

MINUTES OF COUNCIL STUDY MEETING – MARCH 19, 2019

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MARCH 19, 2019, AT 4:30 P.M. AT WEST VALLEY CITY HALL, MULTIPURPOSE ROOM, 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 (*arrived as noted*)
Jake Fitismanu, Councilmember District 4

STAFF PRESENT:

Paul Isaac, Acting City Manager
Nichole Camac, City Recorder

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
Jake Arslanian, Public Works Department
John Rock, Administration
Steve Pastorik, CED
Jerry Thompson, CED
Brock Anderson, CED
Brandon Hill, CED
Russell Condie, Business Licensing
Nora Clements, Business Licensing

APPROVAL OF MINUTES OF STUDY MEETING HELD MARCH 12, 2019

The Council considered the Minutes of the Study Meeting held March 12, 2019. There were no changes, corrections or deletions.

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Councilmember Buhler moved to approve the Minutes of the Study Meeting held March 12, 2019. Councilmember Christensen seconded the motion.

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

Councilmember Karen Lang arrived at 4:31 PM.

PRESENTATIONS

A. INTRODUCTION OF NEW EMPLOYEES

The following employees introduced themselves to the Mayor and City Council:

- Roberto Lopez- Court Clerk
- Sarah Haws- Firefighter
- Michael Kelley- Firefighter
- Collin Park- Firefighter
- Jordan Roland- Firefighter
- Enrique Sanchez- Firefighter
- David Sveiven- Firefighter
- Danielle Nelson- Executive Administrative Assistant
- Neal David Grover- Parking Compliance Specialist
- Andrew Matriss- Parking Compliance Specialist
- Paul Bunas- Police Officer
- Edward Estrada- Police Officer
- Mathew Lane- Police Officer
- Kenneth Powell- Police Officer
- Braydon Turner-Brotherson- Police Officer
- Michael Ferguson- Engineer II
- Gene Suitt- Fleet Parts Specialist
- Tuiumi Aiono- Laborer
- Steven Burgen- Laborer
- Dustin Tindell- Laborer
- Jermaine Rodgers- Laborer
- Richard Sutton- Laborer
- Benito Gutierrez- Operator I
- Dennis Ma- Operator I
- Tyrone White- Operator I
- Rande Larson- Sanitation Technician

REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING OF MARCH 19, 2019

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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 Meeting scheduled later this night.

RESOLUTION 19-35: AUTHORIZE THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR THE CONSTRUCTION OF 2550 SOUTH

Russ Willardson, Public Works Director, presented proposed Resolution 19-35 that would authorize the execution of an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for the construction of 2550 South.

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

This interlocal agreement will transfer up to \$1,500,000 in County Transportation Funds to West Valley City, to reimburse the City for new road construction along 2550 South between 5600 West to 7200 West.

During the 2018 legislative session, SB234 directed UDOT to fund the completion of 2550 South 5600 West to 8000 West, with matching funds from Salt Lake County. UDOT has since funded \$1,000,000 for design and construction.

Salt Lake County is providing County Transportation Funds to help cover construction of the road and active transportation infrastructure. The new road construction along 2550 south between 5600 West to 7200 West will include a multi-use path. The County Transportation Funds will only be used for allowable uses as described in Subsection 72-2-121(4)(h) of the State Transportation Code.

Mayor Bigelow asked if funding received will be enough to complete the project. Russ replied he is unsure because design has not been fully completed. Councilmember Nordfelt asked where the crosstown trail is in reference to this project. Russ displayed where it will be located on a map.

The City Council will consider Resolution 19-35 at the Regular Council Meeting scheduled March 26, 2019 at 6:30 P.M.

CONSENT AGENDA SCHEDULED FOR MARCH 26, 2019

- A. RESOLUTION 19-36: AUTHORIZE THE CITY TO ENTER INTO AN EASEMENT PURCHASE AGREEMENT AND ACCEPT A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM DARRELL AND CONNIE DAVIS FOR PROPERTY LOCATED AT 2557 SOUTH 7200 WEST**

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Mayor Bigelow discussed proposed Resolution 19-36 that would authorize the City to enter into an Easement Purchase Agreement and accept a Temporary Construction Easement with and from Darrell and Connie Davis for property located at 2557 South 7200 West.

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

A Temporary Construction Easement over a portion of the Darrell J. Davis and Connie R. Davis parcel located at 2557 South 7200 West is being acquired as part of the 2540 South Extension, scheduled to be constructed in 2019. This project will extend Beagley Lane eastward from 7200 West, through ARA Industrial Center to 2540 South at 6755 West. 2540 South will also be extended from 6400 West to approximately 6100 West. Beagley Lane will be shifted south and realigned to create separation from existing homes on Beagley Lane.

Due to the realignment of Beagley Lane, a 218 square foot portion of the existing Beagley Lane will be vacated in favor of parcel 14-22-326-004 owned by Darrell J. Davis and Connie R. Davis. Compensation in the amount of \$300.00 is based upon the Compensation Estimate prepared by Integra Realty Resources.

Councilmember Buhler clarified that each purchase is negotiated with the homeowner. Russ Willardson, Public Works Director, replied yes.

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

The City Council will consider Resolution 19-36 at the Regular Council Meeting scheduled March 26, 2019, at 6:30 P.M.

COMMUNICATIONS

A. SINGLE UNIT DWELLING DISCUSSION

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

- What is the issue?
 - o Buildings within R-1 zones are being used as duplexes, boarding homes or other similar uses.
 - o Current ordinances do not give staff sufficient tools to prevent this activity.
 - o How do we maintain a single unit dwelling neighborhood atmosphere in a tight housing market?

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- Characteristics of the Problem
 - More than one kitchen
 - A walkout basement
 - A large number of bedrooms and bathrooms
 - Little or no space reserved for a living room, family room and/or den space
 - Bathrooms have more than one toilet and/or shower
 - Multiple leases within the same dwelling unit
 - Multiple vehicles parked on the street
- Displayed example floor plans
- What can we regulate?
 - Physical characteristics of a building: height, materials, size, room composition, etc.
 - The number of leases
 - Parking: quantity, location, surfacing, etc.
 - We cannot regulate familial relationship.
- Displayed a graph that depicts number of bedrooms in West Valley City homes by percentage
- Displayed a graph that depicts number of bathrooms in West Valley City homes by percentage
- Bedroom Area
 - Staff reviewed 10 new home plans to see what percentage bedroom area was from the total area.
 - The bedroom area percentage ranged from 25% to 39%. The highest percentage for a single floor was 43%.
- Option 1
 - Define boarding homes:
 - A dwelling unit, or part thereof, wherein a room or rooms are rented under *two* or more separate written or oral rental agreements, leases or subleases or combination thereof, *whether or not the owner, agent or rental manager resides within the dwelling unit.*
 - Prohibit boarding homes in all single unit dwelling zones
 - Modify the dwelling unit definition:
 - one or more rooms connected together in a Structure in which doors and hallways provide shared access to common living facilities, including but not limited to provisions for sleeping, eating, cooking, and sanitation. All occupants of a Dwelling Unit live together as a single housekeeping unit where all occupants maintain free access to all living spaces within the Dwelling Unit.

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- Option 2
 - Include the regulations from Option 1.
 - Cap the total area devoted to bedrooms at 50% of the total, finished area of the building.
 - Cap the number of bedrooms at 6.
 - Cap the number of bathrooms at 4.
 - Cap the number of toilets per bathroom at 1.
 - Cap the number of showers/tubs per bathroom at 1.
- Option 3
 - All of the restrictions of Options 1 and 2.
 - Allow a building to have a walkout basement or a second kitchen but not both.
 - Enact a parking permit system for on-street parking where each lot receives:
 - 2 parking permits in R-1-7 or larger
 - 1 parking permit in R-1-6 or smaller

Councilmember Buhler clarified that the current ordinance would prevent a mother-in-law or duplex type setting in a single-family residence. Steve replied yes. Councilmember Buhler asked if roommates are prohibited under the current code. Steve replied no but added that a business license is required if the entire house is rented. Councilmember Buhler indicated that he struggles with the policy concern. He stated that he isn't concerned if 6 adults live in a single home and commute to work in a single car. He added that also isn't concerned if someone splits a home, as long as it doesn't bother the neighborhood externally. Steve discussed examples of safety concerns regarding fire, police, and issues that have come about with homes being used as Airbnb's. Councilmember Buhler stated that he sees concerns with renting out several rooms if the homeowner doesn't live on the property as well. Mayor Bigelow stated that when more people live in a home, there are more cars and that takes away from the residential feel of a neighborhood. He indicated that people move to single-family areas because they want to live in that type of neighborhood, not an apartment complex or multi-family setting. Councilmember Buhler agreed but added that he has a difficult time determining what needs to be defined and what needs to be limited. He added that it's important to allow boarding homes in certain locations and to be cautious of unintended results. The Council discussed neighborhoods and how single-family homes function and impact communities. Mayor Bigelow stated that he feels boarding homes in single family neighborhoods will cause quicker deuteriation. Steve discussed various issues that have been seen in neighborhoods as single-family homes are being used for different purposes. Councilmember Buhler suggested issuing a license that tracks people renting rooms from a homeowner, even if it's not paid for. Mayor Bigelow

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stated that this could cause issues and create problems. Councilmember Fitisemanu stated that he would like to see something move forward and indicated that this issue needs to be addressed and the Code needs to be updated. Councilmember Buhler agreed but added that he wants to make sure everything is considered. He stated that he wants to make sure people have places to live. Councilmember Huynh stated that he is opposed to capping the number of bathrooms and bedrooms. Staff and the Council discussed enforcement methods. Councilmember Buhler stated that he would like to see what other Cities are doing. He indicated he wants to look at this in broader terms and break it down into mother-in-law units, boarding houses, enforcement, information on impact, licensing and sub-licensing options, etc. Councilmember Lang stated that she doesn't want to see a cap on bedrooms or bathrooms and doesn't see an issue with walkout basements and second kitchens. Mayor Bigelow stated that it's a nice amenity but does make turning homes into duplexes simpler. The Council requested that this item be discussed at a later date in broader terms.

B. LEGISLATIVE FOLLOW-UP

Brandon Hill, Legal, provided a summary of events that occurred at the 2019 Legislative Session. He discussed Jordan River funding, gambling machines, RDA bills, Code Enforcement, and the potential for a special session to discuss tax bills.

C. 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

Councilmember Fitisemanu requested an update on the pet permit ordinance. Layne Morris, CPD Director, replied the permit has been written but has not been implemented. He stated that it should be ready to be issued in the next day for those wanting to take advantage.

Parking on 1300 West

Chief Jacobs provided an update on police calls in the area. She indicated that the majority of the area is legal to park but there have been complaints regarding on-street parking for several years. Chief Jacobs stated that the trailer park in the area limits parking to visitors only so many residents park on 1300 West as a result. She provided statistics on citations that were issued last year and this year (to date).

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Russ Willardson, Public Works Director, stated that no parking signs have been installed as a result of parking complaints. He added that residents have put some up as well, illegally. Mayor Bigelow indicated that there doesn't seem to be a major safety concern in this area due to parking. Chief Jacobs replied that there is not a concern that she is aware of but added that on-street parking does seem to be a common concern near mobile home parks. Mayor Bigelow stated that parking may need to be evaluated in these areas. Councilmember Lang asked if there are Delay Agreements in this area for sidewalks. Russ replied that this area predates the City.

Code Enforcement Violation Notification

Mayor Bigelow indicated an email had been sent to the City Council regarding the issue that was brought up and he feels that there is no concern with current procedure. He stated that the resident who was concerned failed to register the property under his name and mailing address with the County Assessor's office. Councilmember Lang asked if there is a way to make sure residents receive notice, such as by certified mail or a courier. Councilmember Buhler stated that the recipient could simply deny the notice and added that this would be an additional cost. Councilmember Lang asked if the Council felt the City went overboard with the abatement and taking the gentleman's couch. Paul replied that it does not appear the City violated any procedure. Layne Morris, CPD Director, indicated that outdoor furniture is constructed for outdoor use with cushions made of waterproof material. If an officer is unsure whether a piece of furniture meets the criteria, they will not take it. Councilmember Huynh stated that he doesn't understand how the Code Enforcement office was unable to provide notice to the individual. Layne explained that State Law requires property owners to register their mailing information with the County Assessor in order to receive official notice from any type of entity. The gentleman failed to do this. Councilmember Buhler stated that the issue he felt most concerned with was hearing that the Code Enforcement Officer was being unprofessional. Paul replied that the City takes any citizen complaint regarding employee issues very seriously and will investigate. Layne agreed but added that he listened to a 5-minute recorded phone call between the citizen and the employee and the employee in question was very calm and polite while the citizen was quite aggressive. Councilmember Christensen requested that staff view the bodycam footage of the police officers present during the abatement to see if the Code Enforcement Officer was acting appropriately.

B. COUNCIL REPORTS

COUNCILMEMBER FITISEMANU- VOLUNTEERS OF AMERICA/ NLC

Councilmember Fitisemanu stated that he attended a Volunteers of America meeting and is looking forward to future collaboration. He added that he attended the NLC meeting in Washington DC on behalf of the City and it confirmed all the

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positive things he knows about West Valley City, its staff, and Council. Councilmember Fitisemanu stated that he attended many interesting sessions regarding strategies around opioids, homelessness, changing demographics and immigration, and reduced workforce issues.

MOTION TO 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 ON TUESDAY MARCH 19, 2019 WAS ADJOURNED AT 6:19 PM 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, March 19, 2019.

Nichole Camac, CMC
City Recorder