

MINUTES OF COUNCIL STUDY MEETING – MAY 5, 2009

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MAY 5, 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 NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Russell Willardson, Public Works Director
Layne Morris, Community Preservation Director
Jim Welch, Finance Director
Richard Catten, City Attorney
Steve Pastorik, Acting CED Director
Steve Lehman, CED Department
Ed Domian, CED Department
Ken Morgan, Administration
Rick Westphal, Administration
Aaron Crim, Administration
Owen Jackson, Administration
Craig Thomas, Administration
Phil Markham, Public Works Department
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD APRIL 21, 2009**
The Council read and considered the Minutes of the Study Meeting held April 21, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held April 21, 2009, as written. Councilmember Coleman seconded the motion.

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| Mr. Vincent | Yes |
| Mr. Brooks | Yes |
| Mr. Coleman | Yes |
| Ms. Burt | Yes |
| Mr. Winder | Yes |
| Mr. Rushton | Yes |
| Mayor Nordfelt | Yes |

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MAY 5, 2009, AND FURTHER DISCUSSION OF ITEM 10.A., RESOLUTION NO. 09-162**

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M. Mr. Isaac advised that at the request of the City Council a further discussion had been scheduled regarding the proposed Decker Lake Ventures condemnation, and to receive clarification from UTA and the owner regarding the subject property. He discussed background information and the proposed resolution as follows:

Item No. 10.A. – RESOLUTION NO. 09-162, , AUTHORIZE THE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM DECKER LAKE VENTURES, LLC, LOCATED AT 2801 SOUTH DECKER LAKE DRIVE IN WEST VALLEY CITY AND RATIFY RESOLUTION NO. 09-67 (CONTINUED FROM REGULAR MEETING HELD APRIL 14, 2009)

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-162 which would authorize the City to acquire, by negotiation or condemnation, real property from Decker Lake Ventures, LLC, located at 2801 South Decker lake Drive in West Valley City and ratify Resolution No. 09-67.

Mr. Isaac stated although the required legal notice had been sent to the correct property address, the property owner was located at another address. He indicated in an effort to comply with all legal requirements and give the owner an additional opportunity to respond to the condemnation, notice was subsequently sent to the owner. Due to additional noticing concerns regarding timing between the letter and the initial date scheduled for a vote on the resolution, the processing of this resolution must be completed again.

The Acting City Manager explained Utah Transit Authority (UTA) was currently negotiating purchase of 10,510 square feet of real property and a 2,631 square foot easement from the Decker Lake Ventures, LLC, with Clear Channel as a tenant. He stated, at present, it appeared condemnation would be necessary to complete the acquisition and the resolution had been requested in the likely event condemnation became necessary.

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Mr. Isaac reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road and was located on a corner where the tracks made a turn to the south. He indicated the turn necessitated additional right-of-way. He stated the current right-of-way width was large, but under the road was a box culvert from Decker Lake that needed to be avoided when possible and the turn consumed more right-of-way.

Acting City Manager, Paul Isaac, stated at the Regular Meeting of April 14, 2009, the proposed Resolution had been tabled and the matter continued in order to receive further information regarding certain issues of concern, hear from UTA representatives, and to provide additional formal notification to the property owner per legal counsel. He advised upon recommendation of the City Manager, the Council continued the matter to the Regular Meeting scheduled May 5, 2009.

Mayor Nordfelt noted that representatives of Decker Lake Ventures presented some alternative solutions at a previous meeting and he also summarized the property owner's recommendations. The Mayor then recognized and invited individuals to speak to the Council, summarized as follows:

Using PowerPoint, Ralph Jackson of UTA discussed information summarized as follows:

- Aerial map of subject property
- Location of planned light rail station and reasons for that site
- If a left turn access was possible directly into Decker Lake Ventures property and reasons why that would not be possible – unsafe and operationally difficult to provide at that location
- Plan includes intersection and entrance at certain locations and if the intersection could be moved north to accommodate access to subject property – studied this issue and reasons why access located at recommended location
- Ability to make U-turn at certain location and make right turn into the subject property

Rob Mansfield, attorney representing Decker Lake Ventures, John Alexander, property owner, and Ralph Jackson, UTA, respectively commented summarized as follows:

John Alexander:

- Gave background of the radio broadcast business located in the building on the subject property
- Showed photographs of the property and Clear Channel Communication facility which employed 170 people
- Between 45-50 employees work in sales and come and go to and from this building over 700 times per day and, if denied access to the building, they would go elsewhere when their leases came up for renewal
- Showed an aerial photograph and discussed train route and current access to the property, and re-routed access due to light rail

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- Asked for City Council support for a turn at one of three locations
- Discussed this issue with traffic planners across the country and related those conversations regarding taking left turns away from businesses
- Found many places in Salt Lake City where left turns could be made along the TRAX line

Rob Mansfield:

- Not trying to stop the TRAX line
- Asking for the Council's help and reminded that the City Council had the absolute authority to control the railroad intersections within the City
- UTA did not have eminent domain authority and they had to look to the City for that condemning authority in order to construct light rail
- They were asking the City Council to look at it and do it in the manner that brought the least inconveniences to businesses and individual property owners and balance those interests with that of UTA
- Tenant's lease expired in a couple of years and would not likely renew their lease when with the TRAX line put in and access had been impacted
- Want to keep the tenant in this location
- Asked for access; also pointed out three current access locations and desired for one of them to be a left in/left out
- Have driven up and down the entire TRAX line and showed photographs of six different locations in Salt Lake City where there were breaks in the striping that allowed left in/left out from those intersections
- He discussed a photograph of a protected crossing without a traffic light on the University TRAX line which allowed a left hand turn into stadium parking lot and also a turn across the tracks coming out of the stadium
- Want a traffic signal with a protected crossing that would allow access in and out of the property at one of the three locations mentioned which was permissible and the City Council's authority had the power to require UTA do this
- Asked the City Council to balance the interest of UTA wanting to operate a safe and efficient TRAX line with the businesses interest to operate a profitable business

John Alexander:

- Discussed traffic flow in the thriving business park in which his property was located
- Getting in and out of the property was very important to the business and it needed to be as efficient as possible
- Not asking for a traffic light or expensive alterations, just want a left in/left out opportunity at one of the three locations

Ralph Jackson:

- Several points made previously by Rob Mansfield and John Alexander needed clarification

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- The property owner and his counsel represented the City Council could dictate to UTA how the system was designed and he gave clarification of involvement of West Valley, UTA and UDOT
- Discussed the area in Salt Lake City mentioned by John Alexander and Rob Mansfield and went through the same discussions with property owners in those locations
- Concerned about safety and liability at the subject location
- When the system originally had been designed financial constraints had come into consideration regarding traffic lanes and turns allowed; not a safe system, that was why design had been different; safety issues that needed to be considered when designing
- Tried to work with all property owners and make them aware of the plans
- UTA did not have the authority to condemn and had to go to the City or UDOT for assistance in that regard
- Would like to work with property owner to find a workable access on another street if possible
- The configuration had been approved by UTA's board of directors and was consistent with policy
- This will be of overall benefit to the community
- Willing to work with the property owner, but in terms of basic design, need to work with the current design as it would be difficult and very expensive to make a major change at this point in the project
- Considered all of the properties on Decker Lake Drive in the design process

Rob Mansfield:

- Clarified the access to the subject property and stated they would have liked to have been able to sit down with UTA to resolve the situation

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

Mayor Nordfelt requested to hear from the Public Works Director, Russell Willardson, regarding this issue.

Public Works Director, Russell Willardson, advised he was not an expert on light rail but that Ralph Jackson, UTA, had adequately responded to those questions. Mr. Willardson indicated left turns were an issue on light rail lines in general as they were only allowed at intersections. He stated staff continued to work with UTA regarding this issue on other sections of the light rail line. He reported decisions that had been made were good ones and it would not be a major hardship to make left turns at designated locations.

City Attorney, Richard Catten, answered legal questions regarding action to be considered by the City Council regarding this matter.

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Upon discussion, the Council reviewed information regarding this issue, specifically as it related to traffic safety. Mayor Nordfelt discussed the responsibility of the City as it related to the “partnership” with UTA and the greater interest of the entire City to be taken into consideration, not just one individual property owner. He stated UTA had moved forward with the previous commitment of the Council that they would consider condemnation actions if necessary. Councilmember Coleman stated it would be appropriate to consider this issue very carefully for the City, businesses and the property owner in question. He also stated the Council should not approve every condemnation even though the project was desirable.

Mayor Nordfelt expressed appreciation to those individuals who provided information and commented regarding this matter.

Upon inquiry, the City Council had no further questions regarding any items listed on the subject agenda.

3. **RESOLUTION NO. 09-198, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR PUBLIC WORKS SERVICES CONSISTING OF CHIP SEALING CERTAIN STREETS IN WEST VALLEY CITY**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-198 which would approve an Interlocal Cooperation Agreement with Salt Lake County for Public Works Services consisting of chip sealing certain streets in West Valley City.

Mr. Isaac stated that in recent years Salt Lake County had applied chip seal on a number of City streets. He also stated the quality of the work had been very good. He indicated that in 2008, oil shortages precluded the County for completing all of the planned work and this circumstance had been typical for many agencies and contractors.

The Acting City Manager indicated due to increased oil costs, the cost of the County chip seal had increased from \$2.97 per square yard to \$3.60 per square yard. He stated the cost still compared favorably with private contractors. He also reported this cost increase had made it necessary to reduce the quantity of work to be done.

Mr. Isaac stated chip sealing would be the major part of the pavement management program on the major streets in 2009. He further stated there would be no pavement overlays.

Acting City Manager, Paul Isaac, further indicated chip sealing was a preventative maintenance strategy similar to slurry seal. With both chip seal and slurry seal the road received a new, waterproof, wearing surface. He indicated chip seal used larger, pea-sized gravel for aggregate, which wore better than slurry seal on major roads. Traffic control on busy streets was easier with chip seal because traffic could drive on the chips

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immediately after they had been spread. A final asphalt fog seal held the chips in place and gave the road a fresh black surface. He stated the County agreement also included re-stripping the following streets:

1. 3800 South (2700 West to 2200 West)
2. 3450 West (3100 South to 3500 South)
3. 6400 West (3500 South to Parkway Boulevard)
4. 3200 West (3100 South to Parkway Boulevard)
5. 3200 West (3500 South to 4100 South)
6. 2200 West (3800 South to 4100 South)
7. Frontage Road (7200 West to 6400 West)
8. 2700 West (4100 South to 4700 South – west half)

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

The City Council will consider proposed Resolution No. 09-198 at the Regular Council Meeting scheduled May 12, 2009, at 6:30 P.M.

4. **RESOLUTION NO. 09-199, APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY, SALT LAKE COUNTY AND SALT LAKE CITY FOR LANDFILL TIPPING FEES**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-199 which would approve an Interlocal Cooperation Agreement between West Valley City, Salt Lake County and Salt Lake City for landfill tipping fees.

Mr. Isaac stated the subject agreement would give West Valley City a discount in landfill tipping fees in return for a ten year commitment to dispose of all solid waste at the Salt Lake Valley Solid Waste Management Facility.

The Acting City Manager indicated that in 1999, the City entered into an interlocal agreement with Salt Lake City and Salt Lake County regarding landfill tipping fees. He indicated that agreement would expire June 30, 2009, and the proposed agreement would extend the existing terms for an additional ten years with some minor modifications.

Acting City Manager, Paul Isaac, reported in exchange for committing the City's residential solid waste stream to the Salt Lake Valley Solid Waste Management Facility for ten years, West Valley City would receive a \$1.75 per ton discount on the tipping fees for residential solid waste. The normal fee for such waste was \$22.00 per ton. He indicated the City would continue to pay \$20.25 per ton under the new agreement. He further stated the City currently disposed of approximately 50,000 tons per year which equated to a current savings of approximately \$87,500 per year.

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Mr. Isaac stated the most significant change in the new agreement would be the cap on the reimbursement amount required should the City choose to terminate the agreement prior to the ten year term. Under the old agreement the City had been required to reimburse Salt Lake City and Salt Lake County 100% of the \$1.75 discount received up to the termination date. He further stated the new agreement placed a cap of \$400,000 on any reimbursement to Salt Lake City and Salt Lake County.

Acting City Manager, Paul Isaac, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-199 at the Regular Council Meeting scheduled May 12, 2009, at 6:30 P.M.

5. RESOLUTION NO. 09-200, AWARD A CONTRACT TO FISHER TECHNICAL SERVICES, INC. AND AUTHORIZE EXECUTION OF A CONTRACT FOR LIFT REPAIRS TO THE HALE THEATRE CENTER STAGE

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-200 which would award a contract to Fisher Technical Services, Inc. (FTSI), in the amount of \$91,459.19 and authorize execution of the contract for lift repairs to the Hale Theatre center stage.

Mr. Isaac stated FTSI was considered to be a sole vendor providing the required service and had submitted the only responsible bid. He reported repairs and costs were as follows:

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|---|-----------------|
| Design and engineering | \$20,135.00 |
| Axis turntable enclosures with wireless interface (8) | 24,943.65 |
| Single axes controllers (2) | 2,386.54 |
| Existing axis retrofit parts (9) | 5,076.00 |
| Navigator system | 36,878.00 |
| Setup and testing | <u>2,040.00</u> |
| Total: | \$91,459.19 |

The Acting City Manager reported the Hale Centre Theatre center stage was a unique stage and there were few companies qualified to do repairs on the lift. He stated the lift was deemed unsafe at this time and very unpredictable for operation. He indicated the original lift provider, Gala Industries, from Canada, was no longer able to provide repair service and the only other option was FTSI from Las Vegas who were willing and able to provide the repair service on the lift. He further stated FTSI would fix the lift and the communications aspect to a safe and proper operation.

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

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The City Council will consider proposed Resolution No. 09-200 at the Regular Council Meeting scheduled May 12, 2009, at 6:30 P.M.

6. **RESOLUTION NO. 09-201, AUTHORIZE THE PURCHASE OF COMPUTER HARDWARE FOR PURPOSES OF BACKING UP ELECTRONIC CITY DATA AND SUPPORT AND WARRANTY SERVICES THAT MEET THE CITY'S EXISTING NEEDS FROM VALCOM COMPUTER CENTER**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-201 which would authorize purchase of computer hardware, in the amount of \$137,512.00, for purposes of backing up electronic data and support and warranty services that met the City's existing needs from Valcom Computer Center.

Mr. Isaac stated additional hardware was needed to provide a collocated disaster recovery, backup and file archive system for the City's electronic files. He also stated the purchase would provide a preferred method to backup and archive the City's computer data. He indicated the need for the system was due to the increased volume of data being stored on City computers. Historically this data would have been backed up using tape backup systems but the short term reliability of tape and the volume of information had made these systems nearly obsolete. He further indicated as an added benefit, collocation provided a way to preserve data in the event of a disaster, such as an earthquake, by geographically separating the backup systems from the data center. He indicated the purchase would include required hardware with maintenance and support for a four year period.

The Acting City Manager explained the purchase would be made from Valcom Computer for continuity of warranty service with other City owned IT resources and would be financed through the HP Lease Purchase Agreement previously approved on January 3, 2006, under Resolution N. 06-04.

Acting City Manager, Paul Isaac, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-201 at the Regular Council Meeting scheduled May 12, 2009, at 6:30 P.M.

7. **CONSENT AGENDA SCHEDULED MAY 12, 2009:**

A. **RESOLUTION NO. 09-202, RATIFY THE CITY MANAGER'S APPOINTMENT OF JOEL COLEMAN AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-202 which would ratify the City Manager's appointment of Joel Coleman as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

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Mr. Isaac stated the Audit Review Committee consisted of members who would serve for a term of three years.

B. RESOLUTION NO. 09-203, RATIFY THE CITY MANAGER'S APPOINTMENT OF GARTH GOATES AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-203 which would ratify the City Manager's appointment of Garth Goates as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Isaac stated the Audit Review Committee consisted of members who would serve for a term of three years.

C. RESOLUTION NO. 09-204, RATIFY THE CITY MANAGER'S APPOINTMENT OF DEAN LUNDELL AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-204 which would ratify the City Manager's appointment of Dean Lundell as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Isaac stated the Audit Review Committee consisted of members who would serve for a term of three years.

D. RESOLUTION NO. 09-205, RATIFY THE CITY MANAGER'S APPOINTMENT OF WAYNE PYLE TO THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-205 which would ratify the City Manager's appointment of Wayne Pyle as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Isaac stated the Audit Review Committee consisted of members who would serve for a term of three years.

E. RESOLUTION NO. 09-206, RATIFY THE CITY MANAGER'S APPOINTMENT OF COREY RUSHTON AS A MEMBER OF THE AUDIT REVIEW COMMITTEE OF WEST VALLEY CITY, TERM: MAY 12, 2009 – DECEMBER 31, 2012

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Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-206 which would ratify the City Manager's appointment of Corey Rushton as a member of the Audit Review Committee of West Valley City for the term May 12, 2009, through December 31, 2012.

Mr. Isaac stated the Audit Review Committee consisted of members who would serve for a term of three years.

The City Council will consider proposed Resolution Nos. 09-202 through 09-206 at the Regular Council Meeting scheduled May 12, 2009, at 6:30 P.M.

8. **COMMUNICATIONS:**

A. **GRAVEL DRIVEWAY AND SIDE YARD STRUCTURES DISCUSSION**

Acting City Manager, Paul Isaac, directed Steve Pastorik, to discuss issues regarding gravel driveways.

Using PowerPoint, Mr. Pastorik discussed information summarized as follows:

Current Parking Surfacing Standards:

- All off-street parking and maneuvering areas for single-family dwellings shall be paved with a hard-surface with the following exceptions:
 - Parking and driveway areas in excess of the minimum requirement that are located in the side or rear yard can be gravel (everything in the front yard must be a hard-surface)
 - Access for RV's can be through landscaping
 - Two parking spaces out of the front setback are required
 - Hard-surfacing means concrete, asphalt, brick pavers, or stone
 - Where gravel is allowed it must be two-inches deep, compacted, free of grass and weeds, and contained with durable borders
 - Where agricultural and heavy equipment uses exist (not just zoning) the Zoning Administrator can make an exception

Timing issues:

- The current surfacing ordinance became effective on May 1, 2005
- All parking and maneuvering areas (regardless of when they were installed) must comply with the current standards by June 1, 2010

Enforcement issues:

- Gravel argued to be landscaping
- Gravel argued to be stone from the list of hard-surfaces
- Difficult to know if gravel in a front yard was put in before or after May 1, 2005
- Citation is issued for parking on that surface, not for the lack of asphalt or concrete

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Photos:

- Examples of gravel driveways

Concerns raised:

- Aesthetics
- Cost of concrete/asphalt
- Tracking of gravel onto the street
- Maintenance
- Gravel in before ordinance or before property purchase
- Gravel OK in agricultural or large lot areas
- Enforcement

Possible ideas and/or options:

- Only require a hard-surface up to the front setback line or house if within 30 feet of property line
- Allow parking on gravel in the front yard (repeal the ordinance)
- Allow secondary gravel driveways in the front yard as long as no vehicles are parked on the gravel
- In agricultural or large lot areas, the first 20 feet of the driveway needs to be paved
- Keep the ordinance as is

What should we do?

- Continue to enforce the ordinance as is
- Amend the ordinance to allow more flexibility for parking in the front yard
- Other action?

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

Upon inquiry from members of the City Council, Layne Morris, Community Preservation Director, discussed enforcement issues.

City Council members commented and discussed individual opinions regarding this issue. Some members of the Council suggested staff consider revising the parking surfacing ordinance to better define the agricultural exception with potential factors to consider being the size of the lot, whether or not there was curb and gutter, the age of the structure, the length of the driveway, and the actual use of the property. Other suggestions by some members of the Council were to allow parking on gravel in the front yard and to better define gravel. The City Council directed the City Manager to review the ordinance and come back to the Council with a recommendation.

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Acting City Manager, Paul Isaac, stated due to time constraints the discussion regarding side yard structures would be rescheduled.

10. COUNCIL REPORTS:

A. COUNCILMEMBER COREY RUSHTON – PRESENTATION REGARDING DEVELOPMENT TRENDS, ARBOR DAY TREE PLANTING AND VALLEY VIEW NEIGHBORHOOD WATCH MEETING

Councilmember Rushton gave contact information to the Acting City Manager for Dr. Nelson to be scheduled for a presentation regarding development trends at a future Study Meeting.

Councilmember Rushton stated he had recently attended the Arbor Day tree planting and suggested the role of the City's foresters in planning of projects be reviewed.

Councilmember Rushton reported he recently attended the Valley View neighborhood watch meeting and discussed concerns of those residents.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, MAY 5, 2009, WAS ADJOURNED AT 6:26 P.M., BY MAYOR NORDFELT.

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, May 5, 2009.

Sheri McKendrick, MMC
City Recorder