

**MINUTES OF COUNCIL REGULAR MEETING – JANUARY 8, 2013**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 8, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

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

16004 **OPENING CEREMONY**

The Opening Ceremony was conducted by Don Christensen who led the Pledge of Allegiance to the Flag.

16005 **APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 11, 2012**

The Council read and considered Minutes of the Regular Meeting held December 11, 2012. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held December 11, 2012, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16006 **COMMENT PERIOD**

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

16007 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2012-2013 BUDGET**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding re-opening the FY 2012-2013 Budget. He discussed proposed Ordinance No. 13-01 to be considered by the Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-01 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. He indicated the City held two such public hearings on budget amendments annually, one mid-fiscal year and the second just prior to the end of the fiscal year. He reported public notice had been given as prescribed by law.

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

**ACTION: CONSIDER ORDINANCE NO. 13-01, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013, TO REFLECT**

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**CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS**

The City Council previously held a public hearing regarding proposed Ordinance No. 13-01 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

After discussion, Councilmember Lang moved to approve Ordinance No. 13-01, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2013, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16008

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-16-2012, FILED BY JOE CUNNINGHAM, REQUESTING AN AMENDMENT TO LOT 5 OF THE COLT PLAZA PHASE III SUBDIVISION LOCATED AT 2938 SOUTH GLEN EAGLES DRIVE**

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. S-16-2012, filed by Joe Cunningham, requesting an Amendment to Lot 5 of the Colt Plaza Phase III Subdivision located at 2938 South Glen Eagles Drive. He discussed proposed Ordinance No. 13-02 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-02 which would approve the amendment of Lot 5 in the Colt Plaza III Subdivision.

Mr. Pyle stated the purpose for the proposed amendment was to remove specific access easement language from the recorded plat. He reported the Colt Plaza III Subdivision had been recorded with Salt Lake County in January of 2006. He indicated the subdivision plat consisted of five lots and at the time the original plat was recorded there were specific notes that identified two parcels west of Lot

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5 as having a private right-of-way and access easement. He further advised that subsequent to recordation of the plat a legal decision removed the right-of-way and access easement from the far west parcel. He stated the applicant was simply amending the plat to reflect the court's decision regarding the right-of-way and access easement.

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

**ACTION: CONSIDER ORDINANCE NO. 13-02, APPROVING THE AMENDMENT OF LOT 5 IN THE COLT PLAZA III SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-16-2012, filed by Joe Cunningham, and proposed Ordinance No. 13-02 which would approve the Amendment of Lot 5 in the Colt Plaza III Subdivision.

After discussion, Councilmember Lang moved to approve Ordinance No. 13-02, an Ordinance Approving the Amendment of Lot 5 in the Colt Plaza III Subdivision Located at Approximately 2938 South Glen Eagles Drive. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16009

**RESOLUTION NO. 13-01, AUTHORIZE THE CITY TO EXECUTE SCHEDULE 34 OF THE HP LEASE PURCHASE AGREEMENT FOR PURCHASE OF COMPUTERS FROM VALCOM COMPUTER CENTER FOR USE BY THE CODE ENFORCEMENT DIVISION**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-01 which would authorize the City to execute Schedule 34 of the HP Lease Purchase Agreement for purchase of computers from Valcom Computer Center, in an amount not to exceed \$20,095.20, for use by the Code Enforcement Division.

Mr. Pyle stated all Code Enforcement computers were outdated and many were failing on a regular basis. He advised the IT Division had been unable to make repair to the computers which had been purchased in 2008.

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After discussion, Councilmember Buhler moved to approve Resolution No. 13-01, a Resolution Authorizing the City to Execute Schedule 34 of the HP Lease Purchase Agreement for the Purchase of Computers from Valcom Computer Center for use by the Code Enforcement Division. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16010

**RESOLUTION NO. 13-02, APPROVE A SECOND AMENDMENT TO THE WIRELESS LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS TO ALLOW INSTALLATION OF AN ADDITIONAL CELLULAR COMMUNICATIONS TOWER ON THE WEST VALLEY CITY FAMILY FITNESS CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-02 which would approve a Second Amendment to the Wireless Lease Agreement with New Cingular Wireless PCS to allow installation of an additional cellular communications tower on the West Valley City Family Fitness Center.

Mr. Pyle stated AT&T needed to add an antenna and move an existing antenna on the Fitness Center facility to update wireless coverage and provide 4G services. He also stated a second Amendment to the Wireless Lease Agreement would reflect those changes and specify the rent payments for the new antenna as \$24,654.00 annually.

The City Manager discussed background information and reported the City had a Wireless Lease Agreement with AT&T that allowed for placement of wireless antennas on the Fitness Center. He further explained AT&T was upgrading service to 4G and expanding coverage by increasing the number of antennas from two to three and moving one of the existing antennas. He reported additional rent had been negotiated for placement of the third antenna and movement of the other which would increase the annual rent from \$14,400 to \$24,654 with 20% increases at the beginning of each five year rent period.

After discussion, Councilmember Vincent moved to approve Resolution No. 13-02, a Resolution Approving a Second Amendment to the Wireless Lease

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Agreement between West Valley City and New Cingular Wireless PCS to Allow Installation of an Additional Cellular Communications Tower on the West Valley City Family Fitness Center. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16011

**APPLICATION NO. PUD-1-2012, FILED BY HENRY WALKER HOMES, REQUESTING FINAL PLAT APPROVAL FOR THE VILLAGES AT WESTRIDGE PHASE 1 LOCATED AT 5315 SOUTH 5700 WEST**

City Manager, Wayne Pyle, presented Application No. PUD-1-2012, filed by Henry Walker Homes, requesting final plat approval for The Villages at Westridge Phase 1 located at 5315 South 5700 West.

Mr. Pyle stated the subject property had been re-zoned in February of 2011, and received preliminary approval from the Planning Commission in July of 2011. He indicated the overall project included 155 residential units and two commercial pad sites on approximately 16 acres. He also stated the overall density for the residential housing was just under 12 units per acre, and would include three housing types. He indicated the courtyard style would consist of 80 units, the townhome product would consist of 57 units, and the mansion style homes would consist of 18 units.

The City Manager reported the first phase of the project would consist of 35 residential lots and one commercial lot. He stated housing proposed for this phase would be the courtyard product. During the preliminary stages of the application, City staff had evaluated elevations of proposed units in relation to the multiple family design standards. Based on the architecture, the style of those buildings did not meet the criteria. He explained there was a great deal of movement in both the exterior façade and roof line. He also indicated per the development agreement, buildings would consist of 100% masonry products, with stucco, hardiplank and stone being the primary materials to be used.

The City Manager explained access to this development had been challenging. The original plan had been to have access from 5600 West, 5400 South and from an existing stub street in the Westridge Estates Subdivision to the north.

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However, upon review of the applicant's development plan, the Utah Department of Transportation (UDOT) denied access at 5400 South. He further explained while the City engaged UDOT to reconsider the denial, those attempts had not met with any success. As a result, the project would gain access from 5600 West and from the stub street to the north. While not necessarily the most desirable situation, the access did meet with the First Department's approval for emergency services.

Mr. Pyle stated the site did exhibit some challenging grading issues. Those areas were concentrated near the newly completed Maverik Store along with the adjacent commercial pad and along the west boundary adjacent to the existing single family homes. He stated the developer had been coordinating those matters with the City's Engineering Division to ensure all grading between those properties would work for development purposes.

He advised as part of the overall development at least 50% of the project site would be open space. Although not part of this phase, the developer would deed an area approximately 1.3 acres in size for use as a City park. He indicated this phase of the development would provide just under one acre of open space. According to the development agreement a certificate of occupancy would not be issued for more than 40 units until construction of the private park spaces had commenced.

The City Manager also advised the developer would provide a home owner's association for the entire project. The association would be responsible to hire a property management company. As per previous PUD applications, City staff recommended that prior to the development being turned over to the association, a meeting with City staff, the developer and the management company would be held. He stated this would provide an opportunity to ensure all development standards and improvements had been completed in accordance with the City's approval of the project.

After discussion, Councilmember Huynh moved to approve Application No. PUD-1-2012, filed by Henry Walker Homes, and give final plat approval for The Villages at Westridge Phase 1 located at 5315 South 5700 West. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	No

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Mayor Pro Tem Rushton      Yes

Majority.

16012

**CONSENT AGENDA:**

**A. RESOLUTION NO. 13-03, ACCEPT A WARRANTY DEED FROM OMAN PROPERTIES, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 2215 SOUTH 7200 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-03 which would accept a Warranty Deed from Oman Properties, LLC, for property located at approximately 2215 South 7200 West.

Mr. Pyle stated Oman Properties, LLC had executed a Warranty Deed for additional right-of-way on 7200 West.

The City Manager reported Oman Properties, LLC was the owner of property for the Teancum Properties site and as a condition of approval for site development additional right-of-way on 7200 West would be required in accordance with the City's Major Street Plan. He also reported the current right-of-way adjacent to the subject parcel was a 33-foot half width, with an additional seven feet of width being deeded to the City.

**B. RESOLUTION NO. 13-04, REAPPOINTING SALLY BEAGLEY AS WEST VALLEY CITY'S REPRESENTATIVE TO THE SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES, TERM: JANUARY 1, 2013 – DECEMBER 31, 2016**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-04 which would reappoint Sally Beagley as West Valley City's representative to the South Salt Lake Valley Mosquito Abatement District Board of Trustees for the term January 1, 2013, through December 31, 2016.

Mr. Pyle stated Ms. Beagley had expressed desire to continue serving on the South Salt Lake Mosquito Abatement District Board.

After discussion, Councilmember Buhler moved to approve Resolution Nos. 13-03 and 13-04 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

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Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

16013

**MOTION FOR EXECUTIVE SESSION**

After discussion, Councilmember Vincent moved to recess the Regular Meeting and convene an Executive Session for discussion of disposition of property. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

Mayor Pro Tem Rushton recessed the Regular Meeting at 6:43 P.M. and reconvened the Regular Meeting at 7:08P.M. (The City Council left the Council Chambers during the recess.)

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 8, 2013, WAS ADJOURNED AT 7:09 P.M., BY MAYOR PRO TEM RUSHTON.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JANUARY 8, 2013, AT 6:46 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

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Corey Rushton  
Steve Buhler  
Don Christensen  
Tom Huynh  
Karen Lang  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director  
Eric Bunderson, City Attorney  
Jim Welch, Finance Director

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JANUARY 8, 2013, WAS ADJOURNED AT 7:08 P.M., BY MAYOR PRO TEM RUSHTON.

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, January 8, 2013.

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Sheri McKendrick, MMC  
City Recorder