

**MINUTES OF COUNCIL STUDY MEETING – JULY 14, 2009**

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JULY 14, 2009, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM BROOKS.

THE FOLLOWING MEMBERS WERE PRESENT:

Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Paul Isaac, Acting, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Dennis J. Nordfelt

STAFF PRESENT:

Buzz Nielsen, Police Chief  
John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
Layne Morris, Community Preservation Director  
Jim Welch, Finance Director  
Richard Catten, City Attorney  
Nicole Cottle, CED Director  
Steve Pastorik, CED Department  
Brent Garlick, CED Department  
Doris Larsen, CED Department  
Aaron Crim, Administration  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department

**1. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JULY 14, 2009**

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled July 14, 2009. Upon inquiry, there were no additional questions regarding any of the items scheduled on the subject Agenda.

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**2. PUBLIC HEARINGS SCHEDULED JULY 21, 2009:**

**A. PUBLIC HEARING, APPLICATION NO. Z-4-2009, FILED BY UTAH HOUSING CORPORATION, REQUESTING A ZONE CHANGE FROM ‘R-2-6.5’ (RESIDENTIAL, DUPLEX, MINIMUM LOT SIZE 6,500 SQ. FT.) TO ‘R-1-4’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 4,000 SQ. FT.) FOR PROPERTY LOCATED AT APPROXIMATELY 2561 WEST 3360 SOUTH**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-4-2009, filed by Utah Housing Corporation, requesting a zone change from ‘R-2-6.5’ (Residential, Duplex, Minimum Lot Size 6,500 sq. ft.) to ‘R-1-4’ (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.) for property located at approximately 2561 West 3360 South. He discussed proposed Ordinance No. 09-23 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 09-23, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 2561 WEST 3360 SOUTH FROM ZONE ‘R-2-6.5’ (RESIDENTIAL DUPLEX, MINIMUM LOT SIZE 6,500 SQ. FT.) TO ‘R-1-4’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 4,000 SQ. FT.)**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 09-23 which would amend the Zoning Map to show a change of zone for property located at approximately 2561 West 3360 South from zone ‘R-2-6.5’ (Residential Duplex, Minimum Lot Size 6,500 sq. ft.) to ‘R-1-4’ (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.).

Mr. Isaac stated surrounding zones included ‘R-2-6.5’ to the north, east, and south, and ‘R-1-6’ to the west. He further stated surrounding land uses included a City park to the north, rental townhomes to the south, duplexes to the east, and single-family homes to the west. He indicated the subject property had been designated as medium density residential (7 to 12 units per acre) in the West Valley City General Plan. He explained the subject property included 10 single-family detached homes built in 1998 that were currently rentals.

The Acting City Manager stated the Council had been provided with copies of a letter from Susan Arsdell with the Utah Housing Corporation explaining why the re-zone had been requested. He indicated, in summary, the zone change would allow the subject property to be subdivided into 10 lots so each home would be on a separate lot. With each home on an individual lot, each home could be sold to

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families as originally anticipated by the Utah Housing Corporation in their lease-to-own program.

Mr. Isaac further indicated copies of the site plan showing how the property would be subdivided had also been provided to members of the Council. He stated lot sizes would range from 4,379 square feet to 8,112 square feet with the average lot size being just over 6,300 square feet. He explained that while the lot size minimum and setbacks could be met, the owner would need to apply for a variance through the Board of Adjustment for the minimum lot width which was 50 feet.

Steve Pastorik, CED Department, further reviewed the Application and proposed Ordinance, displayed the plat map, and answered questions from members of the City Council.

The City Council will hold a public hearing and consider Application No. Z-4-2009 and proposed Ordinance No. 09-23 at the Regular Council Meeting scheduled July 1, 2009, at 6:30 P.M.

### 3. **ORDINANCE NO. 09-24, AMEND SECTION 8-1-112 OF TITLE 8 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE APPEALS PROCESS FOR IMPACT FEES**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 09-24 which would amend Section 8-1-112 of Title 8 of the West Valley City Municipal Code regarding the appeals process for impact fees.

Mr. Isaac stated Section 8-1-112 of the West Valley City Municipal Code currently stated the appeal of an impact fee determination went first to the Impact Fee Administrator (City Manager), and then to the Board of Adjustment, and then to the District Court. He further stated due to the complexities involved in an impact fee analysis, the City Council was more capable than the Board of Adjustment to adjudicate such matters.

The Acting City Manager reported impact fees could be controversial and fairly complex in how they were calculated. He explained the State rules regarding impact fees could change from year to year either at the state legislature or in court, or both. Therefore, after the Impact Fee Administrator had made a determination on a developer's impact fees, the City Council was the next logical step for an appeal of that determination. He stated the Board of Adjustment was not familiar with impact fees. However, the City Council was responsible for amending the Fee Schedule which included impact fees, and for adopting the capital facilities plan and impact fee analysis required to charge impact fees.

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City Attorney, Richard Catten, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 09-24 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

4. **RESOLUTION NO. 09-264, CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH (THE “ISSUER”), FINALIZING TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS FRANCHISE TAX REVENUE BONDS, SERIES 2009 (THE “SERIES 2009 BONDS”), IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$15,000,000; CONFIRMING THE SALE OF SAID SERIES 2009 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A GENERAL INDENTURE AND A FIRST SUPPLEMENTAL INDENTURE OF TRUST AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING AN OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-264 which would consider adoption of a resolution of the City Council of West Valley City, Utah (the “Issuer”), finalizing terms and conditions of the issuance and sale by the Issuer of its Franchise Tax Revenue Bonds, Series 2009 (the “Series 2009 Bonds”), in the aggregate principal amount of approximately \$15,000,000; confirming the sale of said Series 2009 Bonds; authorizing the execution by the Issuer of a General Indenture and a First Supplemental Indenture of Trust and other documents required in connection therewith; authorizing and approving an Official Statement; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; repealing resolutions and orders in conflict; providing an effective date; and related matters.

Jim Welch, Finance Director, discussed the proposal and explained bonds issued for the construction and financing of the Family Fitness Center were eligible for refunding. He stated market conditions and analysis indicated that substantial savings could be realized by refunding these bonds which would result in significant interest savings for the City. The bonds were rated AA by Standard and Poors and had been marketed by Wells Fargo Brokerage Services. The terms of the sale were included in the Bond Purchase Resolution.

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Analysis of existing debt and market conditions has determined that significant interest savings can be realized by refunding certain identified outstanding obligations of The City.

The Finance Director reviewed details of the transaction, and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-264 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

5. **RESOLUTION NO. 09-265, AUTHORIZE THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH SALT LAKE CITY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-265 which would authorize the City to enter into a Memorandum of Agreement with Salt Lake City for the Edward Byrne Memorial Justice Assistance Grant Program.

Mr. Isaac stated the Byrne Memorial Justice Assistance Grant was a new grant program providing funding to the City. He further stated Salt Lake City was the administering agency for the grant in the amount of \$144,398.00. He indicated the City would receive \$53,500.00 for the purpose of purchasing a sprinter van with an extended warranty to be used as a mini-mobile command post. He indicated, in addition, the City would receive \$90,898.00 for purchase and installation of command post equipment and supplies.

Police Chief, Buzz Nielsen, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-265 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

6. **RESOLUTION NO. 09-266, APPROVE AN AGREEMENT WITH PINNACLE RISK MANAGEMENT SERVICES, INC., TO PROVIDE CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES FOR THE CITY'S WORKERS' COMPENSATION PROGRAM**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-266 which would approve an Agreement with Pinnacle Risk Management Services, Inc. to provide claims adjusting and administrative services for the City's Workers' Compensation Program.

Mr. Isaac stated Pinnacle Risk Management Services, Inc. had provided workers' compensation related services to the City for several years. He further stated those services included all claims adjusting and claim related administrative services. He indicated all City workers' compensation claims were made directly to Pinnacle who then

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adjusted the claims, tracked the claims, made required payments to employees and medical care providers, and provided the City with various reports.

The Acting City Manager reported that because the City was self-insured for workers' compensation claims, all claims adjusting and administrative tracking of claims and payments must be done either "in-house" or through a private contractor. He indicated the City had determined it was more cost effective to hire a private third party administrator to provide these services. He indicated Pinnacle had provided excellent service to the City for many years at a very competitive price and there was no price increase from last year's agreement.

Acting City Manager, Paul Isaac, further reviewed the proposed Resolution and answered questions from members of the City Council. Upon inquiry, Mr. Isaac advised the fiscal impact regarding the agreement would be in the amount of \$40,000.00 per year.

The City Council will consider proposed Resolution No. 09-266 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

7. **RESOLUTION NO. 09-267, AUTHORIZE THE CITY TO ENTER INTO A NEW THEATRE SUBLEASE AGREEMENT WITH HALE CENTRE THEATRE, A UTAH NON-PROFIT CORPORATION, FOR USE OF THE HALE CENTRE THEATRE FACILITY**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-267 which would authorize the City to enter into a new Theatre Sublease Agreement with Hale Center Theatre, a Utah non-profit corporation, for use of the Hale Centre Theatre facility.

Mr. Isaac stated the proposed agreement would replace the Sublease Agreement entered into between the City and the Hale Centre Theatre in 1997. He further stated replacement was necessary to reflect updates of the provisions of the original agreement, including elimination of those sections relating to use of the Theatre by the City during the 2002 Winter Olympics, changes in the payment schedule so the payments matched the bond payments due under the 2007 refunding of the original bond, and termination date of the first term of the agreement, and the start of the first renewal period had been changed to match the end of the bond payments due on the Theatre.

The Acting City Manager reported the Hale Centre Theatre had occupied the City's community theater facility since it was constructed in 1997 and provided a wide variety of live entertainment that benefited both the residents of the City and the rest of Utah. He indicated the bonds issued to construct the Theatre had been refunded in 2007. He stated the new sublease reflected that payment schedule and adjusted Hales' payment and the sublease term to match the bond payments.

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Acting City Manager, Paul Isaac, distributed a final draft version of the proposed agreement and answered questions from members of the City Council.

City Attorney, Richard Catten, further reviewed details regarding terms of the agreement. He also answered questions from members of the City Council. Some members of the City Council expressed concerns regarding certain language in the subject agreement regarding the option to charge for parking. Upon further discussion, the Council expressed a consensus for the City Attorney to discuss the issue with the contractor.

8. **RESOLUTION NO. 09-268, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GARY C. ANDERSON AND DA LOIS S. ANDERSON FOR PROPERTY LOCATED AT 5214 WEST 4100 SOUTH FOR THE 5200 WEST IMPROVEMENT PROJECT**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-268 which would accept a Grant of Temporary Construction Easement from Gary C. Anderson and Da Lois S. Anderson for property located at 5214 West 4100 South for the 5200 West Improvement Project.

Mr. Isaac stated Gary C. Anderson and Da Lois S. Anderson had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

Mr. Isaac further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-268 at the Regular Council Meeting scheduled July 21, 2009, at 6:30 P.M.

9. **COMMUNICATIONS:**

A. **ECONOMIC DEVELOPMENT UPDATE**

Acting City Manager, Paul Isaac, instructed Brent Garlick, CED Department, to discuss information and provide an update regarding economic development.

Using PowerPoint, Mr. Garlick, discussed and presented information summarized as follows:

- Map of project areas
- Overview and details regarding Market Street RDA Project

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- Completed projects
- Photographs from 1990, 2008, and 2009
- Future projects and expenditures
- Aerial map of Market Street project area
- General update/Current RDA/EDA Projects
  - Valley Fair Mall
  - City Center
  - North Central EDA
  - Jordan River Marketplace
  - Cummins Rocky Mountain relocation
  - WinCo
  - Staybridge/Holiday Inn
  - Value Place Hotel
  - Codale Electric
  - DACO Precision Manufacturing
- Interest in another proposed RDA
- List of top 15 sales tax producers, employers, property tax payers
- Economic Development Division accomplishments

During the above presentation of information, Mr. Garlick answered questions from members of the City Council.

Mayor Pro Tem Brooks expressed appreciation to Mr. Garlick and CED Department staff for their efforts and advice regarding the above information.

### B. COUNCIL UPDATE

Acting City Manager, Paul Isaac, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: June 11 – August 4, 2009: Art Exhibit – Face of Utah Sculpture V, UCCC; July 1-15, 2009: Candidate Filing Period for 2009 Municipal Election in City Recorder’s Office; July 16, 2009: Latino Seminar – West Valley City Codes and Ordinances, UCCC, 6:30 P.M.; July 20, 2009: Summer Concert Series – Red Rock Rondo, UCCC, 8:00 P.M.; July 20-25, 2009: Days of ’47 Rodeo, E-Center; July 21, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 27, 2009: Summer Concert Series – Smiling Souls, UCCC, 8:00 P.M.; July 28, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 30, 2009: ChamberWest General Membership Meeting, Department of Homeland Security – Be Ready Utah Presentation, Staybridge Suites, 11:30 A.M.; August 3, 2009: Honorary Colonels Golf Tournament, Stonebridge Golf Course, 7:00 A.M. – 2:00 P.M.; August 3, 2009: West Valley City Neighborhood Nights: National Night Out Kick-Off Event, UCCC 5:30 P.M. – 7:30 P.M.; August 3, 2009: Summer Concert Series – Jason Hewlett, UCCC, 8:00 P.M.; August 4, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; West



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Valley City Neighborhood Nights: National Night Out Block Parties, Various Locations, 5:00 P.M. – 9:00 P.M.; August 5-9, 2009: Saltimbanco Cirque du Soleil, E-Center; August 10, 2009: 2009 Crime Prevention Seminar, Topic: ID Theft and Senior Fraud, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; August 10, 2009: Summer Concert Series – World Travelers, UCCC, 8:00 P.M.; August 11, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 18, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 20, 2009: Latino Seminar – How to Obtain a West Valley City Business License, UCCC, 6:30 P.M.; August 25, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting 6:30 P.M.; August 25, 2009: Depeche Mode, E-Center; August 27, 2009: West Valley City Neighborhood Nights: National Night Out Family Safety Fair, Family Fitness Center, 5:30 P.M. – 7:30 P.M.; September 1, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 1-11, 2009: Early Voting for Municipal Primary Election; September 2, 2009: Meet the Candidates Night for Municipal Primary Election, UCCC, 7:00 P.M.; September 7, 2009: Labor Day Holiday – City Hall closed; September 8, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 14, 2009: 2009 Crime Prevention Seminar, Topic: National Preparedness Month (CERT), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 15, 2009: Municipal Primary Election; September 9-11, 2009: ULCT Annual Convention, Sheraton City Center, 150 West 500 South; September 15, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 17, 2009: ChamberWest 2009 Community Awards Gala, SLCC Oak Room, 6:30 P.M.; September 22, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 24, 2009: Latino Seminar – Fire Prevention, UCCC, 6:30 P.M.; September 30, 2009: Lake Park Owners Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; October 19, 2009: 2009 Crime Prevention Seminar, Topic: National Domestic Violence Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; October 20-30, 2009: Early Voting for Municipal General Election; October 22, 2009: Latino Seminar – Domestic Violence Awareness, UCCC, 6:30 P.M.; October 22, 2009: Meet the Candidates Night for Municipal General election, UCCC, 7:00 P.M.; November 3, 2009: Municipal General Election; and November 9, 2009: 2009 Crime Prevention Seminar, Topic: Gang Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.

### C. **SISTER CITY COMMITTEE**

Acting City Manager, Paul Isaac, stated that Mayor Nordfelt had been invited by the Sister City Committee to participate with a humanitarian organization in visiting Boca del Rio, Mexico, which was West Valley City's Sister City, in August. Mr. Isaac discussed details regarding purposes of the humanitarian effort, including itinerary and other pertinent information of the humanitarian effort.

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10. **COUNCIL REPORTS:**

A. **COUNCILMEMBER MIKE WINDER – CITY’S WEBSITE**

Councilmember Winder inquired if the City’s website was ADA compliant. Aaron Crim, Administration, answered questions regarding the City’s website.

Councilmember Winder discussed code enforcement issues and notices of violations received by citizens regarding parking one vehicle behind another. Community Preservation Director, Layne Morris, also discussed the code section mentioned by Councilmember Winder and discussed enforcement.

Upon further discussion, some members of the City Council expressed their desire to review this section of the Code.

B. **COUNCILMEMBER COREY RUSHTON – CITY’S FEDERAL AGENDA AND NLC COMMITTEE**

Councilmember Rushton reported regarding a discussion with Ron Hamm, of The Ferguson Group, the City’s Washington D.C. lobbyist, about the City’s federal agenda. He suggested sending two Councilmembers to Washington, D.C. in October to follow up with meetings held with member of Congress during the National League of Cities (NLC) Conference held earlier this year. He stated the purpose of the trip would be to work to develop working relationships with the newest Congressman, Jason Chaffetz.

Councilmember Rushton also stated he had been appointed to a NLC Committee and had also submitted his name for a steering committee appointment.

C. **COUNCILMEMBER STEVE VINCENT – FORENSIC LAB**

Councilmember Vincent inquired if plans were still in place for West Valley City to partner with Salt Lake City for a forensic lab. Police Chief, Buzz Nielsen, reported regarding the status of that issue and stated this would be a partnership with some member cities in the Salt Lake Valley Police Alliance.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, JULY 14, 2009, WAS ADJOURNED AT 6:03 P.M., BY MAYOR PRO TEM BROOKS.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, July 14, 2009.

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Sheri McKendrick, MMC  
City Recorder