

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

Wednesday, December 16, 2015

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe and Councilmembers Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, Sophie Rice and Ben Southworth.

STAFF: Mark R. Palesh, City Manager; Darien Alcorn, Acting City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Ryan Bradshaw, Finance Manager; David Murphy, Engineering Manager for CIP; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Anna Lim, Senior Human Resources Generalist, and Carrie Hinkel, Human Resources Specialist.

I. CALL TO ORDER

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

II. 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 Kim Rolfe and Councilmembers Jeff Haaga, Judy Hansen, Chris McConnehey, Sophie Rice, and Ben Southworth. Councilmember Nichols arrived at 5:35 p.m.

STAFF: Mark R. Palesh, City Manager; Darien Alcorn, Acting City Attorney, and Paul Dodd, Civil Litigator.

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

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Absent
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

The Council convened into a Closed Session to discuss the character, professional competence or physical or mental health of an individual; Strategy Session to discuss pending or reasonably imminent litigation; and a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares at 5:31 p.m.

Councilmember Nichols arrived at 5:15 p.m.

The Council recessed the Closed Session at 6:00 p.m. and reconvened the open meeting at 6:05 p.m.

Councilmember Rice left the meeting at 6:06 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Troop 916 of the Heritage 5th Ward.

IV. PRESENTATION

RECOGNITION OF OUTGOING COUNCILMEMBERS JUDY HANSEN, BEN SOUTHWORTH, AND JUSTIN STOKER FOR SERVICE ON THE CITY COUNCIL

The Council stepped down from the dais as Melanie Briggs, City Clerk, recognized each of the outgoing members of the City Council; reciting many of the committees that each had participated in during their time on the Council.

Fire Chief Marc McElreath presented each outgoing councilmember with a plaque on behalf of both the Fire and Police departments.

Justin Stoker made some brief comments about his time on the Council and expressed his appreciation to those that he had worked with.

Councilmember Southworth explained what a privilege and honor it had been to serve on the Council. He spoke of the Sugar Factory and the fact that Councilmembers must at times, make difficult or unpopular decisions.

Councilmember Hansen also indicated what an honor and privilege it had been to serve on the City Council. She also stated that despite a long career in government, she had learned the most while serving as a councilmember. She encouraged anyone with an interest in public office to consider running in the future.

The Council returned to the dais.

RECOGNITION OF CERVI CHAMPIONSHIP RODEO

Mayor Rolfe explained that Cervi Championship Rodeo produced 10 of the top 50 rodeos in the United States and would be returning the following summer for the 62nd annual Western Stampede. Cervi had recently competed in the National Rodeo Finals in Las Vegas and had presented the City with a set of spurs that would be displayed in City Hall as a reminder of a great rodeo tradition that had begun back in 1954.

V. COMMUNICATIONS STAFF COMMENTS/REPORTS

David Oka-

- Explained that his department was preparing for the 2016 International Council of Shopping Centers convention. He would be contacting the Councilmembers the following month to see if any were interested in attending.

David Murphy-

- 3300 West Utility job was completed and in warranty.
- The State environmental study for Bangerter Highway was underway. Horrocks Engineering was in control of the study and would study five different intersections along the highway, affecting four different cities, including West Jordan. The budget for the project was \$90 million but the State was looking for a total budget of \$220 million. Public information would be forthcoming in the following 3-4 months.

Marc McElreath-

- On December 21 at noon, Jordan Valley Hospital would be presenting their quarterly "Amazing Save" award to firefighters at Station #52 as well as a West Jordan police officer for a medical incident that saved the life of a 62-year old woman. He asked that any Councilmember interested in attending the event let him know. Mayor Rolfe stated that he would attend.

Councilmember Rice returned to the meeting at 6:30 p.m.

Doug Diamond-

- Earlier that day, he had been notified that his department was being awarded a grant for \$11,500.00 which would be used to purchase either body cameras or in-car cameras.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Rice –

- Explained that she was a County delegate and that there was a special election that evening which she needed to attend.

MOTION: Councilmember Rice moved to suspend the rules and discuss agenda item 9b immediately following citizen comments. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

Councilmember Southworth-

- Repeated his appreciation to those present

Councilmember Haaga-

- Pointed out how well the staff had cleared snow from the roadways following the recent storm—particularly as compared to the roads of a neighboring city.

Councilmember McConnehey-

- Welcomed the students of Ms. Elaine Grant's AP World History/U.S. Government class who were in attendance. He hoped they would gain an appreciation for the work of the Council and staff and also understand how much the Council appreciated the residents who participated in and attended these meetings regularly. He encouraged the students to make it a habit to attend regularly as well, ensuring that the Council accurately represented the City residents.

Mayor Rolfe-

- Pointed out that there was a marked difference between the quality of snow removal efforts between West Jordan and surrounding cities. He expressed appreciation for staff efforts in that endeavor.

VI. CITIZEN COMMENTS

Paul Evans, West Jordan resident had submitted a written comment but did not wish to speak. Mayor Rolfe read the following comment aloud: *I walk the trails in West Jordan daily and use the parks in the summer. They bring joy and happiness to me and my family. They are also used by many citizens.*

Steve Jones, West Jordan resident, expressed gratitude to his Councilmembers. He stated that although they did not always agree with him, he felt they were good Councilmembers and he appreciated interacting with them. Regarding the proposed parks fee, he had spoken with some Councilmembers as well as other citizens and after much consideration, he was in favor of funding the parks.

JayLynn Thomas, West Jordan resident, felt there should be another way to fund the parks because \$3.91 could have a large effect on some families.

Lyle Summers, West Jordan resident, expressed appreciation for the great City in which he lived. He explained that he was highly in favor of instituting a \$3.91 fee for perpetual operation of the parks department.

Dirk Burton, West Jordan resident and Council-member Elect, expressed appreciation to the outgoing Councilmembers for their service, particularly Councilmember Hansen. He stated that although he loved the City's parks and open spaces, he did not believe it would be appropriate to attach the fee to the water bill. He indicated that the funding should come from a different source.

Craig Dearing, West Jordan resident, agreed that the City's appearance needed improvement and that the Parks Department needed a budget. However, he felt the fee, as outlined, constituted taxation without representation. He suggested that the funds were available elsewhere. If a Park fee was created, when would there be a similar fee for Police and Fire services?

There was no one else who wished to speak.

BUSINESS ITEM 9B

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-217, AUTHORIZING THE IMPLEMENTATION OF THE PROPOSED UTILITY FEE AS SUSTANIABLE FUNDING FOR THE PARKS AND RECREATION FEE FOR PERPETUAL MAINTENANCE OF PARKS, TRAILS, OPEN SPACE, AND RECREATION AMENITIES

Brian Clegg explained that parks and open space could create a high quality of life that attracted tax-paying businesses and residents to a community. It also affected the community image. The “broken window theory” stated that maintaining and monitoring urban environments in a well-ordered condition would stop an unwanted element from coming into the community. Parks and the recreational opportunities provided were identified as significant quality of life factors.

The City’s Parks Department was responsible for a total of 348 acres of parks, which included 33 athletic fields, 22 acres of City administrative properties, 52 acres of detention ponds, 20 miles of trail, 477 acres of natural space, 36 acres of park strips and 17 acres of cemeteries along with other special projects, events and special service district administration.

For several years, there had been many parks, trails, and open space areas developed that had become the maintenance responsibility of the City Parks Department. Also, over the last several years there had been numerous discussions on how the perpetual maintenance of parks, trails and open space should be funded. However, through the many discussions and planning sessions, there had been no sustainable funding sources put in place for the perpetual maintenance of parks, trails, and open space.

The 2015 strategic planning goal #3 stated: *“To develop and maintain a visually appealing community that builds property values and increases the quality of life and pride in the community.”*

There were three funding options that staff had compiled. 1) Status quo—no change to existing budgets or maintenance level. 2) Fee of **\$2.30** per month per residential unit would provide the much needed staffing and equipment. This would allow the Parks Department to increase the current level of maintenance. 3) Fee of **\$3.91** per month per residential unit would allow for the needed staffing and equipment resources, but also allow funding for ongoing infrastructure maintenance and replacement. If a fee was established for sustainable funding and agreed upon, the revenue from the park and recreation fee would be accounted for and used only in the parks funding and could not be used for any other purpose. The park and recreation fee would supplement the current level of funding already devoted to Parks Department and provide much needed funding to adequately care for these community assets.

Councilmember Haaga asked for clarification regarding proposed staffing for the Parks department.

Brian Clegg explained that there was more to the department than simply mowing grass. They were currently barely getting by but the proposed fee would allow them to do management planning such as weed abatement, etc.

Councilmember Haaga asked clarifying questions of the City Manager who explained that a parks and recreation fee could only be spent on parks and recreation expenses—it could not be diverted to meet other needs.

Brian Clegg pointed out that if a fee were to be approved by the Council, it would still take two years to get the needed staff and equipment in place.

Councilmember Haaga inquired if impact fees could be used to purchase equipment.

Ryan Bradshaw explained that impact fees were to be used to meet growth and that it would be difficult to use such fees for the purchase of equipment.

Councilmember Haaga asked if the Council could decide to allocate some money from the capital fund to the purchase of parks equipment.

Ryan Bradshaw explained that if the fee were approved, some of those funds could go to the Parks capital fund for large equipment.

Councilmember Nichols clarified that the proposed staffing level would be responsible for more than just the parks. It would improve *all* areas: parks, open space, and landscaping. Specifically, there was a single urban forester and only one older bucket truck to maintain over 13,000 trees.

Councilmember Nichols stated that his philosophy had changed with time and he now believed that it was necessary to make a financial investment such as this in order to bring the desired economic development to the City.

Councilmember Haaga explained that the Council was about to approve the Comprehensive Annual Financial Report (CAFR) and the report showed that there was over \$11 million unencumbered dollars in the city's cash reserves. He suggested that instead of creating a parks fee that would be included in each utility bill, the Council vote to take the necessary funds from the cash reserves.

Councilmember McConnehey indicated that he was struggling with which funding mechanism was most appropriate. Funding the Parks Department from the general fund allowed for flexibility which he felt was important, although he conceded that some residents might wish to have more protection of Parks funds. If it was decided that money should be set aside specifically for Parks, he would prefer to add it to property tax rather than a fee added to the utility bill.

Councilmember Southworth pointed out that after a town hall meeting about a year and a half ago, 85% of citizens in attendance indicated in a survey that they felt they were given sufficient information to make an informed decision regarding parks and trails. 74% indicated a desire for increased care of the City parks. The survey also asked if residents

preferred a utility park fee or an increase to property tax. 86% wished for the fee as compared to only 14% that preferred to have it added to property taxes.

Mayor Rolfe stated that in 2012, the previous City Council raised property taxes 21.82%. Since then, there had been four final budgets with surplus fund balances larger than state law allowed. In 2012 and again in 2013, fees for water, sewer, and storm drain were increased by between 5% and 103%. All of those funds had large surplus balances. He did not believe the increases were needed then and he did not believe they were needed now.

MOTION: Councilmember Rice moved to adopt Resolution 15-217, authorizing the Mayor to approve the implementation of the proposed Parks and Recreation fee of \$1.90 per month per residential unit for sustainable funding for the perpetual maintenance of parks, trails, open space and recreation amenities. The motion was seconded by Councilmember Southworth.

SUBSTITUTE

MOTION: Councilmember Haaga moved to allocate \$650,000 from the general fund balance to the Parks Department for new staff as recommended by the City Manager and Parks Director. The motion was seconded by Mayor Rolfe.

Councilmember Nichols spoke against the motion, stating that a one-time transfer of funds did not provide a sustainable source of money and was therefore improper. He also stated that every year, the City's expenses exceeded the budget and that the substitute motion was basically *hoping* that there would be sufficient funds leftover at the end of future years.

Councilmember Haaga stated that the City had moved money from the general fund into other areas several times before and it made sense to do so again. Making the funding level sustainable would be the responsibility of the next City Council. In the meantime, he wished to provide funding for the Parks Department's immediate needs.

Mark Palesh stated that an ongoing program could not be funded with a one-time infusion of capital. Several major projects had been identified which would take care of any reserve funds. If the Council provided \$650,000 for new staff, that staff would need to be terminated the following year without an ongoing funding source. Therefore, he would not hire new staff, even if the Council voted to make the \$650,000 available.

Councilmember Hansen stated that she was in agreement that a one-time infusion of funds would not be sustainable.

Councilmember Southworth asked how much money would be needed to provide the necessary equipment (not staff) for the Parks Department.

Brian Clegg, Parks Director, responded that approximately \$768,000 in equipment would be needed.

2ND SUBSTITUTE

MOTION: Councilmember Southworth moved to adopt Resolution 15-217, authorizing the implementation of the proposed utility fee of \$1.90 per month as sustained funding for the Parks and Recreation Department for perpetual maintenance of parks, trails, open spaces and recreational amenities; and to direct City Management to find \$250,000 cash to immediately supplement those funds and provide the equipment for the first years' worth of increased manpower. The motion was seconded by Councilmember Rice.

Councilmember Haaga: Point of order, Mayor. I have a substitute motion on the table.

Mayor Rolfe: And he just made a substitute motion to your substitute motion.

Councilmember Haaga requested that Councilmember Southworth clarify his motion.

Councilmember Southworth explained that the fee would be to support the labor force and that the \$250,000 out of the Fund Balance would equip the new employees with the result that there would be an immediate impact.

Councilmember Haaga stated that the City had \$7.3 million in Parks Capital. Therefore no further funds were needed in order to purchase equipment for the department. He spoke in opposition to the motion.

MOTION: Councilmember Rice called the question on the 2nd Substitute motion. The motion was seconded by Councilmember Southworth.

Melanie Briggs further clarified that there were now three motions before the Council and that her impression was also that Councilmember Rice's call would be to the most recent motion—the second substitute motion.

Mayor Rolfe explained that the next vote would **only** be on calling the question.

A roll call vote was taken **on calling the question:**

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes

Mayor Rolfe then asked that Melanie Briggs repeat the 1st substitute motion for purposes of clarification.

She explained that Councilmember Haaga had moved to allocate \$650,000 from the General Fund Balance to the Parks Department for new staff as recommended by the City Manager and Parks Director and that the motion had been seconded by Mayor Rolfe.

Mayor Rolfe stated okay the question has been called, let's vote.

Councilmember Southworth requested further clarification.

Councilmember Haaga stated that what the Council was now to vote on was to take \$650,000 from the General Fund Balance. Additionally, prior to making the motion he had recommended that the "new" Council taking office the following month find a way to create a sustainable funding mechanism.

Melanie Briggs asked if activity by a future Council body was part of Councilmember Haaga's motion.

Councilmember Haaga stated that it was not.

A roll call vote was taken **on the 1st Substitute Motion:**

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	No
Councilmember Southworth	No
Mayor Rolfe	Yes

The motion failed 2-5.

Melanie Briggs stated that the only motion left on the table at that point was the original motion.

Mayor Rolfe then made a 'new' substitute motion.

SUBSTITUTE

MOTION: Mayor Rolfe moved to take \$595,000 from the General Fund immediately, and make it an ongoing cost for the new budget going forward in 2016-2017; and from the \$5,000,000 that existed in the current Fleet Fund (without impacting the Parks Capital Fund), and equip staff with what was needed to manage the parks. The motion was seconded by Councilmember Haaga.

Councilmember Haaga expressed his belief that Parks funding needed to be sustainable. He stated that Mayor Rolfe had identified a sustainable funding source, and that he was therefore in favor of the substitute motion.

Mayor Rolfe pointed out that although he did not question the percentages Councilmember Southworth mentioned earlier in the discussion, he doubted that any of the town hall meetings were attended by more than fifty citizens—not necessarily representative of the 110,000 people residing in the City. Additionally, City coffers currently held over \$84 million in tax payer funds so an additional parks fee was not necessary.

MOTION: Councilmember Southworth called the question on the ‘new’ Substitute motion. The motion was seconded by Councilmember Rice.

A roll call vote was taken **on the calling the question:**

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 6-1.

Mayor Rolfe then called for a vote on the motion, and requested clarification.

Melanie Briggs repeated the details of Mayor Rolfe’s substitute motion as he had explained it.

Mayor Rolfe further clarified that he had not meant that \$5 million should be taken from the Fleet Fund, but that the money for parks equipment be taken from the \$5 million Fleet Fund balance.

A roll call vote was taken **on the ‘new’ Substitute motion:**

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	No
Councilmember Southworth	No
Mayor Rolfe	Yes

The motion failed 2-5.

Mayor Rolfe stated that the Council was now back to the original motion.

MOTION: Councilmember Southworth stated that in order to avoid more substitute motions, and dragging the discussion out even further, he called the question on the main motion. The motion was seconded by Councilmember Nichols.

A roll call vote was taken **on calling the question:**

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	No
Councilmember Nichols	Yes
Councilmember Rice	Yes
Councilmember Southworth	Yes
Mayor Rolfe	No

The motion passed 5-2.

Mayor Rolfe asked the City Clerk to read the original motion.

Melanie Briggs stated that Councilmember Rice had moved to adopt Resolution 15-217, authorizing the Mayor to approve the implementation of the proposed Parks and Recreation fee of \$1.90 per month for sustainable funding for the perpetual maintenance of parks, trails, open space and recreation amenities.

Councilmember Haaga asked the Mayor if he may have the floor?

Mayor Rolfe stated Yes, Councilmember Haaga.

Councilmember Haaga stated I would like to reconsider this vote, based on the fact that we have two Councilmember elect that need to sound out on this tax fee. And would like to be on the agenda, January 13, am I right?"

Melanie Briggs said yes, that was correct.

Councilmember Haaga said thank you.

Mayor Rolfe indicated then okay, reconsideration for January 13, 2016.

Melanie Briggs asked if that was a second.

Mayor Rolfe said I will second.

Councilmember Haaga indicated that he **did not** need a second.

Mayor Rolfe agreed he did not need a second. He can have the item reconsidered because he voted for it.

Councilmember Haaga said he was on the prevailing side.

Melanie Briggs clarified okay.

Councilmember McConnehey pointed out that a vote could only be reconsidered within two meetings. He stated that January 13 was beyond that window since there were meetings scheduled for December 23, 2015 and January 4, 2016.

Councilmember Nichols inquired as to whether or not the topic would need to be brought back anyway for a public hearing since it involved a new fee.

Mayor Rolfe stated his belief that a public hearing would then be required.

Councilmembers Haaga and Rice left the meeting at 7:50 p.m.

VII. CONSENT ITEMS

- a. Approve the minutes of December 2, 2015 as presented**
- b. Approve Resolution 15-220, confirming the appointment of members to the Planning Commission and various City Committees**
- c. Approve amendments to the City of West Jordan Employee Handbook**
- d. Adopt Resolution 15-221, authorizing the Mayor to execute a Contract with A to Z Landscaping, Inc. for the annual City-owned park strip & park landscape maintenance; and snow removal services in Broadmeadow, Loneview 1 and 2 Subdivisions, Roundabouts, Creekside #1 and Englefield #1 located in the Highlands Development, for an amount not to exceed \$10,645**

- e. Approve Resolution 15-222, authorizing the Mayor to execute a Professional Services Agreement with Paul Meiling for water rights appraisal services, in the amount of \$190 per hour, not to exceed \$35,000**
- f. Approve Resolution 15-223, authorizing the Mayor to execute the Water Rights Exchange Agreement with the JWCD to exchange 2.1025 cfs of municipal ground water rights held by the City located in Cottonwood Heights for equal volume and priority date water rights held by the JWCD located in West Jordan**
- g. Approve Resolution 15-224, authorizing the Mayor to execute an agreement with Newman Construction, to complete the construction of the 7000 South Utility Project, Phase 1 which includes storm drain, sewer, and minor water construction from the Jordan River to 1300 West street, in an amount not to exceed \$2,535,420**
- h. Approve Resolution 15-225, authorizing the Mayor to execute a Reimbursement Agreement for Englefield Heights Phase 2 Subdivision with Canyon Ranches LC, Doves Landing LC, Garbett Land Investments LC and Peterson Development Company, LLC**
- i. Approve Resolution 15-226, authorizing the Mayor to execute a Memorandum of Understanding Agreement with Salt Lake City Corporation regarding maintenance of the South Valley Airport**

MOTION: Councilmember Nichols moved to approve the Consent calendar. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Haaga	Absent
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Absent
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 5-0.

VIII. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-227, AUTHORIZING THE CITY'S INTENT TO MAKE AN UNSECURED LOAN TO THE REDEVELOPMENT AGENCY OF WEST JORDAN CITY IN THE AMOUNT OF APPROXIMATELY \$4,500,000 FOR ACQUISITION OF PROPERTY LOCATED AT 9204 SOUTH 5600 WEST FOR PURPOSES OF FACILITATING DEVELOPMENT WITHIN THE CITY

Jeremy Olsen explained that City staff had been in negotiations with potential businesses and property owners regarding the development of a regional shopping center in the area bounded by intersections on 9000 South at 5600 West and Mountain View Corridor in order to build the City's economic base, bring additional employment opportunities to the City, and provide services to an underserved market.

Discussions with the owner of the property located at 9204 South 5600 West, Jordan Star LLC, had advanced and Jordan Star, LLC had offered to sell a 19.4 acre parcel to the RDA in order to expedite the development of the area.

It was determined that Jordan Star, LLC would retain the property located at approximately 9102 South 5600 West for use as pad sites, and the RDA would acquire the remaining 19.4 acres for \$4.5 million which the seller had requested to be finalized by the end of the current calendar year.

In order to expedite the purchase process to meet the seller's timeline, it was proposed that the City lend \$4.5 million from the General Fund to the Agency for the acquisition of the Jordan Star property. These funds would be repaid using tax increment funds generated by the proposed Community Development Project Area #2—Jordan Hills Marketplace.

The terms and conditions regarding this required the loan amount of \$4.5 million to be repaid to the City before December 31, 2030, with no prepayment penalty (see attached Promissory Note).

Mayor Rolfe opened the public hearing. There was no one who wished to speak. Mayor Rolfe closed the public hearing.

MOTION: Councilmember McConnehey moved to approve Resolution 15-227 authorizing the loan of \$4,500,000 from the General Fund to the Redevelopment Agency of West Jordan for the acquisition of property located at 9204 South and 5600 West. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Haaga	Absent
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Absent
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 5-0.

IX. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-228, ACCEPTING THE AUDIT REPORT AND PRESENTATION OF THE CONSOLIDATED ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2015.

Ryan Bradshaw introduced Marcus Arbuckle of the accounting firm Keddington and Christensen. Mr. Arbuckle reminded the Council of their responsibility to provide oversight of the financial reporting process and management's responsibility for day-to-day accounting. He then reviewed the information provided in the reports resulting from the audit, including the findings and recommendations.

The first recommendation was that the grant coordinator more closely track time spent working on the CDBG grant. Rather than reporting estimated hours spent, it was necessary to report *actual* hours. The second recommendation was that CDBG agreements include some information that had been missing until recently when a change had been made to include the information. Regarding the financial closing report process, a more detailed, secondary review process should be implemented in order to catch certain errors prior to audit. As to state compliance, the City's building capital improvement budget was over by approximately \$8,000—not a large amount but something to keep an eye on in the future. Finally, Utah's Open and Public Meetings Act required that meeting minutes be posted to Utah's Public Notice website within three business days of being approved. It was Mr. Arbuckle understands that steps had already been taken to come into compliance in each of these areas.

MOTION: Councilmember Southworth moved to approve Resolution 15-228, accepting the Comprehensive Annual Financial Report for FY 2015. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Absent
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes

Councilmember Rice	Absent
Councilmember Southworth	Yes
Mayor Rolfe	Yes

The motion passed 5-0.

Councilmember Southworth made a point of order, stating that the Council had made an error earlier when reconsidering an agenda item. He quoted from Council Rules and Procedures on page 38 which stated that “reconsideration of decided matters or issues is discouraged. However, requests will be considered by a majority vote if orally made. A motion for reconsideration must be made.” Therefore, the Council needed to hold a vote for item 9b to be reconsidered.

Mayor Rolfe pointed out that because that did not follow ‘Roberts Rules of Order,’ he would ask that legal staff research that issue and return with an answer the following week.

Councilmember Southworth responded that regardless of whether or not ‘Roberts Rules of Order’ was followed, it was clearly written in the Councils Rules, Policies and Procedures under Voting Procedures. A motion had been made, it had been seconded, and now a vote needed to take place.

Councilmember McConnehey suggested that because two Councilmembers who had shown significant interest in the subject were no longer present, it would be appropriate to table the vote until they could be present to voice their opinions.

Councilmember Southworth pointed out that the Council Rules, Policies and Procedures provided that those no longer present had the next two regular meetings during which to ask the Council to reconsider a vote.

A roll call vote was taken

Councilmember Haaga	Absent
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Rice	Absent
Councilmember Southworth	No
Mayor Rolfe	No

The motion failed 2-3.

X. REMARKS

Councilmember Nichols commented that although the two Councilmembers who left this meeting early might be present for reconsideration, there were two *other* Councilmembers who, due to their expiring terms of office, would not have that advantage unless a special meeting was called.

XI. ADJOURN

MOTION: Councilmember Southworth moved to adjourn the City Council meeting and convene the Redevelopment Agency meeting. The motion was seconded by Councilmember McConnehey and passed 5-0 in favor.

The meeting adjourned at 8:07 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 13th day of January 2016