

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-1-

THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 22, 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
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Mike Wells, Acting Police Chief
John Janson, Acting CED Director
Tim Bywater, Acting City Attorney
Daniel Johnson, Public Works Department
Jake Arslanian, Public Works Department
Aaron Crim, Administration

14695

OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who expressed thanks and gratitude to the Mayor and City Council and acknowledged all candidates that ran for municipal offices in the recent Primary Election. She also read inspirational quotes from Albert Einstein and Abraham Lincoln.

14696

APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 8, 2009

The Council read and considered the Minutes of the Regular Meeting held September 8, 2009. There were no changes, corrections or deletions.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-2-

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held September 8, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14697

COMMENT PERIOD

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

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. Mr. Fynbo stated last week he had invited the City Council to attend a meeting at the State Capitol regarding senior citizen issues. He indicated there had only been five people in the State of Utah who cared enough to come to that meeting. He also stated the next step would be a committee recommendation and then a final decision from the State legislature.

14698

ORDINANCE NO. 09-30, REPEALING CHAPTER 18-6 AND VARIOUS SECTIONS IN CHAPTER 18-8 AND AMENDING SECTION 18-1-102 OF TITLE 18 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING STORM WATER MANAGEMENT AND ENACTING TITLE 25 REGARDING FLOOD DAMAGE PREVENTION WITHIN FLOOD PLAIN AREAS

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-30 which would repeal Chapter 18-6 and various sections in Chapter 18-8 and amend Section 18-1-102 of Title 18 of the West Valley City Municipal Code regarding storm water management and enact Title 25 regarding flood damage prevention within flood plain areas.

Mr. Pyle stated the City currently regulated development of land in flood areas to protect human life and health, minimize prolonged disruption of business and commerce, minimize public expenditures on flood control projects, minimize the

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-3-

need for rescue and relief efforts related to flooding, minimize damage to public facilities, infrastructure, and utilities located in flood areas, help maintain a stable tax base in flood prone areas, and insure potential buyers were notified that property was located in a flood area. He indicated the ordinance would remove the City's current flood plain management sections from the Storm Water Management Ordinance (Title 18), and create a new ordinance dedicated solely to Flood Damage Prevention (Title 25).

The City Manager explained that currently the City regulated development of land in its Flood Plain Management sections of the City Code located within Title 18 of the Storm Water Management Ordinance. He stated periodically the Federal Emergency Management Agency (FEMA) updated its Flood Insurance Rate Maps (FIRM), Flood Insurance Study, and generated new regulations that needed to be adopted by the City for its continued participation in the National Flood Insurance Program. He indicated FEMA had developed the new ordinance for cities to assist them in regulating development located within identified flood plains. Additionally, FEMA had recently updated the FIRM and Flood Insurance Study in West Valley City. He stated this ordinance incorporated the most recent changes and adopted the updated FEMA Flood Insurance Rate Maps (FIRM), and Flood Insurance Study.

After discussion, Councilmember Burt moved to approve Ordinance No. 09-30, an Ordinance Repealing Chapter 18-6 and Various Sections in Chapter 18-8 and Amending Section 18-1-102 of Title 18 of the West Valley City Municipal Code Regarding Storm Water Management and Enacting Title 25 Regarding Flood Damage Prevention within Flood Plain Areas. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-4-

14699

ORDINANCE NO. 09-31, ENACT A TEMPORARY LAND USE REGULATION REGARDING OUTCALL AND ESCORT SERVICES

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-31 which would enact a Temporary Land Use Regulation regarding outcall and escort services.

Mr. Pyle stated it was necessary to enact a moratorium on outcall and escort services in order to clarify ambiguities for legal purposes. He also stated the City may issue appropriate permits for alteration of existing outcall and escort services, however, in no event would existing outcall and escort services be permitted to make alterations that would change the existing use to a prohibited use under the subject ordinance.

The City Manager reported that pursuant to Utah State Code Annotated 10-9a-504, West Valley City had authority, without prior consideration or recommendation, to enact an ordinance establishing a temporary land use regulation for any area within the City. He further reported determination had been made that a compelling, countervailing public interest existed to enact a temporary land use ordinance allowing the City to investigate and examine how these uses impacted the City and the businesses and property owners within the City.

City Manager, Wayne Pyle, noted this item had been added to the Agenda subsequent to the Study Meeting held September 15, 2009. He further reviewed the proposed Ordinance and answered questions from members of the City Council.

After discussion, Councilmember Winder moved to approve Ordinance No. 09-31, an Ordinance Enacting a Temporary Land Use Regulation Regarding Outcall and Escort Services. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-5-

14700

RESOLUTION NO. 09-296, AUTHORIZE PURCHASE OF A TYMCO 600 SWEEPER FROM INTERMOUNTAIN SWEEPER FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-296 which would authorize purchase of a Tymco 600 Sweeper from Intermountain Sweeper in the amount of \$182,215.00, less the trade-in of \$55,000.00 for a used 2005 Tymco 600 Sweeper, for a total cost not to exceed \$127,215.00, for use by the Public Works Department.

Mr. Pyle stated the Storm Water Operations Division currently owned several similar models of the Tymco Sweeper. He further stated those currently being used had performed well with a good maintenance history. He explained the subject model sweeper was comparable to existing equipment being used. He reported it had been determined it would be in the best interest of the City to purchase equipment the employees and mechanics were already familiar with for the intended use.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-296, a Resolution Authorizing West Valley City to Purchase a Tymco 600 Sweeper from Intermountain Sweeper for use by the Public Works Department. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

14701

RESOLUTION NO. 09-297, ACCEPT A QUIT CLAIM DEED FROM THE CITY CREEK CONGREGATION OF JEHOVAH'S WITNESSES FOR PROPERTY LOCATED AT 2577 SOUTH HEMPSTEAD STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 09-297 which would accept a Quit Claim Deed from the City Creek Congregation of Jehovah's Witnesses for property located at 2577 South Hempstead Street.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-6-

Mr. Pyle stated the Quit Claim Deed had been signed by the City Creek Congregation of Jehovah's Witnesses.

The City Manager reported that as a condition of obtaining a building permit for a new building, dedication of a previously vacated portion of Hempstead Street had been required.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-297, a Resolution Authorizing the City to Accept a Quit Claim Deed from the City Creek Congregation of Jehovah's Witnesses for Property Located at 2577 South Hempstead Street. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14702

CONVENE AS BOARD OF CANVASSERS FOR THE 2009 MUNICIPAL PRIMARY ELECTION HELD SEPTEMBER 15, 2009

The City Council convened as the Board of Canvassers for the 2009 Municipal Primary Election held September 15, 2009.

City Recorder, Sheri McKendrick, distributed a printout that listed the total number of ballots cast, total number of votes received by candidate per precinct, and percentage of total votes received by each candidate in the Municipal Primary Election held September 15, 2009. Ms. McKendrick also distributed a draft Resolution with the total number of votes cast per candidate, per office, as reflected on the printout.

The Board of Canvassers reviewed the printout information and data and considered the proposed Resolution.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-7-

ACTION: RESOLUTION NO. 09-298, ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION HELD SEPTEMBER 15, 2009, AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-298 which would accept and approve the results of the Municipal Primary Election held September 15, 2009, as shown on the Canvass Report.

Mr. Pyle stated the City Council was the legislative body for West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code 20A-4-301. He also indicated the Code required the Board of Municipal Canvassers to meet to canvass the returns of the Municipal Primary Election no sooner than three days and no later than seven days after the election.

After discussion, Councilmember Burt moved to approve Resolution No. 09-298, a Resolution Accepting and Approving the Results of the Municipal Primary Election Held September 15, 2009, as Shown on the Canvass Report. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	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, SEPTEMBER 22, 2009, WAS ADJOURNED AT 6:46 P.M., BY MAYOR NORDFELT.

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 22, 2009

-8-

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, September 22, 2009.

Sheri McKendrick, MMC
City Recorder