

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 12, 2019

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 12, 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

Paul Isaac, Assistant City Manager/ HR Director
Steve Pastorik, Acting CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Michael Fossmo, Acting Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Nancy Day, Parks and Recreation Director

OPENING CEREMONY

Councilmember Jake Fitisemanu conducted the Opening Ceremony. He requested David Wesi, the Senior Pastor at the First Tongan Church, to provide an opening blessing.

APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 22, 2019

The Council considered the Minutes of the Regular Meeting held October 22, 2019. There were no changes, corrections or deletions.

Councilmember Fitisemanu moved to approve the Minutes of the Regular Meeting held October 22, 2019. Councilmember Christensen seconded the motion.

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

AWARDS, CEREMONIES AND PROCLAMATIONS

A. EMPLOYEE OF THE MONTH AWARD, NOVEMBER 2019- TYSON EMMETT, IT DEPARTMENT

Councilmember Christensen read the nomination of Tyson Emmett, IT Department, to receive Employee of the Month Award for November 2019. The award reads as follows:

In the Intel Unit of the Police Department, there are challenges with expanding space for evidentiary downloads. Each time Tyson is contacted, he works with various programs and their limitations to ensure that downloads that are needed can be accessed. Two weeks ago, the Police Information and Intelligence Unit was asked to perform a forensic data extraction of a cellular phone, with a time constraint. What seemed like a typical and straightforward task became a very atypical task quickly, when the employee performing the task encountered two network drives and a C drive that were completely full as well as issues with software required to perform the extraction. Attempt after attempt to perform the data extraction on this device failed. The issue wasn't as simple as "Just have I.T. add more space to the network." Tyson not only responded to this employee's calls and texts through the rest of the afternoon... he made himself available throughout the evening, night, and well into the early morning hours by phone. Tyson even assisted while running errands with family by "remoting in" to the problem computer and analyzing the issues. When he hadn't heard from the employee in a while, Tyson would be sure to check in and offer assistance and help until the download was complete.

Tyson made himself available to debrief the Sergeant and IIU on what happened, problems encountered, lessons learned, and suggested immediate hardware needs to prevent this from happening in the future. He came in the next Monday to speak with the Department regarding the space issues and talked about ways to proceed.

Ultimately Tyson was able to clear the way so this employee could do their job. Each time there was a hiccup, Tyson jumped in immediately and analyzed the issue. Throughout the entire night, a voicemail never had to be left and the employee never had to wait for a call back, which was crucial during this task.

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Any department in the City would agree and say that Tyson consistently exemplifies total customer service and goes above and beyond to make sure every employee is able to get their jobs done, day or night.

B. PRESENTATION OF THE CAFR (COMPREHENSIVE ANNUAL FINANCIAL REPORT) AND PAFR (POPULAR ANNUAL FINANCIAL REPORT) AWARDS

Jim Clayton presented the Finance Department with the CAFR and PAFR awards.

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock provided audio recordings from Ace Court Hearings of Layne Morris. Mr. Vesock stated that the information stated in these recordings are incorrect.

Mike Markham stated that he would like Layne Morris to pick up Code Enforcement issues. He stated that he is a large supporter of Code Enforcement efforts and feels education needs to be shared. Mr. Markham stated that people don't listen unless significant fines are issued. He stated large corporations, apartment communities, etc. can work to maintain their properties. Mr. Markham detailed several problem concerns. He indicated that property near the Jordan River needs to be mowed but the employee that attempted to do so did not do a good job.

B. CITY MANAGER COMMENTS

Wayne Pyle, City Manager, had no comments.

C. CITY COUNCIL COMMENTS

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

PUBLIC HEARINGS

A. ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-5-2019, FILED BY RUBEN SALAZAR, REQUESTING A GENERAL PLAN CHANGE FROM RURAL RESIDENTIAL (1 TO 2 UNITS/ACRE) TO LARGE LOT RESIDENTIAL (2 TO 3 UNITS/ACRE) AND A ZONE CHANGE FROM A (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) TO R-1-7 (SINGLE UNIT DWELLING RESIDENTIAL, MINIMUM LOT SIZE 7,000 SQ. FT.) FOR PROPERTY LOCATED AT 2545 SOUTH LESTER STREET

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 12, 2019, in order for the City Council to hear and consider public comments regarding application GPZ-5-2019, filed by Ruben Salazar, requesting a General Plan Change from Rural Residential (1 to 2

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Units/Acre) to Large Lot Residential (2 to 3 Units/Acre) and a Zone Change from A (Agriculture, Minimum Lot Size ½ Acre) to R-1-7 (Single Unit Dwelling Residential, Minimum Lot Size 7,000 Sq. Ft.) for property located at 2545 South Lester Street.

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

The applicant is proposing to subdivide the property to build another home. Included with this report is a letter from the applicant providing background on and reasons for his request.

The applicant mentions in his letter that the lots around him are much smaller than his. There are 12 homes on the east side of Lester Street between Whitlock Avenue and Crystal Avenue. Mr. Salazar's property is the largest and widest on the block. Of the 12 homes on the block, only three meet the minimum lot area of ½ acre and the minimum lot width of 100' required in the A zone. The average lot size on the block is 0.33 acres and the average lot width is 76.3'. In terms of zoning, this section of Lester Street is the only portion zoned A. All of other portions are zoned R-1-6.

The reason the applicant is requesting the R-1-7 zone instead of R-1-8 or R-1-10 is due to the existing lot frontage and placement of the existing home. The R-1-7 zone has a minimum lot width of 70', which would allow the applicant to subdivide his property without impacting the existing home. The new lot would be close to 15,000 sq. ft. in area and the lot for the existing home would be about 24,000 sq. ft.

The zoning ordinance allows for a home with a two-car garage and reduced floor area on a lot under one acre that is large enough to be subdivided to create no more than one new lot. All other design standards, like exterior materials and architectural features, from Part 2 of Chapter 7-11 apply.

Mayor Bigelow opened the Public Hearing.

Mike Markham stated that he doesn't like to see agricultural turn to smaller lots and more homes. He indicated he would like to see curb and gutter installed and not delayed.

Ruben Salazar stated that he owns the property and purchased it under Salt Lake County. Mr. Salazar stated he was proud of the City for cleaning the area up. He stated there are multiple small lots in the area and he intends to build a larger, nicer home. Mr. Salazar indicated he always wondered why the City never installed

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sidewalks along his portion of the street.

Mayor Bigelow closed the Public Hearing.

ACTION: ORDINANCE NO. 19-43, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND FROM RURAL RESIDENTIAL (1 TO 2 UNITS/ACRE) TO LARGE LOT RESIDENTIAL (2 TO 3 UNITS/ACRE) FOR PROPERTY LOCATED AT 2545 SOUTH LESTER STREET

The City Council previously held a public hearing regarding proposed Ordinance 19-43 that would amend the General Plan to show a change of land from Rural Residential (1 to 2 Units/Acre) to Large Lot Residential (2 to 3 Units/Acre) for property located at 2545 South Lester Street.

Councilmember Buhler stated that there will be two large lots and the Development Agreement limits it to that.

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 Ordinance 19-43.

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

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

Unanimous.

ACTION: ORDINANCE NO. 19-44, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2545 SOUTH LESTER STREET FROM A (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) TO R-1-7 (SINGLE UNIT DWELLING RESIDENTIAL, MINIMUM LOT SIZE 7,000 SQ. FT.)

The City Council previously held a public hearing regarding proposed Ordinance 19-44 that would amend the zoning map to show a change of zone for property

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located at 2545 South Lester Street from A (Agriculture, Minimum Lot Size ½ Acre) to R-1-7 (Single Unit Dwelling Residential, Minimum Lot Size 7,000 Sq. Ft.).

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

Councilmember Christensen moved to approve Ordinance 19-44.

Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

ACTION: RESOLUTION NO. 19-142, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RUBEN SALAZAR FOR APPROXIMATELY 0.89 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2545 SOUTH LESTER STREET

The City Council previously held a public hearing regarding proposed Resolution 19-142 that would authorize the City to enter into a Development Agreement with Ruben Salazar for approximately 0.89 acres of property located at approximately 2545 South Lester Street.

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

An application (GPZ-5-2019) was submitted by Ruben Salazar on 0.89 acre to change the zoning from A (Agriculture, minimum lot size ½ acre) to R-1-7 (Single Unit Dwelling Residential, minimum lot size 8,000 SF) and to change the General Plan from Rural Residential (1 to 2 units/acre) to Large Lot Residential (2 to 3 units/acre). Mr. Salazar would like to subdivide the property to create one new lot.

During the Council study meeting on 10/22, the Council expressed concerns about the possibility of the property being further subdivided under the R-

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1-7 zone. The proposed development agreement limits the number of lots on the property to two.

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 Resolution 19-142.

Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

B. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-5-2019, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT CHANGE TO AMEND SECTION 7-7-105.5 REGARDING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 12, 2019, in order for the City Council to hear and consider public comments regarding application ZT-5-2019, filed by West Valley City, requesting a Zone Text Change to amend section 7-7-105.5 regarding cannabis production establishments and medical cannabis pharmacies.

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

In December of last year the Utah Legislature passed HB 3001 that provided for the cultivation, processing, medical recommendation and patient use of medical cannabis. HB 3001 included provisions that required municipalities to allow cannabis production establishments and medical cannabis pharmacies under conditions. To comply with State law, the City Council adopted Ordinance 19-03 in February of this year to enact regulations

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concerning cannabis production establishments and medical cannabis pharmacies.

At the time it was enacted, Ordinance 19-03 complied with State law. However, in a special session in September of this year, the Utah Legislature passed SB 1002, which is included with this issue paper, to amend the provisions relating to medical cannabis. As a result of these amendments, the City's Code needs to be changed to comply with State law.

Included with this issue paper is a table that outlines the conflicting provisions of City Code with the recently adopted SB 1002.

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. 19-45, AMEND SECTION 7-7-105.5 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND REGULATIONS GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES

The City Council previously held a public hearing regarding proposed Ordinance 19-45 that would amend section 7-7-105.5 of the West Valley City Municipal Code to amend regulations governing cannabis production establishments and medical cannabis pharmacies.

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 Ordinance 19-45.

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION 19-137: AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN WEST VALLEY CITY AND KEDDINGTON & CHRISTENSEN, CERTIFIED PUBLIC ACCOUNTANTS, LLC TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Mayor Bigelow discussed proposed Resolution 19-137 that would authorize the execution of an agreement between West Valley City and Keddington & Christensen, Certified Public Accountants, LLC to provide auditing services to West Valley City for the Fiscal Year Ending June 30, 2019.

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

West Valley City is required by law to engage an independent audit firm to audit the City's financial operations. Keddington & Christensen auditors have demonstrated experience and proficiency in municipal audits and knowledge of City operations. This audit will be conducted in accordance with auditing standards generally accepted in the United States of America: the standards for financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States.

Keddington & Christensen, Certified Public Accountants, LLC. has provided audit services for the City in the past and has the technical expertise to evaluate and review all aspects of the City's complex operations.

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 Resolution 19-137.

Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION 19-138: AUTHORIZE CHANGE ORDER NO. 1 TO THE CONTRACT WITH ACME CONSTRUCTION FOR THE 2700 WEST IMPROVEMENTS PROJECT

Mayor Bigelow discussed proposed Resolution 19-138 that would authorize change order No. 1 to the contract with Acme Construction for the 2700 West improvements project.

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

The original plan with the traffic signal at 3800 South was to upgrade certain components as part of the project. Upon further investigation it was determined that due to the age and condition of the existing equipment that it would be more beneficial to replace the entire traffic signal. The new traffic signal steel will be powder coated painted black to match the other traffic signals in the area.

The new traffic signal is being funded by the Class C Road fund and the transportation sales tax.

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

Councilmember Christensen moved to approve Resolution 19-138.

Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 19-139: APPROVE THE PURCHASE OF TRAFFIC SIGNAL EQUIPMENT FROM THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE 2700 WEST IMPROVEMENTS PROJECT

Mayor Bigelow discussed proposed Resolution 19-139 that would approve the purchase of traffic signal equipment from the Utah Department of Transportation for the 2700 West Improvements Project.

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

A signal reconstruction is being proposed at the intersection of 2700 West and 3800 South as part of the 2700 West Improvements Project, currently under construction. UDOT operates a warehouse through which they procure and distribute traffic signal equipment and are willing to sell equipment to the city for use on city projects.

The estimate for products to be purchased is \$81,018.95. This city council action authorizes the Public Works Department to issue a purchase order to UDOT for traffic signal equipment, not to exceed \$90,000.

The traffic signal is being funded with Class C Road funds and the transportation sales tax. It is anticipated that the road construction will be completed in summer 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 19-139.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 19-140: APPROVE THE PURCHASE OF STREETLIGHTS FROM MOUNTAIN STATES LIGHTING FOR THE 2700 WEST IMPROVEMENTS PROJECT

Mayor Bigelow discussed proposed Resolution 19-140 that would approve the purchase of streetlights from Mountain States Lighting for the 2700 West Improvements Project.

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

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Mountain States Lighting is the supplier for the city standard street lights. Mountain States provides a substantial savings if the city purchases lighting products directly and supplies them to the contractor.

This resolution is for the purchase of eighteen acorn style light poles. The total cost for the lights is \$34,938.

A portion of the funding required for this project (\$1.5M) will be reimbursed to the city by Salt Lake County as part of the interlocal agreement executed in Council Resolution No. 17-186 with County Transportation Funds.

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

Councilmember Fitisemanu moved to approve Resolution 19-140.

Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

CONSENT AGENDA

- A. **RESOLUTION 19-141: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM ANNE BROWN FOR PROPERTY LOCATED AT APPROXIMATELY 5990 WEST 3500 SOUTH**
Mayor Bigelow discussed proposed Resolution 19-141 that would authorize the City to enter into a Right of Way Contract and accept an underground Right of Way Easement with and from Anne Brown for property located at approximately 5990 West 3500 South.

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

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The Anne T. Brown parcel located at 5990 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 \$15,500.00 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 19-141.

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

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

Unanimous.

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 REGULAR MEETING OF TUESDAY, NOVEMBER 12, 2019 WAS ADJOURNED AT 7:16 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, November 12, 2019.

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Nichole Camac, CMC
City Recorder