

MINUTES OF COUNCIL REGULAR MEETING JUNE 13, 2023

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, JUNE 13, 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
Tom Huynh, Councilmember District 1
Scott Harmon, Councilmember District 2
William Whetstone, Councilmember District 3
Jake Fitisemanu, Councilmember District 4 (*electronically*)

STAFF PRESENT ELECTRONICALLY:

Wayne Pyle, City Manager (*electronically*)
Nichole Camac, City Recorder
Nicole Cottle, Assistant City Manager/General Counsel
Eric Bunderson, City Attorney
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
John Flores, HR Director (*electronically*)
Mark Nord, RDA Director (*electronically*)
Sam Johnson, Strategic Communications Director (*electronically*)
Ken Cushing, IT (*electronically*)

OPENING CEREMONY- COUNCILMEMBER SCOTT HARMON

Councilmember Harmon stated that the following day (June 14, 2023) is Flag Day. He shared facts about the American Flag and the history behind Flag Day. He asked members of the Council, staff, and audience to rise and recite the Pledge of Allegiance.

APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 6, 2023

The Council considered the Minutes of the Regular Meeting held June 6, 2023. There were no changes, corrections or deletions.

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Councilmember Harmon moved to approve the Minutes of the Regular Meeting held June 6, 2023. Councilmember Christensen seconded the motion.

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

COMMENT PERIOD

A. PUBLIC COMMENTS

Tamara Doman stated that she lives on Palmer Drive and someone lost control while driving earlier this day and totaled her vehicle and fence. She stated that this person could have lost their life and indicated that this has happened too many times. She requested speed bumps for the area and indicated that residents shouldn't have to fear parking in their driveways or on the street.

Scott Johnson also expressed concern regarding Palmer Drive. He indicated that he hopes a traffic study submitted to the City comes to conclusion and that assistance is provided. Mr. Johnson also thanked the City for their assistance in installing a sidewalk, providing road repair, and installing handicap ramps in the neighborhood.

Lynne Criddle expressed her love and appreciation for West Valley City. She indicated that she is also concerned about speeding on Palmer Drive.

Sharlyn Parker also expressed concerns regarding speeding on Palmer Drive and pedestrian safety.

Mike Markham expressed concern about the proposed ordinance regarding public comment. He stated that all Councilmembers should abide by the same rules that citizens do and rules shouldn't be tweaked for anyone. He also indicated that Councilmembers should be present each week.

Elizabeth Weight expressed appreciation for Officer Vicki Jeppson and her response to concerns expressed during a previous Council meeting. Ms. Weight expressed concern regarding a General Plan change application that was discussed in the Study Meeting earlier this evening and indicated that wetland areas should be preserved or re-purposed for green space, particularly in high density areas.

Jim Vesock stated that he is opposed to the proposed changes to public comment period. He indicated that he would be in agreement with a reduction from 5 minutes per speaker to 3 minutes per speaker but would encourage the Council to continue hearing from residents on a weekly basis. Mr. Vesock expressed concern about Code Enforcement, budget openings, park maintenance, and Form of Government.

Richard Nowak expressed concern about limiting public comment. He shared details of his bird rescue and efforts to provide wildlife sanctuary to the City.

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Quinn Kotter encouraged the Council to continue to allow weekly public comment as it provides an essential ability for residents to discuss issues with government.

B. CITY MANAGER COMMENTS

Wayne Pyle, City Manager, had no comments.

C. CITY COUNCIL COMMENTS

Councilmember Harmon stated that Palmer Drive is in his neighborhood and would encourage an evaluation of Palmer Drive and Charles Drive for traffic calming measures.

ORDINANCE 23-19: AMEND SECTION 2-1-107 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING COUNCIL MEETINGS

Wayne Pyle, City Manager, presented proposed Ordinance 23-19 that would amend Section 2-1-107 of the West Valley City Municipal Code to Amend Certain Requirements Concerning Council Meetings.

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

Section 2-1-107 of the West Valley City Municipal Code establishes requirements for members of the public to address City Council meetings. This ordinance would amend Section 2-1-107 to hold public comment periods at the first meeting of the month instead of every meeting. The ordinance also establishes a three minute time limit per speaker and adds certain civility requirements for speakers to follow.

Councilmember Fitisemanu verified that there is Mayor discretion to extend or limit public hearing comments per the ordinance. Mayor Lang stated that the way the ordinance reads, this would be accurate. Councilmember Huynh stated that residents should be allowed to speak during open public comment each week. Councilmember Whetstone stated that he would be in favor of keeping in line with changes discussed during the Council Study Meeting earlier this evening that would allow public comment each week, limiting speakers to 3 minutes, and reducing public hearing commentators to 5 minutes per person.

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 Ordinance 23-19 subject to amending line 33 so that it would allow public comment each week.

Councilmember Whetstone seconded the motion

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Councilmember Nordfelt noted that this would mean public comment is still allowed each week but speakers would be limited from 5 minutes to 3 minutes and speakers during public hearings would be limited to 5 minutes per person.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-80: AUTHORIZE THE PURCHASE OF A STRETCHER SYSTEM FROM STRYKER MEDICAL

Wayne Pyle, City Manager, presented proposed Resolution 23-80 that would authorize the Purchase of a Stretcher System from Stryker Medical.

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

This resolution authorizes the purchase of a Power Pro Cot and Power Load systems from Stryker Medical. Also authorize the purchase of an extended warranty on the Power Pro Cot and Power Load System on each of the system component. The extended warranty will cover all annual preventative maintenance, repairs including parts and labor, and battery coverage for a time of 5 years.

With Council approval of the purchase of a new ambulance it is necessary that a Stretcher system be purchased to be placed into that ambulance. The Stryker Power Pro Cot and Power Load system allows Fire / EMS personnel to safely and smoothly load and un-load a patient without putting an extensive physical strain on responders. These systems are also crash tested to meet National standards for staying secure during a vehicle accident (AS/NZS-4535, SAE J3027).

Unit Cost	Type	Total Costs
\$65,357.00	Stryker Medical	\$65,357.00

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 Whetstone moved to approve Resolution 23-80.

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-81: AUTHORIZE THE PURCHASE OF AN AMBULANCE FROM FRAZER, LTD

Wayne Pyle, City Manager, presented proposed Resolution 23-81 that would authorize the Purchase of an Ambulance from Frazer, LTD.

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

The purchase of (1) Ambulance will replace a 2008 Ambulance. The 2008 Ambulance was previously remounted onto a new chassis in 2016 to extend the life of the Ambulance and to reduce cost. The current 2016 chassis that the 2008 ambulance box sits on has 77,000 miles on it. With a projected delivery time for a new ambulance being 1 year, it is anticipated the current ambulance chassis will be nearing 100,00 miles at the time of delivery of a new ambulance. If a new ambulance purchase is approved, the current ambulance would will be moved into reserve status as a backup ambulance. The West Valley City Fire Department has Frazer, Ltd. for Ambulances.

West Valley City Fire Department inquired about the cost of an ambulance from additional manufacturers. Each of the ambulance dealers had higher costs than Frazer,Ltd. The next lowest cost was AEV who's quote was \$27,000 more than Frazer, Ltd.

Unit Cost	Type	Total Costs
\$211,935	Ambulance by Frazer, Ltd.	\$211,935

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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 23-81.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

RESOLUTION 23-82: AUTHORIZE THE EXECUTION OF A PUBLIC WAY LEASE AGREEMENT WITH WEST VALLEY CITY AND THE UTAH TRANSIT AUTHORITY FOR THE MIDVALLEY BUS RAPID TRANSIT PROJECT

Wayne Pyle, City Manager, proposed Resolution 23-82 that would authorize the Execution of a Public Way Lease Agreement With West Valley City and the Utah Transit Authority for the Midvalley Bus Rapid Transit Project.

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

UTA is building the Midvalley Connector BRT that will connect Murray Central Frontrunner/Trax Station to the SLCC Redwood Campus and West Valley Central Station at the bus hub near City Hall. In October 2021, the City executed a Memorandum of Agreement with UTA establishing general criteria with which the City would participate with UTA in the construction of the Midvalley Connector BRT, including the lease of these properties.

This new agreement provides UTA with the right to operate and construct the BRT in the City and defines the roles with respect to design and construction, and operation and maintenance.

Under the agreement the City agrees to lease to UTA property defined in the agreement, including a portion of the former America First Credit Union parking lot for the expansion of the existing bus hub. The City will also lease portions of

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City streets whereon UTA Facilities will be built at and in between bus stations. The value of the leased property and roadway areas are estimated to be \$510,000, which the City is donating to UTA as an in-kind contribution to the project. The term of the lease includes an initial term of 50 years, with an automatic renewal of an additional term of 25 years.

UTA agrees to build perimeter parking lot and drainage improvements in the America First parking lot that coordinate with the City's plans to incorporate that lot into the City Hall main parking lot, including landscaping along the shared boundary. UTA will also rebuild the trash enclosure in a new location in the parking lot.

UTA agrees to design and build an 8-foot-tall concrete privacy wall along the east side of 2700 West between 4100 South and Westshire Drive. A portion of the wall will be UTA funded, and a portion will be funded by the City. UTA's share will cover roughly a quarter of the cost to build this segment of wall. The City will acquire all right-of-way for the wall construction. The Public Works Department intends to extend the limits of wall construction (ultimately from 4100 South to approximately 3870 South) beyond the limits defined in this agreement by a future contract. The \$600,000 for the wall is being paid with existing funds from the City's CIP and General Fund.

UTA's project will be installing an electrical transformer to charge electric buses and grant to the City the use of excess capacity of 1000 KVA for vehicle charging stations in the City Hall parking lot. Rocky Mountain Power will provide the City's charging stations at a later date and is planned to include four DCFC (Direct Current Fast Charging) stations, two-150 kW stations, and two-350-kW stations.

A portion of the leased property is owned by West Valley City, and a portion is owned by the Municipal Building Authority of West Valley City.

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 23-82.

Councilmember Whetstone seconded the motion.

A roll call vote was taken:

Councilman Fitisemanu	Yes
Councilman Whetstone	Yes
Councilman Harmon	Yes

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Councilman Huynh	Yes
Councilman Christensen	Yes
Councilman Nordfelt	Yes
Mayor Lang	Yes

Unanimous.

UNFINISHED BUSINESS:

- A. ACCEPT PUBLIC INPUT REGARDING APPLICATION ZT-3-2023, FILED BY HH-SALT LAKE, LLC, REQUESTING A ZONE TEXT CHANGE TO SECTIONS 7-1-103 AND 7-6-301 OF THE ZONING ORDINANCE TO REMOVE THE DEFINITION FOR LINGERIE STORE AND REMOVE LINGERIE STORE FROM THE COMMERCIAL AND MANUFACTURING USE TABLE**

Mayor Lang requested that this item be presented by Wayne Pyle, City Manager.

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

Scott Sabey, who represents HH-Salt Lake, LLC, has requested ordinance amendments to Sections 7-1-103 and 7-6-301 of the zoning ordinance to remove the definition for Lingerie Store and to remove Lingerie Store from the Commercial and Manufacturing Use Table. The reasons for the requested amendments are outlined in the attached document from the applicant.

Section 7-1-103 defines Lingerie Store as “a retail establishment meeting any of the following criteria:

- a. Over five percent of the floor area is devoted to the sale of lingerie, adult novelties, and adult marital or sexual aids;
- b. Lingerie, adult novelties, and adult marital or sexual aids account for five percent or more of gross sales; or
- c. The establishment is marketed as a Lingerie Store or adult establishment.”

Section 7-6-301 allows Lingerie Stores in the MXD (Mixed Use), C-2 (General Commercial), C-3 (Transitional Commercial), and M (Manufacturing) zones. Lingerie Stores are prohibited in the BRP (Business/Research Park), CC (City Center), C-1 (Neighborhood Commercial), and LI (Light Industrial) zones as well as within the Decker Lake Station, Jordan River, Bangerter Highway, and 5600 West Overlay Zones. There are just under 9,000 acres of property within the City where Lingerie Stores are allowed. This represents 46% of property (excluding

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roads) in the City.

The term “Lingerie Store” was first introduced in the zoning ordinance with the adoption of Ordinance 15-03 in 2015. This ordinance expanded the list of prohibited uses within the CC zone. The term “Lingerie Store” was later defined in Section 7-1-103 and added to the Commercial and Manufacturing Use Table in Section 7-6-301 with the adoption of Ordinance 17-10 in 2017.

This item was continued at the May 23, 2023 City Council Regular meeting. The Public Hearing was opened and closed on May 23, 2023.

ACTION: ORDINANCE NO. 23-16, AMEND SECTIONS 7-1-103 AND 7-6-301 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN REQUIREMENTS CONCERNING LINGERIE STORES

The City Council previously held a public hearing regarding proposed Ordinance 23-16 that would amend Sections 7-1-103 and 7-6-301 of the West Valley City Municipal Code to Amend Certain Requirements Concerning Lingerie Stores.

Councilmember Nordfelt stated that he has been considering this issue and has received input from residents. He noted that after looking at the potential impact it could have on the City, he doesn’t feel it would be appropriate to allow the proposed change to the overlay zones.

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 deny Ordinance 23-16

Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous. Denied.

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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 REGULAR MEETING OF TUESDAY, JUNE 13, 2023 WAS ADJOURNED AT 7:17 P.M. BY MAYOR LANG.

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, June 13, 2023.

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

Nichole Camac, CMC
City Recorder