

MINUTES OF COUNCIL STUDY MEETING – OCTOBER 27, 2020

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, OCTOBER 27, 2020 AT 4:30 P.M. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE MEETING WAS HELD ELECTRONICALLY VIA ZOOM.

THE FOLLOWING MEMBERS WERE PRESENT ELECTRONICALLY:

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:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT ELECTRONICALLY:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney
Colleen Jacobs, Police Chief
John Evans, Fire Chief
Jim Welch, Finance Director
Layne Morris, CPD Director
Russ Willardson, Public Works Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Steve Pastorik, CED

APPROVAL OF MINUTES OF STUDY MEETING HELD OCTOBER 20, 2020

The Council considered the Minutes of the Study Meeting held October 20, 2020. There were no changes, corrections or deletions.

Councilmember Buhler moved to approve the Minutes of the Study Meeting held October 20, 2020. Councilmember Lang seconded the motion.

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

REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING OF OCTOBER 27, 2020

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

RESOLUTION 20-170: APPROVE THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY

Chief Jacobs, Police Department, presented proposed Resolution 20-170 that would approve execution of an Interlocal Agreement between West Valley City and Salt Lake County.

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

The Police Department has been requested by Salt Lake County to allow off duty police officers to work security shifts at the Covi-19 testing site(s). The officers would be present when the site was closed to provide protection for the equipment and testing supplies left on site. The officers may be asked to assist with traffic control when the site is open. The current site is in the parking lot of the Maverik Center.

The Police Department was previously authorized to enter into an agreement with Salt Lake County to allow off duty police officers to work shifts patrolling City and County Parks to educate the community about Covid-19 precautions. The Covid-19 Testing Site was added later. The city is reimbursed monthly for the shifts worked. The shifts are funded through Salt Lake County's Cares Act.

Councilmember Lang asked how long the agreement is for. Chief Jacobs replied as long as funding is being provided. Councilmember Lang asked if this overtime will go through the outside company that the City plans on using. Chief Jacobs replied no and indicated that this is different because it's between governmental entities. Councilmember Lang asked how payment of the officers will work. Chief Jacobs replied that the City will pay the officers and then invoice the County. Councilmember Lang asked if the money will be put directly back into the Police Department account as opposed to the General Fund. Chief Jacobs replied that it is her understanding the Police Department account used to pay the officers will be reimbursed. Mayor Bigelow asked if this is by practice. Wayne replied yes.

The City Council will consider Resolution 20-170 at the Regular Council Meeting scheduled November 10, 2020 at 6:30 P.M.

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RESOLUTION 20-171: APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR THE TRANSFER OF CONTROL OF REDWOOD TRAILHEAD PARK AND HILLSDALE PARK

Nancy Day, Parks and Recreation Director, presented proposed Resolution 20-171 that would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for the transfer of control of Redwood Trailhead Park and Hillsdale Park.

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

West Valley City is in the process of acquiring the Redwood Trailhead Park and Hillsdale Park from Salt Lake County. It is in West Valley City's best interest to obtain immediate transfer of control for these parks. Salt Lake County has written an interlocal agreement to allow this action. Final transfer of these properties will take place in early 2021 pending final contract preparation.

The Salt Lake County Redwood Trailhead and Hillsdale parks have seen an increase in troubling and illicit behaviors. To maintain a safe and desirable park atmosphere, it is necessary that West Valley City acquire control and operations of these parks effective immediately. The interlocal agreement allows this to happen thus providing the City an opportunity to control undesirable activities. Additional maintenance funds and equipment needs will be necessary to ensure success. Salt Lake County is verifying park acreage and boundaries. Upon completion, a contract and deed will be submitted to West Valley City for final approval and the acquisition will be complete.

Mayor Bigelow verified that the City will own the property. Nancy replied yes. Councilmember Lang asked if the City plans to keep and maintain the tennis courts. Nancy replied yes and added that pickleball lines will be added as well to provide multiuse. She said there is a community garden on the north side of the park and there is a contract with an outside group to maintain that. Councilmember Buhler asked if the County will provide funding for the park. Nancy replied no and indicated that there will be a cost for the maintenance and equipment needed. Wayne agreed and indicated that the City asked the County for operational funding but was denied. He stated that additional funding will be needed in the future. Councilmember Buhler stated that the overall goal will be for these parks to be in better condition than they are now. Councilmember Lang asked if there has been a large Police presence at these parks. Wayne replied yes. He indicated that the City plans to remove the bathrooms, remove the picnic tables, and restrict the use of the park to walking trails temporarily. He stated that this has been proven to shut down unwanted activity quickly and effectively. Councilmember Lang asked if any sports groups use the

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parks. Nancy replied that the fields are non-regulation size so no formal events are held at these locations.

The City Council will consider Resolution 20-171 at the Regular Council Meeting scheduled November 10, 2020 at 6:30 P.M.

CONSIDER APPLICATION SMI-1-2020, FILED BY YONNI HINOJO, REQUESTING FINAL PLAT APPROVAL FOR THE HUNTER CREEK SUBDIVISION LOCATED AT 3658 SOUTH HAWKEYE STREET

Steve Lehman, CED, presented application SMI-1-2020, filed by Yonni Hinojo, requesting Final Plat Approval for the Hunter Creek Subdivision located at 3658 South Hawkeye Street.

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

Mr. Yonni Hinojo, is requesting final subdivision approval for the Hunter Creek Subdivision. The subject property sits between two recorded subdivisions, Western Acres Phase 2 to the north and Bridlevalle at Wallace Farms Phase 3 to the South.

The subdivision will consist of 2 lots on .61 acres. Although zoned R-1-8, both lots exceed the minimum square footage requirement. Lot 1 is approximately 12,550 square feet while lot 2 is approximately 9,053 square feet in size.

The proposed subdivision is a key piece in connecting two different subdivisions. The Western Acres Subdivision to the north consists of 2 phases and was platted in 1960 and 1961. The Bridlevalle at Wallace Farms Phase 3 Subdivision was recorded in 1996. The property in question was not made part of either subdivision but does have a single-family dwelling on what will become lot 2.

Access to the subdivision will be gained from the extension and connection of Hawkeye Street which exists on both the north and south sides of the subdivision. The connection of these streets will provide a secondary access into the Western Acres Subdivisions to the north. At the present time, the Western Acres Subdivisions consist of 83 lots with a single point of access at 4000 West. The Fire Code allows up to 30 single family homes on a single point of access. While the subdivisions to the north predate the current Fire Code, it will be beneficial to the Western Acres Subdivisions to have a secondary access for emergency services.

Councilmember Buhler stated that he is glad to see this happening and is appreciative of staff for bringing this to a conclusion. He indicated that he has witnessed a fire in this neighborhood and it was very difficult for residents to get in and out. Councilmember Lang asked if traffic calming will be added to the long straight street. Steve replied that he has not discussed this with Public Works but will.

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The City Council will consider application SMI-1-2020 at the Regular Council Meeting scheduled November 10, 2020 at 6:30 P.M.

CONSENT AGENDA SCHEDULED FOR NOVEMBER 10, 2020

A. RESOLUTION 20-172: AUTHORIZE THE ABANDONMENT AND RELEASE OF TWO STORM DRAIN EASEMENTS

Mayor Bigelow discussed proposed Resolution 20-172 that would authorize the abandonment and release of two Storm Drain Easements.

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

In 2016, two storm drain easements were recorded to allow development of the future Clearstone Estates Phases 1 and 2 Subdivisions. These easements were recorded on property that would eventually become part of the Newton Farm Phase 3 Subdivision and also running through the Spangler property on 6400 West.

During the construction phase of the Clearstone Estates Subdivisions, approvals were being granted to the Newton Farms property to the north. In a cooperative effort, both developers agreed to modify their plans to use the public street system for storm drain purposes and avoid using the storm drain easements that were previously recorded.

As a result of that cooperative effort, the storm drain easements granted to the City are no longer needed. Therefore, staff recommends that these easements be released and abandoned.

Mayor Bigelow asked if all lots in the subdivision absorb and maintain their own water runoff. Steve replied yes and indicated that these easements were used for runoff from the street. Councilmember Christensen asked if the irrigation ditch will be removed in Phase 3 once construction concludes. Steve replied yes.

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

The City Council will consider Resolution 20-172 at the Regular Council Meeting scheduled November 10, 2020, at 6:30 P.M.

COMMUNICATIONS

A. PUBLIC WORKS BUILDING RIBBON CUTTING VIDEO

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A video displaying a tour and ribbon cutting event of the new Public Works Building (located at 2805 S 3600 W) was displayed.

B. OPEN SPACE REQUIREMENTS FOLLOW-UP

Steve Pastorik, CED, presented a PowerPoint presentation summarized as follows:

- Replace the term “Open Space” with “Recreation Space”
- Define Recreation Space to include:
 - o Outdoor space shared in common by residents of a residential development for passive and active recreation. Examples include terraces, courtyards, plazas, shared roof decks, sports courts, sports fields, open lawn areas, private parks, swimming pools, hot tubs, tot lots, picnic areas, fire pits and trails.
 - o Indoor space shared in common by residents of a residential development for passive and active recreation. Examples include fitness rooms, libraries, computer labs, swimming pools, hot tubs, sports courts, lobbies, clubhouses, social rooms, classroom space, community centers, recreation centers, community game rooms and theater rooms.
 - o Private outdoor space provided only for the use of the residents of the dwelling unit to which it is attached. Examples include rear yards, front porches, patios, balconies, decks and roof decks.
- Define Recreation Space to exclude:
 - o public right-of-way
 - o private curb, gutter and roadway improvements
 - o parking and maneuvering areas
 - o any building roofs that do not cover a porch or that do not have a roof deck that is accessible for recreation use
 - o storm water retention areas
 - o storm water detention areas where the slope exceeds 30% and the depth exceeds 2’ from surrounding areas
- Maintain the definition of Landscaping as “the improvement of property through the addition of plants and the eradication of weeds and other deleterious material, including the installation of trees, shrubs, lawn, and vegetative or nonvegetative permeable groundcover.”
- Examples- Erin Hills Townhomes
 - o Total Project Area: 12 acres
 - o Total Number of Units: 130
 - o Density: 10.8 Units/Acre
 - o Landscaping: 27.7%
 - o Recreation Space and Landscaping: 52.3%

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- Common areas including tot lot, sports court, pavilion and landscaped areas and private outdoor spaces including patios, decks and roof decks
- Examples- Pinnacle at Highbury Apartments
 - o Total Project Area: 13 acres
 - o Total Number of Units: 290
 - o Density: 22.3 Units/Acre
 - o Landscaping: 34.3%
 - o Recreation Space and Landscaping: 43.3%
 - Common areas including pool, tot lot, clubhouse and landscaped areas and private balconies and patios
- Examples- Residences at Fairbourne Station Phase 2
 - o Total Project Area: 2.9 acres
 - o Total Number of Units: 201
 - o Density: 69.9 Units/Acre
 - o Landscaping: 11.9%
 - o Recreation Space and Landscaping: 56.1%
 - Common areas including lower court, upper terrace, roof deck, recreation center, community center and landscaped areas and private balconies and patios
- Planned Unit Development Definition
 - o Planned Unit Development means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. In exchange for design flexibility, A a planned unit development may be shall include:
 - a. ~~The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open~~ Recreation Spaces and/or common Landscaping for recreation, circulation and/or aesthetic uses; and
 - b. ~~The conservation or development of desirable amenities for residential uses, Amenities~~ not otherwise possible by typical development standards; and
 - c. ~~The creation of areas for multiple use that are of benefit to the neighborhood.~~
 - o Planned Unit Development means an integrated design for development of residential, commercial or industrial uses in

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which one or more of the regulations, other than use regulations, of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. In exchange for design flexibility, a planned unit development shall include:

- a. common Recreation Spaces and/or common Landscaping and
- b. for residential uses, Amenities not otherwise possible by typical development standards.

Councilmember Lang expressed concern about shared roof decks. Steve provided examples of shared roof decks existing in the City. Councilmember Lang expressed concern about higher density and less landscaping. Steve replied it is a function of the amount of area on a site. He provided examples of different projects in the City. Mayor Bigelow expressed concern about private areas such as patios and balconies being included in recreational space. Steve explained that the thought behind this was to allow developers to provide these features without feeling they were being penalized. Mayor Bigelow stated that he doesn't agree that this would be a penalty. He stated he is concerned that counting patios, porches, or balconies in the percentage because it is not shared space and allowing applicants to count this as recreational or landscaping doesn't seem fair. Steve provided regulations for standard single-family subdivisions and noted that recreation space is counted as their own personal yard or outdoor space. Councilmember Lang expressed concern about single-family residences and how their outdoor space is calculated in relation to patios/decks versus this proposal for PUD's/multi-family. Steve discussed percentages and how they are calculated in different scenarios. Councilmember Lang expressed concern about the proposed percentages. Mayor Bigelow agreed and indicated that he is also concerned with some of the proposed definitions. Mayor Bigelow stated that a trade off for high density should be more recreational space. Councilmember Buhler stated that he doesn't know that the standards need to be changed. Councilmember Huynh asked if staff compared standards to other City's and how staff came up with the proposed percentages. Steve replied that staff has not looked at other City codes and the percentages were based on recent projects that were approved by the Council. Mayor Bigelow stated that he wants to see projects that attract people to the City and keep them here. Steve stated that more amenities are required for higher density projects. Councilmember Lang stated that the City needs to focus on surrounding neighborhoods where these types of projects are constructed. She stated that the roads should be public so no parking signs can be placed and enforced and also indicated that projects should be self-contained and no overflow occurs in neighboring communities. Councilmember Huynh

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agreed. Mayor Bigelow asked if the Council wanted to discuss this further at a future date. The Council agreed. Mayor Bigelow encouraged staff to look at nice developments in other Cities and how they compare.

C. COVID-19 UPDATE

The Mayor and Council had no further questions or concerns.

D. COUNCIL CALENDAR

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

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

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

Council Suggestions

Wayne stated that Councilmember Lang and Councilmember Christensen have asked about secondary employment/overtime hours in relation to the Police Department. Chief Jacobs stated that the City has changed its process for three main reasons. The first is consistency and standardization, the second is to provide impartial services to the community, and third is to reduce risk and liability. Chief Jacobs stated that secondary employment has been very inconsistent over the past 40 years. She explained that some officers are hired by a separate company and paid by them, some are paid for by the City and the City is reimbursed, some are 1099's, some are W-2's, some companies select specific officers, and sometimes the City opens it out for officers. Chief Jacobs stated that there is a discrepancy in pay rate where one officer may get paid more than another. She indicated it has been a challenge to track and manage these functions and it has been difficult to ensure officers are getting enough rest and off time between their actual shifts with the City. Chief Jacobs stated that the department has decided to enter into a contract with a third party who will schedule all overtime shifts, will standardize pay rates, and will ensure all businesses pay the same rate and not be given any type of preferential treatment. Chief Jacobs stated that the City has paid workers comp time and lawsuits due to part time jobs and switching to this company will remove all the risk. She indicated that this change is causing concern from both businesses and officers but it is necessary and will be better for everyone involved once the adjustments have been made. Councilmember Lang asked for the name of the third-party company. Chief Jacobs replied that it's called Off Duty Management. Councilmember Buhler stated that officers don't like change. He stated that he doesn't see harm in making this change. Councilmember Lang stated that if businesses choose not to pay the higher cost for services, officers will not have the

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opportunity to make overtime pay. Chief Jacobs replied that there are overtime opportunities available within the department. Mayor Bigelow stated that there seems to be a lot to this issue. Chief Jacobs replied there is no cost to the department or the City. She indicated that the fee charged by the third party compensates them as well as the wear and tear on the City vehicles and equipment. Wayne stated that this is an administrative action and wouldn't need to go before Council. He indicated that due to the reaction of businesses and officers, he wanted to make sure the Council was aware of the issue. Mayor Bigelow stated that when an officer wears his uniform or drives his car to a place of employment not related to the City, it is important that specific issues are addressed which is what this change appears to be accomplishing. He indicated that he understands this has an impact financially and on the morale of officers. Chief Jacobs replied it does have an impact on morale but that is related to the change. She indicated that this change won't take place until January to ensure businesses and officers have time to adjust. Councilmember Buhler thanked Chief Jacobs and indicated that officers need rest physically and mentally so that when they are on-duty they are able to perform their best. Chief Jacobs agreed. Councilmember Buhler stated that he feels this is a necessity to ensure all officers are being treated fairly. Councilmember Huynh stated that he is very supportive of this change. Mayor Bigelow thanked Wayne for bringing this issue before the Council. Councilmember Christensen stated that officers have expressed concern about companies not being able to afford the higher fee. Chief Jacobs replied that this is accurate but making pay rate equal for all businesses ensures things are fair and no one is receiving any type of preferential treatment. Councilmember Lang stated that deterring crime is easier and cheaper than going in and cleaning up a crime scene. She indicated that she would prefer to see things remain as they are.

Mayor Bigelow stated that he would like a communication item related to electronic meetings under COVID-19.

B. COUNCIL REPORTS

None

MOTION FOR CLOSED SESSION

Councilmember Buhler moved to adjourn and reconvene in a Closed Session for discussion of pending litigation. Councilmember Christensen seconded the motion.

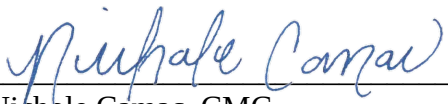
A voice vote was taken and all members voted in favor of the motion.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING ON TUESDAY OCTOBER 27, 2020 WAS ADJOURNED AT 6:06 PM BY MAYOR BIGELOW.

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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, October 27, 2020.



Nichole Camac, CMC
City Recorder

THE WEST VALLEY CITY COUNCIL RECONVENED IN CLOSED SESSION ON TUESDAY, OCTOBER 27, 2020, AT 6:11 P.M. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE MEETING WAS HELD ELECTRONICALLY VIA ZOOM.

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:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT:

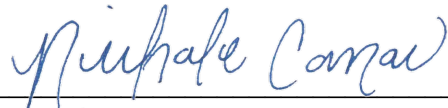
Wayne Pyle, City Manager
Nichole Camac, City Recorder
Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney

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The City Council met in Closed Session and discussed pending litigation.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE CLOSED SESSION OF OCTOBER 27, 2020 WAS ADJOURNED AT 6:40 P.M. BY MAYOR BIGELOW.



Nichole Camac – City Recorder