

MINUTES OF COUNCIL REGULAR MEETING – JUNE 28, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 28, 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
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Chris Curtis, Acting CPD Director
Mike Wells, Acting Police Chief
Brent Garlick, Acting CED Director
Bob Fitzgerald, Fire Department
Steve Lehman, CED Department
Jake Arslanian, Public Works Department

15375 **OPENING CEREMONY**

The Opening Ceremony was conducted by Don Christensen who stated he had been privileged to attend a Cub Scout day camp the previous day. He spoke of the patriotism of the youth leaders at that activity. He invited those in attendance to join him in saying the Pledge of Allegiance to the Flag.

15376 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 14, 2011**

The Council read and considered Minutes of the Regular Meeting held June 14, 2011. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held June 14, 2011, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15377 **COMMENT PERIOD**

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

15378 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING APPROXIMATELY 1.1 ACRES OF CITY-OWNED PROPERTY LOCATED AT 3222 SOUTH 1400 WEST (PARCEL NUMBERS 15-27-426-019 AND 020) TO BE SURPLUS PROPERTY AND AUTHORIZING ITS SALE**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding declaring approximately 1.1 acres of City-owned property located at 3222 South 1400 West (Parcel Numbers 15-27-426-019 and 020) to be surplus property and authorizing its sale. He discussed proposed Resolution No. 11-91 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 11-91 which would declare property located at 3222 South 1400 West (future Rosa Parks Drive) to be surplus property and authorizing the City to enter into a Real Estate Purchase Agreement for the same property with Granger-Hunter Improvement District and to execute a Special Warranty Deed.

Mr. Pyle advised Granger-Hunter Improvement District had signed the Real Estate Purchase Agreement.

The City Manager stated the 1.109 acre (48,311 square feet) site was located immediately south of the Qwest property near the Utah Cultural Celebration Center and adjacent to the westerly right-of-way line of the future Rosa Parks

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Drive. He also stated once all the properties had been acquired by the City for the 1200 West Connector Road Project, this property would be included as Lot 1C of the future Utah Cultural Celebration Center Subdivision Lot 1 Amended and Extended with Street Dedication (amending Lot 1 to create Lots 1A, 1B and 1C along with street dedication for Rosa Parks Drive). He indicated the sale price of \$150,000.00 was per the appraisal reports prepared by Free and Associates, Inc. for the two portions of property which comprised the future Lot 1C.

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

RESOLUTION NO. 11-91 DECLARING PROPERTY LOCATED AT 3222 SOUTH 1400 WEST (FUTURE ROSA PARKS DRIVE) TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE SAME PROPERTY WITH GRANGER-HUNTER IMPROVEMENT DISTRICT AND TO EXECUTE A SPECIAL WARRANTY DEED

The City Council previously held a public hearing regarding proposed Resolution No. 11-91 which would declare property located at 3222 South 1400 West (future Rosa Parks Drive) to be surplus property and authorize the City to enter into a Real Estate Purchase Agreement for the same property with Granger-Hunter Improvement District and to execute a Special Warranty Deed.

After discussion, Councilmember Burt moved to approve Resolution No. 11-91, a Resolution Declaring Property Located at 3222 South 1400 West (future Rosa Parks Drive) to be Surplus Property and Authorizing the City to Enter Into a Real Estate Purchase Agreement for the Same Property with Granger-Hunter Improvement District and to Execute a Special Warranty Deed. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

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15379

ORDINANCE NO. 11-15, AMEND SECTIONS 17-24-101 AND 17-24-112 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE SALE AND USE OF FIREWORKS

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-15 which would amend Sections 17-24-101 and 17-24-112 of Title 17 of the West Valley City Municipal Code regarding the sale and use of fireworks.

Mr. Pyle stated that in 2011 the Utah State Legislature passed a law lifting the ban of certain fireworks. He further stated the result of this new law could have an impact on the Fire Department's ability to mitigate fires caused by the devices specifically west of U-111. He indicated this impacted the probability of calls for service in the urban interface with open areas and various terrains. He explained the goal was to minimize risk of fire starting and spreading to areas not having adequate water, equipment and personnel to safely protect responders and residents.

The City Manager summarized the proposed ordinance limited the risk to fire starting and spreading. He stated it defined an area of the City that would be difficult to respond to for such an emergency. He indicated perhaps the most significant risk reduction would be for the well being of the public and those responders who would be called upon in such an event.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-15, Amending Sections 17-24-101 and 17-24-112 of Title 17 of the West Valley City Municipal Code Regarding the Sale and Use of Fireworks. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15380

RESOLUTION NO. 11-92, APPROVE AN AGREEMENT WITH DLS CONSULTING, INC. TO PROVIDE PROFESSIONAL SERVICES DURING THE 2011-2012 FISCAL YEAR

City Manager, Wayne Pyle, presented proposed Resolution No. 11-92 which would approve an Agreement with DLS Consulting, Inc., in the amount of \$80,000.00, to provide Professional Services during the 2011-2012 fiscal year.

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Mr. Pyle stated DLS would provide the City with professional services in interacting with other governmental agencies, including lobbying the Utah Legislature on issues important to the City. He advised the issues would be identified by himself and DLS.

City Manager, Wayne Pyle, advised a 90-day termination clause had been added to the final draft of the proposed agreement.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-92, a Resolution Approving an Agreement with DLS Consulting, Inc. to Provide Professional Services During the 2011-2012 Fiscal Year. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15381

RESOLUTION NO. 11-93, AUTHORIZE THE PURCHASE OF EXERCISE EQUIPMENT FROM VARIOUS QUALIFIED VENDORS FOR USE AT THE WEST VALLEY CITY FAMILY FITNESS CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 11-93 which would authorize the purchase of exercise equipment from various qualified vendors, in the total amount of approximately \$98,056.00, for use at the West Valley City Family Fitness Center.

Mr. Pyle stated the Fitness Center requested proposals from cardio-equipment suppliers for new equipment to replace some of the existing elliptical trainers, treadmills, bicycles, and others. Twelve companies responded and their bids were evaluated and compared against each other in a matrix format. He made recommendations summarized as follows:

1. 3 ea. Elliptical Trainers from Octane Fitness: \$11,046.00
(Not the low bid but chosen because they offer adjustable stride length and have fans)
2. 3 ea. AMT Cross Trainers from Precor: \$16,350.00
(Only bid that met specifications)

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3. 9 ea. Treadmills from Matrix Fitness: \$38,515.00
(Low bid of those meeting specifications)
4. 3 ea. Recumbent Bicycles from Matrix Fitness: \$5,730.00
(Lowest bid within specifications)
5. 3 ea. Upright Bicycles from Matrix Fitness: \$5,930.00
(Lowest bid within specifications)
6. 17 ea. Spinning Bicycles from LifeFitness (LeMond's): \$11,610.00
(Lowest bid in specifications)
7. 2 ea. Seated Ellipticals from Octane Fitness: \$7,375.00
(One-of-a-kind equipment)
8. Asset Management System for the Matrix Equipment in 3, 4, and 5:
\$1,500.00

The City Manager stated the above recommendations would result in a total purchase price of approximately \$98,056.00 from the various qualified vendors.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-93, a Resolution Authorizing the Purchase of Exercise Equipment from Various Qualified Vendors for use at the West Valley City Family Fitness Center. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15382

RESOLUTION NO. 11-94, APPROVE AN AGREEMENT WITH JENSEN & KEDDINGTON, PC. TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 11-94 which would approve an Agreement with Jensen & Keddington, PC., in the amount of \$76,384.00, to provide auditing services to West Valley City.

Mr. Pyle stated the City was required by law to engage an independent audit firm to audit the financial operations. He also stated Jensen & Keddington auditors had demonstrated experience and proficiency in municipal audits and knowledge of City operations. He informed the audit would be conducted in accordance with auditing standards generally accepted in the United States of America, the

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standards for financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States.

The City Manager advised Jensen & Keddington, P.C. had provided audit services to the City in the past and possessed the technical expertise to evaluate and review all aspects of the City's complex operations.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-94, a Resolution Approving an Agreement with Jensen & Keddington, P.C. to Provide Auditing Services to West Valley City. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15383

RESOLUTION NO. 11-95, AUTHORIZE WEST VALLEY CITY TO USE FUNDS RECEIVED FROM GRANITE SCHOOL DISTRICT AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF MAKING CONSTRUCTION AND OTHER RELATED IMPROVEMENTS FOR THE PROMENADE PROJECT WITHIN THE CITY CENTER PROJECT AREA

City Manager, Wayne Pyle, presented proposed Resolution No. 11-95 which would authorize West Valley City to use funds received from Granite School District and the Utah Department of Transportation for the purpose of making construction and other related improvements for the Promenade Project within the City Center Project Area.

Mr. Pyle stated the funds would be used for construction and related improvements for the Promenade, a lineal park and green space located in the City Center project area. He advised the subject funds were currently being held in the Capital Improvements Fund for this project.

After discussion, Councilmember Buhler moved to approve Resolution No. 11-95, a Resolution Authorizing West Valley City to Use Funds Received from Granite School District and the Utah Department of Transportation for the Purpose of Making Construction and Other Related Improvements for the

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Promenade Project within the City Center Project Area. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	No
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

15384

RESOLUTION NO. 11-96, RATIFYING THE APPOINTMENT OF LAURA HANSON AS THE EXECUTIVE DIRECTOR OF THE JORDAN RIVER COMMISSION AND AUTHORIZING THE CITY'S HUMAN RESOURCES DIVISION TO ADMINISTER HER SALARY AND BENEFITS

City Manager, Wayne Pyle, presented proposed Resolution No. 11-96 which would ratify the appointment of Laura Hanson as the Executive Director of the Jordan River Commission and authorize the City's Human Resources Division to administer her salary and benefits.

Mr. Pyle stated the proposed Resolution would allow the Executive Director of the Jordan River Commission to be employed by West Valley City for the purpose of salary and benefit administration.

The City Manager indicated West Valley City had joined with other cities along the Jordan River Corridor and established the Jordan River Commission. He advised the Commission hired an Executive Director and negotiated with the Executive Director a compensation package to include a base salary, medical and dental benefits, participation in a defined contribution or defined benefit program with the Utah Retirement Systems, vacation accrual, workers compensation, sick leave, short and long term disability, and life insurance. He indicated these benefits, where appropriate, had also been extended to the Executive Director's dependents.

Mr. Pyle stated that since the Jordan River Commission was a Utah interlocal entity the Executive Director or other staff employed by the Commission could be offered the same benefits as other State employees. However, administering those benefits would be at the discretion of the Commission. He explained it would simplify the administration of benefits by making the Executive Director an employee of West Valley City. All benefits offered to West Valley City full-

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time employees would be extended to the Executive Director and the Jordan River Commission would pay to the City all costs associated with that employment. He indicated this arrangement would be similar to receiving a Federal grant and employing and paying for employment costs under the terms of that grant.

The City Manager further advised if the proposal was approved by the Council, the Human Resource Division would determine the total annual cost of compensation including all payroll accruals and invoice the Jordan River Commission for those amounts. He stated the Jordan River Commission would then submit the annual payment to the City for disbursement.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-96, a Resolution Ratifying the Appointment of Laura Hanson as the Executive Director of the Jordan River Commission and Authorizing the City's Human Resources Division to Administer Her Salary and Benefits. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15385

APPLICATION NO. SD-1-2011, FILED BY SUBURBAN LAND RESERVE, INC., REQUESTING APPROVAL OF A STREET DEDICATION PLAT TO PROVIDE RIGHT-OF-WAY FOR CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF 5370 WEST AND LAKE PARK BOULEVARD

City Manager, Wayne Pyle, presented Application No. SD-1-2011, filed by Suburban Land Reserve, Inc., requesting approval of a street dedication plat to provide right-of-way for construction of a roundabout at the intersection of 5370 West and Lake Park Boulevard.

Mr. Pyle stated Terry Roylance, representing Suburban Land Reserve Inc., had requested approval to dedicate portions of property along 5370 West and Lake Park Boulevard. He further stated the purpose for the dedication plat was to provide right-of-way necessary for the applicant to construct a roundabout at the subject intersection.

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The City Manager reported a traffic study submitted as part of the Highbury Centre Subdivision indicated a roundabout would be needed at the intersection, which would enhance vehicular traffic based on pending commercial development within the commercial subdivision.

Mr. Pyle stated that due to the complexity of the roundabout at the “T” intersection, the plan could not be submitted with the Highbury Centre Subdivision plat. He advised the applicant had utilized the services of a roundabout specialist to design the intersection. He stated the design that was submitted met with approval of the City’s Traffic Engineers. He indicated the right-of-way would be comparable with other roundabouts along Lake Park Boulevard. He also stated although there would be subtle differences because of the “T” intersection, the design would allow for better traffic flow and satisfy the recommendations outlined in the traffic study.

After discussion, Councilmember Vincent moved to approve Application No. SD-1-2011, filed by Suburban Land Reserve, Inc., requesting approval of a street dedication plat to provide right-of-way for construction of a roundabout at the intersection of 5370 West and Lake Park Boulevard. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

15386

CONSENT AGENDA:

- A. **RESOLUTION NO. 11-97, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF TERRI MILLS AS A MEMBER OF THE PLANNING COMMISSION, TERM: JULY 1, 2011 – JULY 1, 2015**
City Manager, Wayne Pyle, presented proposed Resolution No. 11-97 which would ratify his reappointment of Terri Mills as a member of the Planning Commission, for the term July 1, 2011, through July 1, 2015.

Mr. Pyle stated Ms. Mills had served on the Planning Commission for eight years and previously served on the West Valley City Board of Adjustment. He indicated she had lived in the City for over 30 years and had been a valuable participant on the Planning Commission.

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B. RESOLUTION NO. 11-98, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF ALAN ANDERSON AS A MEMBER OF THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2011 – JUNE 30, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 11-98 which would ratify his reappointment of Alan Anderson as a member of the Storm Water Advisory Board for the term July 1, 2011, through June 30, 2013.

Mr. Pyle stated Mr. Anderson had expressed a desire to serve on the Storm Water Advisory Board for another two year term.

C. RESOLUTION NO. 11-99, RATIFY THE CITY MANAGER'S APPOINTMENT OF JEFF DEELSTRA AS CHAIR OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2012

City Manager, Wayne Pyle, presented proposed Resolution No. 11-99 which would ratify his appointment of Jeff Deelstra as Chair of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2012.

Mr. Pyle stated the Chair of the West Valley City Clean & Beautiful Committee served for a term of one year. He indicated Mr. Deelstra had served as a member of the Committee for the past few years and had been recommended by other Committee members for a term as Chair.

D. RESOLUTION NO. 11-100, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRIAN BLANK AS A MEMBER OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2015

City Manager, Wayne Pyle, presented proposed Resolution No. 11-100 which would ratify his reappointment of Brian Blank as a member of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2015.

Mr. Pyle stated Brian Blank had served as a Committee member for the past few years and had expressed interest in being reappointed.

E. RESOLUTION NO. 11-101, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRENDA CLARK AS A MEMBER OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2015

City Manager, Wayne Pyle, presented proposed Resolution No. 11-101 which would ratify the City Manager's reappointment of Brenda Clark as

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a member of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2015.

Mr. Pyle stated Ms. Clark had served as a Committee member for the past few years and desired to be reappointed to the Committee.

F. **RESOLUTION NO. 11-102, RATIFY THE CITY MANAGER'S APPOINTMENT OF KATE DUFF AS A MEMBER OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2015**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-102 which would ratify his appointment of Kate Duff as a member of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2015.

Mr. Pyle stated Ms. Duff had worked with the Clean & Beautiful Committee to start a community garden in her neighborhood, and had expressed an interest in serving on the Clean & Beautiful Committee

G. **RESOLUTION NO. 11-103, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MATHEW LOVATO AS A MEMBER OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2015**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-103 which would ratify his reappointment of Mathew Lovato as a member of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2015.

Mr. Pyle stated Mr. Lovato had served as a Committee member for the past few years and expressed an interest in being reappointed to that Committee.

H. **RESOLUTION NO. 11-104, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CAROLYN WORKMAN AS A MEMBER OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2011 – JUNE 30, 2015**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-104 which would ratify his reappointment of Carolyn Workman as a member of the Clean & Beautiful Committee for the term July 1, 2011, through June 30, 2015.

Mr. Pyle stated Ms. Workman had served as a Committee member for the past few years and desired to be reappointed to the Committee.

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After discussion, Councilmember Rushton moved to approve Resolution Nos. 11-92, 11-93, 11-94, 11-95, 11-96, 11-97, 11-98, 11-99, 11-100, 11-101, 11-102, 11-103 and 11-104 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	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 REGULAR MEETING OF TUESDAY, JUNE 28, 2011, WAS ADJOURNED AT 6:45 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 of the West Valley City Council held Tuesday, June 28, 2011.

Sheri McKendrick, MMC
City Recorder