

MINUTES OF COUNCIL REGULAR MEETING – JUNE 23, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 23, 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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Dennis Nordfelt
Joel Coleman

STAFF PRESENT:

Richard Catten, City Attorney
Nicole Cottle, CED Director
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Buzz Nielsen, Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Gary Dunn, Acting Finance Director
Steve Pastorik, CED Department
Aaron Crim, Administration
Phil Markham, Public Works Department
Jake Arslanian, Public Works Department

14590

OPENING CEREMONY

The Opening Ceremony was conducted by Russ Brooks who related a telephone conversation with a new homeowner in West Valley City regarding city services and another comment from a former resident saying they did not have a neighborhood dumpster or bulky waste program in the City he moved to. He also expressed appreciation to the Public Works Department for their efforts in assisting residents to keep the City and neighborhoods clean.

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14591 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 9, 2009**

The Council read and considered the Minutes of the Regular Meeting held June 9, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held June 9, 2009, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14592 **COMMENT PERIOD**

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

Peone Tupuola, 2001 W. Hyannis Avenue, West Valley City, addressed the City Council and discussed the positive impact of the Samoan Heritage Festival as it helped the youth learn more about their culture.

Paina Moeai, 882 W. Foxborough Dr., North Salt Lake, addressed the City Council and expressed appreciation for support of Samoan Heritage Festival and what the event meant to the Samoan youth in the community. Mr. Moeai stated it helped the youth to resist the gang culture. He indicated most of the Samoan population lived in West Valley so they liked to hold their event in this community. He invited the City Council to attend the event and learn about their culture.

Gerald Wise, 4025 South 6820 West, West Valley City, addressed the City Council. Mr. Wise stated he had been told by City staff that code enforcement officers would be working in his neighborhood and inquired when that would happen.

14593

PUBLIC HEARING, APPLICATION NO. Z-3-2009, FILED BY RUSSELL AND SHELLEY BAWDEN, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQ. FT.) FOR PROPERTY LOCATED AT 6374 WEST TIMMERMAN PLACE

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-3-2009, filed by Russell and Shelley Bawden, requesting a zone change from zone ‘A’ (Agriculture) to ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) for property located at 6374 West Timmerman Place. He discussed proposed Ordinance No. 09-19 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 09-19 which would amend the Zoning Map to show a change of zone for property located at 6374 West Timmerman Place from zone ‘A’ (Agriculture) to ‘R-1-8’ (Residential, Single-Family, Minimum Lot Size 8,000 sq. ft.).

Mr. Isaac stated the applicants requested a zone change for a 0.24 acre parcel at 6374 West Timmerman Place. He further stated surrounding zones included ‘A’ to the north, west, and a portion of the south, and ‘R-1-8’ to the east and the remaining south portion. He indicated surrounding land uses included single-family homes. He further explained the subject property had been designated as low density residential in the City’s General Plan. He stated the subject property included a home and a detached garage. He also indicated the Bawdens requested the ‘R-1-8’ zoning so they could build an attached garage under the ‘R-1-8’ zone setbacks instead of the ‘A’ zone setbacks. He mentioned the information in the Council’s packet included a site plan showing the existing structures and the proposed attached garage.

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

ACTION: ORDINANCE NO. 09-19, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 6374 WEST TIMMERMAN PLACE FROM ZONE ‘A’ (AGRICULTURE) TO ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM LOT SIZE 8,000 SQ. FT.)

The City Council previously held a public hearing regarding Application No. Z-3-2009, filed by Russell and Shelley Bawden, and proposed Ordinance No. 09-19 which would amend the Zoning Map to show a change of zone for property located at 6374 West Timmerman Place from zone ‘A’ (Agriculture) to ‘R-1-8’ (Residential, Single-Family, Minimum Lot Size 8,000 sq. ft.).

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After discussion, Councilmember Rushton moved to approve Ordinance No. 09-19, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 6374 West Timmerman Place from Zone ‘A’ (Agriculture) to ‘R-1-8’ (Residential Single-Family, Minimum Lot Size 8,000 sq. ft.). Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14594

PUBLIC HEARING, APPEAL, APPLICATION NO. GPZ-1-2009, FILED BY DAN NORTHRUP AND KELLY JENSEN, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN FROM RESIDENTIAL OFFICE TO NEIGHBORHOOD COMMERCIAL; AND TO AMEND THE ZONING MAP FROM ‘RB’ (RESIDENTIAL BUSINESS) ZONE TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5221 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-1-2009, filed by Dan Northrup and Kelly Jensen, requesting to amend the West Valley City General Plan from Residential Office to Neighborhood Commercial and to amend the Zoning Map from ‘RB’ (Residential Business) zone to ‘C-1’ (Neighborhood Commercial) zone for property located at approximately 5221 West 3500 South. He discussed proposed Ordinance No. 09-20 and proposed Ordinance No. 09-21 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Mr. Isaac stated surrounding zones included ‘R-1-8’ (Single Family Residential, Minimum Lot Size 8,000 sq. ft.) to the west and south, ‘RB’ to the east, and ‘C-1,’ ‘R-1-8,’ and ‘RB’ to the north. He also stated surrounding land uses included single-family homes to the west and south, a single-family home being converted to an insurance office to the east, and a veterinarian hospital and single-family homes to the north.

The Acting City Manager indicated the subject property had been re-zoned from ‘R-1-8’ to ‘RB’ in 2002 and the concept plan at that time included two office buildings totaling 4,200 square feet. He further indicated two Board of

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Adjustment cases had been approved for the property in 2006: the first a variance to allow the proposed new building to be built right on the south property line; the second, a modification of a non-conforming use. He stated the approved request had been to demolish the existing safety inspections and emissions building (which was non-conforming) and rebuild it as part of a new building that would also include office uses.

Acting City Manager, Paul Isaac, advised a letter from the applicants had been distributed to the Council stating why they believed the application should be approved. He stated re-zoning the property would grant the applicants more tenant options for possible leases.

Mr. Isaac stated, generally speaking, the 'RB' zone was geared toward residential and non-retail commercial with banking type hours. He indicated the 'C-1' zone prohibited residential use and allowed retail commercial where hours could extend beyond banking hours.

The Acting City Manager explained the Planning Commission considered and denied the subject application on May 13, 2009, and the applicants were now appealing that decision.

Mayor Pro Tem Brooks opened the public hearing.

Dan Northrup, applicant, 13579 Ivy Manor Lane, Draper, addressed the City Council. Mr. Northrup explained he had missed the hearing previously held by the Planning Commission. He discussed background information regarding the subject property and reasons for the application. He also addressed concerns brought out at the Planning Commission meeting including hours of operation. He further discussed proposed uses outlined on a list provided by the City that would suit that property, and three of four required a conditional use. He indicated another concern was the 24 hour operation, and they had proposed a restriction of 10:00 P.M. for any businesses or uses in the facility. Mr. Northrup requested approval of the application and answered questions from members of the City Council. Upon inquiry, Steve Pastorik, CED Department, answered questions from the City Council regarding restrictions that could be included in a development agreement which would run with the land.

Heidi Familiar, 5227 W. Wood Meadow Court, addressed the City Council. She stated she represented neighbors who were against the proposed zone change due to concerns regarding hours of operation of businesses that might be located on the property. She stated a Laundromat had been mentioned and the clientele and hours of operation would disrupt the neighborhood. She discussed problems with graffiti and other issues in the area. She presented the City Council a petition with signatures from neighbors in opposition of the proposal. She also stated there

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were concerns regarding parking and the lack of landscaping and weeds on the property. She expressed concern for safety of children of adjacent homes. She requested the City Council consider the children and families in the area. She indicated residents would like to see 9:00 A.M. to 5:00 P.M. for hours of operation for businesses at this location and at the very latest staying open only until 7:00 P.M. Ms. Familiar answered questions from members of the City Council.

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

The City Council discussed restricting uses and/or hours of operation with a development agreement. Upon inquiry, City Attorney, Richard Catten, answered legal questions from members of the City Council regarding procedures.

After discussion, Councilmember Winder moved to continue Application No. GPZ-1-2009 and table proposed Ordinance Nos. 09-20 and 09-21 pending a development agreement. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous. Application No. GPZ-1-2009 and Ordinance Nos. 09-20 & 09-21 continued.

14595

ORDINANCE NO. 09-22, AMEND TITLE 1, 3, 10, 17 AND 23 OF THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO INCLUDE THE NEW COMMUNITY PRESERVATION DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 09-22 which would amend Title 1, 3, 10, 17 and 23 of the West Valley City Municipal Code in order to include the new Community Preservation Department.

Mr. Isaac stated the proposed ordinance would update text within the Code titles affected by the creation of the new Community Preservation Department.

After discussion, Councilmember Burt moved to approve Ordinance No. 09-22, an Ordinance Amending Titles 1, 3, 10, 17 and 23 of the West Valley City Municipal Code in Order to Include the New Community Preservation Department. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14596

RESOLUTION NO. 09-231, APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE VALLEY EMERGENCY COMMUNICATIONS CENTER (VECC) FOR USE OF EACH OTHER'S FACILITIES AS A BACK UP EMERGENCY OPERATIONS CENTER

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-231 which would approve an Interlocal Cooperation Agreement with Salt Lake Valley Emergency Communications Center (VECC) for use of each other's facilities as a back up Emergency Operations Center.

Mr. Isaac stated the proposed agreement would authorize the City and VECC to provide back up emergency operations centers for the purpose of assisting each agency in the provision of effective emergency management. He also stated that under the terms of the agreement VECC would utilize West Valley City Fire Station #74 as its back up emergency operations center in the event its existing operations center became damaged or was not usable, and the City would utilize the VECC emergency operations center as its back up facility in the event its existing operations center became damaged or not usable.

After discussion, Councilmember Vincent moved to approve Resolution No. 09-231, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake Valley Emergency Communications Center (VECC) for Use of Each Other's Facilities as a Back-Up Emergency Operation Center. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

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Unanimous.

14597

RESOLUTION NO. 09-232, APPROVE AN AMENDMENT TO THE AGREEMENT WITH CRICKET COMMUNICATIONS, INC., TO ALLOW USE OF POWER FROM THE WEST VALLEY CITY FAMILY FITNESS CENTER FOR WIRELESS ANTENNAS IN PLACE ON THE ROOF OF THE FITNESS CENTER

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-232 which would approve an Amendment to the Agreement with Cricket Communications, Inc. to allow use of power from the West Valley City Family Fitness Center for wireless antennas in place on the roof of the Fitness Center.

Mr. Isaac stated Cricket Communications would reimburse \$2,100.00 per year to the Fitness Center. He explained, otherwise, Rocky Mountain Power would require closing the Fitness Center for a day to install separate power to Cricket.

The Acting City Manager explained the City recently entered into an agreement with Cricket to install wireless antennas on the roof of the Fitness Center. He also explained the project was completed except for installation of permanent power to the antenna equipment. He indicated Rocky Mountain Power no longer accommodated customer requests to work late at night, early mornings, or on weekends unless it was an emergency. He stated the work would be scheduled during the day thus leaving the Centennial Park campus, including the Fitness Center, without power for most of a day.

Acting City Manager, Paul Isaac, indicated an alternative was for Cricket Communications to use power already in the Fitness Center and reimburse the City for its use. The reimbursement would be equal or above the amount used each month. Significant down time would not be necessary although some time would be required and it could be done at a time dictated by the City. He further stated Cricket would install a sub-meter so the City could monitor the use. He explained all installation costs would be paid by Cricket Communications.

After discussion, Councilmember Winder moved to approve Resolution No. 09-232, a Resolution Authorizing the Execution of an Amendment to the Agreement with Cricket Communications, Inc. to Allow the Use of Power from the West Valley City Family Fitness Center for the Wireless Antennas in Place on the Roof of the Fitness Center. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

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Mr. Rushton Yes
Mayor Pro Tem Brooks Yes

Unanimous.

14598

RESOLUTION NO. 09-233, AWARD CONTRACT TO INTERMOUNTAIN SLURRY SEAL, INC. FOR THE 2009 SLURRY SEAL PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-233 which would award a contract to Intermountain Slurry Seal, Inc. in the amount of \$500,550.00, for the 2009 Slurry Seal Project.

Mr. Isaac stated bids had been solicited and four bids received as follows:

Intermountain Slurry Seal, Inc.:	\$500,550.00
American Asphalt & Grading Company:	\$507,600.00
Morgan Pavement:	\$512,300.00
M & M Asphalt Services, Inc.:	\$568,700.00

The Acting City Manager reported Intermountain Slurry Seal, Inc. had submitted the lowest responsible bid.

Mr. Isaac stated the project consisted of placement of approximately 470,000 square yards, Type III Slurry Seal on various residential streets throughout the City at a cost of \$1,065 per square yard. He reported City crews had historically completed the same work at a 10-25% lower cost. However, the City's local oil supplier had gone out of business. He further reported no other local supplier could meet the needs and no storage facility was available if out of state suppliers were used. He stated a new oil supply company would be open for business next year and the old supplier's plant was also expected to be re-opened by new owners in time for next year's work. He indicated barring unforeseen circumstances, City crews would be placing slurry seal again next year.

After discussion, Councilmember Burt moved to approve Resolution No. 09-233, a Resolution Awarding a Contract to Intermountain Slurry Seal, Inc. and Authorizing the Execution of a Contract for the 2009 Slurry Seal Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

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Unanimous.

14599

RESOLUTION NO. 09-246, AWARD A CONTRACT TO SUNROC CORPORATION FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-246 which would award a contract to Sunroc Corporation, in the amount of \$1,949,720.85, for the 5200 West Improvement Project.

Mr. Isaac stated the subject project was an improvement project on 5200 West extending from 3500 South to 4100 South. He also stated bids had been solicited and eight bids had been received. He indicated the project consisted of the construction of curb and gutter, sidewalk, asphalt tie-in, asphalt roto-mill and overlay, storm drain and irrigation pipe placement, catch basins, roadway lighting, property driveway and landscape tie-ins, and other work normally encountered in a roadway and storm drain improvement project.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-246, a Resolution Awarding a Contract to Sunroc Corporation and Authorizing the Execution of a Contract for the 5200 West Improvement Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14600

RESOLUTION NO. 09-247, AUTHORIZE THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH SALT LAKE CITY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-247 which would authorize the City to enter into a Memorandum of Agreement with Salt Lake City for the Edward Byrne Memorial Justice Assistance Grant Program.

Mr. Isaac stated the subject agreement specified how the grant funds would be used by West Valley City. He reported the Byrne Memorial Justice Assistance Grant was a new grant program that would provide funding to the City and Salt Lake City was the administering agency for that grant.

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After discussion, Councilmember Rushton moved to approve Resolution No. 09-247, a Resolution Authorizing the City to Enter Into a Memorandum of Agreement with Salt Lake City for the Edward Byrne Memorial Justice Assistance Grant Program. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14601

RESOLUTION NO. 09-248, RESCIND PREVIOUSLY APPROVED RESOLUTION NO. 09-121 AND APPROVE AN AMENDMENT TO THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND COVENTRY III/SATTERFIELD HELM VALLEY FAIR MALL, LLC, TO PROVIDE FOR THE REDEVELOPMENT OF THE VALLEY FAIR MALL

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-248 which would rescind previously approved Resolution No. 09-121 and approve an Amendment to the Agreement for Disposition of Land for disposition of land for private development between the City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to provide for the Redevelopment of the Valley Fair Mall.

Mr. Isaac stated the subject amendment to the agreement would reduce the total square footage of leaseable space required at the Valley Fair Mall in order for Mall owners to qualify for a tax increment subsidy from the RDA. He explained the square footage changes summarized as follows:

Substantial Completion: Original 897,750 sq. ft. / New 800,000 sq. ft.

Space Under Lease: Original 673,125 sq. ft. / New 550,000 sq. ft.

Minimum Acceptable Improvement Area: Original 139,000 sq. ft. / New 100,000 sq. ft.

Town Center: Original 41,325 sq. ft. / New 35,117 sq. ft.

The Acting City Manager further stated the proposal would also revise payments made by the RDA to the Valley Fair Mall owners to facilitate redevelopment of the Mall.

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Mr. Isaac indicated the original agreement was primarily between the RDA and the Mall owners. He stated the City's involvement consisted of agreeing to enter into an agreement with the RDA to, if necessary, provide a financial backstop to the issuance of RDA bonds that would provide certain financial assistance to the redevelopment of the Valley Fair Mall. He informed that the City's obligation to participate was subject to non-appropriation of funds by the City Council.

After discussion, Councilmember Winder moved to approve Resolution No. 09-248, a Resolution Rescinding Previously Approved Resolution No. 09-121 and Approving an Amendment to the Agreement for the Disposition of Land for Private Development between the City, the Redevelopment Agency of West Valley City, and Coventry III/Satterfield Helm Valley Fair Mall, LLC, to Provide for the Redevelopment of the Valley Fair Mall. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14602

CONSENT AGENDA

A. RESOLUTION NO. 09-234, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM P. MICHAEL AND NICOLE HARHI FOR PROPERTY LOCATED AT 4073 SOUTH ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-234 which would accept a Grant of Temporary Construction Easement from P. Michael and Nicole Harhi for property located at 4073 South Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated P. Michael and Nicole Harhi had signed the Grant of Temporary Construction Easement.

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

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

B. RESOLUTION NO. 09-235, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MICKEY JOE BAILEY AND LORIANN BAILEY FOR PROPERTY LOCATED AT 4010 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-235 which would accept a Grant of Temporary Construction Easement from Mickey Joe Bailey and Loriann Bailey for property located at 4010 S. Acord Way for the Sunnyvale Acord Sidewalk Project

Mr. Isaac stated Mickey Joe Bailey and Loriann Bailey had signed the Grant of Temporary Construction Easement.

The Acting 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 the necessary tie-ins to their property. He further stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

C. RESOLUTION NO. 09-236, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LINDA ANDERSON AND CRAIG MILLS FOR PROPERTY LOCATED AT 3867 S. SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-236 which would accept a Grant of Temporary Construction Easement from Linda Anderson and Craig Mills for property located at 3867 S. Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated Linda Anderson and Craig Mills had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He also reported the easement would allow the contractor to make the necessary tie-ins to their property. He indicated compensation for the easement would be in the amount of \$200.00, which easement would expire on December 31, 2010.

D. RESOLUTION NO. 09-237, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM H.F.B.O. HOLDINGS, LLC, FOR PROPERTY LOCATED AT 4053 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-237 which would accept a Grant of Temporary Construction Easement from H.F.B.O. Holdings, LLC, for property located at 4053 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated H.F.B.O. had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He further reported the easement would allow the contractor to make the necessary tie-ins to their property. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

E. RESOLUTION NO. 09-238, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM AMERICAN PENSION SERVICES, INC., CUSTODIAN FOR MICHAEL S. ROBINSON, JR. IRA #7792 FOR PROPERTY LOCATED AT 4017 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-238 which would accept a Grant of Temporary Construction Easement from American Pension Services, Inc., custodian for Michael S. Robinson, Jr. IRA #7792 for property located at 4017 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Isaac stated American Pension Services, Inc., custodian for Michael S. Robinson, Jr. IRA #7792, had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He also reported the easement would allow the contractor to make the necessary tie-ins to their property. He stated compensation for the easement was in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

F. **RESOLUTION NO. 09-239, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DALE E. AND VERDA O. BENNETT FOR PROPERTY LOCATED AT 4000 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-239 which would accept a Grant of Temporary Construction Easement from Dale E. and Verda O. Bennett for property located at 4000 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Dale e. and Verda O. Bennett had signed the Grant of Temporary Construction Easement.

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

G. **RESOLUTION NO. 09-240, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KYLE D. BETTS AND MICHELLE LYNN BETTS FOR PROPERTY LOCATED AT 4000 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-240 which would accept a Grant of Temporary Construction Easement from Kyle D. Betts and Michelle Lynn Betts for property located at 4000 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Kyle D. Betts and Michelle Lynn Betts had signed the Grant of Temporary Construction Easement.

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

H. **RESOLUTION NO. 09-241, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM RAYMOND J. MCMICHAEL, JR. AND JEANNE MCMICHAEL FOR PROPERTY LOCATED AT 3525-3537 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-241 which would accept a Grant of Temporary Construction Easement from Raymond J. McMichael, Jr. and Jeanne McMichael for property located at 3525-3537 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Raymond J. McMichael, Jr. and Jeanne McMichael had signed the Grant of Temporary Construction Easement.

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

I. **RESOLUTION NO. 09-242, APPROVE A RIGHT-OF-WAY AGREEMENT WITH ELINOR F. UNSWORTH AND WAYNE J. UNSWORTH FOR PROPERTY LOCATED AT 4010 SOUTH 5200 WEST; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-242 which would approve a Right-of-Way Agreement with Elinor F. Unsworth and Wayne J. Unsworth for property located at 4010 South 5200 West; and accept a Warranty Deed and Grant of Temporary Construction Easement for the 5200 West Improvement Project.

Mr. Isaac stated Elinor F. Unsworth and Wayne J. Unsworth had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He also stated compensation for purchase of the right-of-way and Grant of Temporary Construction Easement would be in the amount of \$7,575.00, based upon the appraisal prepared by Free & Associates, Inc.

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J. RESOLUTION NO. 09-243, APPROVE A RIGHT-OF-WAY AGREEMENT WITH PAMELA KUSHLAN FOR PROPERTY LOCATED AT 3602 SOUTH 5200 WEST; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-243 which would approve a Right-of-Way Agreement with Pamela Kushlan for property located at 3602 South 5200 West; and accept a Warranty Deed and Grant of Temporary Construction Easement for the 5200 West Improvement Project.

Mr. Isaac stated Pamela Kushlan had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated compensation for purchase of the right-of-way and Grant of Temporary Construction Easement would be in the amount of \$5,125.00, based on an appraisal prepared by Free & Associates, Inc.

K. RESOLUTION NO. 09-244, APPROVE A RIGHT-OF-WAY AGREEMENT WITH NATHAN R. GUBLER AND ELISANGELA GUBLER FOR PROPERTY LOCATED AT 4040 SOUTH 5200 WEST; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-244 which would approve a Right-of-Way Agreement with Nathan R. Gubler and Elisangela Gubler for property located at 4040 South 5200 West; and accept a Warranty Deed and Grant of Temporary Construction Easement for the 5200 West Improvement Project.

Mr. Isaac stated Nathan R. Gubler and Elisangela Gubler had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

Acting City Manager, Paul Isaac, reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated compensation for purchase of the right-of-way and Grant of Temporary

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Construction Easement would be in the amount of \$10,650.00, based on an appraisal prepared by Free & Associates, Inc.

L. **RESOLUTION NO. 09-245, APPROVE A DELAY AGREEMENT WITH UTAH CHARTER ACADEMIES FOR PROPERTY LOCATED AT 1255 WEST CRYSTAL AVENUE**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-245 which would approve a Delay Agreement with Utah Charter Academies for property located at 1255 West Crystal Avenue.

Mr. Isaac stated the Utah Charter Academies had requested to delay construction of off-site improvements which included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway. He also stated that at the present time there were no existing improvements along the subject property. He indicated postponing construction of the improvements would allow time for additional development to provide similar improvements. He further indicated the combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

M. **RESOLUTION NO. 09-249, RATIFY THE CITY MANAGER'S APPOINTMENT OF STEVE LEHMAN AS A MEMBER OF THE WEST VALLEY CITY LICENSE HEARING BOARD, TERM: JULY 1, 2009 – JUNE 30, 2012**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-249 which would ratify the City Manager's appointment of Steve Lehman as a member of the West Valley City License Hearing Board for the term July 1, 2009, through June 30, 2012.

Mr. Isaac stated Mr. Lehman had expressed willingness to be appointed as a member of the Board for a three year term.

N. **RESOLUTION NO. 09-250, RATIFY THE CITY MANAGER'S APPOINTMENT OF STEVE LEHMAN AS CHAIR OF THE WEST VALLEY CITY LICENSE HEARING BOARD, TERM: JULY 1, 2009 – JUNE 30, 2010**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-250 which would ratify the City Manager's appointment of Steve Lehman as Chair of the West Valley City License Hearing Board for the term July 1, 2009, through June 30, 2010.

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Mr. Isaac stated Mr. Lehman was an employee of the City and had expressed willingness to serve as the Chair of the License Hearing Board for a one year term.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 09-234, 09-235, 09-236, 09-237, 09-238, 09-239, 09-240, 09-241, 09-242, 09-243, 09-244, 09-245, 09-249 and 09-250 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	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, JUNE 23, 2009, WAS ADJOURNED AT 7:10 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, June 23, 2009.

Sheri McKendrick, MMC
City Recorder