

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 19, 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
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

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
Buzz Nielsen, Police Chief
John Evans, Fire Chief
Russell Willardson, Public Works Director
Steve Pastorik, Acting CED Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Jody Knapp, CED Department
Kevin Conde', Administration
Craig Thomas, Administration
Owen Jackson, Administration
Natalie Meredith, Administration
Cathie Alberico, Administration
Jason Nau, Administration Intern

15800

OPENING CEREMONY

The Opening Ceremony was conducted by Corey Rushton who discussed a reception held prior to this meeting and noted many former elected officials had been in attendance. He invited former Mayor Gerald Maloney to lead the Pledge of Allegiance.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-2-

Mayor Winder noted former Mayor Brent Anderson was also in attendance at the meeting.

15801

SCOUTS

Mayor Winder welcomed Scout Troop No. 1197 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

15802

APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 5, 2012

The Council read and considered Minutes of the Regular Meeting held June 5, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Lang moved to approve the Minutes of the Regular Meeting held June 5, 2012, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

15803

EMPLOYEE OF THE MONTH AWARD, JUNE 2012 – KEVIN CONDE', ADMINISTRATION

Councilmember Buhler read the nomination of Kevin Conde', Administration, to receive the Employee of the Month Award for June 2012. Mr. Conde' had been nominated for setting a high standard and performing beyond his job description.

The City Council congratulated Mr. Conde' and expressed appreciation for his outstanding work.

Mr. Conde' addressed the City Council and expressed appreciation for the award and introduced his wife, Margene, and other family members in attendance.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-3-

15804 **ESSENTIAL PIECE AWARD – ANAND SINGH, YOUTH CITY COUNCIL MAYOR AND GATES MILLENNIUM SCHOLAR**

Councilmember Huynh read the nomination of Anand Singh, Youth City Council Mayor and Gates Millennium Scholar, to receive the Essential Piece Award.

The City Council offered congratulations to Mr. Singh and expressed appreciation for his contribution to West Valley City.

Anand Singh addressed the City Council and thanked the City Council for the award and also introduced family members in attendance at the meeting.

15805 **COMMENT PERIOD**

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

Mike Markham addressed the City Council and discussed an issue taken up in a recent Study Meeting (Application No. ZT-3-2011) regarding changing setbacks for walkout basements. He expressed his opposition and stated it would encourage apartments in single-family homes, increase the number of vehicles in neighborhoods and cause other issues of concern. He asked the City Council to consider his comments when making a decision regarding this matter.

15806 **ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-4-2012, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO ADD A SIDEYARD SETBACK EXCEPTION FOR CARPORTS**

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. ZT-4-2012, filed by West Valley City, requesting a zone text amendment to add a sideyard setback exception for carports. He discussed proposed Ordinance No. 12-28 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. 12-28 which would amend Section 7-6-305 of Title 7 of the West Valley City Municipal Code to allow carports to encroach in the sideyard setback.

Mr. Pyle stated the subject amendment would allow for carports to encroach in the sideyard setback similar to what was currently allowed for garages for homes built prior to April 18, 1990. He explained that currently the minimum garage side setback for a single-family home in a residential zone was ten feet. However, there was an exception to this setback that applied to garages, and he cited the following:

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-4-

“Section 7-6-305(2) For homes existing as of the effective date of this ordinance, April 18, 1990, the side yard setback adjacent to a one-story garage may be reduced to a minimum of four feet provided the four-foot side yard is hard surfaced. The garage shall continually function as a storage area for vehicles and cannot be converted to living space for a dwelling.”

The City Manager also recommended the following proposed language to be added to this section to allow for carports to encroach in the minimum required setback area as well:

“Section 7-6-305(2) For homes existing as of the effective date of this ordinance, April 18, 1990, the side yard setback may be reduced to a minimum of four feet adjacent to a garage, and five feet adjacent to a carport. The garage or carport shall be no more than one-story, must be attached to the home, shall continuously function as a storage area for vehicles and cannot be converted to living space for a dwelling.”

Mr. Pyle explained the difference in the setback requirement from the garage to the carport was due to the firewall requirements in the International Building Code.

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. 12-28, AMENDING SECTION 7-6-305 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ALLOW CARPORTS TO ENCROACH IN THE SIDEYARD SETBACK

The City Council previously held a public hearing regarding Application No. ZT-4-2012, filed by West Valley City, and proposed Ordinance No. 12-28 which would amend Section 7-6-305 of Title 7 of the West Valley City Municipal Code to allow carports to encroach in the sideyard setback.

After discussion, Councilmember Vincent moved to approve Ordinance No. 12-28, an Ordinance Amending Section 7-6-305 of Title 7 of the West Valley City Municipal Code to Allow Carports to Encroach in the Sideyard Setback. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-5-

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

Unanimous.

15807

RESOLUTION NO. 12-94, SETTING ASIDE LAND AT CENTENNIAL PARK LOCATED AT 3100 SOUTH 5415 WEST FOR A SKATE PARK

City Manager, Wayne Pyle, presented proposed Resolution No. 12-94 which would set aside land at Centennial Park located at 3100 South 5415 West for a skate park, along with a commitment to allocate \$100,000 to the project.

Mr. Pyle stated the proposal would set aside land for a skate park along with a commitment to the project in order to assist groups supporting and fundraising for the skate park.

The City Manager reported many in the community had wanted a skate park in the City. He also stated that over the years several persons and groups had spoken at Council meetings in favor of having a skate park. He reported a group of supporters, including Josh Scheuerman, had agreed to work with the City in raising funds and support for a skate park. He indicated the proposed action by the City Council would get the project started so Mr. Scheuerman and similar groups could raise funds more successfully.

After discussion, Councilmember Rushton moved to approve Resolution No. 12-94, a Resolution Setting Aside Land at Centennial Park Located at 3100 South and 5415 West for a Skate Park. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-6-

15808

CONSENT AGENDA

A. RESOLUTION NO. 12-95, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRENT FULLER TO THE PLANNING COMMISSION, TERM: JULY 1, 2012 – JULY 1, 2016

City Manager, Wayne Pyle, presented proposed Resolution No. 12-95 which would ratify his reappointment of Brent Fuller to the Planning Commission for the term July 1, 2012, through July 1, 2016.

Mr. Pyle stated Mr. Fuller was a current member of the Planning Commission and desired to continue to serve in that capacity. He indicated Mr. Fuller's experience as a commissioner since 1992 made him a valuable member. He also indicated Mr. Fuller was an active member of the West Valley City community which added insight when dealing with difficult issues. He also advised Mr. Fuller currently served as chairman of the Commission.

B. RESOLUTION NO. 12-96, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF PHILLIP M. CONDER TO THE PLANNING COMMISSION, TERM: JULY 1, 2012 – JULY 1, 2016

City Manager, Wayne Pyle, presented proposed Resolution No. 12-96 which would ratify his reappointment of Phillip M. Conder to the Planning Commission for the term July 1, 2012, through July 1, 2016.

Mr. Pyle stated Mr. Conder had expressed interest in continuing to serve on the Planning Commission for an additional term. He indicated Mr. Conder had lived in the City for over 15 years and during that time been active in community development. He advised that Mr. Conder's experience as a Commissioner made him a valuable member of that body.

C. RESOLUTION NO. 12-97, RATIFY CITY MANAGER'S REAPPOINTMENT OF NECIA CHRISTENSEN TO THE BOARD OF ADJUSTMENT, TERM: JULY 1, 2012 – JULY 1, 2017

City Manager, Wayne Pyle, presented proposed Resolution No. 12-97 which would ratify his reappointment of Necia Christensen to the Board of Adjustment for the term July 1, 2012, through July 1, 2017.

Mr. Pyle stated Ms. Christensen had expressed an interest in serving an additional term on the Board. He advised she continued to be a valuable, contributing member of the Board of Adjustment, serving since 1998, and currently serving as the chair. He stated Ms. Christensen had worked in the tax preparation field and her background in accounting provided valuable background in evaluating requests considered by the Board.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-7-

D. RESOLUTION NO. 12-98, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF RUSSELL MOORE TO THE BOARD OF ADJUSTMENT, TERM: JULY 1, 2012 – JULY 1, 2017

City Manager, Wayne Pyle, presented proposed Resolution No. 12-98 which would ratify his reappointment of Russell Moore to the Board of Adjustment for the term July 1, 2012, through July 1, 2017.

Mr. Pyle stated Mr. Moore had expressed interest in serving an additional term on the Board. He advised that Mr. Moore was the owner of Westech Tile Inc., ceramic tile contractors for Utah, Wyoming, Nevada and Colorado and was currently serving as the vice-chair of the Board. He reported Mr. Moore had been involved in the development process for many years and would continue to be a valuable asset to the City serving on the Board of Adjustment.

E. RESOLUTION NO. 12-99, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF HAROLD WOODRUFF TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2012 – JUNE 30, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 12-99 which would ratify his reappointment of Harold Woodruff to the Storm Water Advisory Board for the term July 1, 2012, through June 30, 2014.

Mr. Pyle stated Mr. Woodruff had expressed interest in continuing to serve on the Board.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 12-95, 12-96, 12-97, 12-98 and 12-99 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-8-

15809

MOTION FOR EXECUTIVE SESSION

After discussion, Councilmember Rushton moved to adjourn and convene in an Executive Session for discussion of professional competence and character of an individual. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	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 REGULAR MEETING OF TUESDAY, JUNE 19, 2012, WAS ADJOURNED AT 6:52 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-9-

THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JUNE 19, 2012, AT 7:00 P.M., IN THE CITY COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager (Excused at 7:01 P.M., joined the meeting at 7:25 P.M., left the meeting at 8:50 P.M. and did not return.)

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JUNE 19, 2012, WAS AJDOURNED AT 9:25 P.M., BY MAYOR WINDER.

SWORN STATEMENT

As the Mayor, I presided at a closed meeting of the West Valley City Council on June 19, 2012. Pursuant to Section 52-4-7.5 Utah Code annotated, 1953 as amended, I hereby sign this sworn statement and affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual.

SWORN to this 19th day of June, 2012.

MAYOR

ATTEST:

City Recorder

MINUTES OF COUNCIL REGULAR MEETING – JUNE 19, 2012

-10-

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held Tuesday, June 19, 2012.

Sheri McKendrick, MMC
City Recorder