

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

**Wednesday, May 13, 2015**

**6:00 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:** Bryce Haderlie, Interim City Manager; Darien Alcorn, Deputy City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Ryan Bradshaw, Finance Manager; Wendell Rigby, Public Works Director; Reed Scharman, Deputy Fire Chief; Doug Diamond, Police Chief; Brian Clegg, Parks Director; Chuck Tarver, Grant/CDBG Coordinator; Ray McCandless, Senior Planner; Eric Okerlund, Budget Officer; Jim Riding, CIP/Facilities Project Manager, and several employees from the Attorney's Office.

***I. CALL TO ORDER***

Mayor Rolfe called the meeting to order at 5:00 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 V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris McConnehey, Chad Nichols, Sophie Rice, and Ben Southworth.

**STAFF:** Bryce Haderlie, Interim City Manager; Darien Alcorn, Deputy City Attorney; David Oka, Economic Development Director, Wendell Rigby, Public Works/Engineering Director, and Paul Dodd, Civil Litigator.

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

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.**

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 5:03 p.m.

The Council recessed the Closed Session at 6:21p.m.

The meeting reconvened at 6:24 p.m.

### ***III. PLEDGE OF ALLEGIANCE***

The Pledge of Allegiance was led by Bryson Rasmussen, Troop 1998.

### ***IV. PRESENTATIONS***

#### **BIG BEND HABITAT CONCEPTS PRESENTATION BY RIVER RESTORATION**

Chuck Tarver provided a brief presentation regarding three preliminary concepts would be provided for review by the City Council. He introduced Eric McCulley, River Restoration.

Eric McCulley, River Restoration, provided the following presentation:

**Big Bend Restoration Project  
Alternatives Presentation to West Jordan City Council  
May 13, 2015**



## Big Bend Project Team



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

### Project Team

- ❖ River Restoration – Channel design, site layout, access road, project management, habitat elements
- ❖ Allred Restoration – Channel design, hydrology, hydraulics, sediment transport
- ❖ Bio-west – Urban Fishery, paths, grading, vegetation, habitat elements
- ❖ Intermountain Aquatics – habitat elements, vegetation



## Project Stakeholders Habitat Committee



May 13, 2015

Big Bend Habitat Restoration Project

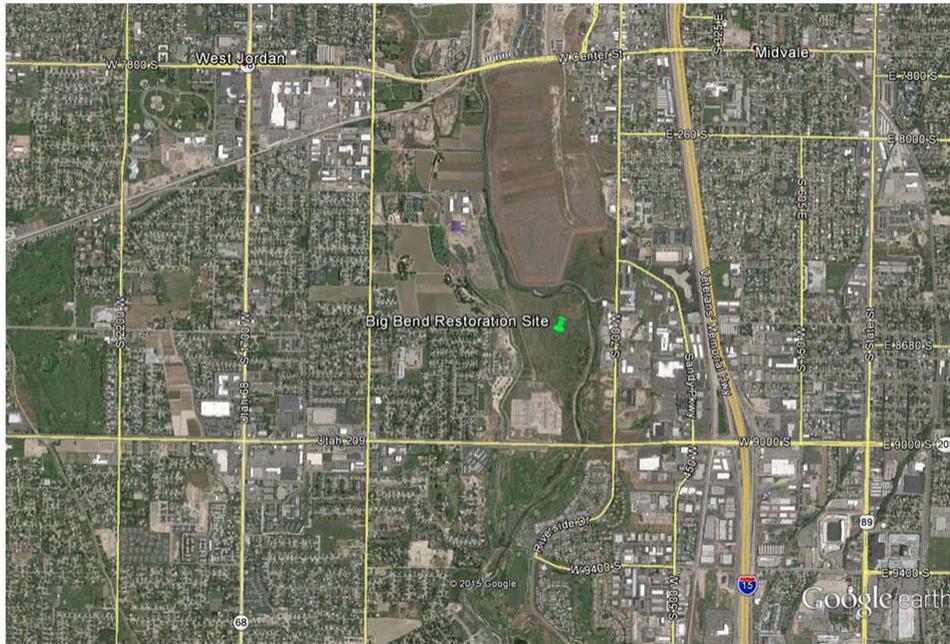
Alternatives Presentation

Wide range stakeholders involved and providing feedback throughout the process.

Stakeholders have met 5 times over the last 2 years, typically once a quarter.



## Project Background and Status



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation



## Project Background and Status



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

### Brief History –

Sharon Steel Superfund Designation – 1995

Identified as a potential restoration site.

USACOE Section 206 Study – 2003

EPA 5-star restoration grant – 2013

Other short term vegetation related projects planned

Project Team began work in December 2014.

- Hired to complete design and move project towards construction.
  - Site Survey
  - Existing Data Review and Collection – summarized in chapter 1 of alternatives report
  - Analyzed Hydraulics and Hydrology – summarized in chapter 2 of alternatives report
- Identified key project elements  
Developed alternatives and draft a detailed report



## Project Background and Status



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

Some of the major issues at the site –  
Jordan River

- Bank Failures
- Incised channel
- Poor riparian habitat
- Uniform/shallow channel with no hydraulic diversity
- Noxious and invasive weed removal along river

Upland Areas

- Homogenous habitat – many invasive vegetation species
- Russian Olives
- Tamarisk
- White top
- Puncture vine
- Thistle



## Project Elements

- Habitat Enhancements
  - Invasive Species Control
  - Native Vegetation Plantings
  - Wetland and Riparian Corridor Creation
  - Jordan River Improvements



May 13, 2015

Big Bend Habitat Restoration Project



Alternatives Presentation

Importance of each of these habitat enhancements.

- Bio-diversity
- Increased wetland and riparian habitat
- Isolate a portion of the site with natural barriers.



## Project Elements

- Recreation Enhancements
  - Urban Fishery
  - Paths and Grading
  - Iconic Structure
  - Educational Opportunities
  - Public Access



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

Transition to alternatives -  
Keep in mind...

- Parts of each alternative can be moved into another alternative and different elements can be phased in in the future as funds allow.
- Can be interchanged or modified.
- Desirable pieces and parts can be included in any alternatives.
- Can be easily configured for phased construction.





## Mid Range Alternative



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

- Approximately \$5M total cost
- Full sized / depth urban fishery w/ facilities
- Paths and grading more robust – includes ADA pathways
- Includes Icon Structure
- Divert portion of Jordan through site in smaller channel with minimal floodplain
  - o balance of cut and fill on site
  - o existing channel still receives flow
  - o Better habitat opportunities / increased flow conveyance
- Wider variety of habitat improvements
  - particularly riparian/wetland
- Access from 8600 S pedestrian bridge – details TBD



## High Range Alternative



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

Approx. \$8.5M total cost

Urban fishery/facility, paths and grading very similar to mid-range

Meander channel – bigger scale

Less flows to existing channel, more flows to meander.

Lower and larger floodplain

- more natural stream function
- much greater opportunity for wetland and riparian habitat
- improved water quality and habitat

Less Maintenance

- sediment transport
- closer to groundwater table

Access from new access road and parking lot off of 9000 S.



## Alternatives Evaluation

Component	Alt 1 – High Range	Alt 2 - Mid Range	Alt 3 – Low Range
Total Habitat Area (Acres)	42.0	42.0	42.0
“Isolated” Habitat Area (Acres)	16.6	19.6	0.0
Total Wetland Habitat Area (Acres)	11.1	4.4	1.1
Total Riverine Habitat Area (Acres)	4.2	1.96	0.0
Quality of Experience	n/a	n/a	n/a
Long/Short Term Maintenance	n/a	n/a	n/a
Construction Costs	\$8,530,490	\$4,971,264	\$2,942,791

Component	Alt 1 – High Range	Alt 2 - Mid Range	Alt 3 – Low Range
Total Habitat Area (5 max)	5.0	5.0	5.0
“Isolated” Habitat Area (5 max)	4.3	5.0	0.0
Total Wetland Habitat Area (5 max)	5.0	2.0	0.5
Total Riverine Habitat Area (5 Max)	5.0	2.3	0.0
Quality of Experience (10 max)	10.0	8.0	4.0
Long/Short Term Maintenance (10 max)	10.0	7.0	5.0
Construction Costs (15 max)*	5.2	8.9	15.0
Total Pts (55 points max)	44.4	38.2	29.5

May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

Evaluated based on:

- Habitat
- Quality of experience for recreational users
- Maintenance
- Total Construction Costs

Presented to Stakeholder on April 30th

- review report – provided feedback

If funding can be generated – committee recommends high range option with modifications



## Potential Funding Sources

- \$760K from Sharon Steel Superfund administered through USFWS
- Non-point source funds from UDWQ.
- Invasive Species Management funds from Utah Department of Ag and Food.
- Habitat restoration funds and fisheries from UT Watershed Restoration Initiative (WRI)
- Possible funds from the Intermountain West Joint Venture for riparian habitat.
- EPA 5-Star Restoration again in the future.
- Other potential sources
  - UT Forestry Fire and State Lands for habitat restoration.
  - Flood mitigation funds?
  - 319 funds?
  - Recreation funds?

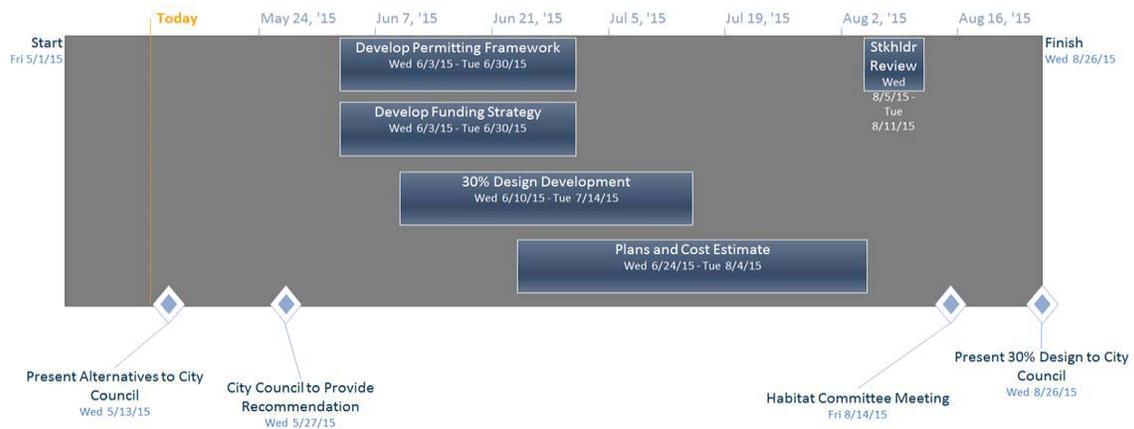
May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation



## Next Steps



May 13, 2015

Big Bend Habitat Restoration Project

Alternatives Presentation

Council to provide recommendation – May 27 meeting

Complex issue with many variables

A lot of info to cover – 10 minutes

Draft alternatives report is available – for more info

- Detailed alt discussion
- Detailed evaluation discussion
- Breakdown of construction costs

Project team – moved forward to 30% design

- address alternatives review comments
- develop permitting framework and begin process
- develop funding strategy
- prepare 30% level construction docs

Eric McCulley said they were always trying to get groups/volunteers to join in and assist with the restoration.

Councilmember Southworth commented on the possibility of using the City's 'Adopt a Spot' program.

**RECOGNITION FROM MARC NORMAN, VICE PRESIDENT OF OLYMPIC LEGACY FOUNDATION, REGARDING SOLAR ENERGY PROJECTS**

Zach Jacobs, Sustainability Committee, introduced Marc Norman, Vice President of Olympic Legacy Foundation who was present to explore the feasibility of solar project in the City Hall parking lot.

Marc Norman, Vice President of Olympic Legacy Foundation, commented on the 400-meter speed skating oval solar energy project:

- 3,100 panels covered the parking lot
- Provided 11% of the oval's power
- Project would be paid off in just over five-years
- 800 kilo-watts solar ray (currently largest in the state)

Benefits:

- Enough energy to power 105-homes
- Saves 3.4 million gallons of water per year
- Lower power rates for next 20-years
- \$100,000 per year in savings over the term of the agreement

He commented on the partners, and the history of how the project came to be.

The Council asked clarifying questions.

**V. COMMUNICATIONS  
INTERIM CITY MANAGER COMMENTS/REPORTS**

Bryce Haderlie –

- Possible preparation of a parking lot design for the west side of City Hall by staff

The Council agreed.

- Noise as a result of rodeo arena events over the past few weekends

Bryce Haderlie questioned whether changes should be considered to current ordinances.

Councilmember McConnehey asked whether the current restrictions were being exceeded.

Bryce Haderlie stated that events had complied with the current Salt Lake County Noise Ordinance.

Councilmember McConnehey addressed the smart phone app and whether it met the standards, and timing of events ending at 9:00 p.m.

James Bennett, Salt Lake County Health Department, noise expert for Salt Lake County, said the Health Department specified a 10:00 p.m. curfew. However, there was an exemption where the Mayor or City Manager may approve a noise exemption or noise relief to allow for a later curfew, but not a higher decimal level. He said Julie Brown the West Jordan Event Coordinator was using the smart phone app correctly. He recommended the use of the smart phone app.

He commented on the issue of sound reflecting off various items, bleachers, building, wind, clouds, etc. He said there was no in-house policy as to how loud these events could be. He suggested some of the following:

- In-house policy
- How late can they play
- Kind of events
- Days for events
- Possible future permanent installation surrounding the arena

He was willing to offer some assistance to the City with ideas, but was unable to design a system.

The Council and staff discussed the concerns regarding the issues with the use of the rodeo arena. Possible potential changes to the use policy regarding the days that should be available, the cleanliness of the facility, the sound issues/solutions, etc.

Bryce Haderlie said staff would work with Mr. Bennett and bring recommendations for Council's consideration in the future. He questioned whether future unscheduled events should be placed on hold.

The Council agreed unscheduled events should be placed on hold until a mitigation plan could be approved by Council.

Bryce Haderlie

- New annexation and township law. Salt Lake County informed several cities of a parcel of land and questioned whether the parcel would be annexed by any of the cities prior to the upcoming election.

Councilmember Hansen said the parcel of property in question was only accessible through South Jordan. She felt if the parcel was annexed it should be through South Jordan, not West Jordan.

The Council agreed.

### **STAFF COMMENTS/REPORTS**

David Oka –

- Reported that the International Council of Shopping Centers (ICSC) would have a series of meeting

Wendell Rigby –

- Updated the Council on the design and bidding of the construction project for the subdivision storm drainage system north of Constitution Park
- Stormwater Open House – Thursday, May 21, 2015 at 6:00 p.m., Constitution Park pavilion
- Corridor Preservation Committee agreed the City should obtain funds for the property located at approximately 5600 West south of 7800 South. A proposal was obtained in the amount of \$246,000 to purchase that parcel of land.

Reed Scharman –

- Fire Department received Insurance Service Office (ISO) rating of 3/3X

Doug Diamond –

- Reported on the open house of the fire station/police substation

Brian Clegg –

- Updated the Council regarding seasonal hiring status. He said 34 seasonal employees were allotted. He requested an additional six-seven seasonal employees.

The Council agreed to the hiring of the additional seasonal employees.

- Mowing had started on the east side of town and would be moving to the west on Monday.

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

Councilmember Southworth –

- Unable to attend the Public Safety Open House; however, the rest of his family enjoyed the activity

Councilmember Haaga –

- Asked staff if the currently installed carport located by Golden Corral violated the development agreement and whether they had been notified.
- Asked for direction regarding ‘when a Council Member was threatened with legal action at what point does the City defend them?’ He would like to see a policy for discussion regarding how Council or staff would be protected personally or as an Elected Official.

Councilmember Hansen –

- Addressed the Rodeo Arena regarding the noise
  - Residents in the neighborhood were there first
  - The City moved the arena closer to the residents
  - During one of the events the decibels reading was at 78, not the 60 allowed by the Salt Lake County Health Department
  - Wanted policy addressing the various concerns

## ***VI. CITIZEN COMMENTS***

Barbara Backman and Pam Marcusen, West Jordan residents, asked the Council to approve option 3, regarding the Stormwater Grant Program. They expressed their thanks to the Council, staff, and the committee for their efforts in working to help resolve the flooding issues. She asked the Council to remember the homes in peril.

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the common goals of the business of the City Council meeting.

She said that during the April 29, 2015, City Council meeting, one of the City Council Members behaved shamefully, and asked for an apology from that Council Member to the rest of the Council, City staff, and residents.

Steve Jones, West Jordan resident, said as a resident of West Jordan, he did not like reading in the paper about issues that did not reflect upon him well. He was against back biting, and dishonesty. He expected the Council to hold their office with respect and integrity. He briefly commented on the following:

- Rick Davis
- Ethics
- Transparency
- Legal issues should be resolve thought the Legal department

Michael Madsen, West Jordan resident, addressed water policies for the State, County, and City. He encouraged the City to maintain waters policies and not water during rainy periods. He felt this would set a good example for residents to follow.

Kim Ratcliffe, West Jordan resident, commented on the Rodeo Arena events. He said during the last event, smart phone apps were used to record decibels. One resident recorded a decibel reading of 87, with items falling off of his cupboards. Other residents in the nearby neighborhood had decibel readings in the upper 70's. He asked the Council to act on this issue. He felt Sunday events should be eliminated.

Scot Matthews, North Salt Lake resident, addressed the Hispanic event they held at the Rodeo Arena. He said Hispanic's typically gathered on Sundays. On May 3, 2015, he handled the controls during the event and was adamant about keeping the decibels at or below 60. He suggested instead of having one sound system maybe having a distributive sound system. He was willing to work with residents and the City to address concerns.

Oscar Delarosa, recent event host, apologized to the residents for the sound issues. He said for most of the Latin American countries Sunday was there big day. He commented on the attendance and success of their events. He appreciated working with Julie Brown and the City and hoped to continue.

JayLynn Thomas, West Jordan resident, commented on the April 29, 2015 City Council meeting and said she was disgusted. She felt that one of the Council Members who was discussing policies and procedures was one of the worst offenders. She believed everyone was guilty of something. She addressed the following:

- Mutual respect
- Disparaging personal remarks
- Inappropriate humor
- Work towards resolving differences
- No back-biting
- Ethics (who is there to enforce this?)
- Council is out-of-control

Brenda Thomas, West Jordan resident, commented on the flooding of her home. She was excited about the Stormwater Grant, but wanted to get rid of the red tape. She asked that the Council and staff to work together.

There was no one else who wished to speak.

## ***VII. CONSENT ITEMS***

- a. Approve the minutes of April 17, 2015, April 22, 2015, and April 29, 2015 as presented**
- b. Approve Resolution 15-87, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition**

- c. Approve Resolution 15-88, authorizing the Mayor to execute a contract with Bowen Collins and Associates, Inc. to design the storm drain, irrigation pump and wet well, and drive entrance at the Cemetery Sexton Building in an amount not to exceed \$29,800.00**
- d. Approve Resolution 15-89, authorizing the Mayor to execute a contract with Salt Lake Excavating for the construction of storm drain and roadway improvements on 8600 South in an amount not to exceed \$194,582.61**
- e. Approve Resolution 15-90, authorizing the Mayor to execute the Cooperative Maintenance Agreement with the Utah Department Of Transportation for 7800 South, between Redwood Road and Bangerter Highway**
- f. Approve Resolution 15-91, authorizing the Mayor to execute the Agreement with TischlerBise, Inc. to complete Impact Fee Study Updates in an amount not to exceed \$153,440.00**
- g. Approve Resolution 15-92, authorizing the Mayor to execute a contract with Silver Spur Construction for the installation of backflow devices to the secondary water system at six locations, in an amount not to exceed \$404,538.00**
- h. Approve a request from JoLynn Briggs regarding alcohol use at Pioneer Hall for an event on June 14, 2015**
- i. Approve Resolution 15-93, confirming the Interim City Managers ability to appoint an Acting City Manager in his absence or temporary incapacitation**

The Council pulled Consent Items 7.f, 7.g, 7.h and 7.i for further discussion.

**MOTION: Councilmember McConnehey moved to approve Consent Items 7.a. through 7e. The motion was seconded by Councilmember Nichols.**

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.**

**VIII. PUBLIC HEARINGS**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVE  
ORDINANCE 15-08, AMENDING THE 2009 WEST JORDAN MUNICIPAL  
CODE SECTION 13-7C-6 “AMENDMENTS TO THE LAND USE MAP”  
FINDING B IN THE GENERAL PLAN AMENDMENT FINDINGS IN THE  
ZONING ORDINANCE; CITY WIDE APPLICABILITY; CITY OF WEST  
JORDAN, APPLICANT**

Ray McCandless said the City Code required that amendments to the General Plan and Future Land Use Map be reviewed against the six findings listed in Section 13-7C-6. In general, these findings were meant to assure that the proposed amendment was consistent with the General Plan, will not adversely affect adjoining property and were in the overall best interests of the City. These findings were listed as follows:

*“A. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;*

*B. The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;*

*C. The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity;*

*D. The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity;*

*E. The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change; and*

*F. The proposed amendment is consistent with other adopted plans, codes and ordinances.”*

Amendments to the General Plan were more often changes to the Future Land Use map associated with a development proposal. Finding B applied specifically to changes to the Future Land Use Map and supported the view that the land use map should only be revised if there were inadequate optional sites available for a proposed use. This finding; however, does not factor in all scenarios or other circumstances that overall may improve or benefit the City and do not reflect current City policy of allowing more freedom to

develop property. Repeatedly, Finding B had caused consternation among Planning Commissioners trying to adhere to the City Code.

This item was reviewed by the Planning Commission on February 17, 2015. The Planning Commission, in 5-1 vote, recommended to the City Council that Finding B be removed from the Zoning Ordinance.

On March 11, 2015 the City Council voted to refer the item back to the Planning Commission to reword Finding B, rather than remove it from City Code. On April 7, 2015, the Planning Commission reviewed alternative language prepared by staff and after some discussion, in a 3-2 vote reaffirmed its initial position to remove Finding B from the Code for the reasons stated in the Planning Commission meeting minutes included in the Council's agenda packet (Exhibit A). The alternative text that the Planning Commission considered was also included in the Council's agenda packet as Exhibit C.

### **FINDINGS OF FACT**

Section 13-7-D-7B, required that prior to approving a Zoning Ordinance text amendment, the City Council shall make the following findings:

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

**Discussion:** There are no specific goals or policies related to eliminating findings for amendments to the General Plan. This criterion does not apply.

**Finding:** This criterion does not apply.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:** City Code, Section 13-7C-6, Finding B states "The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment;" This finding implies that the City's policy toward amending the General Plan and Future Land Use Map is that neither should be amended if there are adequate optional sites within the City that can accommodate a proposed development. On the surface, this appears to be a beneficial policy because it discourages frequent or needless amendments to the adopted General Plan, but it does not reflect the current policy of the City to allow a developer or property owner the ability to pitch a particular property for a particular development, to be judged on the other criteria of plan change and rezone. Indeed, there may be situations where the amendment may be in the best interest of the City even though there are ample other optional locations already zoned or planned for the proposed use.

As an example, there are areas in the City that are designated Commercial or Professional Office on the Future Land Use Map that may be better suited for senior housing. There are many optional locations for senior housing throughout the City, but it may make sense to amend the Future Land Use map to support the use at a particular location. For this reason, Staff finds there is sufficient justification for the amendment and is recommending that Finding B be eliminated from the text. The remaining findings ensure compliance with the general plan, compatibility with adjoining land uses, assures that the amendment does not benefit only one person or entity and that the amendment does not significantly change the acceptable land use patterns or infrastructure.

**Finding:** The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the appropriate Sections of the Municipal Code.

**Criteria 3:** *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

**Discussion:** The proposed amendment will have a city-wide impact, with no particular area singled-out. The proposed amendment will not create a conflict with any other sections of the Municipal Code.

**Finding:** The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment will have city-wide implication and does not relieve any particular hardship or confer any special privileges to a single property owner or cause. The proposed amendment is deemed desirable given the scope and scale of new developments in the City.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

In conclusion he said the proposed text amendment was necessary and not contrary to any current goals and policies in the General Plan or conflicting with Title 13 (Zoning Ordinance) of the Municipal Code.

There would be no fiscal impact to the City.

Staff recommended that the City Council accept the findings contained in the staff report and approve the proposed Text Amendment, removing Finding B from Section 13-7C-6 of the 2009 City Code as recommended by the Planning Commission.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident, said he opposed removing Finding B, and his feeling had not changed. He addressed:

- Being against high-density
- Item E
- Effect of high-density on water
- Item B should remain

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

**MOTION: Councilmember Southworth moved to table this item indefinitely. The motion was seconded by Mayor Rolfe.**

Councilmember McConnehey supported the proposed motion; however he would also be in favor of an alternate motion which included the alternative language from page 227: “B. Applicant has demonstrated an awareness of all of the other locations in the City where the general plan’s land use map currently provides for the type of land use proposed by the Applicant, and has demonstrated that such other locations are economically or physically impractical for the proposed use or not reasonable available to Applicant, thus necessitating the use and/or change proposed in the amendment;” which was included in the Council’s agenda packet.

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.**

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL THE FY 2015-2016 (41<sup>ST</sup> YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT, HOME AND PROGRAMS INCOME FUNDS**

Chuck Tarver said the City of West Jordan received an annual allocation of funds from the Department of Housing & Urban Development under the Community Development Block Grant Program. These funds were allocated annually to provide services to the low and moderate-income residents of West Jordan. Under this program, 15% (\$81,182) can be allocated to public service agencies, 20% (\$108,243) for program administration, and the remaining 65% (\$351,791) toward housing, public facilities and payment of the City’s Section “108” loan.

Proposals for providing these programs and services under the CDBG program were submitted to the City during December 2014. Once the requests had been reviewed by staff, then the CDBG/HOME Committee meets to hear presentations by the agencies and make funding recommendations to the City Council. A list of these requests and recommendations were listed below.

In addition to the normal FY2015-2016 Annual Action Plan process, staff developed the FY2015-2019 five-year Consolidated Plan as required by the Department of Housing & Urban Development. Staff discussed CDBG Priorities and Goals with City Council in a PowerPoint presentation at the March 25, 2015 City Council Meeting, followed by public meetings on March 27 and May 11, 2015 for citizen comments. In addition, an article discussing the 5-Year Consolidated Plan Process was published in the West Jordan Journal in the January 2015 issue.

No comments were received for consideration at this point. All meeting notices were published in the Salt Lake Tribune.

**FY 2015/2016 CDBG REQUESTS & RECOMMENDATIONS**

\$541,216 FY2015-2016 Allocation  
 \$ 40,000 Housing RL

<b>Applicant</b>	<b>Program</b>	<b>Amount Requested</b>	<b>Funding Recommendation</b>
<b>Public Services 15%</b>			
<b>Community Health Centers</b>	Dental Health Care	\$5,000	\$5,000
<b>Family Support Center</b>	Crisis Nursery	\$15,000	\$7,000
<b>South Valley Services</b>	Case Management	\$15,000	\$15,000
<b>Community Action Program</b>	Financial Literacy Coursework	\$6,000	\$0
<b>Community Action Program</b>	South County Neighborhood Pantry	\$6,000	\$6,000
<b>YWCA</b>	Shelter & Supportive Services	\$7,500	\$6,696
<b>The Road Home</b>	Winter Shelter	\$12,000	\$12,000
<b>Sandy Counseling</b>	VISIONS-Mental Health Treatment	\$5,000	\$0

<b>Boys &amp; Girls Club</b>	Heartland After-School	\$10,500	\$10,000
<b>Legal Aid</b>	Domestic Violence Victims Assistance	\$12,000	\$12,000
<b>AAA Fair Credit Foundation</b>	Housing & Financial Counseling	\$6,008	\$0
<b>Big Brothers Big Sisters</b>	Mentoring Program	\$10,000	\$7,500
	<b>PS Request Total</b>	<b>\$110,008 (\$28,812 Over)</b>	<b>\$81,196</b>
<b>Administration/Planning – 20%</b>			
<b>WFRC</b>	Coordination & Planning	\$3,577.31	\$3,577
<b>City of West Jordan</b>	CDBG Administration	\$97,545	97,545
	<b>Administration Request Total</b>		<b>\$101,122</b>
<b>Unrestricted – Balance</b>			
<b>ASSIST</b>	Emergency Home Repairs & Access Improvements	\$90,000	\$90,000
<b>South Valley Services</b>	Fire Sprinklers	\$11,385	\$11,385
<b>City of West Jordan</b>	Housing Rehabilitation Loans	\$40,000 RL	\$40,000 RL
<b>City of West Jordan</b>	Down Payment Assistance	\$100,000	\$100,000
<b>City of West Jordan</b>	Section 108 Loan Payment	\$154,879	\$154,879
<b>City of West Jordan</b>	Contingency		\$2,725
	<b>Unrestricted Request Total</b>		<b>398,898</b>

**FUNDING SOURCES:**

**CDBG Allocation:** \$541,216  
**CDBG Revolving Loan** \$ 40,000  
**TOTAL AVAILABLE:** \$581,216

**FY 2013/2014 COMMITTEE MEMBERS**

<b>Member</b>	<b>Representing</b>	<b>Contact Info</b>
Justin Stoker	West Jordan City Council	(801) 569-7762
Julie Davis	West Jordan Resident	(801) 569-5066
Cheryl Brown	West Jordan Resident	(801) 538-8729
Loretta Grundvig	West Jordan Resident	(801) 569-5183
Bill Heiner	Planning Commission	(801) 560-1785
Larry Montgomery	Finance Department	(801) 569-5011
Craig Frisbee	Public Works Department	(801) 569-7707
David Oka	Economic Development	(801) 569-5241
Heather Royal	West Valley CDBG Manager	(801) 963-3280
Charles Tarver, Non-Voting	West Jordan CDBG Manager	(801) 569-5062

Chuck Tarver said regarding the fiscal impact all funds were provided from the Community Development Block Grant and HOME Programs. No additional funds were required from the City.

Staff recommended approving the recommendations as presented for consideration by the CDBG/HOME Committee.

The Council and staff discussed clarifying questions.

Chuck Tarver had the representatives approach the Council and introduce themselves and their organizations.

Jen Campbell - South Valley Services  
Stuart Ralphs – Legal Aid Society  
Roger Borgenich – Assist  
Britta Berkey– Big Brothers Big Sisters of Utah  
Haden Seili – Salt Lake Community Action Program  
Jessica Burnham – The Road Home  
Kelly Mermit – Family Support Center

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident, agreed that all the programs seemed to be worthwhile. He asked what the \$97,545 Administrative costs were going towards.

Alexandra Eframo, West Jordan resident, agreed with Mr. Steve Jones. She asked for a breakdown of the \$97,545 in Administration costs. She felt the City should look into providing for the homelessness.

Chuck Tarver addressed the \$97,545 in Administration costs. He said HUD allowed the City to take 20-percent for administration, which included staff salary, benefits, travel, training, etc. He said the reason some of programs received only limited funds was because under the HUD program the City could only spend 15% of the annual allocation for those agencies, which was in the range of \$81,000. He said every year the City maxed out the 15%. Housing donations were not restricted.

JayLynn Thomas, West Jordan resident, commented on a few of the programs. She said it was difficult to take victims into safe places when the resources were stretched to the limit.

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

Councilmember Haaga reported that all the funds for the CDBG Grant Program were accounted for and justified.

Councilmember Hansen commented on the need within West Jordan City for these programs and how grateful she was that the City could help.

Councilmember Southworth said he would like to thank the groups and people who ran the programs.

Councilmember Nichols expressed his appreciation to Council, staff, and residents for participating in this committee.

**MOTION: Councilmember Nichols moved to approve the proposed funding recommendations of the West Jordan CDBG/HOME Committee for FY 2015-2016 and to adopt the FY2015-2019 Consolidated Plan and FY2015-2016 Annual Action Plan. The motion was seconded by Councilmember McConnehey.**

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.**

***IX. BUSINESS ITEM***

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-94, ADOPTING THE TENTATIVE BUDGETS FOR THE GENERAL FUND, THE SPECIAL REVENUE FUNDS, THE CAPITAL PROJECTS FUND, THE WATER FUND, THE SEWER FUND, THE SOLID WASTE FUND, AND THE INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2015-2016, AND SETTING JUNE 10, 2015, AS THE BUDGET PUBLIC HEARING**

According to State Law, "Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is consider advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced" UCA 10-6-111.

The Interim City Manager delivered the proposed budgets for the General Fund to the City Council on April 16, 2015 and delivered the proposed budgets for the other funds to the City Council on or before May 5, 2015. The budgets could be reviewed, discussed, and amended as necessary up through the public hearing and final adoption, currently scheduled for June 10, 2015.

Not that the capital projects budgets in the Road Capital Fund, Parks Capital Fund, Water Fund, Sewer Fund, an Stormwater Fund were in a work-in-process status at the time of printing of this document and were shown in this resolution at the Fiscal Year 2015-2016 amounts in last year's Strategic Plan documents. These capital budgets would be revised and formally presented to the governing body as soon as completed.

Staff recommended approval of Resolution 15-94, adopting the Fiscal Year 2015-2016 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Fund, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 10, 2015, in the City Council Chambers.

Bryce Haderlie asked if the Council had any questions. There were none.

Councilmember Haaga left the meeting at 8:35 p.m.

**MOTION: Councilmember Southworth moved to approve Resolution 15-94, adopting the Fiscal Year 2015-2016 Tentative Budgets for the General Fund, the Special Revenue Funds, the Capital Projects Fund, the Enterprise Funds, and the Internal Service Funds and scheduling a public hearing on the Tentative Budgets for June 10, 2015, in the City Council Chambers. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Absent</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 6-0.**

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-95, AUTHORIZING THE PLACEMENT OF A 'BLUE STAR' MONUMENT ON CITY PROPERTY LOCATED AT THE VETERANS MEMORIAL IN THE VETERANS MEMORIAL PARK DONATED BY**

**THE WEST JORDAN EXCHANGE CLUB AND THE UTAH ASSOCIATION GARDEN**

Doug Diamond said the West Jordan Exchange Club and the Utah Associated Garden Clubs had proposed to place a memorial on City property at the Veterans Memorial in the Veterans Memorial Park to honor the service of men and women in the Armed Forces. This program began with the planting of 8,000 Dogwood trees by the New Jersey Council of Garden Clubs in 1944 as a living memorial to veterans of World War II. In 1945, the National Council of State Garden Clubs adopted the program and began a Blue Star Highway system, which covered thousands of miles across the Continental United States, Alaska and Hawaii. A large metal Blue Star Memorial Highway Marker was placed at appropriate locations along the way.

The program was expanded to include all men and women who had served, were serving or would serve in the armed services of the United States. Memorial Markers and By-Way markers were added to the Highway Markers, to be used at locations such as National cemeteries, parks, veteran's facilities and gardens.

The Blue Star became an icon in World War II and was seen on flags and banners in homes for sons and daughters away at war, as well as in churches and businesses. This program had been active all through the years to the present, a fitting tribute always and especially now.

Pursuant to the 2009 West Jordan Municipal Code, Section 8-15-7, 'Monuments, Memorials, Donated Seating, and Trees, specific principles' provided the guidelines for items to be donated and placed on City property. Section 8-15-10, outlined the application submittal, and determination if the request met the requirements of the chapter. The Planning staff had reviewed the safety of the proposal demonstrating that the design and location of the proposal would meet or exceed the safety concerns (as outlined in Section 8-15-10.C.5), they had determined the memorial met any and all requirements and had issued a building permit.

Doug Diamond said there would be no fiscal impact to the City. The memorial was being donated by the West Jordan Exchange Club and the Utah Associated Garden Clubs.

Staff recommended approving the placement of a memorial on City property located at the Veterans Memorial in the Veterans Memorial Park.

**MOTION: Councilmember Southworth moved to approve Resolution 15-95, regarding the placement of a memorial on City property located at the Veterans Memorial in the Veterans Memorial Park. The motion was seconded by Councilmember Hansen.**

A roll call vote was taken

**Councilmember Haaga**

**Absent**

<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 6-0.**

Councilmember Haaga returned at 8:40 p.m.

**DISCUSSION AND POSSIBLE ACTION REGARDING A STORMWATER GRANT PROGRAM**

Councilmember Nichols stated that because his home had flooded in the past and possibly in the future, he recused himself from the discussion, and stepped down from the dais.

Wendell Rigby stated that on August 27, 2014 several residents from across the City commented in City Council meeting with regards to the recent rain storm and the impacts that it had on their properties. Since that date, many residents had continued to show interest and provide feedback regarding efforts to have efforts made to reduce the likelihood of flooding and associated damage.

Beginning on August 13, 2014 the City Council approved the contract for a Stormwater Master Plan for the City and had since planned a series of initiatives to address concerns and provide solutions to various flooding situations around the City.

The northern portion of the Stormwater Master Plan was nearing completion and several capital projects had been identified and had begun the process towards addressing the needs of the residents. Some of these items include:

- Installation of backflow prevention devices on residential streets that drain to 3200 West. Products are on order and expected to be installed late April.
- Construction of a 100-year storm drain system that will convey stormwater from the City-owned detention basin at 6778 S. 3420 W. directly to the Constitution Park Detention Basin. Design will be complete in late April and will go out to bid for summer construction.
- Development of the 7000 South utility upgrade project. 7000 South represent a major upgrade to multiple utilities and ultimately a widening of the street and is currently in design. Based upon the size and scope of the project and dependent on permitting times with state and federal agencies, this project will likely go out for bid and construction either late 2015 or early 2016.

In addition to the capital improvements, localized flooding concerns can still impact individual residents based upon local conditions. To be able to provide a completely multifaceted approach to flood control, a Stormwater Grant program was presented to

allow for residential homeowners to apply for and receive City-funded grants that would go towards property restoration after flooding and to pay for City-related costs for homeowners to protect and mitigate their property from future flooding.

At the crux of the program was the funding source and amount. The proposal listed the details regarding the different options, along with advantages and disadvantages of each option; along with other critical program details. Summarizing the three proposed options:

- Option 1 - \$50,000 allocated from the Stormwater Enterprise Fund.
- Option 2 - \$100,000 allocated from the General Fund to the City's Risk Management Office
- Option 3 - \$250,000 allocated from the General Fund to the City's Risk Management Office

Regardless of the Option selected, the program details and procedures needed to be finalized based upon direction from the City Council. The funding amount and source were key elements to the final development of the program.

Not included at this time, but merited consideration was that a budget adjustment (if implementation was requested for this fiscal year) or new allocation (for implementation in future fiscal years) would need to occur before the program could be implemented. Currently, funding was not available in either the Stormwater Enterprise account or the City's Risk Management fund for this program.

Staff recommended approval of the conceptual Stormwater Grant program for the West Jordan City, with funding option to be decided by the City Council.

The Council and staff discussed clarifying questions.

Councilmember Haaga suggested going back to forgiving the debt of the storm drain of the General Fund Loan Stormwater, and then fund it with those funds \$225,000.

Councilmember McConnehey preferred Option 3.

Mayor Rolfe believed Option 3 was the only option that would help the residents. He felt this should be administered and funded from Risk Management.

**MOTION: Councilmember McConnehey moved to conceptually approve the proposed Stormwater Grant program and to direct staff to finalize the details of the program based upon funding Option No. 3. The motion was seconded by Councilmember Rice.**

A roll call vote was taken

**Councilmember Haaga**                      **Yes**

<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Yes</b>
<b>Councilmember Nichols</b>	<b>Absent</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 6-0.**

Councilmember Nichols returned to the dais.

**DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 15-96, AUTHORIZING THE INTERIM CITY MANAGER TO CREATE THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT ON AN INTERIM BASIS OF SIX MONTHS**

Bryce Haderlie said with retirement of Tom Burdett, he was proposing combining the Community and Economic Development departments into one in order to improve economies of scale and enhance economic development efforts. The organizational chart provided in the Council's packet identified the proposed changes of having Paul Coates maintain the title of Economic & Development Assistance Manager and have Jeremy Olsen serve as an Economic & Development Assistance Supervisor (new position). Making this change on an interim basis would allow us to modify assignments or make changes as needed.

Councilmember Southworth felt this did not need to be on an interim basis.

The Council and staff addressed the proposed organizational chart.

**MOTION: Councilmember Southworth moved to adopt Resolution 15-96, authorizing the Interim City Manager to create the Community and Economic Development Department. The motion was seconded by Councilmember Nichols.**

Mayor Rolfe spoke against the motion. He preferred having David Oka directly over Economic Development. He felt there would be a void without an Office of Development Assistance.

Councilmember McConnehey spoke against the motion. He felt this would be taking the emphasis away from Economic Development.

Bryce Haderlie clarified that Paul Coates, Office of Development Assistance (ODA) would continue to serve as the ODA Manager, in-addition he would mentor Jeremy Olsen to be the ODA Manager/supervisor, thus allowing Paul Coates to spend more time working with Economic Development and David Oka.

Councilmember Haaga was in favor of the proposed motion.

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>Yes</b>
<b>Councilmember Rice</b>	<b>Yes</b>
<b>Councilmember Southworth</b>	<b>Yes</b>
<b>Mayor Rolfe</b>	<b>No</b>

**The motion passed 5-2.**

**DISCUSSION AND POSSIBLE DIRECTION REGARDING  
ESTABLISHING AN 'ETHICS' POLICY**

Mayor Rolfe said provided in the Council's agenda packet was Ethics policies from Draper City and Orem City. He encouraged the Council to direct staff to create a strong Ethics Policy similar to the ones provided.

The Council addressed the following:

- One cities document regurgitated State code
- Suggested just siting State code
- Duplication/Repetitive with what was already in the West Jordan City Employees Manual
- Possible Ethics Commission directed by State code
- Reporting Ethics violations with the Attorney General's Office
- State of Utah had an Ethics Committee which cities can utilize

Bryce Haderlie said the challenge for staff was remembering when the code changes at the State level, possibly resulting in multiple places in City code that must be made. He felt it was easier to refer to State code siting.

**MOTION: Councilmember Haaga moved to direct staff to investigate and possibly establish an Ethics Commission for West Jordan City.**

The motion died for lack of a second.

**MOTION: Mayor Rolfe moved to direct staff to review the documents and the various areas where there were deficiencies in the Employee Handbook and Council Rules and Procedures, and bring back something for Council to consider for approval. The motion was seconded by Councilmember McConnehey.**

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.**

**MOTION: Councilmember Nichols moved to extend the meeting until 9:40 p.m. The motion was seconded by Councilmember Hansen.**

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>Yes</b>
<b>Councilmember Rice</b>	<b>No</b>
<b>Councilmember Southworth</b>	<b>No</b>
<b>Mayor Rolfe</b>	<b>Yes</b>

**The motion passed 4-3.**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE SELECTION OF A RECRUITER TO BEGIN THE PROCESS OF HIRING A CITY MANAGER**

Councilmember Nichols reported that a subcommittee had met to discuss the various recruiter firms. The committee supported the company of Waters & Company.

**MOTION: Councilmember Nichols moved to direct staff to move forward with the company of Waters & Company as the Recruiter to begin the process of hiring a City Manager. 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>Yes</b>
<b>Councilmember Nichols</b>	<b>Yes</b>
<b>Councilmember Rice</b>	<b>Yes</b>

**Councilmember Southworth**      **Yes**  
**Mayor Rolfe**                              **Yes**

**The motion passed 7-0.**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE SELECTION  
OF A LEGAL FIRM TO PROVIDE LEGAL SERVICES TO THE CITY**

Councilmember Hansen said she was unable to review the documents regarding this issue and would like to table this discussion.

Councilmember Southworth felt the reason for recruiting a legal firm had changed and would like to table this discussion to a date uncertain.

Councilmember Haaga reviewed the process up to this point. He felt qualified firms had responded and a decision should be made.

**MOTION: Mayor Rolfe moved to direct staff to continue with the two firms selected temporarily, and continue until such time as the Council desires to change, due to the fact that the City Manager can only authorize up to \$20,000.00, the City Council must take action tonight.**

The motion died for lack of a second.

Bryce Haderlie clarified that when the Statement of Qualification went out the anticipation was for the following: 'In consultation with and at the direction of the City Attorney's Office, the Attorney will represent the City of West Jordan and assist in representing the City.....' He felt this was in case of litigation or things of that nature. He proposed looking at the qualifications and ability of each firm, and selecting the firm as needed, then possibly advertising a Request for Proposal in the future for City outlined/specific needs.

**MOTION: Councilmember Southworth moved to direct the City Manager to move forward with the Statements of Qualifications as originally intended, authorizing up to the amount that is available in the City Attorney's budget, and bring back to the City Council at a later date for further action, if needed. The motion was seconded by Councilmember Nichols.**

Bryce Haderlie indicated that staff would be prudent and keep the Council apprised. He asked that if Council had questions, please let him know.

Councilmember Haaga spoke against the motion.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>No</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 6-1.**

Councilmember McConnehey left the meeting at 9:24 p.m.

**CONSENT ITEM 7F**

**APPROVE RESOLUTION 15-91, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH TISCHLERBISE, INC. TO COMPLETE IMPACT FEE STUDY UPDATES IN AN AMOUNT NOT TO EXCEED \$153,440.00**

Wendell Rigby said an Impact Fee Study was required by Utah Code, Title 11 Chapter 36a. The consultant would help the City to understand and comply with all current requirements of this code, including public notices, public hearings, appropriate uses of impact fees, creation of IFFP (Impact Fee Facility Plans), and appropriate calculation of fees sufficient to fund the growth-related costs of future capital projects.

The City used the competitive RFP (Request for Proposals) process and received proposals from three qualified firms. An RFP review committee evaluated all proposals based on experience & qualifications (30%), demonstrated understanding of the project (10%), methodology to deliver end product (20%), plan for managing the project (10%), and cost (30%). Based on these criteria's, TischlerBise Inc. received the highest overall ratings.

The City intended to perform Impact Fee Study Updates approximately every two years, which was more frequently than it had done historically, in order to adapt to changes in growth patterns and capital facility needs.

The fiscal impact would be the total of \$153,440.00 to be shared by the areas affected by the study: Water, Wastewater, Storm, Transportation, Parks, Police, and Fire in three phases:

- \$59,680 (2015)
- \$46,880.00 (2017)
- \$46,880.00 (2019)

Staff recommended approval of the agreement with TischlerBise, Inc. to complete the Impact Fee Study Updates.

The Council and staff discussed clarifying questions.

**MOTION:** Councilmember Haaga moved to adopt Resolution 15-91, authorizing the Mayor to execute an agreement with TischlerBise, Inc. to complete Impact Study Updates in an amount not to exceed \$153,440.00. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

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

The motion passed 6-0.

#### **CONSENT 7G**

**APPROVE RESOLUTION 15-92, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SILVER SPUR CONSTRUCTION FOR THE INSTALLATION OF BACKFLOW DEVICES TO THE SECONDARY WATER SYSTEM AT SIX LOCATIONS, IN AN AMOUNT NOT TO EXCEED \$404,538.00**

Wendell Rigby said this project would install Reduced Pressure Principle Backflow Prevention Devices (RPZ's) at six (6) locations where the source water and secondary water systems were connected.

The bid was advertised in the classified ads of local newspapers prior to the bid opening on Wednesday, April 15. Plans and specifications became available to contractors from the West Jordan Purchasing Division on March 30. The engineer's estimate for this project was \$550,000.00. Three companies' submitted bids with Silver Spur Construction being the lowest responsible bidder. The bidding documents were reviewed and evaluated to ensure Silver Spur Construction met the bidding requirements.

Wendell Rigby reported that funds were available in the Utility Water Reserves Account.

Staff recommended approval of the contract with Silver Spur Construction for the installation of backflow devices to the secondary water system at six locations, in an amount not to exceed \$404,538.00.

Councilmember Haaga opposed approving the proposed contract.

**MOTION:** Councilmember Nichols moved to adopt Resolution 15-92, authorizing the Mayor to execute a contract with Silver Spur Construction for the

**installation of backflow devices to the secondary water system at six locations, in an amount not to exceed \$404,538.00. The motion was seconded by Councilmember Southworth.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>No</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</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 5-1.**

#### **CONSENT 7I**

##### **APPROVE RESOLUTION 15-93, CONFIRMING THE INTERIM CITY MANAGERS ABILITY TO APPOINT AN ACTING CITY MANAGER IN HIS ABSENCE OR TEMPORARY INCAPACITATION**

Bryce Haderlie said the proposed Resolution was intended to resolve any questions between State and City Code on the delegation of authority in the Interim City Managers absence. The Interim City Manager would continue to inform the senior staff and Council when he was delegating that authority, and who would have that authority for what period of time.

Staff recommended approval of the Resolution to maintain the smooth and consistent operation of the City.

Councilmember Haaga spoke against the proposed Resolution because it was in violation of State Code. He quoted the '1977 State Code' "only by a majority vote of the full membership of the City Council can an acting Manager serve in the absence of the even temporary manager." He felt if the Interim City Manager was going on vacation the Council should be notified two weeks prior to the Council meeting. He felt the Council should know who is in charge.

Councilmember Southworth believed succession had always been communicated clearly.

**MOTION: Councilmember Southworth moved to approve Resolution 15-93, for the Interim City Manager to appoint an Acting City Manager in his absence or temporary incapacitation. The motion was seconded by Councilmember Nichols.**

Councilmember Nichols addressed State Code which stated that the majority vote of the Council was what established the succession. In a prior City Council meeting the succession order was established with a full-member Council.

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Abstained</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</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 5-1.**

#### **CONSENT 7H**

#### **APPROVE A REQUEST FROM JOLYNN BRIGGS REGARDING ALCOHOL USE AT PIONEER HALL FOR AN EVENT ON JUNE 14, 2015**

The following information was provided in the Council's agenda packet:

Utah Department of Alcohol and Beverage Control  
[http://abc.utah.gov/events/no\\_permit\\_events.html](http://abc.utah.gov/events/no_permit_events.html)

#### No Permit Required Events

##### ***The "Privately Hosted Event" Exception***

If the event is truly private and not open to the general public, and the alcohol is furnished by the host without charge to those attending, then no alcohol permit is required. To qualify for this exception, you must be hosting a social, business or recreational event for which

- an entire room, area, hall (or building) has been leased or rented in advance;
- the event is limited in attendance to people who have been specifically designated (and their guests);
- the alcoholic beverages are furnished without charge. This exception does not apply to events to which the general public is invited, whether for an admission fee or not;

Thus, you will need to establish some way to determine at the door that only those who have been invited (and their guests) are admitted, and not the general public. There can be no indirect sale of alcohol by way of charging admission or selling tickets to offset the cost of the alcohol. Perhaps the best example of the "privately hosted event" exception is a private wedding where those attending have been specially invited and are on a guest list, and the host provides the alcohol at no charge to the wedding guests.

You may hold a privately hosted event for a single day or several days, and there are no set hours for alcohol service. You may serve any liquor, wine or beer at the event as long as it has been purchased in Utah. You should also take precautions to ensure that no one under 21 years of age is served alcohol at the private event. You could be potentially liable for serving someone you knew or should have known was under the age of 21, and they become intoxicated and injure or cause damage to another person.

Note that under Utah's keg beer law, any beer served under the "privately hosted event" exception must be in bottles or cans purchased at retail. Beer may not be served "on draft" from a keg. The keg law prohibits anyone, other than a licensed or permitted beer retailer, from being in possession of beer in containers larger than two liters. It also prohibits beer distributors or wholesalers from selling keg beer to anyone other than a licensed or permitted beer retailer. Also, there is no provision in the law that allows dispensing of "heavy beer" (over 3.2% alcohol content) on draft from kegs.

Organizers of privately hosted events hosted by accredited foreign diplomatic missions.

Staff had concluded that the request was within Council's purview to grant.

**MOTION: Councilmember Southworth moved to approve the request for alcohol at Pioneer Hall according to the laws set forth by Utah Department of Alcohol and Beverage Control by the renters of Pioneer Hall on June 4, 2015, and direct staff to complete the Pioneer Hall reservation. The motion was seconded by Councilmember Nichols.**

A roll call vote was taken

<b>Councilmember Haaga</b>	<b>Abstained</b>
<b>Councilmember Hansen</b>	<b>Yes</b>
<b>Councilmember McConnehey</b>	<b>Absent</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 5-1.**

**X. REMARKS**  
**ADMINISTRATIVE MATTERS**

Councilmember Nichols addressed City Code which did not allowed for the extension of a meeting pass 9:00 p.m., by a motion of the Council.

Councilmember Nichols suggested the Council review Roberts Rules of Order with respect to 'calling the question' procedurally this had been done incorrectly.

- Calling the question – requires a second and then any discussion should stop immediately, then a vote with respect to calling the question and if it passes then the matter is voted on.

**WELBY RAIL ISSUE**

Mayor Rolfe encouraged the Council to study the Welby Rail issue.

There were no other remarks.

***XI. ADJOURN***

**MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Nichols and passed 6-0 in favor.**

The meeting adjourned at 9:36 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 10<sup>th</sup> day of June 2015