

MINUTES OF COUNCIL REGULAR MEETING – APRIL 28, 2009

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, APRIL 28, 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 PRO TEM BROOKS.

THE FOLLOWING MEMBERS WERE PRESENT:

Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Dennis J. Nordfelt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Jim Welch, Finance Director
Richard Catten, City Attorney
Layne Morris, Community Preservation Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Tom McLachlan, Acting Police Chief
John Janson, Acting CED Director
Craig Thomas, Administration
Owen Jackson, Administration
Jake Arslanian, Public Works Department

14508

OPENING CEREMONY

The Opening Ceremony was conducted by Mike Winder who shared the definition of sustainable development adopted by the United Nations in 1987.

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SCOUTS

Mayor Pro Tem Brooks welcomed Scout Troop No. 629 in attendance to complete requirements for the Citizenship in the Community merit badge.

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14510 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 14, 2009**

The Council read and considered the Minutes of the Regular Meeting held April 14, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held April 14, 2009, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14511 **PRESENTATION OF “ESSENTIAL PIECE” RECOGNITION AWARD TO HENRY KOROUS FOR HIS OUTSTANDING EFFORTS IN REPRESENTING WEST VALLEY CITY, SALT LAKE COUNTY AND THE STATE OF UTAH IN THE SCRIPPS NATIONAL SPELLING BEE**

Councilmember Winder read a narrative and presented a certificate to Henry Korous recognizing his participation in the Scripps National Spelling Bee.

Councilmember Winder indicated Henry Korous was the son of Alan and Debbie Korous. He stated Henry won the local spelling bee on March 7, 2009, and would be one of three students to represent the State of Utah at the Scripps National Spelling Bee in Washington, D.C. on May 26th and 27th. Councilmember Winder stated Henry had competed against 18 other spelling bee champions from around the Salt Lake Valley. Henry had won two round trip tickets compliments of The Salt Lake Valley Journal, scholarship money for college, a savings bond, and a new dictionary. Councilmember Winder also stated Henry was an eighth grade student at Beehive Science and Technology Academy.

Members of the City Council offered congratulations to Henry Korous and Henry introduced his parents, family members and others in attendance at the meeting.

14512 **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Brooks, the following individuals addressed the City Council during the comment period:

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Terri Mills, Planning Commission member, 5890 West 3500 South, addressed the City Council. Ms. Mills related a conversation she recently had with residents of the City regarding driveway issues. She discussed the advantages of gravel driveways and cost of replacing with concrete. She indicated well groomed gravel driveways were appealing and suited some of the older homes in the City, and agricultural lots would also fall into that category. Ms. Mills expressed concerns regarding the City's ordinance as written. She indicated a gravel driveway was a smaller carbon footprint than concrete and it might be time to review and amend the ordinance.

Kevin Hakamack, 5090 West 3500 South, addressed the City Council. Mr. Hakamack discussed the gravel driveway on his property that he also used as a place to shoe his horses. He stated it would be very expensive to replace his 100 foot gravel driveway with concrete. He also expressed desire for his driveway to look nice and tidy. He stated he would be happy to share the cost of replacement with the City and this was one of the cases where adjustments needed to be made.

Carol Wakenfleck, 5968 West 3500 South, addressed the City Council. Ms. Wakenfleck read aloud a written statement regarding the amount of time she had lived on one acre of agricultural property with animals. She stated they had been there long before the surrounding subdivisions. She advised she had a 200 x 12 foot driveway and the cost to replace it with concrete would be \$15,000, and she further stated irrigation water they used in the front yard would flood the neighbors' homes if concrete was installed.

Jan Mawson, 3260 South Meadowlark Drive, discussed issues previously brought up before including traffic, construction, and safety issues regarding UTA construction for light rail. She stated she could not get out onto 3100 South and could only go one direction on another street one-half mile away. She indicated these were hard times and everyone was short on money. She advised people were making illegal left turns. She indicated residents felt there was too much construction everywhere and they were being "buried." She stated she spoke for the entire area including Maple Way and Robin Road residents.

Ann Brown, 5990 West 3500 South, addressed the City Council. Ms. Brown read aloud a written statement regarding driveway requirements and stated her home would ultimately be torn down when 3500 South was widened. She indicated her home was older, as were others in the area, and the owners could not afford to replace driveways with asphalt or concrete. She further stated the average driveway would cost \$5,000 and most people did not have that much money. She advised she had not known about the ordinance and thought it covered subdivisions. She stated it would take someone years to save for a driveway, much less comply by the year 2010. She also indicated there was not a need for driveways in the area, but rather a need for sidewalks.

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Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

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RESOLUTION NO. 09-187, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND TCG UTAH THAT WILL ALLOW TCG UTAH TO INSTALL, OPERATE, AND MAINTAIN TWO 1.5 INCH HDPE CONDUITS ON PROPERTY OWNED BY WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-187 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior, and TCG Utah, that would allow TCG Utah to install, operate, and maintain two 1.5 inch HDPE conduits on property owned by West Valley City.

Mr. Pyle stated TCG had requested permission to cross property owned by the City that would encroach upon the easement owned by the U.S. Department of the Interior.

The City Manager reported TCG Utah desired to install, operate, and maintain two 1.5 inch HDPE conduits over the Jordan Aqueduct, Reach 3, and might do so only upon agreement from the U.S. Department of the Interior because the conduits would encroach on the easement. He stated the U.S. Department of the Interior had agreed to allow TCG Utah to encroach on their easement in accordance with the subject documents.

After discussion, Councilmember Winder moved to approve Resolution No. 09-187, a Resolution Approving an Easement Encroachment Agreement between West Valley City, the U. S. Department of the Interior and TCG Utah That Would Allow TCG Utah to Install, Operate, and Maintain Two 1.5 Inch HDPE Conduits on Property Owned by West Valley City. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

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Mr. Rushton Yes
Mayor Pro Tem Brooks Yes

Unanimous.

14515 **RESOLUTION NO. 09-193, AUTHORIZE AND APPROVE A SUBORDINATION AGREEMENT (THE AGREEMENT) BETWEEN WEST VALLEY CITY, UTAH (THE ISSUER) AND U.S. BANK NATIONAL ASSOCIATION (THE TRUSTEE); AND RELATED MATTERS**

City Manager, Wayne Pyle, requested proposed Resolution No. 09-193 be stricken from the Agenda.

After discussion, Councilmember Coleman moved to strike proposed Resolution No. 09-193 from the Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Coleman Yes
Ms. Burt Yes
Mr. Winder Yes
Mr. Rushton Yes
Mayor Pro Tem Brooks Yes

Unanimous. Proposed Resolution No. 09-193 stricken from the Agenda.

14516 **CONSENT AGENDA:**

A. **RESOLUTION NO. 09-188, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MINA JENKS FOR PROPERTY LOCATED AT 3907 SOUTH SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-188 which would accept a Grant of Temporary Construction Easement from Mina Jenks for property located at 3907 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Mina Jenks had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He stated the easement would allow the contractor to make necessary tie-ins to their property. He also stated compensation for the easement would be

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in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

B. RESOLUTION NO. 09-189, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT W. MCGUIRE AND SUE M. MCGUIRE FOR PROPERTY LOCATED AT 3955 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-189 which would accept a Grant of Temporary Construction Easement from Robert W. McGuire and Sue M. McGuire for property located at 3955 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Robert W. McGuire and Sue M. McGuire had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project which extended from 3500 South to 4100 South. He indicated the Grant of Temporary Construction Easement would allow the contractor to make necessary tie-ins to their property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

C. RESOLUTION NO. 09-190, APPROVE A RIGHT-OF-WAY AGREEMENT WITH NICHOLAS F. ADLE AND SUSAN ADLE FOR PROPERTY LOCATED AT 3190 WEST 4100 SOUTH; AND ACCEPT A WARRANTY DEED FOR THE 3200 WEST STORM DRAIN MODIFICATION PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-190 which would approve a Right-of-Way Agreement with Nicholas F. Adle and Susan Adle for property located at 3190 West 4100 South, and accept a Warranty Deed, for the 3200 West Storm Drain Modification Project.

Mr. Pyle stated Nicholas F. Adle and Susan Adle had signed the Right-of-Way Agreement and Warranty Deed.

The City Manager reported the subject parcel was located at the northeast corner of 3200 West and 4100 South and would be affected by the construction and modification of a storm drain and irrigation box located on the subject property. He indicated the owners had executed the subject documents for purchase of 1,299 square feet of right-of-way at the southwest corner and along the 4100 South frontage of their property. The current dedicated right-of-way width on 4100 South was a 33 foot half

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width although the existing 4100 South sidewalk constructed by Salt Lake County occupied a 37 foot half width. The 1,299 square feet being acquired included additional right-of-way to a 40 foot half width on 4100 South and right-of-way on the southwest corner of the property occupied in part by a signal pole, signal box, and the storm drain and irrigation box being modified by this project. He stated total compensation for purchase of the right-of-way would be in the amount of \$5,500.00 and had been negotiated without an appraisal based on land values for similarly zoned properties and similar small acquisitions of property.

D. RESOLUTION NO. 09-191, ACCEPT A WARRANTY DEED FROM LI YIN CHEN AND PHONG TAE NGUYEN FOR PROPERTY LOCATED AT 3407 SOUTH REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 09-191 which would accept a Warranty Deed from Li Yin Chen and Phong Tae Nguyen for property located at 3407 South Redwood Road.

Mr. Pyle stated Li Yin Chen and Phong Tae Nguyen had signed the Warranty Deed.

The City Manager reported Li Yin Chen and Phong Tae Nguyen were constructing the Medallion Square commercial/retail development at 3407 South Redwood Road. He indicated as a condition of obtaining a building permit, dedication of a portion of Redwood Road had been required. He further stated the existing Redwood Road right-of-way adjacent to the subject property was a 46.40 foot half width. An additional 6.60 feet would be dedicated for a 53 foot half width in accordance with the City's Major Street Plan.

E. RESOLUTION NO. 09-192, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM LI YIN CHEN AND PHONG TAE NGUYEN ACROSS PROPERTY LOCATED AT 3407 SOUTH REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 09-192 which would accept a Public Sidewalk and Lighting Easement from Li Yin Chen and Phong Tae Nguyen across property located at 3407 South Redwood Road.

Mr. Pyle stated the subject development, the proposed Medallion Square commercial/retail development, was located within the Redwood Road Overlay Zone which required wider parkstrips, sidewalks, and sidewalk lighting along the street frontage. He indicated as the proposed sidewalk and lighting fell outside the public right-of-way on private property, a

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public sidewalk and lighting easement would be required as a condition of approval.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 09-188, 09-189, 09-190, 09-191, and 09-192 as presented on the Consent Agenda. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 21, 2009, WAS ADJOURNED AT 7:13 P.M., BY MAYOR PRO TEM BROOKS.

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 28, 2009.

Sheri McKendrick, MMC
City Recorder