

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 4, 2011

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 4, 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
Corey Rushton
Steve Vincent (arrived as noted)

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Don Christensen

STAFF PRESENT:

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

15502 **OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt. She discussed a plaque she received after speaking at the Relay for Life event and she read the message on the plaque entitled, "My Town."

15503 **APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 20, 2011**

The Council read and considered Minutes of the Regular Meeting held September 20, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Brooks moved to approve the Minutes of the Regular Meeting held September 20, 2011, as written. Councilmember Buhler 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
Mayor Winder	Yes

Unanimous.

15504 **PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER 2011 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**
Councilmember Brooks read a Proclamation recognizing the month of October 2011, as National Domestic Violence Awareness Month.

15505 **COMMENT PERIOD**
Upon inquiry by Mayor Winder, there was no one in attendance who desired to address the City Council during the comment period.

15506 **RESOLUTION NO. 11-154, REQUESTING RECERTIFICATION OF THE WEST VALLEY CITY JUSTICE COURT BY THE UTAH JUDICIAL COUNCIL AND THE JUSTICE COURTS STANDARDS COMMITTEE**
City Manager, Wayne Pyle, presented proposed Resolution No. 11-154 which requested recertification of the West Valley City Justice Court by the Utah Judicial Council and the Justice Courts Standards Committee.

Mr. Pyle stated the West Valley City Justice Court operated under the authority of the Utah Code and the rules of the Utah Judicial Council and was certified by the Utah Judicial Council and the Justice Courts Standards Committee. He advised that every four years the Justice Court was required to be recertified by these entities to ensure the Justice Court operated in compliance with applicable laws and regulations.

The City Manager reported the City had recently been notified by the Administrative Office of the Courts that the West Valley City Justice Court was due for recertification. He explained the proposed resolution would affirm the City's willingness to continue to meet all necessary and reasonable requirements set forth by the Utah Code and the Utah Judicial Council for continued operation of the Justice Court for another four year term.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-154, a Resolution Requesting the Recertification of the West Valley City Justice Court by the Utah Judicial Council and the Justice Courts Standards Committee. 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
Mayor Winder	Yes

Unanimous.

15507 **RESOLUTION NO. 11-155, ACCEPT A DEED FROM THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROPERTY LOCATED AT APPROXIMATELY 6392 WEST 5400 SOUTH (TAX ID NO. 20-11-300-005)**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-155 which would accept a Deed from the Utah Department of Transportation (UDOT) for property located at approximately 6392 West 5400 South (Tax ID No. 20-11-300-005).

Mr. Pyle stated UDOT desired to deed the subject property to the City as part of the Mountain View Corridor land transactions. He further stated, in turn, the City would grant an easement on the land to Pristine Alpine Entertainment to provide parking for the USANA Amphitheater. He advised parking at the USANA parking would be disrupted as part of the Mountain View Corridor construction.

After discussion, Councilmember Buhler moved to approve Resolution No. 11-155, a Resolution Authorizing the City to Accept a Deed from the Utah Department of Transportation for Property Located at Approximately 6392 West 5400 South. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

15508 **RESOLUTION NO. 11-156, ACCEPT A DEED FROM THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROPERTY LOCATED AT APPROXIMATELY 5755 WEST 4700 SOUTH (TAX ID NOS. 20-02-476-002, 20-02-400-039, 20-02-400-040)**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-156 which would accept a Deed from the Utah Department of Transportation (UDOT) for

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property located at approximately 5755 West 4700 South (Tax ID Nos. 20-02-476-002, 20-02-400-039, 20-02-400-040).

Mr. Pyle stated UDOT desired to deed the subject property to the City as compensation for loss of the value to the land next to the Valley Emergency Communications Center (VECC) due to the Mountain View Corridor road project. He advised UDOT had offered \$1,170,100.00 as a cost to cure for the encumbered land next to the VECC facility, less the \$800,000.00 for purchase of this new property. He further advised UDOT was not yet prepared to deliver the deed to the subject property, therefore, the resolution would authorize the City Manager to enter into an agreement necessary to complete the transaction.

After discussion, Councilmember Burt moved to approve Resolution No. 11-156, a Resolution Authorizing the City to Accept a Deed from the Utah Department of Transportation for Property Located at Approximately 5755 West 4700 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

15509

RESOLUTION NO. 11-157, ACCEPT A DEED FROM THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROPERTY LOCATED AT APPROXIMATELY 6004 WEST 5400 SOUTH (TAX ID NO. 20-11-400-055)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-157 which would accept a Deed from the Utah Department of Transportation (UDOT) for property located at approximately 6004 West 5400 South (Tax ID No. 20-11-400-055).

Mr. Pyle stated UDOT desired to deed the subject property to the City as part of the Mountain View Corridor land transactions. He further stated, in turn, the City would grant an easement on the land to Pristine Alpine Entertainment to provide parking for the USANA Amphitheater. He advised parking at the USANA's parking would be disrupted as part of the Mountain View Corridor construction project.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-157, a Resolution Authorizing the City to Accept a Deed from the Utah

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Department of Transportation for Property Located at Approximately 6004 West 5400 South. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

Councilmember Vincent arrived at the meeting at 6:38 P.M.

15510 **RESOLUTION NO. 11-158, APPROVE A REAL ESTATE PURCHASE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR SALE OF CITY PROPERTY LOCATED AT APPROXIMATELY 5168 SOUTH UPPER RIDGE ROAD (TAX ID NO. 20-11-302-001)**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-158 which would approve a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation (UDOT) for sale of City property located at approximately 5168 South Upper Ridge Road (Tax ID No. 20-11-302-001).

Mr. Pyle stated UDOT desired to purchase the subject property owned by the City for the proposed Mountain View Corridor project. He reported UDOT had offered \$88,900.00 for purchase of the 3.56 acre parcel, which parcel had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-158, a Resolution Approving a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation for the Sale of City Property Located at Approximately 5168 South Upper Ridge Road. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

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Unanimous.

15511 **RESOLUTION NO. 11-159, APPROVE A REAL ESTATE PURCHASE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR SALE OF CITY PROPERTY LOCATED AT APPROXIMATELY 5025 SOUTH UPPER RIDGE ROAD/5219 SOUTH UPPER RIDGE ROAD (TAX ID NO. 20-11-300-016)**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-159 which would approve a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation (UDOT) for sale of City property located at approximately 5025 South Upper Ridge Road/5219 South Upper Ridge Road (Tax ID No. 20-11-300-016).

Mr. Pyle stated UDOT desired to purchase the subject property owned by the City for the proposed Mountain View Corridor project. He further stated UDOT had offered \$18,600.00 for the 3.2 acre parcel, which parcel had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Buhler moved to approve Resolution No. 11-159, a Resolution Approving a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation for the Sale of City Property Located at Approximately 5025 South Upper Ridge Road/5219 South Upper Ridge Road. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

15512 **RESOLUTION NO. 11-160, APPROVE A REAL ESTATE PURCHASE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR SALE OF CITY PROPERTY LOCATED AT APPROXIMATELY 6308 WEST BOX OFFICE DRIVE (TAX ID NO. 20-11-301-002)**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-160 which would approve a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation (UDOT) for sale of City property located at approximately 6308 West Box office Drive (Tax ID No. 20-11-301-002).

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Mr. Pyle stated UDOT desired to purchase the subject property owned by the City for the proposed Mountain View Corridor project. He further stated UDOT had offered \$805,900.00 for purchase of the 5.76 acre parcel, which parcel had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-160, a Resolution Approving a Real Estate Purchase Agreement between West Valley City and the Utah Department of Transportation for the Sale of City Property Located at Approximately 6308 West Box Office Drive. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

15513

RESOLUTION NO. 11-161, APPROVE A RIGHT OF WAY CONTRACT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR TRANSFER OF CITY PROPERTY LOCATED AT APPROXIMATELY 6204 WEST BOX OFFICE DRIVE (TAX ID NO. 20-11-301-003)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-161 which would approve a Right of Way Contract between West Valley City the Utah Department of Transportation (UDOT) for transfer of City property located at approximately 6204 West Box Office Drive (Tax ID No. 20-11-301-003).

Mr. Pyle stated the subject parcel was required by UDOT to construct the Mountain View Corridor project. He further stated because the property was part of the West Ridge Golf Course the entire course needed to be redesigned and reconstructed. He reported UDOT had offered \$39,500.00 as the cost to cure for the golf course pursuant to another agreement with UDOT entitled “Agreement Concerning UDOT’s Partial Acquisition of West Valley City’s West Ridge Golf Course Property.” He indicated the subject property had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-161, a Resolution Approving a Right of Way Contract between West Valley City and the Utah Department of Transportation for the Transfer of City Property

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Located at Approximately 6204 West Box Office Drive. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

15514

RESOLUTION NO. 11-162, APPROVE A RIGHT OF WAY CONTRACT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR TRANSFER OF CITY PROPERTY LOCATED AT APPROXIMATELY 6082 WEST CONCERT COURT (TAX ID NO. 20-11-326-001)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-162 which would approve a Right of Way Contract between West Valley City and the Utah Department of Transportation (UDOT) for transfer of City property located at approximately 6082 West Concert Court (Tax ID No. 20-11-326-001).

Mr. Pyle stated UDOT desired to acquire 4.63 acres of property owned by the City for the proposed Mountain View Corridor project. He indicated the subject property was required by UDOT to construct the Mountain View Corridor project. He also stated because the property was part of the West Ridge Golf Course the entire course needed to be redesigned and reconstructed. He reported UDOT had offered \$648,700.00 as the cost to cure for the golf course pursuant to another agreement with UDOT entitled “Agreement Concerning UDOT’S Partial Acquisition of West Valley City’s West Ridge Golf Course Property.” He stated the subject property had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-162, a Resolution Approving a Right of Way Contract between West Valley City and the Utah Department of Transportation for the Transfer of City Property Located at Approximately 6082 West Concert Court. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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

Unanimous.

15515

RESOLUTION NO. 11-163, APPROVE A RIGHT OF WAY CONTRACT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION TO GRANT AN EASEMENT ON CITY-OWNED PROPERTY LOCATED AT APPROXIMATELY 5970 WEST 5400 SOUTH FOR PARKING AT THE USANA AMPHITHEATER (PARCEL NOS. 203U:E; TAX ID NO. 20-11-400-056)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-163 which would approve a Right of Way Contract between West Valley City and the Utah Department of Transportation (UDOT) to grant an easement on City-owned property located at approximately 5970 West 5400 South for parking at the USANA Amphitheater (Parcel Nos. 203U:E; Tax ID No. 20-11-400-056).

Mr. Pyle stated UDOT desired to compensate the City for a perpetual easement over 7.946 acres of property owned by the City as part of the Mountain View Corridor land transactions. He advised the easement would provide parking for the USANA Amphitheater. He further stated parking at the USANA's parking would be disrupted as part of the Mountain View Corridor construction. He reported the subject easement would be granted to Pristine Alpine Entertainment to allow the Amphitheater parking to be redesigned and reconstructed. He advised UDOT had offered \$1,170,049.00 as the cost to cure.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-163, a Resolution Approving a Right of Way Contract between West Valley City and the Utah Department of Transportation to Grant an Easement on City Owned Property Located at Approximately 5970 West 5400 South for Parking at the USANA Amphitheater. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 11-164, APPROVE A RIGHT OF WAY CONTRACT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE TRANSFER OF CITY PROPERTY DESCRIBED AS PORTIONS OF BOX OFFICE DRIVE AS SHOWN ON THE RECORDED SUBDIVISION PLAT OF WEST RIDGE COMMERCE PARK PHASE 4, LOCATED AT APPROXIMATELY 5105 SOUTH 6320 WEST (PARCEL NO. 203N:A)

City Manager, Wayne Pyle, presented proposed Resolution No. 11-164 which would approve a Right of Way Contract between West Valley City and the Utah Department of Transportation (UDOT) for the transfer of City property described as portions of Box Office Drive, as shown on the recorded Subdivision Plat of West Ridge Commerce Park Phase 4, located at approximately 5105 South 6320 West (Parcel No.203N:A).

Mr. Pyle stated UDOT required the subject property for the proposed Mountain View Corridor project. He also stated the parcel currently existed as a dedicated public road, therefore, no appraisal had been completed on the property. He advised the property would continue to be used as a public road but that portion of the roadway would now become part of the Mountain View Corridor and under the jurisdiction of UDOT. He reported the subject parcel had been declared surplus by the City Council on September 27, 2011.

After discussion, Councilmember Burt moved to approve Resolution No. 11-164, a Resolution Approving a Right of Way Contract between West Valley City and the Utah Department of Transportation for the Transfer of City Property Described as Portions of Box Office Drive, as Shown on the Recorded Subdivision Plat of West Ridge Commerce Park Phase 4, Located at Approximately 5105 South 6320 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 4, 2011, WAS ADJOURNED AT 6:42 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, October 4, 2011.

Sheri McKendrick, MMC
City Recorder