

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-1-

THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JULY 28, 2009, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, 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

Paul Isaac, Assistant City Manager
Sheri McKendrick, City Recorder

ABSENT:

Mike Winder

STAFF PRESENT:

Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, Community Preservation Director
Buzz Nielsen, Police Chief
Claire Gillmor, Acting City Attorney
Brent Garlick, CED Department
Frank Lilly, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD JULY 14, 2009**

The Council read and considered the Minutes of the Study Meeting held July 14, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held July 14, 2009, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-2-

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

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED JULY 28, 2009**

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M. Mr. Isaac discussed items scheduled on that Agenda, as follows:

Item No. 6.B. – POLICE DEPARTMENT AND FIRE DEPARTMENT PRESENTATION TO DON MEYERS IN APPRECIATION OF SERVICE ON THE CIVIL SERVICE COMMISSION

Acting City Manager, Paul Isaac, stated the Police Department and Fire Department desired to recognize and honor Don Meyers for his many years of service on the Civil Service Commission at the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

Item No. 10.A. – RESOLUTION NO. 09-269, APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION, FOR PROPERTY LOCATED AT APPROXIMATELY 6400 WEST 4600 SOUTH

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 09-269 which would approve a Real Estate Purchase Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation, for property located at approximately 6400 West 4600 South.

Acting City Manager, Paul Isaac, indicated issues still needed to be resolved and he requested the Council move to strike this item from the agenda.

Item No. 8.A. – PUBLIC HEARING, APPLICATION NO. ZT-3-2009, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO THE OFF-STREET PARKING ORDINANCE (SURFACING)

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M. in order for the City Council to hear and consider public comments regarding Application No. ZT-3-2009, filed by West Valley City, requesting a zone text amendment to the Off-Street Parking Ordinance (Surfacing).

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-3-

Acting City Manager, Paul Isaac, further reviewed proposed Ordinance 09-25 and answered questions from members of the City Council. He also suggested if the Council desired to make significant changes to language in the proposed ordinance after receiving input from citizens at the public hearing, that action be postponed in order to give staff time to make changes to bring back to the Council for further discussion and review.

Upon inquiry by Acting City Manager, Paul Isaac, there were no further questions regarding items on the Agenda for the Regular Council Meeting scheduled July 28, 2009, at 6:30 P.M.

3. **PUBLIC HEARINGS SCHEDULED AUGUST 4, 2009:**

A. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE ISSUANCE AND SALE OF NOT MORE THAN \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF FRANCHISE TAX REVENUE REFUNDING BONDS, SERIES 2009 OF WEST VALLEY CITY, UTAH, FOR THE PURPOSE OF REFUNDING THE MUNICIPAL BUILDING AUTHORITY OF THE CITY OF WEST VALLEY LEASE REVENUE BONDS, SERIES 1998**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 4, 2009, at 6:30 P.M., in order for the City Council to accept public input regarding the issuance and sale of not more than \$15,000,000 aggregate principal amount of Franchise Tax Revenue Refunding Bonds, Series 2009 of West Valley City, Utah, for the purpose of refunding the Municipal Building Authority of the City of West Valley Lease Revenue Bonds, Series 1998.

Mr. Isaac stated a public hearing was required as part of the bond transaction. He indicated due to recent changes in the law, there was a problem with noticing of the first hearing on July 7, 2009, therefore, the City needed to re-notice and hold a hearing again in order to meet code requirements. He also advised no action would be required by the City Council.

The City Council will hold a public hearing regarding issuance and sale of not more than \$15,000,000 aggregate principal amount of Franchise Tax Revenue Refunding Bonds, Series 2009 of West Valley City, Utah, for the purpose of refunding the Municipal Building Authority of the City of West Valley Lease Revenue Bonds, Series 1998, at the Regular Council Meeting scheduled August 4, 2009, at 6:30 P.M.

B. **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING AN INTERLOCAL PLEDGE AND LOAN AGREEMENT BY AND BETWEEN WEST VALLEY CITY, UTAH (THE “CITY”), AND THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH (THE “AGENCY”), TO SECURE PAYMENT, IN PART, OF THE AGENCY’S**

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-4-

TAX INCREMENT AND REVENUE BONDS, SERIES 2009 IN THE TOTAL PRINCIPAL AMOUNT OF NOT MORE THAN \$10,500,000

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled August 4, 2009, at 6:30 P.M., in order for the City Council to accept public input regarding an Interlocal Pledge and Loan Agreement by and between West Valley City, Utah (the “City”), and the Redevelopment Agency of West Valley City, Utah (the “Agency”), to secure payment, in part, of the Agency’s Tax Increment and Revenue Bonds, Series 2009 in the total principal amount of not more than \$10,500,000.

Mr. Isaac indicated a public hearing was required as part of the bond transaction. He stated due to recent changes in the law, there had been a problem with noticing of the first hearing on June 9, 2009, therefore, the City needed to re-notice and hold a hearing again to meet code requirements. He also stated no action had been required.

The City Council will hold a public hearing regarding an Interlocal Pledge and Loan Agreement by and between West Valley City, Utah and the Redevelopment Agency of West Valley City, Utah, to secure payment, in part, of the Agency’s Tax Increment and Revenue Bonds, Series 2009 in the total principal amount of not more than \$10,500,000, at the Regular Council Meeting scheduled August 4, 2009, at 6:30 P.M.

4. ORDINANCE NO. 09-29, AMEND SECTION 1-2-110 OF TITLE 1 AND SECTION 20-7-108 OF TITLE 20 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING LATE FEES FOR STORM WATER UTILITY BILLINGS

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 09-29 which would amend Section 1-2-110 of Title 1 and Section 20-7-108 of Title 20 of the West Valley City Municipal Code regarding late fees for storm water utility billings.

Mr. Isaac stated the subject ordinance would impose a \$15.00 late fee of the Storm Water Utility Fee was not paid within 20 days of the due date of the billing. He advised the City would take over the storm water billing from Rocky Mountain Power this Fall. He stated the plan was that eventually all residential customers would be included in the in-house billing. He indicated the current Storm Water Utility Ordinance and Consolidated Fee Schedule did not address late fees since late payments were handled by Rocky Mountain Power under the current billing agreement.

Public Works Director, Russell Willardson, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 09-29 at the Regular Council Meeting scheduled August 4, 2009, at 6:30 P.M.

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-5-

5. COMMUNICATIONS:

A. JORDAN RIVER MARKET PLACE DISCUSSION

Acting City Manager, Paul Isaac, distributed copies of a Memorandum from the City Manager, along with two versions of “Exhibit G” regarding the Jordan River Market Place, all for discussion by the City Council.

Mr. Isaac directed the CED Director, Nicole Cottle, to review staff recommendations of “Exhibit G” regarding retail sales mix for the proposed Jordan River Market Place.

Nicole Cottle, CED Department, reviewed and compared the staff recommendation with the developer’s proposal. She also noted some legal differences in the recommendations. During the discussion, she answered questions from members of the City Council.

Brad Knowlton, Ascent Construction (Developer), reviewed and compared their recommendation for ““Exhibit G.” He also discussed current market conditions along with issues retailers might find in dealing with lenders to obtain financing if there were too many restrictions. He also stated he did not want restrictions to be so tight that lenders would not finance. Mr. Knowlton discussed their concerns with provisions in paragraph 6 of the City’s version of the document. He stated he did not want to “box it in” so tight that the project could not be a success. He stated lenders did not like the word “restriction” and would rather see the word “objective” used instead. During the discussion, Mr. Knowlton answered questions from members of the City Council. He requested direction from the City Council and suggested another re-write of the exhibit might be in order.

Upon inquiry, Mr. Knowlton listed the retailers that had expressed interest in the project. He expressed desire to attract businesses that had a history, were recognizable and successful to be hubs or draws, but stated they desired some new businesses also.

Bob Murri, Ascent Construction, stated there was always the intent to formulate architectural design guidelines with the City Council after the ADL (Agreement for Disposition of Land) including “Exhibit G” is finalized.

Upon inquiry, Soren Simonsen, discussed issues regarding architectural design. He stated he had a good idea of the vision even though there were differences from one City Council member to another. He indicated he was asking for flexibility in order to make lenders happy and suggested the project and place would evolve and grow over time. Mr. Simonsen stated he anticipated the end being a reflection of the community as that would be whom they would market to and recruit. He further stated he was working with local business trying to expand or find new entrepreneurs who wanted to start a business. He stated he

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-6-

wanted businesses that would fit in with the general objectives of a diverse and ethnic development. He expressed hope there was enough flexibility in order to move forward in continuing to work and define to get the job done.

The City Council discussed concerns and expressed opinions regarding both versions of “Exhibit G” summarized as follows: not willing to take risks at this location for this project; only one chance to do this right and do not want to fail; personal visions for the project; the need to ask if we are willing to shift or change the vision to what would be reasonable and “doable” or not do anything at all; some things in “Exhibit G” might be too restrictive in today’s market and the need to be flexible in order to create the vision; suggestion to change the word “restriction” to “objective” if that would make a difference to potential lenders; one time opportunity for this project to be “done right” and language in the ADL and “Exhibit G” should ensure that happens; staff desired to be responsive to the City Council and their vision, but individual Council members did not have the same vision; some members of the City Council wanted assurance that the City and developer objectives were the same and would be accomplished; compared differences in language in both versions of “Exhibit G” and suggested changes to certain language; trying to create an “identity” in that area; not against a “chain” as it might draw other businesses to that location; do not want to fail with this project so need a generally defined vision to make certain we get there; asking for problems in trying to manipulate the market; the need to be realistic about what we might not have control over; would like to see the project marketed to businesses in the region rather only to those in West Valley City; etc.

During the above discussion, Claire Gillmor, Acting City Attorney, answered legal questions regarding the exhibit.

Acting City Manager, Paul Isaac, stated staff would rather do nothing than something, but were more concerned with abiding by the City Council’s vision for this project. He stated the City Manager had “thrown this project to the City Council” for this reason and there was no economic reason for the Council to feel pressured into moving forward with the project. He stated the Council might want to come back to the drawing board later when economic conditions changed.

The City Council indicated there were many groups and individuals in the community that were interested in this project, such as the Chinese Gate. Acting City Manager, Paul Isaac, stated the Chinese Gate could always be put on the grounds closer to the Utah Cultural Celebration Center (UCCC). He indicated he had heard from the private sector that the vision was not doable.

Brad Knowlton, again addressed the Council and asked that requirements not be placed on the project that would make it so a lender would not view it as a reasonable success. He stated if one use was not successful, another might be if

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-7-

there were not so many restrictions. He stated he was attempting to give the City Council a project that could be built and be successful.

Mayor Nordfelt suggested asking the City Manager, staff and Ascent Construction to review paragraph 6 and rework it to relax the language regarding “chain” retailers, but leave in the restrictions. Councilmember Vincent suggested paragraph 2 allow more than one “anchor” and change the number to three.

Upon further discussion, the City Council expressed a consensus to proceed with Mayor Nordfelt’s recommendation expressed above; and for staff and Ascent to work on the wording in “Exhibit G” and submit to the Council at a future date.

Mayor Nordfelt expressed appreciation to Brad Knowlton and his group for their time in working with the City Council.

B. **COUNCIL UPDATE**

Acting City Manager, Paul Isaac, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: June 11 – August 4, 2009: Art Exhibit – Face of Utah Sculpture V, UCCC; July 30, 2009: ChamberWest General Membership Meeting, Department of Homeland Security – Be Ready Utah Presentation, Staybridge Suites, 11:30 A.M.; August 3, 2009: Honorary Colonels Golf Tournament, Stonebridge Golf Course, 7:00 A.M. – 2:00 P.M.; August 3, 2009: West Valley City Neighborhood Nights: National Night Out Kick-Off Event, UCCC 5:30 P.M. – 7:30 P.M.; August 3, 2009: Summer Concert Series – Jason Hewlett, UCCC, 8:00 P.M.; August 4, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 4, 2009: West Valley City Neighborhood Nights: National Night Out Block Parties, Various Locations, 5:00 P.M. – 9:00 P.M.; August 5-9, 2009: Saltimbanco Cirque du Soleil, E-Center; August 10, 2009: 2009 Crime Prevention Seminar, Topic: ID Theft and Senior Fraud, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; August 10, 2009: Summer Concert Series – World Travelers, UCCC, 8:00 P.M.; August 11, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 18, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 20, 2009: Latino Seminar – How to Obtain a West Valley City Business License, UCCC, 6:30 P.M.; August 24, 2009: Animal Shelter Grand Opening, 10:00 A.M.; August 25, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting 6:30 P.M.; August 25, 2009: Depeche Mode, E-Center; August 27, 2009: West Valley City Neighborhood Nights: National Night Out Family Safety Fair, Family Fitness Center, 5:30 P.M. – 7:30 P.M.; September 1, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 1-11, 2009: Early Voting for Municipal Primary Election; September 2, 2009: Meet the Candidates Night for Municipal Primary Election, UCCC, 7:00 P.M.; September 7, 2009: Labor Day Holiday – City Hall closed; September 8, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.;

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-8-

September 14, 2009: 2009 Crime Prevention Seminar, Topic: National Preparedness Month (CERT), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 15, 2009: Municipal Primary Election; September 9-11, 2009: ULCT Annual Convention, Sheraton City Center, 150 West 500 South; September 15, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 17, 2009: ChamberWest 2009 Community Awards Gala, SLCC Oak Room, 6:30 P.M.; September 22, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 24, 2009: Latino Seminar – Fire Prevention, UCCC, 6:30 P.M.; September 30, 2009: Lake Park Owners Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; October 19, 2009: 2009 Crime Prevention Seminar, Topic: National Domestic Violence Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; October 20-30, 2009: Early Voting for Municipal General Election; October 22, 2009: Latino Seminar – Domestic Violence Awareness, UCCC, 6:30 P.M.; October 22, 2009: Meet the Candidates Night for Municipal General Election, UCCC, 7:00 P.M.; November 3, 2009: Municipal General Election; and November 9, 2009: 2009 Crime Prevention Seminar, Topic: Gang Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.

Mayor Nordfelt stated an invitation had been received for a VIP event at a new business, Smashburger, scheduled August 11, 2009, at 5:00 P.M. He suggested this be scheduled as part of the agenda for the Study Meeting scheduled on that date, and recess at 5:00 P.M. and reconvene for the Regular Meeting at 6:30 P.M. Upon discussion, the City Council concurred and the City Recorder was so instructed.

6. **COUNCIL REPORTS:**

A. **COUNCILMEMBER COREY RUSHTON – POST OFFICES THAT SENATOR BENNETT SERVES ON**

Councilmember Rushton reported regarding a committee regarding post offices on which Senator Bennett served.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, JULY 28, 2009, WAS ADJOURNED AT 6:16 P.M., BY MAYOR NORDFELT.

MINUTES OF COUNCIL STUDY MEETING – JULY 28, 2009

-9-

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, July 28, 2009.

Sheri McKendrick, MMC
City Recorder