

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 6, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 6, 2009, AT 6:32 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Richard Catten, City Attorney
Buzz Nielsen, Police Chief
John Evans, Fire Chief
John Janson, Acting CED Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14345

OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who read “Random Thoughts for the New Year” by George Carlin.

14346

APPROVE MINUTES OF REGULAR MEETING HELD DECEMBER 9, 2008

The Council read and considered the Minutes of the Regular Meeting held December 9, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held December 9, 2008, as written. Councilmember Brooks seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14347

APPROVE MINUTES OF REGULAR MEETING HELD DECEMBER 16, 2008

The Council read and considered the Minutes of the Regular Meeting held December 16, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held December 16, 2008, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14348

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Dustin Thompson, 6992 West 3100 South, addressed the City Council. Mr. Thompson discussed problems due to an increased speed limit from 25 to 30 mph on 3100 South from 5600 West to 6200 West. He stated over 100 homes were affected directly by traffic on 3100 South between 5600 West and 7200 West, including children attending two schools – Gearld L. Wright Elementary and West Valley City Elementary. He expressed concern the excessive traffic would

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cause property values to go down and drive homeowners away. He also stated trail systems were not safe for users when crossing the street to get to the other side of 3100 South. He indicated there had also been an increase of graffiti in the area. He inquired if the City had looked at 2820 South for increased speeds rather than 3100 South. He questioned why potential homebuyers had not been informed by builders that this would be an issue. He explained he was a long-time resident and had always been proud to live in West Valley City, but that had changed recently. He stated if he moved it would not be to another home in the City.

Members of the City Council expressed desires to see data regarding this issue. Upon inquiry, City Manager, Wayne Pyle, and Public Works Director, Russell Willardson, discussed criteria used in determining speed limits and/or the need for speed calming, and the reasons for changing the speed limit on 3100 South.

Marty Bright, 3100 South 6400 West, addressed the City Council. Mr. Bright stated he had lived at his residence since 1987 and the traffic had continued to increase no matter what speed limit was posted. He discussed the number of accidents that had occurred due to increased speed on 3100 South. He advised many residents were concerned about this issue.

Darlene Bright, 3100 South 6400 West, addressed the City Council. Ms. Bright stated she had been at home when a speeding car hit her house. She also stated there were so many speeders she found it difficult to get into her driveway.

Brooke Peckham, 6236 West 3100 South, addressed the City Council. Ms. Peckham related an experience in another community with a street with high speeds and traffic congestion. She expressed concern regarding safety of the school children. She indicated she wanted to voice her concerns that the problem would only get worse. Ms. Peckham explained she understood new development would continue to come into the City, but asked why safety of children should be affected. She advised she was the PTA President at West Valley Elementary and had worked with the Police Department on this problem. She stated enforcement worked while the Police were there, but drivers resumed speeding when the officers had gone.

Rick Whiting, 6864 West 3100 South, addressed the City Council. Mr. Whiting expressed concern regarding traffic and constant speeding. He stated he would like to see perception of that road changed as people treated it as a big, wide road and passed other vehicles going faster than the speed limit. He stated the lives of children were in danger from those speeding vehicles. Mr. Whiting advised he lived right where the trail crossed the road at 3100 South and he watched people trying to dodge speeding vehicles when crossing the street. He also indicated the

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street was very dangerous and the perception of drivers needed to change. He suggested possibly implementing speed bumps to get drivers to slow down.

Jenna Duff, 6016 West 3100 South, addressed the City Council. Ms. Duff stated she purchased her home in September of 2008, and probably would not have done so if she had known of these problems. She indicated she and her husband thought this would be a good location due to a school being located directly across the street. Ms. Duff stated drivers did not stop at the crosswalk during school hours, or at any other time. She also expressed concern regarding safety of all nearby residents due to the current speed limit.

Hillary Langford, 6978 West 3100 South, addressed the City Council. Ms. Langford expressed concern for the lack of traffic enforcement or prevention on 3100 South. She advised home values in the area would decline and residents would not want to stay there if this problem was not solved.

Upon discussion, members of the City Council suggested consideration could be given to installing traffic calming devices, increased enforcement, speed indication signage, and a raised crossing for the trail system. Upon further discussion, the City Council instructed the City Manager to study 3100 South and make recommendations and/or proposals to mitigate some of the problems expressed above, to be discussed at a future Study Meeting.

City Manager, Wayne Pyle, responded to some of the comments and concerns brought up by the citizens during the Comment Period, and comments of the City Council regarding this issue.

14349

RESOLUTION NO. 09-01, ADOPT A RED FLAG POLICY AND ESTABLISH AN IDENTITY THEFT PREVENTION PROGRAM FOR WEST VALLEY CITY AS REQUIRED BY FEDERAL LAW

City Manager, Wayne Pyle, presented proposed Resolution No. 09-01 which would adopt a Red Flag Policy and establish an Identity Theft Prevention Program for West Valley City as required by Federal law.

Mr. Pyle stated the proposed policy addressed requirements by the FTC (Federal Trade Commission) to establish identity theft prevention and detection procedures for entities that opened "Covered Accounts." He further stated the FTC adopted identity theft rules requiring creditors (in this case West Valley City) who established credit accounts referred to as "Covered Accounts" to adopt an Identity Theft Program. He advised it had been determined the West Valley City Stormwater Utility and Sanitation programs opened "Covered Accounts" as defined by the FTC. He also informed the program and procedures were designed to prevent, detect and deter identity theft relating to City "Covered Accounts."

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After discussion, Councilmember Coleman moved to approve Resolution No. 09-01, a Resolution Adopting a Red Flag Policy and Establishing an Identity Theft Prevention Program for West Valley City as Required by Federal Law. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14350

OVERVIEW OF NEXT FOUR AGENDA ITEMS

Mayor Nordfelt stated the next four agenda items were related and requested the City Manager to give an overview of the proposals and then each item would be considered individually.

City Manager, Wayne Pyle, discussed and presented an overview of the next four agenda items. Mr. Pyle noted the following UTA (Utah Transit Authority) representatives were in attendance at the meeting: Dave Serder, Manager of Property Acquisition; Ralph Jackson, Deputy Chief for Major Program Development; and Necia Christensen, UTA Board Member representing West Valley City.

Mayor Nordfelt stated each property owner and/or agent had been notified regarding consideration of this issue and if they so desired would be given an opportunity to address the Council. City Manager, Wayne Pyle, advised it did not appear any property owner and/or agent was in attendance at the meeting.

Mayor Nordfelt inquired if anyone in attendance at the meeting desired to address the City Council regarding the subject properties.

Necia Christensen, West Valley City resident and UTA Board Member, addressed the City Council. Ms. Christensen stated her comments applied to the four proposed property acquisitions. She also stated approving condemnations was a difficult thing for UTA to ask of the Council, and difficult for the City to do. She indicated approval would allow the light rail project to move forward without

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incurring any unnecessary debt as the properties would be acquired for fair market value.

David Serder, UTA, answered questions from members of the City Council regarding the subject parcels of property.

City Manager, Wayne Pyle, and Acting CED Director, John Janson, also answered questions from members of the City Council regarding access issues.

City Manager, Wayne Pyle, presented the following four agenda items in detail to be considered respectively by the City Council:

14351 **RESOLUTION NO. 09-02, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM RODERICK ENTERPRISES, LP, LOCATED AT APPROXIMATELY 1825 WEST RESEARCH WAY IN WEST VALLEY CITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-02, which would authorize the City to acquire, by negotiation or condemnation, real property from Roderick Enterprises, LP, located at approximately 1825 West Research Way in West Valley City.

Mr. Pyle stated the Utah Transit Authority (UTA) was currently negotiating the purchase of 8,060 square feet of real property and a 2,106 square foot easement from Roderick Enterprises LP, which was a call center. He indicated at present, it appeared condemnation would be necessary to complete the acquisition.

The City Manager reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road. He indicated the current right-of-way width was large, but under the road was a box culvert from Decker Lake that needed to be avoided when possible.

After discussion, Councilmember Winder moved to approve Resolution No. 09-02, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation, Real Property from Roderick Enterprises, LP, Located at Approximately 1825 West Research Way in West Valley City. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14352

RESOLUTION NO. 09-03, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM THE RUSSELL K. JONES TRUST LOCATED AT 1745 WEST RESEARCH WAY IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-03 which would authorize the City to acquire, by negotiation or condemnation, real property from the Russell K. Jones Trust located at 1745 West Research Way in West Valley City.

Mr. Pyle stated the Utah Transit Authority, (UTA) was currently negotiating purchase of 8,085 square feet of real property and a 1,186 square foot easement from the Russell K. Jones Trust, with tenants including an ATM management firm, an engineering firm, and a call center. He indicated at present, it appeared condemnation would be necessary to complete the acquisition. He also stated the proposed resolution had been requested in the likely event condemnation became necessary.

The City Manager reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road. He stated the current right-of-way width was large, but under the road was a box culvert from Decker Lake that needed to be avoided when possible.

After discussion, Councilmember Burt moved to approve Resolution No. 09-03, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation, Real Property from the Russell K. Jones Trust Located at 1745 West Research Way in West Valley City. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

14353

RESOLUTION NO. 09-04, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM DECKER LAKE VENTURES, LLC, LOCATED AT 2801 S. REDWOOD ROAD IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-04 which would authorize the City to acquire, by negotiation or condemnation, real property from Decker Lake Ventures, LLC, located at 2801 South Redwood Road in West Valley City.

Mr. Pyle stated the Utah Transit Authority (UTA) was currently negotiating purchase of 10,510 square feet of real property and a 2,631 square foot easement from the Decker Lake Ventures, LLC, with Clear Channel as a tenant. He further stated at present, it appeared condemnation would be necessary to complete the acquisition. He indicated the proposed resolution had been requested in the likely event condemnation became necessary.

The City Manager reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road and was located on a corner where the tracks made a turn to the south. He also indicated the turn necessitated additional right-of-way. He stated the current right-of-way width was large, but under the road was a box culvert from Decker Lake that needed to be avoided when possible and the turn consumed more right-of-way.

After discussion, Councilmember Winder moved to approve Resolution No. 09-04, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation Real Property from Decker Lake Ventures, LLC, Located at 2801 South Redwood Road in West Valley City. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 09-05, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS II LOCATED ON FOUR CONTIGUOUS PARCELS IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-05 which would authorize, by negotiation or condemnation, real property from Heartland West Valley Commercial Limited Partners II located on four contiguous parcels in West Valley City.

Mr. Pyle stated the Utah Transit Authority (UTA) was currently attempting to negotiate purchase of several portions of larger parcels from Heartland West Valley Commercial Limited Partners II including an 854 square foot acquisition, a 6,496 square foot acquisition, a 6,624 square foot acquisition, and a 1,008 square foot acquisition. In addition, an easement for the Rocky Mountain Power lines located overhead was needed as the power lines were restructured and moved back, including 805 square feet, 1,742 square feet, 1,760 square feet, and 920 square feet. He indicated major tenants included US Band, Toys R Us and Staples. He further stated at present, negotiations had been halted at the property owners' request. He stated Heartland would like to go to court and the subject resolution had been requested to move this process along as quickly as possible.

City Manager, Wayne Pyle, reported the subject property was one of the properties to be purchased for the light rail along 2700 West. He also reported the intersection offset the deceleration lane access into the property and the turn into the City Center Station necessitated purchase of the properties. He stated the Rocky Mountain Power easement was also a concern for the property owner since it restricted building height. He reported properties were as follows:

1. Parcel Number: 15-33-129-027 – 3550 South Constitution Boulevard
2. Parcel Number: 15-33-129-028 – 3560 South Constitution Boulevard
3. Parcel Number: 15-33-129-038 – 2785 West 3500 South
4. Parcel Number: 15-33-129-040 – 3580 South Constitution Boulevard

After discussion, Councilmember Rushton moved to approve Resolution No. 09-05, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation, Real Property from Heartland West Valley Commercial Limited Partners II Located on Four Contiguous Parcels in West Valley City. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14355

RESOLUTION NO. 09-06, AUTHORIZE THE CITY TO PURCHASE AN AUTOMATED LICENSE PLATE RECOGNITION SYSTEM FROM PIPS TECHNOLOGY FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-06 which would authorize the City to purchase an automated license plate recognition (ALPR) system from Pips Technology, in an amount not to exceed \$35,000.00, for use by the Police Department.

Mr. Pyle stated ALPR technology would be utilized by the Police Department to increase efficiency and effectiveness of enforcement and intelligence functions. He also stated it could accurately identify and process information obtained from license plates much faster than multiple officers.

City Manager, Wayne Pyle, reported formal bidding would not be required for the purchase because the vendor, PIPS Technology provided the only product that effectively communicated with the State and NICB databases in which information would be transmitted to and from the system. He also indicated it would be essential for the success of the tool to be able to work interactively with the Utah Department of Motor Vehicles, the National Insurance Crime Bureau, and other users of the technology. He stated all of the contacts the Police Department had made while research in the technology had emphasized PIPS Technology's product as the standard used in the state and their hardware and software was proprietary.

Mr. Pyle stated ALPR technology was based on the ability of a system to utilize cameras and computer hardware to locate, recognize, and "read" license plates as the police car passes by other vehicles. He further stated the system had been tested and proven reliable in daytime and nighttime applications with a 92% accuracy of interpretation of license plates at cross speeds of up to 110 mph. The data obtained by the hardware was immediately and wirelessly transmitted to a database that had the ability to quickly alert the operator (always a sworn police officer) of any of the search criteria the officer had designated. This included stolen vehicles, vehicles suspected of being occupied by wanted persons, suspect

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vehicles involved in criminal activity, missing person's vehicles, as well as traffic violations such as expired or revoked registrations, uninsured vehicles, etc. He also reported it was important to note before any enforcement action was commenced, the police officer was able to confirm with a photograph of the actual plate the accuracy of the system's information. He indicated enforcement action would then be initiated and conducted by a police officer.

The City Manager reported the subject system was also very useful in the ability to use historical data, specifically a window of time in which data was obtained and stored to research where a vehicle might have been if it was identified by the ALPR.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-06, a Resolution Authorizing West Valley City to Purchase an Automated License Plate Recognition (ALPR) System from PIPS Technology for use by the Police Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 6, 2009, WAS ADJOURNED AT 7:41 P.M., BY MAYOR NORDFELT.

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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, January 6, 2009.

Sheri McKendrick, MMC
City Recorder