

MINUTES OF WVC COUNCIL REGULAR MEETING – OCTOBER 18, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 18, 2011, AT 6:33 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:

Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Buzz Nielsen, Police Chief
Jake Arslanian, Public Works Department

15525 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who gave background regarding the opening ceremony of a meeting of elected officials and other members of the Jordan River Commission held recently at the Utah Cultural Celebration Center. He stated those in attendance at that meeting viewed a painting, *Washington's Prayer at Valley Forge*, by well-known artist Arnold Friberg. The painting was shown on the screen and Mr. Rushton told the story of the events depicted in the painting.

15526 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 863 in attendance to complete requirements for the Citizenship in the Community merit badge.

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15527 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 4, 2011**

The Council read and considered Minutes of the Regular Meeting held October 4, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held October 4, 2011, as written. 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.

15528 **COMMENT PERIOD**

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

James Raleigh addressed the City Council and expressed concern regarding ordinances requiring cleanup of backyards. Mr. Raleigh stated he was disabled and did not have a lot of money. He also stated ordinances should not be so strong because it was difficult for some residents to do the cleaning in a short period of time.

Doyle Griffith addressed the City Council and thanked Councilmember Rushton for responding to his inquiry about results of the primary election. Mr. Griffith stated he was in support of Mr. Raleigh's comments as their backyards abutted. He discussed complaints regarding his own backyard during a landscaping project and his interaction with code enforcement officers. Mr. Griffith indicated he was also older, retired, and on a limited income.

Ralph Astorga addressed the City Council and expressed appreciation to the Council for feedback regarding the overflow parking lot at the Maverik Center. Mr. Astorga stated the City desired people to ride TRAX and visit Valley Fair Mall; however, there was no lighting at the park-and-ride lot at the Maverik Center. He indicated there should be good lighting so riders of TRAX felt safe.

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Randy Cheshire addressed the City Council and inquired regarding the City's policy about vegetation such as vines growing on a fence that shared public property like a park. Acting City Manager, Paul Isaac, advised he had recently discussed this issue with the Parks and Recreation Director and a response would be discussed with Mr. Cheshire at the conclusion of the meeting.

15529

RESOLUTION NO. 11-169, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND TCG UTAH THAT WILL ALLOW TCG UTAH TO INSTALL, OPERATE AND MAINTAIN A 1.25-INCH HDPE CONDUIT OVER THE JORDAN AQUEDUCT ON PROPERTY OWNED BY WEST VALLEY CITY

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-169 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and TCG Utah that would allow TCG Utah to install, operate and maintain a 1.25-inch HDPE conduit over the Jordan Aqueduct on property owned by West Valley City.

Mr. Isaac stated TCG had requested permission to cross property owned by the City that would encroach upon the easement owned by the U.S. Department of the Interior. He also stated the crossing would occur at 4700 South just east of the Bangerter Highway.

The Acting City Manager reported West Valley City owned a right-of-way (4700 South) encumbered by an easement owned by the U.S. Department of the Interior. He indicated TCG Utah desired to install, operate, and maintain three 1.25-inch HDPE conduits over the Jordan Aqueduct, Reach 3, and could do so only with an agreement from the U.S. Department of the Interior because the conduits would encroach on the easement. He explained the U.S. Department of the Interior had agreed to allow TCG Utah to encroach on their easement in accordance with the subject proposed documents.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-169, a Resolution Approving an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and TCG Utah, that will Allow TCG Utah to Install, Operate, and Maintain a 1.25-inch HDPE Conduit Over the Jordan Aqueduct on Property Owned by West Valley City. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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

Unanimous.

15530

RESOLUTION NO. 11-170, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND COMCAST OF UTAH II, INC. THAT WILL ALLOW COMCAST OF UTAH II, INC. TO INSTALL, OPERATE AND MAINTAIN AN AERIAL BROADBAND CABLE OVER THE JORDAN AQUEDUCT ON PROPERTY OWNED BY WEST VALLEY CITY

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-170 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and Comcast of Utah II, Inc., that would allow Comcast of Utah II, Inc. to install, operate and maintain an aerial broadband cable over the Jordan Aqueduct on property owned by West Valley City.

Mr. Isaac stated Comcast had requested permission to cross the Jordan Aqueduct and the City's right-of-way with a broadband cable.

Acting City Manager, Paul Isaac, reported West Valley City owned property encumbered by an easement owned by the U.S. Department of the Interior, which allowed them to operate the Jordan Aqueduct. He indicated Comcast desired to install a broadband cable that would cross the City's property at and around the intersection of 3100 South and the Bangerter Highway. He stated the broadband cable would be placed on Rocky Mountain Power poles and be at least 27 feet above ground level. He further indicated the U.S. Department of the Interior was also required to consent because Comcast's action would encroach on their easement as well.

After discussion, Councilmember Burt moved to approve Resolution No. 11-170, a Resolution Approving an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and Comcast of Utah II, Inc., that will Allow Comcast of Utah II, Inc. to Install, Operate, and Maintain an Aerial Broadband Cable Over the Jordan Aqueduct on Property Owned by West Valley City. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15531

CONSENT AGENDA:

A. RESOLUTION NO. 11-171, ACCEPT A SPECIAL WARRANTY DEED FROM OQUIRRH MEADOWS INVESTMENT, LLC, FOR PROPERTY LOCATED AT 2938 SOUTH REDWOOD ROAD

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-171 which would accept a Special Warranty Deed from Oquirrh Meadows Investment, LLC, for property located at 2938 South Redwood Road.

Mr. Isaac stated Oquirrh Meadows Investment, LLC, had executed the Warranty Deed for additional right-of-way on Redwood Road.

The Acting City Manager reported Oquirrh Meadows Investment, LLC, was the owner of the property for the Oquirrh Meadow Assisted Living site. He stated, as a condition of approval, additional right-of-way on Redwood Road had been required to be deeded to the City. He indicated the current 50 foot half right-of-way was to be widened to a 53 foot half width in accordance with the West Valley City Major Street Plan.

B. RESOLUTION NO. 11-172, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM OQUIRRH MEADOWS INVESTMENT, LLC, FOR PROPERTY LOCATED AT 2938 SOUTH REDWOOD ROAD

Acting City Manager, Paul Isaac, presented proposed Resolution No. 11-172 which would accept a Public Sidewalk and Lighting Easement from Oquirrh Meadows Investment, LLC, for property located at 2938 South Redwood Road.

Mr. Isaac stated the subject easement was for the proposed Oquirrh Meadows Assisted Living development to be constructed at the above stated location. He reported the development was located within the Redwood Road Overlay Zone which required wider park strips, sidewalks and sidewalk lighting along the Redwood Road street frontage. He stated as the proposed sidewalk and lighting fell outside the public right-of-way,

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a public sidewalk and lighting easement had been required as a condition of approval.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 11-171 and 11-172, 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. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 18, 2011, WAS ADJOURNED AT 6:53 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, October 18, 2011.

Sheri McKendrick, MMC
City Recorder