

MINUTES OF COUNCIL REGULAR MEETING – JUNE 2, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 2, 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
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman

STAFF PRESENT:

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

14557 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who stated today was his wedding anniversary and related a humorous conversation with the Mayor's wife regarding how to have a successful marriage.

14558 **SCOUTS**

Mayor Nordfelt welcomed Cub Scouts in attendance at the meeting and who were working on their Communications merit badge.

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14559 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 19, 2009**

The Council read and considered the Minutes of the Regular Meeting held May 19, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held May 19, 2009, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14560 **PROCLAMATION DECLARING WEST VALLEY CITY'S FULL SUPPORT AND PARTICIPATION IN THE 2010 CENSUS THROUGH FORMULATION OF A COMPLETE COUNT COMMITTEE**

Councilmember Rushton read a proclamation declaring West Valley City's full support and participation in the 2010 Census through formulation of a Complete Count Committee.

14561 **COMMENT PERIOD**

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

14562 **PUBLIC HEARING, REOPEN FY 2008-2009 BUDGET FOR PURPOSE OF CHANGES EXPERIENCED IN REVENUES AND EXPENSES**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding reopening the FY 2008-2009 Budget for purposes of changes experienced in revenues and expenses. He discussed proposed Ordinance No. 09-17 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-17 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2008, and ending June 30, 2009, to reflect changes in the budget from increased revenues and authorize disbursement of funds.

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Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. He indicated West Valley City held two such public hearings on budget amendments annually, one mid-fiscal year and the second just prior to the end of the fiscal year.

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

ACTION: ORDINANCE NO. 09-17, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance No. 09-17 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2008, and ending June 30, 2009, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

After discussion, Councilmember Winder moved to approve Ordinance No. 09-17, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2008 and Ending June 30, 2009, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

14563

ORDINANCE NO. 09-18, AMEND SECTION 17-3-105 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE LICENSE HEARING BOARD

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-18 which would amend Section 17-3-105 of Title 17 of the West Valley City Municipal Code regarding the License Hearing Board.

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Mr. Pyle stated the proposed ordinance would modify requirements of members who served on the License Hearing Board. He further stated the proposed change would require that one member be a resident of West Valley City, one member be an employee of the City, and one member be a holder of, or have substantial interest in, a current West Valley City business.

Upon discussion, Councilmember Burt suggested to make an amendment that two members must be residents, either the member with a business interest or the employee. She stated, that way, a majority of the three member board would have an interest in the City. She recommended line 26 in the proposed ordinance be changed to read two must be residents.

After further discussion, Councilmember Burt moved to amend the document of proposed Ordinance No. 09-18 to read that two members of the License Hearing Board must be residents. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

After discussion, Councilmember Burt moved to approve Ordinance No. 09-18, an Ordinance Amending Section 17-3-105 of Title 17 of the West Valley City Municipal Code Regarding the License Hearing Board, as amended to read two members must be residents. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 09-214, ESTABLISH AND APPROVE VOTING PRECINCTS AND POLLING PLACES FOR THE WEST VALLEY CITY 2009 MUNICIPAL ELECTIONS

City Manager, Wayne Pyle, presented proposed Resolution No. 09-214 which would establish and approve voting precincts and polling places for the West Valley City 2009 Municipal Elections.

Mr. Pyle stated Section 20A-5-301(1) of the Utah State Code provided the Council could combine up to four Salt Lake County voting precincts into one municipal voting precinct if they designated the location and address of each precinct. He indicated the State Code also provided the polling place shall be as near as practical to the middle of the combined precinct.

The City Manager advised all polling places were in compliance with ADA (Americans with Disabilities Act) requirements.

Mr. Pyle advised a list had been provided to the Council containing the City Council District, County voting precinct, polling locations and addresses for the 2009 Municipal Election.

After discussion, Councilmember Winder moved to approve Resolution No. 09-214, a Resolution Establishing and Approving the Voting Precincts and Polling Places for the West Valley City 2009 Municipal Elections. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14565

RESOLUTION NO. 09-215, AWARD CONTRACT TO B. JACKSON CONSTRUCTION FOR THE DIAMOND SUMMIT TRAFFIC CALMING PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-215 which would award a contract to B. Jackson Construction, in the amount of \$106,660.57, for the Diamond Summit Traffic Calming Project.

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Mr. Pyle stated bids had been solicited and a total of eight bids had been received as follows:

B. Jackson Construction Inc:	\$106,660.57
Cody Ekker Construction:	\$110,940.00
Bowen Construction:	\$134,413.60
Ridge Rock:	\$138,970.00
Acme Construction:	\$140,665.00
Lyndon Jones Construction:	\$161,760.00
Cunningham Construction:	\$164,410.00
Jordan Construction:	\$191,600.00

The City Manager advised the engineer's estimate had been in the amount of \$204,150.00. He recommended B. Jackson Construction be awarded the contract as they had submitted the lowest responsible bid. He indicated the project consisted of construction of 17 concrete speed humps and raised crosswalks in the Diamond Summit neighborhood.

After discussion, Councilmember Vincent moved to approve Resolution No. 09-215, a Resolution Awarding a Contract to B. Jackson Construction Inc. and Authorizing the Execution of a Contract for the Diamond Summit Traffic Calming Project. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

14566

RESOLUTION NO. 09-216, AWARD CONTRACT TO CUNNINGHAM CONSTRUCTION FOR THE 2009 STORM DRAIN PROJECTS

City Manager, Wayne Pyle, presented proposed Resolution No. 09-216 which would award a contract to Cunningham Construction, in the amount of \$42,188.00, for the 2009 Storm Drain Projects.

Mr. Pyle stated bids had been solicited and a total of eight bids had been received as follows:

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Cunningham Construction:	\$42,188.00
Cody Ekker Construction:	\$45,080.00
Ron Foster Construction:	\$58,695.00
Bowen Construction:	\$63,304.00
GEC Construction Inc.:	\$68,445.40
Lyndon Jones Construction:	\$73,540.97
Bonham Construction:	\$77,000.35
Newman Construction:	\$81,402.00

The City Manager reported the engineer's estimate had been in the amount of \$79,970.00. He recommended Cunningham Construction be awarded the contract as they had submitted the lowest responsible bid. He further stated the project consisted of placement of storm drain pipe, storm drain boxes, pavement restoration, property, cast in place concrete boxes and other work associated with storm drain work.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-216, a Resolution Awarding a Contract to Cunningham Construction and Authorizing the Execution of a Contract for the 2009 Storm Drain Projects. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14567

RESOLUTION NO. 09-217, AUTHORIZE CITY TO SUBDIVIDE BY METES AND BOUNDS PROPERTY LOCATED AT APPROXIMATELY 4522 WEST AND 4574 WEST 3500 SOUTH, BY CONVEYANCE OF QUIT CLAIM DEEDS FROM WEST VALLEY CITY TO WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-217 which would authorize the City to subdivide by metes and bounds property located at approximately 4522 West and 4574 West 3500 South, by conveyance of Quit Claim Deeds from West Valley City to West Valley City.

Mr. Pyle stated in order to facilitate construction of the new Animal Shelter the City had surveys conducted to subdivide City Park. He further stated the survey

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created three separate parcels. He indicated a copy of the Record of Survey had been provided to the City Council as Exhibit A showing the newly created parcels. The new parcels were outlined and designated as follows: Parcel 1 would contain the new Animal Shelter, Parcel 2 contained the new boundaries of City Park, and Parcel A contained a parcel abutting 3500 South which would be dedicated in the future as 3500 South. He stated Parcel 2 would remain encumbered by the Land and Water Conservation Fund.

After discussion, Councilmember Winder moved to approve Resolution No. 09-217, a Resolution Authorizing the City to Subdivide by Metes and Bounds Property Located at Approximately 4522 West and 4574 West 3500 South by Conveyance of Quit Claim Deeds from West Valley City to West Valley City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14568

RESOLUTION NO. 09-224, APPOINT SALLY E. BEAGLEY AS WEST VALLEY CITY'S REPRESENTATIVE TO THE SOUTH SALT LAKE MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES FOR A FOUR-YEAR TERM COMMENCING JANUARY 1, 2009, AND ENDING DECEMBER 31, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 09-224 which would appoint Sally E. Beagley as West Valley City's representative to the South Salt Lake Mosquito Abatement District Board of Trustees for a four-year term commencing January 1, 2009, and ending December 31, 2013.

Mr. Pyle stated Janice Fisher's term on the Board had ended and Ms. Beagley had expressed a desire to be appointed for the four year term.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-224, a Resolution Appointing Sally E. Beagley as West Valley City's Representative to the South Salt Lake Mosquito Abatement District Board of Trustees for a Four-Year Term Commencing January 1, 2009, and Ending December 31, 2013. Councilmember Brooks seconded the motion. Councilmember Brooks seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14569

CONSENT AGENDA:

A. RESOLUTION NO. 09-218, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JACK MATHESON TO THE PLANNING COMMISSION, TERM: JULY 1, 2009 – JULY 1, 2013

City Manager, Wayne Pyle, presented proposed Resolution No. 09-218 which would ratify his reappointment of Jack Matheson to the Planning Commission for the term July 1, 2009, through July 1, 2013.

Mr. Pyle stated Mr. Matheson's experience on the Planning Commission since 1998 made him a valuable member of that Commission. He also stated Mr. Matheson was an active member in the City which added to his insights when dealing with difficult issues.

B. RESOLUTION NO. 09-219, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KEN ALLEN TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2009 – JULY 1, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 09-219 which would ratify his reappointment of Ken Allen to the Police Professional Standards Review Board for the term July 1, 2009 through July 1, 2011.

Mr. Pyle stated Mr. Allen had expressed a desire to be reappointed to the Board. He further stated Mr. Allen remained interested in serving the community as a resident of West Valley City. He indicated Mr. Allen was very dedicated in maintaining a safe community as well as holding the officers and Police Department to high standards and professionalism. The City Manager reported Mr. Allen would continue to be a great asset to the Board.

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C. RESOLUTION NO. 09-220, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CLOYD BELL TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2009 – JULY 1, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 09-220 which would ratify his reappointment of Cloyd Bell to the Police Professional Standards Review Board for the term July 1, 2009 through July 1, 2011.

Mr. Pyle stated Mr. Bell had expressed a desire to be reappointed to the Board. He further stated Mr. Bell remained interested in serving the community as a business owner in West Valley City. He indicated Mr. Bell was very dedicated in maintaining a safe community as well as holding the officers and Police Department to high standards and professionalism. The City Manager reported Mr. Bell would continue to be a great asset to the Board.

D. RESOLUTION NO. 09-221, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JOAN MCCREEDY BURRELL TO THE POLICE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: JULY 1, 2009 – JULY 1, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 09-221 which would ratify his reappointment of Joan McCreedy Burrell to the Police Professional Standards Review Board for the term July 1, 2009 through July 1, 2011.

Mr. Pyle stated Ms. Burrell had expressed a desire to be reappointed to the Board. He further stated Ms. Burrell remained interested in serving the community as a resident of West Valley City. He indicated Ms. Burrell was very dedicated in maintaining a safe community as well as holding the officers and Police Department to high standards and professionalism. The City Manager reported Ms. Burrell would continue to be a great asset to the Board.

E. RESOLUTION NO. 09-222, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF TIM CHEZEM AS CHAIR OF THE WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2009 – JUNE 30, 2010

City Manager, Wayne Pyle, presented proposed Resolution No. 09-222 which would ratify his reappointment of Tim Chezem as Chair of the West Valley City Clean and Beautiful Committee for the term July 1, 2009, through June 30, 2010.

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Mr. Pyle stated Mr. Chezem had served as Chair of the Committee for the past few years and had indicated his willingness to continue to serve in that capacity.

F. RESOLUTION NO. 09-223, APPROVE AN EASEMENT AND AGREEMENT WITH ASPEN VILLAGE APARTMENTS, L.L.C. FOR PROPERTY LOCATED AT 3043 WEST 3500 SOUTH FOR THE 3500 SOUTH WIDENING PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-223 which would approve an Easement and Agreement with Aspen Village Apartments, L.L.C. for property located at 3043 West 3500 South for the 3500 South Widening Project.

Mr. Pyle stated Aspen Village Apartments, L.L.C. had signed the Easement and Agreement.

The City Manager reported the subject parcel was one of the properties requiring a public utility easement for the burial of the overhead power lines on 3500 South. He also reported the easement and agreement would allow UDOT (Utah Department of Transportation), and Rocky Mountain Power and its contractors to proceed on the project. He stated the portion of property containing this easement was currently zoned 'C-2.' He indicated compensation for the easement had been negotiated based on land values from recent sales of other 'C-2' zoned property within the City, the easement calculated at 25% of the fee simple value.

After discussion, Councilmember Burt moved to approve Resolutions Nos. 09-218, 09-219, 09-220, 09-221, 09-222, and 09-223 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Winder moved to adjourn the Regular Meeting and convene an Executive Session for discussion of potential litigation. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	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, JUNE 2, 2009, WAS ADJOURNED AT 6:58 P.M. BY MAYOR NORDFELT.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JUNE 2, 2009, AT 7:10 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
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JUNE 2, 2009, WAS ADJOURNED AT 7:25 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 and Executive Session of the West Valley City Council held Tuesday, June 2, 2009.

Sheri McKendrick, MMC
City Recorder