

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC REGULAR SESSION ON TUESDAY, JUNE 15, 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
Corey Rushton
Russ Brooks (Participated electronically via telephone as noted)
Steve Buhler
Carolynn Burt (Participated electronically via telephone)
Don Christensen
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

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

14965 **ELECTRONIC REGULAR MEETING – COUNCILMEMBER
PARTICIPATION BY TELEPHONE**

Mayor Winder stated Councilmember Burt was participating in the Electronic Regular Meeting via telephone. He advised attempts were being made to connect Councilmember Brooks telephonically, however, Mr. Brooks was out of town and there had been difficulty in reaching him. Mayor Winder indicated the effort to connect Councilmember Brooks would continue.

14966 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who read a poem he had written entitled, “It’s Fun to be the Mayor.”

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-2-

14967 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 1, 2010**

The Council read and considered the Minutes of the Regular Meeting held June 1, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held June 1, 2010. 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.

14968 **PRESENTATION OF ESSENTIAL PIECE AWARD TO HUNTER HIGH SCHOOL FOOTBALL TEAM**

Councilmember Rushton read a narrative and presented a certificate to the Dustin Pearce, Coach of the Hunter High Football team who had been nominated for their inspiration, hard work and determination during the last game season. Members of the football team in attendance at the meeting were recognized and congratulated for their accomplishments.

14969 **COMMENT PERIOD**

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

Josh Scheuerman, 3919 South 4800 West, addressed the City Council. Mr. Scheuerman stated he wanted to have a good community with youth having something to do whether they played sports or not. He also stated there were many things happening in the City and he desired to keep a skate park on the “wish list” for use by every day citizens of the community. He indicated the southwest corner of Centennial Park would be a good place for construction of a skate park. He indicated he understood there were no funds available for such a project at the present time. He stated the Kearns area would have the 62nd skate park in Utah and would open in the near future. He also stated as the second largest city in Utah, he would like to see it moved up on the priority list. He suggested the City Council consider green waste containers and charge residents \$5.00 for them with those funds used to fund a skate park.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-3-

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. Fynbo stated he wanted to compliment the City on its neighborhood cleanup program, as it was a good public relations opportunity. He inquired why doors on the dumpsters were locked, as people who were not tall could not load garbage into the containers. He also noted that on four sides of the dumpsters there was a telephone number posted to report scavenging. He stated he called the number and the dispatcher did not even know what the neighborhood cleanup program even was. He explained he was curious to see if there had been follow up regarding his phone call.

14970

RESOLUTION NO. 10-102, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH OM ENTERPRISES COMPANY FOR PROPERTY LOCATED AT APPROXIMATELY 6424 WEST PARKWAY BOULEVARD, AND ACCEPT SPECIAL WARRANTY DEED FOR THE RITER CANAL DETENTION BASIN PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-102 which would approve a Real Estate Purchase Agreement with OM Enterprises Company for property located at approximately 6424 West Parkway Boulevard, and accept a Special Warranty Deed for the Riter Canal Detention Basin Project.

Mr. Pyle stated OM Enterprises had signed the Real Estate Purchase Agreement.

The City Manager reported the 10.136 acre parcel to be acquired drained a large portion of the City. He indicated compensation for the property would be in the amount of \$740,000.00 as per an appraisal report prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-102, a Resolution Authorizing the City to Enter Into a Real Estate Purchase Agreement with OM Enterprises Company for Property Located at Approximately 6424 W. Parkway Boulevard and to Accept a Special Warranty Deed. 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.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-4-

14971

RESOLUTION NO. 10-111, AUTHORIZE THE CITY TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT TO FORM THE UTAH INFRASTRUCTURE AGENCY, TO BECOME A MEMBER OF THE UTAH INFRASTRUCTURE AGENCY, TO APPOINT A MEMBER OF THE BOARD OF DIRECTORS, AND TO APPROPRIATE THE AMOUNTS SET FORTH IN THE AGREEMENT TO THE UTAH INFRASTRUCTURE AGENCY

City Manager, Wayne Pyle, presented proposed Resolution No. 10-111 which would authorize the City to enter into an Interlocal Cooperation Agreement to form the Utah Infrastructure Agency, to become a member of the Utah Infrastructure Agency, to appoint a member of the Board of Directors, and to appropriate the amounts set forth in the agreement to the Utah Infrastructure Agency.

Mr. Pyle stated the proposed agreement would establish and govern the operation of the Utah Infrastructure Agency (UIA) which would construct, own, and operate or cause to be operated, telecommunication infrastructure and facilities within its member cities.

The City Manager indicated the City was a member of UTOPIA, a cooperative association of local governments formed to extend telecommunication infrastructure to its members. He further indicated the local government members of UTOPIA would form the UIA as an agency whose purpose would be to construct, own, and operate, or have operated, additional telecommunications infrastructure and facilities that would be built as part of the UTOPIA network.

City Manager, Wayne Pyle, further reviewed background information, history and purpose regarding the proposal. He also further discussed the proposed Resolution and answered questions from members of the City Council.

Upon discussion, members of the City Council respectively expressed comments, opinions and concerns regarding the proposal.

After further discussion, Councilmember Vincent moved to approve Resolution No. 10-111, a Resolution Authorizing the City to Enter Into an Interlocal Cooperative Agreement to Form the Utah Infrastructure Agency, to Become a Member of the Utah Infrastructure Agency, to Appoint a Member of the Board of Directors, and to Appropriate the Amounts Set Forth in the Agreement to the Utah Infrastructure Agency. Councilmember Christensen seconded the motion.

Mayor Winder recessed the Electronic Regular Meeting at 7:08 P.M.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-5-

During the recess, City staff continued to attempt to reach Councilmember Brooks on the telephone.

Mayor Winder reconvened the Electronic Regular Meeting at 7:21 P.M.

Upon continued discussion, Mayor Winder stated some members of the City Council had not been elected when the City originally entered into the agreement with UTOPIA. He commented that the last two years had been successful, but UTOPIA was not growing big enough or fast enough. He expressed the need to make a decision based on the City's financial obligation. He stated staff at UTOPIA, including the board, had recommended the best way forward was to grow and add new subscribers and service providers. He explained that rather than walk away it would be wise to "muscle our way through." He further stated bonds to be considered in the future were small compared to the original investment. He discussed the need to weigh the risk and the reward.

City Manager, Wayne Pyle, stated that Councilmember Brooks desired to have his vote considered on this issue, but staff had been unable to reach him by telephone earlier in the meeting. Mr. Pyle advised Councilmember Brooks was connected telephonically and participating in the Electronic Regular Meeting.

Councilmember Brooks joined the meeting at 7:22 P.M.

Upon request of Mayor Winder, the City Manager again presented an overview of the issue before the City Council, after which, Councilmember Brooks expressed comments and personal opinions regarding the proposal.

Mayor Winder declared a conflict of interest regarding this matter, stating his employer, The Summit Group, had been retained by UTOPIA for public relations services.

Mayor Winder called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	No
Ms. Burt	No
Mr. Rushton	No
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-6-

14972

CONSENT AGENDA:

- A. **RESOLUTION NO. 10-103, APPROVE A RIGHT-OF-WAY AGREEMENT WITH MARCELA STANGER FOR PROPERTY LOCATED AT 2647 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-103 which would approve a Right-of-Way Agreement with Marcela Stanger for property located at 2647 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Marcela Stanger had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West Street. He indicated compensation for the right-of-way and easement would be in the amount of \$12,300.00 based on an appraisal prepared by Free and Associates, Inc.

- B. **RESOLUTION NO. 10-104, APPROVE A RIGHT-OF-WAY AGREEMENT WITH PROVO CONDO, LLC, FOR PROPERTY LOCATED AT 2471 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-104 which would approve a Right-of-Way Agreement with Provo Condo, LLC, for property located at 2471 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Provo Condo, LLC had signed the Right-of-Way Agreement, Warranty Deed, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-7-

from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West Street. He indicated compensation for the right-of-way and easement would be in the amount of \$11,000.00 based on an appraisal prepared by Free and Associates, Inc.

C. RESOLUTION NO. 10-105, APPROVE A RIGHT-OF-WAY AGREEMENT AND RIGHT-OF-ENTRY AGREEMENT WITH MARIA S. ORTEGA AND JOSE S. ROSALES FOR PROPERTY LOCATED AT 2535 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-105 which would approve a Right-of-Way Agreement and Right-of-Entry Agreement with Maria S. Ortega and Jose S. Rosales for property located at 2535 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Maria S. Ortega and Jose S. Rosales had signed the Right-of-Way Agreement, Right-of-Entry Agreement, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He further reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West Street. He indicated compensation for the right-of-way would be in the amount of \$18,000.00 based on an appraisal prepared by Free and Associates, Inc. He explained a partial reconveyance document from the owners' mortgage company would be required for the City to obtain clear title to the property. He stated as this process could take up to several months, the owners had executed the agreement allowing construction to proceed while the City worked to obtain a partial reconveyance from the owners' mortgage company. He stated a Warranty Deed would be recorded after receipt of the partial reconveyance document and payment would be subject to receipt of that partial reconveyance document.

D. RESOLUTION NO. 10-106, APPROVE A RIGHT-OF-WAY AGREEMENT AND RIGHT-OF-ENTRY AGREEMENT WITH RONALD SIMMONS FOR PROPERTY LOCATED AT 2627 SOUTH 7200 WEST, AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-106 which would approve a Right-of-Way Agreement and Right-of-Entry Agreement with Ronald Simmons for property located at 2627 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Ronald Simmons had signed the Right-of-Way Agreement, Right-of-Entry Agreement, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West Street. He indicated compensation for the right-of-way would be in the amount of \$25,000.00 negotiated based on an appraisal prepared by Free and Associates, Inc. which indicated a value of \$24,500.00. He also stated a partial reconveyance document from the owners' mortgage company would be required for the City to obtain clear title to the property. He indicated as this process could take up to several months, the owners had executed a Right-of-Entry Agreement to allow construction to proceed while the City worked to obtain a partial reconveyance from the owners' mortgage company. He explained the Warranty Deed would be recorded after receipt of the partial reconveyance document and payment would be subject to receipt of that document.

E. RESOLUTION NO. 10-107, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM MOHAMED AL-BADRI FOR PROPERTY LOCATED AT 2771 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-107 which would accept a Grant of Temporary Construction Easement from Mohamed Al-Badri for property located at 2771 South 7200 West for the 7200 West Improvement Project.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-9-

Mr. Pyle stated Mohamed Al-Badri 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 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He indicated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West Street. He also indicated the easement would allow the contractor to make necessary tie-ins to the owner's property. He reported compensation would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

F. **RESOLUTION NO. 10-108, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF CHARLES SIPES AS A MEMBER OF THE LICENSE HEARING BOARD, TERM: JULY 1, 2010 – JUNE 30, 2013**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-108 which would ratify his reappointment of Charles Sipes as a member of the License Hearing Board for the term July 1, 2010, through June 30, 2013.

Mr. Pyle stated Mr. Sipes was a current member of the Board and desired to be reappointed for a three-year term.

G. **RESOLUTION NO. 10-109, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE LEHMAN AS CHAIR OF THE LICENSE HEARING BOARD, TERM: JULY 1, 2010 – JUNE 30, 2011**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-109 which would ratify his reappointment of Steve Lehman as Chair of the License Hearing Board for the term July 1, 2010, through June 30, 2011.

Mr. Pyle stated Mr. Lehman had expressed willingness to serve another term in the position of Chair of the License Hearing Board.

H. **RESOLUTION NO. 10-110, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF HAROLD WOODRUFF AS A MEMBER OF THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2010 – JUNE 30, 2012**

City Manager, Wayne Pyle, presented proposed Resolution No. 10-110 which would ratify his reappointment of Harold Woodruff as a member of the Storm Water Advisory Board for the term July 1, 2010, through June 30, 2012.

MINUTES OF COUNCIL ELECTRONIC REGULAR MEETING – JUNE 15, 2010

-10-

Mr. Pyle stated Mr. Woodruff had agreed to serve another term on the Board.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-103, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109 and 10-110 as presented on the Consent Agenda. Councilmember Burt 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE ELECTRONIC REGULAR MEETING OF TUESDAY, JUNE 15, 2010, WAS ADJOURNED AT 7:25 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Electronic Regular Meeting of the West Valley City Council held Tuesday, June 15, 2010.

Sheri McKendrick, MMC
City Recorder