

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 7, 2012, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Don Christensen
Tom Huynh
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Karen Lang

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
Jim Welch, Finance Director
Anita Schwemmer, Acting Police Chief
Steve Lehman, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15635 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Buhler who stated one of his American heroes was General Robert E. Lee. He read information about General Lee and expressed admiration regarding the General's peacemaking nature. He also showed a documentary video about General Lee.

Mayor Winder asked those in attendance at the meeting to join in a moment of silence in memory of the two young sons of Susan Powell, a West Valley City mother missing for over two years.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-2-

15636

SCOUTS

Mayor Winder welcomed Scout Troop Nos. 662, 672, 913 and 644 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

15637

APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 17, 2012

The Council read and considered Minutes of the Regular Meeting held January 17, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Huynh moved to approve the Minutes of the Regular Meeting held January 17, 2012, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15638

COMMENT PERIOD

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

Uwe Michel addressed the City Council. Mr. Michel stated he was a broker by trade and contractor, landlord and lender. He stated he had purchased and remodeled over 40 homes in West Valley City in the past few years. He expressed concern regarding non-compliance orders issued by the City and lack of notice to the public. Mr. Michel indicated when purchasing properties he received a title report, but not detailed information from West Valley City regarding cost of non-compliance issues. He informed he previously distributed written information to members of the City Council. He discussed a proposed ordinance change for consideration which would mitigate these problems. He stated there was a bill at the legislature that could change some of the state statutes, but some City policies also needed to be changed.

Jan Markland addressed the City Council and expressed concerns regarding a neighbor who was selling used mattresses from his home. Ms. Markland stated she had provided photographs to a code enforcement officer because the neighbor

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-3-

was operating without a business license. She stated she had been advised the neighborhood residents would have input regarding whether or not a license would be issued. She indicated a petition had been given to the Mayor prior to this meeting. Ms. Markland stated she understood the City did issue a license and residents of her subdivision were very upset. She advised the neighbor was now running a used furniture business from his home and selling items up to 10:00 P.M. She related comments from Judge Brown and Health Department staff regarding this matter. She questioned why a license had been issued as they did not need a used furniture store in addition to “hotels that rented rooms” in her neighborhood. She indicated many good people were leaving the City because of such problems not being addressed. Ms. Markland stated many of her friends had moved to cities in southern Salt Lake County, as they did not allow such things to happen in their cities. She requested the City Council assist in solving this issue.

Bill Barton addressed the City Council and stated last month he attended a presentation from two golf course companies regarding privatizing golf courses. He stated they claimed to save and, in some cases, make money for government entities for their golf courses. Mr. Barton suggested the City Council consider this alternative to the City’s current in-house management and operations of its golf courses. He suggested arranging a presentation from one of the companies at an upcoming Study Meeting and he provided the City Recorder with contact information.

Fynbo (no first name given) addressed the City Council and related a “dirty story” stating West Valley City cleaned sewer lines in his neighborhood and he was happy until he found residue in his basement, which should not have happened.

Karen Barton addressed the City Council and, referencing the opening ceremony remarks, stated Robert E. Lee’s home was located at Arlington Cemetery in Washington, D.C. and she shared some historical information regarding that home.

15639

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-2-2011, FILED BY KEN MENLOVE, REQUESTING CONSIDERATION OF A PROPOSED ORDINANCE VACATING THE SOUTH PORTION OF PARKWAY AVENUE AND THE ADJACENT ALLEY (1660 WEST PARKWAY AVENUE)

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. SV-2-2011, filed by Ken Menlove, requesting consideration of a proposed ordinance vacating the south portion of Parkway Avenue and the adjacent 16-foot alley at 1660 West Parkway Avenue. He discussed proposed Ordinance No. 12-05 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-4-

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-05 which would vacate the south portion of Parkway Avenue and the adjacent alley located at 1660 West Parkway Avenue in West Valley City.

Mr. Pyle stated the 16-foot alley was located in Block 16 of the Chesterfield Subdivision and the street and alley proposed to be vacated included the following:

- The 16-foot alley adjacent to Lots 30 and 34-41 in Block 16 Chesterfield Subdivision
- The south portion of Parkway Avenue adjacent to Lots 40-46 in Block 16 Chesterfield Subdivision

The City Manager advised the above mentioned street and alley had never been formally improved. He indicated that in 1985, the City vacated the north portion of Parkway Avenue and for unknown reasons the south portion was not included in that application. He also indicated businesses adjoining the street and alley had been using these spaces for years. He explained the proposed street and alley vacation had been submitted in order to create a developable area for a future storage unit project. He stated the vacation of the street and alley would also allow for better management of existing properties.

City Manager, Wayne Pyle, reported that during the Planning Commission meeting the adjacent property owner to the east expressed concern about closing Parkway Avenue. He further reported the Carter's stated they had used Parkway Avenue to access the north or rear portion of their property for years. Mr. Menlove had explained his company would work with the Carter's to ensure access would still be available through the new development. An agreement for that access had been signed and recorded with the Salt Lake County Recorder's Office in October 2011, granting an exclusive right-of-way for ingress and egress to the Carter property.

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

ACTION: CONSIDER ORDINANCE NO. 12-05, VACATING THE SOUTH PORTION OF PARKWAY AVENUE AND THE ADJACENT ALLEY LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. S-2-2011, filed by Ken Menlove, and proposed Ordinance No. 12-05 which would vacate the south portion of Parkway Avenue and the adjacent alley located in West Valley City.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-5-

After discussion, Councilmember Vincent moved to approve Ordinance No. 12-05, an Ordinance Vacating the South Portion of Parkway Avenue and the Adjacent Alley Located in West Valley City. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15640

ORDINANCE NO. 12-06, AMEND TITLE 2, CHAPTER 3 OF THE WEST VALLEY CITY MUNICIPAL CODE MAKING ADJUSTMENTS IN THE WEST VALLEY CITY COUNCIL DISTRICT BOUNDARIES

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-06 which would amend Title 2, Chapter 3 of the West Valley City Municipal Code making adjustments in the West Valley City Council District boundaries.

Mr. Pyle stated the proposed ordinance would change City Council district boundaries so each district had substantially equal population as indicated in the 2010 Census. He further stated Section 10-3-205.5, Utah Code Annotated, required all municipalities, with some or all council members being elected from districts, to “make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population.” He indicated in accordance with State law, evaluation had been made of existing council districts and a determination made that adjustments were necessary.

The City Manager reported the 2010 Census data had been utilized to determine the proposed council boundaries. He stated the population of each proposed district varied by no more than 2% from the “ideal” population, which would be one-fourth of the total City population. He indicated that in addition to balancing between districts, the proposal would keep district boundaries to major streets and avoid awkward shaped districts that would be difficult to clearly articulate. He discussed a table listing the population of each proposed district and amount each district deviated from the ideal population, summarized as follows:

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-6-

District	Population	Deviation	Percentage
1	32,525	148	0.46
2	31,778	-599	-1.85
3	32,798	421	1.30
4	32,406	29	0.09

Mr. Pyle summarized that the proposed ordinance defined each proposed district by major streets and City boundaries, and included an attached map illustrating the proposed district boundaries.

After discussion, Councilmember Huynh moved to approve Ordinance No. 12-06, an Ordinance Amending Title 2, Chapter 3 of the West Valley City Municipal Code Making Adjustments in the West Valley City Council District Boundaries. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15641

RESOLUTION NO. 12-09, AUTHORIZE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 2, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS THEREWITH REGARDING THE PURCHASE OF ONE PIERCE FIRE TRANSPORT PUMPER TRUCK WITH ATTACHMENTS/ACCESSORIES

City Manager, Wayne Pyle, presented proposed Resolution No. 12-09 which would authorize execution and delivery of a Master Lease Agreement, Equipment Schedule No. 2, an Escrow Agreement, and related instruments, in the amount of \$692,174.20, and determine other matters therewith regarding the purchase of one Pierce Fire Transport Pumper Truck with attachments and accessories.

Mr. Pyle stated the proposal would authorize a purchase agreement with Pierce Manufacturing, Inc. to purchase the Pierce Fire Transport Pumper Truck with attachments and accessories, and enter into a financing agreement under the SunTrust Master Lease Agreement executed with West Valley City dated April

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-7-

19, 2011. He advised the term of the lease would be 10 years with semi-annual payments, at an interest rate of 2.57%.

The City Manager reported purchase of the new truck would replace existing equipment. He advised financing would be obtained through SunTrust. He also advised funds had been allocated for these payments in fiscal year 2012.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-09, a Resolution Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 2, an Escrow Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15642

RESOLUTION NO. 12-10, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND UTOPIA TO ALLOW UTOPIA TO INSTALL, OPERATE, AND MAINTAIN A FIBER OPTIC DUCT BANK ON PROPERTY OWNED BY WEST VALLEY CITY
City Manager, Wayne Pyle, presented proposed Resolution No. 12-10 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior, and UTOPIA to allow UTOPIA to install, operate, and maintain a fiber optic duct bank on property owned by West Valley City.

Mr. Pyle stated UTOPIA had requested permission to cross property owned by the City that would encroach upon an easement owned by the U.S. Department of the Interior. He indicated UTOPIA desired to install, operate, and maintain a fiber optic duct bank with three two-inch HDPE conduits with one conduit housing a 432-count fiber optic cable bundle over the Jordan Aqueduct, Reach 3. He stated they could do so only with an agreement from the U.S. Department of the Interior. He also indicated the remaining two conduits would be for future expansion. He reported the U.S. Department of the Interior had agreed to allow UTOPIA to encroach on their easement in accordance with the appropriate documents.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-8-

After discussion, Councilmember Vincent moved to approve Resolution No. 12-10, a Resolution Approving an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior, and Utah Telecommunication Open Infrastructure Agency (UTOPIA) That Will Allow UTOPIA to Install, Operate, and Maintain a Fiber Optic Duct Bank on Property Owned by West Valley City. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

15643

RESOLUTION NO. 12-11, APPROVE SPONSORSHIP AGREEMENT BETWEEN WEST VALLEY CITY AND LAND O'FROST

City Manager, Wayne Pyle, presented proposed Resolution No. 12-11 which would approve a Sponsorship Agreement between West Valley City and Land O'Frost.

Mr. Pyle stated Land O'Frost desired to advertise their products by being a sponsor of West Valley City recreation programs. He indicated under the proposal Land O'Frost would pay the City the sum of \$12,000.00 in return for having their name on uniforms and signs for a one year sponsorship. He explained Land O'Frost was a food distributor to grocery stores and they had chosen to advertise their products across the country by sponsoring local recreational programs, with West Valley City being one of those target markets. He further stated Land O'Frost would put their name and logo on team uniforms, distribute coupons to teams, provide a banner to be displayed at programs, and promote their company in other ways as specified in the contract.

The City Manager advised that the Parks and Recreation Department often used sponsorships as a way to offset the cost of programs and keep participation prices affordable. He indicated the subject sponsorship was similar to sponsorships done in the past.

After discussion, Councilmember Christensen moved to approve Resolution No. 12-11, a Resolution Authorizing the Execution of a Sponsorship Agreement

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-9-

between West Valley City and Land O’Frost. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

15644

CONSENT AGENDA:

A. RESOLUTION NO. 12-12, ACCEPT A WARRANTY DEED FROM SCOTT MACHINERY VENTURES, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 2129 SOUTH TECHNOLOGY PARK WAY

City Manager, Wayne Pyle, presented proposed Resolution No. 12-12 which would accept a Warranty Deed from Scott Machinery Ventures, LLC, for property located at approximately 2129 South Technology Park Way.

Mr. Pyle stated the Warranty Deed had been signed by Scott Machinery Ventures, LLC.

The City Manager reported Scott Machinery Ventures, LLC was the owner of property for the new Intermountain Bobcat site. He stated Intermountain Bobcat was relocating its operations to a new 2.41 acre site in West Valley City. He further reported as a condition of approval conveyance of additional right-of-way on Technology Park Way would be required. The current 40-foot right-of-way (20-foot half width) did not include sidewalk and to accommodate the required five feet wide sidewalk on the east side of Technology Park Way, conveyance of additional right-of-way would be required as a condition of approval for a building permit.

B. RESOLUTION NO. 12-13, ACCEPT A WARRANTY DEED FROM DEFA PROPERTIES, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 1525 WEST WHITLOCK AVENUE

City Manager, Wayne Pyle presented proposed Resolution No. 12-13 which would accept a Warranty Deed from Defa Properties, LLC, for property located at approximately 1525 West Whitlock Avenue.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-10-

Mr. Pyle stated the Warranty Deed had been signed by Defa Properties, LLC.

City Manager, Wayne Pyle, reported as a condition of obtaining a building permit for a new home, conveyance to the City of a previously vacated portion of Whitlock Avenue would be required.

C. RESOLUTION NO. 12-14, AUTHORIZE A PUBLIC UTILITY EASEMENT OVER PORTIONS OF WEST VALLEY CITY PROPERTIES LOCATED AT 5335 SOUTH RIDGE VILLAGE DRIVE AND APPROXIMATELY 5310 SOUTH RIDGE VILLAGE DRIVE

City Manager, Wayne Pyle, presented proposed Resolution No. 12-14 which would authorize a public utility easement (PUE) over portions of West Valley City properties located at 5335 South Ridge Village Drive and approximately 5310 South Ridge Village Drive.

Mr. Pyle stated the subject easement would be required so utility companies could provide services to the new West Ridge Golf Course maintenance facility currently under construction. He explained Ridge Village Drive (5885 West) had not been formally dedicated as a public street nor were there existing public utility easements adjacent to Ridge Village Drive. He indicated Rocky Mountain Power required easements before extending service to the facility. He stated rather than grant an exclusive easement to Rocky Mountain Power, it had been determined granting non-exclusive public utility easements would be a better alternative for the City. He stated the easements described in the PUE provided for a 10-foot wide PUE along the westerly frontage of parcel 20-11-400-057 abutting the east right-of-way line of Ridge Village Drive, and for a 10-foot wide PUE along a portion of the easterly frontage of parcel 20-11-400-056 abutting the westerly right-of-way line of Ridge Village Drive and crossing the road to the West Ridge Golf Course maintenance facility property.

D. RESOLUTION NO. 12-15, ACCEPT A QUIT CLAIM DEED FROM QUESTAR GAS COMPANY FOR SEVERAL UTILITY EASEMENTS LOCATED ON THE FAIRBOURNE STATION PHASE 1 SUBDIVISION PROPERTY

City Manager, Wayne Pyle, presented proposed Resolution No. 12-15 which would accept a Quit Claim Deed from Quester Gas Company for several utility easements located on the Fairbourne Station Phase 1 Subdivision property.

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-11-

Mr. Pyle stated various properties within the future Fairbourne Station Phase 1 Subdivision were encumbered with a variety of public utility easements. He indicated those easements had been used to provide service to those older areas of residential and commercial development which had not been demolished.

The City Manager further explained in order to provide clear title to prospective land buyers within the future subdivision, the City had been working with utility companies to abandon the public utility easements. He stated Questar Gas Company had agreed to quit claim to West Valley City the right, title and interest of certain utility easements recorded with the Salt Lake County Recorder's Office.

E. RESOLUTION NO. 12-16, AUTHORIZE CITY TO GRANT A RIGHT-OF-WAY EASEMENT IN FAVOR OF ROCKY MOUNTAIN POWER OVER A PORTION OF PROPERTY LOCATED AT 6082 WEST CONCERT COURT

City Manager, Wayne Pyle, presented proposed Resolution No. 12-16 which would authorize the City to grant a Right-of-Way Easement in favor of Rocky Mountain Power over a portion of property located at 6082 West Concert Court.

Mr. Pyle stated a Right-of-Way Easement would be required in order for Rocky Mountain Power to relocate an underground electrical line which would provide service for street and parking lot lighting around the USANA Amphitheater, necessary as part of the West Ridge Golf Course reconstruction project.

The City Manager reported the existing electrical lines ran from a box located on the west side of Westridge Boulevard (across from the clubhouse) diagonally to the north side of the Concert Court cul-de-sac. He also stated the new alignment would run south along the west side of Westridge Boulevard within an existing 20-foot wide public utilities and drainage easement located on the east side of Lot 3 of West Ridge Commerce Park Phase 4. He stated the new right-of-way easement would run west from the southeast corner of Lot 3 to a new box to be located within Concert Court. He indicated Lot 3 and Concert Court would become part of the reconstructed West Ridge Golf Course.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 12-12, 12-13, 12-14, 12-15, and 12-16 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 7, 2012

-12-

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 7, 2012, WAS ADJOURNED AT 7:06 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, February 7, 2012.

Sheri McKendrick, MMC
City Recorder