

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-1-

THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, NOVEMBER 17, 2009, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, 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 (Arrived as noted)
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Mike Winder

STAFF PRESENT:

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

OTHERS PRESENT:

Steve Buhler, Councilmember-elect
Don Christensen, Councilmember-elect

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-2-

1. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED NOVEMBER 17, 2009**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled November 17, 2009, at 6:30 P.M. Mr. Pyle discussed items scheduled on that Agenda as follows:

Item No. 5.A. – EMPLOYEE OF THE MONTH, NOVEMBER, 2009 – DON SLICK, FIRE DEPARTMENT

City Manager, Wayne Pyle, stated Don Slick, Fire Department, had been nominated and scheduled to receive the Employee of the Month award for November 2009. Mr. Pyle advised the recipient would be unable to attend that meeting so presentation of the award would be rescheduled.

Item No. 7.D. – RESOLUTION NO. 09-371, RATIFY THE JOINT JURISDICTIONAL MUTUAL AID MEMORANDUM OF UNDERSTANDING FOR POLICE SERVICES FOR EXPLOSIVE DEVICES AND AUTHORIZE WEST VALLEY CITY TO EXECUTE AMENDMENT NO. 1

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-371 which would ratify the Joint Jurisdictional Mutual Aid Memorandum of Understanding (MOU) for Police Services for Explosive Devices and authorize West Valley City to execute Amendment No. 1. He distributed copies of the amendment and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-371 at the Regular Council Meeting scheduled November 17, 2009, at 6:30 P.M.

Item No. 8.A. – CONVENE AS BOARD OF CANVASSERS FOR THE 2009 MUNICIPAL GENERAL ELECTION HELD NOVEMBER 3, 2009; CONSIDER RESOLUTION NO. 09-372, ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 3, 2009, AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, stated the City Council would convene on November 17, 2009, as the Board of Canvassers for the 2009 Municipal General Election held November 3, 2009. He discussed proposed Resolution No. 09-372 which would accept and approve the results of the Municipal General Election held November 3, 2009, as shown on the Canvass Report.

City Recorder, Sheri McKendrick, further reviewed the proposed Resolution and distributed a final draft along with a canvass report showing the number of votes cast per candidate by precinct for the Municipal General Election held on November 3, 2009. Ms. McKendrick also answered questions from members of the City Council.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-3-

The City Council will consider proposed Resolution No. 09-372 at the Regular Council Meeting scheduled November 17, 2009, at 6:30 P.M.

Item No. 8.B. – APPLICATION NO. S-7-2008, FILED BY ADAM MAHER – RJF ENTERPRISES, INC., REQUESTING FINAL PLAT APPROVAL FOR CABCO 5600 WEST SUBDIVISION LOCATED AT 2514 SOUTH 5600 WEST

City Manager, Wayne Pyle, discussed Application No. S-7-2008, filed by Adam Maher – RJF Enterprises, Inc., requesting final plat approval for Cabco 5600 West Subdivision located at 2514 South 5600 West.

Councilmember Rushton had questions and expressed concerns regarding certain issues regarding the application. Other members of the City Council commented regarding the location of the subject property, access issues, impact of proposed Mountain View Corridor.

City Manager, Wayne Pyle, the CED Director, Nicole Cottle, and Public Works Director, Russell Willardson, responded to the issues and concerns previously expressed and answered questions from members of the City Council.

The City Council will consider Application No. S-7-2008 at the Regular Council Meeting scheduled November 17, 2009, at 6:30 P.M.

Councilmember Coleman arrived at the meeting at 4:38 P.M.

REVIEW ITEMS ON THE AGENDA FOR SPECIAL REGULAR REDEVELOPMENT AGENCY MEETING SCHEDULED NOVEMBER 17, 2009

City Manager, Wayne Pyle, reviewed items on the Agenda for the Special Regular Redevelopment Agency Meeting scheduled November 17, 2009. He distributed copies of a proposed agreement and answered questions from members of the City Council.

Upon inquiry by the City Manager, there were no further questions by members of the City Council regarding the subject Agenda items.

2. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED NOVEMBER 24, 2009:

A. PRESENTATION OF “ESSENTIAL PIECE” AWARD TO RANEE TADEMY

City Manager, Wayne Pyle, stated Councilmember Burt would read the nomination of Ranee Tademy to receive the “Essential Piece” award to be presented at the Regular Council Meeting scheduled November 24, 2009, at 6:30 P.M.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-4-

B. PROCLAMATION RECOGNIZING FASSIO EGG FARMS, MEMBER OF THE UNITED EGG PRODUCERS, FOR THEIR CONTRIBUTIONS TO THE PROPER CARE OF EGG LAYING HENS AND TO THE PEOPLE OF THE CITY OF WEST VALLEY CITY

City Manager, Wayne Pyle, stated Councilmember Rushton would read a proclamation recognizing Fassio Egg Farms, member of the United Egg Producers, for their contributions to the proper care of egg laying hens and to the people of West Valley City. He stated the proclamation would be read at the Regular Council Meeting scheduled November 24, 2009, at 6:30 P.M.

3. RESOLUTION NO. 09-400, APPROVE PURCHASE OF TEN VEHICLES FROM HENRY DAY FORD FOR USE BY THE POLICE DEPARTMENT AS PATROL VEHICLES

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-400 which would approve the purchase of ten vehicles from Henry Day Ford, in an amount not to exceed \$272,140.00, for use by the Police Department as patrol vehicles.

Mr. Pyle stated the Police Department had acquired funding from JAG Recovery Grant #2009-SB-89-1411 and desired to purchase vehicles for use by the Department. He indicated the grant would reimburse the City for the purchase.

The City Manager reported the City selected Henry Day Ford as the supplier for ten vehicles for use by the Police Department. He advised that Henry Day Ford was within the City limits and had provided quotes for those ten vehicles that fell within the one percent over State contract pricing, and therefore qualified under the West Valley City Purchasing Code under Section 5-2-108 City Provider Preference.

City Manager, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the City Council.

4. CONSENT AGENDA SCHEDULED NOVEMBER 24, 2009:

A. RESOLUTION NO. 09-401, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SUSAN KLINKER AS A MEMBER AND CHAIR OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-401 which would ratify his reappointment of Susan Klinker as a member and chair of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Ms. Klinker's term would expire on December 31, 2009, and she desired to serve another term.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-5-

B. RESOLUTION NO. 09-402, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF ERNESTO "KIKO" CORNEJO AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-402 which would ratify his reappointment of Ernesto "Kiko" Cornejo as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Mr. Cornejo's term would expire on December 31, 2009, and he desired to serve another term.

C. RESOLUTION NO. 09-403, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DRU AND LESLIE DRURY AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-403 which would ratify his reappointment of Dru and Leslie Drury as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Dru and Leslie Drury's term would expire on December 31, 2009, and they desired to serve another term.

D. RESOLUTION NO. 09-404, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CAROL EDISON AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-404 which would ratify his reappointment of Carol Edison as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Ms. Edison's term would expire on December 31, 2009, and she desired to serve another term.

E. RESOLUTION NO. 09-405, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MARGARET PETERSON AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-405 which would ratify his reappointment of Margaret Peterson as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-6-

Mr. Pyle stated Ms. Peterson's term would expire on December 31, 2009, and she desired to serve another term.

F. RESOLUTION NO. 09-406, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF PAUL ROSS AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-406 which would ratify his reappointment of Paul Ross as a member of the Utah Cultural Celebration Center Advisory Board of West Valley City for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Mr. Ross's term would expire on December 31, 2009, and he desired to serve another term.

G. RESOLUTION NO. 09-407, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SOULEE STROUD AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-407 which would ratify his reappointment of Soulee Stroud as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Soulee Stroud's term would expire on December 31, 2009, and he desired to serve another term.

H. RESOLUTION NO. 09-408, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CRAIG THOMAS AS A MEMBER OF THE UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-408 which would ratify his reappointment of Craig Thomas as a member of the Utah Cultural Celebration Center Advisory Board for the term January 1, 2010, through December 31, 2010.

Mr. Pyle stated Mr. Thomas's term would expire on December 31, 2009, and he desired to serve another term.

I. RESOLUTION NO. 09-409, APPROVE A RIGHT-OF-WAY AGREEMENT WITH REAL ESTATE INVESTMENT PARTNERS, LLC FOR PROPERTY LOCATED AT 3749 SOUTH CONSTITUTION BOULEVARD; AND ACCEPT A SPECIAL WARRANTY DEED

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-7-

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-409 which would approve a Right-of-Way Agreement with Real Estate Investment Partners, LLC for property located at 3749 South Constitution Boulevard; and accept a Special Warranty Deed.

Mr. Pyle stated Real Estate Investment Partners, LLC, had signed the Right-of-Way Agreement and Special Warranty Deed.

The City Manager reported the subject parcel was one of the properties affected by construction and renovations at the Valley Fair Mall. He also reported acquisition of right-of-way would be for a deceleration lane and shared driveway access into the Mall property for the proposed In-N-Out Burger. He stated compensation for purchase of the right-of-way would be in the amount of \$24,000.00 negotiated based on the appraisal amount of \$16,375.00 prepared by Bodell-Van Drimmelen Commercial Appraisers. He indicated additional compensation had been agreed to in order to avoid costs and time associated with condemnation.

J. RESOLUTION NO. 09-410, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JANYCE C. SIMMONS FOR PROPERTY LOCATED AT 3387 SOUTH PEARCE DRIVE

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-410 which would accept a Grant of Temporary Construction Easement from Janyce C. Simmons for property located at 3387 South Pearce Drive.

Mr. Pyle stated Janyce C. Simmons had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by a permanent trex fence to be placed along 2700 West from 3100 South to 3500 South in conjunction with the Utah Transit Authority (UTA) light rail and bus rapid transit project from 3100 South to 3800 South along 2700 West. He further reported the easement would automatically expire June 30, 2010.

K. RESOLUTION NO. 09-411, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MELISSA PHILLIPS FOR PROPERTY LOCATED AT 3173 SOUTH PEARCE STREET

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-411 which would accept a Grant of Temporary Construction Easement from Melissa Phillips for property located at 3173 South Pearce Street.

Mr. Pyle stated Melissa Phillips had signed the Grant of Temporary Construction easement.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-8-

The City Manager reported the subject parcel was one of the properties affected by a permanent trex fence to be placed along 2700 West from 3100 South to 3500 South in conjunction with the Utah Transit Authority (UTA) light rail and bus rapid transit project from 3100 South to 3800 South along 2700 West. He also reported the subject easement would automatically expire June 30, 2010.

L. RESOLUTION NO. 09-412, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSEPH WILSON AND SANDRA WILSON FOR PROPERTY LOCATED AT 2744 WEST 3150 SOUTH

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-412 which would accept a Grant of Temporary Construction Easement from Joseph Wilson and Sandra Wilson for property located at 2744 West 3150 South.

Mr. Pyle stated Joseph Wilson and Sandra Wilson had signed the Grant of Temporary Construction Easement.

The City Manager stated the subject parcel was one of the properties affected by a permanent trex fence to be placed along 2700 West from 3100 South to 3500 South in conjunction with the Utah Transit Authority (UTA) light rail and bus rapid transit project from 3100 South to 3800 South along 2700 West. He further reported the easement would automatically expire June 30, 2010.

M. RESOLUTION NO. 09-413, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT J. SLOVENSKY AND MARIE SLOVENSKY FOR PROPERTY LOCATED AT 3440 SOUTH MEADOWLARK DRIVE

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-413 which would accept a Grant of Temporary Construction Easement from Robert J. Slovensky and Marie Slovensky for property located at 2744 West 3150 South.

Mr. Pyle stated Robert J. Slovensky and Marie Slovensky had signed the Grant of Temporary Construction Easement.

The City Manager stated the subject parcel was one of the properties affected by a permanent trex fence to be placed along 2700 West from 3100 South to 3500 South in conjunction with the Utah Transit Authority (UTA) light rail and bus rapid transit project from 3100 South to 3800 South along 2700 West. He further reported the easement would automatically expire June 30, 2010.

The City Council will consider proposed Resolution Nos. 09-401 through 09-413 at the Regular Council Meeting scheduled November 24, 2009, at 6:30 P.M.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-9-

5. COMMUNICATIONS:

A. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DISCUSSION

Upon direction of City Manager, Wayne Pyle, the Police Chief, Buzz Nielsen, introduced Jonathan Lines, Assistant Special Agent in Charge, and Mark Cutchen, Resident Agent in Charge, St. George, Utah, of Immigration and Customs Enforcement (ICE).

Mr. Lines provided background information and discussed an overview of ICE and its responsibilities, particularly subsequent to the 9-11 terrorist attacks. Mr. Lines stated immigration was only part of their responsibilities in the Office of Investigations and he described how they collaborated with state and local agencies.

Mr. Cutchen conducted a PowerPoint presentation summarized as follows:

- Agencies combined to form ICE
- ICE Office of Investigations Mission
- Salt Lake City Office staffing and area of responsibility
- ICE investigative priorities
- Operation Community shield – successful program which relied on cooperation and partnership with local agencies
- Immigration and Nationality Act
- Criminal and non-criminal grounds for removal of an alien
- Response to “million dollar question” – Why are aliens not always removed?
- ICE resources for state and local law enforcement agencies
- Contact information

Mr. Lines and Mr. Cutchen answered questions from members of the City Council and the City Manager.

Mayor Nordfelt, upon consensus of members of the City Council, invited Councilmember-elect Steve Buhler and Councilmember-elect Don Christensen to ask questions.

Mayor Nordfelt expressed appreciation to Jonathan Lines and Mark Cutchen for their time, candor, and the information presented to the City Council.

B. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the Council had previously received a Memorandum dated outlining upcoming meetings and events as follows: November 20, 2009, Ribbon Cutting for 3500 South Project, Granger Park, 10:00

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-10-

A.M.; November 20, 2009 – January 4, 2010: 6th Annual Trees of Diversity Exhibit, UCCC; November 24, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 26, 2009: Thanksgiving Holiday – City Hall closed; November 27, 2009: ChamberWest Christmas Parade, 9:00 A.M.; December 1, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 8, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 10-13, 2009: When Elmo Grows Up, E-Center; December 14, 2009: Winter Concert Series – Miss Margene’s Musical Theatre, UCCC, 7:00 P.M.; December 15, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 21, 2009: Winter Market 2009, UCCC, 10:00 A.M. – 8:00 P.M.; December 21, 2009: Winter Concert Series – Bonnie Harris, UCCC, 7:00 P.M.; and December 24, 2009: Christmas Holiday – City Hall closed.

C. **HOMELAND SECURITY STAKEHOLDER FORUM SCHEDULED NOVEMBER 19, 2009**

City Manager, Wayne Pyle, discussed an invitation to attend a Department of Homeland Security stakeholder forum scheduled November 19, 2009. He stated a member of staff had been assigned to attend that forum and members of the City Council were invited.

6. **COUNCIL REPORTS:**

A. **COUNCILMEMBER COREY RUSHTON – NLC CONGRESS OF CITIES CONFERENCE**

Councilmember Rushton distributed a written report regarding the National League of Cities conference he attended recently.

B. **COUNCILMEMBER STEVE VINCENT – GRIZZLIES PROMOTION EFFORTS**

Councilmember Vincent advised he and other Councilmembers had recently met with Grizzlies management. He stated discussion centered on marketing issues and he reported he was happy with promotional efforts being made to increase attendance at Grizzlies events. He stated one suggestion had been to link into the City’s database and using the Family Fitness Center to market promotions through that facility.

C. **COUNCILMEMBER RUSS BROOKS – CHAMBERWEST CHRISTMAS PARADE**

Councilmember Brooks expressed concerns regarding the route and logistics for the ChamberWest Christmas parade scheduled November 27, 2009. City Manager, Wayne Pyle, advised he would speak with Alan Anderson, ChamberWest President, regarding those concerns and advise the City Council.

MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 17, 2009

-11-

D. COUNCILMEMBER CAROLYNN BURT – CEP REPORT

Councilmember Burt reported regarding the Community Education Partnership (CEP).

E. MAYOR DENNIS NORDFELT – INVITATIONS TO TONGAN UNITED METHODIST CHURCH PROGRAM AND LATINO CHRISTMAS CELEBRATION

Mayor Nordfelt advised regarding an invitation to a Tongan United Methodist Church program scheduled December 13, 2009. He stated he would be unable to attend and inquired if a member of the City Council would be able to represent the City at that event.

Mayor Nordfelt also discussed an invitation to the annual Christmas celebration by the Latino Community Center scheduled December 8, 2009, at the E-Center.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, NOVEMBER 17, 2009, WAS ADJOURNED AT 6:04 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, November 17, 2009.

Sheri McKendrick, MMC
City Recorder