THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, OCTOBER 3, 2023 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
Jake Fitisemanu, Councilmember District 4

STAFF PRESENT ELECTRONICALLY:

Steve Pastorik, CED Director
Nichole Camac, City Recorder
Eric Bunderson, City Attorney
John Evans, Fire Chief
Jim Welch, Finance Director
Layne Morris, CPD Director *(electronically)*
Dan Johnson, Public Works Director
Jamie Young, Parks and Recreation Director
John Flores, HR Director
Sam Johnson, Strategic Communications Director

OPENING CEREMONY- COUNCILMEMBER TOM HUYNH
Councilmember Tom Huynh asked members of the Council, staff, and audience to rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 19, 2023
The Council considered the Minutes of the Regular Meeting held September 19, 2023. There were no changes, corrections or deletions.

Councilmember Fitisemanu moved to approve the Minutes of the Regular Meeting held September 19, 2023. Councilmember Nordfelt seconded the motion.

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

COMMENT PERIOD

A. **PUBLIC COMMENTS**

Marie Porter indicated that her home was flooded during the massive rainstorm that occurred August 2, 2023. She indicated that this has been an emotional and traumatic event for her and her family. Ms. Porter noted that homelessness is any sort of displacement, and her family has been devastated by this event. She expressed concern about how to pay for the newly acquired bills her family is now faced with and indicated she is frustrated with the suggestions the City has offered to help with the damage.

Bryan Porter indicated that he is Marie Porter's husband and detailed the financial and emotional impact that his family has endured since their home was flooded and damaged. He expressed frustration that the City hasn't offered to help cover the costs.

Katherine Hennessy stated that she is Marie Porter's mother. She detailed the damage to the home as well as personal belongings that occurred from the flooding. Ms. Hennessy also described the emotional impact this has had on her daughter. She stated that she has lived in the City for many years and implored the Council to find a way to help this family.

Pam Bryson stated that she is a family friend of the Porter's. She stated that she has watched as the family continues to experience a roller coaster of emotion. Ms. Bryson indicated that she would like better communication from the City regarding this issue. She noted that the Porter's are contributing members of the community and have lost so much from this incident.

Megan Done stated that she received a notice regarding a proposed zoning change near 5200 W 3500 S. She indicated that Kiowa Way ends in a pasture and also experienced flooding during the recent rainstorm. She stated that manure water filled the streets. Ms. Done indicated that she would like to voice her support for the changes because infrastructure in the area would help.

Michelle Rush stated that she lives on Kiowa Way and indicated that she is concerned about proposed zoning changes on 5200 West 3500 South. She indicated that she is concerned about how water retention will occur with the proposed changes.

Jim Vesock encouraged the City to do the right thing as it relates to the Porter family. He indicated that he would like to be considered for the Administrative Review Board.

Nicole McCrea indicated that she is speaking out in opposition to proposed application GPZ-5-2023. She indicated that this will severely impact the Highbury area due to increased density. Ms. McCrea expressed the need for single family homes and detailed issues that have occurred since the construction of the Pinnacle Highbury Apartments.

B. **CITY MANAGER COMMENTS**

Steve Pastorik, Community and Economic Development Director, had no comments.

C. **CITY COUNCIL COMMENTS**

Councilmember Huynh thanked the Porter family for attending the Council meeting. He stated that the Council wants to look out for citizens in the community.

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

PUBLIC HEARINGS

A. **ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2023-2024 BUDGET**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled October 3, 2023, in order for the City Council to hear and consider public comments regarding re-opening the FY 2023-2024 Budget

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

> State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allows the City to amend its budget during the year. The City holds public hearings on budget amendments on a quarterly basis each fiscal year.
>
> A Public Notice was posted September 21, 2023, in public view at City Hall, the Family Fitness Center and UCCC; also, posted on the Public Notice Website and West Valley City's Website. Notice was given that a public hearing is to be held October 3, 2023, at 6:30 p.m., West Valley City Hall, 3600 Constitution Blvd., West Valley City, Utah.

Mayor Lang opened the Public Hearing.

Jim Vesock thanked the Finance Department for the detailed budget notes. He indicated that he would like hard copies of the budget available.

Mayor Lang closed the Public Hearing.

ACTION: ORDINANCE NO. 23-34, AMEND THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance 23-34 that would amend the Budget of West Valley City for the Fiscal Year Beginning July 1, 2023 and Ending June 30, 2024 to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds.

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 23-34.

Councilmember Whetstone 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.

B. **ACCEPT PUBLIC INPUT REGARDING APPLICATION GPZ-8-2023, FILED BY LIEU TRAN, REQUESTING A GENERAL PLAN CHANGE FROM PARKS AND OPEN SPACE EXISTING TO LIGHT MANUFACTURING AND A ZONE CHANGE FROM A-1 (AGRICULTURE, MINIMUM LOT SIZE 1 ACRE) TO M (MANUFACTURING) FOR PROPERTY LOCATED AT 7007 WEST APALOOSA DRIVE**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled October 3, 2023, in order for the City Council to hear and consider Application GPZ-8-2023, Filed by Lieu Tran, Requesting a General Plan Change from Parks and Open Space Existing to Light Manufacturing and a Zone Change from A-1 (Agriculture, Minimum Lot Size 1 acre) to M (Manufacturing) for Property Located at 7007 West Apaloosa Drive

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

> The intended development for this property is a mix of 35,000 square feet of self-storage space, 30,000 square feet of flex space, and 4,000 square feet of office. Access would be gained primarily from Beagley Road by crossing the Riter Canal. Apaloosa Drive would provide secondary access.
>
> The following list of current conditions may warrant consideration of M zoning on the subject property:
>
> - The Northwest Economic Development Area (EDA), which was created in 2012, includes the subject property. The Northwest EDA covers approximately 1,000 acres in the northwest part of the City and makes available incentives for commercial development.
> - The Magna Water property to the south and east includes wells and a water treatment facility. These uses will likely remain in perpetuity with no chance of having connecting roads to the subject parcel.
> - The Western Mobile Estates mobile home park to the west has only one access, Apaloosa Drive, to 7200 West. Given that there are already 144 mobile homes with only one access, additional homes on the subject parcel would not be allowed without another access.
> - There are large, distribution warehouses that are part of the ARA Industrial Park on the north side of Beagley Road.

Mayor Lang opened the Public Hearing.

Steve McCutchan, representing the applicant, indicated that he is available to address any questions the Council may have.

Trevor Audra stated that he is with Magna Water District (property owner to the south of the proposed development) and expressed concern regarding how this may impact the active wells, protected zones, and cause potential contamination. He added that there is also concern about increased traffic and security.

Mayor Lang closed the Public Hearing.

ACTION: ORDINANCE NO. 23-35, AMEND THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM PARKS AND OPEN SPACE EXISTING TO LIGHT MANUFACTURING FOR PROPERTY LOCATED AT

7007 WEST APALOOSA DRIVE

The City Council previously held a public hearing regarding proposed Ordinance 23-35 that would amend the General Plan to Show a Change of Land Use from Parks and Open Space Existing to Light Manufacturing for Property Located at 7007 West Apaloosa Drive.

Councilmember Harmon asked if there is a Development Agreement tied to this application. Steve replied no. Councilmember Fitisemanu asked if Magna Water District's concerns were addressed by the Planning Commission. Steve replied no. Councilmember Fitisemanu asked if there would be any concern with the comments made by Mr. Audra. Steve replied that the ordinance would require a masonry fence that separates the properties and added that one of the proposed uses is a self-storage unit while the other is a flex industrial space on the east side of the property. Mayor Lang noted that anything can leak from a self-storage unit. Councilmember Huynh asked if the City has ever been interested in purchasing this land. Steve replied not that he is aware of. Councilmember Huynh asked if there is a plan to do so. Steve replied no.

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 Ordinance 23-35.

Councilmember Christensen seconded the motion.

Councilmember Nordfelt stated he would like to study this further to ensure all concerns are looked at appropriately. Mayor Lang agreed.

Councilmember Harmon amended his motion to continue Ordinance 23-35 to the October 10, 2023 City Council Meeting.

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.

ACTION: ORDINANCE NO. 23-36, AMEND THE ZONING MAP TO SHOW

A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7007 WEST APALOOSA DRIVE FROM A-1 (AGRICULTURE, MINIMUM LOT SIZE 1 ACRE) TO M (MANUFACTURING)

The City Council previously held a public hearing regarding proposed Ordinance 23-36 that would amend the Zoning Map to Show a Change of Zone for Property Located at 7007 West Apaloosa Drive from A-1 (Agriculture, Minimum Lot Size 1 acre) to M (Manufacturing).

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 continue Ordinance 23-36 to the October 10, 2023 City Council Meeting.

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.

Mayor Lang excused at 7:04 PM.

RESOLUTION 23-143: APPROVE THE PURCHASE OF A FIRE ENGINE AND RELATED EQUIPMENT FOR USE BY THE FIRE DEPARTMENT

Steve Pastorik, CED Director, presented proposed Resolution 23-143 that would approve the Purchase of a Fire Engine and Related Equipment for Use by the Fire Department

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

This resolution authorizes the purchase of one (1) 100-foot tower ladder to replace the current Pierce 2015 tower ladder. The current tower will be placed into a reserve status or surplused and sold.

This one (1) replacement tower ladder is the only type of unit we have in the city. This unit responds to all structure fires and with current and future structures in

our city is key to our abilities in fighting fires. We have had tower ladders in our city for approximately twenty years. By going with the Pierce brand and familiarity with operations the training will be very minimal for our staff. The time frame for delivery is approximately 33to 34 months, which with this extended time is important for the ordering of the unit.

In talking with the manufacture, the new emission standards for engines will be changing and ordering now we can save money as well as not extending delivery to 48 months.

We have used the Houston- Galveston Area Council (HGAC) bid process for the purchase of this unit.

The current unit is a 2015 with 80,415 miles and estimated to have about 11,000 miles per year on the unit. By the time we receive the new unit we estimate the mileage to be 114,000, and eleven years old. The tower ladder is a versatile piece of equipment which allows for not only firefighting but rescue operation during incidents. This unit has also allowed us to maintain our current ISO rating for insurance purposes.

Our current tower is also attached to our technical rescue team and carries various extrication and rescue equipment, which is the only unit we have which has this capability in our city.

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

Councilmember Whetstone moved to approve Resolution 23-143.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Pro-Tem Huynh	Yes
Mayor Lang	N/A

Unanimous.

RESOLUTION 23-144: AUTHORIZE THE ACCEPTANCE OF A PROPOSAL BY KEDDINGTON AND CHRISTENSEN, CERTIFIED PUBLIC ACCOUNTANTS, LLC TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY FOR THE FISCAL YEAR ENDING JUNE 30, 2023

Steve Pastorik, CED Director, presented proposed Resolution 23-144 that would authorize the Acceptance of a Proposal by Keddington and Christensen, Certified Public Accountants, LLC to Provide Auditing Services to West Valley City for the Fiscal Year Ending June 30, 2023.

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

> West Valley City is legally required to engage the services of an independent audit firm to audit its operations. Keddington & Christensen auditors have demonstrated experience and proficiency in municipal audits and knowledge of City operations. This audit will be conducted in accordance with auditing standards generally accepted in the United States of America: the standards for financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States. Total for audit services of West Valley City is $88,500.00.

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

Councilmember Nordfelt moved to approve Resolution 23-144

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Pro-Tem Huynh	Yes
Mayor Lang	N/A

Unanimous.

CONSENT AGENDA

A. **RESOLUTION 23-145: 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 APX HOLDINGS, LLC FOR PROPERTY LOCATED AT 3338 WEST PARKWAY BOULEVARD

Mayor Lang discussed proposed Resolution 23-145 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 APX Holdings, LLC for Property Located at 3338 West Parkway Boulevard.

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

> The APX Holdings, LLC parcel located at 3338 W. Parkway Boulevard is one of several parcels affected by the Cross Towne Trail; 2700 West to Bangerter Highway Project. This project will provide for bike lanes on Parkway Boulevard from 2700 West to Bangerter Highway. The project will also construct sidewalks on Parkway Boulevard where they do not currently exist and add new ADA ramps at street intersections on Parkway Boulevard. In accordance with an existing Delay Agreement for Completion of improvements, APX Holdings, LLC has agreed to accept no compensation for the Warranty Deed and Temporary Construction Easement.

B. **RESOLUTION 23-146: 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 HRAIR BEZDJAN FOR PROPERTY LOCATED AT 2652 SOUTH CONSTITUTION BOULEVARD**

Mayor Lang discussed proposed Resolution 23-146 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 Hrair Bezdjan for Property Located at 2652 South Constitution Boulevard.

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

> The Hrair Bezdjan parcel located at 2652 S. Constitution Boulevard is one of several parcels affected by the Cross Towne Trail; 2700 West to Bangerter Highway Project. This project will provide for bike lanes on Parkway Boulevard from 2700 West to Bangerter Highway. The project will also construct sidewalks on Parkway Boulevard where they do not currently exist and add new ADA ramps at street intersections on Parkway Boulevard. Compensation for the purchase of the Warranty Deed, Temporary Construction Easement and improvements is $4,800.00 based upon the Administrative Compensation Estimate prepared by Meridian Engineering, Inc.

The project is being funded through the Transportation Alternatives Program (TAP). The city is responsible for 6.77% of all project costs, including right of way, making the West Valley City share of the acquisition $324.96.

C. **RESOLUTION 23-147: RATIFY THE CITY MANAGER'S APPOINTMENT OF MEMBERS OF THE HEALTHY WEST VALLEY COMMITTEE**

Mayor Lang discussed proposed Resolution 23-147 that would ratify the City Manager's Appointment of Members of the Healthy West Valley Committee.

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

The following list of community partners / volunteers are willing to serve as members of the Healthy West Valley City Committee.

Members of the Healthy West Valley City Committee are appointed for a four-year term by the City Manager with the advice and consent of the City Council.

D. **RESOLUTION 23-148: NOMINATE KAREN LANG AND COREY RUSHTON FOR APPOINTMENT TO THE JORDAN VALLEY WATER CONSERVANCY DISTRICT BOARD OF TRUSTEES**

Mayor Lang discussed proposed Resolution 23-148 that would nominate Karen Lang and Corey Rushton for Appointment to the Jordan Valley Water Conservancy District Board of Trustees

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

Karen Lang and Corey Rushton are currently serving on said Board and are willing to continue in that role.

Members of the Jordan Valley Water Conservancy District are appointed by the governor for four-year terms following nominations from municipalities.

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

Councilmember Fitisemanu moved to approve items on the consent agenda.

Councilmember Harmon seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Pro-Tem Huynh	Yes
Mayor Lang	N/A

Unanimous.

MOTION TO ADJOURN
Upon motion by Councilmember Harmon all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, OCTOBER 3, 2023 WAS ADJOURNED AT 7:07 P.M. BY MAYOR PRO TEM HUYNH.

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, October 3, 2023.

Nichole Camac

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Nichole Camac, CMC
City Recorder