

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 19, 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
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Paul D. Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Richard Catten, City Attorney
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Mike Wells, Acting Police Chief
Gary Dunn, Acting Finance Director
Aaron Crim, Administration
Kevin Conde', Administration
Jake Arslanian, Public Works Department

15104 **OPENING CEREMONY**

The Opening Ceremony was conducted by Russ Brooks who stated he recently attended an Eagle Scout Court of Honor for Zachary Hansen. He indicated thoughts expressed during that ceremony made him proud to be a former boy scout and an American citizen. Upon recognition and invitation, Zachary Hansen led the Pledge of Allegiance to the Flag.

15105 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 1197 in attendance to complete requirements for the Citizenship in the Community merit badge.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-2-

15106 **APPROVAL OF MINUTES OF STUDY MEETING HELD OCTOBER 5, 2010**

The Council read and considered Minutes of the Regular Meeting held October 5, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held October 5, 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.

15107 **PRESENTATION OF *ESSENTIAL PIECE* AWARD TO MARGENE CONDE'**

Mayor Winder read a nomination of and presented the *Essential Piece* Award to "Miss Margene" Conde' for her unwavering support of the arts in West Valley City.

The City Council members congratulated Ms. Conde' and expressed appreciation for her support of the arts in West Valley City and for being a vital part of the community.

Ms. Conde' addressed the City Council and expressed appreciation to the City Council for their support of the arts in the City over the years. She also introduced family members in attendance at the meeting.

15108 **PROCLAMATION DECLARING OCTOBER 2010 AS *UTAH RENTAL HOUSING APPRECIATION MONTH* IN WEST VALLEY CITY**

Councilmember Brooks read a Proclamation declaring October 2010, as *Utah Rental Housing Appreciation Month* in West Valley City.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-3-

15109

COMMENT PERIOD

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

Tim Evancich, 1255 W. Crystal, addressed the City Council. Mr. Evancich stated he represented American Preparatory Academy and he thanked the City Council and City staff for assisting his organization in bringing the school to West Valley City. He discussed the success of the school, demographics of students served, and the program. He also shared some statistics regarding the charter school and advised they were in the process of adding a high school to the campus in West Valley City.

Ed McDonald, 5357 South Hillsden Drive, addressed the City Council. He stated he was the builder of the new school campus previously discussed by Tim Evancich. He praised the City's building division and stated it was the best in the State. He discussed a canal that used to run across property and an issue related to an easement that had been holding up moving forward with the project. He indicated the City was one of three parties to the easements and needed to be approved by the Council. He requested the Council direct staff to move the easement through the process as quickly as possible.

Acting City Manager, Paul Isaac, directed the City Recorder, Sheri McKendrick, to follow up on the matter discussed by Mr. McDonald.

15110

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING (A) THE PROPOSED EXECUTION BY THE CITY OF A COMMUNICATIONS SERVICE CONTRACT BETWEEN THE CITY, CERTAIN OTHER CITIES AND THE UTAH INFRASTRUCTURE AGENCY (UIA), AND (B) ANY POTENTIAL ECONOMIC IMPACT THE SERVICE CONTRACT, THE CONNECTION SERVICES FINANCED UNDER THE SERVICE CONTRACT, AND THE PLEDGE OF FRANCHISE TAX REVENUES MAY HAVE ON THE PRIVATE SECTOR

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the Council to accept public input regarding (a) the proposed execution by the City of a Communications Service Contract between the City, certain other cities and the Utah Infrastructure Agency (UIA), and (b) any potential economic impact the service contract, the connection services financed under the service contract, and the pledge of franchise tax revenues might have on the private sector. He discussed proposed Resolution No. 10-181 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-181, which would authorize and approve the execution of a Communications Service

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-4-

Contract by and among the City, certain other cities, and the Utah Infrastructure Agency (UIA).

Mr. Isaac stated the City was a member of UTOPIA, a cooperative association of local governments formed to extend telecommunication infrastructure to its members. He also stated local government members of UTOPIA formed the UIA as an agency whose purpose was to construct, own, and operate (or have operated) additional telecommunications infrastructure and facilities that would be built as part of the UTOPIA network.

The Acting City Manager indicated the Communications Service Agreement with the UIA set forth rates that would be charged to the City for connectivity, contracting and recruiting service providers, network management and support, network construction management, engineering, and other services necessary for citizens to have a connection. He explained the agreement also set forth the fees the City shall collect for administration of billing and accounting.

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

Upon discussion, members of the City Council inquired regarding exhibits and certain terms of the proposed agreement. Acting City Manager, Paul Isaac, and the City Attorney, Richard Catten, responded to those questions.

Mayor Winder noted UIA staff in attendance at the meeting if further information was needed or desired by members of the City Council. He also read aloud certain parts of the independent feasibility study and stated the entire study had been posted on the City and UTOPIA's websites.

Upon further discussion, members of the City Council individually expressed additional comments and concerns regarding the proposal.

RESOLUTION NO. 10-181, AUTHORIZING AND APPROVING THE EXECUTION OF A COMMUNICATIONS SERVICE CONTRACT BY AND AMONG THE CITY, CERTAIN OTHER CITIES, AND THE UTAH INFRASTRUCTURE AGENCY (UIA)

The City Council previously held a public hearing to accept public input regarding (a) the proposed execution by the City of a Communications Service Contract between the City, certain other cities and the Utah Infrastructure Agency (UIA), and (b) any potential economic impact the service contract, the connection services financed under the service contract, and the pledge of franchise tax revenues may have on the private sector.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-5-

After discussion, Councilmember Brooks moved to approve Resolution No. 10-181, a Resolution of the City Council of West Valley City, Utah (the “City”), Authorizing and Approving the Execution of a Communications Service Contract (the “Service Contract”) by and Among the City, Certain Other Cities, and the Utah Infrastructure Agency (the “UIA”). Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	No
Ms. Burt	No
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

15111

ORDINANCE NO. 10-32, AMEND SECTIONS 20-7-102; 20-7-106; AND 20-7-107 OF TITLE 20 AND SECTION 1-2-110 OF TITLE 1 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE DEFINITIONS CONTAINED THEREIN; THE IMPOSITION OF STORM WATER UTILITY FEES; AND THE SYSTEM OF FEES, RATES AND CHARGES PERTAINING TO STORM WATER UTILITY

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 10-32 which would amend Sections 20-7-102; 20-7-106; and 10-7-107 of Title 20 and Section 1-2-110 of Title 1 of the West Valley City Municipal Code regarding the definitions contained therein; the imposition of storm water utility fees; and the system of fees, rates and charges pertaining to storm water utility.

Mr. Isaac stated the proposed ordinance and accompanying change to the Storm Water Utility Ordinance would eliminate storm water utility fee credits and, in lieu thereof, establish a three-tiered rated system. He also stated the standard monthly charge per equivalent residential unit (ERU) would continue to be \$4.00 per month. He explained Rate B, \$2.80 per month, would apply to developments that implemented treatment control best management practices. He further explained Rate B was offered as an incentive to older developments that implemented best management practices that reduced impact of a development to the storm water system. He further explained Rate C, \$1.80 per month, would be available to all parcels that retained all storm water runoff on site.

The Acting City Manager indicated that, in most cases, Rate B and Rate C would closely approximate the fees paid by business owners and institutions under the

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 19, 2010

-6-

previous fee credit system. He stated, however, in preparing the proposed ordinance change it had been discovered that several business and institutions had mistakenly been given unwarranted credits. He explained the fees charged to those properties would increase substantially when they were assigned to the appropriate rate schedule. He advised a list of the businesses and institutions previously receiving storm water utility fee credits, showing the previous fee charged and the proposed new fees had been provided to the City Council.

After discussion, Councilmember Burt moved to approve Ordinance No. 10-32, an Ordinance Amending Sections 20-7-102, 20-7-106, and 20-7-107 of Title 20 and Section 1-2-110 of Title 1 of the West Valley City Municipal Code Regarding the Definitions Contained Therein; the Imposition of Storm Water Utility Fees; and the System of Fees, Rates and Charges Pertaining to Storm Water Utility. Councilmember Buhler 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 19, 2010, WAS ADJOURNED AT 7:25 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, October 19, 2010.

Sheri McKendrick, MMC
City Recorder