

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

**Wednesday, January 28, 2015**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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

**STAFF:** Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Tim Peters, Public Services Manager; Reed Scharman, Deputy Fire Chief; Doug Diamond, Police Chief; Brian Clegg, Parks Director; Greg Mikolash, City Planner; Larry Gardner, Senior Planner; Julie Brown, Event Coordinator; Dave Clemence, Real Property Agent, and Jim Riding, Facilities Project Manager.

**I. CALL TO ORDER**

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

**II. CLOSED SESSION**

**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY  
IMMINENT LITIGATION**

**COUNCIL:** Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, and Justin D. Stoker. Councilmember Ben Southworth arrived at 5:03 p.m.

**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 pending or reasonably imminent litigation. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

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

**The motion passed 6-0.**

The Council convened into a Closed Session at 5:01 p.m.

Councilmember Southworth arrived at 5:03 p.m.

The Council recessed the Closed Session at 6:00 p.m. and reconvened the meeting at 6:02 p.m.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jacob Anderson, Troop 422

**IV. PRESENTATION**

**a. Update from Envision Utah**

The presentation was continued to February 25, 2015

**V. COMMUNICATIONS**

**INTERIM CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie –

- Staff would be holding a Sports League meeting on January 29, 2015 to coordinate the sports leagues schedules for the year. It would take place at Fire Station 53 from 6:00 p.m. to 7:00 p.m.
- Along with Councilmember Stoker, he attended a very productive meeting with Salt Lake County which Councilmember Stoker would share the results of.
- ULCT working with the cities in Salt Lake regarding the Salt Lake City Township bill. More information would be provided to the Council later during the legislative session.

Mayor Rolfe-

- Pointed out that Salt Lake County was very interested in receiving input from the City regarding the Township bill. He asked that the Councilmembers study the proposal.

### **STAFF COMMENTS/REPORTS**

Jeff Robinson –

- Informed the Council that if there were no objections, he would move forward with filling the vacant code enforcement position. There were no objections.

David Oka –

- Spent some time with Four Square Properties to discuss Jordan Landing. New tenants would be moving in as soon as construction was complete.
- Stated that there was currently a strong demand for office space. He would be meeting soon with a realtor in the hopes of attracting office development within the City.

Tom Burdett –

- Karen Hill was now working full-time in his department.
- He and Bryce Haderlie recently met with Jordan School District School Board officials regarding the City Center project.

Ryan Bradshaw-

- Determined that a Capital Projects/Utilities Workshop with the Council would take place April 7 and a General Budget Workshop on May 12.

Tim Peters-

- Was present in place of Wendell Rigby who was ill. Explained that his department wished to proceed with filling both the Utilities Superintendent and Water Construction Tech II vacancies. There were no objections from the Council.
- Quarterly E-Waste and Shredding Event was scheduled for February 7 from 10:00 a.m. to 12:00 p.m.

Doug Diamond –

- Suzee Briscoe, Police Records Supervisor, had announced her retirement. The department intended to fill her position immediately.

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

Councilmember Stoker –

- As Bryce Haderlie had mentioned earlier, they had met with several officials from Salt Lake County. The meeting was in regards to West Jordan citizens who had reported difficulty scheduling space at the Viridian Center. He, too, felt that it was a very productive meeting.

Councilmember Southworth –

- Expressed appreciation for the Cal Ripken League for their efforts to raise funds to purchase a new scoreboard at the Ron Wood Park.

- Mentioned a magazine called “Utah Stories” that highlighted a local business (Utah Natural Meat) owned by the Bowler family. It was the last remaining grass-fed beef farm in Salt Lake County.

Councilmember Haaga –

- On behalf of the Youth Theatre, he requested an amendment to the budget for \$6,000.00 which would represent part of the \$7,000.00 revenue which was a result of the successful run of *Tarzan* last year. Bryce Haderlie explained that if the Council was agreeable, staff would return to the Council with more detailed information about the proposed expenditure at the February 11 meeting. A public hearing on the matter could possibly follow on February 25.
- On behalf of a citizen who could not attend the meeting, Councilmember Haaga read a statement requesting a moment of reflection before beginning the business of the City.

Councilmember Hansen –

- Expressed concern regarding the way in which the ‘Imagine West Jordan’ magazine was distributed. Although the magazine itself was well done, the way in which it was distributed wasted the City’s money, as well as the money of the merchants who advertised in it. She also indicated that if the intent was to draw new business to the City, it should be distributed to those outside the City.

Councilmember McConnehey-

- Stated he wanted to underscore the importance of the efforts that were already underway regarding a career ladder. He indicated that he was anxious for the Council to take action on staff recommendations.

Mayor Rolfe-

- Requested that the Council be sure to track the following bills during the current legislative session: HB25, HB93, SB62, and SB58. He also indicated that staff might bring others to them as well.
- Some of you may be aware of this already, but I just wanted to make sure everyone knows that I am sponsoring a nonprofit Foundation so they can meet occasionally at City Hall. It’s called “Joyful Welcome” and it’s my wife’s Foundation. Chris McConnehey’s wife is on the Board as well.

**VI. CITIZEN COMMENTS**

Bekah DeMordaunt explained that she was present on behalf of Congresswoman Mia Love who had just opened up her district office in West Jordan at 9067 South 1300 W, Suite #101. She invited the Council and all in attendance to an Open House on January 30 from 1:00 p.m. to 4:00 p.m. Ms. DeMordaunt also indicated that she expected to frequent future Council meetings and wished to introduce herself to Mayor Rolfe and the Council.

Dean Ottesen, West Jordan resident, expressed concern about motorists speeding on his street. He stated he recently had his property damaged by a speeding vehicle that crashed. He asked the City to consider installing speed bumps in the area and also requested an increased presence of law enforcement as their presence appeared to have decreased over the years.

Dirk Burton, West Jordan resident, read a statement expressing his concern about the direction recently taken by the West Jordan Chamber of Commerce when Craig Dearing was dismissed after 29 years of service. He asked for the Council's assistance in naming a new Board in order to return the Chamber to the strong, vibrant and balanced entity it once was.

Steve Jones, West Jordan resident, expressed concern about several items on the meeting agenda. He asked that the Council *not* pass Resolution 15-01 as it involved over \$1,000,000 from the Storm Water budget, but was not related to the flooding that he indicated had been a problem on his street for thirty years. Regarding Business Item 9.g (Stormwater Fee), he felt there was no justification to increase the fee when the City had failed to fix the flooding problem after so many years and was using the funds they already had on a different project.

Councilmember McConnehey wished to let Mr. Jones know that Resolution 15-11 was also on the agenda and would directly address the flooding issue that he referred to.

Ezequiel Alanis of the Nueva Esperanza Church indicated that his community had been using the old Baptist church at 7681 South 2200 West but wished to do some major renovations to the building. He sought direction from the City on how best to approach such a project and was referred to the Building department.

JayLynn Thomas, West Jordan resident, indicated that she wished to address the Council about observations she had made and interactions she had had with the Council over the previous twelve months. She referred to a comment that she said a Councilmember made during the recent Council retreat. She also mentioned an additional inappropriate comment made in September 2014 by the Councilmember. She indicated that she had observed some councilmembers bullying and ridiculing other councilmembers, as well as citizens. She stated that there was a lack of confidence in the Council based not just on their decisions but on their behavior as well.

Jody Urry, West Jordan resident, spoke about the amount of crime in the Dixie Valley area despite the fact that taxes had been increased for police and fire services. She was very concerned to learn that the City was losing veteran officers to other departments due to low pay and she stated she expected the Council to take action. She reported the following problems in her neighborhood:

- Drug deals
- Public sex acts in the daytime when children were in the area

- Loud parties
- Dogs running at large
- Graffiti that lowered property values
- Speeding vehicles
- Strong armed robberies and home invasions

There was no one else who wished to speak.

**VII. CONSENT ITEMS**

- 7.a** Approve the minutes of December 17, 2014 and January 7, 2015 as presented
- 7.b** Consider participating in the Utah Transportation Coalition, a group comprised of the League of Cities and Towns, Utah Association of Counties, and the Salt Lake Chamber, and authorize staff to proceed with an expenditure in an amount not to exceed \$3,000.00
- 7.c** Approve Resolution 15-01, authorizing the Mayor to execute a contract with Cody Ekker Construction, Inc. for removal and upsizing of Road Culverts along Bingham Creek at 1300 West and 4000 West in an amount not to exceed \$1,139,330.00
- 7.d** Approve Ordinance 15-01, amending the 2009 West Jordan Municipal Code Title 2, Chapter 10, regarding the Design Review Committee
- 7.e** Approve Resolution 15-06, confirming the City Council appointments to various Committees
- 7.f** Approve Resolution 15-07, confirming the City Council appointments to the West Jordan CDBG/HOME Committee
- 7.g** Approve Resolution 15-08, amending the Salary Schedule for Fiscal Year 2015
- 7.h** Approve Resolution 15-09, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition
- 7.i** Approve Resolution 15-10, authorizing an early finish incentive for Kilgore Contracting in an amount not to exceed \$50,000.00
- 7.j** Approve Resolution 15-11, authorizing the Mayor to execute an agreement with Stanley Consultants, Inc. to complete preliminary and final design

plans for the 7000 South Utility Design from the Jordan River to Constitution Park in an amount not to exceed \$148,185.00

- 7.k.** Approve Resolution 15-12, authorizing staff to proceed with a Purchase Order with Leon Poulsen Construction to furnish, install and/or lower manhole covers, monuments, valves and collars in an amount not to exceed \$50,000.00
- 7.l** Approve Resolution 15-13, authorizing the Mayor to execute the Local Government Contract (Project No. F-LC35(244)) between the Utah Department of Transportation (UDOT), West Jordan City and Project Engineering Consultants, Ltd. For construction engineering management services for the 9000 South: 4800 West to 5300 West project, in an amount not to exceed \$119,968.81
- 7.m** Approve Resolution 15-14, authorizing staff to proceed with a Purchase Order with Sonntag Recreation, LLC to provide 3 All Steel Gable Shelters in an amount not to exceed \$103,219.00
- 7.n** Approve Resolution 15-15, authorizing the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Ensign Engineering for additional engineering services for the Bingham Creek Culvert Project, in an amount not to exceed \$3,500.00
- 7.o** Approve Resolution 15-16, authorizing City staff to install one scoreboard at the Ron Wood Memorial Park in an amount not to exceed \$6,851.44
- 7.p** Approve a Class B Beer License for Black Sheep Bar & Grill located at 1520 West 9000 South, West Jordan
- 7.q** Approve Resolution 15-17, authorizing the Mayor to execute a Development Agreement between the City and Peterson Development, LLC, and Bach Land and Development, LLC, for the Creekside at the Highlands Subdivision located at 6400 West 7800 South
- 7.r** Approve Resolution 15-18, declaring City-owned mobile homes located at 6986 South and 6995 South Columbia Drive in West Jordan as surplus property, and authorize the disposition
- 7.s** Approve Resolution 15-19, authorizing the Mayor to execute an Amended Development Agreement by and between Peterson Development and the City governing the development of the Highlands Master Development Area

- 7.t** Approve Resolution 15-20, authorizing the Mayor to execute an Amendment to the Agreement with Skeen & Robinson, for Legal Defender Services

The Council pulled Consent Items 7b, 7c and 7j for further discussion.

**MOTION:** Councilmember Nichols moved to approve Consent Items 7.a through 7.t with the exception of 7b, 7c and 7j. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

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

**The motion passed 7-0.**

#### ***VIII. PUBLIC HEARING***

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-21, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE OSMONDS' REGARDING WAIVER OF FEES AND A SPONSORSHIP PAYMENT OF \$59,300.00 TO BE USED FOR ADVERTISING, FIREWORKS, ENTERTAINMENT AND RENTAL EQUIPMENT (CITY STAFF, SERVICES AND WAIVER OF FEES NOT TO EXCEED \$42,550.00) PURSUANT TO CITY CODE**

Bryce Haderlie explained that pursuant to City Code Section 3-4-1, the City Council could waive fees otherwise due to the City, and could otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complied with section 10-8-2 of the Utah Code. Section 10-8-2 limited the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limited the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and required a public hearing prior to approval.

For 2015 the Olive Osmond Hearing Fund would be making substantial changes to their events.

- Open gate, free admission
- Two nights instead of three
- No park activities, only the pageant



The noticeable changes were the event being two days, the marketing dollars being decreased from \$20,000 to \$16,300 and a total cost increase of \$2,100 going from \$57,200 to \$59,300.

The Olive Osmond Hearing Fund was a nonprofit corporation and requested nonmonetary contributions for West Jordan's Utah Pioneer Days valued as follows totaling \$42,550.00:

- The Event Producer could use Veterans Memorial Park or the West Jordan Arena without payment of rental fees to the City, valued at \$500.00 per day for the park and \$400.00 per day at the Arena. They would use an estimated 15 days for set up, the event and take down totaling \$7,500.00 and \$6,000.00.
- City staff would perform cleaning services during the event without charge to the Event Producer, not to exceed a value of \$1,200.00.
- City staff would perform security and EMS services without charge to the Event Producer, not to exceed a value of \$8,200.00.
- City would provide garbage collection, water service, and electrical service at no additional cost to the Event Producer, valued at \$3,600.00.
- City would provide the services of an Event Coordinator to assist with planning, during event dates and post event, not to exceed a value of \$17,500.00.
- City would provide the services of a Public Information Officer to assist with promotions and advertising through West Jordan marketing forums including but not limited to the West Jordan Journal Good Neighbor News pages, West Jordan social media, and the West Jordan website, not to exceed a value of \$5,200.00
- ASCAP/BMI (services we pay royalties to in order to play music) fees estimated at \$350.00 (*This is a new item for 2015.*)
- Mass Gathering Permit \$500 (*This is a new item for 2015.*)
- More advertising by the city on the Good Neighbor News pages and social media (no estimated cost available). (*This is a new item for 2015.*)

In addition, it was proposed that the Olive Osmond Hearing Fund provide media marketing and fireworks display services for the Utah Pioneer Days totaling \$59,300.00 for the following:

- Rental equipment including but not limited to portable restrooms, canopies, tables, chairs = \$21,000.00
- Fireworks = \$12,000.00
- Advertising = \$16,300.00
- Entertainment = \$10,000.00

These services would be provided in conjunction with other services included in producing the event.

The Council and staff discussed clarifying questions.

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

**MOTION: Councilmember Nichols moved to approve Resolution 15-21, approving the payment of \$59,300 and for staff to budget appropriately for the Utah Pioneer Days Events. The motion was seconded by Councilmember Haaga.**

Councilmembers McConnehey and Stoker both spoke in favor of the motion.

A roll call vote was taken

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

**The motion passed 7-0.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-03, AMENDING THE WEST JORDAN FUTURE LAND USE MAP FOR APPROXIMATELY 54.983 ACRES FROM LOW DENSITY RESIDENTIAL AND PROFESSIONAL OFFICE TO MEDIUM DENSITY RESIDENTIAL DESIGNATION, AND REZONE FROM A-20 (AGRICULTURAL 20-ACRE MINIMUM LOTS TO R-1-8C (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT MINIMUM LOTS) ZONE, LOCATED AT APPROXIMATELY 7101 WEST 8200 SOUTH; JAKE SATTERFIELD, APPLICANT**

Tom Burdett turned the time over to Larry Gardner who explained that the applicant was requesting two map amendments. The first was an amendment to the Future Land Use Map from Professional Office and Low Density Residential to Medium Density Residential; the second change was an amendment to the Zoning Map from A-20 (Agriculture 20 acre lot minimum) to R-1-8C (Single Family Residential 8,000 square foot lot minimum, house size C). Both amendments occupied the same 54.98 acre piece of property, on the southwest corner of 8200 south and SR-111. The land use map showed the Professional Office designation to occupy approximately 11 acres of the northeast portion of the site. The remainder of the site was designated Low Density Residential on the Land Use Map. The entire 54.98 acres was zoned A-20 at present. The property was currently owned by Lamar Jones but was under contract to be purchased by Jake Satterfield.

The land use amendment application was heard by the Planning Commission on December 16, 2014 requesting an amendment to the Future Land Use Map from Professional Office and Low Density Residential to Medium Density Residential, which received a positive recommendation. The Medium Density land use map designation supported R-1-8 zoning. If the land use map amendment and rezone were approved, the applicant was proposing to subdivide the property and construct single family dwellings. A concept plan showing how the development could be constructed was attached as Exhibit C, but was for reference purposes only. The Medium-Density Residential Land Use designation according to the General Plan had a density range of 3.1 to 5.0 dwelling units per acre. The applicant’s Letter of Intent stated that 182 single family lots would be developed on 54.98 acres of property. The concept plan as provided (Exhibit C) showed the proposed roadway design and lot configuration. This plan was conceptual and did not bind the developer or City. The average lot size was expected to be 9,189 sq. ft. in area with the smallest lot being 8,000 sq. ft., for a total of 3.31 gross units per acre. The site was rectangular in shape and sloped from west to east. The property had historically been used for dry-farming. An approximate 75 foot wide by 1500 foot wash ran along the North border of the site. This wash area would have to remain and be dedicated and improved as part of the City’s trail system as the subdivision moved forward.

The subject property’s surrounding zoning and land uses were as follows:

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Neighborhood Commercial and Medium Density Residential	PC	Convenience Store and Single Family Residential
<b>South</b>	Low Density Residential	A-20	Farm Ground/Gravel Pit
<b>East</b>	Public Facility and Medium Density Residential	PF, R-1-6 and R-1-8	School, Single Family Residential
<b>West</b>	Very Low and Low Density Residential	VLSFR & LSFR	Gravel Pit, Farm Ground

**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, should 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 Professional Office and Low Density Residential to Medium Density Residential.

The description of “Low Density Residential” as found in the General Plan:

*“Low Density Residential will include development providing for low intensity single-family detached residential uses typically found in suburban and traditional neighborhoods.”*

The applicant was proposing to construct all single family homes with no multi-family or twin homes and had submitted an application to change the zoning designation from A-20 to R-1-8C. The General Plan states: *“lower density single-family residential uses are most preferred in West Jordan.”*

The description of “Medium Density Residential” in the General Plan was:

*“Medium Density Residential will include development providing for moderate intensity single-family attached/detached units as well as twin and town homes. Areas that should be designated as medium density residential uses should be preferred for infill developments that are well buffered from commercial and industrial uses.”*

The majority of the residential land use designation abutting SR-111 was of the “Medium Density” land use designation, with the proposed site the only one along the SR-111 arterial having the “Low Density” designation. The General Plan Land Use Map amendment to “Medium Density” was consistent with the goals of the plan in that the developer was proposing to construct all single family homes at this time. The density range on the Low Density designation was 1 to 3 units per acre while the Medium Density designation was 3.1 to 5 units per acre. This development conceptually was at 3.31 gross dwelling units per acre, which was at the low end of the density scale for “Medium Density” developments but could go as high as 4.3 gross dwelling units per acre. Gross calculations over the entire 55 acre site comparing R-1-8 zoning (allowed in Medium Density) and R-1-12(allowed in Low Density) could result in a 33% increase in home density.

The amendment from “Professional Office” to Medium Density residential was not in conflict with the General Plan. The Plan’s goals supported locating office complexes close to residential areas and close to arterials and transit stops. While the site did meet two of the criteria, an office park at this location would be in the middle of a residential area and directly across the street from a school. There were more appropriate sites along the SR-111 corridor at the nodes of 7800 South or 9000 South, for example, than in an area that vastly residential development.

**Finding:** The proposed amendment conformed 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:** At present there were approximately 506 acres of undeveloped land designated as “Medium Density” residential west of 5600 West (excluding the Highlands). There were approximately 1516 acres of “Low Density” designated property west of 5600 West (excluding the Highlands). There were approximately 99 acres of undeveloped “Professional Office” designated property located throughout the City with 38 acres in the Jordan Landing development.

The most appropriate optional site that was designated Medium Density was south and east of the proposed site, however the parcel was nearly 150 acres and was currently not for sale. The remainder of medium density sites would require “leap frog” development which was discouraged by the General Plan.

The 11 acre area that was designated “Professional Office” on the land use map was the most remote site to have the Professional Office designation in the City. The Professional Office site was also adjacent to single family housing and across the street from a middle school. There were more adequate and appropriate sites in the City for Professional Office type uses.

**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 will be compatible with other land uses, existing or planned, in the vicinity.***

**Discussion:** The proposed land use amendment would be compatible with the uses surrounding the site. The land use map was not changing from residential use, but would be removing potential office uses and increasing the residential density. The uses to the North were single family and a convenience store was located at the corner of SR-111 and 8200 south. The uses to the East were single family and a school. To the South was open farm ground and to the West a gravel extraction operation existed (50 acres in area) 400 feet from the boundary of the site. It was unknown to staff what the scope of the gravel pit was or how long the operation would continue. As the housing development commenced appropriate fencing and other reasonable measures to mitigate any detrimental impacts from the gravel pit should be implemented.

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

**Finding D:** *The proposed amendment constitutes an overall improvement to the adopted general land use map and is 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 be consistent with the apparent practice of placing Medium Density and High Density along major arterial roads.

**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 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.*

**Discussion:** The amendment would not adversely impact the neighborhood by allowing an increase in residential density of single family dwellings. The possibility of a 1/3 increase in density when comparing R-1-12 to R-1-8 (75 to 100 homes) on the 55 acre site should not negatively impact the infrastructure in the area. New roads would be connected to collector and arterial streets. The area was planned for single family uses already. Roads, water, storm water, sewer and public safety would not be adversely affected by the amendment and the subsequent development. A traffic study would be required with the subdivision application. The developer would be required to install any infrastructure required for this development.

**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 is consistent with other adopted plans, codes and ordinances.*

**Discussion:** The proposed amendment was not adverse to any other existing adopted plans, city codes or ordinances.

**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 should be met in approving any amendments to the Zoning Map.

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

**Discussion:** The subject property was proposed to be located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fall between 3.1 and 5.0 dwelling units per acre. The applicant was proposing to change the zoning designation on 54.98 acres of land currently zoned as A-20 to R-1-8C with a density of 3.31 du per acre, which was consistent with the Medium Density Land Use designation of the General Plan.

Furthermore, Goal 4 Policy 2 states: "Single-family housing should be the primary residential development type in the city." The applicant's intent was to construct single family homes on the property. The concept plan showed a street system stubbed to neighboring vacant property, the development did not have any cul-de-sacs and the lot sizes were slightly larger in size than those in the developments to the north and east. The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the General Plan.

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

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

**Discussion:** The concept plan showed single-family lots which averaged 9,189 sq. ft. in area. This lot size was somewhat larger than the developments to the North and East but smaller than the lots in the Sycamores development to the Northwest. The zoning of the development

to the north was PC (Planned Community) with 7,000 square foot lots and the development to the east was zoned R-1-6 and R-1-8.

The proposed subzone for home size would be a “C” which related to the following minimum living areas:

- 1 level dwelling (rambler/split entry) -2,400 sq. ft. minimum living space;
- Split level dwelling – 2,100 sq. ft. minimum living space; and,
- Multi-story dwelling (2 or more) – 2,400 sq. ft. living space.

Conceptually the development was proposing an average lot size of 9,189 square feet which would accommodate “D” size homes, if the lot sizes remained constant. Any home size above a C or D would limit home types because of setback requirements. The home size chart was included as an attachment.

The lot sizes and housing sizes were similar to what existed around the site. The property sloped from West to East. If this property was developed it would not be interconnected to any existing developments in the area.

The City Engineering Department had indicated that the City did have the ability to service the project with water and sewer. The storm drain system was adequate to handle flows from the development and would be designed to meet the specific needs of the development and to protect any existing washes or natural drainage areas.

**Finding:** The proposed amendment would result in compatible land use relationships and did not adversely affect adjacent properties.

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

**Discussion:** The R-1-8C zoning district had specific standards which would be met when the property was subdivided and developed. The R-1-8C zone was compatible with the existing zones and housing densities found in surrounding neighborhoods and would not harm the public health, safety or welfare of the city as a whole.

**Finding:** The proposed amendment furthered the public health, safety and general welfare of the citizens of the city.

**Criteria 4:** *The proposed amendment will 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:** The Engineering Department had determined that the City had the ability to service any proposed development with water, sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. Garbage collection would be provided to any proposed development as part of the normal City garbage collection service. The Fire Department would review the proposed development at the time of subdivision application to ensure full serviceability. The concept plan of the proposed development would have two road connections to 8200 South Street. There would not be any direct access from the property to SR-111, an arterial roadway. The majority of the traffic from any proposed development would empty onto 8200 South, which was a collector street. As the property was developed, stub streets would be installed to the vacant undeveloped property to the South and West, to provide access for future development. The addition of 182 homes should not change the traffic level of service for 8200 South or SR-111 but a traffic impact study would be required as part of the subdivision submittal to determine if any and what measures actually needed to be taken.

**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 is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

**Discussion:** The property was not located within any overlay zone.

**Finding:** This criterion did not apply.

Based on the analysis and findings contained in the Staff Report, Staff recommended that the City Council amend the General Plan Future Land Use Map for 54.98 acres located at approximately 7101 West 8200 South from Professional Office and Low Density Residential to Medium Density Residential and Rezone 54.98 acres located at approximately 7101 West 8200 South from A-20(Agriculture 20 acre lot minimum) to R-1-8C zone (Single-family Residential 8,000 square foot lots; house size C).

On December 16, 2014 the Planning Commission by a 6-1 vote recommended that the City Council approve the request to amend the General Plan Future Land Use Map for 54.98 acres located at approximately 7101 West 8200 South from Professional Office and Low Density Residential to Medium Density Residential. On January 20, 2015 the Planning Commission recommended that the City Council approve the request to amend

the zoning Map for 54.98 acres located at approximately 7101 West 8200 South from A-20 (Agriculture 20 acre lot minimum) to R-1-8C zone (Single-family Residential 8,000 square foot lots; house size C).

**Future Land Use Map Amendment Findings:**

- A. The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.
- 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.
- C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.
- D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.
- 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.
- F. The proposed amendment is consistent with other adopted plans, codes and ordinances.

**Zoning Map Amendment Findings:**

- 1. The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the City's General Plan.
- 2. The proposed amendment would result in compatible land use relationships and did not adversely affect adjacent properties.
- 3. The proposed amendment furthered the public health, safety and general welfare of the citizens of the city.
- 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.
- 5. The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which might impose additional standards.

Jacob Satterfield, applicant, addressed the Council, explaining some of the specific details of his plan as it compared to other nearby developments.

The Council and staff discussed clarifying questions with the applicant.

Mayor Rolfe opened the public meeting.

Jim Bird, West Jordan resident, found it interesting that earlier in the evening David Oka had pointed out that there was a lack of professional office space in the City, and now the Council was considering a plan that would eliminate some professional office space.

Steve Jones, West Jordan resident, stated that he had been attending Council meetings for several months and during that time he kept hearing people want to change the Master Plan. He felt there was a reason to have a Master Plan and the City ought to stick to it.

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

Councilmember McConnehey agreed with both Representative Bird and Mr. Jones. He stated, "We keep giving away our office space in favor of residential and then wonder why we do not have sufficient tax revenues from commercial business." He expressed his opposition to the proposal.

Councilmember Stoker indicated that he had worked for three years to bring more commercial business to the west side of the City. He kept hearing that businesses would not move there until homes were built. He felt that commercial development would follow residential development such as was being proposed tonight.

**MOTION: Councilmember Southworth stated that based on the information and findings set forth in the staff report and upon the evidence and explanations received today, I move that the City Council approve Ordinance 15-03, amending the General Plan Future Land Use Map for 54.98 acres located at approximately 7101 West 8200 South from Professional Office and Low Density Residential to Medium Density Residential and Rezone 54.98 acres located at approximately 7101 West 8200 South from A-20 (Agriculture 20 acre lot minimum) to R-1-8E zone (Single-family Residential 8,000 square foot lots) house size E. The motion was seconded by Councilmember Haaga.**

Councilmember McConnehey spoke against the motion, disagreeing with findings *a* and *d* in the staff report.

Councilmember Nichols pointed out that the land had been available for professional office development for years but still sat undeveloped. While he would love to see office space in that area, there had been none. The new Smiths Marketplace took a risk in building where they did and needed more residential development in the area in order to sustain themselves. Therefore he was leaning toward supporting the motion.

Councilmember Hansen indicated she had a problem limiting the development to E sized homes, and would prefer to allow D sized homes as well as E. Therefore she would vote against the motion.

Mayor Rolfe spoke in favor of the motion.

Bryce Haderlie pointed out that an option would be to allow a certain percentage of the homes to be size D with the remaining lots to have E size homes.

Councilmember Southworth declined to amend his motion and instead indicated a desire to challenge the building community to come up with solutions.

A roll call vote was taken

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

**The motion passed 5-2 in favor**

***IX. BUSINESS ITEMS***

**REPORT AND UPDATE ON THE CITY OF WEST JORDAN'S FISCAL YEAR 2014-2015 2<sup>ND</sup> QUARTERLY REPORT**

Ryan Bradshaw explained that the Quarterly Report was intended to give unaudited, summary information to the Council about West Jordan City's revenue and expenses for the first quarter of fiscal year 2015 ending December 31, 2014. The report included information about the City's General Fund and Enterprise Funds. This report gave City Management and the City Council the opportunity to see the financial status of the City within its major funds and make decisions accordingly.

**West Jordan Quarterly Report**

**For Period Ending December 31, 2014**

**Purpose**

The Quarterly Report was intended to give unaudited, summary information to the user about West Jordan City's revenue and expenses for the second quarter of fiscal year 2015 ending December 31, 2014. The report included information about the City's General Fund and Enterprise Funds. The report gives 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 includes 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 could change. The only time that Financial Statements were final was after the City has completed its annual audit and issued its Comprehensive Annual Financial Report (CAFR).

<b>General Fund Summary</b>	<b>Annual Budget</b>	<b>Second Quarter (Current Year)</b>	<b>Second Quarter (Prior Year)</b>	<b>Current Year to Date</b>	<b>Prior Year to Date</b>	<b>Current Year Forecast</b>
<b>Revenues</b>						
Property Taxes	\$ 11,225,651.00	\$ 10,410,528.75	\$ 10,471,970.14	\$ 10,403,012.27	\$ 10,543,562.43	\$ 11,381,450.37
Sales Taxes	\$ 15,914,809.00	\$ 4,195,814.35	\$ 3,902,007.83	\$ 5,514,510.60	\$ 5,187,207.77	\$ 16,984,208.00
Franchise Taxes	\$ 5,885,435.00	\$ 1,597,185.42	\$ 1,620,242.20	\$ 2,816,313.13	\$ 2,732,304.54	\$ 6,975,207.40
Telecommunications Taxes	\$ 1,200,000.00	\$ 287,923.66	\$ 306,176.13	\$ 382,434.49	\$ 408,531.76	\$ 1,112,433.50
Fee in Lieu - Vehicles	\$ 1,150,000.00	\$ 242,165.35	\$ 246,517.88	\$ 432,937.15	\$ 452,064.40	\$ 955,912.30
Other Taxes	\$ 373,500.00	\$ 42,316.84	\$ 66,044.05	\$ 68,530.04	\$ 127,147.33	\$ 179,770.25
Licenses and Permits	\$ 1,705,650.00	\$ 400,558.86	\$ 348,243.13	\$ 823,802.25	\$ 939,846.29	\$ 1,625,843.42
Intergovernmental	\$ 3,882,925.00	\$ 844,322.65	\$ 968,500.19	\$ 846,573.24	\$ 1,355,111.88	\$ 2,607,412.01
Ambulance Fees	\$ 1,462,973.00	\$ 405,938.83	\$ 337,390.53	\$ 758,514.79	\$ 732,677.59	\$ 1,458,455.53
Charges for Services	\$ 1,616,583.00	\$ 427,082.82	\$ 352,401.52	\$ 906,491.86	\$ 976,399.84	\$ 1,804,624.51
Interfund Charges	\$ 4,118,315.00	\$ 1,029,578.77	\$ 935,406.48	\$ 2,059,157.52	\$ 1,870,812.96	\$ 4,118,315.04
Fines and Forfeitures	\$ 1,500,000.00	\$ 325,181.03	\$ 323,241.42	\$ 672,286.28	\$ 661,264.13	\$ 1,502,397.33
Miscellaneous Income	\$ 797,508.00	\$ 407,063.80	\$ 78,073.07	\$ 620,289.52	\$ 316,081.08	\$ 1,143,053.70
Events	\$ 221,000.00	\$ 2,307.20	\$ (4,013.38)	\$ 64,493.14	\$ 84,732.95	\$ 110,339.62
<b>Total Revenues</b>	<b>\$ 51,054,349.00</b>	<b>\$ 20,617,968.33</b>	<b>\$ 19,952,201.19</b>	<b>\$ 26,369,346.28</b>	<b>\$ 26,387,744.95</b>	<b>\$ 51,959,422.98</b>
<b>Transfers and Contributions</b>						
Loan Payment form Stormwater	\$ 224,989.00		\$ -	\$ -	\$ -	\$ 224,989.00
Contributions from C-Road Funds	\$ 187,736.00		\$ -	\$ -	\$ -	\$ 187,736.00
<b>Total Transfers and Contributions</b>	<b>\$ 412,725.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 412,725.00</b>
<b>Total Revenues, Transfers, and Contributions</b>	<b>\$ 51,467,074.00</b>	<b>\$ 20,617,968.33</b>	<b>\$ 19,952,201.19</b>	<b>\$ 26,369,346.28</b>	<b>\$ 26,387,744.95</b>	<b>\$ 52,372,147.98</b>

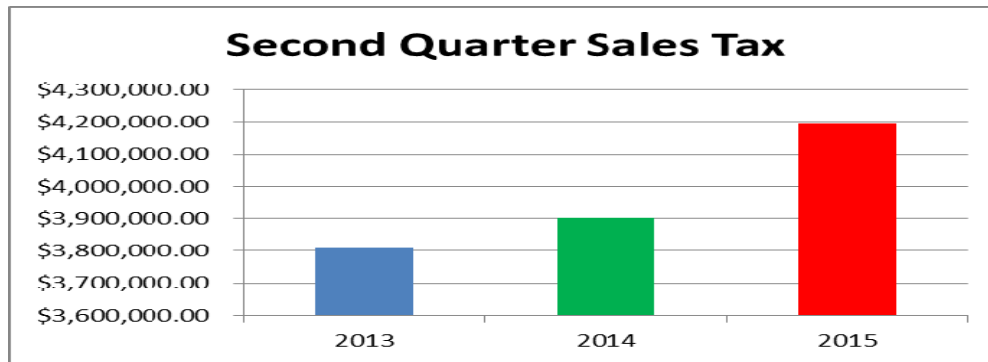
<b>General Fund Summary</b>	<b>Annual Budget</b>	<b>Second Quarter (Current Year)</b>	<b>Second Quarter (Prior Year)</b>	<b>Current Year to Date</b>	<b>Prior Year to Date</b>	<b>Current Year Forecast</b>	<b>% Budget to Forecast</b>	<b>Difference</b>
<b>Revenues:</b>								
Revenue	\$ 51,054,349.00	\$20,617,968.33	\$ 19,952,201.19	\$ 26,369,346.28	\$ 26,387,744.95	\$ 51,959,422.98	101.8%	\$ (905,073.98)
Transfers In	\$ 412,725.00		\$ -	\$ -	\$ -	\$ 412,725.00	100.0%	\$ -
<b>Total Revenues</b>	<b>\$ 51,467,074.00</b>	<b>\$20,617,968.33</b>	<b>\$ 19,952,201.19</b>	<b>\$ 26,369,346.28</b>	<b>\$ 26,387,744.95</b>	<b>\$ 52,372,147.98</b>	<b>101.8%</b>	
<b>Expenditures:</b>								
<i>Personel Expenses</i>								
Justice Court	\$ 728,095.00	\$ 172,286.54	\$ 160,609.84	\$ 356,420.23	\$ 346,703.05	\$ 664,207.08	91.2%	\$ 63,887.92
City Manager	\$ 1,439,558.00	\$ 294,472.75	\$ 282,787.63	\$ 712,575.13	\$ 682,484.39	\$ 1,327,919.71	92.2%	\$ 111,638.29
Administrative Services	\$ 3,316,632.00	\$ 834,335.51	\$ 587,793.04	\$ 1,698,838.97	\$ 1,269,940.53	\$ 3,165,872.13	95.5%	\$ 150,759.87
City Attorney	\$ 1,631,247.00	\$ 385,359.30	\$ 306,569.39	\$ 757,642.87	\$ 661,709.69	\$ 1,411,905.71	86.6%	\$ 219,341.29
Public Works	\$ 3,601,706.00	\$ 970,023.30	\$ 1,091,505.82	\$ 1,927,491.86	\$ 2,510,246.24	\$ 3,591,978.33	99.7%	\$ 9,727.67
Development	\$ 1,403,582.00	\$ 358,982.67	\$ 283,699.17	\$ 723,140.19	\$ 621,925.67	\$ 1,347,608.23	96.0%	\$ 55,973.77
Economic Development	\$ 140,000.00	\$ 39,044.35	\$ -	\$ 68,044.39	\$ -	\$ 126,804.15	90.6%	\$ 13,195.85
Police	\$ 13,024,122.00	\$ 3,323,092.99	\$ 2,738,826.29	\$ 6,636,541.88	\$ 5,915,592.06	\$ 12,367,530.62	95.0%	\$ 656,591.38
Fire	\$ 7,904,765.00	\$ 2,084,453.91	\$ 1,771,804.46	\$ 4,252,665.95	\$ 3,876,201.43	\$ 7,925,057.56	100.3%	\$ (20,292.56)
Parks	\$ 1,698,712.00	\$ 314,470.16	\$ -	\$ 794,890.02	\$ -	\$ 1,481,317.66	87.2%	\$ 217,394.34
<i>Operating Expenses</i>								
Justice Court	\$ 56,825.00	\$ 9,824.78	\$ 10,814.13	\$ 18,191.68	\$ 25,450.68	\$ 35,243.29	62.0%	\$ 21,581.71
City Manager	\$ 2,471,322.00	\$ 320,016.08	\$ 431,163.81	\$ 676,978.39	\$ 794,826.07	\$ 1,245,337.41	50.4%	\$ 1,225,984.59
Administrative Services	\$ 3,473,735.00	\$ 596,073.37	\$ 394,095.25	\$ 1,185,143.51	\$ 793,116.08	\$ 2,771,895.27	79.8%	\$ 701,839.73
City Attorney	\$ 184,936.00	\$ 56,521.53	\$ 23,994.12	\$ 101,908.84	\$ 46,308.66	\$ 214,030.21	115.7%	\$ (29,094.21)
Public Works	\$ 2,968,053.00	\$ 601,005.34	\$ 978,809.68	\$ 1,030,366.78	\$ 1,680,631.56	\$ 2,412,619.06	81.3%	\$ 555,433.94
Development	\$ 146,967.00	\$ 16,868.03	\$ 20,118.44	\$ 39,765.13	\$ 65,435.01	\$ 84,313.60	57.4%	\$ 62,653.40
Economic Development	\$ 143,409.00	\$ 36,344.85	\$ -	\$ 69,853.11	\$ -	\$ 148,108.83	103.3%	\$ (4,699.83)
Police	\$ 2,927,572.00	\$ 934,225.49	\$ 527,308.99	\$ 1,748,560.47	\$ 1,164,168.97	\$ 3,361,429.88	114.8%	\$ (433,857.88)
Fire	\$ 1,840,204.00	\$ 428,917.12	\$ 348,213.64	\$ 986,276.57	\$ 808,310.55	\$ 2,054,742.85	111.7%	\$ (214,538.85)
Parks	\$ 1,271,857.00	\$ 208,419.33	\$ -	\$ 590,340.25	\$ -	\$ 2,032,290.43	159.8%	\$ (760,433.43)
<i>Transfers Out</i>								
Administrative Services	\$ 750,000.00	\$ 187,500.00	\$ 187,500.00	\$ 375,000.00	\$ 375,000.00	\$ 750,000.00	100.0%	\$ -
Public Works	\$ 2,250,000.00	\$ -	\$ 1,652,072.45	\$ 1,283,281.50	\$ 1,890,212.72	\$ 2,566,563.00	114.1%	\$ (316,563.00)
<b>Total Expenditures</b>	<b>\$ 53,373,299.00</b>	<b>\$12,172,237.40</b>	<b>\$ 11,797,686.15</b>	<b>\$ 26,033,917.72</b>	<b>\$ 23,528,263.36</b>	<b>\$ 51,086,775.01</b>	<b>95.7%</b>	<b>\$ 2,286,523.99</b>
Operating Surplus (Deficit)	\$ (1,906,225.00)	\$ 8,445,730.93	\$ 8,154,515.04	\$ 335,428.56	\$ 2,859,481.59	\$ 1,285,372.97		
Beginning Fund Balance						\$ 19,036,940.00		
Restricted Fund Balance						\$ (5,794,095.00)		
Projected Unrestricted Fund Balance 6/30/15						\$ 14,528,217.97		

## General Fund

### Notes to the General Fund

1. The City receives sales tax revenues 60 days after collection by the retailers.
2. November and December are the primary months for property tax collections.
3. MET & Telecommunication taxes are received 45-60 days after they are billed to the customer.

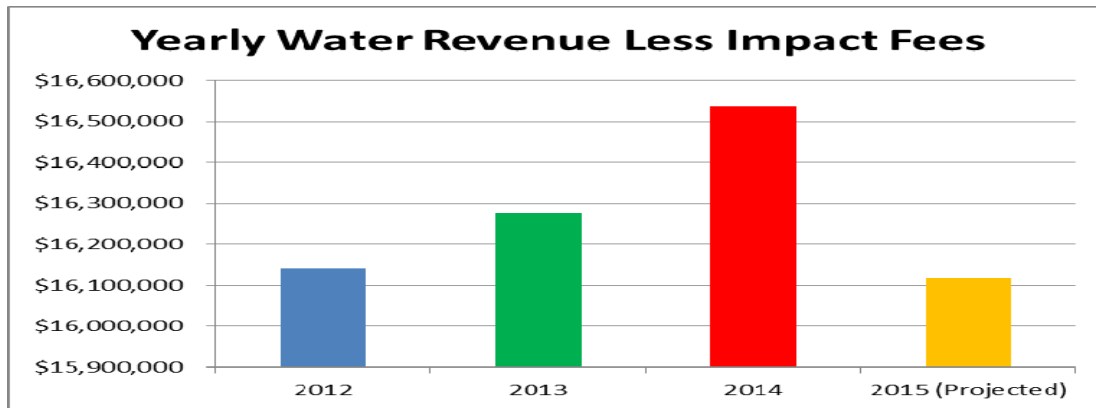
4. Class C Road revenues are paid bi-monthly and are received 60 to 90 days after collection.
5. Decreased Police Operating Expense Forecast for the following expenditure.
  - a. Police Car Leases – \$536,664.90
6. Increase Administrative Services Operating Expense Forecast for the following expenditures.
  - a. Minor Building Projects - \$250,000
  - b. Internal Utility Costs- \$50,000
7. Increased Parks Operating Expense Forecast for the following expenditures
  - a. Internal Utility Costs- \$650,000
8. Economic Development and Parks Departments have no prior year expenditures as they are new departments.



Water Fund Summary	Annual Budget	Second Quarter (Current Year)	Second Quarter (Prior Year)	Current Year to Date	Prior Year to Date	Current Year Forecast	Difference
<b>Revenues:</b>							
Water Sales	\$ 16,501,267.00	\$ 3,510,276.75	\$ 3,157,091.36	\$ 9,067,435.76	\$ 9,301,248.99	\$ 15,449,354.45	\$ (1,051,912.55)
Impact Fees	\$ 1,200,000.00	\$ 100,309.00	\$ 126,014.00	\$ 280,288.00	\$ 249,339.00	\$ 534,137.88	\$ (665,862.12)
Interest	\$ 18,000.00			\$ -	\$ -	\$ 18,000.00	\$ -
Intergovernmental	\$ 50,000.00		\$ -	\$ -	\$ -	\$ 50,000.00	\$ -
<b>Total Revenues</b>	<b>\$ 17,769,267.00</b>	<b>\$ 3,610,585.75</b>	<b>\$ 3,283,105.36</b>	<b>\$ 9,347,723.76</b>	<b>\$ 9,550,587.99</b>	<b>\$ 16,051,492.33</b>	<b>\$ (1,717,774.67)</b>
<b>Expenditures:</b>							
Personel Expenses	\$ 1,644,581.00	\$ 386,001.16	\$ 328,190.05	\$ 760,578.20	\$ 682,391.24	\$ 1,520,277.96	\$ 124,303.04
Operating Expenses	\$ 13,774,644.00	\$ 3,121,738.98	\$ 2,237,445.73	\$ 6,661,541.68	\$ 3,251,882.28	\$ 14,744,016.36	\$ (969,372.36)
Capital Projects	\$ 10,174,833.00	\$ 2,740,471.55	\$ 894,387.90	\$ 3,795,764.17	\$ 99,421.81	\$ 10,174,833.00	\$ -
Bond Principal	\$ 650,000.00	\$ -	\$ -	\$ -	\$ -	\$ 650,000.00	\$ -
Bond Interest	\$ 140,542.00	\$ 69,958.54	\$ -	\$ 69,958.54	\$ -	\$ 140,542.00	\$ -
Bond Fee	\$ 3,500.00	\$ 2,000.00	\$ -	\$ 2,000.00	\$ -	\$ 3,500.00	\$ -
<b>Total Expenditures</b>	<b>\$ 26,388,100.00</b>	<b>\$ 6,320,170.23</b>	<b>\$ 3,460,023.68</b>	<b>\$ 11,289,842.59</b>	<b>\$ 4,033,695.33</b>	<b>\$ 27,233,169.32</b>	<b>\$ (845,069.32)</b>
Operating Surplus (Deficit)	\$ (8,618,833.00)	\$ (2,709,584.48)	\$ (176,918.32)	\$ (1,942,118.83)	\$ 5,516,892.66	\$ (11,181,676.98)	
				Restricted	Unrestricted	Total	
Beginning Cash Balance				\$ 4,431,436.00	\$ 10,706,991.00	\$ 15,138,427.00	
Estimated Total Cash Balance 6/30/15						\$ 3,956,750.02	

## Water Fund

1. Impact Fees are projected to be near \$600,000, but this is still well below the Fiscal Year 2013 collection amount.
2. Water Revenue less Impact Fees is projected to be lower in the previous three years. This is likely to be a result of the change in the rate structure that promoted conservation
3. \$1,200,000 to \$1,300,000 in Water Fees collected has been designated by the City Council each year for Capital Replacement.
4. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects



Wastewater Fund Summary	Annual Budget	Second Quarter (Current Year)	Second Quarter (Prior Year)	Current Year to Date	Prior Year to Date	Current Year Forecast	Difference
<b>Revenues:</b>							
Wastewater O&M	\$ 8,440,764.00	\$ 2,131,848.54	\$ 2,080,168.15	\$ 4,236,921.40	\$ 4,157,810.99	\$ 8,503,679.11	\$ 62,915.11
Impact Fees	\$ 1,030,000.00	\$ 89,700.17	\$ 86,064.00	\$ 193,060.17	\$ 167,392.00	\$ 372,529.94	\$ (657,470.06)
Other	\$ 9,400.00	\$ -	\$ -	\$ -	\$ -	\$ 9,400.00	\$ -
<b>Total Revenues</b>	<b>\$ 9,480,164.00</b>	<b>\$ 2,221,548.71</b>	<b>\$ 2,166,232.15</b>	<b>\$ 4,429,981.57</b>	<b>\$ 4,325,202.99</b>	<b>\$ 8,885,609.05</b>	<b>\$ (594,554.95)</b>
<b>Expenditures:</b>							
Personel Expenses	\$ 859,668.00	\$ 158,280.07	\$ 161,456.64	\$ 312,523.50	\$ 338,529.54	\$ 606,475.39	\$ 253,192.61
Operating Expenses	\$ 5,808,609.00	\$ 1,354,791.62	\$ 1,631,935.04	\$ 2,648,824.55	\$ 984,731.43	\$ 5,255,456.25	\$ 553,152.75
Capital Projects	\$ 5,753,701.00	\$ 1,241,201.32	\$ 680,350.33	\$ 1,412,729.03	\$ 1,221,326.39	\$ 5,753,701.00	\$ -
<b>Total Expenditures</b>	<b>\$ 12,421,978.00</b>	<b>\$ 2,754,273.01</b>	<b>\$ 2,473,742.01</b>	<b>\$ 4,374,077.08</b>	<b>\$ 2,544,587.36</b>	<b>\$ 11,615,632.64</b>	<b>\$ 806,345.36</b>
Operating Surplus (Deficit)	\$ (2,941,814.00)	\$ (532,724.30)	\$ (307,509.86)	\$ 55,904.49	\$ 1,780,615.63	\$ (2,730,023.59)	
Beginning Cash Balance				Restricted \$ -	Unrestricted \$ 8,741,593.00	\$ 8,741,593.00	
Estimated Total Cash Balance 6/30/15						\$ 6,011,569.41	



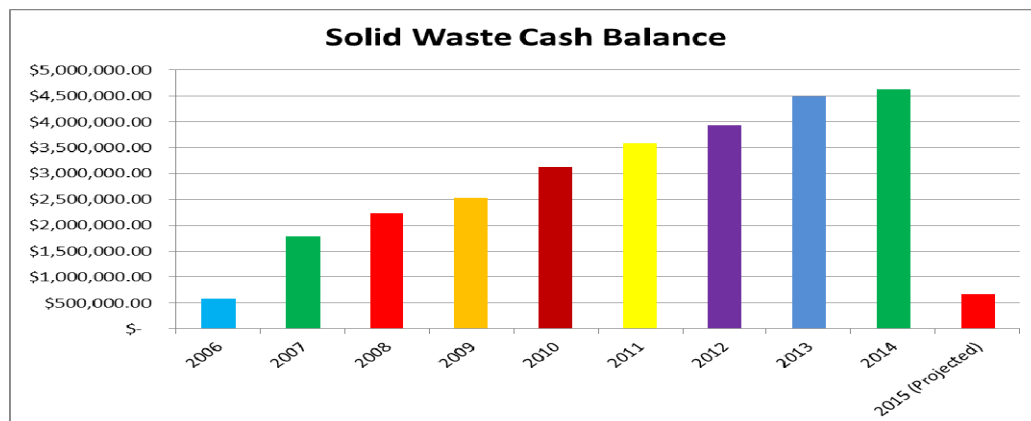
## Waste Water Fund

1. Impact Fees are projected to be over \$400,000, but this is still well below the Fiscal Year 2013 collection amount.
2. Waste Water Revenue less Impact Fees is projected to be the highest in the previous four years. This is because of the Capital Replacement rate increase that happened in Fiscal Year 2014.
3. \$750,000 in Waste Water Fees collected have been designated by the City Council each year for Capital Replacement
4. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects

Solid Waste Fund Summary	Annual Budget	Second Quarter (Current Year)	Second Quarter (Prior Year)	Current Year to Date	Prior Year to Date	Current Year Forecast	Difference
<b>Revenues:</b>							
Solid Waste Fees	\$ 3,923,509.00	\$ 971,352.33	\$ 969,123.83	\$ 1,943,799.44	\$ 1,932,674.00	\$ 3,874,672.65	\$ (48,836.35)
Other	\$ 10,000.00	\$ 204.00	\$ 136.00	\$ 408.00	\$ 272.00	\$ 10,000.00	\$ -
<b>Total Revenues</b>	<b>\$ 3,933,509.00</b>	<b>\$ 971,556.33</b>	<b>\$ 969,259.83</b>	<b>\$ 1,944,207.44</b>	<b>\$ 1,932,946.00</b>	<b>\$ 3,884,672.65</b>	<b>\$ (48,836.35)</b>
<b>Expenditures:</b>							
Personel Expenses	\$ 111,322.00	\$ 32,945.60	\$ 23,092.99	\$ 70,073.64	\$ 49,768.13	\$ 151,927.65	\$ (40,605.65)
Operating Expenses	\$ 3,812,106.00	\$ 928,434.30	\$ 857,733.89	\$ 1,579,252.03	\$ 1,475,422.03	\$ 3,739,535.05	\$ 72,570.95
<b>Total Expenditures</b>	<b>\$ 3,923,428.00</b>	<b>\$ 961,379.90</b>	<b>\$ 880,826.88</b>	<b>\$ 1,649,325.67</b>	<b>\$ 1,525,190.16</b>	<b>\$ 3,891,462.70</b>	<b>\$ 31,965.30</b>
Operating Surplus (Deficit)	\$ 10,081.00	\$ 10,176.43	\$ 88,432.95	\$ 294,881.77	\$ 407,755.84	\$ (6,790.05)	
						Total	
Beginning Cash Balance						\$ 665,554.00	
Estimated Total Cash Balance 6/30/15						\$ 658,763.95	

## Solid Waste Fund

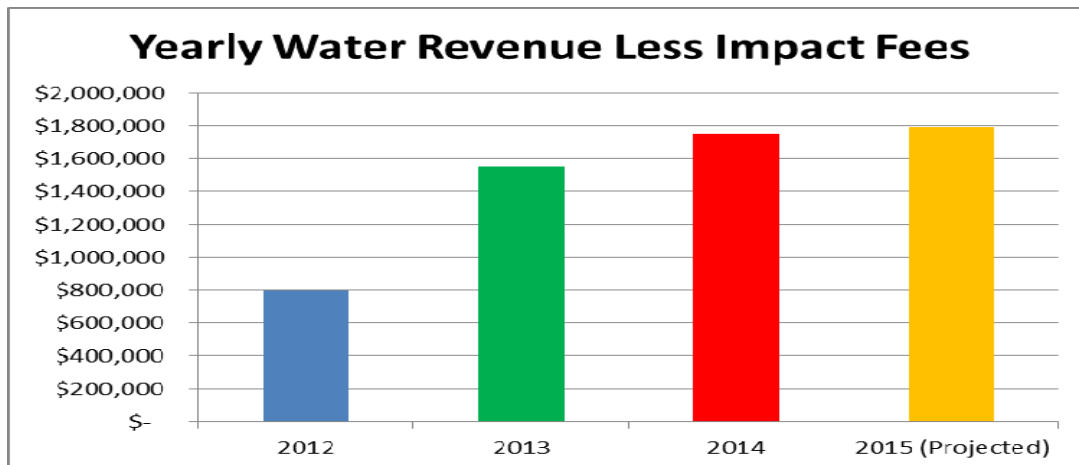
1. The Solid Waste Fund has been growing over the last 10 years in order to save for a Transfer Station. Trans Jordan Landfill has informed the City that they will be paying for the Transfer Station. It was the Councils decision to move \$4,000,000 from the Solid Waste Fund to the Storm Water Fund for Capital Project Funding. Projected Cash will be \$658,763.95 for the end of Fiscal Year 2015



<b>Storm Water Fund Summary</b>	<b>Annual Budget</b>	<b>Second Quarter (Current Year)</b>	<b>Second Quarter (Prior Year)</b>	<b>Current Year to Date</b>	<b>Prior Year to Date</b>	<b>Current Year Forecast</b>	<b>Difference</b>
<b>Revenues:</b>							
Storm Water Fees	\$ 1,733,683.00	\$ 441,491.64	\$ 431,968.19	\$ 877,464.10	\$ 612,399.03	\$ 1,763,317.16	\$ 29,634.16
Impact Fees	\$ 885,000.00	\$ 181,649.32	\$ 186,105.75	\$ 725,814.57	\$ 391,242.63	\$ 1,200,000.00	\$ 315,000.00
Other	\$ 28,000.00			\$ -	\$ -	\$ 28,000.00	\$ -
<b>Total Revenues</b>	<b>\$ 2,646,683.00</b>	<b>\$ 623,140.96</b>	<b>\$ 618,073.94</b>	<b>\$ 1,603,278.67</b>	<b>\$ 1,003,641.66</b>	<b>\$ 2,991,317.16</b>	<b>\$ 344,634.16</b>
<b>Expenditures:</b>							
Personel Expenses	\$ 803,786.00	\$ 157,144.57	\$ 133,904.11	\$ 320,528.10	\$ 283,774.45	\$ 647,112.86	\$ 156,673.14
Operating Expenses	\$ 995,003.00	\$ 172,998.94	\$ 118,913.67	\$ 304,111.45	\$ 276,141.94	\$ 715,632.88	\$ 279,370.12
Capital Projects	\$ 6,512,890.00	\$ 314,893.07	\$ 1,206,927.95	\$ 392,311.33	\$ 1,438,757.98	\$ 6,512,890.00	\$ -
<b>Total Expenditures</b>	<b>\$ 8,311,679.00</b>	<b>\$ 645,036.58</b>	<b>\$ 1,459,745.73</b>	<b>\$ 1,016,950.88</b>	<b>\$ 1,998,674.37</b>	<b>\$ 7,875,635.74</b>	<b>\$ 436,043.26</b>
Operating Surplus (Deficit)	\$ (5,664,996.00)	\$ (21,895.62)	\$ (841,671.79)	\$ 586,327.79	\$ (995,032.71)	\$ (4,884,318.59)	
				Restricted	Unrestricted		
Beginning Cash Balance				\$ -	\$ 6,654,896.00	\$ 6,654,896.00	
Estimated Total Cash Balance 6/30/15						<b>\$ 1,770,577.41</b>	

### 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.
2. Storm Water Revenue less Impact Fees is projected to be the highest in the previous four years. This is because of the Capital Replacement rate increase that happened in Fiscal Year 2014.
3. \$4,000,000 in cash has been transferred from the Solid Waste Fund to the Storm Water Fund to increase the Capital Project funding.
4. Capital Projects Budget and Forecast includes amounts for both new projects and the carryover of old projects



Councilmember Southworth left the meeting at 7:27 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 15-02, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 13, CHAPTER 5J, AMENDING THE WEST SIDE PLANNING AREA BOUNDARY; PETERSON DEVELOPMENT/BARRETT PETERSON, APPLICANT.**

Tom Burdett explained that the applicant was requesting a text amendment to City Code Section 13-5J-2A amending the area description of the West Side Planning Area (WSPA) from 370 acres to 410 acres and extending the western boundary to 6700 West. The WSPA was a zone covering a much larger land use area at one time. The City Council decided to eliminate the WSPA as a zone, but as a result of a litigation settlement agreement, the WSPA continued to apply to land that was now comprised of just the Highlands Development area. There were still many tracts of land that had WSPA zoning designation which were no longer governed by WSPA zoning. The proposed property was one of those properties. The applicant wanted to include a 40 acre tract of land adjacent to the Highlands development as governed by the WSPA. The applicant's intent was to construct single family dwellings on the property and desired the benefit of the WSPA zoning.

To expand the boundaries of the land governed by the WSPA, the text of section 13-5J-2A needed to be amended. The text currently read:

“A. WSPA Defined: The WSPA is described as an area approximately three hundred seventy (370) acres in area, located between 5600 West and 6450 West, 7800 South and 8200 South. Though the WSPA once covered a more expansive area, it now applies only to the master planned development specifically known as the Highlands. The development boundary of the WSPA (the Highlands master development plan) is defined on the city's future land use and zoning maps. Throughout this section, the Highlands master development plan will be referenced as the WSPA.”

Section 13-5J-2A would be amended as follows:

A. WSPA Defined: The WSPA is described as an area approximately ~~three hundred seventy (370)~~ **four hundred and ten (410)** acres in area, located between 5600 West and ~~6450~~ **6700** West, 7800 South and 8200 South.

The amended text was the first step to include, the additional 40 acres into coverage by the West Side Planning Area. If this 40 acres was to be included within the Highlands, the Highlands map and development plan would need to be amended at a future time. If this land was to be governed by the Highlands Development Agreement, there would need to be amendments approved by the City Council. Further a separate application process would be required to include the 40 acres into the Highlands Assessment Area.

**Section 13-7D-7(B) Findings for approval: Text Amendments**

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

**Discussion:** The zoning text amendment would make the provisions of the WSPA zone applicable to this property. The amendment would not change the land use or zoning designation of the property. The property was designated at approximately three fourths low density residential and one fourth medium density residential on the Future Land Use Map of the City. The entire property was zoned Low Density Single Family Residential (LSFR). The applicant's intent and the only option now available would be the development of single family housing. The General Plan page 23 stated the following:

*West Jordan has historically been a suburban community consisting of primarily single-family homes and open agricultural land. The Current Land Use Survey, completed in March of 2010, indicates that nearly 30% of all developed land in West Jordan is occupied by single-family residential uses. One of the primary goals of this General Plan is to continue to encourage new development that is integrated with existing development, and to make the most efficient use of existing infrastructure.*

The plan also stated on the same page that “*lower density single-family residential uses are the most preferred in West Jordan*” The applicant was not proposing to change the land use type or density.

On page 30 of the General Plan an implementation policy stated the following:

*Require developers to prepare small area plans showing the relationship of proposed subdivisions to the neighborhood of which they will be a part. These plans should illustrate, among other things: access to the general street system, connections to adjacent neighborhoods and properties, schools, recreation sites, and other facilities and services.*

The inclusion of the 40 acre parcel into the coverage of the WSPA would satisfy this policy. Because the parcel was adjacent to the Highlands it would be a seamless transition into the development and would result in similar uses, development patterns, roadway connections, trail improvements and housing types.

**Finding:** The proposed amendment conformed to the general plan and was 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 this title.*

**Discussion:** The applicant justified this request by the following points:

- *This property was currently zoned LSFR which was only applicable within the WSPA/Highlands Master Plan.*
- *The conceptual density of this project was very similar to that of Loneview North and would be consistent with the adjacent land use.*
- *The WSPA allowed flexibility to create a single family neighborhood with more variety of lot sizes.*

The General Plan on Page 22 Goal 3 stated:

*“Promote land use policies and standards that are economically feasible and orderly, which also protect desirable existing land uses and minimize impacts to existing neighborhoods.”*

- “1. The type, location, timing, and intensity of growth shall be managed. Premature and scattered development shall be discouraged.*
- 2. Growth shall be limited to those areas of the city that can provide for adequate levels of service (i.e. water, sewer, fire and police protection, schooling, and transportation).”*

The amendment would result in a single family development similar in type, density and layout as the adjacent housing development to the east. The 40 acre property proposed to be included into the coverage by the WSPA zone was marginal agriculture land and was not designated on the future land use map as agricultural.

**Finding:** The proposed amendments were appropriate given the context of the request and there was sufficient justification for a modification to this title.

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

**Discussion:** The proposed amendments would not conflict with other sections of the 2009 City Code or the General Plan. The proposed amendment would resolve conflict within the General Plan due to the land currently being zoned LSFR and the LSFR zone only being fully functional within the WSPA zone.

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

**Criteria 4:** *The proposed amendments do 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.*

**Discussion:** The text amendment did not relieve the applicant of any “hardships” or excuse them from other ordinance requirements. This text amendment was unique in that it was geographically constrained to the WSPA and this particular 40 acre piece of property, and would not apply City wide. The text amendment resulted in a change more like a map amendment. The applicant would not be able to use this amendment outside of the boundaries created by the text amendment. The proposed amendment would resolve a conflict due to the land currently being zoned LSFR and the LSFR zone only being fully functional within the WSPA.

**Finding:** 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.

The proposed text amendment amending the boundaries of the West Side Planning Area (WSPA) met all of the criteria for an ordinance text amendment. The inclusion of the 40 acre parcel that was contiguous would result in similar single family residential and connect to the trail system of the Highlands. The proposed text amendment would not result in any detrimental impacts to this area of the City.

There was no anticipated fiscal effect

Staff recommended that the City Council amend the West Jordan 2009 Code, Section 13-5J-2A, “WSPA Defined,” changing the boundaries of the West Side Planning Area (WSPA).

Councilmember Nichols had stated previously that he had concerns about the west side planning area, and he still did. However, he realized now that the developer’s intent was to incorporate the development into the Home Owners Association which made him like the idea.

Councilmember McConnehey inquired about the possibility of incorporating the development into the existing assessment area without expanding the WSPA. Tom Burdett responded that the Council could make that decision. Councilmember McConnehey was concerned about setting a precedent of reverting back to something that had already been done away with. He was also concerned about making an exception for

a specific developer, even if that was not the Council's intention. He indicated that he was opposed to the ordinance.

Councilmember Southworth returned at 7:32 p.m.

Councilmember Stoker spoke in favor of including the development in the WSPA. He indicated that it was his understanding that the developer wished to include it with The Highlands which would result in a higher degree of continuity in the area. He also liked the flexibility available with the WSPA.

Councilmember McConnehey again inquired if the same end result (increased consistency and flexibility) could be achieved without reverting to the WSPA. Tom Burdett responded that the Council had other zoning tools that could be used to achieve the same result. Knowing that, Councilmember McConnehey spoke against approving the Ordinance.

Further discussion between Councilmembers and staff determined that:

- The lots within the WSPA would average between 8-10 thousand square feet depending on buy-ups. The zoning outside it would be R-1-8 or R-1-9.
- Regardless of zoning, the wash was to be protected for 50 feet on either bank and a trail would be installed and dedicated to the City. If it became a part of the WSPA, there would be an additional 20% of open space.
- For the space to be included within the Assessment area, an amendment would be required.

**MOTION: Councilmember Stoker moved to adopt and instruct the Mayor to sign Ordinance 15-02 amending West Jordan 2009 City Code Section 13-5J-2A, "WSPA Defined", changing the boundaries of the West Side Planning Area (WSPA). The motion was seconded by Mayor Rolfe.**

Councilmember McConnehey spoke against the motion, believing that to adopt the ordinance would be to "confer... special privileges to a single property owner or cause..." – in direct opposition to *Criteria 4*.

Councilmember Southworth indicated that he was torn but that he believed the desired result could be reached without changing the WSPA boundary.

A roll call vote was taken

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

**Mayor Rolfe**

**Yes**

**The motion passed 5-2 in favor.**

**DISCUSSION AND POSSIBLE ACTION REGARDING  
DIRECTION REGARDING THE IMPLEMENTATION OPTIONS  
TO ADD ADDITIONAL DUMPSTERS TO THE RESIDENTIAL  
NEIGHBORHOOD PROGRAM**

Tim Peters explained that the current Neighborhood Dumpster Program had been in place since 2003. Since 2003, the population of West Jordan had increased approximately 25%.

Currently there were eight dumpsters available daily between Monday and Saturday. Eight dumpsters were delivered every other day; they were then available for use for one day and picked up the following day for a total of 16 dumpsters available for the Neighborhood Dumpster Program at any one time. During the peak season, the dumpsters were often “booked” two to three months in advance.

The fiscal impact would be dependent upon the additional service provided. The additional expense could be charged to the Solid Waste Fund.

Staff recommended further communication and coordination with ACE Disposal, Inc. to provide additional dumpsters for the Residential Neighborhood Program.

Councilmember Haaga spoke in favor of expanding the program. He also expressed an interest in receiving further information about the dumpster reservations system when the topic was brought back to the Council for consideration.

Councilmember McConnehey also spoke in favor of increasing the number of available dumpsters. Additionally, he asked that the department look into a way to ensure the dumpsters were being used by residents and not by commercial entities.

Councilmember Southworth spoke in favor of expanding the program as well.

The Council was in agreement for staff to proceed with further research and implementation options to acquire additional dumpsters for the Residential Neighborhood Dumpster Program

**DISCUSSION AND POSSIBLE ACTION REGARDING  
RESOLUTION 15-22, AUTHORIZING THE MAYOR TO SIGN AN  
AMENDED REAL ESTATE PURCHASE CONTRACT FOR THE  
SALE OF THE OLD COUNTY LIBRARY LOCATED AT 1970  
WEST 7800 SOUTH AT THE REQUEST OF THE PURCHASER  
(COMMUNITY TREATMENT ALTERNATIVES DBA CTA  
COMMUNITY SUPPORTS)**

Bryce Haderlie explained that on January 7, 2015, under Resolution No. 15-02, the City



Council declared the Property surplus, authorized its sale and approved a Real Estate Purchase Contract specific to the transaction. Paragraph 9 of the approved contract stated the contract was to be signed, notarized and returned to the City by 5:00 p.m. on Monday, January 12, 2015. However, upon review of the contract CTA did not have it signed, notarized and returned to the City by the specified date and time, but had instead requested that the contract be amended as follows:

1. Amend paragraph 2 to allow CTA to receive the Property by Special Warranty Deed rather than by Quit Claim Deed in order to induce the title company to provide CTA with an owner's policy of title insurance at CTA's sole cost and expense.
2. Amend paragraph 3 to allow CTA to receive a General Assignment and Bill of Sale for all of the personal property situated on the real property, rather than recognizing the personal property affixed to and being one and the same with the real property acquired by deed.
3. Amend paragraph 5 to extend the closing date to allow CTA more time to secure the funds necessary to complete the purchase. The closing date in the approved contract was February 4, 2015, but CTA's lender (the "Lender") needed more time to process CTA's loan.
4. Amend paragraph 7 to add an inspection period to satisfy the Lender's requirements in order to fund the purchase. The approved contract did not allow for an inspection period since the prospective purchasers had the ability to inspect the Property prior to bidding, but the Lender was asking for an inspection period so it could perform a Phase 1 Environmental Assessment prior to funding the loan.
5. Amend paragraph 9 to extend the time period required to return the signed contract. The approved contract required the contract to be signed, notarized and returned to the City by 5:00 p.m. on Monday, January 12, 2015. However, CTA was unable to meet that deadline and also comply with the Lender's requirements, so CTA and the Lender had asked for a return deadline of 5:00 p.m. on Tuesday, January 20, 2015, a date with which CTA had already complied.

The only other changes to the Council approved contract were inserting the buyer's name and bid amount, both of which were conditions of Resolution No. 15-02.

If the City Council chose Option 1 above, then the original contract was null and void, the Property was no longer surplus, any future surplus and sale of the Property must start from the beginning as if this surplus and sale process had never taken place, and the City could begin using the Property for public purposes.

If the City Council chose Option 2 above, then the Property was still considered surplus, the original contract was considered amended to match the contract attached hereto, and the sale would proceed as outlined in the amended contract.

If the City Council chose Option 3 above, then the Property was still considered surplus, the contract was null and void and, unless the City Council directed otherwise, §3-1-14(E)

of the West Jordan Municipal Code applied, as follows:

“Unsold Property: If the surplus item is subjected to sale to the highest bidder at public auction and remains unsold, the city manager may sell the surplus item to any person for such price as the city manager deems appropriate or may dispose of as the city manager shall direct.”

One last alternative would be for the City to sue CTA for “Specific Performance”, requesting a court of law to require CTA to purchase the Property according to the original contract. However, City staff believed this course of action would be time consuming and costly and would eventually lead to Option 1 or Option 2 above.

Out of all the options listed above, City staff believed Option 1 was the least likely to become subject to a legal challenge.

**Attachments:**

Resolution for Option 2

Resolution for Option 3

Signed and Notarized Real Estate Purchase Contract (Amended)

Exhibit

The fiscal impact was the sale proceeds of \$1,250,000.00 in sale proceeds.

Staff had no recommendation.

Councilmember Haaga asked that the City Attorney look into the municipal code wherein it was stated that other City departments had first right of refusal before property was surplus. He said he mentioned this because the Public Works department had submitted a green sheet for a sign shop.

Bryce Haderlie pointed out that there had been no inquiry made to other City departments because the original communication from the Council was to let the Theatre Arts groups use the building. Council had then given Staff direction to prepare the actions now before them. Similarly, when the City traded the old library to the County in exchange for the parking lot behind City Hall, he did not believe it was done then either, even though the property went through the surplus process and a public hearing. Sometimes you look back on ordinances and wonder, “have we been following them?” He asked that if the City wanted to hold to the letter of the law, perhaps it needed to look back and see if it had been very consistent in that. He indicated that staff would do what the Council directed.

Councilmember Southworth indicated his belief that it was doubtful that a department head would be interested in the building due to the politics surrounding it. Also, he indicated that he could recall several times in the past wherein a Resolution was amended without having to go back and hold another public hearing. He wondered why this situation could not be handled the same way.

Bryce Haderlie responded that legal staff researched that and confirmed that going back to about 2008, there had been approximately four resolutions that had been modified in that manner. However, he stated that this situation was unique in that there was specific language that if the transaction was not completed by a certain date and time, it became null and void. The other resolutions did not have that. He also stated that property manager Dave Clemence intentionally included that language so that if for some reason the transaction was not completed, the property would not languish as surplus. As an example, if the Council were in a meeting and decided to amend a Resolution fifteen minutes after approving it, the Council would have had the legal authority to do that because the time line had not gone past the 'null and void.' So it was because of the protection clause that staff recommended, in order to remove any doubt, to go through the process again. Then the Council would not have the public question whether or not the Council followed the Resolution.

Councilmember McConnehey asked Dustin Erickson (of Community Treatment Alternatives) if his organization would suffer an undue hardship if the City were to go through the process again.

Dustin Erickson, Executive Director of CTA Community Supports, indicated that the reason he had not yet signed the contract was that as written, it did not allow time for due diligence (i.e. inspection, environmental study, etc.). He stated that since he had last addressed the Council, he had received an engineering report which he was comfortable with, and the bank had nearly completed an environmental study. He stated that his intention was still to purchase the building but that he could not sign the contract without having the opportunity to do his due diligence. He stated that he needed to acquire operable space by the summer, and although he would be interested in re-bidding for the property if that became necessary, he would also need to look at other options as well.

Councilmember Haaga asked Mr. Erickson when he was approached about purchasing the building.

Mr. Erickson responded that he was not approached about making a purchase, but about the need to share parking with the City when it took ownership since he owned the adjacent property. At that time, he expressed an interest in the building because he had been interested in it since it had become vacant.

Councilmember Haaga asked Mr. Erickson if he had sent a purchase offer to the Mayor prior to the bidding process.

Mr. Erickson indicated that he could not recall if he made an offer when he wrote to the Mayor expressing interest in the property.

Councilmember Nichols called a point of order, stating that it sounded to him like a deliberation. Councilmember Southworth concurred.

Mr. Erikson stated that he had nothing to hide.

Councilmember Southworth asked Mr. Erikson if a delay would put his financing in jeopardy.

Mr. Erikson responded that while his financing was secure, the longer it took to finalize the deal, the more he wondered if it would happen at all.

Bryce Haderlie pointed out that if the Council chose to direct staff to notice another public hearing on this issue, the hearing could be held on February 25. That would not involve a tremendous cost and then the Council could say they held another hearing and no one would be able to argue that it was not null and void. He indicated that the other question was the bid. The Council would need to determine if it was going to decide that the bid process was done fairly—that they would need to decide if they want to again take it through the process, hold the public hearing for the disposal of property and finish that part and then pick up where the City left off with Mr. Erikson's bid; or the Council could give direction that they want to go through another bid process or some other form of advertisement for the property. That was where Mr. Erikson stated that he might have to go looking for other property. And since the price was out there, it was unclear what the opportunities were for other bidders. That decision would be up to the Council.

Councilmember Haaga inquired about the special warranty deed that was being requested by the potential bidder.

Bryce Haderlie responded that he would prefer to have Jeff Robinson or David Clemence explain the requirements of the deed. He indicated it was his understanding from Jeff that the proposals for change were of a "non-material nature." Because of the speed that the first bid was put together, there was no time to give Mr. Erikson a chance to review the contract.

David Clemence, Real Property Agent for the City, explained that in the bid process, the City stated that the purchaser would be given a Quit Claim Deed to the property. A Quit Claim deed was a deed that simply says, "Whatever I own, you get." The City had owned the property for two months (at the most) and did not wish to make any kind of warranties because we do not really know the history of the property other than the last two months. But in working with the lender and the title company, they preferred that we use a Special Warranty Deed. That was not foreign to the City—we use Special Warranty Deeds all the time. A Special Warranty Deed simply says in layman's terms "we are going to give you a warranty as to what we owned and only to what we owned." This was opposed to a General Warranty Deed which says, "We are warranting this property and everything about this property for its entire history." A Special Warranty Deed says, "We are only warranting as to *our* title which we have only held for two months." So I agree with Jeff Robinson, that it was really not material to what we were trying to accomplish. I do not have a problem with it—we use Special Warranty Deeds all the time. I *would* have a

problem if they asked for a General Warranty Deed—I would recommend against that. But given that it is a Special Warranty Deed, I do not have a problem with that.

Mayor Rolfe stated that it appeared to him that the contract allowed the successful bidder until February 4 to make necessary inspections and could still back out of it up until the closing on February 4.

David Clemence indicated that he did not believe that was the case in the original contract. He indicated that typically in a *bid-style* environment there was no due diligence period. You are bidding because a) you have the money and b) you are interested in the property. So there was no due diligence period in a bidding-style environment. If you want to do due diligence you can do that, presumably, beforehand. Now having said that, we as a City, only gave three weeks between the advertisement and when the bid was due. So that did not provide the bidder a long time to do their due diligence. The ad *did* say that if they wanted to inspect the property prior to bidding, they were welcome to do that. But to the bidders point, even inspecting the property would not have allowed him to do, say, an environmental Phase I assessment. Again, in a bid-style environment, you are not going to do your due diligence unless you have a longer bidding period—a longer bidding window open which we just did not provide. But Mayor, if I heard you correctly, I do not remember saying that they had an ‘opt out’ clause after signing the contract due to inspection. It has been awhile since I looked at the original contract. Now this *new* contract—the amended contract in your packet—did allow them, I think, until maybe February 11, to inspect the property and then affirmatively back out before that period.

Councilmember Stoker stated that whatever happened with this property—I know there are a variety of opinions with this—from my personal standpoint I am just hoping to see a respectable facility within our City which our arts community and our residents can be proud of. I have reached out to several foundations that were interested in supporting arts facilities. I did not get very far—they told me that unless I bring some sort of money to the table, they would not even talk to me. I know there was some interest in keeping this building, and I know there was some interest in selling this building. But without some money, we cannot approach any foundations to build a respectful building for our community. I know that there are a variety of reasons we can do that—there was Economic Development-- being able to have that kind of facility. There was pride in your community. I have been to this facility several times and there are windows—it was a weird triangle shape—there were windows along two sides of it and on the third side of it there were shelves and counters and stuff. The ceilings were about ten feet tall. If you wanted to do performances in there with a stage or with riser seating or tiered seating, you really run into the roof. And we look at this facility and we see the unusual construction that was in there. The counters... the windows... the ten-foot ceilings... when we looked at making this a performing facility I just do not think it was suitable for that. I do not think that you can perform in that facility and be happy with your performances. There was no sound equipment in there, there was no real great way to put lighting in there and then you would have to do something with the windows behind it or the counters on the other side. This building was just not suitable for a performance facility. We can always

keep it. We can try to... use it for rehearsals, we can use it for auditions but it was not suitable for a performance facility. If the Council was willing to authorize other money, I mean I can use that money to go towards these foundations and begin having those discussions but again, like I said, I am just looking for an opportunity to be able to expand the pride in our community, the economic development—all the benefits of having a *real* arts facility in our community. And just look at some sort of starting funds to be able to make that happen.

Councilmember Southworth inquired as to the origin of the amendments to the contract contained in the agenda packet.

Bryce Haderlie explained that the amendments were requested by the potential buyer, CTA. The changes were then integrated into the contract which had the signature of CTA's Dustin Erickson.

Jeff Robinson stated that the amendments as added met legal form and were not material to the agreement. But the Council would need to determine if the amendments were acceptable to them.

Councilmember Southworth asked if the dates on the contract were still reasonable, considering the fact that some time had since elapsed.

Bryce Haderlie explained again that if the terms of the contract were acceptable to the Council, they could proceed accordingly. The next question was, if a public hearing was held on February 25, would the Council wish to make a decision that night or would they prefer to wait another two weeks until the next meeting?

Councilmember Southworth stated that if the contract changes were immaterial, his preference was for the Council to accept the changes and ratify the agreement now.

Jeff Robinson reminded Councilmember Southworth that the Council would then be required to amend the resolution since, as it was currently written, everything was null and void. He explained that it was his belief that the Council had the authority to do that although he admitted that there was some challenge to that—that if the Council amended the resolution that evening they may face a legal challenge. He stated that if the Council wished to take that risk, they may do so. But he stated that as Bryce had indicated previously, the safest thing was to begin the entire process again, starting with the public hearing to surplus the property and accept the contract only after that was done.

Bryce Haderlie pointed out again, that the Council could do both on the same night if they chose to—hold the public hearing and sign the contract. But the safest thing to do if the Council still wished to honor the purchase offer, would be to avoid the potential challenge, set the public hearing for February 25. The Council could instruct the staff to work with the purchaser to modify the dates such that it would give enough time after February 25 to finalize and close about a week later.

Councilmember McConnehey stated that he did not see a need to go through the bid process again. However, he indicated he would *not* be opposed to going through the surplus process and going through a public hearing for that part.

Mayor Rolfe indicated that he had consulted two personal attorneys on the issue because he was the individual who would ultimately sign. They both indicated that it would be illegal to move forward with the contract. He paid them—the City did not.

**MOTION: Councilmember Haaga moved to ratify Resolution 15-02, declaring the Real Estate Purchase Contract null and void, and declaring the Property no longer surplus. The motion was seconded by Mayor Rolfe.**

Councilmember Haaga stated that he agreed with Mayor Rolfe. It was his belief that the contract was in violation of City Code.

Councilmember Southworth asked for clarification regarding Councilmember Haaga's motion. It was explained that the motion was to make Resolution 15-02 null and void.

Jeff Robinson, City Attorney, stated that if the Council decided to go forward with another public hearing, he would like to take some time and look at the bid process and be confident that you can ignore—that you can just rely on the past bid process. If this motion passed, I think you clearly have to start the public hearing over to surplus. He would like some time to look at the bid process and see if we can really rely on the prior bid or whether we have to go through the bid process again.

Councilmember Stoker asked a clarifying question about the motion on the table and the contract included in the agenda packet.

Bryce Haderlie explained that the contract in the agenda was different from the one that the Council had previously approved. If the legal department was allowed to review the validity of the bid process, the Council would have to approve a new resolution.

Jeff Robinson clarified that the contract in the agenda packet (as opposed to the one that had previously been approved by the Council) had no legal effect and therefore did not need to be declared null and void.

Call vote required

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

<b>Councilmember Stoker</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion failed 3-4.**

**MOTION: Councilmember Stoker moved to accept the consequences of the deadline as established in Resolution 15-02; and declare that the property was no longer surplus; and that we proceed to have a new public hearing to declare the property surplus on February 25; and in the meantime to direct staff to examine the validity of the bidding process. The motion was seconded by Mayor Rolfe.**

Councilmember McConnehey inquired as to why the bidding process might need to be repeated.

Jeff Robinson explained that it had been a long time since he had reviewed the bid. He wanted to read the terms of the bid and confirm that there was nothing in it that would somehow invalidate it because the City never went through the contract.

Bryce Haderlie pointed out that the minimum was one advertisement and ten days. Melanie Briggs, City Clerk, explained that City code actually required that bids be opened no sooner than two weeks following an advertisement to bid.

Councilmember Stoker clarified that the point of his motion was to allow staff to evaluate the legality of the bid so that there were no problems in the future.

Councilmember Haaga asked for further clarification.

Councilmember Stoker explained that he had moved that the Council accept the consequences of the deadline as established in Resolution 15-02; and that the Council declare the property no longer surplus; and that the Council should move forward with holding a new public hearing regarding the surplussing of the property on February 25; and in the meantime, direct staff to evaluate the process of bidding in order to confirm that we were using a lawful process.

Councilmember Haaga indicated that he was still in opposition to the motion.

Roll call vote required

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



**Mayor Rolfe**

**Yes**

**The motion passed 5-2.**

Councilmember Southworth wished to point out to Mr. Erickson that he hoped the Council would move forward quickly and that he had no intention of backing out of what they had already agreed to do.

**MOTION: Councilmember Southworth moved to recess for five minutes. The motion was seconded by Councilmember McConnehey.**

The Council recessed at 8:36 p.m. and reconvened at 8:41 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING  
ORDINANCE 15-04, AMENDING THE 2009 WEST JORDAN  
MUNICIPAL CODE, TITLE 3, AND TITLE 8, REGARDING THE  
FACILITY USE POLICY**

Julie Brown stated that this was a follow up for approval to the presentation/review of the policy changes at City Council on December 17, 2014. Also included with this report was the requested red line document.

The Events Coordinator, Parks Department and Legal Department had worked over the last year or more on addressing issues raised by various groups, such as athletic leagues, related to use of City park facilities. Primarily, the questions were related to the reservation process, the type and extent of use that would be allowed and the time of year that certain facilities would be available. City staff met with league representatives to review the City Code and the West Jordan Facility Use Policy and had incorporated their suggestions to address concerns. Complete drafts of the proposals were included with this request for council action. To clarify some of the specific revisions and the reasons behind them, some items were summarized below. It should be noted that while fees had also been raised as a concern, the fees were adopted by City Council as part of the annual fee schedule and the amounts were not addressed in the City Code sections or the Facility Use Policy being presented and reviewed.

Proposed Text Amendments

During this process, it was also noted by staff that the existing Facility Use Policy contained some information and requirements that would be more appropriately addressed in the City Code, specifically Title 3, Chapter 5 "Rental of City Building Facilities" and Title 8, Chapter 13 "Parks and Recreation." The attached drafts of those chapters reflected staff's proposed revisions to the City Code to meet this need and also to add and clarify some of the existing provisions as follows:

1. A list of available rooms and buildings was proposed in section 3-5-1 to clarify building facilities that were available for reservation by the public.

2. Section 3-5-2 was added to cover reservations, stated that the reservations were permitted and specified cancellation requirements. This section also gave the time limits for scheduling a reservation (no fewer than two weeks and no more than 11 months prior to the use).
3. Fees were still as set forth in the fee schedule that was adopted by the City Council each year, but clarifying language was also included in section 3-5-3 to describe the requirement for deposits to be paid to the City to cover any repairs or cleaning that the City performed after the use.
4. Requirements of Title 3, Chapter 5 regarding smoking, alcoholic beverages, City Manager authority and conditions for denial remained the same except that holding an activity on a Sunday was no longer a reason for denial (as Pioneer Hall was now rented by the City and was available for Sunday rentals with a higher rental fee), and staff was proposing to add as a reason for denial any withholding of a deposit for a past reservation within the previous 3 years.
5. Section 8-13-1 had been updated to include all of the City's current park facilities and to reclassify the Arena as a City recreational facility, not a park. A definitions section had also been added to clarify some of the terms that were used by City staff related to City facilities and reservation of City facilities.
6. The hours of operation in section 8-13-2 had been updated to: (a) use specific and more clearly understood times; (b) clarify that City parks were seasonal and had no snow removal, less trash removal and no restrooms during certain months; (c) clarify the reservation procedures, especially for leagues for which City Council had directed staff to define the time periods during which tournament reservations and league play reservations could be submitted; (d) state the cancellation policy for reservations, including that seasonal reservations and tournaments would not receive a refund (this was due to the advance priority these reservations received that would prevent other users from reserving the facility).
7. The fees for park reservations were still as adopted by the City Council in the fee resolution, but as with building reservations, the use of deposits was clarified in section 8-13-15.
8. The list of prohibited activities in section 8-13-6 had been updated to include additional needed prohibitions, clarify certain requirements and reformat.
9. Regulations related to smoking and the City Manager's authority were the same.
10. Change pavilion rental timeframe to one all-day rental rather than two half-day rentals, which would save staff time and simplify the process.

### Proposed Facility Use Policy

City staff met with the leagues that use City athletic fields and concession stands for baseball, football and soccer. Baseball was held at the Veterans Memorial Park and the Ron Wood Baseball Complex, football was held at Constitution Park, and soccer was held at the Utah Youth Sports Complex. City staff had sought direction from City Council and the City Manager and it was determined that the following should be addressed:

- (1) Clarify what constitutes a youth league;
- (2) Have a time to apply that was earliest for the highest priority use (tournaments), later for the second priority use (league seasonal use) and later for lower priority use, etc.; and
- (3) Allow the City Manager discretion to require a lease if needed for use of concession stands.

Although some provisions of the Facility Use Policy were moved to the City Code sections discussed above, some of the concerns were addressed in the proposed Facility Use Policy as follows:

1. "Reservation Priorities for City Facilities" were addressed on page 11 (section IV.E.). They were first requested, first assigned. However, for simultaneous requests that would occur during the same application period (i.e. tournaments, seasonal league reservations), they were as follows: (a) City Events; (b) City-Sponsored Events; (c) Special Events; (d) league over non-organized ad hoc group; (e) youth over adult; (f) group without policy violations in the last three years; (g) leagues were scheduled in the order of percentage of West Jordan residents (highest to lowest); (h) historical use; (i) after consideration of all other factors, the date and time of the submitted application would be the tie-breaker if needed (not likely). As stated in the proposed Facility Use Policy, some of these priorities applied only to athletic fields and would not be used for a building, pavilion or other park reservation.

2. "Consideration of Application" (section IV.C.1.g) allowed for tournaments to be scheduled with a minimum of one week between each.

3. Concession stands were addressed in section IX of the proposed Facility Use Policy beginning on page 16. The prior policy linked use of concession stands to use of the adjacent athletic fields. As there did not appear to be a City need to include this restriction, it was removed. However, a person or entity reserving the athletic field would have priority if the concession stand request was submitted concurrently. While concession stands were available for seasonal rental, it had been clarified that temporary snack bars must be on a case-by-case basis. This was due to Salt Lake County Health regulations. The proposed policy clarified that applications for concession stands and temporary snack bars could be received no less than two weeks and no more than 11 months in advance and that a seasonal permit may be available or a lease may be required at the discretion of the City Manager. Storage in concession stands was allowed between uses, at the risk of the user, but must be removed prior to reservation dates and times of

other users, two days after the last reservation of the season and at the request of the City.

4. Other policies regarding fees and deposits, park closures, ability to exclude others from reserved areas, inflatable toys, denial of permits, maintenance, use of outside equipment or maintenance by others, lost/stolen/damaged property, grilling, fees and deposits, service in lieu of fees, inspections by users, compliance with laws, keys and combinations for locks, insurance and special event permits had not changed except for reformatting and other minor revisions to improve readability.

There was no anticipated fiscal impact.

Staff recommended approval.

Councilmember McConnehey pointed out that the Youth Theatre had expressed concern that they would no longer be allowed to hold events or practices at City Hall. He inquired as to where in the facility use policy this was specified.

Julie Brown responded that there was not a specific prohibition to that effect. However, staff had attempted to make City Hall more available for other uses and to ensure that the newly-remodeled community room continued to look spectacular. The policy specified that if the room was damaged by anyone using it or if there was some sort of conflict, the matter would be turned over to the City Manager who would determine if the group in question could use the facility again.

Councilmember Stoker commented that he felt the *community* room should be available to the community. However, that morning when he made a 'walk-through' of City Hall, he noticed that there were multiple dents, dings and scratches everywhere. While he wanted the community to be able to use the building, he also wanted to protect it.

Councilmember McConnehey mentioned that he recently had a very frank conversation with Celeste Stone of the Youth Theatre. She assured him that the youth she worked with were sufficiently supervised. She expressed frustration, believing that the Youth Theatre was being blamed for trouble that was caused by other groups using city hall. He asked that the City make absolutely certain who was responsible for any damage and that rather than automatically banning that group from using City Hall, an effort should be made to work with that group to solve the problem.

Bryce Haderlie asked to clarify that the Council Chambers were no longer available for use by community groups. Councilmember Haaga concurred.

Councilmember Southworth agreed that they should not use the Council Chambers but that community groups should still be allowed to use the Community Room for now. He recommended revisiting the issue at a later date to see if a change was needed.

**MOTION: Councilmember McConnehey moved to approve Ordinance 15-04 amending Title 3 and Title 8 of the West Jordan City Code and to approve the West Jordan Facility Use Policy as presented. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

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

**The motion passed 7-0.**

Bryce Haderlie confirmed with the Council that they were in agreement that the Council Chambers were not available for community groups. However, they also confirmed that other areas within City Hall were available for any group to use. The Council requested that any resulting damage be documented.

**DISCUSSION AND POSSIBLE ACTION REGARDING  
ORDINANCE 15-05, DECLARING A DEVELOPMENT  
MORATORIUM FOR 4 MONTHS FOR MULTI-FAMILY  
HOUSING PROJECTS**

Jeff Robinson explained that the City Council had asked that an ordinance declaring a 4-month moratorium on development applications for multi-family housing projects be placed for consideration on the January 28, 2015 agenda. The 4-month moratorium would allow the City to reexamine its Cap and Grade growth management program, to evaluate new development standards and practices for multi-family projects, and to develop performance-based zoning provisions to encourage better types of multi-family housing projects in the City. This was an offshoot of discussions at the recent City Council strategic planning retreat.

No material fiscal impact was anticipated.

Staff recommended approval of the proposed Ordinance.

**MOTION: Councilmember Nichols moved that the City Council adopt and approve Ordinance 15-05, declaring a 4-month moratorium on the acceptance of multi-family development projects in the City. The motion was seconded by Councilmember Stoker.**

A roll call vote was taken

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

**The motion passed 7-0.**

**DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING THE STORMWATER FEE**

Ryan Bradshaw explained that the Stormwater operations in West Jordan had been funded by the Wastewater Fund for many years, until 2010 when the Stormwater Fund was formally created and a separate Storm fee was included on customer utility bills. The creation of the Stormwater Fund allowed more accurate tracking of revenues and expenses specifically for storm related maintenance and capital projects. Currently, West Jordan charged an average of only \$15.81 per citizen per year. Neighboring cities charged between \$42.00 and \$25.00 per citizen per year.

Several neighboring cities had charged a Stormwater fee for many years. Here were some sample residential Storm fees as of 2014:

<u>City</u>	<u>2014 Storm Fee</u>
South Jordan	\$8.50
Midvale	\$7.62
Sandy	\$6.00
SLC	\$4.49
West Jordan	\$4.02
West Valley	\$4.00

The West Jordan Finance and Public Works Departments recently conducted a detailed analysis of projected operating expenses and capital projects over the next 10 years. Staff determined that additional revenue would be needed to adequately fund crucial construction projects to help prevent neighborhood flooding and meet state and federal Stormwater guidelines. This analysis was presented to City Council on Dec.17, 2014, where Council directed staff to prepare for a change in Stormwater rates as follows:

	Current Rate	Proposed New Rate - Option #1	Proposed New Rate - Option #2	Proposed New Rate - Option #3
Residential	\$4.02/mo.	\$6.00/mo	\$6.00/mo	\$6.00/mo
Commercial	\$4.02/mo per ¼ acre ERU	\$6.00/mo per 6,000 sq.ft. ERU	\$6.00/mo per 8,000 sq.ft. ERU	\$6.00/mo per ¼ acre ERU
Commercial Cap	20 acre cap on fee	11.02 acre cap on fee	14.69 acre cap on fee	20 acre cap on fee

The proposed Residential rate change was fairly straightforward. The proposed Commercial rate was based on property size. Some sample commercial property sizes and their fees were shown below:

Size of Property	Current Commercial Fee	Option #1 Commercial Fee	Option #2 Commercial Fee	Option #3 Commercial Fee
(acres)	<u>\$4.02 per 1/4 acre</u>	<u>\$6.00 per 6,000 SF</u>	<u>\$6.00 per 8,000 SF</u>	<u>\$6.00 per 1/4 acre</u>
0.25	\$4.02	\$10.89	\$8.17	\$6.00
0.5	\$8.04	\$21.78	\$16.34	\$12.00
0.75	\$12.06	\$32.67	\$24.50	\$18.00
1	\$16.08	\$43.56	\$32.67	\$24.00
5	\$80.40	\$217.80	\$163.35	\$120.00
10	\$160.80	\$435.60	\$326.70	\$240.00
20	\$321.60	\$480.00	\$480.00	\$480.00

The proposed Commercial Rates when compared to other cities were still some of the lowest. An approximately 10 acre parcel would pay between \$5,500.00 and \$9,000.00 per year in neighboring cities. In West Jordan, they currently paid \$1,878.82. Option #1 would raise this to \$5,075.61, Option #2 to \$3,806.71, and Option #3 \$2,804.21.

No material fiscal impact was anticipated.

Staff recommended approval of the proposed Ordinance.

Councilmember Haaga inquired about a comparison between residents and businesses with impervious space.

Ryan Bradshaw explained that other cities charged for impervious space while West Jordan charged on total space. He stated that the last paragraph of the staff report was an “apples to apples” comparison with other municipalities in the valley. He also took a “big box” business in West Jordan, and applied each of the three current options to it and found that the fees would still be lower than in any of the other local municipalities in the comparison. He also indicated that Option #3 would generate approximately \$850,000 revenue annually while Option #1 would generate \$1,300,000 per year.

Councilmember McConnehey explained that he had done some of his own research regarding square footage for ERU units in other municipalities and found the information quite enlightening. He indicated that he liked the way Riverton calculated the fee and

found that several other cities calculate it in a fashion similar to Riverton. He also liked that West Valley actually issued a rebate to businesses that retained water on their property instead of contributing to the storm water system. He stated that West Jordan seemed to be the odd man out in the way that it calculated the storm water fee. Regardless of how much a difference it made fiscally, he felt that the fee should be calculated fairly and be based on actual usage.

Councilmember Stoker provided some details as to the way in which the fee was calculated in Salt Lake City.

**MOTION: Councilmember McConnehey moved to extend the meeting past 9:00 p.m. but no later than 10 p.m. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.**

Councilmember Haaga stated his belief that increasing the fee was paramount to a tax increase and that the proposed increase represented a lot of money to those in his district who were retired and living on fixed incomes. He also felt it was a disincentive to businesses that might consider moving to West Jordan.

Councilmember Nichols mentioned that in Steve Jones' comments to Council earlier in the evening, he pointed out that it was more important to do what is right than it was to do something in the same manner that other municipalities do. However, the last thing we wanted to do as a City was to price ourselves out of the market so that businesses and residents preferred to move into other cities as opposed to West Jordan.

**MOTION: Councilmember McConnehey moved to direct staff to bring back options for changing the Stormwater fee structure, specifically for the ERU equivalency, to something that more closely mirrors what our neighboring cities are doing; and also include a discount component for businesses that retain their water, and bring back to Council for consideration with the amended rates. The motion was seconded by Councilmember Nichols.**

Councilmember McConnehey encouraged staff to contact West Valley staff regarding their discount program.

Mayor Rolfe stated his opposition to the motion due to his belief that it was the Impact Fees with new developments that needed to be addressed—not the Stormwater fee. He indicated that he was comfortable with the existing Stormwater fee.

A roll call vote was taken



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

**The motion passed 5-2 in favor.**

**DISCUSSION AND POSSIBLE ACTION REGARDING  
RESOLUTION 15-04, ESTABLISHING A POLICY ON HIRING  
PRACTICES FOR THE CITY OF WEST JORDAN**

Bryce Haderlie stated that there was no formal written policy on how positions were to be advertised and filled in the City. An informal directive from the Council had set the precedent that all positions were to be advertised internally and externally. While the staff had followed this Council position for the past couple of years, the Council had asked that the subject be revisited.

With approximately 50% of all positions being filled internally through this hiring process and recognizing that preparing existing employees to advance with knowledge and a history of the organization was in the City's best interest, a resolution had been prepared to formalize the process.

The ability for employees to prepare themselves through education, experience, and mentoring to take on additional responsibility was in the best interest of the City and the morale of the employees. The Council wanted to ensure that internal candidates were adequately prepared for the role and that unqualified candidates were not promoted due to political influence or internal bias. Internal candidates who met the minimum job requirements would be considered for the position but were not guaranteed the promotion.

The language contained in the resolution was intended to formalize the activities going forward and evaluate how it was working throughout the City at six months and then a year before deciding if it should be included in the Employee Policy Manual.

The policy and resolution intended to strike a balance that would actually save the City money over advertising every position externally.

Staff recommended considering the resolution that placed the responsibility with the department hiring official and the Human Resources department to determine the best way to obtain the most qualified employees.

**MOTION: Councilmember Nichols moved to adopt Resolution 15-04, using Option 3, confirming the intended process to fill positions within the City of West Jordan. The motion was seconded by Councilmember Southworth.**

Councilmember McConnehey repeated his concern about the unspoken message that could be sent to current City employees' if a department head chose to advertise externally. He also felt it was important to be able to prove to the public that the best candidates were being selected. He felt there would be no such proof unless positions were opened both internally and externally.

Councilmember Southworth stated that he was not interested in micro-managing staff but if a specific policy on this issue was necessary, he was comfortable with the latitude provided by Option 3.

A roll call vote was taken

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

**The motion passed 6-1.**

**CONSENT 7B**

**CONSIDER PARTICIPATING IN THE UTAH TRANSPORTATION COALITION, A GROUP COMPRISED OF THE LEAGUE OF CITIES AND TOWNS, UTAH ASSOCIATION OF COUNTIES, AND THE SALT LAKE CHAMBER, AND AUTHORIZE STAFF TO PROCEED WITH EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$3,000.00.**

**MOTION: Councilmember Haaga moved to approve joining the Utah Transportation Coalition, a group comprised of the Utah League of Cities and Towns, Utah Association of Counties, and the Salt Lake Chamber, and authorize staff to proceed with expenditure in an amount not to exceed \$3,000.00 and to encourage other members of the Council to sit at the table. The motion was seconded by Councilmember Stoker.**

Councilmember Stoker explained that all the municipalities at the Council of Governments meeting recognized that there was a problem when it came to B and C road funds. The \$3,000.00 would go to a lobbying effort to bring about reform.

Councilmember Southworth spoke in favor of the motion.

Mayor Rolfe also supported the motion with a caveat that the solution should apply on a statewide basis.

A roll call vote was taken

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

**The motion passed 7-0.**

**CONSENT 7C  
APPROVE RESOLUTION 15-01, AUTHORIZING THE MAYOR TO  
EXECUTE A CONTRACT WITH CODY EKKER CONSTRUCTION, INC.  
FOR REMOVAL AND UPSIZING OF RAOD CULVERTS ALONG  
BINGHAM CREEK AT 1300 WEST AND 4000 WEST IN AN AMOUNT  
NOT TO EXCEED \$1,139,330.00.**

Mayor Rolfe explained that he pulled this item from the calendar because he felt there were other capital projects (specifically the Stormwater project on 7000 South) that were a higher priority.

Dave Murphy explained that both projects were at the same priority—95 on the capital project list—because 7000 South now had \$4,000,000 in funding which was *not* being tapped for the Bingham Creek project. There was already a separate budget for the Bingham Creek project as well as some road funding and other storm drain funding.

Councilmember Haaga stated his belief that the situation at 7000 South near Constitution Park was an emergency, regardless of a ranking on the project list. He asked that staff make an effort to solve the problem more quickly.

Dave Murphy explained that the reason the Bingham Creek project was ranked this high was that the box culvert was failing, as was the piping underneath the box. There was no way to know how long it would last, or if it would hold during an earthquake, for example. He estimated that it would *not* hold, that it would take the roadway and perhaps a 20" high-pressure gas line. It was his opinion that the two projects were of equal importance.

**MOTION:** Mayor Rolfe moved to approve Resolution 15-01, authorizing the Mayor to execute a contract with Cody Ekker Construction, Inc. for removal and upsizing of Road Culverts along Bingham Creek at 1300 West and 4000 West in an amount not to exceed \$1,139,330.00. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

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

The motion passed 7-0.

**CONSENT 7J**

**APPROVE RESOLUTION 15-11, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH STANLEY CONSULTANTS, INC. TO COMPLETE PRELIMINARY AND FINAL DESIGN PLANS FOR THE 7000 SOUTH UTILITY DESIGN FROM THE JORDAN RIVER TO CONSTITUTION PARK IN AN AMOUNT NOT TO EXCEED \$148,185.00.**

Mayor Rolfe explained that he was concerned with just one aspect of the agreement and that was that the timeframe currently in the agreement did not allow for the Design Engineer to complete the two canal overflows which needed to be constructed by March 15. He understood the emergency nature of the project and wondered if anyone had spoken with Stanley Consultant's Design Engineer about the timeline.

Dave Murphy responded that he would address that issue with the contractor when they went over the scope of work. He also pointed out that this particular agreement was only for the preliminary plans (30% design) and not the **final** design plans as indicated on the agenda. He explained that it was crucial to get the concept on paper before certain aspects of the project could move forward. He also gave a thorough explanation of the complex permit process that the City and contractor were required to follow.

Mayor Rolfe asked to clarify that the deepening of the detention basin at Constitution Park would alleviate some of the 3200 West flooding problems.

Dave Murphy responded that as soon as there were design points laid out for the entire pipe line and they understood what the depth had to be, they could then go on to final design at Constitution Park.

Councilmember Haaga inquired as to whether or not there was a mechanism that could speed up the permit process with outside agencies due to the emergency nature of the flooding problems in the area.

Dave Murphy reminded the Council that the project was currently the #1 priority with Bingham Creek and pointed out that the declaration of emergency and the emergency powers Councilmember Haaga sought needed to be well-defined.

**MOTION: Mayor Rolfe moved to approve Resolution 15-11, authorizing the Mayor to execute an agreement with Stanley Consultants, Inc. to complete preliminary design plans for the 7000 South Utility Design from the Jordan River to Constitution Park in an amount not to exceed \$148,185,00. The motion was seconded by Councilmember Stoker.**

A roll call vote was taken

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

**The motion passed 7-0.**

**X. REMARKS**

Mayor Rolfe explained that the Council would be holding a special meeting on Saturday, January 31 at 10 a.m., and that Councilmember Southworth would be participating electronically.

There were no additional remarks.

**XI. ADJOURN**

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

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 25<sup>th</sup> day of February 2015