

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 9, 2009**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 9, 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

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Joel Coleman  
Mike Winder

STAFF PRESENT:

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

14571 **OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt who read thoughts regarding the basic lessons we learn early in life, specifically getting along and playing well with others.

14572 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop No. 1465 in attendance to complete requirements for the Citizenship in the Community merit badge.

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14573      **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 26, 2009**

The Council read and considered the Minutes of the Regular Meeting held May 26, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held May 26, 2009, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14574      **EMPLOYEE OF THE MONTH AWARD, MAY 2009 – SHAWN HALLADAY, ADMINISTRATION, MIS DIVISION**

Councilmember Brooks read the nomination of Shawn Halladay, Administration, MIS Division, to receive the Employee of the Month Award for May of 2009.

On behalf of the City Council, Councilmember Brooks presented the award to Mr. Halladay and members of the Council expressed appreciation and congratulated the recipient of the award.

Shawn Halladay addressed the City Council and introduced his wife, Angela, and his children who were also in attendance at the meeting.

14575      **KORI SHAW, UTAH GAIN COALITION, AND KATHY L. HARPER, IRS – PRESENTATION OF *OUTSTANDING COMMUNITY PARTNER AWARD* TO WEST VALLEY CITY FOR PARTICIPATION IN THE 2009 FINANCIAL FITNESS FAIR**

City Manager, Wayne Pyle, discussed the VITA (Volunteer Income Tax Assistance) program which helped some of the City's residents complete filing of income tax forms free of charge. Mr. Pyle introduced Kori Shaw, Utah GAIN Coalition and Kathy L. Harper, IRS.

Kori Shaw, Utah GAIN Coalition, and Kathy L. Harper, IRS, addressed the City Council. They presented the *Outstanding Community Partner Award* to Mayor Nordfelt on behalf of West Valley City for participation in the 2009 Financial

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Fitness Fair. They also expressed appreciation to the City and, in particular, staff members Craig Thomas, Ken Morgan and Shawn Halladay for their efforts.

Mayor Nordfelt expressed appreciation to Ms. Shaw and Ms. Harper for their partnership with West Valley City in the very valuable service to the community.

14576

### **COMMENT PERIOD**

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

Neila Oaks Bennett, 3156 South Meadowlark Drive, addressed the City Council and stated there had been a breakdown in communication between the City, UTA and residents near the construction site for the TRAX light rail line near 3100 South 2700 West. Ms. Bennett indicated she had suggested to staff member John Janson, CED Department, that a letter be sent to all of the affected residents. She discussed a meeting with John Janson and a representative of UTA at her home this date. She indicated homeowners affected by construction believed they did not have any rights and she told of their experiences including damage from flooding when a pipe had broken due to construction. She stated they had not known who to contact regarding that issue. She further stated she had visited many homes in the neighborhood and the unanimous feeling was that they were not cared about nor listened to. She indicated the City did not have the right to impact the neighborhood in this way. She advised the City Council to get out and speak to the people who were impacted. She stated she was trying to help the neighbors whose lives and homes were being destroyed due to construction of the TRAX line in the area. She indicated on Maple Way and 3100 South there would be arms that come down every 20 minutes as the trains passed by from 5:00 A.M. to 11:00 P.M. which would impact the neighborhood and the 12 very young children who lived there. She stated the bells and whistles on the trains would not be silenced according to UTA and the neighborhood did not deserve this. She stated she was trying to do something for her friends and neighbors who deserved a good quality of life.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise commented regarding the Council revisiting the issue of gravel driveways and off-street parking. He further stated he already installed concrete to park his vehicles other than in the street. He indicated many people in his area had done the same thing. He stated old cars could have oil that leaked into gravel and then into the ground water. He stated most people who had gravel now did not maintain and keep the weeds down. He further stated if the Council changed the ordinance he would request reimbursement for the \$2,800 he spent on concrete. He also discussed SB81, a bill the legislature recently passed regarding immigration issues. He stated if the City was not going to enforce this law, what other laws would also not be enforced.

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14577

**PUBLIC HEARING, RECEIVE PUBLIC INPUT REGARDING AN INTERLOCAL PLEDGE AND LOAN AGREEMENT BY AND BETWEEN WEST VALLEY CITY, UTAH, AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, 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**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding an Interlocal Pledge and Loan Agreement by and between West Valley City, Utah, and the Redevelopment Agency of West Valley City, Utah, 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.

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

City Manager, Wayne Pyle, advised no action would be required at the present time.

14578

**RESOLUTION NO. 09-225, AUTHORIZE SUBMISSION OF AN AMENDMENT TO WEST VALLEY CITY'S 2008-2009 ANNUAL ACTION PLAN PREVIOUSLY APPROVED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-225 which would authorize submission of an Amendment to West Valley City's 2008-2009 Annual Action Plan previously approved by the U.S. Department of Housing and Urban Development (HUD).

Mr. Pyle stated HUD had requested all entitlement entities submit an amendment to their Annual Action Plan for FY 2008-2009 to include the American Recovery and Rehabilitation Act 2009 (ARRA) allocation for the CDBG-R fund.

The City Manager indicated that under the Recovery and Rehabilitation Act 2009 West Valley City, as an entitlement entity, had been notified they would receive \$250,000 to be used to: preserve and/or create jobs and promote economic recovery; assist those most impacted by the recession; provide investment needed to increase economic efficiency; invest in transportation, environmental protection, or other infrastructure that would provide long term economic benefits; minimize or avoid reductions in essential services; or foster energy independence. He stated following those guidelines the usage of the CDBG-R funds would meet the requirements of Title XII of Division A and Section 1602 or ARRA.

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After discussion, Councilmember Rushton moved to approve Resolution No. 09-225, a Resolution Authorizing the Submission of an Amendment to West Valley City's 2008-2009 Annual Action Plan Which Was Previously Approved by the U.S. Department of Housing and Urban Development. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14579

**RESOLUTION NO. 09-226, AWARD CONTRACT TO WESTERN FENCE COMPANY TO REPLACE THE FENCE AT WEST VALLEY CITY PARK**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-226 which would award a contract to Western Fence Company, in an amount not to exceed \$42,500.00, to replace the fence at West Valley City Park.

Mr. Pyle stated bids had been requested and two bids had been received as follows:

United Fence Company:	\$52,293.00
Western Fence Company:	\$41,155.00

The City Manager reported Western Fence Company had submitted the lowest responsible bid.

Mr. Pyle indicated West Valley City Park had been constructed in the 1980's and as such numerous areas were showing signs of that age. He stated the outfield fencing around the baseball fourplex had been used and battered for more than two decades and was in need of replacement. He indicated the current fence was only four feet tall and new regulations regarding baseball diamonds called for fencing to be at least six feet tall.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-226, a Resolution Authorizing the City to Award a Contract to Western Fence Company to Replace the Fence at West Valley City Park. Councilmember Vincent seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14580

**RESOLUTION NO. 09-227, AUTHORIZE ISSUANCE AND SALE OF NOT MORE THAN \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF FRANCHISE TAX REVENUE REFUNDING BONDS, SERIES 2009 OF WEST VALLEY CITY, UTAH, FOR THE PURPOSE OF REFUNDING THE MUNICIPAL BUILDING AUTHORITY OF THE CITY OF WEST VALLEY LEASE REVENUE BONDS, SERIES 1998, CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE, AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF THE CITY'S MUNICIPAL ENERGY AND/OR TELECOMMUNICATIONS FRANCHISE TAXES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-227, which would authorize the issuance and sale of not more than \$15,000,000 aggregate principal amount of Franchise Tax Revenue Refunding Bonds, Series 2009 of West Valley City, Utah, for the purpose of refunding the Municipal Building Authority of the City of West Valley Lease Revenue Bonds, Series 1998, calling a public hearing and establishing a time, place, and location for said public hearing; providing for publication of a Notice of Public Hearing and Bonds to be Issued; providing for a pledge of the City's municipal energy and/or telecommunications franchise taxes for repayment of the Bonds; fixing the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the Bonds may be sold; providing for the running of a contest period; and related matters.

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Mr. Pyle stated an analysis of existing debt and market conditions had determined significant interest savings could be realized by refunding certain identified outstanding obligations of the City.

The City Manager reported bonds issued for construction and financing of the Family Fitness Center were eligible for refunding. He advised market conditions and analysis indicated that substantial savings could be realized by refunding these bonds to obtain significant interest savings. He stated the bonds to be issued would not exceed \$15,000,000 and a net effective interest rate of 6%. He also advised the proposed debt service schedules would not exceed the original maturities of outstanding bonds.

After discussion, Councilmember Burt moved to approve Resolution No. 09-227, a Resolution Authorizing the Issuance and Sale of Not More Than \$15,000,000 Aggregate Principal Amount of Franchise Tax Revenue Refunding Bonds, Series 2009 of West Valley City, Utah, for the Purpose of Refunding the Municipal Building Authority of the City of West Valley Lease Revenue Bonds, Series 1998, Calling a Public Hearing and Establishing a Time, Place, and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of the City's Municipal Energy and/or Telecommunications Franchise Taxes for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; 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
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, JUNE 9, 2009, WAS ADJOURNED AT 7:06 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, June 9, 2009.

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Sheri McKendrick, MMC  
City Recorder