

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC REGULAR MEETING ON TUESDAY, MAY 18, 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
Carolynn Burt (participated via telephone)
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Nicole Cottle, Community and Economic Development Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Mike Wells, Acting Police Chief
Mike Richards, Acting Parks and Recreation Director
Craig Thomas, Administration
Russ Bailey, Public Works Department

14931 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who showed a video with a patriotic theme.

14932 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 4, 2010**

The Council read and considered Minutes of the Regular Meeting held May 4, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held May 4, 2010, as written. Councilmember Christensen seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-2-

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

14933

COMMENT PERIOD

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

Rick Braithwaite, 6852 West 4015 South, addressed the City Council. Mr. Braithwaite discussed a conversation had this date with ICE (Immigration & Customs Enforcement) representatives. He stated the influx of illegal immigrants from Arizona had begun and estimate of those who would end up here was 100,000. He distributed written information to the City Council.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. He directed his comments to Councilmember Burt and stated he hoped she would be able to be present at City Council meetings soon. He also indicated he had been given notice that trees would be trimmed in his neighborhood and related his observation that trees also needed to be trimmed over sidewalks and should be done at the same time as other trimming in order to be economical and more efficient. He further stated the immigration situation was a major concern.

14934

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 6402 WEST 6200 SOUTH (PARCEL NUMBER 20-15-400-008) TO BE SURPLUS PROPERTY AND AUTHORIZING ITS SALE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding declaring a parcel of property located at approximately 6402 West 6200 South (Parcel Number 20-15-400-008) to be surplus property and authorizing its sale. He discussed proposed Resolution No. 10-81 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 10-81 which would declare a parcel of property located at approximately 6402 West 6200

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-3-

South to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

Mr. Pyle stated UDOT desired to purchase the referenced property for the proposed Mountain View Corridor project. He also stated UDOT had offered \$496,000.00 for the purchase of the 6.45 acre parcel based on an appraisal prepared by Free and Associates, Inc. He also reported UDOT had prepared four quit claim deeds for the parcel based on different categorizations for portions of the subject parcel.

Mayor Winder opened the public hearing.

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham inquired if there could be a trade for other property on 3500 South rather than sale of the property to UDOT.

City Manager, Wayne Pyle, responded to the inquiry and explained reasons for the cash sale for this particular property.

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

ACTION: RESOLUTION NO. 10-81, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 6402 WEST 6200 SOUTH TO BE SURPLUS AND APPROVING A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO THE UTAH DEPARTMENT OF TRANSPORTATION

The City Council previously held a public hearing regarding proposed Resolution No. 10-81 which would declare a parcel of property located at approximately 6402 West 6200 South to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

After discussion, Councilmember Brooks moved to approve Resolution No. 10-81, a Resolution Declaring a Parcel of Property Located at Approximately 6402 West 6200 South to be Surplus and Approving a Real Estate Purchase Agreement Authorizing Its Sale to the Utah Department of Transportation. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-4-

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| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

14935

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 6427 WEST 5700 SOUTH (PARCEL NUMBER 20-14-151-027) TO BE SURPLUS PROPERTY AND AUTHORIZING ITS SALE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding declaring a parcel of property located at approximately 6427 West 5700 South (Parcel Number 20-14-151-027) to be surplus property and authorizing its sale. He discussed proposed Resolution No. 10-82 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 10-82 which would declare a parcel of property located at approximately 6427 West 5700 South to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

Mr. Pyle stated UDOT desired to purchase the referenced property for the proposed Mountain View Corridor project. He also stated UDOT had offered \$519,500.00 to purchase the 6.45 acre parcel based on an appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

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

ACTION: RESOLUTION NO. 10-82, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 6427 WEST 5700 SOUTH TO BE SURPLUS AND APPROVING A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO THE UTAH DEPARTMENT OF TRANSPORTATION

The City Council previously held a public hearing regarding proposed Resolution No. 10-82 which would declare a parcel of property located at approximately 6427 West 5700 South to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

After discussion, Councilmember Vincent moved to approve Resolution No. 10-82, a Resolution Declaring a Parcel of Property Located at Approximately 6427

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-5-

West 5700 South to be Surplus and Approving a Real Estate Purchase Agreement Authorizing Its Sale to the Utah Department of Transportation. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

14936

RESOLUTION NO. 10-83, AWARD A CONTRACT TO WESTBROOK CONSTRUCTION, INC. FOR THE 5400 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-83 which would award a contract to Westbrook Construction, Inc. for the 5400 West Improvement Project.

Mr. Pyle stated bids had been solicited and 10 bids received as follows:

| | |
|-------------------------------|--------------|
| Westbrook Construction, Inc. | \$ 50,740.10 |
| Dwight W. Peterson | \$ 55,201.00 |
| BD Bush Excavation | \$ 76,370.00 |
| Bowen Construction | \$ 75,835.00 |
| Lyndon Jones Construction | \$ 80,786.50 |
| RDJ Construction Inc. | \$ 85,991.26 |
| Camelot Excavation | \$ 88,200.00 |
| H.E. Davis Construction | \$ 98,850.00 |
| ML Stevens Construction | \$ 99,999.90 |
| Wardell Brothers Construction | \$108,325.00 |

Mr. Pyle reported Westbrook Construction, Inc. had submitted the lowest responsible bid.

The City Manager stated the project consisted of clearing and grubbing existing trees, fences, lawn, shrubs, driveways, and placement of reinforced concrete pipe and irrigation diversion boxes. He also indicated the project was being done in preparation for work by a contractor hired by the Utah Department of Transportation (UDOT) as part of the “Safe Routes to School” program.

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-6-

After discussion, Councilmember Burt moved to approve Resolution No. 10-83, a Resolution Awarding a Contract to Westbrook Construction, Inc. and Authorizing the Execution of a Contract for the 5400 West Improvement Project. Councilmember Buhler seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

14937

RESOLUTION NO. 10-91, ADOPT A TENTATIVE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, AND ENDING JUNE 30, 2011, AND SET AUGUST 10, 2010, AS THE DATE FOR PUBLIC HEARING

City Manager, Wayne Pyle, presented proposed Resolution No. 10-91 which would adopt the Tentative Budget for the Fiscal Year commencing July 1, 2010, and ending June 30, 2011, and set August 10, 2010, as the date for public hearing.

Mr. Pyle stated the subject resolution would adopt a Tentative Budget that would be made available for public inspection during regular office hours in the City Recorder's Office and would give notice of a hearing to receive public comment before consideration of final adoption of the Tentative Budget for FY 2010-2011.

After discussion, Councilmember Rushton moved to approve Resolution No. 10-91, a Resolution Adopting a Tentative Budget for the Fiscal Year Commencing July 1, 2010, and Ending June 30, 2011; and Setting August 10, 2010 as the Date for Public Hearing. Councilmember Buhler seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-8-

D. RESOLUTION NO. 10-87, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LAURA L. THACKERAY AND RODGER K. THACKERAY FOR PROPERTY LOCATED AT 2720 S. LESTER STREET FOR THE LESTER STREET IMPROVEMENT PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-87 which would accept a Grant of Temporary Construction Easement from Laura L. Thackeray and Rodger K. Thackeray for property located at 2720 S. Lester Street for the Lester Street Improvement Phase 2 Project.

Mr. Pyle stated Laura L. Thackeray and Rodger K. Thackeray 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 Lester Street Improvement Phase 2 Project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He further 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.

E. RESOLUTION NO. 10-88, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM K-LINN OLDROYD AND LYLE T. OLDROYD FOR PROPERTY LOCATED AT 1577 W. SOUTHGATE AVENUE FOR THE LESTER STREET IMPROVEMENT PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-88 which would accept a Grant of Temporary Construction Easement from K-Linn Oldroyd and Lyle T. Oldroyd for property located at 1577 W. Southgate Avenue for the Lester Street Improvement Phase 2 Project.

Mr. Pyle stated K-Linn Oldroyd and Lyle T. Oldroyd 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 Lester Street Improvement Phase 2 Project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He further 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.

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-9-

F. RESOLUTION NO. 10-89, APPROVE A RIGHT-OF-WAY AGREEMENT WITH RICHARD EWING AND SHARON EWING FOR PROPERTY LOCATED AT 1786 W. TENWAY DRIVE, AND ACCEPT A WARRANTY DEED FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-89 which would approve a Right-of-Way Agreement with Richard Ewing and Sharon Ewing for property located at 1786 W. Tenway Drive, and accept a Warranty Deed for the 7200 West Improvement Project.

Mr. Pyle stated Richard Ewing and Sharon Ewing 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. 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 indicated the acquisition consisted of 40 square feet at the southwest corner of the lot to allow new sidewalk ramp to be constructed in accordance with current ADA requirements. He indicated total compensation for the right-of-way would be in the amount of \$350.00. He explained, as the cost of an appraisal would likely exceed the actual value of the property being acquired, compensation was based on a range of rates used by other entities for similar small acquisitions of property.

G. RESOLUTION NO. 10-90, APPROVE A RIGHT-OF-WAY AGREEMENT WITH VICTOR R. MEZA FOR PROPERTY LOCATED AT 2505 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-90 which would approve a Right-of-Way Agreement with Victor R. Meza for property located at 2505 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Victor R. Meza 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

MINUTES OF COUNCIL REGULAR MEETING – MAY 18, 2010

-10-

from SR-201 to 3500 South on both sides of 7200 West. He indicated construction was in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He advised compensation for the right-of-way and easement would be in the amount of \$4,300.00 based on an appraisal prepared by Free and Associates, Inc.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-84, 10-85, 10-86, 10-87, 10-88, 10-89 and 10-90 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Buhler | Yes |
| Ms. Burt | Yes |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | Yes |

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE ELECTRONIC REGULAR MEETING OF TUESDAY, MAY 18, 2010, WAS ADJOURNED AT 6:50 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Electronic Regular Meeting of the West Valley City Council held Tuesday, May 18, 2010.

Sheri McKendrick, MMC
City Recorder