

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

Wednesday, February 10, 2016

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Kim V. Rolfe, and Council Members Dirk Burton, Jeff Haaga, Zach Jacob, Chad Nichols, and Sophie Rice. Council Member Chris M. McConnehey was excused.

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; Doug Diamond, Police Chief; Scott Langford, City Planner; Larry Gardner, Senior Planner; Jim Riding, CIP/Facilities Project Manager, and Julie Brown, Event Coordinator.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Remington Darger, Troop 1136.

III. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

Mark Palesh –

- Police Chief Doug Diamond and Police Detective JC Holt received an award from the Salt Lake Domestic Violence Coalition for their work on the Lethality Assessment Protocol
- Police Sergeant Mitch Soper was selected by the Utah Police Officers Association as “Officer of the Year,” and Police Sergeant Bruce Shepherd received a ‘Valor Award’ for their work during the hostage standoff on August 26, 2015.

STAFF COMMENTS/REPORTS

David Oka –

- SME Steel remaining in West Jordan

CITY COUNCIL COMMENTS/REPORTS

Councilmember Jacob –

- Expressed appreciation to Code Enforcement for their quick follow-up regarding a resident’s issue.

Councilmember Burton –

- Informed the Council and citizens that he held two West Jordan City Business Licenses.

IV. CITIZEN COMMENTS

Lanissa Bell, West Jordan resident, commented on the View at 5600 Preliminary Plan. She voiced her concerns regarding the Planning Commission making decisions instead of the elected officials. She said the Council had in the past stated they were against high-density. She felt the new City Attorney should be allowed time to review the proposal to see whether this complex would benefit the City. She asked the Council to make sure all of the provisions of this plan were compliant with the development plan.

Nicole Barnette, West Jordan resident, agreed with the comments made by Lanissa Bell. She said Planning Commissioners' were not elected and therefore not accountable to the people. She felt the View at 5600 Preliminary Plan should be re-reviewed. She asked the Council to hold off on making a decision.

There was no one else who desired to speak.

V. CONSENT ITEMS

- Approve the minutes of January 14, 2016 as presented**
- Approve Resolution 16-16, authorizing the Mayor to sign a Settlement Agreement in the amount of \$120,000,00 for settlement of Case No. 130908719**

MOTION: Councilmember Nichols moved to approve Consent Items 5.a and 5.b. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

VI. BUSINESS ITEM

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-17, CONFIRMING THE APPOINTMENT OF DAVID BRICKEY TO SERVE AS CITY ATTORNEY; ADMINISTER THE OATH OF OFFICE

Pursuant to the West Jordan Municipal Code, Section 1-7D-4-D1, the City Manager was authorized to appoint, with the advice and consent of the City Council, “.... Heads of city offices, departments...” The City Manager proposed the City Council confirm the appointment of an individual as the City Attorney for the City of West Jordan.

Fiscal and/or asset impact:

The salary and benefits for this position were budgeted in the current fiscal year 2015-2016 budget.

Staff recommended the approval of the appointment of a City Attorney for the City of West Jordan.

MOTION: Councilmember Jacob moved to approve Resolution 16-17, confirming the appointment of David Brickey, as the City Attorney for the City of West Jordan. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Melanie Briggs, City Clerk, administered the Oath of Office to new City Attorney, David Brickey.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-18, CONFIRMING THE APPOINTMENT OF A COUNCILMEMBER AS A VOTING MEMBER OF THE SALT LAKE COUNTY COUNCIL OF GOVERNMENT

Mayor Rolfe said the Salt Lake County Council of Governments (COG) was made up of the mayors of each municipality in the county as well as a city council representative from each of the cities of the first class. There were also two county council members and the County mayor who were members of the COG. This group had historically been a group that dealt with issues those cross-city boundaries, such as transportation, watershed, air quality, public safety, etc. In 2006, as a result of legislative actions, a local transportation

corridor preservation fund was created and the COG was charged with coordinating property purchases for future roads in the county. The Council of Governments had subcommittees that dealt with Air Quality, Transportation, Public Safety, Human Services, Arts and Humanities, Intergovernmental Relations.

With the recent election November 2015, Councilmember Judy Hansen was no longer a voting member of COG. The City Council must confirm the appointment of a member to serve in this capacity.

Councilmember Jacob nominated Councilmember Burton. It was seconded by Councilmember Burton.

Councilmember Nichols nominated Councilmember Rice. It was seconded by Mayor Rolfe.

Councilmember Rice announced that she was already serving on the Salt Lake County Association of Municipal Councils and could not serve on COG at the same time.

Councilmember Nichols reported that one of the seats of the COG was already filled by Mayor Rolfe.

MOTION: Councilmember Nichols moved to approve Resolution 16-18, confirming the appointment of Councilmember Burton to serve as a voting member on the Salt Lake County Council of Governments. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Councilmembers Nichols and Jacob agreed to serve as alternates.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-19, CONFIRMING THE 17 ACRE SITE THAT INCLUDES THE EXISTING PUBLIC WORKS FACILITY AND 7+ ACRES TO THE NORTH AS THE SITE FOR A NEW PUBLIC WORKS FACILITY

Jim Riding said since 2009 consideration had been given to the need for a new Public Works Complex. The City hired JRCA Architects to provide programming and determine the most appropriate site location for the new facility. After considerable review it seemed the best location would be on 20 acres to the south of the existing facility which was owned by Salt Lake City. The proposal presented to Salt Lake City through Airport Authority personnel was to swap 20 acres the City owned on the north for 20 acres to the south. This morphed into another proposal to exchange 10 acres the City owned on the north for 10 acres on the south and to trade the 10 acres the current facility was on for another 10 acres on the south. Some complications arose with this proposal. First, the property line for the north site went through the existing concession stand and language would have to be included in the contract to allow an easement for the concession stand to remain. The second item was the City would need all 20 acres on the south to construct the new facility and still be able to occupy the existing facility during construction. If the property ownership was exchanged, the City would possibly need to lease back the existing facility from Salt Lake City until the new facility was constructed; the Airport Authority indicated that was not a favorable situation. After the most recent meeting with the Airport Authority personnel, it was determined that the swap would be a long drawn out and complicated process involving the FAA. Staff presented another proposal to City Council at the Strategic Planning meeting that would take 7+ acres on the north side of the existing Public Works Facility which the City currently owned and add it to the existing 10 acres, giving the new facility 17+ acres to construct the new facility. This would eliminate any land swap and related complications and delays and allow the Public Works personnel to operate out of the existing facility until a new one was built.

He said funding for this project would follow City Council direction.

Staff recommended approval of the 7+ acres to the north of the existing Public Works Facility being added to the existing 10-acre Public Works site for the location of the new Public Works Facility.

The Council and staff addressed concerns and thoughts regarding the proposed Public Works Facility.

Councilmember Rice requested this item be tabled until the next Council meeting to allow Councilmember McConnehey to be in attendance.

Councilmember Nichols felt this was a good place for the proposed Public Works Facility; however, with that being said he felt every effort should be made to make sure there was not another better-suited place in the immediate area.

He questioned whether property owners in the vicinity, who had property that would fit the needs for this facility in the heart of the City, were contacted.

Jim Riding said business owners in the area were contacted. He felt there were no properties approximately 20-acres in size that would be available.

Mark Palesh commented on the building being centrally located, which would help the City save money.

Jim Riding commented on the current buildings that would remain on the existing site.

Councilmember Nichols asked if private property owners were contacted.

Jim Riding said no.

The Council and staff addressed the following:

- Current number of acres
- Loss of two fields
- Additional options should be considered

Mayor Rolfe said Councils' had been discussing this issue for seven years. He said this property was already owned by the City, and keeping with this location would keep the City from dismantling building that had recently been constructed.

MOTION: Mayor Rolfe moved to adopt Resolution 16-19, for the approval of the 7+ acres to the north of the existing Public Works Facility being added to the existing 10-acre Public Works site for the location of the new Public Works Facility. The motion was seconded by Councilmember Haaga.

Councilmember Nichols did not want this issue postponed; however, he felt there should be more Council input since the plan had changed since the Strategic Planning Session. He wanted the following researched:

- Financial feasibility
- Private land owners considered

Councilmember Rice agreed with Mayor Rolfe's comments; however, she would like to hold off until the next meeting.

Councilmember Haaga said this had been before the Council at least four times since he had been on the Council. He agreed with moving forward as quickly as possible. He commented on the following:

- Other locations had been considered
- Safety of staff and residents

- Centrally located even with new growth

Councilmember Burton liked the idea of reusing some of the buildings; however, was unhappy with the loss of soccer fields.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	No
Councilmember McConnehey	Absent
Councilmember Nichols	No
Councilmember Rice	No
Mayor Rolfe	Yes

The motion failed 3-3.

Councilmember Nichols directed staff to proceed with due diligence of possible other properties of landowners in the immediate vicinity.

RECONSIDERATION OF ORDINANCE 16-10, REGARDING 5600 WEST 8200 SOUTH; RATIFICATION OF PLANNING COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN ESTABLISHING DENSITY; MFR AND HFR ZONES; THE VIEW AT 5600, LLC/UINTA LAND COMPANY, APPLICANT

Larry Gardner said the City Council remanded this item back to the Planning Commission on December 2, 2015 with the direction to review the density buy-ups associated with this project. The Planning Commission on January 5, 2016 reviewed the density buy-ups for the second time, and with some minor modifications granted preliminary approval of the development plan for The View at 5600 located at 8200 South 5600 West in the MFR Zone, 51 units on 6.01 acres with a residential density of 8.50 units per acre, and in the HFR Zone, 480 units on 28.79 acres with a residential density of 16.7 units per acre, subject to the following conditions:

1. The Final Development Plan shall be updated to reflect the buy up points and densities approved by the Planning Commission and City Council.
2. The Final Development Plan shall be updated to show all other requirements as approved by the Planning Commission.
3. Approval of the Preliminary Subdivision plan and Preliminary Site Plan shall be subject to City Council ratification of the Preliminary Development Plan. The project density shall be ratified by the City Council as part of the Preliminary Development Plan.
4. Update the Final Development Plan to address all existing and future planning, engineering, fire, Design Review Committee, and all other City redline corrections pertaining to The View at 5600 Development Plan.

5. Before the final plat, site plan and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
6. The development shall be designed according to City Standards and shall have the approval of the City Engineer before final approval is granted; notwithstanding the design concepts as shown in the preliminary development plan.
7. A HAWK signal shall be required at the location where the trail crosses 5600 West to protect the health, safety, and welfare of residents.

He said the Planning Commission reviewed the density buy-up and made some minor modifications. The only category where the Planning Commission found that density buy-ups were granted excessively or inappropriately was in the “Trails and Open Space” category where the Commission chose to remove the “Courtyard” amenity for a 1% reduction and reduce the “Multiple Playing Fields” from 4% to 3%. The reductions did not change the density of the project. With those changes the Planning Commission granted approval, with conditions, of the preliminary development plan for The View at 5600 located at 8200 South 5600 West in the MFR Zone, 51 units on 6.01 acres with a residential density of 8.50 units per acre, and in the HFR Zone, 480 units on 28.79 acres with a residential density of 16.7 units per acre.

Findings of Fact Preliminary Development Plan

There were no specific findings of fact for development plans.

The WSPA zoning districts allowed density increases subject to providing certain required amenities or design elements that were intended to improve the overall project. The density range in the MFR zoning district was between 4.51 and 9.0 dwelling units per acre. In this zone, the applicants were entitled to 4.51 dwelling units per acre (which is considered the base density) but can ‘buy up’ to 9.0 dwelling units per acre if all optional bonus density elements were provided and integrated into the development. The density range in the HFR zoning district was between 9.01 and 18 dwelling units per acre. In this zone, applicants were entitled to 9.01 dwelling units per acre (which is considered the base density) but can ‘buy up’ to 18.0 dwelling units per acre if all optional bonus density elements were provided and integrated into the development. The density ‘buy up’ was determined using the table contained in the 2009 City Code, Section 13-5J-5C and Section 13-5J-6 which further clarified how percentage points are achieved.

Table 1.0 was derived from the table in Section 13-5J-5C. It contained both the applicant’s and staff’s analysis of total percentage points earned.

WSPA STANDARDS AND INCENTIVE CHART

Table 1.0

Amenity/Improvement	Weighted Value	Required vs. Optional	Applicant Score	Staff Score
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Trails and open space:				
Improvement: <i>Dedication of open space, trail (drainage) corridors or "in lieu fees" and installation of trails in accordance with the comprehensive general plan and the "Parks, Recreation, Trails And Open Space Handbook"</i>		Required	0%	0%
<p>Discussion: The area along Clay Hollow wash will be a dedicated open space area that will remain open and usable to residents and non-residents of The View. The Parks, Recreation, Trails And Open Space Handbook requires fifty feet of open area on each side of the wash for a total of one hundred feet. Because the wash will be piped, as approved by the City Engineer, the one hundred feet will be from the centerline of the wash. To be consistent, the one hundred feet of wash will be averaged as has been done in other projects within the Highlands master plan. The open area will be installed and maintained by the project owners through a development agreement. The two open space areas along the wash will be connected by a trail and bridge and will appear as one large open area when constructed. The applicant will dedicate an open space easement to the City through the wash area and will then landscape and maintain the open space. The applicant will also install a trail through the open space area and a bridge across the wash. This part of the plan meets the intent of the WSPA ordinance.</p>				

Table 2.0

Amenity/Improvement	Weighted Value	Required vs. Optional	Applicant Score	Staff Score
Trails and open space:				
Improvement: <i>Installation of enhanced open space/recreational amenities and/or landscaping/irrigation in excess of that required per city standards.</i>	Up to 22%	Optional	22%	22%
<p>Discussion: Swimming Pool (2%) Lazy River (1%) Two Basketball Courts (2%) Fitness Center (2%) Three playgrounds with equipment (2%) Three Tot Lots (2%) Forecourts with seating (2%) Parkour Course (2%) Multiple Playing Fields (4%) (3%) Picnic area (2%) Common Greens (1%) Courtyard (1%) Landscape Buffers (2%) Landscaped Tree Colonnade (2%) The applicant has installed more amenities than the maximum 22% allowed under the ordinance. The total in this category exceeded the 22% and can only be granted buy-ups to 22%.</p>				

Each amenity from the discussion list would be evaluated individually. There was a sentiment at the City Council meeting that an amenity regardless of how many are installed throughout a project should only be granted the maximum percentage points in the WSPA Amenity table. This attitude was both inconsistent with what had been done in other WSPA projects, i.e. Loneview, where percentage points were given for each installed amenity; and contrary to the WSPA ordinance which stated: *“Percentage points (or partial points) shall be awarded based on the type and size of amenity being provided. The tables below shall be used to determine the value of each installed amenity within a development.”*

Moreover, if this logic was followed then a large project, such as the View at 5600, would have no incentive to install more than one of each type of amenity, such as several playgrounds, because they would not get any additional density buy up for installing more than one playground. Several Playgrounds, for example, scattered throughout the project result in a better project than just on centrally located playground. Staff felt that awarding density buy-up points for each amenity, regardless if it is the same type, resulted in a better project and was meeting the intent of the ordinance.

Members of the City Council concluded that the Lazy River should not be granted additional buy up points because it is part of the swimming pool. Staff’s conclusion was that the Lazy River was an additional amenity that is not commonly installed in multi-family developments and should be granted additional points. It was true that it is connected to the swimming pool but that was for convenience of using the same water treatment system and facilities installed for the pool. The ordinance allowed for amenities not specifically identified on the amenities list stating: *“The active and passive amenity tables listed herein are not all inclusive. There may be open space amenities not listed in the chart that meets the intent of this subsection. A developer may propose substitute amenities in the development plan, and if approved, the city council shall award bonus points to the substituted amenity. The bonus points awarded shall be based on the amenity in the chart that bears the closest resemblance to the substitute amenity.”*

Amenity/Improvement	Weighted Value	Required vs. Optional	Applicant Score	Staff Score
Trails and open space:				
<i>Improvement: Improvement of trail corridors and installation of trail amenities in excess of that required per city standards.</i>	Up to 15%	Optional	15%	15%
Discussion: The plan shows the installation of 1.81 acres of active open space (5%). The				

applicant will be installing the benches and trash receptacles every 1000 feet as outlined in the development plan. (4%). The applicant will be installing fences along the trail corridor (4%) as described in the development plan and will be installing landscaping and irrigation along the trail corridor (4%).

Installation of landscaping/vegetation and irrigation within dedicated trail corridors. Acceptable landscaping includes the installation of one tree every twenty five (25) linear feet of trail, and one shrub, bush or perennial flower every two (2) linear feet of trail (grouping or clustering is permissible and encouraged).

Table 4.0

Improvement: <i>Dedication of additional property for trails beyond that required per city standards along creeks/washes.</i>	Up to 15%	Optional	Applicant 15%	Staff 15%
Discussion: The code requires a minimum 100 feet of dedicated open space (50 feet open space dedication on both sides of drainage corridors.) The applicant will also be piping the wash to make the area usable and to be able to install landscaping. The open area beyond the wash is greater than the required 100 feet. The open area will give additional common open area for 709 feet. (Entire length of the wash) times by the width of the wash. The applicant will also construct the trail system through the project that will connect to the City's trail system. This amenity meets the intent of the WSPA ordinance.				

Table 5.0

Amenity/Improvement	Weighted Value	Required vs. Optional	Applicant Score	Staff Score
Street Design				
Improvement: <i>Pedestrian scale development and consistent, architectural street lighting</i>		Required	0%	0%
Discussion: All street lights will conform to West Jordan City standards for residential streetlights. The streetlights will be no taller than 12 feet tall with aluminum shaft with fluted finish direct burial pole with 3-inch tenon top and will be consistent with other lighting throughout the Highlands. The lighting within the project will be installed to provide safety for the residents. The lighting will be an attractive theme base design for the development.				
Traffic calming		Required	0%	0%
<i>Discussion: Traffic calming measures will be incorporated into the project and will be reviewed during the final subdivision and site plan review.</i>				

Street design <i>The project has internal drives accessing parking areas.</i>		Required	0%	0%
Improvement: <i>Entryway monument or gateway feature.</i>	Up to 10%	Optional	10%	10%
Discussion: The development plan shows three entryway monuments.				

Table 7.0

Improvement: <i>Provision of a landscape buffer on major rights of way</i>	Up to 22%	Optional	<u>Applicant</u> 8%	<u>Staff</u> 8%
Discussion: The development will have a 32-foot wide 758-foot landscape buffer along 5600 West and will incorporate berms, plantings and a 3-foot split rail fence.				

Table 8.0

Smart growth:			<u>Applicant</u>	<u>Staff</u>
Improvement: <i>Pedestrian friendly and walkable neighborhood design.</i>		Required	0%	0%
Discussion: Five-foot sidewalks are placed along all exterior streets and adjacent to buildings. There will also be three trail connections for pedestrian access.				
Improvement: <i>Alternative load garage configuration (if single-family)</i>	Up to 18%	Optional	4%	0%
Discussion: Not applicable to this design.				
Improvement: <i>Clustered subdivision design</i>	Up to 10%	Optional	0%	0%
Discussion: Not applicable to this design.				
Building design:			<u>Applicant</u>	<u>Staff</u>
Improvement: <i>Attractive, theme based and consistent architecture on all structures.</i>		Required	0%	0%
Discussion: The Design Review Committee recommends approval of building architecture. (See attached minutes of meeting)				
Improvement: <i>Installation of covered</i>	Up to	Optional	14%	0%

<i>porches throughout 50% of subdivision</i>	14%			
Discussion: Not applicable to this design.				
Improvement: <i>Enhanced door, window, eave and roofing treatment</i>	Up to 12%	Optional	<u>Applicant</u> 12%	<u>Staff</u> 12%
<p>Discussion: The applicant has installed enhanced door and window and roof treatments throughout as required by the ordinance which states: As an optional development improvement worth up to twelve (12) percentage points, all residential developments should be designed with enhanced door and window treatment and effort should be made to select door and window types that present a pleasing facade arrangement to the public. No partial percentage points will be allotted for the installation of any single item listed herein.</p> <p>a. Window Placement: Windows should be installed on all facades of a residential structure and shall be proportionate in size to the wall face in which the window is located. Residential building design should avoid long, monotonous, uninterrupted and windowless walls. The maximum unbroken distance between any corner of the structure and a window and/or windows on any side of a residential structure is eight feet (8'). <i>The project meets this requirement. See page 65 of the Development Plan.</i></p> <p>b. Window Treatment: All windows should have framed in wood, brick, stone or stucco trim that is at least four inches (4") in width. Windows set in vinyl or stucco without any trim is not permitted. <i>The project meets this requirement. See page 65 of the Development Plan.</i></p> <p>c. Window Style: Identifiable window mullion patterns should be installed on at least seventy five percent (75%) of the windows to meet this criterion. <i>The project meets this requirement. See page 65 of the Development Plan.</i></p> <p>d. Window Types: Encouraged window types include: (1) Bay or bow windows; (2) Oval, octagon or wrapping corner windows; (3) Arched windows; (4) Clustered windows. <i>The project meets this requirement. See page 65 of the Development Plan.</i></p> <p>e. Door Treatment: All front doors should be complemented with at least one sidelight, transom window or double door. <i>Balcony doors meet this requirement.</i></p>				
Improvement: <i>Equal dispersion and use of high quality building materials</i>	Up to 12%	Optional	<u>Applicant</u> 12%	<u>Staff</u> 12%
Discussion: The development will incorporate stucco, stone, brick, composite board siding and shingles and other high-grade materials. Interior upgrades include 9-foot ceilings, granite counter tops, stainless steel appliances, high quality windows and doors. <i>The project meets this requirement. See page 65 of the Development Plan.</i>				
Improvement: <i>Discretionary buy up</i>	Up to 12%	Optional	0%	4%

Discussion: The installation of 144 detached garages will be included in the development. *See page 53 of the Development Plan.*

Based on the total percentage referenced above, the following calculation was used to find out the maximum allowed density of a project: [(Base Density) x (Bonus Density Percent)] + (Base Density) = Max Allowed Net Density

As staff calculated the maximum allowed net density in the MFR zone, $(4.51 \times .98) = 4.42$; $4.42 + 4.51 = 8.93$ du/ac; therefore, 8.93 dwelling units per net acre are possible. The proposed development included 51 units on 6.01 acres for a proposed residential density of 8.48 dwelling units per acre (gross). This compared to a maximum net density of 6.01 acres X 9.0 units per acre = 54 units.

The maximum allowed net density in the HFR zone, $(9.01 \times .98) = 8.83$; $8.83 + 9.01 = 17.84$ du/ac; therefore, 17.84 dwelling units per net acre were possible. The proposed development included 480 units on 28.79 acres for a proposed residential density of 16.67 dwelling units per acre (gross). ($16.67 \times 28.79 = 479.929$ units rounding up give 480 units total.) This compared to a maximum net density of 28.79 acres X 18.0 units per acre = 518 units.

Based on the information submitted and the conditions of approval recommended by staff, The View at 5600 Sub-area Preliminary Development Plan had sufficient amenities to achieve the requested 531 multi-family residential dwelling units.

Staff recommended that based on the requirements listed in the Zoning Ordinance, that the City Council ratify the Planning Commission's approval of The View at 5600 Preliminary Development Plan located at approximately 8200 South 5600 West with a residential density of 8.5 units per acre MFR zone and 16.7 units per acre HFR zone; for a total of 531 multi-family units on 34.8 acres, subject to the conditions of approval.

Councilmember Burton provided the reasons he was bringing this item back for reconsideration. He believed that citizens and developers both had rights. After reviewing the staff report he felt the developers had followed the requirements of the City regarding this development.

MOTION: Councilmember Burton moved to reconsider Ordinance 16-10, regarding 5600 West 8200 South; Ratification of Planning Commission approval of the Preliminary Development Plan establishing density; MFR and HFR Zones; The View at 5600. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	No
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	No
Mayor Rolfe	Yes

The motion passed 4-2.

MOTION: Councilmember Nichols moved to take a 10-minute recess. The motion was seconded by Councilmember Jacob and passed 6-0 in favor.

The Council recessed at 6:45 p.m. and reconvened at 6:55 p.m.

Councilmember Rice felt the issue was the WSPA Ordinance, which took away the Legislative body's power, over development and gave it to the Planning Commission. She commented on Utah Code Title 10-9a-302 Planning Commission Powers and duties, and Title 10-9a-801 Municipal Land Use, Development, and Management Act, Part 8 District Court Review.

She said Title 10-9a-801 gave the District Court the right to essentially overthrow the WSPA Ordinance. Her recommendation would be for this Council to move in that direction.

Councilmember Haaga spoke in favor of the proposed Ratification of Planning Commission approval. He welcomed this development to the City.

Mayor Rolfe said he was not a fan of high-density; however, this zoning was already in place on the West Side Planning Area.

MOTION: Councilmember Nichols asked for a personal privilege to ask the developer one question. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

Councilmember Nichols said there were two buildings adjacent to 5600 West in the MFR zone; he asked if the developer would be interested or willing to consider moving them five-feet to the west.

The developer said yes, we could look at that.

MOTION: Councilmember Burton asked for a personal privilege to allow a resident to address the Council. The motion was seconded by Councilmember Haaga and passed 6-0 in favor.

Shelly Turnbow, West Jordan resident, commented on a proposal sent out by Councilmember Jacob which did not violate the law. She asked that that proposal be sent back to the Planning Commission or be voted on. She felt this was a lose/lose, but could be changed into a win/win situation, if this development was changed slightly.

MOTION: Councilmember Burton moved that the Council ratify Ordinance 16-10, regarding 5600 West 8200 South; Ratification of Planning Commission approval of the Preliminary Development Plan establishing density; MFR and HFR Zones; The View at 5600, with the amendment to move the buildings 5-feet further than on the submitted drawings, as agreed to by the developer. The motion was seconded by Councilmember Haaga.

Councilmember Nichols indicated that this was a medium-density project and had been vested in the WSPA. He pointed out some of the positive attributes of this project:

- 1) No City maintenance
- 2) Public access to some of the amenities

He asked the new City Attorney to review the WSPA for legality moving forward in the future.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	No
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	No
Mayor Rolfe	Yes

The motion passed 4-2.

DISCUSSION AND POSSIBLE ACTION REGARDING RENTAL FEE FOR RODEO ARENA

Councilmember Burton was seeking consideration and changes to the consolidated fee schedule regarding special event rentals in the West Jordan Arena, along with ideas to mitigate sound at the arena during special event rentals.

The following information was provided:

Current Fees:

Rodeo Arena		
Lighting		\$55/hr with a 2
Riding Clubs (Season is Apr. 1 - Oct. 20) (West Jordan youth groups - 50% off)	<u>Main Arena - Per Season</u>	<u>Practice Arena - Per Season</u>
	\$600 up to 28 sessions Additional session - \$25 each	\$450 up to 28 sessions Additional session - \$15 each
Riding Clubs - Non-profit (Season is Apr. 1 - Oct. 20) (West Jordan youth groups - 50% off)	<u>Main Arena - Per Season</u>	<u>Practice Arena - Per Season</u>
	\$300 up to 28 sessions Additional session - \$20 each	\$225 up to 28 sessions Additional session - \$10 each
Special Events (West Jordan youth groups - 50% off)	<u>Main Arena - Per 8 hrs</u>	<u>Practice Arena - Per 8 hrs</u>
	\$400 Ticketed events, fee per ticket (in add'tn to rental fee) \$1.50	\$300
Tractor with Driver		\$50/hr
Security Deposit (Refundable)		\$500 per event per arena
Concessions		\$500 per concession stand
Misc. Arena Rental Fee (West Jordan youth groups - 50% off)		\$65/hr with a 2 hr min.

Proposed Fee Change:

Special Events (West Jordan youth groups – 50% off)

Main Arena – Per 8 hrs	Practice Arena – Per 8 hrs
\$400 (Monday-Thursday)	\$300 (Monday-Thursday)

Same rate we currently have

\$600 (Friday-Saturday)	\$450 (Friday-Saturday)
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This is a 150% increase from current rates

\$800 (Sunday & Holidays)	\$600 (Sunday & Holidays)
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This is a 200% increase from current rates

Ticket events, fee per ticket (in addition to rental fee) \$1.50

No change from current rates

Security Deposit (Refundable)	\$2,500 per event per arena
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Raise to match what we charge tournaments and other large facility users

Councilmember Burton said several residents near the arena had expressed their opinions to him regarding the sound levels used in the arena.

He asked the Council to consider changes to the Facility Use Policy to mitigate noise and complaints from special event rentals in the West Jordan Arena.

Changes to consider:

1. Have one sound contractor that the city works with. All rentals needing sound will need to use this sound contractor and pay the city for the services used. This would be expense/revenue neutral.
 - o Our current Facility Use Policy does not require any sound mitigation or modification.
 - o Staff currently has a sound Request for Proposal (RFP) ready to be posted and sent. It can be changed to include additional possible events.
2. Change the facility hours of the West Jordan Arena to be closed at or before 8 p.m. on Sundays, and Weekdays (Monday through Thursday)
 - o Our current Facility Use Policy is that the Park closes at 11 p.m.
 - o Our current Facility Use Policy does not regulate when sound can be used. This would be a new addition for the arena facility.
 - o This is a scheduling issue that can be managed by staff.
3. Add to the Facility Use Policy that all sound in the arena needs to comply with Salt Lake Valley Health Department regulation on amplified sound. Amplified sound in any direction will be kept at 90 decibels or less.
 - o Sound contractor to keep sound levels at or below health department levels inside, and at the nearest resident property lines.
 - o Sound contractor shall be responsible to monitor sound levels and may be assessed a fine if 90 decibels are exceeded. Exceptions, such as fireworks, must be preapproved.
 - o We currently do not have a maximum sound level in the Facility Use Policy.

Councilmember Haaga agreed with Councilmember Burton's suggestions regarding the fees and sound changes.

Councilmember Jacob asked what other City facilities utilized staff time on weekends where fee increases might be necessary.

MOTION: Councilmember Burton moved to approve that we amend the policy to adopt the hours as prescribed, and the sound contractor as described, and permit staff to again start reserving the arena. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	Yes

The motion passed 6-0.

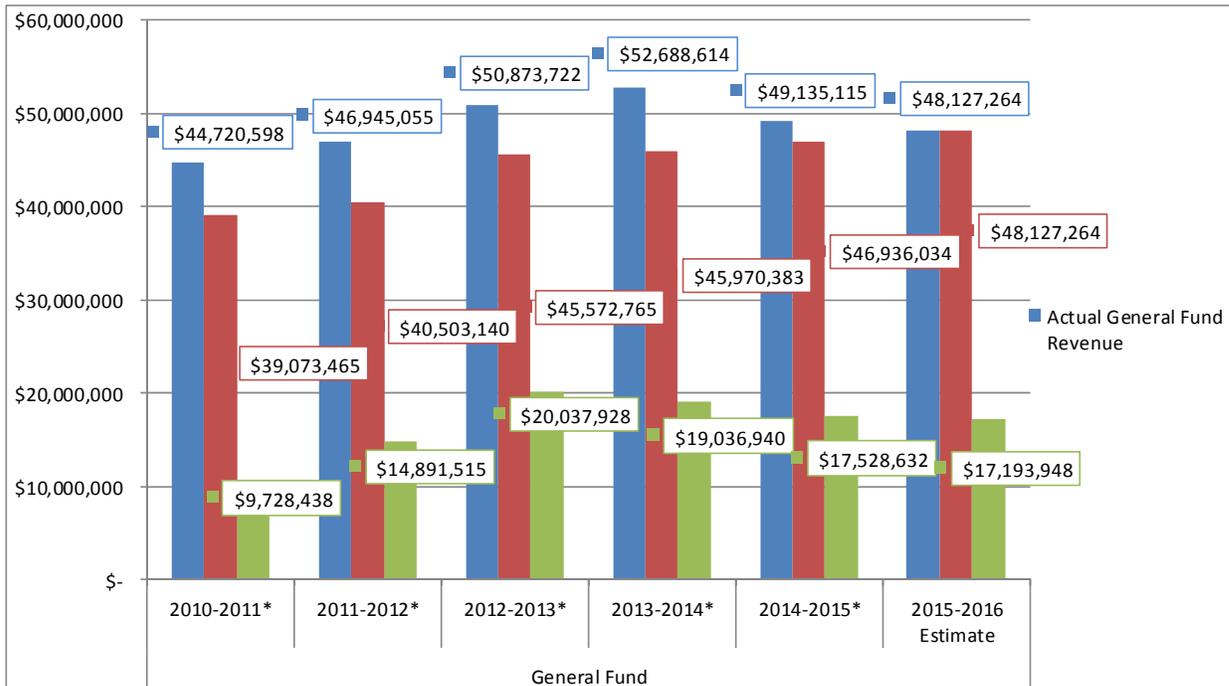
PRIOR BUDGET DISCUSSION

Mayor Rolfe commented on the prior budgets. He reviewed the information that was presented by Councilmember Nichols at the January 27 Council meeting:

Adopted Final Budgets						
General Fund	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
Projected Income	\$39,073,465	\$40,503,140	\$45,572,765	\$45,970,383	\$46,936,034	\$48,127,264
Projected Expenses	\$41,362,374	\$41,460,891	\$45,320,757	\$46,477,945	\$49,516,651	\$52,548,799
	(\$2,288,909)	(957,751)	\$252,008	(\$507,562)	(\$2,580,617)	(\$4,421,535)

All Funds						
General Fund	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
Projected Income	\$76,955,358	\$80,748,369	\$91,009,763	\$101,199,611	\$103,765,617	\$96,530,091
Projected Expenses	\$81,464,838	\$83,629,873	\$94,758,748	\$105,570,480	\$107,957,079	\$112,910,382
	(\$4,509,480)	(\$2,881,504)	(\$3,748,985)	(\$4,370,869)	(\$4,191,462)	(\$16,380,291)
General Fund Balance	\$5,925,949	\$6,006,348	\$14,520,531	\$16,705,954	\$16,850,663	\$17,193,948
Beginning Fund	\$5,244,183	\$3,799,603	\$13,894,087	\$16,221,021	\$14,756,702	\$12,557,317
Projected Ending Balance	(\$681,766)	(\$2,206,745)	(\$626,444)	(\$484,933)	(\$2,093,961)	(\$4,636,361)

He then presented the actual numbers from the Adopted Fiscal Year Budgets and Comprehensive Annual Financial Report (CAFR):



Actual General Fund Revenue

 Adopted General Fund Revenue

 Ending Fund Balance

Mayor Rolfe stated that the Council had no greater responsibility to the citizens of West Jordan than watching the entire budget and how funds were spent.

He reported that each year there had been more revenue than what was project by millions of dollars. He said based on the CAFR, even though Council was told back in FY 2010/2011, that the City was approaching the minimum surplus fund balance, the City was actually close to the maximum fund balance. He said that the economy in West Jordan City was very healthy with a strong solid surplus fund balance, along with a healthy sum in the State Treasury.

Councilmember Nichols felt the revenues were exceeding what was being projected; however, he wanted to approach the budget cautiously. He wanted to make sure the expenditures were not exceeding the City's income.

Mayor Rolfe said he had received several calls regarding projects and the possibility of deficit spending. He wanted to reassure citizens that that was not the case.

Councilmember Haaga wanted to make sure the City was below the State allowed percentage for the fund balance, and utilizing all the tax revenues to progress the City.

VII. REMARKS

There were no remarks.

VIII. ADJOURN

MOTION: Councilmember Burton moved to adjourn. The motion was seconded by Councilmember Haaga and passed 6-0 in favor.

The meeting adjourned at 7:30 p.m.

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

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 24th day of February 2016