

MINUTES OF COUNCIL REGULAR MEETING – JUNE 4, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 4, 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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Layne Morris, CPD Director
Anita Schwemmer, Acting Police Chief
John Brubaker, Acting Parks and Recreation Director
Don Groo, Acting Finance Director
Jake Arslanian, Acting Public Works Director
Kevin Conde', Administration

16177

OPENING CEREMONY

The Opening Ceremony was conducted by Don Christensen who read the mission statement of the Boy Scouts of America. He then invited Scout Troop No. 343 to conduct a Flag Ceremony.

16178

SCOUTS

Mayor Winder recognized and welcomed Scout Troop No. 343 in attendance to complete requirements of the Citizenship in the Community merit badge.

16179

SPECIAL RECOGNITION

Mayor Winder stated he recently attended a Boy Scout Court of Honor recognizing scoutmaster Merrill Hutchinson. At the request of the Mayor,

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Councilmember Don Christensen read a narrative and presented a certificate to Mr. Hutchinson.

Upon recognition, Mr. Hutchinson addressed the City Council and expressed appreciation and pride in the scout leaders and the boys who gave service to the community.

16180 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 14, 2013**

The Council read and considered Minutes of the Regular Meeting held May 14, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held May 14, 2013, 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.

16181 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 21, 2013**

The Council read and considered Minutes of the Regular Meeting held May 21, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held May 21, 2013, 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

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Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16182 **EMPLOYEES OF THE MONTH AWARD, JUNE 2013 – BATTALION CHIEF JEFF FOX AND FIREFIGHTER JASON ROMNEY, FIRE DEPARTMENT**

Councilmember Buhler read the nomination of Battalion Chief Jeff Fox and Firefighter Jason Romney, Fire Department, to receive the Employees of the Month Award for June 2013. Chief Fox and Firefighter Romney were nominated for their participation and support of the City's first Spanish CPR class.

The award was presented and members of the City Council congratulated and expressed appreciation to the recipients.

16183 **COMMENT PERIOD:**

A. **PUBLIC COMMENTS**

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

Louise West addressed the City Council and stated she moved into her home in 1959 and raised a family there. She also stated since West Valley City had become an entity the area had gone downhill. She indicated about ten years ago she thought there were people dealing drugs next door but was told there was a "snitch" in the police department. She stated the people were gone within 48 hours and stole her property before they left. She related conversations with City staff regarding code violations such as swimming pools with no fencing in her neighborhood. Ms. West indicated her family members would not live here. She stated the City made the laws but did not enforce them. She discussed adding onto her home and getting a permit each time and wondered why others did not have to do the same. She inquired regarding certain building codes and requirements.

Mike Markham addressed the City Council and stated he was a huge supporter of neighborhood preservation as tidy yards added to the City environment. He indicated he tried to lead by example. He expressed to Councilmember Don Christensen that his yard was "atrocious" and needed to be cleaned up if he wanted to be mayor of the City, as one needed to be a "step above" in order to lead the city. He stated there were multiple adults living in the Christensen home that could assist in cleaning up the yard. He advised his children all graduated from Granger High School, but had chosen not to live in the City.

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John and Debbie Franklin addressed the City Council and stated their granddaughter attended Farnsworth Elementary School which had a program every year where the kids learned about development of a chicken from an egg. She explained students were then allowed to take a chicken home. The Franklins' indicated they had been told by the City they could have six chickens and no rooster, but had received a citation from a code officer for having chickens. They stated many residents in their neighborhood brought home chickens from the school program being under the impression they were allowed. They inquired what could be done in order for them to keep the chickens, such as re-zoning their property to agricultural use. They reiterated the unfairness of having been given two different answers by the City.

Fran Crookston addressed the City Council and stated she had spoken to the Council the previous week, but had not completed her thoughts. She advised she had spoken with someone at Utah Department of Alcoholic Beverage Control (DABC) regarding an event permit for alcohol and the permission required from the City's business licensing department. She read an excerpt from the City code, which stated permits were given for concert venues only. She stated the ordinance needed to be clarified as to why it was more restrictive than the State's regulations. She also discussed her event, the Literacy Action Center Gala, and stated they desired to serve wine to enhance revenue at this fundraising event. She indicated invitations would be extended to all elected officials and she thanked the City Council for the opportunity to speak.

B. CITY MANAGER COMMENTS

In response to Louise West's comments and concerns, the City Manager suggested those issues be addressed directly with the administration office in order for those matters to be routed appropriately for review.

Also in response to concerns expressed above by Ms. Crookston, the City Manager discussed background information regarding the current alcohol permit ordinance and noted she had met previously with City staff regarding this matter. He advised in order for such an event to be allowed the ordinance would need to be changed if the Council desired to do so.

C. CITY COUNCIL COMMENTS

Councilmember Christensen advised he had received a code violation on his property four years ago which had since been resolved. He advised that his family members had also done some clean up and planting and he was happy with his yard.

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Mayor Winder discussed various code and building violations that occurred in the past including the City's actions to resolve those issues. He also discussed background information about the issue of chickens and advised the Council had considered the matter and voted it down several times. He indicated the Council could consider further discussions and possibly revisiting the matter in the future. After discussion, the Council expressed a consensus to review the ordinance regarding alcohol permits and instructed the City Manager in that regard.

16184

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2012-2013 BUDGET FOR THE PURPOSE OF MAKING AMENDMENTS TO REFLECT CHANGES IN ACTUAL REVENUES AND EXPENDITURES

The City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to accept public input regarding re-opening the FY 2012-2013 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures. He discussed proposed Ordinance No. 13-24 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-24 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to reflect changes in the budget from increased revenues and authorize the disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. He advised West Valley 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. He reported appropriate notice of the public hearing had been given 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. 13-24, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE THE DISBURSEMENT OF FUNDS

The Council previously held a public hearing regarding proposed Ordinance No. 13-24 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

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After discussion, Councilmember Christensen moved to approve Ordinance No. 13-24, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2013, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. 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.

16185

RESOLUTION NO. 13-75, AWARD A CONTRACT TO KILGORE CONTRACTING FOR THE MAVERIK CENTER PARKING LOT MAINTENANCE PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-75, which would award a contract to Kilgore Contracting, in an amount not to exceed \$333,651.20, with a possible increase of up to 5% of the contract amount or \$30,000.00 whichever is greater for change orders, for the Maverik Center Parking Lot Maintenance Project.

Mr. Pyle stated bids had been solicited and six bids received as follows:

Kilgore Contracting:	\$333,651.20
Morgan Pavement:	\$332,883.00
Geneva Rock:	\$353,329.00
Staker Parsons:	\$355,058.50
Ridge Rock, Inc.:	\$418,846.80
Granite Construction:	\$444,729.00

The City Manager reported Kilgore Contracting had submitted the second lowest bid in the amount of \$333,651.20. He stated Kilgore Contracting also submitted a Bidder Preference Form and was given a 1% reduction for the City Provider Preference for being located within the City limits. He reported Kilgore was given a 1% bid evaluation reduction for "Other Preferences," which with all reductions calculated the bid evaluation total at \$326,978.18, making them the lowest responsible bidder.

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He also reported the lowest bid had been submitted by Morgan Pavement in the amount of \$332,883.00. He stated Morgan Pavement had submitted a Bidder Preference Form and was given a 1% bid evaluation reduction for "Other Preferences" for their program regarding veterans, safety, drug testing, job training, health insurance and non-discrimination, making their bid evaluation total with preference reduction at \$329,554.17.

Mr. Pyle indicated the project consisted of various maintenance activities on the Maverik Center parking lot, including crack seal, pavement overlay, drainage improvements, asphalt pavement joint repair, surface treatment and pavement marking.

After discussion, Councilmember Lang moved to approve Resolution No. 13-75, a Resolution Awarding a Contract to Kilgore Contracting for the Maverik Center Parking Lot Maintenance Project. Councilmember Rushton 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.

16186

RESOLUTION NO. 13-76, APPROVE A CUSTOMER REQUESTED WORK AGREEMENT WITH ROCKY MOUNTAIN POWER TO BURY POWER ALONG A PORTION OF THE SR-201 SOUTH FRONTAGE ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 13-76 which would approve a Customer Requested Work Agreement with Rocky Mountain Power, in the amount of \$44,124.00, to bury power along a portion of the SR-201 South Frontage Road.

Mr. Pyle stated the City was in the process of widening a portion of the south frontage road of SR-201 to accommodate left turns from approximately 6400 West to 7200 West. He advised as part of the project the power poles needed to be relocated and rather than do the relocation it had been proposed to bury the power lines.

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After discussion, Councilmember Christensen moved to approve Resolution No. 13-76, a Resolution Approving a Customer Requested Work Agreement between Rocky Mountain Power and West Valley City to Bury Power along a Portion of the SR-201 South Frontage Road. 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.

16187

RESOLUTION NO. 13-77, APPROVE AN AGREEMENT WITH HORROCKS ENGINEERS, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE 2400 SOUTH PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-77 which would approve an agreement with Horrocks Engineers, Inc., in the amount of \$51,700.00, to provide professional services for the 2400 South Project.

Mr. Pyle stated professional services to be provided by Horrocks Engineers included survey and environmental services for the proposed extension of 4800 West and 2400 South Street. He reported West Valley City had received State funds from the 2013 Legislative Session to construct 2400 South from 5600 West to 4800 West, and 4800 West from the south frontage road of SR-201 to 2400 South. He reported the proposed contract would cover topographic surveying services and environmental services for the project. He explained survey services included a full topographic survey along with a right of way investigation. He stated environment services included wetland delineation and 404 permit application and development of a mitigation plan. In addition, work also included the performance of a threatened and endangered species and cultural resource investigation. He advised this work would be performed prior to a design to be completed by the City's Engineering Division of the Public Works Department.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-77, a Resolution Authorizing the City to enter into an Agreement With Horrocks Engineers, Inc. to Provide Professional Services for the 2400 South Project. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

16188

RESOLUTION NO. 13-78, APPROVE AGREEMENTS WITH SELECTHEALTH TO PROVIDE INSURANCE BENEFITS AND SERVICES FOR CITY EMPLOYEES

City Manager, Wayne Pyle, presented proposed Resolution No. 13-78 which would approve agreements with SelectHealth to provide insurance benefits and services for City employees.

Mr. Pyle stated SelectHealth had provided medical benefits for West Valley City for the past nine years. He advised since SelectHealth those provided benefits the City had also contracted with them to provide retiree benefits and post 65 benefits. He reported the City had been successful in keeping premium costs low during the past several year and this year a 2.7% increase had been negotiated, which was well below the 10-12% standard industry increase.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-78, a Resolution Authorizing the City to enter into Agreements with SelectHealth to Provide Insurance Benefits and Services for City Employees. Councilmember Rushton 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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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 4, 2013, WAS ADJOURNED AT 7:20 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 4, 2013.

Sheri McKendrick, MMC
City Recorder