

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 1, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 1, 2009, 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 BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Richard Catten, City Attorney
Buzz Nielsen, Police Chief
Stan Varney, Acting Fire Chief
Brent Garlick, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14674

OPENING CEREMONY

The Opening Ceremony was conducted by Steve Vincent who stated he had been out campaigning for the upcoming election and related comments from citizens. He complimented City staff and City departments for their efforts as residents had expressed appreciation and gratitude for services provided by the City.

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14675 **APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 18, 2009**

The Council read and considered the Minutes of the Regular Meeting held August 18, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held August 18, 2009, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

| | |
|----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | Yes |
| Ms. Burt | Yes |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

14676 **PROCLAMATION TO ESTABLISH THE FOURTH MONDAY IN SEPTEMBER AS “FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN” IN WEST VALLEY CITY**

Councilmember Coleman read a Proclamation to establish the fourth Monday in September as “Family Day – a Day to Eat Dinner with Your Children” in West Valley City.

14677 **COMMENT PERIOD**

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

Gordon Hendriks, 4312 South 4000 West, addressed the City Council. Mr. Hendriks submitted written material to the City Council regarding an invention for which he requested assistance. He also asked Mayor Nordfelt to give a copy of the written material to the governor.

Bob Ellis, 3524 South 6935 West, addressed the City Council. Mr. Ellis discussed a safety problem on the big, wide road on which he lived. He stated cars coming off 3500 South came around the corner so fast he could not back out of his driveway. He requested a speed bump be installed at that location. He indicated

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there had been many near misses and would like to see something done before someone got hurt. City Manager, Wayne Pyle, suggested Mr. Ellis speak to the Public Works Director, Russell Willardson, regarding this issue.

Lance Davis, 4674 West 4040 South, addressed the City Council. Mr. Davis stated he had sent e-mails to members of the City Council and had only received one response, but from a staff person. He indicated his daughter had been attacked by a dog and in his efforts to contact the City he had received the “run around” when attempting to file a report with Animal Control. He also stated the only way to obtain a response from the City was to send an e-mail to the City Manager. He commented regarding his discouragement regarding the lack of response. He also indicated there had been a large number of burglaries in his neighborhood and related conversations with City staff regarding this matter. He expressed concern he could not get responses or action from City staff. He stated he would continue to hold the City accountable for these issues and expected to get a response from staff when he contacted the City.

14678

RESOLUTION NO. 09-287, APPROVE AN AGREEMENT WITH JENSEN & KEDDINGTON, P.C. TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-287 which would approve an agreement with Jensen & Keddington, P.C., in the amount of \$74,160.00, to provide auditing services to West Valley City.

Mr. Pyle stated West Valley City was required by law to engage an independent audit firm to audit the City’s financial operations. He advised that Jensen & Keddington auditors had demonstrated experience and proficiency in municipal audits and had knowledge of City operations. He indicated this audit would be conducted in accordance with auditing standards generally accepted in the United States of America, the standards for financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States. He stated Jensen & Keddington, P.C. had provided audit services for the City in the past and possessed the technical expertise to evaluate and review all aspects of the City’s complex operations.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-287, a Resolution Authorizing the Execution of an Agreement between West Valley City and Jensen & Keddington, P.C. to Provide Auditing Services to West Valley City. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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|----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | Yes |
| Ms. Burt | Yes |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

14679

RESOLUTION NO. 09-288, AUTHORIZE THE PURCHASE OF STREET LIGHT ASSEMBLIES FROM MOUNTAIN STATES LIGHTING FOR PLACEMENT ON 3500 SOUTH BETWEEN 2700 WEST AND BANGERTER HIGHWAY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-288 which would authorize the purchase of 101 street light assemblies (which included two LED light fixtures each) from Mountain States Lighting in an amount not to exceed \$492,667.90, for placement on 3500 South between 2700 West and Bangerter Highway.

Mr. Pyle stated City standard street lights were to be installed by the City in conjunction with the 3500 South project that would be completed in November of this year. He also stated Mountain States Lighting had been selected as the supplier of the City standard street lights pursuant to a request for proposal (RFP) in 2006. He further explained, however, it had been decided to change from the typical high pressure sodium light bulbs to LED lights using the Federal Energy Efficiency and Conservation Block Grant (EECBG). He indicated additional cost of the LED lights would be \$640.00 per fixture for an additional cost of \$129,280.00, which would be reimbursed from the EECBG when approved. He advised this brought the total cost of the street lights to \$492,667.90.

After discussion, Councilmember Burt moved to approve Resolution No. 09-288, a Resolution Authorizing West Valley City to Purchase Street Light Assemblies from Mountain States Lighting for Placement on 3500 South Between 2700 West and Bangerter Highway. Councilmember Winder seconded the motion.

A roll call vote was taken:

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|-------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | Yes |
| Ms. Burt | Yes |

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| | |
|----------------|-----|
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

14680

RESOLUTION NO. 09-291, RESCIND PREVIOUS RESOLUTIONS AND AUTHORIZE THE CITY TO ENTER INTO AN AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY AND JORDAN RIVER MARKETPLACE, LLC, FOR DEVELOPMENT AND REDEVELOPMENT OF REAL PROPERTY LOCATED IN THE JORDAN RIVER REDEVELOPMENT AREA

City Manager, Wayne Pyle, presented proposed Resolution No. 09-291 which would rescind previous resolutions and authorize the City to enter into an agreement with the Redevelopment Agency of West Valley City and Jordan River Marketplace, LLC, for development and redevelopment of real property located in the Jordan River Redevelopment Area.

Mr. Pyle stated Jordan River Marketplace, LLC (Ascent Construction) had been selected as the developer of choice to design and build the Jordan River Marketplace, a multicultural, mixed use development in the City. He further stated the development would be built on City-owned and other property on 3300 South at about 1300 West and would compliment and connect to the Utah Cultural Celebration Center located north of the subject development site. He indicated the proposed resolution would approve the final complete agreement and replaces two resolutions previously adopted by the Council, but which only approved portions of the agreement which were subject to further revision.

The City Manager reported the Utah Cultural Celebration Center (UCCC) had been completed in 2004 and since that time the vacant land to the south (20 acres owned by the City and seven acres owned by the State of Utah and Salt Lake County) and stretching to 3300 South, had been envisioned to become a special and unique multicultural marketplace. He advised that a request for proposal had been sent to developers in mid-2008 to solicit interest in the project and Jordan River Marketplace, LLC (Ascent Construction) had been selected by the City Council to pursue development of this site. He stated the proposed development would be a mixed use, walkable development with culturally diverse shops and restaurants, office space, residential units, and cultural amenities, all within a multicultural environment. He also indicated that over the past eight months numerous environmental, transportation, access, land, and contract issues had been worked through and the development concept had been refined. The primary deal points of the Agreement for Disposition of Land (ADL) were that the City

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would sell City-owned land to the developer at \$3.00 per foot. Payment for the land would come to the City from the initial tax increment collected from the project. He also reported that after the City was fully paid back, the developer would keep the remaining tax increment for investment into the project up to a cap of \$4,639,500. In addition, the City Council would review and approve all architectural designs for the development.

After discussion, Councilmember Winder moved to approved Resolution No. 09-291, a Resolution Rescinding Previous Resolutions and Authorizing the City to Enter Into an Agreement with the Redevelopment Agency of West Valley City and Jordan River Marketplace, LLC, for the Development and Redevelopment of Real Property Located in the Jordan River Redevelopment Area. Councilmember Rushton seconded the motion.

A roll call vote was taken:

| | |
|----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | No |
| Ms. Burt | No |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Majority.

14681

CONSENT AGENDA:

A. RESOLUTION NO. 09-289, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM HYRUM KINGSTON FOR PROPERTY LOCATED AT 3881 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-289 which would accept a Grant of Temporary Construction Easement from Hyrum Kingston for property located at 3881 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Hyrum Kingston had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project which extended from 3500 South to 4100 South. He indicated the easement

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would allow the contractor to make necessary tie-ins to the property. He reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

B. RESOLUTION NO. 09-290, RATIFY THE CITY MANAGER’S APPOINTMENT OF JOEL COLEMAN AS CHAIR OF THE AUDIT REVIEW COMMITTEE, TERM: MAY 12, 2009 – DECEMBER 31, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 09-290 which would ratify his appointment of Joel Coleman as Chair of the Audit Review Committee for the term May 12, 2009, through December 31, 2009.

Mr. Pyle stated the Audit Review Committee consisted of members who served for a term of three years and the chair was appointed by the City Manager, and ratified by the City Council.

After discussion, Councilmember Burt moved to approve Resolution Nos. 09-289 and 09-290 as presented on the Consent Agenda. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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|----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | Yes |
| Ms. Burt | Yes |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 1, 2009, WAS ADJOURNED AT 6:56 P.M., BY MAYOR NORDFELT.

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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, September 1, 2009.

Sheri McKendrick, MMC
City Recorder