

**MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 15, 2011**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 15, 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  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager (Participated via telephone)  
Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Eric Bunderson, City Attorney  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
Buzz Nielsen, Police Chief  
Nicole Cottle, CED Director  
Scott Freckleton, Acting Finance Director  
Stan Varney, Acting Fire Chief  
Jake Arslanian, Acting Public Works Director  
Aaron Crim, Administration  
John Brubaker, Parks and Recreation Department

15556 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who discussed Veteran's Day and read a quote by President John F. Kennedy regarding veterans. He also led the Pledge of Allegiance to the Flag.

15557 **SCOUTS**

Mayor Winder welcomed Cub Scout Troop Nos. 3629 and 3598 and Boy Scout Troop Nos. 1895, 811 and 1137 in attendance to complete requirements of the Citizenship in the Community and Communications merit badges.

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15558      **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 1, 2011,**

The Council read and considered Minutes of the Regular Meeting held November 1, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held November 1, 2011, as written. Councilmember Burt 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.

15559      **EMPLOYEE OF THE MONTH, NOVEMBER 2011 – RICHARD HART, PUBLIC WORKS DEPARTMENT**

Councilmember Burt read the nomination of Richard Hart, Public Works Department, to receive the Employee of the Month award for November, 2011. Mr. Hart had been nominated for his outstanding work ethic, ability to multi-task, and consistent friendly attitude toward his co-workers.

Mr. Hart was presented with a certificate and members of the City Council offered congratulations and expressed appreciation for his service to West Valley City. Mr. Hart addressed the City Council and introduced his wife and son.

15560      **COMMENT PERIOD**

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

Kevin Fayles addressed the City Council. Mr. Fayles stated there were over 340 articles and stories in the news recently regarding Mayor Mike Winder's recent deception in using a pen name to write articles for the Deseret News. He also stated Mike Winder was a good man, but he felt sorry for the City, staff and residents as they might feel they could not trust the Mayor. He suggested the City develop a plan or strategy to improve positive media coverage and he outlined examples of elements of such a plan. Mr. Fayles stated he had worked hard on

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the parks and trails campaign regarding the parks bond on the ballot the previous year.

Ralph Astorga addressed the City Council and expressed appreciation for work being done on the overflow parking lot at the Maverik Center. He stated he would still like to see the parking area lit for safety of TRAX riders.

Gundi Jones addressed the City Council and stated she had received a call this date from her son in California who heard the story on the radio regarding Mike Winder. Ms. Jones stated she did not always believe everything she read in the newspaper or editorials. She expressed love and her belief in the city. Ms. Jones stated everyone should learn from their mistakes and the issue with the Mayor should not be blown out of proportion. She discussed good things that had happened in the City and accomplishments of West Valley City residents that never received any kind of recognition in the newspaper. Ms. Jones stated we should not let this incident stop progress as apologies had been made and there was now a need to move forward.

Amy Mena addressed the City Council and spoke on behalf of animals at the shelter. She discussed a comment of a staff member regarding the number of days an animal would be held before being “put down.” She also stated the hours at the shelter made no sense and were not convenient for families who desired to adopt animals. Ms. Mena indicated the shelter was extremely understaffed as they had lost three full-time positions that had not been filled. She stated if there were no funds to hire more people or fill vacant positions there were many volunteers ready to step in and work on Saturdays or at night to assist with adoptions. She stated all of these ideas had been “shut down” by the shelter director. She further stated she would like to see an audit of the shelter’s finances, operations and hours. She stated 30 days was not enough time to find homes for animals or they would be euthanized.

Gayle Durras addressed the City Council and stated she was not a resident of the City, but had been a resident in the past. She indicated she now lived in Taylorsville and was speaking on behalf of animals at the shelter. She related an experience when visiting the shelter the previous week and stated there were several animals at the last day of the 30-day period and they were able to save five of them from being euthanized. Ms. Durras indicated animals needed a chance and time to be adopted instead of putting them down after 30 days at the shelter. She informed she had written a letter to each Council member expressing concerns and she requested the Council to look into activities at the shelter.

Mike Markham addressed the City Council and stated he supported West Valley City. He also stated he had called the newspapers and television stations in the past to say they were giving the city a “bad rap.” He also discussed the \$4 per

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square foot rather than \$10 per square foot that West Valley City was selling property to ICO and inquired what the city's cost was and if we were "giving the ship away" to finance hotels and other projects. He stated he supported the last two tax increases, but would not do so again if we continued in this manner.

15561

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE POLICE DEPARTMENT'S APPLICATION FOR A JUSTICE ASSISTANCE GRANT (J.A.G.) THROUGH THE DEPARTMENT OF JUSTICE PROGRAMS FOR A NON-MATCHING GRANT TO PURCHASE EQUIPMENT AND TECHNOLOGY**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the Police Department's application for a Justice Assistance Grant (J.A.G.) through the Department of Justice Programs for a non-matching grant to purchase equipment and technology. He discussed proposed Resolution No. 11-185 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-185 which would authorize the West Valley City Police Department to apply for a Justice Assistant Grant (J.A.G.), in the amount of \$118,563.00, through the U.S. Department of Justice Programs.

Mr. Isaac stated the grant funds could be used to purchase equipment, fund training, fund approved programs, and pay salaries for approved programs. He proposed funds be utilized to purchase a crime scene diagramming unit, an all-terrain vehicle trailer, upgrades for the mobile incident command unit, and financial crime training. He indicated this was a non-matching three year grant and additional funding could be awarded in future years to continue the grant program.

The Acting City Manager reported the procedure for allocating J.A.G. funds was a formula based on population and crime statistics in combination with a minimum allocation to ensure each state and territory received an appropriate share. He stated the Edward Byrne Memorial Justice Assistance Grant Program would allow states and local governments to support a broad range of activities to improve the criminal justice system. He advised the J.A.G. replaced the Byrne Formula and Local Law Enforcement Block Grant programs.

Mr. Isaac discussed the need of the Police Department to upgrade the mobile incident command center and trailer for the all-terrain vehicles. He stated major incidents over the past couple years had made this need very evident. In addition, a crime scene diagramming unit would improve the effectiveness and efficiency of the Forensic Services Unit. He indicated the struggling economy had led to more financial crime making it imperative detectives be trained in the most

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current and effective ways to solve these types of crimes. He further indicated budget constraints had funneled resources to essential services thus not allowing for necessary upgrades in equipment and technology and training. He stated the J.A.G. funding would be used to make these improvements.

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 RESOLUTION NO. 11-185, AUTHORIZING THE WEST VALLEY CITY POLICE DEPARTMENT TO APPLY FOR A JUSTICE ASSISTANCE GRANT (J.A.G.) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS**

The City Council previously held a public hearing regarding proposed Resolution No. 11-185 which would authorize the West Valley City Police Department to apply for a Justice Assistance Grant (J.A.G.) through the U.S. Department of Justice Programs.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-185, a Resolution Authorizing the West Valley City Police Department to Apply for a Justice Assistance Grant (J.A.G.) through the U.S. Department of Justice Programs. 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.

15562

**RESOLUTION NO. 11-186, APPROVE PURCHASE OF FOUR HARLEY-DAVIDSON MOTORCYCLES FROM HARLEY-DAVIDSON OF UTAH, FOR USE BY THE POLICE DEPARTMENT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-186 which would approve purchase of four Harley Davidson motorcycles from Harley-Davidson of Utah, in an amount not to exceed \$60,000.00, for use by the Police Department.

Mr. Isaac stated Harley-Davidson of Utah currently held the State bid for Harley-Davidson motorcycles under State of Utah Contract Number PD1765.

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The Acting City Manager reported the Police Department needed to replace four motorcycles used by the Traffic Division for traffic enforcement. He indicated three of the new motorcycles would replace motorcycles that were 10 years old, or older, and had reached their useful law enforcement life. The fourth motorcycle needed to be replaced as it had been destroyed in a traffic accident, which also severely injured an officer. He stated three of the motorcycles would be replaced from the Non-Departmental Rolling Stock Account and the fourth motorcycle, damaged in the traffic accident, would be replaced out of the Police Department Risk account from funds received in the insurance settlement.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-186, a Resolution Approving the Purchase of Four Harley Davidson Motorcycles from Harley-Davidson of Utah for use by the Police Department. Councilmember Burt 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.

15563

**RESOLUTION NO. 11-187, AWARD A CONTRACT TO LANDSCAPES UNLIMITED FOR RECONSTRUCTION OF THE WEST RIDGE GOLF COURSE**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-187 which would award a contract to Landscapes Unlimited, in the amount of \$11,495,241.70, for reconstruction of the West Ridge Golf Course.

Mr. Isaac stated bids had been solicited through the competitive public bidding process and seven bids received from national golf course contractors, as follows:

1.	Landscapes Unlimited	\$11,495,241.70
2.	TDI Golf	\$11,550,631.77
3.	Heritage Links	\$13,155,549.09
4.	Dunnick	\$11,836,000.03
5.	American Civil Constructors	\$13,474,035.00
6.	Weitz Golf	\$14,193,361.66

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7. Wadsworth \$12,560,882.00

The Acting City Manager advised a committee of six people reviewed all bids for accuracy and qualifications as set forth in the bid documents. He reported Landscapes Unlimited had submitted the lowest responsible bid.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-187, a Resolution Awarding a Contract to Landscapes Unlimited for Reconstruction of the West Ridge Golf Course and Authorizing the Execution of a Contract. 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.

15564

**RESOLUTION NO. 11-188, APPROVE AN AGREEMENT WITH SALT LAKE COUNTY TO PROVIDE “ZOO, ARTS AND PARKS FUNDS” TO THE UTAH CULTURAL CELEBRATION CENTER**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-188 which would approve an Agreement with Salt Lake County to provide “Zoo, Arts and Parks Funds” to the Utah Cultural Celebration Center.

Mr. Isaac stated the Zoo, Arts and Parks (ZAP) funding program of Salt Lake County had granted the Utah Cultural Celebration Center (UCCC) a Tier II award in the amount of \$47,317.33. He advised the funds were to be used for the expansion of existing programs and creation of new cultural initiatives. He indicated the award would be required to be used during the program year 2011-2012.

The Acting City Manager reported the UCCC would primarily use the funding for general program development in three areas, as follows: 1) educational programming and workshops; 2) festivals, celebrations, and concerts; 3) gallery exhibitions. He stated with this new funding the UCCC would be able to expand its community based arts and cultural programming. He advised that the UCCC would also be able to reach a greater number of West Valley City and Salt Lake

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County residents of all ages and income levels who represented many cultural and ethnic groups.

Mr. Isaac also reported that over the past six years the UCCC had become the preferred destination for many high quality and diverse cultural and arts events that reflected interests of the community and thus enhancing the image of West Valley City. He stated the UCCC was posed to continue maximizing the benefits that would result from the yearly ZAP financial award. He indicated that over the next 12 months the Center would develop community programming, expand the Partners Program, continue to seek and expand diversified funding sources, and collaborate on opportunities for residents to experience quality multi-disciplinary arts and cultural programming.

After discussion, Councilmember Burt moved to approve Resolution No. 11-188, a Resolution Approving an Agreement between West Valley City and Salt Lake County to Provide Zoo, Arts and Parks Funds to the Utah Cultural Celebration Center. Councilmember Rushton 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.

15565

**RESOLUTION NO. 11-189, APPROVE A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR WORK ASSOCIATED WITH THE MOUNTAIN VIEW CORRIDOR AND WIDENING OF 6200 SOUTH**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-189 which would approve a cooperative agreement with the Utah Department of Transportation (UDOT), in the amount of \$48,883.67, for work associated with the Mountain View Corridor project and widening of 6200 South.

Mr. Isaac stated the Betterment Agreement No. 2 would allow UDOT's contractor to perform earthwork on 6200 South preparatory to a West Valley City roadway widening project. He further stated the City was in the process of designing a roadway widening project that would widen 6200 South westward from Laurel Canyon Drive to tie into the roadway widening work to be completed by UDOT

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as part of the Mountain View Corridor project. He indicated West Valley City had previously entered into a Betterment Agreement with UDOT to pay for relocation of power poles by Rocky Mountain Power along the West Valley City project. In order to relocate the poles prior to the City's project, the existing ground needed to be excavated to the final grade. Upon execution of the subject agreement the necessary excavation work could be completed by UDOT's contractor.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-189, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City and the Utah Department of Transportation for Work Associated with the Mountain View Corridor and Widening of 6200 South. Councilmember Buhler 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.

15566

**RESOLUTION NO. 11-190, RESOLUTION NO. 11-190, AUTHORIZING EXECUTION OF A SECOND AMENDED AND RESTATED PLEDGE AND LOAN AGREEMENT AND ANY OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-190 which would authorize execution of a Second Amended and Restated Pledge and Loan Agreement and any other documents required in connection therewith; authorize and approve the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; provide a severability clause; repeal resolutions in conflict; provide an effective date; and related matters.

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Mr. Isaac stated the subject agreement consolidated all previous UTOPIA bonds at a fixed interest rate. He informed this would allow UTOPIA to reduce market risk, reduce administrative costs, and restructure its debt to be able to make timely payments.

The Acting City Manager reported UTOPIA issued variable rate bonds in 2008 and the interest rates on those bonds had reached the point where UTOPIA would be unable to meet their payment obligations. He stated Key Bank had agreed with Zions Bank and UTOPIA to take the bonds in house at a fixed interest rate. He indicated this fixed interest rate would allow UTOPIA to meet its minimum payments and avoid the complications involved with defaulting on the bonds.

After discussion, Councilmember Burt moved to approve Resolution No. 11-190, a Resolution of the City Council of West Valley City, Utah (the “City”), Authorizing the Execution by the City of a Second Amended and Restated Pledge and Loan Agreement and Any Other Documents Required in Connection Therewith; Authorizing and Approving the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; Providing a Severability Clause; Repealing Resolutions in Conflict; Providing an Effective Date; and Related Matters. Councilmember Brooks 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 15, 2011, WAS ADJOURNED AT 7:06 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, November 15, 2011.

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Sheri McKendrick, MMC  
City Recorder