

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

**Wednesday, May 1, 2019
5:30 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: David Brickey, City Attorney; Korban Lee, Assistant City Manager; Rob Wall, City Attorney; Melanie Briggs, City Clerk; Scott Langford, Community Development Director; Danyce Steck, Finance Director; Brian Clegg, Public Works Director; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Brock Hudson, Community Preservation Director.

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 Councilmember Lamb

III. CITIZEN COMMENTS

Dave Newton, West Jordan resident, addressed the construction of an Arts Facility. He had been told that the staff had not received any direction from the Council. He had surveyed the Council members and four of the seven were in favor to have the building located on the Sugar Factory Property.

1. RFP Architect understand metal building
2. Develop a Core
3. Bid Contractor to construct the core facility
4. Look at additional amenities that may be added in the future.

He announced that he would be running for the 2-year At-Large Council position.

There was no one else who wished to speak.

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

There were no comments by the City Manager

STAFF COMMENTS/REPORTS

Brian Clegg –

- Reminded those in attendance that Comcast Cares Day would be Saturday, May 4th.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Anderson –

- Reviewed the key meetings he attended during the past week
- Discussed a bill that passed, allowing cities to have planning opportunity ‘Public Infrastructure district’s (PID)

Councilmember Jacob –

- Expressed appreciation to Public Works for the construction of the street light located at 6700 West Jordan City
- Reviewed attendance at the ULCT in St. George. He stated the City had become recognized more over the past few years.

Councilmember Whitelock –

- Expressed appreciation to Mrs. Grant’s Government class for their attendance. She addressed the importance of citizen involvement.

Councilmember Lamb –

- Explained that he and Korban Lee had attended a tour and meeting in Reno regarding the benefits having a ‘Megasite’ (industrial park) in the City
- Updated those in attendance regarding the status of the Wild West Jordan Playground located in the Veterans Memorial Park. Construction scheduled to start in October 2019.

Councilmember Burton –

- Echoed the information addressed by Brian Clegg. He provided a review of the events he would be attending at Teton Estates.
- Met with Senator Mike Lee and reviewed the activity at the National Guard Armory located in West Jordan
- Reviewed his attendance at meetings that benefited the City of West Jordan

Mayor Riding –

- Attended a ground-breaking ceremony for the construction of a new elementary school located in West Jordan.

V. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 19-78, REGARDING FUNDING RECOMMENDATIONS OF THE WEST JORDAN CDBG/HOME COMMITTEE FOR FY 2019- 2020 AS PART OF THE FY 2019-2020 ANNUAL ACTION PLAN.

The City of West Jordan received an annual allocation of funds from the Department of Housing & Urban Development under the Community Development Block Grant Program. Those funds were allocated annually to provide services to the low and

moderate-income residents of West Jordan. Under this program, 15% (\$91,890) could be allocated to public service agencies, 20% (\$122,521) for program administration/planning, and the remaining 65% (\$398,195) toward housing, public facilities and payment of the City's Section "108" Senior Citizen Center loan.

The annual allocation for FY2019-2020 had not been set by the Department of Housing & Urban Development yet but based upon the most recent approved budget by Congress, funding was anticipated to be at the same level as last year's allocation of \$612,606. Any adjustment not more than 10% of the funding level would be adjusted according to HUD's CDBG program guidelines.

Proposals for providing these programs and services under the CDBG program were submitted to the City during January 2019. Once the requests had been reviewed by staff, then the CDBG/HOME Committee met to hear presentations by the agencies and make funding recommendations to the City Council. A list of these requests and recommendations were shown below.

FY 2019/2020 CDBG REQUESTS & RECOMMENDATIONS

Applicant	Program	Amount Requested	Funding Recommendation
Public Services - 15% (\$91,890)			
Family Support Center	Crisis Nursery	\$12,000	\$12,000
South Valley Services	Case Management	\$20,000	\$15,000
Community Action Program	Rent Assistance	\$10,000	\$10,000
Community Action Program	South County Neighborhood Food Pantry	\$10,000	\$8,000
YWCA	Shelter & Support Services	\$10,000	\$10,000
The Road Home	Homeless Shelter	\$12,000	\$8,000
Legal Aid	Domestic Violence Victims Assistance	\$12,000	\$12,000

Big Brothers Big Sisters	Mentoring Program	\$10,000	\$10,000
The INN Between	Hospice Care	\$25,000	\$8,890
Senior Charity Care Foundation	Dental Care Program	\$10,000	\$8,000
Odyssey House	Roof Replacement – Sandy Unit	\$2,160	\$0.00
	PS Request Total		\$91,890
Administration/ Planning – 20% (\$122,521)			
City of West Jordan	CDBG Administration	\$115,000	\$115,000
	Administration & Planning Total		\$115,000
Unrestricted – Balance			
ASSIST	Emergency Home Repairs & Access Improvements	\$175,000	\$175,000
City of West Jordan	Housing Rehabilitation Loans	\$40,000 RL	\$40,000
City of West Jordan	Down Payment Assistance	\$75,000	\$25,000 + \$50,000 Prior Year carryover
City of West Jordan	Section 108 Loan Payment	\$160,000	\$160,000
City of West Jordan	ADA Ramp Construction	\$45,716	\$45,716
	Hard Cost Request Total	\$495,716	\$495,716

FUNDING SOURCES:

FY 2019-2020 CDBG Allocation:	\$612,606
CDBG Revolving Loan	\$ 40,000
Prior Year CDBG DPA Funds	<u>\$ 50,000</u>
TOTAL AVAILBLE:	\$702,606

FY 2017/2018 COMMITTEE MEMBERS

Member	Representing
Kayleen Whitelock	West Jordan City Council
Julie Davis	West Jordan Resident
Loretta Grundvig	West Jordan Resident
Trish Hatch	Planning Commission
David Zobell	Finance Department
Linda Dalley	West Jordan Resident
Larry Gardner	Community Development
Brock Hudson	Community Preservation Director
Heather Royal	West Valley CDBG Manager
Charles Tarver, Non-Voting	West Jordan CDBG Coordinator

Peggy Daniels, South Valley Sanctuary, expressed appreciation for the funding from the City of West Jordan CDBG program. Last year they had turned away over 200 individuals due to lack of space. Recently received funding to have a 'no turn away policy.'

Ryan Johnson, West Jordan resident, addressed his concerns with cutting funds for non-profit organizations.

Allison Lieshman, The Development Director of The Inn Between, expressed appreciation to the City for CDBG Funding. She reviewed the way they help others with their funding.

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

The Council and staff addressed the administrative fees allocated from the CDBG funding and reallocation of funding that had not been used from the previous years.

MOTION: Councilmember Whitelock moved to approve Resolution 19-78, regarding funding recommendations of the West Jordan CDBG/Home Committee for FY 2019-2020 as part of the FY 2019-2020 Annual Action Plan. Councilmember McConnehey 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.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 19-17, AMENDING THE 2009 WEST JORDAN
MUNICIPAL CODE TITLE 13, 'ZONING REGULATIONS,' CHAPTER 2
'DEFINITIONS,' ADDING DEFINITIONS OF RESIDENTIAL
'DENSITY,' CITY-WIDE APPLICABILITY**

The proposed ordinance would add definitions for net residential density and gross residential density.

2009 City Code did not define what residential density meant in the definition section of the ordinance. There were instructions in the Planned Community (PC) zones and the West Side Planning Area (WSPA) code to calculate density. Those would remain and would be used for those specific sections. Having a well-defined way residential density was calculated put the City in a more defensible position if a controversy were to arise. All future density calculations would be based upon the definitions.

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Gross density is the entire project area and does not exclude roads or rights of way.

Density, net: The number of dwelling units obtained by dividing the total number of dwelling units in a development by the area (in acres) upon which the dwelling units are proposed to be located. This calculation includes common open space, parks and associated recreational facilities within the area but excludes rights-of-way of publicly dedicated streets and private streets. The resulting number being the net dwelling units per net residential acre of land.

Net density excludes roads or rights of way from the calculation.

Mayor Riding opened the public hearing.

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

MOTION: Councilmember Burton moved to approve Ordinance 19-17, amending the 2009 West Jordan Municipal Code Title 13, 'Zoning Regulations,' Chapter 2 'Definitions,' adding definitions of residential 'density,' city-wide applicability. Councilmember McConnehey 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 6-1.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 19-18, AMENDING THE 2009 WEST JORDAN MUNICIPAL
CODE TITLE 13, 'ZONING REGULATIONS,' CHAPTER 5A AND 5F
'ESTABLISHMENT OF ZONES,' ADDING 'CANNABIS PROCESSING
FACILITIES,' AS A CONDITIONAL USE IN THE M-2 (MAJOR
MANUFACTURING) AND A-20 (AGRICULTURAL 20-ACRE MINIMUM
LOT) ZONE, CITY-WIDE APPLICABILITY**

The proposed ordinance would add Cannabis Production Establishments as a Conditional Use in the M-2 and A-20 zones.

The Utah Legislature passed a statute that allowed for Cannabis Production Establishments. The statute was passed to regulate the growth and processing of Cannabis. Any grow operations or processing facilities would be under the control and regulation of the State. The only local control was siting of the facilities in either industrial or agricultural zones of a municipality. The statute did not give a municipality the option of not allowing these uses. The statute required that the uses be allowed in one industrial zone and one agricultural zone of the respective city or county. The statute pertaining to West Jordan read as follows:

4-41a-406. Local control.

- (1) (a) *If a municipality's or county's zoning ordinances provide for an industrial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of industrial zone.*
- (b) *If a municipality's or county's zoning ordinances provide for an agricultural zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of agricultural zone.*
- (2) (a) *A municipality or county may not deny or revoke a land use permit to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.*
- (b) *A municipality or county may not deny or revoke a business license to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.*

After discussing the item with the Planning Commission at two meetings, it was determined that the use should be a conditional use in the M-2 and A-20 zones. Adding it as a conditional use would make it possible for the Planning Commission to impose conditions of approval that would mitigate any negative impacts to the area.

Uses allowed in manufacturing zones were listed in the table below. Those uses identified as "permitted" (P) were allowed by right; provided, that they complied with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the Planning Commission pursuant to the standards and procedures for conditional uses set forth in [chapter 7, article E](#) of this title and [title 15](#) of this Code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the Zoning Administrator pursuant to the standards set forth in [chapter 7, article E](#) of this title, except that the public hearing shall be conducted by the Zoning Administrator, and shall comply with [title 15](#) of this Code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

Mayor Riding opened the public hearing.

Taylor Roth, West Jordan resident, addressed the Council about meeting protocol.

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

The Council discussed at great length if it should be a conditional use permit.

Rob Wall stated that the City Council only had two legal options for in locating cannabis facilities. If there is a complaint, the Department of Agriculture would be handling it, because that is out of the Council's authority.

Rob wall also stated that the City Council could require homebuyers to sign a declaration form indicating that they were aware this facility was by their property.

MOTION: Councilmember McConnehey moved to approve Ordinance 19-18, amending the 2009 West Jordan Municipal Code Title 13, 'Zoning Regulations,' Chapter 5a and 5f 'Establishment of Zones,' adding 'Cannabis Processing Facilities,' as a conditional use in the M-2 (major manufacturing) and A-20 (agricultural 20-acre minimum lot) zone, city-wide applicability. Councilmember Lamb 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.

APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR BRINKERHOFF BLUFFS FOR PROPERTY LOCATED AT 7653 SOUTH 1300 WEST IN THE PRD (M) (SHO) ZONING DISTRICT, CANNON & CANNON/GARY CANNON, APPLICANT

The proposed project was located on 8.85 mostly vacant acres at 7653 S. 1300 West. North and east of this site was the South Valley Water Reclamation Facility. Immediately to the east was the North Jordan Canal, to the south were the apartments under construction, and to the west was 1300 West.

Four structures were planned to be demolished.

Last year, the City changed the future land use and zoning for this property to Medium Density Residential and PRD(M)(SHO). Medium Density Residential for a PRD (Planned Residential Development) was 3.1 to 5.5 dwelling units per acre. The "SHO" was an overlay zone for senior housing.

The Design Review Committee reviewed the proposed preliminary plat on February 26, 2019. The committee made the following recommendation to the Planning Commission:

Bob Bedont moved to forward a positive recommendation to the Planning Commission for Brinkerhoff Bluffs located at 7653 South 1300 West with the addition of addressing the residential off-street and RV parking (whether off-site or not), fencing, consideration of a broader application of a front porch, clarification of density calculation, detail on the landscaping design, and to develop a design checklist for building elevations. The motion was seconded by Spencer Hancock and passed 3-0 in favor. Kim Ratcliffe and Nichole Luthi were absent.

Councilmember Burton asked if the development would be considered affordable housing.

Gary Cannon explained that he did not know the definition of affordable housing and did not have any control over the retail price. He stated that comparable square footage was selling in the high \$300,000 to low \$400,000 range.

Kent Page stated that the City's Traffic Engineer, Bill Baranowski, was in favor of the traffic flow.

Gary Cannon provided the Council with an overview of the development.

Mayor Riding opened the public hearing.

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

MOTION: Councilmember McConnehey moved to approve the Preliminary Development plan for Brinkerhoff Bluffs for property located at 7653 South 1300 West in the PRD (M) (SHO) Zoning District, Cannon & Cannon/Gary Cannon applicant. Councilmember Burton 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.

VI. CONSENT ITEMS

- a. Adopt the 2019 West Jordan Manhole Raising Project at various locations in the City, in an amount not to exceed \$197,145.00**

- b. Adopt Resolution 19-80, supporting a Comprehensive Visioning Study for the Southwest Quadrant of Salt Lake County and regarding the proposed Olympia Hills Development**
- c. Adopt Resolution 19-81, authorizing the Mayor to execute a contract with Cervi for Stock during the Western Stampede Rodeo July 4, 5, and 6, 2019**
- d. Adopt Resolution 19-82, regarding the PRCA application for the July Rodeo, including the commitment up to a \$75,000.00 purse**

Mayor Riding stated that the Council wished to pull Consent Item 6a.

MOTION: Councilmember Whitelock moved to approve Consent Items 6b through 6d. Councilmember Burton 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.

VII. CONSENT ITEM

CONSENT ITEM 6A

ADOPT THE 2019 WEST JORDAN MANHOLE RAISING PROJECT AT VARIOUS LOCATIONS IN THE CITY, IN AN AMOUNT NOT TO EXCEED \$197,145.00.

Councilmember Whitelock asked for clarification if the City had worked with TDM in the past.

Brian Clegg confirmed that the City had worked with TDM in the past.

MOTION: Councilmember Whitelock moved to approve Consent Item 6a. Councilmember Anderson 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.

The Council recessed at 7:26 p.m. and reconvened at 7:36 p.m.

VII. WORKSHOP

**DISCUSSION REGARDING THE MAYOR AND COUNCIL SALARIES
FOR THE MAYOR/COUNCIL FORM OF GOVERNMENT (JANUARY 6,
2020)**

Bart Barker spoke in support of an increase to the Mayor's salary. He also expressed how impressive it was to see the City of West Jordan represented at the Utah League of Cities and Towns Conference by the Council and City Manager.

Rob Bennett, West Jordan resident, recommended that the salary of the Mayor should be fair for the position, but not encourage people to run for office for the wrong reason.

Dave Newton, West Jordan resident, echoed Rob Bennett's comments. The City should look for people who wished to serve the City, not necessarily looking for a career.

Taylor Roth, West Jordan resident spoke in support of an increase to the Mayor's salary. A salary appropriate enough to live off but low enough that people were running for the right reasons. He suggested the idea that the City provide housing and a cost of living stipend.

Korban Lee spoke about the urgency of the discussion with the declaration period beginning the first week of June. The research presented by Malena Murray was provided by the Utah League of Cities and Towns Cluster Analysis.

Malena Murray, Human Resources Director, recommended that a salary for the elected position of Mayor in a Mayor-Council form of government effective January 2020 be based on the following criteria:

1. Analysis conducted by Utah League of Cities and Towns (ULCT) in 2016 comparing Municipalities with similar variables, i.e. population, income, land values, and tax. (Attachment A)
2. Study prepared by Sandy City in February 2018 focusing on similar variables and Mayor/Council form of government. (Attachment B)
3. Independent review by City of West Jordan's HR average salaries for a Mayor in a Mayo/Council form of government. (Attachment C)

Councilmember Whitelock asked that the salaries of the department heads be sent to all Council members.

Councilmember Lamb stated he did not like the statement, “make our mayor competitive with other city’s” The City was not trying to attract a person based on what other cities were paying.

Councilmembers Lamb, McConnehey, Anderson, Burton and Mayor Riding were all in favor of a \$120,000 per year salary for the Mayor.

The Council discussed at great length the role and salary of the Mayor in the new form of Government.

Documents from Malena Murray’s presentation could also be found on the City’s website.

Mayor Riding closed the workshop.

VIII. REMARKS

Councilmember Burton requested funding for his Comcast Cares breakfast. He would discuss further with David Brickey.

IX. CLOSED SESSION

STRATEGY 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

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

STAFF: David R. Brickey, City Manager, and Rob Wall, City Attorney. Korban Lee joined the meeting at 9:42 p.m.

MOTION: Councilmember McConnehey 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, and adjourn from there. Mayor Riding 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	No
Mayor Riding	Yes

The motion passed 6-1.

The Council recessed the meeting at 8:40 p.m. and convened a Closed Session at 8:45p.m.

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

- Employee #1: 8:45 p.m. to 9:25 p.m.
- Employee #2: 9:26 p.m. to 9:39 p.m.
- Employee #3: 9:39 p.m. to 9:40 p.m.
- Employee #4: 9:41 p.m. to 9:41 p.m.
- Employee #5: 9:42 p.m. to 9:51 p.m.
- Employee #6: 9:52 p.m. to 9:52 p.m.

Councilmember McConnehey left the meeting from 9:25 p.m. until 9:40 p.m.

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

- Property Matter #1: 9:53 p.m. to 9:54 p.m.
- Property Matter #2: 9:54 p.m. to 9:55 p.m.
- Property Matter #3: 9:55 p.m. to 9:56 p.m.
- Property Matter #4: 9:57 p.m. to 9:58 p.m.
- Property Matter #5: 9:58 p.m. to 9:59 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

- Litigation Matter #1: 9:59 p.m. to 9:59 p.m. - Dismissal of law suit.
- Litigation Matter #2: 10:00 p.m. to 10:01 p.m. – Ongoing/update

The Closed Session recessed at 10:01 p.m.

X. ADJOURN

The meeting adjourned at 10:01 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 26th day of June 2019