

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 6, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 6, 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
Russ Brooks
Steve Buhler
Carolynn Burt
Don Christensen
Corey Rushton

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Steve Vincent

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Eric Bunderson, City Attorney
Nicole Cottle, CED Director
Layne Morris, CPD Director
Mike Wells, Acting Police Chief
Steve Pastorik, CED Department
Jake Arslanian, Public Works Department

15450 **OPENING CEREMONY**

The Opening Ceremony was conducted by Don Christensen who, in recognition of Labor Day, read quotes from Abraham Lincoln and Martin Luther King, Jr. regarding labor. He invited Jim Judd, President of the Utah Chapter of AFL/CIO to lead the Pledge of Allegiance to the Flag.

15451 **SCOUTS**

Mayor Winder recognized Scout Troop Nos. 799 and 1465 in attendance to complete the Citizenship in the Community merit badge.

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15452 **RECOGNITIONS**

Mayor Winder recognized candidates for the upcoming municipal election who were in attendance at the meeting.

15453 **APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 16, 2011**

The Council read and considered Minutes of the Regular Meeting held August 16, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held August 16, 2011, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15454 **PROCLAMATION DECLARING SEPTEMBER AS IDLE FREE AWARENESS MONTH IN WEST VALLEY CITY**

Councilmember Rushton read a proclamation declaring September as Idle Free Awareness Month in West Valley City.

15455 **COMMENT PERIOD**

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

Jack Matheson (Planning Commission member) addressed the City Council. Mr. Matheson discussed animal issues and reminded that in the past a resident had desired a petting zoo for her large parcel of ground in an ‘A’ zone. He noted the Planning Commission actually “bent the rules” when considering the point system and he gave examples. He also discussed regulations for having animals in a kennel zone. He stated the Planning Commission could “bend the rules” a little, but really had to obey the laws and ordinances. He also gave his opinion regarding the Hunter Elementary walkway issue the City Council previously discussed in Study Meeting and requested the Council consider the options.

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LeRoy Gibson addressed the City Council and discussed the construction project on 7200 West. Mr. Gibson stated it was not being done in a safe manner. He stated it seemed like no one from the construction company or City staff cared about safety issues and he gave some examples. He indicated there was rock and gravel all over the road. He stated, in his opinion, it was the most unsafe project in the entire country and there was a really bad wreck there the previous Saturday.

15456

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING DECLARING A PARCEL OF CITY-OWNED PROPERTY LOCATED AT APPROXIMATELY 4748 SOUTH WESTRIDGE BOULEVARD (PARCEL NUMBER 206G:T) AS SURPLUS PROPERTY AND AUTHORIZING ITS SALE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding declaring a parcel of City-owned property located at approximately 4748 South Westridge Boulevard (Parcel Number 206G:T) as surplus property and authorizing its sale. He discussed proposed Resolution No. 11-127 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 11-127 which would declare a parcel of property located at approximately 4748 South Westridge Blvd to be surplus and approving a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation (UDOT).

Mr. Pyle stated UDOT desired to purchase certain property owned by the City for the Mountain View Corridor project. He also stated UDOT had offered \$928,400.00 for this purchase of a 5.328-acre lot located at the corners of 4700 South, Westridge Boulevard and Double Eagle Circle. He reported the amount was based on an appraisal prepared by Van Drimmelen & Associates, Inc.

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: RESOLUTION NO. 11-127, DECLARING A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 4748 SOUTH WESTRIDGE BOULEVARD TO BE SURPLUS AND APPROVING A REAL ESTATE PURCHASE AGREEMENT AUTHORIZING ITS SALE TO THE UTAH DEPARTMENT OF TRANSPORTATION

The City Council previously held a public hearing regarding proposed Resolution No. 11-127 which would declare a parcel of property located at approximately 4748 South Westridge Boulevard to be surplus and approve a Real Estate Purchase Agreement authorizing its sale to the Utah Department of Transportation.

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After discussion, Councilmember Buhler moved to approve Resolution No. 11-127, a Resolution Declaring a Parcel of Property Located at Approximately 4748 South Westridge Boulevard to be Surplus and Approving a Real Estate Purchase Agreement Authorizing its Sale to the Utah Department of Transportation. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15457

ORDINANCE NO. 11-20, AMEND SECTION 17-24-101 AND ENACT SECTION 17-24-114 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REGULATE THE USE OF FLAME BY PERFORMERS

City Manager, Wayne Pyle, presented proposed Ordinance No. 11-20 which would amend Section 17-24-101 and enact Section 17-24-114 of the West Valley City Municipal Code to regulate the use of flame by performers.

Mr. Pyle stated many artists and performers used flame in displays and cultural performances. He also stated there were rules governing the use of flame for these purposes under the State Fire Marshal, but not specifically in City ordinances. He indicated the Fire Department had observed several instances where the use of flame for displays and, particularly cultural performances, had been dangerous. He explained although the State Fire Marshal required licenses for the use of flame for these purposes, most performers did not obtain the appropriate licenses or site approvals. He advised the proposed ordinance provisions would aid the Fire Department in ensuring all displays and performances using flame were safe for the performer(s), the site, and the spectators.

After discussion, Councilmember Burt moved to approve Ordinance No. 11-20, an Ordinance Amending Section 17-24-101 and Enacting Section 17-24-114 of the West Valley City Municipal Code to Regulate the Use of Flame by Performers. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15458

RESOLUTION NO. 11-128, APPROVE AN AGREEMENT WITH GRANGER-HUNTER IMPROVEMENT DISTRICT FOR THE INSTALLATION OF A WATER TRANSMISSION LINE WITH THE 1200 WEST CONNECTOR ROAD PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-128 which would approve an Agreement with Granger-Hunter Improvement District, in the amount of \$406,985.00, for the installation of a water transmission line with the 1200 West Connector Road Project.

Mr. Pyle stated Granger-Hunter Improvement District would pay the City to include the installation of a 24-inch water transmission line with the construction of the 1200 West Connector Road Project.

The City Manager reported the City had a federally funded project to construct a new road between the 3300 South 1200 West intersection and the 1400 West 3100 South intersection, near the Utah Cultural Celebration Center. He indicated because this was a federally funded project, bids would be advertised and the contract awarded through a cooperative agreement with the Utah Department of Transportation.

Mr. Pyle informed that Granger-Hunter desired to have a new 24-inch water transmission line installed prior to paving of the road and were willing to pay the City to include that line with the road construction project. He stated Granger-Hunter would pay the City the estimated cost of the project prior to the advertising and award of the project. He also informed that after the project was completed, any surplus money would be reimbursed to Granger-Hunter or, if additional funds were needed, they would be paid by the District to the City.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-128, a Resolution Authorizing the Execution of an Agreement between West Valley City and the Granger-Hunter Improvement District for the Installation of a Water Transmission Line with the 1200 West Connector Road Project. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15459

RESOLUTION NO. 11-129, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH ACCESS WEST DEVELOPMENT FOR PROPERTY LOCATED AT 1204 WEST 3300 SOUTH AND ACCEPT A SPECIAL WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE PROPERTY FOR THE 1200 WEST CONNECTOR ROAD PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-129 which would approve a Real Estate Purchase Agreement with Access West Development, in the amount of \$87,610.00, for property located at 1204 West 3300 South and accept a Special Warranty Deed and Grant of Temporary Construction Easement for the property for the 1200 West Connector Road Project.

Mr. Pyle stated Access Development West, LLC, had signed the Real Estate Purchase Agreement and Grant of Temporary Construction Easement, and agreed to sign a Special Warranty Deed.

The City Manager reported a portion of the subject parcel was located at 1204 West 3300 South (0.239 acre) and being acquired for construction of the 1200 West Connector Road Project, which would extend from the intersection of 3100 South and 1400 West to the intersection of 3300 South and 1200 West. He advised compensation for purchase of property and the Grant of Temporary Construction Easement would be in the amount of \$87,610.00. He reported the amount of compensation had been negotiated based on the appraised value of \$65,100.00 per an appraisal report prepared by Free and Associates, Inc. He indicated negotiations had subsequently been mediated through the office of the Utah Property Rights Ombudsman.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-129, a Resolution Authorizing the City to enter into a Real Estate Purchase Agreement with Access West Development for Property Located at 1204 West 3300 South and Accept a Special Warranty Deed and a Grant of Temporary Construction Easement for the Property. Councilmember Burt seconded the motion.

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A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15460

RESOLUTION NO. 11-130, APPROVE A RIGHT-OF-WAY AGREEMENT WITH SALT LAKE COUNTY FOR PROPERTY LOCATED AT 1166 WEST 3300 SOUTH, AND ACCEPT A SPECIAL WARRANTY DEED FOR THE 1200 WEST CONNECTOR ROAD PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-130 which would approve a Right-of-Way Agreement with Salt Lake County for property located at 1166 West 3300 South, and accept a Special Warranty Deed for the 1200 West Connector Road Project.

Mr. Pyle stated Salt Lake County had agreed to sign the Right-of-Way Agreement and Special Warranty Deed for the 1200 West Connector Road Project. He advised the Right-of-Way Agreement and Special Warranty Deed were approved by the Salt Lake County Council at its August 16, 2011, meeting (Resolution 15.3)

The City Manager reported the 3,258 square foot parcel located along 3300 South Street frontage at 1166 West 3300 South was one of the properties to be acquired for the 1200 West Connector Road Project. He stated this additional property would provide a westbound deceleration and right turn lane onto the proposed Rosa Parks Drive. He also stated this road project would connect 3100 South at its current terminus at the Utah Cultural Celebration Center to the intersection 1200 West and 3300 South. He also reported compensation for the purchase of this parcel was per an appraisal report prepared by Van Drimmelen & Associates, Inc.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-130, a Resolution Authorizing the City to Enter Into a Right-of-Way Agreement with Salt Lake County for Property Located at 1166 West 3300 South, and to Accept a Special Warranty Deed. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
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Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15461

RESOLUTION NO. 11-131, AUTHORIZE EXECUTION AND RECORDING OF DELAY AGREEMENT BETWEEN WEST VALLEY CITY AND CABCO 5600 LLC, FOR PROPERTY LOCATED AT 2514 SOUTH 5700 WEST AND 2518 SOUTH ANNA CAROLINE DRIVE (5700 WEST)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-131 which would authorize execution and recording of a Delay Agreement between West Valley City and Cabco 5600 LLC, for property located at 2514 South 5700 West and 2518 South Anna Caroline Drive (5700 West).

Mr. Pyle stated Cabco 5600 West Subdivision, had requested to delay construction of curb and gutter, sidewalk, concrete drive approach and road improvements for Lots 1 and 2 Cabco 5600 West Subdivision.

City Manager, Wayne Pyle, reported construction of a portion of Anna Caroline Drive on the north side of the Riter Canal had been required as part of the Cabco 5600 West Subdivision. He stated Anna Caroline Drive currently ended on the south side of the Riter Canal. He explained as construction of street improvements on the north side of Riter Canal served no purpose until a bridge was constructed over the Canal, Cabco 5600, LLC requested to delay the required improvements until construction of a bridge or as required by West Valley City. He reported RJF Company, LTD LP had originally executed a Delay Agreement on August 8, 2011, for property located at 2514 South 5600 West. However, on August 15, 2011, the property had been deeded to Cabco 5600, LLC. As RJF Company was no longer the owner of record, a new Delay Agreement had been prepared for execution which would replace the original document reviewed August 23, 2011, in the City Council's Study Meeting.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-131, a Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and Cabco 5600 LLC for Property Located at 2514 South 5700 West and 2518 South Anna Caroline Drive (5700 West). Councilmember Burt seconded the motion.

A roll call vote was taken:

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Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15462

RESOLUTION NO. 11-132, AUTHORIZE A GRANT OF FUNDS TO THE WEST VALLEY CITY REDEVELOPMENT AGENCY TO ASSIST WITH THE PROMENADE/PLAZA SITE IMPROVEMENTS PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-132 which would authorize a grant of funds to the West Valley City Redevelopment Agency (RDA) to assist with the Promenade/Plaza Site Improvements Project.

Mr. Pyle stated the proposal would authorize the City to provide the RDA with a grant of \$1,611,175.00 toward construction costs for the Promenade/Plaza Site Improvements Project. He also explained the Community Development and Renewal Agencies Act, Utah Code Annotated 17C-1-207 (1)(a)(viii), authorized a municipality to grant funds to a redevelopment agency in order to assist with an urban renewal project.

After discussion, Councilmember Buhler moved to approve Resolution No. 11-132, a Resolution Authorizing a Grant of Funds to the West Valley City Redevelopment Agency to Assist with the Promenade/Plaza Site Improvements Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Majority.

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15463

RESOLUTION NO. 11-133, APPROVE AN AGREEMENT BETWEEN THE UTAH TRANSIT AUTHORITY, WEST VALLEY CITY, AND THE WEST VALLEY CITY REDEVELOPMENT AGENCY FOR AN EXCHANGE OF PARKING AND PROPERTY WITHIN FAIRBOURNE STATION

City Manager, Wayne Pyle, presented proposed Resolution No. 11-133 which would approve an Agreement between the Utah Transit Authority (UTA), West Valley City, and the West Valley City Redevelopment Agency (RDA) for an exchange of parking and property within Fairbourne Station.

Mr. Pyle stated the City's RDA and UTA both needed additional parking within Fairbourne Station. He also stated the RDA required UTA owned property for construction of the Promenade and a new road just south of the Embassy Suite Hotel. He reported that under the proposed agreement UTA would:

- Dedicate property to the City for Market Street to account for realignment of the road
- Deed property on the north end of the Park and Ride lot to the City for a new road
- Share parking spaces within the Park and Ride lot for evening use by hotel patrons
- Deed property north of the West Valley Library to the RDA for the Promenade
- Contribute funds to expand the Park and Ride lot

The City Manager explained in exchange for UTA's contributions the City would stripe parallel parking spaces along the south half of Market Street and share parking spaces at City Hall with UTA for transit patrons. He indicated the RDA would deed property west of the Park and Ride lot to UTA and contribute funds to expand the Park and Ride lot.

After discussion, Councilmember Christensen moved to approve Resolution No. 11-133, a Resolution Authorizing the Execution of an Agreement between the Utah Transit Authority, West Valley City, and the West Valley City Redevelopment Agency for an Exchange of Parking and Property within Fairbourne Station. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes

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Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15464

RESOLUTION NO. 11-134, APPROVE AN AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION DATED MARCH 9, 2010, FOR THE DESIGN AND CONSTRUCTION OF THE 1200 WEST CONNECTOR ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 11-134 which would approve an Amendment to the Cooperative Agreement with the Utah Department of Transportation, dated March 9, 2010, in the amount of \$360,000.00, for the design and construction of the 1200 West Connector Road.

Mr. Pyle stated the subject agreement would cover additional cost to construct a 24-inch waterline for Granger-Hunter Improvement District in the federally funded 1200 West Connector Road Project. He informed that the City and the Improvement District had worked together to have the contractor for the 1200 West Connector Road Project install the waterline as part of the project which would allow the line to be installed without cutting the new asphalt roadway. He also advised an Interlocal Agreement would be executed between the City and Granger-Hunter to cover costs to construct the waterline (estimated at \$406,985.00).

The City Manager reported the Federal Aid Agreement needed to be modified to include this work to be done as part of the federally funded project. He indicated adding the 24-inch waterline would be betterment to the City and, therefore, required a modification of the original agreement.

After discussion, Councilmember Burt moved to approve Resolution No. 11-134, a Resolution Approving an Amendment to the Cooperative Agreement between West Valley City and the Utah Department of Transportation, dated March 9, 2010, for the Design and Construction of the 1200 West Connector Road. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

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Unanimous.

15465

RESOLUTION NO. 11-135, AWARD A CONTRACT TO TNT GENERAL CONTRACTORS FOR THE 2011 STORM DRAIN PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 11-135 which would award a contract to TNT General Contractors, in the amount of \$276,777.00, for the 2011 Storm Drain Project.

Mr. Pyle stated the project consisted of storm drainage improvements at various locations, including pipe replaced at 6800 West 3800 South; new drainage improvements on the south SR-201 Frontage Road between Bangerter Highway and 5600 West; new drainage improvements on Claybourne Avenue (2785 South) east of Redwood Road and Russet Avenue (2830 South) east of Redwood Road; and replacement of a failed storm drain cleanout box on Constitution Boulevard (2700 West) near Lehman Avenue (3600 South).

The City Manager reported bids had been solicited and one bid received as follows:

TNT General Contractors:	
Schedule 1 – 6800 West 3800 South	\$ 19,996.00
Schedule 2 – 201 Frontage Road between Bangerter and 5600 West	\$203,250.00
Schedule 3 – Claybourne Avenue and Russet Avenue	\$ 45,576.00
Schedule 4 – 2700 West Lehman Avenue	\$ 7,955.00
Total:	\$276,777.00

Mr. Pyle further reported the engineer's estimate was in the amount of \$312,925.00.

City Manager, Wayne Pyle, stated the Utah Department of Transportation (UDOT) Region 2 would pay \$91,900.00 to assist with the SR-201 Frontage Road drainage problem.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-135, a Resolution Awarding a Contract to TNT General Contractors and Authorizing the Execution of a Contract for the 2011 Storm Drain Project. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15466

RESOLUTION NO. 11-137, APPROVE A SHORT TERM LEASE/USE AGREEMENT WITH JAMES DIX FOR USE OF THE CITY-OWNED PROPERTY LOCATED AT 4063 SOUTH 7200 WEST IN WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 11-137 which would approve a Short Term Lease/Use Agreement with James Dix for use of the City-owned property located at 4063 South 7200 West in West Valley City.

Mr. Pyle stated the proposed agreement defined terms in which the City would allow James Dix to house his animals on the property. He advised the Utah Department of Transportation (UDOT) found it necessary to relocate Mr. Dix in order to begin work on the Mountain View Corridor. He advised as Mr. Dix had not found a permanent place to house his animals, which included hundreds of snakes, reptiles, amphibians, rodents and mammals; if approved, the City would agreed to a short term relocation of the animals to the subject property until the City, Mr. Dix and UDOT located a permanent, legal home for the animals.

After discussion, Councilmember Burt moved to deny proposed Resolution No. 11-137 regarding a Short Term Lease/Use Agreement with James Dix for use of the City-owned property Located at 4063 South 7200 West. Councilmember Brooks seconded the motion.

Prior to calling for a roll call vote regarding the above motion, Mayor Winder recognized Mr. James Dix, 3991 Bills Drive, and allowed him to address the City Council.

Mr. Dix spoke to the Council's concern that he would not be able to move the animals and the City would end up owning them. He discussed entities he was under contract with for care of animals and for use of certain animals for training services for law enforcement and other groups. Mr. Dix stated he had animals that were native to Utah and he also provided rescue services. He also requested the City Council consider allowing use of the shelter for a nine-month period as moving animals in the winter would jeopardize lives of some of them.

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City Manager, Wayne Pyle, reminded he had recommended approval of the subject resolution including the 90-day lease and he outlined reasons for that recommendation.

Upon discussion, members of the City Council expressed respective opinions and concerns regarding the proposal. The City Council discussed terms of the lease agreement and liability issues. Some members of the Council indicated the Council and City staff had spent a lot of time on this issue as Mr. Dix provided a valuable service to the city, county and state. Members of the Council indicated, unfortunately, the City was in a difficult situation and there were issues of concern in the lease agreement that might not even be acceptable to Mr. Dix. Some members of the Council indicated there were timeline issues with UDOT and if the City denied the proposal at this time, it would force Mr. Dix to move faster to facilitate one move rather than two moves as anticipated in the proposal. Some members of the Council stated it seemed fair to give Mr. Dix 90 days at the animal shelter which was “as is” and he would pay for utilities, which would give him time to figure out the next step. Some members of the Council stated the City would be acting in good faith to give Mr. Dix options. Also discussed was that Mr. Dix had known for some time he would have to vacate his current location and make other arrangements for his animals.

Mayor Winder then called the question regarding the motion by Councilmember Burt and second by Councilmember Brooks to deny proposed Resolution No. 11-137.

A roll call vote was taken:

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

Majority. Proposed Resolution No. 11-137 was denied.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 6, 2011, WAS ADJOURNED AT 7:15 P.M., BY MAYOR WINDER.

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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, September 6, 2011.

Sheri McKendrick, MMC
City Recorder