

MINUTES OF COUNCIL REGULAR MEETING NOVEMBER 22, 2022

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, NOVEMBER 22, 2022, 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 KAREN LANG.

THE FOLLOWING MEMBERS WERE PRESENT:

Karen Lang, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1
Scott Harmon, Councilmember District 2
William Whetstone, Councilmember District 3 (*electronically*)
Jake Fitisemanu, Councilmember District 4

STAFF PRESENT ELECTRONICALLY:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder
Nicole Cottle, Assistant City Manager/ General Counsel
Eric Bunderson, City Attorney
Colleen Jacobs, Police Chief (*electronically*)
John Evans, Fire Chief
Jim Welch, Finance Director (*electronically*)
Steve Pastorik, CED Director
Layne Morris, CPD Director (*electronically*)
Dan Johnson, Public Works Director
Nancy Day, Parks and Recreation Director (*electronically*)
John Flores, HR Director (*electronically*)
Mark Nord, RDA Director
Sam Johnson, Strategic Communications Director
Ken Cushing, IT (*electronically*)

OPENING CEREMONY- COUNCILMEMBER CHRISTENSEN

Councilmember Christensen encouraged residents to remember the blessings that residents of this Country have received as we approach the holiday season. He asked members of the Council, staff, and audience to rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 15, 2022

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The Council considered the Minutes of the Regular Meeting held November 15, 2022. There were no changes, corrections or deletions.

Councilmember Huynh moved to approve the Minutes of the Regular Meeting held November 15, 2022. Councilmember Christensen seconded the motion.

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

PROCLAMATIONS

A. PROCLAMATION DECLARING NOVEMBER 26, 2022 AS SMALL BUSINESS SATURDAY

The Mayor stated that the Council will approve a Proclamation Declaring November 26, 2022 as Small Business Saturday in West Valley City.

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock stated that the Clean and Beautiful Committee was at City Hall Saturday to decorate. He indicated that the Committee could use additional funding for decorations in the future. Mr. Vesock encouraged the Council to attend My Hometown events.

Jake Fitisemanu stated that he was called over to a local Chief's house from the Utah Pacific Islander Coalition. He read a letter from members of the community that thanked the West Valley City Police Department for their professional accompaniment and neighborly demeanor as they assisted the celebration of Samoa's successful rugby win.

Richard Nowak stated that there are no neighbors in his area that are concerned about the fence that he received a Code Enforcement violation for. He indicated that he received a notice of compliance. Mr. Nowak stated that he doesn't understand why a resident would need to pay to attend the Board of Adjustment meeting. He noted that residents should be given more assistance and resources.

Myles Winn thanked staff efforts to trim trees on Parkway Blvd. He indicated that he received the results of his speed study and was told his street did not qualify but Mr. Winn stated that he disagrees with the placement of the equipment.

B. CITY MANAGER COMMENTS

Wayne stated that the City received a call for trespass at the Valley Fair Mall because mall owners or store managers were concerned about possible issues regarding a gathering that was occurring. He indicated that the Police Department arrived on scene, assessed the situation, and determined that it was a celebration from the Pacific Islander community regarding Samoa's rugby victories. Wayne indicated that the Police Department worked with the group, moved the celebration

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to City owned public property, coordinated with the Parks Department, and helped keep everyone safe during the celebration. Wayne thanked Councilmember Fitisemanu for reading the letter and indicated that he is proud of the department and their handling of the event.

C. CITY COUNCIL COMMENTS

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

PUBLIC HEARINGS

A. **ACCEPT PUBLIC COMMENT REGARDING APPLICATION SA-4-2022, FILED BY PAUL SNYDER, REQUESTING FINAL PLAT APPROVAL FOR THE JMYL WEST VALLEY SUBDIVISION-LOTS 5 AND 6 AMENDED LOCATED AT 1814 WEST 4100 SOUTH**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled November 22, 2022, in order for the City Council to hear and consider public comments regarding application SA-4-2022, filed by Paul Snyder, requesting Final Plat Approval for the JMYL West Valley Subdivision-Lots 5 and 6 Amended located at 1814 West 4100 South

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

Paul Snyder, is requesting a plat amendment for lots 5 and 6 of the JMYL West Valley Subdivision. Said subdivision was recorded with the Salt Lake County Recorder's Office in January 2019. The original subdivision plat consisted of 7 lots on 13.5 acres. This application will amend lots 5 and 6 to consolidate them into 1 lot. The new lot will be developed as a future restaurant.

The amended subdivision will consolidate two existing lots to create one lot approximately 1 acre in size. All previous reviews and conditions of the original subdivision still apply. This property will gain access from existing cross access and parking easements internal to the overall project. Site improvements will be addressed as part of the Conditional Use application. The amended plat simply combines two lots to create one lot with easements and other applicable information.

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

ACTION: ORDINANCE NO. 22-41, APPROVE THE AMENDMENT OF LOTS 5 AND 6 OF THE JMYL WEST VALLEY SUBDIVISION

The City Council previously held a public hearing regarding proposed Ordinance 22-41 that would approve the Amendment of Lots 5 and 6 of the JMYL West Valley

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Subdivision.

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

Councilmember Nordfelt moved to approve Ordinance 22-41.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous.

RESOLUTION 22-155: APPROVE AN AGREEMENT WITH MODERN DISPLAY SERVICE, INC. TO PROVIDE PARADE FLOAT SERVICES

Wayne Pyle presented proposed Resolution 22-155 that would approve an agreement with Modern Display Service, Inc. to Provide Parade Float Services

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

In January 2020, WVC Council approved contracting out with Modern Display to build a float for Summer 2020. The pandemic started shortly after that decision. The float was stored for 2 years during the pandemic. In early 2022, WVC City Manager and City Council approved to move forward on having the WVC float, first in a over a decade, finished and ready to be used in parades. The float was in used in WestFest, Magna 4th of July parade and Days of '47 parade. The float included many volunteers, the mayor was on the float, during each parade.

Modern Display is a leader in putting together floats and this work on this first float met expectations and was well received.

- 3 year contract includes the following:
- Work on a new concept each year
- Build out a new float using the same car and platform
- Deconstructing the float each year

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- Storage of the Float.
\$51,000 3-year contract (\$17,000 annually)

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

Councilmember Christensen moved to approve Resolution 22-155.

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous.

CONSIDER APPLICATION SMI-9-2022, FILED BY BRENT MALILI, REQUESTING FINAL PLAT APPROVAL FOR THE CARPE DIEM AUCTUM SUBDIVISION- PHASE 2 FOR PROPERTY LOCATED AT 5520 SOUTH 5600 WEST

Wayne Pyle, City Manager, presented proposed application SMI-9-2022, Filed by Brent Malili, Requesting Final Plat Approval for the Carpe Diem Auctum Subdivision- Phase 2 for Property Located at 5520 South 5600 West.

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

Brent Malili is requesting final approval for the second phase of the Carpe Diem Auctum Subdivision. The subdivision is located immediately to the south of phase 1 and is being submitted to create two lots for future commercial uses in the C-2 zone.

The proposed subdivision will consist of 2 lots on 2 acres. Lot 1 is approximately 1.3 acres in size while lot 2 is approximately .70 acres in size. The C-2 Zone requires a minimum lot size of 20,000 square feet.

Access to the subdivision will be gained from 5600 West. A shared access drive coming in from 5600 West will be located and shared with both phase 1 to the north

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and phase 2 to the south of the drive. The applicant has received approval from UDOT and West Valley City for this location. Public improvements exist along the west side of 5600 West including curb, gutter, a stamped concrete parkstrip and sidewalk. As there is only one access on 5600 West, a reciprocal access easement is planned across lot 1 in favor of lot 2 similar to what was done with the first phase to the north.

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

Councilmember Fitisemanu moved to approve application SMI-9-2022.

Councilmember Harmon seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous.

CONSENT AGENDA SCHEDULED FOR NOVEMBER 22, 2022

A. RESOLUTION 22-156: AUTHORIZE THE CITY TO ABANDON A PORTION OF A STORM DRAIN EASEMENT LOCATED AT 5530 SOUTH 5600 WEST

Wayne Pyle, City Manager, discussed proposed Resolution 22-156 that would authorize the City to Abandon a Portion of a Storm Drain Easement Located at 5530 South 5600 West.

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

In 1986 a Storm Drain Easement was recorded in favor of Salt Lake County across property located south of 5400 South on the west side of 5600 West. As there are no existing storm drain facilities located on property located within this specific easement on property located approximately 5530 South, the property owner has requested this easement be abandoned by West Valley City.

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LC Real Estate, LLC is the owner of property located at 5530 South 5600 West, parcel 20-14-231-022 and the site of the proposed Carpe Diem Auctum Subdivision No. 2 and UTA owns parcel 20-14-231-020. The above referenced storm drain easement was recorded in favor of Salt Lake County prior to the Smith's Annexation in 1995 by West Valley City. After the annexation of property West Valley City became the successor in interest to Salt Lake County. As the easement is not necessary, an Abandonment of Storm Drain Easement document has been prepared for approval by the West Valley City Council and execution by the mayor. There is another 15-foot-wide Storm Drain Easement which runs slightly east and parallel with the easement being abandoned, that easement will remain.

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

Councilmember Huynh moved to approve the item on the consent agenda.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous.

NEW BUSINESS:

RESOLUTION 22-159: RESOLUTION CONSIDERING AN EMPLOYMENT AGREEMENT

Mayor Lang presented proposed Resolution 22-159 that would consider an Employment Agreement.

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

On May 22, 2018, the City entered into an Employment Agreement with Wayne Pyle to serve as City Manager. This Agreement expires on May 31, 2023 and automatically renews unless the City decides not to renew and

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provides 180 days' notice of nonrenewal prior to expiration. This Agreement also requires a majority vote of the City Council with all members present to decline to renew the Agreement. This Resolution declines to renew the Employment Agreement and meets the requirement to do so at least 180 days prior to expiration.

Councilmember Fitisemanu stated that there are certain and definite intentions to renegotiate Mr. Pyle's contract. He indicated that some Councilmembers had one or two conditions that they wanted to adjust while others may have had additional sticking points with the current contract which led to the non-renewal consideration. He indicated there is an intent to negotiate around some of these sticking points in a new contract.

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

Councilmember Harmon moved to approve Resolution 22-159.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	No
Mayor Lang	Yes

Majority.

MOTION TO ADJOURN

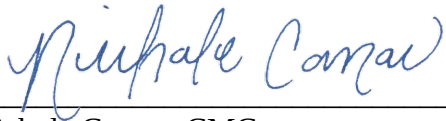
Upon motion by Councilmember Huynh all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, NOVEMBER 22, 2022 WAS ADJOURNED AT 6:56 P.M. BY MAYOR LANG.

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 22, 2022.

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Nichole Camac, CMC
City Recorder