

MINUTES OF COUNCIL REGULAR MEETING – AUGUST 16, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 16, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Nicole Cottle, CED Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Eric Bunderson, City Attorney
Anita Schwemmer, Acting Police Chief
Russ Bailey, Public Works Department

15431 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Buhler who read a prayer offered by George Washington while serving as President of the United States.

15432 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 664 in attendance to complete requirements for the Citizenship in the Community merit badge.

15433 **SPECIAL RECOGNITION**

Mayor Winder recognized candidates for the upcoming municipal election who were in attendance at the meeting.

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15434 **EMPLOYEES OF THE MONTH, AUGUST 2011 – STEVE DALE AND WALT WEIDNER, PUBLIC WORKS DEPARTMENT**

Acting City Manager, Paul Isaac, informed that employees scheduled to receive the Employees of the Month award for August 2011, were unable to attend the meeting so this item would be rescheduled for the following week.

15435 **PRESENTATION OF ESSENTIAL PIECE AWARD TO MEMBERS OF WESTFEST COMMITTEE 2011**

Mayor Winder read a narrative describing background information regarding the WestFest celebration.

He presented certificates to the following committee members:

Karen Hart, Chair
John Warnas, Co-Chair
Maurine Hendrickson, Secretary
Marcelle Nordfelt, Talent Showcase Competition Chair
Jennifer Warnas, Website/Special Projects Chair
Kevin Conde', West Valley City Representative
Susan Vincent, Entertainment Chair
Steve Vincent, Facilities Chair
Vickie Berry, Dutch Oven Competition/Food Booth Chair
Connie Cottrell, Crafter, Artisan and Vendor Booths Chair
Nancy Day, Family 5K Fun/Run Chair
Mona Thorup, Parade Chair
Steve Cobb, Carnival Chair
Don Johnson, Treasurer.

The City Council expressed appreciation for the efforts of the Committee and for the many hours of service rendered to West Valley City.

15436 **COMMENT PERIOD**

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

Roger Minor addressed the City Council and stated he had been issued a citation for a carport structure on the side of his home. He informed a licensed contractor had installed the structure. Mr. Minor indicated he had been before the Board of Adjustment and was denied a variance. He inquired of the Council regarding what could be done to change the setback rules. He also stated the carport had been in place for six years and obviously, the contractor had violated the law. Mr. Minor informed he had to hire an attorney to help him resolve this issue. He asked if the Council had plans to look at setbacks and make any changes.

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Mayor Winder stated the City Council had just received a presentation in Study Meeting regarding this issue and after learning of fire and safety issues they had not indicated a desire to revisit the ordinance.

Acting City Manager, Paul Isaac, advised City staff would be happy to meet with Mr. Minor to discuss this issue.

Mike Markham addressed the City Council and stated he was sincere in his comments made during the budget hearing the previous week. He thanked Councilmember Brooks and Councilmember Burt for voting for the property tax increase even though they chose not to run for re-election. Mr. Markham informed Mayor Winder he was disappointed in his “no” vote and stated there was only one reason for that negative vote.

Matthew Bell addressed the City Council and inquired regarding the status of his citizen initiative and request for an ordinance regarding lawful employment. He extended an opportunity for the City Council to sign the petition to be submitted to Salt Lake County.

15437

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A 2.662 ACRE PARCEL OF PROPERTY (PARCEL NUMBER 0182:204B:T) LOCATED AT APPROXIMATELY 4864 SOUTH WESTRIDGE BOULEVARD TO BE SURPLUS AND AUTHORIZING ITS SALE

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 declaring a 2.662 acre parcel of property (Parcel Number 0182:204B:T) located at approximately 4864 South Westridge Boulevard, to be surplus and authorizing its sale. He discussed proposed Resolution No. 11-120 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-120 which would declare a parcel of property located at approximately 4864 South Westridge Boulevard to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

Mr. Isaac stated UDOT desired to purchase the 2.662 acres owned by the City for the proposed Mountain View Corridor project. He reported the subject parcel was one of the properties required by UDOT to construct the project and they had offered \$434,800.00 for purchase based on fair market value of the property.

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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: CONSIDER RESOLUTION NO. 11-120, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 4864 SOUTH WESTRIDGE BOULEVARD TO BE SURPLUS AND APPROVING A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO THE UTAH DEPARTMENT OF TRANSPORTATION

The City Council previously held a public hearing regarding proposed Resolution No. 11-120 which would declare a parcel of property located at approximately 4864 South Westridge Boulevard to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-120, a Resolution Declaring a Parcel of Property Located at Approximately 4864 South Westridge Boulevard to be Surplus and Approving a Real Estate Purchase Agreement Authorizing its Sale to the Utah Department of Transportation. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15438

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-1-2011, FILED BY KEN MENLOVE, REQUESTING A ZONE CHANGE FROM ZONE ‘R-1-6’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 6,000 SQUARE FEET) TO ‘C-2’ (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 1666 WEST WHITLOCK AVENUE

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. Z-1-2011, filed by Ken Menlove, requesting a zone change from zone ‘R-1-6’ (Single-Family Residential, Minimum Lot Size 6,000 sq. ft.) to ‘C-2’ (General Commercial) for property located at approximately 1666 West Whitlock Avenue. He discussed proposed Ordinance No. 11-17 related to the

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Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 11-17 which would amend the Zoning Map to show a change of zone for property located at 1666 West Whitlock Avenue from zone 'R-1-6' (Single-Family Residential, Minimum Lot Size of 6,000 sq. ft.) to 'C-2' (General Commercial).

Mr. Isaac stated the request for zone change included two parcels totaling 0.56 acres. He indicated surrounding zones included 'C-2' and 'R-1-6' to the west, 'C-2' and 'RM' to the north and 'R-1-6' to the south and east. He also stated surrounding land uses included single-family homes to the west and a portion of the west and south, vacant property and townhomes to the north, and commercial for a portion of the west and south.

The Acting City Manager further advised the subject property had been designated as medium density mixed use and small lot residential (four to seven units per acre) in the West Valley City General Plan. He stated the subject north parcel of 0.45 acres included a home built in 1953 that was in poor condition. He stated the subject south parcel of 0.11 acres was the north half of the vacated right-of-way for Parkway Boulevard.

Mr. Isaac reported if the application was approved, the property owner planned to redevelop the subject property and the property to the south into a storage unit facility. He stated a copy of the proposed concept plan had been provided in the City Council's information packet. He explained the Council had also been provided with a letter from the applicant outlining the reasoning for the application as well as a timeframe for when the storage unit project would be built. He explained City staff believed the redevelopment of the property would be positive for the City in that it would remove a home in poor condition, eliminate an awkward situation where a home was accessed through a commercial parking lot, and consolidate properties with difficult access with others with direct access to Whitlock Avenue.

The Acting City Manager stated according to parcel plat information from Salt Lake County, the south half of Parkway Boulevard had not been vacated. In order to develop the storage unit facility as shown on the concept plan, the south half of Parkway Boulevard would need to be vacated and re-zoned to 'C-2.'

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: CONSIDER ORDINANCE NO. 11-17, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 1666 WEST WHITLOCK AVENUE FROM ZONE ‘R-1-6’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE OF 6,000 SQUARE FEET) TO ‘C-2’ (GENERAL COMMERCIAL)

The City Council previously held a public hearing regarding Application No. Z-1-2011, filed by Ken Menlove, and proposed Ordinance No. 11-17 which would amend the Zoning Map to show a change of zone for property located at 1666 West Whitlock Avenue from zone ‘R-1-6’ (Single-Family Residential, Minimum Lot Size of 6,000 sq. ft.) to ‘C-2’ (General Commercial).

After discussion, Councilmember Burt moved to approve Ordinance No. 11-17, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 1666 West Whitlock Avenue from Zone ‘R-1-6’ (Single-Family Residential, Minimum Lot Size of 6,000 sq. ft.) to ‘C-2’ (General Commercial). Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15439

ORDINANCE NO. 11-19, ENACT A TEMPORARY LAND USE REGULATION REGARDING MASSAGE ESTABLISHMENTS, INCLUDING REIKI, SHIATSU AND THAI MASSAGE ESTABLISHMENTS

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 11-19 which would enact a temporary land use regulation regarding massage establishments, including Reiki, Shiatsu and Thai massage establishments.

Mr. Isaac stated a proposed moratorium to be in effect for six months would allow staff time to review and draft applicable standards for Reiki, Shiatsu and Thai massage establishments and would be set forth in Title 17, Chapter 7 of the West Valley City Code. He indicated this Title and Chapter of the City Code had been enacted March 19, 1992, and had not been changed since that time. He advised that recently other cities in Salt Lake County had encountered Reiki massage establishments that might not meet the old definitions of massage establishments

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and would qualify as sexually oriented businesses. He further indicated West Valley City would like to review the different types of massage establishments that cities in Utah were encountering and draft ordinances that would regulate those uses in West Valley City, as appropriate.

After discussion, Councilmember Vincent moved to approve Ordinance No. 11-19, an Ordinance Enacting a Temporary Land Use Regulation Regarding Massage Establishments, Including Reiki, Shiatsu and Thai Massage Establishments. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

15440

RESOLUTION NO. 11-121, AUTHORIZE THE PURCHASE OF A CRAFTCO ASPHALT CRACK SEALER MACHINE FROM WHEELER MACHINERY FOR USE BY THE PUBLIC WORKS DEPARTMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-121 which would authorize the purchase of a Crafcoc Asphalt Crack Sealer Machine from Wheeler Machinery, in the amount of \$54,556.00, for use by the Public Works Department.

Mr. Isaac stated Wheeler Machinery recently sold the same machine to West Jordan City and this was the same type of machine needed by West Valley City. He indicated the City Council had received copies of the bid and contract documents used by West Jordan City.

The Acting City Manager reported the crack sealer currently being used was a 2001 model and continued to require costly repairs on a regular basis, which resulted in extended downtime. He advised this equipment was an important part of the City's asphalt maintenance program.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-121, a Resolution Authorizing West Valley City to Purchase a Crafcoc Asphalt Crack Sealer Machine from Wheeler Machinery for use by the Public Works Department. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

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

Unanimous.

15441

CONSENT AGENDA:

A. RESOLUTION NO. 11-122, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM SAM PRATHAN ACROSS PROPERTY LOCATED AT 2407 SOUTH REDWOOD ROAD

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-122 which would accept a Public Sidewalk and Lighting Easement from Sam Prathan across property located at 2407 South Redwood Road.

Mr. Isaac stated this project was subject to the requirements of the Redwood Road streetscape which required wider sidewalks and landscape frontage, along with decorative sidewalk lighting Redwood Road. He advised a public sidewalk easement existed on the property but an easement was needed for the public sidewalk lighting to be placed behind the sidewalk along this portion of Redwood Road.

B. RESOLUTION NO. 11-123, ACCEPT AND EXECUTE AN EASEMENT AGREEMENT FROM JITENDRA AND RANJEETA DEVI LAL, OVER PROPERTY LOCATED AT APPROXIMATELY 4642 SOUTH ARLINGTON PARK DRIVE, FOR A CITY WATER LINE TO A NEIGHBORHOOD PARK

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-123 which would accept and execute an Easement Agreement from Jitendra and Ranjeeta Devi Lal, over property located at approximately 4642 South Arlington Park Drive, for a City water line to a neighborhood park.

Mr. Isaac stated the Lal family had agreed to sell a permanent easement across their property to West Valley City for the amount of \$2,500.00. He further stated the water line would run from Arlington Park Drive, under the Lal's concrete driveway to the new neighborhood park behind the Lal's property. He reported the West Valley Rental Unit Task Force had worked for some time to improve the Arlington Park Neighborhood and

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building a neighborhood “pocket park” was part of the Task Force’s plan to improve the area.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 11-122 and 11-123 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	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, AUGUST 16, 2011, WAS ADJOURNED AT 7:03 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, August 16, 2011.

Sheri McKendrick, MMC
City Recorder