

MINUTES OF COUNCIL REGULAR MEETING – APRIL 3, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 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 PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Steve Vincent

ABSENT: Mike Winder

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Eric Bunderson, City Attorney
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Anita Schwemmer, Acting Police Chief
Steve Lehman, Acting CED Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15699

OPENING CEREMONY

The Opening Ceremony was conducted by Tom Huynh who led the Pledge of Allegiance to the Flag.

15700

APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 20, 2012

The Council read and considered Minutes of the Regular Meeting held March 20, 2012. There were no corrections, additions or deletions.

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After discussion, Councilmember Huynh moved to approve the Minutes of the Regular Meeting held March 20, 2012, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

15701 **EMPLOYEE OF THE MONTH, MARCH 2012 – MICHELLE BAUGH, POLICE DEPARTMENT**

Acting City Manager, Paul Isaac, stated Michelle Baugh, Police Department, had been scheduled to be recognized as Employee of the Month for March 2012; however, she was unable to attend the meeting. He advised this item would be rescheduled.

15702 **PROCLAMATION DECLARING APRIL 2012, AS “FAIR HOUSING MONTH” IN WEST VALLEY CITY**

Mayor Pro Tem Rushton read a proclamation declaring April 2012, as Fair Housing Month in West Valley City.

15703 **PROCLAMATION RECOGNIZING APRIL 2012, AS “CHILD ABUSE PREVENTION MONTH” IN WEST VALLEY CITY**

Councilmember Christensen read a proclamation recognizing April 2012, as “Child Abuse Prevention Month” in West Valley City.

15704 **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Rushton the following individuals addressed the City Council during the comment period:

Mike Nielsen, resident of West Valley City, and John Crawford, resident of California, addressed the City Council. Mr. Crawford requested consideration of changing the City ordinance regarding use of personal property and restricting to 12,000 lbs. motor vehicles. He stated Utah was big on personal property and using those individual rights. He also stated his son-in-law could not park a tractor on his own property even if it did not obstruct the public street or sidewalk. He stated his understanding there was a balance of property rights and the effect on neighbors. Mr. Crawford stated the truck could be fully parked on Mr.

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Nielsen's property and it would be desirable to be able to park the vehicle used in his small business on his own property.

Richard Valentine and Terri Sory, Salt Lake Valley Health Department (SLVHD), addressed the City Council. They introduced themselves to the City Council and stated Gary Edwards, the SLVHD Director, wanted to make sure all municipalities in Salt Lake County knew of services provided by the Health Department. They advised they were the liaisons to West Valley City and available to answer questions from members of the City Council and City staff. Mr. Valentine and Ms. Sory informed they would attend City Council meetings in the future to become more aware of West Valley City issues; and would request time on a future agenda to give a formal presentation.

Zachary Wellman addressed the City Council and called attention to an incident he experienced with West Valley City Police Officer Dana Pugmire that occurred in March of 2012, while he was carrying an open firearm. He stated he knew of several other people who had experienced similar instances in West Valley City. He suggested police officers should receive additional training regarding this issue.

Upon inquiry by Mayor Pro Tem Rushton there was no one else who desired to address the City Council during the comment period.

15705

RESOLUTION NO. 12-38, AMEND ICMA RETIREMENT CORPORATION LOAN GUIDELINES TO PERMIT LOANS FROM THE 457 RETIREMENT PLAN

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-38 which would amend the ICMA Retirement Corporation Loan Guidelines to permit loans from 457 retirement plans.

Mr. Isaac stated the City Council authorized a loan program for employees who participated in the 457 retirement plan administered by the City by ICMA-RC under Resolution No. 07-261 dated December 18, 2007. He advised that for many years the City had an employee loan program in place for the 401a retirement plan. He reported the proposed resolution would amend the 457 plan loan program by adopting the current "Loan Guidelines Agreement for a Retirement Plan."

The Acting City Manager stated the City maintained two retirement plans with ICMA-Retirement Corporation. He stated the 457 Deferred Compensation Plan was funded by employee contributions and the 401a Money Purchase Plan was funded by City contributions. He also reported adoption of the Loan Guidelines Agreement for a Retirement Plan would benefit the employees in the 457 plan.

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After discussion, Councilmember Huynh moved to approve Resolution No. 12-38, a Resolution Amending ICMA Retirement Corporation Loan Guidelines to Permit Loans from the 457 Retirement Plan. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

15706

RESOLUTION NO. 12-39, APPROVE AN ACCESS AGREEMENT WITH ERGON ASPHALT & EMULSIONS, INC., FOR PUBLIC WORKS VEHICLES

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-39 which would approve an Access Agreement with Ergon Asphalt & Emulsions, Inc. for Public Works vehicles.

Mr. Isaac stated the proposed agreement would allow City vehicles to enter the facility at Ergon Asphalt and pick up truckloads of material. He advised the City had signed access agreements in the past with Ergon Asphalt and Emulsions. He stated Ergon had requested higher limits of insurance for customer vehicles entering the facility and would sign new agreements to that effect.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-39, a Resolution Authorizing the Execution of an Access Agreement with Ergon Asphalt & Emulsions, Inc., for Public Works Vehicles. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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15707

RESOLUTION NO. 12-40, APPROVE A DELAY AGREEMENT WITH 3500 RENTALS, LLC, FOR A MONUMENT SIGN LOCATED AT APPROXIMATELY 4445 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-40 which would approve a Delay Agreement with 3500 Rentals, LLC, for a monument sign located at approximately 4445 West 3500 South.

Mr. Isaac stated the proposed agreement would allow Century Dental West to install a new monument sign within the future right-of-way and delay the required setbacks. He indicated during the remodeling process of the subject site a pole sign had been removed and the business owner requested to install a new monument sign. He indicated due to the future right-of-way width of 3500 South the sign would need to be set back approximately 17 feet from the existing edge of sidewalk which would put the sign within the parking lot. He explained the property line was located one foot inside from the edge of the sidewalk. He recommended approval of the Delay Agreement for reasons summarized as follows:

- Due to the location of the parking and the landscaping on the site, Century Dental West would like to place their sign in the future right-of-way.
- Section 11-5-103-1 allowed for setback equal to the height of the sign. In this case, a nine foot setback from the public right-of-way for a monument sign that was nine feet in height would be required. The proposed sign would be setback ten feet from the edge of sidewalk and be moved to the appropriate setback when 3500 South was widened at that location.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-40, a Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and 3500 Rentals, LLC, for a Monument Sign Located at Approximately 4445 West 3500 South. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 3, 2012, WAS ADJOURNED AT 6:47 P.M., BY MAYOR PRO TEM RUSHTON.

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, April 3, 2012.

Sheri McKendrick, MMC
City Recorder