

## MINUTES OF COUNCIL REGULAR MEETING SEPTEMBER 10, 2024

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, SEPTEMBER 10, 2024 AT 6:49 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 PRO TEM DON CHRISTENSEN.

THE FOLLOWING MEMBERS WERE PRESENT:

Don Christensen, Mayor Pro Tem/Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Scott Harmon, Councilmember District 2 (*electronically*)  
William Whetstone, Councilmember District 3  
Jake Fitisemanu, Councilmember District 4

ABSENT:

Karen Lang, Mayor  
Tom Huynh, Councilmember District 1

STAFF PRESENT:

Ifo Pili, City Manager  
Nichole Camac, City Recorder  
John Flores, Assistant City Manager  
Eric Bunderson, City Attorney (*electronically*)  
Colleen Jacobs, Police Chief  
John Evans, Fire Chief  
Jim Welch, Finance Director  
Steve Pastorik, CED Director  
Layne Morris, CPD Director  
Coby Wilson, Acting Public Works Director  
Jamie Young, Parks and Recreation Director  
Jonathan Springmeyer, RDA Director  
Sam Johnson, Strategic Communications Director  
Ken Cushing, IT (*electronically*)  
Travis Crosby, IT

### OPENING CEREMONY- COUNCILMEMBER LARS NORDFELT

Councilmember Nordfelt asked members of the Council, staff, and audience to rise and recite the Pledge of Allegiance.

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### **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 3, 2024**

The Council considered the Minutes of the Regular Meeting held September 3, 2024. The incorrect minutes were attached to the agenda.

Councilmember Nordfelt moved to continue the Minutes of the Regular Meeting held September 3, 2024. Councilmember Whetstone seconded the motion.

A voice vote was taken and all members voted in favor of the motion. The minutes were continued.

### **PUBLIC COMMENT PERIOD**

Scott Bohn stated that he watched the Study Meeting where the Council gave direction on speed humps. He indicated that he is seeking clarification on when that may occur on Stanton Drive and provided a “round tuit” gift to the Council and staff.

Thai Luu indicated that he is speaking on behalf of his sister regarding a Code Enforcement violation she received for excess concrete on her property. He indicated that he would like to know what she can do to come into compliance.

Ngat Nguen expressed concern about the Code Enforcement violation she received for excess concrete in her front yard. She stated that the way the notice was posted was frightening for her and her young niece and nephew who live with her. Ms. Nguen also expressed concern regarding the fees associated with the violation.

Kelly Bertoche expressed concern about zoning changes.

Steve Loy stated that he is here in support of Ngat Nguen. He indicated that she is very particular about the appearance of her property and only wants it to look better.

Jason Lenz stated that he is also here to support Ngat Nguen and indicated that he would talk with staff following the meeting.

Gabino Chacon expressed concern regarding criminal activity occurring in his area including street racing, shootings, and excessive on-street parking.

Mike Markham expressed concern with the Council's direction regarding Code Enforcement.

Jim Vesock expressed concern about Code Enforcement. He indicated that he would hope that the Council enforce the Single-Family minimum standards at the Redwood Drive In property development, if approved.

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### PUBLIC HEARINGS

#### A. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-8-2024, FILED BY BRIAN HASKELL, REQUESTING A ZONE TEXT CHANGE TO AMEND SECTIONS 7-6-302 AND 7-6-306 TO ALLOW PROPERTY ZONED C-2 (GENERAL COMMERCIAL) AND M (MANUFACTURING) TO BE INCLUDED WITH PROPERTY ZONED C-3 (TRANSITIONAL COMMERCIAL) TO MEET THE MINIMUM DISTRICT SIZE FOR THE C-3 ZONE

Mayor Pro Tem Christensen informed a public hearing had been advertised for the Regular Council Meeting scheduled September 10, 2024, in order for the City Council to hear and consider public comments regarding Application ZT-8-2024, Filed by Brian Haskell, Requesting a Zone Text Change to Amend Sections 7-6-302 and 7-6-306 to Allow Property Zoned C-2 (General Commercial) and M (Manufacturing) to be Included with Property Zoned C-3 (Transitional Commercial) to Meet the Minimum District Size for the C-3 Zone.

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

Brian Haskell is proposing an ordinance amendment to change to Sections 7-6-302 and 7-6-306 to allow property zoned C-2 (General Commercial) and M (Manufacturing) to be included with property zoned C-3 (Transitional Commercial) to meet the minimum district size for the C-3 zone. The C-3 zone currently includes a minimum district size of 5 acres. An individual parcel within the C-3 zone can be as small as 43,560 sq. ft. (1 acre); however, the property must be adjacent to other C-3 zoned parcels that together total 5 acres.

The applicant provided the following justification for this request:

“Section 7-5-305(4) reads, ‘Property zoned C-3 or M may be included with property zoned C-2 to meet the minimum district size for the C-2 zone.

C-3 should be allowed the same opportunity as a C-2 application, thus allowing adjacent properties to be used to meet the minimum district size requirements.”

Staff provided the Planning Commission the following information for their consideration:

- The C-2 and M zones allow many of the same uses allowed in the C-3 zone.

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- The minimum district size seems to be geared toward preventing spot zoning where a relatively small property is zoned different from everything else around it. Maintaining a 5-acre district size next to residential seems more important than trying to maintain a 5-acre district size next to C-2 or M zoning where commercial uses are allowed.

Mayor Pro Tem Christensen opened the Public Hearing

Kelly Bertoche stated that he is opposed to zoning changes and more housing.

Mayor Pro Tem Christensen closed the Public Hearing.

### **ACTION: ORDINANCE NO. 24-36, AMEND SECTIONS 7-6-302 AND 7-6-306 OF THE WEST VALLEY MUNICIPAL CODE TO AMEND REGULATIONS CONCERNING PROPERTY ELIGIBLE FOR C-3 ZONING**

The City Council previously held a public hearing regarding proposed Ordinance 24-36 that would amend Sections 7-6-302 and 7-6-306 of the West Valley Municipal Code to Amend Regulations Concerning Property Eligible for C-3 Zoning.

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

Councilmember Nordfelt moved to approve Ordinance 24-36.

Councilmember Whetstone seconded the motion.

A roll call vote was taken:

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

Unanimous.

B. **ACCEPT PUBLIC INPUT REGARDING APPLICATION Z-7-2024, FILED BY BRIAN HASKELL, REQUESTING A ZONE CHANGE FROM M (MANUFACTURING) WITH THE DECKER LAKE OVERLAY ZONE TO**

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### **C-3 (TRANSITIONAL COMMERCIAL) WITHOUT THE DECKER LAKE STATION OVERLAY ZONE FOR PROPERTY LOCATED AT 3076 SOUTH DECKER LAKE DRIVE**

Mayor Pro Tem Christensen informed a public hearing had been advertised for the Regular Council Meeting scheduled September 10, 2024, in order for the City Council to hear and consider public comments regarding Z-7-2024, Filed by Brian Haskell, Requesting a Zone Change from M (Manufacturing) with the Decker Lake Overlay Zone to C-3 (Transitional Commercial) Without the Decker Lake Station Overlay Zone for Property Located at 3076 South Decker Lake Drive

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

Included with this issue paper is a document from the applicant that includes reasons for the proposed zone change. In summary, the applicant is hoping to expand the list of possible tenants while prohibiting more intense uses allowed in the M zone.

For reference, a copy of the commercial and manufacturing zones use table is included with this report. All uses that are regulated differently in the C-3 zone without the Decker Lake Station Overlay Zone from the M zone with the Decker Lake Station Overlay Zone are highlighted. In talking with the applicant, the uses the owner is most interested in are automobile service and warehouse.

Under the current zoning ordinance, the C-3 zone has a minimum district size of 5 acres. An individual parcel within the C-3 zone can be as small as 43,560 sq. ft. (1 acre); however, the property must be adjacent to other C-3 zoned parcels that together total 5 acres. In this case, there is no C-3 zoning adjacent to the subject property. To address this issue, the applicant submitted application ZT-8-2024 that would allow property zoned C-2 or M to be counted toward the minimum district size of the C-3 zone. If application ZT-8-2024 is not approved, this application cannot be approved.

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

### **ACTION: ORDINANCE NO. 24-37, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3076 SOUTH DECKER LAKE DRIVE FROM M WITH THE DECKER LAKE OVERLAY ZONE TO C-3 WITHOUT THE DECKER LAKE OVERLAY ZONE**

The City Council previously held a public hearing regarding proposed Ordinance

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24-37 that would amend the Zoning Map to Show a Change of Zone for Property Located at 3076 South Decker Lake Drive from M with the Decker Lake Overlay Zone to C-3 Without the Decker Lake Overlay Zone.

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

Councilmember Whetstone moved to approve Ordinance 24-37.

Councilmember Fitisemanu seconded the motion.

A roll call vote was taken:

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

Unanimous.

## **CONSENT AGENDA**

### **RESOLUTION 24-137: APPROVE A GRANT AGREEMENT WITH CITIES STRONG FOUNDATION**

Mayor Pro Tem Christensen presented proposed Resolution 24-137 that would approve a Grant Agreement With Cities Strong Foundation.

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

The City has recently purchased certain equipment for use by the Public Works Department and Operation My Hometown. Funding for said purchases was to be made available through a grant provided by the Cities Strong Foundation. The City and CSF have prepared an appropriate Grant Agreement to ensure that the grant funds are expended for the agreed upon purpose. The terms of said Grant Agreement are customary and appropriate for a grant of this type.

### **RESOLUTION 24-138: AUTHORIZE THE EXECUTION OF A CHANGE ORDER TO AN AGREEMENT WITH HYLAND SOFTWARE, INC**

Mayor Pro Tem Christensen presented proposed Resolution 24-138 that would authorize

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the Execution of a Change Order to an Agreement With Hyland Software, Inc

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

The City uses Hyland's OnBase as its primary document management system, which supports various workflows and processes across multiple departments. Due to the system's complexity and the need for seamless integration across multiple servers, it is recommended that Hyland perform the upgrade. This request is for the City Council to approve a change order of \$22,500 to the existing agreement, which initially allocated \$7,900 for consulting hours.

OnBase is a comprehensive document management system that centralizes document storage, automates workflows, and enhances collaboration across city departments and with citizens. It is crucial for maintaining efficient operations and ensuring compliance with record-keeping standards. The system's integration with various city services necessitates a professional upgrade to ensure continuity and performance. The proposed change order will allow Hyland to execute the upgrade, leveraging their expertise to minimize risks and disruptions.

### **RESOLUTION 24-139: RATIFY THE APPOINTMENT OF LYLE PHELPS AS A MEMBER OF THE WEST VALLEY CITY AUDIT REVIEW COMMITTEE**

Mayor Pro Tem Christensen presented proposed Resolution 24-139 that would ratify the Appointment of Lyle Phelps as a Member of the West Valley City Audit Review Committee.

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

The Audit Review Committee consists of five members who serve for a term of three years. The Committee is comprised of the City Manager, two members of the City Council, one appointed citizen and a finance director from another community. The City Manager has recommended that Lyle Phelps be appointed as a member of this Committee. Mr. Phelps is willing to accept this appointment for the term commencing September 10, 2024 and ending December 31, 2024.

Mr. Phelps will be fulfilling the remaining term of Angela McConkey who resigned from the Committee in August 2023.

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

Councilmember Fitisemanu moved to approve all items on the consent agenda.

Councilmember Nordfelt seconded the motion.

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A roll call vote was taken:

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

Unanimous.

**MOTION TO ADJOURN**

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

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, SEPTEMBER 10, 2024 WAS ADJOURNED AT 7:23 P.M. BY MAYOR PRO TEM CHRISTENSEN.

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, September 10, 2024.

  
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Nichole Camac, MMC  
City Recorder