

MINUTES OF COUNCIL REGULAR MEETING – MAY 4, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 4, 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

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Richard Catten, City Attorney
Nicole Cottle, CED Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Dan Johnson, Acting Public Works Director
Anita Schwemmer, Acting Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14914 **OPENING CEREMONY**

The Opening Ceremony was conducted by Russ Brooks who led the Pledge of Allegiance to the Flag.

14915 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 20, 2010**

The Council read and considered Minutes of the Regular Meeting held April 20, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held April 20, 2010, as written. Councilmember Vincent 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
Mayor Winder	Yes

Unanimous.

14916 **PROCLAMATION RECOGNIZING MAY 4 THROUGH MAY 10, 2010,
AS PUBLIC SERVICE RECOGNITION WEEK**

Councilmember Buhler read a Proclamation recognizing May 4 through May 10, 2010, as Public Service Recognition Week.

14917 **COMMENT PERIOD**

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

Ken Shosted, 3366 West 4400 South, addressed the City Council. Mr. Shosted asked the City Council to find a way to protect citizens and businesses in the community. He stated “illegals” were operating taco carts and did not issue receipts, as other businesses were required to do. He also stated Arizona had passed a new immigration law and 100,000 “illegals” were leaving that State and heading north and West Valley City would be a magnet for them. He indicated West Valley City made the news with crime reports more than any other city in the State of Utah. He also requested the Council consider protecting residents of this community.

Rick Braithwaite, 6852 West 4015 South, addressed the City Council. Mr. Braithwaite stated he was a citizen of the United States of America and West Valley City. He shared thoughts regarding illegal immigration and affects on this community. He told of a young man murdered by an illegal alien while his mother was in the military serving in Iraq. He indicated the murderer had not been deported. Mr. Braithwaite stated it was not too late for West Valley City or Utah to do the right thing and take back the country by enforcing the laws on the books. He explained states had the right to protect themselves against illegal immigration and laws should be followed by all who lived here. He further stated elected officials had the responsibility to protect citizens and should not pander to groups that have no say in the way the City is run, as they were not citizens. He read aloud certain sections in the United States Constitution. Mr. Braithwaite suggested the United States was in a state of domestic violence and invasion. He indicated, as a veteran who served in Vietnam, he would request the City Council protect the borders of the City and enforce laws as intended.

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Josh Scheurman, 3919 South 4800 West, addressed the City Council. Mr. Scheurman thanked the City for TRAX, the remodel of the Valley Fair Mall, the new animal shelter, and the new group home for seniors. He also expressed appreciation for recycle containers and suggested the need for green waste containers and a program to facilitate disposal.

Laura Thackeray, 3560 South 2200 West, addressed the City Council. Ms. Thackeray explained she owned a couple of businesses in West Valley City. She requested the Council consider amending the ordinance to require proof of citizenship for business license applicants. She suggested illegal residents who owned businesses did not pay taxes as they would not have the proper social security numbers or be able to obtain tax identification numbers.

Gundi Jones, 4396 South 34200 West, addressed the City Council. Ms. Jones stated she was a business owner and read aloud an article from a senator in Arizona regarding their new immigration law. She distributed a copy of the article to the City Recorder and requested copies be distributed to each member of the City Council. She stated, as a business owner, she could not compete with other businesses that employed illegal immigrants and paid them less than the well-trained, educated employees that she hired. She explained business owners should be required to provide proof of citizenship. Ms. Jones indicated she was a naturalized citizen so she could enjoy the privileges of this country, which she loved. She also stated the City Council needed to consider the importance of protecting the citizens of this community.

Wendy Fayles, 4339 South Wildrose Drive, addressed the City Council. Ms. Fayles stated she had planned to speak on another matter, but changed her mind after hearing the previous comments. She indicated that for the past four years she had worked for Granite School District in the parent liaison program working with minority parents helping them understand the U.S. education system, speak English, and learn to be good citizens in the community. She informed most were not legal residents of this country, but many were legal. She explained they came to her on a regular basis and told her the way they were treated because of their skin color or the way they talked. She indicated those individuals were only trying to make better lives for themselves and their children and could not understand the hatred directed at them. She suggested the City Council take this into account as not all immigrants were illegal or criminals, and compassion should be used with wisdom and understanding when dealing with this problem.

Dean Almond, 3781 Market Street, addressed the City Council. Mr. Almond stated he was in attendance at the request of Bill Barton, a long time friend. He informed he had been asked to give his regards to the City Council for the work they were doing. Mr. Almond stated he had come to the area before 1960 when

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the area was known as Granger/Hunter and he served a term on the community council. He stated that many years ago, before incorporation of West Valley City, he had received a young man in his home from California who later became the Public Works Director of West Valley City, Glenn Weaver. He stated Mr. Weaver had come back home from Torrence because of the situation there. He stated Glenn Weaver Memorial Park had been named in his honor. He explained if Mr. Weaver were here today he would say all is well, especially the moving of Granger Elementary to the park, which park is no longer there. He indicated the City Council stated there would be another Weaver Park and he hoped this would still come about. He indicated he had been asked by Mr. Barton to mention that Mr. Weaver said the thing to remember was that Torrence was a jungle and maybe the same situation would happen here in West Valley City. He expressed appreciation to the City Council and City staff.

Russ Moore, 3114 West 3875 South, addressed the City Council. Mr. Moore discussed background information regarding state requirements for licensed contractors and specialty trade licenses. He also stated this was creating a legal problem as the state allowed limited liability companies. He informed he had a direct competitor that made all employees members of his LLC, which allowed them to opt out of paying unemployment insurance and other costs. He indicated many people working for his direct competitors were illegal and he knew this because his company did not hire after E-verifying. Mr. Moore requested the City Council consider this issue, as it needed to be addressed.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated his main concern was being accosted by vendors selling goods in parking lots of many grocery stores or other retailers in the City. He stated they told him they had licenses, but he does not believe that is the case. He indicated West Valley City was known as the “sanctuary city” and people might have to take matters into their own hands if these issues were not addressed. He explained citizens of the City should not have to deal with these problems. He also inquired when E-verify would be used in the City and by the City. Upon request of Mayor Winder, Acting City Manager, Paul Isaac, explained the City’s use of E-verify with respect to employment and the fact that everyone hired by the City had been verified. He also informed the other issues brought up are currently being discussed by the City Council.

14918

ORDINANCE NO. 10-14, AMEND SECTIONS 23-1-102 AND 23-5-104, OF TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE PROVISION OF ADEQUATE SPACE FOR AND APPROPRIATE TREATMENT OF DOGS WHICH ARE TETHERED OR KEPT WITHIN A CONFINED SPACE

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 10-14 which would amend Sections 23-1-102 and 23-5-104 of Title 23 of the West Valley City

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Municipal Code regarding the provision of adequate space for and appropriate treatment of dogs which are tethered or kept within a confined space.

Mr. Isaac stated Title 23 of the West Valley City Code pertained to the proper treatment and control of animals within the City. He also stated the proposed amendments were intended to clarify and expand existing regulations on the proper care and treatment of dogs. He explained the ordinance defined what constituted adequate space for dogs; what forms of shelter were acceptable for dogs; and directed what forms of tethers were appropriate according to the breed, age, size, and weight of a particular dog. He also explained the proposed ordinance also prohibited a dog owner or handler from tethering a dog in any manner causing injury to or endangering a dog. He stated the proposal also prohibited a dog owner or handler from tethering or restraining a dog outside during conditions of extreme weather.

After discussion, Councilmember Buhler moved to approve Ordinance No. 10-14, an Ordinance Amending Sections 23-1-102 and 23-5-104, of Title 23 of the West Valley City Municipal Code Regarding the Provision of Adequate Space for and Appropriate Treatment of Dogs Which Are Tethered or Kept Within a Confined Space. Councilmember Brooks 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.

14919

RESOLUTION NO. 10-67, APPROVE A COOPERATIVE CORRIDOR PRESERVATION AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION WHICH SETS OUT THE TERMS AND CONDITIONS UNDER WHICH SPECIFIC RIGHTS-OF-WAY SHALL BE PRESERVED ALONG SR-171 AND SR-172

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-67 which would approve a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation (UDOT) which sets out the terms and conditions under which specific rights-of-way shall be preserved along SR-171 and SR-172.

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Mr. Isaac stated the proposed agreement designated the location of future traffic signals on State Road 171 (3500 South) in West Valley City. He also stated the City and UDOT further would agree to study land use, future development and access management along the highway as development occurred.

The Acting City Manager reported access management on the major streets was critical to maintaining and improving traffic flow in and through the City. He explained the agreement established signalized intersection locations on 3500 South. He stated the original draft limited the City Center redevelopment area to the existing signals at 2700 West, Market Street, and 3200 West. The City’s Planning and Public Works’ staff emphasized the importance of this area and had been successful in obtaining UDOT’S agreement to consider an additional signal between Market Street and 3200 West when redevelopment occurred. He advised the location of this future signal would be determined by a traffic analysis based on a proposed redevelopment plan, when available.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-67, a Resolution Approving a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation Which Sets Out the Terms and Conditions Under Which Specific Rights-of-Way Shall be Preserved Along SR-171 and SR-172. 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.

14920

RESOLUTION NO. 10-68, APPROVE A COOPERATIVE CORRIDOR PRESERVATION AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION WHICH SETS OUT THE TERMS AND CONDITIONS UNDER WHICH SPECIFIC RIGHTS-OF-WAY SHALL BE PRESERVED ALONG SR-172

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-68 which would approve a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation (UDOT) which sets out the terms and conditions under which specific rights-of-way shall be preserved along SR-172.

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Mr. Isaac stated the proposed agreement designated the location of existing and future traffic signals on State Road 172 (5600 West) in West Valley City. He also stated the City and UDOT further would agree to study land use, future development and access management along the highway as development occurred.

The Acting City Manager reported access management on the City’s major streets was critical to maintaining and improving traffic flow in and through the City. He indicated the proposed agreement had been drafted by UDOT in cooperation with West Valley City to establish signalized intersection locations on 5600 West.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-68, a Resolution Approving a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation Which Sets Out the Terms and Conditions Under Which Specific Rights-of-Way Shall be Preserved Along SR-172. 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.

14921

RESOLUTION NO. 10-69, APPROVE A COOPERATIVE CORRIDOR PRESERVATION AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION WHICH SETS OUT THE TERMS AND CONDITIONS UNDER WHICH SPECIFIC RIGHTS-OF-WAY SHALL BE PRESERVED ALONG SR-173

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-69 which would approve a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation (UDOT) which sets out the terms and conditions under which specific rights-of-way shall be preserved along SR-173.

Mr. Isaac stated the proposed agreement designated the location of existing and future traffic signals on State Road 173 (5400 South) in West Valley City. He also stated the City and UDOT further would agree to study land use, future

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development and access management along the highway as development occurred.

The Acting City Manager reported access management on the City's major streets was critical to maintaining and improving traffic flow in and through the City. He indicated the proposed agreement had been drafted by UDOT in cooperation with West Valley City to establish signalized intersection locations on 5400 South.

After discussion, Councilmember Christensen moved to approved Resolution No. 10-69, a Resolution Approving a Cooperative Corridor Preservation Agreement between West Valley City and the Utah Department of Transportation Which Sets Out the Terms and Conditions Under Which Specific Rights-of-Way Shall be Preserved Along SR-173. Councilmember Brooks 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.

14922

CITY MANAGER SUBMIT FY2010-2011 PROPOSED BUDGET

Acting City Manager, Paul Isaac, submitted the City Manager's FY 2010-2011 Proposed Budget to the City Council. He advised a budget discussion had been placed on the agenda for the Study Meeting scheduled May 11, 2010.

14923

CONSENT AGENDA:

A. RESOLUTION NO. 10-70, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM VIRGINIA R. MARTINEZ FOR PROPERTY LOCATED AT 2671 S. LESTER STREET FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-70 which would accept a Grant of Temporary Construction Easement from Virginia R. Martinez for property located at 2671 S. Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Isaac stated Virginia R. Martinez had signed the Grant of Temporary Construction Easement.

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The Acting City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 which extended from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He indicated the easement would allow the contractor to make necessary tie-ins to the owner's property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

B. RESOLUTION NO. 10-71, APPROVE A RIGHT-OF-WAY AGREEMENT WITH LAURA JO MCDERMAID, TRUSTEE OF THE LAURA JO MCDERMAID TRUST CREATED AUGUST 16, 2000, FOR PROPERTY LOCATED AT 3297 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-71 which would approve a Right-of-Way Agreement with Laura Jo McDermaid, Trustee of the Laura Jo McDermaid Trust Created August 16, 2000, for property located at 3297 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Isaac stated Laura Jo McDermaid, Trustee of the Laura Jo McDermaid Trust, 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 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He stated 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 reported compensation for the right-of-way would be in the amount of \$10,200.00 based on an appraisal prepared by Free and Associates, Inc.

C. RESOLUTION NO. 10-72, APPROVE RIGHT-OF-WAY AGREEMENT WITH LAURA JO MCDERMAID, TRUSTEE OF THE LAURA JO MCDERMAID TRUST CREATED AUGUST 16, 2000, FOR PROPERTY LOCATED AT APPROXIMATELY 3355 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

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Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-72 which would approve a Right-of-Way Agreement with Laura Jo McDermaid, Trustee of the Laura Jo McDermaid Trust Created August 16, 2000, for property located at approximately 3355 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Isaac stated Laura Jo McDermaid, Trustee of the Laura Jo McDermaid Trust, 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 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He stated 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 reported compensation for the right-of-way would be in the amount of \$10,800.00 based on an appraisal of \$8,800.00 prepared by Free and Associates, Inc. He stated the appraisal did not include two large trees which, upon further investigation, had been determined to be lost to the project.

D. RESOLUTION NO. 10-73, APPROVE A RIGHT-OF-ENTRY AGREEMENT WITH PACIFICCORP, AN OREGON CORPORATION, DBA ROCKY MOUNTAIN POWER, FOR ACCESS TO FACILITIES ALONG THE EXISTING CORRIDOR NEAR 5600 WEST AT APPROXIMATELY 2951 SOUTH BURDOCK DRIVE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-73 which would approve a Right-of-Entry Agreement with PacifiCorp, an Oregon Corporation, dba Rocky Mountain Power, for access to facilities along the existing corridor near 5600 West at approximately 2951 South Burdock Drive.

Mr. Isaac explained Rocky Mountain Power needed the entry to access its facilities and expand the transmission lines along the existing corridor near 5600 West.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-70, 10-71, 10-72, and 10-73 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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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, MAY 4, 2010, WAS ADJOURNED AT 7:10 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, May 4, 2010.

Sheri McKendrick, MMC
City Recorder