

MINUTES OF COUNCIL REGULAR MEETING – APRIL 20, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 20, 2010, 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
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Marshall Hendrickson, Acting City Attorney
John Janson, Acting CED Director
Ken Olsen, Acting Finance Director
Mike Wells, Acting Police chief
Greg Cudworth, Acting Parks and Recreation Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14896 **OPENING CEREMONY**
The Opening Ceremony was conducted by Mike Winder who offered a prayer.

14897 **SCOUTS**
Mayor Winder welcomed a scout from Troop No. 9500 in attendance to complete requirements for the Citizenship in the Community merit badge.

14898 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 6, 2010**
The Council read and considered the Minutes of the Regular Meeting held April 6, 2010. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held April 6, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

14899 **EMPLOYEE OF THE MONTH, APRIL 2010 – COURTNEY FREHNER, JUSTICE COURT**

Councilmember Rushton read the nomination of Courtney Frehner, Justice Court, to receive the Employee of the Month Award for April 2010. He presented the award and stated Ms. Frehner had been nominated for her high standard of work ethics and going above and beyond her required job duties.

The City Council congratulated Ms. Frehner and expressed appreciation for her efforts on behalf of West Valley City. Ms. Frehner introduced co-workers and family members in attendance at the meeting.

14900 **COMMENT PERIOD**

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

Kenneth Christopher, 4265 S. King Arthur Drive, addressed the City Council. Mr. Christopher stated he visited someone who lived on 3200 West Winchester Drive. He further stated that individual had expressed concern regarding safety of her children as her yard was not fenced and there was a lot of traffic through the neighborhood. Mr. Christopher inquired regarding installation of speed bumps for that woman to alleviate her concerns.

City Manager, Wayne Pyle, recommended Mr. Christopher contact the Public Works Director, Russell Willardson, regarding this matter.

Dustin Baker, 3672 S. American Drive, addressed the City Council. Mr. Baker expressed concern regarding code enforcement. He stated he had not personally received a ticket, but was concerned with harassment of residents by code

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enforcement officers. He expressed understanding of the need to clean up the City. He advised that one resident received a ticket the previous day for grass being longer than eight inches and a stroller sitting on the front porch. He questioned why small things were enforced when he did not believe this helped the City become a better place to live. He stated older residents, such as his grandparents who had lived in the area for 50 years, were in fear of getting a ticket if they violated ordinances. He stated this was not the type of City he wanted, even though he understood why there were rules. He also stated citizens should not be harassed, but should be helped to clean things up. He indicated there were a lot of good things like the remodel of the Valley Fair Mall and Trax, but there were also commercial buildings with violations that should also be cited, not just residents.

City Manager, Wayne Pyle, suggested Mr. Baker schedule an appointment and he would meet with him personally regarding the concerns expressed.

Don Mignola, 2891 Baty Drive, addressed the City Council. Mr. Mignola expressed concern regarding political activity in Washington, D.C., which had a bad effect on the whole country. He advised he had lots of experience with bad government and corrupt people, and he had worked in various communities for better government. He also stated he was very impressed with West Valley City, especially during the election and the “Meet the Candidate” events. He advised that many voters had been impressed. He indicated right now the country was facing a crisis as leaders' lives were being threatened. He stated there was a recommendation that members of the senate have a luncheon once a month and he would hope that would be a good start. He suggested the City begin a movement regarding “ethics for politicians.” He stated the Police Department was very important and was the “face of the City.” He further stated he had not seen or heard any complaints about the West Valley City Police Department. He further indicated ethics was important in government and should also involve kids in schools to make this a better place to live. Mr. Mignola stated he would be glad to provide additional ideas if needed.

Aaron Smith, 2709 W. Baty Drive, addressed the City Council. Mr. Smith stated ice cream trucks were in his neighborhood five and six times a day from noon to as late as 10:00 P.M. He suggested a moratorium be imposed for Sundays and a limit on time that they could drive through the neighborhoods. He explained the problem had become excessive and the loudness of the trucks could be heard in homes even with the windows and doors closed. He again suggested a limit on operating hours on weekdays and a ban on Sundays. He suggested penalties be imposed for violations. Mr. Smith stated he had a second issue of concern being individuals with very large and loud car stereos that had negative effects on residents. He stated some people found this to be very agitating and when the noise penetrated the walls of his home, he felt it was tantamount to an assault. He

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suggested the City adopt a zero tolerance policy and suggested ways to put more teeth in the ordinance and penalties imposed. He explained this was a big issue to him and others and he trusted the City Council and staff would find solutions to these problems. He also stated West Valley City would be a great place to live and a more peaceful environment if these problems were solved.

City Manager, Wayne Pyle, stated he had previously been advised of some of the concerns expressed and would take direction from the City Council regarding strengthening the existing ordinances.

14901

APPLICATION NO. S-1-2010, FILED BY JOHN ERICKSON, REQUESTING FINAL PLAT APPROVAL FOR MULEY POINTE SUBDIVISION LOCATED AT 3860 SOUTH 3600 WEST

City Manager, Wayne Pyle, presented Application No. S-1-2010, filed by John Erickson, requesting final plat approval for Muley Pointe Subdivision located at 3860 South 3600 West.

Mr. Pyle stated the request was for a two-lot flag lot subdivision in an 'R-1-8' zone, which property was currently occupied by two single-family dwellings. He further stated the applicant desired to subdivide the property in order to separate the two dwellings by removing the basement dwelling and allowing the flag lot to develop with a new single-family dwelling.

The City Manager explained the property was approximately .67 acres in size, which was adequate to be divided. He indicated according to Salt Lake County records, the main dwelling had been constructed in 1912. He stated it was not known when the basement dwelling was added to the site. He indicated the County's information did list a date of 1978 as an "effective" date built which could be when the basement dwelling had been constructed.

Mr. Pyle reported accept to the subdivision would be gained from 3600 West. He also explained, as existing improvements were currently in place, the applicant would not need to open up 3600 West for water and sewer. However, a new curb cut and drive approach would be required for the flag lot.

City Manager, Wayne Pyle, reiterated the flag lot was intended to be used as a new building lot. He stated that after reviewing the proximity of this lot with the relatively new development to the north, the City Engineering Division would not require a new soils report. He indicated the soils report of the Woodbury Cove Subdivision indicated ground water had not been encountered to a depth of 10 feet, which would allow a basement to be constructed on the flag lot.

After discussion, Councilmember Rushton moved to approve Application No. S-1-2010, filed by John Erickson, and give final plat Approval for Muley Point

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Subdivision located at 3860 South 3600 West. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

14902

CONSENT AGENDA:

- A. **RESOLUTION NO. 10-55, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM SCOTT DUNN AND MINH TAM DUNN FOR PROPERTY LOCATED AT 2687 S. LESTER STREET, FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-55 which would accept a Grant of Temporary Construction Easement from Scott Dunn and Minh Tam Dunn for property located at 2687 S. Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated Scott Dunn and Minh Tam Dunn had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make the necessary tie-ins to the owners' property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

- B. **RESOLUTION NO. 10-56, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LLOYD E. MARSHALL AND DORIS L. MARSHALL FOR PROPERTY LOCATED AT 1600 WEST RUSSETT AVENUE, FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-56 which would accept a Grant of Temporary Construction Easement from

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Lloyd E. Marshall and Doris L. Marshall for property located at 1600 West Russett Avenue for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated Lloyd E. Marshall and Doris L. Marshall had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make the necessary tie-ins to the owners' property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

C. RESOLUTION NO. 10-57, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LUZ ELENA TELLEZ FOR PROPERTY LOCATED AT 1576 W. RUSSETT AVENUE, FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

City Manager, Wayne Pyle, presented proposed Resolution No. 10-57 which would accept a Grant of Temporary Construction Easement from Luzelena Tellez for property located at 1576 W. Russett Avenue for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated Luzelena Tellez had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make the necessary tie-ins to the owners' property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

D. RESOLUTION NO. 10-58, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE FLORENCE B. WORKMAN FAMILY TRUST FOR PROPERTY LOCATED AT 2665 S. LESTER STREET, FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2

City Manager, Wayne Pyle, presented proposed Resolution No. 10-58 which would accept a Grant of Temporary Construction Easement from Florence B. Workman Family Trust for property located at 2665 S. Lester Street for the Lester Street Improvement Project Phase 2.

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Mr. Pyle stated Florence B. Workman Family Trust had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make the necessary tie-ins to the owners' property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

E. **RESOLUTION NO. 10-59, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM SCOTT A. MORTENSEN FOR PROPERTY LOCATED AT 1600 W. CLAYBOURNE AVENUE, FOR THE LESTER STREET IMPROVEMENT PROJECT PHASE 2**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-59 which would accept a Grant of Temporary Construction Easement from Scott A. Mortensen for property located at 2687 S. Lester Street for the Lester Street Improvement Project Phase 2.

Mr. Pyle stated Scott A. Mortensen had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Lester Street Improvement Phase 2 project extending from Crystal Avenue (2590 South) to Russett Avenue (2830 South) on both sides of Lester Street. He stated the easement would allow the contractor to make the necessary tie-ins to the owners' property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

F. **RESOLUTION NO. 10-60, ACCEPT A STORM DRAIN EASEMENT FROM CJC SALT LAKE CITY, LLC, FOR PROPERTY LOCATED AT 1890 W. ALEXANDER STREET, FOR THE ALEXANDER STREET DITCH PIPING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-60 which would accept a Storm Drain Easement from CJC Salt Lake City, LLC, for property located at 1890 W. Alexander Street for the Alexander Street Ditch Piping Project.

Mr. Pyle stated CJC Salt Lake City, LLC had signed the Storm Drain Easement.

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The City Manager reported the Alexander Street storm drain ran along the rear of the properties on the north side of Alexander Street from Redwood Road to Decker Lake Boulevard. He indicated there was currently a 560-foot section of open ditch in the middle of the storm drain system that needed to be piped. He further stated the CJC Salt Lake City, LLC property was one of three adjoining properties affected and benefited by the ditch-piping project. He advised the easement had been donated to allow for piping of the ditch.

G. **RESOLUTION NO. 10-61, ACCEPT A STORM DRAIN EASEMENT FROM MOUNTAIN WEST AUDIO, INC. FOR PROPERTY LOCATED AT 1920 W. ALEXANDER STREET, FOR THE ALEXANDER STREET DITCH PIPING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-61 which would accept a Storm Drain Easement from Mountain West Audio, Inc. for property located at 1920 W. Alexander Street for the Alexander Street Ditch Piping Project.

Mr. Pyle stated Mountain West Audio, Inc. had signed the Storm Drain Easement.

The City Manager reported the Alexander Street storm drain ran along the rear of the properties on the north side of Alexander Street from Redwood Road to Decker Lake Boulevard. He indicated there was currently a 560-foot section of open ditch in the middle of the storm drain system that needed to be piped. He further stated the CJC Salt Lake City, LLC property was one of three adjoining properties affected and benefited by the ditch-piping project. He advised the easement had been donated to allow for piping of the ditch.

H. **RESOLUTION NO. 10-62, ACCEPT A STORM DRAIN EASEMENT FROM JOGS, L.C. FOR PROPERTY LOCATED AT 1940 W. ALEXANDER STREET, FOR THE ALEXANDER STREET DITCH PIPING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-62 which would accept a Storm Drain Easement from Jogs, L.C. for property located at 1940 W. Alexander Street for the Alexander Street Ditch Piping Project.

Mr. Pyle stated Jogs, L.C. had signed the Storm Drain Easement.

The City Manager reported the Alexander Street storm drain ran along the rear of the properties on the north side of Alexander Street from Redwood Road to Decker Lake Boulevard. He indicated there was currently a 560-

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foot section of open ditch in the middle of the storm drain system that needed to be piped. He further stated the CJC Salt Lake City, LLC property was one of three adjoining properties affected and benefited by the ditch-piping project. He advised the easement had been donated to allow for piping of the ditch.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-55, 10-56, 10-57, 10-58, 10-59, 10-60, 10-61, 10-62 as presented on the Consent Agenda. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	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, APRIL 20, 2010, WAS ADJOURNED AT 6:56 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, April 20, 2010.

Sheri McKendrick, MMC
City Recorder