

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, DECEMBER 13, 2011, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks (Arrived as noted)
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Buzz Nielsen, Police Chief
Ross Olsen, Administration
Aaron Crim, Administration
Lee Logston, CED Department
Jake Arslanian, Public Works Department

OTHERS PRESENT:

Karen Lang, Councilmember-elect

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD NOVEMBER 22, 2011**
The Council read and considered Minutes of the Study Meeting held November 22, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held November 22, 2011, as written. Councilmember Christensen seconded the motion.

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-2-

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED DECEMBER 13, 2011:**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Meeting scheduled December 13, 2011. Upon inquiry, there were no questions regarding items scheduled on the subject Agenda.

3. **RESOLUTION NO. 11-201, AUTHORIZE THE CITY MANAGER TO MODIFY ALL BUSINESS LICENSE APPLICATIONS TO INCLUDE A STATUS VERIFICATION SYSTEM**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-201 which would authorize modification of all business license applications to include a status verification system.

Mr. Pyle stated the proposed modification of the business license application would include a checkbox that would register a voluntary agreement on behalf of a private employer to use a status verification system to verify the Federal legal working status of all of that company's employees. He advised the City used five different business license applications: Home Business, Commercial Business, Minor Home Occupation, Temporary Business, and Fireworks Sale Application. He indicated all of the applications would be modified to include the checkbox wherein the business would indicate use of a status verification system. He further advised this would not necessarily be limited to E-Verify, as long as the system would verify the employee in question was valid to work in the United States.

The City Manager reported Federal law prohibited the employment of unauthorized aliens. He stated to that end the Federal Government had established several systems to verify immigration status of any alien upon the request of a municipality. He also stated that under a recent United States Supreme Court case, *Chamber of Commerce v. Whiting*, municipalities were allowed to regulate issuance of business licenses as applied to unauthorized aliens.

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-3-

City Manager, Wayne Pyle, reviewed background information including previous discussions of the City Council and he reminded regarding the citizen ballot initiative to be brought forward to the City Council relating to E-Verify.

Eric Bunderson, City Attorney, discussed additional background information including the referenced Supreme Court decision. He also reviewed and further discussed the proposed Resolution and answered questions from members of the City Council.

Upon discussion, the City Council discussed language in the proposed Resolution and new language added to the business license applications. The Council recommended certain language be clarified and, if approved, directed the City Manager to report back to the Council after several months to see how many business owners checked the status verification box on the application when applying for a business license.

Members of the City Council expressed that they liked this idea and recognized it was a process. Some members stated it was still voluntary to use status verification systems so it might not accomplish anything. A suggestion was made to clarify the language so that the status verification would be done only for new hires, and it should apply to business license renewals. After further discussion, the Council concurred this was a good starting point and could be revisited at a future date.

City Manager, Wayne Pyle, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 11-201 at the Regular Council Meeting scheduled December 20, 2011, at 6:30 P.M.

4. **RESOLUTION NO. 11-202, AWARD A CONTRACT TO NEWMAN CONSTRUCTION FOR THE UTAH CULTURAL CELEBRATION CENTER CHINESE GATE FOUNDATION EARTHWORK PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-202 which would award a contract to Newman Construction, in the amount of \$49,345.00, for the Utah Cultural Celebration Center (UCCC) Chinese Gate Foundation and Earthwork Project.

Mr. Pyle stated two bids had been received, as follows:

Newman Construction:	\$49,345.00
S&L Inc.:	\$100,107.61

The City Manager reported the engineer's estimate had been in the amount of \$54,325.00 and indicated Newman Construction had submitted the lowest responsible bid.

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-4-

Mr. Pyle stated the referenced project included excavation of existing fill, placement and compaction of structural fill and surcharge material in preparation for a concrete footing to be placed at a later date.

Assistant City Manager, Paul Isaac, further reviewed and discussed background information regarding the Chinese Gate project. He explained the soils report indicated earthwork would need to be completed in order to prepare the ground to construct a foundation. He also indicated the question was if the pad was built would the Chinese community commit to fund and build the gate.

Terry Chen, representing the Chinese Gate Committee and Chairman of the Sister City Committee, was recognized. Mr. Chen stated the Chinese community was ready to move forward with the project and willing to fund up to \$175,000 for the project. He stated they currently had approximately \$150,000 of those funds. He discussed the proposed timeline for the project and stated dedication would take place in the summer of 2012, after which the Gate would be donated back to the City.

Assistant City Manager, Paul Isaac, stated the City could only commit a certain amount of money for the pad itself so there needed to be another way to fund the project. He stated that would mean the UCCC and Chinese community would need to raise additional funds if necessary.

Public Works Director, Russell Willardson, discussed the two bids received, including the engineer's estimate. He also answered questions from members of the City Council.

After further discussion, the Assistant City Manager and Public Works Director answered additional questions from members of the City Council.

Upon discussion, some members of the City Council acknowledged they were struggling with spending City funds for the subject project when there were so many other great needs for additional parks and funding to maintain existing parks. Some members questioned how much City resources should be committed to these types of projects when residents were underserved with parks in certain areas of the City. The Council discussed the philosophy that funds from the sale of adjacent land would be reinvested into the UCCC and riverfront area to make it something special and unique. Some members of the Council stated this project fit with long term visions and goals of the UCCC. The City Council expressed their favor for the project, but stated citizens were aware of park projects that had been discussed much longer than discussions about the Chinese gate. The Council inquired if the City had a policy regarding the City's commitment and/or funding and, if not, should such a policy be created. The City Council stated they did not desire to back down on commitments made by previous Councils; however, these were extremely tight budget times. Members of the Council recommended policies be established for the future in addition to the current Monument Review Committee. The Council further discussed that they were, in fact, charged with

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-5-

making decisions for today and should take care not to bind future Council's 10 years down the road. It was mentioned the former City Council asked the Chinese community to raise the money and donors were committed to the project. Some members stated the Council should honor that commitment to the Chinese community.

City Manager, Wayne Pyle, discussed his recollection of the former City Council's level of commitment and support for the project. He advised the former Council did not have any actual costs when the informal commitment and direction was given. He indicated it took a long time to raise this kind of money and the Chinese community had been instructed to go ahead with fundraising efforts and then come back to the City, which had taken about 10 years. He stated the Council needed to determine if the subject project was still appropriate for funding.

City Manager, Wayne Pyle, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 11-202 at the Regular Council Meeting scheduled December 20, 2011, at 6:30 P.M.

Councilmember Brooks arrived at the meeting at 5:27 P.M.

5. **RESOLUTION NO. 11-203, APPROVE A REIMBURSEMENT AGREEMENT WITH SUBURBAN LAND RESERVE, INC., FOR CONSTRUCTION OF A TRAFFIC ROUNDABOUT LOCATED AT 5370 WEST LAKE PARK BOULEVARD**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-203 which would approve a Reimbursement Agreement with Suburban Land Reserve, Inc. in the amount of \$484,737.00, for construction of a traffic roundabout located at 5370 West Lake Park Boulevard, as required in the Impact Fee Ordinance.

Mr. Pyle stated Suburban Land Reserve (SLR) was developing a shopping center north of Lake Park Boulevard between 5370 West and 5600 West which would include a Target store. He indicated as a new street would be constructed at 5370 West between 2455 South and Lake Park Boulevard, and in order to maintain consistency with all intersections on Lake Park Boulevard, a new roundabout would be necessary at that location.

The City Manager reported the Impact Fee Ordinance required the City to reimburse developers for construction of infrastructure in excess of the development's impact on the City's road network. He indicated the subject agreement would allow the City to reimburse SLR for cost of the right-of-way and roundabout construction over a four-year period from the date of completion. He explained all fees collected from the Highbury development would be dedicated to this reimbursement. He further explained

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-6-

reimbursement would be supplemented with fees collected from other areas, if necessary, to reach a minimum annual payment of 20%.

Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 11-203 at the Regular Council Meeting scheduled December 20, 2011, at 6:30 P.M.

6. **CONSENT AGENDA SCHEDULED DECEMBER 20, 2011:**

A. **RESOLUTION NO. 11-204, ACCEPT WARRANTY DEED FROM WAT LAO SALT LAKE BUDDHARAM, INC., FOR PROPERTY LOCATED AT APPROXIMATELY 7010 PARKWAY BOULEVARD**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-204 which would accept a Warranty Deed from Wat Lao Salt Lake Buddharam, Inc. for property located at approximately 7010 Parkway Boulevard.

Mr. Pyle stated the Warranty Deed had been executed for right-of-way on Parkway Boulevard. He further stated Wat Lao Salt Lake Buddharam (Buddhist Monastery) had proposed additions and expansions to its existing site and as a condition for approval for the site additions and modifications, additional right-of-way had been required. He indicated the City's Major Street Plan called for an 80 foot right-of-way (40 foot half width) along this portion of Parkway Boulevard and the Warranty Deed would convey approximately 11.5 feet of that additional width of right-of-way.

B. **RESOLUTION NO. 11-205, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MIKE WINDER TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: DECEMBER 20, 2011 – DECEMBER 19, 2016**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-205 which would ratify his reappointment of Mike Winder to the West Valley City Housing Authority Commission for the term December 20, 2011, through December 29, 2016.

Mr. Pyle stated the Housing Authority Board was comprised of seven members each appointed for a five year term, with the advice and consent of the City Council.

C. **RESOLUTION NO. 11-206, RATIFY THE CITY MANAGER'S APPOINTMENT OF TOM HUYNH TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 3, 2012 – DECEMBER 31, 2016**

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-7-

City Manager, Wayne Pyle, discussed proposed Resolution No 11-206 which would ratify his appointment of Tom Huynh to the West Valley City Housing Authority Commission for the term January 3, 2012, through December 31, 2016.

Mr. Pyle stated the Housing Authority was comprised of seven members each appointed for a five-year term, with the advice and consent of the City Council.

D. RESOLUTION NO. 11-207, RATIFY THE CITY MANAGER'S APPOINTMENT OF KAREN LANG TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 3, 2012 – DECEMBER 31, 2016

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-207 which would ratify his appointment of Karen Lang to the West Valley City Housing Authority Commission for the term January 3, 2012, through December 31, 2016.

Mr. Pyle stated the Housing Authority was comprised of seven members each appointed for a five-year term, with the advice and consent of the City Council.

The City Council will consider proposed Resolution Nos. 11-204 through 11-207 at the Regular Council Meeting scheduled December 20, 2011, at 6:30 P.M.

7. COMMUNICATIONS:

A. STRATEGIC PLAN PRESENTATION – POLICE DEPARTMENT

City Manager, Wayne Pyle, stated a presentation regarding the Police Department's Strategic Plan had been scheduled and he directed the Police Chief to proceed with that information.

Using PowerPoint, Police Chief, Buzz Nielsen discussed information summarized as follows:

- Overview of Police Department
- Economic environment – salary savings program, increase in demand vs. decrease in services, grant funding received and negative impact of \$3.4 million requested but denied
- Salt Lake Valley Police Alliance – shared services and training, accomplishments and challenges
- Strategic Plan goals, measurements and benchmarks
- Department goals
- Statistics regarding overall response times, calls for service, Part 1 crimes, other

During the above presentation of information, the Police Chief answered questions from members of the City Council.

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-8-

B. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: December 14, 2011: Utah Grizzlies vs. Colorado Eagles, 7:05 P.M.; December 15, 2011: Book Fair (sponsored by EAC), Lobby, 10:00 A.M. – 3:00 P.M.; December 16, 2011: Utah Grizzlies vs. Colorado Eagles, 7:05 P.M.; December 17, 2011: International Christmas Celebration 2011, UCCC, 3:00 P.M. – 9:30 P.M.; December 19, 2011: Bonnie Harris Christmas Concert, UCCC, 7:00 P.M.; December 19, 2011: Utah Grizzlies vs. Idaho Steelheads, 7:05 P.M.; December 20, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 21, 2011: Utah Grizzlies vs. Las Vegas Wranglers, 7:05 P.M.; December 26, 2011: Christmas Holiday – City Hall closed; December 30, 2011: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.; December 31, 2011: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.; and January 4, 2012: UDOT I-215/3500 South Ramp Ribbon Cutting, Valley Fair Mall Parking Lot, 10:00 A.M. – 11:00 A.M.

8. COUNCIL REPORTS:

A. COUNCILMEMBER DON CHRISTENSEN – ZIP CODE ISSUES

Councilmember Christensen expressed concern that West Valley City was confused with Salt Lake City because of zip code issues.

City Manager, Wayne Pyle, advised this issue was not a new one and would not be solved easily or quickly.

B. COUNCILMEMBER STEVE VINCENT – 10TH ANNIVERSARY OF OLYMPICS

Councilmember Vincent requested the City Manager look into a celebration in February 2012, regarding the 10th anniversary of the 2002 Winter Olympic Games held in Salt Lake City.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, DECEMBER 13, 2011, WAS ADJOURNED AT 6:28 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL STUDY MEETING DECEMBER 13, 2011

-9-

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, December 13, 2011.

Sheri McKendrick, MMC
City Recorder