

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 3, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 3, 2012, 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
Karen Lang
Steve Buhler
Tom Huynh
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
John Evans, Fire Chief
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Jim Welch, Finance Director
Nicole Cottle, CED Director
Mike Wells, Acting Police Chief
Craig Thomas, Administration
Owen Jackson, Administration
Kelly Davis, CPD Department
Jeff Nosack, Public Works Department
Eric Madsen, Public Works Department
Jake Arslanian, Public Works Department

15604

OPENING CEREMONY

The Opening Ceremony was conducted by Don Christensen who stated he conducted the last opening ceremony of 2011 where he read a list of City accomplishments. He reviewed his list of New Year's "resolutions and things to do" for West Valley City in the year 2012.

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15605 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
DECEMBER 13, 2011**

The Council read and considered Minutes of the Regular Meeting held December 13, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held December 13, 2011, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Huynh | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

15606 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
DECEMBER 20, 2011**

The Council read and considered Minutes of the Regular Meeting held December 20, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held December 20, 2011, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Huynh | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

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COMMENT PERIOD

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

Polina Vyazovkina stated she had worked as a volunteer at the West Valley City Animal Shelter since April of 2011. She read a prepared speech regarding use of a gas chamber and the high euthanasia rate at the Shelter. Ms. Vyazovkina also stated the Shelter's hours were inconvenient for families and working individuals that desired to adopt animals. She discussed Humane Society statistics and other information. Ms. Vyazovkina indicated another volunteer would continue reading her speech if she was not finished when her allotted five minutes ran out.

Jai Breisch stated he was a volunteer worker at the Animal Shelter. He continued and finished reading the prepared speech of the previous speaker.

Layne Meacham expressed a complaint regarding West Valley City Justice Court Judge Keith Stoney. He stated any action against Judge Stoney would have to be defended by the City. He stated his complaint and another were in process with the Utah Judicial Council. Mr. Meacham gave details regarding his complaint against Judge Stoney and indicated he had even talked to the judge regarding sending referrals for drug and alcohol issues to only one organization. He expressed concern that Judge Stoney heard domestic violence cases; but should not, because of domestic violations charges against him. Mr. Meacham advised he had previously asked City staff to put written information regarding Judge Stoney's judicial misconduct in City Council boxes.

Michelle Johnson and stated she was a volunteer at the Animal Shelter. She indicated she personally watched animals go to the gas chamber to be euthanized if not adopted or reunited with owners after a 30 day period. She stated something needed to be done about the pet population; but use of the gas chamber was inhumane and lethal injection was a more appropriate way and less expensive.

Julie Jacobs stated the City needed to look into why the West Valley Animal Shelter was considered a "high kill" shelter. She stated operating hours were not conducive to adoption for people who worked. She suggested the Shelter be open on Saturdays twice per month and later than 6:00 P.M. on at least one day a week. She stated, in her opinion, there was no social conscience in the City. Ms. Jacobs stated Alabama was getting rid of the gas chambers within 30 days. She expressed the need for public education regarding pet ownership and spaying/neutering. She also stated the City needed to make better use of volunteers in order to save money on staffing. Ms. Jacobs also stated there were too many feral cats in the community and attitudes needed to change through education efforts.

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Julio Gomez stated he operated an animal rescue business that found homes for animals and also provided education regarding spaying and neutering. He stated the consequences of ignorance were the animals in the Shelter and he suggested everyone think about morals and care for animals. He stated the least to be done in a civilized society was euthanizing animals in a compassionate and dignified way. He requested the gas chamber be abolished in West Valley City.

Upon inquiry by Mayor Winder who asked for a show of hands of those in attendance desiring to express additional support for ideas previously presented, most individuals in attendance at the meeting raised their hands. The Mayor advised that neither staff, nor members of the City Council, usually responded to concerns presented at the during the public comment period; however, the City Council would direct the City Manager to discuss this matter.

City Manager, Wayne Pyle, stated the individuals in attendance at the meeting, and others, were very passionate about this issue and the Council had heard all the concerns and issues expressed by those who had spoken. He indicated that after two years of operation, staff did not agree with most of the issues. He noted Shelter staff were given the opportunity to choose the method used for euthanasia. He explained reasons for choosing a certain method based on circumstances for a specific animal. The City Manager stated the ultimate goal was to lower euthanasia rates; but from a service standpoint, additional education efforts could not be taken on at the present time. He expressed agreement with some points made by those addressing the City Council and discussed those issues in more detail. He advised the policy and actions of the City were entirely motivated by the best course for the animal and not for any other reasons.

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

15608

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2011-2012 BUDGET

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding re-opening the FY 2011-2012 Budget. He discussed proposed Ordinance No. 12-01 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-01 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

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Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed West Valley City to amend its budget during the year. He further stated the City held two such public hearings on budget amendments annually, one mid-fiscal year and the second just prior to the end of the fiscal year.

The City Manager reported the public hearing was properly noticed as required by law.

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: CONSIDER ORDINANCE NO. 12-01, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance No. 12-01 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2011, and ending Jun 30, 2012, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

After discussion, Councilmember Rushton moved to approve Ordinance No. 12-01, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2011, and Ending June 30, 2012, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Vincent seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Huynh | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

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RESOLUTION NO. 12-01, APPROVE A DELAY AGREEMENT WITH WAT LAO SALT LAKE BUDDHARAM, INC. FOR PROPERTY LOCATED AT 7010 WEST PARKWAY BOULEVARD

City Manager, Wayne Pyle, presented proposed Resolution No. 12-01 which would approve a Delay Agreement with Wat Lao Salt Lake Buddharam, Inc., for property located at 7010 West Parkway Boulevard.

Mr. Pyle stated Wat Lao Salt Lake Buddharam, Inc. had requested to delay construction of curb and gutter, approach, sidewalk, and asphalt pavement tie-in for property located at 7010 W. Parkway Boulevard. He indicated Buddharam had proposed to expand its monastery on the subject site and construction of curb, gutter, sidewalk and related street improvements would typically be required as a condition of approval. He explained as there were no other street frontage improvements, such as curb, gutter and sidewalk, along the north side of Parkway Boulevard adjacent or near the subject property, it would not be practical to construct improvements along the frontage of this property (121 lineal feet) at this time. He explained postponing construction of these improvements would allow time for additional development to provide similar improvements. The combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

After discussion, Councilmember Lang moved to approve Resolution No. 12-01, a Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and Wat Lao Salt Lake Buddharam Inc., for Property Located at 7010 W. Parkway Boulevard. Councilmember Vincent seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Huynh | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

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RESOLUTION NO. 12-02, APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY AND WADMAN CORPORATION TO ADD WEST VALLEY CITY AS A PARTY TO THE AGREEMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 12-02 which would approve an Amendment to the Agreement between the Redevelopment Agency of West Valley City and Wadman Corporation to add West Valley City as a party to the Agreement.

Mr. Pyle stated the City had on-going maintenance obligations for the Promenade and Plaza and held permission to enter onto property owned by other entities. He explained, as a result, the City needed to be added as a party to the Agreement. He further advised all terms and conditions of the original agreement not specifically amended remained unchanged and in full force and effect.

After discussion, Councilmember Buhler moved to approve Resolution No. 12-02, a Resolution Approving an Amendment to the Agreement Between the Redevelopment Agency of West Valley City and Wadman Corporation to Add West Valley City as a Party to the Agreement. Councilmember Christensen seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Ms. Lang | Yes |
| Mr. Buhler | Yes |
| Mr. Huynh | 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, JANUARY 3, 2012, WAS ADJOURNED AT 7:14 P.M., BY MAYOR WINDER.

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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, January 3, 2012.

Sheri McKendrick, MMC
City Recorder