

**MINUTES OF COUNCIL STUDY MEETING – SEPTEMBER 28, 2010**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, SEPTEMBER 28, 2010, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Russ Brooks  
Steve Buhler  
Carolynn Burt  
Don Christensen

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Corey Rushton  
Steve Vincent

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Russell Willardson, Public Works Director  
Nicole Cottle, CED Director  
Jim Welch, Finance Director  
Kevin Astill, Parks and Recreation Director  
Layne Morris, Community Preservation Director  
John Evans, Fire Chief  
Mike Wells, Acting Police Chief  
Claire Gillmor, Acting City Attorney  
Steve Pastorik, CED Department  
Frank Lilly, CED Department  
Jody Knapp, CED Department  
Margo Hoyt, CED Department  
Lee Logston, CED Department  
Keith Morey, CED Department  
Chris Barnhurst, CED Department  
Owen Jackson, Administration  
Dan Johnson, Public Works Department  
Jake Arslanian, Public Works Department

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1. **APPROVAL OF MINUTES OF STUDY MEETING HELD SEPTEMBER 14, 2010**  
The Council read and considered Minutes of the Study Meeting held September 14, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held September 14, 2010, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Brooks	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED SEPTEMBER 28, 2010**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Meeting scheduled September 28, 2010, at 6:30 P.M.

At the request of the City Council, the following item was discussed:

**Item No. 8.A. - APPLICATION NO. Z-1-2010, FILED BY PHIL HOLLAND, REQUESTING A ZONE CHANGE (ORDINANCE NO. 10-29) AND DEVELOPMENT AGREEMENT (RESOLUTION NO. 10-175) FOR PROPERTY LOCATED AT APPROXIMATELY 5300 SOUTH 5600 WEST**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled September 28, 2010, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-1-2010, filed by Phil Holland, requesting a zone change (Ordinance No. 10-29) and approval of a development agreement (Resolution No. 10-175) for property located at 5300 South 5600 West.

Councilmember Brooks stated when this item had been discussed at the Study Meeting the previous week, members of the Council expressed concerns about the proposal and some questions had not been answered. He also noted there were two Council members absent.

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City Manager, Wayne Pyle, stated he would take direction from the Council and consideration of the matter could be continued to a future meeting, after holding the public hearing as scheduled and advertised.

Upon inquiry by the City Manager there were no further questions regarding items scheduled on the subject Agenda.

**3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED OCTOBER 5, 2010:**

**A. EMPLOYEE OF THE MONTH, SEPTEMBER 2010 – DUSTIN BUSHNELL, PARKS AND RECREATION DEPARTMENT**

City Manager, Wayne Pyle, stated Councilmember Burt would read a nomination for Dustin Bushnell, Parks and Recreation Department, to receive the Employee of the Month Award for September 2010, at the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M.

**4. PUBLIC HEARINGS SCHEDULED OCTOBER 5, 2010:**

**A. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-9-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO SECTION 7-2-111 “EXCEPTIONS TO HEIGHT LIMITATIONS” AND TO ESTABLISH CHAPTER 7-31 “ALTERNATIVE ENERGY SYSTEMS ORDINANCE” IN THE WEST VALLEY CITY MUNICIPAL CODE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M., in order for the City Council to accept public input regarding Application No. ZT-9-2010, filed by West Valley City, requesting a zone text amendment to Section 7-2-111 “Exceptions to Height Limitations” and to establish Chapter 7-31 “Alternative Energy Systems Ordinance” in the West Valley City Municipal Code. He discussed proposed Ordinance No. 10-30 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 10-130, AMENDING SECTION 7-2-111 AND ENACTING CHAPTER 31 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ESTABLISH STANDARDS AND REGULATIONS FOR SMALL WIND ENERGY SYSTEMS AND SOLAR ENERGY COLLECTION SYSTEMS**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-130 which would amend Section 7-2-111 and enact Chapter 31 of Title 7 of the West Valley City Municipal Code to establish standards and regulations for small wind energy systems and solar energy collection systems.

Mr. Pyle stated the proposed text change would encourage and provide regulations for alternative energy systems throughout the City. He also stated the

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proposed changes would remove solar collectors and windmills from the Exceptions to Height Limitations, and establish Chapter 31, Alternative Energy Systems. He indicated much of the proposed ordinance originated in the Model Wind Ordinance for Utah provided by the Utah State Energy Program. He explained the proposed Chapter 31 would establish three primary sections: Standards for All Alternative Energy Systems; Standards for Small Wind Energy Systems; and Standards for Solar Energy Collection Systems.

The City Manager reported the proposed ordinance would require property owners to obtain a permit prior to erecting a wind or solar energy collection system. He indicated this permitting process would allow the Planning and Building Inspection staff to review the required site plan and system drawings for appropriate location and device/structure safety. He further stated staff believed the height allowances for wind systems (80 feet, or 120 feet in Agricultural or Manufacturing zones) were reasonable to support energy collection at the scale appropriate to West Valley City and the setback requirements would minimize the noise and ensure safety of the devices.

City Manager, Wayne Pyle, distributed a new draft of the proposed ordinance.

Frank Lilly, CED Department, further discussed the Application and proposed Ordinance, and answered questions from members of the City Council.

The City Council discussed various issues regarding this matter, including questioning the need for such an ordinance at this time. Some members of the Council expressed the possible need for regulations in residential areas, not only in commercial areas. Members of the Council stated it was good to be progressive, proactive and forward thinking regarding renewable energy sources but, at the same time, expressed concerns regarding setbacks in residential areas. The City Council inquired regarding if other cities in Utah had adopted any similar ordinances.

The City Council will hold a public hearing regarding Application No. ZT-9-2010 and consider proposed Ordinance No. 10-30 at the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M.

**B. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-12-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE TEMPORARY LAND USE ORDINANCE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M., in order for the City Council to accept public input regarding Application No. ZT-12-2010, filed by West Valley City, requesting a Zone Text Amendment to the Temporary Land Use Ordinance. He discussed proposed Ordinance No. 10-31 related to the

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Application to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 10-31, AMENDING SECTION 7-2-116 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REORGANIZE AND CLARIFY THE TYPES OF TEMPORARY USES AND ELIMINATE OUTDATED TEMPORARY USES**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-31 which would amend Section 7-2-116 of the West Valley City Municipal Code to reorganize and clarify the types of temporary uses and eliminate outdated temporary uses.

Mr. Pyle stated currently temporary uses, which included Christmas tree sales, haunted houses, car sales, concerts, circuses, construction offices, and others, were processed the same way and received a permit valid for one 6-month period. He stated this type of permit was not appropriate for some uses, including mass gatherings and/or other entertainment-type events. He explained, therefore, it had been proposed the uses be divided into categories with specific permits for each use. He indicated this would then allow staff to define standards better suited for each type of activity including the timeframe permitted for each use and the frequency at which the use could be held.

The City Manager further explained staff would also create new applications for each temporary use category to help streamline the review process and coordinate the approval of the use between the different affected departments and agencies like street closures, security, tents, electrical permits, and restrooms.

Jody Knapp, CED Department, further discussed the Application and proposed Ordinance, and answered questions from members of the City Council.

Councilmember Burt stated some members of the Chamber of Commerce who currently held business licenses had expressed concern regarding some of the City's regulations, such as those for a craft fair. She indicated those business owners would pay double fees in order to purchase a permit or temporary license.

Upon further inquiry, Jody Knapp, CED Department, clarified current requirements for business licenses and temporary permits for events such as a craft fair.

Councilmember Brooks cited examples of businesses required to obtain temporary licenses in addition to their business license for a recent Chamber women's conference function.

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Councilmember Burt stated the complaints from business owners were that West Valley was the only city that required a temporary permit in addition to a business license. Regarding that issue, Ms. Knapp discussed and explained the temporary use regulations and process.

Upon direction by the City Manager, various legal issues were discussed by Claire Gillmor, Law Department, including clarification of requirements regarding concerns expressed by the Chamber of Commerce.

City Manager, Wayne Pyle, advised he would further review these issues and advise the City Council at a future date.

The City Council will hold a public hearing regarding Application No. ZT-12-2010 and consider proposed Ordinance No. 10-31 at the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M.

5. **RESOLUTION NO. 10-177, APPROVE ISSUANCE OF UP TO \$3.7 MILLION OF LEASE REVENUE REFUNDING BONDS OF THE MUNICIPAL BUILDING AUTHORITY OF WEST VALLEY CITY, UTAH; AND PROVIDING FOR RELATED MATTERS**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-177 which would approve issuance of up to \$3.7 million of Lease Revenue Refunding Bonds of the Municipal Building Authority of West Valley City, Utah; and providing for related matters.

Mr. Pyle distributed an issue paper that had not been included in the Council's previous written documentation. He stated the proposed Resolution authorizes the refinance of the Building Authority's Lease Revenue Bonds, Series 2001, which funded a public works facility and fire station.

The City Manager informed the Building Authority issued the Series 2001 Bonds for the purpose of financing the costs of constructing and equipping a public works facility and fire station. As a result of favorable interest rates and other economic factors, the refinance of the Series 2001 Bonds through the issuance of the Series 2010 Bonds would save the Building Authority a substantial sum of money. The issuance of the Series 2010 bonds will be used to pay off the Series 2001 Bonds as well as for the closing costs associated with the issuance and refinance. He stated the Series 2001 Bonds payments were made from the revenues created by the City's lease of the public works facility and fire station from the Building Authority, hence the name Lease Revenue Bonds. The Series 2010 Bonds shall also be paid from the same lease revenues.

Mr. Pyle stated approval of the issuance of the Series 2010 Bonds will necessitate the authorization to amend several documents, including, but not limited to, the Master Lease and Ground Lease Agreements between the City and the Building Authority. Further,

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approval shall necessitate the authorization to execute other documents associated with the transaction, including, but not limited to, a tax certificate, bond purchase contract and indenture of trust.

Jim Welch, Finance Director, further discussed the proposed Resolution and reviewed the proposal, and answered questions from members of the City Council. He also advised a similar resolution would be considered by the Building Authority at their Regular Meeting scheduled October 5, 2010.

The City Council will consider proposed Resolution No. 10-177 at the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M.

### 6. **RESOLUTION NO. 10-178, RATIFY CITY MANAGER'S APPOINTMENT OF COUNCILMAN COREY RUSHTON TO THE GOVERNING BOARD OF THE JORDAN RIVER COMMISSION**

City Manager, Wayne Pyle, discussed proposed Resolution No. 10-178 which would ratify his appointment of Councilman Corey Rushton to the Governing Board of the Jordan River Commission.

Mr. Pyle stated the Jordan River Commission was an entity consisting of public entities committed to the preservation of the Jordan River. He advised it had been created pursuant to an agreement entitled, "Interlocal Cooperation Agreement Establishing the Jordan River Commission" which had been approved by Resolution No. 10-112 on June 22, 2010. He further stated that pursuant to the Agreement, the City must appoint a representative to the Governing Board of the Commission. He indicated the appointment required the advice and consent of the City Council and Councilmember Rushton was willing to accept the appointment.

City Manager, Wayne Pyle, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 10-178 at the Regular Council Meeting scheduled October 5, 2010, at 6:30 P.M.

### 7. **COMMUNICATIONS:**

#### A. **CITY CENTER UPDATE**

City Manager, Wayne Pyle, discussed background information regarding the City Center project. He expressed excitement in anticipation of the CED Director's update of this project.

Upon direction, Nicole Cottle, CED Director, discussed and updated the City Council using PowerPoint, summarized as follows:

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- Update regarding Valley Fair Mall – photographs of plaza area and grand entrance; list of new mall tenants including Sushi Monster, Frogurt, Rue 21, Café Zupas, NYPD Pizza, Ross, The Children’s Place, Jimmy John’s and Famous Footwear; good news – significant increase in mall traffic in recent months and decrease in police calls over same time period
- Transportation Improvements – preliminary traffic study; City Center road network; Collector/Distributor road at 3500 South and I-215 to be completed October 2011; completion of 3500 South improvements
- City Center Land Acquisition – acknowledged Dee Hansen, of DRH, and stated there would not be such great success with property acquisitions without him as a partner; map showing ownership and number of parcels acquired by the City or under contract
- Goal for City Center: Develop the premier mixed use transit oriented developed in the Region in order to provide an enduring sense of place for the citizens of the City
- City’s role as Master Developer/Project Manager - assemble partners, direct development process, direct branding and marketing, influence market to accomplish goals
- Strategic Development Partnerships – West Valley City/RDA, Ivory/ICO – Master Developer, Hines, Public Development Partners, Hotelier (currently in due diligence), SL County (possible new library facility), UTA (transit oriented development), MXD Development Strategists (market analysis), GSBS, Broker, Branding & Marketing Group
- Market Analysis – MXD: “market driven development strategists”, mixed-use experts, world-wide experience, best in class; and ICO: commercial affiliate of Ivory Development, top 10 commercial developer in Utah, fortress-like balance sheet
- Market Research Results – retail 130,000 sq. ft., office 100,000 sq. ft., civic uses 150,000 sq. ft., library 40,000 sq. ft., residential 600 units and hospitality 180 rooms (Note: these results do not take into account property ownership, RDA Project Area, incentives, etc. This is purely a study of what a private developer would do to make a project work in today’s conditions. This gives the City a baseline understanding of the development realities and the incentives necessary to reach our goal.)
- Design Competition Participants – Architectural Nexus/Psomas, Blu Line Designs, BSB Design, IBI Group, GSBS Architects (Selection committee’s recommendation for GSBS Architects to be forthcoming for City Council consideration and approval)
- Concept Plan – general design to use as a “recruiting or sales tool” to facilitate discussions with possible tenants; components can be moved around as market is ready for development in phases
- Conceptual drawings of Promenade and Market Street



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- City Center Plaza – selection committee recommendation of Stanley Consultants (contract to City Council forthcoming and timeline aligning with GSBS efforts), \$1,000,000 in Federal Funding Economic Development Initiative Housing and Urban Development (funds received by January, 2011)
- Embassy Suites Hotel – currently in due diligence
- Branding and Marketing – City Center branding, marketing plan, broker engagement, tenant recruitment
- City Center Timeline – expansion, new building, goals and accomplishments to date

During the above presentation of information, the City Manager, Wayne Pyle, and Ms. Cottle answered questions from members of the City Council.

The City Manager stated he appreciated the trust and support from members of the City Council in moving forward with this project and the timing and pieces were coming together for a successful project. He also invited members of the Council to contact him with any comments or further questions.

### B. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: September 3 – October 26, 2010: Intermountain Society of Artists (ISA) Exhibit, UCCC; October 1, 2010: 2<sup>nd</sup> Annual VIP Night for Members, Family Fitness Center, 6:00 P.M. – 9:00 P.M.; October 5, 2010: Annual Lake Park Owners Association Golf Social, Stonebridge Golf Course; October 5, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 6, 2010: Pete Harman Day, Harman Home, 11:00 A.M.; October 12, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 p.m.; October 17, 2010: WWE presents World Tour!, Maverik Center; October 19, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 19, 2010: Jagermeister Music Tour, Maverik Center; October 19-29, 2010: Early Voting for General Election (Weekdays only, Noon to 6:00 P.M.; No later than 5:00 P.M. on Oct. 29<sup>th</sup>); October 23, 2010: Halloween Activities at Family Fitness Center: Breakfast – 9:30 A.M. – 11:00 A.M. and Safety Fair – 11:30 A.M. – 12:30 P.M.; October 26, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 27, 2010: Salt Lake County Council of Governments Emergency Response Exercise, South Towne Expo Center, 11:00 A.M. – 1:00 P.M.; November 1, 2010: Day of the Dead, Community Celebration, UCCC, 6:00 P.M. – 9:00 P.M. (Display – November 1-4); November 2, 2010: Election Day; November 2, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 4, 2010: So You Think You Can Dance Tour, Maverik Center; November 9, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 9, 2010: Yo Gabba Gabba Live! There's a Party in My City!, Maverik Center; November 11, 2010: Veteran's Day – City Hall closed;

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November 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 19 – December 30, 2010: Trees of Diversity, UCCC; November 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 25, 2010: Thanksgiving – City Hall closed; November 26-29, 2010: Radio City Christmas Spectacular, Maverik Center; November 30 – December 4, 2010: NLC Congress of Cities & Exposition, Denver, Colorado; December 4, 2010: Winter Market, UCCC, 10:00 A.M. – 8:00 P.M.; December 7, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 13, 2010: Winter Concert Series – Bonnie Harris Christmas Concert, UCCC, 7:00 P.M.; December 14, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and December 21, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.

**8. COUNCIL REPORTS**

**A. COUNCILMEMBER DON CHRISTENSEN – 4100 SOUTH CFI CONCERNS**

Councilmember Christensen reported regarding a recent meeting he attended of a religious organization whereat the 4100 South CFI (Continuous Flow Intersection) had been discussed. He discussed various concerns expressed by residents at that meeting.

**B. COUNCILMEMBER RUSS BROOKS – LETTER REGARDING GRAFFITI ALONG TRAIL**

Councilmember Brooks discussed a letter received from Jim and Lynn Downey regarding graffiti along a trail where children walked to school.

Mayor Winder stated he had discussed this matter with the City Manager and staff had been directed to respond and come up with a solution.

**C. MAYOR MIKE WINDER – LAKE PARK AREA BUSINESS**

Mayor Winder discussed business in the Lake Park area and stated Property Reserve, Inc. was looking to put in a hotel, but there had been a “snag” with Granger-Hunter Improvement District. He reported he had recently attended an Improvement District board meeting and he had hopes these issues had been resolved.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, SEPTEMBER 28, 2010, WAS ADJOURNED AT 6:26 P.M., BY MAYOR WINDER.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, September 28, 2010.

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Sheri McKendrick, MMC  
City Recorder