

MINUTES OF COUNCIL STUDY MEETING – JUNE 16, 2009

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JUNE 16, 2009, AT 4:30 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 NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Richard Catten, City Attorney
Nicole Cottle, CED Director
Layne Morris, Community Preservation Director
John Evans, Fire Chief
Tom McLachlan, Acting Police Chief
Don Groo, Acting Finance Director
Steve Pastorik, CED Department
Phil Markham, Public Works Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

1. APPROVAL OF MINUTES OF STUDY MEETING HELD JUNE 2, 2009

The Council read and considered the Minutes of the Study Meeting held June 2, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Winder moved to approve the Minutes of the Study Meeting held June 2, 2009, as written. Councilmember Burt seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JUNE 16, 2009

City Manager, Wayne Pyle, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled June 16, 2009, at 6:30 P.M. He discussed the new items as follows:

Item No. 6. C. – SCOTT STEVENS, UTAH STATE TAX COMMISSION MANAGER AND PAST PRESIDENT OF UTAH GFOA – PRESENTATION OF CAFR (CERTIFICATE OF ACHIEVEMENT IN FINANCIAL REPORTING) AWARD TO WEST VALLEY CITY

City Manager, Wayne Pyle, stated Scott Stevens, Utah State Tax Commission Manager and Past President of Utah GFOA (Government Finance Officers Association) would present the CAFR (Certificate of Achievement in Financial Reporting) award to West Valley City at the Regular Council Meeting scheduled June 16, 2009, at 6:30 P.M.

Upon inquiry, there were no questions regarding items scheduled on the subject agenda.

3. PUBLIC HEARINGS SCHEDULED JUNE 23, 2009:

A. 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

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M., 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:

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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.)
City Manager, Wayne Pyle, discussed 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. Pyle 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 West Valley City 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 information in the Council’s agenda packet included a site plan showing the existing structures and the proposed attached garage.

Steve Pastorik, CED Department, further reviewed the Application, proposed Ordinance, and displayed a map. He also answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. Z-3-2009 and consider proposed Ordinance No. 09-19 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

B. 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

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M., 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)

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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:

ORDINANCE NO. 09-20, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM RESIDENTIAL OFFICE TO NEIGHBORHOOD COMMERCIAL LAND USES; AND ORDINANCE NO. 09-21, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FROM 'RB' (RESIDENTIAL BUSINESS) TO 'C-1' (NEIGHBORHOOD COMMERCIAL) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5221 WEST 3500 SOUTH

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-20 which would amend the General Plan to show a change of land use from Residential Office to Neighborhood Commercial land uses; and proposed Ordinance No. 09-21 which would amend the Zoning Map to show a change of zone from 'RB' (Residential Business) to 'C-1' (Neighborhood Commercial) zone for property located at approximately 5221 West 3500 South.

Mr. Pyle 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 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 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.

City Manager, Wayne Pyle, 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.

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

Steve Pastorik, CED Department, further reviewed the Application, proposed Ordinance, and displayed a map. He also answered questions from members of the City Council.

Mayor Nordfelt informed he was personally acquainted with one of the applicants.

The City Council discussed hours of operation for certain types of businesses and some members of the Council advised they would like to see businesses occupying empty places in the existing building on the subject property. The Council also discussed regulation of hours with a development agreement so the adjacent neighborhoods would not be negatively impacted.

City Manager, Wayne Pyle, provided background information and discussed history of the owners of the subject property including improvement and development of the subject property.

The City Council discussed possible types of uses in a C-1 zone and expressed a desire for the neighbors in the area to share comments, opinions and concerns during the public hearing process.

The City Council will hold a public hearing regarding Application No. GPZ-1-2009 and consider proposed Ordinance Nos. 09-20 and 09-21 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

4. 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

City Manager, Wayne Pyle, discussed 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.

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

City Manager, Wayne Pyle, further discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 09-22 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

5. **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**

City Manager, Wayne Pyle, discussed 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. Pyle 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.

City Manager, Wayne Pyle, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-231 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

6. **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**

City Manager, Wayne Pyle, discussed 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.

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Mr. Pyle 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 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.

City Manager, Wayne Pyle, 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.

Kevin Astill, Parks and Recreation Director, further reviewed the proposed Resolution and answered questions by members of the City Council.

The City Council will consider proposed Resolution No. 09-232 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

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

City Manager, Wayne Pyle, discussed 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. Pyle 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 City Manager reported Intermountain Slurry Seal, Inc. had submitted the lowest responsible bid.

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Mr. Pyle 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.

Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-233 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

8. CONSENT AGENDA SCHEDULED JUNE 23, 2009:

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 SUNNYVALE ACORD SIDEWALK PROJECT

City Manager, Wayne Pyle, discussed 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 Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated P. Michael and Nicole Harhi 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 also reported the subject 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.

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

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-235 which would accept a Grant of Temporary Construction Easement from Mickey Joe

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Bailey and Loriann Bailey for property located at 4010 S. Acord Way for the Sunnyvale Acord Sidewalk Project

Mr. Pyle stated Mickey Joe Bailey and Loriann Bailey 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 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

City Manager, Wayne Pyle, discussed 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. Pyle stated Linda Anderson and Craig Mills 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 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

City Manager, Wayne Pyle, discussed 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. Pyle stated H.F.B.O. had signed the Grant of Temporary Construction Easement.

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The 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

City Manager, Wayne Pyle, discussed 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. Pyle stated American Pension Services, Inc., custodian for Michael S. Robinson, Jr. IRA #7792, 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 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

City Manager, Wayne Pyle, discussed 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. Pyle stated Dale e. and Verda O. Bennett 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 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

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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

City Manager, Wayne Pyle, discussed 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. Pyle stated Kyle D. Betts and Michelle Lynn Betts 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 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

City Manager, Wayne Pyle, discussed 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. Pyle stated Raymond J. McMichael, Jr. and Jeanne McMichael 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 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.

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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

City Manager, Wayne Pyle, discussed 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. Pyle stated Elinor F. Unsworth and Wayne J. Unsworth had signed the Right-of-Way Agreement, Warranty Deed and 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 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.

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

City Manager, Wayne Pyle, discussed 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. Pyle stated Pamela Kushlan had signed the Right-of-Way Agreement, Warranty Deed, and 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 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.

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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

City Manager, Wayne Pyle, discussed 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. Pyle stated Nathan R. Gubler and Elisangela Gubler had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

City Manager, Wayne Pyle, 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 \$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

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

Mr. Pyle 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.

The City Council will consider proposed Resolution Nos. 09-234 through 09-245 at the Regular Council Meeting scheduled June 23, 2009, at 6:30 P.M.

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9. COMMUNICATIONS:

A. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: June 11 – August 4, 2009: Art Exhibit – Face of Utah Sculpture V, UCCC; June 18, 2009: Latino Seminar – How to Identify Criminal Activity, UCCC, 6:30 P.M.; June 23, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 25-27, 2009: WestFest, Centennial Park; June 30, 2009: Summer Concert Series – Utah Symphony, UCCC, 8:30 P.M.; July 1-15, 2009: Candidate Filing Period for 2009 Municipal Election in City Recorder’s Office (During business hours and not later than 5:00 P.M. on July 15th); July 6, 2009: Summer Concert Series – Jazz on the Jordan, UCCC, 8:00 P.M.; July 7, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 13, 2009: 2009 Crime Prevention Seminar, Topic: Home Safety, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; July 13, 2009: Summer Concert Series – Zion Tribe, UCCC, 8:00 P.M.; July 14, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 14, 2009: American Idols Live! Tour 2009, E-Center; July 16, 2009: Latino Seminar – West Valley City Codes and Ordinances, UCCC, 6:30 P.M.; July 20, 2009: Summer Concert Series – Red Rock Rondo, UCCC, 8:00 P.M.; July 20-25, 2009: Days of ’47 Rodeo, E-Center; July 21, 2009: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; July 27, 2009: Summer Concert Series – Smiling Souls, UCCC, 8:00 P.M.; July 28, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 3, 2009: Honorary Colonels Golf Tournament, Stonebridge Golf Course, 7:00 A.M. – 2:00 P.M.; August 3, 2009: West Valley City Neighborhood Nights: National Night Out Kick-Off Event, UCCC 5:30 P.M. – 7:30 P.M.; August 3, 2009: Summer Concert Series – Jason Hewlett, UCCC, 8:00 P.M.; August 4, 2009: Council Study and Regular Meetings – canceled; West Valley City Neighborhood Nights: National Night Out Block Parties, Various Locations, 5:00 P.M. – 9:00 P.M.; August 5-9, 2009: Saltimbanco Cirque Du Soleil, E-Center; August 10, 2009: 2009 Crime Prevention Seminar, Topic: ID Theft and Senior Fraud, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; August 10, 2009: Summer Concert Series – World Travelers, UCCC, 8:00 P.M.; August 11, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 18, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 20, 2009: Latino Seminar – How to Obtain a West Valley City Business License, UCCC, 6:30 P.M.; August 25, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting 6:30 P.M.; August 25, 2009: Depeche Mode, E-Center; August 27, 2009: West Valley City Neighborhood Nights: National Night Out Family Safety Fair, Family Fitness Center, 5:30 P.M. – 7:30 P.M.; September 1-11, 2009: Early Voting (Held only if there is a Primary Election); September 2, 2009: Meet the Candidates Night for Municipal Primary Election (Held only if there is a

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Primary Election) UCCC, 7:00 P.M.; September 14, 2009: 2009 Crime Prevention Seminar, Topic: National Preparedness Month (CERT), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 15, 2009: Municipal Primary Election; September 24, 2009: Latino Seminar – Fire Prevention, UCCC, 6:30 P.M.; September 30, 2009: Lake Park Owners Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; October 19, 2009: 2009 Crime Prevention Seminar, Topic: National Domestic Violence Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; October 20-30, 2009: Early Voting for Municipal General Election; October 22, 2009: Latino Seminar – Domestic Violence Awareness, UCCC, 6:30 P.M.; October 22, 2009: Meet the Candidates Night for Municipal General Election, UCCC, 7:00 P.M.; November 3, 2009: Municipal General Election; and November 9, 2009: 2009 Crime Prevention Seminar, Topic: Gang Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.

10. **COUNCIL REPORTS:**

A. **COUNCILMEMBER JOEL COLEMAN – E-MAIL REGARDING RAISING FINES OR “THUMPING MUSIC”**

Councilmember Coleman advised he had received an e-mail from a citizen regarding raising fines on people with “thumping music.” City Manager, Wayne Pyle, discussed his interaction with the referenced citizen. He indicated the citizen stated he would contact City Council members individually.

B. **COUNCILMEMBER CAROLYNN BURT – NEILA OAKS BENNETT CONCERNS REGARDING TRAX LINE CONSTRUCTION NEAR 2700 WEST AND 3100 SOUTH**

Councilmember Burt inquired if the City Manager had talked to Neila Oaks Bennett. City Manager, Wayne Pyle, informed that John Janson, CED Department, would contact Ms. Bennett regarding issues related to construction of the TRAX light rail line near 2700 West and 3100 South. The City Manager advised he would follow up regarding this issue.

C. **COUNCILMEMBER MIKE WINDER – LETTER FROM REPRESENTATIVE CHAFFETZ REGARDING EARMARK POLICIES AND REQUEST FOR FEEDBACK, ULCT CONFERENCE AND SAMOAN HERITGE FESTIVAL**

Councilmember Winder discussed a letter from Representative Chaffetz regarding earmark policies and a request for feedback. He also discussed plans for the upcoming Utah League of Cities & Towns (ULCT) conference in September including the theme, speakers, “everyday heros” recognition and other matters. He advised a representative from the Samoan Heritage Festival requested a meeting with him regarding their upcoming event. He inquired regarding the status of plans for the event and Parks and Recreation Director, Kevin Astill, responded to those questions.

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D. MAYOR DENNIS NORDFELT – “LIFE ON STATE” PROJECT REGARDING LIFE ON STATE STREET WITHIN SALT LAKE COUNTY AND COG MEETING

Mayor Nordfelt distributed written information regarding the “Life on State” project regarding life on State Street within Salt Lake County. He advised that Ted Knowlton of the Planning Center would oversee the project. Mayor Nordfelt also reported that other cities within the Redwood Road corridor expressed a desire to have a similar study.

Councilmember Vincent related a conversation regarding this issue with Mayor Wall of Taylorsville City. He stated Mayor Wall was anxious for planners from West Valley City and Taylorsville City to work together to develop plans for a contiguous intersection at 4100 South and Redwood Road. City Manager, Wayne Pyle, reported regarding discussions by staff regarding this issue.

Mayor Nordfelt discussed the most recent COG (Council of Governments) meeting and stated 3,000 temporary jobs would be created beginning in November/December for the duration of the 2010 Census. He further stated in addition, one of the national census call centers would be located in Salt Lake County which would provide another 1,000 jobs for that work.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, JUNE 16, 2009, WAS ADJOURNED AT 5:28 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, June 16, 2009.

Sheri McKendrick, MMC
City Recorder