

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

Wednesday, November 19, 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, Chad Nichols, Ben Southworth, and Justin D. Stoker. Council Member Chris M. McConnehey participated electronically.

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; Reed Scharman, Deputy Fire Chief; Greg Mikolash, City Planner, and Robert Thorup, Deputy City Attorney.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:00 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, Chad Nichols, and Justin D. Stoker. Councilmember Ben Southworth arrived at 5:10 p.m. Councilmember Chris McConnehey was excused.

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

MOTION: Councilmember Hansen 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	Absent
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 5-0.

The Council convened into a Closed Session at 5:02 p.m.

Councilmember Southworth arrived at 5:10 p.m.

The Council recessed the Closed Session at 6:02 p.m. and reconvened the meeting at 6:05 p.m.

Ms. Briggs, City Clerk, explained that the City of West Jordan City Council would hold its regular City Council meeting on Wednesday, November 19, 2014 in the City Council chambers, 8000 South Redwood Road, West Jordan, Utah. Notice was also given that the regular meeting would be held electronically. Audio equipment would be used to ensure the comments/votes of each Council member participating electronically would be audible to those attending the meeting. Councilmember McConnehey was out of town, but would attend and vote via telephone.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brad from Troop #490

**IV. COMMUNICATIONS
CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie-

- Invited the Council to attend the employee Christmas luncheon on December 3rd.
- Explained that the laws involving the employment of interns were changing. He expressed the desire to have a consistent wage apply to all interns in the future -- \$10.50/hour—in lieu of a stipend. There was no objection from the Council although it was determined that students from Salt Lake Community College should be given the opportunity to fill any internships as there was a SLCC campus within the City.
- There were a few employees that, due to work demands, had not been able to use their accrued leave time this year. Mr. Haderlie explained that if the Council had no objection, he would prepare a plan wherein the City would buy out the excess leave so that the employees would not lose the value of the time. In creating the

plan they would stay within the budget, the payout would be approved administratively, and the plan would be used very selectively. There was no objection by the Council.

STAFF COMMENTS/REPORTS-

David Oka-

- Had recently had trouble locating new tenants for light industrial space within the City. He indicated he was now in search of a developer to assist him in locating some land on which to develop an industrial park.
- Was making plans to recruit a tenant for the old RC Willey building off of 9000 South.

Tom Burdett-

- Several hundred copies of a brochure had been printed which were designed to provide homeowners with information about protecting their property from flooding.
- Roderick Enterprises had obtained a building permit to construct approximately 80,000 sq. feet of space at the corner of Dannon Way and Prosperity.
- Staff met with Project Wineland last week, and answered all their inquiries, and would continue to do so.

Wendell Rigby-

- Regarding the anti-texting program discussed with the Council the previous year, he anticipated requesting an \$8,000 budget amendment later in the year for that purpose. The Council expressed no opposition.
- RFP for Storm Water projects would be going out shortly with proposals due on December 16th.

Doug Diamond-

- X-ray machine in the Justice Center was broken. Repair and future maintenance costs were such that it made better sense to purchase a new machine. Chief Diamond indicated there was a very good chance that between the Police and Court current budgets, there were sufficient funds to purchase a new machine at approximately \$28,000-\$29,000. The Council expressed no opposition to moving forward in that regard.
- The City's compensation committee was moving forward and was primarily working on establishing the criteria for a career ladder. He indicated that the committee was also working on the compression issue of wages that were frozen between 2008-2011, and a tuition reimbursement program. He hoped to present further information to the Council before the end of the calendar year as well as at the next Strategic Planning meeting.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Southworth-

- Praised the way in which Public Works quickly responded to a suggestion that came from the citizenry regarding the intersection of New Bingham Hwy and Airport Road.
- Requested information at some point soon regarding the plans for traffic control devices on 5600 West at both 7000 South and 8200 South so that it could be passed along to City residents who had inquired.
- Expressed his total support for the significant changes that had recently begun taking place within the Chamber of Commerce. He indicated his belief that it was appropriate for the Council to pass a Resolution of support for the strategic direction The Chamber was taking.

Mayor Rolfe-

- Explained that the Utah Transportation Coalition had requested \$3,000 in order to expand funding for local B & C road funds. He asked the Council if there was significant interest to place the item on the agenda for the December 3rd City Council meeting.
- The Planning Commission had two vacancies. Mayor Rolfe asked for input regarding 1) how many members of Council should participate in the interview process and 2) on what date those interviews would take place. It was determined that the Mayor and Council (excluding Councilmember Nichols) would conduct the interviews beginning at 6:00 p.m. on Wednesday, December 10, 2014.
- Reported that he attended a Veteran's Day program at Falcon Ridge Elementary which was truly "awesome."

V. CITIZEN COMMENTS

Cary Cahoon, West Jordan resident, expressed appreciation to the Mayor and Code Enforcement Supervisor Brock Hudson for looking into the problems at the Mink ranch. He submitted a petition of signatures from area residents and small businesses that were unable to use their backyards, or sit outside due to the stench. They wanted something done.

Joe Colosimo expressed his appreciation for the City, the staff and the citizens as well as the way in which they provided input regarding his Garden Station project. He also expressed his support for the Preliminary Development Plan as presented in the agenda packet.

Alexandra Eframo, West Jordan resident, asked that the Council consider rotating the responsibility of reading a particular phrase before each meeting. She also expressed her strong opposition to Ordinance #14-11.

Kelvin Green, West Jordan resident, spoke in favor of adopting Ordinance #14-11 regarding Gardner Station project. He also asked that the Council approve the Community Development Area (CDA) so that infrastructure could be improved. He pointed out that this particular project revealed flaws in City ordinances, and he intended to address those with various Council members in the future.

Joe Long, owner of Gardner Village, spoke in favor of approving Ordinance #14-11 and submitted a development agreement to Deputy City Attorney Robert Thorup, for Council consideration in the future.

Michelle Foote, West Jordan resident, thanked the Colosimo and Long families for working with the area residents on the Gardner Station issue. She now believed it was a beautiful project and looked forward to seeing it unfold.

Ben Watson, West Jordan resident, stated that the Gardner Station as it was currently planned was a good project. He also indicated that he looked forward to the passage of the CDA. He expressed hope that the Council would address the process by which City staff worked with developers in the future. He reminded all present that the final plan for the development was proof that it was possible for *all* stakeholders within the community to work together in a reasonable manner.

There was no one else who wished to speak.

VI. CONSENT ITEMS

- 6.a Approve the minutes of October 22, 2014 as presented [Melanie Briggs]**
- 6.b Approve Resolution 14-204, authorizing the Mayor to execute a contract with River Restoration.Org for 30% design of the “Big Bend” Habitat Area Restoration, in an amount not to exceed \$188,224.64 [Tom Burdett]**
- 6.c Approve Resolution 14-205, authorizing the Mayor to execute an Underground Right-of-Way Easement to Rocky Mountain Power for its required utility relocation as part of the City’s 5600 West, 6200 South – 7000 South Road Widening Project [Wendell Rigby]**
- 6.d Approve Resolution 14-206, authorizing the Mayor to execute a General Service Contract with Rocky Mountain Power to provide electric service for the Ron Wood Maintenance Yard, in an amount not to exceed \$10,819.89 [Wendell Rigby]**

- 6.e Approve Resolution 14-207, authorizing the temporary closure of 9000 South from 4800 to 5300 West from May 1 to August 30, 2015 [Wendell Rigby]**
- 6.f Approve Resolution 14-208, authorizing the Mayor to execute a Right of Way Contract with Kick Creek, LLC (Peterson Development) for the acquisition of property required for the 7800 South road widening addition to the City's 5600 West, 7000 South – 7800 South Road Project [Wendell Rigby]**
- 6.g Approve Resolution 14-209, authorizing the Mayor to execute a Right of Way Contract with Kick Creek, LLC, Doves Landing, L.C., and Canyon Ranches, L.C. (Peterson Development), for the acquisition of property required for the 7800 South road widening addition to the City's 5600 West, 7000 South – 7800 South Road Project [Wendell Rigby]**
- 6.h Approve Resolution 14-210, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Hansen Allen & Luce Inc. for additional engineering services for the 2014 Water Master Plan Update to include a SCADA/Telemetry Master Plan, in an amount not to exceed \$29,800.00 [Wendell Rigby]**
- 6.i Approve Resolution 14-211, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Bowen Collins & Associates for additional construction period services for the Well No. 3 Pump House Project, in an amount not to exceed \$9,600.00 [Wendell Rigby]**
- 6.j Approve Resolution 14-212, authorizing staff to proceed with increasing the Purchase Order with Asphalt Materials, Inc. for Public Works in-house overlay project, in an amount not to exceed \$260,000.00 [Wendell Rigby]**
- 6.k Approve Resolution 14-213, authorizing the Mayor to execute a Contract with Parsons Brinkerhoff to provide professional design services for the 7800 South widening project located between 4000 West and Airport Road in an amount not-to-exceed \$622,253.76 [Wendell Rigby]**
- 6.l Approve Resolution 14-214, authorizing the Mayor to execute Amendment No. 1 with MWH, Inc. to provide additional construction management services for Grizzly 4.0 MG Reservoir project in an amount not-to-exceed \$39,195.00 [Wendell Rigby]**

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

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.

VII. PUBLIC HEARING

**CONTINUED FROM OCTOBER 22, 2014 – RECEIVE PUBLIC INPUT
AND CONSIDER FOR APPROVAL RESOLUTION 14-215 REGARDING
THE FEMA MITIGATION PLAN UPDATE [MARC MCELREATH]**

Chief McElreath explained that the Salt Lake County Multi-hazard Mitigation Plan would expire in November of 2014. West Jordan previously participated with the Wasatch Front Regional Council in mitigation plan development. The result was a very generic plan that was copied throughout the state.

For this update, Salt Lake County chose to obtain a grant to develop the plan as a county. They hired a contract employee to assist in the update. Unfortunately, the FEMA representatives felt the work did not conform to the plan requirements. The individual cities were then tasked with providing their own annex to the plan.

The plan addressed only the natural hazards that could impact West Jordan and Salt Lake County. The logic behind this kind of plan flowed from the fact that one could not prevent all natural disasters. Therefore, rather than prevent the disaster, one needed to mitigate its effects. The result of mitigation was a reduction in suffering and a reduction in the financial impact required to overcome the disaster.

Moreover, it was also important because a hazard mitigation plan must be in place in order to qualify for federal disaster assistance should an event occur where the city needed financial assistance under the Stafford Act or other federal disaster programs.

The focus of public discussion should be page Q64 for the list of strategies and pages Q65 thru Q78 for more detailed information.

There was no immediate dollar cost to the adoption of the plan strategies.

Staff recommended a positive recommendation for support of West Jordan's approach to the overall multi-hazard mitigation plan.

Councilmember Nichols inquired as to the level of support FEMA provided the City as it related to the plan. Deputy Chief Scharman indicated that the plan had the support of FEMA as well as the State of Utah.

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

MOTION: Councilmember Nichols moved to adopt Resolution 14-215 to support the strategies put forward in the West Jordan section of the Salt Lake County Multi-hazard Mitigation Plan. The motion was seconded by Councilmember Stoker.

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.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-35, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 4, CHAPTER 2, ADDING A NEW ARTICLE U ENTITLED 'RESIDENTIAL TREATMENT FACILITIES' AND TITLE 13, CHAPTER 8, DELETING 'SPECIAL RESIDENTIAL FACILITIES' AND OTHER MISCELLANEOUS CHANGES TO TITLE 13, CITY-WIDE APPLICABILITY, CITY OF WEST JORDAN, APPLICANT [TOM BURDETT]

Tom Burdett explained that in 2012, the City reexamined its zoning code provisions regarding persons with disabilities and residential facilities meeting the needs of these people. At that time, the City's code provisions were based on Utah Code provisions that had been overtaken by developing laws affecting persons with disabilities, most particularly the Utah Fair Housing Act and the federal Fair Housing Act. This re-examination resulted in several changes to the 2009 City Code, including definitions of several types of residential facilities for the disabled and elderly, and the adoption of Section 13-8-20 which instituted spacing and notice requirements designed to spread the burdens of these facilities across a broader scope of the City. At the time of City Council adoption of the 2012 changes, the City Council increased the spacing and notice provisions of Section 13-8-20 beyond that recommended by the Staff and the Planning Commission.

In late 2013, neighborhood complaints concerning two small group homes that were located next to each other on the same residential street brought the City into contact with Chrysalis, a large statewide provider of residential facilities for the disabled under license

and contract with the State. In meetings with City staff, although Chrysalis agreed that it was a mistake to locate two small group homes on the same street, and indeed next door to each other, Chrysalis indicated a belief that the City's notice and spacing requirements, and indeed the City's requirement for a conditional use permit and its attendant public hearing, violated the state and federal Fair Housing Acts and the Equal Protection clause of the United States Constitution. The City proceeded to enforce its Code requirements against Chrysalis, and a hearing was held before an administrative law judge adjunct to the City's Code Enforcement program. The administrative law judge upheld the City's Notice of Violation and its fines against Chrysalis. Chrysalis met again with the City and declined to accept any of the then current code requirements.

The City filed a declaratory action against Chrysalis in Third District Court seeking judicial review of the City's Code provisions. Unexpectedly, the Disability Law Center filed a motion to intervene in the City's lawsuit, and the City was contacted by the Attorney General's Office, both of which efforts were critical of the City's Code provisions. This outside focus on the City, and the concomitant risk of adverse publicity, spurred City staff to look again at the applicable laws and rules, including a new look at the Utah Fair Housing Act. Although many other cities have spacing and hearing requirements as strict or more so than those of the City, City staff concluded that the City might lose its case on the issues of spacing and conditional use permit processing. At a meeting with the City Council, the decision was reached to amend the zoning provisions in the 2009 City Code to remove the spacing requirements as to all special residential facilities, and to eliminate the notice and conditional use permit provisions applicable to small group homes.

The proposed amendments did three things. **First**, the special provisions dealing with spacing and notice were repealed. **Second**, the definitions of the various special residential facilities were adjusted to be more consistent and to generally reduce the size of small special residential facilities. The small facilities presently were sized to provide greater opportunities to small group homes than would be allowed by the City's base definition of a single family (five unrelated persons). Given that the City's spacing and notice provisions were being removed, there was no longer any benefit to a definition of a small special residential facility greater than the base definition. **Third**, the business license provisions in the City Code were amended to include licensure of special residential facilities.

DISCUSSION AND ANALYSIS: The amendments as proposed were contained in the Ordinance attached to this Staff Report. The proposed amendments were self-explanatory and were not repeated here. The foregoing background would suffice as discussion and analysis.

FINDINGS OF FACT: Section 13-7D-7(B) provide findings for the amendment of the Zoning Title.

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.*

Discussion: One of the goals of the General Plan was to “promote the public interest, the interest of the community at large, rather than the interests of individuals or special interest groups within the community”. Another goal was to “inject long range considerations into the determination of short range actions”. The proposed amendments were clearly intended to meet both of these goals by eliminating risks to the City and its taxpayers, and refocusing the efforts of the City on protecting its residents’ health, safety and welfare through business licensing rather than zoning.

Finding: The proposed amendments conformed to the general plan and were consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.*

Discussion: As noted earlier in this report, the requirements of state and federal Fair Housing Acts and the Equal Protection clause of the United States Constitution shined a light on current City Code provisions that were unwelcome and to be avoided. Bringing the zoning provisions of the City Code into line with these laws was a public good to be supported as part of good government.

Finding: The proposed amendments were appropriate given the context and there was sufficient justification for a modification of these titles.

Criteria 3: **The proposed amendment would not create a conflict with any other section or part of this title or the general plan.**

Discussion: These amendments repealed problematic parts of the City Code and implemented other new parts, all in a well-coordinated effort to comply with applicable law and reduce the City’s exposure to adverse publicity and legal rulings. Please refer to the earlier discussion of consonance with the General Plan.

Finding: The proposed amendments would not create a conflict with any other section or part of this title or of the general plan.

Criteria 4: **The proposed amendment did not relieve a particular hardship, nor did it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.**

Discussion: These amendments were part of a City-wide effort to deal with the requirements of the state and federal Fair Housing Acts.

Finding: The proposed amendments did not relieve a particular hardship, nor did they confer any special privileges to a single property owner or

cause, and the proposed amendments made necessary modifications to these titles in the light of correction and expansion of public policy.

CONCLUSION: The proposed amendments met the criteria for Code amendments set forth above. They made valuable and important improvements and clarifications to Title 4 and Title 13 of the 2009 City Code.

If the moving Councilmember disagrees with the staff's findings and conclusions and finds substantial evidence supporting a different result, the following motion may be given:

Based on the evidence in this staff report, and upon the evidence and explanations received today, I move that the City Council deny the proposed Title 4 and Title 13 text amendments as discussed in this report. Specifically, I disagree with the Staff and find that the following required criterion/criteria for a code amendment has/have not been met:

- Criteria 1: The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.
- Criteria 2: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.
- Criteria 3: The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
- Criteria 4: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

Which criterion/criteria was/was not met? Why?

Note: All applicable criteria must be met to support a positive action by the City Council.

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

Councilmember Nichols inquired as to the net effect of the code changes, and it was determined there was no way to predict the effect. Mr. Robinson pointed out that the City was taking this action in order to avoid an adverse action from the Attorney General's office.

Councilmember Haaga expressed concern about potential discrimination against those with mental disabilities. Mr. Thorup responded that conversely, this Ordinance was designed to eliminate barriers to those with disabilities, which were created previously in City Code.

At the request of Councilmember Southworth, Mr. Thorup clarified how the issue came about—that the City filed a lawsuit and asked the Courts to declare that City Code was in compliance with current law. The Attorney General’s office and the Disability Law Center responded and convinced staff to reexamine City Code.

MOTION: Councilmember Stoker moved to adopt and approve Ordinance 14-35, including amendments to Titles 4 and 13 in the 2009 City Code, all as set forth in the form of the Ordinance attached to the Staff Report. The motion was seconded by Councilmember Hansen.

Councilmember Haaga stated that while he approved of most of the Ordinance as written, he was not comfortable with the idea of limiting people with disabilities and where they may choose to live.

Councilmember Southworth spoke in opposition to the motion, stating his concern that by passing the Ordinance, West Jordan would become a magnet for facilities such as those mentioned in the staff report. He did not wish for the City to have a code less stringent than those found in other area cities.

Councilmember Stoker clarified his belief that the proposed Ordinance removed limitations on individuals with disabilities, rather than placing *more* restrictions upon them.

Jeff Robinson concurred with Councilmember Stoker’s statement that restrictions that had been in the Code thus far would be removed in the proposed Ordinance.

Councilmember Haaga renewed his belief that the proposed changes would limit the supervision of certain individuals with disabilities within the City.

Councilmember McConnehey spoke against the motion, indicating that he would prefer to have official word from the Court before changing City Code in this manner.

A roll call vote was taken

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

The motion failed 3-4

MOTION: Councilmember Nichols moved to postpone further discussion on this matter to a date uncertain (possibly in January or February) and to address the verbiage as outlined in the staff report. The motion was seconded by Councilmember Haaga.

Councilmember Stoker indicated his belief that the proposed Ordinance would bring the City into legal compliance and therefore was in support of moving forward on the issue.

Mayor Rolfe was in agreement with Councilmember Stoker.

A roll call vote was taken

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

The motion passed 4-3

VIII. BUSINESS ITEMS

DISCUSSION AND DIRECTION FOR STAFF REGARDING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE GENERAL PLAN AND THE OFFICIAL ZONING MAP TO DELETE APPROXIMATELY 10.21 ACRES OF LAND, LOCATED AT 7653 – 7655 SOUTH 1300 WEST FROM THE TSOD DESIGNATION BOUNDARIES [TOM BURDETT]

Tom Burdett explained that as part of the discussions with the neighborhood's concerns with the Gardner Station proposed development, the staff received requests from several City Council members to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map regarding the Transit Station Overlay District (TSOD). The suggestion had been made to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendments to the Planning Commission for recommendations. This action request was to determine if there was a majority of City Council members who wished to initiate the amendment.

Staff time to process the amendment was estimated at \$3200 based on the current fee schedule.

Staff recommended that the Council direct staff to prepare an amendment to the Future Land Use Map of the General Plan and official Zoning Map to delete approximately 10.21 acres of land, located at 7653-7655 South 1300 West from the TSOD boundary. It was also part of the direction to present said amendments to the Planning Commission for recommendations.

MOTION: Councilmember Southworth moved to direct staff to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendment to the Planning Commission for recommendations. The motion was seconded by Councilmember Nichols.

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.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-11, RATIFICATION OF THE PRELIMINARY DEVELOPMENT PLAN FOR THE STATION AT GARDNER MILL AND ESTABLISH MULTI-FAMILY RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE; FOR PROPERTY LOCATED AT APPROXIMATELY 7659 SOUTH 1300 WEST; P-C (TSOD) ZONE; COLOSIMO BROTHERS, APPLICANT [TOM BURDETT]

Tom Burdett explained that the applicant for the Gardner Station Preliminary Development Plan had submitted and agreed to an amended Preliminary Development Plan, making significant changes in response to neighborhood concerns. The changes were encompassed in the conditions of approval below.

There was no anticipated fiscal impact.

Staff recommended that the City Council ratify the Planning Commission's approval of the Gardner Station Preliminary Development Plan residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units subject to five conditions of approval.

MOTION: Councilmember Nichols moved that the City Council adopt Ordinance 14-11, ratifying the Planning Commission's approval of a residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units for the Gardner Station project with the following five conditions of approval:

1. Maximum building height of all structures is fifty-eight (58) feet.
2. Developer installation of a center left-turn lane on 1300 West at the north entrance to the site.
3. Developer installation of right-turn deceleration lane and right-turn acceleration lane on 1300 West at the north entrance to the site.
4. Developer installation of a four to six-foot wide sidewalk from 1300 West to Gardner Village along the north access of the site, including a pedestrian bridge over the North Jordan Canal, if necessary.
5. Execution of a development agreement between the City and Gardner Village LC prohibiting multi-family structures on the corner of 7800 South and 1300 West.

The motion was seconded by Councilmember Stoker.

Councilmember Southworth pointed out that citizens who engaged themselves in the public process were heard by Council and Staff. He expressed appreciation for the fact that despite very contentious initial discussions, various parties ultimately worked together to develop a greatly improved development plan.

Councilmember Hansen congratulated the citizens, the Colosimos and Mr. Long for working together and coming up with a much better plan that benefitted all.

Councilmember McConnehey expressed appreciation for the citizens that he spoke with throughout this process, particularly those he met with one-on-one. However, he indicated that he was still opposed to having an apartment complex on the property but understood that the majority of the prior Council voted to allow it. He appreciated the developer for addressing the concerns of many residents and Councilmembers. Although he indicated that the final plan was not perfect, it was something that all parties could accept.

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

Councilmember Nichols expressed appreciation to all parties, but particularly to Councilmember Southworth who he felt singularly facilitated communication between all parties.

Councilmember Haaga then commended Mayor Rolfe for the leadership he exhibited since the beginning of the process.

DISCUSSION AND DIRECTION FOR STAFF REGARDING THE COUNCIL CHAMBERS AUDIO-VIDEO STREAMING SYSTEM [BRYCE HADERLIE]

Bryce Haderlie explained that at the direction of City Council, staff advertised a Request for Proposals and sent the RFP directly to 14 potential vendors of audio-visual equipment and services. The equipment would allow City Council meetings to be streamed live online and the archived video recordings would be accessible for at least 2 years by the public on the City website.

Staff understood that multiple vendors were capable of providing this type of equipment and ongoing service at various price levels. However, the City received only two proposals in response to the RFP:

1. **Century Link**: provided hosting, storage, indexing capability, live streaming, and recorded playback. They offered no equipment, but said their services were compatible with any equipment the City was to purchase separately.
 - a. Price: \$5,000 installation + \$421/mo + equipment.
2. **Swagit**: considered by many to be top of the line system, with similar capabilities as above, although this proposal included equipment at three different price levels:
 - a. Single camera \$17,440 + \$199/mo.
 - b. Three cameras \$33,222 + \$695/mo.
 - c. Four cameras \$60,950 + \$695/mo.

Based on staff research and this RFP, costs could range from \$17K - \$60K plus \$199-\$695/mo for hosting, streaming, and indexing services.

Staff would follow Council's direction. If additional proposals were desired, selecting a dollar amount or specific level of service would help vendors provide competitive proposals (number of cameras, fixed vs. movable camera views, indexing, etc.).

Councilmember Haaga left the meeting at 7:29 p.m.

Councilmember McConnehey inquired as to why so few companies responded to the RFP. Because it was sent to so many firms and so few ultimately responded, he wondered if perhaps there was something in the RFP itself that presented a problem.

Councilmember Haaga returned at 7:33 p.m.

Councilmember Stoker indicated that he too was uncomfortable with the number of responses received, and with the two prices that were quoted. With so little information available, he did not feel it was appropriate to move forward with either bid.

Mayor Rolfe concurred.

The Council agreed to direct staff to approach those vendors who did not submit proposals and inquire as to their reasoning. He also suggested the City investigate other technological options with similar functionality.

DISCUSSION AND POSSIBLE DIRECTION REGARDING RESOLUTION 14-216, AUTHORIZING THE MAYOR TO EXECUTE AN EQUIPMENT LEASE APPLICATION WITH BANK OF THE WEST FOR \$200,000.00, FOR A 48-MONTH LEASE; AND APPROVE A PURCHASE AGREEMENT WITH YIPTTEL FOR \$197,620.00 FOR THE PURCHASE AND INSTALLATION OF A NEW PHONE SYSTEM [BRYCE HADERLIE]

Bryce Haderlie explained that during the 2014-15 budget process, IT 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.

Financing the phone system through the Bank of the West lease, the City would make an annual lease payment of \$51,502.21 for four years.

Staff recommended approving an Equipment Lease Application with Bank of the West for \$200,000.00 for a 48 month lease and approving a Purchase Agreement with YipTel for \$197,620.00 for the purchase and installation of a new phone system.

Mayor Rolfe expressed concern that the prices were less than half of what was proposed by other potential vendors. He also inquired as to whether or not the City facilitie(s) had the wiring that was apparently required by the system in question. Mr. Haderlie indicated he would verify that with IT Manager, Michael Oliver.

Councilmembers Southworth and Haaga expressed similar concerns.

MOTION: Councilmember Nichols moved to adopt Resolution #14-216, authorizing the Mayor to execute an Equipment Lease Application with Bank of the West for \$200,000.00 for a 48 month lease and approve a Purchase Agreement with YipTel for \$197,620.00 for the purchase and installation of a new phone system *with the condition* that staff properly review the documents and determine that there are no hidden change orders or additional costs. The motion was seconded by Councilmember Stoker.

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

DISCUSSION AND DIRECTION FOR STAFF REGARDING THE FACILITY USE POLICY AND POSSIBLE CODE CHANGES FOR FACILITY AND PARKS USAGE [BRYCE HADERLIE]

This item was not discussed but was continued until December 17, 2014.

IX. REMARKS

There were no more additional remarks.

X. ADJOURN

MOTION: Councilmember McConnehey moved to adjourn. The motion was seconded by Councilmember Southworth and passed 6-0 in favor (Councilmember Haaga was absent).

The meeting adjourned at 7:40 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 17 day of December 2014