

MINUTES OF COUNCIL REGULAR MEETING NOVEMBER 7, 2023

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THE WEST VALLEY CITY COUNCIL MET IN SPECIAL ELECTRONIC SESSION ON TUESDAY, NOVEMBER 7, 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
Don Christensen, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large (*arrived as noted*)
Tom Huynh, Councilmember District 1
Scott Harmon, Councilmember District 2
William Whetstone, Councilmember District 3

ABSENT:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT ELECTRONICALLY:

John Flores, HR Director
Nichole Camac, City Recorder
Ryan Robinson, Acting City Attorney
Mike Fossmo, Acting Police Chief
John Evans, Fire Chief
Jim Welch, Finance Director
Steve Pastorik, CED Director
Layne Morris, CPD Director
Dan Johnson, Public Works Director
Jamie Young, Parks and Recreation Director
Sam Johnson, Strategic Communications Director (*electronically*)
Ken Cushing, IT

OPENING CEREMONY- COUNCILMEMBER DON CHRISTENSEN

Councilmember Christensen noted that this is a Special Meeting because the election was moved to November 21, 2023. He indicated that the voting process is what makes our country different from others. He asked members of the Council, staff, and audience to rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 24, 2023

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The Council considered the Minutes of the Regular Meeting held October 24, 2023. There were no changes, corrections or deletions.

Councilmember Harmon moved to approve the Minutes of the Regular Meeting held October 24, 2023. Councilmember Huynh seconded the motion.

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

Councilmember Nordfelt arrived at 6:33 PM.

COMMENT PERIOD

A. PUBLIC COMMENTS

Jim Vesock stated that he had an issue with dogs running at large in his neighborhood and was appreciative of the Animal Control response he received. He indicated he attended a great APA Veteran event.

Mike Markham expressed concern regarding a neighbor with a health issue who is struggling with a shed that allows water runoff in her backyard.

B. CITY MANAGER COMMENTS

John Flores, HR Director, had no comments.

C. CITY COUNCIL COMMENTS

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

PUBLIC HEARINGS

A. ACCEPT PUBLIC INPUT REGARDING APPLICATION Z-2-2023, FILED BY JACKIE CARLSON, REQUESTING A ZONE CHANGE FROM LI (LIGHT INDUSTRIAL) TO M (MANUFACTURING) FOR PROPERTY LOCATED AT 2256 AND 2260 SOUTH 5700 WEST

Mayor Lang informed a public hearing had been advertised for the Special City Council Meeting scheduled November 7, 2023, in order for the City Council to hear and consider public comments regarding Application Z-2-2023, Filed by Jackie Carlson, requesting a Zone Change from LI (Light Industrial) to M (Manufacturing) for Property Located at 2256 and 2260 South 5700 West

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

The applicant acquired the property in March 2023 to serve as a truck service center to maintain Carlson Distributing's own fleet of trucks for their distribution business at 2449 South 6755 West. Penske Truck, another West Valley City business, would operate the facility. The outside area would be used for employee parking and truck staging while they are

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in-between servicing.

Within the LI zone, automobile service is only allowed as a use that is incidental to a permitted or conditional use such as truck sales. In this situation, the truck service is the primary use proposed. In addition, the LI zone does not allow outside storage and the trucks awaiting service would be considered outside service. Given the LI zone limitations on truck service and outside storage, the applicant is requesting the M zone.

The applicant is proposing a number of improvements to the property including the installation of asphalt on the east, west, and south sides of the property; new metal siding for the west portion of the building; new overhead doors on the building; interior remodeling of the building to include restrooms and an office; landscaping along the east and west sides of the property; placing power underground; storm water improvements; and repaired or replaced fencing.

Mayor Lang opened the Public Hearing.

Mike Markham stated he knows the proposed business and would like the Council to keep the community safe and clean without beer labels on vehicles.

Mayor Lang closed the Public Hearing.

ACTION: ORDINANCE NO. 23-41, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2256 AND 2260 SOUTH 5700 WEST FROM LI (LIGHT INDUSTRIAL) TO M (MANUFACTURING)

The City Council previously held a public hearing regarding proposed Ordinance 23-41 that would amend the Zoning Map to Show a Change of Zone for Property Located at 2256 and 2260 South 5700 West from LI (Light Industrial) 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 Harmon moved to deny Ordinance 23-41.

Councilmember Whetstone seconded the motion.

Councilmember Nordfelt stated that he is concerned about this property and the influence it will have on the properties around it. He suggested a continuance to allow the applicant the ability to reconsider options.

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Councilmember Harmon stated that there is great potential for improvement in this area and the proposed zone change may not align with those changes. Councilmember Nordfelt indicated that he agrees but is also concerned that a denial would not help the area either. Councilmember Harmon asked if the applicant can reapply within the year. Steve replied that the applicant can reapply after one year or can also submit a different application if there are substantial differences to the original proposal before the one-year mark.

Councilmember Nordfelt stated that he hopes the applicant hears the concern from the Council and will consider a significant difference and apply again. He noted the Council wants the best for the business while also protecting the future of the City. Councilmember Christensen agreed and noted that surrounding areas may develop before the applicant returns with another application that may help direct their proposal.

A roll call vote was taken:

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

Unanimous. Denied.

ACTION: RESOLUTION NO. 23-149, ENTER INTO A DEVELOPMENT AGREEMENT WITH CDC MAINTENANCE, LLC FOR APPROXIMATELY 2.2 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2256 AND 2260 SOUTH 5700 WEST

Mayor Lang discussed proposed Resolution 23-149 that would authorize the City to enter into a Development Agreement with CDC Maintenance, LLC for Approximately 2.2 Acres of Property Located at Approximately 2256 and 2260 South 5700 West

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

Jackie Carlson has submitted a zone change on 2.2 acres of property at parcel at 2256 and 2260 South 5700 West from LI (Light Industrial) to M (Manufacturing). The Planning Commission recommended approval of the zone change subject to a development agreement.

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The proposed development agreement addresses the following topics: use limitations, maintenance, required approvals, improvements, and right-of-way dedication.

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

Councilmember Harmon moved to deny Resolution 23-149.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous. Denied.

RESOLUTION 23-162: AUTHORIZE THE PURCHASE OF A FIRE ENGINE FROM PIERCE MANUFACTURING

John Flores, HR Director, presented proposed Resolution 23-162 that would authorize the Purchase of a Fire Engine from Pierce Manufacturing.

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

The current unit was purchased in 2002 and has been utilized as the front line and now as the main reserve engine which we operate. In April of this year an inspection of the unit found that the frame rails for the truck were fractured and broken in numerous places. At that time we began a conversation with the council about the possibility of pre-committing to some engines Pierce was building to a generic specification list that would fit most departments' needs. As we discussed this, we missed the opportunity to purchase two ready-built apparatus. A third unit became available for commitment in a timeframe for a fall purchase.

As with other fire apparatus the wait time for engines is approximately two years, which we needed a unit right away. Pierce manufacturing had a unit which was being built as a demonstration unit and we were able to purchase the unit with a delivery time of six to seven months.

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With this purchase we will be able to place this unit as a front-line unit and move a front-line unit to reserve status and have a dependable unit for the department.

In the discussion in the spring, the city manager relayed that at the time of purchase, two options would be presented to the council. One for a lease-purchase of the usual sort when purchasing fire apparatus. The second would be a cash purchase from unreserved general fund balance. The amount above represents the cash purchase price. We have received tentative pricing for lease purchasing for a 10 year or a 15 year loan schedule at 5.5 or 5.7% respectively. The payment prices would be \$105,000 per year or \$80,000 per year, respectively. Other payment schedules could be considered as well, these are tentative numbers provided by a local bank.

Mayor Lang noted that these types of vehicles are currently scheduled multiple years out. She stated that an immediate delivery is reassuring for the City and the needs of the residents. Councilmember Harmon asked if there was a preference for payment. Councilmember Nordfelt indicated that he liked the idea of purchasing from the General Fund Reserve balance as opposed to financing. The Council agreed.

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 Resolution 23-162 with funding coming from the General Fund Reserve Balance.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-163: AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH HAMM CONSULTING GROUP

John Flores, HR Director, presented proposed Resolution 23-163 that would authorize the Execution of an Agreement with Hamm Consulting Group.

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

Ron Hamm of The Hamm Consulting Group has represented the City in Washington, D.C., for the past three years, and prior to that, was the City's representative with the Ferguson group. He is well versed regarding the City's needs and able to provide consulting and lobby services. The Hamm Consulting Group will help the City attain numerous goals and objectives and maintain an aggressive federal agenda. This Agreement is for the three-year period commencing July 1, 2023 and ending June 30, 2026, with a 30-day termination clause.

The three-year term helps the City stay on track with the cycles of legislative activity in Washington DC. Issues being discussed at the federal level typically take a long cycle to come to fruition.

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 23-163.

Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-164: AUTHORIZE A JOINT STUDY OF OPERATIONS WITH THE GRANGER-HUNTER IMPROVEMENT DISTRICT

John Flores, HR Director, presented proposed Resolution 23-164 that would authorize a Joint Study of Operations with the Granger-Hunter Improvement District.

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

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It is proposed to evaluate operations of West Valley City and Granger Hunter Improvement District (GHID), together with GHID. This resolution authorizes up to \$100,000 for a study, matching \$100,000 which is anticipated to be commissioned by GHID. It is anticipated that the City and GHID will work cooperatively to procure qualified professional services to evaluate operations of the City and Granger Hunter.

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 Resolution 23-164.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-165: AUTHORIZE THE CITY TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT AND ACCEPT A WARRANTY DEED WITH AND FROM ELOY SANTANA PEREZ FOR PROPERTY LOCATED AT 2720 SOUTH 6750 WEST

John Flores, HR Director, presented proposed Resolution 23-165 that would authorize the City to Enter into a Real Estate Purchase Contract and Accept a Warranty Deed With and From Eloy Santana Perez for Property Located at 2720 South 6750 West.

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

The Eloy Santana Perez parcel located at 2720 South 6750 West is one of three parcels affected by the 6800 West Pond Overflow Project. West Valley City is working with Eloy Santana Perez and the owners of two other properties to improve the City's 6800 West Pond Overflow facility. The 6800 West Pond facility serves as a flood storage area for a large portion of the City before it enters the Riter Canal. Improvements will include upsizing the existing overflow pipe under 6750 West, relocation of Magna Water fence/gate and construction of a new access to the area

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north of the West Valley Parks maintenance building. This project will improve access, facilitate maintenance and resolve flooding issues in the area. Compensation for the purchase of the Warranty Deed and improvements is \$63,000.00 based upon the Appraisal Report prepared by the DH Group LLC.

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 Resolution 23-165.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

CONSENT AGENDA

A. RESOLUTION 23-166: ACCEPT A WARRANTY DEED FROM E&E INVESTMENTS CO., LLC FOR PROPERTY LOCATED AT 4527 WEST 2100 SOUTH

John Flores, HR Director, discussed proposed Resolution 23-166 that would accept a Warranty Deed from E&E Investments Co., LLC for Property Located at 4527 West 2100 South.

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

The E & E Investments Co., LLC parcel is located on the south side of the 2100 South (SR-201 South Frontage Road) at 4527 West. As a condition of approval of the project, conveyance of additional SR-201 South Frontage Road right-of-way was required.

B. RESOLUTION 23-167: AUTHORIZE THE CITY TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT AND ACCEPT A PERPETUAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT WITH

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AND FROM THE RIDGELAND DOWNS OWNERS ASSOCIATION FOR PROPERTY LOCATED AT 2745 SOUTH 3600 WEST

John Flores, HR Director,, discussed proposed Resolution 23-167 that would authorize the City to Enter into a Real Estate Purchase Contract and Accept a Perpetual Easement and a Temporary Construction Easement With and From the Ridgeland Downs Owners Association for Property Located at 2745 South 3600 West.

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

The Ridgeland Downs Owners Association parcel located at 2745 South 3600 West 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 Perpetual Easement, Temporary Construction Easement and improvements is \$41,600.00 based upon the appraisal prepared by Integra Realty Resources.

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 \$2,816.32.

C. RESOLUTION 23-168: AUTHORIZE THE CITY TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT AND ACCEPT TWO WARRANTY DEEDS AND TWO TEMPORARY CONSTRUCTION EASEMENTS WITH AND FROM THE WEST BROOK PARK OWNER'S ASSOCIATION, INC FOR PROPERTY LOCATED AT 2849 SOUTH BROOKWAY DRIVE

John Flores, HR Director, discussed proposed Resolution 23-168 that would authorize the City to Enter into a Real Estate Purchase Contract and Accept Two Warranty Deeds and Two Temporary Construction Easements With and From the West Brook Park Owner's Association, Inc for Property Located at 2849 South Brookway Drive.

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

The West Brook Park Owners Association, Inc. parcel located at 2849 S. Brookway Drive 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

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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 two Warranty Deeds, two Temporary Construction Easements and improvements is \$2,050.00 based upon the Administrative Compensation Estimate prepared by Meridian Engineering.

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 \$138.79.

D. RESOLUTION 23-169: AUTHORIZE THE CITY TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM PASCAL BRAUN FOR PROPERTY LOCATED AT 3550 WEST PARKWAY BOULEVARD

John Flores, HR Director, discussed proposed Resolution 23-169 that would authorize the City to Enter into a Real Estate Purchase Contract and Accept a Warranty Deed and a Temporary Construction Easement With and From Pascal Braun for Property Located at 3550 West Parkway Boulevard

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

The Pascal Braun parcel located at 3550 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. Compensation for the purchase of the Warranty Deed, Temporary Construction Easement and improvements is \$600.00 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 \$40.62.

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

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Councilmember Christensen moved to approve items on the Consent Agenda.

Councilmember Whetstone seconded the motion.

A roll call vote was taken:

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

Unanimous.

UNFINISHED BUSINESS

A. 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

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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 noted that a public meeting was opened and closed on October 10, 2023.

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.

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

Councilmember Whetstone moved to continue Ordinance 23-35 to no date certain.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Absent
Councilman Whetstone	Yes
Councilman Harmon	Yes
Councilman Huynh	Yes
Councilman Christensen	Yes

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Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous. Continued to no date certain.

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 Harmon moved to continue Ordinance 23-36 to no date certain.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous. Continued to no date certain.

MOTION TO ADJOURN

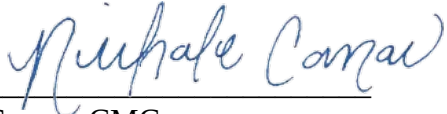
Upon motion by Councilmember Huynh all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, NOVEMBER 7, 2023 WAS ADJOURNED AT 6:54 P.M. BY MAYOR LANG.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Special Meeting of the West Valley City Council held Tuesday, November 7, 2023.

A handwritten signature in blue ink, reading "Nichole Camac", written over a horizontal line.

Nichole Camac, CMC
City Recorder