

MINUTES OF COUNCIL STUDY MEETING – OCTOBER 26, 2010

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

Unanimous.

2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED OCTOBER 26, 2010

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled October 26, 2010, at 6:30 P.M. He discussed items scheduled on that Agenda, as follows:

Item No. 8.A. – ORDINANCE NO. 10-33, AMEND SECTION 23-3-101 OF TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL CODE TO RESOLVE A CONFLICT BETWEEN TITLE 7 AND TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE NUMBER OF LICENSED PETS ALLOWED PER HOUSEHOLD

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-33 which would amend Section 23-3-101 of Title 23 of the West Valley City Municipal Code to resolve a conflict between Title 7 and Title 23 of the West Valley City Municipal Code regarding the number of licensed pets allowed per household.

The City Manager distributed a copy of language related to the proposed Ordinance in response to inquiries from the Council at the previous week's Study Meeting. City Attorney, Richard Catten, answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 10-33 at the Regular Council Meeting scheduled October 26, 2010, at 6:30 P.M.

Upon inquiry by the City Manager, there were no further questions or discussion regarding items scheduled on the subject Agenda.

3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED NOVEMBER 2, 2010:

A. EMPLOYEE OF THE MONTH AWARD, OCTOBER 2010 – PHIL MARKHAM, PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, stated Councilmember Vincent would read the nomination of, and present an award to, Phil Markham, Public Works Department, who had been nominated to receive the Employee of the Month award for October 2010, at the Regular Council Meeting scheduled November 2, 2010.

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4. **PUBLIC HEARINGS SCHEDULED NOVEMBER 2, 2010:**

A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-13-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO TITLE 7 OF THE LAND USE DEVELOPMENT AND MANAGEMENT ACT OF THE WEST VALLEY CITY MUNICIPAL CODE FOR RESIDENTIAL STANDARDS FOR VEHICLES IN SECTION 7-9-108 AND MINIMUM ACCESSORY BUILDING AND DWELLING SEPARATION STANDARDS IN SECTION 7-6-305**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M., in order for the City Council to accept public input regarding Application No. ZT-13-2010, filed by West Valley City, requesting a zone text amendment to Title 7 of the Land Use Development and Management Act of the West Valley City Municipal Code for residential standards for vehicles in Section 7-9-108 and minimum accessory building and dwelling separation standards in Section 7-6-305. He discussed proposed Ordinance No. 10-34 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 10-34, AN ORDINANCE AMENDING SECTIONS 7-6-305, 7-6-406, 7-6-508, 7-6-808 AND 7-9-108 OF THE WEST VALLEY CITY MUNICIPAL CODE TO DECREASE THE CITY'S MINIMUM SETBACK BETWEEN AN ACCESSORY BUILDING AND A SINGLE-FAMILY RESIDENTIAL HOME, AS WELL AS DECREASE THE MINIMUM DRIVE WIDTH FOR ACCESS TO REQUIRED PARKING

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-34 which would amend Sections 7-6-305, 7-6-406, 7-6-508 and 7-9-108 of the West Valley City Municipal Code to decrease the City's minimum setback between an accessory building and a single-family residential home, as well as decrease the minimum drive width for access to required parking.

Mr. Pyle stated in an effort to allow all homes more access to and use of their backyards, the proposed ordinance would reduce the necessary drive width to rear yard minimum residential parking and allow accessory buildings to be built closer to the home.

The City Manager reported the ordinance proposal would allow the minimum setback between a single-family home and an accessory building to be three feet rather than the existing six feet minimum. He further reported the three-foot setback was the distance that building inspections required without constructing a fire rated wall. He also indicated the six-foot minimum had once been the minimum distance from the home required without building a firewall.

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Mr. Pyle indicated the proposal would also allow the access drive for the minimum required parking on site to be eight feet wide rather than the current 10 feet wide drive. He stated this would allow homes built under the County's jurisdiction that had side setbacks less than 10 feet to increase their living area by enclosing a garage or carport to living space and using the minimum required parking in the backyard.

Hannah Thiel, CED Department, further reviewed and discussed the Application and proposed Ordinance and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-13-2010 and consider proposed Ordinance No. 10-34 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

B. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-14-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE SUBDIVISION ORDINANCE, SECTION 7-19 OF THE WEST VALLEY CITY MUNICIPAL CODE

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M., in order for the City Council to accept public input regarding Application No. ZT-14-2010, filed by West Valley City, requesting a zone text amendment to the Subdivision Ordinance, Section 7-19 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 10-35 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 10-35, AN ORDINANCE AMENDING SECTION 7-19 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CLARIFY AND DEFINE SUBDIVISION DEVELOPMENT IN THE CITY

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-35 which would amend Section 7-19 of the West Valley City Municipal Code to clarify and define subdivision development in the City.

Mr. Pyle stated the proposed ordinance of the City Code would clean up outdated language and add new language based on recent changes in State law.

The City Manager explained the Subdivision Ordinance was an important document for those desiring to subdivide property in West Valley City. He stated this particular ordinance had been a stellar document central to development of hundreds of subdivisions throughout the City. He indicated the proposed changes would more clearly define responsibilities of those wanting to subdivide commercial and residential property. He advised the proposed changes had been reviewed by various City departments having an active role in the review process.

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He further indicated recommendations from the various departments had been added where appropriate, thus providing enhanced clarity and simplification to the ordinance.

Steve Lehman, CED Department, further reviewed and discussed the Application, proposed Ordinance, including details of the proposed changes to the section regarding flag lots and the proposal to extend expiration of final plat from six months to one year due to current economic conditions being encountered by developers. He also answered questions from members of the City Council.

Councilmember Burt expressed concern regarding certain language on page 7 proposed to be eliminated from the current ordinance. After discussion of those concerns, the City Council expressed a consensus to leave that language in the document.

Councilmember Brooks expressed some concerns regarding the repealed language on page 24. Steve Lehman, CED Department, clarified the proposed language and stated reasons for repealing the existing language. After discussion of those concerns, the City Council expressed a consensus to leave that language in the current ordinance.

City Manager, Wayne Pyle, stated staff would make the changes to the proposed ordinance as discussed by the City Council with a new draft to be available to the Council prior to the Regular Council Meeting scheduled the following week.

The City Council will hold a public hearing regarding Application No. ZT-14-2010 and consider proposed Ordinance No. 10-35 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

5. **RESOLUTION NO. 10-182, APPROVE AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND GRANGER-HUNTER IMPROVEMENT DISTRICT THAT WOULD ALLOW GRANGER-HUNTER IMPROVEMENT DISTRICT TO INSTALL, OPERATE, AND MAINTAIN A 12-INCH PVC CULINARY WATERLINE ON PROPERTY OWNED BY WEST VALLEY CITY**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-182 which would approve an Easement Encroachment Agreement between West Valley City, the U.S. Department of the Interior and Granger-Hunter Improvement District that would allow Granger-Hunter Improvement District to install, operate, and maintain a 12-inch PVC culinary waterline on property owned by West Valley City.

Mr. Pyle stated Granger-Hunter Improvement District had requested permission to cross property owned by the City that would encroach upon the easement owned by the U.S. Department of the Interior. He also stated the City owned property encumbered by the

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easement and Granger-Hunter desired to install the culinary waterline over the Jordan Aqueduct, Reach 3, and could do so only upon agreement from the Department of the Interior because the conduits would encroach on the easement. He further advised the U.S. Department of the Interior had agreed to allow TCG Utah to encroach on their easement in accordance with the appropriate documents.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-182 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

6. **RESOLUTION NO. 10-183, APPROVE AN AGREEMENT BETWEEN NORTHWEST LAND AND DEVELOPMENT, L.L.C., KENNECOTT UTAH COPPER CORPORATION, SALT LAKE COUNTY, AND WEST VALLEY CITY, FOR THE RELOCATION OF A RIGHT-OF-WAY EASEMENT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-183 which would approve an Agreement between Northwest Land and Development, L.L.C., Kennecott Utah Copper Corporation, Salt Lake County, and West Valley City, for the relocation of a right-of-way easement.

Mr. Pyle stated the proposal would modify and relocate an existing right-of-way easement in favor of Kennecott Utah Copper Corporation, Salt Lake County, and West Valley City, across property owned by Northwest Land and Development, LLC. He advised that Kennecott and Salt Lake County would also be parties to the agreement.

The City Manager reported American Preparatory Academy (APA) Accelerated School had submitted an application to build a charter school at the above location. He indicated the existing 55-foot wide right-of-way easement crossed directly under the proposed school building while the actual storm drain and irrigation pipe fell outside of the right-of-way easement location. He stated it had been determined a 10 foot wide right-of-way easement in the location of the actual storm drain and irrigation pipe adjacent to 3600 West was sufficient. He also indicated relocation of the right-of-way easement would allow the school to move forward with construction and provide the effected entities with a right-of-way easement in the correct location.

City Manager, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the City Council.

City Attorney, Richard Catten, answered additional questions and stated staff had some concerns regarding certain language in the proposed agreement, therefore, a copy had not yet been included in the City Council's informational packets. He advised a final draft would be ready and distributed to the City Council prior to the Regular Council Meeting scheduled the following week.

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The City Council will consider proposed Resolution No. 10-183 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

7. **RESOLUTION NO. 10-184, APPROVE A RIGHT-OF-WAY PURCHASE AGREEMENT BETWEEN ALLIANT TECHSYSTEMS, INC. AND WEST VALLEY CITY, FOR PROPERTY LOCATED AT APPROXIMATELY 6802 WEST 6200 SOUTH AS PART OF THE 6200 SOUTH EXTENSION PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-184 which would approve a Right-of-Way Purchase Agreement between Alliant Techsystems, Inc. and West Valley City for property located at approximately 6802 West 6200 South as part of the 6200 South Extension Project.

Mr. Pyle stated Alliant Techsystems, Inc. had signed the Right-of-Way Purchase Agreement and agreed to sign a Special Warranty Deed.

The City Manager reported the 6,649 square foot parcel of property was one of the properties to be acquired for the 6200 South Extension Project extending from 6200 South to State Highway No. 111, westerly from its current terminus at approximately 6400 West. He indicated compensation would be in the amount of \$11,700.00 as per an appraisal prepared by Free and Associates, Inc. He also advised funding for the acquisition would be through the State Corridor Preservation Fund.

City Manager, Wayne Pyle, further discussed and reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-184 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

8. **RESOLUTION NO. 10-185, APPROVE A RIGHT-OF-WAY PURCHASE AGREEMENT BETWEEN ALLIANT TECHSYSTEMS, INC. AND WEST VALLEY CITY, FOR PROPERTY LOCATED AT APPROXIMATELY 6149 SOUTH STATE HIGHWAY NO. 111 AS PART OF THE 6200 SOUTH EXTENSION PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-185 which would approve a Right-of-Way Purchase Agreement between Alliant Techsystems, Inc. and West Valley City for property located at approximately 6149 South State Highway No. 111 as part of the 6200 South Extension Project.

Mr. Pyle stated Alliant Techsystems, Inc. had signed a Right-of-Way Purchase Agreement and agreed to sign a Special Warranty Deed.

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The City Manager reported the 3.988-acre parcel was one of the properties to be acquired for the 6200 South Extension Project extending from 6200 South to State Highway No. 111, westerly from its current terminus at approximately 6400 West. He also reported compensation for the parcel would be in the amount of \$322,300.00 per an appraisal prepared by Free and Associates, Inc. He advised funding for this acquisition would be through the State Corridor Preservation Fund.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-185 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

9. NEW BUSINESS SCHEDULED NOVEMBER 2, 2010:

A. APPLICATION NO. PUD-1-2010, FILED BY STEVEN NELSON, REQUESTING FINAL PLAT APPROVAL FOR MOUNTAIN WEST PHYSICIANS PLAZA CONDOMINIUMS LOCATED AT 3465 SOUTH PIONEER PARKWAY

City Manager, Wayne Pyle, discussed Application No. PUD-1-2010, filed by Steven Nelson, requesting final plat approval for Mountain West Physicians Plaza Condominiums located at 3465 South Pioneer Parkway.

Mr. Pyle stated Steven Nelson, representing the owners of Mountain West Physicians Plaza, had requested final approval for the Mountain West Physicians Plaza Condominiums. He advised the subject property was located southeast from the Pioneer Valley Hospital and was presently being used for medical offices, and was zoned 'C-2.' He indicated the applicant had proposed to convert the existing medical office building into five individual condominium units. He indicated the definition of a condominium was the ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property.

The City Manager explained the purpose for the condominium plat was to allow the applicant an opportunity to divide the building into five units for sale. He stated that according to a letter from Mr. Nelson, the original partners who built the Plaza in 1980 were retiring. He indicated they were finding it difficult to market the building as a business partnership and the applicant cited three reasons, as follows:

1. Financing was not available – lenders would not loan on the purchase of an individual suite because the buyer would be purchasing a share in a business partnership rather than the suite itself.

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2. Prospective buyers were reluctant to enter into a business partnership with others they did not know and with whom they had no previous relationship or experience.
3. Shared expenses such as landscape maintenance were not handled in a market-standard way with CCR's. This was confusing to prospective buyers.

Mr. Pyle again explained the condominium application would allow each unit to be sold separately. He stated all exterior parking spaces, landscaping and common areas would be held in common ownership. The applicant would be required to submit a declaration and CCR's which would address the aforementioned items.

The City Manager indicated the existing site received conditional use approval from Salt Lake County in December 1979. He indicated the site plan approved for the subject property had not changed from its original approval under County jurisdiction. He also stated parking, landscaping and building improvements were in good condition.

Mr. Pyle explained that Title 9 of the West Valley City Code provided for condominium conversions. He further explained that although somewhat different than a residential application, many of the same requirements would apply in this case such as coordination with Granger-Hunter Improvement District and other agencies regarding utility regulations. He stated the applicant would also be required to submit a Declaration of Condominium as well as Conditions, Covenants and Restrictions (CCR's).

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. PUD-1-2010 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

10. **COMMUNICATIONS:**

A. **MULTI-FAMILY DESIGN STANDARDS DISCUSSION**

City Manager, Wayne Pyle, stated the Council had previously expressed a desire to further discuss issues regarding the City's Multi-Family Design Standards and he requested the Council reiterate their specific items of interest in that regard.

Members of the City Council discussed issues regarding the Multi-Family Design Standards and stated they would like to see some multi-family developments be required to have a certain percentage of larger units in which people could raise families if those individuals did not desire to purchase a single-family home. Some members of the Council requested to consider the potential of a residential

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component including types of dwellings that could be built in the City Center area. Members of the Council stated there were currently options were somewhat limited for rental units for families or those who preferred to have amenities such as swimming pools or tennis courts, but also desired space for a family.

Upon further discussion, the Council members stated if there was a demand for larger units, the market should dictate that. Also discussed were new trends in housing and housing stock that catered to various lifestyles including some ethnic groups whose households included extended family members. City Council members expressed the need for affordable and reasonable alternatives for lifestyle and cultural preferences stating there was a need for as many different dwelling types and options as possible.

Additional discussion included the prudence for increased requirements for building materials when converting apartments to condominiums.

City Manager, Wayne Pyle, advised he would instruct staff to review the City's ordinances, including requirements and design standards used by other cities, and present that information to the City Council for further discussion and consideration.

B. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: October 27, 2010: Salt Lake County Council of Governments Emergency Response Exercise, South Towne Expo Center, 11:00 A.M. – 1:00 P.M.; October 28, 2010: EAC Halloween Party, City Hall, 3:00 P.M. – 5:00 P.M.; November 1, 2010: Day of the Dead, Community Celebration, UCCC, 6:00 P.M. – 9:00 P.M.; November 2, 2010: Election Day; November 2, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 4, 2010: So You Think You Can Dance Tour, Maverik Center; November 5, 2010: ChamberWest 2010 Legacy Awards Gala, UCCC, 6:00 P.M.; November 9, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 9, 2010: Yo Gabba Gabba Live! There's a Party in My City!, Maverik Center; November 11, 2010: Veteran's Day – City Hall closed; November 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 19 – December 30, 2010: Trees of Diversity, UCCC; November 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 25, 2010: Thanksgiving – City Hall closed; November 26, 2010: ChamberWest's Santa Christmas Parade, 9:00 A.M.; November 26-29, 2010: Radio City Christmas Spectacular, Maverik Center; November 30 – December 4, 2010: NLC Congress of Cities & Exposition, Denver, Colorado; December 2, 2010: EAC Holiday Luncheon, UCCC; December 4, 2010: Winter Market, UCCC, 10:00 A.M. – 8:00 P.M.; December 7, 2010: Council Study Meeting, 4:30 P.M., Regular Council

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Meeting, 6:30 P.M.; December 13, 2010: Winter Concert Series – Bonnie Harris Christmas Concert, UCCC, 7:00 P.M.; December 14, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and December 21, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

11. COUNCIL REPORTS:

A. COUNCILMEMBER STEVE VINCENT – TAXING ENTITY COMMITTEE

Councilmember Vincent reported that he and Councilmember Brooks would attend the final Taxing Entity Committee meeting the following day regarding the Granger Crossings Urban Renewal Area.

B. COUNCILMEMBER DON CHRISTENSEN – COG GENERAL ASSEMBLY MEETING AND HALLOWEEN ACTIVITIES

Councilmember Christensen reported regarding a Salt Lake County Council of Governments (COG) General Assembly meeting he attended the previous night, including issues discussed.

Councilmember Christensen advised he had attended Halloween activities held at the Family Fitness Center the previous Saturday.

C. COUNCILMEMBER RUSS BROOKS – TEC MEETING, PASSING OF FORMER PLANNING COMMISSION MEMBER, SCHOOL ZONE SIGNS AND TRAFFIC LIGHTS

Councilmember Brooks advised that Steve Vincent had been elected chair of the TEC (Taxing Entity Committee). He suggested the Redevelopment Agency could give an annual report to the TEC to promote accountability and knowledge by committee members regarding various projects. Councilmember Vincent suggested when updates are given to the City Council, that information be forwarded to members of the TEC. City Manager, Wayne Pyle, stated he would follow up on the above suggestions.

Councilmember Brooks informed that former Planning Commission member and long-time resident of West Valley City, Ray Wendrich, had recently passed away.

Councilmember Brooks inquired if school zone signs had been placed in front of the Monticello Academy charter school and, if not, would this be something that needed to be addressed. City Manager, Wayne Pyle, stated he would review the school zone sign issue and advise. Councilmember Vincent stated there should also be some way to accommodate drop off and pick up of students at the Monticello school and other charter schools, as there seemed to be more vehicle traffic in those locations.

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Councilmember Brooks advised the new traffic lights near Kennedy Jr. High School were almost complete and he suggested the public be made aware of that fact through the WVC-TV and other media means. Councilmember Burt stated the PTA and principal of Kennedy Jr. High School would soon be getting the word out about the new traffic lights. City Manager, Wayne Pyle, advised the lights would flash for several days to draw attention to them and to make residents aware of the new installations.

D. MAYOR MIKE WINDER – EDCUTAH ANNUAL MEETING, VALLEY FAIR MALL EVENT, EMPRESS THEATER EVENT, CITY CENTER PRESENTATION AND PROPOSITION #3

Mayor Winder reported regarding the annual meeting of the EDCUtah he recently attended with some members of City staff.

Mayor Winder advised he had recently attended the “Keep Our Kids Moving” event at the Valley Fair Mall.

Mayor Winder informed he had delivered the keynote address at an event recently held at the Empress Theater in Magna. He indicated there had been many people from West Valley City at that event.

Mayor Winder stated the County Library Board had recently met at the West Valley Library and he, the City Manager, and the CED Director had given a presentation regarding the City Center Redevelopment Project Area and Proposition #3, the General Obligation bond issue regarding parks and trails on the ballot for the upcoming General election.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, OCTOBER 26, 2010, WAS ADJOURNED AT 6:17 P.M., BY MAYOR WINDER.

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, October 26, 2010.

Sheri McKendrick, MMC
City Recorder