

**MINUTES OF COUNCIL REGULAR MEETING – AUGUST 9, 2011**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 9, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney  
Nicole Cottle, CED Director  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Claire Gillmor, Law Department  
Craig Thomas, Administration  
Jake Arslanian, Public Works Department

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**OPENING CEREMONY**

The Opening Ceremony was conducted by Councilmember Carolynn Burt who expressed appreciation to the City Recorder, Sheri McKendrick, for her honest and professional efforts in conducting City elections. She also expressed disappointment that so few registered voters actually turn out at the polls for a municipal election. She encouraged all in attendance to register and exercise their right to vote. She read aloud quotes from William Penn and Daniel Webster regarding voting. Councilmember Burt also expressed a personal thought, “Alone my vote is tiny . . . Together we will be mighty.”

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**RECOGNITION**

Mayor Winder acknowledged candidates running in the upcoming municipal election who were in attendance at the meeting.

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15425      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 19, 2011**

The Council read and considered Minutes of the Regular Meeting held July 19, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held July 19, 2011, 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
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15426      **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 26, 2011**

The Council read and considered Minutes of the Regular Meeting held July 26, 2011. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held July 26, 2011, 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
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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**COMMENT PERIOD**

Upon inquiry by Mayor Winder, the following individuals addressed the City Council during the comment period.

Leroy Gibson addressed the City Council and expressed appreciation for the opportunity to speak. Mr. Gibson discussed widening of 7200 West and stated the work could be done in a safer manner. He stated there was not enough room for a fire truck or ambulance to get by yesterday during construction. He indicated he had come to City Hall the previous day to discuss the issue with City staff and a female staff member had been very rude and she said someone would call him back. He stated the inspector still had not contacted him regarding this issue. City Manager, Wayne Pyle, informed Mr. Gibson that City staff would be directed to contact him at once.

Fynbo (no first name given) addressed the City Council and expressed appreciation for the opportunity to speak. He also thanked the many citizens in attendance for their concern regarding operations of the City. He encouraged the City Council to let common sense be their guide when making decisions.

Upon inquiry by Mayor Winder, there was no one else who desired to address the City Council during the comment period.

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**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE FY 2011-2012 TENTATIVE BUDGET**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the FY 2011-2012 Tentative Budget. He presented proposed Resolution No. 11-117 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 11-117 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2011, and ending June 30, 2012; and determine the rate of tax and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2011.

City Manager, Wayne Pyle, stated the public hearing and adoption of the Final Budget was a culmination of the entire budget process. He directed Finance Director, Jim Welch, to give a presentation including an overview and explanation of the proposed Final Budget prior to the public hearing for the benefit of those in attendance at the meeting. Mr. Pyle stated after that presentation, he would then give a brief presentation stating reasons for recommending the proposed property tax increase.

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Using PowerPoint, Finance Director, Jim Welch, discussed information regarding the Fiscal Year 2011-2012 Budget, summarized as follows:

- Reflects City Council's objectives and Strategic Plan
- Blueprint for governmental operations matching available resources to essential City services
- Promotes efficiency in government
- Public disclosure
- Required by State law
- Prepared to Government Finance Officers Association (GFOA) standards
- Significant dates and actions in budget process
- Revenue projections take into consideration economic environment, economic forecasts and historical trends
- Expenditure projections include Strategic Plan objectives, service levels, direct cost of service - capital expenditures, fuel, utilities, debt service, employee costs (i.e., wages, benefits and insurance), business type activities, facilities maintenance
- Adopted Budget Comparison / General Fund for FY 2010-2011 and FY 2011-2012
- Graph showing revenue sources: property taxes, sales taxes, utility taxes, justice court, licenses and permits, other
- Graph showing expenditures for: Police, Fire, Public Works, Law, Community Preservation, CED, Finance, Parks and Recreation, Legislative, Non-Departmental, Debt Service, and others

City Manager, Wayne Pyle, reported a great deal of staff time and consideration had gone into preparation of the City's budget. He commented regarding previous actions due to economic conditions and increased expenses with decreased revenues during the two recessions over the last decade. He advised West Valley City had been in a good budget position in 2006, 2007 and 2008; and the last tax increase had been in 2006. He stated at that time the decision before the City Council had been whether or not to continue and maintain service levels or make cuts. He indicated the proposal in 2006 had been only to maintain service levels currently in place. After the City Council made that difficult decision to adopt an increase, the City was fine until the year 2008; which resulted in a revenue decrease of approximately \$5 million in sales tax revenue. He reported there had been cuts in expenses including maintaining vacant positions, eliminating positions, furloughs, retirement incentives, etc. He also indicated one-time money or fund balance amounts had been used to cover some expenses. He explained the proposed 18% property tax increase would maintain the current level of service and not meet any other needs. He also addressed timing and planning issues, including that the economy continued to struggle but there had been some improvement in sales tax revenue. He advised the City

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continued to strive to carry on economic development efforts that had made a difference in shortfall, including efficiency cuts. He indicated one-time and fund balance options had been used but the recession had stretched out and there were still needs to be met that would not be covered by a property tax increase. He stated the proposal was the best amount to meet the revenue needs. He also advised the proposal was not directly tied to UTOPIA expenses as there were a multitude of reasons for requesting the proposed increase. He reported that from a management standpoint, he had requested the City Council make the decision to increase revenue or make some difficult service cuts. He advised the Council had recognized the difficult time that residents, and themselves, were having and tried to be as considerate of that as possible.

Mayor Winder opened the public hearing.

John Williams addressed the City Council and stated a budget shortfall or deficit was a “wake up call” and he asked the Council to please consider his message. He stated the City could not afford the projected spending. He also stated raising taxes would stifle economic development and when times were tight, belts should be tightened. Mr. Williams indicated the City Manager and staff had made a good effort to inform citizens with open houses but more should be considered such as privatization of some services. He asked that citizens not be asked to fund the shortfall and to eliminate some services especially special interest projects.

Jim Conti addressed the City Council. Mr. Conti stated at this time and in such a tough economy the proposed increase was too much for the average person. He also stated the City, State and Federal governments should just live within their budgets, listen to constituents and implement their ideas. Mr. Conti indicated the City Council should consider cutting services and cut to the bone if needed. He requested other options be looked at that might be available.

Ross Linnell addressed the City Council and stated he was appalled that there were not more people in attendance to express opinions. He indicated West Valley City had a high tax rate and 18% more was too high. He questioned why property owners had to bear the burden and renters were not affected. Mr. Linnell explained he was on a fixed income and could relate to a “flat” budget. He quoted the City Manager in an article printed in the West Valley Journal. He stated he was bothered by UTOPIA expenses and that property owners had to pay and subsidize that company and stated he would not use that service. Mr. Linnell stated he appreciated the employees of West Valley City and had empathy for them.

Bill Barton addressed the City Council. Mr. Barton stated he was extremely concerned regarding the proposal to increase property taxes again, and the timing could possibly place West Valley City in a position of having the highest property

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tax levy in the state of Utah. He indicated that would not be a great distinction for potential businesses and homeowners to come to this City. Mr. Barton also stated tax money came directly out of the pockets of citizens and businesses and would affect the economy in a negative way. He explained this would take another \$3.5 million out of the West Valley City economy every year. He indicated there was no doubt that citizens would have to realize a serious cut in services and that would be the only way. Mr. Barton also stated in cutting there should be no “sacred cows” and we should learn to live with less.

Elaine Jones addressed the City Council. Ms. Jones expressed appreciation to the Council for improvements made on 6400 West. She stated she hoped there was a plan for paving of the USANA Amphitheater parking lot in the budget. She indicated as long as citizens were being cited for gravel then the USANA parking lot should also be take care of. Ms. Jones suggested if cuts needed to be made then code officers should be eliminated in addition to City Council salaries and building inspection staff.

Mike Markham addressed the City Council and stated he had no problem with the proposed tax increase. He indicated he liked the services provided by West Valley City. He advised his income was based on sales and his income was down. He noted there were way too many opinions and too few voters.

Bill Jones addressed the City Council. Mr. Jones stated a step back needed to be taken to live within our means and go outside mainstream of thinking to look at the wider view in order to make necessary cuts. He indicated we would be forced into it because next year’s economy will take another big hit and there was nothing to be done about it. Mr. Jones advised he believed the economy would get far worse. He suggested letting employees go and do what was necessary to make cuts. He requested the Council take a better look so the lack of income next year could be better dealt with.

John Huntinghouse addressed the City Council and expressed his opposition to the tax increase proposal. He stated the question to be asked was whether or not this was the right thing to do and the right direction to take the City. He indicated if this was the right decision to increase then why stop at 18% instead of going higher. He continued that if it was the wrong thing, then the Council should consider whether to increase taxes at all. He explained the proposed tax increase would disproportionately affect those on fixed incomes and small business owners.

Brent Fuller addressed the City Council. Mr. Fuller asked the City Council to keep in mind essential services West Valley City was required to provide. He discussed reasons for incorporation in 1980. He expressed the need to decide what services were essential such as police, fire and garbage disposal; and

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suggested there were others that could be cut. He indicated problems in the budget had come when the City had taken on the role of developer and UTOPIA was a prime example. Mr. Fuller explained private enterprise should take care of some things and essential services should be provided by the City. He stated sales tax would continue to go down and the decision to raise taxes would again have to be made in the future.

Glen Johnson addressed the City Council. Mr. Johnson stated he was a business owner in West Valley City and he noted his property valuation had increased, but a recent article noted a decrease in property values for residences. He explained he could not sell a building for a third of the value of the amount on the tax notice. He advised if the decision were based on facts then he would pay the property tax.

Howard Stephenson, representing Utah Taxpayers Association, addressed the City Council. Mr. Stephenson stated he could not believe what he had heard from City staff referencing the presentation of the budget information. He stated it was amazing to see what had happened in West Valley City in the last ten years as it was spiraling out of control. He referenced City ownership of the Maverik Center, part ownership of the hockey team, using taxpayer funds to build a hotel, a fitness center that competed with private enterprise, etc. Mr. Stephenson discussed a comparison of West Valley City's tax rate to other cities. He challenged the amount of the proposed tax increase and challenged the City Manager's statement that it did not have anything to do with UTOPIA. He stated he was pleading with the City Council to stop the direction in which West Valley City was going.

Jack Matheson addressed the City Council and stated he had seen a lot of change in the West Valley area in the last 40 years. He also stated some had not been great changes and UTOPIA was one of them. He stated UTOPIA was years away in construction and becoming outdated before even being built. He indicated there was not a need for outdated fiber coming into his home and he inquired if the City could get out of the contract with UTOPIA. Mr. Matheson explained it had been tough in the private sector in the last couple of years as his company had laid off one-third of the work force. He stated one area the City should not cut was police services and noted West Valley had lost officers to other jurisdictions because of lack of support.

Barbara Thomas addressed the City Council. Ms. Thomas stated she was in favor of the proposed tax increase and was proud of the development and services provided by the City. She stated everything had ramifications including cuts. She indicated West Valley City was changing because of some of the risks being taken. She indicated when someone decided to run for office there was also a personal reason and the inner workings of the City were not always known or

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understood; and promises were made that might not be able to be kept. She encouraged the City Council to increase taxes on an incremental basis, as needed.

Lamont Cragun addressed the City Council and shared information about his tax notice. He discussed taxes paid to other entities and expressed confusion regarding valuation of undeveloped lots, improved lots, residential lots, etc. He expressed concern and stated he did not understand how the valuation was done.

Ken Shosted addressed the City Council. Mr. Shosted stated what was happening in West Valley City was a mirror of what was going on in Washington, D.C. He indicated seniors could not afford an increase and the City needed to live within its means. He suggested to start collecting sales tax from food vendor carts as they were not right or fair to legitimate businesses. He also expressed a need to make landscape trucks get business licenses. He stated “illegals” were living in subsidized West Valley homes.

Victor Shanti addressed the City Council and stated he was a resident of West Jordan City, but had an experience today in West Valley City that he wanted to share. He suggested citizens would volunteer to do things the City was now paying for. Mr. Shanti stated he offered to bring in volunteers for a project, but was told by staff it was impossible because of required background checks.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

Mayor Winder stated local government was more responsible than the Federal government in that West Valley City balanced its budget and paid its debts. He addressed questions from those who spoke regarding property value assessments and stated that calculation was done by the Salt Lake County Assessor’s office. Mayor Winder also explained truth in taxation and answered some of the questions raised by those participating in the public hearing. He also expressed appreciation and thanked all those who had addressed the Council and shared their thoughts, concerns and opinions.

Upon discussion, Council members respectively discussed and expressed the following:

Councilmember Vincent requested the tax receipt calculator on the City’s website be shown on the screen. He stated numbers from his tax notice had been input in order to show the portion of his total property tax going to West Valley City and the specific amount for City services including police, fire, debt service, administration, and others. Councilmember Vincent also stated in reality the City received a small portion of each property owner’s tax payment and stated he paid a fair price for services received from West Valley City. He advised he would not



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like to see cuts that would decrease service levels. He further stated this tool was available on the City's website.

Mayor Winder encouraged those in attendance to insert numbers from their own tax notice into the calculator tool.

Councilmember Brooks expressed displeasure regarding Senator Howard Stephenson's remarks and told of progress and accomplishments made in the City because of decisions made by former and current Council members. He stated the City Council failed residents for 26 years by not increasing taxes. He advised taxes had been raised in 2006 and residents asked to have small incremental increases more often. Councilmember Brooks advised the Council was not here just to raise taxes, but to provide services that citizens wanted and needed. He stated this was a great City, which he loved, and wanted it to be the best place in the State of Utah. He also talked about previous decisions made by the City Council in the past that had made things better.

Councilmember Christensen stated he had been debating this issue and did empathize with many comments made in the public hearing. He indicated he too was on a fixed income and his wife owned a small business and had health issues. Councilmember Christensen discussed the change in the fireworks laws this year that allowed the purchase of "cake" fireworks that went up in the air that cost \$40 to \$50 each. He noted if there was money to be burned with fireworks then residents could afford a tax increase.

Councilmember Buhler stated he enjoyed hearing the comments made in the public hearing because it represented the same things going on in his mind. He stated he was convinced, sitting in a Council seat, that the City Council had the best interests of the City at heart no matter how they voted on this issue. He indicated no one liked paying taxes or raising taxes. He stated if he were asked to contribute \$70 to keep the City going or to build a new fire station or give employees raises, he would do it. Councilmember Buhler further stated it was one thing to pay from his own funds and quite another to require citizens to do so. He advised the current level of services could not be maintained without a tax increase and because of that he found it more difficult to vote for the increase even if he were to be voted out of office. He expressed his complete faith and confidence the City Council would all vote to best of their conscience or ability.

Councilmember Burt informed there was tax relief remedies available for those on fixed incomes. She also stated the 18% increase would be on West Valley City's portion of the property tax and not the entire amount. She advised she owned several homes and businesses in West Valley City and as a result her taxes would go up and her income would go down. She stated she was in favor of the increase. She expressed her love for the City and stated the tax increase seemed

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to be the right thing to do. She discussed economic conditions, measures taken by the City to decrease expenses and some services, lack of equipment, and other matters. She indicated if everyone shared the burden it would be doable and fair.

Councilmember Rushton stated he was pleased to see so many people at the public hearing this night and taking positions on this particular issue. He expressed gratitude that the Council and City staff had worked hard to bring the \$7 million shortfall down to \$3.5 million. He stated every year West Valley City had balanced its budget and it was important not to use one time sources to accomplish that balance. He discussed a 2011 survey of City residents and noted that over the past several years residents had said they were willing to pay more for increased police and fire services. He expressed appreciation to City staff and the Council for the quick and efficient implementation of the tax calculator tool on the City's website. He also discussed the recent U.S. bond rating downgrade of the United States government, but noted West Valley City's rating had been recently upgraded. He expressed support for the budget proposal and tax increase in order not to be "penny wise and pound foolish" in preparing for the future. He stated West Valley City's best days were ahead and this was a necessary step to keep the City moving forward.

Mayor Winder stated the Council had heard the passionate arguments on both sides of the issue and appreciated all those who had shared their input.

**ACTION: RESOLUTION NO. 11-117, ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012; AND DETERMINING THE RATE OF TAX AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN WEST VALLEY CITY, UTAH, TAXABLE BY LAW FOR THE YEAR 2011**

The City Council previously held a public hearing regarding proposed Resolution No. 11-117 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2011, and ending June 30, 2012; and determine the rate of tax and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2011.

After discussion, Councilmember Brooks moved to approve Resolution No. 11-117, a Resolution Adopting a Final Budget; Making Appropriations for the Support of West Valley City for the Fiscal Year Beginning July 1, 2011, and Ending June 30, 2012; and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within West Valley City, Utah, Taxable by Law for the Year 2011. Councilmember Burt seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	No

Majority.

15429

**RESOLUTION NO. 11-118, APPROVE AN AGREEMENT WITH HEXCEL CORPORATION FOR LANDSCAPE MAINTENANCE ON PROPERTY LOCATED AT 5400 SOUTH 7000 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-118 which would approve an Agreement with Hexcel Corporation for landscape maintenance on property located at 5400 South 7000 West.

Mr. Pyle stated as part of the ADL (Agreement for Disposition of Land) between the City and Hexcel; Hexcel had agreed to install landscaping along their frontage on 5400 South. He also stated Hexcel submitted landscape plans to the City, which had been approved by staff. He indicated installation of the landscaping had begun; however, the Utah Department of Transportation (UDOT) required a landscape maintenance agreement before landscaping within the right-of-way could be installed. He also indicated UDOT would only enter into a landscape maintenance agreement with the City and not a private entity. For that reason, City staff had proposed a landscaping maintenance agreement with UDOT which required the City to maintain the landscaping within the right-of-way. He stated the City, in turn, would have this landscape maintenance agreement with Hexcel since Hexcel would actually be maintaining the landscaping.

After discussion, Councilmember Vincent moved to approve Resolution No. 11-118, a Resolution Approving an Agreement with Hexcel Corporation for Landscape Maintenance on Property Located at 5400 South 7000 West. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

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Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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**RESOLUTION NO. 11-119, APPROVE AN AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE MAINTENANCE ON PROPERTY LOCATED AT 5400 SOUTH 7000 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 11-119 which would approve an Agreement with the Utah Department of Transportation (UDOT) for landscape maintenance on property located at 5400 South 7000 West.

Mr. Pyle stated as part of the ADL (Agreement for Disposition of Land) between the City and Hexcel; Hexcel had agreed to install landscaping along their frontage on 5400 South. He also stated Hexcel submitted landscape plans to the City, which had been approved by staff. He indicated installation of the landscaping had begun; however, UDOT required a landscape maintenance agreement before landscaping within the right-of-way could be installed. He also indicated UDOT would only enter into a landscape maintenance agreement with the City and not a private entity. For that reason, City staff had proposed a landscaping maintenance agreement with UDOT which required the City to maintain the landscaping within the right-of-way. He stated the City, in turn, would have the landscape maintenance agreement with Hexcel since Hexcel would actually be maintaining the landscaping.

After discussion, Councilmember Rushton moved to approve Resolution No. 11-119, a Resolution Approving an Agreement with the Utah Department of Transportation for Landscape Maintenance on Property Located at 5400 South 7000 West. Councilmember Christensen seconded the motion.

A roll call vote was taken:

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

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 9, 2011, WAS ADJOURNED AT 8:23 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, August 9, 2011.

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Sheri McKendrick, MMC  
City Recorder