

MINUTES OF COUNCIL STUDY MEETING – JANUARY 26, 2010

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JANUARY 26, 2010, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Carel Hicks, Acting City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
Layne Morris, Community Preservation Director
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Richard Catten, City Attorney
Mike Wells, Acting Police Chief
Ed Domian, CED Department
Brent Garlick, CED Department
Mark Nord, CED Department
Ralph Lee, CED Department
Steve Pastorik, CED Department
Doris Larsen, CED Department
Kim Dean, CED Department
Margo Hoyt, CED Department
Rachel White, Law Department
Aaron Crim, Administration
Owen Jackson, Administration

1. APPROVAL OF MINUTES OF STUDY MEETING HELD JANUARY 12, 2010

The Council read and considered the Minutes of the Study Meeting held January 12, 2010. There were no changes, corrections or deletions.

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After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held January 12, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING OF JANUARY 26, 2010**

Upon inquiry by City Manager, Wayne Pyle, there were no questions regarding items on the Agenda for the Regular Council Meeting scheduled January 26, 2010, at 6:30 P.M.

3. **RESOLUTION NO. 10-12, APPROVE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION TO GRANT A LICENSE ALLOWING ACCESS TO CITY PROPERTY FOR THE PURPOSE OF CONDUCTING ENVIRONMENTAL TESTING**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-12 which would approve an Agreement between West Valley City and the Utah Division of Environmental Response and Remediation to grant a license allowing access to City property for the purpose of conducting environmental testing.

Mr. Pyle stated the Utah Division of Environmental Response and Remediation had requested permission to drill one test hole on each of three City property sites to monitor ground water. He also stated there had been several sites identified to drill to take water samples. He indicated three of the sites were on City property: 4175 West 3980 South (Country Meadows Park), 3558 West 3965 South (Peachwood Park), and right-of-way in front of Country Meadows Subdivision at 4100 South 4122 West. He explained each property would be accessed by a pickup truck, a two-inch hole drilled, a sample taken, then the hole filled in and all property restored to its previous condition.

Parks and Recreation Director, Kevin Astill, further reviewed the proposed Resolution and answered questions from members of the City Council.

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The City Council will consider proposed Resolution No. 10-12 at the Regular Council Meeting scheduled February 2, 2010, at 6:30 P.M.

4. **RESOLUTION NO. 10-13, APPROVING THE APPROPRIATION OF \$11,282.35 FROM THE UNCLAIMED CASH ACCOUNT TO AN ADMINISTRATIVE ACCOUNT IN THE POLICE DEPARTMENT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-13 which would approve the appropriation of \$11,282.35 from the unclaimed cash account to an administrative account in the Police Department.

Mr. Pyle stated that in the public interest the proposed resolution would authorize the Finance Director to deposit the funds into an account of the Police Department to be used as determined by the Police Chief. He explained that from time to time the Police Department had money deposited into the Evidence Room. He also explained the money would come from investigations conducted by the Department as found property or deposited for safekeeping. He stated these funds had become available to be released to the rightful owner. The Department had exercised due diligence to find the rightful owner as required by State law, however, the rightful owner had not been identified. He further indicated according to State law the funds were now available for appropriation, in the public interest, as directed by the City Council.

Mike Wells, Acting Police Chief, answered questions from members of the City Council. He also reported all cash must be held for at least nine months and the subject funds had been held for at least one year. He advised the funds would be needed to cover costs of an on-going investigation.

The City Council will consider proposed Resolution No. 10-13 at the Regular Council Meeting scheduled February 2, 2010, at 6:30 P.M.

5. **CONSENT AGENDA SCHEDULED FOR FEBRUARY 2, 2010:**

A. **RESOLUTION NO. 10-14, APPROVE A RIGHT-OF-WAY AGREEMENT WITH KATHLEEN M. KELLY FOR PROPERTY LOCATED AT 3329 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-14 which would approve a Right-of-Way Agreement with Kathleen M. Kelly for property located at 3329 South 7200 West and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Kathleen M. Kelly had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

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The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement project extending from SR-201 to 3500 South on both sides of 7200 West. He stated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He also reported compensation for the right-of-way would be in the amount of \$16,500.00 based on an appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

B. RESOLUTION NO. 10-15, APPROVE A RIGHT-OF-WAY AGREEMENT WITH FARRAH M. HINTZE AND CLAY HINTZE FOR PROPERTY LOCATED AT 3381 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-15 which would approve a Right-of-Way Agreement with Farrah M. Hintze and Clay Hintze for property located at 3381 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Farrah M. Hintze and Clay Hintze had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Constructed Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement project extending from SR-201 to 3500 South on both sides of 7200 West. He stated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He also reported compensation for purchase of the right-of-way would be in the amount of \$7,800.00 based on the appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

The City Council will consider proposed Resolution Nos. 10-14 and 10-15 at the Regular Council Meeting scheduled February 2, 2010, at 6:30 P.M.

6. COMMUNICATIONS:

A. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT STRATEGIC PLAN PRESENTATION

Nicole Cottle, CED Director, addressed the City Council, distributed written material and introduced staff members in attendance.

Ms. Cottle used PowerPoint to present and discuss information summarized as follows:

- Organizational Chart

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- Council action items
- Overview of Strategic Plan goals of the Economic Development Division, Planning & Zoning Division and Building Inspection Division

After the above presentation of information, Mayor Winder complimented City staff and acknowledged Doris Larson, CED Department, for her many contributions to the CED Department. He stated Ms. Larson would retire on Thursday of this week and would be missed greatly by the City.

B. **ETHICS AND OPEN MEETINGS DISCUSSION**

City Attorney, Richard Catten, addressed the City Council and distributed written material.

Mr. Catten used PowerPoint and discussed information summarized as follows:

Review of Open and Public Meetings Act, Title 52, Chapter 4, Utah Code Annotated (Required by law to be reviewed yearly)

- Definition of a “meeting”
- Meetings open to public with certain exceptions
- Pitfalls and penalties

Review of the Utah Municipal Officers and Employees Ethics Act

- Legal requirements
- “Reasonable person” test
- Gift exception
- Business disclosures
- Reality – ethics is common sense and public perception
- Five ways to avoid problems: use common sense and golden rule; use “headline test” and the “perception test”, create ethical atmosphere; beware of temptation – power/decision making authority; ask for help
- Penalties: criminal charges, removal from office, damage to personal reputation and embarrassment, damage to City’s reputation

Optional Form of Government: Council/Manager Form

- Powers and duties of Mayor
- Duties of City Manager
- Limitation actions and authority of Council members in Optional Form

During the above presentation of information, City Attorney, Richard Catten, answered questions from members of the City Council.

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C. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had received a Memorandum outlining upcoming meetings and events as follows: January 27, 2010: ULCT Local Officials' Day at the Legislature; January 29 & 30, 2010: Council Strategic Plan Workshop, UCCC; February 2, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 9, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 11, 2010: Hunter Town Center Meeting, Multi-Purpose Room, 6:30 P.M. – 8:30 P.M.; February 15, 2010: President's Day Holiday – City Hall closed; February 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 19, 2010: ChamberWest Night at the Grizzlies, E-Center; February 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 2, 2010: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; March 6, 2010: WWE Raw "Road to WrestleMania," E-Center, 7:30 P.M.; March 9, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 13-17, 2010: NLC Conference, Washington D.C.; March 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 31, 2010: Michael Buble' "Crazy Love Tour" Concert, E-Center, 8:00 P.M.; and April 5, 2010: Muse Concert, E-Center, 7:30 P.M.

D. **COUNCIL STRATEGIC PLAN RETREAT**

City Manager, Wayne Pyle, stated two Council members would not be able to attend the Strategic Planning workshop/retreat as presently scheduled on January 29, 2010. After discussion, the City Council instructed the City Manager to reschedule the Strategic Planning meeting to February 12, 2010.

7. **COUNCIL REPORTS:**

A. **COUNCILMEMBER DON CHRISTENSEN – LEGISLATIVE UPDATES**

Upon inquiry by Councilmember Christensen regarding the Council being updated on legislative issues, CED Director, Nicole Cottle, advised she would keep the Council updated with a blog and e-mails.

B. **COUNCILMEMBER STEVE VINCENT – WESTFEST**

Councilmember Vincent advised the WestFest Committee was preparing for the 2010 event and Parks and Recreation Director, Kevin Astill, would assist in that regard. He reminded the City would celebrate its 30th year of incorporation this year.

C. **COUNCILMEMBER CAROLYNN BURT – HISTORICAL SOCIETY**

Councilmember Burt advised that the Historical Society was preparing a coffee table book featuring pictures of long-time businesses in West Valley City. She stated Kevin Conde', Administration, would assist in assembling materials for the

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book. She indicated the coffee table book would be ready to sell at the WestFest celebration in June 2010.

D. MAYOR MIKE WINDER – U.S. CONFERENCE OF MAYORS IN WASHINGTON, D.C.

Mayor Winder commented on his recent attendance at the U.S. Conference of Mayors in Washington, D.C. and stated he accomplished much while there.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, JANUARY 26, 2010, WAS ADJOURNED AT 6:28 P.M., BY MAYOR WINDER.

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, January 26, 2010.

Carel Hicks, MMC
Acting City Recorder