

MINUTES OF COUNCIL REGULAR MEETING – JUNE 1, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 1, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, 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
Russ Brooks
Steve Buhler
Don Christensen
Corey Rushton
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Carolynn Burt

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Nicole Cottle, CED Director
Stan Varney, Acting Fire Chief
Dan Johnson, Acting Public Works Director
Steve Pastorik, CED Department
Craig Thomas, Administration
Jake Arslanian, Public Works Department

14945 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who read an inspirational story with an education theme in honor of the students in attendance at the Council meeting.

14946 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 144 in attendance at the meeting to complete requirements for the Citizenship in the Community merit badge.

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14947 **OTHERS PRESENT AT THE MEETING**

Mayor Winder acknowledged the attendance of Representative Janice Fisher, Representative Ron Bigelow and Representative Johnny Anderson.

14948 **PRESENTATION OF MAYOR’S STAR OF EXCELLENCE AWARDS TO STUDENTS FROM CYPRUS, GRANGER AND HUNTER HIGH SCHOOLS**

Mayor Winder welcomed students and parents in attendance. Mayor Winder and members of the Council recognized and presented awards for academic achievements to students at respective City high schools, as follows:

Cyprus High School

Colin Anderson
Amanda Starks
Dylan Harding
Erica Scott
Lauren Fishbeck
Amanda Martinez
Caleb Berry
Emily Landon
Halie Elliott
Tiana Bettinson

Granger High School

Liana Tan
Kate Allen
Sarah Bramall
Kenadee Hatch
Sivaosa Mulitalo
Uyen Tang
Xaela M. Walden
Luz D. Yanez
Nora Abu-Dan
Jeanine Bell
Rebekah Fuller
Miranda Moore
Michael Nguyen
Derex Vongphouthone
Michelle Watrous

Hunter High School

Alema Taulili
Amber Chase

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Braden Hutchinson
Destiny Riley
Jenica Webb
Joel Maxwell
Laura Damewood
Lindly Fernandez
Roldan M. Diaz
Adriann Peterson
Angela Van Den Akker
Brie Jensen
Emily Wells
Jessica Lim
Kaycee Kingsbury
Laura Silvester
Nittaya Phonharath

14949

COMMENT PERIOD

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

Brandie Balken, 1683 Atkin Avenue, addressed the City Council. Ms. Balken stated she was a resident of a community that passed two human rights ordinances. She requested the City Council vote yes on the ordinance to be considered this night. She also stated West Valley would not be alone in providing these protections and she named other communities in Utah and across the country that had passed similar anti-discrimination ordinances. She indicated if even one case of discrimination was occurring in West Valley City that would be too many. She also cited benefits of passage of the ordinance stating it would enhance economic development, establish good policy, and correspond with Utah and Federal laws. Ms. Balken thanked the City Council for allowing her to speak regarding these issues.

Todd Olsen, 777 East 2100 South, addressed the City Council. Mr. Olsen stated he represented Anderson Investment Corporation. He voiced support of the human rights ordinance to be considered by the City Council.

Cliff Rosky, 266 6th Avenue, No. 4, Salt Lake City, addressed the City Council. Mr. Rosky stated he was not a resident of West Valley City, was a law professor at the University of Utah, and also a member of the Equality Utah board. He addressed some of the opposition voiced regarding anti-discrimination ordinances adopted by other municipalities. He indicated he had been delighted to see that people agreed on principles in Utah, as no one wanted to see discrimination. He stated some employers and landlords forgot or failed to live up to these principles. He further stated one of the great things about these ordinances was they were not

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controversial or novel. He advised that over 22 states had passed them with a significant majority of Americans and Utahns in support. He stated what should matter to the City Council was that a majority of West Valley City residents were in support.

Jenn Bonnelly, 3483 Leeds Cove, addressed the City Council. Ms. Bonnelly stated she was a proud citizen of West Valley City and loved the diversity of the community. She indicated the ordinance to be considered would support that diversity and she urged its passage.

Stacia Ireland, 3750 South 5450 West, addressed the City Council. Ms. Ireland stated she believed West Valley City was the second largest city in Utah and the most diverse. She further stated, regarding the non-discrimination ordinance, that diversity was not just skin color and all residents were taxpayers and deserved equal protection. She indicated the proposed ordinance would be the right thing for the community and it seemed to be popular. She urged passage of the proposed ordinance.

Larry Gonzales, 3545 South 5200 West, addressed the City Council. Mr. Gonzales stated he was a landlord in the City and a lifetime resident. He requested the City Council adopt the non-discrimination ordinance, as it would protect all residents.

Todd Lowther, 4577 South Nob Hill Street, addressed the City Council. Mr. Lowther stated his business had been shut down because the yard was not up to standards of code enforcement. He also stated he had been forced to put in landscaping in a very short period of time and had to sell his motor home to have the funds to complete licensing and registration. He indicated he might have to go into foreclosure because he had spent mortgage money to come into compliance. He explained he had been fined more than \$20,000 and might lose his family and home because of this. He stated he understood ordinances were necessary to improve the community and society, but he should be able to vote on the governing rules. He indicated some of the City's codes were out of line and should be changed. He stated he also felt he had been discriminated against, as there were other areas and properties far worse than his own. He indicated his house did need some work but he felt the "book had been thrown at him" while other homes with the same violations and in the same area had been overlooked.

Julene Fisher, 3760 South 5450 West, addressed the City Council. Ms. Fisher thanked the City Council on behalf of the residents on 5450 West Street. She stated the City had listened to their concerns and suggestions regarding the Hunter Town Center plan. She indicated it was very heartening to know the Council did listen to its citizens. She also thanked the City Council regarding passing the human rights ordinance as it would protect all residents of the City.

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JoNell Evans, 3750 South 5450 West, addressed the City Council. Ms. Evans stated she was hoping to celebrate living in West Valley City with the passage of the anti-discrimination ordinance on the agenda for consideration this night. She congratulated the City Council for what she hoped was a historic step for human equality.

Clain Lott, 4585 Orchid Circle, addressed the City Council. Mr. Lott stated he had been a resident for over 50 years. He discussed code enforcement issues and stated he had been cited two different times and fined \$600.00. He indicated agreement with the City's philosophy of maintaining beautiful properties, but was concerned with administration and processes. He explained he had been warned with a \$100.00 fine due to an empty cardboard box on his patio in his backyard. He stated he had been waiting for the monthly bulky waste service to dispose of it. He further stated he had a trailer on a platform with a cement border that was weed free and he had been fined because there were wood chips rather than gravel. He stated he also had been cited for an unregistered car even though it was licensed. He indicated an inspector looked through windows of his garage, which was ridiculous. He indicated his yard was well maintained and he felt administration of the ordinances should be reviewed.

Janice Fisher, 6411 West 3785 South, addressed the City Council. Ms. Fisher stated she concurred with some of the previous comments.

Jeff White, 4081 Westlake Avenue, addressed the City Council. Mr. White discussed code enforcement issues. He stated the Pledge of Allegiance said liberty and justice for all and the way codes were enforced did not adhere to that. He indicated property rights should be protected, but it was a balancing act. He stated West Valley was a nice city, but some neighborhoods were in disrepair. He indicated he also had been cited for lack of landscaping and related a conversation with a code enforcement officer. He explained his budget would not allow for some of the improvements to bring his property into compliance. He stated safety issues needed to be taken care of, but there should be a cap on fines for some violations so residents did not have to sell property such as motor homes to raise money to come into compliance. He indicated the gentleman who spoke previously might lose his home and he questioned why it should come to that. He also stated some code enforcement officers used "Gestapo tactics," which was not "liberty and justice for all."

Jeff Reeve, 4259 Westlake Avenue, addressed the City Council. Mr. Reeve stated he had been cited for inoperable vehicles. He suggested asking a group of volunteers to help elderly folks take care of their yards. He discussed his experience with code enforcement officers and building inspection officials. He

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suggested a need to amend the ordinances and assist neighbors who needed help. He indicated the City needed to work with residents rather than single them out.

14950

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING REOPENING THE FY 2009-2010 BUDGET FOR THE PURPOSE OF MAKING AMENDMENTS TO REFLECT CHANGES IN ACTUAL REVENUES AND EXPENDITURES

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding reopening the FY 2009-2010 Budget for the purpose of making amendments to reflect changes in actual revenues and expenditures. He discussed proposed Ordinance No. 10-15 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-15 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to reflect changes in the Budget from increased revenues and authorize disbursement of funds.

Mr. Pyle stated State Statute Title 10, Chapter 6, Utah Code Annotated 1953, as amended, allowed the City to amend its budget during the year. He advised West Valley City held two such public hearings on budget amendments annually: one mid-fiscal year and the second just prior to the end of the fiscal year. He reported the required notice had been published and posted regarding the public hearing.

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: ORDINANCE NO. 10-15, AMENDING THE BUDGET OF WEST VALLEY CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, TO REFLECT CHANGES IN THE BUDGET FROM INCREASED REVENUES AND AUTHORIZE DISBURSEMENT OF FUNDS

The City Council previously held a public hearing regarding proposed Ordinance No. 10-15 which would amend the Budget of West Valley City for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to reflect changes in the Budget from increased revenues and authorize the disbursement of funds.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-15, an Ordinance Amending the Budget of West Valley City for the Fiscal Year Beginning July 1, 2009 and Ending June 30, 2010, to Reflect Changes in the Budget from Increased Revenues and Authorize the Disbursement of Funds. Councilmember Christensen seconded the motion.

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A roll call vote was taken:

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

Unanimous.

14951

ORDINANCE NO. 10-16, ENACT TITLE 26, CHAPTERS 1 THROUGH 4 OF THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO ESTABLISH UNLAWFUL DISCRIMINATORY EMPLOYMENT AND HOUSING PRACTICES BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-16 which would enact Title 26, Chapters 1 through 4 of the West Valley City Municipal Code in order to establish unlawful discriminatory employment and housing practices based on sexual orientation or gender identity.

Mr. Pyle stated the proposed ordinance would also create a process for the conciliation between the parties involved in a discriminatory practice and an enforcement mechanism if necessary. He also indicated it would establish penalties for violation of the ordinance.

The City Manager indicated West Valley City was a diverse community made up of a wide variety of groups, communities and individuals. He explained the Utah Anti-discrimination Act addressed discrimination based on race, color, religion, sex, pregnancy, childbirth, or pregnancy-related conditions, national origin, age and disability; but it did not address discrimination based on sexual orientation or gender identity. He stated the proposed ordinance, based on an ordinance recently enacted by Salt Lake City, addressed that sexual orientation and gender identity gap in the discrimination laws with respect to housing and employment.

Upon discussion, Councilmember Brooks stated he had been a member of the City Council for 14 years and there had been no issues of discrimination during that period of time. He indicated the only reason the subject ordinance was being considered was because Salt Lake City passed a similar ordinance. He also indicated a former City Council had been asked to consider such an ordinance. He stated he was bothered that West Valley City had to be just like other cities when this issue had never been brought up. He expressed concern regarding enforcement and voiced his opinion that there were already regulations in place to protect residents from discrimination. He stated the City had previously created

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good landlord programs and he did not think a government should tell business owners and landlords what to do regarding this issue.

Councilmember Rushton stated he somewhat concurred with comments expressed by Councilmember Brooks, however, he was in favor of the proposed ordinance. He indicated in consideration of the proposed ordinance it should be realized discrimination did exist and government needed to be involved. He indicated it was sad it had taken so long to do this and recognize those discriminations. He stated regarding Salt Lake City, relationships with other cities were sometimes not as good as they should be but the one thing we had in partnership with other cities was sharing information and best practices. He expressed appreciation to Salt Lake City for sharing the ordinance and to City staff for their efforts in that regard. He indicated all citizens needed to be protected against discrimination.

Councilmember Vincent stated it was unfortunate when the City was “forced to legislate niceness” as he hoped people would just do the right thing. He also expressed the need to make sure all people were treated fairly and he believed this was an important thing for the Council to do this night.

Councilmember Buhler expressed appreciation for the comments made this night and in the recent past. He also thanked Councilmember Brooks for his comments and perspective as a long-time Council member. He indicated the need to do what would be best for the City and its residents, but also the need to vote his conscience on this and other matters.

Mayor Winder explained the origin of the proposed ordinance and related a conversation he had with someone who had personally experienced discrimination. He expressed gratitude when Salt Lake City passed its ordinance as it led the way for other communities to do so. He explained other communities had led the way on issues in the past regarding common issues faced by all residents in every community. He stated this issue had been discussed by the City Council during their annual strategic planning meeting and a majority had expressed this would be the right thing to do. He indicated it had been studied and discussed during several study sessions and much input had been received from residents, including representatives of many groups. He stated that in his heart he felt it would be the right thing to do and he further discussed reasons for that opinion. He indicated this was a historic day for West Valley City and all its residents.

After further discussion, Councilmember Buhler moved to approve Ordinance No. 10-16, an Ordinance Enacting Title 26, Chapters 1 through 4 of the West Valley City Municipal Code in Order to Establish Unlawful Discriminatory Employment and Housing Practices Based on Sexual Orientation or Gender Identity. Councilmember Vincent seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	No
Mr. Buhler	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

14952

CONSIDER ORDINANCE NO. 10-02 RELATED TO APPLICATION NO. GP-1-2009, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN TO UPDATE THE HUNTER TOWN CENTER SMALL AREA PLAN AND SUPPORT CHANGES TO THE GENERAL PLAN MAP AND TEXT (*PUBLIC HEARING HELD AND CLOSED AT REGULAR MEETING HELD JANUARY 19, 2010; AND ACTION ON PROPOSED ORDINANCE CONTINUED TO NO DATE CERTAIN AND AFTER MEETING HELD WITH RESIDENTS*)

City Manager, Wayne Pyle, stated a public hearing had been advertised, held and closed at the Regular Council Meeting held January 19, 2010, at 6:30 P.M., and action on proposed Ordinance No. 10-02 was continued to no date certain and after a meeting held with residents.

Upon being set for consideration, the City Council would consider public comments regarding Application No. GP-1-2009, filed by West Valley City, requesting to amend the West Valley City General Plan to update the Hunter Town Center Small Area Plan and support changes to the General Plan map and text.

The City Manager discussed proposed Ordinance No. 10-02 related to the Application to be considered by the City Council, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 10-02 which would adopt the Hunter Town Center Small Area Plan and approve supporting changes to the General Plan map and text.

Mr. Pyle stated the Hunter Town Center Small Area Plan addressed the area between approximately 3300 South and 3700 South and between approximately 5500 West and 5700 West. He advised the current General Plan included the following actions:

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- Identify small areas to begin preparing specific plans to provide more detail for orderly growth and appropriate development. Areas that may be aided by such small area master plans include Chesterfield, transit station areas, as well as the Redwood Road, 5600 West and 3500 South corridors. These master plans should complement the General Plan while providing greater land use detail and urban design criteria to guide the adoption of zoning that will help the particular area to achieve anticipated or desired changes.
- Develop small area plans as time and resources permit for specific corridors or other areas in the City where specific design standards are desired.

Mr. Pyle reported to begin implementation of these recommended actions, staff began working with the Planning Center, a planning consulting firm, in the later part of 2008, to develop a small area plan for the area around the intersection of 5600 West and 3500 South. During the planning process, this area had been named Hunter Town Center. He further indicated the Planning Center had been paid by the Utah Department of Transportation (UDOT), as UDOT had an interest in promoting transit-oriented development (TOD) along 5600 West due to the planned bus rapid transit (BRT) along 5600 West and 3500 South.

The City Manager stated there were essentially three recommended changes to the General Plan as part of this application: the first to adopt the Hunter Town Center Small Area Plan; the second to amend the text of the current General Plan to reference and integrate with the Hunter Town Center Small Area Plan; and third to amend the current General Plan map to reference and integrate with the Hunter Town Center Small Area Plan Map. He advised members of the City Council that each of the three changes were fully described in Exhibits A, B and C attached to the proposed ordinance.

ACTION: ORDINANCE NO. 10-02, ADOPTING THE HUNTER TOWN CENTER SMALL AREA PLAN AND APPROVING SUPPORTING CHANGES TO THE GENERAL PLAN MAP AND TEXT

The City Council previously held a public hearing regarding Application No. GP1-2009 and proposed Ordinance No. 10-02 which would adopt the Hunter Town Center Small Area Plan and support changes to the General Plan Map and Text.

Upon discussion, Councilmember Christensen stated changes had been made based on citizen input.

Mayor Winder, on behalf of the City Council, expressed appreciation to citizens and City staff involved in the process.

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After discussion, Councilmember Brooks moved to approve Ordinance No. 10-02, an Ordinance Adopting the Hunter Town Center Small Area Plan and Approving Supporting Changes to the General Plan Map and Text. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

14953

CONSENT AGENDA:

A. RESOLUTION NO. 10-96, APPROVE A RIGHT-OF-WAY AGREEMENT WITH LISA C. EVANS AND ANTHONY EVANS FOR PROPERTY LOCATED AT 7194 W. SCHULER AVENUE, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-96 which would approve a Right-of-Way Agreement with Lisa C. Evans and Anthony Evans for property located at 1794 W. Schuler Avenue, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Lisa C. Evans and Anthony Evans had signed the Right-of-Way Agreement and Warranty Deed.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the acquisition consisted of 72 square feet at the southwest corner of the parcel to allow for a new sidewalk ramp to be constructed in accordance with current ADA requirements. He stated total compensation for the right-of-way and easement would be in the amount of \$650.00. He further reported, as the cost of an appraisal would likely exceed the actual value of the property being acquired, compensation had been based on a

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range of rates used by other entities for similar small acquisitions of property.

After discussion, Councilmember Christensen moved to approve Resolution No. 10-96 as presented on the Consent Agenda. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Buhler	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 1, 2010, WAS ADJOURNED AT 7:49 P.M., BY MAYOR WINDER.

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, June 1, 2010.

Sheri McKendrick, MMC
City Recorder