

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 14, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 14, 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
Carolynn Burt
Steve Buhler
Don Christensen
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Jim Welch, Finance Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Mike Wells, Acting Police Chief
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Machel Richards, Finance Department
Cindy Hobbs, Finance Department
Shirley Sasaki, Finance Department
Jeanette Carpenter, Finance Department
Nora Clements, Finance Department
Paula Fox, Finance Department
Kathy Madden, Finance Department
Russ Condie, Finance Department
Nick Hale, Finance Department
Don Groo, Finance Department

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- 15058 **OPENING CEREMONY**
Steve Vincent who led the Pledge of Allegiance to the Flag conducted the Opening Ceremony.
- 15059 **EMPLOYEE OF THE MONTH, JUNE 2010 – MACHEL RICHARDS, FINANCE DEPARTMENT**
Councilmember Christensen read the nomination of Machel Richards, Finance Department, to be recognized as Employee of the Month for June 2010. Ms. Richards had been nominated for recently taking on some additional responsibilities in the Finance Department.

Ms. Richards was presented with the award and members of the City Council expressed appreciation and offered congratulations on an outstanding job performance on behalf of West Valley City.
- 15060 **EAC QUARTERLY DIVISION AWARD – TREASURY DIVISION, FINANCE DEPARTMENT**
Mayor Pro Tem Rushton read the nomination of the Treasury Division of the Finance Department, to receive the EAC Quarterly Division Award. The award was presented and the City Council expressed appreciation and offered congratulations to the Treasury Division staff.
- 15061 **PROCLAMATION DECLARING THE FOURTH MONDAY OF SEPTEMBER AS *FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN* IN WEST VALLEY CITY**
Councilmember Burt read a Proclamation declaring the fourth Monday of September as *Family Day – a Day to Eat Dinner With Your Children* in West Valley City.
- 15062 **EMPLOYEE OF THE MONTH, MAY 2010 – WES COULAM, COMMUNITY PRESERVATION DEPARTMENT (RESCHEDULED FROM REGULAR MEETING HELD AUGUST 24, 2010)**
Councilmember Buhler read the nomination of Wes Coulam, Community Preservation Department, to be recognized as Employee of the Month for May 2010. He presented the award to Mr. Coulam and the City Council members expressed appreciation and offered congratulations.
- 15063 **COMMENT PERIOD**
Upon inquiry by Mayor Pro Tem Rushton, there was no one who desired to address the City Council during the comment period.

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PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-4-2008, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE A PORTION OF CASSELL STREET FROM SOUTHGATE AVENUE TO THE NORTH RIGHT-OF-WAY LINE OF THE LIGHT RAIL ALIGNMENT

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. SV-4-2008, filed by West Valley City, requesting to vacate a portion of Cassell Street from Southgate Avenue to the north right-of-way line of the light rail alignment. He discussed proposed Ordinance No. 10-27 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Mr. Pyle presented proposed Ordinance No. 10-27 which would vacate a portion of Cassell Street located in West Valley City.

The City Manager stated the proposal would vacate the right-of-way due to impacts of the light rail on the adjacent property owner's property. He further stated due to the alignment of the rail line, a large triangular piece of property had been acquired from the Wilkins so that a smooth transition of the track could be accomplished.

City Manager, Wayne Pyle, indicated that in the past there had been some discussions of paving Cassell Street because it would allow for a north/south connection at the ends of several east/west roads in this area of Chesterfield. He stated the light rail alignment eliminated that option since there would not be a vehicular/pedestrian crossing permitted at Cassell Street. He explained although a future connection could be made south of the LRT alignment, the area to the north was cut off by the newly installed tracks. He further stated that when the Wilkins had seen the plans for the LRT, they were disappointed to lose so much of their back yard. He indicated although they were being compensated for that loss, the square footage of their property was considerably reduced and they inquired about the possibility of utilizing a portion of Cassell Street adjacent to their home. He stated this process would allow them to add 33 feet to the east of their current property line. He also advised according to City ordinance, streets and/or alley vacations were required to be reviewed by the Planning Commission with a recommendation to the City Council who then made the final decision.

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.

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ACTION: ORDINANCE NO. 10-27, VACATING A PORTION OF CASSELL STREET LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. SV-4-2008, filed by West Valley City, and proposed Ordinance No. 10-27 which would vacate a portion of Cassell Street located in West Valley City.

After discussion, Councilmember Burt moved to approve Ordinance No. 10-27, an Ordinance Vacating a Portion of Cassell Street Located in West Valley City. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

15065

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING (i) 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 AND (ii) THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS, FACILITIES, OR PROPERTIES TO BE FINANCED WITH BOND PROCEEDS WILL HAVE ON THE PRIVATE SECTOR

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to accept public input regarding (i) 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 and (ii) the potential economic impact that the improvements, facilities, or properties to be financed with bond proceeds would have on the private sector.

Mr. Pyle advised as part of the General Obligation Bond election process the City Council was required to hold a public hearing to accept public input; however, no action was required to be taken. Mr. Pyle also noted this issue would be listed as Proposition #3 on the November ballot.

Mayor Pro Tem Rushton opened the public hearing.

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Erik Falor, 3501 Honda Avenue, addressed the City Council. Mr. Falor stated he would be in favor of Proposition #3 and was excited to see additional bike trails and parks for his family to enjoy. He indicated he bicycled to work every day and improvements would increase safety for him and others. Mr. Falor stated he was a believer in being active and doing things with his family and hoped his fellow citizens would vote in favor of the bond.

Chad Payne, (no address given), addressed the City Council. Mr. Payne stated he was a long time resident of the City and helped with the incorporation efforts. He indicated it was dangerous to bike at this time and he pointed out areas in the City that did not have sidewalks. He stated there was some open space still left in the City, but most had been developed. Mr. Payne noted there was no place to show children the beauty of nature and time was running out, as the open land would be soon all be developed for subdivisions. He stated foresight needed to be used to utilize the remaining open space and preserve it for future generations. He indicated other communities had those amenities and West Valley City residents deserved the same.

Jen Donnelly, 3433 Leeds Cove in Hunter Village, addressed the City Council. Ms. Donnelly stated her subdivision had lots of green space; however, it was not a walkable community as there were no sidewalks on 3500 South. She indicated she was a big fan of the Crosstowne Trail and supported Proposition #3.

Matt Harris, 6863 West 4315 South, addressed the City Council. He was in favor of the bond and indicated, “it was about time.” Mr. Harris stated he had talked with neighbors and friends in the City and they were in favor if the proposal. He explained West Valley City was family oriented and he would like to see more done on the west side of the city.

Jane Holman, (no address given) addressed the City Council. Ms. Holman stated she lived on the west side of the City and more parks were needed especially on the west end. She indicated now was the time to look at making the City friendlier for kids, sports, and other activities.

Kevin Fayles, 4339 South Wildrose Drive, addressed the City Council. He informed the UTA and Granite School District Boards had endorsed Proposition #3 in addition to the Clean & Beautiful Committee and the Lions Club. Mr. Fayles stated he and the Mayor had met with those entities and others and support was growing as people became educated and learned what was involved and planned. He stated two open houses had been scheduled to get feedback from residents and to provide information. He also expressed support to the City Council for allowing the issue to be placed on the ballot.

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Joe Garcia, 2781 South Centerbrook Drive, addressed the City Council. Mr. Garcia stated he was in favor of the proposal and was excited for proposed connectivity with other trails in the Salt Lake Valley. He stated he would like to see it move forward as it would be of great value to the City.

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

Upon discussion, Councilmember Vincent requested the City Manager to explain further the steps in the process leading up to the election and the proposed proposition to be on the ballot.

City Manager, Wayne Pyle, explained the City's role in presenting information to the citizenry and stated it would be informational rather than a promotional position. He indicated the City would meet the State Code requirements in that regard. He also stated committees and citizen groups would meet with community groups and express their support.

ACTION: NONE

15066

RESOLUTION NO. 10-167, APPOINT TWO REPRESENTATIVES TO SERVE ON THE TAXING ENTITY COMMITTEE FOR ALL URBAN RENEWAL AND ECONOMIC DEVELOPMENT PROJECT AREAS IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 10-167 which would appoint two representatives to serve on the Taxing Entity Committee for all urban renewal and economic development project areas in West Valley City.

Mr. Pyle stated the Taxing Entity Committee was comprised of representatives from various taxing districts who levied taxes within the boundaries of West Valley City. He indicated the committee would review the creation of urban renewal project areas within the City at various stages. He also advised the Redevelopment Agency (RDA) recommended appointment of Russ Brooks and Steve Vincent to the Taxing Entity Committee.

The City Manager reported the RDA Board of Directors recently made findings of blight regarding the Granger Crossings Urban Renewal Development Area. He stated in accordance with State law, the Taxing Entity Committee must review the Board's findings and give approval before the RDA could move forward with the project area plan. He further explained the Taxing Entity Committee must review and approve a proposed budget for the project area. He stated after the Taxing Entity Committee had reviewed and approved the required components of the project area, the project area plan could then be approved and implemented.

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After discussion, Councilmember Buhler moved to approve Resolution No. 10-167, a Resolution Appointing Two Representatives to Serve on the Taxing Entity Committee for All Urban Renewal and Economic Development Project Areas in West Valley City. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

15067

RESOLUTION NO. 10-166, APPROVE AN AMENDMENT TO THE AGREEMENT FOR THE DISPOSITION OF LAND (ADL) BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND JORDAN RIVER MARKETPLACE, LLC, TO PROVIDE FOR THE REDEVELOPMENT OF THE JORDAN RIVER REDEVELOPMENT AREA (CONTINUED FROM REGULAR MEETING OF SEPTEMBER 7, 2010)

City Manager, Wayne Pyle, presented proposed Resolution No. 10-166 which would approve an Amendment to the Agreement for the Disposition of Land (ADL) between the City, the Redevelopment Agency of West Valley City, and Jordan River Marketplace, LLC, to provide for the redevelopment of the Jordan River Redevelopment Area. He advised this item had been continued from the Regular Council Meeting of September 7, 2010.

Mr. Pyle stated the proposed Amendment would clarify and redefine the purchase price to be made in consideration of the improvements to be constructed on the property by the developer and what land, specifically, would be transferred to the developer.

The City Manager reported that in the Agreement, the RDA would agree to convey the parcels of land in Phase I and Phase II of the Agreement for Development of Land. He also reported that for Phase I this included Lots 2 and 3 of the Utah Cultural Celebration Subdivision, the remainder parcel north of Lot 3; and a part of a remnant parcel of land lying to the east of Lot 3, provided the City obtained title to that lot. He stated this was a total square footage of 432,182 square feet and would be sold to the developer at \$3.00 per square foot. He further indicated for Phase II this included Lot 1 of the Utah Cultural Celebration Subdivision and would be sold at the same rate.

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After discussion, Councilmember Vincent moved to approve Resolution No. 10-166, a Resolution Approving an Amendment to the Agreement for the Disposition of Land (ADL) between the City, the Redevelopment Agency of West Valley City, and Jordan River Marketplace, LLC., to Provide for the Redevelopment of the Jordan River Redevelopment Area. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15068

CONSENT AGENDA:

A. RESOLUTION NO. 10-168, ACCEPT A TRAFFIC SIGNAL EASEMENT FROM THE BOARD OF EDUCATION OF GRANITE SCHOOL DISTRICT FOR PROPERTY LOCATED AT APPROXIMATELY 4495 SOUTH 4800 WEST FOR THE 4800 WEST AND ROYAL ANN DRIVE SIGNAL PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-168 which would accept a Traffic Signal Easement from the Board of Education of Granite School District for property located at approximately 4495 South 4800 West for the 4800 West and Royal Ann Drive Signal Project.

Mr. Pyle stated the Board of Education of Granite School District had signed the Traffic Signal Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of a traffic signal at that intersection. He indicated the subject property was at the location of Kennedy Junior High School and the Board of Education of Granite School District had granted the easement for the aforementioned project.

B. RESOLUTION NO. 10-169, APPROVE A RIGHT-OF-WAY AGREEMENT WITH ADRIA M. ORANTES FOR PROPERTY LOCATED AT 4502 SOUTH 4800 WEST, AND ACCEPT A WARRANTY DEED, FOR THE 4800 WEST AND ROYAL ANN DRIVE SIGNAL PROJECT

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City Manager, Wayne Pyle, presented proposed Resolution No. 10-169 which would approve a Right-of-Way Agreement with Adria M. Orantes for property located at 4502 South 4800 West, and accept a Warranty Deed for the 4800 West and Royal Ann Drive Signal Project.

Mr. Pyle stated Adria M. Orantes 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 a traffic signal at the subject intersection. He explained the property was located across the street from Kennedy Junior High School. He further stated the owner had executed the documents for purchase of 16 square feet of right-of-way at the northeast corner of her lot to accommodate construction of a traffic signal pole and associated facilities. He further reported compensation for the right-of-way would be in the amount of \$400.00. He stated 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 property acquisitions.

C. RESOLUTION NO. 10-170, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MICHAEL G. PETERSON AND JACKIE L. PETERSON FOR PROPERTY LOCATED AT 2733 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-170 which would accept a Grant of Temporary Construction Easement from Michael G. Peterson and Jackie L. Peterson for property located at 2733 South 7200 West, for the 7200 West Improvement Project.

Mr. Pyle stated Michael G. Peterson and Jackie L. Peterson 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 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 also 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.

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D. RESOLUTION NO. 10-171, ACCEPT TWO SPECIAL WARRANTY DEEDS FROM CARLA HEWITSON FOR PROPERTIES LOCATED AT 1747 WEST AND 1751 WEST 3100 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 10-171 which would accept two Special Warranty Deeds from Carla Hewitson for properties located at 1747 West and 1751 West 3100 South.

Mr. Pyle stated Carla Hewitson had signed the two Special Warranty Deeds.

The City Manager reported Carla Hewitson was constructing the Beehive Homes Assisted Living Center development at 1747 West and 1751 West on 3100 South. He also reported as a condition of obtaining a building permit, dedication of portions of 3100 South had been required. He indicated the existing 3100 South right-of-way adjacent to the subject properties was a 36-foot half width. He stated an additional four feet was being dedicated for a 40-foot half width in accordance with the West Valley City Major Street Plan.

After discussion, Councilmember Christensen moved to approve Resolution Nos. 10-168, 10-169, 10-170 and 10-171 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	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 REGULAR MEETING OF TUESDAY, SEPTEMBER 14, 2010, WAS ADJOURNED AT 7:03 P.M., BY MAYOR PRO TEM RUSHTON.

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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, September 14, 2010.

Sheri McKendrick, MMC
City Recorder