



**THE CITY OF WEST JORDAN
CITY COUNCIL MEETING
October 23, 2024**

8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

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CITY COUNCIL MEETING 6:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. SPECIAL RECOGNITION

- a. Recognizing Tayler Jensen and Community Development for the APA Outstanding Plan Award for Station Area Plans.

4. PUBLIC COMMENT

Please address comments to the Council Chair without expecting debate or response. It is our desire that each person attending a meeting feel safe, respected, and comfortable participating in their government. We hope commenters will have the same goal striving to keep comments respectful, professional, and free from profanity, personal attacks, and indecency. Please provide your full name and limit your remarks to three (3) minutes. Alternatively written comments may also be submitted.

5. REPORTS TO COUNCIL

- a. City Council Reports
- b. Council Office Report
- c. Mayor's Report
- d. City Administrator's Report

6. PUBLIC HEARINGS

- a. **Ordinance No. 24-46** amending West Jordan City Code Title 17 – Alcohol Beverage Control and Uses
- b. **Ordinance No. 24-44** amending West Jordan City Code Sections 8-15-4 and 7-5-2 Regarding Naming Principles and Placement of Parks, Public Spaces, Monuments, and Street Name Changes

7. CONSENT ITEMS

Items not requiring public discussion or which have previously been discussed may be adopted by one single motion. Council Members may request to pull an item for further discussion and consideration.

- a. Approve Meeting Minutes
 - October 9, 2024 – Regular City Council Meeting
 - October 9, 2024 – Committee of the Whole Meeting
- b. **Resolution No. 24-037** a Deferral Agreement with CW Land Co., LLC for parkstrip landscape improvements in the Copper Rim Phase 3B Subdivision

8. ADJOURN

***Please note:** at the conclusion of this meeting, the Council will convene in a Committee of the Whole meeting.

UPCOMING CITY COUNCIL MEETINGS

- Wednesday, November 6, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, November 13, 2024 – Committee of the Whole Meeting – 6:00p
- Wednesday, November 20, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, December 4, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, December 18, 2024 – Regular City Council Meeting – 6:00p

Interested parties may contact the Council PRIOR to the meeting in one of the following ways: *(your comment will not be part of the meeting but will be provided to all members of the entire City Council)*

- **Call the 24-hour Public Comment Line PRIOR to the meeting and leave a message: (801) 569-5052. Please include your name and phone number.**

- Send an email to councilcomments@westjordan.utah.gov. Please include your name and phone number.

You can follow the City Council on Facebook @WestJordanCityCouncil

In accordance with the Americans with Disabilities Act, the City of West Jordan will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the West Jordan City Council Office at 801-569-5017, providing at least three working days' advance notice of the meeting.

ELECTRONIC PARTICIPATION

One or more council members may participate electronically in this meeting using online video conferencing technology per Utah Code (§52-4-207) and West Jordan City Code 1-13-1-E. Participation will be broadcast and amplified so all present in the meeting will be able to hear or see the communication.

INTELLECTUAL PROPERTY PERMISSION NOTICE

By attending this meeting/event, you consent to the use of your photograph, voice, likeness, and image in broadcasts of this meeting/event, and in subsequent productions drawn from video or audio recordings of this meeting/event, in the sole and absolute discretion of the City of West Jordan. The city retains copyright for all video and audio recordings. Video and audio recordings may not be modified, manipulated, or distributed in any way without the express written consent of the City Administrator.

CERTIFICATE OF POSTING

I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmn/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and West Jordan Journal.

Please note: agenda items are subject to change and may be reordered or tabled in order to accommodate the needs of the City Council, staff, and the public.

Posted and dated October 18, 2024 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

| | |
|---|---|
| Action: Need Council to take action | Meeting Date Requested : 10/23/2024 |
| Presenter: Alan Anderson / Patrick Boice | Deadline of item : |
| Applicant: | |
| Department Sponsor: Council Office | |
| Agenda Type: PUBLIC HEARINGS | |
| Presentation Time: 10 Minutes | <i>(Council may elect to provide more or less time)</i> |

1. AGENDA SUBJECT

Ordinance No. 24-46 amending West Jordan City Code Title 17 – Alcohol Beverage Control and Uses

2. EXECUTIVE SUMMARY

The Council is being asked to consider changes to Title 17 of West Jordan City Code, as it relates to Alcohol Beverage Control and Uses. Summarized revisions to Title 17:

- Reduced from 33 to eight pages in length;
- Repetitive state requirements have been omitted;
- City code does not need to be updated as a result of pending state requirements;
- Processes for obtaining a city-issued permit have been simplified, making it more business-friendly;
- Current practices in the business licensing division are accurately reflected;
- Title 16 (Administrative Code Enforcement Hearing Program) is appropriately referenced and incorporated.

3. TIME SENSITIVITY / URGENCY

Present code does not accurately reflect various provisions of state code. While the proposed updates are necessary, they are not critical to city code operation or enforcement.

4. FISCAL NOTE

N/A

5. STAFF ANALYSIS

Title 17 was originally adopted via Ordinance No. 21-31 during the [August 25, 2021 City Council Meeting](#).

Amendments to Title 17 were recently presented to Council in the [September 18, 2024 Committee of the Whole Meeting](#).

Council indicated support for the simplified Title 17 and provided various suggestions (specifically relating to Title 16 and elements of business closure, respectively) which were considered and implemented, as appropriate.

Utah's alcohol licensing laws are found in [Title 32B of the Utah Code](#) (which is also known as the Alcoholic Beverage Control Act), originally enacted in 1935 following the repeal of Prohibition in the United States.

The Utah Alcoholic Beverage Control Act is legislation that governs the sale, distribution, and consumption of alcoholic beverages in Utah. Key aspects of the Act include:

- **Regulation of Sales:** It establishes rules for the sale of alcohol, including licensing requirements for retailers, restaurants, and other establishments.
- **Control of Distribution:** The Act outlines how alcoholic beverages can be distributed and who is authorized to distribute them.
- **Types of Licenses:** It defines various types of licenses (e.g., for beer, wine, and spirits) and the specific requirements for obtaining each.
- **Enforcement:** The Act provides guidelines for enforcement by the Utah Department of Alcoholic Beverage Control (DABC), including penalties for violations.
- **Public Health and Safety:** It aims to balance the availability of alcohol with public health and safety concerns.

The Act has evolved over time to adapt to changing social norms and consumer preferences, including changes to allow more access to different types of alcoholic beverages.

-- As this RCA was created by the Council Office, there is no additional CSR for this item. --

6. POSSIBLE COUNCIL ACTION

Council may choose to take one of the following actions:

1. Approve the ordinance as written and as proposed OR with stated amendments;
2. Not Approve the ordinance;
3. Continue the item to a future specified date;
4. Move the item to an unspecified date;
5. Refer the item back to a Committee of the Whole Meeting, Council Subcommittee, or an Ad Hoc Committee;
6. Refer the item back to Council Staff or Administrative Staff.

7. MAYOR RECOMMENDATION

8. PACKET ATTACHMENT(S)

- A. Title 17, Clean
- B. Title 17, Redline
- C. Public Hearing Notice
- D. Minutes from the 9/18/2024 COTW Meeting

1 **TITLE 17**
2 **ALCOHOL BEVERAGE CONTROL AND USES**

3 **CHAPTER 1**
4 **GENERAL PURPOSE AND DEFINITIONS**

5 SECTION:

6 [17-1-1: Purpose](#)

7 [17-1-2: Policy Goals](#)

8 [17-1-3: Utah Alcoholic Beverage Control Act Adopted](#)

9 [17-1-4: Preemption And Local Control](#)

10 [17-1-5: Compliance With State Law Required](#)

11 [17-1-6: Definitions](#)

12 **17-1-1: PURPOSE:**

13 The purposes of this title are to regulate the sale and distribution of alcohol and to
14 simplify alcoholic beverage control regulation by not duplicating state regulations. (Ord.
15 21-31, 8-25-2021)

16 **17-1-2: POLICY GOALS:**

17 The city regulates the sale of alcoholic products in a manner that reasonably protects
18 the public interest, including the rights of citizens who do not wish to be involved
19 with alcoholic products. The city administers this ordinance in a neutral manner. (Ord.
20 21-31, 8-25-2021)

21 **17-1-3: UTAH ALCOHOLIC BEVERAGE CONTROL ACT ADOPTED:**

22 The city adopts Utah Code Title 32B, Alcoholic Beverage Control Act in its entirety by
23 reference. The provisions of this code are used to carry out city regulations
24 regarding alcohol. (Ord. 21-31, 8-25-2021)

25 **17-1-4: PREEMPTION AND LOCAL CONTROL:**

26 The State of Utah, through the alcoholic beverage control act, maintains exclusive
27 control of alcoholic beverages, unless where permitted or delegated to the city. The city
28 regulates the sale, storage, or consumption of alcoholic beverages to the extent that
29 regulation does not conflict with the provisions of the Utah Code or applicable
30 administrative rules. (Ord. 21-31, 8-25-2021)

31 **17-1-5: COMPLIANCE WITH STATE LAW REQUIRED:**

32 All persons or business entities subject to this title shall strictly comply with Utah Code
33 Title 32B and administrative rules of the Utah Department of Alcoholic Beverage
34 Services (DABS). (Ord. 21-31, 8-25-2021)

35 **17-1-6: DEFINITIONS:**

36 All terms listed in this chapter shall use the definitions found in the
37 Utah Alcoholic Beverage Control Act (Utah Code Title 32B) or successor provisions.

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CHAPTER 2 PERMITS AND APPLICATIONS

SECTION:

[17-2-1](#): Alcohol Permitting Authority

[17-2-2](#): Permit Official, Powers And Duties

[17-2-3](#): Permits Nontransferable

[17-2-4](#): Expiration And Renewal

[17-2-5](#): Permit Application And Contents

17-2-1: ALCOHOL PERMITTING AUTHORITY:

Alcohol permits shall be conducted through the Community Development Department. Alcohol permitting shall be established in conjunction with the business license authority in the city. A permit issued under the authority of this title is the local consent required by the Utah Alcoholic Beverage Control Act. It is prohibited for any person or company to sell or serve alcohol without the appropriate permit. (Ord. 21-31, 8-25-2021)

17-2-2: PERMIT OFFICIAL, POWERS AND DUTIES:

A. The business license authority shall assess a fee, according to the fee schedule approved by the city council, for each alcohol permit issued under this title. The business license official may prosecute a suspension or revocation administratively as provided in title 16 of this code.

17-2-3: PERMITS NONTRANSFERABLE:

Permits issued under this title are not transferable. (Ord. 21-31, 8-25-2021)

17-2-4: EXPIRATION AND RENEWAL:

A. All alcoholic beverage permits, except for single event permits and temporary beer event permits, shall expire 12 months after they are issued.

B. Renewal fees and all renewal documentation must be delivered to and received by the Business License Official within 30 days after the expiration date.

1. If the renewal fees and documentation are not received within 30 days of the due date, the permittee shall pay a penalty of 25 percent of the original fees due in addition to the original fee and renewal documentation.

2. Required Documentation. The permittee, shall certify that all current employees have received training on the written policies, procedures and laws relating to the marketing and sale of alcoholic beverages.

C. Alcohol permits become null and void if not renewed 30 days after the expiration date.

D. Single event and temporary beer event permits shall indicate specific expiration dates and are not subject to renewal.

75 **17-2-5: PERMIT APPLICATION AND CONTENTS:**

76 A. All applications for permits must include the following items:

- 77 1. The name, current address, and telephone number of the applicant.
- 78 2. Present business address and telephone number (if applicable).
- 79 3. Social security number if applicant is an individual, or EIN if the applicant is a
80 business.
- 81 4. Proof of age to show that the applicant is at least 21 years of age.
- 82 5. The state sales and use tax number for the business.
- 83 6. A drawing or rendering indicating the area for alcohol sales, storage areas and
84 consumption areas.
- 85 7. A map or evidence of the proposed retail licensee's proximity to any community
86 location or sexually oriented business with proximity requirements being governed by
87 State law.
- 88 8. A signed consent form stating that the applicant will allow any representative of
89 the city, including a law or code enforcement officer, the unrestricted right to enter the
90 premises of the applicant for an inspection or enforcement purpose.
- 91 9. A sworn statement signed by the applicant that all the facts included in the
92 application are true.
- 93 10. Certification that the permitted premises shall comply with the provisions of this
94 title.
- 95 11. Certification that all employees have been trained in the applicable policies,
96 procedures, and laws regarding the sale and distribution of alcoholic beverages.
- 97 12. Any other information that the Business License Official may require.

98 B. Changes to Applicants: If there are any changes made in the names of the
99 applicants or the operator and managers of the permitted premises, an update to the
100 permit application must be filed within 30 days of the change. (Ord. 21-31, 8-25-2021)

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CHAPTER 3
SUSPENSION, REVOCATION, OR DENIAL OF PERMIT

105

SECTION:

106

[17-3-1: Suspension Or Revocation Of Permit](#)

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[17-3-2: Inspections](#)

108

[17-3-3: Penalties](#)

109 **17-3-4: Administrative Regulations**

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111 **17-3-1: SUSPENSION OR REVOCATION OF PERMIT:**

112 Permits may be suspended or revoked by the Business License Official for any of the
113 following reasons:

114 A. Violation on the permitted premises of any provision of this title;

115 B. Violation of any ordinance or law related to alcoholic beverages;

116 C. The permittee does not now possess the qualifications required by this title and
117 the statutes of the State of Utah;

118 D. False or incomplete information given on an application;

119 E. The permittee has obtained or aided another person in obtaining a permit by fraud
120 or deceit;

121 F. The permittee has failed to pay real or personal property taxes, utility taxes or
122 sales taxes;

123 G. Any criminal activity by the permittee or any employees of the permittee while on
124 the premises, or relating to the business;

125 H. Failure to pay the license fee when due;

126 I. The permittee has been convicted of or entered a plea of nolo contendere to a
127 crime involving moral turpitude;

128 J. Any conduct or act of the permittee or their employees or any act committed by
129 them on the premises or any act by the patrons where such business is conducted
130 tending to render such business or such premises where the same is conducted a
131 public nuisance or a menace to the health, peace or general welfare of the city or its
132 residents;

133 K. The permittee has refused to allow authorized representatives of the city to make
134 an inspection or has interfered with such representatives while in the performance of
135 their duty in making such inspection;

136 L. The permittee is not complying with a requirement or condition set by the planning
137 commission or community development department under a conditional use permit, site
138 plan review, or other approval; or

139 M. Any other reason expressly provided for in this chapter. (Ord. 21-31, 8-25-2021)

140 **17-3-2: INSPECTIONS:**

141 Police department officials, code enforcement officials, fire department officials,
142 community development officials, building and safety department officials, and the
143 business license official shall be permitted to have access to all premises permitted or
144 applying for permits under this chapter. They may also make periodic inspections of

145 such premises. Inspections by law enforcement or code enforcement may be made with
146 or without prior notice and in uniform or plain clothes. (Ord. 21-31, 8-25-2021)

147 **17-3-3: PENALTIES:**

148 Citations issued under this title may be prosecuted criminally or civilly. If a civil citation
149 is issued, the parties will follow the administrative citation process set forth in Title 16 of
150 this Code. Penalties for civil violations of this Chapter shall be set forth in the city's
151 comprehensive fee schedule. (Ord. 21-31, 8-25-2021)

152 **17-3-4: ADMINISTRATIVE REGULATIONS:**

153 The mayor or city administrator may prepare and promulgate such administrative forms
154 and regulations, not inconsistent with the provisions of this title, as are necessary to
155 carry out the purposes of this title. (Ord. 21-31, 8-25-2021)

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157 **CHAPTER 4**
158 **CLASSIFICATION OF PERMITS**

159 SECTION:

160 [17-4-1: Permits](#)

161 [17-4-2: Retail Permits-General Provisions](#)

162 [17-4-3: Single Event/Temporary Permits](#)

163 [17-4-4: Implementation](#)

164 **17-4-1: PERMITS:**

165 Permits issued under the provisions of this title shall be classified into the types as listed
166 in the Utah Alcoholic Beverage Control Act. Applicants are required to obtain a
167 separate permit for each license type.

168 (Ord. 21-31, 8-25-2021)

169 **17-4-2: RETAIL PERMITS-GENERAL PROVISIONS:**

170 A. License Required. A permit is necessary prior to a permittee storing, selling, offer
171 for sale, furnishing, or permitting the consumption of an alcoholic product on permitted
172 premises as a retail permittee.

173 B. Multiple Permits. The licensing official may issue, and one or more permittees
174 may hold, more than one type of permit for the same premises. Multiple permits require
175 separate application and payment of separate fees for the permitted location.

176 C. Hours of Operation. It is unlawful for any permittee to sell or dispose of beer to
177 any person or patron on the permitted premises contrary to the hour of operation limits
178 prescribed by a conditional use granted by the planning commission and the Utah
179 Alcoholic Beverage Control Act, or successor provision. In no case shall a permittee or
180 any employee of the permitted premises sell, dispose of, or give away beer between the
181 hours of 1:00 a.m. and 7:00 a.m.

182 D. Identification: All purchasers of alcoholic beverages are required to produce
183 identification. (Ord. 21-31, 8-25-2021)

184 **17-4-3: SINGLE EVENT/TEMPORARY PERMITS:**

185 A. Required: A city-issued special event alcohol permit is required for all events which
186 are required to obtain from the Utah Alcoholic Beverage Services Commission a single
187 event permit or temporary special event beer permit under title 32A, Utah Code or its
188 successor provisions, allowing alcohol to be stored, sold, served and consumed for
189 short term events.

190 B. Application Requirements: In addition to the application requirements set forth in
191 in this title, the following information is required:

- 192 1. The time, dates, and location of the event.
- 193 2. A description of the nature and purpose of the event.
- 194 3. A description of the control measures to be imposed by the DABS and where
195 alcohol will be stored, served and sold.
- 196 4. A signed consent form stating that law enforcement and authorized city
197 representatives shall have the unrestricted right to enter and inspect the premises
198 during the event to ensure compliance with state law and city ordinance.

199 C. Operational Restrictions: The permittee is subject to all operational restrictions
200 imposed by the DABS under its state license. No alcohol may be served at any special
201 event unless the city permittee also obtains the appropriate state license.

202 D. Nontransferable: Special event alcohol permits are not transferable.

203 E. Time Limits: Special event alcohol permits are subject to the time limitations
204 applicable to DABC single event permits and temporary special event beer permits.

205 F. Fees: Special event alcohol permits are subject to the fees set forth in the
206 consolidated fee schedule.(Ord. 21-31, 8-25-2021)

207 **17-4-4: IMPLEMENTATION:**

208 This title applies to all new licenses, permits, or local consent on the date the ordinance
209 takes effect. Current permittees shall be brought current at next renewal. (Ord. 21-31, 8-
210 25-2021)

211 **CHAPTER 5**
212 **ZONING REQUIREMENTS**

213 SECTION:

214 **17-5-1: Variances**

215 **17-5-2: Allowed Locations**

216 **17-5-1: VARIANCES:**

217 Variances are not permitted for the proximity standards. Proximity standards are
218 expressly addressed in the Utah alcoholic beverage control act and may not be
219 modified by the city. (Ord. 21-31, 8-25-2021)

220 **17-5-2: ALLOWED LOCATIONS:**

221 A. Uses that are allowed in zones are listed in the table below. Zones listed are
 222 those that allow for commercial enterprises and similar uses, including but not limited to
 223 the PC zone and the west side planning area mixed use designation.

224 B. Those uses identified as "permitted" (P) are allowed by right; provided, that they
 225 comply with all other requirements of this article, and all other applicable requirements
 226 of city ordinance and state law. Uses identified as "conditional" (C) must be approved by
 227 the planning commission pursuant to sections [13-7E-1](#) et seq.

228 C. The standards and procedures for conditional uses shall comply with all other
 229 applicable requirements of city ordinance and state law. Any license not specifically
 230 listed in this section for a zone shall not be allowed in that zone.

231 D. Table of Permitted and Conditional Uses (for alcoholic beverage uses).

| Alcoholic Beverage Use | CG | CM | SC1 | SC2 | SC3 | PO | BRP | MP | M-1 | M-2 | CCC | CCF | CCR | PCH (NC) |
|--|----|----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|----------|
| Banquet (on-premise) | | | | P | P | | | | | | | | | |
| Bar | C | P | | P | P | | | | | | C | C | | |
| Beer Retailer (on-premise) | P | P | P | P | P | | | | | | P | P | P | P |
| Beer Wholesaler | | | | | | | | P | P | P | | | | |
| Hotel | P | | | P | P | P | P | | | | P | P | P | |
| Liquor Warehouse | | | | | | | | P | P | P | | | | |
| Manufacturer (winery, distillery, brewery) | | | | | | | | P | P | P | | | | |
| Off-Premise Beer | P | P | P | P | P | | | | | | P | P | P | P |
| Package Agency | | | | P | P | | | | | | | | | |
| Reception Center | | | | | P | | | | | | C | C | | |
| Restaurant (Beer Only) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Restaurant (Full Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Restaurant (Limited Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Special Use (Scientific or Educational) | | | | | P | P | P | P | P | P | | | | |
| Special Use (Industrial or Manufacturing) | | | | | | | | P | P | P | | | | |
| Special Use (Religious) | | | | | | | | | | | | | | P |
| State Liquor Store | | | | C | C | | | | | | | | | |
| Tavern (On-premise beer retailer) | P | P | P | P | P | | | | | | P | C | | P |

* West Side Planning Area Mixed Use Zone (WSPA) (MU)

232 L

233 TRANSIT STATION OVERLAY DISTRICT

| Alcoholic Beverage Use | West Jordan City Center Station | Jordan Valley | Gardner Village Station | Bagley St |
|-----------------------------------|--|----------------------|--------------------------------|------------------|
| Bar | C | C | C | C |
| Beer Retailer (on-premise) | P | P | P | P |
| Hotel | P | P | P | |
| Off-Premise Beer | P | P | P | P |
| Reception Center | C | | C | |
| Restaurant (Beer Only) | P | P | P | P |
| Restaurant (Full Service) | P | P | P | P |
| Restaurant (Limited Service) | P | P | P | P |
| State Liquor Store | | C | | |
| Tavern (on-premise beer retailer) | P | P | P | |

234

235 (Ord. 21-31, 8-25-2021)

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1 **TITLE 17**
2 **ALCOHOL BEVERAGE CONTROL AND USES**

3 **CHAPTER 1**
4 **GENERAL PURPOSE AND DEFINITIONS**

5 SECTION:

6 [17-1-1: Purpose](#)

7 [17-1-2: Policy Goals](#)

8 [17-1-3: Utah Alcoholic Beverage Control Act Adopted](#)

9 [17-1-4: Preemption And Local Control](#)

10 [17-1-5: Compliance With State Law Required](#)

11 [17-1-6: Definitions](#)

12 **17-1-1: PURPOSE:**

13 ~~This title consolidates all alcohol licensing and zoning ordinances for the city~~
14 ~~regarding alcoholic beverage control and uses. The purposes of this title are to regulate~~
15 ~~the sale and distribution of alcohol and to simplify alcoholic beverage control regulation~~
16 ~~by not duplicating state regulations intent of city policy regarding the location of~~
17 ~~businesses is to treat similarly situated businesses in the varied zones in a similar~~
18 ~~manner, to provide consistency in applying city standards, and to encourage economic~~
19 ~~development in appropriate areas of the city.~~ (Ord. 21-31, 8-25-2021)

20 **17-1-2: POLICY GOALS:**

21 The city ~~licenses and~~ regulates the sale of alcoholic products in a manner that
22 reasonably protects the public interest, including the rights of citizens who do not wish
23 to be involved with alcoholic products. The city administers this ordinance in a neutral
24 manner. (Ord. 21-31, 8-25-2021)

25 **17-1-3: UTAH ALCOHOLIC BEVERAGE CONTROL ACT ADOPTED:**

26 The city adopts Utah Code Title 32B, Alcoholic Beverage Control Act in its entirety by
27 reference. The provisions of this code are used to carry out city regulations
28 regarding alcohol. (Ord. 21-31, 8-25-2021)

29 **17-1-4: PREEMPTION AND LOCAL CONTROL:**

30 The ~~state State~~ of Utah, through the alcoholic beverage control act, maintains exclusive
31 control ~~of alcoholic beverages,~~ unless where permitted or delegated to the city. The city
32 regulates the sale, storage, or consumption of alcoholic beverages to the extent that
33 regulation does not conflict with the provisions of the Utah Code or applicable
34 administrative rules. (Ord. 21-31, 8-25-2021)

35 **17-1-5: COMPLIANCE WITH STATE LAW REQUIRED:**

36 All ~~persons or~~ ~~businesses entities~~ subject to this title shall strictly comply with Utah
37 Code Title 32B and administrative rules of the Utah Department of Alcoholic Beverage
38 ~~Control Services~~ (DABSG). (Ord. 21-31, 8-25-2021)

39 **17-1-6: DEFINITIONS:**

40 ~~For all terms not~~All terms listed in this chapter, shall use the definitions found in the
 41 Utah ~~alcoholic~~Alcoholic bBeverage ~~c~~Control Act (Utah Code Title 32B) ~~shall apply or~~
 42 successor provisions. ~~License types and descriptions are described in city code title 4,~~
 43 ~~business and license regulations. Due to the specific terms used under alcohol laws and~~
 44 ~~rules and to keep definitions consistent for the regulation of alcohol the following apply:~~

| | |
|--|---|
| ALCOHOLIC BEVERAGE, BANQUET AND CATERING: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 6, On-Premise Banquet License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, BAR ESTABLISHMENT: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 4, Bar Establishment License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, BEER RETAILER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, BEER WHOLESALER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 13, Beer Wholesaling License Act, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, BREW PUB: | A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than two thousand (2,000) barrels (1 barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed thirty percent (30%) of the total floor area of the restaurant space. |
| ALCOHOLIC BEVERAGE, HOTEL: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 8b, Hotel License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, LIQUOR WAREHOUSE: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 12, Liquor Warehousing License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, LOCAL INDUSTRY REPRESENTATIVE: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 11, Part 6, Local Industry Representative License Act, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, MANUFACTURER: | An entity operating under and holding the required: (A) Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B: |

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| | —1. Chapter 11, Part 3, Winery Manufacturing License. —2. Chapter 11, Part 4, Distillery Manufacturing License, or —3. Chapter 11, Part 5, Brewery Manufacturing License; and (B) Corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, MICROBREWERY, RETAIL: | A commercial business that manufactures on premises fermented malt beverages and handcrafted beer which are sold for consumption on premises or off premises in a manner allowed by Utah State law. |
| ALCOHOLIC BEVERAGE, OFF-PREMISE BEER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 7, Off-Premise Beer Retailer Act, and corresponding city beer license, and only as a component of a convenience store, general retail, or Manufacturer Alcoholic Beverage Use. |
| ALCOHOLIC BEVERAGE, PACKAGE AGENCY: | An entity other than the state operating a retail liquor location to sell packaged liquor for consumption off the premises of the package agency under (a) an agreement with the Department of Alcoholic Beverage Control, as authorized by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 6, Package Agency, and (b) corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, RECEPTION CENTER: | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 8, Reception Center License, and corresponding city liquor license. The term "alcoholic beverage, reception center" shall not include uses whose primary function is a type of restaurant or tavern. |
| ALCOHOLIC BEVERAGE, RESTAURANT (BEER ONLY): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 9, Beer-Only Restaurant License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE, RESTAURANT (LIMITED SERVICE): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 3, Limited-service Restaurant License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, RESTAURANT (FULL SERVICE): | An entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 2, Full-service Restaurant License, and corresponding city liquor license. |
| ALCOHOLIC BEVERAGE, SINGLE EVENT/TEMPORARY EVENT: | An entity operating under this type of license is allowed to sell alcohol, with the on-premises consumption of any alcohol (including beer) being allowed. These licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit |

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| | thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. This type of license shall be issued by the city in accordance with Utah Code Annotated Title 32B, Chapter 9, Event Permit Act. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (EDUCATIONAL): | An entity operating under and holding the required Department of Alcoholic Beverage Control educational use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding city special use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (INDUSTRIAL/MANUFACTURING): | An entity operating under and holding the required Department of Alcoholic Beverage Control industrial, or manufacturing use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 4, Industrial or Manufacturing Use Permit, and corresponding city special use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (RELIGIOUS): | An entity operating under and holding the required Department of Alcoholic Beverage Control religious wine use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 6, Religious Use of Alcoholic Products, and corresponding city special use license. |
| ALCOHOLIC BEVERAGE, SPECIAL USE (SCIENTIFIC): | An entity operating under and holding the required Department of Alcoholic Beverage Control scientific use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding city special use license. |
| ALCOHOLIC BEVERAGE, STATE LIQUOR STORE: | A facility established by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 5, State Store, the for the sale of packaged liquor located on premises owned or leased by the state and operated by a state employee. This term does not include any other Alcoholic Beverage Use. |
| ALCOHOLIC BEVERAGE, TAVERN: | An entity operating under and holding the required Department of Alcoholic Beverage Control license for a tavern, issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding city beer license. |
| ALCOHOLIC BEVERAGE USES: | Any of the definitions starting with the words "alcoholic beverage," which are listed in section <u>17-1-6</u> or which are listed as permitted or conditional uses in section <u>17-10-4</u>. |
| COMMUNITY LOCATION: | A public or private school, a church, a public library, a public playground, or a public park. |
| OUTLET: | State store, package agency, or retail licensee. Outlet location does not include an airport lounge or restaurant. |
| RESTAURANT: | A full-service restaurant licensee, a limited-service restaurant licensee; or a beer-only restaurant licensee. (Ord. 21-31, 8-25-2021) |

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CHAPTER 2 LICENSING PERMITS AND APPLICATIONS

SECTION:

- ~~17-2-1: Alcohol Licensing Permitting Authority~~
- ~~17-2-2: License Permit Official, Powers And Duties~~
- ~~17-2-3: Licenses Required~~
- ~~17-2-4: Licenses Permits Nontransferable~~
- ~~17-2-5: Expiration And Renewal~~
- ~~17-2-6: License Fees~~
- ~~17-2-7: License Permit Application And Contents~~
- ~~17-2-8: Criminal Background Check~~
- ~~17-2-9: Disqualifying Criteria~~
- ~~17-2-10: Application Processing~~
- ~~17-2-11: Vested Rights~~

17-2-1: ALCOHOL LICENSING PERMITTING AUTHORITY:

~~Alcohol permits shall be conducted through the Community Development Department. An alcohol license official (also known as a license official) is established to authorize the licensing of alcohol in the city. The alcohol license official permitting shall be established in conjunction with the business license authority in the city. All licenses or permits A permit issued under the authority of this title is the local consent required by the Utah alcoholic beverage Beverage control Control act Act. It is prohibited for any person or company to sell or serve alcohol without the appropriate permit. (Ord. 21-31, 8-25-2021)~~

17-2-2: LICENSE PERMIT OFFICIAL, POWERS AND DUTIES:

~~A. The license official business license authority shall assess a fee, according to the fee schedule approved by the city council, for each type or classification of license in accordance with the provisions of this title and the applicable statutes of Utah and shall receive all license fees required herein to be paid alcohol permit issued under this title. The business license official may prosecute a suspension or revocation administratively as provided in title 16 of this code.~~

~~—B.— The license official shall process the applications and receive all bonds as required under this chapter, and determine compliance with all applicable ordinances and statutes before issuing a license or permit, and shall review and notify any applicant of license, permit, or bond denial, suspension or revocation. (Ord. 21-31, 8-25-2021)~~

17-2-3: LICENSES REQUIRED:

81 ~~—A.— Any entity desiring to engage in any activity governed by this title must have: a~~
82 ~~city business license that is separate from the alcohol license; a city alcohol license as~~
83 ~~issued under this title; and the appropriate license issued by the Utah department~~
84 ~~of alcoholic beverage control.~~

85 ~~—B.— A separate license shall be required for each place of sale, or place of business,~~
86 ~~or separate establishment.~~

87 ~~—C.— The license shall identify the specific premises covered by the license.~~

88 ~~—D.— The licensee shall conspicuously display the license in the place for which it is~~
89 ~~issued. (Ord. 21-31, 8-25-2021)~~

90 **17-2-43: LICENSES PERMITS NONTRANSFERABLE:**

91 ~~Licenses Permits issued under this article title are not transferable.~~

92 ~~An alcoholic beverage licensee selling its business is not entitled to a refund of the~~
93 ~~license fee paid. (Ord. 21-31, 8-25-2021)~~

94 **17-2-54: EXPIRATION AND RENEWAL:**

95 A. All alcoholic beverage ~~licenses issued by the city~~permits, except for single event
96 permits and temporary beer event permits, shall expire ~~on December 31 each year~~12
97 months after they are issued.

98 ~~—B.— In the event that the renewal fees and all renewal documentation are not received~~
99 ~~by the license official by 5:00 p.m. on December 31 (or the last business day of the~~
100 ~~year, whichever occurs first), the licensee must cease and desist all operations related~~
101 ~~to alcohol sales, and may not permit the consumption of alcohol on the premises until all~~
102 ~~outstanding fees, any applicable penalties and appropriate documentation is filed with~~
103 ~~the license official and a new license is issued.~~

104 GB. Renewal fees and all renewal documentation must be delivered to and received
105 by the Business License Official within 30 days after the expiration date.

106 1. If the renewal fees and documentation are not received within 30 days of the
107 due date, the ~~licensee~~ permitee shall pay a penalty of 25 percent of the original fees
108 due in addition to the original fee and renewal documentation.

109 2. Required Documentation. ~~In addition to the requirement of this Title, The~~ The
110 ~~licensee~~ permitee, ~~during the yearly renewal of each beer license,~~ shall certify that all
111 current employees have received training ~~as approved by the state department of public~~
112 ~~safety~~ on the written policies, procedures and laws relating to the marketing and sale
113 of alcoholic beverages.

114 ~~DC.~~ DC. ~~If the renewal fees and all renewal documentation are not received by the~~
115 ~~license official within forty-five (45) days of the date that the fees are due, the licensee~~
116 ~~shall pay a penalty of seventy-five percent (75%) of the original fee due in addition to~~
117 ~~the original fee and renewal documentation~~ Alcohol permits become null and void if not
118 renewed 30 days after the expiration date. .-

119 ED. Single event and temporary beer event permits shall indicate specific expiration
120 dates and are not subject to renewal.

121 ~~—F.— Every license and local consent issued under this title, with the exception of single~~
122 ~~event and temporary beer event permits, shall be renewed only if the applicant can~~
123 ~~affirmatively state that the qualifications and standards as previously set forth and upon~~
124 ~~which the original license was granted shall have been and shall be complied with~~
125 ~~continually.~~

126 ~~—G.— Closure Or Cessation of Business: Any city alcoholic beverage license will expire~~
127 ~~no later than ten (10) days following the continuous closure or cessation of the business~~
128 ~~operations for which the license was issued, except when cessation or closure is~~
129 ~~required to repair damages caused by flood, fire, earthquake or other natural disaster.~~
130 ~~(Ord. 21-31, 8-25-2021)~~

131 **17-2-6: LICENSE FEES:**

132 ~~—A.— The license fee shall be based upon the fee schedule established by the city~~
133 ~~council.~~

134 ~~—B.— Proration of Fees Not Permitted: The established license fees shall not be~~
135 ~~prorated for any portion of a year, but shall be paid in full regardless of the portion of the~~
136 ~~year the license is applied for. (Ord. 21-31, 8-25-2021)~~

137 **17-2-75: LICENSE PERMIT APPLICATION AND CONTENTS:**

138 ~~A. Application by Individual: All applications for licenses~~permits~~, for renewal or re-~~
139 ~~issuance of licenses or, requests for local consent shall be reviewed by and filed with~~
140 ~~the license official and shall~~must ~~include the following items:~~

141 1. The name, current address, and telephone number of the applicant.

142 ~~—2.— Any other names or aliases used by the individual.~~

143 ~~—3.— The age, place of birth, and date of birth of the applicant.~~

144 ~~—4.— The height, weight, color of hair, color of eyes of the applicant.~~

145 ~~5~~2. Present business address and telephone number (if applicable).

146 ~~—6.— Utah driver's license or identification number.~~

147 ~~7~~3. Social security number if applicant is an individual, or EIN if the applicant is a
148 business.

149 ~~—8.— The citizenship and/or place of legal permanent residency of the applicant.~~

150 ~~9~~4. Acceptable written proof that an individualProof of age to show that the
151 applicant is at least ~~twenty-one (21)~~ years of age.

152 ~~—10.— A statement of the business, occupation, and employment history of the~~
153 ~~applicant for three (3) years immediately preceding the date of the filing of the~~
154 ~~application.~~

155 ~~—11.— A statement detailing the license and permit history of the applicant for the five~~
156 ~~(5) year period immediately preceding the date of the filing of the application, including:~~

157 ~~—— a. Whether such applicant previously operated or was seeking to operate a~~
158 ~~business authorized to allow consumption of alcohol on the premises in this or any other~~
159 ~~county, city, state or territory.~~

160 ~~—— b. Whether such applicant has ever had a license, permit or authorization to do~~
161 ~~business denied, revoked, or suspended.~~

162 ~~—— c. In the event of any such denial, revocation or suspension, a statement of the~~
163 ~~date, the name of the issuing or denying jurisdiction, and the reasons for the denial,~~
164 ~~revocation or suspension. A copy of any order of denial, revocation or suspension shall~~
165 ~~be attached to the application.~~

166 ~~125.~~ The ~~State~~ state sales and use tax number for the business.

167 ~~136.~~ A drawing or rendering indicating the area for alcohol sales, storage areas
168 and consumption areas.

169 ~~147.~~ A map or evidence of the proposed retail licensee's proximity to any
170 community location or sexually oriented business with proximity requirements being
171 governed ~~this Title~~ by State law.

172 ~~—— 15. For retail licenses under this title the applicant must provide evidence that the~~
173 ~~retail licensee carries dram shop insurance coverage of at least:~~

174 ~~—— a. One million dollars (\$1,000,000) per occurrence and two million dollars~~
175 ~~(\$2,000,000) in the aggregate;~~

176 ~~—— b. If the retail licensee is a hotel licensee or a resort licensee, one million dollars~~
177 ~~(\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate to~~
178 ~~cover both the principal license and all accompanying sublicenses.~~

179 ~~816.~~ A signed consent form stating that the ~~licensee applicant~~ will ~~permit allow~~ any
180 ~~authorized~~ representative of the city, including ~~and a~~ law or code enforcement officer, ~~to~~
181 ~~havethe~~ unrestricted right to enter the premises of the ~~retail licensee applicant~~ for ~~any an~~
182 inspection or enforcement purpose.

183 ~~179.~~ A sworn statement signed by the applicant that all the facts included in the
184 application are true.

185 ~~1810.~~ ~~All Certification that licensthe permitteded~~ premises shall ~~also~~ comply with
186 the provisions of this title.

187 ~~1911.~~ ~~Copies of the written policies, procedures, training materials and other~~
188 ~~methods which the applicant uses to ensure compliance with the laws relating to the~~
189 ~~marketing and sale of alcoholic beverages. The applicant must also certify~~ Certification
190 that all employees have been trained in these the applicable policies, procedures, and
191 laws regarding the sale and distribution of alcoholic beverages.

192 ~~2012.~~ Any other information that the ~~City Business License Official~~ may require.

193 ~~—— 21. Proof of bond as required by this Title.~~

194 ~~—— 22. Payment of Non-refundable application fee.~~

195 —B. Applications by business entities: If the applicant is a partnership, association,
196 group, corporation, limited liability company, trust or other similar entity, the above
197 information shall be provided with respect to each individual officer, partner, member
198 and director having twenty percent (20%) or more ownership in the establishment or
199 entity, and each individual officer, partner, member, owner and director having twenty
200 percent (20%) or more ownership must be listed on the application form as an applicant.
201 The application must be subscribed by the applicant, who shall state under oath that the
202 facts therein contained are true.

203 CB. Changes to Applicants: If there are any changes made in the names of the
204 applicants and/or the operator and managers of the licensed-permitted premises, an
205 update to the license permit application must be filed within thirty (30) days of the
206 change. (Ord. 21-31, 8-25-2021)

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209 **17-2-8: CRIMINAL BACKGROUND CHECK:**

210 —A. Application for an alcoholic beverages business license shall constitute a waiver
211 of disclosure of any criminal conviction or plea of no contest for the purposes of any
212 proceeding involving the business or employee license.

213 —B. Each applicant will be required to provide an original or certified copy of criminal
214 history from Utah BCI and the applicants home state if different.

215 —C. The License Official may complete additional background checks through the
216 Utah Courts System (exchange or successor system) or Commercial Background
217 Service provider to ensure all charges and convictions are discovered. (Ord. 21-31, 8-
218 25-2021)

219 **17-2-9: DISQUALIFYING CRITERIA:**

220 —A. Criminal Convictions: No alcoholic beverage license under this Title shall be
221 granted to any applicant who has been convicted of:

222 —1. A felony under any federal or state law within seven (7) years of the date of
223 application.

224 —2. Any violation of any federal or state law or local ordinance concerning the sale,
225 manufacture, distribution, warehousing, adulteration or transportation
226 of alcoholic beverages or any crime involving moral turpitude within 4 years of the date
227 of application.

228 —3. Driving under the influence of alcohol, drugs, or the combined influence
229 of alcohol and drugs on two or more occasions within the five (5) years within the date
230 of the application.

231 —4. If the applicant is a partnership, corporation, or limited liability company, the
232 disqualification also applies to a partner, a managing agent, a manager, an officer, a
233 director, a stockholder who holds at least twenty percent (20%) of the total issued and

234 ~~outstanding stock of the corporation; or a member who owns at least twenty percent~~
235 ~~(20%) of the limited liability company.~~

236 ~~—B. Previous Revocations.~~

237 ~~—1. No alcoholic beverage license under this Title shall be granted to any applicant~~
238 ~~who has had any type of agency, license, or permit within the last three years.~~

239 ~~—2. No alcoholic beverage license under this Title shall be granted to a partnership,~~
240 ~~corporation, or limited liability company if a partner, managing agent, manager, officer,~~
241 ~~director, stockholder who holds at least twenty percent (20%) of the total issued and~~
242 ~~outstanding stock of the corporation, or member who owns at least twenty percent~~
243 ~~(20%) of the limited liability company is or was:~~

244 ~~— a. A partner or managing agent of a partnership that had any type of agency,~~
245 ~~license, or permit issued under this title revoked within the last three years;~~

246 ~~— b. A managing agent, officer, director, or stockholder who holds or held at least~~
247 ~~twenty percent (20%) of the total issued and outstanding stock of any corporation that~~
248 ~~had any type of agency, license, or permit issued under this title revoked within the last~~
249 ~~three years; or~~

250 ~~— c. A manager or member who owns or owned at least twenty percent (20%) of a~~
251 ~~limited liability company that had any type of agency, license, or permit issued under~~
252 ~~this title revoked within the last three years.~~

253 ~~—3. No alcoholic beverage license under this article shall be granted to a~~
254 ~~partnership, corporation, or limited liability company if a partner or managing agent of a~~
255 ~~partnership, a managing agent, officer, director, or stockholder who holds at least~~
256 ~~twenty percent (20%) of the total issued and outstanding stock of a corporation; or a~~
257 ~~manager or member who owns at least twenty percent (20%) of a limited liability~~
258 ~~company had any type of agency, license, or permit issued under this title revoked while~~
259 ~~acting in that person's individual capacity within the last three years:~~

260 ~~—4. No alcoholic beverage license under this article shall be granted to a to a person~~
261 ~~acting in an individual capacity if that person was a partner or managing agent of a~~
262 ~~partnership that had any type of agency, license, or permit issued under this title~~
263 ~~revoked within the last three years, a managing agent, officer, director, or stockholder~~
264 ~~who held at least twenty percent (20%) of the total issued and outstanding stock of a~~
265 ~~corporation that had any type of agency, license, or permit issued under this title~~
266 ~~revoked within the last three years, or a manager or member who owned at least twenty~~
267 ~~percent (20%) of the limited liability company that had any type of agency, license, or~~
268 ~~permit issued under this title revoked within the last three years.~~

269 ~~—C. Minors Are Prohibited~~

270 ~~—1. The license official may not issue a package agency, license, or permit to a~~
271 ~~minor.~~

272 ~~—2. The license official may not issue a package agency, license, or permit to a~~
273 ~~partnership, corporation, or limited liability company if any of the following is a minor:~~

- 274 ~~—— a. A partner or managing agent of the partnership;~~
275 ~~—— b. A managing agent, officer, director, or stockholder who holds at least twenty~~
276 ~~percent (20%) of the total issued and outstanding stock of the corporation; or~~
277 ~~—— c. A manager or member who owns at least twenty percent (20%) of the limited~~
278 ~~liability company.~~
- 279 ~~—D. No alcoholic beverage license under this article shall be granted to any applicant~~
280 ~~who is not United States Citizen or a permanent resident of the United States (Alien or~~
281 ~~Permanent Residency registration card required).~~
- 282 ~~—E. Other Requirements. Failing to meet any other licensing requirement under this~~
283 ~~title. (Ord. 21-31, 8-25-2021)~~

284 **17-2-10: APPLICATION PROCESSING:**

285 ~~—A. Review by other entities: The License Official shall submit copies of the~~
286 ~~application to the Planning Division, Building and Safety Division, Fire Department, Salt~~
287 ~~Lake Valley County Department, Police Department and any other federal, state, or~~
288 ~~local agencies as deemed necessary to provide a recommendation as to whether a~~
289 ~~business license, alcoholic beverage license and Local Consent should or should not be~~
290 ~~issued.~~

291 ~~—B. The City reserves the right to deny any application for a license permit. The~~
292 ~~License Official shall deny the application.~~

293 ~~—— 1. If, on an application or a renewal for a license, the License Official finds that any~~
294 ~~applicant does not meet the requirements of or is disqualified under any section of this~~
295 ~~chapter, or~~

296 ~~—— 2. If the License Official finds that the application is deficient in any way or any of~~
297 ~~the facts provided thereon are false or in question. (Ord. 21-31, 8-25-2021)~~

298 **17-2-11: VESTED RIGHTS:**

299 ~~A license or permit issued by the City under the provisions of this chapter shall not be~~
300 ~~considered or deemed a right and, if granted, shall inure to the benefit of the licensee~~
301 ~~only as a privilege temporarily granted. (Ord. 21-31, 8-25-2021)~~

302 **CHAPTER 3**
303 **BONDS**

304 **SECTION:**

305 ~~**17-3-1: Cash Bond For Businesses With Alcohol Sales And Consumption**~~

306 ~~**17-3-1: CASH BOND FOR BUSINESSES WITH ALCOHOL SALES AND**~~
307 ~~**CONSUMPTION:**~~

308 ~~Every applicant for a license or permit under this title shall post a cash bond in the~~
309 ~~amount of two thousand dollars (\$2,000.00), which is to remain in effect during the~~
310 ~~entire period alcohol is sold or consumed on the premises:~~

311 —A. The bond is in addition to all other licensing fees, bonds, or insurance required by
312 this Title. The cash bond shall be forfeited, according to procedures in this title, in the
313 event of a violation:

314 — 1. By the licensee or an employee of the licensee;

315 — 2. Related to the operation of the business for which the license was issued; and

316 — 3. Of any laws or ordinances relating to any of the following: alcoholic beverages
317 (except selling alcohol to a minor), controlled substances, gambling, committing or
318 maintaining a nuisance, keeping a disorderly house, for grave offenses permitted on the
319 licensed premises or if the license is revoked.

320 —B. Bond Forfeiture:

321 — 1. After forfeiture of the two thousand dollars (\$2,000.00) cash bond, the licensee
322 shall not sell or permit the consumption of alcohol on the premises until the City has
323 received a new cash bond in the amount of five thousand dollars (\$5,000.00).

324 — 2. The five thousand dollars (\$5,000.00) bond shall be forfeited according to
325 procedures in this Article.

326 — 3. After forfeiture of the five thousand dollars (\$5,000.00) bond, the licensee shall
327 not sell or permit the consumption of alcohol on the premises until the City has received
328 a new cash bond in the amount of ten thousand dollars (\$10,000.00).

329 — 4. The bond must be posted within ten days of the notice of forfeiture of the five
330 thousand dollars (\$5,000.00) bond.

331 — 5. The ten thousand dollars (\$10,000.00) cash bond shall be forfeited according to
332 procedures in this Article, and the City License Official will make a determination if the
333 business license, alcoholic beverage license or Local Consent should be suspended or
334 revoked.

335 — 6. If the licensee is permitted to continue to operate an establishment to sell
336 alcohol or allow the consumption of alcohol on the premises, after the suspension has
337 expired or after reapplying for a license after a revocation, the licensee shall post a new
338 ten thousand dollars (\$10,000.00) cash bond, which is to remain in effect during the
339 entire period alcohol is sold or consumed on the premises. Any additional violations will
340 result in a revocation of Local Consent and may result in the revocation of the business
341 license

342 — 7. The applicant may petition the City License Official for a reduction in the amount
343 of the ten thousand dollars (\$10,000.00) bond, after two years, if there are no further
344 violations by the licensee or an employee of the licensee related to the business for
345 which the license was issued. In no case will the amount of the bond be reduced to an
346 amount less than two thousand dollars (\$2,000.00).

347 — 8. After forfeiting a bond, and prior to posting a new bond, the licensee shall
348 present to the City License Official a plan concerning the operational practices to be
349 implemented. The plan must specifically address the violations for which the bond was
350 forfeited.

351 ~~—9. Failure of the licensee to post the bond within ten days after delivery of notice~~
352 ~~requiring the new bond may result in the suspension or revocation of the city-issued~~
353 ~~licenses, including, but not limited to, the business license and local consent.~~

354 ~~—10. The forfeiture of three bonds posted pursuant to this section may result in the~~
355 ~~suspension or revocation of city-issued license, including, but not limited to, the~~
356 ~~business license and local consent.~~

357 ~~—11. All monies received by the city from the forfeitures of bonds shall be deposited~~
358 ~~in an account to be used for alcoholic beverage enforcement purposes.~~

359 ~~—12. Forfeiture of bonds will be in addition to any penalties as may be prescribed by~~
360 ~~the State of Utah.~~

361 ~~—C. Selling beer to a minor. In addition to the general cash bond required pursuant to~~
362 ~~this section, a separate cash bond shall be required if the licensee or any employee of~~
363 ~~the licensee violates any ordinance or law concerning the selling of beer to a minor.~~

364 ~~—1. If any licensee herein or any employee of a licensee commits a violation of any~~
365 ~~ordinance or law concerning selling beer to a minor or comparable violation, the~~
366 ~~licensee, within ten days of receipt of written notice from the City, shall post a cash bond~~
367 ~~in the amount of one thousand dollars (\$1,000.00).~~

368 ~~—2. The cash bond for selling beer to a minor shall be forfeited, according to~~
369 ~~procedures in this Article, in the event of a violation:~~

370 ~~— a. By the licensee or the employee of the licensee;~~

371 ~~— b. Related to the operation of the business for which the license was issued;~~

372 ~~— c. Of any laws or ordinances relating to the selling of alcohol to a minor or~~
373 ~~comparable charge; and~~

374 ~~— d. Within two years of posting the bond.~~

375 ~~—3. After forfeiture of the one thousand dollars (\$1,000.00) bond, the licensee shall,~~
376 ~~within ten days after delivery of written notice from the City, post a new cash bond in the~~
377 ~~amount of two thousand five hundred dollars (\$2,500.00).~~

378 ~~—4. The two thousand five hundred dollars (\$2,500.00) bond shall be forfeited~~
379 ~~according to procedures in this Article. City-issued licenses and local consent may be~~
380 ~~suspended for a period of ten to thirty (30) days.~~

381 ~~—5. Following the forfeiture of the two thousand five hundred dollars (\$2,500.00)~~
382 ~~bond, the licensee shall, within ten days after delivery of written notice from the City,~~
383 ~~post a new cash bond in the amount of five thousand dollars (\$5,000.00).~~

384 ~~—6. The five thousand dollars (\$5,000.00) cash bond shall be forfeited according to~~
385 ~~this section and the City-issued licenses and Local Consent may be suspended or~~
386 ~~revoked.~~

387 — 7. After forfeiting a bond, and prior to posting a new bond, the licensee shall
388 present to the City a plan concerning the operational practices to be implemented to
389 avoid future violations of laws related to sales of alcoholic beverages to minors.

390 — 8. If a licensee is required to post bonds for sale of alcohol to a minor or
391 comparable violation, and if neither the licensee nor any employee of the licensee
392 violates any ordinances or laws related to selling alcohol to a minor or comparable
393 violation within two years following the posting of the bond, the most recently posted
394 bond shall be returned to the licensee by the City upon receipt by the City of a written
395 request and verification by the City that no such violations have occurred.

396 — 9. Failure of the licensee to post the bonds within ten days after delivery of notice
397 requiring the new bond may result in suspension or revocation of City-issued licenses,
398 including, but not limited to, the business license and Local Consent.

399 — 10. The forfeiture of three bonds posted pursuant to this section may result in the
400 suspension or revocation of city-issued licenses, including, but not limited to, the
401 business license and local consent.

402 — 11. All monies received by the city from the forfeitures of bonds shall be deposited
403 in an account to be used for alcoholic beverage enforcement purposes.

404 — 12. Forfeiture of bonds for sale of alcohol to a minor or similar violation will be in
405 addition to any penalties as may be prescribed by the State of Utah. (Ord. 21-31, 8-25-
406 2021)

407 **CHAPTER 43**
408 **SUSPENSION, REVOCATION, OR DENIAL OF**
409 **LICENSE PERMIT OR BOND FORFEITURE**

410 SECTION:

411 **17-43-1: Suspension Or Revocation Of Licenses, Permits, Local Consent, Or**
412 **Bonds Permit**

413 **17-43-2: Operation in Conformity with Laws Inspections**

414 **17-3-3: Penalties**

415 **17-3-4: Administrative Regulations**

416

417 **17-43-1: SUSPENSION OR REVOCATION OF LICENSES, PERMITS, LOCAL**
418 **CONSENT, OR BONDS PERMIT:**

419 Licenses, permits, local consent, or bonds Permits may be suspended or revoked by the
420 Business License official for any of the following reasons:

421 A. Violation on the licensed-permitted premises of any provision of this Title;

422 B. Violation of any other ordinance or law related to alcoholic beverages;

423 C. The licensee-permittee does not now possess the qualifications required by this
424 Title-title and the statutes of the State of Utah;

425 D. False or incomplete information given on an application;

426 E. The licensee-permittee has obtained or aided another person in obtaining a license
427 permit by fraud or deceit;

428 F. The licensee-permittee has failed to pay real or personal property taxes, utility
429 taxes or sales taxes;

430 G. Any illegal-criminal activity by the licensee-permittee or any employees of the
431 licensee-permittee of any City ordinance or state or federal statute, except minor traffic
432 offenses, while on the premises, or relating to the business;

433 H. Failure to pay the license fee or post bonds when due;

434 ~~I. Violation of City ordinance, including this Article, or federal or state statute relating~~
435 ~~to the business, alcoholic beverage, consumption, entertainment or agency licenses~~
436 ~~and resulting from the conduct of such business or activity;~~

437 J. The applicant-permittee has been convicted of or entered a plea of nolo
438 contendere for to a crime involving moral turpitude;

439 ~~— 1. Any felony involving controlled substances, alcohol, sex crimes, contributing to~~
440 ~~the delinquency of a minor or any violent felony or has completed serving a sentence for~~
441 ~~such felony (whichever is most recent) within five years; or~~

442 ~~— 2. A misdemeanor involving controlled substances, alcohol, sex crimes or~~
443 ~~contributing to the delinquency of a minor within three years;~~

444 KJ. Any conduct or act of the licensee-permittee or his-their employees or any act
445 committed by them on the premises or any act by the patrons where such business is
446 conducted tending to render such business or such premises where the same is
447 conducted a public nuisance or a menace to the health, peace or general welfare of the
448 city or its residents;

449 LK. The licensee-permittee has refused to allow authorized representatives of the city
450 to make an inspection or has interfered with such representatives while in the
451 performance of their duty in making such inspection;

452 ML. The licensee-permittee is not complying with a requirement or condition set by
453 the planning commission or community development department, if applicable, under a
454 conditional use permit, site plan review, or other approval; or

455 NM. Any other reason expressly provided for in this chapter. (Ord. 21-31, 8-25-2021)

456 **17-4-2: OPERATION IN CONFORMITY WITH LAWS:**

457 ~~The licensee shall be responsible for the operation of the business in conformity with~~
458 ~~the ordinances of the City and the laws of the state and it shall be grounds for~~
459 ~~suspension or revocation of the license or local consent if a violation occurs through an~~
460 ~~act of a licensee, operator, employee, agent, or person who is allowed to perform for~~

461 patrons of the business, whether or not said person is paid by the licensee for said
462 performance, or any person who violates said ordinances or laws with the consent or
463 knowledge of the licensee or her agents or employees or operator of the business. (Ord.
464 21-31, 8-25-2021)

CHAPTER 5 HEARINGS FOR DENIALS, SUSPENSIONS, REVOCATIONS, OR BOND FORFEITURE

SECTION:

17-5-1: Due Process

17-5-2: Evidentiary Standards

17-5-3: Other Hearing Standards

17-5-4: Application After Suspension or Revocation

17-5-1: DUE PROCESS:

473 The city shall follow appropriate due process as outlined prior to the denial, suspension,
474 revocation of a license or permit or bond forfeiture. This shall include the following:
475

476 —A.— Notice Required. The license official shall cause written notice to be given to the
477 applicant or licensee (“respondent”) of the license official's recommendation of denial,
478 suspension or revocation of a city-issued license, local consent or bond forfeiture.

479 —B.— Required Information in Notice: The notice shall include:

480 —1.— The reason for the recommendation of denial, suspension, revocation or bond
481 forfeiture; and

482 —2.— The respondent's right to have a hearing concerning the License Official's
483 determination.

484 —C.— Method of Service: Written notice shall be given by personal service or by
485 registered mail to the address given by the respondent on the most recent application or
486 renewal of the license.

487 —D.— Request for Hearing. A hearing may be requested by the respondent by filing a
488 written request for hearing with the city recorder's office within ten working days of
489 receipt of the notice of the recommendation for denial of any application, suspension or
490 revocation of a city-issued license or permit, or bond forfeiture.

491 —1.— The written request for hearing shall include a statement of reasons why the
492 license or permit should not be denied, suspended, revoked, or the bond should not be
493 forfeited.

494 —2.— Untimely filings are jurisdictional and forfeit any right to a hearing.

495 —E.— Hearing. The hearing shall be before an administrative law judge designated by
496 the mayor or city administrator, and shall be at a time, place and day set by the

497 ~~administrative law judge, but not later than twenty (20) working days after receipt of the~~
498 ~~written request for hearing.~~

499 ~~— 1. At the hearing, the city shall present the reasons and evidence for the~~
500 ~~recommendation to deny, suspend, or revoke the license, local consent or forfeit the~~
501 ~~bond.~~

502 ~~— 2. At the hearing, the respondent shall have the opportunity to be represented by~~
503 ~~counsel, present evidence and witnesses and cross-examine any of the city's witnesses.~~

504 ~~— 3. All witnesses shall be sworn to testify truthfully. Either party is entitled to~~
505 ~~confront, and cross-examine any witnesses.~~

506 ~~— 4. The administrative law judge, after hearing and considering all the evidence,~~
507 ~~shall:~~

508 ~~— a. Deny, suspend or revoke the license, local consent, or order the bond to be~~
509 ~~forfeited;~~

510 ~~— b. Approve or reinstate the license or local consent with conditions; or~~

511 ~~— c. Approve or reinstate the license or local consent without conditions.~~

512 ~~— F. The administrative law judge shall issue a written decision within ten days after~~
513 ~~the hearing and send the same, by personal service or by registered mail, postage~~
514 ~~prepaid, to the respondent.~~

515 ~~— G. In a hearing regarding suspension of a license or local consent, if good cause for~~
516 ~~the suspension is established at the hearing, the suspension order may be continued for~~
517 ~~up to one year in duration.~~

518 ~~— H. In a hearing regarding revocation, if good cause for the revocation of the license~~
519 ~~or local consent is established, the respondent may not reapply for a new license or~~
520 ~~request local consent for a minimum of one year after the administrative law judge's~~
521 ~~final decision.~~

522 ~~— I. The decision of the administrative law judge may be appealed by the respondent to~~
523 ~~the district court within thirty (30) calendar days from when the written decision is made.~~

524 ~~— J. If the respondent fails to file a request for a hearing within the prescribed date, the~~
525 ~~determination of the license official shall be upheld and the denial, revocation,~~
526 ~~suspension or bond forfeiture shall be effective immediately. (Ord. 21-31, 8-25-2021)~~

527 **17-5-2: EVIDENTIARY STANDARDS:**

528 ~~The following are evidentiary standards for hearings held under this article:~~

529 ~~— A. The city has the burden of proof to suspend, revoke, deny a license or forfeit a~~
530 ~~bond. The burden of proof in the preponderance of evidence standard.~~

531 ~~— B. If the licensee of a hearing under this article asserts an affirmative defense, the~~
532 ~~licensee has the burden of proof to establish the affirmative defense by the~~
533 ~~preponderance of the evidence.~~

534 —C.— Any oral or documentary evidence may be received, but the administrative law
535 judge may exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.

536 —D.— If the recommendation for denial, suspension, revocation, or forfeiture is based on
537 a finding by the community development department, fire department, health
538 department or police department that the business was or would be in violation of
539 applicable ordinances or regulations, then this determination shall be conclusive and the
540 final decision may be based only on whether the city acted properly in recommending
541 denial, suspension or revocation of the license or local consent or bond forfeiture
542 because of said department's determination. (Ord. 21-31, 8-25-2021)

543 **17-5-3: OTHER HEARING STANDARDS:**

544 —A.— Any hearing under this article is a civil action, notwithstanding whether at issue in
545 the adjudicative proceeding is a violation of statute that can be prosecuted criminally.

546 —B.— In a hearing under this article, to find a violation of this article the administrative
547 law judge:

548 —1.— Is required to determine whether the conduct that constitutes the violation
549 occurred; and

550 —2.— Is not required to make a finding of knowledge or intent unless knowledge or
551 intent is expressly made an element of the violation by statute. (Ord. 21-31, 8-25-2021)

552 **17-5-4: APPLICATION AFTER SUSPENSION OR REVOCATION:**

553 —A.— Suspensions

554 —1.— A suspension shall be for a period not exceeding one year.

555 —2.— After the expiration of the suspension period, the license or local consent may
556 be reinstated, if the licensee otherwise complies with all licensing requirements.

557 —3.— If the license would have otherwise expired during the period of the suspension,
558 the licensee will not be entitled to apply for a renewal license until after the period of
559 suspension has expired and will be required to pay the full license fee.

560 —4.— The Utah Department of Alcoholic Beverage Control will be notified by the
561 License Official of a suspension and the suspension period.

562 —B.— Revocation:

563 —1.— A revocation shall be for a period of no less than one year. Upon revocation of
564 the license, the licensee shall forfeit to the city the following:

565 —a.— The remaining license fee paid.

566 —b.— The bond posted to insure compliance with the law; and

567 —c.— Any bond posted as a result of sale of alcohol to a minor.

568 —2.— A licensee shall not be entitled to reapply for a new license or request local
569 consent during the period of revocation.

570 —3. ~~The Utah department of alcoholic beverage control will be notified by the license~~
571 ~~official of the revocation and the revocation period.~~

572 —C. ~~New Owner. If the licensed business is sold to a new party, not previously~~
573 ~~associated with the licensee who is under suspension or revocation, the new owner of~~
574 ~~the business may apply for and may be granted a new license under this chapter,~~
575 ~~notwithstanding the current revoked or suspended status of the former licensee. (Ord.~~
576 ~~21-31, 8-25-2021)~~

577 **CHAPTER 6** 578 **GENERAL ENFORCEMENT**

579 SECTION:

580 17-6-1: Inspections

581 17-6-2: Criminal Penalties

582 17-6-3: Administrative Regulations

583 **17-63-12: INSPECTIONS:**

584 ~~The city's p~~Police department officials, code enforcement officials, fire department
585 officials, community development officials, building and safety department officials, and
586 the business license official shall be permitted to have access to all premises licensed
587 permitted or applying for licenses-permits under this chapter. ~~_, and t~~They shall may also
588 make periodic inspections of such premises. Inspections by law enforcement or code
589 enforcement may be made with or without prior notice and in uniform or plain clothes.
590 (Ord. 21-31, 8-25-2021)

591 **17-63-23: CRIMINAL PENALTIES:**

592 ~~In addition to revocation or suspension of a license and bond forfeiture, any entity or~~
593 ~~individual who violates any provision~~Citations issued under this title may be prosecuted
594 criminally or civilly. If a civil citation is issued, the parties will follow the administrative
595 citation process set forth in Title 16 of this Code. Penalties for civil violations of this
596 Chapter shall be set forth in the city's comprehensive fee schedule of this article or the
597 offenses listed in Utah Code section 32B-4, criminal offenses and procedure act shall
598 be guilty of a class B misdemeanor. (Ord. 21-31, 8-25-2021)

599 **17-63-34: ADMINISTRATIVE REGULATIONS:**

600 The mayor or city administrator may prepare and promulgate such administrative forms
601 and regulations, not inconsistent with the provisions of this articletitle, as are necessary
602 to carry out the purposes of this articletitle. (Ord. 21-31, 8-25-2021)

604 **CHAPTER 74** 605 **CLASSIFICATION OF LICENSES AND PERMITS**

606 SECTION:

607 17-74-1: LicensesPermits

608 ~~17-7-2: Table of Licenses and Explanations~~
 609 ~~17-74-32: Retail LicensesPermits-General Provisions~~
 610 ~~17-74-43: Single Event/Temporary Permits~~
 611 ~~17-7-5: Single Event Permit-Specific Provisions~~
 612 ~~17-74-64: Temporary Beer Event-Specific ProvisionsImplementation~~

613 **17-74-1: LICENSESPERMITS:**
 614 Licenses and pPermits issued under the provisions of this chapter title shall be
 615 classified into the types as listed in the Utah Alcoholic Beverage Control Act.

616 —A.—Applicants are required to obtain a separate license_permitand local consent (if
 617 required) for each license type.

618 —B.—Establishments that hold any of the following licenses or permits shall comply with
 619 all provisions of the Utah Code and this code applicable to the license or permit type,
 620 including, but not limited to, hours of operation and limitations on minors. (Ord. 21-31, 8-
 621 25-2021)

622 **17-7-2: TABLE OF LICENSES AND EXPLANATIONS:**
 623 The following are licenses and permits that may be issued under local consent
 624 authority. These license types are listed based on Utah alcoholic beverage control act
 625 and are only allowed if listed as a permitted use or conditional use in the tables in
 626 section 17-10-4.

| License Type | Utah Code Reference | City Description |
|--------------------------------------|---------------------|---|
| State Liquor Store | 32B-2, Part 5 | Retail outlet owned and operated by the State of Utah Department of Alcoholic Beverage Control. |
| Package Agency | 32B-2, Part 6 | A retail establishment under a contractual agreement with the State of Utah Department of Alcoholic Beverage Control, or by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell packaged alcoholic beverages for consumption off the premises of the package agency. |
| Restaurant (Full Service) License | 32B-6, Part 2 | Full service restaurant licenses are required for the storage, sale, service, and consumption of beer and liquor on the premises of a restaurant that is engaged primarily in serving meals to the general public. |
| Restaurant (Limited Service) License | 32B-6, Part 3 | Limited service restaurant licenses are required for the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public. |

| | | |
|--------------------------------|----------------|---|
| Bar Establishment License | 32B-6, Part 4 | On-premises beer license shall entitle the licensee to sell beer for consumption on the licensed premises in open containers and on draft not exceeding two liters. Includes dining, social, fraternal, equity clubs, recreational facility in conjunction with a club house. Minors under 21 are generally prohibited to enter. |
| Airport Lounge | 32B-6, Part 5 | Lounges specifically at airports that serve alcohol. |
| Banquet and Catering License | 32B-6, Part 6 | An on-premises banquet and catering license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, or beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts. |
| Beer Retailer License | 32B-6, Part 7 | On premise beer retailers operate as a beer bar, a parlor, a lounge, a cabaret, or a nightclub. Also includes taverns. If not a tavern this establishment is tied to recreational activities. |
| Reception Center License | 32B-6, Part 8 | A reception center license is required for the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for banquet or event functions on the premises of a reception center which must be at least 5,000 square feet and have culinary facilities on the premises or under the control of the center that are adequate to prepare full meals. Its primary purpose must be leasing its facility to third parties for the third parties' event. |
| Restaurant (Beer Only) License | 32B-6, Part 9 | A beer only restaurant license shall entitle the licensee to sell beer for consumption on the premises of a licensed restaurant in open containers and on draft in any size not to exceed two liters capacity, in conjunction with an order of food. |
| Hospitality Amenity License | 32B-6, Part 10 | This applies to hotels with more that 150 rooms. This is for hotels and resorts |
| Off-Premise Beer License | 32B-7 | An off-premises beer retailer license shall entitle the licensee to sell beer in original containers (not to exceed two liters) for consumption off the premises. |
| Resort License | 32B-8 | Not authorized at present time |
| Hotel License | 32B-8b | Available on a limited basis from the Utah Department of Alcoholic Beverage Control consisting of a general hotel license and three or more sublicenses. One sublicense must be a restaurant license and one must be an on-premises banquet |

| | | |
|--------------------------------------|----------------|---|
| | | license. Hotels with more than one club must apply for separate sublicenses and may not combine multiple clubs into one sublicense. Sublicenses include all the various restaurant licenses, taverns, club licenses and on-premises beer retailer. Licenses are subject to size and location restrictions as described by the Utah Department of Alcoholic Beverage Control. |
| Arena License | 32B-8e | Not authorized at present time |
| Single Event/ Temporary Event | 32B-9 | A single event permit allows the licensee to sell and allows the on-premises consumption of any alcohol (including beer) at a temporary event. The licenses are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. Multiple single event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. Or Temporary beer event permits are required to sell beer for on-premises consumption at a temporary event. Multiple temporary beer event permits may be obtained per calendar year, limited to the number of events permitted by the Utah Department of Alcoholic Beverage Control. |
| Public Service Permit | 32B-10, Part 3 | For hospitality rooms tied to public conveyances such as airplanes, trains, buses, boats or other public conveyance. |
| Industrial/ Manufacturing Use Permit | 32B-10, Part 4 | A license that permits industrial or manufacturing licensee to produce and sell vinegar, preserved nonintoxicating cider; a food preparation; a United States Pharmacopoeia or national formulary preparation, or wood and denatured alcohol. |
| Scientific or Educational Use Permit | 32B-10, Part 5 | A permit that allows the licensee to use alcohol in either scientific or educational purposes. |
| Religious Use Permit | 32B-10, Part 6 | For religious use of wine. This permit allows a religious organization to purchase wine at DABC with limited markup |
| Manufacturing (Winery) License | 32B-11, Part 3 | A winery license is required to manufacture, store, transport, import or export wines. |

| | | |
|---------------------------------------|----------------|--|
| Manufacturing (Distillery) License | 32B-11, Part 4 | A distillery license is required to manufacture, store, transport, import or export liquor. |
| Manufacturing (Brewery) License | 32B-11, Part 5 | A brewery license is required to manufacture, brew, store, transport, or export beer and heavy beer. |
| Local Industry Representative License | 32B-11, Part 6 | License that allows individual to represent a manufacturer, supplier, or importer |
| Liquor Warehousing License | 32B-12 | A license that permits the warehousing of alcohol in the city. |
| Beer Wholesaler License | 32B-13 | A license that permits wholesale sale of alcohol in the city. |

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628 (Ord. 21-31, 8-25-2021)

629 **17-74-32: RETAIL LICENSESPERMITS-GENERAL PROVISIONS:**

630 A. License Required. ~~Before a person may store, sell, offer for sale, furnish, or permit~~
631 ~~consumption of an alcoholic product on licensed premises as a retail licensee, the~~
632 ~~person shall first obtain a retail license under this Article. A permit is necessary prior to a~~
633 ~~permittee storing, selling, offer for sale, furnishing, or permitting the consumption of~~
634 ~~an alcoholic product on permitted premises as a retail permittee.~~

635 B. Multiple LicensesPermits. The licensing official may issue, and one or more
636 licensees permittees may hold, more than one type of license permit for the same
637 premises, ~~if two or more restaurants share an area of each licensee's licensed~~
638 ~~premises designated for alcohol consumption, or licensees share a kitchen or culinary~~
639 ~~facilities. Multiple licenses-permits require separate application and payment of separate~~
640 fees for ~~each the licensed-permitted~~ location.

641 C. Hours of Operation.

642 ~~1.~~ It is unlawful for any ~~off-premises beer retailer~~permittee to sell or dispose of beer
643 to any person or patron on the licensed-permitted premises contrary to the hour of
644 operation limits prescribed by a conditional use granted by the planning commission and
645 the Utah Alcoholic Beverage Control Act, or successor provision. ~~, and i~~n no case shall
646 a licensee-permittee or any employee of the licensed-permitted premises sell, dispose
647 of, or give away beer between the hours of 1:00 a.m. and 7:00 a.m.

648 ~~2.~~ It is unlawful for any other licensee to sell, dispose of, give away or serve
649 any alcoholic beverages to any person on the licensed premises contrary to the hour of
650 operation limits prescribed by a conditional use of the planning commission and/or the
651 Utah alcoholic beverage control act (Utah Code section 32B-1-101 et seq.).

652 D. Identification: ~~The All~~ purchasers of alcoholic beverages ~~will be expected~~are
653 required to produce identification. (Ord. 21-31, 8-25-2021)

654 **17-74-43: SINGLE EVENT/TEMPORARY PERMITS:**

655 A. Required: A city-issued special event alcohol permit is required for all events which
656 are required to obtain from the Utah Alcoholic Beverage Services Commission a single

657 event permit or temporary special event beer permit under title 32A, Utah Code or its
658 successor provisions, allowing alcohol to be stored, sold, served and consumed for
659 short term events.

660 B. Application Requirements: In addition to the application requirements set forth in
661 in this title, the following information is required:

662 1. The time, dates, and location of the event.

663 2. A description of the nature and purpose of the event.

664 3. A description of the control measures to be imposed by the DABS and where
665 alcohol will be stored, served and sold.

666 4. A signed consent form stating that law enforcement and authorized city
667 representatives shall have the unrestricted right to enter and inspect the premises
668 during the event to ensure compliance with state law and city ordinance.

669 C. Operational Restrictions: The permittee is subject to all operational restrictions
670 imposed by the DABS under its state license. No alcohol may be served at any special
671 event unless the city permittee also obtains the appropriate state license.

672 D. Nontransferable: Special event alcohol permits are not transferable.

673 E. Time Limits: Special event alcohol permits are subject to the time limitations
674 applicable to DABC single event permits and temporary special event beer permits.

675 F. Fees: Special event alcohol permits are subject to the fees set forth in the
676 consolidated fee schedule. ~~The following general rules apply to single/event/temporary~~
677 ~~permit:~~

678 ~~—A.—Single event or temporary beer event permits and corresponding local consent~~
679 ~~are issued only in conjunction with a community or private event, where a city business~~
680 ~~license or permit, and single event or temporary beer event permit has been obtained.~~

681 ~~—B.—A temporary beer event or single event permit requires alcoholic beverages to be~~
682 ~~sold in containers, or transferred to containers for consumption on the premises, and in~~
683 ~~containers that are visibly distinct from containers that contain non-alcoholic beverages.~~

684 ~~—C.—All holders of a temporary beer event or single event permit must provide~~
685 ~~controlled access to the alcohol consumption area. Plans for such access must be~~
686 ~~provided to the license official at the time of application.~~

687 ~~—D.—All holders of temporary beer event or single event permits must provide security~~
688 ~~personnel for the facility or location.~~

689 ~~—E.—Each person seeking a temporary beer event or single event permit shall submit~~
690 ~~to the license official a cash deposit, payable to the city, or a bond in the amount of one~~
691 ~~thousand dollars (\$1,000.00), to assure compliance with the provisions of this section.~~

692 ~~—F.—A temporary beer event or single event permit applicant shall abide by all~~
693 ~~applicable state and local laws, ordinances and regulations~~

694 ~~—G.—Applicants for a temporary beer or special event permit shall provide to the~~
695 ~~license official at the time of application, the event title, location, licensing jurisdiction~~
696 ~~and dates of operation for other temporary alcohol permits issued for the applicant's~~
697 ~~preceding three events, whether the event occurred in Utah or in another state. (Ord.~~
698 ~~21-31, 8-25-2021)~~

699 **17-7-5: SINGLE EVENT PERMIT-SPECIFIC PROVISIONS:**
700 —A.—A single event permit allows a qualifying organization to sell and allows the
701 consumption of all alcoholic beverages, for temporary time periods not to exceed those
702 permitted by the Utah department of alcoholic beverage control.
703 —B.—A single event permit authorizes the holder to sell beer in the original container or
704 on draft for on premises or off premises consumption for a temporary period of time not
705 to exceed thirty (30) days in connection with a special event. Each temporary license
706 shall expire at 11:59 p.m. on the last day stipulated for the temporary license.
707 —C.—Single event permits shall be approved or denied by the mayor. A denial by the
708 mayor of a single event permit is immediately appealable to District Court. (Ord. 21-31,
709 8-25-2021)

710 **17-7-6: TEMPORARY BEER EVENT-SPECIFIC PROVISIONS:**
711 —A.—Temporary beer event permit allows for the sale and consumption of beer and
712 shall be valid for a period of time not to exceed thirty (30) consecutive calendar days.
713 —B.—A series of temporary beer event permits issued to the same person may not
714 exceed ninety (90) days in any one calendar year.
715 —C.—The city reserves the right to, suspend, and revoke a temporary permit to sell,
716 offer for sale, or furnish beer for on-premise consumption at an event.
717 —D.—Suspension or revocation of a temporary beer event permit issued under by the
718 city under this section prohibits the temporary beer event permittee who has a permit
719 suspended or revoked by either the DABC commission or the city from continuing to
720 operate under any other state or local permit. (Ord. 21-31, 8-25-2021)

721 **CHAPTER 8**
722 **OFF-PREMISE BEER RETAILER ENFORCEMENT**

723 SECTION:

724 **17-8-1: Adjudicative Record To Be Maintained**

725 **17-8-2: Expungement Of Records**

726 **17-8-3: Penalties Involving A Retailer With No Penalties Relating To Minors**

727 **17-8-1: ADJUDICATIVE RECORD TO BE MAINTAINED:**

728 When the city adjudicates an administrative penalty for a violation of a law involving the
729 sale of an alcoholic product to a minor under this article, the city's license official shall:

730 —A.—Maintain a record of an adjudicated violation until the record is expunged. The
731 record shall include the name of the individual who committed the violation, the name of
732 the off-premise beer retailer for whom the individual is a staff member at the time of the
733 violation, and the date of the adjudication of the violation; and

734 —B.—Provide the information to the department of public safety within thirty (30) days of
735 the date on which a violation is adjudicated by the administrative law judge. (Ord. 21-31,
736 8-25-2021)

737 **17-8-2: EXPUNGEMENT OF RECORDS:**

738 For determining future administrative penalties, the city shall expunge from the records
739 any administrative penalties if the individual has not been found in violation of any law
740 involving the sale of an alcoholic product to a minor for a period of thirty-six (36)
741 consecutive months from the day on which the individual is last adjudicated as violating
742 a law involving the sale of an alcoholic product to a minor. (Ord. 21-31, 8-25-2021)

743 **17-8-3: PENALTIES INVOLVING A RETAILER WITH NO PENALTIES RELATING TO**
744 **MINORS:**

745 For determining future administrative penalties, the city shall expunge from the records
746 any administrative penalties if the off-premise beer retailer any staff of that off-premise
747 beer retailer has not been found in violation of any law involving the sale of an alcoholic
748 product to a minor for a period of thirty-six (36) consecutive months from the day on
749 which the off-premise beer retailer or staff of the off-premise beer retailer is last
750 adjudicated as violating a law involving the sale of an alcoholic product to a minor. (Ord.
751 21-31, 8-25-2021)

752 **CHAPTER 9**
753 **IMPLEMENTATION**

754 **SECTION:**

755 **17-9-1: Implementation**

756 **17-94-14: IMPLEMENTATION:**

757 This title applies to all new licenses, permits, or local consent on the date the ordinance
758 takes effect. Current licensees/permitees shall be brought current at next license
759 renewal. ~~Since all licenses renew at the end of the calendar year, this section is~~
760 ~~obsolete after March, 01, 2022.~~ (Ord. 21-31, 8-25-2021)

761 **CHAPTER 105**
762 **ZONING REQUIREMENTS**

763 **SECTION:**

764 **17-10-1: Proximity To Community Locations**

765 **17-10-2: Proximity Exception For Hotels**

766 **17-10-317-5-1: Variances**

767 **17-510-42: Allowed Locations**

768 **17-10-1: PROXIMITY TO COMMUNITY LOCATIONS:**

769 ~~Certain establishments are prohibited if minimum distances between community~~
770 ~~locations are not met.~~

771 ~~—A.—Outlet Locations (Proximity Requirement A): Outlet locations are not permitted if~~
772 ~~there is a community location:~~

773 —1. Within six hundred (600) feet of the proposed outlet, as measured from the
774 nearest patron entrance of the proposed outlet by following the shortest route of
775 ordinary pedestrian travel to the property boundary of the community location; or

776 —2. Within two hundred (200) feet of the proposed outlet, measured in a straight line
777 from the nearest patron entrance of the proposed outlet to the nearest property
778 boundary of the community location.

779 —B. Restaurant Locations (Proximity Requirement B): Restaurants are not permitted if
780 there is a community location:

781 —1. Within three hundred (300) feet of the proposed restaurant, as measured from
782 the nearest patron entrance of the proposed restaurant by following the shortest route of
783 ordinary pedestrian travel to the property boundary of the community location; or

784 —2. Within two hundred (200) feet of the proposed restaurant, measured in a straight
785 line from the nearest patron entrance of the proposed restaurant to the nearest property
786 boundary of the community location.

787 —C. License May Continue: If, after an outlet, a restaurant, or other licensee obtains a
788 license under this title, a person establishes a community location on a property that
789 puts the outlet, restaurant, or other licensee in violation of the proximity requirements in
790 effect at the time the license is issued that outlet or restaurant, or an outlet or a
791 restaurant with the same type of license as that outlet or restaurant, may operate at the
792 premises under the conditions outlined in Utah Code 32B-1-202. (Ord. 21-31, 8-25-
793 2021)

794 **17-10-2: PROXIMITY EXCEPTION FOR HOTELS:**

795 The license authority may issue a hotel license that does not meet the proximity
796 requirements:

797 —A. If the proposed hotel is:

798 —1. Within six hundred (600) feet of two community locations, as measured from the
799 nearest patron entrance of the proposed hotel by following the shortest route of ordinary
800 pedestrian travel to the property boundary of each community location;

801 —2. Not within three hundred (300) feet of a community location, as measured from
802 the nearest patron entrance of the proposed hotel by following the shortest route of
803 ordinary pedestrian travel to the property boundary of the community location; and

804 —3. Not within two hundred (200) feet of a community location, as measured in a
805 straight line from the nearest patron entrance of the proposed hotel to the nearest
806 property boundary of the community location;

807 —B. The proposed sublicensed premises of a bar establishment sublicense under the
808 hotel license:

809 —1. Is on the second or higher floor of a hotel;

810 —2. Is not accessible at street level; and

811 ~~—3. Is only accessible to an individual who passes through another area of the hotel~~
 812 ~~in which the bar establishment sublicense is located; and~~

813 ~~—C. The applicant meets all other criteria under this title for the hotel license. (Ord. 21-~~
 814 ~~31, 8-25-2021)~~

815 **17-105-31: VARIANCES:**

816 Variances are not permitted for the proximity standards. Proximity standards are
 817 expressly addressed in the Utah alcoholic beverage control act and may not be
 818 modified by the city. (Ord. 21-31, 8-25-2021)

819 **17-510-42: ALLOWED LOCATIONS:**

820 A. Uses that are allowed in zones are listed in the table below. Zones listed are
 821 those that allow for commercial enterprises and similar uses, including but not limited to
 822 the PC zone and the west side planning area mixed use designation.

823 B. Those uses identified as "permitted" (P) are allowed by right; provided, that they
 824 comply with all other requirements of this article, and all other applicable requirements
 825 of city ordinance and state law. Uses identified as "conditional" (C) must be approved by
 826 the planning commission pursuant to sections [13-7E-1](#) et seq.

827 C. The standards and procedures for conditional uses shall comply with all other
 828 applicable requirements of city ordinance and state law. Any license not specifically
 829 listed in this section for a zone shall not be allowed in that zone.

830 D. Table of Permitted and Conditional Uses (for alcoholic beverage uses).

| Alcoholic Beverage Use | CG | CM | SC1 | SC2 | SC3 | PO | BRP | MP | M-1 | M-2 | CCC | CCF | CCR | PCH (NC) |
|---|----|----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|----------|
| Banquet and Catering (on-premise) | | | | P | P | | | | | | | | | |
| Bar | C | P | | P | P | | | | | | C | C | | |
| Beer Retailer (on-premise) | P | P | P | P | P | | | | | | P | P | P | P |
| Beer Wholesaler | | | | | | | | P | P | P | | | | |
| Brewpub | | | | | | | | | | | € | | € | |
| Hotel | P | | | P | P | P | P | | | | P | P | P | |
| Liquor Warehouse | | | | | | | | P | P | P | | | | |
| Manufacturer (winery, distillery, brewery) | | | | | | | | P | P | P | | | | |
| Microbrewery | | | | | | | P | | | | | | | |
| Off-Premise Beer | P | P | P | P | P | | | | | | P | P | P | P |
| Package Agency | | | | P | P | | | | | | | | | |
| Reception Center | | | | | P | | | | | | C | C | | |
| Restaurant General (Beer Only) | P | P | P | P | P | P | P | | | | P | P | C | P |

| | | | | | | | | | | | | | | |
|--|---|---|---|---|---|--------------|--------------|--------------|--------------|--------------|---|---|---|---|
| Restaurant General (Full Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Restaurant General (Limited Service) | P | P | P | P | P | P | P | | | | P | P | C | P |
| Special Use (<u>Scientific or Educational</u>) | | | | | P | <u>P</u> | <u>P</u> | P | P | P | | | | |
| Special Use (Industrial <u>or</u> <u>Manufacturing</u>) | | | | | | | | P | P | P | | | | |
| Special Use (Scientific) | | | | | | P | P | P | P | P | | | | |
| Special Use (Religious) | | | | | | | | | | | | | | P |
| State Liquor Store | | | | C | C | | | | | | | | | |
| Tavern (<u>On-premise beer retailer</u>) | P | P | P | P | P | | | | | | P | C | | P |
| * West Side Planning Area Mixed Use Zone (WSPA) (MU) | | | | | | | | | | | | | | |

831 L

832 TRANSIT STATION OVERLAY DISTRICT

| Alcoholic Beverage Use | West Jordan City Center Station | Jordan Valley | Gardner Village Station | Bagley Station |
|--|---------------------------------|---------------|-------------------------|----------------|
| Bar | C | C | C | C |
| Beer Retailer (<u>on-premise</u>) | P | P | P | P |
| Brewpub | | C | | C |
| Hotel | P | P | P | |
| Off-Premise Beer | P | P | P | P |
| Reception Center | C | | C | |
| Restaurant General (Beer Only) | P | P | P | P |
| Restaurant General (Full Service) | P | P | P | P |
| Restaurant General (Limited Service) | P | P | P | P |
| State Liquor Store | | C | | |
| Tavern (<u>on-premise beer retailer</u>) | P | P | P | |

833

834 (Ord. 21-31, 8-25-2021)

835



Office of the City Council

8000 South Redwood Road

West Jordan, Utah 84088

(801) 569-5017

**CITY OF WEST JORDAN
NOTICE OF PUBLIC HEARING**

A public hearing will be held before the West Jordan City Council on **Wednesday, October 23, 2024 at 6:00 pm** (*or as soon thereafter as possible*) at **West Jordan City Hall, 8000 S. Redwood Rd, 3rd Floor, West Jordan, UT 84088.**

The purpose of the hearing is to receive public comments regarding the following:

- **Ordinance No. 24-46** amending West Jordan City Code Title 17 Alcohol Beverage Control and Uses
- **Ordinance No. 24-44** amending Section 8-15-4 General Naming Principles and Placement, and Section 7-5-2 Street Name Change Process

In accordance with the Americans with Disabilities Act, the City of West Jordan will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the Council Office at (801) 569-5017 at least three working days' advance notice of the meeting.

If you are interested in participating in the public hearing, please visit the City of West Jordan website at <https://westjordan.primegov/public/portal> approximately four (4) days prior to the meeting for packet materials and Zoom login information.

Alternatively, you may share your comments with the Council prior to the meeting by calling the 24-Hour Public Comment line at (801) 569-5052 or by emailing councilcomments@westjordan.utah.gov. For further information please contact the Council Office at (801) 569-5017.

*Posted October 10, 2024
/s/ Cindy M. Quick, MMC
Council Office Clerk*

Referring to the southeast area, Mr. Crawford highlighted the rodeo grounds as a significant focus, with plans to double seating capacity and create an inviting plaza. A food truck plaza would be included, and the possibility of hosting equestrian activities outside the rodeo was discussed. Council members also debated whether the rodeo grounds' floor should be concrete for additional event use.

Council Members suggested switching the location of the area proposed for sport courts with the new parking lot across the gateway road, located in the northeast area. Council Member Green asked staff to ensure the area designated for food trucks would have necessary hook-ups and generator space.

Mr. Crawford reviewed the cost estimates for the park expansion, totaling \$29,175,000, and mentioned that delaying action could significantly increase costs. Chair Jacob inquired about the timeline for the project and potential disruptions to park usage. Mr. Crawford explained that phasing the project would be necessary to allow continued park access during construction. Council Member Bedore requested costs to add a stage and amphitheater area be included in the plan. Council Members emphasized the need for thoughtful planning, particularly regarding multi-use areas, traffic flow, and maintaining the park's functionality during the expansion process.

d. Discussion regarding deferred maintenance costs of city road surfacing

Assistant Engineer Krista Reister explained the Pavement Condition Index (PCI) where road conditions are rated from 0 (failed) to 100 (new), noting the city's average PCI at 53. She shared various levels of road deterioration and associated repair costs emphasizing the need for preventative maintenance and presented a plan for pavement preservation in West Jordan.

Ms. Reister said maintaining the current level of spending for asphalt preservation would bring the mean PCI from 53 to 33 over the next ten years. The unfunded roadway maintenance backlog would increase from the current \$124 million to \$255 million in ten years. She pointed out that increasing the budget now, even by a small amount, would save the city millions of dollars over the next decade. Ms. Reister said staff could continue to look at funding scenario options, and suggested residents could be polled regarding desired level of service.

The Council and staff discussed road maintenance methods, advancements, and costs. Ms. Reister said the City saved a lot of money by doing much of the maintenance work in-house, but some projects needed to be contracted out. Council Member Green asked if the city could stretch available dollars by investing in equipment and crews. Chair Jacob asked how much would need to be in the budget to maintain the current PCI of 53. City Administrator Korban Lee asked if it would be more fiscally responsible to fund maintaining current level of service, or to fully fund the required maintenance.

Mr. Lee suggested scheduling another meeting to discuss realistic options for increasing resources available.

e. Discussion of proposed amendments to Title 17 (Alcohol Licensing)

Senior Assistant City Attorney Patrick Boyce explained the State controlled alcohol licensing, and the City issued permits. Mr. Boyce recommended simplifying Title 17 to be more user friendly with clearer authority for the Licensing Department. He said the proposed amendments reduced Title 17 from around 33 pages to 8 pages and asked the Council for direction.

Council Member Green expressed support for the simplified Title 17 and shared the opinion that Title 17 needed to refer to Title 16 regarding license revocation. Mr. Boyce agreed that reference to Title 16 needed to be added.

Council Member Whitelock suggested changing language in 17-2-4E to clarify temporary closure versus permanent closure. The Council discussed extending the closure timelines from the current 10-day regulation to a 30-60 day period. Staff would investigate related State provisions. Council Member Whitelock suggested clarifying acceptable identification for alcohol permits to align with state definitions. Council Member Bloom noted that State regulations did not recognize foreign forms of identification for purchase of alcohol. A majority of the Council appeared to support bringing proposed amendments to a future Council meeting with changes discussed that evening.

f. Discussion of proposed amendments to Title 7 – Parking

Senior Assistant City Attorney Patrick Boyce presented proposed amendments to Title 7 regarding parking and explained proposed changes to the fee schedule. He said many of the proposed amendments would bring Title 7 into compliance with State Code. Council Member Green expressed support for the proposed amendments.

Mr. Boyce spoke of enforcement highlighting the need for additional personnel and time to implement the program. The Council discussed proposed amendments and advocated for public education. Council Member Whitelock noted necessary grammatical edits and planned to coordinate with staff after the meeting.

3. ADMINISTRATIVE ITEMS

None

4. ADJOURN

At 9:57 pm, Council Member Green moved to adjourn the meeting. Chair Jacob seconded the motion, which passed by unanimous vote (7-0).

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on September 18, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 9th day of October 2024



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 10/23/2024

Presenter: Alan Anderson

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: PUBLIC HEARINGS

Presentation Time: 10 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Ordinance No. 24-44 amending West Jordan City Code Sections 8-15-4 and 7-5-2 Regarding Naming Principles and Placement of Parks, Public Spaces, Monuments, and Street Name Changes

2. EXECUTIVE SUMMARY

The council is being asked to adopt two minor amendments to improve clarity and consistency in the naming process:

1. Remove Constitutional ambiguity in the General Naming Principles outlined in Section 8-15-4
2. Update Section 7-5-2 regarding Street Name Changes to apply general naming principles when renaming streets

Background:

The Council previously approved resolutions renaming two streets: [New Bingham Highway to Copper Hills Parkway in October 2022](#), and [1510 West to Eli Mitchell Way in November 2023](#).

During the discussion regarding renaming city facilities, Council Members expressed concerns regarding the following existing code language. “The city council will not approve names that are complex, unduly long, difficult to spell or difficult to pronounce, derogatory or offensive.”

Legal staff and the council office have suggested specific word deletions to remove Constitutional ambiguity.

Title 8-15-4 – General Naming Principles.

- Line 71 – clarity edit
- Line 75-76 – remove ambiguous wording while maintaining government speech
- Line 112 – clarity edit
- Line 254 – clarity edit
- Line 260 – clarity edit

Title 7-5-2 – Street Name Change

- Line 13, 14, and 15 – add language referencing the General Naming Principles in Section 8-15-4
- Line 47 – clarify that the fees mentioned are city-imposed, not all fees
- Line 49-50 – informs applicants that non-city agencies may charge fees for street renaming, depending on the roadway

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

No impact to the budget as presented

5. STAFF ANALYSIS

N/A

6. MOTION RECOMMENDED

Move to approve/deny Ordinance No. 24-44 amending West Jordan City Code Sections 8-15-4 and 7-5-2 Regarding Naming Principles and Placement of Parks, Public Spaces, Monuments, and Street Name Changes.

7. MAYOR RECOMMENDATION

N/A

8. PACKET ATTACHMENT(S)

Title 8 Chapter 15 red line and clean

Title 7 Chapter 5 red line and clean

Minutes from prior discussions for reference

1 CHAPTER 15
2 MEMORIALS, MONUMENTS, AND NAMING OF PUBLIC PLACES AND FACILITIES

3 SECTION:

4 8-15-1: Purposes

5 8-15-2: Scope

6 8-15-3: Definitions

7 8-15-4: General Naming Principles And Placement

8 8-15-5: Specific Naming Principles

9 8-15-6: Safety Requirements For Memorials And Monuments

10 8-15-7: Monuments, Memorials, Donated Seating, And Trees; Specific Principles

11 8-15-8: Cost And Ownership

12 8-15-9: Maintenance, Removal And Relocation Of Donated Memorials, Equipment

13 8-15-10: Process And Procedures

14 8-15-11: Appeals To The Mayor

15

16 8-15-1: PURPOSES:

17 A. To provide guidelines for consistency in:

18 1. The naming of city-owned and managed parks, public spaces, public buildings, and
19 public facilities, and

20 2. The placement of memorials, including installation of monuments and planting of
21 memorial trees, in any public space within the city.

22 B. To ensure the naming of parks, public spaces, public buildings and public facilities,
23 and the placement of monuments and memorials: 1) commemorate and recognize
24 individuals, institutions or events contributing significantly to the historical creation or
25 betterment of the city, the state or the nation; 2) are consistent with the overall interests,
26 values, and expectations of the citizens of West Jordan City; and 3) are consistent with state
27 and federal requirements as may now or in the future be applicable. (Ord. 09-11, 3-24-
28 2009; amd. Ord. 19- 48, 12-11-2019, Effective at 12 noon on January 6, 2020)

29

30 8-15-2: SCOPE:

31 A. This chapter covers all proposals to name parks, public spaces, public buildings and
32 public facilities, and the donation or other placement of memorials or monuments,
33 including planting of memorial trees, in any public space within the city.

34 B. This chapter will supersede any other prior ordinance or code provision affecting or
35 regulating the same subjects.

36 C. This chapter does not cover city created public road signage or other city created
37 signage or city-owned display boards or banners.

38 D. Parks, public spaces, public buildings and public facilities named, and any monument
39 or memorial placed, prior to the adoption date hereof, are exempted from any retroactive
40 application of the provisions of this chapter. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48, 12-
41 11-2019, Effective at 12 noon on January 6, 2020)

42

43 8-15-3: DEFINITIONS:

44 For the purposes of this chapter, the following definitions will be used:

45 MEMORIAL: A plate, tablet, or slab made of metal, stone or any other appropriate material
46 with text and/or graphics displayed on it and fixed on, applied to, or inserted in a surface,
47 created to recognize and preserve the memory of a person, group, event or place.

48 MONUMENT: A structure or a three-dimensional physical object (e.g., a sculpture) created
49 to recognize and preserve the memory of a person, group, event or place. A water feature
50 or memorial garden type proposal may be deemed a monument. (Ord. 09-11, 3-24-2009)

51

52 8-15-4: GENERAL NAMING PRINCIPLES AND PLACEMENT:

53 A. All proposals to name a park, public space, public building or a public facility and the
54 proposed placement of memorials or monuments, including installation of donated seating,
55 street furniture and play/park equipment, and planting of memorial trees in any public
56 space within the city, will be considered on a case by case basis, whether generated by the
57 public or from within the city council. Notwithstanding this case by case approach, the
58 relevant criteria to be taken into consideration shall include, but not be limited to:

59 1. There must be a high level of community support for the proposal;

60 2. The proposal must: a) commemorate a person or a group who made a significant
61 contribution to the West Jordan community, the state of Utah or the United States of
62 America; or b) commemorate an event or occasion that is important in local, state or
63 national history; or commemorate an important indigenous or nonindigenous aspect of
64 West Jordan City's heritage;

65 3. Any proposed name must reflect the character, landscape, natural amenity, flora or
66 fauna, or function of the site or the area.

67 B. With the exception of special circumstances approved by the city council, the naming
68 after a person of parks, public spaces, public buildings and public facilities, and the
69 placement of monuments and memorials, including placement of donated seating, street
70 furniture or play/park equipment shall only be done posthumously.

71 C. With the exception of historical persons who died more than ~~one hundred (100)~~ years
72 ago, naming of parks, public spaces, public buildings and public facilities, and the
73 placement of monuments and memorials after a person shall only be done with the consent
74 of the memorialized person's immediate family.

75 D. The city council will not approve names that are complex, ~~unduly long, difficult to~~
76 ~~spell or difficult to pronounce~~, derogatory, or offensive.

77 E. The city council will not approve name duplication of memorials within the city or in
78 immediately adjacent local government areas.

79 F. If the proposed memorial site is currently recognized by a formal or informal name
80 that is widely accepted and strongly recognized by the local community, the city council
81 will not consider a name change unless the proposed name change is widely supported by
82 the West Jordan City community.

83 G. When considering a proposal, the city council will make an assessment and decide
84 whether the name needs to be registered with any state or federal agency. In cases where
85 the city council decides to register the name with a state or federal agency, it will follow the
86 relevant guidelines from the agency.

87 H. Memorials and monuments containing statements of religious principles or scriptural
88 verses are prohibited in public parks, public spaces, public buildings or public facilities;
89 provided, however, if such a principle or scripture is unavoidably entwined with an
90 otherwise historically significant event or the persona of a person proposed to be honored,
91 the monument or memorial may contain a minor and incidental reference to such a
92 principle and/or scripture.

93 I. Any proposal to name a park, public space, public building or public facility and the
94 proposed placement of memorials or monuments, including installation of donated seating,
95 street furniture and play/park equipment, and planting of memorial trees in any public
96 space within the city will be approved by the city council only after a duly noticed public
97 hearing. (Ord. 09-11, 3-24-2009)

98

99 8-15-5: SPECIFIC NAMING PRINCIPLES:

100 A. Prior to approving a name for a park or a public space, public building or a public
101 facility, the city council will provide public notice of the proposal in the same manner and
102 scope as otherwise required for city council public hearings.

103 B. At the cost of the proposer(s) of a naming, a reasonable memorial will be erected at
104 the named park, public space, public building or public facility displaying short

105 biographical information and achievement of the person or group after whom the relevant
106 site is named.

107 C. City-owned buildings and facilities may be given either:

108 1. Functional names;

109 2. Nonfunctional names, including naming after a person, group, or event;

110 3. Location names;

111 4. Commemorative names; or

112 5. A combination of any two ~~(2)~~ of subsections C1 to C4 of this section.

113 D. The names of buildings, facilities or parts thereof generally shall not change during
114 the life of the building, facility or part thereof. In particular, where a building, facility or
115 part thereof is named after a person, the name should not generally change even if there is
116 a change in the usage of the building or facility.

117 E. Buildings, facilities, or parts thereof may be named after or dedicated in honor of a
118 person, group or entity in recognition of significant contributions to the West Jordan City
119 community.

120 F. Generally, naming plaques of buildings, facilities, or parts thereof shall include as a
121 minimum:

122 1. Name as adopted by the sitting city council;

123 2. Date of formal naming.

124 G. Dedicatory plaques of buildings, facilities, or parts thereof shall include as a minimum:

125 1. Name of the facility, as adopted by city council;

126 2. Date of dedication;

127 3. The name of the person dedicating the building or facility;

128 4. The name of the mayor; and

129 5. The name of all then sitting council persons in alphabetical order (by last name); and

130 6. The name of the city administrator. (Ord. 09-11, 3-24-2009; amd. Ord. 19- 48, 12-11-
131 2019, Effective at 12 noon on January 6, 2020)

132

133 8-15-6: SAFETY REQUIREMENTS FOR MEMORIALS AND MONUMENTS:

134 A. Any memorial or monument, or part thereof, that is not installed flush with a surface
135 and, any memorial or monument that rises from ground level less than seven feet (7'), shall
136 have rounded edges and shall avoid tripping hazards in the design and installation process.

137 B. If a monument is to be installed on a base, regardless of height, the base shall have
138 rounded edges.

139 C. All memorials and monuments shall be designed to be noticeably separated from
140 walkways, established lines of nonwalkway travel through parks, and established or
141 reasonably likely areas of group running type play or activity.

142 D. Only seating and play equipment meeting the most current safety design and
143 installation standards will be accepted and approved by the city council.

144 E. If a monument or memorial consists of, or includes a reproduction model or actual
145 copy of a manmade item; or a sculpture, whether of a human being or otherwise; and such
146 model or sculpture has sharp or pointed edges or extrusions, including, but without
147 limitation, expressions of hair, fingers, noses, arms, held objects (spears, scepters, guns,
148 books, etc.), airplane wings, helicopter bodies or rotors, etc., such item or sculpture must sit
149 within a protective alcove or on a base that raises the pointed or sharp edge(s) to a height
150 of seven feet (7') or higher. Other permitted options meeting the requirements of this
151 subsection are:

152 1. The monument or memorial can be completely enclosed within a hardened glass or
153 plastic viewing container meeting the requirements of subsection A of this section.

154 2. The monument or memorial can be separated from pathways or other possible
155 normal access by inattentive or running pedestrians by water or other natural separations.

156 F. Memorials and monuments installed inside of a public building or other public facility
157 shall be installed within an alcove or cutout of a wall in order to protect inattentive or
158 running pedestrians from injury as a result of contact with the monument or memorial.
159 (Ord. 09-11, 3-24-2009)

160

161 8-15-7: MONUMENTS, MEMORIALS, DONATED SEATING, AND TREES; SPECIFIC
162 PRINCIPLES:

163 A. In addition to the general principles in section 8-15-4 of this chapter, the following
164 specific principles shall also apply for the establishment of memorials and monuments:

165 1. The city council will undertake public notice and comment in the same manner as
166 specified for naming in section 8-15-5 of this chapter.

167 2. The city administrator will have delegated authority to approve or refuse requests
168 for placement of donated seating or benches in parks or public spaces, with subsequent
169 reporting to the city council.

170 3. Any proposed memorial, monument, donated seating or trees, must:

171 a. Demonstrate some specific justification for being located at the proposed site.

172 b. Be consistent with the city council's approved plans for the proposed site or
173 facility.

174 c. Not compromise the amenity value, aesthetic integrity or character of the proposed
175 site.

176 d. Not interfere with existing and proposed usage patterns, and circulation at the site
177 and must not pose any safety risk to users of the site or facility.

178 e. Contribute to the public space from a functional and/or aesthetic character of the
179 site and should be designed and manufactured using high quality materials and
180 workmanship.

181 f. Be compatible and at a design and quality level commensurate with the location or
182 setting of the site and must be compatible with the surroundings.

183 B. The city council will not consider for approval monuments or memorials which will
184 impose a significant financial burden on the city to maintain.

185 C. It will be the city council's responsibility to:

186 1. Approve the design, size, material, text and graphics to be used for memorials and
187 monuments; and

188 2. Approve species of memorial trees to be planted, in a specific case, in parks or other
189 public spaces. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48, 12-11- 2019, Effective at 12 noon
190 on January 6, 2020)

191

192 8-15-8: COST AND OWNERSHIP:

193 A. Unless otherwise decided by the city council in a specific case, the total cost of design,
194 fabrication, transportation, site preparation, installation, lighting, electrical and all other
195 costs relating to a memorial or monument shall be borne by the donor/applicant.

196 B. All donated memorials, monuments, park/street furniture, equipment, and trees shall
197 become and remain city property. (Ord. 09-11, 3-24-2009)

198

199 8-15-9: MAINTENANCE, REMOVAL AND RELOCATION OF DONATED MEMORIALS,
200 EQUIPMENT:

201 A. The city will endeavor to maintain memorials and monuments, donated park/street
202 furniture, equipment (tree guard, picnic shelters, BBQ, play equipment, drinking fountain,
203 etc.) and memorial trees for their useful life.

204 B. The city takes no responsibility for the loss, damage and/or replacement of a donated
205 memorial, park/street furniture, equipment, tree or monument.

206 C. At the expiry of the useful life of furniture or equipment, unless the applicant makes
207 an arrangement with the city to renew, refurbish or replace the furniture or equipment, the

208 city staff may remove the item and, in case of memorials or monuments, reasonable
209 attempts will be made by city staff to return the memorial or monument to the donor.

210 D. The city council reserves the right to remove a memorial, monument, or a memorial
211 tree in the following circumstances:

212 1. The area is to be redeveloped;

213 2. The character and use of the area in which the item is sited has changed significantly
214 and the item is no longer deemed suitable for the site;

215 3. The structure or support on which the item is located is to be removed or altered.

216 E. The city retains the right to relocate any donated memorial, monument, park/street
217 furniture, equipment (tree guard, picnic/BBQ shelters, play equipment, drinking fountain,
218 etc.) or a memorial tree, if and when it becomes necessary to do so. (Ord. 09-11, 3-24-
219 2009)

220

221 8-15-10: PROCESS AND PROCEDURES:

222 A. The city administrator or an empowered designee shall administer this chapter.

223 B. In connection with a proposal for:

224 1. The naming of city-owned and managed parks, public spaces, public buildings, and
225 public facilities, or

226 2. The placement of memorials, including installation of monuments and planting of
227 memorial trees, in any public space within the city, such proposal shall be made in writing
228 and submitted to the city administrator.

229 C. Written proposals shall include:

230 1. A detailed description of the proposed naming or memorial, including an artist's
231 rendering of the final form of any physical thing which is part of the proposal.

232 2. A description of the method of funding for the proposal.

233 3. A statement showing the proposal's compliance with the applicable rules contained
234 in this chapter.

235 4. An application fee in the amount provided for such applications in the city's uniform
236 fee schedule, as amended from time to time.

237 5. A safety survey of the proposal demonstrating that the design and location of the
238 proposal will meet or exceed the safety concerns of this chapter and the professional
239 standards of the surveyor.

240 D. The city administrator or an empowered designee shall determine whether or not the
241 application submitted is complete and meets the requirements of this chapter. If the

242 application fails to meet the requirements of this chapter or is not complete, the application
243 will be returned with comments and suggestions as to how the application can be made
244 complete or compliant.

245 E. Once a proposal is complete and found to meet the requirements of this chapter, the
246 city administrator or an empowered designee shall prepare a staff report and schedule the
247 proposal for review and action by the city council. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48,
248 12-11-2019, Effective at 12 noon on January 6, 2020)

249

250 8-15-11: APPEALS TO THE MAYOR:

251 A. An Appeal may be made to the mayor from any decision, determination or
252 requirement of the city administrator or an empowered designee by filing a written notice
253 of appeal, and payment of a fee according to the city's uniform fee schedule, with the city
254 recorder within ~~fifteen (15)~~ days from the date such decision, determination or
255 requirement was made. Such notice shall set forth in detail the action and grounds upon
256 which the appealing party claims to be aggrieved.

257 B. A hearing on the appeal shall be held by the mayor within a reasonable time from the
258 date of receipt of the appeal. Such hearing may, for good cause, be continued by order of
259 the mayor. The appealing party shall be notified of the appeal hearing date at least seven
260 ~~(7)~~ days prior to the hearing. After hearing the appeal, the mayor may affirm, modify or
261 overrule the decision, determination or requirement appealed, and may enter any such
262 order or orders as are in harmony with the spirit and purposes of this chapter. The filing of
263 an appeal shall stay all proceedings and actions in furtherance of the matter appealed,
264 pending a decision of the mayor.

265 C. The appealing party has the burden of proving that an error has been made. (Ord. 09-
266 11, 3-24-2009; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

1 CHAPTER 15
2 MEMORIALS, MONUMENTS, AND NAMING OF PUBLIC PLACES AND FACILITIES

3 SECTION:

4 8-15-1: Purposes

5 8-15-2: Scope

6 8-15-3: Definitions

7 8-15-4: General Naming Principles And Placement

8 8-15-5: Specific Naming Principles

9 8-15-6: Safety Requirements For Memorials And Monuments

10 8-15-7: Monuments, Memorials, Donated Seating, And Trees; Specific Principles

11 8-15-8: Cost And Ownership

12 8-15-9: Maintenance, Removal And Relocation Of Donated Memorials, Equipment

13 8-15-10: Process And Procedures

14 8-15-11: Appeals To The Mayor

15

16 8-15-1: PURPOSES:

17 A. To provide guidelines for consistency in:

18 1. The naming of city-owned and managed parks, public spaces, public buildings, and
19 public facilities, and

20 2. The placement of memorials, including installation of monuments and planting of
21 memorial trees, in any public space within the city.

22 B. To ensure the naming of parks, public spaces, public buildings and public facilities,
23 and the placement of monuments and memorials: 1) commemorate and recognize
24 individuals, institutions or events contributing significantly to the historical creation or
25 betterment of the city, the state or the nation; 2) are consistent with the overall interests,
26 values, and expectations of the citizens of West Jordan City; and 3) are consistent with state
27 and federal requirements as may now or in the future be applicable. (Ord. 09-11, 3-24-
28 2009; amd. Ord. 19- 48, 12-11-2019, Effective at 12 noon on January 6, 2020)

29

30 8-15-2: SCOPE:

31 A. This chapter covers all proposals to name parks, public spaces, public buildings and
32 public facilities, and the donation or other placement of memorials or monuments,
33 including planting of memorial trees, in any public space within the city.

34 B. This chapter will supersede any other prior ordinance or code provision affecting or
35 regulating the same subjects.

36 C. This chapter does not cover city created public road signage or other city created
37 signage or city-owned display boards or banners.

38 D. Parks, public spaces, public buildings and public facilities named, and any monument
39 or memorial placed, prior to the adoption date hereof, are exempted from any retroactive
40 application of the provisions of this chapter. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48, 12-
41 11-2019, Effective at 12 noon on January 6, 2020)

42

43 8-15-3: DEFINITIONS:

44 For the purposes of this chapter, the following definitions will be used:

45 MEMORIAL: A plate, tablet, or slab made of metal, stone or any other appropriate material
46 with text and/or graphics displayed on it and fixed on, applied to, or inserted in a surface,
47 created to recognize and preserve the memory of a person, group, event or place.

48 MONUMENT: A structure or a three-dimensional physical object (e.g., a sculpture) created
49 to recognize and preserve the memory of a person, group, event or place. A water feature
50 or memorial garden type proposal may be deemed a monument. (Ord. 09-11, 3-24-2009)

51

52 8-15-4: GENERAL NAMING PRINCIPLES AND PLACEMENT:

53 A. All proposals to name a park, public space, public building or a public facility and the
54 proposed placement of memorials or monuments, including installation of donated seating,
55 street furniture and play/park equipment, and planting of memorial trees in any public
56 space within the city, will be considered on a case by case basis, whether generated by the
57 public or from within the city council. Notwithstanding this case by case approach, the
58 relevant criteria to be taken into consideration shall include, but not be limited to:

59 1. There must be a high level of community support for the proposal;

60 2. The proposal must: a) commemorate a person or a group who made a significant
61 contribution to the West Jordan community, the state of Utah or the United States of
62 America; or b) commemorate an event or occasion that is important in local, state or
63 national history; or commemorate an important indigenous or nonindigenous aspect of
64 West Jordan City's heritage;

65 3. Any proposed name must reflect the character, landscape, natural amenity, flora or
66 fauna, or function of the site or the area.

67 B. With the exception of special circumstances approved by the city council, the naming
68 after a person of parks, public spaces, public buildings and public facilities, and the
69 placement of monuments and memorials, including placement of donated seating, street
70 furniture or play/park equipment shall only be done posthumously.

71 C. With the exception of historical persons who died more than 100 years ago, naming of
72 parks, public spaces, public buildings and public facilities, and the placement of monuments
73 and memorials after a person shall only be done with the consent of the memorialized
74 person's immediate family.

75 D. The city council will not approve names that are complex, derogatory, or offensive.

76 E. The city council will not approve name duplication of memorials within the city or in
77 immediately adjacent local government areas.

78 F. If the proposed memorial site is currently recognized by a formal or informal name
79 that is widely accepted and strongly recognized by the local community, the city council
80 will not consider a name change unless the proposed name change is widely supported by
81 the West Jordan City community.

82 G. When considering a proposal, the city council will make an assessment and decide
83 whether the name needs to be registered with any state or federal agency. In cases where
84 the city council decides to register the name with a state or federal agency, it will follow the
85 relevant guidelines from the agency.

86 H. Memorials and monuments containing statements of religious principles or scriptural
87 verses are prohibited in public parks, public spaces, public buildings or public facilities;
88 provided, however, if such a principle or scripture is unavoidably entwined with an
89 otherwise historically significant event or the persona of a person proposed to be honored,
90 the monument or memorial may contain a minor and incidental reference to such a
91 principle and/or scripture.

92 I. Any proposal to name a park, public space, public building or public facility and the
93 proposed placement of memorials or monuments, including installation of donated seating,
94 street furniture and play/park equipment, and planting of memorial trees in any public
95 space within the city will be approved by the city council only after a duly noticed public
96 hearing. (Ord. 09-11, 3-24-2009)

97

98 8-15-5: SPECIFIC NAMING PRINCIPLES:

99 A. Prior to approving a name for a park or a public space, public building or a public
100 facility, the city council will provide public notice of the proposal in the same manner and
101 scope as otherwise required for city council public hearings.

102 B. At the cost of the proposer(s) of a naming, a reasonable memorial will be erected at
103 the named park, public space, public building or public facility displaying short
104 biographical information and achievement of the person or group after whom the relevant
105 site is named.

106 C. City-owned buildings and facilities may be given either:

107 1. Functional names;

108 2. Nonfunctional names, including naming after a person, group, or event;

109 3. Location names;

110 4. Commemorative names; or

111 5. A combination of any two of subsections C1 to C4 of this section.

112 D. The names of buildings, facilities or parts thereof generally shall not change during
113 the life of the building, facility or part thereof. In particular, where a building, facility or
114 part thereof is named after a person, the name should not generally change even if there is
115 a change in the usage of the building or facility.

116 E. Buildings, facilities, or parts thereof may be named after or dedicated in honor of a
117 person, group or entity in recognition of significant contributions to the West Jordan City
118 community.

119 F. Generally, naming plaques of buildings, facilities, or parts thereof shall include as a
120 minimum:

121 1. Name as adopted by the sitting city council;

122 2. Date of formal naming.

123 G. Dedicatory plaques of buildings, facilities, or parts thereof shall include as a minimum:

124 1. Name of the facility, as adopted by city council;

125 2. Date of dedication;

126 3. The name of the person dedicating the building or facility;

127 4. The name of the mayor; and

128 5. The name of all then sitting council persons in alphabetical order (by last name); and

129 6. The name of the city administrator. (Ord. 09-11, 3-24-2009; amd. Ord. 19- 48, 12-11-
130 2019, Effective at 12 noon on January 6, 2020)

131

132 8-15-6: SAFETY REQUIREMENTS FOR MEMORIALS AND MONUMENTS:

133 A. Any memorial or monument, or part thereof, that is not installed flush with a surface
134 and, any memorial or monument that rises from ground level less than seven feet (7'), shall
135 have rounded edges and shall avoid tripping hazards in the design and installation process.

136 B. If a monument is to be installed on a base, regardless of height, the base shall have
137 rounded edges.

138 C. All memorials and monuments shall be designed to be noticeably separated from
139 walkways, established lines of nonwalkway travel through parks, and established or
140 reasonably likely areas of group running type play or activity.

141 D. Only seating and play equipment meeting the most current safety design and
142 installation standards will be accepted and approved by the city council.

143 E. If a monument or memorial consists of, or includes a reproduction model or actual
144 copy of a manmade item; or a sculpture, whether of a human being or otherwise; and such
145 model or sculpture has sharp or pointed edges or extrusions, including, but without
146 limitation, expressions of hair, fingers, noses, arms, held objects (spears, scepters, guns,
147 books, etc.), airplane wings, helicopter bodies or rotors, etc., such item or sculpture must sit
148 within a protective alcove or on a base that raises the pointed or sharp edge(s) to a height
149 of seven feet (7') or higher. Other permitted options meeting the requirements of this
150 subsection are:

151 1. The monument or memorial can be completely enclosed within a hardened glass or
152 plastic viewing container meeting the requirements of subsection A of this section.

153 2. The monument or memorial can be separated from pathways or other possible
154 normal access by inattentive or running pedestrians by water or other natural separations.

155 F. Memorials and monuments installed inside of a public building or other public facility
156 shall be installed within an alcove or cutout of a wall in order to protect inattentive or
157 running pedestrians from injury as a result of contact with the monument or memorial.
158 (Ord. 09-11, 3-24-2009)

159

160 8-15-7: MONUMENTS, MEMORIALS, DONATED SEATING, AND TREES; SPECIFIC
161 PRINCIPLES:

162 A. In addition to the general principles in section 8-15-4 of this chapter, the following
163 specific principles shall also apply for the establishment of memorials and monuments:

164 1. The city council will undertake public notice and comment in the same manner as
165 specified for naming in section 8-15-5 of this chapter.

166 2. The city administrator will have delegated authority to approve or refuse requests
167 for placement of donated seating or benches in parks or public spaces, with subsequent
168 reporting to the city council.

169 3. Any proposed memorial, monument, donated seating or trees, must:

170 a. Demonstrate some specific justification for being located at the proposed site.

171 b. Be consistent with the city council's approved plans for the proposed site or
172 facility.

173 c. Not compromise the amenity value, aesthetic integrity or character of the proposed
174 site.

175 d. Not interfere with existing and proposed usage patterns, and circulation at the site
176 and must not pose any safety risk to users of the site or facility.

177 e. Contribute to the public space from a functional and/or aesthetic character of the
178 site and should be designed and manufactured using high quality materials and
179 workmanship.

180 f. Be compatible and at a design and quality level commensurate with the location or
181 setting of the site and must be compatible with the surroundings.

182 B. The city council will not consider for approval monuments or memorials which will
183 impose a significant financial burden on the city to maintain.

184 C. It will be the city council's responsibility to:

185 1. Approve the design, size, material, text and graphics to be used for memorials and
186 monuments; and

187 2. Approve species of memorial trees to be planted, in a specific case, in parks or other
188 public spaces. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48, 12-11- 2019, Effective at 12 noon
189 on January 6, 2020)

190

191 8-15-8: COST AND OWNERSHIP:

192 A. Unless otherwise decided by the city council in a specific case, the total cost of design,
193 fabrication, transportation, site preparation, installation, lighting, electrical and all other
194 costs relating to a memorial or monument shall be borne by the donor/applicant.

195 B. All donated memorials, monuments, park/street furniture, equipment, and trees shall
196 become and remain city property. (Ord. 09-11, 3-24-2009)

197

198 8-15-9: MAINTENANCE, REMOVAL AND RELOCATION OF DONATED MEMORIALS,
199 EQUIPMENT:

200 A. The city will endeavor to maintain memorials and monuments, donated park/street
201 furniture, equipment (tree guard, picnic shelters, BBQ, play equipment, drinking fountain,
202 etc.) and memorial trees for their useful life.

203 B. The city takes no responsibility for the loss, damage and/or replacement of a donated
204 memorial, park/street furniture, equipment, tree or monument.

205 C. At the expiry of the useful life of furniture or equipment, unless the applicant makes
206 an arrangement with the city to renew, refurbish or replace the furniture or equipment, the
207 city staff may remove the item and, in case of memorials or monuments, reasonable
208 attempts will be made by city staff to return the memorial or monument to the donor.

209 D. The city council reserves the right to remove a memorial, monument, or a memorial
210 tree in the following circumstances:

211 1. The area is to be redeveloped;

212 2. The character and use of the area in which the item is sited has changed significantly
213 and the item is no longer deemed suitable for the site;

214 3. The structure or support on which the item is located is to be removed or altered.

215 E. The city retains the right to relocate any donated memorial, monument, park/street
216 furniture, equipment (tree guard, picnic/BBQ shelters, play equipment, drinking fountain,
217 etc.) or a memorial tree, if and when it becomes necessary to do so. (Ord. 09-11, 3-24-
218 2009)

219

220 8-15-10: PROCESS AND PROCEDURES:

221 A. The city administrator or an empowered designee shall administer this chapter.

222 B. In connection with a proposal for:

223 1. The naming of city-owned and managed parks, public spaces, public buildings, and
224 public facilities, or

225 2. The placement of memorials, including installation of monuments and planting of
226 memorial trees, in any public space within the city, such proposal shall be made in writing
227 and submitted to the city administrator.

228 C. Written proposals shall include:

229 1. A detailed description of the proposed naming or memorial, including an artist's
230 rendering of the final form of any physical thing which is part of the proposal.

231 2. A description of the method of funding for the proposal.

232 3. A statement showing the proposal's compliance with the applicable rules contained
233 in this chapter.

234 4. An application fee in the amount provided for such applications in the city's uniform
235 fee schedule, as amended from time to time.

236 5. A safety survey of the proposal demonstrating that the design and location of the
237 proposal will meet or exceed the safety concerns of this chapter and the professional
238 standards of the surveyor.

239 D. The city administrator or an empowered designee shall determine whether or not the
240 application submitted is complete and meets the requirements of this chapter. If the
241 application fails to meet the requirements of this chapter or is not complete, the application
242 will be returned with comments and suggestions as to how the application can be made
243 complete or compliant.

244 E. Once a proposal is complete and found to meet the requirements of this chapter, the
245 city administrator or an empowered designee shall prepare a staff report and schedule the
246 proposal for review and action by the city council. (Ord. 09-11, 3-24-2009; amd. Ord. 19-48,
247 12-11-2019, Effective at 12 noon on January 6, 2020)

248

249 8-15-11: APPEALS TO THE MAYOR:

250 A. An Appeal may be made to the mayor from any decision, determination or
251 requirement of the city administrator or an empowered designee by filing a written notice
252 of appeal, and payment of a fee according to the city's uniform fee schedule, with the city
253 recorder within 15 days from the date such decision, determination or requirement was
254 made. Such notice shall set forth in detail the action and grounds upon which the appealing
255 party claims to be aggrieved.

256 B. A hearing on the appeal shall be held by the mayor within a reasonable time from the
257 date of receipt of the appeal. Such hearing may, for good cause, be continued by order of
258 the mayor. The appealing party shall be notified of the appeal hearing date at least seven
259 days prior to the hearing. After hearing the appeal, the mayor may affirm, modify or
260 overrule the decision, determination or requirement appealed, and may enter any such
261 order or orders as are in harmony with the spirit and purposes of this chapter. The filing of
262 an appeal shall stay all proceedings and actions in furtherance of the matter appealed,
263 pending a decision of the mayor.

264 C. The appealing party has the burden of proving that an error has been made. (Ord. 09-
265 11, 3-24-2009; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

1 CHAPTER 5
2 STREET NAME CHANGE

3 SECTION:

- 4 7-5-1: City Council Authority
- 5 7-5-2: Street Name Change Process
- 6 7-5-3: Fees

7

8 7-5-1: CITY COUNCIL AUTHORITY:

9 The City Council may, by ordinance, approve a request to change a city street name upon a
10 resident's request or of its own accord. (Ord. 21-27, 7-28-2021)

11

12 7-5-2: STREET NAME CHANGE PROCESS:

13 A. The naming of city streets shall follow the principles set forth in section 8-15-4 of this
14 code.

15 B. Steps to Consider a Change to a Street Name: The process to consider a change to a
16 street name, whether initiated by a resident or a city council member, shall be as follows:

17 1. Request: A resident may initiate a request to change a city street name by submitting
18 a city form to the community development department. The resident may also attach with
19 the form a list of signatures of residents supporting the street name change.

20 2. Verification: City staff shall verify with the Salt Lake County Addressing Department
21 that the proposed street name would not duplicate street names already being used in
22 other areas of Salt Lake County.

23 3. Public Hearing: Upon receiving a request, the Council Chair shall set a date, time, and
24 place for a public hearing for the street name change.

25 4. Public Notice:

26 a. Content of Notice: The notice of a public hearing shall include:

- 27 (1) A brief explanation of the purpose of the public hearing;
- 28 (2) The date, time, and place of the public hearing;
- 29 (3) The current and proposed street name; and
- 30 (4) A map that identifies, by outline, the location of the street;

31 b. Publication Requirements: Each notice of the public hearing under Subsection A.3.
32 shall be in accordance with Utah Code Annotated 10-9a-204(2), as amended. For purposes
33 of this section, the term “affected entities” as used and defined in UCA 10-9a-204(2), shall
34 mean property owners whose addresses would be changed if the city council were to
35 approve the proposed street name change.

36 5. City Council Decision: The city council shall review and may approve the request by
37 ordinance for any reason that is not inconsistent with federal, state, and local laws.

38 6. Recordation and Map Updates: Upon publication of the ordinance approving the
39 request, the city shall record all new street name changes with the Salt Lake County
40 Recorder’s Office and update all city maps, including any maps used by emergency
41 response dispatchers, operators, and officers. (Ord. 21-27, 7-28-2021)

42

43 7-5-3: FEES:

44 A. Amount of Required Fees: The amount required to be paid to the city for a street name
45 change shall be in an amount as set forth in the uniform schedule of fees and service
46 charges.

47 B. Waiver of Fees: The city council may waive [city-imposed](#) fees required under this
48 section after first holding a public hearing.

49 1. [The applicant shall](#) ~~may~~ [be responsible for payment of fees from](#) ~~to~~ [other non-city](#)
50 [entities.](#)

51 C. Payment of Fees: All applicants must pay the required fee immediately after an
52 ordinance is approved and published or a request is denied. Unless the City Council waives
53 the fees in accordance with 7-5-3(B), no street names will be changed until all required [city](#)
54 fees are paid. (Ord. 21-27, 7-28-2021)

1 CHAPTER 5
2 STREET NAME CHANGE

3 SECTION:

- 4 7-5-1: City Council Authority
- 5 7-5-2: Street Name Change Process
- 6 7-5-3: Fees

7

8 7-5-1: CITY COUNCIL AUTHORITY:

9 The City Council may, by ordinance, approve a request to change a city street name upon a
10 resident's request or of its own accord. (Ord. 21-27, 7-28-2021)

11

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14 code.

15 B. Steps to Consider a Change to a Street Name: The process to consider a change to a
16 street name, whether initiated by a resident or a city council member, shall be as follows:

17 1. Request: A resident may initiate a request to change a city street name by submitting
18 a city form to the community development department. The resident may also attach with
19 the form a list of signatures of residents supporting the street name change.

20 2. Verification: City staff shall verify with the Salt Lake County Addressing Department
21 that the proposed street name would not duplicate street names already being used in
22 other areas of Salt Lake County.

23 3. Public Hearing: Upon receiving a request, the Council Chair shall set a date, time, and
24 place for a public hearing for the street name change.

25 4. Public Notice:

26 a. Content of Notice: The notice of a public hearing shall include:

- 27 (1) A brief explanation of the purpose of the public hearing;
- 28 (2) The date, time, and place of the public hearing;
- 29 (3) The current and proposed street name; and
- 30 (4) A map that identifies, by outline, the location of the street;

31 b. Publication Requirements: Each notice of the public hearing under Subsection A.3.
32 shall be in accordance with Utah Code Annotated 10-9a-204(2), as amended. For purposes
33 of this section, the term “affected entities” as used and defined in UCA 10-9a-204(2), shall
34 mean property owners whose addresses would be changed if the city council were to
35 approve the proposed street name change.

36 5. City Council Decision: The city council shall review and may approve the request by
37 ordinance for any reason that is not inconsistent with federal, state, and local laws.

38 6. Recordation and Map Updates: Upon publication of the ordinance approving the
39 request, the city shall record all new street name changes with the Salt Lake County
40 Recorder’s Office and update all city maps, including any maps used by emergency
41 response dispatchers, operators, and officers. (Ord. 21-27, 7-28-2021)

42

43 7-5-3: FEES:

44 A. Amount of Required Fees: The amount required to be paid to the city for a street name
45 change shall be in an amount as set forth in the uniform schedule of fees and service
46 charges.

47 B. Waiver of Fees: The city council may waive city-imposed fees required under this
48 section after first holding a public hearing.

49 1. The applicant may be responsible for payment of fees to other non-city entities.

50 C. Payment of Fees: All applicants must pay the required fee immediately after an
51 ordinance is approved and published or a request is denied. Unless the City Council waives
52 the fees in accordance with 7-5-3(B), no street names will be changed until all required city
53 fees are paid. (Ord. 21-27, 7-28-2021)



Office of the City Council

8000 South Redwood Road

West Jordan, Utah 84088

(801) 569-5017

**CITY OF WEST JORDAN
NOTICE OF PUBLIC HEARING**

A public hearing will be held before the West Jordan City Council on **Wednesday, October 23, 2024 at 6:00 pm** (*or as soon thereafter as possible*) at **West Jordan City Hall, 8000 S. Redwood Rd, 3rd Floor, West Jordan, UT 84088.**

The purpose of the hearing is to receive public comments regarding the following:

- **Ordinance No. 24-46** amending West Jordan City Code Title 17 Alcohol Beverage Control and Uses
- **Ordinance No. 24-44** amending Section 8-15-4 General Naming Principles and Placement, and Section 7-5-2 Street Name Change Process

In accordance with the Americans with Disabilities Act, the City of West Jordan will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the Council Office at (801) 569-5017 at least three working days' advance notice of the meeting.

If you are interested in participating in the public hearing, please visit the City of West Jordan website at <https://westjordan.primegov/public/portal> approximately four (4) days prior to the meeting for packet materials and Zoom login information.

Alternatively, you may share your comments with the Council prior to the meeting by calling the 24-Hour Public Comment line at (801) 569-5052 or by emailing councilcomments@westjordan.utah.gov. For further information please contact the Council Office at (801) 569-5017.

*Posted October 10, 2024
/s/ Cindy M. Quick, MMC
Council Office Clerk*



MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING
Wednesday, October 12, 2022 – 7:00 pm.
Approved October 26, 2022

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

COUNCIL: Vice Chair Kelvin Green, Council Members Chris McConnehey, Zach Jacob, David Pack, Pamela Bloom, and Chair Kayleen Whitelock (electronically)

STAFF: Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Policy Analyst Cassidy Hansen, City Administrator Korban Lee, Mayor Dirk Burton, City Attorney Rob Wall, Public Services Director Isaac Astill, Public Works Director Brian Clegg, Public Utilities Director Greg Davenport, Senior PC Specialist Rodney Glore, Community Development Director Scott Langford, IT Administrative Assistant Rachel Mackay, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Attendee Tayler Jensen

1. CALL TO ORDER

Vice Chair Green called the meeting to order at 7:01 pm.

2. PLEDGE OF ALLEGIANCE

Kolton Winn led participants in the Pledge of Allegiance.

3. PUBLIC COMMENT

Council Member McConnehey made a motion to suspend Council Rules to take agenda items out of order as deemed necessary by Vice Chair Green. Council Member Jacob seconded the motion, which passed by unanimous vote (6-0).

Vice Chair Green opened the public comment period at 7:07 pm.

Citizen Comments:
None

Vice Chair Green closed public comments at 7:09 pm.

4. EXECUTIVE REPORTS TO COUNCIL

a. Mayor's Report

Mayor Burton reported on the recent ULCT Annual Conference, a recent Wasatch Front Regional Council Active Transportation Committee meeting, a ChamberWest planning meeting, and an EDC Utah planning meeting. The Mayor reported that Maple Hills Park was now open. Vice Chair Green commented that Mayor Burton was selected to serve on the ULCT Executive Board.

b. City Administrator's Report

Public Services Director Isaac Astill introduced two new staff members: Events Manager Ashley Dupler, and Parks Project Manager Tyler Crawford. Mr. Astill thanked the Council for support in filling positions.

Vice Chair Green asked those in attendance which public hearing items they were present to participate in, and with an even number present to speak for two of the public hearing items, decided to proceed with the agenda as published.

5. PUBLIC HEARINGS

a. Ordinance No. 22-25 a petition by Todd Amberry / Canyon Stone Capital for a Master Development agreement for Welby West approximately 11.54 acres of property located at approximately 8945 South 4800 West subject to the approval of Ordinance No. 22-26 amending the General Plan Land Use Map for Welby West from Neighborhood Commercial to Medium Density Residential and rezone from SC-2 Zone (Community Shopping Center) and R-1-10 Zone (Single-Family Residential Zone, with 10,000 square foot minimum lot sizes) to the PRD (M) Zone (Planned Residential Development – Medium Density Zone)

Todd Amberry, President of Canyon Stone Capital, presented a revised proposal, requesting approval to rezone approximately 7 acres of SC-2 and 4.5 acres of R-1-10 to 11.54 acres of Medium Density (PRD-M), limited to 5.5 units per acre. Mr. Amberry said he was willing to record a covenant against the title to ensure there was no possibility of increasing the density beyond a maximum 63 single family homes. He showed two proposed site plan options (Options 1 and 2) with different placement of the open space, and two alternate site plans (Alternates 1 and 2).

Mr. Amberry shared neighborhood feedback received, with a majority of feedback in support of Option 2. He reported that water and sewer utilities were addressed in the Master Development Agreement and reported the site could be graded without using retaining walls. Mr. Amberry said UDOT reported existing roads would meet the anticipated level of service and said UDOT had indicated willingness to adjust timing of the traffic light. He said the projected demographic for the community was young families and retirees.

Council Member Pack commented that the updated traffic study was not included in the packet for Council and public review. Mr. Amberry said the updated traffic study was submitted to staff. The results of the updated study were materially the same as the initial traffic study, finding no significant impact.

Vice Chair Green asked if the MDA and MDP complied with West Jordan City Ordinance. Mr. Amberry said he believed they did and had been told by City staff they did. Mr. Amberry answered questions regarding the planned sewer connection. Responding to a question from Vice Chair Green, Mr. Amberry said only green space around the perimeter of the lots were included in the open space calculation. Vice Chair Green asked to see a calculation proving the claim. Vice Chair Green pointed out an inaccuracy regarding slope. Mr. Amberry stated the project would include full-length 18-foot driveways. He explained that multiple options were provided for Council consideration because neighbors had preferred a different option from the option recommended by City staff. He said he

wanted to build 63 homes in a great neighborhood and emphasized he had not tried to make the decision more difficult for the Council.

Vice Chair Green pointed out that City ordinance required all open space to be HOA owned and maintained, but the open space in Option 2 presented by Mr. Amberry was explained as HOA owned/homeowner maintained. Mr. Amberry responded that the staff report was clear in explaining that Option 1 met City Code, and Option 2 was an alternative preferred by the neighbors.

Vice Chair Green opened a public hearing at 7:50 pm.

Comments:

Troy Mangan, West Jordan resident adjacent to the project, said he wanted the second option with wider lots next to his property. He said he preferred the proposed residential project over commercial.

Steve Peer, West Jordan resident adjacent to the project, said he agreed with Mr. Mangan that Option 2 provided a better transition. He said the worst option was to leave the property how it was currently zoned. Mr. Peer said he preferred Option 2.

Sheryl Rose, West Jordan resident, said she was representing the family that owned the land. She said the property was no longer viable for farming, and was not doing any good for the community or the City as it was. Ms. Rose said she believed Mr. Amberry was trying to develop something good for the area, and said she believed the proposed project would be less impactful to the area than commercial. She asked the Council to consider every option, as well as the opinions of the neighbors.

Wendy said she was attending with her husband, Jeff. She said their lot was adjacent to the subject property, and the thought of businesses on the subject property scared her. She said the thought of nice homes in her backyard pleased her.

Monica Hansen, Murray resident, said her mother was raised on the subject property. She said she and her family would like to see more families living on that land.

Darryl Lehmitz, West Jordan resident, said he was a family member with an interest in the property. He said he believed the current proposal would be preferable for the neighborhood than the commercial alternative.

Jan Hunt, West Jordan resident along the bottom corner of the property where flooding was occurring, said she preferred Option 2. She said she believed commercial would bring in a lot of traffic, noise, and crime.

Vice Chair Green closed the public hearing at 8:01 pm.

Mr. Amberry hoped it was evidenced by what was heard that the applicant had worked hard to create a great project.

Council Member McConnehey believed PRD-M fit the property better than PRD-H. Referring to Option 2, he said if he were a homeowner on the north side of the project, he would not want a trail immediately behind his home. Council Member McConnehey commented that a trail with a fence on either side would be a place for garbage and leaves

to be blown by the wind and collect. He said he had thought about the City Code requirement that HOAs must maintain open space and suggested perhaps the Code needed to be adjusted. He applauded the developer for the time spent listening to feedback and answering questions and expressed support for the proposal.

Council Member Bloom said she frequently walked on trails similarly fenced and had never seen any problems. She said she was grateful for the hard work and communication put into the project. Council Member Bloom said she would side with the residents in support of Option 2, and agreed some adjustments needed to be made to City Code.

Council Member Jacob said his concern with Option 2 was that he would not want public HOA property in his backyard. He said he agreed with Council Member Bloom that trails next to homes could be great. Council Member Jacob said he hoped real estate agents would disclose to potential buyers that part of the green space in the backyards was public HOA property.

Chair Whitelock said it was her understanding that staff were advising against Option 2 because it did not meet Code. She said the purpose of Code requirements was to ensure the space was open to everyone for use and expressed the opinion that open space in someone's yard would not be open to everyone. Tayler Jensen confirmed that Option 1 better met Code, and said staff were concerned about future liabilities with Option 2 (code enforcement, police issues). Chair Whitelock said the staff report pointed out the only way water would be available for the development was if the Council voted to change water storage capacity requirements in current Code. Assistant City Attorney Duncan Murray confirmed that without the provision for culinary water, the development would not be possible.

Council Member Bloom asked if it would be possible to make minor adjustments to bring Option 2 in line with Code, since the residents preferred Option 2. Mr. Jensen responded that text could be changed regarding HOA open space.

Council Member Pack noted the property was in his district and spoke of time spent answering questions regarding the proposed project. He said he was grateful to hear different opinions and acknowledged that no one could please everyone all the time. Council Member Pack said he wanted to see the land go to the highest and best use and did not believe high density would be the best use. He said he had heard comments from neighbors of the development that they preferred Option 2 but would choose Option 1 over commercial. Council Member Pack said he recognized that lower density often resulted in a higher price point and added that there was perhaps a dearth of starter homes in the area.

Council Member McConnehey said his perspective had switched, and although he liked Option 2, he did not like the idea of open space that was neither open nor public. He said he would be in favor of seeing if the developer could bring Option 2 into compliance with City Code.

Vice Chair Green thanked the residents for being involved. He said many individuals had reached out to him with the thought that "we could do better". Vice Chair Green stated City ordinance encouraged moderate or affordable housing. He said his expectations had

always been that developments comply with City ordinance. Vice Chair Green listed the following issues he had with the application:

- The integrated housing ordinance was 5.5 units per acre, with the possibility of 5.7 units per acre if the developer donated to a community housing trust.
- Ordinance required that an application be filed jointly by all property owners. The Council did not have the original application, and Vice Chair Green questioned if the original application had been valid.
- The City had nothing on file indicating that all property owners agreed.
- The application did not include a statement of how findings were met [13.7.c.8].
- Design guidelines should be submitted with the MDP.
- Design Review Committee and Planning Commission both provided negative recommendations.
- Ordinance required 28-acres minimum for development. Smaller developments approved by the Council were not precedential.
- The burden of proof was on the developer to prove there would be no impact. Vice Chair Green said he believed the developer had provided little to show no impact.
- Vice Chair Green said he disagreed with the claim that the property could be graded without raising the property, based on elevations of the land.
- Vice Chair Green said he disagreed with traffic claims.
- Vice Chair Green questioned why the developer wanted to change the Future Land Use Map to high density but build the development at medium density.
- Potential impact on the City sewer system was not included in the packet.
- The MDP did not fill in gaps between City Code and the proposed development.
- MDA specified multiple phases of development, but the MDP specified one phase. Vice Chair Green said he would not support the ambiguity.
- Unclear grammar in Recital #9 page 2.
- Vice Chair Green said he could not support the Water Master Plan.
- No detail was provided regarding how the development would connect to the City sewer system.
- No definition of project improvements was provided.
- Vice Chair Green said he could not support the 25% completion statement in the MDA.
- Vice Chair Green said he could not support language in the MDA regarding compelling or competing interests (Utah Code 10.9a.509.1a2).
- Vice Chair Green noted that he could not support an MDA that could be amended in whole or in part by mutual written consent of the parties. He said he would not delegate the Council's authority.
- The signature clause on the owner's property was signed by Todd Amberry on August 22, and signed by Darryl Lehmitz, Jana Malmstrom, and William Malmstrom on August 9. Vice Chair Green questioned how the MDA could be executed 4-6 weeks prior to when the MDP was submitted to the City (September 22) and questioned how the signatories could have certified they had reviewed all exhibits.
- The jurat for Darryl Lehmitz referred to Willard Malmstrom.
- Vice Chair Green wanted better than an example of the proposed wall in the MDP.
- The MDP should include a lighting plan as required by City Code.

- Vice Chair Green disagreed with the elevation description, and would not allow ambiguity regarding phases, open space, setbacks, and driveways. He stated an 18-foot driveway was not a full-length driveway.
- Vice Chair Green listed statistics missing from the MDP.
- Vice Chair Green noted he would not allow a contract that delegated certain authorities to an HOA.
- Vice Chair Green believed common areas and open space should be required to be built sooner in the development than specified in the MDP.
- The easement plan did not show a snow storage easement area.
- Vice Chair Green questioned whether a 35-foot house should be allowed in the development.

Council Member Jacob suggested Vice Chair Green submit further issues in writing to be included in the record considering the time and the number of people waiting for the next agenda item. Vice Chair Green responded that he took an oath to uphold the ordinances of West Jordan and continued with a few more issues:

- Ordinance required that open space be usable and dedicated for park-type activities. Option 2 violated the ordinance.
- Vice Chair Green did not agree with language stating landscape designs would be low water use “where possible”.
- Ordinance required a street scape plan when development was on a collector and an arterial.
- Vice Chair Green said the open space calculation submitted was incorrect.

Council Member Pack noted that he appreciated Vice Chair Green’s attention to detail. He believed people could find whatever they were looking for, whether favorable or unfavorable. He questioned whether anything would ever be passed at a certain level of scrutiny and acknowledged the importance of due diligence. Council Member Pack pointed out that the City Attorney and other staff had signed off on approval. He said he had an issue with Option 2 because of the common area HOA/property owner maintenance question.

Council Member McConnehey said he believed the voice of the Council had been overwhelming in support of making sure open space was compliant with Code and not fenced off in backyards. He said he did not want to deny the application but wanted to give the developer more time to adjust Option 2 to meet Code.

MOTION: Council Member Jacob moved to APPROVE Ordinance No. 22-25 and Ordinance No. 22-26, with Option 1. Council Member Bloom seconded the motion.

City Attorney Rob Wall advised that the Council should address Ordinance No. 22-25 (MDA) first, Ordinance No. 22-26 (Land Use Map amendment) second, and the zone map change last. Council Member Jacob withdrew the motion.

MOTION: Council Member Jacob moved to APPROVE Ordinance No. 22-25 with Option 1. Council Member Bloom seconded the motion.

Council Member McConnehey said he opposed the motion because Option 1 was not favored by the neighbors and said he would rather get it right. Council Member Jacob commented that the issue had been on the table for almost a year, which he considered ridiculous.

Chair Whitelock said she wished all of the property had been developed as one big neighborhood to begin with. She said she would rather get something right, than get it done now. She appreciated the time the developer had put into trying to find the best use but was sad when she reviewed the MDA and found it did not contain enough information. Regarding water, she said she would deem it inappropriate to approve a development based on a future vote of the Council. She expressed concerns about the sewer hookup and said she had personally heard more comments against the project than in favor. She summarized that most resident comments indicated a desire for the project to be residential, and similar to surrounding development. Chair Whitelock said she believed the Council needed to work on the Code because many developers asked for a density buy-up, which resulted in HOAs and higher cost for residents. She said she was troubled by the proposed 18-foot driveways. Chair Whitelock said the MDA needed to ensure the City would get what they thought they were getting.

Council Member Bloom commented that a developer could not be faulted if the Council had a problem with current Code. She expressed the opinion that Option 1 was beautiful and would bring value to the City and was compliant with City Code. Chair Whitelock responded that Option 1 did not meet City Code and would require several exceptions.

Council Member Jacob said individuals wanting a driveway longer than 18 feet would purchase at a different location. He insisted that 18 feet was a standard driveway length across the country. Council Member Jacob stated the City had professional staff for a reason, and staff had signed off on Option 1. He said he was willing to trust that opinion. Vice Chair Green said he felt the personal attack was out of order.

Council Member Pack said he tried to see both sides. He said he did not want to put the cart before the horse and approve something before necessary services were available but noted that the Council frequently approved development noting that an enhancement would be necessary to provide services. He expressed concern regarding the HOA and open space but noted that changes could be made to get it right. Council Member Pack said he did not want to do anything against Code, and trusted staff if they said Option 1 was within Code. He expressed the opinion that the project was close. Vice Chair Green pointed out that the staff report stated details were missing from the MDA regarding water and sewer.

The vote was recorded as follows:

Yes: Zach Jacob, Pamela Bloom

No: Chris McConnehey, David Pack, Kelvin Green, Kayleen Whitelock

Absent: Melissa Worthen

The motion failed 2-4.

MOTION: Council Member McConnehey made a motion to table the issue to no later than the second Council meeting in December 2022. Vice Chair Green seconded the motion.

The Council and staff discussed how to move forward. Council Member McConnehey withdrew the motion, and Vice Chair Green withdrew the second.

MOTION: Council Member McConnehey moved to table Ordinances No. 22-25 and No. 22-26 to no later than the second Council meeting in December 2022 to allow for a modification of Option 2 to be presented to the Council for consideration. Council Member Pack seconded the motion.

The vote was recorded as follows:

Yes: Chris McConnehey, Zach Jacob, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock

No:

Absent: Melissa Worthen

The motion passed 6-0.

Chair Whitelock suggested Vice Chair Green share his page of concerns with staff. Chair Whitelock requested a point of personal privilege, apologizing to the high school students in attendance for the length of the discussion, and commenting that government was messy. Mr. Wall suggested each Council Member discuss with staff which issues they wanted addressed.

b. *Ordinance No. 22-44 to rename New Bingham Highway (from 7800 S to 5600 W) to Copper Hills Parkway.*

Council Office Director Alan R. Anderson oriented the Council with the request to rename New Bingham Highway to Copper Hills Parkway from 7800 South to 5600 West. He said he visited some of the businesses along the subject portion and no concerns were expressed.

Vice Chair Green opened a public hearing at 9:32 pm.

Comments:

Stephanie Southworth, Chair of Copper Hills High School Community Council, said she represented the families and student body of Copper Hills High School. She expressed support for the proposed ordinance and asked the Council to approve the street name change and fee waiver. She shared history of New Bingham Highway and spoke of extreme school pride within the community. Ms. Southworth commented that several schools in the area had roads named after the schools or mascots. She explained reasons for the requested fee waiver, stating the school was a government entity that gave back to the community.

Meg Young, Copper Hills Student Body President, commented that all other neighboring high schools had a road that corresponded with their school. She said it was kind of embarrassing that the name of a rival high school was part of the address of Copper Hills High School. Ms. Young said she thought the name change would increase school pride.

Vice Chair Green closed the public hearing at 9:40 pm.

Mr. Anderson referred to a letter in the packet regarding Salt Lake County addressing. He reported there was already a street named "Copper Hill Drive" in Magna and noted that if the proposed name change were approved, the County would provide a letter of non-compliance to the City. At that time, the City could either chose an alternate name, or submit a letter of explanation.

Council Member Jacob shared his son's support for the street name change. Council Member Bloom shared her daughter was also in support, and she was in favor of the proposed name "Copper Hills Parkway," despite the duplicate name within the County.

Council Member Pack said he had been working on the item for nearly a decade with various entities. He disclosed that he had a conflict of interest as a tennis coach at the school, current and former PTA President at the school, and Community Council Board member. He said he would recuse himself from the vote. The Council discussed Council Rules regarding conflicts of interest.

Council Member McConnehey moved to suspend Council Rules to allow full deliberation and vote of the matter by all Council Members. Council Member Jacob seconded the motion. All voted in favor (5-0), with Council Member Pack abstaining.

Council Member McConnehey disclosed that he attended West Jordan High School and did not have any sense of rivalry with Copper Hills High School. He asked if the changed name would be a formal or an honorary street name and asked if the same thing could be done for West Jordan High School. Staff responded that the name would be an honorary street name, not a formal street name. Council Member McConnehey said he was comfortable with the proposed name. He commented that not all of the businesses along the proposed two-mile stretch had been in favor and said he would be more comfortable with a shorter stretch (Grizzly Way to 5600 West).

Council Member Pack recommended making the name formal so it could be used on the website, letterhead, and mailings, and suggested extending the name "Copper Hills Parkway" to any future extension of the road. He stated most businesses were in favor, and the change would not have an impact on any residential properties.

Chair Whitelock said she would hesitate to change the name on only part of the road. She said she would vote in favor of the proposed name change. She said she knew the students raised incredible amounts of money, even in a single day, and said she would vote against the proposed fee waiver.

Vice Chair Green said he did not like going against the County and would prefer the name "Grizzly Nation" or "Ursus Way" to "Copper Hills Parkway". Council Member Pack commented that the name change could stop confusion between the current Old Bingham Highway and New Bingham Highway. History would be preserved in the continued name of Old Bingham Highway.

Vice Chair Green suggested the name change, if approved, should not stop at 5600 West, but continue over the 8600 South bridge to U111. Council Member McConnehey said he did not agree and would prefer to limit the change to the streets already there. Staff explained that an honorary name could not be given to a road that already had a name. The change would be a formal name change.

Council Member Bloom said she hoped the school would invite the Council to a celebration if the name change passed.

MOTION: Council Member Jacob moved to APPROVE Ordinance No. 22-44 to rename New Bingham Highway (from 7800 S to 5600 W) to Copper Hills Parkway. Council Member Bloom seconded the motion.

Council Member Pack moved to amend the motion to include language stating it was a formal renaming rather than an honorary renaming, and to extend the name to any future extension of the road.

Staff explained that a future extension of 8600 South would be a much smaller road that would not meet the look of a “parkway”. The motion died for lack of second.

The vote was recorded as follows:

Yes: Chris McConnehey, Zach Jacob, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock

No:

Absent: Melissa Worthen

The motion passed 6-0.

- c. Resolution No. 22-041 waiving fees related to renaming New Bingham Highway from 7800 South to 5600 West as Copper Hills Parkway.*

Vice Chair Green opened a public hearing at 10:05 pm.

Comments:

Stephanie, a Copper Hills parent, commented that funds raised were needed for the students, and said the fund waiver would be appreciated.

Alonzo Alvarez commented there were many other purposes for which the money could be used, such as helping families in need, and asked that the fees be waived.

Vice Chair Green closed the public hearing at 10:07 pm.

Mr. Anderson stated the fee waiver amount was \$1,215.00. Council Member Pack said he felt Copper Hills High School provided service to the community. He pointed out that police officers trained at the school. Council Member Pack said he believed the request was valid.

Chair Whitelock said she understood the school's budget and understood the good done with fundraisers. She said the request was essentially for businesses and residents to pay for something the school wanted. She pointed out the name change was not necessary, and said she believed the school should pay for the want. Chair Whitelock said she typically voted no for fee waivers.

MOTION: Council Member McConnehey moved to APPROVE Resolution No. 22-041 waiving fees related to renaming New Bingham Highway from 7800 South to 5600 West as Copper Hills Parkway. Council Member Jacob seconded the motion.

Vice Chair Green said he agreed with Chair Whitelock. He encouraged the students to look to the future and consider donating to the City for other projects. Council Member McConnehey said he agreed with Chair Whitelock, and preferred service in lieu of fees, but would vote in favor because he had no doubt there would be service given to the community by the students that would more than cover the cost of the fee waiver. He challenged the students to consider how they could return the favor to the City and spoke of many different ways residents could serve. Council Member Bloom said she echoed Council Member McConnehey's comments.

The vote was recorded as follows:

Yes: Chris McConnehey, Zach Jacob, David Pack, Kelvin Green, Pamela Bloom

No: Kayleen Whitelock

Absent: Melissa Worthen

The motion passed 5-1.

At 10:18 pm., Council Member McConnehey moved to recess until 10:25 pm. Council Member Jacob seconded the motion, which passed by unanimous vote (6-0).

Vice Chair Green called the meeting to order at 10:27 pm.

6. BUSINESS ITEMS

a. Resolution No. 22-043 establishing the City Council's Desire To Encourage And Support The Development Of Dine-In Restaurants.

Economic Development Director Chris Pengra explained the proposed resolution would state the City Council's desire to encourage and support the development of dine-in restaurants.

Council Member McConnehey asked why the language was prepared with a resolution instead of as part of the General Plan. Mr. Pengra responded the General Plan was a robust document not likely to be read by potential businesses. He said the intention was to present the resolution to businesses as part of economic development efforts. Council Member McConnehey commented that the General Plan could also be presented to businesses. Council Member Jacob asked if Mr. Pengra had been approached by an owner of a dine-in restaurant and been told they were not sure West Jordan wanted a dine-in restaurant because there was no resolution. Mr. Pengra said he had not. Council Member Jacob stated he was not opposed to the idea.

Mr. Pengra explained that a developer had approached Chair Whitelock asking for something to indicate the City's interest in supporting the development of dine-in restaurants. He said the resolution did not represent a high-impact economic development strategy in general but was low cost. Council Member Bloom said she did not have a problem with the idea and commented that residents often expressed a desire for more dine-in restaurants in West Jordan.

MOTION: Chair Whitelock moved to APPROVE Resolution No. 22-043 establishing the City Council's desire to encourage and support the development of dine-in restaurants. Council Member Bloom seconded the motion.

Chair Whitelock said she asked for the resolution because a developer had said it would be helpful. She expressed the opinion that the more tools available the better. Council Member Pack commented on the need to take into consideration different demographics and economic situations and offer a variety.

The vote was recorded as follows:

Yes: Zach Jacob, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock

No: Chris McConnehey

Absent: Melissa Worthen

The motion passed 5-1.

b. Resolution No. 22-048 submitting two names of nominees to Governor Spencer Cox for the Division 4 board seat on the Jordan Valley Water Conservancy District Board of Trustees.

Council Office Director Alan R. Anderson explained that State law required the City to submit two names to the Governor for appointment to the Jordan Valley Water Conservancy District Board of Trustees. Policy Analyst Cassidy Hansen explained the voting process arranged for the Council, and the Council voted. Zach Jacob received six votes, and a roll call vote was necessary between Kelvin Green and Bart Barker, with Bart Barker receiving more votes.

MOTION: Council Member Bloom made a motion to approve Resolution No. 22-048 submitting Zachary Jacob to be the primary name submitted to the Governor for consideration on the Jordan Valley Water Conservancy District Board of Trustees. Council Member Jacob seconded the motion.

The vote was recorded as follows:

Yes: Zach Jacob, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock

No: Chris McConnehey

Absent: Melissa Worthen

The motion passed 5-1.

c. Resolution No. 22-046 authorizing the Mayor to execute an interlocal cooperation agreement with Salt Lake County, allocating Corridor Preservation funds towards property acquisition for the 8600 South bridge over Mountain View Corridor.

Senior Management Analyst Jeremy Olsen oriented the Council with the proposed resolution.

MOTION: Council Member McConnehey moved to APPROVE Resolution No. 22-046 authorizing the Mayor to execute an interlocal cooperation agreement with Salt Lake County, allocating Corridor Preservation funds towards property acquisition for the 8600 South bridge over Mountain View Corridor. Council Member Bloom seconded the motion.

The vote was recorded as follows:

Yes: Chris McConnehey, Zach Jacob, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock

No:

Absent: Melissa Worthen

The motion passed 6-0.

7. CONSENT ITEMS

a. Approve Meeting Minutes

- *September 28, 2022 – Committee of the Whole Meeting*
- *September 28, 2022 – Regular City Council Meeting*

MOTION: Council Member McConnehey moved to approve consent items as listed. Council Member Jacob seconded the motion.

The vote passed by unanimous vote (6-0).

8. CITY COUNCIL REPORTS/REMARKS

a. Council Office Report

No report.

b. City Council Reports / Remarks

Council Member Jacob –

- Apologized for losing decorum earlier in the meeting.

Council Member Pack –

- Thanked everyone who attended the meeting and recognized that a sacrifice was involved.
- Expressed appreciation for a recent tree replanting, and responses to other issues forwarded to staff.

Vice Chair Green –

- Thanked Chief Wallentine and Mayor Burton for sponsoring the Faith in Blue breakfast.
- Spoke of the recent ULCT Conference and Association of Municipal Councils meeting and said 90% of the discussions had related to moderate income housing.
- Commended Justin Rail in the Public Utilities Department.
- Encouraged the Council to read Chief's Wallentine's speech from the Faith in Blue event and encouraged them to listen to Jennie Tayler's speech.

- Expressed interest in bringing a Gold Star Memorial to West Jordan for a cost of \$60,000.

c. Council Chair Housekeeping Items

None.

9. ADJOURN

At 11:03 pm., Council Member McConnehey moved to adjourn the City Council meeting and reconvene as Committee of the Whole. Chair Whitelock seconded the motion, which passed by unanimous vote (6-0).

The meeting adjourned at 11:04 pm.

I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on October 12, 2022. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 26th day of October 2022



MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING
Wednesday, November 01, 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 (remote), David Pack, and Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Mayor Dirk Burton, City Attorney Josh Chandler, Public Works Director Brian Clegg, Public Utilities Director Greg Davenport, Assistant City Administrator Jamie Davidson, Policy Analyst & Public Liaison Warren Hallmark, Community Development Director Scott Langford, Public Services Director Cory Fralick, City Administrator Korban Lee, Fire Chief Derek Maxfield, Council Office Clerk Cindy Quick, Deputy Police Chief Jeremy Robertson

Chair McConnehey called the meeting to order at 6:00 pm and noted Council Member Jacob would participate remotely.

2. PLEDGE OF ALLEGIANCE

Chad Lamb led participants in the Pledge of Allegiance.

3. PUBLIC COMMENT

Chair McConnehey opened the public comment period at 6:01 pm

Comments:

None

Chair McConnehey closed public comments at 6:02 pm

4. REPORTS TO COUNCIL

a. City Council Reports

Council Member Green spoke of a ceremonial send-off by the Fire Department of one of their paramedics and thanked the Fire Department for recognizing a citizen soldier.

b. Council Office Report

Council Office Director Alan Anderson reported eight applications were received for the West Jordan Youth Council, and one application for adult advisor. He said interviews would be held the following day, and their first meeting was scheduled for November 14th.

c. Mayor's Report

Mayor Dirk Burton reported of recent successful events – Home Depot Board Cutting, NAACP Banquet, and Salt Lake City International Airport completed 'Concourse A.' He announced upcoming events – First Friday Event & Concert with David Park & Friends and noted next month's event will be a Santa & Drone Show. He announced the Bingham Creek Trail Public Open House, City E-Waste & Shred Event, and Veteran's Day Event. He noted that City Offices would be closed on Friday, November 10th in observance of Veteran's Day.

d. City Administrator's Report

City Administrator Korban Lee provided an update on the City Hall renovation project noting the receipt of the long-awaited electrical panel.

Public Works Director Brian Clegg updated the Council regarding the Dominion project on 1300 West, and said work on 7800 South would hopefully be completed by December 22nd. Mr. Clegg explained efforts taken to try to direct large truck traffic away from residential streets, and answered questions from the Council.

5. PUBLIC HEARINGS

a. Ordinance No. 23-40 an ordinance renaming 1510 West between 8870 South and 9130 South to Eli Mitchell Way

Engineering Assistant Laurie Thompson explained the request from Lisa and Jeremy Mitchell to rename 1510 West off 9000 South to Eli Mitchell Way in honor of their young son whose life was taken at that intersection. She reported that the County indicated willingness to comply if the Council approved the request. The street sign would be placed at the contractor's expense upon completion of construction on 9000 South (May of 2024). Responding to a question from Council Member Jacob, Ms. Thompson explained the street name change process for businesses on that street.

Chair McConnehey opened a public hearing at 6:20 pm

Comments:

Randolph Taylor, West Jordan resident, was in favor of the change. He acknowledged there may be slight inconvenience involved, but believed it was an honorable thing to do. Mr. Taylor said he was Eli Mitchell's grandfather, and would appreciate the street being in his name.

Jeremy Mitchell, West Jordan resident, said his son, Eli, was killed by a drunk driver in the intersection, and he wanted the street name to honor his son and remind others not to drive drunk. Mr. Mitchell thanked the Council for their consideration, and said he was withdrawing the fee waiver request previously submitted. He noted that his family would be paying those fees.

Lisa Mitchell, West Jordan resident, said she was always grateful for the opportunity to tell anyone about Eli. She felt passionate about turning the tragic and difficult situation into as much good as possible. Ms. Mitchell thanked the Council for the opportunity to present the request.

Bob Bedore, West Jordan resident, said he did not know the Mitchell family until he covered the story as a news reporter. It was a tough story for him because it was so close to his home. Mr. Bedore believed the City should recognize the good and the bad things that happen, and felt it was worth whatever expense especially if the name change caused even one person to stop and think before drinking and driving. He expressed support for the request.

Chair McConnehey closed the public hearing at 6:28 pm

**MOTION: Council Member Green moved to APPROVE Ordinance No. 23-40 an ordinance renaming 1510 West between 8870 South and 9130 South to Eli Mitchell Way.
Council Member Whitelock seconded the motion.**

Council Member Pack said he wholeheartedly supported the proposal. Council Member Jacob expressed support for the change and appreciated the comments from Mr. Bedore. Vice Chair Bloom noticed the amount of love felt in West Jordan reflected in the room that night and expressed support for the request. Chair McConnehey thanked the Mitchell family for their attendance that evening. He said not everyone could take a tragedy and share hope and light with the world. He appreciated the family bringing the proposal to the Council.

The vote was recorded as follows:

YES: Chris McConnehey, Pamela Bloom, Kelvin Green, Zach Jacob, David Pack, Kayleen Whitelock

NO:

ABSENT:

The motion passed 6-0.

b. Ordinance No. 23-39 an ordinance renaming 8760 South between Millrace Bend Rd (940 W) and Terra Pointe Wy (1020 W) to Joshua Eli Way

Engineering Assistant Laurie Thompson introduced the proposal to rename 8760 South between 940 West and 1020 West to Joshua Eli Way in honor of both Eli Mitchell and another man who lost his life. She said every resident with an address on the street signed a petition in favor of the change.

Chair McConnehey opened a public hearing at 6:34 pm

Comments:

Jeremy Mitchell spoke of the support of the residents on the street. He shared his love and support for the Diamond family.

Wayne Diamond, West Jordan resident, said Joshua was his son. He shared the story of the accident in Sardine Canyon that resulted in his son's death.

Natalie Diamond, West Jordan resident, said her son, Josh, was the best of their family. She said the Mitchell's were like family, and the loss of Eli felt like the loss of another son.

Ms. Diamond said the requested street name would join the families forever with a name honoring both of their boys.

Chair McConnehey closed the public hearing at 6:40 pm

Mayor Burton shared that his daughter and wife landed on the barricades placed in Sardine Canyon following Joshua's accident. He thanked the Diamond family for making a difference in that area.

Council Member Whitelock thanked the families for taking a tragedy and making something positive. Council Member Pack was in favor of the request and wanted to make sure the Council looked at all sides of the issue. He said he knew having two streets in close proximity with similar names could be problematic, and wanted to make sure all bases were covered when considering street name changes.

**MOTION: Chair McConnehey moved to APPROVE Ordinance No. 23-39 renaming 8760 South between Millrace Bend Rd (940 W) and Terra Pointe Wy (1020 W) to Joshua Eli Way.
Council Member Green seconded the motion.**

Vice Chair Bloom said the requests showed the relationships that were developed within the West Jordan community. Council Member Pack expressed a desire to contribute to the cause if fee waiver requests were withdrawn, and said he believed the community would support fund raising efforts. Council Member Green thanked the families for submitting the application and attending the meeting.

The vote was recorded as follows:

YES: Chris McConnehey, Pamela Bloom, Kelvin Green, Zach Jacob, David Pack, Kayleen Whitelock

NO:

ABSENT:

The motion passed 6-0.

- c. Resolution No. 23-065 requesting a fee waiver in the amount of \$572.00 for costs associated with renaming 1510 West between 8870 South and 9130 South to Eli Mitchell Way*

Chair McConnehey commented that the fee waiver request had been withdrawn, but a public hearing would be held since it was included on the agenda.

Chair McConnehey opened a public hearing at 6:47 pm

Comments:

None

Chair McConnehey closed the public hearing at 6:47 pm

Chair McConnehey said he agreed with Council Member Pack that the community would be supportive of public fund-raising efforts.

- d. Resolution No. 23-066 requesting a fee waiver in the amount of \$797.00 for costs associated with renaming 8760 South between Millrace Bend Rd (940 W) and Terra Pointe Wy (1020 W) to Joshua Eli Way**

The fee waiver request was withdrawn by the applicant.

Chair McConnehey opened a public hearing at 6:48 pm

Comments:

None

Chair McConnehey closed the public hearing at 6:49 pm

At 6:49 pm, Council Member Green moved to recess for seven minutes. Vice Chair Bloom seconded the motion, which passed by unanimous vote (6-0).

The meeting reconvened at 6:57 pm

- e. Resolution No. 23-062 authorizing the Mayor to sign the Edward Byrne Justice Assistance Grant Program Certifications and Assurances for \$45,204**

Deputy Chief Robertson oriented the Council with grant funds awarded for the Police Department.

Chair McConnehey opened a public hearing at 7:01 pm

Comments:

None

Chair McConnehey closed the public hearing at 7:01 pm

MOTION: Council Member Green moved to APPROVE Resolution No. 23-062 authorizing the Mayor to sign the Edward Byrne Justice Assistance Grant Program Certifications and Assurances for \$45,204. Vice Chair Bloom seconded the motion.

Council Member Whitelock thanked staff for applying for grants and making sure the City was able to qualify for grant funds. Chair McConnehey thanked staff for continuing to pursue grants.

The vote was recorded as follows:

YES: Chris McConnehey, Pamela Bloom, Kelvin Green, Zach Jacob, David Pack, Kayleen Whitelock

NO:

ABSENT:

The motion passed 6-0.

6. COUNCIL MEETING WRAP UP

a. City Council Remarks

Council Member Green shared that a Fire Department awards event was scheduled for Monday at 6:00 pm

b. Council Administrative Items

None

7. ADJOURN

Council Member Green moved to adjourn the meeting. Council Member Whitelock seconded the motion, which passed by unanimous vote (6-0).

The meeting adjourned at 7:05 pm

I hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on November 1, 2023. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 6th day of December 2023.

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD OCTOBER 1, 2024 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: George Winn, Tom Hollingsworth, John Roberts, Ammon Allen, Jay Thomas, and Emily Gonzalez. Trish Hatch was excused.

STAFF: Scott Langford, Larry Gardner, Mark Forsythe, Megan Jensen, Duncan Murray, Julie Davis, Paul Brockbank

The briefing meeting was called to order by George Winn with a quorum present. The agenda was reviewed.

The regular meeting was called to order at 6:00 p.m. with a quorum present.

1. Approve Minutes from September 17, 2024

MOTION: Ammon Allen moved to approve the minutes from September 17, 2024. The motion was seconded by Emily Gonzalez and passed 6-0 in favor. Trish Hatch was absent.

2. The Swing Station; 7352 South Airport Road; Conditional Use Permit for Personal Instruction Services; M-1 Zone; The Swing Station, LLC/Jordan Burbidge (applicant) [#33900; parcel 21-30-176-005]

Jordan Burbidge, applicant, explained that their indoor baseball training facility uses 23,000 square feet of the subject building. There will be 15 batting cages and four pitching tunnels. The second floor contains offices, and a weight room in on the bottom floor. Warehouse buildings with large open space and 40-foot ceilings are perfect for this type of use. The only detrimental effect the applicant identified was a possible parking situation, but the landlord has given permission to use some space that would normally be the dock area if additional parking is needed. They hope to open the end of November once the additional sprinkler system items have been passed off by the fire marshal. She and her husband provided information regarding their baseball background and experience. This location is central to four high schools in the area. It will be available for other coaches and individuals as well.

Megan Jensen said this is a newly constructed warehouse building. Personal instruction service is a conditional use in the M-1 zone. The business will occupy about 23,000 of the 63,000 square-foot warehouse. The business will operate Tuesday through Sunday from 10:00 a.m. to 8:00 p.m. with likely 10 to 20 customers per hour. The parking requirement is 22 spaces based on the city code, and 65 are provided.

Staff recommended that the Planning Commission approve the Conditional Use Permit for The Swing Station, located at 7352 South Airport Road in an M-1 zone, provided that all Conditions of Approval can be fully adhered to at all times.

Conditions and Requirements of Approval

The conditions below supported by substantial evidence as described in the analysis of section IV of the staff report are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use.

1. If parking needs ever exceed that which are explained in the letter of intent and this report, an updated parking plan shall be submitted to the West Jordan Planning & Zoning Department, and Planning staff shall review the change to ensure parking capacity is maintained on-site.

George Winn asked for clarification regarding the potential parking issue.

Megan Jensen explained that a condition use permit runs with the land. The Swing Station will have enough parking, but a condition of approval was added in case another personal instruction service business wants to use the building. There would be a review to determine if there is sufficient parking for that business. There are no other tenants in the building currently, so the minimum parking requirement for the vacant space is based on a warehouse use, which would require another 22 spaces.

Paul Brockbank explained why the building has temporary occupancy based on the need to install sprinklers under the interior stairways because the stairs are not grated. The building can only be occupied once that is completed.

George Winn opened the public hearing.

Further public comment was closed at this point for this item.

Ammon Allen thought that this business is a great use, and it will be a hub to bring people to West Jordan.

MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Conditional Use Permit for The Swing Station, located at 7352 South Airport Road in an M-1 zone with the conditions that are supported by substantial evidence as described in the analysis of section IV of the staff report. The conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. The motion was seconded by John Roberts and passed 6-0 in favor. Trish Hatch was absent.

3. **Hidden Willow Ink Studio; 7650 South Redwood Road, Suite D; Conditional Use Permit for Tattoo and Body Engraving Services; C-G Zone and Redwood Road Overlay Zone; Hidden Willow Ink Studio, LLC/Romina Rosas (applicant) [#33966; parcel 21-27-376-023]**

Romina Rosas and Breanna Werner, applicants, were present.

Romina Rosas presented their business proposal for a tattoo studio. The two of them are licensed tattoo

artists with experience in multiple styles such as fine line, realism, illustrative, etc. Their model is to provide for the needs of the client with a safe and clean environment. They have analyzed their application according to the city's purposes and goals and did not identify any detrimental effects. Business will be by appointment only with a few exceptions and holiday events. They expect to have only two to three clients at a time.

Both applicants provided some of their background experience in response to questions from the Commission. The West Jordan location will be convenient for them and for their current clients. They also explained the process for licensing and apprenticeship training. They are certified in CPR and blood borne pathogens.

Mark Forsythe showed the proposed business location. Tattoo and body engraving services are allowed as a conditional use in the Redwood Road Overlay zone. Staff did not identify any detrimental effects caused by this type of use, so no conditions of approval were recommended. There is two-way access from Redwood Road with sufficient backout space. Four parking spaces are required, which should be adequate for the expected number of clients. All of the parking is shared in this shopping center and considering all required parking spaces for the current tenants, a minimum of 32 is required and 39 spaces are provided.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Tattoo and Body Engraving Services, located at 7650 South Redwood Road in a C-G Zone & Redwood Road Overlay Zone, with no Conditions of Approval based on the findings in this report.

George Winn opened the public hearing.

Further public comment was closed at this point for this item.

MOTION: Jay Thomas moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Conditional Use Permit for Hidden Willow Ink Studio, located at 7650 South Redwood Road in a C-G Zone & Redwood Road Overlay Zone, with no conditions of approval as explained in the staff report. The motion was seconded by Tom Hollingsworth and passed 6-0 in favor. Trish Hatch was absent.

4. Text Amendment – Amend Section 8-15-4(D) of West Jordan City Code; General Naming Principles and Placement of Memorials, Monuments, and Naming of Public Places and Facilities; City-wide applicability; City of West Jordan (applicant)

Alan Anderson, City Council Director, explained that Title 8 of the city code includes principles for naming and placement of signs. The City Council recently reviewed the language with street naming, and they would like to strike the words 'unduly long, difficult to spell, or difficult to pronounce' as there are related constitutional issues. They are also changing the words 'one hundred' to the number '100'. This item will go to the City Council for adoption along with the code on naming of streets that will reflect these naming principles.

Based on the analysis and findings contained in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council for this application.

There was a discussion regarding how subdivision streets are named. It was explained that the developer proposes street names, and it is common for them to use names from their own family. As long as Salt Lake County determines the names are not duplicative, they are typically approved.

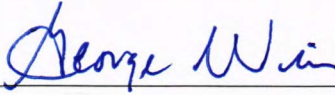
George Winn opened the public hearing.

Further public comment was closed at this point for this item.

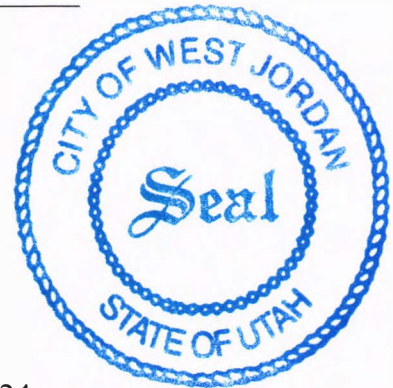
MOTION: Ammon Allen moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to forward a positive recommendation to the City Council for a Text Amendment to Section 8-15-4(D) of the City Code. The motion was seconded by Jay Thomas and passed 6-0 in favor. Trish Hatch was absent.

MOTION: Jay Thomas moved to adjourn.


The meeting was adjourned at 6:32 p.m.



George Winn
Chair



ATTEST:


JULIE DAVIS
Executive Assistant
Community Development Department

Approved this 15 day of October, 2024



MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING
Wednesday, October 09, 2024 – 6:00 pm
Waiting Formal Approval
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

CITY COUNCIL MEETING

1. CALL TO ORDER

COUNCIL: Chair Zach Jacob, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Mayor Dirk Burton, City Attorney Josh Chandler, Policy Analyst & Public Liaison Warren Hallmark, City Administrator Korban Lee, Senior Planner Tayler Jensen, Public Works Utility Manager Greg Davenport

Chair Jacob called the meeting to order at 6:00 pm, and noted that Council Member Bloom had joined electronically, and Vice Chair Lamb was absent.

2. PLEDGE OF ALLEGIANCE

Shanna McDonald led participants in the Pledge of Allegiance.

3. SPECIAL RECOGNITION

a. Crisis Communications Award

Mayor Burton recognized and congratulated Marie Magers for receiving the Crisis Communications Award from the State of Utah Public Information Officers in recognition of exceptional response during a critical cyber security incident. The City Council congratulated Ms. Magers, and thanked her for her role in dealing with the security incident.

4. PUBLIC COMMENT

Chair Jacob opened the public comment period at 6:05 pm.

Comments:

Rob Bennett, West Jordan resident, expressed gratitude to city employees for their hard work and the fantastic job they do in running the city and providing services to residents. He felt it was important to recognize their efforts and was impressed and grateful.

Chair Jacob closed public comments at 6:08 pm.

5. REPORTS TO COUNCIL

a. City Council Reports

- Council Member Green reported on a presentation at a recent Association of Municipal Councils meeting regarding long-term Utah Transit Authority (UTA) plans.
- Council Member Shelton commented on a recent Monster Truck Rally. He said he was proud of the high school students in attendance at the meeting.
- Council Member Bedore expressed appreciation for the vigilance of West Jordan Police Officers.
- Council Member Whitelock recognized and thanked youth in attendance at the meeting. She encouraged youth to talk to the Council and share their comments and suggestions about the city.

b. Council Office Report

- Council Office Director Alan Anderson shared information about the 9-8-8 mental health crisis hotline, provided by Jordan Valley Hospital available to all residents.
- Policy Analyst & Public Liaison Warren Hallmark reported on a recent fall cleanup event with the Youth Council at Veterans Memorial Park.

Council Member Whitelock pointed out that youth from Itineris and Taylorsville can participate if they live in the city.

Council Member Shelton noted that serving on the Youth Council could enhance college applications or job opportunities.

c. Mayor's Report

Mayor Dirk Burton provided an update on street projects and traffic signage, on an upcoming lighting project at the Rodeo Arena with funds from an Energy Efficiency Grant and spoke of ribbon cutting events in the community. Mayor Burton announced that he had been selected to serve on the EDCUtah Board as Vice Chair of the Public Sector, and on the Itineris Early College High School Board. He spoke of the grand opening of the Wheels Park scheduled to take place on October 12, 2024.

Adam Gardiner, the new Government Relations representative, introduced himself, highlighted his government experience.

d. City Administrator's Report

Public Works Utility Manager Greg Davenport updated the Council regarding projects on New Bingham Highway and 1300 West which were on track for completion before fall break.

6. PUBLIC HEARINGS

a. Ordinance No. 24-45 amending West Jordan City Code 1-6-5, 1-6-9, 1-6-10, 1-6-11 related to City Council Responsibilities and Leadership

Council Office Director Alan Anderson said the Council gave direction in August regarding changes to Council Leadership and outlined the proposed amendments to City Code.

Chair Jacob opened a public hearing at 7:40 pm.

Comments:

None

Chair Jacob closed the public hearing at 7:41 pm.

Council Member Green felt the term “ex-officio” did not meet the intent of the previous-Council-Chair position. Council Member Shelton suggested using the term “Past Chair.”

MOTION: Council Member Green moved to APPROVE Ordinance No. 24-45 amending West Jordan City Code 1-6-5, 1-6-9, 1-6-10, 1-6-11 related to City Council Responsibilities and Leadership, replacing “Council Chair Ex-officio” with “Past Chair.”

Council Member Shelton seconded the motion.

Chair Jacob expressed concern for potential unintended consequences to a change to leadership of three instead of a leadership of two. Council Member Bedore did not believe any one Council Member should feel more powerful than another and liked the proposed change for a rotation system. Council Member Green believed adding the third person to leadership would provide continuity and expressed support for the proposed amendments. Council Member Bloom agreed.

The vote was recorded as follows:

YES: Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

NO: Zach Jacob

ABSENT: Chad Lamb

The motion passed 5-1.

7. BUSINESS ITEMS

- a. Resolution No. 24-035 a request by Max Muller/Gardner Group for a Park Impact Fee Credit for the GEM West Jordan Apartment (Jones Landing North Apartments), as they were constructing a Master Planned Park Facility**

Max Muller, applicant, said he appreciated working with City staff. He oriented the Council with the proposal explaining that Gardner Group had agreed to build a Master Planned Park Facility in conjunction with the Jones Landing North Apartments project. Mr. Muller spoke of the cost of the land, the cost to develop a park, and requested a Park Impact Fee Credit for the project.

Senior Planner Tayler Jensen noted that the park was included on the West Jordan Parks Master Plan Map and would be dedicated to the city. Responding to a question from Council Member Shelton, Mr. Jensen explained that Park Impact Fees could be used for the creation of a park but not for ongoing maintenance. Staff mentioned that a public hearing was not required for a Park Impact Fee Credit.

Chair Jacob was in favor of approving the credit because requiring the applicant to build a park and then charging them a Park Impact Fee would not make sense. Council Member Whitelock agreed with approving the credit because the planned park would help residents in an industrial area and provide a good buffer. She felt the Gardner Group had been very good to work with, and the situation was a win-win for the city. Council Member Bedore agreed he appreciated the work to make this happen.

**MOTION: Council Member Green moved to APPROVE Resolution No. 24-035 a request by Max Muller/Gardner Group for a Parks Impact Fee Credit for the GEM West Jordan Apartment (Jones Landing North Apartments), as they were constructing a Master Planned Park Facility.
Council Member Shelton seconded the motion.**

The vote was recorded as follows:

YES: Zach Jacob, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

NO:

ABSENT: Chad Lamb

The motion passed 6-0.

b. Resolution No. 24-038 Appointing Two Members of the Justice Court Nominating Commission

Council Office Director Alan Anderson explained the process for filling the position of Justice Court Judge that would be vacant when Judge Kunz retires. The Council and staff discussed the Council's role of appointing two individuals to the Justice Court Nominating Commission, and the recommendation in the staff report to appoint City Administrator Korban Lee and Senior Judicial Assistant Carol Warnick. Mr. Lee suggested the Council would want to select individuals who had the perspective of the city organization and familiarity with the Justice Court operations.

Chair Jacob expressed the opinion that the words "advice and consent" should be removed from the Resolution. Council Member Whitelock suggested the Council appoint Assistant City Administrator Paul Jerome instead of Mr. Lee because she believed Mr. Jerome would have more bandwidth to spend the time and had no doubt that Mr. Lee would be involved with helping the Mayor decide when recommendations from the Commission were submitted. Council Member Whitelock suggested Mr. Lee would not be precluded from reviewing the applications. She believed a good organization gave employees opportunity for growth and suggested the Justice Court Nominating Commission would be a good opportunity for Mr. Jerome. Council Member Green agreed and liked the idea of different perspectives.

Council Member Bedore expressed hesitation because Mr. Jerome was not present, and Mr. Lee said Mr. Jerome was participating remotely and would be able to comment and answer questions if needed. Chair Jacob asked Mr. Lee for his opinion. Mr. Lee said he previously served on a Justice Court Nominating Commission as an Assistant CAO because supervising court administrators and operations had been part of his role at the time. He

had 20 years of experience working with justice courts and court operations. Mr. Lee felt confident and competent to be on the Commission. However, he felt there was value in the suggestion to appoint Paul Jerome in terms of gaining experience. Mr. Lee said he and Mr. Jerome were both busy in terms of bandwidth but would be capable of making time. Mr. Lee suggested if the Council did not want to appoint either he or Mr. Jerome, that his next recommendation would be to appoint City Attorney Josh Chandler.

Council Member Shelton expressed the opinion that the positions of City Administrator and Assistant City Administrator were so closely tied to the Mayor, that appointing either of them would feel like bypassing a step in the selection process. He would feel more comfortable appointing Mr. Chandler. Chair Jacob did not think the Council could go wrong appointing any of the three individuals but would prefer not to involve the City Attorney avoiding any appearance of a quid pro quo situation.

Mr. Jerome, responding to a request from Council for his opinion, said he was happy to do whatever he could to help the city. He did not have previous experience serving on a Justice Court Nominating Commission and agreed with Mr. Lee that they were both busy, but he believed the Commission was important, and would be happy to do whatever was needed.

Mayor Burton said the County would appoint individuals with legal experience to the Commission to evaluate legal ability, and emphasized the importance of having someone on the Commission who could evaluate administrative and organizational ability. Mayor Burton would recommend the individuals in the following order: Korban Lee, Paul Jerome, or Josh Chandler.

MOTION: Council Member Whitelock moved to APPROVE Resolution No. 24-038 appointing Paul Jerome and Carol Warnick to serve on the Justice Court Nominating Commission and remove references to advice and consent from the Resolution.

Council Member Green seconded the motion.

Chair Jacob believed Mr. Lee and Mr. Jerome would both do an excellent job but considering the importance of the position, he would prefer to appoint someone with experience. Council Member Bedore agreed.

The vote was recorded as follows:

YES: Pamela Bloom, Kelvin Green, Kent Shelton, Kayleen Whitelock

NO: Zach Jacob, Bob Bedore

ABSENT: Chad Lamb

The motion passed 4-2.

- c. Reconsideration of Ordinance No. 24-41 amending certain Sections of Title 1, Chapter 15 (Elections), including qualifications for office, campaign finance disclosures, and use of city logos. (City Code Sections 1-15-2, 1-15-4, 1-15-8, and 1-15-9)***

Council Office Director Alan Anderson explained procedure involved in reconsideration of an ordinance. Noting that if there was a vote to reconsider staff would bring the item back to the next meeting. If there was not a vote to reconsider it would continue as it currently sits.

Council Member Shelton said he learned following approval of Ordinance No. 24-41 that the Council had not discussed the option of a financial penalty for failure to file campaign finance disclosures. He discussed the option with individual Council Members and learned there may be interest in combining the adopted prohibition to run in the next election cycle with a financial penalty. Mr. Shelton expressed concern that the Ordinance as approved contained a loop hole that may allow an individual to run in an election sooner than intended.

**MOTION: Council Member Shelton moved to Reconsider Ordinance No. 24-41.
Council Member Bedore seconded the motion.**

Council Member Bedore expressed the opinion that someone who did not want to follow the rules, should not be able to make rules for the City. Chair Jacob said the question of a financial penalty was not considered previously, and he did not believe discussion of adding a financial penalty would require a reconsideration of Ordinance No. 24-41. Chair Jacob believed a new application to amend would be a better course of action. Council Member Green agreed.

The vote was recorded as follows:

YES: Kent Shelton

NO: Zach Jacob, Bob Bedore, Pamela Bloom, Kelvin Green, Kayleen Whitelock

ABSENT: Chad Lamb

The motion failed 1-5.

8. CONSENT ITEMS

a. Approve Meeting Minutes

- *September 18, 2024 - Committee of the Whole Meeting*
- *September 25, 2024 - Regular City Council Meeting*
- *September 25, 2024 - Committee of the Whole Meeting*

b. Consider Council attendance and registration at the Utah Trends Conference

**MOTION: Council Member Green moved to APPROVE the Consent Agenda as listed.
Council Member Whitelock seconded the motion.**

The vote was recorded as follows:

**YES: Zach Jacob, Bob Bedore, Pamela Bloom, Kelvin Green, Kent Shelton,
Kayleen Whitelock**

NO:

ABSENT: Chad Lamb

The motion passed 6-0.

9. CLOSED MEETING

- a. The City Council may temporarily recess the meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; 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*

The closed meeting was canceled.

10. ADJOURN

At 7:53 pm, Council Member Green moved to adjourn the Council meeting. Council Member Whitelock seconded the motion, which passed by unanimous vote (6-0).

I hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on October 9, 2024. This document constitutes the official minutes for the West Jordan City Council meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2024



MINUTES OF THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
Wednesday, October 09, 2024 - 6:10 PM
Waiting Formal Approval
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

WORK SESSION

1. CALL TO ORDER

COUNCIL: Bob Bedore, Pamela Bloom, Kelvin Green, Zach Jacob, Kent Shelton, Kayleen Whitelock

STAFF: Council Office Director Alan Anderson, Mayor Dirk Burton, City Attorney Josh Chandler, Utilities Manager Greg Davenport, Policy Analyst & Public Liaison Warren Hallmark, Senior Planner Tayler Jensen, City Administrator Korban Lee

Chair Jacob called the meeting to order at 8:00 pm

2. DISCUSSION TOPICS

a. *Discussion on Annexing Lands in Unincorporated Salt Lake County Island*

City Administrator Korban Lee provided an update on the annexation process involving the unincorporated county area near Wood Ranch, which created a "County Island." The county had requested that West Jordan annex the entire island, and the city has made significant progress on that commitment. The yellow area on the map was pointed out and it was explained that it was in the process of being annexed, and Council Member Whitelock noted that residents have long wanted to join the city, a sentiment Mr. Lee confirmed.

Mr. Lee noted that legal work was still required for the annexation, including the collection of signatures from ten sponsors. Once they have the majority of acreage and a third of the property value, they can submit the annexation petition to both the city and the county. Council Member Whitelock mentioned that a meeting organized by Amy Newton Winder indicated that the residents would likely meet the required numbers easily.

Chair Jacob and Council Member Green shared their experience of receiving calls from residents in the area who mistakenly believed they were already part of West Jordan.

Mr. Lee then shifted the discussion to the green area on the map, which was undeveloped a year and a half ago. He noted that both Community Development Director Scott Langford and Prior Assistant City Administrator Jamie Davidson had met with residents in the area regarding annexation, but they had initially declined to join the annexation process because it was less expensive for them to remain in the county.

The developers mentioned they'd be glad to annex into West Jordan if they could obtain increased density but had not provided concrete examples of what they might desire.

Mr. Lee explained that new legislation, effective July 1, 2027, would require all "islands" to be annexed into a city, and the green area on the map would automatically be annexed into West Valley City unless the two cities agreed otherwise. Mr. Lee expressed gratitude to Salt Lake County for their cooperation and noted that they had informed developers that annexation into a city was inevitable. Developers then asked who would provide services for them, but Mr. Lee deferred the question, stating it was up to the annexing city to handle those details. He also mentioned plans to meet with West Valley City to discuss any current interest in the area where previously they were indifferent.

Council Member Green had experience with annexation since 1990 and commented that some boundaries in the county just did not make sense and felt the annexation could help. Council Member Shelton raised concerns about the confusion if the area, which falls under the Jordan School District, were annexed into West Valley City with the majority of students being part of another District.

Mr. Lee assured the Council that they would not negotiate with developers and emphasized that the city had leverage due to the upcoming legislation. While the annexation would not be a significant financial gain, it also wouldn't be a major drain on resources, with commercial development planned in the area. Utilities like water and stormwater management expressed support for the annexation where the utilities would fall under West Jordan's control. The Fire Department expressed indifference to the annexation and Council was reminded about land purchased to serve both areas. The Police Department expressed indifference to the annexation and were more concerned with the quality of property and maintenance in the area.

Regarding impact fees, Mr. Lee and Council Members discussed the possibility of negotiating with the county, particularly in relation to Ron Wood Park, and ensuring that the city would benefit financially if the area was annexed into West Jordan.

In conclusion, the Council expressed general support for moving forward with the annexation, with no major opposition.

3. ADJOURN

Council Member Green moved to adjourn. Council Member Whitelock seconded the motion. All voted in favor and the motion passed unanimously 6-0.

The meeting adjourned at 8:21pm

I certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on October 9, 2024. This document constitutes the official minutes for the West Jordan Committee of the Whole meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this ____ day of ____ 2024

DRAFT



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 10/23/2024

Presenter: Ray McCandless

Deadline of item :

Applicant: City of West Jordan

Department Sponsor: Community Development

Agenda Type: CONSENT ITEMS

Presentation Time: 0 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Resolution No. 24-037 a Deferral Agreement with CW Land Co., LLC for parkstrip landscape improvements in the Copper Rim Phase 3B Subdivision

2. EXECUTIVE SUMMARY

The Council is being asked to approve a Deferral Agreement between the City of West Jordan and CW Land Co., LLC for parkstrip improvements in Copper Rim Phase 3B on Verdigris Drive between the roundabout on Copper Rim Drive and Mountain View Corridor to avoid having to potentially replace landscaping improvements resulting from construction activities during the future construction of the 7000 South overpass on the Mountain View Corridor.

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

The developer will be responsible for installing parkstrip landscape improvements with the construction of the last phase of the Copper Rim development as noted in the Deferral Agreement.

5. PLANNING COMMISSION RECOMMENDATION

On September 17, 2024, in a 5-0 vote the Planning Commission recommended that the Council approve the Deferral Agreement.

6. STAFF ANALYSIS

I. BACKGROUND:

Verdigris Drive, is part of the Copper Rim Phase 3B subdivision. The street currently extends between the roundabout on Copper Rim Drive and the Mountain View Corridor right-of-way. All street improvements have been installed with the exception of parkstrip landscaping and the irrigation system.

II. GENERAL INFORMATION & ANALYSIS:

Verdigris Drive is planned to cross over the Mountain View Corridor via an overpass which will be constructed sometime in the future, however, is not known at this time when the overpass will be built.

Rather than installing landscaping and irrigation system now only to potentially be damaged when the overpass is built, the City and developer are requesting approval of a Deferral Agreement to

postpone installing the improvements until after the overpass is built. The developer and City have agreed that the parkstrip improvements along Verdigris Drive should be delayed until the last phase in the Copper Rim development is under construction as noted in the terms and conditions of attached Deferral Agreement.

III. FINDINGS OF FACT:

Per City Code, Section 8-3B-12: TIMING OF CONSTRUCTION; DEFERRAL:

C. Deferral of Construction:

2. City Council Determination: After receiving a recommendation from the planning commission, the city council shall review the developer's application for deferred construction. City council may approve the application and allow the developer, future property owner, future developer or city to construct the improvements at a later date if city council finds all of the following:

a. The city engineer has prepared, and city council has reviewed: 1) the estimated cost of the deferred improvements based on the most recent and most applicable costs incurred by the city in similar projects; and 2) an analysis of the feasibility of installing the improvements within the twenty four (24) month period described in this article; and

Staff Opinion: This is a City initiated deferral agreement where, in order to prevent possible damage to parkstrip improvements during the construction of the Mountain View Corridor parkstrip improvements should be postponed until the last phase of Copper Rim is developed.

Finding: The city engineer has prepared, and city council has reviewed: 1) the estimated cost of the deferred improvements based on the most recent and most applicable costs incurred by the city in similar projects; and 2) an analysis of the feasibility of installing the improvements within the twenty four (24) month period described in City Code, Section 8-3B-12 and it has been determined that installing parkstrip improvements within the 24-month time frame is not in the best interests of the City to prevent possible damage to parkstrip improvements during the construction of the overpass on the Mountain View Corridor.

b. The improvements for which deferred construction is requested meet one or more of the following criteria: 1) they are eligible public improvements as defined herein; or 2) they include public improvements for which some or all of the dedication is being deferred; and

Staff Opinion: Parkstrip improvements are considered eligible public improvements. No additional dedication is required.

Finding: The improvements for which deferred construction is requested meet one or more of the following criteria: 1) they are eligible public improvements as defined herein; or 2) they include public improvements for which some or all of the dedication is being deferred; and

c. Based on physical characteristics of the development and affected real property it is not feasible to install the improvements within the twenty four (24) month period described above and therefore deferring the installation to a future date is preferable to the City. Cost of installation shall not be a factor in determining feasibility for public improvements; and

Staff Opinion: It is not feasible to install parkstrip improvements within the required 24-month period to protect the improvements from possible damage due to the future construction of the Mountain View Corridor overpass. The developer will still be required to pay for installation of required improvements.

Finding: Based on physical characteristics of the development and affected real property it is not feasible to install the improvements within the twenty-four (24) month period and therefore deferring the installation to a future date is preferable to the city. Cost of installation shall not be a factor in determining feasibility for public improvements; and

d. The deferred improvements are not necessary for public health or safety or as a prerequisite to orderly development of the surrounding area.

Staff Opinion: The deferred improvements are primarily landscaping and irrigation improvements and are not necessary for public health or safety.

Finding: The deferred improvements are not necessary for public health or safety or as a prerequisite to orderly development of the surrounding area.

7. MOTION RECOMMENDED

Move to approve/deny Resolution No. 24-037 a Deferral Agreement between The City of West Jordan and CW Land Co., LLC for parkstrip landscape improvements in the Copper Rim Phase 3B Subdivision.

8. MAYOR RECOMMENDATION

N/A

9. PACKET ATTACHMENT(S)

Exhibit A - Resolution No. 24-037
Exhibit B - Deferral Agreement
Exhibit C- Engineering Analysis
Exhibit D - Landscape Estimate
Exhibit E - Planning Commission Minutes

1 THE CITY OF WEST JORDAN, UTAH

2
3 **RESOLUTION NO. 24-037**

4
5 **A RESOLUTION APPROVING A DEFERRAL AGREEMENT**
6 **BETWEEN CW LAND CO., LLC AND THE CITY OF WEST JORDAN**
7 **COPPER RIM PHASE 3B LANDSCAPE CONSTRUCTION (VERDIGRIS DR. PARKSTRIP)**

8
9 WHEREAS, CW Land Co., LLC, a Utah limited liability company (“**Developer**”) has previously
10 entered into a Master Development Agreement, dated November 7, 2018, as amended, with the City of
11 West Jordan (“**City**” and “**Master DA**”) for the Copper Rim development, located at approximately
12 7516 South Copper Rim Drive in West Jordan (“**Copper Rim**” and “**Property**”), which is being
13 developed in phases (Developer and City are referred to as “**Parties**”); and

14 WHEREAS, Developer is currently developing Phase 3B of Copper Rim; and

15 WHEREAS, pursuant to applicable provisions of the West Jordan City Code (“**City Code**”)
16 and the Master DA, Developer is required, in connection with the subdivision and development of the
17 Property, to design, construct, and dedicate, among other improvements, some Parkstrip improvements
18 along both sides of Verdigris Dr. (“**Parkstrip Improvements**”), as depicted and highlighted in green in
19 the **Exhibit A**, attached to the proposed Deferral Agreement, unless such design, dedication, and
20 construction is deferred in accordance with West Jordan City Code; and

21 WHEREAS, the dedication of land and the design of Parkstrip Improvements have already
22 occurred or are in the process of occurring, but the Parties do desire to defer the installation and
23 construction of the Parkstrip Improvements; and

24 WHEREAS, pursuant to City Code Section 8-3B-12(C)(2), construction may be deferred if the
25 City Council makes certain findings; and

26
27 WHEREAS, it is not feasible to install and construct the Parkstrip Improvements within twenty-
28 four months, and the Developer and City have agreed that the installation and construction of the
29 Parkstrip Improvements should be deferred until the time of the installation and construction of the
30 landscaping improvements of the final phase to be developed in Copper Rim. At the request of the
31 City, the Parties have agreed to this delay the installation and construction of the Parkstrip
32 Improvements in order to avoid having the Parkstrip Improvements potentially damaged by the future
33 construction of the Mountain View Corridor overpass. The Parkstrip Improvements shall be installed
34 and constructed at the same level or standard as other similar parkstrips in the Copper Rim public
35 rights-of-way; and

36
37 WHEREAS, Developer and the City desire to document, in a Deferral Agreement, their mutual
38 understanding of the deferral of the installation and construction of the Parkstrip Improvements; and

39
40 WHEREAS, the Planning Commission reviewed the Deferral Agreement on September 17,
41 2024, and provided a recommendation to the City Council to approve the Deferral Agreement.

42
43
44 *(Continued on the next page.)*

46 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST
47 JORDAN, UTAH, THAT:

48 **Section 1.** Findings. Pursuant to West Jordan City Code Subsection 8-3B-12(C)(2), the City
49 Council makes the following findings:

50 a. The city engineer has prepared, and city council has reviewed, the estimated cost of the deferred
51 improvements based on the most recent and most applicable costs and an analysis of the feasibility of
52 installing the improvements within the 24-month period described in the City Code; and

53 b. The improvements for which deferred construction is requested are eligible public
54 improvements; and

55 c. Based on physical characteristics of the development and affected real property, and on
56 potential damages by the future construction of the Mountain View Corridor overpass, it is not feasible
57 to install the improvements within the 24-month period described above and therefore, deferring the
58 installation to a future date is preferable to the City; and

59 d. The deferred improvements are not necessary for public health or safety or as a prerequisite to
60 orderly development of the surrounding area.

61 **Section 2.** Deferral Agreement Approved. The City Council hereby approves the attached
62 Deferral Agreement and authorizes the Mayor to sign it.

63 **Section 3.** Effective Date. This Resolution shall immediately take effect upon its passage.

64 PASSED BY THE CITY COUNCIL OF WEST JORDAN, UTAH, THIS ____ DAY OF
65 _____ 2024.

66 CITY OF WEST JORDAN

67
68 _____
69 Zach Jacob
70 Council Chair

71 ATTEST:

72
73 _____
74 Cindy M. Quick, MMC
75 Council Office Clerk

| 78 Voting by the City Council | "YES" | "NO" |
|--------------------------------------|--------------------------|--------------------------|
| 79 Chair Zach Jacob | <input type="checkbox"/> | <input type="checkbox"/> |
| 80 Vice Chair Chad Lamb | <input type="checkbox"/> | <input type="checkbox"/> |
| 81 Council Member Bob Bedore | <input type="checkbox"/> | <input type="checkbox"/> |
| 82 Council Member Pamela Bloom | <input type="checkbox"/> | <input type="checkbox"/> |
| 83 Council Member Kelvin Green | <input type="checkbox"/> | <input type="checkbox"/> |
| 84 Council Member Kent Shelton | <input type="checkbox"/> | <input type="checkbox"/> |
| 85 Council Member Kayleen Whitelock | <input type="checkbox"/> | <input type="checkbox"/> |

***Recording Requested By and
When Recorded Return to:***

City of West Jordan
Attention: City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

For Recording Purposes
Do Not Write Above This Line

**DEFERRAL AGREEMENT
CW LAND CO., LLC AND THE CITY OF WEST JORDAN
Copper Rim Phase 3B Landscape Construction (Verdigris Dr. Parkstrip)**

This Deferral Agreement (“**Agreement**”) is entered into the day this Agreement is signed by the City’s Mayor, by and between CW Land Co., LLC, a Utah limited liability company (“**Developer**”), and the City of West Jordan, a municipality and political subdivision of the State of Utah (the “**City**”). Developer and City are collectively referred to herein as “**Parties**,” and each may be referred to individually as “**Party**.”

RECITALS

WHEREAS, the Parties previously entered into that certain Master Development Agreement, dated November 7, 2018, and recorded November 11, 2018, as Entry No. 12892584 in Book 10773 at Page 4678 with the Salt Lake County Recorder’s Office as amended by that certain First Amendment to Master Development Agreement, dated August 3, 2021, and recorded September 3, 2021, as Entry No. 13764073 in Book 11233 at Page 7060 with the Salt Lake County Recorder’s Office (as amended, the “**Master DA**”) for the Copper Rim development, located at approximately 7516 South Copper Rim Drive in West Jordan (“**Copper Rim**” and “**Property**”), which is being developed in phases; and

WHEREAS, Developer is currently developing Phase 3B of Copper Rim; and

WHEREAS, pursuant to applicable provisions of the West Jordan City Code and the Master DA, Developer is required, in connection with the subdivision and development of the Property, to design, construct, and dedicate, among other improvements, some Parkstrip improvements along both sides of Verdigris Dr. (“**Parkstrip Improvements**”), as depicted and highlighted in green in the attached **Exhibit A**, unless such design, dedication, and construction is deferred in accordance with West Jordan City Code; and

WHEREAS, pursuant to this Agreement, the Developer and City do not desire to defer the dedication of land or design of Parkstrip Improvements under West Jordan City Code Title 8, Chapter 3, Article B (the “**Deferral Ordinances**”); in fact, the dedication of land and the design of Parkstrip Improvements have already occurred or are in the process of occurring, but the Parties do desire to defer the installation and construction of the Parkstrip Improvements; and

WHEREAS, pursuant to the Deferral Ordinances, construction may be deferred if: (1) the City Engineer has prepared, and City Council has reviewed the estimated cost of the

deferred improvements based on the most recent and most applicable costs incurred by the City in similar projects and an analysis of the feasibility of installing the improvements within the twenty four (24) month period described in this article; (2) the improvements for which deferred construction is requested are eligible public improvements or they include public improvements for which some or all of the dedication is being deferred; and (3) based on physical characteristics of the development and affected real property it is not feasible to install the improvements within the twenty four (24) month period described above and therefore deferring the installation to a future date is preferable to the City; and (4) the deferred improvements are not necessary for public health or safety or as a prerequisite to orderly development of the surrounding area; and

WHEREAS, it is not feasible to install and construct the Parkstrip Improvements within twenty-four months, and the Developer and City have agreed that the installation and construction of the Parkstrip Improvements should be deferred until the time of the installation and construction of the landscaping improvements of the final phase to be developed in Copper Rim. At the request of the City, the Parties have agreed to this delay the installation and construction of the Parkstrip Improvements in order to avoid having the Parkstrip Improvements potentially damaged by the future construction of the Mountain View Corridor overpass. The Parkstrip Improvements shall be installed and constructed at the same level or standard as other similar parkstrips in the Copper Rim public rights-of-way; and

WHEREAS, Developer and the City desire to document their mutual understanding regarding the deferral of the installation and construction of the Parkstrip Improvements.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement and are made a part hereof.
2. Deferral. Pursuant to the Deferral Ordinances, installation and construction of the Parkstrip Improvements will be deferred.
3. No Cash Deposit. Pursuant to the Deferral Ordinances, the City may require the Developer to pay a cash deposit to defer construction. The City is not requiring a cash deposit for the deferral of the installation and construction of the Parkstrip Improvements because this deferral is at the request of the City.
4. Land Dedication. If it has not already occurred, Developer will cause to be dedicated to the City, at no cost to the City, that portion of real property in the Development that is owned by the Developer as of the date of this Agreement and located within the future Parkstrip Improvements as shown approximately on **Exhibit A**. Said dedication has been or shall be accomplished by recording of the approved subdivision plat for the phase of the Copper Rim Phase 3B in which such property lies or by some other means at sole the discretion of the City if dedication is desired prior to such time of plat recording.

5. Term of Agreement. This Agreement shall terminate ten years from the date of execution. The installation and construction of the Parkstrip Improvements shall be completed by the end of the term.

6. Effect of Agreement. Nothing in this Agreement shall be construed to relieve Developer of any obligations imposed on Developer by Federal, State or local laws, ordinances, regulations, or standards and this Agreement applies only to public improvements specifically identified herein. However, the complete performance of this Agreement shall constitute complete satisfaction by Developer of all obligations imposed on Developer with respect to the dedications and completion of the Parkstrip Improvements. Except for the satisfaction of all obligations imposed on Developer with respect to the dedications and completion of the Parkstrip Improvements, the performance of this Agreement is not intended to vest in Developer any specific development rights for its Property that would not otherwise vest in Developer in the absence of this Agreement as a result of the approvals obtained from the City for Copper Rim Phase 3B. Moreover, nothing in this Agreement is intended to establish or infer the market value of any property dedicated to the City in conjunction with the development of Copper Rim Phase 3B.

7. Assignment. Neither the Agreement nor any of its provisions, terms, or conditions may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities and without the prior written consent of City, which shall not be unreasonably withheld.

8. Entire Agreement. This Agreement contains the entire agreement and understanding of the parties and supersedes all prior written or oral agreements, representations, promises, inducements, or understandings between the parties with regard to the subject matter herein.

9. Binding Effect. This Agreement shall be binding upon the parties hereto and their respective officers, employees, representatives, agents, members, successors, and assigns. The City is bound to the terms of this Agreement only upon the acceptance of this Agreement by a majority of the voting Council Members and the execution of the document by the individual authorized by the Council's motion.

10. Validity and Severability. In the event a court, governmental agency, or regulatory agency with proper jurisdiction determines that any provision of this Agreement is unlawful, that provision shall terminate. If a provision is terminated, but the parties can legally, commercially, and practicably continue to perform this Agreement without the terminated provision, the remainder of this Agreement shall continue in effect.

11. Amendment. This Agreement may be amended only in a writing signed by the parties hereto.

12. Controlling Law, Jurisdiction and Venue. This Reimbursement Agreement shall be governed by the laws of the State of Utah. Venue shall be in Salt Lake County, Utah.

(see next page for signatures)

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first hereinabove written.

CITY:

ATTEST:

By: _____
Mayor Dirk Burton

City Recorder

Date: _____

DEVELOPER:

CW Land Co., LLC, a Utah limited liability company

By: _____
Colin Wright

Print Name, Title: Colin H. Wright / Manager

Date: 8-6-24

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

On this 6th day of August, 2024, before the undersigned notary public in and for the said state, personally appeared Colin Wright, known or identified to me to be the Manager of (or other authorized individual for) **CW Land Co., LLC**, a Utah limited liability company, and the person who executed the foregoing instrument and acknowledged to me that said company executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Kira Clawson
Notary Public for Utah



Exhibit A
“Copper Rim Phase 3B Landscape Design (Verdigris Dr. Parkstrip)”

See the attached pages.



City of West Jordan
Public Works
Engineering Department
7960 South 4000 West
West Jordan, UT 84088
Office: (801) - 569-5070

Sep 10, 2024

Ray McCandless
Project Manager
West Jordan City
Community Development Department

Re: Copper Rim Deferral Agreement for landscaping Verdigris Drive

Dear Ray,

This letter is in support of the City granting a deferral agreement to CW Land, Inc. for the landscaping improvements on Verdigris Drive in the Copper Rim Development. Attached you will find a cost estimate of \$39,900.40 for the deferred improvements that will be constructed by the developer at a future time.

The reason the deferral agreement is to prevent possible damage to areas within the parkstrips on Verdigris Drive between the roundabout and Mountain View Corridor during the future construction of the Mountain View Corridor Overpass. It is understood that to construct those improvements now would create the need for City maintenance in the area that would likely be damaged during the future construction and require costly future repairs.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Nelson", with a long horizontal line extending to the right.

Nate Nelson, P.E.
City Engineer
West Jordan City



www.simplifiedlandscape.com

Estimate

Estimate No: 10052
Date: 9/9/2024
Valid Until:

Customer:
 CW Urban

Project:
 Copper Canyon 3B Landscaping
 6242 Verdigris Dr
 West Jordan, UT 84081

Simplified Landscaping Contact:
Email: harper@beuslandscape.com
Cell Phone: 435-764-4890

Harper Berrett

Scope of Work

Project Description:

| Description | Amount |
|---|------------|
| Site Preparation | \$671.93 |
| <ul style="list-style-type: none"> (750') - Square feet of grading and weed clearing. | \$4,469.84 |
| Irrigation | |
| <ul style="list-style-type: none"> (400') - Linear feet of lateral line extending off of existing irrigation valves. (315') - Linear feet of 17mm blank drip line for point source irrigation to all new plants. (32) - Pop up spray irrigation heads for new lawn zone extension. Includes drip to all new plants. | \$1,455.68 |
| Bulk Material | |
| <ul style="list-style-type: none"> (675') - Square feet of weed barrier fabric under all decorative gravel. (7) - Cubic yards of decorative gravel fro planter areas. Estimate based off of 1" Mojave crushed rock, price may vary depending on final rock choice. Rock needs to be verified. | \$203.88 |
| Sod | |
| <ul style="list-style-type: none"> (100') - Square feet of sod delivered and installed. | |

Planting

- Planting based off of provided plan by STB Design dated 12/17/2020. Includes:
- (39) - 2" Caliper trees.
- (197) - 2 Gallon shrubs.
- (12) - 1 Gallon grasses.

| | |
|--------------|--------------------|
| Total | \$39,900.40 |
| Total | \$39,900.40 |

Conditions and Exclusions:

- Any alterations to plan, prior to starting work, will need to be re-bid.
- Any additional work to be bid separately.
- The estimate assumes that all work will be performed at one time. Any return mobilization will incur a fee of \$350.00.
- Change orders will be created and billed, for any and all changes or alterations from the original estimate, after work has commenced.
- Estimate is good for 30 days.
- Due to volatile fuel costs additional charges may be added as the market changes.
- Pricing revisited for any proposals installed longer than 60 days after proposal date.
- Any unmarked underground utilities and/or obstacles found delaying work may incur additional costs.

Grading/Site Prep

- Estimate assumes the sub-grade has a minimum of 10" of exposed foundation. This allows for topsoil installation, for a final grade of at least 6" below top of foundation for code.
- Simplified Landscaping absolves itself of any drainage issues which arise, due to improper grading performed by others.
- Any additional grading or soil removal will be billed separately.
- Any construction clean up or haul off of materials will be billed separately.
- This bid assumes all rough grading, and final grading to be done by others.

Drainage

- Installation of drainage besides downspouts to be bid separately.
- Simplified Landscaping absolves itself of any drainage issues arising, due to improper grading performed by others.

Bulk Materials

- Proposal does not include soil testing. Soil test results can be supplied for additional cost. Any amendments requested to improve soil conditions will be billed separately.
- Any tilling or amending soil to be bid separately.

Irrigation

- All sleeving under roads, driveways and sidewalks to be in place prior to the start of landscaping.
- Any additional sleeving to be billed separately.
- Simplified Landscaping will not warranty any existing component of the old irrigation system. However, new irrigation components will have a 12 month warranty on manufacturer defects in their products.
- This irrigation system assumes the main water supply line will be installed by others and to be sized as a minimum of 1".
- Must have 65-85 psi at the point-of-connection or additional pump or pressure valves may be needed.
- Any unmarked underground utilities and/or obstacles found delaying work may incur additional costs.
- Developer to provide power outlets for irrigation controllers.
- Sleeves for irrigation under roads, driveways and sidewalks, to be installed by others prior to irrigation install.
- Additional sleeves needed under paved surfaces will be billed separately.

Plants

- Plants tagged and approved at the nursery by the nursery.
- Plant varieties, size and price are subject to availability at time of install.
- Simplified Landscaping reserves the right to substitute plant material, based on availability.

Sod

- Simplified Landscaping recommends keeping soil around the new sod well watered, for a

period of six weeks. Let the soil dry out prior to mowing when needed then water again. Do not mow before two weeks of growth.

- Sod has no warranty

Subcontractor Work

- Simplified Landscaping does not warranty any subcontractors work.

TERMS & CONDITIONS

1. **Terms of Payment:** Unless stated otherwise, all supplies, equipment and/or materials necessary to perform this work (specified under "scope of work") shall be provided for the total sum of \$39,900.40.
A down payment of 50% of the total contract amount is due upon execution of this estimate. Final payment is due in full upon completion of the work specified in this estimate. Payments for projects billed on a monthly progress billing schedule and billed by the last day of the month are due by the tenth (10th) day of the following month.
2. **Additional Work or Services:** Any additional labor, material, and or services at the request of the customer which are not covered or specified in this estimate, will be deemed as additional services and will be billed separately on a time and material basis.
3. **Fees:** A service charge of 1.5% per month or 18% per annum applies to unpaid past due balance, plus reasonable attorney's fees and costs to the prevailing party if collection is necessary.
4. **Terms of Contract:** This proposal is valid only if countersigned and returned to Simplified Landscaping, LLC, by . In addition, this contract is subject to extra charges for latent or concealed physical conditions, such as rock, debris, poor drainage, and other situations not apparent upon visual inspection while estimating the materials and work specifications. Upon discovery of such physical conditions, Simplified Landscaping, LLC, shall have the right to suspend work until equitable additional charges or modifications have been negotiated.
5. **Site Conditions:** All property lines and underground obstacles, with the exception of utility service lines, are to be located by customer. Customer or owner of the property shall indemnify Simplified Landscaping, LLC for any liability arising from or for any damage to equipment or injury to persons caused by latent defects or hazardous substances on the property, whether natural or man-made.
6. **General Conditions:** Electrical supply to the location of the automatic sprinkler controllers and low voltage lighting transformers to be furnished by customer. Points of connections also need to be furnished by customer. A minimum of 50 PSI and maximum of 90 PSI at the main point of connection is required for proper irrigation function.
7. **Guarantees:** Simplified Landscaping, LLC guarantees plant materials, sprinkler materials and workmanship on the terms set forth below. THIS EXPRESS GUARANTEE IS IN LIEU OF ALL OTHER GUARANTEES OR MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE, WHICH GUARANTEES ARE DISCLAIMED BY Simplified Landscaping, LLC.
 - a. **Construction and Lighting:** All construction and lighting work completed by Simplified Landscaping, LLC, is guaranteed for a period of one (1) year.
 - b. **Plant Material:** When plant material has been paid for as per agreement, and reasonably cared for by customer, Simplified Landscaping, LLC will replace any dead trees or shrubs purchased from and

installed by Simplified Landscaping, LLC for one year from the planting date. No replacement will be given to trees or shrubs abused, neglected, or lost due to natural cause such as hail, wind, severe freezes (or others acts of God), and animal or insect damage.

- c. **Irrigation System:** The sprinkler system materials and workmanship are guaranteed for one (1) year from completion. Regular cleaning, adjustment of the sprinkler heads, and programming of the controller is customer's responsibility. Vandalism or damage to the sprinkler system beyond our control is excluded.
- d. **Items not covered under guarantee:** Annuals, perennials, items planted or provided by customer, erosion damage, seeded lawn planted after October 15th.
- e. Withholding of all or part of payment due under this agreement automatically voids any guarantee.

Customer/Property Owner:

Printed Name: _____

Title (Owner if Homeowner): _____

Signature: _____

Date: _____

Contractor: (Simplified Landscaping, LLC)

Printed Name: Harper Berrett

Title:

Signature: _____

Date: 9/9/2024

Planning Commission Meeting Minutes September 17, 2024 – Draft Minutes

- 1. Copper Rim Phase 3B Deferral Agreement; Continued from 9-3-24;
Recommendation to City Council for Deferral Agreement with CW Land Co., LLC
and the City of West Jordan for Copper Rim Phase 3B Landscape Construction
(Verdigris Drive parkstrip)**

Ammon Allen indicated that this item does not require a public hearing.

Ray McCandless explained the purpose for the deferral agreement that would allow the developer to put off installation of landscaping in the parkstrip along a portion of the road in the Copper Rim development. The road currently ends where a bridge over Mountain View Corridor will be constructed at some unknown point. Curb, gutter, sidewalk, and road construction are completed. Typically, the developer installs the landscaping, and the city takes over maintenance after a warranty period. Because there will be a lot of construction with the bridge it is likely that there would be damage to the landscaping. The developer will still pay for and install the landscaping, probably with the last phase of the development. The proposal meets all of the findings from the engineering department.

Jay Thomas asked what happens if the construction costs are more than the estimate in the agreement.

Duncan Murray said the purpose for the dollar amount is just to give the City Council the general scope of the size of the improvements, but it does not put a cap on the amount the developer will have to pay for the improvements. This agreement is to defer construction. Approval of the deferral is a City Council decision. If the improvements were to be installed now and then become damaged later by bridge construction or lack of maintenance since it is a remote stretch of road, the city could have to pay the cost to replace it. The city felt that this choice would work best for the city and the developer agreed to it.

Ammon Allen was in support of the proposal.

MOTION: Tom Hollingsworth moved to forward a positive recommendation to City Council for Copper Rim Phase 3B Deferral Agreement. The motion was seconded by Jay Thomas and passed 5-0 in favor. George Winn and Trish Hatch were absent.