

MINUTES OF COUNCIL REGULAR MEETING – APRIL 27, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 27, 2010, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, 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
Don Christensen
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Stan Varney, Acting Fire Chief
Anita Schwemmer, Acting Police Chief
Claire Gillmor, Acting City Attorney
Darin Nerdin, Parks and Recreation Department
Kevin Conde', Administration
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14903 **PREPARED STATEMENT AND PRESS RELEASE REGARDING COUNCILMEMBER CAROLYNN BURT**

Acting City Manager, Paul Isaac, reported that Councilmember Burt had prepared a written statement regarding her recent absences and illness. He stated the statement would be issued in a press release. He indicated Councilmember Burt requested copies be distributed to members of the Council and that Councilmember Brooks read the statement aloud during the Council meeting prior to being released. Mayor Winder, on behalf of the City Council, expressed appreciation to everyone for their support, thoughts and prayers for Councilmember Carolynn Burt.

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14904

OPENING CEREMONY

The Opening Ceremony was conducted by Mayor Winder who invited Alex Brotherson, a 7th grader at Valley Jr. High School, to lead the Pledge of Allegiance to the Flag. Mayor Winder mentioned that Alex was on the wrestling team, which was impressive, as he did not have arms. Mayor Winder also informed that Alex's grandfather had accompanied him to City Hall. Mayor Winder expressed appreciation for the inspiration of Alex's story.

14905

RECOGNITIONS

Mayor Winder recognized Salt Lake County Councilmember Dave Wilde and State Representative Janice Fisher in attendance at the meeting.

14906

APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 13, 2010

The Council read and considered Minutes of the Regular Meeting held April 13, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held April 13, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

14907

PROCLAMATION DECLARING APRIL 30, 2010, AS ARBOR DAY IN WEST VALLEY CITY

Councilmember Vincent read a Proclamation declaring April 30, 2010, as Arbor Day in West Valley City.

Mayor Winder advised regarding a tree planting scheduled Friday, April 30th in honor of Arbor Day.

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14908

SCOTT ZEIDLER, COMMUNITY FORESTER WITH THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS – PRESENTATION OF TREE CITY USA AWARD TO WEST VALLEY CITY

Upon recognition by Mayor Winder, Ms. Janice Fisher, representing West Valley Trees, addressed the City Council. She discussed a brief history of the West Valley Trees organization including projects coordinated such as purchasing trees for City Park and raising funds for planting trees near the E-Center. Ms. Fisher expressed appreciation to the City for support of the Committee and the efforts of members of that Committee.

Mayor Winder recognized Scott Zeidler, Community Forester with the Utah Division of Forestry, Fire and State Lands. Mr. Zeidler addressed the City Council and expressed appreciation for support of the City's tree program, including City staff and the West Valley Trees Committee's effort in promoting planting and care of trees. He discussed the importance of trees where we live, play and work. He stated parks planted with trees provided a location and opportunity for children to connect with nature. He also stated he and the State of Utah had honored West Valley City for 15 years as a Tree City USA community. Mr. Zeidler discussed a luncheon held the previous week at Stonebridge Golf Course in which 38 cities in Utah came together in recognition of the Tree City USA program.

Mr. Zeidler presented the Tree City USA Award and flag to West Valley City, after which Mayor Winder commended City staff for their efforts and hard work in beautifying the City with trees.

14909

COMMENT PERIOD

Upon inquiry by Mayor Winder, the following individuals addressed the City Council during the comment period:

Rich Hales, 3419 South 3450 West, addressed the City Council. Mr. Hales discussed the issue of illegal immigration and stated it was a complex and serious problem affecting the entire country and costing millions of dollars. He discussed examples of problems that illegal immigrants caused and stated it was unfair to businesses, teachers dealing with children who did not speak English, identity theft including social security numbers of children not becoming known until the children were older and other issues. He expressed shame of the government in general due to its lack of interest in solving these problems. He stated he had only scratched the surface with his comments and requested the City Council take any actions possible to address these issues. He submitted written materials to members of the City Council, including information regarding efforts of a small

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town attempting to mitigate these problems. He stated businesses and residents needed to be protected.

Michael Sanchez, 4470 Summerwood Street, Taylorsville, addressed the City Council. Mr. Sanchez stated West Valley City was becoming a very diverse city, which was a good thing. He expressed concern that organized crime cartels come into a community and deal in identity theft. He also discussed requiring applicants for business licenses having to prove they were legal residents. He explained illegal residents should not take businesses away from others. He stated those who were here legally could be verified and that would go a long way in stopping identity theft, especially of children's social security numbers.

Kathy Hilse, 5066 W. Deerwood Drive, addressed the City Council. Ms. Hilse stated she had lived in West Valley City for 20 years. She requested the City Council give general support to legislation to prevent people from coming to this country illegally. She also stated she and her husband owned a company being negatively affected by illegal immigration. She explained her problem with illegal immigrants and stated it was not fair and it was criminal. She stated some might be her neighbors and it was uncomfortable to wonder if they were supposed to be here or not. She indicated there was really no way to tell if they were legal or illegal. She expressed the need for a clear way to know whether businesses in the City were operating within the law and this would be the decent thing to do, as it would protect those who lived here and those that would come to this country legally in the future. She indicated West Valley City should not be a sanctuary city for those individuals who were in this country illegally.

Don Mignola, 2891 Baty Drive, addressed the City Council. Mr. Mignola stated the previous week he had addressed the City Council and desired to clarify some of his remarks. He related a story of past experiences with government in California communities. He talked about the 1960's, i.e., unpopular war, civil rights movement, hippie movement and drugs, and the ways government tried to deal with those problems. He stated avoiding problems by getting "ahead of the game" would help the image of the City.

Karen Barton, 4084 West 3860 South, addressed the City Council. Ms. Barton stated the City Council knew how she felt about illegal immigration so she would not discuss the issue at this time. She discussed the West Valley Lions Club and a Memorial Day program scheduled May 29th at 11:00 A.M. at the Utah Cultural Celebration Center. She also stated a recording had been made for schools in Granite School District to be played on Constitution Day. She indicated the Lions Club would also sponsor a walk with the blind in September at Cottonwood Park as a fundraiser for blind service organizations. She explained they desired to have a member of the City Council join in the walk.

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Ken Shosted, 3366 West 4400 South, addressed the City Council. Mr. Shosted expressed concern about what was happening in the City. He stated he had lived in the area for 55 years and it had deteriorated a lot. He indicated that in the last two weeks, there had been three drug deals involving Hispanics in several locations on the street in his neighborhood and he discussed additional details. He stated “those people” were running wild in our area and illegal immigrants were working in fast food places and taking jobs from young people. He further stated, as citizens, we deserve more support in this area.

14910

ORDINANCE NO. 10-13, AMEND SECTIONS 3-10-703, 3-10-705, 3-10-801, 3-10-804, 3-10-901, 3-10-904, 3-10-1001, 3-10-1004, 3-10-1101, 3-10-1104, 3-10-1201, 3-10-1204, AND 3-10-1207, AND ENACT SECTION 3-10-1208 OF THE WEST VALLEY CITY MUNICIPAL CODE TO UPDATE THE MEMBER AND VOTING REQUIREMENTS FOR THE ADMINISTRATIVE ADVISORY ORGANIZATIONS

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 10-13 which would amend Sections 3-10-703, 3-10-705, 3-10-801, 3-10-804, 3-10-901, 3-10-904, 3-10-1001, 3-10-1004, 3-10-1101, 3-10-1104, 3-10-1201, 3-10-1204, and 3-10-1207, and enact section 3-10-1208 of the West Valley City Municipal Code to update the member and voting requirements for the Administrative Advisory Organizations.

Mr. Isaac stated the Cultural Arts Board (CAB) had been created as an advisory board to the City to promote the Utah Cultural Celebration Center, culture, art history, and the Sister City relationships for the betterment of the City and its residents. He advised the make-up of the Board consisted mostly of volunteers. He explained the proposed ordinance would define what would constitute a forum for voting by the Board, define “Friends of CAB,” and add the West Valley Symphony as a voting member.

The Acting City Manager further explained CAB had been created by ordinance in November of 2004, and members were appointed by the City Manager and ratified by the City Council. He stated the proposal would help clarify roles of its voting and non-voting members and facilitate the future growth of CAB as the conduit for all cultural art fundraising.

After discussion, Councilmember Vincent moved to approve Ordinance No. 10-13, an Ordinance Amend Sections 3-10-703, 3-10-705, 3-10-801, 3-10-804, 3-10-901, 3-10-904, 3-10-1001, 3-10-1004, 3-10-1101, 3-10-1104, 3-10-1201, 3-10-1204, and 3-10-1207, and Enacting Section 3-10-1208 of the West Valley City Municipal Code to Update the Member and Voting Requirements for the Administrative Advisory Organizations. Councilmember Christensen seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14911

RESOLUTION NO. 10-63, AWARD A CONTRACT TO TERRY LARSEN EXCAVATING, INC. FOR THE ALEXANDER STREET DITCH PIPING PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-63 which would award a contract to Terry Larsen Excavating, Inc., in the amount of \$62,658.00, for the Alexander Street Ditch Piping Project.

Mr. Isaac stated bids had been solicited and 13 bids received, as follows:

Terry Larsen Excavating:	\$62,658.00
Westbrook Construction:	\$66,619.48
Regency Excavation:	\$67,654.25
M. C. Green & Sons:	\$69,635.50
All-Star Construction:	\$72,790.07
Hughes General Contractors:	\$72,973.00
Harper Contracting:	\$73,347.00
Associated Brigham Contractors:	\$74,286.30
Cody Ekker Construction:	\$74,843.00
Bowen Construction:	\$86,260.00
Dwight W. Peterson & Sons:	\$88,112.55
Civil Constructors Inc.:	\$95,293.00
Marathon Maintenance:	\$107,600.00

The Acting City Manager advised the lowest responsible bid had been submitted by Terry Larsen Excavating, Inc.

Mr. Isaac reported the project was located on Alexander Street (2420 South) – 1940 West to 1890 West. He also reported the project consisted of removal of existing debris and vegetation, and clearing and grubbing an existing ditch, and placing 36-inch reinforced concrete pipe, constructing concrete storm drain boxes.

After discussion, Councilmember Rushton moved to approve Resolution No. 10-63, a Resolution Awarding a Contract to Terry Larsen Excavating, Inc. and

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Authorizing the Execution of a Contract for the Alexander Street Ditch Piping Project. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

14912

RESOLUTION NO. 10-64, APPROVE AN AGREEMENT FOR WRECKER, TOWING AND IMPOUND YARD SERVICES WITH CAL BROWN BODY SHOP

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-64 which would approve an Agreement for wrecker, towing and impound yard services with Cal Brown Body Shop.

Mr. Isaac stated the Ordinance Enforcement Division, Police Department and other City departments towed vehicles on a regular basis during the normal course of their duties. He also stated the last contract for that service had been approved by the City Council in 2007. He indicated the contract held by Cal Brown Body Shop had been approved for one year with the possibility of additional extensions not to exceed three years, and would expire on July 1, 2010. Cal Brown Body Shop had done an excellent job executing the terms of the contract.

The Acting City Manager indicated proposals had been solicited and six proposals received. He discussed the bids and additional information summarized as follows:

Advanced Towing:

Proposed \$30.00 an hour for Class A&B tows involving City vehicles; and \$38.50 an hour for Class A&B tows involving citizen vehicles.

Additional information: Advanced Towing has six tow trucks and five drivers and has received no missed or unavailable calls in the last six months. They received no complaints in 2009 to the present date. Their rates are by the hour with extra mileage charges for City vehicles located outside of Salt Lake County.

A L Towing:

Failed to submit the proposal packet to the City Recorder's Office as directed.

Additional information: Not to be considered for the City contract.

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Cal Brown Body Shop:

Proposed a \$30.00 flat fee for Class A&B tows involving City vehicles; and a \$65.00 flat fee for Class A&B tows involving citizen vehicles.

Additional information: Cal Brown Body Shop has three tow trucks and three drivers. They have been unavailable or unable to be contacted for one dispatch call in five months. They are currently the contract tow company for the City and have been the contract tow company since 2007. They have received one complaint from Police Department personnel since the contract was awarded in 2007. They have a flat rate fee for City and private citizen vehicles no matter where the vehicle is located. No extra mileage charges will be applied to City vehicles located outside of Salt Lake County.

Kearns Towing:

Proposed \$42.50 an hour for Class A&B tows involving City vehicles; and \$50.00 an hour for Class A&B tows involving citizen vehicles.

Additional information: Kearns Towing has 16 tow trucks and 12 drivers. They have been unavailable or unable to be contacted for one dispatch call in five months. They were removed as the City contracted company in 2007 for being unable to perform the duties required in the contract. The owner of Kearns Towing said he is certain he will be able to meet all of the requirements of the contract for 2010. They charge by the hour and add an extra mileage fee for City vehicles located outside of Salt Lake County.

Mountain West Towing:

Proposed \$35.00 an hour for Class A&B tows involving City vehicles; and \$45.00 an hour for Class A&B tows involving citizen vehicles. Mountain West Towing stated these rates would be subject to change for a fuel surcharge as gas prices rise.

Additional information: Mountain West Towing has three tow trucks and three drivers. They have been a tow company for the City since July 1, 2009. They have not received any complaints during this time and have not turned down or missed any dispatch calls. They submitted an hourly rate sheet with the stipulation the fee would be adjusted for a fuel surcharge as the prices for gasoline rise. Mountain West Towing adds an extra mileage fee for City vehicles located outside of Salt Lake County.

Tric Towing:

Proposed \$60.00 an hour for Class A&B tows involving City vehicles; and \$70.00 an hour for Class A&B tows involving citizen vehicles.

Additional information: Tric Towing has three tow trucks and three drivers. They have been a tow company for the City since July 1, 2008 and have not received any complaints in the past 12 months. They have missed one dispatch

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call in the past six months. Tric Towing charges by the hour and adds an extra mileage fee for City vehicles located outside of Salt Lake County.

Acting City Manager, Paul Isaac, stated due to the condition of the economy it was important to look at the most cost effective proposal submitted for the contract. He further stated Cal Brown Body Shop had submitted a flat fee rate for the towing of all vehicles. He reported Cal Brown Body Shop had a professional demeanor and had created an exceptional working environment with the City and employees. He stated he recommended the contract be awarded to Cal Brown Body Shop.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-64, a Resolution Authorizing the Execution of an Agreement for Wrecker, Towing and Impound Yard Services Between West Valley City and Cal Brown Body Shop. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

14913

CONSENT AGENDA:

A. RESOLUTION NO. 10-65, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOHN DRAIN FOR PROPERTY LOCATED AT 2710 S. LESTER STREET FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-65 which would accept a Grant of Temporary Construction Easement from John Drain for property located at 2710 S. Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Isaac stated John Drain 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 Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the

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easement would allow the contractor to make the necessary tie-ins to the owner's property. He also indicated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2011.

B. RESOLUTION NO. 10-66, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM EMANUEL C. TAFOYA FOR PROPERTY LOCATED AT 2493 SOUTH 7200 WEST, FOR THE 7200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-66 which would accept a Grant of Temporary Construction Easement from Emanuel C. Tafoya for property located at 2493 South 7200 West for the 7200 West Improvement Project.

Mr. Isaac stated Emanuel C. Tafoya 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 7200 West Improvement project extending from SR-201 to 3500 South on both sides of 7200 West. He explained the project was being constructed in communication with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He further indicated the easement would allow the contractor to make necessary tie-ins to the owner's property. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2011.

After discussion, Councilmember Vincent moved to approve Resolution Nos. 10-65 and 10-66 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 27, 2010, WAS ADJOURNED AT 7:20 P.M., BY MAYOR WINDER.

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, April 27, 2010.

Sheri McKendrick, MMC
City Recorder