

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

**Wednesday, May 8, 2019
6:00 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock.

STAFF: Korban Lee, Assistant City Manager; Paul Dodd, Assistant City Attorney/Civil Litigator; Scott Langford, Community Development Director; Danyce Steck, Finance Director; Brock Hudson, Community Preservation Director; Brian Clegg, Public Works Director; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Larry Gardner, City Planner; Dave Murphy, Engineering Manager for Capital Improvement Projects; Jeremy Olsen, Redevelopment Program Manager; Eric Okerlund, Budget Officer, and Jamie Brooks, Deputy City Clerk.

I. CALL TO ORDER

Mayor Riding called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Taylor Roth.

III. CITIZEN COMMENTS

Steve Jones, West Jordan resident, discussed a letter that had been issued by District Attorney Sim Gill regarding a critical incident that had occurred in West Jordan. Mr. Jones asked that the City respond publicly to the statements made in the letter.

Taylor Roth, West Jordan resident, expressed alarm at comments made by a councilmember at the previous City Council meeting regarding the potential salary of the mayor in the city's future form of government.

There was no one else who wished to speak.

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

Derek Maxfield –

- Expressed appreciation to those councilmembers who attended the recent run involving newly hired firefighters. He explained that the run was considered a rite of passage and he appreciated having the support of the City Council.

Brian Clegg-

- Expressed appreciation to everyone who participated in Comcast Cares Day. He indicated that there were over 320 volunteers who planted 60 trees, spread 50 yards of bark mulch, placed soft fall chips at three playgrounds and planted flowers at the cemetery in anticipation of Memorial Day.
- Explained that crews would soon begin demolishing a structure that was recently acquired by the City in advance of a redevelopment project.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Anderson –

- Thanked the Fire Department for the aforementioned run and breakfast
- Recognized the West Jordan High School students in attendance
- Stated that the City should be mindful of *not* watering City parks prior to Mother's Day, as recommended by the Jordan Valley Water Conservancy District
- Explained that a new traffic signal at 7800 South would become operational the following day
- Stated that the railroad crossing at 7800 South would be in place in two more weeks
- Expressed appreciation to those residents that took part in Comcast Cares Day

Councilmember Whitelock –

- Thanked those that notified the City of the premature watering that had been taking place at City parks. She pointed out that the City was large, and it was helpful when citizens reported things of concern that needed to be brought to the attention of City staff and officials.
- Expressed appreciation to the Fire Department for their event

Councilmember Burton –

- Welcomed the students in attendance
- Explained that the Jordan River Commission had gone on a tour of the Big Bend Habitat. They also visited some ponds in Riverton where some problems were present. He felt the City could benefit from the knowledge gained by that visit.
- Recently went on a ride-a-long with the Fire Department
- Expressed appreciation to those residents that took part in Comcast Cares Day
- Attended a conference for the International Association of Electrical Inspectors where the City's own Doug Rolfe, the Combination Inspector Supervisor was elected as the President of the association's Utah chapter. Building Official Layne Western was re-elected as the Secretary of the association.

Councilmember Jacob –

- Was glad that the new light at 7800 South would soon be operational
- Expressed appreciation to the Fire Department for their recent run

V. PUBLIC HEARINGS

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 19-83 REGARDING A WAIVER OF FEES ASSOCIATED
WITH THE USE OF VETERANS MEMORIAL PARK FOR THE KIDS
CIRCUS ON JULY 12, 2019 IN AN AMOUNT NOT TO EXCEED \$1,100**

The Ripple Effect Project was a non-profit organization that worked alongside the Community Foundation for America's Youth. The mission of the Ripple Effect Project was designed to bring empowerment, inspiration and abundance to the local community. The Ripple Effect wished to help those who were changing our community for our future youth. Through creating abundance, The Ripple Effect inspired a ripple effect for the community to contribute and give unconditionally.

This free Kid's Circus was an event that all residents and surrounding community members could participate in. There would be a movie in the park playing Greatest Showman, a kids Choir with a sing along, free food, classes, and many other activities off to the side as well. The Ripple Effect already had the support of some local businesses and radio stations to help provide the activities listed above but was looking to West Jordan to support the event by waiving their fees to help create an atmosphere that inspired residents to contribute to their community and their youth.

3-4-1: WAIVER OF FEES AND FINES, GENERALLY:

For purposes of this chapter, "waiving" an amount also meant writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by the code to be paid to the City could not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
 1. Value for Value Settlements: If the waiver of fees or claims conferred a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
 3. Doubtful/Uncollectible Amounts: Once the city had made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or had otherwise determined in good faith that the amount was practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

C. Support of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.

D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limited the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limited the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and required a public hearing prior to approval.

Korban. Lee explained that the organization was requesting \$600 in fees to be waived. So far during the current fiscal year, approximately \$13,000 in fees had been waived for other organizations and service in lieu of an additional \$20,500 in fees had been performed on the City's behalf.

Councilmember Jacob pointed out that the staff report had not been available on line and he wished for more details about the fees that would be waived.

Mayor Riding provided the break-down of fees and then opened the public hearing.

Nick Katsilas and Brittany Garrick of The Ripple Effect explained that their foundation was a new non-profit organization that had fed Thanksgiving dinner to over 300 people at the Boys and Girls Club of American and sponsored a Christmas event at a West Jordan battered women and children shelter. Their goal for the Kid's Circus was to create a "ripple effect" and inspire more people to give back to the community.

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

Councilmember Lamb inquired about anticipated attendance at the event. Ms. Garrick responded that they hoped to see 200 attendees. Mr. Katsilas stated there were 320 attendees for the Thanksgiving dinner they were involved in.

Councilmember Lamb spoke in support of the resolution as it was sponsored by and created for West Jordan residents.

MOTION: Councilmember Anderson moved to approve Resolution 19-83, regarding a waiver of fees associated with the use of Veterans Memorial Park for the Kids Circus on July 12, 2019. Councilmember Burton seconded the motion.

Councilmember Whitelock spoke in opposition to the motion, although she made it clear she appreciated the work done by the organization. She explained that she was not comfortable essentially giving away public funds by waiving fees. Moreover, she wished for the City Council to have a future discussion regarding event fees and the City Council's practice of waiving them at times.

Councilmember Jacob spoke in favor of the motion but wished to find a way of streamlining the process of addressing fee waiver requests.

Councilmember McConnehey wished to ensure that City staff actively encouraged charitable organizations to provide services in lieu of the fees that they sought to have waived.

Councilmember Anderson agreed that in the future, organizations should be encouraged to provide service in lieu of fees.

Paul Dodd pointed out that it was a policy decision for the City Council to make since the law allowed fees to be waived with or without services provided.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	No
Mayor Riding	Yes

The motion passed 6-1.

VI. *CONSENT ITEMS*

- a. Approve the minutes of April 10, 2019 as presented**
- b. Adopt Resolution 19-84, authorizing the Mayor to execute an Agreement with Beck Construction & Excavation for the Corliss Sidewalk Project in an amount not to exceed \$159,970.00**
- c. Adopt Resolution 19-85, authorizing the Mayor to execute a Financing**

Agreement with US Bancorp for the Purchase of a Sewer Vactor Truck, in an amount not to exceed \$67,561.00

- d. Adopt Resolution 19-86, authorizing the Mayor to execute an Agreement with Widdison Turbine Service, LLC for the Well No. 3 Rehabilitation Project in an amount not to exceed \$286,975.00**
- e. Adopt Resolution 19-87, authorizing the Mayor to execute a contract with Midway West Amusements Carnival Services during the Western Stampede Carnival July 4, 5, and 6, 2019**
- f. Adopt Resolution 19-88, confirming the appointment of members to various City Committees, and Committee Leadership for 2019**
- g. Adopt Resolution 19-89, authorizing staff to proceed with a Purchase Order with Legacy Equipment Company regarding a Cues OZII Camera for the Storm Water TV Van, in an amount not to exceed \$21,731.45**
- h. Adopt Resolution 19-90, declaring items from the Police Department that are no longer of any value or use as surplus property and authorize the disposition**
- i. Adopt Resolution 19-91, authorizing the Police Chief and City Manager place unclaimed property no longer needed as evidence to a public interest or destroyed**
- j. Adopt Resolution 19-92 authorizing the Mayor to execute Change Order No. 1 to the contract with Kilgore Contracting for the 7800 South Widening & Realignment of New Bingham Highway project, for an amount not to exceed \$131,612.37**
- k. Adopt Resolution 19-93, authorizing the Mayor to execute a Purchase and Sale of Real Property Contract between CW Copper Rim 1, LLC and the City of West Jordan, and authorizing the City's Real Property Administrator to sign all documents necessary to close the transaction**

Mayor Riding stated that the City Council was pulling Consent Items 6e and 6i for further discussion.

MOTION: Councilmember Anderson moved to approve all Consent Items with the exception of 6e and 6i. Councilmember Burton seconded the motion.

For the benefit of the public, Councilmember Whitelock provided a brief explanation of why there was no discussion on certain consent items.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

VII. CONSENT ITEMS DISCUSSION

CONSENT ITEM 6e

ADOPT RESOLUTION 19-87, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MIDWAY WEST AMUSEMENT CARNIVAL SERVICES DURING THE WESTERN STAMPEDE CARNIVAL ON JULY 4, 5 AND 6, 2019

City staff had sought proposals for “carnival services” from amusement companies with expertise in large-scale quality carnivals through a Request for Proposals. City staff considered the following criteria in the selection process:

- Experience and qualifications
- Understanding of the project
- Ability to deliver
- Quality of end product
- Ability to manage the project
- Cost

The RFP closed March 12, 2019 and staff received two proposals. Copies of the proposals that were received were in the City Clerk’s office for review.

The proposals were reviewed by the selection committee and evaluated based on the factors and criteria contained in the RFP. After scoring and checking references, Midway Amusements was selected as the best proposal for the City’s celebration.

Councilmember Burton expressed concern that the agenda packet included only the winning proposal. He felt the other should have been included as well.

Councilmember Lamb asked if the City had previously had a three-year contract for the carnival vendor. Korban Lee responded that the previous one-year contract had the option of two additional one-year extensions.

MOTION: Councilmember McConnehey moved to approve Resolution 19-87, authorizing the Mayor to execute a contract with Midway West Amusements. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

CONSENT ITEM 6i

ADOPT RESOLUTION 19-91, AUTHORIZING THE POLICE CHIEF AND CITY MANAGER TO PLACE UNCLAIMED PROPERTY NO LONGER NEEDED AS EVIDENCE TO A PUBLIC INTEREST OR DESTROYED

The Police Department currently had property in its possession that was originally held as evidence of possible criminal activity but was no longer needed as evidence. The Police Department had created an itemized list of all such property that was included in the Agenda packet for review (“Items of Police Evidence”).

When property in an agency’s possession was no longer needed as evidence, the agency had a legal obligation to “exercise due diligence in attempting to notify the rightful owner of the property to advise the owner that the property was to be returned.” Utah Code § 24-3-103(2). The City had made diligent efforts to notify the owners or potential owners of the Items of Police Evidence that it was available to be returned, including all required notification and timing procedures (see attached). Despite those efforts, the Items of Police Property were not collected by any owner.

When property that was no longer needed as evidence was unclaimed despite proper efforts to locate the rightful owner, the agency, with the permission of its legislative body, might “(i) apply the property to a public interest use; (ii) sell the property at a public auction and apply the proceeds of the sale to a public interest use; or (iii) destroy the property if the property was unfit for a public interest use or for sale.” Utah Code § 24-3-103(6). If the item of unneeded evidence was a firearm, there were additional requirements regarding to whom the agency might sell the firearm. See Utah Code § 24-3-103.5. A “public interest use” meant “(a) use by a government agency as determined by the legislative body of the agency’s jurisdiction; or (b) donation of the property to a nonprofit charity registered with the state.” Utah Code § 24-1-102(21).

The attached resolution was requesting the City Council: (i) authorize the Police Chief in consultation with the City Manager to: (i) put the Items of Police Evidence or the proceeds from their sale to public interest uses in furtherance of West Jordan law enforcement or the general fund as they deem appropriate; and (ii) destroy any property that was unfit for a public interest use or for sale as deemed appropriate.

Councilmember Whitelock asked Chief Wallentine to provide suggestions for the public to help ensure that if their property became lost or stolen, they could increase their chances of getting it back rather than have it disposed of in this manner.

Chief Wallentine recommended that property owners document their property with photographs and by recording serial numbers or engraving a unique identifier. He himself had methodically gone through his home and used his phone to record a video of his property for use if he needed it for insurance purposes. He asked that citizens help the police department by marking their property so that it could be returned to them if it was stolen and later recovered.

Councilmember Burton pointed out that he had marked his property that was later stolen. Because of those markings, his property was returned to him.

MOTION: Councilmember Whitelock moved to approve Resolution 19-91, authorizing the Police Chief and the City Manager to place unclaimed property no longer needed as evidence to a public interest or destroyed. Councilmember Anderson seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	No
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

VIII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 19-13, AMENDING THE 2009 WEST JORDAN CITY CODE TITLE 13 ‘ZONING REGULATIONS,’ CHAPTER 5 ‘ESTABLISHMENT OF ZONES,’ ARTICLE C, REGARDING PLANNED DEVELOPMENT ZONES; CITY-WIDE APPLICABILITY, CITY OF WEST JORDAN, APPLICANT

Larry Gardner explained that changes that had been made to the proposed ordinance since the February City Council meeting included:

- Modification of the approval process.
- Flexibility had been added to the required additional amenities portion of the ordinance.

Section 13-7-D-7B, required that prior to approval, the City Council must make the following findings:

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

Discussion: The General Plan supported keeping ordinances current and understandable. On Page 19 it stated:

“GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATING THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that are consistent with State Code and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English.”

Finding: The proposed amendment conformed to the General Plan and was consistent with the adopted goals, objectives and policies described therein.

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

Discussion: The proposed amendment would add new requirements to the Planned Development zones that would improve future developments.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title;

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

Discussion: The proposed amendment would have a city-wide impact in all zones. Staff had not found, at this point, any conflicts with any other sections of the 2009 City Code.

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

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

Discussion: The draft ordinance as written would have city-wide implication and would not relieve a hardship or grant special privileges to any one person or entity.

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

Councilmember Burton requested clarification regarding setbacks.

Larry Gardner explained that the setback could be no less than five feet on either side of a property.

MOTION: Councilmember McConnehey moved to approve Ordinance 19-13, amending the 2009 West Jordan City Code Title 13 ‘Zoning Regulations,’ Chapter 5 ‘Establishment of Zones,’ Article C, regarding Planned Development Zones. The motion was seconded by Councilmember Burton.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING ACCEPTING THE TENTATIVE BUDGETS FOR GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, ENTERPRISE FUNDS, AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2019-2020

Danyce Steck explained that she would outline the budget document that was before the City Council and pointed out that there would be a much more extensive examination of it at the future budget work session. She also explained that Utah state law required that staff file a tentative budget with the City Council at the first regularly scheduled meeting

in May. The Council needed to decide when they wished to meet to review, consider and possibly adopt the tentative budget. That document must be made available to the public for at least ten days prior to the adoption of the final budget. Because tax rates would not be available until roughly June 10, the final budget could not be adopted until after that date but must be adopted no later than June 30th.

Ms. Steck pointed out that with the proposed tentative budget, all current service levels would be maintained and the targeted percent for the fund balance was 20%, although that target had not quite been met. It was her goal to bring budgeted expenditures more in line with revenues. That would take at least another year. She explained that a budget summary was included so that the Council could get an overview of each individual fund with the City's budget.

The Council and staff discussed clarifying questions.

Several councilmembers expressed great appreciation for the way in which the budget had been prepared thus far.

Councilmember Jacob wished to clarify that the Council had not yet adopted this Tentative Budget. Ms. Steck agreed.

Councilmember Whitelock expressed confusion regarding the date of the special budget meeting as it had been her understanding that it had already been scheduled for May 15.

Korban Lee responded that while May 15 seemed to be the best date for a majority of the Council, it was still up to the Council body to determine the actual meeting date.

There was a discussion of whether the City Council needed to formally move to accept the tentative budget. Paul Dodd responded that it was not a legal requirement at this point in the process. Councilmember McConnehey asked that if in the future a motion was not required, he would prefer that a recommended motion not be included with the staff report.

MOTION: Councilmember Whitelock moved to accept the Tentative Budget as presented. The motion was seconded by Councilmember Jacob and passed unanimously without a roll call vote.

Mayor Riding called a recess of the City Council meeting at 6:39 p.m. so as to convene meetings of the Redevelopment Agency, the Municipal Building Authority and the Fairway Estates Special Service District.

The City Council meeting reconvened at 6:42 p.m.

IX. WORKSHOP

**DISCUSSION REGARDING BUDGET WORKSHOP DATES, AS WELL
AS AN ADDITIONAL WORKSHOP THAT WAS NECESSARY**

Korban Lee explained that the councilmembers had been provided with nine different potential dates and times at which to hold a budget workshop. Six out of seven councilmembers responded that they could attend three of the dates given. There were no dates at which all seven were available. Six of the seven councilmembers preferred May 15 although the seventh could not make it on that date at all. The other two dates available for the majority of the Council were May 18 and May 23.

Councilmember Anderson pointed out that he was no longer available on May 15. Councilmember Whitelock was no longer available on May 18. Councilmember Burton was not available on May 23.

A majority of the councilmembers agreed to meet for a budget workshop on May 23 at 5:30pm. Councilmember Jacob stated that he would make it but would be late.

It was determined that the majority of the City Council would be available to meet and discuss changes to the City code on Thursday, June 27, 2019 at 5:30 p.m. These code changes would be in anticipation of the change of form of City government. The proposed amendments would be provided to the Council ahead of that date.

INTERCHANGE OVERLAY ZONE

Mayor Riding suggested there was no need to discuss this item as it had been discussed at the previous joint workshop of the Planning Commission and City Council.

X. REMARKS

2-minutes per person

There were no additional remarks.

XI. CLOSED SESSION

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

Mayor Riding explained that there was no need for a closed session that evening.

XII. ADJOURN

**MOTION: Councilmember McConnehey moved to adjourn. The motion was
seconded by Councilmember Burton and passed unanimously.**

The meeting adjourned at 6:57 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.

JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Approved this 12th day of June 2019