

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

**Wednesday, March 9, 2016**

**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 Dirk Burton, Jeff Haaga, Zach Jacob, Chris McConnehey, Chad Nichols, and Sophie Rice.

**STAFF:** Mark Palesh, City Manager; David R. Brickey, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Dave Zobell, City Treasurer; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Dan Eatchel, Animal Services Manager, and Julie Brown, Event Coordinator.

***I. CALL TO ORDER***

Mayor Rolfe called the meeting to order at 6:00 p.m.

***II. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Daniel Cruz, Troop 916.

***III. PRESENTATION***

**RECOGNITION OF PAMELA CALVIN MERRILL AND GARY CALVIN  
FOR DONATING THEIR MOTHER'S BOOK 'TREASURED MEMORIES  
AND WEST JORDAN HISTORY' (1847-1966) TO THE CITY**

Mayor Rolfe said this book, Treasured Memories and West Jordan History 1847-1966, by Clara B. Richards (born 1885), was donated to West Jordan by the Bernice Myers Calvin family, Pamela Calvin Merrill, and Gary Calvin.

He read short excerpts from the book: 'Bernice was born in Ovid, Idaho, in 1914. The Myers family moved to West Jordan when she was about seven years old. She attended school there through the 1920's. They were farmers and lived with her sister's family in a white house next to the canal on the Bingham Copper Mine highway (the farm belonging to Anthon and Roean Bastian and the house is still standing as of 2015). Bernice would walk to elementary school and she also attended West Jordan High. Bernice married Bill Calvin and lived in the Salt Lake Valley for most of her life.'

The Mayor and Council presented Pamela Calvin Merrill and Gary Calvin with a Certificate of Appreciation for their donation.

**IV. COMMUNICATIONS**  
**CITY MANAGER COMMENTS/REPORTS**  
**STAFF COMMENTS/REPORTS**

There were no staff comments

**CITY COUNCIL COMMENTS/REPORTS**

Councilmember Rice –

- Expressed appreciation to Gary Calvin and Pamela Calvin Merrill for the donation of their mother's book.
- Lori Hansen, Jordan River Commission, reported that the Utah State Legislature approved \$1.23 million for the Jordan River Parkway Trail, thus allowing the trail to be completed in its entirety. She expressed appreciation to all those involved.

Councilmember Haaga –

- Asked for a moment to reflect upon the common goals of the business of the City Council meeting.

Councilmember McConnehey –

- Application was submitted to Salt Lake County for TRCC Funds to assist in paying for the design of an arts facility. Application had been approved for matching funds of \$125,000.

**V. CITIZEN COMMENTS**

Steve Jones, West Jordan resident, addressed Consent Item 6.k. He voiced his concerns regarding the pay increase to the City Manager's salary. He felt six-months of employment did not justify the increase being proposed.

He said none of the City Council responded to his email, which he believed showed a lack of respect.

Private Citizen.....commented on animals being removed from Mid-valley Animal Clinic, and the building being used for counseling of prisoners.

There was no one else who desired to speak.

**VI. CONSENT ITEMS**

- a. Approve Resolution 16-28, confirming the City Council appointments to various committees, and confirming various committee nominations of officers of various City Committees**
- b. Approve the request from Margarida Richards for alcohol at Pioneer Hall June 25, 2016**

- c. Approve a Class B Beer License for Wingstop #81 located at 1826 West 9000 South**
- d. Approve Ordinance 16-11, amending the 2009 West Jordan Municipal Code, Title 4, 'Business and License Regulations,' Section 4-1A-2, regarding Tobacco Specialty Business**
- e. Approve Resolution 16-29, authorizing the Mayor to execute a Change Order in the amount of \$27,116 with Stalwart Development, Inc., for the Veterans Memorial Park baseball field fencing to add additional fencing work that was missed in the original bid, for a revised contract amount of \$98,293**
- f. Approve Resolution 16-30, authorizing the Mayor to execute Amendment No. 2 to the Professional Service Agreement with Bowen Collins & Associates, Inc. for the Veteran's Irrigation Pond Reconstruction & Road project for water line and meter re-location, and additional storm pipe design in an amount not-to-exceed \$4,000**
- g. Approve Resolution 16-31, authorizing the Mayor to execute an Interlocal Cooperation Agreement with Salt Lake County for installation of pedestrian crossing signal and push buttons at Campus View Drive & Plaza Center Drive, in an amount not-to-exceed \$2,500**
- h. Approve Resolution 16-32, authorizing the Mayor to execute an Interlocal Cooperation Agreement with Salt Lake County for upgrade installation to traffic signal at Jordan Landing Boulevard & Campus View Drive, in an amount not-to-exceed \$32,500.00**
- i. Approve Resolution 16-33, authorizing the Mayor to execute a Settlement Agreement with Sherry Lynn Burton in the amount of \$25,000 regarding pending litigation**
- j. Approve Resolution 16-34, authorizing the Mayor to execute an Interlocal Agreement with Salt Lake County and Temporary Construction Easement so the City can construct a road between the senior center and library**
- k. Approve Resolution 16-35, authorizing the Mayor to sign a contract with Mark R. Palesh as the City Manager for the City of West Jordan**
- l. Approve Ordinance 16-12, amending the 2009 West Jordan Municipal Code Title 3 Revenue, Finance and Taxation, authorizing the City Manager to approve alcohol within the City building facilities for private functions**

Councilmember Jacob pulled Consent item 6.d. for further discussion.

**MOTION: Councilmember McConnehey moved to approve all Consent Items except 6.d., and amend Item 6.k to include the text changes as provided to the Council. The motion was seconded by Councilmember Rice.**

**SUBSTITUTE**

**MOTION: Councilmember Haaga moved to pull Consent Item 6.k., and add a motion to the Resolution.**

The motion died for lack of a second.

Councilmember Haaga commented on Consent Item 6.k. He agreed with the dollar amount being proposed, but felt it should be discussed. He read into the public record the proposed change: ‘Employee may receive performance based bonuses during the contract term. Each performance period will be six months in length commencing at the effective date of this contract. Upon successful completion of written objectives and goals approved by the City Council the employee may receive up to 5% performance based bonus for each performance period.’

David Brickey said the above statement clarified the change to the City Manager’s contract.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-1.**

**VII. PUBLIC HEARINGS**

**CONTINUED FROM FEBRUARY 24, 2016 – RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 16-24, AMENDING THE UNIFORM FEE SCHEDULE FOR FISCAL YEAR 2016-2017**

David Zobell said every year the City Council reviewed the fees and charges for services provided by the City. Staff members evaluate the fees to ensure that they fairly represent the costs of providing the service. These costs may include overhead, supplies, man-hours, and equipment needed to provide the service. Suggestions were made to the City

Council to update charges if the cost to provide the service had changed. He made corrections/changes to two of the dollar amounts (see changes below).

#### **IV. BUILDING PERMITS**

Staff suggested increasing the minimum permit fee to \$50 to cover our expected costs per inspection. The base rate of \$23.50 was not being changed in the calculation table; if it were changed then the calculations on higher permit valuations would not calculate properly.

#### **VII. SOLAR PERMITS**

Staff had created a solar permit fee that was similar to other municipalities. Our old fee schedule depended on the applicant/contractor to provide a valuation of work in order to calculate the permit fees. The new method calculated a fee based on actual wattage instead of using the valuation method. The new method ensured that we calculate all solar permits equally based on the size of the system and not the valuation given to us by the applicant/contractor, which can vary greatly for systems of the same size.

#### **XVI. BUSINESS FIRE INSPECTIONS**

Changes in fire fees were based upon changes in personnel wages and vehicle costs. Staff had added the fees charged for CPR and CERT to the master list. These fees were found to be necessary to encourage people to show up to classes that they registered for and to cover costs of supplies actually used and distributed in the courses. Staff was not charging for the time required to teach the courses.

There was a specific inspection line being added for the inspection of food vendor vehicles. Inspection fees had historically been based on the costs associated with building inspections. With the advent of complex food trucks and trailers, which were required to be inspected, staff felt it was appropriate to create a specific line to address them.

#### **XVII. EMERGENCY RESPONSE RESOURCES**

Changes in fire fees were based upon changes in personnel wages and vehicle costs.

#### **XX. CITY CEMETERY**

Raising the non- resident lot sale price from \$710.00 to ~~\$1140.00~~ \$1140.00 puts us more in line with surrounding city prices. In addition each burial lot purchased was also charged a perpetual care fee of \$220.00.

Raising the transfer fee for residents from \$10.00 to \$30.00 this fee would cover the administration costs to complete the transfer.

In order to cut down on residents purchasing lots non-resident at the resident rate and then transferring the lots into the non-resident name, we have applied a concept that a few other cemeteries have used in reducing this issue. If a resident purchases burial lot/lots for a non-resident they can transfer immediately for a transfer fee of ~~\$300.00~~ \$570.00. If the lots were transferred after ten years after the purchase they would be charged \$30.00. If a

resident is transferring lots to another resident they would be charged the new fee of \$30.00.

**XXI. PARK RESERVATIONS/RODEO ARENA/SPORTS FIELDS/CITY BUILDINGS**

Councilmember Burton was seeking consideration and changes to the consolidated fee schedule regarding special event rentals in the West Jordan Arena.

Station 53 and 54 meeting rooms had been added to the facility use section of the fee schedule. Station 53 has a higher cost because the building was not designed for use by outside groups without personnel on site to supervise the building.

Fiscal and/or asset impact:

The Uniform Schedule of Fees and Service Charges would help to recover the cost of services rendered. These changes would increase City revenue based on the usage of each fee over the year.

Staff said the intent of the proposed changes to the Uniform Schedule of Fees and Service Charges was to recover reasonable costs for services rendered. Reasonable costs may consist of, but are not limited to, direct costs, indirect costs, and fixed asset recovery expenses, general and departmental overhead expenses.

Mayor Rolfe opened the public hearing. There was no one who desired to speak. Mayor Rolfe closed the public hearing.

**MOTION: Councilmember Nichols moved to approve Resolution 16-24, amending the Uniform Schedule of Fees and Service Charges for Fiscal Year 2016-2017. The motion was seconded by Councilmember Burton.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 16-13, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE, TITLE 13, 'ZONING REGULATIONS,' SECTION 13-2-3,  
SECTION 13-12-3, AND SECTION 13 Chapter 5, REMOVING 'HOTEL,  
EXTENDED STAY,' CITY OF WEST JORDAN**

David Oka said this item was to consider amending the 2009 West Jordan Municipal Code Title 13, 'Zoning Regulations.'

In working with potential hoteliers interested in building facilities in the City, it had come to the attention of staff that the parking requirements for "hotels, extended stay," as defined below were not in line with requirements for other cities within our market. This discrepancy in parking requirements had put the City at a distinct competitive disadvantage in providing these services to the residents and visitors of West Jordan.

**General Information & Analysis**

Section 13-2-3 of the 2009 City Code separated hotel uses into two different categories, which are defined as follows:

"HOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities."

"HOTEL, EXTENDED STAY: A "hotel," as defined in this section, in which at least seventy five percent (75%) of the units or accommodations are regularly available for long term occupancy for periods exceeding seven (7) days or more."

Both "*hotel*" and "*hotel, extended stay*" uses were allowed in all of the same zones. The only difference between the two uses was the amount of parking required.

Section 13-12-3 of the 2009 City Code currently required the following:

- *Hotels, motels, bed and breakfast facility*: 1 parking space per sleeping unit (including caretaker unit)
- *Hotel, extended stay*: 1.5 parking spaces per sleeping unit (including caretaker unit)

In working with hoteliers, staff had learned that a lot of the new hotels were built in a manner with sleeping units that could potentially put them into the category of extended stay hotel. Many of the hotels located in this part of the Salt Lake Valley cater to corporations that bring people in from out-of-state to do week long trainings, etc.

As stated in the Background section of this report, it was important to maintain our Code in a manner that does not put the City at a competitive disadvantage. The following table

illustrated two points; 1) other cities do not draw a distinction for extended stay hotels and 2) our current parking requirement for hotels is in line with surrounding communities.

<b>City</b>	<b>Use</b>	<b>Parking Ratio</b>
South Jordan	Hotel/Motel	1 per room
West Valley City	Hotels	1 per room, in addition to required parking for ancillary uses (i.e. restaurants, retail, etc.)
Draper	Hotel/Motel/Motor Lodge/Bed & Breakfast Inn	1 per room
Sandy	Motel, Hotel	1 space per rental unit, 1 space for each 200 sq. ft. of assembly, conference space, banquet, sit-down restaurant facility and office space.
Murray	Hotels, motels, motor hotels, bed and breakfast	1 parking space for each living or sleeping unit, plus parking space for all accessory uses as herein defined.
Taylorsville	Motel, Hotel	1 space per rental unit; 1 space for each 200 square footage of floor area of assembly, conference space, banquet, sit down restaurant facility, and office space
Midvale	Hotel	1 per suite and 1 space per 200 s.f. of separately net leasable space

**Text Amendment Request**

Therefore, in order to remain competitive with surrounding cities staff proposed that the Zoning Code be amended to remove all references to “hotel, extended stay.” The remaining requirements for “hotel” use provide sufficient regulations to ensure appropriate levels of parking and land use regulation.

**FINDINGS OF FACT**

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance 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 General Plan supports and encourages the evaluation and updates of sections of the Zoning Code relating to commercial development (Commercial Goals and Policies; Goal #1).

Policy 2 under the Commercial Goals of the General Plan, state that we should promote the efficient use of land. By not requiring excessive

amounts of parking that may never be used, land can be utilized for higher and better uses.

**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:** As shown in this report, treating extended stay hotels as a separate land use category is not commensurate with the requirements of nearby cities. This discrepancy between jurisdictions has placed West Jordan at a competitive disadvantage.

**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 2009 City 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 will not create a conflict with any other sections of the 2009 City Code. The proposed amendment will remove “hotel, extended stay” from all portions of the Zoning Code.

**Finding:** The proposed amendment would not create a conflict with any other section or part of the 2009 City 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 does 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 General Plan has goals and policies which support the amendment.

**Finding:** 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(s) in light of corrections or changes in public policy.

He said in conclusion the proposed text amendments were warranted and not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.

Staff recommended that based on the analysis and findings contained in the staff report that the City Council approves the proposed Ordinance amending the text of Title 13 of the 2009 City Code.

On February 16, 2016, the Planning Commission in a 7 to 0 vote recommended that the City Council approve the requested text amendment.

The Council and staff discussed clarifying questions regarding:

- Conference rooms (additional parking)
- Restaurant on-site (additional parking)

Mayor Rolfe opened the public hearing.

Rich Rosa, Vice President of Operations, Utah Hospitality, indicated that they had developed approximately 20 hotels in the Salt Lake, Ogden, and Provo area. He said most of their hotels had a 'one to one' ratio. So far, meeting spaces in connection with their hotels had not encountered any parking issues.

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

**MOTION: Councilmember Haaga moved to approve Ordinance 16-13, amending the text of Title 13 of the 2009 City Code. The motion was seconded by Councilmember Jacob.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**VIII. BUSINESS ITEM**

**DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATION  
PRESENTED BY BEST FRIENDS ANIMAL SOCIETY REGARDING  
TRAP, NEUTER, RELEASE PROGRAMS**

Councilmember McConnehey introduced Arlyn Bradshaw who would be providing the presentation regarding Trap, Neuter, & Release Programs.

Presentation provided by Arlyn Bradshaw.

**Community Cat Management  
A Different Approach  
Arlyn Bradshaw  
Executive Director**

**BEST FRIENDS – SAVE THEM ALL**

**Defining the Problem**

- In 2013, 52% of all cats that entered Utah shelters were killed
  - Compared to 17% of dogs
  - This decreased to 36.8% and 7.4% respectively in 2015
- West Jordan Animal Service Return to Owner rate for cats in 2015 was 6%, compared to 73% for dogs
- Cats must be treated differently than dogs in our shelter, specifically community cats
- West Jordan's cat intake is approximately 670 annually
  - 51% of those cats were killed

**Community Cat Management**

- What is a community cat?  
"Community cat" means a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kin, and has been sterilized, vaccinated, and ear tipped."
  - *Utah State Code*

**What is the law?**

- 11-46-303. Community cats.
  - (1) A cat received by a shelter under the provisions of Section 11-46-103 may be released prior to the five-day holding period to a sponsor that operates a community cat program.
  - (2) A community cat is:
    - (a) exempt from licensing requirements and feeding bans; and
    - (b) eligible for release from an animal shelter prior to the mandatory five-day hold period in Section 11-46-103.
  - (3) Community cat sponsors or caretakers do not have custody, as defined in Section 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as evidenced by a collar tags, microchip, or other

discernable owner identification, are not exempt from the provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.

(4) Sterilization and vaccination records shall be maintained for a minimum of three years and be available to an animal control officer upon request.

- Enacted by Chapter 130, 2011 General Session

### **Community Cat Management**

- Trap/Neuter/Return is a humane, non-lethal alternative to the trap-and-kill method of controlling cat populations
- Healthy (or easily treatable) cats are trapped, brought to a shelter or clinic to be sterilized and vaccinated, and released back to the area they were found
- Cats are ear tipped for future identification

### **The Vacuum Effect**

Using trap-kill programs causes a phenomenon wherein if a cat's population is reduced; remaining cats will produce kittens at a higher rate to compensate. Even if all of the cats are removed, the habitat attracts new cats, drawing the community into a costly and endless cycle of trapping and killing.

### **How it Works – Complainants**

- A successful TNR program must include a plan to address the legitimate nuisance complaints by community members
  - Sterilization naturally reduces nuisance behaviors
- Community trappers canvases neighborhoods to explain the TNR program and offer resources
- Promote Deterrent Methods

### **How it Works – Benefits**

- Reduces shelter admissions and operating costs while increasing adoption rates
- Creates safer communities by reducing the number of unvaccinated cats
- Improves the health and quality of lives of free roaming cats
- Reduces the behaviors that can lead to nuisance complaints such as fighting and yowling
- Increased job satisfaction among animal shelter employees
- TNR reduces the size of the colony over time

### **What can Best Friends do?**

- With Municipal Support, Best Friends will Implement a Community Cat Program
  - Work with West Jordan Animal Services and residents to provide resources for community
    - o Traps, Deterrents, Spay & Neuter Services, Information
  - Assists Best Friends Kitten Nursey
    - o West Jordan is only Kitten Nursery Partner that does not currently have TNR in their city

- 107 Kittens Transferred from WJAS to BSAF-Utah in 2015

He said there would not be a cost for the Trap, Neuter, and Return (TNR) program in West Jordan. If there was a partnership with the shelter the sterilization would be free, however there could be costs regarding staff time with returns. He briefly commented on how other cities handled this issue.

The Council and Arlyn Bradshaw addressed the following:

- How cats were trapped
- Legality
- Reduction of number of feral cats over time

Doug Diamond said previously there was a price of approximately \$12,000 to implement the program in the shelter. He commented on the following:

- Illegal to allow your cat or dog to roam the neighborhood
- Animal Control officers in Murray indicated little or no reduction in the number of feral cats
- Some residents wanted no cats in their yard
- Possible long-term sustainability

Dan Eatchel, Animal Services Manager, said over time the program might work; however, it could cause frustration for residents. He felt this program could help to reduce the number of feral cats if it were administered aggressively and correctly.

Arlyn Bradshaw reported that the \$12,000 previously stated was not necessarily the correct cost.

Councilmember McConnehey asked if there were any disagreement to directing staff to research the possibility of the TNR program in the City.

There was no disagreement.

**DISCUSSION AND POSSIBLE ACTION ACCEPTING CARNIVAL PROPOSAL AND DIRECT STAFF TO COMPLETE THE CONTACT AND TO SCHEDULE STAFFING AND OTHER EQUIPMENT AS APPROPRIATE**

Brian Clegg said staff had asked for submission of proposals to bring back a carnival for the Independence Day Celebration in Veterans Memorial Park July 1, 2, & 4, 2016. Listed below were the revenue submission from the proposals and the estimated expenses for the city. All companies offer a guaranteed payment. Most offer a percentage of sales or whichever was greater.

**Carnival Proposals**

#1	Guaranteed Revenue	\$20,000 (or 20% after tax, whichever is greater)
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Revenue per Game \$100 per game operating on midway  
 Revenue per Concession \$150 per food concession operating on the midway  
 Additional Revenue \$2500 to help defer the cost of security  
 Cost of Tickets \$1.50 single, 10 for \$12, 20 for \$20  
 Cost of Bulk Tickets \$25 all day ride pass  
 Cost per ride Kiddie rides 2 tickets, major rides 3 tickets, spectacular rides 4 tickets  
 Notes: Opening day rides \$1.00

#2 Guaranteed Revenue \$15,000 (sliding percentage of onsite gross: 25% up to \$50,000, 30% 50,001 to \$150,000 and 35% thereafter, 30% of advance sales  
 Revenue per Game \$250 per game  
 Revenue per Concession \$600 per food concession  
 Additional Revenue \$2500 to assist with advertising  
 Cost of Tickets \$1.00, 20 for \$18, 30 for \$23  
 Cost of Bulk Tickets \$25 all day ride pass  
 Cost per ride  
 Notes: Opening night all rides \$1.00, buddy night – 2-1 wristband, mega pass multi-day wristband and advance sales at \$18 equating to 40 tickets or an all-day wristband.

City expenses were estimated from the carnival in 2012 and current staffing needs.

ESTIMATED CITY EXPENSES	
ITEM	ESTIMATED EXPENSE
MASS GATHERING PERMIT	\$500
RESTROOMS	\$5,000
RENTAL EQUIPMENT/TENTS	\$1,000
SOLID WASTE PICKUP	\$500
BARRICADES	\$550
ADDITIONAL WATER/CUPS	\$150
PARK STAFFING ESTIMATE	\$31,400
FIRE STAFFING ESTIMATE	\$6,210
POLICE STAFFING ESTIMATE	\$27,127
ADMINISTRATION STAFFING	\$950
ADVERTISING	\$12,000
	\$85,387

Fiscal and/or asset impact:  
 Carnival revenue could be a guaranteed \$15,000 to \$20,000 plus a fee for concession and food booths.

City expenses and staffing would total an estimated \$85,387. This amount currently not budgeted.

Councilmember Jacob asked whether additional information from the proposals was available. He was in favor of having a carnival, but felt there might be companies that provide items like restrooms, barriers, fencing, etc. He said last year, he spoke with a company that indicated that they did not require any of the expenses that staff had listed as expenses for this years proposed carnival.

Julie Brown said none of the items, such as restrooms, barriers, advertising, etc., were listed in either proposal. Fencing would be provided; however, their security would not meet the West Jordan standards.

Councilmember Burton said he believed Councilmember Jacob was referring to Browns Amusement.

Julie Brown said Browns Amusement did not submit a proposal.

Councilmember Burton said he would like to see Browns Amusement submit.

Councilmember McConnehey asked if the staff costs were on top of their daily duties.

Julie Brown said yes, this would be overtime for employees.

Mayor Rolfe commented on the staffing:

- Police - 19 officers for 3-days, 24 hours per day
- Fire – 3.6 officers for 3-days, 24 hours per day
- Parks – 28.11 employees for 3-days, 24 hours per day

Julie Brown explained how staff arrived at the staff estimated expenses listed above.

Councilmember Haaga said one of the City goals was to bring the community together. He reported that he had attended Browns Amusement Carnivals last year in various cities and thought they were very successful.

Mayor Rolfe said having the carnival in previous years was a great success. He said many residents were disappointed, when West Jordan stopped having the carnival.

Councilmember Rice felt with the funds listed above it would be fiscally irresponsible for the City to move forward with having the carnival.

Councilmember Nichols said if the Osmond money was still budgeted, it could help offset the cost of a carnival.

Councilmember McConnehey agreed with Councilmember Nichols comment; however, he was not ready to support this item.

Councilmember Burton wanted to bring this item back after receiving additional proposals from companies like Browns Amusements and review the numbers.

Councilmember Haaga moved to direct staff to send an additional procurement to all carnivals, and proceed as soon. He felt the proposals received did not provide a broad enough group of contenders.

Councilmember Jacob agreed with tabling this item, and bringing it back with any additional proposals. He also asked staff provide current staffing level costs.

Mayor Rolfe asked if the Council wanted a carnival.

David Brickey clarified that the Council would want to make sure that no advantages were provided.

**MOTION: Mayor Rolfe moved to direct staff to cancel the current Request for Proposal (RFP); and reissue a new RFP to all carnival companies interested in providing a carnival for West Jordan's Fourth of July Celebration; and bring back with the lowest responsible proposal/bidder for review and evaluation by the Council. The motion was seconded by Councilmember Haaga.**

Councilmember McConnehey said in the Fiscal Year 2015-2016 budget there was a line item for July 4<sup>th</sup>, celebration of \$25,000.

Julie Brown clarified that the \$25,000 was for the parade, movie in the park, fireworks, etc. She said the Osmond event was listed in the budget book as July Activities.

Councilmember McConnehey indicated that there was \$63,000 in the budget for all July activities.

Councilmember Nichols encouraged the Council to make sure to emphasize 'quality' with having a carnival.

Mayor Rolfe felt the reason the carnival was canceled in the past, was due to a bad experience. He wanted to make sure all the bids were evaluated to the fullest extreme before one was selected.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-2.**

**DISCUSSION AND POSSIBLE ACTION ADVERTISEMENT OF OUR INDEPENDENCE DAY CELEBRATION**

Mayor Rolfe commented on last year's Rodeo and indicated that the purse had been elevated, which encouraged approximately 40 ranked cowboys to be included in the West Jordan Rodeo. He felt \$7,000 - \$15,000 could be used from the Contingency fund to advertising the entire Fourth of July Celebration.

Councilmember Burton spoke in favor of increasing the advertising budget as suggested.

Councilmember Haaga also agreed with increasing the funds.

The Council and staff commented on the following:

- Event sold-out two nights
- Possible arena improvements for increased attendance
- Other arenas had standing room only

Mayor Rolfe said this advertising would be for the entire celebration, not just the rodeo.

The Council was in favor of directing staff to investigate the best use for up to \$15,000 of the Council Contingency fund to pursue further additional advertisement for the Fourth of July Celebration, and bring the information back to the Council for consideration.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-36, RENAMING THE WEST JORDAN JUSTICE CENTER IN HONOR OF FORMER WEST JORDAN POLICE OFFICER THOMAS M. REES**

Councilmember Jacob said after speaking with Mark Palesh, and the family of former Officer Thomas M. Rees, he was provided with a positive response regarding the possibility of renaming the West Jordan Justice Center in honor of Former Officer Thomas R. Rees.

He suggested renaming the West Jordan Justice Center in honor of West Jordan Police Officer Thomas M. Rees who was the first police officer who died in the line of duty in West Jordan.

Councilmember McConnehey spoke in favor of renaming the Justice Center.

Councilmember Haaga was also in favor of the proposed change. He was concerned as to whether a budget adjustment would be needed in the future to address possible changes regarding signage, stationary, etc.

Councilmember Jacob reminded the Council that a formal ceremony would not take place until February 23, 2017, allowing the Police Department time to deplete some supplies and make any necessary budget adjustments.

**MOTION: Councilmember Jacob moved to approve Resolution 16-36, renaming the West Jordan Justice Center in Honor of Former West Jordan Police Officer Thomas M. Rees. The motion was seconded by Councilmember McConnehey.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**DISCUSSION AND POSSIBLE ACTION TO RESCIND THE DIRECTION TO IMMEDIATELY SELL 13+ ACRES OF CITY PROPERTY LOCATED AT APPROXIMATELY 4000 WEST 7800 SOUTH**

Councilmember McConnehey said during the February 24, 2016 City Council meeting, a motion was passed that designated the location for a new Public Works facility and also included instruction to “take the remaining 15-acres to the North [of the existing Public Works facility], and look immediately at selling the property to help offset the cost of constructing new soccer fields, and immediately proceed with construction of seven fields for any sport use on the North portion of City owned property West of the Airport property.”

With the intention of providing clear and concise direction to staff it had been suggested that a new motion be made to which rescinds direction to sell property, rescinds direction on use of proceeds from that sale, and rescinds direction to immediately build sports fields.

The end result would be the only remaining direction from the motion in the February 24, 2016 meeting would be confirming the site of the new Public Works facility.

This would result in no direct fiscal impact, only a reduction of staff time.

Mayor Rolfe questioned whether Councilmember McConnehey was saying: ‘don’t proceed on the north part of the 53-acres in what was called the Airport side’

Councilmember McConnehey said no. He said direction was given to proceed; however, Council was given a rough sketch of what the soccer field(s) would look like. He would like to see whether others sports could be incorporated. He wanted to make sure staff was not moving forward with what was presented on the rough sketch.

Councilmember Burton agreed with Councilmember McConnehey.

Councilmember Haaga stated the reasons he voted in favor of the original motion. He opposed rescinding the previous motion.

Mark Palesh reported that staff supported Councilmember McConnehey’s proposal and listed the reasons.

Councilmember McConnehey felt direction should be given to staff to move forward with some of these items, just not immediately.

**MOTION: Councilmember McConnehey moved to rescind the direction provided to staff at last Council meeting which directed immediately sell the City property on 7800 South and 4000 West; the direction to immediately begin construction of a new athletic complex, and rescind how to use funds from the sale of the existing park. The motion was seconded by Councilmember Burton.**

Councilmember McConnehey explained that the intent was to continue to move forward determining how to configure the fields on the north side of 7800 South. He said separate independent direction would be provided to staff to bring back a proposal for a new athletic facility for the property north of 7800 South, west of the airport.

Mark Palesh stated that with the property the catch basin would need to be addressed.

Councilmember McConnehey clarified that the Public Works part of the original motion was not addressed in this proposed motion.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 6-1.**

**DISCUSSION OF PAYMENT OF AUTHORIZED ATTORNEY FEE TO SCALLEY READING BATES HANSEN & RASMUSSEN, P.C.**

This item was removed from the agenda.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-37, PROVIDING DIRECTION TO THE WEST JORDAN CHAMBER OF COMMERCE**

Councilmember Burton reported that Jevine Lane was stepping down as Chief Executive Officer (CEO) of the West Jordan Chamber of Commerce. He asked the Council to consider the proposed resolution. He said the resolution would provide direction to the West Jordan Chamber of Commerce to hire a CEO for the Chamber who resides within the City of West Jordan during the time this person hold this position with the chamber. In the event the new hire does not currently reside within the city limits, the chamber may provide a 90-day exception from the hire date for a new employee to meet this requirement.

**MOTION: Councilmember Burton moved to approve Resolution 16-37, providing direction to the West Jordan Chamber of Commerce. The motion was seconded by Councilmember Haaga.**

Councilmember Nichols opposed the motion. He felt this requirement would limit the candidate pool.

Councilmember McConnehey also opposed the motion. He felt the chamber should find the best person for West Jordan businesses. Candidates outside the city could provide additional information/perspective to West Jordan. He felt this was outside the realm of the City Council responsibility.

Councilmember Haaga felt this resolution would only be providing direction to the Chamber Board.

Councilmember Jacob said it was required that the Chamber of Commerce Board President resides or at less do business in West Jordan. He said the second sentence of the proposed resolution in Section 1, made the resolution sound more demanding/binding.

Mayor Rolfe supported the motion.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion failed 3-4.**

**CONSENT ITEM 6.D.**

**APPROVE ORDINANCE 16-11, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 4, ‘BUSINESS AND LICENSE REGULATIONS,’ SECTION 4-1A-2, REGARDING TOBACCO SPECIALTY BUSINESS**

The following information was provided in the staff report:

**Findings of Fact:**

Section 13-7D-7(B) provide findings for the amendment of Title 13. Because of the affinity of the regulatory purposes of Title 4, Business Licensing, to the regulatory purposes of Title 13, the same findings were suggested to support the amendment to Title 4, Business Licensing.

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

**Discussion:** One of the goals of the General Plan was to “promote the public interest, the interest of the community at large, rather than the interests of individuals or special interest groups within the community.” Another goal was to “inject long range considerations into the determination of short range actions.” The proposed amendments were clearly intended to meet both of these goals by focusing the efforts of the City on the citizens’ health, safety, and welfare.

**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 contest of the request and there is sufficient justification for a modification to these titles.***

**Discussion:** State law mandated separation of retail tobacco specialty businesses from various public facilities, such as schools through the adoption of City regulatory provisions. The proposed licensing regimen preserves opportunities that may exist for these businesses consistent with the spatial separation

requirements of state law, and thus it was appropriate given the legitimate public demand for these services and products.

**Findings:** The proposed amendments were appropriate given the context and there was sufficient justification for a modification of these titles.

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

**Discussion:** These amendments implement the General Plan and the goal of separating tobacco specialty businesses from schools, etc. A tobacco specialty business now masquerading as a convenience store would be caught up in appropriate regulation and separation. The new provisions were consistent in tone and scope with other special business license provisions, and the proposed amendments to Title 4 do not adversely affect business licensing, planning or zoning powers currently in the 2009 City Code.

**Finding:** The proposed amendments do not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and the proposed amendments make necessary modifications to these titles in the light of correction of public policy.

**Fiscal Impact:**

No material adverse impact on the budget or assets to the City.

Staff recommended approval and adoption of the proposed amendments to Title 4 of the 2009 City Code.

Councilmember Jacob voiced his concerns regarding page (1) Section 1.C. of the proposed ordinance. He felt this section was vague and led businesses to believe that in order to comply, their allocation regarding tobacco products must be 40%.

**MOTION:** **Councilmember Haaga moved to approve Ordinance 16-11, amending the 2009 West Jordan Municipal Code, Title 4, 'Business and License Regulations,' Section 4-1A-2, regarding Tobacco Specialty Business. The motion was seconded by Mayor Rolfe.**

Councilmember McConnehey spoke against the motion. He wanted to see a definition of what it meant to 'focus on a product.'

**SUBSTITUTE**

**MOTION:** **Councilmember Jacob moved to table Consent Item 6.d. for two weeks in order to allow staff to better define 'the focus on tobacco products' definition located in the proposed ordinance Section 1.C. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**IX. REMARKS**

There were no remarks.

**X. 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 Dirk Burton, Jeff Haaga, Zach Jacob, Chris M. McConnehey, Chad Nichols, and Sophie Rice.

**STAFF:** Mark R. Palesh, City Manager, and David R. Brickey, City Attorney.

**MOTION:** Councilmember Jacob moved to take a five minute recess and then 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 or water shares, and adjourn from there. The motion was seconded by Councilmember Burton.

A roll call vote was taken

<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Jacob</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>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

The Council recessed at 8:10 p.m. and convened the Closed Session at 8:20 p.m.

***XI. ADJOURN***

The meeting adjourned at 9:00 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 23<sup>rd</sup> day of March 2016