

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

**Wednesday, June 24, 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; Darien Alcorn, Acting City Attorney; Melanie Briggs, City Clerk; David Oka, Community and Economic Development Director; Brian Clegg, Parks Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Ray McCandless, Senior Planner; Larry Gardner, Senior Planner; Eric Okerlund, Budget Officer; Jim Riding, CIP/Facilities Project Manager; Jared Smith, Risk Manager; Justin Stoker, Deputy Public Works Director; Steve Glain, Management Assistant, and Bill Baranowski, Traffic Engineer.

**I. CALL TO ORDER**

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

**II. CLOSED SESSION**

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

**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY  
IMMINENT LITIGATION**

**STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR  
LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER  
RIGHT OR WATER SHARES**

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

**STAFF:** Bryce Haderlie, Interim City Manager; Darien Alcorn, Acting City Attorney; Tracy Cowdell, Contracted Attorney; Chad Wooley, Contracted Attorney; Eric Johnson, Contracted Attorney, and David Oka, Community and Economic Development Director.

**MOTION:** Councilmember Hansen moved to go into a Closed Session to discuss the character, professional competence or physical or mental health of an individual; a strategy session to discuss pending or reasonably imminent litigation; and a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares. The motion was seconded by Councilmember Nichols.

Councilmember Haaga wished to ensure that the personnel to be discussed would be City staff and not an elected official.

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 for a discussion of the character, professional competence or physical or mental health of an individual; a strategy session to discuss pending or reasonably imminent litigation and a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares at 5 p.m.

The Council recessed the Closed Session at 5:57 p.m. and reconvened the meeting at 6:00 p.m.

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

The Pledge of Allegiance was led by Jacob Lyman of Troop #848.

### ***IV. COMMUNICATIONS***

#### **INTERIM CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie –

- Reported that West Jordan was voted #8 on a list of ‘Top Ten Suburban Cities’ near Salt Lake for Young Professionals
- Big Budah from Channel 13 would broadcast live from the West Jordan Arena on July 3 beginning at 5:30 a.m.
- There was currently the highest-ever number of cowboys signed up to compete at the upcoming West Jordan Stampede Rodeo, including seven world champions.

He felt that was in large part due to the Council's willingness to increase the size of the purse.

### **STAFF COMMENTS/REPORTS**

David Oka-

- Stated that residential building had returned to levels seen in 2006-2007 which had put additional demands on existing staff. He stated that in the future he might return to the Council to address that issue.

Brian Clegg-

- Explained that grass in many of the parks and the park strips were brown. This was due to the department's water conservation efforts.
- There were also some irrigation problems that were currently being addressed.

Ryan Bradshaw-

- Read from a letter received from the Utah Government Finance Officers Association in which the City was notified that for the 33 time in the City's history, it was receiving a Certificate of Achievement for Excellence in Financial Reporting.

Wendell Rigby-

- Reported that the closure on 9000 South was open 3-4 weeks ahead of schedule.
- Regarding 5600 West between 6200 South and 7000 South, it was anticipated that it would be complete in mid-July which was also approximately three weeks ahead of schedule.

Marc McElreath-

- KSL recently aired a story about Captain Mike Bain, Zack Sumner, and Collin Steele who were called to assist a gentleman who had required medical attention while working on his car. After the patient was transported to the hospital, these employees remained at the scene to repair the vehicle so that the patient's wife could then drive to the hospital to be with her husband. He wished to thank the crew for going above and beyond the call of duty.

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

Councilmember Rice –

- Reported that she had attended a meeting of the Jordan River Commission wherein she learned of an upcoming Weevil Release Party to be held on July 18. Interested parties should meet at 8 am at Millrace Park in Taylorsville. This event was designed to help control goathead infestation.

Councilmember Southworth –

- Stated, "we have an individual that serves the Council in our administrative staff that is supposed to be helping us with research and what have you. Understanding

that our City Manager is trying to do the job of multiple people and is buried... He was mentioning this to me, and I suggested that we take that individual and have this person report directly to him—be his personal assistant. The reason I bring that up is because that individual is supposed to serve the Council as a whole, and I don't think that that's necessary. We thought that might be helpful-- I don't think we've gotten the use out of that as we had anticipated so I would suggest that the Council-- I'm just giving my consent—it's the City Manager's... it wouldn't interfere with anything else that he's really doing but this is an individual that happens to report duly to him and to us and so I would give my consent to reorganize and re-classify that position and just throw that to the Council if anybody else is in disagreement to bring that relief to our City Manager to help move the process along—move the flow of information and help get the business done in the City we really, really, really have... that help is very needed at this time so I'll throw that out... if there's anybody in disagreement speak up but I think that's something that we need to do to help the City.”

Mayor Rolfe stated, “So you're saying, reclassify that job?”

Councilmember Southworth responded, “Probably reorganize and remove that from having any direct report to the City Council itself and just like any other employee, that position would report and work strictly for the City Manager and the Council can request any assistance as they would through any other employee throughout the City.”

Mayor Rolfe responded, “That would be a re-classification.”

Councilmember Southworth stated, “If that's what it takes—reclassification—if we need a budget amendment—whatever we need to do, do it—fix the problem and help the work of the City move along.”

Mayor Rolfe stated, “Let's bring that back and put it on the agenda for the future.”

Councilmember Southworth responded, “Well, I don't know that needs to be an agenda item. Maybe it does.”

Mayor Rolfe: “Well a reclassification certainly does.”

Councilmember Southworth: “Well, then don't reclassify for now if that's the case. If we can immediately have that... if we can give Bryce... if it's possible to give him the direction to make that move immediately—tomorrow if needs be or the next day or whenever possible-- whenever he thinks. I'm just throwing it back to the City Manager to say, ‘that's in your court’ but I would consent to that, I guess is what... whatever change he wants to make and I was just asking the rest of the Council if they would consent to him doing that as well.”

Mayor Rolfe: "I wouldn't. I think it would take a budget amendment and a re-classification of job title and job scope."

Councilmember Southworth: "So there's no... no... it sounds like there's no... nobody disagrees with that so..."

Mayor Rolfe: "I disagree with it."

Councilmember Southworth: "But one disagreement. Ok. Thank you."

There were no comments from the remainder of the Council, either in favor of or against the proposal.

- Stated a spectacular show was coming for the Western Stampede with some high quality cowboys and motorcycles coming back. Expressed his appreciation to the community members who were helping to organize the upcoming events.

Councilmember Nichols -

- Took a moment of personal privilege, stating that it was his 20<sup>th</sup> wedding anniversary and he wished to let his wife know that he loved her. He thanked the Council for allowing him to do so in a public setting.

Councilmember Haaga –

- Stated that his daughter had been a victim of crime. There had been a yard sale at his house and someone stole her iPhone. However, Officers Eric Taylor and Walter Dodds recovered the phone and he wished to express his appreciation to them.
- Earlier today the Council was invited by the Interim City Manager to meet with senior staff and he was fortunate enough to attend. There was a discussion about our form of government and he found the discussion informative and especially appreciated that the Council body was placed at the top of the organization. However, he stated his belief that the residents should be at the top as that was where the power actually came from. He expressed his appreciation to Bryce for holding the meeting.

Councilmember McConnehey

- Reminded all that the performing arts group was in the middle of their run of '*Joseph and the Amazing Technicolor Dreamcoat.*' That would be wrapping up the following Thursday, Friday, and Saturday at Copper Hills High School starting at 7:30 p.m.

**V. CITIZEN COMMENTS**

Barbara Backman, West Jordan resident, introduced herself and Pam Marcusen and expressed their appreciation to the Council, Bryce Haderlie, and Wendell Rigby for all they had done to help their kids. They asked to shake their hands.

Jon Allred, West Jordan resident, spoke about a problem with an irrigation pipeline on 4000 West. He stated that he was representing 48 water users who lived in his subdivision. He stated that since he had addressed the Council previously he had been informed by Justin Stoker with Public Works that the pipe in front of Country Squire and Villa West was not owned by the City but that the one in front of Huntington Estates *was* owned by the City. He wanted to know who owned the other pipe and what would be done to solve the problem. Councilmember Southworth inquired of Wendell Rigby if the City could do anything to assist the residents even if the problem pipe was not city-owned. He stated that it did not seem right to say, “we built a road and we hired a contractor to do that but you’re on your own.” He asked that the Public Works Department re-examine the issue to see if anything could be done to help the residents. He also asked Mayor Rolfe if, due to his background, he had any knowledge of the situation. Mayor Rolfe responded that the City did not own any irrigation pipes and that the pipe in question, a corrugated metal pipe that had completely rotted, was installed long ago. There was supposed to be a project that would have slipped polyethylene through the existing pipe but for some reason that had never happened. So now there was a subsidence and he stated this was likely to be the first of many.

Darryl Lehmitz, West Jordan resident, stated that he wished to address the same topic. He stated he had lived in the area for his entire life—long before it was developed which began in about 1970. He concurred that the corrugated metal pipe was at the end of its useful life. He stated that ownership of the pipe was not clear-cut but that it was his understanding that a change was made and he wonders if the City might bear some responsibility if the course of the water was changed. However, he agreed that something must be done to fix the problem soon.

Alexandra Eframo, West Jordan resident, asked the group to pause to reflect upon common goals before beginning the business of the meeting. She then stated that she continued to wait for a Councilmember’s apology regarding a previous meeting. She also stated her belief that it was abominable that two individuals working for the City of West Jordan refused to take a lie detector test that she offered to pay for—that everyone knows that someone who refuses to take such a test must be untruthful. She stated that she was trying to pursue truth and justice. Regarding agenda item 6g, she asked the Council to increase the Chamber of Commerce’ monthly rent to \$1,000.00.

Jim Bird, West Jordan resident, stated he had some questions regarding agenda item 6m. He asked if the Mayor could disclose a dollar amount and/or the subject of the pending litigation. Mayor Rolfe responded that as it was a legal issue, he did not believe that he could disclose that information. Upon further questioning, Mayor Rolfe explained that the

City already had an existing contract with the firm in question and was merely extending that contract.

Bradley Barker, a West Jordan resident, stated he had owned his property in the Huntington Estates area for over 40 years. He stated his belief that it must have been a developer that moved or realigned the ditch with the City's cooperation that long ago. He felt that could probably be proven in a court of law although no one needed that. He said that the City should take ownership.

Garth Hardy, West Jordan resident, stated he had lived in the same area for over twenty years. He indicated that the ditch failed after road construction took place and that during that construction, the meter was moved from the street in front of his home to his front yard. His yard was torn up and never restored to how it had been before. A tree was torn down, and debris was left on the sidewalk in front of his home, and *he* received a citation for it and an order to clean it up. Now the ditch had failed and the City did the work. He expressed his appreciation to the Council for their work and acknowledged that their job was not easy. He stated his desire to be part of the solution as opposed to part of the problem.

Dirk Burton, West Jordan resident, expressed his appreciation to those Councilmembers who had recently ensured that some sidewalks were repaired. However, he stated more repairs were still needed. He recommended hiring an outside contractor rather than using City employees. He indicated a belief that a hired contractor would do the job correctly to ensure that he was paid. He stated that if the citizens want the sidewalks repaired, the City should do so.

JayLynn Thomas, West Jordan resident, stated that the property owner at 1333 West Barton Hollow Drive replaced the sidewalk in front of his home on his own. She suggested City staff should get on the same page since some seem to say that it is the property owner's responsibility whereas others say the City provides the labor and property owners can purchase cement for the work at the City's cost. It was her recollection that responsibility for sidewalk maintenance fell entirely on the City. She suggested that staff be trained so that when residents called with inquiries there were consistent answers.

There was no one else who wished to speak.

**VI. CONSENT ITEMS**

- a. Approve the minutes of June 10, 2015 as presented**
- b. Approve Resolution 15-116, authorizing the Mayor to execute a contract with Keddington & Jensen, LLC, for auditing services for the City of West Jordan**

- c. Approve Resolution 15-117, authorizing the Mayor to execute an Agreement with Genuine Parts Company for parts supply and on site management for the Fleet Department**
- d. Approve Resolution 15-118, authorizing the Mayor to execute Amendment #6 to the Interlocal Agreement with Salt Lake County for Fleet Administrative Services for the month of July 2015**
- e. Approve Resolution 15-119, authorizing the Mayor to execute a contract with Jani-Serv, Inc. for Janitorial services in an amount not-to-exceed \$99,447.97**
- f. Approve Resolution 15-120, amending the Uniform Fee Schedule for Fiscal Year 2015-2016**
- g. Approve Resolution 15-121, authorizing the Mayor to execute the Membership and Service Agreement between the City of West Jordan and the West Jordan Chamber of Commerce**
- h. Approve Ordinance 15-14, amending the 2009 West Jordan Municipal Code adding Title 9, Chapter 8 to the 2009 City Code, which contains the authorization and general governance for an assistance program that allows for payment or reimbursement of repair and/or redesign expenses, including payment of building permit fees, to and for residents resulting exclusively from storm water runoff flooding events**
- i. Approve the Stormwater Financial Assistance Program**
- j. Approve Resolution 15-122, authorizing the Mayor to execute a contract with Morgan Pavement Maintenance for the Senior Center Parking Lot Rehabilitation in an amount not-to-exceed \$140,286.00**
- k. Approve Resolution 15-123, authorizing the Mayor to execute a contract with WaterSmart Software, Inc. for consulting services for Customer Engagement Water Conservation Project, in an amount not-to-exceed \$10,000**
- l. Approve Resolution 15-124, authorizing the Mayor to execute an Agreement with Gold Cross for ambulance billing services for the City of West Jordan**
- m. Approve Resolution 15-125, authorizing the Mayor to execute a written agreement with Snow, Christensen & Martineau to provide services regarding pending litigation**

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

**MOTION: Councilmember Nichols moved to approve all Consent Items except f, g, h, i and m. The motion was seconded by Councilmember Southworth.**

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.**

#### ***VII. PUBLIC HEARINGS***

##### **RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-126, AMENDING THE FISCAL YEAR 2014-2015 BUDGETS FOR THE GENERAL FUND, CAPITAL SUPPORT FUND, AND THE STORMWATER FUND**

Ryan Bradshaw explained that a few budget adjustments were needed to reflect new or revised activities since the development of the 2014-2015 budgets:

- The Police Department received a COPS grant in the amount of \$500,000 in Fiscal Year 2013-2014 to cover personnel costs for new officers. The Police Department wished to redirect funding previously designated for personnel costs to be designated for operating costs, warranting a \$197,322 increase in Police Department operating expenditures. This amount represented grant payments received to date less \$110,953 previously redirected from personnel costs to purchase hand-held radios.
- The City wished to transfer \$2,000,000 from General Fund reserves to the Capital Support Fund as funding for future capital projects.

This adjustment would result in a \$1,635,000 net increase to the Capital Support Fund, since the Capital Support Fund transfers in would be increased by \$2,000,000 and the Prior Year's Reserves account would be decreased by \$365,000.

- The City wished to transfer budget in the amount of \$142,360 held in the Fleet Replacement Pool in the Non-departmental Program to the Police Department to use toward equipment costs for the leased Police vehicles.

The City wished to transfer budget in the amount of \$550,000 held in the Compensation Pool in the Non-departmental Program to the Public Safety departments in the following amounts: Police Department \$150,000; Fire Department \$400,000. These amounts were intended to cover costs associated with the new compensation plans implemented during this current fiscal year

The fiscal impact would be that revenue and expenses would change equally as follows: General Fund \$2,197,322; Capital Support Fund \$1,635,000.

Staff recommended approval of the resolution.

Mayor Rolfe opened the public hearing.

The Council and staff discussed clarifying questions.

Regarding the \$2,000,000 debt to the Stormwater fund, Councilmember Southworth stated his opposition to moving money from one fund to another, stating it was like playing a shell game with the taxpayer's money. If the City was not collecting enough for Stormwater, increase the fee. If the City was collecting too much, reduce the fee.

Councilmember Haaga clarified that the Council was being asked to move money to address some issues that were discovered from the Stormwater study.

Mayor Rolfe wished to make it clear that the discussion was about the possibility of forgiving the \$2,000,000 debt, ensuring that the City did not exceed the allowable surplus fund balance and also the ability to move up to an additional \$2,000,000.

Ryan Bradshaw pointed out that if the Council voted to forgive the Stormwater debt, it was unlikely that the additional \$2,000,000 would need to be moved.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, stated her strong opposition to forgiving the \$2,000,000 loan to the Stormwater fund and felt that the funds should be split up among all City residents. She indicated she was in support of truth, justice, and transparency.

Barbara Backman, West Jordan resident, stated that the Stormwater fund *should* have a huge balance right now as the City was faced with a \$10.8 million dollar improvement project. She recalled fighting the previous October to hold on to \$4,000,000 to go to the trunk line and stated that \$4 million should still be there. She asked for confirmation that her understanding was correct. Mayor Rolfe responded that her statements were accurate. She asked the Council to "hang in there" in the fight for the trunk line.

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

Councilmember Nichols inquired about what had happened with a Utah State University study of the City's Stormwater rates—he felt that would have bearing on this discussion. Wendell Rigby replied that the study was not yet complete. He anticipated it might be in the next several weeks.

Councilmember Haaga explained for those present that a study had been conducted regarding the needs of the City's Stormwater system, and that the Council had made financial adjustments to meet those needs. He commended the staff and stated that the Council was watching the adjustments closely and ensuring transparency. He stated his support for forgiving the debt because it was a debt upon ourselves and was not money the City borrowed from an outside party.

Mayor Rolfe pointed out that the flooding of his home which had been mentioned previously was not caused by an inadequate storm drain system. It was caused by too much rainwater falling in too short of a time for the rain gutters. However, there were two other members of the Council whose homes had been flooded due to an insufficient storm drain.

**MOTION: Councilmember Haaga moved to approve Resolution 15-126, amending the Fiscal Year 2014-2015 Budgets for the General Fund, Capital Support Fund, and the Stormwater Fund, including forgiveness of the \$2 million Stormwater debt. The motion was seconded by Mayor Rolfe.**

Councilmember Nichols spoke against the motion-- specifically against the transfer of funds for one reason—because during the previous year the Council had the opportunity to fix the problem by changing the Stormwater fee, and chose not to. Now the Council was waiting on a study that would take care of the problem. Therefore Stormwater would be funded appropriately. Transferring money from fund to fund was not a permanent fix—it was merely a Band-Aid.

Councilmember McConnehey stated that while he agreed with Councilmember Nichols, he was in favor of the motion. Although he wished the issue could have been addressed in conjunction with the correction of the Stormwater fee. He felt this was a significant step forward. He asked that staff move forward as quickly as possible regarding the fee adjustment.

Mayor Rolfe spoke in favor of the motion, stating that if the motion failed, the Council would need to move money elsewhere in order to avoid exceeding the maximum fund balance. He also stated his belief that the USU study would show that the problem was not with the Stormwater rate, but with the impact fees.

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>No</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-2.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 15-15, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE SECTIONS 13-8-23 AND 13-2-3, REGARDING THE CAP AND  
GRADE REQUIREMENTS, CREATING EXEMPTIONS FOR CERTAIN  
TYPES OF MULTI-FAMILY RESIDENTIAL DEVELOPMENTS, CITY-  
WIDE APPLICABILITY, CITY OF WEST JORDAN, APPLICANT**

Ray McCandless explained that Section 13-8-23: Annual Cap on Multi-Family Development of the 2009 City Code, was what was referred to as the city's "cap and grade" ordinance that set the maximum number of available multi-family residential units that could be developed in any given year throughout the City in order to bring the ratio of single-family and multi-family dwellings more in line with the goals and policies of the City's General Plan.

The Cap and Grade ordinance had been reevaluated to determine if other types of housing should be added to the exemptions listed in Section 13-8-23 to meet fair housing standards and other General Plan objectives.

The following was a summary of Planning Commission and City Council actions to date:

1. April 30, 2014 - Following discussion among the City Council and the Planning Commission at a joint meeting, City Staff was directed to notice and submit a proposal for a moratorium on multi-family development in the City pending further study of (a) ways to control that type of development and (b) ways to incentivize high quality single family residential development.
2. May 14, 2014 - The City Council adopted Ordinance 14-17, enacting a 6 month 'Declaration of a Development Moratorium on Multi-Family Housing Projects' as allowed by Utah State Code 10-9a-504.
3. October 7, 2014 – The Planning Commission reviewed the proposed cap and grade ordinance.
4. October 22, 2014 - The City Council adopted Ordinance 14-31, the cap and grade ordinance (2009 City Code, Section 13-8-23B) and adjusted the single-family residential to multi-family residential ratio goal from the 83%/17% proposed by the Planning

Commission to 77%/23%. The exemptions in Section 13-8-23B as set out in approved Ordinance 14-31, included the following:

- a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD)
- b. Senior housing for age 55 and older.
- c. Owner occupied townhomes with an attached 2-car garage where all housing units shall be occupied by the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.
- d. Owner occupied twin homes where at least one of the housing units shall be occupied by one or more of the building owners. This ownership arrangement must be recorded as part of the City-approved CC&R's.
- e. Multi-family housing for disabled persons
- f. Low and moderate income housing owned by non-profit or a local Housing Authority.

5. November 5, 2014 – The City Council revised section 13-8-23B by removing all exemptions but exemption a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD) (Ord. 14-34).

6. January 28, 2015 – After further legal advice and discussions, the City Council placed a new moratorium on multi-family development to allow time to re-examine the “Cap and Grade” program with the intent of bringing the provisions and regulations into better consonance with the General Plan and encouraging better types of multi-family housing options (Ord. 15-05).

7. March 28, 2015 – The Planning Commission and City Council took a field trip to look at examples of owner occupied multi-family housing developments.

8. May 19, 2015 – The Planning Commission reviewed the Staff’s proposed amendments to the Cap and Grade program. The Planning Commission voted to forward a favorable recommendation to the City Council (4-2 vote) subject to some revisions that had been incorporated into the attached ordinance (Exhibit C).

The 2009 City Code, Section 13-8-23 B currently reads as follows:

*B. Exemptions: The following types of two-family and multi-family housing are not subject to the annual cap or to the timing requirements of this section:*

- 1. Multi-family housing (2 or more housing units) in a transit station overlay district (TSOD).*

The Planning Commission had evaluated this matter and was of the opinion that in order to meet fair housing standards, housing for low and moderate income owned by non-profit

or housing authority, housing for disabled and housing designated for seniors, age of 55 and older should be added back into the exemptions listed in Section 13-8-23 B.

As noted in the background section above, owner-occupied town homes and twin homes were originally exempted from cap and grade ordinance requirements but were later removed by the City Council. Since that time, there had been some discussion as to whether these types of developments should be placed back into the exemptions section and in what form.

In March of this year, a field trip was held to assist the Planning Commission and City Council in getting a better sense for what owner-occupied town homes and patio homes look like, occupant demographics, ownership, and maintenance responsibilities of the different types of units. Several members of the Planning Commission and City Council participated on the field trip.

The General Plan supported a variety of housing options for West Jordan residents including multi-family residential. Staff believed that owner occupancy added a level of neighborhood stability and pride of ownership that was not as prevalent in a for-rent multi-family development. For this reason, staff recommended exempting townhomes or patio homes from cap and grade requirements as long as they were priced and designed to be owner occupied and they met the size requirements of the proposed ordinance. The Planning Commission agreed with staff (4-2 vote) and recommended the language contained in the legislative draft be approved with the exemptions listed (Exhibit B).

The Planning Commission also recommended limiting residential densities for exempt owner occupied town homes, twin homes and patio homes to 8.0 dwelling units per acre.

A definition of cluster or patio homes also would be added to the definitions section in the zoning ordinance as follows:

13-2-3: Definitions:

Cluster (patio home) - a unit of several houses, some attached to each other, one or two story, with shared walls between some units, and with exterior maintenance and landscaping provided through an association fee. This includes housing types generally known as a garden home, garden villa, courtyard home and club home.

Section 13-7-D-7B, required that the City Council make the following findings for a Zoning Ordinance text amendment:

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

**Discussion:** The General Plan supported a mix of housing types to accommodate different housing needs. Goal 2 of the Housing Element, for

example, stated “*Provide a range of housing types, styles, sizes and price levels in all areas of the city*” (page 70); however, it was also clear that the General Plan supported maintaining a balance between single-family and multi-family residential development.

Multi-Family housing near transit stations was encouraged per Goal 4, Policy 3, of the Growth Management Section: “*Encourage Transit Oriented Development (TOD) near light-rail transit stations, Mountain View Corridor and near existing major bus routes*”. Implementation Measure 1 of the same section states “*Give priority to proposed Transit Oriented Development near TRAX transit stations.*” (page 170)

Goal 3 of the Housing section of the General Plan encouraged both senior housing and housing for the disabled:

“*Provide housing that serves different life cycle stages, including the active seniors, elderly, disabled, and others requiring specialized facilities or locations.*” (Page 69)

Owner occupied housing was also supported as stated in Goal 1, Policy 1, Implementation Measure 1 of the Housing Section (Page 69) which stated: “*Provide opportunities for single-family detached and other owner-occupied housing.*” Owner occupied townhomes, owner occupied twin homes and owner occupied patio homes were consistent with this policy.

The proposed exemptions from Section 13-8-23 B were consistent with the goals and policies of the General Plan.

**Finding:** The proposed amendments conform to the General Plan and were consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:** There was sufficient justification for a modification to the zoning code in order to support the proposed amendments as there was a need to support owner occupied housing and provide housing for the elderly and disabled, as well as owner occupied units, consistent with the General Plan.

**Finding:** The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to the appropriate Sections of the Municipal Code.

**Criteria 3:** *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

**Discussion:** The proposed amendment would have a city-wide impact, with no particular area singled-out. The proposed amendments would not create a conflict with any other sections of the Municipal Code.

**Finding:** The proposed amendment would not create a conflict with any other section or part of the Municipal Code or the General Plan.

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment would have city-wide implication and did not relieve any particular hardship or confer any special privileges to a single property owner or cause. The proposed amendment was deemed desirable given the scope and scale of new developments in the City, and the fact that the Comprehensive General Plan had goals and policies which support the amendment.

**Finding:** The proposed amendment did not relieve a particular hardship, nor did it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

The proposed text amendment was warranted and not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Ordinance) of the Municipal Code.

There was no anticipated fiscal impact.

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment as recommended by the Planning Commission.

The Council and staff discussed clarifying questions, particularly the fact that there was no mechanism that would allow the City to enforce a requirement that the units be owner-occupied.

Mayor Rolfe stated that he liked the idea of adding language to the plat rather than making the City-approved covenants, conditions and restrictions (CC&Rs) spell-out the owner occupation requirement. Regarding the minimum size requirement, he stated he would

like to see the verbiage changed from “1500 sq. ft., preferably on the main floor” to “1500 sq. ft. **shall** be on the main floor.”

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, expressed her concerns as they related to high-density housing, and making exemptions to accommodate various developers.

JayLynn Thomas, West Jordan resident, seemed to suggest there was a double standard regarding multi-family housing, depending on where in the City a development was proposed. She stated that it made no sense to put a limit in the City Code if the limit was not going to be adhered to.

Curtis Leavitt, an employee of Holmes Homes, stated he had been working with the City on a concept plan for 138+ acres which included different types of housing products with different densities at various price ranges. He pointed out the difficulty of bringing in commercial development without sufficient residential units to support the businesses.

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

The Council discussed clarifying questions.

Councilmember Southworth was of the opinion that rather than reducing high-density housing in the City, they were going to funnel development towards those that were exempt from the cap and grade requirements. He felt the Council should repeal the entire cap and grade system.

Councilmember McConnehey was concerned that development in the City would continue the disproportionate growth that had been taking place for several decades. Although his preference would be **not** to add additional exemptions, he stated that he could support adding exceptions for *a* through *d*.

Councilmember Hansen pointed out that exemptions *a* through *d* were required by state law—they were not a matter of choice for the Council. If *e* were to be adopted, she stated her preference to have the language pertaining to owner occupation recorded on the plat.

Mayor Rolfe stated he was in support of striking *e* altogether.

**MOTION:** Councilmember McConnehey moved that based on the findings set forth in the staff report, and upon the evidence and explanation received today, approve Ordinance 15-15, including the proposed text amendment to Title 13, including items a, b, c and d. The motion was seconded by Councilmember Hansen.

Councilmember Nichols pointed out that approving the motion without *e* would mean there would be no multi-family units unless they fell under the 77% (single-family) to 23% (multi-family) ratio or roughly three single-family units to every multi-family unit as the City grows.

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>No</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-2.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
RESOLUTION 15-127, REGARDING AN AMENDMENT TO HIGHLANDS  
MASTER DEVELOPMENT PLAN TO ADD GLADSTONE PLACE AND  
ORCHARD HEIGHTS AREAS, AND TO UPDATE THE COMMERCIAL  
AREA FOR MAVERIK AT THE HIGHLANDS LOCATED AT  
APPROXIMATELY 5701 WEST 7800 SOUTH; PETERSON  
DEVELOPMENT, APPLICANT**

Larry Gardner explained that the applicant was requesting an amendment to the Highlands Development Master Plan increasing the total covered acreage from 370 acres in area and adding two properties that would increase the total covered area to 418 acres. This amendment would include an 8 acre parcel between Clay Hollow Wash and the Mountain View Corridor that was left over when the Mountain View Corridor was constructed, a 40 acre parcel located at 6553 West 7800 South to be titled Orchard Heights and would update the plan map for the area at 5600 West and 7800 South where Maverik Convenience Store would be located. The Highlands Development Master Plan area was governed by the West Side Planning Area (WSPA) zoning district. There were still many tracts of land that had WSPA zoning designation which were no longer governed by WSPA zoning and outside of the Highlands. The proposed included properties were two of those properties. The applicant's intent was to construct multi-family dwellings on the Clay Hollow Wash property, consistent with the City's Cap and Grade growth management program, a convenience store at 5600 West 7800 South and a single family development on the 40 acre piece (Orchard Heights).

The applicant was submitting an updated Highlands Master Development Plan. This amended plan increased the area of the Highlands from 370 acres to 418 acres and reflected the changes on all of the map inserts. If approved, the Highlands plan would include the Maverik, Orchard Heights and Gladstone Village properties.

*Purpose of the Highlands Master Development Plan*

The Highlands Master Development Plan was used as a guiding document to help ensure the Sub-area Preliminary Development Plans associated with each proposed phase (indicated as separate “villages” on the Highlands Master Plan) were developed in a unified and symbiotic manner particularly in connection with needed infrastructure improvements. Parks and open space, road connectivity, commercial service areas, housing variety, trail and pedestrian connectivity all played an interdependent role in creating a cohesive community.

Amendments to the Highlands Master Development Plan were required as each subsequent sub-area plan was brought forward for consideration. These amendments were required in order to ensure that the general integrity of the master plan remained intact. Each detailed Sub-area Preliminary Development Plan must therefore be accompanied by an updated Highlands Master Development Plan, assuming changes had been made to what was originally depicted in the Master Plan.

Each detailed Sub-area Preliminary Development Plan would require separate applications and formal approval by the Planning Commission. Once approved by the Planning Commission, the Sub-area Preliminary Development Plans would be forwarded to the City Council for approval of the approved densities by means of a development agreement.

*Compatibility with 2012 Comprehensive General Plan*

There were no required findings of fact listed in the zoning ordinance for the consideration and approval of development plans; however, the review of the Highlands Master Development Plan was performed within the context of various elements of the 2012 West Jordan Comprehensive General Plan; including but not limited to, housing, transportation, parks and recreation, urban design, and growth management elements.

Staff believed that the proposed Highlands Master Development Plan amendment was in compliance with the general goals and policies set forth in the city’s 2012 Comprehensive General Plan.

There was no anticipated fiscal impact.

Due to its compliance with the City’s 2012 Comprehensive General Plan, staff recommended that the City Council approve the proposed amendments to the Highlands Master Development Plan.

Mayor Rolfe opened the public hearing.

Scott Howell indicated that he was present on behalf of the Petersons who could not be present to answer any questions the Council might have.

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

**MOTION:** Councilmember McConnehey moved, based on its compliance with the City's 2012 Comprehensive General Plan and the information and explanations received today, that the City Council ratify the Planning Commission's approval of the amendment to the Highlands Master Development Plan for approximately 418 acres of property generally located at 7800 South 5600 West by adopting Resolution to adopt Resolution 15-127, amending the Highlands Master Development Plan with the following condition of approval:

1. The Highlands Master Development Plan shall be updated to reflect any changes/modifications created by each sub-area preliminary development plan. An updated Highlands Master Development Plan shall be submitted with each sub-area plan preliminary development plan.

The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 15-16, REGARDING A REZONE OF APPROXIMATELY  
4.72 ACRES FROM RR-1D (RURAL RESIDENTIAL 1-ACRE LOTS) TO  
A-1 (AGRICULTURAL 1-ACRE LOTS); 7482 SOUTH 5490 WEST FOR  
BOWLER AGRICULTURE REZONE; BOWLER LIVESTOCK, LC  
APPLICANT**

Ray McCandless explained that this property was annexed into the City and was zoned RR-1 (Rural Residential) in 1987 and it appeared that the RR-1 zoning had remained in effect since that time. It was located at 7482 South 5490 West and consisted of approximately 4.72 acres of land. The property was vacant.

The applicant currently owned the 10 acres north of this property which was used as an animal farming business. The adjoining 10 acres to the north was rezoned from RR-1D to an A-1 zoning district in 2013 to accommodate the farming business.

Keeping farm animals was a permitted use in the RR-1D zoning district; however, the applicant was requesting to rezone the property from RR-1D (Rural Residential, 1 acre lot minimum) to A-1 (Agricultural, 1 acre lot minimum) to allow the use of the property for farming purposes that were more agriculturally intensive than what the Rural Residential zoning district currently allowed.

The Planning Commission considered this item on June 2, 2015 and in a 7 to 0 vote, recommended approval of the rezoning request.

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>	Very Low Density Residential	A-1	Single-Family Dwelling/ Animal Farm
<b>South</b>	Very Low Density Residential	RR-1D	Vacant
<b>East</b>	Very Low Density Residential	RR-1D	Single-Family Dwelling
<b>West</b>	Low Density Residential	R-1-10D/E (ZC)	Vacant

Prior to approving any application for a zoning map amendment, the City Council shall find that the use meets the following criteria per §13-7D-7(A).

**Section 13-7D-7(A): Amendments to the Zoning Map**

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

**Discussion:** The 2009 City Code, Section 13-5A.1 stated that “The purpose of the agricultural zones was to provide areas where the growing of crops and the raising of livestock could be encouraged and supported within the city.... The A zones should be established in agricultural areas needing protection from encroachment of urban development until such time as residential, commercial or industrial uses in such areas become necessary and desirable. (2001 Code § 89-3-201).

The City’s Future Land Use Map designated this property as Very Low Density Residential. Both the RR-1D and A-1 zones are considered Very Low Density Residential. The following were several of the goals and policies of the City’s General Plan that apply to this rezoning request:

- “Land use decisions shall, as much as possible, be guided by the maps, goals, and policies of the General Plan.” Page 18

- “Protect productive agricultural lands for as long as the owners choose to continue farming them.” Page 53
- “Foster an environment within the city in which agriculture can co-exist with urbanized areas.” Page 53
- “The Zoning Map should accurately depict actual or intended land uses and the Zoning Ordinance shall incorporate any new or modified zoning classifications and the requirements therein when they are proposed.” Page 19
- “The primary goal in determining future land uses is to determine development patterns which build upon already existing and established patterns. It is also meant to provide for effective, appropriate, and sustainable uses of land in a way that best promotes compatibility between those uses and maintains the goals of the General Plan.” Page 17
- “Promote land use policies and standards that are economically feasible and orderly, which also protect desirable existing land uses and minimize impacts to existing neighborhoods.” Page 22
- “Preserve established “Rural Residential” and “Residential Estate” neighborhoods and prevent encroachment of incompatible uses in these areas.” Page 31

As noted in these goals, the General Plan was supportive of allowing agricultural uses to thrive in the city yet it was also clear that existing neighborhoods were to be protected from any negative impacts from adjoining land uses.

The City Council determined that agricultural zoning in this area was consistent with the General Plan when the 10 acres to the north was zoned to A-1 in 2013. Although impacts to adjoining property would be greater simply because there would be more animals, staff did not anticipate that the impacts resulting from rezoning the property would be significantly different than what now existed. Conditional use approval would be required if the applicant intended to keep swine on the property.

**Finding:** The proposed amendment was 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 proposed rezoning would allow more intensive agricultural uses on the property than what was allowed under the existing RR-1D zoning. However, it would not be any more intensive than the use of the adjoining 10 acres to the north.

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

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

**Discussion:** Health and safety associated with the business was not a concern to staff. The keeping of animals was administered by City Code and the Salt Lake County Health Department.

**Finding:** The proposed amendment furthered the 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 proposed use would not require any additional city services than what was now being provided. The Engineering Department staff had indicated that they did not have any concerns with rezoning the property.

**Finding:** The proposed amendment would 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:** This Criterion did not apply.

**Finding:** This Criterion did not apply

The findings listed in this report support the proposed rezoning request.

There was no anticipated fiscal impact.

Based on the findings in this report and positive recommendation from the Planning Commission, Staff supported the proposed rezoning request.

Mayor Rolfe opened the public hearing.

Lynn Heward, an attorney representing the property owner to the north of the area in question, stated that his client purchased his property in 2003 when there was no farming operation in the area. When the Bowlers began farming there was a large increase of animals and a slaughterhouse was soon built, wherein the Bowlers slaughtered not only their own animals but animals from other properties as well. He stated this area was developing in a way in which it was not intended and that the City was allowing it to happen.

Randy Bowler, one of the applicants, pointed out that they paid a development value for the property they purchased—not a farm value—so he did not believe it was true that their farm activities were decreasing property values in the area. He also read from a City zoning ordinance, that “agricultural zones should be established in agricultural areas needing protection from encroachment of urban development...”

Councilmember Southworth asked Shane Bowler, another of the applicants, to explain the stringent government regulations—both at the City and State levels-- with which the operation complied. Mr. Bowler did so.

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

**MOTION: Councilmember Southworth moved to approve Ordinance 15-16, rezoning approximately 4.72 acres from RR-1D (Rural Residential 1-acre lots) to A-1 (Agricultural 1-acre lots). The motion was seconded by Councilmember McConnehey.**

Councilmembers Nichols, Southworth, Hansen, Haaga, and Mayor Rolfe all spoke in favor of the motion.

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.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL THE WEST JORDAN 2040 TRANSPORTATION MASTER PLAN UPDATE, CITY-WIDE APPLICIABILITY; CITY OF WEST JORDAN, APPLICANT**

Wendell Rigby explained that City Staff had been working with traffic consultants to prepare an updated Transportation Master Plan. This document would serve as the basis for preparation of the transportation capital facility plan.

West Jordan City last completed an update to the City's Transportation Master Plan in 2009. The current update to the plan analyzed and modeled the future road and highway improvements that would need to be developed to meet the City's anticipated growth. The plan addressed the functionality of the existing road system and recommended improvements.

Results of this planning study included plans for improvements to collector and arterial roadways within the City. It included priorities of projects and funding estimates that would be used by the City to prepare the Capital Facilities Plan. The Master Plan update was presented to the public in an Open House format over two days at two different locations followed by a presentation to the Planning Commission and finally was being considered for adoption by the City Council.

**Public Comments on the Transportation Master Plan Update:**

Staff invited input to the Master Plan from the public over the past three months and they were summarized in Attachment A. Comments and input to the Transportation Master Plan was provided through the following formats:

1. The West Jordan City Website: [www.wjordan.com/Engineering](http://www.wjordan.com/Engineering) (included a Draft copy of the master plan and an online comment form); or
2. Attend one of two Open Houses (April 15 and 16, 2015):
  - *for residents living on the west side of the City at Copper Hills High School library located at 5400 West New Bingham Highway; or*
  - *for residents living on the east side of the City at West Jordan City Community Room located at 8000 South Redwood Road.*

**Positive Recommendation by West Jordan City Planning Commission:**

The Transportation Master Plan Update was presented to the City Planning Commission on June 2, 2015. They voted 7-0 in favor to forward a positive recommendation to the City Council. The meeting minutes are shown in Attachment B.

The consultants from Horrocks Engineers and A-Trans had prepared a brief Power Point presentation that included highlights from the master plan, prioritized projects and project

costs and input gathered from the public. The Power Point presentation was shown in Attachment C.

The projects selected would have a fiscal impact to the City.

Staff recommended that the Council approve the West Jordan City 2040 Transportation Master Plan Update.

Joe Parrin of A-Trans Engineering gave the Council a brief summary of the study, outlining the data collection, the existing condition of the network, recommendations for the future and how that was broken into the Capital Facilities Plan.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

JayLynn Thomas, West Jordan resident, commented regarding travel times depicted in the study and was skeptical that rush hour traffic was taken into consideration.

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

**MOTION: Councilmember Southworth moved to approve the West Jordan 2040 Master Transportation Plan update. The motion was seconded by Councilmember Haaga.**

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 6F**

##### **APPROVE RESOLUTION 15-120, AMENDING THE UNIFORM FEE SCHEDULE FOR FISCAL YEAR 2015-2016**

Councilmember Haaga asked for identification of any fees that were changed from the previous fiscal year.

Ryan Bradshaw stated that a new fee had been created for a Fire Plan review; the Police Department had increased the fee for requested audio recordings; the Parks Department

had discontinued half-day reservations for pavilions, and had increased the full day rental fee by 50%.

**MOTION: Councilmember Haaga moved to approve Consent item F. The motion was seconded by Councilmember Rice.**

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 6G**

**APPROVE RESOLUTION 15-121, AUTHORIZING THE MAYOR TO EXECUTE THE MEMBERSHIP AND SERVICE AGREEMENT BETWEEN THE CITY OF WEST JORDAN AND THE WEST JORDAN CHAMBER OF COMMERCE**

Mayor Rolfe felt that the \$48,000 subsidy provided to the Chamber by the taxpayers should be reduced by half.

Councilmember Southworth suggested a change regarding City participation on Chamber boards. Instead of "*The Mayor Shall sit...*" he wished it to read "*a member of the Council, as selected by a majority vote...*"

Councilmember Haaga stated he was a supporter of the Chamber of Commerce, but questioned the City Council's authority to change Chamber bylaws.

Mayor Rolfe stated that he would readily accept the proposed change.

Councilmember Southworth stated his enthusiastic support of the West Jordan Chamber of Commerce and the work it does.

**MOTION: Councilmember Southworth moved to adopt Resolution 15-121 with the following amendment to the agreement: Recital 3, fourth sentence, change "The Mayor shall sit as an Ex Officio member, to "A member of the Council shall sit as an Ex Officio member." The motion was seconded by Councilmember Nichols.**

Councilmember Haaga asked if the Council had the authority to alter the contract of a 501(c)(3).

Acting City Attorney Darien Alcorn responded that the contract currently being discussed was one that the City had negotiated with the Chamber previously. The Chamber had signed the contract in its present form.

**SUBSTITUTE**

**MOTION: Councilmember Haaga moved to accept the contract as presented for 2015-2016.**

The substitute motion died for lack of a second.

Councilmember Haaga spoke against the original motion, stating it should be tabled until the contract could be amended to include Councilmember Southworth's recommended language.

Councilmember Southworth stated that he was comfortable accepting the contract with the mentioned change and hoped that the Chamber would be willing to accept and sign it.

A roll call vote was taken on the original motion.

<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.**

**CONSENT 6M**

**APPROVE RESOLUTION 15-125, AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AGREEMENT WITH SNOW, CHRISTENSEN & MARTINEAU TO PROVIDE SERVICES REGARDING PENDING LITIGATION**

Councilmember Haaga stated that at the previous Council meeting there was a vote for a dollar amount that he believed was too high.

**MOTION: Councilmember McConnehey moved to adopt Resolution 15-125, authorizing the Mayor to execute a written agreement with Snow, Christensen & Martineau for the rendering of legal services defending the City and its representatives in the now pending litigation. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken on the original motion.

<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>Yes</b>

**The motion passed 6-1.**

#### **CONSENT 6H**

**APPROVE ORDINANCE 15-14, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE ADDING TITLE 9, CHAPTER 8 TO THE 2009 CITY CODE, WHICH CONTAINS THE AUTHORIZATION AND GENERAL GOVERNANCE FOR AN ASSISTANCE PROGRAM THAT ALLOWS FOR PAYMENT OR REIMBURSEMENT OF REPAIR AND/OR REDESIGN EXPENSES, INCLUDING PAYMENT OF BUILDING PERMIT FEES, TO AND FOR RESIDENTS RESULTING EXCLUSIVELY FROM STORM WATER RUNOFF FLOODING EVENTS**

Councilmember McConnehey expressed a desire to amend the language in the portion that addressed effective dates. He wished to ensure that those residents with related claims pre-dating July 2014 were still able to seek relief through this program. He asked that residents with claims occurring after July 1, 2010 be able to submit those claims to the City within a year of the program commencing on July 1, 2015. He also suggested adding language that would require that any claims occurring *after* July 1, 2015 be submitted to the City within one calendar year.

Councilmember Nichols stated that because his yard had flooded previously he could potentially be a recipient of this program and therefore would not participate in the discussion at hand. He stepped down from the dais.

Councilmember Southworth asked clarifying questions regarding the \$10,000 cap and the criteria for submitting a claim. He also expressed the concern that approving the program might bring about an overwhelming number of claims that would quickly deplete the fund.

Councilmember McConnehey stated that based upon the small number of claims that had been filed prior to 2014; he did not anticipate a huge number of older claims. However, he also stated his belief that the City had a moral obligation to provide whatever relief it could.

**MOTION:** Councilmember McConnehey moved to approve Consent Item 6h with the following changes to Section 9-8-5; after ‘*under this chapter,*’ insert the phrase ‘*for occurrences on or after July 1, 2015.*’ After the sentence that ends with ‘*Stormwater flooding event exists,*’ insert the following new sentence, ‘*Claims for flooding events prior to July 1, 2015 but after July 1, 2010 must be submitted to the City Clerk/Recorder within one year of commencement date of this program.*’ Completely strike the following sentence, ‘*The initial year of the program will... that occur on or after July 1, 2014.*’ The motion was seconded by Mayor Rolfe.

Councilmember Haaga asked Acting City Attorney Darien Alcorn if she had any objection to the suggested changes, and she stated that she had none.

A roll call vote was taken on the original motion.

<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>Abstained</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 6-1.**

#### **CONSENT ITEM 6I**

##### **APPROVE THE STORMWATER FINANCIAL ASSISTANCE PROGRAM**

Councilmember Southworth explained that he had asked for this item to be pulled for discussion to confirm that residents who experienced flooding due to their own negligence would not be able to file a claim. He was now satisfied that they would not.

**MOTION:** Councilmember Southworth moved to approve the proposed Stormwater Financial Assistance Program as presented. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken on the original motion.

<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>Abstained</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 6-1.**

Councilmember McConnehey expressed his appreciation to the Council for supporting the program, to the Staff for their hard work and to the residents for their patience.

Councilmember Nichols returned to the dais.

**VIII. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING  
RESTRUCTURING THE CITY'S ELECTRICAL GROUP**

Wendell Rigby turned the time over to Justin Stoker who explained that prior to August 2013, the City of West Jordan addressed electrical work that was needed through a private electrician under an annual Purchase Order with the City, performing work as situations arose. Due to the increased demand for electrical work, to eliminate work order delays, and the need for recurring contracts, the City created the job position of an Electrician to work within the City's Public Works Department.

That addition had proven to be a valuable asset to the City. Despite the excellent performance and the amount of work accomplished, it had become clear over the past year and a half, that the amount of work being asked of the City's Electrician had outpaced the ability for a single individual to perform that work. Due to the demand, the City went through the process of creating an Apprentice Electrician position within the City. On May 18<sup>th</sup>, that position was filled by another highly qualified person.

During the process of advertising, interviewing, and filling the Apprentice Electrician position several opportunities for improvement arose where adjustments to the City's two electrician's positions could be made to bring them more in line with the State's licensure standards for electricians.

Electricians were classified as a trade skill with three distinct license classifications: Apprentice, Journeyman, and Master Electrician. The Journeyman and Master Electricians could train an Apprentice Electrician at a 1:1 ratio, meaning a Journeyman Electrician could train a single Apprentice Electrician under his license. It was similar for a Master Electrician. The City could not have more Apprentice Electricians than the combined number of Journeyman and Master Electricians. The City must have a qualifier, a Master Electrician to sponsor an Apprenticeship Program.

Currently the City's Electrician held a Master Electrician license. The new employee that began on May 18<sup>th</sup>, while filling an Apprentice Electrician position in the city, held a Journeyman Electrician license.

This proposal was to reform the current job titles and descriptions to fall more in line with the State's license requirements for the various electrician licenses, to create a Journeyman Electrician position, and to clarify the difference between the Master, Journeyman, and Apprentice Electrician.

It was proposed that the current Electrician position and the Apprentice Electrician position be reformed, and a third position created to better define the positions as Master Electrician, Journeyman Electrician, and Apprentice Electrician. The Human Resource Department would need to verify that the pay ranges were appropriate for the positions.

Existing job structure:

	<b>Pay Range</b>
<b>Electrician</b>	57
<b>Apprentice Electrician</b>	50

Proposed job structure:

	<b>Pay Range</b>
<b>Master Electrician</b>	63
<b>Journeyman Electrician</b>	58
<b>Apprentice Electrician</b>	45

After the various classifications had been modified to better correspond to the various license positions, the currently filled or offered positions would be reclassified based upon their current licensure to the appropriate Range. As with other career ladder positions, the employee would be placed at a Step, nearest (but not less than) their current pay.

This modification allowed for a number of intangible benefits. It allowed for the City of West Jordan to create a City sponsored apprenticeship program within the City, would allow for the training of two apprentices in the program, and would allow the flexibility for the City to assist in the upcoming LED streetlight conversion. One individual was currently working as a licensed Apprentice Electrician under the City's Electrician, but was currently classified as a Streets Maintenance Worker I. With the modifications to the structure to better fit the definition of an Apprentice Electrician, this restructuring and his reclassification would allow the City to retain the experience of this individual without losing him to another non-trade position. This individual was already dedicating 90% of his time to electrical work and was currently being sponsored by the City's Electrician. Reclassifying this individual from Streets Maintenance I to Apprentice Electrician would allow the City to retain those skills and abilities within the City. It was anticipated that a fourth individual or a second Apprentice Electrician could be brought on to work with the current Master and Journeyman positions to have two fully functional electrical teams. Currently, the City had a Streets Seasonal position filled by another qualified Apprentice Electrician working as part of the Electrical Group. Together, those two teams could work to not only handle the current electrical needs of the City, but also assist or perform the LED streetlight conversion.

These changes were not meant to be temporary, but a permanent modification to addressing the electrical needs of the City. Even after the LED streetlight conversions, it was anticipated that between streetlights, facilities, utilities, parks and other electrical needs, two full teams would be needed to perform the typical electrical work that existed within the City.

The fiscal impact of this proposal was approximately \$7,000 in salary for three reclassifications with an additional \$4,000 if seasonal staff was hired full time.

Staff recommended approval of the job reclassifications.

Councilmember McConnehey asked what would happen to the Street Maintenance Worker I position that would be vacated when the person currently filling that position was re-classified as an Apprentice Electrician. Justin Stoker explained that the Maintenance Worker slot would disappear—there would not be a slot left vacant.

Councilmember Southworth inquired as to which entity or law allowed a journeyman and master electrician to each train an apprentice. Justin Stoker explained that was dictated by the Utah Division of Occupational and Professional Licensing under the umbrella of the Utah Department of Commerce.

Councilmember Haaga inquired as to the number of individuals needed to operate the City's two bucket trucks. He also expressed the concern that the City could provide on-the-job training for an apprentice who would then seek employment elsewhere. Justin Stoker expanded on the benefits that the City would reap should the Council vote to approve the restructuring.

Councilmember McConnehey stated he had no issue with reclassifying the positions. However, he expressed his concerns regarding the fact that in the space of two years the City would be going from having no electricians on staff to having four. He wished to better understand the demands on the electrical staff. Also, he pointed out that the Council had directed that staff contract out as much of the LED project as possible. Finally, knowing that there were safety reasons to have electricians work in teams of two, and knowing that those workers would occasionally use vacation or sick time, he felt it would not be unheard of to still only have one and a half teams working. He was concerned that there would be a future request for a fifth electrician to solve that problem. He stated he was leaning towards doing a reclassification but just having one complete electrical team at this point and continuing to contract out for electrical work beyond that.

Justin Stoker explained some of the challenges that his department had recently come across (30 year old electrical work at many wells, reservoirs and pump stations that need to be brought up to current code, rodeo events that required updated electrical work, etc.) and stated that it had been a huge benefit to the City to have electricians on staff to immediately begin addressing those issues. Additionally, there was a seasonal employee who had been assisting the electricians and would remain available to assist if/when they were on vacation or sick.

Councilmember Southworth made additional inquiries about the fiscal impact; and whether or not these changes would result in an open position within the department. He agreed that the electrician positions should be re-classified as recommended by staff, but

preferred to continue outsourcing electrical work until there was a better idea of the City's overall electrical needs.

**MOTION: Councilmember Southworth moved to approve the proposed reclassifications of the City's electrical workers, and to bring back a revised salary schedule for the proposed changes. 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.**

***IX. REMARKS***

There were no remarks.

***X. ADJOURN***

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

Councilmember McConnehey asked for clarification on the need to resume the closed door session.

Councilmember Southworth withdrew his second.

Bryce Haderlie stated that the remaining 'closed door issues' could be communicated to Council at a later time and the councilmembers could then individually share their opinions in order to help ensure staff was moving in the correct direction. He made it clear that these were not votes but simply opinions based on staff recommendations.

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

The meeting adjourned at 8:54.

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 22<sup>nd</sup> day July of 2015