

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JULY 13, 2010

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

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton
Russ Brooks
Steve Buhler
Carolynn Burt (Participated via telephone)
Don Christensen
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Jim Welch, Finance Director
Layne Morris, Community Preservation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Buzz Nielsen, Police Chief
Nancy Day, Acting Parks and Recreation Director
Eric Bunderson, Acting City Attorney
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14993 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

14994 **COMMENT PERIOD**

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

Linda Braithwaite, 6852 West 4015 South, addressed the City Council. Ms. Braithwaite inquired why a park had not been constructed in her neighborhood. She also stated she desired to enlighten the City Council regarding an incident at her residence in which someone went behind a gate and stole a vehicle licensed in

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the name of her son and his girlfriend. She explained circumstances why the vehicle had been at her residence. Ms. Braithwaite also expressed disappointment and concern regarding the way police officers handled the situation. She further stated she had been a resident of the City for over 20 years and deserved to be treated with respect.

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham discussed recent news articles regarding the E-Center naming rights and an agreement with Maverik, and an executive order issued by the City Manager suggesting employees try to purchase gasoline from Maverik. He also stated another gasoline company, Holiday Oil, was “crying foul” and they were unfair in their comments regarding the City due to that company’s past actions toward consumers.

14995

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-1-2010, FILED BY CARLOS HERNANDEZ, REQUESTING TO VACATE ALL OF TUNKHANNOCK AVENUE AND A PORTION OF GIRARD STREET (2163 SOUTH 2700 WEST)

Acting City Manager, Paul Isaac, stated a public hearing had been in order for the City Council to accept public input regarding Application No. SV-1-2010, filed by Carlos Hernandez, requesting to vacate all of Tunkhannock Avenue and a portion of Girard Street (2163 South 2700 West). He discussed proposed Ordinance No. 10-21 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

The Acting City Manager presented proposed Ordinance No. 10-21 which would vacate all of Tunkhannock Avenue and a portion of Girard Street located in West Valley City.

Mr. Isaac stated the applicant, Carlos Hernandez, had requested a street vacation for all of Tunkhannock Avenue and a portion of Girard Street. He further stated the purpose for the street vacation would be to accommodate future development of the adjoining property owned by the applicant.

The Acting City Manager explained the streets mentioned in the application had been platted as part of the Asbury Park Addition Subdivision recorded in September of 1890. He explained the proposed vacation would include all Tunkhannock Avenue and that portion of Girard Street immediately to the east of the applicant’s property. He informed it was more particularly described as Block 21 of the Asbury Park Additional Subdivision.

Mr. Isaac reported the streets mentioned as part of the request had never been formally improved or used by the general public. He stated many streets within the subdivision had been vacated over the years. The vacation of the streets would

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increase property values and would better accommodate future development now being planned by Mr. Hernandez.

The Acting City Manager informed the vacated right-of-way would not adversely affect the adjacent property. He indicated that during the approval process for the Kenworth Trucking business, the north half-width of Tunkhannock Avenue and the east half-width of Girard Street had been vacated. He stated vacating the remaining half-width would provide a common boundary between those two businesses.

Mayor Pro Tem Rushton opened the public hearing.

Carlos Hernandez, 2163 South Constitution Boulevard, applicant, addressed the City Council. Mr. Hernandez stated the subject property had never been developed. He answered questions from members of the City Council regarding existing fencing and/or if there were future plans to install a fence. He advised there was currently no access to the property.

There being no one else who desired to speak in favor or in opposition, Mayor Pro Tem Rushton closed the public hearing.

Acting City Manager, Paul Isaac, and CED Director, Nicole Cottle, answered questions from members of the City Council.

ACTION: ORDINANCE NO. 10-21, VACATING ALL OF TUNKHANNOCK AVENUE AND A PORTION OF GIRARD STREET LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. SV-1-2010, filed by Carlos Hernandez, and proposed Ordinance No. 10-21 which would vacate all of Tunkhannock Avenue and a portion of Girard Street located at 2163 South 2700 West in West Valley City.

After discussion, Councilmember Christensen moved to approve Ordinance No. 10-21, an Ordinance Vacating All of Tunkhannock Avenue and a Portion of Girard Street Located at 2163 South 2700 West in West Valley City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes

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Mayor Pro Tem Rushton Yes

Unanimous.

14996

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-2-2010, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE THE EASTERN PORTION OF LEON AVENUE (3550 SOUTH 2950 WEST)

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to accept public input regarding Application No. SV-2-2010, filed by West Valley City, requesting to vacate the eastern portion of Leon Avenue (3550 South 2950 West). He discussed proposed Ordinance No. 10-22 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed ordinance No. 10-22 which would vacate the eastern portion of Leon Avenue located in West Valley City.

Mr. Isaac stated the proposed street vacation included the eastern portion of Leon Avenue. He indicated the street had been platted as part of the Holmberg Subdivision recorded in December of 1959. He informed the request to vacate the right-of-way was in anticipation of the City Center development. He also stated the proposed improvements and forthcoming development were the driving force behind the street vacation.

The Acting City Manager reported the City owned property on the north, east and south sides of the proposed vacated right-of-way. He stated as plans moved forward regarding the City Center, various modifications to subdivision plats and dedicated rights-of-way would undoubtedly take place, thus needing review and approval from the Planning Commission and City Council. He indicated the vacated right-of-way would not adversely affect residents who used the road to access housing. He stated the vacating ordinance would include language that protected this access and other utility installations until such time as they were not needed.

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

ACTION: ORDINANCE NO. 10-22, VACATING THE EASTERN PORTION OF LEON AVENUE LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. SV-2-2010 and proposed Ordinance No. 10-22 which would vacate the eastern portion of Leon Avenue at 3550 South 2950 West in West Valley City.

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After discussion, Ms. Burt moved to approve Ordinance No. 10-22, an Ordinance Vacating the Eastern Portion of Leon Avenue Located at 3550 South 2950 West in West Valley City. Mr. Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14997

RESOLUTION NO. 10-130, APPROVE AN AGREEMENT WITH DLS CONSULTING, INC. TO PROVIDE PROFESSIONAL SERVICES DURING THE 2010-2011 FISCAL YEAR

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-130 which would approve an Agreement with DLS Consulting, Inc., in the amount of \$80,000.00, to provide professional services during the 2010-2011 fiscal year.

Mr. Isaac stated DLS would provide the City with professional services in interacting with other government agencies, including lobbying the Utah Legislature on issues important to West Valley City. He indicated the issues would be identified by the City Manager and DLS.

After discussion, Councilmember Burt moved to approve Resolution No. 10-130, a Resolution Authorizing the City to Enter Into an Agreement with DLS Consulting, Inc. to Provide Professional Services During the 2010-2011 Fiscal Year. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

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14998

CONSENT AGENDA:

- A. **RESOLUTION NO. 10-131, RATIFY THE CITY MANAGER'S APPOINTMENT OF MATHEW LOVATO AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2011**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-131 which would ratify the City Manager's appointment of Mathew Lovato as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Mathew Lovato had previously served as a volunteer judge for the Clean and Beautiful yard awards and had expressed interest in being appointed to the committee to fill the unexpired term of Claudia Jensen.

- B. **RESOLUTION NO. 10-132, RATIFY THE CITY MANAGER'S APPOINTMENT OF JOLA WOJTANOWICZ AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2011**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-132 which would ratify the City Manager's appointment of Jola Wojtanowicz as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Jola Wojtanowicz had previously served as a volunteer judge for the Clean and Beautiful yard awards and had expressed interest in being appointed to the committee to fill the unexpired term of Newell Anderson.

- C. **RESOLUTION NO. 10-133, RATIFY THE CITY MANAGER'S APPOINTMENT OF LISA RENE JONES AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2014**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-133 which would ratify the City Manager's appointment of Lisa Rene Jones as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Lisa Rene Jones had previously served as a volunteer judge for the Clean and Beautiful yard awards and had expressed interest in being appointed to the committee.

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D. **RESOLUTION NO. 10-134, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF KARIN ALEXANDER AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2014**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-134 which would ratify the City Manager's reappointment of Karin Alexander as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Ms. Alexander had served as a committee member of the past few years and desired to be reappointed for an additional term.

E. **RESOLUTION NO. 10-135, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JEFF DEELSTRA AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2014**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-131 which would ratify the City Manager's reappointment of Jeff Deelstra as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Jeff Deelstra had served on the committee for the past few years and expressed an interest to be reappointed for an additional term.

F. **RESOLUTION NO. 10-136, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF PAT DEELSTRA AS A MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2014**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-136 which would ratify the City Manager's reappointment of Pat Deelstra as a member of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Pat Deelstra had served on the committee for the past few years and desired to be reappointed for an additional term.

G. **RESOLUTION NO. 10-137, RATIFY THE CITY MANAGER'S APPOINTMENT OF JEFF AND PAT DEELSTRA AS CO-CHAIRS OF THE CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2010 – JUNE 30, 2011**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-137 which would ratify the City Manager's appointment of Jeff and Pat

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Deelstra as a Co-Chairs of the Clean and Beautiful Committee for the term July 1, 2010 through June 30, 2011.

Mr. Isaac stated Jeff and Pat Deelstra had served on the committee for the past few years and had recently been nominated and recommended by the City Manager to serve as Co-Chairs.

H. RESOLUTION NO. 10-138, APPROVE A RIGHT-OF-WAY AGREEMENT WITH MARK L. ANDERSEN AND KETKEO F. ANDERSEN FOR PROPERTY LOCATED AT 7180 WEST PARKWAY BOULEVARD, 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. 10-138 which would approve a Right-of-Way Agreement with Mark L. Andersen and Ketkeo F. Andersen for property located at 7180 West Parkway Boulevard, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Isaac stated Mark L. Andersen and Ketkeo F. Andersen had signed the Right-of-Way Agreement and Warranty Deed.

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 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 stated the acquisition consisted of 128 square feet at the southwest corner of the lot to allow a traffic signal pole and related equipment, and for a new sidewalk ramp in accordance with current ADA requirements. He further reported total compensation for the right-of-way would be in the amount of \$1,000.00. He explained, as the cost of an appraisal would likely exceed the actual value of the property, compensation had been based on a range of rates used by other entities for similar small acquisitions of property.

I. RESOLUTION NO. 10-139, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT LYNN INGLEBY AND SUSAN INGLEBY FOR PROPERTY LOCATED AT 1606 WEST MALVERN AVENUE FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-139 which would accept a Grant of Temporary Construction Easement

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Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE ELECTRONIC REGULAR MEETING OF TUESDAY, JULY 13, 2010, WAS ADJOURNED AT 6:51 P.M., BY MAYOR PRO TEM RUSHTON.

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, July 13, 2010.

Sheri McKendrick, MMC
City Recorder