

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 23, 2012, 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
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Eric Bunderson, City Attorney
Nicole Cottle, CED Director
Jim Welch, Finance Director
Layne Morris, CPD Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Kevin Astill, Parks and Recreation Director
Brent Garlick, CED Department
Mark Nord, CED Department
Keith Morey, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

15932 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who showed a video of the University of West Virginia marching band doing a salute to each of the United States military service units including the Army, Coast Guard, Marines, Air Force and Navy in honor of men and women who had served our country. He also led the Pledge of Allegiance to the Flag.

15933 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 488 in attendance to complete requirements for the Community and Communications merit badges.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-2-

15934 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 9, 2012**

The Council read and considered Minutes of the Regular Meeting held October 9, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held October 9, 2012, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15935 **PROCLAMATION DECLARING NOVEMBER 1, 2012, AS "EXTRA MILE DAY" IN WEST VALLEY CITY**

Councilmember Christensen read a Proclamation declaring November 1, 2012, as "Extra Mile Day" in West Valley City.

15936 **COMMENT PERIOD**

A. PUBLIC COMMENTS

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

Bob Fisher, President of Utah Property Rights Association, addressed the City Council. Mr. Fisher stated he had looked at a map and attempted to talk to City staff. He submitted written information to members of the City Council. He advised he had been involved with Utah Property Rights and salvage yards and needed the right answers on certain things. (Though not stated it was assumed the reference was regarding the Northwest EDA)

Barbara Lovejoy, Esperanza School Executive Director and Principal, addressed the City Council. Ms. Lovejoy stated she had spent 2 1/2 years trying to develop the school into what she thought it should be and part of that process was obtaining the right property for the project. She also

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-3-

stated she had been thrilled with the Jordan River Marketplace (JRM) property, as it would fit their mission and what they wanted to accomplish with the school. She indicated she was hopeful the City Council members had reviewed the memo sent via e-mail which addressed some of the concerns brought up by the City Council the previous week. Ms. Lovejoy explained the desire for a "win/win/win" for West Valley City, Ascent Construction and Esperanza. She stated the City Council could send an important message regarding education by approving the project on the JRM property. She expressed the desire for businesses and the school to work together and stated she had tried to address the concerns of the City Council regarding the project.

Janet Christensen, Board Member and President-elect of the Esperanza School, addressed the City Council. Ms. Christensen discussed advantages of being bi-lingual. She stated she understood the City Council was supportive of the school and she read aloud advantages of locating the school on the Jordan River Marketplace (JRM) property. She quoted from an opinion piece article written by Mayor Winder, which had been published in the Deseret News. Ms. Christensen discussed the goal of West Valley City and the Redevelopment Agency to attract retail businesses to the JRM and stated she believed the school would bring visitors to that location. She explained the school was meant to be built in a vibrant cultural hub rather than an out of the way or isolated location. Ms. Christensen explained the JRM, Utah Cultural Celebration Center (UCCC) and Esperanza would play a unique role in jointly developing a cultural centerpiece in West Valley City.

Brad Knowlton, Ascent Construction, addressed the City Council, and expressed excitement about the Jordan River Marketplace (JRM) project and the City Council had been briefed regarding future development of the project. He also stated the property proposed for the school was isolated from the retail site and he believed the school to be a very good use for that parcel of property. He requested the Council support approval of the project and building of the school at that location. Mr. Knowlton submitted written information to members of the City Council that included the master plan and a proposed memorandum of agreement. He discussed the written information including the three items listed on the proposed memorandum of agreement for Lot 1B, the proposed Esperanza Charter School: 1) Jordan River Marketplace will pay West Valley City \$3.00 per square foot for the subject property. The said property is 138,192 square feet. The total amount owed is \$414,576 per agreement; 2) Jordan River Marketplace estimates that over five years it will pay \$300,000 in taxes on the subject property (5x\$60,000 per year = \$300,000). Jordan River Marketplace will guarantee any shortfall relative

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-4-

to tax increments should the City not recoup taxes on the property; 3) Upon sale of the property to the Charter School, Jordan River Marketplace will contribute \$120,000 to landmark features/amenities that will be mutually agreed upon by the Jordan River Marketplace and West Valley City. If approved, the total amount contributed to West Valley City for parcel 1B by Jordan River Marketplace will be \$834,576 (or \$6.4/square foot). Mr. Knowlton further discussed economic benefits to the City resulting from the school's staff and parents frequenting the area and again requested the City Council consider approval of the proposal.

Bob Murri, Ascent Construction, addressed the City Council. Mr. Murri stated he had previously commented regarding the project but desired to speak again prior to the Council's consideration of the project tonight. He indicated they had worked very hard with representatives of the charter school based on initial approval given to Ascent in January of this year. He expressed hope that Council members had viewed the site. He indicated the Council had heard from others who were passionate about the charter school project, as it would make West Valley City a better place. Mr. Murri advised that parents of 500 students from all over would be coming and going from this site. He stated the school would create 41 jobs and the additional parking could be used by the Utah Cultural Celebration Center (UCCC) for evening events. He discussed reasons why the site would not be good for retail and why the school would be a great use and a good thing for West Valley City. He expressed a desire for the City and the development to be successful. He thanked the City Council for their support and stated he appreciated their on-going input.

Jared Christensen addressed the City Council and stated he desired to be on record in support of the Esperanza School on the site proposed by Ascent. He also stated Ascent had mitigated the down side to make this a beautiful and successful place. He indicated the school would be a positive magnet to the area by bringing more people and development to the area.

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

B. CITY COUNCIL COMMENTS

Councilmember Huynh commented he made decisions by evaluating benefits to citizens in District No. 1, which he represented, and the City as a whole. He stated the Jordan River Marketplace (JRM) project would be very good for the Valley Fair Mall, Fairbourne Station and TRAX (light rail). He discussed the appraisal and amount of property sold to Ascent and stated the City would lose money if a non-profit project such as a school were built there. He explained his opposition to any tax increase to

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-5-

cover any deficits. He discussed various terms as outlined in the ADL (Agreement for Disposition of Land) between the City, Redevelopment Agency and Ascent. He also stated the school was a non-profit, not retail, and the City would lose tax increment.

15937

RESOLUTION NO. 12-148, APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY TO PROVIDE ZOO, ARTS AND PARKS FUNDS TO THE UTAH CULTURAL CELEBRATION CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 12-148 which would approve an Agreement between West Valley City and Salt Lake County to provide Zoo, Arts and Parks (ZAP) funds to the Utah Cultural Celebration Center.

Mr. Pyle stated the ZAP funding program of Salt Lake County had granted the Utah Cultural Celebration Center (UCCC) a Tier II award in the amount of \$43,732.00 to be used for expansion of existing programs and creation of new cultural initiatives during the 2012-2013 program year. He reported the funds would be utilized in three designated areas, as follows: 1) Educational programming and workshops; 2) Festivals, celebrations and concerts; and 3) Gallery exhibitions. He further stated with the new funding the UCCC would be able to expand its community-based arts and cultural programming and reach a greater number of West Valley City and Salt Lake County residents of all ages and income levels who represented many cultural and ethnic groups.

The City Manager indicated the UCCC had become the preferred destination for many high quality and diverse cultural and arts events reflecting interests of the community and enhanced the image of West Valley City. He stated the Cultural Center was poised to continue maximizing the benefits that would result from the yearly ZAP financial award. He explained that over the next 12 months, the Center would develop community programming, expand the Partners Program, continue to seek and expand diversified funding sources, and collaborate on opportunities for residents to experience quality multi-disciplinary arts and cultural programming.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-148, a Resolution Approving an Agreement between West Valley City and Salt Lake County to Provide Zoo, Arts, and Parks Funds to the Utah Cultural Celebration Center. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-6-

Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

15938

RESOLUTION NO. 12-149, APPROVE EXPENDITURE OF FUNDS TO UPGRADE THE POLICE DEPARTMENT'S MOBILE COMMAND CENTER

City Manager, Wayne Pyle, presented proposed Resolution No. 12-149 which would approve an expenditure of funds, in the amount of \$112,000.00, to upgrade the Police Department's Mobile Command Center.

Mr. Pyle stated the Police Department had been awarded grants specifically for the purpose of law enforcement technology through the COPS Technology Grant Program. He indicated this funding, in addition to a portion of funds from the 2011 Justice Assistance Grant (JAG) program would allow for a much needed upgrade to the Mobile Command Center. He reported the existing vehicle was a 12 year old recreational vehicle modified for use as the command center, and which was not appropriately outfitted for that use. He indicated the interior was dated and falling apart and the electronic components were no longer compatible or interoperable with other technology the department was using. He stated the chassis and engine of the vehicle were still in operable condition and therefore the Police Chief had opted to refurbish that existing vehicle making it functional as opposed to purchasing a new vehicle for the purpose of a command center. He reported the cost savings with that approach would be substantial.

After discussion, Councilmember Vincent moved to approved Resolution No. 12-149, a Resolution Approving the Expenditure of Funds to Upgrade the Police Department's Mobile Command Center. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-7-

15939

RESOLUTION NO. 12-150, AUTHORIZE THE CITY TO ACCEPT A STORM DRAIN EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BOYD ENTERPRISES, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 3825 WEST SR-201 SOUTH FRONTAGE ROAD (PARCEL 15-20-102-002)

City Manager, Wayne Pyle, presented proposed Resolution No. 12-150 which would authorize the City to accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Boyd Enterprises, LLC, for property located at approximately 3825 West SR-201 South Frontage Road (Parcel 15-20-102-002).

Mr. Pyle stated Boyd Enterprises Utah, LLC, had signed the Storm Drain Easement and Grant of Temporary Construction Easement.

The City Manager reported the easement would allow for construction of the above-referenced project of approximately 950 feet of new storm drain, including piping of approximately 500 feet of an open storm water ditch along the northerly boundary of the Boyd Enterprises Utah, LLC property adjacent to the frontage road. He indicated the project would redirect storm water that currently flooded a portion of the frontage road to an existing storm water lift station on the northwest corner of the grantor's property, at the intersection of the frontage road and Presidents Drive (3880 West).

After discussion, Councilmember Rushton moved to approve Resolution No. 12-150, a Resolution Authorizing the City to Accept a Storm Drain Easement and a Grant of Temporary Construction Easement from Boyd Enterprises, LLC, for Property Located at Approximately 3825 West SR-201 South Frontage Road (Parcel #15-20-102-002). Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-8-

15940

RESOLUTION NO. 12-147, APPROVE PROPOSED PLANS FOR CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS IN ACCORDANCE WITH THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT (ADL) BETWEEN THE REDEVELOPMENT AGENCY, WEST VALLEY CITY, AND JORDAN RIVER MARKETPLACE, LLC (CONTINUED FROM REGULAR COUNCIL MEETING HELD OCTOBER 16, 2012)

City Manager, Wayne Pyle, stated proposed Resolution No. 12-147, which would approve the proposed plans for construction and installation of improvements in accordance with the Agreement for Disposition of Land for Private Development (ADL) between the Redevelopment Agency, West Valley City, and Jordan River Marketplace, LLC., had been continued from the Regular Meeting held October 16, 2012.

Mr. Pyle reviewed the proposed Resolution and reminded that JRM LLC (Ascent Construction) had been selected as the developer to design and build the Jordan River Marketplace. He stated proposed development under the ADL was for a mixed used, walkable development with culturally diverse shops and restaurants, office space, residential units, and cultural amenities, but not necessarily for charter schools. He indicated the development was to be built on City-owned and other property on 3300 South at about 1300 West and would complement and connect to the Utah Cultural Celebration Center (UCCC) located just north of the subject site. He recommended the ADL be amended to allow charter schools and JRM LLC be required to obtain City approval of the proposed plans as defined in the ADL prior to construction or installation of any improvements. He summarized the proposed resolution would approve the proposed plans for the Esperanza Charter School subject to execution of an amendment to the ADL.

The City Manager stated he had previously reported that under the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act, the Redevelopment Agency had undertaken a program for the development and redevelopment of certain areas in West Valley City, and established a redevelopment project area known as the "Jordan River Redevelopment Area" (the "Project Area"). He further discussed that to achieve the objectives of the Project Area Plan, the City, the Redevelopment Agency, and JRM LLC had entered into the ADL that required approval of proposed plans for the development. He explained the primary deal points of the ADL were that the Agency and City would sell 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. Payment for the land would come to the Agency and City from the initial Tax Increment collected from the project. He stated after the Agency and City were fully paid back the developer would keep the remaining Tax Increment for investment into the project up to a cap of \$4,639,500. In addition,

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-9-

the Agency and City would review and approve all architectural designs for the development.

Mayor Winder called for discussion.

Upon inquiry by Councilmember Vincent regarding written information from Ascent submitted by Brad Knowlton during tonight's comment period, the City Manager indicated he had not seen or reviewed any written information prior to this meeting.

In response to questions regarding the number of years increment would be available for the project, the CED Director, Nicole Cottle, explained how calculations of tax increment were made for budgeting purposes.

The City Council discussed the proposed draft memorandum of agreement submitted by Mr. Knowlton, Ascent, during the above comment period.

Councilmember Vincent discussed a previous TEC (Taxing Entity Committee) meeting and approval of the initial budget. He expressed concern that committee members could feel as though the City had not followed through with a commitment when the RDA was put in place.

Councilmember Rushton discussed obligations and unintended consequences with other entities such as Salt Lake County if commitments were not kept.

Councilmember Vincent stated the charter school was a good project but did not meet budget requirements as specified when the RDA was established.

Mayor Winder stated the property on which schools were built would be taken off tax rolls whether in an RDA area or not. He indicated the Jordan River Marketplace (JRM) was envisioned as a unique place that would complement the Utah Cultural Celebration Center (UCCC) and Jordan River. He discussed reasons why the school's role could not be filled in another location. He stated a hotel would also benefit and provide synergy to the JRM. He explained the primary purpose of an RDA area was not to create more value for land or increase sales tax. He expressed belief this was a unique and special purpose that fit in the JRM and UCCC campus.

Councilmember Vincent expressed agreement with Mayor Winder's comments, but stated taxing entities had put their trust in the City to follow a budget approved by the Redevelopment Agency, which was totally different. He stated the City owed the Granite School District trust to follow the budget plan outlined and to meet obligations to taxing entities.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-10-

Mayor Winder discussed the RDA budget and commitments. He stated trust would not be betrayed but rather pressure would be put on the rest of the development if the school were approved.

Councilmember Vincent advised that 12 years ago school districts routinely voted against RDA project development.

Councilmember Rushton expressed appreciation for a good discussion and the exercise of studying the issue to be considered by the Council.

Councilmember Lang stated if the project was not a part of an RDA and if the property was sold at fair market value she would be in favor of the proposal. She discussed the importance of her responsibility to constituents. She concluded the school was an amazing project and would complement the Utah Cultural Celebration Center (UCCC).

After further discussion, Councilmember Rushton moved to deny proposed Resolution No. 12-147, a Resolution Approving the Proposed Plans for the Construction and Installation of Improvements in Accordance with the Agreement for Disposition of Land for Private Development between the Redevelopment Agency, West Valley City, and Jordan River Marketplace, LLC. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	No

Majority.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 23, 2012, WAS ADJOURNED AT 7:31 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 23, 2012

-11-

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, October 23, 2012.

Sheri McKendrick, MMC
City Recorder