

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MARCH 9, 2010, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Carolynn Burt
Don Christensen (Arrived as noted)
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Kevin Astill, Parks and Recreation Director
Nicole Cottle, CED Director
John Evans, Fire Chief
Richard Catten, City Attorney
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Anita Schwemmer, Acting Police Chief
Claire Gillmor, Law Department
Marshall Hendrickson, Law Department
John Janson, CED Department
Steve Pastorik, CED Department
Hannah Thiel, CED Department
Frank Lilly, CED Department
Aaron Crim, Administration
Craig Thomas, Administration
Dan Johnson, Public Works Department
Jake Arslanian, Public Works Department

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-2-

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD FEBRUARY 23, 2010**
The Council read and considered Minutes of the Study Meeting held February 23, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Study Meeting held February 23, 2010, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

2. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MARCH 9, 2010**
City Manager, Wayne Pyle, stated one new item had been added to the Agenda for the Regular Meeting scheduled March 9, 2010. He discussed that item and other items, as follows:

Item No. 8. A. – RESOLUTION NO. 10-36, APPROVE INTERLOCAL COOPERATIVE AGREEMENT WITH THE UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY (UTOPIA)

City Manager, Wayne Pyle, discussed proposed Resolution No, 10-36 which would approve an Interlocal Cooperative Agreement with the Utah Telecommunication Open Infrastructure Agency (UTOPIA).

Mr. Pyle stated the proposed agreement would facilitate the City's participation in UTOPIA's attempts to resolve a dispute related to certain financial transactions undertaken by UTOPIA.

The City Manager reported West Valley City was a member of UTOPIA, a cooperative association of local governments formed to extend telecommunication infrastructure to its members. As a member of UTOPIA, the City had entered into pledge and loan agreements with UTOPIA. He indicated that in conducting its business, UTOPIA entered into certain financial transactions backed by the pledge and loan agreements of the City. He also reported some of those transactions had become the subject of a dispute and the proposed agreement would allow the City to support UTOPIA's efforts to settle that dispute.

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

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-3-

The City Council will consider proposed Resolution No. 10-36 at the Regular Council Meeting scheduled March 9, 2010, at 6:30 P.M.

SPECIAL REGULAR REDEVELOPMENT AGENCY MEETING

City Manager, Wayne Pyle, discussed an item on the Agenda for a Special Regular Redevelopment Agency Meeting scheduled March 9, 2010, and answered questions from members of the City Council.

Upon inquiry by City Manager, Wayne Pyle, there were no further questions from members of the City Council regarding items scheduled on the subject Agendas.

3. **PUBLIC HEARINGS SCHEDULED MARCH 16, 2010:**

A. **PUBLIC HEARING, APPLICATION NO. ZT-1-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT REGARDING SEXUALLY-ORIENTED BUSINESSES, OUTCALL SERVICES, AND SERVICE-ORIENTED ESCORT BUREAUS**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled March 16, 2010, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-1-2010, filed by West Valley City, requesting to a zone text amendment regarding sexually-oriented businesses, outcall services, and service-oriented escort bureaus. He discussed proposed Ordinance No. 10-07 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 10-07, AMENDING SECTIONS 7-1-103, 7-6-1102, 7-9-104, 7-13-102, 7-14-202, 7-15-102, AND ENACTING SECTION 7-15-106 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING LOCATION OF SEXUALLY-ORIENTED BUSINESSES

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-07 which would amend Sections 7-1-103, 7-6-1102, 7-9-104, 7-13-102, 7-14-202, 7-15-102, and enact Section 7-15-106 of Title 7 of the West Valley City Municipal Code regarding location of sexually-oriented businesses.

Mr. Pyle stated the amendments to Title 7 had been proposed to update standards for sexually-oriented businesses, outcall services, and service-oriented escort bureaus. He indicated the amendments would reflect changes in case law and the recent updates set forth in Title 17, the Business Licensing Section of the West Valley City Municipal Code. He reported the changes also refined and clarified the meaning and applicability of several Title 7 provisions of the Code in relationship to sexually-oriented businesses.

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-4-

Claire Gillmor, Law Department, further reviewed the proposed Ordinance revisions. She reviewed a summary of three studies regarding this issue that had been previously e-mailed to the City Council for review and comparison to the City's current ordinances. She stated also included was a map showing where the sexually-oriented businesses, outcall, or escort services could locate within the City. Ms. Gillmor answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-1-2010 and consider proposed Ordinance No. 10-07 at the Regular Council Meeting scheduled March 16, 2010, at 6:30 P.M.

B. PUBLIC HEARING, APPLICATION NO. ZT-2-2010, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT CHANGE TO CLARIFY DEPARTMENTAL ROLES IN ENFORCEMENT OF CERTAIN PROVISIONS OF TITLE 7 OF THE WEST VALLEY CITY LAND USE AND MANAGEMENT ACT

City Manager, Wayne Pyle, stated a public hearing had been scheduled March 16, 2010, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. ZT-2-2010, filed by West Valley City, requesting a zone text change to clarify departmental roles in enforcement of certain provisions of Title 7 of the West Valley City Land Use and Management Act. He discussed proposed Ordinance No. 10-08 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 10-08, AMENDING SECTIONS 7-20-101, 7-20-102, AND 7-28-106 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ENABLE THE COMMUNITY PRESERVATION DEPARTMENT TO ENFORCE PROVISIONS OF TITLE 7

City Manager, Wayne Pyle, discussed proposed Ordinance No. 10-08 which would amend Sections 7-20-101, 7-20-102, and 7-28-106 of Title 7 of the West Valley City Municipal Code to enable the Community Preservation Department to enforce provisions of Title 7.

Mr. Pyle stated that upon creation of the Community Preservation Department, the Code Enforcement Division had been moved from the Community and Economic Development Department (CED) to the Community Preservation Department (CPD). He indicated Title 7 of the West Valley City Land Use and Management Act had ordinances related to enforcement, and as code enforcement was no longer in the CED Department staff proposed a text change to include CPD as authorized to enforce Title 7 provisions. He informed, however, the text change would not affect the Community and Economic Development Department's ability to enforce building codes through its building inspectors.

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-5-

Hannah Thiel, CED Department, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will hold a public hearing regarding Application No. ZT-2-2010 and consider proposed Ordinance No. 10-08 at the Regular Council Meeting scheduled March 16, 2010, at 6:30 P.M.

4. **RESOLUTION NO. 10-24, AUTHORIZE THE PURCHASE OF A MINI MOBILE COMMAND VEHICLE FROM MERCEDES OF LINDON FOR USE BY THE POLICE DEPARTMENT (CONTINUED FROM REGULAR MEETING HELD MARCH 2, 2010)**

City Manager, Wayne Pyle, reminded this item had been continued from the Regular Council Meeting held March 2, 2010. He indicated proposed Resolution No. 10-24 would authorize purchase of a mini mobile command vehicle for use by the Police Department. He explained this purchase was originally to be made through Warner Truck Center; however, they had already sold the vehicle to another entity. Mr. Pyle distributed a new draft of proposed Resolution No. 10-24 naming Mercedes of Lindon as the vendor and a new 2010 High Roof Sprinter 3500 Van with a 170-inch wheel base vehicle to be purchased at cost not to exceed \$50,000.

Mr. Pyle stated the Police Department had acquired funding from the 2009 JAG Grant and desired to purchase the subject vehicle for use by the Department. He indicated the City had determined that only two Utah dealers were authorized to sell the subject vehicle that met the necessary specifications and fit the Department's needs. The vehicle was manufactured by Mercedes and sold under both the Mercedes and Freightliner brands. He reported bids were solicited from each dealer and Mercedes of Lindon provided the City with the lowest bid for the vehicle.

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

The City Council will consider proposed Resolution No. 10-24 at the Regular Council Meeting scheduled March 16, 2010, at 6:30 P.M.

5. **COMMUNICATIONS:**

A. **LEGISLATIVE UPDATE**

Upon direction by the City Manager, Nicole Cottle, CED Director, gave an update regarding the current legislative session. Ms. Cottle reported regarding the success of a 911 bill and she discussed other bills of interest to the City regarding transportation, fit premises and EMS. She also answered questions from members of the City Council.

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-6-

B. **5600 WEST BUS RAPID TRANSIT (BRT) UPDATE**

John Janson, CED Department, used Power Point and discussed information regarding 5600 West Bus Rapid Transit (BRT) summarized as follows:

- Status of Mountain View Corridor
- Wasatch Front Regional Council (WFRC) Long Range Plan
- West Side Transit Study
- Land use change principles
- 5600 West BRT – funding, engineering, etc.
- Bus Rapid Transit (BRT) versus Light Rail Transit (LRT) issues
- 5400 South intersection map and impacts of BRT
- 3500 South intersection and impacts of BRT
- 3600 West 3500 South showing current BRT route and impacts on users
- Possible BRT station idea
- Issue and position
- Vetting this issue

During the above presentation of information, Mr. Janson answered questions from members of the City Council.

C. **UNLAWFUL DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY FOR EMPLOYMENT AND HOUSING DISCUSSION**

Mayor Winder introduced a discussion regarding unlawful discrimination based on sexual orientation and gender identity relating to employment and housing. He stated that at the annual Strategic Planning Meeting the City Council had requested the City Manager to look into this issue.

City Manager, Wayne Pyle, reported he had directed staff to research and obtain copies of ordinances recently adopted by Salt Lake City as related to housing and employment. He discussed issues of concern regarding technical questions from an enforcement standpoint. He explained the processes implemented by Salt Lake City and Park City regarding enforcement and possible ways that could work for West Valley City. He indicated the next step would be for the City Council to have a philosophical discussion regarding these matters and then direct him as to how to proceed.

The City Council discussed language in the Salt Lake City ordinance, which had also been adopted by Salt Lake County. The Council discussed numerous issues summarized as follows: possible exemptions; rationale should be the same as for others such as age, gender and race in accordance with State and Federal guidelines; penalties and/or civil fine process rather than criminal – similar to the

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-7-

City's Administrative Code Enforcement (ACE) process; creating a right to sue rather than City enforcing; should be an ordinance rather than resolution; this was an issue that needed to be addressed; equal protection and a constitutional issue; good for West Valley City to be proactive and not wait for a problem to arise before taking action; etc.

During the above discussion, the City Manager and the City Attorney answered questions from members of the City Council.

Councilmember Christensen arrived at the meeting at 5:30 P.M.

Mayor Winder summarized that per the above discussion, the City Council would direct the City Manager to draft an ordinance for further discussion, consideration and possible action.

D. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: March 13, 2010: 2010 Census/Real Salt Lake Open House, Community Preservation Building, 1:00 P.M. – 4:00 P.M.; March 13-17, 2010: NLC Conference, Washington D.C.; March 16, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 23, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 23 – April 29, 2010: Egg Carving Exhibit, UCCC; March 31, 2010: Michael Buble' "Crazy Love Tour" Concert, E-Center, 8:00 P.M.; April 5, 2010: Muse Concert, E-Center, 7:30 P.M.; April 6, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 7, 2010: Chief Chat (Resident opportunity to interface with Police & Fire Chiefs), UCCC, 6:30 P.M. – 8:30 P.M.; April 7-9, 2010, ULCT Mid-Year Conference, Dixie Center, St. George; April 8, 2010: Chief Chat (Resident opportunity to interface with Police & Fire Chiefs), Community Preservation Building, 6:30 P.M. – 8:30 P.M.; April 13, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 20, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 22, 2010: Daughtry Concert, E-Center; April 27, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 4, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 6, 2010: UDOT's Annual Meeting with Salt Lake County and Municipalities, Calvin Rampton Complex, 4501 South 2700 West, 9:00 A.M. – 11:00 A.M.; May 7, 2010: Sugarland Concert, E-Center; May 10, 2010: Paramore with Relient K and Fun Concert, E-Center; May 11, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 18, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 19-23, 2010: Cirque Du Soleil Alegria Concert, E-Center; May 25, 2010: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 26, 2010: Smucker's Stars on Ice, E-Center; May 31,

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-8-

2010: Memorial Day Holiday – City Hall closed; June 24-26, 2010: WestFest, Centennial Park; and July 5, 2010: Independence Day Holiday – City Hall closed.

6. COUNCIL REPORTS

A. COUNCILMEMBER COREY RUSHTON – GRANTS SELECTION COMMITTEE MEETING, CITIZEN INQUIRIES REGARDING CERTAIN BREEDS OF DOGS AND JUSTICE DEPARTMENT GRANTS

Councilmember Rushton advised he would be unable to attend a meeting of the Grants Selection Committee scheduled for the following week. He stated in anticipation of another member of the Council or staff member covering that meeting, he would pass along information to the City Manager.

Councilmember Rushton advised he had received e-mails and telephone calls from citizens inquiring if the City would be taking any action regarding banning and/or requiring bonds for certain breeds of dogs. He requested this matter be placed on a future Study Meeting agenda for discussion.

Councilmember Rushton discussed certain Justice Department grants and stated West Valley City might not have made application.

B. COUNCILMEMBER STEVE VINCENT – ARTS COUNCIL, UCCC EXHIBIT AND U-111 AREA SAFE ROUTES TO SCHOOL

Councilmember Vincent stated he had recently met with the Arts Council and they desired to create a web page linking from the City's website. He informed the Arts Council would also like to use Facebook to connect and network with other arts councils.

Aaron Crim, Administration, advised that others such as the Sister City Committee had developed their own web page. City Manager, Wayne Pyle, directed Mr. Crim to meet with the CAB board to facilitate and develop the process for web pages and use of Facebook for groups falling under the CAB "umbrella."

Councilmember Vincent discussed the exhibit in the gallery at the Utah Cultural Celebration Center (UCCC) and encouraged everyone to see it.

Councilmember Vincent discussed growth of the City in the area west of U-111 and inquired if there was a plan in place for safe routes to the school in that area. City Manager, Wayne Pyle, stated that issue should be studied.

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-9-

C. COUNCILMEMBER DON CHRISTENSEN – SISTER CITY COMMITTEE AND CHAMBERWEST LEGISLATIVE UPDATE MEETING

Councilmember Christensen reported regarding a recent Sister City Committee meeting, including individuals interested in serving on that committee and the resignation of one individual. He advised there could be a request coming from another city in Mexico regarding establishing a Sister City relationship.

Councilmember Christensen also reported regarding a ChamberWest legislative update meeting and issues discussed including State redistricting and an upcoming Western Growth Coalition meeting.

D. COUNCILMEMBER CAROLYNN BURT – HISTORICAL SOCIETY MEETING

Councilmember Burt reported regarding a recent meeting of the Historical Society. She stated the Historical Society desired to have a table at WestFest to display items of interest. She indicated the Historical Society also desired to hold a reception for former City leaders in order to obtain oral histories. She advised the City Attorney's Office was currently reviewing forms to be used to facilitate that process.

E. MAYOR MIKE WINDER – UTOPIA MEMBER CITIES WEEKLY MEETING, WFRC AND MOUNTAIN LAND ASSOCIATION MEETING, COUNCIL OF GOVERNMENTS, "MILK WITH THE MAYOR" AND OTHER ISSUES

Mayor Winder reported on the weekly meeting of Mayors of the UTOPIA member cities and preparation of a request for proposal to Google regarding a partnership.

Mayor Winder advised he had recently attended a joint planning meeting of the Wasatch Front Regional Council and Mountain Land Association and he reviewed issues discussed.

Mayor Winder discussed and passed along information regarding a recent Council of Governments meeting.

Mayor Winder reported regarding the first "Milk with the Mayor" meeting in which three citizens participated.

Mayor Winder advised a request had been received from a citizen for the City Council to revisit allowing chickens in residential areas. He stated other cities had recently revisited the matter through a conditional use

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-10-

process. Members of the City Council expressed thoughts and opinions and advised the City Manager of a desire to discuss the matter further.

7. MOTION FOR EXECUTIVE SESSION

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

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	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, MARCH 9, 2010, WAS ADJOURNED AT 6:04 P.M., BY MAYOR WINDER.

MINUTES OF COUNCIL STUDY MEETING – MARCH 9, 2010

-11-

THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, MARCH 9, 2010, AT 6:07 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Carolynn Burt
Don Christensen (Arrived as noted)
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF MARCH 9, 2010, WAS ADJOURNED AT 6:24 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 and Executive Session of the West Valley City Council held Tuesday, March 9, 2010.

Sheri McKendrick, MMC
City Recorder