

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 18, 2014, AT 6:33 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
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Tom Huynh, Councilmember District 1

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Russell Willardson, Public Works Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Scott Freckleton, Acting Finance Director
Steve Pastorik, CED Department
Brandon Hill, Law Department
Rick Westphal, Administration
Tyson Emmett, Administration
Cindy Hobbs, Finance Department
Jake Arslanian, Public Works Department

16804 **OPENING CEREMONY**

The Opening Ceremony was conducted by Lars Nordfelt who led the Pledge of Allegiance to the Flag.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-2-

16805 **APPROVAL OF MINUTES OF REGULAR MEETINGS HELD OCTOBER 28, 2014 AND NOVEMBER 4, 2014**

The Council read and considered Minutes of the Regular Meetings held October 28, 2014 and November 4, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meetings held October 28, 2014 and November 4, 2014, as written. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16806 **EMPLOYEE OF THE MONTH, NOVEMBER 2014 – TYSON EMMETT, IT DIVISION/ADMINISTRATION**

Councilmember Nordfelt read the nomination of Tyson Emmett, IT Division/Administration, to receive the Employee of the Month award for November 2014. Mr. Emmett had been nominated for his consistent attention to the needs of City staff.

The award was presented and members of the City Council congratulated and expressed appreciation to Mr. Emmett for his dedication and service to West Valley City.

16807 **PROCLAMATION DECLARING NOVEMBER 29, 2014, AS SMALL BUSINESS SATURDAY IN WEST VALLEY CITY**

Councilmember Lang read a Proclamation declaring November 29, 2014, as Small Business Saturday in West Valley City.

16808 **COMMENT PERIOD**

Upon inquiry by Mayor Bigelow, there was no one in attendance desiring to address the City Council during the comment period.

Mayor Bigelow informed there had not been a Regular Council Meeting the previous week due to Veterans Day and City Hall being closed for that holiday. He discussed participation in a Veterans Day event hosted at City Hall in

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-3-

recognition of veterans; and veterans in attendance had expressed appreciation for the honor and recognition. The Mayor thanked the Parks and Recreation Department staff for planning the event and expressed hope it would be an annual event.

16809

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-5-2014, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO ESTABLISH REQUIREMENTS FOR ALTERNATIVE FINANCIAL SERVICE PROVIDERS

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 18, 2014, in order for the City Council to hear and consider public comments regarding Application No. ZT-5-2014, filed by West Valley City, requesting a zone text amendment to establish requirements for alternative financial service providers.

Mayor Bigelow presented proposed Ordinance No. 14-41 related to the proposal to be considered by the City Council subsequent to the public hearing, and incorporated information into the record as follows:

The proposed Ordinance would amend Sections 7-1-103, 7-2-131 and 7-6-1002 of the West Valley City Municipal Code to make the regulations for alternative financial service providers consistent.

On November 4, 2014, the Council had been presented with an ordinance amendment that added separation requirements for car title loan businesses from residential and commercial areas. After reviewing the amendment, the Council directed staff to consider how regulations for car title loans, check cashing, pawnshops and any other similar use could be made the same.

The proposed amendment grouped car title loans, check cashing, pawnshops and unchartered financial service providers together under the umbrella of alternative financial service providers. Unchartered financial service providers were defined as businesses (excluding chartered banks) extending loans, cash advances, short-term credit or similar financial services. The following separation requirements and cap from the proposed ordinance would apply to all alternative financial service providers if adopted:

- 500 feet from any residential zone or use
- 1,000 feet from any other alternative financial service provider
- 500 feet from any regional shopping mall
- One alternative financial service provider shall be allowed in the City for every 10,000 citizens of the City

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-4-

It had been shown in studies nationwide that alternative financial service providers where money was easily acquired with limited credit checks such as payday lending, check cashing, and car title loan, had adverse secondary effects on surrounding neighborhoods. The purpose of these regulations was to minimize the negative impacts of these businesses.

Mayor Bigelow opened the public hearing.

Matthew Laker addressed the City Council and inquired regarding certain language in the proposal. He requested clarification regarding the types of alternative financial providers as listed in the proposal.

There being no one else to speak either in favor or in opposition, Mayor Bigelow closed the public hearing.

Upon request, Brandon Hill, Law Department, responded to Mr. Laker's inquiry and answered questions from members of the City Council.

ACTION: CONSIDER ORDINANCE NO. 14-41, AMENDING SECTIONS 7-1-103, 7-2-131, AND 7-6-1002 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ESTABLISH REQUIREMENTS FOR ALTERNATIVE FINANCIAL SERVICE PROVIDERS

The City Council previously held a public hearing regarding Application No. ZT-5-2014 and considered proposed Ordinance No. 14-41 that would amend Sections 7-1-103, 7-2-131, and 7-6-1002 of the West Valley City Municipal Code to establish requirements for alternative financial service providers.

Upon discussion, Councilmember Rushton stated the Council had carefully considered this matter and did not take any restrictions lightly. He cited statistics regarding use of these types of financial institutions and indicated the vast majority of residents would agree with the proposed requirements and restrictions. He expressed appreciation to City staff for their work in this regard and indicated his support for the proposal.

After further discussion, Councilmember Lang moved to approve proposed Ordinance No. 14-41, an Ordinance Amending Sections 7-1-103, 7-2-131, and 7-6-1002 of the West Valley City Municipal Code to Establish Requirements for Alternative Financial Service Providers. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-5-

Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16810

RESOLUTION NO. 14-185, APPROVE A FEDERAL AID AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL IMPROVEMENTS AT 4100 SOUTH 1300 WEST, 4100 SOUTH 2700 WEST, AND 4100 SOUTH 4000 WEST

Mayor Bigelow presented proposed Resolution No. 14-185 that would approve a Federal Aid Agreement with the Utah Department of Transportation (UDOT) for traffic signal improvements at 4100 South 1300 West, 4100 South 2700 West, and 4100 South 4000 West.

Background information included UDOT had allocated \$1,500,000 for traffic signal improvements at the intersections at the above stated locations from the Federal Highway Safety Improvement Program (FHSIP). The project would reconstruct the signal systems at the intersections as well as improve pedestrian ramps to meet ADA (Americans with Disabilities Act) requirements. The new signal systems would include improved vehicle detection that would provide dilemma zone detection and make it easier to add a future adaptive signal control system in the network to improve east/west traffic flow. Left turn phasing would also be added to improve safety for left turning vehicles.

In 2012 UDOT staff from the Traffic and Safety Division identified the project intersections as crash hot spots and approached City staff to participate in a road safety audit. The results of the audit recommended the traffic signals should be reconstructed to meet current safety standards and the pedestrian ramps should also be reconstructed to meet ADA standards. However, a funding source for the recommended improvements was not identified at that time.

In July of 2014 City staff became aware that UDOT had allocated funds for this project after reviewing a list of planned UDOT projects in West Valley City. The City funds for this project would be the City's portion of the match required on all federal aid projects. Taylorsville City would be responsible for the match of 50% regarding the 1300 West intersection and 15% of the 2700 West intersection.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-185, a Resolution Approving a Federal Aid Agreement with the Utah Department of Transportation for Traffic Signal Improvements at 4100 South 1300 West, 4100 South 2700 West, and 4100 South 4000 West. Councilmember Lang seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-6-

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16811

RESOLUTION NO. 14-186, APPROVE A FRANCHISE AGREEMENT WITH TELEPORT COMMUNICATIONS AMERICA, LLC, FOR A TELECOMMUNICATIONS NETWORK IN THE CITY

Mayor Bigelow presented proposed Resolution No. 14-186 that would approve a Franchise Agreement with Teleport Communications America, LLC, for a telecommunications network in the City.

He stated the proposed agreement would allow Teleport Communications America to establish a telecommunications network in, under, along, over and across present and future rights-of-way of the City.

Information provided indicated applications for telecommunications networks in West Valley City were governed by Chapter 20-5 of the City Code. The franchise granted by the subject agreement would be for a ten-year period with the option to renew for an additional ten years with the same terms and conditions. Chapter 20-6 of the City Code would permit the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject agreement memorialized this provision as well as acknowledging Teleport Communications America's duty to secure permits from the Public Works Department for any excavation or construction.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-186, a Resolution Approving a Franchise Agreement with Teleport Communications America, LLC and West Valley City, for a Telecommunications Network in the City. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2014

-7-

Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 18, 2014, WAS ADJOURNED AT 7:00 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 18, 2014.

Sheri McKendrick, MMC
City Recorder