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**MINUTES  
TO BE  
APPROVED**

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

**Friday, April 17, 2015  
4:00 p.m.  
Council Chambers  
8000 South Redwood Road  
West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe, and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, and Justin Stoker. Councilmember Ben Southworth was excused.

**I. CALL TO ORDER**

Mayor Rolfe called the meeting to order at 4:02 p.m.

 **DRAFT**

**II. CLOSED SESSION**

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

**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, and Sophie Rice. Council Member Ben Southworth was excused.

**MOTION:** Councilmember McConnehey moved to go into a Closed Session to discuss the character professional competence, or physical or mental health of an individual, and adjourn the meeting from there. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

|                                 |               |
|---------------------------------|---------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b>    |
| <b>Councilmember Hansen</b>     | <b>Yes</b>    |
| <b>Councilmember McConnehey</b> | <b>Yes</b>    |
| <b>Councilmember Nichols</b>    | <b>Yes</b>    |
| <b>Councilmember Rice</b>       | <b>Yes</b>    |
| <b>Councilmember Southworth</b> | <b>Absent</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b>    |

 **DRAFT**

**The motion passed 6-0.**

The Council convened into a Closed Session to discuss the character professional competence or physical or mental health of an individual at 5:01 p.m.

The Council recessed the Closed Session at 6:10 p.m.

A diagonal stamp in the upper right corner of the page. It consists of a small square icon with horizontal lines to the left of the word "DRAFT" in a bold, sans-serif font.

**III. ADJOURN**

The meeting adjourned at 6:10 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 S. BRIGGS, MMC**  
City Clerk

Approved this 13<sup>th</sup> day of May 2015

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

**Wednesday, April 22, 2015**

**6:00 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Sophie Rice and Ben Southworth.

**STAFF:** Bryce Haderlie, Interim City Manager; Robert Thorup, Deputy City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Greg Mikolash, City Planner; Dave Zobell, City Treasurer; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Richard Davis, Deputy Police Chief; Brian Clegg, Parks Director; Larry Gardner, Senior Planner; Jim Riding, CIP/Facilities Project Manager; Michael Oliver, IT Manager; Stuart Williams, Deputy City Attorney; Paul Dodd, Civil Litigator; Jonathan Gardner, Human Resources Manager; Michelle Thompson, Human Resources Technician, and Julie Brown, Events Coordinator.

**I. CALL TO ORDER**

Mayor Rolfe called the meeting to order at 5:02 p.m.

**II. CLOSED SESSION**

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

**COUNCIL:** Mayor Rolfe (accompanied by Attorney Troy Walker) and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, Sophie Rice and Ben Southworth.

**STAFF:** Bryce Haderlie, Interim City Manager.

**MOTION:** Councilmember Southworth moved to go into a Closed Session to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion passed 7-0.**

The Council convened into a Closed Session at 5:03 p.m.

Mayor Rolfe and Troy Walker left the closed session at 5:05 p.m.

Councilmember Haaga left the closed session at 5:07 p.m.

Councilmember McConnehey left the closed session at 5:08 p.m.

The Council recessed the Closed Session at 5:55 p.m. and reconvened the meeting at 6:00 p.m.

### ***III. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by James Baker of Troop 1216.

### ***IV. PRESENTATION***

#### **a. Recognition of Volunteers in the Police Department's VIPS program**

Deputy Chief Richard Davis recognized six volunteers and presented each with the West Jordan City Volunteers in Police Services award. Four of the volunteers had also earned the President's Volunteer Service Award, a premier volunteer award program encouraging citizens to live a life of service through presidential gratitude. The volunteers were:

- Connie Johnson, West Jordan City and Police Service Award
- Lorrin Sisam, West Jordan City and Police Service Award;
- Kimberly Sell, West Jordan Service Award and Presidential Award (Bronze) 100-249 hours
- Bonnie Hutchings, West Jordan Service Award and Presidential Award (Silver) 250-499 hours
- William Hogue, West Jordan Service Award and Presidential Award (Gold) 500 plus hours
- Robert Hutchings, West Jordan Service Award and Presidential Award (Bronze) 100-249 hours

Chief Davis explained that Robert Hutchings had recently lost his battle to cancer. His awards were accepted by his wife Bonnie Hutchings and his son Steve Hutchings, one of West Jordan's police officers.

**V. COMMUNICATIONS**  
**INTERIM CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie –

- South Jordan City and Salt Lake County Parks Department had inquired if West Jordan would be interested in discussing the possibility of participating in the development of Welby Park which was situated outside the southern boundary of West Jordan. It would be a large park of over 100 acres located near 10200 South and approximately 5000 West. There was a belief that adding West Jordan's involvement would increase the possibility of receiving ZAP fund for the project.

Councilmember Haaga thought such a discussion might be premature, and Councilmember Southworth inquired about the nature of the meeting--how preliminary or advance the other entities intended for it to be.

Bryce explained that there would be a minimal amount of staff time devoted at this point and bring further information back to the Council at a future date.

- A small corner of a South Jordan roadway would include 4,787 foot section of it would actually be in West Jordan. If there was no objection from the Council, the City would have an Interlocal agreement drawn up so that South Jordan would maintain the property.
- He addressed the work being done by Savage Services regarding the Welby Rail Yard. City staff met with Savage again today and several questions rose and their final plans were to be submitted for City review by Monday, April 27<sup>th</sup>. City staff would then be asking the Council if they wished any further action to be taken.

**STAFF COMMENTS/REPORTS**

David Oka-

- Habit Burger and Café Rio ribbon cutting ceremonies were being arranged with the Chamber of Commerce. Dates would be announced soon.
- His department had received and approved plans for both Jordan Valley Cancer Center and the TOD project

Wendell Rigby-

- He and Mayor Pro Tem Hansen had met the previous week with the Utah Transportation Commission and made a presentation regarding a transfer of 9000 South (from Redwood to Mountain View Corridor) to the State and in exchange, the City would accept responsibility for the roadway of 7800 South (from Bangerter Highway along New Bingham Highway down 5600 West to 9000 South). Additionally, the State would be responsible for the roadway on 7800 South from Bangerter Highway to Redwood Road. That agreement would go to

the Council on May 13, 2015. The Commission would finalize the transfer at their meeting on May 22, 2015.

- Reminded the Council that 9000 South would be closing on April 29 between 4800 West and 5300 West for 90 days.

Marc McElreath-

- A ribbon cutting ceremony would be held for the new Fire Station #54/Bagley Park Police Substation on April 30 from 11:00 a.m. to 1:00 p.m. In addition an Open House for the community would be held on May 2 from 10:00 a.m. to 1:00 p.m.
- Fox 13's morning show 'Good Day Utah' and 'Big Buddha' would be doing a live shot from the building on April 27 beginning at 5:45 a.m.

Richard Davis-

- Invited the Council to join the Police Department as they swore in four new officers on May 26 at 4:30 p.m.
- At the annual Cop's for Kid's fundraiser the West Jordan location raised almost \$5,600.00 to benefit the Children's Justice Center

Brian Clegg-

- Informed the Council that despite strong recruiting efforts, the Parks Department still had only about 50% of the needed seasonal staff.
- In early May once the construction for the chiller line on the west side of City Hall was complete, the old trees near there would be removed, and new ones planted.
- Comcast Cares Day was to take place on Saturday, April 25. There were over 105 trees to be planted and several other projects.

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

Councilmember Rice –

- Wanted to remind everyone that what they were dealing with were not "agenda items" but *people*. She stated that she was there because she believed in individual rights and in protecting them.

Councilmember Southworth –

- At a recent budget workshop there was a discussion about the new LED lights and taking the savings from that endeavor and putting it back into paying off the bond. He asked that staff draw up such a written plan if the rest of the Council was in agreement. It was determined that the item would be brought back and presented to the Council at a future date.
- Regarding tickets for the Western Stampede, he asked that the rest of the Council know Nathan Gedge know what they needed.

Councilmember Haaga –

- Asked that Bryce Haderlie get in touch with the developer of Wing Song Subdivision who had been trying to reach him.
- Asked that Council and staff both, to follow the Council Rules and Procedures by waiting for acknowledgement by the Mayor before speaking.

Councilmember Hansen –

- She received a large number of complaints from residents following a recent rodeo event that had taken place at the arena on a Sunday evening. She said that the loud noise caused many of the resident's pictures to shake. Others' children were unable to fall asleep at bedtime and school was scheduled for the following morning. She would like to see a more strict noise ordinance to lower the acceptable decibel level, particularly since the same group had several other events on the calendar. Another option would be to close the arena earlier on Sunday evenings.

The Council agreed to have staff prepare a proposal and return it to the Council for consideration.

#### ***VI. CITIZEN COMMENTS***

There was no one who wished to speak.

#### ***VII. CONSENT ITEMS***

- Approve the minutes of March 25, 2015, April 7, 2015 and April 8, 2015 as presented**
- Approve the Class A Beer License for a single event for Orion LLC, Mexican Rodeo at the West Jordan City Rodeo Grounds**
- Approve Resolution 15-76, confirming the appointment of members to various City Committees**
- Approve Resolution 15-77, authorizing the Mayor to execute a contract with Holbrook Asphalt Company for the 2015 West Jordan Parking Lot Rehabilitation Project in an amount not to exceed \$69,925.19**
- Approve Resolution 15-78, authorizing the Mayor to execute an Interlocal Cooperation Agreement between the City of West Jordan and Murray City for Animal Control services and management**
- Approve Resolution 15-79, authorizing the Mayor to execute a General Service Contract, Request Number 6020985, with Rocky Mountain Power to provide electric service for a streetlight located at 5600 West 6600 South in an amount not-to-exceed \$5,873.08**

- g. Approve Resolution 15-80, authorizing the Mayor to execute a General Service Contract, Request Number 6020979, with Rocky Mountain Power to provide electric service for a traffic signal located at 5600 W 7000 South in an amount not-to-exceed \$6,180.32**
- h. Adopt Resolution 15-81, authorizing the Mayor to execute the purchase and sale agreement between the City and West Jordan 12, LLC (Mountain States Supply) for property acquisition of 8152 South Welby Park Drive for relocation of property within the City Center (Briarwood) Redevelopment Area**
- i. Approve Resolution 15-82, authorizing staff to close 3320 West as required for the Jordan Valley TOD construction**
- j. Approve the request for alcohol at Pioneer Hall on Friday, August 22, 2015**
- k. Approve Resolution 15-83, authorizing the Mayor to execute a contract with Sturgeon Electric Company, Inc. for the Well No. 6 Variable Frequency Well Control Panel in an amount not to exceed \$56,254.00**

The Council pulled Consent Items 7.a. for further discussion.

**MOTION: Councilmember Southworth moved to approve Consent Items 7.b. through 7.k. The motion was seconded by Councilmember Hansen.**

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion passed 7-0.**

#### **CONSENT ITEM 7A**

Councilmember Southworth mentioned two changes he would like to see made on the minutes for the March 25 meeting.

**MOTION: Councilmember Southworth moved to approve Consent Items 7.a. with proposed changes. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

The motion passed 7-0.

#### **VIII. PUBLIC HEARING**

##### **RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-09, REGARDING A REZONE OF 0.92 ACRES FROM R-1-10E TO R-1-8D, FOR PROPERTY LOCATED AT APPROXIMATELY 7359 SOUTH 1300 WEST; FREISS DEVELOPMENT GROUP/DAVE FREISS, APPLICANT**

Applicant Dave Freiss of Freiss Development introduced himself and explained that he was attempting to do a simple lot division and needed to rezone the property. He indicated that the proposed lot size would still be in excess of the current minimum.

Larry Gardner explained that the applicant was proposing to rezone .92 acres of property located at 7359 South 1300 West from R-1-10E (Single Family Residential 10,000 square foot lot minimum, house size E) to R-1-8D (Single-family Residential, 8,000 square foot minimum lots, house size D). The property was designated as Medium Density Residential on the Future Land Use Map which supports R-1-8 zoning, so a corresponding change to the land use map would not be needed. The purpose of the rezone was to facilitate a two lot, flag lot subdivision. The property was 101 feet wide and 422 feet deep and had frontage on 1300 West. The rear lot of the flag lot subdivision required a minimum twenty foot driveway and the front lot required a minimum of 85 feet of frontage along 1300 West, in the current R-1-10 zone. The overall width of the property was 101 feet; four feet shy of the required 105 feet for both the lot frontage (85 feet) and driveway (20 feet) to the rear lot. The rezone to R-1-8 was only being requested for the smaller frontage requirement of 75 feet in the R-1-8 zone thus making it possible for the flag lot subdivision by reducing the overall width requirement (lot frontage plus the 20 foot drive) from 105 feet to 95 feet. R-1-8 zoning was the same as the development to the north of the Trujillo property. The two lots, when subdivided, would be well over the minimum 8,000 square feet at 13,661 and 25,119 respectively. Two lots (Lots 5 and 6) in the Fox Point Subdivision were also being amended with this request. The amendment to

Fox Point was necessary to correct previous lot line adjustments associated with the lots which were not previously approved by the City.

## II. GENERAL INFORMATION & ANALYSIS

The subject property's surrounding zoning and land uses were as follows:

|              | <b>Future Land Use</b>     | <b>Zoning</b> | <b>Existing Land Use</b>         |
|--------------|----------------------------|---------------|----------------------------------|
| <b>North</b> | Medium-Density Residential | R-1-8D        | Lucky's Place                    |
| <b>South</b> | Medium-Density Residential | R-1-10E       | Fox Point Ridge Subdivision      |
| <b>West</b>  | Medium-Density Residential | R-1-8         | Church and Vista Via Subdivision |
| <b>East</b>  | Medium-Density Residential | R-1-10E       | Fox Point Ridge Subdivision      |

The applicant was requesting to rezone the subject property from R-1-10E (Single-family Residential, 10,000 square foot minimum lots) to R-1-8D (Single-family Residential, 8,000 square foot minimum lots). The zone change request was consistent with the General Plan which stated that R-1-8 zoning was appropriate for the Medium Density Residential Future Land Use map designation. The Medium-Density Residential Land Use designation had a net density range of 3.1 to 5.0 units per acre. The concept plan as provided (Exhibit C) showed the proposed roadway design and lot configuration. The actual lot sizes were expected to be 13,661 and 25,119 square feet in area.

## III. FINDINGS OF FACT Section 13-7D-7(A): Amendments to the Zoning Map

Prior to making a positive recommendation to the City Council for an amendment to the Zoning Map, the Planning Commission shall make the following findings:

**Criteria 1:** *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

**Discussion:** The subject property is located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fall between 3.1 and 5.0 dwelling units per acre. The applicant is proposing to change the zoning designation on .92 acres of land currently zoned as R-1-10E to R-1-8D which is consistent with the Medium Density Land Use designation of the General Plan.

Furthermore, Goal 4 Policy 2 states: "Single-family housing should be the primary residential development type in the city." The applicant's intent is to subdivide the property into two lots and construct one additional single family home. The concept plan shows a flag lot which meets all the requirements of the zoning and subdivision ordinance. The proposed amendment conforms to and is consistent

**with the adopted goals, objectives, and policies set forth in the General Plan.**

**Finding:** The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.

**Criteria 2:** *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

**Discussion:** The concept plan shows two single-family lots 13,661 and 25,119 square feet in area. The minimum lot size for adjacent developments is:

- Lucky's place, to the north, is 8,000 sq. ft.;
- Fox Pointe Subdivision, to the South, is 10,000 sq. ft.;

The proposed subzone for home size "D" which requires the following minimum living areas:

- 1 level dwelling (rambler/split entry) -2,600 sq. ft. minimum living space;
- Split level dwelling – 2,200 sq. ft. minimum living space; and,
- Multi-story dwelling (2 or more) – 2,700 sq. ft. living space.

**The lot sizes will be larger and housing sizes are nearly the same as what exists around the proposed development. The property is relatively flat and slopes gently from West to East. There will be a driveway leading to the existing home at the rear of the flag lot. The front home will have a driveway from 1300 West.**

The City Engineering Department had indicated that the City had the ability to service the project. Water and sanitary sewer connections would be made to the existing lines in 1300 West.

**Finding:** The proposed amendment would result in compatible land use relationships and did not adversely affect adjacent properties.

**Criteria 3:** *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

**Discussion:** The R-1-8 zoning district has specific standards which will be met when the property is subdivided and developed. The R-1-8 zone is compatible with the existing zones and housing densities found in surrounding neighborhoods and will not harm the public health, safety or welfare of the city as a whole. This project creates additional housing in this area.

**Finding:** The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

**Criteria 4:** *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

**Discussion:** The Engineering Department has determined that the City has the ability to service the development with water, sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. Garbage collection will be provided as part of the normal City garbage collection service. The Fire Department will review the proposed development at the time of subdivision application to ensure full serviceability.

**Finding:** The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

**Criteria 5:** *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

**Discussion:** The property is not located within any overlay zone.

**Finding:** This criterion does not apply.

There was no anticipated fiscal impact.

Based on the analysis and findings contained in the Staff Report, Staff recommended that the City Council rezone the property located at 7359 South 1300 West from R-1-10E (Single Family Residential 10,000 square foot lot minimum) Zone to R-1-8D (Single-family Residential, 8,000 square foot lot minimum) Zoning designation.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Kenneth R. Lawson, West Jordan resident, explained that all the bedrooms of the current home were on the second floor and soon Mrs. Trujillo would no longer be able to manage the stairs. Therefore they wished to build a rambler on one level for her, and he hoped the Council would approve the zoning change.

Garth Lem, West Jordan resident, spoke in favor of the change so that the Trujillo's would be able to make the needed changes. He added that their property had always been well cared for and that they were wonderful neighbors.

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

**MOTION:** Councilmember Nichols moved to approve Ordinance 15-09, rezoning property located at 7359 South 1300 West from R-1-10E (Single Family Residential 10,000 square foot lot minimum) Zone to R-1-8D (Single-family Residential, 8,000 square foot lot minimum) Zoning designation. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion passed 7-0.**

Bryce Haderlie asked if the Council was interested in hearing from Michael Oliver about the recent problems concerning the City email system and what the status was.

Michael Oliver, I.T. Manager, explained that the email server had been experiencing some major problems. The database had detached itself and become corrupted. I.T. staff was working on repairing the problem. The database would not mount itself back on to the server and he had been working with VARS and Microsoft going through everything. They were successful in repairing the database but he pointed out that did not mean that all corruption was gone. Instead, he indicated that the fix was only temporary—that figuratively speaking, the server was on 'life support.' It would be taken down again to stabilize it and once that happened, it would be moved into a new environment which was a permanent solution. He had yet to identify the cause of the corruption but that would be investigated once the system was back up and running.

Councilmember Southworth joked, "So there IS corruption in government!"

The Council asked clarifying questions.

**IX. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR AN INDIVIDUAL TO PROVIDE TEMPORARY SECURITY AT THE RODEO ARENA.**

Mayor Rolfe explained that on Tuesday of that week, Public Works employee, Troy Murphy, had come to his office to speak with him. He was currently building a new home in West Jordan but it would not be done by the time he had to vacate his apartment. He asked the Mayor if it would be possible for him to temporarily park an RV on the rodeo grounds and use the RV hookups until his home was complete. He had spoken with Jim Riding about the issue and followed up with the Attorney's office. He was bringing the issue to the Council for consideration.

Councilmember Southworth liked the idea of having on-site security.

Councilmember Hansen stated that she had learned that current zoning did not allow for such activity, so to allow it would require a text amendment.

Councilmember McConnehey inquired as to the opinion rendered by the City Attorney's office. Mayor Rolfe indicated that they needed direction from Council to prepare a contract. Councilmember McConnehey responded that before he could support the drafting of a contract, he would ask that the City Attorney's office look further into the zoning issue and determine what was required in order to remain in compliance.

Robert Thorup, Deputy City Attorney, explained that Darien Alcorn had prepared a memorandum which addressed the pertinent issues that would need to be addressed. In addition, regarding services being rendered to the City, there was no way around FLSA issues concerning overtime since Mr. Murphy was an employee. He recommended that the Council read the memorandum before making a decision.

Councilmember Nichols expressed a concern regarding liability.

Councilmember Haaga indicated that he would most likely oppose the plan. However, he wondered about reaching out to Mr. Murphy and seeing if there might be another solution.

Councilmember Southworth pointed out that he had not yet seen the memorandum mentioned by Mr. Thorup and thought it might make sense to table the topic until the next meeting so that the Council could review it. Mayor Rolfe explained that Mr. Murphy needed to know sooner than that.

Mayor Rolfe was the only Councilmember who was in favor of the proposal.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-84, AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH PEHP FOR MEDICAL, EMI FOR DENTAL, OPTICARE FOR VISION, AND THE HARTFORD FOR LIFE AND LTD FISCAL YEAR 2015-2016.**

Bryce Haderlie explained that this year the Benefit Committee requested that GBS solicit bids for our health insurance renewal. They came back with a wide variety of plans from the various providers who service this market. The goal was to try to keep our basic benefits and network availability so as to not cause disruptions in service for our employees, while also ensuring that our assigned premiums were appropriate. At the end of the process, PEHP came in at the lowest increase with a blended rate of 13.43%. Note that PEHP had recently rolled out a new plan that had a very limited network with the IASIS hospitals and the U of U only. The Capital plan had the potential to reduce that blended rate, depending on how many employees opt for the plan.

The committee decided to offer two options for the premium split. Option #1 would keep the employee premium the same as it currently stood, with the City picking up the increase – meaning that the City would pay for the premium increase. Option #2 would keep the percentage the City and employee paid the same – meaning that both the City and the employees would pay part of the premium increase.

The City had been offering a high-deductible plan with a Health Savings Account (HSA) for the past four years. These plans had been well-received by employees and a majority currently participated on the high-deductible plans. We were not proposing any changes in the upcoming fiscal year regarding the City up-front contribution and per-paycheck match to the HSA. We would also continue to offer a flexible spending account (FSA) option for employees who opted for the traditional insurance plan.

Our dental insurance, which had been a self-funded plan since 2013, was doing well and did not require any premium adjustment for the upcoming fiscal year. Our vision insurance was also bid out this year. However, Opticare remained the most competitive and offered us a hold on the premium if we stay with them for the new fiscal year. The Hartford Group had also continued with their current rates for our Life, LTD and AD&D plans, so there was no impact on those benefits for the new fiscal year.

This insurance proposal would help us to continue to offer a competitive benefit to our employees who helped the City as we strived to attract and retain the very best talent possible.

Mayor Rolfe pointed out that action was needed that evening in order to meet the schedule.

**MOTION:** Councilmember Nichols moved to adopt Resolution 15-84, authorizing the Mayor to execute Contracts with PEHP for medical, EMI for dental, Opticare for vision, and the Hartford for Life and LTD Fiscal Year 2015, using Option #2 for the premium split. The motion was seconded by Councilmember Rice.

Jon Gardner, Human Resources Manager clarified that Option 2 would maintain the current percentages.

Mayor Rolfe expressed the opinion that the City should pick up the cost of the insurance increase and refrain from increasing the employees' cost.

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>No</b>  |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>No</b>  |

**The motion passed 5-2.**

Councilmember Haaga left the meeting at 6:57 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF AN ADDITIONAL \$10,000 FROM COUNCIL CONTINGENCY FUND FOR THE 2015 WEST JORDAN CITY PARADE FLOAT**

Julie Brown explained that the City budgeted \$7,000 and planned for a volunteer group to build the City float. Due to medical issues in the organization command structure, they were unable to mobilize to build the city float. They would still like to be considered for future years.

They considered having the West Jordan Arts Council build the float. Councilmember McConnehey spread the information. In the end, they decided they did not have enough members to commit to the project during the allotted timeframe.

The theme of the float would match the City's branding and include the new logo and color scheme. She felt confident the City could have the West Jordan float in all of the following parades:

|         |                           |
|---------|---------------------------|
| July 3  | Riverton                  |
| July 4  | Murray                    |
| July 4  | West Jordan (host)        |
| July 4  | Sandy                     |
| July 19 | Draper                    |
| July 23 | Days of '47 Float Preview |
| July 24 | Days of '47               |
| July 24 | Cottonwood Heights        |

Current city allowed budget:           \$ 7,000

Request from council contingency: \$10,000

Staff sought direction from the Council.

**MOTION: Councilmember Hansen moved to approve \$10,000 from the Council Contingency fund in the current budget to be used for the 2015 West Jordan City Parade Float. The motion was seconded by Mayor Rolfe.**

Councilmember McConnehey spoke in opposition to the motion, pointing out that the Council had denied additional funds for this item during the previous budget discussions.

A roll call vote was taken

|                                 |               |
|---------------------------------|---------------|
| <b>Councilmember Haaga</b>      | <b>Absent</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b>    |
| <b>Councilmember McConnehey</b> | <b>No</b>     |
| <b>Councilmember Nichols</b>    | <b>No</b>     |
| <b>Councilmember Rice</b>       | <b>No</b>     |
| <b>Councilmember Southworth</b> | <b>No</b>     |
| <b>Mayor Rolfe</b>              | <b>Yes</b>    |

**The motion failed 2-4.**

Councilmember Haaga returned at 7:01 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 15-10, ESTABLISHING THE 2015 ASSESSMENTS FOR THE HIGHLANDS ASSESSMENT AREA**

Brian Clegg explained that the City Council had created the Highlands Assessment Area under the auspices of the Utah Code. In connection with the City Council approval process, a Notice of Intent to Create Assessment Area was prepared, approved by the City Council, and mailed to property owners in the Highlands. This Notice described the assumptions, policy decisions and processes associated with the creation of the Highlands Assessment Area, and which would govern assessments. The purpose of the Highlands Assessment Area was to provide funding for the maintenance of the high level of open space and other public improvements associated with the Highlands master development area. Now that public improvements, homes and businesses had started to appear in the Highlands, the Highlands Assessment Area should be activated and assessments started because ongoing City maintenance responsibilities had already commenced.

**2015 Calendar Year Assessment Area Budget**

Through a variety of analyses and information gathering, the Parks Department had determined that the net budget for the Highlands Assessment Area for the remainder of calendar year 2015 would be \$8998. This amount was estimated to provide weekly

mowing and weed attention, as well as winter snow removal from park sidewalks and trails as well as maintenance of park strips along collector and arterial roadways. This weekly attention was twice the attention that open space in other parts of the City would receive under current budgeting, and significantly greater attention than provided by the Developer.

As approved by the City Council previously, 3% of this amount would be assessed to the owners of undeveloped land, based on an ERU (Equivalent Residential Unit) share of  $\frac{1}{4}$  acre. In other words, the 3% share of the maintenance budget, or \$270, would be divided by the number of  $\frac{1}{4}$  acre units in undeveloped land and assessed to the owners thereof.

As approved by the City Council previously, 5% of this amount would be assessed to the owners of commercial enterprises, with each separate business location being a single ERU. In other words, the 5% share of the maintenance budget, or \$450, would be divided by the number of individual business locations and assessed to the owners thereof. If a single business occupied more than  $\frac{1}{4}$  acre of land, then its total number of  $\frac{1}{4}$  acre units would be added to the other business locations to divide into the 5% share.

As approved by the City Council previously, the remaining 92% of the assessment area annual budget would be assessed to owners of residential real estate, with each residential unit counting as 1 ERU. In other words the remaining 92% of the maintenance budget, or \$8278, would be divided by the number of residential units having a certificate of occupancy and assessed to the owners thereof.

### **The 2015 Residential Assessment**

There are 21 residential units now extant in the Highlands with certificates of occupancy. Based on this number of residential units, a monthly assessment of \$32.00 would be required to raise the needed money. However, during 2015 additional housing units are expected to come on line. Moreover, based on a projection of full build-out of public improvements to be maintained by the Assessment Area, and now-projected full build out of residential units, the monthly assessment per household would be \$15.00.

A monthly assessment of **\$15.00** on each of these residential units was calculated to raise less than was needed in the first years, but should be the residential assessment that would avoid raising the assessment over time.

Of course, we cannot accurately foresee the actual cost of maintenance over time. Nor can we accurately foresee the total number of residential units in the future, and over time. What we do know is that any overage collected would be retained in the Assessment Area and would be applied to the next year's budget. Also any under collection could be added to future budgets to recoup advances made by the City. If after build-out the Assessment Area started to incur costs that were not fully absorbed by the existing assessments, the City Council would be asked to raise the assessments as needed to fully cover the costs.

### **The Process of Assessment**

The City Council approved a proposed assessment in March. These proposed assessments were provided to the owners of property in the Highlands by direct notice. During the ensuing period, a board of equalization convened twice, once during the day and once in the evening, to hear appeals of the tentative assessment from property owners. The City Council was now asked to approve final assessments. Once final assessments were approved, the assessments would be levied and collected pending a new assessment proposal.

### **Collection of Assessments**

As approved by the City Council previously, the residential and commercial assessments will be added to the water bills going to the same addresses and will be a charge akin to fees already collected through the water bill. The enforcement of payment of the assessment is akin to enforcement of a failure to pay any charge currently on the water bill: a water shut off.

As also approved previously, the undeveloped property assessment will be assessed in the most efficient way. Initially property owners will be asked to pay their assessment directly to the City through a mailed billing. Those property owners who fail to pay as requested will have the assessment placed on the annual property tax bill at the County for their property.

The assessments would increase funding to provide a higher level of service within the Highlands Assessment Area than in the City generally. For the first few years, the Parks Department will budget amounts to cover short falls in the assessment, due to a timing mismatch of facilities coming on line for maintenance and additional residential units coming on line to pay the assessment. Funding advances from the City can be collected back from future assessments.

Staff recommended approval.

**MOTION:** Councilmember Nichols moved to adopt and approve Ordinance 15-10, establishing the 2015 assessment for the Highlands Assessment Area, all as explained in the staff report. The motion was seconded by Councilmember Hansen.

Councilmember Rice spoke in favor of the motion for the reason that future residents would know about this assessment *before* moving in to the area.

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion passed 7-0.**

**DISCUSSION AND POSSIBLE ACTION REGARDING ESTABLISHING THE MAYOR'S SALARY AT \$89,500 AS OUTLINED IN THE 2009 WEST JORDAN MUNICIPAL CODE 1-7B-4, AND BUDGETED IN FISCAL YEAR 2014-2015 BUDGET**

Mayor Rolfe explained that as everyone was aware, before he took office he made a campaign promise that he would not accept a salary that was greater than the average income of our West Jordan citizens. When he took office in January 2014, he followed through on his promise. He made a formal statement at Council Meeting that he would only accept a salary of \$60,000 and that was exactly what he had done. This Council, however, decided to continue budgeting \$89,500 for the Mayor's salary even though he was only accepting \$60,000. This Council again budgeted \$89,500 for the Mayor's salary for the 2014/2015 fiscal year. Recently, he was compelled to hire a personal attorney to protect the interests of the City. This Council *refused* to approve his payment. At this time, he was forced to reinstate his full salary as Mayor so he could make certain that his attorney was paid for his services. Once he had been paid in full, if there was anything remaining of the additional salary, he would donate the money to benefit West Jordan charitable organizations. He wanted to be clear: the additional \$29,500 he received – after taxes - would be used only to pay for his legal fees, and anything that remained would be donated to charity.

Councilmember Southworth clarified that no action was needed—this was informational only.

Councilmember Haaga expressed his belief that the Mayor deserved legal counsel and that both he and the Mayor had been denied legal counsel by City administration and the other Council members. He stated that the Council should pay for legal counsel for any member of the Council, including the Mayor and that it should not come out of anyone's salary.

Councilmember Southworth pointed out that what the Mayor did with his salary was not his own concern. However, he indicated that refusal to pay personal legal fees was not determined by City administration but by State Code—that such a decision was not within the purview of management.

Mayor Rolfe reiterated that staff had not denied payment of legal fees—that it was the Council.

**DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF COUNCIL MEMBER'S INDIVIDUAL APPOINTMENT'S TO ALL CITY COMMITTEES, AND OUTSIDE ORGANIZATIONS**

This item was continued to May 13, 2015.

**X. REMARKS**

Councilmember Hansen mentioned that she had recently been invited to two different events. One involved speaking to scouts about community government and the other was a Court of Honor for an Eagle Scout. She stated that she had been honored to participate in both events.

Mayor Rolfe reminded the Council that there was a vacancy on the Planning Commission which needed to be filled. He asked if the Council wished to convene a three-person panel to conduct the interviews or if the entire Council wished to participate in a public meeting.

Councilmember Southworth felt that having *two* panels of three councilmembers worked well previously.

Mayor Rolfe was of the opinion that one panel of three was plenty for a single open position. Councilmember Hansen agreed, and Councilmember Southworth said that was fine. Arlene Farley would handle the notifications and scheduling.

Mayor Rolfe pointed out that the RFP for a City Manager recruiter needed to be presented in a public meeting. It was determined that the RFP would be discussed in the May 13 meeting.

Melanie Briggs pointed out that the actual proposals could not be included in the packet as they were confidential. However, they could still be distributed to the Council members.

Councilmember Haaga asked that a discussion regarding the replacement of the City Attorney (and review of RFPs) be placed on the next agenda.

Councilmember Nichols pointed out that technically the City Attorney was on Administrative Leave, so a replacement was not in order.

Councilmember Southworth concurred with Councilmember Nichols.

Councilmember Haaga then responded that he would like to agendize the matter of reviewing RFP's regarding *future* City Attorneys.

Bryce Haderlie pointed out that Melanie Briggs was in possession of the RFPs.

There were no additional remarks.

**XI. ADJOURN**

**MOTION: Councilmember Haaga moved to adjourn. The motion was seconded by Councilmember Hansen.**

The meeting adjourned at 7:13 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 13th day of May, 2015

**DRAFT**

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

**Wednesday, April 29, 2015**

**6:00 p.m.**

**Council Chambers  
8000 South Redwood Road  
West Jordan, Utah 84088**

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**COUNCIL:** Mayor Kim V. Rolfe, and Council Members Jeff Haaga, Chris McConnehey, Chad Nichols, Ben Southworth, and Sophie Rice. Councilmember Judy Hansen participated electronically.

**STAFF:** Bryce Haderlie, Interim City Manager, and Melanie Briggs, City Clerk

**I. CALL TO ORDER**

Mayor Rolfe called the meeting to order at 6:04 p.m.

The Pledge of Allegiance was led by Nate Gedge.

Councilmember Southworth point of clarification. Councilmember Hansen was to join the meeting electronically. However, there has been a question if she could participate even though she is not on City business. When I read that portion of the 'Council, Rules and Procedures' I did not think that was what that said. I don't know if we need a legal clarification. Either way, I do not think the City Clerk has her on the phone right now.

Melanie Briggs stated Councilmember Hansen was not on the phone, because she was waiting for a determination from the Council.

Councilmember Southworth stated that we need that clarification so the City Clerk could get her on the phone and participating in the meeting, if that would be the determination.

Councilmember McConnehey stated in the past when we have conducted electronic meetings, the meeting must be notices that way, and then suspend the Council rules to allow participation whether it was City or personal business.

Melanie Briggs stated the meeting had been noticed as an electronic meeting.

Councilmember Haaga said a special meeting must be called by the Mayor or two Council members. The State law indicates that a lack of presence was a waiver that you had been notified of the meeting.

**MOTION:** Councilmember Nichols moved to suspend the rule to permit Councilmember Hansen to participate. The motion was seconded by Councilmember Southworth.

Councilmember Haaga said by suspending the rules, the Council would have no guidance on how to conduct the meeting. So, if the rules were suspended, he requested that Councilmember Nichols specify which rule was being suspended, so that all of the rules are not suspended.

Councilmember Haaga asked if the Acting City Attorney would be able to look up State Code concerning councilmember presence, and lack of presence would be a waiver of their activity in the meeting.

Darien Alcorn stated she would not be able to.

Based on her comment, Councilmember Haaga objected to the motion because it violated State Code.

Mayor Rolfe spoke against the motion also, because the Council should *not* pick and choose which rules to follow, and which ones we do not.

A roll call vote was taken

|                                 |               |
|---------------------------------|---------------|
| <b>Councilmember Haaga</b>      | <b>No</b>     |
| <b>Councilmember Hansen</b>     | <b>absent</b> |
| <b>Councilmember McConchey</b>  | <b>Yes</b>    |
| <b>Councilmember Nichols</b>    | <b>Yes</b>    |
| <b>Councilmember Rice</b>       | <b>Yes</b>    |
| <b>Councilmember Southworth</b> | <b>Yes</b>    |
| <b>Mayor Rolfe</b>              | <b>No</b>     |

**The motion passed 4-2 in favor**

For clarification Councilmember Haaga indicated that the conversation must be audible both receiving and sending.

Mayor Rolfe asked Councilmember Hansen is she was participating in the meeting of her own choice.

Councilmember Hansen indicated, yes.

## **II. BUSINESS ITEMS**

### **REPORT ON MEETING WITH SALT LAKE COUNTY DISTRICT ATTORNEY'S OFFICE ON MONDAY**

Mayor Rolfe reported to the City Council that he had a meeting with Sim Gill and his staff on Monday. The investigation was proceeding, and he had requested additional documents, and he stated that he would cooperate with him fully.

Councilmember Southworth asked if the Mayor could elaborate on what investigation, and was this something that was initiated on his own volition.

Mayor Rolfe stated the investigation into two items that had to do with the hiring practices of the City, and signatures on City documents.

Councilmember Haaga said he wanted to make public that after a closed door session, he with Mayor Rolfe submitted documents concerning the hiring of the City Council member, along with other allegations to the Salt Lake County District Attorney.

He said this involved the Interim City Manager and City Attorney interviewing a City Council member for the Deputy Public Works Director position. It also involved the selection of the Council member being hired above more qualified candidate's that applied. Of the 19 applicants selected for review, and with many more qualified applicants that were not even considered, the position went to an elected official of this body in March 2015. This involved the City Council member working with the City Attorney to change City Code for filling a vacancy of his position even after he had been offered the job.

Finally, there was never a disclosure to the public or City Council body of the City Administration interviewing a Council member. He was seeking a full investigation of this matter by the Salt Lake County District Attorney, or refer the item to the Utah State Attorney General's Office. The 110,000 residents that he represents, demand that our hiring practices and system for positions in the City was fair and without prejudice. He would hope all staff members and elected officials work with the investigative officers to a resolution of this matter.

**AFFIRMATION OF BRYCE HADERLIE TO EXERCISE HIS DUTIES AS  
ACTING CITY MANAGER AND TO FULFILL THOSE DUTIES  
ACCORDINGLY**

Councilmember Southworth stated as an introduction I want to use the word veracity, which is the quality of being truthful or honest. In fact, it is devotion to the truth. He wanted to make a statement, that if this Council, if all of us, between its members, City staff, and the especially the public cannot have faith in the veracity of their elected officials, our ability to carry out work would be irreparable harmed. My friends, we can do better. Let me introduce this by starting with a motion:

**MOTION: Councilmember Southworth moved that the West Jordan city council hereby reaffirms our support of Bryce Haderlie as the acting city manager of the city of West Jordan to exercise all authority and responsibilities of the office of City Manager as prescribed by state and city code and to fulfill those duties accordingly. We feel it necessary and appropriate to remind ourselves, city staff and**

residents alike that our system of government is based on law and order; and as such would like to rehearse the following from city code and council policies, rules and procedures.

**COUNCIL POLICIES, RULES AND PROCEDURES  
D.1 INTERACTION WITH CITY STAFF/OFFICIALS**

a. Overview. City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties in order that City policies and programs may be implemented successfully. The City has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships, it is important that roles are clearly recognized.

b. Council-Manager Form of Government. West Jordan City has adopted a City Council-City Manager form of government. Basically, this structure reflects that it is the City Council's role to establish City policy and priorities. The Council appoints a City Manager to implement this policy and undertake the administration of the organization. The City Council is to work through the City Manager in dealing with City staff. Indeed, the municipal code requires Council Members to work through the City Manager, unless simply requesting information from other staff members.

c. City Manager Duties. The City Manager is appointed by the City Council to enforce its laws; to direct the daily operations of City government; to prepare and monitor the municipal budget; and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council Members. The Manager has the sole responsibility to direct and coordinate the various departments and City staff.

d. Council/Manager Relationship. The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive officer of the City. The City Council should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and the City Manager is important in maintaining open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

**The City Council is to evaluate the City Manager on a regular basis (at least annually) to ensure that both the City Council and City Manager are in agreement about performance and goals based on mutual trust and common objections. West Jordan City Councils have utilized the following areas of performance: communications; interpersonal/community relations; and ability to accomplish goals and objectives.**

**As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is the City Council. The City Manager communicates with City Council in various ways. There is a formalized approach by holding briefing meetings with individual Council Members and through "For Your Information" memorandums, and by bi-weekly City Activity Reports. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed.**

**D.1 - h. Council Roles. Individual members of the City Council shall not attempt to pressure or influence Administrative staff decisions, recommendations, workloads, schedules, or department priorities, without the prior knowledge and formal approval of the City Council, as a whole. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of Administrative staff, that Council Member must prevail upon the Council and to do so as a matter of Council policy.**

**City code:**

**1-6-7 Limitations of actions and authority of city council**

**A. Council Prohibited From Administrative Interference: No member of the city council shall direct or request, except in writing, the appointment of any person to or his removal from office. No member of the city council shall interfere in any way with the performance by the appointed officers of their duties. The city council shall not give orders to any subordinate of the city manager, either publicly or privately, but may make suggestions and recommendations to the city manager.**

**1-7b-2 Mayoral Duties**

**B. No Administrative/Executive Duties: The mayor shall have no administrative or executive powers or duties. The mayor may provide**

**citizens with names and phone numbers or e-mail addresses into specific departments of city government for assistance with citizen questions, but the mayor may not direct the city staff as to the solution or action responding to any such concern. Any issue raised by citizens or the city council concerning the level or appropriateness of city responses or services shall be discussed with the city manager and not directly with any subordinate employee. The motion was seconded by Councilmember Rice.**

Councilmember Haaga wanted to make sure the Councilmember Hansen was still on the line.

Councilmember Hansen stated she was.

Councilmember Haaga addressed what the Mayor and Manager's duties are based on State Code. We are unfortunate, or fortunate, to be governed by 1977 Law, and sometimes it gets interpreted with other forms of government. But, in 1977 Code, Section 10-3-1224, the Mayor shall preside at all meetings of the Council; and shall have a vote in all Council proceedings. All bonds, notes, contracts, and written obligations of the municipality shall be executed on its behalf by the Mayor. Now, to me, that is CEO type of authority granted by State Code. He stated he objected to the motion. He felt the Council placed a staff member that was appointed as the Interim City Manager in a position that is probably beyond his ability. I would even confess, this is a big city. We have 500 plus employees, give and take. I am sure, I know just from going down to St. George with him, he had to leave an extra day because he was ill. It has taken a toll on his health. Therefore, he proposed the following substitute motion:

**SUBSTITUTE**

**MOTION: Councilmember Haaga moved to release Bryce Haderlie from Interim City Manager, and allow him to resume his duties as Assistant City Manager; and appoint Chief Marc McElreath, as our Acting City Manager, temporarily as we go out and seek a new City Manager. The motion was seconded by Mayor Rolfe.**

Councilmember Hansen asked if Chief McElreath agreed to this, because she knew at one time that he would not do it again.

Mayor Rolfe asked if Chief McElreath asked to do this, would this be something he could do temporarily.

Chief McElreath said he was asked this question prior to the meeting starting. He felt along with anyone at this table, you always have 'other duties as assigned;' and he could just tell them, that was something he was asked to do temporarily, and that was the direction the Council wanted to go, I would do that.

Mayor Rolfe asked if Councilmember Hansen heard that.

Councilmember Hansen indicated that she did.

Councilmember Rice said she would be willing to accept Councilmember Haaga's substitute motion, if she could alter it herself.

**AMENDED SUBSTITUE**

**MOTION: Councilmember Rice moved that she would accept Bryce Haderlie becoming Assistant City Manager, IF WE RIGHT NOW REINSTATE RICK DAVIS, BECAUSE WHAT HAPPENED TO HIM WAS WRONG.**

Councilmember Haaga called a point of order. The Council by contract are not allowed speak of our former City Manager in public.

Councilmember Rice said that he was not allowed to speak ill of him in public.

**The motion was seconded by Councilmember Southworth.**

Councilmember Southworth said with both substitute motions, the Council has caught two individuals off guard that had not been previously discussed this with.

Mayor Rolfe point of clarification Chief McElreath was approached prior to the meeting, and said he would do this.

Councilmember Southworth said he heard *how* he said he would do it, and he is a good Indian and he said the correctly. He seconded the motion of Councilmember Rice and would support it. However, he did not know, the Council has not reached out to Rick Davis to see if that was something he would be willing to do. This is not what we intend to do tonight. We are getting off track.

Mayor Rolfe stated if we are off track then a motion should not have been made, and you should not have seconded it if that was the case.

Councilmember Southworth said we have been off track all night. Thank you, that is all I have to say.

Councilmember Haaga just a point of clarification. Back in August of 2014, our past City Manager resigned, and our City Attorney crafted a separation agreement, which is I guess standard procedure in government. Part of that agreement, was that we as Councilmembers', now our new Councilwoman has a perfect right to mention our past City Manager. The Council is supposed to refrain from any disparagement. He resigned

with honor, and as far as I know we honored his retirement and all of the agreements that we had up to June of this year. Out of respect of the separation agreement, that we avoid using our past City Manager's name in this motion.

Councilmember Rice said she would pull her motion.

A roll call vote was taken on the *Substitute* motion

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>No</b>  |
| <b>Councilmember McConnehey</b> | <b>No</b>  |
| <b>Councilmember Nichols</b>    | <b>No</b>  |
| <b>Councilmember Rice</b>       | <b>No</b>  |
| <b>Councilmember Southworth</b> | <b>No</b>  |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion failed 2-5 against**

Councilmember McConnehey clarified his 'No' vote, was in no form or any sign of discord or concern with Chief McElreath, rather it was the release of Bryce Haderlie. He has full faith and confidence in Chief McElreath.

Councilmember Southworth said you might consider this legislative intent, behind what we are proposing today. The first of that motion, the vast majority of it was pulled straight from our Council, Rules, Policies and Procedures, and City Code. But the first two paragraphs, state where we reaffirm our support of Bryce Haderlie as the Acting City Manager, and support him in executing those duties. Means all of those duties that we talked about in there. He has my explicit support to reach out to Jeff Robinson, and if he so feels in executing those duties, that he is qualified, and if he should be returned back to work, he has my support to do so. He has my support to take care of, and it has come to my attention, that we have had examples of Councilmembers, and I am not pointing fingers, and people should understand that we have a lot of rules. At times I don't know that there is a Councilmember that is on this Council right now, or a Councilmember or Mayor who has ever served in this City who hasn't stumbled over a line somewhere, somehow. We have a whole book of rules, policies, and procedures. So I am not saying that any of us are perfect, but it has come to my attention that there has been some blatant disregard for these, on Council and in staff there has been serious cases of insubordination with staff, and our City Manager has that authority to take care of these things.

Councilmember Haaga said there were a series of closed door sessions, where we are not allowed to ever talk about what we discuss in there. But there was direction given from the Council, and it involved our City Attorney, and I with the Mayor, I guess as a witness, went with the Mayor to execute the direction of the Council to the Interim City

Manager, and it was twice rejected. We then had to have another closed door session on April 17, and his recollection again, where there is direction I cannot tell you details, other than there was direction that our City Attorney, because of investigations from the State of Utah should be put on leave, and be escorted out of the building. I actually came to witness that on Monday, which happened. I stand by what happened. I believe it was a direction of this City Council. Unfortunately, Councilman Southworth was not at that meeting, so he might not be aware of the direction of the Council. So our City Attorney is on leave based on the direction, from his perspective of a closed door meeting of the City Council.

Councilmember Nichols said he wanted to speak to one specific subject that was brought up, which was that the fact that the office of Mayor has CEO, or CEO like functions. In our form of government, I want to set the record straight, there are no CEO like functions within the Council. We have administrative functions only in appointing a City Manager, and allowing the Mayor to sign contracts, and those contracts have to be approval of the Council. There is no executive authority within any member of the this body, except for those few administrative functions that are permitted. There is no executive authority in this office. Just to be clear.

Bryce Haderlie felt compelled to correct the comments of Councilmember Haaga. Having participated in those conversations, I hope that you would agree, that at no time did I deny that I would carry out the requests of the Council, but asked if we could have a conversation with the Council in a closed session last Wednesday. So, I would refute the claim that he refused to follow the order, but asked for an opportunity to talk with the Council to clarify that. I would also like refer to Section 1-6-7 of our Code: 'Limitations of actions and authority of city council A. Council Prohibited From Administrative Interference: No member of the city council shall direct or request, except in writing, the appointment of any person to or his removal from office.' And at no time has he received anything in writing referring any action against any of our staff in that regard. So he wanted to make that clear.

Councilmember McConnehey said even as he start speaking, I am still trying to formulate my thoughts, and my apologies if it is a little bit convoluted. Normally I would speak against the motion, I would find it to be somewhat superfluous, it is redundant, it has already been stated in City and State Code, and I don't know is worth taking time to rehash. It's out there now, and if you vote against it, it feels like our hands are being pushed because if you vote against it, it could be seen as oh well I don't support that Code, but you vote for it, and it seems like it allows it to continue the rift that exists among our Council. Honestly, over the past couple weeks, I have been embarrassed by what I have seen in the newspaper. I have done my best to work with all parties, speak with all parties. I find it embarrassing, and frustrating that we have to have something like this, I guess we don't have to have something like this, but we do have something like this on the agenda. It feels like the discontent that exists among Council is starting to spill out to City staff, and staff has been somewhat victimized because of our inability to

get along and moved forward. I feel like we have been so stuck on focusing on some of the parliamentary procedures and how do we do this, and how do we do that, that the human element has completely been lost from what we are trying to accomplish. With that, I really don't know if I would speak for or against this at this time. Obviously, we all took an oath to support, obey and defend the Constitution of the United States, the State of Utah, obey and uphold the laws and ordinances of the City of West Jordan. Obviously, everybody is going to have slip ups sometimes, I don't know that it is necessary to, this almost feels like a public shaming, to say that we may have slipped up, and we are going to put a vote to it, or are we going to support our Interim City Manager, yes or no. By law, and under our form of government, he is in charge. I am just frustrated that this is even out there. I will leave my comments at that. I am frustrated, I am embarrassed, and disappointed, and I think this is absurd.

Mayor Rolfe said it was amazing to him how the rules get waived by certain members of the Council when it fits their needs, and it just amazes me when we broke the rules in one breath, and changed the rules proceeding, by certain members of the Council to fit the will of certain members of the Council. I wish that we would stick with the rules all the way. I need to state, that even though my colleagues stated that he hasn't pointed the finger at any one person, he only pointed the finger to one person in the Tribune yesterday. I want to go on the record as stating that six members of this Council gave me direction to enforce what the Council instructed on the 17<sup>th</sup> of April.

Councilmember Rice stated strongly that is untrue. That is untrue. And I would like my buttons fixed.

Councilmember Haaga called point of order.

Councilmember Southworth restated his motion.

A roll call vote was taken on the *Main* motion

|                                 |                  |
|---------------------------------|------------------|
| <b>Councilmember Haaga</b>      | <b>Abstained</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b>       |
| <b>Councilmember McConnehey</b> | <b>No</b>        |
| <b>Councilmember Nichols</b>    | <b>Yes</b>       |
| <b>Councilmember Rice</b>       | <b>Yes</b>       |
| <b>Councilmember Southworth</b> | <b>Yes</b>       |
| <b>Mayor Rolfe</b>              | <b>No</b>        |

**The motion passed 4-2 in favor with one abstaining**

**DISCUSSION AND POSSIBLE ACTION REGARDING SELECTION OF A QUALIFIED EXECUTIVE RECRUITING FIRM, TO COORDINATE AND ASSIST THE MAYOR AND CITY COUNCIL IN ALL PHASES OF HIRING A CITY MANAGER**

Councilmember Southworth said this item had been going on for quite some time, and action should be taken to get a recruiter on board, to hire a City Manager.

Councilmember Haaga said the Council received the RFP's into the email; however, with the issues the City has had with the email system, he would like to table the item for further review.

Mayor Rolfe said all of the candidates who submitted an RFP should be interviewed by the Council all candidates in a public meeting as soon as possible, and move forward with a contract. He asked if the Council were in favor of this direction

Councilmember Rice was opposed.

The majority of the Council were in favor of interviewing all of the executive recruiters as soon as possible.

**DISCUSSION AND POSSIBLE ACTION REGARDING SELECTION OF QUALIFIED ATTORNEY(S) WITH EXPERTISE IN ALL ASPECTS OF MUNICIPAL LAW TO REPRESENT THE CITY**

Mayor Rolfe felt the Council had a chance to review the RFP that was sent. He felt the staff and Council need direction from legal staff.

**MOTION:** Mayor Rolfe moved to direct staff to hire the firm that was the lowest responsible RFP, for 60-days, not more than \$20,000, until it can be placed on the agenda by the City Council to be used. The motion was seconded by Councilmember Haaga.

**SUBSTITUTE MOTION:** Councilmember Southworth moved to table this item until the next Council meeting. The motion was seconded by Councilmember Nichols.

Councilmember Haaga said the Council needed to come together. He felt legal advice from an attorney was essential. Delaying this only keeps the controversy going.

Councilmember Nichols spoke in favor of the motion for additional time to review the RFP's

Councilmember McConnehey spoke against the motion based on conversations with the Interim City Manager, and his concern with the recent events in the legal department, and

the continued burden that exists there. Postponing additional resources will only continue to harm the City. He felt the original motion was more appropriate than the substitute.

Mayor Rolfe spoke against the motion.

A roll call vote was taken on the *Substitute* motion

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>No</b>  |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>No</b>  |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>No</b>  |

**The motion passed 4-3 in favor**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-85, CONFIRMING THE APPOINTMENT OF AN INDIVIDUAL AS PLANNING COMMISSION MEMBER**

Councilmember McConnehey said they interviewed several qualified applicants. In this case, it was a very difficult decision to make because of their talents and willingness to be involved with the City.

**MOTION:** Councilmember McConnehey moved to approve Resolution 15-85, confirming the appointment of Kelvin Greene as a Planning Commission member to fill the current vacancy. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

|                                 |            |
|---------------------------------|------------|
| <b>Councilmember Haaga</b>      | <b>Yes</b> |
| <b>Councilmember Hansen</b>     | <b>Yes</b> |
| <b>Councilmember McConnehey</b> | <b>Yes</b> |
| <b>Councilmember Nichols</b>    | <b>Yes</b> |
| <b>Councilmember Rice</b>       | <b>Yes</b> |
| <b>Councilmember Southworth</b> | <b>Yes</b> |
| <b>Mayor Rolfe</b>              | <b>Yes</b> |

**The motion passed 7-0 in favor**

Councilmember McConnehey expressed appreciation to the applicants who were willing to get involved, and suggested they become involved in other areas throughout the City.

**III. ADJOURN**

**MOTION:** Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

The meeting adjourned at 6:55 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 S. BRIGGS, MMC**  
City Clerk

Approved this 13<sup>th</sup> day of May 2015