

MINUTES OF COUNCIL REGULAR MEETING – AUGUST 11, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 11, 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
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Corey Rushton

STAFF PRESENT:

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

14649 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who informed it was Councilmember Joel Coleman's birthday and he then led everyone in attendance in singing "Happy Birthday."

14650 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JULY 28, 2009**

The Council read and considered the Minutes of the Regular Meeting held July 28, 2009. 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 July 28, 2009, as written. 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
Mayor Nordfelt	Yes

Unanimous.

14651 **EMPLOYEE OF THE MONTH, JULY 2009 – SHANE HAMILTON, POLICE DEPARTMENT**

Councilmember Burt read the nomination of Shane Hamilton, Police Department, to receive the Employee of the Month Award for July 2009.

The City Council congratulated Officer Hamilton for his efforts on behalf of West Valley City.

Shane Hamilton addressed the City Council and introduced family members in attendance at the meeting.

14652 **COMMENT PERIOD**

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

Richard Ream, 4473 Thayn Drive, addressed the City Council. Mr. Ream thanked the City Council for resolving the issue regarding gravel driveways. He discussed his understanding of the new proposal, which was for four inches of gravel rather than two inches. He also requested the requirement remain at two inches as four inches of gravel was too difficult to drive through and the deeper the gravel the more expensive it would be.

Joe Scovall, 8243 South 300 East, Sandy, addressed the City Council. Mr. Scovall stated he recently played golf at West Ridge Golf Course with three guests. He distributed copies of an agreement golfers were required to sign if they desired to use a golf cart. He informed he had discussed the document with staff in the City Attorney's Office with no satisfactory results. He suggested, upon signing the agreement, one would give up rights and assume responsibility of the City

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regardless of the way in which the cart was operated. He also expressed concern regarding language in the agreement and stated most people who signed the agreement probably did not read it. He read aloud some of the language in question. He further stated golfers were not required to sign such an agreement at Stonebridge Golf Course. Mr. Scovall stated this was not good public policy to make a private citizen sign something that could or might be used against them. He reiterated the language provided a person would assume any liability per the language in the document.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council and stated he read an article published in the Tribune stating the City Council would vote on the gravel driveway ordinance this night. He thanked the City Council for revising the proposed ordinance and simplifying the language. He also stated he concurred with comments made above by Mr. Ream that four inches of gravel would be too much.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise discussed code enforcement issues and stated he thought the rule of law should pertain to everyone. He discussed requirements for storing unlicensed vehicles, commercial equipment, and weeds. He related a conversation with two City employees in which they stated nothing would be done if a property did not look bad. He indicated others in violation were not cited or anything done about them. He also informed regarding one property that operated an unlicensed business out of a home. He read the City's Code and suggested that if not enforced then laws should be taken off the books.

14653

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING ADOPTION OF A FINAL BUDGET FOR FISCAL YEAR 2009-2010

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear public input regarding adoption of a Final Budget for Fiscal Year 2009-2010. He discussed proposed Resolution No. 09-275 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 09-275 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2009, and ending June 30, 2010; 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 2009.

Mr. Pyle stated the proposal would set a tax rate for general property taxes at .003609, which was greater than the certified tax rate set by the Salt Lake County Auditor's Office (.003593), and would adopt the Final Budget for the 2009-2010 fiscal year.

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The City Manager reported the City adopted a Tentative Budget that had been made available for public inspection during regular office hours in the City Recorder's Office and gave notice of a hearing to receive public comment before adopting the Final Budget for FY 2009-2010.

Mr. Pyle directed Jim Welch, Finance Director, to give a presentation regarding the FY 2009-2010 proposed budget for the benefit of those individuals in attendance at the meeting.

Using PowerPoint, Mr. Welch discussed and presented information summarized as follows:

- Overview of Budget and Strategic Plan process
- Review of budget calendar
- Summary of FY 2009-2010 Budget
- Revenue projections
- Expenditure projections
- Comparison of FY 2008-2009 and FY 2009-2010
- Revenue sources
- Major revenues and trends
- Expenditures FY 2009-2010

City Manager, Wayne Pyle, commented regarding unusual circumstances the City had dealt with during the latest economic downturn, which caused a decrease in revenues. Mr. Pyle stated most goals and objectives had been accomplished, however, there were some cuts to programs, operations, services, and vacant positions in order to make up the shortfall without using a substantial amount of fund balance reserves. He further discussed the proposal in detail and answered questions from members of the City Council. The City Manager recommended the Council adopt the judgment levy to recapture approximately \$84,000.00

City Manager, Wayne Pyle, and the Finance Director, Jim Welch, answered further questions from members of the City Council.

Mayor Nordfelt opened the public hearing.

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham discussed the value of his home and increase of \$10.00 in property taxes. He indicated the City should have saved money in the fund balance the previous year by capturing the judgment levy; and he did not have a problem with a small increase this year.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated he had looked at golf course costs and there was a lot of money paid out, but the

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golf courses did not show a profit. He suggested the City close the courses and save wages, equipment and maintenance. He stated one new position had been added in the budget to provide information regarding City services to Spanish speaking residents. He also stated those services should not be given to illegal residents and only legal citizens of the United States should receive services. He further stated this should not be accepted by citizens of West Valley City and paid for out of their tax dollars. He advised if he was successful in being elected mayor he would see that the rule of law was enforced across the board.

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council and expressed concern regarding storm water and recycling changing to in-house billing. He stated he was curious if this would save the City money. He indicated he was not happy with his home value going down and taxes going up.

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

Upon discussion, members of the City Council respectively commented as follows:

Councilmember Winder stated many residents had seen home values go down and taxes go up. He stated some increases had to do with school district equalization issues. He indicated no operational tax increase had been proposed and the City was considering only capturing judgment levy.

Councilmember Vincent stated he had reviewed his tax notice and informed the school district and Salt Lake County impacted his property taxes the most with the majority of increase.

Councilmember Coleman clarified inaccuracies in some comments during the public hearing. He discussed issues regarding golf courses and stated closing them would not be an option as there was debt to be paid on bonds used to purchase them. He stated the City's debt had decreased immensely in the last few years. He also discussed requirements of Utah's Truth in Taxation laws.

Councilmember Brooks discussed billing for garbage and storm water services and reasons for the decision to handle it in-house for a lesser cost. He also stated that in the past the City had not captured the judgment levy but decided in 2006 at least to consider it every year.

Mayor Nordfelt stated the Council heard comments regarding the golf courses every year. He advised the golf courses, if viewed by themselves did lose money. He indicated development had occurred around both West Ridge and Stonebridge

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that had been beneficial to the City. He advised golf courses did not make money, but did pay for their debt service and would make money once they were paid off.

Councilmember Burt clarified that the Spanish-speaking employee had been hired to assist Spanish-speaking residents to comply with and understand the City's ordinances.

ACTION: RESOLUTION NO. 09-275, ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010; 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 2009

The City Council previously held a public hearing to accept public input regarding adoption of a Final Budget for Fiscal Year 2009-2010 and proposed Resolution No. 09-275 which would adopt a Final Budget; make appropriations for the support of West Valley City for the fiscal year beginning July 1, 2009, and ending June 30, 2010; 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 2009.

After discussion, Councilmember Winder moved to approve Resolution No. 09-275, a Resolution Adopting a Final Budget; Making Appropriations for the Support of West Valley City for the Fiscal Year Beginning July 1, 2009, and Ending June 30, 2010; 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 2009. 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
Mayor Nordfelt	Yes

Unanimous.

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14654

RESOLUTION NO. 09-276, APPROVE AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY, SOUTH SALT LAKE CITY, SOUTH JORDAN CITY, MURRAY CITY, SANDY CITY, WEST JORDAN CITY AND BLUFFDALE CITY (METRO FIRE AGENCY)

City Manager, Wayne Pyle, presented proposed Resolution No. 09-276 which would approve an Amendment to the Metro Fire Agency Interlocal Agreement between West Valley City, South Salt Lake City, South Jordan City, Murray City, Sandy City, West Jordan City and Bluffdale City (the Metro Fire Agency).

Mr. Pyle stated the original term of the agreement had been for three years and the proposed amendment would extend the term from three to five years. He advised the original agreement had been approved by the City Council under Resolution No. 08-300 which allowed the City to continue its membership with the Metro Fire Agency. He indicated that Agency had been formed to assist in further protection of citizens of the respective cities in order to provide adequate emergency services for some of its 911 responses.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-276, a Resolution Approving an Amendment to an Interlocal Cooperation Agreement between West Valley City, South Salt Lake City, South Jordan City, Murray City, Sandy City, West Jordan City, Midvale City and Bluffdale City (Metro Fire Agency). 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
Mayor Nordfelt	Yes

Unanimous.

14655

RESOLUTION NO. 09-280, APPROVE EXHIBIT G TO THE AGREEMENT BETWEEN WEST VALLEY CITY, THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, 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. 09-280 which would approve Exhibit G to the Agreement between West Valley City, the

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Redevelopment Agency of West Valley City, and Jordan River Marketplace, LLC, for the development and redevelopment of real property located in the Jordan River Redevelopment Area.

Mr. Pyle stated the City had approved provisions of the Jordan River Marketplace ADL (Agreement for Disposition of Land) under Resolution No. 09-210 on May 19, 2009, specifically subject to approval of the terms of Exhibit G. He advised Exhibit G was intended to ensure the type of multicultural development envisioned by the City Council would be built by the developer. He indicated approval of Exhibit G would be required before the ADL could be finalized. He indicated items covered by the exhibit included the mix of retail products, the percentage of space allocated to different types of products, and the number and size of anchor tenants and chain stores.

The City Manager further stated that in June of 2008, the City selected Ascent Construction Company as the successful respondent to the Jordan River Marketplace RFP (Request for Proposals). He also stated, since that time the developer and the City had worked to prepare the site of development and ensure it would be as successful as possible. He reported efforts had included: resolving wetland issues; working with Rocky Mountain Power and the Utah Department of Transportation (UDOT) for necessary approvals; securing State, County, and private parcels to help consolidate the development site; and negotiating the ADL between Ascent Construction, the Redevelopment Agency, and West Valley City. He indicated that on May 19, 2009, when the ADL was approved, the approval had been subject to Exhibit G being prepared and approved to define the product mix and the building type of the proposed international marketplace.

City Manager, Wayne Pyle, advised he had previously distributed an updated draft of Exhibit G to the ADL regarding the Jordan River Market Place, which included three changes to the language of that document.

Mayor Nordfelt noted that a discussion held earlier in the Council's Study Meeting regarding amendments to the language of Exhibit G had not been concluded due to time constraints. He also advised the developers were in attendance at the meeting to answer questions.

City Council members commented and expressed individual concerns regarding some language in the exhibit. Members of the Council expressed the desire for a successful project on a beautiful property that was a gateway to the City.

City Attorney, Richard Catten, addressed the City Council and answered questions regarding certain language in the exhibit.

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Brad Knowlton, Ascent Construction, addressed the City Council. Mr. Knowlton stated the City Council would be involved in the process and the final approvals. Upon inquiry, Mr. Knowlton stated he agreed with the language, as now written, with the exception of “restrictions” and would like to see that word replaced with “objectives” as previously discussed.

Mayor Nordfelt stated that since the beginning of the project he had hoped the Council would be in agreement regarding a vision for the project, but that had not happened. He indicated, at the very least, he would like to insist on restrictions.

Councilmember Winder inquired regarding the next steps and what would be brought back for Council approval. City Manager, Wayne Pyle, advised those matters would relate to the definition of architectural standards and enforcement issues depending on the restrictions.

Brad Knowlton addressed the City Council and stated the project was still subject to the Overlay Zone and that would affect development.

Upon inquiry by members of the City Council, the CED Director, Nicole Cottle, addressed the City Council and answered questions regarding uses that would be allowed or limited under the Overlay Zone.

Kathleen Quinlan, Ascent Construction, addressed the City Council and stated she would be involved with marketing for the project. She discussed issues regarding “chain” retailers. She also discussed examples of developments in other communities that included chains.

During discussion, Councilmember Coleman suggested the following changes to language in the section numbers in Exhibit G as listed below:

2. Change “Four” to “Three”
6. Delete “The Improvements may include no more than five (5)” and capitalize the word “Chain” to begin the sentence; and change “35%” to “40”
7. Delete the words “be encouraged”

After further discussion, Councilmember Coleman moved to approve Resolution No. 09-280, a Resolution Authorizing West Valley City to Approve Exhibit G to the Agreement between West Valley City, the Redevelopment Agency of West Valley City, and Jordan River Marketplace, LLC, for the Development and Redevelopment of Real Property Located in the Jordan River Redevelopment

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Area, as amended with the changes as discussed; and adopt an enforcement mechanism in the ADL. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

The City Manager noted, per the motion, the amended ADL will come back to the Council for consideration in the near future.

14656

CONSENT AGENDA SCHEDULED AUGUST 11, 2009:

A. RESOLUTION NO. 09-277, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM WILLIAM DAMRON FOR PROPERTY LOCATED AT 3603 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-277 which would accept a Grant of Temporary Construction Easement from William Damron for property located at 3603 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated William Damron 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 stated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

B. RESOLUTION NO. 09-278, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRENT C. CHRISTENSEN AND BECKY F. CHRISTENSEN FOR PROPERTY LOCATED AT 3600 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 09-278 which would accept a Grant of Temporary Construction Easement from

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Brent C. Christensen and Becky F. Christensen for property located at 3600 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Brent C. Christensen and Becky F. Christensen 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 indicated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00 which easement would automatically expire December 31, 2010.

After discussion, Councilmember Burt moved to approve Resolution Nos. 09-277 and 09-278 as presented on the Consent Agenda. 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
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 11, 2009, WAS ADJOURNED AT 8:12 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, August 11, 2009.

Sheri McKendrick, MMC
City Recorder