

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, FEBRUARY 14, 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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT:

Corey Rushton
Steve Vincent

STAFF PRESENT:

Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Steve Lehman, CED Department
Steve Pastorik, CED Department
Lee Logston, CED Department
Claire Gillmor, Law Department
Bradley Jepperson, Law Department
Brandon Hill, Law Department
Clint Gilmore, Law Department
Rachel White, Law Department
Gregg Cudworth, Parks and Recreation Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-2-

1. APPROVAL OF MINUTES OF STUDY MEETING HELD JANUARY 24, 2012

The Council read and considered Minutes of the Study Meeting held January 24, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Study Meeting held January 24, 2012, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED FEBRUARY 14, 2012

Acting City Manager, Paul Isaac, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled February 14, 2012, at 6:30 P.M. and he discussed that item as follows:

Item No. 6.B. – CITY COUNCIL PROCLAMATION REGARDING THE GOALS AND OBJECTIVES OF THE ANIMAL SERVICES DIVISION OF WEST VALLEY CITY

Acting City Manager, Paul Isaac, stated the City Council had directed a proclamation regarding the goals and objectives of the Animal Services Division of West Valley City be drafted for consideration in lieu of a resolution previously scheduled. He indicated both the Proclamation and Resolution had been placed on the subject Agenda for Council discussion and consideration. He suggested if the Proclamation was read then the Council could consider a motion to strike the proposed Resolution (Item No. 8.C.) from the Agenda.

Upon inquiry by the Acting City Manager there were no further questions regarding items scheduled on the subject Agenda.

3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FEBRUARY 21, 2012:

A. DAVID MUIR, UTAH GOVERNMENT FINANCE OFFICERS ASSOCIATION – PRESENTATION OF CERTIFICATE OF

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-3-

ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR) AWARD TO WEST VALLEY CITY

Acting City Manager, Paul Isaac, stated David Muir, Utah Government Finance Officers Association (UGFOA), was scheduled to make a presentation of the Certificate of Achievement for Excellence in Financial Reporting (CAFR) award to West Valley City at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

B. EAC QUARTERLY DIVISION AWARD – KIDZ CAMP PROGRAM, PARKS AND RECREATION DEPARTMENT

Acting City Manager, Paul Isaac, stated Councilmember Huynh would read the nomination of Kidz Camp Program, Parks and Recreation Department, to receive the EAC Quarterly Division Award, at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

4. PUBLIC HEARINGS SCHEDULED FEBRUARY 21, 2012:

A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-11-2011, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE LOTS 1-5 IN THE LEHMAN SUBDIVISION, LOTS 6A OF THE AMENDED PLAT OF LEHMAN SUBDIVISION AND LOTS 1-8 OF THE HOLMBERG SUBDIVISION AND THE VACATION OF A NUMBER OF EXISTING UTILITY EASEMENTS TO ACCOMMODATE THE FAIRBOURNE STATION PHASE 1 SUBDIVISION PLAT

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-11-2011, filed by West Valley City, requesting to vacate Lots 1-5 in the Lehman Subdivision, Lots 6A of the Amended Plat of Lehman Subdivision and Lots 1-8 of the Holmberg Subdivision and the vacation of a number of existing utility easements to accommodate the Fairbourne Station Phase 1 Subdivision Plat. Mr. Isaac distributed a new draft of the proposed Ordinance and written information, which removed Lot 8A from the original proposal. He discussed proposed Ordinance No. 12-07 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 12-07, APPROVING THE VACATION OF LOTS 1-5 IN THE LEHMAN SUBDIVISION, AND LOT 6A OF THE AMENDED PLAT OF LEHMAN SUBDIVISION AND LOTS 1-8 OF THE HOLMBERG SUBDIVISION ALONG WITH ALL PUBLIC UTILITY EASEMENTS RECORDED AS PART OF THOSE LOTS; AND GIVE FINAL PLAT APPROVAL FOR THE FAIRBOURNE STATION PHASE 1 SUBDIVISION

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-4-

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 12-07 which would approve the vacation of Lots 1-5 in the Lehman Subdivision, and Lot 6A of the Amended Plat of Lehman Subdivision and Lots 1-8 of the Holmberg Subdivision along with all public utility easements recorded as part of those lots; and give final plat approval for the Fairbourne Station Phase 1 Subdivision.

Mr. Isaac stated the proposed subdivision had been requested in order to consolidate existing lots in the Lehman and Holmberg Subdivisions. He indicated these lots would be combined with various adjoining parcels to form the Fairbourne Station Subdivision. He explained that prior to the application, the City Council approved the vacation of 2870 West and 3550 South Streets. He stated the subject plat would vacate lots and public utility easement platted as part of the Lehman and Holmberg Subdivisions.

The Acting City Manager reported the plat contained three lots and three parcels. He stated the platted lots would allow development of the Embassy Suites Hotel, UTA's park and ride lot, and ICO'S new housing project. He also stated the subdivision plat would provide additional right-of-way dedication along 3500 South, Market Street, and Lehman Avenue.

Mr. Isaac further explained there would be three remaining parcels. He advised Parcel A was located on the east side of Market Street and was actually part of the original right-of-way for that street. He indicated this piece would remain in City ownership but have an access easement for use by the commercial businesses fronting 2700 West. He explained Parcels B and C would be part of future development within the Fairbourne Station project.

Acting City Manager, Paul Isaac, advised the subject subdivision was located in the City Center Zone. He stated to date, the City had approved the Embassy Suites Hotel and ICO's residential development.

Steve Lehman, CED Department, further reviewed the 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-11-2011 and consider proposed Ordinance No. 12-07 at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-5-

5. ORDINANCE NO. 12-08, AMEND SECTIONS 17-7-101, 17-7-103 AND 17-7-104 AND ENACT SECTIONS 17-7-106, 17-7-107 AND 17-7-108 OF THE WEST VALLEY CITY MUNICIPAL CODE REGULATING MASSAGE ESTABLISHMENTS

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 12-08 which would amend Sections 17-7-101, 17-7-103 and 17-7-104 and enact Sections 17-7-106, 17-7-107 and 17-7-108 of the West Valley City Municipal Code regulating massage establishments.

Mr. Isaac stated after examining issues related to massage establishments and considering how the uses impacted the health, safety and welfare of the City and the City's businesses and property owners, it had been recommended to update the existing ordinances to include additional regulations regarding definitions, prohibitions, operating hours, dress codes, and health and sanitation.

The Acting City Manager reported Title 17, Chapter 7 of the West Valley City Code regarding massage establishments had been enacted March 19, 1992, with no updates since that time. He stated recently other cities in Salt Lake County had encountered massage establishments that might not meet the old definitions of massage establishments, specifically, reiki massage establishments. He explained the Utah State Legislature was currently considering a bill that would change the State Code definition of massage to include reiki and shiatsu.

Claire Gillmor, Law Department, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 12-08 at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

6. RESOLUTION NO. 12-20, ADOPT THE 2011 BIENNIAL REPORT OF PROGRESS MADE ON THE MODERATE INCOME HOUSING PLAN

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 12-20 which would adopt the 2011 Biennial Report of progress made on the Moderate Income Housing Plan.

Mr. Isaac stated the 2011 Biennial Report of progress made on the Moderate Income Housing Plan was required by State law. He advised the Utah Code Section 10-9a-408 required the legislative body of each city to biennially prepare a report outlining their review of the Moderate Income Housing Plan which must include a description as follows:

1. Efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-6-

2. Actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing;
3. Progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
4. Efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.

Lee Logston, CED Department, further reviewed the proposed Resolution and answered questions from the City Council.

The City Council will consider proposed Resolution No. 12-20 at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

7. **RESOLUTION NO. 12-21, AUTHORIZE AN INCREASE IN THE CONTRACT AMOUNT OF THE CONTRACT WITH WADMAN CORPORATION FOR CONSTRUCTION OF THE FAIRBOURNE STATION PROMENADE/PLAZA PROJECT AND APPROVAL OF CHANGE ORDERS RELATED THERETO**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 12-21 which would authorize an increase in the contract amount of the contract with Wadman Corporation for construction of the Fairbourne Station Promenade/Plaza Project and approval of change orders related thereto.

Mr. Isaac stated the proposal would authorize Change Order Nos. 5, 6, 7, 8, 9, 10 and 11 to the contract with Wadman Corporation for construction of the Promenade/Plaza Site Improvements Project at 2940 West Lehman Avenue. He advised change orders for a project of this size was not uncommon due to costs associated with work around unknown existing utilities, and/or costs to remove or work around unknown abandoned utility infrastructure, unknown property conditions, and impacts of surrounding construction. He indicated the proposal would approve the change orders as well as increase the original contract price to accommodate potential change orders in the future.

The Acting City Manager discussed detailed information and amounts relating to the proposed change orders, summarized as follows:

- | | |
|--------------------|---|
| Change Orders 1-4: | (de minimis amount pursuant to the West Valley City Purchasing Code) |
| Change Order 5: | \$11,680, cost of generator pump to de-water main vault excavation |
| Change Order 6: | \$29,190, installation of phone conduit |
| Change Order 7: | \$7,000, water line rerouted around storm drain |
| Change Order 8: | \$23,709, adjustment of stage design to accommodate wheelchair ramp; architectural services to lower equipment vault 18” below stage and de-water deeper excavation |

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-7-

- Change Order 9: \$19,841, routing of power service to UTA parking lot from Promenade (not included in original plans)
Change Order 10: \$6,111, boring under light rail track to supply power to Promenade
Change Order 11: \$4,837, installation of power conduit from UTA Bus Hub to Plaza transformer location

Gregg Cudworth, Parks and Recreation Department, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-21 at the Regular Council Meeting scheduled February 21, 2012, at 6:30 P.M.

8. COMMUNICATIONS:

A. ADMINISTRATIVE AND LEGISLATIVE LAND USE DECISIONS TRAINING

CED Director, Nicole Cottle, led the discussion regarding administrative and legislative land use decisions training. She stated development had stalled the last couple of years due to the economy; however, it was expected things would “ramp up” in the near future.

Ms. Cottle used PowerPoint and discussed information summarized as follows:

- Six types of land use applications
- Legislative activities and actions
- Administrative actions
- General Planning/Zoning
- General Plan requirements
- Development Agreements
- Conditional Uses
- Subdivisions
- Notice requirements
- Compliance with ordinances

During the above presentation of information, Ms. Cottle answered questions from members of the City Council.

B. LEGISLATIVE UPDATE

CED Director, Nicole Cottle, discussed information regarding legislative bills of interest to West Valley City, summarized as follows:

- Bill tracking sheet which was e-mailed to City Council and staff today
- Billboards
- Firearms (open carry) revisions

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-8-

- Good Landlord Program revisions
- Water issues
- Immigration
- Appropriations at State level

During the above presentation of information, Ms. Cottle answered questions from members of the City Council.

C. **COUNCIL UPDATE**

Acting City Manager, Paul Isaac, 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; February 15, 2012: Utah Grizzlies vs. Las Vegas Wranglers, Maverik Center, 7:05 P.M.; February 17, 2012: 10-year Anniversary of 2002 Olympics Celebration, Utah Olympic Oval, 5662 South 4800 West, 6:00 P.M. – 10:00 P.M.; February 17, 2012: Winter Meltdown Concert, Maverik Center, 7:00 P.M.; February 18, 2012: ChamberWest Legislative Roundup, Jordan Valley Hospital, 8:00 A.M. – 9:30 A.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 Meetings Cancelled – Neighborhood Caucus Meetings; March 13, 2012: Democratic Precinct Caucus Meetings, 7:00 P.M.; March 15, 2012: Republican Precinct Caucus Meetings, 7:00 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 3, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 10, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 11-13, 2012: ULCT Mid-year Conference, St. George; April 17, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 24, 2012: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; May 2, 2012: The Black Keys, Maverik Center, 7:30 P.M.; May 3, 2012: UDOT’s Annual Meeting with Salt Lake County and Municipalities, Calvin Rampton Complex, 4501 South

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-9-

2700 West, 9:00 A.M. – 11:00 A.M.; and May 28, 2012: Memorial Day – City Hall closed.

9. **COUNCIL REPORTS:**

A. **COUNCILMEMBER TOM HUYNH – ULCT NEWLY ELECTED OFFICIALS TRAINING AND FINANCIAL SEMINAR**

Councilmember Huynh reported the he attended the Utah League of Cities & Towns (ULCT) Newly Elected Officials Training and a financial seminar. He stated Councilmember Christensen and the Finance Director, Jim Welch, also attended the financial seminar.

B. **COUNCILMEMBER DON CHRISTENSEN – FINANCIAL SEMINAR, SISTER CITY, CHAMBER OF COMMERCE, IHC PUBLIC ADVISORY COUNCIL MEETING AND BOYS & GIRLS CLUB AWARDS**

Councilmember Christensen also reported regarding the financial seminar mentioned by Councilmember Huynh.

Councilmember Christensen reported regarding a recent meeting of the Sister City Committee, and correspondence from the new mayor of Boca del Rio, Mexico.

Councilmember Christensen reported regarding a Chamber weekly legislative meeting.

Councilmember Christensen reported regarding a recent Intermountain Health Care (IHC) Public Advisory Council meeting.

Councilmember Christensen reported regarding a recent Boys and Girls Club awards activity.

C. **MAYOR MIKE WINDER – EDCUTAH EXECUTIVE COMMITTEE, SALT LAKE CITY’S BID FOR 2022 WINTER OLYMPICS, HISTORICAL SOCIETY AND LETTER FROM BILL BARTON**

Mayor Winder reported regarding a recent meeting of the EDCUtah Executive Committee.

Mayor Winder discussed background information and timeline regarding Salt Lake City’s bid for the 2022 Winter Olympics, including an exploratory committee to study hosting those games. He discussed how this would apply to West Valley City, as the Maverik Center (formerly the E-Center) was a hockey venue during the 2002 Winter Olympics and could be utilized in 2022.

Mayor Winder discussed a recent meeting of the Historical Society and inquired if a Council member desired to serve on that committee. He stated he would serve

MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 14, 2012

-10-

on that board if no other member desired to do so. He also discussed the photo history book currently being published and stated it would be available in June.

Mayor Winder discussed a letter received from Bill Barton, which had been submitted by Mr. Barton during the public comment period a recent Council meeting. He stated the letter contained contact information of companies that may be interested in taking over golf courses and recommended arrangements be made for a presentation at a future Study Meeting. Parks and Recreation Director, Kevin Astill, advised that upon direction of the City Manager, staff had contacted and scheduled meetings with the two companies referenced in Mr. Barton's letter, and the Council would be updated regarding those meetings.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, FEBRUARY 14, 2012, WAS ADJOURNED AT 5:31 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, February 14, 2012.

Sheri McKendrick, MMC
City Recorder