

MINUTES OF COUNCIL STUDY MEETING – MARCH 28, 2023

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THE WEST VALLEY CITY COUNCIL RECONVENED IN ELECTRONIC STUDY SESSION ON TUESDAY, MARCH 28, 2023 AT 4:15 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 PRO-TEM HUYNH.

THE FOLLOWING MEMBERS WERE PRESENT:

Tom Huynh, Councilmember District 1
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
William Whetstone, Councilmember District 3

ABSENT:

Karen Lang, Mayor
Jake Fitisemanu, Councilmember District 4
Scott Harmon, Councilmember District 2

STAFF PRESENT:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder (*electronically*)
Eric Bunderson, City Attorney
Kent Stokes, Acting Police Chief (*electronically*)
John Evans, Fire Chief
Jim Welch, Finance Director
Steve Pastorik, CED Director
Dan Johnson, Public Works Director
Nancy Day, Parks and Recreation Director
Mark Nord, RDA Director
John Flores, HR Director
Sam Johnson, Strategic Communications Director
Ken Cushing, IT (*electronically*)
Jake Arslanian, Public Works

TRAVEL TO THE FAIRBOURNE OFFICE TOWER LOCATED AT 3550 MARKET STREET AT APPROXIMATELY 4:15 PM

Mayor Pro Tem Huynh and other Councilmembers in attendance visited the Fairbourne Office Tower and were provided a presentation.

Councilmember Fitisemanu joined the tour at 4:30 PM.

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THE WEST VALLEY CITY COUNCIL RECONVENED IN ELECTRONIC STUDY SESSION ON TUESDAY, MARCH 28, 2023 AT 6:13 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 (*electronically*)
William Whetstone, Councilmember District 3

ABSENT:

Jake Fitisemanu, Councilmember District 4

STAFF PRESENT:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder (*electronically*)
Nicole Cottle, Assistant City Manager/General Counsel
Eric Bunderson, City Attorney
Kent Stokes, Acting Police Chief (*electronically*)
John Evans, Fire Chief
Jim Welch, Finance Director
Steve Pastorik, CED Director
Layne Morris, CPD Director
Dan Johnson, Public Works Director
Nancy Day, Parks and Recreation Director
Mark Nord, RDA Director
John Flores, HR Director (*electronically*)
Sam Johnson, Strategic Communications Director
Ken Cushing, IT (*electronically*)
Coby Wilson, Public Works
Jake Arslanian, Public Works

APPROVAL OF MINUTES OF STUDY MEETING HELD MARCH 21, 2023

The Council considered the Minutes of the Study Meeting held March 21, 2023. There were no changes, corrections or deletions.

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Councilmember Nordfelt moved to approve the Minutes of the Study Meeting held March 21, 2023. Councilmember Christensen seconded the motion.

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

REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING OF MARCH 28, 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.

AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FOR MARCH 28, 2023

A. A PROCLAMATION RECOGNIZING THE MONTH OF APRIL 2023 AS CHILD ABUSE PREVENTION MONTH

Councilmember Whetstone offered to read A Proclamation Recognizing the Month of April 2023 as Child Abuse Prevention Month at the April 4, 2023 City Council Regular Meeting at 6:30 PM.

PUBLIC HEARINGS SCHEDULED FOR APRIL 4, 2023

A. ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2022-2023 BUDGET

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled April 4, 2023, in order for the City Council to hear and consider public comments regarding re-opening the FY 2022-2023 Budget.

Proposed Ordinance 23-08 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ACTION: ORDINANCE NO. 23-08, AMEND THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

Jim Welch, Finance Director, discussed proposed Ordinance 23-08 that would amend the Budget of West Valley City for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 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:

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State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allows the City to amend its budget during the year. The City holds public hearings on budget amendments on a quarterly basis each fiscal year.

A Public Notice was posted March 23, 2023, in public view at City Hall, the Family Fitness Center and UCCC; also, posted on the Public Notice Website and West Valley City's Website. Notice was given that a public hearing is to be held April 4, 2023, at 6:30 p.m., West Valley City Hall, 3600 Constitution Blvd., West Valley City, Utah.

Mayor Lang asked for a line item of the rollovers for CDBG being proposed for the last fiscal year and the ones being proposed for next year.

The City Council will consider Ordinance 23-08 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M.

Mayor Lang suggested that the next two items be postponed since they will require more discussion. The Council agreed.

- B. **ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-1-2023 FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT TO SECTION 7-2-115 OF THE ZONING ORDINANCE TO CLARIFY THE MEASUREMENT STANDARDS FOR A COMMERCIAL VEHICLE FROM THE "GROSS WEIGHT" TO "GROSS VEHICLE WEIGHT RATING" AND ESTABLISH THE ALLOWED VEHICLE CLASS SIZE FOR STORAGE OF VEHICLES IN AGRICULTURAL AND RESIDENTIAL ZONES**

Mayor Lang informed a public hearing had been advertised for the Regular Council Meeting scheduled April 4, 2023, in order for the City Council to hear and consider public comments regarding Application ZT-1-2023, Filed by West Valley City, Requesting an Amendment to Section 7-2-115 of the Zoning Ordinance to Clarify the Measurement Standards for a Commercial Vehicle from the "Gross Weight" to the "Gross Vehicle Weight Rating" and Establish the Allowed Vehicle Class Size for Storage of Vehicles in Agricultural and Residential Zones.

Proposed Ordinance 23-09 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ACTION: ORDINANCE NO. 23-09, AMEND SECTION 7-2-115 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND RESTRICTIONS ON PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AND AGRICULTURAL ZONES

Eric Bunderson, City Attorney, discussed proposed Ordinance 23-09 that would amend Section 7-2-115 of the West Valley City Municipal Code to Amend Restrictions

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on Parking Commercial Vehicles in Residential and Agricultural Zones.

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

West Valley City code 7-2-115 currently prohibits the storage of commercial vehicles within any residential or agricultural zones. However, the current definition utilizes a measurement method that is difficult to ascertain and creates no exceptions for recreational vehicles, government vehicles, or emergency vehicles.

Changes to 7-2-115(1) will change the measurement for a commercial vehicle from the “gross weight” to the “gross vehicle weight rating”. The gross vehicle weight rating is a more readily available number, and the change will allow code enforcement officers to be more consistent and accurate during enforcement. The new definition of a commercial vehicle will include any vehicle with a gross vehicle weight rating of over 14,000 pounds with exceptions for recreational vehicles, emergency vehicles, and government vehicles.

The City Council will consider Ordinance 23-09 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M.

ORDINANCE 23-10: AMEND SECTIONS 22-2-116 AND 22-2-203 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN PARKING RESTRICTIONS AND CIVIL PENALTIES

Eric Bunderson, City Attorney, presented a proposed Ordinance 23-10 that would amend Sections 22-2-116 and 22-2-203 of the West Valley City Municipal Code to Amend Certain Parking Restrictions and Civil Penalties.

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

If approved, this ordinance will amend Subsections 22-2-116 and 22-2-203.

Changes to 22-2-116(2) alters the existing defense for parking recreational vehicles on the street for 24 hours by requiring it to be near the owner’s residence. It creates a new affirmative defense that will allow individuals to park recreational vehicles on the street next to their own residence for up to 7 days to allow for real property maintenance.

Changes to 22-2-116(4) will change the measurement for a commercial vehicle from the “gross weight of a vehicle” to the “gross vehicle weight rating”. The

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gross vehicle weight rating is a more readily available number, and the change will allow the parking officers to be more consistent and accurate during enforcement. The new definition of a commercial vehicle will include any vehicle with a gross vehicle weight rating of over 14,000 pounds with exceptions for recreational vehicles, emergency vehicles, and government vehicles.

Changes to 22-2-203 will increase the civil penalties for repetitive offenders by \$50.00 each citation within a 12-month period.

The City Council will consider Ordinance 23-10 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M

RESOLUTION 23-39: AUTHORIZE THE CITY TO PROCURE CERTAIN PROFESSIONAL AND LEGAL SERVICES

Eric Bunderson, City Attorney, presented proposed Resolution 23-39 that would authorize the City to Procure Certain Professional and Legal Services.

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

Section 5-3-107 of the West Valley City Municipal Code authorizes the City to procure professional services and legal counsel. This resolution retains Mark Tolman to provide legal services to the City. Those services will be provided on the terms set forth in the engagement letter submitted to the City by Mr. Tolman.

The City Council will consider Resolution 23-39 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M

RESOLUTION 23-40: AUTHORIZE THE PURCHASE OF A KUBOTA UTILITY VEHICLE FROM BONNEVILLE EQUIPMENT COMPANY

Jake Arslanian, Facilities Director, presented proposed Resolution 23-40 that would authorize the Purchase of a Kubota Utility Vehicle from Bonneville Equipment Company.

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

The Kubota Utility Vehicle was selected based on the variety of needs at both City Hall and the Fairbourne Station Parking Garage. It will be used to haul equipment, supplies, and garbage year-round to and from the parking garage. In the winter months, the vehicle will plow and salt the areas of the garage that are exposed to drifting, as well as the sidewalks around the perimeter of City Hall.

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The bid includes a 72” straight blade and 11-CU FT Cargo bed Spreader for plowing and salting the garage in the winter months.

Bonneville Equipment Company has a state purchasing contract (MA3979) to sell Kubota Utility Vehicles. The purchase price is a competitive price.

Councilmember Harmon asked if this purchase can be budgeted as part of the departmental budget in the next fiscal year since the snow should be nearly done for the season. Jake replied that, like all vehicle manufacturing at the moment, this unit will not be available until September if the order were placed now so it’s important to move forward in order to have the equipment for next winter. Mayor Lang confirmed that the vehicle would not be paid for until it is received. Jake replied yes. Wayne agreed but noted that the funding would be committed to this fiscal year if this resolution were approved.

The City Council will consider Resolution 23-40 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M

RESOLUTION 23-41: AUTHORIZE THE EXECUTION OF A PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT BETWEEN THE CITY, UNION PACIFIC RAILROAD COMPANY, AND KEARNS METRO TOWNSHIP
Coby Wilson, Public Works, presented proposed Resolution 23-41 that would authorize the Execution of a Public Highway at Grade Crossing Agreement Between the City, Union Pacific Railroad Company, and Kearns Metro Township.

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

To facilitate timely bidding and construction, the 4700 South Reconstruction project was divided into the following three phases:

Phase 1 (Complete): Box Culvert for the Utah and Salt Lake Canal Crossing

Phase 2 (Under Construction): Reconstruction of 4700 South from 5450 West to 4000 West

Phase 3 (Forthcoming): Reconstruction of 4700 South from 5600 West to 5450 West

Phase 3 includes the reconstruction and widening of the railroad crossing near 5550 West which requires an agreement with Union Pacific Railroad Company (UPRR). The railroad right-of-way being utilized for the existing crossing is not sufficient to accommodate the necessary widening. With this agreement, UPRR will be granting additional rights to facilitate the reconstruction and widening of the roadway within

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their right-of-way.

West Valley City and the MSD previously executed an interlocal agreement defining responsibilities and cost sharing associated with the 4700 South Reconstruction project. Per that interlocal agreement, West Valley City will utilize bonded transportation funds to pay \$25,140.03 (29.2%) of the costs associated with this crossing agreement.

The City Council will consider Resolution 23-41 at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M

CONSENT AGENDA SCHEDULED FOR APRIL 4, 2023

A. RESOLUTION 23-42: AUTHORIZE THE CITY TO ENTER INTO A RIGHT OF WAY PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM RUBEN AND DIANE CHACON FOR PROPERTY LOCATED AT 2761 SOUTH BELMONT DOWNS LANE

Wayne Pyle, City Manager, discussed proposed Resolution 23-42 that would authorize the City to Enter into a Right of Way Purchase Agreement and Accept a Warranty Deed and a Temporary Construction Easement With and From Ruben and Diane Chacon for Property Located at 2761 South Belmont Downs Lane

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

The Ruben Chacon and Diane S. Chacon parcel located at 2761 S. Belmont Downs Lane is one of several parcels affected by the Parkway Boulevard Reconstruction Project (MVC to 6400 West). This project will reconstruct the pavement and construct curb, gutter, sidewalk and decorative street lighting on both sides of Parkway Boulevard. Compensation for the purchase of the Warranty Deed, Temporary Construction Easement and improvements is \$11,600.00 based upon the Appraisal Report prepared by Integra Realty Resources.

The project is being funded by Surface Transportation Program (STP) using federal funds. The city is responsible 6.77% of all project costs, including right of way. The total value for the Warranty Deed, Temporary Construction Easement and improvements is \$11,600.00, making the West Valley City share of the acquisition \$785.32.

The City Council will consider Resolution 23-42 on the Consent Agenda at the Regular Council Meeting scheduled April 4, 2023 at 6:30 P.M

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COMMUNICATIONS

A. FORM OF GOVERNMENT DISCUSSION

Mayor Lang stated that she would like to postpone this discussion when there is more time for discussion. The Council agreed.

B. 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

N/A

B. COUNCIL REPORTS

N/A

C. STRATEGIC DISCUSSION LIST

Mayor Lang stated that items would continue to be discussed on the list.

D. REVIEW AGENDAS FOR REGULAR REDEVELOPMENT AGENCY, HOUSING AUTHORITY, AND MUNICIPAL BUILDING AUTHORITY MEETINGS

Wayne Pyle, City Manager, indicated that all three of these meetings have resolutions to adopt budget openings and would be discussed April 4, 2023 following the Regular City Council meeting.

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 MARCH 28, 2023 WAS ADJOURNED AT 6:29 PM 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 Study Meeting of the West Valley City Council held Tuesday, January 17, 2023.



Nichole Camac, CMC
City Recorder