

MINUTES OF COUNCIL STUDY MEETING – MAY 19, 2009

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THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MAY 19, 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 (Arrived as noted)
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
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Nicole Cottle, CED Director
Dan Johnson, Acting Public Works Director
Tim Bywater, Acting City Attorney
John Janson, CED Department
Brent Garlick, CED Department
Steve Pastorik, CED Department
Ed Domian, CED Department
Jody Knapp, CED Department
Aaron Crim, Administration
Owen Jackson, Administration
Jake Arslanian, Public Works Department

1. APPROVAL OF MINUTES OF STUDY MEETING MAY 5, 2009

The Council read and considered the Minutes of the Study Meeting held May 5, 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 May 12, 2009. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MAY 19, 2009**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled May 19, 2009. He discussed items scheduled on that Agenda as follows:

Item No. 7.B. – ORDINANCE NO. 09-13, AMEND SECTIONS 7-8-101 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, discussed proposed Ordinance No. 09-13 which would amend Sections 7-8-101 and 17-8-103 and repeal 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, stated a new draft of the proposed ordinance had been prepared as requested by the City Council at a previous Study Meeting. He also answered questions from members of the City Council regarding background and reasons for the proposal.

The City Council will consider proposed Ordinance No. 09-13 at the Regular Council Meeting scheduled May 19, 2009, at 6:30 P.M.

Item No. 8.C. – RESOLUTION NO. 09-210, 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

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-210 which would authorize the City to enter into an Agreement for Disposition of Land (ADL) with the West Valley City Redevelopment Agency and Jordan River Marketplace, LLC, for the

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

City Manager, Wayne Pyle, advised that the developers, Brad Knowlton and Bob Murry, were in attendance at the meeting. He also discussed and provided an overview and reminded the Council of previous discussions, including the visioning process regarding the Jordan River Marketplace project. He stated staff and the developer were attempting to obtain a clear understanding of what the Council desired for the project.

Upon direction by the City Manager, Steve Pastorik reviewed the developer's presentation given at the previous Study Meeting, and he summarized the developer's notes and input from the City Council. He also noted which components appeared on both lists.

Nicole Cottle, CED Director, stated she had been involved in the development process and specifically had drafted language in the ADL.

Councilmember Coleman arrived at the meeting at 4:43 P.M.

Ms. Cottle further discussed language and terms in the ADL and issues of importance to the City Council, including tenant and ethnic mix, design and architecture, "look and feel" of the project, what the market would bear and what it looked like, and financial responsibility of the City.

City Manager, Wayne Pyle, pointed out anything in terms of betterment and unique ideas the City or Redevelopment Agency might need to "pony up" some additional funds for the project. He indicated some terms in the ADL allowed for further structuring and defining as the project moved forward.

Upon discussion the Council pondered various aspects and expressed individual opinions of the proposed project.

Members of City staff and the developers answered questions from members of the City Council.

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Nicole Cottle, CED Director, responded to comments and concerns expressed by the Council and discussed specific terms in the ADL which would be the guiding document used in the development process.

In response to inquiry from members of the City Council, Brent Garlick, CED Department, reviewed financial information related to the proposal including development cost of the land.

Councilmember Vincent showed photographs taken in the area recently and suggested some funds be used to enhance and develop a regional park near the Jordan River in order to draw tenants and patrons to the developments.

Mayor Nordfelt stated the City had a one time opportunity and if not done right, then we would face failure. He also stated he understood economic feasibility needed to be considered, if it is not then do not do it at this time – wait.

Councilmember Burt inquired how many roof tops there were on the project. She expressed concern regarding mixed use with apartments and indicated it had not worked in another project across the street.

Mr. Pyle, reminded that plans, drawings, and other documents, previously viewed by the Council had been “conceptual” and any final plans would have to go through the City’s normal process – first to the Planning Commission, then the City Council, and Redevelopment Agency for final approval.

City Manager, Wayne Pyle, also reviewed a proposed resolution on the agenda for the Special Redevelopment Agency Meeting scheduled May 19, 2009, at 6:30 P.M.

Brad Knowlton, developer, discussed their original response to the City’s Request for Proposals (RFP) and changes that had happened since it was submitted in March of 2008. Mr. Knowlton stated they were a willing developer and wanted to move forward with a viable project that met the City’s goals and objectives.

Councilmember Brooks expressed favor with the ADL, but stated there was no amenity to draw tenants and patrons to the area, and that was what the Council needed to determine.

Brad Knowlton, developer, stated if the land cost was lower then they would be willing to fund some type of amenity. He indicated the Chinese Gate had already committed and others might also commit. He indicated they needed to “fish or cut bait” and get moving on the project or be turned loose at this time. He stated they would like to move forward with the project as time was running out on the RDA area, six of 15 years have passed. He indicated current economic conditions had driven costs down, retail was down, and

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specialty markets might be the most viable at the present time. He indicated willingness to have further discussions with the Council. He stated the subject area was a gateway to West Valley City and needed to be recognized. He indicated he desired this project to become the City's signature as a community and reflect that in the development.

Nicole Cottle, CED Director, stated per the Council's discussion this night, two issues in the ADL might need to be rewritten as it related to certain property being developed as a regional park in phase 2; and there was no language requiring any type of ethnic mix. She also suggested adding language to a motion if approval was desired to allow additional time for the Law Department to rewrite certain terms in the agreement.

City Manager, Wayne Pyle, stated staff would attempt to draft appropriate language regarding the ADL prior to the Regular Council Meeting scheduled later this night.

The City Council had no further questions regarding any items scheduled on the subject Agenda.

3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED MAY 26, 2009:

A. PRESENTATION OF *MAYOR'S STAR OF EXCELLENCE AWARDS TO STUDENTS FROM CYPRUS, GRANGER AND HUNTER HIGH SCHOOLS*

City Manager, Wayne Pyle, stated the *Mayor's Star of Excellence Awards* would be presented to students from Cyprus, Granger and Hunter High Schools, at the Regular Council Meeting scheduled May 19, 2009, at 6:30 P.M., as follows:

Cyprus High School

Maranda Butler	Patrick Newman
Shylee Catten	Juliana Peterson
Leesa Harvey	Caitlin Pozza
Sarah Hepworth	K. Chad Scott
Jessica Johnson	Kelly Uriarte

Granger High School

Felicia Barney	Joseph Macfarlane
Braquel Buckley	Jenna Nelson
Jenny Hor	Ana Ramirez
Elizabeth Ipson	Dianna Singh
Jordan Johnson	

Hunter High School

Luisa Angilau	Kathryn Elmer	Joshua Lippman
Kayla Arrington	Kaitlin Fayles	Sergio Lopez

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Leland Broadhead	Ashleigh Fletcher	Kendall Reese
Austin Cannon	Ruth Gonzalez	Sarah Smith
Kayla Clawson	Wayne Hovey	Robyn Sweet
Jennifer Connelly	Cameron Jones	Margoth Tello
Katrina Corbridge	Meagan Kilburn	Shannon Tolman
Kelsi Curtis	Peter Kuhn	Heidi Vance
Hanna Drauel	Tyler Lambert	Caitlin Wagner

4. **PUBLIC HEARINGS SCHEDULED MAY 26, 2009:**

A. **APPEAL, APPLICATION NO. ZT-2-2009, FILED BY SKYE REES, REQUESTING AN ORDINANCE AMENDMENT FOR RODENT BREEDING IN A RESIDENTIAL ZONE**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 26, 2009, at 6:30 P.M., in order for the City Council to hear an appeal of the Planning Commission's denial of Application No. ZT-2-2009, filed by Skye Rees, requesting an ordinance amendment for rodent breeding in a residential zone. He discussed proposed Ordinance No. 09-16 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 09-16, AMENDING SECTIONS 7-1-103 AND 7-8-103 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING RODENT BREEDING IN A RESIDENTIAL ZONE

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-16 which would amend Sections 7-1-103 and 7-8-103 of Title 7 of the West Valley City Municipal Code regarding rodent breeding in a residential zone.

Mr. Pyle stated the applicant operated a commercial rodent breeding facility out of his garage and an accessory building on his property, which property is located in an 'R-1-8' zone. He continued that currently animal breeding facilities were only allowed in the agricultural zone, on property with at least one acre and they were reviewed as a conditional use. The applicant, Mr. Rees, had been made aware of this restriction and submitted an application to the West Valley City Planning Commission to amend the West Valley City Municipal Code to allow for a rodent breeding facility in a residential zone as a major home occupation. He further stated the amendment also proposed to allow for the business to be conducted within a garage and/or accessory building which was currently prohibited.

The City Manager indicated staff had prepared the draft ordinance for review by the Planning Commission. He stated the land use standards would be set forth in the major home occupation section of the Code, Section 7-8-103. He further indicated then the requirements for a specific business, and the animals to be

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bread for that business, would be reviewed and implemented during the major home occupation approval process.

Mr. Pyle reported the Planning Commission reviewed the request and felt this type of use would not be compatible in a residential neighborhood and denied the zone text amendment request. Therefore, Mr. Rees had appealed the decision of the City Council. The City Manager advised if the Council felt this use was appropriate and desired the City Manager to further facilitate the request, additional items would need to be added to the proposed ordinance and it would be reviewed by the City Council at a future public hearing.

Jody Knapp, CED Department, further reviewed the Application and proposed Ordinance and displayed photographs. She also answered questions from members of the City Council. She discussed current major home occupation standards and showed photographs of the applicant's residence, garage and shed which was currently being used for rodent breeding as a business so it was considered a home occupation. Ms. Knapp gave some background of the proposal and discussed issues and questions brought before the Planning Commission. She further discussed impact on the entire City if the text change was approved and reasons for Planning Commission denial.

The City Council will hold a public hearing regarding Application No. ZT-2-2009 and consider proposed Ordinance No. 09-16 at the Regular Council Meeting scheduled May 19, 2009, at 6:30 P.M.

5. **RESOLUTION NO. 09-212, ADOPT A TENTATIVE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, AND ENDING JUNE 30, 2010; SET A TAX RATE; AND SET AUGUST 11, 2009, AS THE DATE FOR PUBLIC HEARING**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-212 which would adopt a Tentative Budget for the fiscal year commencing July 1, 2009, and ending June 30, 2010; set a tax rate; and set August 11, 2009, as the date for public hearing.

Mr. Pyle stated West Valley City would adopt a Tentative Budget that would be made available for public inspection during regular office hours in the City's Recorder's Office and gave notice of a hearing to receive public comment before the final adoption of the Tentative Budget for FY 2009-2010.

Jim Welch, Finance Director, further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-212 at the Regular Council Meeting scheduled May 26, 2009, at 6:30 P.M.

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6. RESOLUTION NO. 09-213, AUTHORIZE LEASE OF RADIO COMMUNICATION SYSTEMS FROM MOTOROLA FOR USE BY THE POLICE AND FIRE DEPARTMENTS

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-213 which would authorize the lease of radio communication systems from Motorola, in an amount not to exceed \$200,613.28, with annual payments of \$28,659.04 over the seven year term of the lease, for use by the Police and Fire Departments.

Mr. Pyle stated the proposed purchase would replace a portion of the existing radio communications used by the public safety departments over the next seven years through the HP Master Lease Purchase Agreement approved in 2006 under Resolution No. 06-04.

The City Manager reported formal bidding would not be required for the purchase because the vendor, Motorola, held a contract with the State of Utah. He also reported the Fire and Police Departments had aging radio equipment valued at over \$2.5 million. He stated replacing all the equipment would not be practical or economically feasible. Additionally, the equipment deteriorated at varying rates depending on the working conditions and users assigned. He further stated a seven year replacement schedule had been prepared with a portion of the equipment being replaced each year. He explained this would allow the City to replace the equipment as it needed replacement and making the purchase more cost effective.

Mr. Pyle further discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-213 at the Regular Council Meeting scheduled May 26, 2009, at 6:30 P.M.

7. COMMUNICATIONS:

A. SIDE YARD STRUCTURES DISCUSSION

City Manager, Wayne Pyle, gave an overview and instructed Steve Pastorik, CED Department, to lead a PowerPoint presentation and discussion regarding side yard structures. Mr. Pastorik stated he understood Councilmembers had received telephone calls and complaints regarding enforcement of side yard requirements, and he discussed information summarized as follows:

- Purpose of regulations
- Building Inspection requirements
- Enforcement progress
- Illustration summarizing single family residential requirements
- Planning and Zoning requirements and exceptions
- Photographs showing examples of problems

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- Concerns raised
- Possible ideas and/or solutions
- What should we do? (Enforce current ordinance as is; amend ordinance to allow for more flexibility for sheds; or other action)

During the above presentation of information, Steve Pastorik, CED Department, and Ed Domian, Chief Building Official, answered questions from members of the City Council.

Upon discussion, members of the Council respectively expressed opinions regarding this issue and the information presented above.

City Manager, Wayne Pyle, recommended changes not be made to the current ordinance and he discussed reasons for that recommendation.

Mayor Nordfelt summarized comments and stated there was enough interest from the City Council to further review the ordinance. City Manager, Wayne Pyle, stated staff would come back with a proposal in the future.

B. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: May 21, 2009: Latino Seminar – Neighborhood Watch, UCCC, 6:30 P.M.; May 25, 2009: Memorial Day Holiday – City Hall closed; May 26, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 30, 2009: 2009 Memorial Day “Tribute to Our Veterans” Sponsored by West Valley Lions Club, UCCC, 11:00 A.M. – 12:30 P.M.; May 28, 2009: ChamberWest General Membership Meeting, Speaker – Matt Townsend, E-Center Centennial Room, 11:45 A.M.; May 30, 2009: Fiesta!, UCCC, 6:00 P.M.; June 2, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 8, 2009: 2009 Crime Prevention Seminar, Topic: Graffiti Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; June 9, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 11 – August 4, 2009: Art Exhibit – Face of Utah Sculpture V, UCCC; June 16, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 18, 2009: Latino Seminar – How to Identify Criminal Activity, UCCC, 6:30 P.M.; June 23, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 30, 2009: Summer Concert Series – Utah Symphony, UCCC, 8:30 P.M.; July 1-15, 2009: Candidate Filing Period for 2009 Municipal Election in City Recorder’s Office (During business hours and not later than 5:00 P.M. on July 15th); July 7, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 13, 2009: 2009 Crime Prevention Seminar, Topic: Home Safety, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; July 14, 2009: Council Study Meeting, 4:30 P.M., Regular

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Council Meeting, 6:30 P.M.; July 16, 2009: Latino Seminar – West Valley City Codes and Ordinances, UCCC, 6:30 P.M.; July 21, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 28, 2009: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; August 3, 2009: Honorary Colonels Golf Tournament, Stonebridge Golf Course, 7:00 A.M. – 2:00 P.M.; 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 20, 2009: Latino Seminar – How to Obtain a West Valley City Business License, UCCC, 6:30 P.M.; September 1-11, 2009: Early Voting for Municipal Primary Election; 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 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.; 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.

City Manager, Wayne Pyle, informed that a joint City Council/Planning Commission meeting had been scheduled for May 26, 2009, at 3:00 P.M. for discussion of the Redwood Road area development along with a discussion and tour of the City Center plaza area.

8. **COUNCIL REPORTS:**

A. **COUNCILMEMBER STEVE VINCENT – WESTFEST COMMITTEE**

Councilmember Vincent advised the WestFest Committee had requested feedback from the City Council regarding hours of operation. He discussed the WestFest Committee's proposal and a suggestion to stay open until 11:00 P.M. all four nights to accommodate the carnival.

The City Council discussed the proposal, including noise ordinance requirements. Mayor Nordfelt stated he would have no objection to the carnival staying open until 11:00 P.M., but recommended the noise ordinance not be violated. Members of the City Council concurred with the Mayor's recommendation and observation. Councilmember Brooks expressed concern regarding impact on the adjacent neighborhood. Councilmember Vincent stated the Committee would communicate with neighbors and offer them tickets to the event.

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- B. COUNCILMEMBER WINDER – UTAH TOURISM CONFERENCE**
Councilmember Winder reported regarding the Utah Tourism Conference and a compliment given during one of the sessions regarding the City’s Public Relations Division.

- C. MAYOR DENNIS NORDFELT – DANCING MOOSE PRE-SCHOOL**
Mayor Nordfelt informed he had been contacted by the owners of the Dancing Moose Preschool regarding an award they would be receiving as “best of State” in pre-schools.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, MAY 19, 2009, WAS ADJOURNED AT 6:28 P.M., BY MAYOR NORDFELT.

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, May 19, 2009.

Sheri McKendrick, MMC
City Recorder