

MINUTES OF COUNCIL REGULAR MEETING – JUNE 21, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 21, 2011, 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
Carolynn Burt
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Don Christensen

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Mike Wells, Acting Police Chief
Stan Varney, Acting Fire Chief
Nancy Day, Parks and Recreation Director
Jake Arslanian, Public Works Department

15364 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who, in recognition of the first day of summer and summer solstice, read four quotes regarding the season of summer.

15365 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 7, 2011**

The Council read and considered Minutes of the Regular Meeting held June 7, 2011. There were no changes, corrections or deletions.

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After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held June 7, 2011, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15366

COMMENT PERIOD

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

Kent Barker addressed the City Council. Mr. Barker stated he owned property and rented to a woman with four children who had not paid rent since 2009, but the renter had no place to go. He stated he received a citation for code violations on that property and an expired business license. He indicated he would have to evict the tenant in order to lease to someone else who could pay the monthly rent so he could pay his fines to the city. He stated the person he spoke with at the court had been extremely rude especially over something so trivial. In response to inquiry from Mayor Winder, the City Manager suggested after this meeting adjourned, Mr. Barker meet with the City Attorney, Eric Bunderson, and the Community Preservation Director, Layne Morris, regarding this matter.

Joan Gwynn addressed the City Council. Ms. Gwynn stated there was a speeding problem on 1950 West which was a school zone and posted at 25 miles per hour. She indicated she represented the Stone Creek Subdivision and had been part of that neighborhood watch organization for many years. She indicated they and representatives from Homestead Farms had sent information to the city with no response or results. She stated Granger Elementary was located on 1950 West and was a year-round school. She distributed copies of letters previously sent to the City Council. She stated her neighbors would like this issue to be addressed. City Manager, Wayne Pyle, stated he would direct the Police Department to contact Ms. Gwynn directly.

Anne Brown addressed the City Council. Ms. Brown discussed a recent Deseret News article regarding a stench in the air and inquired if members of the Council had read that article. She stated she had contacted several agencies in the state regarding the stench and explained her theories about what could be causing it.

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She also discussed other issues including citations she received for violations on her property, foreclosures in her neighborhood, displeasure with the development on 5600 West, and not being in agreement with the incorporation of Granger and Hunter into West Valley City.

15367

ORDINANCE NO. 11-14, AMEND SECTION 5-2-107 OF TITLE 5 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADD PROVISIONS FOR PRE-QUALIFICATION FOR THE PROCUREMENT OF PARTICULAR TYPES OF SUPPLIES, SERVICES AND CONSTRUCTION

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-14 which would amend Section 5-2-107 of Title 5 of the West Valley City Municipal Code to add provisions for pre-qualification for the procurement of particular types of supplies, services and construction.

Mr. Pyle stated pre-qualification of bidders was necessary for particular types of supplies, services and construction in order for the City to determine the most responsible bidder for projects. He further stated additional provisions had been added to clarify the prequalification process, including noticing requirements.

The City Manager discussed background information including that the City and Redevelopment Agency had many different active projects requiring specialty services and construction. He explained the most efficient and accurate way for the City to award certain projects was by pre-qualifying bidders such that the invitation to bid was extended only to those bidders who met certain criteria indicating responsibility and related to the particular project.

Mr. Pyle reported the pre-qualification ordinance did not address certain provisions related to the bid process. He continued it was significant the ordinance did not address how an invitation to pre-qualify was properly noticed or how the bidders, once pre-qualified, completed the process. He indicated the ordinance revisions added those provisions which clarified pre-qualification and its relationship to the bid process.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-14, an Ordinance Amending Section 5-2-107 of Title 5 of the West Valley City Municipal Code to Add Provisions for Pre-qualification for the Procurement of Particular Types of Supplies, Services and Construction. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes

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Mr. Rushton Yes
Mayor Winder Yes

Unanimous.

15368

RESOLUTION NO. 11-80, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR COST SHARING ON THE 2011-2016 UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) MEDIA CAMPAIGN

City Manager, Wayne Pyle, presented proposed Resolution No. 11-80 which would approve an Interlocal Cooperation Agreement with Salt Lake County, in the amount of \$12,000.00 annually for a period of five years, for cost sharing on the 2011-2016 Utah Pollutant Discharge Elimination System (UPDES) Media Campaign.

Mr. Pyle stated the subject agreement provided for the City to continue participation as a member of the Salt Lake County Storm Water Coalition which would assist in compliance to the National Pollution Discharge Elimination System (NPDES) permit application rules and regulations for storm water discharges to municipal separate storm sewer systems. He indicated the proposed agreement stated the individual parties would cooperate with each other in funding a 2011-2016 multi-media campaign for the purpose of increasing public awareness about storm water pollution and educating the public about prevention of storm water pollution in the City and County. He advised the subject agreement would be for a term of five years.

The City Manager reported Salt Lake County Storm Water Coalition was a coalition of various local agencies whose purpose was to reduce the load of pollutants entering the storm drains and receiving water bodies, and enforce the appropriate regulations. He stated West Valley City was a member of that coalition and played an active role in the promotion of Coalition programs, visions and its mission. He indicated the Coalition met on a monthly basis to discuss the NPDES.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-80, a Resolution Authorizing the Execution of an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for Cost Sharing on the 2011 – 2016 Utah Pollutant Discharge Elimination System (UPDES) Media Campaign. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Buhler Yes

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Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

15369

RESOLUTION NO. 11-81, APPROVE AN AGREEMENT WITH THE FERGUSON GROUP, L.L.C. FOR REPRESENTATION IN WASHINGTON, D.C. FOR THE THREE-YEAR PERIOD COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 11-81 which would approve an Agreement with the Ferguson Group, L.L.C. for representation in Washington, D.C. for the three year period commencing July 1, 2011, and ending June 30, 2014.

Mr. Pyle stated that in exchange for services to be provided by The Ferguson Group, the City would pay them \$94,000.00 per year, payable in advance in equal monthly installments of \$7,833.33 from July 1, 2011, to June 30, 2014. He also advised that, in addition, the City would pay up to \$6,000 per year in reimbursable expenses.

The City Manager reported that for many years the City and The Ferguson Group had entered into a contractual agreement to provide representation in Washington, D.C. Through that representation, The Ferguson Group had helped West Valley City attain numerous goals and objectives and maintain an aggressive federal agenda. He stated the most recent agreement would expire June 30, 2011, and the new proposed agreement would be for the three year period commencing July 1, 2011, and ending June 30, 2014.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-81, a Resolution Authorizing the City to Enter Into an Agreement with The Ferguson Group, L.L.C., for Representation in Washington, D.C., for the Three Year Period Commencing July 1, 2011, and Ending June 30, 2014. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 11-82, APPROVE AN AMENDMENT TO A WIRELESS LEASE AGREEMENT WITH NEW CINGULAR WIRELESS FOR THE CELLULAR COMMUNICATIONS TOWER ON THE WEST VALLEY CITY PUBLIC SAFETY BUILDING LOCATED AT 3575 SOUTH MARKET STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 11-82 which would approve an Amendment to a Wireless Lease Agreement with New Cingular Wireless for the cellular communications tower on the West Valley City Public Safety Building located at 3575 South Market Street.

Mr. Pyle stated in exchange for access to the above listed property, New Cingular Wireless would agree to pay West Valley City approximately \$76,457.52 in exchange for granting continual access to the cell tower located on the roof of the building. He advised this amount would be spread over five years and run from July 1, 2012, through June 30, 2017. He indicated there was no downside for the City as the property being leased was not suitable for most other purposes. He reported annual payments would be made as follows:

July 1, 2012 – June 30, 2013	\$16,416.00
July 1, 2013 – June 30, 2014	\$15,595.20
July 1, 2014 – June 30, 2015	\$14,815.44
July 1, 2015 – June 30, 2016	\$14,815.44
July 1, 2016 – June 30, 2017	\$14,815.44

After discussion, Councilmember Burt moved to approve Resolution No. 11-82, a Resolution Approving an Amendment to a Wireless Lease Agreement between West Valley City and New Cingular Wireless for the Cellular Communications Tower on the West Valley City Public Safety Building Located at 3575 South Market Street. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 11-83, APPROVE AN AMENDMENT TO A WIRELESS LEASE AGREEMENT WITH NEW CINGULAR WIRELESS FOR THE CELLULAR COMMUNICATIONS TOWER ON THE WEST VALLEY CITY FAMILY FITNESS CENTER LOCATED AT 5415 WEST 3100 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 11-83 which would approve an Amendment to a Wireless Lease Agreement with New Cingular Wireless for the cellular communications tower on the West Valley City Family Fitness Center located at 5415 West 3100 South.

Mr. Pyle stated in exchange for access to the above listed property, New Cingular Wireless would agree to pay West Valley City approximately \$76,457.52 in exchange for granting continual access to the cell tower located on the roof of the building. He advised this amount would be spread over five years and run from July 1, 2012, through June 30, 2017. He indicated there was no downside for the City as the property being leased was not suitable for most other purposes. He reported annual payments would be made as follows:

July 1, 2012 – June 30, 2013	\$16,416.00
July 1, 2013 – June 30, 2014	\$15,595.20
July 1, 2014 – June 30, 2015	\$14,815.44
July 1, 2015 – June 30, 2016	\$14,815.44
July 1, 2016 – June 30, 2017	\$14,815.44

After discussion, Councilmember Buhler moved to approve Resolution No. 11-83, a Resolution approving an Amendment to a Wireless Lease Agreement between West Valley City and New Cingular Wireless for the Cellular Communications Tower on the West Valley City Family Fitness Center Located at 5415 West 3100 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 11-84, APPROVE AN AMENDMENT TO A WIRELESS LEASE AGREEMENT WITH NEW CINGULAR WIRELESS FOR THE CELLULAR COMMUNICATIONS TOWER ON THE OLD ANIMAL SHELTER BUILDING LOCATED AT 4063 SOUTH 7200 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 11-84 which would approve an Amendment to a Wireless Lease Agreement with New Cingular Wireless for the cellular communications tower on the old Animal Shelter building located at 4063 South 7200 West.

Mr. Pyle stated in exchange for access to the above listed property, New Cingular Wireless would agree to pay West Valley City approximately \$76,457.52 in exchange for granting continual access to the cell tower located on the roof of the building. He advised this amount would be spread over five years and run from July 1, 2012, through June 30, 2017. He indicated there was no downside for the City as the property being leased was not suitable for most other purposes. He reported annual payments would be made as follows:

July 1, 2012 – June 30, 2013	\$16,416.00
July 1, 2013 – June 30, 2014	\$15,595.20
July 1, 2014 – June 30, 2015	\$14,815.44
July 1, 2015 – June 30, 2016	\$14,815.44
July 1, 2016 – June 30, 2017	\$14,815.44

After discussion, Councilmember Rushton moved to approve Resolution No. 11-84, a Resolution Approving an Amendment to a Wireless Lease Agreement between West Valley City and New Cingular Wireless for the Cellular Communications Tower on the old Animal Shelter Building Located at 4063 South 7200 West. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 11-85, APPROVE AN AGREEMENT WITH ETRAK-PLUS, FOR THE PURCHASE OF WEB-BASED MEMBERSHIP SOFTWARE FOR USE AT THE WEST VALLEY CITY FAMILY FITNESS CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 11-85 which would approve an Agreement with ETrak-Plus for the purchase of web-based membership software for use at the West Valley City Family Fitness Center.

Mr. Pyle stated the server-based software currently used at the Family Fitness Center would no longer be supported or maintained by the vendor. He indicated requests for proposals for web-based membership services had been solicited and five proposals received as follows:

ETrak-Plus:	\$31,249.00 plus one-time start up of \$14,997.00
ActiveNet:	\$48,125.00 plus one-time start up of \$3,500.00
Vermont Systems:	\$38,000.00 plus one-time start up of \$37,840.00
Peak Software:	Did not qualify/Not web-based/Must use PC Anywhere-type Program
MindBody:	Did not meet several specifications in RFP

The City Manager reported it would be necessary to secure different membership, point of sale, scheduling software. He advised web-based services were available and would allow better access for residents and on-line services to be offered. He indicated fees were based on number of credit card transactions at the Center, start up costs, transaction costs, and other. He reported staff had evaluated the companies using last years' numbers. The Fitness Center already paid credit card fees of approximately \$26,250.00 which would be used toward the annual fees.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-85, a Resolution Authorizing the Execution of an Agreement between West Valley City and Etrak-Plus for the Purchase of Web-based Membership Software at the West Valley City Family Fitness Center. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

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CONSENT AGENDA:

- A. **RESOLUTION NO. 11-86, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BARBARA THOMAS TO THE PLANNING COMMISSION, TERM: JULY 1, 2011 THRU JULY 1, 2015**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-86 which would ratify his reappointment of Barbara Thomas to the Planning Commission for a four year term commencing July 1, 2011 and ending July 1, 2015

Mr. Pyle stated Ms. Thomas term would expire on July 1, 2011, and she had expressed a desire to be reappointment to the Commission. He indicated her long time residency in West Valley City, her experience as a commissioner and City Council member, and her involvement in the community made her a valuable member of the Planning Commission.

- B. **RESOLUTION NO. 11-87, RATIFY THE CITY MANAGER'S APPOINTMENT OF STEVE LEHMAN AS CHAIR OF THE LICENSE HEARING BOARD, TERM: JULY 1, 2011 – JULY 1, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-87 which would ratify his appointment of Steve Lehman as Chair of the License Hearing Board for the term July 1, 2011, through July 1, 2012.

Mr. Pyle stated the Chair of the License Hearing Board was appointed for a one year term. He indicated Mr. Lehman was an employee of West Valley City and willing to serve as Chair of the License Hearing Board.

- C. **RESOLUTION NO. 11-88, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MARK BALL AS A MEMBER OF THE LICENSE HEARING BOARD, TERM: JULY 1, 2011 – JUNE 30, 2014**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-88 which would ratify his reappointment of Mark Ball as a member of the License Hearing Board for the term July 1, 2011, through June 30, 2014.

Mr. Pyle stated Mr. Ball was willing to accept the reappointment of the Board and continue serving the City in that capacity.

- D. **RESOLUTION NO. 11-89, RATIFY THE CITY MANAGER'S APPOINTMENT OF TERRY CHEN AS A MEMBER OF THE CULTURAL ARTS BOARD (CAB) OF WEST VALLEY CITY, TERM: APRIL 19, 2011 – DECEMBER 31, 2012**

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City Manager, Wayne Pyle, presented proposed Resolution No. 11-89 which would ratify his appointment of Terry Chen as a member of the Cultural Arts Board (CAB) of West Valley City for the term April 19, 2011, through December 31, 2012.

Mr. Pyle stated Mr. Chen would fill the unexpired term of Keith Sadler.

E. RESOLUTION NO. 11-90, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF WILLIAM OLPIN TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2011- JUNE 30, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 11-90 which would ratify his reappointment of William Olpin to the Storm Water Advisory Board for the term July 1, 2011, through June 30, 2013.

Mr. Pyle stated Mr. Olpin had consented to serve on the Board for another two year term.

After discussion, Councilmember Vincent moved to approve Resolution Nos. 11-86, 11-87, 11-88, 11-89, and 11-90 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 21, 2011, WAS ADJOURNED AT 7:02 P.M., BY MAYOR WINDER.

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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, June 21, 2011.

Sheri McKendrick, MMC
City Recorder