

**MINUTES OF COUNCIL STUDY MEETING – NOVEMBER 20, 2012**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, NOVEMBER 20, 2012, AT 4:30 P.M., IN THE BOARD ROOM AT THE UTAH CULTURAL CELEBRATION CENTER, 1355 WEST 3100 SOUTH, 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  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Karen Lang

STAFF PRESENT:

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

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD NOVEMBER 6, 2012**  
The Council read and considered Minutes of the Study Meeting held November 6, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held November 6, 2012, as written. Councilmember Buhler seconded the motion.

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A roll call vote was taken:

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

Unanimous.

**2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED NOVEMBER 20, 2012**

City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Meeting scheduled November 20, 2012, at 6:30 P.M. He reminded the Regular Council Meeting had been scheduled at the Utah Cultural Celebration Center (UCCC) in order to accommodate the over 600 students invited to receive the English Language Awards. He advised staff was looking into possible changes to the process, including time of year, so the awards could be presented in the City Hall Council Chambers in the future.

Upon inquiry by the City Manager, there were no further questions regarding the subject Agenda.

**3. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED FOR NOVEMBER 27, 2012:**

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

City Manager, Wayne Pyle, stated Councilmember Buhler would read the nomination of Detective Kory Newbold and Detective Justin Boardman, Police Department, to receive the Employees of the Month Award for November 2012, at the Regular Council meeting scheduled November 27, 2012, at 6:30 P.M. The detectives had been nominated for helping a resident obtain a wheelchair, which exemplified going above and beyond the call of duty.

**4. PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 27, 2012:**

**A. 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 for the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M., in order

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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:

### **ORDINANCE NO. 12-43, APPROVING A STREET NAME CHANGE FOR 2515 WEST IN THE LAKESIDE SUBDIVISION**

City Manager, Wayne Pyle, discussed 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 long 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 name was not changed but a petition from residents living along this street at that time had been reviewed and approved.

Steve Lehman, CED Department, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. SNC-1-2012 and consider proposed Ordinance No. 12-43 at the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M.

### **B. 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 for the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M., 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:

### **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**

City Manager, Wayne Pyle, discussed 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.

Steve Pastorik, CED Department, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

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The City Council will hold a public hearing regarding Application No. ZT-6-2012 and consider proposed Ordinance No. 12-44 at the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M.

5. **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, discussed 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 therefor 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.

City Attorney, Eric Bunderson, further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 12-45 at the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M.

6. **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, discussed 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

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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.

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

The City Council will consider proposed Resolution No. 12-157 at the Regular Council Meeting scheduled November 27, 2012, at 6:30 P.M.

### 7. **COMMUNICATIONS:**

#### A. **DEVELOPMENT PROCESS OVERVIEW**

City Manager, Wayne Pyle, requested to reschedule discussion of an overview of the development process.

#### B. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: November 19 – January 5, 2013: Project Zero, Fitness Center; November 22, 2012: Thanksgiving – City Hall closed; November 27, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 28, 2012 – December 1, 2012: National League of Cities (NLC) Conference, Boston, MA; December 1, 2012: Winter Market, UCCC; December 3, 2012: Christmas Tree Lighting, Fitness Center, 6:00 P.M.; December 3, 2012: The Blue Sage Band – A Cowboy Christmas, UCCC, 7:00 P.M.; December 4, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 8, 2012: Breakfast with Santa, Fitness Center, 9:00 A.M.; December 10, 2012: Beehive Statesmen Christmas Concert, UCCC; December 11, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 12, 2012: International Christmas Celebration, UCCC, 5:00 P.M. – 10:00 P.M.; December 13, 2012: Employee Holiday Celebration, Lobby, 2:00 P.M. – 4:00 P.M.; December 15, 2012: Breakfast with Santa, Fitness Center, 9:00 A.M.; December 17, 2012: Bonnie Harris Christmas Concert, UCCC; December 18, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 24 & 25, 2012: Christmas Holiday – City Hall closed; and December 28, 2012: Holiday Movie Night for Members, Fitness Center, 7:00 P.M.

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**C. CITY MANAGER UPDATE**

City Manager, Wayne Pyle, discussed a letter received from Salt Lake County Deputy Mayor Nichole Dunn relating to partnering with West Valley City regarding a skatepark. He stated that Salt Lake County had agreed to pledge \$365,000 of the \$605,000 received from a land purchase between the County and City toward a skatepark project.

Mr. Pyle also advised that at the request of Mayor Winder, the County had agreed to pledge \$40,000 from the funds towards a master plan document regarding Pioneer Crossing Park. In addition, \$200,000 of the funds would be used to assist in development of Phase II of the Utah and Salt Lake Canal Trail located in West Valley City.

The City Council discussed the above information, and upon the City Manager's request for further direction, the Council expressed a consensus concurring with Salt Lake County's recommendation for funding of the above mentioned projects and directed the City Manager to proceed in that regard.

**8. COUNCIL REPORTS:**

**A. COUNCILMEMBER STEVE BUHLER – POLICE DEPARTMENT AWARDS BANQUET**

Councilmember Buhler advised he attended the Police Department Awards Banquet held the previous day and expressed appreciation to that Department for their efforts on behalf of the City.

**B. COUNCILMEMBER DON CHRISTENSEN – POLICE DEPARTMENT AWARDS BANQUET**

Councilmember Christensen stated he also had attended the Police Department Awards Banquet which had been very well done. He reported the food had been good and had been prepared in-house by staff from the Stonebridge Golf Course.

**C. COUNCILMEMBER TOM HUYNH – ROSA PARKS DRIVE RIBBON CUTTING, POLICE AWARDS BANQUET AND ALIANZA ACADEMY "GRATITUDE FEAST" EVENT**

Councilmember Huynh reported regarding the Rosa Parks Drive ribbon cutting event.

He also attended the Police Awards Banquet.

He further reported regarding the Alianza Academy "Gratitude Feast" event that he attended.

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**D. MAYOR MIKE WINDER – VETERANS DAY EVENT, POLICE AWARDS BANQUET, ALIANZA ACADEMY "GRATITUDE FEAST" EVENT, ROSA PARKS DRIVE RIBBON CUTTING, MEETING WITH CONGRESSMAN MATHESON'S STAFF, MILK WITH THE MAYOR AND JORDAN RIVER MARKETPLACE**

Mayor Winder stated he recently attended a Veterans Day event at the American Preparatory Academy.

He reported regarding his attendance at the Police Awards Banquet, the Alianza Academy "Gratitude Feast" and the Rosa Parks Drive ribbon cutting events.

Mayor Winder stated he recently met with a staff person from Congressman Matheson's office and related issues discussed at that time.

He advised regarding "Milk with the Mayor" meeting with residents and discussed an idea from a citizen regarding establishing a police substation in the area of 4100 South 4000 West due to recent crime in that area.

He reported regarding recent discussions with Brad Knowlton and Bob Murri, Ascent Construction, relating to the Jordan River Marketplace project.

**9. MOTION FOR EXECUTIVE SESSION**

After discussion, Councilmember Vincent moved to adjourn and reconvene in an Executive Session for discussion of pending litigation. Councilmember Huynh seconded the motion.

A roll call vote was taken:

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

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, NOVEMBER 20, 2012, WAS ADJOURNED AT 5:03 P.M., BY MAYOR WINDER.

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THE WEST VALLEY CITY COUNCIL MET IN EXECUTIVE SESSION ON TUESDAY, NOVEMBER 20, 2012, AT 5:05 P.M., IN THE BOARD ROOM AT THE UTAH CULTURAL CELEBRATION CENTER, 1355 WEST 3100 SOUTH, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder (recused himself and left the meeting at 5:29 P.M.)  
Steve Buhler  
Don Christensen  
Tom Huynh  
Corey Rushton  
Steve Vincent

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Karen Lang

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Eric Bunderson, City Attorney  
Nicole Cottle, CED Director

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF NOVEMBER 20, 2012, WAS ADJOURNED AT 6:20 P.M.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting and Executive Session of the West Valley City Council held Tuesday, November 20, 2012.

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Sheri McKendrick, MMC  
City Recorder