MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, August 12, 2015
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, 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; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Nanette Larsen, Associate Planner; Robert Thorup, Deputy City Attorney; Paul Dodd, Civil Litigator; Jeremy Olsen, Economic and Development Assistance Supervisor; Steve Glain, Assistance to the City Manager; Tim Heyrend, Utilities Engineer; Scott Langford, City Planner; Dave Murphy, CIP Engineering Manager, and Justin Stoker, Deputy Public Works Director.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 4:01 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, AND 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 M. McConnehey, and Sophie Rice. Council Members Chad Nichols arrived at 5:10 p.m. and Ben Southworth arrived at 5:25 p.m.

STAFF: Bryce Haderlie, Interim City Manager, Tracy Cowdell, Contracted Attorney; Chad Wooley, Contracted Attorney, and Eric Johnson, Contracted Attorney.

MOTION: **Councilmember Hansen moved to go into a Closed Session to discuss the character professional competence, or physical or mental health of an individual; 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**

West Jordan Copper Hills Baseball has been Cal Ripken certified since 2001. This year our 11U team played and won through the district bracket which includes teams from Brighton, Riverton, And Grantsville. They made it to the state tournament and played teams from Brighton, Taylorsville, Tooele and Stansbury. They were the runners up they lost one game and played through the losers bracket earning the second runner up state champions. They represented West Jordan in the Pacific Southwest regional tournament. They played teams from Nevada, Utah, and California. They didn't win in the regional tournament but made the West Jordan Copper Hills Baseball family proud to make it as far as they did. Congratulations to:

Taz Adamson	Samantha Proctro
Colton Atherley	Greyson Wallin
Seth Dobson	Zachary Wallin
Aiden Dudack	Ryan Van Leeuwen
Hunter Logan	Parker Young
Isaiah Madrid	Nektarios Zervos

Coaches:
Robert Dobson
Matt Logan
Mark Young

The Council congratulated the Baseball Team and Coaches for their accomplishment.

RECOGNITION OF THE CITY'S GIS DEPARTMENT FOR THEIR INTERNATIONAL AWARD FROM ESIR

Wendell Rigby recognized the City's Geographic Information System (GIS) Department for their International Award. He commented on the work that they do for the City.

On July 22, 2015, the GIS Department was honored with a Special Achievement GIS Award. The City of West Jordan was the only team in the State of Utah to receive the award.

The Council congratulated the GIS Department for their award.

RECOGNITION OF LEADERSHIP ACADEMY GRADUATES

Steve Glain provided a brief summary of what the Leadership Academy Graduates had completed in the last 18-months. He said graduates had also completed individual projects.

The graduates were provided with a plaque:

Julie Brown	David Naylor
Lourdes Rivera	Justin Rayl
Paul Wellington	Nate Nelson
David Montoya	Tim Heyrend
Marti Whiteman	Steve Glain

Brian Clegg –

- Biggest Soccer Tournaments in the State began today and would continue through Saturday. This would increase the traffic in the area of 4000 West and 7800 South.

Doug Diamond –

- Commented on one of the programs started by the Leadership program, Police Activity League (PAL). He said so far there had been two-weeks of athletic events with youth in the City. He announced that the program would be expanded in the future.

Melanie Briggs –

- Salt Lake County Elections indicated that the Election Canvass must be done on Tuesday, August 18, 2015.

The Council agreed to hold the meeting on Tuesday, August 18, 2015 at 6:00 p.m.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Haaga –

- Commented on the Mexican restaurant mural issue in West Jordan. He reported that approximately 175 people attended a peaceful meeting where the Mexican culture and art was discussed. He said the artwork was subjective. He reported that Salt Lake City already had an ordinance addressing this issue. He would like to see the issue of murals brought before the City Council.
- Addressed the issue of finding a solution regarding the Theater Arts costumes to get them out of the storage units.
- Objected to the comments made on Facebook by employees. He would like the City staff to look into creating a Facebook or social media policy for City employees to follow.

Councilmember Nichols –

'Thank you Mayor. A heart felt welcome back to Scott. It's good to have you here. Umm, I was debating whether to bring this up or not; but I think it's appropriate, and I won't list a name. But, as legislators, as legislative body our job is to represent the people, represent the City when called to, it's to debate policy. It is not a place to yell at people. In a closed meeting before this, this open meeting, I observed behavior that I was embarrassed as an elected official. I want to issue a public warning to this individual, that you refrain.'

Councilmember Haaga –

'Point of order, Mayor. Closed doors are to be confidentiality based.

Councilmember Nichols –

Councilmember Southworth –
'Um, and I would hope that we could find a way to, to behave much better. Councilman Haaga that was uncalled for and I hope that you can find a way to corral…Thank you.'

Councilmember Haaga –
'Point of order, Mayor. He attacked me personally here on the dais. Point of order.'

Mayor Rolfe –
'Councilmember Rice.'

Councilmember Rice –
'Nothing at this time Mayor, thank you.'

Mayor Rolfe –
'Councilmember Haaga, response.'

Councilmember Haaga –
'I won't reveal anything that happened in closed door, because what I did was last Council meeting, and I'll review it on the minutes. Is I made a statement about Councilmembers' and I am sorry that we have this kind of contention, even on the dais. But the Councilmembers' to my left, on July 20, oh I forgot the date, but I'll look it out on the minutes. Directed our staff to eliminate a position in our City, and I made a statement about that. I invite you to read that, and basically, a contracted attorney who works for the City, I'm disclosing this public, not what he said, verbally assaulted me. I stood up, and I left the meeting. Many of you folks that were in the meeting here witnessed me coming in alone, cuz I'm not gonna tolerate people disrespecting my position as an elected official. So despite what you hear and the confidentiality they revealed, with my name even, umm, all's I will tell you is, it's out of order Mayor, and umm, and I'm expecting an apology from the contract attorney.'

Mayor Rolfe –
'I have a just one comment, umm, it's really hard for me to sit here and have a member of this, umm, Council that, umm, accused another member that came across the table at me just less than, umm, six weeks ago, in the same manner, and umm, no one opposed it then.'

VI. CITIZEN COMMENTS

Kathy Hilton, West Jordan resident, voiced her concerns regarding the proposed increase to the Interim City Manager's salary. She was concerned with the timing. She suggested a possible bonus and holding off on any type of raise until a City Manager was hired. She also commented on the lack of economic development and code enforcement within the City.

- Contract with an executive search firm already in process for a City Manager
- Former employee filed alleged workplace discrimination complaint (formal and unbiased investigation underway)
- Suggested reconsideration of a contract until issues were resolved
- Commented on temper tantrums by the Council (previously a pen was thrown on the dais), the rules apply to all of the Council, not just some of the Council.

Ronald Day, West Jordan resident, commented on the proposed changes to the Mayor's position. He said two years ago, he opposed making the Mayor full-time; however, seeing the Mayor in action he now believed that the position should remain full-time. He asked the Council to reconsider and pull Business item 9.c. permanently. He reminded the Council of recent times when having a full-time Mayor was a great benefit to the City (prison relocation, auto dealership, etc.)

Clive Killpack, West Jordan resident, voiced his concerns regarding the following:
Business Item 9.b.

- Setting a precedence and would be a dis-service to others, and the funds that the Council had a fiduciary responsibility as a Council to protect.

Business Item 9.c.

- Previously he was not aware under this form of government of any contracts that the Mayor or Mayor Pro-tem signed without it being presented to the Council and approved.
- City Manager had authority to sign certain contracts within a certain budgeted amount.

He stated that if the Council was not in favor of the Mayor signing documents, then they should consider changing the form of government, personally he like the present form.

Colleen Henderson submitted the following statement:
"My name is CH and I am here to make a statement regarding the signage/graffiti on the side of the Azteca De Oro Taqueria. I am a licensed real estate agent working in real estate for over 18 years. During that time, I have had to obey West Jordan's signage regulations as well as the home builders that I have worked with. During this time, I as an agent have had signs confiscated, as well as builder's signs. To retrieve these signs, there is a $50 fee, but usually, because of the cost, we simply lose the signs.

I find it fascinating that there is even discussion regarding a building that is in clear violation of not only the signage regulation but also the graffiti regulation that is imposed by the City of West Jordan.

In discussing this issue via phone or email these are points have been brought up.
1. West Jordan would like more new homes. My answer is: How do you expect builders to embrace WJ when there are so many punishing regulations? I wish our fines or sign

Under General Provisions, Section 12.1.2 "Purpose and Scope" states "sign regulations adopted under this title are necessary to: protect the general public health, safety, welfare, convenience and aesthetics; to protect and enhance property values; and to protect and enhance the natural setting of the city. At the same time, this title is also intended to reasonably serve the public's need to be given helpful directions and to be informed of available products, businesses and services."

City of West Jordan's regulations limits a Wall sign to: 15% of each facade of a building
Under Title 5, Chapter 6, West Jordan's regulations state:
5-6-1: DEFINITIONS:linklink
GRAFFITI: Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property.

GRAFFITI REMOVAL: The removal or painting over of graffiti.
UNAUTHORIZED: Not authorized in advance by the owner. Despite advance authorization, graffiti may otherwise be deemed a public nuisance or a nonconforming sign by authorized city personnel. (Ord. 13-13, 8-27-2013)
By the above WJ City's regulations, the paintings on the side of the Taqueria restaurant is in violation of not one but 2 regulations.

I have photos if any of you have not seen them. Please note the graffiti on top of graffiti on the Spiderman painting. Also, please not that Mt. Rushmore was glazed over, which I find very symbolic, not the picture of Caesar Chavez."

There was no one else who wished to speak.

VII. CONSENT ITEMS

a. Approve the minutes of July 22, 2015 as presented

b. Approve a Temporary Beer License to St. Joseph the Worker Catholic Church's Folk Fest 2015, held September 11-13

c. Approve Resolution 15-131, authorizing the Mayor to execute a contract with Gerber Construction Inc. to construct the Veteran's Irrigation Pond Reconstruction and Road Project in an amount not to exceed $946,900

d. Approve Resolution 15-147, ratifying the City Council decision to fill a building inspector position in the Development Services Department, with a pay scale between $77,600 - $103,300

e. Approve Resolution 15-148, authorizing the Mayor to execute an Agreement for Services with Bryan Green DBA Beyond Pro for the

o. Approve Resolution 15-158, authorizing the Mayor to Amendment No.3 to the Professional Services Agreement with Hansen, Allen and Luce, Inc. for additional services related to the Secondary Water Master Plan, in an amount not to exceed $8,280

p. Approve Resolution 15-159, authorizing the Mayor to execute a Settlement Agreement and release of all claims regarding pending litigation, in an amount of $125,000.00: Case No. 2:15-cv-00309-BCW, Hoogveldt vs Adams

q. Approve Resolution 15-160, authorizing the Mayor to execute a Settlement Agreement and release of all claims regarding pending litigation, in an amount of $9,000.00: Case No. 2:14-cv-00797, Aleh vs Palmer

The Council pulled Consent Items 7a, d, k, p, and q. for further discussion.

MOTION: Councilmember Southworth moved to approve all the Consent Items except 7a, d, k, p, and q. 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.

VIII. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 15-20, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 13, TO ALLOW 'GASOLINE SERVICE STATION' IN THE C-M (HEAVY COMMERCIAL) ZONING DISTRICT, CITY-WIDE APPLICABILITY, FOURSQUARE PROPERTIES, INC./DAN MILICH

David Oka said this item was a text amendment to amend the West Jordan City 2009 City Code, Title 13, Zoning Regulations, Section 13-5E-3 amending the Permitted and Conditional Uses Table for Heavy Commercial Zone; City-wide applicability. The applicant wanted to place a service station/convenience store on the corner of Airport Road and 7800 South.

Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	**P**	**P**	**P**	**P**	**P**
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C

Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

FINDINGS OF FACT

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

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

Discussion: The subject zoning district is within the commercial section of the Comprehensive General Plan – more specifically the Regional

or part of this title or the general plan; and

Discussion: The proposed amendment will only affect the C-M land use table by changing "gasoline service station" from not permitted to permitted in the C-M zoning district. All other standards and land use criteria will remain the same.

Various locations within the C-M zoning designation are also within overlay districts which will further limit potential uses. The proposed text amendment will not affect land use standards for property in overlay districts.

Finding: The proposed amendment will not create a conflict with any other section or part of this title 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 will alter sections of the City Code which affect every Heavy Commercial (C-M) zoning district within the City which in turn will mostly affect 32 parcels scattered throughout the City. The Heavy Commercial district resides in the Commercial Zones section of the 2009 City Code. Other districts within this section presently allow gasoline service stations in their respective districts.

Finding: The proposed amendments do not relieve a particular hardship, nor do they 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.

In conclusion, the proposed Text Amendment to allow "gasoline service station" in the C-M Zone was in harmony with other uses that currently were allowed within the zone and would not conflict with State law or other provisions to this code.

Staff recommended that based on the analysis and findings contained in the staff report that the City Council amends the 2009 City Code for the Heavy Commercial Zone (C-M) to permit "Gasoline Service Stations".

On July 7, 2015, the Planning Commission in a 6 to 1 vote recommended that the City Council approve the request to amend the text to permit "Gasoline Service Stations" in the Heavy Commercial (C-M) Zoning District.

The Council and staff discussed clarifying questions.

Councilmember Rice	**Yes**
Councilmember Southworth	**Yes**
Mayor Rolfe	**Yes**

The motion passed 7-0.

IX. BUSINESS ITEM
DISCUSSION AND POSSIBLE ACTION RELATED TO HOW THE STORM WATER EQUIVALENT RESIDENTIAL UNIT (ERU) IS CALCULATED FOR NON-RESIDENTIAL PROPERTIES

Wendell Rigby said on January 28, 2015, staff presented a proposal to modify the stormwater rate and ERU calculation for all residents and businesses in the City of West Jordan. In that meeting, several options were discussed related to how other cities figure their rates, including detention and level of pretreatment. Also, during that meeting the City Council asked staff to review the impacts if the City were to base calculations on the percentage of impervious area on a property and then to return and report.

Following Council direction, City staff contracted with the GIS department at Utah State University (USU) to analyze the impervious area of the City and to outline a program that where non-residential rates would be based upon their percentage of impervious area. While that work by USU was still progressing, it had suffered continually from unexpected complications and delays.

In the interim, it was found that there are several unintended consequences by basing calculations on percentage of impervious area that may call into question whether that is the best way to proceed.

Wendell Rigby turned the time over to Justin Stoker.

Justin Stoker said based on feedback from other cities, basing calculations on impervious area is a very time and data intensive task that usually requires the work of one or two dedicated employees to manage, and as demonstrated by USU's ability to get us the initial data set. Their jobs typically include initial calculations, requests for recalculation, appeals regarding the calculation, physical modifications to the site and how and when that triggers a recalculation, inspections into sites that may have made undocumented changes to their impervious area, etcetera.

When those that are subject to the Equivalent Residential Unit (ERU) calculation were reviewed, it was determined that the vast majority of those properties lie within a 15% window (between 77% and 92%) of impervious area. To avoid the conflicts and disputes found by other nearby cities, staff recommended keeping the simple approach to calculating the ERU based upon total area of the property. This simple method had shown to be easily handled by current staff.

into account the proper area (7.45 acres of impervious area vs. 9.71 acres of total area) in how the ERU is calculated for each appropriate city.

City	ERU	# ERUs	Rate	Annual Fee
Draper	3,000	108.17	$ 6.00	$ 7,788.53
Midvale	3,000	108.17	$ 7.62	$ 9,891.43
Riverton	2,744	118.27	$ 7.00	$ 9,934.35
South Jordan	4,752	68.29	$ 8.50	$ 6,965.75
Sandy	2,816	115.24	$ 6.00	$ 8,297.44
SLC	2,500	129.81	$ 4.49	$ 6,994.10
West Jordan	10,890	38.84	$ 4.02	$ 1,873.64
West Valley	2,830	114.67	$ 4.00	$ 5,504.26

As was previously mentioned, the proposal was to keep the rate at $4.02 and to leave the City calculating the number of ERUs based upon total area. The proposal was to modify the ERU value from 10,890 sq-ft to a value much lower to account for the increased volume of water that non-single family residential properties contribute to the City's stormwater system. If you take the average of the other cities, you have an ERU value of 3,092 impervious sq-ft. It would equate a total area of 3,803 sq-ft based upon the property having an average impervious area of 77%.

	Existing Payments with ERU=10,890 sq-ft and 20-acre cap	Payments with ERU=8,000 sq-ft and 20-acre cap	Payments with ERU=6,000 sq-ft and 20-acre cap	Payments with ERU=4,000 sq-ft and 20-acre cap
Total Monthly	$47,869.90	$64,151.42	$85,535.23	$128,302.84
Total Annually	$574,438.83	$769,817.03	$1,026,422.70	$1,539,634.06

To illustrate how the ERU change would impact businesses, the following showed what the annual stormwater rate would be if applied through the various proposed changes:

- 4,000 sq-ft ERU - $5,100.99 annually
- 6,000 sq-ft ERU - $3,400.66 annually
- 8,000 sq-ft ERU - $2,550.49 annually
- 10,890 sq-ft ERU - $1,873.64 annually (current payment)

Even with a 4,000 sq-ft ERU, the example business would still pay the lowest amount if located within West Jordan when compared to any of the surrounding cities.

<u>The Cap</u>
There had been discussions on whether or not the 20-acre cap should remain. A review of the 20-acre cap showed that there would be 31-properties that would be impacted if the cap was removed.

Ryan Bradshaw indicated that raising some of the big box stores rates would only raise the annual fee approximately $3,000 to $4,000, which would affect the consumer minimally. He reported that churches would be affected.

Councilmember Southworth felt the City's economic development should be considered.

Councilmember McConnehey said it seemed liked the burden had been disproportionately placed on the residents and they had been subsidizing some of the larger commercial properties. It was nice to see a proposal to bring the City more in-line with what was happening with the rest of the valley. He felt the rates should be equalized based on the amount that businesses were contributed into the system.

He felt the City could make an adjustment to the stormwater fee and go off a round number without dedicating full-time staff to perform calculations. He supported making the change to the 4,000 ERU sq-ft.

Councilmember Hansen said in Midvale their annual fee was $9,891.43 and economic development continued to flourish. She felt the City needed to adjust the stormwater fee.

Councilmember Nichols agreed with Councilmember McConnehey comments. He said the stormwater was the most underfunded budget in the City and needed to be corrected.

Councilmember Haaga said West Jordan was unique City with four canals. Stormwater in the older areas of the City was problematic. This year it was being dealt with. He felt businesses look at these fees in deciding whether to locate or relocate to West Jordan. He opposed any kind of increase or fee. He said if the City was going to pay for storm drains, the new business that come into West Jordan should be assessed, to upgrade the storm drains, so that they would be compliant.

Mayor Rolfe was proud to hear that West Jordan had the lowest rate of the cities surveyed. He felt this motion was anti-economic development and hurt existing businesses. He felt there were other ways to pay for the shortfalls; nothing was underfunded at the City. The City has had a surplus fund balance for four years straight over the allowed surplus fund balance. He said there were funds available in the General Fund, or the City could bond.

Councilmember McConnehey felt the commercial land users were being subsidized by residential.

MOTION: **Councilmember McConnehey moved to adopt option #1, to change the Equivalent Residential Unit (ERU) calculation from 1 ERU per ¼ acre (10,890 square feet) to 1 ERU per 4,000 square feet, and retain the 20-acre cap on the calculations as proposed in the staff report. The motion was seconded by Councilmember Nichols.**

Mayor Rolfe acknowledged Justin Stoker.

Justin Stoker provided information regarding the 20-acre cap. He explained that the cap was put in place to protect a very few properties that would be greatly impacted if there was no cap (airport, golf course, driving range, South Valley Treatment Plan, etc.).

Staff opposed removal of the cap due to the potential impacts.

Councilmember Nichols reported that the City's surplus was supposed to go to parks.

Councilmember Haaga asked clarifying questions regarding the current fund balance and projection for the 2015-2016 Impact fees on stormwater.

Ryan Bradshaw indicated that the City had a balance; however, some of that balance had been already committed to contracts.

Councilmember Haaga said budget numbers were online and encouraged everyone to review them.

Councilmember McConnehey said:

(1) If the substitute motion failed, he would be willing to amend his original motion to include the cap.
(2) Funds from the General Fund cannot be used for the Enterprise Fund.

Dave Murphy said deficiencies in the stormwater totaled over $17.5 million.

VOTE ON THE SUBSTITUTE MOTION:
A roll call vote was taken

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

The motion failed 2-5.

VOTE ON THE MAIN MOTION:
A roll call vote was taken

there is an out-of-class pay. He recognized that there had been employees in the past that had served in out-of-class positions that had not been paid that payment. However, the reason he agreed not to take any out-of-class pay was: 1) Trying to work on wages for all of our employees and he did not want to in anyway shape or form cause any confusion for employees that he was trying to take any income above and beyond for himself, where we were needed to take care of our other employees. He appreciated what the Council had done for the City staff, and 2) The Council was already being criticized for fulfilling the remainder of a contract that was almost for a year, and that was going to cost the City that amount of money to finish that out and he did not want to cause additional harm to the Council. He said that did not make him a hero or anything, he just wanted that racialization that he put into his decision in turning down any out-of-class pay.

He also failed to place in his memorandum, that he took a swag and estimated on the high side and was also using wages from last year. So, while it was stated that his current wages were $115,000 and change, last year it was at approximately $110,000. He put a number together that he was going to ask for realizing this was a negotiation, there was nothing like being able to negotiation your wage and benefits in front of the entire City. He apologized to the citizens for having to listen to this, but it was estimated considerably higher, he went to staff today and talked to them about, if the proposal he provided of going from his current Step 6 to Step 13, that would be a $24,000 change in pay and his estimate for the overhead was high, it would actually be 21.72 percent because of insurance and everything else was already in there and that would not change. So, that would be a $5,227 addition for the overhead for a total of $29,292. He wanted to make it clear, he never expected the Council to just say 'sure' that was what you asked for that was what you get. So, he allowed for some room for negotiation, if that was what the Council wanted to do.

He realized that because of the way the staff report was written there was an air of confusion that he possibly might be asking for the City Manager's wage or the Interim City Manager's wage, the fact was that the numbers proposed come clearing from the City's current step and grade chart and they were all for the Assistant City Manager wage. The City Manager when they left was making higher than Step 14 for the Assistance City Manager. So he was still proposing that the wage that he was asking for was within the Assistance City Manager. He was willing to do that as the Interim City Manager and if he was to go back to the Assistance City Manager it would still be within that range. He also pointed out that during this last year he and family had incurred many challenges with his schedule he did not intend having, filling both the City Manager and Assistance City Manager time frame had been very time consuming, it caused him to miss a lot of family time and work many, many hours, he consistently worked over 40 hours even on weeks when he was only working four days he was consistently over 40 hours. In calculating for the next five months, if he was to use his vacation time at the same rate that he had been using it, which was very little, he would stand to lose approximately $9,000 of the use or lose, that would be reduced to zero or taken out to the maximum amount at the end of the year. That is life, however he wanted it to be known that with the City's policy again,

Interim City Manager and he felt that was an oversight that we did not give bonuses, two were in this room right now and he felt bad, but he did not think that the Council's at that time did that and that is something we need to consider. We need to look back and say okay time served a bonus commensurate of that differential pay for the time that you have been here, which had been a year plus. We need to look back and say what was the difference between those pays, you have done the work, you had taken all that weight on your shoulders and so any of us would expect that or hope to have that in any job that we did, and so he thought that was only fair as well, so he was in fair of the increase, we can work on those numbers, he was unsure as to whether Council wanted to do that tonight. He just wanted to express his support and gratitude.

Bryce Haderlie said within the Council's agenda packet there was a seven grade chart and it had all of the ranges in range 90, which was the Assistance City Manager. You can see it had an hourly rate and then below it was the annual salary for 2080 hours. He did identify that the calculations provided for the $29,000 total wages and benefits came from step 13. He said Councilmember Nichols mentioned a range of $130,000 - $135,000, that could be anywhere from step 10 at $128,000 to step 12 at $135,366. What staff would want to do was tie it to one of the steps keeping, and that was another thing that he failed to do as the first time that he submitted this, he did not tie it to the step and grade, so this time he realized he needed to do that to keep it in harmony.

Councilmember McConnehey said 'thank you' to Bryce Haderlie for that he had done, all that you have been doing, and that you continue to do. He knew there were a lot of demands and obviously it easy to come in….and discuss compensation, it is a very personal and touchy issue and he appreciated Bryce Haderlie for doing that. Please do not take any of my comments personally they are not directed towards you. He believed he had shared most of his ideas with Bryce Haderlie one on one anyway, but he wanted to share them in a forum where the rest of the Council was able to hear them. There were a couple of concerns: 1) Shared the concern, he believed it was former Councilmember Hilton brought it up about timing and with so many other things going on, he did not know if now was the right time. Although, he would be open to discuss compensation. He appreciated what was spoken from the dais earlier, about going back to review some of the others who had served in that capacity and not received any additional compensation for all the work and stress and effort that went into filling in, in that capacity. He felt that was something the Council should do. If somebody was performing the effort especially for that executive position, it is something that was very, very demanding and we need review and reflect that. At the same time, he worried about what sort of precedence that sets. He said there were a number of people throughout the City who were filling in for positions above their grade and it happened on a regular basis. He said we currently have someone who was filling in as the head of Legal. We have a responsibility for our Development Department where we had a director level position leave and then we did refill that position rather we delegated those responsibilities upon the department. He worried that Council would be setting a precedence that could have a ripple effect and he wanted to make sure it was studied prior to taking action. He also had an issue with some of the specifics like the six-month' severance agreement, should there be a termination

Councilmember Nichols wanted to make sure it was very clear that he did not support this motion because Bryce Haderlie was the Acting City Manager, but because he fully supported Bryce Haderlie as an Assistance City Manager and this was where he wanted his salary to be. He was very grateful that Bryce Haderlie was filling in as the Acting City Manager and would expect him to have a bonus for such in the future as we failed to do in past times.

Councilmember Haaga said he really did appreciate the transparency with this, and it took someone like Bryce Haderlie to come in front of a seven-member body to ask for this. He did agree, but he still believed that process required a budget amendment before the resolution could be passed.

Bryce Haderlie said can we discuss that for just a moment. He said Ryan Bradshaw should weigh in on this. But, there were multiple times during the year when the Council had authorized expenses that the budget had not been amended. Ryan Bradshaw would make a notation and then would bring back a budget amendment two or three times during the year. So with that since the Council had not hired a City Manager and the wages within that whole entire budget had not been expended, he believed there would be sufficient funding before the next budget amendment that would be able to fund this and then it could be amended at a future date when the Council did a list of items all at the same time.

Ryan Bradshaw said at this point staff had budgeted for both a City Manager and Assistance City Manager within the current budget and there was only one person in those two positions. We would have some budget left over; we would still want to do the budget amendment to make things happen, but in the past we have moved forwarded with things before the budget amendment took place, which had been a practice within the City with other issues. He said there were police grants where they get the money, and police spends it then a few months later it would be brought back to the Council as a budget adjustment.

Bryce Haderlie said earlier in the evening, he shared a section of the State code with Mayor Rolfe, which reviewed amendments to salary schedules and such. He said we did table that tonight to wait and see how some of the things played out. So the other thing that he would just demand of himself and of staff was that we would not make these retro-active payments or raise the wage until staff brought the salary schedule forward with the reflected changes. He wanted to make it very clear to the Council and the public that he would not receive a dime of any increase until we did follow through on the statutory requirements of the State law on you passing a salary schedule. That would be on the next City Council meeting and he would not receive anything until after that. But, he was assuming that where he made the comment in the Resolution for retro-activity that would come into effect after we do these other statutory things. He asked is that my understanding. He asked the question of the range because he failed to hear Councilmember Southworth.

Councilmember Southworth asked Councilmember McConnehey if that would cover his concerns.

Councilmember McConnehey said again he spoke against the motion; it would be up the Councilmember Southworth as far you wanted to proceed chasing that.

Councilmember Southworth clarified the motion.

A roll call vote was taken

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

The motion passed 5-2.

Councilmember McConnehey asked for a point of personal privilege. He expressed his appreciation to Councilmember Southworth for working with him regarding some of language of the motion, knowing full well that he was going to vote against it.

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

The meeting recessed at 8:39 p.m. and the City Council meeting reconvened at 8:41 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 15-21, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 1, CHAPTERS 7 AND 8, REGARDING 'CITY ADMINISTRATION AND GOVERNMENT;, AND RESOLUTION 15-162, AMENDING THE CITY COUNCIL RULES, POLICIES, AND PROCEDURES

This agenda item was tabled until August 25, 2015.

CONSENT ITEM 7.A.

APPROVE THE MINUTES OF JULY 22, 2015 AS PRESENTED

Councilmember Haaga said this was a statement I made publicly talking about some actions in our public discourse here up on the dais with our Councilmember and I won't go into the details concerning allegations make sure we get that right, allegations of possible harassments, and I sited Utah State Law Anti-Discrimination Act and why I bring that up tonight because I was challenged tonight by a contract attorney for making a statement, and I stood up, they won't tell you what I said, and I walked out. So that's

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

The motion passed 6-1.

CONSENT ITEM 7.D.

APPROVE RESOLUTION 15-147, RATIFYING THE CITY COUNCIL DECISION TO FILL A BUILDING INSPECTOR POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT, WITH A PAY SCALE BETWEEN $77,600 - $103,300

David Oka said in view of the anticipated increase in construction activity as a result of the Jordan Valley Transit Oriented District and Station at Gardner Mill, staff was recommending the hiring of an additional building inspector. The inspector would need to possess the skills of a level 3 inspector.

On July 22, 2015, the City Council orally approved the filing of this position. This action formalized the approval.

The fiscal impact to the City would be the range of the pay scale for this position $77,600 - $103,300 which included benefits.

Staff recommended approved.

Councilmember Southworth was concerned with the pay scale. He felt the pay seemed out of proportion to other positions in the City, which required levels of education and responsibility. He felt this was significant position, but would like it reviewed.

MOTION: Councilmember Southworth moved to table this item until the next City Council meeting for staffs review. The motion was seconded by Councilmember Nichols.

Councilmember Hansen asked for clarification regarding what type of issues this Inspector would approve.

David Oka reported that Human Resources had researched the market as to what a Class III Inspector would make. He said the City needed to be competitive in order to get highly qualified applicants.

8200 South and into the mobile home park between 8200 South and the railroad tracks, generally along 1500 West (a private road in the mobile home park).

The current arrangement had created a convoluted ownership and maintenance relationship between the private sewer of the mobile home park and the public sewer from the subdivision to the south. To clarify the situation, the City planned to connect the public sewer line in 8200 South eastward (instead of northward) into another public sewer line in the Fox Pointe subdivision. This would remove the City's involvement in the sewer line that runs through the mobile home park.

With approval, notification by an electronic traffic sign board would begin on August 14, 2015, and run for 10-days. Actual construction was scheduled to begin on August 24, 2015, and will run three weeks from August 24, 2015 until September 14, 2015.

Due to the depth and alignment of the sewer line, it was preferred to temporarily close the road to eliminate the hazard of traffic through the construction area and to be able to complete the project in a safe and timely manner.

No homes front the street in the area to be closed. Residents south and west of the project area, in the Green Briar subdivision, would use Redwood Road for access and residents east of the project area, in the Fox Pointe subdivision, would have access through 1300 West.

Staff recommended approval of the request for a 3-week roadway closure on 8200 South between 1550 West and 1480 West to the accommodate construction of a new 8-inch sanitary sewer main.

MOTION: Councilmember Southworth moved to approve Resolution 15-154, authorizing staff to approve the road closure plan allowing a 3-week roadway closure on 8200 South to accommodate construction of a new 8-inch sanitary sewer main. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

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

The motion passed 7-0.

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.

X. REMARKS

WAGE SCHEDULE

Bryce Haderlie informed the Council that the wage schedule was available on the City's website. He reported that the wage schedule matched exactly to the City's step and grade system. He said staff would be paying what was in-line with the salary schedule and the additional amount was the overhead of benefits, regarding the additional Building Inspector.

COMMUNITY OF COUNCIL APPOINTMENT

Councilmember Hansen had served on the Community of Council's since taking office in 2012. Earlier this year, she was elected to the Council of Government (COG), she recommended Councilmember Rice serve on the Community of Council.

This item would be brought back on a future agenda.

WEST JORDAN'S FORM OF GOVERNMENT

Councilmember Nichols commented on the City's form of government. He said comments made earlier in the meeting reported that the Mayor was the Chief Executive Officer in West Jordan. He said that was factually incorrect. He said the Mayor was the Chief Ceremonial Officer of West Jordan. He quoted from State code: 'As used in this subsection Council-Manager Form of Government provided for in the laws of Utah 1977 Chapter 48, that cannot be approved without adopted without voter approval…….". In our case, "a municipal operating on May 4, 2008 under the Council-Manager Form of Government shall continue to operate in that form of government and will be in accordance to the applicable provisions of the laws of Utah 1977 Chapter 48."

He said our form of government was not in our current books. He felt this verbiage needed to be added so residents were aware of it.

Mayor Rolfe said citizens would need to go back to the 1977 code book to find this information.

Jordan or change the law that you were not authorized to change. He challenged Councilmember Nichols to read the 1977 law.

XI. ADJOURN

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

The meeting adjourned at 9:11 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 9th day of September 2015