



The Regular Meeting of the West Valley City Council will be held on Tuesday, October 28, 2014, at 6:30 PM, in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

Posted 10/23/2014 at 10:00 a.m.

## A G E N D A

1. Call to Order
2. Roll Call
3. Opening Ceremony: Councilmember Steve Vincent
4. Special Recognitions
5. Approval of Minutes:
  - A. October 7, 2014 (Regular Meeting)
  - B. October 14, 2014 (Regular Meeting)
6. Awards, Ceremonies and Proclamations:
  - A. Proclamation Declaring November 1, 2014, as "Extra Mile Day" in West Valley City
7. Comment Period:

*(The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the*

*West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.*

*If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Sheri McKendrick.*

*comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.)*

- A. Public Comments
  - B. City Manager Comments
  - C. City Council Comments
8. Resolutions:
- A. 14-180: Authorize the City to Acquire, by Negotiation or Condemnation, Real Property from Julie Ann Cooper Located at 3027 - 3035 West Leon Avenue
  - B. 14-181: Authorize the West Valley City Police Department to Accept an Award from the COPS Hiring Program Through the U.S. Department of Justice
  - C. 14-182: Ratify the City Manager's Appointment of Members to the Utah Cultural Celebration Center Foundation Committee
9. Motion for Executive Session
10. Adjourn

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 7, 2014, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Corey Rushton, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3  
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Layne Morris, CPD Director  
Jim Welch, Finance Director  
John Evans, Fire Chief  
Lee Russo, Police Chief  
Mark Nord, CED Department  
Steve Pastorik, CED Department  
Jake Arslanian, Public Works Department

16758

**OPENING CEREMONY**

The Opening Ceremony was conducted by Tom Huynh who led the Pledge of Allegiance to the Flag.

16759

**SCOUTS**

Mayor Bigelow welcomed Scout Troop Nos. 662, 672, and 913 in attendance to complete requirements for the Communications merit badge.

16760

**APPROVAL OF MINUTES OF REGULAR MEETINGS HELD  
SEPTEMBER 16, 2014 AND SEPTEMBER 23, 2014**

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014**

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The Council read and considered Minutes of the Regular Meetings held September 16, 2014 and September 23, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Nordfelt moved to approve the Minutes of the Regular Meetings held September 16, 2014 and September 23, 2014, as written. 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. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16761 **PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER 2014 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN WEST VALLEY CITY**

Mayor Bigelow read a Proclamation recognizing the month of October 2014 as National Domestic Violence Awareness Month in West Valley City.

16762 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

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

B. **CITY COUNCIL COMMENTS**

Councilmember Rushton thanked the Victim Services Division staff and those who spoke during the program regarding Domestic Violence Awareness that had been held in the lobby of City Hall prior to this meeting. He also congratulated the Police Chief for being proactive regarding the processing of rape kits.

16763 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2014-2015 BUDGET**

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to accept public input regarding re-opening the FY 2014-1025 Budget.

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014**

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Proposed Ordinance No. 14-37 that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds was discussed as follows:

State State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. West Valley City held public hearings on budget amendments on a quarterly basis each fiscal year and a public notice had been posted as required by law.

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

**ACTION: CONSIDER ORDINANCE NO. 14-37, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, 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. 14-37 that would amend the Budget of West Valley City for the fiscal year beginning July 1, 2014 and ending June 30, 2015, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

After discussion, Councilmember Buhler moved to approve Ordinance No. 14-37, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, 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. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16764

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING A PROPOSED MORATORIUM ON APPLICATIONS TO CHANGE ZONING ON PROPERTY TO ANY RESIDENTIAL ZONE**

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 7, 2014

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Mayor Bigelow informed a public hearing had been advertised in order for the City Council to accept public input regarding a proposed moratorium on applications to change zoning on property to any residential zone.

City Manager, Wayne Pyle, discussed some background information regarding the proposal for the benefit of members of the Council and others in attendance at the meeting. He noted per the Council's direction at a previous study meeting, the proposed ordinance had been amended to only include properties that were two acres or larger. He indicated the most recent amended draft version had been previously provided to members of the Council.

Proposed Ordinance No. 14-38 that would enact a temporary land use regulation regarding rezoning of property within the City and related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

The City Council was currently in the process of updating the General Plan and evaluating current and future land use priorities in West Valley City. Accordingly, the subject ordinance proposed to impose a temporary land use regulation prohibiting applications requesting to re-zone property for residential use for a period of six months. The City was authorized to enact temporary land use ordinances by U.C.A. 10-9c-504.

Mayor Bigelow opened the public hearing.

Jim Defa addressed the City Council and advised he was in attendance to obtain more information. He stated the term "moratorium" was of concern to those who owned property, that concern being they would not be able to develop their property as they saw fit. He expressed a desire to be involved in the process and part of any discussion. He explained developers were not the only ones affected by this action as property owners were also affected.

Kim LeFevre addressed the City Council and expressed concern that she lived in an area with open spaces that would be designated for development. Ms. LeFevre stated she also wanted to be involved in the process as she had built her home in an agricultural area some 30 years ago. She explained development and more people had changed her lifestyle. She expressed the need to consider people who lived in the area and not just property owners and/or developers. She indicated she wanted to be included in plans for the future and how to handle traffic and congestion. She stated people who lived in those areas also needed to have a voice.

Chris Jacketta addressed the City Council stating he was glad to have the opportunity to give input into the City's master plan and that was how they got

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together with neighbors. He expressed the need to take a step back and plan for the future. He indicated the Mountain View Corridor would also impact areas of open space.

Elliott Mott addressed the City Council and advised he advocated for open space and suggested the moratorium be applied to all open space. He encouraged consideration regarding connectivity of the trail system to homeless people and cited examples of Central Park in New York City and the value it gave to that city similar to the Jordan River corridor here.

Mary Jane Newton-Davis addressed the City Council and stated she was a life-long resident of West Valley City and discussed family history of living here since the 1870's. Ms. Newton-Davis indicated open space should be supported wherever possible. She explained she had tried to write grants and raise funds to maintain their property as open space and the moratorium would be in their best interest. She expressed desire to be involved in the process every step of the way to find the best solution for the Newton family and their property. She also discussed doing the best for those that could not maintain the open space. She concluded by reminding of the Newton family and their commitment to West Valley City.

Billy Burke addressed the City Council and stated he had been involved in the formation of West Valley City many years ago. He discussed what he viewed as a problem because the paper said there would be three million more people in Salt Lake County in the next few years, and where would they reside? He indicated the problem could be solved and real changes were about to occur. He expressed the need to be included in the process because builders and developers were only in it for the money.

Frank Newton addressed the City Council and expressed appreciation for what the City Council was doing. He indicated it was a difficult decision and he wished he had answers regarding the proper balance between development and open space. He expressed appreciation for the opportunity to be involved in the process.

Mark Bradshaw addressed the City Council and expressed the need for adequate parks and open areas and prudence of saving those areas for the future. He suggested the City plan well in that regard.

Tony Jacketta addressed the City Council and stated he owned a small piece of ground and could not grow anything on it except weeds. He informed he desired to develop the property, but could not for several reasons. He expressed opposition to the moratorium and asked to be involved in future discussions.

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There being no one else who desired to address the City Council, Mayor Bigelow closed the public hearing.

Upon discussion, Councilmember Rushton pondered as to what magic word had brought out all of his favorite West Valley City residents tonight. He expressed appreciation to those who had addressed the City Council noting their request of the City to be careful in planning for the future. He explained where the moratorium had come from and discussed the update of the General Plan in developing a vision and future of the City. He advised the Council had felt that zoning matters should be held until more information could be gathered in the process as plans continued for the City. He indicated it would be undesirable to develop piece meal and the Council desired to use all the tools and resources available to help property owners receive the highest and best use of their lands. He expressed the priority of maintaining a high quality of life in West Valley City. He indicated the Council also wanted to make the best decisions regarding land use for all interested parties and the City. He stated the Jordan River corridor was a special part of the City and preserving that feature would require some help to make it happen. He expressed appreciation to everyone for their input and interest in being part of the process.

Councilmember Vincent expressed agreement with Councilmember Rushton's remarks and comments. He expressed appreciation to long-time residents of the City and stated the Council needed their input in moving forward in determining what would be in the best interest and right for West Valley City.

Councilmember Lang also expressed agreement with Councilmember Rushton's remarks and stated the Newton and Defa families really cared what happened to their properties as they desired the best for the City. She expressed appreciation to those families for looking out for the best interest of the City.

Mayor Bigelow stated one of his concerns was park space including local neighborhood parks. He discussed background information regarding discussions and the proposal of two developers of parcels within a larger property that had been asked to provide a park. He discussed some of the issues faced by the City Council including traffic, development, small amount of development land, and other issues. He expressed need for more information and input in order to do the best for property owners, neighbors and the City. He explained the Council desired to make sure decisions were right while moving forward. He advised City staff would lead the effort to gather information and obtain feedback from all interested parties including property owners, neighbors, adjacent property owners, developers, and others. He indicated the Council would do its best and in as little time as possible. He noted there were some real challenges to be faced.

**ACTION: CONSIDER ORDINANCE NO. 14-38, ENACTING A TEMPORARY LAND USE REGULATION REGARDING THE RE-ZONING OF PROPERTY WITHIN THE CITY**

The Council previously held a public hearing regarding proposed Ordinance No. 14-38 that would enact a temporary land use regulation regarding the re-zoning of property within the City.

After discussion, Councilmember Rushton moved to approve Ordinance No. 14-38, an Ordinance Enacting a Temporary Land Use Regulation Regarding the Re-zoning of Property within 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. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16765

**RESOLUTION NO. 14-157, APPROVE FRANCHISE AGREEMENT WITH tw telecom of utah llc AND WEST VALLEY CITY FOR A TELECOMMUNICATIONS NETWORK IN THE CITY**

Mayor Bigelow presented proposed Resolution No. 14-157 that would approve a Franchise Agreement with tw telecom of utah llc for a telecommunications network in the City.

He stated the proposed Franchise Agreement would allow tw telecom of utah llc (tw) to establish a telecommunications network in, under, along, over and across present and future rights-of-ways of West Valley City.

Applications for telecommunications networks in the City were governed by Chapter 20-5 of the City Code. The franchise granted by the subject agreement would be for a ten-year period, with the option to renew for an additional ten years with the same terms and conditions. Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject agreement memorialized this provision as well as acknowledging tw's obligation to secure permits from the Public Works Department for any excavation or construction.

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After discussion, Councilmember Lang moved to approve Resolution No. 14-157, a Resolution Approving a Franchise Agreement with tw telecom of utah llc and West Valley City for a Telecommunications Network in 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. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16766

**RESOLUTION NO. 14-158, APPROVE THE PURCHASE OF A 2015 FORD F250 TRUCK FROM HENRY DAY FORD FOR USE BY THE PUBLIC WORKS DEPARTMENT**

Mayor Bigelow presented proposed Resolution No. 14-158 that would approve the purchase of a 2015 Ford F250 4-Door Crew Cab truck from Henry Day Ford, in an amount not to exceed \$30,496.60, for use by the Public Works Department.

Henry Day Ford had been selected as the supplier of the above-described vehicle to be used by the Public Works Storm Water Engineering Division. The original estimate from Henry Day Ford had been in the amount of \$30,000.00 and upon delivery of the vehicle the invoice reflected a \$496.00 overage of that original estimate. The City's procurement code allowed purchases without bidding from vendors within the City at an amount within 1% of the State bid. The proposed purchase would replace a vehicle from the Light Vehicle Replacement List.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-158, a Resolution Approving the Purchase of a 2015 Ford F250 from Henry Day Ford for use by the Public Works Department. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

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Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

DRAFT

16767

**RESOLUTION NO. 14-159, AUTHORIZE FIVE PERCENT CONTINGENCY TO THE CONTRACT WITH ACE CONSTRUCTION FOR THE CONSTRUCTION OF THE GLENN WEAVER MEMORIAL PARK TO COVER CURRENT AND POTENTIAL CHANGE ORDERS ON THE PROJECT**

Mayor Bigelow presented proposed Resolution No. 14-159 that would authorize five percent contingency, up to \$44,330.62, to the contract with Ace Construction for construction of the Glenn Weaver Memorial Park to cover current and potential change orders on the project.

He stated the proposed five percent contingency would cover three current change orders totaling \$5,882.50 and anticipated future change orders to the original contract amount of \$886,612.47.

During construction of most park projects there were conditions that turned out to be materially different than the plans and specifications indicated. The first three change orders fell into that category. Changes in the design had been made during negotiations with the contractor that needed correction as well as design discrepancies between the architect, engineer and City staff that were discovered during the construction process. These errors needed correction to produce a satisfactory and functional final product.

The proposed contingency should cover all corrected change orders as well as any future change orders, and he assured prudence in administering any additional change orders would be exercised by staff.

Review of historical information regarding the project included that Glenn Weaver Memorial Park at the Vistas had been purchased in 2004 as the area developed into single-family residences. The City awarded the construction of Weaver Park to Ace Construction in July and the contractor had been working on the project over the last two months and progress had been made. The park would be a 2.8-acre facility with a fantastic view of the Salt Lake Valley. It had been during this initial work that the changes in work and scope had been identified.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-159, a Resolution Authorizing a Five Percent Contingency to the Contract with Ace Construction for the Construction of the Glenn Weaver Memorial Park to Cover Current and Potential Change Orders on the Project. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16768

**RESOLUTION NO. 14-160, RATIFY THE CITY MANAGER'S APPOINTMENT OF DAVID MCEWEN AS A MEMBER OF THE WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE, TERM: OCTOBER 7, 2014 – JUNE 30, 2018**

Mayor Bigelow presented proposed Resolution No. 14-160 that would ratify the City Manager's appointment of David McEwen as a Member of the West Valley City Clean and Beautiful Committee for the term October 7, 2014 through June 30, 2018.

He stated that Mr. McEwen was willing to serve as a member of the City's Clean and Beautiful Committee for the above-stated term. He advised that members of the Committee were appointed for four-year terms by the City Manager with the advice and consent of the City Council.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-160, a Resolution Ratifying the City Manager's Appointment of David McEwen as a Member of the West Valley City Clean and Beautiful Committee for a Term Commencing October 7, 2014 and Ending June 30, 2018. 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. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 7, 2014, WAS ADJOURNED AT 7:31 P.M., BY MAYOR BIGELOW.

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, October 7, 2014.

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Sheri McKendrick, MMC  
City Recorder

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 14, 2014**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 14, 2014, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Corey Rushton, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3

Paul Isaac, Acting City Manager  
Carel Hicks, Acting City Recorder

ABSENT: Steve Vincent, Councilmember District 4

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Russell Willardson, Public Works Director  
Layne Morris, CPD Director  
Sam Johnson, Strategic Communications Director  
John Evans, Fire Chief  
Lee Russo, Police Chief  
Jason Erektion, Acting Parks & Recreation Director  
Steve Lehman, CED Department  
Jody Knapp, CED Department  
Lee Logston, CED Department  
Kevin Despain, CED Department  
Brock Anderson, CED Department  
Nichole Camac, CED Department  
Margo Hoyt, CED Department  
Scott Freckleton, Finance Department  
Nuria Whytock, Finance Department  
Kathy Madden, Finance Department  
Wendy Motteshard, Finance Department  
Cindy Hobbs, Finance Department  
Jake Arslanian, Public Works Department  
Kevin Conde', Administration

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16769      **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Buhler who led the Pledge of Allegiance to the Flag.

16770      **EMPLOYEE OF THE MONTH AWARD, OCTOBER 2014 – NURIA WHYTOCK, FINANCE DEPARTMENT**

Councilmember Buhler read the nomination of Nuria Whytock, Finance Department, to be recognized as the Employee of the Month for October of 2014. The award was presented and members of the City Council offered congratulations and expressed appreciation for Ms. Whytock's service to West Valley City.

16771      **DIVISION OF THE QUARTER AWARD – PLANNING AND ZONING DIVISION, CED DEPARTMENT**

Councilmember Nordfelt read the nomination of the Planning and Zoning Division of the Community and Economic Development (CED) Department to receive the Division of the Quarter Award. The award was presented to staff of the Planning and Zoning Division.

The City Council expressed appreciation and thanked the award recipients for their service to West Valley City.

16772      **COMMENT PERIOD**

A.      **PUBLIC COMMENTS**

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

B.      **CITY COUNCIL COMMENTS**

Mayor Bigelow commented recently there had been a large spill of construction nails at the intersection of 5600 West and Peggy Lane with the nails being spread over the intersection. He indicated two Public Works employees, Gene Smith and Scott Riggs, got out with brooms and swept it all up. He commended their excellent service and stated they did a great job.

16773      **RESOLUTION NO. 14-161, AWARD A CONTRACT TO GENEVA ROCK PRODUCTS, INC. FOR THE 2600 SOUTH DITCH PIPING PROJECT**

Mayor Bigelow presented proposed Resolution No. 14-161 that would award a contract to Geneva Rock Products, Inc., in the amount of \$175,726.00 and authorize expenditure of no more than \$195,000.00 in change orders, for the 2600 South Ditch Piping Project.

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Bids had been solicited and 11 bids received, as follows:

Geneva Rock Products Inc.:	\$173,968.74 (w/preference reduction)
Dennis Lierd II Construction:	\$187,017.00
Westbrook Construction:	\$200,768.00
Stapp Construction:	\$230,580.00
Noland & Son Construction:	\$237,898.00
Vancon Inc.:	\$237,581.19 (w/preference reduction)
Braker Construction:	\$246,452.00
Cody Ekker Construction:	\$252,224.00
KK&L Administration:	\$252,455.00
M.C. Green & Sons, Inc.:	\$310,154.00
Beck Construction:	\$398,700.00

The lowest responsible bid had been submitted by Geneva Rock Products Inc. for an initial amount of \$175,726.00, with preference reduction applied, \$173,968.74. The engineer's estimate had been in the amount of \$205,610.00

The 2600 South ditch was an open channel that was part of the City's storm drain system. This particular segment of open ditch was the last remaining un-piped portion of a major storm drain line that drained a large area between 3600 West and 3270 West from approximately 2200 South to 2600 South. The ditch in its current condition was nearly un-maintainable. The project consisted of the installation of approximately 550 feet of 60-inch pipe, along the back lot lines of multiple properties. This project would ease the maintenance burden and reduce upstream flooding risks.

Funds for the project were available in the FY 2014-2015 Budget.

After discussion, Councilmember Lang moved to approve Resolution No. 14-161, a Resolution Awarding a Contract to Geneva Rock Products, Inc. for the 2600 South Ditch Piping Project. Councilmember Rushton seconded the motion. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

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Unanimous.

16774

**RESOLUTION NO. 14-162, AUTHORIZE ADDITIONAL FUNDING FOR CHANGE ORDERS TO THE CONTRACT WITH NOLAND AND SONS CONSTRUCTION COMPANY FOR THE LUND PARK TO BRIGHTON CANAL STORM DRAIN PROJECT**

Mayor Bigelow presented proposed Resolution No. 14-162 that would authorize additional funding for overruns and change orders to the contract with Noland and Sons Construction Company, in the total amount of \$16,743.05, for the Lund Park to Brighton Canal Storm Drain Project.

He explained that during the closeout process it had been noted certain items of work had overrun estimated quantities causing the total amount owed to the contractor to exceed the amount previously authorized. There was also a change order (No. 4) for a waterline relocation that had been necessary to be added to the contract for a cost of \$10,095.80 that needed to be approved. The total additional funding to be authorized would be in the amount of \$16,743.05.

After discussion, Councilmember Lang moved to approve Resolution No. 14-162, a Resolution Authorizing Additional Funding for Change Orders to the Contract with Noland and Sons Construction Company for the Lund Park to Brighton Canal Storm Drain Project. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16775

**RESOLUTION NO. 14-163, AUTHORIZE PURCHASE OF A TRUCK FROM WASATCH FRONT ISUZU FOR USE BY THE PUBLIC WORKS SANITATION DIVISION**

Mayor Bigelow presented proposed Resolution No. 14-163 that would authorize purchase of a truck from Wasatch Front Isuzu, in the amount of \$43,700.00 and additional necessary equipment in an amount not to exceed \$53,900.00 in total for the purchase, for use by the Public Works Sanitation Division.

He stated the Public Works Sanitation Division was in need of a second delivery truck to pick up and deliver garbage cans. Picking up garbage cans from 90-day

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delinquent accounts had proven to be the most effective method of collecting past due debt. When payment was made to bring the account current, plus a \$25.00 redelivery fee, the garbage can was returned.

The City first purchased garbage containers in 1994 and many of those cans were still in service, but were well beyond their expected service life. There would be an on-going need for additional help to replace the cans as they became unserviceable.

The cost breakdown for the proposed truck purchase as follows:

Truck (215 Isuzu NPR-HD)	\$34,700
Bed and lift gate (including installation)	\$11,500
CNG System (Including installation)	\$ 5,200
LED amber lighting system (including installation)	<u>\$ 2,500</u>
Total:	\$53,900

The cab and chassis would be purchased from Wasatch Front Isuzu in accordance with Section 5-3-110 of the City Code, Procurement to Meet Existing Needs. This was the same model as the City's existing can delivery truck with a low bed for easy loading.

In addition, the new truck would be equipped with a CNG alternative fuel system. Use of CNG fuel was a good match for this vehicle that would be heavily used and the fuel savings would offset the additional capital cost in 2-3 years.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-163, a Resolution Authorizing West Valley City to Purchase a Truck from Wasatch Front Isuzu for the Sanitation Division. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16776

**RESOLUTION NO. 14-164, APPROVE A FRANCHISE AGREEMENT WITH CENTRAL TELECOM SERVICES, LLC, FOR A TELECOMMUNICATIONS NETWORK IN THE CITY**

Mayor Bigelow presented proposed Resolution No. 14-164 that would approve a Franchise Agreement with Central Telecom Services, LLC for a telecommunications network in the City.

He stated the agreement would allow Central Telecom Services to establish a telecommunications network in, under, along, over and across present and future rights-of-way of West Valley City.

Applications for telecommunications networks in the City were governed by Chapter 20-5 of the City Code. The franchise granted by this Agreement was for a ten year period with the option to renew for an additional ten years with the same terms and conditions. Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject agreement memorialized this provision as well as acknowledging Central Telecom's duty to secure permits from Public Works for an excavation or construction.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-164, a Resolution Approving a Franchise Agreement with Central Telecom Services, LLC and West Valley City for a Telecommunications Network in the City. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16777

**RESOLUTION NO. 14-165, APPROVE PURCHASE OF FIVE 12 LEAD EKG MONITORS FROM ZOLL MEDICAL CORPORATION FOR USE BY THE FIRE DEPARTMENT**

Mayor Bigelow presented proposed Resolution No. 14-165 that would approve purchase of five 12 lead EKG monitors from Zoll Medical Corporation, in an amount not to exceed \$143,893.74, for use by the Fire Department.

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The proposed purchase would replace existing equipment and would be placed on all of the front line advanced medical ambulances. The current Zoll monitors and equipment would be able to match up with new units. Also the training of personnel would be very short. The units also had a patch to all of the medical facilities that were currently in service and would not require additional money for transmission of data to medical facilities by keeping the same type of monitors.

The current Zoll cardiac monitors were over seven years old. The current monitors were out of warranty and if used as front line units would overspend the current maintenance money in the budget. The old monitors would be used on other units that did not constantly require use of the monitors. The new monitors had many features the current monitors did not have. The monitors were used on almost every medical call that the Department responded to and by placing these on front line units the City would be assured the Fire Department was utilizing the most up to date equipment on the market.

Also, the first three lead cardiac monitors would be traded in to Zoll for the new purchase. Zoll would allow some trade in value for the old machines that were over eight to ten years old and facing high repair costs.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-165, a Resolution Approving the Purchase of Five 12 Lead EKG Monitors from Zoll Medical Corporation for use by the Fire Department. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16778

**RESOLUTION NO. 14-166, AUTHORIZE THE CITY TO EXECUTE SCHEDULE 40 OF THE HP MASTER LEASE PURCHASE AGREEMENT FOR PURCHASE OF A BARRACUDA WEB FILTER FROM VLCM**

Mayor Bigelow presented proposed Resolution No. 14-166 that would authorize the City to execute Schedule 40 of the HP Master Lease Purchase Agreement, in

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an amount not to exceed \$47,550.24, including interest, for purchase of a Barracuda Web Filter from VLCM.

He stated for the amount of Web traffic the current Web Filter was not providing needed protection or monitoring. Formal bidding had not been required because VLCM held a contract with the State of Utah. If approved, the purchase would give the City the needed security from Web born malware, viruses and misused bandwidth. In addition, the Barracuda would provide the City with advanced policy and reporting management tools.

The purchase would be financed through the HP Lease Purchase Agreement previously approved on January 3, 2006, under Resolution No. 06-04.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-166, a Resolution Authorizing the City to Execute Schedule 40 of the HP Master Lease Purchase Agreement for the Purchase of a Barracuda Web Filter from VLCM. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16779

**RESOLUTION NO. 14-167, APPROVE AN AGREEMENT WITH EDA ARCHITECTS, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES, CONSTRUCTION DOCUMENT PREPARATION, AND CONSTRUCTION CONTRACT ADMINISTRATION FOR THE UTAH CULTURAL CELEBRATION CENTER PLAZA LEVEL RENOVATION PROJECT**

Mayor Bigelow presented proposed Resolution No. 14-167 that would approve an agreement with EDA Architects, Inc. for architectural and engineering design services, construction document preparation, and construction contract administration, in the amount of \$325,000.00, for the Utah Cultural Celebration Center (UCCC) Plaza Level Renovation Project.

He stated the proposed agreement would authorize EDA Architects to provide architectural and engineering services for the UCCC basement renovation project. EDA Architects would prepare master plans and construction documents, assist

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with the bidding process, and provide contract administration services for the construction contract.

The project would include basement plaza level renovation with a black box theater and supporting classrooms, art, dance, and theater rooms, and additional amenities that would provide the citizens of West Valley City and Salt Lake County with an excellent facility in which to experience the visual and performing arts.

Funding for the project would be provided by Salt Lake County in the total amount of \$2,500,000.00 in order to enhance the UCCC's ability to provide arts programming by professional and community based arts organizations to citizens of West Valley City and Salt Lake County. It was anticipated the UCCC basement renovation project would begin construction in the winter of 2015.

After discussion, Councilmember Huynh moved to approve Resolution No. 14-167, a Resolution Approving an Agreement with EDA Architects, Inc. for Architectural and Engineering Design Services, Construction Document Preparation, and Construction Contract Administration for the Utah Cultural Celebration Center Plaza Level Renovation Project. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16780

**CONSENT AGENDA:**

- A. **RESOLUTION NO. 14-168, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOHN G. DILLON AND LISA D. DILLON FOR PROPERTY LOCATED AT 2560 SOUTH 3270 WEST REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**  
Proposed Resolution No. 14-168 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from John G. Dillon and Lisa D. Dillon for property located at 2560 South 3270 West regarding the 2600 South Ditch Piping Project.

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The subject property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would run along the southern 10 feet of the grantors' property. The grant of Temporary Construction Easement would be an additional 20 feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. This ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

**B. RESOLUTION NO. 14-169, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BARNEY INVESTMENT COMPANY, A UTAH LIMITED PARTNERSHIP, FOR PROPERTY LOCATED AT 3329 WEST 2555 SOUTH REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

Proposed Resolution No. 14-169 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Barney Investment Company, a Utah Limited Partnership, for property located at 3329 West 2555 South regarding the 2600 South Ditch Piping Project.

The subject property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would run along the southern 10 feet of the grantors' property. The grant of Temporary Construction Easement would be an additional 20 feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. This ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

**C. RESOLUTION NO. 14-170, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MLB PROPERTY MANAGEMENT, LLC, FOR PROPERTY LOCATED AT 2608 SOUTH 3270 WEST REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

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Proposed Resolution No. 14-170 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from MLB Property Manager, LLC, for property located at 2608 South 3270 West regarding the 2600 South Ditch Piping Project.

The subject property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would run along the southern 10 feet of the grantors' property. The grant of Temporary Construction Easement would be an additional 20 feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. This ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

**D. RESOLUTION NO. 14-171, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BAILEY LOT LEASING, LC, FOR PROPERTY LOCATED AT 2602 SOUTH 3270 WEST REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

Proposed Resolution No. 14-171 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Bailey Lot Leasing, LC, for property located at 2602 South 3270 West regarding the 2600 South Ditch Piping Project.

The Bailey Lot Leasing property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The Storm Drain Easement would be along the north five feet of Grantor's property. The easement would be an additional five feet north of and abutting the Storm Drain Easement. This project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. This ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

E. **RESOLUTION NO. 14-172, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CUBAN CIGAR CO., INC. FOR PROPERTY LOCATED AT 3379 WEST 2555 SOUTH REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

Proposed Resolution No. 14-172 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Cuban Cigar Co., Inc. for property located at 3379 West 2555 South regarding the 2600 South Ditch Piping Project.

The Cuban Cigar Co., Inc. property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would be along a portion of the southern 10 feet of the grantor's property. The Grant of Temporary Construction Easement would be an additional 20 feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. This ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

F. **RESOLUTION NO. 14-173, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CUBAN CIGAR, INC. FOR PROPERTY LOCATED AT 3349 WEST 2555 SOUTH REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

Proposed Resolution No. 14-173 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Cuban Cigar, Inc. for property located at 3349 West 2555 South regarding the 2600 South Ditch Piping Project.

The subject property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would be along a portion of the southern 10 feet of the grantor's property. The Grant of Temporary Construction Easement would be an additional 20 feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system

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that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

**G. RESOLUTION NO. 14-174, ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KH MOUNTAIN INVESTMENTS, LLC, FOR PROPERTY LOCATED AT 2594 SOUTH 3270 WEST REGARDING THE 2600 SOUTH DITCH PIPING PROJECT**

Proposed Resolution No. 14-174 would accept a Storm Drain Easement and a Grant of Temporary Construction Easement from KH Mountain Investments, LLC, for property located at 2594 South 3270 West regarding the 2600 South Ditch Piping Project.

The subject property was one of eight properties affected and benefitted by construction of the 2600 South Ditch Piping Project. The easement would be along the north five feet of grantor's property. The Grant of Temporary Construction Easement would be an additional five feet north of and abutting the Storm Drain Easement. The project would pipe an existing open storm water ditch located on the west side of 3200 West at approximately 2600 South. The open ditch ran west from 3270 West approximately 600 feet to a storm drain clean-out box. The ditch ran along the rear property lines of properties located on either side of the ditch. The ditch was the last open section of the storm drain system that handled storm water from properties located between 3200 West and 3600 West, and between Parkway Boulevard and the SR-201 South Frontage Road.

**H. RESOLUTION NO. 14-175, ACCEPT TWO QUIT CLAIM DEEDS FROM FIRST INDUSTRIAL, L.P. FOR PORTIONS OF 2200 SOUTH LOCATED EAST OF REDWOOD ROAD**

Proposed Resolution No. 14-175 would accept two Quit Claim Deeds from First Industrial, L.P. for portions of 2200 South located east of Redwood Road.

2200 South was a private road located within the Metro Business Park. Metro Business Park located south of SR-201 and east of Redwood Road was a commercial office park developed from the late 1980's to the mid 1990's and was currently home to some quality tenants including Zions Bankcorp, IHC, Raytheon Company, Raster, and others. However, over the years quality of the park had declined and vacancy rates increased. To complicate the problem, no owners association had existed for more than 15 years. Due to lack of a functioning owners association, 2200 South had not been adequately maintained in recent years. In January of this year, F.C. Stangl, III, conveyed its portion of the road to West Valley City. First

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Industrial, L.P. had now executed two Quit Claim Deeds in favor of the City for its portions of the road. The road currently functioned as if it were a public street. Ownership of the road would allow the City to maintain, repair and provide snow removal, which was necessary to help improve the viability of this business park and help prevent further exodus of businesses.

**I. RESOLUTION NO. 14-176, ACCEPT A PUBLIC SIDEWALK, LIGHTING AND UTILITY EASEMENT FROM GRANGER-HUNTER IMPROVEMENT DISTRICT FOR PROPERTY LOCATED AT 1311 WEST 3300 SOUTH**

Proposed Resolution No. 14-176 would accept a Public Sidewalk, Lighting and Utility Easement from Granger-Hunter Improvement District for property located at 1311 West 3300 South.

The subject easement was for the proposed Granger-Hunter Improvement District – Well #1 site improvements. The project was subject to requirements of the 3500 South Streetscape Ordinance that required wider sidewalks and landscape frontage along with decorative sidewalk lighting on 3500 South Street.

As portions of the proposed sidewalk and lighting fell outside of the public eight-of-way, a Public Sidewalk, Lighting and Utility Easement would be required as a condition of approval for the project.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 14-168, 14-169, 14-170, 14-171, 14-172, 14-173, 14-174, 14-175, and 14-176 as listed on the Consent Agenda. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16781

**CONSIDER RESOLUTION NO. 14-126, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CHUN HSIANG AND HONG XIAO FOR APPROXIMATELY 1.01 ACRES OF PROPERTY**

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**LOCATED AT 4758 WEST 4100 SOUTH (APPLICATION NO. GPZ-6-2013  
– CONTINUED FROM REGULAR MEETING HELD AUGUST 19, 2014)**

Mayor Bigelow presented proposed Resolution No. 14-126 that would authorize the City to enter into a Development Agreement with Chun Hsiang and Hong Xiao for approximately 1.01 acres of property located at 4758 West 4100 South; regarding Application No. GPZ-6-2013 which continued from the Regular Meeting held August 19, 2014.

Background information included the following:

Chun Hsiang and Hong Xiao had submitted a General Plan/Zone change application to change 1.01 acres of property from Low Density Residential to Neighborhood Commercial in the General Plan and from the 'R-1-8' (Single-Family Residential with 8,000 square foot lot minimum) to 'C-1' (Neighborhood Commercial) zone. Staff and the Planning Commission had recommended a development agreement in conjunction with the General Plan/Zone change to help the new building planned to be compatible with the residential character of 4100 South Street.

The fourth and final version of the proposed Development Agreement which had been presented to and discussed by the City Council in study session earlier this date, contained the following requirements:

1. The building design shall include a pitched roof and parapets.
2. The parking shall be located to the north or east side of the site and the building shall be oriented towards the street.
3. The building shall be built substantially like the elevations in Exhibit C with the exception that all of the requirements of 7-14 Part 2 of the zoning ordinance (Commercial Design Standards) shall apply and the west and south sides shall both be considered primary facades. This means that the building elevations in Exhibit C may need to be revised as part of the conditional use approval process to meet the ordinance standards.
4. It is the intent of the City Council that pedestrian accessibility be provided at the developer's expense between the subject property and the Hunter Library. The details of the pedestrian accessibility will be determined by City staff and the developer.
5. Additional landscaping shall be added along the perimeter of the west and south sides of the building and shall include a mixture of shrubs and trees with the specific intent of enhancing the building elevation. The final design shall be reviewed and approved by staff.

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After discussion, Councilmember Lang moved to approve Resolution No. 14-126, a Resolution Authorizing the City to enter into a Development Agreement with Chun Hsiang and Hong Xiao for Approximately 1.01 Acres of Property Located at 4758 West 4100 South; and incorporate Exhibit B and C attached to the development agreement. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	No
Mr. Nordfelt	No
Mayor Bigelow	Yes

Majority.

16782

**MOTION FOR EXECUTIVE SESSION**

After discussion, Councilmember Rushton moved to adjourn and reconvene in an Executive Session for discussion of pending or eminent litigation. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 14, 2014, WAS ADJOURNED AT 7:10 P.M., BY MAYOR BIGELOW.

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THE WEST VALLEY CITY COUNCIL MET IN EXECUTIVE SESSION ON TUESDAY, OCTOBER 14, 2014, 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 BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Corey Rushton, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3

Paul Isaac, Acting City Manager  
Carel Hicks, Acting City Recorder

ABSENT:

Steve Vincent, Councilmember District 4

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Sam Johnson, Strategic Communications Director

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF OCTOBER 14, 2014, WAS ADJOURNED AT 8:00 P.M., BY MAYOR BIGELOW.

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, October 14, 2014.

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Carel Hicks, MMC  
Acting City Recorder

**PROCLAMATION**

**WEST VALLEY CITY, UTAH**

**A PROCLAMATION DECLARING NOVEMBER 1, 2014, AS “EXTRA MILE DAY” IN WEST VALLEY CITY.**

**WHEREAS**, West Valley City is a community which acknowledges that a special vibrancy exists with the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS**, West Valley City is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends and community; and

**WHEREAS**, West Valley City is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS**, West Valley City acknowledges the mission of the Extra Mile America to create 500 Extra Mile cities and states in America and is proud to support “Extra Mile Day” on November 1, 2014.

**NOW, THEREFORE**, we, the Mayor and City Council of West Valley City, do hereby proclaim November 1, 2014 to be Extra Mile Day. We urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

*The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.*

**Item:** \_\_\_\_\_  
**Fiscal Impact:** \_\_\_\_\_  
**Funding Source:** \_\_\_\_\_  
**Account No:** \_\_\_\_\_

**ISSUE:**

Approve a resolution to authorize condemnation to acquire property located at approximately 3027 – 3035 West Leon Avenue, in order to facilitate the construction of a roadway.

**SYNOPSIS:**

The City is currently attempting to purchase the land located at 3027 – 3035 West Leon Avenue from Julie Ann Cooper. At present, it appears that condemnation will be necessary to complete the acquisition. This resolution is requested in the likely event that condemnation becomes necessary.

**BACKGROUND:**

The house located at 3027 – 3035 West Leon Avenue is in a group of houses that the City must own in order to build a roadway through the Fairbourne Station development. The City has been unsuccessful in attempting to contact Ms. Cooper.

A condemnation action would require that the appraised value of the property be placed into escrow. The City would file a Motion for Default and a Motion for Immediate Occupancy and upon an order from the Court, receive title to the property and build the road. Ms. Cooper's money would earn interest in escrow until claimed.

**RECOMMENDATION:**

Approve resolution.

**SUBMITTED BY:**

J. Eric Bunderson, City Attorney

**WEST VALLEY CITY, UTAH**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO  
ACQUIRE, BY NEGOTIATION OR CONDEMNATION,  
REAL PROPERTY FROM JULIE ANN COOPER  
LOCATED AT 3027 - 3035 WEST LEON AVENUE.**

**WHEREAS**, pursuant to State law, West Valley City may purchase, receive, hold, sell, lease, convey, and dispose of real property for the benefit of the City, and also has the power of eminent domain to acquire property for public purposes and uses, including roadways; and

**WHEREAS**, the City Council of West Valley City, Utah, has determined that it is in the best interests of the health, safety and welfare of the citizens of West Valley City to acquire the property located at 3027 – 3035 West Leon Avenue in order to facilitate construction of a roadway; and

**WHEREAS**, the City Council of West Valley City, Utah, has determined that acquisition of said property would be for a public purpose and use; and

**WHEREAS**, the property to be acquired by the City is attached to this Resolution as an exhibit; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah, that the City, by and through the City staff, is authorized to acquire the above-described real property, free and clear of all outstanding liens or encumbrances. This acquisition may be made by offer and negotiation with the owners of the interests in the parcel of real property by City staff for good and valuable consideration equal to the fair market value of said parcel; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to accept said property and to execute any and all documents that may be necessary to complete the acquisition of said real property; and

**BE IT FURTHER RESOLVED** that should negotiations to acquire the property be unsuccessful, and the use of eminent domain or other legal action be necessary, the City, through its legal counsel, is authorized to undertake condemnation action or such other legal action as may be necessary to acquire, in the name of the City, all interests in the above-described real property in accordance with the applicable statutes relating to eminent domain and, if necessary, to make application for an Order of Immediate Occupancy, permitting the City to take immediate possession of the above-described real property.

**PASSED, APPROVED, and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

## **EXHIBIT**

All of Lot 15, HOLMBERG SUBDIVISION, according to the official plat thereof recorded in the office of the Salt Lake County Recorder.

Parcel Number 15-33-104-002

**ITEM #:** \_\_\_\_\_  
**FISCAL IMPACT:** \$1,250,000/- \$626,922 (partial match)  
**FUNDING SOURCE:** U.S. Department of Justice, COPS Hiring Program/General Fund (partial match)

**ISSUE:**

Authorize the Police Department to accept an award from the COPS Hiring Program through the Department of Justice. The award amount is \$1,250,000. The funds would be utilized to hire ten (10) additional police officers.

**SYNOPSIS:**

The U.S. Department of Justice Programs has awarded the West Valley City Police Department \$1,250,000 from the COPS Hiring Program Grant. The funds will be used to hire ten (10) new officers to help our agency meet the growing needs of West Valley City and provide exceptional service to its residents. In order to accept this award, the City is required to provide a cash match of \$626,922 over the course of three years.

**BACKGROUND:**

West Valley City has seen a large increase in population during its history, making it difficult for the police department to provide the kind of service our residents expect and deserve. Although we strive each and every day to provide excellent service, we know that having more officers on the road means a quicker response time and more time to devote to each case that is investigated.

As officers are hired with this grant, Chief Russo intends to create a new unit (Fast Action Unit) consisting of five officers and a sergeant. These added resources will be directed to implement intervention strategies which target persistent or emerging crime problems or community concerns that adversely impact quality of life.

The remaining four officers will be assigned to the Community Response Unit. Members to this unit are assigned to specific geographical areas within the city. Their assignment will include regular contact with our citizens in their neighborhoods. These officers will be a direct source of contact. They will be familiar with the unique challenges each neighborhood faces and they will be a part of a permanent solution. They will be gatherers of intelligence information that can be used to arrest suspects committing crimes that impact the quality of life in our neighborhoods.

**RECOMMENDATION:**

Approve the award from the U.S. Department of Justice, COPS Hiring Program Grant and the use of matching City funds from the General Fund.

**SUBMITTED BY:**

Lee Russo, Chief of Police

**WEST VALLEY CITY**

**RESOLUTION NO. 14-181**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF  
A COPS HIRING PROGRAM GRANT THROUGH THE  
DEPARTMENT OF JUSTICE.**

**WHEREAS**, West Valley City (the “City”) has been awarded a COPS Hiring Program Grant through the U.S. Department of Justice (the “Grant”) in the amount of \$1,250,000; and

**WHEREAS**, the funds will be used to hire ten (10) police officers; and

**WHEREAS**, in order to accept the Grant, the City is required to provide a cash match of \$626,922; and

**WHEREAS**, the City desires to provide the cash match; and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the citizens of West Valley City to accept the Grant; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah that the City is hereby authorized to accept the Award Document from the U.S. Department of Justice for an amount of \$1,250,000 and provide a cash match of \$626,922, subject to final approval of the document by the City Manager and the City Attorney’s Office.

**PASSED, APPROVED and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER



William Merritt &lt;william.merritt@wvc-ut.gov&gt;

## Fwd: COPS Hiring Program Grant

1 message

Wayne Pyle &lt;wayne.pyle@wvc-ut.gov&gt;

Mon, Sep 29, 2014 at 1:32 PM

To: Lee Russo &lt;lee.russo@wvc-ut.gov&gt;, William Merritt &lt;William.Merritt@wvc-ut.gov&gt;

----- Forwarded message -----

From: **Office of Community Oriented Policing Services (COPS)** <copsusdoj@service.govdelivery.com>

Date: Mon, Sep 29, 2014 at 1:14 PM

Subject: COPS Hiring Program Grant

To: wayne.pyle@wvc-ut.gov



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES  
145 N Street, NE, Washington, D.C. 20530

September 29,  
2014City Manager  
Wayne Pyle

West Valley, City of  
3600 South Constitution Boulevard  
West Valley City, UT 84119

Re: COPS Hiring Program Grant # 2014UMWX0150  
ORI#: UT01825

Dear City Manager Pyle:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency for 10 officer positions under the 2014 COPS Hiring Program (CHP). The *estimated* amount of federal funds to be awarded to your jurisdiction over the three-year grant period is \$1,250,000. Your local cash match will be \$626,922. Your agency may use CHP grant funding to hire new officers or rehire officers who have been laid off, or scheduled to be laid off on a specific future date, as a result of local budget cuts, on or after the official grant award start date. Please note that any changes to the awarded hiring categories require an official review and approval by the COPS Office.

To officially accept and begin your COPS Hiring Program grant, your agency must access [www.cops.usdoj.gov](http://www.cops.usdoj.gov) and select the Account Access link in the upper right corner to log in, review, and electronically sign the Award Document (including Grant Terms and Conditions) and any special conditions as applicable. In addition, if your agency was awarded funding for School Resource Officers, a Memorandum of Understanding (MOU) must be signed by the law enforcement executive and designated representative for the school/school district and submitted to the COPS Office for review prior to the drawdown of grant funding.

In order to electronically sign your Award Document, the appropriate Account Roles, with E-Signature and User Permissions must be established and assigned in Agency Portal. The Agency Portal Instruction Manual currently available on the COPS website at <http://cops.usdoj.gov/Default.asp?Item=46>

has been enhanced to include a Quick Step Guide. This guide will provide your agency with all of the information needed to successfully establish Account Roles and assign User Permissions in preparation to sign the Award Document as well as manage many aspects of your COPS grant online. Please review and follow these steps carefully as this is the only method for signing your Award Document.

The CHP grant award start date is **September 1, 2014**. Therefore, your agency can be reimbursed for allowable and approved expenditures made on or after this date. Please be advised that some of your requested items may not have been approved by the COPS Office during the budget review process. When you receive your award package, please carefully review your Financial Clearance Memorandum (FCM) to determine your approved budget, as grant funds may only be used for approved items. The FCM will specify the final award amount, and will also identify any disallowed costs. We strongly encourage you to visit <http://cops.usdoj.gov/Default.asp?Item=2367> immediately to access a supplemental online award package that contains a variety of important and helpful documents that will assist you with the implementation of your grant, including the 2014 CHP Grant Owner's Manual, which specifies the programmatic and financial terms, conditions, and requirements of your grant. Please print out a copy of your application and maintain it with your grant file records.

As a reminder, all positions awarded under CHP (or an equal number of veteran officers) must initiate or enhance community policing in accordance with the community policing strategy as described within Section 6 of your application. If, for any reason, your agency finds that your community policing strategies have significantly changed from those outlined in your application (e.g., because you received fewer officers than originally requested and thus must alter the scope of your community policing strategies), please revise the strategy accordingly and submit it to the COPS Office for review and approval.

As part of the 2014 COPS Hiring Program, your agency will be required to submit quarterly Federal Financial Reports (SF-425) as well as quarterly program progress reports. CHP grantees should be prepared to track and report CHP funding separately from other funding sources (including other COPS and federal grants) to ensure accurate financial and programmatic reporting on a timely basis. Your agency should ensure that you have financial internal controls in place to monitor the use of CHP funding and ensure that its use is consistent with the grant terms and conditions. In addition, your agency will be required to complete the Community Policing Self-Assessment Tool (CP-SAT) at the beginning and again towards the end of the grant award period.

Also, please remember that grantees must retain all sworn officer positions awarded under the 2014 CHP grant for a minimum of 12 months following the 36-month federal funding period. The retained CHP-funded position(s) should be added to your law enforcement budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant. In your 2014 CHP grant application, your agency was required to affirm that it plans to retain the additional officer positions awarded following the expiration of the grant, and to identify the planned sources of retention funding. If, during the life of the grant, you have questions regarding the retention requirement or your retention funding sources, please contact the COPS Office for assistance.

We look forward to working with your agency in a productive partnership to further your community policing efforts. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at [1.800.421.6770](tel:1.800.421.6770).

Sincerely,



Ronald L. Davis  
Director

This email was sent to [wayne.pyle@wvc-ut.gov](mailto:wayne.pyle@wvc-ut.gov) using GovDelivery, on behalf of: Office of Community Oriented Policing Services (COPS) · 145 N St, NE · Washington, DC 20530 · [800-421-6770](tel:800-421-6770)



**Grants Administration Division  
COPS Hiring Program  
Treasury Account Symbol (TAS) 15X0406**

**Grant #:** 20140MWX0150  
**ORI #:** 0101825  
**Applicant Organization's Legal Name:** West Valley, City of  
**DUNS #:** 053734703  
**Law Enforcement Executive:** Chief of Police Lee Russo  
**Government Executive:** City Manager Wayne Pyle

*Review COPY*

*Award Start Date:* 09/01/2014

*Award End Date:* 08/31/2017

**Full-Time Officers Funded:** 10

New Hires: 10

Rehires - Scheduled for Lay-Off: 0

Rehires - Previously Laid Off: 0

**Award Amount:** \$1,250,000.00

Ronald L. Davis  
Director

09/28/2014

Date

By signing this Award Document, the grantee agrees to abide by all FY 2014 COPS Hiring Program (CHP) grant terms and conditions and, if applicable, the Special Award Conditions and/or High Risk Conditions in the Award Document Supplement.

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any remedy available by law to the Federal Government.



U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**2014 COPS Hiring Program Grant Terms and Conditions**

By signing the Award Document to accept this COPS Hiring Program (CHP) grant, the grantee agrees to abide by the following grant terms and conditions:

1. **Grant Owner's Manual.** The grantee agrees to comply with the terms and conditions in the 2014 COPS Hiring Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122), and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); representations made in the CHP grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
2. **Assurances and Certifications.** The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its CHP application.
3. **Allowable Costs.** The funding under this project is for the payment of approved full-time entry-level salaries and fringe benefits over three years (for a total of 36 months of funding), up to a maximum federal share of \$125,000 per officer position for career law enforcement officer positions hired and/or rehired on or after the official grant award start date. Any salary and fringe benefit costs higher than entry-level that your agency pays a CHP-funded officer must be paid with local funds.

Your agency is required to use CHP grant funds for the specific hiring categories awarded. Funding under this program may be used for the following categories:

- a. Hiring new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget;
- b. Rehiring officers laid off by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget cuts; and/or
- c. Rehiring officers who were, at the time of grant application, scheduled to be laid off (by your jurisdiction) on a specific future date as a result of state, local, or BIA budget cuts.

If your agency's local fiscal conditions have changed and your agency needs to change one or more of the funded hiring categories, your agency should request a post-award grant modification and receive prior approval before spending CHP funding under the new category.

The Financial Clearance Memorandum (FCM), included in your award package, specifies the amount of CHP funds awarded to your agency. You should carefully review your FCM, which contains the final officer salary and fringe benefit categories and amounts for which your agency was approved. Please note that the salary and fringe benefit costs requested in your CHP application may have been adjusted or removed. Your agency may only be reimbursed for the approved cost categories that are documented within the FCM, up to the amounts specified in the FCM. **Your agency may not use CHP funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.**

Only actual allowable costs incurred during the grant award period will be eligible for reimbursement and drawdown. If your agency experiences any cost savings over the course of the grant (for example, your grant application overestimated the total entry-level officer salary and fringe benefits package), your agency may not use that excess funding to extend the length of the grant beyond 36 months. Any funds remaining after your agency has drawn down for the costs of approved salaries and fringe benefits incurred for each awarded position during the 36-month funding period will be deobligated during the closeout process, and should not be spent by your agency.

4. **Local Match.** Grantees are required to contribute a local match of at least 25 percent towards the total cost of the approved grant project, unless waived in writing by the COPS Office. The local match must be a cash match from funds not previously budgeted for law enforcement purposes and must be paid during the grant award period. The local match contribution must be made on an increasing basis during each year of the three-year grant period, with the federal share decreasing accordingly.
5. **Supplementing, Not Supplanting.** State, local, or BIA funds budgeted to pay for sworn officer positions irrespective of the receipt of CHP grant funds may not be reallocated to other purposes or refunded as a result of a CHP grant being awarded. Non-federal funds must remain available for and devoted to that purpose, with CHP funds supplementing those non-federal funds. Funding awarded cannot be obligated until after the grant award start date. This means that CHP funds cannot be applied to any agency cost or obligation incurred prior to the award start date. In addition, your agency must take active and timely steps pursuant to its standard procedures to fully fund law enforcement costs already budgeted as well as fill all locally-funded vacancies resulting from attrition during the life of the grant.
6. **Retention.** At the time of grant application, your agency committed to retaining all sworn officer positions awarded under the CHP grant with state and/or local funds for a minimum of 12 months following the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded sworn officer positions that would have existed in the absence of the grant. Your agency cannot satisfy the retention requirement by using CHP-funded positions to fill locally-funded vacancies resulting from attrition.
7. **Extensions.** Your agency may request an extension of the grant award period to receive additional time to implement your grant program. Such extensions do **not** provide additional funding. Grants may be extended a maximum of 36 months beyond the initial award expiration date. Any request for an extension beyond 36 months will be evaluated on a case-by-case basis. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include difficulties in filling COPS-funded positions, officer turnover, or other circumstances that interrupt the 36-month grant funding period. An extension allows your agency to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. **Extension requests must be received prior to the end date of the award.**

8. **Modifications.** During the CHP grant award period, it may become necessary for an agency to modify its CHP grant award due to changes in an agency's fiscal or law enforcement situation. Modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category, reduce the total number of positions awarded, shift funds among benefit categories, and/or reduce the entry-level salary and fringe benefit amounts. For example, an agency may have been awarded CHP grant funding for ten new, additional full-time sworn officer positions, but due to severe fiscal distress/constraints, the agency determines it is unable to sustain all ten positions and must reduce its request to five full-time positions; or an agency may have been awarded CHP grant funding for two new, additional sworn officer positions, but due to fiscal distress/constraints the agency needs to change the hiring category from the new hire category to the rehire category for officers laid off or scheduled for lay-off on a specific future date post-

U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**2014 COPS Hiring Program Grant Terms and Conditions**

application. Grant modifications under CHP are evaluated on a case-by-case basis. The COPS Office will only consider a modification request after an agency makes final, approved budget and/or personnel decisions. An agency may implement the modified grant award following written approval from the COPS Office. Please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

9. **Evaluations.** The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Hiring Program. The grantee agrees to cooperate with the monitors and evaluators.
  10. **Reports.** To assist the COPS Office in the monitoring of your award, your agency will be responsible for submitting quarterly programmatic progress reports and quarterly Federal Financial Reports using Standard Form 425 (SF-425).
  11. **Federal Civil Rights Laws.** As a condition of receipt of federal financial assistance, you acknowledge and agree that you will not (and will require any subgrantees, contractors, successors, transferees, and assignees not to), on the ground of race, color, religion, national origin (which includes providing limited-English proficient persons meaningful access to your programs), sex, disability or age, unlawfully exclude any person from participation in, deny the benefits of, or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.); and the corresponding DOJ regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). You also agree to comply with Executive Order 13279 Equal Treatment for Faith-Based Organizations and its implementing regulations at 28 C.F.R. Part 38, which requires equal treatment of religious organizations in the funding process and non-discrimination of beneficiaries by Faith-Based Organizations on the basis of belief or non-belief.
  12. **Equal Employment Opportunity Plan (EEOEOP).** All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).
  13. **Grant Monitoring Activities.** Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of grant implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a CHP grantee, you agree to cooperate with and respond to any requests for information pertaining to your grant.
  14. **Employment Eligibility.** The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
  15. **Community Policing.** Community policing activities to be initiated or enhanced by your agency were identified and described in your CHP grant application. Your agency developed a community policing plan for the CHP grant with specific reference to a crime or disorder problem and the following elements of community policing: a) problem solving—your agency’s plan to assess and respond to the problem identified; b) community partnerships and support, including related governmental and community initiatives that complement your agency’s proposed use of CHP funding; and c) organizational transformation—how your agency will use the funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing.
- The COPS Office defines community policing as a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. CHP grants must be used to initiate or enhance community policing activities. All newly hired, additional or rehired officers (or an equal number of redeployed veteran officers) funded under CHP must implement your agency’s approved community policing plan, which you described in your grant application.
16. **Community Policing Self Assessment Tool (CP-SAT).** The COPS Office will require your agency to complete the Community Policing Self Assessment Tool (CP-SAT) twice within the grant period, at the beginning and again towards the end of your grant period.
  17. **Contracts With Other Jurisdictions.** Grantees that provide law enforcement services to another jurisdiction through a contract must ensure that officers funded under this grant do not service the other jurisdiction, but will only be involved in activities or perform services that exclusively benefit the grantee’s own jurisdiction.
  18. **False Statements.** False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.
  19. **Additional High-Risk Grantee Requirements.** The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the awarding agency determines that the recipient is a high-risk grantee (28 C.F.R. Parts 66 and 70).
  20. **System for Award Management (SAM) and Universal Identifier Requirements.**

The Office of Management and Budget requires federal agencies to include the following standard award term in all grants and cooperative agreements made on or after October 1, 2010:

*A. Requirement for System for Award Management (SAM) Registration*

Unless you are exempted from this requirement under 2 C.F.R. Part 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**2014 COPS Hiring Program Grant Terms and Conditions**

*B. Requirement for Data Universal Numbering System (DUNS) Numbers*

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

*C. Definitions*

For purposes of this award term:

1. *System for Award Management (SAM)* means the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site at [www.sam.gov](http://www.sam.gov).
  2. *Data Universal Numbering System (DUNS) number* means the nine- or thirteen-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866.705.5711) or the Internet at <http://fedgov.dnb.com/webform>.
  3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 C.F.R. Part 25, subpart C:
    - a. A governmental organization, which is a state, local government, or Indian Tribe;
    - b. A foreign public entity;
    - c. A domestic or foreign non-profit organization;
    - d. A domestic or foreign for-profit organization; and
    - e. A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.
  4. *Subaward*:
    - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
    - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_\_210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
    - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
  5. *Subrecipient* means an entity that:
    - a. Receives a subaward from you under this award; and
    - b. Is accountable to you for the use of the federal funds provided by the subaward.
21. **Reporting Subaward and Executive Compensation.** The Office of Management and Budget requires federal agencies to include the following standard award term in all grants and cooperative agreements made on or after October 1, 2010:
- a. Reporting of first-tier subawards.**
1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
  2. *Where and when to report.*
    - i. You must report each obligating action described in paragraph a.1. of this award term to [www.fsrs.gov](http://www.fsrs.gov).
    - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
  3. *What to report.* You must report the information about each obligating action that the submission instructions posted at [www.fsrs.gov](http://www.fsrs.gov) specify.
- b. Reporting Total Compensation of Recipient Executives.**
1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
    - i. the total federal funding authorized to date under this award is \$25,000 or more;
    - ii. in the preceding fiscal year, you received—
      - (A) 80 percent or more of your annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
      - (B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
    - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at [www.sec.gov/answers/excomp.htm](http://www.sec.gov/answers/excomp.htm).)
  2. *Where and when to report.* You must report executive total compensation described in paragraph b.1 of this award term:
    - i. As part of your registration profile at [www.sam.gov](http://www.sam.gov).
    - ii. By the end of the month following the month in which this award is made, and annually thereafter.

**c. Reporting of Total Compensation of Subrecipient Executives.**

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*Office of Community Oriented Policing Services*  
**2014 COPS Hiring Program Grant Terms and Conditions**

1. **Applicability and what to report.** Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
  - i. in the subrecipient's preceding fiscal year, the subrecipient received—
    - (A) 80 percent or more of your annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
    - (B) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
  - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at [www.sec.gov/answers/excomp.htm](http://www.sec.gov/answers/excomp.htm).)
2. **Where and when to report.** You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
  - i. To the recipient.
  - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

**d. Exemptions**

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

**e. Definitions. For purposes of this award term:**

1. **Entity** means all of the following, as defined in 2 C.F.R. Part 25:
  - i. A governmental organization, which is a state, local government, or Indian Tribe;
  - ii. A foreign public entity;
  - iii. A domestic or foreign non-profit organization;
  - iv. A domestic or foreign for-profit organization;
  - v. A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.
2. **Executive** means officers, managing partners, or any other employees in management positions.
3. **Subaward:**
  - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_\_210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. **Subrecipient** means an entity that:
  - i. Receives a subaward from you (the recipient) under this award; and
  - ii. Is accountable to you for the use of the federal funds provided by the subaward.
5. **Total compensation** means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. Part 229.402(c)(2)):
  - i. *Salary and bonus.*
  - ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
  - v. *Above-market earnings on deferred compensation that is not tax-qualified.*
  - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

22. **Debarment and Suspension.** The recipient agrees not to award Federal funds under this program to any party which is debarred or suspended from participation in Federal assistance programs.

23. **Duplicative Funding.** The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

24. **Whistleblower Protection.** The recipient agrees not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he/she reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. The recipient also agrees to provide to their employees in writing (in the predominant native

U. S. Department of Justice  
*Office of Community Oriented Policing Services*  
**2014 COPS Hiring Program Grant Terms and Conditions**

language of the workforce) of the rights and remedies provided in 41 U.S.C. 4712. Please see Appendix F in the Grant/Award Owner's Manual for a full text of the statute.

Item #:	_____
Fiscal Impact:	N/A
Funding Source:	N/A
Account #:	N/A
Budget Opening Required:	N/A

**ISSUE:**

A resolution appointing members of the Utah Cultural Celebration Center Foundation Committee.

**SYNOPSIS:**

The Resolution ratifies the City Manager's appointment of certain individuals as members of the Utah Cultural Celebration Center Foundation Committee for a two year term as noted on the list attached to the resolution. The listed appointees are willing to serve as members of the Utah Cultural Celebration Center Foundation Committee.

**BACKGROUND:**

The Utah Cultural Celebration Center Foundation Committee consists of up to 13 members who serve for a term of two years. The Committee works to further the interests of the Foundation and the Utah Cultural Celebration Center by assisting in program development, fundraising, and promoting the cause of cultural diversity in the City.

**RECOMMENDATION:**

Approval of this Resolution.

**WEST VALLEY CITY, UTAH**

**RESOLUTION NO. 14-182**

**A RESOLUTION RATIFYING THE CITY  
MANAGER'S APPOINTMENT OF MEMBERS TO  
THE UTAH CULTURAL CELEBRATION CENTER  
FOUNDATION COMMITTEE.**

**WHEREAS**, the Utah Cultural Celebration Center Committee consists of members appointed by the City Manager; and

**WHEREAS**, the City Manager desires to appoint individuals for the terms as listed on the attachment to this resolution; and

**WHEREAS**, these individuals are willing to accept said appointments; and

**WHEREAS**, said appointments require the advice and consent of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Valley City, Utah, that it hereby ratifies the City Manager's appointment of members of the Utah Cultural Celebration Center Foundation Committee.

**PASSED, APPROVED and MADE EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

## Utah Cultural Celebration Center Foundation

<u>Member Name</u>	<u>Position</u>	<u>Appointment Re-Appointment</u>	<u>Term (Two Years)</u>
Rita Martin	Member	Appointment	October 1, 2014 – September 30, 2016
V. Kim Martinez	Member	Appointment	October 1, 2014 – September 30, 2016