CORRIDOR FROM 5400 SOUTH TO 4100 SOUTH

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

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

Councilmember Lang moved to approve Resolution No. 15-195, a Resolution 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. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-7-

Unanimous.

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

Mayor Bigelow presented 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.

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. 15-196, a Resolution 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. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-8-

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

Mayor Bigelow presented 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 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.

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 – DECEMBER 8, 2015

-9-

Councilmember Nordfelt moved to approve Resolution No. 15-197, a Resolution Awarding a Contract to Whitaker Construction for the 2400 South 4800 West Roadway Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

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 presented 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.

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. 15-198, a Resolution Authorizing the Acceptance of a Warranty Deed from Raymond E. Crane and Jamie

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 8, 2015

-10-

Crane, for Property Located at Approximately 5980 West 4100 South, Parcel 14-35-452-003. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

MOTION TO ADJOURN

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

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, DECEMBER 8, 2015, WAS ADJOURNED AT 7:06 P.M. BY MAYOR BIGELOW.

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, December 8, 2015.

Nichole Camac
City Recorder