

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

**Wednesday, December 23, 2015**

**5:30 p.m.**

**Council Chambers**

**8000 South Redwood Road**

**West Jordan, Utah 84088**

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

**STAFF:** Mark Palesh, City Manager; Darien Alcorn, Acting City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Dave Zobell, City Treasurer; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief, and Doug Diamond, Police Chief.

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by David Naylor.

**MOTION:** Mayor Rolfe moved to suspend the rules to allow Cora Stone to perform a Christmas song. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**III. BUSINESS ITEMS**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-230, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH JORDAN HILLS VILLAGES**

Mark Palesh said on or about January 14, 2011, Jordan Hills Villages (JHV) filed a Complaint in the Third District Court in and for Salt Lake County, Utah against the City, commencing Civil Case No. 110901212. On or about October 24, 2011, the City filed a

Counterclaim. Pursuant to confidential settlement discussions, JHV and the City wish to settle and compromise all debts and obligations claimed in the lawsuit and counterclaim. The proposed Settlement and Mutual Release Agreement was included in the Council's agenda packet. Under the proposed agreement, the City would pay \$2,200,000.00. Both parties would thereafter release and forever discharge all of their claims and dismiss the pending lawsuit with prejudice.

Staff recommended that the City Council approve and authorize the Mayor to sign the proposed Settlement and Mutual Release Agreement.

**MOTION: Councilmember Southworth moved to adopt Resolution 15-230, approving and authorizing the Mayor to execute the Settlement and Mutual Release Agreement after approval as to legal form by the Interim City Attorney. The motion was seconded by Mayor Rolfe.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 5-2.**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-231, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH BLACK AND MCDONALD FOR SERVICES RELATED TO THE CHANGE-OUT OF OLD STREETLIGHT FIXTURES WITH NEW LED STREETLIGHT FIXTURES, IN AN AMOUNT NOT TO EXCEED \$336,910.50**

Wendell Rigby said the City was currently working through the approval process with Rocky Mountain Power (RMP) with regards to an incentive rebate while working with the fixture provider to supply product. Streetlight fixtures were anticipated to begin arriving in January after the Rocky Mountain Power Incentive Order was complete. To expedite the purchase process, Rocky Mountain Power was reviewing the Incentive Order in two phases, the major streets and the residential streets. This was allowing us to order and install the major streets (arterials and collectors) while RMP continues to review the residential fixture application. With the arrival of the streetlight fixtures, it was the desire of Council and staff to expedite the installation of the major street fixtures so that work can immediately begin on the residential fixtures as soon as they were approved and begin arriving.

To assist staff, the City went out for a Request for Proposals (RFP) on November 23, 2015 for qualified electrical contractors to assist the staff in the change-out process. Questions were due on December 1, 2015, and the RFP closed on December 17, 2015. Two companies submitted proposals. The bids were reviewed according to the following criteria to choose qualified contractors to help provide the installation.

- 25% Experience, references and qualification
- 25% Capacity to perform the contract
- 10% Schedule—including methodology and Operational Plan
- 10% Customer Service Plan
- 30% Cost

Cost proposals were delivered in a sealed envelope and were reviewed separately from the performance-based criteria. After careful review of the above criteria, Black and McDonald were selected to assist with the LED fixture change-out operations.

Staff recommended Black and McDonald for services related to the change-out of old streetlight fixtures with new LED streetlight fixtures, in an amount not to exceed \$336,910.50.

Councilmember Hansen asked if additional lighting on the east side of Redwood Road was being proposed.

Wendell Rigby explained that was not part of this program. Staff would be evaluating dark areas of the City next year.

The Council and staff discussed clarifying questions.

**MOTION: Councilmember Hansen moved to adopt Resolution 15-231, authorizing the Mayor to execute an agreement with Black and McDonald for services related to the change-out of old streetlight fixtures with new LED streetlight fixtures, in an amount not to exceed \$336,910.50. The motion was seconded by Councilmember Haaga.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 7-0.**

**RECONSIDERATION OF RESOLUTION 15-217, AUTHORIZING THE IMPLEMENTATION OF THE PROPOSED UTILITY FEE SUSTAINABLE FUNDING FOR THE PARKS AND RECREATION FEE FOR PERPETUAL MAINTENANCE OF PARKS, TRAILS, OPEN SPACE, AND RECREATION AMENITIES**

Councilmember Nichols said last Council meeting this item was voted on; however, two Councilmember's left the meeting and were not in attendance during the vote. He felt it was important for the motion and vote be proposed again with a full Council body present.

**MOTION: Councilmember Nichols moved to reconsider Resolution 15-217. The motion was seconded by Councilmember Rice.**

Councilmember Haaga felt this motion was out of line, due to the fact that reconsideration could only happen during regularly scheduled meetings.

**SUBSTITUTE**

**MOTION: Councilmember McConnehey moved to table the reconsideration until January 13, 2016, when the two new Council-Elect Members were in attendance. The motion was seconded by Mayor Rolfe.**

Councilmember Haaga explained the reason for his early departure from the last City Council meeting. He also felt his earlier reconsideration to have this item placed on the January 13, 2016 agenda was still valid.

Councilmember Southworth tried to clarify whether there would be two reconsiderations regarding the same issue on the January 13, 2016 agenda.

Councilmember Nichols indicated that he opposed the substitute motion. He felt the reconsideration delay was to allow the two newly elected Councilmembers the opportunity to vote on this item. He said both of the newly elected Councilmembers had already provided their opinions, during citizen comments at a previous meeting. He felt the delay would negate the vote of two current Councilmembers.

Mayor Rolfe explained that no motion binds a future Council to that motion.

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

<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Hansen</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>No</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion failed 2-5.**

**SUBSTITUTE**

**MOTION: Councilmember Haaga moved to allocate \$595,000 to the Parks Department through the General Fund, and utilize the Fleet Fund to purchase the equipment required by the Parks Department for 2016.**

The motion died for a lack of a second.

**MOTION: Councilmember Southworth called the question. The motion was seconded by Councilmember Rice.**

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

<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Hansen</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>No</b>

**The motion failed 2-5.**

Councilmember Nichols clarified that: ‘A motion for reconsideration must be made: 1) by a member of the prevailing majority, when the previous vote was taken; and (2) within two regular meetings...’ He said it would be appropriate to reconsider this item during this meeting.

Darien Alcorn reviewed the Council rules.

Councilmember McConnehey reviewed his reasons for opposing the reconsideration. He felt the first reconsideration by Councilmember Haaga to have this item placed on the January 13, 2016, agenda be valid.

Councilmember Nichols stated that reconsideration is not, nor never has been a stalling tactic, that was not the intent. He reiterated:

“A motion for reconsideration must be made: 1) by a member of the prevailing majority, when the previous vote was taken; and (2) within two regular meetings following the previous council vote.”

Therefore, a motion should have been made at the last meeting by a prevailing member of the vote. He felt there were two options: 1) No reconsideration, or 2) allowing the opportunity to vote during this meeting.

Councilmember McConnehey provided his perspective regarding the Council's rule.

Darien Alcorn provided her opinion regarding Roberts Rules and reconsideration.

Mayor Rolfe reported that after hearing Darien Alcorn's explanation Councilmember McConnehey was correct that this item did not need to be voted on the same night.

Councilmember Haaga indicated that there must be supporting reasons for reconsideration.

Councilmember Rice voiced her concerns regarding these discussions; it was as if the two seated Councilmembers voices do not matter. She said the current Councilmembers understood this topic and their experience and votes were important.

Councilmember Nichols added that the original 'Roberts Rules' expressed that reconsiderations be the same day.

Mayor Rolfe reported that a legal opinion had been provided by Legal staff.

Councilmember Southworth said being on the Council for the last eight years with high priority being on parks, he would like the ability to finish this out. He said whatever decisions took place during this meeting, would not bind future Council's.

Mayor Rolfe clarified that 100 percent of the entire Council was in support of the parks, and adding money to the parks, the difference was whether it be through a fee that would take a long time to ramp up, or an immediate fix that would start the next day. He felt badly for the two Councilmembers leaving and having one of their last issues concerning a possible tax increase to residents.

Councilmember Hansen was concerned that after four years on the Council, her vote seemed unimportant. Her voice should be heard until the December 31, 2015. She hoped that the next Council strides to help the parks in a big way. She said to make money and bring business to the City, you must spend money.

A roll call vote was taken **on the Original motion:**

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>No</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>No</b>

**The motion failed 2-5.**

Darien Alcorn said new business could be placed on the agenda for January 13, 2016; however, it could not be a reconsideration of the same item. She said there were different ways to look at City business items.

Councilmember Haaga directed the City Manager to seek out a parliamentarian to provide information for the Council regarding the Council's rules verses Robert's Rules and whether his last reconsideration was valid.

The Council agreed it would be smart to ask a parliamentarian as to what was allowed by the Council.

**IV. PUBLIC HEARING**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 15-229, TO DECLARE SURPLUS AND TO RECEIVE PUBLIC COMMENTS PRIOR TO DISPOSING OF SIGNIFICANT CITY OWNED REAL PROPERTY AS FOLLOWS: APPROXIMATELY 6.5 ACRES LOCATED AT APPROXIMATELY 7800 SOUTH AND NEW SYCAMORE DRIVE; APPROXIMATELY 9.7 ACRES LOCATED AT 6543 AND 6463 WEST 7400 SOUTH; APPROXIMATELY 23 ACRES LOCATED AT 4652 WEST 7800 SOUTH**

Mark Palesh said the City owned a parcel of property approximately 23 acres in size, located at 4652 West 7800 South. City staff believed that sale of this property can produce significant revenue for the City. It was the intent to sell the property to a buyer at a price to be determined. If a purchase and sale agreement was negotiated with a willing buyer, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the sale would be completed. City staff was recommending that the 23-acre parcel at 4652 West 7800 South be declared surplus, so that the City Manager may proceed with pursuing a potential sale.

There is a property adjacent to the 23-acre parcel that could possibly be combined with the 23-acre parcel to increase the value. However, the adjacent property was currently owned by another party. It was anticipated that the City might be able to acquire the adjacent property by trading up to 6.5 acres of the City's larger parcel located at approximately 7800 South and New Sycamore Drive. If such an agreement was negotiated, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the trade would be completed. City staff was recommending that up to 6.5 acres of the parcel at 7800 South and New Sycamore Drive be declared surplus, so that the City Manager may proceed with pursuing a potential trade.

City staff had also identified two parcels of real property located at 6543 West 7400 South and 6463 West 7400 South, which have a total combined acreage of approximately 9.7 acres. City staff believed that sale of this property could produce significant revenue for the City. It was the intent to sell the property to a buyer at a price to be determined. If a

purchase and sale agreement was negotiated with a willing buyer, it would be presented to the City Council, and City Council would have the opportunity at that time to determine if the sale would be completed. City staff was recommending that the parcels at 6543 West 7400 South and 6463 West 7400 South be declared surplus, so that the City Manager may proceed with pursuing a potential sale. Because it was possible that the City Manager may identify other methods or approaches to provide the City with greater value, it was recommended in the resolution that the City Manager be authorized to reasonably pursue sale, trade or other conveyance to one or more parties. However, proposed contracts would be presented to the City Council for action, leaving the final determination to City Council.

Subject to available funding, the resolution also authorized the City Manager to engage professional consultants to assist.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, felt surplusizing this property and selling it off, did not make sense. She was concerned there would not be acreage for a recreation center.

Mayor Rolfe clarified that there was no sale pending, this was just to surplus the property. He reported that this was not the proposed location of the recreation center.

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

Councilmember Southworth said surplusizing this property with the intent to sell it to fund a recreation center was a good idea; however, he felt there should be a full plan in place prior to moving forward. He felt the residents of West Jordan would not agree to a \$50 million bond to fund a recreation center.

Councilmember Rice was not concerned with the surplus of property; her concern was if the property were sold in the future what the funds might be used for. Would the City be locked into building a recreation center or would other facilities be considered like an arts center, etc.

Mayor Rolfe again stated no property was being sold; this was just to declare specific City owned property as surplus.

**MOTION:** Councilmember Haaga moved to approve Resolution 15-229, to declare surplus and to receive public comments prior to disposing of significant City owned real property as follows: approximately 6.5 acres located at approximately 7800 south and New Sycamore Drive; approximately 9.7 acres located at 6543 and 6463 West 7400 South; approximately 23 acres located at 4652 West 7800 South. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Yes</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>No</b>
<b>Councilmember Nichols</b>	<b>No</b>
<b>Councilmember Rice</b>	<b>No</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion failed 3-4.**

Mayor Rolfe asked that an item be added to the January 27, 2016 City Council agenda; 'Discussion and possible action to rescind Resolution 15-217.'

Councilmember Southworth said there was a consensus by the Council that all the parks needed help. He regretted that the Council was never able to overcome this issue while he was on the Council.

He appreciated the Council, staff, and citizenry of the City.

Councilmember Nichols expressed his appreciation to Councilmembers Southworth and Hansen for their service on the City Council.

**V. ADJOURN**

**MOTION: Councilmember Haaga moved to adjourn. The motion was seconded by Mayor Rolfe and passed 7-0 in favor.**

The meeting adjourned at 6:29 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