

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 27, 2012

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 27, 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
Tom Huynh
Karen Lang
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Don Christensen
Corey Rushton

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Mike Wells, Acting Police Chief
Steve Pastorik, Acting CED Director
Steve Lehman, CED Department
Aaron Crim, Administration
Kevin Conde', Administration
Jake Arslanian, Public Works Department

15968 **OPENING CEREMONY**
The Opening Ceremony was conducted by Mike Winder who shared a letter he received from a clergyman expressing appreciation to the City for meeting the needs of the ethnically diverse community.

15969 **APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 13, 2012**
The Council read and considered Minutes of the Regular Meeting held November 13, 2012. There were no changes, corrections or deletions.

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After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held November 13, 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
Mayor Winder	Yes

Unanimous.

15970 **EMPLOYEES OF THE MONTH, NOVEMBER 2012 – DETECTIVE KORY NEWBOLD AND DETECTIVE JUSTIN BOARDMAN, POLICE DEPARTMENT**

Councilmember Buhler read the nomination of Detective Kory Newbold and Detective Justin Boardman, Police Department, to receive the Employees of the Month Award for November 2012. The detectives had been nominated for helping a resident obtain a wheelchair which exemplified going above and beyond the call of duty.

The City Council expressed appreciation and congratulated the award recipients and thanked them for their efforts on behalf of West Valley City.

15971 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

Upon inquiry the following individual addressed the City Council during the comment period:

Rex Bagley addressed the City Council and stated he desired to talk about a great injustice perpetrated upon him by the City Council and an ordinance that stated unregistered vehicles had to be in a garage. He indicated his vehicle had been taken from him this date by West Valley City police officers. He inquired why the City Council would do this in the face of basic human and civil rights and in violation of case law. He asked why his vehicle had been taken.

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

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B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, reported his understanding that Mr. Bagley had spoken to the CPD Director, Layne Morris; and Mr. Bagley had been advised why the subject ordinances had been enacted and how his vehicle violated that law. Mr. Pyle stated the ordinance referenced by Mr. Bagley had been in place for many years and withstood legal opinions, if not in a court of law. He discussed reasons for the ordinance such as cleanliness and maintenance issues in neighborhoods. He reminded the referenced ordinances had been enacted by the City Council pursuant to demand of residents of West Valley City. The City Manager indicated he did not know the specific circumstances of Mr. Bagley's situation. He explained the process when either a code officer or police officer cited an inoperable or unlicensed vehicle.

15972

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. SNC-1-2012, FILED BY WILLIAM KENDRICK, REQUESTING A STREET NAME CHANGE FOR 2515 WEST TO KENDRICK DRIVE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. SNC-1-2012, filed by William Kendrick, requesting a street name change for 2515 West to Kendrick Drive. He discussed proposed Ordinance No. 12-43 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-43 which would approve a street name change for 2515 West in the Lakeside Subdivision at 3050 South.

Mr. Pyle stated the applicant advised that individuals, including emergency services, had a difficult time finding 2515 West and, for that reason, proposed to add the name Kendrick Drive to the existing street. He indicated the street coordinate of 2515 West was located within three different subdivisions. He advised the Lakeside Phase 1, 3, and 4 subdivisions had been recorded in 1962, 1969 and 1977 respectively. He further advised the proposal included adding the street name to the existing street coordinate of 2515 West and along the south street running parallel to 3100 South. He stated the north portion which had a coordinate of 2975 South would remain unchanged. He explained if approved, the City's Public Works Department would install new street signs with the changes.

The City Manager further reported that while doing research for this application, staff had noticed that in September of 1973, the Salt Lake County Planning Commission actually approved this same request and it was not known why the

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name was not changed, but a petition from residents living along this street at that time had been reviewed and approved.

Mayor Winder opened the public hearing.

William Kendrick, applicant, addressed the City Council and discussed background information regarding a road which had been built by his father in the late 1970's. He stated he had proposed to name the road Kendrick Drive as that name had been previously approved by Salt Lake County though never actually recorded as it had been during the time West Valley City incorporated. Mr. Kendrick requested approval of his application.

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

ACTION: CONSIDER ORDINANCE NO. 12-43, APPROVING A STREET NAME CHANGE FOR 2515 WEST IN THE LAKESIDE SUBDIVISION

The City Council previously held a public hearing regarding Application No. SNC-1-2012, filed by William Kendrick, requesting a street name change for 2515 West to Kendrick Drive in the Lakeside Subdivision.

After discussion, Councilmember Vincent moved to approve Ordinance No. 12-43, an Ordinance Approving a Street Name Change for 2515 West in the Lakeside Subdivision. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

15973

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-6-2012, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO ADD REGULATIONS FOR RETAIL TOBACCO BUSINESSES

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council hear and consider public comments regarding Application No. ZT-6-2012, filed by West Valley City, requesting a zone text amendment to add regulations for retail tobacco businesses. He discussed proposed Ordinance

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No. 12-44 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-44 which would enact Chapter 32 of Title 7, Land Use Development and Management Act, of the West Valley City Municipal Code regarding retail tobacco specialty businesses.

Mr. Pyle stated the proposed amendment would bring the City Code into State compliance regarding regulations for retail tobacco specialty businesses by adding the requirements of House Bill 95 to the City's Zoning Ordinance. He indicated that during the State Legislature's 2012 general session, House Bill 95 had been enacted requiring retail tobacco specialty businesses to obtain a license from the appropriate municipality. He explained a retail tobacco specialty business was defined as: "a commercial establishment in which: the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment; food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act."

The City Manager also advised under the same bill, municipalities could not issue a license to a retail tobacco specialty business if it was located within:

- 1,000 feet of a community location;
- 600 feet of another retail tobacco specialty business; or
- 600 feet from property used or zoned for: agriculture use; or residential use

He further explained a community location was defined as a public or private kindergarten, elementary, middle, junior high, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.

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

ACTION: CONSIDER ORDINANCE NO. 12-44, ENACTING CHAPTER 32 OF TITLE 7, LAND USE DEVELOPMENT AND MANAGEMENT ACT, OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING RETAIL TOBACCO SPECIALTY BUSINESSES

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The City Council previously held a public hearing regarding Application No. ZT-6-2012, filed by West Valley City, and proposed Ordinance No. 12-44 which would enact Chapter 32 of Title 7, Land Use Development and Management Act, of the West Valley City Municipal Code regarding retail tobacco specialty businesses.

After discussion, Councilmember Lang moved to approve Ordinance No. 12-44, an Ordinance Enacting Chapter 32 of Title 7, Land Use Development and Management Act, of the West Valley Municipal Code Regarding Retail Tobacco Specialty Businesses. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

15974

ORDINANCE NO. 12-45, ENACTING CHAPTER 36 OF TITLE 17, BUSINESS LICENSE ORDINANCE, OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING RETAIL TOBACCO SPECIALTY BUSINESSES

City Manager, Wayne Pyle, presented proposed Ordinance No. 12-45 which would enact Chapter 36 of Title 17, Business License Ordinance, of the West Valley City Municipal Code regarding retail tobacco specialty businesses.

Mr. Pyle stated that on July 1, 2012, House Bill 95, "Retail Sale of Tobacco Products" went into effect requiring a municipality to license smoke shops as retail tobacco specialty businesses which included requirements for proximity to certain places. He explained currently operating retail tobacco specialty businesses were exempt from the licensing and proximity requirements and therefore the City needed to update its ordinances to reflect the changes in the State Code.

The City Manager indicated a retail tobacco specialty business was defined under the State Code as a commercial establishment in which the sale of tobacco products accounted for more than 35% of the total annual gross receipts for the establishment and in which food and beverage products were less than 45% of the total annual gross receipts for the establishment. He stated the business must also not be licensed as a pharmacy under Title 58, Chapter 17b, Utah Code Annotated, Pharmacy Practice Act.

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After discussion, Councilmember Buhler moved to approve Ordinance No. 12-45, an Ordinance Enacting Chapter 36 of Title 17, Business License Ordinance, of the West Valley City Municipal Code Regarding Retail Tobacco Specialty Businesses. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15975

RESOLUTION NO. 12-157, AUTHORIZE PURCHASE OF DESKTOP AND LAPTOP COMPUTERS FROM VALCOM COMPUTER CENTER FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 12-157 which would authorize purchase of desktop and laptop computers from Valcom Computer Center, in an amount not to exceed \$92,880.64, for use by the Police Department.

Mr. Pyle explained the Police Department's need for desktop and laptop computers and stated the replacements would be financed through the HP Master Lease Purchase Agreement which had been approved in 2006 under Resolution No. 06-04. He reported the desktop and laptop computers would be covered by a "Total Care" package for each computer which would cover costs of repairs needed during the lease agreement period. He also stated each computer would be leased for a period of four years at which time the City would purchase each computer for one dollar. He advised formal bidding had not been required for this purchase as the vendor held a contract with the State of Utah.

After discussion, Councilmember Huynh moved to approve Resolution No. 12-157, a Resolution Authorizing the Purchase of Desktop and Laptop Computers from Valcom Computer Center for use by the Police Department. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

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Mr. Huynh	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 27, 2012, WAS ADJOURNED AT 6:50 P.M., BY MAYOR WINDER.

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, November 27, 2012.

Sheri McKendrick, MMC
City Recorder