

**MINUTES OF COUNCIL STUDY MEETING – AUGUST 9, 2016**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, AUGUST 9, 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  
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

ABSENT:

Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager  
Nichole Camac, City Recorder  
  
Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Lee Russo, Police Chief  
John Evans, Fire Chief  
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  
Andrew Wallentine, Administration  
DeAnn Varney, Administration  
Steve Pastorik, CED Department  
Steve Lehman, CED Department  
Brandon Hill, Legal Department  
Freyja Johnson, CED Department

**1. APPROVAL OF MINUTES OF STUDY MEETING HELD JULY 19, 2016**

The Council considered the Minutes of the Study Meeting held July 26, 2016. There were no changes, corrections or deletions.

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Councilmember Christensen moved to approve the Minutes of the Study Meeting held July 26, 2016. Councilmember Lang seconded the motion.

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

### 2. **REVIEW AGENDA FOR REGULAR MEETING OF AUGUST 9, 2016**

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.

### 3. **PUBLIC HEARINGS SCHEDULED FOR AUGUST 16, 2016**

- A. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-1-2016, FILED BY WEST VALLEY CITY, REQUESTING A GENERAL PLAN CHANGE FROM INSTITUTIONAL OR HIGH DENSITY RESIDENTIAL TO VERY HIGH DENSITY RESIDENTIAL AND A ZONE CHANGE FROM 'R-2-8' (RESIDENTIAL DUPLEX, MINIMUM LOT SIZE 8,000 SQUARE FEET) AND RM (RESIDENTIAL, MULTI-FAMILY) TO 'CC' (CITY CENTER) ON PROPERTY LOCATED AT 3060 WEST 3650 SOUTH AND FROM 3015 TO 3137 WEST LEHMAN AVENUE**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled August 16, 2016, in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2016, Filed by West Valley City, Requesting a General Plan Change from Institutional or High Density Residential to Very High Density Residential and a Zone Change from 'R-2-8' (Residential Duplex, Minimum Lot Size 8,000 Square Feet) and RM (Residential, Multi-Family) to 'CC' (City Center) on Property Located at 3060 West 3650 South and From 3015 to 3137 West Lehman Avenue.

Proposed Ordinance 16-35, Ordinance 16-36, and Resolution 16-124 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

**ORDINANCE NO. 16-35, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM INSTITUTIONAL OR HIGH DENSITY RESIDENTIAL TO VERY HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 3060 WEST 3650 SOUTH AND FROM 3015 TO 3137 WEST LEHMAN AVENUE ON 7.6 ACRES**

Steve Pastorik, CED Department, discussed proposed Ordinance No. 16-35 that would amend the General Plan to show a change of Land Use from Institutional or High Density Residential to Very High Density Residential for Property Located at 3060 West 3650 South and from 3015 to 3137 West Lehman Avenue on 7.6 Acres.

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

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The north nine subject parcels are all developed as duplexes which were built in the 60's and 70's and are privately owned. These properties fall within the City Center RDA. The Valley Fair Village Apartments, which include 100 very low income senior/disabled units, are on the larger subject parcel on the south. This property is owned by the Housing Authority of the County of Salt Lake (HACSL).

According to HACSL, federal funding to operate and maintain public housing properties has been shrinking. The Valley Fair Village units are now over 40 years old and will have more capital needs over the next five to ten years than the HACSL will have money to address. Hence, HACSL is pursuing the redevelopment of Valley Fair Village. The City's Housing Authority is working to acquire the 9 duplexes north of Valley Fair Village and plans to incorporate these properties into the Valley Fair Village redevelopment.

The proposed redevelopment project includes 267 units within 8 buildings. From the 7.6 total acres, 6.3 acres will be for the proposed residential development with the remaining 1.3 acres going toward the Promenade Park and a new dedicated street linking Lehman Avenue and Lancer Way. The resulting density is 42.4 units/acre. Buildings A, B and C on the Concept Site Plan are 5 stories, include stacked flat apartments and will surround a 330 stall parking structure. Buildings D, E and F are 2 story townhomes that will include a 2 car garage per unit. Buildings G and H are 2 story stacked flat apartments with single car garages.

Similar to other multi-family residential developments, a development agreement is proposed for this project. The development agreement addresses project design, amenities and phasing in Exhibits C and D and project management in Exhibit E.

Steve Pastorik explained how the proposed parking garage (that will be constructed as part of this project) will look and function.

Councilmember Buhler clarified that the units will still be owned and operated by the County. Steve replied yes and explained how the Housing Authority will continue to function. He also indicated that existing residents will be given assistance to continue receiving housing benefits and will have the option of living in the new project. Councilmember Buhler stated that he would like this to be well communicated to existing residents to prevent anxiety or fear of losing their homes.

Councilmember Lang clarified that these are rental units that are subsidized. Steve replied yes.

Mayor Bigelow asked why the project will be developed in phases. Steve replied that financing restrictions require the project to be constructed in 4 phases. Mayor Bigelow asked if there are ways to ensure the entire project is constructed and not partially completed. Steve replied that the Development Agreement will require the applicant to

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develop as proposed and any changes must be approved by both the County and the City.

Councilmember Lang asked how parking will be addressed on Lehman Avenue. Steve replied that there is parallel parking on Lehman Avenue and parking is provided in the proposed parking structure. Councilmember Lang stated that she would not want to see parking allowed on Lancer Avenue or other streets in the area as this is an issue that is becoming increasingly problematic throughout the City. Russ replied that road widening will occur eventually as part of the City's goals and on-street parking will be prevented at this point but added that it can be signed as no parking until that occurs. Councilmember Buhler stated that he would encourage parking to be restricted as soon as demolition begins.

Councilmember Huynh asked if the County will be funding the project. Steve replied yes. He indicated that the City owns several parcels and is working on acquiring and assembling the rest. Mayor Bigelow stated that acquiring these are integral to the development of the property.

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. 16-35 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

### **ORDINANCE NO. 16-36, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3060 WEST 3650 SOUTH AND FROM 3015 TO 3137 WEST LEHMAN AVENUE FROM 'R-2-8' (RESIDENTIAL DUPLEX, MINIMUM LOT SIZE 8,000 SQUARE FEET) AND 'RM' (RESIDENTIAL, MULTI-FAMILY) TO 'CC' (CITY CENTER)**

Steve Pastorik, CED Department, discussed proposed Ordinance No. 16-36 that would Amend the Zoning Map to Show a Change of Zone for Property Located at 3060 West 3650 South and from 3015 to 3137 West Lehman Avenue from 'R-2-8' (Residential Duplex, Minimum Lot Size 8,000 Square Feet) and 'RM' (Residential, Multi-Family) to 'CC' (City Center).

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

The north nine subject parcels are all developed as duplexes which were built in the 60's and 70's and are privately owned. These properties fall within the City Center RDA. The Valley Fair Village Apartments, which include 100 very low income senior/disabled units, are on the larger subject parcel on the south. This property is owned by the Housing Authority of the County of Salt Lake (HACSL).

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According to HACSL, federal funding to operate and maintain public housing properties has been shrinking. The Valley Fair Village units are now over 40 years old and will have more capital needs over the next five to ten years than the HACSL will have money to address. Hence, HACSL is pursuing the redevelopment of Valley Fair Village. The City's Housing Authority is working to acquire the 9 duplexes north of Valley Fair Village and plans to incorporate these properties into the Valley Fair Village redevelopment.

The proposed redevelopment project includes 267 units within 8 buildings. From the 7.6 total acres, 6.3 acres will be for the proposed residential development with the remaining 1.3 acres going toward the Promenade Park and a new dedicated street linking Lehman Avenue and Lancer Way. The resulting density is 42.4 units/acre. Buildings A, B and C on the Concept Site Plan are 5 stories, include stacked flat apartments and will surround a 330 stall parking structure. Buildings D, E and F are 2 story townhomes that will include a 2 car garage per unit. Buildings G and H are 2 story stacked flat apartments with single car garages.

Similar to other multi-family residential developments, a development agreement is proposed for this project. The development agreement addresses project design, amenities and phasing in Exhibits C and D and project management in Exhibit E.

See the discussion under Ordinance 16-35.

The City Council will hold a public hearing and consider proposed Ordinance No. 16-36 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**RESOLUTION NO. 16-124, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE HOUSING AUTHORITY OF THE COUNTY OF SALT LAKE FOR APPROXIMATELY 5.63 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3060 WEST 3650 SOUTH**

Steve Pastorik, CED Department, discussed proposed Resolution No. 16-124 that would Authorize the City to Enter into a Development Agreement with the Housing Authority of the County of Salt Lake for Approximately 5.63 Acres of Property Located at Approximately 3060 West 3650 South.

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

West Valley City staff has submitted an application (GPZ-1-2016) on 7.6 acres to change the zoning from R-2-8 (Residential Duplex, minimum lot size 8,000 square feet) and RM (Residential, Multi-family) to CC (City Center) and to change the General Plan from Institutional or High Density Residential to Very High Density Residential. The Planning Commission recommended approval of the General Plan/zone change subject to a development agreement.

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The proposed development agreement addresses the following topics:

1. the extension of 3030 West from Lehman Avenue to Lancer Way;
2. unit cap, unit mix and unit sizes;
3. architectural features/design including exterior materials and interior finishes;
4. project amenities including the amount of open space and
5. project phasing, management and maintenance.

The City Center Zone allows exceptions to the requirements of the Zone through a development agreement. This was done for the Embassy Suites, The Residences at Fairbourne Station and Granger Medical. For this project, two exceptions are requested as outlined in Exhibit C of the development agreement. These proposed exceptions are described below:

1. The ordinance requires fence materials to be masonry or wrought iron style metal. The first exception request is to allow vinyl fencing along Lancer Way (3650 South).
2. The ordinance requires a minimum building height of 5 stories or 60' for all buildings except the three townhome buildings along the south portion of the property. The second exception request is to allow a 2 story minimum height for the two buildings along the west side of the property.

See the discussion under Ordinance 16-35.

The City Council will hold a public hearing and consider proposed Resolution No. 16-124 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

### **B. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-15-2016, FILED BY WEST VALLEY CITY, REQUESTING FINAL PLAT APPROVAL FOR THE CR ENGLAND SUBDIVISION- LOT 1 AMENDED AND EXTENDED FOR PROPERTY LOCATED AT 2400 SOUTH 4800 WEST**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled August 16, 2016, in order for the City Council to hear and consider public comments regarding Application No. S-15-2016, Filed by West Valley City, Requesting Final Plat Approval for the CR England Subdivision- Lot 1 Amended and Extended for Property Located at 2400 South 4800 West.

Proposed Ordinance 16-37 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

### **ORDINANCE NO. 16-37, APPROVE THE AMENDMENT OF LOT 1 IN THE CR ENGLAND SUBDIVISION**

Steve Lehman, CED Department, discussed proposed Ordinance No. 16-37 that would approve the amendment of Lot 1 in the CR England Subdivision.

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

The West Valley City Engineering Division is requesting consideration to amend lot 1 of the CR England Subdivision. The proposed plat amendment is brought about by the dedication of 2400 South and 4800 West. The dedication of these roads will extend 2400 South from the West Valley Truck Center Subdivision eastward to 4800 West and then north out to the SR-201 frontage road.

The area of the proposed plat amendment is a regional hub for the commercial trucking and transportation industry. As such, this places a particular demand on the City's manufacturing zone along the SR-201 frontage road. One of the goals outlined in the City's transportation element of the General Plan, is to have adequate connections for regional transportation to ensure that large trucks can move within this district safely and efficiently.

The proposed street dedication is being initiated by the City Engineering Division to fulfil these needs. The designated segments of 2400 South and 4800 West have been on the City's Master Street Plan for quite some time. In order to construct the full width of these rights-of-way, the City has worked diligently to acquire properties from adjacent land owners to make these needed street connections. Additional property within lot 1 of the CR England Subdivision was acquired to construct the full 66-foot right-of-way, thus the amendment to this lot.

The Right-of-Way for both streets will be 66 feet and will consist of curb, gutter and concrete. For the present time, sidewalk will not be installed. However, sidewalk could be installed should future development warrant such.

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. 16-37 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

### **C. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-17-2016, FILED BY JARED COLLINGS, REQUESTING FINAL PLAT APPROVAL FOR THE COLLINGS/HARVEY SUBDIVISION LOCATED AT 2991 WEST 3835 SOUTH**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled August 16, 2016, in order for the City Council to hear and consider public comments regarding Application No. S-17-2016, Filed by Jared Collings, Requesting Final Plat Approval for the Collings/Harvey Subdivision Located at 2991 West 3835 South.

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Proposed Ordinance 16-38 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

### **ORDINANCE NO. 16-38, APPROVE THE AMENDMENT OF LOT 5 IN THE BANGERTER SUBDIVISION**

Steve Lehman, CED Department, discussed proposed Ordinance No. 16-38 that would approve the amendment of Lot 5 in the Bangerter Subdivision.

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

Mr. Jared Collings, is seeking final subdivision approval for a two lot subdivision located at 2991 West 3835 South. The subdivision consists of two lots, the smallest of which contains an existing single-family dwelling. The new subdivision will also amend lot 5 of the Bangerter Subdivision.

The proposed subdivision will result in the creation of 2 lots from a large lot having double frontage along 3835 South and 3875 South. Lot 1 is approximately 9,540 square feet, while lot 2 will be approximately 10,590 square feet. The new lot will gain access from 3875 South and will allow for the construction of a new single family dwelling.

The proposed subdivision will amend lot 5 of the Bangerter Subdivision. This subdivision was recorded in 1953. Lots that were platted within the subdivision were approximately 66 feet wide and 305 feet deep. To address the lack of required frontage, the Board of Adjustment granted a variance in June 2016 to allow the property to subdivide with a width of 66 feet where 80 feet is required.

The applicant will be required to improve 3875 South to a 25-foot half width. Rolled gutter presently exists, but sidewalk does not. The applicant will be required to install the sidewalk to match the existing walk to the east. Sidewalk does not exist to the west of the property. Formal improvements along 3835 South have not been installed. However, the Public Works Department has discussed a possible delay agreement, but a decision about this has not yet been made.

Councilmember Buhler asked why property owners didn't attempt to match property lines when lots in the area were subdivided. Steve Lehman replied that people likely did deeds prior to the City's incorporation. He indicated the City doesn't require this as part of subdivision approval however.

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. 16-37 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

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**4. RESOLUTION NO. 16-125, APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH UTILITY COST MANAGEMENT CONSULTANTS FOR CERTAIN CONSULTING SERVICES**

Wayne Pyle, City Manager, discussed proposed Resolution No. 16-125 that would approve Amendment No. 1 to the Agreement with Utility Cost Management Consultants for Certain Consulting Services.

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

The City's contract with UCMC retains the firm for a two-year period to review certain utility billings as requested by the City. UCMC shall review billings and make recommendations concerning rate changes which could result in utility cost savings for the City. UCMC is compensated only if their recommendations are accepted and implemented by the City, at the City's sole discretion, with compensation being 35% of actual savings for three years following implementation.

This amendment to the agreement is meant to limit the scope of work and recommendations that UCMC can provide to the City. The amendment was drafted to prevent possible double billing of cost savings generated or conceived by sources other than UCMC.

The City has previously contracted with UCMC and realized savings from recommendations. We have made modifications to the most recent contract to limit the scope of work performed by UCMC. This will allow the City to proceed with new capital infrastructure projects without the potential of being billed for cost savings from capital projects updates also suggested by UCMC.

Councilmember Lang asked if this modification would apply to future buildings or all buildings, including existing ones. Wayne replied it would apply to existing and future buildings. Councilmember Buhler clarified that UCMC is comfortable with this. Andrew Wallentine, Administration, replied yes.

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

The City Council will consider proposed Resolution No. 16-125 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**5. RESOLUTION NO. 16-126, APPROVE A DEVELOPMENT BACKBONE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND WEST VALLEY CITY FOR INSTALLATION OF THE ELECTRICAL POWER BACKBONE AT FAIRBOURNE STATION PHASE 2**

Russ Willardson, Public Works Director, discussed proposed Resolution No. 16-126 that would approve a Development Backbone Contract Between Rocky Mountain Power and West Valley City for installation of the electrical power backbone at Fairbourne Station Phase 2.

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

This agreement facilitates the installation of power backbone facilities for Phase 2 of the ICO Residential project at Fairbourne Station. As part of the roadway project, West Valley City is installing conduit and power vaults necessary for Rocky Mountain Power to provide power to the project.

The funds required by this agreement (\$68,048) will be reimbursed by ICO to West Valley City by way of a development agreement.

Councilmember Lang clarified that the City will not need to dig up the road to install power or water. Russ replied that this will be done by Rocky Mountain Power.

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

The City Council will consider proposed Resolution No. 16-126 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**6. RESOLUTION NO. 16-127, AWARD A CONTRACT TO ACME CONSTRUCTION FOR THE MEADOWLANDS DETENTION BASIN PROJECT**

Russ Willardson, Public Works Director, discussed proposed Resolution No. 16-127 that would award a Contract to Acme Construction for the Meadowlands Detention Basin Project.

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

Bids were opened for the project on July 19, 2016. A total of eight (8) bids were received. The lowest responsible bidder was Acme Construction.

The Meadowlands Detention Basin (2950 South 5990 West) is a flood control facility used to store peak flows in the city storm drainage network, and is located in the middle of a single family residential neighborhood. In recent years it has become overrun with phragmites, an invasive water reed that spreads and chokes off areas of shallow water. The current configuration of the pond includes a very flat bottom where water spreads out and provides an environment in which phragmites spread and thrive. Efforts have been made to control the phragmites, with little success. This project will reshape and regrade the pond into a configuration in which the phragmites will not be able to thrive. The project will modify the existing outfall structure to enable easier trash removal. The new configuration will include the construction of two pond areas (one at the inlet and one at the outlet) that are approximately three feet deep, with rock basket walls around the perimeter. These ponds will not allow the phragmite to overtake the pond. The channel between the two ponds will be accessible to maintenance crews. The project will construct trails and a bridge over the water channel that will enhance the experience of users in the neighborhood.

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The improvements to this detention basin will allow the Public Works Department to properly maintain the facility, and will be an important step in improving this property as an amenity to the neighborhood.

Acme Construction was the lowest responsible bidder. It is recommended that the project be awarded to Acme Construction.

Mayor Bigelow asked how large the property is. Russ replied 8 acres. Mayor Bigelow clarified that the goal is to maintain a natural habitat for the detention basin. Russ replied yes. He indicated that the weeds are maintained, cottonwood trees that were planted by boy scouts still exist, and the open space goals for the future include boardwalks, trails, and green-scape. The Mayor discussed other detention basins in the area.

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

The City Council will consider proposed Resolution No. 16-127 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

### **7. NEW BUSINESS SCHEDULED FOR AUGUST 16, 2016**

**A. APPLICATION NO. S-3-2016, FILED BY DENALI CLARK, REQUESTING FINAL PLAT APPROVAL FOR THE ALIETA ACRES SUBDIVISION LOCATED AT 3884 SOUTH 6400 WEST**  
Steve Lehman, CED Department, discussed Application No. S-3-2016, Filed by Denali Clark, Requesting Final Plat Approval for the Alieta Acres Subdivision Located at 3884 South 6400 West.

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

Mr. Denali Clark, is requesting final plat approval for the Alieta Acres Subdivision. The subject property is located at 3884 South 6400 West. The subdivision is bordered on all sides by existing residential development. The property currently has two existing dwellings that will remain and are located on lots 1 and 4. The subdivision will create two new lots of approximately 8,000 and 14,300 square feet. Although zoned R-1-8, the average lot size in the subdivision has been calculated at 11,755 square feet.

Access to the subdivision will be gained from 6400 West and from 6460 West. Portions of 6460 West exist in the Copper Hill Heights No. 6 Subdivision to the north and the Martin Village Subdivision to the south. The development of this property will allow for the completion of this street in its entirety. The developer will install curb, gutter, sidewalk and parkstrip along the new right-of-way. A transition to an integral curb/gutter and sidewalk will happen along the south end of the connection.

City ordinance requires that if the subdivision is adjacent to property zoned agriculture, or in agricultural use, that it be fenced with a 6-foot chain link fence. While property to the south is zoned R-1-8, it appears that it could be used for agricultural purposes. If this is the case, the developer will need to install the fence as outlined in City ordinance.

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The subdivision is located on property zoned R-1-8. However, current City ordinances governing housing standards will apply for the new homes on lots 2 and 3.

Councilmember Buhler asked if the road will be dedicated to the City. Steve replied yes. Mayor Bigelow clarified that the road servicing the middle flag lot will be private. Steve replied yes and indicated that the width must be a minimum of 20 feet.

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

The City Council will consider Application No. S-3-2016 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**B. APPLICATION NO. S-16-2016 , FILED BY NATOMAS MEADOWS LLC, REQUESTING FINAL PLAT APPROVAL FOR THE ARA INDUSTRIAL CENTER SUBDIVISION- PHASE 2 LOCATED AT 6935 WEST SR-201 FRONTAGE ROAD**

Steve Lehman, CED Department, discussed Application No. S-16-2016, Filed by Natomas Meadows LLC, Requesting Final Plat Approval for the ARA Industrial Center Subdivision-Phase 2 Located at 6935 West SR-201 Frontage Road.

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

Corbin Bennion representing Natomas Meadows LLC, is requesting final plat approval for the 2nd phase of the ARA Industrial Center Subdivision. The subject property is located immediately to the west of phase 1, south of the SR-201 frontage road, and north of the Riter Canal. This phase of the project is also located to the east of the Beagley Estates and East Magna Plat A Subdivisions.

The subdivision will create lot 201 of the ARA Industrial Center. The primary access to the subdivision will be gained from the SR-201 frontage road. There is also a reciprocal access between this phase and phase 1 to the east. At a future point in time, it is anticipated that 2540 South will extend westward out to 7200 South. However, the exact alignment of this road, nor the design of said road, is complete at this time. A separate application will be submitted to dedicate the extension of the future road. Prior to that application, the will City will hold an open house with the residential communities to the west once the design work is complete.

Prior to the construction of phase 1, the City installed curb and gutter along the south side of the SR-201 frontage road. In addition to these improvements, the overhead power lines were placed under ground in a 10-foot public utility easement. The developer will be responsible for landscaping and site improvements which have been reviewed as part of the conditional use process.

In summary, the subdivision plat creates the lot, dedicates a small portion of property along SR-201 frontage road and establishes various easements both of record and new.

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

The City Council will consider Application No. S-16-2016 at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**8. CONSENT AGENDA SCHEDULED AUGUST 16, 2016**

**A. RESOLUTION NO. 16-128, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM METALS MANUFACTURING COMPANY FOR PROPERTY LOCATED AT 2395 SOUTH 2570 WEST (PARCEL 15-21-258-003)**

Mayor Ron Bigelow discussed proposed Resolution No. 16-128 that would authorize the City to Accept a Grant of Temporary Construction Easement from Metals Manufacturing Company for property located at 2395 South 2570 West (Parcel 15-21-258-003).

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

The Metals Manufacturing Company property is one of the properties which will be affected and benefitted by construction of the Pole Line Drive Storm Drain Project. This project will pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The Grant of Temporary Construction Easement along the southerly 25 feet of Grantor's property will allow for the regrading of an existing drainage ditch which currently flows to the east, to now flow to the west and into a new storm drain line in 2570 West. The Grant of Temporary Construction Easement will run for a period of six months from the commencement of construction. Compensation for the Grant of Temporary Construction Easement is \$1,125.00 based upon a Compensation Estimate prepared by City staff.

**B. RESOLUTION NO. 16-129, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KH MOUNTAIN INVESTMENT, LLC FOR PROPERTY LOCATED AT 2339 SOUTH CONSTITUTION BOULEVARD (PARCEL 15-21-254-009)**

Mayor Ron Bigelow discussed proposed Resolution No. 16-129 that would authorize the City to Accept a Grant of Temporary Construction Easement from KH Mountain Investment, LLC for property located at 2339 South Constitution Boulevard (Parcel 15-21-254-009).

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

The KH Mountain Investment, LLC, a Utah limited liability company property is one of the properties which will be affected and benefitted by construction of the Pole Line Drive Storm Drain Project. This project will pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The Grant of Temporary Construction Easement along the Easterly 10 feet of Grantor's property will allow for the installation of 42" RCP storm drain piping along the rear of Grantor's

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property. The Grant of Temporary Construction Easement will run for a period of six months from the commencement of construction. Compensation for the Grant of Temporary Construction Easement is \$300.00 based upon a Compensation Estimate prepared by City staff.

**C. RESOLUTION NO. 16-130, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JERALYNN T. WINDER FOR PROPERTY LOCATED AT 2585 SOUTH 2570 WEST (PARCEL 15-21-452-006)**

Mayor Ron Bigelow discussed proposed Resolution No. 16-130 that would authorize the City to Accept a Grant of Temporary Construction Easement from Jeralynn T. Winder for property located at 2585 South 2570 West (Parcel 15-21-452-006).

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

The Jeralynn T. Winder the properties which will be affected and benefitted by construction of the Pole Line Drive Storm Drain Project. This project will pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The Grant of Temporary Construction Easement along the Northerly 40 feet and the Easterly 30 feet of Grantor's property will allow for the existing storm water ditch to be piped with 18" RCP storm drain piping. The Grant of Temporary Construction Easement will run for a period of six months from the commencement of construction. Compensation for the Grant of Temporary Construction Easement is \$2,125.00 based upon a Compensation Estimate prepared by City staff.

**D. RESOLUTION NO. 16-131, AUTHORIZE THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM FR INVESTMENT LLC FOR PROPERTY LOCATED AT 2421 SOUTH 2570 WEST (PARCEL 15-21-403-002)**

Mayor Ron Bigelow discussed proposed Resolution No. 16-131 that would authorize the City to Accept a Grant of Temporary Construction Easement from FR Investment LLC for property located at 2421 South 2570 West (Parcel 15-21-403-002).

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

The FR Investment, LLC property is one of the properties which will be affected and benefitted by construction of the Pole Line Drive Storm Drain Project. This project will pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The Grant of Temporary Construction Easement along the Northerly 20 feet of Grantor's property will allow for the regrading of an existing drainage ditch which currently flows to the east, to now flow to the west and into a new storm drain line in 2570 West. The Grant of Temporary Construction Easement will run for a period of six months from the commencement of construction. Compensation for the Grant of Temporary Construction Easement is \$900.00 based upon a

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Compensation Estimate prepared by City staff.

**E. RESOLUTION NO. 16-132, AUTHORIZE THE CITY TO ACCEPT TWO GRANTS OF TEMPORARY CONSTRUCTION EASEMENT FROM LCI ENTERPRISES FOR PROPERTY LOCATED AT 2551 SOUTH 2570 WEST (PARCEL 15-21-403-004)**

Mayor Ron Bigelow discussed proposed Resolution No. 16-132 that would authorize the City to Accept Two Grants of Temporary Construction Easement from LCI Enterprises for property located at 2551 South 2570 West (Parcel 15-21-403-004).

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

The LCI Enterprises, LLC property is one of the properties which will be affected and benefitted by construction of the Pole Line Drive Storm Drain Project. This project will pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The Grant of Temporary Construction Easement along the southerly 10 feet of Grantor's property will allow for the piping of the existing drainage ditch with 18" RCP storm drain pipe. The Grant of Temporary Construction Easement along the northerly 20 feet of Grantor's property will allow for the regrading of an existing drainage ditch which currently flows to the east, to now flow to the west and into a new storm drain line in 2570 West. The Grants of Temporary Construction Easement will run for a period of six months from the commencement of construction. Compensation for the Grants of Temporary Construction Easement is \$1,300.00 based upon a Compensation Estimate prepared by City staff.

Russ Willardson, Public Works Director, stated that all 5 of these properties are associated with a storm drain project. He indicated this project will provide better drainage for the various industrial businesses in the area.

The City Council will consider proposed Resolution Nos. 16-128, 16-129, 16-130, 16-131, and 16-132 as listed on the Consent Agenda, at the Regular Council Meeting scheduled August 16, 2016, at 6:30 P.M.

**9. COMMUNICATIONS**

**A. DISCUSSION REGARDING ROOSTERS IN RESIDENTIAL AND AGRICULTURAL ZONES**

Brandon Hill, Legal Department, presented a PowerPoint Presentation with information as follows:

Overview

- Roosters are currently permitted in agricultural zones in the City in accordance with the animal point system.
- Although chickens are permitted on a limited basis in residential zones, rooster and crowing hens are excluded.

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- Agricultural industry uses, such as commercial poultry operations, are permitted in A and M zones.

### Challenges

- Noise and other disruptions incompatible with residential uses.
- Health concerns such as disease and waste management
- Attraction of rodents and other pests
- Cockfighting

### Residential Disruption

- Roosters are considerably louder than hens and are considerably more vocal: 90 decibels vs. 60-65 decibels
- Train whistle or truck traffic versus normal conversation
- Restrictions on roosters and limitations on the number of chickens have been effective in minimizing disruption, disease risk, and the like
- Where residential disruption has occurred, it has been in situations where roosters are involved, often illegally

### Laws Concerning Cockfighting

- Cockfighting has occurred in the United States for hundreds of years but has faced significant scrutiny since the late nineteenth century
- Although laws in the United States have changed over time, 47 states had banned cockfighting by 1948 and all fifty states currently ban cockfighting.
- Utah Law is stricter than that of many states:
  - o Game fowl fighting can rise to the level of a felony offense
  - o Attendance at a cockfight is illegal as well
  - o Cockfighting is predicate offense in the Utah racketeering statute
  - o Municipalities can take further action to prevent cockfighting

### Cockfighting and Animal Cruelty

- The cruel nature of cockfighting is well known
- Animal death and suffering is inevitable and encouraged
- The claws of roosters are sharpened and blades are often affixed to increase the pain and cruelty inflicted.

### Addition Negative Effects of Cockfighting

- Associated crime
- Health risks including spread of disease and unsanitary coops
- Negative perception and risk to neighborhoods and community

### Cockfighting and Crime

- Gambling is a major part of the cockfighting culture with associated violent crime and disputes arise

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- Individuals involved in animal abuse are five times more likely to commit violent crimes against people and four times more likely to commit property crime
- FBI concerns are growing and national database will be established this year to track animal cruelty crimes in order to more fully evaluate their relationship to other criminal activity
- Cockfighting is frequently associated with narcotics trafficking and gangs involved in the drug trade

### Health Risks of Cockfighting

- In addition to overtly cruel aspect of cockfighting, cockfighting has been implicated in a variety of disease outbreaks with significant economic consequences
- A recent outbreak of Newcastle Disease in California attributed to cockfighting had an economic impact of \$200 million and caused the disease to spread to commercial poultry operations in neighboring states
- Cockfighting has been linked to extensive spread of the avian flu in Asia which is one of the most significant global health threats

### City Actions

- Increased enforcement directed toward conditions enabling the practice
  - o Structures, dilapidated fencing, illegal concentration of animals
  - o Both at the Criminal level and the Civil code enforcement level
- Potential Ordinance to address concentration of roosters
  - o Concentrations of roosters associated with cockfighting is well in excess of any legitimate animal husbandry activity
  - o It is possible to address roosters without interfering at all with legitimate agriculture
- Prevent cockfighting from thriving in the shadows

Councilmember Buhler stated that he sees enforcement as a vital aspect of curbing this issue. Brandon replied that this is something that can help but added that creating stricter regulations may be a good option as well.

Councilmember Huynh asked if changes do occur, if one or two roosters will still be allowed in the agricultural zone. Brandon replied yes and indicated that the goal is not to eliminate them for residents who use them correctly but to prevent cockfighting issues.

Brandon discussed different ways of restricting cockfighting, Federal and State Laws, and ways of local enforcement. He indicated that one option is to limit the number of roosters by modifying the ordinance. The Mayor and the rest of the Council agreed that they would like to see a proposal that addresses this.

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### **B. COUNCIL UPDATE**

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

Don Christensen stated that he will be attending the IHC Grand Opening this Thursday.

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

## **10. NEW BUSINESS**

### **A. POTENTIAL FUTURE AGENDA ITEMS**

Steve Buhler stated that CEP must pay approximately \$90,000 a month for payroll prior to receiving Federal grant money from the State. He indicated that he is hoping to work with the City to establish a line of credit to create a solution for this. Councilmember Buhler indicated that there is no risk for the City and he would encourage the Council to support a resolution to allow this. Mayor Bigelow stated that a request should be submitted to the Department of Education to ask for funds. He indicated that he is concerned about setting a precedence for other organizations. Mayor Bigelow encouraged City staff to work with State Legislators and the Department of Education to find other potential solutions. Wayne Pyle stated that the City will look into this. He indicated that there could be a loan provided so there isn't a banking type of relationship between the City and CEP. The City Council discussed methods of funding and various options. Councilmember Lang encouraged CEP to reach out to Granite School District as well.

Lars Nordfelt stated that he received a phone call from a resident who is concerned with animal control policy. The resident indicated that a dog entered her yard and killed her cat and she didn't feel the animal was appropriately punished. Mayor Bigelow stated he received the call as well and indicated that a \$200 fine can be imposed to the pet owner but there is no other punishment. He explained it is a felony if a human kills a pet but if an animal, under the control of an owner, kills another pet, there is no repercussion. He asked if the City should do something and what options should be taken into consideration. Wayne Pyle stated that the City will research options. Karen Lang stated that she worries about opening a can of worms and indicated this may be a civil/neighbor to neighbor dispute that the City should be removed from.

### **B. COUNCIL REPORTS**

#### **COUNCILMEMBER DON CHRISTENSEN- NATIONAL NIGHT OUT**

Councilmember Christensen stated that he participated in National Night Out but would like the City to consider spreading the events out over several days instead of having all events on one night. Wayne Pyle stated that this is difficult for City resources, the Police Department, and Fire Departments. He suggested splitting events up amongst the Council in the future but added that it isn't vital that a Council representative attend every event. Councilmember Buhler agreed and indicated that he tries to alternate different parties in his district every year. The Council discussed Neighborhood Night Out options and avenues of reaching citizens. Mayor Bigelow stated that it's a great informal way of meeting residents. Councilmember Huynh

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agreed and added that while Neighborhood Night Out is a great event, it is a Councilmember's responsibility to interact with citizens throughout the year.

**COUNCILMEMBER TOM HUYNH- LUNCH WITH THAILAND REPRESENTATIVE**

Councilmember Huynh stated that he met with a representative from Thailand with other Councilmembers and political groups and he felt it was a very productive meeting.

**COUNCILMEMBER KAREN LANG- BIKE TRAILS**

Councilmember Karen Lang stated that she attended a meeting with Mayor Ben McAdams who was discussing bike trail grants and questioned whether the City has applied for these. Wayne replied that these grants have been looked into but they don't match the goals of the City. The Council discussed bike trails and lane options in various areas.

**11. ADJOURN**

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

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING OF TUESDAY AUGUST 9, 2016 WAS ADJOURNED AT 6:21 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, August 9, 2016.

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Nichole Camac  
City Recorder