

**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 26, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, CED Director  
Layne Morris, CPD Director  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Jeanette Carpenter, Acting Finance Director  
Steve Lehman, CED Department  
Craig Thomas, Administration  
Kevin Conde', Administration  
Jake Arslanian, Public Works Department

15411 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who discussed the recent Days of '47 events. Councilmember Rushton stated he admired Brigham Young and then read a quote by him. He also led the Pledge of Allegiance to the Flag.

15412 **SPECIAL RECOGNITIONS**

Mayor Winder recognized and welcomed individuals in attendance who were candidates in the upcoming municipal election.

**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-2-**

15413      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 12, 2011**

The Council read and considered Minutes of the Regular Meeting held July 12, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held July 12, 2011, as written. Councilmember Vincent 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.

15414      **INTRODUCTION OF NEW EMPLOYEES**

Upon direction by the City Manager, the following new employees were introduced by Aimee Tye-Critchley, Human Resources/Administration:

Finance Department

Bill Berger, Financial Analyst

Public Works Department

Wendy Mottenshard, Utility Billing Clerk

Police Department

Ryan Carver, Police Officer  
Mario Aguilera, Police Officer  
Jeremy Davis, Police Officer  
Brady Fausett, Police Officer  
Blake Richardson, Police Officer  
Tammy Wallin, Support Services Clerk

Members of the City Council welcomed the new employees to service with West Valley City.

**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-3-**

15415      **EMPLOYEES OF THE MONTH, JULY 2011 – ANGEL PEZELY AND DEANN VARNEY, ADMINISTRATION**

Mayor Winder read the nomination of Angel Pezely and DeAnn Varney, Administration, to receive the Employees of the Month Award for July 2011. Ms. Pezely and Ms. Varney had been nominated for service above and beyond requirements on their job descriptions.

The City Council expressed appreciation to the award recipients and offered congratulations.

15416      **PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 2, 2011, AS “NATIONAL NIGHT OUT 2011” IN WEST VALLEY CITY**

Councilmember Burt read a Proclamation declaring August as “Neighborhood Nights Month” and August 2, 2011, as “National Night Out 2011” in West Valley City.

15417      **COMMENT PERIOD**

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

Chris Lovato addressed the City Council and discussed the proposed ordinance regarding E-verify that had been written and brought forth to the City Council. He also discussed the purpose of E-verify stating it would create a national identification system that could be used for both good and bad. He indicated individuals did not know what personal information would be in that system. He explained West Valley City needed to understand what the system was before implementing it.

Sam Rangel addressed the City Council. He discussed E-verify and expressed support. He stated most people in support of the proposed ordinance were worried about jobs. He indicated one of the biggest threats was that China had grown economically and the United States was in debt to them. He stated if the United States did not keep up with China there “would be a new master.” He expressed understanding for frustration of those in attendance. He also stated businesses should not become immigration offices. Mr. Rangel stated something should be done about immigration, but not at the local level. He indicated crime had increased and recent legislation made people not want to obey the laws.

Russell K. Sias addressed the City Council and stated he had come from Provo to speak. He stated the ordinance “being floated” was the result of an Arizona law requiring employers to use E-verify and, if not done, their license could be suspended. He corrected some misunderstandings about E-verify stating information in the database came from Social Security and E-verify required

## MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011

-4-

employers to punch in the Social Security number and look for “red flags” prior to hiring someone. He indicated it was just a skeleton and had very little information in it. He stated the day could come when E-verify had a photograph, but right now, the problem was that it had too many inaccuracies. He explained the system was not fool proof, but there were fools trying to take advantage of it. He cited unemployment statistics and stated he did not see the need for guest workers, only the need for citizens to get back to work. He stated there was no need to bring in more illegal aliens or support employers that would hire them.

Gaylan Stewart addressed the City Council and informed he had done some research regarding E-verify. He also stated E-verify was very accurate as it checked the name, birth date and Social Security number. He also stated it was efficient and verification was very quick and easy once the tutorial was done. He indicated the only real fault in it was when someone’s identify had been stolen. He stated this was a good ordinance for a city and it had become legal upon the Supreme Court’s decision last month. He requested the City Council give the proposal some consideration.

Matthew Bell addressed the City Council. He expressed feelings about a protest rally that had been organized for this evening, even though it had not materialized. He discussed illegal alien workforce issues and expressed his understanding they wanted to come to this country for work. Mr. Bell stated greedy and unscrupulous employers would just bring in more illegals. He gave examples of practices of some employers and how they treated illegal workers versus citizens. He also stated many illegals came to this country every day and they took the place of legal immigrants and citizens willing to obey the laws.

Mayor Winder stated since all comments had been related to E-verify and a proposed ordinance, he discussed background information regarding this issue and indicated it was currently being reviewed by the City Attorney. He also reviewed the next steps in the process.

City Manager, Wayne Pyle, advised that a formal recommendation would be made to the City Council regarding this matter.

Upon inquiry by Mayor Winder there was no one else in attendance who desired to address the City Council during the comment period.

15418

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-6-2011, FILED BY JEFF CONDIE, REQUESTING FINAL PLAT APPROVAL FOR AN AMENDMENT TO LOT 406 OF THE CONDIE PARK ESTATES SUBDIVISION LOCATED AT 4691 WEST CONDIE VIEW DRIVE (4225 SOUTH)**

## MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011

-5-

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-6-2011, filed by Jeff Condie, requesting final plat approval for an Amendment to Lot 406 of the Condie Park Estates Subdivision located at 4691 West Condie View Drive (4225 South). He discussed proposed Ordinance No. 11-16 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-16 which would approve the Amendment to Lot 406 of the Condie Park Estates No. 4 Subdivision.

Mr. Pyle stated the subject property was bordered on the north and east by existing lots in the same subdivision. He also stated property to the west was zoned residential and would be subdivided in the future as an extension to the Condie Park Estates Subdivision.

The City Manager reported the applicant had requested approval to amend the original subdivision in order to increase the size of the original recorded lot. He advised the applicant had an interested buyer who desired to construct a new dwelling but was in need of a wider lot. He indicated the proposal would extend the subdivision approximately 20 feet to the west and provide sufficient width to accommodate the larger dwelling.

Mr. Pyle advised the increased lot width would necessitate dedication and improvements along Condie View Drive. He stated the applicant would also need to extend water and sewer improvements to the western most boundary of the new plat.

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: ORDINANCE NO. 11-16, APPROVING THE AMENDMENT TO LOT 406 OF THE CONDIE PARK ESTATES NO. 4 SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-6-2011, filed by Jeff Condie, requesting final plat approval for Condie Park Estates No. 4 Lot 406 Amended and Extended, located at 4691 West Condie View Drive (4225 South).

After discussion, Councilmember Rushton moved to approve Ordinance No. 11-16, an Ordinance Approving the Amendment to Lot 406 of the Condie Park Estates No. 4 Subdivision. Councilmember Buhler seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011

-6-

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

Unanimous.

15419

**RESOLUTION NO. 11-113, APPROVE AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION DATED MARCH 16, 2011**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-113 which would approve an Amendment to the Cooperative Agreement between West Valley City and the Utah Department of Transportation (UDOT) dated March 16, 2011.

Mr. Pyle stated the proposed amendment would modify the method of compensation and determine a cost for re-establishing City owned landscaping on the south side of 6200 South at the Mountain View Corridor.

The City Manager reported the Council previously approved a cooperative agreement with UDOT on February 15, 2011, by adopting Resolution No. 11-15 regarding various responsibilities related to construction of the Mountain View Corridor project. He stated that in the original cooperative agreement the City was to re-establish the landscaping on the south side of 6200 South, which would be disturbed during the Mountain View Corridor construction. He indicated the proposed amendment set forth the amount to be paid by UDOT to the City for the work, rather than a betterment credit as stated in the original agreement.

Mr. Pyle advised that the Parks and Recreation Department maintained landscaping on 6200 South and would have the work completed. He also advised Parks and Recreation Department had prepared the estimate for the work.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-113, a Resolution Approving an Amendment to the Cooperative Agreement between West Valley City and the Utah Department of Transportation dated March 16, 2011. Councilmember Burt seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011

-7-

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

Unanimous.

15420

**RESOLUTION NO. 11-114, APPROVE AN AGREEMENT WITH PACIFICORP, AN OREGON CORPORATION, DBA ROCKY MOUNTAIN POWER, FOR A PUBLIC RECREATION EASEMENT NEAR THE UTAH CULTURAL CELEBRATION CENTER LOCATED AT APPROXIMATELY 1300 WEST 3240 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-114 which would approve an Agreement with PacifiCorp, an Oregon Corporation, dba Rocky Mountain Power, for a Public Recreation Easement near the Utah Cultural Celebration Center located at approximately 1300 West 3240 South.

Mr. Pyle stated Rocky Mountain Power had agreed to grant a public recreation easement for the Utah Cultural Celebration Center (UCCC) and a quit claim deed to allow for construction of the 1200 West Connector Road project (future Rosa Parks Drive) over its property. He also stated in exchange the City would release an existing public recreation easement over the Rocky Mountain Power property south of the proposed Rosa Parks Drive and 3300 South.

The City Manager reported that on June 11, 2003, West Valley City and PacifiCorp (dba Rocky Mountain Power) executed a Public Recreation Easement Agreement over the Rocky Mountain Power Corridor from 3300 South and the northerly boundary of the UCCC. He indicated while both Rocky Mountain Power and the City had copies of that document the original had apparently been lost and not recorded, which raised questions as to the current status of the easement. He indicated as part of the 1200 West Connector Road project the acquisition of 0.372 acres from Rocky Mountain Power was required. Additionally, it had been determined it would be necessary for the City to secure a Public Recreation Easement over that portion of the Rocky Mountain Power property north of the new road. He further reported Rocky Mountain Power would provide the new public recreation easement and quit claim deed. He stated in exchange the City would release its public recreation easement claim to that portion of the property south of the new road.

Mr. Pyle explained the first agreement entitled, "Agreement for Payment and Delivery of Public Recreation Easement Agreement and Quit Claim Deed and

**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-8-**

Reservation of Easement” outlined this transaction and the subsequent documents and agreements necessary to complete the transaction. He explained these documents were a “Release of Easement” to be executed by the Mayor on behalf of the City; a “Public Recreation Easement Agreement,” and a “Quit Claim Deed and Reservation of Right-of-Way Easement” to be executed by the Mayor on behalf of the City, and by Rocky Mountain Power.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-114, a Resolution Authorizing the City to Enter Into an Agreement with Pacificorp, an Oregon Corporation, dba Rocky Mountain Power, for a Public Recreation Easement near the Utah Cultural Celebration Center, Located at Approximately 1300 West and 3240 South. 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.

15421

**RESOLUTION NO. 11-115, AWARD A CONTRACT TO KILGORE CONTRACTING FOR THE 2011 ASPHALT OVERLAY PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-115 which would award a contract to Kilgore Contracting, in the total amount of \$690,595.38, for the 2011 Asphalt Overlay Project.

Mr. Pyle stated bids had been solicited regarding the 2011 Asphalt Overlay Project and four bids were received. He noted a spreadsheet with details of each bid had been included in the Council’s packet of information.

The City Manager reported the project included roto-milling and overlay of various streets and repair of part of the West Valley City Family Fitness Center parking lot. He indicated work included utility adjustment, pedestrian access ramp reconstruction, pavement removal and patching, milling and asphalt paving.

Mr. Pyle further advised the location of the subject work included: Wakefield Way (6200 South to 6600 South), 4800 West (3500 South to 3100 South), 4000 West (3500 South to 3100 South), and the Family Fitness Center parking lot



**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-9-**

rehabilitation. He stated the Parks and Recreation Department would pay for the rehabilitation of the Fitness Center parking and that portion would be in the amount of \$120,331.64.

After discussion, Councilmember Burt moved to approve Resolution No. 11-115, a Resolution Awarding a Contract to Kilgore Contracting and Authorizing the Execution of a Contract for the 2011 Asphalt Overlay Project. Councilmember Rushton 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.

15422

**RESOLUTION NO. 11-116, APPROVE A RIGHT-OF-WAY AGREEMENT WITH THE BOARD OF EDUCATION OF GRANITE SCHOOL DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF LAKE PARK BOULEVARD AND 5370 WEST TO DEDICATE THE ROUNDABOUT PLAT**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-116 which would approve a Right-of-Way Agreement with the Board of Education of Granite School District for property located at the northeast corner of Lake Park Boulevard and 5370 West to dedicate the roundabout plat.

Mr. Pyle stated the Board of Education of Granite School District had signed the Right-of-Way Agreement for a portion of property to be dedicated by the 5370 West Street and Lake Park Boulevard Roundabout Dedication Plat.

The City Manager reported the 4,283 square foot parcel located at the northeast corner of Lake Park Boulevard and 5370 West was one of the properties required for the roundabout dedication. He explained it was part of a 29.05 acre parcel purchased by Granite School District from Suburban Land Reserve, Inc. for a future junior high school. He stated the other property dedicated by the roundabout dedication plat was owned by Suburban Land Reserve, Inc. He advised that Granite School District had signed the road dedication plat which should be recorded in the next couple of weeks. Compensation for purchase of right-of-way would be in the amount of \$24,627.25 which was \$5.75 per square

**MINUTES OF COUNCIL REGULAR MEETING – JULY 26, 2011**

**-10-**

foot. He indicated this was the same per square foot price paid by Granite School District for the property. He advised the 5370 West Street and Lake Park Boulevard Roundabout Dedication Plat had been approved by the City Council on June 28, 2011.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-116, a Resolution Approving a Right-of-Way Agreement with the Board of Education of Granite School District for Property Located at the Northeast Corner of Lake Park Boulevard and 5370 West to Dedicate the Roundabout Plat. Councilmember Vincent 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, JULY 26, 2011, WAS ADJOURNED AT 7:14 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, July 26, 2011.

---

Sheri McKendrick, MMC  
City Recorder