

MINUTES OF COUNCIL REGULAR MEETING – MAY 19, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 19, 2015, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
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
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Nichole Camac, Acting City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Steve Pastorik, CED Department

17015

OPENING CEREMONY

The Opening Ceremony was conducted by Steve Buhler. He offered congratulations to the high school students in attendance and played the song “*School’s Out*” by Alice Cooper.

17016
2015

APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 5,

The Council read and considered Minutes of the Regular Meeting held May 5, 2015. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held May 5, 2015, as written. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

17017

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

Mayor Bigelow read the following names of students from the City ranking in the top 3% of the highest GPA from Granger High, Hunter High, Cyprus High and Taylorsville High Schools to receive the Mayor’s Star of Excellence Award:

Granger High School

Manuel Santana
Madeline D. Buhler
Madison Weaver
Adam R. Newton
Eric J. Ortiz
Spencer B. Fulton
Alexander P. Smith
Jasmin E. Reyes Montelongo
Karren O. Shamo
Kelsey H. Barfusson
Erik T. Demler
Melanie E. Bray
Tiana M. Lewis
Jazelle L. Johns
Kristopher Mota Popoca
Aubrie J. Bohman
Dallin M. Aston
Samantha G. Hernandez
Agustin Silvera
Jorge A. Ramiro

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Timothy T. Leatherwood
Angel Herrera
Hanin Sheikh
Mackenzie Bohn
Theron Moore
Britney Munson
Juan C. Meneses
Taylor G. Francis
Caleb P. Macfarlane
Tarik D. Vu

Hunter High School

Joseph Farnworth
Jessica M. Hamblin
Mariah M. Jensen
Melissa A. Marsh
McKenna Miller
Kaden M. Hall
Jarrah L. Isom
Kylie K. Harrison
Palepoi N. Gilmore
Abbey Oborn
Bill V. Tran
Jazlyn Maxwell
Ivan A. Cardenas
Adam J. Brinkerhoff
Angelina L. Nguyen
Christopher K. Cox
Adam S. Dallon
Aleeya L. Taylor
Samuel R. Short
Ester Castanon Pasillas
Alyssa N. Ngo
Cadence Summers
Drew Rulon Jensen
Hannah K. Bigham
Diana L. Sanchez
Connor D. Applegate
Amanda M. Farnsworth
Heather L. Pelzer
Jayden A. Cosentino
Malcom D. Harrison

Cyprus High School

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Noah Clark
Andrew Williams
Myranda Peterson
Angeles Martinez Aceituno
Jaren Evans
Joshua Hansen
Tristan Thompson
Marissa Fowler
Dawson Croxall
Alyssa Whetstone
Nicole Mortensen
Brianna Jex
Dominic Calhoon
Eduardo Hernandez
Angel Rodriguez
Ruben Ochoa
Scott Hall
Shawn Topham
Kimberly Soto
Christina Sanchez
Cassandra Jacobson
Adam Hildebrand
Carlos Rodriguez
Myranda Pettersson
Jia Qi Pan
Monica Martinez
Alicia Duran
Colton Bettinson
Bree Nelson
Ashley McPhee
Brittney Jacketta
Esther Aquino

Taylorsville High School

Emma Micheel
Maradyn Briggs
Vickey Nguyen
Thomas Nguyen
Ashley May
Alena Le
Jesse Hahn
Jessica Derrick
Tammy Nguyen
Long Chau

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Kazmine Christensen
Rachel Mills
Ian Clifford
Prince Mugisha
Casey Rasmussen
Caitlyn Littleford
Brittany Huynh
Akemi Makashina
Loan Hua
Michelle Stamper
Kent Thai
Haille Madill
Megan Johnson
Monique Rebaza
Alexis Richards
Randy Nickell
Francine Boston
Kamila Ako
Emily Rodriguez
Amanda Zafflow
Keira Solt
Alec Trujillo

Members of the City Council presented individual certificates and congratulated the award recipients.

17018

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-2-2015, FILED BY ALISHA UNGERMAN, REQUESTING AN ORDINANCE TEXT AMENDMENT TO MODIFY HOME PRESCHOOL REQUIREMENTS

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-2-2015, filed by Alisha Ungerman, requesting an ordinance text amendment to modify home preschool requirements.

Proposed Ordinance No. 15-16 related to the Application to be considered by the City Council after the public hearing was presented as follows:

Proposed Ordinance No. 15-16 would amend Sections 7-1-103 and 7-8-103 of the West Valley City Municipal Code to amend regulations governing home preschools.

The requested amendment would increase the number of children allowed in a home preschool. The current ordinance allowed home preschools to have up to

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six children per session of instruction. The applicant's request would change the ordinance to allow up to ten children per session. Home preschools were processed as a major home occupation within residential zones that required review of the Planning Commission for a conditional use permit.

Included with the information provided to the Council, were several documents supplied by the applicant to support the application. These documents included a letter outlining the request, Appendix A – standards from other municipalities, Appendix B – a summary of a petition of those supporting the change, and a PowerPoint presentation.

Home pre-schools were considered a home occupation. By definition, home occupations were intended to be incidental and secondary to the use of the home and not change the residential character of the home. As such, a primary concern of City staff and the Planning Commission regarded an increase in the number of children would increase vehicular traffic to the residence. For this reason, the Planning Commission recommended an increase to eight children per session as opposed to ten per session as requested.

Mayor Bigelow opened the public hearing.

Alisha Ungerman, applicant, addressed the City Council. Ms. Ungerman stated the Planning Commission had expressed concern of increased traffic in neighborhoods. She indicated every new preschool was reviewed and any specific concerns could be mitigated. She stated neighbors within 300 feet had been notified and given opportunity to support or object to the business before it began operation. She explained typical preschools operated during the day while most people were away from home and at work. She advised they typically did not have sessions on weekends or during the summer months. She indicated drop off and pick up only lasted a couple of minutes so there was likely only a five minute period where cars would be parking briefly in front of the home.

In response to inquiry, Ms. Ungerman advised that typically more than one-half of the students walked to the preschool. She stated parents liked the option of walking their children to a neighborhood preschool.

Also in response to inquiry, Ms. Ungerman stated recitals and/or graduation ceremonies were typically held in larger community spaces off-site.

Shayla Fairclough, a preschool owner, addressed the City Council and stated that one in every three students were driven or carpoled to the preschool. She indicated her classes were also impacted because there was usually at least one student unable to attend per session. She stated traffic in the neighborhood would not increase significantly.

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In response to inquiry, Ms. Fairclough advised she had increased the number of her daily sessions to two, but could go back down to one session if more students were allowed.

Brittany Peterson addressed the City Council. Ms. Peterson stated that while traffic was a concern and an issue, it was also very important for children to have a higher ratio of classmates to encourage good behavior and develop social interaction skills. She explained she spoke with a traffic engineer who stated increasing the number of preschool students would not significantly impact traffic in a neighborhood. She also indicated she had spoken with other cities that had a cap of 12 students per session and they did not have any traffic issues relating to home preschools.

Nate Fairclough addressed the City Council and stated the applicant proposed an increase to 12 students per session and the Planning Commission recommended an increase to eight. He requested a compromise be considered and suggested an increase to 10 students. He also stated increased traffic created more movement and activity in a community that could help reduce crime rates.

Garret Peterson addressed the City Council. Mr. Peterson stated preschools were a great benefit to children as they prepared students for school. He indicated more children in a preschool would provide preparation for an easier transition to a larger classroom.

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

ACTION: CONSIDER ORDINANCE NO. 15-16, AMENDING SECTIONS 7-1-103 AND 7-8-103 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND REGULATIONS GOVERNING HOME PRESCHOOLS

The City Council previously held a public hearing regarding Application No. ZT-2-2015 and proposed Ordinance No. 15-16 that would amend Sections 7-1-103 and 7-8-103 of the West Valley City Municipal Code to amend regulations governing home preschools.

Upon discussion, Councilmember Vincent stated neighborhood preschools were a benefit to his children as they helped them learn basic educational and social skills before entering kindergarten. He stated increasing the number of children allowed would benefit the community and a cap of 10 students seemed reasonable. He further stated he did not believe an additional two cars would negatively impact the neighborhood.

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Councilmember Lang concurred with Councilmember Vincent's remarks and stated additional traffic in a neighborhood could help with safety. She also expressed agreement that big events be held off-site.

Councilmember Huynh also concurred and stated he would be comfortable with a cap of 10 students.

Councilmember Buhler stated the number should remain as is and he did not see the difference between this type of business and any other major home occupation and exceptions should not be granted. He stated the entire ordinance might need to be re-visited but he did not feel a specific distinction should be made in the law for home preschools. He explained he did not know what the correct number should be, but was opposed to making this change.

Councilmember Nordfelt expressed agreement with increasing the number of children allowed to 10. He stated preschools provided a great benefit to the community and a residential zone was the correct place for them. He further stated restricting the number to six was prohibitive and would force families to take their children to other cities. He stated each business license was approved one at a time and concerns could be mitigated. He added there was already a specific section in the code that addressed preschools and the proposed amendment would not impact the residential zone in a negative way.

Mayor Bigelow stated he did not know what the right number should be but an increase to a potential of 30 children in a home throughout one day was a big change. He also expressed less concern with traffic and more concern about child safety and health risks. He indicated more children would create a likelihood the State would have to step in and begin regulating at-home preschools. He explained it was important for the applicant to know the Council was concerned about the welfare of the children and one negative incident could have a very negative impact on the entire at-home preschool system.

Councilmember Rushton stated he was impressed with the applicant and other preschool owners in attendance at the meeting. He indicated it was important to participate in the City Council process and he commended them for operating their businesses under the City's ordinances. He expressed the importance of being consistent with all major home occupations. He concurred with eight students per session but did not feel increasing that to 10 would be pushing the limit. He expressed concern that a line must be drawn somewhere and allowing this amendment could open other major home occupations to ask for increases as well.

Councilmember Huynh stated the County Health Department would regulate safety concerns for children. He indicated many residents had more than six

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children in unlicensed preschools and he expressed appreciation that the applicant had made an appropriate request to increase the number. He also stated many students walked to the preschool, drop offs were quick, and no neighbors had expressed opposition to the change.

After further discussion, Councilmember Nordfelt moved to approve Ordinance No. 15-16, an Ordinance Amending Sections 7-1-103 and 7-8-103 of the West Valley City Municipal Code to Amend Regulations Governing Home Preschools; with an amendment that 10 students be allowed. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	No
Mr. Nordfelt	Yes
Mayor Bigelow	No

Majority.

17019

ORDINANCE NO. 15-17, AMEND SECTION 2-4-101 AND REPEAL SECTIONS 2-4-102, 2-4-103, 2-4-104, 2-4-105 AND 2-4-106 OF THE WEST VALLEY CITY MUNICIPAL CODE TO UPDATE THE MUNICIPAL ELECTION REQUIREMENTS IN ACCORDANCE WITH STATE LAW

Mayor Bigelow presented proposed Ordinance No. 15-17 that would amend Sections 2-4-101 and repeal Sections 2-4-102, 2-4-103, 2-4-104, 2-4-105 and 2-4-106 of the West Valley City Municipal Code, to update the municipal election requirements in accordance with State law.

The major legislative changes included prohibiting municipal candidates from making personal use expenditures (i.e., clothing, cars, event tickets) and require a candidate who received cash donations over \$50 to donate those to the state or political subdivision, or a 501(c) (3) organization.

In the 2015 legislative session the Utah Legislature had passed several bills impacting municipal elective office candidate obligations to disclose campaign contributions and expenditures. The West Valley City Municipal Code had long required that some disclosure occur. However the recent changes in State law were more expansive and imposed greater disclosure and reporting obligations than those existing presently under the City Code. In an effort to offer clarity to candidates and officeholders, this change would make it clear that following the

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State Code was required and that there was no lesser obligation for those of municipal officeholders and candidates. The new requirements would take effect this election cycle and information concerning the State law changes would be made available to candidates and officeholders prior to the filing period.

After discussion, Councilmember Buhler moved to approve Ordinance No. 15-17, an Ordinance Amending Section 2-4-101 and Repealing Sections 2-4-102, 2-4-103, 2-4-104, 2-4-105 and 2-4-106 to Update Municipal Election Requirements in Accordance with State Law. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

17020

RESOLUTION NO. 15-79, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR THE PURCHASE OF DIGITAL ORTHORECTIFIED AERIAL PHOTOGRAPHY

Mayor Bigelow presented proposed Resolution No. 15-79 that would approve an Interlocal Cooperation Agreement with Salt Lake County, in the amount of \$3,750.00, for the purchase of digital orthorectified aerial photography.

The proposal would authorize the City to enter into an agreement for the purchase and use of digital orthorectified aerial photography of West Valley City at a discounted rate, resulting from an agreement with Salt Lake County and the Utah Department of Technology Services, Automated Geographic Reference Center. Under the subject agreement, the City would agree to participate in the purchase of a commercial aerial photography license of high resolution Google Imagery data. The data would be acquired each year beginning in 2015 and ending December 31, 2017. The Google Imagery data would be available as a GIS WMA service and as a downloadable product. Anticipated delivery would be in June of 2015.

Current and accurate digital orthorectified photography had many uses within the City. Photographs were used within the majority of City departments to visualize and identify growth; compare urban changes with aerial photography from

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previous years; as a reference for new spatial information; as a background for online map viewers and printed maps; for measurements of impervious surfaces; and more. Additionally, the format was compatible with existing GIS applications used and developed by West Valley City staff. By partnering with other agencies, costs for aerial photography were significantly reduced.

After discussion, Councilmember Vincent moved to approve Resolution No. 15-79, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for the Purchase of Digital Orthorectified Aerial Photography. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

17021

CONSENT AGENDA:

A. RESOLUTION NO. 15-80, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MICHAEL D. HENNESSEY AND KATHERINE T. HENNESSEY FOR PROPERTY LOCATED AT 3436 WEST MEADOWBROOK DRIVE

Mayor Bigelow presented proposed Resolution No. 15-80 that would accept a Grant of Temporary Construction Easement from Michael D. Hennessey and Katherine T. Hennessey for property located at 3436 West Meadowbrook Drive.

Michael D. Hennessey and Katherine T. Hennessey had signed a Grant of Temporary Construction Easement for across the frontage of their property located at 3436 West Meadowbrook Drive (Parcel 21-05-209-027).

The subject property was one of nine properties affected and benefitted by construction of the 3425 West Sidewalk Project. The project would construct sidewalk along 3425 West and portions of Meadowbrook Drive where sidewalk did not exist currently and connect to existing sidewalks to provide a safer walking route to Robert Frost Elementary School. The

project would also include new curb and gutter, textured, colored concrete park strips along with tie-ins to existing driveways and landscaping. The design of the project did not require additional right-of-way to be acquired; however, Grants of Temporary Construction Easement would be required. The easement would allow the City and its contractor an additional ten feet of space to construct the required improvements within the existing right-of-way and allow the contractor to replace improvements on adjoining properties disturbed by construction of the project. Improvements such as driveways, sprinklers and landscaping would be reconstructed as required to match new sidewalk and drive approach locations and elevations. The easement would expire December 31, 2015.

B. RESOLUTION NO. 15-81, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DOUGLAS R. PEACOCK AND SHERRY A. PEACOCK FOR PROPERTY LOCATED AT 4280 SOUTH 3425 WEST

Mayor Bigelow presented proposed Resolution No. 15-81 that would accept a Grant of Temporary Construction Easement from Douglas R. Peacock and Sherry A. Peacock for property located at 4280 South 3425 West.

Douglas R. Peacock and Sherry A. Peacock had signed a Grant of Temporary Construction Easement for across the frontage of their property located at 4280 South 3425 West (Parcel 21-05-252-017).

The subject property was one of nine properties affected and benefitted by construction of the 3425 West Sidewalk Project. The project would construct sidewalk along 3425 West and portions of Meadowbrook Drive where sidewalk did not exist currently and connect to existing sidewalks to provide a safer walking route to Robert Frost Elementary School. The project would also include new curb and gutter, textured, colored concrete park strips along with tie-ins to existing driveways and landscaping. The design of the project did not require additional right-of-way to be acquired; however, Grants of Temporary Construction Easement would be required. The easement would allow the City and its contractor an additional ten feet of space to construct the required improvements within the existing right-of-way and allow the contractor to replace improvements on adjoining properties, disturbed by construction of the project. Improvements such as driveways, sprinklers and landscaping would be reconstructed a required to match new sidewalk and drive approach locations and elevations. The easement would expire December 31, 2015.

C. **RESOLUTION NO. 15-82, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM VUU CORPORATION FOR PROPERTY LOCATED AT 2644 WEST 2365 SOUTH**

Mayor Bigelow presented proposed Resolution No. 15-82 that would accept a Grant of Temporary Construction Easement from VUU Corporation for property located at 2644 West 2365 South.

VUU Corporation, a Utah corporation, had signed a Grant of Temporary Construction Easement across its property located at 2644 West 2365 South (Parcel 15-21-254-013).

The VUU Corporation property was one of the properties affected and benefitted by construction of the Pole Line Drive Storm Drain Project. The property was the site of the Miss Saigon Catering business. The easement would run along the easterly 10-feet of the grantor's property and allow for the replacement of an existing 36-inch reinforced concrete pipe on the adjoining property to the east with a new 42-inch reinforced concrete pipe and construction of new storm drain piping. This project would pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201.

D. **RESOLUTION NO. 15-83, ACCEPT A WARRANTY DEED FROM VUU CORPORATION FOR A PORTION OF PROPERTY LOCATED AT 2644 WEST 2365 SOUTH**

Mayor Bigelow presented proposed Resolution No. 15-83 that would accept a Warranty Deed from VUU Corporation for a portion of property located at 2644 West 2365 South.

VUU Corporation had signed a Warranty Deed for right-of-way at the northeast corner of the intersection of Constitution Boulevard (2700 West) and 2365 South. VUU Corporation was the owner of the property for the proposed Miss Saigon Catering site. As a condition of approval for the proposed Miss Saigon Catering, construction of curb, gutter, sidewalk and road improvements on 2700 West and sidewalk on 2365 South would be required along the street frontages of the subject property. In order to accommodate the required ADA ramp and existing utility boxes at the southwest corner of the property, additional street right-of-way would also be required.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 15-80, 15-81, 15-82, and 15-83 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 19, 2015, WAS ADJOURNED AT 7:47 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, May 19, 2015.

Nichole Camac, Acting City Recorder