

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-1-

THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, JULY 18, 2023 AT 4:30 P.M. AT WEST VALLEY CITY HALL, MULTIPURPOSE ROOM, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR 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
Jake Fitisemanu, Councilmember District 4 (*electronically*)

ABSENT:

William Whetstone, Councilmember District 3

STAFF PRESENT:

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

APPROVAL OF MINUTES OF STUDY MEETING HELD JULY 11, 2023

The Council considered the Minutes of the Study Meeting held July 11, 2023. There were no changes, corrections or deletions.

Councilmember Nordfelt moved to approve the Minutes of the Study Meeting held July 11, 2023. Councilmember Harmon seconded the motion.

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-2-

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

REVIEW AGENDA FOR REGULAR CITY COUNCIL AND SPECIAL BUILDING AUTHORITY MEETINGS OF JULY 18, 2023

Upon inquiry by Mayor Lang, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular City Council or Special Building Authority meetings scheduled later this night.

PUBLIC HEARINGS SCHEDULED FOR JULY 25, 2023

- A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-3-2023, FILED BY RUSSELL PLATT, REQUESTING A GENERAL PLAN CHANGE FROM LARGE LOT RESIDENTIAL (2 TO 3 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 R-1-8 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8, 000 SQUARE FEET) FOR PROPERTY LOCATED AT 4301 WEST 4570 SOUTH**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled July 25, 2023, in order for the City Council to hear and consider public comments regarding Application GPZ-3-2023, Filed by Russell Platt, Requesting a General Plan Change from Large Lot Residential (2 to 3 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 R-1-8 (Single Family Residential, Minimum Lot Size 8, 000 square feet) for Property Located at 4301 West 4570 South.

Proposed Ordinance 23-24, 23-25 and Resolution 23-102 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ACTION: ORDINANCE NO. 23-24, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LARGE LOT RESIDENTIAL (2 TO 3 UNITS/ACRE) TO LOW DENSITY RESIDENTIAL (3 TO 4 UNITS/ACRE) FOR PROPERTY LOCATED AT 4301 WEST 4570 SOUTH

Steve Pastorik, CED Director, discussed proposed Ordinance 23-24 that would amend the General Plan to Show a Change of Land Use from Large Lot Residential (2 to 3 units/acre) to Low Density Residential (3 to 4 units/acre) for Property Located at 4301 West 4570 South

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

The subject property includes part of a home that was built in 1977 along with a few accessory buildings. According to the applicant, he would like

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-3-

to subdivide the property, along with property to the north, into four new building lots. The east portion of the property would be merged with the adjoining parcel to the east for the existing home.

A development agreement is required for this project. Section 7-11-213 of the West Valley City Zoning Ordinance states: “All new Subdivisions involving a rezone of property, or a PUD, shall participate in a Development Agreement that addresses housing size, quality, exterior finish materials, Streetscapes, Landscaping, etc.” For the development agreement, the applicant is proposing to use the same housing standards that were in place up until July of 2021.

ACTION: ORDINANCE NO. 23-25, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 4301 WEST 4570 SOUTH FROM A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8, 000 SQUARE FEET)

Steve Pastorik, CED Director, discussed proposed Ordinance 23-25 that would amend the Zoning Map to Show a Change of Zone For Property Located at 4301 West 4570 South from A (Agriculture, Minimum Lot Size 1/2 acre) to R-1-8 (Single Family Residential, Minimum Lot Size 8, 000 square feet)

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

The subject property includes part of a home that was built in 1977 along with a few accessory buildings. According to the applicant, he would like to subdivide the property, along with property to the north, into four new building lots. The east portion of the property would be merged with the adjoining parcel to the east for the existing home.

A development agreement is required for this project. Section 7-11-213 of the West Valley City Zoning Ordinance states: “All new Subdivisions involving a rezone of property, or a PUD, shall participate in a Development Agreement that addresses housing size, quality, exterior finish materials, Streetscapes, Landscaping, etc.” For the development agreement, the applicant is proposing to use the same housing standards that were in place up until July of 2021.

ACTION: RESOLUTION NO. 23-102, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH NHU Y ENTERPRISE FOR APPROXIMATELY 1.53 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4301 WEST 4570 SOUTH

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-4-

Steve Pastorik, CED Director, discussed proposed Resolution 23-102 that would authorize the City to Enter Into a Development Agreement with Nhu Y Enterprise for Approximately 1.53 Acres of Property Located at Approximately 4301 West 4570 South

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

Russell Platt, acting as the authorized agent for Nhu Y Enterprise, LLC, has submitted a General Plan/zone change application (GPZ-3-2023) on 1.53 acres to change the General Plan from Large Lot Residential (2 to 3 units/acre) to Low Density Residential (3 to 4 units/acre) and the zoning from A (Agriculture, minimum lot size ½ acre) to R-1-8 (Single Unit Dwelling Residential, minimum lot size 8,000 square feet). The Planning Commission recommended approval of the zone change subject to a development agreement.

The proposed development agreement addresses the standards to be used for the four new homes.

Councilmember Nordfelt stated that the house is directly on the boundary of two different zones. Steve replied that the applicant would likely not be opposed to following the boundary so it's all the same zone if the Council would prefer that. He noted that engineering hasn't been completed yet so the boundary line may be adjusted. Councilmember Harmon asked what the front and rear setbacks are. Steve replied 25 feet for the front setback and 20 feet for the rear. Councilmember Harmon noted that a couple lots will be tight. Steve replied that there is a possibility for the cul-de-sac to be offset but this would be determined at the subdivision phase of the project. Councilmember Huynh asked if parcel A is owned by the same owner and asked if there are any plans for that piece. Steve replied that it is the same owner and there have been no plans submitted for the eastern part of the project.

The City Council will consider Ordinance 23-24, 23-25 and Resolution 23-102 at the Regular Council Meeting scheduled July 25, 2023 at 6:30 P.M.

- B. ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-4-2023, FILED BY MARIA DUBON, REQUESTING A GENERAL PLAN CHANGE FROM LARGE LOT RESIDENTIAL (2 TO 3 UNITS/ACRE) TO GENERAL COMMERCIAL AND A ZONE CHANGE FROM A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO C-2 (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 4344 AND 4358 WEST 3500 SOUTH**

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-5-

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled July 25, 2023, in order for the City Council to hear and consider public comments regarding Application GPZ-4-2023, Filed by Maria Dubon, Requesting a General Plan Change from Large Lot Residential (2 to 3 units/acre) to General Commercial and a Zone Change from A (Agriculture, Minimum Lot Size 1/2 acre) to C-2 (General Commercial) for Property Located at 4344 and 4358 West 3500 South

Proposed Ordinance 23-26, 23-27 and Resolution 23-103 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ACTION: ORDINANCE NO. 23-26, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LARGE LOT RESIDENTIAL (2 TO 3 UNITS/ACRE) TO GENERAL COMMERCIAL FOR PROPERTY LOCATED AT 4344 AND 4358 WEST 3500 SOUTH

Steve Pastorik, CED Director, discussed proposed Ordinance 23-26 that would amend the General Plan to Show a Change of Land Use from Large Lot Residential (2 to 3 units/acre) to General Commercial for Property Located at 4344 and 4358 West 3500 South

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

The west parcel includes a rental home built in 1937 and the east parcel includes a home built in 1941 that was converted into a commercial building. If this application is approved, the applicant plans to demolish the existing buildings and build a new restaurant on the subject property. The restaurant development would use about 2/3rds of the 1.85-acre total area. Included with this report is a concept plan, building elevations, and a floor plan for the proposed restaurant which would include a drive-thru.

If this application is approved, the requirements in Section 7-7-111 would apply to the neighboring residential property lines. These requirements include the following:

“Where Fast Food Establishments with drive-up windows are located adjacent to a Residential Zone or Use, the order board, speakers, and pick-up window shall be located at least 50' from the nearest residential property line and any sound emitting from the order board, speakers, and pickup window shall not be audible from the nearest residential property line between 10 PM and 7 AM.”

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-6-

ACTION: ORDINANCE NO. 23-27, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 4344 AND 4358 WEST 3500 SOUTH FROM A (AGRICULTURE, MINIMUM LOT SIZE 1/2 ACRE) TO C-2 (GENERAL COMMERCIAL)

Steve Pastorik, CED Director, discussed proposed Ordinance 23-27 that would amend the Zoning Map to Show a Change of Zone For Property Located at 4344 and 4358 West 3500 South from A (Agriculture, Minimum Lot Size 1/2 acre) to C-2 (General Commercial).

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

The west parcel includes a rental home built in 1937 and the east parcel includes a home built in 1941 that was converted into a commercial building. If this application is approved, the applicant plans to demolish the existing buildings and build a new restaurant on the subject property. The restaurant development would use about 2/3rds of the 1.85-acre total area. Included with this report is a concept plan, building elevations, and a floor plan for the proposed restaurant which would include a drive-thru.

If this application is approved, the requirements in Section 7-7-111 would apply to the neighboring residential property lines. These requirements include the following:

“Where Fast Food Establishments with drive-up windows are located adjacent to a Residential Zone or Use, the order board, speakers, and pick-up window shall be located at least 50' from the nearest residential property line and any sound emitting from the order board, speakers, and pickup window shall not be audible from the nearest residential property line between 10 PM and 7 AM.”

ACTION: RESOLUTION NO. 23-103, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MARIA DUBON FOR APPROXIMATELY 1.28 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4344 AND 4358 WEST 3500 SOUTH

Steve Pastorik, CED Director, discussed proposed Resolution 23-103 that would authorize the City to Enter Into a Development Agreement with Maria Dubon for Approximately 1.28 Acres of Property Located at Approximately 4344 and 4358 West 3500 South.

Written documentation previously provided to the City Council included

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-7-

information as follows:

Maria Dubon has submitted a General Plan/zone change application (GPZ-4-2023) on 0.7 acres to change the General Plan from Large Lot Residential (2 to 3 units/acre) to General Commercial and to change the zoning from A (Agriculture, minimum lot size ½ acre) to C-2 (General Commercial). The Planning Commission recommended approval of the zone change subject to a development agreement.

The proposed development agreement addresses two issues. First, it requires right-of-way dedication along 3500 South to accommodate future road widening. Second, it allows the required 10' wide landscaped strips along the perimeter of the north parking lot to be reduced to 5'. This allows for a more efficient parking lot layout.

Councilmember Harmon asked if the Development Agreement would grant a reduction for parking setbacks for the northern section of the property. Steve replied yes. Mayor Lang verified that there would be a cinderblock wall. Steve replied yes. Councilmember Harmon stated that he believes the property to the north will eventually be commercial so he is okay with the proposed parking setback reduction.

The City Council will consider Ordinance 23-26, 23-27 and Resolution 23-103 at the Regular Council Meeting scheduled July 25, 2023 at 6:30 P.M.

RESOLUTION 23-109: AUTHORIZE THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UTAH ATTORNEY GENERALS OFFICE INTERNET CRIMES AGAINST CHILDREN TASKFORCE

Chief Colleen Jacobs presented proposed Resolution 23-109 that would authorize the City to Enter into a Memorandum of Understanding with the Utah Attorney General's Office Internet Crimes Against Children Taskforce.

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

The Office of the Utah Attorney General oversees the Utah ICAC task force, a cooperative group of law enforcement agencies that participate in the identification of perpetrators of crimes against children and related investigations, arrests, and prosecutions of said perpetrators. The Office of the Utah Attorney General awards state grants to participating law enforcement agencies to assist in covering the expenses incurred by the various agencies in the course of their participation on the

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-8-

Task Force. Such expenses include overtime, training, and the purchase of equipment.

The West Valley City Police Department supports continuing our partnership with the ICAC Task Force in our mutual efforts to protect children and bring offenders to justice. This cooperative arrangement has been in place for many years and has been an effective means of increasing the West Valley City Police Department's ability to properly investigate and prosecute offenders who sexually exploit children through various technological mediums, provide training and equipment to department personnel involved in such investigations and prosecutions, and provide community education regarding the prevention of such crimes.

The City Council will consider Resolution 23-109 at the Regular Council Meeting scheduled July 25, 2023 at 6:30 P.M

CONSENT AGENDA SCHEDULED FOR JULY 25, 2023

A. RESOLUTION 23-110: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED, A PUBLIC UTILITY EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM ANGEL HERNANDEZ SAUCEDO AND MONSERRAT RODRIQUEZ PELAYO FOR PROPERTY LOCATED AT 2768 SOUTH 6100 WEST

Wayne Pyle, City Manager, discussed proposed Resolution 23-110 that would authorize the City to Enter into a Right of Way Purchase Agreement and Accept a Warranty Deed, a Public Utility Easement, and a Temporary Construction Easement with and from Angel Hernandez Saucedo and Monserrat Rodriquez Pelayo for Property Located at 2768 South 6100 West.

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

The Angel Hernandez Saucedo and Monserrat G. Rodriquez Pelayo parcel located at 2768 South 6100 West is one of several parcels affected by the Parkway Boulevard Reconstruction Project (MVC to 6400 West). This project will reconstruct the pavement and construct curb, gutter, sidewalk and decorative street lighting on both sides of Parkway Boulevard. Compensation for the purchase of the Warranty Deed, Public Utility Easement, and a Temporary Construction Easement, improvements and closing costs is \$41,496.00 based upon the Appraisal Report prepared by Integra Realty Resources.

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-9-

The project is being funded by Surface Transportation Program (STP) using federal funds. The city is responsible for 6.77% of all project costs, including right of way. The total value for the Warranty Deed, Public Utility Easement, Temporary Construction Easement, improvements and closing costs is \$41,496.00, making the West Valley City share of the acquisition \$2,809.28.

The City Council will consider Resolution 23-110 on the Consent Agenda at the Regular Council Meeting scheduled July 25, 2023 at 6:30 P.M

COMMUNICATIONS

A. COUNCIL CALENDAR

Mayor Lang referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

Councilmember Harmon stated that he has heard residents express concern regarding no enforcement on cars parking on lawns or weeds over 6 inches. Wayne stated that these are being enforced and if there are specific cases where this claim is being made, staff will look into it.

Councilmember Huynh asked to discuss the City Manager hiring process in a closed session. Mayor Lang indicated that would be occurring tonight.

B. COUNCIL REPORTS

COUNCILMEMBER CHRISTENSEN- FARMERS MARKET AND UCCC CONCERTS

Councilmember Christensen stated that the Farmers Market and concerts at the Cultural Center have been great and well attended. He provided kudos to the Parks and Recreation Department on their efforts as well as the many park openings happening throughout the City. Mayor Lang noted that the food truck events on Wednesdays are also going well.

COUNCILMEMBER FITISEMANU- FIREWORKS

Councilmember Fitiseanu stated that he didn't receive as many concerns about fireworks on the 4th of July this year. Councilmember Harmon stated that he had a few before the 4th but none during or after. Mayor Lang stated she has received that

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-10-

usual amount while Councilmember Nordfelt indicated he has received no complaints so far.

C. STRATEGIC DISCUSSION LIST

Mayor Lang stated that items would continue to be discussed on the list.

MOTION FOR CLOSED SESSION

Councilmember Fitisemanu moved to adjourn and reconvene in a Closed Session for discussion of professional competency. Councilmember Harmon seconded the motion.

Councilmember Fitisemanu: Yes
Councilmember Whetstone: Absent
Councilmember Harmon: Yes
Councilmember Huynh: Yes
Councilmember Christensen: Yes
Councilmember Nordfelt: Yes
Mayor Lang: Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING ON TUESDAY JULY 18, 2023 WAS ADJOURNED AT 4:55 PM BY MAYOR LANG.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, July 18, 2023.



Nichole Camac, CMC
City Recorder

THE WEST VALLEY CITY COUNCIL RECONVENED IN CLOSED SESSION ON TUESDAY, JULY 18, 2023 AT 5:43 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY,

MINUTES OF COUNCIL STUDY MEETING – JULY 18, 2023

-11-

UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR LANG.

THE FOLLOWING MEMBERS WERE PRESENT:

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

ABSENT:

William Whetstone, Councilmember District 3

STAFF PRESENT:

N/A

The City Council met in Closed Session and discussed professional competency.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE CLOSED SESSION OF JULY 18, 2023 WAS ADJOURNED AT 6:27 P.M. BY MAYOR LANG.

A handwritten signature in blue ink, reading "Nichole Camac".

Nichole Camac – City Recorder