

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 11, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 11, 2012, AT 6:30 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:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
John Evans, Fire Chief
Layne Morris, CPD Director
Buzz Nielsen, Police Chief
Owen Jackson, Administration
Jake Arslanian, Public Works Department
Steve Pastorik, CED Department
Steve Lehman, CED Department
Lee Logston, CED Department
Numerous Police Department and Fire Department employees

15881

OPENING CEREMONY

The Opening Ceremony was conducted by Karen Lang. In recognition of this 11th anniversary of the terrorist attacks in the United States on September 11, 2001, she invited and turned time over to the West Valley City Fire Department who conducted the flag ceremony and lead the Pledge of Allegiance to the Flag.

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SCOUTS

Mayor Winder welcomed Scout Troop Nos. 171 and 1675 in attendance to complete requirements for the Citizenship in the Community merit badge.

15883

APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 28, 2012

The Council read and considered Minutes of the Regular Meeting held August 28, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held August 28, 2012, as written. Councilmember Christensen 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.

15884

EMPLOYEE OF THE MONTH, AUGUST 2012 - ZACH HATCH, FIRE DEPARTMENT

Councilmember Buhler read the nomination of Zach Hatch, Fire Department, as the Employee of the Month for August 2012. Firefighter Hatch had been nominated for his participation in a Tracy Wigwam camp in Millcreek Canyon sponsored for child patients treated in a burn unit.

The City Council congratulated Mr. Hatch and expressed appreciation for his efforts on behalf of West Valley City.

15885

EAC QUARTERLY DIVISION AWARD – SCHOOL CROSSING GUARDS, POLICE DEPARTMENT

Councilmember Rushton read the nomination of the School Crossing Guards, Police Department, to receive the EAC Quarterly Division Award. The award was presented and Councilmember Rushton advised the School Crossing Guards consisted of 50 employees assigned to 23 elementary schools and one charter school and were being honored for their dedication and ambassadorships on behalf of West Valley City.

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The City Council expressed appreciation to the award recipients and expressed appreciation for their dedication and hard work in West Valley City.

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COMMENT PERIOD:

A. PUBLIC COMMENTS

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

Josh Sheuerman addressed the City Council and expressed appreciation to police officers and firefighters for the service rendered in the community. He gave updated information regarding efforts to raise funding for a skatepark. He informed that Salt Lake County had allocated \$400,000 for a park in West Valley City and some of those funds would get the project going. He advised when further donations were made; a location would be addressed for the skatepark. He requested the City Manager sign a letter of support for the project, which he had drafted. He thanked the City Council for supporting the skatepark project.

Lee Johnson addressed the City Council and stated he represented the non-profit Men for Justice and Compassion organization. He informed they were holding a walk in October and asked the West Valley City employees to support that walk against men and women who battered men, women and children. He further discussed statistics regarding the number of men who had killed female partners since September 11, 2001. He stated his group desired people to know of the reality of domestic violence and the need for making safety of women and children the highest priority. He encouraged everyone to participate in the walk and support this cause.

B. CITY COUNCIL COMMENTS

Councilmember Rushton thanked Josh Sheuerman for the updated information and informed of a discussion in the Council's Study Meeting the previous week regarding the location of a skatepark.

15887

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GP-2-2012, FILED BY WEST VALLEY CITY, REQUESTING TO ADOPT THE FAIRBOURNE STATION VISION SMALL AREA PLAN AND SUPPORTING CHANGES TO THE GENERAL PLAN AND GENERAL PLAN MAP

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GP-2-2012, filed by West Valley City, requesting to adopt the Fairbourne Station Vision Small Area Plan and supporting changes to the General Plan and

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General Plan map and text. He discussed proposed Ordinance No. 12-38 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-38 which would approve updating of the General Plan to include the Fairbourne Station Vision.

Mr. Pyle stated the update to and replacement for the City Center Vision would address the area between approximately 3500 South and Lancer Way and between 3200 West and 2700 West.

The City Manager explained the City Center Vision had been adopted in 2004 to guide long term land use decisions for the area around the newly created City Center Redevelopment Area. He indicated the proposed update was necessary for many reasons, as follows: As of 2012, many of the goals and action items in the City Center Vision had been achieved; a number of major projects would either be completed this year or would break ground; and, the street structure, overall character, and theme of Fairbourne Station had now been determined. He stated in addition to general history and information on the area, the Fairbourne Station Vision provided broad goals for development on a street by street basis.

Mr. Pyle advised because most of the goals related to Valley Fair Mall had been achieved it had been eliminated for this update and the Fairbourne Station Vision covered a smaller area than the City Center Vision. He stated the effect on the General Plan and Map was that the Fairbourne Station designation would cover 3200 West to 2700 West and 3500 South to 3650 South. Areas previously designated as City Center (Valley Fair Mall, north of 3500 South, west of 3200 West, and portions of land off of 2200 West) would now receive General Commercial, Entertainment, and Low Density Residential designations on the General Plan Map.

City Manager, Wayne Pyle, reported the Planning Commission recommended adoption of the Plan with a land use map showing lower residential densities west of Beaver Street and no residential land use for properties on the north side of 3500 South. He stated the draft submitted to the Council had been modified to reflect those recommendations.

The City Manager referenced exhibit documents and summarized three recommended changes to the General Plan as part of the subject Application, as follows:

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1. Exhibit A: Adoption of the Fairbourne Station Vision, replacing the City Center Vision as the small area plan for the City Center Redevelopment Area.
2. Exhibit B: Amending the text of the General Plan to reference and integrate the Fairbourne Station Vision into the rest of the Plan.
3. Exhibit C: Amend the General Plan Map to reference and integrate the newly defined Fairbourne Station Vision area, and change designations of areas previously covered by the City Center designation.

Mayor Winder opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Winder closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 12-38, APPROVING UPDATING OF THE GENERAL PLAN TO INCLUDE THE FAIRBOURNE STATION VISION

The City Council previously held a public hearing regarding Application No. GP-2-2012, filed by West Valley City, requesting to adopt the Fairbourne Station Vision Small Area Plan and supporting changes to the General Plan and General Plan Map. The City Council considered proposed Ordinance No. 12-38 which would approve updating of the General Plan to include the Fairbourne Station Vision.

After discussion, Councilmember Christensen moved to approve Ordinance No. 12-38, an Ordinance Approving Updating of the General Plan to Include the Fairbourne Station Vision. Councilmember Huynh 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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APPLICATION NO. S-11-2012, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR Highbury Place Subdivision – Phase 6, Located at 5150 West 2850 South

City Manager, Wayne Pyle, presented Application No. S-11-2012, filed by Ivory Homes, requesting final plat approval for Highbury Place Subdivision – Phase 6, located at 5150 West 2850 South.

Mr. Pyle stated Nick Mingo, representing Ivory Homes, had requested approval for the sixth phase of the Highbury Place Subdivision located east of Phase 5 and south of the existing waterway along Highbury Parkway. He also stated Phase 6 consisted of 9 lots on 2.7 acres with lot sizes ranging from 8,521 square feet to 13,742 square feet.

The City Manager explained access to the subdivision would be gained from Sandwell Drive located to the west. He indicated this phase would extend Sandwell Drive to the east for future development. All streets in the subdivision would be dedicated and would consist of a 54-foot right-of-way thus allowing a five-foot park strip and five foot sidewalk.

Mr. Pyle reported the Planning Commission and City Council had previously approved a Development Agreement for the entire Highbury community. He stated that agreement addressed dwelling size, building materials and other items related to construction of the residential homes. He advised requirements outlined in the agreement had created a unique community with a variety of housing options along with ample open space and recreational opportunities.

City Manager, Wayne Pyle, further reported Ivory Homes would install basements for all homes. He explained a soils report had been prepared which indicated ground water was encountered at a depth ranging from 9-13 feet below existing grades. He stated all homes were eligible for basements and would comply with the water table elevation as noted on the plat. In addition, Ivory would install a sub-drain system to provide an extra measure of protection for new home owners.

After discussion, Councilmember Rushton moved to approve Application No. S-11-2012, filed by Ivory Homes, and give final plat approval for Highbury Place – Phase 6 located at 5150 West 2850 South. Councilmember Lang 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.

15889

APPLICATION NO. S-28-2008, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR HIGHBURY PLACE SUBDIVISION – PHASE 7, LOCATED AT 2995 SOUTH 5235 WEST

City Manager, Wayne Pyle, presented Application No. S-28-2008, filed by Ivory Homes, requesting final plat approval for Highbury Place Subdivision – Phase 7, located at 2995 South 5235 West.

Mr. Pyle stated Nick Mingo, representing Ivory Homes, had requested final plat approval for Phase 7 of the Highbury Place Subdivision. He also stated the proposed application was located to the south of Phases 1 and 2 and immediately to the west of the Valley Crest Elementary School. He explained Phase 7 consisted of 31 lots on 7.2 acres with lot sizes ranging from 5,800 square feet to 11,871 square feet. He indicated the subject phase would also include a 10,490 square foot pocket park. Introduction of this park was part of the amended development agreement when another open space area had been eliminated from what was now Phase 5. He stated according to Ivory Homes, this park would be landscaped and include a tot lot and benches. He advised the open space would be maintained by the residential homeowners association for Highbury.

The City Manager reported housing would be based on the Development Agreement. He stated in order to provide more variety Ivory was continually working on new plans for this development. Additional plans had been added to their 2012 catalogue and a copy of that catalogue had been made available to the City and would be kept on file.

City Manager, Wayne Pyle, advised access to the subdivision would be gained from existing stub streets from Phases 1 and 2 to the north. He also advised the subject phase would provide a stub street for future development to the south. All streets in the subdivision would be dedicated and consist of a 54-foot right-of-way, which would allow a five-foot park strip and five foot sidewalk.

Mr. Pyle informed the subdivision was located to the west of the Valley Crest Elementary School and during the preliminary plat discussions, the Planning Commission recommended a walkway be provided along the school boundary. He stated Ivory Homes and the School District determined this phase of the development would provide the walkway, more specifically, between Lots 714

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and 715. He indicated the walkway would be maintained by the home owners association.

The City Manager stated Ivory Homes would install basements for all homes. He reported a soils report had been prepared indicating groundwater was encountered at a depth ranging from five to ten feet below existing grades. The finished grade elevations would be raised approximately two feet similar to other phases in the subdivision. Elevation of the lowest floor slab would be a minimum of three feet above the high water table. He stated, in addition, Ivory would install a sub-drain system to provide an extra measure of protection for new home owners.

After discussion, Councilmember Vincent moved to approve Application No. S-28-2008, filed by Ivory Homes and give final plat approval for Highbury Place – Phase 7, located at 2995 South 5235 West. Councilmember Huynh 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.

15890

DECKER LAKE DEVELOPMENT PLAN

City Manager, Wayne Pyle, discussed the Decker Lake Development Plan and informed many and varied business interests were located in the Decker Lake area, one of which was the Hale Centre Theatre. He introduced Roger Henrickson and Brent Lange representing the Hale Centre Theatre.

Roger Henrickson addressed the City Council and stated he was a member of the Executive Committee of Hale Centre Theatre. He noted they had previously discussed plans with the City regarding expansion of the existing theater. He expressed his purpose to re-engage discussions regarding amendments to an agreement with a lease extension and to discuss their needs and a proposal for expansion. He gave background information and stated the Hale Centre Theatre had the highest attendance of any community theater in the United States with approximately 250,000 patrons. He indicated Hale Centre Theatre produced just under 400 shows per year. He advised they were now at 100% capacity, having

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been at 98% capacity since 2004. He advised they were turning away patrons with about 15,000 people not being able to purchase tickets.

Mr. Henrickson stated Hale Centre Theatre was an affordable family theater in the community and utilized over 600 local actors. He discussed the cost of productions and the important need to expand seating to increase revenues.

He discussed statistics regarding the theater, including number of patrons, shows per year, capacity, and other information. He expressed excitement about their success but also explained they were turning patrons away on popular shows meaning if the seating could not be expanded then revenues and quality of the theater suffered. He advised the vision had grown to include the opportunity for a Broadway quality theater experience thus requiring a dramatic expansion of the theater building and parking.

Brent Lange addressed the City Council and displayed a drawing of a proposed expansion for a theater-in-the-round to include proscenium and black box theaters. He discussed details along with needs for acreage, parking, additional seating capacity, fly system, additional rehearsal space, theater education programs for the community, reception rooms/hosting areas for sponsors and/or corporate events and rental rooms. He stated currently Hale Centre Theatre had over 24,000 season ticket holders and compared that to other organizations such as university athletic teams and the Utah Jazz, which were much lower. He advised they desired to make the Hale Centre Theatre a bigger entertainment draw for the area.

Brent Lange discussed some details planned for a new facility including a building of six levels to the pit bottom. He again expressed the need for expansion and described their desire to maintain the intimacy of the center stage with the new plan keeping the current nine rows but would include more breadth. He stated the existing facility had 610 seats and a proposed new facility would envision 850 seats and be much more technically capable, in particular the ceiling. He indicated a new facility would have the theater-in-the-round, a proscenium stage, and offer black box theater with flexible stage for recitals and other productions and thus open up the facility to more use in the community. He reviewed plans and pointed out side entrances, main lobby restaurant with large shop, second floor dressing rooms and green room, and first floor rehearsal space. He discussed a second floor educational wing in order to provide availability for theater education in the community. He discussed office space to be located on the second floor. In response to inquiry, he stated the new facility plans included 220,000 square feet of space as opposed to the existing facility of 43,000 square feet of space and would expand the seating to 1700 seats. He advised 860 parking stalls would be needed requiring 8 ½ acres, with the entire project requiring 11 acres total.

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Roger Henrickson addressed the City Council and discussed their non-profit status and the mission statement to provide Broadway-style theater at an affordable price. He stated this vision would become a reality if funding and land could be found. He advised City staff had been working with him and others and noted their lease with the City would expire in 2016. He also discussed the timeline for such a project and emphasized the Hale Centre Theatre board was now in a decision-making mode regarding development of final plans including costs, location, partners for the project, and other matters.

He advised they had “soft commitments” from various donors but needed a municipal partner and therefore had been exploring West Valley City for that support. He suggested consideration of bonding at a minimal level with fundraising being the major effort. He stated a fundraising effort needed to move forward in order to make the timelines work. He discussed built-in options in the lease with the City and stated they were now determining what future steps could be taken, including possible amendments to the existing lease agreement. He indicated they desired further dialogue and offered further information and being available to answer questions from members of the City Council.

He stated the existing agreement had a built in option to renew the lease with a rate to be negotiated. He indicated an amendment would allow the theater to stay in West Valley City to include plans for expansion.

Mayor Winder briefly explained the original bond arrangement with Hale Centre Theatre and stated the lease payments made by the Theatre had covered the bond payment and therefore no taxpayer dollars had gone into that bond project. He inquired if the existing facility could be remodeled to accommodate the new vision for the theater, and if current off-site storage and costume making would be brought into a new expanded facility.

Mr. Henrickson stated a remodel of the existing theater would be very expensive and still not accommodate everything needed. He discussed the ceiling remodel and advised it would be cost prohibitive. He also advised the basement of a new facility would accommodate all costumes, storage and construction projects which would provide a much more efficient and cost-effective operation.

In response to inquiry, Mr. Henrickson advised the current site was on four acres. He also advised it was the goal to have a new theater in place beginning January 1, 2017.

In response to concerns expressed by Council members regarding what would happen to the existing theater if a new facility was developed at another location, Mr. Henrickson advised the “old” theater could still be utilized for some types of

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shows if financially viable. These shows could include children-oriented shows and others that would not compete with a new main theater. He advised this area had not been thoroughly investigated by the theater board but they were willing to do so.

Mr. Henrickson proposed some additional details including that Hale Centre Theatre could step in and take over some of the routine maintenance during the extension period while negotiations continued with plans for a new expanded facility in West Valley City. He also stated it was important for a new location for the theater to have ready access to the freeway and have good visibility.

Upon further discussion and at the request of Councilmember Rushton, Mr. Henrickson reiterated the two things they desired to be considered by the City Council, including a possible lease extension, and concluding the amendment which would allow time to explore what the City could do regarding a larger proposal; and secondly determine the level of interest the City had in being a partner to expansion of the theater campus, including projected costs, bonding, fundraising and rental costs. He stated it was important for Hale Centre Theatre to understand the depth of the City's interest in being a partner in this project. He advised they had developed a financial model which included bonding, fundraising and rent and would like to share that information with the City.

Mr. Henrickson discussed original bonding at \$7.6 million. He stated the total cost had been \$11 million with the difference having been obtained with private donations and fundraising. He stated they had developed a model for fundraising that could be reviewed in depth with the City Council. He reminded Hale Centre Theatre was incentivized to have a successful fundraising so the bond payment, and their payment, would be kept low.

During the above presentations, Mr. Henrickson and Mr. Lange answered questions from members of the City Council. The City Council members also expressed comments and personal opinions regarding the proposal.

15891

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Vincent moved to adjourn and reconvene, after completion of the Housing Authority Special Regular Meeting, in an Executive Session for discussion of disposition of property matters. Councilmember Buhler 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 11, 2012, WAS ADJOURNED AT 7:43 P.M., BY MAYOR WINDER.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, SEPTEMBER 11, 2012, AT 7:48 P.M., IN THE CITY COUNCIL CHAMBERS, 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
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

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF SEPTEMBER 11, 2012, WAS ADJOURNED AT 8:33 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 and Executive Session of the West Valley City Council held Tuesday, September 11, 2012.

Sheri McKendrick, MMC
City Recorder