

**MINUTES OF COUNCIL REGULAR MEETING – AUGUST 23, 2011**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 23, 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  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen  
Corey Rushton  
Steve Vincent

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Jim Welch, Finance Director  
Eric Bunderson, City Attorney  
Layne Morris, CPD Director  
Mike Wells, Acting Police Chief  
Steve Pastorik, Acting CED Director  
Jake Arslanian, Public Works Department

15442

**OPENING CEREMONY**

The Opening Ceremony was conducted by Russ Brooks who led the Pledge of Allegiance to the Flag.

15443

**APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING HELD AUGUST 9, 2011**

The Council read and considered Minutes of the Regular Council Meeting held August 9, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Council Meeting held August 9, 2011, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

15444      **EMPLOYEES OF THE MONTH, AUGUST, 2011 – STEVE DALE AND WALT WEIDNER, PUBLIC WORKS DEPARTMENT (*RESCHEDULED FROM REGULAR MEETING OF AUGUST 16, 2011*)**

Councilmember Christensen read the nomination of Steve Dale and Walt Weidner, Public Works Department, to be recognized as the Employees of the Month for August, 2011.

Upon presentation of a certificate, members of the City Council congratulated the recipients and expressed appreciation for their dedicated service to West Valley City.

15445      **COMMENT PERIOD**

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

Matthew Bell addressed the City Council and expressed appreciation for the opportunity to speak and have access to government. He expressed appreciation to the City Attorney, Eric Bunderson, regarding the lawful employment ordinance proposal and for moving it forward in the process of placing the initiative on a ballot. He discussed the importance to recognize and enforce the rule of law. He also expressed his opinion regarding the shameful way politics was played and the effect that had on citizens. He stated he was maintaining an address in West Valley City because of his family and his interest in what happened in the city.

15446      **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A PARCEL OF CITY-OWNED LAND LOCATED AT 5975 WEST DOUBLE EAGLE DRIVE AS SURPLUS PROPERTY 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 parcel of City-owned land located at 5975 West Double Eagle Drive as surplus property and authorizing its sale. He discussed proposed Resolution No. 11-124 to be considered by the City Council subsequent to the public hearing, as follows:

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Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-124 which would declare a parcel of property located at approximately 5975 West Double Eagle Circle to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation.

Mr. Isaac stated the Utah Department of Transportation (UDOT) desired to purchase 2.101 acres of property owned by the City for the proposed Mountain View Corridor project. He indicated the subject parcel was one of the properties required by UDOT to construct the Mountain View Corridor and they had offered \$366,100.00 based on fair market value of the property.

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. 11-124, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 5975 WEST DOUBLE EAGLE CIRCLE 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. 11-124 which would declare a parcel of property located at approximately 5975 West Double Eagle Circle to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-124, a Resolution Declaring a Parcel of Property Located at Approximately 5975 West Double Eagle Circle to be Surplus and Approving a Real Estate Purchase Agreement Authorizing its Sale to the Utah Department of Transportation. 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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**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-2-2011, FILED BY WEST VALLEY CITY, REQUESTING AN ORDINANCE TEXT CHANGE TO CHAPTER 7-2-125 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REDUCE THE SETBACK REQUIRED TO THE SIDE AND REAR YARD PROPERTY LINES AND ELIMINATE THE SETBACK REQUIRED TO DWELLING UNITS ON AN ADJACENT PROPERTY FOR SWIMMING POOLS**

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-2-2011, filed by West Valley City, requesting an ordinance text change to Chapter 7-2-125 of the West Valley City Municipal Code to reduce the setback required to the side and rear yard property lines and eliminate the setback required to dwelling units on an adjacent property for swimming pools. He discussed proposed Ordinance No. 11-18 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. 11-18 which would amend Section 7-1-125 of the West Valley City Municipal Code to reduce the side and rear yard setback requirements for swimming pools.

Mr. Isaac stated the proposed amendment would make a text change to Chapter 7-2-125 dealing with swimming pools. He also stated the proposal would reduce the setback required to the side and rear yard property lines and eliminate the setback required to dwelling units on an adjacent property. He advised the swimming pool standards had been adopted, along with other miscellaneous changes to the Zoning Ordinance, in 1988. He indicated documentation for the changes to the Zoning Ordinance did not include any concerns or discussions for the swimming pool section.

The Acting City Manager reported City staff conducted research on other local community standards for swimming pools and found some used a five-foot setback to property lines as proposed, others had no swimming pool standards and some had an eight to 10-foot setback. He stated none of the communities surveyed had a requirement for 30-feet to any dwelling on an adjoining lot.

Mr. Isaac noted this item had previously been scheduled on the August 16, 2011, agenda; however, due to a procedural error it had been noticed for a public hearing and rescheduled for this date.

Mayor Winder opened the public hearing.

Aaron Chris Christiansen addressed the City Council. Mr. Christiansen discussed the proposed ordinance and suggested adding “permanent” and “closed” would clarify language and mitigate some problems. He also discussed difficulty in

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meeting requirements of the previous ordinance and expressed his approval of the current proposal as it would be more reasonable. He explained the importance to his family of installing a swimming pool in the backyard. He also stated he had a great deal of pride in the community and expressed his desire to obey the laws.

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

**ACTION: CONSIDER ORDINANCE NO. 11-18, AMENDING SECTION 7-1-125 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REDUCE THE SIDE AND REAR YARD SETBACK REQUIREMENTS FOR SWIMMING POOLS**

The City Council previously held a public hearing regarding Application No. ZT-2-2011, filed by West Valley City, and proposed Ordinance No. 11-18 which would amend Section 7-1-125 of the West Valley City Municipal Code to reduce the side and rear yard setback requirements for swimming pools.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-18, an Ordinance Amending Section 7-2-125 of the West Valley City Municipal Code to Reduce the Side and Rear Yard Setback Requirements for Swimming Pools. 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.

15448

**RESOLUTION NO. 11-125, AUTHORIZE THE CITY TO EXECUTE A SPECIAL WARRANTY DEED FOR PROPERTY LOCATED AT 5285 SOUTH ROCKY RIDGE ROAD AND ACCEPT A SPECIAL WARRANTY DEED FROM IVORY LAND CORPORATION FOR PROPERTY LOCATED AT 5271 SOUTH ROCKY RIDGE ROAD**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-125 which would authorize the City to execute a Special Warranty Deed for property located at 5285 South Rocky Ridge Road and accept a Special Warranty Deed from Ivory Land Corporation for property located at 5271 South Rocky Ridge Road.

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Mr. Isaac stated the Westridge Estates Phase 5 Subdivision being developed by Ivory Homes received final approval from the City Council on May 3, 2011. He further stated a portion of this subdivision contained an area designated as Parcel A which had been designed within the boundary of the subdivision as a means to provide connectivity to a future City park to the east. He advised that about the same time, City staff was provided a conceptual drawing of the Villages at Westridge PUD located immediately to the east of Westridge Estates. Included within the conceptual design was the area to be dedicated to the City for a new park. He advised as City staff began reviewing the conceptual drawings a determination was made that Parcel A, located in the southeast corner of the Westridge Estates Phase 5 Subdivision, would need to be relocated in order to properly align with the park in the Villages development. He indicated as a result of that determination, Parcel A would need to be shifted north by one lot.

The Acting City Manager reported staff discussed this matter with Ivory Homes and indicated Ivory Homes was willing to postpone the recording of Westridge Estates until this exchange of property could be completed. He advised the City would deed to Ivory Land Corporation the property intended to be the original Parcel A, and Ivory Land Corporation would deed to the City the property for the new Parcel A.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-125, a Resolution Authorizing the City to Execute a Special Warranty Deed for Property Located at 5285 South Rocky Ridge Road and Accept a Special Warranty Deed from Ivory Land Corporation for Property Located at 5271 South Rocky Ridge Road. 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.

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**RESOLUTION NO. 11-126, DESIGNATE AND APPOINT POLL WORKERS TO SERVE IN THE MUNICIPAL PRIMARY ELECTION, SEPTEMBER 13, 2011, AND THE MUNICIPAL GENERAL ELECTION, NOVEMBER 8, 2011; SET THE COMPENSATION FOR THEIR SERVICES AND PROVIDE FOR OTHER RELATED MATTERS**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-126 which would designate and appoint poll workers to serve in the Municipal Primary Election, September 13, 2011, and the Municipal General Election, November 8, 2011; set the compensation for their services and provide for other related matters.

Mr. Isaac stated Section 20A-5-602 of the Utah State Code set forth the procedure for appointing poll workers, designating their compensation and setting forth their duties. He advised the City Council had been provided with a list containing the name, address, and telephone number of persons to be named as poll workers for the 2011 Municipal Primary Election and the Municipal General Election.

The Acting City Manager reported the table judge would receive \$150.00, the technician would receive \$220.00 and the poll manager would receive \$250.00 for attending the required training and actually serving on Election Day. He stated the cost of poll worker services had been built into the total amount of the City's contract with Salt Lake County Elections. He indicated a certificate of appointment would be issued and an oath administered to each appointed poll worker.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-126, a Resolution Designating and Appointing Poll Workers to Serve in the Municipal Primary Election, September 13, 2011, and the Municipal General Election, November 8, 2011; Setting the Compensation for their Services and Providing for Other 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. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 23, 2011, WAS ADJOURNED AT 6:55 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 23, 2011.

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Sheri McKendrick, MMC  
City Recorder