

MINUTES OF COUNCIL STUDY MEETING – MARCH 14, 2023

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, MARCH 14, 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
William Whetstone, Councilmember District 3
Jake Fitisemanu, Councilmember District 4 (*electronically until noted*)

STAFF PRESENT:

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

APPROVAL OF MINUTES OF STUDY MEETING HELD MARCH 7, 2023

The Council considered the Minutes of the Study Meeting held March 7, 2023. There were no changes, corrections or deletions.

Councilmember Huynh moved to approve the Minutes of the Study Meeting held March 7, 2023. Councilmember Whetstone 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 OF MARCH 14, 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 meeting scheduled later this night.

COMMUNICATIONS

A. STANDARDS OF COVER

Mark Owensby, Deputy Fire Chief, presented a PowerPoint Presentation summarized as follows:

- Objectives
 - o The purpose of the response analysis is to determine the effectiveness and efficiency of the West Valley City Fire Department during emergency response as it relates to industry best practice, and general expectations.
 - o Determine Effective Response Force (ERF), and Response time analysis.
 - o Placement and distribution of Fire Stations, Apparatus, and personnel.
- ERF
 - o (ERF= Minimum amount of staffing and equipment, determined through *Critical Task Analysis* (CTA), required to mitigate emergencies within the community. Also referred to as “First Alarm”.
 - o **Critical Task Analysis (CTA):** Determination, through risk assessment, of tasks required to be completed by emergency responders in order to successfully mitigate an emergency of a given severity and type.
 - o ERF for a House fire. 17-21 personnel.
 - o ERF for apartment complex, Commercial or Industrial occupancy. 20-25 personnel.
- Call volume heat map
- 90th Percentile Response Time chart
- 4 Minute travel time WVC
- 4 Minute travel time mutual aid

Mayor Lang stated that she witnessed a fire after a previous presentation given to the Council, called 911, and it felt like an hour before assistance arrived but it was really only 2 or 3 minutes. Deputy Chief Owensby agreed that it often feels like a very long time when there is an emergency. Chief Evans stated that West Valley City has been working diligently over the last year and a half to become a class 1

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insurance rate City. He indicated that this is the highest level a City can reach and once obtained will reduce insurance rates, particularly for commercial properties. Chief Evans explained that there are many factors in obtaining a class 1 designation including water supply, location of stations, training of employees, dispatch, etc. Nicole Cottle indicated that the City has come a long way since the ambulance program first started and response times have continually improved over the years. She noted that West Valley City is known across the State for their emergency response and indicated that citizens are very grateful for the service they receive.

The Mayor and Council had no further questions or concerns.

B. ANIMAL SHELTER ADOPTION HOURS

Mayor Lang stated that she received an email from a gentleman who was unable to adopt a pet due to the limited hours of adoption services at the animal shelter. She indicated that she forwarded this email as well as staff's response and asked if the Council had any direction. Councilmember Whetstone stated that it appears the shelter is at capacity and it would be a matter of increasing staff or extending hours. Mayor Lang suggested extending hours later into the evening during the week. Nicole stated that this is a possible option but noted that it would be difficult. She indicated that there normally needs to be about an hour and a half for the adoption process and if the hours are extended to 6 PM, for example, there would need to be enough staff present until approximately 7:30 PM to cover phones and the front door as well as any other potential walk-ins requesting adoption meet and greets. Nicole stated that staff can add/remove hours as needed but noted that there isn't a budget for overtime so there would need to be some trimming around the edges in one way or another to accomplish this. She indicated that this is a very difficult, emotional job and has one of the highest turnover rates so keeping the animal shelter fully staffed has been a challenge. Councilmember Harmon questioned if adoption hours is a common complaint. Nicole replied that this is the first concern that has been reported to administration or the Animal Shelter. Mayor Lang stated that she has had people express direct concern to her in the community. Mayor Lang expressed concern about phone calls not being answered at the shelter as well. Councilmember Harmon suggested allowing adoptions once or twice a month on Saturdays at the shelter instead of off-site. Nicole replied that the City can do this for a few months and then report back on how it goes. The Mayor and Council agreed that this would be a good first step. Councilmember Whetstone asked if appointments are well utilized. Nicole replied yes and indicated that this began during COVID and has been well received by the community. Councilmember Huynh asked if there is a certain period during the day where more adoption appointments occur. Nicole replied that it's very steady throughout the day most days.

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Councilmember Fitisemanu arrived in person at 4:50 PM.

Mayor Lang asked if adoption typically picks up in summer months. Nicole replied yes. She indicated that the shelter is always very full because it is a no-kill facility but adoptions occur at a steady rate.

C. CODE ENFORCEMENT DISCUSSION

Mayor Lang and the Council agreed to go over the list of “Proposed Procedures of Enforcement for Select Codes” that was emailed by Wayne Pyle to the Council following the January 31, 2023 Code Enforcement Discussion. Nicole Cottle, Acting City Manager, stated that this document was produced as a result of the Council’s discussion and is meant to verify that staff understood the direction provided by the Council during the January 31, 2023 City Council meeting. The following items were discussed as follows:

Outside Storage/Solid Waste: *Items constructed for inside use stay inside. Discarded, spent, broken, or useless items are disposed of properly.*

Front setback: Enforce

Side Setback: No enforcement behind solid fence. Enforcement without solid fence.

Rear Setback: Regardless of fencing, no enforcement unless imminent or current health hazard such as deteriorating organic waste with odor.

Enforcement Process: Issue Courtesy Notice with minimum 10 days covering 2 weekends. The City will seek a court order through the NOV process to enter and remove all offending outside storage/solid waste items. The City will not issue Administrative Warnings or Citations.

Mayor Lang verified that no items of furniture, regardless of type (indoor or outdoor) would be enforced in the backyard. Nicole replied that this is correct and added that this new proposal by the Council would mean that nothing in the backyard would be enforced at all unless there was an imminent or current health hazard. She stated this would include things like refrigerators, tires, etc. Mayor Lang asked if broken equipment or items not in use would be in violation. Councilmember Harmon replied that under this proposal, the City would not check if something was working or not in a backyard because there would be no enforcement unless there was a potential health or safety hazard. Councilmember Nordfelt asked if a nuisance would apply as well, such as odor. Councilmember Whetstone stated that the proposal states “health hazard such as deteriorating organic waste with odor” and that this would likely cover that scenario. Nicole

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agreed and added that backyard enforcements related to health or safety would likely be based upon complaint only. Councilmember Nordfelt added that staff would then go into the complainant's backyard to see what the concern is at that point and evaluate whether it is a health or safety concern. The Mayor and Council discussed potential nuisances that could apply. Mayor Lang asked if a courtesy notice were received on a Saturday, if that weekend would count toward the 2-weekend rule. Nicole replied that the intent would be to allow 2 full weekends, so the count would not begin until the following full weekend. Councilmember Fitismanu asked how citations would work in these situations. Nicole replied that there would be a courtesy notice issued with 2 full weekends to allow time to resolve the issue followed by a notice of violation which could then go before an ALJ for possible abatement.

Inoperable Vehicles: *All vehicles assumed operable unless readily observable as mechanically inoperable or incomplete, such as a flat tire, missing body parts or windows, on jackstands, etc. Car covers are acceptable screening, generic tarps are not. License and registration status irrelevant.*

Front Setback: Enforce

Side Setback: No enforcement

Rear Setback: No enforcement

Enforcement Process: Issue Courtesy Notice with minimum 10 days covering 2 weekends. The City will seek a court order through the NOV process to enter and remove offending vehicles. The City will not issue Administrative Warnings or Citations.

Councilmember Harmon asked what the definition of a “readily observable inoperable vehicle” would be. Councilmember Nordfelt stated that the proposal states this is something such as a flat tire, missing body parts, missing windows, vehicle on jackstands, etc. Councilmember Christensen stated that his kids were cited twice for a racecar that was parked in the front driveway. He noted that the vehicle looked inoperable but actually worked just fine and they were able to prove and resolve the issue with their Code Enforcement officer. He stated that a new officer was assigned to their neighborhood and they had to go through the same process. Mayor Lang asked if there is a tracking system so that multiple citations aren't issued for the same resolved problems. Nicole replied yes and stated she wasn't sure if these citations occurred before that system was in place. Mayor Lang stated she would like to ensure that the officer return calls in a timely manner, puts notes on the record for future concerns, and works with the resident to resolve the

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issue. The Mayor and Council discussed demolition derby cars. Mayor Lang stated she wouldn't have an issue with a demolition derby car in front of the driveway for several months. Councilmember Whetstone asked if the Council was okay with no license or registrations being required on vehicles parked in the front driveway. Councilmember Christensen stated that he was okay with that because they could be working on getting the car up and running so that it could be licensed/registered once more. Councilmember Nordfelt asked if the side-yard begins at the front of the house. Nicole replied yes. Councilmember Harmon stated he would want to make sure that vehicles parked in the side-yard that were being worked on were screened in some way. Mayor Lang stated that the proposal states that car covers count as screening but not a generic tarp. Councilmember Harmon stated that the City would not be able to enforce at all in the side-yard based on these proposed standards so that would not be applicable. Mayor Lang suggested applying the side-yard standards the Council agreed upon for outside storage/solid waste that states no enforcement would occur behind solid fence but enforcement would still occur if no solid fence was present. Councilmember Nordfelt agreed and indicated that it should also state "visible from the road". Councilmember Fitisemanu verified that health and safety with these types of violations could still be enforced in a backyard. Mayor Lang replied that would be her preference for any backyard scenario. Nicole asked if the Council was okay with the courtesy notice, notice of violation, and abatement process if the property owner doesn't come into compliance. The Mayor and Council agreed. Councilmember Fitisemanu asked if the cost for abatements is paid for by the City or if the City tries to recoup the cost from the property owner. Nicole replied that a charge for the process is brought to the landowner.

Landscaping: landscaping surfaces, which include grass, flowers, bushes, trees, bark, gravel, artificial turf, weeds, and bare dirt must cover 60% minimum of the front setback. The total front setback must consist of 30% minimum green and growing, live plant material. Grass and weeds must be maintained below 6" high.

Front Setback: Enforcement of the 6" rule and the 60% rule.

Side Setback: No enforcement behind solid fence. Enforce 6" rule without solid fence.

Rear Setback: No enforcement

Enforcement Process:

60% Violations: The City will seek a court order through the NOV process to remove excess parking and maneuvering materials to achieve the 60% minimum

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landscaping requirement. The City will not issue Administrative Warnings or Citations

30% Violations: No enforcement. The City will not seek a court order through the NOV process to install live plant material or to apply water, fertilizer, etc., in order to achieve the 30% minimum live plant material requirement. The City will not issue Administrative Warnings or Citations for properties that do not achieve the 30% live plant material requirement.

6" Rule: Issue Courtesy Notice with minimum 10 days covering 2 weekends. The city will seek a court order through the NOV process to remove grass and weeds in excess of 6" high.

OR

Issue Administrative Warning with minimum 10 days covering 2 weekends. Any subsequent day thereafter in which the property is in violation, the City will issue an Administrative Citation, not to exceed 2 Administrative Citations per calendar year. No case is submitted to court, and the City may not enter and abate.

Councilmember Whetstone stated that the Mayor indicated she was okay with bare dirt but noted that he would not be. He indicated that he feels there should be gravel, bark, clover, or some other type of ground cover. Councilmember Harmon stated that he was okay with bare dirt because his neighbors had dry spots in their lawn and received violations for that. Councilmember Christensen stated that as long as the resident was trying to rectify the issue, he would not see a concern with that. Councilmember Harmon stated that if it's too hot, it's impossible to water enough to keep it growing. Councilmember Whetstone stated that he finds that situation to be understandable but wouldn't like to see a yard with over 60% bare dirt. Mayor Lang suggested that anything over 2 square feet of bare dirt be considered a violation. Councilmember Harmon stated that another neighbor had a raised flower bed filled with dirt who also received a violation. Steve Pastorik, CED Director, presented several images of yards in West Valley that depict different levels of landscaping. He also discussed the current landscaping standards. Mayor Lang stated that she feels a full yard of artificial turf should count for 100% of live landscaping requirements. Councilmember Nordfelt stated that some artificial turf looks bad but there are standards in the City code that would prevent this. The Mayor and Council agreed to allow artificial turf to count toward the full landscaping requirement. Mayor Lang asked if the Council is okay with 30% live landscaping being required. Councilmember Whetstone stated that he is fine with this percentage as long as artificial turf can be counted toward this requirement. Mayor Lang asked if potted plants would count toward this percentage. Steve replied that he would say yes. Mayor Lang indicated that it's important to ensure

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that officers count live landscaping percentages with plants/shrubs, etc. at their full mature growth and not when they are first planted. Mayor Lang stated that weeds are more the issue than the percentage. Nicole replied that most often officers are checking for maintenance as opposed to meeting exact 30% landscaping. The Mayor and Council agreed to count landscaping at full growth. Mayor Lang stated that people who are doing localscapes are spending a lot of money and time to make sure their properties are maintained. Nicole stated that her understanding of the Council's direction regarding dirt is that: 1- Dirt is allowed in planter beds and 2. Decorative dirt is allowed. She indicated that she could work to define decorative dirt as dirt that is completely weed free and intentionally green free but could have plant material like cacti. Layne Morris, CPD Director, questioned how the 30% live plant material requirement would be enforced. Mayor Lang stated she would like enforcement to be based upon full growth. Nicole replied that this would be a challenge but noted, by policy, officers can be educated with pictures about using best discretion. Mayor Lang discussed conservation efforts. She stated that she would like to see the City work along with Jordan Valley and Granter Hunter water districts on who is working to change their landscaping to localscape. Nicole replied that this effort is happening through CED and also through various partnerships the City has. Mayor Lang stated she would like to see the plans residents submit for grant monies shared with the City. Nicole stated that there are apps that can help show what plants are and what their maturity is expected at full growth. She indicated that most often, officers are not issuing courtesy notices solely based on landscape percentages. She indicated that there will likely be other violations on the property. Nicole stated that the City can, by policy, direct officers to take extra pictures or run through the situation with their supervisor if the only concern is not enough landscaping. Councilmember Harmon stated that a maintained yard is really what the intent of landscape enforcement is, not percentages. The Council agreed that they would not want to enforce on properties if their only violation is percentages. After discussion regarding enforcement process, Layne stated that the Courtesy Notice issuance for the 30% landscaping, even as a secondary offense, is difficult because there is no real repercussion. He indicated that there is no way to abate this offense because the City isn't going to go onto a property and plant landscaping to bring the property into compliance if the property owner refuses. Layne explained how much an administrative citation would cost at each issuance. Mayor Lang stated that she doesn't like the idea of enforcing/ticketing at all on the 30% requirement. Nicole indicated that if this is the will of the Council, it would be recommended to have no live landscaping requirement at all since there would be no enforcement or ticketing option available to help address the issue. Councilmember Harmon stated that he would be okay with an "Arizona Rock Garden" in someone's front yard as long as it's clean and maintained. Councilmember Whetstone asked for a clearer understanding of the Council's current position. Nicole replied that her understanding is that no courtesy notice or

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warning would be issued on properties if only the 30% live landscaping issue was present. However, if other violations were located on the property aside from that, the 30% live landscaping concern would be addressed with all other issues since it was a secondary offense. Councilmember Harmon expressed concern with this rationale as it relates to the “rock garden” comment he referenced earlier. Mayor Lang agreed and stated that she would just like to enforce the obvious and not pile a bunch of other violations on after a primary offense was discovered. Nicole stated that if the Council would like, the 30% requirement could still be in place but will no longer be an enforceable Code section. The Mayor and Council agreed.

Surfacing: *Asphalt, concrete, or gravel are the only approved parking and maneuvering surfaces, and shall not exceed 40% of the front setback. Gravel is assumed as landscaping surface unless readily observable as parking or maneuvering area. Concrete and asphalt are assumed as parking and maneuvering surfaces unless readily observable as landscaping, walkways, etc.*

Front Setback: Enforcement on vehicles and 40% rule.

Side Setback: No enforcement

Rear Setback: No enforcement

Enforcement Process:

Front Setback Percentage Violations: Enforce. The City will seek a court order through the NOV process to remove asphalt, concrete or gravel in excess of the 40% maximum limit. The City will not issue Administrative Warnings or Citations.

Operable Vehicles not on parking surfaces: Issue Administrative Warning with minimum 10 days covering 2 weekends to cease parking on landscape surfaces. Administrative Citation issued each time a vehicle is subsequently observed on a landscaped surface. No case is submitted to Court, and the City may not enter and abate. No reason to issue Notice of Violation requesting cure since the violation is cured each time the vehicle leaves the landscaped surface.

Inoperable Vehicles not on parking surfaces: Issue Courtesy Notice with minimum 10 days covering 2 weekends. Because the vehicle does not/cannot move and is in continual violation with no intermittent cure, the City will seek a court order through the NOV process to abate the ongoing, present violation.

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Steve Pastorik discussed the current requirements as it relates to surfacing. Councilmember Harmon stated that he has a neighbor who has gravel that they don't park on but they do drive on it to get to additional parking in their rear yard. Steve replied that this would be considered a maneuvering area. Mayor Lang stated that the Council changed the Code many years ago that required pavers or some type of physical barrier between a gravel drive and landscaping. Councilmember Harmon asked if a weed barrier is required under gravel. Steve replied no. Councilmember Harmon asked if 4 inches of gravel is required. Steve replied yes. He indicated that the enforcement for the 4 inches of gravel would come when the gravel becomes so compacted over time that there is dirt showing. Mayor Lang asked if full yard concrete driveways that were allowed under Salt Lake County prior to incorporation would be grandfathered in. Nicole replied that if a driveway was installed legally under a different ordinance or set of rules, it would be grandfathered in. She indicated that this has occurred a few times and was relatively simple for the property owner to prove with assistance from the County.

Obstruction of Sidewalk:

Vegetation: The City will seek a court order through the NOV process to remove vegetation.

Fences: The City will seek a court order through the NOV process to remove fences.

Vehicles: The City will seek a court order through the NOV process to remove inoperable vehicles that obstruct, and issue Administrative Citations to operable vehicles that obstruct.

Enforcement Process: Courtesy Notices and Administrative Warnings give 10 days covering 2 weekends. Administrative Citations not to exceed 2 per calendar year.

Mayor Lang confirmed that it is the residents responsibility to keep the sidewalk clear and passable. Nicole replied yes. Mayor Lang verified that the fence rule would be to ensure fences don't lean over the sidewalk. Nicole replied yes. Mayor Lang asked if vehicles are parking over the sidewalk daily. Nicole replied yes and stated that the City gets many complaints regarding this particularly when children have to go out into the street to pass a driveway where a car is parked over the sidewalk. Nicole indicated that this would be an example of an administrative warning/administrative citation situation. She stated the City would issue a warning and then issue a ticket if it continues to be a problem. Mayor Lang stated she would still like to issue a courtesy notice to vehicles parked over the sidewalk and noted that it won't break the neighborhood to give people 10 days. She indicated this is an education tool. Councilmember Nordfelt disagreed and stated that the administrative warning is the same thing but without the 10 day grace period. He

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indicated that the warning is still an education tool but forces the violation to be corrected immediately. After discussion, the Mayor and Council agreed to issue an administrative warning followed by a citation for continued issues. Councilmember Nordfelt suggested that parking enforcement take care of vehicles parking over the sidewalk. Mayor Lang stated that the Police Department used to do this but now they handle on-street parking issues while Code Enforcement handles sidewalk obstructions. Nicole indicated she would look into this. Councilmember Nordfelt encouraged lenience during snow days because he would prefer vehicles try to fit in the driveway as much as possible so plows can maneuver up and down streets.

***Fences:** All fences must be constructed with approved fencing material and maintained with similar material and color. Fences must be within 20 degrees of vertical. Front yard fences not to exceed 4', side and rear fences not to exceed 6'.*

Front Setback: Enforcement.

Side setback: No enforcement except for properties that abut public streets.

Rear Setback: No enforcement except for properties that abut public streets.

Enforcement Process: Issue Courtesy Notice with minimum 10 days covering 2 weekends. The City will seek a court order through the NOV process to enter the property and remove or repair fences or sections of fences in violation. No Administrative Warnings or Citations.

Councilmember Christensen stated that there are several block fences in West Valley City that get tagged with graffiti but the cover up provided by the City or used by the City is not the same color. Mayor Lang indicated that it would be difficult and expensive to attempt to match the different color fences. Councilmember Christensen agreed but noted that the code says “similar material and color”. Mayor Lang stated that this is something that is happened to a resident and not by them. She stated that she doesn’t care what paint color they use as long as they are working to cover the graffiti. The Mayor and Council discussed ways of removing graffiti. Mayor Lang asked if the Council would like to remove the “similar color” requirement from the Code. Nicole stated that the Council could direct staff to just not enforce on graffiti cover up color situations. Councilmember Harmon asked if there is a graffiti code. Nicole replied yes and indicated this is just related to fencing. Councilmember Harmon stated that if the homeowner is making an effort with similar material or color (not exact) he wouldn’t want them to be cited. Mayor Lang stated that if Code Enforcement is not going to enforce it, she would prefer “similar color” be removed from the Code completely. Councilmember Nordfelt stated that sometimes the cover up can be worse than the

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graffiti. Councilmember Harmon agreed. Councilmember Harmon requested to continue this conversation with the graffiti code and pictures of examples.

D. 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 Huynh requested a discussion on Form of Government.

Councilmember Christensen stated that he would like to discuss the City archives.

Nicole Cottle stated that the Healthy West Valley Committee would like to come forward to request that they become a formal committee and they are on a deadline to accomplish this to obtain grant funds. The Mayor and Council agreed to consider.

B. COUNCIL REPORTS

COUNCILMEMBER CHRISTENSEN- WESTERN GROWTH

Councilmember Christensen stated that the City does not have a representative on this committee but they will be discussing the future of the committee next week. He indicated that he could attend and report back to Council.

MAYOR LANG- MY HOMETOWN RECITAL

Mayor Lang indicated that she attended a My Hometown Recital and it was a great event.

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 STUDY MEETING ON TUESDAY MARCH 14, 2023 WAS ADJOURNED AT 6:29 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, January 17, 2023.

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A handwritten signature in blue ink that reads "Nichole Camac". The signature is written in a cursive, flowing style.

Nichole Camac, CMC
City Recorder