

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 24, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 24, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Joel Coleman

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Buzz Nielsen, Police Chief
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
John Janson, Acting CED Director
Aaron Crim, Administration
Owen Jackson, Administration
Jake Arslanian, Public Works Department

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OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who discussed the most exciting swimming race of the 2008 Summer Olympic Games, and read a poem regarding that race and Team USA.

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SCOUTS

Mayor Nordfelt welcomed Scout Troop Nos. 758, 195 and 1137 in attendance to complete requirements of the Citizenship in the Community and Communications merit badges.

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RECOGNITIONS

Mayor Nordfelt recognized Salt Lake County Councilmember Dave Wilde and invited Mr. Wilde to address the City Council. Councilmember Wilde addressed the City Council expressing his appreciation to the City Council and members of staff. He also discussed a recent meeting with Salt Lake County and other officials regarding property in the area to be developed as the Jordan River Marketplace.

Mayor Nordfelt recognized the following Youth City Council members: Camille Wynn, Granger High School; Andrew Jones, Hunter High School; and Dallas Aguilar, Hunter High School.

Councilmember Winder stated Camille Winn was his neighbor and a Sterling Scholar finalist this year. He wished her luck with that endeavor.

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APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 10, 2009

The Council read and considered the Minutes of the Regular Meeting held February 10, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held February 10, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

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COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, there was no one in attendance who desired to address the City Council during the Comment Period.

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ORDINANCE NO. 09-06, ENACT SECTIONS 3-10-1300P THROUGH 3-10-1305 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO ESTABLISH AN AUDIT REVIEW COMMITTEE

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-06 which would enact Sections 3-10-1300P through 3-10-1305 of Title 3 of the West Valley City Municipal Code in order to establish an Audit Review Committee.

Mr. Pyle stated the City currently engaged independent auditors to conduct an annual audit of its financial statement. However, the Council desired to establish an Audit Review Committee to provide for oversight and serve as a communication link between the independent auditor and the City Council. He stated the Committee would consist of five members, as follows: two City Council members, a City staff member, a finance director from another municipality or public organization, and a member of the community with related experience and expertise. He indicated committee members would be appointed by the City Manager and ratified by the City Council. Preference would be given to persons with accounting or auditing experience, background or expertise. He also stated members of the committee would serve up to three year terms and be responsible for the following:

- Recommend to the Council an independent firm of certified public accountants to perform the annual audit of the City
- Analyze and report to the Council significant findings in the annual audit report and make recommendations regarding such findings
- Make recommendations, if any, to the Council regarding the following financial documents:
 1. Annual financial statements
 2. Management letter submitted by the independent auditor, and
 3. Response to management letter submitted by City staff

After discussion, Councilmember Winder moved to approve Ordinance No. 09-06, an Ordinance Enacting Sections 3-10-1300P through 3-10-1305 of Title 3 of the West Valley City Municipal Code in Order to Establish an Audit Review Committee. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

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Unanimous.

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RESOLUTION NO. 09-111, APPROVE AGREEMENT WITH THE UTAH COALITION FOR ANIMALS DBA NO MORE HOMELESS PETS, IN ORDER TO REDUCE THE NUISANCE CAUSED BY STRAY CATS

City Manager, Wayne Pyle, presented proposed Resolution No. 09-111 which would approve an Agreement with the Utah Coalition for Animals dba No More Homeless Pets, in order to reduce the nuisance caused by stray cats.

Mr. Pyle stated the Trap Neuter and Return (TNR) program with the Utah Coalition for Animals helped control the over population of stray cats that terrorized neighborhoods. He further stated stray cats continued to populate thereby increasing that population and problems within neighborhoods, and requiring citizens and City personnel time and expense to trap, impound, house, feed, and ultimately euthanize the animals. He indicated the program provided neutering of cats and lowered population thereby decreasing problems and/or nuisances which then reduced the impounding of cats and saving taxpayers money.

The City Manager reported that No More Homeless Pets (NMHP) and West Valley City had been partners in the program for three years. He indicated this would be a renewal of the fourth year. He stated success of the program had lowered the intake of stray and feral cats to the City shelter with minimal staff involvement other than referring citizens to the program; and the NMHP personnel performed the duties.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-111, a Resolution Authorizing an Agreement between West Valley City and the Utah Coalition for Animals dba No More Homeless Pets in Order to Reduce the Nuisance Caused by Stray Cats. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 09-112, APPROVE AMENDMENT TO COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROJECT NO. STP-2164(3) REGARDING THE 3600 WEST RECONSTRUCTION PROJECT FROM 3500 SOUTH TO 4100 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 09-112 which would approve an Amendment to Cooperative Agreement with the Utah Department of Transportation (UDOT) for Project No. STP-2164(3) regarding the 3600 West Reconstruction Project from 3500 South to 4100 South.

Mr. Pyle stated the proposed agreement would modify an existing contract between the City, UDOT and Construction Materials Testing (CMT) Eng Labs.

The City Manager reported as part of the 3600 West Reconstruction Project, West Valley City, UDOT, and CMT Eng Labs entered into an agreement to provide construction material laboratory work for a cost of \$42,856.17. He indicated it had later been determined to be in the best interest of the project to contract with CMT Eng Labs to perform all the field materials testing, in addition to the lab work. He indicated the agreement increased the total amount paid to CMT Eng Labs to a total of \$85,902.45. He stated there were sufficient federal funds for the project to cover the cost of these services and the City match for the increase would be deducted from the amount currently on deposit with UDOT. He explained no additional money from the City would be required.

After discussion, Councilmember Vincent moved to approve Resolution No. 09-112, a Resolution Authorizing West Valley City to Execute an Amendment to the Cooperative Agreement with the Utah Department of Transportation for Project No. STP-2164(3) Regarding the 3600 West Reconstruction Project from 3500 South to 4100 South. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

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CONSENT AGENDA:

A. RESOLUTION NO. 09-113, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ADRIANA AND THOMAS BERNEIKE FOR PROPERTY LOCATED AT 4084 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-113 which would accept a Grant of Temporary Construction Easement from Adriana and Thomas Berneike for property located 4084 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Adriana and Thomas Berneike had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He stated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

B. RESOLUTION NO. 09-114, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ANTONIO LEMUS FOR PROPERTY LOCATED AT 4024 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-114 which would accept a Grant of Temporary Construction Easement from Antonio Lemus for property located 4024 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Antonio Lemus had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He stated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

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C. RESOLUTION NO. 09-115, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM EDWARD AND LOIS GASU FOR PROPERTY LOCATED AT 3873 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-115 which would accept a Grant of Temporary Construction Easement from Edward and Lois Gasu for property located at 3873 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Edward and Lois Gasu had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

D. RESOLUTION NO. 09-116, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRIAN AND SANDRA WHITTAKER FOR PROPERTY LOCATED AT 3701 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-116 which would accept a Grant of Temporary Construction Easement from Brian and Sandra Whittaker for property located at 3701 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Brian and Sandra Whittaker had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

After discussion, Councilmember Winder moved to approve Resolution Nos. 09-113, 09-114, 09-115, and 09-116 as presented on the Consent Agenda. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

Mr. Vincent	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, FEBRUARY 24, 2009, WAS ADJOURNED AT 6:45 P.M., BY MAYOR NORDFELT.

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, February 24, 2009.

Sheri McKendrick, MMC
City Recorder