

MINUTES OF COUNCIL REGULAR MEETING – MARCH 24, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION, ON TUESDAY, MARCH 24, 2015, 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 AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Steve Vincent, Councilmember District 4

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Sam Johnson, Strategic Communication Director
Russell Willardson, Public Works Director
Phil Quinlan, Acting Police Chief
Chris Curtis, Acting CPD Director
Steve Pastorik, Acting CED Director
Steve Lehman, CED Department
Jake Arslanian, Public Works Department
Leslie Hudson, Administration

16949 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who recited lines from a poem written by Henry Wadsworth Longfellow; and then led the Pledge of Allegiance to the Flag.

16950 **SCOUTS**

Mayor Bigelow welcomed Scout Troop No. 890 and Cub Scouts, in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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16951 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MARCH 10, 2015**

The Council read and considered Minutes of the Regular Meeting held March 10, 2015. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held March 10, 2015, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16952 **PROCLAMATION RECOGNIZING APRIL 2015 AS CHILD ABUSE PREVENTION MONTH**

Mayor Bigelow, read a Proclamation recognizing April 2015 as Child Abuse Prevention Month.

16953 **PROCLAMATION RECOGNIZING APRIL 7, 2015, AS NATIONAL SERVICE RECOGNITION DAY**

Councilmember Buhler read a Proclamation recognizing April 7, 2015, as National Service Recognition Day.

16954 **COMMENT PERIOD**

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

A. **PUBLIC COMMENTS**

Kelly Mieremet, representing the Family Support Center, addressed the City Council and discussed the importance of the month of April, as it was child abuse prevention month. She discussed some statistics in Utah and West Valley City regarding child abuse. She also explained the programs offered and services provided at their free 24-hour crisis nursery. Ms. Mieremet reminded that one of their locations was in West Valley City and expressed appreciation for the support of the City Council.

Paul Nichols addressed the City Council and indicated he had been a

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resident of the community since 1956. Mr. Nichols commented on terrible traffic conditions on 4100 South and stated it had worsened since he complained to the City Council last November. He inquired if there was something the City could do about this problem.

George Edwards addressed the City Council and indicated he lived in the Diamond Summit Subdivision. He stated one of the reasons people “blew through” school zones was because many service trucks had flashing yellow lights. He indicated the flashing yellow lights were seen so often they were sometimes ignored. He suggested buttons on traffic lights that would change the lights on demand for pedestrians.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, indicated two of the speakers had discussed traffic safety and there were many ways to deal with traffic problems. He advised the City had over time attempted to address concerns from the community. He explained what had been done in the past and indicated staff would continue review of 4100 South. He advised that residents of the Diamond Subdivision had requested traffic calming measures in their neighborhood.

C. CITY COUNCIL COMMENTS

Mayor Bigelow stated he supported the Family Support Center and expressed appreciation for their work. He advised the Council had discussed 4100 South on numerous occasions and acknowledged there was a lot of through traffic and it would continue to grow with development. He stated a good solution had not yet been found other than general traffic enforcement. He stated school zones were an emphasis that should be considered a priority depending on resources.

16955 **PUBLIC HEARING, ACCEPT INPUT REGARDING APPLICATION NO. SV-1-2015, FILED BY WEST VALLEY CITY, REQUESTING TO VACATE ALL OF JOHN HENRY DRIVE LOCATED AT 2365 SOUTH 2570 WEST**

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. SV-1-2015, filed by West Valley City, requesting to vacate all of John Henry Drive located at 2365 South 2570 West.

Mayor Bigelow presented proposed Ordinance No. 15-12 related to the proposal to be considered by the City Council after the public hearing, as follows:

The West Valley City Community and Economic Development Department had requested a street vacation for all of John Henry Drive located at 2365 South 2570

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West that had been dedicated by the Cache Valley Electric Company in 1996. The purpose for the dedication would be to provide access for what would be a new building site and to provide a potential connection with undeveloped property to the north of the Brighton North Point Canal. The right-of-way was located entirely on property owned by Cache Valley Electric.

The street had existed since dedicated in 1996, with property to the north having been developed with no requirement for access from John Henry Drive. The City recently learned Cache Valley Electric was proposing to leave the City and rather than allow a prime industrial property to sit vacant, the Economic Development Division had worked to secure a new owner, CCI Mechanical.

As part of the referenced negotiations with CCI Mechanical to make the site more attractive and secure for their business operations, CCI had inquired regarding the possibility of vacating John Henry Drive. The City had explained the process and discussed various reasons why the vacation made sense, summarized as follows:

- The existing road dead-ended without an approved turnaround
- Property to the north had developed without the need for secondary access
- Property within the vacated right-of-way could be incorporated into a revised site plan
- Property within the vacated right-of-way would be put back on the tax rolls
- The Cache Valley Electric site was the only property utilizing this street

Typically when a street was vacated half of the right-of-way would go to each adjacent property owner. However in this case, Cache Valley Electric deeded the entire right-of-way for John Henry Drive. As a result, the entire right-of-way would go back to Cache Valley Electric or their successors in interest.

As part of the application, the City sent out notices regarding an application. The State of Utah had been a recipient of the notice, as they owned property immediately to the west of John Henry Drive. Staff had received a call from the State's real estate manager inquiring about the proposed vacation. A concern had been expressed that although the State did not presently use John Henry Drive there could be redevelopment plans in the future that would benefit from the road if it were allowed to remain a dedicated right-of-way. Subsequent to that discussion, a letter had been received from the State expressing their desire to keep the road open. (By reference, letter received from the State of Utah made a part of this record). During discussions with the State, the City staff had explained reasoning behind the proposed vacation and indicated the State's site presently had access from 2365 South. A suggestion was made that the State could also reach out to the new property owner to determine if a portion of what

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would be vacated could be jointly used between the two parties by utilizing a perpetual access easement that could be maintained in common if agreed to by both parties.

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

ACTION: CONSIDER ORDINANCE NO. 15-12, VACATING ALL OF JOHN HENRY DRIVE IN WEST VALLEY CITY, UTAH

The Council previously held a public hearing regarding Application No. SV-1-2015, and considered proposed Ordinance No. 15-12 that would vacate all of John Henry Drive in West Valley City, Utah.

After discussion, Councilmember Nordfelt moved to approve Ordinance No. 15-12, an Ordinance Vacating all of John Henry Drive Located at 2365 South 2570 West in West Valley City. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16956

RESOLUTION NO. 15-51, AUTHORIZE THE CITY TO ENTER INTO A TELECOMMUNICATIONS NETWORK AGREEMENT WITH EXTENET SYSTEMS, INC. AND THE CENTENNIAL MANAGEMENT GROUP, INC. FOR THE DESIGN, INSTALLATION AND OPERATION OF A DISTRIBUTED NETWORK AT THE MAVERIK CENTER

Mayor Bigelow presented proposed Resolution No. 15-51 that would authorize the City to enter into a Telecommunications Network Agreement with ExteNet Systems, Inc. and the Centennial Management Group, Inc. for the design, installation and operation of a distributed network at the Maverik Center.

ExteNet desired to install a wireless network within the Maverik Center to be utilized by various wireless providers to enhance wireless service within the Maverik Center. ExteNet would provide a lump sum payment for every provider they signed up.

ExteNet designed, constructed and operated outdoor and indoor distributed

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antenna networks that provided for the distribution and propagation of wireless telecommunications frequencies. ExteNet desired to install an antenna system within the Maverik Center building and in consideration for access they would pay the City and Centennial a one-time fee of \$50,000.00. In addition, ExteNet would pay Centennial and the City an additional \$200,000.00 for each of the first and second provider of wireless services and an additional \$100,000.00 for each of the third and fourth provider of wireless services.

After discussion, Councilmember Lang moved to approve Resolution No. 15-51, a Resolution Authorizing the City to enter into an Agreement with ExteNet Systems, Inc. and the Centennial Management Group, Inc. for the Design, Installation and Operation of a Distributed Network at the Maverik Center. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16957 **RESOLUTION NO. 15-52, APPROVE A FRANCHISE AGREEMENT BETWEEN WIRELESSBEEHIVE.COM, LLC, AND WEST VALLEY CITY FOR A TELECOMMUNICATIONS NETWORK IN THE CITY**

Mayor Bigelow presented proposed Resolution No. 15-52 that would approve a Franchise Agreement between WirelessBeehive.Com, LLC, and West Valley City for a telecommunications network in the City.

The subject Franchise Agreement would allow WirelessBeehive to establish a telecommunications network in, under, along, over and across present and future rights-of-way of the City.

Applications for telecommunications networks in West Valley City were governed by Chapter 10-5 of the City Code. The franchise granted by the subject agreement would be for a ten-year period with option to renew for an additional ten years at the same terms and conditions. Chapter 20-6 of the City Code permitted the City to require all telecommunications providers to collect taxes from their customers and deposit them with the Utah State Tax Commission. The subject agreement would memorialize this provision as well as acknowledge WirelessBeehive's duty to secure permits from the Public Works Department for

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any excavation or construction.

After discussion, Councilmember Rushton moved to approve Resolution No. 15-52, a Resolution Approving a Franchise Agreement between WirelessBeehive.com LLC and West Valley City for a Telecommunications Network in the City. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16958

RESOLUTION NO. 15-53, AUTHORIZE THE CITY TO ENTER INTO A MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT AND PROPERTY SCHEDULE NO. 1 WITH US BANCORP GOVERNMENT LEASING AND FINANCING, INC. WITH RESPECT TO A LEASE FOR THE PURCHASE AND REPLACEMENT OF POLICE AND FIRE RADIO EQUIPMENT

Mayor Bigelow presented proposed Resolution No. 15-53 that would authorize the City to enter into a Master Tax-Exempt Lease/Purchase Agreement and Property Schedule No. 1 with US Bancorp Government Leasing and Financing, Inc., in the amount of \$182,560.00, with respect to a lease for the purchase and replacement of Police Department and Fire Department radio equipment.

The proposal would authorize the execution and delivery of the Master Tax-Exempt Lease/Purchase Agreement Schedule and related documents with respect to a lease for the purchase of replacement police and fire radio equipment and authorize the execution and delivery of documents required in connection therewith; and authorize the taking of all other actions necessary to the consummation of the transactions contemplated by the resolution.

The City needed to replace a significant amount of police and fire radio communications equipment. Hand held portable radios and mobile radios would be purchased from Motorola Solutions Inc., with the vendor and equipment being on the Utah State Purchasing Contract. Favorable terms had been negotiated with US Bancorp Government Leasing and Finance, Inc. to initiate a lease purchase transaction. Terms of the lease would expire in advance of the 15-year useful life of the assets acquired. The City had also obtained a rate of 2.150% for seven

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years. Payments for the equipment would be 28 quarterly payments in advance at \$6,520.00 starting April 15, 2015, totaling \$182,560.00. The principal would be \$170,000.00 and interest costs would be in the amount of \$12,560.00.

After discussion, Councilmember Huynh moved to approve Resolution No. 15-53, a Resolution Authorizing the City to enter into a Master Tax-Exempt Lease/Purchase Agreement and Property Schedule No. 1 with US Bancorp Government Leasing and Financing, Inc. with Respect to a Lease for the Purchase and Replacement of Police and Fire Radio Equipment. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16959

RESOLUTION NO. 15-54, AUTHORIZE THE CITY TO PURCHASE RADIO COMMUNICATIONS EQUIPMENT FROM MOTOROLA SOLUTIONS, INC. FOR USE BY THE POLICE AND FIRE DEPARTMENTS

Mayor Bigelow presented proposed Resolution No. 15-54 that would authorize the City to purchase radio communications equipment from Motorola Solutions, Inc., in an amount not to exceed \$182,560.00, for use by the Police and Fire Departments.

The City needed to replace a significant amount of police and fire radio communications equipment. Hand held portable radios and mobile radios would be purchased from Motorola Solutions, Inc. The vendor and equipment were on the Utah State Purchasing Contract. Favorable terms had been negotiated with US Bancorp Government Leasing and Finance, Inc. to initiate a lease purchase transaction.

After discussion, Councilmember Huynh moved to approve Resolution No. 15-54, a Resolution Authorize the City to Purchase Radio Communications Equipment from Motorola Solutions, Inc. for use by the Police and Fire Departments. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16960 **RESOLUTION NO. 15-55, ACCEPT A STORM DRAINAGE EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM REDWOOD L&B, LLC, FOR PROPERTY LOCATED AT 2570 WEST 2365 SOUTH**

Mayor Bigelow presented proposed Resolution No. 15-55 that would accept a Storm Drainage Easement and a Grant of Temporary Construction Easement from Redwood L&B, LLC, for property located at 2570 West 2365 South.

Redwood L&B, LLC, a Utah Limited Liability Company had signed the Storm Drainage Easement and Grant of Temporary Construction Easement across their property located at 2570 West 2365 South.

The Redwood L&B, LLC property was one of the properties affected and benefitted by construction of the Pole Line Drive Storm Drain Project. The property was the new location for CCI Mechanical that would replace Cache Valley Electric on that site. The Storm Drainage Easement would run parallel with the northeasterly boundary of the site and allow the City to maintain an existing drainage ditch on the property. The easement along the westerly 20 feet would allow construction of new storm drain piping. The project would pipe open sections of storm drain and upsize existing storm drain piping between 2365 South and SR-201. The subject easements were required as a condition of approval for a building permit for an additional building on the site.

After discussion, Councilmember Lang moved to approve Resolution No. 15-55, a Resolution Authorizing the City to Accept a Storm Drainage Easement and a Grant of Temporary Construction Easement from Redwood L&B, LLC, for Property Located at 2570 West 2365 South. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

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Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 24, 2015, WAS ADJOURNED AT 7:01 P.M., BY MAYOR BIGELOW.

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 24, 2015.

Sheri McKendrick, MMC
City Recorder