MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, November 5, 2014
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

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; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Greg Mikolash, City Planner; Larry Gardner, Senior Planner; Brian Clegg, Parks Director; Jim Riding, CIP/Facilities/Fleet Project Manager; Dave Zobell, City Treasurer; Julie Brown, Event Coordinator, and Stuart Williams, Deputy City Attorney.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:02 p.m.

II. CLOSED SESSION

STRATEGY SESSIONS TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARE

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

COUNCIL: Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, and Chad Nichols. Council Member Stoker arrived at 5:05 p.m.; Council Member Southworth arrived at 5:10 p.m., and Council Member McConnehey arrived at 5:55 p.m.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney, and Stuart Williams, Deputy City Attorney

MOTION: Councilmember Haaga moved to go into a Closed Session for a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water share; and a Strategy Session to discuss pending or reasonably imminent litigation. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**No**
Councilmember Nichols	**Yes**
Councilmember Southworth	**No**
Councilmember Stoker	**No**
Mayor Rolfe	**Yes**

The motion passed 4-0.

The Council convened into a Closed Session at 5:03 p.m.

Council Member Stoker arrived at 5:05 p.m. Council Member Southworth arrived at 5:10 p.m., and Council Member McConnehey arrived at 5:55 p.m.

The Council recessed the Closed Session at 6:13 p.m. and reconvened the meeting at 6:18 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Clint Hutchings, Scout Master, Troop 013, from the Sunset Ridge 2nd Ward.

IV. PRESENTATION

RECOGNITION OF JACK KENT HANSEN AS A WORLD WAR II VETERAN, SERVING IN THE AIRBORNE DIVISION

Mayor Rolfe and the City Council presented Jack Kent Hansen with a proclamation recognizing him as a World War II Veteran from May 1943 until January 1946, serving in the Airborne Division. A brief history of his military service was reviewed, which also included him receiving the following citations: *American Theatre of Operations Service Ribbon, European African Middle Eastern Service Ribbon, Good Conduct Medal, Purple Heart, and Distinguished Badge.*

The City of West Jordan Mayor and City Council hereby recognized Jack Kent Hansen for his dedicated service during World War II.

Jack Kent Hansen expressed his appreciation for the recognition.

PRESENTATION OF CHECK TO THE CITY OF WEST JORDAN FROM COMCAST DIGNITARIES, REGARDING PROCEEDS FROM 'COMCAST CARES DAY/I LOVE WEST JORDAN DAY'

Julie Brown invited Ray Charles, Comcast Senior Director of Public Relations, to address the Council for their check presentation.

Ray Charles, Comcast Senior Director of Public Relations, said each year Comcast provided a day of volunteers called 'Comcast Cares Day.' In West Jordan this volunteer day was combined as 'Comcast Cares Day/I Love West Jordan Day.' West Jordan had over 1,100 volunteers come out to help improve the City. He reported that various cities along the Wasatch Front held similar events.

On behalf of Comcast, grant funds were presented to the City of West Jordan in the amount of $17,610.54 to benefit the development of the Sierra Newbold Park.

Mayor Rolfe and the City Council expressed appreciation for Comcast's participation and partnership with the City of West Jordan.

PRESENTATION OF SIERRA NEWBOLD PLAYGROUND 'BALLOON CLUSTER'

Doug Diamond, Past President of the West Jordan Exchange Club, invited the current President, Dave Stoddard, and President Elect, Jen Campbell to join him for the presentation.

Doug Diamond said one of the goals of the Exchange Club was to prevent Child Abuse. He reported that the Sierra Newbold Playground was named and honored on behalf of Sierra Newbold, who was murdered in West Jordan at a young age.

He expressed appreciation to Comcast for their donation. He said a collection of metal art in the form of balloons would be placed at the Sierra Newbold Playground on a wall inscribed with the name of 'Comcast.' A set of balloons would also be placed on the wall with the City of West Jordan name and logo. He invited the public to purchase/donate to this cause and received a balloon with their name(s) for mounting on the wall at the Sierra Newbold. The goal was to fill the wall symbolizing the freedom that children should have. The various costs for the balloon plaques were available through the Exchange Club.

Mayor Rolfe expressed his appreciation to Exchange Club for their dedication of improving the City of West Jordan.

V. COMMUNICATIONS

INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Updated the Council on the new language provided on the Council agenda
- Reminded the Council of the Legislative breakfast November 13, 2014, 7:30 a.m.
- Delegation of Dignitaries from Kenya would be visiting Thursday, November 6, 2014, to learn about the City's form of government.
- Residents wanted to volunteer to build a float for the City of West Jordan (supplies would be needed)

The Council agreed. Councilmember Southworth would be the Council liaison.

- Employee Holiday luncheon, Wednesday, December 3, 2014, at Gardner Village
- Smith's Ribbon Cutting Ceremony, Wednesday, December 3, 2014
- West Jordan's City Food Bank Food Drive donations resulted in 344 lbs. of food

STAFF COMMENTS/REPORTS

Jeff Robinson –

- Code Enforcement conducted property abatement November 5, 2014. Oil drums were found on the property and would be tested. Brock Hudson would provide additional information in the near future.

Tom Burdett –

- Updated the Council on the Gardner Station project. He said a second plan had been reviewed by the City Council on September 10, 2014; a third plan had been submitted and was provided to the Council. He said the changes included a reduction of building height of building five and six, by removing one-story reducing the building height from 65-feet to 55-feet, expanding the foot prints of some of the buildings to keep the density approximately the same, and reflect a building number Eight in Phase II. Building Eight would need to go through the standard review process with the Planning Commission. In review, the density would be approximately the same as previously reviewed in the second plan. He said on November 19, 2014, this would be brought back before the Council. The applicant had tendered this information as a submittal for new mitigation measures addressing the neighborhood concerns. He said also included was a possible development agreement on the remaining parcel on the corner of 1300 West and 7800 South to ensure it would not be additional market rate apartment on the corner. In addition, they proposed to provided left turn lanes on 1300 West to the north entrance into the proposed residential community as mitigation to help improve the traffic flow, still keeping the mitigation of the right-in/right-out at the same access way.

He said with those three things being tendered as additional mitigation, staff asked for the Council's concurrence to bring forward an amended Staff Report going from three options (September 10, 2014 agenda) to just two options that would incorporate conditions should

the Council wish to ratify this density and do so in a manner that wanted all of these mitigation items in place.

Councilmember Haaga said he objected. He said this item was brought back before the Council for reconsideration on a previous plan, which was shown behind closed doors. He felt this was out of order and opposed having it brought back for the Council's consideration.

Ryan Bradshaw –

- Reported that the new Financial Analyst would be starting on November 17, 2014

Marc McElreath –

- Update - new Fire Station/Police Substation scheduled to be completed March 13, 2015, with a move-in date of April 1, 2014
- New Fire Station signage - Signage on the building West Jordan Fire Station 54 and West Jordan Bagley Park Police Substation (The Council agreed)

CITY COUNCIL COMMENTS/REPORTS

Councilmember Southworth –

- Encouraged Council to engage the developer and residents in the area of Gardner Station project regarding Tom Burdett's comments.
- Acknowledged the Exchange Club and others for the wonderful things happening at the Sierra Newbold Playground. He said it was encouraging to see and hear of selfless acts around the world.

Councilmember Haaga –

- Announced that it was being proposed by another City, with Jordan Valley Medical Center (aka West Valley City Campus) of the opportunity of a Trauma Transport. He asked if any of the Council or staff would like to participate in the meeting(s) regarding this issue.

Councilmember Hansen said she would participate in the meeting and Marc McElreath indicated he would also like to be involved.

- Acknowledged the honoring of Jack Kent Hansen as a World War II Veteran

Councilmember Hansen –

- Updated the Council on her attendance at the Council of Governments (COG) meeting. She said various bonds and rates available for use by Municipalities were discussed.

Mayor Rolfe –

- Indicated that ACE Disposal had proposed eight additional roll-off containers, in order to help with neighborhood cleanup for an additional cost. He asked if the Council would like to see this brought back for possible action.

The Council agreed.

VI. CITIZEN COMMENTS

Steve Jones, West Jordan resident, said he opposed any proposal that would push back the storm water system repairs for over a year. He reminded the Council that this was a 30-year issue. His priority was not the lighting, revamping, etc., he wanted water out of his front yard. He asked that staff not place this on the bottom of their list.

Joe Colosimo, Salt Lake City resident, commented on Gardner Station. He was looking forward to presenting on November 19, 2014.

Bruce Baird, Salt Lake City resident, Counsel for the Gardner Station project, said after a discussion with the Attorney's Office, Mr. Robert Thorup asked them to state in this Council meeting, that they agreed with the process that Tom Burdett had specified and would agree with the vote that they hoped the Council would take to approve the project, and make it a condition of the approval, to essentially do the new plan.

Bill Hubbard, West Jordan resident, commented on Agenda item 9.d. He addressed the flooding from August 20, 2014, which affected several homes in West Jordan. Flooded residents had reported to the City Council that after several floods that they could no longer afford home repairs. He thanked the Council for approving the recent $4 million transfer to the Storm Drain fund, and making storm drains a priority, but delaying the bonding would not be acceptable. He wanted to know what needed to be done, so his neighbors would not have to deal with this type of major disaster in their lives.

Rose Alexander, West Jordan resident, and Senior Center Advisor Council Members, voiced their concerns regarding the lack of the previously approved speed bumps at the West Jordan Senior Center.

Wendell Rigby said the design for speed bumps was out for bid.

Gary Eastman, West Jordan resident, commented on the train behind his home. He said an update had been provided and visibility had improved. He reported that he had received a letter indicating that there was nothing that could be done by the City. He asked for a sound barrier wall, or a change to the zoning making this area a quiet zone.

Jeff Duffy, West Jordan resident, commented on the excessive severance packages of the departing City Managers. He said Mesa, Arizona, Charter allowed for two-months of severance pay, and the Utah Municipals Official handbook stated that State Law mandated that dismissed City Manager's received six-months of severance pay. He questioned whether the State Legislature had been asked to review this policy. He asked whether the City Council could pass a resolution and forward it to the West Jordan Legislators to determine the length of severance for a City Manager.

Mayor Rolfe informed Mr. Duffy that some cities had different forms of government.

Tom Haueter, West Jordan resident, commented on the previous flooding issues. He said in his line of work with medical devices, if there was a problem with a device, he would have the moral obligation to make it safe. He applauded the City Council for directing $4 million to address flooding issue(s), but was discouraged by the lack of a unanimous vote. For the record he stated; he not only authorized the City Council, but expected them to use and to adjust the funds accordingly, to directly help the citizens of this community. He said this was their responsibility, and he would hold the Council accountable, in so doing. He reminded the Council that people and citizens in the community, meant more than dollars. He was concerned that the management of West Jordan City had not placed the appropriate efforts into correcting this particular problem. He felt this should be the Council's priority.

Ron Martinez, Farmington resident, commented on Agenda item 9a. He reported that he was working on a piece of property in the TSOD zoning. He asked the Council to delay the vote, so they could work with staff to understand how the proposed Ordinance might affect the TSOD zoning on property they working on.

Joe Long, Owner of Gardner Village, spoke in opposition of Agenda item 9a. He said although this was a minor text amendment, it would be a major impact to many people in the City. He commented on the various issues:

- No notices mailed to landowners affected by the change
- Staff recommendation excluded certain building types, placing them back into the Cap and Grade would have major impact
- This would be against Goal #3 on the long-term Master Term Growth Plan
- Needs additional discussion
- Ratio adjusted

He asked that no action be taken on this item until property owners could provide input, along with staff recommendations.

There was no one else who wished to speak.

VII. CONSENT ITEMS

7.a Approve request from Veronica Zamora to serve alcohol at Pioneer Hall for a reservation scheduled November 21, 2014

7.b Approve Resolution 14-201, authorizing the Mayor to execute a contract with North Face Roofing for re-roofing Fire Station 53, in an amount not to exceed $41,800

7.c Approve Resolution 14-202, authorizing the Mayor to execute an agreement with Envision Engineering as the LED Street Lights Consultant in an amount not to exceed $22,115.00

7.d Approve an Agreement with Billtrust Complete Billing Service and authorize the Mayor to execute an Agreement for online bill pay services with Bill Trust for electronic bill payment system

Councilmember Haaga pulled Consent item 7.c. for discussion.

MOTION: Councilmember Nichols moved to approve Consent Items 7.a, 7.b, and 7.d. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

VIII. *PUBLIC HEARING*

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-33, REGARDING AMENDING THE GENERAL PLAN LAND USE MAP AND REZONING LAND USE AMENDMENT OF 20 ACRES FROM RESEARCH PARK TO LIGHT INDUSTRIAL AND REZONING FROM BR-P (BUSINESS RESEARCH PARK) ZONE TO M-1 (LIGHT MANUFACTURING) ZONE, FOR PROPERTY LOCATED AT 7602 SOUTH AIRPORT ROAD; UTAH NATIONAL GUARD, STATE OF UTAH DFCM/MATTHIAS MUELLER, APPLICANT

Tom Burdett said the applicant was requesting to amend the General Plan Future Land use map from Research Park to Light Industrial and amend the zoning map from BR-P (Business and Research Park) to M-1 (Light Manufacturing) on 20 acres located at 7602 South Airport Road. He explained the reason for the zone change.

Tom Burdett turned the time over to Larry Gardner.

Larry Gardner said prior to 2003, most of the properties on the west side of Airport Road had a land use designation of Research Park. Over time, most of the properties had been converted to Light Industrial Land Use Designation and M-1 zoning. The property was owned by Salt Lake City and was leased by the State of Utah for the Utah Army National Guard. The Utah Army National Guard operated the E.J. Garn Aviation Complex on the site. The reason for the land use amendments was to allow for expansion of the parking facilities, which would be difficult under the current BR-P zoning. The BR-P zone

required a 10-foot side-yard setback, where the M-1 zone does not have any side-yard setback requirements. The plan was to remove the 40-feet of landscaped area north of the building to add more parking for the facility. The additional parking was needed to alleviate excessive on-street parking that takes place on Airport Road during the monthly Guard Unit Training Activities. The E.J. Garn Aviation Complex was constructed in the mid-1990s.

GENERAL INFORMATION & ANALYSIS
The subject property's surrounding zoning and land uses were as follows:

	Future Land Use	**Zoning**	**Existing Land Use**
North	Light Industrial	M-1	Storage Units
South	Research Park	C-M	Vacant
East	Public Facility	PF	Utah National Guard Facility
West	Research Park	A-20	Vacant

FINDINGS OF FACT
Section 13-7C-6: Amendments to the Land Use Map

According to City Code, Section 13-7C-6), any amendments to the general plan, including maps, shall be approved only if the following were met.

Finding A: ***The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.***

Discussion: The applicant was proposing to amend the Future Land Use Map from Research Park to Light Industrial.

The 2012 Comprehensive General Plan stated in the Light Industrial Land Use section:

"*The Light Industrial designation is applied to areas suited to general manufacturing, assembly, repair, and storage. These districts are considered to be the most intensive zone which will provide industrial areas in the city that are free from extreme nuisances and dangerous conditions. Care should be taken to exclude undesirable uses from industrial areas which may create nuisances and adverse impacts on the community. Manufacturing, processing, warehousing, distribution, and similar functions should be sufficiently buffered from incompatible land uses, especially residential areas. If transitional zones are impractical or unavailable around industrial areas, other buffers such as open space, additional setbacks, landscaping and barrier fencing can serve to mitigate potential conflicts. High development standards should be required to maintain and improve the quality of the industrial environment.*"

Changing the Future Land Use Map from Research Park to Light Industrial would not have an adverse impact upon surrounding land uses. The National Guard facility would not be changing the use of the building or outside activities with this amendment. The National Guard facility was sufficiently buffered from any residential or less intensive land use types. The properties to the immediate north of this site are zoned M-1 with associated light industrial type uses. The property to the south was zoned C-M, heavy commercial zone. The property to the south was vacant.

Finding: The proposed amendment conforms to and was consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: ***The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.***

Discussion: Neither the use of the property nor the property ownership was changing because of this application. The use would remain the same whether the property was Research Park or Light Industrial. No new buildings would be constructed, only the parking lot and landscaping would be affected because of this amendment. Changing the land use map would not increase the availability of Light Industrial property within the City.

Finding: The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: ***The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.***

Discussion: The proposed land use amendment would be compatible with the storage units to the north and with the undeveloped commercial property to the south. The use was the same as across Airport Road, to the east. The National Guard property was approximately 600 feet from the residential to the west and was buffered by a large undeveloped piece of property which was zoned A-20.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Finding D: ***The proposed amendment constituted an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.***

Discussion: The applicant would directly benefit from approval of the proposed amendment; however, the amendment would not change the use that was occurring on the property. The use of "Governmental Service" was permitted in both the BR-P and M-1 zones. Changing the Land Use map would allow the applicant to effectively address a parking issue that could be seen as a hazard.

Finding: The proposed amendment constituted an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.

Finding E: ***The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.***

Discussion: The amendment would not adversely impact the neighborhood; on the contrary it would improve the parking issues occurring along Airport Road. Sewer, roads, water, storm water, and public safety would not be adversely affected by this amendment.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: ***The proposed amendment was consistent with other adopted plans, codes and ordinances.***

Discussion: The amendment was consistent with all adopted codes, plans, and ordinances. Changing the Future Land Use map designation to Light Industrial would be consistent with the land use map designation on the properties to the north of the National Guard facility.

Finding: The proposed amendment was consistent with other adopted plans, codes, and ordinances.

Section 13-7D-7(A): Amendments to the Zoning Map

According to City Code, Section 13-7D-7(A), the following shall be met in approving any amendments to the Zoning Map.

Criteria 1: ***The proposed amendment was consistent with the purposes, goals, objectives, and policies of the City's General Plan.***

Discussion: Future Land Use Map amendment Criterion A:
A. The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding: The proposed rezone was consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: ***The proposed amendment would result in compatible land use relationships and does not adversely affect adjacent properties.***

Discussion: Future Land Use Map amendment Criterion C and E.

C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding: The proposed rezone would result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: ***The proposed amendment furthered the public health, safety, and general welfare of the citizens of the City***.

Discussion: The proposed amendment would not be detrimental to the health safety or welfare of the residents of West Jordan. The use of the property would not change and any future development that occurred would be required to meet all adopted City standards for fire protection, design, utilities, roadways, and building construction. The zoning map amendment would eliminate an on-street parking issue that was occurring along Airport Road when the Utah National Guard conducted their monthly Unit Training Activities.

Finding: The proposed rezone furthered the public health, safety, and general welfare of the citizens of the City.

Criteria 4: ***The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.***

Discussion: Future Land Use Map amendment Criterion E.

E. The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: ***The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.***

Discussion: The property was not part of any overlay district.

Finding: The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Larry Gardner said the proposed Future Land Use Map amendment and rezone of 20 acres of property equated to a negligible change to the land use and zoning maps; however, these changes will help alleviate an on-street parking issue, related to a land use, specific to a piece of property.

Staff recommended that based on the analysis and findings contained in the Staff Report, that the City Council amend the General Plan Future Land Use Map for 20 acres located at 7602 South Airport Road from Research Park to Light Industrial and Rezone the property from Business and Research Park (BR-P) to the Light Manufacturing (M-1) Zone.

During the October 21, 2014 meeting, the Planning Commission, by unanimous vote forwarded a **positive** recommendation to the City Council to amend the General Plan Future Land Use Map for 20 acres of property located at 7602 South Airport Road from Research Park to Light Industrial and forwarded a **positive** recommendation to rezone the

property from Business and Research Park (BR-P) to the Light Manufacturing (M-1) Zone.

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

Councilmember Nichols questioned whether any improvements would need to be done on the road. He challenged the Council to take on possible avenues through which the City could obtain State and/or Federal funding to help improve the street frontage with at least curb/gutter, and possibly landscaping.

MOTION: Councilmember Nichols said based on the information and findings set forth in the staff report and upon the evidence and explanations received today, he moved to adopt and authorize the Mayor to sign Ordinance 14-33, to amend the General Plan Future Land Use Map for 20 acres of property located at 7602 South Airport Road from Research Park to Light Industrial and Rezone the property from Business and Research Park (BR-P) to the Light Manufacturing (M-1) Zone. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

IX. BUSINESS ITEMS

RECONSIDERATION OF ORDINANCE 14-31, ADOPTED OCTOBER 22, 2014, AND APPROVE ORDINANCE 14-34, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE MAKING MISCELLANEOUS AMENDMENTS AND ADDING LANGUAGE RELATING TO A NEW CAP AND GRADE REQUIREMENTS FOR CERTAIN TYPES OF MULTI-FAMILY RESIDENTIAL DEVELOPMENTS; CITY-WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT

Mayor Rolfe explained that a public hearing was held on October 22, 2014, and all members of the public were invited to speak this issue.

He said after reviewing Ordinance 14-31, he realized that his motion approving the Ordinance as stated: "adopt Ordinance 14-31, as written, with one amendment to change the ratio from 83% - 17% to 77% - 23%, as it was today," did not accomplish completely what he wanted. His desire was to have the following types of two-family and multi-family housing **subject** to the annual cap and time requirements of the Section:

1. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD)
2. Senior housing for age 55 and older
3. Owner occupied townhomes with an attached 2-car garage where all housing units shall be occupied by the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.
4. Owner occupied twin homes where at least one of the housing units shall be occupied by one or more of the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.
5. Multi-family for disabled persons
6. Low and moderate-income housing owned by non-profit or a local Housing Authority.

Mayor Rolfe proposed the following text amendments to Title 13, Chapter 8:

13-8-23: ANNUAL CAP ON MULTI-FAMILY DEVELOPMENT APPLICATIONS

A. Purpose: The Comprehensive General Plan supports a housing ration of 83 percent single-family residential to 17 percent multi-family residential ("the General Plan Ratio"). Notwithstanding the General Plan, the City establishes a ratio of 77 percent single-family residential to 23 percent multi-family residential for the purpose of this Section 13-8-23. The City of West Jordan has adopted a cap and grade procedure specific to non-owner occupied multi-family residential development to ensure the orderly growth of the city and foster a housing mix that is consistent with the General Plan.

B. Exemptions: The following types of two-family and multi-family housing are ~~not~~ subject to the annual cap <u>and</u> ~~or to the~~ timing requirements of this Section.

Mayor Rolfe felt without this change the City would end up with 50% multi-family housing.

Councilmember Stoker questioned whether the Gardner Mill project was vested.

Mayor Rolfe indicated that they were vested, prior to the moratorium being in place. He said there were approximately 3,000 that would not fall within this cap and grade system.

Greg Mikolash said staff previously provided the Council with a sheet indicating what properties would be exempt.

Councilmember Stoker asked how many Transit Station Overlay Development (TSOD) areas were there outside of the Gardner Mill and Bangerter Station locations.

Councilmember Haaga stated he was a proponent of the 17 percent cap. He said after the vote of Ordinance 31, he believed these were still exempts.

Tom Burdett said staff felt that the Ordinance previously approved met any legal test. He thought it addressed policies in the General Plan supporting direction of multi-family to Transit Station Overlay District (TSOD) to the point that it would restrict market-rate apartments from going into locations in other areas of the City. His principal concerns with the language change would be that it might prevent the City from having opportunities to place multi-family in the City Center project. With four phases in the proposed City Center this could create problems.

Councilmember McConnehey clarified the purpose of the current Ordinance. He was concerned that the proposed changes would prohibit the City from developing in the TSOD areas.

Mayor Rolfe felt the TSOD's were already incorporated in the calculation because they had applied prior to the moratorium. He acknowledged that the City Center would need to keep up with the single-family, if this proposed change passed.

Councilmember McConnehey asked if most of the TSOD's were already approved, why make changes to the current Ordinance.

Mayor Rolfe explained that the current Ordinance also included six other housing types that were exempted from the ratio. He said there was no control over the ratio based on the current Ordinance. He recalled that during the previous discuss regarding this issue that most of the Council wanted to return back to the 17%-83%. He said that the text amendment being proposed was just what he intended.

Jeff Robinson clarified that within the TSOD's development which had already begun would be grandfathered-in; development which had not begun would not grandfathered-in.

Councilmember Stoker reviewed the different TSOD's. He felt the only TSOD area that would be impacted would be the City Center project.

Tom Burdett said there was the potential of this affecting the area south of Gardner Station.

Councilmember Stoker did not want the TSOD's restricted due to the upcoming City Center. He felt restricting: 1.) Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD), would hurt the City.

Councilmember McConnehey agreed with Councilmember Stoker.

Mayor Rolfe said that since the housing component had scheduled several phases from the initial start, we could see the ratio come in-line. He felt the six items listed would get the best grading in the cap and grade system by the Planning Commission and/or staff. He said to allow our ratio to get out of balance was not what citizens wanted.

Councilmember Haaga felt the City should return to the General Plan numbers of 17%-83%.

Councilmember Southworth expressed his concern regarding moving too fast on this issue. He questioned whether the current Ordinance should be rescinded and brought back with these proposed amendments. He felt during the Council meeting on October 22, the Council was unaware of the consequences of passing the current Ordinance.

Tom Burdett reported that the moratorium on multi-family housing was scheduled to expire on November 14, 2014.

Councilmember Stoker was against rescinding this Ordinance, due to the moratorium deadline. He said if the Council was to make all these items *not exemptions*, but part of the calculations, there would be no multi-family in the City for several years, due to the vested projects already in-line. He also voiced his concerns regarding having: 5) the Multi-family for disabled persons; and 6) Low and moderate-income housing owned by non-profit or a local Housing Authority, included in the cap and grade system.

Jeff Robinson indicated that the City might want to look into it.

Mayor Rolfe felt throughout the City there was plenty of: 5) the Multi-family for disabled persons, and 6) Low and moderate-income housing owned by non-profit or a local Housing Authority housing, already approved or soon to be approved.

Councilmember Southworth suggested tabling this to a future date, so questions/concerns could be addressed.

MOTION: Mayor Rolfe moved to approve Ordinance 14-34 amending the 2009 West Jordan Municipal Code, miscellaneous amendments and adding language relating to the new cap and grade requirements for certain types of multi-family residential developments City-wide applicability, West Jordan City, applicant. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**No**
Councilmember McConnehey	**No**
Councilmember Nichols	**No**
Councilmember Southworth	**No**
Councilmember Stoker	**No**
Mayor Rolfe	**Yes**

The motion failed 2-5.

MOTION: Councilmember Southworth moved to reconsider Ordinance 14-31. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**No**

The motion passed 6-1.

MOTION: Councilmember Southworth moved to table Business item 9a., to a date uncertain, and direct Council and staff to work at presenting amendments and changes to Ordinance 14-31, with a workshop *only* if necessary. The motion was seconded by Councilmember Haaga.

Councilmember Stoker spoke against the motion. He was in favor of placing most of the exemptions in place, with the exception of the TSOD. He also wanted a review by the legal department regarding Seniors, Disabled Persons, and other Low-Income housing.

Councilmember Haaga spoke in favor of the motion.

Councilmember McConnehey clarified that with the reconsideration, the current Ordinance would remain in place.

Jeff Robinson explained that Ordinance 14-31, would be in place when the moratorium expired, and would remain in place unless the Council were to make changes. He wanted to see outside stakeholders included in the discussions moving forward to identify how they would be affected.

Councilmember Stoker was concerned with what was going to happen when the moratorium ended, regarding these various types of projects.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**No**
Councilmember McConnehey	**No**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**No**
Mayor Rolfe	**No**

The motion failed 3-4.

MOTION: Councilmember Stoker moved to adopt Ordinance 14-34, which would remove all of the items from the exemption list, except for item number 1 (TSOD Section); so items 2 through 6 would no longer be exemptions, they will be included in the computation, and part of the Cap and Grade System, pending Legal review regarding Federal and State laws (ADA, Fair Housing Act, etc.). The motion was seconded by McConnehey.

Councilmember Hansen clarified this would still be the 23%-77% ratio.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**No**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 6-1 in favor.

DISCUSSION AND DIRECTION FOR STAFF IDENTIFYING THE PURCHASING METHOD FOR THE CITY PHONE SYSTEM

Bryce Haderlie said during the Fiscal Year 2014-2015 budget process, the Information Technology (IT) Department proposed replacing the current outdated phone system, which had become increasingly difficult to maintain. The current phone system had components that were more than 14 years old and the main core system was over 9 years

old. The current model of handsets that the City used was no longer available new, only refurbished units could be purchased.

The City Council approved the purchase of a modernized phone system during the budget process. The new system would improve customer service by providing a unified communications platform that fully integrated with our Exchange email system, phone extensions, mobile phones, and staff personal computers.

The Council approved $60,000.00 per year for the next five years to implement the Phone System Replacement project. City Council could choose from different funding options available to implement the system.

> Option 1 (cash)
> If cash was paid for the system, the fiscal impact would be $197,620.00 for equipment and services. This option would require a budget amendment within the Phone System Replacement project (IT Systems – 425270 Server Replacement fund) in the amount of $137,620.00. The fund currently had $60,000.00 that Council approved during the Fiscal Year 2014-2015 budget.
>
> Option 2 (*Capital Lease)
> Staff could also finance the phone system at an interest rate of 1.95% over four years and a one-time processing fee of $500.00. The phone system cost of $197,620.00, which covers equipment and services, had been approved by Council during the Fiscal Year 2014-2015 budget. Council approved $60,000.00 per year over the next 5 years, within the Phone System Replacement project – IT Systems – 425270 Server Replacement fund.
>
> *Bank of the West had submitted an equipment capital lease proposal, which was considered a capital lease intended for security purposes only. At the end of the capital lease term, the City would own all the phone equipment.

Staff recommended adoption of Option 1 to avoid paying interest.

Councilmember McConnehey was fine either way, but felt the City would save approximately $12,000, with Option 1.

Councilmember Nichols preferred Option 2.

Mayor Rolfe preferred Option 2.

Ryan Bradshaw informed the Council that it was better to have on-going money, than one-time money.

Councilmember McConnehey clarified that any expended funds were separate from Storm Water funds and would not affect the City's ability to deal with storm drain issues.

Councilmember Stoker clarified that this proposed Capital Lease was considered a loan. The City would own the equipment.

The Council agreed with Option 2 (Capital Lease the phone system for 48-months).

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-192, REGARDING THE LOCATION FOR A NEW FLEET FACILITY, AND FUTURE SOCCER FIELD LOCATIONS

Jim Riding said as the City had grown, the City's fleet had increased, the existing fleet maintenance location within the Public Works building had become inadequate and not as safe a working environment as in a new facility. Over the last few years staff had looked at four different locations to relocate Fleet and/or Public Works. Two of the locations were for the possibility of relocating the entire Public Works Facility; the idea of moving the entire Public Works Facility had been dropped in favor of relocating the Fleet Division and remodeling the vacated space in the Public Works building.

Two sites for the Fleet Facility had been considered, both on City-owned property. The first consideration was using a portion of the 52-acres site west of the railroad line, north of 7800 South and east of 4800 West. This site would have required the construction of a new road and bringing utilities to the site which make the cost prohibitive at this time. The second and more favorable location was the 4.21 acres just north of the existing Public Works Facility. This location eliminated Field A of the Soccer Complex. This particular field was lighted, and the lighting could be moved to another field. This field could be replaced immediately by striping a field at either Veterans Park or Wildflower Park. Access would be right off of 4000 West and the utilities were already located on the east side of the site. This also located the Facility right next to the existing Public Works Facility for ease of cross access and communications. Funding for the design was approved in the current year budget and staff could proceed with a Request for Proposal once the location was determined.

Brian Clegg said City staff met to discuss future locations of soccer fields in preparation of the ground lease with Salt Lake City not being renewed for the existing soccer fields on Salt Lake City property. Areas identified for possible soccer field relocation include the following:

1) 1 full size field at Veterans Park (could be available now)
2) 1 full size field at Wildflower Park (could be available now)
3) 1 full size field at Dry Wash Detention (could be available now)
4) 2 fields at Ron Wood Park on the east side of Ron Wood Road
5) 5 fields at Ron Wood Park around the existing new splash pad
6) 8 or 9 fields at District Site U-111 & 8200 South
7) 7 fields at the 29-acre site north of 7800 South and west of the railroad tracks
8) 2 fields at Barney's Wash Detention
9) 2 or 3 fields at Maples Park
10) 1 Field at Railroad Park

Staff indicated that there would be no fiscal impact with this decision at this time.

Staff recommended approval of utilizing the 4.21 acres directly north of the existing Public Works building site for a new Fleet Facility building and proceeding with the advertisement for design services.

The Council and staff discussed clarifying questions regarding:

- Impact of losing the one-field
- Number 7 above was already designated as park property
- Property to the west of the highlighted map area
- Ability for the facilities building to grow
- FAA property south of the City owned property, ask if they were willing to sell
- October 31, 2024, there would be not more fields on the FAA property
- FAA property must be returned in previous condition

Jim Riding informed the Council that the property to the south of the City owned property would need to be purchased.

Brian Clegg said options six (6) and seven (7) listed below could accommodate the quantity of fields that the City would be losing on phase two.

- 6) 8 or 9 fields at U-111 & 8200 South (Jordan School site)
- 7) 7 fields at the 29-acre site north of 7800 South and west of the railroad tracks

Bryce Haderlie suggested placing the future of fields on the agenda for the Strategic Planning Meeting. He said this issue was holding up the design process. Staff would look into the property to the south to see if it could be acquired from Salt Lake City Airport.

Councilmember Southworth was uncomfortable moving forward with the Request for Proposal process without a solution or a replacement plan.

Bryce Haderlie said other fields could be stripped, so no interruption of tournaments or league play would be affected.

Councilmember Stoker was concerned that stripping other fields would be placing the tournaments and leagues into second-rate facilities without informing them of a long-term solution.

Mayor Rolfe agreed with Councilmember Stoker.

Councilmember McConnehey agreed with looking at the property to the south, or a totally different location.

MOTION: Councilmember Haaga moved to adopt Resolution 14-192, approving the 4.21-acre site directly north of the existing Public Works facility for a new Fleet Facility building and have staff proceed with Request for Proposals for the design of a new Fleet Facility at that location. The motion was seconded by Councilmember Mayor.

The Council asked clarifying questions regarding the parking relating to the soccer fields.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**No**
Councilmember McConnehey	**No**
Councilmember Nichols	**No**
Councilmember Southworth	**No**
Councilmember Stoker	**No**
Mayor Rolfe	**Yes**

The motion failed 2-5.

Councilmember Southworth acknowledged that staff would look into the possibility of purchasing the property to the south.

Bryce Haderlie reminded the Council that the south property did not have a road that would support the weight of the vehicles. It would take approximately $500,000 to create and develop the site to the south.

DISCUSSION AND DIRECTION FOR STAFF REGARDING BONDING OPTIONS FOR VARIOUS PROJECTS

Ryan Bradshaw said staff had been asked to bring forward Bonding options for various projects within the City. An update was given on the progress of this and recommendations for three bonds for issuance in March 2015.

Ryan Bradshaw provided the following presentation:

Bonds for Capital Projects
Bonding Proposal for 2015-2017

Fiscal Year 2015
LED Lighting
Fleet Facility
Parks

LED Lighting Projects

- **Cost of the Bond**
  - $2,500,000 (Par $2,445,000)
- **Estimated True Interest Cost**
  - 2.31917% - 10 Year Bond
  - 2.82666% - 15 Year Bond
- **Date of Issuance**
  - March 2015
- **Estimated Annual Costs**
  - $283,512 – 10 Year Bond
  - $207,283 – 15 Year Bond
- **Estimated Total Principal and Interest**
  - $2,835,120 – 10 Year Bond
  - $3,109,243 – 15 Year Bond
- **Payback Method**
  - Rebates and Rate Reduction Savings

Ryan Bradshaw said bonding for the Facility the Fleet Facility would be moved back as currently there was no location.

Fleet Facility

- **Cost of the Bond**
  - $7,000,000 (Par $6,850,000)
- **Estimated True Interest Cost**
  - 2.32052% - 10 Year Bond
  - 2.82747% - 15 Year Bond
- **Date of Issuance**
  - March 2015
- **Estimated Annual Costs**
  - $794,610 – 10 Year Bond
  - $579,954 – 15 Year Bond
- **Estimated Total Principal and Interest**
  - $7,946,097 – 10 Year Bond
  - $8,699,303 – 15 Year Bond
- **Payback Method**
  - Currently General Fund was paying $856,648 per year for a Bond that matures in December 2015. The last payment would be made with Fund Balance, and amounts would be reallocated to Fleet Facility and Parks Bonds.

He reminded the Council with this bonding being done at a later date the interest rates might change.

Ryan Bradshaw said the information listed below regarding park projects was based on a $5 million bond.

Parks Projects

- **Cost of the Bond**
  - $5,000,000 (Par $4,890,000)
- **Estimated True Interest Cost**
  - 2.32078% - 10 Year Bond
  - 2.82776% - 15 Year Bond
- **Date of Issuance**
  - March 2015
- **Estimated Annual Costs**
  - $567,258 – 10 Year Bond
  - $414,731 – 15 Year Bond
- **Estimated Total Principal and Interest**
  - $5,672,580 – 10 Year Bond
  - $6,220,972 – 15 Year Bond
- **Payback Method**
  - Staff had allocated $300,000 per year for the Centralized Irrigation System and $100,000 to address Misc. Projects. $50,000 to $60,000 would be allocated from the Bond that matures on December 2015. This would leave payments short by $100,000 this would be backfilled by the General Fund or by reducing the Bond to $4,000,000 would be eliminate the shortfall.

Combine Projects

LED Lighting, Fleet Facility, and Parks
Parks Projects

- **Cost of the Bond**
  - $14,500,000 (Par $14,185,000)
- **Estimated True Interest Cost**
  - 2.32038% - 10 Year Bond
  - 2.82743% - 15 Year Bond
- **Date of Issuance**
  - March 2015
- **Estimated Annual Costs**
  - $1,645,380 – 10 Year Bond
  - $1,201,968 – 15 Year Bond
- **Estimated Total Principal and Interest**
  - $16,453,797 – 10 Year Bond
  - $18,029,518 – 15 Year Bond
- **Payback Method**
  - Per Previous Discussion

Fiscal Year 2016

Storm Water

Storm Water Projects

- Cost of the Bond
  - $5 million
- Estimated Date of Issuance
  - December 2015

WEST JORDAN CITY, UTAH
Storm Water Fund Pro Forma
As of October 6, 2014

	HISTORICAL		GROWTH RATE	PROJECTED[D,E,F]					
	2012	2013[A]		2014	2015(Bdgt.)	2016	2017	2018	2019
OPERATING REVENUES									
Charges for Services	$ 806,368	$ 1,540,476	2.0%	$ 1,711,600	$ 1,733,683	$ 1,768,357	$ 1,803,724	$ 1,839,798	$ 1,876,594
Additional Revenue from Rate Increase	-	-	2.0%	-	-	-	-	-	-
TOTAL OPERATING REVENUES	806,368	1,540,476		1,711,600	1,733,683	1,768,357	1,803,724	1,839,798	1,876,594
OPERATING EXPENSES[B]									
Salaries and Benefits	347,412	521,051	3.0%	586,149	803,786	827,900	852,737	878,319	904,668
Interfund Charges	247,451	338,978	3.0%	141,478	158,012	162,752	167,635	172,664	177,844
Supplies and Maintenance	135,947	173,742	3.0%	183,246	522,595	538,273	554,421	571,054	588,185
TOTAL OPERATING EXPENSES	730,810	1,033,771		910,873	1,484,393	1,528,925	1,574,793	1,622,036	1,670,697
TOTAL OPERATING INCOME	**75,558**	**506,705**		**800,727**	**249,290**	**239,432**	**228,931**	**217,762**	**205,897**
NON - OPERATING REVENUES									
Interest Earnings	18,524	7,748	0.0%	10,000	113,000	113,000	113,000	113,000	113,000
Impact Fees	203,555	588,741	0.0%	900,000	800,000	800,000	800,000	800,000	800,000
Intergovernmental	-		0.0%	-	-	-	-	-	-
TOTAL NON-OPERATING REVENUES	222,079	596,489		910,000	913,000	913,000	913,000	913,000	913,000
FUNDS AVAILABLE FOR DEBT SERVICE	**297,637**	**1,103,194**		**1,710,727**	**1,162,290**	**1,152,432**	**1,141,931**	**1,130,762**	**1,118,897**
FUNDS AVAILABLE FOR D/S LESS IMPACT FEES	94,082	514,453		810,727	362,290	352,432	341,931	330,762	318,897
STORM REVENUE BONDS									
Series 2015 10 Year Bond[C]	-	-		-	-	576,287	575,850	571,750	572,550
Series 2015 15 Year Bond[C]	-	-		-	-	419,323	418,675	418,175	417,575
DEBT SERVICE COVERAGE ON 10 YEAR BOND						**2.00 x**	**1.98 x**	**1.98 x**	**1.95 x**
DEBT SERVICE COVERAGE LESS IMPACT FEES 10 YEAR BOND						**0.61 x**	**0.59 x**	**0.58 x**	**0.56 x**
DEBT SERVICE COVERAGE ON 15 YEAR BOND						**2.75 x**	**2.73 x**	**2.70 x**	**2.68 x**
DEBT SERVICE COVERAGE LESS IMPACT FEES 15 YEAR BOND						**0.84 x**	**0.82 x**	**0.79 x**	**0.76 x**
NET CASH FLOW	$ 297,637	$ 1,103,194		$ 1,710,727	$ 1,162,290	$ 1,728,719	$ 1,717,781	$ 1,702,512	$ 1,691,447

Notes:
A. Increase in 2013 revenues is due to a fee increase from $1.80 per household to $3.65 per household.
B. Operating expenses are net of Depreciation.
C. Proposed new project in 2015.
D. 2016 - 2019 Expenses: projections based on historical growth percentages.
E. Source: City's projections
F. Projects: Interest earnings and impact fees are based on City's budget

George K. Baum & Company
INVESTMENT BANKERS SINCE 1928

Storm Water Projects

- What does the Debt Service Coverage Less Impact Fees Ratio need to be to issue the Bond?
  - 1.25
- Staff will work to come up with recommendation as to how to improve the Ratio and will bring this to Council at a Future Date

Fiscal Year 2017

Water Tanks
Safe Sidewalks

Future Projects

- **Project**

  - Water Storage Tank (6500 W Bingham Highway)
  - Water Storage Tank (7800 South 4000 West Near Airport)
- **Cost**
  - $7.5 million ($3.5 Million for 6500 W Bingham Highway, $4 Million for 7800 South 4000 West Near Airport. Bonding would be used for the entire amount)
- **Proposed Payback Method**
  - Through Current Rate Structure and Impact Fees
- **Year of Issuance**
  - 2017
- **Project**
  - Safe Sidewalk Project
- **Cost**
  - $14 million (Bonding would be used for the entire amount)
- **Proposed Payback Method**
  - Staff will build into Capital Project Plan
- **Year of Issuance**
  - 2017

Ryan Bradshaw reported that there would be no fiscal impact, until the Bonds were approved and issued.

Staff recommended moving forward with a parameters resolution in early 2015 for the issuance of a $14,500,000 Sales Tax Bond to cover cost for a Fleet Facility, LED Lighting Conversion, and Parks Improvement Projects.

Ryan Bradshaw commented on each of the bond issues:

LED Lighting
Staff recommended moving forward with the 10 Year - bonding option.

There were no objections from the Council moving forward with that direction.

Fleet Facility
Ryan Bradshaw said since the above information was provided in the Council's agenda packet things had changed regarding the Parks projects. The initial cost was $5 million, however, after a workshop was held the Council provided direction for staff ***not*** to work on enhancement within the current soccer complex. That was approximately $1 million of the $5 million bond. Therefore, the bond could be reduced to $4 million.

The Council and staff discussed clarifying questions regarding:

- Could the Fleet Facility bond include the relocation of the soccer fields or whether they needed to remain separate
- Not moving forward with the Fleet Facility could the storm water be brought forward

Ryan Bradshaw said if the debt ratio was solved, it could be brought in sooner.

Mayor Rolfe said if the Council were to bond for additional funds then the extra million should be used for the Fleet Facility placing it at the 4800 West location, building-up the road for the extended truck traffic.

Ryan Bradshaw said the Fleet Facility bond could be increased to $8 million, if the Council desired.

Mayor Rolfe said with additional parks there would be new on-going cost. He indicated that the bond was to help with equipment, and refurbishing of playground equipment.

Councilmember Nichols asked whether this bonding would affect the City's bond rating.

David Zobell said immediately the City's bond rating would remain the same. As long as the economy remained the same or better there should not be a decrease in the bond rating.

Mayor Rolfe was in favor of issuing all three of the bonds, but since five members of the Council were against the suggested fleet facility location, he felt the City should look at reducing the Parks bond by $500,000 and adding $500,000 to the Fleet Facility, with the hope that staff would be instructed to proceed with the location at 4800 West.

Councilmember Stoker agreed with Mayor Rolfe.

Councilmember Nichols said he preferred the 4000 West location might work, but felt there needed to be a plan.

Councilmember Southworth agreed with Councilmember Nichols. He said Council had until the year 2024.

Mayor Rolfe asked if the Council felt there was an immediate need for a Public Works Facility.

Councilmember Haaga felt there was an immediate need. His priorities were: 1) Storm Water and 2) Public Works.

Councilmember McConnehey felt there was a need, but questioned whether the need was immediate. He felt the Council should slow down and consider other options.

Councilmember Southworth agreed with Councilmember McConnehey.

Councilmember Stoker said if the City was unable to get the property to the south of the current Public Works facility from the FAA, then the City should consider building the

new building on 4600 West. This would be utilizing undesignated property without replacing one of the soccer fields.

Mayor Rolfe agreed with Councilmember Stoker's statement.

MOTION: Councilmember Nichols moved to suspend the rules to continue the meeting past 9:00 p.m. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	**No**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**No**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 5-2.

The Council discussed the following:

- What if the City was unable to purchase the property to the south of the current Public Works facility
- Siting the proposed Fleet Facility at 4600 West site
- Combining all three of the proposed bonding options (using $500,000 from the parks for the necessary road)

Councilmember Southworth wanted additional information regarding the site at 4600 West prior to making a decision:

- Type of facility
- Land Use
- Effects to surrounding neighbors
- Topography
- Utilities necessary

Councilmember Nichols, McConnehey, and Hansen all agreed with Councilmember Southworth.

Storm Water

Ryan Bradshaw clarified that moving forward with this bond would in no way delay the work on the 7000 South trunk line. This bond was related to finishing the 7000 South trunk line, along with other various projects.

Mayor Rolfe thought there was approximately $8 million including the $400,000 million that had been moved last Council meeting in the Storm Drain fund for projects. This bonding could be used for badly needed projects, which could be placed in next calendar year.

Councilmember Haaga disagreed with Ryan Bradshaw. He felt City staff did not know what repairs would cost. He said Council needed the facts of all the projects, not just 7000 South. He asked Wendell Rigby if the costs for the 7000 South Storm Drain project had been calculated.

Wendell Rigby indicated that staff needed the design in order to get a better dollar amount.

Councilmember Hansen called a point of order to allow Ryan Bradshaw to finish speaking without interruptions.

Ryan Bradshaw clarified for the Mayor and Council that staff showed there was unrestricted cash of $2.5 million in the Storm Drain fund, along with the $4 million transferred, so the true amount in Storm Water Fund in-cash would be $6.5 million. He said there currently was $6.5 million in Capital Projects.

Councilmember Haaga asked why not bond this year.

Ryan Bradshaw explained the debt coverage ratio needed before bonding.

Wendell Rigby explained to the Council that staff had asked the Consultant to concentrate 7000 South 3200 West area.

The Council agreed to direct staff to bring back a parameters resolution to begin the bonding for the LED Lighting and Parks.

Mayor Rolfe felt the City should check the limits on the bonding capacity without damaging the City's rating, based on the Bond Producers recommendation.

REPORT AND UPDATE ON THE CITY OF WEST JORDAN'S FISCAL YEAR 2014-2015 1ST QUARTERLY REPORT

Bryce Haderlie said this was an update on the City of West Jordan's Fiscal Year 2014-2015 1st Quarterly Report.

Ryan Bradshaw provided the following information:

West Jordan Quarterly Report
Purpose
The Quarterly Report was intended to give unaudited, summary information to the user about West Jordan City's revenue and expenses for the first quarter of fiscal year 2015

ending September 30, 2014. The report included information about the City's General Fund and Enterprise Funds. This report gave the City Management and the City Council the opportunity to see the financial status of the City within its major funds and make decisions accordingly.

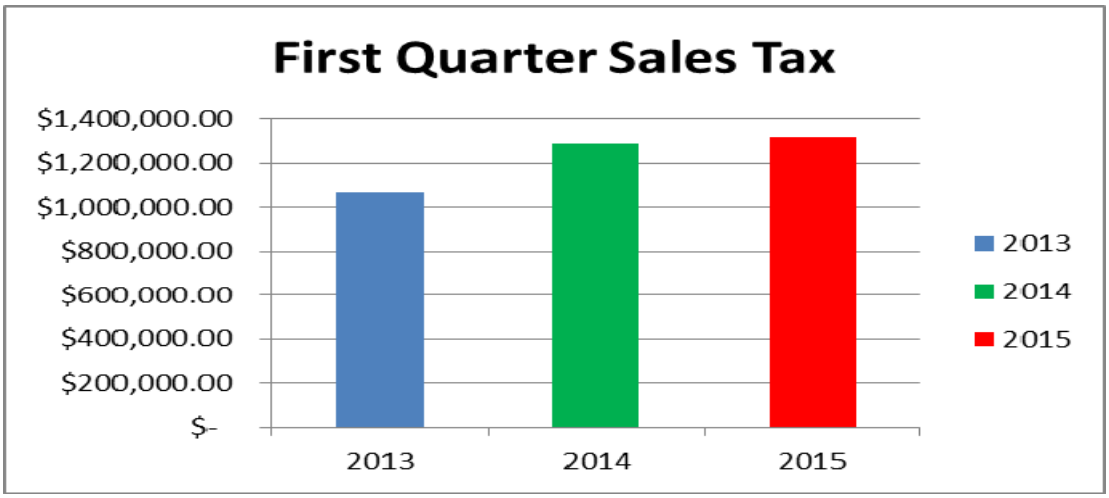
Content

This report contained the current and prior year quarterly information and the year to date totals for each fund. In addition, it included a forecasted total for each number. The forecasts were based on the expenditure and revenue percentages from the previous year. The numbers were not final and might change. The only time that Financial Statements were final was after the City had completed its annual audit and issued its Comprehensive Annual Financial Report (CAFR).

General Fund

Notes to the General Fund

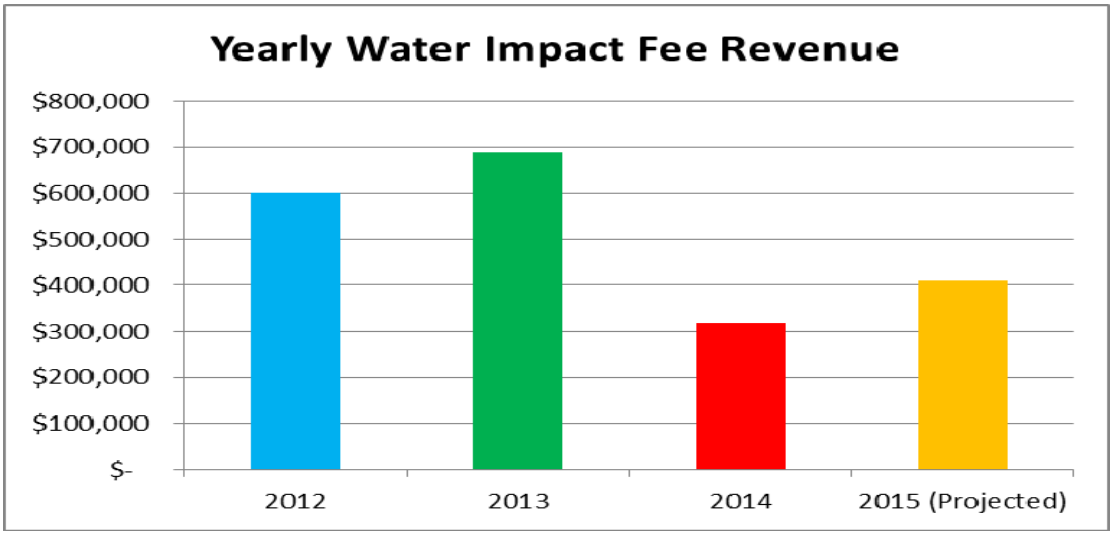
1. The City received sales tax revenues 60 days after collection by the retailers.
2. November and December were the primary months for property tax collections.
3. MET & Telecommunication taxes were received 45-60 days after they were billed to the customer.
4. Class C Road revenues were paid bi-monthly and were received 60 to 90 days after collection.
5. Increase City Managers Operating Expense Forecast for the following one-time expenditure:
    a. Building Rent - $282,704.00
    b. Risk Management Transfer - $705,000.00
    c. Wage Compression - $300,000
    d. Fleet Leases - $430,000
6. Increase Administrative Services Operating Expense Forecast for the following one-time expenditures.
    a. Minor Building Projects - $500,000
7. Economic Development and Parks Departments had no prior year expenditures, as they were new departments.



A General Fund Summary was included in the Council's agenda packet.

Water Fund

1. Impact Fees were projected to be near $600,000, but this was still well below the Fiscal Year 2013 collection amount.

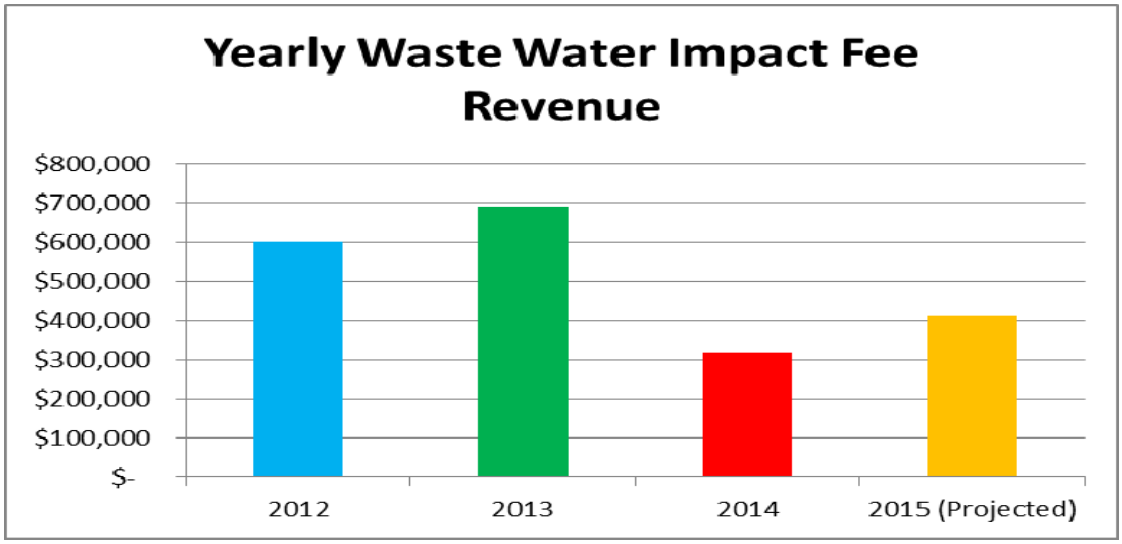


2. $1,200,000 to $1,300,000 in Water Fees collected had been designated by the City Council each year for Capital Replacement.
3. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects

A Water Fund Summary was included in the Council's agenda packet.

Waste Water Fund

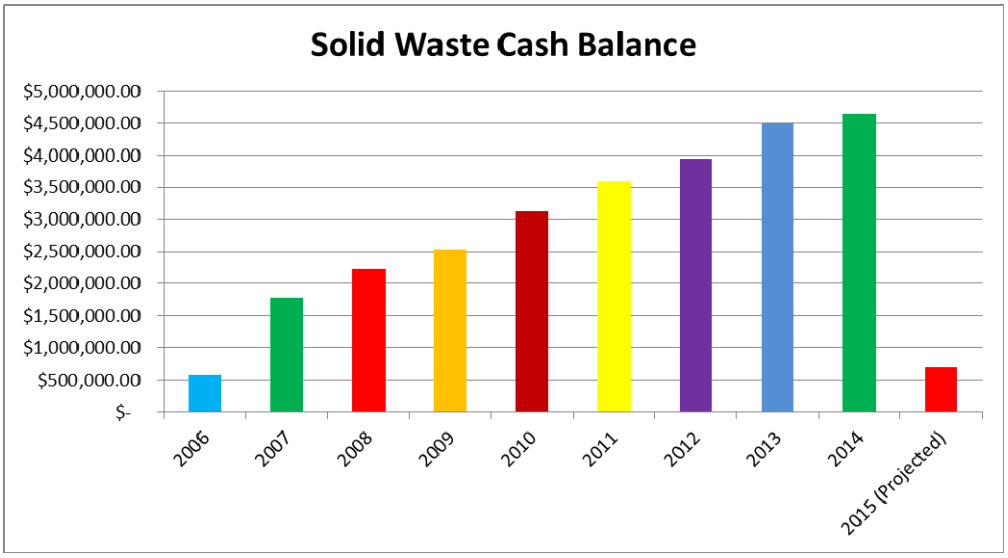
1. Impact Fees are projected to be over $400,000, but this is still well below the Fiscal Year 2013 collection amount.



2. $750,000 in Waste Water Fees collected have been designated by the City Council each year for Capital Replacement
3. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects

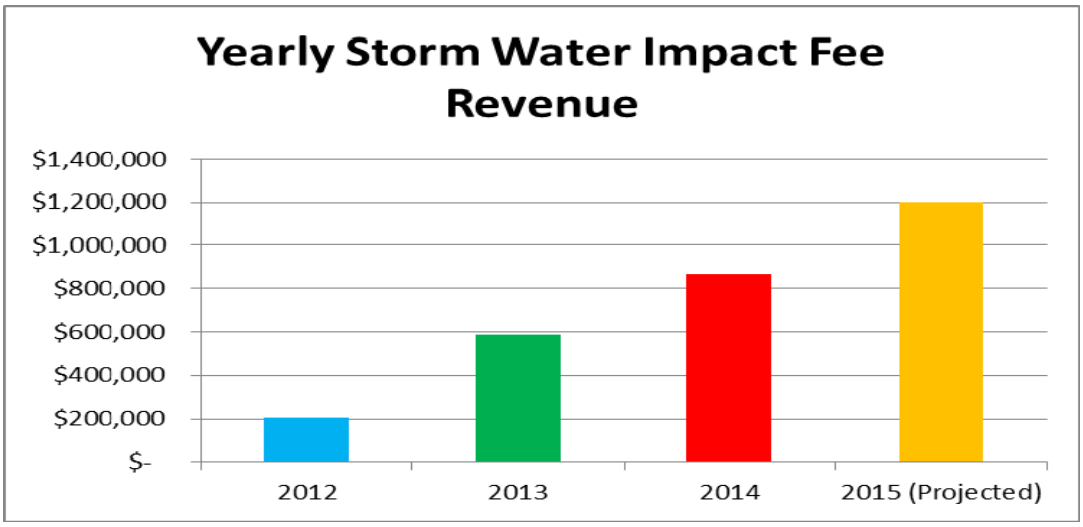
Solid Waste Fund

1. The Solid Waste Fund has been growing over the last 10 years in order to save for a Transfer Station. Trans Jordan Landfill has informed the City that they will be paying for the Transfer Station. It was the Councils decision to move $4,000,000 from the Solid Waste Fund to the Storm Water Fund for Capital Project Funding



Storm Water Fund

1. Impact Fees are projected to be over $1,000,000. This would be a four-year high for impact fees in the Storm Water Fund.



1. $4,000,000 in cash has been transferred from the Solid Waste Fund to the Storm Water Fund to increase the Capital Project funding.
2. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects

The Council provided possible changes regarding the Quarterly report:

- Additional column titled 'Percent of Budget'
- Additional itemization

Mayor Rolfe provided the following information:

- Ending current calendar (General Fund Summary - Operating surplus approximately - $1.2 million)

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-203, RATIFYING THE CITY'S RECEIPT OF LEGAL SERVICES RENDERED BY SNOW, CHRISTENSEN & MARTINEAU SINCE THE CITY'S WITHDRAWAL FROM UTAH RISK MANAGEMENT MUTUAL ASSOCIATION (URMMA), INCLUDING THE CITY'S PAYMENT FOR THOSE LEGAL SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AGREEMENT WITH SNOW, CHRISTENSEN & MARTINEAU FOR THE RENDERING OF LEGAL SERVICES DEFENDING THE CITY AND ITS REPRESENTATIVES IN THE NOW PENDING LITIGATION

Jeff Robinson provided the following information.

City's Participation in and Withdrawal from URMMA:

URMMA was a risk management association in which the City was a member until July 1, 2011. URMMA was created by interlocal agreement among various municipalities under the Utah Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 et seq. URMMA was defined by the Interlocal Cooperation Act as: "(a) separate from the public agencies that create[d] it; (b) a body politic and corporate; and(c) a political subdivision of the state." While the City was a member, URMMA selected and retained legal counsel to render legal services to the City on matters covered by URMMA. URMMA paid the legal fees and the City reimbursed URMMA for those fee payments. In June 2010, the City gave notice of its withdrawal from URMMA, with the intent of managing all its litigation in-house. The City's withdrawal became finally effective on June 30, 2011.

City's Historical Receipt of Legal Services Rendered by Snow, Christensen & Martineau:

Recently, Dan Harrie of the Salt Lake Tribune, submitted a GRAMA (Government Records Access Management Act) request for "written agreement(s) between [Camille] Johnson and/or the firm of Snow Christensen & Martineau in regards to her engagement by West Jordan City." In response, a search of City records revealed that the City had

obtained legal assistance with employee claims, including litigation, from Snow, Christensen & Martineau as early as 1985. It appeared that initially those legal services were rendered through URMMA until the City's withdrawal in 2011. Satisfied with Snow, Christensen & Martineau's performance, since withdrawing from URMMA the City had continued to use the relationship developed with the Snow, Christensen & Martineau firm directly to advise and represent the City in employee related matters, one of which was still pending as described below.

In 2012, under the direction of the Salt Lake County District Attorney's Office the State Bureau of Investigation undertook a criminal investigation which subsequently resulted in criminal charges filed by the Salt Lake County District Attorney's Office. An evidentiary hearing was scheduled in the criminal case for July 17, 2013. The Salt Lake County District Attorney's Office requested, and subsequently subpoenaed, City Attorney Jeffrey Robinson and Deputy City Attorney Stuart Williams to attend and give testimony at the evidentiary hearing.

On July 10, 11 & 12, 2013, a week or less before the evidentiary hearing, a Notice of Claim was served on the City, City Attorney Jeffrey Robinson and Deputy City Attorney Stuart Williams. The Notice of Claim was a precursor to the now pending litigation. The Notice of Claim named then City Manager Rick Davis, City Attorney Jeffrey Robinson, Deputy City Attorney Stuart Williams, the then City Council, all City employees and the City itself. The claims asserted were directly related to the then pending criminal case.

Having been expressly named in the Notice of Claim, the City Attorney's office could not represent and defend the City and others named in the Notice. Outside legal counsel was necessary. In addition, concerned that the testimony anticipated to be elicited and given at the July 17, 2013 evidentiary hearing in the criminal action potentially would relate to the issues expressly raised in the Notice of Claim, it created an immediate and serious need to obtain outside legal counsel prior to the July 17, 2013 hearing to protect the interests of the City and all named individuals. With knowledge of the entire City Council and then City Manager Rick Davis, the City retained Snow, Christensen & Martineau, specifically Camille Johnson, on July 11, 2013 to defend the City and all those named in the Notice of Claim, including the then City Council, City Manager Rick Davis, City Attorney, Jeffrey Robinson, and Deputy City Attorney, Stuart Williams.

The City's Procurement Policies:
The City's Purchasing Polices, effective when the City retained Snow, Christensen & Martineau, provided for:

EMERGENCY PROCUREMENT:
The existence of an emergency condition creates an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods, or existing annual purchase orders.

Emergency procurement of supplies, services, or construction shall be made immediately by:

- The City Purchasing Agent (whenever possible), or
- A Department Director, or
- The City Manager or other designee

As much competition as practicable, under the circumstances, should be used in any procurement.

Furthermore, City Code § 3-1-313 stated:
Government Agency Contracts: Procurement may be approved, without additional competition otherwise required in this chapter, when the City Manager determines that another governmental agency has issued a procurement contract based on competitive quotes or bids and either: 1) the city is authorized to purchase under the terms of that contract; or 2) the city offered by a vendor a price equal to or less than the bid price offered through the other agency.

The City's retention of Snow, Christensen& Martineau in connection with the Notice of Claim and the now pending litigation fell squarely within the City's Emergency Procurement policy. Furthermore, although not directly on point, the City's use of Snow, Christensen & Martineau for advice generally in employee matters and in connection with the now pending litigation was similar to the Code's governmental agency contract provisions. The hourly fee charged by Camille Johnson ($250) was a significantly discounted rate, $110 less than Ms. Johnson's standard hourly rate. He said provided in the Council's agenda packet was Camille Johnson's email. Ms. Johnson's hourly rate charged to the City was identical to the hourly fee charged municipalities through URMMA, an entity created under the Utah Interlocal Cooperation Act. The hourly rates reflected in the Snow, Christensen& Martineau agreement demonstrate as much competition as practicable was used under the circumstances and a price equal to that offered through URMMA.

Fees Historically Paid to Snow, Christensen & Martineau:
Including the most recent billing statement, the City's records showed that the City had paid or incurred payment obligation to Snow, Christensen & Martineau directly a (rounded) total of $70,500 since 2004. Approximately, $39,000 of that amount had been incurred in the most recent two years in connection with the Notice of Claim and related litigation discussed above.

Additional Considerations:
Snow, Christensen & Martineau was well respected in the community and had rendered legal services to municipalities for many years. It was among a select group recommended by URMMA to its municipal members. Given Snow, Christensen & Martineau's involvement since July 2013, the Firm's attorneys, Camille Johnson in particular, were intimately familiar with the legal issues and the City's defenses to the Notice of Claim and the pending Complaint. Since the formal Complaint was filed in July

2014, Snow, Christensen & Martineau had prepared and filed an extensive motion to dismiss all claims asserted in the Complaint. Switching legal counsel at this stage would require substantial time and effort to educate new legal counsel at a significant cost to the City, even assuming new counsel were willing to match Snow, Christensen & Martineau's severely discounted hourly rates.

Furthermore, pursuant to Utah Code Ann. § 63G-7-902, each individual named in the Notice of Claim and subsequently named in the now pending Complaint was entitled to request her/his own independent legal counsel, which Council recently approved for Rick Davis. Had each individual done so, the legal fees incurred by the City would have been significantly more than reflected above

Jeff Robinson said the fiscal impact would be the cost of on-going legal services in now pending litigation and other unrelated employee matters.

Staff recommended adoption of the Resolution 14-203.

MOTION: Councilmember Southworth moved to approve Resolution 14-203, ratifying the City's receipt of legal services rendered by Snow, Christensen & Martineau since the City's withdrawal from URMMA, including the City's payment for those legal services, and authorizing the Mayor to execute a written agreement with Snow, Christensen, & Martineau for the rendering of legal services defending the City and its representatives in the now pending litigation. The motion was seconded by Councilmember Nichols.

Mayor Rolfe spoke against the motion. He felt the City should pay Snow, Christensen & Martineau for the remaining pending litigation, but then staff should move forward with a Request for Proposal, so all-qualifying law firms could compete with a new contract in the balance.

Councilmember Haaga reported that the signature block on the contract needed to be corrected to reflect the Mayor's signature.

Jeff Robinson addressed Councilmember Haaga concerns regarding the signature block.

A roll call vote was taken

Councilmember Haaga	**No**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**No**

The motion passed 5-2.

CONSENT 7.C.

APPROVE RESOLUTION 14-202, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ENVISION ENGINEERING AS THE LED STREET LIGHTS CONSULTANT IN AN AMOUNT NOT TO EXCEED $22,115.00

Wendell Rigby said this agreement would provide consulting services to assist with preparing a Request for Proposals (RFP) for the Roadway Luminaire Replacement Project to Light Emitting Diodes (LED). This project would replace existing metal halide and high-pressure sodium luminaries, using the existing pole spacing and heights throughout the City. The consultant would assist the City in achieving project goals in meeting the illumination performance requirements for various applications while maximizing the economic performance requirements. The consultant would work with City staff to prepare a Request for Proposal to be solicited to suppliers that would define the required sustainable illumination requirements including vertical and horizontal illumination requirements, uniformity, color quality, light trespass, glare metrics, etc. The Consultant would provide technical support and guidance on SSL/LED terms and concepts, application, industry standard testing, certifications and compliance.

The Consultant would also help the City review proposals that were submitted as a result of the RFP, and help select vendor(s) for the LED products.

The City advertised the RFP two-weeks prior to the due date of October 23, 2014. One proposal was received by Envision Engineering.

Wendell Rigby indicated that the funds for this project were available in the Road Capital Account.

Staff recommended that the City accept Envision Engineering's proposal for the work in an amount not to exceed $22,115.00.

MOTION: Councilmember Haaga moved to adopt Resolution 14-202, authorizing the Mayor to execute an agreement with Envision Engineering as the LED Street Lights Consultant in an amount not to exceed $22,115.00. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**

Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

X. REMARKS

Councilmember McConnehey indicated he would be unable to attend the City Council meeting on November 19, 2014. He asked that the Council suspend the rules so he may attend the meeting electronically, due to the Colosimo issue being on the agenda.

MOTION: Councilmember McConnehey moved to suspend the rules to allow electronic participation in the November 19, 2014. The motion was seconded by Councilmember Southworth.

Councilmember Haaga wanted to make sure the Open Meeting Act was followed and Council would be able to hear and reply to Councilmember McConnehey electronically.

Councilmember Nichols suggested Councilmember McConnehey use a landline.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

There were no more additional remarks.

XI. ADJOURN

MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Nichols passed 7-0 in favor.

The meeting adjourned at 9:38 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 BRIGGS, MMC
City Clerk

Approved this 3rd day of December 2014