MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, December 6, 2017
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chris M. McConneheyy, David Newton, and Chad Nichols.

STAFF: David R. Brickey, Interim City Manager, and Paul Dodd, Interim City Attorney.

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

Councilmember Anderson  Yes
Councilmember Burton  Yes
Councilmember Jacob  Yes
Councilmember McConnehey  Yes
Councilmember Newton  Yes
Councilmember Nichols  Yes
Mayor Rolfe  Yes

The motion passed 7-0.

The Council recessed at 5:02 p.m. and convened a closed session at 5:04 p.m.

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

- Employee Issue #1 – 5:05 p.m. to 5:08 p.m.
- Employee Issue #2 – 5:08 p.m. to 5:11 p.m.
- Employee Issue #3 – 5:11 p.m. to 5:12 p.m., and 5:45 p.m. to 5:47 p.m.
- Employee Issue #4 – 5:51 p.m. to 5:55 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION-

- On-going matter - 7000 South – 5:12 p.m. to 5:40 p.m.

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

- Fairchild – 5:48 p.m. to 5:50 p.m.

The City Council recessed the Closed Session 5:58 p.m. and reconvened the City Council meeting at 6:03 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Damien Wellman, Troop 1032.

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

David Brickey –

- Invited the Council and those in attendance to attend a special activity in the Veterans Memorial Park on Tuesday, December 12, 2017. Media and a celebrity
guest will be at the event. Information will be provided via the City’s Facebook page and flyers.

**STAFF COMMENTS/REPORTS**

Brian Clegg –  
- The State Forester’s Office asked the City to host six delegates from Hubei Providence, China, Friday, December 8, 2017 at 2:00 p.m., to see how the City’s Forestry Department was run. They would also be touring completed City projects and the Jordan Valley Conservancy Gardens. He invited the Council to participate.

Marc McElreath –  
- Reported that California requested fire assistance to help fight the current wild fires in their state. The City would be sending one engine and six firefighters to assist them in their efforts.

**CITY COUNCIL COMMENTS/REPORTS**

Councilmember Anderson –  
- 25th meeting since being appointed as Councilmember. He expressed his appreciation to the following:
  - Parks - for the modifications and improvements at Sunset Cove Park
  - Public Works – Yield signs Old Bingham Hwy by the railroad track
  - Participated in TransJordan Landfill breakfast

Councilmember Jacob-  
- Well wishes to the fire fighters responding to California’s request
- Steaming meetings (possible direction to staff to make it happen)
- Modify the Sustainability Committee from the Budget Committee

Councilmember Newton-  
- Still working on Impact Fee Study

Councilmember Burton –  
- Recognized the Boy Scouts in attendance
- Participated in CERT training with the West Jordan Fire Department
- Expressed his appreciation to the Fire Fighters and Parks

Councilmember McConnehey-  
- Reported that a policy must be in place prior to streaming meetings, he suggested discussing the topic during the Strategic Planning Session

Mayor Rolfe-  
- Numerous complaints regarding 7000 South asphalt quality/work by contractor.
- Expressed his appreciation to City crews for their asphalt patchwork where 2A and 2B meet on 7000 South.
V.  CITIZEN COMMENTS

Edward Fraughton, West Jordan Business Owner, opposed the zoning change regarding Michel Place. He said West Ridge Academy was the perfect buffer between residential and M-1 Heavy Industrial. He felt this proposal defeated the West Jordan Master Plan and Zoning Ordinance. He wanted to see the zoning remain the same. He suggested a trade-off of densities by placing a road off Bagley Park Road along with other changes.

Corbin England, West Jordan resident, asked the Council to agree with the Planning Commission’s recommendation of denial regarding the General Plan Land Use Map Amendment and Rezone for Michel Investments. He said the City has allowed residential areas to encroach on industrial areas.

Richard Baird, West Jordan resident, stated that Historical Arts and Casting opposed the proposed rezone regarding Michel Investments request. He realized a change must be done, so the north piece of property could be used. He felt there should be a demarcation boundary line between heavy manufacturing and possible residential areas. He commented the following:
- A portion of the property should not be changed
- Access road not allowed (liability)
- Promised no encroachment of residential use
- Promised a one-mile buffer

Alexandra Eframo, West Jordan resident, asked for a moment to count our blessings. She commented on the following:
- She expressed her appreciation to Mayor Rolfe for his dedication over the last 14 years.
- She commented on a person she believed to be an evil man.

Steven Pack, West Jordan resident, reviewed his past and then stated that he opposed the rezone proposed by Michel Investments, LC. He said the buffer zone was necessary.

Steve Jones, West Jordan resident, said cities grow and it was up to the Council to keep buffers in place. He hoped the Council would support the businesses and not drive them out.

He also commented on 7000 South and the asphalt. He could identify every manhole with his truck. He was disappointed with the job and hoped the final job could be rejected.

Shaun Michel, property owner Michel Place Subdivision, commented on all the surrounding areas. He said they were approximately 100 yards from the industrial park. He said traffic studies had been performed showing minimal impact on the neighborhood.
He felt that most people were against change. He requested the Council approve business item 8.C.

Ollie Michel, Sandy resident, said if they had a larger piece land then other things could be done. The R-1-8E was a nice home with a substantial lot and would be a compromise from the high-density to the low-density.

Dan Darger, West Jordan resident, provided a written comment for the Council’s consideration regarding his preference for a roundabout at 7800 South and 6600 West in West Jordan. Business item 8.B option 2.

Amanda Darger, West Jordan resident, also provided a written comment for the Council’s consideration regarding her preference for a roundabout at 7800 South and 6600 West in West Jordan. Business item 8.B option 2.

There was no one else who wished to speak.

VI.  CONSENT ITEMS

a. Approve the minutes of November 8, 2017 as presented

b. Approve Resolution 17-230, authorizing the Mayor to execute a Right of Way contract between Oreno Building Corporation for the purchase of property located at 2210 West 7000 South, in an amount not to exceed $130,000

c. Approve Resolution 17-231, authorizing the Mayor to execute a Memorandum of Agreement between the City of West Jordan and Salt Lake City Corporation regarding realignment of New Bingham/7800 South west of 4000 West

d. Approve Resolution 17-232, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with CRSA Architects for additional design services for the Cultural Arts Facility, in an amount not to exceed $44,390.00

The Council pulled Consent item 6.c. for further discussion.

MOTION: Councilmember McConnehey moved to approve all Consent Items with the exception of 6.c. Councilmember Anderson seconded the motion.

A roll call vote was taken
CONSENT ITEM 6.C
APPROVE RESOLUTION 17-231, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST JORDAN AND SALT LAKE CITY CORPORATION REGARDING REALIGNMENT OF NEW BINGHAM/7800 SOUTH WEST OF 4000 WEST

The realignment and widening of New Bingham Highway and 7800 South required the acquisition of right-of-way from Salt Lake City Corporation (“SLCC”) which operates the South Valley Regional Airport. A portion of the current alignment of New Bingham Highway would be abandoned after the realignment and conveyed to SLCC to be incorporated into the property which serves as the runway protection zone. The existing utilities within the portion of New Bingham Highway to be abandoned would remain under their existing easements or permits.

The area to be conveyed from the City of West Jordan to SLCC was approximately 3.441 acres. The area to be conveyed from SLCC to the City of West Jordan was approximately 2.588 acres. The property was valued at $4.90 per sq. ft. Consequently, the City of West Jordan would receive $185,000 for the 0.86 acres of property net of what the City would receive from SLCC.

The project included provisions to share costs for the installation of a new security fence along the southern periphery and to landscape a portion of SLCC property between the airport security fence and the new right-of-way line. This was being offered as a way to improve the viewscape along 7800 South.

The fiscal and/or asset impact would be the receipt of $185,000.

Staff recommended approval.

Councilmember Newton voiced his concerns regarding the pulling of all of the traffic into a right turn on 7800 South might not be the best solution.

Mayor Rolfe said the City held three public hearing regarding this issue with engineers present to address any questions.
MOTION: Councilmember Newton moved to table this item until next year for the new Council to consider. The motion was seconded by Councilmember McConnehey.

Councilmember McConnehey said significant steps had been taken regarding the property swap with UDOT. He said looking at the options this one seemed to be the best.

Councilmember Newton received clarification from the other Councilmembers as to how this change would affect traffic and alleviate backup into Jordan Landing.

Several Councilmembers spoke against tabling this item.

Councilmember Newton withdrew his motion.

MOTION: Councilmember Nichols moved to approve Consent Item 6.c. The motion was seconded by Councilmember McConnehey.

Mayor Rolfe stated that during the Strategic Planning Session in January 2017, Council was promised that this project would be bid out in September of 2017. Council and residents were still waiting.

A roll call vote was taken

Councilmember Anderson   Yes  
Councilmember Burton   Yes  
Councilmember Jacob   Yes  
Councilmember McConnehey   Yes  
Councilmember Newton   Yes  
Councilmember Nichols   Yes  
Mayor Rolfe   Yes  

The motion passed 7-0.

VII. PUBLIC HEARINGS
RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 17-64, REGARDING A REZONE FROM 5.01 ACRES FROM R-1-8E (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS) ZONE TO R-1-6E (SINGLE-FAMILY RESIDENTIAL 6,000 SQUARE FOOT LOTS) ZONE, FOR PROPERTY LOCATED AT 8174 SOUTH 6540 WEST, LONEVIEW WEST SUBDIVISION, PETERSON DEVELOPMENT, LLC/JUSTIN PETERSON, APPLICANT

Larry Gardner provided the Council with a written narrative, which was previously provided by Peterson Development, but omitted from the Council’s staff report.
He said the applicant was requesting an amendment to the Zoning Map from R-1-8E (Single Family Residential 8,000 square foot lot minimum, house size E) to R-1-6E (Single Family Residential 6,000 square foot lot minimum, house size E). The amendment would affect the 5.01-acre piece of property located at 8174 South 6540 West. The property was rezoned to R-1-8 in May 2016. The reason for the zone change request to R-1-6 was to allow for greater flexibility with required building setbacks. The required setbacks in the R-1-6 zone allow an extra 10-foot of room on each lot to build homes, as opposed to the R-1-8 zone, thus allowing a larger home to be constructed. The applicant’s intent was to keep the same subdivision layout that received final approval in July 2017.

**General Information and Analysis**
The subject property’s surrounding zoning and land uses were as follows:

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<th>North</th>
<th>Future Land Use</th>
<th>Zoning</th>
<th>Existing Land Use</th>
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<tr>
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<td>Low Density Residential</td>
<td>LSFR</td>
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<tr>
<td>South</td>
<td>Low Density Residential</td>
<td>PC</td>
<td>Single Family</td>
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<td>East</td>
<td>Low Density Residential</td>
<td>LSFR</td>
<td>Single Family</td>
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<tr>
<td>West</td>
<td>Medium Density Residential</td>
<td>PF</td>
<td>Open Ground</td>
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**Findings of Fact**
**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 is proposed to be located within the Medium-Density Residential land use designation. This designation was created for those residential uses which fall between 3.1 and 5.0 dwelling units per acre. The applicant is proposing to change the zoning designation on 5 acres of land currently zoned as R-1-8E to R-1-6E. The density of 3.8 du per acre will not change with this zone change and the density is consistent with the Medium Density Land Use designation of the General Plan.

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

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

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

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

The proposed subzone for home size will be an “E” which relates to the following minimum living areas:
- 1 level dwelling (rambler/split entry) -3,000 sq. ft. minimum living space;
- Split level dwelling – 2,400 sq. ft. minimum living space; and,
- Multi-story dwelling (2 or more) – 3,000 sq. ft. living space.

The lot sizes and housing sizes are similar to what exists around the site. The property slopes from West to East. If this property is developed it will not be interconnected to any existing developments in the area.

The City Engineering Department has indicated that the City does have the ability to service the project with water and sewer. The storm drain system is adequate to handle flows from the development and will be designed to meet the specific needs of the development.

Finding: The proposed amendment will result in compatible land use relationships and does 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-1-6E zoning district has specific standards which will be met when homes are constructed on the property. The R-1-6E zone is compatible with the existing zones and housing densities found in surrounding neighborhoods as the approved plan set will not change with the zone change request. This request will not harm the public health, safety or welfare of the city as a whole.
**Finding:** The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

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

**Discussion:** The final approved plan set meets all Engineering, Fire and Planning requirements.

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

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

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

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

In conclusion, staff supported the proposed 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.

Based on the analysis and findings contained in the Staff Report, staff recommended that the City Council Rezone 5.01 acres from R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) to R-1-6E zoning (Single-family Residential 6,000 square foot lots, “E” size homes) on property located at 8174 South 6540 West.

On November 14, 2017 the Planning Commission in a 6-0 vote, recommended that the City Council Rezone 5.01 acres from R-1-8E (Single-family Residential 8,000 square foot lots, “E” size homes) to R-1-6E zoning (Single-family Residential 6,000 square foot lots, “E” size homes) on property located at 8174 South 6540 West.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, spoke against lowering the R-1-8E to R-1-6E.
Warren Kirk, Peterson Development, reported that they had no intention of doing anything other than changing the zoning, so that street the subdivision sits on would be consistent with the other homes that were built as part of the highlands.

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

Councilmember Jacob commented on when this same type thing happened previously with another developer.

He asked if a condition could be put in place that if approved, an amended subdivision plat must come before the Council for approval.

Scott Langford said in ‘Title 13’ it states that the City was not allowed to attach zoning conditions to rezoning applications.

Councilmember McConnehey commented on making the zoning time sensitive. He considered asking how long they anticipated until the project would start and then perhaps adding six to twelve months on top of that as part of the approval.

Larry Gardner said the project would start anytime. Final subdivision approval had been received.

Warren Kirk said they would be dedicating this in two weeks. They had sidewalk, curb, gutter, asphalt, and were attempting to place landscaping in the park strips. He said they would need less than three months to record this and it is a done deal.

Councilmember McConnehey said what if we were to throw out December 31, 2018.

Warren Kirk said that’s plenty of time. The City would have it here shortly. We were so far along this ship was gone, we’re not going to tear up asphalt, we’re not going to put a new sewer, and we’re not going to contact the power company, we’re down the road.

**MOTION:** Councilmember Burton moved to approve Ordinance 17-64 rezoning 5.01 acres for R-1-8E (Single-family residential 8,000 square foot lots, “E” sized homes) to R-1-6E zoning (Single-family residential 6,000 square foot lots, “E” size homes) on property located at 8174 South 6540 West, including the statements made by the applicant at the podium that the project would be completed in the timeframe as stated. Councilmember Jacob seconded the motion.

A roll call vote was taken

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COUNCILMEMBER NEWTON  Yes
COUNCILMEMBER NICHOLS  Yes
MAYOR ROLFE    Yes

The motion passed 7-0.

PUBLIC HEARING CANCELED—DISCUSSION ONLY
RECEIVE PUBLIC INPUT AND CONSIDER AMENDING THE 2009
WEST JORDAN MUNICIPAL CODE, TITLE 13, ‘ZONING
REGULATIONS, ‘CHAPTER 2, REGARDING ‘CAP AND GRADE,’ CITY
OF WEST JORDAN, APPLICANT

Councilmember Burton asked that this item be heard as a public hearing for those in
attendance, since it was reported as a public hearing and not canceled to the public.

Scott Langford clarified for the Council that even if public comment was held, there was
not an ordinance prepared for any changes instead the Council would see a resolution in
the Council’s agenda packet, which would need a vote to move forward, but the
resolution was to direct staff and the Planning Commission to prepare an amendment via
ordinance and the proper process to amend anything in Title 13, which this ‘Cap and
Grade’ Ordinance is found is to first hold a public hearing before the Planning
Commission and then come back to the City Council with a public hearing.

This Resolution had been recommended by Council Member Dirk Burton. City staff,
including the Legal Department, does not make any recommendation as to whether or not
to adopt this Resolution. The consideration of this Resolution is a policy decision for the
City Council. Staff does certify; however, that this Resolution, as presently constituted,
meets all of the existing requirements of state law and City ordinances.

Section 13-7D-4B of the 2009 West Jordan City Code allows the City Council, by a
majority vote, in a City Council meeting, to initiate a zoning ordinance text amendment
process, by directing that the Planning Commission hold a public hearing to consider and
make a recommendation regarding the proposed text amendment.

The purpose of this Resolution was to initiate a process to potentially restore a Multi-
Family Cap Exemption for owner-occupied twin homes into the "Cap and Grade"
Ordinance, which is codified in the 2009 West Jordan City Code in Section 13-8-23. In
particular, Subsection B of Section 13-8-23 lists several "exemptions" to the "Cap" on
the number of multi-family dwellings. One of the exemptions listed in the original
"Cap and Grade" Ordinance 14-31, approved on October 22, 2014, was an exemption
for" owner occupied twin homes," codified in Subsection B4 of Section 13-8-23.

This exemption for "owner occupied twin homes" was removed (along with several other
exemptions) by Ordinance 14-34, approved on November 5, 2014. Since that time,
Ordinances 15-15 (dated June 24, 2015) and 16-15 (dated May 11, 2016) have restored or
added exemptions to Subsection B of Section 13-8-23; however, the exemption for
"owner occupied twin homes" has not yet been restored.
Therefore, this Resolution if approved would require that the Planning Commission hold a public hearing and submit a recommendation to the City Council regarding the proposed text amendment to restore the exemption for "owner occupied twin homes." The City Council would then hold its own public hearing and act upon the proposed ordinance.

Scott Langford said the question before the Council was whether an additional exception should be added which would exempt twin homes from the ‘cap and grade.’

Councilmember Burton said this was brought to his attention by a constituent in his district. He felt ‘owner occupied twin homes’ should be restored as an exemption. He also felt an error was made earlier, which removed the "owner occupied twin homes" from the Ordinance without discussion.

Councilmember Anderson asked Councilmember Burton how ‘owner occupied twin homes’ would be enforced.

David Brickey felt a requirement of the deed would be that the purchaser be made aware that the ‘owner occupied restriction’ would run with the land. He commented on how a restriction could be enforced.

Councilmember Burton would like to see this go before the Planning Commission.

Mayor Rolfe opened the public hearing.

Michael Park, West Jordan resident, said he owned a lot for 30 years, where twin homes were developed around his property, he made sure to zone his property multi-family for a twin home in the future, so when the time came it would be ready to sell. Now he found out there was a moratorium and he was being penalized.

David Brickey stated that the City had a temporary zoning Ordinance, they did not impose a moratorium.

Steve Jones, felt having ‘owner occupied twin homes’ was not enforceable. He commented on single-family homes, which did not follow the rules. He agreed with the City having a temporary zoning Ordinance, he felt multi-family dwellings were an issue. He opposed having this added back into the Ordinance.

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

Councilmember McConnehey said he was concerned with twin homes being placed back in the Ordinance. He said this could easily become an alternative to ‘townhomes.’ He also believed there would be enforceability issues with ‘owner occupied twin homes.’ He was in favor of leaving the ‘cap and grade’ alone without allowing for additional exception for twin homes.
He suggested directing staff to draft a proposed appeal process regarding the cap and grade to include some allowance for common sense and flexibility when appropriate.

Councilmember Burton said in most cases duplexes were in better condition than four-plexes.

He asked Scott Langford if owner occupied twin homes were included in the ‘cap and grade’ how many lots would be affected.

Scott Langford reported that as far as vacant existing R-2 zones there were 3 parcels of property left in the City. He said there were some R-2 properties along 2200 West, which were not included because they have existing single-family homes currently on them. He also stated that there was a difference between twin homes and town homes.

Councilmember Jacob and Nichols agreed with Councilmember McConnehey of possibly having an appeal process.

**MOTION:** Councilmember Burton moved to approve a Resolution initiate the land use ordinance text amendment to go forth to the Planning Commission to work out a way to do this with the twin homes in addition to an appeals process. The motion was seconded by Councilmember Newton.

A roll call vote was taken

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<td>Mayor Rolfe</td>
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The motion failed 2-5.

**MOTION:** Councilmember Burton moved to direct staff to come back with a process where an exception could be granted for twin homes within the ‘cap and grade.’ The motion was seconded by Councilmember McConnehey.

Mayor Rolfe opposed the motion. He was not in favor of weakening the ‘cap and grade.’

A roll call vote was taken
### VIII. BUSINESS ITEMS

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 17-234, ACCEPTING THE AUDIT REPORT AND PRESENTATION OF THE CONSOLIDATED ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017**

Bill Pyper said the firm Keddington & Christensen, LLC, conducted an independent financial audit and issued an unqualified opinion on the City’s CAFR. An opinion is said to be unqualified when in the independent auditor’s judgment, the financial records and statements are fairly and appropriately presented, and in accordance with accounting principles generally accepted in the United States of America. An unqualified opinion is the most common type of auditor’s report.

Marcus Arbuckle, Keddington & Christensen partner, reviewed the parts of the audit and stated that they issue findings and recommendations as needed. He said part of the responsibility of the Council was the oversite of the financial reporting process. Management was responsible for the actual financial statements.

He commented on a few of the findings and recommendations.

Mayor Rolfe asked if the statement of revenues and expenditures and changes in fund balance for $16,838,043.00 was audited.

Marcus Arbuckle said yes it was audited. He also expressed his appreciation to the Bill Pyper and the Finance staff for their work getting ready for the audit.

**MOTION:** Councilmember Newton moved to approve Resolution 17-234, accepting the audit report and the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2017. The motion was seconded by Councilmember McConnehey.

Mayor Rolfe stated that he believed the City was over the 25% allowed by the State for the Surplus Fund Balance for the second time in the last four years.

A roll call vote was taken.

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The motion passed 4-3.
Wendell Rigby turned the time over to Nate Nelson.

Nate Nelson commented on the following:

**Project Purpose and Need**

In May 2016, an Intersection Priority Analysis was conducted for eight major intersections on the west side of the City. The study identified eight intersections in need of improvements due to new developments and increasing traffic volumes. The intersection at 6700 West/7800 South was ranked the highest for needed improvements of the locations studied. The intersection is listed in the 2015 Transportation Master Plan to be a roundabout but a traffic signal may also be constructed at this location. Current traffic on 7800 South in this area varies between 7,500 vehicles per day west of the 6700 West intersection to 13,000 vehicles day on the west side of the Mountain View Highway.

**Traffic Signal Warrant Studies**

Two warrant studies were completed at the intersection in October 2017. The first warrant study only looked at the peak hour traffic. The second traffic signal warrant analysis conducted by Avenue Engineering was more comprehensive and looked at several other traffic signal warrants including the 4-hour, 8-hour, school crossing and crash experience warrants. The study also compared vehicles speeds and delay for the traffic signal and the roundabout options. The intersection does meet warrant 3A, (peak hour delay for the AM Peak Hour) but does not meet warrant 3B (for the overall Peak Hour Delay). The full peak hour warrant is expected to be met in the near future. There were as many as 4 southbound cars waiting to turn left at the intersection during the AM Peak period.

- The intersection is expected to meet more warrants in the next five years, based on growth projections. A traffic signal is not normally recommended for such a short period of delay.
- The Avenue study found that the daily traffic on 7800 South was 7,500 vehicles per day west of 6700 West, 11,300 vehicles per day east of 6700 West and 13,000 vehicles per day west of the Mountain View Corridor.
• The measured vehicle speeds were above 40 MPH on 7800 South.
• They found the traffic signal would have twice the amount of delay and higher speeds through the intersection than the roundabout option.
• The 20 MPH reduced speed school zone should be removed if the traffic signal option is selected to comply with the Utah traffic signal standards as defined in the Utah MUTCD (Manual of Uniform Traffic Control Devices).

The study area is shown in Figure 1. The preliminary design of the signal is shown in Figure 2. The preliminary design of the roundabout is shown in Figure 3.

![Figure 1: 6700 West/7800 South Intersection – Study Area. There are only two access points to the Maples area – both located on 7800 South.](image)

**Preliminary Roundabout Design**
A preliminary roundabout design was created for the intersection.
1. The roundabout at this location is included in the Transportation Master Plan adopted in 2015.
2. The proposed roundabout would operate as a large single-lane roundabout from the day of construction until traffic volumes increase on 7800 South enough to warrant the additional through-lanes in the westbound and eastbound directions.
3. If the roundabout option is selected, the reduced school zone speed will remain in place with the RRFB push-button activated flashers for the crosswalks on the east and west legs of the intersection.

**Roundabout Intersection versus Traffic Signal: The Pros and Cons**
The following information was obtained from the Federal Highway Administration (FHWA) and Washington State Department of Transportation (WSDOT).
Roundabouts Improve Safety  Studies have shown that roundabouts are safer than traditional stop sign or signal-controlled intersections. Roundabouts reduced injury crashes by 75 percent at intersections where stop signs or signals were previously used for traffic control, according to a study by the Insurance Institute for Highway Safety (IIHS). Studies by the IIHS and the Federal Highway Administration have shown that roundabouts typically achieve:
- A 37 percent reduction in overall collisions
- A 75 percent reduction in injury collisions
- A 90 percent reduction in fatality collisions
- A 40 percent reduction in pedestrian collisions

There are several reasons why roundabouts help reduce the likelihood and severity of collisions:

**Lower travel speeds** – Drivers must slow down and yield to traffic before entering a roundabout. Speeds in the roundabout are typically between 15 and 20 miles per hour. The few collisions that occur in roundabouts are typically minor and cause few injuries since they occur at such low speeds. The speeds expected with a traffic signal on 7800 South will be in the high 40’s at the 6700 West intersection.

**No light to beat** – Roundabouts are designed to promote a continuous, circular flow of traffic. Drivers need only yield to traffic before entering a roundabout; if there is no traffic in the roundabout; drivers are not required to stop. Because traffic is constantly flowing through the intersection, drivers do not have the incentive to speed up to try and "beat the light," like they might at a traditional intersection.

**One-way travel** – Roads entering a roundabout are gently curved to direct drivers into the intersection and help them travel counterclockwise around the roundabout. The curved roads and one-way travel around the roundabout eliminate the possibility for T-bone and head-on collisions; they reduce delay and improve traffic flow.

**Reduce delay, improve traffic flow** – Contrary to many peoples' perceptions, roundabouts actually move traffic through an intersection more quickly, and with less congestion on approaching roads. Roundabouts promote a continuous flow of traffic. Unlike intersections with traffic signals, drivers do not have to wait for a green light at a roundabout to get through the intersection. Traffic is not required to stop – only yield – so the intersection can handle more traffic in the same amount of time. Studies by Kansas State University (http://www.ksu.edu/roundabouts/) measured traffic flow at intersections before and after conversion to roundabouts. In each case, installing a roundabout led to a 20 percent reduction in delays. Additional studies by the IIHS of intersections in three states, including Washington, found that roundabouts contributed to an 89 percent reduction in delays and 56 percent reduction in vehicle stops.

**Less expensive** – The cost difference between building a roundabout and a traffic signal is comparable. Where long-term costs are considered, roundabouts eliminate hardware, maintenance and electrical costs associated with traffic signals, which can cost between $5,000 and $10,000 per year. Roundabouts are also more effective during power outages.
Unlike traditional signalized intersections, which must be treated as a four-way stop or require police to direct traffic, roundabouts continue to work like normal.

**Less space** – A roundabout may need more property within the actual intersection, but often take up less space on the streets approaching the roundabout. Because roundabouts can handle greater volumes of traffic more efficiently than signals, where drivers may need to line up to wait for a green light, roundabouts usually require fewer lanes approaching the intersection.

**Drivers and Pedestrians** – A traffic signal may be preferable for some drivers who are unfamiliar with driving in roundabouts. Pedestrians crossing a wide street such as 7800 South may feel safer crossing with a red light at a traffic signal although they are often in jeopardy from left-turning and right turning vehicles when crossing at a traffic signal. The crossing distance for pedestrians at a roundabout on 7800 South would be much shorter with a raised island half way through the crosswalk. The roundabout would also have RRFB flashers to alert vehicles to the pedestrians crossing.
Figure 3: 6700 West/7800 South Intersection – Proposed Roundabout – Single Lane Roundabout expandable to 2-Lane Roundabout when needed.

City Transportation Master Plan and Roundabout Ordinance
The intersection of 6700 West/7800 South was approved as a roundabout in the 2015 City Transportation Master Plan. The recently approved City roundabout ordinance requires projects that are located on arterial streets to obtain Council approval before construction is allowed.

Comments from the Neighborhood Meeting Held on April 2017
There were 11 written comment forms received at the Neighborhood meeting in April 2017 at Fox Hollow Elementary School. Of the forms received, 9 were positive and in favor of the proposed roundabout at 6700 West/7800 South, 2 were against the proposed roundabout and 1 was neutral. Of those in favor of the roundabout they were happy with the existing Smith’s roundabout and said that it will take a while for drivers to get used to the proposed roundabout. The negative comments listed concerns with near misses at the existing Smith’s roundabout and the need for more driver education so drivers know when to enter and when to yield correctly at roundabouts.

Funding and Cost Estimate
The City has set aside funding for intersection improvements each year in the Capital Road Fund. Two cost estimates were developed based on recent projects bid in the City. The roundabout on 7800 South near Smiths cost $660,000 to build in 2014. With inflation, the estimate is $900,000 for a similar size project. A traffic signal for 7800 South was bid recently for $512,000, with inflation and additional roadway construction, the estimate for this project is $700,000.

The current budget available for intersection improvements is $544,853 after the current work for 7000 South and 3400 West of $120,000 is reduced from the overall beginning budget of $664,843. This would leave funding short for the construction of either option, but design could begin immediately for either option. Funds are added to this account at
a rate of $150,000 per year each July 1, and based upon receipts from road impact fees. Therefore, full construction money could be in place in FY 2018-19 for Option 1, and in FY 2019-20 for option 2. Moreover, if Option 2 is desired sooner, additional funding for construction could be granted by City Council at their discretion. Regardless of the option approved, the contracts for design and construction will need to go the City Council for approval.

Thomas McMurtry, Avenue Consulting Engineers; provided a slide presentation and commented on the signal warrant analysis which was performed. He said other than a signal, a roundabout was considered. Either choice would be an improvement over the current conditions.

The Council asked clarifying questions regarding:
  - Roundabouts with multiple lanes
  - Grading
  - Space on roadway for a roundabout

Bill Baranowski commented on the size of the roundabouts in the City. He said the ones in the City would be 180-feet.

Councilmember Jacob commented on issues within the staff report. He felt people made decisions based on the exhibits shown earlier at Fox Hollow Elementary, which showed that this area did not warrant a light for at least 5 years or never. He felt a lot of the residents in his district wanted a light.

The Council and staff discussed:
  - Funding
  - Snow removal
  - Semi-truck traffic

**MOTION:** Councilmember Burton moved to adopt Resolution 17-235, authorizing staff to proceed with the final design and construction of the 6700 West 7800 South intersection as Option 1 – Traffic Signal. The motion was seconded by Councilmember Anderson.

Nate Nelson commented on a possible timeline.

A roll call vote was taken

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<td>Mayor Rolfe</td>
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The motion passed 7-0

MOTION: Councilmember Burton moved to take a five-minute recess. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

The meeting recessed at 8:16 p.m. and reconvened at 8:22 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING GENERAL LAND USE MAP AMENDMENT FOR 24.08 ACRES FROM PUBLIC FACILITIES TO MEDIUM DENSITY RESIDENTIAL AND REZONE 24.08 ACRES FROM P-F (PUBLIC FACILITIES) ZONE TO R-1-8E (SINGLE-FAMILY RESIDENTIAL 8,000 SQUARE FOOT MINIMUM LOTS) ZONE, FOR PROPERTY LOCATED AT 5411 WEST 9000 SOUTH, MICHEL INVESTMENTS, LLC/UWE (SHAUN) MICHEL, APPLICANT

Ray McCandless said this 24.08-acre property was located at approximately 5411 West 9000 South. It was formerly part of the Westridge Academy property, but had since been acquired by the applicant. The property was designated as Public Facilities on the Future Land Use Map and was zoned P-F (Public Facilities).

The applicant initially submitted a request to rezone the property to R-1-6B which was reviewed by the Planning Commission on August 1, 2017. At that meeting, at the applicant’s request, the Planning Commission tabled the item to allow the applicant time to consider other zoning options as noted in Exhibit G in the Council’s agenda packet.

Following that meeting, the applicant submitted a revised application requesting that the property be rezoned to R-1-8C instead of R-1-6B as discussed in the applicant’s letter of intent Exhibit E in the Council’s agenda packet. The R-1-6B zoning district was listed as “High Density Residential” in the City’s General Plan while the R-1-8C zoning district is considered “Medium Density Residential”. The Future Land Use Map of the General Plan must be changed from Public Facilities to Medium Density Residential if the zoning is changed to R-1-8C.

On September 5, 2017, the Planning Commission, in a 7-0 vote, recommended that the City Council deny the applicant’s request to rezone the property to R-1-8C and amend the Future Land Use Map.

On November 8, 2017, the City Council held a public hearing and tabled the item until March 2018.

Upon consideration of the discussion at the November 8, 2017 City Council meeting, the applicant revised his request and was now asking that the property be rezoned from P-F to R-1-8E. The concept plan had also been revised to show lots that can accommodate E sized homes.
General Information & Analysis

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

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<th>Direction</th>
<th>Future Land Use</th>
<th>Zoning</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>Medium Density Residential</td>
<td>P-C</td>
<td>Single-Family Residential</td>
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<tr>
<td>South</td>
<td>Public Facilities</td>
<td>P-F</td>
<td>Westridge Academy</td>
</tr>
<tr>
<td>West</td>
<td>Very High Density Residential</td>
<td>P-C/M-1</td>
<td>Apartments/Industrial</td>
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<td></td>
<td>Light Industrial</td>
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<tr>
<td>East</td>
<td>Medium Density Residential</td>
<td>R-1-10D</td>
<td>Single-Family Residential</td>
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Findings of Fact

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

Prior to approving a General Plan Future Land Use Map Amendment, the City Council shall make the following findings:

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: This property was previously part of the Westridge Academy. In 2012, when the General Plan and Future Land Use Map were adopted, it was anticipated that this property would eventually be used for expansion of the academy. For this reason, it was designated as Public Facilities on the Land Use Map.

As previously noted, the applicant is proposing to amend the Future Land Use Map from Public Facilities to Medium Density Residential and rezone the property to R-1-8C to accommodate a future single-family residential subdivision. The General Plan supports diversity of housing options as noted in Goal 4 on Page 30 of the Plan:

“Encourage a diversity of dwelling unit types and densities in residential areas.”

The uses surrounding the subject property are primarily residential. To the east is the Wild Flower Acres Subdivision which is zoned R-1-10D (single-family residential 10,000 square foot lot minimum). To the north, across 9000 South is the Liberty Village Subdivision which is in a Planned Community with lots ranging between 8,000 and 10,000 square feet. To the West is the Sunset Ridge Apartments which are also zoned Planned Community. To the South is the Westridge Academy which is zoned Public Facilities.

As noted in the application, the applicant is seeking R-1-8C zoning on the property to provide affordable housing to the adjacent employment center workforce and serve as a transition in density between the R-1-10
neighborhood to the east, the apartments to the west and Westridge Academy.

Although a variety of housing types are encouraged and transitioning residential density from a lower to higher density is common planning practice, the general plan also supports residential infill density that is similar to adjacent development.

“Require the density of residential infill development to be similar to existing, adjacent, residential development.” Page 31.

At this location, in order for the single-family residential density to be similar to existing adjacent single-family residential development, R-1-8 (single-family residential 8,000 square foot lots) or preferably R-1-10 zoning would be the better fit with surrounding neighborhoods. Transitioning density is not the only solution available as R-1-10 zoning districts are commonly found next to multi-family and public facility zoned areas.

Finding: The City Council will need to determine if the proposed R-1-8 zoning is consistent with the adopted goals, objectives, and policies set forth in the City General Plan. Staff is of the opinion that R-1-10 zoning would be more consistent with established adjacent single-family residential development and with the goals and policies of the 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: Page 54 of the General Plan States the following:

“The primary goal in determining future land uses is to determine future development patterns which build upon already existing and established patterns. It is also meant to provide for effective and sustainable uses of land in a way that best promotes compatibility between those uses in order to maintain the integrity of the community.”

As the property is no longer needed for expansion of the Westridge Academy and in will not likely develop as another type of public facility, staff is of the opinion that although there are numerous other available sites for single-family residential throughout the City, the most appropriate land use for the property is single-family residential.
**Finding:** 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.

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

**Discussion:** Single-family residential is compatible with other land uses in the area. The City Council will need to determine if transitioning density through application of the R-1-8C zone as the applicant proposes is compatible with other land uses in the area. As previously noted, Staff would support R-1-10 zoning as it is more consistent with other established single-family residential land uses in the area.

**Finding:** The proposed amendment is not 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:** Although the applicant will benefit from the proposed amendment, it will facilitate an effective use of undeveloped property and is an improvement to the area.

**Finding:** 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.

**Finding E:** *The proposed amendment will 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 proposed amendment will not adversely impact the community or neighborhood and would have fewer detrimental effects on the neighborhood if it were developed under the current Public Facilities zoning. The use will be compatible with adjacent uses. The infrastructure in the area is adequate for the proposed development including roads, water, wastewater and public safety facilities. The development will connect directly to 9000 South and Bagley Park Road.

**Finding:** The proposed amendment will 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 is consistent with other adopted plans, codes and ordinances.

Discussion: The amendment was reviewed for consistency with the City’s General Plan, the zoning ordinance and adopted engineering standards.

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

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

Prior to approving an amendment to the Zoning Map, the City Council shall make the following findings:

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

Discussion: This is discussed in Finding A of the Amendments to the Land Use Map section of this report.

Finding: The City Council will need to determine if the proposed R-1-8C zoning is consistent with the adopted goals, objectives, and policies set forth in the City’s General Plan. Staff is of the opinion that R-1-10 zoning would be a better fit with established adjacent single-family residential development and with the goals and policies of the General Plan than would R-1-8 zoning.

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

Discussion: This is discussed in Finding C of the Amendments to the Land Use Map section of this report.

Finding: The proposed amendment will not result in compatible land use relationships and may 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 change of zoning from P-F to R-1-8C will not harm the public health, safety or welfare of the city as a whole.
Finding: The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

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

Discussion: The Engineering Department has determined that the City has the ability to service the development with water (with system upgrades) sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. The Fire Department will review the proposed development at the time of subdivision and site plan application to ensure full serviceability.

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

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

Discussion: The property is in the Drinking Water Source Protection Overlay Zone. Single-family residential is a permitted use in this overlay district and no mediation or restrictions are required for this land use.

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

Ray McCandless that even with the changes, staff still did not support the proposed Land Use Map or Zoning Map amendment associated with this request for the reasons discussed in this report.

Ray McCandless reminded the Council of the comments made earlier in the evening.

The Council and staff discussed clarifying questions.

Councilmember Jacob addressed residential encroaching on industrial space; it was an issue; however, there were already apartments in place. He felt this was a proper fit for this area.
MOTION: Councilmember Newton moved to approve the General Land Use Map Amendment for 24.08 acres from P-F (Public Facilities) to Medium Density Residential and Rezone 24.08 acres from P-F (Public Facilities) to R-1-8E (Single-family Residential 8,000 square foot minimum lots) zone for the property in question. The motion was seconded by Councilmember Burton.

Councilmember Nichols said the perfect solution would be a mixed-zoning situation, but as we had already brought up in the City, we generally look at 50 acres or more to do that. This was just a concept and the Council was not voting on a concept tonight, but what we were voting on was just a rezone. He supported the motion and encouraged the developer to lean towards that. With R-1-10 on the east, high-density apartments on the west, there was a transition, R-1-8 made sense. He was concerned with the two residential lots on the northwest and the east. He would like to developer put that in.

Councilmember McConnehey agreed with Councilmember Nichols and encouraged the developer to get thought and consideration to Councilmember’s Nichols idea especially on the east side.

He commented on his disappointment regarding the area of 9000 South right off Mountain View Corridor.

A roll call vote was taken

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The motion passed 6-1.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 17- 236, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PATHWAYS ASSOCIATES REGARDING FUND RAISING SERVICES
The Council tabled this item to a later date.

RECONSIDERATION REGARDING CITY COUNCIL ACTION NOVEMBER 21, 2017, AUTHORIZING A PAYMENT TO RALPH AND CHRISTINE MENDEL, FOR FLOODING IN THEIR HOME
Councilmember Burton said his desire for reconsideration was to give him and the City staff time to review the information in order to make an intelligent decision.
MOTION: Councilmember Burton moved to reconsider Business Item 8.B. regarding City Council action November 21, 2017, authorizing a payment to Ralph and Christine Mendel, for flooding in their home.

A roll call vote was taken

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The motion passed 5-2.

Councilmember Burton reported that after the last meeting he sent an email to City staff listing several items he would like to see in order to make a more informed decision. He received the information, but would like additional time for his review.

MOTION: Councilmember Burton moved to reschedule this item until December 20, 2017. The motion was seconded by Councilmember Nichols.

Councilmember Nichols asked that the Council receive the same information provided to Councilmember Burton.

A roll call vote was taken

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The motion passed 6-1.

**DISCUSSION AND POSSIBLE ACTION REGARDING SEWER RATES**

Mayor Rolfe said in November 2016, a sewer rate increase was placed into effect. He said on December 1, 2016, the first phase went into effect with an automatic second phase on July 1, 2017. A discussion was postponed earlier in the year where it was noted that Mayor Rolfe was not support of the increase with over $10 million in restricted and unrestricted dollars and was more than the annual cost to operate the entire sewer system of West Jordan. Councilmember Nichols supported the motion and felt the unrestricted balance would be gone in two years without the change it passed on with a 4-3 vote. He
wanted to point out that as of October 31, 2017, as you can see the unrestricted portion is $12,062,592.37 and the annual operating cost of the sewer system is approximately $8 million. He felt the second phase of increase should be repealed, he thought it was 7% than went into effect July 1, 2017. With the unrestricted portion of the sewer fund the City could operate the sewer system as it exists today for one-year and six months without a dime coming into the City as a sewer bill, with the restricted portion it would be way beyond that timeline.

He also felt guidelines should be set on the maximum surplus fund balance in all the Enterprise funds.

Councilmember Nichols felt there was a much bigger picture than the balance, which was Capital Expenses:

- Where are those expenses going to be made
- What’s the plan
- How soon will they be expended

He agreed if they were not spending in the next two years, then he agreed. He believed the balance was to improve the infrastructure. Staff might need to identify the Capital Improvement Plan specifically for sewer.

Mayor Rolfe said the City had $3.4 million in impact fees on top of the $12 sitting in the unrestricted funds.

Councilmember Nichols said for him this was based on the Capital Improvement Plan. He suggested bringing this back to Council with the Capital Improvement Plan.

Bill Pyper said the impact fees and sewer fund were actually in negative $3 million as of June 30, 2017, the balance counting restricted and unrestricted was $9,330,867.

Councilmember McConnehey said he voted in favor and supported of the increase at the time. He thought during the fee schedule discussion the additional increase would be discussed; however, it was not. He wanted to make sure if the rate structure were changed it would not impact maintaining our sewer system. He wanted to see numbers from staff. He suggested making the change to reverse the rates for the sewer fee effect in short order barring anything surprising coming from the numbers that staff presents, making a formal decision in a future meeting.

Councilmember Burton was in favor of repealing the increase.

David Brickey reported that grit and phosphorus from the sewer system in significant magnitudes in two years. The current operating cost was estimated at $8 million per year; just recently within the last two weeks, the sewer district identified that the ongoing expenses for the next 5 years starting 2018, would move to $11.5 million to compensate for the cost of improvements. He said in an upcoming meeting staff and Council would be addressing a TV truck and the associated cost of purchasing and
managing the truck. Additional was available. If the Council were to leave the amount as it stands the City would be able to pay for the increase of $11.5 million a year. Now whether or not it was appropriate to start collecting fees today for use in 2020 was a Council policy decision. In discussion, the Mayor asked “how much is too much?”

David Brickey said he would like enough to cover this next year, plus 20% in case of an emergency. Legislature identified 25% as being appropriate percentage.

Councilmember Jacob agreed that the Council should discuss what reserves should be kept in Enterprise funds and then adjust them accordingly. He wanted to see a five-year rate plan for all of the Enterprise funds. He wanted to see additional information on this item prior to making any changes.

Councilmember Anderson agreed with Councilmember Jacob. He also believed a five-year plan should be put in place.

Councilmember McConnehey remembered previous discussions, he said there were needs for the water treatment plant and questions regarding whether the City would bond.

**MOTION: Mayor Rolfe moved to direct staff to remove the July 1, second phase of the sewer fee increase immediately. The motion was seconded by Councilmember Burton.**

A roll call vote was taken

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilmember Anderson</td>
<td>No</td>
</tr>
<tr>
<td>Councilmember Burton</td>
<td>Yes</td>
</tr>
<tr>
<td>Councilmember Jacob</td>
<td>No</td>
</tr>
<tr>
<td>Councilmember McConnehey</td>
<td>No</td>
</tr>
<tr>
<td>Councilmember Newton</td>
<td>No</td>
</tr>
<tr>
<td>Councilmember Nichols</td>
<td>No</td>
</tr>
<tr>
<td>Mayor Rolfe</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The motion failed 2-5.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE LEASE OF A 938K CATERPILLAR FRONT END LOADER**

**MOTION: Mayor Rolfe moved to table Business Item 8.g. regarding the lease of a 938K Caterpillar Front End Loader until December 20, 2017 for discussion. The motion was seconded by Councilmember Newton.**

A roll call vote was taken
Councilmember Anderson   Yes
Councilmember Burton  Yes
Councilmember Jacob   Yes
Councilmember McConnehey  Yes
Councilmember Newton  Yes
Councilmember Nichols  Yes
Mayor Rolfe    Yes

The motion passed 7-0.

Councilmember Nichols directed staff to place the sewer rate discussion on the December 20, 2017 agenda. He also wanted to see a Capital Improvement Plan to see how that fit in with impact fees and the current balance, so the Council could make an educated decision.

IX. REMARKS
   WINTER PARKING
Councilmember McConnehey asked if the Council supported allowing staff to be more proactive regarding winter parking and issuing warnings.

Kyle Shepherd said every year the Police Department worked with streets personnel to try to target troublesome areas.

Councilmember McConnehey suggested flyers, Facebook, website, etc. to try and get the word out prior to the snow flying.

There were no further remarks.

X. ADJOURN

MOTION: Councilmember Burton moved to reconvene the closed session to continue discussions regarding 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 Newton.

A roll call vote was taken
Councilmember Anderson   Yes
Councilmember Burton  Yes
Councilmember Jacob   No
Councilmember McConnehey  No
Councilmember Newton  Yes
Councilmember Nichols  No
Mayor Rolfe    Yes
The motion died due to the lack of a 2/3 vote to reconvene the closed session.

MOTION: Mayor Rolfe moved to adjourn. The motion was seconded by Councilmember McConnehey.

The meeting adjourned at 9:15 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 20th day of December 2017