

MINUTES OF COUNCIL REGULAR MEETING – MAY 15, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 15, 2012, 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
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
Eric Bunderson, City Attorney
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Anita Schwemmer, Acting Police Chief
Steve Pastorik, Acting CED Director
Dan Johnson, Acting Public Works Director
Kevin Conde', Administration
Craig Thomas, Administration
Jake Arslanian, Public Works Department
Jeff Nosack, Public Works Department
Jason Helm, Public Works Department

15749

OPENING CEREMONY

The Opening Ceremony was conducted by Tom Huynh who led the Pledge of Allegiance to the Flag.

15750

SCOUTS & OTHER RECOGNITIONS

Mayor Winder welcomed Scout Troop No. 269 in attendance at the meeting to complete requirements for the Citizenship in the Community merit badge.

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Mayor Winder recognized and welcomed Necia Christensen, UTA (Utah Transit Authority) board member, to the meeting.

15751 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 1, 2012**

The Council read and considered Minutes of the Regular Meeting held May 1, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Huynh moved to approve the Minutes of the Regular Meeting held May 1, 2012, as written. 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.

15752 **EAC QUARTERLY DIVISION AWARD – STATION 74 B PLATOON, FIRE DEPARTMENT**

Councilmember Rushton read a nomination of Station 74 B Platoon, Fire Department, to receive the EAC Quarterly Division Award for their role in the rescue of three people from a third floor window at the Brookwood Apartments during a fire and smoke emergency.

The City Council expressed appreciation to Station 74 B Platoon for their dedication and service to West Valley City and offered congratulations on receiving the award.

15753 **EMPLOYEE OF THE MONTH, MAY 2012 – DAN JOHNSON, PUBLIC WORKS/ENGINEERING**

Councilmember Christensen read the nomination of Dan Johnson, Public Works Department, Engineering Division, to receive the Employee of the Month Award for May 2012, for his dependability, calm demeanor and willingness to listen thereby making Mr. Johnson a great leader by example.

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The City Council offered congratulations and expressed appreciation to Mr. Johnson for his service to West Valley City.

15754 **PROCLAMATION RECOGNIZING MAY 2012 AS “AMERICAN STROKE AWARENESS MONTH” IN WEST VALLEY CITY**

Councilmember Vincent read a proclamation recognizing May 2012 as “American Stroke Awareness Month” in West Valley City.

15755 **COMMENT PERIOD**

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

15756 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-3-2012, FILED BY WEST VALLEY PAVILION, LLC, AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF REQUEST FOR A ZONE TEXT CHANGE TO AMEND SECTION 7-22-406(15) OF THE 5600 WEST OVERLAY ZONE TO ALLOW FAST FOOD RESTAURANTS WITH DRIVE-UP WINDOWS UNDER CERTAIN CONDITIONS**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding an appeal of the Planning Commission’s denial of Application No. ZT-3-2012, filed by West Valley Pavilion, LLC, requesting a zone text change to amend Section 7-22-406(15) of the 5600 West Overlay Zone to allow fast food restaurants with drive-up windows under certain conditions. He discussed information and documentation related to the appeal to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented Application No. ZT-3-2012 and proposed Ordinance No. 12-18 which would amend Section 7-22-406 of Title 7 of the West Valley City Municipal Code³, Land Use Development and Management Act, regarding use limitations in the 5600 West Overlay Zone.

Mr. Pyle stated Gordon Keig with West Valley Pavilion, LLC, the owner of the remaining pad sites at the Winco Shopping Center (on the northwest corner of 5600 West and Parkway Boulevard) had submitted a zone text change application to amend Section 7-22-406 of the 5600 West Overlay Zone. He indicated this section of the ordinance addressed use limitations. He explained one of the prohibited uses listed in the section was fast food with drive-up windows as a stand-alone business, or as the primary business on a development pad site. He indicated fast food could be allowed under the roof of another business as an accessory use with no drive-up windows. He stated the proposed change would allow fast food with drive-up windows under certain conditions. He reported the

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Council had received a document submitted by the applicant that answered various questions regarding the proposal.

City Manager, Wayne Pyle, reported the 5600 West Overlay Zone had been adopted in April of 2004, and extended from 2100 South to 3100 South and 250 feet on either side of the right-of-way for 5600 West. The overlay zone had been put in place in part to encourage uses other than stand-alone fast food given the number of fast food business existing between 3100 South and 3500 South. He indicated existing stand-alone fast food businesses in this area included Subway, McDonalds, Burger King, Dairy Queen, Taco Bell, Carl's Jr., Culvers (opening soon), Wendy's, and Chick-Fil-A.

Mr. Pyle indicated that between 3100 South and Parkway Boulevard most of the property within 250 feet of 5600 West was already developed or had recently been approved for development. He stated north of Parkway Boulevard there were three vacant pad sites at the Target anchored shopping center and one vacant pad site at the Winco anchored shopping center that fell within the overlay zone.

City Manager, Wayne Pyle, stated the Planning Commission, after public hearing and consideration, had denied the application and the applicant was appealing that decision to the City Council.

Mayor Winder opened the public hearing.

Gordon Keig, representing the applicant, addressed the City Council. He expressed appreciation for the City's professional staff in assisting and guiding him through the appeal process. He discussed history of the subject property including zoning, construction of Winco Foods and other shops. He discussed the request for a text amendment, requirements, design controls, and design standards. He also commented regarding Council discussions at the previous Study Meeting where the issue was reviewed. He displayed a conceptual site plan and discussed types of uses that were permitted in the 5600 West Overlay Zone and those that were prohibited. He stated "real world" examples and showed photographs of similar projects in other parts of the country as the one proposed for West Valley City. He also discussed design and enhanced landscape features of the buildings and, in particular, screened drive-thru to minimize visual impacts. He stated this was the intent when drafting the text amendment. He read language from the current ordinance regarding the 5600 West Overlay Zone used in writing the appeal of the Planning Commission's denial of the application. He respectfully requested City Council approve the proposal and thanked them for their time.

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

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Upon discussion, Council members individually expressed comments, concerns and opinions regarding this matter. Some members of the City Council requested clarification regarding certain language in the proposal.

ACTION: CONSIDER ORDINANCE NO. 12-18, AMENDING SECTION 7-22-406 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE, LAND USE DEVELOPMENT AND MANAGEMENT ACT, REGARDING USE LIMITATIONS IN THE 5600 WEST OVERLAY ZONE

The City Council previously held a public hearing regarding an appeal of the Planning Commission’s denial of Application No. ZT-3-2012, filed by West Valley Pavilion, LLC, requesting a zone text change to amend Section 7-22-406(15) of the 5600 West Overlay Zone to allow fast food restaurants with drive-up windows under certain conditions.

After discussion, Councilmember Rushton moved to overturn the Planning Commission’s denial of Application No. ZT-3-2012; and to approve Ordinance No. 12-18, an Ordinance Amending Section 7-22-406 of Title 7 of the West Valley Municipal Code, Land Use Development and Management Act, Regarding Use Limitations in the 5600 West Overlay Zone. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

15757

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE DECLARATION OF CITY-OWNED LAND LOCATED AT APPROXIMATELY 1200 WEST 3300 SOUTH AS SURPLUS PROPERTY AND DISPOSITION OF THE PROPERTY

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the declaration of City-owned land located at approximately 1200 West 3300 South as surplus property and disposition of the property. He discussed proposed

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Resolution No. 12-60 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 12-60 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for a land swap of properties located at approximately 1200 West 3300 South.

Mr. Pyle stated Salt Lake County owned 1.721 acres of property at approximately 1231 W. Rosa Parks Drive, portions of parcels 15-26-301-012-4001 and 15-26-351-013. He also stated the City owned 2,457 acres of property at approximately 1262 W. Rosa Parks Drive, portions of parcels 15-26-301-4001 and 4002. He stated the City had requested the County trade the County property for the City property.

The City Manager indicated the City desired to acquire the above property in order to facilitate development of the Jordan River Marketplace project. He stated the trade was intended to be based upon equivalent land values of the proposed parcels. Based on appraisals conducted by Free and Associates, Inc. the value of the County property was \$5.00 per square foot, and the value of the West Valley City property was \$3.50 per square foot. He reported the proposed County to City parcel was 1.721 acres, and the proposed City to County parcel was 2.457 acres.

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. 12-60, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR A LAND SWAP OF PROPERTIES LOCATED AT APPROXIMATELY 1200 WEST 3300 SOUTH

The City Council previously held a public hearing regarding the declaration of City-owned land located at approximately 1200 West 3300 South as surplus property, disposition of the property, and proposed Resolution No. 12-60 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for a land swap or properties located at approximately 1200 West 3300 South Street.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-60, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for a Land Swap of Properties Located at Approximately 1200 West 3300 South. Councilmember Huynh seconded the motion.

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A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	No
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

15758

RESOLUTION NO. 12-61, APPROVE AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN WEST VALLEY CITY AND WASTE MANAGEMENT FOR RESIDENTIAL SOLID WASTE COLLECTION AND CURBSIDE RECYCLING

City Manager, Wayne Pyle, presented proposed Resolution No. 12-61 which would approve Amendment No. 1 to an Agreement between West Valley City and Waste Management for residential solid waste collections and curbside recycling.

Mr. Pyle stated the original contract with Waste Management included an allowance for fuel surcharges when the price of diesel fuel exceeded a certain base amount. He indicated Waste Management purchased trucks that ran on compressed natural gas (CNG fuel) to serve West Valley City, which made calculations of the fuel surcharge difficult. He stated the rising cost of diesel fuel also resulted in fuel surcharges totaling over \$30,000 in the first six months of the contract.

The City Manager reported Waste Management had proposed a new way to adjust payments based on increased fuel prices for compressed natural gas. He stated the subject amendment would establish an additional charge per home per month, based on the current price of CNG versus the price of CNG when the contract began. He explained at current price levels, the new methodology would save the City approximately \$1,000 per month compared to the diesel fuel surcharge.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-61, a Resolution Approving Amendment No. 1 to an Agreement between West Valley City and Waste Management for Residential Solid Waste Collection and Curbside Recycling. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15759

RESOLUTION NO. 12-62, AUTHORIZE THE CITY TO PURCHASE REGULAR REFUSE AND RECYCLING CONTAINERS FROM REHRIG PACIFIC

City Manager, Wayne Pyle, presented proposed Resolution No. 12-62 which would authorize the City to purchase regular refuse and recycling containers from Rehrig Pacific, in an amount not to exceed \$125,000.00.

Mr. Pyle stated that in response to request for bids, five bids had been received to furnish regular refuse and recycling containers for a one year period, with the option of extending the agreement for four additional one year time periods. He discussed the proposals and stated the City Council had received a container bid summary sheet outlining details of the proposals. He indicated all proposals were very close in price and all of the containers came with a 10-year warranty, but Rehrig Pacific had the best bid for the weight of containers asked for (40 lbs. for regular and 34 lbs. for recycling cans). He further stated he recommended Rehrig Pacific be awarded the contract.

After discussion, Councilmember Lang moved to approve Resolution No. 12-62, a Resolution Authorizing the City to Purchase Regular Refuse and Recycling Containers from Rehrig Pacific. Councilmember Rushton 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.

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15760

RESOLUTION NO. 12-63, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 4, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

City Manager, Wayne Pyle, presented proposed Resolution No. 12-63 which would authorize the execution and delivery of a Master Lease Agreement, Equipment Schedule No. 4, an Escrow Agreement, and related instruments, and determining other matters in connection therewith.

Mr. Pyle stated the proposed agreement would facilitate refurbishing a 2002 Pierce Saber Pumper. He advised the source of financing would be an agreement with SunTrust Equipment Finance & Leasing Corp. with the term of lease being seven years with semi-annual payments at an interest rate of 2.5%.

The City Manager reported it had been determined refurbishing the 2002 Pierce Saber Pumper would be cost effective and a reasonable alternative to full cost replacement of that truck. He stated favorable terms had been negotiated with SunTrust Equipment to initiate a lease purchase transaction. He advised terms of the lease would be approximately the useful life of the asset acquired.

After discussion, Councilmember Lang moved to approve Resolution No. 12-63, a Resolution Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 04, an Escrow Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith. 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.

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RESOLUTION NO. 12-64, AUTHORIZING WEST VALLEY CITY TO ENTER INTO AN AGREEMENT WITH PIERCE MANUFACTURING TO REFURBISH A 2002 PIERCE SABER PUMPER FOR USE BY THE FIRE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 12-64 which would authorize the City to enter into an Agreement with Pierce Manufacturing, in an amount not to exceed \$149,070.00, to refurbish a 2002 Pierce Saber Pumper for use by the Fire Department.

Mr. Pyle stated the City desired to refurbish a Pierce Saber Pumper with source of financing to be a SunTrust Lease Agreement with a term of seven years, semi-annual payments, and interest rate at 2.5%. He advised the subject truck had been purchased in 2002 and refurbishing of the unit would restore it to new condition. He stated refurbishing would result in a substantial savings compared to purchasing a new one. He also reported funds had been allocated for payments to accommodate this refurbishing contract in fiscal year 2013.

After discussion, Councilmember Buhler moved to approve Resolution No. 12-64, a Resolution Authorizing West Valley City to Enter Into an Agreement with Pierce Manufacturing to Refurbish a 2002 Pierce Saber Pumper for use by the Fire Department. 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.

15762

RESOLUTION NO. 12-65, AUTHORIZING EXECUTION AND DELIVERY OF AN INTERLOCAL SALES TAX PLEDGE AND LOAN AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, OF ITS SUBORDINATE TAX INCREMENT AND SUBORDINATE SALES TAX REVENUE BONDS, SERIES 2012, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,800,000; AND NOTICE OF PUBLIC HEARING AND AND RELATED MATTERS

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City Manager, Wayne Pyle, presented proposed Resolution No. 12-65 which would authorize the execution and delivery of an Interlocal Sales Tax Pledge and Loan Agreement in connection with the issuance by the Redevelopment Agency of West Valley City, Utah, of its Subordinate Tax Increment and Subordinate Sales Tax Revenue Bonds, Series 2012, in the aggregate principal amount of not to exceed \$6,800,000; and notice of public hearing and related matters.

Mr. Pyle stated the Redevelopment Agency had determined it would be in furtherance of its public purposes to issue not more than \$6,800,000 of Tax Increment Revenue Bonds to provide funds to (i) finance costs of acquiring various properties within the Redevelopment Project Area; (ii) fund a debt service revenue fund, if necessary; and (iii) pay costs associated with the issuance of the Bonds. He further stated in order to make these bonds more marketable an interlocal agreement with the City would be needed that would require the City to pledge sales tax revenue if tax increment pledged to the 2012 Bonds was insufficient to pay debt service on the Bonds.

The City Manager advised the Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act, under Title 17C of the Utah Code, allowed the City to grant or contribute funds to the Agency pursuant to an interlocal agreement.

City Manager, Wayne Pyle, also stated a public hearing had been scheduled for June 5, 2012, to accept public input with no further action being required.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-65, a Resolution of the City Council of West Valley City, Utah, Authorizing the Execution and Delivery of an Interlocal Sales Tax Pledge and Loan Agreement in Connection with the Issuance by the Redevelopment Agency of West Valley City, Utah, of Its Subordinate Tax Increment and Subordinate Sales Tax Revenue Bonds, Series 2012, in the Aggregate Principal Amount of Not to Exceed \$6,800,000; and Notice of Public Hearing and Related Matters. 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

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Unanimous.

15763

CONSENT AGENDA:

A. RESOLUTION NO. 12-66, ACCEPT A STORM DRAIN EASEMENT FROM SPERRY TRADING, LLC, ACROSS PROPERTY LOCATED AT 2537 SOUTH 3270 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 12-66 which would accept a Storm Drain Easement from Sperry Trading, LLC, across property located at 2537 South 3270 West.

Mr. Pyle stated the proposed easement would be used for an existing storm drain line which ran along the westerly portion of the Kodiak Fresh Produce site. He reported a long existing City storm drain line ran inside and along the westerly boundary of the subject site. He indicated as a requirement for approval for the proposed improvements to this site, an easement had been required to facilitate maintenance of the storm drain line by the City.

B. RESOLUTION NO. 12-67, ACCEPT A WARRANTY DEED FROM SPERRY TRADING, LLC, FOR PROPERTY LOCATED AT 2537 SOUTH 3270 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 12-67 which would accept a Warranty Deed from Sperry Trading, LLC, for property located at 2537 South 3270 West.

Mr. Pyle stated a Warranty Deed had been signed by Sperry Trading LLC for additional right-of-way on the corner of 2555 South and 3200 West.

The City Manager reported Sperry Trading LLC was the owner of the property for the Kodiak Fresh Produce site. He further stated as a condition of approval for site additions and modifications, additional right-of-way on the southeast corner of the subject property had been required to be deeded to the City. He stated the current parcel was rectangular in shape with the southeast corner of the property extending into the public improvements at the corner. He indicated the Warranty Deed conveyed the portion of property covered by the existing and required improvements (ADA ramps) at the southeast corner of the property.

C. RESOLUTION NO. 12-68, APPOINTING JANICE FISHER AS WEST VALLEY CITY'S REPRESENTATIVE TO THE MAGNA MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES FOR A FOUR-YEAR TERM COMMENCING JANUARY 2, 2012 AND ENDING JANUARY 1, 2016

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City Manager, Wayne Pyle, presented proposed Resolution No. 12-68 which would appoint Janice Fisher as West Valley City's representative to the Magna Mosquito Abatement District Board of Trustees for a four-year term commencing January 2, 2012 and ending January 1, 2016.

Mr. Pyle stated Ms. Fisher had expressed a desire to serve on the Mosquito Abatement District Board as the City's representative.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 12-66, 12-67 and 12-68 as presented on the Consent Agenda. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 15, 2012, WAS ADJOURNED AT 7:21 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, May 15, 2012.

Sheri McKendrick, MMC
City Recorder