



**MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, November 08, 2023 – 6:00 pm
Approved December 6, 2023**

Thomas M. Rees Justice Center
8040 S Redwood Road • West Jordan, UT 84088

1. CALL TO ORDER

COUNCIL: Chair Chris McConnehey, Vice Chair Pamela Bloom, Kelvin Green, Zach Jacob, David Pack, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Mayor Dirk Burton, Assistant City Administrator Jamie Davidson, City Planner / Zoning Administrator Larry Gardner, Community Development Director Scott Langford, Police Analyst & Public Liaison Warren Hallmark, City Attorney Josh Chandler

Chair McConnehey called the meeting to order at 6:00 pm

Council Member Pack noted that several residents had attended with the expectation that the meeting would include a public comment period.

Council Member Pack moved to allow public comment. Chair McConnehey seconded the motion, which passed by majority vote (3-2), with Chair McConnehey, Vice Chair Bloom, and Council Member Pack in favor and Council Members Green and Whitelock opposed.

Council Member Jacob arrived at 6:04 pm, after the vote.

Council Member Whitelock said she spoke to many residents before the meeting began and told them there would not be a public comment period. She noted that many of the residents had left, said the item they wished to address would not be on the agenda for several weeks, and said she did not believe a public comment period was needed.

Chair McConnehey opened the meeting to public comment at 6:05 pm

Comment:

Suzanne Harrison on the Salt Lake County Council introduced herself to the City Council and said they all served side by side from her perspective. She encouraged the Council to reach out to her anytime.

Chair McConnehey closed public comments at 6:06 pm

2. DISCUSSION TOPICS

a. West Jordan – Station Area Plans (SAPs) Update and Progress report

Senior Planner Tayler Jensen provided an update regarding Station Area Plans (SAPs). He said staff were working on four of the City's seven SAPs that must be adopted by the end of 2025. Mr. Jensen showed a schedule of the public engagement process, and shared characteristics of the following four areas:

- Bingham Junction – corporate center
- Historic Gardner – gateway, Old Mill, Jordan River Parkway, in flux
- City Center – industrial, large expanses of pavement, underutilized
- 5600 West – heavy industrial, utility corridors, unpleasant environment

Mr. Jensen expressed the opinion that the West Jordan City Center SAP was the most important they were working on, and had probably the most potential State-wide. West Jordan partnered with Midvale City for the Bingham Junction SAP. Mr. Jensen presented an overview of information collected for the four areas, and answered questions from the Council.

Council Member Green wanted to be sure the design along 7800 South was consistent and made a good gateway. Responding to a question from Council Member Pack about City Center walkability, Mr. Jensen compared the plan to Sugar House.

Council Member Jacob expressed the opinion that the City Center SAP would be more successful if it had a bigger vision, with at least 300 acres rather than 80 acres. Chair McConnehey enjoyed seeing the ideas on paper, but worried about execution. He pointed out the City Center area was not right off the freeway with easy access, so it would need to be big enough to include an intentional draw. Chair McConnehey expressed concern about phasing and the residential component, and questioned from where the critical mass to support the project would come.

Council Member Whitelock expressed the opinion that West Jordan needed an I-15 interchange at 7800 South. Vice Chair Bloom said she remembered from previous work session discussions that the Council wanted something unique that would bring people to West Jordan City Center, but she did not yet see anything in the plan that would be a draw.

Council Member Green said he generally liked the plan for City Center and did not want the City Center SAP to compete with Gardner Village or Jordan Landing. He liked the festival park idea, and suggested festivals would bring people to the area. Council Member Green suggested partnering with UTA for a free-fare zone. Council Member Whitelock suggested including an area for food trucks.

Council Member Pack did not think it would necessarily be bad for City Center to commercially provide competition for Gardner Village and Jordan Landing. Chair McConnehey responded that cannibalization was more of a concern than competition. Mr. Jensen said the plan was to attract something different from the big box stores that were at the other locations.

Council Member Jacob suggested zooming out for a bigger focus that would integrate both City Center and Gardner Village and integrate more of what West Jordan had to offer. Mr. Jensen said the current focus included land the City had control over for a phase one. Council Member Jacob emphasized his desire to focus first on the bigger plan, and said he wanted West Jordan to be a second downtown compared to Salt Lake City downtown. Vice Chair Bloom suggested

the area needed something like a big Ferris wheel – something to be West Jordan’s version of Seattle’s Space Needle.

b. Discussion regarding potential revisions to City Code Title 16 Administrative Code Enforcement Hearing Program

City Attorney Josh Chandler introduced the proposal to revise Title 16 regarding the Administrative Code Enforcement Hearing Program, and said his office prepared two policy questions for the Council to discuss and provide direction. Council Member Green commented that additional policy questions would be brought to the Council at future meetings.

Assistant City Attorney/Civil Litigator Paul Dodd said the first question for discussion was service of process, meaning how residents were notified of violations when code enforcement cases were brought to the City. Under the current Title 16, a notice could be served by any of the following methods: regular mail; posting of notice on the property; personal service; or publication in a newspaper. Mr. Dodd said concern had been raised about service via regular mail, and a recommendation made that every initial notice should be sent via Certified Mail instead of regular mail. He explained the current code enforcement process for notices: courtesy notice (not part of written ordinance), followed by notice of violation, and notice of hearing.

Mr. Dodd commented that if every initial notice were sent via Certified Mail, the City would see an increase in expenses for mailing and staff time. He said West Jordan averaged a little over 20,000 code enforcement cases a year. Of those cases, approximately 300 a year were found to not be in violation after the first inspection (no courtesy notice sent). Approximately 900-1000 cases a year were resolved after the courtesy notice and were in compliance at the second inspection. Approximately 400-500 cases a year were resolved after the notice of violation, and only approximately 200 cases a year were scheduled for a default hearing with a notice of hearing sent. Mr. Dodd answered questions from the Council.

The Council discussed options presented, all of which complied with State law. Vice Chair Bloom asked if the City would be allowed to incorporate the cost of mailing into the code enforcement fee. Mr. Dodd responded it was an option, but many people let the fees sit on the account as a default against them. Mr. Chandler added that probably 60%-65% of the individuals who received a notice did not comply, and the City ended up with a claim against them. Collecting on the claims was labor intensive, and the City would not recoup costs in the short term.

Council Member Pack suggested posting a notice on a front door and taking a photo to have on file as proof, which may have more credibility than Certified Mail. Mr. Dodd said Code Enforcement often used that approach.

Council Member Green commented that using Certified Mail would be closer in compliance with State statute. He pointed out that notices needed to reach property owners in rental situations. Mr. Dodd responded that Code Enforcement always mailed a copy of a notice to a property owner if the property owner address was different from the address of occurrence. Council Member Green said he wanted to do everything possible to ensure a property owner

received clear notice before a property went into default. Council Member Jacob expressed the opinion that the City was looking for compliance, not punishment.

Council Member Jacob left the meeting at 7:30 pm

Chair McConnehey said he would support sending Certified Mail when a case reached a Notice of Violation, or when a Notice of Hearing case had not come into compliance and the City was seeking a default judgement or possible abatement of the property.

Mr. Dodd asked which Certified Mail service the Council would want to use. Council Member Whitelock said she would prefer to use the option that involved a signature acknowledging receipt, especially if the property owner address was different from the address of occurrence and said she would want the cost added to the fee.

Responding to a question from Vice Chair Bloom, Community Preservation Manager Brock Hudson said Code Enforcement probably saw 60% compliance from cases that went to a hearing. Council Member Pack said he agreed with dual notice when the occupant was not the property owner.

Council Member Green wanted to use Certified Mail for Notice of Violation, and suggested trying the idea of including a card to be returned to the City to see if the card was a successful option. Chair McConnehey was comfortable with either Certified Mail option and believed the City would see higher remediation success with Certified Mail.

A majority of the Council indicated support for using Certified Mail for a Notice of Hearing. Chair McConnehey and Council Member Whitelock expressed support for using Certified Mail for Notice of Violation for a trial period to see if compliance improved. Council Member Green did not want to increase burden on staff but could go along with a trial period.

Mr. Hudson asked for clarification for situations involving multiple addresses. Chair McConnehey, Vice Chair Bloom, and Council Members Green and Whitelock expressed support for a trial period for using Certified Mail for all addresses involved. Council Member Pack spoke of the wording of notices and expressed interest in taking the conversation further when possible.

Mr. Hudson asked if the Council wanted the Courtesy Notice codified. Council Members Pack, Bloom, Green, and Whitelock indicated they were in favor. Chair McConnehey was not sure codifying the Courtesy Notice was necessary if it was being done administratively and wanted to retain some flexibility. Council Member Green believed the concept could be codified in a generic way.

Presenting the second question for discussion, staff asked the Council to consider if the destruction of vicious and dangerous animals should be adjudicated before an Administrative Law Judge (ALJ), or in Justice Court. The City Attorney's Office was confident in the legality of the ALJ hearing and deciding the cases; however, there could be some benefits to having those cases heard by the Justice Court:

- The same Court and Judge could hear the criminal case against the owner and the destruction of the dangerous animal case.
- The Justice Court could issue a warrant if the animal needed to be seized. The ALJ did not have power to issue warrants.
- The Justice Court heard the cases prior to 2017 and the cases ran smoothly. Animal Control and the Prosecutor's Office had no concerns with having the Justice Court handle such cases.

Possible negative consequences to having the cases heard by the Justice Court if an animal destruction case became part of the case against the owner:

- In most criminal cases, the defendant had the right to an attorney appointed to defend them. This could create a significant additional expense if the destruction of the animal was part of the case.
- Most criminal cases had a right to a jury trial, which could take six months to a year before finalization. This would create additional expense and concerns with keeping the dog in a City kennel for such a lengthy amount of time.

Staff answered questions from the Council, and the Council discussed options presented. Mr. Chandler said review by the ALJ was usually timelier and tended to cost less. Council Member Green commented that the Justice Court was already there and said he would rather have the cases heard by a judicial officer than a quasi-judicial officer to avoid any Fourth Amendment issues. Council Member Green spoke in favor of amending the Code to allow for dangerous animal cases to be handled by either the ALJ or the Justice Court, at the option of Animal Control and the Prosecution.

Council Member Whitelock said she felt the cases would be better heard in Justice Court. Vice Chair Bloom said she did not want animals to be kenneled any longer than necessary, and expressed support for codifying the ability to choose between the ALJ and the Justice Court, whichever was best for the animal.

Council Member Pack said he believed individuals would take the situation more seriously in a Justice Court. He said his main concerns were for time and the health and wellbeing of the animal, which he believed would coincide with the health and wellbeing of the owner. Council Member Pack expressed support for whichever process would be quicker and taken most seriously.

Council Member Green suggested allowing discretion for whether dangerous animal cases and any criminal proceedings against the owner would be heard in Justice Court separately or as one case. Mr. Chandler said he believed the Prosecutor's Office would choose for the cases to be handled separately every time. Council Member Green expressed support for including both options. Council Member McConnehey expressed support for including the option for cases to be heard separately.

Staff said a draft would be prepared for further Council review.

c. Discussion to consider amending City Code Section 6-3E-1 Ownership and Maintenance of Fowl to include other groups of fowl and consolidate animal code to one Title.

Council Member Green introduced a proposal to amend City Code regarding ownership and maintenance of fowl, initially brought forward by Council Member Pack. He asked if the Council would be willing to expand the definition of fowl permitted (currently only pigeons and chickens) by only specifying fowl that would be prohibited. Council Member Green said Salt Lake County currently prohibited ownership of geese, turkeys, peafowl, and roosters. Council Member Green asked if the Council wanted to consolidate all animal references in City Code in Title 6.

Vice Chair Bloom said she owned chickens, and would love to have ducks and turkeys as well. She said she would like Code to be consistent with what was already happening in the City. Council Member Whitelock said she wanted the Code to be easier to read and understand and expressed support for consolidation. Council Member Whitelock was in favor of listing prohibited fowl, and asked why it was recommended that turkeys not be allowed.

Mr. Etchell expressed support for all animal references in the Code being consolidated in one title. He recommended prohibiting turkeys and peafowl and would support prohibiting geese. The City already prohibited roosters. He said turkeys tended to escape easily and were difficult to capture, and peafowl were very noisy and difficult to capture. Mr. Etchell suggested allowing ownership of a maximum of five birds total on a non-nuisance basis.

Chair McConnehey was supportive of changing the definition to include ducks but was hesitant to open the Code up further because of possible unintended consequences. He said he would prefer to allow a specific maximum number of fowl, as suggested by Mr. Etchell. Chair McConnehey expressed support for consolidating Code. He suggested updating the definition in a timely manner for Council review and approval and acknowledged that consolidation may take longer.

Council reached a consensus to promptly revise the definition in Section 6 regarding ownership and maintenance of fowl to include ducks in non-nuisance spaces. They agreed to revisit an amendment to consolidate all codes related to permitted animals at a later date.

d. Discussion on possible amendments to Title 2 – Executive Branch Committees

Council Office Director Alan Anderson explained the proposal to amend Title 2 regarding Executive Branch Committees, specifically Chapter 1 (General Committee Provisions) and Chapter 5 (Title 2 Standing Committees). He presented current General Committee provisions, and asked the following questions:

- Should the Council delete codification of certain committees and allow alternatives to committee creation?

Council Member Green questioned why the Council was involved in the creation of committees and suggested eliminating the section on standing committees. Mayor Burton liked the idea of having flexibility to create or dissolve committees as needed and liked the idea of the Council having the same flexibility.

Chair McConnehey agreed with giving the Mayor creation/dissolution/appointment flexibility. He liked having the opportunity to recognize those who were serving and thank them for their service and believed it would be possible to do that without having the committees codified. Chair McConnehey said defined terms of service made sense for the Planning Commission, but with committees he felt individuals should be welcome to serve as long as they wanted.

- Should committees maintain a maximum of 15 voting members?

Council Member Green expressed the opinion that the Council would not need to worry about a maximum number of members if standing committees were eliminated. Vice Chair Bloom was in favor of eliminating the committees from the Code and letting the Mayor manage them. Council Member Pack expressed the desire for Council to receive an annual report from the committees.

Council Member Green expressed support for eliminating Council advice and consent for committees and transitioning to an annual volunteer appreciation event. Council Member Whitelock wanted to eliminate Council advice and consent for volunteer committees as well. Council Member Pack said he could see the benefit of having a check and balance and would want the Council to receive reports regarding who was serving in what capacities.

Council Member Green felt the ultimate goal was for individuals to volunteer in the city and he did not believe the Council needed to be gatekeepers. Chair McConnehey did not think a check and balance was needed for those types of committees and he would like to see a regular report to the Council, and current lists of individuals serving included on the City website. He noted that the consensus was to eliminate council advice and consent for all standing committees.

Mr. Anderson said staff would draft changes for Council review prior to a public hearing.

4. ADMINISTRATIVE ITEMS

Chair McConnehey reported of a discrepancy between City Water Efficiency and Landscaping Code and Jordan Valley Water Conservancy requirements. Council Member Green suggested putting language from the Utah Administrative Code directly in City ordinance to get it done fast so residents could qualify for rebates. Vice Chair Bloom expressed agreement. Mr. Anderson said a public hearing would be required and could be scheduled for December 20, 2023 at the earliest. The Council indicated support.

5. CLOSED MEETING

At 9:02 pm, Council Member Green moved to convene in a closed session to discuss the purchase, exchange, or lease of real property; or the sale of real property, including any form of a water right or water shares as provided by Utah Code Annotated §52-4-205. Council Member Whitelock seconded the motion, which passed by unanimous vote (5-0).

Council Member Pack left at 9:03 pm

The closed meeting convened at 9:04 pm Those present during the closed session included: Council Members Bloom, Green, McConnehey, Pack, and Whitelock; Mayor Dirk Burton; Assistant City

Administrator Jamie Davidson; City Attorney Josh Chandler; Policy Analyst & Public Liaison Warren Hallmark; Real Property Administrator David Clemence; Public Works Director Brian Clegg; Assistant City Attorney/Civil Litigator Paul Dodd; City Engineer Nate Nelson; Garrett Turner; Council Office Clerk Cindy Quick; and Council Office Director Alan Anderson.

Council Member Pack rejoined at 9:05 pm

City Council Members discussed the purchase, exchange, or lease of real property as follows:
Property #1: 9:04 pm to 9:24 pm

At 9:24 pm, Council Member Green moved to adjourn the closed session. Council Member Whitelock seconded the motion, which passed by unanimous vote (5-0).

5. ADJOURN

Council Member Green moved to adjourn the open meeting. Vice Chair Bloom seconded the motion, which passed by unanimous vote (5-0).

The meeting adjourned at 9:25 pm

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on November 8, 2023. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC

Council Office Clerk

Approved this 6th day of December 2023.