

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 24, 2012, AT 6:34 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
Jim Welch, Finance Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Nicole Cottle, CED Director
Eric Bunderson, City Attorney
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Steve Pastorik, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15625

OPENING CEREMONY

The Opening Ceremony was conducted by Karen Lang who led the Pledge of Allegiance to the Flag.

15626

APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 10, 2012

The Council read and considered Minutes of the Regular Meeting held January 10, 2012. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-2-

After discussion, Councilmember Huynh moved to approve the Minutes of the Regular Meeting held January 10, 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.

15627

INTRODUCTION OF PARTICIPANTS IN SISTER CITY STUDENT EXCHANGE PROGRAM

Mayor Winder stated Councilmember Christensen was a member of the Sister City Committee. Upon being recognized by the Mayor, Councilmember Christensen introduced Terry Chen, Chair of the Sister City Committee.

Terry Chen, Sister City Committee Chair, addressed the City Council and introduced students who would represent West Valley City while traveling to Taiwan on a student exchange program later in the year. Mr. Chen also expressed appreciation to parents of the student participants for their support of the program.

Mayor Winder stated the exchange program provided a great experience for students and he expressed the desire that the students would learn a lot and proudly represent the City. He stated the City Council would also like to receive a report from the students regarding their experiences.

Councilmember Christensen advised he had participated on the selection committee regarding the program and all participants were top notch students.

15628

COMMENT PERIOD

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

Mara Kennedy Nixon addressed the City Council. She discussed her personal sentiment and that of her friends and co-workers regarding the issue of euthanasia and use of a gas chamber at the West Valley City animal shelter. She advised she had forwarded e-mails to over 150 people and the common question that came back was “why?” She quoted verses from the Bible regarding care for all

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-3-

creatures created by God. She asked the City Council to value the lives of animals and do away with torture.

Gayle Douros addressed the City Council and stated she had attended several Council meetings and had brought her sister the previous week. She related her sister expressed that the City Manager thought euthanasia was a good thing and welcomed those in attendance to witness it if they so desired. She continued that if one volunteer said something the City did not agree with, then they were dismissed. Ms. Douros stated she had a terrible feeling when walking out of the Council Chambers. She discussed her wonderful experience at the Salt Lake County animal shelter when she was grieving for her long-time pet that was like a family member. She advised she adopted two dogs from the County's shelter on Saturday. She discussed ways the County found to make sure animals were adopted. Ms. Douros stated she was appalled that tax dollars were being used to kill animals and expressed displeasure at the West Valley shelter hours. She stated she cared for animals and someone needed to speak for those that could not speak for themselves. She advised she would not witness an animal being euthanized and requested the City Council consider making changes as there were a lot of good things the City could do to make West Valley City a better place.

Julie Jacobs addressed the City Council and stated per an e-mail she received today she absolutely believed in positive forward communication. She thanked the City Council for starting to open a door that had been shut for a long time. She indicated the only way to create positive and lasting change was with positive dialog. She stated in looking at the annual report for the West Valley City animal shelter for 2011-2012, operating expenses had increased by over 60%. Ms. Jacobs stated she was shocked to learn the director of the shelter made weekly pleas to the community, rescues and fosters for donations of dog food. She requested an audit be performed regarding shelter operations as soon as possible. She questioned why the City could not pay for dog food.

Alexandria Drakos addressed the City Council and stated she had been a volunteer at the City's animal shelter for 10 years. She discussed insufficient uses of funds and employees, shelter hours not being effective for adoptions or redemptions, and other issues. She also suggested the shelter be open on at least some Saturdays and later in the day for more families to adopt animals. She discussed past statements regarding when and why the gas chamber would be used. She indicated members of her group showed proof the chamber was being misused and noted there were discrepancies in statements of decision makers and staff along with those statements being in conflict with the shelter's mission statement. She indicated some members of staff at the shelter were not properly trained in using either form of euthanasia, the gas chamber or injection. She further discussed making the process better for animals and staff by using tranquilizers.

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-4-

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

City Manager, Wayne Pyle, advised an open house had been scheduled at the animal shelter on February 2, 2012, at 6:30 P.M. in the conference room. He stated staff and the City Council would discuss issues with interested individuals and groups. He informed, in addition, a packet of information had been prepared and would be made available both in hard copy and electronically. He stated the information had also been provided to Mayor Wall of Taylorsville City and news media.

15629

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 had been advertised 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 to update 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:

City Manager, Wayne Pyle, presented 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 West Valley City's Vision 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-5-

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

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 \$46,289.00. 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 calculated need of 14,731.00. 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.

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. 12-02, ADOPTING THE 2011 MODERATE INCOME HOUSING PLAN AS PART OF THE WEST VALLEY CITY GENERAL PLAN

The City Council previously held a public hearing 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, and proposed Ordinance No. 12-02 which would adopt the 2011 Moderate Income Housing Plan as part of the West Valley City General Plan.

After discussion, Councilmember Huynh moved to approve Ordinance No. 12-02, an Ordinance Adopting the 2011 Moderate Income Housing Plan as Part of the West Valley City General Plan. 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-6-

Mayor Winder

Yes

Unanimous.

15630

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

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-03 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, 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 that to date, Lot 1 was occupied with retail shops and a restaurant and the other lots were 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.

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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-7-

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

The City Council previously held a public hearing 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 vacation of the existing public utility easement between said lots at approximately 2913 South 5600 West, and proposed Ordinance No. 12-03 approving the action.

After discussion, Councilmember Lang moved to approve Ordinance No. 12-03, an Ordinance Approving the Amendment of Lots 2 and 3 of The Shoppes at Lake Park Phase 2 Subdivision. 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.

15631

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, presented 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.

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.

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-8-

Mr. Pyle further indicated after research by the Police Department and 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, requested the City Council continue this matter to no date certain.

After discussion, Councilmember Rushton moved to continue proposed Ordinance No. 12-04, to no date certain. 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. Proposed Ordinance No. 12-04 - continued to no date certain.

15632

RESOLUTION NO. 12-05, 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

City Manager, Wayne Pyle, presented 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-9-

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. Also 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.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-05, a Resolution Approving 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-10-

Division and West Jordan City (the “Agencies”) for Multi-Jurisdictional Sheriff and Police Services. 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.

15633

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

City Manager, Wayne Pyle, presented 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.

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 elections of partisan election years were made at the neighborhood caucus meetings in March when neighbors elected precinct officers and state and county delegates. He advised these elections were critical because the delegates decided who would be on the ballot to represent their political parties at their respective party conventions. He stated those who did not attend the neighborhood caucus meetings were disenfranchised because there was no way to vote early or by absentee for a caucus meeting.

The City Manager indicated if the resolution was approved, West Valley City would not hold City Council meetings or any committee, commission, or other meetings the nights of the political party caucus meetings.

After discussion, Councilmember Lang moved to approve Resolution No. 12-06, a Resolution in Support of Neighborhood Caucus Meetings. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-11-

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

Unanimous.

15634

CONSENT AGENDA:

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, presented 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 on the subject property and, at the present time, 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, presented 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 above location, 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

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-12-

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 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 nine-feet and six-inches from the sidewalk and be moved to the appropriate setback when 3500 South was widened.

The City Manager summarized the 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.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 12-07 and 12-08 as presented on the Consent Agenda. Councilmember Buhler 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 24, 2012, WAS ADJOURNED AT 7:05 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 24, 2012

-13-

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, January 24, 2012.

Sheri McKendrick, MMC
City Recorder