

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 7, 2019, AT 6:31 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
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
Jake Fitisemanu, Councilmember District 4

STAFF PRESENT:

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
Jim Welch, Finance Director
Colleen Jacobs, Police Chief
Chris Beichner, Acting Fire Chief
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
Steve Lehman, CED

OPENING CEREMONY

Steve Buhler conducted the Opening Ceremony. He indicated that it is May and displayed the opening scene from the movie Saving Private Ryan that is now 20 years old. The scene displays a WWII veteran returning to Normandy for the first time. Councilmember Buhler stated that later this month we will be celebrating Memorial Day and indicated it means more than just a fun holiday to kickoff summer. He indicated that it is a holiday to memorialize those who gave us the freedoms that we enjoy.

APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 23, 2019

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-2-

The Council considered the Minutes of the Regular Meeting held April 23, 2019. There were no changes, corrections or deletions.

Councilmember Christensen moved to approve the Minutes of the Regular Meeting held April 23, 2019. Councilmember Fitisemanu seconded the motion.

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

AWARDS, CEREMONIES AND PROCLAMATIONS

A. EMPLOYEE OF THE MONTH AWARD, MAY 2019- AMY COTTERMAN, POLICE DEPARTMENT

Councilmember Nordfelt read the nomination of Amy Cotterman, Police Department, to receive Employee of the Month Award for May 2019. The award reads as follows:

Amy has been the longest standing member of the Evidence Division. She consistently goes above and beyond her duties and is always problem solving issues... including managing the lack of space in the Evidence office. She keeps everyone updated on new laws and procedures as she learns of them. She has also recently been key in advising detectives of closed cases where further investigation was needed on critical cases. Amy does a lot of the adjudication of cases. When a property item booked into evidence has expired it's review date, Amy will begin the process of reviewing the items of evidence and the case. She will then look into the court disposition of the case which often requires checking various websites. In this process, she has come across cases that had previously been closed but were suspicious. One particular case was closed as a suicide. The case turned out to be a homicide that was successfully reopened and investigated. Amy's high work ethic is what drives her to share these types of insights with the appropriate detective and make sure nothing slips by. Amy's work often goes unrecognized as a resident of the basement in City Hall but her contribution to the City is undeniable.

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock stated that he submitted a GRAMA request for numbers on Code Enforcement. He indicated that a lot of information he was requesting was denied and he feels this was unfair and improper. Mr. Vesock stated that he has been privy to all the information regarding the Dave Roberts Code Enforcement case. He stated that Mr. Roberts takes care of all issues when he is notified but added that Mr. Roberts was not properly notified. Mr. Vesock stated that Layne Morris was the ALJ on his Ace case. He feels the City did not act properly and Mr. Roberts has not gotten his fair day in court. Mr. Vesock stated that he has spoken with several Code

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-3-

Enforcement Officers who have told him they make every effort to notify residents of violations and he feels Mr. Roberts was not given that same opportunity. He indicated that the postal services fails and noted that Mr. Roberts failed to correctly register his address with the County initially but the City also failed to send letters to the correct address once this was changed. Mr. Vesock stated that he feels the City is hiding something, is being “fishy”, and is gaining a significant amount of money from these abatement cases.

Owen Chartirn stated that he would like to City to allow residents to park tow trucks on their residential properties. He indicated that he owns a towing company and he parks his tow truck on his property which allows him to quickly respond to people who have been in accidents or are stranded on a road. He stated that he feels he is a first responder and he helps families stay safe by getting to them quickly. Mr. Chartirn stated that towing is a necessary evil and indicated that he keeps his property clean and will continue to do so, even if he is allowed to keep his truck on his lot.

Bill Angus stated that Code Enforcement is a necessary evil. He stated that his neighbor was recently abated and it was the worst thing that had happened on his street. He indicated his neighbor made every effort to comply but had difficulties doing so due to the winter months. Mr. Angus indicated that there was a lack of communication and a lack of funds to immediately get the issue fixed and he feels Code Enforcement didn't follow up or effectively communicate a solution. Mr. Angus stated that his neighbor's home is very nice and has been fixed up beautifully and he doesn't understand why the City had to push for an abatement.

B. CITY MANAGER COMMENTS

Wayne Pyle, City Manager, stated that he wanted to clarify that Layne Morris was the Administrative Law Judge in the Dave Roberts case and indicated that he misspoke during the Study Meeting and had it confused with another case. Wayne stated that Mr. Vesock made claim that a GRAMA request was not adequately handled. He indicated that the GRAMA request contained a page requesting random information that did not qualify as a record. Wayne stated that GRAMA is a venue for the public to receive records owned by the City but is not a way for the public to request research. He further described GRAMA law and charging for records. Wayne stated that over the 11 years the Code Enforcement process has been in place, West Valley City has become the best in the State. He indicated that the City is effective, efficient, and fair. Wayne stated that Mr. Vesock and Mr. Roberts have a right to their opinion. He indicated that the City is not gaining significant revenue from Code Enforcement so there is no financial incentive. Wayne stated that Code Enforcement is a necessary evil that no one likes to do but must do and added that there is a process and a strict ordinance that is followed to ensure fairness to the citizens of the City.

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-4-

C. CITY COUNCIL COMMENTS

Councilmember Christensen stated that Victory in Europe day is celebrated on May 8 so Councilmember Buhler's opening ceremony was very appropriate. He indicated that not many people are left alive that remember the original day and noted that many kids don't remember 9/11 so it's important to remind younger generations of these events in our history. Councilmember Christensen stated that he is pleased to have seen justice served in a West Valley City case.

Mayor Bigelow requested that that the tow truck discussion be added to the Council's study meeting agenda.

RESOLUTION 19-43: ADOPT A TENTATIVE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020; SET AUGUST 13, 2019 AS THE DATE FOR PUBLIC HEARING

Mayor Bigelow discussed proposed Resolution 19-43 that would adopt a tentative budget for the fiscal year commencing July 1, 2019 and ending June 30, 2020; set August 13, 2019 as the date for Public Hearing.

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

This resolution adopts the tentative budget for West Valley City for the 2019-2020 fiscal year and sets a date for public comment at a hearing to be held on August 13, 2019.

West Valley City will adopt a tentative budget that will be made available for public inspection during regular office hours in the City's Recorder's office and gave notice of a hearing to receive public comment before the final adoption of this tentative budget for FY 2019-2020.

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

Councilmember Buhler moved to approve Resolution 19-43.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Fitisemanu	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-5-

Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

CONSIDER APPLICATION SMI-3-2019, FILED BY DANIEL STEVENS, REPRESENTING WVC INDUSTRIAL LLC, REQUESTING FINAL PLAT APPROVAL FOR THE 201 MOUNTAIN VIEW PARK SUBDIVISION LOCATED AT 6300 WEST 2540 SOUTH

Mayor Bigelow discussed proposed application SMI-3-2019, filed by Daniel Stevens, representing WVC Industrial LLC, requesting final plat approval for the 201 Mountain View Park Subdivision located at 6300 West 2540 South.

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

Daniel Stevens, representing WVC Industrial LLC, is requesting final plat approval for the 201 Mountain View Park Subdivision. The subject property is located at approximately 6300 West 2540 South and is zoned manufacturing.

The proposed application has been submitted to create a 4-lot subdivision for future office and warehouse use. The subdivision will consist of 4 lots ranging in size from 5 to 22 acres. There are two parcels associated with this plat as well. Parcel A is approximately 5 acres in size and is located to the north of lots 1-3 and to the west of lot 4. A large majority of this parcel is encumbered with areas designated as wetlands. Parcel A will be owned and maintained by an Owner's Association. The developer will address the specifics of this property and maintenance in conditions covenants and restrictions (CCR's) recorded along with the subdivision plat.

Parcel B is owned by West Valley City and is located immediately to the south of the new 2540 South road. The City acquired this property from Kennecott Utah Copper Corporation while securing other properties in the area for the construction of 2540 South and the extension of 6400 West. This parcel will be used for the cross-town trail to be built by the City.

The developer will be dedicating the right-of-way for the extension of 2540 South. Currently, 2540 South is stubbed at the southwest corner of the subdivision. The developer will dedicate the entire right-of-way and will build sidewalk on the north side of the street. The City will design and build the remaining improvements to the east end of the subdivision.

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-6-

The subdivision plat will contain easements dedication of right-of-way and other information applicable to the division of property.

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

Councilmember Lang moved to approve application SMI-3-2019.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Fitisemanu	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

CONSENT AGENDA

A. RESOLUTION 19-44: AUTHORIZE THE CITY TO ENTER INTO AN EASEMENT PURCHASE AGREEMENT AND ACCEPT A PERPETUAL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM WESH HE AND QUANHUI LI FOR PROPERTY LOCATED AT 3711 SOUTH LEE MAUR STREET (2740 WEST)

Mayor Bigelow discussed proposed Resolution 19-44 that would authorize the City to enter into an Easement Purchase Agreement and accept a Perpetual Easement and Temporary Construction Easement with and from Wesh He and Quanhui Li for property located at 3711 South Lee Maur Street (2740 West).

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

This portion of the Wesh He and Quanhui Li parcel located at 3711 S. Lee Maur Street is being acquired as part of the 2700 West Improvement Project, scheduled to be constructed in 2019. This project will include construction of sidewalk, textured colored concrete parkstrip, landscaping, and decorative street lighting along the west side of Constitution Boulevard (2700 West) from 4100 South to 3671 South. The project will also include an eight-foot tall decorative concrete post and panel wall along those properties with backyards facing Constitution Boulevard. The acquisition

MINUTES OF COUNCIL REGULAR MEETING – MAY 7, 2019

-7-

from Wesh He and Quanhui Li includes a Perpetual Easement for the wall and for a Grant of Temporary Construction Easement. Compensation in the amount of \$1,400.00 was negotiated based upon the Compensation Estimate prepared by the DH Group, LLC which indicated a value of \$900.00.

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

Councilmember Nordfelt moved to approve Resolution 19-44 on the Consent Agenda.

Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Fitisemanu	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

MOTION TO ADJOURN

Upon motion by Councilmember Huynh, all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, MAY 7, 2019 WAS ADJOURNED AT 7:14 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 7, 2019.

Nichole Camac, CMC
City Recorder