

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JULY 27, 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
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Richard Catten, City Attorney
Mike Wells, Police Department
Shane Hamilton, Police Department
Scott Buchanan, Police Department
Matt Elson, Police Department
Kent Stokes, Police Department
Stan Varney, Fire Department
Hannah Thiel, CED Department
Mark Nord, CED Department
Lee Logston, CED Department
Claire Gilmoor, Law Department
Kevin Daniel, Law Department
Rachel White, Law Department
Phil Markham, Public Works Department
Erik Brondum, Public Works Department

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-2-

Kevin Conde', Administration
Craig Thomas, Administration
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD JULY 13, 2010**

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

After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held July 13, 2010, as written. 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.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JULY 27, 2010**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Meeting scheduled July 27, 2010, at 6:30 P.M. Upon inquiry by the City Manager, there were no questions regarding items scheduled on the subject Agenda.

Mr. Pyle reviewed items on the Agendas for the Redevelopment Agency and Municipal Building Authority Special Regular Meetings scheduled later this night.

The City Manager also noted Christi Jacobsen, Chapman & Cutler (Bond Counsel for the Building Authority), and Laura Lewis of Lewis Young Robertson & Burningham (City's Financial Advisor), were in attendance and prepared to answer questions.

Laura Lewis addressed the City Council, reviewed both bond transactions in detail, and answered questions from members of the City Council.

Ms. Jacobsen reviewed the Building Authority parameters Resolution and answered questions from members of the City Council.

City Manager, Wayne Pyle, stated he would recommend the Board consider continuing proposed Resolution No. 10-17 on the Redevelopment Agency Agenda to the meeting to be scheduled August 17, 2010.

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-3-

3. **PUBLIC HEARINGS SCHEDULED AUGUST 10, 2010:**

A. **ACCEPT PUBLIC INPUT REGARDING THE FINAL BUDGET FOR FISCAL YEAR 2010-2011**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Meeting scheduled August 10, 2010, at 6:30 P.M., in order for the City Council to hear and accept public input regarding the Final Budget for fiscal year 2010-2011. He discussed proposed Resolution No. 10-150 to be considered by the City Council subsequent to the public hearing, as follows:

RESOLUTION NO. 10-150, ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011; AND DETERMINING THE RATE OF TAX AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN WEST VALLEY CITY, UTAH, TAXABLE BY LAW FOR THE YEAR 2010

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-150 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2010, and ending June 30, 2011; and determine the rate of tax and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2010.

Mr. Pyle stated the proposal would set the rate for general property taxes at .003644 which was greater than the certified tax rate set by the Salt Lake County Auditor's Office (.003542), and adopt the Final Budget for the 2010-2011 fiscal year.

The City Manager indicated the City Council had previously adopted a Tentative Budget which was made available for public inspection during regular office hours in the City Recorder's Office, and gave proper notice of a hearing to receive public comment before adoption of the Final Budget.

City Manager, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the City Council. He advised that Finance Director, Jim Welch, would address the City Council and make a formal presentation of the proposed budget at the public hearing.

The City Council will hold a public hearing and consider proposed Resolution No. 10-150 at the Regular Meeting scheduled August 10, 2010, at 6:30 P.M.

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-4-

B. ACCEPT PUBLIC INPUT REGARDING THE POLICE DEPARTMENT'S APPLICATION FOR A DEPARTMENT OF JUSTICE PROGRAMS JUSTICE ASSISTANCE GRANT (JAG)

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Meeting scheduled August 10, 2010, at 6:30 P.M., in order for the City Council to hear and accept public input regarding the Police Department's application for a Department of Justice Programs Justice Assistance Grant (JAG).

Mr. Pyle discussed the proposal and advised a Resolution would be prepared and distributed to the City Council prior to the scheduled meeting date, and added to the subject Agenda.

The City Council will hold a public hearing and consider a Resolution at the Regular Meeting scheduled August 10, 2010, at 6:30 P.M.

4. RESOLUTION NO. 10-151, APPROVE PURCHASE OF A TYMCO 600 SWEEPER FROM INTERMOUNTAIN SWEEPER FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-151 which would approve purchase of a Tymco 600 Sweeper from Intermountain Sweeper in an amount not to exceed \$151,965.00.

Mr. Pyle stated the proposed purchase qualified under provisions of the West Valley City Procurement Code 5-3-110, Procurement to Meet Existing Needs. He also stated the Code allowed procurement of matching equipment when beneficial to operations and maintenance. He indicated the Fleet Manager and Operations Managers had negotiated the best price available. He further advised the sweeper being replaced was a 2005 Tymco 600 which had major repairs pending. He stated sweepers were high maintenance vehicles and high repair costs made it uneconomical to retain and maintain this sweeper.

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

The City Council will consider proposed Resolution No. 10-151 at the Regular Council Meeting scheduled August 10, 2010, at 6:30 P.M.

5. CONSENT AGENDA SCHEDULED AUGUST 10, 2010:

A. RESOLUTION NO. 10-152, APPROVE A RIGHT-OF-WAY AGREEMENT WITH THOMAS MICHAEL MANSFIELD FOR PROPERTY LOCATED AT 2711 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-5-

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-152 which would approve a Right-of-Way Agreement with Thomas Michael Mansfield for property located at 2711 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Thomas Michael Mansfield had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction 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 the right-of-way and easement would be in the amount of \$11,000.00 negotiated based on an appraisal by Free and Associates, Inc. indicating a value of \$9,300.00.

B. RESOLUTION NO. 10-153, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE ESTATE OF RONALD E. MATTINGLY FOR PROPERTY LOCATED AT 2707 SOUTH LESTER STREET FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-153 which would accept a Grant of Temporary Construction Easement from the Estate of Ronald E. Mattingly for property located at 2707 South Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated the Estate of Ronald E. Mattingly had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make necessary tie-ins to the owner's property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

C. RESOLUTION NO. 10-154, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM SISITOUTAI HALAUGIA FOR PROPERTY LOCATED AT 2752 SOUTH LESTER STREET FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-154 which would accept a Grant of Temporary Construction Easement from Sisitoutai

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-6-

Halaugia for property located at 2752 South Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated Sisitoutai Halaufia had signed the Grant of Temporary Construction Easement.

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

The City Council will consider proposed Resolution Nos. 10-152 through 10-154 at the Regular Meeting scheduled August 10, 2010, at 6:30 P.M.

6. **COMMUNICATIONS:**

A. **POLICE DEPARTMENT TASER POLICY**

City Manager, Wayne Pyle, stated the Council previously requested an update regarding the Police Department's Taser policy. Mr. Pyle introduced Police Department personnel in attendance.

Police Chief, Buzz Nielsen, outlined information and instructed Shane Hamilton, Training Coordinator, to provide policy data. Officer Hamilton used PowerPoint with a video and discussed information summarized as follows:

- The way things used to be
- Explanation of Taser model used by West Valley City Police Department and how it works
- Technology is used in "jamming" the nervous system to assist in controlling a situation
- Use of Taser involves application of force
- Utah Code 77-7-7 that gives police officers authority to use force to effect an arrest
- Police Department's Taser policy and training
- All uses of Taser devices are reviewed by a Sergeant, Lieutenant, Captain, Police Professional Standards Review Board, and Police Chief regarding whether it was within policy
- Risk issues involving use of Taser
- When and reasons why a Taser may be used
- Media and public perception

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-7-

During the above discussion and presentation of information, Officer Hamilton answered questions from members of the City Council.

B. **POLICE DEPARTMENT/ICE COOPERATIVE EFFORTS**

City Manager, Wayne Pyle, stated the Council had previously requested an update regarding the Police Department/ICE (Immigration and Customs Enforcement) cooperative law enforcement efforts.

Upon direction by the City Manager, the Police Chief, Buzz Nielsen, discussed the position of the Utah Police Chief's Association regarding immigration. He stated, as the Chief, his responsibility was to enforce laws and support policies of the City Council as directed by the City Manager.

Chief Nielsen further explained a memorandum of understanding was being developed by staff. He stated after the legislature completed its next session, any immigration issues would be taken into consideration, and then document would be finalized. He also discussed movement toward sharing services with other task forces. He stated the issue was not necessarily only immigration, as the Police Department was interested in all criminal activity. He further advised when illegal immigration issues came up they were referred to ICE.

The Police Chief answered questions from members of the City Council.

Upon direction by the City Manager, Police Chief Buzz Nielsen, and Fire Chief John Evans presented the Council with shadow boxes that included Police and Fire commemorative badges in recognition of West Valley City's 30th anniversary of incorporation. They also presented shadow boxes to the City Manager, and Assistant City Manager. The Chiefs expressed appreciation to the City Council for the support given to the public safety departments over the years.

On behalf of the City Council, Mayor Winder thanked the Police Chief and Fire Chief for their many years of service to West Valley City, and for the shadow boxes.

C. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: July 28, 2010: 30th Anniversary Mayor's Luncheon, UCCC, Noon; July 28, 2010: UDOT Project Open House – 4100 South & Bangerter Highway CFI Intersection, Harman Home, 5:00 P.M. – 7:00 P.M.; August 2, 2010: Neighborhood Nights: National Night Out Kick-off Event, UCCC, 5:30 P.M. – 8:00 P.M.; August 2, 2010: WorldStage! Concert Series 2010 – Fuzion, UCCC, 8:00 P.M.; August 3, 2010: Neighborhood Nights: National Night Out Block Parties; August 3, 2010: The Wiggles Wiggly Circus, E-Center; August 4, 2010: 5200 West Improvement

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-8-

Project Completion Celebration & BBQ, Fassio Farms Park, 3720 South 5200 West, 5:00 P.M. – 6:30 P.M.; August 6 & 7, 2010: Neighborhood Nights: Police Safety Fair, Valley Fair Mall, 1:00 P.M. – 7:00 P.M.; August 9, 2010: WorldStage! Concert Series 2010 – International Folk Dance and Music, UCCC, 8:00 P.M.; August 10, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 11, 2010: Chief Chat, UCCC, 6:30 P.M. – 8:00 P.M.; August 12, 2010: Chief Chat, Animal Shelter, 6:30 P.M. – 8:00 P.M.; August 13-15, 2010: Western Indoor Motocross Nationals, Maverik Center; August 16, 2010: WorldStage! Concert Series 2010 – The Soulistics, UCCC, 8:00 P.M.; August 17, 2010: Neighborhood Watch Chairperson Training, City Hall, Suite 230, 6:00 P.M. – 7:00 P.M.; August 17, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 18, 2010: UDOT Project Open House – I-215/3500 South Interchange, City Hall, 4:30 P.M. – 7:00 P.M.; August 19, 2010: Neighborhood Nights: ID Theft Awareness Seminar, Animal Shelter, 6:30 P.M. – 8:00 P.M.; August 21, 2010: Fabolous, Maverik Center; August 23, 2010: WorldStage! Concert Series 2010 – Junction City Big Band, UCCC, 8:00 P.M. (Will be held inside with dancing); August 24, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 25, 2010: Multi-Chamber Luncheon & ChamberWest General Membership Meeting, Guest Speaker – Senator Orrin Hatch, UCCC, 11:45 A.M. – 1:00 P.M.; August 26, 2010: Neighborhood Watch Mobile Patrol Training, City Hall, Suite 230, 6:30 P.M. – 7:30 P.M.; September 6, 2010: Labor Day Holiday – City Hall closed; September 7, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 14, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 15-17, 2010: ULCT Annual Convention, Sheraton City Center Hotel, 150 West 500 South; September 16, 2010: Gary Allan, Maverik Center; September 21, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 28, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 5, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 12, 2010: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 p.m.; October 19, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 20, 2010: ChamberWest 2010 Awards Gala; October 26, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 2, 2010: Election Day; November 9, 2010: Yo Gabba Gabba Live! There's a Party in My City!, Maverik Center; November 11, 2010: Veteran's Day – City Hall closed; November 25, 2010: Thanksgiving – City Hall closed; and November 26-29, 2010: Radio City Christmas Spectacular, Maverik Center.

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-9-

7. COUNCIL REPORTS:

A. COUNCILMEMBER STEVE BUHLER – CITIZEN COMPLAINTS REGARDING 4100 SOUTH TRAFFIC CONGESTION AND PROPOSED 4100 SOUTH/BANGERTER CFI

Councilmember Buhler showed an aerial map of the City and discussed complaints and concerns received from citizens regarding 4100 South traffic congestion and the proposed 4100 South/Bangerter CFI (Continuous Flow Intersection). He discussed current access issues for certain neighborhoods and problems that would be caused by traffic lights installed when the CFI was completed. He also discussed other issues brought up by residents in that area including ingress/egress to Granger Medical Center and a church. He proposed possible solutions, as the current proposal was too high of a cost for those residents. He also proposed a response that could be given to the Utah Department of Transportation (UDOT). He inquired if there was anything the City could do to mitigate problems at the subject intersection, which was somewhat unique as previously discussed. He suggested other proposed CFI's in West Valley City and Taylorsville City be completed first and then a determination made as to whether the 4100 South CFI was still needed.

City Manager, Wayne Pyle, responded and discussed issues from staff's viewpoint and whether additional work could be done with UDOT regarding design of the subject intersection. He also related previous conversations with representatives of UDOT. He stated it might be possible for the City to say we did not want improvements there. He stated he appreciated Councilmember Buhler's comments and suggestions; however, some improvements were needed to solve the east/west traffic flow issues. He continued that if the perceived pain was more than the benefit then perhaps the project should be stopped. Finally, he advised that the traffic flow on 4100 South had been studied for several years.

Public Works Director, Russell Willardson, stated there was a lot of information and much had happened to date regarding this matter. He discussed recent and upcoming meetings with residents regarding the proposed project. He also discussed a study regarding that intersection and the CFI had been proposed as a solution. He discussed meetings held with UDOT, Granger Medical and others. He used a map and pointed out proposed locations of traffic lights, turn lanes, etc. at that intersection. He compared 3500 South CFI with proposed CFI's at 4100 South and 3100 South on Bangerter Highway. He indicated UDOT was using a study paid for by West Valley City regarding the design for the intersection. He stated the City had initiated this project; and he would request UDOT take another look at the design and come back to the City Council with that information.

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-10-

Upon further direction of the City Manager, Erik Brondum, Public Works Department, further discussed details of the study of the subject intersection and answered questions from members of the City Council.

During the discussion, members of the City Council offered and discussed ideas and suggestions such as making nearby intersections “U-turn friendly” to mitigate some problems.

City Manager, Wayne Pyle, informed that UDOT would be making a presentation regarding four projects at the Study Meeting scheduled August 17, 2010. He stated an open house had also been scheduled at City Hall on August 18, 2010, regarding the 3500 South/I-215 interchange and 4100 South/Bangerter CFI.

B. COUNCILMEMBER DON CHRISTENSEN – ENERGY SOLUTIONS PRESENTATION

Councilmember Christensen advised he had recently attended an Energy Solutions presentation at the invitation of Mayor Winder.

C. COUNCILMEMBER COREY RUSHTON – UDOT MEETING REGARDING MOUNTAIN VIEW CORRIDOR

Councilmember Rushton informed regarding an invitation to attend a meeting hosted by the Utah Department of Transportation (UDOT) at West Jordan City Hall on Thursday of this week from 5:00 – 6:00 P.M. regarding the Mountain View Corridor. He indicated he would be unable to attend, but desired an elected official from West Valley City attend the meeting. After discussion, Councilmember Vincent stated he could possibly attend the meeting. Councilmember Rushton advised he would forward the invitation to Councilmember Vincent.

D. MAYOR MIKE WINDER – SALT LAKE BOARD OF REALTORS ANNUAL BRIEFING; DAYS OF '47 RODEO AND PARADE FLOAT

Mayor Winder reported regarding a recent Salt Lake Board of Realtors annual briefing he had attended. He discussed issues and statistics discussed at that meeting.

Mayor Winder discussed the Days of '47 Rodeo event recently held at the Maverik Center and stated it had been very successful and well attended.

Mayor Winder expressed appreciation to all members of City staff involved with the City's Days of '47 parade float.

MINUTES OF COUNCIL STUDY MEETING – JULY 27, 2010

-11-

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, JULY 17, 2010, WAS ADJOURNED AT 6:13 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, July 27, 2010.

Sheri McKendrick, MMC
City Recorder