

6.a.

**MINUTES TO
BE APPROVED**

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

Wednesday, February 25, 2015

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; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Jim Riding, CIP/Facilities Project Manager; Eric Okerlund, Budget Officer; Dave Zobell, City Treasurer, and Julie Brown, Event Coordinator.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:04 p.m.

II. CLOSED SESSION

STRATEGY SESSIONS TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARE

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

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

COUNCIL: Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, and Ben Southworth. Council Member Stoker was excused.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney.

MOTION: Councilmember Hansen moved to go into a Closed Session for a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water share; a Strategy Session to discuss pending or reasonably imminent litigation and to hold a discussion of the character, professional competence or physical/mental health of an individual. 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.

The Council convened into a Closed Session at 5:05 p.m.

Councilmember Nichols arrived at 5:07 p.m.

Councilmember Haaga left the closed session at 5:20 p.m. and returned at 5:35 p.m.

The closed session recessed at 6:03 p.m. and the City Council meeting reconvened at 6:07 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ethan Jacobson from Troop 842

IV. PRESENTATION

Scott Howell, a member of Envision Utah's Board of Directors stated that although Senator Bob Bennett had recently been diagnosed with pancreatic cancer, he was optimistic about his prognosis and sent his regards to the Council.

Ari Bruening, the Chief Operating Officer of Envision Utah addressed the Council and explained that his organization existed in order to help remind people that if they do not know what it is they wish to achieve, it will be very difficult to achieve it. He mentioned the following points:

- Founded in 1997 by a group of concerned citizens who cared about Utah.
- Recent poll: 85% of Utahns believed it was important to have a vision of Utah and said the direction we were heading in was fair to good.
- Residential lots developed in 2010 were smaller than those developed in 1900.
- Gov. Herbert had asked Envision Utah to investigate a new, voluntary, locally implemented, and market-driven study.
- Eleven issues to be tackled with eight groups of experts from all walk of life; would love to have some representatives from West Jordan's City Council.

- Their goal is to get 50,000 Utahns to weigh in on where they think Utah should be headed
- There were only 35, 000 acres of non-urbanized, available land left in Salt Lake County
- Invited everyone to go to www.envisionutah.com and register to take a survey

V. COMMUNICATIONS
INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Comcast Cares day was approaching—Saturday, April 25, 2015. The City was hoping to have 2000 volunteers this year, including staff needed to help coordinate the effort.
- Regarding another RFP for council audio/video system, he sought more information from the Council as to what type of system they wished to have.

Councilmember McConnehey pointed out that the Council had expressed a desire to learn more about *why* prospective vendors had chosen not to bid on the project so that a future invitation to bid might garner more interest. He also mentioned the possibility of a simple web-based communication tool similar to Go-To-Meeting. He believed the Council was interested in viewing as many options as possible and thought that \$20,000 had been allocated in the budget for the project.

Bryce responded that he had learned that 1) potential vendors did not feel the City had sufficient time to prepare a bid and 2) that the invitation to bid was too broad and therefore did not provide vendors with the information necessary to prepare a successful bid.

Councilmember Haaga mentioned his opposition to pursuing this project any further as he felt staff had already devoted far too much time to it.

Councilmember Stoker stated that he recently reviewed several audio files of previous West Jordan City Council meetings on You Tube and each had been accessed only a few times (six to thirty-eight) by members of the public.

Councilmember Southworth indicated that he was not interested in anything very elaborate but that he deferred to Councilmember McConnehey as he had done more research on the subject.

It was determined that staff would attempt to incorporate a single screen with audio capability and coordinate through Councilmember McConnehey for his input.

Bryce Haderlie continued his comments-

- He invited the Council to visit the break room on the third floor of City Hall. It had never been updated since the building was created in approximately 1993 and with the budget allocated by the Council; the upgrades had turned out nicely.
- He pointed out that during the recession; it had become staff's habit to notify the Council during public meeting if/when new positions was to be filled. Did they wish this practice to continue even though the Council would have previously approved filling each of these positions? There was no consensus among the Council.
- Asked how involved the Council wished to be in choosing a health insurance provider for City employees. It was anticipated that the bids would be reviewed sometime March 10-12. Mayor Rolfe and Councilmember Haaga expressed a desire to participate in the review of the RFP.

STAFF COMMENTS/REPORTS

Tom Burdett-

- Explained that there were plans for a joint tour with the Council and Planning Commission to view some patio homes, town homes and twin homes as part of the ongoing work relating to the cap and grade ordinance. It was determined that the tour was to take place on a Saturday morning in March. He would contact the members of both bodies via email.

Wendell Rigby-

- Updated the Council on the 7000 South storm drain project.

Doug Diamond-

- Reported that in response to the compensation plan that the Council recently approved, three West Jordan officers who had received job offers from Salt Lake City Police Department had declined to accept them. Additionally, two former West Jordan officers had recently returned to the department.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Stoker –

- Stated that he had been asked to participate on the CDBG committee. He appreciated the opportunity to see some of the services and activities that go on in the City.
- Announced his resignation from the West Jordan City Council, effective March 9. He indicated that he had accepted a full-time position in West Jordan's Public Works department. He indicated that during the meeting, he would abstain from voting on items pertaining to that department so as to avoid the perception of a conflict of interest.

Councilmember Southworth –

- An item of personal privilege, he welcomed Troop 842 to the meeting.

- Wished to take the opportunity to publicly express his gratitude to Councilmember Stoker for the service he had provided to the City.

Councilmember Nichols –

- Stated that it had been both an honor and privilege to work with Councilmember Stoker. He was very pleased that he would still be serving the City, albeit in a different capacity.

Councilmember Haaga –

- Commended the Human Resources department and other staff for the great job they did of filling the open public works position while using the correct hiring process. Councilmember Haaga stated that while he had some concerns, he had decided this night to show respect for the service that Councilmember Stoker had provided to the City as a member of the Council.

Councilmember Hansen-

- Attended the sustainability committee meeting recently wherein new officers were chosen. They were also accepting more applications to be committee members.
- One of her constituents contacted her about a situation at the Wight Forts Cemetery at 3449 West 9000 South. Visitors to the cemetery had been forced to park on or near 9000 South which was quite dangerous. The Salt Lake Community College had agreed to allow such visitors to use the SLCC parking lot. An agreement to that effect had been drafted and would soon be brought before the Council. Brian Clegg, Parks Director, had suggested that asphalt millings could be used to create a pathway. The cost for City employees to provide the labor would be covered by the Daughters of the Utah Pioneers.
- Expressed her appreciation to Councilmember Stoker for his service and indicated that it had been an honor to work with him.

Councilmember McConnehey-

- Stated that although he would miss working with Councilmember Stoker, he was very excited about what he felt he could do for the City in his new capacity.
- Explained that a neighbor had recently been hit while in the crosswalk near 1910 West 7000 South. He had learned that it would cost approximately \$30,000 to install a rapid flashing signal at that location. He proposed that the Council direct staff to determine if there was a way to install such a device during the current fiscal year. He asked if anyone on the council objected to taking that action.

Councilmember Southworth pointed out that several years before there had been a flashing signal that had been installed near there. He described various types of crosswalk signals/devices in use at other locations within the City and suggested that some of them might be more effective than the type Councilmember McConnehey initially mentioned.

Councilmember McConnehey mentioned he would be happy with any improvement that the Council would agree to put into place as quickly as possible.

Councilmember Stoker pointed out that the rapidly flashing beacons were very effective on two lane roads but much less so for roads with 4+ lanes.

It was determined that staff would prepare some recommendations to consider in the current fiscal year and bring them to the Council for consideration.

Mayor Rolfe-

- Read the following statement into the record: "Based on advice I received from my personal attorney, I advised Councilmember Stoker to resign prior to this meeting. The official offer letter he signed on February 18 stated, 'This job offer is contingent upon your resignation from your position in City Council.' I have been advised that Justin Stoker participating in this meeting is a conflict of interest and I want my statement to go on the record that I believe that further participation is unethical."

VI. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, asked the group to pause to reflect upon common goals before beginning the business of the meeting. She made a statement regarding her inability to understand Councilmember Hansen's use of the English language. She indicated she was strongly opposed to creating an asphalt path to the cemetery.

Councilmember Southworth pointed out to Mayor Rolfe that the Council had rules of decorum and that he would appreciate it if Ms. Eframo would remain civil and refrain from attacking others. Mayor Rolfe asked that she keep her comments only to the facts.

Ms. Eframo continued her comments, expressing her disappointment with Chief Diamond as well as twelve members of his department. She also recommended that the City Council refrain from renewing the Chamber's lease of space in City Hall.

Mike Kellermeyer, West Jordan resident, urged the Council to vote in favor of holding a public hearing to consider increasing City Council salaries. He stated that he knew first-hand how much work went into serving on the Council. Regarding agenda item 8e, why not authorize staff to place on the November 2015 Municipal General Election, the issue to change the form of government? He felt the citizens had a right to weigh in on the subject and reminded the Council that they may not know the will of the people. He also suggested that Councilmembers need not be in favor of making the change in order to allow the citizens to voice their opinions. He urged the Council to vote "yes" to hold a public hearing on the issue.

Clive Killpack, West Jordan resident, spoke in favor of holding a public hearing to consider increasing the salary for City Council members. In fact he felt it should be increased beyond the figure recommended in the staff report. He indicated that having served on the Council previously; he understood the personal time/gas money it took to research various agenda items diligently. He also spoke in favor of allowing the issue of changing West Jordan's form of government to go to the voters. He believed the people had a right to make the decision. Finally, he suggested that Councilmember Haaga's sign on the Council dais be changed in order to make it clear who he was.

Steve Jones, West Jordan resident, wished to publicly thank staff for the interactions he had with them in the previous week. He appreciated their efforts to keep him informed. He spoke against Resolution 15-32, encouraging the State of Utah to address comprehensive transportation funding. Specifically he referred to the "comprehensive transportation options" mentioned in the fourth paragraph of the resolution. He objected to use of the word *options*, saying road repair should not be an option when funds were obtained for that specific purpose. He also indicated he liked the current form of government in West Jordan.

Dirk Burton, West Jordan, expressed appreciation to the Council for decisions made at the previous Council meeting. Regarding possibly changing West Jordan's form of government, he asked that the Council allow the citizenry to participate in making that decision. Regarding the vote-by-mail process, he stated he understood that the City might not have any say in the matter but if it did, he felt the voting window should be shortened. As far as the question of Council salaries was concerned, he indicated that if there was going to be an increase in pay for the positions, it should be more substantial. He also stated his intent to run for City Council in the next election.

There was no one else who wished to speak.

VII. CONSENT ITEMS

- 7.a Approve the minutes of January 28, 2015 as presented**
- 7.b Approve Resolution 15-34, authorizing the Mayor to execute an Interlocal Cooperation Agreement approving the City's participation with Salt Lake County to provide Election Services for the 2015 Municipal Elections, and a Citywide 'Vote By Mail' Election**
- 7.c Approve Resolution 15-35, confirming the appointment of Interim City Manager Bryce Haderlie as the voting member to the Valley Emergency Communication Center Board of Trustees, and Mayor Kim V. Rolfe as the alternate voting member**

- 7.d Approve the request for service in lieu of fees and the deposit with the Silverado's 4-H Club for 2015**
- 7.e Approve Resolution 15-36, authorizing the Mayor to execute a Local Government Contract between the Utah Department of Transportation (UDOT), West Jordan City and Hales Engineering, LLC for Transportation Planning for the 7000 South from Redwood Road to Bangerter Highway project, an amount not to exceed \$179,510.31.**
- 7.f Approve Resolution 15-37, authorizing the Mayor to execute a contract with Jordan Valley Construction for sidewalk construction from 1300 West to the Gardner Station in an amount not to exceed \$76,237.50**
- 7.g Approve Resolution 15-38, authorizing the Mayor to execute the Local Government Contract (Project No. F-0172(20)0 between the Utah Department of Transportation (UDOT), West Jordan City and Horrocks Engineers, Inc. for Public Involvement services for 5600 West 6300 to 7000 South project, in an amount not to exceed \$29,964.95**
- 7.h Approve Resolution 15-39, authorizing the Mayor to execute Change Order No. 4 with Lyndon Jones Construction for the Jordan River Pedestrian Tunnel project in an amount not to exceed \$21,411.41**
- 7.i Approve Resolution 15-40, authorizing the Mayor to execute a Local Planning Resource Program Agreement between the City of West Jordan and WFRC, Local Government Understanding for West Jordan City Center and TOD at Redwood Road Station**
- 7.j Approve Resolution 15-41, authorizing the Mayor to execute an Interlocal Cooperation Agreement between the City of West Jordan and Salt Lake County for a portage from the Jordan River south of the Winchester Street Bridge**

Councilmember Haaga pulled Consent Items 7.c and 7.g for further discussion.

MOTION: Councilmember Nichols moved to approve Consent Items 7.a through 7.j with the exception of 7.c and 7.g. The motion was seconded by Councilmember by Councilmember Hansen.

A roll call vote was taken

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

The motion passed 6-1.

VIII. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-42, DISPOSING OF SIGNIFICANT CITY-OWNED REAL PROPERTY LOCATED AT 1970 WEST 7800 SOUTH, WEST JORDAN, UTAH, 84088, LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN; AND PROCESS THE SALE IN ONE OF THE THREE WAYS: 1) HIGHEST BIDDER, 2) THROUGH A LICENSED UTAH REAL ESTATE AGENT, OR 3) ACCEPTING THE CONTRACT OFFER WITH CTA COMMUNITY SUPPORTS, CITY OF WEST JORDAN, APPLICANT.

Bryce Haderlie explained that staff was directed by the City Council to provide notice of a public hearing to discuss whether the City should dispose of a significant parcel of real property located at 1970 West 7800 South, West Jordan, Utah (the "Property").

If the City chose to keep the Property, the City Council should choose Option 1 on the previous page. However, if the City Council chose to declare the Property surplus and direct staff to dispose of it, the Council should consider which method of sale it preferred listed within Option 2.

The benefit to choosing Option 2A was the competitive nature of the bidding process, which, presumably, would result in the highest bid possible from competitive bidders. The downside to this option was the time lost to advertising and limited advertising exposure, not to mention the fact that the City only received one bid the first time the Property was advertised in this manner.

The benefit to choosing Option 2B was greater advertising exposure. The Property would be advertised on the Multiple Listing Service (MLS) for all real estate agencies to see which might provide the City with a larger pool of potential purchasers. The downsides to this option were the time lost to advertising, that the City would likely pay 5% or more in Realtor commissions, and would likely have to sign an exclusive contract with the Realtor, meaning the City could not sell the Property on its own during the contract period.

The benefit to choosing Option 2C is that the City would complete its sale within 2-3

weeks, meaning the City would have \$1,250,000 in hand no later than March 18. The downside to this option was that the City would not have the opportunity to see if it could generate more revenue by choosing a different alternative.

Staff had no recommendation

Councilmember Haaga asked David Clemence to reiterate information that he had provided to the Council in an email earlier that day.

David Clemence, Real Property Agent, explained that he had been asked to provide comparable sales data or lease rate data for office buildings in the area. He had explained in the email that the information would only be available to him if the City were to hire a realtor or appraiser. Regarding using the building as office space, the property would need to be retrofitted for that purpose. The appraisal received from Salt Lake County had estimated a rough net income of approximately \$87,000 per year with the appropriate renovations to accommodate office space.

Councilmember Haaga pointed out that the Public Works department had recently expressed a desire to obtain space for a sign shop and potentially for storage for LED fixtures. He asked if this building could be used for that purpose. Wendell explained that an off-loading ramp would be needed and that the building did not have such a ramp.

Councilmember McConnehey raised a question regarding zoning in the area. It was suggested that Professional Office zoning would allow for a variety of ancillary uses.

Mayor Rolfe opened the public hearing.

Clive Kilpack reminded the Council that any time proceeds from the sale of real property were placed into the General Fund, that money could be used for a variety of purposes even if the funds were supposedly earmarked for a specific project. If the Council wished to sell the property and use the proceeds for a future Arts facility, he recommended that they retain the property for now, and wait until they had an actual plan for such a facility before selling the property. That way the proceeds could go directly to the creation of that facility.

Alexandra Eframo stated that the City Council had promised to get an Arts Center for the City and had thus far done nothing to that end. She spoke in favor of retaining the building for the Arts Council.

Mary Rakowski suggested that the City could turn the building into an art gallery or possibly move the historic museum to that location.

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

Councilmember Stoker asked the Council if they were willing to fund whatever deficit there was, once the property in question was ultimately sold. He also stated his intent to use his personal time to ensure that the project (the creation of an arts facility) moved forward.

Councilmember McConnehey stated that over time, his position had changed. At this point he stated he was leaning toward retaining the building for now, while actively coming up with a concrete plan for a new arts facility.

Councilmember Haaga stated it was clear that there was a current need for the property in question. He also expressed the belief that the City should have a nice, quality arts center so he was not opposed to building such a facility. He asked that if the City *did* opt to sell the building, it do so in an appropriate, traditional manner rather than a 'strange' bid process.

Councilmember Southworth spoke in favor of auctioning the property now, while there was an interested bidder.

Mayor Rolfe stated that he had voted against tearing down the Sugar Factory when he was previously on the Council representing District 1. He mentioned other situations in the past wherein there were other large sums of money that were supposedly earmarked for an arts facility. Those plans still had not come to fruition. He had spoken to several members of the Arts Council who were very pleased to now be able to use this property on a temporary basis. He estimated that it would be between 3-5 years before the City would have sufficient funds for a new, permanent arts facility. He stated his belief that it would be very unwise to sell the property at this time.

Councilmember Stoker expressed concern that the building would be sold now and the money would be used elsewhere. He said he planned to immediately begin working on obtaining funding for a future facility although this would be his last meeting as a Councilmember.

Councilmember Nichols indicated that he wanted the City to have a new Cultural Arts facility as soon as possible and he believed that the best way to do that was to have cash available *now*. That was what was needed in order to secure further funding for the project. He wished to take advantage of the fact that CTA was interested in the building now and had made an offer.

MOTION: Mayor Rolfe moved that we temporarily retain possession of the property that the City currently owned, until such time as we have design plans and funds to move forward, and allow all Arts Committee groups to use the facility. The motion was seconded by Councilmember Haaga.

Councilmember Southworth and Mayor Rolfe clarified the motion, stating that there would be no improvements made to the building.

Councilmember McConnehey indicated a preference for Option 1 as indicated in the staff report.

Mayor Rolfe withdrew his motion.

MOTION: Councilmember McConnehey moved to keep the Property and not declare it surplus. The motion was seconded by Mayor Rolfe.

Councilmember Haaga spoke in favor of the motion although he indicated safety concerns might require some small changes to the facility.

Bryce Haderlie pointed out that if the Council intended to retain the building, a budget would need to be created in order to maintain it. The Council could direct staff to maintain it but not incur major expenses. That would allow limited numbers of people to use it.

Councilmember Stoker agreed that it was very important to use the facility in such a way to maintain its A-2 zoning for occupancy and refrain from using it in such a way as to bump it up to A-1 occupancy which would require substantial and expensive code upgrades.

Councilmember Haaga suggested that perhaps the Council should come up with a use policy so that those groups that used the building would know what to expect.

Councilmember Southworth clarified that he had not intended to suggest that there would not be regular maintenance and upkeep on the building. He only meant that he believed that there should not be renovations to the building which would suggest that the City intended to keep and use it for the long term. He agreed that a use policy would be appropriate but also admitted that he would be voting against the motion to retain the building even temporarily.

Bryce Haderlie concurred with Councilmember Haaga that staff should create a use policy so that all parties were aware of the expectations regarding the building.

Councilmember McConnehey suggested that if the motion passed, the topic of the use of the facility should be brought back to the Council as an agenda item for a more in-depth discussion.

Councilmember Nichols stated that he would be speaking against the motion because he felt it would significantly slow down the process of getting a new arts facility.

A roll call vote was taken

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

The motion passed 5-2

MOTION: Councilmember McConnehey moved to take a five-minute recess. The motion was seconded by Councilmember Nichols. The motion passed 7-0 in favor.

The meeting recessed at 7:58 p.m. and reconvened at 8:06 p.m.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 15-43, TO AMEND THE GENERAL FUND,
CAPITAL SUPPORT FUND, INFORMATION TECHNOLOGY
FUND, PARKS CAPITAL SUPPORT FUND, ROAD CAPITAL
SUPPORT FUND, SEWER FUND, SOLID WASTE FUND, STORM
WATER FUND, WATER FUND, FOR FISCAL YEAR 2014-2015**

Eric Okerlund explained that several budget adjustments were needed to reflect new or revised activities since the development of the 2014-2015 budgets:

- The Fire Department had been awarded an Emergency Management Program Competitive grant in the amount of \$2,925.00 and it required a corresponding \$2,925.00 increase in Fire Department operating expenditures.
- The Fire Department had received a donation from Walmart in support of the Fire Prevention/Public Education program in the amount of \$1,500.00, warranting a corresponding increase of \$1,500.00 in Fire Department operating expenditures.
- The Public Safety departments had received SHSP grants in the amount of \$32,775.00, requiring a corresponding \$27,116.00 increase in Fire Department operating expenditures and \$5,659.00 in Police Department operating expenditures.
- An \$8,000 budget amendment was made during last fiscal year for an Anti-Texting program, but the funds were not expended, warranting a re-appropriation of \$8,000 for Public Works Department (Engineering Group) operating expenditures.
- The City wished to appropriate \$375,600.00 from General Fund reserves to pay for

necessary infrastructure associated with the new chiller for City Hall.

- The City had entered into a lease agreement for lawn mowers costing \$157,734.00 and required a corresponding \$157,734.00 increase in Public Works Department (Parks) capital expenditures. The expenditure would be funded by lease proceeds.
- Reporting changes mandated by the Utah State Auditor's Office required the City to bill itself for utility charges, resulting in inter-fund charges totaling \$640,248.00. A corresponding \$640,248.00 increase in Parks Department and Administrative Services Department (Facilities Division) operating expenditures was warranted to cover these charges.
- An oversight during the development of the FY 2014-2015 Proposed Budget resulted in the Facilities Maintenance Program's Building & Grounds being under-budgeted by \$294,622.00, warranting a corresponding \$294,622.00 increase in that line account.
- Resolution 14-172, creating the Domestic Violence Unit, required a \$25,259.00 increase in the Attorney's Office personnel and operating expenditures.
- The City wished to consolidate all drug-testing activities into the Human Resources Division, warranting a \$6,000 increase in Human Resources Division operating expenditures.
- The Police Department had received a COPS grant and wished to use a portion of those grant funds to cover the costs of new hand-held radios, warranting a \$110,953 increase in Police Department operating expenditures.
- The Parks Department had incurred unexpected costs of \$5,000 associated with tree removal along the Jordan River Trail and warranted a corresponding \$5,000 increase in Parks Department operating expenditures.
- The City wished to transfer budget in the amount of \$393,536 held in the Fleet Replacement Pool in the Non-departmental Program to the pertinent General Fund programs according to the final fleet replacement plan. The City also wished to increase operating expenditures in the Water Fund by \$16,000; the Sewer Fund by \$38,000; and the Stormwater Fund by \$39,000 according to the final fleet replacement plan.

This adjustment would result in \$0 net increase to the Water Fund, since the Water Fund operating expenditures would be increased by \$16,000 and the Contribution to Retained Earnings account will be decreased by \$16,000.

- The City had purchased property at 6986 S Columbia Drive (trailer court lots) and required a \$115,000 increase in Capital Support Fund capital expenditures to cover the acquisition and demolition costs.
- In support of the continuation of the Munis software implementation, the City wished to re-appropriate the \$745,917 balance (as of June 30, 2014) of unexpended and unencumbered funds dedicated to the ERP project.
- The City planned to issue \$2,500,000 of sales tax revenue bonds to finance the street light LED conversion project and required corresponding \$2,500,000 increases in both Capital Support Fund transfers out and Road Capital Fund capital expenditures. The bonds would be issued in the Capital Support Fund and the proceeds transferred to the Road Capital Fund for expenditure on the project.
- The City planned to issue \$4,000,000 of sales tax revenue bonds to finance park improvements and required corresponding \$4,000,000 increases in both Capital Support Fund transfers out and Parks Capital Fund capital expenditures. The bonds would be issued in the Capital Support Fund and the proceeds transferred to the Parks Capital Fund for expenditure on the project.
- The City wished to transfer \$4,000,000 from Solid Waste Fund reserves to the Stormwater Fund as funding for future capital projects.

This adjustment would result in a \$3,979,467 net increase to the Solid Waste Fund, since the Solid Waste Fund transfers out would be increased by \$4,000,000 and the Contribution to Retained Earnings account would be decreased by \$20,533.00.

This adjustment would result in a \$2,624,544 net increase to the Stormwater Fund, since the Stormwater Fund transfers in would be increased by \$4,000,000 and the Prior Years Reserves account would be decreased by \$1,375,456.

- An incorrect classification in the FY 2012-2013 Strategic Plan resulted in \$2,865,000 (\$2,115,000 in the Pavement Maintenance account and \$750,000 in the Road Maintenance Projects account) not being budgeted in the Road Capital Fund. The City wished to correct that omission by increasing Road Capital Fund capital expenditures by \$2,865,000 in those accounts.
- The City wished to expend \$5,000 for inspection of the old County Library property received in trade, warranting a corresponding \$5,000 increase in Capital Support Fund capital expenditures.
- The City wished to increase operating expenditures for the Youth Committee in the amount of \$5,925.

- The City wished to supplement funding to the Utility Hardship Fund in the amount of \$3,000, warranting a corresponding \$3,000 increase in General Fund (Non-departmental Program) operating expenditures.
- The City desires to increase operating expenditures in the amount of \$29,000 for public relations and media support toward amending the Utah Code to allow automobile dealerships within the City.

Revenue and expenses would change equally as follows: General Fund \$1,693,541; Capital Support Fund \$6,620,000; Road Capital Fund \$5,365,000; Parks Capital Fund \$4,000,000; Water Fund \$608,307; Sewer Fund \$43,350; Solid Waste Fund \$3,989,919; Stormwater Fund \$2,679,683; Information Technologies Fund \$745,917.

Staff recommended approval of the Resolution.

Council and staff clarified that the reason for these budget amendments was that over the course of the budget year, Council had authorized the expenditures and the budget amendments were needed in order for the City to remain in compliance with the GFOA (Government Finance Officers Association).

Mayor Rolfe opened the public hearing.

Alexandra Eframo asked that budget discussions and staff reports be simplified for the lay public.

Mayor Rolfe clarified for the record that the budget was a constantly changing figure and that all discussions were held in a public forum for the sake of transparency.

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

MOTION: Councilmember Southworth moved to approve Resolution 15-43, amending the budgets for the affected funds for Fiscal Year 2014-2015. The motion was seconded by Councilmember Haaga.

Councilmember Haaga stated that he wished for the public to be aware that staff and Council would be holding a work session on Capital Funds projects and that as Mayor Rolfe had indicated, the budget was constantly changing. He invited the public to attend the work session.

Councilmember Stoker stated his desire for the City to convince state legislators to increase the General Fund cap beyond the current 25%. He explained 25% amounted to a mere three months' worth of operating revenue. He felt it would be more responsible for cities to be able to keep up to 33% on hand in their General Funds. He also explained that

since the motion before the Council addressed the funding of the Public Works department, he would abstain from voting.

A roll call vote was taken

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

The motion passed 6-1

IX. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-44, AUTHORIZING THE ISSUANCE AND THE SALE OF UP TO \$7,250,000.00 OF THE CITY'S SALES TAX REVENUE BONDS, SERIES 2015; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE OF TRUST TO SECURE SAID BONDS; GIVING AUTHORITY TO CERTAIN OFFICERS TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION ; AND PROVIDING FOR RELATED MATTERS

Ryan Bradshaw explained that the parameters resolution, prepared by Chapman and Cutler LLP, authorizing the issuance and sale of up to \$7,250,000 of sales tax revenue bonds needed to be passed so that the City could begin the bond process. These bonds were being issued so that the City could finance the costs of replacing certain streetlights with LED lights and acquiring and constructing certain improvements to City parks. The City Council along with staff, discussed the possibility of issuing these bonds in late 2014.

It was now time to pass the parameters resolution for the bonds. The parameters resolution needed to be passed so that the City could begin the process to issue Sales Tax Revenue Bonds. Over the next several weeks, the City along with Bond Counsel (Chapman and Cutler LLP) and Financial Advisor (George K Baum & Company), would be working to get all of the required paperwork completed, notices sent to the paper, decide on the structure of the bonds, and finally, City Council would hold a public hearing to receive input from the public with respect to the issuance of the Series 2015 Bonds and the potential economic impact that the improvements would have on the private sector. The public hearing was scheduled for March 25, 2015.

The City would sell approximately \$7,250,000 worth of sales tax revenue bonds. The bonds would be paid back with proceeds from sales tax revenue over the next 10 years.

Staff recommended approval of the Resolution.

The Council and staff discussed clarifying questions.

Mayor Rolfe spoke in favor of the bond and expressed his appreciation to the consultants from George K. Baum & Company for the information they provided to him previously. He stated his belief that because of the low ratio of bonds that the City currently had, the Council should act quickly to use bonds to fix the major portion of unsafe sidewalks and catch up to the status quo on storm drains. Based on the information he was given there was plenty of room with the collateral of sales tax.

MOTION: Councilmember Southworth moved to adopt Resolution 15-44, authorizing the issuance and sale of not more than \$7,250,000.00 aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. The motion was seconded by Councilmember Nichols.

Councilmember McConnehey stated he would speak against the motion as he did not support the idea of bonding for situations such as parks maintenance. He felt it was a bad idea to borrow funds for regular maintenance, particularly when the City did not yet have a permanent solution in place for the funding of the Parks department.

Councilmember Southworth indicated that he agreed with Councilmember McConnehey regarding the funding for Parks but he believed that the Council would soon have a final solution which would help pay for the bond.

A roll call vote was taken

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

The motion passed 5-2.

**DISCUSSION AND POSSIBLE ACTION REGARDING
PROPOSALS FOR A POSSIBLE 2015 CARNIVAL IN VETERANS
MEMORIAL PARK, JULY 2-4, 2015**

Bryce Haderlie explained that the City Council asked for submission of proposals to bring back a carnival for Independence Day. Below were the revenue submissions from the four proposals and the estimated expenses for the city to review. All companies offered a guaranteed payment, with most offering a percentage of sales, or whichever was greater.

Carnival Proposals

- | | | |
|----|--|---|
| #1 | Guaranteed Revenue | \$12,500 or |
| | Additional Revenue | 25% of gross up to \$100,000
30% of gross above \$100,001 |
| | Revenue per Game | \$100 |
| | Revenue per Concession | \$250 |
| | Additional Revenue | n/a |
| | Cost of Tickets | \$1 |
| | Cost of Bulk Tickets | 20 tickets for \$18
30 tickets for \$23
\$25 all-day ride pass |
| | Cost per Ride | \$2-\$5 |
| | Notes: Offers advanced discount ticket sales (discount cost not listed). Also offers a multi-day wristbands at a greater value (offer not listed). | |
| #2 | Guaranteed Revenue | \$12,000 or |
| | Additional Revenue | 25% of presale ride tickets
20% on site ticket sales up to \$75,000
25% on site ticket sales from \$75,001 up to 150,000
30% on site ticket sales over \$150,001 |
| | Revenue per Game | \$100 |
| | Revenue per Concession | n/a |
| | Additional Revenue | \$2,500 for additional advertising |
| | Cost of Tickets | |
| | Cost of Bulk Tickets | |
| | Cost per Ride | |
| | Notes: Pre-sales promotions (to be determined). | |
| #3 | Guaranteed Revenue | \$10,000 plus |
| | Additional Revenue | 20% over \$60,000 less tax |
| | Revenue per Game | \$100 |
| | Revenue per Concession | \$100 |
| | Additional Revenue | \$1,000 for security costs |

Cost of Tickets \$1.50
 Cost of Bulk Tickets 10 tickets for \$12
 20 tickets for \$20
 \$25 all-day ride pass
 Cost per Ride \$3-\$6

Notes: Offers each ride for one ticket for a limited time on opening day to drive traffic.

#4 Guaranteed Revenue \$25,000 or
 Additional Revenue 25% up to \$200,000
 30% from \$200,001 and up
 Revenue for Games n/a
 Revenue for Concessions n/a
 Revenue for Games & Concessions \$2,000
 Additional Revenue n/a
 Cost of Tickets \$1
 Cost of Bulk Tickets \$30 all-day ride pass
 Cost per Ride \$3-\$5

Notes: Buddy Day promotion consists of buying one all-day ride pass on site at the regular price, and your Buddy rides for free (sold for a limited amount of time, to be agreed upon by both parties). Also offers an advance sale ticket for \$20 for an all-day ride pass.

City expenses were estimated for the carnival in 2012. I've added 5% to staffing to get us closer to what the cost might actually be.

ESTIMATED CITY EXPENSES	
ITEM	ESTIMATED EXPENSE
MASS GATHERING PERMIT	\$500.00
RESTROOMS	\$5,000.00
RENTAL EQUIPMENT/TENTS	\$1,000.00
SOLID WASTE PICKUP	\$500
BARRICADES	\$550.00
ADDITIONAL WATER/CUPS	\$150.00
PARK STAFFING ESTIMATE	\$31,396.44
FIRE STAFFING ESTIMATE	\$7,270.40
POLICE STAFFING ESTIMATE	\$23,589.39
ADMINISTRATION STAFFING	\$972.56
ADVERTISING	\$12,000.00

2012 total + 5%
 2012 total + 5%
 2012 total + 5%
 2012 total + 5%

\$82,928.80

Carnival revenue could be a guaranteed \$10,000 to \$25,000 plus a fee for concession and food booths.

Staff recommended approval of the Resolution.

Mayor Rolfe expressed concern about the high total of the estimated city expenses. Julie Brown, Events Coordinator, explained that the majority of that total was for staff time—primarily from the Police, Fire, and Parks Departments. The numbers came from 2012 when there was a summer carnival in the City.

Councilmember Southworth spoke against the idea of holding a carnival in the City again because of the cost to the City and also because the event would not be generated by the citizenry.

The following clarifying points were made:

- The annual rodeo was not included in the proposal
- Despite the up-front cost of approximately \$83,000.00, there was a guaranteed return to the City of at least \$25,000.00 and possibly as much as \$200,000.00 in additional revenue.

Councilmember McConnehey indicated his opposition to holding the carnival for several reasons.

Councilmember Stoker concurred with Councilmember McConnehey.

MOTION: Councilmember Haaga moved to accept carnival proposal #4 and ask staff to complete the contract and to schedule staffing and other equipment as appropriate. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

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

The motion failed 3-4.

**DISCUSSION AND POSSIBLE ACTION REGARDING
RESOLUTION 15-32, ENCOURAGING THE STATE OF UTAH TO
ADDRESS COMPREHENSIVE TRANSPORTATION FUNDING**

Bryce Haderlie stated that he and Jeremy Olsen, Assistant to the City Manager, had the opportunity to attend a meeting earlier that day at the State Capitol. He indicated that as the bill was currently written, the onus was on Salt Lake County to adopt the tax—not local municipalities. However, legislative leaders had said that if the cities did not support the funding, the legislature would set the issue aside and not even address it next year. Additionally, Resolution 15-32 had been modified to express the Council’s opposition to the local option portion of the bill but lets the legislature know that the City is supportive of comprehensive transportation funding.

Councilmember Nichols approved of the change made to section 1 of the Resolution. However, he also had concerns about section 2, in that it broadened the scope of the gas tax and he felt strongly that the tax should go strictly to funding for roads.

The Council and staff discussed clarifying questions.

MOTION: Councilmember Nichols moved to approve Resolution 15-32, amending it by striking Section 2 and any corresponding ‘Whereas’ statements that relate to Section 2 (specifically the 10th and 11th of the statements). 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	Abstained
Mayor Rolfe	Yes

The motion passed 6-1

**DISCUSSION AND POSSIBLE ACTION REGARDING
SCHEDULING A PUBLIC HEARING TO CONSIDER
INCREASING THE CITY COUNCIL SALARIES**

Pursuant to the Utah State Code Annotated, 10-3-818. Salaries in municipalities.

- (1) The elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.

- (2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.
- (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least seven days before the meeting by publication:
- (i) at least once in a newspaper published in the county within which the municipality is situated and generally circulated in the municipality; and
 - (ii) on the Utah Public Notice Website created in Section 63F-1-701.
- (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be given by posting this notice in three public places in the municipality.
- (4) After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers.

SUMMARY OF OTHER CITIES COUNCIL MEMBER PAY:

OGDEN CITY – CURRENT CODE - 2-3-6: COMPENSATION:

Effective January 3, 2012, the annual salaries of the council chair, the vice chair and members of the City Council were hereby fixed and determined as follows: council chair, thirteen thousand eight hundred eighty four dollars (\$13,884.00); council vice chair, twelve thousand eight hundred eighty eight dollars (\$12,888.00); and council members, eleven thousand eight hundred eighty dollars (\$11,880.00). Beginning in fiscal year 2014, and every four (4) years thereafter, subject to approval by the council, the above salaries shall be modified, as necessary, based on benchmarking of other Utah cities. The council chair, vice chair and members of the city council shall be reimbursed for real and actual expenditures they may make relating to official duties conducted outside of the city, in addition to the above compensation. Reimbursement for out of town expenditures, except for per diem, shall be paid upon submission of documentation and claims.

AMENDMENT APPROVED JANUARY 13, 2015 2-3-6: COMPENSATION:

Beginning in fiscal year 2016, council members' annual salary of eleven thousand eight hundred eighty dollars (\$11,880.00) shall be adjusted by the percentage or percentages approved by the city council as cost of living and performance adjustments for non-merit special employees in the annual

pay plan adoption. Council members' salaries may be modified through the annual budget process, as necessary, based on total compensation benchmarking of other Utah cities. The resulting salary, including all adjustments and benchmarking modifications, shall become the base salary for the next fiscal year. In addition to the base salary, the council chair shall receive a pay differential of two thousand dollars (\$2,000.00) per year and the council vice chair shall receive a pay differential of one thousand dollars (\$1,000.00) per year. The council chair, vice chair and members of the city council shall be reimbursed for real and actual expenditures they may make relating to official duties conducted outside of the city, in addition to the above compensation. Reimbursement for out of town expenditures, except for per diem, shall be paid upon submission of documentation and claims.

TAYLORSVILLE CITY -

Taylorsville City Council Members received \$13,219 annually (\$1,101.58 monthly)

WEST VALLEY CITY -

West Valley City Council Members received \$18,820.10 annually (\$1,568.34 monthly)

DRAPER CITY -

Draper City Council Members received \$13,814.04 annually (\$1,151.17 monthly)

SOUTH JORDAN CITY -

South Jordan City Council Members received \$14,900.00 annually (\$1,241.66 monthly)

Adopted January 6, 2015

2.20.120: MAYOR AND COUNCIL MEMBERS; SALARIES, BENEFITS, AND EXPENSES:

A. Mayor and Council Member Salaries: The compensation of the mayor shall be twenty one thousand five hundred dollars (\$21,500.00) per year. The compensation for city council members shall be fourteen thousand nine hundred dollars (\$14,900.00) per year. The Mayor and City Council shall receive the same annual cost of Living adjustment, if any, which is approved for full-time employees in the budget process. Said compensation shall be paid biweekly.

OREM CITY -

Orem City Council Member receive \$13,200.00 annually (\$1,100.00 monthly)

SALT LAKE CITY -

Salt Lake City Council Member receive \$24,466.26 annually (\$2,038.86 monthly)

The increase to the City Council member salaries would be an increase of approximately \$2,220 per member, for a total increase of \$13,320 to the City Council Budget.

Scatter Chart of Municipal Council Salaries with Relationship to Population

*Some salaries are higher, but are not published; for example Taylorsville does not include cost of living increases since 2008

	Population	Salary
Bluffdale	7,598	\$4,800
Cottonwood Heights	33,433	\$14,561
Draper	42,274	\$13,814
Herriman	21,785	\$9,000
Holladay	26,472	\$11,440
Midvale	27,964	\$12,000
Murray	46,746	\$14,331
Ogden	82,825	\$11,880
Orem	88,328	\$13,200
Provo	112,488	\$12,000
Riverton	38,753	\$11,679
Salt Lake City	186,440	\$23,754
Saint George	72,897	\$12,000
Sandy	87,461	\$19,379
South Jordan	50,418	\$14,900
South Salt Lake	23,617	\$11,352
Taylorsville	58,652	\$13,219
West Jordan	103,712	\$9,780
West Valley	129,480	\$18,820

Councilmember Nichols stated that when he heard this topic was going to be discussed at a Council meeting, he wanted to be able to correlate a Councilmember's salary with respect to the population of the community. He felt that was appropriate since the population of the community drove the demand on each individual councilmember. He looked at the issue in surrounding cities to see if there was a correlation between the two. He pointed out that there were two cities with salaries far above the others and two (including West Jordan) that were far below. He pointed out that the majority of the communities he looked at were within twenty percent of each other. It was his recommendation that Council salaries be increased to somewhere within that twenty-percent margin. (A linear chart depicting the salary range was presented on screen for those in attendance).

Mayor Rolfe added that he felt it appropriate for the Council to receive a Cost of Living Adjustment as all City employees did at times, so that future Councils did not go another twenty years without an increase.

Councilmember Stoker stated that he contacted several surrounding communities about benefits that were provided to their Council members (beyond salary) and felt that the comparison was fairly accurate. He pointed out the myriad of additional bodies that various Councilmembers were involved in (Wasatch Front Regional Council, Regional Growth Coalition, etc.) beyond the Council itself.

Mayor Rolfe clarified for all present that any salary increase would take effect following the next election, meaning no one currently on the Council was giving him/herself an automatic raise.

Councilmember McConnehey appreciated the clarification and pointed out that since four Council seats were up for election in the coming year, it was a reasonable time to address this issue. He felt that a public hearing was appropriate. However, he indicated that an annual COLA increase for the Council would increase their salary quite rapidly and a better approach might be to correlate an increase with the city's revenues.

Councilmember Hansen pointed out that when she initially ran for her Council seat she did not know what she would make in that capacity and she didn't ask because it was not the reason she ran. However, she agreed that there was a lot more to the position than simply showing up to a Council meeting twice per month. She was in support of holding a public hearing to get citizen input.

MOTION: Councilmember Nichols moved to extend the meeting to 9:45 p.m. The motion was seconded by Councilmember McConnehey. All were in favor.

Councilmember Haaga felt a small increase was appropriate. However, he felt that if there would be one, it should go into effect immediately as a way of encouraging the public to consider public office.

Councilmember Southworth stated that he was not in favor of automatic increases for Councilmembers because there was the potential for finger pointing that the Council voted for a big increase for all employees so that he/she could receive the same increase. He felt it should be inherently difficult to raise one's own salary and that giving Councilmembers an automatic Cost of Living Adjustment made it easier than was appropriate.

MOTION: Councilmember Stoker moved to direct staff to schedule a public hearing for March 11, 2015, to consider amending the City Code, increasing City Council members' monthly salary from \$815.00 to \$1200.00. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

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

The motion passed 6-1

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-33, AUTHORIZING STAFF TO PLACE ON THE NOVEMBER 2015 MUNICIPAL GENERAL ELECTION, THE ISSUE TO CHANGE THE FORM OF GOVERNMENT TO A COUNCIL-MAYOR FORM

Councilmember Haaga stated that in 2014, the City Council was asked to consider this action and there were many good comments that were discussed and proposed. One was that there should be more education of this form of government, and that City Council had had proper time to debate the proposed question.

The resolution in 2014 was defeated, which precipitated an initiative with sponsors and the creation of the Political Issue Committee PIC registered with the Lieutenant Governor's office as per Utah Code 20A-11-802. The applicants have asked before completion of the initiative process that it be allowed to have the West Jordan City Council have one more opportunity to be involved in the process. According to State Law, an entity or groups opposing the question would also have to register, or create a Political Issue Committee to conform to State and City Law. If the Council becomes the initiator of the ballot question, the Council body could then be both the proposing group and opposing group. Otherwise, the Council would need to remain neutral and any sitting members unless they formed a legal PIC could not campaign as an opponent. The applicants sought to have public debate and that it will be said that the process was fair and representative of both sides of the issue. The City Council had more authority directing the debate if as body the question is enacted.

The sponsor of this resolution, to that end, would hope that this Council body recognized the importance of this to the residents. I would hope that we recognize as our fore fathers and mothers when faced with oppression made this declaration.

Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Therefore, consent of the people is all this resolution enacted. Some might be running for municipal office again this year and asking the same for the "consent of the governed." It is how we choose leaders in our Republic and we should allow our residents to choose the form of government they would be governed by.

The Council-Mayor form of municipal government was created by the Laws of Utah 1977, Chapter 48. It still was a form of government that most of Utah's First and Second class cities were governed by-- Sandy, Ogden, Salt Lake City, Murray, Salt Lake County and more. This form of government could not be adopted by a city or town without voter approval. A city or town could not have this form of government unless it had held an election at some time to choose this form.

This form had two separate, independent, and equal branches of municipal government-- a legislative branch (a council composed of seven members) and an executive branch (the Mayor and, under the Mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance).

The Mayor in a city or town operating under the council-mayor form of government was the Chief Executive and Administrative Officer. He or she exercised the executive and administrative powers and performs of the municipality. The Mayor had the responsibility to execute the policies adopted by the Council. The Mayor appointed, with the council's advice and consent, qualified persons to the city or town's officers and positions including such things as city administrator, recorder, and treasurer.

State law clearly defined the duties of the mayor and the city council body and if passed, gave clear direction on each power of the equal branches.

Councilmember Southworth indicated that he reviewed the minutes from the July 30, 2014 meeting when the same topic was discussed and after reviewing the information given then as well as that given today, he strongly believed that it was a violation of the Council's policies and rules to address the same topic again so soon.

MOTION: Councilmember Southworth moved to continue the item to a date following July 30, 2015. The motion was seconded by Councilmember Nichols.

Councilmember Nichols expressed the opinion that discussing the issue again at that time was in violation of *state code* rather than Council rules.

Councilmember Haaga suggested that the code being referred to address land use specifically and therefore did not apply to this situation. He also indicated that Resolution 15-33 was a completely different resolution from the one proposed the previous year and that this was not a policy issue but a ballot question.

Councilmember Southworth withdrew the motion.

The item was continued until March 11, 2015 to obtain additional legal opinion.

DISCUSSION AND POSSIBLE ACTION REGARDING THE AUTHORIZATION TO PURCHASE A SHIPPING CONTAINER

Councilmember Stoker pointed out that the City currently leased two storage units on Airport Road at about 8000 South and three more at 6000 South Redwood Road in Taylorsville for a total of five storage units at a cost of \$14,974.00 in the 2014-2015 fiscal year and will rise to \$16,774.00 next fiscal year. In addition, more supplies were being stored in additional areas around the City. For some time, several of the storage units were donated to the City for their use in exchange for tickets to City arts productions. The storage units that we were receiving at no cost recently changed ownership where such an arrangement couldn't be maintained. The City was now leasing all five containers.

We recently received a formal offer, through informal means, to be able to purchase previously owned shipping containers for storage use. They would come with a couple of options: 20-foot or 40-foot and then whether we want them as-is or freshly painted. Costs included delivery to West Jordan. The City's only responsibility would be to unload the containers from a flatbed truck when they arrived.

- Did the Council wish to purchase containers such as these to eliminate storage-leasing costs?
- Which options and how many?
- Was the offer acceptable (below the threshold for bidding) or did more formal solicitations need to take place?

The Council and staff discussed clarifying questions, including where such containers would be placed and whether or not they would comply with zoning ordinances.

Tom Burdett stated that regarding the possibility of placing such containers in the parking lot of the former library, the area was zoned for "professional office" and there was a specific statement in the code that the area was not suited for outside storage. He believed the statement referred to 'open' storage as opposed to these containers but suggested he would need to do more research to obtain a definitive answer.

MOTION: Councilmember Stoker moved to purchase up to three 40 foot shipping containers at a competitive price, based on the comments made; place in a discreet location as determined by the City's Zoning guidelines; repaint with a commercial paint product and fund out of the Arts Council budget. The motion was seconded by Councilmember Haaga.

Bryce Haderlie pointed out that the City had recently paid storage fees for the next six months. He also explained that the old library building had some flammable materials in

it. He asked that the Council allow staff to investigate a variety of storage options pertaining to the arts groups. Barring that, the containers suggested by Councilmember Stoker could be a back-up plan.

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	No

The motion passed 6-1

DISCUSSION AND POSSIBLE ACTION REGARDING THE ALLOCATION OF FUNDS FROM THE CAPITAL SUPPORT FUND TO BEGIN THE RFP PROCESS FOR AN ARCHITECT TO DESIGN AN ARTS FACILITY.

There was no staff report. Councilmember Stoker made the following points:

- The Salt Lake County Cultural Facilities Plan listed the City as a prime location for a regional arts facility.
- Salt Lake County had a Cultural Facilities Support Program that had grant funds available to be spent on cultural facilities.
- Councilmember Stoker announced plans to attend a workshop for the grant application process. A specific grant that he had in mind required the applicant to commit 10% of the facility costs and 50% of the consultation costs. Councilmember Stoker stated his intention to work towards this goal on his personal time.
- Councilmember Stoker indicated that it was his understanding that there were approximately \$500,000.00 unallocated funds in the Capital Support fund. He asked that some of those funds be designated to go towards this project since the application required a financial commitment from the applicant.
- JRCA Architects had indicated a willingness to reach out to the various art groups in the City as well as to a number of regional experts in order to prepare preliminary scope of work and budget. JRCA had indicated they could do this for \$4,800.00.

Councilmember McConnehey stated he had no interest in accepting 100% funding from Salt Lake County as the facility would then be owned by the County and not the City. He also felt that it was important to take action and possibly lend \$1.25 million from the Capital Support Fund towards an art facility in order to take a significant step forward on

the project. It was his intent that the monies eventually be returned to the Fund once the old library was sold.

Councilmember Haaga spoke in favor of seeking a design proposal as soon as possible.

MOTION: Councilmember McConnehey moved to direct staff to allocate \$125,000.00 from the Capital Support Fund to start the process to build a home for the Arts in West Jordan City and apply for grants from Salt Lake County. The motion was seconded by Mayor Rolfe.

The Council clarified that the \$125,000.00 was intended to represent 50% of the design costs.

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

MOTION: Councilmember McConnehey moved to continue the meeting until the agenda was done. The motion was seconded by Councilmember Stoker.

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 15-06, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 1, 'ADMINISTRATION,' CHAPTER 7, 'CITY COUNCIL VACANCIES' AND THE CITY COUNCIL RULE, POLICIES, AND PROCEDURES, RULE B.6, 'FILLING A VACANCY ON THE CITY COUNCIL'

Councilmember Nichols stated that as soon as Councilmember Stoker notified him that he would need to step down, he wondered about the procedure for filling the vacancy. He consulted the State code, the City Code as well as the Council's Rules of Procedures and found that the latter two actually contradicted State code.

MOTION: Councilmember Nichols moved to approve Ordinance 15-06 and completely follow State Code, amending the 2009 West Jordan Municipal Code Title 1, "Administration", Chapter 7, "City Council

Vacancies' and the City Council Rule, Policies, Procedures, Rule B.6, 'Filling a vacancy on the City Council.' The motion was seconded by Councilmember McConnehey.

Councilmember Stoker expressed his disappointment in learning that he would not be able to participate in the decision as to who would fill his vacancy.

Councilmember Haaga approved of the plan to follow state law in this procedure. However, he asked that the Municipal Code not merely say "see state law" due to his belief that some citizens might have a difficult time looking up a state law.

Jeff Robinson, City Attorney, pointed out the challenge that could create in that if/when-state law changed, it would render City code inaccurate as had clearly happened previously. He was of the opinion that it was best to have City Code refer to the state code, "as amended from time to time."

Councilmember Haaga stated his opinion that when the State legislature made a change, it was the City's responsibility to update their code to reflect that change as well.

Councilmember Southworth stated that if the law did not allow Councilmember Stoker to participate in filling his own vacancy, he (Councilmember Southworth) still intended to seek Councilmember Stoker's advice and guidance in filling the seat.

A roll call vote was taken

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

The motion passed 6-1

CONSENT ITEM 7.C

MOTION: Councilmember Haaga moved to approve Resolution 15-35, confirming the appointment of Interim City Manager Bryce Haderlie as the voting member to the Valley Emergency Communication Center Board of Trustees, and May Kim V. Rolfe as the alternate voting member. The motion was seconded by Mayor Rolfe.

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.G

MOTION: Councilmember Haaga moved to approve Resolution 15-38, authorizing the Mayor to execute the Local Government Contract (Project No. F-0172(20)0 between the Utah Department of Transportation (UDOT), West Jordan City and Horrocks Engineers, Inc. for Public Involvement services for 5600 West 6300 to 7000 South project, in an amount not to exceed \$29,964.95. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

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

The motion passed 6-1

X. REMARKS
There were no remarks.

XI. ADJOURN

MOTION: Councilmember Southworth moved to adjourn the City Council meeting and convene the Redevelopment meeting. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

The meeting adjourned at 10:06 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 25th day of March, 2015

DRAFT