

MINUTES OF COUNCIL REGULAR MEETING – JANUARY 4, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JANUARY 4, 2011, 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
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
Nicole Cottle, CED Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Claire Gillmor, Law Department
Steve Lehman, CED Department
Mark Nord, CED Department
Lee Logston, CED Department
Brent Garlick, CED Department
Craig Thomas, Administration
Jake Arslanian, Public Works Department

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OPENING CEREMONY

Carolynn Burt who distributed copies of and read, “Old Farmer’s Advice”, conducted the Opening Ceremony.

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15154 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
DECEMBER 14, 2010**

The Council read and considered Minutes of the Regular Meeting held December 14, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held December 14, 2010, as written. Councilmember Buhler 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.

15155 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
DECEMBER 21, 2010**

The Council read and considered Minutes of the Regular Meeting held December 21, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held December 21, 2010, as written. Councilmember Christensen 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.

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15156 **COMMENT PERIOD**

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

15157 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-3-2010, FILED BY DONNA CHRISTENSEN, REQUESTING TO VACATE A PORTION OF CASSELL STREET, AN UNIMPROVED ROAD, LOCATED AT APPROXIMATELY 1510 WEST 2785 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the Council to hear and consider public comments regarding Application No. SV-3-2010, filed by Donna Christensen, requesting to vacate a portion of Cassell Street, an unimproved road, located at approximately 1510 West 2785 South. He discussed proposed Ordinance No. 11-01 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. 11-01 which would vacate a portion of Cassell Street located north of Clayborne Avenue at approximately 1510 West 2785 South in West Valley City.

Mr. Pyle stated the subject property was unimproved and located between Clayborne Avenue and the south edge of the light rail extension to West Valley. He also stated the applicant(s) were property owners immediately to the west of Cassell Street and desired the unimproved road to be vacated due to the location of the light rail extension to West Valley. He advised the alignment of the rail line had eliminated any potential connection of Cassell Street to the north and the property owner(s) would like to use the vacated right-of-way as part of their lot.

The City Manager reported that in the past, and prior to the chosen light rail alignment, discussions had taken place about the possibility of paving Cassell Street to allow for a north/south connection at the ends of several east/west roads in this area of Chesterfield. He indicated, as mentioned previously, the light rail alignment eliminated that option since there would not be a vehicular/pedestrian crossing permitted at Cassell Street. He indicated the right-of-way along this section of Cassell Street was 66 feet in width, and, by law, the ordinance that vacated this right-of-way would provide the adjacent property owners with 33 feet of said unimproved street.

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

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ACTION: ORDINANCE NO. 11-01, VACATING A PORTION OF CASSELL STREET LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. SV-3-2010, filed by Donna Christensen, and proposed Ordinance No. 11-01 which would vacate a portion of Cassell Street located in West Valley City.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-01, 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. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15158

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-6-2010, FILED BY CHRIS DRENT, REQUESTING FINAL PLAT APPROVAL OF SUNSET HILLS PUD PHASE 1 AMENDED, PARCELS A AND C, AND OQUIRRH MESA DRIVE AMENDED SUBDIVISION, LOCATED AT 6455 SOUTH OQUIRRH MESA DRIVE

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. S-6-2010, filed by Chris Drent, requesting final plat approval of Sunset Hills PUD Phase 1 Amended, Parcels A and C, and Oquirrh Mesa Drive Amended Subdivision, located at 6455 South Oquirrh Mesa Drive. He discussed proposed Ordinance No. 11-02 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-02 which would approve the amendment of Sunset Hills PUD Phase 1 Amended Subdivision located in West Valley City.

Mr. Pyle stated that Chris Drent, representing the developer, had requested an amendment to the first phase of the Sunset Hills Subdivision which would allow

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for relocation of a portion of Oquirrh Mesa Drive. He further stated as part of Phase 1 the developer was obligated to install all of Oquirrh Mesa Drive, which road is essentially a frontage road for U-111 connecting 6200 South with 6600 South. He indicated to the west of the road there was an overhead power line running in a southeast/northwest direction.

The City Manager reported that to date the developer had constructed nearly all of Oquirrh Mesa Drive but the portion at the north end had yet to be installed. He stated the subject portion lagged behind due to existing power poles in the power corridor. Although the power poles were outside of the recorded right-of-way, the excavation needed for this roadway would undermine the existing poles and, as a result, the poles would either need to be relocated or the alignment of Oquirrh Mesa Drive adjusted.

Mr. Pyle noted the developer had expressed difficulty working with Rocky Mountain Power to get these poles moved. He stated as the construction bond for the public improvement was due, the developer had requested an amendment to the plat that would shift the roadway to the east, thus allowing the power poles to remain and the rest of Oquirrh Mesa Drive to be completed. He explained the plat amendment would shift Oquirrh Mesa Drive slightly to the east and as a result of that adjustment; the City's open space would increase by approximately 1,720 square feet. He stated the community open space would decrease by the same amount.

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

ACTION: ORDINANCE NO. 11-02, APPROVING THE AMENDMENT OF SUNSET HILLS PUD PHASE 1 AMENDED SUBDIVISION LOCATED IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. S-6-2010, filed by Chris Drent, and proposed Ordinance No. 11-02 which would approve the amendment of Sunset Hills PUD Phase 1 Amended Subdivision, located in West Valley City.

After discussion, Councilmember Vincent moved to approve Ordinance No. 11-02, an Ordinance Approving the Amendment of the Sunset Hills PUD Phase 1 Amended Subdivision Located in West Valley City. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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

Unanimous.

15159

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SNC-1-2010, FILED BY BART WARNER, REQUESTING TO CHANGE A STREET NAME IN WEST VALLEY TRUCK CENTER SUBDIVISION FROM HEBE COURT TO LAMPERT LANE

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. SNC-1-2010, filed by Bart Warner, requesting to change a street name in West Valley Truck Center Subdivision from Hebe Court to Lampert Lane. He discussed proposed Ordinance No. 11-03 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-03 which would approve a street name change in the West Valley Truck Center Subdivision located at 2305 South 5370 West.

Mr. Pyle stated Bart Warner, representing the Warner Truck Center, had requested consideration of the street name change. He also stated the West Valley Truck Center Subdivision had been recorded in October 1999, which subdivision consisted of 31 lots and a dedicated street system. He indicated one of the streets was Hebe Court, a cul-de-sac adjacent to six lots. Due to business related issues the applicant desired to change the name of Hebe Court to Lampert Lane. He informed that staff had attached a letter from Mr. Warner that addressed the reasons for the name change.

The City Manager reported when the City contemplated a street name change, a concern arose regarding the potential impact on properties that used the street name. He further informed that along with Freightliner, the only other tenant along the subject right-of-way was Wabash of Utah. He stated that in the applicant's letter it was mentioned that although Wabash leased from Warner, they did call their Chief Financial Officer to inform of the request to change the street name. He reported that the applicant's letter stated that Wabash had no issue with the name change and was in support of the name Lampert Lane.

Mayor Winder opened the public hearing.

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Buzz Warner, representing Freightliner of Utah, addressed the City Council. Mr. Warner thanked the City Council for consideration of the application.

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

ACTION: ORDINANCE NO. 11-03, APPROVING A STREET NAME CHANGE IN THE WEST VALLEY TRUCK CENTER SUBDIVISION

The City Council previously held a public hearing regarding Application No. SNC-1-2010, filed by Warner Truck Center, and proposed Ordinance No. 11-03 which would approve a street name change in the West Valley Truck Center Subdivision.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-03, an Ordinance Approving a Street Name Change in the West Valley Truck Center Subdivision. 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.

15160

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING REOPENING THE FY 2010-2011 BUDGET FOR PURPOSES OF CHANGES EXPERIENCED IN REVENUES AND EXPENDITURES

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding reopening the FY 2010-2011 Budget for purposes of changes experienced in revenues and expenditures. He discussed proposed Ordinance No. 11-04 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-04 which would amend the budget of West Valley City for the Fiscal Year beginning July 1, 2010, and ending June 30, 2011, to reflect changes in the budget from increased revenues and authorize disbursement of funds.

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Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code annotated 1053, as amended, allowed the City to amend its budget during the year. He further stated West Valley City held two such public hearings on budget amendments annually, one mid-fiscal year and the second one just prior to the end of the fiscal year.

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. 11-04, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance No. 11-04 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

After discussion, Councilmember Christensen moved to approve Ordinance No. 11-04, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2010, and Ending June 30, 2011, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Rushton 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.

15161

RESOLUTION NO. 11-01, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM SALT LAKE COUNTY, LOCATED AT 6252 WEST 6200 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 11-01 which would authorize the City to acquire, by negotiation or condemnation, real property from Salt Lake County, located at 6252 West 6200 South.

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Mr. Pyle stated Salt Lake County had requested a condemnation resolution from West Valley City prior to the County agreeing to sell a portion of the subject property. He reported Salt Lake County owned a 46.06-acre parcel of land located at 6252 West 6200 South upon which it would construct the future Lodestone Park. He indicated West Valley City needed to acquire 38,369 square feet (0.881 acres) of the property along 6200 South to allow for the widening and extension of 6200 South Street. He explained as the County purchased this property using proceeds from a park bond, its legal counsel indicated the property could only be sold under threat of condemnation for a more vital public purpose, as determined by the city. He stated Salt Lake County staff had tentatively recommended approval of the sale and the condemnation resolution would fulfill the legal requirement.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-01, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation, Real Property from Salt Lake County Located at 6252 West 6200 South. Councilmember Vincent 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.

15162

CONSENT AGENDA:

A. RESOLUTION NO. 11-02, ACCEPT A WARRANTY DEED FROM MICHAEL RASSON FOR PROPERTY LOCATED AT 3342 SOUTH REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 11-02 which would accept a Warranty Deed from Michael Rasson for property located at 3342 South Redwood Road.

Mr. Pyle stated the Warranty Deed had been signed by Michael Rasson.

The City Manager reported a new Glen's Tires would be constructed on the subject site and as a condition of approval additional right-of-way

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dedication had been required. He also reported the Redwood Road right-of-way adjacent to the subject property was a 50-foot half width and needed to be widened to a 53-foot half width.

B. RESOLUTION NO. 11-03, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM MICHAEL RASSON ACROSS PROPERTY LOCATED AT 3342 SOUTH REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 11-03 which would accept a Public Sidewalk and Lighting Easement from Michael Rasson across property located at 3342 South Redwood Road.

Mr. Pyle reported the subject easement would be for the new Glen's Tires to be constructed at the subject location. He explained this project was subject to requirements of the Redwood Road Streetscape which required wider sidewalks and landscape frontage, along with decorative sidewalk lighting on Redwood Road. He indicated as portions of the proposed sidewalk and lighting fell outside of the public right-of-way, a public sidewalk and lighting easement would be required as a condition of approval of the project.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 11-02 and 11-03 as presented on the Consent Agenda. Councilmember Burt 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, JANUARY 4, 2011, WAS ADJOURNED AT 6:46 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, January 4, 2011.

Sheri McKendrick, MMC
City Recorder