

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 2, 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:

Eric Bunderson, City Attorney
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Anita Schwemmer, Acting Police Chief
Brent Garlick, Acting CED Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Lee Logston, CED Department
Jeannette Carpenter, Finance Department
Scott Freckleton, Finance Department
Wendy Motteshard, Finance Department
Cindy Hobbs, Finance Department

16101 **OPENING CEREMONY**

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

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-2-

16102 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 19, 2013**

The Council read and considered Minutes of the Regular Meeting held March 19, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held March 19, 2013, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

16103 **EMPLOYEE OF THE MONTH, APRIL 2013 – WENDY MOTTESHARD, FINANCE DEPARTMENT**

Councilmember Huynh read the nomination of Wendy Motteshard, Finance Department, to receive the Employee of the Month award for April 2013. Ms. Motteshard had been nominated for her positive and friendly attitude when dealing with public questions and complaints.

The award was presented to Ms. Motteshard and the City Council offered congratulations and appreciation for her outstanding contribution to West Valley City. She addressed the City Council and introduced her husband, Steve, and co-workers who were in attendance.

16104 **PROCLAMATION DECLARING APRIL 2013, AS "CHILD ABUSE PREVENTION MONTH" IN WEST VALLEY CITY**

Councilmember Buhler read a Proclamation declaring April 2013, as "Child Abuse Prevention Month" in West Valley City.

Upon recognition, Miriah Griffith, Family Support Center, addressed the City Council and expressed appreciation for raising awareness regarding child abuse, including providing support to the Family Support Center.

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-3-

- 16105 **PROCLAMATION DECLARING APRIL 2013, AS "FAIR HOUSING MONTH" IN WEST VALLEY CITY**
Councilmember Vincent read a Proclamation declaring April 2013, as "Fair Housing Month" in West Valley City.
- 16106 **PROCLAMATION DESIGNATING APRIL 22, 2013, THROUGH APRIL 26, 2013, AS "COMMUNITY DEVELOPMENT BLOCK GRANT WEEK" IN WEST VALLEY CITY**
Councilmember Christensen read a Proclamation designating April 22, 2013, through April 26, 2013, as "Community Development Block Grant Week" in West Valley City.
- 16107 **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.
- Referencing the proclamations read earlier in the meeting, Councilmember Christensen informed this day was also "National Autism Day."
- 16108 **RESOLUTION NO. 13-44, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARBOR GARDNER HIGHBURY, L.C. FOR APPROXIMATELY 15.35 ACRES OF PROPERTY LOCATED IN HIGHBURY CENTRE ON HIGH MARKET DRIVE AND HIGH COMMONS WAY**
City Manager, Wayne Pyle, presented proposed Resolution No. 13-44 which would authorize the City to enter into a Development Agreement with Arbor Gardner Highbury, L.C. for approximately 15.35 acres of property located in Highbury Centre on High Market Drive and High Commons Way.
- Mr. Pyle stated the proposal would include development of the acreage in Highbury Centre for commercial uses. He advised Arbor Gardner Highbury, L.C. had submitted a Conditional Use Application (C-51-2012) to develop a portion of the Highbury Centre Shopping Center at 5432 West and 5567 West High Market Drive, and at 2658 South 2682 South High Commons Way. He indicated given the multiple street frontages of these properties the developer proposed reduced setbacks along portions of the following streets: the west side of High Commons Way, the north side of High Market Drive, and the west side of 5370 West. He explained the ordinance allowed setbacks to be reduced through an executed development agreement. He reported City staff and the Planning Commission had worked with the applicant to enhance the landscaping with the reduced setback areas to compensate for the reduced width.

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-4-

After discussion, Councilmember Vincent moved to approve Resolution No. 13-44, a Resolution Authorizing the City to enter into a Development Agreement with Arbor Gardner Highbury, L.C. for Approximately 15.35 Acres of Property Located in Highbury Centre on High Market Drive and High Commons Way. 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.

16109

RESOLUTION NO. 13-45, APPROVE THE AWARD OF PROJECT SAFE NEIGHBORHOOD GRANT FUNDS TO THE UTAH CRIMINAL JUSTICE CENTER AT THE UNIVERSITY OF UTAH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-45 which would approve awarding Project Safe Neighborhood (PSN) Grant funds to the Utah Criminal Justice Center at the University of Utah.

Mr. Pyle stated West Valley City entered into numerous PSN contracts each year for the performance of activities specified by a specific grant. He indicated the proposal would approve a standard form agreement awarding a grant of \$100,000.00 to the Utah Criminal Justice Center at the University of Utah for data research and reporting for the Project Safe Neighborhoods Program.

He further indicated the City received funding through a grant agreement with the U.S. Department of Justice, Bureau of Justice Assistance, for local grants of Project Safe Neighborhoods grant funds. He advised the City was charged with distributing those grant funds to sub-recipients throughout the community who could accomplish the activities specified by the grant.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-45, a Resolution Approving the Award of Project Safe Neighborhoods Grant Funds to the Utah Criminal Justice Center at the University of Utah. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
-------------	-----

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-5-

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

Unanimous.

16110

RESOLUTION NO. 13-46, APPROVE AN AGREEMENT WITH PROJECT ENGINEERING CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PIONEER CROSSING MEMORIAL BRIDGE OVER THE JORDAN RIVER

City Manager, Wayne Pyle, presented proposed Resolution No. 13-46 which would approve a Professional Services Agreement for Design, Development, and Construction Management of the Pioneer Crossing Bridge over the Jordan River, in the amount of \$81,650.00.

Mr. Pyle stated proposals were solicited and five responses were received.

The City Manager reported Project Engineering Consultants had submitted the proposal that would best fit for the qualifications requested.

He advised the bridge would be constructed during the summer of 2013.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-46, a Resolution Approving an Agreement with Project Engineering Consultants for Professional Engineering Services for the Pioneer Crossing Memorial Bridge over the Jordan River. 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.

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-6-

16111

CONSENT AGENDA:

A. RESOLUTION NO. 13-47, AUTHORIZE THE CITY TO GRANT A PERPETUAL NON-EXCLUSIVE CABLE AND FACILITIES EASEMENT TO UTOPIA FOR PLACEMENT OF A CABINET AT 4109 SOUTH HOLDER DRIVE

City Manager, Wayne Pyle, presented proposed Resolution No. 13-47 which would authorize the City to grant a Perpetual Non-Exclusive Cable and Facilities Easement to UTOPIA for placement of a cabinet at 4109 South Holder Drive.

Mr. Pyle stated the proposed easement would provide for placement of a cabinet on City-owned property located at the above described address. He also stated UTOPIA was currently constructing its telecommunications infrastructure in the City which required use of certain cabinets to connect that infrastructure. He indicated granting of the easement required City Council approval.

B. RESOLUTION NO. 13-48, AUTHORIZE THE CITY TO EXECUTE AN ABANDONMENT OF STORM DRAIN EASEMENT ACROSS PROPERTY LOCATED AT 1484 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-48 which would authorize West Valley City to execute an Abandonment of Storm Drain Easement across property located at 1484 West 3500 South.

Mr. Pyle stated that in December of 2008, Compass Court, L.C., owner of the Compass Court Apartments, provided a storm drain easement for the proposed Lund Park to Brighton Canal Storm Drain Project across and through a portion of its site based upon the proposed alignment at that time. He reported the proposed storm drain project had not been constructed at that time and since was realigned based upon a new alignment. A new storm drain easement had been granted for that new alignment with the understanding that the previous storm drain easement would be abandoned by the City.

C. RESOLUTION NO. 13-49, AUTHORIZE THE CITY TO ACCEPT A QUIT CLAIM DEED FROM COMPASS COURT, L.C. FOR A PORTION OF PROPERTY LOCATED AT APPROXIMATELY 1475 WEST 3300 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-49 which would authorize the City to accept a Quit Claim Deed from Compass Court, L.C. for a portion of property located at approximately 1475 West 3300 South.

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-7-

Mr. Pyle stated a Quit Claim Deed had been signed by Compass Court, L.C. for a portion of the existing 3300 South right-of-way located at the above address.

The City Manager reported Compass Court Apartments had been approved in 1996 and construction completed in 1997. He advised the required improvements included curb, gutter, sidewalk and asphalt improvements along a portion of 3300 South (portion north of 3500 South - 3300 South). He stated conveyance of right-of-way for that portion of 3300 South should have occurred at that time but had not. He indicated the owner had now executed a deed to convey that portion to West Valley City.

- D. RESOLUTION NO. 13-50, AUTHORIZE ACCEPTANCE OF A STORM DRAIN EASEMENT FROM COMPASS COURT, L.C. ACROSS PROPERTY LOCATED AT 1484 WEST 3500 SOUTH**
City Manager, Wayne Pyle, presented proposed Resolution No. 13-50 which would authorize acceptance of a Storm Drain Easement from Compass Court, L.C. across property located at 1484 West 3500 South.

Mr. Pyle stated Compass Court, L.C., owner of the Compass Court Apartments, had executed an easement for the proposed Lund Park to Brighton Canal Storm Drain Project across and through a portion of its site.

The City Manager reported an old existing Salt Lake County 9-inch clay storm drain ran through the subject property and adjacent properties to the east. He stated the storm drain known as the "Chicken Coop Drain" was inadequate and extremely difficult to maintain as it ran through back yards and even under a chicken coop. The Lund Park to Brighton Canal Storm Drain Project would realign and replace the existing storm drain with a 30-inch reinforced concrete pipe, which would run through the Compass Court Apartments and relocate to 3300 South discharging into the Brighton Canal. In order to construct this project an easement in favor of the City had been required. He indicated the easement would replace a storm drain easement granted in December of 2008. The storm drain planned for that easement had not been built and the proposed alignment of the storm drain had been changed.

After discussion, Councilmember Buhler moved to approve Resolution Nos. 13-47, 13-48, 13-49 and 13-50 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-8-

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

Unanimous.

16112

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Christensen moved to adjourn and, immediately following the Redevelopment Agency and Housing Authority meetings, reconvene in an Executive Session for discussion of potential litigation. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 2, 2013, WAS ADJOURNED AT 6:51 P.M., BY MAYOR PRO TEM RUSHTON.

MINUTES OF COUNCIL REGULAR MEETING – APRIL 2, 2013

-9-

THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, APRIL 2, 2013, AT 7:03 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 PRO TEM RUSHTON.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Wayne Pyle, City Manager (Excused and left the meeting at 7:04 P.M.)

ABSENT: Mike Winder

POLICE DEPARTMENT STAFF PRESENT:

Deputy Chief Phil Quinlan
Sergeant Mike Christensen
Lieutenant LaMonte Cox
Detective Dave Greco
Detective Chris Howell

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF APRIL 2, 2013, WAS ADJOURNED AT 10:05 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, April 2, 2013.

Sheri McKendrick, MMC
City Recorder