

MINUTES OF COUNCIL REGULAR MEETING – MARCH 10, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 10, 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
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Richard Catten, City Attorney
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
John Janson, Acting CED Director
Anita Schwemmer, Acting Police Chief
Craig Thomas, Administration
Chris Curtis, Community Preservation Department
Karen Christensen, Community Preservation Department
Jake Arslanian, Public Works Department

14436 **OPENING CEREMONY**
The Opening Ceremony was conducted by Russ Brooks who read an inspirational quote about small acts of caring turning lives around.

14437 **SCOUTS**
Mayor Nordfelt welcomed Scout Troop Nos. 566, 808, and 244 in attendance to complete requirements of the Citizenship in the Community merit badge.

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14438 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 24, 2009**

The Council read and considered the Minutes of the Regular Meeting held February 24, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held February 24, 2009, 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. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14439 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, there was no one who desired to address the City Council during the comment period.

14440 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Community Development Block Grant (CDBG) Statement of Community Development Objectives and Projected Use of Funds. He discussed proposed Resolution No. 09-122 to be considered by the City Council subsequent to the public hearing as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-122 which would authorize the City Manager to submit an Annual Action Plan for Community Priorities and Proposed Use of CDBG Funds in West Valley City.

Mr. Isaac stated before the U.S. Department of Housing and Urban Development (HUD) would approve any CDBG expenditures, the City must have an approved Annual Action Plan listing projects intended to be funded for the 2009-2010 fiscal

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year. He also stated a budget had been created and submitted that met the funds awarded to West Valley City and the CDBG program.

The Acting City Manager reported the CDBG program and Salt Lake County HOME programs funded West Valley City with annual amounts to run various programs pertaining to low-moderate income individuals and families. He indicated the estimated CDBG Program Income (PI) generated from the Home Rehabilitation Program paybacks would be approximately \$25,000.00 but that estimate might be high. He advised the PI offset the entitlement funds allocated to the City CDBG program from HUD. He stated PI from HOME funds, approximately \$15,000.00, was returned to Salt Lake County funds to be reallocated to programs at a later date.

Mr. Isaac further stated the public service projects and the administration costs being proposed were equal to the maximum levels allowed by HUD. He indicated the impact of the decreases in CDBG funding the last few years had been felt most significantly in these two areas.

Mayor Nordfelt opened the public hearing.

Courtney Pariera Dinkins, YWCA, 322 East 300 South, Salt Lake City, addressed the City Council. Ms. Dinkins thanked the City Council for the City's support of her organization. She stated requests for operating funds had been submitted regarding the domestic violence crisis shelter. She advised that facility housed 632 women and children for 26,000 days of service, and also provided other services. She stated West Valley City residents were second highest users of the shelter and supportive services, last year serving 79 women and children. Ms. Dinkins stated she recognized the Council had a tough job in determining how to use these funds. She stated the YWCA provided critical services to the community and again expressed appreciation to the City Council for their time and consideration of this issue. Councilmember Coleman expressed appreciation for the services of the YWCA in the West Valley community.

Roselyn Aagard, Legal Aid Society, 205 North 400 West, Salt Lake City, addressed the City Council. Ms. Aagard thanked the City Council for their support. She indicated her organization assisted 316 residents of West Valley City for the past two quarters of the current fiscal year. She again expressed appreciation for support of the City and stated she could answer questions, if any.

John Gold, Big Brothers Big Sisters of Utah, 151 East 5600 South, Suite 260, Murray, addressed the City Council. Mr. Gold stated his programs provided a caring, compassionate adult in the lives of children. He discussed the number of children and volunteers from West Valley City and expressed appreciation for the City's support of the program.

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Diane Spencer, Family Support Center, 3663 South 3600 West, addressed the City Council. Ms. Spencer indicated the stated address she had given was the new crisis nursery in West Valley City and she discussed the number of children served at that facility and programs including parent education classes. She also stated two requests had been submitted: parent advocate program and counseling/crisis nursery program. Ms. Spencer expressed appreciation to the City for support of the program.

Phil Weimer, Community Health Centers, 1798 S. West Temple, Salt Lake City, addressed the City Council. Mr. Weier thanked the City Council for the continued funding and requested approval of the current request. He thanked Mayor Nordfelt for a letter of support for a federal grant request. He also discussed the number of residents assisted from West Valley City, including services provided. He indicated this year was the 30th anniversary and last year they served 32,000 people at four clinics in Salt Lake County. He advised 63% of patients were uninsured and his organization projected a \$500,000 loss for this year so they were in great need of the CDBG funds. He advised they were eligible for \$300,000 in economic stimulus funds from the Federal government. Mr. Weimer again thanked the City Council for their continued support.

Michaela Sanders, West Valley Community Center, 3818 West 4700 South, addressed the City Council. Ms. Sanders stated their application had been geared for Project 180 which was a gang intervention and prevention program. She discussed statistics and the success of the program and stated parenting classes had also been implemented for parents of youth served in their programs. She indicated the program reduced criminal gang activity throughout the Salt Lake Valley. Ms. Sanders further stated the grant would help her organization continue to work with youth and she answered questions from members of the City Council regarding the funding request.

Laura Lee, Salt Lake Community Action Program, 764 South 200 West, Salt Lake City, addressed the City Council. Ms. Lee advised her organization's request was for assistance for comprehensive financial counseling, food pantry and housing programs. She also discussed statistics regarding residents of West Valley City served by these programs, and expressed appreciation to the City Council for funding.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Upon direction of Acting City Manager, Paul Isaac, the Community Preservation Director, Layne Morris, answered questions from members of the City Council.

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ACTION: RESOLUTION NO. 09-122, AUTHORIZING THE CITY MANAGER TO SUBMIT AN ANNUAL ACTION PLAN FOR COMMUNITY PRIORITIES AND PROPOSED USE OF CDBG FUNDS IN WEST VALLEY CITY

The City Council previously held a public hearing regarding proposed Resolution No. 09-122 which would authorize the City Manager to submit an Annual Action Plan for Community Priorities and Proposed Use of CDBG Funds in West Valley City.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-122, a Resolution Authorizing the City Manager to Submit an Annual Action Plan for Community Priorities and Proposed Use of CDBG Funds in West Valley City. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14441

ORDINANCE NO. 09-07, AMEND SECTIONS 3-10-501 AND 3-10-502 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE CLEAN AND BEAUTIFUL COMMITTEE

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 09-07 which would amend Sections 3-10-501 and 3-10-502 of Title 3 of the West Valley City Municipal Code regarding the Clean and Beautiful Committee.

Mr. Isaac stated Chapter 3-10 of Title 3 regulated the Clean and Beautiful Committee and a text change had been recommended that would modify the number of members and reword the purpose of the committee.

After discussion, Councilmember Burt moved to approve Ordinance No. 09-07, an Ordinance Amending Sections 3-10-501 and 3-10-502 of Title 3 of the West Valley City Municipal Code Regarding the Clean and Beautiful Committee. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14442

RESOLUTION NO. 09-123, APPROVE CURRENT WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE BYLAWS

Assistant City Manager, Paul Isaac, presented proposed Resolution No. 09-123 which would approve current West Valley City Clean and Beautiful Committee bylaws.

Mr. Isaac stated the Clean and Beautiful Committee conducted business like a small board and required bylaws to guide its business.

The Acting City Manager reported the Clean and Beautiful Committee had been established under Ordinance No. 93-13 as part of Chapter 3-10 of Title 3 of the Municipal Code. He advised the proposed ordinance changes would further clarify and guide the direction of the committee.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-123, a Resolution Approving the Current West Valley City Clean and Beautiful Committee Bylaws. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

14443

RESOLUTION NO. 09-124, AUTHORIZE PURCHASE OF A SURVEY GRADE GLOBAL POSITIONING SYSTEM (GPS) FROM MONSEN ENGINEERING, INC., FOR USE BY THE PUBLIC WORKS DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-124 which would authorize purchase of a Survey Grade Global Positioning System

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(GPS) from Monsen Engineering, Inc., in the amount of \$25,483.50, for use by the Public Works Department.

Mr. Isaac stated the proposed purchase would be for a Trimble R GNSS Rover Kit (Survey Grade GPS System) for the Engineering Division for use in asset inventory and topographic surveys on various drainage and roadway projects.

The Acting City Manager reported the GPS was used to collect coordinates and elevations on storm drain boxes and pipes. He stated this information was sent to the City GIS to be used for design, system modeling, illicit discharge detection and monitoring, emergency response, and planning. He advised it was also used to collect topographic information as a design tool for various roadway and storm drainage design projects. He stated GPS was a very valuable tool and saved the City thousands of dollars in the design process. He informed the price quoted to the City reflected the Utah State purchasing contract pricing.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-124, a Resolution Authorizing West Valley City to Purchase a Survey Grade Global Positioning System (GPS) from Monsen Engineering, Inc. for use by the Public Works Department. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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

Unanimous.

14444

RESOLUTION NO. 09-131, ENCOURAGE UTAH STATE LEGISLATURE TO UTILIZE THE CURRENT TRANSPORTATION FUNDING DISTRIBUTION FORMULA FOR ANY INCREASE TO THE STATEWIDE GAS TAX SO THAT THE ENTIRE TRANSPORTATION NETWORK MAY BENEFIT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-131 which would encourage the Utah State Legislature to utilize the current transportation funding distribution formula for any increase to the statewide gas tax so that the entire transportation network may benefit.

Mr. Isaac stated the Utah’s transportation network was comprised of federal, state, county and city roads. He also stated cities and towns owned and maintained

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approximately 10,000 miles (23%) of this network which handled approximately 25% of total annual traffic generated in the state.

The Acting City Manager reported the road network was unquestionably interdependent and proper funding for the entire system, regardless of jurisdictional ownership, was critical for the safe and efficient movement of people, goods and services. In 1923, a statewide gasoline tax had been assessed to raise funds for the construction and maintenance of this road network and, in 1937, the B & C funding system was established providing direct funding sources for city and county roads. The B & C road fund provided roughly 50% of the funds required to maintain and build roads, the balance of funds coming from local sales and property taxes. He stated this shared funding mechanism recognized that all jurisdictions that built and maintained the transportation network should be proportionally compensated for such.

Mr. Isaac stated that for a number of years the costs associated with building and maintaining this vital transportation network had increased significantly for states, counties, cities and towns, and West Valley City relied heavily on Class C road funds for street maintenance and construction. He indicated Class C road funds represented approximately half of the total spent on maintenance and construction. He further indicated similar to the state, municipalities were suffering significant revenue shortfalls and road construction and maintenance was being canceled and deferred. He further stated it was the City's appeal that any increase to the statewide gas tax by the 2009 Utah Legislature should be distributed according to the current formula so that the entire transportation network would benefit.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-131, a Resolution of the West Valley City Council Encouraging the Utah State Legislature to Utilize the Current Transportation Funding Distribution Formula for any Increase to the Statewide Gas Tax so that the Entire Transportation Network May Benefit. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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14446

RESOLUTION NO. 09-121, APPROVE AN AMENDMENT TO THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT BETWEEN THE CITY, REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND VFM-ALC, LC, VFM-CPZ, LC, RIVER RIDGE VFM, L.L.C. AND HILL FIELD HOLDING VFM, L.L.C. TO PROVIDE FOR THE REDEVELOPMENT OF THE VALLEY FAIR MALL (TABLED AND CONTINUED FROM REGULAR MEETING HELD MARCH 3, 2009)

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-121 which would approve an Amendment to Agreement for Disposition of Land for Private Development between the City, the Redevelopment Agency (RDA) of West Valley City, and VFM-ALC, LC, VFM, CPZ, LC, River Ridge VFM, L.L.C., and Hill Field Holding VFM, L.L.C., to provide for redevelopment of the Valley Fair Mall.

Mr. Isaac stated the proposed amendment would reduce the total square footage of leaseable space required at the Mall in order for the Mall owners to qualify for a tax increment subsidy from the Redevelopment Agency. He reported the square footage changes were as follows:

Substantial completion: original 897,750 sq. ft. / new 800,000 sq. ft.

Space under lease: original 673,125 sq. ft. / 550,000 sq. ft.

Minimum acceptable improvement area: original 139,000 sq. ft. / new 100,000 sq. ft.

Town center: original 41,325 sq. ft. / new 35,117 sq. ft.

The Acting City Manager reported the original agreement was primarily an agreement between the RDA and the Mall owners. He indicated the City's involvement consisted of agreeing to enter into an agreement with the RDA to, if necessary, provide a financial backstop to the issuance of RDA bonds that would provide certain financial assistance to the redevelopment of the Valley Fair Mall. The amount of the potential City backstop was capped at \$3 million. He stated the bonds were not expected to be issued by the RDA until 2009 or 2010, and the City's obligation to participate was subject to non-appropriation of funds by the City Council at the time the bonds were issued.

Mr. Isaac reported the subject Resolution had been tabled and the matter continued to the Regular Council Meeting held March 3, 2009. He requested the Council consider continuing the matter for action to the Regular Council Meeting scheduled March 17, 2009, at 6:30 P.M. to allow additional time for finalizing the subject agreement.

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After discussion, Councilmember Coleman moved to continue consideration of action on proposed Resolution No. 09-121 to a Regular Council Meeting, as determined by the City Manager. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous. Proposed Resolution No. 09-121 continued to no date certain.

14447

CONSENT AGENDA:

A. RESOLUTION NO. 09-125, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM NATALEE S. LANCE FOR PROPERTY LOCATED AT 4046 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-125 which would accept a Grant of Temporary Construction Easement from Natalee S. Lance for property located at 4046 South Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Natalee S. Lance had signed the Grant of Temporary Construction Easement.

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

B. RESOLUTION NO. 09-126, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ADAM AND MINDI GILLETTE FOR PROPERTY LOCATED AT 4016 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-126 which would accept a Grant of Temporary Construction Easement from Adam and Mindi Gillette for property located at 4016 South Acord Way for the Sunnyvale Acord Sidewalk Project.

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Mr. Isaac stated Adam and Mindi Gillette had signed the Grant of Temporary Construction Easement.

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

C. RESOLUTION NO. 09-127, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM SINI AND AKATAINA NAEATA FOR PROPERTY LOCATED AT 3848 S. SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-127 which would accept a Grant of Temporary Construction Easement from Sini and Akataina Naeata for property located at 3848 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Sini and Akataina Naeata had signed the Grant of Temporary Construction Easement.

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

D. RESOLUTION NO. 09-128, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOAN K. PETERSON AND DEBRA P. LANIER FOR PROPERTY LOCATED AT 3924 S. SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-128 which would accept a Grant of Temporary Construction Easement from Joan K. Peterson and Debra P. Lanier for property located at 3924 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Joan K. Peterson and Debra P. Lanier had signed the Grant of Temporary Construction Easement.

Mr. Isaac stated the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He also stated the

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easement would allow the contractor to make the necessary tie-ins to the property. He reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

E. RESOLUTION NO. 09-129, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DOUGLAS PATRICK HAIN, SR. FOR PROPERTY LOCATED AT 4242 WEST 4100 SOUTH FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-129 which would accept a Grant of Temporary Construction Easement from Douglas Patrick Hain, Sr., for property located at 4242 West 4100 South for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Douglas Patrick Hain, Sr. had signed the Grant of Temporary Construction Easement.

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

F. RESOLUTION NO. 09-130, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ERMA B. PETTY, TRUSTEE OF THE ERMA B. PETTY LIVING TRUST FOR PROPERTY LOCATED AT 4075 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-130 which would accept a Grant of Temporary Construction Easement from Erma B. Petty, Trustee of the Erma B. Petty Living Trust, for property located at 4075 South Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Erma B. Petty, Trustee of the Erma B. Petty Living Trust, had signed the Grant of Temporary Construction Easement.

Mr. Isaac also stated the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He also stated the easement would allow the contractor to make the necessary tie-ins to the property. He 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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After discussion, Councilmember Vincent moved to approve Resolution Nos. 09-125, 09-126, 09-127, 09-128, 09-129, and 09-130 as presented on the Consent Agenda. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 10, 2009, WAS ADJOURNED AT 7:10 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, March 10, 2009.

Sheri McKendrick, MMC
City Recorder