

**MINUTES TO  
BE APPROVED**

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

**Wednesday, July 13, 2016**

**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 Dirk Burton, Jeff Haaga, Zach Jacob, and Chad Nichols. Council Members Chris McConnehey and Sophie Rice were excused.

**STAFF:** Mark Palesh, City Manager; David R. Brickey, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Bill Pyper, Acting Finance Director; Justin Stoker, Deputy Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Scott Langford, City Planner; Craig Kleinman, Deputy City Attorney; Duncan Murray, Deputy City Attorney; Kyle Shepherd, Deputy Police Chief; Drew Sanders, Police Lieutenant; Dave Murphy, CIP Engineering Manager, and Jim Riding, CIP/Facilities Project Manager.

***I. CALL TO ORDER***

Mayor Rolfe called the meeting to order at 6:00 p.m.

***II. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Spencer Lingwall.

***III. PRESENTATION***

**CHAMBER OF COMMERCE PRESENTATION OF 2016-2017 GOALS**

Aisza Wilde, President of the West Jordan Chamber of Commerce, updated the Council on the following:

- Chamber of Commerce was operating in the red, with the exception of one-month (short \$121.00)
- Networking activities still going strong
- West Jordan Chamber most active in the valley
- Accomplishments
  - Craig Dearing Legacy Award
  - Social Media Interaction
  - Ambassador Program
- In the Future
  - Building West Jordan
  - Shopping West Jordan Initiative

- Focusing on restaurants in the future

#### **IV. COMMUNICATIONS**

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

Mark Palesh –

- Dave Murphy would be providing a monthly report regarding capital projects

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

David Brickey –

- Introduced the two new Deputy City Attorney's Craig Kleinman, and Duncan Murray. He provided a brief background on each of the individuals.

Brian Clegg –

- Expressed appreciation for all the support from other City employees during the Fourth of July events.
- Soccer Tournament, Thursday, July 14, 2016 – Saturday, July 17, 2016

Justin Stoker –

- Just over two weeks away from receiving the last of the LED streetlight fixtures.

Marc McElreath –

- There were no major fire incidents or injuries caused by fireworks during the Fourth of July holiday.

Doug Diamond –

- 'National Night Out' Thursday, August 2, 2016 starting at 6:00 p.m.
- Badge Pinning Ceremony, Thursday, July 21, 2016 at 4:30 p.m. for three new officers
- Expressed his gratitude to the West Jordan community for their outpouring of appreciation to his department, along with the support of City staff.
- He reported how police officers were being convicted prior to any investigation, but not in West Jordan. West Jordan officers were held to high standards and their community supported them.

Mayor Rolfe and the Councilmembers wanted the Police Department to know that they considered them 'Heroes.'

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

Councilmember Jacob –

- Expressed his appreciation to all City staff involved with the 'Fourth of July Celebration'
- Expressed his appreciation to the Police Department for their service

Councilmember Nichols –

- Expressed his sympathy to the family of Robert Thorup, former Deputy City Attorney, who passed away Tuesday, July 5, 2016.
- Also expressed his appreciation to Chief Diamond and the entire Police Department for their service
- Enjoyed viewing the West Jordan Fourth of July events through social media
- Updated the Council on his attendance at the Water Conservancy District Board meeting
- Reminded everyone on the importance of saving water especially during July and August. He said conserving water during July and August would directly impact water rates next year.

Councilmember Haaga –

- Reported that the City parks were looking fantastic
- West Jordan Police Department best in the State of Utah

Councilmember Burton –

- Also expressed his appreciation to the West Jordan Police Department
- Expressed his appreciation to all those who assisted with the West Jordan ‘Fourth of July Celebration’
- Opportunity for citizens to look for artifacts prior to the Maverick being built on 1300 West 7800 South, West Jordan. He read the names of those who assisted in making this happen. Registration was necessary through JayLynn Thomas.
- Fun facts - Reported that he spent 100 hours last month on City Council business (meetings, events, etc.)

Mayor Rolfe –

- Expressed his appreciation to everyone involved with the ‘Fourth of July Celebration.’ He considered the event one of the best.
  - He requested from finance the ‘gross vs. net’ on the entire celebration

Mark Palesh –

- Lighting - Council approved an extra \$40 million to light, dark areas in the City. Chief Diamond and Public Works were working together to identify the dark areas and the program moving forward.
- Apology received from the Air Force for missing the flyover road on the Fourth of July.

**V. CITIZEN COMMENTS**

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the common goals of the business of the City Council meeting.

She commented on the following:

- Recent tragedy regarding the Dallas Police Officers
- Police incidents in Salt Lake, Utah.

Judy Hansen, West Jordan resident, felt West Jordan had one of the greatest Police Departments. She said for a while she lived in fear; however, she no longer did. She had called the Police Department several times over the last several months and was treated with nothing but the utmost respect and now no longer lives in fear. She also commented on the West Jordan's Fire Department and their professionalism.

Blair Gernie, West Jordan resident, said in his neighborhood their homes and streets were close together. Originally the green space for the children in the neighborhood to play was to be Brigadoon Park; however, there was no access. He suggested extending 1500 West to Brigadoon Park. He said a pre-fab house was now located on the lot, which was designated as an access point.

Cai Hancey, West Jordan resident, asked if the proposed Service Agreement for Blyncsy was still on the agenda.

Mayor Rolfe reported that it was pulled from the current agenda.

There was no one else who desired to speak.

## ***VI. CONSENT ITEMS***

- a. Approve the minutes of June 22, 2016 as presented**
- b. Approve Resolution 16-104, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition**
- c. Approve Ordinance 16-29, amending the 2009 West Jordan Municipal Code Title 11, Section 2 regarding Land Disturbance**
- d. Approve Resolution 16-105, authorizing the Mayor to execute Local Government Contract with the City of West Jordan, UDOT, and Perkins Engineering Inc. for Preconstruction Engineering for the 7800 South 1300 West project, in an amount not to exceed \$119,970.48**
- e. Approve Resolution 16-106, the Mayor to execute a Real Estate Purchase Contract with The 8069 Trust to purchase a lot and mobile home located at 1469 West Bridgeport Way**
- f. Approve Resolution 16-107, authorizing the Mayor to execute an Interlocal Cooperation Agreement between West Jordan City and Salt Lake County for Traffic Signal Maintenance**

- g. Approve Resolution 16-108, authorizing the Mayor to execute the Federal Aid Agreement between the UDOT and West Jordan City for intersection improvements at 9000 South 4000 West in an amount not to exceed \$54,462.00**
- h. Approve Resolution 16-109, authorizing the Mayor to execute Amendment No. 1 with Jani-Serv, Inc., for janitorial services in the coming fiscal year, per the attached IFB and their proposal in an amount not-to-exceed \$102,955.90**
- i. Approve Resolution 16-110, authorizing the Mayor to execute Amendment No. 1 to the with A to Z Landscaping, Inc., for the annual City-owned park strip maintenance contract in an amount not-to-exceed \$2,100**
- j. Approve Resolution 16-111, authorizing staff to close 6200 South, August 4, 2016, for the Tour of Utah Bike Race**

Mark Palesh requested that Consent Item 6.c. be moved to the next City Council agenda.

The Council pulled Consent item 6.e. and 6.j. for further discussion.

**MOTION: Councilmember Nichols moved to approve all Consent Items except 6.c., 6.e., and 6.j. The motion was seconded by Councilmember Burton.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-0.**

#### **VII. PUBLIC HEARINGS**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 16-30, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 13, 'ZONING REGULATIONS,' ADDING 13-8-24 'MURAL OR WALL ART,' CITY-WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT**

Scott Langford said attention to this issue was brought about when the business located at 3202 West 7800 South painted large murals on several exterior walls. There had been several City Council and Planning Commission meetings held to discuss potential code amendments that would better handle this situation as well as provide direction for the potential of future murals elsewhere in the City.

The most recent City Council hearing regarding this issue was held on December 16, 2015. After reviewing the proposed text amendment, the City Council voted (7-0) to return this item back to the Planning Commission for reconsideration.

After the City's legal staff reworked the proposed code amendment and presented the new version to the Planning Commission, the Planning Commission voted to appoint Commissioner Kelvin Greene to work on a different draft.

On June 7, 2016, the Planning Commission reviewed the newly prepared text amendment and voted (6-0) to forward a positive recommendation to the City Council to approve the text amendment included in the Council agenda packet.

#### **GENERAL INFORMATION & ANALYSIS**

The proposed amendments included in the Council's agenda packet in the legislative draft were self-explanatory. The foregoing background would suffice as discussion and analysis.

#### **FINDINGS OF FACT**

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission shall make the following findings:

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

**Discussion:** One of the goals of the General Plan was to promote the public interest and the interest the community at large rather than the interests of individuals or special interest groups within the community. Another goal was to contemplate long range considerations into the determination of short range actions. The proposed amendments were intended to meet both of these goals by avoiding politically charged enforcement efforts under the sign code and providing clear policy and legal guidance to property owners who may desire to allow or encourage murals.

**Finding:** The proposed amendments conform to the General Plan and were consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:** As noted earlier in this report political problems arose when a property owner agreed to allow substantially all of their building to be covered with murals. Efforts to use the current sign code when confronted with complaints exacerbated the political problems for the City. Rather than attempt to regulate murals as signs with the attendant political and legal issues, a new proposed regulatory scheme within the zoning code provisions provides clear guidance to a property owner contemplating wall art while at the same time permitting wall art with basic level restrictions and controls.

**Finding:** The proposed amendment is appropriate given the context of the request and there was sufficient justification for a modification to the appropriate Sections of the 2009 City Code.

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

**Discussion:** These amendments eliminate current problems in code enforcement in a well-coordinated effort to eliminate confusion and problem.

**Finding:** The proposed amendment would not create a conflict with any other section or part of the 2009 City Code or the General Plan.

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

**Discussion:** These amendments are part of a citywide effort to provide a City Code which can be effectively used and searched.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

The proposed text amendments were warranted based on current and future needs of the City to properly regulate wall art; the amendments were found to not be contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.



Staff recommended that based on the analysis and findings contained in the Staff Report, staff supported the Planning Commission's proposed text amendment and recommended that the City Council amend the 2009 City Code regarding the "Murals" ordinance.

On June 7, 2016, the Planning Commission in a 6 to 0 vote recommended that the City Council approve the requested text amendment.

The Council and staff discussed clarifying question.

Councilmember Haaga asked 'what was art' and who would make that determination?

Scott Langford said he would apply the criteria in the Municipal Code to determine whether to permit/allow requests. He reminded the Council that the City already had an Appeal Code in place.

David Brickey said that Councilmember Haaga's question had credibility. He said his question would be the same one coming from a judge. His question was one that had most cities challenged right now, as to how to proceed. US Supreme Court issued an opinion that left municipalities struggling with how to define art. At a recent conference with most of the States' municipalities present, no one would take the lead regarding this issue. The question was is this appropriate?

Mayor Rolfe asked the City Attorney's advice.

David Brickey said in this instance, a member of our Planning Commissioner Kelvin Greene, who as a lawyer felt compelled to follow through on the obligation presented by the City Council to come back with a proposed change to City ordinances. At the same time, he (David Brickey) along with Darien Alcorn, Former Deputy City Attorney, and Duncan Murray recognized that when the City identified a single individual as being the individual that would define what 'art' is, the City would be setting itself up for the opportunity for a challenge. At the present time there was not a lot of this coming before the City, in fact there were none since the issue that began the concern. In his opinion, the City should not change and/or adopt additional terms and ordinances, which could be challenged; however, it was the Council's decision.

Councilmember Burton asked why Municipal Code 13-18-3C: Permitted Murals existed.

Scott Langford said he was unsure.

Councilmember Nichols asked clarifying questions regarding the proposed ordinance.

Scott Langford reported that all the changes proposed by the Planning Commission were included in the proposed ordinance.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, said this issue was not brought up prior to the Mexican restaurant mural on 3200 West. She brought up Salt Lake City and their nice murals. She felt the proposed ordinance should be approved, but murals should be limited.

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

**MOTION: Mayor Rolfe moved to table amending the 2009 West Jordan Municipal Code, Title 13, 'Zoning Regulations,' Adding 13-8-24 'Mural or Wall Art,' City-wide applicability; City of West Jordan, applicant, indefinitely, or until at least a seven-member Council is in attendance. The motion was seconded by Councilmember Burton.**

Councilmember Burton said if this did not pass, does that mean no one could have a mural in West Jordan.

David Brickey said mural art could be put up; however, there would not be the process described in the proposed ordinance as the analysis used. The City would use the same prior determinations. The current process would not be changed unless the proposed ordinance was adopted.

The Council and staff discussed clarifying questions.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 4-1.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 16-31, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE TITLE 13, SECTION 13-2-3 AND 13-5F-2, DISTINGUISHING  
'DATA CENTER' AS A PERMITTED USE IN THE M-1 ZONE; CITY-  
WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT**

Scott Langford said the City had met with potential companies interested in building large data centers, it had been brought to the attention of the City that it would be beneficial to specifically clarify that "data centers" are a permitted type of land use within the M-1 (Light Manufacturing) zone.

On May 3, 2016, the Planning Commission reviewed a text amendment clarifying that the storage of data is part of the existing “warehouse” land use. After further review and consultation, it was apparent that municipalities which have data centers, distinguish them as a separate land use; therefore, on June 7, 2016 the Planning Commission reconsidered a new text amendment that was proposed in the report included in the Council’s agenda packet and forwarded a positive recommendation to the City Council to amend the 2009 City Code.

**GENERAL INFORMATION & ANALYSIS**

As technology continues to progress and grow, so too does the need to adapt the 2009 City Code. Large data centers and other associated tech industries are relatively recent additions to the land use pallet. So new are these uses that this land use was not considered when the City Code was updated in 2009.

The proposed text amendment would create a new land use called “Data Center.” This new use was proposed as a permitted use within the Light Manufacturing (M-1) zone.

The following is the proposed definition of “Data Center”:

**Section 13-2-3:**

“DATA CENTER: Real and personal property consisting of a building or group of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, power and cooling equipment.”

In addition to amending the definition section of the Zoning Ordinance (13-2-3), the Permitted and Conditional Use chart for manufacturing zone (Section 13-5F-2) must also be changed to reflect the new use.

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P

Business service	P	P	P
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
<b><u>Data Center</u></b>		<b><u>P</u></b>	
Freight terminal		P	P
Gasoline and fuel storage sales		P	P

**FINDINGS OF FACT**

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission shall make the following findings:

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

**Discussion:** The General Plan supported and encouraged simple and straight forward policies and ordinances that were easy to understand, implement, and enforce.

The proposed amendment provided a newly defined use that reflected the evolution of technology services.

**Finding:** The proposed amendments conform to the General Plan and were consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:** The proposed text amendment does not change the intent of the current City Code, it merely provided clarity to a new type of use that has seen an increased demand over the past decade.

**Finding:** The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to the appropriate Sections of the 2009 City Code.

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

**Discussion:** The addition of data center to the Light Industrial (M-1) zone was compatible with the other types of uses permitted in this zoning district. Data centers were very similar to warehousing and other manufacturing uses.

**Finding:** The proposed amendment would not create a conflict with any other section or part of the 2009 City Code or the General Plan.

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

**Discussion:** The proposed amendment would have City-wide implication and does not relieve any particular hardship or confer any special privileges to a single property owner or cause.

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

In conclusion, the proposed text amendments were warranted based on the evolution and demand of technology services and were not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.

Staff recommended that based on the analysis and findings contained in the Staff Report, the City Council amend the 2009 City Code regarding the "Data Center" ordinance to include "Data Center" as a new use, permitted in the M-1 zone.

On June 7, 2016, the Planning Commission in a 6 to 0 vote recommended that the City Council approve the requested text amendment.

Councilmember Haaga asked what kind of data was allowed (pornography) and could the data be defined.

David Brickey said if the data was obscene it would be illegal. If it was pornography it would be protected by the U.S. Constitution.

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

**MOTION:** Councilmember Nichols moved to approve Ordinance 16-31, amending the 2009 West Jordan Municipal Code Title 13, Section 13-2-3 and 13-5F-2, distinguishing 'data center' as a permitted use in the M-1 zone; City-wide applicability. The motion was seconded by Councilmember Jacob.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

The motion passed 4-1.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
RESOLUTION 16-112, AUTHORIZING THE MAYOR TO EXECUTE AN  
AMENDMENT TO THE CHAMBER OF COMMERCE LEASE  
AGREEMENT WITH THE CHAMBER OF COMMERCE**

This item was to consider approval of an amendment to the Lease Agreement between the City of West Jordan and the West Jordan Chamber of Commerce.

Mark Palesh said staff did not support going from \$100 to the full \$1,000. He suggested tabling this item so the Chamber President had time to review the lease agreement and a possible increase.

Mayor Rolfe reported that an increase to the Chamber of Commerce rent was initiated by previous Council discussions.

David Brickey provided the following information:

- 2006 - Rent \$1,900 per month
- 2009 – Amendment No. 1 Rent reduced to \$100.00 per month
- 2016 – During preparation of the Lease, a suggestion was made to the City Attorney's Office by a member of the Council, which asked that it be considered higher. The amount was made \$1,000, so it could be discussed in a public meeting.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, spoke against keeping the rent for the Chamber of Commerce at \$100.00. She felt the current Board Members should resign. She commented on the previous treatment she received from the Chamber of Commerce.

Aisza Wilde, West Jordan Chamber of Commerce President/CEO, thought that the rent was reduced as a result of the contract amount being reduced. She said the Chamber appreciated the low rental rate.

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

Councilmember Jacob felt it was unusual to ask the Chamber to give the City money, after we give them money. He agreed the City should have something in place to pay for the space for valuable consideration, but did not agree with raising the fee at this point.

Councilmember Haaga felt he understood the Chambers contract. He said every year prior to the budget the West Jordan Chamber and their Board Members appeared before the Council to ask for funds, therefore allowing the budget to reflect any changes. He felt if there were to be a raise to the Chamber's rent it should be done in a budgetary way.

Councilmember Nichols said the partnership with the Chamber of Commerce was just as vital as other non-profit organizations. He felt there was no benefit in increasing the fee.

Mayor Rolfe reminded the Council that the City does not give \$48,000 to any other non-profit.

Councilmember Jacob said with the City's budget of \$120 million this would be considered a small dollar amount; however, due to the Chambers limited budget this change could affect them greatly.

**MOTION: Councilmember Jacob moved to deny Resolution 16-112, approving and authorizing the Mayor to execute the Membership and Service Agreement between the City of West Jordan and the West Jordan Chamber of Commerce. The motion was seconded by Councilmember Haaga.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>No</b>

**The motion passed 4-1.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
RESOLUTION 16-113, AUTHORIZING THE MAYOR TO EXECUTE AN  
AMENDMENT TO THE SOUTH VALLEY SERVICES LEASE  
AGREEMENT**

David Brickey said Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City and may otherwise provide nonfinancial support to a nonprofit entity providing services to the citizens of the City if the City complies with Section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

South Valley Sanctuary, Inc. was a nonprofit corporation, and the requested nonmonetary contribution for approximately 300 square feet of office space on the first floor of West Jordan City Hall was valued at \$5,100.00 calculated at a rate of \$425.00 per month.

The proposed Lease Agreement between West Jordan and South Valley Sanctuary, Inc. identified the location of the office space and set forth the terms and conditions of the Lease. It was proposed that the lease period be from \_\_\_\_\_, 2016 to \_\_\_\_\_, 2017 in order to continue occupancy when the current Lease ends and match the City's fiscal year. If the lease term was changed the amount of the charitable contribution needed to be prorated accordingly.

There were no proposed changes from the current Lease.

The South Valley Sanctuary had a history of being a good tenant in City Hall. The City and South Valley Sanctuary have had no problems or concerns. City staff supported the issuance of a new lease.

The fiscal impact would be the nonmonetary contribution of office space within the West Jordan City Hall valued in the amount of \$5,100.00.

Staff recommended consideration of the Lease Agreement and nonmonetary contribution to South Valley Sanctuary, Inc.

David Brickey said Jennifer Campbell from South Valley Services was available to answer questions.

He clarified that a fee is charged, but then that fee was waived.

Mayor Rolfe opened the public hearing.



Alexandra Eframo, West Jordan resident, commented on the size of the office space being provided. She requested clarification regarding the dollar amount being provided for this charity.

David Brickey informed Ms. Eframo that the dollar amount was \$5,100 per month.

Mayor Rolfe said the \$5,100 was for services that they provide to various citizens.

Jennifer Campbell, Executive Director of South Valley Services, reported on the activities that they provide in West Jordan and to West Jordan residents.

Councilmember Burton expressed his appreciation to the South Valley Sanctuary for their services.

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

Doug Diamond said the West Jordan Police Departments partnership with South Valley Sanctuary was invaluable.

**MOTION: Councilmember Haaga moved to approve a nonmonetary contribution of \$5,100.00 to the South Valley Sanctuary, Inc., and to approve and authorize the Mayor to execute the Lease Agreement with South Valley Sanctuary, Inc. The motion was seconded by Councilmember Burton.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-0.**

**CONTINUE UNTIL JULY 27, 2016 – MOTION REQUIRED - RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL A SERVICE AGREEMENT WITH BLYNCSY FOR SMART TRAFFIC SOFTWARE IN AN AMOUNT NOT TO EXCEED \$15,000**

**MOTION: Councilmember Nichols moved to continue the Public Hearing to consider for approval a Service Agreement with Blyncsy for Smart Traffic Software in an amount not to exceed \$15,000 until July 27,**

**2016. The motion was seconded by Councilmember Burton and passed 5-0 in favor.**

**CONSENT ITEM 6.E.**

**APPROVE RESOLUTION 16-106, THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE CONTRACT WITH THE 8069 TRUST TO PURCHASE A LOT AND MOBILE HOME LOCATED AT 1469 WEST BRIDGEPORT WAY**

The City Council requested that staff attempt to acquire property within the Normandy Mobile Home Park along 7000 South Street in West Jordan. Working within the parameters given by the City Council, staff was able to successfully negotiate a purchase of property located at 1469 West Bridgeport Way.

Included in the Council's agenda packet was the Real Estate Purchase Contract which was the end result of negotiations between the City staff and the property owner, and it complied with the direction provided by the City Council.

The fiscal and/or asset impact would be \$50,000.00, plus miscellaneous closing costs estimated to be up to \$500.00.

Staff recommended approval.

The Council and staff discussed clarifying questions.

**MOTION: Councilmember Haaga moved to adopt Resolution 16-106, accepting the Contract between the 8069 Trust and the City of West Jordan after it has been approved as to legal from by the City Attorney, authorizing and directing the Mayor to sign the Contract, and authorizing the City Attorney or his designee to sign all documents necessary to close the transaction at Backman Title company, using the General Fund for all acquisition costs. The motion was seconded by Mayor Rolfe.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-0.**

**CONSENT ITEM 6.J.**

**RESOLUTION 16-111, AUTHORIZING STAFF TO CLOSE 6200 SOUTH,  
AUGUST 4, 2016, FOR THE TOUR OF UTAH BIKE RACE**

It was reported that the City had received an application from Utah Cycling Partnerships (dba Tour of Utah) to hold part of this year's race in West Jordan City.

The portion in our City would involve the closure of 6200 South from 5600 West to 4800 West. Course location was included in the Council's agenda packet. Cyclists would be covering a portion of the course with four (4) laps.

The race was set for August 4, 2016, and the closure would take place at approximately 3:00 p.m. to 4:00 p.m.

Staff recommended approval of the requested road closure and time frames, as indicated, to accommodate the Tour of Utah Bike Race.

Councilmember Jacob voiced his concerns regarding the specific time frame.

Doug Diamond said normally the time needed was less than what was proposed. He felt the time listed in the proposed Resolution should allow adequate time; however, if the bike racers were running a little behind schedule the Police could accommodate them.

**MOTION: Councilmember Jacob moved to adopt Resolution 16-111, authorizing staff to close 6200 South as required for the Tour of Utah Bike Race. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-0.**

**VIII. REMARKS**

There were no remarks.

**IX. CLOSED SESSION**

**DISCUSSION OF THE CHARACTER PROFESSIONAL COMPETENCE,  
OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL;**

**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AND STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES**

**COUNCIL:** Mayor Kim V. Rolfe and Council Members Dirk Burton, Jeff Haaga, Zach Jacob, and Chad Nichols. Council Members Chris McConnehey and Sophie Rice were excused.

**STAFF:** Mark R. Palesh, City Manager, and David R. Brickey, City Attorney.

**MOTION:** Councilmember Nichols moved to discuss the character professional competence, or physical or mental health of an individual; Strategy Session to discuss pending or reasonably imminent litigation, and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, and adjourn from there. The motion was seconded by Councilmember Burton.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Absent</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-0.**

The Council recessed at 7:52 p.m. and convened the Closed Session at 8:00 p.m.

**X. ADJOURN**

The meeting adjourned at 8:30 p.m.

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

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

**ATTEST:**

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

Approved this 27 day of July, 2016

DRAFT