

MINUTES OF COUNCIL STUDY MEETING – JANUARY 17, 2012

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JANUARY 17, 2012, 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
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
Nicole Cottle, CED Director
Jim Welch, Finance Director
Buzz Nielsen, Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Brandon Hill, Law Department
Steve Lehman, CED Department
Lee Logston, CED Department
Brent Garlick, CED Department
Steve Pastorik, CED Department
Gregg Cudworth, Parks and Recreation Department
Jason Erikson, Parks and Recreation Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD JANUARY 3, 2012**
The Council read and considered Minutes of the Study Meeting held January 3, 2012. There were no changes, corrections or deletions.

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After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held January 3, 2012, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

2. **PRESENTATION, BOB MURRI, ASCENT CONSTRUCTION – JORDAN RIVER MARKETPLACE UPDATE**

Upon arrival of presenters, Bob Murri and Brad Knowlton, Ascent Construction, the City Manager, Wayne Pyle, discussed some background information regarding the Jordan River Marketplace (JRMP) project.

Brad Knowlton updated the City Council regarding the JRMP project, distributed and discussed written information including a list of restaurants and retailers interested in locating at the site. He also discussed the site plan and other uses including a proposed hotel and proposed charter school. He explained the square footage cap in the development agreement and requested the City Council consider approving a change of the square footage for one retailer. He answered questions from members of the City Council and requested feedback and input from Council members.

The City Council discussed the conceptual plan, ethnic mix of retailers and restaurants, as discussed above, and expressed a desire to see restaurants built around a water feature. After further discussion, the City Council members expressed favor with the proposed uses as discussed.

City Manager, Wayne Pyle, reported he would recommend approval of the proposed plan with the exception of square footage requirements as that matter could be “fleshed out” later on. The City Manager noted that any issues requiring formal approval would be placed on an upcoming agenda for consideration by the City Council.

3. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JANUARY 17, 2012**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled January 17, 2012, at 6:30 P.M.

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Upon inquiry, there were no further questions regarding items scheduled on the subject Agenda.

4. **PUBLIC HEARINGS SCHEDULED JANUARY 24, 2012:**

A. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GP-1-2011, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN TO UPDATE THE MODERATE INCOME HOUSING PLAN**

City Manager, Wayne Pyle, stated a public hearing was advertised for the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GP-1-2011, filed by West Valley City requesting to amend the West Valley City General Plan for update of the Moderate Income Housing Plan. He discussed proposed Ordinance No. 12-02 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 12-02, ADOPTING THE 2011 MODERATE INCOME HOUSING PLAN AS PART OF THE WEST VALLEY CITY GENERAL PLAN

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-02 which would adopt the 2011 Moderate Income Housing Plan as part of the West Valley City General Plan.

Mr. Pyle stated the Moderate Income Housing Plan was Appendix B in the Vision West 2030 General Plan. He explained Utah municipalities were required by law to perform a biennial review of the moderate-income housing element of their General Plans. He reported the 2011 Moderate Income Housing Plan addressed points summarized as follows:

1. An estimate of the existing supply of moderate-income housing within West Valley City
2. An estimate of the need for moderate-income housing for the next five years
3. A survey of total residential land use
4. An evaluation of how existing land uses and zoning affect the opportunity for moderate-income housing
5. A description of West Valley City's program to encourage an adequate supply of moderate-income housing

The City Manager stated, in addition, our moderate-income housing included a section on West Valley City demographics and population trends. He indicated our analysis was accurate as of the end of 2010, and used both 2009 American

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Community Survey data and 2010 Census data. He explained any 2009 data had been adjusted to provide approximately 2010 figures.

Mr. Pyle reported the 2010 adjusted median household income for Salt Lake County was \$57,861.00. He stated moderate-income housing was defined as that which was affordable to those making 80% of the County median household income, or \$46,289. He also stated assuming up to 30% of a household's monthly income could be used for housing, this meant a moderate income household in West Valley City could spend \$1,157.00 per month for housing.

The City Manager also reported based on a survey of current and planned land use and zoning, it had been determined that at the end of 2010 West Valley City had 24,332 housing units affordable to moderate income families (64.8% of total West Valley City units), well in excess of the calculated need of 14,731. He explained, in fact, this was so much of a surplus it would meet the estimated requirements for the next five years based on population growth estimates and building trends.

Lee Logston, CED Department, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

Upon discussion, Councilmember Vincent stated statistics showed plenty of affordable housing existed in the City and the minimum square footage and/or design standards should not be reduced as requested by two builders in the recent past. Councilmember Rushton expressed a need for more homes in higher price ranges.

The City Council will hold a public hearing regarding Application No. GP-1-2011 and consider proposed Ordinance No. 12-02 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

B. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-9-2011, FILED BY RYAN GASSER, REQUESTING FINAL PLAT APPROVAL FOR AN AMENDMENT TO LOTS 2 AND 3 OF THE SHOPPES AT LAKE PARK PHASE 2 SUBDIVISION INCLUDING THE VACATION OF THE EXISTING PUBLIC UTILITY EASEMENT BETWEEN SAID LOTS AT APPROXIMATELY 2913 SOUTH 5600 WEST

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-9-2011, filed by Ryan Gasser, requesting final plat approval for an Amendment to Lots 2 and 3 of the Shoppes at Lake Park Phase 2 Subdivision including the vacation of the existing public utility easement between said lots at approximately 2913 South 5600 West. He discussed proposed Ordinance No. 12-03 related to

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the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 12-03, APPROVING THE AMENDMENT OF LOTS 2 AND 3 OF THE SHOPPES AT LAKE PARK PHASE 2 SUBDIVISION

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-03 which would approve the Amendment of Lots 2 and 3 of the Shoppes at Lake Park Phase 2 Subdivision.

Mr. Pyle stated the purpose for the proposed amendment was to consolidate the subject lots and vacate the existing public utility easement.

The City Manager explained the Shoppes at Lake Park Phase 2 Subdivision had been recorded with the Salt Lake County Recorder's Office in June of 2007. He further stated the subdivision plat consisted of five lots of varying sizes to accommodate a variety of uses associated with the commercial subdivision. He indicated to date, Lot 1 was occupied with retail shops and a restaurant and the other lots were presently vacant.

Mr. Pyle reported the property owner had been approached by a potential buyer of Lots 2 and 3 with a proposal to construct a new building for use as restaurant and retail spaces. He stated normally the owner could record a deed combining both lots into one; however, in this case, an existing public utility easement was running east/west between Lots 2 and 3. He indicated the only way to remove the easement was to amend the plat and vacate the easement.

Steve Lehman, CED Department, further reviewed and discussed the Application and proposed Ordinance, displayed the plat map, and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. S-9-2011 and consider proposed Ordinance No. 12-03 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

5. **ORDINANCE NO. 12-04, AMEND SECTION 17-2-114 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING INVENTORY LOCATION RESTRICTIONS FOR OFF PREMISE BEER RETAILERS**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-04 which would amend Section 17-2-114 of the West Valley City Municipal Code regarding inventory location restrictions for off premise beer retailers.

Mr. Pyle stated the proposal would require businesses selling beer for off premise consumption, such as convenience stores, to keep the beer 25 feet away from any entrance or exit and to secure beer when it was illegal to sell it under City ordinances.

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The City Manager reported the Police Department had experienced an increase in the number of “beer runs” that occurred when beer was stocked in close proximity to the front door of an off premise beer retailer. He stated these cases sometimes turned violent and sometimes led to violent acts hours later due to the consumption of the alcohol. He indicated these cases also involved a disproportionate number of juveniles who were able to get alcoholic beverages easily by committing a “beer run” type of theft.

Mr. Pyle further indicated after research by the Police Department and Community and Economic Development (CED) Department, in addition to several strategy meetings, the proposed ordinance had been drafted thus allowing the City to address the problem in the best way possible. He advised that retailers could still stack displays of beer boxes as long as the boxes did not contain any actual beer.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council. Additional questions were addressed by Chief Nielsen and Eric Bunderson, City Attorney.

Upon discussion, members of the Council expressed opinions and made observations regarding the proposal. Councilmembers questioned if the City should regulate and enforce this issue. Some members suggested a discussion be had regarding placement of beer in stores and if stores would comply voluntarily and without City regulation. Some Council members noted the proposal would affect all retailers selling beer.

City Manager, Wayne Pyle, summarized comments made by the Council and indicated he could direct staff to contact smaller retailers and distributors. Buzz Nielsen, Police Chief, also advised of his willingness to see if other cities had similar ordinances and review case studies in that regard.

The City Council will consider proposed Ordinance No. 12-04 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

6. **RESOLUTION NO. 12-05, APPROVE INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND THE ATTORNEY GENERAL’S OFFICE, COTTONWOOD HEIGHTS, DRAPER CITY, GRANITE SCHOOL DISTRICT, MURRAY CITY, SALT LAKE AIRPORT POLICE, SALT LAKE COUNTY, SALT LAKE CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, TOOELE CITY, TOWN OF ALTA, UTAH STATE DEPARTMENT OF CORRECTIONS, UTAH STATE DEPARTMENT OF NATURAL RESOURCES, UNIFIED POLICE DEPARTMENT, UNITED STATES MARSHALL FOR UTAH, UNIVERSITY OF UTAH POLICE, UTAH TRANSIT AUTHORITY (UTA), UTAH STATE DEPARTMENT OF PUBLIC SAFETY, UTAH MOTOR VEHICLE**

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ENFORCEMENT DIVISION, AND WEST JORDAN CITY (THE “AGENCIES”) FOR MULTI-JURISDICTIONAL SHERIFF AND POLICE SERVICES

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-05 which would approve an Interlocal Cooperation Agreement between West Valley City and the Attorney General’s Office, Cottonwood Heights, Draper City, Granite School District, Murray City, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Taylorsville City, Tooele City, Town of Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, United States Marshall for Utah, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah Motor Vehicle Enforcement Division, and West Jordan City (the “Agencies”) for multi-jurisdictional sheriff and police services.

Mr. Pyle stated the proposed agreement would update provisions of the past agreements. He indicated the Agencies’ intent by the subject agreement was to commit to assist each other whenever possible while allowing each agency the sole discretion to determine when its resources could not be spared for assisting other agencies.

The City Manager advised the subject agreement was not intended to substitute for, or to abrogate, agreements created pursuant to Section 53-12-301, Utah Code Annotated, or any other pre-existing Interlocal Agreement between or among any of the Agencies.

Mr. Pyle reported Salt Lake County law enforcement agencies had provided mutual assistance in situations involving crimes, disturbances of the peace, riots, and other emergency situations requiring police resources over and above those that could be provided by the agency in whose jurisdiction the incident or emergency occurred, and each agency had not desired to provide for reimbursement for the assistance rendered.

City Manager, Wayne Pyle, further stated the subject agreement would allow law enforcement agencies to continue to request resources from any of the participating agencies in order to assist with incidents requiring more resources than had by the requesting agency. In addition, details would be provided concerning compensation, immunity and other benefits for those personnel who responded to the request, or for equipment used during the incident.

Buzz Nielsen, Police Chief, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-05 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

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7. **RESOLUTION NO. 12-06, RESOLUTION IN SUPPORT OF NEIGHBORHOOD CAUCUS MEETINGS**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-06 which would support neighborhood caucus meetings. He advised the proposed Resolution had been drafted and placed on the agenda at the request of Mayor Winder for discussion by the Council.

Mr. Pyle stated the West Valley City government had a long tradition of encouraging voter turnout and civic participation in elections. He also stated the first election of 2012 would be held in March when neighbors would elect precinct officers and state and county delegates. He indicated these elections were critical because the delegates would decide who would be on the ballot to represent their political parties at their respective party conventions. He advised that individuals who did not attend their neighborhood caucus meetings were disenfranchised because there was no way to vote early or by absentee ballot at a caucus meeting.

The City Manager discussed the City Council's desire not to hold City Council meetings or any committee, commission, or other meetings, on the nights of the Democratic and Republican caucus meetings. He indicated by the Council's Resolution City residents, employees, and citizens would be encouraged to attend the neighborhood caucus meeting of the political party of their choice. He also stated the Resolution would call on other governments, religious organizations, businesses and community groups to adjust their schedules in March so citizens could attend their respective neighborhood caucus meetings.

Mayor Winder stated he had forwarded information to the City Council regarding a similar bill at the State level in order to encourage voters to attend caucus meetings as actual attendance was required to participate in that process. He advised the Democratic caucus was scheduled Tuesday, March 13, 2012, at 7:00 P.M., and the Republican caucus was scheduled Thursday, March 15, 2012 at 7:00 P.M.

Councilmember Rushton stated there were other political parties that might have meetings and should be included in the proposed resolution, for this year and in future years.

Upon further discussion, some changes to the proposed language were recommended that would be "timeless" such as taking out the year and political party rather than listing specific parties.

Upon Council direction, the City Manager stated he would direct the appropriate changes and have a new draft prepared for Council consideration the following week.

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

The City Council will consider proposed Resolution No. 12-06 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

8. CONSENT AGENDA SCHEDULED JANUARY 24, 2012:

A. RESOLUTION NO. 12-07, APPROVE A DELAY AGREEMENT WITH DEFA PROPERTIES, LLC, FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS ON PROPERTY LOCATED AT 1525 W. WHITLOCK AVENUE

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-07 which would approve a Delay Agreement with Defa Properties, LLC, for construction of certain improvements on property located at 1525 W. Whitlock Avenue.

Mr. Pyle stated the request of Defa Properties, if approved, would delay construction of curb and gutter, sidewalk, concrete drive approach and road improvements for the subject property.

The City Manager reported Defa Properties had proposed to construct a home of the subject property and, currently, there were no existing curb, gutter and sidewalk improvements along the property. He advised postponing construction of the improvements would allow time for additional development to provide similar improvements. He further stated the combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

B. RESOLUTION NO. 12-08, APPROVE A DELAY AGREEMENT WITH ROLAND LUN LEE FOR MONUMENT SIGN LOCATED AT APPROXIMATELY 4795 WEST 3500 SOUTH

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-08 which would approve a Delay Agreement with Roland Lun Lee for a monument sign located at approximately 4795 West 3500 South.

Mr. Pyle stated the proposed agreement would allow the restaurant, Pho Que Huong, at the location mentioned above, to install a new monument sign within the future right-of-way and delay the required setbacks.

The City Manager reported the existing pole sign on the subject property had been removed due to a business change and sign alteration. He stated the request would replace the existing sign with a monument sign. He indicated due to the future right-of-way width of 3500 South Street, the sign would need to be set back approximately 17 feet from the existing top back of curb, which would put the

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sign within the parking lot on site. He discussed staff recommendations for approval of the agreement, as follows:

1. Due to the location of the parking and landscaping on the site, Pho Que Huong would like to place their sign in the future right-of-way.
2. The Ordinance (11-5-103-1) allowed for a six-foot setback from the public right-of-way for a monument sign that was six feet in height. The proposed sign would be setback 9-feet and 6-inches from the sidewalk and be moved to the appropriate setback when 3500 South was widened.

The City Manager summarized his recommendation that the monument sign setbacks required for the future right-of-way on 2500 South be delayed until the street was widened to the full width.

The City Council will consider proposed Resolution Nos. 12-07 and 12-08 at the Regular Council Meeting scheduled January 24, 2012, at 6:30 P.M.

9. **COMMUNICATIONS:**

A. **STRATEGIC PLAN PRESENTATION – PARKS AND RECREATION DEPARTMENT**

Upon direction by the City Manager, the Parks and Recreation Director, Kevin Astill, used PowerPoint and discussed information summarized as follows:

- Overview of Parks and Recreation Department and staffing
- City Council action items, goals, measurements and benchmarks
- Current and future projects: Cross Towne Trail, Promenade and Plaza, Falcon Crest Park, and Arlington Park
- Responsibilities, goals, staffing levels and workloads for each division: Park Maintenance, Harman Home, Recreation, Fitness Center, and Golf Courses
- Capital repairs and replacements
- Parks projects completed
- Eagle Scout and volunteer projects
- Construction of Mountain View Corridor and subsequent changes to West Ridge Golf Course including demolition, construction of new maintenance building, etc.
- Summary

During the above presentation of information, Mr. Astill answered questions from members of the City Council.

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B. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: January 12 – February 29, 2012: Utah Travels Photo Exhibit, UCCC; January 19, 2012: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.; January 20, 2012: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.; January 21, 2012: Zac Brown Band, Maverik Center, 7:30 P.M.; January 23, 2012: Opening Day of State Legislative Session; January 24, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 25, 2012: ULCT Local Officials Day at the Legislature, State Capitol; January 27 & 28, 2012: Strategic Plan Meeting, Stonebridge Golf Course Clubhouse, Friday – 7:00 A.M. to 6:00 P.M. and Saturday – 7:00 A.M. to Noon; January 27, 2012: Brad Paisley, Maverik Center, 7:30 P.M.; January 28, 2012: Utah Grizzlies vs. Idaho Steelheads, 7:05 P.M.; January 30, 2012: Utah Grizzlies vs. Idaho Steelheads, 7:05 P.M.; February 3, 2012: Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.; February 4, 2012: Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.; February 5, 2012: WWE Road to Wrestlemania Tour, Maverik Center, 1:00 P.M.; February 7, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 8, 2012: Utah Grizzlies vs. Bakersfield Condors, Maverik Center, 7:05 P.M.; February 9, 2012: American Cancer Society's Relay for Life Kick-off Event, Rowland Hall, 720 S. Guardsman Way, Salt Lake City, 6:30 P.M. – 8:30 P.M.; February 14, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 15, 2012: Utah Grizzlies vs. Las Vegas Wranglers, Maverik Center, 7:05 P.M.; February 20, 2012: President's Day Holiday – City Hall closed; February 21, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 28, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 5, 2012: Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.; March 6, 2012: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; March 7, 2012: Utah Grizzlies vs. Ontario Reign, Maverik Center, 7:05 P.M.; March 8, 2012: Closing Day of State Legislative Session; March 9, 2012: Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.; March 10, 2012: Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.; March 13, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 20, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 20, 2012: Kelly Clarkson, Maverik Center, 7:30 P.M.; March 23, 2012: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; March 24, 2012: Utah Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; March 27, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 31, 2012: Jackie Evancho, Maverik Center, 7:30 P.M.; April 11-13, 2012: and ULCT Mid-year Conference, St. George.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, JANUARY 17, 2012, WAS ADJOURNED AT 6:27 P.M., BY MAYOR WINDER.

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, 2012.

Sheri McKendrick, MMC
City Recorder