

**MINUTES OF COUNCIL REGULAR MEETING – MARCH 23, 2010**

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THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC REGULAR SESSION ON TUESDAY, MARCH 23, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR PRO TEM RUSHTON CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Corey Rushton  
Russ Brooks  
Steve Buhler  
Don Christensen  
Steve Vincent  
Mike Winder (Participated via telephone)

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Richard Catten, City Attorney  
Nicole Cottle, CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Jim Welch, Finance Director  
Layne Morris, Community Preservation Director  
Anita Schwemmer, Acting Police Chief  
Aaron Crim, Administration  
Craig Thomas, Administration  
Kevin Conde', Administration  
Jake Arslanian, Public Works Department

14863

**OPENING CEREMONY**

Russ Brooks who discussed his recent opportunity of showing visitors around West Valley City conducted the Opening Ceremony. He praised the growth, development and progress of the City and expressed appreciation for the residents and employees of the City.

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**SCOUTS**

Mayor Pro Tem Rushton welcomed Scout Troop No. 244 in attendance to complete requirements for the Citizenship in the Community merit badge.

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14865      **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 9, 2010**

The Council read and considered the Minutes of the Regular Meeting held March 9, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held March 9, 2010, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14866      **RECOGNITION OF MAJOR DONORS OF THE 2009 GIVING TREE PROJECT**

Councilmember Buhler read a narrative regarding the West Valley City Giving Tree project. A total of six families received support from the food and money collected when the program began back in 2004. Later the officers in the Community Services Division recognized that with larger community support many more deserving families could benefit from the Giving Tree program. In 2009, the program provided a wonderful Christmas for 60 families including over 200 children.

Craig Thomas, Administration, presented the plaques to the major donors listed below:

West Valley City Police Honorary Colonels Association  
Kim Williams and JC Penney  
JP Swain and Valley Fair Mall  
Jim Trussel and Hollywood Connection  
Sue Johnson and WalMart  
Optum Health Bank  
West Valley City Police Department Community Services Division

The City Council expressed appreciation to all those involved in the project.

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**COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Rushton, there was no one in attendance who desired to address the City Council during the comment period.

14868

**PUBLIC HEARING, APPLICATION NO. S-12-2009, FILED BY WOODBURY CORPORATION, REQUESTING FINAL PLAT APPROVAL FOR WILLOW WOOD SHOPPING CENTER AMENDED SUBDIVISION LOCATED AT 3450 WEST 3500 SOUTH**

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-12-2009, filed by Woodbury Corporation, requesting final plat approval for Willow Wood Shopping Center Amended Subdivision located at 3450 West 3500 South. He discussed proposed Ordinance No. 10-09 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-09 which would approve an Amendment of Lots 2, 6 and 8 of the Willow Wood Shopping Center Subdivision and extending the boundary of the subdivision by adding a new lot (Lot 9).

Mr. Pyle reported the amended subdivision plat would adjust various property lines and add a new lot within the subdivision. He further stated more specifically, property lines for Lots 2, 6 and 8 would be modified to correct inaccuracies resulting from recorded deeds. He indicated the amendment would also create Lot 9 which was presently the Flower Patch. He explained this property was part of the original shopping center property, but was not platted as a formal lot.

The City Manager also reported the second reason for the amendment was the property owner would like to accurately reflect the recent right-of-way dedication along 3500 South. He stated the Utah Department of Transportation (UDOT) recently completed their 3500 South project and right-of-way acquisition affected each of the subject lots. He indicated a new plat would reflect the new descriptions for each of the subject lots.

Mr. Pyle stated the last reason for the plat amendment was the applicant was in the process of revising the Declaration of Restrictions and Grant of Easements within the shopping center. He stated the applicant would like the new legal descriptions and right-of-way dedication to be part of the revised declaration.

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

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**ACTION: ORDINANCE NO. 10-09, APPROVING AMENDMENT OF LOTS 2, 6 AND 8 OF THE WILLOW WOOD SHOPPING CENTER SUBDIVISION AND EXTENDING THE BOUNDARY OF THE SUBDIVISION BY ADDING A NEW LOT (LOT 9)**

The City Council previously held a public hearing regarding Application No. S-12-2009, filed by Woodbury Corporation, requesting final plat approval for Willow Wood Shopping Center Amended located at 3450 West 3500 South and proposed Ordinance No. 10-09 which would approve an Amendment of Lots 2, 6 and 8 of the Willow Wood Shopping Center Subdivision and extend the boundary of the subdivision by adding a new lot (Lot 9).

After discussion, Councilmember Vincent moved to approve Ordinance No. 10-09, an Ordinance Approving the Amendment of Lots 2, 6 and 8 of the Willow Wood Shopping Center Subdivision and Extending the Boundary of the Subdivision by Adding a New Lot (Lot 9). Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14869

**RESOLUTION NO. 10-37, APPROVE A COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION TO CONSTRUCT AND THEREAFTER MAINTAIN A PEDESTRIAN SAFETY PROJECT ON SR-171 (3500 SOUTH) AT THE LOCATIONS AS FOLLOWS: 4210 WEST TO 4270 WEST ON THE NORTH SIDE**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-37 which would approve a Cooperative Agreement between West Valley City and the Utah Department of Transportation (UDOT) to construct and thereafter maintain a pedestrian safety project on SR-171 (3500 South) at the locations as follows: 4210 West to 4270 West on the north side.

Mr. Pyle stated upon execution of the subject agreement the City would receive \$18,300.00 from UDOT as allocated from the State legislature to construct a new sidewalk on the north side of the above-described location. He further stated the City applied for funding to build the sidewalk, which funding would come

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through the Utah State Safe Sidewalks Program administered by UDOT. He informed the program was intended to build sidewalks on state roads.

The City Manager reported the subject sidewalk had been estimated to cost \$24,400.00 and the agreement would allow UDOT to fund 75% of the project with the City paying the remaining 25% in the amount of \$6,100.00.

After discussion, Councilmember Brooks moved to approve Resolution No. 10-37, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City and the Utah Department of Transportation to Construct and Thereafter Maintain a Pedestrian Safety Project on SR-171 (3500 South) at the Locations as Follows: 4210 West to 4270 West on the North Side. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14870

**RESOLUTION NO. 10-38, APPROVE A COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION TO CONSTRUCT AND THEREAFTER MAINTAIN A PEDESTRIAN SAFETY PROJECT ON SR-171 (3500 SOUTH) AT THE LOCATIONS AS FOLLOWS: 4537 WEST TO 4567 WEST ON THE SOUTH SIDE**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-38 which would approve a Cooperative Agreement between West Valley City and the Utah Department of Transportation (UDOT) to construct and thereafter maintain a pedestrian safety project on SR-171 (3500 South) at the locations as follows: 4537 West to 4567 West on the south side.

Mr. Pyle stated that upon execution of the subject agreement the City would receive \$6,750.00 from UDOT as allocated from the State Legislature to construct a new sidewalk at the above-described location. He also stated the City had applied for funding to build the sidewalk. He indicated the funding would come through the Utah State Safe Sidewalks Program administered by UDOT. He explained the program was intended to build sidewalks on state roads with an estimated cost of \$9,000.00. He indicated the agreement would allow UDOT to

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fund 75% of the project with the City paying the remaining 25% in the amount of \$2,250.00.

After discussion, Councilmember Buhler moved to approve Resolution No. 10-38, a Resolution Authorizing the Execution of a Cooperation Agreement between West Valley City and the Utah Department of Transportation to Construct and Thereafter Maintain a Pedestrian Safety Project on SR-171 (3500 South) at the Locations as Follows: 4537 West to 4567 West on the South Side. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14871

**RESOLUTION NO. 10-36, APPROVE AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY (UTOPIA) (*RESCHEDULED FROM REGULAR MEETING HELD MARCH 9, 2010*)**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-36 which would approve an Interlocal Cooperative Agreement with the Utah Telecommunication Open Infrastructure Agency (UTOPIA).

Mr. Pyle stated the proposed agreement would facilitate the City's participation in UTOPIA's attempts to resolve a dispute related to certain financial transactions undertaken by UTOPIA.

The City Manager reported West Valley City was a member of UTOPIA, a cooperative association of local governments formed to extend telecommunication infrastructure to its members. As a member of UTOPIA, the City had entered into pledge and loan agreements with UTOPIA. He indicated that in conducting its business, UTOPIA entered into certain financial transactions backed by the pledge and loan agreements of the City. He also reported some of those transactions had become the subject of a dispute and the proposed agreement would allow the City to support UTOPIA's efforts to settle that dispute.

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Mr. Pyle stated this item had been considered by the Council, a motion was made for approval but received no second, and therefore the matter had been rescheduled from the Regular Meeting held March 9, 2010.

Upon discussion, Councilmember Buhler stated, for the record, even after questions had been answered there was nothing to impress him this was an action the Council should take.

Mayor Winder declared a conflict of interest stating UTOPIA had retained his employer, The Summit Group, to do public relations.

After further discussion, Councilmember Brooks moved to approve Resolution No. 10-36, a Resolution Approving an Interlocal Cooperative Agreement with the Utah Telecommunication Open Infrastructure Agency (UTOPIA). Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	No
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Majority.

14872

**RESOLUTION NO. 10-39, AWARD A CONTRACT TO RYDALCH ELECTRIC, INC. TO PERFORM LIGHTING AND LIGHTING CONTROLS RETROFIT FOR CITY FACILITIES**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-39 which would award a contract to Rydalch Electric, Inc., in the amount of \$336,200.00, to perform lighting and lighting controls retrofit for City facilities.

The City Manager indicated funding for the work would be derived from the federal American Reinvestment and Recovery Act (ARRA), Energy Efficiency and Conservation Block Grant Program (EECBG).

City Manager, Wayne Pyle, reported a total of five proposals had been received as follows:

Tasco Engineering	\$278,260.00
RC Hunt Electric	\$288,000.00
Rydalch Electric	\$336,200.00

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CR Lighting	\$456,371.00
Cutler Electric	\$903,832.00

Mr. Pyle stated Rydalch Electric, Inc. had submitted the lowest proposal which met the City’s objectives to reduce energy costs and green house gas emission.

The City Manager reported the retrofit would include replacement of indoor T-12 fluorescent lights with premium T-8 lamps, ( $\geq$  3100 initial lumens or  $\leq$  30 watts; with an electronic ballast factor of .80 or less). He stated motion sensors would be added throughout and parking lot and outdoor lights would be replaced with either induction or HID lighting. He further advised the retrofit would take several months to complete and be under the supervision of the Administrative and Facilities Support Services Manager.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-39, a Resolution Awarding a Contract to Rydalch Electric Inc. to Perform the Lighting and Lighting Controls Retrofit for City Facilities. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14873

**RESOLUTION NO. 10-40, APPROVE AN AGREEMENT WITH OMNETIC INC. FOR HOSTED GOOGLE APPS E-MAIL SERVICES**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-40 which would approve an agreement with Omnetic Inc., in the amount of \$44,100.00 the first 15 months and \$44,100.00 annually thereafter, for hosted Google Apps Premier E-Mail services.

Mr. Pyle stated conversion to Google e-mail and collaboration services would provide e-mail and calendaring services for the City at a substantial savings when compared with the current hosted Outlook/Exchange solution. He also stated Information Technology had been reviewing cost savings opportunities for the City. He indicated that, while Microsoft Outlook/Exchange was the industry standard for e-mail and calendaring services and had provided a cost effective e-mail solution, Google was now providing similar robust collaboration and e-mail



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service that would save the City \$60,000 annually. He explained in addition to standard e-mail and calendaring, Google provided a low-end word processor, spreadsheet and presentation package called “Google Docs,” a website application to create coding-free web pages for intranets and team managed sites called “Google Sites” and space for private, secure hosted video sharing.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-40, a Resolution Authorizing the Execution of an Agreement between West Valley City and Omnetic for Hosted Google Apps E-Mail Services. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14874

**RESOLUTION NO. 10-41, APPROVE AN AGREEMENT WITH GOOGLE FOR WEB SECURITY**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-41 which would approve an agreement with Google, in the amount of \$25,200.00 for the first 14 months and \$25,200.00 annually thereafter, for web security.

Mr. Pyle stated the City was currently using a web security appliance to provide these services but the appliance was at the end of its life and needed to be replaced. He also stated the cost for replacement would be approximately \$100,000 plus an annual maintenance contract. He indicated Google provided a superior product for less money and all web services would be provided by a single vendor, the leader in the industry.

The City Manager reported Google Web Security for Enterprise, powered by Postini, would protect West Valley City against web malware attacks and enable safe, productive use of the web without incurring hardware costs. He indicated it would protect all users whether connected directly to the City’s network, working remotely in public safety vehicles, or at home. He also reported, in addition, Google Web Security for Enterprise would enable the City to control how employees used the Internet, providing easy to use tools to create, enforce, and monitor the right web policy for City employees.

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After discussion, Councilmember Christensen moved to approve Resolution No. 10-41, a Resolution Authorizing the Execution of an Agreement between West Valley City and Google for Web Security. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

14875

**APPLICATION NO. PUD-1-2009, FILED BY HOLMES HOMES, REQUESTING FINAL PLAT APPROVAL FOR HARKER’S LANDING PUD – PHASE 1, LOCATED AT 2560 SOUTH ANNA CAROLINE DRIVE**  
City Manager, Wayne Pyle, presented Application No. PUD-1-2009, filed by Holmes Homes, requesting final plat approval for Harker’s Landing PUD – Phase 1, located at 2560 South Anna Caroline Drive.

Mr. Pyle stated the first phase of the project was bordered on the north by the Riter Canal, and the east by Anna Caroline Drive. He indicated property to the south and west would be platted at a later date.

The City Manager indicated the Harker’s Landing PUD would be a residential community consisting of 138 units on 13.8 acres, equating to an overall density of 10 units per acre. He stated that during the re-zone of the subject property, a development agreement had been reviewed and approved by the Planning Commission and City Council, and had been recorded and used to guide development of the community.

Mr. Pyle explained the site had been designed with alley-loaded units. He stated units designated as A, B and C would be front loaded while units E, F, and G would be rear loaded. He indicated the developer had been careful to design the portion of the project adjacent to Anna Caroline with units fronting the dedicated street. He indicated this would create a more pleasing street scene and be consistent with what the City required for townhomes in the Highbury development.

The City Manager reported the first phase of the project would consist of 11 units on 1.13 acres and the buildings would consist of 100% masonry products. He

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stated the architectural style had been labeled as contemporary by the developer and, therefore, building materials would consist of stucco with vertical and horizontal hardi-board. He indicated stone would be added as an additional material and other masonry products could be used as accents where determined appropriate.

Mr. Pyle also reported staff had evaluated this project regarding the multiple family design standards. He indicated the project exceeded standards outlined for pedestrian access and circulation, architecture, building materials and amenities.

City Manager, Wayne Pyle, further advised each building would have units of varying square footage and within each building at least one of the end units would have a master bedroom on the main level. He stated unit sizes ranged from 1,243 square feet to 1,633 square feet with the average size at approximately 1,504 square feet. He indicated all units would have either a courtyard or patio depending upon the unit type.

Mr. Pyle discussed access to the development and stated that would be gained from Anna Caroline Drive. He stated Anna Caroline Drive had been dedicated as part of the West Valley Pavilion Subdivision to the east. The developer of that subdivision, which included the Winco property, had completed the improvements which allowed development of the subject site to now occur. He further stated the north access point of the development would align with the supply access to the Winco property to the east. He explained internal access would be provided via a private street system. The cross section would provide curb and gutter, a sidewalk on the interior side and 20 feet of pavement.

The City Manager reported that during the approval process for the West Valley Pavilion Subdivision, consideration had been given to the Cross Town Trail system. He stated a 10 foot sidewalk had been installed along Parkway Avenue which then turned north on Anna Caroline Drive. He indicated this walk extended across the entire development and would eventually end upon the north side of the Riter Canal. He stated from that point, it would turn west to continue the trail system.

Mr. Pyle continued that, overall, the project consisted of 51% open space or 6.98 acres. He stated 3.04 acres, of 22%, of the open space would be for active use. In future phases, the developer had proposed a clubhouse, swimming pool, hot tub, walking paths and a tot lot. The developer had yet to finalize the amenity package for the overall development, but would do so as future phases were submitted.

The City Manager stated the density proposed for the project would require the property owner and/or developer to participate in the TDR (Transfer of Development Rights) program. He also stated, as specified in the development

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agreement, the property owner would need to resolve this issue as part of the subdivision process. He indicated staff would coordinate this matter as development moved forward and a resolution to the TDR requirement would need to be satisfied prior to plat recordation.

Mr. Pyle advised the project would be managed by a professional management company. He stated the development agreement addressed this issue and would necessitate involvement of the developer, the homeowners association (HOA), and City staff prior to the project being transferred. He indicated this would help reduce the amount of problems that seemed to be typical when a project of this size was turned over to an uneducated homeowner's association.

After discussion, Councilmember Vincent moved to approve Application No. PUD-1-2009, filed by Holmes Homes, and give final plat approval for Harker's Landing – Phase 1, Located at 2560 South Anna Caroline Drive. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Mr. Winder	Yes
Mr. Christensen	Yes
Mayor Pro Tem Rushton	Yes

Unanimous.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 23, 2010, WAS ADJOURNED AT 6:56 P.M., BY MAYOR PRO TEM RUSHTON.**

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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, March 23, 2010.

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Sheri McKendrick, MMC  
City Recorder