

**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING**

**Wednesday, October 22, 2014**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

**STAFF:** Bryce Haderlie, Interim City Manager; Melanie Briggs, City Clerk; Darien Alcorn, Deputy City Attorney; David Oka, Economic Development Director; Tom Burdett, Community Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Brian Clegg, Parks Director; Dave Zobell, City Treasurer; Greg Mikolash, City Planner and Ray McCandless, Senior Planner.

***I. CALL TO ORDER***

Mayor Rolfe called the meeting to order at 5:00 p.m.

***II. CLOSED SESSION***

**DISCUSS THE SALE, LEASE, OR PURCHASE OF REAL PROPERTY  
INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES**

**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, and Ben Southworth. Council Member Justin D. Stoker arrived at 5:07 p.m.

**STAFF:** Darien Alcorn, Deputy City Attorney, and David Clemence, Real Property Manager.

**MOTION:** Councilmember Nichols moved to go into a Closed Session to discuss the sale, lease, or purchase of real property. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>

<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-0.**

The Council convened into a Closed Session to discuss the purchase, exchange, or lease of real property at 5:01p.m., and recessed at 5:40 p.m.

The City Council meeting reconvened at 6:00 p.m.

### ***III. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Lorenzo Palleto of Troop 754.

### ***IV. COMMUNICATIONS***

#### **CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie-

- Explained to the Council that if they were interested in having requests to serve alcohol at Pioneer Hall handled administratively in the future, that was permitted by state law.
- January 15-16, 2015 appears to be the best time for the Strategic Planning Meeting. It was also determined that the January 14, 2015 City Council meeting would be moved up to January 7, 2015.

#### **STAFF COMMENTS/REPORTS**

David Oka-

- Mr. Oka reported that a group has expressed interest in the Fairchild Semiconductor property. Although it is very early in the process, he was optimistic that the group might be a good match for the City.

Ryan Bradshaw-

- Reported that the balance of the Citizen's Hardship Fund (comprised of donations received with the utility payments of other citizens) is extremely low – less than \$1,000. The utility billing group will be seeking further donations and asked if the Council would be interested in having a future discussion on possibly donating as well. It was determined that the item would be placed on the agenda for the next Council meeting.

Wendell Rigby-

- Updated the Council on various road projects within the City.

Marc McElreath-

- A CERT class (Community Emergency Response Team training) was scheduled for November 7-8, 2014 with another to follow in March and approximately every three months thereafter as long as there continued to be sufficient interest.
- The recent UTA drill which involved Public Works, the Fire Department, and the Police Departments was very beneficial for all.
- Updated the Council on the progress of the work at Firestation #54/Police Substation

Doug Diamond-

- Badge pinning ceremony was scheduled for Wednesday, October 29, 2014.
- Graduation ceremony for the most recent Citizen's Academy was scheduled for October 30, 2014 at 6:00 p.m. in the Justice Center Community Room.
- The K-9 Unit recently competed in an international competition in Las Vegas recently. Officer Ian Adams and Pyro took second place in the Drug-Building Search category. Officer Tom Smith and Duke also did extremely well with a score of 249.5 out of 250.

### **CITY COUNCIL COMMENTS/REPORTS**

Councilmember Stoker -

- Robert Groves, former Director of U.S. Census, has developed a resource to help show what citizen's would like to see within their community. He is interested in making a presentation to West Jordan at a future meeting.
- KSL aired a story earlier in the day about 4 year old Ethan VanLeuven who lived in West Jordan and had been battling leukemia for the majority of his life. He was in the last days or possibly weeks of his life and with that in mind, his family, and friends was helping him celebrate his birthday, Halloween and Christmas all in the next week. An account had been set up at Cyprus Credit Union to help his family cope with medical bills, etc. Any support that could be offered to the VanLeuven family would be greatly appreciated.

Councilmember McConnehey-

- Asked if it would be possible to have the Fire Department get involved and possibly give Santa a ride to Ethan VanLeuven's house. Chief McElreath explained that had actually been arranged earlier in the day and that a fire truck would be driving Santa to see Ethan on Friday.

Mayor Rolfe-

- The Western Growth Coalition met on October 20. The car dealerships presented their opposition to the bill that would allow car lots within the City. He felt the City made some good arguments for the bill and felt optimistic about the next legislative session.

**V. CITIZEN COMMENTS**

Bernice Lamb, West Jordan resident living on Bueno Vista Drive, stated that she submitted a petition a year and a half ago asking for speed bumps due to a long-standing problem of speeders in the neighborhood but they've never been installed. She reiterated her request for speed bumps. It was determined that Ms. Lamb would be contacted by a City representative regarding traffic mitigation.

Barbara Backman, a West Jordan resident, explained that her son's home is one of those in the Constitution Park area that have experienced flooding problems. Her son purchased the home in 2008 and his new neighbors immediately informed him that he would need to obtain sandbags to help with the flooding that he could expect during rainstorms. Sure enough, the water rose high enough in the cul-de-sac that summer for one to paddle a kayak. Ms. Backman explained that problem had repeated itself every summer since then and the inside of the home had been destroyed three times, costing just over \$12,000.00. The City installed a berm which she was told was a temporary solution but the home continued to flood. Ms. Backman provided various photographs to support the information she provided to the Council.

There was no one else who wished to speak.

**VI. CONSENT ITEMS**

- 6.a Approve the minutes of September 10, 2014, and September 24, 2014 as presented**
- 6.b Approve request from Eulalia Gonzalez to serve alcohol at Pioneer Hall for a reservation scheduled Friday, October 26, 2014**
- 6.c Approve request from Jason McDermaid to serve alcohol at Pioneer Hall for a reservation scheduled Sunday, November 2, 2014**
- 6.d Approve request from Dezira Gorney to serve alcohol at Pioneer Hall for a reservation scheduled Friday, November 14, 2014**
- 6.e Approve request from Sandy Rivadeneira to serve alcohol at Pioneer Hall for a reservation scheduled Friday, November 22, 2014**
- 6.f Approve Resolution 14-96, authorizing the Mayor to execute a contract with American Pavement Preservation, LLC for slurry seal services at various locations in West Jordan City, in an amount not-to-exceed \$360,337.62**
- 6.g Approve Resolution 14-194, confirming the appointment of Brian Clegg as the Parks Director for the City of West Jordan**

- 6.h Approve Resolution 14-195, accepting permanent and temporary easements from Lamar and Vicky Jones for the City's Bingham Junction Water Tank Project in exchange for the City releasing a temporary turn-around and storm drain easement on property owned by Lamar and Vicky Jones in a different location**
- 6.i Approve Resolution 14-197, authorizing the Mayor to execute a Real Estate Purchase Contract between the City and U.S. Bank Trust (Caliber Home Loans) to purchase property located at 6995 S Columbia Drive, West Jordan**
- 6.j Approve Resolution 14-198, authorizing the Mayor to execute the Ground Lease Agreement and Agreement for Services with the West Jordan Historical Society in an amount not to exceed \$5,993.00**
- 6.k Approve Resolution 14-199, declaring as surplus and disposing of City owned property located at 7971 South 1825 West, West Jordan, for the purpose of trading the City's property for Salt Lake County's property located at 1970 West 7800 South; and authorizing the Mayor to execute an Interlocal Cooperation Agreement between the City and Salt Lake County for the purpose of trading the City's property located at 7971 South 1825 West, West Jordan, for Salt Lake County's property located at 1970 West 7800 South, West Jordan**

**MOTION:** Councilmember Southworth moved to approve Consent Items 6a through 6k. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

## **VII. PUBLIC HEARING**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 14-200, AMENDING THE BUDGET AND TRANSFER UP TO \$4 MILLION FROM THE SOLID WASTE FUND (WHERE THERE IS A SURPLUS) TO THE STORM FUND TO ACCELERATE PROJECTS TO IMPROVE THE CITY'S STORM DRAIN INFRASTRUCTURE**

Ryan Bradshaw explained that the Solid Waste Fund had been accumulating a cash balance in order to pay for the City's part of a future Transfer Station. It was discovered that the Trans Jordan Landfill was accumulating cash for the same purpose. Currently there was \$4,620,170.73 in cash in the Solid Waste Fund. Staff had calculated that the necessary cash balance minimum is \$1,301,878.16. This was calculated by taking 110% of the fees paid to Trans Jordan Landfill in Fiscal Year 2013-2014 ( $\$504,070.06 * 110\% = \$554,477.07$ ) plus 90 days working capital for the remaining expenses ( $\$3,493,674.40 - \$504,070.06 * 90/360 = \$747,401.09$ ). This would leave \$3,318,292.57 available for transfer.

Fund Balance and Cash would decrease in the Solid Waste Fund and increase in the Storm Water Fund by the approved amount. In addition, the Capital Projects expense account would increase by the approved amount.

It was staff's recommendation that \$3,000,000 be transferred to the Storm Water Fund for the following reasons:

1. \$3,000,000 plus a possible \$5,000,000 bond would infuse \$8,000,000 into the Storm Water Fund and attached priorities to be done within the next 5 years
2. Leave sufficient Fund Balance within the Solid Waste Fund to cover the raise in costs for several years, thus delaying any rate increases.

The Council and staff discussed clarifying questions.

- Councilmember Haaga asked Mr. Bradshaw to explain to the Public what the Interfund Service Fee was and he did so.
- It was determined that there was no automatic rotation of waste containers but that they were replaced as needed.
- It was pointed out that a reduction in Solid Waste Utility Fee took place on July 1, 2013.
- Councilmember Southworth inquired as to a funding source for the proposed bond. Mr. Bradshaw explained that had not yet been determined although there were various options.
- At Councilmember Stoker's request, Mr. Bradshaw reminded everyone how the City ended up with a 4 million dollar surplus in the Solid Waste Fund.

Mayor Rolfe opened the public hearing.

David McLean, West Jordan resident, spoke in favor of transferring \$4,000,000 from the Solid Waste Fund to the Storm Water Fund. He also asked the Council to consider addressing another long-standing flooding problem near Dorilee Park and Bingham View Drive.

Mayor Rolfe reminded those gathered that a Storm Drain Master Plan was being prepared and was expected to become available within the next couple of months.

June Christiansen spoke in favor of the proposed budget transfer and asked that the system be re-designed so that the water could remain within the City's aquifers.

Ralph Mendel, West Jordan resident, spoke in favor of transferring surplus funds from the Solid Waste Fund to the Storm Water fund. He stated that his home flooded for the first time in 1997 with *seven feet* of mud, water, and sewage. He stated that the City had known about the problem since then but had indicated it was too expensive to fix. His home was flooded with four feet of water again in 2007 and he looked forward to having the problem solved.

Scott Reynolds, West Jordan resident, spoke in favor of the funds transfer. He indicated that he had video of cars in front of his house submerged in water beyond the level of their headlights. He also stated that the problem was not specific just to his neighborhood but that it extended to other areas as well—all due to design issues of the storm drain system. He urged the Council to vote in favor or re-allocating funds to address the Storm Drain problem.

Brenda Thomas asked for all those in attendance who were in favor of transferring the funds to stand. The majority of the citizens present stood. Ms. Thomas stated that she and her fellow City residents asked that the Council transfer \$4,000,000 from the Solid Waste fund into the Storm Water fund so that homes would no longer be flooded. She reminded the Mayor and Council they had a responsibility to protect the health and safety of the residents; and that the current storm drain system was a hazard to both. She and her fellow citizens asked that the Council unite and work together to solve a thirty-year old flooding problem so that the following Spring the citizens would be able to rest assured that they had made the right decision when they voted each of them into office.

Roger Johnson, West Jordan resident, spoke in favor of the funds transfer and expressed the hope that it would finally solve the flooding problems experienced by so many of his neighbors.

Cindy Peterson, West Jordan resident, encouraged the Council to investigate the possibility of retaining the storm water farther west before it had the opportunity to travel down to where it was causing flooding problems.

Lynn Rasband, West Jordan resident, spoke in favor of the funds transfer. However, she strongly recommended that the Council do a better job of controlling the development of future drainage infrastructure.

Dave Reese, West Jordan resident, pointed out that the Council currently had the opportunity and means to fix the problem. If they didn't choose to do it now, when would they make that choice? How many more years must the problem continue?

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Councilmember Southworth stated his fundamental disagreement with government taking funds from the citizenry for a specific purpose and then using those funds for a *different* purpose. He believed the funds should be returned to the people. Despite the fact that the Council voted against increasing the Storm Water fee earlier in the year, Councilmember Southworth expressed his belief that the City had not been collecting sufficient fees for Storm Water.

Councilmember McConnehey stated that in principle he agreed that money taken from citizens for a specific purpose should only be used for that purpose and that if they are no longer needed for that purpose (in this case for a transfer station at the landfill), it should be returned to those that paid it. However, in this particular case there was no way to ensure that the collected funds were returned to *every* resident that paid them and *only* to those residents. Although he believed it would be appropriate to re-visit the issue of increasing the storm water fee in the future, in the meantime he believed that the residents had expressed their overwhelming support for the Resolution and he wholeheartedly supported it as well. In fact, his preference was to transfer the full \$4,000,000 instead of only the \$3,000,000 recommended by staff.

Councilmember Haaga spoke in support of transferring the full \$4,000,000 into the Storm Drain fund. He also suggested that the City analyze what fees were being collected for Solid Waste and consider the possibility that the amount needs to be adjusted.

Councilmember Hansen explained that she had been a West Jordan resident for 48 years and had therefore paid into both the Storm Drain and Solid Waste funds since they were established. However she stated she did not feel she had a right to a refund of any sort because she had never experienced the flooding. She indicated that she was very much in favor of transferring the funds to alleviate the citizens' flooding problems.

Councilmember Stoker stated that the Storm Water fee was only enough to provide the bare minimum of maintenance on the system. He pointed out that there was an Enterprise fund that was not kept at a level sufficient to provide long-term maintenance for the system. Ten million dollars was currently needed for the storm drain system so the four million dollars proposed for transfer only scratched the surface of what was needed. He indicated that he supported making the transfer but also felt that more changes needed to be made so that there would be sufficient funds available going forward.

Councilmember Nichols stated he believed that the City had been sufficiently transparent in their proposal to transfer the funds. He believed that transferring the funds (which he supported) was only step #1 in what should be a three-step process to provide perpetual funding for the City's storm drain system. Step #2 was a bond for future funding and step #3 was increasing the Storm Water fee.

Mayor Rolfe expressed his firm belief that in the event of an impact to an existing system created by new construction, impact fees could be used to rebuild, relay and upsize the storm drain to accommodate the new growth. He believed the Council should immediately examine impact fees on the storm drain, water, and sewer systems in the City



so that the impact of new development was paid for by new development rather than by existing residents. He also stated that increasing the number of retention ponds in the City would ensure that the water would recharge the aquifers in the soil. In the meantime he fully supported transferring \$4,000,000 from the Solid Waste fund to the Storm Water fund.

**MOTION: Councilmember Stoker moved to approve Resolution No. 14-200 amending the budget and transferring \$4,000,000 from the Solid Waste fund (where there is a surplus) to the Storm Water fund to accelerate projects to improve the City's storm drain infrastructure and direct staff to bring back a review of the Storm Water fee before the end of the calendar year. The motion was seconded by Councilmember Nichols.**

Councilmember Southworth re-stated his opposition to the proposal as a temporary fix to a long-term problem.

Mayor Rolfe reiterated his support of transferring \$4,000,000 but believed that Staff had already conducted a fee review. However, he indicated that he would vote in favor of the motion in the interest of time.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-1.**

**MOTION: Councilmember McConnehey moved for a five-minute recess. The motion was seconded by Councilmember Haaga. All were in favor of the motion.**

The Council recessed at 7:34 p.m. and reconvened at 7:41 p.m.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 14-31, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE MAKING MISCELLANEOUS AMENDMENTS AND ADDING  
LANGUAGE RELATING TO NEW CAP AND GRADE REQUIREMENTS  
FOR CERTAIN TYPES OF MULTI-FAMILY RESIDENTIAL  
DEVELOPMENTS; CITY-WIDE APPLICABILITY; CITY OF WEST  
JORDAN, APPLICANT**

Tom Burdett and Ray McCandless stated that the following discussion among the City Council and the Planning Commission at a joint meeting on April 30, 2014, City Staff was directed to notice and submit a proposal for a moratorium on multi-family development in the City pending further study of ways to control that type of development and ways to incentivize high quality single family residential development. On May 14, 2014, the City Council approved Ordinance 14-17, enacting a 6-month 'Declaration of a Development Moratorium on Multi-Family Housing Projects' (Exhibit A) as allowed by Utah State Code 10-9a-504. Ways to incentivize high quality single-family residential development would follow at a later date because a new program for managing multi-family housing was the more pressing issue.

The 2012 General Plan supported a single-family residential to multi-family housing ratio of 83% to 17%. Due to the significant number of applications for multi-family housing recently received which had affected this ratio, it had become necessary to develop a method to manage the number of multi-family housing units being developed in the City to meet the intent of the policies of the General Plan.

Per the City Council's direction, Staff had developed what was referred to as a "cap and grade" system (Exhibit C) that set the maximum number of available multi-family residential units that could be developed in any given year and established a straightforward points rating system that could be used to determine which of the potential multi-family development proposals best served the needs of the city. The general process for determining the best-fit development proposal was based on availability of public utilities, site design, proximity to transit stations, schools, parks, fire service, etc. Please review the attached legislative draft for the process details.

Each year on January 15, the City would publicly announce the number of multi-family housing units that were available based on the formula stated in the text. The City would determine the highest-ranking multi-family residential developments proposed based on the number of points earned. A recommendation would then be forwarded to the Planning Commission, which would determine those development(s) that should be allowed to use the number of housing units available. The Planning Commission would then make a decision on the successful proposer(s) at a regularly scheduled public hearing. The successful proposer(s) would be allowed to develop all or part of the housing units available after going through the normal City development review processes.

This Text Amendment was reviewed by the Planning Commission on October 7, 2014. At that meeting, the Planning Commission voted to forward a favorable recommendation to the City Council (6-0 vote). The Planning Commission's recommendations were incorporated into the draft text.

There was no anticipated fiscal effect.

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment as recommended by the Planning Commission.

The Council and staff discussed some clarifying questions:

- If a development was exempted in one of the six ways given in the staff report, the units within the development would still count against the allowable ratio.
- If a multi-family development was approved for construction (based upon the City's ratio and the number of available units at that time), it would still have to go through the normal approval process.

Mayor Rolfe opened the public hearing.

Michelle Foote, West Jordan resident, expressed the opinion that there was already a sufficient number of multi-family dwellings within the City.

Duane Rasmussen, a Developer of both single and multi-family dwellings, stated that he was in support of a grade system. However, he pointed out that the cap system gave the owners of existing apartment complexes no incentive to maintain or improve their properties because there was no competition from newer developments.

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Councilmember Haaga felt the proposed ordinance would cause developers to build a higher quality product. He indicated a desire for the cap to remain at 17%, because it would require a developer to have a higher quality development.

Councilmember McConnehey also spoke in support of maintaining a single-family to multi-family housing ratio of 83% - 17%. He has seen the impact of multi-family to the City over the years.

Councilmember Southworth expressed concern that the City might fill the entire region's demand for high-density housing, when that demand should really be borne by the entire valley; or conversely, the bulk of the demand might be fulfilled outside the City without West Jordan meeting its responsibility. He expressed interest in exploring further the potential unintended consequences of the ordinance.

Councilmember McConnehey mentioned the possibility of referring to the plan as the '*Balanced Housing Development Plan*' in order to avoid the negative connotation found in the term *Cap and Grade*. He felt there were some externalities involved in this circumstance that made it appropriate for the City to take some action.

Councilmember Hansen indicated that she was comfortable with the current 83% - 17% ratio. She also expressed doubt that someone who invested in a high quality multi-family development would fail to continue to maintain the property as needed. She said the City must provide the higher-level single-family homes for residents to move on to after living in multi-family.

Councilmember Stoker expressed great concern about potential unintended consequences of the ordinance, specifically regarding a cap in the multi-family. He stated he was not comfortable moving forward with the ordinance as it had been prepared.

Councilmember Nichols felt the 83% - 17% would never be reached in the City. He indicated he could support the ordinance if the TSOD areas were not exempted, so that the development community would be impacted to a lesser extent. He agreed with the Mayor that the best option would be using the ratio that the City currently was closest to, 23% - 87%.

Mayor Rolfe expressed his appreciation to staff for the preparation of the proposed ordinance. Because the Moratorium would expire on November 14, he did not want a mad dash to the City with applications for multi-family development. He explained his belief that it made sense to start at the current ratio since there were already some TSOD area developments pending; and that the City wished to encourage quality senior housing. He asked for clarification that the six exemptions were exempted from the count. He also wanted to ensure that the grading system was such that multi-family projects approved in the future would be of a sufficiently high quality.

Tom Burdett confirmed to Mayor Rolfe that the six exemptions listed in the staff report (TSOD, Senior Housing, owner-occupied townhomes, owner-occupied twin homes, multi-family homes for disabled persons and low/moderate income housing owned by non-profit organizations or a local Housing Authority) would *not* be included in the count of multi-family developments. Additionally, the grade system would not be in place for the six exemptions. However, he explained that the forthcoming architectural urban design controls **would** apply to the six previously mentioned development types. It was determined that if the Council wished for those development types *not* to count in the ratio, the language in the proposed Ordinance would need to be modified.

Councilmember Stoker stated he has asked a similar question at the beginning of the item, whether or not you were to build these items, whether they were to count against the ratio; and was told that they do count in the ratio.

Tom Burdett stated that was correct. The Council could adjust that in the ordinance to modify the language. If the Council wanted to exempt from the calculation of the cap on the other side of the equation, absolutely staff could do that.

Mayor Rolfe stated that was why he wanted to start with the ratio of today, because we know that there are some TSOD's slated for certain areas, and we want to encourage senior housing. He stated the City has had its fair share of multi-family to this point; however, the next generation was slated for multi-family, but we must make sure that the grading system was such that when we approach the next multi-family product we get a high quality development.

Councilmember McConnehey indicated that he was in favor of excluding TSOD count areas from the housing ratio; but wondered if the City really wanted to exempt the other

five housing types mentioned earlier. It was determined that the Fair Housing Act required the presence of at least some of those development types.

**MOTION: Councilmember Haaga said based on the findings set forth in the staff report, and upon evidence and explanation received today, he moved to approve Ordinance 14-31, including the proposed text amendments to Title 13 as approved by the Planning Commission.**

The Council discussed the six exemptions, and if they were counted in the calculation of the cap; specifically the Fair Housing Act requirements for items two through six.

Tom Burdett explained that the intent of Section B (within 13-8-23) was only to exempt those six development types from the *annual* count – **not the overall count**. If this was the Council's intent to not have the six items in the total overall count, staff could correct the item.

Councilmember Stoker clarified that there were actually two different types of exemptions being discussed: 1)Whether the six multi-family housing types were exempted from being capped, and 2)Whether they were exempted from being counted in the ratio. The proposal as prepared by staff was that they **are counted in the current ratio**. When a new development comes along, these items would be counted against the ratio on whether or not future development could happen.

With that understanding, Councilmember Haaga withdrew his motion.

**MOTION: Councilmember Nichols moved to approve Ordinance 14-31, amending the tally count of the total occupied homes, and multi-family units, removing TSOD from that equation. The motion was seconded by Councilmember McConnehey.**

Councilmember Stoker requested to amend the motion to exempt all six of the qualifications from the calculation so that we do not end up funneling towards the other multi-family types other than the TSOD. Councilmember Nichols accepted the amendment to his motion.

Based on the amendment, Councilmember McConnehey withdrew his second. If the idea was to exempting these from the count would prevent driving developers to these. This would not be the effect. Exempting these from the count opens us the rest of the City to the multi-family elsewhere.

The motion died for lack of a second.

The Council discussed a variety of issues:

- Senior Housing requirements
- Disabled Housing requirements
- Extending the Moratorium

- Look at what the ratio's would be if the six exemptions were removed
- Tabling the item for further review

**MOTION: Mayor Rolfe moved to adopt Ordinance 14-31 as written with an exception to change the ratio from 83%- 17%, to 77%-23% as it exists today. The motion was seconded by Councilmember Hansen.**

Councilmember Stoker indicated he was interested to learn what the ratio would be if the six exemption categories were removed from the citywide calculation (i.e., discount all of the multi-family that exist in the six exemptions currently).

Ray McCandless stated that his calculations suggested there would be no more than a 1% difference in those figures.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-1.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 14-32, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE, MAKING MISCELLANEOUS AMENDMENTS TO TITLE 13 AND  
ADDING LANGUAGE RELATING TO A NEW AIRPORT ZONE (AND  
SPECIAL PURPOSE DISTRICTS); CITY-WIDE APPLICABILITY; CITY  
OF WEST JORDAN, APPLICANT**

Tom Burdett explained that the Zoning Ordinance currently contained an Airport Overlay District which regulated land uses, and building heights within the airport's protected approach zones but did not have a zoning district designed to accommodate airport-related support and service industries. The General Plan was supportive of developing the airport to its highest potential and creating an Airport zoning district facilitated that goal. It was anticipated that the zoning district would be applied to airports owned sometime in the future. The Salt Lake Department of Airport's comments had been incorporated into the ordinance language which was attached as Exhibit B.

This Text Amendment was considered by the Planning Commission on September 16, 2014. At that meeting, the Planning Commission voted to forward a favorable (7-0 vote) recommendation to the City Council (Exhibit A).

There was no anticipated fiscal effect.

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment as recommended by the Planning Commission.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing. There was no one who wished to speak. Mayor Rolfe closed the public hearing.

**MOTION: Councilmember Southworth moved to approve Ordinance 14-32, including the proposed Text Amendments to Title 13, adding a new airport zone as recommended by the Planning Commission. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL A  
RESOLUTION REGARDING THE FEMA MITIGATION PLAN UPDATE**

**MOTION: Councilmember Nichols moved to continue approval of a Resolution regarding the FEMA Mitigation Plan Update until November 19, 2014. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0**

**VIII. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING BONDING  
OPTIONS FOR VARIOUS PROJECTS**

This item was not discussed.

**DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZATION  
TO ADVERTISE AND HIRE A FULL-TIME EXECUTIVE ASSISTANT  
POSITION IN THE CITY MANAGER'S OFFICE**

Bryce Haderlie explained that the City Manager's Office previously had a full-time Executive Assistant, as well as the current Senior Executive Assistant. This position was eliminated October 2009 due to budget cuts, and the anticipated layoffs which took place in January 2010. The employee was transferred to the Finance Department to help manage the Good Land Lord Program.

The duties of each position were defined as outlined below:

- Senior Executive Assistant – provided secretarial, and administrative duties to the Mayor and City Council members. They also provided staff support to all City Committees. They provided support and coverage to the entire office.
- Executive Assistant – provided secretarial and administrative duties to the City Manager. Processed all purchase orders for the entire Office (i.e., Mayor and Council, City Manager, and City Clerk).

Both positions assisted the other with duties if there was the need. They supported the Office with answering phone calls, complaint line, assisting walk-in customers, etc.

Proposed Position: Recognizing the form of government for the City of West Jordan, it is proposed that a full or part-time Executive assistant be hired and assigned to the Clerk's Office with the intent to provide administrative and secretarial duties for the office of City Manager and the Mayor and Council (hereafter "Council"). This position would be defined by the title of Executive Assistant.

Appointment Procedure: It was also proposed that in order to ensure that the entire Council felt confident in the capabilities and qualifications of the applicant, that individuals of the Council participate in the interview and selection process, and that these recommendations be considered by the Interim City Manager to appoint the position.

Conduct and Activities of the Position: While the position duties, knowledge, skills, and abilities were outlined in the approved job description, the members of the Council might need to arrive at some agreed-upon policies that ensure equal availability and assistance as needed for each Council Member.

The primary purpose of the position was to ensure that all members of the Council were communicated with on a regular and consistent basis of activities that the Mayor was participating in under the requirements of City Code Section 1-7B-2 "Mayoral Duties,"



monitor social media sites and apprise the Council of issues that might be of interest to them as a whole, maintain social media sites in coordination with the Public Information Manager that represented the City or Council positions, act as a liaison for the Council to the general public or City staff as needed.

The Executive Assistant would coordinate all activities with his/her immediate supervisor, the City Manager (or equal position) while assisting with the requests of the Council and all parties would adhere to the powers and duties of his/her office/position as outlined in the West Jordan City Code.

Position Schedule: The Council would need to discuss and agree upon the hours required of the position and decide to continue a full time or part time position. The position was currently budgeted for 20 hours per week. It was recommended that a full time position be filled to prepare for the anticipated retirement of the current Senior Executive Assistant. The Council was asked to make a motion stating that fact so that staff could proceed with advertising and hiring the position before the Salary Schedule is updated.

Bryce Haderlie asked the Council to consider advertising the position internally as soon as possible.

Mayor Rolfe expressed his support for the idea of doing so, due to the nature of that particular position.

Councilmember Hansen inquired about whether the employee would be able to assist the Mayor as well. Mr. Haderlie explained that it was his intention that he/she would be available to the entire Council (including the Mayor) as well as the City Manager. He also envisioned that the individual would facilitate communication between each of those parties.

Councilmember Southworth expressed the opinion that for the sake of fairness, the job posting should be advertised both internally and externally as all-similar openings in the City had been handled in the past.

Councilmember McConnehey was strongly opposed to making an exception and treating the job opening differently than other comparable openings. He also did not wish to exclude well-qualified candidates who might not be current employees. Finally, he expressed concern with the situation described in the background discussion wherein a position in Administration was eliminated, the employee was transferred to the Finance Department to assist with the Good Landlord Program but ended up working in Business Licensing instead. He called for increased transparency in reporting how various positions were funded and through which City department.

**MOTION: Councilmember Southworth moved to authorize the advertising (internally and externally) and hiring of a full-time Executive Assistant position in the City Manager's office. The motion was seconded by Councilmember Nichols.**

Councilmember Haaga indicated he could see the value of having an assistant available to the City Manager, Mayor, and City Council and he strongly supported the idea of getting additional administrative help in the office. He also indicated that unless it was a violation of City policy, he was a proponent of posting the job opening internally first in the hopes of hiring from within. He asked that the motion be amended but Councilmember Southworth declined to amend his motion.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0**

**X. REMARKS**

There were no additional remarks

**XI. ADJOURN**

**MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Councilmember Stoker</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>No</b>

The vote passed 4-3 in favor with Mayor Rolfe, Councilmember Nichols, and Councilmember Haaga casting the negative votes.

The meeting adjourned at 9:03 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

**KIM V ROLFE**  
**Mayor**

**ATTEST:**

**MELANIE S BRIGGS, MMC**  
**City Clerk**

Approved this 19th day of November 2014