

**MINUTES OF COUNCIL REGULAR MEETING – MAY 26, 2009**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 26, 2009, AT 6:33 P.M., IN THE COUNCIL CHAMBERS, 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  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Richard Catten, City Attorney  
Nicole Cottle, CED Director  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Kevin Astill, Parks and Recreation Director  
Buzz Nielsen, Police Chief  
Layne Morris, Community Preservation Director  
Jim Welch, Finance Director  
Jody Knapp, CED Department  
Jake Arslanian, Public Works Department

14550

**OPENING CEREMONY**

The Opening Ceremony was conducted by Joel Coleman who discussed Memorial Day and remembrance of family members who had passed, and sacrifices of service men and women. He also led the Pledge of Allegiance to the Flag.

14551

**APPROVAL OF MINUTES OF REGULAR MEETING MAY 12, 2009**

The Council read and considered the Minutes of the Regular Meeting held May 12, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held May 12, 2009, as written. Councilmember Burt seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14552

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

Mayor Nordfelt recognized, commended, and expressed appreciation to Councilmember Winder for the idea and efforts in establishing the *Mayor's Star of Excellence* award program. He turned time over to Councilmember Winder, who explained criteria for students to receive the award. Councilmember Winder also read the names and presented certificates to the following students from respective high schools:

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
Leland Broadhead	Ashleigh Fletcher	Kendall Reese
Austin Cannon	Ruth Gonzalez	Sarah Smith
Kayla Clawson	Wayne Hovey	Robyn Sweet
Jennifer Connelly	Cameron Jones	Margoth Tello

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Katrina Corbridge	Meagan Kilburn	Shannon Tolman
Kelsi Curtis	Peter Kuhn	Heidi Vance
Hanna Krauel	Tyler Lambert	Caitlin Wagner

On behalf of the City Council, Councilmember Winder congratulated the recipients of the award and expressed appreciation for their individual efforts in achieving the Mayor's Star of Excellence Award.

14553 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, there was no one in attendance at the meeting who desired to address the City Council during the comment period.

14554 **PUBLIC HEARING, 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 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:

City Manager, Wayne Pyle, presented 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 City's 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 bred for that business, would be reviewed and implemented during the major home occupation approval process.

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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 Planning Commission. 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.

Mayor Nordfelt opened the public hearing.

Skye Rees, applicant, 3877 South 6955 West, West Valley City, addressed the City Council. Mr. Rees stated all businesses needed to start out small and there was no way this business could survive in a commercial location. He indicated it was just a hobby, but he was trying to become a licensed and legal business. He asked the City Council to be forward thinking enough to look past any future negative impact. He indicated all home occupations had to be approved through the City's process and he had been raising feeder rodents as a hobby for his own reptiles and as it had gotten bigger he desired to turn it into a business. He stated his neighbors were fine with it and they had signed affidavits to that effect. He also stated in any other neighborhood the neighbors could just say no, but his were ok with it. He inquired how many other residents were doing hobbies as a business without a license. He expressed understanding that he would have to comply with all City regulations should the use be allowed in his residential zone and he were to become licensed. He stated Reptile Rescue took in hundreds of reptiles each year and he was trying to provide a service. He indicated he was merely asking for the opportunity to run a business from his home with proper guidelines. Mr. Rees answered questions from members of the City Council.

James Dix, owner of Reptile Rescue, 3991 Bills Drive, West Valley City, addressed the City Council. Mr. Dix discussed other reptile owners and rodent breeders. He stated none of the rodents were escapee problems as it was a controlled environment, but pet stores lost them all the time. He indicated there had been no complaints from animal control officers. He explained Mr. Rees' neighbors did not have a problem with it and he did not see a problem with it either. He indicated this use would fill a need for reptile owners. He further stated this service would also help his business as people would be able to better care for their reptiles and not have to get rid of them because they could not afford to feed them properly. He indicated Mr. Rees could meet the demand and at a better price in this economy. He requested the City Council consider approval of the application as it would benefit reptile owners in the community. Mr. Dix also answered questions from members of the City Council.

Nick Matthews, 2924 South Rockner Circle, Magna, addressed the City Council. Mr. Matthews stated he owned snakes and reptiles and he had learned a lot from

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Mr. Rees and it was convenient and more economical to buy rodents from him to feed his reptiles. He indicated it was a clean setup and his rats were healthier than could be purchased at other places.

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

City Manager, Wayne Pyle, and Jody Knapp, CED Department, answered questions from members of the City Council regarding the application and specific language in the proposed ordinance.

Councilmember Winder discussed the proposal and expressed the need to overlook the “icky” factor of rodents and reptiles. He stated conditional use applications were reviewed by the Planning Commission on a case by case basis.

**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**

The City Council previously held a public hearing regarding an appeal of a decision by the Planning Commission denying an amendment to 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.

After discussion, Councilmember Winder moved to approve Ordinance No. 09-16, an Ordinance 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. Councilmember Rushton seconded the motion.

Upon discussion, Councilmember Rushton expressed the need to consider the impact on all residents of the City. Councilmember Burt stated a citizens committee assisted in developing an ordinance regarding animals over 10 years ago. She further stated this would set a precedent that could be abused very easily and indicated her preference for the subject use to be located in an agricultural area.

Upon further discussion, Councilmember Brooks stated he appreciated the motion and second and indicated he had a nephew who raised snakes in the basement of his parents’ home and he did not like going there. He indicated Mr. Rees was a professional and wanted to do things properly, but he would like to see the use be away from the home.

Councilmember Vincent expressed confusion by certain language in the proposed ordinance and he inquired if the use would be permitted in an attached garage. Jody Knapp, CED Department, clarified and explained language in the subject

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ordinance and reviewed the required standards for home occupations. She indicated animal breeding would be considered a major home occupation that would have to meet additional standards than for a minor home occupation. She recommended the use not be allowed in an attached garage.

Councilmember Coleman commented on the overall issue stating he was impressed with Mr. Rees and the way he had addressed the City Council. He indicated Mr. Rees' ideas were reasonable and made sense. He indicated he did not have a problem with "icky" things, so the specific nature of the request was not subjective. Councilmember Coleman indicated his thoughts had gone back to significantly changing the approach to home businesses in the City, but he did not think it would be the will of the citizens to change the ordinance to allow rodent breeding in residential areas. He stated that would not be reasonable zoning. He also commented regarding former decisions of this nature and other City Councils that designated agricultural areas for this type of use, or industrial too, which would make sense regarding this issue.

Mayor Nordfelt commented regarding Mr. Rees and the professional manner in which he had conducted himself during this process. He stated breeding was very different than having pets. He also stated the City permitted the breeding of animals, but only in 'A' zones. He indicated it would be a mistake to make the change and especially when there was a specific application being considered. Mayor Nordfelt stated an ordinance change should be done if too restrictive or not restrictive enough in regard to animal breeding. He explained the City had changed due to progress and it would be sending a message that would be inappropriate to constituents if the change were to be made at the present time.

Mayor Nordfelt called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	No
Mr. Coleman	No
Ms. Burt	No
Mr. Winder	Yes
Mr. Rushton	No
Mayor Nordfelt	No

Motion failed, lack of majority.

After further discussion, Councilmember Coleman moved to uphold the Planning Commission's decision and deny proposed Ordinance No. 09-16, an Ordinance Amending Sections 7-1-103 and 7-8-103 of Title 7 of the West Valley City

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Municipal Code Regarding Rodent Breeding in a Residential Zone. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	No
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority.

14555

**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, presented 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.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-212, a Resolution Adopting a Tentative Budget for the Fiscal Year Commencing July 1, 2009, and Ending June 30, 2010; Setting a Tax Rate; and Setting August 11, 2009, as the Date for Public Hearing. Councilmember Burt seconded the motion.

A roll call vote was taken:

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

Unanimous.

14556

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

City Manager, Wayne Pyle, presented proposed Resolution No. 09-213 which would authorize 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.

After discussion, Councilmember Winder moved to approve Resolution No. 09-213, a Resolution Authorizing the Lease of Radio Communication Systems from Motorola for use by the Police and Fire Departments. Councilmember Brooks seconded the motion.

A roll call vote was taken:

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

Unanimous.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 26, 2009, WAS ADJOURNED AT 7:29 P.M., BY MAYOR NORDFELT.

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, May 26, 2009.

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Sheri McKendrick, MMC  
City Recorder