

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 18, 2013**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 18, 2013, 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 PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director  
Nicole Cottle, Assistant City Manager/CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
Anita Schwemmer, Acting Police Chief  
Clare Gillmor, Acting City Attorney  
Jake Arslanian, Public Works Department

- 16194      **OPENING CEREMONY**  
The Opening Ceremony was conducted by Tom Huynh who led the Pledge of Allegiance to the Flag.
- 16195      **SCOUTS**  
Mayor Pro Tem Rushton welcomed Scout Troop Nos. 1944 and 741 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.
- 16196      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 4, 2013**  
The Council read and considered Minutes of the Regular Meeting held June 4 2013. 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 4, 2013, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16197

### **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Rushton, the following individual addressed the City Council during the comment period:

#### **A. PUBLIC COMMENTS**

Wayne Hamberg addressed the City Council and stated he desired to make a complaint about the Police Department. He also indicated he was acquainted with Karen Lang and other Councilmembers. He discussed an incident that occurred at his home in which his wife almost died. He stated he did not attend church in the local ward and discussed reasons. He explained actions of police officers and stated he had been held against his will and unable to leave. He stated the Police Department already had a "black eye", and his wife left and he could not see his kids. He stated the police enabled this to happen and he was not violent and it needed to stop. He advised he told Mayor Mike Winder two weeks before the last incident what would happen and it did. He stated there were problems in the Police Department and it began with leadership – not bad employees just bad leadership. He expressed he thought one of the officers that had come to his home was a "thug" and would beat him up. He explained he now had a restraining order against him and could not see his kids. He stated he expected the City Council to deal with this as he wanted to see his kids.

#### **B. CITY COUNCIL COMMENTS**

Mayor Pro Tem Rushton explained to the scouts in attendance about addressing the Council during the comment period and stated this was an opportunity for citizens to share information with the City Council.

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**ORDINANCE NO. 13-26, AMEND SECTIONS 16-6-101, 16-6-1-2 AND 16-6-103 OF TITLE 16 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL** City Manager, Wayne Pyle, presented proposed Ordinance No. 13-26 which would amend Sections 16-6-101, 16-6-102 and 16-6-103 of Title 16 of the West Valley City Municipal Code to adopt the 2012 edition of the International Fire Code published by the International Code Council.

Mr. Pyle stated the International Fire Code contained regulations to safeguard life and property from fires and explosion hazards. He indicated topics included general precautions, emergency planning and preparedness, fire department access and water supplies, automatic sprinkler systems, fire alarm systems, special hazards, and the storage and use of hazardous materials.

He further explained under State law all Utah cities were required to implement Fire and Life Safety Codes adopted by the Utah State Fire Prevention Board. He explained the codes could be amended by the Board to be more restrictive than the Code published by the International Code Council. He reported in order to comply with the past actions of West Valley City and current State law, it would be necessary to adopt the 2012 edition of the International Fire Code to replace the 2009 edition.

After discussion, Councilmember Huynh moved to approve Ordinance No. 13-26, an Ordinance Amending Sections 16-6-101, 16-6-102, and 16-6-103 of Title 16 of the West Valley City Municipal Code to Adopt the 2012 Edition of the International Fire Code Published by the International Code Council. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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**RESOLUTION NO. 13-79, APPROVE A LOAN AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH INFRASTRUCTURE AGENCY TO PROVIDE FINANCING TO THE UTAH INFRASTRUCTURE AGENCY**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-79 which would approve a Loan Agreement between West Valley City and the Utah Infrastructure Agency to provide financing to the Utah Infrastructure Agency (UIA)

Mr. Pyle stated the UIA was seeking a loan to meet certain operational and maintenance obligations and the City had drafted an Interlocal Agreement for Funds as allowed under the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended.

The City Manager reported the project involved installation of fiber optic lines in West Valley City which would help achieve the City's longer term economic development goals. He advised the loan would be structured as a line of credit in the amount of \$200,000.00 to be repaid on a monthly basis with interest charged at a fixed rate of the current Utah Public Treasurer's Investment Fund, when the UIA had met its monthly bond obligations and had excess net revenues, or had retired its bonds entirely.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-79, a Resolution Approving a Loan Agreement between West Valley City and the Utah Infrastructure Agency to Provide Financing to the Utah Infrastructure Agency. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Majority.

16200

**RESOLUTION NO. 13-80, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR CONSTRUCTION OF A PEDESTRIAN BRIDGE AT APPROXIMATELY 2313 WEST PARKWAY BOULEVARD, AND ACCEPT A PERPETUAL EASEMENT AND THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-80 which would approve an Interlocal Cooperation Agreement with Salt Lake County for

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construction of a pedestrian bridge at approximately 2313 West Parkway Boulevard, and accept a Perpetual Easement and the Grant of a Temporary Construction Easement.

Mr. Pyle stated the proposed agreement set forth terms under which the City would construct a pedestrian bridge at the above stated location, and also included an easement for the pedestrian bridge and a temporary construction easement for a portion of the Cross Town Trail Project. He reported the City would construct, own and maintain the bridge to be over an inlet into Decker Lake as part of the Cross Town Trail Project on the north side of Parkway Boulevard from Decker Lake Drive to 2700 West Street. He informed that Salt Lake County would allow construction of the bridge on County property and would grant the temporary construction easement for the City's contractor to remove, relocate and replace portions of the existing Cross Town Trail and landscaping located on the property. He further explained these easements were being granted without cost to the City subject to terms of the agreements and easements, and to be presented concurrently for consideration to the respective City and County Councils.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-80, a Resolution approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for Construction of a Pedestrian Bridge at Approximately 2313 West Parkway Boulevard, and Accepting a Perpetual Easement and the Grant of a Temporary Construction Easement. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16201

**RESOLUTION NO. 13-81, AUTHORIZE THE CITY TO ENTER INTO A WETLAND MITIGATION AGREEMENT WITH R.P. WETLANDS AND WATERFOWL, L.L.C. FOR WETLAND IMPACT CREDITS AT MACHINE LAKE MITIGATION BANK**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-81 which would authorize the City to enter into a Wetland Mitigation Agreement with R.P. Wetlands and Waterfowl, L.L.C., in an amount not to exceed \$60,000.00, for wetland impact credits at Machine Lake Mitigation Bank.

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Mr. Pyle stated the proposed agreement would authorize purchase of wetland mitigation credits from the Machine Lake Wetland Mitigation Bank to offset wetland impacts from the 6400 West Extension Project. He explained extension of 6400 West to the north of Parkway Boulevard would impact wetlands regulated under Section 404 of the Clean Water Act and require a permit from the U.S. Army Corps of Engineers. He also advised the project would necessitate the filling of 0.28 acres of Mudflat Playa and 0.22 acres of Saline Wet Meadow.

He further explained in order to comply with Federal law and mitigate the impact of loss of these wetlands West Valley City would purchase mitigation credits from the Machine Lake Wetland Mitigation Bank, as they had credits available for sale to compensate for the loss of Mudflat Playa and Saline Wet Meadow.

He also reported the mitigation bank required credits be sold in ½ acre increments; therefore, West Valley City would purchase ½ acre credit of Saline Wet Meadow for a cost of \$27,500.00 and ½ acre credit of Mudflat Playa for a cost of \$32,500.00. He stated the Machine Lake Mitigation Bank was the only bank within this service area that had both playa and wet meadow credits available for sale. He advised the balance of the unused credits would be banked with Machine Lake Mitigation Bank for future use by West Valley City.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-81, a Resolution Authorizing the City to enter into a Wetland Mitigation Agreement with R.P. Wetlands and Waterfowl, L.L.C. for Wetland Impact Credits at Machine Lake Mitigation Bank. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16202

**RESOLUTION NO. 13-82, APPROVE THE PURCHASE OF HVAC EQUIPMENT AND REPAIR SERVICES FROM AMERICAN MECHANICAL SYSTEMS SERVICE FOR THE FAMILY FITNESS CENTER BUILDING**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-82 which would approve purchase of HVAC equipment and repair services from American Mechanical Systems Service, in an amount not to exceed \$48,991.00, for the Family Fitness Center Building.

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Mr. Pyle stated the proposal would rebuild/replace three HVAC units at the Family Fitness Center. He reported bids had been solicited and three bids received as follows:

AMSS:	\$48,991.00
MSS:	\$45,925.00
Honeywell:	\$49,758.00

The City Manager reported American Mechanical Systems Service (AMSS) had submitted the most responsive and responsible bid in the amount of \$48,991.00, and was being recommended due to their reputation, experience, judgment, and quality of work.

Mr. Pyle advised the HVAC units on the Family Fitness Center were 14 years old and needed to be replaced or rebuilt. He also advised of customer complaints about areas being too hot and too cold, which had prompted City staff to undertake an audit of the systems. He reported the results of the audit had indicated the need for extensive work; therefore, public bids had been solicited.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-82, a Resolution Approving the Purchase of HVAC Equipment and Repair Services from American Mechanical Systems Service for the Family Fitness Center Building. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16203

**CONSENT AGENDA:**

**A. RESOLUTION NO. 13-83, ACCEPT A WARRANTY DEED FROM THE WESTERN CORPORATION FOR PROPERTY LOCATED AT APPROXIMATELY 3360 SOUTH REDWOOD ROAD**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-83 which would accept a Warranty Deed from the Western Corporation for property located at approximately 3360 South Redwood Road.

Mr. Pyle stated Western Corporation was the owner of the properties comprising the site of The Westerner Club on Redwood Road. He

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indicated as a condition of approval of plans for additional development at the site, the Western Corporation had signed a Warranty Deed to grant additional right-of-way on Redwood Road to West Valley City for site and drainage improvements. In accordance with the City's Major Street Plan the current 50 foot half right-of-way would be widened to a 53 foot half right-of-way.

**B. RESOLUTION NO. 13-84, ACCEPT A PUBLIC SIDEWALK, LIGHT AND UTILITY EASEMENT FROM THE WESTERN CORPORATION FOR PROPERTY LOCATED AT APPROXIMATELY 3360 SOUTH REDWOOD ROAD**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-84 which would accept a Public Sidewalk, Light and Utility Easement from the Western Corporation for property located at approximately 3360 South Redwood Road.

Mr. Pyle stated the proposed easement related to proposed improvements to The Westerner Club site in accordance with the Redwood Road Streetscape Plan requiring wider sidewalks and landscape frontage along with decorative lighting on Redwood Road.

He explained the Western Corporation was the owner of the properties comprising the site of The Westerner Club on Redwood Road. The Western Corporation had signed a public utility easement granting the City access to install, maintain, and repair decorative lighting and sidewalk improvements where a portion of the proposed improvements fell outside the public right-of-way.

**C. RESOLUTION NO. 13-85, RATIFY THE CITY MANAGER'S APPOINTMENT OF JEFF DEELSTRA AS CHAIRPERSON OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2013 – JUNE 30, 2014**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-85 which would ratify his appointment of Jeff Deelstra as Chairperson of the Clean & Beautiful Committee for the term July 1, 2013, through June 30, 2014.

Mr. Pyle stated pursuant to Mr. Deelstra's service on the committee for several years, members of that organization had nominated him to serve as the chairman for the appointed one year term.

**D. RESOLUTION NO. 13-86, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF IMAAN BILIC TO THE PLANNING COMMISSION, TERM: JULY 1, 2013 – JULY 1, 2017**

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City Manager, Wayne Pyle, presented proposed Resolution No. 13-86 which would ratify his reappointment of Imaan Bilic to the Planning Commission for the term July 1, 2013, through July 1, 2017.

Mr. Pyle stated Imaan Bilic currently served as an alternate and her term would expire July 1, 2013. He also informed Ms. Bilic had expressed interest in being reappointed for a second term. He advised the Planning Commission was comprised of seven members and one alternate member appointed by the City Manager with the advice and consent of the City Council.

**E. RESOLUTION NO. 13-87, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JACK MATHESON TO THE PLANNING COMMISSION, TERM: JULY 1, 2013 – JULY 1, 2017**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-87 which would ratify his reappointment of Jack Matheson to the Planning Commission for the term July 1, 2013, through July 1, 2017.

Mr. Pyle stated Jack Matheson had expressed interest in being reappointed for another term on the Planning Commission. He reported Mr. Matheson's was active in the City and his experience as a member of the Planning Commission since 1998 made him a valuable member with essential insights. He also stated the appointee continued to commit the time necessary to fulfill the Commission's obligations.

After discussion, Councilmember Buhler moved to approve Resolution Nos. 13-83, 13-84, 13-85, 13-86 and 13-87 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 18, 2013, WAS ADJOURNED AT 6:49 P.M., BY MAYOR PRO TEM RUSHTON.**

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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 18, 2013.

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Sheri McKendrick, MMC  
City Recorder