

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 1, 2019

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 1, 2019, 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
Don Christensen, Councilmember At-Large
Lars Nordfelt, 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:

Paul Isaac, Acting City Manager/Assistant City Manager/ HR Director
Nichole Camac, City Recorder

Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney
Jeanette Carpenter, Acting Finance Director
Colleen Jacobs, Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department

OPENING CEREMONY

Mayor Bigelow conducted the Opening Ceremony. He invited Jaime Young, Parks and Recreation, to detail events surrounding the 20th Anniversary of the Family Fitness Center. She explained progress that has occurred, feedback from the community, and programs offered. Mayor Bigelow indicated that this is a significant milestone and it's important to recognize this great moment for the City.

APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 24, 2019

The Council considered the Minutes of the Regular Meeting held September 24, 2019. There were no changes, corrections or deletions.

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Councilmember Fitisemanu moved to approve the Minutes of the Regular Meeting held September 24, 2019. Councilmember Nordfelt seconded the motion.

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

AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FOR OCTOBER 1, 2019

A. EMPLOYEE OF THE MONTH AWARD, OCTOBER 2019- BRAD TAYLOR, PUBLIC WORKS DEPARTMENT

Councilmember Fitisemanu read the nomination of Brad Taylor, Public Works Department, to receive Employee of the Month Award for October 2019. The award reads as follows:

Brad Taylor continually exemplifies what it is to go above and beyond for West Valley City. While his job may not be the same as a Police Officer or Fire Fighter, Brad has accomplished great things for the City and its' residents. He has worked tirelessly in the development of Fairbourne Station, the City's premier destination, and has resolved issue after issue with Market Street projects and many others. Brad works hard each day to make West Valley City a great destination location. He serves in the Public Works department with dedication and excellence and always provides clients with outstanding customer service. Brad makes sure to help people get their projects going and also helps provide new hires with the correct direction they need to ensure they can serve West Valley City well too. Often the Engineering side of business for West Valley City is overlooked because what they do doesn't often end up in the news and isn't quite as glamorous as other positions in the City. But without people like Brad Taylor doing what they do day in and day out, the City wouldn't be headed in the great direction that it is.

B. DIVISION OF THE QUARTER AWARD- PUBLIC RELATIONS

Councilmember Christensen read the nomination of Public Relations to receive Division of the Quarter Award. The award reads as follows:

The West Valley City Public Relations Office has had a busy event season organizing and staffing Community events throughout the City. SpringFest, WestFest, Chill with the Chief, Community Meetings with Chief Jacobs, Community Heroes Celebrations, Block Parties, Safety Fairs, and Fire Station Grand Openings are just a few of the events organized and managed by the office. PR staff members also provide support to other Department events throughout the year, ensuring that the City is well-represented. These events are an essential part of the City's overall communications strategy, and residents continue to provide positive feedback.

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The exceptional organization and planning skills of the Public Relations office have ensured that these events are carried out successfully year after year. These events provide residents multiple opportunities to interact with elected officials as well as public safety personnel, and feedback tells us that residents continue to look forward to these events. Way to go Public Relations!

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock stated that he sends emails to the Council every Tuesday. He read several of these emails out loud. He indicated that the ALJ, Layne Morris, called a residential property owner a “slumlord”. He indicated that he feels Mr. Morris should be fired or suspended without pay for this action. Mr. Vesock stated that he feels that no City employee should be able to degrade or speak to residents like this and added that Mr. Morris should not give the same landlord or family member speech each hearing either. Mr. Vesock continued to explain that he feels Mr. Morris should not be the ALJ and added that he feels this is a conflict of interest.

Darrell Curtis stated that he feels there is an apparent conflict of interest to have the ALJ, Layne Morris, also be the head of the Code Enforcement Department.

Doyle Griffith stated that his Code Enforcement issues began last July. He indicated that Mr. Morris forced an abatement and denied a contractor the ability to complete renovations on his home because he didn’t like comments that he made against him. Mr. Griffith stated that he got everything done. Mr. Griffith stated that he had to go to court because he was one day late on completing his code enforcement violations and was shocked to see that Mr. Morris was the ALJ judge, something that he feels is a travesty of justice. Mr. Griffith stated that Mr. Morris recused himself from the proceedings and another judge dismissed the \$4,000 fine and asked him to pay a \$250 fine to Bonneville Collections. He indicated that this is frustrating because collections go against his record and added that the City is being short changed as well. Mr. Griffith stated he isn’t sure if he is in compliance yet and would like a call back.

Barbara Riddle, ChamberWest, stated that the Chamber is hosting a Meet the Candidate Night on October 17, 2019 from 6-8 PM. She invited members of the Council to attend.

B. CITY MANAGER COMMENTS

Paul Isaac, Acting City Manager, had no comments.

C. CITY COUNCIL COMMENTS

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Upon inquiry, members of the City Council had no comments.

PUBLIC HEARINGS

A. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-12-2019, FILED BY VIJAY DANDAPANI, REQUESTING A ZONE TEXT CHANGE TO SECTION 11-6-101 OF THE SIGN CODE REGARDING ALTERATIONS TO NONCONFORMING SIGNS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled September 24, 2019, in order for the City Council to hear and consider public comments regarding application ZT-12-2019, filed by Vijay Dandapani, requesting a Zone Text Change to section 11-6-101 of the sign code regarding alterations to nonconforming signs.

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

The applicant, Vijay Dandapani, is with Best Western, who moved into the building that was formerly La Quinta at 3540 South 2200 West. This site has an existing freeway-oriented pole sign that, according to current standards, is nonconforming because the site is 2.6 acres and City code requires a site of at least 10 acres for a pole sign. Best Western has changed the face of the sign, which the code allows for freeway-oriented pole signs, and desires to change the shape of the sign cabinet, which the code does not allow. Hence, the applicant requested the proposed change that would allow nonconforming signs to be “reasonably altered”.

As seen in the attached meeting minutes, the Planning Commission denied this application during their public hearing on August 14, 2019. The minutes also include a list of reasons why staff was not supportive of this change. Included in this list from staff is the progress made from implementing the current ordinance as evidenced by the attached before and after photos. The list also includes the changes to the City’s sign code relating to alterations made over many years as seen in the attached summary of sign code changes.

Included with this issue paper is a letter from the applicant outlining the reasons for this appeal. Also included is the applicant’s original application.

In applicant’s appeal letter states: “The changes were rejected because of the wording, ‘a nonconforming sign may be reasonably altered’ could lead to many making unneeded and unreasonable alterations.” The vague wording of the applicant’s proposal was a secondary concern for staff. Even if the vague language is changed as the applicant suggests, it still doesn’t

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address staff's primary concern that this change would be a significant policy shift that would undo 29 years of precedent.

Mayor Bigelow opened the Public Hearing.

Joshua Irvine thanked the Council for the time and consideration the Council has given to this issue. He indicated that a lot of money has been invested into this project.

Mayor Bigelow closed the Public Hearing.

ACTION: ORDINANCE NO. 19-40, AMEND SECTION 11-6-101 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND REGULATIONS GOVERNING THE ALTERATION OF NONCONFORMING SIGNS

The City Council previously held a public hearing regarding proposed Ordinance 19-40 that would amend section 11-6-101 of the West Valley City Municipal Code to amend regulations governing the alteration of nonconforming signs.

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 Ordinance 19-40 subject to deleting lines 36-39, and amending lines 33 and 34 to state "...overall height, size, and square footage shall not increase nor shall the type of sign be changed."

Councilmember Huynh seconded the motion.

Councilmember Nordfelt clarified that there is no conflict with the proposed language with anything else in the paragraph. Nicole Cottle, CED, replied that upon review, staff does not see a conflict after reading the section in its entirety. Councilmember Nordfelt expressed concern stated that he would caution the Council that this will change regulations for all signs. Upon inquiry by Councilmember Lang, Nicole stated that staff would interpret this change to apply only to non-conforming freeway-oriented signs in reference to the sign and sign cabinet.

A roll call vote was taken:

Mr. Fitisemanu	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes

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Mr. Nordfelt	No
Mayor Bigelow	Yes

Majority.

B. ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2019-2020 BUDGET

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled October 1, 2019, in order for the City Council to hear and consider public comments regarding re-opening the FY 2019-2020 budget.

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

State law permits the City to amend its budget during the year. The City holds public hearings on budget amendments on a quarterly basis each fiscal year.

A Public Notice was posted September 19, 2019 in (the Salt Lake Tribune and the Deseret Morning News) general circulation to the general public. Notice was given that a public hearing is to be held October 1, 2019 at 6:30 p.m., West Valley City Hall, 3600 Constitution Blvd., West Valley City, Utah.

Mayor Bigelow asked what the line item for Parks and Recreation references. Paul replied it is for payment of interns. Nancy Day, Parks and Recreation Director, stated these are college interns that are being paid instead of a full-time employee that was not replaced.

Mayor Bigelow opened the Public Hearing. There being no one to speak in favor or opposition, Mayor Bigelow closed the Public Hearing.

ACTION: ORDINANCE NO. 19-41, AMEND THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020 TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance 19-38 that would amend the budget of West Valley City for the fiscal year beginning July 1, 2019 and ending June 30, 2020 to reflect changes in the budget from increased revenues and authorize the disbursement of funds.

Upon inquiry by Mayor Bigelow there were no further questions from members of

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the City Council, and he called for a motion.

Councilmember Christensen moved to approve Ordinance 19-41.

Councilmember Fitisemanu 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 19-125: AUTHORIZE THE CITY TO ACCEPT A STORM DRAIN EASEMENT FROM THE NELSON SALT LAKE CITY, LLC FOR PROPERTY LOCATED AT APPROXIMATELY 2120 SOUTH 3600 WEST**
Mayor Bigelow discussed proposed Resolution 19-125 that would authorize the City to accept a storm drain easement from the Nelson Salt Lake City, LLC for property located at approximately 2120 South 3600 West.

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

Accept a Storm Drain Easement from The Nelson Salt Lake City LLC, a Utah limited liability company across property located at 2120 South 3600 West. This Storm Drain Easement was required for approval of additional improvements on the HERC Rentals, Inc. site. As part of its project, HERC Rentals will be installing a City storm drain line to run from a curb inlet box located adjacent to its property on the SR-201 South Frontage Road to an existing City storm drain line on adjacent project along the west side of the HERC Rentals property.

As a West Valley City storm drain will run through a portion of the HERC Rentals, Inc. property, a Storm Drain Easement in favor of West Valley City was required.

- B. **RESOLUTION 19-126: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND**

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**RIGHT OF WAY EASEMENT WITH AND FROM FIRECLAY 35 LLC
FOR PROPERTY LOCATED AT 5504 WEST 3500 SOUTH**

Mayor Bigelow discussed proposed Resolution 19-126 that would authorize the City to enter into a Right of Way Contract and accept an Underground Right of Way Easement with and from Fireclay 35 LLC for property located at 5504 West 3500 South.

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

The Fireclay 35 LLC parcel located at 5504 West 3500 South (O'Reilly Auto Parts site) is one of several parcels affected by this project and which require acquisitions Underground Right of Way Easements in favor of Rocky Mountain Power for the 3500 South Power Burial Project; approximately 5400 West to 6000 West. This project will be constructed in conjunction with the current phase of the Mountain View Corridor Project. As a Betterment to the Mountain View Corridor Project, is paying for the burial of overhead power lines between approximately 5400 West and 6000 West. Compensation for the purchase of the Underground Right of Way Easement and improvements is \$5,000.00 based upon the compensation estimate prepared by the DH Group, LLC.

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 19-125 and 19-126.

Councilmember Huynh 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.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, OCTOBER 1, 2019 WAS ADJOURNED AT 7:13 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, October 1, 2019.

Nichole Camac, CMC
City Recorder