

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 21, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 21, 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
Steve Buhler
Carolynn Burt
Don Christensen
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Corey Rushton

STAFF PRESENT:

Jim Welch, Finance Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Mike Wells, Acting Police Chief
Claire Gillmor, Acting City Attorney
Hannah Thiel, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15146 **OPENING CEREMONY**
Don Christensen who discussed a book he was reading conducted the Opening Ceremony. He also read a quote from Winston Churchill.

15147 **APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 7, 2010**
The Council read and considered Minutes of the Regular Meeting held December 7, 2010. Councilmember Christensen noted a correction of a recorded vote on page 5 of the minutes. The City Recorder, Sheri McKendrick, so noted the correction and, upon further discussion, there were no other changes, corrections or deletions.

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After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held December 7, 2010, with the correction of a typographical error of an incorrect vote on page 5. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15148 **COMMENT PERIOD**

Upon inquiry by Mayor Winder, there was no one who desired to address the City Council during the comment period.

15149 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-15-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO TITLE 7 OF THE LAND USE DEVELOPMENT AND MANAGEMENT ACT OF THE WEST VALLEY CITY CODE REGARDING STANDARDS FOR ACCESSORY BUILDINGS ON LOTS LESS THAN 0.5 ACRES IN AN AGRICULTURAL ZONE**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-15-2010, filed by West Valley City, requesting a zone text amendment to Title 7 of the Land Use Development and Management Act of the West Valley City Municipal Code regarding standards for accessory buildings on lots less than 0.5 acres in an Agriculture zone. He presented proposed Ordinance No. 10-39 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 10-39 which would amend Section 7-6-209 of the West Valley City Municipal Code to address minimum area standards for accessory buildings on agriculturally zoned properties that are less than one-half acre.

Mr. Isaac stated as agriculturally zoned homes, with less than half an acre, could currently occupy almost all of their back yard with accessory buildings, the

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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15150

RESOLUTION NO. 10-197, AUTHORIZING TERMINATION OF A FLOOD CONTROL EASEMENT GRANTED BY KENNECOTT TO WEST VALLEY CITY AND SALT LAKE COUNTY, AND THE TERMINATION OF ALL RIGHTS UNDER THE FLOOD CONTROL EASEMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-197 which would authorize termination of a Flood Control Easement granted by Kennecott to West Valley City and Salt Lake County, and the termination of all rights under the Flood Control Easement.

Mr. Isaac stated that under the proposal the City would agree to terminate a Flood Control Easement, granted by Kennecott, to use a portion of the Riter Canal located on the Canal lands, as a flood control facility. He further stated the City would also warrant there were no successors or assignees to the subject agreement.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-197, a Resolution Authorizing the Termination of a Flood Control Easement Granted by Kennecott to West Valley City and Salt Lake County, and the Termination of All Rights Under the Flood Control Easement. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15151

RESOLUTION NO. 10-198, AUTHORIZING AGREEMENT BETWEEN WEST VALLEY CITY, SALT LAKE COUNTY, AND SUBURBAN LAND RESERVE, INC., TO CONFIRM THE Highbury Canal and Highbury Waterways are subject to the Supplemental Agreement through an amendment to the

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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15152

CONSENT AGENDA:

A. RESOLUTION NO. 10-199, APPROVE AN AGREEMENT WITH BRAD PENNY FOR PURCHASE OF A VINYL FENCE AND EASEMENT TO ACCESS THE FENCE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-199 which would approve an Agreement with Brad Penny, in the amount of \$2,210.29, for purchase of a vinyl fence and easement to access the fence.

Mr. Isaac stated the City would purchase two fences with maintenance easements along the south boundary of Hunter Village Park. He indicated this appeared to be the fair and proper thing to do, as the homeowners were unaware the City was to install fencing around the park. He explained most of the cost for the fences had been programmed into the park development budget anyway, so final fencing cost was only slightly higher than it would have been if the fencing had been left in the original construction contract and installed by the City.

The Acting City Manager explained that during construction of Hunter Village Park two adjacent homeowners installed fencing along the shared boundary between the park and their homes. He stated that when the City extended the fencing adjacent to the two remaining undeveloped lots on the south side of the park, the home owners approached the City and requested they be reimbursed for half of their initial outlay for fencing as they saw the City had planned to fence the entire shared boundary as part of the overall park project. He informed the payment amount would be equal to 60% of the installed price paid by the homeowner.

B. RESOLUTION NO. 10-200, APPROVE AN AGREEMENT WITH JAY TINGEY FOR PURCHASE OF A VINYL FENCE AND EASEMENT TO ACCESS THE FENCE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-200 which would approve an Agreement with Jay Tingey, in the amount of \$715.20, for purchase of a vinyl fence and easement to access the fence.

Mr. Isaac stated the City would purchase two fences with maintenance easements along the south boundary of Hunter Village Park. He indicated

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this appeared to be the fair and proper thing to do, as the homeowners were unaware the City was to install fencing around the park. He explained most of the cost for the fences had been programmed into the park development budget anyway, so final fencing cost was only slightly higher than it would have been if the fencing had been left in the original construction contract and installed by the City.

The Acting City Manager explained that during construction of Hunter Village Park two adjacent homeowners installed fencing along the shared boundary between the park and their homes. He stated that when the City extended the fencing adjacent to the two remaining undeveloped lots on the south side of the park, the home owners approached the City and requested they be reimbursed for half of their initial outlay for fencing as they saw the City had planned to fence the entire shared boundary as part of the overall park project. He informed the payment amount would be equal to 60% of the installed price paid by the homeowner.

- C. **RESOLUTION NO. 10-201, APPROVE A DELAY AGREEMENT WITH RON AND SHELLEY ROBERTSON FOR A MONUMENT SIGN LOCATED AT APPROXIMATELY 3455 SOUTH 4300 WEST**
Acting City Manager, Paul Isaac, presented proposed Resolution No. 10-201 which would approve a Delay Agreement with Ron and Shelley Robertson for a monument sign located at approximately 3455 South 4300 West.

Mr. Isaac stated Enterprise Rent A Car Company of UT, LLC would like to market their business using a monument sign on property owned by Ron and Shelley Robertson. He further stated due to the future right-of-way street width for 3500 South, the setbacks required for this new monument sign were 22 ½ feet from the existing property line or inside of sidewalk. He explained this setback required for the monument sign made it difficult to place the sign in a practical location. He explained staff recommendations as follows:

1. The required setbacks would place the monument sign further back than adjacent business signs and would be difficult to see from 3500 South
2. The ordinance (11-5-103(1)) required a five foot setback from the public right-of-way for a monument sign that was less than five feet in height. The proposed sign was set back five feet from the current public right-of-way which would be moved to the appropriate future setbacks when 3500 South was widened.

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The Acting City Manager further discussed his recommendation that the monument sign setbacks required for future right-of-way on 3500 South be delayed until the street was widened to its full width.

After discussion, Councilmember Vincent moved to approve Resolution Nos. 10-199, 10-200, and 10-201 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, DECEMBER 21, 2010, WAS ADJOURNED AT 6:39 P.M., BY MAYOR WINDER.

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, December 21, 2010.

Sheri McKendrick, MMC
City Recorder