

**MINUTES OF COUNCIL STUDY MEETING – DECEMBER 10, 2013**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, DECEMBER 10, 2013, 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 AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Steve Buhler  
Don Christensen  
Karen Lang  
Corey Rushton

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

ABSENT:

Tom Huynh  
Steve Vincent

STAFF PRESENT:

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

COUNCILMEMBERS-ELECT PRESENT:

Ron Bigelow, Mayor  
Lars Nordfelt, At-Large

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**1. APPROVAL OF MINUTES OF STUDY MEETING HELD NOVEMBER 26, 2013**

The Council read and considered Minutes of the Study Meeting held November 26, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held November 26, 2013, as written. Councilmember Lang seconded the motion.

A roll call vote was taken:

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

Unanimous.

**2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED DECEMBER 10, 2013**

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled December 10, 2013, at 6:30 P.M. Upon inquiry, there were no questions regarding items scheduled on the subject Agenda.

**3. PUBLIC HEARINGS SCHEDULED DECEMBER 17, 2013:**

**A. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-10-2013, FILED BY NEWTON INVESTMENTS, LLC, REQUESTING A ZONE CHANGE FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) FOR PROPERTY LOCATED AT 3694 SOUTH 6400 WEST**

Acting City Manager, Paul Isaac, stated a public hearing was advertised for the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-10-2013, filed by George Newton representing Newton Investments, LLC, requesting a zone change from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) for property located at 3694 South 6400 West. He discussed proposed Ordinance No. 13-48 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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**ORDINANCE NO. 13-48, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3694 SOUTH 6400 WEST FROM ZONE ‘A’ (AGRICULTURE) TO ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET)**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 13-48 that would amend the Zoning Map to show a change of zone for property located at 3694 South 6400 West from zone ‘A’ (Agriculture) to zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.).

Mr. Isaac stated the applicant had requested a zone change for the northeast portion of the property located at 3694 South 6400 West. He advised the parcel was surrounded by agricultural zoning. He also advised the City’s General Plan designated the area and surrounding agricultural land between 3635 South and 3785 South just west of 6400 West to be Large Lot Residential (2 to 3 units per acre).

The Acting City Manager explained the applicant owned the home fronting onto 6400 West, and that home was part of a larger parcel of about 6.5 acres. He indicated the applicant desired to split the lot in order to sell the home, but retain the larger agricultural piece for future development. He explained under the current zoning of ‘A’ the minimum lot size was a half acre (21,780 square feet) and the area of the land surrounding the referenced home was only about 17,500 square feet or 0.4 acres, therefore, the agricultural zoning would need to be changed to residential.

Mr. Isaac recapped that the intent of this application was to re-zone a portion of the parcel to ‘R-1-10’ and leave the rest of the parcel under its current zoning, leaving the remaining parcel not re-zoned as agricultural property. He reported should this parcel subdivide and develop in the future, a re-zone would be required along with a development agreement.

Steve Pastorik, CED Department, further reviewed and discussed the Application and proposed Ordinance, and displayed a map. He also answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. Z-10-2013 and consider proposed Ordinance No. 13-48 at the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M.

- B. ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. Z-5-2013, FILED BY M SEVEN LLC, AN APPEAL OF THE PLANNING COMMISSION’S DENIAL OF THEIR REQUEST FOR A ZONE CHANGE FROM ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL,**

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**MINIMUM LOT SIZE 10,000 SQUARE FEET) TO ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET) FOR PROPERTY LOCATED AT 7018 WEST 4100 SOUTH**

Acting City Manager, Paul Isaac, stated a public hearing was advertised for the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding an appeal of the Planning Commission’s denial of Application No. Z-5-2013, filed by M Seven LLC, regarding their request for a zone change from zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) to zone ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.) for property located at 7018 West 4100 South. He discussed proposed Ordinance No. 13-49 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

**ORDINANCE NO. 13-49, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7018 WEST 4100 SOUTH FROM ZONE ‘R-1-10’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 10,000 SQUARE FEET) TO ZONE ‘R-1-8’ (SINGLE-FAMILY RESIDENTIAL, MINIMUM LOT SIZE 8,000 SQUARE FEET)**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 13-49 that would amend the Zoning Map to show a change of zone for property located at 7018 West 4100 South from zone ‘R-1-10’ (Single-Family Residential, Minimum Lot Size 10,000 sq. ft.) to zone ‘R-1-8’ (Single-Family Residential, Minimum Lot Size 8,000 sq. ft.).

Mr. Isaac stated the applicant had requested a zone change for a 25.26-acre parcel at 7018 West 4100 South from agriculture minimum lot size of one-half acre to ‘R-1-8’ single-family with a minimum lot size of 8,000 square feet. He advised surrounding zones included ‘R-1-7’ to the north, ‘A’ and ‘R-1-8’ to the west, ‘R-1-7’ and ‘R-1-8’ to the east, and ‘A’ and ‘M’ to the south. He advised the subject property was surrounded by single-family homes to the north and east, vacant land to the south, and single-family homes and the old West Valley City animal shelter property to the west. The subject property had been designated as low density residential in the City’s General Plan that anticipated three to four units per acre. He stated given the property’s proximity to ATK, it fell within the overpressure zones.

The Acting City Manager reported the applicants had submitted a concept plan (copy previously submitted to the City Council) showing the subject property being subdivided into 91 lots. The proposed lot sizes ranged from 8,000 to 11,238 square feet with an average size of 8,774 square feet. He stated there were six stub streets abutting the property and the concept plan connected to and extended

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all of those streets. The housing standards proposed by the applicant had also been distributed to the Council.

Mr. Isaac discussed the recommendation to the Planning Commission that the zoning remain 'R-1-10.' In addition to the opposition expressed during the Planning Commission public hearing, the Commission also considered several letters of opposition (previously distributed to the City Council). He advised the Commission voted to deny the application because 'R-1-10' zoning was more appropriate to provide a greater variety of lot sizes in the neighborhood and 'R-1-10' zoning was a fitting zone given the General Plan designation of low density residential.

The Acting City Manager also advised the applicant's appeal letter regarding the Planning Commission's denial of the application had been distributed to the City Council prior to this meeting.

Mr. Isaac continued that while the applicant did propose standards for a development agreement, staff had not included a drafted development agreement due to the Planning Commission's denial of the application. However, if the Council so directed, a development agreement would be prepared and submitted for Council consideration.

Steve Pastorik, CED Department, further reviewed and discussed the Application, and subsequent denial by the Planning Commission, as well as the proposed Ordinance. He also displayed a map and answered questions from members of the City Council.

The City Council will hold a public hearing regarding the appeal of the Planning Commission's denial of Application No. Z-5-2013 and consider proposed Ordinance No. 13-49 at the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M.

**4. RESOLUTION NO. 13-174, APPROVE A SECOND AMENDMENT TO THE ARENA LICENSE AGREEMENT BETWEEN WEST VALLEY CITY AND THE UTAH GRIZZLIES HOCKEY CLUB**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-174 that would approve a Second Amendment to the Arena License Agreement between West Valley City and the Utah Grizzlies Hockey Club.

Mr. Isaac stated the subject agreement contained terms whereby the City permitted the Grizzlies to play hockey games and conduct related events at the Maverik Center. He also stated the subject Amendment contained amended terms of the agreement clarifying the obligations of the parties and would conform more closely to current management practices.

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He reported the Arena License Agreement had originally been signed in 2002 prior to the City's assumption of a partial ownership interest in the Grizzlies. He stated the agreement was amended in 2009 to alter the fee structure and amounts paid to the City by the Grizzlies. This Second Amendment would make it clear the Grizzlies did not have total and exclusive control over any area of the Maverik Center but were a licensee with rights equivalent to any other licensee. He indicated the Second Amendment further clarified the procedure used to allow the City or other licensees to use certain areas within the Maverik Center.

City Attorney, Eric Bunderson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council. He also advised regarding background information and stated the agreement had been drafted at the request of the Grizzlies. He stated staff thought all the issues had been resolved, however, that appeared not to be the case; and, therefore, he recommended the Council consider continuing this matter.

The City Council will consider proposed Resolution No. 13-174 at the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M.

5. **RESOLUTION NO. 13-175, APPROVE A DEVELOPMENT AGREEMENT WITH MCDONALD'S REAL ESTATE COMPANY FOR APPROXIMATELY 0.93 ACRES OF PROPERTY LOCATED AT 3464 WEST 3500 SOUTH**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-175 that would approve a Development Agreement with McDonald's Real Estate Company for approximately 0.93 acres of property located at 3464 West 3500 South.

Mr. Isaac stated the proposed agreement would allow a reduction to the required landscaping for the existing McDonalds site at the above referenced location.

He indicated the Planning Commission had recently approved a conditional use amendment to redevelop an existing McDonalds fast food restaurant. Since this project was a redevelopment as opposed to a remodel, all current landscaping requirements applied to the site. He explained the proposal included a request to allow for a reduction in the requirements setback area along the north side of the site.

The Acting City Manager reported the commercial ordinance required five feet of landscape setback along the perimeter of any parking area that was not adjacent to a street and as per 7-6-1003(4) setbacks could be reduced as negotiated in a development agreement through the Planning Commission and City Council. He further advised currently along the northern property boundary there was a 100-foot section of existing chain-link fence and the remainder of the boundary contained a masonry wall. He stated there was some existing landscaping on the opposite side of the wall that was part of the West Lake Junior High property.

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Mr. Isaac advised the applicant had requested approval to be able to keep the existing wall and fence in place and not modify that setback area or install the required five feet of landscaping.

He concluded the property was located in the ‘C-2’ zone that required at least 15% of the site be landscaped. He stated currently there was 10% landscaping on site and this would be increased to 15.2% as part of the remodel project. He reported the site met all other required setback and landscaping requirements therefore approval of the agreement reduction was recommended.

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

The City Council will consider proposed Resolution No. 13-175 at the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M.

**6. CONSENT AGENDA SCHEDULED DECEMBER 17, 2013**

**A. RESOLUTION NO. 13-176, RATIFY THE CITY MANAGER’S APPOINTMENT OF RON BIGELOW AS A MEMBER OF THE AUDIT REVIEW COMMITTEE, TERM: JANUARY 6, 2014 – DECEMBER 31, 2016**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-176 that would ratify the City Manager’s appointment of Ron Bigelow as a member of the Audit Review Committee for the term January 6, 2014, through December 31, 2016.

Mr. Isaac stated the appointment of Ron Bigelow would replace outgoing Councilmember Don Christensen. He advised the Audit Review Committee consisted of five members who served terms of three years and comprised of the City Manager, two members of the City Council, one appointed citizen, and a finance director from another community.

**B. RESOLUTION NO. 13-177, RATIFY THE CITY MANAGER’S APPOINTMENT OF RON BIGELOW TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 6, 2014 – DECEMBER 31, 2018**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-177 that would ratify the City Manager’s appointment of Ron Bigelow to the West Valley City Housing Authority Commission for the term January 6, 2014 through December 31, 2018.

Mr. Isaac stated the West Valley City Housing Authority was comprised of seven members each appointed for a five-year term by the City Manager with the advice

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and consent of the City Council. He reported the appointment was pursuant to Section 35A-8-404, Utah Code Annotated, as amended.

**C. RESOLUTION NO. 13-178, RATIFY THE CITY MANAGER'S APPOINTMENT OF LARS NORDFELT TO THE WEST VALLEY CITY HOUSING AUTHORITY COMMISSION, TERM: JANUARY 6, 2014 – DECEMBER 31, 2018**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-178 that would ratify the City Manager's appointment of Lars Nordfelt to the West Valley City Housing Authority Commission for the term January 6, 2014, through December 31, 2018.

Mr. Isaac stated the West Valley City Housing Authority was comprised of seven members each appointed for five-year terms by the City Manager with the advice and consent of the City Council.

**D. RESOLUTION NO. 13-179, APPOINTING KAREN LANG TO REPLACE DON CHRISTENSEN ON THE TAXING ENTITY COMMITTEE FOR ALL URBAN RENEWAL AND ECONOMIC DEVELOPMENT PROJECT AREAS IN WEST VALLEY CITY**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 13-179 that would appoint Karen Lang to replace Don Christensen on the Taxing Entity Committee for all Urban Renewal and Economic Development Project Areas in West Valley City.

Mr. Isaac stated West Valley City was allocated two voting members on the eight member Taxing Entity Committee (TEC), established to approve all Urban Renewal and Economic Area "Project Area Plans and Budgets." He advised Karen Lang had been selected and appointed to fill one of the City's vacant positions created by out-going Councilmember Don Christensen.

He reviewed information regarding establishment of an Urban Renewal or Economic Development Project Area requiring preparation of a Project Area Plan and Budget. He informed to formalize the establishment of such areas the Plan and Budget must be approved by super majority of the eight members TEC that consisted of representatives from taxing entities affected by the Urban Renewal or Economic Development Area. He indicated the City had two voting members on the TEC and Ms. Lang had been selected to fill one of the City's vacant positions.

The City Council will consider proposed Resolution Nos. 13-176 through 13-179 at the Regular Council Meeting scheduled December 17, 2013, at 6:30 P.M.



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### 7. **COMMUNICATIONS:**

#### A. **COUNCIL UPDATE**

Acting City Manager, Paul Isaac, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: November 21 – December 28, 2013: Trees of Diversity Exhibit, UCCC; December 11, 2013: Open House for out-going Elected Officials – Mike Winder and Don Christensen, City Hall Lobby, 2:00 P.M. – 4:00 P.M.; December 14, 2013: George Lopez, Maverik Center, 8:00 P.M.; December 16, 2013: Neighborhood Watch Holiday Open House, UCCC, 7:00 P.M. – 8:00 P.M.; December 16, 2013: Bonnie Harris Christmas Concert, UCCC, Santa Visit at 7:00 P.M. and Concert at 8:00 P.M.; December 17, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 24, 2013: Christmas Eve – No Council Meeting scheduled; December 25 & 26, 2013: Christmas Holiday – City Hall closed; December 28, 2013: Grizzlies vs. Colorado Eagles, Maverik Center, 7:05 P.M.; December 31, 2013: No Council Meeting scheduled (5<sup>th</sup> Tuesday); December 31, 2013: Grizzlies vs. Las Vegas Wranglers, Maverik Center, 7:05 P.M.; January 1, 2014: New Year's Day Holiday – City Hall closed; January 6, 2014: Swearing-in Ceremony for Newly Elected Officials, City Hall, 12 noon, January 7, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 7, 2014: Grizzlies vs. Las Vegas Wranglers, Maverik Center, 7:05 P.M.; January 8, 2014: Grizzlies vs. Las Vegas Wranglers, Maverik Center, 7:05 P.M.; January 10, 2014: Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.; January 11, 2014: Grizzlies vs. Stockton Thunder, Maverik Center, 7:05 P.M.; January 14, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 20, 2014: Martin Luther King, Jr. Holiday – City Hall closed; January 21, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 28, 2014: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; January 29, 2014: ULCT Local Officials' Day at the Legislature; January 31 & February 1, 2014: City Council's Strategic Planning Meeting; January 31 & February 1, 2014: All Star Monster Truck Tour, Maverik Center; February 16, 2014: The Roadshow, Maverik Center, 6:00 P.M.; February 17, 2014: President's Day Holiday – City Hall closed; February 28, 2014: WVC Employee Appreciation Night at the Grizzlies Hockey Game, Maverik Center; and May 13, 2014: Granite School District Town Hall Meeting, Hunter High School, Media Center, 7:00 P.M. – 8:00 P.M.

### 8. **COUNCIL REPORTS:**

#### A. **COUNCILMEMBER STEVE BUHLER – COMMUNITY EDUCATION PARTNERSHIP (CEP)**

Councilmember Buhler reported regarding the Community Education Partnership (CEP). He discussed a recent board meeting and advised he was waiting to hear back from staff regarding alternative funding sources including a proposal for continuing after-school programs. He also discussed programs of Granite School

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District and Salt Lake County and stated those programs could possibly eliminate the need for the CEP. He expressed anticipation regarding a report currently being prepared.

Councilmember Rushton commented that funding the CEP was a policy decision of the City Council.

Councilmember Buhler advised if the Granite School District or Salt Lake County were providing services then there would still be a need for the CEP with the question of how to move forward. He stated they currently had a \$1 million budget from grant funding with the City's investment being \$36,000.

Assistant City Manager/CED Director, Nicole Cottle, advised she had been assigned a part of the report and previously met with Margaret Peterson, Executive Director of CEP, to gather information and discuss alternate funding sources. She advised regarding meetings with legislators and others to address some of the questions referenced by Councilmember Buhler. She indicated conversations would continue regarding efforts to answer questions to be included in the report.

Councilmember Rushton commented CEP was a great model and stated the City was the facilitator and not the "doer".

Mayor Winder inquired if the City was getting its fair share of resources from Salt Lake County. He stated the after-school programs were fairly new and begging the question of who should administer those human services function programs - the city, school district or county.

**B. COUNCILMEMBER DON CHRISTENSEN – UTAH TRANSIT AUTHORITY (UTA) AND UTAH LEAGUE OF CITIES & TOWNS (ULCT)**

Councilmember Christensen distributed a news article regarding Utah Transit Authority (UTA) and the Salt Lake City Council who had met the previous day to "hammer out" plans regarding goals of both entities. He also handed out written materials regarding UTA's strategic plan that could be helpful to members of the Council in working with UTA regarding expansion of transit in West Valley City.

He discussed a recent meeting of the Utah League of Cities & Towns (ULCT) Legislative Policy Committee (LPC) and advised Senator Howard Stephenson spoke without negativity regarding UTOPIA, which had been surprising to some in attendance at the meeting. He discussed the attempt to work out a system to get fiber into schools through legislation. He stated sales tax administrative fees might go up on February 1, 2014, according to the director of the Utah Tax Commission and notification would be given in writing after the holidays. He

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stated the LPC would meet every Monday during the legislative session beginning the first of February in the House building. He suggested in addition to staff, an elected official represent the City on that committee.

**C. MAYOR MIKE WINDER – MILK WITH THE MAYOR, EMPLOYEE HOLIDAY PARTY, SUGARHOUSE STREET CAR GRAND OPENING, FREEBIRD’S BURRITO RESTAURANT RIBBON CUTTING, CHRISTMAS TREE LIGHTING AND WALK WITH SANTA, AND HISTORICAL SOCIETY**

Mayor Winder discussed the final “Milk with the Mayor” meeting with citizens the previous week.

He also discussed the recent employee holiday party and awards ceremony held at the Utah Cultural Celebration Center (UCCC) the previous Thursday.

Mayor Winder reported regarding the recent grand opening of the Sugarhouse street car.

The Mayor stated Freebird’s Burrito restaurant recently held a VIP party and ribbon cutting. He reported they desired to provide a meal to the City Council prior to a meeting and would coordinate with City staff in that regard.

He also discussed the recent Christmas tree lighting including a walk with Santa held at the Family Fitness Center.

Mayor Winder discussed a recent meeting of the Historical Society.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, DECEMBER 10, 2013, WAS ADJOURNED AT 5:15 P.M., BY MAYOR WINDER.**

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, December 10, 2013.

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Sheri McKendrick, MMC  
City Recorder