

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-1-**

THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 12, 2009, AT 4:30 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

Wayne Pyle, City Manager  
Carel Hicks, Acting City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Jim Welch, Finance Director  
Richard Catten, City Attorney  
Layne Morris, Community Preservation Director  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
Stan Varney, Acting Fire Chief  
Steve Sandquist, Acting Police Chief  
Jake Arslanian, Public Works Department

14530

**OPENING CEREMONY**

The Opening Ceremony was conducted by Dennis Nordfelt who shared a portion of an e-mail received from the Executive Director of the Retired Utah Troopers Association regarding “Blue Fridays.” The e-mail requested everyone to wear blue on Fridays to show support for the Nation’s troops so the silent majority would no longer be silent. Mayor Nordfelt stated wearing blue on Fridays would show support of our troops, and express solidarity with dignity and respect. He indicated the message should be spread by word of mouth, the press, and television. The e-mail also requested sharing the message with acquaintances, co-workers and families as the troops needed support and prayers. Mayor Nordfelt led the Pledge of Allegiance to the Flag.

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-2-**

14531      **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 28, 2009**

The Council read and considered the Minutes of the Regular Meeting held April 28, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held April 28, 2009, as written. 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.

14532      **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the comment period:

Ann Brown addressed the City Council. Ms. Brown discussed the paved driveway issue and stated there were four homes that would be torn down due to the Mountain View Corridor project and should be exempt from the ordinance. She also stated as an environmentalist she always told her children not to cover the earth with pavement. She indicated she had a storm drain and 100 year old trees on the side yard. She inquired where people would put cars if not allowed on driveways. She stated the problem with a gravel driveway was gravel was poured on grass. She indicated a grated gravel driveway should be okay and two inches of gravel with a border added to the problem.

14533      **RESOLUTION NO. 09-198, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR PUBLIC WORKS SERVICES CONSISTING OF CHIP SEALING CERTAIN STREETS IN WEST VALLEY CITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-198 which would approve an Interlocal Cooperation Agreement with Salt Lake County for Public Works Services consisting of chip sealing certain streets in West Valley City.

## MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009

-3-

Mr. Pyle stated that in recent years Salt Lake County had applied chip seal on a number of City streets. He also stated the quality of the work had been very good. He indicated that in 2008, oil shortages precluded the County for completing all of the planned work and this circumstance had been typical for many agencies and contractors.

The City Manager indicated due to increased oil costs, the cost of the County chip seal had increased from \$2.97 per square yard to \$3.60 per square yard. He stated the cost still compared favorably with private contractors. He also reported this cost increase had made it necessary to reduce the quantity of work to be done.

Mr. Pyle stated chip sealing would be the major part of the pavement management program on the major streets in 2009. He further stated there would be no pavement overlays.

City Manager, Wayne Pyle, further indicated chip sealing was a preventative maintenance strategy similar to slurry seal. With both chip seal and slurry seal the road received a new, waterproof, wearing surface. He indicated chip seal used larger, pea-sized gravel for aggregate, which wore better than slurry seal on major roads. Traffic control on busy streets was easier with chip seal because traffic could drive on the chips immediately after they had been spread. A final asphalt fog seal held the chips in place and gave the road a fresh black surface. He stated the County agreement also included re-striping the following streets:

1. 3800 South (2700 West to 2200 West)
2. 3450 West (3100 South to 3500 South)
3. 6400 West (3500 South to Parkway Boulevard)
4. 3200 West (3100 South to Parkway Boulevard)
5. 3200 West (3500 South to 4100 South)
6. 2200 West (3800 South to 4100 South)
7. Frontage Road (7200 West to 6400 West)
8. 2700 West (4100 South to 4700 South –west half)

Upon discussion, and inquiry by Councilmember Coleman regarding if the chip seal program had been limited the previous year, the Public Works Director, Russell Willardson, stated it had been limited due to the economy. Mr. Willardson also stated the limitation would not be made up and the program would be about a year behind at the end of the current year.

After further discussion, Councilmember Burt moved to approve Resolution No. 09-198, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for Public Works Services Consisting of

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-4-**

Chip Sealing Certain Streets in West Valley City. 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.

14534

**RESOLUTION NO. 09-199, APPROVE INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY, SALT LAKE COUNTY, AND SALT LAKE CITY FOR LANDFILL TIPPING FEES**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-199 which would approve an Interlocal Cooperation Agreement between West Valley City, Salt Lake County, and Salt Lake City for landfill tipping fees.

Mr. Pyle stated the subject agreement would give West Valley City a discount in landfill tipping fees in return for a 10 year commitment to dispose of all solid waste at the Salt Lake Valley Solid Waste Management Facility.

The City Manager indicated that in 1999, the City entered into an interlocal agreement with Salt Lake City and Salt Lake County regarding landfill tipping fees. He indicated that agreement would expire June 30, 2009, and the proposed agreement would extend the existing terms for an additional 10 years with some minor modifications.

City Manager, Wayne Pyle, reported in exchange for committing the City's residential solid waste stream to the Salt Lake Valley Solid Waste Management Facility for 10 years, West Valley City would receive a \$1.75 per ton discount on the tipping fees for residential solid waste. The normal fee for such waste was \$22.00 per ton. He indicated the City would continue to pay \$20.25 per ton under the new agreement. He further stated the City currently disposed of approximately 50,000 tons per year which equated to a current savings of approximately \$87,500 per year.

Mr. Pyle stated the most significant change in the new agreement would be the cap on the reimbursement amount required should the City choose to terminate the agreement prior to the ten year term. Under the old agreement the City had

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-5-**

been required to reimburse Salt Lake City and Salt Lake County 100% of the \$1.75 discount received up to the termination date. He further stated the new agreement placed a cap of \$400,000 on any reimbursement to Salt Lake City and Salt Lake County.

Upon discussion and inquiry by Councilmember Rushton regarding if there was a difference in the rate because of the recycling program, the Public Works Director, Russell Willardson, stated the rate had stayed the same, but it could still change in the future.

After further discussion, Councilmember Rushton moved to approve Resolution No. 09-199, a Resolution Approving an Interlocal Agreement between West Valley City, Salt lake County and Salt Lake City for Landfill Tipping Fees. 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.

14535

**RESOLUTION NO. 09-200, AWARD CONTRACT TO FISHER TECHNICAL SERVICES, INC. AND AUTHORIZE EXECUTION OF A CONTRACT FOR LIFT REPAIRS TO THE HALE THEATRE CENTER STAGE**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-200 which would award a contract to Fisher Technical Services, Inc. (FTSI) in the amount of \$91,459.19 and authorize execution of the contract for lift repairs to the Hale Theatre center stage.

Mr. Pyle stated FTSI was considered to be a sole vendor providing the required service and had submitted the only responsible bid. He reported repairs and costs were as follows:

Design and engineering	\$20,135.00
Axis turntable enclosures with wireless interface (8)	24,943.65
Single axes controllers (2)	2,386.54
Existing axis retrofit parts (9)	5,076.00

MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009

-6-

Navigator system	36,878.00
Setup and testing	<u>2,040.00</u>
Total:	\$91,459.19

The City Manager reported the Hale Centre Theatre center stage was a unique stage and there were few companies qualified to do repairs on the lift. He stated the lift was deemed unsafe at this time and very unpredictable for operation. He indicated the original lift provider, Gala Industries, from Canada, was no longer able to provide repair service and the only other option was FTSI from Las Vegas who were willing and able to provide the repair service on the lift. He further stated FTSI would fix the lift and the communications aspect to a safe and proper operation.

Upon discussion, Councilmember Burt moved to approve Resolution No. 09-200, a Resolution Awarding a Contract to Fisher Technical Services, Inc. and Authorizing the Execution of a Contract for Lift Repairs to the Hale Centre Theatre Center Stage. 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.

14536

**RESOLUTION NO. 09-201, AUTHORIZE PURCHASE OF COMPUTER HARDWARE FOR PURPOSES OF BACKING UP ELECTRONIC CITY DATA AND SUPPORT AND WARRANTY SERVICES THAT MEET THE CITY'S EXISTING NEEDS FROM VALCOM COMPUTER CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-201 which would authorize purchase of computer hardware in the amount of \$137,512.00, for purposes of backing up electronic city data and support and warranty services that met the City's existing needs from Valcom Computer Center.

Mr. Pyle stated additional hardware was needed to provide a collocated disaster recovery, backup and file archive system for the City's electronic files. He also stated the purchase would provide a preferred method to backup and archive the City's computer data. He indicated the need for the system was due to the increased volume of data being stored on City computers. Historically this data

MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009

-7-

would have been backed up using tape backup systems but the short term reliability of tape and the volume of information had made these systems nearly obsolete. He further indicated as an added benefit, collocation provided a way to preserve data in the event of a disaster, such as an earthquake, by geographically separating the backup systems from the data center. He indicated the purchase would include required hardware with maintenance and support for a four year period.

The City Manager explained the purchase would be made from Valcom Computer for continuity of warranty service with other City owned IT resources and would be financed through the HP Lease Purchase Agreement previously approved on January 3, 2006, under Resolution N. 06-04.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-201, a Resolution Authorizing West Valley City to Purchase Computer Hardware for the Purposes of Backing Up Electronic City Data and Support and Warranty Services that Meet the City's Existing Needs from Valcom Computer Center. 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.

14537

**RESOLUTION NO. 09-207, CONSIDERATION FOR ADOPTION OF A RESOLUTION APPROVING AS TO FORM A PLEDGE AGREEMENT BY AND BETWEEN WEST VALLEY CITY, UTAH (THE "CITY"), AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH (THE "AGENCY"), TO SECURE PAYMENT IN PART OF THE AGENCY'S TAX INCREMENT AND REVENUE BONDS, SERIES 2009 IN THE TOTAL PRINCIPAL AMOUNT OF NOT MORE THAN \$10,500,000; (THE "SERIES 2009 BONDS"); CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-8-**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-207 which would give consideration for adoption of a resolution approving as to form a Pledge Agreement by and between West Valley City, Utah (the “City”), and the Redevelopment Agency of West Valley City, Utah (the “Agency”), to secure payment in part of the Agency’s Tax Increment and Revenue Bonds, Series 2009 in the total principal amount of not more than \$10,500,000; (the “Series 2009 Bonds”); calling a public hearing and establishing a time, place and location for said public hearing; providing for publication of a notice of public hearing; providing for the running of a contest period; and related matters.

Mr. Pyle stated the City and Redevelopment Agency had previously entered into an agreement with the owners of the Valley Fair Mall to provide for the redevelopment of the Mall. He indicated the Interlocal Pledge and Loan Agreement would authorize the City to contribute sales tax funds to the Agency, if necessary, for the Agency to repay its 2009 Tax Increment and Revenue Bonds that were being issued to facilitate the Valley Fair Mall redevelopment. He further stated the proposed resolution also set the date and time for a public hearing on the matter.

The City Manager indicated the Interlocal Pledge and Loan Agreement would allow the RDA to sell its 2009 Tax Increment and Revenue Bonds given the current state of the bond market. He also stated the sale of the bonds would facility the continued redevelopment of the Valley Fair Mall.

City Manager, Wayne Pyle, advised the number had changed and the project had been structured at \$8,000,000.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-207, a Resolution Approving As to Form an Interlocal Pledge and Loan Agreement By and Between West Valley City, Utah (the “City”), and the Redevelopment Agency of West Valley City, Utah (the “Agency”), to Secure Payment, in Part, of the Agency’s Tax Increment and Revenue Bonds, Series 2009 in the Total Principal Amount of Not More Than \$10,500,000; (the “Series 2009 Bonds”); Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing; Providing for the Running of a Contest Period; and Related Matters. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes

MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009

-9-

Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14538

**CONSENT AGENDA:**

**A. RESOLUTION NO. 09-202, RATIFY CITY MANAGER'S APPOINTMENT OF JOEL COLEMAN AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-202 which would ratify the City Manager's appointment of Joel Coleman as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who would serve for a term of three years.

**B. RESOLUTION NO. 09-203, RATIFY CITY MANAGER'S APPOINTMENT OF GARTH GOATES AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-203 which would ratify the City Manager's appointment of Garth Goates as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who would serve for a term of three years.

**C. RESOLUTION NO. 09-204, RATIFY CITY MANAGER'S APPOINTMENT OF DEAN LUNDELL AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-204 which would ratify the City Manager's appointment of Dean Lundell as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who would serve for a term of three years.

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-10-**

**D. RESOLUTION NO. 09-205, RATIFY CITY MANAGER’S APPOINTMENT OF WAYNE PYLE TO THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-205 which would ratify the City Manager’s appointment of Wayne Pyle as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who would serve for a term of three years.

**E. RESOLUTION NO. 09-206, RATIFY CITY MANAGER’S APPOINTMENT OF COREY RUSHTON AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-206 which would ratify the City Manager’s appointment of Corey Rushton as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Pyle stated the Audit Review Committee consisted of members who would serve for a term of three years.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 09-202, 09-203, 09-204, 09-205 and 09-206 as presented on the Consent Agenda. 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.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 12, 2009, WAS ADJOURNED AT 6:51 P.M., BY MAYOR NORDFELT.**

**MINUTES OF COUNCIL REGULAR MEETING – MAY 12, 2009**

**-11-**

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, May 12, 2009.

---

Carel Hicks, MMC  
Acting City Recorder