

MINUTES OF COUNCIL REGULAR MEETING – AUGUST 10, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 10, 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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Gary Dunn, Finance Director
Aaron Crim, Administration
Phil Markham, Public Works Department
Jake Arslanian, Public Works Department

15016 **OPENING CEREMONY**

Don Christensen conducted the Opening Ceremony. Upon invitation, scouts from Troop No. 144 led the Pledge of Allegiance to the Flag.

15017 **SCOUTS**

Mayor Winder welcomed Scout Troop Nos. 863 and 649 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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15018 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 20, 2010**

The Council read and considered Minutes of the Regular Meeting held July 20, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held July 20, 2010, as written. Councilmember Vincent 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.

15019 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 27, 2010**

The Council read and considered Minutes of the Regular Meeting held July 27, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held July 27, 2010, as written. Councilmember Vincent 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.

15020 **COMMENT PERIOD**

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

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Don Stevens, (no address given), addressed the City Council. Mr. Stevens expressed concern regarding traffic lights in the City. He stated the north and south lanes were almost impossible to get through the City. He also discussed intersections that had the most problems.

Steve Asay, (no address given), addressed the City Council. He expressed concern regarding ordinances and stated he was not clear on unlicensed vehicles and why the City had the right to tell people they had to repair roofs as it was their home. He also stated there were those with hardships and they did not have money to comply with some of the ordinances. He expressed concern that citizens were not notified when ordinances were put into effect. Upon request of the City council, Mr. Asay gave his phone numbers 801-966-7225 and 801-971-6434 (cell) in order for staff to contact him.

15021

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE FINAL BUDGET FOR FISCAL YEAR 2010-2011

City Manager, Wayne Pyle, stated a public hearing had been advertised 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:

City Manager, Wayne Pyle, presented 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 notice of a hearing to receive public comment before adoption of the Final Budget.

Mayor Winder explained an error in the Truth in Taxation Notice which had been calculated incorrectly by the State Tax Commission. He stated the wrong notice had been printed by the newspaper. He stated there was no tax increase and the

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City will only recapture the judgment levy. He also briefly explained the Truth in Taxation process.

As directed by the City Council and upon direction by the City Manager, for benefit of citizens in attendance, the Finance Director, Jim Welch, addressed the City Council and used PowerPoint to present information regarding the Fiscal Year 2010-2011, summarized as follows:

- City Council objectives and strategic plan
- State Code requirements
- Budget process and calendar
- Revenue projections
- Expenditure projections
- Comparison of prior years' budgets
- Revenue sources
- Major revenues – sales, utility and property taxes
- Expenditures
- Explanation of judgment levy and total judgment for 2011 is \$26,798 (\$.47 on residence)
- Comparison of property tax 2010 to 2011 which shows reduction and does not include property tax increase
- Copy of notice approve by the State Tax Commission which should have been published but was not, in comparison with the notice that was actually published – all due to miscommunication

Mayor Winder opened the public hearing.

Bud Shosted, 3366 West 4400 South, addressed the City Council. Mr. Shosted requested clarification that there was no property tax increase.

City Manager, Wayne Pyle, responded and stated no property tax increase had been proposed and the overall budget was actually down from the previous year.

Byron Stone, (no address given), addressed the City Council. Mr. Stone stated he had lived in West Valley City for 50 years. He inquired if the newspaper made a mistake should they not have to print a retraction.

City Manager, Wayne Pyle, responded and stated the notice had been a paid advertisement so there would be no formal retraction.

Mr. Stone stated senior citizens would not have a cost of living increase for the next two years regarding Social Security benefits and yet the utilities, insurance, and other costs, would go up even though seniors were on fixed incomes. He

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expressed thanks for no tax increase this year and stated he hoped there would not be one next year.

Billy Burke, 6400 West 3801 South, addressed the City Council. Mr. Burke stated the notice had stirred him up and he had talked with others on fixed incomes who were suffering because of the increase in cost of living and property taxes. He also stated property values would continue to go down, but it was a “catch 22” situation because government people would still have to be paid. He further discussed an article in the USA Today newspaper regarding the pay of government employees. He stated the country was in deep financial trouble at every level of government. He explained there was too much “non-transparency” relating to the E-Center (Maverik Center) and other issues. He indicated there was a lot being done that residents thought was unnecessary, therefore, before money was spent people should be asked. He named people in the Granger Community Council who were involved in the incorporation of the City and stated their vision had been different than some things that had happened recently in the City. He requested the Council “be careful” as residents were watching, especially those who were on fixed incomes.

(The following individual came in late and prior to closing the budget hearing. Mayor Winder recognized him to speak even though his comments were not related to the budget.)

Ruben Amaya, 3074 South Waterleaf Way, addressed the City Council. Mr. Amaya expressed concern regarding graffiti, gang violence, the lack of lighting and multiple families living in single homes in his neighborhood. He stated the situation was getting out of hand and something needed to be done. He requested lights be installed in his neighborhood on 3100 South in an attempt to make the neighborhood safer. He expressed appreciation for the opportunity to speak.

There being no one else who desired to address the City Council, Mayor Winder closed the public hearing.

ACTION: 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

The City Council previously held a public hearing to accept public input regarding the Final Budget for Fiscal Year beginning July 1, 2010, and ending June 30, 2011; and to determine the rate of tax and levy taxes upon all real and

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personal property within West Valley City, Utah, taxable by law for the year 2010.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-150, a Resolution 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. 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.

15022

PUBLIC HEARING, 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 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). He discussed proposed Resolution No. 10-155 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 10-155 which would authorize the West Valley City Police Department to apply for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs.

Mr. Pyle stated the JAG grant would be in the amount of \$140,185.00 and would be utilized to help improve the Police Department's Forensic Services Unit and Intelligence Unit through purchase of current technology and equipment. He indicated the Police Department would not be required to match these funds as this was considered a non-matching grant. He also stated the 2010 JAG program was a three year grant and additional funding could be awarded in future years to allow continuation of the grant program.

The City Manager explained the U.S. Department of Justice Programs was allowing the West Valley City Police Department to apply for the above grant and

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the funds could be used to purchase equipment, fund approved programs, and pay salaries for approved programs. He indicated the procedure for allocating JAG funds was a formula based on population and crime statistics in combination with a minimum allocation to ensure each state and territory received an appropriate share. He discussed the Edward Byrne Memorial Justice Assistant Grant Program and stated it would allow states and local governments to support a broad range of activities to improve the criminal justice system. He indicated JAG replaced the Byrne Formula and Local Law Enforcement Block Grant programs.

Mr. Pyle further explained the Police Department's Forensic Services Unit and Intelligence Unit were dependent on current technology to adequately serve their function in an efficient and effective manner. He stated budget constraints had funneled resources to essential services thus not allowing for necessary upgrades in equipment and technology. He indicated the JAG funding would be used to improve those divisions and other areas that had been overlooked due to other priority essential services.

Mayor Winder opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Winder closed the public hearing.

ACTION: RESOLUTION NO. 10-155, AUTHORIZING THE WEST VALLEY CITY POLICE DEPARTMENT TO APPLY FOR A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS

The City Council previously held a public hearing and received public input regarding the Police Department's Application for a Department of Justice Programs Justice Assistance Grant (JAG).

After discussion, Councilmember Vincent moved to approve Resolution No. 10-155, a Resolution Authorizing the West Valley City Police Department to Apply for Justice Assistance Grant (JAG) Through the U.S. Department of Justice Programs. 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.

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

City Manager, Wayne Pyle, presented 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.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-151, a Resolution Authorizing West Valley City to Purchase a Tymco 600 Sweeper from Intermountain Sweeper for use by the Public Works Department. Councilmember Vincent 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.

15024

RESOLUTION NO. 10-156, AUTHORIZE CHANGE ORDER NO. 1 TO THE CONTRACT WITH RYDALCH ELECTRIC, INC., FOR THE EECBG LIGHTING RETROFIT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-156 which would authorize Change Order No. 1 to the contract with Rydalch Electric, Inc., in the amount of \$148,750.00, for the EECBG Lighting Retrofit Project.

Mr. Pyle stated the EECBG Lighting Retrofit Project included City Hall, the Public Safety Building, the Maverick Center (formerly known as the E-Center), and the Utah Cultural Celebration Center (UCCC). He discussed detailed information regarding the proposed changes, as follows:

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1. Change out all old T-8 lamps about 2500 recommendation from Rocky Mountain Power adding additional incentive towards the project: \$30,000.00

Incentive from Rocky Mountain Power: (\$1,250.00)

2. Additional lights at the Maverick Center as recommended from Rocky Mountain Power: \$25,000.00
3. Additional lighting controls for City Hall, Public Safety Building and the UCCC: \$95,000.00

The City Manager further explained, as a result of getting lower bids for the lighting retrofit project, there was a residual amount of dollars from the EECGB funds. He indicated when coordinated with Rocky Mountain Power there were other areas found that could enhance the City's ability to be more efficient and reduce power consumption. He explained with the Rocky Mountain Power recommendation additional retrofits would be made to City Hall, the Public Safety Building, and the UCCC lighting controls, while also adding additional lighting changes to the City Hall, the Public Safety Building and the Maverick Center.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-151, a Resolution Authorizing Change Order No. 1 to the Contract with Rydalch Electric, Inc. for the EECBG Lighting Retrofit 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.

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CONSENT AGENDA:

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

City Manager, Wayne Pyle, presented 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, presented 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

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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, presented proposed Resolution No. 10-154 which would 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.

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.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-152, 10-153 and 10-154 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, AUGUST 10, 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, August 10, 2010.

Sheri McKendrick, MMC
City Recorder