

MINUTES OF COUNCIL REGULAR MEETING – APRIL 13, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 13, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Russ Brooks
Steve Buhler
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Layne Morris, Community Preservation Director
Nicole Cottle, CED Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14888 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who showed a humorous video with a baseball theme in honor of Spring and the upcoming Little League baseball season.

14889 **COMMENT PERIOD**

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

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. He commended members of the City Council for their service to the community

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and stated there were many important issues to be dealt with such as immigration and anti-discrimination. He also stated the Council would have to listen to strong feelings on both sides of these issues and he wished them well in dealing with those issues.

Lyle Dodson, 3223 South 4440 West, addressed the City Council. Mr. Dodson read a quote regarding personal property rights from an article regarding Detroit, Michigan. He discussed a letter received from the City requiring him to remove an awning on his property. He advised he had lived in the City for many years and had never been cited for a violation. Mr. Dodson also advised he had recreational vehicles and desired to protect them from the elements with the awning. He requested the Council reconsider this issue as the neighbors had approved the structure. He indicated he liked his neighborhood and wanted to keep it as a nice place. He explained he had a list of names and addresses of neighbors in support of the structure on his property. Mr. Dodson stated the City was “playing hard ball” regarding this issue and there should be public discussion regarding these types of issues.

Branden Westberg, 4797 W. Eskesen Drive, addressed the City Council. Mr. Westberg stated he also had received a letter from the City stating his garage was not far enough away from the property line. He indicated the garage had been there when he purchased the property.

14890

ORDINANCE NO. 10-11, AMEND SECTION 24-22-112 AND SECTION 24-22-114 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CLARIFY THAT THE SALT LAKE VALLEY HEALTH DEPARTMENT IS RESPONSIBLE FOR ENFORCEMENT OF THE NOISE ORDINANCE

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-11 which would amend Section 24-22-112 and Section 24-22-114 of the West Valley City Municipal Code to clarify the Salt Lake Valley Health Department is responsible for enforcement of the Noise Ordinance.

Mr. Pyle stated the proposed ordinance would amend the City Code to clarify that Salt Lake County was primarily responsible for the enforcement of all noise ordinances and regulations in West Valley City. He also stated the Director of the Salt Lake Valley Health Department issued all waivers and permits associated with noise in Salt Lake County and the proposed ordinance amendment would further clarify those responsibilities.

After discussion, Councilmember Vincent moved to approve Ordinance No. 10-11, an Ordinance Amending Section 24-22-112 and Section 24-22-114 of the West Valley City Municipal Code to Clarify that the Salt Lake Valley Health Department is Responsible for the Enforcement of the Noise Ordinance. Councilmember Christensen seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14891

ORDINANCE NO. 10-12, AMEND SECTION 7-9-115 OF THE WEST VALLEY CITY MUNICIPAL CODE TO EXCLUDE HISTORICALLY DIRT DRIVEWAYS FROM THE REQUIREMENT TO SURFACE WITH ASPHALT OR CONCRETE

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-12 which would amend Section 7-9-115 of the West Valley City Municipal Code to exclude historically dirt driveways from the requirement to surface with asphalt or concrete.

Mr. Pyle stated some dirt driveways that historically had been nothing but dirt should not have to be paved with asphalt or concrete. He further stated many houses in the City had been built without a driveway surfaced with asphalt, concrete or gravel. He indicated the proposed ordinance would allow driveways in existence as of April 1, 2010, that had never been hard surfaced or graveled, to be exempt from the requirements to pave with asphalt or concrete; instead, those driveways could be surfaced with gravel.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-12, an Ordinance Amending Section 7-9-115 of the West Valley City Municipal Code to Exclude Historically Dirt Driveways from the Requirement to Surface with Asphalt or Concrete. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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14892

RESOLUTION NO. 10-44, APPROVE WEST VALLEY CITY'S APPLICATION FOR CERTAIN AREAS OF THE CITY TO BE DESIGNATED AS RECYCLING MARKET DEVELOPMENT ZONES

City Manager, Wayne Pyle, presented proposed Resolution No. 10-44 which would approve West Valley City's application for certain areas of the City to be designated as recycling market development zones.

Mr. Pyle stated that in 1996, the Utah Legislature created the Utah Recycling Market Development zone (RMDZ) Program to provide local communities with an additional economic development tool. He explained several small zones had been established in 2003, but had since lapsed. He indicated the proposal would be to expand the RMDZ designation to all land zoned manufacturing as the City reapplied.

The City Manager indicated that in 2003, a RMDZ had been created for the West Ridge Commerce Park at the request of Frito-Lay executives. He stated a RMDZ bordered by 4700 South, 5600 West, 5400 South, and 6400 West had been created, as well as several smaller ones. The RMDZ designation allowed qualifying businesses in the zone to enjoy a 5% state tax credit on any machinery or equipment purchased, as well as a 20% state tax credit (up to \$2,000 annually) on eligible recycling expenses. He also stated the RMDZ designation lapsed in 2007 and the owner of a recycled stone product business at SR-201 and 7200 West recently approached Economic Development staff regarding a designation extended to his area.

Mr. Pyle further explained there were many businesses throughout the City in manufacturing zones that could benefit from RMDZ designation. He stated designation would also allow the combination of RMDZ and City incentives, as several existing RDA (Redevelopment Area) and EDA (Economic Development Area) zones overlapped the proposed RMDZ designation. He indicated Economic Development believed this could be a useful tool in business retention and recruitment. Finally, promotion of businesses that reduced and reused waste in their manufacturing processes helped to fulfill sustainability goals stated in the City's General Plan and Economic Development Strategic Plan. He stated the only cost to the City would be a promise of "expedited permitting assistance" for businesses in the zone and an effort to educate existing and future businesses about the program.

After discussion, Councilmember Buhler moved to approve Resolution No. 10-44, a Resolution Approving West Valley City's Application for Certain Areas of the City to be Designated as Recycling Market Development Zones. Councilmember Brooks seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14893

RESOLUTION NO. 10-45, APPROVE AN AGREEMENT WITH SPECIALTY VEHICLE CONCEPTS, INC. FOR INSTALLATION OF NEW EQUIPMENT ON THE POLICE DEPARTMENT'S WATCH COMMANDER VEHICLES

City Manager, Wayne Pyle, presented proposed Resolution No. 10-45 which would approve an Agreement with Specialty Vehicle concepts, Inc., in an amount not to exceed \$65,000.00, for installation of new equipment on the Police Department's Watch Commander vehicles.

Mr. Pyle stated the Police Department had been awarded funding from the 2009 COPS Technical Grant and desired to purchase equipment and up-fit the Watch Commander vehicles. He recommended the work be awarded to Specialty Vehicle Concepts, Inc. due to the proprietary equipment and specialized skills necessary to install the new equipment.

After discussion, Councilmember Rushton moved to approve Resolution No. 10-45, a Resolution Authorizing the Execution of an Agreement between West Valley City and Specialty Vehicle Concepts, Inc. for Installation of New Equipment on the Police Department's Watch Commander Vehicles. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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14894

RESOLUTION NO. 10-46, APPROVE AN AGREEMENT WITH REX WILLIAMS AND SONS, INC. FOR PURCHASE OF NEW LOCKERS AT THE WEST VALLEY CITY FAMILY FITNESS CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 10-46 which would approve an Agreement with Rex Williams and Sons, Inc., in an amount not to exceed \$33,675.00, for purchase of new lockers at the West Valley City Family Fitness Center.

Mr. Pyle stated the lockers at the Fitness Center were old, rusted, bent and in a general condition of decay. He informed bids for new lockers had been solicited through a public bid process and four bidders responded summarized as follows:

	<u>Lockers</u>	<u>Labor</u>	<u>Total</u>
Rex Williams and Sons	\$31,415.00	\$2,260.00	\$33,675.00
Robert Merrill	\$34,858.99	\$4,204.00	\$39,062.99
Jorgenson Material Handling	\$34,975.00	\$2,695.00	\$37,670.00
Locker Solutions	\$41,415.00	N/A	N/A

The City Manager further stated the new lockers were solid color plastic with number plates and coat hooks. He indicated they came with vandal-resistant latches, locked more securely, were rust resistant and impervious to moisture. He also stated they would not warp or dent. He advised funds for the lockers would come from the Fitness Center's Repair and Replacement Fund.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-46, a Resolution Authorizing Execution of an Agreement between West Valley City and Rex Williams and Sons, Inc. for the Purchase of New Lockers at the West Valley City Family Fitness Center. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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CONSENT AGENDA:

A. RESOLUTION NO. 10-47, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT J. WRIGHT AND MARIAN F. WRIGHT FOR PROPERTY LOCATED AT 3371 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-47 which would accept a Grant of Temporary Construction Easement from Robert J. Wright and Marian F. Wright for property located at 3371 South 7200 West for the 7200 West Improvement Project.

Mr. Pyle stated Robert J. Wright and Marian F. Wright 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 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He indicated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He also reported the easement would allow the contractor to make necessary tie-ins to the owner's property. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

B. RESOLUTION NO. 10-48, APPROVE A RIGHT-OF-WAY AGREEMENT WITH LOUIS E. MAGERA AND LOIS V. MAGERA FOR PROPERTY LOCATED AT 3075 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-48 which would approve a Right-of-Way Agreement with Louis E. Magera and Lois V. Magera for property located at 3075 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Louis E. Magera and Lois V. Magera 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 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He stated the

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project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated compensation for purchase of the right-of-way and easement would be in the amount of \$15,000.00, negotiated based upon an appraisal prepared by Free and Associates, Inc., which had indicated a value of \$13,800.00.

C. RESOLUTION NO. 10-49, APPROVE A RIGHT-OF-WAY AGREEMENT WITH DOUGLAS G. DENSLEY AND ALAYNE C. DENSLEY FOR PROPERTY LOCATED AT 7188 W. FIELDVIEW DRIVE, AND ACCEPT A WARRANTY DEED FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-49 which would approve a Right-of-Way Agreement with Douglas G. Densley and Alayne C. Densley for property located at 7188 W. Fieldview Drive, and accept a Warranty Deed for the 7200 West Improvement Project.

Mr. Pyle stated Douglas G. Densley and Alayne C. Densley had signed the Right-of-Way Agreement and Warranty Deed.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He indicated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He further indicated acquisition consisted of 40 square feet at the southwest corner of the lot to allow for a new sidewalk ramp to be constructed in accordance with current ADA requirements. He reported compensation for purchase of the right-of-way would be in the amount of \$350.00. He stated as the cost of an appraisal would likely exceed the actual value of the property being acquired, compensation had been based on a range of rates used by other entities for similar small acquisitions of property.

D. RESOLUTION NO. 10-50, RATIFY THE CITY MANAGER'S APPOINTMENT OF JOHN HAYES AS CHAIR OF THE WEST VALLEY CITY ARTS COUNCIL, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, presented proposed Resolution No. 10-50 which would ratify his appointment of John Hayes as Chair of the West Valley City Arts Council for the term January 1, 2010 through December 31, 2010.

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Mr. Pyle stated Mr. Hayes had expressed desire to serve as the Chairman of the Arts Council.

E. **RESOLUTION NO. 10-51, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BILL BARTON AS MEMBER OF THE HISTORICAL SOCIETY OF WEST VALLEY CITY, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-51 which would ratify his reappointment of Bill Barton as a member of the Historical Society of West Valley City for the term January 1, 2010 through December 31, 2010.

Mr. Pyle stated Mr. Barton had expressed a desire to serve another term on the Historical Society.

F. **RESOLUTION NO. 10-52, RATIFY CITY MANAGER'S REAPPOINTMENT OF DON CHRISTENSEN AS MEMBER OF THE SISTER CITY COMMITTEE OF WEST VALLEY CITY, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-52 which would ratify his reappointment of Don Christensen as a member of the Sister City Committee of West Valley City for the term January 1, 2010 through December 31, 2010.

Mr. Pyle stated Mr. Christensen's term as Chair of the Committee had expired; however, he desired to be reappointed as a member of the board to serve for another term.

G. **RESOLUTION NO. 10-53, RATIFY THE CITY MANAGER'S APPOINTMENT OF KEITH SADLER AS MEMBER OF THE CULTURAL ARTS BOARD (CAB) OF WEST VALLEY CITY, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-53 which would ratify his appointment of Keith Sadler as a member of the Cultural Arts Board (CAB) of West Valley City for the term January 1, 2010 through December 31, 2010.

Mr. Pyle stated Mr. Sadler desired to be appointed to the Cultural Arts Board (CAB) and represent the Sister City Committee.

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H. RESOLUTION NO. 10-54, RATIFY THE CITY MANAGER’S APPOINTMENT OF JOHN HAYES AS MEMBER OF THE CULTURAL ARTS BOARD (CAB) OF WEST VALLEY CITY, TERM: JANUARY 1, 2010 – DECEMBER 31, 2010

City Manager, Wayne Pyle, presented proposed Resolution No. 10-54 which would ratify his appointment of John Hayes as a member of the Cultural Arts Board (CAB) of West Valley City for the term January 1, 2010 through December 31, 2010.

Mr. Pyle stated Mr. Hayes desired to serve as a member of the Cultural Arts Board (CAB) and represent the Arts Council.

After discussion, Councilmember Christensen moved to approve Resolution Nos. 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, 10-53 and 10-54, as presented on the Consent Agenda. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 13, 2010, WAS ADJOURNED AT 7:02 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, April 13, 2010.

Sheri McKendrick, MMC
City Recorder