

**MINUTES OF COUNCIL REGULAR MEETING – MAY 19, 2009**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 19, 2009, AT 6:35 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  
Jim Welch, Finance Director  
Buzz Nielsen, Police Chief  
John Evans, Fire Chief  
Layne Morris, Community Preservation Director  
Kevin Astill, Parks and Recreation Director  
Nicole Cottle, CED director  
Dan Johnson, Acting Public Works Director  
Tim Bywater, Acting City Attorney  
Brent Garlick, CED Department  
Aaron Crim, Administration  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department

14539

**OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who invited a neighbor, Lindsey Fernandez, to sing the *National Anthem*.

14540

**APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 5, 2009**

The Council read and considered the Minutes of the Regular Meeting held May 5, 2009. There were no changes, corrections or deletions.

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After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held May 5, 2009, as written. 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.

14541

**COMMENT PERIOD**

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

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise thanked the City Council for all the things they desired to accomplish. He indicated he understood citizens had complained regarding requirements for hard surface parking. He stated if someone had many vehicles they should be able to afford concrete to park them on. He explained citations should be given for unlicensed vehicles and enforcement efforts should continue. He again expressed appreciation to the Council for their efforts and stated he hoped for more code enforcement in the future.

14542

**ORDINANCE NO. 09-08, APPLICATION NO. ZT-17-2008, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND SECTIONS 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103 AND 7-6-1108 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING GUIDELINES FOR INDOOR AND OUTDOOR PUBLIC RECREATION (PUBLIC HEARING HELD AND ACTION CONTINUED FROM REGULAR MEETING OF MARCH 24, 2009)**

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-08 which would approve Application No. ZT-17-2008, filed by West Valley City, requesting to amend Sections 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103 and 7-6-1108 of the West Valley City Municipal Code regarding guidelines for indoor and outdoor public recreation.

City Manager, Wayne Pyle, stated a public hearing had been held and action continued from the Regular Meeting held March 24, 2009 regarding Application No. ZT-17-2008, filed by West Valley City, requesting a zone text modification

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addressing ultimate fighting in Sections 7-6-1108, 7-2-131, 7-6-1002 and 7-6-1012 of the West Valley City Municipal Code. Mr. Pyle He discussed proposed Ordinance No. 09-08 related to the Application to be considered by the City Council as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-08 which would amend Sections 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103, 7-6-1108 and enact Section 7-2-131 regarding guidelines for fighting events.

Mr. Pyle stated with the growing support of fighting events in the media, small businesses in the City desired to host fights at their place of business. He proposed a text change to provide guidelines for fighting events to ensure they occurred in the correct zones within the City.

The City Manager reported the proposed ordinance would add a definition to the ordinance for “unarmed combat” that would include ultimate fighting, kick boxing, boxing, martial arts, or combative event. He stated this would not include classes at a karate school or a similar instructional setting. He explained the fighting event would be limited to permanent facilities with permanent fixed seating. He stated the Planning Commission recommended approval of the ordinance if facilities were limited to a minimum of 2,000 fixed seats.

Mr. Pyle stated in addition a series of requirements were already set forth in State law to provide for the safety and security of the fighters and spectators. He indicated the requirements included keeping a doctor ringside, requiring an ambulance onsite, requiring fighters to have a physical before and after the match, requiring law enforcement officers onsite, and so on. He indicated the use of a facility for these events would require a conditional use permit in ‘C-2,’ ‘C-3,’ and ‘M’ zones, and would not be permitted in other zones. In addition, unarmed combat would be added to the regulations for reception halls that would require fighting events to be located at least 500 feet from any residential property line if the event continued later than ten o’clock p.m.

After discussion, Councilmember Coleman moved to approve Ordinance No. 09-08, an Ordinance Amending Sections 7-1-103, 7-6-1002, 7-6-1012, 7-6-1103 and 7-6-1108 of Title 7 of the West Valley City Municipal Code Regarding Guidelines for Indoor or Outdoor Public Recreation. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes

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

Unanimous.

14543

**ORDINANCE NO. 09-13, AMEND SECTIONS 17-8-101 AND 17-8-103 AND REPEALING SECTIONS 17-8-105 AND 17-8-106 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING PUBLIC RECREATION**

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-13 which would amend Sections 17-8-101, and 17-8-103, 17-8-105 and repeal Sections 17-8-105 and 17-8-106 of Title 17 of the West Valley City Municipal Code regarding public recreation.

Mr. Pyle stated with the growing support of fighting events in the media, small businesses in the City had desired to host fights at their place of business. He further stated staff proposed a text change to provide guidelines for fighting events to ensure they occurred in the correct zones within the City and were properly regulated with regard to crowds and events.

The City Manager reported the ordinance would add “unarmed combat” to the list of public recreation activities that must comply with the Public Recreation Ordinance found in Title 17. He stated Title 17 required certain public recreation activities be handled in particular ways to ensure public health and safety. He further stated the subject ordinance was commonly called the mass gathering ordinance. In addition, a series of requirements were already set forth in State law to provide for the safety and security of the fighters and spectators.

After discussion, Councilmember Burt moved to approve Ordinance No. 09-13, an Ordinance Amending Sections 17-8-101 and 17-8-103 and Repealing Sections 17-8-105 and 17-8-106 of Title 17 of the West Valley City Municipal Code Regarding Public Recreation. Councilmember Coleman 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.

14544

**ORDINANCE NO. 09-14, ENACT SECTION 5-2-108 AND AMEND SECTIONS 5-2-102, 5-3-103, 5-3-104, 5-3-105, 5-3-111, 5-3-113, 5-3-114 AND 5-3-115 OF TITLE 5 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING PURCHASING PROVISIONS AND ELECTRONIC BIDDING**

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-14 which would enact Section 5-2-108 and amend Sections 5-2-102, 5-3-103, 5-3-104, 5-3-105, 5-3-111, 5-3-113, 5-3-114 and 5-3-115 of Title 5 of the West Valley City Municipal Code regarding purchasing provisions and electronic bidding.

Mr. Pyle stated the State of Utah and State law had authorized the use of electronic bidding mechanisms that facilitated a more efficient method of purchasing, and the proposed ordinance would authorize its use. He further stated this would assist the City in making purchases in the most advantageous manner. He additionally informed several clean up items had been added to make the ordinance more effective.

Upon discussion, Mayor Nordfelt suggested the Council consider elimination of lines 42-48 and request the City Manager come back with a proposed preference for West Valley businesses.

Upon further discussion, Councilmember Brooks moved to approve Ordinance No. 09-14, an Ordinance Enacting Section 5-2-108 and Amending Sections 5-2-102, 5-3-103, 5-3-104, 5-3-105, 5-3-11, 5-3-113, 5-3-114 and 5-3-115 of Title 5 of the West Valley Municipal Code Regarding Purchasing Provisions and Electronic Bidding. 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	No

Majority.

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**ORDINANCE NO. 09-15, AMEND SECTION 1-2-202 OF TITLE 1 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING DRAINAGE IMPACT FEES**

City Manager, Wayne Pyle, presented proposed Ordinance No. 09-15 which would amend Section 1-2-202 of Title 1 of the West Valley City Municipal Code regarding drainage impact fees.

Mr. Pyle stated the subject amendment would create a new drainage impact fee service area called “Vistas,” with a fee of \$2,261.00 per acre. He further stated when the Vistas Subdivisions were being built infrastructure had been installed to handle storm water from land outside of the area that was being developed. He indicated the area had previously been located in the Utah and Salt Lake drainage impact service area, but downstream drainage infrastructure was not adequately sized to handle the additional runoff from the proposed development. He advised the City reimbursed the developer for the improvements in the amount of \$99,323.00, which divided among the undeveloped areas in the drainage area, totaled \$2,261.00 per acre.

After discussion, Councilmember Rushton moved to approve Ordinance No. 09-15, an Ordinance Amending Section 1-2-202 of Title 1 of the West Valley City Municipal Code Regarding Drainage Impact Fees. Councilmember Burt 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.

14546

**RESOLUTION NO. 09-208, APPROVE AMENDMENT NO. 4 TO AN AGREEMENT WITH IVORY LAND CORPORATION FOR THE PURCHASE AND DEVELOPMENT OF LAND AT APPROXIMATELY 5200 SOUTH 5600 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-208 which would approve Amendment No. 4 to an Agreement with Ivory Land Corporation for the purchase and development of land at approximately 5200 South 5600 West.

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Mr. Pyle stated the amendment of the original agreement had been approved under Resolution No. 04-175 dated May 31, 2005.

The City Manager reported the City and Ivory desired to amend the provisions of the original agreement in order to extend the 2008 closing date to 2011.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-208, a Resolution Approving Amendment No. 4 to an Agreement between West Valley City and Ivory Land Corporation for the Purchase and Development of Land at Approximately 5200 South 5600 West. 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.

14547

**RESOLUTION NO. 09-209, APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY, AMERICA FIRST FEDERAL CREDIT UNION AND UTAH TRANSIT AUTHORITY FOR DEVELOPMENT OF PROPERTY LOCATED AT APPROXIMATELY 2790 WEST 3650 SOUTH**  
City Manager, Wayne Pyle, presented proposed Resolution No. 09-209 which would approve an Agreement between West Valley City, America First Federal Credit Union and Utah Transit Authority (UTA) for development of property located at approximately 2790 West 3650 South.

Mr. Pyle stated the proposed development agreement would be for a new bus and transportation hub at the above described location. He also stated UTA desired to construct a new bus and transportation hub on its property. He advised the new hub would utilize the entire eastern portion of the former Market Street and include a portion of the former Market Street owned, or to be owned, by America First Federal Credit Union. He indicated the vacation of Market Street and construction and operation of UTA's bus and transportation hub would alter and restrict access to the Credit Union's property located at 2788 West 3650 South.

The City Manager advised that under the terms of the development agreement the parties would agree to the following:

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1. The City must approve the site plan attached as Exhibit “A” to the Agreement.
2. UTA will hire a licensed contractor to construct new improvements to the Credit Union property.
3. The Credit Union will then release its interest in the property it received by closure of Market Street to West Valley City and deed this by Quit Claim Deed to the City upon the City’s request.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-209, a Resolution Authorizing the Execution of an Agreement between West Valley City, America First Federal Credit Union, and Utah Transit Authority for Development of Property Located at Approximately 2790 West 3650 South. 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

Unanimous.

14548

**RESOLUTION NO. 09-210, AUTHORIZE CITY TO ENTER INTO AN AGREEMENT WITH THE WEST VALLEY CITY REDEVELOPMENT AGENCY AND JORDAN RIVER MARKETPLACE, LLC, FOR THE DEVELOPMENT AND REDEVELOPMENT OF REAL PROPERTY LOCATED IN THE JORDAN RIVER REDEVELOPMENT AREA**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-210 which would authorize the City to enter into an Agreement with the West Valley City Redevelopment Agency and Jordan River Marketplace, LLC, for the development and redevelopment of real property located in the Jordan River Redevelopment Area.

Mr. Pyle stated the Jordan River Marketplace, LLC, had been selected as the developer to design and build the Jordan River Marketplace, a multi-cultural mixed use development in the City. He further stated the development would be built on City-owned and other property on 3300 South at about 1300 West and would compliment and connect to the Utah Cultural Celebration Center located north of the development site. He indicated signing the ADL would allow Jordan

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River Marketplace, LLC, to proceed with due diligence, design, and construction of the unique ethnic development.

The City Manager reported the Utah Cultural Celebration Center (UCCC) had been completed in 2004 and since that time the vacant land to the south (20 acres owned by the City and seven acres owned by the State of Utah and Salt Lake County) and stretching to 3300 South, had been envisioned to become a special and unique multi-cultural marketplace. He indicated an RFP (Request For Proposal) had been sent to developers in mid-2008 to solicit interest in the project, and Jordan River Marketplace, LLC (Ascent Construction) had been selected by the City Council to pursue development of the site. He reported the proposed development was to be a mixed use, walkable development with ethnic shops and restaurants, office space, residential units, and cultural amenities, all within a multi-ethnic environment. He stated that over the past eight months numerous environmental, transportation, access, land, and contract issues had been worked through and the development concept had been refined. The primary deal points of the ADL were that the City would sell City-owned land to the developer at \$3.00 per square foot. The appraisal for the property, taking into account soil issues, was effectively \$8.70 per square foot. He further indicated payment for the land would come to the City from the initial tax increment collected from this project. He reported that after the City was fully paid back, the developer would keep the remaining tax increment for investment into the project up to a cap of \$4,639,500. He indicated, in addition, the City Council would review and approve all architectural designs for the development.

City Manager, Wayne Pyle, stated the Council had received an overview in the previous Study Meeting including possible changes to language in the ADL. He also advised the developers were in attendance at the meeting and prepared to answer questions.

Upon discussion, the Council reviewed specific language in the ADL. Some members of the Council expressed concern about moving forward because of the current unfavorable economic conditions that could cause compromises, appraised value of land and the offer made. Some members of the Council stated this might not be the right time to proceed on the project. Discussion ensued regarding whether the “clock was ticking” on the RDA and if the Agency would lose increment; the possibility of an extension; vision for the property and time it took to find the right developer willing to move forward in spite of current economic conditions. Members of the Council pointed out staff had done due diligence and this was a good framework to continue to move forward. Councilmembers stated the project would be in a good position to move forward when the economy improved as it was expected to do in the future. Some members of the Council suggested the tenant mix needed to be part of the ADL language specified as another exhibit. Discussion also ensued regarding the

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“tough” economy but that the developer was willing so the City should give them the opportunity to move forward.

During the above discussion by the City Council, the City Manager, and Nicole Cottle, CED Director, and Brent Garlick, CED Department, answered questions from members of the City Council.

After further discussion, Councilmember Winder moved to approve Resolution No. 09-210, a Resolution Authorizing the City to Enter Into an Agreement with the West Valley City Redevelopment Agency and Jordan River Marketplace, LLC, for the Development and Redevelopment of Real Property Located in the Jordan River Redevelopment Area; and 1) exclude property north and east of proposed road to be constructed, and 2) ADL not in force until approval of an “Exhibit G” with tenant mix specified and/or defined. Councilmember Brooks seconded the motion.

Mayor Nordfelt called for additional discussion regarding the motion. He expressed some concern if the approval of the above motion would be a “deal killer” for the developer.

Upon inquiry and recognition by Mayor Nordfelt, the developer, Brad Knowlton, addressed the City Council. Mr. Knowlton showed a map and pointed out property north and east of the proposed road. He also answered questions from members of the City Council.

Mayor Nordfelt expressed appreciation for all comments made by members of the City Council regarding the proposal. He pointed out the Council would have an opportunity to stop the process and not have additional risk with the ADL if it did not go well.

City Manager, Wayne Pyle, commented regarding proposed amendments made by Councilmember Winder in the above motion. He indicated if the Council made a market decision driving tenant mix based on percentage, then the market would be artificially affected. He indicated there was an economic value or cost attached to that decision. He stated if the motion was approved, the developers would know that the Council was willing for the project to move forward with finalizing the ADL in the near future.

Mayor Nordfelt called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Mr. Coleman	No
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	No
Mayor Nordfelt	Yes

Majority.

14549

**RESOLUTION NO. 09-211, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KIMBERLY HEATON MARTINEZ FOR PROPERTY LOCATED AT 5216 WEST 4025 SOUTH FOR THE 5200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 09-211 which would accept a Grant of Temporary Construction Easement from Kimberly Heaton Martinez for property located at 5216 West 4025 South for the 5200 West Improvement Project.

Mr. Pyle stated Kimberly Heaton Martinez 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 the property. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

Upon discussion, Councilmember Coleman moved to approve Resolution No. 09-211, a Resolution Authorizing the City to Accept a Grant of Temporary Construction Easement from Kimberly Heaton Martinez for Property Located at 5216 West 4025 South. Councilmember Burt 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.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 19, 2009, WAS ADJOURNED AT 7:19 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, May 19, 2009.

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Sheri McKendrick, MMC  
City Recorder