

MINUTES OF COUNCIL STUDY MEETING – JUNE 6, 2017

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JUNE 6, 2017, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney
Lee Russo, Police Chief
John Evans, Fire Chief
Jim Welch, Acting Finance Director
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
DeAnn Varney, Administration
John Rock, Administration
Daniel Johnson, Public Works
Erik Brondum, Public Works
Steve Pastorik, Planning and Zoning
Jody Knapp, Planning and Zoning

APPROVAL OF MINUTES OF STUDY MEETING HELD MAY 23, 2017

The Council considered the Minutes of the Study Meeting held May 23, 2017. There were no changes, corrections or deletions.

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Councilmember Lang moved to approve the Minutes of the Study Meeting held May 23, 2017. Councilmember Nordfelt seconded the motion.

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

REVIEW AGENDA FOR REGULAR CITY COUNCIL, REDEVELOPMENT AGENCY, HOUSING AUTHORITY, AND MUNICIPAL BUILDING AUTHORITY MEETING'S OF JUNE 6, 2017

Mayor Bigelow indicated that Resolution 17-80 has been removed from the agenda. He also indicated that item 8.D regarding a Public Hearing and item number Z-4-2017 on the regular meeting will need to be withdrawn due to a noticing error.

Upon inquiry by Mayor Bigelow, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular City Council, Redevelopment Agency, Housing Authority, and Municipal Building Authority Meeting's scheduled later this night.

PUBLIC HEARINGS SCHEDULED JUNE 13, 2017

A. ACCEPT PUBLIC INPUT REGARDING APPLICATION Z-5-2017, FILED BY SAMUEL WRIGHT, REQUESTING A ZONE CHANGE FROM A (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) TO M (MANUFACTURING) FOR PROPERTY LOCATED AT 7079 AND 7091 WEST GATES AVENUE

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled June 13, 2017, in order for the City Council to hear and consider public comments regarding application Z-5-2017, filed by Samuel Wright, requesting a zone change from A (agriculture, minimum lot size ½ acre) to M (manufacturing) for property located at 7079 and 7091 West Gates Avenue.

Proposed Ordinance 17-23 and Resolution 17-83 related to the proposal to be considered by the City Council subsequent to the public hearing, were discussed as follows:

ORDINANCE NO. 17-23, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7079 AND 7091 WEST GATES AVENUE FROM A (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) TO M (MANUFACTURING)

Steve Pastorik, CED Department, discussed proposed Ordinance 17-23 that would amend the zoning map to show a change of zone for property located at 7079 and 7091 West Gates Avenue from A (Agriculture, Minimum Lot Size ½ Acre) TO M (Manufacturing).

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Written documentation previously provided to the City Council included Information as follows:

Samuel Wright has requested a zone change on two parcels totaling 0.88 acres at 7091 and 7079 W Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). Surrounding zones include A to the west, south, east and a portion of the property to the north and M for the remaining portion of the property to the north. The Planning Commission recently recommended approval to change the zoning on the property to the north from A to M. Neighboring uses include auto towing, repair, and sales to the north; a salvage yard to the west; and single family homes to the east and south. The subject property is designated as light manufacturing in the West Valley City General Plan.

The applicant has submitted a concept plan and written description for his proposal. The intended entryways, and timber frame trussing systems. The proposed building would be steel with a single slope design.

Given concerns expressed about potential noise and other impacts from the Planning Commission and a neighbor, the Planning Commission recommended a development agreement to limit the hours of operation and limit the potential future uses of the property.

Councilmember Buhler asked if any heavy manufacturing uses would still be permitted. Steve replied no and indicated that the Development Agreement limits the use on the property to light industrial. Councilmember Buhler clarified that the Development Agreement runs with the land and asked how someone that may purchase the property in the future would be made aware. Steve replied that Development Agreements are recorded and added that the Planning and Zoning office also maintains and keeps track of these restrictions. Councilmember Nordfelt asked why there is a minimum lot size for light industrial zones but not for manufacturing zones. Steve replied the reasoning that was used to make this determination and indicated that staff can add a limit to the manufacturing zone in the future if the Council would like. Councilmember Nordfelt asked if there was a type of variance that could be granted and this property could simply be rezoned to light industrial. Steve replied there has been a few cases where this has been done but the applicant has not submitted an application for this. Councilmember Buhler asked if the applicant is comfortable with the Development Agreement. Steve replied yes. Councilmember Lang asked if crematories and mortuaries are separate uses. Steve replied yes.

Upon inquiry, there were no further questions or concerns expressed by members

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of the City Council.

CONSIDER RESOLUTION 17-83: AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SAMUEL WRIGHT FOR APPROXIMATELY 0.88 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7079-7091 WEST GATES AVENUE

Steve Pastorik, CED Department, discussed proposed resolution 17-83 that would authorize the City to enter into a Development Agreement with Samuel Wright for approximately 0.88 Acres of property located at approximately 7079-7091 West Gates Avenue.

Written documentation previously provided to the City Council included information as follows:

Samuel Wright has submitted a rezone application (Z-5-2017) to change a 0.88 acre property at 7079 and 7091 W Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). While the General Plan does anticipate light industrial uses along Gates Avenue, there are homes to the south and east of the subject property. To help mitigate potential impacts to neighboring homes, the Planning Commission recommended a development agreement to limit the hours of operation, make the north side of the building more inviting, and limit the uses that would be allowed on the subject property.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will hold a public hearing and consider proposed ordinance No. 17-23 and resolution 17-83 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M

RESOLUTION NO. 17-84: APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY AND LARSEN, LARSEN, NASH & LARSEN, ATTORNEY'S AT LAW, ("LLNL") FOR INDIGENT DEFENSE SERVICES

Nicole Cottle, Assistant City Manager, discussed proposed Resolution 17-84 that would approve an agreement between West Valley City and Larsen, Larsen, Nash & Larsen, Attorney's at Law, ("LLNL") for Indigent Defense Services.

Written documentation previously provided to the City Council included Information as follows:

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The Sixth Amendment of the United States Constitution requires the City to provide legal representation to indigent defendants. LLNL has been providing this service to the City by contract for over 30 years. This firm is familiar with the Court requirements and procedures and provides competent and valuable service to the City. Because of this competent experience, LLNL was chosen as a professional service provider under the Procurement Code.

A robust contract has been negotiated and executed by LLNL to meet all the requirements of the Sixth Amendment and subsequent case law.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-84 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M.

RESOLUTION NO. 17-85: APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY CITY (THE "CITY") AND SALT LAKE CITY TO PARTICIPATE IN A COLLABORATED EFFORT TO INCREASE ARRESTS OF DOMESTIC VIOLENCE AND PROTECTIVE ORDER VIOLATION OFFENDERS FUNDED BY A \$10,000 ALLOTMENT FROM A USDOJ, OFFICE OF VIOLENCE AGAINST WOMEN GRANT

Lee Russo, Police Chief, discussed proposed Resolution 17-85 that would approve a Memorandum of Understanding between West Valley City (the "City") and Salt Lake City to participate in a collaborated effort to increase arrests of domestic violence and protective order violation offenders funded by a \$10,000 allotment from a USDOJ, Office of Violence Against Women Grant.

Written documentation previously provided to the City Council included Information as follows:

In May, 2017, the Salt Lake City Police Department notified our Department of an opportunity to participate in a collaborated effort to increase arrests of domestic violence and protective order violation offenders. This enforcement is to come in the form of overtime shifts where uniformed West Valley City Police Officers will work in teams of two and attempt to locate suspects of the previously-mentioned crimes that have yet to be arrested. The officers will be provided with a list of offenders by our Victim Advocate Office.

Each shift will be five hours long and compensation for the officers' work will be at their time and a half salary, with a cap of \$50 per hour. The funding for this project was provided to the Salt Lake City Police Department by way of a grant

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offered through the USDOJ, Office of Violence Against Women. The Salt Lake City Police Department was then authorized to extend an invitation to police agencies within the Valley Police Alliance to participate as well. The memorandum of understanding between Salt Lake PD and our own agency specifies that we will have \$10,000 to use towards this enforcement until 12/31/2017.

Councilmember Lang asked if West Valley City Police Officers will simply serve orders or if they will perform arrests. Chief Russo replied both situations will occur depending on the specific scenario.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-85 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M.

RESOLUTION NO. 17-86: AWARD A CONTRACT TO BROKEN ARROW CONSTRUCTION CORPORATION FOR THE REPLACEMENT OF THE ROOF AT THE FAMILY FITNESS CENTER

Nancy Day, Parks and Recreation Director, discussed proposed Resolution 17-86 that would award a contract to Broken Arrow Construction Corporation for the replacement of the roof at the Family Fitness Center.

Written documentation previously provided to the City Council included Information as follows:

Parks and Recreation publicly advertised for proposals for the roof replacement at the Family Fitness Center. Work has been performed consistently over the years to keep the roof functional, however, there have been ongoing issues including frequent leaks in many areas and areas of deterioration down to the scrim.

The project was posted in the newspaper and several companies were contacted by staff. The proposals were evaluated and compared against each other in a matrix format by a committee of three. Of the six proposals, three met specifications. Their proposed prices are as follows:

Broken Arrow Construction Corporation:	\$227,290.00
Conwest, Inc.:	\$255,347.00
Contract West Roofing Inc.:	\$289,800.00

Out of these proposals, Broken Arrow Construction Corporation was the lowest responsible bidder.

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Councilmember Huynh congratulated Ms. Day on her promotion to Director of Parks and Recreation. Councilmember Buhler asked if the replacement of the roof was anticipated. Ms. Day replied yes and indicated that there have been issues, particularly in poor weather, for a while. He asked if the HVAC unit that will be installed over the pool will happen in conjunction with this project. Ms. Day replied yes and added that the HVAC unit will need to be installed first and the roof will be installed after. She added that both companies will work together to finish the entire project appropriately.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-86 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M.

RESOLUTION NO. 17-87: AWARD A CONTRACT TO MORGAN PAVEMENT MAINTENANCE FOR THE 2017 ASPHALT POLYMER TREATMENT PROJECT

Daniel Johnson, Public Works Department, discussed proposed Resolution 17-87 that would award a contract to Morgan Pavement Maintenance for the 2017 Asphalt Polymer Treatment Project.

Written documentation previously provided to the City Council included Information as follows:

Bids were opened for the project on May 23, 2017. A total of two (2) bids were received. The lowest responsible bidder was Morgan Pavement Maintenance.

This project consists of the application of a polymer mastic seal as a high density roadway surface preservation treatment on several roads within the city. The mastic seal is a combination of a polymer modified asphalt emulsion mixed with fine aggregate and sprayed onto the pavement surface. It is designed to seal the surface on newer pavements to prevent oxidation of the asphalt oil from water infiltration and ultraviolet exposure. The roads selected for this treatment are generally lower volume roads.

This project will treat over 226,000 square yards, at a price of \$1.56/ square yard. An overview of the capital improvements plan can be found at the following link.

<https://wvc-ut.maps.arcgis.com/apps/webappviewer/index.html?id=a49389a9429a4b1a9412d>

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Morgan Pavement Maintenance was the lowest responsible bidder. It is recommended that the project be awarded to Morgan Pavement Maintenance.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-87 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M.

RESOLUTION NO. 17-88: AWARD A CONTRACT TO ADVANCED PAVING AND CONSTRUCTION FOR THE 2017 CHIP SEAL PROJECT

Daniel Johnson, Public Works Department, discussed proposed Resolution 17-88 that would award a contract to Advanced Paving and Construction for the 2017 Chip Seal Project.

Written documentation previously provided to the City Council included Information as follows:

Bids were opened for the project on May 23, 2017. A total of one (1) bid was received. The lowest responsible bidder was Advanced Paving and Construction.

As a means of pavement preservation, one technique being employed by the city is the use of a chip seal on certain roads. A chip seal consists of the application of a thin layer of asphalt emulsion, into which a uniform layer of small rocks or chips is placed and rolled to embed the chips. A flush coat of asphalt emulsion is applied to lock down any loose chips along with the placement of a fine sand to absorb and excess asphalt emulsion.

This treatment is being applied to newer pavements on higher volume roads. The chip seal will help protect the oil in the existing pavement from oxidation due to water and sunlight, in addition to providing necessary skid resistance.

This project will treat over 126,000 square yards, at a price of approximately \$2.44/ square yard. An overview of the capital improvements plan can be found at the following link.

<https://wvc.ut.maps.arcgis.com/apps/webappviewer/index.html?id=a49389a9429a4b1a9412d627d0bc47e1>

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Advanced Paving and Construction was the lowest responsible bidder. It is recommended that the project be awarded to Advanced Paving and Construction.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-88 at the Regular Council Meeting scheduled June 13, 2017, at 6:30 P.M.

CONSENT AGENDA SCHEDULED FOR JUNE 13, 2017

A. RESO. 17-89: AUTHORIZE THE CITY TO ENTER INTO A RIGHT-OF-WAY CONTRACT WITH GRANGER COMMUNITY CHRISTIAN CHURCH AND TO ACCEPT A WARRANTY DEED FOR PROPERTY LOCATED AT 3232 WEST AND 4100 SOUTH (15-32-482-027)

Daniel Johnson, Public Works Department, discussed proposed Resolution 17-89 that would authorize the City to enter into a Right-of-Way contract with Granger Community Christian Church and to accept a Warranty Deed for property located at 3232 West and 4100 South (15-32-482-027).

Written documentation previously provided to the City Council included Information as follows:

The Granger Community Christian Church parcel located at 3232 West 4100 South is one of the properties affected by the 4100 South 3200 West Signal Upgrade Project. This project will upgrade the signal equipment and add a dedicated right-turn lane to westbound 4100 South at 3200 West. The acquisition from Granger Community Christian Church includes 260 square feet of right-of-way. Compensation for the purchase of the Warranty Deed and improvements is \$3,000.00 based upon the compensation estimate prepared by the DH Group, LLC.

The project is being funded under the Highway Safety Improvement Program (HSIP) with federal funds. Under a previously executed federal aid agreement, West Valley City is responsible for 6.77% of all project costs, including right of way. With the total value of the acquisition and easement for this acquisition being \$3,000.00, the West Valley City share of these costs will be \$203.10.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider proposed Resolution No. 17-89 at the Regular

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Council Meeting scheduled June 13, 2017, at 6:30 P.M.

COMMUNICATIONS

A. DISCUSSION CONCERNING REQUEST FOR STATEMENT ON IMMIGRATION POLICY

Councilmember Lang stated that the West Valley City Journal stated that there will be zero enforcement of immigration after approval of a resolution. She indicated that other residents in the City have responded negatively to this statement and are concerned about their rights as citizens in the community. Councilmember Lang stated that CALEA covers everything that the City does so passing a resolution doesn't seem to make sense. Mayor Bigelow indicated that he feels passing a resolution is an attempt to disseminate information that already exists in City Policy and stated that this is a very significant issue in the community. He stated that many immigrant communities have seen corrupt law enforcement and untrustworthy government and a resolution would help build a foundation that shows them otherwise. Councilmember Huynh stated that he is an immigrant and he trusts the government. He stated that he feels there should be a different way of declaring the CALEA standards. Councilmember Buhler suggested publishing the Police guidelines. Mayor Bigelow indicated that children are afraid of attending school in the community which is something that the City doesn't want anyone to feel. Councilmember Buhler stated that he is concerned about passing a resolution that has any other language than what is stated in CALEA for fear of unintentionally making changes to City policy. Councilmember Lang stated that it is not the City's job to be the first to pass a resolution. Councilmember Nordfelt stated that appreciates Councilmember Nordfelt's comments and indicated that he would be in favor of passing a resolution that refers to the CALEA policy. The majority of the Council agreed to see a resolution to this effect.

B. FURTHER BUDGET DISCUSSION

Jim Welch presented a budget calendar and discussed various deadlines and schedules. Wayne Pyle indicated that the audit starts in the July-August time frame and that goes into December so budget years end up overlapping one another.

C. COUNCIL UPDATE

Mayor Bigelow referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

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Councilmember Buhler stated that there have been parties interested in policing/prohibiting/eliminating rooster fighting and issues that come along with that activity. He stated that he feels this needs to be further discussed and potentially addressed. Wayne replied that there are state laws in place and staff has taken Code Enforcement action. He indicated that issues seem to come from the structures more than the roosters themselves and added that the determination was that a local ordinance wouldn't have a significant impact. Councilmember Huynh stated that he would like to see additional conversation and indicated that roosters should be limited by number. Mayor Bigelow stated that he would like to know how significant this issue is and what type of success has been seen in other areas.

Wayne Pyle indicated that the Council previously considered closing a pathway around 3300 South and 2000 West at one time but chose not to as school children used it for access. He stated that complaints about litter, graffiti, and illicit activity are still ongoing and questioned whether the Council would like to revisit the issue. The Council discussed and agreed to have additional conversation. Councilmember Buhler stated that this is a liability for the City knowing that it is an unsafe area and doing nothing.

Wayne Pyle also stated that a citizen has brought up a concern regarding parking RV's on hard surfaces and obscuring the sidewalk. He questioned whether the City Council would like to look into addressing this issue for safety purposes. Councilmember Lang stated that she feels the line of sight requirement should apply. Mayor Bigelow agreed. The Council directed Mr. Pyle to look into this further.

B. COUNCIL REPORTS

COUNCILMEMBER VINCENT- WESTFEST

Councilmember Vincent stated WestFest is scheduled next week and encouraged members of the Council to attend.

COUNCILMEMBER CHRISTENSEN- WATERPOCKET DISTILLERY, TRANSIT ACADEMY, STAFF

Councilmember Christensen stated that he attended the Waterpocket Distillery Tour. He stated that he feels this will be a good business and will be an asset to the community. Councilmember Christensen stated that he also attended a Transit Academy session at Embassy Suites hosted by UTA and was able to show attendees the TRAX area and Fairbourne Station. Councilmember Christensen commended Dan Johnson on his work with the 4100 South irrigation canals.

COUNCILMEMBER KAREN LANG- ADVERTISEMENTS FOR PAINTING ON CURBS

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Councilmember Karen Lang stated that she witnessed a group of people placing advertisements on trash cans that offer painting addresses on curbs. Wayne replied that he is unsure how this can be prevented but the information will be passed on.

MAYOR BIGELOW- VIETNAMESE COMMUNITY EVENT, MEMORIAL AT VALLEY VIEW, AND WESTSHIRE BREAKFAST

Mayor Bigelow attended an event with Tom Huynh, Don Christensen, and Wayne Pyle for the Vietnamese Community which he felt was very successful. He stated that he also attended the Memorial Day event at Valley View Cemetery and the annual Westshire Neighborhood breakfast.

MOTION FOR EXECUTIVE SESSION

Councilmember Buhler moved to adjourn and reconvene in an Executive Session for discussion of disposition of real property, pending litigation, and professional competence. Councilmember Christensen seconded the motion.

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

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING OF TUESDAY JUNE 6, 2017 WAS ADJOURNED AT 6:00 P.M. BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, June 6, 2017.



Nichole Camac
City Recorder

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THE WEST VALLEY CITY COUNCIL RECONVENED IN EXECUTIVE SESSION ON TUESDAY, JUNE 6, 2017, AT 6:06 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1

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Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/ HR Director
Nicole Cottle, Assistant City Manager/General Counsel/ CED Director
Eric Bunderson, City Attorney
Russ Willardson, Public Works Director
Jake Arslanian, Public Works
Dan Johnson, Public Works
Erik Brondum, Public Works
Mark Nord, CED

The City Council met in Executive Session and discussed disposition of real property and pending litigation. There was not enough time to discuss professional competence.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JUNE 6, 2017 WAS ADJOURNED AT 6:30 P.M. BY MAYOR BIGELOW.



Nichole Camac – City Recorder