

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

Wednesday, May 25, 2016

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe, and Council Members Dirk Burton, Jeff Haaga, Zach Jacob, Chad Nichols and Sophie Rice. Councilmember McConnehey was excused.

STAFF: Mark Palesh, City Manager; David Brickey, City Attorney; Jamie Vincent, Deputy City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Ryan Bradshaw, Finance Director; Dave Murphy, Engineering Manager for Capital Improvement Projects; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Scott Langford, City Planner; Larry Gardner, Senior Planner, Jim Riding, CIP/Facilities Project Manager; Steve Glain, Management Assistant, Eric Okerlund, Budget Officer and Paul Coates, ODA Manager.

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 Evan Dennis of Troop 1643.

III. COMMUNICATIONS

STAFF COMMENTS/REPORTS

David Brickey-

- Darien Alcorn was recently elected as the Secretary/Clerk of the Utah Municipal Attorney's Association. In three years she would step in as the Chair/President of the entire association.

David Oka-

- Along with Mayor Rolfe, Councilmember Burton and Paul Coates, he recently attended the ICSC (International Council of Shopping Centers) conference. Had some very productive meetings, some of which would have long lasting positive effects on City development.

Ryan Bradshaw-

- Introduced Bill Pyper, the new Deputy Finance Director for the City.

David Murphy-

- Reminded everyone that construction season was upon us. Please remember to slow down in construction zones and be careful of road workers.

Marc McElreath-

- Expressed his appreciation to those that attended Fire Ops 101. He hoped that they found it beneficial.
- The Fire Department was now in possession of new extrication equipment.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Rice-

- Enjoyed the opportunity to participate in Fire Ops 101. She found it enlightening and learned a great deal about what firefighters do on a daily basis.
- Looked forward to the upcoming Memorial Day service.

Councilmember Nichols-

- Had a matter of Council business regarding the Sustainability committee which he wished to save for the end of the meeting.

Councilmember Haaga-

- At a recent Council workshop, it had been proposed that there would be no money for new police officers in the coming year's budget. He was very concerned as he had recently been a victim of crime in the City. He could not understand how a City with a \$63 million budget could not afford to hire new police officers.

Councilmember Burton-

- The Wight's Fort Cemetery was recently rededicated; Alexandra Eframo had donated funds to replace the gate and he wished to express his appreciation.
- Learned a lot at the recent ICSC convention and looked forward to attending next year.
- Recently watched three Boy Scouts earn their Eagle Scout designation

Mayor Rolfe-

- 100 contestants recently participated in the Mayor's Mile which was a great time for all

IV. CITIZEN COMMENTS

Alexandra Eframo, West Jordan resident, asked the group to pause to reflect upon common goals before beginning the business of the meeting. She then indicated that she still awaited an apology from a Councilmember. She was very dismayed to learn that there were not going to be any new police officers in the coming budget year. She wished the budget to be published in a larger font.

Mayor Rolfe pointed out that the Council had recently directed staff to reduce the amount in the Operations and Maintenance line item and in turn, to plan on hiring two new police officers.

Steve Jones, West Jordan resident, stated that he too was concerned about the City's failure to increase the number of police officers in proportion to the amount of growth being experienced within the City. As more multi-family housing was approved by the Council, the need for increased police protection needed to be increased as well.

Chad Lamb, West Jordan resident, stated that he had followed the push to change the City's form of government. He asked that the Council approve the creation of the committee so that citizens could be involved in the decision-making process and ensure that the ultimate form of government chosen was best for the City as a whole.

JayLynn Thomas expressed a hope that the new City Council, City Manager, and City Attorney would be able to earn the trust of the citizens. She read some 2014 Facebook posts and email messages by Councilmembers that concerned her. She submitted a stack of these messages for the meeting record.

There was no one else who wished to speak.

V. CONSENT ITEMS

- a. Approve the minutes of April 27, 2016, May 11, 2016 and May 18, 2016.**
- b. Approve Resolution 16-81, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition**
- c. Approve Ordinance 16-22, amending the 2009 West Jordan Municipal Code Title 3, Chapter 6, Article B, Section 7, regarding the Telecommunications Tax**
- d. Approve the service in lieu of fees and deposit with WJ Copper Hills Cal Ripken/Babe Ruth for the 2016 Pre All Star tournament at Ron Wood Park June 11-16, 2016**

Councilmember Jacob pulled item 5.c for discussion.

MOTION: Councilmember Nichols moved to all Consent items with the exception of 5.c. The motion was seconded by Councilmember Burton.

A roll call vote was taken

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|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 6-0.

VI. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN PHASE 2A (GARAGE ELEVATIONS); P-C (TSOD) ZONE, FOR THE JORDAN VALLEY TOD LOCATED AT 3295 WEST 8600 SOUTH, BANGERTER STATION, LLC/JEFFREY VITEK, APPLICANT

David Oka turned the time over to Scott Langford who explained that on July 27, 2010 the City's Design Review Committee reviewed the preliminary site plan and building elevations for the proposed parking structures associated with buildings I and II (first phase). The only recommendation they forwarded to the Planning Commission was to add more circular openings on the parking structures to break up the multiple rectangular openings. The applicant made changes to the parking structures based on this recommendation and these changes were reflected in the materials submitted to the Planning Commission and the City Council.

On August 25, 2010, the City Council approved the Jordan Valley TOD Preliminary Development Plan, which included the site plan, building elevations shown in the development plan, and the following conditions of approval.

1. Update all plan sheets to reflect two-way vehicular traffic circulation adjacent to the UTA bus station and kiss and ride drop-off area.
2. Update cover page to state "Preliminary" development plan, instead of "Final" development plan.
3. All staff redline comments must be met prior to Final Development Plan approval.
4. Remove all the fertilizer and soil guides from the Development Plan and submit it as a separate document during Final Site Plan submittals.
5. Final Site Plan approval for Phase 2 will not be granted until Phase 1B, as shown in the Preliminary Development Plan is completed, which is the connection of "A" Street to 9000 South.
6. Reduce the light standard height to 15 feet (including lamp, pole, and base) for all parking lot lighting within 150 feet of a residential district per section 13-12-6E of the Zoning Ordinance.

7. Final landscape plans shall be amended to show tree placement at a minimum of one street tree for every 25 feet of private or public street right-of-way per Section 13-6G15.
8. A photometric light plan shall be submitted with every final site and development plan to make sure onsite lighting provides a safe and inviting pedestrian environment, while at the same time not exceeding one foot-candle power at the property lines.
9. Construct a sidewalk on the west side of 3200 West from Haun Drive to the UTA crossing in order to provide safe route to schools.
10. Building IX must be moved to the south approximately 25 feet to accommodate the future extension of the master planned roadway, which will extend from the project to the west.
11. The challenge to UTA's legal title to the subject real property presented by the pending litigation styled South Station LLC v. First Interstate Financial, LLC, et al, Case No. 090916224, is finally resolved to the satisfaction of the City Attorney.

On September 7, 2010, the Planning Commission gave Final Development Plan and Final Site Plan approval for the first phase of the Jordan Valley TOD project, which included the two parking structures and associated roads needed for UTA's park and ride and bus station. It was during this approval that it was reemphasized (in the form of a note on the phasing plan) that the decorative parking garage facades had to be installed prior to occupancy of the first residential building.

On May 6, 2016, the Design Review Committee held a meeting to discuss the proposed changes to the parking facades. A draft copy of the meeting minutes are attached to this report. The DRC recommended the original facades over the proposed changes.

**Please note:* In the DRC minutes, the applicant refers to the garage facades as "conceptual". The garage and building elevations were approved as part of a detailed Preliminary Development Plan that granted the entitlement of specific density based on a specific design (see Code Section 13-5C-3B).

Section 13-5J-10E of the City Code does allow the Zoning Administrator to approve "minor" changes to an approved development plan, which has been done in the past with this specific development. However, based on the significant volume of phone calls from residents after the initial construction of the parking garages, the Zoning Administrator believes that the most appropriate course of action to entertain the proposed amendment is to take it back through the original public hearing review process.

On May 17, 2016, the Planning Commission held a public hearing to discuss the proposed amendment to the Jordan Valley Preliminary Development Plan – specifically regarding the decorative facades on the parking garages of the first 2 phases. After a lengthy discussion, the planning commission forwarded the following motion to the City Council:

PC MOTION: “Josh Suchoski moved to forward a negative recommendation to the City Council to amend the Jordan Valley TOD Preliminary Development Plan; 3295 West 8600 South; Bangerter Station, LLC/Jeffrey Vitek (applicant) because it does not meet the following purpose and intent of the P-C Zone as listed in Section 13-5C-1 of the 2009 West Jordan City Code, specifically, it does not meeting item 2, 4, 5, and 14. Where we found the discrepancy is in compatibility with color and plaster and recommended that there be a change in compatibility with color and plaster on the outside of the structure with two-inch wide scoring. We found discrepancy in where the circular design in the mesh and screen could break up linear elements to imitate the circular design that was originally approved. It does not provide the metal crown or soffit to the relief on top of the elevator shafts that were shown in the original drawing, and it does not provide landscaping where the owner is in control of the land to provide relief to the building. If that were to be addressed, then we probably would approve it. The motion was seconded by Kelvin Green and passed 7-0 in favor of a negative recommendation.”

The following is the “Purpose and Intent” of the PC zone referenced in the Planning Commission’s motion:

13-5C-1: PURPOSE AND INTENT OF PC ZONE:

- B. Planned Community Zone: The purpose of the planned community (PC) zone is to encourage imaginative and efficient utilization of land through the clustering of buildings, and the integration of compatible mixed uses (i.e., residential, commercial, recreational). The mix of uses is encouraged in order to create more convenient and effective integration of uses that work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other. This zone is characterized by mixed uses in attractively designed buildings within a well-planned and well-coordinated landscaped setting. It is also characterized by a design intended to mitigate the negative effects of noise, traffic and undue congestion.

- C. Overall Intent: It is the intent of the city that site and building plans for planned developments be prepared by a designer or team of designers having professional competence in urban planning, site planning, and architectural and landscape architectural design. However, it is not the city's intent that design control be so rigidly exercised that individual initiative is stifled or that substantial additional expense is incurred. Rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter. The intent of planned developments (PC or PRD) is to:

- 1. Create more attractive and more desirable environments in the city;

2. Allow a variety of uses and structures and to encourage imaginative concepts in the design of neighborhood housing and mixed use projects;
3. Provide flexibility in the location of buildings on the land;
4. Facilitate and encourage social and community interaction and activity among those who live within a neighborhood;
5. Encourage the creation of a distinctive visual character and identity for each planned development;
6. Produce a balanced and coordinated mixture of uses and related public and private facilities;
7. Encourage a broad range of housing types, including owner and renter occupied units, single-family detached dwellings and multiple-family structures, as well as other structural types;
8. Preserve and take the greatest possible aesthetic advantage of existing trees and other natural site features and, in order to do so, minimize the amount of grading necessary for construction of a development;
9. Encourage and provide for open land for the general benefit of the community and public at large as places for recreation and social activity;
10. Achieve physical and aesthetic integration of uses and activities within each development;
11. Encourage and provide for development of comprehensive pedestrian circulation networks, separated from vehicular roadways in order to create linkages between residential areas, open spaces, recreational areas and public facilities, thereby minimizing reliance on the automobile as a means of transportation;
12. Since many of the purposes for planned development zones can best be realized in large scale developments, development on a large, planned scale is encouraged;
13. Achieve safety, convenience and amenity for the residents of each planned residential development and the residents of neighboring areas;
14. Assure compatibility and coordination of each development with existing and proposed surrounding land uses.

II. GENERAL INFORMATION & ANALYSIS

The applicant had requested to amend the Preliminary Development Plan, which was approved in 2010. Specifically, the applicant was requesting to change the approved decorative parking garage facades.

The following pictures depict the approved versus proposed façade changes. Larger copies of these pictures are attached at the end of this report.

The applicant indicated to the DRC that the red colored “mesh” areas on the *proposed* building elevations would not be the silver or gray colored examples provided, but would actually be a rust colored mesh as the corten steel weathered.

The applicant’s complete description of the materials and proposed garage elevations were attached to the report.

Because the proposed amendment to the parking garages would only affect the aesthetics of the development, applying the site plan or subdivision criteria was not applicable.

Staff recognized that aesthetics could be a very subjective topic to review; therefore, it was recommended that the City Council consider the following when making a decision on this requested amendment:

- 1) *Historic Context:* The neighborhood expectations created during the original public approval process and then the repeated assurances from city representatives to residents that the garage facades would be improved as shown in the development plan.
- 2) *Purpose and Intent of the PC (TSOD) zone:* The Planning Commission should consider and specifically refer (in their motion) to items listed in Section 13-5C-1 of the City Code (listed in the “motion” section of this report) when forwarding either a positive or negative recommendation to the City Council.

Councilmember Jacob asked to see a better rendering of the proposed changes.

Scott Langford responded that what was before the Council was the same as what had been reviewed by the Planning Commission. There were no slides that provided a better idea of what was now being proposed.

At the request of Councilmember Haaga, Scott Langford explained Transit-Oriented Developments (TOD).

The Council discussed clarifying questions about both the proposed and the approved details of the development.

Councilmember Jacob inquired about landscaping depicted on a slide and whether or not it was specifically required in the landscape plan.

Scott Langford explained that the slide depicted an artist's rendering and not necessarily what was in the landscape plan.

Jeffrey Vitek, applicant, addressed the Council, explaining that his firm became involved in the project in 2010. He believed the way this particular TOD had been designed would greatly benefit the City, resulting in \$2.5 million in revenue annually. He also pointed out that the project had provided greatly improved infrastructure to the City and that the community could one day be very proud of the development.

He went on to explain that the builder of the original structures had strayed considerably from the approved plan. The preliminary plan had been quite detailed, including advertising banners. Although the ordinance allowed such banners, he did not feel they were appropriate and had therefore been removed from the plans. Additionally, there were no provisions for lighting elements. In response to the Design Review Committee and the Planning Commission, the architect drafted a "compromise" plan. This plan proposed a decorative screen to add some architectural flair, a screen for the lower level and a dozen trees at least 16' high. While the developers were open to compromise, they were also under a tight deadline.

Mayor Rolfe opened the public hearing.

Kelvin Green, West Jordan resident, requested that the Council address whether delegation of their authority to staff and/or the Zoning Administrator to make minor changes was appropriate and further, to identify what constituted a "minor" change. Perhaps the applicable ordinance needed to be amended.

Karen Bleazard, West Jordan resident, explained that she was very disappointed at what she had seen of the project thus far. She stated that as a Master Gardener, she knew that the proposed landscaping was nothing more than a "pipe dream." Additionally, she and her neighbors had been promised a finished structure that would blend in with the neighborhood. That was exactly what she expected.

Alexandra Eframo expressed her shock to learn that a City-approved plan could later be changed by UTA without coming before the Council. She wondered if legal action could be taken against them.

Dan Floyd, West Jordan resident, explained that his backyard bordered the property in question. He objected to the fact that the bare concrete did not match the nearby apartments. He recently spoke to at least half of his neighbors and not a single one liked the bare concrete.

Dan Hebden, West Jordan resident, recommended that the developer look into a 30-year substance previously mentioned by one of the architects involved in the project. He asked that something be done to deflect the lighting that tended to shine directly into nearby homes.

Steve Jones, West Jordan resident, indicated that this development was a perfect example of what could happen when there was a failure to plan for parking. He did not accept the suggestion that the residents would rely solely on public transportation.

Jay Thomas, West Jordan resident, suggested that there was a systemic problem that extended far beyond this particular development. He likened it to a bait and switch scheme. He felt that more oversight was called for.

Carol Maea, Taylorsville resident, spoke of open communication.

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

Councilmember Haaga indicated that he had toured the development in question and said it was a high quality development.

Councilmember Burton stated he was not concerned about the durability of the concrete coating as he believed the buildings would be well-maintained. However, he agreed that lighting problems should be addressed.

MOTION: Councilmember Rice moved to deny the amendment to the parking garage facades of the Jordan Valley TOD Preliminary Development (Garage 1 and 2) because it did not meet the following purposes and intent of the PC zone as listed in Section 13-5C-1 of the 2009 Code: C-1. The motion was seconded by Councilmember Jacob.

Councilmember Nichols stated that the motion was to deny what had been presented to the Planning Commission. However, it was his understanding that the developer was now presenting a *different* concept to the Council. He wondered if it might make sense to delay the discussion until the next meeting so as to allow the developer time to work out the details and move forward. He saw three elements that needed to be addressed—fix the landscaping, address the lighting, and the color of the building itself. Ultimately he spoke against the motion to deny.

Mayor Rolfe stated his agreement that certain things had fallen through the cracks on this development. He felt that the City owed it to the developer and the residents to fix the problem and not deny the application. He did not wish to postpone the discussion.

AMENDED MOTION:

Councilmember Rice moved to deny the plan that was reviewed by the Planning Commission but ask that the developer return within a month with a new design. The motion was seconded by Councilmember Jacob.

Councilmember Haaga called the question.

Mayor Rolfe stated that the question had been called. The majority of the Council expressed their opposition to calling the question and Mayor Rolfe indicated that the motion was still on the table for consideration.

Councilmember Burton indicated that it appeared the developer was willing to make changes and it was clear that what was originally planned was no longer feasible. He did not wish to postpone the discussion but wanted to see a different motion.

Councilmember Rice explained that it was difficult for the Council to approve a plan without being able to view a reasonably accurate rendering of what was now being proposed.

With unanimous agreement from the Council, Jeff Vitek returned to the podium to attempt to clarify the new proposal. He explained that the proposal would include a lower-level mesh screen in a galvanized material in a neutral color. They were also willing to apply shotcrete to the exterior fascia in such a way as to make it conform in both texture and color with the apartments. They also wanted to greatly increase the landscaping, particularly along the north side.

Councilmember Jacob wondered if the right side of the structure could be made to look like the left. Further, if the application was completely denied, it appeared that the City would then be requiring that the originally approved development be built.

Councilmember Haaga made a point of order, stating that the Council was now involved in a debate with the applicant.

Mayor Rolfe denied the point of order, saying that the entire Council had allowed the applicant to return to answer further questions.

Councilmember Haaga voiced his opposition to the motion, stating that attempting to legislate aesthetics was problematic.

SUBSTITUTE MOTION:

Mayor Rolfe moved to approve the project with the shotcrete in a color similar to one of the existing buildings, matching the texture of the existing concrete, adding the proposed landscaping to shield the parking structure and also the proposed screen (but not galvanized),

painted to match or complement the concrete, and removing the depicted signage. The motion was seconded by Councilmember Burton.

A roll call vote was taken

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|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | No |
| Mayor Rolfe | Yes |

The motion passed 5-1.

Councilmember Haaga left the meeting at 7:47 but returned at 7:49.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL OF ORDINANCE 16-23, REGARDING A FUTURE LAND USE MAP AMENDMENT FOR 5.01 ACRES FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND REZONE FROM LSRF (LOW DENSITY SINGLE-FAMILY RESIDENTIAL – WSPA) TO R-1-8C (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT MINIMUM LOTS), FOR PROPERTY LOCATED AT 8174 SOUTH 6540 WEST, PETERSON DEVELOPMENT LLC/BARRETT PETERSON, APPLICANT

Scott Langford explained that the applicant was requesting two map amendments. The first was an amendment to the Future Land Use Map from Low Density Residential to Medium Density Residential. The second was an amendment to the Zoning Map from LSRF (Low Density Single Family Residential) to R-1-8C (Single Family Residential 8,000 square foot lot minimum, house size C). The amendments all affected the same 5.01-acre piece of property located at 8174 South 6540 West. The property was currently owned by the Church of Jesus Christ of Latter Day Saints but was under contract to be purchased by Peterson Development. If the land use map amendment and rezoning were approved, the applicant was proposing to subdivide the property into 19 lots and construct single family dwellings. A concept plan showing how the development might be constructed was attached for reference purposes only and did not bind the developer or the City. The Medium-Density Residential Land Use designation according to the General Plan had an established density range of 3.1 to 5.0 dwelling units per acre. The concept plan as provided showed the proposed roadway design and lot configuration. The average lot size would be within the parameters set by the Zoning Ordinance with the minimum lot area being 8,000 sq. ft. The gross density of the project was expected to be 3.8 units per acre. The site was a rectangle in shape and sloped from west to east. The property had historically been used for dry-farming.

II. GENERAL INFORMATION & ANALYSIS

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

| | Future Land Use | Zoning | Existing Land Use |
|--------------|----------------------------|---------------|--------------------------|
| North | Low Density Residential | LSFR | Open Ground |
| South | Low Density Residential | PC | Single Family |
| East | Low Density Residential | LSFR | Open Ground |
| West | Medium Density Residential | PF | Open Ground |

III. FINDINGS OF FACT

Section 13-7C-6: Amendments to the Land Use Map

According to City Code, Section 13-7C-6), any amendments to the general plan, including maps, shall be approved only if the following were met.

Finding A: *The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan.*

Discussion: The applicant is proposing to amend the Future Land Use Map from Low Density Residential to Medium Density Residential.

The description of “Medium Density Residential” in the General Plan is:

“Medium Density Residential will include development providing for moderate intensity single-family attached/detached units as well as twin and town homes. Areas that should be designated as medium density residential uses should be preferred for infill developments that are well buffered from commercial and industrial uses.”

The applicant was proposing to construct all single family homes with no multi-family or twin homes and has submitted an application to change the zoning designation from LSFR to R-1-8C.

The General Plan stated: *“lower density single-family residential uses are most preferred in West Jordan.”* The applicant was proposing to construct all single family dwellings on the property with an associated gross density of 3.8 units per acre.

The proposed development would have an average lot size of 8890 square feet. The majority of the residential lots abutting the proposed development were of the “Medium Density” lot area at 3 to 5 units per acre even though they were designated on the Future Land Use Map as Low Density Residential. (See map Exhibit D)

- The Oaks at Jordan Hills Villages, directly South. – Average Lot Size 7184 Square Feet.
- The Oaks, southwest of the proposed site. –Average Lot Size 8276 Square Feet.

- Loneview South, east of the proposed site. – Average Lot Size 9231 Square Feet.

The General Plan Land Use Map amendment to Medium Density was consistent with the goals of the plan in that the developer was proposing to construct all single family homes.

Finding: The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the City General Plan.

Finding B: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Discussion: At present there was approximately 506 acres of undeveloped land designated as “Medium Density” residential west of 5600 West (excluding the Highlands). The most appropriate optional site that was designated Medium Density was south of the proposed site, however the parcel was nearly 150 acres and was currently not for sale. The remainder of medium density sites would require “leap frog” development which was discouraged by the General Plan. The School District had 10 acres directly across 6700 West for a future elementary school.

Finding: The development pattern contained on the land use plan inadequately provided the appropriate optional sites for the use and/or change proposed in the amendment.

Finding C: The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.

Discussion: The proposed land use amendment would be compatible with the uses surrounding the site, which were all single family, both existing and proposed.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Finding D: The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.

Discussion: The approval of the proposed amendment would be consistent with the majority of the single family housing in the vicinity. The proposed lot area and density would match what currently existed and what was planned for in the area. The proposed development would finish the development of the corner 8200 South and 6700 West.

Finding: The proposed amendment constituted an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.

Finding E: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Discussion: The amendment would not adversely impact the neighborhood. The concept plan showed that new roads for the proposed subdivision would not connect through existing neighborhoods. The new development would be connected to approved stub streets of the Loneview South development. Water was adequate in the area and no upgrades would be required. Storm Water would be metered into the existing City systems. Sanitary sewer was adequate for this development. Public safety should not be adversely affected by the amendment and the subsequent development. The applicant would work with the Fire Department to determine the best location for fire hydrants. The developer would be required to install all infrastructure required for this development.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Finding F: The proposed amendment was consistent with other adopted plans, codes and ordinances.

Discussion: The proposed amendment was not averse to any other existing adopted plans, city codes or ordinances.

Finding: The proposed amendment was consistent with other adopted plans, codes and ordinances.

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

According to City Code, Section 13-7D-7(A), the following shall be met in approving any amendments to the Zoning Map.

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

Discussion: With this application the subject property was proposed to be located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fell between 3.1 and 5.0 dwelling units per acre. The applicant was proposing to change the zoning designation on 5 acres of land currently

zoned as LSFR (Low Density Single Family Residential) to R-1-8C with a density of 3.8 du per acre, which was consistent with the Medium Density Land Use designation of the General Plan.

Furthermore, Goal 4 Policy 2 states: “Single-family housing should be the primary residential development type in the city.” The applicant’s intent was to construct single family homes on the property. The concept plan showed a street system connecting to the future approved stub streets of the Loneview South development. The development would not have any cul-de-sacs and the lot sizes were comparable to other single family in the area. The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the General Plan.

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

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

Discussion: The concept plan showed single-family lots with a minimum lot size of 8,000 sq. ft. in area. This lot size was comparable to other single family in the area. (See exhibit D) The properties to the south were single family comparable in lot area to the proposed development. The property to the east was part of the Highlands Master plan zoned LSFR and would be single family lots which average 9231 square feet.

The proposed subzone for home size would be a “C” which related to the following minimum living areas:

- 1 level dwelling (rambler/split entry) -2,400 sq. ft. minimum living space;
- Split level dwelling – 2,100 sq. ft. minimum living space; and,
- Multi-story dwelling (2 or more) – 2,400 sq. ft. living space.

The lot sizes and housing sizes were similar to what existed around the site. The property sloped from West to East. If this property was developed it would not be interconnected to any existing developments in the area.

The City Engineering Department had indicated that the City did have the ability to service the project with water and sewer. The storm drain system was adequate to handle flows from the development and would be designed to meet the specific needs of the development.

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

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

Discussion: The R-1-8C zoning district had specific standards which would be met when the property was subdivided and developed. The R-1-8C zone was compatible with the existing zones and housing densities found in surrounding neighborhoods and would not harm the public health, safety or welfare of the city as a whole.

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

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

Discussion: The Engineering Department had determined that water and sewer were adequate in the area and no upgrades would be required. The applicant would work with the Fire Department to determine the best location for fire hydrants. The Fire Department would review the proposed development at the time of subdivision application to ensure full serviceability. Storm Water would be metered into the existing City system. Garbage collection would be provided as part of the normal City garbage collection service. The concept plan of the proposed development would have two road connections to approved stub streets located in the Loneview South development. The addition of 19 homes would not change the traffic level of service for 8200 South or 6700 West where the development's roads ultimately connected.

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

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

Discussion: The property was not located within any overlay zone.

Finding: This criterion did not apply.

SUMMARY OR CONCLUSION:

Staff supported the proposed General Plan Future Land Use Map and Zoning Map amendments associated with this request, believing that the resulting residential development would be compatible with the General Plan, adjoining land uses and with the neighborhood.

Note: All applicable criteria must be met to support a positive action by the City Council.

Mayor Rolfe invited the applicant to address the Council.

Justin Peterson of Peterson Development stated that no one had developed more or larger single-family lots in West Jordan than had Peterson Development.

Councilmember Burton inquired if Peterson had considered creating 9,000 sq. foot lots with “E” sized homes instead of 8,000 sq. foot with “C” sized homes.

Justin Peterson responded that the net average was already over 9,000 square feet per lot and that he would be willing to commit to “E” sized homes.

Mayor Rolfe opened the public hearing.

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

Councilmember Rice confirmed that an R-1-8 designation did not allow any buy ups and that she was fine with “D” and “E” sized homes.

MOTION: Councilmember Rice moved to approve Ordinance 16-24, and Ordinance 16-25, amending the Future Land Use Map from Low Density Residential to Medium Density Residential and Rezone 5.01 acres from LSR (Low Density Residential) to R-1-8E Zoning (Single-family Residential 8,000 square foot lots, “E” size homes) on property located at 8174 South 6540 West. The motion was seconded by Councilmember Burton.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 6-0.

MOTION: Councilmember Burton moved for a ten-minute recess. The motion was seconded by Councilmember Jacob and passed 6-0 in favor.

The Council recessed at 8:01 p.m. and reconvened at 8:10 p.m.

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL A REZONE OF 230.69 ACRES FROM A-20 (AGRICULTURAL; 20-ACRE MINIMUM LOT SIZE? ZONE TO M-1 (LIGHT MANUFACTURING) ZONE; LAMAR AND VICKIE JONES FAMILY REZONE; LOCATED AT U-111 OLD BINGHAM HIGHWAY; BOB BURNS, APPLICANT

David Oka turned the time over to Scott Langford who explained that the subject property was currently zoned A-20 (Agricultural; 20-acre minimum lot size). The property had never been developed and had been used for dry farming for decades.

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

| | Existing Land Use | Future Land Use Designation | Zoning |
|--------------|--------------------------|---------------------------------------|---------------------|
| North | Dry farm | Medium Density Res./Public Facilities | A-20 |
| South | Industrial/Vacant | Industrial (South Jordan) | A-20 |
| East | Vacant | Industrial | M-1 |
| West | Dry farm | Medium Density Res./Public Facilities | A-20 (across U-111) |

The applicant was seeking approval to rezone the property from A-20 to M-1 (Light Manufacturing) to accommodate a new data center facility on the property.

***Please note that the owners of the property had requested that final action, by the City Council, for this item be continued to a date uncertain after a public hearing had been held. The Jones family did not want to rezone the property until they had finalized the terms with the company looking to purchase and build at this location.

II. FINDINGS OF FACT

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

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

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

Discussion: The subject property had a Light Industrial Land Use designation on the General Plan's Future Land Use Map. The Light Industrial designation was applied to areas suited to general manufacturing, assembly, repair, and storage (page 48). This land use designation was designed to facilitate the more intensive industrial uses within the city. The M-1 zone was consistent with this definition.

Industrial uses were commonly found along major arterial streets such as U-111 and Old Bingham Highway which both directly abut the subject property.

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

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

Discussion: The proposed rezoning was compatible with adjacent properties. The table shown on page #1 indicated that there was potential housing that might be built in the future to the north and west of the site; however, in both cases the future residential development would be separated from this property by significant transportation corridors (U-111 and Wells Park Road). The attached zoning map, Exhibit B showed the current and proposed zoning on the subject property and neighboring properties.

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

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

Discussion: Industrial uses were often symbiotic in nature, and therefore were frequently found in groupings or "parks". The proposed amendment to the M-1 zone would allow the property to be utilized in a more like manner to that of most industrial properties in the surrounding area. Coordinating supportive uses served to enhance the public health, safety, or general welfare of the citizens of the City.

Finding: The proposed amendment furthered the public health, safety and general welfare of the citizens of the City.

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

Discussion: Any new services required for the new data center would be reviewed as part of the site plan review process. However, the city's engineers had been highly involved in determining water, sewer, and storm water needs for this proposed data center and they had determined that the needed public services could be provided to the site.

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

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

Discussion: Approximately 18.8 acres of the site was located within the 15-year recharge area of the Drinking Water Source Protection Overlay Zone. Based on the proposed location and use of the property shown on the concept plan, there was no need to require a Conditional Use Permit.

Finding: The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which might impose additional standards.

Conclusion: The proposed Zoning Map Amendment to rezone the property to the M-1 zoning district was warranted and was not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Code) of the 2009 City Code.

Because negotiations were ongoing with a potential builder on this property, Scott Langford explained that the applicant had requested the Council delay adopting an ordinance to change the zone. He encouraged the Council to allow the public hearing to take place as scheduled but to delay the actual vote until negotiations were final.

Councilmember Burton asked if members of the public would have a second opportunity to be heard when the actual vote took place down the road and it was determined that they would not—that tonight’s public hearing would be their opportunity to comment on the matter.

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident, indicated he did not feel the vote should be delayed and that the Council should act immediately.

Mayor Rolfe indicated there were reasons that the public hearing needed to take place as scheduled and that those reasons would become evident in the future.

There was no one else who wished to speak.

MOTION: **Councilmember Nichols moved to postpone voting on this item to a date uncertain. The motion was seconded by Councilmember Haaga.**

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 6-0.

PUBLIC HEARING CANCELLED – RECEIVE PUBLIC INPUT AND CONSIDER APPROVAL OF AN ORDINANCE REGARDING AN AMENDMENT TO THE 2009 WEST JORDAN MUNICIPAL CODE SECTION 13-2-3, REGARDING THE DEFINITION OF ‘WAREHOUSE;’ CITY-WIDE APPLICABILITY; CITY OF WEST JORDAN, APPLICANT

Public Hearing was not heard.

VII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING ACE DISPOSAL REQUESTED CONTRACT REVISION

Councilmember Burton indicated that he had hoped to review the ACE contract prior to this discussion.

MOTION: Councilmember Burton moved to table this item to a date uncertain. The motion was seconded by Councilmember Haaga.

Councilmember Nichols stated that because representatives from Ace had been waiting two and a half hours to have their issue addressed, he was opposed to the motion.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | No |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | No |
| Councilmember Rice | No |
| Mayor Rolfe | Yes |

The motion failed 3-3.

Dave Murphy explained that in March 2013, ACE Disposal received a contract from the City to haul and dispose of solid waste across the City. At the time the contract was drafted, the recyclables market was strong and resulted in revenue generated by the sale of recyclable materials.

According to recent updates from the recyclables industry, there no longer appeared to be a payback, but instead disposal resulted in charges of the materials.

On April 29, 2016 ACE Disposal delivered a letter to the City formally requesting a contract revision to accommodate the changes in the market for recyclables and in their letter provided three bullet points on items they were asking to change.

Staff was requesting direction regarding this issue. Was it the Council's desire to work with ACE Disposal? Would the Council like staff to prepare the appropriate contract revisions addressing the items in the ACE Disposal letter? If so, the appropriate contract amendments would be presented to Council at a future date for official ratification.

Matt Stalsberg, General Manager of ACE Disposal, explained the reasoning behind his request for a contract revision.

Some alternative solutions were discussed such as eliminating the recycling program altogether.

Councilmember Nichols explained that he had voted against the previous motion because he wanted to hear from ACE. In light of their comments he wished the Council to reconsider the previous motion.

MOTION: Councilmember Nichols moved to reconsider the previous motion (to table this item for two weeks). The motion was seconded by Councilmember Rice.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | No |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 5-1.

MOTION: Councilmember Nichols moved to table this item to the next City Council meeting. The motion was seconded by Councilmember Burton.

Councilmember Haaga suggested that if the item was tabled to a future date, perhaps it made sense to consider alternatives to a contract revision.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 6-0.

DISCUSSION AND POSSIBLE ACTION REGARDING ESTABLISHING A CITY COUNCIL SUBCOMMITTEE

Councilmember Jacob explained that several citizens and members of the City Council over the years had advocated for a change to the Council-Manager form of government that the City currently operated under (see Appendix A). Most often, the alternative proposed form of government had been the Council-Mayor form of government, similar to the form of government currently in place in Sandy and Salt Lake City, for example.

Proposed was the creation of an ad hoc committee comprised of seven to nine concerned West Jordan residents, up to three Council members, with the City Attorney as staff liaison, whose purpose would be to meet and discuss the various forms of government available to the City of West Jordan, including the current Council-Manager form, and then to make a recommendation to the City Council on or before June 22 (see timeline, Appendix C).

The committee was to create a list of pros and cons for each of the various forms of municipal government available to the City under current state law (See Appendix B), and to prepare a report in accordance with the opinion of the majority of the committee to submit to the City Council. Any members of the committee disagreeing with the opinion of the majority would also be invited to submit a dissenting opinion to the City Council at the same time, and the committee was instructed to submit all reports to the Council together.

Councilmember Jacob suggested June 22, 2016, as a potential date for such a committee to return to the Council with a recommendation.

Councilmember Haaga inquired of David Brickey if a committee could be given the legal authority to make such a decision.

David Brickey explained that an ad hoc subcommittee could be created by resolution but that the Council would have the ultimate authority of deciding what could be placed upon a ballot.

Councilmember Haaga indicated he would need to recuse himself from any such discussion as he was the founder of a Political Issue Committee registered with the State of Utah. The P.I.C. specifically involved West Jordan's form of government. He also mentioned that he was no longer interested in changing the form of government.

Councilmember Haaga then stepped down from the dais.

Councilmember Burton stated he would wish to give the committee only a short window of time to make their recommendation so as to give the public at large a greater opportunity to weigh in by way of a public hearing.

Councilmember Nichols stated that both forms of government had their merits. He also believed that while creating an ad hoc committee made sense, he was not convinced that an application process was necessary. Instead, perhaps each Councilmember could appoint someone that they felt would be effective on such a committee. Requiring applications to be submitted would slow the process down.

Councilmember Jacob asked that the Council direct staff to prepare a resolution for the next council meeting, creating a committee of nine citizens plus three Councilmembers with the City Attorney as a staff liaison.

Mayor Rolfe indicated he would not serve on the committee.

Councilmember Burton suggested that previous West Jordan mayors be included on the committee.

The five Councilmembers remaining on the dais agreed to direct staff accordingly.

Councilmember Haaga returned to the dais.

UPDATE ON THE SCHEDULE FOR THE 7000 SOUTH STORM DRAIN PROJECT

Mayor Rolfe explained that he had met with staff to discuss this project. He then read the highly accelerated schedule to those in attendance and announced that the project would be complete by the following Fall.

There was no action taken. It was informational only.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-73, AUTHORIZING THE MAYOR TO EXECUTE THE CONSENT AND ACKNOWLEDGEMENT BY WEST JORDAN CITY OF THE PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT FOR THE STATION AT GARDNER MILL SUBDIVISION

David Brickey explained that the original development agreement had been executed on December 4, 2014. At that point, Gardner Village, L.C. was responsible for providing the infrastructure, including curb and gutter, on any project that was approved in that subdivision. The Council had since approved a large project and was now being asked to pass along those responsibilities to Magna Properties, LLC, a company in good standing within the State of Utah.

Councilmember Haaga inquired if Magna Properties, LLC was the same entity that proposed the development to the City Council two years prior.

David Brickey responded that it was his understanding that the registered agent for Magna Properties was Paul Colosimo.

Councilmember Haaga asked what assurance the City had that Magna Properties was solvent. Should the entity perhaps be made to return to the City for new approval?

David Brickey explained that the City could not now withhold approval of the development. The agreement read that approval "...shall not be unreasonably withheld." At the present time he knew of no reason to withhold approval.

Councilmember Burton asked what financial impact the partial assignment and assumption would place upon the City.

David Brickey responded that there would be no financial impact to the City. However, one could argue that if the City *unreasonably* denied the request, the City could be responsible for any costs incurred.

Councilmember Jacob asked if the development "clock" would be reset by this assignment.

David Brickey indicated that it would not.

MOTION: Councilmember Burton moved to adopt Resolution 16-73, authorizing the Mayor to execute the Consent and Acknowledgement by West Jordan City of the Partial Assignment and Assumption of Development Agreement for The Station at Gardner Mill. The motion was seconded by Councilmember Nichols.

Councilmember Haaga spoke against the motion, pointing out that responsibility would be assigned to a different, unapproved entity.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | No |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | No |
| Mayor Rolfe | No |

The motion failed 3-3.

**DISCUSSION AND POSSIBLE ACTION REGARDING FISCAL YEAR
2016-2017 BUDGET**

Mayor Rolfe encouraged the Council to save their comments and questions about the budget until the June 8th meeting.

Councilmember Haaga encouraged the Council to sustain Chief Diamond's request for six new, fully equipped police officers in the coming year.

MOTION: Councilmember Jacob moved to extend the meeting beyond 9:00 p.m. The motion was seconded by Councilmember Nichols and passed 6-0 in favor.

**CONSENT ITEM 5.C
APPROVE ORDINANCE 16-22, AMENDING THE 2009 WEST JORDAN
MUNICIPAL CODE TITLE 3, CHAPTER 6, ARTICLE B, SECTION 7,
REGARDING THE TELECOMMUNICATIONS TAX**

David Murphy explained that in 2012, the City Council adopted ordinance 12-09, amending section 3-6B-7 of the West Jordan City Code and changing the sunset date of the telecommunications tax to June 30, 2016. The adopted language states, "this telecommunications tax shall be deemed repealed unless city council readopts the telecommunications tax on or before that date."

However, Utah Code §10-1-403 states:

(b)(i) If, on or after July 1, 2004, a municipality enacts or repeals a tax or changes the rate of the tax under this part, the enactment, repeal, or change shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b)(ii) from the municipality.

Accordingly, the City Code also states that the repeal “shall not take effect until the first day of the calendar quarter following a ninety (90) day period beginning on the date the Utah state tax commission actually receives from the city written notice repealing the tax.”

The purpose of the proposed ordinance is to readopt the telecommunications tax, so the City will continue to receive the associated revenue. A new “sunset” date has not been proposed, because the repeal cannot be automatic under Utah Code, which requires the City to give notice (and the State tax commission to receive it) before a repeal of the telecommunications tax can take effect.

ADDITIONAL DISCUSSION – HISTORY

The telecommunications tax was approved by a previous City Council on June 10, 2008 with the expressed intent to use the revenue generated for roadway maintenance (ordinance 8-19, and resolution 08-81). Additionally, this original intent for the telecommunication tax could also offset costs for easement maintenance, public utility easement use and acquisitions, undergrounding costs, and other interference caused to City owned rights of way due to additional telecommunications companies using City owned property (co-location). On September 22, 2009, the code was altered with regard to its’ sunset provisions to be compatible with State Code. Lastly, the collections provisions for the telecommunications tax were changed on 4/25/2012 to allow the use of the tax for all general fund purposes instead of just road maintenance. This last provision was adopted due to the downturn caused by the Great Recession, and a lack of funding for police and fire purposes. Roughly half of the annual \$1.5 million in collections has been diverted to salary support for other departments since that date, and half has been used for road maintenance purposes.

Since the last change, the economy of the City has slowly recovered, and the need for road construction funding and road maintenance funding has increased. The 7000 South widening project alone could use 100% of the telecommunication tax for the next ten years to just move this one project ahead. Even though B and C funding from the gas tax has increased, that increase still does not meet the current maintenance needs. Consideration should be given at this time to allowing the full telecommunication tax to be used once more in the road maintenance and capital construction areas of the City. However, whether or not the funding is directed back to roadway purposes, the full tax should be re-adopted.

Councilmember Jacob wished to confirm that this was a tax created by and imposed by the City.

Councilmember Burton spoke in favor of allowing the tax to sunset.

Mayor Rolfe pointed out that discontinuing the tax would have a considerable effect on the City’s budget.

Councilmember Nichols provided some background information on the telecommunications tax. He stated that he would love to discontinue the tax but did not see how the City could afford to lose the associated revenue.

Councilmember Haaga suggested the word 'sunset' be removed from the motion.

MOTION: Mayor Rolfe moved to approve Ordinance No. 16-22, amending Title 3, Chapter 6, Article B, Section 7 of the 2009 City Code, re-adopting the telecommunications tax. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | No |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 5-1.

VIII. REMARKS

Councilmember Nichols indicated that his work schedule had recently changed and that he was no longer available to serve on the Sustainability Committee. It was believed that the alternates were Councilmembers McConnehey and Jacob.

It was determined that the issue should be addressed at the following City Council meeting.

IX. CLOSED SESSION

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

MOTION: Councilmember Haaga moved that the Council move to a closed session and adjourn from there. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Burton | Yes |
| Councilmember Haaga | Yes |
| Councilmember Jacob | Yes |
| Councilmember McConnehey | Absent |
| Councilmember Nichols | Yes |
| Councilmember Rice | Yes |
| Mayor Rolfe | Yes |

The motion passed 6-0.

The Council convened into a Closed Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares at 9:08 p.m.

X. ADJOURN

The meeting adjourned at 9:35 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.

ATTEST:

KIM V ROLFE
Mayor

MELANIE BRIGGS, MMC
City Clerk

Approved this 8th day of June 2016