

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

Wednesday, September 11, 2013

5:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, and Justin Stoker. Council Member Ben Southworth arrived at 5:08 p.m.

STAFF: Richard L. Davis, City Manager; Bryce Haderlie, Assistance City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director; Doug Diamond, Police Chief; Greg Mikolash, City Planner; Ray McCandless, Senior Planner, and Jeremy Olsen, Assistance to the City Manager.

I. CALLED TO ORDER

Mayor Johnson called the meeting to order at 5:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Killpack.

III. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

UTAH LEAGUE OF CITIES AND TOWNS MEETING

Richard Davis updated the Council on the Utah League of Cities and Towns meeting that began on Wednesday, September 11, 2013.

IN-HOUSE MEDICAL CENTERS

Richard Davis reported that he had attended a session regarding In-house Medical Centers. He said several cities showed savings by having this type of medical center. GPS was asked to find out whether this type of center would provide cost savings for West Jordan.

PLAYGROUND EQUIPMENT

Richard Davis visited a school for students with disabilities to look at a variety of playground equipment for the Ron Wood Phase II Park, which might be suitable for people with disabilities.

STAFF COMMENTS/REPORTS

Staff members from the various departments briefly commented on the following items:

Marc McElreath –

- Informed those in attendance that Bruce Ballard, 33-year Fire Fighter for the City, passed away Monday, September 9, 2013. Services would be held Friday, September 20, and Saturday, September 21, 2013.

CITY COUNCIL COMMENTS/REPORTS

PARK SUITABLE FOR PEOPLE WITH DISABILITIES

Councilmember Stoker had been working with Councilmember Southworth to create an identity or purpose for the playground at Ron Wood Park Phase II. Recently, he had visited an all-inclusive park. He felt by adding small simple elements, the park would be suitable for people with learning, and physical disabilities.

Mayor Johnson reported that several years ago, the Rotary Club helped to create the 'Field of Dreams' playground located in the Veterans Memorial Park.

'PATRIOTS' DAY' FLAG RAISING CEREMONY

Mayor Johnson commented on the Flag Raising Ceremony honoring 'Patriots' Day' held this morning. She expressed her appreciation to those who participated. Also on her behalf, and behalf of the City, she expressed appreciation for the hard work and dedication of the City's Police and Fire employees who were first responders putting their lives in danger every day.

IV. CITIZEN COMMENTS

Lisa Larsen, West Jordan resident, said on June 26, 2013, she addressed the Council regarding her water and sewer connection bills. She presented Mr. Robinson with paperwork, which she was unable to provide earlier. She explained that what had started as a \$2,000 item was now up to \$50,000. She questioned why she had not heard back from the City.

Mayor Johnson explained that this was a court action. The Council was not permitted to speak on open cases in litigation.

Jeff Robinson said since Ms. Larsen was represented by legal counsel, he could not communicate directly with her. But he indicated that he had been in frequent communication with Ms. Larsen's attorneys.

Councilmember Southworth arrived at 5:08 p.m.

There was no one else who desired to speak.

V. CONSENT ITEMS

- 5.a Approve the minutes of August 14, 2013 and August 26, 2013 as presented**
- 5.b Approve Resolution 13-120, authorizing the Mayor to execute Change Order #7 with Rolfe Construction for the 4000 West Utilities and Roadway Project, in an amount not to exceed \$445,178.46**
- 5.c Approve Resolution 13-127, confirming the appointments of members to various City Committees**
- 5.d Approve Resolution 13-128, authorizing the Mayor to execute the Professional Services Agreement Amendment No. 1 with Psomas for the 2700 West Road Widening and Waterline Project, in an amount not to exceed \$3,090.00**
- 5.e Approve Resolution 13-129, authorizing the Mayor to execute the Professional Services Agreement Amendment No. 2 with Hansen Allen & Luce for the 9000 South Sewer Project along the Jordan River Trail, in an amount not to exceed \$5,500.00**

Councilmember McConnehey pulled Consent Item 5.b for discussion.

MOTION: Councilmember Killpack moved to approve Consent Items 5.a through 5.e. with the exception of 5.b. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

VI. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 13-31, REGARDING A REZONE OF 20.3 ACRES FROM A-1 (AGRICULTURAL 1-ACRE LOTS MINIMUM) TO R-1-12F (SINGLE-FAMILY RESIDENTIAL 12,000 SQUARE FOOT LOTS MINIMUM AND

‘F’ HOME SIZE), FOR OKUBO FARMS SUBDIVISION LOCATED AT APPROXIMATELY 2021 WEST GARDNER LANE; MCNEIL ENGINEERING, ROBERT POIRIER, APPLICANT

Tom Burdett said the subject 20.3-acres of property had been zoned A-1 (Agricultural, 1-acre lot minimums) and used for agricultural purposes for several years, farmed under the ownership of Okubo Farms & Greenhouses. Part of the property houses several nursery buildings and vehicles. Typically, the harvest of Okubo’s farms was sold locally at seasonal sales tents throughout the City and valley.

Tom Burdett turned the time over to Greg Mikolash.

Greg Mikolash reported that Okubo Farms & Greenhouses would maintain its agricultural use and several of the greenhouses on a 5-acre parcel of the property located at 2055 W. Gardner Lane. This portion of land was not associated with the rezone and all uses and buildings on the site will remain.

The entire property was once zoned RR-1 (Rural Residential, 1-acre lot minimums) as far back as 1975. The RR-1 zoned was changed to A-1 sometime between 1979 and 1994.

The subject property’s 20.3-acres to be rezoned had surrounding zoning and land uses as follows:

	Future Land Use	Zoning	Existing Land Use
North	Low Density Residential	A-1	Agricultural
South	Professional Office, Community Commercial	P-O, SC-2	Professional Office, Commercial
East	Community Commercial	SC-2	Residential, Commercial, South Jordan Canal
West	Low Density Residential	R-1-12F	Residential

The applicant was seeking a rezone of 20.3-acres from A-1 (Agricultural 1-acre lots) to R-1-12F (Single-family Residential 12,000 square foot lots minimum). The purpose of the rezone was to entitle the property to allow for the future construction of single-family lots, all of which would be 12,000 square feet in area or larger with a minimum of 90-feet of frontage.

FINDINGS OF FACT

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

Criteria 1: The proposed amendment was consistent with the purposes, goals, objectives and policies of the adopted General Plan.

Discussion: The land was designated as *Low Density Residential* on the City’s Future Land Use Map. This land use designation had a density range of 1.0 to 3.0 dwelling units per acre. The R-1-12 zoning district complied with the density allocations of the *Low Density Residential* land use category. A conceptual subdivision plan was submitted with the rezone request, and although not an official subdivision submittal, the plan showed a layout of lots containing 46 lots (2.26 d/u per acre). The R-1-12 zoning district fell within the *Low Density Residential* Land Use designation.

The General Plan supported efficient residential development patterns that enhance established neighborhoods and creates new infill neighborhoods. It also asked for infill development to be similar to existing adjacent residential development. In general, Low Density Residential uses shall include developments providing for low intensity, single-family, detached residential uses typically found in suburban and traditional neighborhoods. The applicant’s proposal to rezone the property to R-1-12 met this criterion as it was similar to the neighboring subdivision to the west and east and is not contrary to the areas future land use designation.

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

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

Discussion: Existing single-family subdivisions are located adjacent to the subject property to the east and west. The subdivision to the west is the *Gardens of Mt. View* which was zoned R-1-12F, and the subdivisions to the east were the *Shady Lane* and *Cajean Estates* subdivisions – both zoned R-1-10F. Since the zoning request was supportive of the underlying land use category and would support a use which already existed in the area (i.e., 10,000/12,000 sq. ft. lots with single-family detached homes), staff anticipated no adverse impacts to adjacent properties, particularly since 9000 South was located immediately to the south, and the property to the north is currently unimproved/vacant.

The minimum required living space for an “F” sized home was as follows:

1 level dwelling (rambler or split entry)	3,400
Split level dwelling	2,800
Multi-story dwelling (2 or more)	3,300

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

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

Discussion: There are no anticipated adverse impacts to the public health, safety or general welfare of the citizens of the City. Minor increases in vehicular traffic, schooling numbers, and temporary construction noise is anticipated, but not to the detriment of the public's health, safety, and welfare.

Finding: The proposed zoning amendment would not be a detriment to the public health, safety and general welfare of the citizens of the City.

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

Discussion: The Engineering Department had reviewed the rezone request and had determined there were adequate public facilities in the area. The applicant would need to provide for storm drainage, utilities and public streets during the subdivision review process and as required per City Code.

The Engineering Department had reviewed expected traffic generation from single-family development on the property. The conceptual 46 new single-family dwellings were estimated to generate approximately 440 daily Peak Hour trips, with evenings peaking at approximately 50 trips. The concept plan showed a through-street connection from Gardner Lane to 9000 South, where the connection to 9000 South is obtained by a connection to 8970 West in the *Gardens of Mt. View* subdivision. This access point at 9000 South may change during the official submittal of a subdivision plan to the City.

The Fire Department would inspect the subdivision plat once an application was made to determine serviceability based on specific design.

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

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

Discussion: The property was not located within any overlay zoning districts.

Finding: This criterion does not apply.

Criteria 6: *A finding was made that there were adequate school facilities, if the amendment was to the zoning map, and if section 13-7A-4, "Adequate School Facilities", of this chapter was applicable.*

Discussion: Staff had made contact with the Jordan School District. Planning & Student Services Representative, Luann Leavitt, who has indicated that the subdivision as proposed would be able to be served adequately. The schools providing services to this area were as follows:

Elementary School – Westvale
Middle School – Joel P. Jensen
High School – West Jordan

Finding: A finding had been made that there would be adequate school facilities in accordance with Section 13-7A-4 of the Zoning Ordinance.

Staff supported the proposed rezone as the proposed R-1-12 zone complied with the existing land use for the property, where also, there were no specific findings that would deem the rezone impractical or unwarranted.

Greg Mikolash reported that there would be no fiscal impact, outside of the standard right-of-way maintenance and repair, which was anticipated with this change to the zoning map.

Staff recommended the Council adopt an ordinance amending the zoning map for the proposed Okubo Farms Subdivision, submitted by McNeil Engineering/Rob Poirer from A-1 (Agricultural 1-acre lots) to R-1-12F (Single-family Residential 12,000 square foot lot minimum).

Robert Poirier, applicant/Design Engineer for the conceptual drawings, reported that Hardrock Homes would be constructing the homes.

Mayor Johnson opened the public hearing.

Sharon Green, West Jordan resident, voiced her concerns regarding the additional traffic on her road, the weeds in the undeveloped area, and the need of having another road

connection to 9000 South. She asked when the water and sewer lines would be installed. What would be done with the canal and fencing extending to the Okubo Farm?

Mayor Johnson explained that this public hearing was for the rezone, and they could not address infrastructure questions.

Tom Burdett said other than what was indicated on the map there would be no additional roads.

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

Councilmember Nichols applauded the developer for his choice in density. He felt the proposed density was a good alternative for this location.

MOTION: Councilmember Nichols moved to adopt and authorize the Mayor to sign Ordinance 13-31, amending the zoning map for the proposed Okubo Farms Subdivision, submitted by McNeil Engineering/Rob Poirier from A-1 (Agricultural 1-acre lots) to R-1-12F (Single-family Residential 12,000 square foot lot minimum). The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

CONSENT ITEM 5B

APPROVE RESOLUTION 13-120, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #7 WITH ROLFE CONSTRUCTION FOR THE 4000 WEST UTILITIES AND ROADWAY PROJECT, IN AN AMOUNT NOT TO EXCEED \$445,178.46

Wendell Rigby provided the original description of the work as envisioned when the project began in April 2012.

Change Order # 7 was included in the Council's agenda packet and dealt with multiple items within the project, including utility modifications for water, sewer, and storm drain systems (\$81,533.46 + \$35,000.00 road base for trench = \$116,533.46 Storm) and extra

road base, geogrid, and asphalt for roadway reconstruction on 4000 West and Farm Road (\$328,625.00).

He said a partial reason for the extra road base and asphalt quantities was that the geotechnical tests taken were down the centerline of the street, and not in the shoulders. What was unknown as a result of not taking tests in the shoulder of the street was existing very poor soil conditions due to a leaking irrigation pipe that resulted in a need to over excavate an extra 12-feet of roadway to a depth of up to 18-inches to stabilize the road section and ensure a 20-year design life road for the east half of the street. This irrigation pipe still leaks in several areas, and needs to be lined as a follow on project to prevent damage to the new west half of the street. The complicating factor was that this pipe is a private irrigation pipe, and the City was not the responsible party. The probable cost to line this pipe was from \$125,000 up to \$150,000. Private irrigation users were unlikely to bear this cost.

As for the asphalt, the section from the end of the storm drain work (near 8700 South) to the Old Bingham Highway intersection was also in very poor condition, so the entire section was overlaid with 4-inches instead of three to ensure performance as long as possible. Tests were taken near the Soccer Park for a failed section on the east side of the street that showed the existing condition of the old road base to be poor (8% to 15% fines). This condition likely extends under most of what remains on the west half of 4000 West, and will be remediated with a future project.

This final change brought the overall contract cost to 22.89% over contract (discounting the Waste Management work that was recovered), and the overall project completion at \$3,436,040.65, which was \$718,749.40 under budget, or 17.30% under budget.

He said this project involved increasing the storm drain water distribution service capacity along 4000 West as envisioned in both the Storm Drain (T116, T118A, & T118B) and Water (D8 & D18) Master Plans. In order to place these new lines in the proper alignment, some sewer reconnection work was required. Portions of this utility work will also take place along Farm Road from 4000 West to 4300 West (Welby Farm Road). The utility work would replace a sub-standard fire distribution waterline, conflicting sewer line, and place a new storm drain pipeline. Moreover, the roadway surface along 4000 West was badly decayed and must be replaced. The utility work on 4000 West would take place mostly on the east side of the street, fully replacing the road section on that side. The west side of the street would be rehabilitated with a mill and overlay.

Background Information for Change Orders 1-6:

A description of each of the preceding change orders to this final change order is given so that a full understanding of the project scope changes is available.

Change Order #1 – Minor water changes (valve sizes), water loop deletion, and added public information fliers. Deduct \$349.55. {-0.01%}

Change Order #2 – Pothole charges for misaligned waterline [poor record drawings], fire line changes at Waste Management, water valve addition for a failed 14-inch water valve, 3930 West Street reconstruction. Add \$60,177.01 {2.32%} (\$35,792 roadway, \$24,385.01 water) and 9 days to contract time.

Change Order #3 – Waste Management sidewalk construction, water meter adjustments, and removals at Waste Management, block retaining wall, and extra excavation. Add \$69,603.60 {2.68%} (roadway \$52,003.6, water \$17,600) and 10 days to contract time. A payment of \$65,325.00 was collected from waste Management for this change. The difference in cost was water meter work that is part of the City project cost.

Change Order # 4 – Delay charges and reduced production charges for utility interference Century Link (\$6,474.71) and Comcast (\$34,300.00). Add \$40,774.71 {1.57%} and 7 days to contract time (roadway \$40,774.71). This change may be recoverable through franchise agreements or other legal methods.

Change Order #5 – Reconnect a 4-inch sewer lateral at Waste Management- lateral not on record drawings, added 120 extra linear feet of 14 inch Ductile Iron Pipe near Maverick for proper water flow (old main under-sized), and add 14x 6inch tee with solid sleeves for new valve at Elwood Drive. Add \$35,611.10 {1.37%} and 6 days to contract time (water \$35,611.10)

Change Order #6 – Reconstruct 7 additional ADA ramps at various intersections, reconstruct one storm drain manhole and 2 catch basins, and install one 14-inch valve at 8380 South on old system waterline for additional control. Add \$13,165.00 {0.5%} and 6 days to contract time (roadway \$5,460.00, storm drain \$2,880.00, water \$4,825.00).

In summary before the final change order amount, the project was standing at 8.43% with 2.68% recovered from Waste Management for an actual contract change of 5.75%.

The original project budget breaks down as follows:

Storm drain Phase I (7800 to 8300 South)	\$745,915.00
Storm drain Phase II (8300 to Farm Rd.)	\$640,300.00
Road reconstruction	\$1,300,000.00
Water	\$1,357,575.00
Sewer	<u>\$111,000.00</u>
Total Budget	\$4,154,790.00

Total payments to date are:

Design (Hansen, Allen, & Luce)	\$172,938.45
Construction Contract (Rolfe Construction)	\$2,815,795.10
Other costs	<u>\$18,806.67</u>
Total Expenses (to date)	\$3,007,540.22

Wendell Rigby said funding for this project was available in the Roads, Storm, Water, and Sewer accounts.

Staff recommended approval of Change Order #7 with Rolfe Construction for the 4000 West Utilities and Roadway Project, in an amount not to exceed \$445,178.46.

Councilmember McConnehey asked the following questions:

- 1) The staff report suggested that reason for this change order was because the road sampling was incomplete, and did not include the shoulders. He said if this was the cause for the change order. Has the City's process been changed to include the shoulders of roadways?

Response:

Wendell Rigby said the process had not been formally changed. But typical, testing just the center of the road was okay. However, moving forward samplings would be taken from the sides of the roads.

- 2) Was the fire distribution water line replacement part of the original request?

Response:

Wendell Rigby addressed how after getting into construction, things were found underground, which altered the design. Staff had intended to replace the waterline.

- 3) A significant portion of the additional expenses were to adjust for the cost of repairing a failed irrigation pipe. Who is the owner, and was there recourse to recoup the cost of the repairs?

Response:

Wendell Rigby said staff was checking into the situation, but the owner(s) had not been identified. The repair had been completed.

- 4) Regarding a test which was taken near the soccer complex on the failed section of the eastside of the road showed there was a condition with the old road base and would now need to be address at a later date. Could double construction have been avoided?

Wendell Rigby explained that an additional lift of asphalt was placed down. He said there was not enough funding to address both sides of the road. In 10 to 15 years this road would need to be addressed again.

Councilmember Southworth asked for clarification as to the repair of the irrigation ditch.

Wendell Rigby reported that there were two irrigation ditch pipes, and only one had been replaced.

Councilmember Southworth asked when does the dollar amount on a change order, create the need for a new bid.

Wendell Rigby explained the process. He said this was the final change order, and the project was still under budget.

The Council and staff addressed the following:

- This project was significantly under budget
- Westside road cost would be higher
- Job completed, but some punch list items still needed to be completed.
- Invitation to Bid vs. Request for Proposals

Mayor Johnson explained that change orders were incurred due to the fact that problems were discovered underground, as the project proceeded.

Councilmember Stoker explained that the unit costs in bid documents were in place to protect the City and contractor.

Councilmember Nichols was concerned with the damage to public property created by a private pipeline. He encouraged the Council and staff to investigate the issue.

MOTION: Councilmember Nichols moved to adopt Resolution 13-120, authorizing the Mayor to execute Change Order #7 with Rolfe Construction for the 4000 West Utilities and Roadway Project, in an amount not to exceed \$445,178.46. The motion was seconded by Councilmember Southworth.

Councilmember McConnehey agreed with Councilmember Nichols. He felt better sampling should be done prior to putting out bid specifications.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

VII. BUSINESS ITEMS

**DISCUSSION AND POSSIBLE ACTION REGARDING PERFORMANCE
BASED PLANNING AREA (PBPA)**

Tom Burdett explained that this was a discussion item only to obtain direction from the City Council as to how they would like staff to proceed with implementation of the Performance Based Planning Area.

Tom Burdett turned the time over to Ray McCandless.

On January 11, 2012, as part of the review of the Comprehensive General Plan update, the City Council voted to 'make the West Side Planning Area (WSPA) its own overlay district', moving its provisions from Title 13, Chapter 5, Article J, West Side Planning Areas Zones to Chapter 6, Overlay Zoning Districts. The Council also suggested a change to the name of the WSPA to the Performance Based Planning Area (PBPA) to avoid any east side - west side stigma and, in addition, modified the residential density ranges in the PBPA to conform to the new proposed General Plan.

As requested, on April 25, 2012, the Planning Staff brought a draft ordinance re-designating the WSPA as its own overlay district; however, the City Council continued the discussion to a later date. On March 27, 2013, to address vesting issues, the boundaries of the WSPA were reduced in size and re-described to apply to the Highlands development only (several other changes were made to the WSPA including clarifying the development review process). Discussion concerning the PBPA and how it was to be applied was to be brought back to the City Council at a later date as a separate issue. The Council's action to adjust the WSPA boundary left several parcels west of 5600 West with WSPA zoning. A question for the Council was what to do with these parcels. Should these parcels be vested under WSPA zoning or should they be rezoned to another zoning designation such as R-1-10 or PC?

Ray McCandless said it was staff's recollection that the City Council's intent was to make the PBPA (Formerly WSPA) zoning available to use throughout the City, rather than just in the area west of 5600 West. If this is the case, then the City Council may consider the following options:

1. Performance Based Code: Performance based zoning, allowed property to be developed at a base density with the opportunity for developers to obtain greater density by incorporating various recreational, site design and architectural amenities into the development plan. The WSPA was one example of a performance based code.

The WSPA was designed to apply to larger tracts of land where higher densities could be achieved by providing meaningful amenities and creative site design. It was not intended to apply to infill development, particularly on small parcels. If the City Council wished to apply the WSPA (which will be called the PBPA) citywide, then it would need to be modified to better accommodate smaller parcel sizes. It may also be difficult to implement a PBPA as an overlay district as the densities may conflict with underlying

zoning. As an example, if a PBPA overlay was applied to an R-1-10 zoning district, what maximum density would be appropriate as an incentive to developers to provide additional amenities?

2. Enhanced Planned Development (PC/PRD) Zones: Another option, and one that staff favors, was to enhance the Planned Development zoning districts. The Planned Development zones could be applied to both residential and commercial development where densities and site design were established by the Planning Commission and City Council. Planned Development zoning could work well in infill areas because of its flexibility in building and site design. The Planned Development Zones contain numerous standards that consider how the development relates to and impacts adjoining development. The City was experienced in this type of development. Again, the standards would need to be modified to apply to smaller parcels of land.

3. Form Based Zoning. Form based zoning is an alternative to conventional zoning. It emphasized compatibility of structures to one another rather than land use. Form based zoning was generally applied to specific areas rather than having a city-wide application. According to the Form based code institute, "Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types."

Staff viewed Form Based Zoning as having future application such as along Redwood Road, in Transit Station Oriented Development or the City Center; however, staff's preference would be Option 2 to enhance the City's Planned Development zones.

Ray McCandless provided another option:

4. Use the Conventional Zoning. Zone the property to a conventional zoning (R-1-10, R-1-12, P-C, etc.)

Councilmember Killpack reported that Form Based Zoning had been discussed by the Utah League of Cities and Towns. He did not want Form Based Zoning to take precedence over the plans of the General Plan.

Tom Burdett addressed Form Based Zoning. He said this would require quite a bit of up front planning on behalf of the City and/or property owners part.

Councilmember Stoker commented on the West Side Planning Area (WSPA) and the overlay district changes made earlier when the General Plan was approved. He said most of the outcry was related to the density tables. He said density tables were adjusted. He did not favor going back to the traditional zones, but would like to see performance based zoning. He questioned why the City was discussing going back to traditional zones.

Mayor Johnson said this could be a point where it is said that a mistake was made in wanting one plan to work citywide, and we want to go back to the Westside difference, or was there a way to make it work for the westside and for eastside infill as well.

Councilmember Southworth agreed this does not work in an infill type situations.

Ray McCandless said the WSPA had its own zoning designations, and that zoning was geared towards the larger tracks, not smaller tracks, it would be easier to modify the PC zone to deal with infill development.

Mayor Johnson reiterated that staff's suggestion was to maintain the Council's wishes on development, and to make this a citywide plan as opposed to being an eastside/westside plan was Option 2.

The Council directed staff to schedule a workshop for the Council to discuss this issue further.

MOTION: Councilmember Southworth moved to suspend the rules to allow public comments. The motion was seconded by Councilmember Killpack and passed 7-0 in favor.

CITIZEN COMMENTS

Joseph Shelton and Alex Probert, Copper Hills High School, extended an invitation to the Mayor and Council to Copper Hills High School Home Coming Events:

- Parade, pep-rally, & burning of the CH - September 19, 2013 at 7:00 p.m.
- Tailgate Party & football game – September 20, 2013 at 5:00 p.m.
- Dance – September 21, 2013 at 7:00 p.m.

Mayor Johnson expressed appreciation for the invitation. On behalf of the Council, she wished them all the best on their homecoming football game.

Dennis Randall, Copper Hills High School, said their principal had challenged the Advance Placement Government Class to host a 'Meet the Candidate Night' in September or October at Copper Hills High School for the upcoming election. He explained how the night might proceed. He asked which dates might work.

Mayor Johnson provided the currently scheduled 'Meet the Candidate Nights'

- City Hall – October 2, 2013
- Joel P. Jensen – October 10, 2013

She suggested that Mr. Randall contact the candidates.

Mayor Johnson closed the second session of Citizen Comments.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 13-130, AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE PROPERTY FROM BROOKSIDE MH COMMUNITY, LLC, LOCATED AT 8155 SOUTH REDWOOD ROAD, FOR THE CITY'S 8200 SOUTH REDWOOD ROAD INTERSECTION IMPROVEMENT PROJECT

Jeff Robinson reported that the City of West Jordan had an improvement project at the intersection of Sugar Factory Road, 8200 South and Redwood Road. Among other things, the project consisted of realigning 8200 South and Sugar Factory Road, signalizing the intersection and installing curb, gutter, and sidewalk.

In order to accomplish the best and safest design for the residents who use the neighborhood, and for the general public at large, it was discovered that the City would need to acquire property from six different owners within the project boundary.

On or about December 12, 2012, offer letters were mailed to each of the property owners. Four of the property owners have sold their property to the City, the City had already authorized the use of eminent domain to acquire property from one of the property owners, and the last remaining property owner cannot get their lender to agree to the transactions. Therefore, to date, the City and the last remaining property owner have reached an impasse in their attempt to negotiate a purchase and sale of the property.

Fiscal impact: The appraised value of the property \$82,300.00, but all property acquisition costs were included in the project budget. However, the project must also cover miscellaneous court costs and attorney fees if eminent domain becomes necessary.

Staff recommended approval.

MOTION: Councilmember Killpack moved to adopt Resolution 13-130, authorizing and directing the City Manager and the City Attorney, on behalf of the City:

- 1. To acquire, in the name of the City, title to the Property as set forth herein, by purchase if a reasonable purchase price can be negotiated, or by eminent domain proceedings in accordance with Utah law.**
- 2. To prepare and prosecute such proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition.**
- 3. To obtain from the court an order permitting the City to take immediate possession and use of the Property, for the purposes herein described.**
- 4. To use the services of outside counsel as necessary to accomplish these directives.**

The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 13-131, AUTHORIZING THE MAYOR TO EXECUTE A CUSTOMER REQUESTED WORK AGREEMENT, WORK ORDER NUMBER 5758934, WITH ROCKY MOUNTAIN TO CONVERT OVERHEAD POWER LINES TO AN UNDERGROUND DISTRIBUTION SYSTEM FOR 5600 WEST PROJECT, IN AN AMOUNT NOT EXCEED \$710,704.00

Wendell Rigby said the City was currently in the process of constructing 5600 West from 7000 South to 7800 South. Existing overhead power poles were in the way of the new construction and would need to be relocated to complete the work. Since funding was available City staff was proposing to underground the system ahead of the construction work. This contract would cover Rocky Mountain Power (RMP) cost for all the phases of 5600 West construction.

RMP required the execution of a Customer Requested Work Agreement and the payment of the costs incurred by RMP before they would begin the work. The cost of the new underground electrical distribution network was \$710,704.00 and would not include the costs to install underground vaults or conduit. That portion of the work would be completed by a Contractor as part of the 5600 West Road construction project. Staff recommended that the General Service Contract and payment of the \$710,704.00 fee be approved. Funds for the new power service would come from the road project funds budgeted for this project.

He said the monies for this and majority of 5600 West project was being funded through the State, which amounted to approximately \$10 million.

Staff recommended approval of the Customer Requested Work Agreement, Work Order Number 5758934, with Rocky Mountain Power to convert overhead power lines to an underground distribution system for the 5600 West Project in an amount not to exceed \$710,704.00.

Councilmember Killpack voiced his concerns. He felt if this was part of the development project, the City had a standing policy; Development Phase IV: undergrounding of

utilities. He wanted to make sure that no General Fund property tax funds were being used for this project.

Wendell Rigby reported that there was a storm drain retention basin, which the City would need to expend for.

Councilmember Southworth clarified that had the City not chosen to make the decision to underground the utilities as part of the 5600 West project, then the cost would be the developer's financial responsibility.

Richard Davis said the decision to move forward with the construction of 5600 West was a priority of the City, preceding his coming to the City.

MOTION: Councilmember Stoker moved to adopt Resolution 13-131, authorizing the Mayor to execute a Customer Requested Work Agreement, Work Order Number 5758934, with Rocky Mountain Power to convert overhead power lines to an underground distribution system for the 5600 West Project in an amount not to exceed \$710,704.00. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING THE OPTIONS AND FUNDING FOR A NEW ROAD CONNECTION BETWEEN VETERANS MEMORIAL PARK LOOP ROAD AND 2200 WEST; AND A WALKWAY CONNECTING THE SENIOR CENTER TO THE VIRIDIAN EVENT CENTER/LIBRARY

Wendell Rigby said the Council had asked staff to develop options for new roads and paths connecting City Hall and Veterans Memorial Park to 2200 West.

Option C (the five foot wide walkway) and Option E (the shortest road option) were the two low cost options recommended by staff that have a high potential for receiving funding for the 2014 fiscal year because of their lower costs and ease of construction.

Option A: Blue Road between 1840 West and 2200 West

Description: This option was a roadway connection that connects 1840 West (the street between City Hall and the Park) and follows west along the railroad tracks then turns north into the west Rodeo Grounds parking area then bisects the Gene Fullmer and Senior Center Parking lot to connect to 2200 West. This option was developed with the Main Park Master Plan adopted by Council on October 15, 2002.

Estimated Cost: \$575,543 Construction Estimated: 2020

Option B: Pink Road between 2000 West and 2200 West

Description: This road option was a variation of Option A that instead of turning north from the railroad tracks connects directly to 2200 West at the intersection of 8190 South (Pauline Way) or just south of the outdoor swimming pool.

Estimated Cost: \$176,315 Construction Estimated: 2020

Option C: Orange Five ft. Wide Concrete Walkway between the Library the Senior Center

Description: A five-foot wide concrete walkway was proposed between the new Library street on the south edge of the library to the Senior Center. This was requested by the Senior Center to improve pedestrian access to the new library south of the Park.

Estimated Cost: \$48,431 Construction Estimated: 2014

Option D: Yellow Road between 2200 West and Recreation Center Parking Lot

Description: This option was a short road section that relocates the Rodeo access to 2200 West from its present location near the outdoor swimming pool to the north. It is a more drive corridor through the parking lot.

Estimated Cost: \$37,130 Construction Estimated: 2020

Option E: Red Road between 2200 West and Veteran's Park Roadway

Description: This road option will connect the park loop road to 2200 West north of the Senior Center. This option would eliminate approximately 10 parking spaces from the loop road near the ball fields.

Estimated Cost: \$131,330 Construction Estimated: 2014

Wendell Rigby said the funding source for these projects had not been determined. Possible funding and construction of the project was recommended to be reviewed for the Fiscal Year 2014/2015 budget, depending on available funding.

Staff recommended seeking funding in 2014 for the Library to Senior Center Walkway and the short road connection to the park loop road from 2200 West.

The Council commented on the various Options. It was suggested that at this time, the Orange (C) and Red (E) Options be considered. The Council was in favor of having staff bring back costs, with the possibilities for increased parking along the red route; along with any problems with having vehicle access along the orange route. Also, potential funding sources for this fiscal year, especially the walkway between the Library and the Senior Center.

Councilmember McConnehey wanted to see where these items would fall, if they were placed on the current Capital Projects prioritization list. He wanted to make sure these items were not taking priority over possible safety projects.

VIII. REMARKS

There were no remarks.

IX. ADJOURN

MOTION: Councilmember Southworth moved to adjourn the City Council portion of the meeting. The motion was seconded by Councilmember Killpack and passed 7-0 in favor.

The City Council portion of the meeting adjourned at 6:26 p.m.

LEGISLATIVE DINNER

6:30 P.M. SCHORR GALLERY

COUNCIL: Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth, and Justin Stoker. Council Member Christopher M. McConnehey was excused.

STAFF: Richard L. Davis, City Manager; Bryce Haderlie, Assistance City Manager; Melanie Briggs, City Clerk; Robert Thorup, Deputy City Attorney, and Jeremy Olsen, Assistance to the City Manager.

LEGISLATORS: Senator Wayne Harper, and Senator Daniel Thatcher.

The Legislative Dinner and meeting began at 6:50 p.m.

The City Council, State Legislators and staff enjoyed a nice dinner, and discussed the following items:

- Removing the mile limitation between Auto Dealerships

- Property Taxes
 - Local Option Gas Tax – funding mechanism
 - Inequity in Road funding
 - Sales Tax
 - Artificial limit on businesses
- Municipal Fiscal Sustainability
- Impact fees
 - Expand the use of impact fees to cover operation and maintenance items (i.e., parks, purchase of fire trucks, police vehicles, etc.). Placing funds into a ‘Trust’ to cover the costs.

ADJOURN

The Legislative Dinner adjourned at 8:30 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.

MELISSA K. JOHNSON
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Approved this 25th day of September 2013