

**MINUTES OF COUNCIL STUDY MEETING – SEPTEMBER 24, 2024**

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, SEPTEMBER 24, 2024 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  
William Whetstone, Councilmember District 3  
Jake Fitisemanu, Councilmember District 4

STAFF PRESENT:

Ifo Pili, City Manager  
Nichole Camac, City Recorder  
Eric Bunderson, City Attorney  
Michael Fossmo, Acting Police Chief  
John Evans, Fire Chief  
Jim Welch, Finance Director  
Steve Pastorik, CD Director  
Layne Morris, CPD Director  
Dan Johnson, Public Works Director  
Jamie Young, Parks and Recreation Director (*electronically*)  
Jonathan Springmeyer, RDA Director  
Roxeanne Vainuku, Acting Strategic Communications Director (*electronically*)  
Ken Cushing, IT (*electronically*)  
Travis Crosby, IT

**APPROVAL OF MINUTES OF STUDY MEETING HELD SEPTEMBER 17, 2024**

The Council considered the Minutes of the Study Meeting held September 17, 2024. There were no changes, corrections or deletions.

Councilmember Whetstone moved to approve the Minutes of the Study Meeting held September 17, 2024. Councilmember Fitisemanu seconded the motion.

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

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### **REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING AND SPECIAL REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 24, 2024**

Ifo Pili, City Manager, stated that a Proclamation has been added to the agenda as well as a presentation by Mayor Wilson and Councilmember Aimee Winder Newton regarding a public safety bond. Councilmember Christensen agreed to read the Proclamation.

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 meeting or Special Redevelopment Meeting scheduled later this night.

### **PUBLIC HEARINGS SCHEDULED FOR OCTOBER 8, 2024**

#### **A. ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2024-2025 BUDGET**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled October 8, 2024, in order for the City Council to hear and consider public comments regarding Re-Opening the FY 2024-2025 Budget

Proposed Ordinance 24-41 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

#### **ACTION: ORDINANCE NO. 24-41, AMEND THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025 TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS**

Jim Welch, Finance Director, discussed proposed Ordinance 24-41 that would amend the Budget of West Valley City for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025 to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds.

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 of West Valley to amend its budget during the year. The West Valley City holds public hearings on budget amendments on a quarterly basis each fiscal year.

A Public Notice was posted September 19, 2024, 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 8, 2024, at 6:30 p.m., West Valley City Hall, 3600 Constitution Blvd., West Valley City, Utah

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The City Council will consider Ordinance 24-41 at the Regular Council Meeting scheduled October 8, 2024 at 6:30 P.M.

### **RESOLUTION 24-142: AUTHORIZE THE CITY TO ENTER INTO A TRAINING AGREEMENT WITH LONE PEAK HOSPITAL, INC. AND NORTHERN UTAH HEALTHCARE CORPORATION**

John Evans, Fire Chief, presented proposed Resolution 24-142 that would authorize the City to Enter Into a Training Agreement with Lone Peak Hospital, Inc. and Northern Utah Healthcare Corporation.

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

This issue paper seeks authorization for the West Valley City Fire Department to enter a cooperative training agreement with St. Marks and Lone Peak Hospitals, both a part of HCA Healthcare, Inc. Mountain Division. Wherein these facilities will allow appropriately trained and supervised paramedics from WVC Fire to perform required training in the clinical setting.

West Valley City Fire Department is seeking authorization to enter a training agreement with St. Marks Hospital for clinical practice and training in advanced airway management. WVC Fire has an established and demanding training requirement that our Critical Care Paramedics and Paramedics trained to perform Rapid Sequence Intubation must have one clinical training session per year in an operating theater to maintain their certification.

Whereas these training facilities and willing partners are in high demand and short supply, it is important that such opportunities and partnerships be made whenever possible.

The requirements placed on WVC Fire are that all participating paramedics have proof of professional liability coverage (all personnel are already covered). That all participants posses the necessary clinical experience and training for the activity. And that all participants comply with the rules and policies of the hosting facility, in addition to any applicable laws and regulations.

The City Council will consider Resolution 24-142 at the Regular Council Meeting scheduled October 8, 2024 at 6:30 P.M

### **RESOLUTION 24-143: APPROVE THE PURCHASE OF GARBAGE CANS FROM WASTEQUIP**

Dan Johnson, Public Works Director, discussed proposed Resolution 24-143 that would approve the Purchase of Garbage Cans from Wastequip.

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

The Sanitation Division regularly purchases new garbage cans to satisfy demand from customers for new cans and to replace damaged cans.

The pricing for the containers is based upon a bid award to other government entities and the containers are procured through OMNIA Partners, a national purchasing organization. The bids obtained through this organization enable the City to benefit from very competitively priced bids from another government agency, satisfying the City's procurement requirements.

This resolution authorizes the purchase of 1,248 garbage containers.

Councilmember Harmon asked how many garbage cans the City goes through in a year. Dan replied between 2,000-3,000 which is about three truck loads. Mayor Lang asked if these will replace damaged cans or be provided to new customers. Dan replied both. He noted that  $\frac{3}{4}$  of the cans are currently out of warranty. He indicated that the body of the can has a warranty of 12 years and the parts have a warranty of 10 years. Councilmember Harmon asked how many cans can be stored. Dan replied about three truckloads. Councilmember Fitisemanu stated that he was impressed with the City's response and process. He indicated that he recently had a damaged can and they really took time to try and replace parts first before providing a new can.

The City Council will consider Resolution 24-143 at the Regular Council Meeting scheduled October 8, 2024 at 6:30 P.M.

### **AUTHORIZE CONSENT AGENDA FOR REGULAR MEETING OF October 8, 2024**

The Council authorized all resolutions to be added to the Consent Agenda for the October 8 2024 Regular City Council Meeting at 6:30 PM.

### **COMMUNICATIONS**

#### **A. AIR SOFT GUN PRESENTATION**

Sophie Schwankl presented a PowerPoint Presentation summarized as follows:

- Airsoft Gun Awareness In Public Parks
  - o Introduction

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- On the Nextdoor app, a concerned parent posted that while his 6 year old child had lacrosse practice at a public park, there were teenagers running around with what looked like rifles. In horror, the parent raced over to the teens to ask them to stop, but the teens explained that they were using airsoft guns which are legal.
- The situation was felt terrifying for the parent, but nothing could be done because the airsoft guns are legal on public park property.
- Airsoft Guns
  - The United States Coast Guard uses airsoft guns for training
  - They are sold with an orange tip on, but it is easily removable.
  - Airsoft guns can be purchased at most sporting goods stores, on Amazon, etc.
  - Intended to be used as replica firearms for a safer hobby/sport.
  - They can be used for military-style games, target practice, etc.
  - Plastic pellets are typically used.
- Although airsoft guns are replica firearms, without protective clothing, they can be harmful. According to HealthyChildren.org:
  - “Those who do not wear eye protection are at risk of eye injury, according to the AAP. Airsoft pellets that strike the eye can cause scratches, painful pooling of blood inside the eye, lens dislocation or blindness.”
  - “Airsoft and paintball guns are designed to be shot at other people in games. They can cause welts on the skin but are not supposed to break the skin. ‘They sting. Use protective clothing if you don’t want to get stung.’”
- Airsoft Gun Related Incidents
  - 15 year old Christopher Penley in Florida killed by SWAT Jan 13, 2006.
  - 23 year old Sean Krummi in West Valley City killed by police April 13, 2011
  - 13 year old Andy Lopez shot in California by Sheriff’s Deputy Oct 22, 2013.
  - 22 year old John Crawford in Ohio killed by police Aug 5, 2014.
  - 12 year old Tamir Rice in Ohio killed by police Nov. 22, 2014.

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- 31 year old Sebastian Lewandowski in Washington killed by police Nov. 25, 2014.
- 14 year old Antonio Arce in Arizona killed by police Jan 15, 2019.
- 16 year old Peyton Ham in Maryland shot by state trooper April 13, 2021.
- 43 year old Vadim Sashchenko shot and killed by police June 8, 2024.
- All these deaths occurred because police thought that they were facing someone with a real firearm, but in reality it was an airsoft gun with the orange tip removed or painted black.
- Concerns
  - Not everyone is aware that an orange tip indicates a toy replica firearm. If a parent were to see people coming into the park holding what appears to be a real firearm from far away, police will likely be called an irreversible mistake might be made.
  - Seeing an airsoft gun often invokes fear and panic to the children and adults at public parks.
  - Airsoft guns are also growing in popularity. The CAGR is predicted at 8.3% in the next ten years.
  - I want to do something about this issue.
  - North Ogden, Ogden, Centerville, South Jordan and South Ogden already have laws restricting the use of airsoft guns.
  - We have spoken to:
    - Martin Jensen, Salt Lake County's Director of Parks and Recreation
    - Patrick Leary Associate Director of Parks, Trails, and Open Space
    - Brian Johnson, Skyline High Schools Police Officer
    - Officers at Unified Police Department
    - Detective Matt Peterson with County Sheriff's Office
    - Jeff Carr, South Jordan's Police Chief
    - SLCo Parks and Rec Advisory board
    - the owner of Tactical Airsoft Supply store
  - In 16 States, it is illegal to remove orange tip from an airsoft gun.
  - In 21 States, it is illegal to discharge an airsoft gun in a public space.
- Ban airsoft guns in public parks
- Ban the removal of orange tip from airsoft guns

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Mayor Lang stated that she would be concerned about her children having an airsoft gun and getting that misunderstood. Councilmember Fitisemanu thanked Miss Schwankl for her presentation and for sharing this important message. He asked what kind of response she has received. She replied that it has been positive but she would be open to some “devil’s advocate” feedback as well.

The Mayor and Council had no further questions or concerns.

### **B. JUSTICE COURT REFORM**

Eric Bunderson, City Attorney, provided a review regarding the prosecution process in West Valley City. He explained that higher-level crimes, such as capital and first through third-degree felonies, were prosecuted by the district attorney at the Matheson Courthouse. Local in-house prosecutors handled Class A, B, and C misdemeanors and infractions, with Class A misdemeanors also tried at Matheson. Class B and C misdemeanors, including minor offenses like speeding tickets and first-time DUIs, are managed in the city's justice court. Eric highlighted that while the justice court system had been functioning effectively, there was a public perception issue regarding potential abuses in the system. One concern involved the "de novo" trial process, where misdemeanors could be retried in district court, causing a burden on victims who had to testify multiple times. Additionally, some perceived justice courts as revenue-generating institutions due to ticketing, although Eric clarified this was not the case for West Valley City. He further discussed efforts to reform the justice court system, mentioning a legislative board examining the system. One proposed reform involved transferring Class B and C misdemeanors to state-run district courts, leaving infractions with city-run courts. However, the estimated cost of \$54 million annually appeared to stall the process. Eric concluded by noting that West Valley City's justice court operated efficiently, was one of the busiest in the state, and had managed to reduce the burden of de novo appeals. He reassured that the system was working well but acknowledged potential future changes if reforms were passed.

Councilmember Huynh asked if the County will be shutting down their facility in Magna and questioned how the West Valley City Justice Court would be impacted if that occurred. Eric responded that shutting down a justice court requires going through the Legislature and the administrative office of the courts. The county had initiated this process and indicated plans to close its justice courts, which handle misdemeanor cases for unincorporated areas like Magna and Kearns. If successful, these cases would be transferred to the Matheson Courthouse. Eric mentioned that in the past, interlocal agreements allowed cases from areas like Magna to be handled by West Valley City, although this hadn't been discussed for over a decade. He added that if such an arrangement were to be revisited, adjustments would be

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necessary, including determining the revenue split for tickets, deciding who would prosecute cases, and providing public defenders. He emphasized that these details could be resolved if the need arose.

Councilmember Fitisemanu asked if there were any elements, either constitutional or legislative at the state level, that could impact the issue. He inquired if there were any local recommendations or actions that Eric or his team had explored to improve their operations. Eric responded that his team was generally satisfied with their operations, emphasizing that they provided both prosecution and public defense efficiently for local misdemeanors. He noted that the system operated well overall and did not see a need for significant changes. However, he mentioned one potential improvement discussed with the Justice Court judges: allowing convictions from justice courts to be taken directly to the Court of Appeals, bypassing the current de novo appeal process. While some believed this might be unconstitutional, Eric considered it a gray area that could be worked through. He acknowledged that this change might burden the Court of Appeals with more cases annually, which could be a concern.

### **C. COUNCIL CALENDAR**

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

Councilmember Whetstone asked if more information would be provided for the Dowdle Puzzle event scheduled for October 3, 2024. Roxanne Vainuku, Acting Public Relations Director, indicated that the information would be forthcoming.

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

### **NEW BUSINESS**

#### **A. POTENTIAL FUTURE AGENDA ITEMS**

Councilmember Whetstone asked if the Council would be interested in potentially banning airsoft guns in parks. Mayor Lang suggested a communication item from the Police Department to update the Council on any current issues or suggestions. The Council agreed.

Councilmember Huynh discussed the potential benefits of requiring new residential developments with 200 units or more to incorporate recreational amenities, such as swimming areas or water features. Councilmember Huynh emphasized the importance of providing spaces for families and children to gather, play, and enjoy activities within their community, especially for those who may not be able to afford to travel outside the area for recreation. He mentioned the need to make the city stand out by implementing small, but meaningful changes that would

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differentiate it from neighboring cities like West Jordan and South Jordan. Enhancing the city's aesthetic and functional appeal could make it a more desirable place to live. Councilmember Huynh highlighted how these amenities would help residents, particularly during the summer when outdoor activities are more frequent. He believes that offering these features within residential complexes would improve the overall well-being of the city's residents and improve the city's image. Mayor Lang raised concerns about the practicality of water features, especially considering the short window of usage due to winter. She questioned whether developers would see such features as a valuable investment, but acknowledged the potential appeal. Mayor Lang asked if the Council was interested in potentially raising the standard for amenities, especially for larger developments with 200 or more units. Councilmember Harmon emphasized the importance of balancing amenities with affordability for residents. He pointed out that the DAI project, which is a rental townhouse development, differs from other for-sale projects the city has recently approved. Councilmember Harmon highlighted how the addition of amenities, whether for rental or for-sale developments, impacts the overall cost, either through higher rental prices or increased sales prices. He stressed the need to carefully consider what amenities the city requires to avoid burdening citizens with costs they may struggle to afford. This concern led him to question the practicality of amenities like pools, which are only usable for a few months a year, particularly when the city already offers great public pool facilities. He expressed a desire for attractive projects with strong amenities but emphasized the need to avoid overburdening residents with higher HOA fees or rent due to those amenities, advocating for a balanced approach that takes affordability into account. Councilmember Huynh stated that it's important to provide amenities for people who can't afford the Fitness Center. Councilmember Harmon replied that if they can't afford the fitness center, the rent or housing cost of living in a project with extreme high amenities would be difficult. After further discussion, the Mayor and Council requested a review of the current guidelines for amenities, recent projects and what amenities were included, and a timeline of the history.

Mayor Lang stated that she received an email requesting an off leash dog park at Hillsdale Park. After discussion, the Council requested a presentation from Parks regarding this potential addition.

### **B. COUNCIL REPORTS**

#### **COUNCILMEMBER WHETSTONE- BILL OF RIGHTS READING**

Councilmember Whetstone stated that he and Councilmember Christensen participated in a bill of rights reading on Thursday with the Youth City Council.

#### **MAYOR LANG- COM**

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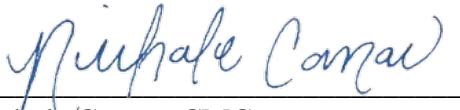
Mayor Lang stated that she hosted the Community of Mayor's on Thursday and thanked staff for doing a great job. She noted it was a good event.

**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 STUDY MEETING ON TUESDAY SEPTEMBER 24, 2024 WAS ADJOURNED AT 5:31 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, September 24, 2024.

  
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Nichole Camac, CMC  
City Recorder