

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 22, 2019

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 22, 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:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder

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

OPENING CEREMONY

Councilmember Karen Lang conducted the Opening Ceremony. He requested that members of the audience, City Staff, and the Council rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 15, 2019

The Council considered the Minutes of the Regular Meeting held October 15, 2019. There were no changes, corrections or deletions.

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Councilmember Huynh moved to approve the Minutes of the Regular Meeting held October 15, 2019. Councilmember Lang seconded the motion.

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

AWARDS, CEREMONIES AND PROCLAMATIONS

A. PROCLAMATION DECLARING NOVEMBER 1, 2019 AS “EXTRA MILE DAY” IN WEST VALLEY CITY

Councilmember Christensen read the proclamation declaring November 1, 2019 as Extra Mile Day in West Valley City.

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock expressed concern regarding Layne Morris being the Administrative Law Judge. He stated that Layne has lied to the Council and has mistreated citizens. Mr. Vesock read an email aloud that he sent to members of the Council.

John Fuller stated that he is concerned about the proposed change to the Development Agreement scheduled on the agenda. He indicated that he feels this is a “bait and switch” and added that this change will bring too many people into the City. Mr. Fuller stated that he is concerned that the apartments will fall into disrepair and cause additional safety hazards.

Roger Thackery stated the he is also concerned about the proposed change to the Development Agreement. Mr. Thackery stated that there was drug use behind the Kmart building, a murdered body found in the storm drain, and other issues on the property. He stated that similar issues will continue with more apartments. Mr. Thackery expressed concern about the applicant not doing enough research prior to the original proposal and having to modify now. He stated traffic will increase and expressed concern that the City and the Council doesn’t care about its citizens. Mr. Thackery indicated that he feels management doesn’t know how to attract successful retail.

David McEwan stated that he found out about this proposed change to the Development Agreement on a Taylorsville website. He indicated that the Planning Commission and City Council went through many meetings before the original proposal was passed and changing that will breed mistrust between the community and the government. Mr. McEwan stated that he cares about the City but noted that West Valley is not exempt from homelessness. He stated that he fears these people will move into open space in the apartment area. Mr. McEwan expressed concern about the height of the townhomes next to existing homes, paying for parking stalls, traffic on 4100 South, and increased traffic in neighborhoods creating safety

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concerns for children. Mr. McEwan stated this is a gateway to the City and should be something the City is proud of.

James Davis stated that he doesn't know a lot of changes proposed related to the Development Agreement. He stated that there is an irrigation ditch in the area and hopes that the City will take responsibility to ensure no problems arise with the construction of this development. Mr. Davis stated that when he turns the water on, he has to ensure that homeless people are not in the ditch and he has to remove drug paraphernalia. He detailed several issues related to parking in the area and expressed concern regarding an increase of this problem once this development is constructed.

Darrell Curtis stated that he likes permanence in the City. He stated he is generally against apartments but noted that there is a time when apartments are necessary. Mr. Curtis stated that apartments fall into despair and cause issues for the community. He stated that the builder is proposing something lesser before the project is even built. He expressed concern about an increase in traffic and crime. Mr. Curtis questioned if more officers will be hired and noted that there are already vacancies that the City cannot fill in the force. He stated that there are likely hundreds of vacancies in existing apartments in the City.

Earnest Burgess stated that he is on the Taylorsville City Council and is here representing citizens of his district. He indicated that there are many residents who are concerned about public safety, private property values, and traffic. Mr. Burgess indicated that any changes by the developer should enhance or improve the project and the current proposed options don't appear to do that.

Adam Lee stated that the area where the apartments will be located needs a larger grocery store. He indicated that he feels people would feel better and the stress level would decrease if a nicer, larger grocery store was available.

Katherine Stahl stated that she lives in apartments neighboring the proposed Sage Valley apartments. She indicated that a lot of neighbors struggle to pay rent and she is concerned that her apartments will raise their rent when these ones are built. Ms. Stahl added that she is also concerned about safety, more people crossing the street illegally, more accidents, and more problems in general.

Rich Day, the developer, stated that there is a required amount of lighting that will provide safety, there will be solar panels, green space, a concrete wall that will be well maintained and aesthetically pleasing, no charged parking, and more than 800 parking stalls which is more than what is required by the City. He indicated that the original proposal is less expensive than what is being proposed now so nothing is lesser and noted that there many other qualities that are being added. Mr. Day stated

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that the market is demanding a high-quality product and the intent will be to target the median income. Mr. Day also noted that the existing Smith's has expressed an intent to convert to a larger Smith's Marketplace.

B. CITY MANAGER COMMENTS

Wayne Pyle, City Manager, stated that Mr. Vesock has made the same accusations as he has repeatedly done in the past. He indicated that the accusations have been looked into and are not true. Mr. Pyle noted that Mr. Vesock's opinions are his own and are not substantiated in any way.

C. CITY COUNCIL COMMENTS

Councilmember Buhler stated that the Administrative Law Judge would have always been, and will always be, an employee of the City. He indicated that this position would always be answerable to administration, would be beholden to the City, and would not be a third-party representative.

Mayor Bigelow stated that one misconception that he often hears is that elected officials don't listen or do what citizens tell them to do. He indicated that a challenge of an elected official is to determine and make choices regarding the overall plan and best interest of the entire City and not the want or request of individual people or a few loud voices. Mayor Bigelow stated that it can be difficult to determine whether a few voices represent the majority of the people and if it constitutes modifying the plan and direction of the City. He indicated that one term he has learned over his years in politics is "NIMBY" which stands for "not in my back yard". This means that many residents understand a need and even want many types of uses but they don't want those uses next to them. Mayor Bigelow stated that apartments have to go somewhere. Businesses have to go somewhere. And it's the job of the Council to determine the best location for each of these uses. He indicated that there is opposition to many subdivisions, commercial projects, apartments, etc. and if the Council had listened to all of the "no's" there never would have been growth or progress. Mayor Bigelow stated that there is always challenge but just because the Council may not do what the residents ask them to do, doesn't mean they aren't listening.

RESOLUTION 19-117: AUTHORIZE THE EXECUTION OF AN AMENDMENT TO A DEVELOPMENT AGREEMENT WITH STAY WVC, LLC FOR PROPERTY LOCATED AT APPROXIMATELY 1776 WEST 4100 SOUTH

Mayor Bigelow discussed proposed Resolution 19-117 that would authorize the execution of an amendment to a Development Agreement with Stay WVC, LLC for property located at approximately 1776 West 4100 South.

Written documentation previously provided to the City Council included information as

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follows:

In April of 2018, the City Council approved a zone change and development agreement for a commercial and residential project on the northwest corner of 4100 South and Redwood Road (formerly Kmart). Rich Day, representing Stay WVC, LLC is requesting an amendment to this agreement for the residential portion of the project. The provisions relating to the commercial portion of the property would remain unchanged.

A previous version of the proposed development agreement amendment was considered by the Council on 9/10 and continued. The applicant is now proposing an amendment with fewer changes as option 1. As an alternative to option 1, option 2 includes all of the same commitments as option 1 for the apartments but replaces the townhomes with open space. Included with this report is a table that compares the standards in the original agreement with those proposed in options 1 and 2. Below is a summary of the proposed changes to the development agreement that apply to option 1:

- Reducing the height of the apartment building from 7 to 6 floors
- Changing the architecture of the apartment building to include ground level units
- Reducing the number of townhome units by 3
- Changing the architecture of the townhomes to compliment the apartment building
- Increasing the area of the townhomes by going from 2 to 3 stories
- Changing the unit mix and unit sizes in the apartment building to increase the variety of unit types and to include more 2 and 3 bedroom units
- Changing the 5 upper floors from concrete to wood construction with extra sound attenuation and fire rating on the wood

Councilmember Christensen noted he currently has access to voter information and he contacted many people in the surrounded area. He stated that the people he spoke with expressed concern about the irrigation ditches, wanting to keep the proposed project night, and keeping ownership options in the proposal. Councilmember Christensen stated that even though the size of the units has decreased, they are still larger than those at Fairbourne Station.

Councilmember Buhler stated that no one wants drug problems, homeless issues, or safety concerns on any property in the City. He indicated that even if this application were denied today, the applicant already owns this property and has the right, the current zoning, and the proper approvals to build apartment units. Councilmember Buhler stated that the City does not own this property and cannot tell the property owner to build a grocery store or a movie theater or anything else. He stated that the proposal is planned to be better than any

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other apartment in the City and anything new should be better, so he is thankful that this appears to be a quality development. Councilmember Buhler stated that he prefers option one because it includes townhomes and he likes that this would promote ownership. He stated that wood is a good material to use in construction and is allowed in Building Code. Councilmember Buhler stated that the applicant came back with an amended Development Agreement a month ago and the Council was not happy with what was proposed. He stated that the Council pushed back and the two options before them today are much better. He stated that the parking requirements meet and exceed the current ordinance which is all the City can ask for at this time.

Councilmember Lang stated that she is concerned with the reduction of one-bedroom units and the increase of 2- and 3-bedroom units. She indicated that she believes this change will cause an increase in parking problems. Councilmember Lang stated that the solar power panels sound great but noted that they are only proposed in the common areas so this doesn't create sustainable housing. She noted that she is happy to see that there won't be a charge for parking and noted that she would also be in favor of the townhome proposal but would like to see them be 2 story units and not 3. Councilmember Lang stated that people won't use transit for this development as much as one might hope so traffic and parking will be a concern.

Councilmember Fitisemanu stated that there is an option to deny this proposal. He indicated that he trusts the developer and knows them to have integrity and to produce quality projects. He stated that he still has confidence that the original proposal will be a solid development and changes aren't needed.

Councilmember Huynh asked how much vacant land is left in the City. Steve Pastorik, CED, replied approximately 10% and less than half of that is available for residential development. Councilmember Huynh clarified the sized comparison of the units with those at Fairbourne Station. Councilmember Huynh discussed a parking crisis with an apartment complex in Murray and noted that he is concerned with this happening in West Valley. He noted that the City would have to find a solution to this problem. Councilmember Huynh discussed the high rate of turnover in this area, talked about the Church and issues it has experienced in this community, and expressed his opposition to this proposal.

Councilmember Nordfelt asked if the parking requirement was adjusted when the number of bedroom units was modified. Steve replied yes.

Councilmember Huynh continued discussing turnover rates and parking concerns. He also noted that he is concerned that the Police Department will have an increase in issues.

Mayor Bigelow requested clarification at a future meeting on how much open space is left for residential development. He asked what will be provided for lighting in the project. Steve replied that existing apartments in the area were constructed when there were no

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requirements for lighting standards. He stated that this project will require a lighting plan that meets current City ordinances. Mayor Bigelow asked if issues with the irrigation ditch have been looked into. Steve replied that all engineering issues will be addressed at the conditional use phase of the project. Mayor Bigelow noted that a traffic study was done and asked what those results showed. Steve replied that the study indicated that a successful commercial development at this location would generate more trips. Mayor Bigelow stated that large complexes are being built all across the valley and safety issues are often a concern that is brought up. He asked if all apartment complexes experience these problems. Steve replied that not all apartments are created equal and stated that one significant factor is how the complex is managed. He added that one tool the City now requires as part of the Development Agreement are management standards. Mayor Bigelow clarified that these standards have not changed with this new proposal. Steve replied that these have remained the same. Mayor Bigelow noted that appreciates all the public comments and thankful when residents attend.

Councilmember Huynh shared a story regarding the Somerset Apartments near these proposed apartments. He indicated these apartments are very bad.

Councilmember Nordfelt thanked the audience for attending. He stated that he was upset about the amendment when he first saw it. Councilmember Nordfelt stated that the City Council and staff negotiated with the developer and worked hard to come up with a solution that he feels is actually better than what was originally proposed. He noted that there is an alley between the proposed townhomes that will help with the height and he feels that, after weighing the good and bad aspects, option 1 is a good choice for the community.

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 19-117 subject to Option 1.

Councilmember Buhler seconded the motion.

Councilmember Christensen stated that safety and police calls are important and management matters. He indicated that there are some truly great people who live in apartments and some people live in apartments for years. Councilmember Christensen stated that he lives next to two apartment complexes in West Valley that are managed differently but he knows wonderful people in both.

Mayor Bigelow stated that he is not overwhelmed with this proposal being better or worse, but he feels the concept remains the same. He indicated that focusing on the general plan, finding a place for people to live, and looking at all the issues can be difficult and everyone has various opinions that will likely be reflected in the vote on this matter.

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A roll call vote was taken:

Mr. Fitisemanu	No
Ms. Lang	No
Mr. Buhler	Yes
Mr. Huynh	No
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Majority.

CONSENT AGENDA

A. RESOLUTION 19-133: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM BRIAN AND LORI CREIGHTON FOR PROPERTY LOCATED AT APPROXIMATELY 5954 WEST 3500 SOUTH

Mayor Bigelow discussed proposed Resolution 19-133 that would authorize the City to enter into a Right of Way Contract and accept an Underground Right of Way Easement with and from Brian and Lori Creighton for property located at approximately 5954 West 3500 South

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

The Brian D. Creighton and Lori T. Creighton parcel located at 5954 West 3500 South 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, West Valley City 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 \$14,800.00 based upon the compensation estimate prepared by the DH Group, LLC.

B. RESOLUTION 19-134: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM CAROL WINKEMPLECK AND YOLANDA TAYLOR FOR PROPERTY LOCATED AT APPROXIMATELY 5966 WEST 3500 SOUTH

Mayor Bigelow discussed proposed Resolution 19-134 that would authorize the

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City to enter into a Right of Way Contract and Accept an Underground Right of Way Easement with and from Carol Winkempleck and Yolanda Taylor for property located at approximately 5966 West 3500 South.

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

The Carol A. Winkempleck and Yolanda L. Taylor parcel located at 5966 West 3500 South 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, West Valley City 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 \$5,800.00 based upon the compensation estimate prepared by the DH Group, LLC.

C. **RESOLUTION 19-135: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM OIL SLICK HOLDINGS LLC FOR PROPERTY LOCATED AT APPROXIMATELY 5534 WEST 3500 SOUTH**

Mayor Bigelow discussed proposed Resolution 19-135 that would authorize the City to enter into a Right of Way Contract and Accept an Underground Right of Way Easement with and from Oil Slick Holdings LLC for Property Located at Approximately 5534 West 3500 South.

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

The Oil Slick Holdings LLC parcel located at 5534 West 3500 South 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 \$1,700.00 based upon the compensation estimate prepared by the DH Group, LLC.

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- D. RESOLUTION 19-136: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM RUECO LLC FOR PROPERTY LOCATED AT APPROXIMATELY 3567 SOUTH 5600 WEST**
Mayor Bigelow discussed proposed Resolution 19-136 that would authorize the City to enter into a Right of Way Contract and Accept an Underground Right of Way Easement with and from RueCo LLC for Property Located at Approximately 3567 South 5600 West.

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

The RueCo L.L.C. parcel located at 3567 South 5600 West 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 \$3,000.00 was negotiated 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 Resolutions 19-133, 19-134, 19-135, and 19-136.

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.

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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, OCTOBER 22, 2019 WAS ADJOURNED AT 7:53 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 22, 2019.

Nichole Camac, CMC
City Recorder