

**MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 2, 2010**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, NOVEMBER 2, 2010, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Don Christensen

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Kevin Astill, Parks and Recreation Director  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Nicole Cottle, CED Director  
Richard Catten, City Attorney  
Jim Welch, Finance Director  
Mike Wells, Acting Police Chief  
Kelly Davis, Acting Community Preservation Director  
Steve Pastorik, CED Department  
Steve Lehman, CED Department  
Hannah Thiel, CED Department  
Phil Markham, Public Works Department  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD OCTOBER 19, 2010**  
The Council read and considered Minutes of the Study Meeting held October 19, 2010. There were no changes, corrections or deletions.

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After discussion, Councilmember Brooks moved to approve the Minutes of the Study Meeting held October 19, 2010, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

### 2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED NOVEMBER 2, 2010:**

City Manager, Wayne Pyle, stated two new items had been added to the Agenda for the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M. He discussed the new items and others, as follows:

#### **Item No. 8.B. – 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, 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.

City Manager, Wayne Pyle, advised a new draft of proposed Ordinance No. 10-35 with the changes as requested by the City Council had been included in the Council informational packets. He also answered questions from members of the City Council.

Councilmember Burt expressed concern regarding language on page 25, line 1052 of the proposed Ordinance. She expressed disapproval that the role of the City Council would be eliminated under the proposed change.

Steve Lehman, CED Department, addressed the above concerns and stated the proposed wording on page 25, line 1052 would take out a step not necessary in the subdivision process.

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

**Item No. 9.B. - 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.

City Manager, Wayne Pyle, advised the agreement regarding the proposed Resolution had not been ready for the Council's Study Meeting the previous week, but had been included in the informational packets. He also answered questions from members of the City Council.

**Item No. 9.E. – RESOLUTION NO. 10-186, AUTHORIZING ISSUANCE AND SALE OF NOT MORE THAN \$14,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S SALES TAX REVENUE REFUNDING BONDS (CAPITAL APPRECIATION BONDS), SERIES 2010, AUTHORIZING EXECUTION AND DELIVERY OF A FIFTH SUPPLEMENTAL INDENTURE OF TRUST, AN ESCROW DEPOSIT AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION OF AN INTERLOCAL TAX INCREMENT PLEDGE AGREEMENT WITH THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH; AND APPROVING A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, AND A BOND PURCHASE AGREEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-186, which would authorize issuance and sale of not more than \$14,000,000 aggregate principal amount of the City's Sales Tax Revenue Refunding Bonds (Capital Appreciation Bonds), Series 2010, authorize execution and delivery of a Fifth Supplemental Indenture of Trust, an Escrow Deposit Agreement, and other documents required in connection therewith; authorize the execution of an Interlocal Tax Increment Pledge Agreement with the Redevelopment Agency of West Valley City, Utah; and approve a Preliminary Official Statement, an Official Statement, and a Bond Purchase Agreement; authorize the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; and related matters.

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Mr. Pyle stated the proceeds of the Sales Tax Revenue Bonds would be used to refund the Sales Tax Revenue Bonds issued by the City in 2002 to finance the land acquisition and construction of the Utah Cultural Celebration Center. He also stated issuance of these bonds would allow the City to more effectively use available Redevelopment Agency additional tax increment to fund payment of the bond. He indicated this would result in significant savings to the City. He also explained the proposed resolution set the upper limit of the amount to be borrowed and the interest rate.

The City Manager indicated State law allowed the Redevelopment Agency to collect certain additional tax increment payments that could be used for limited purposes. He stated those limited purposes included funding the construction of cultural and recreational facilities. He also stated the issuance of these bonds would allow the City to more closely match future bond payments with expected tax increment revenues resulting in savings to the City.

City Manager, Wayne Pyle, distributed copies of the final draft of the proposed Resolution with a new amount of \$15,000,000. He reviewed the new draft and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-186 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

### **Item No. 9.F. – RESOLUTION NO. 10-187, AUTHORIZE THE CITY TO EXECUTE THE SECOND AMENDED AND RESTATED INTERLOCAL COOPERATIVE AGREEMENT OF THE UTAH INFRASTRUCTURE AGENCY**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-187 which would authorize the City to execute the Second Amended and Restated Interlocal Cooperative Agreement of the Utah Infrastructure Agency (UIA).

Mr. Pyle stated this Second Amended and Restated Interlocal Agreement revised the agreement which established and governed the operation of the UIA, which would construct, own, and operate or cause to be operated, telecommunication infrastructure and facilities within its member cities. He further stated the revisions included the addition of new members to the agreement, made the agreement compatible with the UIA Service Agreement adopted by its members, and made other technical revisions requested and agreed upon by the members.

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. 10-187 at the Regular Council Meeting scheduled November 2, 2010, at 6:30 P.M.

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### **Redevelopment Agency and Housing Authority Agenda Items**

City Manager, Wayne Pyle, reviewed all items on the Agendas for the Redevelopment Agency and Housing Authority Agendas for the meetings scheduled November 2, 2010.

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

### 3. **AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED NOVEMBER 9, 2010:**

#### A. **EMPLOYEE OF THE MONTH AWARD, NOVEMBER 2010 – SHARON COSGROVE, LAW DEPARTMENT**

City Manager, Wayne Pyle, stated Councilmember Burt would read the nomination of Sharon Cosgrove, Law Department, who had been nominated to receive the Employee of the Month award for November 2010, at the Regular Council Meeting scheduled November 9, 2010, at 6:30 P.M.

### 4. **PUBLIC HEARINGS SCHEDULED NOVEMBER 9, 2010:**

#### A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-2-2010, FILED BY VAN NGUYEN, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ‘C-2’ (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 2351 SOUTH AND 2363 SOUTH REDWOOD ROAD**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled November 9, 2010, at 6:30 P.M., in order for the City Council to hear and consider public input regarding Application No. Z-2-2010, filed by Van Nguyen, requesting a zone change from zone ‘A’ (Agriculture) to ‘C-2’ (General Commercial) for property located at 2351 South and 2363 South Redwood Road. He discussed proposed Ordinance No. 10-36 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

#### **ORDINANCE NO. 10-36, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 2351 SOUTH AND 2363 SOUTH REDWOOD ROAD FROM ZONE ‘A’ (AGRICULTURE) TO ‘C-2’ (GENERAL COMMERCIAL)**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-36 which would amend the Zoning Map to show a change of zone for property located at 2351 South and 2363 South Redwood Road from zone ‘A’ (Agriculture) to ‘C-2’ (General Commercial).

Mr. Pyle stated the proposed zone change included two parcels totaling 1.8 acres. He advised the surrounding zones included ‘RM’ (Residential, Multifamily) to the east and south, ‘A’ (Agricultural) to the north, and ‘M’ (Manufacturing) to the

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west. He indicated that surrounding land uses included townhomes to the east and south, single-family homes to the north, and commercial to the west. He further stated between Highway 201 and Warnock Avenue (2525 South) the zoning along both sides of Redwood Road was predominantly 'C-2' or 'M.' He indicated the subject property was designated as mixed use in the General Plan. The subject parcel on the south included a single-family home built in 1949 and the subject parcel on the north included a single-family home built in 1953.

The City Manager indicated if the re-zone was approved, the applicant intended to develop the property as a shopping center with a market as the anchor. He explained the Hong Phat Market currently located at 3086 South Redwood Road was looking to expand and was the proposed market for the subject shopping center. He advised a conceptual plan of the proposed shopping center and a conceptual front elevation of the building had been included in the Council's informational packets.

Mr. Pyle stated if the re-zone was approved the shopping center would be reviewed as a conditional use and would need to comply with the City's commercial design standards as well as the Redwood Road streetscape ordinance. He indicated there were at least two items to consider for the conditional use: first, the Planning Commission would need to determine whether or not to grant a waiver of the masonry wall requirements along the north side of the subject property. He advised the Zoning Ordinance stated: "When future commercial use of neighboring property is recommended in the General Plan... a waiver or substitute for the wall requirements may be approved." Secondly, since 2004 there had been three code enforcement cases on the subject property where the Hong Phat Market was currently located. He indicated those violations dealt with weeds, lack of landscaping maintenance, junk and garbage scattered throughout the site, and overflowing dumpsters.

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

The City Council will hold a public hearing regarding Application No. Z-2-2010 and consider proposed Ordinance No. 10-36 at the Regular Council Meeting scheduled November 9, 2010, at 6:30 P.M.

5. **RESOLUTION NO. 10-188, ACCEPT PUBLIC SIDEWALK AND LIGHTING EASEMENTS FROM RIDDLE HOLDINGS, LLC, ACROSS PROPERTY LOCATED AT 1925 WEST 3500 SOUTH**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-188 which would accept Public Sidewalk and Lighting Easements from Riddle Holdings, LLC, across property located at 1925 West 3500 South.

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Mr. Pyle stated the subject easement was for the proposed Enterprise Car Rental and the site would be remodeled to include a wider sidewalk and street lighting on 3500 South. He advised as portions of the proposed sidewalk fell outside the public right-of-way, a public sidewalk easement would be required as a condition of approval.

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

The City Council will consider proposed Resolution No. 10-188 at the Regular Council Meeting scheduled November 9, 2010, at 6:30 P.M.

### 6. COMMUNICATIONS:

#### A. **SOLID WASTE DISPOSAL DISCUSSION**

City Manager, Wayne Pyle, stated that over the last few months, staff had reviewed the sanitation program and it seemed appropriate to update the City Council in that regard. Upon direction of the City Manager, the Public Works Director, Russell Willardson, introduced two representatives of ACE Disposal who were in attendance at the meeting.

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

- Solid Waste Collection Contract – began July 1, 2005; terminates June 30, 2011 per request of ACE Disposal; total current annual contract in the amount of \$2.2 million dollars
- Chart showing current collection costs
- Increased costs – landfill tipping fee; current market; recent bids up 25-34% in 18 months; fuel surcharges
- Potential shortfall assuming 25% increase in collection costs and landfill fees
- Options to cover expected shortfall – raise fees, reduce services and/or draw down sanitation fund balance (very short term solution)
- Solid waste fees charged by other cities
- Current cost of basic services compared with other cities
- Current fee for additional cans as compared with other cities
- Possible reduction in services – charge for dumpsters rather than provide at no cost; bulky waste is currently under utilized or not used and not cost effective
- Other services to include in next request for proposal (RFP) and possible costs – green waste collection, weekly recycling, environmental impacts
- Other considerations – West Valley City business preference in current ordinance, length of contract, landfill options, single contractor, fuel surcharges, CPI cost adjustments

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- Next steps – complete RFP documents in November; issue RFP in December; receive proposals in January of 2011; evaluate proposals and prepare contract documents in January of 2011; City Council award contract in February, 2011.

During the above presentation of information, the Public Works Director answered questions and received input from members of the City Council.

Upon discussion by the City Council, comments and suggestions were made summarized as follows: many citizens have requested green waste pickup; suggestion to eliminate bulky waste, raise fees for second can, increase dumpster program; residents seem satisfied with a dumpster in neighborhood once a year; would like to see proposals for green waste, quarterly bulky waste rather than monthly and weekly recycling; dumpster program is very popular and incentivizes residents to clean up yards; would like to see several options of services with costs; suggestion to encourage residents to participate in poll via City's website to see what services were of most importance; increase dumpsters to twice per year in larger neighborhood areas; etc.

After further discussion, the City Council expressed a consensus and instructed the City Manager to include the following in a Request for Proposal (RFP) for solid waste disposal services:

- Bi-weekly recycling
- Green waste
- Dumpsters
- Monthly bulky waste

### B. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: 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 18, 2010: SongFest!, UCCC, 6:00 P.M. – 8:00 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

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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 Meeting, 6:30 P.M.; December 8, 2010: Public Safety Senior Citizens Dinner, Granger High School, 5:00 P.M. – 7:00 P.M.; December 10-12, 2010: Elmo's Green Thumb, Maverik Center; 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.; December 21, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 4, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 11, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 17, 2011: Martin Luther King Jr. Holiday – City Hall closed; January 18, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 21 & 22, 2011: Strategic Planning Meeting, UCCC (tentative); and January 25, 2011: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M..

### C. **ELECTION RESULTS**

Upon request of Mayor Winder, staff turned on the CNN television news channel in order for the City Council and staff to view some of the election results from polls that had closed on the east coast.

## 7. **COUNCIL REPORTS**

### A. **COUNCILMEMBER RUSS BROOKS AND COUNCILMEMBER STEVE VINCENT – TRIP TO PORTLAND, OREGON WITH UTA TO VIEW TRANSIT PROJECTS AND TOD'S**

Councilmembers Brooks and Vincent reported regarding a recent trip to Portland, Oregon with representatives from UTA and other cities to view transit projects and TOD's (Transit Oriented Developments). They stated a staff member and a Planning Commission member had also participated in the trip. Councilmember Vincent advised he had taken photographs and would like to show them to the Council at a future meeting.

### B. **COUNCILMEMBER RUSS BROOKS – TEC MEETING**

Councilmember Brooks reported regarding a recent Taxing Entity Committee (TEC) meeting and a unanimous vote to create Granger Crossing Urban Renewal Area. He advised that the annual meeting would be held in March 2011 and a financial report should be given to members at that time.

### C. **MAYOR MIKE WINDER – SALT LAKE COUNTY EMERGENCY RESPONSE DRILL; UTA ANNOUNCEMENT; UDOT MEETING; AND "TRAX OR TREAT" EVENT**

Mayor Winder stated he had joined Councilmember Christensen, the Assistant City Manager and Fire Chief in participating in a recent Salt Lake County emergency response drill the previous week.

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Mayor Winder discussed a recent event hosted by UTA (Utah Transit Authority) for announcement of the addition of streetcars in the Sugarhouse area of Salt Lake City. He stated during that event, Mayor Ralph Becker, Salt Lake City, talked to him and encouraged West Valley City to become members and be more involved in the U.S. Conference of Mayors' organization.

Mayor Winder discussed a recent meeting with representatives of the UDOT regarding UTOPIA expansion.

Mayor Winder reported regarding a "TRAX or Treat" event held the previous week to mark the end of light rail construction in the area near West Valley City Hall and the Valley Fair Mall.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, NOVEMBER 2, 2010, WAS ADJOURNED AT 6:07 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, November 2, 2010.

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Sheri McKendrick, MMC  
City Recorder