

MINUTES OF COUNCIL REGULAR MEETING – APRIL 21, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 21, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Tim Bywater, Acting City Attorney
John Janson, Acting CED Director
Aaron Crim, Administration
Craig Thomas, Administration
Kevin Conde', Administration
Mike Christensen, Administration
Russ Bailey, Public Works Department

11496

OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who read an inspirational quote by Mother Teresa.

11497

SCOUTS

Mayor Nordfelt welcomed Scout Troop No. 1304 in attendance to complete requirements for the Citizenship in the Community merit badge.

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11498 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 7, 2009**

The Council read and considered the Minutes of the Regular Meeting held April 7, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held April 7, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14499 **EMPLOYEE OF THE MONTH AWARD, APRIL, 2009, DEBBIE KING, POLICE DEPARTMENT**

Mayor Nordfelt read the nomination of Debbie King, Police Department, to receive the Employee of the Month Award of April, 2009. He presented the award to Ms. King and the City Council congratulated her for a job well done on behalf of West Valley City.

14500 **INTRODUCTION OF NEW EMPLOYEES**

City Manager, Wayne Pyle, introduced the following new employees:

MIS:
Ben Gray, Computer Technician

Justice Court:
Seuga Ah-Ching, Court Clerk

Public Works Department:
Austin Coon, Engineer Tech II
Chris Conner, Operator I

Police Department:
Shawn Bias, Police Officer

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Megan Clark, Police Officer
Kelley Dellinger, Police Officer
David Langi, Police Officer
Travis Mehn, Police Officer
Crystal Mills, Police Officer
Jennifer Worthen, Police officer
Machelle Rodriguez, SMART Intelligence Analyst
Kathy Porter, Support Services Clerk

Finance Department:
Miclas Hales, Financial analyst

Community Preservation Department:
Marjory Cornelius, Executive Secretary

Mayor Nordfelt, on behalf of the City Council, welcomed the new personnel to employment with West Valley City.

14501

BRIAN BAITY – PRESENTATION OF ARTWORK TO WEST VALLEY CITY

Upon introduction by the City Manager, Brian Baity addressed the City Council and expressed appreciation for his appointment to the Arts Council in order to advance the arts within the City.

Mr. Baity presented a carved ostrich egg shell, which took over 80 hours to carve, featured five significant themes: The West Valley City logo; the Days of '47 logo (because the City would host the Days of '47 Rodeo this year); an image of a hockey player representing the E-Center; an image of the Olmec head representing the art at the Utah Cultural Celebration Center, and the Segoe Lilly, Utah's state flower. He indicated each image was encircled in a ring, representing the five Olympic rings, and West Valley City's participation in the historic games. He stated the egg carving would be on display through April 30th at the Utah Cultural Celebration Center.

Upon discussion, Councilmember Coleman stated Mr. Baity was his neighbor and there were other neighbors also in attendance at the meeting. He expressed appreciation for the donated art work. Councilmember Vincent stated he was excited to add Mr. Baity as a member of the Arts Council and members looked forward to his participation and contribution on that board.

Upon further discussion, Mayor Nordfelt took Item No. 09-180 listed on the Consent Agenda as the next order of business.

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CONSENT AGENDA: RESOLUTION NO. 09-180, RATIFY CITY MANAGER'S APPOINTMENT OF BRIAN BAITY AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: APRIL 21, 2009 – DECEMBER 31, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 09-180 which would ratify the City Manager's appointment of Brian Daity as a member of the West Valley City Arts Council for the term April 21, 2009, through December 31, 2009.

After discussion, Councilmember Brooks moved to approve Resolution No. 09-180, a Resolution Ratifying the City Manager's Appointment of Brian Baity as a Member of the West Valley City Arts Council for a Term Commencing April 21, 2009, and Ending December 31, 2009. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14503

COMMENT PERIOD

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

Ann Brown, 5990 West 3500 South, addressed the City Council. Ms. Brown expressed concern regarding an ordinance dealing with driveways which would affect those individual who least could afford to comply with that law. She cited examples. She stated she understood the City needed the dollars but that should not be at taxpayer's expense. She indicated driveways would not solve the problem and she read aloud a story about 3500 South and driveways.

Russell Day, 3789 South 5200 West, addressed the City Council. Mr. Day stated his gravel driveway was prettier than a slab of cement.

Kevin Hakamack, 5990 West 3500 South, addressed the City Council. Mr. Hakamack stated it could not get any prettier than spring green grass and the

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border of his rock driveway was grass. He also stated taking something and making it look like the subdivisions around them would be a huge expense. He indicated people in older homes could least afford to install concrete driveways.

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham stated he supported the ordinance regarding concrete driveways. He discussed problems with gravel and dirt driveways and the need to “step up” and remove old concrete and replace with new. He expressed the need to look forward toward neighborhood enhancement and the need to make the City pretty and nicer and suggested installation of a block wall at the City’s entrances as in Taylorsville City.

Douglas Young, and his wife, 4785 West Harman Drive, addressed the City Council. Mr. Young stated they had a stone driveway and a home across the street built in 1950 had an asphalt driveway. He also stated, if he had the money, he would place concrete in the entire front of his house. He stated he would get it paved sometime, but did not need the City forcing it down his throat. Ms. Young read aloud a written statement regarding enforcement issues and the need to respect individual rights. Ms. Young also discussed the issue of chickens and requested an ordinance allowing them.

Janice Mackie, 3805 South 4220 West, addressed the City Council. Ms. Jackie stated she had grown up in the Hunter area when roads had all been gravel. She stated she had brought a picture of her gravel which she called a “water wise garden” because she did not have the money to replace it with concrete. She inquired why gravel would have to be put in; and if it was because the companies that supplied and installed it needed more money.

Kathy Myler, 4198 West 3800 South, addressed the City Council. Ms. Myler stated her husband installed gravel on the side of her home many years ago. She indicated it never looked out of place and kept the weeds down and there had been no means to replace it with asphalt or cement.

Wade Hovey, 4695 West Harman Drive, addressed the City Council. Mr. Hovey stated he had lived in the area for 40 years and had a large area that would need to have asphalt. He advised he was retired and did not have the money to install concrete; he wished he did have the money. He stated the timing was bad and the length of time given on the notice of violation was not enough. He reiterated he did not have the money to come into compliance.

Richard Ream, 4473 Thayn Drive, addressed the City Council. Mr. Ream stated he was responsible for “stirring up” those people in attendance and he would continue to come back every week. He stated he was concerned not only for

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himself, but others who did not have the money. He indicated he had been going door to door and would bring the ordinance to the attention of everyone he saw who had a gravel driveway.

Upon request of Mayor Nordfelt, the City Manager discussed an overview of the subject ordinance and addressed certain issues of concern to those individuals who had spoken above. He advised a discussion regarding this issue had been scheduled for the City Council at the Study Meeting to be held May 5, 2009.

14504

PUBLIC HEARING, APPLICATION NO. Z-1-2009, FILED BY JOHN DUDDLESTON, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ‘M’ (MANUFACTURING) FOR PROPERTY LOCATED AT 2481 SOUTH 7200 WEST

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. Z-1-2009, filed by John Duddleston, requesting a zone change from zone ‘A’ (Agriculture) to ‘M’ (Manufacturing) for property located at 2481 South 7200 West. Mr. Pyle discussed proposed Ordinance No. 09-09 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. 09-09 which would amend the Zoning Map to show a change of zone for property located at 2481 South 7200 West from zone ‘A’ (Agriculture) to ‘M’ (Manufacturing).

Mr. Pyle stated the zone change had been requested for 16.1 acres of a 0.37 acre parcel, and surrounding zones included ‘A’ to the north and south, ‘M’ to the east, and ‘A-1’ to the west in Magna. He indicated surrounding land uses included single-family homes to the north and south and vacant land to the east and west. He explained the subject property and the property to the north, south, and east had been designated as light manufacturing in the City’s General Plan. He stated the subject property was currently vacant. He indicated the applicant intended to develop the property as a drive-thru coffee business.

The City Manager indicated any development within the ‘M’ zone that shared a common boundary with existing or proposed residential uses was processed as a conditional use. He stated if the re-zone was approved the following issues should be addressed as part of the conditional use: whether or not a masonry wall would be required along the north property line and compliance with the commercial design standards.

Mr. Pyle stated the Council had been provided with a letter from the property owner mentioning traffic along 7200 West as one of the reasons for the

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commercial use. He further explained that in 2007, average annual daily traffic along 7200 West between 3500 South and Highway 201 had been in the amount of 11,490. For means of comparison, 2007 traffic along 3500 South ranged from 16,115 on the west end of the City to 51,835 near I-215.

The City Manager reported that while there was no minimum lot size for the 'M' zone, the 'C-2' (General Commercial) zone required a minimum lot size of 20,000 square feet. He also reported the subject property was 16,170 square feet in area and 70 feet wide which was small and narrow for a commercial property.

Mayor Nordfelt opened the public hearing.

Mary Perez addressed the City Council. Ms. Perez stated she owned adjacent property and was in favor of the proposal.

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

ACTION: ORDINANCE NO. 09-09, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2481 SOUTH 7200 WEST FROM ZONE 'A' (AGRICULTURE) TO 'M' (MANUFACTURING)

The Council previously held a public hearing regarding Application No Z-1-2009, filed by John Duddleston, and proposed Ordinance No. 09-09 which would amend the Zoning Map to show a change of zone for property located at 2481 South 7200 West from zone 'A' (Agriculture) to 'M' (Manufacturing).

After discussion, Councilmember Burt moved to approve Ordinance No. 09-09, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 2481 South 7200 West from Zone 'A' (Agriculture) to 'M' (Manufacturing). Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

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14505

RESOLUTION NO. 09-178, APPROVE THE PURCHASE OF A 2009 FORD F550 TRUCK FROM KEN GARFF FORD FOR USE BY THE PARKS AND RECREATION DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-178 which would approve the purchase of a 2009 Ford F550 truck from Ken Garff Ford, in an amount not to exceed \$31,000.00, for use by the Parks and Recreation Department.

Mr. Pyle stated Ken Garff Ford had been selected as the vendor and held the State contract for the subject vehicle.

The City Manager advised a 2008 Ford F350 had been purchased for the Parks and Recreation Department from the 2007-2008 Replacement Fund to replace vehicle #740372, a 1991 Chevrolet Stakebed. He indicated it had later been determined a heavier vehicle with a dump bed would work more effectively than a flatbed for the intended use. He advised the Public Works Department had need for an additional flatbed truck for traffic striping and pavement marking so the F350 originally purchased for the Parks and Recreation Department had been transferred to the Public Works Department. He further indicated the Public Works Department would now purchase a replacement vehicle for use by the Parks and Recreation Department. He advised the cost of the new F550 truck was nearly equal to the cost of the 2008 Ford F350 including the flatbed. He stated the dump bed would be purchased from remaining replacement funds.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-178, a Resolution Approving the Purchase of a 2009 Ford F550 Truck from Ken Garff Ford for use by the Parks and Recreation Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 09-162, AUTHORIZE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM DECKER LAKE VENTURES, LLC, LOCATED AT 2801 SOUTH DECKER LAKE DRIVE IN WEST VALLEY CITY AND RATIFY RESOLUTION NO. 09-67 (CONTINUED FROM REGULAR MEETING HELD APRIL 14, 2009)

City Manager, Wayne Pyle, presented proposed Resolution No. 09-162 which would authorize the City to acquire, by negotiation or condemnation, real property from Decker Lake Ventures, LLC, located at 2801 South Decker Lake Drive in West Valley City and ratify Resolution No. 09-67.

Mr. Pyle stated although the required legal notice had been sent to the correct property address, the property owner was located at another address. He indicated in an effort to comply with all legal requirements and give the owner an additional opportunity to respond to the condemnation, notice was subsequently sent to the owner. Due to additional noticing concerns regarding timing between the letter and the initial date scheduled for a vote on the resolution, the processing of this resolution must be completed again.

The City Manager explained Utah Transit Authority (UTA) was currently negotiating purchase of 10,510 square feet of real property and a 2,631 square foot easement from the Decker Lake Ventures, LLC, with Clear Channel as a tenant. He stated, at present, it appeared condemnation would be necessary to complete the acquisition and the resolution had been requested in the likely event condemnation became necessary.

Mr. Pyle reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road and was located on a corner where the rail tracks made a turn to the south. He indicated the turn necessitated additional right-of-way. He stated the current right-of-way width was large but under the road was a box culvert from Decker Lake that needed to be avoided when possible and the turn consumes more right-of-way.

City Manager, Wayne Pyle, stated the proposed Resolution had been tabled and the matter continued in order to receive further information regarding certain issues of concern and hear from UTA representatives and additional formal notification to property owner per legal counsel. He recommended the Council consider another continuance to the Regular Meeting scheduled May 5, 2009.

After discussion, Councilmember Winder moved to table proposed Resolution No. 09-162 and continue the matter to the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14507

CONSENT AGENDA

A. RESOLUTION NO. 09-179, APPROVE A RIGHT-OF-ENTRY AGREEMENT WITH ASPEN VILLAGE APARTMENTS, LLC, FOR PROPERTY LOCATED AT 3043 WEST 3500 SOUTH FOR THE 3500 SOUTH WIDENING PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-179 which would approve a Right-of-Entry Agreement with Aspen Village Apartments, LLC, for property located at 3043 West 3500 South for the 3500 South Widening Project.

Mr. Pyle stated Aspen Village Apartments, LLC had signed the Right-of-Entry Agreement.

The City Manager reported the subject parcel was one of the properties requiring a public utility easement for the burial of the overhead power lines on 3500 South. He stated that upon completion of the appraisal process a public utility easement would be acquired, purchased and executed. He further reported the Right-of-Entry Agreement would allow UDOT, Rocky Mountain Power and its contractors to proceed in the interim.

B. RESOLUTION NO. 09-181, RATIFY THE CITY MANAGER'S APPOINTMENT OF BILL BARTON AS A MEMBER OF THE HISTORICAL SOCIETY OF WEST VALLEY CITY, TERM: APRIL 21, 2009 – DECEMBER 31, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 09-181 which would ratify the City Manager's appointment of Bill Barton as a member of the Historical Society of West Valley City for the term April 21, 2009, through December 31, 2009.

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 21, 2009, WAS ADJOURNED AT 7:31 P.M., BY MAYOR NORDFELT.

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, April 21, 2009.

Sheri McKendrick, MMC
City Recorder