

## **MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021**

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, DECEMBER 7, 2021, 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 MEETING WAS ALSO HELD ELECTRONICALLY VIA ZOOM.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3  
Jake Fitismanu, Councilmember District 4 (*left as noted*)

ABSENT:

Don Christensen, Councilmember At-Large

STAFF PRESENT ELECTRONICALLY:

Nicole Cottle, Acting City Manger  
Nichole Camac, City Recorder  
Eric Bunderson, City Attorney  
Colleen Jacobs, Police Chief (*electronically*)  
John Evans, Fire Chief (*electronically*)  
Jim Welch, Finance Director  
Steve Pastorik, CED Director  
Layne Morris, CPD Director (*electronically*)  
Dan Johnson, Public Works Director  
Nancy Day, Parks and Recreation Director  
John Flores, HR Director  
Sam Johnson, Strategic Communications Director  
Steve Lehman, CED

### **INSIDE THE CITY VIDEO SERIES**

A video providing information about the Police Department was displayed.

### **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 23, 2021**

The Council considered the Minutes of the Regular Meeting held November 23, 2021. There were no changes, corrections or deletions.

## **MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021**

-2-

Councilmember Lang moved to approve the Minutes of the Regular Meeting held November 23, 2021. Councilmember Nordfelt seconded the motion.

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

### **COMMENT PERIOD**

- A. **REPRESENTATIVE ELIZABETH WEIGHT- CITATION OF RECOGNITION TO THE WEST VALLEY ARTS DIVISION**  
Representative Elizabeth Weight provided a citation of recognition to the West Valley Arts division.

### **COMMENT PERIOD**

- B. **PUBLIC COMMENTS**

Paul Nichols expressed concern about speed on 4100 South.

Jack Matheson stated that he would like to apply for the 3rd district midterm vacancy. He stated that he is also here to apologize for slamming the City's decision to join UTOPIA several years ago. He indicated that having a fast reliable internet allowed thousands of people the ability to work from home during the pandemic.

Randy (did not want to provide last name or address) stated that there is a significant concern with rice rockets in West Valley City. He indicated that vehicles race constantly through the day and night with extremely loud vehicles. Randy indicated that there are many groups and clubs and often the windows of the vehicles are highly tinted, license plates are blacked out, etc. He indicated that he understands kids want to have fun but this is a serious problem for residents in the City who are unable to sleep. Randy stated that he would like to think there is something the City can do to help solve this concern.

Michael Evans stated he the grandson of Lorna Gigi who lives next to Costco. He indicated that his grandmother has experienced vehicles crashing into her yard on four separate occasions. The last instance was over the weekend where an individual lost control of a stolen vehicle and knocked down her chain link fence as well as causing damage to her home. Mr. Evans stated that his grandmother is on a limited income and this seems to be an ongoing occurrence. He indicated that he would like to see if a solution can be found by the City by adjusting traffic lanes, allowing for a masonry wall, or assistance in installing a large rock to buffer her home from this issue. Mr. Evans stated that he would like to begin conversations to find a possible solution to help his grandmother.

Jim Vesock stated that he believes performers at the Maverik Center and USANA need to refer to West Valley City in their welcoming comments, not Salt lake City.

## MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021

-3-

He indicated that employees of West Valley City need to be held accountable and should not disseminate false information. He expressed concern regarding Code Enforcement and noted that he feels numbers provided in the Strategic Plan Presentation by Layne Morris were fabricated. He also noted that he believes Code Enforcement workers should not be labeled as “officers” because they use that for bullying and intimidation.

Darrell Curtis stated that he is concerned about engine brake noise on the Mountain View Corridor. He also stated that sidewalk repair and installation needs to be a higher priority for the safety of the residents.

Mike Markham agreed about the rice rocket issue. He also stated that this is worrisome for Police Officers who pull over the racers because their windows are so tinted. Mr. Markham stated that he blames the State Legislature for removing safety inspections on vehicles. He also expressed concern about on-street parking and ticketing.

Randy stated that he would like to see many of these issues fixed so there is more positivity in the community.

Paul Nichols stated that he would like to see a light added to 5450 West.

*Councilmember Fitisemanu was excused from the remainder of the meeting.*

### **B. CITY MANAGER COMMENTS**

Nicole Cottle, Assistant City Manager, had no comments.

### **C. CITY COUNCIL COMMENTS**

Councilmember Huynh requested an updated on tinted windows and rice rockets. He stated that the Mayor is retiring and will have a celebration next week but expressed concern that Councilmember Buhler was not included. Councilmember Buhler stated that he was asked to be part of the celebration but chose not to be included. Mayor Bigelow stated that some councilmembers wish to have the thanks and recognition and others do not. He indicated that this is up to each individual and does not diminish their service.

## **PUBLIC HEARINGS**

- A. ACCEPT PUBLIC COMMENT REGARDING APPLICATION S-2-2021, FILED BY SHAUN JOHNSON, REQUESTING FINAL PLAT APPROVAL FOR THE WESTON FIELDS SUBDIVISION- REVISED FINAL PLAT AND AMENDING CERTAIN LOTS IN THE BROOKFIELD PHASE 11 SUBDIVISION**

## MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021

-4-

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled December 7, 2021, in order for the City Council to hear and consider public comments regarding application S-2-2021, Filed by Shaun Johnson, Requesting Final Plat Approval for the Weston Fields Subdivision- Revised Final Plat and Amending Certain Lots in the Brookfield Phase 11 Subdivision. Written documentation previously provided to the City Council included information as follows:

During the review of Weston Fields Subdivision Phase 1, an amendment to lots 309-312 of the Brookfield Phase 3 Subdivision and lot 1107 of the Brookfield Phase 11 Subdivision was approved. The subdivision amended those lots to resolve existing fence locations that had been in existence for over 30 years. Rather than remove fences that have been in place for those many years, the developer was willing to give up a few feet of property so the fences could stay.

Now that the subdivision is going through the final stages of final plat and plan review, the surveyor of record noticed that 3 additional lots in the Brookfield subdivision would also be in the same predicament. The developer has reached an agreement with the adjacent owners of lots 1103, 1104 and 1105 of the Brookfield Phase 11 Subdivision to the north. The developer would be willing to lose a bit of property in order to keep the existing fences as they are. This application simply includes these lots within the boundary of the City Councils previously approved Weston Fields Phase 1 final plat. Lots in the Weston Fields Subdivision adjacent to the Brookfield lots will be modified to accommodate this adjustment.

Staff believes the resolution to this fencing matter is a good faith effort on behalf of the developer to allow existing fences to remain in place, thus reducing the impact to residents who have landscaped and used their yards for many years.

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. 21-65, APPROVE THE AMENDMENT OF LOTS 1103-1105 OF THE BROOKFIELD PHASE 11 SUBDIVISION**

The City Council previously held a public hearing regarding proposed Ordinance 21-65 that would approve the Amendment of Lots 1103-1105 of the Brookfield Phase 11 Subdivision.

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 DECEMBER 7, 2021

-5-

Councilmember Nordfelt moved to approve Ordinance 21-65.

Councilmember Lang seconded the motion.

A roll call vote was taken:

|                     |     |
|---------------------|-----|
| Councilwoman Lang   | Yes |
| Councilman Buhler   | Yes |
| Councilman Huynh    | Yes |
| Councilman Nordfelt | Yes |
| Mayor Bigelow       | Yes |

Unanimous.

### CONSENT AGENDA

**A. RESOLUTION 21-199: AUTHORIZE THE CITY TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM AMERICO REAL ESTATE COMPANY FOR PROPERTY LOCATED AT 4690 SOUTH 4000 WEST**

Mayor Bigelow discussed proposed Resolution 21-199 that would authorize the City to enter into a Real Estate Purchase Agreement and Accept a Warranty Deed and a Temporary Construction Easement with and from Americo Real Estate Company for Property Located at 4690 South 4000 West.

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

The Americo Real Estate Company parcel located at 4690 South 4000 West is one of several parcels affected by the 4700 South Reconstruction Project (4000 West to 5600 West). This project is being constructed in cooperation with Kearns Metro Township. This project will reconstruct the pavement, curb, gutter, sidewalk and decorative street lighting on both sides of 4700 South and 4715 South to improve safety and ride quality of 4700 South and 4715 South. Compensation for the purchase of the Warranty Deed, Temporary Construction Easements and improvements in the amount of \$84,000.00 was negotiated based upon the appraisal report prepared by Van Drimmelen Associates, Inc. which indicated a value of \$78,700.00.

The project is being funded under the Surface Transportation Program (STP) with federal funds. Kearns Metro Township executed the Federal Aid Agreement with UDOT. West Valley City has signed an Interlocal Agreement with Kearns Metro Township. The city is responsible 6.77% of all project costs, including right of way, within West Valley City

**MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021**

**-6-**

jurisdictional limits. The total compensation for the Warranty Deed and a Temporary Construction Easement is \$84,000.00, making the West Valley City share of the acquisition \$5,686.80.

**B. RESOLUTION 21-200: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM CLINT PERRY FOR PROPERTY LOCATED AT 4869 WEST ROYAL ANN DRIVE**

Mayor Bigelow discussed proposed Resolution 21-200 that would authorize the City to Enter into a Right of Way Purchase Agreement and Accept a Warranty Deed and a Temporary Construction Easement with and from Clint Perry for Property Located at 4869 West Royal Ann Drive.

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

The Clint Perry 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 2022 Pedestrian Ramp Project. As part of this project pedestrian ramps will be constructed at various locations throughout the city in locations where they do not currently exist and existing pedestrian ramps which do not comply with current ADA standards will be removed and replaced.

The Warranty Deed and the Temporary Construction Easement will facilitate construction of the pedestrian ramps. Compensation in the amount of \$425.00 was negotiated based upon land values for properties in the area.

**C. RESOLUTION 21-201: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM THE FRED M. AUSTIN FAMILY TRUST FOR PROPERTY LOCATED AT 4403 SOUTH 4625 WEST**

Mayor Bigelow discussed proposed Resolution 21-201 that would authorize the City to Enter into a Right of Way Purchase Agreement and Accept a Warranty Deed and a Temporary Construction Easement with and from the Fred M. Austin Family Trust for Property Located at 4403 South 4625 West

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

The Fred M. Austin and Lorraine H. Austin Family Trust No. 1 property is one of several properties affected by the required removal and replacement

## MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021

-7-

of pedestrian ramps to meet current ADA standards as part of the 2022 Pedestrian Ramp Project. As part of this project pedestrian ramps will be constructed at various locations throughout the City in locations where they do not currently exist and existing pedestrian ramps which do not comply with current ADA standards will be removed and replaced.

The Warranty Deed and the Temporary Construction Easement will facilitate construction of the pedestrian ramps. Compensation in the amount of \$650.00 was negotiated based upon land values for properties in the area.

**D. RESOLUTION 21-202: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM MICHAEL P. KING FOR PROPERTY LOCATED AT 5025 WEST ROYAL ANN DRIVE**

Mayor Bigelow discussed proposed Resolution 21-202 that would authorize the City to Enter into a Right of Way Purchase Agreement and Accept a Warranty Deed and a Temporary Construction Easement with and from Michael P. King for Property Located at 5025 West Royal Ann Drive

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

The Michael P. King 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 2022 Pedestrian Ramp Project. As part of this project pedestrian ramps will be constructed at various locations throughout the city in locations where they do not currently exist and existing pedestrian ramps which do not comply with current ADA standards will be removed and replaced.

The Warranty Deed and the Temporary Construction Easement will facilitate construction of the pedestrian ramps. Compensation in the amount of \$800.00 was negotiated based upon land values for properties in the area.

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 the items on the Consent Agenda.

Councilmember Huynh seconded the motion.

## MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021

-8-

A roll call vote was taken:

|                     |     |
|---------------------|-----|
| Councilwoman Lang   | Yes |
| Councilman Buhler   | Yes |
| Councilman Huynh    | Yes |
| Councilman Nordfelt | Yes |
| Mayor Bigelow       | Yes |

Unanimous.

### UNFINISHED BUSINESS

- A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-14-2021, FILED BY BRAD REYNOLDS, REQUESTING A GENERAL PLAN CHANGE FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (7 TO 12 UNITS/ACRE) AND A ZONE CHANGE FROM C-2 (GENERAL COMMERCIAL) TO RM (MULTIPLE UNIT DWELLING RESIDENTIAL) FOR PROPERTY LOCATED AT 3554 SOUTH 3200 WEST**

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 23, 2021, in order for the City Council to hear and consider public comments regarding application GPZ-14-2021, Filed by Brad Reynolds, Requesting a General Plan Change from General Commercial to Medium Density Residential (7 to 12 units/acre) and a Zone Change from C-2 (General Commercial) to RM (Multiple Unit Dwelling Residential) for Property Located at 3554 South 3200 West. This item was continued to December 7, 2021,

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

The applicant originally proposed a 37-unit townhome development with a density of 11.5 units/acre. After the Planning Commission's review, the latest proposal is a 35-unit townhome development with a density of 10.9 units/acre. Each unit would have a two-car garage and 27 of the units would have a driveway large enough to park two vehicles in. The proposed minimum unit size is 1,550 sq. ft. above grade and all units would include a finished basement of 750 sq. ft. The attached concept plan and application materials from the applicant provide details on and support for the proposed project. By way of background, Brad Reynolds Construction developed The Villages at 27<sup>th</sup>, which is a 147-unit townhome development at 4500 South 2700 West.

**ACTION: ORDINANCE NO. 21-63, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (7 TO 12 UNITS/ACRE) FOR**

## MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021

-9-

### **PROPERTY LOCATED 3554 SOUTH 3200 WEST**

The City Council previously held a public hearing on November 23, 2021 regarding proposed Ordinance 21-63 that would amend the General Plan to Show a Change of Land Use from General Commercial to Medium Density Residential (7 to 12 units/acre) for Property Located 3554 South 3200 West.

### **ACTION: ORDINANCE NO. 21-64, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3554 SOUTH 3200 WEST ON 3.2 ACRES FROM C-2 (GENERAL COMMERCIAL) TO RM (MULTIPLE UNIT DWELLING RESIDENTIAL)**

The City Council previously held a public hearing regarding proposed Ordinance 21-63 that would amend the Zoning Map to show a change of Zone for property located at 3554 South 3200 West on 3.2 Acres from C-2 (General Commercial) to RM (Multiple Unit Dwelling Residential).

### **ACTION: RESOLUTION NO. 21-189, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BRAD REYNOLDS CONSTRUCTION FOR APPROXIMATELY 3.2 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3554 SOUTH 3200 WEST**

Mayor Bigelow discussed proposed Resolution 21-189 that would authorize the City to enter into a Development Agreement with Brad Reynolds Construction for Approximately 3.2 Acres of Property Located at Approximately 3554 South 3200 West.

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

Brad Reynolds has submitted a General Plan/zone change application (GPZ-14-2021) on 3.2 acres to change the zoning from C-2 (General Commercial) to RM (Multiple Unit Dwelling Residential) and to change the General Plan from General Commercial to Medium Density Residential (7 to 12 units/acre). The Planning Commission recommended approval of the General Plan/zone change subject to a development agreement.

The proposed development agreement addresses the following topics:

- Maximum number of units
- Minimum unit sizes
- Architecture
- Amenities
- Parking
- Setbacks

**MINUTES OF COUNCIL REGULAR MEETING DECEMBER 7, 2021**

**-10-**

- Multi-unit residential design standards from City Code

Mayor Bigelow noted that the applicant has requested this application be continued for one more week.

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 continue Application GPZ-14-2021 (including Ordinance 21-63 and 21-64 and Resolution 21-189) to December 14, 2021.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

|                     |     |
|---------------------|-----|
| Councilwoman Lang   | Yes |
| Councilman Buhler   | Yes |
| Councilman Huynh    | Yes |
| Councilman Nordfelt | Yes |
| Mayor Bigelow       | Yes |

Continued.

**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, DECEMBER 7, 2021 WAS ADJOURNED AT 7:32 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, December 7, 2021.



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Nichole Camac, CMC  
City Recorder