

**MINUTES OF COUNCIL REGULAR MEETING – JULY 28, 2009**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 28, 2009, 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 BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

ABSENT: Mike Winder

STAFF PRESENT:

Buzz Nielsen, Police Chief  
John Evans, Fire Chief  
Nicole Cottle, CED Director  
Jim Welch, Finance Director  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Layne Morris, Community Preservation Director  
Claire Gillmor, Acting City Attorney  
Frank Lilly, CED Department  
Stan Varney, Fire Department  
Craig Black, Police Department  
Aaron Crim, Administration  
Craig Thomas, Administration  
Enrique Sosa, Administration  
Jake Arslanian, Public Works Department

14628 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who showed a painting of the signing of the Declaration of Independence and noted it was on display in the Council Chambers and in the State Capitol building. He read various little known facts about the event and the participants of the signing of the document. He also led the Pledge of Allegiance to the Flag.

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14629        **SCOUTS**  
Mayor Nordfelt welcomed Scout Troop No. 643 in attendance to complete requirements for the Citizenship in the Nation merit badge.

14630        **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 14, 2009**

The Council read and considered the Minutes of the Regular Meeting held July 14, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held July 14, 2009, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14631        **PROCLAMATION DECLARING AUGUST AS “NEIGHBORHOOD NIGHTS” MONTH AND AUGUST 4, 2009, AS “NATIONAL NIGHT OUT 2009” IN WEST VALLEY CITY**

Councilmember Coleman read a Proclamation declaring August as “Neighborhood Nights Month” and August 4, 2009 as “National Night Out 2009” in West Valley City.

14632        **POLICE DEPARTMENT AND FIRE DEPARTMENT PRESENTATION TO DON MEYERS IN APPRECIATION OF SERVICE ON THE CIVIL SERVICE COMMISSION**

Acting City Manager, Paul Isaac, stated he had the pleasure and honor to work with Don Meyers on the Civil Service Commission. Mr. Isaac expressed appreciation for Mr. Meyers’ many years of volunteer service to West Valley City.

Police Chief, Buzz Nielsen, and John Evans, Fire Chief, addressed the City Council and expressed their great appreciation for the many years of volunteer service rendered by Don Meyers as a member of the Civil Service Commission. Both Chiefs expressed appreciation for Mr. Meyers’ fair and equitable treatment of the Police and Fire Departments; he would always be remembered for his

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service. Chief Evans and Chief Nielsen presented a plaque to Mr. Meyers after which members of Mr. Meyers' family in attendance were recognized.

Don Meyers addressed the City Council and stated he worked with and became acquainted with many great people in West Valley City during his tenure on the Civil Service Commission. Mr. Meyers expressed gratitude for all his wonderful experiences over the years and he thanked employees of the Police and Fire Departments stating they were essential to the City operating properly.

Members of the City Council also thanked Mr. Meyers for his service to West Valley City. Mayor Nordfelt noted that as Police Chief, he had worked with Don Meyers and no one had ever questioned the honesty or integrity of Mr. Meyers.

### 14633 **COMMENT PERIOD**

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

### 14634 **PUBLIC HEARING, APPLICATION NO. ZT-3-2009, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE OFF-STREET PARKING ORDINANCE (SURFACING)**

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-3-2009, filed by West Valley City, requesting a zone text amendment to the Off-Street Parking Ordinance (Surfacing). He discussed proposed Ordinance No. 09-25 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. 09-25 which would amend Section 7-9-115 of Title 7 of the West Valley City Municipal Code regarding hard surfacing requirements.

Mr. Isaac stated the proposed text change would modify the existing surfacing ordinance to better specify the various surfacing options and possibly expand those options to a wider range of West Valley City residents, and to give the Code Enforcement Division better guidelines to enforce compliance. He indicated the proposed change included six possible exemptions to the hard surfacing requirements.

The Acting City Manager indicated that in 2005 the surfacing ordinance had been modified to require off-street parking for most residences in the City to be hard surfaced. He further indicated homes with gravel driveways that did not meet the various exceptions as of the effective date of the existing ordinance were required to come into compliance by June 1, 2010. He explained that since April 2009, residents had expressed their concern about the existing ordinance and the

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compliance deadlines during the comment periods at various City Council meetings.

Mr. Isaac reported the first section of the proposed ordinance included six possible exemptions to the hard surfacing requirements, as follows: agricultural parcels; residences built prior to March 30, 1988; residences within the Mountain View corridor alignment; off-street parking in excess of the minimum required; and parking for heavy equipment and recreational vehicles. He stated if the Council adopted the ordinance as proposed; a majority of the residential parcels would be exempt from the hard surfacing requirements. He also stated “Exhibit A” included two maps of the City and a table detailing the potential impact of the major exemptions proposed in the subject ordinance.

Mayor Nordfelt opened the public hearing.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. Mr. Fynbo stated he spoke on behalf of himself and Richard Ream who had been unable to attend the meeting. He spoke in favor of the proposal and stated he was pleased with the language in the proposed ordinance, but still had some concerns regarding the financial impact for someone who would have to pour concrete upon approval of the proposal.

Sue Turley, 4714 W. Harman Drive, addressed the City Council. Ms. Turley stated she had not looked at the proposal, but thanked the Mayor for listening and coming out to see them. She commented regarding curb and gutter in her neighborhood and discussed certain streets that were lacking curb and gutter. She also inquired if single driveways would be required to be changed to double driveways. She indicated some residents in her neighborhood might not have the financial means to make improvements to their properties. She stated gravel driveways could look good and weeding of gravel driveways was a big incentive to pour cement.

Valaine Young, 4785 W. Harman Drive, addressed the City Council. Ms. Young thanked the City Council for considering this issue. She stated she agreed if gravel was well maintained and clean it should be no problem. She also stated there were many cement driveways that could also use some weeding. Ms. Young stated she hoped the Council would take into consideration financial issues of residents and she still desired the Council consider allowing chickens and would speak more on that issue at a future time. She thanked the Council for their time and consideration.

Guy Wymore, 2963 Courtney Drive, addressed the City Council. Mr. Wymore stated he had been involved with art his whole life and approached this issue as an artist giving consideration to color, texture, and being pleasing to the eye. He

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explained gravel driveways needed to be weeded. He expressed appreciation for an opportunity to provide input regarding this matter.

Bill Corless, 3607 S. Market Street, addressed the City Council. Mr. Corless asked how the City had the right to infringe on property owner rights. He stated residents, as well as the City Council, liked a beautiful City and this issue should have been placed on the ballot for a vote by citizens. He indicated some people were still at work and had not been able to attend meetings and give input.

Jeff White, 4081 Westlake Avenue, addressed the City Council. Mr. White stated the average income for households in West Valley City was \$56,000, which was not a lot of money. He stated he lived in a great city and was running for a seat on the City Council. He indicated people loved living in the City and liked what was happening, but had concerns regarding how to pay to replace gravel with concrete especially given the current recession. Mr. White explained some had received cuts in pay or hours and could not afford this additional expense. He indicated everyone he had talked to had concerns regarding funding the cost of concrete or asphalt. He requested the Council allow six inches of gravel with a weed barrier.

Mike Hovey, 4705 West 3650 South, addressed the City Council. Mr. Hovey stated a large portion of one side of his street did not have curb, gutter and sidewalk. He discussed aesthetic issues and indicated the City should not force everyone to install concrete rather than gravel. He stated this would be an infringement on property rights and those on fixed incomes could not afford to pour concrete. He indicated this would not be fair to good people.

Mike Markham, 3008 W. Alice Circle, addressed the City Council. Mr. Markham stated he had lived in his neighborhood for many years, was a law-abiding citizen, and would not do anything that would negatively affect his neighbors. He also stated he did not want others in his neighborhood to run his property values down. He indicated he had "cruised" his neighborhoods recently. Mr. Markham indicated if people wanted gravel it needed to be well maintained and weed free. He stated concrete looked great, but was expensive and if gravel was allowed it should be as deep as the concrete installed next to it. He indicated some residents did not have money to spend in yards, but a person's own sweat and time was really the biggest expense, especially if one desired his property to be an asset to the City. He indicated he liked tidy yards as they increased property values and improved the image of the City. Mr. Markham stated it was the City Council's decision but everyone in attendance, and some Council members, supported gravel. He reiterated the need to strive for a tidy city.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated he was running for mayor and was in favor of hard surface parking. He further stated he had put in concrete even though he was on a fixed income. He indicated

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concrete was easier to maintain with no need to worry about weeds. He explained he would like to see hard surface, but if the Council decided in favor of gravel he desired it to be four inches, weed free, and maintained with a border. He stated his yard was neat and code enforcement officers made sure of that. He indicated if a person could afford many cars, they should be able to afford a hard surface on which to park them. He stated if the proposed ordinance was enforced it needed to be across the board and to the fullest extent.

Jeff Reeve, 4159 W. Westlake Avenue, addressed the City Council. Mr. Reeve stated he was a firm believer in the Constitution and its freedoms. He also stated the proposed ordinance would be unconstitutional, but would have to be accepted by residents. He expressed the need to encourage people to kill weeds in gravel driveways and he also discussed property values in his neighborhood. He expressed the need for residents to help their neighbors and give service as the way to keep neighborhoods clean.

Pennell Powell, 4465 South 4170 West, addressed the City Council. Mr. Powell stated large families had a lot of cars that needed to be parked somewhere. He also stated he had two vehicles and one was needed to transport a handicapped son. He indicated he had built his house 40 years ago. Mr. Powell explained he had gravel for parking and did not have funds to buy concrete or asphalt on his fixed income. He stated he had neighbors who did not even mow their lawns. He stated he thought requiring concrete driveways was out of line.

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

Mayor Nordfelt called for discussion.

Councilmember Vincent stated he had previously displayed photographs of well-maintained gravel driveways. He also stated he could have taken many more photographs of properties out of compliance. He expressed his view that if weed free, clean and had a border, a gravel drive should be allowed by ordinance and maintenance should be enforced. He stated if done correctly it could look good and serve a purpose. He also stated the primary driveway should be concrete and gravel should only be allowed for a side yard.

Councilmember Coleman stated this had been a good process to revisit an important issue. He also stated the goal should be hard surface driveways, but there were differences between objectives and requirements. He indicated if well maintained and enforced, the City could be more understanding of gravel. Councilmember Coleman explained he would support simplifying the proposed ordinance and allowing well-maintained gravel for off-street parking. He indicated hard surface should be replaced with hard surface using the same

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materials. He discussed allowing existing gravel driveways to stay for the single purpose of avoiding the unreasonable burden it would put on some people.

Councilmember Brooks discussed agricultural uses and the size of properties. He stated some smaller properties had mini farms and water rights, but were less than one-half acre in size. He expressed the need to address that issue in the proposed ordinance. Councilmember Brooks stated he agreed with Councilmembers Vincent and Coleman on most points, but current gravel driveways should be brought up to code. He stated, in some cases, a gravel driveway would be next to concrete. He indicated the gravel should be on the short side or used as an approach, but concrete or asphalt should be used for parking.

Councilmember Rushton thanked everyone in attendance at the meeting for participation in the process of providing input to the City Council. He expressed pleasure in receiving multiple views regarding these issues. He stated it came down to government involvement in private property rights. He indicated he was prepared to amend the proposal in favor of well-maintained gravel driveways. He discussed previous comments by members of the City Council regarding replacement of hard surface with the same hard surfacing material. He indicated an agricultural exemption would be for really large lots, however, others depending on the use should be considered. He stated existing gravel driveways should be able to be kept if well maintained.

Councilmember Burt stated there did not appear to be a consensus of the Council, but she agreed with the discussion regarding replacement of driveways with the same surface. She expressed concern that if gravel was allowed that it be maintained properly, including using membrane to prevent weeds. She stated she was not prepared to vote on the proposal at the present time. She indicated if the property had an attached garage then hard surface should be required, with gravel for parking of an SUV, and there should be an agricultural exemption. She reminded there were financial issues to consider in the present economy.

### **ACTION: ORDINANCE NO. 09-25, AMENDING SECTION 7-9-115 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING HARD SURFACING REQUIREMENTS**

The Council previously held a public hearing regarding Application No. ZT-3-2009, filed by West Valley City, requesting a Zone Text Amendment to the Off-Street Parking Ordinance (Surfacing) and proposed Ordinance No. 09-25, which would amend Section 7-9-115 of Title 7 of the West Valley City Municipal Code regarding hard surfacing requirements.

After discussion, Councilmember Burt moved to postpone action regarding proposed Ordinance No. 09-25, and request staff come back to the City Council with more complete language to address issues brought up during the public

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hearing and subsequent discussion by the City Council. Councilmember Coleman seconded the motion.

Upon discussion, Mayor Nordfelt suggested the motion include the hard surface requirements as currently existed. He also recommended staff come back with very simple, understandable, enforceable language and require gravel to be four inches deep and ¾ inch in diameter with a hard border to contain and be weed and grass free; and remove all exceptions.

After further discussion, Councilmember Burt restated her original motion and included language as recommended by Mayor Nordfelt. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14635

**PUBLIC HEARING, APPLICATION NO. ZT-5-2009, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT CHANGES IN STATE LIQUOR LAWS**

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-5-2009, filed by West Valley City, requesting a zone text amendment to Title 7 of the West Valley City Municipal Code to reflect changes in State liquor laws. He discussed proposed Ordinance No. 09-26 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. 09-26 which would amend Title 7, 17 and 21 of the West Valley City Municipal Code to reflect the change in State law regarding alcohol.

Mr. Isaac stated the proposed amendment to Title 7 would reflect the changes in State law made by the State legislature during the 2009 session regarding private clubs. He also stated changes included the elimination of private clubs and

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membership requirements in favor of the following four different types of club licenses:

- Dining Clubs – Maintain at least 50% of club business from the sale of food, have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals
- Equity Clubs – Such as country clubs
- Fraternal Club – Mutual benefit association organized under a lodge system such as a fraternal or patriotic club
- Social Club – Any other club not qualifying as an equity, fraternal or dining club such as a social drinking club doing less than 50% of its business from the sale of food

The Acting City Manager advised membership requirements were only applicable to equity and fraternal clubs. He stated dining and social clubs were open to the public but the club licensee might choose to restrict access to only those who were on the list and/or pay a fee.

Mr. Isaac indicated club licenses would not be permitted in a 'C-1' zone, would be a conditional use in 'C-2' and 'C-3' zones, and a permitted use in 'M' zones.

The Acting City Manager also advised legislative changes had not been made to the number of club licenses permitted by the State (1/7,850 people) or to any of the beer or tavern licenses.

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

### **ACTION: ORDINANCE NO. 09-26, AMENDING TITLE 7, 17 AND 21 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT THE CHANGE IN STATE LAW REGARDING ALCOHOL**

The City Council previously held a public hearing regarding Application No. ZT-5-2009 filed by West Valley City requesting a zone text amendment to Title 7 of the West Valley City Municipal Code and proposed Ordinance No. 09-26 which would amend Title 7, 17 and 21 of the West Valley City Municipal Code to reflect the change in State law regarding alcohol.

After discussion, Councilmember Coleman moved to approve Ordinance No. 09-26, an Ordinance Amending Title 7, 17 and 21 of the West Valley City Municipal Code to Reflect the Changes in State Law Regarding Alcohol. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14636

**PUBLIC HEARING, APPLICATION NO. S-7-2009, FILED BY RB&G ENGINEERING, REQUESTING FINAL PLAT APPROVAL FOR HONEYWELL ELECTRONIC MATERIALS INC. SUBDIVISION – AMENDED, LOCATED AT 4645 WEST 2100 SOUTH**

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. S-7-2009, filed by RB&G Engineering, requesting final plat approval for Honeywell Electronic Materials Inc. Subdivision – Amended, located at 4645 West 2100 South. He discussed proposed Ordinance No. 09-27 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. 09-27 which would approve the amendment of Lots 1 and 2 of the Honeywell Electronic Materials Inc. Subdivision.

Mr. Isaac stated the subject subdivision was located in a manufacturing zone adjacent to 2100 South at 4645 West. He reported the original subdivision had been recorded in 2008. He stated Lots 1 and 3 would gain access from 2100 South and from a private road to the west. He indicated Lot 2 would gain access via a flag design from 2100 South. He stated the subdivision had been processed as a formal plat due to service requirements of Granger- Hunter Improvement District.

The Acting City Manager explained that following the recordation of the original plat, Granger-Hunter Improvement District determined fee simple property would no longer be required for improvement services to Lot 2. For this reason, Honeywell and C.R. England desired to eliminate the stem portion of the flag lot. He indicated access and utility easements would be recorded and notations had been placed on the plat that would protect both property owners.

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

**ACTION: ORDINANCE NO. 09-27, APPROVING THE AMENDMENT OF LOTS 1 AND 2 OF THE HONEYWELL ELECTRONIC MATERIALS INC. SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-7-2009, filed by RB&G Engineering, requesting the amendment of Lots 1 and 2 of the Honeywell Electronic Materials Inc. Subdivision located at 4645 West 2100 South.

After discussion, Councilmember Brooks moved to approve Ordinance No. 09-27, an Ordinance Approving the Amendment of Lots 1 and 2 of the Honeywell Electronic Materials Inc. Subdivision. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14637

**ORDINANCE NO. 09-28, AMEND SECTION 3-2-103 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE JUSTICE COURT BAIL SCHEDULE**

Acting City Manager, Paul Isaac presented proposed Ordinance No. 09-28 which would amend Section 3-2-103 of Title 3 of the West Valley City Municipal Code regarding the Justice Court bail schedule.

Mr. Isaac stated the proposed ordinance would allow the Court Administrator, with approval of the City Manager, to promulgate a recommended bail schedule for crimes frequently prosecuted in the West Valley City Justice Court.

After discussion, Councilmember Coleman moved to approve Ordinance No. 09-28, an Ordinance Amending Section 3-2-103 of Title 3 of the West Valley City Municipal Code Regarding the Justice Court Bail Schedule. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14638

**RESOLUTION NO. 09-269, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, FOR PROPERTY LOCATED AT APPROXIMATELY 6400 WEST 4600 SOUTH**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-269 which would approve a Real Estate Purchase Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation, for property located at approximately 6400 West 4600 South.

Acting City Manager, Paul Isaac, recommended the City Council consider striking proposed Resolution No. 09-269 from the Agenda and take no further action at the present time.

After discussion, Councilmember Brooks moved to strike proposed Resolution No. 09-269 from the Agenda. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous. Proposed Resolution No. 09-269 stricken from the Agenda.

14639

**APPLICATION NO. S-6-2009, FILED BY WEST VALLEY CITY, REQUESTING FINAL PLAT APPROVAL FOR THE UTAH CULTURAL CELEBRATION SUBDIVISION LOCATED AT 1300 WEST 3300 SOUTH**

Acting City Manager, Paul Isaac, presented Application No. S-6-2009, filed by West Valley City, requesting final plat approval for the Utah Cultural Celebration Subdivision located at 1300 West 3300 South.

Mr. Isaac stated the Utah Cultural Celebration Subdivision would divide a number of existing parcels into three formal lots on approximately 24 acres of property.

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He indicated the subdivision was being processed in order to create lots that would eventually be sold to the developer of the Jordan River Market Place. He also stated Lot 1 would be retained by the City as it housed the Utah Cultural Celebration Center.

The Acting City Manager indicated as part of the subdivision a small portion of Lots 2 and 3 would be dedicated as right-of-way along 3500 South. In addition, a 3-foot wide public lighting easement would also be noted on the plat adjacent to 3500 South. He reported this would allow the public sidewalk and lighting to be installed along 3500 South as it was further to the west.

Mr. Isaac stated the subdivision was located in the ‘C-2’ zone as well as the Jordan River Overlay zone. As development occurred, special standards would apply based on these zones. He indicated these standards would be enhanced with the development guidelines to be reviewed and approved by the City Council based on the agreement to develop land.

After discussion, Councilmember Coleman moved to approve Application No. S-6-2009, filed by West Valley City, and give final plat approval for the Utah Cultural Celebration Subdivision located at 1300 West 3300 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority.

14640

**CONSENT AGENDA**

**A. RESOLUTION NO. 09-270, RATIFYING THE CITY MANAGER’S REAPPOINTMENT OF ALAN ANDERSON TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2009 – JUNE 30, 2011**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-270 which would ratify the City Manager’s reappointment of Alan Anderson to the Storm Water Advisory Board for the term July 1, 2009, through June 30, 2011.

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Mr. Isaac stated Mr. Anderson had agreed to serve on the Storm Water Advisory Board for another two-year term.

**B. RESOLUTION NO. 09-271, APPROVE DELAY AGREEMENT WITH STEVE JUDGE AND JOHNNIE MAY JUDGE FOR OFF-SITE IMPROVEMENTS ON PROPERTY LOCATED AT 1657 WEST WARNOCK AVENUE**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-271 which would approve a Delay Agreement with Steve Judge and Johnnie May Judge for off-site improvements on property located at 1657 West Warnock Avenue.

Mr. Isaac stated Steve Judge and Johnnie Mae Judge had requested to delay construction of off-site improvements for 1657 West Warnock Avenue. He also stated improvements included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway.

The Acting City Manager indicated, at this time, there were no existing improvements along this property. He stated postponing construction of the subject improvements would allow time for additional development to provide similar improvements. The combination of the delayed improvements from this agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

**C. RESOLUTION NO. 09-272, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOSEPH W. RUSHTON AND CONNIE I. RUSHTON FOR PROPERTY LOCATED AT 4031 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-272 which would accept a Grant of Temporary Construction Easement from Joseph W. Rushton and Connie I. Rushton for property located at 4031 South 5200 West for the 5200 West Improvement Project.

Mr. Isaac stated Joseph W. Rushton and Connie I. Rushton had signed the Grant of Temporary Construction Easement.

Acting City Manager, Paul Isaac, reported the subject parcel located at 4031 South 5200 West was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow the contractor to make the necessary tie-ins to their property. He further reported

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compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

**D. RESOLUTION NO. 09-273, APPROVE RIGHT-OF-WAY AGREEMENT WITH ESTHER PEREZ AND DARIO N. PEREZ FOR PROPERTY LOCATED AT 4121 SOUTH 5400 WEST; AND ACCEPT WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 5400 WEST SIDEWALK PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-273 which would approve a Right-of-Way Agreement with Esther Perez and Dario N. Perez for property located at 4121 South 5400 West; and accept Warranty Deed and Grant of Temporary Construction Easement for the 5400 West Sidewalk Project.

Mr. Isaac stated Esther Perez and Dario Perez signed a signed a Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 4000 West Sidewalk Project extending from 4100 South to 4179 South on the east side of 5400 West. He indicated compensation for the purchase of right-of-way and easement would be in the amount of \$9,100.00 in accordance with the appraisal prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc.

**E. RESOLUTION NO. 09-274, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH ESTHER PEREZ AND DARIO N. PEREZ FOR PROPERTY LOCATED AT 5395 WEST 4100 SOUTH; AND ACCEPT A WARRANTY DEED FOR THE 5400 WEST SIDEWALK PROJECT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 09-274 which would approve a Real Estate Purchase Agreement with Esther Perez and Dario N. Perez for property located at 5395 West 4100 South; and accept a Warranty Deed for the 5400 West Sidewalk Project.

Mr. Isaac stated Esther Perez and Dario Perez had signed a Real Estate Purchase Agreement and had agreed to sign a Warranty Deed.

Acting City Manager, Paul Isaac, reported the subject parcel to be acquired extended from 4100 South to 4179 South on the east side of 5400 West. He indicated compensation for purchase of the property and improvements, including an existing house, would be in the amount of \$135,000.00, negotiated based on an appraised value of \$125,000.00

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prepared by Bodell-Van Drimmelen Commercial Appraisers, Inc. He further stated as it would be required to raze the existing home due to proximity of improvements, the cost to purchase the home and required right-of-way had only been appraised at \$110,000.00, therefore, he would recommend the City Council authorize purchase of the entire parcel. He also reported it was anticipated the City would be able to create a building lot for future sale to recoup a portion of the cost of acquisition.

After discussion, Councilmember Rushton moved to approve Resolution No. 09-270, 09-271, 09-272, 09-273, and 09-274 as presented on the Consent Agenda. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 28, 2009, WAS ADJOURNED AT 7:49 P.M. BY MAYOR NORDFELT.**

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, July 28, 2009.

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Sheri McKendrick, MMC  
City Recorder