

**MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 1, 2011**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 1, 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  
Corey Rushton  
Don Christensen  
Steve Vincent

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Nicole Cottle, CED Director  
Jim Welch, Finance 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  
Eric Bunderson, Acting City Attorney  
Aaron Crim, Administration  
Kevin Condeø Administration  
Phil Markham, Public Works Department  
Erik Brondum, Public Works Department  
Jake Arslanian, Public Works Department

15181      **OPENING CEREMONY**  
Steve Vincent who showed a humorous video conducted the Opening Ceremony.

15182      **SCOUTS**  
Mayor Winder welcomed Scout Troop No. 962 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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15183      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 11, 2011**

The Council read and considered Minutes of the Regular Meeting held January 11, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held January 11, 2011, 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. Christensen	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

15184      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 18, 2011**

The Council read and considered Minutes of the Regular Meeting held January 18, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held January 18, 2011, 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. Christensen	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

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15185      **PROCLAMATION HONORING BRENT H. GOODFELLOW FOR HIS OUTSTANDING PUBLIC SERVICE TO WEST VALLEY CITY AND ITS CITIZENS**

Mayor Winder recognized former State Legislator Brent Goodfellow who was in attendance at the meeting. Councilmember Rushton then read a Proclamation honoring Mr. Goodfellow for his outstanding public service to West Valley City and its citizens, and the Mayor presented the honoree with a plaque. City Council members all expressed appreciation to Mr. Goodfellow for his years of service and commitment to West Valley City.

Mr. Goodfellow addressed the City Council, introduced his wife, Gayle, and expressed his appreciation for the opportunity to work with the City over the years. He recognized the efforts of Nicole Cottle, CED Director, and other staff, for their efforts during the past legislative sessions. He reiterated it had been great working with the City.

Mayor Winder stated Mr. Goodfellow was a ðgiantö in the City and had always been the ðgo to guyö for many years in the Legislature.

15186      **COMMENT PERIOD**

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

Eugene Sorensen, 3851 Congress Drive, addressed the City Council. Mr. Sorensen inquired regarding the current status of UTOPIA and the financial commitment to this point. Mayor Winder pointed out the comment period was not an opportunity to have a debate or discussion with the City Council, however, he would respond to Mr. Sorensen's inquiry. Mayor Winder discussed an overview of UTOPIA, progress to date, and West Valley City's pledged financial commitment.

Betty Jo Kelly, 2812 South 2955 West, addressed the City Council. Ms. Kelly discussed issues of concern including problems with ethnic groups, citizens being threatened and/or not feeling safe. She stated the State of Utah seemed negligent in not keeping citizens informed.

Valentin Pascale, 4218 W. Midway Drive, addressed the City Council. Mr. Pascale inquired regarding the position of the City Attorney and if that position was in place to protect citizens. He related a conversation with the City Attorney. He explained he was new to this country and was surprised that he was unable to obtain legal advice from the City Attorney. He indicated he was a property owner and inquired who was allowed to cross over his private property. He indicated, in his absence, there were some persons who crossed his property line and checked out his property. Mr. Pascale explained he had been called to court because his

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lawn was taller than six inches, there were missing shingles on the roof, and he owned a boat that was covered but not licensed. He further stated he was amazed that in this democratic republic, a citizen would have to face these problems. He asked if it was normal in this great country to make citizens go to court and see a judge for such minimal issues. He also inquired what he could do as a citizen of the United States to change and improve code enforcement.

15187

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-4-2010, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE 2870 WEST STREET**

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. SV-4-2010, filed by West Valley City, requesting to vacate 2870 West Street. He discussed proposed Ordinance No. 11-06 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 11-06 which would vacate all of 2870 West Street. He stated the subject street had been platted as part of the Lehman Subdivision recorded in 1958 and request to vacate the right-of-way was in anticipation of the forthcoming development in the City Center project.

The Acting City Manager explained the City owned property on the north and west sides of the proposed vacated right-of-way. He indicated property to the east was owned by the Utah Transit Authority (UTA) which was presently used as a park and ride location. He further stated as plans moved forward with the City Center various modifications to subdivision plats and dedicated rights-of-way would undoubtedly take place, thus needing review and approval from the Planning Commission and City Council.

Mr. Isaac reported the vacated right-of-way would not adversely affect residents who used the road to access housing. He stated the vacating ordinance would include language protecting the access and other utility installations until such time as they were not needed.

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. 11-06, VACATING ALL OF 2870 WEST STREET LOCATED IN WEST VALLEY CITY, UTAH**

The City Council previously held a public hearing regarding Application No. SV-4-2010, filed by West Valley City, and proposed Ordinance No. 11-06 which would vacate all of 2870 West Street located in West Valley City, Utah.

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After discussion, Councilmember Burt moved to approve Ordinance No. 11-06, an Ordinance Vacating all of 2870 West Street Located in West Valley City, Utah. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

15188

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. S-8-2010, FILED BY PARSONS BRINCKERHOFF (REPRESENTING UTAH DEPARTMENT OF TRANSPORTATION), REQUESTING A PLAT AMENDMENT OF LOT 1 BINGHAM SUBDIVISION, LOT 1A LAGRANGE PARK NO. 1 SUBDIVISION AND LOT 15 WEST HAVEN NO. 1 SUBDIVISION AND CLOSURE OF CORBIN DRIVE**

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. S-8-2010, filed by Parsons Brinckerhoff (representing the Utah Department of Transportation), requesting a plat amendment of Lot 1 Bingham Subdivision, Lot 1A LaGrange Park No. 1 Subdivision and Lot 15 West Haven No. 1 Subdivision and closure of Corbin Drive. He discussed proposed Ordinance No. 11-07 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 11-07 which would approve the Amendment of Lot 1 Bingham Subdivision, Lot 1A LaGrange Park No. 1 Subdivision and Lot 15 West Haven No. 1 Subdivision and closure of Corbin Drive.

Mr. Isaac explained the purpose of the proposed amendments was to accommodate a partial continuous flow (CFI) interchange at 3100 South and Bangerter Highway. He indicated the proposed interchange would impact the configuration of three lots in three different subdivisions to the west of Bangerter Highway and to the north of 3100 South. In addition, the residential communities

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north of 3100 South would be impacted by the proposed closure of Corbin Drive as residents would use different travel patterns.

The Acting City Manager stated the partial CFI interchange would have an acceleration lane west of Bangerter Highway which extended westward to approximately 3820 West. He further stated the length of this lane continued beyond Corbin Drive making turning movement unsafe. He indicated a determination had been made that the best approach to resolve the safety concerns would be to close Corbin Drive.

Mr. Isaac reported closure of Corbin Drive would culminate in an off-set cul-de-sac. This design had been chosen to lessen the impacts to properties on the west side of the street. He indicated closure of Corbin Drive would require the primary emergency access for lots north of 3100 South be gained from 2925 South. The Uniform Fire Code allowed a single point of access to serve up to 30 lots. He continued, in this case, there were 33 lots platted south of 2925 South. In order to provide secondary emergency access, removable bollards would be positioned at the end of the cul-de-sac adjacent to 3100 South. He explained this would allow emergency vehicles the ability to remove the bollards should the need arise. He also explained the bollards would be a deterrent for those residents who wanted to continue using this access even though curb and gutter would be installed along 3100 South.

The Acting City Manager further reported closure of Corbin Drive would have an impact for those residents living along 3825 West, the street immediately to the west of Corbin Drive. He indicated in order to address concerns with this application a public open house was held on August 18, 2010, whereat plans for this interchange had been displayed. He stated, in addition, a neighborhood meeting was held on October 27, 2010, to answer questions from residents not able to attend the previous open house. He explained notices had been delivered to each resident in the area consisting of a total of 264 homes.

Mr. Isaac stated City staff had discussed the proposed CFI with Erik Brondum, the City's Traffic Engineer. He reported that according to Mr. Brondum, the proposed CFI had been designed with the least amount of impact to surrounding properties and would improve traffic movements along 3100 South and Bangerter Highway.

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 discussion, Councilmember Vincent requested the City Manager work with the Utah Department of Transportation (UDOT) toward finding solutions to make U-turns easier for residents in the subject area.

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Councilmember Brooks expressed the need to move traffic toward the west to enable residents to get to 4000 West.

Councilmember Rushton expressed support of a proposal for moving traffic focusing on safety, but stated he desired to see proper maintenance of all properties involved.

**ACTION: ORDINANCE NO. 11-07, APPROVING THE AMENDMENT OF LOT 1 BINGHAM SUBDIVISION, LOT 1A LAGRANGE PARK NO. 1 SUBDIVISION AND LOT 15 WEST HAVEN NO. 1 SUBDIVISION AND CLOSURE OF CORBIN DRIVE**

The City Council previously held a public hearing regarding Application No. S-8-2010, filed by Parsons Brinckerhoff (representing the Utah Department of Transportation), and proposed Ordinance No. 11-07, which would approve the Amendment of Lot 1 Bingham Subdivision, Lot 1A LaGrange Park No. 1 Subdivision and Lots 15 West Haven No. 1 Subdivision and closure of Corbin Drive.

After discussion, Councilmember Rushton moved to approve Ordinance No. 11-07, an Ordinance Approving the Amendment of Lot 1 Bingham Subdivision, Lot 1A LaGrange Park No. 1 Subdivision, Lot 15 West Haven No. 1 Subdivision and the Closure of Corbin Drive. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15189

**RESOLUTION NO. 11-07, AUTHORIZE EXECUTION OF AN INTERLOCAL TAX INCREMENT AGREEMENT BY AND BETWEEN WEST VALLEY CITY AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, TO SECURE PAYMENT, IN PART, OF THE CITY'S SALES TAX REVENUE REFUNDING BONDS (CAPITAL APPRECIATION BONDS), SERIES 2010, ISSUED IN THE TOTAL INITIAL PRINCIPAL AMOUNT OF \$14,466,760; AND RELATED MATTERS**

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Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-07 which would authorize execution of an Interlocal Tax Increment Agreement by and between West Valley City and the Redevelopment Agency of West Valley City, to secure payment, in part, of the City's Sales Tax Revenue Refunding Bonds (Capital Appreciation Bonds), Series 2010 issued in the total initial principal amount of \$14,466,760; and related matters.

Mr. Isaac stated proceeds of the Sales Tax Revenue Refunding Bonds, Series 2010, were used to refund the Sales Tax Revenue Bonds issued by the City in 2002 to finance the land acquisition and construction of the Utah Cultural Celebration Center (UCCC). He indicated that through this agreement, the City and Redevelopment Agency (RDA) agreed the City could use sales tax proceeds to make debt service payments on the Series 2010 Bonds, if additional tax increments expected to be generated by the Agency were insufficient.

The Acting City Manager reported State law allowed the RDA to collect certain additional tax increment payments that could be used for limited purposes. He explained those limited purposes included funding construction of cultural and recreational facilities. He indicated issuance of these bonds was expected to be paid back through collection of such additional tax increment payments. He further indicated Series 2010 Bonds allowed the Agency and City to closely match future bond payments with expected tax increment revenues resulting in savings to the City.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-07, a Resolution Authorizing the Execution of an Interlocal Tax Increment 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 City's Sales Tax Revenue Refunding Bonds (Capital Appreciation Bonds), Series 2010, Issued in the Total Initial Principal Amount of \$14,466,760.00; and Related Matters. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.



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15190

**RESOLUTION NO. 11-08, APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY TO PROVIDE ZOO, ARTS, AND PARKS FUNDS TO THE UTAH CULTURAL CELEBRATION CENTER**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-08 which would approve an Agreement between West Valley City and Salt Lake County to provide Zoo, Arts, and Parks Funds to the Utah Cultural Celebration Center.

Mr. Isaac stated the Zoo Arts and Parks (ZAP) funding program of Salt Lake County had granted the Utah Cultural Celebration Center (UCCC) a Tier II award in the amount of \$48,000.00. He indicated those funds were to be used for expansion of existing programs and creation of new cultural initiatives, and used during the program year of 2010-2011.

The Acting City Manager explained the UCCC would primarily use the funds for general program development in three designated areas: 1) educational programming and workshops; 2) festivals, celebrations, and concerts; and 3) gallery exhibitions. He stated with this new funding, the UCCC would be able to expand its community based arts and cultural programming. He further explained UCCC would also reach a greater number of West Valley City and Salt Lake County residents of all ages and income levels, representing many cultural and ethnic groups.

Mr. Isaac reported that over the past five years, the UCCC had become the preferred destination for many high quality and diverse cultural and arts events reflecting interests of the community and thereby enhancing the image of West Valley City. He stated the Cultural Center was poised to continue maximizing benefits that would result from the yearly ZAP financial award. He stated that over the next 12 months, the Center would develop community programming, expand the Partners Program, continue to seek and expand diversified funding sources, and collaborate on opportunities for residents to experience quality multi-disciplinary arts and cultural programming.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-08, a Resolution Approving an Agreement between West Valley City and Salt Lake County to Provide Zoo, Arts, and Parks Funds to the Utah Cultural Celebration Center. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes

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

Unanimous.

15191

**RESOLUTION NO. 11-09, SELECTING WASTE MANAGEMENT OF UTAH TO PROVIDE AUTOMATED RESIDENTIAL SOLID WASTE COLLECTION AND RECYCLING**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-09 which would select Waste Management of Utah to provide automated residential solid waste collection and recycling services, and in the amount of \$2,244,319.00 annually.

Mr. Isaac stated Ace Disposal currently provided solid waste collection and recycling services to West Valley City. He further stated Ace had fulfilled the initial five year term of their agreement plus one option year as requested by the City. He indicated Ace had given the City the required one year notice to terminate the contract after the City extended the contract for the final option. He stated the agreement with Ace Disposal would terminate on June 30, 2011.

The Acting City Manager stated requests for proposal had been solicited and proposals had been received from Ace Disposal, Allied Waste and Waste Management of Utah. He indicated a detailed spreadsheet had been included in the Council's agenda packet.

Mr. Isaac indicated Waste Management of Utah had submitted the lowest cost proposal. Their cost was only slightly higher than the current service agreement, and slightly lower than Allied. The Ace Disposal proposal was 12% higher than Waste Management. Mr. Isaac also advised Waste Management of Utah had previously provided these services to the City and had performed well.

The Acting City Manager stated proposals had been requested for the additional service of providing seasonal weekly collection of green waste. He advised the additional cost for green waste collection would be \$737,864.00 annually, and in order to provide this additional service, rates would need to be increased \$3.50 per month.

After discussion, Councilmember Burt moved to approve Resolution No. 11-09, a Resolution Selecting Waste Management of Utah to Provide Automated Residential Solid Waste Collection and Recycling. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

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

Unanimous.

15192

**RESOLUTION NO. 11-10, AUTHORIZE THE CITY TO ENTER INTO AN OPTION TO PURCHASE AGREEMENT WITH AARCML06, LLC, FOR PROPERTY LOCATED AT 2615 SOUTH 7200 WEST, AND TO ACCEPT A SPECIAL WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-10 which would authorize the City to enter into an Option to Purchase Agreement with AARCML06, LLC, in the amount of \$58,525.00 for property located at 2615 South 7200 West, and to accept a Special Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Isaac stated ARCML06, LLC, had signed the Option to Purchase Agreement, Special Warranty Deed, and Grant of Temporary Construction Easement.

The Acting 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 indicated 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 informed compensation for the right-of-way would be in the amount of \$54,600.00 based on an appraisal prepared by Free and Associates, Inc. He stated an additional \$3,925.00 was being paid as reimbursement for costs paid by ARCML06, LLC, to its lender in order to process and complete a Partial Reconveyance for the portion of property being acquired by the City. He indicated a Partial Reconveyance, and a UCC Financing Statement Amendment were also included and would need to be recorded with the Special Warranty Deed and Grant of Temporary Construction Easement.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-10, a Resolution Authorizing the City to Enter Into an Option to Purchase Agreement with ARCML06, LLC, for Property Located at 2615 South 7200

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West, and to Accept a Special Warranty Deed and Grant of Temporary Construction Easement. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 1, 2011, WAS ADJOURNED AT 7:15 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, February 1, 2011.

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Sheri McKendrick, MMC  
City Recorder