

MINUTES OF COUNCIL REGULAR MEETING – JULY 14, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 14, 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 PRO TEM BROOKS.

THE FOLLOWING MEMBERS WERE PRESENT:

Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Dennis J. Nordfelt

STAFF PRESENT:

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

14611 **OPENING CEREMONY**
The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

14612 **SCOUTS**
Mayor Pro Tem Brooks welcomed Scout Troops Nos. 567 and 563 in attendance to complete requirements for the Citizenship in the Community merit badges.

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INTRODUCTION OF NEW EMPLOYEES

Aimee Tye-Critchley, HR/Administration, addressed the City Council and introduced the following new employees listed respectively by department/division:

Justice Court

Stephanie Pikula, Court Clerk

Administration

Rori Buchanan, Human Resource Secretary

Darelen Jore, Human Resource Payroll Clerk

Public Works Department

Bryan Banks, Operator I

Law Department

Brooke St John, Victim Advocate

Fire Department

Steven Meier, Firefighter/Paramedic

Clinton Nielson, Firefighter/Paramedic

Tyler Sleater, Firefighter/Paramedic

Kevin Funk, Firefighter

CED Department

Mark Nord, Economic Development Manager

Community Preservation Department

Rocky Crisp, Code Enforcement Officer

Wesley Coulam, Animal Shelter Office Clerk

Russ Rasmussen, Shelter Technician

On behalf of the City Council, Mayor Pro Tem Brooks welcomed the new employees to West Valley City.

14614

COMMENT PERIOD

Upon inquiry by Mayor Pro Tem Brooks, the following individual addressed the City Council during the comment period:

Vicki Jaquire, 3730 Granger Drive, addressed the City Council and stated she received a courtesy notice from code enforcement regarding landscaping. Ms. Jaquire related conversation with a supervisor and the unpleasant nature of the

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discussion. She expressed feelings of being “stalked” by the code enforcement officer. She also discussed the cost of installing concrete on her property and the great burden the City placed on citizens because of certain ordinance requirements. Ms. Jaquire stated she understood this was a free country, but not in West Valley City. She also expressed concern with harassment of citizens in her neighborhood by the City’s code enforcement officers. She stated she was ashamed to live in West Valley now and she had lived in the City since she was three years old.

14615

RESOLUTION NO. 09-256, REQUESTING STATE LEGISLATORS AND THE GOVERNOR OF UTAH TAKE ACTION TO PREVENT EXCESSIVE PAYDAY LENDING INTEREST RATES IN THE STATE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-256 which would request the State Legislators and the Governor of Utah take action to prevent excessive payday lending interest rates in the State.

Mr. Isaac stated the Council had heard from citizens expressing concern over excessive interest rates charged for payday loans in West Valley City and elsewhere in the State, including practices that could exploit hard working families. He also stated the City was prevented from establishing an interest rate cap on payday loans originating within the City limits. He indicated the City shared the same concerns as the citizens and desired to request the Legislature and Governor to take action at the next regular session by enacting laws that would cap excessive interest rates.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-256, a Resolution of the City Council of West Valley City, Utah, to Request that State Legislators and the Governor of Utah Take Action to Prevent Excessive Payday Lending Interest Rates in the State. Councilmember Burt seconded the motion.

The City Council discussed and expressed being uncomfortable with a suggestion of what the cap should be. Some members of the Council expressed preference to giving approval with removal of the cap. City Councilmembers further discussed and recommended striking certain language in the last sentence and amending certain other language. Some members of the Council commented this was a recommendation by West Valley City and the legislature would discuss the issue in depth. Comments were also made regarding the fact the proposal was a resolution that would “send a message” and not an ordinance.

Upon further discussion, Councilmember Coleman moved to amend the original motion to include suggested language changes by striking the words “of 100% or

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below for any payday loans made in the State of Utah.” in the last paragraph of the resolution. 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 Pro Tem Brooks	Yes

Unanimous.

14616

CONSENT AGENDA:

A. RESOLUTION NO. 09-257, APPROVE A RIGHT-OF-WAY AGREEMENT WITH LEENA J. LOCKE FOR PROPERTY LOCATED AT 3580 SOUTH 5200 WEST; AND ACCEPT A WARRANTY DEED AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-257 which would approve a Right-of-Way Agreement with Leena J. Locke for property located at 3580 South 5200 West; and accept a Warranty Deed and a Grant of Temporary Construction Easement from the 5200 West Improvement Project.

Mr. Isaac stated Leena J. Locke had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated compensation for the purchase of right-of-way and the Grant of Temporary Construction Easement would be in the amount of \$10,250.00, negotiated based on an appraisal prepared by Free & Associates, Inc.

B. RESOLUTION NO. 09-258, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GREGORY HYATT FOR PROPERTY LOCATED AT 3916 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-258 which would approve a Grant of Temporary Easement from Gregory

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Hyatt for property located at 3916 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Gregory Hyatt had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

C. **RESOLUTION NO. 09-259, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM EDWARD AND LOIS GASU FOR PROPERTY LOCATED AT 3873 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-259 which would accept a Grant of Temporary Construction Easement from Edward and Lois Gasu for property located at 3873 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Edward and Lois Gasu had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to their property. He indicated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

D. **RESOLUTION NO. 09-260, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GEORGE A. WALK, JR. AND PATRICIA S. WALK FOR PROPERTY LOCATED AT 3601 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-260 which would accept a Grant of Temporary Construction Easement from George A. Walk, Jr. and Patricia S. Walk for property located at 3601 South 5200 West for the 5200 West Improvement Project.

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Mr. Isaac stated George A. Walk, Jr. and Patricia S. Walk had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to their property. He indicated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

E. **RESOLUTION NO. 09-261, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM RANDALL E. ROBERTS AND RAMONA ROBERTS FOR PROPERTY LOCATED AT 4002 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-261 which would accept a Grant of Temporary Construction Easement from Randall E. Roberts and Ramona Roberts for property located at 4002 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Randall E. Roberts and Ramona Roberts had signed the Grant of Temporary Construction Easement.

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

F. **RESOLUTION NO. 09-262, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROYZELL LAMBERT AND LANA J. LAND LAMBERT FOR PROPERTY LOCATED AT 4067 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-262 which would accept a Grant of Temporary Construction Easement from Royzell Lambert and Lana J. Land Lambert for property located at 4067 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

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Mr. Isaac stated Royzell Lambert and Lana J. Land Lambert had signed the Grant of Temporary Construction Easement.

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

G. RESOLUTION NO. 09-263, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRIAN C. WILLIAMS FOR PROPERTY LOCATED AT 3858 S. SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-263 which would accept a Grant of Temporary Construction Easement from Brian C. Williams for property located at 3858 S. Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Brian C. Williams had signed the Grant of Temporary Construction Easement.

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

After discussion, Councilmember Coleman moved to approve Resolution Nos. 09-257, 09-258, 09-259, 09-260, 09-261, 09-262, and 09-263 as presented on the Consent Agenda. Councilmember Winder 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 Pro Tem Brooks	Yes

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 14, 2009, WAS ADJOURNED AT 6:47 P.M. BY MAYOR PRO TEM BROOKS.

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, July 14, 2009.

Sheri McKendrick, MMC
City Recorder