

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-1-

THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 16, 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
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Don Groo, Acting Finance Director
Tom McLachlan, Acting Police Chief
Aaron Crim, Administration
Phil Markham, Public Works Department
Jake Arslanian, Public Works Department
Tyler Mayer, Public Works Department
Chris Conner, Public Works Department
Greg Burgoyne, Finance Department
Russ Condie, Finance Department
Sandra Frampton, Finance Department
Gary Dunn, Jeannette Carpenter, Finance Department
Nick Hales, Finance Department
Kathy Madden, Finance Department
Cindy Hobbs, Finance Department
Nora Clemens, Finance Department

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-2-

Candice Smart, Justice Court
Mitzi Silva, Justice Court

14581 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who discussed topics presented by speakers at a conference he attended the previous week and also related a humorous story.

14582 **APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING HELD JUNE 2, 2009**

The Council read and considered the Minutes of the Regular Council Meeting held June 2, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Council Meeting held June 2, 2009, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14583 **EMPLOYEES OF THE MONTH, JUNE 2009 – TYLER MAYER AND CHRIS CONNER, PUBLIC WORKS DEPARTMENT**

Councilmember Burt read the nomination of Tyler Mayer and Chris Conner, Public Works Department, to be recognized as Employees of the Month for June, 2009.

The award was presented and members of the City Council congratulated Chris Conner and Tyler Mayer and expressed appreciation for their efforts on behalf of West Valley City.

14584 **EAC QUARTERLY DIVISION AWARD – JUSTICE COURT**

Mayor Nordfelt read a nomination and presented the EAC Quarterly Division Award to employees of the Justice Court.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-3-

The City Council expressed appreciation to the Justice Court employees and congratulated them on receiving the award.

14585 **SCOTT STEVENS, UTAH STATE TAX COMMISSION MANAGER AND PAST PRESIDENT OF UTAH GFOA – PRESENTATION OF THE CAFR AWARD TO WEST VALLEY CITY**

City Manager, Wayne Pyle, introduced and welcomed Scott Stevens, Utah State Tax Commission Manager and Past President of the Utah GFOA (Government Finance Officers Association). Upon direction of the City Manager, Don Groo, Acting Finance Director, addressed the City Council.

Don Groo, Acting Finance Director, introduced Scott Stevens and Mr. Stevens addressed the City Council. Mr. Stevens discussed criteria for receiving the CAFR (Certificate of Achievement for Excellence in Financial Reporting) award. He praised efforts of the City's Finance Department for earning the award for the 16th year. He presented the award to the City Council, Don Groo and the Accounting Division of the Finance Department. Mayor Nordfelt accepted the award on behalf of the City.

The City Council expressed appreciation to Don Groo and the employees of the Finance Department.

14586 **COMMENT PERIOD**

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

Mike Markham, 3536 S. Market Street (office), addressed the City Council. Mr. Markham informed he was a resident of the City and his business office was also located here. He stated there had been only one way for him to get to his office this morning due to construction in the area adjacent to City Hall. He indicated he had been furious and finally a supervisor of the construction company had talked to him. He indicated the supervisor had said the reason they only had the road open in one direction (when it was open) was that had been the minimum requirement by West Valley City. He stated he was a small businessman and his and other businesses would be lost due to construction. He further stated he was not giving up. He stated he had just paid his business license, but could not get in and out of his office to do business. He indicated the City needed to be more business friendly. He inquired who made the decision to only have the road open in one direction. He stated more businesses would be lost due to negative impacts of construction. He indicated he supported the City in most everything but felt small businesses needed to be considered.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-4-

14587

RESOLUTION NO. 09-228, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND XO COMMUNICATIONS ALLOWING XO COMMUNICATIONS TO INSTALL, OPERATE AND MAINTAIN TWO 1.25 INCH HDPE CONDUITS ON PROPERTY OWNED BY WEST VALLEY CITY

City Manager, Wayne Pyle, presented Resolution No. 09-228 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and XO Communications allowing XO Communications to install, operate and maintain two 1.25 inch HDPE conduits on property owned by West Valley City.

Mr. Pyle stated XO Communications had requested permission to cross property owned by the City that would encroach upon the easement owned by the U.S. Department of Interior.

The City Manager also stated West Valley City owned property encumbered by an easement owned by the U.S. Department of the Interior. He indicated XO Communications desired to install, operate and maintain two 1.25 inch HDPE conduits over the Jordan Aqueduct, Reach 3, and could do so only upon agreement from the U.S. Department of the Interior because the conduits would encroach on the easement. He stated the U.S. Department of Interior had agreed to the encroachment on their easement in accordance with the subject documents.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-228, a Resolution Approving an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and XO Communications That Will Allow XO Communications to Install, Operate, and Maintain Two 1.25 Inch HDPE Conduits on Property Owned by West Valley City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-5-

14588

RESOLUTION NO. 09-229, ACKNOWLEDGE AND APPROVE A MEMORANDUM OF AGREEMENT FOR A BASIC INTENSIVE LEVEL HISTORICAL SURVEY TO BE CONDUCTED AT THE LOCATION OF THE 1400 WEST 3100 TO 3300 SOUTH ROAD PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-229 which would acknowledge and approve a Memorandum of Agreement for a Basic Intensive Level Historical Survey to be conducted at the location of the 1400 West 3100 to 3300 South Road Project.

Mr. Pyle stated the City was an invited signatory of a Memorandum of Agreement where the Utah Department of Transportation (UDOT) and the Utah State Historical Preservation Office would conduct a historical survey of two sites impacted by construction of 1400 West. He indicated UDOT would be responsible for conducting the survey.

The City Manager advised West Valley City was constructing 1400 West using federal funds. He indicated use of those funds required that identified historical structures be surveyed with the results of the historical survey being filed with the Utah State Historical Preservation Office. UDOT would be conducting the “Basic Intensive Level Survey” of the historic properties. He stated the City was an invited signatory of the agreement and would be agreeing to follow the requirements outlined in the Memorandum of Agreement.

After discussion, Councilmember Burt moved to approve Resolution No. 09-229, a Resolution Acknowledging and Approving a Memorandum of Agreement for a Basic Intensive Level Historical Survey to be Conducted at the Location of 1400 West 3100 South Road Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-6-

14589

RESOLUTION NO. 09-230, AUTHORIZE THE PURCHASE OF AUDITORIUM SEATING FROM FETZER ARCHITECTURAL WOODWORK FOR USE AT THE UTAH CULTURAL CELEBRATION CENTER AMPHITHEATER

City Manager, Wayne Pyle, presented proposed Resolution No. 09-230 which would authorize the purchase of auditorium seating from Fetzer Architectural Woodwork, in an amount not to exceed \$39,185.00, for use at the Utah Cultural Celebration Center (UCCC) Amphitheater.

Mr. Pyle stated Fetzer Architectural Woodwork was the original provider of the amphitheater seating and was the sole provider of the same matching seating in the Salt Lake Valley.

The City Manager indicated the amphitheater originally had been designed to hold approximately 530 auditorium type seating. He explained at the time due to financial constraints and completing the project on time there where only 197 seats purchased. As the original designer of the auditorium seating of the amphitheater, Fetzer had kept the drawings and being the sole source provider of the same matching seating, able to complete the seating with additional 327 seats. He indicated this would enhance the ability of the UCCC to bring quality performances and had adequate auditorium seating.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-230, a Resolution Authorizing West Valley City to Purchase Auditorium Seating from Fetzer Architectural Woodwork for use at the Utah Cultural Celebration Center Amphitheater. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	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 16, 2009, WAS ADJOURNED AT 6:56 P.M., BY MAYOR NORDFELT.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 16, 2009

-7-

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 16, 2009.

Sheri McKendrick, MMC
City Recorder