

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 10, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 10, 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
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Dennis J. Nordfelt
Carolynn Burt
Joel Coleman

STAFF PRESENT:

Richard Catten, City Attorney
Jim Welch, Finance Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Craig Black, Acting Police Chief
Craig Thomas, Administration
Jake Arslanian, Public Works Department

14734 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who recited an inspirational quote from Abraham Lincoln. He invited Pastor Matthew Johnson from the Grace Baptist Church to address the City Council. Pastor Johnson read a scripture and offered a blessing.

14735 **SCOUTS**

Mayor Pro Tem Brooks welcomed Scout Troop Nos. 1792 and 1197 present to complete requirements for the Communications and Citizenship in the Community merit badges.

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14736 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 20, 2009**

The Council read and considered the Minutes of the Regular Meeting held October 20, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held October 20, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14737 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

The Council read and considered the Minutes of the Regular Meeting held October 27, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held October 20, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14738 **EMPLOYEE OF THE MONTH, SEPTEMBER 2009 – THOR MODTLAND, PUBLIC WORKS DEPARTMENT**

Mayor Pro Tem Brooks read the nomination of Thor Modtland, Public Works Department, to receive the Employee of the Month award for September, 2009.

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The award was presented and the City Council offered congratulations and expressed appreciation to Mr. Modtland for his efforts on behalf of West Valley City.

14739

COMMENT PERIOD

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

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated he had spoken to many people during the recent election campaign and many of them inquired why the City had two sister city affiliations, in Taiwan and Mexico. He stated those programs should not be funded with taxpayer dollars.

14740

PUBLIC HEARING, APPLICATION NO. S-13-2009, FILED BY SATTERFIELD HELM VALLEY FAIR, REQUESTING FINAL PLAT APPROVAL FOR IN-N-OUT SUBDIVISION – AMENDED LOCATED AT 3715 SOUTH 2700 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. S-13-2009, filed by Satterfield Helm Valley Fair, requesting final plat approval for In-N-Out Subdivision – Amended, located at 3715 South 2700 West. He presented proposed Ordinance No. 09-36 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. 09-36 which would approve the amendment of Lot 1 of the In-N-Out Subdivision located at 3715 South 2700 West.

Mr. Pyle stated the purpose of the plat amendment would be to vacate the 10 foot public utility easement along the west boundary of the subject subdivision. He reported the In-N-Out Subdivision had been recorded with the Salt Lake County Recorder's Office in June of 2009. He further stated as part of the platted subdivision a 10 foot public utility easement had been placed along the west boundary of the lot. The easement had been placed on the plat as a standard condition of subdivision approval, not because utilities would need to be located there.

The City Manager explained the site plan illustrated a drive-thru canopy that extended into the public utility easement. The canopy was critical to the In-N-Out business because of the drive-thru traffic. He stated although the building itself did not encroach the easement, the canopy extended approximately seven feet into this space. He further explained although the utility companies could grant

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approval to build over the easement, the In-N-Out owners would like to eliminate the easement to avoid potential problems in the future.

Mr. Pyle stated utilities that would serve this lot came from outside the subdivision boundary. The majority of those were located within the public right-of-way to the west. He explained, at the present time, there were no utility lines in the easement to be vacated. He stated it should also be noted there were no utility easements to the north or south of this lot.

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. 09-36, APPROVING THE AMENDMENT OF LOT 1 OF THE IN-N-OUT SUBDIVISION

The City Council previously held a public hearing regarding Application No. S-13-2009 and proposed Ordinance No. 09-36 which would approve the amendment of Lot 1 of the In-N-Out Subdivision.

After discussion, Councilmember Vincent moved to approve Ordinance No. 09-36, an Ordinance Approving the Amendment to Lot 1 of the In-N-Out Subdivision. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

14741

RESOLUTION NO. 09-356, AUTHORIZE LEASE OF POLICE RADIO COMMUNICATIONS EQUIPMENT FROM MOTOROLA FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-356 which would authorize lease of Police radio communications equipment from Motorola, in a total lease amount not to exceed \$177,730.28, for use by the Police Department.

Mr. Pyle stated the City had need to lease police radio communication equipment for use in the vehicles to be purchased through the current year's CIP (Capital Improvement Project) funding. He further stated an additional ten radios would also be purchased under this lease as part of an ongoing equipment replacement

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schedule. He reported formal bidding would not be required for this lease purchase because this vendor, Motorola, held a contract with the State of Utah.

The City Manager indicated the equipment would be purchased through the HP Master Lease Purchase Agreement approved in 2006 under Resolution No. 06-04. He indicated the City would be able to make the purchase and finance it over a seven year period with annual payments of \$25,390.04, and a total cost of \$177,730.28.

After discussion, Councilmember Winder moved to approve Resolution No. 09-356, a Resolution Authorizing the Lease of Police Radio Communications Equipment from Motorola for use by the Police Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14742

RESOLUTION NO. 09-366, AUTHORIZE THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE LEASE FOR FLEET VEHICLES AND AUTHORIZE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZE THE TAKING OF ALL OTHER ACTIONS NECESSARY TO CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION

City Manager, Wayne Pyle, presented proposed Resolution No. 09-366 which would authorize execution and delivery of a Lease-Purchase Agreement in the amount of \$1,005,000.00, and related documents with respect to the lease for fleet vehicles and authorize execution and delivery of documents required in connection therewith; and authorize the taking of all other actions necessary to consummation of the transactions contemplated by this Resolution.

Mr. Pyle stated the City had need to acquire new fleet vehicles and favorable terms had been negotiated with Wells Fargo Securities LLC to initiate a lease-purchase transaction. He also stated terms of the leases would approximate the useful life of the assets acquired.

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After discussion, Councilmember Rushton moved to approve Resolution No. 09-366, a Resolution of the Governing Body of West Valley City, Utah, Authorizing the Execution and Delivery of a Lease-Purchase Agreement and Related Documents with Respect to the Lease for Fleet Vehicles and Authorizing the Executing and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of all Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14743

RESOLUTION NO. 09-367, APPROVE AN AGREEMENT WITH ALAN KNIGHT, AGENT FOR ARNOLD FRIBERG, FOR DISPLAY OF ARTWORK ENTITLED “FIRST VIEW OF THE VALLEY,” AND OTHER NEVER BEFORE SEEN ORIGINAL ART PIECES, AT THE UTAH CULTURAL CELEBRATION CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 09-367 which would approve an Agreement with Alan Knight, agent for Arnold Friberg, for display of artwork entitled “First View of the Valley,” and other never before seen original art pieces, at the Utah Cultural Celebration Center (UCCC).

Mr. Pyle stated the exhibit consisted of original art works were part of a much larger exhibit of Mr. Friberg, however, he desired that “First View of the Valley” be shown in this special exhibition. He indicated the painting had been started in 1940, but not been on public display until now. He explained it had been expected that 14 paintings and sketches would be included in the exhibit along with several paintings of Canadian Mounties and other works of Mr. Friberg. He further explained the collection was valued at approximately \$3,000,000. A free public opening would be held Tuesday, November, 11, 2009, from 9:00 A.M. until 9:00 P.M. for the four public exhibit dates. A VIP opening would be held on Tuesday, November 10th in partnership with Allen Knight and his personal sponsors, from 5:30 P.M. to 9:00 P.M. An audience of about 4,500 people was expected during the exhibitions. He also stated the UCCC would also host guided educational tours for student groups as well as offering an ARTrageous Thursday program connected with the exhibit.

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The City Manager reported the UCCC first became associated with Mr. Friberg and his extensive collection, in connection with the 50th anniversary of the release of the movie “The Ten Commandments” and the very successful exhibition of the 42 original paintings which were connected to the making of that movie. This exhibit had been presented at the UCCC in 2006 and over 10,000 people viewed the exhibit. At that time, Mr. Friberg expressed a desire to exhibit other pieces of his significant collection at the UCCC Gallery. There was no fee paid to the collection owner or agent. Insurance coverage would be provided for the collection while housed in the UCCC facility, under the limits of West Valley City’s URMMA policy. He indicated no additional coverage was anticipated. Security would be provided with the systems now in place at the UCCC.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-367, a Resolution Authorizing the Execution of an Agreement between West Valley City and Alan Knight, Agent for Arnold Friberg, for the Display of Artwork Entitled “First View of the Valley,” and Other Never Before Seen Original Art Pieces, at the Utah Cultural Celebration Center. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14744

APPLICATION NO. S-9-2009, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR Highbury Towns East – Phase 2 LOCATED AT 3075 SOUTH 5335 WEST

City Manager, Wayne Pyle, presented Application No. S-9-2009, filed by Ivory Homes, requesting final plat approval for Highbury Towns East – Phase 2 located at 3075 South 5335 West.

Mr. Pyle stated the Highbury Towns East project was a residential community consisting of 90 total units on 9.6 acres. The second phase of the subdivision would consist of 18 units on 1.6 acres. He indicated proposed buildings would use the same footprint as the original townhomes to the west of Daybury Drive. He further stated, however, a rambler plan had been incorporated into the Highbury Towns East Development. He indicated as stated during the review of Phase 1, Ivory believed this option would open up opportunities for a larger demographic.

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The City Manager explained buildings would consist of 100% masonry materials. He stated the architecture in the project was reflective of the craftsman style which was an American domestic style made popular in the early 1900's. Although brick was limited with this style of architecture, there were elements that would appear on the front elevation as well as the alleys. Stucco and hardi plank would comprise the other materials used in the development. He indicated Ivory proposed three color schemes to be used to provide greater diversity between buildings.

Mr. Pyle indicated staff had evaluated the project regarding multiple-family design standards. He stated the project met standards outlined in the ordinance governing architecture, color and variation. The developer would be provided with a copy of those standards to make sure all areas would be addressed. In addition, the proposed development had been reviewed and approved by Zion's Securities.

The City Manager reported access to this phase would be gained from Phase 1 to the west. Ivory would extend Stockport Way to the east, but this road would not provide any additional access for this phase. He indicated the Fire Department had reviewed the phasing plan and believed a secondary access out to 3100 South would suffice for the present time. The next phase would connect with Stockport Way thus providing sufficient internal access. He stated this would allow the temporary access easements to be removed from 3100 South.

Mr. Pyle stated there were a number of unit types with varying square footages. He also stated unit sizes ranged from 1,104 to 1,861 square feet. In addition, Ivory Homes intended to install basements for all homes. A soils report had been prepared when this area was planned for single-family development. He indicated the report stated ground water had been encountered at a depth ranging from 5-10 feet below existing grades. He explained the finished grade elevations in this phase would be raised approximately 2-3 feet which would allow full basements to be constructed. He reported staffs' understanding that Ivory would install a sub-drain system to provide an extra measure of protection for new home owners.

After discussion, Councilmember Winder moved to approve Application No. S-9-2009 and give final plat approval for Highbury Towns East – Phase 2 located at 3075 South 5335 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes

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Mayor Pro Tem Brooks Yes

Unanimous.

14745

APPLICATION NO. S-11-2009, FILED BY UTAH HOUSING CORPORATION, REQUESTING FINAL PLAT APPROVAL FOR WEST VALLEY CROWN SUBDIVISION LOCATED AT 2561 WEST 3360 SOUTH

City Manager, Wayne Pyle, presented Application No. S-11-2009, filed by Utah Housing Corporation, requesting final plat approval for West Valley Crown Subdivision located at 2561 West 3360 South.

Mr. Pyle stated the purpose for the subject subdivision would be to create individual lots for the existing single-family dwellings approved as part of the Westland Cove development. He explained the subject property had been approved as a single-family detached housing development in 1998. Although housing units were separate from each other they were approved as a single project having one owner.

The City Manager indicated that as owner of the housing units, West Valley Crown LLC, would like to subdivide the property in order to create individual lots. He further stated when this project had been initiated it was part of a 15 year lease-to-own housing program. He stated that in order to provide the ownership options associated with this program, the property needed to be subdivided into 10 individual lots.

Mr. Pyle reported that when staff initially reviewed the proposal the zoning and lot width requirements could not be met. As a result, the applicant petitioned and received approval from the Planning Commission and City Council to re-zone the property from the 'R-2-6.5' zone to the 'R-1-4' zone. The applicant had also submitted a variance application to the Board of Adjustment, who subsequently granted a number of frontage variances so the subdivision of property could move forward.

The City Manager further advised access to the subdivision would be gained from 3360 South and from Evening Dove Circle. He stated both of those streets had been improved to City standards when the Westland Cove development was approved in the late 1990's. The Engineering Division would recommend that survey monuments be placed in the street and all property corners be set as part of the new subdivision.

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After discussion, Councilmember Rushton moved to approve Application No. S-11-2009 and give final plat approval for West Valley Crown Subdivision located at 2561 West 3360 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14746

CONSENT AGENDA:

- A. **RESOLUTION NO. 09-357, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRIAN BAITY AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-357 which would ratify his reappointment of Brian Baity as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

- B. **RESOLUTION NO. 09-358, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JOHN HAYES AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-358 which would ratify his reappointment of John Hayes as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

- C. **RESOLUTION NO. 09-359, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE HYDE AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-359 which would ratify his reappointment of Steve Hyde as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

- D. **RESOLUTION NO. 09-360, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SAL JANSSON AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

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City Manager, Wayne Pyle, presented proposed Resolution No. 09-360 which would ratify his reappointment of Sal Jansson as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

E. **RESOLUTION NO. 09-361, RATIFY the CITY MANAGER'S REAPPOINTMENT OF JEANNE MARSE AS A MEMBER OF THE WEST VALEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-361 which would ratify his reappointment of Jeanne Marse as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

F. **RESOLUTION NO. 09-362, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DENNIS JUNIOR NORDFELT AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-362 which would ratify his reappointment of Dennis Junior Nordfelt as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

G. **RESOLUTION NO. 09-363, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KATHERINE ST. JOHN AS A MEMBER OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-363 which would ratify his reappointment of Katherine St. John as a member of the Arts Council for the term January 1, 2010, through December 31, 2010.

H. **RESOLUTION NO. 09-364, APPROVE A RIGHT-OF-WAY AGREEMENT WITH MARLO K. BERGESON AND JOYCE U. BERGESON FOR PROPERTY LOCATED AT 4127 SOUTH 5400 WEST; AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5400 WEST SIDEWALK PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-364 which would approve a Right-of-Way Agreement with Marlo K. Bergeson and Joyce U. Bergeson for property located at 4127 South 5400 West; and accept a Warranty Deed and Grant of Temporary Construction Easement for the 5400 West Sidewalk Project.

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Mr. Pyle stated Marlo K. Bergeson and Joyce U. Bergeson 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 5400 West Sidewalk Project extending from 4100 South to 4179 South on the east side of 5400 West. He stated compensation for the right-of-way purchase and the easement would be in the amount of \$7,925.00, based on an appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

After discussion, Councilmember Vincent moved to approve Resolution Nos. 09-357, 09-358, 09-359, 09-360, 09-361, 09-362, 09-363, and 09-364. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	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, NOVEMBER 10, 2009, WAS ADJOURNED AT 6:51 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, November 10, 2009.

Sheri McKendrick, MMC
City Recorder