

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 9, 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
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Tom Huynh
Karen Lang

STAFF PRESENT:

Eric Bunderson, City Attorney
Nicole Cottle, CED Director
Jim Welch, Finance Director
Layne Morris, CPD Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Russ Willardson, Public Works Director
Jake Arslanian, Public Works Department
Owen Jackson, Administration
Natalie Meredith, Administration
Don Groo, Finance Department
Greg Burgoyne, Finance Department
David Sagers, Finance Department
Nick Hales, Finance Department
Bill Berger, Finance Department
Scott Freckleton, Finance Department
Jeannette Carpenter, Finance Department
Cindy Hobbs, Finance Department
Wendy Motteshard, Public Works Department

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-2-

15914 **OPENING CEREMONY**

The Opening Ceremony was conducted by Don Christensen who discussed rights as citizens of the United States of America, and led the Pledge of Allegiance to the Flag.

15915 **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 25, 2012**

The Council read and considered Minutes of the Regular Meeting held September 25, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held September 25, 2012, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15916 **DANYCE STECK, PRESIDENT OF UTAH GOVERNMENT FINANCE OFFICERS ASSOCIATION (UGFOA) – PRESENTATION OF THE "DISTINGUISHED BUDGET PRESENTATION AWARD" FOR FISCAL YEAR 2012 TO WEST VALLEY CITY**

Upon direction, the Finance Director introduced Ms. Danyce Steck, representing the Utah Government Finance Officers Association (UGFOA). He stated Ms. Steck would present the Distinguished Budget Presentation Award to West Valley City.

Ms. Steck addressed the City Council and stated it was the 21st year West Valley City and the Finance Department had received the prestigious "Distinguished Budget Presentation Award." She informed this award was presented to governmental entities that demonstrate the highest principals of proficiency and excellence in budget preparation and presentation. In order to receive this honor, the entity must satisfy nationally recognized standards of effective budget presentation. She indicated the budget staff of the City's Finance Department worked very hard to ensure the highest principals of accuracy and disclosure were maintained. She indicated the award was meant to encourage government entities

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-3-

to prepare high quality budget documents which increased accountability and lead to better decision making and transparency.

Ms. Steck presented the award plaque to the City Council and a certificate of recognition to the Finance Department.

Finance Director, Jim Welch, addressed the City Council and expressed gratitude to his staff for their efforts and, in particular, the team of Jeanette Carpenter and Cindy Hobbs.

On behalf of the City Council, Mayor Winder expressed appreciation to the Finance Director and Finance Department staff for their efforts in qualifying for the prestigious award.

15917 **EMPLOYEE OF THE MONTH, SEPTEMBER 2012 – CINDY HOBBS, FINANCE DEPARTMENT**

Councilmember Rushton read the nomination of Cindy Hobbs, Finance Department, to receive the Employee of the Month Award for September 2012. Ms. Hobbs had been nominated for her dedication and service to West Valley City and, in particular, her volunteer efforts in planning, organizing and hosting a National Night Out event for the Fassio Farms neighborhood.

The City Council expressed appreciation to Ms. Hobbs for her dedication and service to West Valley City.

Ms. Hobbs addressed the City Council and introduced family members in attendance at the meeting. She also expressed appreciation to co-workers for their support and attendance at the meeting.

15918 **COMMENT PERIOD**

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

A. **PUBLIC COMMENTS**

Mark Klotovich addressed the City Council. Mr. Klotovich stated he represented the South Jordan Canal Company. He distributed written information to members of the City Council and explained they contained a hand drawn map and photographs. He discussed background information regarding the Canal Company and agreements with the city. He stated that on August 12th someone named Sale had been flooded and called for cleanup which was now at a cost of \$4,800. Mr. Klotovich stated there were two lateral canals in the area and rapport between the Utah Salt Lake and South Jordan Canal companies was not good. He discussed issues

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-4-

with the canal system indicating they were restricted but not locked which encouraged vandalism. He advised he had met with City staff at one location, but should have met at another, which he later found out was partially plugged. He stated he would like to meet with someone from the City preferably a Council person. He discussed additional information regarding the condition of the canal and the elderly neighbors and others affected when the canal overflowed and flooded.

B. CITY MANAGER COMMENTS

Acting City Manager, Paul Isaac, suggested Mr. Klotovich provide his contact information so a meeting could be set up with City engineers to discuss the issues described.

C. CITY COUNCIL COMMENTS

Councilmember Christensen commended the Buddhist Temple in West Valley City for hosting the National Vietnamese Buddhist Congress the previous week.

15919

ORDINANCE NO. 12-40, AMEND SECTION 17-2-101 AND ENACT SECTION 17-2-119 OF THE WEST VALLEY CITY MUNICIPAL CODE REGULATING SPECIAL EVENT PERMITS FOR ALCOHOL SALES

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 12-40 which would amend Section 17-2-101 and enact Section 17-2-119 of the West Valley City Municipal Code regulating special event permits for alcohol sales.

Mr. Isaac stated West Valley City periodically issued local consent for Special Event Permits which were not clearly defined in the Code. He also stated the Maverick Center and USANA Amphitheater periodically had events that required a Special Event Permit from the State Division of Alcoholic Beverage Control (DABC), which required local consent for issuance. He indicated the City Code did not clearly set forth the circumstances under which the City issued local consent for these types of permits. He explained the City rarely received requests for local consent for a Special Event Permit from an entity/individual unrelated to a Concert Venue (defined as Maverick Center, USANA Amphitheater, Rocky Mountain Raceway, the Utah Cultural Celebration Center and Hale Centre Theatre). He stated concert venues were the most compatible facilities for events that included alcohol sales.

After discussion, Councilmember Christensen moved to approve Ordinance No. 12-40, an Ordinance Amending Section 17-2-101 and Enacting Section 17-2-119 of the West Valley City Municipal Code Regulating Special Event Permits for Alcohol Sales. Councilmember Vincent seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-5-

A roll call vote was taken:

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

Unanimous.

15920

RESOLUTION NO. 12-141, APPROVE AN AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR LANDSCAPE MAINTENANCE ON PROPERTY LOCATED AT 5400 SOUTH 7000 WEST ON STATE ROUTE 173

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-141 which would approve an Agreement with the Utah Department of Transportation (UDOT) for landscape maintenance on property located at 5400 South 7000 West on State Route 173.

Mr. Isaac stated the proposal would authorize an agreement between the City and UDOT for installation and maintenance of landscaping within the public right-of-way along the frontage of Hexcel Corporation on 5400 South. He indicated UDOT would only enter into a landscape maintenance agreement with the City and not with a private entity. He explained for that reason the City would enter into the agreement with UDOT that required the City to maintain the landscaping within the right-of-way and the City would, in turn, have a landscape maintenance agreement with Hexcel who would actually maintain the landscaping.

After discussion, Councilmember Buhler moved to approve Resolution No. 12-141, a Resolution Approving an Agreement with the Utah Department of Transportation for Landscape Maintenance on Property Located at 5400 South 7000 West on State Route 173. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-6-

15921 **RESOLUTION NO. 12-142, APPROVE AN AGREEMENT WITH HEXCEL CORPORATION FOR LANDSCAPE MAINTENANCE ON PROPERTY LOCATED AT 5400 SOUTH 7000 WEST ON STATE ROUTE 173**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-142 which would approve an Agreement with Hexcel Corporation for Landscape Maintenance on property located at 5400 South 7000 West on State Route 173.

Mr. Isaac stated the proposal would authorize a landscape maintenance agreement with Hexcel Corporation under which Hexcel would maintain landscaping within the public right-of-way along the Hexcel Corporation frontage on 5400 South (SR 173). He further stated the Utah Department of Transportation (UDOT) would only enter into a landscape maintenance agreement with the City and not with a private entity. He explained for that reason the City would enter into the agreement with UDOT that required the City to maintain the landscaping within the right-of-way and the City would, in turn, delegate its rights and responsibilities for the landscaping to Hexcel.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-142, a Resolution Approving an Agreement with Hexcel Corporation for Landscape Maintenance on Property Located at 5400 South 7000 West on State Route 173. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15922 **RESOLUTION NO. 12-143, AUTHORIZE CHANGE ORDER NO. 1 TO THE CONTRACT WITH M.C. GREEN AND SONS FOR THE FAIRBOURNE STATION PHASE 1 ROADWAY PROJECT** Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-143 which would authorize Change Order No. 1 to the contract with M.C. Green and Sons, in the amount of \$71,064.80, for the Fairbourne Station Phase 1 Roadway Project.

Mr. Isaac stated the change order covered the cost of various items of work added to the project. He indicated that during installation of the storm drain on Market Street old existing infrastructure in a previous unknown configuration became

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-7-

apparent and required a change in the storm drain design. He reported the subject change order would cover the cost to replace approximately 300 lineal feet of deteriorating storm drain pipe in Market Street. He explained other costs incurred included in the proposed change order covered the cost to modify the storm drain design to work around existing utilities and also to address unknown conditions. The Acting City Manager reported funding for the additional work would be covered by Storm Water Utility fees.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-143, a Resolution Authorizing Change Order No. 1 to the Contract with M.C. Green and Sons for the Fairbourne Station Phase I Roadway Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

15923

RESOLUTION NO. 12-144, APPROVE THE PURCHASE OF NEW 14 PASSENGER BUS FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-144 which would approve purchase of a new 14 passenger bus, in an amount not to exceed \$46,705.00, for use by the Parks and Recreation Department.

Mr. Isaac stated the existing 24 passenger bus had mechanical problems and recently stopped working while being used to transport seniors to the Olympic Park in Park City. He also indicated the City Shop personnel responded and the bus was towed back to the Shop where mechanic personnel found the motor needed to be rebuilt. He stated the bus was a 1994 making it 18 years old and had been a used vehicle when originally purchased by the City. He indicated it had provided many years of service, but was worn out; and Shop personnel recommended replacement rather than repair. He also advised a significant amount of time and money had already been expended to keep it in operating condition.

The Acting City Manager reported bids had been solicited for a 14 passenger bus and four bids received, as follows:

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-8-

Intermountain Coach	\$40,280.00
Lewis Transportation	\$46,705.00
Nations Bus	\$47,220.00
Arizona Bus	\$51,470.00

Mr. Isaac stated the lowest responsible bid had been received by Lewis Transportation, who also had local parts and service available. He reported Intermountain Coach had not submitted sufficient information to evaluate their bid and failed to respond to the City's attempts to contact them.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-144, a Resolution Approving the Purchase of a New 14 Passenger Bus for use by the Parks and Recreation Department. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15924

RESOLUTION NO. 12-145, AUTHORIZE THE SALE OF CITY-OWNED PROPERTY LOCATED AT 4111 SOUTH 5400 WEST TO MILLCREEK HOMES FOR THE REDUCED AMOUNT OF \$37,000

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-145 which would authorize sale of City-owned property located at 4111 South 5400 West to Millcreek Homes for the reduced amount of \$37,000.00.

Mr. Isaac reported the City Council had previously approved the sale of property on the southeast corner of 5400 West and 4100 South for \$42,000.00 to Millcreek Homes (Resolution No. 12-124). He also stated the buyer had requested a reduction in price since the property had no existing sewer connection.

The Acting City Manager stated the subject property had been acquired in 2009 to facilitate construction of the 5400 West Sidewalk Project from 4100 South to 4179 South on the east side of 5400 West. He explained the property (including an existing home) had been acquired at a cost of \$135,000; but because of the proximity to the new street improvements, it had been necessary to demolish the existing home. He indicated that during the sidewalk construction Granger-Hunter

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-9-

Improvement District required the City to remove a sewer connection that served the existing house because there was supposedly another existing connection on 4100 South. He stated the sewer connection on 5400 West had been removed and it had now been found there was no second connection. He explained because of the cost to tie into the sewer the buyer had asked for a reduction in the sales price by \$5,000.00.

Mr. Isaac further reported the buyer's original offer had been based on information provided by the City that the property could be served by an existing sewer connection. He stated reduction in the price would fairly represent the cost the buyer would incur to excavate the street and make a connection to the main sewer line. He stated the property (assuming an existing sewer connection) had been appraised in June of 2012 at a value of \$45,000.00. He also stated the City and Millcreek Homes previously agreed to a purchase price of \$42,000.00.

Upon discussion, the Council members discussed maintenance of the property. Some members discussed that the original selling price had been low in the first place and no other use would work for the property other than a home.

After further discussion, Councilmember Christensen moved to approve Resolution No. 12-145, a Resolution Authorizing the Sale of City-owned Property Located at 4111 South 5400 West to Millcreek Homes for the Reduced Amount of \$37,000.00. Councilmember Buhler seconded the motion.

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

Motion failed, lack of majority - Resolution No. 12-145 not approved.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 9, 2012, WAS ADJOURNED AT 7:09 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 9, 2012

-10-

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, October 9, 2012.

Sheri McKendrick, MMC
City Recorder