

Consent 6a

## **MINUTES TO BE APPROVED**

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

Wednesday, March 13, 2019

5:30 p.m.

Council Chambers  
8000 South Redwood Road  
West Jordan, Utah 84088

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**COUNCIL:** Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Chris M. McConnehey, and Kayleen Whitelock. Council Member Zach Jacob arrived at 6:58 p.m. Council Member Chad R. Lamb was excused.

**STAFF:** David Brickey, City Attorney; Korban Lee, Assistant City Manager; Rob Wall, City Attorney; Melanie Briggs, City Clerk; Scott Langford, Community Development Director; Brock Hudson, Community Preservation Director; Justin Stoker, Deputy Public Works Director; Dave Naylor, Parks Manager; Brian Clegg, Public Works Director; Dave Zobell, City Treasurer; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Duncan Murray, Assistant City Attorney; Larry Gardner, City Planner; Dave Murphy, Capital Improvements Manager; Patrick Alcorn, CIP/Facilities Project Manager; Nate Nelson, City Engineer, and Bill Baranowski, Traffic Engineer.

### ***I. CALL TO ORDER***

Mayor Riding called the meeting to order at 5:32 p.m.

### ***II. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Adison Pace.

### ***III. PRESENTATION***

#### **RECOGNITION AND BADGE PINNING FOR NEW POLICE OFFICERS**

Chief Wallentine invited Travis Rees and Jeremy Robertson to step forward for their badge pinning. Both had recently been promoted to Deputy Police Chief.

Chad Haun then stepped forward for his badge pinning, having been promoted to Lieutenant.

The Chief then invited Brian Schaaf up, who had been promoted to Sergeant.

Finally, the following new police officers stepped forward for their ceremonial badge pinning.

- Lukas Besendorfer
- Derek Brummell

- Carson Butler
- Craig Curdie
- Cody Fairbanks
- Taylor Hart
- Troy Higby
- Peter Houston
- Kyle Lalliss
- Josh Maynes
- James Morrison
- Mark Phillips
- Dahlton Sims
- Kim Waelty
- Malina Whitehead
- Todd Zahlmann

Two new non-sworn employees were also introduced-- Zach Allen with Animal Control and Jason Thiesen, a new Community Service Officer. The City Council stepped down from the dais to congratulate all those who had been recently hired or promoted in the West Jordan Police Department.

The Council recessed the meeting at 5:45 p.m. and convened into a workshop at 5:52 p.m.

#### **REVIEW AND DISCUSSION REGARDING THE 2009 WEST JORDAN MUNICIPAL CODE TITLE 1, CHAPTERS 1, 2, 3, 4, 9, 10, 13 AND 14**

Duncan Murray explained that he had provided to the Council hard copies of an updated version of the chapters in question which included some changes that had been made earlier in the day. Additionally, Judge Kunz had recommended some additional amendments to Chapter 10 which pertained to the Justice Court. He briefly explained some of the recommended changes.

Regarding Chapter 9 (Human Resources Procedures and Employee Compensation System), Councilmember Whitelock asked what was in place to prevent nepotism.

Duncan Murray explained that topic would be addressed elsewhere in Title 1. That portion of the Title would be examined later in the year. Rob Wall did mention, however, that the issue was also specifically addressed in the Utah Public Officers' and Employees' Ethics Act.

There were multiple areas of Chapter 13 that would also be addressed in the Council Rules and Procedures. Councilmember McConnehey agreed with Duncan Murray that this portion of the Code should provide a basic framework for City Council meetings but that the specifics should be addressed in the Council Rules and Procedures.

Councilmember Burton felt it was important to require at least four councilmembers to attend the meeting from City Hall (the anchor location). He also did not wish the Code or

rules to make it too easy for councilmembers to attend electronically. Councilmembers McConnehey and Whitelock recommended addressing the topic in the Rules rather than in an ordinance.

The Council and staff discussed clarifying questions regarding the proposed Code changes.

**V. BUSINESS ITEM**

**APPROVE RESOLUTION 19-46, CONSENTING TO THE APPOINTMENT OF DANYCE STECK AS THE FINANCE DIRECTOR FOR THE CITY OF WEST JORDAN (“CITY”) AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT; AND TO ADMINISTER THE OATH OF OFFICE**

David Brickey explained that he had completed an extensive search for an individual to serve as Finance Director for the City of West Jordan. The City Manager requested confirmation and appointment of Danyce Steck as the Finance Director and requested approval of the Employment Agreement between the City of West Jordan and Danyce Steck.

**MOTION:** Councilmember McConnehey moved to approve Resolution 19-46, consenting to the appointment of Danyce Steck as Finance Director, and to authorize the Mayor to execute an Employment Agreement. Councilmember Burton seconded the motion.

A roll call vote was taken

<b>Councilmember Anderson</b>	Yes
<b>Councilmember Burton</b>	Yes
<b>Councilmember Jacob</b>	Absent
<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	Yes
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	Yes

The motion passed 5-0.

The Councilmembers stepped down from the dais while City Clerk Melanie Briggs administered the Oath of Office to Ms. Steck.

**VI. COMMUNICATIONS**  
**STAFF COMMENTS/REPORTS**

Brian Clegg-

- Provided an update regarding the traffic signal at 6700 West 7800 South. Work had begun but the signal itself had not yet arrived. Rocky Mountain Power would be installing a utility line to the new power pedestal.

Because Councilmember Jacob had not yet arrived at the meeting, Councilmember McConnehey asked that Brian Clegg be sure to get that information to Councilmember Jacob.

#### **CITY COUNCIL COMMENTS/REPORTS**

Councilmember Whitelock –

- Expressed appreciation to the work done by the State Legislators. She also commented that she had heard from many individuals that West Jordan clearly had a presence at the Capitol this year and she thanked David Brickey for being so involved in the legislative session.

Councilmember Burton –

- Greeted the Cub Scouts who were present
- Expressed appreciation to the Council for sponsoring his attendance at the recent Bicycle Summit at Thanksgiving Point
- Attended a Lions Club meeting. That organization was looking for some service project ideas and he provided them with several options for work they could do for West Jordan.

Councilmember McConnehey –

- Recommended that the Council consider moving agenda item 11d up so that it was addressed immediately following the public hearing. That way the Boy Scouts could be in attendance for that discussion.

#### ***VII. CITIZEN COMMENTS***

There was no one else who wished to speak.

#### ***VIII. CONSENT ITEMS***

- a. **Approve the minutes of February 13, 2019 and March 6, 2019 as presented**
- b. **Adopt Resolution 19-47, authorizing the Mayor to execute the Interlocal Cooperative Corridor Access Agreement for U-111 and SR-111 between the City of West Jordan and the Utah Department of Transportation**
- c. **Adopt Resolution 19-48, authorizing the Mayor to execute an Agreement with Beck Construction & Excavation for the 1300 West 7600 South to 7500 South Sidewalk Project in an amount not to exceed \$98,870.80**
- d. **Adopt Resolution 19-49, authorizing the Mayor to execute an agreement with Planned and Engineered Construction, Inc. for the 2018 West Jordan Sewer Rehabilitation Project in an amount not to exceed \$498,500.00**
- e. **Adopt Resolution 19-50, authorizing the Mayor to execute the General Services Contract (Request No. 6619194) with Rocky Mountain Power to**

**supply power to meet new load requirements at the Airport Booster Pump Station in an amount of \$29,673.93**

- f. Adopt Resolution 19-51, authorizing the Mayor to execute an Interlocal Cooperation Agreement between West Jordan City and Salt Lake County for the 1300 West 6400 – 9400 South Road Widening Project, reimbursing the City up to \$3,000,000.00 from the County Transportation Funds**
- g. Adopt Resolution 19-52, authorizing the Mayor to execute a Local Government Contract Modification No. 2 between the UDOT, Perkins Engineering, Inc., and West Jordan City for additional preconstruction engineering services for the Jordan River – Gardner Village TRAX Station, in an amount not to exceed \$14,646.29**
- h. Adopt Resolution 19-53, authorizing the Mayor to execute a Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services**
- i. Adopt Resolution 19-54, authorizing the Mayor to execute a Memorandum of Understanding with Neighboring Police Agencies for participation in Major Traffic Collision Investigations**
- j. Adopt Resolution 19-55, authorizing the Mayor to execute a Memorandum of Understanding with the Utah Department of Corrections to participate in the Child Abuse Offender Registry**
- k. Adopt Resolution 19-56, authorizing the Mayor to execute a Memorandum of Understanding between the Utah Internet Crimes Against Children Task Force and the West Jordan Police Department**
- l. Adopt Resolution 19-57, confirming the appointment of members to various committees**

The Council pulled Consent Item 8b for discussion.

**MOTION:** Councilmember McConnehey moved to approve all Consent Items except for 8b. Councilmember Anderson seconded the motion.

A roll call vote was taken

<b>Councilmember Anderson</b>	<b>Yes</b>
<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Absent</b>
<b>Councilmember Lamb</b>	<b>Absent</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Whitelock</b>	<b>Yes</b>
<b>Mayor Riding</b>	<b>Yes</b>

**The motion passed 5-0.**

**IX. CONSENT ITEMS**

**CONSENT 8B**

**ADOPT RESOLUTION 19-47, AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL COOPERATIVE CORRIDOR ACCESS AGREEMENT FOR U-111 AND SR-111, BETWEEN THE CITY OF WEST JORDAN AND THE UTAH DEPARTMENT OF TRANSPORTATION**

Bill Baranowski explained that in order to accommodate the construction of a roundabout, sewer, and a large transmission water line, the developer had asked for the intersection of New Sycamore Drive and 7800 South to be closed for 7 weeks beginning in March. Traffic would be diverted to the 8200 South/U-111 intersection.

**Advantages of Full Closure vs. Half Closure**

1. Provided a safer environment for both the construction worker and the travelling public by eliminating their interaction.
2. Impact to the residents would be reduced by 5-weeks as work would be completed in one phase instead of two (7 weeks' vs 12 weeks).
3. Finished product would be more uniform and have better overall quality since building the road in one phase would eliminate seams or joints in the asphalt and concrete.

**Disadvantages of Full Closure**

1. The detour route was shown on Figure 2 in the agenda packet. Residents living near 7895 South and along New Sycamore Road would have a detour of approximately 1.0 mile for 7 weeks during the construction.

Councilmember Burton asked about the future of the signal at the New Bingham Highway intersection.

Bill Baranowski anticipated the signal remaining there for quite a while. He explained that the purpose of the corridor access agreement was to create a highway with one-half mile signal spacing—the optimal spacing to move the most traffic. The agreement allowed the City the flexibility to keep the signal as it was, or to change it.

**MOTION:** Councilmember Burton moved to approve Consent Item 8b. Councilmember Whitelock seconded the motion.

A roll call vote was taken

<b>Councilmember Anderson</b>	Yes
<b>Councilmember Burton</b>	Yes
<b>Councilmember Jacob</b>	Absent
<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	Yes
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	Yes

**The motion passed 5-0.**

**X. PUBLIC HEARINGS**

**RECEIVE PUBLIC COMMENT AND CONSIDER FOR APPROVAL  
RESOLUTION 19-58, AMENDING THE UNIFORM FEE SCHEDULE  
REGARDING RENTAL LICENSE FEES AND GOOD LANDLORD FEES**

Brock Hudson explained that this resolution would change the rental dwelling fees to come into compliance with state statute and included a reduced disproportionate fee for participating in the Good Landlord Program and a higher disproportionate fee for those properties not participating in the Program.

In May 2017, the Utah Legislature passed Utah Code 10-1-203.5 stating that a disproportionate rental fee and fee reduction could be adopted by a municipality in association with a Good Landlord Program. To meet the standards of this statute, a municipal services study must be completed.

The City commissioned Zions Public Finance, Inc. to complete a municipal services study in 2017 (“Fee Study”). The original Fee Study was approved by Council on May 23, 2018 by Resolution 18-100.

In reviewing the fee study and surrounding municipalities, there were changes in the rental dwelling fees that needed to be addressed. The City of West Jordan had not changed the rental dwelling fees since 2009. The base fees and the Good Landlord Program fees would be adjusted to come in line with surrounding municipalities and the Fee Study, as set forth in Exhibit “A”.

Staff recommended adopting the fees as set forth in exhibit “A” and recommended by the Zions Public Finance Fee Study to bring the City’s rental dwelling license and Good Landlord Program fees into compliance with state law and recover the increased costs of services through disproportionate fees.

Brock Hudson proposed that the rental dwelling license fee be reduced from \$75.00 to \$41.00. The \$7.00/unit fee would be increased to \$20.00/unit since it had not been increased since the program was adopted in 2009.

Councilmember Anderson asked what the City required for an individual or entity to be a part of the Good Landlord Program.

Brock Hudson responded that State law required that they attend a Good Landlord training program every four years and the City accepted completion of either one of two different programs. Additionally,

- Credit inquiries were to be conducted on prospective tenants
- Lease agreements were to be in place
- The City’s landscaping requirements must be adhered to

- Income and employment verification of prospective tenants was required
- Prospective tenants must provide references from previous landlords

Councilmember Anderson pointed out that fees were higher for those landlords who chose not to participate in the Good Landlord program so there was a financial incentive to take part.

In response to a question from Councilmember Burton, Brock Hudson indicated that having an additional Code Enforcement officer dedicated solely to enforcing the Good Landlord program would have a significant impact on the City. He estimated that the one-time costs for that position would be roughly \$125,000 to \$130,000 with ongoing annual costs of \$85,000-\$90,000. Councilmember Burton wondered if that cost could be incorporated into the rental dwelling license fees. Brock Hudson responded the increased fee that was being proposed would not provide the necessary revenue for an additional position.

Korban Lee suggested that if the Council was interested in adding an employee to the Code Enforcement division, they address that possibility in the upcoming budget process.

Councilmember Jacob arrived at 6:58 p.m.

The Council and staff discussed clarifying questions.

Mayor Riding opened the public hearing.

Adison Pace, West Jordan resident, felt the disproportionate fees were a too high and asked that they be lowered. He also pointed out that the landlords passed the fees along to the tenants and that there already a lack of affordable housing.

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

Councilmember Whitelock indicated that she was not yet ready to vote on this matter. She still had unanswered questions, particularly regarding the distinction between condominiums and apartments.

Councilmembers Burton and Jacob stated that they were also not prepared to adopt the Resolution. Councilmember Jacob wondered how effective the program was and wished for some statistics if they were available. He also wished to review the Council's recently increased business license fees (Ordinance 18-42).

Councilmember McConnehey pointed out that the proposed fee structure for the owner of a single condominium unit or a single-family residence was lower than the current fee. Large complexes would see an increase which he felt was reasonable since the fee had not been increased in the last ten years.

**MOTION:** Councilmember Whitelock moved to table the discussion of Resolution 19-58 until the following City Council meeting. Councilmember Anderson seconded the motion.

A roll call vote was taken

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

The motion passed 5-1.

**XI. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-59, REGARDING AN APPEAL ON ADJUSTMENT BY REDUCING THE IMPACT FEES ASSESSMENT TO THE UTAH ISLAMIC CENTER LOCATED AT 1075 WEST 9000 SOUTH**

**MOTION:** Mayor Riding moved to table this item until March 27 to allow staff to conduct further analysis. Councilmember McConnehey seconded the motion.

A roll call vote was taken

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

The motion passed 6-0.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-61, APPROVING A FINAL DESIGN FOR THE NEW WILD WEST JORDAN PLAYGROUND**

Dave Naylor explained that at the City Council Work Session on February 20, 2019 the City Council had given direction to City staff and Big T Recreation as to the desired components, theming, and design of the Wild West Jordan playground.

The City staff had worked diligently with Big T Recreation to create a playground design that met the request of the City Council.

As noted at the work session, the desired playground design would likely cost significantly more than the original proposed budget for the project. Big T Recreation was currently under contract and was proposing an overall playground design that would provide as many of the desired elements, theming, and design as possible while staying within the original contract. See attached proposed design.

**What was before the Council currently was an approval of the final design of the Wild West Jordan Playground only.**

It was anticipated that to complete all the amenities desired by the City Council, City staff would separately bid out additional phases of work that would otherwise exceed the original contract amount. For example, it was anticipated that Big T Recreation would design, purchase, and install the play elements and some of the concrete work. Then, separately, the pour-in-place surfacing, the fencing, the artificial turf area, etc. would be bid out as additional phases and would be awarded to contractors to install after Big T Recreation completed their initial contract work. For information on the anticipated phasing and separately bid elements of the project, see the attached spreadsheet.

At future council meetings, staff would bring to the City Council requests for budget amendments and approvals of additional contracts to complete the additional phases of work necessary for full completion of the desired playground and added amenities.

Taft Egan of Big T Recreation explained that the new design included over 70 unique play elements. It was a result of the public input that was received, and the feedback provided by the City Council at the previous meeting. There was a toddler area for 3-5-year old children.

Councilmember McConnehey asked that the Council have the opportunity to discuss an alternative to the chain link fence. Korban Lee confirmed that the fence would come in a later phase and that the City Council could certainly have a more in-depth discussion about it. Councilmember McConnehey asked that the discussion take place before that phase went out to bid. He also expressed interested in creating more of a barrier around the toddler area.

Mayor Riding expressed concern that the Council might be veering out of its lane as a legislative body.

David Brickey responded that if the Council began redesigning again, the budget would be reduced more than it already had been.

Councilmember McConnehey suggested a change regarding a fence within the toddler area that he did not consider a “full” redesign. Councilmember Burton was not in favor of making the change.

Taft Egan continued describing many of the playground features, including several enhancements to the train.

The Council and staff discussed clarifying questions.

Mayor Riding wished to confirm exactly what was included in the current Big T contract.

Dave Naylor responded that the current contract provided the play features and shade elements only—it excluded the surfacing, sidewalk, fencing, greenery and artificial turf.

**MOTION: Mayor Riding moved to approve Resolution 19-61, approving the park design as presented, with additional elements to come at a later date. Councilmember Whitelock seconded the motion.**

David Brickey indicated that additional fencing inside the toddler might constitute a change order, increasing the price. He would communicate that to the City Council if it turned out that was the case.

Councilmember McConnehey was opposed to the motion as he wished to continue discussing the matter.

A roll call vote was taken

<b>Councilmember Anderson</b>	Yes
<b>Councilmember Burton</b>	Yes
<b>Councilmember Jacob</b>	Yes
<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	No
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	Yes

**The motion passed 5-1**

**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 the proposed ordinance would add new requirements to the PC and PRD zoning districts.

- A Development Agreement must be approved concurrently or before making application for a zone change of land use map amendment.
- The minimum area for a PRD zone was proposed to be 20 acres where before, it was left up to the City Council to determine the actual area.

- The minimum area for a PC zone was proposed to be 200 acres, where before it was a 50-acre minimum.
- Accessory buildings in a corner side yard would be required to meet corner side setbacks of the zone in which they were located.
- Minor changes to building setbacks in PC zone were proposed.
- Multi-family buildings were proposed to be 3 stories or 45 feet instead of 2 stories and 35 feet.
- Commercial building heights were proposed to be 60 feet or 5 stories.
- All open space in PRD zones must be in maintained parks.
- The minimum open space in PC zones was proposed to be 20% instead of 15% of the gross land area.
- A minimum of 8% of the land in a PC zone was proposed to be in groomed irrigated park space with no park smaller than 2 acres.
- For every 500 residential units it was proposed in the PC zone that two of the following lists be included in the development:
  - A minimum two thousand (2000) square foot swimming pool with a minimum of eight-thousand (8,000) square feet of associated decking and a minimum two thousand (2,000) square foot covered pool house accessible to all residents of the development.
  - A pedestrian trail system around and through the development that connected to established and planned trails in the area. The minimum width of the trail shall be twelve feet (12') wide and constructed of asphalt, per City standards.
  - Along all collector streets (as determined by the City) in the development, ten-foot (10') wide park strips with minimum two (2") inch caliper trees planted twenty-five feet (25') on center along with six-foot (6') sidewalks. Tree species shall be approved by the Urban Forester and may be clustered where needed.
  - A minimum three-thousand square foot (3000) centrally located clubhouse.
  - A minimum five thousand (5,000) square foot splash pad.
  - Other items deemed similar in nature and intensity as proposed by the developer and approved by the City Council after receiving a recommendation from the Planning Commission. Items that might be considered included but were not limited to, lazy rivers, concert venues, tennis courts, etc.

The Council and staff discussed clarifying questions.

Councilmember McConnehey recommended omitting swimming pools and lazy rivers as they provided a benefit only to the residents of that development and not to the community at large.

**MOTION:** Councilmember Anderson moved to approve Ordinance 19-13, striking lazy river and the entire paragraph pertaining to swimming pools. Councilmember McConnehey seconded the motion.

Larry Gardner pointed out that there could be as many as 1000 residents in the development. Even if the swimming pool was only available to residents of the development, it would still alleviate the heavy usage of Ron Wood Park and could therefore be a benefit to the community at large.

Councilmember McConnehey indicated that he would favor replacing the swimming pool with a different amenity such as a playground.

Councilmember Anderson withdrew his motion so that staff could make some changes to the recommendation.

Councilmember Jacob wished the language regarding amenities to remain vague in order to encourage a developer's imagination.

Scott Langford indicated that a reasonable amount of specificity was helpful to staff, particularly since the Council now saw the development plan and agreement prior to being presented with a rezone. Staff would make every effort to strike a happy medium.

Councilmember McConnehey pointed out that there was an additional reference to swimming pools in 13-5C-8(B)(4)(a). He did not wish the City Code to incentivize the heavy use of water.

Councilmember Whitelock echoed Councilmember McConnehey's earlier comments about encouraging amenities that benefitted the entire community rather than just an individual development.

Mayor Riding was in favor of leaving the amenities as currently planned.

Most of the Council wished to remove specific reference to swimming pools. The majority also did **not** wish to remove lazy river from the list of potential amenities.

Councilmember Anderson agreed with Councilmember Jacob's suggestion to keep the language vague to encourage a variety of possibilities.

**MOTION:** **Councilmember Jacob moved to table the item for two weeks and allow staff to incorporate suggestions made by the Council. Councilmember McConnehey seconded the motion.**

Mayor Riding spoke against the motion, wishing for a decision to be made that evening.

A roll call vote was taken

<b>Councilmember Anderson</b>	<b>Yes</b>
<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>Yes</b>

<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	Yes
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	No

The motion passed 5-1

**MOTION:** Councilmember Jacob moved for a five-minute recess. Councilmember McConnehey seconded the motion which passed unanimously.

The meeting recessed at 8:31 p.m. and reconvened at 8:40 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-60, REQUESTING CLOSURE OF THE INTERSECTION OF NEW SYCAMORE DRIVE AND 7800 SOUTH FOR CONSTRUCTION WORK ASSOCIATED WITH THE OQUIRRH WEST SUBDIVISION**

To accommodate the construction of a roundabout, sewer, and a large transmission water line, the developer had asked for the intersection of New Sycamore Drive and 7800 South (as identified on the attached map) to be closed for 7 weeks beginning in March. Traffic would be diverted to the 8200 South/U-111 intersection.

**Advantages of Full Closure vs. Half Closure**

1. Provide a safer environment for both the construction worker and the travelling public by eliminating their interaction.
2. Impact to the residents would be reduced by 5 weeks as work would be completed in one phase instead of two (7 weeks' vs 12 weeks).
3. Finished product would be more uniform and have better overall quality since building the road in one phase would eliminate seams or joints in the asphalt and concrete.

**Disadvantages of Full Closure**

1. The detour route was shown on Figure 2. Residents living near 7895 South and along New Sycamore Road would have a detour of approximately 1.0 mile for 7 weeks during the construction.

Scott Langford explained that he had invited the contractor to address the City Council regarding this request.

A representative of J. Wright Construction outlined the advantages of closing the road as explained in the staff report. However, he indicated that with a full road closure, he estimated that the project could be completed in only five weeks instead of the seven weeks mentioned in the report.

The Council and staff discussed clarifying questions.

Councilmember Jacob pointed out that closing the road would result in 1000 homes having just a single egress. City code required that anything beyond 31 homes have a secondary access. He felt there needed to be another way to handle this situation.

Councilmember Jacob asked staff for alternative suggestions for keeping traffic moving in both directions and avoid a road closure.

**MOTION:** Councilmember Jacob moved to direct staff to work with the developer to find an alternative option to allow for two-way traffic to continue during construction of the round-about. The motion was seconded by Councilmember Burton.

A roll call vote was taken

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

The motion passed 5-1

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-62, RESCINDING RESOLUTION 18-211 (ADOPTED DECEMBER 12, 2018) AND PROVIDING NOTICE TO THE LIEUTENANT GOVERNOR OF THE CITY OF WEST JORDAN'S DECISION NOT TO PARTICIPATE IN THE 'RANKED CHOICE VOTING' PILOT PROGRAM**

Mayor Riding explained that he had placed this item on the agenda. He felt that 'Ranked Choice Voting' was not without merit but that this coming election was already going to be very complex without adding a completely new way of voting and counting those votes. Also, some smaller cities might be planning to participate in the pilot program and he preferred to wait and see how those elections worked before having West Jordan participate.

**MOTION:** Councilmember McConnehey moved to approve Resolution 19-62, rescinding Resolution 18-211 (adopted December 12, 2018), and providing notice to the Lieutenant Governor regarding the City of West Jordan's decision not to participate in the 'Ranked Choice Voting' Pilot Program. Councilmember Burton seconded the motion.

Councilmember Burton explained that Resolution 19-62 had come with funding to aid the City in educating the public about how 'Ranked Choice Voting' worked. He wished to

follow up and ensure that if/when West Jordan participated in RCV in the future, that funding would still be there.

Councilmember Jacob spoke against the motion, pointing out that the City still had time before it was required to decide on this matter. Additionally, he wished to continue putting pressure on the Salt Lake County Clerk, in hopes that she would change her stance about not participating.

Melanie Briggs explained that in studying the details of RCV, she had learned it did not include a mechanism for canvassing an election.

Councilmember Jacob wished to delay voting on the issue until the last meeting in April since the City had until May 1, 2019 to make a final decision on the matter.

Rob Wall pointed out that the bill involving this pilot project (HB 277) had made it through the house and was now on its second reading in the Senate. A change had been made which moved the due date up to April 15, 2019. Another change made to the bill was that cities could contract with *any* county in the state to provide election services for RCV.

Melanie Briggs pointed out that the new Election Director for the Utah County Clerk's office was a proponent of RCV and had expressed a willingness to assist West Jordan if it wished to participate in the pilot program.

Councilmember Anderson mentioned that Utah County had experienced some problems with its elections.

In response to a question from Councilmember Anderson, Rob Wall mentioned that the current bill did not include any funding for municipalities which was to have been provided to offset increased costs associated with RCV.

Like Mayor Riding, Councilmember McConnehey did not feel the time was right for West Jordan to participate in RCV. He also expressed concern about the significant costs of educating the public about RCV.

A roll call vote was taken

<b>Councilmember Anderson</b>	<b>Yes</b>
<b>Councilmember Burton</b>	<b>Yes</b>
<b>Councilmember Jacob</b>	<b>No</b>
<b>Councilmember Lamb</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Whitelock</b>	<b>Yes</b>
<b>Mayor Riding</b>	<b>Yes</b>

**The motion passed 6-1**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-63, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF WEST JORDAN AND THE SALT LAKE COUNTY ELECTIONS DIVISION FOR ASSISTANCE WITH THE 2019 MUNICIPAL ELECTION IN AN AMOUNT NOT TO EXCEED \$192,135.15**

Melanie Briggs stated that the 2019 Municipal Election looked to be an exciting one. With 'Proposition 10' placed on the 2017 ballot, approved with 6,841 voting in favor, and 6,778 voting against changing the City's form of government to a Mayor/Council form beginning January 2020, the positions and terms would be different than in past Municipal Elections. The positions and terms would be as listed below:

**POSITIONS UP FOR ELECTION:**

Mayor  
At-Large  
(new position due to the form of government change)

**TERM**

4 – Year term (2020 – 2023)  
2 – Year term (2020 – 2021)

Council District 1  
Council District 2  
Council District 3  
Council District 4

4 – Year term (2020 – 2023)  
4 – Year term (2020 – 2023)  
4 – Year term (2020 – 2023)  
4 – Year term (2020 – 2023)

The 2019 Primary Election was scheduled for Tuesday, August 13, 2019, and the General Election would be held Tuesday, November 5, 2019. The City had contracted with the Salt Lake County Election Division to provide Election services for the past 13 municipal elections, the Special General Obligation Bond election, and the West Jordan School District proposal. Because of the decrease with the possibility of human error, the City Clerk's Office would be using the Salt Lake County Elections Division again to facilitate the Election. Most of the cities within Salt Lake County used the Election Division to conduct their elections. They managed one of the most consuming responsibilities of the election-- selecting, assigning, and training Judges, securing all required polling locations, and the detailed machine programming and testing.

The Salt Lake County Elections Division had provided an estimated cost of \$192,135.15. The amount was an estimated cost per voter based on the Vote by Mail 2019 Municipal Election of actual invoiced costs.

The County had ensured the 2019 final invoiced cost per voter would be calculated based upon actual expenditures and would not exceed the estimate of \$192,135.15. The cost would cover both the Primary and General Elections, with the County providing the following services:

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot ordering and printing

- Machine programming and testing
- Delivery of supplies and equipment
- Provision of all supplies
- Election Vote Center/Early Voting locations
- Vote by mail administration
- Updating state and county websites
- Tabulating, reporting, auditing and preparing canvassing election results
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. § 20A-9-203)
- Direct payment of all costs associated with the election to include vote enter workers, training, polling places, and rovers.

Councilmember Whitelock asked if the contract amount included postage. Melanie Briggs responded that postage was included and that typically the final invoice amount tended to be \$20,000-\$30,000 under the contract amount.

**MOTION:** **Councilmember McConnehey moved to approve Resolution 19-63, authorizing the Mayor to execute an Interlocal Cooperation Agreement approving the City's participation with Salt Lake County to provide Election Services for the Vote by Mail Municipal Elections for 2019.** The motion was seconded by Councilmember Burton.

A roll call vote was taken

<b>Councilmember Anderson</b>	Yes
<b>Councilmember Burton</b>	Yes
<b>Councilmember Jacob</b>	Yes
<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	Yes
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	Yes

**The motion passed 6-0**

## **XII. REMARKS**

Korban Lee explained that staff had begun work on budget preparations. However, they quickly realized that they needed Council feedback regarding how it anticipated the organizational chart would look under the new form of government. He explained that after the change, the current staff of the City's administration would be split in two—one staff for the City Council and the other for the Mayor. At a minimum, the Council would need an Executive Director. At some point there would need to be a conversation about the City Clerk and her functions in support of the Council, as well as the roll of other staff tasked with supporting the City Council.

Councilmember McConnehey stated that an in-depth discussion about this should be placed on the agenda and the Council should be provided some material with which to prepare their thoughts in advance.

Korban Lee responded that it was just earlier in the day that staff realized they would remain at an impasse until they got some feedback from the City Council.

Councilmember Whitelock indicated that she wished for the City Council to have its own legal counsel. She had been asked by two constituents to ensure that they did.

Mayor Riding was interested to know what other cities with a strong Mayor form of government did regarding legal counsel. Specifically, he mentioned Provo, Sandy, and Ogden.

David Brickey responded that the City Council would have its own legal representation. However, he recommended that individual be supervised by the City Attorney as was the case in Provo as well as in other cities. There were rules in place so that the attorney assigned to the Council would keep the confidences of the Councilmembers. To handle it otherwise would result in significant dysfunction and he strongly discouraged against that.

Councilmember Jacob felt that it could be problematic to have someone charged with representing the Council's legal position but whose job was in the hands of someone *other* than the Council.

Korban Lee explained that in Provo, a Deputy City Attorney was assigned to work on behalf of the City Council but worked under the City Attorney's office.

Councilmember McConnehey knew there was a significant benefit to having an in-house attorney who had the background in so many areas pertinent to municipal law. He had also been in the position of seeing how helpful it was to be able to hire outside counsel during specific situations. He liked the idea of generally using an attorney employed by the City but having an outside attorney on retainer in case it was needed.

David Brickey explained that staff was not asking for the Council to make a decision that evening about whether they would have their own legal representation. Instead, they wished to ensure that the Council understood that under the new form of government, the Mayor would have a new "Government Affairs" position and the Council should have an Executive Director.

Councilmember McConnehey questioned the Council's need for an Executive Director. Councilmember Anderson responded that the legislative body would need a policy analyst of some sort. Mayor Riding asked Korban Lee to explain what the role of Sandy City's City Council Executive Director looked like. Councilmember McConnehey wished to continue his comments and indicated that he did not see the need for two full-time staffers to support the City Council. He wished to keep the staffing level as close as possible to what it was currently, at least for the first six months of the new form of

government. However, he did wish to have funding set aside if the Council had a sudden need to hire additional support.

Councilmember Whitelock asked if the City Council's attorney could provide the policy analysis that Councilmember Anderson referred to. Korban responded that he/she could, but it might not be the best use of an attorney's time.

Regarding Councilmember McConnehey's comment about maintaining current staffing levels, Korban Lee responded that right now, all staff members (outside of the justice court) worked for the Council and the Mayor as a single body. After January, all staff (again, excluding court personnel) would work under the Mayor only. The City Council would need someone to move their policies forward if they did not necessarily align with those of the Mayor. The strong Mayor form of government worked best when the Mayor and City Council worked hand in hand. But because they each represented a separate branch of government, the Council should have at least one individual with policy and research skills who worked directly for them. Councilmember McConnehey understood the argument but then indicated that an administrative assistant would not be needed in addition to the Executive Director.

Councilmember Jacob suggested funding both positions initially. Councilmember Anderson pointed out that after January, the Council would not be able to direct any of the staff but would need to hire their own staff. They would need to hire their own staff. The Mayor would have no authority over the Council's Executive Director, Administrative Assistant or other Council staff. Korban Lee clarified that would be the case if West Jordan followed Provo's model. Councilmember Anderson stated that Murray's City Council had two full-time employees, Sandy City's had three, and Ogden had seven. He would support the Council having an Executive Director, an Administrative Assistant and an attorney assigned to the Council. But he agreed with Councilmember McConnehey that further discussion should be agendized. Most of the Council felt they had now provided enough feedback for staff to move forward in the budgeting process. Councilmember McConnehey reiterated that he saw no need for an administrative assistant.

Rob Wall suggested that the Council keep in mind that for good or for ill, the form of government was changing. He recommended that the Council, as a legislative body, ensure they have enough funding in place to fund the staffing decisions they would need to make. He encouraged them to seriously consider what the Council's needs would be in dealing with a Mayor that had the power of veto. He pointed out that there were four other cities in the area with the strong Mayor form of government and each had similar staffing levels in both the legislative and executive branches. Those cities were working quite effectively. There were other cities that were not functioning well, and those cities had certain characteristics in common with one another. He asked that the Councilmembers examine those cities and how they had operated not just in recent years but over decades. He felt there were real lessons to be learned. The Council must provide themselves with a budget, even if they did not yet know exactly if or how they would spend it.

Councilmember McConnehey pointed out that although the new Mayor would have the power of veto, the Council would be able to override that veto with a 2/3 vote (5 of 7).

Rob Wall responded that even so, the Mayor would have an entire staff to support his/her agenda and policies. The Council would need support as well.

Councilmember Jacob asked what would happen if the Council overruled the Mayor's veto, but the Mayor then refused to follow the Council's direction. Rob Wall stated it depended on the specific circumstances. But generally it was the Council's responsibility to budget for a project and the Mayor's responsibility to determine which contractor performed the work. Councilmember Jacob inquired if the Council could choose to defund a project. Rob Wall responded that it could certainly do so if it was prepared to suffer the consequences. He said it was best for the City if each body worked well with the other and picked their battles.

Councilmember Burton was interested in arranging for the Boy Scouts to have access to City facilities and provide services in lieu of fees. He pointed out that local baseball programs had a similar arrangement regarding their use of City baseball fields.

Councilmember Jacob asked that the 'PDF' documents in future agenda packets be searchable.

### **XIII. CLOSED SESSION**

**DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; AND STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES**

**COUNCIL:** Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chris M. McConnehey, and Kayleen Whitelock. Councilmember Lamb was excused.

**STAFF:** David R. Brickey, City Manager; Korban Lee, Assistant City Manager, and Rob Wall, City Attorney.

**MOTION:** Councilmember Burton moved to go into a Closed Session for a 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 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. Councilmember Anderson seconded the motion.

A roll call vote was taken

<b>Councilmember Anderson</b>	Yes
<b>Councilmember Burton</b>	Yes
<b>Councilmember Jacob</b>	Yes
<b>Councilmember Lamb</b>	Absent
<b>Councilmember McConnehey</b>	Yes
<b>Councilmember Whitelock</b>	Yes
<b>Mayor Riding</b>	Yes

The motion passed 6-0.

The Council recessed at 9:45 p.m. and convened into a Closed Session at 9:58 p.m.

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

- Individual #1 / 10:02 p.m. to 10:03 p.m.
- Individual #2 / 10:04 p.m. to 10:08 p.m.
- Individual #3 / 10:08 p.m. to 10:14 p.m.
- Individual #4 / 10:14 p.m. 10:18 p.m.
- Individual #5 / 10:18 p.m. 10:20 p.m.

**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

- Ramirez, et al v. Reddish, et al / 10:24 p.m. to 10:29 p.m.
- 7000 South / 10:29 p.m. to 10:36 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 / 10:21 p.m. to 10:23 p.m.

The Closed Session recessed at 10:38 p.m.

***XIV. ADJOURN***

The meeting adjourned at 10:38 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 4th day of December 2019