

MINUTES OF COUNCIL STUDY MEETING – JULY 8, 2014

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JULY 8, 2014, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, 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, Mayor Pro Tem
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT:

Ron Bigelow, Mayor

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Layne Morris, CPD Director
Jim Welch, Finance Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Lee Russo, Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Jason Nau, Administration

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD JUNE 24, 2014**
The Council read and considered Minutes of the Study Meeting held June 24, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Study Meeting held June 24, 2014, as written. Councilmember Lang 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. Nordfelt	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

2. **MARTIN JENSEN AND CALLIE BIRDSALL, SALT LAKE COUNTY PARKS AND RECREATION DEPARTMENT - PARKS AND RECREATION NEEDS ASSESSMENT PRESENTATION**

Kevin Astill, Parks and Recreation Director, advised that subsequent to questions from Council members during this year's Strategic Planning Meeting, a presentation was scheduled regarding Salt Lake County's parks and recreation needs assessment.

Upon introduction, Martin Jensen, Parks and Recreation Director for Salt Lake County, discussed and presented information summarized as follows:

- Master planning process currently underway County-wide
- Construction of Lodestone Park with groundbreaking scheduled in the next month; invitations to follow

Callie Birdsall, Communications and Public Relations Director for Salt Lake County Parks and Recreation, also discussed information summarized as follows:

- Needs assessment for west planning district that includes West Valley City and other communities on the west side of the County
- Map of planning district areas in Salt Lake County
- Details regarding respondents of survey mailed out and not done on-line
- Responses to each survey question
- Priorities of residents in west planning district
- Priority actions for Salt Lake County Parks and Recreation
- Full survey available on County's website

Mayor Pro Tem Rushton thanked Mr. Jensen and Ms. Birdsall for their time and the information presented. He also expressed appreciation for the partnership with the County regarding recreational programs and facilities.

3. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JULY 8 2014**

Mayor Pro Tem Rushton advised there were no additional items added to the Agenda for the Regular Meeting scheduled later this night. Upon inquiry, there were no questions regarding items listed on the subject Agenda.

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4. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED JULY 15, 2014:

A. EMPLOYEE OF THE MONTH AWARD, JULY 2014 – DAN STRONG, LAW DEPARTMENT PROSECUTOR’S OFFICE

Mayor Pro Tem Rushton inquired if a Councilmember desired to read the nomination of Dan Strong, Law Department, for the Employee of the Month Award for July 2014, at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M. Councilmember Vincent indicated he would read the nomination.

B. EAC DIVISION OF THE QUARTER AWARD – HARMAN SENIOR RECREATION CENTER STAFF, PARKS AND RECREATION DEPARTMENT

Mayor Pro Tem Rushton inquired if a Councilmember desired to read the nomination of the Harman Senior Recreation Center Staff, Parks and Recreation Department, to receive the EAC Division of the Quarter Award, at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M. Councilmember Buhler indicated he would read the nomination.

5. RESOLUTION NO. 14-120, RESOLUTION DISSOLVING THE WEST VALLEY CITY CIVIL SERVICE COMMISSION

Upon request of the Acting City Manager, the City Attorney, Eric Bunderson, discussed proposed Resolution No. 14-120 that would dissolve the West Valley City Civil Service Commission.

Mr. Bunderson stated the Civil Service Commission had been part of West Valley City for almost the entire history of the City. He indicated that recently the limits and efficiency of the Commission had been tested due to increased accountability within the Police Department. He explained staff had found that maintaining the Civil Service Commission would no longer be in the best interests of the citizens of the City and he cited examples as follows:

- Despite clear precedent, the Civil Service Commission had changed its own rules for procedure in employment actions.
- In the Lt. John Coyle demotion hearing, the Commission took from January of 2014 until May 15, 2014, to render a decision.
- The current three-person panel, along with open meeting issues, created massive delays in scheduling and, during hearings, delays in rendering decisions.
- Because Civil Service decisions are expected to be reviewed by the Court of Appeals, and because of potential conflict of interest issues by having a staff attorney advise the Commission, the City ended up having to pay outside counsel to advise the Commission.

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He indicated if the City Council abolished the Commission, staff was prepared with a proposed ordinance enacting an Employee Discipline Hearing Officer to hear all employee discipline appeals. He also advised staff was prepared to shift all other Civil Service functions to the Human Resource Office.

The City Attorney further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 14-120 at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M.

Acting City Manager, Paul Isaac, directed the City Attorney to review proposed Ordinance No. 14-32 stating it was related to this item.

7. **ORDINANCE NO. 14-32, AMEND SECTIONS 3-2-109, 3-6-103, AND 3-11-101; AND ENACT SECTIONS 3-11-102 THROUGH 3-11-109 OF THE WEST VALLEY CITY MUNICIPAL CODE TO BRING THE EMPLOYEE APPEALS BOARD IN COMPLIANCE WITH STATE LAW**

Upon direction, City Attorney, Eric Bunderson, discussed proposed Ordinance No. 14-32 that would amend Sections 3-2-109, 3-6-103, and 3-11-101; and enact Sections 3-11-102 through 3-11-109 of the West Valley City Municipal Code to bring the Employee Appeals Board in compliance with State law.

He stated the proposed ordinance would codify the Employee Appeals Board in the form of a Hearing Officer. He advised the ordinance included time limits for setting hearings and rendering decisions.

He also explained most City employees had a property interest in their jobs that entitled them to due process before depriving them of that interest. He indicated this right was exercised through a pre-disciplinary hearing with the employee's department head, and the employee's right to appeal certain discipline. State law required employee discipline appeal procedures be codified by the City Council. He stated that after several recent experiences with employee employment appeals, City staff recommended an ordinance be considered enacting a single Hearing Officer to hear employee appeals. He indicated a Hearing Officer, a contemplated by the ordinance, would be able to schedule and hold hearings in a way that was more expedient than a citizen or employee panel. This expedience would be beneficial to the citizens of West Valley City in terms of justice and economics, and to City staff and the employee in terms of fairness and due process.

The City Attorney further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

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Upon discussion, members of the City Council shared opinions, commented and expressed concerns regarding proposed Resolution No. 14-120 and proposed Ordinance No. 14-32.

The City Council will consider proposed Ordinance No. 14-32 at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M.

6. **RESOLUTION NO. 14-121, AUTHORIZE THE WEST VALLEY CITY COUNCIL TO SPEND UP TO \$100,000 ON A REVIEW OF THE MACQUARIE PROPOSAL**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 14-121 that would authorize the West Valley City Council to spend up to \$100,000 on a review of the Macquarie proposal. He advised the proposed Resolution had been placed on the Agenda at the request of the City Council after discussion at the previous Study Meeting. He explained the proposed Resolution sent a strong message from the City Council and gave more responsibility and direction to the Mayor.

He stated the proposal would authorize expenditure of up to \$100,000 on a review of the Macquarie proposal to take over completion of the high-speed, fiber-optic broadband network currently owned by UTOPIA and the UIA, and to be specifically related to West Valley City.

He indicated that on July 1, 2014, the Council proposed funding designated professional services to conduct a review of the Macquarie proposal. He indicated the subject resolution would allow the Council to move forward with the selection and funding of those services. He advised as these services met the definition of “designated professional services” under West Valley City’s Municipal Code Section 5-3-107, the services “may be procured as negotiated based on demonstrated competence and qualification and at fair and reasonable prices.”

Mr. Isaac further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council discussed the proposal.

Mayor Pro Tem Rushton stated questions from members of the City Council had been submitted to the Mayor who had requested the City Manager submit those for review by UTOPIA. He suggested language be added to the proposed Resolution that the Mayor act as the City Council liaison regarding independent review.

Councilmember Vincent expressed the need to let residents know the Council will conduct an independent review and authorize the Mayor to represent the City Council in that regard.

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Councilmember Buhler advised he would not be willing to move forward to the next Milestone of the Macquarie proposal without this review.

The City Council will consider proposed Resolution No. 14-121 at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M.

8. **CONSENT AGENDA SCHEDULED JULY 15, 2014:**

A. **RESOLUTION NO. 14-122, RATIFY THE CITY MANAGER'S APPOINTMENT OF ABIGAIL DIZON-MAUGHAN AS CHAIRPERSON OF THE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 15, 2014 – JULY 1, 2016**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 14-122 that would ratify the City Manager's appointment of Abigail Dizon-Maughan as Chairperson of the Professional Standards Review Board for the term July 15, 2014, through July 1, 2016.

He stated Ms. Dizon-Maughan was currently serving as a member of the Professional Standards Review Board and continued to be dedicated to maintaining a safe community for residents of the City as well as holding officers and the Police Department to high standards of professionalism. He advised she had expressed interest in being appointed as Chairperson of that Board.

He reminded the Professional Standards Review Board reviewed all allegations of police misconduct from a citizen's perspective and made various recommendations to the Police Chief regarding those incidents.

B. **RESOLUTION NO. 14-123, RATIFY CITY MANAGER'S APPOINTMENT OF IDALIZ ROMERO TO THE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 15, 2014 – JULY 1, 2016**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 14-123 that would ratify the City Manager's appointment of Adaliz Romero to the Professional Standards Review Board for the term July 15, 2014, through July 1, 2016.

He stated Ms. Romero had expressed a desire to be appointed to the Professional Standards Review Board. He indicated she was dedicated to maintaining a safe community for residents of the City as well as holding officers and the Police Department to high standards of professionalism.

C. **RESOLUTION NO. 14-124, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM HARMON CITY ASSOCIATES, L.C. FOR PROPERTY LOCATED AT APPROXIMATELY 3540 SOUTH 4000 WEST**

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Acting City Manager, Paul Isaac discussed proposed Resolution No. 14-124 that would accept a Grant of Temporary Construction Easement from Harmon City Associates, L.C. for property located at approximately 3540 South 4000 West.

He stated Harmon City Associates L.C. had signed a Grant of Temporary Construction Easement in favor of West Valley City across its property located at approximately 3540 South 4000 West (Parcel Nos. 15-31-226-025 and 15-31-226-026).

He explained the easement would allow for construction of the 4000 West Storm Drain Replacement Project. He stated this project would replace approximately 405 feet of existing and deteriorated 30-inch corrugated metal pipe with new 30-inch reinforced concrete pipe along the west side of 4000 West adjacent to the Harmon City Associates, LC. Properties. He indicated this section of storm drain had initially been intended to be relined and rehabilitated as part of the 4000 West Pipe Rehabilitation Project. Unfortunately it was subsequently determined the existing pipe was too deteriorated to be relined and therefore required removal and replacement.

D. RESOLUTION NO. 14-125, APPROVE RIGHT-OF-WAY AGREEMENT WITH HARMON CITY ASSOCIATES, L.C. FOR PROPERTY LOCATED AT 3540 SOUTH 4000 WEST, AND ACCEPT A SPECIAL WARRANTY DEED AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 14-125 that would approve a Right-of-Way Agreement with Harmon City Associates, L.C. for property located at 3540 South 4000 West, and accept a Special Warranty Deed and a Grant of Temporary Construction Easement.

He stated Harmon City Associates, L.C. had signed an Agreement for Right-of-Way and Easements, Special Warranty Deed, and a Grant of Temporary Construction Easement in favor of West Valley City across its property located at 3540 South 4000 West (Parcel No. 15-31-226-006).

He indicated the Special Warranty Deed was for a 120 square feet (10' x 12') located at the northeast corner of the grantor's property (southwest corner of 3500 South and 4000 West). He explained a new storm drain cleanout box and an existing traffic signal pole would be allocated on the subject parcel. The Grant of Temporary Construction Easement would allow for construction of the 4000 West Storm Drain Replacement Project. This project would replace approximately 405 feet of existing and deteriorated 30-inch corrugated metal pipe with new 30-inch reinforced concrete pipe along the west side of 4000 West adjacent to the Harmon City Associates, L.C. property. This section of storm drain initially had been intended to be relined and rehabilitated as part of the 4000 West Pipe Rehabilitation Project. Unfortunately it was subsequently determined the existing

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pipe was too deteriorated to be relined and therefore required removal and replacement. He stated Harmon City Associates, L.C. had donated this Special Warranty Deed and Grant of Temporary Construction Easement to West Valley City without compensation.

The City Council will consider proposed Resolution Nos. 14-122, 14-123, 14-124, and 14-125 as listed on the Consent Agenda, at the Regular Council Meeting scheduled July 15, 2014, at 6:30 P.M.

9. **COMMUNICATIONS:**

A. **COUNCIL UPDATE**

Mayor Pro Tem Rushton referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events as follows:

July 10, 2014: General Plan Update Meeting – Decker Lake Light Rail Station Area, City Hall, 7:00 P.M.

July 10 – August 27, 2014: Face of Utah Sculpture Exhibition, UCCC Gallery, Hours 9:00 A.M. – 6:00 P.M. (or by arrangement); Exhibit Opening and Reception on July 10th from 6:00 P.M. to 8:00 P.M.

July 11, 2014: Summer at the Station Free Concert Series – Red Desert Ramblers, Fairbourne Station Plaza, 3590 South 2810 West, 7:00 P.M. – 9:00 P.M.

July 14, 2014: WorldStage! Summer Concert Series – Ides of Soul, UCCC, 8:00 P.M.

July 15, 2014: ChamberWest Ribbon Cutting – TitleMax West Valley, 3100 West 3500 South, 11:00 A.M. – 12:00 P.M.

July 15, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

July 16, 2014: Chief Russo's Community Meeting, UCCC, 7:00 P.M. – 9:00 P.M.

July 16, 2014: Move Live on Tour, Maverik Center, 8:00 P.M.

July 17, 2014: ChamberWest Ribbon Cutting – Back to Balance Chiropractic & Wellness, 2739 South 5600 West, Suite 170, 4:00 P.M.

July 17, 2014: General Plan Update Meeting – Northwest Quadrant, City Hall, 7:00 P.M.

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July 21, 2014: WorldStage! Summer Concert Series – Samba Fogo, UCCC, 8:00 P.M.

July 22, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

July 24, 2014: Pioneer Day Holiday – City Hall closed

July 25, 2014: Summer at the Station Free Concert Series – The Otter Creek Duo, Fairbourne Station Plaza, 3590 South 2810 West, 7:00 P.M. – 9:00 P.M.

July 28, 2014: WorldStage! Summer Concert Series – Mississippi Mood, UCCC, 8:00 P.M.

July 30, 2014: General Plan Update Meeting – 3500 South Corridor, City Hall, 7:00 P.M.

July 31, 2014: ChamberWest Ribbon Cutting & 25th Birthday – Premier Plastics, 2370 South 3600 West, 11:00 A.M. – 2:00 P.M.

August 4, 2014: National Night Out Kick-off Celebration, UCCC (Details to follow)

August 4, 2014: WorldStage! Summer Concert Series – Soul Survivors, UCCC, 8:00 P.M.

August 5, 2014: National Night Out Neighborhood Parties (Details to follow)

August 5, 2014: No Council Meetings Scheduled (National Night Out)

August 6, 2014: Austin Mahone, Maverik Center, 7:00 P.M.

August 7, 2014: General Plan Update Meeting – 5600 West Corridor, City Hall, 7:00 P.M.

August 8, 2014: Summer at the Station Free Concert Series – The Doug Wintch and Anke Summerhill Trio, Fairbourne Station Plaza, 3590 South 2810 West, 7:00 P.M. – 9:00 P.M.

August 11, 2014: WorldStage! Summer Concert Series – World Travelers (in collaboration with Bountiful Davis Arts Center), UCCC, 8:00 P.M.

August 12, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

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August 18, 2014: WorldStage! Summer Concert Series – Desert Wind, UCCC, 8:00 P.M.

August 19, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

August 20, 2014: General Plan Update Meeting – Redwood Road Corridor, City Hall, 7:00 P.M.

August 22, 2014: Summer at the Station Free Concert Series – BD Howes Band, Fairbourne Station Plaza, 3590 South 2810 West, 7:00 P.M. – 9:00 P.M.

August 25, 2014: WorldStage! Summer Concert Series – Mama’s Temple Pentecostal Church Choir, UCCC, 8:00 P.M.

August 26, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

August 27, 2014: Blood Drive, City Hall, 8:30 A.M. – 12:30 P.M.

September 1, 2014: Labor Day Holiday – City Hall closed

September 2, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

September 9, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

September 10-12, 2014: ULCT Annual Convention, Salt Lake Sheraton

September 16, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

September 16, 2014: Five Finger Death Punch & VolBeat, Maverik Center, 6:10 P.M.

September 19, 2014: Elton John, Maverik Center, 8:00 P.M.

September 20, 2014: Joan Sebastian – Los Tigres del Norte, Maverik Center, 7:00 P.M.

September 23, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

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September 24, 2014: Lake Park Golf Social, Stonebridge Golf Course, 8:30 A.M. – 1:30 P.M.

October 21 – 31, 2014: Early Voting for General Election, City Hall Lobby, 12:00 P.M. – 6:00 P.M. (weekdays only)

November 4, 2014: General Election, Polls Open 7:00 A.M. – 8:00 P.M.

Blood Drive, City Hall, 8:30 A.M. – 12:30 P.M.

November 11, 2014: Veteran's Day Holiday – City Hall closed

November 12, 2014: The Black Keys, Maverik Center, 8:00 P.M.

November 27, 2014: Thanksgiving Holiday – City Hall closed

December 3, 2014: Blood Drive, City Hall, 8:30 A.M. – 12:30 P.M.

December 24 & 25, 2014: Christmas Holiday – City Hall closed

10. **COUNCIL REPORTS**

A. **COUNCILMEMBER STEVE VINCENT – COMPLAINTS REGARDING CENTENNIAL PARK AND FIBER NETWORK SYSTEM AND UTILITY FEE**

Councilmember Vincent advised he had received complaints regarding smoking and alcohol consumption on softball diamonds at Centennial Park. He inquired regarding lack of signage prohibiting those activities. Parks and Recreation Director, Kevin Astill, explained why there were no signs posted and the policy and procedures used by staff when those types of actions occurred.

Councilmember Vincent reported regarding a recent conversation with a municipal employee in Chattanooga, Tennessee, regarding their fiber network system and utility fee. He indicated he would also be speaking with the Mayor of Chattanooga later in the week. He stated they used fiber technology to attract tech business to the community and to grow their economic development base. He stated the Council might want to consider a visit to that community and observe how the system was functioning and being used successfully.

B. **MAYOR PRO TEM RUSHTON – BASEBALL FIELDS AT CITY PARK**

Mayor Pro Tem Rushton advised his nephew had participated in the baseball season at the ball field at City Park. A comment received by a parent was that the field used by older kids did not have a taller backstop. He suggested it be added to the priority list.

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11. MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Vincent moved to adjourn and reconvene in an Executive Session for discussion of pending litigation. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, JULY 8, 2014, WAS ADJOURNED AT 5:44 P.M., BY MAYOR PRO TEM RUSHTON.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JULY 8, 2014, AT 5:48 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton, Mayor Pro Tem
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT:

Ron Bigelow, Mayor

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Layne Morris, CPD Director
Jim Welch, Finance Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Lee Russo, Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Jason Nau, Administration

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JULY 8, 2014, WAS ADJOURNED AT 6:17 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 Study Meeting and Executive Session of the West Valley City Council held Tuesday, July 8, 2014.

Sheri McKendrick, MMC
City Recorder