

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JUNE 7, 2011, 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 WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Jim Welch, Finance Director
Nicole Cottle, CED Director
Russell Willardson, Public Works Director
Eric Bunderson, City Attorney
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Chris Curtis, Acting CPD Director
Heather Royal, CPD Department
Lee Logston, CED Department
Jake Arslanian, Public Works Department

15346 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who discussed a Memorial Day ceremony held the previous week at the Utah Cultural Celebration Center. He read the Gettysburg Address given by President Abraham Lincoln, and then led the Pledge of Allegiance to the Flag.

15347 **SCOUTS**

Mayor Winder welcomed Scout Troop Nos. 551 and 566 in attendance at the meeting to complete requirements for the Citizenship in the Community and Communications merit badges.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-2-

15348 **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 17, 2011**

The Council read and considered Minutes of the Regular Meeting held May 17, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held May 17, 2011, as written. Councilmember Vincent 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.

15349 **COMMENT PERIOD**

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

Fynbo (no last name given), 4160 West 3830 South, addressed the City Council. He expressed concern regarding a large and armed police presence in his neighborhood recently which “terrified” his wife and other neighbors. He stated officers entered many properties and looked around. He indicated the next day he tried to find out what happened and “ran into a bunch of brick walls.” He also stated one officer did tell him there was a serious situation in the neighborhood but could not give details. He advised he had tried to contact the Police Department’s public information officer and did not get a response to several messages until yesterday. He inquired regarding the City’s policy for informing residents of issues in their neighborhoods.

15350 **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING RE-OPENING THE FY 2010-2011 BUDGET FOR THE PURPOSE OF MAKING AMENDMENTS TO REFLECT CHANGES IN ACTUAL REVENUES AND EXPENDITURES**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding re-opening the FY 2010-2011 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures. He presented proposed Ordinance

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-3-

No. 11-13 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-13 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City of West Valley to amend its budget during the year. He further stated the City held two such public hearings on budget amendments annually, one mid-fiscal year and the second just prior to the end of the fiscal year.

The City Manager reported proper notice of the public hearing had been given as required by law.

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

ACTION: ORDINANCE NO. 11-13, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS

City Council previously held a public hearing to accept public input regarding re-opening the FY 2010-2011 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures and consider proposed Ordinance No. 11-13 which would amend the Budget of West Valley City for the Fiscal Year beginning July 1, 2010, and ending June 30, 2011, to reflect changes in the budget from increased revenues and authorize disbursement of funds.

After discussion, Councilmember Vincent moved to approve Ordinance No. 11-13, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2010, and Ending June 30, 2011, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-4-

Mr. Christensen Yes
Mayor Winder Yes

Unanimous.

15351

RESOLUTION NO. 11-68, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY FOR APPROXIMATE 3.215 ACRES OF REAL PROPERTY LOCATED AT 3524 SOUTH MARKET STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 11-68 which would authorize the City to enter into a Development Agreement with the Redevelopment Agency of West Valley City for approximate 3.215 acres of real property located at 3524 South Market Street.

Mr. Pyle stated proposed agreement would establish standards for a hotel at the above stated location. He also stated the proposed hotel fell within the City Center ('CC') zone which included a provision that allowed requirements within the zone to be superseded by a development agreement. He indicated the purpose of the provision was to allow design flexibility for uses that met the purpose of the zone. At the time the 'CC' zone had been drafted, staff fully anticipated utilizing the development agreement provision for select, specialty projects. He explained the proposed hotel met the purposes outlined in the 'CC' zone; therefore, staff and the Planning Commission recommended certain exceptions (outlined in Exhibit B of the Agreement) be granted. He also indicated that, in addition to the 'CC' zone exceptions, the Development Agreement included other standards addressing the building exterior as well as installation and maintenance of off-site improvements.

After discussion, Councilmember Buhler moved to approve Resolution No. 11-68, a Resolution Authorizing the City to Enter Into a Development Agreement with the Redevelopment Agency of West Valley City for Approximately 3.215 Acres of Real Property Located at 3524 South Market Street. 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.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-5-

15352

RESOLUTION NO. 11-69, APPROVE INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE CITY FOR CLINICAL TRAINING OF PARAMEDICS AND EMT'S

City Manager, Wayne Pyle, presented proposed Resolution No. 11-69 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake City for clinical training of paramedics and EMT's.

Mr. Pyle stated West Valley City's Fire Department and Salt Lake City's Fire Department trained together in fire ground operations, hazmat and technical rescue and would now like to assist in training their paramedic students. He also stated the Salt Lake City Fire Department had trained and evaluated many of West Valley City's paramedic students in the past. He indicated West Valley City would provide facilities, apparatus and equipment. He advised that the evaluators were West Valley City paramedics and supervision would be from the station captain.

The City Manager reported West Valley City and other fire departments in the Greater Salt Lake area helped proctor paramedic students from various paramedic programs through hands-on training and evaluations. He indicated in order to assist the Salt Lake City Fire – University of Utah Paramedic Program, a Memorandum of Understanding (MOU) between West Valley City and the Salt Lake City Fire – University of Utah Paramedic Program needed to be established for the coming year. He explained the MOU specified the roles, responsibilities and obligations of each party in providing this educational and training opportunity for paramedic students.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-69, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake City. Councilmember Christensen 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 REGULAR MEETING – JUNE 7, 2011

-6-

15353

RESOLUTION NO. 11-71, AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM ACCESS DEVELOPMENT WEST, LLC, LOCATED AT 1204 WEST 3300 SOUTH, IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 11-71 which would authorize the City to acquire, by negotiation or condemnation, real property from Access Development West, LLC, located at 1204 West 3300 South in West Valley City.

Mr. Pyle stated that at present, it appeared condemnation might be necessary to complete the acquisition of property from Access Development West, LLC. He advised the subject property was located in the Jordan River Marketplace development at approximately 1200 West 3300 South. He reported the City had spent several months attempting to negotiate the purchase of the property and as the deadline for construction of the 1200 West Connector Road Project neared it appeared the City and Access Development West had reached an impasse. He stated the City would continue to negotiate until the last possible day; however, the proposed Resolution would be necessary if an agreement was not reached.

Mayor Winder advised this proposal did not require a public hearing; however, there was an individual in attendance who desired to address the City Council.

Alexandra Doctorman, 1221 11th Avenue, addressed the City Council. Ms. Doctorman stated she and her husband were managing partners of Access Development West. She discussed the prospect of government taking land for the public good and noted there was a “balancing act” of providing proper compensation to the property owner. She stated the City Attorney was a great opposing counsel. She indicated one of the resolutions provided to her had inaccuracies in the background information. She also stated the land had been in the Doctorman family for over 70 years. She explained they only recently received an offer to purchase two weeks prior and believed the offer was based on a faulty appraisal, but this should be able to be resolved later on. She also discussed information related to the scope of condemnation that would make the land a triangular piece and, therefore, a difficult parcel to develop. She stated due to the City Attorney’s good work and with a spirit of cooperation they agreed to enter into an occupancy agreement. She requested the City Council consider, as the process moved forward, that this land which was part of a larger property which had been whittled away by takings over the years. She stated there was a balancing act and issues needed to be fully addressed regarding how they would be damaged and the need for fair compensation. She indicated a desire to resolve issues and come to a good conclusion. She stated she and her husband wanted the City Council to see the faces of Access Development West prior to taking action regarding this property.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-7-

After discussion, Councilmember Buhler moved to approve Resolution No. 11-72, a Resolution Authorizing the City to Acquire, by Negotiation or Condemnation, Real Property from Access Development West, LLC, Located at 1204 West 3300 South in West Valley City. Councilmember Christensen 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.

15354

RESOLUTION NO. 11-72, APPROVE A RIGHT OF OCCUPANCY AGREEMENT WITH ACCESS DEVELOPMENT WEST, LLC, FOR IMMEDIATE OCCUPANCY OF PROPERTY LOCATED AT 1204 WEST 3300 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 11-72 which would approve a Right of Occupancy Agreement with Access Development West, LLC, in the amount of \$65,100, for immediate occupancy of property located at 1204 West 3300 South.

Mr. Pyle stated the City desired to acquire the property located in the Jordan River Marketplace development and, while the City had diligently attempted to negotiate a final settlement on the property, the deadline for construction of the 1200 West Connector Road Project drew near. He also stated the proposed agreement would allow the City to immediately occupy the property and begin construction. He advised the proposal was based on the standard agreement the Utah Department of Transportation used for road projects. He further advised the agreement would authorize the City to pay the appraised value of the land to Access Development while continuing negotiations on a final settlement. He explained the agreement also preserved the City's right to condemn after attempting mediation with the property rights' ombudsman. He stated the initial payment would be deducted from the final settlement amount if the final settlement amount exceeded what had already been paid.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-72, a Resolution Approving a Right of Occupancy Agreement with Access Development West, LLC, for Immediate Occupancy of Property Located at 1204 West 3300 South. Councilmember Buhler seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-8-

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.

15355

RESOLUTION NO. 11-73, APPROVE A QUIT CLAIM DEED FOR PROPERTY ADJACENT TO INTERSTATE 215 BETWEEN 3500 SOUTH AND 3800 SOUTH FROM WEST VALLEY CITY TO THE UTAH DEPARTMENT OF TRANSPORTATION

City Manager, Wayne Pyle, presented proposed Resolution No. 11-73 which would approve a Quit Claim Deed for property adjacent to Interstate 215 between 3500 South and 3800 South from West Valley City to the Utah Department of Transportation.

Mr. Pyle stated Coventry III/Satterfield Helm Valley Fair, LLC, had signed the Quit Claim Deed.

The City Manager reported the Utah Department of Transportation (UDOT) would construct the I-215 Frontage Road (2400 West) Project during the 2011 construction season. He stated the project would facilitate access to the Valley Fair Mall and relieve congestion on 3500 South and 2700 West. He also indicated Coventry III/Satterfield Helm Valley Fair, LLC, were the owners of the Valley Fair Mall property. He explained in order to construct the project the donation of right-of-way from the owners had been required. He further reported the City Council previously authorized acceptance and recording of a Special Warranty Deed and the subject Quit Claim Deed would convey the needed right-of-way to UDOT.

After discussion, Councilmember Burt moved to approve Resolution No. 11-73, a Resolution Approving a Quit Claim Deed for Property Adjacent to Interstate 215 between 3500 South and 3800 South from West Valley City to the Utah Department of Transportation. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING – JUNE 7, 2011

-9-

Ms. Burt	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, JUNE 7, 2011, WAS ADJOURNED AT 7:00 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, June 7, 2011.

Sheri McKendrick, MMC
City Recorder