

SOUTH JORDAN CITY
CITY COUNCIL WORK MEETING

May 7, 2013

Present: Mayor Scott Osborne, Council Member Mark Seethaler, Council Member Chuck Newton, Council Member Brian Butters, Council Member Steve Barnes, Council Member Larry Short, CM John Geilmann, City Attorney Rob Wall, ACM Gary Whatcott, Council Secretary MaryAnn Dean

Others: Nathaniel Bingham, Kevin Pomeroy

4:00 P.M.
EXECUTIVE CONFERENCE ROOM

CM Geilmann offered the invocation.

SPECIAL WORK SESSION

I. TRAINING

A. Training & Review: Bars, Pawn Shops, etc. Ordinances (*Rob Wall & George Shaw*)

City Attorney Wall indicated that staff is going through the city's business license classifications to make sure they are compliant with State and Federal law.

Ed Montgomery, City Prosecutor, said the city is authorized to regulate businesses, if it is consistent with the Federal and State laws and Constitutions. He said freedom of speech comes into play with sexually oriented businesses, book stores, art exhibits, etc. Freedom of Religion is considered anytime there is a religious aspect to the business that they are regulating. They should consider the equal protection law. He said there is a difference between regulating and discriminating. He said they can regulate anything, unless the state says that they can't. He gave the example that if the State allows for check cashing and massage therapists, the city can't make it a crime but they can regulate the businesses. They can regulate conduct, if there is a rational basis for doing so.

City Attorney Wall reviewed the 3 levels of scrutiny, and gave examples of each. At a future meeting, they will have training that will focus on intermediate and strict scrutiny.

Chief of Staff Cunningham reviewed a business licenses and regulations schedule (Attachment A). He said they will be bringing forward codes to make them compliant with state law. He said the law changed again for residential facilities; that type of business falls under strict scrutiny. He said most towing services are regulated by the State. He reviewed some changes to the alcohol regulations. He also noted that pawn brokers are state regulated. He reviewed the process that staff will follow to review the various business license regulations.

Mayor Osborne asked that staff send a copy, electronically, of the schedule as well as a timeframe of when the topics will be addressed.

It was noted that escort services will fall under sexually oriented businesses. It is allowed in certain zones. Council Member Newton said he would like to talk more in depth about the location that escort businesses are allowed and the topic of pawn brokers.

Mayor Osborne asked how is a license grandfathered? City Attorney Wall said they have to look at both the use and the business license itself.

City Engineer Klavano said staff would like to execute the Federal Aide Agreement for the 4800 West project. When it is signed, it obligates the city for the 6.77% match, which equates to nearly \$450,000. They will be putting the project out to bid in the winter, with construction to begin in the Spring. ACM Whatcott recommended that when they have all of the facts, they should bring the design back in a public meeting. He further recommended that they do renderings in addition to engineering drawings. Council Member Newton asked if they can move the project along faster so it is constructed this year? City Engineer Klavano said no. He reviewed the process that has to be done for the project.

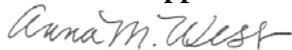
II. CLOSED SESSION

- A. Closed Executive Session to discuss the character, professional competence, or physical or mental health of an individual.

Council Member Seethaler made a motion to go into a closed executive session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Newton seconded the motion. Roll call vote. The vote was unanimous in favor.

The meeting adjourned at 6:00 p.m.

This is a true and correct copy of the May 7, 2013 City Council Work Session meeting minutes, which were approved on May 21, 2013.


South Jordan City Recorder

Chapter Title 5
BUSINESS LICENSES AND REGULATIONS

Chapter 5.04
BUSINESS LICENSES GENERALLY

Comment [PC16]: Will be completed last.

Chapter 5.08
ALARM SYSTEMS AND SERVICES

Comment [PC17]: Lt. Hansen has reviewed and no changes are needed. (9-3-09)

Chapter 5.12
ALCOHOLIC BEVERAGE LICENSES

Comment [PC18]: Current as amended 4/7/2011, new updated to First Reading 5-7-13 to match state law code changes.

Chapter 5.16
AUCTIONS AND AUCTIONEERS

Comment [PC19]: Repealed 7-5-11

Chapter 5.20
AUTOMATIC AMUSEMENT DEVICES

Comment [PC20]: Repealed 7-5-2011

Chapter 5.24
CLOSING SALES AND DAMAGED GOODS SALES

Comment [PC21]: Repealed 7-5-2011

Chapter 5.28
COIN OPERATED MUSICAL DEVICES

Comment [PC22]: Repealed 7-5-2011

Chapter 5.32
ESCORT, DATING AND MARRIAGE SERVICES

Comment [PC23]: Repealed 7-5-2011

Chapter 5.36
FESTIVAL VENDORS

Comment [PC24]: Repealed 7-5-2011

Chapter 5.40
MASS GATHERING PERMITS

Comment [PC25]: Updated 7-5-2011

Chapter 5.44
MASSAGE ESTABLISHMENTS

Comment [PC26]: Updated 7-17-2012.

Chapter 5.48
PAWNBROKERS, SECONDHAND DEALERS, JUNK DEALERS
AND SIMILAR BUSINESSES

Comment [PC27]: Updated 12-7-2010

<p style="text-align: center;">Chapter 5.52 PRIVATE INVESTIGATORS AND SECURITY GUARDS</p>	<p>Comment [PC28]: Repealed 7-5-2011</p>
<p style="text-align: center;">Chapter 5.56 RESTAURANTS</p>	<p>Comment [PC29]: Under revision 3-13, repeal?</p>
<p style="text-align: center;">Chapter 5.60 RETAIL FIREWORKS SALES</p>	<p>Comment [PC30]: Updated 6-20-2011</p>
<p style="text-align: center;">Chapter 5.62 RESIDENTIAL FACILITIES</p>	<p>Comment [PC31]: Updated 2-1-11, new revision needed to implement 2013 State Law change. First Reading 5-21-13.</p>
<p style="text-align: center;">Chapter 5.64 RESIDENTIAL RENTAL HOUSING</p>	<p>Comment [PC32]: Updated 2-3-2009</p>
<p style="text-align: center;">Chapter 5.68 SEXUALLY ORIENTED BUSINESSES</p>	<p>Comment [PC33]: Business License Code is current, review of zoning options suggested.</p>
<p style="text-align: center;">Chapter 5.72 SOCIAL CLUBS, DINING CLUBS, RECREATIONAL CLUBS AND SIMILAR ASSOCIATIONS</p>	<p>Comment [PC34]: Under Revision 3-13, repeal?</p>
<p style="text-align: center;">Chapter 5.76 SOLICITATIONS</p>	<p>Comment [PC35]: Repealed 10-17-2006</p>
<p style="text-align: center;">Chapter 5.80 TELECOMMUNICATIONS SYSTEM FRANCHISES</p>	<p>Comment [PC36]: Gary to review 4-13</p>
<p style="text-align: center;">Chapter 5.84 TOWING SERVICES</p>	<p>Comment [PC37]: 2013 State law update needed, First Reading 6-4-13</p>
<p style="text-align: center;">Chapter 5.92 FREE EXPRESSION ACTIVITIES AND SPECIAL EVENTS</p>	<p>Comment [PC38]: Updated 3-15-11</p>
<p style="text-align: center;">Chapter 5.94 COMMON INTEREST COMMUNITIES ANNUAL REGISTRATION</p>	<p>Comment [PC39]: Updated 10-17-06</p>
<p style="text-align: center;">Chapter 5.98 RETAIL TOBACCO SPECIALTY BUSINESS LICENSES</p>	<p>Comment [PC40]: New 8-7-12</p>

