

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

Wednesday, June 22, 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 McConnehey was excused.

STAFF: Mark Palesh, City Manager; David Brickey, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Bill Pyper, Deputy Finance Director; Wendell Rigby, Public Works/Engineering Director; Reed Scharman, Deputy Fire Chief; Doug Diamond, Police Chief; Larry Gardner, Senior Planner, Steve Glain, Management Assistant, Eric Okerlund, Budget Officer; Jon Gardner, Human Resources Director; Jeremy Olsen, ODA Supervisor and Paul Coates, ODA Manager.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zachary Mickelson, Troop 75.

III. PRESENTATION

**JORDAN SCHOOL DISTRICT PRESENTATION REGARDING THE
BOND ISSUE ON THE 2016 BALLOT**

Jen Atwood and Kayleen Whitelock of the Jordan School District Board of Education, explained that the school board was proposing a bond of \$245 million although the final number would be determined the following month. This bond would impact a citizen with a home valued at \$287,000 by an additional \$16.80 for the next several years. The funds would be used to build six new schools and make safety renovations at West Jordan Middle School.

Ms. Whitelock referred to a hand-out that had been submitted to the Council and others in attendance. She explained that it outlined all of the projects in West Jordan that had been funded with the District's capital budget since 2009. These projects totaled \$45,953,446.00. She explained the District's process in prioritizing capital projects and the fact that if the bond failed to pass, the projects listed on the hand-out would need to be delayed or possibly cancelled.

IV. COMMUNICATIONS
CITY MANAGER

Mark Palesh-

- Informed those present that Ryan Bradshaw, Finance Director for the City, had passed away two days prior. The funeral would be held the following Saturday.
- Bill Pyper would be acting as Finance Director.

STAFF COMMENTS/REPORTS

David Brickey-

- Assistant City Prosecutor Ed Berkovich recently obtained a conviction on a DUI charge filed by Officer Ian Adams. The jury returned with a guilty verdict after deliberating for only four minutes.

David Oka-

- A new Building Inspector, Brad Wheat, would begin work the following Monday.

Brian Clegg-

- The first soccer tournament of the year would begin the following day.

Reed Scharman-

- A new notice regarding restrictions on fireworks had recently been distributed. The restrictions were the same as in previous years.

Doug Diamond-

- Two vacancies within the police department would be filled as of the following Monday. The badge pinning would tentatively take place on July 7. Regarding the two new positions recently approved by the Council, those individuals were expected to begin at the police academy in late August.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Jacob-

- Attended the ribbon-cutting ceremony for the new Jordan Credit Union on 4800 West New Bingham Hwy.
- Would be attending the service for Ryan Bradshaw.

Councilmember Nichols-

- Expressed his appreciation to Ryan and wished his family the best.

Councilmember Burton-

- Held a town hall meeting on the previous week with over thirty people in attendance. Another would be held the following quarter.

Mayor Rolfe-

- Along with the City Attorney and two other Council members, he had attended a meeting with the Chief Financial Officer and Manager of the Jordan Valley Water Conservancy District. The rates for the current year had already been set but he would work over the next year to reduce the rate.

V. CITIZEN COMMENT

Olga Guzman explained that there would be a rodeo in the City on July 17, including a large contingent from Mexico. He invited all to attend.

Bill Barton, West Jordan resident, addressed the subject of possibly changing West Jordan's form of government.

Ramona Wilson spoke on behalf of the tenants of senior housing at 2105 W 8000 South. They felt that the area north of the housing (south of the TRAX wall) needed improvement and suggested a large mural.

There was no one else who wished to speak.

VI. CONSENT ITEMS

- a. Approve the minutes of June 8, 2016 and June 15, 2016**
- b. Approve Resolution 16-90, confirming appointment of members to serve on various City Committees**
- c. Approve Ordinance 16-91, authorizing the Mayor to execute a Membership Agreement with the Chamber of Commerce**
- d. Approve Resolution 16-92, authorizing the Mayor to execute an Addendum to the Memorandum of Understanding with the FBI Safe Streets Task Force (SSTF) designating the City of West Jordan Police Department as the fiduciary of the SSTF**
- e. Approve Resolution 16-93, authorizing the Mayor to execute a Memorandum of Understanding between the City of West Jordan, Salt Lake County, on behalf of its District Attorney's Office and its Division of 'Youth Services' Children's Justice Center (CJC), Utah State Attorney General's Office, Unified Police Department, and Division of Child and Family Services on behalf of the City's Police Department (CJC MOU)**
- f. Approve Resolution 16-94, authorizing the Mayor to execute Change Order 4 with Gerber Construction Inc. for final quantity adjustments at the Veteran's Irrigation Pond Reconstruction and Road Project in an amount not to exceed \$5,710.15**

- g. Approve Resolution 16-95, authorizing the Mayor to execute Amendment No. 1 to the Professional Service Agreement with Parsons Brinckerhoff for the 7800 South 4000 West to Airport Road Design project in an amount not to exceed \$4,001.00**
- h. Approve Resolution 16-96, authorizing the Mayor to execute a renewal Contract with A to Z Landscaping, Inc. for the annual City-owned park strip & park landscape maintenance, and snow removal services in Broadmeadow, Loneview #1, #2, and #3 subdivisions, roundabouts, Creekside #1 and #2, and Englefield #1 located in the Highlands Development, for an amount not to exceed \$27,952.16**
- i. Approve Resolution 16-97, authorizing the Mayor to execute a Professional Services Agreement with Architectural Coalition for architectural services to design a new restroom building at Constitutional Park, in an amount not to exceed \$8,500.00**

Councilmember Burton pulled item 6.c for discussion.

MOTION: Councilmember Jacob moved to approve all Consent items with the exception of 6.c. 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.

CONSENT ITEM 6.C

APPROVE RESOLUTION 16-91, AUTHORIZING THE MAYOR TO EXECUTE A MEMBERSHIP AGREEMENT WITH THE CHAMBER OF COMMERCE

Councilmember Burton wished to point out three things of note in the contract:

- 1) According to the contract, the Chamber agreed to “*cooperate and participate in joint efforts to support the retention and expansion*” of **all** businesses in the City—not just those within membership of the Chamber.
- 2) The contract indicated that the Mayor (or a representative selected by the Mayor) **and** a member of the City Council shall sit on the Chamber’s Board of Directors.

There was currently only one councilmember on the Board and if the contract allowed two, there should be an additional representative appointed.

- 3) He had heard a rumor that the Chamber might disband the Government Actions Council mentioned in the contract. He suggested that if that took place, the contract should be amended. He actually hoped the group would *not* be disbanded.

Councilmember Jacob explained that he was the City Council's designee on the Chamber's Board and that the Mayor had designated the City Manager to sit in his place. Therefore, the City had two representatives as required by contract. Additionally, the Chamber bylaws listed him (Councilmember Jacob) as an ex officio board member, which could be changed at a Chamber board meeting. He also explained that the Chamber Board had discussed the Government Actions Council at their last meeting and determined that since it was primarily only board members who attended the meetings of the GAC, there was no need to have a separate Council. He indicated that no one wished to officially disband the GAC, but to merely discontinue holding separate meetings if no one else attended them.

MOTION: Councilmember Burton moved to approve Resolution 16-91, authorizing the Mayor to execute a Membership Agreement with the Chamber of Commerce. 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.

VII. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 16-98, AMENDING THE SALARY SCHEDULE FOR FISCAL YEAR 2016-2017

Jon Gardner explained that the changes on the salary schedule were mostly a reflection of changes that were approved on June 8, 2016 when the final budget for fiscal year 2016-2017 was approved. The changes had been broken down into five different sections.

On June 8, 2016, the Mayor and Council approved changes to some positions in order to keep them in line with the Competitive Plus Advantage Strategy that the City was

following. Each year Human Resources would continue to review jobs and make recommendations in order to ensure that the City remained competitive with the market.

The position consolidations, new positions and eliminated positions also reflected the budget as approved on June 8. The Fire Service Officers would be added and the Fire Captain position would be eliminated around January 2017. Human Resources planned to fill the other positions as quickly as possible.

Finally, there were some miscellaneous title changes to a few positions.

The Council and staff discussed clarifying questions.

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

Councilmember Haaga wondered if positions that were not going to be filled could be eliminated from the salary schedule.

Mark Palesh explained why he recommended leaving certain vacant positions on the schedule.

MOTION: Councilmember Jacob moved to adopt Resolution 16-98, amending the Salary Schedule for fiscal year 2016-2017. The motion was seconded by Councilmember Rice.

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.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 16-28, VACATING THE PORTION OF THE STREET
SERVING AS THE PEDESTRIAN ACCESS AT 3530 WEST 7800 SOUTH**

Larry Gardner explained that the applicant had requested to vacate the pedestrian access through the fence located at 3530 West 7800 South. This application was for the vacation of a portion of a street (sidewalks were considered a street under State law). The applicant was making this request with the support of several petitioners in the neighborhood. The request was made because they felt the neighborhood was less safe and more prone to

crime because of the pedestrian access. The applicant had prepared a narrative which was attached to the report.

The pedestrian access was approved as a dedication with the Saddleback Village 1 subdivision plat recorded in 1980. The access was relocated in 2012 when UDOT constructed the Bangerter Highway Bridge over 7800 South. Construction of the bridge required that additional right of way along 7800 South be taken.

The procedure and criteria for vacating a right of way or street was found in Utah Code 10-9a-609.5.

10-9a-609.5. Vacating a street, right-of-way, or easement.

(1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street, right-of-way, or easement; or

(ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and

(b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

(2) If a petition was submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

The City Council, when considering whether to vacate a street or right of way must determine if good cause exists for the vacation and ensure that the public interest nor any person will be materially injured by the vacation.

A. Good Cause. The Legal Dictionary defines "Good Cause" as "Legally adequate or substantial grounds or reason to take a certain action. The term good cause is a relative one and is dependent upon the circumstances of each individual case." Staff will apply four criteria in determining if good cause existed namely safety, crime, pedestrian access and the General Plan.

- **Safety.** Safety of the community and its residents is the primary responsibility of the City. The applicant states that the walkway “leaves an unsafe condition” for the children of the area because of the access from the 3530 street neighborhood to 7800 South. Staff has not been able to find any unsafe condition or reported accidents associated with the pedestrian walkway. The potential for a small child to access 7800 South or for ne’er-do-wells to access the neighborhood via this walkway does exist, but at this time that is only conjecture. However, there is a perception by the petitioners that the walkway does make their neighborhood less safe, which cannot be ignored and should be considered. The pedestrian access is not part of a safe route to school.
- **Crime.** The applicant states that there has been an increase in “crime and graffiti along our street.” Staff has obtained crime statistics for the last 10 years and it appears that the reported crimes, which have increased over that period, are two cases of vandalism in 2013 and one case of theft in 2014, where in all years prior there were none of these types of crimes. The last reported graffiti was in 2008. Staff’s analysis does not take into account unreported graffiti or crimes. Crime statistics for the last 10 years are attached.
- **Pedestrian Access.** The existing pedestrian access in question is the most convenient access for ten to twelve homes along 3530 West. Vacating the access will add an additional ¼ mile additional walking for the residents now closest to the access.
- **General Plan.** The General Plan states the following about pedestrian access:

GOAL 1. PROVIDE A SAFE AND HEALTHY LIVING ENVIRONMENT FOR ALL CITIZENS OF THE CITY.

Policy 1. Ensure safety, accessibility, and walkability within and between neighborhoods.

Implementation Measures

1. Implement street design standards for residential subdivisions that provide an interconnected street system, greater distribution of traffic and route flexibility, and traffic calming measures where appropriate. Street systems should eliminate dead-end roads, hammerheads, and cul-de-sacs except in areas where there is no alternative for connectivity.
2. Provide convenient pedestrian and bicycle routes to public facilities such as transit stops, schools, libraries, and trail-ways.
3. Require that the design of new subdivisions incorporate block sizes at a pedestrian scale. Require new subdivisions to provide pedestrian connections, including pedestrian crossing and sidewalk systems between neighborhoods within the development and existing or future neighborhoods surrounding the development.
4. Improve safety and opportunities for social interaction through the creation of human-scaled public spaces on streets and in parks and plazas, including traffic calming measures, safe pedestrian crossings, and neighborhood connectivity.

GOAL 4. ENCOURAGE THE USE OF BICYCLE AND PEDESTRIAN TRANSPORTATION SYSTEMS.

Policy 2. Encourage increased pedestrian traffic.

Implementation Measures

1. Keep the Master Trails Plan up to date.

2. Complete and beautify those portions of the Jordan River Parkway that are located in the city.
3. Consider pedestrian overpasses at major crossings of arterial streets.
4. Encourage pedestrian friendly streets through regular sweeping, maintenance, safer crosswalks, pedestrian islands, removal of obstacles.
5. Program traffic signals to allow adequate time for pedestrians to cross intersections.
6. Ensure ADA compliance of existing and future pedestrian routes.
7. Identify areas where there are gaps in the sidewalk system and prioritize projects to fill those gaps.

Staff did not feel that vacating the pedestrian access would be counter to the Goals and Policies of the General Plan. The block size at present was pedestrian-friendly and would continue so with the vacation. The walkway did not interconnect to another residential neighborhood but accessed an arterial street. Vacating this pedestrian access would not substantially increase the walking distance for pedestrians trying to access 7800 South.

B. The public interest nor any person would be materially injured by the proposed vacation. Staff could not find any reason why the public interest nor any individual would be materially harmed by the vacation of the pedestrian access.

Staff felt there was good cause to vacate the pedestrian access on 3530 West and found neither the public interest nor an individual would be materially harmed by the vacation.

There was no anticipated fiscal impact.

The Council and staff discussed clarifying questions.

Mayor Rolfe opened the public hearing.

James Anderson, West Jordan resident and applicant, stated that several neighbors in favor of the change were present and willing to address the Council if needed. They felt strongly about this issue and pointed out that making the change would increase safety to children in the subdivision as they would then be unable to access the busy streets of 7800 South and Bangerter Highway.

Carol Meara, Taylorsville resident, spoke in favor of anything that increased the safety of children in the area.

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

Councilmember Haaga spoke in favor of approving Ordinance 16-28 but felt that UDOT should foot the bill.

Councilmember Burton was not convinced that vacating that portion of the street would solve all the problems being experienced by residents in the neighborhood but was still in favor of approving the Ordinance.

MOTION: Councilmember Nichols moved that the City Council approve the Ordinance vacating the portion of the street serving as the pedestrian access at 3530 West and 7800 South. 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.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 16-99, AMENDING THE GENERAL FUND, SPECIAL
ASSESSMENTS FUND, CAPITAL SUPPORT FUND, BUILDINGS
CAPITAL FUND, AND RISK MANAGEMENT FUND FOR FISCAL YEAR
2015-2016**

Eric Okerland, Budget Officer, explained that several budget adjustments were needed to reflect new or revised activities since the development of the 2015-2016 budgets:

- The Police Department had received several grants and reimbursements in the total amount of \$170,611, warranting a corresponding \$170,611 increase in Police Department expenditures.
- The Fire Department had been awarded an Emergency Management Program Project Grant in the amount of \$14,000 for the purchase of digital radios. The grant was a matching grant, requiring the City to contribute \$7,000 to the grant funds of \$7,000 to support the corresponding \$14,000 increase in Fire Department expenditures.
- The Development Department added a Combination Inspector position in September 2015, warranting a \$67,850 increase in Development Department expenditures.
- The City wished to transfer \$4,490,500 from the General Fund to the Capital Support Fund and to increase appropriations in the Capital Support Fund by the same amount in support of a land purchase made in the Capital Support Fund.

- The City wished to move budget in the amount of \$18,203 from the Administrative Services Department to the Human Resources Department to cover unexpected costs in the Public Notices line account.
- The City needs to appropriate an additional \$2,500,000 from reserves in the Risk Management Fund to cover unanticipated payments in the Liability Losses line account.
- The City needed to establish appropriations in the Special Assessment Fund in the amount of \$24,000 to cover the operating costs of the newly established Highlands Assessment Area.
- The City wished to establish appropriations in the amount of \$500,000 in the Buildings Capital Fund to cover preliminary costs for the Recreation Center and the Public Works Facility.

This adjustment would result in a \$367,200 net increase to the Buildings Capital Fund, since operating expenditures would be increased by \$500,000 and contribution to fund balance would be decreased by \$132,800.

- The City wished to move budget in the amount of \$386,844 originally held in the Wage Pool line account in the Non-Departmental Division to the following departments: Fire Department \$246,844; Human Resources Department \$40,000; Public Works Department \$100,000.

The Council and staff discussed clarifying questions. They addressed the \$4.5 million that had been lent to the Redevelopment Agency by the City and which fund it would come from. Those funds would come from the General Fund surplus, leaving the surplus at approximately \$5.6 in unrestricted dollars.

Councilmember Haaga wished to refer to the capital fund budget passed the previous year to ensure there was \$2.5 million available to cover litigation costs.

Mayor Rolfe opened the public hearing.

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

Councilmember Haaga expressed concern and spoke against approving the Resolution. He indicated that it would be premature to amend the budgets of the affected funds since the RDA had not yet paid the City back for the \$4.5 million loan.

Councilmember Jacob pointed out that the money in the various funds had already been spent and that the budget amendments were merely to ensure that the City did not over-spend in any of the areas.

Councilmember Burton recommended that in the future, budget amendments be made at the time of the correlating expenditure.

Mayor Rolfe expressed concern that there appeared to be a discrepancy between the numbers that came from a May 31 reconciliation and the numbers now before the Council.

Eric Okerland said that although he did not have the May 31st figures before him, he suspected that the discrepancy stemmed from the fact that the May 31st numbers were merely estimates and that they did not take into account the previously mentioned \$2.5 million in litigation costs.

MOTION: Councilmember Jacob moved to approve Resolution 16-99, amending the budgets for the affected funds for Fiscal Year 2015-2016. The motion was seconded by Councilmember Rice.

Councilmember Haaga spoke against the motion.

A roll call vote was taken

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

The motion passed 5-1.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
RESOLUTION 16-100, AMENDING THE UNIFORM FEE SCHEDULE
FOR FISCAL YEAR 2016-2017**

Bill Pyper explained that one change in the schedule involved Section XVIII (Utility Fee Schedule). It showed an adjusted utility rate in response to some new information provided by Steve Glain. There was also some different verbiage in section XXII (Recorder Fee Schedule).

Mayor Rolfe opened the public hearing.

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

A citizen then indicated a desire to comment.

MOTION: Councilmember Nichols moved to re-open the public hearing. The motion was seconded by Councilmember Jacob.

A roll call vote was taken

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

The motion passed 6-0.

Kristy Wilkes, West Jordan resident, was strongly opposed to the fee increase and asked the Council not to impose it. She pointed out the surpluses in various utility funds as an indication that a utility fee increase was unwarranted.

There was no one else who wished to speak. The Mayor once again closed the public hearing.

MOTION: Mayor Rolfe moved to continue the item until all seven councilmembers could be present to vote on the item. Additionally, no new fees were to be assessed to the residents until that meeting. 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.

VIII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM CHARLIE LUKE AND MARK PITTMAN TO IMPLEMENT BLYNCSY, A SMART TRAFFIC SOFTWARE TO USE THROUGHOUT THE CITY

Mayor Rolfe explained that he had met with a Blyncsy representative and was very excited about the possibility of using the program in the City. He invited Charlie Luke to address the Council about the system.

Mr. Luke explained how important data was to policy makers and he proposed that the City take part in a pilot project wherein real-time data would be created, aiding the City with decision making.

Mark Pittman, Blyncsy CEO, presented a brief overview of the technology, what it did and what the potential applications could be.

Mayor Rolfe stated he was quite impressed with the potential of this technology and wanted to know if the rest of the Council was interested in pursuing involvement.

Councilmember Nichols stated that although he understood that the technology did not necessarily attach names to the data, he did not trust the federal government despite the fact that he was a federal employee. He was not in favor of participating in such a project although he agreed that it was an amazing tool.

Councilmembers Burton was also against participating in such a project at this time.

The Council agreed to schedule the item for a public hearing in order to gauge the public's interest in moving forward.

DISCUSSION AND POSSIBLE ACTION REGARDING A LETTER OF AUTHORIZATION FOR DAN SNARR, SCULPTOR/FINE ARTIST, TO PERMIT FUND RAISING EFFORTS TO CONSTRUCT A STATUE TO BE LOCATED AT THE MILITARY MONUMENT IN VETERANS MEMORIAL PARK

Mayor Rolfe explained that he had been approached by the artist who was interested in erecting a bronze statue in Veterans Memorial Park. He sought no money from the City but wished only to have the Council's permission to attempt to raise \$60,000 in donations in order to create the statue. The Council would then determine where it should be placed within the park.

The Council agreed to have a letter drafted by Mayor Rolfe (with the involvement of the City Attorney) to allow Dan Snarr to proceed with fund raising efforts.

MOTION: Councilmember Jacob moved to take a five-minute recess. The motion was seconded by Councilmember Nichols with 6-0 vote in favor.

The Council recessed at 8:00 p.m. and reconvened at 8:09 p.m.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROCESS TO BEGIN THE NOTICING PERIOD OF THE PROJECT AREA PLAN FOR THE ECONOMIC DEVELOPMENT AREA #5 – PIONEER TECHNOLOGY DISTRICT

David Oka explained that the process for the creation and adoption of an Economic Development Project Area was established in the Limited Purpose Local Government Entities – Community Reinvestment Agency Act of the Utah State Code.

The first step, as required by §17C-3-101(1), required the Redevelopment Agency to adopt an Economic Development Project Area study, which the Agency approved at its March 31, 2016 meeting. The second step, as stipulated in §17C-3-102(1)(d), was to prepare a draft project area plan and hold a public hearing in order to receive public comment on the draft.

Following the public hearing, an agency may, in accordance with §17C-3-102(1)(g), either approve the plan, approve the plan with modifications, or reject the proposed plan. Once the agency approved a draft of a plan, it was then submitted to the City Council for adoption.

Once a Project Area Plan had been adopted by the Council, state statute required the plan to be noticed in a newspaper of general circulation, which was to include a summary of the plan and provisions for the plan to be made available for inspection by the public for a period of 30 days (see §17C-3-107). The Project Area Plan was considered to be effective on the date of the publication of public notice, after which the agency could proceed with implementation of the plan.

The Project Area Plan for Economic Development Area #5 – Pioneer Technology Park included a strategy to bring employment and private investment to West Jordan by utilizing tax increment financing to attract a variety of businesses, including office, industrial, and warehousing, to the southwestern area of the City.

City staff had been in contact with a company interested in constructing a data center, and was negotiating terms to a development agreement for a large project, built in multiple phases. Once these terms were finalized, the development agreement would be provided to the City Council for approval.

There was no action taken. The item was informational only.

APPOINT TWO COUNCIL MEMBERS AS REPRESENTATIVES AND ONE COUNCIL MEMBER AS AN ALTERNATE TO SERVE ON THE TAXING ENTITY COMMITTEE, FOR THE REDEVELOPMENT AGENCY OF THE CITY OF WEST JORDAN

Melanie Briggs explained that on May 23, 2012, the City Council appointed councilmembers Judy Hansen and Chad Nichols as members of the Taxing Entity Committee (TEC), and Ben Southworth as the alternate. With the recent election and new

Councilmembers, the Council must appoint two representatives and an alternate from the seven-member Council to serve on the Committee for the Redevelopment Agency of the City of West Jordan.

MOTION: Councilmember Jacob moved to approve Resolution 16-101, confirming the appointment of two Council Members (Jacob and Nichols) to serve as Representatives on the City of West Jordan Taxing Entity Committee with Councilmember Rice as an alternate. The motion was seconded by Councilmember Burton.

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

PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT FOR THE STATION AT GARDNER MILL SUBDIVISION TO MAVERICK, INC.

David Brickey explained that on or about December 4, 2014, the City entered into a Development Agreement with Gardner Village, LC related to The Station at Gardner Mill Subdivision. The terms of the Development Agreement stated,

The Developer shall not assign its obligations under this Agreement Or any rights or interests herein, and except as provided below Shall not convey the Project or any portion thereof, without the Prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed if the proposed transferee:

(a) Shall have the qualifications and financial responsibility necessary and adequate to fulfill the obligations undertaken pursuant to this Agreement and any then applicable Development Documents; and (b) by instrument in writing, shall have expressly assumed all of the obligations of the Developer under this Agreement and any then applicable additional agreements and agreed to be subject to all of the conditions and restrictions arising under this agreement or any Development Documents. If only a portion of the Project is assigned and/or conveyed under this section 5.1, a reasonable allocation of the Developer's duties appurtenant to that portion will be made.

The attached document was the Partial Assignment and Assumption of Development Agreement from Gardner Village, LC (“GVLC”) to Maverik, Inc., a Wyoming corporation. The document partially assigned the Development Agreement as related to Parcel A. The terms and conditions included the following,

GVLC hereby assigns to Maverik, and Maverik hereby accepts the assignment of, the Development Agreement, including the rights, duties and obligations thereunder, insofar as the Development Agreement pertains to Parcel A (as described above). Maverik Hereby agrees to be subject to all of the conditions and restrictions arising under the Development Agreement insofar as they pertain to Parcel A.

Included with the document was a Consent and Acknowledgment by West Jordan City. The language of the Partial Assignment and Assumption of Development Agreement met the requirements of the Development Agreement.

MOTION: Councilmember Burton moved to adopt Resolution 16-102, authorizing the Mayor to execute the Consent and Acknowledgment by West Jordan City of the Partial Assignment and Assumption of Development Agreement with the addition of: if artifacts on this property or other items of historic value are discovered during excavation or construction, the City shall be notified within 48 hours. 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

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-103, AUTHORIZING A BALLOT MEASURE TO CHANGE THE FORM OF GOVERNMENT TO A COUNCIL-MAYOR FORM, WITH A SEVEN-MEMBER COUNCIL, AND APPROVE BALLOT LANGUAGE TO BE INCLUDED ON THE BALLOT FOR THE NOVEMBER 2016 GENERAL ELECTION.

Councilmember Burton explained that his intent was to allow the public the freedom to exercise their judgement in choosing the City’s form of government by placing the issue

on the ballot.

Councilmember Nichols indicated that he had been asked by a constituent to read his comments into the record since he was unable to attend the meeting. He read the letter aloud and provided a hard copy to the City Clerk for permanent retention.

Councilmember Nichols stated that to continually bring this matter up demonstrated instability within the City and that it needed to stop. He was against changing the form of government unless and until the state legislature accepted the current form as legitimate.

Councilmember Haaga pointed out that the state legislature acted to discontinue this form of government because they found it to be ineffective. The Council did not have the authority to change the form. That privilege belonged only to “the people.”

Councilmember Rice stated that she had heard from no constituent who had expressed interest in changing the form of government. However, she had heard from many who did *not* wish the form to be changed. She would therefore vote against it since that appeared to be the will of the people within her district.

Councilmember Burton explained that he was informed by both the Lieutenant Governor’s office and the City Attorney that the City could not offer more than one form of government on a ballot. If the citizens did not wish to change the form of government, they should have the freedom to say so with their vote.

Councilmember Jacob asked Councilmember Burton if he would be willing to amend the proposed Resolution to read, “*Shall the City of West Jordan, Utah change its form of government to the Council-Mayor form, with a six-member council?*” Or even a five-member council?

Councilmember Burton responded that he would accept placing any other available form on the ballot.

Councilmember Haaga inquired of the City Attorney, who would step down if the voters chose to change to a five or six-member Council?

David Brickey and the Council discussed how such councils might look and how the election cycles might work. He also suggested that the proposed resolution, as currently written, was not compliant with state law. Further study was necessary.

Councilmember Jacob referred to §10-3b-606(3) which read, “*A council member whose term has not expired at the time the municipality changes its form of government under this part may, at the council member's option, continue to serve as a council member under the new form of government for the remainder of the member's term.*”

Councilmember Haaga inquired about an initiative by the residents.

David Brickey explained that if the form of government were to be changed by initiative, it could look completely different from the proposed Resolution currently before the Council.

MOTION: Councilmember Burton moved to table the item in order to revise the Resolution where necessary to meet State code. It would then be brought back for consideration on July 13. The motion was seconded by Councilmember Haaga.

Councilmember Nichols stated that he would be voting against the motion as he was done discussing the issue.

Councilmember Rice indicated she would also be voting against the motion.

A roll call vote was taken

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

The motion passed 3-3.

VIII. REMARKS

There were no additional remarks.

IX. CLOSED SESSION

STRATEGY SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

MOTION: Councilmember Jacob moved that the Council move to a closed session and adjourn from there. 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.

The Council recessed at 8:47 p.m. and convened into a Closed Session at 8:48 p.m.

X. ADJOURN

The meeting adjourned at 9:40 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.

ATTEST:

KIM V ROLFE
Mayor

MELANIE BRIGGS, MMC
City Clerk

Approved this 13h day of July 2016