

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 11, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 11, 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
Nicole Cottle, CED Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Nancy Day, Acting Parks and Recreation Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Steve Lehman, CED Department

15983

OPENING CEREMONY

Corey Rushton who discussed finer points of the Pledge of Allegiance and related what he had learned in doing some research, after which he requested Don Christensen lead the Pledge of Allegiance to the Flag, conducted the Opening Ceremony.

15984

RECOGNITIONS

Mayor Winder recognized Senator Karen Mayne and invited her to address the City Council. Senator Mayne discussed an ordinance on the agenda for consideration by the City Council, item no. 7.A. She stated other cities in Salt Lake County had passed similar ordinances. She also gave background

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information regarding similar legislation approved at the State Legislature, including problems and issues that would be mitigated if implemented. She expressed support of the proposed ordinance and requested approval by the City Council as West Valley City needed to be an example of good practices

15985 APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 27, 2012

The Council read and considered Minutes of the Regular Meeting held November 27, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Lang moved to approve the Minutes of the Regular Meeting held November 27, 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. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15986 COMMENT PERIOD

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

15987 ORDINANCE NO. 12-46, ENACT SECTION 5-2-109 OF THE WEST VALLEY CITY MUNICIPAL CODE TO GIVE CERTAIN PREFERENCES IN PROCUREMENT TO PROVIDERS

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-46 which would enact Section 5-2-109 of the West Valley City Municipal Code to give certain preferences in procurement to providers.

Mr. Pyle stated the proposal would give preferences in procurement to veterans and providers who engaged in certain employment practices with one, several, or all of the following employment programs: veteran hiring and recruitment, safety, drug testing, job training, health insurance, and non-discrimination. He advised the amount of such preference would be determined by the City and included in bid documents. He reported Salt Lake City and Taylorsville City had adopted

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provisions giving preferences in procurement to veterans and certain providers for building improvement and public works projects.

The City Manager advised changes had been made over time to the procurement ordinance by which purchases were made in an efficient and effective way.

Upon discussion, members of the City Council commented and expressed opinions regarding the proposed ordinance and the City Manager answered questions regarding the City's bidding process.

After further discussion, Councilmember Rushton moved to approve Ordinance No. 12-46, an Ordinance Enacting Section 5-2-109 of the West Valley Municipal Code to Give Certain Preferences in Procurement to Providers. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	No
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

15988

RESOLUTION NO. 12-160, A RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$8,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2013; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPLEMENTAL INDENTURE, A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, A BOND

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PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

City Manager, Wayne Pyle, presented proposed Resolution No. 12-160 which would authorize the issuance and sale of not more than \$8,500,000 aggregate principal amount of Sales Tax Revenue Refunding Bonds, Series 2013; fix the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate which the Bonds may bear, and the maximum discount from par at which the Bonds may be sold; delegate to certain officers of the issuer the authority to approve the final terms and provisions of the Bonds within the parameters set forth herein; provide for the publication of a notice of bonds to be issued; provide for the running of a contest period; authorize and approve the execution of a Supplemental Indenture, a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement, an Escrow Agreement, and other documents required in connection therewith; authorize the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; and related matters.

Mr. Pyle stated the Series 2008A Sales Tax Bonds were originally issued to finance construction of the West Valley City animal shelter and a police storage facility. He advised market analysis indicated substantial interest savings could be realized by refinancing the bonds at current market rates. He indicated by refinancing the City could realize net present value savings of approximately 8% depending on market conditions at the time of the sale, which translated to approximately \$600,000 over the life of the bonds. He indicated this refunding would not extend the maturity of the original bonds but would reduce the annual payments for the term of the issue.

After discussion, Councilmember Buhler moved to approve Resolution No. 12-160, a Resolution of the City Council of West Valley City, Utah (the "Issuer"), Authorizing the Issuance and Sale of Not More Than \$8,500,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2013; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May be Sold; Delegating to Certain Officers of the Issuer the Authority to Approve the Final Terms and Provisions of the Bonds Within the Parameters Set Forth Herein; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; Authorizing and Approving the Execution of a Supplemental Indenture, a Preliminary Official Statement, an Official Statement, a Bond Purchase Agreement, an Escrow Agreement and Other Documents Required in Connection Therewith; Authorizing the Taking of All

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Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; and Related Matters. 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.

15989

APPLICATION NO. S-1-2008, FILED BY KYLE CHRISTENSEN, REQUESTING FINAL PLAT APPROVAL FOR RUSHTON HEIGHTS SUBDIVISION LOCATED AT 3878 SOUTH 5200 WEST

City Manager, Wayne Pyle, presented Application No. S-1-2008, filed by Kyle Christensen, requesting final plat approval for Rushton Heights Subdivision located at 3878 South 5200 West.

Mr. Pyle stated the subject subdivision had initially been approved by the City in 2008, but due to market conditions was put on hold. He indicated the applicant had purchased the property from the original owner and was now moving forward to finish the application. He advised the property was presently zoned 'R-1-8' and bordered by residential housing on the north and west, with the property to the south being vacant land zoned agriculture. He indicated the subdivision would consist of six lots on 2.2 acres; the original subdivision consisted of eight lots on 2.45 acres and included a flag lot that had been removed as part of the new subdivision design. He further stated due to the configuration of the property, two variances had been granted from the Board of Adjustment regarding the frontage of lots 4 and 5 which were designed with a frontage of approximately 73 feet. He indicated these widths were due in part to a 24 foot access road along the north side of what would be lot 4. He also explained although the frontage was less than the required 80 feet the lots met the minimum lot area of the 'R-1-8' zone.

The City Manager reported access would be gained from 5260 West which was stubbed from the Amber Subdivision to the north. The developer would extend 5260 West to the south in order to provide access as vacant land developed to the south. The developer would be required to install all improvements where needed and as approved by the Public Works Department to the southern end of 5260 West.

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Mr. Pyle advised that due to the length of 5260 West a turnaround would be needed for the Fire Department. He stated that in past developments the Fire Department had allowed a temporary turnaround to be located within residential driveways, and although that had worked in past developments, there was a better alternative in this case. He indicated a 24 foot access drive would be installed to serve the existing dwelling on lot 6, which would also serve as a natural turnaround meeting the Fire Department requirements.

He further advised the Amber Subdivision had been approved with a 50 foot right-of-way and the City's current right-of-way width was 54 feet. The City Engineer had recommended the new road meet the current standard for a 54 foot right-of-way to include a five foot parkstrip and five foot sidewalk. He stated the plat had been designed to accommodate that width.

City Manager, Wayne Pyle, explained the subdivision was located to the north of agriculturally zoned property and the developer would be required to install a six foot chain link fence along the entire south property line. In addition, a note would be placed on the plat indicating the agricultural zone and its potential impacts to residential living.

He also explained property to the south had been irrigated for many years and Fred and Glen Brock met with staff and expressed concern regarding the tail water from their property. As a result of those concerns, staff and the developer had coordinated a solution regarding this matter involving an easement in favor of the land owners and piping of the tail water out to 5200 West.

Mr. Pyle reported a soils report had been prepared for the subdivision showing ground water had been encountered at a depth of 21 feet, therefore, no specific basement elevations would be noted. He further reported however all other recommendations outlined in the report relating to compaction and construction would be required.

Mr. Pyle concluded the subdividing of the property would abandon an existing 25 foot access easement which ran parallel to and encroached upon the Amber Subdivision by 12.5 feet. The access easement had been used for many years to provide access to two single-family dwellings at the west end of the proposed subdivision. The access easement extended the length of the entire property from 4200 West. The removal of the easement would now provide owners of the Amber Subdivision the opportunity to fence their entire lot including the 12.5 feet previously used for this easement.

After discussion, Councilmember Vincent moved to approve Application No. S-1-2008, filed by Kyle Christensen, and give final plat approval for Rushton

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Heights Subdivision located at 3878 South 5200 West. 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.

15990

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Rushton moved to adjourn and, upon conclusion of the scheduled Redevelopment Agency meeting, reconvene in an Executive Session for discussion of potential pending litigation and disposition of property. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, DECEMBER 11, 2012, WAS ADJOURNED AT 7:12 P.M., BY MAYOR WINDER.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, DECEMBER 11, 2012, AT 7:15 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER 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
Nicole Cottle, CED Director
Jim Welch, Finance Director

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF DECEMBER 11, 2012, WAS ADJOURNED AT 8:48 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 and Executive Session of the West Valley City Council held Tuesday, December 11, 2012.

Sheri McKendrick, MMC
City Recorder