MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, August 13, 2014
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

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

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Dave Murphy, CIP Engineering Manager, and Doug Diamond, Police Chief.

I. CALL TO ORDER

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

II. CLOSED SESSION

DISCUSS THE SALE, LEASE OR PURCHASE OF REAL PROPERTY
DISCUSS PENDING OR IMMINENT LITIGATION
EMERGENCY PERSONNEL ISSUE

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, and Justin D. Stoker. Council Members Chad Nichols and Ben Southworth arrived at 5:10 p.m.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney, and Dave Clemence, Real Property Agent.

MOTION: **Councilmember Stoker moved to go into a Closed Session to discuss the sale, lease or purchase of real property, pending or imminent litigation, and an Emergency personnel issue. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Absent**
Councilmember Southworth	**Absent**

Councilmember Stoker **Yes**
Mayor Rolfe **Yes**

The motion passed 5-0.

The Council convened into a Closed Session to discuss the sale, lease or purchase of real property, pending or imminent litigation, and an Emergency personnel issue at 5:01 p.m.

The Council recessed the Closed Session at 6:05 p.m. and reconvened the meeting at 6:06 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chris Kinzel, Fire Captain.

IV. PRESENTATION

TRAINING PRESENTATION ON CLOSED DOOR SESSIONS

David Church, Utah League of Cities and Towns, reported that once annually the Chair of any public body was required to schedule and hold training on some aspect of the Open Meetings Law.

David Church focused on Closed Sessions/Executive Sessions.

He briefly defined the following:

- A Public Body
- Open Meeting Act

He reviewed Closed Meetings:

- Must start as an open meeting
- Must have a motion to go into a closed meeting (stating the purpose)
- Must have a vote of at least two-thirds of the members present
- Minutes should reflect the purpose and names with votes (for or against)
- Certain portions must be recorded with limited exceptions

Current reasons for holding a closed session –

- Discuss strategy sessions on collective bargaining
- Discuss the character, professional competence, or physical or mental health of an individual
- Discuss strategy on pending or reasonably imminent litigation
- Discuss the strategy on the purchase, exchange, lease, sale of real property or water rights, if it is necessary to close to preserve the public's ability to get the best deal
- The deployment of security personnel, devices, or systems

- On-going criminal investigation

He said relevant persons may be invited into a closed session.

The Council asked clarifying questions regarding who can listen to closed sessions.

David Church indicated that this would be defined by the Council rules. He did report that in his opinion, if a Councilmember was excused/absent from a Closed Session the Mayor does have the right to discuss what transpired in the Closed Session with the absent Councilmember.

Mayor Rolfe questioned whether personnel issues should be discussed prior to a closed session.

David Church reminded the Council that the character, professional competence, or physical or mental health of an individual probably should not be discussed prior to a closed meeting, due to other governing privacy rules (medical, HIPPA, etc.)

He informed the Council that a final decision cannot be made on an ordinance, resolution, contract, or appointment in a Closed Session. A conclusion on strategy might be decided. He said settlements were different, some may require the vote of the Council, and some may not.

He reviewed the penalties for purposely violating the Open Public Meeting Act.

The Council expressed their appreciation to David Church for his presentation.

V. COMMUNICATIONS
INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Reminded the Council of the summer picnic scheduled for Monday, August 18, 2014 at 6:00 p.m.
- Informed the Council the City would be losing 15 parks seasonal employees
- Request for Proposal for Compensation Evaluation – Dollar amounts were $49,000 and $77,000. He asked for direction from the Council.

Councilmember McConnehey recalled that $500,000 was set aside to address salary issues with the additional $50,000 for the study. He was in favor of moving forward with the scoring of the Request for Proposals.

Councilmember Haaga believed that $500,000 was allocated for inequities in the Police Department, and $50,000 was set aside for senior staff member with the same issues.

Councilmember Southworth agreed with Councilmember McConnehey.

Mayor Rolfe asked the Council what direction they wanted staff to take.

Councilmember McConnehey felt the City should move forward with the Request for Proposal review. He said a few years ago, $200,000 was set aside for compensation issues, and felt this issue should move forward expeditiously.

Councilmember Haaga said the $50,000 was a green sheet item, and he would like the $500,000 appropriated as soon as possible to the Police Officers.

Councilmember Stoker reported that the Fire and Police Departments already had plans for the funds. He said if a consultant was used, the departments' plans should be considered as a solution for compression.

Mayor Rolfe felt the compression issues should be addressed immediately. Spending approximately $50,000 for a study would delay the process, which could be completed by City staff.

Councilmember Nichols wanted to move forward with the plans provided by the departments and use the $50,000 towards fixing the problem.

The Council agreed to have the compression study completed in-house, so this issue could move forward.

STAFF COMMENTS/REPORTS

David Oka -

- Reported that a lot of good things were happening, he was just unable to announce them at this time

Tom Burdett –

- Advertising for Development Technician position

Ryan Bradshaw –

- Updated the Council on the South Valley Water Reclamation Facility bonding issue.
- Updated the Council that the ERP was moving forward, only seven weeks away from going live with financials

Dave Murphy –

- Hiring of an Apprentice Electrician, Council agreed with moving forward
- Two contracts with Rocky Mountain Power under $20,000 needed to be signed by the Mayor
- Updated the Council on 7800 South and 5600 West

Jeff Robinson reminded the Council of items that needed to be agenized.

Councilmember Southworth commented on a safety concern regarding the corner of 5600 West 7000 South.

Dave Murphy indicated that the safety concern was being addressed.

Marc McElreath –

- Updated the Council that Salt Lake County had signed the Interlocal Agreement regarding a new CAD system.
- Reminded the Council of the Fire Department Barbeque, Thursday, August 14, at 6:00 p.m.
- Expressed appreciation for support of the earlier actions regarding the compensation study

Doug Diamond –

- Also expressed appreciation for support of the earlier actions regarding the compensation study
- Expressed his appreciation to those in attendance at the 'National Night Out Against Crime'
- Invited the Council to the Badge Pinning Ceremony on Wednesday, August 27, 2014 at 4:30 p.m. at the Justice Center
- Updated the Council on the recent place crash on Sunday, August 10, 2014

CITY COUNCIL COMMENTS/REPORTS

Councilmember Nichols –

- Updated the Council on information from the South Valley Water Conservancy District Board meeting
    - Conservancy District spent approximately $1 million annually in conservation efforts, saving $6.00 in water costs for every dollar spent in conservation
    - 15% reduction in water use over last 15 years per capita
    - West Jordan had reduced 25% per capita over the last 15 years
    - 2013 – West Jordan used 7,800 acre-feet of water
    - 2014 – West Jordan used 8,500 acre-feet of water (increased amount)

- Direction from the Council regarding keeping or removing fluoridation from West Jordan water, should this be a ballot issue. The Council agreed that Councilmember Nichols should report that West Jordan would be in favor of having this issue placed on the ballot by Salt Lake County.

Councilmember Hansen –

- Expressed her appreciation to the Police Department for the 'Night Out Against Crime' she hoped to see it grow next year.

VI. CITIZEN COMMENTS

Warren Crown, West Jordan resident, agreed the issue of having fluoridation in the water should be placed on the ballot.

He voiced his concerns regarding how close the playground on the south-side of Jordan Meadows Park was to the roadway. He asked that any trees removed for the road, be replaced in a different location.

John Geilmann, South Jordan resident, reviewed his previous employment with South Jordan. He no longer worked for South Jordan City and would like a job with West Jordan City.

Alexandra Eframo, West Jordan resident, commented on allowing for a moment of silence.

She was appalled over what recently happened with the City, she commented on Richard L. Davis's consultant business. She asked the Council to consider hiring a City Manager that would focus on the City and not another job.

Paul Rice, West Jordan resident, requested the Council vote against Consent Item 7.f. He said there was no parking in this area. He said the park(s) were heavily used by local groups and neighbors; and did not want to see them displaced.

Preston Hutchings, West Jordan resident, introduced himself as the new Senior Center Manager. He reviewed some of the activities at the Senior Center and asked the Council to visit.

There was no one else who wished to speak.

VII. CONSENT ITEMS

7.a Approve the minutes of July 30, 2014 as presented

7.b Approve Ordinance 14-27, amending the West Jordan General Plan Land Use Map for approximately 12.1 acres from High Density Residential to Medium Density Residential for property located at approximately 1850 West Drake Lane, City of West Jordan, applicant

7.c Approve Ordinance 14-28, amending the West Jordan General Plan Land Use Map for approximately 9.13 acres from Very High Density Residential to Professional Office for property located at approximately 9053 South 1150 West, City of West Jordan, applicant

7.d **Approve Resolution a waiver of fees and services for the South Valley Sanctuary 'Stop Violence' Event on October 1, 2014**

7.e **Approve Resolution a waiver of fees and services for Park/Pavilion use for the Jordan School District on August 20, 2014**

7.f **Approve Resolution the service in lieu of fees for permission to create fields with reserved use but not exclusive use at Dorilee, Grizzly and Park Village City pocket parks**

7.g **Approve Resolution 14-144, authorizing the Mayor to execute Change Order No. 1 with Trane Building Services for the replacement of existing condenser/(tower) pumps for the new chiller system at City Hall, in an amount not-to-exceed $17,511.09**

7.h **Resolution 14-145, authorizing the Mayor to execute a Change Modification No. 3 to the Local Government Contract (Project No. F-01729(20)0) between the UDOT, West Jordan City and Horrocks Engineers Incorporated for the improvement design for the 5600 West 6300 South to 70000 South project, in an amount not to exceed $96,223.54**

7.i **Approve Resolution 14-146, authorizing the Mayor to execute a contract with Hansen, Allen and Luce, Inc. for the 2014 Master Drainage Plan Update in an amount not to exceed $118,100**

7.j **Approve Resolution 14-147, authorizing the Mayor to execute Change Order No. 5 with S & L Incorporated for the 2700 West 9000-9400 South Improvement Project for an amount not-to-exceed $62,266.35**

7.k **Approve Resolution 14-148, authorizing the Mayor to execute a contract with Noland and Son Construction Company, Inc., for the 1300 West Sewer Improvements, in an amount not to exceed $483,047.00**

7.l **Approve a Class A Beer license for St Joseph the Worker for their Annual Fund Raiser, held September 5-7, 2014**

7.m **Approve Resolution 14-149, authorizing the Mayor to execute a Terms of Engagement letter with Fetzer Simonsen Booth & Jenkins to represent the Mayor and City Council members**

7.n **Approve Resolution 14-150, authorizing the Mayor and Council to execute a severance agreement with Richard Lawrence Davis**

The Council pulled Consent Items 7.f, 7.g, and 7.m for further discussion.

MOTION: Councilmember Stoker moved to approve all of the Consent Items except 7.f, 7.g, and 7.m. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

CONSENT ITEM 7.F

APPROVE RESOLUTION THE SERVICE IN LIEU OF FEES FOR PERMISSION TO CREATE FIELDS WITH RESERVED USE BUT NOT EXCLUSIVE USE AT DORILEE, GRIZZLY AND PARK VILLAGE CITY POCKET PARKS

Forza was looking to create fields at Dorilee, Park Village and Grizzly parks in West Jordan. They were requesting reserved use of these fields for their practices and games. Forza would set up the fields, keep them striped and use their goals.

In return for their prioritized reserved use they would maintain the following parks to the specifications set forth by the Parks Department and listed below.

1. Lobelia Park (.6 acres) 6466 South Lobelia Dr. Four-man crew takes a half hour.
   - Pick up trash
   - Mowing (3.5 inches)
   - Trimming the park (all edges and around equipment/fencing)
   - Blowing of the sidewalks
   - Pulling weeds out of the playgrounds

2. Cruz Corvi (1 acre) 5394 West Cruz Corvi RD. Four-man crew takes a half hour.
   - Pick up trash
   - Mowing 3.5 inches)
   - Trimming the park (all edges and around equipment/fencing)
   - Blowing off sidewalks

3. Bear Grass Park (.6 acres) 5113 West Curz Corvi RD. Four-man crew takes a half hour.
   - Pick up trash
   - Mowing (3.5 inches)
   - Trimming the park (all edges and around equipment/fencing)
   - Blowing of the sidewalks
   - Pulling weeds out of the play ground

Forza would maintain these parks no less than every two weeks with their own equipment at their own expense. As part of maintenance they would notify the parks department of any section of park drying out or getting too much water or any other issues with the park amenities. Forza would also have permission to mow the designated soccer field(s) at Dorilee, Park Village and Grizzly every other week, off cycle from the parks department. The group would be responsible for all striping of designated fields and any other required equipment.

Staff concluded that the request would save staff time and resources. Staff recommended approval.

Councilmember Southworth agreed with Mr. Paul Rice and his comments made during citizen comments. He voiced his concerns:

- Park Village Park - Police Department assistance needed several times to address parking issues
- Other parks similar parking issues

Councilmember McConnehey voiced his concerns:

- Liability issue
- Lack of review by Risk Management and Legal

He requested further review by legal, but ultimately opposed this request.

Councilmember Stoker voiced his concerns:

- Dorilee Park - use 29 hours per week (excessive amount of time)
- He wanted park priority to remain with the neighborhoods

Mayor Rolfe commented on his views:

- Less fortunate children would have the ability to play in the league
- Forza assured the Council that more than 70% of participants would be local residents

Councilmember Haaga indicated that this organization had a very successful program in Davis County. He spoke in favor of this request.

Councilmember Southworth agreed with Mayor Rolfe, but was hesitant with this plan, due to the parking issues. He suggested having staff work towards a different proposal.

The Council tabled this issue for a later date, and directed staff to address Council's concerns and bring back a different proposal.

Bryce Haderlie briefly clarified some of the Council's concerns:

- Hours of use (per week, or summer)
- Parking
- Legal and Risk Manager review

Councilmember Southworth indicated that the City already had a soccer complex. He commented on the limited supply of space, and was concerned that entitling soccer to more space could push out other sports.

Councilmember Stoker reminded the Council that several of the parks named in this request were heavily used by residents in the neighborhood. He suggested having Public Works try to identify underutilized parks.

CONSENT ITEM 7.G

APPROVE RESOLUTION 14-144, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH TRANE BUILDING SERVICES FOR THE REPLACEMENT OF EXISTING CONDENSER/(TOWER) PUMPS FOR THE NEW CHILLER SYSTEM AT CITY HALL, IN AN AMOUNT NOT-TO-EXCEED $17,511.09

It was reported that during the installation of the new chiller system at City Hall, Trane discovered that the original contractor that built the building back in 1993, did not install the proper pumps that were required in the design specification of the existing chiller. The original design should typically have had two (2) pumps with the capacity of handling the minimum flow through the chiller separately. When Trane scoped the installation of the new chiller they based their pricing to reflect utilizing these condenser pumps. Trane discovered that the City needed both pumps to run together and the flow barely met minimum. It was understood that over time there was some degradation of the equipment especially with the age of the pumps, but they should still be able to handle the flow requirements. The existing pumps were original and had never been replaced or upgraded.

This presented a situation where the system could continuously trip the chiller on loss of flow. Trane had designed a replacement configuration utilizing one pump to handle the load with one pump for redundancy. Trane had included variable frequency drives (VFD's) for energy savings and for proper control through the new system upgrade. Trane believed this was a situation where they had no knowledge of this outcome due to possible value engineering that took place from the original design contractor.

Staff recommended approval of Change Order No. 1 with Trane Building Services for the replacement of existing condenser/(tower) pumps for the new chiller system at City Hall, in an amount not-to-exceed $17,511.09.

Councilmember Haaga asked clarifying questions regarding the pumps and Trane's original proposal.

Bryce Haderlie provided an explanation for the change order request for the newly purchased chiller at City Hall.

MOTION: Councilmember Haaga moved to adopt Resolution 14-144, authorizing the Mayor to execute Change Order No. 1 with Trane Building Services for the replacement of existing condenser/(tower) pumps for the new chiller system at City Hall, in an amount not-to-exceed $17,511.09. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

CONSENT ITEM 7.M

RESOLUTION 14-149, AUTHORIZING THE MAYOR TO EXECUTE A TERMS OF ENGAGEMENT LETTER WITH FETZER SIMONSEN BOOTH & JENKINS TO REPRESENT THE MAYOR AND CITY COUNCIL MEMBERS

Councilmember Stoker wanted to make sure the City had followed procurement procedures regarding the hiring of this law firm. He questioned whether this firm's expertise met the needs of the City.

Councilmember Hansen believed the proposed Engagement Letter was just a retainer for investigative information.

Mayor Rolfe reported that he could not comment on the matter, but indicated that this was on one matter and not on-going.

Councilmember Southworth asked that the proposed Resolution language be changed for better clarification.

Councilmember Rolfe indicated that because this was for an hourly-rate and the amount would be less than $3,000, any engagement beyond the approved amount would require further direction from the Council.

Councilmember Haaga believed that as a body, the Council should have legal representation during closed doors, and Council meetings. He felt that when the City Attorneys were involved in a legal matter that involved the City, then it would be nice to have legal advice/opinion in closed doors meetings to answer questions.

Jeff Robinson said the proposed Resolution could be modified, with a motion to approve not-to-exceed a certain amount.

MOTION: Councilmember Southworth moved to adopt Resolution 14-149, with the following changes: in the first 'Whereas,' "...firm to advise on a one-time basis...," and the second 'Whereas,' "... agreed upon a not-to-exceed $3,000 retainer..." The motion was seconded by Councilmember Nichols.

Councilmember Stoker spoke against the motion.

A roll call vote was taken

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

The motion passed 6-1.

VIII. REMARKS

Councilmember Southworth –

- Citizen(s) requested that the setbacks for trailers regarding distance to the sidewalk be changed

He asked if the Council would like to consider a change to the City Ordinance.

Councilmembers Hansen, Stoker, and Haaga opposed changing the Ordinance.

Councilmember McConnehey was interested in seeing what the City had regarding special exceptions.

Councilmember McConnehey –

- Suggested the Council visit Jordan Meadows Park as construction was completed. Park amenities very lacking (only - one slide)

- Departure of Richard L. Davis, former City Manager

His resignation was received by surprise. He highlighted the qualities and passion provided by Mr. Davis. Professionally, he wished Mr. Davis the best in his pursuits. Personally, he would be missed.

Councilmember Nichols –

- Departure of Richard L. Davis, former City Manager

He informed the public that Mr. Richard L. Davis, had a strong work ethic, and loved West Jordan. His efforts changed the City's financial outlook, City morale, and transparency. Councilmember Nichols respected, loved and wished him the best.

Councilmember Southworth –

- Departure of Richard L. Davis, former City Manager

He commented on the new 'Imagine' signs and the amount of work that went into the direction and power behind his vision. He expressed his appreciation to Mr. Davis for his integrity and work ethic. Gratitude was expressed on the behalf of State Representative Jim Bird.

There were no additional remarks.

IX. ADJOURN

MOTION: Councilmember Stoker moved to reconvene the Closed Session to continue the discussion regarding pending or imminent litigation, after a five-minute recess, and then adjourn from there. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	**Yes**
Councilmember Hansen	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Nichols	**Yes**
Councilmember Southworth	**Yes**
Councilmember Stoker	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

The Council reconvened the Closed Session at 7:53 p.m. and adjourned the Closed Meeting at 8:50 p.m.

The meeting adjourned at 8:50 p.m.

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

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 27th day of August 2014

CITY OF WEST JORDAN
Seal
STATE OF UTAH