

MINUTES OF COUNCIL REGULAR ELECTRONIC MEETING – JUNE 8, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR ELECTRONIC SESSION ON TUESDAY, JUNE 8, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR PRO TEM RUSHTON CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Russ Brooks (Left the meeting as noted)
Steve Buhler
Carolynn Burt (Participated via telephone)
Don Christensen
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Russell Willardson, Public Works Director
John Evans, Fire Chief
Richard Catten, City Attorney
Mike Wells, Acting Police Chief
John Janson, Acting CED Director
Aaron Crim, Administration
Craig Thomas, Administration

14954 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who read a story entitled “Attitude is Everything.” He stated the story reminded him of Councilmember Carolynn Burt.

14955 **SCOUTS**

Mayor Pro Tem Rushton welcomed Scout Troop Nos. 951 and 1489 in attendance to complete requirements for the Citizenship in the Community merit badge.

14956 **ANNOUNCEMENT**

Mayor Pro Tem Rushton read a press release regarding a naming rights agreement with Maverik for the building formerly known as the “E-Center” to become the “Maverik Center.”

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14957 **APPROVAL OF MINUTES OF ELECTRONIC REGULAR MEETING HELD MAY 18, 2010**

The Council read and considered Minutes of the Electronic Regular Meeting held May 18, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Electronic Regular Meeting held May 18, 2010, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14958 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 25, 2010**

The Council read and considered Minutes of the Regular Meeting held May 25, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held May 25, 2010, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14959

PRESENTATION OF ESSENTIAL PIECE AWARD TO WEST VALLEY CITY HALL VITA SITE VOLUNTEERS

Mayor Pro Tem Rushton recognized Craig Thomas, Administration, who then introduced Casey Christopher, Asset Development Coordinator and Salt Lake and Tooele Regional VITA Coordinator for the Community Action Program of Utah.

Mr. Christopher addressed the City Council and gave an overview of the VITA (Volunteer Income Tax Assistance) program, including the Financial Fitness Fair event recently held at the Family Fitness Center. He also expressed appreciation for the City's support of the event. He stated the program had benefited low-income residents of West Valley City and he praised efforts of all the volunteers assisting at the event.

Councilmember Buhler read a narrative and presented certificates to the following individuals receiving certificates:

Janet Boston-Rodgers
Margaret "Peggy" Dahle
Jackie Danial
Sam Houston
Kevin Legg
Michael Newman
Paul Richardson (Site Coordinator)
Jamie Schwarzenback
Darl Sorenson
Heidi Trefethen
Mary Ann Vila
Karen Tao
France Ross

On behalf of the City Council, Mayor Pro Tem Rushton thanked the volunteers for service to the residents of the community.

14960

COMMENT PERIOD

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

Kevin Fayles, 4339 South Wildrose Drive, addressed the City Council. Mr. Fayles stated he heard the comments made by Representative Herrod during a discussion in the Council's Study Meeting held prior to this meeting. He read aloud a written response from Sutherland Institute regarding Representative Herrod's views and comments. He also stated crime rates were going down in West Valley City and the Police Department was doing a great job. He encouraged the City Council to

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view reports from 2008 on Sutherland Institute's website. He indicated as a former mayoral candidate he proposed forums to discuss diversity and other issues.

John Williams, 3231 Meadowbrook Drive, addressed the City Council. Mr. Williams discussed the anti-discrimination ordinance recently adopted by the City Council, and he made observations and comments regarding this issue. He stated the best answer to these problems was outlined in the United States Constitution. He indicated this issue was not about discrimination, but rather about civil liberty. He urged the Council to amend the ordinance to provide for greater protections.

Bill Pitchford, 4590 Nob Hill Street, addressed the City Council. Mr. Pitchford discussed community preservation concepts that citizenry of West Valley City had to live with. He also stated seven of 10 homes in his neighborhood had been cited and he personally had witnessed "Gestapo tactics" by City code enforcement officers going onto to properties and into back yards. He gave examples of violations for which his neighbors had been cited. He also related what he had seen and heard. He stated there was something wrong with this and it needed to be taken care of before it got out of hand. He indicated the person adjudicating these issues had signed a contract with the City, was not sworn to uphold the Constitution, and had not been elected by the people. He explained one neighbor had been fined over \$22,000, which was extraordinary and unreasonable. He encouraged the City Council to review methodology and administration and stated it needed to be "reigned in."

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated he had listened to Mr. Fayles comments and also listened to Representative Herrod's presentation during the Study Meeting. He indicated Mr. Fayles must have been living in a different state than him because the news was full of a lot of crime taking place in West Valley City and most arrests were of Hispanics. He stated he agreed with comments made by Representative Herrod and the rule of law. He indicated everyone was called on to prove they were citizens in many types of situations.

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham stated he wished Mr. Fayles had stayed in attendance at the meeting to hear comments from other residents. He stated there was a halfway house in his neighborhood that was owned by someone in California. He indicated his wife and daughter would not walk in their neighborhood at night and he stated West Valley City had many problems to be addressed.

Scott Woodruff (no address given) addressed the City Council. Mr. Woodruff stated he liked to commute to work on a bicycle. He indicated there was only one bike lane in West Valley City along 3200 West, but he lived in the southwest area

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of the City. He also stated he understood there were plans to widen 5600 West and he urged the City Council to promote alternative transportation and create more bike routes.

Todd Lowther, 4577 South Nob Hill Street, addressed the City Council. Mr. Lowther discussed code enforcement issues. He stated there were two sides to every story and the City seemed to be more worried about yards than people. He indicated there should be some type of win/win for the community and its residents. He stated the City should be more people friendly as there could be a better and kinder way to get things done.

Councilmember Brooks was excused and left the meeting at 7:11 P.M.

14961

RESOLUTION NO. 10-97, AUTHORIZE THE LEASE OF A SWITCH SYSTEM FROM WESTERN STATES CONTRACTING ALLIANCE THROUGH VALCOM FOR USE BY THE FITNESS CENTER, POLICE SUBSTATION AND FIRE STATION 74

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-97 which would authorize the lease of a switch system from Western States Contracting Alliance through Valcom, in the amount of \$31,103.36, for use by the Fitness Center, Police Substation and Fire Station 74.

Mr. Isaac stated the existing switches at the Fitness Center, Police Substation and Fire Station 74 had reached end of life and were no longer reliable. He reported formal bidding had not been required for the purchase because the vendor held a contract with the State of Utah. He indicated the purchase would be an upgrade of “ancient” equipment and had been needed for several years. He stated the upgrade would be necessary for the City to utilize UTOPIA’S fiber network for both voice and data.

The Acting City Manager also reported the amount for the upgrade would be financed through the HP four year Lease Purchase Agreement previously approved on January 3, 2006, by Resolution No. 06-04.

After discussion, Councilmember Burt moved to approve Resolution No. 10-97, a Resolution Authorizing the Lease of a Switch System from Western States Contracting Alliance through Valcom for use by the Fitness Center, Police Substation and Fire Station 74. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes

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Mr. Christensen Yes
Mayor Pro Tem Rushton Yes

Unanimous.

14962

RESOLUTION NO. 10-100, APPROVE A BETTERMENT AGREEMENT WITH THE UTAH TRANSIT AUTHORITY (UTA) FOR SNOW REMOVAL SERVICES AT THE WEST VALLEY CENTRAL STATION

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-100 which would approve a Betterment Agreement with the Utah Transit Authority (UTA) for snow removal services at the West Valley Central Station.

Mr. Isaac stated in exchange for betterments requested by the City for the Light Rail Project the City would agree to provide snow removal services at the West Valley Central Station equal to the total of all unfunded betterments.

The Acting City Manager further explained that over the course of the light rail project the City had requested many upgrades to the project to improve the function and appearance of the light rail line. He indicated any upgrades over a defined “baseline” were considered betterments and must be paid by the City. He also stated although some upgrades had been paid through the Redevelopment Agency and the City, there were still many unfunded betterments. He indicated UTA needed snow removal services which the City would agree to provide in exchange for the list of unfunded betterments as outlined in Exhibit A attached to the subject agreement.

Mr. Isaac indicated the subject agreement defined the betterments the City authorized and would pay for via snow removal services in the City Center over the next six years. He further explained any additional betterments/upgrades authorized after the signing of the subject agreement would be paid directly to UTA or renegotiated as an amendment to the subject agreement. He stated an amendment would most likely result in an extension of the snow removal contract time period.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-100, a Resolution Authorizing the Execution of a Betterment Agreement between West Valley City (the City) and the Utah Transit Authority (UTA) for Snow Removal Services at the West Valley Central Station, with correction in the last paragraph changing “County” to “UTA”. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14963

RESOLUTION NO. 10-101, APPROVE AN AGREEMENT WITH UTAH TRANSIT AUTHORITY (UTA) FOR SNOW REMOVAL SERVICES AT THE WEST VALLEY CENTRAL STATION

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-101 which would approve an Agreement with the Utah Transit Authority (UTA) snow removal services at the West Valley Central Station.

Mr. Isaac stated in exchange for betterments by the City for the Light Rail project the City would agree to provide snow removal services at the West Valley Central station. He also stated that over the course of the Light Rail project the City had requested many upgrades to the project to improve function and appearance of the line. He indicated any upgrades over a defined “baseline” were considered betterments and must be paid by the City. He explained although some upgrades had been paid through the Redevelopment Agency and the City, there were still many unfunded betterments. He stated UTA needed snow removal services when the line opened which the City would provide in exchange for the list of unfunded betterments.

Mr. Isaac stated the Interlocal Agreement signed in 2007 defined the relationship between the two parties for the duration of the project. He also stated that in a general manner it defined the details of the project to be constructed. He explained those details were considered a baseline. During the course of the project the City had asked for a variety of improvements listed in the second agreement called the Betterment Agreement, and included such items as the extension of the platform to the south at the West Valley Central station (City Center) where the planter boxes were located, the undergrounding of power line and above ground utilities along 2700 West, landscaping where none had been planned, colored concrete, upgraded lighting, black poles in City Center, and front landing at City Hall.

The Acting City Manager reported the City would perform the snow removal function for essentially all the new improvements in the intermodal center for the next six years. In addition, UTA would split (50/50) with the City the cost of one new special rotary brush and tractor to perform the snow removal service. He stated although the City already had a small tractor plow, the blade could damage the yellow rubber tactile strips adjacent to the tracks. He indicated the proposed

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agreement described how and where the snow removal needed to be accomplished and Jake Arslanian, Public Works Department, would supervise that snow removal assignment.

After discussion, Councilmember Buhler moved to approve Resolution No. 10-101, a Resolution Authorizing the Execution of an Agreement between West Valley City (the City) and the Utah Transit Authority (UTA) for Snow Removal Services at the West Valley Central Station, with correction in the last paragraph changing “County” to “UTA”. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14964

CONSENT AGENDA:

A. RESOLUTION NO. 10-98, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF HAROLD WOODRUFF TO THE PLANNING COMMISSION, TERM: JULY 1, 2010 – JULY 1, 2014

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-98 which would ratify the City Manager’s reappointment of Harold Woodruff to the Planning Commission for the term July 1, 2010, through July 1, 2014.

Mr. Isaac stated Mr. Woodruff had expressed desire to be reappointed for a four year term and his experience on the Planning Commission since 1988 made him a valuable member of that board. He advised that Mr. Woodruff’s viewpoints as an architect added much insight into various issues addressed by the Planning Commission.

B. RESOLUTION NO. 10-99, RATIFY THE CITY MANAGER’S REAPPOINTMENT OF JOSEPH GARCIA TO THE PLANNING COMMISSION, TERM: JULY 1, 2010 – JULY 1, 2014

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-99 which would ratify the City Manager’s reappointment of Joseph Garcia to the Planning Commission for the term July 1, 2010, through July 1, 2014.

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Mr. Pyle stated Mr. Garcia had expressed desire to be reappointed for a four year term and his residency in the City as well as his employment with Wright Express Bank as a credit analyst added to his insights when dealing with difficult issues.

After discussion, Councilmember Christensen moved to approve Resolution Nos. 10-98 and 10-99 as presented on the Consent Agenda. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE ELECTRONIC REGULAR MEETING OF TUESDAY, JUNE 8, 2010, WAS ADJOURNED AT 7:18 P.M., BY MAYOR PRO TEM RUSHTON.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Electronic Regular Meeting of the West Valley City Council held Tuesday, June 8, 2010.

Sheri McKendrick, MMC
City Recorder