

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 19, 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
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
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
Layne Morris, CPD Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department

OPENING CEREMONY

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

SPECIAL RECOGNITIONS- SCOUTS

Mayor Bigelow welcomed Representative Elizabeth Weight and Scout Troop No. 3758 in attendance at the meeting to complete requirements for the Citizenship in the Community merit badge.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-2-

APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 12, 2019

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

Councilmember Fitisemanu moved to approve the Minutes of the Regular Meeting held November 12, 2019. Councilmember Lang seconded the motion.

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

COMMENT PERIOD

A. PUBLIC COMMENTS

Josh Cameron stated that he is here to speak in favor of HB 411. He detailed reasons for supporting the bill and the need to support workers in the State of Utah and West Valley City.

Braiden Weeks stated that he is also in support of HB411. He indicated that the Navajo Power Station in Utah recently closed down. He stated that he bought his Aunt's house in Hunter and he is hoping to see the City progress and move toward the goal of net zero 2030.

Alan Naumann stated that he supports HB411. He indicated that he specializes in electric charging stations and only some of his industry will make money from this bill. Mr. Naumann noted that other projects outside of Rocky Mountain Power will still be able to be utilized by communities. He indicated that HB411 provides an opt out system for residents and the City can leave the program before money is spent if they are uncomfortable with the negotiation process, though he expects that to go well. Mr. Naumann stated that this bill will be a financial win for Salt Lake City. He added that he believes power rates will be less in the future and is the best financial decision for West Valley City.

Jesse Cox stated that he is a new resident of West Valley City but wants to express support for HB411. He indicated that there are challenges with the Inland Port Authority and West Valley City and Magna have both been drawn into that project. He stated that he believes these two issues overlap one another and it's important to see a future with quality of life and improved health. Mr. Cox stated he has asthma and didn't expect the winter inversion or poor air quality that the Salt Lake Valley has when he moved here so this is a personal motivation.

Representative Elizabeth Weight stated that she sits on the committee that considered this bill. She was impressed about the potential for the process in City discussions and the engagement in Community to ensure that residents were informed. Representative Weight stated that she sees a huge benefit to educating

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-3-

children as they see changes with increased traffic, Mountain View Corridor construction, Inland Port, the relocation of the prison, etc. She indicated that the opportunity to look at renewable energy is progress and is an exciting concept that she hopes West Valley City will consider by passing a resolution.

Chris Bell stated that he is in favor of HB411 and encourages the City to pass a resolution to adopt clean energy by 2030. He stated that passing a resolution opens a door for opportunity and noted that if citizens don't like the program, they can opt out. Mr. Bell stated that the program creates choice and will also create jobs and a tax base in Utah. He indicated that 12 communities have passed resolutions and he would like to see West Valley City be the 13th. He added that he feels the City has a duty to be a leader as the second largest City in the State. Mr. Bell noted that if the City doesn't like the terms, there is the ability to get out of the program and passing the resolution is nonbinding. He stated that he wants his daughter to live in a valley with less inversion.

Nancy Drozdek stated that she supports HB411 and renewable energy. She indicated that it's also important to be mindful on placement of wind turbines. She stated that she supports a zero carbon footprint and would like to see West Valley City be a leader in the State.

B. CITY MANAGER COMMENTS

Wayne Pyle, City Manager, stated that the City has been making great efforts over the last decade to "go green" and has been a leader in the State. He indicated that the City has made significant investments, had serious conversations, and done thorough and continuous research on methods be clean and renewable. He stated that this includes fleet improvements, including being the first in the State to convert to Hybrid Vehicles, including actual pursuit Police Units. Mr. Pyle indicated that the City has also undergone extensive LED conversion projects and are looking at several more in the near future. He stated that there is no accepted standard that provides a best way and noted that adopting a resolution just starts a conversation. He indicated that this is a noble goal but the actual steps, conditions, and what will work and what wont are so vague that it's difficult to see what the City is getting into or what can be learned. Mr. Pyle stated that whether the Council adopts a resolution or not, the City will continue to learn and look for ways to be a renewable, energy efficient community in a method that works best for the City.

C. CITY COUNCIL COMMENTS

Mayor Bigelow stated that the Council is very amenable in improving the environment even when it may cost more money. He indicated that the key to any decision lies in the information given and he feels as if the Council doesn't have that information at this time. He added that he doesn't like when outside entities impose deadlines. Mayor Bigelow indicated that the Council prefers to study

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-4-

issues, gather information, make the best decisions, and allow staff to carry out those decisions. He stated that he firmly believes that whether the Council adopts this resolution or enters into the community collective, the City Council will move forward and make the best choices for the community.

PUBLIC HEARINGS

**A. ACCEPT PUBLIC INPUT REGARDING APPLICATION SA-7-2019,
FILED BY JOE ANN TERBURG, REQUESTING FINAL PLAT
APPROVAL FOR THE FMC WEST VALLEY SUBDIVISION LOT 2
AMENDED LOCATED AT 4135 WEST PIONEER PARKWAY**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 19, 2019, in order for the City Council to hear and consider public comments regarding application SA-7-2019, Filed by Joe Ann Terburg, requesting Final Plat Approval for the FMC West Valley Subdivision Lot 2 Amended located at 4135 West Pioneer Parkway.

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

The proposed subdivision will create two lots where an existing parking lot exists. The location of the new medical office building will be constructed on lot 2 and will be located at the northwest corner of the existing lot. The medical office building itself will comprise what will be known as lot 2A. The building/lot will have an area of approximately 20,447 square feet where 20,000 square feet is required. The remaining lot will contain approximately 96,384 square feet and will remain a parking lot for the foreseeable future.

Access to the subdivision will be gained from Pioneer Parkway. Access in and through the two lots will be achieved by interior drive aisles. Access easements will need to be recorded if not already in place. In addition to access easements, drainage easements will also exist to accommodate storm water.

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. 19-46, APPROVE THE AMENDMENT OF
LOT 2 FMC WEST VALLEY SUBDIVISION**

The City Council previously held a public hearing regarding proposed Ordinance 19-46 that would approve the Amendment of Lot 2 FMC West Valley Subdivision.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-5-

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 19-46.

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.

B. ACCEPT PUBLIC INPUT REGARDING THE WEST VALLEY CITY POLICE DEPARTMENT'S ACCEPTANCE OF A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 19, 2019, in order for the City Council to hear and consider public comments regarding the West Valley City Police Department's acceptance of a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs.

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

The U.S. Department of Justice Program is awarding the West Valley City Police Department the 2019 Edward Byrne Memorial Justice Assistance Grant (J.A.G.). The allowable expenses of the grant are the purchase of equipment, to fund training, to fund programs they approve through the application process, and in some cases, pay salaries for those programs. The funds are allocated to West Valley City based on a formula that considers among other things, the population of West Valley City and our part one crime statistics. There is separate funding allocated to each state to ensure fairness. The J.A.G. Program allows states and local governments

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-6-

implement otherwise unfunded programs designed to improve the criminal justice system.

This award will be used to fund the police department's campaign to increase efficiency and efficacy across several bureaus. A number of sections and squads have been identified as targets for the first round of these improvements. These sections and squads are using outdated processes and equipment which results in slower response to community needs, less time available for policing, and cobbled-together, inefficient systems.

The project's goals are to improve the level of service provided to the community by decreasing the amount of time officers spend on non-policing related tasks, replace old and outdated technology to streamline data, and implement better processes. Increasing the efficiency and efficacy of the police department will result in better service for the people that live, work, or visit West Valley City.

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

ACTION: RESOLUTION NO. 19-143, AUTHORIZE WEST VALLEY CITY TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The City Council previously held a public hearing regarding proposed Resolution 19-143 that would authorize West Valley City to accept the Edward Byrne Memorial Justice Assistance Grant.

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 19-143.

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

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-7-

Mayor Bigelow

Yes

Unanimous.

RESOLUTION 19-144: APPROVE THE PURCHASE OF ONE FORD F-550 AND FOUR FORD POLICE INTERCEPTOR HYBRID SUVS FROM YOUNG FORD

Mayor Bigelow discussed proposed Resolution 19-144 that would approve the purchase of one Ford F-550 and four Ford Police Interceptor Hybrid SUVS from Young Ford.

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

The Public Works Department would like to purchase a Ford F-550 cab & chassis. This truck will be upfitted with a multi-function bed that will allow the Transportation Division to use it for street sign repairs & replacement, as well as painting and striping city cross walks.

The police department has had four Ford Police Interceptor Sedans totaled this past year at no fault of their own due to automobile accidents resulting in total losses. The City has been able recuperate \$107,128.32 from responsible party's insurance. Due to the Ford Police Interceptor Sedans going away, and the City deciding to go with the Ford Police Interceptor Hybrid SUV's that are priced substantially higher than the sedan, we have been authorized to use funds from the last TNT vehicle auction to cover the remainder of the difference.

Young Ford has the state contract (AV2529) to sell Ford vehicles. The prices indicated below are competitive and the vehicles meet the City's needs.

Number of Vehicles	Type of Vehicle	Cost Per Vehicle
1	Ford F-550 cab & chassis	\$42,134.00
4	Ford Police Interceptor Hybrid SUV	\$37,557.00
	TOTAL	\$192,362.00

Replaced Vehicle	Make Model	Year
711457	Ford Interceptor Sedan	2015
711518	Ford Interceptor Sedan	2016
711590	Ford Interceptor Sedan	2018
711638	Ford Interceptor Sedan	2019
781085	Ford F-350	2008

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

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-8-

Council, and he called for a motion.

Councilmember Nordfelt moved to approve Resolution 19-144.

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.

RESOLUTION 19-145: APPROVE TWO SUBGRANT AGREEMENTS BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY GOVERNING THE DISBURSEMENT AND USE OF HOME INVESTMENT PARTNERSHIP FUNDING

Mayor Bigelow discussed proposed Resolution 19-145 that would approve two Subgrant Agreements between West Valley City and Salt Lake County governing the disbursement and use of Home Investment Partnership Funding.

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

As the lead agency in the local HOME consortium, Salt Lake County has notified West Valley City of their annual allocation of HOME funds. West Valley City will administer a Rehabilitation Program and a Down Payment Assistance Program, using these funds. West Valley City will receive ten percent for administrative fees.

I.	Housing Rehabilitation Programs (HCD19115) Total Budget	\$
	195,000.00	
	a. Rehabilitations:	\$ 174,800.00
	b. Project delivery costs:	\$ 20,200.00
II.	Down Payment Assistance Program (HCD19116) Total Budget	\$
	<u>77,000.00</u>	
	a. Down payments:	\$ 70,000.00
	b. Project delivery costs:	\$ 7,000.00
	Total	\$ 272,000.00

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-9-

The County has entered into a grant agreement with the U.S. Department of Housing and Urban Development (HUD) for financial assistance to conduct a HOME Investment Partnership Program (HOME Program) pursuant to the HOME Investment Partnerships Act, Title II of the Cranston-Gonzales National Affordable Housing Act, 42 U.S.C. 12701-12839, as amended, and subject to the Rules and Regulations, promulgated by HUD governing the conduct of HOME Investment Partnership Programs including, but not limited to, Title 24, Part 92 of the Code of Federal Regulations (CFR) (the Rules and Regulations); and the applicable Circulars published by the U.S. Office of Management and Budget (OMB Circulars).

Salt Lake County has created a consortium involving six Utah cities. West Valley City is a member of the Salt Lake County HOME Consortium, as per the multi-year HUD HOME Interlocal Agreement signed in July 2017. Each year West Valley City has been allocated HOME funds through this partnership. The funding is restrictive allowing only certain residential construction, home rehabilitation and down payment assistance.

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 19-145.

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.

CONVENE AS BOARD OF CANVASSERS FOR THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 5, 2019

CONSIDER RESOLUTION 19-146, ACCEPT AND APPROVE THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 5, 2019 AS SHOWN ON THE CANVASS REPORT

Mayor Bigelow discussed proposed Resolution 19-146 that would accept and approve the

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-10-

results of the Municipal General Election held November 5, 2019 as shown on the Canvass Report.

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

The Mayor and City Council are the legislative body for West Valley City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301(2). The Code requires that the Board of Municipal Canvassers shall meet to canvass the returns of the Municipal General Election no sooner than seven days and no later than 14 days after the election.

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 19-146.

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.

CONSENT AGENDA

A. RESOLUTION 19-147: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM KIDS OF CAMELOT, INC. FOR PROPERTY LOCATED AT APPROXIMATELY 3514 SOUTH 6000 WEST

Mayor Bigelow discussed proposed Resolution 19-147 that would authorize the City to enter into a Right of Way Contract and accept an Underground Right of Way Easement with and from Kids of Camelot, Inc. for property located at approximately 3514 South 6000 West.

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

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-11-

The Kids of Camelot, Inc. parcel located at 3514 South 6000 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 \$2,300.00, which was negotiated based upon the appraisal report prepared by the DH Group, LLC which indicated a value of \$2,227.00.

- B. RESOLUTION 19-148: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM TIMOTHY MILLS FOR PROPERTY LOCATED AT APPROXIMATELY 5910 WEST 3500 SOUTH**
Mayor Bigelow discussed proposed Resolution 19-148 that would authorize the City to enter into a Right of Way Contract and accept an Underground Right of Way Easement with and from Timothy Mills for property located at approximately 5910 West 3500 South.

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

The Timothy L. Mills parcel located at 5910 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 \$900.00 based upon the compensation estimate prepared by the DH Group, LLC.

- C. RESOLUTION 19-149: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM TIMOTHY AND TERRI MILLS FOR PROPERTY LOCATED AT APPROXIMATELY 5890 WEST 3500 SOUTH**

Mayor Bigelow discussed proposed Resolution 19-149 that would authorize the City to enter into a Right of Way Contract and accept an Underground Right of Way Easement with and from Timothy and Terri Mills for property located at approximately

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-12-

5890 West 3500 South.

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

The Timothy L. Mills and Terri J. Mills parcel located at 5890 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 \$2,000.00 based upon the compensation estimate prepared by the DH Group, LLC.

- D. RESOLUTION 19-150: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY CONTRACT AND ACCEPT AN UNDERGROUND RIGHT OF WAY EASEMENT WITH AND FROM 3455 SOUTH, LLC FOR PROPERTY LOCATED AT APPROXIMATELY 3455 SOUTH 5600 WEST**
Mayor Bigelow discussed proposed Resolution 19-150 that would authorize the City to enter into a Right of Way Contract and accept an underground right of way easement with and from 3455 South, LLC for property located at approximately 3455 South 5600 West.

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

The 3455 South, LLC parcel located at 3455 South 5600 West is one of several parcels affected by this project and which require acquisitions of 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 \$7,700.00 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.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 19, 2019

-13-

Councilmember Christensen moved to approve Resolutions 19-147, 19-148, 19-149, and 19-150.

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.

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, NOVEMBER 19, 2019 WAS ADJOURNED AT 7:18 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 19, 2019.

Nichole Camac, CMC
City Recorder