

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 5, 2013, 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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, CPD Director
Anita Schwemmer, Acting Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Mike Powell, Police Department
Cindy Hobbs, Finance Department
Jeannette Carpenter, Finance Department
Owen Jackson, Administration
Craig Thomas, Administration
Cathie Alberico, Administration
Kevin Conde', Administration

16025

OPENING CEREMONY

The Opening Ceremony was conducted by Karen Lang who led the Pledge of Allegiance to the Flag.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-2-

16026

SCOUTS

Mayor Winder welcomed Scout Troop No. 646 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

16027

RECOGNITIONS

Mayor Winder informed that Pam Juliano, Congressman Matheson's staff member, was in attendance. Ms. Juliano addressed the Council and stated she would be available to meet with individual Council members regarding any issues in their respective districts. She also indicated Congressman Matheson was honored to represent West Valley City.

16028

APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 15, 2013

The Council read and considered Minutes of the Regular Meeting held January 15, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held January 15, 2013, 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.

16029

APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 22, 2013

The Council read and considered Minutes of the Regular Meeting held January 22, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held January 22, 2013, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-3-

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

Unanimous.

16030 PRESENTATION OF NATIONAL NIGHT OUT AWARD

Mayor Winder recognized Craig Thomas, Administration, who addressed the City Council. Mr. Thomas presented the National Night Out Award 2012. Mayor Winder accepted the award on behalf of the City Council and congratulated Mr. Thomas and other staff members for their efforts on behalf of the City. West Valley had been recognized for the ninth consecutive year by the National Association of Town Watch as a national leader of communities with populations between 100,000 – 299,000. The City had been ranked 13th among the 27 receiving the recognition in this category.

16031 COMMENT PERIOD

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

George H. Zinn addressed the City Council and stated he was not a resident of West Valley City. He discussed beautification and suggested neighborhood cleanup projects could get residents involved especially during the winter and, in particular, taking care of snow removal.

16032 PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2012 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AN INCREASE IN FUNDS FOR THE FY 2012-2013 BUDGET

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding a Substantial Amendment to the Consolidated Plan 2012 Action Plan for the Community Development Block Grant (CDBG) Program and an increase in funds for the FY 2012-2013 budget. He discussed proposed Resolution No. 13-12 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-12 which would authorize the submission of a Substantial Amendment to the Consolidated

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-4-

Plan 2012 Annual Action Plan for the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development (HUD).

Mr. Isaac stated the proposed Amendment would provide for the addition of the Home Facelift Program and increase the budget by \$150,000.00. He recommended the City partner with the Community Development Cooperation of Utah (CDCU) to remodel older (50+ years old) single-family homes to prevent neighborhood deterioration and protect property values. He advised that the CDCU already purchased HUD homes, made repairs and sold them to low/moderate income families. He explained that under this program the CDCU would buy vacant older homes within targeted neighborhoods in need of repair. The City would utilize \$150,000.00 in CDBG funds to help the CDCU accomplish those goals. The Home Facelift Program would be new to West Valley City and, therefore, not originally included in the approved Consolidated Plan 2012 Annual Action Plan of FY 2012-2013 CDBG budget submitted to the Department of Housing and Urban Development (HUD). He stated under 24 CFR 91.505 such changes constituted a substantial amendment to the Consolidated Plan 2012 Annual Action Plan and would do the following:

- Add project to approve Plan: Add the Home Facelift Program to the list of projects to be undertaken during FY 2012-2013 using, in part, CDBG funds
- Increase funding: Assign \$150,000.00 of unallocated CDBG funds to the Home Facelift Program

The Acting City Manager further presented background information indicating 24 CFR 91.505 (a) stated the jurisdiction shall amend its approved plan whenever it makes one of the following decisions:

- Makes a change in its allocation priorities or a change in the method of distribution of funds
- Carries out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the action plan
- Changes the purpose, scope, location or beneficiaries of an activity

He also advised in the process the City must provide citizens with reasonable notice and an opportunity to comment on the substantial amendment. He reported the City must provide a period, not less than 30 days, to receive comments on the substantial amendment before the amendment was implemented and must be approved by the City Council at a public hearing. He referenced 24 CFR 91.105

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-5-

(c) (1), (2) and (3) and the West Valley City Citizen Participation Plan for Federal Grant Programs.

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 RESOLUTION NO. 13-12, AUTHORIZING THE SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2012 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Council previously held a public hearing regarding proposed Resolution No. 13-12 which would authorize the submission of a Substantial Amendment to the Consolidated Plan 2012 Annual Action Plan for the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-12, a Resolution Authorizing the Submission of a Substantial Amendment to the Consolidated Plan 2012 Annual Action Plan for the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development. 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.

16033

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A PORTION OF 6200 SOUTH AT 6425 WEST TO BE SURPLUS

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding declaring a portion of 6200 South at 6425 West to be surplus. He discussed proposed Resolution No. 13-13 to be considered by the City Council subsequent to the public hearing, as follows:

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-6-

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-13 which would declare a portion of 6200 South at 6425 West as surplus.

Mr. Isaac stated the proposal would approve a land swap with the Utah Department of Transportation (UDOT) for the Mountain View Corridor. He indicated in order to transfer the property to UDOT it must be declared surplus, after which the City could enter into a right-of-way agreement.

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 RESOLUTION NO. 13-13, DECLARING A PORTION OF 6200 SOUTH AT 6425 WEST AS SURPLUS

The City Council previously held a public hearing regarding proposed Resolution No. 13-13 which would declare a portion of 6200 South at 6425 West as surplus.

After discussion, Councilmember Lang moved to approve Resolution No. 13-13, a Resolution Declaring a Portion of 6200 South at 6425 West as Surplus. 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.

16034

RESOLUTION NO. 13-14, APPROVE AMENDMENT NO. 2 TO THE COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION DATED MARCH 16, 2011

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-14 which would approve Amendment No. 2 to the Cooperative Agreement with the Utah Department of Transportation (UDOT) dated March 16, 2011.

Mr. Isaac stated the proposed agreement would facilitate property transfer at Mountain View Corridor cross streets and address access control at cross streets and trail maintenance. He reported the City would transfer the existing right-of-way for 6200 South located within the Mountain View Corridor, and UDOT

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-7-

would transfer to the City the right-of-way acquired by UDOT for the widening of 6200 South. He also reported that on the following streets (whereupon UDOT would construct grade separated crossings), the City would transfer existing right-of-way located under the proposed Mountain View Corridor to UDOT; Upper Ridge Road, 4700 South, Cape Code Drive, and Sunset Drive (4300 South). He stated West Valley City would reserve the right to operate, inspect, repair and maintain the existing roadways and utilities. In addition, He reported through the agreement the City would restrict access on 6200 South where UDOT was transferring right-of-way to the City.

The Acting City Manager advised the proposed agreement also addressed maintenance responsibilities of the trail along the Mountain View Corridor. He reported West Valley City would accept maintenance of the trail from 5400 South to 7000 South.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-14, a Resolution Approving Amendment No. 2 to the Cooperative Agreement between West Valley City and the Utah Department of Transportation dated March 16, 2011. 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
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16035

RESOLUTION NO. 13-15, APPROVE A RIGHT-OF-WAY CONTRACT AND AUTHORIZE EXECUTION OF QUIT CLAIM DEEDS BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE TRANSFER OF PROPERTY ALONG THE MOUNTAIN VIEW CORRIDOR

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-15 which would approve a right-of-way contract and authorize execution of quit claim deeds between West Valley City and the Utah Department of Transportation (UDOT) for the transfer of property along the Mountain View Corridor.

Mr. Isaac stated the proposal would authorize the City to execute deeds and a right-of-way contract enabling the transfer of existing streets between the City

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-8-

and UDOT. He also stated these property transactions were the property transfers mentioned in Amendment No. 2 to Cooperative Agreement No. 1, UDOT Finance No. 118840. He explained that on 6200 South the City would transfer the existing right-of-way for 6200 South located within the Mountain View Corridor and UDOT would transfer to the City the right-of-way acquired for the widening of 6200 South. He reported West Valley City would transfer existing right-of-way on the following streets: Upper Ridge Road, 4700 South, Cape Cod Drive, and Sunset Drive (4300 South).

After discussion, Councilmember Huynh moved to approve Resolution No. 13-15, a Resolution Approving a Right-of-Way Contract and Authorizing the Execution of Quit Claim Deeds between West Valley City and the Utah Department of Transportation for the Transfer of Property along the Mountain View Corridor. 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.

16036

RESOLUTION NO. 13-16, APPROVE A SECOND AMENDMENT TO THE AMPHITHEATER EVENT MANAGEMENT AGREEMENT WITH PRISTINE ALPINE ENTERTAINMENT, LLC, FOR THE USANA AMPHITHEATER

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-16 which would approve a Second Amendment to the Amphitheater Event Management Agreement with Pristine Alpine Entertainment, LLC, (PAE) for the USANA Amphitheater.

Mr. Isaac stated the amendment proposal would change dates on which payments were due under the agreement. He advised the City and PAE desired to adjust the months during which payments were due for City-provided management services under the agreement. He indicated currently PAE made its annual payment in three equal installments on the first day of May, August, and October and the amendment would change the payment months to June, July, and August. He also advised the amount of the payment and all other provisions of the agreement would remain unchanged.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-9-

After discussion, Councilmember Rushton moved to approve Resolution No. 13-16, a Resolution Approving a Second Amendment to the Amphitheater Event Management Agreement between the City and Pristine Alpine Entertainment, LLC, for the USANA Amphitheater. 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.

16037

RESOLUTION NO. 13-17, AUTHORIZE THE CITY TO ENTER INTO AGREEMENTS WITH SELECTHEALTH TO PROVIDE INSURANCE BENEFITS AND SERVICES FOR CITY EMPLOYEES

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-17 which would authorize the City to enter into agreements with SelectHealth to provide insurance benefits and services for City employees.

Mr. Isaac stated the proposed Resolution would renew the existing contracts for Fiscal Year 2012-2013. He advised SelectHealth had provided medical benefits for West Valley City for the past eight years during which time the City had contracted with them to provide retiree benefits and post 65 benefits. He reported the City had experienced amazing success in keeping premium costs low during the past several years and for the current year a 0% increase had been negotiated, well below the 10-12% standard increase rate.

After discussion, Councilmember Lang moved to approve Resolution No. 13-17, a Resolution Authorizing the City to enter into Agreements with SelectHealth to Provide Insurance Benefits and Services for City Employees. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-10-

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

Unanimous.

16038

RESOLUTION NO. 13-18, AUTHORIZE THE CITY TO ENTER INTO A POLICY WITH EMI TO PROVIDE DENTAL BENEFITS FOR CITY EMPLOYEES

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-18 which would authorize the City to enter into a policy with EMI to provide dental benefits for City employees.

Mr. Isaac stated EMI was the current provider for dental benefits for the City's employees. He reported the dental premiums would increase by 3% for Fiscal Year 2012-2013.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-18, a Resolution Authorizing the City to enter into a Policy with EMI to Provide Dental Benefits for City Employees. 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.

16039

RESOLUTION NO. 13-19, AUTHORIZE THE CITY TO ENTER INTO A GROUP POLICY WITH STANDARD INSURANCE TO PROVIDE LONG TERM DISABILITY BENEFITS FOR CITY EMPLOYEES

Acting City Manager, Paul Isaac, presented proposed Resolution No. 13-19 which would authorize the City to enter into a group policy with Standard Insurance to provide long term disability benefits for City employees.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 5, 2013

-11-

Mr. Isaac stated the proposal would renew a contract with Standard Insurance for Fiscal Year 2012-2013 to provide long term disability benefits to the City's employees. He advised the premium for this fiscal year would decrease.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-19, a Resolution Authorizing the City to enter into a Group Policy with Standard Insurance to Provide Long Term Disability Benefits for City Employees. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 5, 2013, WAS ADJOURNED AT 6:57 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, February 5, 2013.

Sheri McKendrick, MMC
City Recorder