

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 20, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 20, 2015, AT 6:35 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3

ABSENT:

Steve Vincent, Councilmember District 4 (Excused)

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

Nicole Cottle, Assistant City Manager/CED Director
Kevin Astill, Parks and Recreation Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Russell Willardson, Public Works Director
Lee Russo, Police Chief
Layne Morris, CPD Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
Scott Freckleton, Finance Department

_____ **OPENING CEREMONY**

The Opening Ceremony was conducted by Councilmember Lang who invited the Council, City staff and the audience to rise and recite the Pledge of Allegiance.

_____ **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 6, 2015**

The Council read and considered Minutes of the Regular Meeting held October 6, 2015. There were no changes, corrections or deletions.

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Councilmember Nordfelt moved to approve the Minutes of the Regular Meeting held October 6, 2015. Councilmember Huynh seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

COMMENT PERIOD

Upon inquiry by Mayor Bigelow, there was no one present desiring to address the City Council during the comment period.

ORDINANCE NO. 15-33, AMENDING SECTION 1-2-108 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT CHANGES IN THE CONSOLIDATED FEE SCHEDULE FOR THE POLICE DEPARTMENT TO INCLUDE FEES FOR BODY WORN CAMERAS AND U VISA APPLICATION REVIEWS

Mayor Bigelow presented proposed Ordinance No. 15-33 that would amend Section 1-2-108 of the West Valley City Municipal Code to reflect changes in the Consolidated Fee Schedule for the Police Department to include fees for body worn cameras and U Visa application reviews.

Ordinance 1-2-108 currently allowed the Police Department to collect fees for providing copies of accident and police reports, fingerprinting, criminal checks on Visa's, work cards and BCI/Criminal History Reports. The proposal would amend the ordinance in order to add fees to cover the costs of the services provided in processing U Visa requests and requests for body worn camera footage. The recommended fee would be \$15.00 for each U Visa application processed and \$25.00 for providing requested body worn camera recordings. Fees for these services were currently not covered in the ordinance.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Lang moved to approve Ordinance No. 15-33, an Ordinance Amending Section 1-2-108 of the West Valley City Municipal Code to Reflect Changes in the Consolidated Fee Schedule for the Police Department to Include Fees for Body Worn Cameras and U Visa Application Reviews. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

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Unanimous.

RESOLUTION NO. 15-167, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY, CITY OF ALTA, CITY OF BLUFFDALE, CITY OF COTTONWOOD HEIGHTS, DRAPER CITY, GRANITE SCHOOL DISTRICT, MURRAY CITY CORPORATION, SALT LAKE CITY CORPORATION, SALT LAKE COUNTY, SANDY CITY, CITY OF SARATOGA SPRINGS, CITY OF SOUTH JORDAN, CITY OF SOUTH SALT LAKE, UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE, UNIVERSITY OF UTAH, UTAH DEPARTMENT OF CORRECTIONS, UTAH DEPARTMENT OF PUBLIC SAFETY, UTAH TRANSIT AUTHORITY, AND CITY OF WEST JORDAN (THE “AGENCIES”) FOR THE PURPOSE OF FACILITATING THE ESTABLISHMENT OF THE SALT LAKE COUNTY OFFICER INVOLVED CRITICAL TASK FORCE

Mayor Bigelow presented proposed Resolution No. 15-167 that would approve an Interlocal Cooperation Agreement between West Valley City, City of Alta, City of Bluffdale, City of Cottonwood Heights, Draper City, Granite School District, Murray City Corporation, Salt Lake City Corporation, Salt Lake County, Sandy City, City of Saratoga Springs, City of South Jordan, City of South Salt Lake, Unified Police Department of Greater Salt Lake, University of Utah, Utah Department of Corrections, Utah Department of Public Safety, Utah Transit Authority, and City of West Jordan (the “Agencies”) for the purpose of facilitating the establishment of the Salt Lake County Officer Involved Critical Task Force.

In an effort to increase transparency and public confidence in the use of deadly force by law enforcement in the State of Utah, the Utah State Legislature passed Utah Code Annotated 76-2-408 requiring every state and local law enforcement agency to adopt and post by December 31, 2015, the policies and procedures utilized to investigate an officer-involved critical incident.

Utah Code 76-2-408 (the OICI Statute) became effective on May 12, 2015, and set forth requirements for the investigation of officer involved critical incidents (OICI) delineated in the statute. Specifically, the OICI statute required every law enforcement agency to adopt and post by December 31, 2015: 1) the policies and procedure the agency had adopted to select the investigating agency that would investigate an OICI that occurred in its jurisdiction when one or more of its officers were alleged to have caused or contributed to the OICI; and 2) the protocols the agency had adopted to ensure every OICI investigation conducted in its jurisdiction was conducted professionally, thoroughly, and impartially.

In response to the mandates established in Utah Code 76-2-408, the law enforcement entities of Salt Lake County had determined the formation of a Salt Lake County OICI

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Task Force that would serve as the investigating agency for OICI that occurred in Salt Lake County would ensure that any investigation of an OICI would be conducted professionally, thoroughly and impartially.

The parties had determined the OICI Task Force would be governed by the Salt Lake County OICI Protocol that the parties had established to provide uniform procedures for the investigation of OICI.

Mayor Bigelow inquired if this would include any police incidents that involved a death.

Chief Russo addressed the City Council and stated it would include any police incidents that involved a death and explained it could be used to investigate a police related traffic accident resulting in a death, and others.

Mayor Bigelow called for a motion.

Councilmember Buhler moved to approve Resolution No. 15-167, a Resolution Approving an Interlocal Cooperation Agreement Between West Valley City, City of Alta, City of Bluffdale, City of Cottonwood Heights, Draper City, Granite School District, Murray City Corporation, Salt Lake City Corporation, Salt Lake County, Sandy City, City of Saratoga Springs, City of South Jordan, City of South Salt Lake, Unified Police Department of Greater Salt Lake, University of Utah, Utah Department of Corrections, Utah Department of Public Safety, Utah Transit Authority, and City of West Jordan (the Agencies) for the Purpose of Facilitating the Establishment of the Salt Lake County Officer Involved Critical Task Force. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

____ **RESOLUTION NO. 15-168, AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN WEST VALLEY CITY AND CLINT DRAKE TO PROVIDE EMPLOYEE DISCIPLINE HEARING OFFICER SERVICES TO WEST VALLEY CITY**

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Mayor Bigelow presented proposed Resolution No. 15-168 that would authorize an Employee Discipline Hearing Officer Service Agreement between West Valley City and Clint Drake to provide employee discipline hearing officer services to West Valley City.

Drake would provide hearing officer services to the City with respect to employment matters specifically defined in the City Code. Administrative hearings would be conducted and decisions rendered on all employment matters assigned.

The City had recently amended the Code to allow the City Manager to appoint an Employee Discipline Hearing Officer. A public hiring process had been conducted and Drake was selected as the best candidate to fill the position. Drake had been selected by a committee consisting of a City Council member, a citizen, and a member of the City's human resource team. The rate of pay would be in the amount of \$100.00 an hour for services rendered.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Nordfelt moved to approve Resolution No. 15-168, a Resolution Authorizing the Execution of an Agreement Between West Valley City and Clint Drake to Provide Employee Discipline Hearing Officer Services to West Valley City. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-169, REQUESTING THE RECERTIFICATION OF THE WEST VALLEY CITY JUSTICE COURT BY THE UTAH JUDICIAL COUNCIL AND THE JUSTICE COURTS STANDARDS COMMITTEE

Mayor Bigelow presented proposed Resolution No. 15-169 that would request recertification of the West Valley City Justice Court by the Utah Judicial Council and the Justice Courts Standards Committee.

The West Valley City Justice Court operated under the authority of the Utah Code and the rules of the Utah Judicial Council and was certified by the Utah Judicial Council and

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the Justice Courts Standards Committee. Every four years the Justice Court must be recertified by these entities to ensure the Justice Court was operating in compliance with the applicable laws and regulations.

West Valley City had recently been notified by the Administrative Office of the Courts that the Justice Court had come due for recertification. The proposed Resolution would affirm the City's willingness to continue to meet all necessary and reasonable requirements set forth by the Utah Code and the Utah Judicial Council for continued operation of the Justice Court for another four-year term.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Buhler moved to approve Resolution No. 15-169, a Resolution Requesting the Recertification of the West Valley City Justice Court by the Utah Judicial Council and the Justice Courts Standards Committee. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-170, AUTHORIZING THE CITY TO ENTER INTO PROPERTY SCHEDULE NO. 3 OF THE MASTER TAX-EXEMPT, LEASE/PURCHASE AGREEMENT WITH US BANCORP GOVERNMENT LEASING AND FINANCING, INC., WITH RESPECT TO A LEASE FOR THE PURCHASE AND REPLACEMENT OF COMPUTERS, LIGHTING EQUIPMENT, AND A BOILER

Mayor Bigelow presented proposed Resolution No. 15-170 that would authorize the City to enter into Property Schedule No. 3 of the Master Tax-Exempt, Lease/Purchase Agreement with US Bancorp Government Leasing and Financing, Inc., in the amount of \$315,780.00, with respect to a lease for the purchase and replacement of computers, lighting equipment, and a boiler at the Maverik Center, and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by the Resolution.

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This item was one of four items to be considered by the Council regarding upgrade of equipment (See proposed Resolution No. 15-171, 15-172 and 15-173). The City had need to replace a significant amount of computer equipment, LED lighting equipment, lighting control system, and boiler burner equipment. The proposal included purchase from Valcom Computer Center, LED lighting purchased by Clear Blue Energy Corp., with existing light demolition and new installation by Rydalch Electric. The lighting control system would be purchased through Payne Sparkman. The boiler burner equipment would be purchased from Folsom Associates and installation by Johnson Controls. Favorable terms had been negotiated with US Bancorp Government Leasing and Financing to initiate a lease purchase transaction. Terms of the lease would expire in advance of the five-year useful life of the assets acquired. The City had obtained a rate of 1.795% for five years, and payments would be in 20 quarterly installments in arrears at \$15,789.00 beginning January 14, 2015, totaling \$315,780.00. The principal would be in the amount of \$301,379.26 and interests costs at \$14,400.74.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Nordfelt moved to approve Resolution No. 15-170, a Resolution Authorizing the City to Enter Into Property Schedule No. 3 of the Master Tax-Exempt Lease/Purchase Agreement With US Bancorp Government Leasing and Financing, Inc., with Respect to a Lease for the Purchase and Replacement of Computers, Lighting Equipment, and a Boiler. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-171, AUTHORIZING THE CITY TO PURCHASE A BOILER BURNER AND INSTALLATION SERVICES FROM FOLSOM ASSOCIATES AND JOHNSON CONTROLS

Mayor Bigelow presented proposed Resolution No. 15-171 that would authorize the City to purchase a boiler burner and installation services from Folsom Associates and Johnson Controls in an amount not to exceed \$37,435.00, with an additional allowance not to exceed 4% of that amount for any necessary modifications to the order. (See proposed Resolution No. 15-170)

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The proposal would authorize purchase and replacement of boiler burner from Folsom Associates with installation by Johnson Controls, as there was an immediate need to replace the existing boiler.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Lang moved to approve a Resolution Authorizing the City to Purchase a Boiler Burner and Installation Services from Folsom Associates and Johnson Controls. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-172, AUTHORIZING THE CITY TO PURCHASE A LIGHTING CONTROL SYSTEM FROM PAYNE SPARKMAN

Mayor Bigelow presented proposed Resolution No. 15-172 that would authorize the City to purchase a lighting control system from Payne Sparkman in an amount not to exceed \$66,455.00, with an additional allowance not to exceed 4% of that amount for any necessary modifications to the order. (See proposed Resolution No. 15-170)

The proposal would authorize purchase of a lighting control system from Payne Sparkman awarded through the RFP bidding system. There was an immediate need to replace aging lighting and control systems.

Upon inquiry, Council members had no further questions and Mayor Bigelow called for a motion.

Councilmember Buhler moved to approve Resolution No. 15-172, a Resolution Authorizing the City to Purchase a Lighting Control System from Payne Sparkman. Councilmember Lang seconded the motion.

A roll call vote was taken:

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Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-173, AUTHORIZING THE CITY TO PURCHASE LED LIGHTING AND EQUIPMENT FROM CLEAR BLUE ENERGY CORPORATION AND RYDALCH ELECTRIC

Mayor Bigelow presented proposed Resolution No. 15-173 that would authorize the City to purchase LED lighting and equipment from Clear Blue Energy Corporation and Rydalch Electric in an amount not to exceed \$105,177.00 with an additional allowance not to exceed 5% for any necessary modifications to the order. (See proposed Resolution No. 15-170).

The proposal would authorize purchase of LED lights and equipment from Clear Blue Energy Corp and demo with installation of LED lights and equipment from Rydalch Electric Inc. at negotiated pricing through the State Purchase Contract and RFP (Request For Proposal). There was an immediate need to replace aging LED lighting.

Upon discussion, Councilmember Rushton stated the proposed purchase would not only be good for lighting efficiency but would help the ice conditions and air conditioning costs.

Mayor Bigelow called for a motion.

Councilmember Nordfelt moved to approve Resolution No. 15-173, a Resolution Authorizing the City to Purchase LED Lighting and Equipment from Clear Blue Energy Corporation and Rydalch Electric. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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CONSENT AGENDA

A. RESOLUTION NO. 15-174, RATIFYING CITY MANAGER'S APPOINTMENT OF MICAH BRUNER TO THE PROFESSIONAL STANDARDS REVIEW BOARD FOR A TERM COMMENCING OCTOBER 20, 2015 AND ENDING JULY 1, 2017

Mayor Bigelow presented proposed Resolution No. 15-174 that would ratify the City Manager's appointment of Micah Bruner to the Professional Standards Review Board for a term commencing October 20, 2015 and ending July 1, 2017.

The proposal would reappoint Micah Bruner as a member of the Professional Standards Review Board for a two-year term.

Councilmember Rushton stated he desired to extend appreciation to citizens who had stepped forward and participated on this Board.

B. RESOLUTION NO, 15-175, AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM A. LAURENCE AND ELVA J. RUSHTON FAMILY COMPANY, LLC FOR PROPERTY LOCATED AT APPROXIMATELY 5459 WEST 4100 SOUTH

Mayor Bigelow presented proposed Resolution No. 15-175 that would authorize acceptance of a Warranty Deed from A. Laurence and Elva J. Rushton Family Company, LLC for property located at approximately 5459 West 4100 South.

The A. Laurence and Elva J. Rushton Family Company, LLC had executed a Warranty Deed, and the Utah Department of Transportation had recorded that document.

The Utah Department of Transportation (UDOT) was in the process of acquiring right-of-way for the next phase of the Mountain View Corridor Project from 5400 South to 4100 South. Part of this phase would include widening of the intersection of 4100 South and 5600 West. As 4100 South was a West Valley City street, the right-of-way had been conveyed to the City.

This item and the next three items were warranty deeds that had been recorded by UDOT and being reviewed retroactively by the City Council. This and other deeds for the project had been recorded by UDOT without prior approval and acceptance by the City Council. UDOT had been notified that future conveyances to the City needed to be approved and accepted by the West Valley City Council prior to recording.

C. RESOLUTION NO. 15-176, AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM DEE R. HANSEN AND ADRIENNE HANSEN

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FOR PROPERTY LOCATED AT APPROXIMATELY 5573 WEST 4100 SOUTH, PARCEL 20-01-101-002

Mayor Bigelow presented proposed Resolution No. 15-176 that would authorize acceptance of a Warranty Deed from Dee R. Hansen and Adrienne Hansen for property located at approximately 5573 West 4100 South, Parcel 20-01-101-002.

Dee R. Hansen and Adrienne Hansen had executed a Warranty Deed and the Utah Department of Transportation had recorded that document.

The Utah Department of Transportation (UDOT) was in the process of acquiring right-of-way for the next phase of the Mountain View Corridor Project from 5400 South to 4100 South. Part of this phase would include widening of the intersection of 4100 South and 5600 West. As 4100 South was a West Valley City street, the right-of-way had been conveyed to the City.

D. RESOLUTION NO. 15-177, AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM DEE R. HANSEN AND ADRIENNE HANSEN FOR PROPERTY LOCATED AT APPROXIMATELY 5573 WEST 4100 SOUTH, PARCEL 10-01-101-001

Mayor Bigelow presented proposed Resolution No. 15-177 that would authorize acceptance of a Warranty Deed from Dee R. Hansen and Adrienne Hansen for property located at approximately 5573 West 4100 South, Parcel 10-01-101-001.

Dee R. Hansen and Adrienne Hansen had executed a Warranty Deed and the Utah Department of Transportation had recorded that document.

The Utah Department of Transportation (UDOT) was in the process of acquiring right-of-way for the next phase of the Mountain View Corridor Project from 5400 South to 4100 South. Part of this phase would include widening of the intersection of 4100 South and 5600 West. As 4100 South was a West Valley City street, the right-of-way had been conveyed to the City.

E. RESOLUTION NO. 15-178, AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM DEE R. HANSEN AND ADRIENNE HANSEN FOR PROPERTY LOCATED AT APPROXIMATELY 5573 WEST 4100 SOUTH, PARCEL 20-01-101-030

Mayor Bigelow presented proposed Resolution No. 15-178 that would authorize the acceptance of a Warranty Deed from Dee R. Hansen and Adrienne Hansen for property located at approximately 5573 West 4100 South, Parcel 20-01-101-030.

Dee R. Hansen and Adrienne Hansen had executed the Warranty Deed and the Utah Department of Transportation had recorded that document.

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The Utah Department of Transportation (UDOT) was in the process of acquiring right-of-way for the next phase of the Mountain View Corridor Project from 5400 South to 4100 South. Part of this phase would include widening of the intersection of 4100 South and 5600 West. As 4100 South was a West Valley City street, the right-of-way had been conveyed to the City.

F. RESOLUTION NO. 15-179, AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM G&N WOOD PROPERTIES, LLC, IN FAVOR OF WEST VALLEY, ARBOR/GARDNER/PLUMB SUNSET HILLS, LLC, AND THE SUNSET HILLS PHASE 2 HOMEOWNERS ASSOCIATION, INC. OVER A PORTION OF PARCEL 20-22-300-002 LOCATED ON 6600 SOUTH

Mayor Bigelow presented proposed Resolution No. 15-179 that would authorize the acceptance of an Easement for Retention Pond and Access from G&N Wood Properties, LLC, in favor of West Valley, Arbor/Gardner/Plumb Sunset Hills, LLC, and the Sunset Hills Phase 2 Homeowners Association, Inc. over a portion of Parcel 20-22-300-002 located on 6600 South.

The subject easement would allow for storm water from a portion of 6600 South in the proposed Sunset Hills PUD Phase 2A to be retained on private property on the south side of the proposed road and would provide access to the retention pond.

The proposed Sunset Hills PUD Phase 2A would extend the north half of 6600 South westerly approximately 1,141 feet. The south half of the road would be located on property currently owned by G&N Wood Properties, L.L.C. in unincorporated Salt Lake County. As there were no storm drain facilities to take the storm water from this portion of the public right-of-way, retention ponds would be required. The developer and homeowners association would be responsible for maintenance of the retention pond.

Upon inquiry, Council members had no further questions regarding items on the Consent Agenda, and Mayor Bigelow called for a motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

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Unanimous.

MOTION TO ADJOURN

Upon motion by Councilmember Huynh, all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, OCTOBER 20, 2015, WAS ADJOURNED AT 6:54 P.M. BY MAYOR BIGELOW.

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 20, 2015.

Nichole Camac
City Recorder