

**MINUTES OF COUNCIL STUDY MEETING – APRIL 28, 2009**

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, APRIL 28, 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 (Arrived as noted)

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
John Evans, Fire Chief  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
Layne Morris, Community Preservation Director  
Richard Catten, City Attorney  
Jim Welch, Finance Director  
John Janson, Acting CED Director  
Tom McLachlan, Acting Police Chief  
Nicole Cottle, Law Department  
Steve Lehman, CED Department  
Brent Garlick, CED Department  
Ralph Lee, CED Department  
Owen Jackson, Administration  
Dan Johnson, Public Works Department  
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD APRIL 14, 2009**  
The Council read and considered the Minutes of the Study Meeting held April 14, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held April 14, 2009, as written. Councilmember Brooks seconded the motion.

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A roll call vote was taken:

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

Unanimous.

Councilmember Winder arrived at the meeting at 4:32 P.M.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED APRIL 28, 2009**  
City Manager, Wayne Pyle, stated one new item (Item No. 8.C. draft Resolution No. 09-193) had been added to the Agenda for the Regular Council Meeting scheduled April 28, 2009, at the request of bond counsel. Mr. Pyle recommended this item be stricken from the agenda, and such action would require a motion and vote by the City Council.

Upon inquiry, there were no further questions from members of the City Council regarding items scheduled on the subject agenda.

3. **AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FOR MAY 5, 2009:**

- A. **PROCLAMATION DECLARING MAY 4 – MAY 10, 2009, AS PUBLIC SERVICE RECOGNITION WEEK IN WEST VALLEY CITY**

City Manager, Wayne Pyle, stated Councilmember Burt would read a Proclamation declaring May 4 – May 10, 2009, as Public Service Recognition Week in West Valley City, at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

4. **PUBLIC HEARINGS SCHEDULED MAY 4, 2009:**

- A. **PUBLIC HEARING, APPLICATION NO. S-4-2009, FILED BY RANDY TOUSLEY, REQUESTING AN AMENDMENT TO THE TOUSLEY SUBDIVISION LOCATED AT 3244 SOUTH 3600 WEST**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 4, 2009, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-4-2009, filed by Randy Tousley, requesting an amendment to the Tousley Subdivision located at 3244 South 3600 West. He discussed proposed Ordinance No. 09-10 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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**ORDINANCE NO. 09-10, APPROVING THE AMENDMENT OF LOT 3 OF THE TOUSLEY SUBDIVISION**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-10 which would approve the Amendment of Lot 3 of the Tousley Subdivision located at 3244 South 3600 West.

Mr. Pyle stated the Tousley Subdivision had been recorded with the Salt Lake County Recorder's Office in November of 2008. He further stated Lots 1, 2 and 4 each contained a single building comprised of four units each. He indicated the Tousleys were currently constructing a new building on Lot 3 which was comprised of six units. He stated units in the new building had originally been planned to be rented. He further indicated Mr. Tousley desired to establish the building as a townhome in order to market units for home ownership. He stated in order to accomplish this; the subdivision would need to be amended to create individual units.

The City Manager reported the proposed subdivision would amend the original plat by creating townhome units for the new building presently under construction. He stated townhome units would be created for the new building only, while the existing buildings would continue to be apartment units for rent.

Mr. Pyle further reported as part of the subdivision amendment, areas denoting common, limited common and private spaces would be introduced. He stated these areas were for the protection of home buyers as well as those who presently lived in this development. He indicated Mr. Tousley would also be required to prepare a declaration for this project along with CCR's. He also indicated this would be done prior to plat recordation.

Steve Lehman further reviewed the Application and proposed Ordinance, and also displayed the plat and photographs. Mr. Lehman answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. S-4-2009 and consider proposed Ordinance No. 09-10 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

**5. ORDINANCE NO. 09-11, AMEND SECTIONS 18-5-103 AND 18-5-303 OF TITLE 18 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING STORM WATER MANAGEMENT**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-11 which would amend Sections 18-5-103 and 18-5-303 of Title 18 of the West Valley City Municipal Code regarding Storm Water Management.

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Mr. Pyle stated the proposed ordinance would allow new developments, approved by the Engineering Division, to implement low impact development (LID) storm water control measures in lieu of connecting to the storm drainage system.

The City Manager indicated the current Storm Water Management Ordinance would require all new developments to connect to the storm drainage system, provided there was a system available in the area. He further indicated this requirement had been proposed to eliminate unsightly retention basins.

City Manager, Wayne Pyle, stated the State Department of Environmental Quality and Blue Print Jordan River were now encouraging the use of LID storm water management strategies to mitigate the impacts of increased runoff and storm water pollution. He indicated LID comprised design approaches and small scale storm water management practices that promoted use of natural systems for infiltration and evapotranspiration. He stated other site factors to be considered included soil permeability, water table levels and water source protection zones within the City.

Mr. Pyle advised this change would be the beginning of a major shift in policy, from disposing of storm water quickly using curbs and gutters, catch basins, and storm drains; to applying low impact development principles which emulate functions of natural systems to reintegrate rainfall into the water cycle. This initial, minor revision to the ordinance would allow exceptions to the current storm drain connection requirement. He stated a broader revision to the ordinance would follow reflecting the change in policy and would encourage use of low impact development for the control of excess storm water.

Public Works Director, Russell Willardson, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 09-11 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

6. **ORDINANCE NO. 09-12, ENACT CHAPTER 9 OF TITLE 21 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ENACT AN ORDINANCE DEFINING GAMBLING AND MAKING GAMBLING UNLAWFUL IN WEST VALLEY CITY**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-12 which would enact Chapter 9 of Title 21 of the West Valley City Municipal Code to enact an ordinance defining gambling and making gambling unlawful in West Valley City.

Mr. Pyle stated the Utah Constitution prohibited lotteries, games of chance, or gift enterprises, in essence gambling. He also stated the Utah Legislature had recently expanded the definition of gambling, however, the new law did not go into effect until April 1, 2010. He indicated West Valley City did not currently have a gambling

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ordinance and would like to adopt the expanded definition of gambling before the new state law went into effect.

The City Manager reported West Valley City had historically used the Utah Code to enforce gambling within its boundaries and would like to include the new changes within the jurisdiction before April 1, 2010.

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

The City Council will consider proposed Ordinance No. 09-12 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

### 7. **NEW BUSINESS SCHEDULED FOR MAY 5, 2009:**

#### A. **APPLICATION NO. S-35-2008, FILED BY JOSE MARTINEZ, REQUESTING FINAL PLAT APPROVAL FOR ROSA ESTATES SUBDIVISION LOCATED AT 3826 SOUTH 3200 WEST**

City Manager, Wayne Pyle, discussed Application No. S-35-2008, filed by Jose Martinez, requesting final plat approval for Rosa Estates Subdivision located at 3826 South 3200 West.

Mr. Pyle stated the proposed subdivision would consist of 3 lots on .93 acres with lots ranging in size from 8,435 to 13,200 square feet. He further stated an existing dwelling located on Lot 1 would remain as part of the development.

The City Manager reported the subdivision had been proposed with a flag lot to serve Lot 2, and all lots met the area and frontage requirements of the 'R-1-8' zone, including the flag lot provisions. Although Lots 1 and 3 had direct access to 3200 West, City staff had recommended all lots utilize a common driveway to eliminate traffic conflicts on 3200 West.

City Manager, Wayne Pyle, stated access to the subdivision would be gained from 3200 West, and curb, gutter and sidewalk presently existed along the street. He indicated the developer would need to coordinate the new drive approach and utility connections with the Public Works Department and other agencies. He also stated if existing improvements were damaged, or were in need of repair, the developer and/or builder would need to coordinate this during the building permit process.

Mr. Pyle reported that as with all new subdivision development there was a concern with the potential of ground water impacts. He stated the applicant would coordinate this issue with the City's Building Official. He also stated this was periodically done for small developments and involved a field inspection by the Building Division.

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

The City Council will consider Application No. S-35-2008 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

**B. APPLICATION NO. S-1-2009, FILED BY IVORY HOMES, REQUESTING FINAL PLAT APPROVAL FOR Highbury Towns East – Phase 1 LOCATED AT 3100 SOUTH DAYBURY DRIVE**

City Manager, Wayne Pyle, discussed Application No. S-1-2009, filed by Ivory Homes, requesting final plat approval for Highbury Towns East – Phase 1, located at 3100 South Daybury Drive.

Mr. Pyle stated the Highbury Towns East project was a residential community consisting of 90 units on 9.6 acres. He also stated the original development agreement had been amended by the City Council in December, 2008, to allow townhomes at this location. He indicated that according to the development agreement, this project was to be substantially like the original townhomes constructed by Ivory Homes located to the west of Daybury Drive.

The City Manager indicated the first phase of the Highbury Towns East Subdivision would consist of 31 units on 3.08 acres. He stated the first phase would have three buildings fronting Daybury Drive. He further stated this would help accentuate the street scene that had already been established by the townhomes at Highbury across the street.

City Manager, Wayne Pyle, reported buildings would consist of 100% masonry materials and the architecture reflective of the craftsman style, which was an American domestic style made popular in the early 1900's. He indicated although brick was limited with this style of architecture there were elements that would appear on the front elevation as well as the alleys. He stated stucco and hardi plank would comprise the other materials used in the development. He further reported Ivory proposed three color schemes to be used to provide greater diversity between buildings. A rambler plan would be added, an option which could open up opportunities to include a larger demographic.

Mr. Pyle stated City staff had evaluated the project regarding the multiple family design standards. He also stated this project met the standards outlined in the ordinance governing architecture, color and variation. He indicated the developer would be provided a copy of those standards to make sure all areas had been addressed. He advised, in addition, the proposed development had been reviewed and approved by Zion's Securities.

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City Manager, Wayne Pyle, further reported as follows:

There were a number of unit types with varying square footages. Unit sizes ranged from 1,104 to 1,861 square feet. In addition, Ivory Homes intended to install basements for all homes. A soils report had been prepared when the area had been planned for single-family development. The report indicated ground water had been encountered at a depth ranging from 5-10 feet below existing grades. The finish grade elevations in this phase would be raised approximately two to three feet which would allow full basements to be constructed. It was the understanding of City staff that Ivory would install a sub-drain system to provide an extra measure of protection for new home owners.

The overall open space in the development had been calculated at 5%. Of that number, approximately 17.1% had been designated as functional open space. During the preliminary review, the Planning Commission approved the open space concept based on Ivory's commitment to include certain amenities throughout the project. Ivory had submitted plans showing a combination of small and large play structures, a picnic shelter, swing set, walking paths, and benches. Staff believed these amenities, along with what Zions had proposed by way of the trail system, waterways and urban fishery, would provide ample recreational and outdoor opportunities for residents living in this community.

Access to this phase would be gained from Daybury Drive. The main road leading into this development would be a dedicated right-of-way. All other roads in the development would be private. The minimum asphalt width had been approved at 20 feet. Curb and gutter on each side of the street would add another four feet of width. However, where fire hydrants were required, this width would need to increase to 26 feet. In order to provide secondary access, a temporary access easement would be positioned between the southern buildings and 3100 South Street. These easements would eventually be abandoned when additional access points were platted.

Improvements had been installed along 3100 South Street. The cross section consisted of a five foot park strip and five foot sidewalk. The park strip would be planted with lawn and trees. This would provide a more pleasing streetscape along the south boundary of the development. A trex fence would be installed along the back of sidewalk in accordance with the development agreement; the fence would match the existing fence to the west.

Steve Lehman, CED Department, further reviewed the Application, displayed the plat map and illustrations, and drawing of elevations of proposed units including the addition of a new rambler. He also answered questions from members of the City Council.

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Councilmember Vincent inquired regarding a clubhouse to accommodate family parties and other functions for those who lived in townhomes in this development. Mr. Lehman related discussions between the Planning Commission and Ivory Homes regarding this issue.

Councilmember Burt stated Homeowner's Association (HOA) members could not hold a meeting in the winter if there was not a building to do so and therefore a clubhouse would be a necessity for a development with 90 units.

Councilmember Vincent stated such a facility would be a gathering place and community center for the development and not a competitor of the adjacent City-owned fitness center.

Mr. Lehman advised the desire of the Council could be made a part of the motion regarding this matter.

Upon recognition by Mayor Nordfelt, Brad Mackay, Ivory Homes, stated a meeting place could be built, but the current residents did not want it. He discussed the planned amenities in the proposal and the associated cost with only 90 units to support those amenities. He also discussed the impact of HOA dues on qualifying for financing, and other issues. Councilmember Coleman stated perhaps the HOA should have the option of converting space and paying for it.

Upon recognition by Mayor Nordfelt, Mike Hathorne, Zions Securities, answered questions from members of the City Council. He explained this would be an economy of scale issue and duplicate the City's Family Fitness Center facility across the street. He indicated it would seem to make more sense to have outdoor amenities as programmed for the project.

Steve Lehman, CED Department, stated staff would continue to work with Ivory Homes and follow-up with more information the following week.

The City Council will consider Application No. S-1-2009 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

C. **APPLICATION NO. S-3-2009, FILED BY SATTERFIELD HELM VALLEY FAIR, REQUESTING FINAL PLAT APPROVAL FOR IN-N-OUT SUBDIVISION LOCATED AT 3715 SOUTH 2700 WEST**

City Manager, Wayne Pyle, discussed Application No. S-3-2009, filed by Satterfield Helm Valley Fair, requesting final plat approval for In-N-Out Subdivision located at 3715 South 2700 West.

Mr. Pyle stated the proposed subdivision would create an additional lot within the Valley Fair Mall site. He further stated the new lot would be located at the

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southwest corner of the Mall property and a new building would replace the existing Big-O Tire store. He indicated the tenant for the property, In-N-Out Burger, required ownership for their business which had resulted in the need to divide the property.

The City Manager reported the new lot would be approximately .7 acres in size and access would be gained from 2700 West and from internal access within the Mall property. A conditional use application had been reviewed by the Planning Commission in March, 2009.

Mr. Pyle indicated one of the concerns regarding development of a new lot was Granger-Hunter Improvement District's ability to provide water and sewer service. He stated at the present time, water and sewer services were available by easement through the Mall property. However, because a new lot would be platted the water district had expressed concerns to independently service the lot. He also indicated due to the lack of water and sewer services in 2700 West, the new lot would need to continue using the existing services. He stated although this was not an ideal situation from Granger-Hunter's point of view, they would allow the existing services to be used. He indicated a special agreement would need to be approved between the Mall owners and Granger-Hunter Improvement District. He reported it was his understanding that a final draft of the agreement had been prepared and was being reviewed by both parties and would need to be executed prior to the subdivision plat being recorded.

Steve Lehman, CED Department, further reviewed the Application, displayed the plat and answered questions from members of the City Council.

The City Council will consider Application No. S-3-2009 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

### D. **CITY MANAGER SUBMIT FY2009-2010 PROPOSED BUDGET**

City Manager, Wayne Pyle, stated he would submit the Fiscal Year 2009-2010 Proposed Budget to the City Council at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

### 8. **CONSENT AGENDA SCHEDULED MAY 5, 2009:**

#### A. **RESOLUTION NO. 09-194, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JOYCE H. WOODARD FOR PROPERTY LOCATED AT 3915 SOUTH SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-194 which would accept a Grant of Temporary Construction Easement from Joyce H. Woodard for property located at 3915 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

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Mr. Pyle stated Joyce H. Woodward had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project and the easement would allow the contractor to make the necessary tie-ins to that property. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

**B. RESOLUTION NO. 09-195, APPROVE AN EASEMENT AND AGREEMENT WITH DANIEL P. GILL AND JOYCE I. GILL FOR PROPERTY LOCATED AT 3033 WEST 3500 SOUTH FOR THE 3500 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-195 which would approve an Easement and Agreement with Daniel P. Gill and Joyce I. Gill for property located at 3033 West 3500 South for the 3500 South Widening Project.

Mr. Pyle stated Daniel P. Gill and Joyce I. Gill had signed the Easement and Agreement.

The City Manager reported the subject parcel was one of the properties requiring a public utility easement for burial of the overhead power lines on 3500 South. He stated the easement would allow UDOT, and Rocky Mountain Power and its contractors to proceed with the project.

**C. RESOLUTION NO. 09-196, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM WEST VALLEY PAVILION, LLC, ACROSS PROPERTIES LOCATED AT 2592, 2662 AND 2678 SOUTH 5600 WEST**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-196 which would accept a Public Sidewalk and Lighting Easement from West Valley Pavilion, LLC, across properties located at 2592, 2662 and 2678 South 5600 West.

Mr. Pyle stated the subject easement covered the 5600 West frontage of Lots 2, 6 and 7 of the West Valley Pavilion.

The City Manager reported the subject development was located within the 5600 West Overlay Zone which required wider parkstrips, sidewalks and sidewalk lighting along the 5600 West street frontage. He further stated as the proposed sidewalk and lighting fell outside of the public right-of-way, a public sidewalk

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and lighting easement would be required as a condition of approval. He indicated these lots were part of the West Valley Pavilion Commercial Center project.

**D. RESOLUTION NO. 09-197, ACCEPT A PUBLIC SIDEWALK AND LIGHTING EASEMENT FROM WINCO FOODS, LLC, ACROSS PROPERTY LOCATED AT 2572 SOUTH 5600 WEST**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-197 which would accept a Public Sidewalk and Lighting Easement from Winco Foods, LLC, across property located at 2572 South 5600 West.

Mr. Pyle stated the easement covered the 5600 West frontage of Lot 1 of the West Valley Pavilion Subdivision.

The City Manager reported the subject development was located within the 5600 West Overlay Zone which required wider parkstrips, sidewalks and sidewalk lighting along the 5600 West street frontage. He stated as the proposed sidewalk and lighting fell outside of the public right-of-way a public sidewalk and lighting easement would be required as a condition of approval. He indicated this lot was part of the West Valley Pavilion Commercial Center project and would be the site for the WinCo Foods store.

The City Council will consider proposed Resolution Nos. 09-194 through 09-197 at the Regular Council Meeting scheduled May 5, 2009, at 6:30 P.M.

**9. JORDAN RIVER MARKETPLACE VISIONING**

City Manager, Wayne Pyle, stated information regarding the Jordan River Marketplace visioning would be presented, with additional information to be given to the Council in two weeks. He stated the review would include how the project was structured and the vision process.

Brent Garlick, CED Department, noted the following individuals were in attendance at the meeting: Brad Knowlton and Bob Murri, Ascent Development; Kathleen Hill and Jackson Jones, Community Studio Architects; and Bob Springmeyer, Bonneville Research.

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

- Land acquisition and disbursement
- Environmental issues
- Environmental concerns
- Special Improvement District
- Transportation
- City/RDA land and due diligence issues
- Financial arrangement

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- Developer agreement
- Project design

City Manager, Wayne Pyle, further reviewed and summarized some of the information discussed above, including issues of interest to, and for consideration by, the City Council regarding costs, materials, architectural details, and others which issue would be considered prior to actually getting into the visioning process.

Using PowerPoint, Bob Springmeyer, Bonneville Research, discussed information summarized as follows:

- “Ethnic Market” area – key questions, statistics to consider and conclusions
- Granger Crossing, Redwood Road and Jordan River Marketplace areas

Kathleen Hill, Community Studio Architects, discussed finding businesses and tenants with unique characteristics and/or history. She also discussed complications, opportunities and possibilities of this project including diversity and cultures that were “in the mix.” She discussed using Granville Island in British Columbia, Canada, as a model and explained that reasoning. She indicated it was a highly attended, local tourist attraction that was a unique destination because it was designed in that way. She expressed desire to do the same type of great project for West Valley City which would be special and make a place people would want to visit.

Brad Knowlton, Ascent Development, expressed the goal to provide a gateway and sense of arrival to West Valley City.

Mayor Nordfelt stated the information presented and discussed would be very helpful and the City Council looked forward to continuing dialogue regarding the subject project.

### 10. **COUNCIL REPORTS**

Due to time constraints, there were no Council reports given.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, APRIL 28, 2009, WAS ADJOURNED AT 6:27 P.M., BY MAYOR NORDFELT.

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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, April 28, 2009.

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Sheri McKendrick, MMC  
City Recorder