

**MINUTES OF COUNCIL REGULAR MEETING – JULY 27, 2010**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 27, 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:

Richard Catten, City Attorney  
Jim Welch, Finance Director  
Nicole Cottle CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Kevin Astill, Parks and Recreation Director  
Layne Morris, Community Preservation Director  
Brent Garlick, CED Department  
Mark Nord, CED Department  
Hannah Thiel, CED Department  
Lee Logston, CED Department  
Claire Gilmoor, Law Department  
Craig Thomas, Administration  
Aimee Tye-Critchley, Administration  
Jake Arslanian, Public Works Department

15006 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who stated he had invited Pastor William Fitzgerald, affiliated with a local church, to attend the meeting and assist with the opening ceremony. Pastor Fitzgerald offered a blessing.

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15007      **APPROVAL OF MINUTES OF ELECTRONIC REGULAR MEETING HELD JULY 13, 2010**

The Council read and considered Minutes of the Electronic Regular Meeting held July 13, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Electronic Regular Meeting held July 13, 2010, as written. 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.

15008      **INTRODUCTION OF NEW EMPLOYEES**

Aimee Tye-Critchley, Human Resources/Administration, addressed the City Council and introduced the following new employees:

Police Department:	William Chow, Police Officer Seteuati Aulai, Police Officer Levi Lloyd, Police Officer Ammon Fox, Police Officer George Clegg, Police Officer Joshua Fife, Police Officer May-Lin Robbins, Intelligence Analyst Dana Miller, Crime Scene Tech Trinette Mullineaux, Crime Scene Tech Jessica Neves, Crime Scene Tech Robyn Radosevich, Crime Scene Tech
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Justice Courts	Whitney MacPherson, Court Clerk Nora Gonzalez, Court Clerk
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Law Department	Leona Kirk, Legal Secretary
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On behalf of the City Council, Mayor Winder welcomed them to employment with West Valley City.

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15009      **PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 3, 2010, AS “NATIONAL NIGHT OUT 2010” IN WEST VALLEY CITY**

Councilmember Vincent read a Proclamation declaring August as “Neighborhood Nights” Month and August 3, 2010, as “National Night Out 2010” in West Valley City.

15010      **COMMENT PERIOD**

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

Kevin Fayles, 4339 S. Wildrose Drive, addressed the City Council. Mr. Fayles stated yesterday there had been an “advertorial” regarding Energy Solutions written by Mayor Winder in the newspaper. He explained the definition of an advertorial – part advertisement/part editorial. He read aloud statements made by the Mayor in the advertorial. He expressed his personal opinion regarding the Mayor using his status as an elected official for this purpose as it appeared the City was in support of Energy Solutions. He questioned who funded the advertorial, and asked if the City had guidelines regarding this issue, and if not, he encouraged the City Manager to develop them.

Mayor Winder stated he had received many comments and questions from citizens and others regarding this issue. He indicated he had not paid for the advertorial and he disclosed therein that he was the mayor. He further explained reasons for his participation.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. Fynbo complimented the City on street slurry work completed in his neighborhood and thanked the City Council. He stated he hoped the program would continue during the summer.

Patricia Horrocks, 3736 West 4100 South, addressed the City Council. Ms. Horrocks stated she had been told by the State that whether it was liked or not the intersection at 4100 South and Bangerter Highway would be widened so she would have to live once again with more traffic and misery. She explained she had not known about Bangerter when she bought her home many years ago. She indicated she had enjoyed the time she lived in her home since 1975. Ms. Horrocks stated she had lived through the widening of 4100 South, construction of Bangerter Highway and Granger Medical; and now had to live through construction of the new CFI (Continuous Flow Intersection) which would be the same as on 3500 South. She also stated she did not understand how this would make things better for people in her neighborhood and there must be something the City could do to stop the State from proceeding with this project. She stated she wanted to stay in her home, but it had been enough, as there seemed to be no

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end. She suggested the City zone the area commercial and buy out the four most affected residents. She indicated she was seriously considering selling her home because of these issues and someone needed to help the four families.

Mayor Winder advised this matter had been discussed by the City Council in a recent Study Meeting and the City Manager and staff would meet soon with the Utah Department of Transportation (UDOT) regarding concerns expressed by residents in the subject area.

Dellas Potts, 4065 South 3710 West, addressed the City Council. Mr. Potts inquired if 4100 South was a State road and if the City Council had been involved when the decision regarding the proposed CFI (Continuous Flow Intersection) was made. He also stated if it had been presented to the City Council he was unaware if residents were contacted before moving forward. He indicated the CFI needed to be looked at more closely and he related problems observed at the one on 3500 South. He expressed concern regarding design of 4100 South and stated it would be dangerous for residents trying to turn into their driveways. He stated police, fire and emergency vehicles would also have difficulty getting into the nearby neighborhoods.

Ronald Jones, 3686 West 3965 South, addressed the City Council. Mr. Jones expressed concern the City might not have been involved with the design of the 4100 South CFI (Continuous Flow Intersection), and it had many problems that needed to be addressed prior to moving forward.

Aaron Smith, 2907 West Baty Drive, addressed the City Council. Mr. Smith stated he had been before the City Council before and had previously e-mailed Mayor Winder regarding ice cream trucks disturbing his neighborhood. He cited sections of the State motor vehicle code and stated the ice cream trucks violated those laws. He also stated police and code enforcement were unaware and/or did not enforce those laws. He read aloud certain code sections. Mr. Smith indicated this had gone on for two seasons and City officers refused to issue citations to these vendors. He stated the law was black and white. He reminded that elected officials and police officers were public servants and their master was the citizenry. He strongly encouraged the City to enforce the law and issue citations.

City Manager, Wayne Pyle, advised that staff was preparing a written response to Mr. Smith regarding the concerns expressed.

Ross Capes, 3722 West 4100 South, addressed the City Council. Mr. Capes expressed opposition to the CFI (Continuous Flow Intersection) at 4100 South. He invited Council members to come to his home and see what residents were dealing with. He discussed past conversations and actions of the City regarding installation of the third lane on 4100 South several years ago. He explained the

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difficulty in getting to and away from his home. He stated he had to enlarge his driveways for additional parking or turnaround when the parking area was taken away for the third lane. He also stated the third lane was not safe as it was used as a passing lane by people speeding. He further explained difficulty turning into his driveway from 4100 South due to so much traffic. Mr. Capes stated he had attended a meeting with the State regarding this project and residents were told they had no choice as the State was going to move forward with this project. He indicated the residents had been “left out in the cold” on this. He stated he had tried to sell his house some time ago and only two people viewed it in over two months. He explained the third lane made his home unsellable. Another issue was there were no large businesses on 4100 South, mostly residential. Mr. Capes stated he did not see the need for the CFI. He also indicated there had been many people at the meeting including some from neighboring subdivisions who had also been impacted by noise from Bangerter Highway. He advised those residents could not use their backyards or leave windows open due to the excessive noise, even with the wall separating property from the highway. He stated there needed to be some consideration of these residents.

15011

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-7-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE FENCE ORDINANCE**

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. ZT-7-2010, filed by West Valley City, requesting a zone text amendment to the Fence Ordinance. He discussed proposed Ordinance No. 10-23 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. 10-23 which would amend Sections 7-1-103, 7-112 and 7-2-118 of Title 7 of the West Valley City Municipal Code to address the minimum solid fence standards in front yards as well as fence and hedge standards along arterial streets.

Mr. Pyle stated in the effort to maintain a visually pleasing City and allow residents utmost security and privacy, the proposed ordinance would address the fence/hedge standards along arterial streets as well as the fence standards in front yards.

The City Manager indicated the proposal would allow the minimum solid fence to be three feet tall rather than the existing two feet tall maximum. He also indicated the three feet height was an industry standard and not a concern from UDOT’S (Utah Department of Transportation) perspective for clear view standards.

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City Manager, Wayne Pyle, reported the proposal would also permit homes on arterial streets that were at least 80 feet wide to erect a hedge up to the property line or to erect a six-foot fence with ten-foot setback. He stated this would allow homes on arterial streets more privacy. He also explained the Police Department recommended keeping the front yard clear or using a fence that could be seen through for security reasons. He stated this was a valid recommendation but consideration must also be given to the homeowners desires for more privacy along busy streets.

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

Upon direction of the City Manager, Hannah Thiel, CED Department, addressed the City Council and responded to questions from members of the City Council regarding the proposed ordinance.

The City Council discussed certain language in the proposed ordinance and some members expressed concerns and commented regarding the requirements and some language.

**ACTION: ORDINANCE NO. 10-23, AMENDING SECTIONS -7-1-103, 7-2-112 AND 7-2-118 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADDRESS THE MINIMUM SOLID FENCE STANDARDS IN FRONT YARDS AS WELL AS FENCE AND HEDGE STANDARDS ALONG ARTERIAL STREETS**

The City Council previously held a public hearing regarding Application No. ZT-7-2010, filed by West Valley City, and proposed Ordinance No. 10-23 which would amend Sections 7-1-103, 7-2-112 and 7-2-118 of Title 7 of the West Valley City Municipal Code to address the minimum solid fence standards in front yards as well as fence and hedge standards along arterial streets.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-23, an Ordinance Amending Sections 7-1-103, 7-2-112 and 7-2-118 of Title 7 of the West Valley City Municipal Code to Address the Minimum Solid Fence Standards in Front Yards as Well as Fence and Hedge Standards Along Arterial Streets. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	No
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	No



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Mr. Pyle further reviewed terms set out in the proposed Resolution and Interlocal Pledge and Loan Agreement, summarized as follows:

- The total principal amount of the bonds to be issued not to exceed \$14,000,000
- Pledge franchise tax revenues
- Calling and establishing a time and location for a public hearing
- Providing for a contest period and related matters

The City Manager reported proceeds of bonds issued would be used by the Redevelopment Agency to refinance existing bonds to recognize interest savings and to purchase additional properties deemed vital to the City Center Redevelopment Project Area.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-147, a Resolution Approving as to Form an Interlocal Pledge and Loan Agreement By and Between West Valley City, Utah (the “City”), and the Redevelopment Agency of West Valley City, Utah (the “Agency”), to Secure Payment, in Part, of the Agency’s Tax Increment and Revenue Refunding Bonds, Series 2010 in the Total Principal Amount of Not More Than \$14,000,000; (the “Series 2010 Bonds”); Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing; Providing for the Running of a Contest Period; and Related Matters. 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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15013

**RESOLUTION NO. 10-148, APPROVE AN AGREEMENT WITH Highbury Lake Park Owners Company for On-Going Specified Maintenance Services in Conjunction with the Highbury Canal and Waterways**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-148 which would approve an Agreement with Highbury Lake Park Owners Company, in the amount of \$18,000.00, for on-going specified maintenance services in conjunction with the Highbury canal and waterways.

Mr. Pyle stated, under the subject agreement, the City's Storm Water Utility would pay the Highbury at Lake Park Owner's Company to provide certain storm water maintenance services on the Highbury canals and waterways. He explained this was one of several agreements with Suburban Land Reserve that would extend the same ownership and maintenance responsibilities to the new Highbury canals and waterways currently in place for the Lake Park Corporate Center waterways.

The City Manager reported, under this specific agreement, the property owner's company would provide storm drainage maintenance such as weed and algae control, aeration, trash pickup and control structure maintenance and repair. He stated the City, through the Storm Water Utility, would pay the property owner's company annually for the costs associated with this maintenance. He indicated an annual maintenance budget would be prepared and approved by the City. He further informed if the budget allocation was not fully utilized an adjustment to the following year's assessment would be made. He stated this type of arrangement had worked well with the Lake Park Corporate Center phase.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-148, a Resolution Authorizing the Execution of an Agreement Between West Valley City and Highbury Lake Park Owners Company for On-Going Specified Maintenance Services in Conjunction with the Highbury Canal and Waterways. Councilmember Christensen 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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15014

**RESOLUTION NO. 10-149, APPROVE AN AGREEMENT WITH THE MAJORITY OF OTHER MUNICIPALITIES IN SALT LAKE COUNTY AND THE MUNICIPALITIES OF GRANTSVILLE AND TOOEELE APPOINTING MICHELLE J. JOHNSON AS A MEMBER OF THE BOARD OF TRUSTEES OF THE UTAH TRANSIT AUTHORITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-149 which would approve an Agreement with the majority of other municipalities in Salt Lake County and the municipalities of Grantsville and Tooele appointing Michelle J. Johnson as a member of the Board of Trustees of the Utah Transit Authority.

Mr. Pyle stated the cities in Salt Lake County and the municipalities of Grantsville and Tooele had the opportunity to collectively appoint a member to the Utah Transit Authority Board of Trustees and those jurisdictions agreed to appoint Michelle J. Johnson. He further advised the appointment was governed by Section 17B-2a-807, et seq. of the Utah State Code. He indicated that pursuant to those code sections, the appointment was to be made by the City's Chief Executive Officer, which in West Valley City's form was the City Manager. He stated the statutes governing the City Manager form of government required the appointment be made with the advice and consent of the City Council.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-149, a Resolution Authorizing the Execution of an Agreement Between West Valley City and the Majority of Other Municipalities in Salt Lake County and the Municipalities of Grantsville and Tooele Appointing Michelle J. Johnson as a Member of the Board of Trustees of the Utah Transit Authority. 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.

Mayor Winder adjourned the Regular Meeting at 7:32 P.M., and reconvened the Regular Meeting at 9:17 P.M.

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15015

**RESOLUTION NO. 10-47, APPROVING AS TO FORM AN INTERLOCAL PLEDGE AND LOAN AGREEMENT BY AND BETWEEN WEST VALLEY CITY, UTAH (THE “CITY”), AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH (THE “AGENCY”), TO SECURE PAYMENT, IN PART, OF THE AGENCY’S TAX INCREMENT AND REVENUE REFUNDING BONDS, SERIES 2010 IN THE TOTAL PRINCIPAL AMOUNT OF NOT MORE THAN \$14,000,000 (THE “SERIES 2010 BONDS”); CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

Mayor Winder stated that when Resolution No. 10-147 was approved above (See Item No. 15012), the motion had not included the requirement for setting a date for a public hearing.

After discussion, Councilmember Buhler moved to approve Resolution No. 10-147 and set August 17, 2010, as the date for a public hearing. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 27, 2010, WAS ADJOURNED AT 9:18 P.M., BY MAYOR WINDER.

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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, July 27, 2010.

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Sheri McKendrick, MMC  
City Recorder