

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – AUGUST 17, 2010

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC REGULAR SESSION ON TUESDAY, AUGUST 17, 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
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Nicole Cottle, CED Director
Mike Wells, Acting Police Chief
Kelly Davis, Acting Community Preservation Director
Jody Knapp, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15026

OPENING CEREMONY

The Opening Ceremony was conducted by Mike Winder who led the Pledge of Allegiance to the Flag.

15027

SPECIAL RECOGNITIONS

Mayor Winder stated a special recognition had been scheduled and Councilmember Christensen then read a Proclamation in recognition of the American Cancer Society and their Relay for Life of West Bench event to be held August 20th and 21st at Centennial Park.

15028

COMMENT PERIOD

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

Jan Markland, 2775 Bedford Road, addressed the City Council. Ms. Markland stated she had lived in the City for over 34 years and had been raised on a farm and understood the care it took to raise chickens. She stated she did not believe chickens should be allowed in a residential area as they could cause health problems including attracting rats. She questioned why the City would open the door to problems including rats, diseases and other issues. She also questioned if West Valley City had the manpower to enforce such an ordinance. She explained there were dogs in her neighborhood that ran loose and barked at night, neighbors had complained, and City personnel indicated there was not enough manpower to address that issue. She indicated there would not be enough manpower to handle chickens without a tax increase and some residents could not afford that. She stated she understood people trying to feed their families by raising chickens. She explained a neighbor raised rabbits and chickens to feed a boa snake and her dog could not go out at night because of the snake next door.

David Parke, 4651 Condie View Drive, addressed the City Council. Mr. Parke stated he was in favor of the proposal to allow domestic hens as it would be regulated and controlled. He also stated West Valley City had a great animal control staff, as there were not a lot of animals running loose. He indicated the City's image was an issue. He stated most of the neighboring communities had passed similar ordinances and West Valley should do so as well. He indicated the proposal was more restrictive than those of other cities were and he read aloud from a list of requirements from other cities. He expressed desire to see the proposal passed as residents needed organic options for their families in a regulated, controlled environment. He stated self-reliance, emergency preparedness, and organic options for families should be taken into consideration.

Eric Farr, 5220 West 4650 South, addressed the City Council. Mr. Farr stated apparently the City's image was not bad enough and property values not low enough. He also stated the proposal was ridiculous and insulting. He indicated no additional staff would be hired or funding allocated for enforcement. He continued that legally it could not be enforced. He stated he had spoken with City employees and they said it would be a disaster. He further indicated other cities had passed this so people should move to those other cities. He stated this would be a "slap in the face" to those who lived here and was absurd. He indicated he had spoken to many residents who were insulted the Council would allow such a thing.

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Kevin Fayles, 4339 South Wildrose Drive, addressed the City Council. Mr. Fayles questioned how an “ideal community” would be described. He stated he supported more green space in the City and there was a finite amount of undeveloped land. He indicated if investment was not made now to enhance trails and parks, the opportunity and land could be lost forever. He explained open space, parks and trails should be available to residents, as they would then exercise more. He indicated it also encouraged economic development. He stated people would be willing to pay for more parks and trails.

Diane Keay, representing Salt Lake Valley Health Department, addressed the City Council. Ms. Keay congratulated City staff who drafted the proposed ordinance regarding chickens and she indicated the requirements would minimize problems.

Josh Scheuerman, 3919 South 4800 West, addressed the City Council. Mr. Scheuerman distributed written materials to the City Council regarding the Kearns Skate Park grand opening. He indicated there were 63 skateparks in the State of Utah and West Valley City still did not have one. He indicated that was a shame for the second largest city in Utah. He further indicated alternative sports were important to kids and there was a great need for a skatepark in this community. He also stated ball diamonds and tennis courts were often not maintained and/or were unused. He indicated the City should look at non-traditional sports and venues that needed funding. He discussed Lodestone Park, a joint project with Salt Lake County and West Valley City, which did not include a skatepark. He expressed favor of open space especially if there was a skatepark included in the proposal. He requested the Council consider the numbers and include a skatepark in future park projects.

Gundi Jones, 4396 South 3200 West, addressed the City Council. Ms. Jones stated that when she came to West Valley City many years ago it was a farming community and had since graduated into a residential community. She also stated the City was now residential and trying to grow into a big city. She indicated every big city has a city center, big open spaces, and other things. She explained the open space initiative was a great initiative and demonstrated the City’s pride and progress theme. She stated she was a business owner and suggested merchants and businesses work with residents and give discounts to offset a tax increase for open space. She explained this would give merchants an increase in business and residents “ownership” in the initiative. She encouraged incorporating the diversity of the community, including being pedestrian friendly, a city center with open space and activities. She stated there was always sacrifice involved with progress and the Council had a great chance to make a difference in marching forward to make West Valley City the most beautiful city in Utah.

Darwin Melville, 5134 West 4200 South, addressed the City Council. Mr. Melville expressed concern regarding the chicken ordinance and explained he did

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not want chickens and rodents that came along with them as they were already dealing with dogs in his neighborhood. He indicated this would be going backwards. He also stated if a person wanted to raise chickens then he/she should move to a rural area, as it was not proper in a city. He stated West Valley City did not need to be like other cities and just because other cities were allowing it did not mean West Valley had to allow it. He expressed the need to look out for our own community. He stated eggs were not expensive to buy but raising chickens cost a lot of money. He stated the City should control dog issues and not add to animal problems by allowing chickens.

Joseph Garcia, 2781 South Centerbrook Drive, addressed the City Council. Mr. Garcia commented regarding open space in West Valley City. He stated he shared the idea that progress could be made as a city and green space would be a major focal point for the City, which would attract citizens from other cities to visit our community. He indicated it would also attract businesses to locate in West Valley City which would propel the moving forward of the community. He expressed desire to have the issue placed on the November ballot.

Lori Cannon, 6505 West 3635 South, addressed the City Council. Ms. Cannon stated she loved living in West Valley City. She also stated she was proud to live in the community but did not think chickens would cause problems, as they would be in back yards. She requested the City Council pass the ordinance and try it. She indicated the eggs did not have chemicals so they would be healthier. She explained she had been raised on a farm and had fond memories of caring for chickens. She discussed positive aspects of raising chickens including learning where food came from. She stated properly cared for they were as clean as a dog or cat. She also stated if chickens were isolated in back yards they would not contribute to spreading of any disease.

Mayor Winder thanked all those individuals in attendance and expressed appreciation to everyone who spoke and shared their ideas with the City Council.

15029

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-10-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO UPDATE LANGUAGE IN THE WEST VALLEY CITY MUNICIPAL CODE DEALING WITH POWER TO PANEL REQUIREMENTS FOR BUILDING PERMITS AND TO ADD LANGUAGE TO CLARIFY THE PROPERTY OWNER'S RESPONSIBILITY IN MAINTAINING RETAINING WALLS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to accept public input regarding Application No. ZT-10-2010, filed by West Valley City, requesting a zone text amendment to update language in the West Valley City Municipal Code dealing with power to panel requirements for building permits and to add language to clarify the property

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owner's responsibility in maintaining retaining walls. He discussed proposed Ordinance No. 10-24 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. 10-24 which would amend Sections 7-1-108 and 7-2-121 of the West Valley City Municipal Code to clarify power to panel requirements for building permits and describe retaining wall maintenance responsibility.

Mr. Pyle stated the proposed amendments would change out of date language and clarify language dealing with power to panel requirements for building permits. He further explained Section 2-121 would amend and clarify property owners would be responsible to maintain retaining walls on their property.

The City Manager reported changes to Section 7-1-108 would update out of date language dealing with the State Construction Code and also have the language coincide with accepted practices in the field dealing with power to panel issues for building permits. He also reported changes to Section 7-2-121 would codify that maintenance and repair of retaining walls on private property were the responsibility of the property owner on whose property the retaining wall existed. He indicated the City had to be involved in several cases over the years where retaining walls had fallen into disrepair and the property owner would not accept responsibility for the repairs.

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: ORDINANCE NO. 10-24, AN ORDINANCE AMENDING SECTIONS 7-1-108 AND 7-2-121 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CLARIFY POWER TO PANEL REQUIREMENTS FOR BUILDING PERMITS AND DESCRIBE RETAINING WALL MAINTENANCE RESPONSIBILITY

The City Council previously held a public hearing regarding Application No. ZT-10-2010 and proposed Ordinance No. 10-24 which would amend Sections 7-1-108 and 7-2-121 of the West Valley City Municipal Code to clarify power to panel requirements for building permits and describe retaining wall maintenance responsibility.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-24, an Ordinance Amending Sections 7-1-108 and 7-2-121 of the West Valley City Municipal Code to Clarify Power to Panel Requirements for Building Permits and Describe Retaining Wall Maintenance Responsibility. Councilmember Vincent seconded the motion.

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A roll call vote was taken:

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

Unanimous.

15030

PUBLIC HEARING, RECEIVE COMMENT FROM THE PUBLIC WITH RESPECT TO THE CITY'S INTENT TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY TO PLEDGE THE CITY'S FRANCHISE TAX FEES TO SECURE PAYMENT OF THE AGENCY'S TAX INCREMENT BONDS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to receive comment from the public with respect to the City's intent to enter into an Interlocal Agreement with the Redevelopment Agency of West Valley City to pledge the City's franchise tax fees to secure payment of the Agency's tax increment bonds.

Mr. Pyle further explained the purpose of the hearing would be to receive input from the public with respect to: a) The proposed execution by the City of the Agreement, and b) Any potential economic impact the Agreement may have on the private sector. He also stated that pursuant to an Indenture of Trust, the Agency expected to issue the Series 2010 Bonds to provide funds to a) Finance the acquisition of property within the Redevelopment Project Area, b) Refund and retire all or a portion of the Agency's outstanding Taxable Tax Increment and Revenue Bonds, Series 2008 to effect a debt service savings, c) Fund a debt service reserve fund, if necessary, and d) Pay costs associated with the issuance of the Series 2010 Bonds.

Mr. Pyle stated no formal action by the City Council would be required regarding this matter. He informed that a public hearing was required as part of the process for a Redevelopment Agency bond proposal which had been approved under Resolution No. 10-147 on July 27, 2010.

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: NONE REQUIRED

15031

ORDINANCE NO. 10-25, ENACT CHAPTER 9 OF TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ALLOW FOR THE KEEPING OF FEMALE DOMESTIC CHICKENS IN SINGLE-FAMILY RESIDENTIAL ZONES

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-25 which would enact Chapter 9 of Title 23 of the West Valley City Municipal Code to allow for the keeping of female domestic chickens in single-family residential zones.

Mr. Pyle stated that currently the West Valley City Municipal Code made it illegal to keep female domestic chickens (hens) in a residential zone. He further advised the proposed ordinance would allow residents of single-family home parcels to apply for a Hen Permit and, under certain conditions, keep as many as eight hens on their property. He indicated applicants would provide a site plan, construction plan, and fees, and if all requirements were satisfied would be issued a Hen Permit allowing the keeping of eight hens in the 'R-1-10' zone or larger lot single-family zones; five hens in the 'R-1-8' zone, and three hens in the 'R-1-6' or 'R-1-7' zones.

The City Manager explained all hens and associated structures were required to be kept in the back yard only and would be required to be at least 50 feet from any school or church, at least 30 feet from any residence, at least 25 feet from the Hen Permit holder's residence, and at least three feet from any property line. He stated additional minimum standards were established for the design, construction and maintenance of the chicken pen and henhouse. He stated the permitted hens would be restricted to non-commercial use and slaughter of hens would be prohibited.

Mayor Winder expressed appreciation to the City Manager and staff in drafting of the proposed ordinance. He stated a number of residents had requested the Council consider allowing chickens to be raised in residential zones.

Upon discussion, members of the City Council respectively expressed opinions and discussed concerns regarding enforcement, requirements and certain language in the proposed ordinance. Some members of the Council pointed out it currently was legal to have chickens in West Valley City in certain zones. City Council members also stated this was a property rights request and discussed the "upside" and "downside" of the proposal. Public safety issues were discussed including related comments from citizens regarding this issue.

Upon request of the City Council, the City Manager directed Jody Knapp, CED Department, to present a PowerPoint discussion previously shown to the City Council, summarized as follows:

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- Purpose
- Definitions
- Standards
- Permit
- Fees

Ms. Knapp reviewed graphics showing typical subdivisions and where chicken coops could be located in the back yard on lots in various residential zones including ‘R-1-8’ and ‘R-1-10.’ She also answered additional questions from members of the City Council.

City Manager, Wayne Pyle, clarified and reviewed staffs’ position regarding this issue. He stated staff remained opposed to the proposal as it would not be enforceable to any good or effective extent. He also discussed e-mails received from citizens both for and against the proposal; and stated those e-mails had been included in the Council’s informational packets. He indicated even though staff believed it should not be adopted and would have enforcement issues, staff would support the Council’s decision and do the best possible if approved.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-25, an Ordinance Enacting Chapter 9 of Title 23 of the West Valley City Code to Allow for the Keeping of Female Domestic Chickens in Single-Family Residential Zones; and amend Page 3, Line 99, to require 50 feet from any residence. Councilmember Christensen seconded the motion.

The City Council had further discussion regarding the motion.

A roll call vote was taken:

| | |
|-----------------|-----|
| Mr. Vincent | Yes |
| Mr. Brooks | No |
| Mr. Buhler | No |
| Ms. Burt | No |
| Mr. Rushton | Yes |
| Mr. Christensen | Yes |
| Mayor Winder | No |

Motion Failed - Lack of Majority.

After further discussion, Councilmember Burt moved to deny proposed Ordinance No. 10-25, an Ordinance Enacting Chapter 9 of Title 23 of the West Valley City

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Code to Allow for the Keeping of Female Domestic Chickens in Single-Family Residential Zones. Councilmember Brooks 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. Proposed Ordinance No. 10-25 - Denied.

15032

ORDINANCE NO. 10-26, AMEND SECTION 1-2-113 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ADD HEN PERMIT FEES TO THE CONSOLIDATED FEE SCHEDULE

City Manager, Wayne Pyle, recommended proposed Ordinance No. 10-26 be denied as the Council had denied proposed Ordinance No. 10-25 above.

After discussion, Councilmember Burt moved to deny proposed Ordinance No. 10-26, an Ordinance Amending Section 1-2-113 of the West Valley City Municipal Code to Add Hen Permit Fees to the Consolidated Fee Schedule. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous. Proposed Ordinance No. 10-26 - Denied.

15033

RESOLUTION NO. 10-157, APPROVE AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH IVORY DEVELOPMENT LLC FOR PROPERTY LOCATED AT APPROXIMATELY 2814 SOUTH 5220 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 10-157 which would approve an Amendment to the Development Agreement with Ivory Development LLC for property located at approximately 2814 South 5220 West.

Mr. Pyle stated that in December of 2008, the Council approved Resolution No. 08-298 authorizing a Development Agreement between the City and Ivory Development LLC for property being developed between 3100 South and Lake Park Boulevard and east of Daybury Drive. He indicated the agreement set forth development standards which included specific areas to be used for open space. He further advised the purpose for the proposed resolution was to modify a portion of the open space requirement.

The City Manager reported Ivory Development was prepared to begin construction on the next phase of Highbury at Lake Park. He stated the developer, in conjunction with Suburban Land Reserve, Inc., (formerly Zion's Securities) had re-evaluated the open space designations found in the 2008 Development Agreement. He explained that after evaluating one particular location in their next phase, a decision had been made to eliminate the small 11,400 square foot pocket park located at approximately 2814 South 5220 West. He stated the decision to eliminate this space had been made in consideration of other areas within the Highbury development intended to meet the needs of open space requirements. He also indicated Suburban Land Reserve Inc. had planned for an urban fishery, trail systems, waterways and general open space throughout Highbury. In addition, Centennial Park was located within walking distance immediately south of 3100 South. He further advised for these reasons Ivory Development had requested consideration to eliminate the pocket park illustrated in Exhibit C attached to the Development Agreement.

Upon discussion, Councilmember Rushton commented regarding the "spirit of the law" and "letter of the law" issues. He stated he thought the developer had made a compelling argument.

Upon further discussion, Councilmember Vincent moved to approve Resolution No. 10-157, a Resolution Authorizing the Execution of an Amendment to the Development Agreement with Ivory Development LLC for property Located at Approximately 2814 South 5220 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

15034

RESOLUTION NO. 10-158, APPROVE INTERLOCAL COOPERATIVE AGREEMENT WITH THE CITY OF SOUTH SALT LAKE TO PROVIDE FOR WEST VALLEY CITY TO PROSECUTE CERTAIN DISTRICT COURT CRIMINAL APPEALS ON BEHALF OF THE CITY OF SOUTH SALT LAKE

City Manager, Wayne Pyle, presented proposed Resolution No. 10-158 which would approve an Interlocal Cooperative Agreement with the City of South Salt Lake to provide for West Valley City to prosecute certain District Court criminal appeals on behalf of the City of South Salt Lake.

Mr. Pyle stated the proposed agreement provided that West Valley City prosecutors would prosecute certain appeals from the South Salt Lake Justice Court on behalf of South Salt Lake. He advised that South Salt Lake had agreed to pay a flat fee of \$500.00 per month for this service.

The City Manager reported pursuant to State law, appeals from justice court criminal cases were tried de novo in District Court. He stated South Salt Lake had a small prosecution staff and the District Court appeals could often be time consuming if it was the only case the prosecutor had in District Court on that particular day. He explained much of that time was spent simply waiting for the case to be heard. He indicated West Valley City prosecuted a regular District Court calendar of cases and, therefore, had at least one prosecutor in District Court almost every day. He stated adding an occasional South Salt Lake case to the West Valley caseload would have a minimal impact on West Valley City but would save the South Salt Lake prosecutors a great deal of time.

After discussion, Councilmember Buhler moved to approve Resolution No. 10-158, a Resolution Approving an Interlocal Cooperation Agreement with the City of South Salt Lake to Provide for West Valley City to Prosecute Certain District Court Criminal Appeals on Behalf of the City of South Salt Lake. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

15035

RESOLUTION NO. 10-159, AUTHORIZE PURCHASE OF DESKTOP AND LAPTOP COMPUTERS FROM VALCOM COMPUTER CENTER FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-159 which would authorize purchase of desktop and laptop computers from Valcom Computer Center, in an amount not to exceed \$93,551.36, for use by the Police Department.

Mr. Pyle stated the Police Department was in need of desktop and laptop computers. He advised replacements would be financed through the HP Master Lease Purchase Agreement approved in 2006 under Resolution No. 06-04.

The City Manager reported the desktop and laptop computers procured through this program would be covered by a “total care” package for each computer which would cover most of the costs of repairs needed during the term of the lease agreement. He explained each computer would be leased for a period of four years at which point the City would be able to purchase each computer for one dollar. He further reported the total cost over the four year period would not exceed \$93,551.36, with four annual payments of not to exceed \$23,387.84.

Mr. Pyle also advised formal bidding had not been required because the vendor, Valcom, held a contract with the State of Utah.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-159, a Resolution Authorizing the Purchase of Desktop and Laptop Computers from Valcom Computer Center for use by the Police Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

| | |
|-------------|-----|
| Mr. Vincent | Yes |
| Mr. Brook | Yes |
| Mr. Buhler | Yes |

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

Unanimous.

15036

RESOLUTION NO. 10-160, ACCEPT PUBLIC SIDEWALK AND LIGHTING EASEMENTS FROM HILLCREST INVESTMENT COMPANY, L.L.C. ACROSS PROPERTIES LOCATED AT DECKER LAKE DRIVE AND 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 10-160 which would accept Public Sidewalk and Lighting Easements from Hillcrest Investment Company, L.L.C. for properties located at Decker Lake Drive and 3500 South.

Mr. Pyle stated the subject easements were for the proposed Shops at Decker Lake commercial/retail development (currently Grizzly Plaza) located at Decker Lake Drive and 3500 South. He also stated the two sites (parcels) were to be remodeled and would include street lighting on 3500 South.

The City Manager reported as portions of the proposed sidewalks and lighting fell outside of the public right-of-way, a public sidewalk and lighting easement was required as a condition of approval. He stated these easements would also accommodate future street lighting additions on Decker Lake Drive.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-160, a Resolution Authorizing the City to Accept Public Sidewalk and Lighting Easements from Hillcrest Investment Company, L.L.C. Across Properties Located at Decker Lake Drive and 3500 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

15037

RESOLUTION NO. 10-161, CONSIDERATION FOR ADOPTION OF A RESOLUTION PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 2, 2010, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF WEST VALLEY CITY, UTAH, A PROPOSITION REGARDING THE ISSUANCE OF UP TO \$25,000,000 GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF ACQUIRING AND CONSTRUCTING PARKS AND TRAILS, A CITY CENTER PARK AND GREENWAY, AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS

City Manager, Wayne Pyle, presented proposed Resolution No. 10-161, which would provide for a special bond election to be held on November 2, 2010, for the purpose of submitting to the qualified electors of West Valley City, Utah, a proposition regarding the issuance of up to \$25,000,000 General Obligation Bonds to finance the costs of acquiring and construction parks and trails, a City Center park and greenway, and related improvements; providing for the publication of a Notice of Public Hearing; approving the form of and directing the publication of a Notice of Election and the ballot proposition; and related matters.

Mr. Pyle stated the proposed Resolution would begin the process of holding a Special Bond Election to ask City voters to approve the issuance of general obligation bonds to finance parks, City Center green space and trails within the City. If approved by the voters, the City could issue up to \$25 million in general obligation bonds over the next 10 years for the purposes set forth in the proposed Resolution. If the bonds were approved and issued, it was estimated that an annual property tax to pay debt service on the bonds would be required over a period of 20 years in the estimated amount of \$25.02 on a \$177,000 residence and in the estimated amount of \$45.49 on a business property having the same value as said residence.

The City Manager indicated the proposed Resolution was the beginning of the election process. It set the date of the election and the language of the proposition. It also scheduled a public hearing to be held on September 14, 2010, to accept public comment regarding the issuance of the bonds.

Upon discussion, Councilmember Vincent stated that during the earlier public comment period there had been citizens who expressed support of this proposal.

Councilmember Burt expressed the importance of making the public aware of the bond issue.

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Mayor Winder noted that when the issue appeared on the ballot it would be the choice of the people.

After further discussion, Councilmember Vincent moved to approve Resolution No. 10-161, a Resolution Providing for a Special Bond Election to be Held on November 2, 2010, for the Purpose of Submitting to the Qualified Electors of West Valley City, Utah, a Proposition Regarding the Issuance of up to \$25,000,000 General Obligation Bonds to Finance the Costs of Acquiring and Constructing a Municipal Library, Parks and Trails, a City Center Park and Greenway, and Related Improvements; Providing for the Publication of a Notice of Public Hearing; Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Proposition; and Related Matters. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15038

COMMUNICATIONS

Councilmember Burt stated, as requested by the City Manager, she would disconnect her telephone line, however, she expressed concerns at not being able to participate in the three meetings to follow (Redevelopment Agency, Housing Authority and Building Authority) via telephone.

For clarification, the City Manager explained the other meeting agendas included resolutions approving procedures for electronic meetings. He noted the City had conducted electronic meetings properly in the past, as there had been an Executive Order in place for many years, however, the State Code now required each public body officially adopt electronic meeting procedures by resolution. He stated there were several bond issues in the works and bond counsel expressed concern regarding Councilmember Burt's vote on those resolutions while participating in an electronic meeting. He advised he had requested Councilmember Burt not participate in the Regular Meeting next week unless she was able to do so in person, as a similar resolution would be considered by the City Council.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE ELECTRONIC REGULAR MEETING OF TUESDAY, AUGUST 17, 2010, WAS ADJOURNED AT 7:55 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, August 17, 2010.

Sheri McKendrick, MMC
City Recorder