

**MINUTES OF COUNCIL STUDY MEETING – DECEMBER 6, 2011**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, DECEMBER 6, 2011, 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  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney  
Kevin Astill, Parks and Recreation Director  
Nicole Cottle, CED Director  
John Evans, Fire Chief  
Jim Welch, Finance Director  
Layne Morris, Community Preservation Director  
Mike Wells, Acting Police Chief  
Jake Arslanian, Acting Public Works Director  
Chris Curtis, Community Preservation Department  
Willy Moon, Community Preservation Department  
Jennifer Siebach, Community Preservation Department  
Brent Garlick, CED Department  
Lee Logston, CED Department  
Mark Nord, CED Department  
Pauline Davies, CED Department  
Keith Morey, CED Department  
Margo Hoyt, CED Department  
Aaron Crim, Administration

OTHERS PRESENT:

Karen Lang, Councilmember-elect

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**1. APPROVAL OF MINUTES OF STUDY MEETING HELD NOVEMBER 15, 2011**

The Council read and considered Minutes of the Study Meeting held November 15, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held November 15, 2011, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

**2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED DECEMBER 6, 2011**

City Manager, Wayne Pyle, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled December 6, 2011, at 6:30 P.M. He discussed the new item and others, as follows:

**Item No. 7.A. – ORDINANCE NO. 11-29, AN ORDINANCE AMENDING SECTIONS 3-2-104, 10-1-110, 22-2-201 AND 22-2-202 OF THE WEST VALLEY CITY MUNICIPAL CODE AND REPEAL SECTIONS 22-2-105 AND 22-2-106 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT RECENT CHANGES IN THE JUSTICE COURT SOFTWARE PROGRAM AND PERSONNEL CHANGES IN THE JUSTICE COURT**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 11-29 which would amend Sections 3-2-104, 10-1-110, 22-2-201 and 22-2-202 of the West Valley City Municipal Code and repeal Sections 22-2-105 and 22-2-106 of the West Valley City Municipal Code to reflect recent changes in the Justice Court software program and personnel changes in the Justice Court.

City Manager, Wayne Pyle, explained on December 8, 2011, the computer program that the courts used to track cases and collect money would no longer accept civil penalties. Because of this, the City would have to move the process of collecting money for parking tickets from the Justice Court to the City Attorney's Office. He stated, additionally,

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based on recent decisions by City Administration, the role of the hearing officer was eliminated and the proposed ordinance reflected that change as well.

The City Manager indicated the proposed ordinance change moved the parking collection and coordination for the City into the City Attorney's Office. It also clarified language concerning the administrative law judge and eliminated parking violations that duplicated State law.

Eric Bunderson, City Attorney, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 11-29 at the Regular Council Meeting scheduled December 6, 2011, at 6:30 P.M.

**Item No. 8. A. – RESOLUTION NO. 11-196, AUTHORIZE THE PURCHASE OF THREE COURT RECORDING DEVICES FOR USE BY THE WEST VALLEY CITY JUSTICE COURT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-196 which would authorize purchase of three court recording devices in an amount not to exceed \$34,638.00 for use by the West Valley City Justice Court.

Mr. Pyle stated the West Valley Justice Court currently operated three courtrooms. He advised of the necessity to purchase digital recording devices for use in the courtrooms as required by Senate Bill 318 and House Bill 494 passed in 2011. He stated that as a result it was necessary for the City to purchase digital recording devices for the three courtrooms in operation. He reported the digital recording device currently used by the District Court met the needs of the City and similar equipment would be purchased for use in the three courtrooms.

City Manager, Wayne Pyle, distributed a new draft of the proposed Resolution and stated it clarified the equipment would be purchased through a lease with HP. He also pointed out the fiscal impact had been amended in order to reflect interest charges.

Paul Isaac, Assistant City Manager, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 11-196 at the Regular Council Meeting scheduled December 6, 2011, at 6:30 P.M.

**Item No. 8.B. – RESOLUTION NO. 11-197, RESOLUTION REPRIMANDING MAYOR MIKE WINDER**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-197 which would approve an Open Letter of Reprimand to Mayor Mike Winder written by the City

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Council, regarding recent revelations of misbehavior. He stated this item had been placed on the Agenda at the request of members of the City Council.

Mr. Pyle stated the proposed Resolution articulated that an open letter of reprimand to Mayor Winder had been written and that the Council desired to remind the public and Mayor Winder by formal resolution that the Mayor represented the City only when authorized by a majority of the City Council.

The City Council will consider proposed Resolution No. 11-197 at the Regular Council Meeting scheduled December 6, 2011, at 6:30 P.M.

### **Redevelopment Agency, Housing Authority, and Building Authority Regular Meetings Scheduled December 6, 2011**

City Manager, Wayne Pyle, reviewed all items listed on the Agendas for the Redevelopment Agency, Housing Authority and Building Authority Regular Meetings scheduled December 6, 2011.

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

### **3. PUBLIC HEARINGS SCHEDULED DECEMBER 13, 2011:**

#### **A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GPZ-3-2011, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO LIGHT MANUFACTURING AND TO CHANGE THE ZONE FROM ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) TO ‘M’ (MANUFACTURING) ZONE FOR PROPERTY LOCATED AT 5722 AND 5810 WEST 4700 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled December 13, 2011, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GPZ-3-2011, filed by West Valley City, requesting to amend the West Valley City General Plan from Low Density Residential to Light Manufacturing and to change the zone from ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 Square Feet) to ‘M’ (Manufacturing) zone for property located at 5722 and 5810 West 4700 South. He discussed proposed Ordinance Nos. 11-30 and 11-31 to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 11-30, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO LIGHT MANUFACTURING; AND ORDINANCE NO. 11-31, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FROM ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000**

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### **SQUARE FEET) TO ‘M’ (MANUFACTURING) ZONE FOR PROPERTY LOCATED AT 5722 AND 5810 WEST 4700 SOUTH**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 11-30 which would amend the General Plan to show a change of land use from Low Density Residential to Light Manufacturing; and proposed Ordinance No. 11-31 which would amend the Zoning Map to show a change of zone from zone ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) for property located at approximately 5722 and 5810 West 4700 South.

Mr. Pyle stated the proposal included two parcels totaling 14.4 acres. He explained the property was currently zoned ‘R-1-8’ with a General Plan designation of Low Density Residential, three to four units per acre. He also explained the proposed zone of ‘M’ and the proposed General Plan designation was Light Manufacturing.

The City Manager reported surrounding zones included ‘R-1-8’ to the west, ‘M’ to the south, ‘A’ and ‘M’ to the east, and ‘R-1-7’ to the north. He indicated surrounding land uses included single-family homes to the north, manufacturing uses to the east, and mini-storage to the south. He indicated the property was currently vacant as were most lands immediately adjacent to the parcels.

City Manager, Wayne Pyle, stated the subject property had been re-zoned from ‘M’ to ‘R-1-8’ during the housing boom. At that time there had been a perceived surplus of ‘M’ zoned land. Now, with the alignment of the Mountain View Corridor determined, the parcels only had one access point crossing a rail line making them no longer suitable or desirable for single-family housing. He stated this re-zone would allow for a cooperative effort for the Utah Department of Transportation (UDOT) to provide critical storm water detention for the Mountain View Corridor and for West Valley City to gain vehicle and salt storage in the southwest region of the City. He also reported if the subject Application was approved, the parcels would be split and the northern portions would become a detention basin for UDOT while the southern portions of the parcels would become available for a shop and storage space for West Valley City. He stated UDOT and West Valley City were still working out the details for mutual access from 4700 South and across the railroad tracks.

Lee Logston, CED Department, further reviewed and discussed the Application and proposed Ordinances, displayed the plat map, and answered questions from members of the City Council. Acting Public Works Director, Jake Arslanian, answered questions regarding storm water retention on the subject properties.

The City Council will hold a public hearing regarding Application No. GPZ-3-2011 and consider proposed Ordinance Nos. 11-30 and 11-31 at the Regular Council Meeting scheduled December 13, 2011, at 6:30 P.M.

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4. **RESOLUTION NO. 11-198, APPROVE INTERLOCAL AGREEMENT BETWEEN WEST VALLEY CITY AND THE UNIFIED FIRE AUTHORITY FOR THE PROVISION OF HAZARDOUS MATERIALS RESPONSE AND EXPLOSIVE DEVICE OPERATIONS**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-198 which would approve an Interlocal Agreement between West Valley City and the Unified Fire Authority, for the provision of hazardous materials response and explosive device operations.

Mr. Pyle stated the proposal set forth terms defining the agreement between the Unified Fire Authority (UFA) and the City. He explained the City would assume the primary responsibility for explosive device response operations and hazardous materials response within the City. He stated the UFA would compensate the City in an amount equal to 6.1176% of the annual compensation UFA received from Salt Lake County for these types of services which for this calendar year would be in the amount of \$104,000.

The City Manager further explained the City had been providing, and would continue to provide, hazmat and bomb squad services within the City. He stated, traditionally, the County had paid for the services through its general fund and those funds would now flow through UFA to West Valley City.

Mr. 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. 11-198 at the Regular Council Meeting scheduled December 13, 2011, at 6:30 P.M.

5. **CONSENT AGENDA SCHEDULED DECEMBER 13, 2011:**

A. **RESOLUTION NO. 11-199, AUTHORIZE THE CITY TO EXECUTE AN EASEMENT AGREEMENT AND ACCEPT A STORM DRAIN EASEMENT AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM 3<sup>RD</sup> CAMMY GARDNER AND STEVEN MIKLOVID LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 2781 SOUTH REDWOOD ROAD**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-199 which would authorize the City to execute an Easement Agreement and accept a Storm Drain Easement and Grant of Temporary Construction Easement from 3<sup>rd</sup> Cammy Gardner and Steven Miklovid LLC, for property located at approximately 2781 South Redwood Road.

Mr. Pyle stated 3rd Cammy Gardner & Steven C. Miklovik, LLC had signed the Easement Agreement, Storm Drain Easement and Grant of Temporary

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Construction Easement across and under its property located at 2781 South Redwood Road.

The City Manager reported the Storm Drain Easement and Grant of Temporary Construction Easement would allow for construction of a storm drain system to drain a portion of Russet Avenue near Redwood Road. He also reported storm water that currently ponded on both sides of Russet Avenue east of Redwood would be accommodated by these new storm drain facilities. He indicated this project was one of several small storm drain projects to address flooding problems as part of the 2011 Storm Drain Projects. He stated compensation for the Storm Drain Easement and Grant of Temporary Construction Easement would be in the amount of \$1,000.00.

**B. RESOLUTION NO. 11-200, ACCEPT A STORM DRAIN EASEMENT FROM THE UTAH TRANSIT AUTHORITY AND ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR PROPERTY LOCATED AT APPROXIMATELY 1692 WEST CLAYBOURNE AVENUE**

City Manager, Wayne Pyle, discussed proposed Resolution No. 11-200 which would accept a Storm Drain Easement from the Utah Transit Authority (UTA) and accept a Grant of Temporary Construction Easement for property located at approximately 1692 West Claybourne Avenue.

Mr. Pyle stated the Storm Drain Easement and Grant of Temporary Construction Easement would allow for construction of a storm drain system to drain a portion of Claybourne Avenue near Redwood Road. He advised that storm water which currently ponded on both sides of Claybourne Avenue east of Redwood Road would be accommodated by the new storm drain. He indicated this project was one of several small storm drain projects to address flooding problems as part of the 2011 Storm Drain Projects. He also reported compensation to UTA for the easements would be in the amount of \$901.00.

The City Council will consider proposed Resolution Nos. 11-199 and 11-200 at the Regular Council Meeting scheduled December 13, 2011, at 6:30 P.M.

**6. COMMUNICATIONS:**

**A. STRATEGIC PLAN PRESENTATION – COMMUNITY PRESERVATION DEPARTMENT**

City Manager, Wayne Pyle, advised in preparation for the City Council's annual Strategic Planning Meeting scheduled January 27 and 28, 2012, departmental presentations had been placed on the Study Meeting agendas to be heard over the next few weeks.

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Upon direction by the City Manager, the Community Preservation Department Director, Layne Morris, used PowerPoint and discussed information summarized as follows:

- Introduction of employees in attendance and discussion of respective responsibilities
- Strategic plan goals, measures and benchmarking
- Code enforcement – beat map, violation survey, code enforcement survey by beat, violation types for 2011
- Graffiti survey results
- Animal services – animal intake (all animals), licensing, volunteers
- Housing/Grants – CDBG funding

During the presentation of information, the City Manager and CPD Director answered questions from members of the City Council.

Upon discussion, Councilmember Buhler suggested developing criteria to define a “beautiful home” and move toward that end.

City Manager, Wayne Pyle, discussed strategy so far, ideas for future efforts, and indicated there would be further discussion regarding this issue during the Strategic Plan meeting in January 2012.

Councilmember Buhler further suggested consideration be given to incentives and an awards program for residents who maintained their homes in order to improve the number of “nice” houses.

Councilmember Brooks expressed the need to have a way for residents to help the City and, in particular, to thank those who came into compliance. He stated this would create positive rather than negative interaction with staff and neighbors.

Layne Morris, CPD Director, advised that staff did send thank you letters to those who came into compliance.

### B. **ECONOMIC DEVELOPMENT UPDATE**

City Manager, Wayne Pyle, directed an economic development update be provided to the City Council.

Brent Garlick, CED Department, used PowerPoint and discussed information summarized as follows:

- Metrics (measured quarterly)
- “Project Pipeline” which included 27 projects and status



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- Project influence on employment, capital investment, retail sales
- Updates regarding Fairbourne Station (formerly City Center) and Valley Fair Mall
- Update regarding current projects 2011
- Division accomplishments in 2011
- Projects anticipated in 2012-2013
- Purpose of RDA/Economic Development

During the above presentation of information, the City Manager and Mr. Garlick answered questions from members of the City Council.

### C. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the City Council previously a Memorandum outlining upcoming meetings and events as follows: December 7, 2011: Open House for Councilmembers Russ Brooks and Carolynn Burt, City Hall Lobby, 2:00 P.M. – 4:00 P.M.; December 8, 2011: Employee Holiday Celebration & Awards Presentation, Lobby, 2:00 P.M. – 4:00 P.M.; December 10, 2011: Breakfast with Santa, Fitness Center, 9:00 A.M. – 10:00 A.M.; December 12, 2011: Beehive Statesmen Christmas Concert, UCCC, 7:00 P.M.; December 13, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 14, 2011: Utah Grizzlies vs. Colorado Eagles, 7:05 P.M.; December 16, 2011: Utah Grizzlies vs. Colorado Eagles, 7:05 P.M.; December 17, 2011: International Christmas Celebration 2011, UCCC, 3:00 P.M. – 9:30 P.M.; December 19, 2011: Bonnie Harris Christmas Concert, UCCC, 7:00 P.M.; December 19, 2011: Utah Grizzlies vs. Idaho Steelheads, 7:05 P.M.; December 20, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 21, 2011: Utah Grizzlies vs. Las Vegas Wranglers, 7:05 P.M.; December 26, 2011: Christmas Holiday – City Hall closed; December 30, 2011: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.; and December 31, 2011: Utah Grizzlies vs. Bakersfield Condors, 7:05 P.M.

### 7. COUNCIL REPORTS:

#### A. COUNCILMEMBER DON CHRISTENSEN – GRIZZLIES “FILL THE RINK” NIGHT AND TREE LIGHTING AT FITNESS CENTER

Councilmember Christensen reported his attendance at the Grizzlies “fill the rink” night the previous Friday; and his attendance at the tree lighting at Family Fitness Center held the previous night.

### 8. MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Vincent moved to adjourn and reconvene in an Executive Session for discussion of pending or imminent litigation. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	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, DECEMBER 6, 2011, WAS ADJOURNED AT 6:05 P.M. BY MAYOR WINDER.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, DECEMBER 6, 2011, AT 6:06 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  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF DECEMBER 6, 2011, WAS ADJOURNED AT 6:23 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, December 6, 2011.

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Sheri McKendrick, MMC  
City Recorder