

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

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MARCH 6, 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 PRO TEM RUSHTON AND MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder (Arrived as noted)  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Jim Welch, Finance Director  
Nicole Cottle, CED Director  
Eric Bunderson, City Attorney  
John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
Buzz Nielsen, Police Chief  
Chris Curtis, Acting CPD Director  
Steve Lehman, CED Department  
Claire Gillmor, Law Department  
Rachel White, Law Department  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department  
Jeff Nosack, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD FEBRUARY 21, 2012**  
The Council read and considered Minutes of the Study Meeting held February 21, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held February 21, 2012, as written. Councilmember Huynh 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. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

2. **PRESENTATION - SIM GILL, DISTRICT ATTORNEY UPDATE**

City Manager, Wayne Pyle, advised that Sim Gill, District Attorney, had been placed on the Agenda; but was unable to attend the Study Meeting. The City Manager noted this item would be rescheduled for a later date.

3. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MARCH 6, 2012**

City Manager, Wayne Pyle, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled March 6, 2012, at 6:30 P.M. He discussed the new item and other items and agendas as follows:

**Item No. 7.A. - 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**

City Manager, Wayne Pyle, 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. Pyle stated a new draft of the proposed ordinance had been previously distributed to all members of the Council making changes as directed. He discussed the history and background regarding the proposed ordinance and other related issues. He explained the intent regarding amendments to the proposed ordinance which would be to regulate other similar types of businesses that fell under the Sexually Oriented Businesses (SOB) ordinance and could have unlawful activity. He stated there were specific reasons and issues for bringing forth the proposal.

Upon direction by the City Manager, Claire Gillmor, Law Department, further reviewed the changes to the updated draft of the proposal ordinance based on discussion in the Council's study session and a meeting staff had with representatives of the American Massage Association. Information was discussed summarized as follows:

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- Background and history regarding a West Valley City business that advertised very provocatively on the Internet, police investigation, business license revocation, revocation being upheld by License Hearing Board
- Reasons for proposing amendments to the City's massage ordinance
- Explanation and reasons for and clarification of specific language and provisions in the proposed ordinance
- Includes verbatim language from HB114 which passed both house and senate and was awaiting Governor's signature
- Additional language added after meeting with representatives of massage association; and appreciation for their input

Upon discussion, members of the Council expressed individual comments, concerns and opinions regarding the proposed ordinance.

The City Manager and Ms. Gillmor further discussed the proposed Ordinance and answered questions from members of the City Council. Further clarification was discussed regarding language and reasons for the proposed amendments.

Mayor Winder arrived at the meeting at 5:21 P.M. and conducted.

Upon further discussion, Councilmember Vincent requested copies of the SOB ordinance be provided to members of the City Council. City Manager, Wayne Pyle, advised the Council should consider not passing the proposal if there remained issues of concern.

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

### **Item No. 8.C. – 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, discussed 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 and to mitigate that issue would require purchase of a new slurry unit.

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

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

**Review Redevelopment Agency and Housing Authority Meeting Agendas**

City Manager, Wayne Pyle, reviewed all items as listed on the Agendas for the Redevelopment Agency and Housing Authority meetings scheduled later this night.

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

**4. PUBLIC HEARINGS SCHEDULED MARCH 20, 2012:**

**A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-2-2012, FILED BY ASWN ARCHITECTS, REQUESTING AMENDMENT OF LOTS 4 THROUGH 7 OF THE EAST MAGNA PLAT A SUBDIVISION AND FINAL PLAT APPROVAL FOR THE VRE GATES SUBDIVISION LOCATED AT APPROXIMATELY 7200 WEST GATES AVENUE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 20, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-2-2012, filed by ASWN Architects, requesting amendment of Lots 4 through 7 of the East Magna Plat A Subdivision and final plat approval for the VRE Gates Subdivision located at approximately 7200 West Gates Avenue. He discussed proposed Ordinance No. 12-10 to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 12-10, APPROVING AMENDMENT OF LOTS 4 THROUGH 7 OF THE EAST MAGNA PLAT SUBDIVISION**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 12-10 which would approve an amendment of Lots 4 through 7 of the East Magna Plat Subdivision located at approximately 7200 West Gates Avenue.

Mr. Pyle stated the subject subdivision was a commercial subdivision consisting of 1.49 acres in a Manufacturing zone. He also stated the proposal would consolidate and reconfigure the existing four lots into two lots for commercial and/or manufacturing development. He advised that Lot 1 was approximately .90 acres in size and would be the location for a new 7-11 store. He indicated Lot 2 was approximately .60 acres and expected to develop with either a commercial or a manufacturing use in the future.

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The City Manager indicated access to the subdivision would be gained from 7200 West and Gates Avenue. He advised full dedication and improvements existed along 7200 West. He stated full dedication also existed along Gates Avenue but formal improvements were lacking. He reported the developer would be required to install curb, gutter and sidewalk as part of the conditional use application.

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

The City Council will hold a public hearing regarding Application No. S-2-2012 and consider proposed Ordinance No. 12-10 at the Regular Council Meeting scheduled March 20, 2012, at 6:30 P.M.

**5. RESOLUTION NO. 12-31, APPROVE A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE MAINTENANCE AT I-215 AND 3500 SOUTH**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-31 which would approve a Cooperative Agreement with the Utah Department of Transportation (UDOT) for landscape maintenance at I-215 and 3500 South.

Mr. Pyle stated the UDOT had prepared landscape plans for the I-215/3500 South Interchange and a landscape maintenance agreement with the City. He advised specified maintenance requirements and standards were required before bidding the project.

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

The City Council will consider proposed Resolution No. 12-31 at the Regular Council Meeting scheduled March 20, 2012, at 6:30 P.M.

**6. RESOLUTION NO. 12-32, APPROVE A DELAY AGREEMENT WITH HUGO CORTES FOR PROPERTY LOCATED AT 1596 WEST WARNOCK AVENUE**

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-32 which would approve a Delay Agreement with Hugo Cortes for property located at 1596 West Warnock Avenue.

Mr. Pyle stated the proposed delay of construction included curb and gutter, sidewalk, asphalt, and road improvements. He indicated Hugo Cortes desired to construct a home on his property and at the present time, there were no existing curb, gutter and sidewalk improvements along the subject property. He reported postponing construction of the improvements would allow time for additional development to provide similar improvements and the combination of delayed improvements from the subject agreement

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and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

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. 12-32 at the Regular Council Meeting scheduled March 20, 2012, at 6:30 P.M.

### 7. **COMMUNICATIONS:**

#### A. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: 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 9 & 10, 2012: Beehive Final Swim Meet, Family Fitness Center; March 10, 2012: Utah Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.; March 10-14, 2012: National League of Cities Conference, Washington D.C.; March 13, 2012: Council Meetings canceled – (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 17, 2012: Recycle Run 5K, Family Fitness Center, 8:00 A.M.; March 17, 2012: St. Patrick's Day Party, Family Fitness Center, 11:00 A.M.; March 19, 2012: The Ugandan Orphans Choir Concert, UCCC, 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: Employee Bowling Tournament – Sponsored by EAC, Delton Bowling Lanes, Noon; 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: Utah ShakeOut Earthquake Drill; 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 1, 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 2700 West, 9:00 A.M. – 11:00 A.M.; May 8, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 15, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 22, 2012: Council Study

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Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and May 28, 2012: Memorial Day – City Hall closed.

### B. **LEGISLATIVE UPDATE**

Upon direction of the City Manager, the CED Director, Nicole Cottle, provided updated legislative information regarding bills and funding issues of interest to West Valley City.

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

### C. **CITY MANAGER – MISCELLANEOUS ISSUES**

City Manager, Wayne Pyle, requested the Council hold an Executive Session immediately upon adjournment of study session for discussion of disposition of property.

City Manager, Wayne Pyle, discussed additional information and requirements regarding a Magna Mosquito Abatement board of trustees' appointment. He also directed the City Recorder to post notice as required by State Code.

City Manager, Wayne Pyle, reported regarding a recent meeting attended by him, the Fire Chief and Deputy Fire Chief regarding a Statewide earthquake drill to be held in April 2012. He discussed information obtained at that meeting which included, among other things, the purpose and usefulness of the drill exercise.

## 8. **COUNCIL REPORTS**

### A. **COUNCILMEMBER STEVE VINCENT – HALE CENTRE THEATRE BOARD APPOINTMENT**

Councilmember Vincent advised he would meet with members of the Hale Centre Theatre on Friday regarding a board appointment.

### B. **COUNCILMEMBER TOM HUYNH – ASIAN DELEGATION MEETING**

Councilmember Huynh reported regarding his attendance at an Asian delegation meeting and advised he had spoken at that meeting.

### C. **COUNCILMEMBER DON CHRISTENSEN – ASSOCIATION OF MUNICIPAL COUNCILS**

Councilmember Christensen reported regarding a recent meeting of the Salt Lake County Association of Municipal Councils.

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**D. COUNCILMEMBER COREY RUSHTON – CONCEALED WEAPONS CLASS, COG MEETING, REQUEST FOR UIA/UTOPIA SERVICE MAPS AND CYPRUS HIGH FUNDRAISING**

Councilmember Rushton informed he recently attended a concealed weapons class taught by Sgt. Shane Hamilton.

Councilmember Rushton reported regarding a Salt Lake County Council of Governments (COG) meeting and issues discussed.

Councilmember Rushton requested service maps regarding UIA/UTOPIA.

Councilmember Rushton stated he recently had spoken with the Assistant Principal at Cyprus High School regarding fundraising efforts. He inquired regarding a contact person for the USANA Amphitheater and/or the Maverik Center that could be forwarded to him. City Manager, Wayne Pyle, stated Kevin Bruder of Centennial Management would be the contact person.

**E. MAYOR MIKE WINDER – MEETING WITH SIM GILL, SALT LAKE COUNTY DISTRICT ATTORNEY, CRYSTAL INN & KMART RIBBON CUTTING EVENTS AND FRESH MARKET STORE**

Mayor Winder reported regarding a recent meeting with Sim Gill, Salt Lake County District Attorney, and Mr. Gill's efforts to meet individually with mayors and city councils.

Mayor Winder reported regarding a recent ribbon cutting event for renovation of the interior of the Crystal Inn.

Mayor Winder stated the Fresh Market store on 5600 West 3300 South would close and that property owner desired to meet with City staff regarding economic development issues.

Mayor Winder advised he would be unable to attend a ribbon cutting at Kmart on 5600 West 3100 South scheduled for the upcoming Saturday morning. Councilmember Christensen advised he would attend that event.

**9. MOTION FOR EXECUTIVE SESSION**

After discussion, Councilmember Rushton moved to adjourn and reconvene in an Executive Session for discussion of disposition of property. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, MARCH 6, 2012, WAS ADJOURNED AT 6:09 P.M., BY MAYOR WINDER.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, MARCH 6, 2012, AT 6:09 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder (Arrived as noted)  
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  
Jim Welch, Finance Director  
Nicole Cottle, CED Director

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF MARCH 6, 2012, WAS ADJOURNED AT 6:29 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 and Executive Session of the West Valley City Council held Tuesday, March 6, 2012.

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Sheri McKendrick, MMC  
City Recorder