

MINUTES OF COUNCIL REGULAR MEETING – FEBRUARY 4, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 4, 2014, 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:

Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Chris Curtis, Acting CPD Director
Jake Arslanian, Public Works Department
Steve Lehman, CED Department

16467

OPENING CEREMONY

The Opening Ceremony was conducted by Corey Rushton who discussed mentor and good friend former Councilmember Carolynn Burt, now deceased. He shared a poem Ms. Burt had written and read aloud at his first meeting as a new Councilmember. He also led the Pledge of Allegiance to the Flag.

16468

APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 21, 2014

The Council read and considered Minutes of the Regular Meeting held January 21, 2014. There were no changes, corrections or deletions.

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After discussion, Councilmember Nordfelt moved to approve the Minutes of the Regular Meeting held January 21, 2014, as written. 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.

16469

CHIEF BRYAN ROBERTS, DRAPER CITY POLICE DEPARTMENT – PRESENTATION TO WEST VALLEY CITY AND POLICE DEPARTMENT

Mayor Bigelow introduced Chief Bryan Roberts, Draper City Police Department.

Chief Bryan Roberts addressed the City Council and introduced Sgt. Chad Carpenter who had accompanied him to the meeting. Chief Roberts expressed appreciation to West Valley City and the Police Department for support and assistance rendered last year in dealing with the in the line of duty death of Sgt. Derrik Johnson. He stated, tragically, another Utah city had recently suffered another loss of an officer shot in the line of duty. He thanked West Valley City for the professionalism and understanding displayed in this time of crisis. He presented a plaque to West Valley City Chief Lee Russo that included a shadowbox and photograph of Sgt. Johnson, a Draper City police patch, a casing from the 21 gun salute, and inscription. He read the inscription aloud.

On behalf of the City Council, Mayor Bigelow thanked Chief Roberts for coming to the meeting and the plaque. He also expressed heartfelt appreciation for those individuals in public safety service who risk their lives every day to protect their communities.

16470

COMMENT PERIOD

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

A. **PUBLIC COMMENTS**

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Mike Markham addressed the City Council and discussed listening to the radio the previous day and a report regarding a high speed chase in West Valley City; but actually took place in Murray City. He advised he had reviewed this with the City Manager and desired that the Council also be aware of this in order to possibly instigate a change in erroneous news reports regarding the City. He discussed expenditure the previous year of \$38,000 to remove graffiti and suggested more involvement of parents being required to pay when their children vandalized public property. He suggested shorter time periods to come into compliance regarding code violations. He discussed information previously presented by Chief Russo and suggested more enforcement regarding drivers running red lights, especially at higher rates of speed particularly on 4700 South and 2700 West. Mr. Markham expressed the desire for more citizens to attend Council meetings and get involved in the community. He informed of his intention to write some letters to newspapers' public forums to defend the City and encourage residents to get more involved.

Upon inquiry, there was no one else who desired to address the City Council during the comment period.

16471

PUBLIC HEARING, ACCEPT INPUT REGARDING APPLICATION NO. SV-7-2013, FILED BY THE UTAH DEPARTMENT OF TRANSPORTATION, REQUESTING TO VACATE A PORTION OF 6400 WEST FROM APPROXIMATELY 5185 SOUTH TO 5400 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. SV-7-2013, filed by the Utah Department of Transportation, requesting to vacate a portion of 6400 West from approximately 5185 South to 5400 South. He discussed proposed Ordinance No. 14-12 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 14-12 that would vacate a portion of 6400 West from approximately 5185 South to 5400 South in West Valley City, Utah.

Mr. Pyle stated the existing road had been in place for many years and not formally dedicated by plat (as was typically the method for public rights-of-way) but by document and by prescriptive use. He indicated since the public had historically used the road, the appropriate application to vacate such a street was by a vacation plat. In order to terminate 6400 West in an acceptable fashion, the Utah Department of Transportation had submitted an application to cul-de-sac the south end.

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The City Manager reported staff was unsure what utilities may or may not exist along the right-of-way. He stated as standard practice the City would record an ordinance along with the vacating plat. The ordinance would have no force or effect of any franchise rights of any public utilities, nor would they be impaired thereby. He explained the ordinance would also protect any holders of existing franchises, water drainage pipelines, or other such uses as they may presently exist under, over or upon said property or as were or may be shown on the official plats and records of Salt Lake County.

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. 14-12, VACATING A PORTION OF 6400 WEST FROM APPROXIMATELY 5185 SOUTH TO 5400 SOUTH IN WEST VALLEY CITY, UTAH

The Council previously held a public hearing regarding Application No. SV-7-2013, filed by the Utah Department of Transportation, and proposed Ordinance No. 14-12 that would vacate a portion of 6400 West from approximately 5185 South to 5400 South in West Valley City, Utah.

After discussion, Councilmember Rushton moved to approve Ordinance No. 14-12, an Ordinance Vacating a Portion of 6400 West from Approximately 5185 South to 5400 South in West Valley City, Utah. 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.

16472

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SV-6-2013, FILED BY THE UTAH DEPARTMENT OF TRANSPORTATION, REQUESTING TO VACATE A PORTION OF WESTRIDGE BOULEVARD LOCATED SOUTH OF DOUBLE EAGLE CIRCLE (4790 SOUTH)

City Manager, Wayne Pyle, stated public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No.

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SV-6-2013, filed by the Utah Department of Transportation, requesting to vacate a portion of Westridge Boulevard located south of Double Eagle Circle (4790 South). He discussed proposed Ordinance No. 14-13 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 14-13 that would vacate a portion of Westridge Boulevard in West Valley City, Utah.

Mr. Pyle stated the requested portion to be vacated was located south of Double Eagle Circle that had a coordinate of 4790 South. He indicated the proposed vacation would extend south to the northeast corner of Lot 3 in the West Ridge Commerce Park Phase 4 Subdivision. The portion to be vacated was due to modifications of the West Ridge Golf Course, a necessity brought about by construction of the Mountain View Corridor.

He further explained the portion of Westridge Boulevard to be vacated had been platted as part of two separate subdivision applications. He stated West Ridge Commerce Park Phase 2 had been recorded in July of 1994 and West Ridge Commerce Park Phase 4 had been recorded in July of 2008.

The City Manager reported that when the current alignment of the Mountain View Corridor was selected, changes to the West Ridge Golf Course had been imminent. Plans were prepared to modify the golf course that included vacation of this portion of Westridge Boulevard. He stated the golf course modifications had been completed and the course was now open. The Utah Department of Transportation was now prepared to formally request the vacation of the portion of this road that was no longer needed. Access to the golf course clubhouse was now provided from the Southern portion of Westridge Boulevard.

Mr. Pyle advised although this street would be vacated by ordinance, the ordinance would have no force or effect of any franchise rights of any public utilities, nor would they be impaired thereby. The ordinance would also protect any holders of existing franchises, water drainage pipelines, or other such uses as they may presently exist under, over or upon said property or as were or may be shown on the official plats and records of Salt Lake County.

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. 14-13, AN ORDINANCE VACATING A PORTION OF WESTRIDGE BOULEVARD IN WEST VALLEY CITY, UTAH

The Council previously held a public hearing regarding Application No. SV-6-2013, filed by the Utah Department of Transportation, and proposed Ordinance

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No. 14-13 that would vacate a portion of Westridge Boulevard in West Valley City, Utah.

After discussion, Councilmember Huynh moved to approve Ordinance No. 14-13, an Ordinance Vacating a Portion of Westridge Boulevard in West Valley City, Utah. 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.

16473

RESOLUTION NO. 14-19, AUTHORIZE THE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH DRP MANAGEMENT, INC., A UTAH CORPORATION, CELEBRITY BUILDERS PENSION PROFIT FBO KEN W. RINDLESBACH, KEN W. RINDLESBACH, PSP, AND KEN W. RINDLESBACH, FOR A PORTION OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF PARKWAY BOULEVARD AT 6400 WEST (PARCEL 14-26-101-005); AND TO ACCEPT A SPECIAL WARRANTY DEED, A GRANT OF TEMPORARY CONSTRUCTION EASEMENT AND STORM DRAINAGE EASEMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 14-19 that would authorize the City to enter into a Right-of-Way Agreement with DRP Management, Inc., a Utah Corporation, Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, Ken W. Rindlesbach, PSP, and Ken W. Rindlesbach, for a portion of property located at the northwest corner of Parkway Boulevard at 6400 West (Parcel 14-26-101-005); and to accept a Special Warranty Deed, a Grant of Temporary Construction Easement and Storm Drainage Easement.

Mr. Pyle stated the property owners had signed a Right-of-Way Agreement and agreed to sign a Special Warranty Deed, Storm Drainage Easement and a Grant of Temporary Construction Easement for the aforementioned property.

The City Manager reported the subject parcel was one of the properties affected by construction of the 6400 West Extension Project to extend from Parkway Boulevard to the SR-201 Frontage Road. He advised compensation in the amount of \$80,200.00 for the purchase of 26,100 square feet of right-of-way, a Storm

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Drainage Easement and a Grant of Temporary Construction Easement had been based on an appraisal report prepared by Van Drimmelen & Associates, Inc.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-19, a Resolution Authorizing the City to Enter Into a Right of Way Agreement with DRP Management, Inc., a Utah Corporation, Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, Ken W. Rindlesbach, PSP, and Ken W. Rindlesbach, for a Portion of Property Located at the Northeast Corner of Parkway Boulevard at 6400 West, Parcel 14-26-101-005, and to Accept a Special Warranty Deed, a Grant of Temporary Construction Easement and a Storm Drainage Easement. Councilmember Lang 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.

16474

RESOLUTION NO. 14-20, AUTHORIZE THE CITY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH DRP MANAGEMENT, INC., A UTAH CORPORATION, CELEBRITY BUILDERS PENSION PROFIT FBO KEN W. RINDLESBACH, KEN W. RINDLESBACH, PSP, AND KEN W. RINDLESBACH, FOR A PORTION OF PROPERTY LOCATED NORTH OF PARKWAY BOULEVARD AT 6400 WEST (PARCEL 14-23-300-014); AND ACCEPT A SPECIAL WARRANTY DEED AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 14-20 that would authorize the City to enter into a Right-of-Way Agreement with DRP Management, Inc., a Utah Corporation, Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, Ken W. Rindlesbach, PSP, and Ken W. Rindlesbach, for a portion of property located north of Parkway Boulevard at 6400 West (Parcel 14-23-300-014); and accept a Special Warranty Deed and a Grant of Temporary Construction Easement.

Mr. Pyle stated the property owners had signed the Right-of-Way Agreement and agreed to sign a Special Warranty Deed and a Grant of Temporary Construction Easement for the above described property.

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He reported the subject parcel was one of the properties affected by construction of the 6400 West Extension Project extending from Parkway Boulevard to the SR-201 Frontage Road. He indicated compensation for purchase of 15,333 square feet of right-of-way and a Grant of Temporary Construction Easement, in the amount of \$39,050.00, had been based on an appraisal prepared by Van Drimmelen & Associates, Inc.

After discussion, Councilmember Buhler moved to approve Resolution No. 14-20, a Resolution Authorizing the City to Enter Into a Right of Way Agreement with DRP Management, Inc., a Utah Corporation, Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, Ken W. Rindlesbach, PSP, and Ken W. Rindlesbach, for a Portion of Property Located North of Parkway Boulevard at 6400 West, Parcel 14-23-300-014, and to Accept a Special Warranty Deed and a Grant of Temporary Construction Easement. 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.

16475

[APPLICATION NO. SD-2-2013, FILED BY KEN HUOT \(REPRESENTING THE UTAH DEPARTMENT OF TRANSPORTATION\), REQUESTING TO DEDICATE A PORTION OF 6400 WEST](#)

City Manager, Wayne Pyle, presented Application No. SD-2-2013, filed by Ken Huot (representing the Utah Department of Transportation), requesting to dedicate a portion of 6400 West.

Mr. Pyle stated the dedication request had been submitted as a result of the Mountain View Corridor and would formally dedicate a portion of 6400 West at approximately 5000 South. He informed dedication would extend southward to approximately 5185 South. He advised the portion to be dedicated had been traveled by the public for many years, but not formally dedicated.

He advised when staff learned the southern portion of 6400 West would be vacated for the Mountain View Corridor a suggestion was made that the

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remaining portion of 6400 West be formally dedicated, and had received agreement in that regard from the Utah Department of Transportation.

The City Manager reported the dedicated road would terminate in a cul-de-sac and the applicant would need to coordinate the as-built drawings with the City's Engineering Division. He advised there was an additional point of access leading out of the cul-de-sac in favor of Alliant Techsystems Inc. and this stubbed access was located at the southwestern portion of the cul-de-sac. He indicated this was consistent with the original placement of their access point that was not a concern.

After discussion, Councilmember Vincent moved to approve Application No. SD-2-2013, filed by the Utah Department of Transportation, and give approval for the 6400 West Dedication Plat dedicating 6400 West at 5000 South to 5185 South in West Valley City, Utah. Councilmember Rushton seconded the motion. Councilmember Rushton seconded the motion.

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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.

16476

APPLICATION NO. SD-3-2013, FILED BY KEN HUOT (REPRESENTING THE UTAH DEPARTMENT OF TRANSPORTATION), REQUESTING TO DEDICATE A PORTION OF WESTRIDGE BOULEVARD AND ALL OF RIDGE VILLAGE DRIVE

City Manager, Wayne Pyle, presented Application No. SD-3-2013, filed by Ken Huot (representing the Utah Department of Transportation), requesting to dedicate a portion of Westridge Boulevard and all of Ridge Village Drive.

Mr. Pyle stated the subject Application also included two small pieces within the new cul-de-sac immediately to the south of The Ridge Golf Club.

He indicated although Westridge Boulevard and Ridge Village Drive had been in existence for many years they were not dedicated by plat. He explained that in 1998 the City reviewed and approved a dedication plat for Westridge Boulevard and Ridge Village Drive, however, a portion of the right-of-way for Westridge Boulevard was located within the power corridor, and Rocky Mountain Power

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was unwilling to sign the plat. Therefore, the dedication of these streets did not occur. He further explained because these streets were already built and used by the public no further action had been taken at that time. He stated that with multiple applications being processed by the Utah Department of Transportation in regard to the Mountain View Corridor, now was the opportune time to resolve the dedication of these streets.

The City Manager also reported the right-of-way for Westridge Boulevard would be 66 feet while the right-of-way for Ridge Village Drive would be 60 feet.

After discussion, Councilmember Lang moved to approve Application No. SD-3-2013, filed by the Utah Department of Transportation, and give approval for the Westridge Boulevard & Ridge Village Drive Dedication Plat to dedicate a portion of Westridge Boulevard and all of Ridge Village Drive located at 5225 South 5885 West. Councilmember Nordfelt seconded the motion.

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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.

16477

CONSENT AGENDA:

A. RESOLUTION NO. 14-21, ACCEPT A QUIT CLAIM DEED FROM BANZAI TEPPAN YAKI, INC. FOR PROPERTY LOCATED AT 2856 SOUTH 5600 WEST

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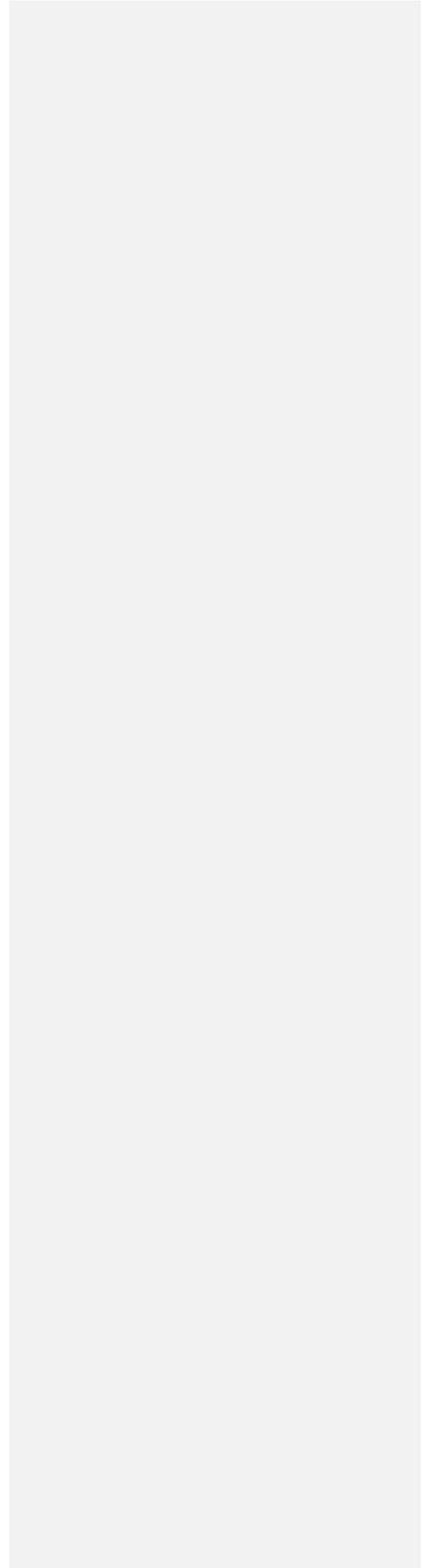
City Manager, Wayne Pyle, presented proposed Resolution No. 14-21 that would accept a Quit Claim Deed from Banzai Teppan Yaki, Inc. for property located at 2856 South 5600 West.

Mr. Pyle stated Banzai Teppan Yaki, Inc., owner of property for the proposed Banzai Teppan Yaki Restaurant, had executed the Quit Claim Deed for additional right-of-way on 5600 West.

He explained as a condition of a building permit approval, additional right-of-way on 5600 West required dedication to the City. He stated 5600 West was to be widened to a 39 feet half (106 feet total, 67 feet east of the section line) in accordance with the West Valley City Major Street Plan.

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B. RESOLUTION NO. 14-22, ACCEPT A PUBLIC SIDEWALK, LIGHTING AND UTILITY EASEMENT FROM BANZAI TEPPAN YAKI, INC. FOR PROPERTY LOCATED AT 2856 SOUTH 5600 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 14-22 that would accept a Public Sidewalk, Lighting and Utility Easement from Banzai Teppan Yaki, Inc. for property located at 2856 South 5600 West.

Mr. Pyle stated the subject easement would be for the proposed Banzai Teppan Yaki Restaurant to be located at 2856 South 5600 West. He indicated the project was subject to requirements of the 5600 West Gateway Overlay Zone that required wider sidewalks and landscape frontage, along with decorative sidewalk lighting on 5600 West. He advised as portions of the proposed sidewalk and lighting fell outside the public right-of-way, an easement was required as a condition of approval for the project.

C. RESOLUTION NO. 14-23, ACCEPT A STORM DRAIN EASEMENT FROM MIDLAND PROPERTIES, LLC, FOR PROPERTY LOCATED AT 2851 SOUTH REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 14-23 that would accept a Storm Drain Easement from Midland Properties, LLC, for property located at 2851 South Redwood Road.

Mr. Pyle stated the proposed easement was for the Car Care Retail Center to be located at 2851 South Redwood Road. He advised the project required curb, gutter, sidewalk and storm drain improvements along the property frontages on Russet Avenue and Shelley Avenue.

He reviewed the project and advised a portion of the new storm drain on Shelley Avenue would require a storm drain line to cross a portion of the southwest corner of the grantor's property in order to connect from a new inlet box on Shelley Avenue to an existing storm drain inlet box on Redwood Road. He explained, as this would become part of the City storm drain system, a Storm Drain Easement in favor of the City was required as a condition of approval for the project.

D. RESOLUTION NO. 14-24, ACCEPT A QUIT CLAIM DEED FROM F.C. STANGL FOR A PORTION OF 2200 SOUTH LOCATED EAST OF REDWOOD ROAD

City Manager, Wayne Pyle, presented proposed Resolution No. 14-24 that would accept a Quit Claim Deed from F.C. Stangl for a portion of 2200 South located east of Redwood Road.

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Mr. Pyle stated 2200 South was a private road located within the Metro Business Park. He indicated the Park was located south of SR-201 and east of Redwood Road and was a commercial office park developed from the late 1980's to the mid-1990's and currently the home of some quality tenants including Zions Bankcorp, IHC, Raytheon Company, and Rastar. He stated however, over the years the quality of the Park had declined and vacancy rates increased. To complicate the problem, no owners association had existed for more than 15 years. Due to the lack of a functioning owners association, 2200 South had not been adequately maintained in recent years. He stated the current owner of this portion of the road did not currently own any other property in the Park and had no desire or incentive to maintain the road. The road currently functioned as if it was a public street. He advised ownership of this road would allow the City to maintain, repair and provide snow removal, all necessary to help improve the viability of this business park and help prevent further exodus of businesses.

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After discussion, Councilmember Rushton moved to approve Resolution Nos. 14-21, 14-22, 14-23 and 14-24 as presented on the Consent Agenda. 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.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, FEBRUARY 4, 2014, WAS ADJOURNED AT 7:00 P.M., BY MAYOR BIGELOW.

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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, February 4, 2014.

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Sheri McKendrick, MMC
City Recorder