

MINUTES OF COUNCIL REGULAR MEETING – JULY 14, 2020

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, JULY 14, 2020, AT 6:30 P.M. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE MEETING WAS HELD ELECTRONICALLY.

THE FOLLOWING MEMBERS WERE PRESENT ELECTRONICALLY:

Ron Bigelow, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1 (*arrived as noted*)
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3

ABSENT:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT ELECTRONICALLY:

Paul Isaac, Acting City Manager
Nichole Camac, City Recorder

Steve Pastorik, Acting 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

INSIDE THE POLICE DEPARTMENT VIDEO SERIES

A video providing information about the Police Department was displayed.

Councilmember Tom Huynh arrived at 6:33 PM.

APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 7, 2020

The Council considered the Minutes of the Regular Meeting held July 7, 2020. There were no changes, corrections or deletions.

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Councilmember Lang moved to approve the Minutes of the Regular Meeting held July 7, 2020. Councilmember Christensen seconded the motion.

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

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock provided a shoutout to the Parking Compliance department. He indicated that ever since Jeni became supervisor, things have greatly improved. Mr. Vesock stated that Craig Thomas does a great job on the neighborhood watch meetings and indicated that more neighborhoods should be involved. He suggested putting information on water bills. Mr. Vesock thanked the Council for agreeing to look at Firework ordinances.

B. CITY MANAGER COMMENTS

Paul Isaac, Acting 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-5-2020, FILED BY JAMES GRAHAM, REQUESTING A GENERAL PLAN CHANGE FROM RURAL RESIDENTIAL (1 TO 2 UNITS/ACRE) TO LOW DENSITY RESIDENTIAL (3 TO 4 UNITS/ACRE) AND A ZONE CHANGE FROM A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO RS (RESIDENTIAL SUSTAINABILITY, MINIMUM LOT SIZE 8,000 SQUARE FEET)

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled July 14, 2020, in order for the City Council to hear and consider public comments regarding application GPZ-5-2020, filed by James Graham, requesting a General Plan Change from Rural Residential (1 to 2 Units/Acre) to Low Density Residential (3 to 4 Units/Acre) and a Zone Change from A (Agriculture, Minimum Lot Size 1/2 Acre) to RS (Residential Sustainability, Minimum Lot Size 8,000 Square Feet).

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

The applicant has submitted a concept plan, which is attached, that shows the subject property being subdivided into 11 lots averaging 9,375 square feet. The City will require the half width of both Whitlock and Chatham to be dedicated as both halves have been used as roadways since before the

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City was incorporated. Also attached are documents from the applicant supporting this application and providing biographical background.

A development agreement is required for this project. Section 7-6-210.5 of the Zoning Ordinance states: “No property shall be rezoned to the RS zone without a development agreement that includes the following requirements as minimum standards:...” The ordinance goes on to list the minimum standards for sustainability, which are found in the attached copy of Section 7-6-210.5. Since the Planning Commission recommended denial, staff did not prepare a development agreement. At the Council’s direction, staff will prepare a development agreement for consideration.

Beginning in 2017, the applicant has made four applications to the City before the current one to develop the subject property in a way other than meeting the requirements of the existing A zone. Each of these prior applications was denied by the Council.

Mayor Bigelow opened the Public Hearing.

Nichole Camac, City Recorder, read the following comments submitted by Monica Dixon: “As the spokesperson for the Chesterfield neighborhood, I want to represent all the people who were not informed about this meeting, cannot attend this meeting, or are limited by the online forum. Our collective statement is that we do not want the zoning to change at 1580 W. Whitlock Ave. We want the area to remain agriculture. We are concerned about a different demographic of neighbors moving in and complaining about the roosters, the flies, the smell, the late-night Mariachi bands and the horseback riders. We also object to having more traffic here. There are 4 churches in our neighborhood already, and they bring heavy traffic. Thank you for your consideration of this matter.”

Mayor Bigelow closed the Public Hearing.

ACTION: ORDINANCE NO. 20-27, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM RURAL RESIDENTIAL (1 TO 2 UNITS/ACRE) TO LOW DENSITY RESIDENTIAL (3 TO 4 UNITS/ACRE) FOR PROPERTY LOCATED AT 1580 WEST WHITLOCK AVENUE

The City Council previously held a public hearing regarding proposed Ordinance 20-27 that would amend the General Plan to show a change of land use from Rural Residential (1 to 2 Units/Acre) to Low Density Residential (3 to 4 Units/Acre) for property located at 1580 West Whitlock Avenue.

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 Huynh moved to deny Ordinance 20-27.

Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Majority. Denied.

ACTION: ORDINANCE NO. 20-28, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 1580 WEST WHITLOCK AVENUE ON 3.05 ACRES FROM A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO RS (RESIDENTIAL SUSTAINABILITY, MINIMUM LOT SIZE 8,000 SQUARE FEET)

The City Council previously held a public hearing regarding proposed Ordinance 20-28 that would amend the Zoning Map to show a change of zone for property located at 1580 West Whitlock Avenue on 3.05 Acres from A (Agriculture, Minimum Lot Size 1/2 Acre) to RS (Residential Sustainability, Minimum Lot Size 8,000 Square Feet).

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 Deny Ordinance 20-28.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

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Mayor Bigelow Yes

Unanimous. Denied

ACTION: RESOLUTION NO. 20-109, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH DWELL DESIGN BUILD, LLC FOR APPROXIMATELY 3.05 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1580 WEST WHITLOCK AVENUE

Mayor Bigelow discussed proposed Resolution 20-109 that would authorize the City to enter into a Development Agreement with Dwell Design Build, LLC for approximately 3.05 acres of property located at approximately 1580 West Whitlock Avenue.

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

James Graham has submitted a General Plan/zone change application (GPZ-5-2020) on 3.05 acres to change the zoning from A (Agriculture, minimum lot size ½ acre) to RS (residential sustainability). The Planning Commission recommended denial.

Section 7-6-210.5 of the Zoning Ordinance states: “No property shall be rezoned to the RS zone without a development agreement that includes the following requirements as minimum standards:...” The ordinance goes on to list the minimum standards for sustainability, which are included in the development agreement. Also included are some interior design features for all new homes.

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 deny Resolution 20-109.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

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Unanimous. Denied.

RESOLUTION 20-100: ENCOURAGE RESIDENTS AND BUSINESSES TO FOLLOW STATE AND COUNTY HEALTH GUIDELINES

Mayor Bigelow discussed proposed Resolution 20-100 that would encourage residents and businesses to follow State and County Health Guidelines.

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

In March, both the federal government and the state of Utah recognized the existence of a health emergency created by the COVID-19 pandemic. Since that time, significant changes have occurred in many aspects of daily life. In an effort to slow the spread of the disease and allow Utahns to continue with as many normal activities as possible during the pandemic, the state of Utah and Salt Lake County have made several recommendations and enacted health orders pertaining to individuals and businesses.

The resolution encourages all residents to abide by these guidelines, including the wearing of masks in public places.

Councilmember Huynh stated that he would prefer to have a more strongly worded resolution. He indicated that there are many people who cannot do anything, cannot leave their homes, and others need to take responsibility to end this pandemic. He indicated that the City has a high rate of COVID-19, sales tax rates are decreasing, and many people are struggling. Mayor Bigelow stated that he feels requiring as opposed to encouraging may be beneficial but he feels the resolution represents the majority of Council so he will support as it is. He indicated that following guidelines strictly will curtail the pandemic more so than anything else and it is critical for the community to work together to solve this issue.

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 20-100.

Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

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Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION 20-101: AUTHORIZE THE PURCHASE OF A TYMCO 600 STREET SWEEPER FROM INTERMOUNTAIN SWEEPER

Mayor Bigelow discussed proposed Resolution 20-101 that would authorize the purchase of a Tymco 600 Street Sweeper from Intermountain Sweeper.

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

The City will use Utah State Contact with Intermountain Sweeper Company to replace the 2016 Tymco 600 with a Tymco 600 BAM Regenerative Air Sweeper. Public Works Operations has dealt with Intermountain Sweeper Company on many trade-ins, receiving consistent value for equipment each year.

Machine	Type of Machine	Cost Per Vehicle
1	Tymco 600 Sweeper BAM Regenerative Air	\$289,485.00
1	Trade in – 2016 Tymco 600	-\$105,000.00
TOTAL		\$184,485.00

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 20-101.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 20-102: AUTHORIZE THE EXECUTION OF AMENDMENT NO. 1 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST

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VALLEY CITY AND SALT LAKE COUNTY FOR THE CONSTRUCTION OF 2550 SOUTH

Mayor Bigelow discussed proposed Resolution 20-102 that would authorize the Execution of Amendment No. 1 to the Interlocal Cooperation Agreement between West Valley City and Salt Lake County for the construction of 2550 South.

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

During the 2018 legislative session, SB234 directed UDOT to fund the completion of 2550 South 5600 West to 8000 West, with matching funds from Salt Lake County. UDOT has since funded \$2,000,000 for design and construction. This \$500,000 amendment from Salt Lake County will match what UDOT has funded.

The County Transportation Funds will only be used for allowable uses as described in Subsection 72-2-121(4)(h) of the State Transportation Code.

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 20-102.

Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

CONSENT AGENDA

A. **RESOLUTION 20-103: AUTHORIZE THE CITY TO ENTER INTO AN EASEMENT PURCHASE AGREEMENT AND ACCEPT A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM REAL ESTATE INVESTMENT PARTNERS, LLC FOR PROPERTY LOCATED AT 3789 SOUTH CONSTITUTION BOULEVARD**

Mayor Bigelow discussed proposed Resolution 20-103 that would authorize the City to enter into an Easement Purchase Agreement and accept a Temporary Construction Easement with and from Real Estate Investment Partners, LLC for property located at

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3789 South Constitution Boulevard.

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

This portion of the Real Estate Investment Partners, L.L.C. parcel located at 3749 S. Constitution Boulevard is being acquired as part of the 2700 West Improvement Project, scheduled to be completed in 2020. This portion of the project includes the removal of existing curb, gutter and a four-foot-wide sidewalk along the frontage of the subject property (approximately 360 lineal feet) and installation of new curb, gutter and a five-foot-wide sidewalk within the existing public right-of-way. The elevation of the new curb and gutter on the east side of Constitution Boulevard is being raised to help eliminate the steep asphalt cross slope on the east side of Constitution Boulevard. Compensation in the amount of \$2,400.00 is based upon an appraisal report prepared for the adjacent property to the south.

**B. RESOLUTION 20-104: AUTHORIZE THE CITY TO ENTER INTO A
RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A
WARRANTY DEED AND TEMPORARY CONSTRUCTION EASEMENT
WITH AND FROM ANDREW KESSLER AND EMILY MARTINSEN FOR
PROPERTY LOCATED AT 3830 SOUTH MARKET STREET**

Mayor Bigelow discussed proposed Resolution 20-104 that would authorize the City to enter into Right Of Way Purchase Agreement and accept a Warranty Deed and Temporary Construction Easement with and from Andrew Kessler and Emily Martinsen for property located at 3830 South Market Street.

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

The Emily Martinsen and Andrew A. Kessler property is one of several properties affected by the required removal and replacement of pedestrian ramps to meet current ADA standards as part of the 2020 Asphalt Overlay Project. As part of this project several City streets will be overlaid full width. Any existing ADA ramps which do not comply with the current standards and regulations must be removed and replaced.

The Warranty Deed and the Grant of Temporary Construction Easement will facilitate construction of the project. Compensation in the amount of \$400.00 was negotiated based upon an appraisal reports prepared by Integra Realty Resources.

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

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Councilmember Buhler moved to approve items on the consent agenda.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

COMMENT PERIOD

A. PUBLIC COMMENTS

Mike Markham stated that he is concerned about the 2700 West project. He indicated that the additional costs that are occurring are very concerning. Mr. Markham stated that he feels many of these issues should have been considered before.

B. CITY MANAGER COMMENTS

Paul Isaac, Acting City Manager, had no comments.

C. CITY COUNCIL COMMENTS

Mayor Bigelow stated that many of the increased costs were not included in the original bid. He noted that there was damage discovered in the storm drain that were not discovered until it was dug up. Mayor Bigelow stated that the Council chose to approve these items after the fact because it was cheaper to do while the road was already under construction.

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, JULY 14, 2020 WAS ADJOURNED AT 7:05 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, July 14, 2020.

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Nichole Camac
Nichole Camac, CMC
City Recorder