

MINUTES OF COUNCIL REGULAR MEETING – JULY 21, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 21, 2009, 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 BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Nicole Cottle, CED Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Buzz Nielsen, Police Chief
Layne Morris, Community Preservation Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department

14617 **OPENING CEREMONY**
The Opening Ceremony was conducted by Dennis Nordfelt who led the Pledge of Allegiance to the Flag.

14618 **SCOUTS**
Mayor Nordfelt welcomed Scout Troop No. 362 in attendance to complete requirements for the citizenship in the Community and Communications merit badges.

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14619 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 7, 2009**

The Council read and considered the Minutes of the Regular Meeting held July 7, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held July 7, 2009, as written. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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

Unanimous.

14620 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the comment period:

Valerie Joseph, 3948 South 6990 West, addressed the City Council. Ms. Joseph inquired regarding a park she would like to be built in her neighborhood and asked if the City had gained access to the property.

Mayor Nordfelt suggested Ms. Joseph contact the Parks and Recreation Department for updated information regarding her inquiry.

14621 **PUBLIC HEARING, APPLICATION NO. Z-4-2009, FILED BY UTAH HOUSING CORPORATION, REQUESTING A ZONE CHANGE FROM ‘R-2-6.5’ (RESIDENTIAL, DUPLEX, MINIMUM LOT SIZE 6,500 SQ. FT.) TO ‘R-1-4’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 4,000 SQ. FT.) FOR PROPERTY LOCATED AT APPROXIMATELY 2561 WEST 3360 SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-4-2009, filed by Utah Housing Corporation, requesting a zone change from ‘R-2-6.5’ (Residential, Duplex, Minimum Lot Size 6,500 sq. ft.) to ‘R-1-4’ (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.) for property located at approximately 2561 West 3360 South. He discussed proposed Ordinance No.

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09-23 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-23 which would amend the Zoning Map to show a change of zone for property located at approximately 2561 West 3360 South from zone 'R-2-6.5' (Residential Duplex, Minimum Lot Size 6,500 sq. ft.) to 'R-1-4' (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.).

Mr. Pyle stated surrounding zones included 'R-2-6.5' to the north, east, and south, and 'R-1-6' to the west. He further stated surrounding land uses included a City park to the north, rental townhomes to the south, duplexes to the east, and single-family homes to the west. He indicated the subject property had been designated as medium density residential (7 to 12 units per acre) in the West Valley City General Plan. He explained the subject property included 10 single-family detached homes built in 1998 that were currently rentals.

The City Manager stated the Council had been provided with copies of a letter from Susan Arsdell with the Utah Housing Corporation explaining why the re-zone had been requested. He indicated, in summary, the zone change would allow the subject property to be subdivided into 10 lots so each home would be on a separate lot. With each home on an individual lot, each home could be sold to families as originally anticipated by the Utah Housing Corporation in their lease-to-own program.

Mr. Pyle further indicated copies of the site plan showing how the property would be subdivided had also been provided to members of the Council. He stated lot sizes would range from 4,379 square feet to 8,112 square feet with the average lot size being just over 6,300 square feet. He explained that while the lot size minimum and setbacks could be met, the owner would need to apply for a variance through the Board of Adjustment for the minimum lot width which was 50 feet.

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

ACTION: ORDINANCE NO. 09-23, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 2561 WEST 3360 SOUTH FROM ZONE R-2-6.5 (RESIDENTIAL DUPLEX, MINIMUM LOT SIZE 6,500 SQUARE FEET) TO R-1-4 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 4,000 SQUARE FEET)

The City Council previously held a public hearing regarding Application No. Z-4-2009, filed by West Valley City, and proposed Ordinance No. 09-23 which would

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amend the Zoning Map to show change of zone for property located at approximately 2561 West 3360 South from zone ‘R-2-6.5’ (Residential Duplex, Minimum Lot Size 6,500 sq. ft.) to ‘R-1-4’ (Single-Family Residential, Minimum Lot Size 4,000 sq. ft.).

Upon discussion, Councilmember Burt stated she had concerns regarding the proposal.

After further discussion, Councilmember Winder moved to approve Ordinance No. 09-23, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 2561 West 3360 South from Zone ‘R-2-6.5’ (Residential Duplex, Minimum Lot Size 6500 Sq. Ft.) to ‘R-1-4’ (Single-Family Residential, Minimum Lot Size 4,000 Sq. Ft.). Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

Unanimous.

14622

ORDINANCE NO. 09-24, AMEND SECTION 8-1-112 OF TITLE 8 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE APPEALS PROCESS FOR IMPACT FEES

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-24 which would amend Section 8-1-112 of Title 8 of the West Valley City Municipal Code regarding the appeals process for impact fees.

Mr. Pyle stated Section 8-1-112 of the West Valley City Municipal Code currently stated the appeal of an impact fee determination went first to the Impact Fee Administrator (City Manager), and then to the Board of Adjustment, and then to the District Court. He further stated due to the complexities involved in an impact fee analysis, the City Council was more capable than the Board of Adjustment to adjudicate such matters.

The City Manager reported impact fees could be controversial and fairly complex in how they were calculated. He explained the State rules regarding impact fees could change from year to year either at the state legislature or in court, or both. Therefore, after the Impact Fee Administrator had made a determination on a

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developer's impact fees, the City Council was the next logical step for an appeal of that determination. He stated the Board of Adjustment was not familiar with impact fees. However, the City Council was responsible for amending the Fee Schedule which included impact fees, and for adopting the capital facilities plan and impact fee analysis required to charge impact fees.

After discussion, Councilmember Coleman moved to approve Ordinance No. 09-24, an Ordinance Amending Section 8-1-112 of Title 8 of the West Valley City Municipal Code Regarding the Appeals Process for Impact Fees. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14623

RESOLUTION NO. 09-264, CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF WEST VALLEY CITY, UTAH (THE "ISSUER"), FINALIZING TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS FRANCHISE TAX REVENUE BONDS, SERIES 2009 (THE "SERIES 2009 BONDS"), IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$15,000,000; CONFIRMING THE SALE OF SAID SERIES 2009 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A GENERAL INDENTURE AND A FIRST SUPPLEMENTAL INDENTURE OF TRUST AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING AN OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS

City Manager, Wayne Pyle, presented proposed Resolution No. 09-264 which would consider adoption of a resolution of the City Council of West Valley City, Utah (the "Issuer"), finalizing terms and conditions of the issuance and sale by the Issuer of its Franchise Tax Revenue Bonds, Series 2009 (the "Series 2009 Bonds"), in the aggregate principal amount of approximately \$15,000,000;

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confirming the sale of said Series 2009 Bonds; authorizing the execution by the Issuer of a General Indenture and a First Supplemental Indenture of Trust and Other Documents Required in Connection Therewith; authorizing and approving an Official Statement; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; repealing resolutions and orders in conflict; providing an effective date; and related matters.

The City Manager explained analysis of existing debt and market conditions had determined that significant interest savings could be realized by refunding certain identified outstanding obligations of the City.

He indicated bonds issued for the construction and financing of the Family Fitness Center were eligible for refunding. Market conditions and analysis indicated that substantial savings could be realized by refunding these bonds resulting in significant interest savings for the City. He stated the bonds were rated AA by Standard and Poors and had been marketed by Wells Fargo Brokerage Services. The City Manager noted the terms of the sale were included in the Bond Purchase Agreement.

City Manager, Wayne Pyle, advised that Laura Lewis, Lewis Young Robertson Burningham, the City's financial advisor, and Jerry Nowlin, Wells Fargo, were present at the meeting.

Laura Lewis, Lewis Young Robertson Burningham, addressed the City Council. Ms. Lewis distributed copies of the final pricing booklet and discussed current market conditions. She also discussed and advised regarding various details of the transaction and answered questions from members of the City Council

Jerry Nowlin, Wells Fargo, addressed the City Council and discussed marketing of the bonds. Mr. Nowlin also answered questions from members of the City Council.

After discussion, Councilmember Winder moved to approve Resolution No. 09-264, a Resolution of the City Council of West Valley City, Utah (the "Issuer"), Finalizing Terms and Conditions of the Issuance and Sale by the Issuer of its Franchise Tax Revenue Bonds, Series 2009 (the "Series 2009 Bonds"), in the Aggregate Principal Amount of Approximately \$15,000,000; Confirming the Sale of Said Series 2009 Bonds; Authorizing the Execution by the Issuer of a General Indenture and a First Supplemental Indenture of Trust and Other Documents Required in Connection Therewith; Authorizing and Approving an Official Statement; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; Providing a Severability Clause; Repealing Resolutions and Orders in Conflict; Providing an

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Effective Date; and Related Matters. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

14624

RESOLUTION NO. 09-265, AUTHORIZE THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH SALT LAKE CITY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

City Manager, Wayne Pyle, presented proposed Resolution No. 09-265 which would authorize the City to enter into a Memorandum of Agreement with Salt Lake City for the Edward Byrne Memorial Justice Assistance Grant Program.

Mr. Pyle stated the Byrne Memorial Justice Assistance Grant was a new grant program providing funding to the City. He further stated Salt Lake City was the administering agency for the grant in the amount of \$144,398.00. He indicated the City would receive \$53,500.00 for the purpose of purchasing a sprinter van with an extended warranty to be used as a mini-mobile command post. He indicated, in addition, the City would receive \$90,898.00 for purchase and installation of command post equipment and supplies.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-265, a Resolution Authorizing the City to Enter Into a Memorandum of Agreement with Salt Lake City for the Edward Byrne Memorial Justice Assistance Grant Program. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

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Unanimous.

14625

RESOLUTION NO. 09-266, APPROVE AN AGREEMENT WITH PINNACLE RISK MANAGEMENT SERVICES, INC., TO PROVIDE CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

City Manager, Wayne Pyle, presented proposed Resolution No. 09-266 which would approve an Agreement with Pinnacle Risk Management Services, Inc. to provide claims adjusting and administrative services for the City's Workers' Compensation Program.

Mr. Pyle stated Pinnacle Risk Management Services, Inc. had provided workers' compensation related services to the City for several years. He further stated those services included all claims adjusting and claim related administrative services. He indicated all City workers' compensation claims were made directly to Pinnacle who then adjusted the claims, tracked the claims, made required payments to employees and medical care providers, and provided the City with various reports.

The City Manager reported that because the City was self-insured for workers' compensation claims, all claims adjusting and administrative tracking of claims and payments must be done either "in-house" or through a private contractor. He indicated the City had determined it was more cost effective to hire a private third party administrator to provide these services. He indicated Pinnacle had provided excellent service to the City for many years at a very competitive price and there was no price increase from last year's agreement.

After discussion, Councilmember Burt moved to approve Resolution No. 09-266, a Resolution Approving an Agreement with Pinnacle Risk Management Services, Inc. to Provide Claims Adjusting and Administrative Services for the City's Workers' Compensation Program. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

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RESOLUTION NO. 09-267, AUTHORIZE THE CITY TO ENTER INTO A NEW THEATRE SUBLEASE AGREEMENT WITH HALE CENTRE THEATRE, A UTAH NON-PROFIT CORPORATION, FOR USE OF THE HALE CENTRE THEATRE FACILITY

City Manager, Wayne Pyle, presented proposed Resolution No. 09-267 which would authorize the City to enter into a new Theatre Sublease Agreement with Hale Center Theatre, a Utah non-profit corporation, for use of the Hale Centre Theatre facility.

Mr. Pyle stated the proposed agreement would replace the Sublease Agreement entered into between the City and the Hale Centre Theatre in 1997. He further stated replacement was necessary to reflect updates of the provisions of the original agreement, including elimination of those sections relating to use of the Theatre by the City during the 2002 Winter Olympics, changes in the payment schedule so the payments matched the bond payments due under the 2007 refunding of the original bond, and termination date of the first term of the agreement, and the start of the first renewal period had been changed to match the end of the bond payments due on the Theatre.

The City Manager reported the Hale Centre Theatre had occupied the City's community theater facility since it was constructed in 1997 and provided a wide variety of live entertainment that benefited both the residents of the City and the rest of Utah. He indicated the bonds issued to construct the Theatre had been refunded in 2007. He stated the new sublease reflected that payment schedule and adjusted Hales' payment and the sublease term to match the bond payments.

Upon discussion, Councilmember Rushton expressed concern regarding the language referencing charging for parking. He stated he anticipated future problems regarding that issue. City Attorney, Richard Catten, answered questions regarding specific terms of the proposed agreement.

After further discussion, Councilmember Vincent moved to approve Resolution No. 09-267, a Resolution Authorizing the City to Enter Into a New Theatre Sublease Agreement with Hale Centre Theatre, a Utah Non-profit Corporation, for Use of the Hale Centre Theatre Facility. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	No

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Mayor Nordfelt Yes

Majority.

14627

RESOLUTION NO. 09-268, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GARY C. ANDERSON AND DA LOIS S. ANDERSON FOR PROPERTY LOCATED AT 5214 WEST 4100 SOUTH FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-268 which would accept a Grant of Temporary Construction Easement from Gary C. Anderson and Da Lois S. Anderson for property located at 5214 West 4100 South for the 5200 West Improvement Project.

Mr. Pyle stated Gary C. Anderson and Da Lois S. Anderson 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 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

After discussion, Councilmember Winder moved to approve Resolution No. 09-268, a Resolution Authorizing the City to Accept a Grant of Temporary Construction Easement from Gary C. Anderson and Da Lois S. Anderson for Property Located at 5214 West 4100 South. Councilmember Coleman seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 21, 2009, WAS ADJOURNED AT 7:05 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 Regular Meeting of the West Valley City Council held Tuesday, July 21, 2009.

Sheri McKendrick, MMC
City Recorder