

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 5, 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  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney  
Jim Welch, Finance Director  
Kevin Astill, Parks and Recreation director  
John Evans, Fire Chief  
Nicole Cottle, CED Director  
Russell Willardson, Public Works Director  
Layne Morris, CPD Director  
Mike Wells, Acting Police Chief  
Steve Lehman, CED Department  
Jeanette Carpenter, Finance Department  
Aaron Crim, Administration  
Jason Nau, Administration Intern

15774

**OPENING CEREMONY**

The Opening Ceremony was conducted by Mayor Winder who invited Vinnetta Golphin-Wilkerson, Pastor of Granger Community Christian Church, to address the City Council. Pastor Golphin-Wilkerson discussed service to the community and a project her church was working on in conjunction with WestFest. She then invited those in attendance to join her in prayer.

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-2-**

15775

**APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 15, 2012**

The Council read and considered Minutes of the Regular Meeting held May 15, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held May 15, 2012, as written. Councilmember Huynh 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.

15776

**COMMENT PERIOD**

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

Steve Ha, representing the Utah Vietnamese American Chamber of Commerce, addressed the City Council. Mr. Ha stated citizens of the Vietnamese community were grateful for inclusion and diversity upon election of Councilmember Huynh to represent the community. He presented materials to the City Council including faces and stories of members of the Vietnamese community in West Valley City. He advised a business chamber had been formed after seeing a need in the city. He also advised it was common and very popular to have ethnic chambers in larger cities. He discussed issues related to diversity and gave reasons for forming the chamber including providing leadership, mentoring, information regarding resources, and coordination of local businesses. Mr. Ha expressed the desire for an opportunity to develop businesses, become more organized, share values and culture, and build the community. He also discussed the annual Vietnamese Summer Festival and businesses involved in that event. He recognized other chamber members in attendance at the meeting who then introduced themselves to the City Council.

Fynbo (no first name given) addressed the City Council. He welcomed Karen Lang to the City Council and noted she served his Council district. He commented

## MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-3-

regarding proposed Resolution No. 12-75 on the agenda and discussed the need for responsible pet adoptions such as keeping in mind that a cute puppy might grow up to be a very large dog.

Senator Karen Mayne addressed the City Council and discussed issues regarding 5600 West and the need for beautification. She noted this was an on-going project. She indicated the City's Clean & Beautiful Committee had contacted her and informed this area was their number one priority. Senator Mayne also stated this issue should be looked at again and compared with the area near the Mall which was maintained. She stressed 5600 West should be maintained even if it could not be beautified and asked the City to be responsible for the maintenance so it was not an eyesore. She suggested consideration be given to a program for beautification of that road.

Mike Fensarmen, Hunter Animal Hospital, addressed the City Council. He expressed concern that he heard the animal shelter was offering free or low cost spay/neuter services. He voiced opposition to taxpayer-based facility providing services that businesses could provide at no or low cost as it was unfair to small businesses.

15777

### **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2011-2012 BUDGET FOR THE PURPOSE OF MAKING AMENDMENTS TO REFLECT CHANGES IN ACTUAL REVENUES AND EXPENDITURES**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and accept public input regarding re-opening the FY 2011-2012 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures. He discussed proposed Ordinance No. 12-20 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-20 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 disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City of West Valley 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.

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

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-4-**

**ACTION: CONSIDER ORDINANCE NO. 12-20, AMENDING THE BUDGET OF WEST VALLEY CITY FOR FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS**

The City Council previously held a public hearing to accept public input regarding re-opening the FY 2011-2012 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures.

After discussion, Councilmember Rushton moved to approved Ordinance No. 12-20, 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 Huynh 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.

15778

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-1-2012, FILED BY UTAH DEPARTMENT OF TRANSPORTATION, REQUESTING TO VACATE A PORTION OF BILLS DRIVE (5785 WEST)**

City Manager, Wayne Pyle stated a public hearing had been advertised in order for the City Council to hear and accept public input regarding Application No. SV-1-2012, filed by the Utah Department of Transportation (UDOT), requesting to vacate a portion of Bills Drive (5785 West). He discussed proposed Ordinance No. 12-21 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-21 which would vacate a portion of Bills Drive located in West Valley City having a west coordinate of 5785 West.

Mr. Pyle stated as UDOT continued to acquire various properties for the Mountain View Corridor, the City would review a number of requests for street

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-5-**

vacations and subdivision amendments. He indicated those applications would be presented to the City Council at such time when UDOT had completed their acquisition of the properties, or were near completion of acquisitions.

The City Manager indicated the subject application would vacate a portion of Bills Drive located to the south of Cilma Drive. He stated Bills Drive was located within the Larsen Estates Phase 3 Subdivision, which subdivision had been recorded with the Salt Lake County Recorder's Office in January of 1977.

Mr. Pyle explained that in the subject application, UDOT had acquired all properties adjacent to this portion of Bills Drive. He stated based on a recent site visit, all of the homes along this right-of-way had been demolished. He advised the City would not record the ordinance vacating the right-of-way until UDOT provided verification the acquisition was complete and there were no pending condemnation proceedings.

City Manager, Wayne Pyle, further reported although the street would eventually be vacated by ordinance, the ordinance would have no force or effect of any franchise rights of any public utilities, nor would they be impaired thereby. The ordinance would also protect any holders of existing franchises, water drainage pipelines, or other such uses as they may presently exist under, over, or upon said property or as were or might be shown on the official plat and records of Salt Lake County.

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. 12-21, VACATING A PORTION OF BILLS DRIVE LOCATED IN WEST VALLEY CITY**

The City Council previously held a public hearing regarding proposed Ordinance No. 12-21 which would vacate a portion of Bills Drive located in West Valley City.

After discussion, Councilmember Huynh moved to approve Ordinance No. 12-21, an Ordinance Vacating a Portion of Bills Drive Located in West Valley City, Utah. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-6-**

Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15779

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-2-2012, FILED BY UTAH DEPARTMENT OF TRANSPORTATION, REQUESTING TO VACATE BOX OFFICE DRIVE, BOX OFFICE COURT AND CONCERT COURT**

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. SV-2-2012, filed by the Utah Department of Transportation (UDOT), requesting to vacate Box Office Drive, Box Office Court and Concert Court. He discussed proposed Ordinance No. 12-22 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-22 which would vacate all of Box Office Drive, Box Office Court and Concert Court in West Valley City.

Mr. Pyle stated as part of the continuing efforts to acquire properties for the Mountain View Corridor, the Utah Department of Transportation (UDOT) had requested consideration to vacate the streets as described above. He indicated these streets had been platted as part of the West Ridge Commerce Park Phase 4 Subdivision, which subdivision had been recorded in the Office of the Salt Lake County Recorder in July of 2008.

The City Manager reported according to the Public Works Department, an overpass would be constructed as the location where the Mountain View Corridor intersected Upper Ridge Road. He explained this location happened to be at the point of entrance to Box Office Drive, Box Office Court and Concert Court. He indicated although an overpass would be constructed, access as originally platted would not work. Once the streets were vacated, access to the USANA Amphitheater site would be gained from Upper Ridge Road further to the south.

City Manager, Wayne Pyle, stated although the streets would be vacated by ordinance, the ordinance would have no force or effect of any franchise rights of any public utilities, nor would they be impaired thereby. He indicated the ordinance would also protect any holders of existing franchises, water drainage pipelines, or other such uses as they may presently exist under, over, or upon said property, or as are or may be shown on the official plats and records of Salt Lake County.

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-7-**

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. 12-22, VACATING ALL OF BOX OFFICE DRIVE, BOX OFFICE COURT AND CONCERT COURT IN WEST VALLEY CITY**

The City Council previously held a public hearing regarding proposed Ordinance No. 12-22 which would vacate all of Box Office Drive, Box Office Court and Concert Court in West Valley City.

After discussion, Councilmember Vincent moved to approve Ordinance No. 12-22, an Ordinance Vacating all of Box Office Drive, Box Office Court and Concert Court in West Valley City, Utah. 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.

15780

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-3-2012, FILED BY DENNIS HIGLEY, REQUESTING TO VACATE ELBA AVENUE**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and accept public input regarding Application No. SV-3-2012, filed by Dennis Higley, requesting to vacate Elba Avenue. He discussed proposed Ordinance No. 12-23 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Mr. Pyle stated the applicant had requested to vacate all of Elba Avenue, an unimproved road located at approximately 2525 South Chesterfield Street. He indicated the request to vacate the street was due to the location of West Valley City's light rail. He indicated the alignment of the rail line had eliminated any potential connection of Elba Avenue with Winton Street to the northeast.

The City Manager explained Elba Avenue had been platted as part of the Chesterfield Plat A Subdivision, which subdivision had been recorded in the

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-8-**

Office of the Salt Lake County Recorder in 1915. He further explained the right-of-way for the street was 66-feet in width, but had never been improved. By law, the ordinance that vacated this right-of-way would provide the adjacent property owners with 33-feet of said unimproved street.

Mr. Pyle reported the applicant had discussed this issue with the adjacent neighbors in the area who believed the road should be vacated. He stated these property owners believed the vacated street would help reduce the amount of foot traffic from individuals and from persons dumping garbage at the east end of Elba Avenue.

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. 12-23, VACATING ALL OF ELBA AVENUE LOCATED AT APPROXIMATELY 2525 SOUTH CHESTERFIELD STREET IN WEST VALLEY CITY**

The City Council previously held a public hearing regarding proposed Ordinance No. 12-23 which would vacate all of Elba Avenue located at approximately 2525 South Chesterfield Street in West Valley City.

After discussion, Councilmember Vincent moved to approve Ordinance No. 12-23, an Ordinance Vacating all of Elba Avenue Located at Approximately 2525 South Chesterfield Street in West Valley City. 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.

15781

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-2-2012, FILED BY WEST VALLEY CITY, REQUESTING A SIGN ORDINANCE AMENDMENT IN SECTION 11-4-117 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CHANGE SIGN SETBACK MEASUREMENTS FROM FUTURE RIGHT-OF-WAY TO CURRENT PROPERTY LINE**



## MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-9-

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and accept public input regarding Application No. ZT-2-2012, filed by West Valley City, requesting a Sign Ordinance amendment in Section 11-4-117 of the West Valley City Municipal Code to change sign setback measurements from future right-of-way to current property line. He discussed proposed Ordinance No. 12-24 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-24 which would amend Sections 11-4-117 and 11-5-105 of the West Valley City Municipal Code to address setback requirements for monument, pole, and billboard signs.

Mr. Pyle stated the referenced sections of the Code addressed how the setback was measured for signage, namely monument, pole, and billboard signs. He also stated the original intent of this section had been to mitigate the impact of future road widening on signage within the future right-of-way as outlined in the West Valley City Major Street Plan.

The City Manager discussed the proposed amendment and gave reasons for the proposal, as follows:

According to the Wasatch Front Regional Council's Regional Transportation Plan, which outlined the phasing of road widening, many portions of improvements on major commercial corridors were not expected to commence in the next decade or couple of decades. City staff believed it unreasonable to require businesses to set their signs back based on road widening that might not occur for many years.

The majority of the City's commercial zones were located along state roads such as 5600 West, 3500 South, and Redwood Road, over which the Utah Department of Transportation (UDOT) had jurisdiction. The future road widening planned along these state facilities effected the placement of signs for many businesses. The current ordinance allowed a delay agreement that required the property owner to relocate a sign placed in the future right-of-way to be relocated at their expense. However, UDOT was required by State law to compensate owners for relocated signage. Essentially, the delay agreements along state facilities were ineffective.

The current requirements also created a disadvantage for new businesses that were required to set their signs back further from the street in order to locate outside the future right-of-way.

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

MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-10-

**ACTION: CONSIDER ORDINANCE NO. 12-24, AMENDING SECTIONS 11-4-117 AND 11-5-105 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADDRESS SETBACK REQUIREMENTS FOR MONUMENT, POLE AND BILLBOARD SIGNS**

The City Council previously held a public hearing regarding proposed Ordinance No. 12-24 which would amend Sections 11-4-117 and 11-5-105 of the West Valley City Municipal Code to address setback requirements for monument, pole and billboard signs.

After discussion, Councilmember Lang moved to approve Ordinance No. 12-24, an Ordinance Amending Sections 11-4-117 and 11-5-105 of the West Valley City Municipal Code to Address Setback Requirements for Monument, Pole and Billboard Signs. 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.

15782

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING AN INTERLOCAL PLEDGE AND LOAN AGREEMENT BY AND BETWEEN WEST VALLEY CITY, UTAH (THE “CITY”), AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH (THE “AGENCY”), TO ASSIST THE AGENCY IN THE REPAYMENT OF THE SUBORDINATE TAX INCREMENT AND SUBORDINATE SALES TAX REVENUE BONDS, SERIES 2012 IN THE TOTAL PRINCIPAL AMOUNT OF NOT MORE THAN \$6,800,000**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and accept public input regarding an Interlocal Pledge and Loan Agreement by and between West Valley City, Utah (the “City”), and the Redevelopment Agency of West Valley City, Utah (the “Agency”), to assist the Agency in the repayment of the Subordinate Tax Increment and Subordinate Sales Tax Revenue Bonds, Series 2012, in the total principal amount of not more than \$6,800,000.

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-11-**

Mr. Pyle stated a public hearing was required as part of the process for Redevelopment Agency bonds including the Interlocal Pledge and Loan Agreement. He advised the purpose of the bonds was a redevelopment project located at the Valley Fair Mall. He also advised that subsequent to the public hearing, no further action would be required.

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

15783

**RESOLUTION NO. 12-74, AWARD A CONTRACT TO ZPSCO CONTRACTORS, INC. TO PROVIDE THE FOOTING AND A CONCRETE PAD FOR THE CHINESE GATE FOUNDATION PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-74 which would award a contract to ZPSCO Contractors, Inc., in an amount not to exceed \$96,729.46, to provide the footing and a concrete pad for the Chinese Gate Foundation Project.

Mr. Pyle stated the Chinese Gate Foundation Project would be constructed on the east lawn at the Utah Cultural Celebration Center. He advised the contractor would re-grade and compact the surcharge fill placed by a previous contract, and excavate and construct a reinforced concrete footing. He indicated the project also included restoration of the landscaping around the Chinese Gate.

The City Manager reported bids had been solicited and six bids received, as follows:

ZPSCO Contractors Inc.	\$96,725.96
Bowen Construction	\$99,586.00
Merrill Sheriff Construction Inc.	\$100,390.70
SAI Construction	\$112,788.60
B&G Contractors, LLC	\$115,180.00
Jordan Valley Construction	\$118,662.00

Mr. Pyle advised ZPSCO Contractors Inc. had submitted the lowest responsible bid.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-74, a Resolution Authorizing the City to Award a Contract to ZPSCO Contractors, Inc. to Provide the Footing and a Concrete Pad for the Chinese Gate Foundation Project. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent                      Yes

MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-12-

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15784

**RESOLUTION NO. 12-75, APPROVE AN AGREEMENT WITH BEST FRIENDS ANIMAL SOCIETY TO PROMOTE ADOPTION OF HOMELESS PETS AND TO INITIATE AND SUPPORT EFFECTIVE SPAY AND NEUTER PROJECTS IN AN EFFORT TO TURN THE WEST VALLEY CITY ANIMAL SHELTER INTO A “NO-KILL SHELTER”**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-75 which would approve an Agreement with Best Friends Animal Society dba No More Homeless Pets, in the amount of \$45,000.00, to promote adoption of homeless pets and to initiate and support effective spay and neuter projects in an effort to facilitate turning the West Valley City Animal Shelter into a “no-kill shelter.”

Mr. Pyle stated No More Homeless Pets would bring an expertise, additional resources, and programs to assist the shelter in becoming a “no kill shelter.” He also stated several months previous the City Council instructed that ways should be explored to make the shelter a no-kill shelter. He indicated research had identified No More Homeless Pets as the organization able to provide the expertise, additional resources, and programs that would contribute to meeting that goal.

The City Manager explained because of the City’s contractual relationship with Taylorsville City, West Valley City would pay the No More Homeless Pets the amount of \$45,000.00 and Taylorsville City would reimburse West Valley City in the amount of \$15,000.00 over the term of their annual contract.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-75, a Resolution Authorizing the City to Enter Into an Agreement with Best Friends Animal Society to Promote the Adoption of Homeless Pets and to Initiate and Support Effective Spay and Neuter Projects in an Effort to Turn the West Valley City Animal Shelter Into a “No-Kill Shelter.” Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-13-**

Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15785

**RESOLUTION NO. 12-76, APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY CITY AND THE UTAH OFFICE OF STATE DEBT COLLECTION FOR COLLECTION OF DELINQUENT DEBTS OWED TO THE CITY IN CRIMINAL CASES**

City Manager, Wayne Pyle, presented proposed Resolution No. 12-76 which would approve a Memorandum of Understanding between West Valley City and the Utah Office of State Debt Collection for collection of delinquent debts owed to the City in criminal cases.

Mr. Pyle stated the Memorandum of Understanding would allow the Justice Courts to send debts for criminal fines to the Office of State Debt Collection (OSDC). He further stated terms of the contract would allow OSDC to collect debts on behalf of West Valley City as well as OSDC's penalty and collection fee. He explained under State law, the City would receive the full amount of the debt and OSDC would keep the penalty and collection fee, if the debtor was found.

The City Manager reported the Memorandum of Understanding only addressed criminal cases as opposed to the numerous civil collections the City Attorney's Office engaged in, such as ambulance, storm water, ACE, and good landlord debts. He indicated allowing the OSDC to collect criminal court fines would allow the Justice Courts to close many cases that otherwise would be left open for want of payment of a fine. Moreover, OSDC interfaced with the State Court tracking system (CORIS) that all justice courts used, thus allowing the debts to be distributed to the proper state and local authorities in accordance with the law, something the City Attorney's Office was not equipped to do.

After discussion, Councilmember Huynh moved to approve Resolution No. 12-76, a Resolution Approving a Memorandum of Understanding between West Valley City (the "City") and the Utah Office of State Debt Collection ("OSDC") to Allow the OSDC to Collect Delinquent Debts Owed to the City in Criminal Cases. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-14-

Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15786

**RESOLUTION NO. 12-77, APPROVE AN AGREEMENT WITH L. BRUCE LARSEN OF LARSEN, LARSEN, NASH & LARSEN TO PROVIDE INDIGENT DEFENSE SERVICES FOR WEST VALLEY CITY**  
City Manager, Wayne Pyle, presented proposed Resolution No. 12-77 which would approve an Agreement with L. Bruce Larsen of Larsen, Larsen, Nash & Larsen, for \$14,175.00 in bi-weekly installments through June 30, 2017, in the total amount of \$368,550.00 annually, to provide indigent defense services for West Valley City.

Mr. Pyle stated the City was required by law to provide legal representation to indigent defendants. He advised that L. Bruce Larsen had provided this service to the City by contract for 29 years and was familiar with the Court requirements and procedures. He further advised Mr. Larsen provided competent and valuable services to the City and therefore, based on his professional knowledge and skill had been chosen as the appropriate attorney for this contract position.

The City Manager reported West Valley City had conducted a request for proposal process seeking attorney services to provide criminal defense to indigent defendants charged with violations of City ordinances and to appear before the Third District Court and the City Justice Court for fiscal year 2012-2017. He further reported one proposal had been received from L. Bruce Larsen of Larsen, Larsen, Nash & Larsen, as detailed above.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-77, a Resolution Authorizing the City to Enter Into an Agreement with L. Bruce Larsen of Larsen, Larsen, Nash & Larsen to Provide Indigent Defense Services for the City. 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

MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012

-15-

Mayor Winder                      Yes

Unanimous.

15787

**RESOLUTION NO. 12-78, AUTHORIZE 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. 12-78 which would authorize purchase of a Tymco 600 Sweeper from Intermountain Sweeper, in the amount of \$199,865.00 less trade-in of \$80,000.00 for a used Tymco 600 Sweeper, for a total cost not to exceed \$119,865.00, for use by the Public Works Department.

Mr. Pyle stated the proposal from Intermountain Sweeper qualified under provisions of the West Valley City Procurement Code 5-3-110, Procurement to Meet Existing Needs. He advised the Code allowed procurement of matching equipment when it was beneficial to operations and maintenance. He advised the Fleet Manager and Operations Manager had negotiated the best price available.

The City Manager reported the sweeper being replaced was a 2008 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 the existing sweeper.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-78, a Resolution Authorizing West Valley City to Purchase a Tymco 600 Sweeper from Intermountain Sweeper for use by the Public Works Department. Councilmember Huynh 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.

**MINUTES OF COUNCIL REGULAR MEETING – JUNE 5, 2012**

**-16-**

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 5, 2012, WAS ADJOURNED AT 7:18 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, June 5, 2012.

---

Sheri McKendrick, MMC  
City Recorder