

**MINUTES OF COUNCIL REGULAR MEETING – MARCH 3, 2009**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 3, 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  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
John Evans, Fire Chief  
Richard Catten, City Attorney  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Layne Morris, Community Preservation Director  
Jim Welch, Finance Director  
Tom McLachlan, Acting Police Chief  
John Janson, Acting CED Director  
Aaron Crim, Administration  
Kelly Davis, Community Preservation Department  
Karen Bird, Community Preservation Department  
Jake Arslanian, Public Works Department

14429

**OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who read an inspirational quote.

14430

**APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 17, 2009**

The Council read and considered the Minutes of the Regular Meeting held February 17, 2009. There were no changes, corrections or deletions.

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After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held February 17, 2009, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

14431 **EMPLOYEE OF THE MONTH, FEBRUARY, 2009 – KAREN BIRD, COMMUNITY PRESERVATION DEPARTMENT**

Councilmember Rushton read the nomination of Karen Bird, Community Preservation Department, to receive the Employee of the Month award for February, 2009.

The City Council expressed appreciation and offered congratulations to Ms. Bird for earning the award.

14432 **COMMENT PERIOD**

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

14433 **RESOLUTION NO. 09-117, RESCIND PREVIOUSLY APPROVED RESOLUTION NO. 08-286 AND AUTHORIZE PURCHASE OF DESKTOP AND LAPTOP COMPUTERS FROM VALCOM COMPUTER CENTER FOR USE BY THE POLICE DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-117 which would rescind previously approved Resolution No. 08-286 and authorize purchase of desktop and laptop computers from Valcom Computer Center in the amount of \$94,593.76 (four annual payments of \$23,648.44), for use by the Police Department.

Mr. Pyle stated the computer replacements would be financed through the HP Master Lease Purchase Agreement approved in 2006 under Resolution No. 06-04.

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The City Manager reported the desktop and laptop computers procured through the program would be covered by a “Total Care” package for each computer which would cover the costs of repairs needed during the lease agreement. He stated each computer would be leased for a period of four years at which point the City would be able to purchase each computer for one dollar.

Mr. Pyle advised formal bidding had not been required because the vendor, Valcom, held a contract with the State of Utah.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-117, a Resolution Rescinding Previously Approved Resolution No. 08-286 and Authorizing the Purchase of Desktop and Laptop Computers from Valcom Computer Center for use by the Police Department. Councilmember Winder seconded the motion.

A roll call vote was taken:

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

Unanimous.

14434

**RESOLUTION NO. 09-121, APPROVE AMENDMENT TO AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, AND VFM-ALC, LC, VFM-CPZ, LC, RIVER RIDGE VFM, L.L.C., AND HILL FIELD HOLDING VFM, L.L.C., TO PROVIDE FOR REDEVELOPMENT OF THE VALLEY FAIR MALL**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-121 which would approve an Amendment to Agreement for Disposition of Land for Private Development between the City, the Redevelopment Agency (RDA) of West Valley City, and VFM-ALC, LC, VFM, CPZ, LC, River Ridge VFM, L.L.C., and Hill Field Holding VFM, L.L.C., to provide for redevelopment of the Valley Fair Mall.

Mr. Pyle stated the proposed amendment would reduce the total square footage of leaseable space required at the Mall in order for the Mall owners to qualify for a

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tax increment subsidy from the Redevelopment Agency. He reported the square footage changes were as follows:

Substantial completion: original 897,750 sq. ft. / new 800,000 sq. ft.

Space under lease: original 673,125 sq. ft. / new 550,000 sq. ft.

Minimum acceptable improvement area: original 139,000 sq. ft. / new 100,000 sq. ft.

Town center: original 41,325 sq. ft. / new 35,117 sq. ft.

The City Manager reported the original agreement was primarily an agreement between the RDA and the Mall owners. He indicated the City's involvement consisted of agreeing to enter into an agreement with the RDA to, if necessary, provide a financial backstop to the issuance of RDA bonds that would provide certain financial assistance to the redevelopment of the Valley Fair Mall. The amount of the potential City backstop was capped at \$3 million dollars. He stated the bonds were not expected to be issued by the RDA until late 2009 or 2010, and the City's obligation to participate was subject to non-appropriation of funds by the City Council at the time the bonds were issued.

City Manager, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the City Council. Mr. Pyle advised a similar resolution had been listed on the Redevelopment Agency agenda for the meeting scheduled later this night. He also discussed additional information regarding negotiations with Mall owners about the terms of the ADL. He advised the matter had been added to the agenda in anticipation that a final agreement would be ready, however, there were even more changes to be made to the agreement. He, therefore, recommended this item and the RDA item be considered for delay until the following week, or later, if necessary.

After discussion, Councilmember Burt moved to table proposed Resolution No. 09-121 and continue the matter to no date certain to allow time for further negotiations. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

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Unanimous. Proposed Resolution No. 09-121 tabled and the matter continued to no date certain.

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**CONSENT AGENDA:**

**A. RESOLUTION NO. 09-118, RATIFY CITY MANAGER'S APPOINTMENT OF JOSEPH GARCIA AS A MEMBER OF THE WEST VALLEY CITY PLANNING COMMISSION, TERM: MARCH 3, 2009 – JULY 1, 2010**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-118 which would ratify his appointment of Joseph Garcia as a member of the West Valley City Planning Commission for the term March 3, 2009, through July 1, 2010.

Mr. Pyle stated Joseph Garcia had been recommended for appointment to fill the unexpired term of Dale Clayton.

The City Manager indicated Mr. Garcia had lived in West Valley City for approximately 10 years and currently worked for Wright Express Bank as a credit analyst. He further indicated Mr. Garcia was an active member of the West Valley City community which added to his insights in dealing with difficult issues.

**B. RESOLUTION NO. 09-119, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM CORA J. WALKER FOR PROPERTY LOCATED AT 3611 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-019 which would accept a Grant of Temporary Construction Easement from Cora J. Walker for property located at 3611 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Cora J. Walker 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 which extended from 3500 South to 4100 South. He advised the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to their property. He stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

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C. **RESOLUTION NO. 09-120, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KARMA K. SMITH AS TRUSTEE OF THE ARNOLD C. SMITH FAMILY TRUST FOR PROPERTY LOCATED AT 3625-3635 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-120 which would accept a Grant of Temporary Construction Easement from Karma K. Smith as Trustee of the Arnold C. Smith Family Trust, for property located at 3625-3635 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Karma K. Smith as Trustee of the Arnold C. Smith Family Trust, 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 Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to their property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

Mayor Nordfelt recognized Joseph Garcia and asked him to introduce himself to the City Council. Mr. Garcia addressed the City Council and told about himself and his background, including his community service. He introduced family members in attendance at the meeting. Mayor Nordfelt stated the Council appreciated his willingness to serve on the Planning Commission.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 09-18, 09-119 and 09-120 as presented on the Consent Agenda. Councilmember Rushton seconded the motion.

A roll call vote was taken:

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

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Unanimous.

Upon approval of the Consent Agenda, City Recorder, Sheri McKendrick, administered the oath of office to Joseph Garcia as the newest member of the West Valley City Planning Commission.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 3, 2009, WAS ADJOURNED AT 6:42 P.M., BY MAYOR NORDFELT.

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, March 3, 2009.

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Sheri McKendrick, MMC  
City Recorder