

**MINUTES OF COUNCIL REGULAR MEETING – MARCH 6, 2012**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 6, 2012, AT 6:33 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 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:

Eric Bunderson, City Attorney  
Nicole Cottle, CED Director  
Jim Welch, Finance Director  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Buzz Nielsen, Police Chief  
John Evans, Fire Chief  
Chris Curtis, Acting CPD Director  
Mike Powell, Police Department  
Candice Smart, Finance Department  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department

15675 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who discussed the “Divine Providence” statute on display in the City Council Chambers. Upon invitation of Councilmember Rushton, Pastor Chris Thompson, Sonrise Baptist Church, addressed the City Council and those in attendance and said a blessing for the opening ceremony.

15676 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 21, 2012**

The Council read and considered Minutes of the Regular Meeting held February 21, 2012. There were no changes, corrections or deletions.

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After discussion, Councilmember Huynh moved to approve the Minutes of the Regular Meeting held February 21, 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.

15677

### **COMMENT PERIOD**

Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

Carlos DeSouza addressed the City Council and inquired regarding the possibility of building a sidewalk in his neighborhood which was near the bridge over 3900 South at the Jordan River. He discussed safety issues for pedestrians and those in wheelchairs. City Manager, Wayne Pyle, suggested to Mr. DeSouza that he further discuss the matter with the Public Works Director, Russell Willardson.

Roger Olbrot addressed the City Council and stated he remained excited and encouraged that West Valley City desired to update the ordinance regarding massage establishments. He also stated there were still certain problems that could be overcome with particular language in an ordinance and he cited some examples. Mr. Olbrot also cited sections in the state, county and health codes. He recognized massage therapists and students in attendance at the meeting and stated all but one did not comply with the dress code as stated in the proposed ordinance. He offered to give training to police officers to assist in understanding laws and requirements along with code of ethics of massage therapists.

Ron Findlay addressed the City Council. Mr. Findlay thanked the Council for listening and accepting input from members of the massage association. He discussed some of the comments and concerns mentioned during the discussion of the proposed massage ordinance in a previous Council study session. He expressed concern the Council did not have conversations with those in the massage profession in attendance at that meeting who could have clarified some issues and answered questions. He made reference to certain language in the

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proposed ordinance and suggested changes to that language to resolve some of the concerns and issues raised during earlier discussions. He also compared language in the state code to the City's proposed ordinance.

Steve Smith addressed the City Council and stated he had been a recipient of deep tissue massage for medical and health reasons. He discussed and expressed concerns regarding certain language in the proposed ordinance and, in particular, the hours of operation. He expressed concerns regarding placing limitations on professionals.

Steven Smith addressed the City Council and expressed concern regarding the age limit mentioned in the proposed ordinance as he did not want to wait until age 21 to enter that profession. He stated the less government in private business, the better.

Marguerite Sheeron addressed the City Council and stated massage was very popular and respected in her home country of France. She discussed her belief that hours of operation were important as was the freedom to do what you wanted to do in a legal and professional manner.

Joe Sheeron addressed the City Council and asked that the current ordinance be left alone.

Tracy Cash addressed the City Council and stated she was a reiki master and she discussed background information regarding her experience as a practitioner and teacher. She thanked the City Council for removing reiki from the drafted ordinance and gave reasons and the definition of reiki. She also discussed the code of ethics for reiki practitioners. She requested clarification regarding certain language in the proposed ordinance.

Upon inquiry by Mayor Winder there was no one else who desired to address the City Council during the comment period.

15678

**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 (CONTINUED FROM REGULAR MEETING OF FEBRUARY 21, 2012)**

City Manager, Wayne Pyle, presented 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. He indicated action regarding the subject ordinance had been continued from the Regular Council Meeting of February 21, 2012.

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City Manager, Wayne Pyle, further explained the City Council had several options and could adopt the proposed ordinance as re-written, modify the ordinance in a minor way, or not adopt/repeal the current ordinance.

Upon discussion, members of the City Council made individual comments, asked questions, and expressed concerns regarding the proposal. The City Manager and City Attorney answered various questions from members of the Council.

After discussion, Councilmember Buhler moved to continue proposed Ordinance No. 12-08 to no date certain to allow time for further review and possible modifications, as discussed. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	No

Majority. Proposed Ordinance No. 12-08 continued to no date certain.

15679

**RESOLUTION NO. 12-28, APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE CITY FOR PURCHASE OF RESPIRATORY PERSONAL PROTECTIVE EQUIPMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-28 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake City, in the amount of \$41,442.00, for purchase of respiratory personal protective equipment.

Mr. Pyle stated that under the terms of the proposed agreement, West Valley City would be the sub-grantee to Salt Lake City under the 2009 Homeland Security, Urban Area Security Initiative (UASI) Grant. He further stated the purpose of the UASI Grant was to provide funding for purchase of equipment needed to protect against, respond to, and recover from threats or acts of terrorism.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-28, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake City for the Purchase of Respiratory Personal Protective Equipment. Councilmember Lang seconded the motion.

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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.

15680

**RESOLUTION NO. 12-29, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BILL R. NEIL FOR PROPERTY LOCATED AT 5209 WEST 4100 SOUTH FOR THE 5200 WEST CANAL IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-29 which would accept a Grant of Temporary Construction Easement from Bill R. Neil for property located at 5209 West 4100 South for the 5200 West Canal Improvement Project.

Mr. Pyle stated Bill R. Neil had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject easement would allow for construction of a portion of the 5200 West Canal Improvement Project which would pipe an existing irrigation ditch running along the westerly boundary of property owned by Rocky Mountain Power at 5171 West 4100 South. He indicated the piping would require a box to connect to existing irrigation piping located on the northeasterly corner of the Neil property. He further explained the easement would allow the City's contractor to enter upon a portion of the Neil property to construct a box and connect the irrigation piping. He advised the easement would automatically terminate on December 31, 2012.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-29, a Resolution Authorizing the City to Accept a Grant of Temporary Construction Easement from Bill R. Neil for Property Located at 5209 West 4100 South. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

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Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15681

**RESOLUTION NO. 12-30, AUTHORIZE THE PURCHASE OF A BERGKAMP MICROSURFACING PAVER AND INTERNATIONAL CAB AND CHASSIS FOR USE BY THE PUBLIC WORKS DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-30 which would authorize the purchase of a Bergkamp Microsurfacing Paver and an International Cab and Chassis, in an amount not to exceed \$305,000.00, for use by the Public Works Department.

Mr. Pyle stated Bergkamp Incorporated had submitted a proposal which qualified under provisions of the West Valley City Procurement Code 5-3-109 as the sole source provider of this specialized equipment.

The City Manager reported the current slurry truck was ten years old and required additional intensive maintenance. He explained the water tank had rusted through and a major breakdown could cripple the slurry seal operation. He stated to mitigate this issue would require purchase of a new slurry unit.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-30, a Resolution Authorizing West Valley City to Purchase a Bergkamp Microsurfacing Paver and an International Cab and Chassis for use by the Public Works Department. 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.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 6, 2012, WAS ADJOURNED AT 7:18 P.M., BY MAYOR WINDER.

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, March 6, 2012.

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Sheri McKendrick, MMC  
City Recorder