

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

Wednesday, November 2, 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, Chris McConnehey, Chad Nichols, and Sophie Rice. Council Member Jeff Haaga arrived at 6:02 p.m.

STAFF: Mark Palesh, City Manager; David R. Brickey, City Attorney; Jamie Vincent, Deputy City Clerk; David Oka, Economic and Community Development Director; Brian Clegg, Parks Director; Bill Pyper, Deputy Finance Director; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Steve Glain, Assistant to the City Manager; Kim Wells, Public Information Officer; Dave Murphy, CIP Engineering Manager; Jim Riding, CIP/Facilities Project Manager, and Justin Stoker, Deputy Public Works Director.

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 Justice Forshee.

III. PRESENTATION

PROCLAIMING NOVEMBER 1, 2016 AS EXTRA MILE DAY

Kim Wells said that each year the City of West Jordan along with other cities across the nation recognize individuals who create positive change in our community through their extra mile efforts, volunteerism, and service.

The following amazing extra mile individuals were recognized by the Mayor and Council and presented with a certificate.

- Al Richards

Al Richards is always smiling and giving back to the community. Whether it's through volunteer service on a city committee like the Healthy West Jordan Committee or the Western Stampede Committee or raising money for the police department's Peer Support Program, Al is willing to give his time and talents for a good cause. He also serves as the Chamber of Commerce's member relations ambassador and is a great asset to our business community.

- Melissa Worthen

In both her personal and professional lives, Melissa Worthen looks for ways to strengthen the community. She is the driving force behind the City Journal's community foundation; spearheads the annual Spelling Bee; serves as the liaison with Mascots for Miracles; helps with a fundraiser for the Rape Recovery Center; helps coordinate the Pumpkinpalooza event; serves on the Chamber of Commerce's Women In Business Council; and much more. Melissa goes the extra mile and our community is better because of it.

- Jen Campbell

Jen Campbell recently served as the president of the West Jordan Exchange Club where they focus on child abuse prevention, patriotism, and instilling community pride. Under her direction, they raised funds for the Children's Justice Center and also partnered with Dannon to provide scholarships to local students who had excelled in the face of adversity. She is the director of South Valley Services, a domestic violence shelter that provides safe shelter; resource and referral services; and self-sufficiency programs for survivors of domestic violence. She has helped open two community resource centers in West Jordan City Hall and Riverton and works continually to strengthen the relationship between South Valley Services and law enforcement.

- Bonnie Hutchings

Bonnie Hutchings is one of the original members of the Volunteers in Police Service program. She joined the newly organized unit in July of 2008 and splits her volunteer time between the victim advocate unit and the police department. As a victim advocate, Bonnie helps those in crisis get the help they need. She has also worked in the warrants units; assisted the training department with various assignments including new hire training assessments; participated in SWAT scenarios; and assisted with the Citizen Police Academy. Bonnie has a positive attitude, willingness to help, and a very compassionate spirit.

- Craig Dearing

On the list of individuals who've given of themselves in the service to our City, Craig Dearing would certainly be at the top. Craig has devoted more than 40 years to our community. He founded the Chamber of Commerce in 1986 and served as president until 2014. He formed the West Jordan Rotary Club in 1987 and was instrumental in starting the West Jordan Exchange Club in 2003 – and is still an active member in both these organizations today. Over the years, Craig has served on many committees, boards, and organizations. He's helped chair city events and community improvement projects. Craig has not just served our city – he's been an integral part of shaping it and guiding its progress while championing the ideal that no matter how large we grow; we will always be the "Home of the Good Neighbor."

RECOGNITION OF PAMELA AND OMANI GATOLOAI WHO RENDERED ASSISTANCE TO A WEST JORDAN POLICE OFFICER WHO WAS BEING ASSAULTED

Doug Diamond said that on October 6, 2016, Officer Behunin was investigating a theft report at the Gatoloai residence when the suspect returned. During the course of Officer

Behunin's investigation he determined that the suspect was responsible for the theft. During the subsequent interview of the suspect Officer Behunin was attacked without warning. During this unprovoked attack Officer Behunin received several injuries when Omani physically intervened preventing the suspect from gaining superiority over Officer Behunin. Omani was able to prevent further injury against Officer Behunin during which he himself was physically attacked by the suspect. Omani was able to restrain the suspect and prevent the suspect from seriously injuring Officer Behunin further. Omani held off the attack until Officer Behunin was able to deploy his Taser and OC spray against the subject. Omani then physically restrained the suspect with the assistance of his wife, Pamela, who also placed herself in jeopardy until Officer Behunin and an arriving Officer Elison could place the suspect in handcuffs.

Neither Omani or Pamela were required to intervene to prevent the suspect from injuring Officer Behunin; however, of their own accord they did intervene placing themselves in harm's way while preventing a violent attack from evolving into something far worse than it already was.

With the current tone our nation is facing with police officers being attacked daily and so many citizens standing by and watching these attacks go unchecked it was uplifting to know that citizens such as Omani and Pamela would not standby and allow a violent attack against one of our officers to continue. The added revelation that these two would intervene pitting themselves to protect this officer filled the Police Department with emotion beyond expression. Their resolve to intervene without questions cannot go unnoticed.

Pamela and Omani were presented with a 'Mediatory Service Award.'

Mayor Rolfe expressed his appreciation to all of the award recipients.

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

Mark Palesh –

- Melanie Briggs, City Clerk was injured during her recent time off.
- Asked for suggestions from the Council regarding the upcoming Strategic Planning Retreat

STAFF COMMENTS/REPORTS

Wendell Rigby –

- E-Waste and Shredding Event – November 5, 2016, 10:00 a.m. to noon, City Hall Parking Lot

Marc McElreath –

- West Jordan Fire Department was invited to another 'Chili Cook-off' which they won. The prize was a suite at a hockey game, which the Fire Department donated

to a West Jordan family with a child named 'Nathan' who is suffering from brittle bone disease.

Doug Diamond –

- West Jordan was currently accepting applications for Police Officers I and Police Recruits.
- Finishing up with the Virtra 'Shoot don't Shoot' training for all officers.
- West Jordan Officer involved shooting occurred on November 2, 2016

CITY COUNCIL COMMENTS/REPORTS

Councilmember Rice –

- Announced this would be her last City Council meeting since she was stepping down as a Council Member. She expressed her appreciation for voices and votes of confidence she had received.

Councilmember Jacob –

- Reported that it had been a pleasure to serve with Councilmember Rice.
- Expressed his support and appreciation to the West Jordan Police Department.

Councilmember Nichols –

- Expressed his appreciation to the West Jordan Police Department and all the other departments of the City.

Councilmember Burton –

- Reminded everyone of the 'Tree Planting Event' on November 5, 2016
- Town Hall meeting was held Saturday, October 29, 2016 regarding Vista West Park improvements
- Wished Councilmember Rice the best of luck.

Councilmember McConnehey –

- Expressed his gratitude and appreciation to Councilmember Rice for her service to the City
- Commented on Medford Oregon's City Code making it illegal for pedestrians to receive property or objects from people within vehicles.

Staff had no objections to Councilmember McConnehey providing staff direction to look into the viability of doing something similar in West Jordan.

Mayor Rolfe –

- Western Growth Executive Committee met earlier in the week and another meeting was scheduled for November 14, 2016 at 11:30 a.m. in the West Jordan Community Room to discuss pertinent items for Western Growth.

V. CITIZEN COMMENTS

There was no one who desired to speak.

VI. CONSENT ITEMS

- a. Approve the minutes of October 12, 2016 as presented
- b. Approve Resolution 16-167, confirming appointment of members to serve on various City Committees
- c. Approve Resolution 16-138, authorizing the Mayor to execute an Interlocal Cooperation Agreement with Salt Lake County regarding Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act "TRCC Funds" to help plan for construction of a cultural arts facility in West Jordan as described in the Cultural Facilities Support Program Application
- d. Approve Resolution 16-168, authorizing the Mayor to execute an Interlocal Agreement between the City of West Jordan and the TransJordan Landfill regarding Temporary Staging Area of Debris during the Event of an Emergency
- e. Approve Resolution 16-169, authorizing a Purchase Order with Sonntag for the purchase and installation of 38 signs to be installed in 38 parks with the name of each park, in an amount not to exceed \$88,763.00

MOTION: Councilmember Jacob moved to approve Consent Items 6.a through 6.e. The motion was seconded by Councilmember Rice.

A roll call vote was taken

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

The motion passed 7-0.

VII. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT REGARDING AGENDA BUSINESS ITEMS 8.A. THROUGH 8.E AMENDING THE UNIFORM FEE SCHEDULE FOR

FY 2016-2017 UPDATING THE WATER, SEWER, STORMWATER, SOLID WASTE, AND IMPACT FEES

Steve Glain provided the following presentation on Utility Rates and Impact Fees.

Current Impact Fees (since 2013)

Residential (per housing unit)	Parks*	Fire	Police	Water	Sewer	Storm	Transportation
Single Family	\$2,070	\$138	\$134	\$1,922	\$1,333	Per Acre	\$3,577
Multi Family	\$1,374	\$92	\$89	\$1,276	\$885	Per Acre	\$1,742
Nonresidential (per 1,000 Sq. Ft.)							
Commercial	0	\$122	\$182	Per Meter	Per Meter	Per Acre	\$4,163
Office	0	\$203	\$71	Per Meter	Per Meter	Per Acre	\$1,784
Industrial	0	\$179	\$52	Per Meter	Per Meter	Per Acre	\$1,314
*Charged only for residential development							
**Not including Stormwater for the residential categories and Storm Drainage, Water, and Sewer for the nonresidential categories.							

Proposed Impact Fees

(Additional Nonresidential categories were created to more accurately assess fees to specific categories: Warehousing, Hospital, Nursing Home, Assisted Living, and Motels)

Residential (per housing unit)	Parks*	Fire	Police	Water	Sewer	Storm	Transportation
Single Family	\$3,367	\$34	\$203	\$2,220	\$1,931	Per Acre	\$2,261
Multi Family	\$1,925	\$20	\$116	\$982	\$855	Per Acre	\$1,336
Nonresidential (per 1,000 Sq.Ft.)							
Commercial	0	\$159	\$118	Per Meter	Per Meter	Per Acre	\$2,599
Office	0	\$265	\$76	Per Meter	Per Meter	Per Acre	\$1,639
Industrial	0	\$142	\$17	Per Meter	Per Meter	Per Acre	\$377
Warehousing	0	\$73	\$16	Per Meter	Per Meter	Per Acre	\$351
Hospital	0	\$234	\$61	Per Meter	Per Meter	Per Acre	\$1,305
Nursing Home	0	\$186	\$35	Per Meter	Per Meter	Per Acre	\$750
Nonresidential (per bed)							

Assisted Living	0	\$54	\$12	Per Meter	Per Meter	Per Acre	\$262
Nonresidential (per room)							
Motel	0	\$35	\$25	Per Meter	Per Meter	Per Acre	\$555
*Charged only for residential development							
**Not including Stormwater for the residential categories and Storm Drainage, Water, and Sewer for the nonresidential categories.							

He said the proposed new Impact Fees could be implemented no sooner than January 12, 2017.

The Council and staff discussed clarifying questions.

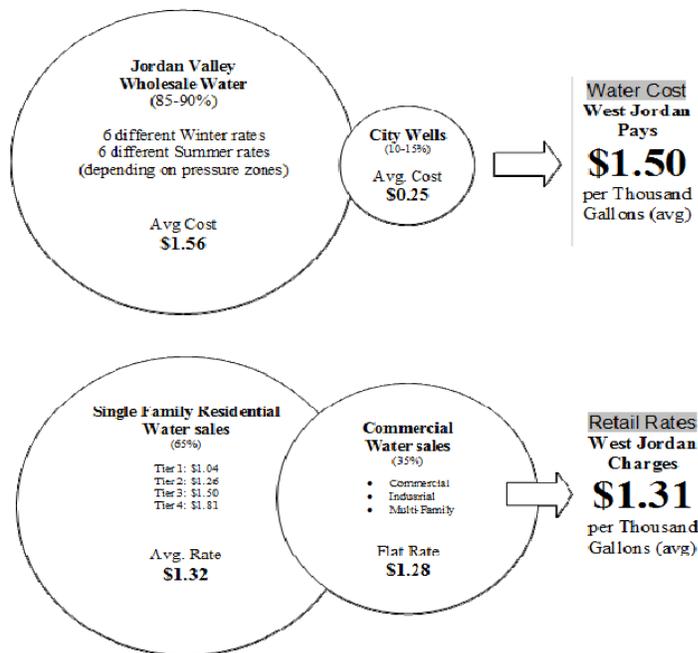
Steve Glain reported that these fees were the maximum legally justifiable fees; however, the Council did have the option to choose lower amounts.

He reviewed the charts included in the Council’s agenda packet. He also reminded the Council that there were two scenarios for each utility.

Councilmember McConnehey left the dais at 6:32 p.m. and returned at 6:34 p.m.

Steve Glain provided a summary of the proposed rate changes regarding utility rates. In this two-phased plan staff was recommending a partial increase in rates December 1, 2016 and then the second phase July 1, 2017. The rates had a slight addition to the first phase to help fund a Public Works building bond payment.

Water Cost vs. Retail Rates



He reported that the City was losing money on most of the utility funds.

Sewer

- Without any increase - possible shortfall due to large expense coming up at the Sewer Treatment Plant (capital upgrades).
- With increase shortfall closer.

Storm

- Without any increase - large gap between revenues and expenses.
- With increases the revenues would be closer to expenses.

Summary of what the State was requiring of the City.

- \$374,000 per year in personnel costs (six new employees)
- Approximately \$500,000 in equipment

Solid Waste

No changes recommended at this time; however, Phase 2 increases recommended for July 1, 2017.

Street Light Fund

No proposed changes at this time.

There had been a spike in street light costs due to LED installation costs. In 10 years the LED bond would be ending and costs would decrease.

He said overall the City was meeting the street light costs; however, the cash reserves were a small proportion of annual operating expenses and the City would probably go negative in the next five to six years if the City does nothing to change the revenues.

If the City included a Department of Public Works (DPW) bond the City would go negative a little bit sooner.

Mayor Rolfe asked the following regarding street lights:

- Amount of refund from Rocky Mountain Power
- Cost per year still on the increase

Steve Glain responded:

- Refund amount unknown, estimate of \$300,000 already figured into scenario
- The bond payment and other costs result in the increases, followed by a drop in cost after the bond ends

The Council and staff discuss clarifying questions regarding:

- City spending more on water than what was being brought in
- AMI meters (Automated Metering Infrastructure)
- Capital Projects (Staff looked at a six-year window)
- Jordan Valley Water Conservancy District - 5% per year realistic
- Jordan Valley Water Conservancy District – Representative
- Sewer – bond refinanced several years ago (this amount totally separate from the new upgrades at South Valley Sewer Plant)
- Debt service payment for Public Works Building bond per department, per year (different for every department based on the size of the department)

Mayor Rolfe opened the public hearing.

Steve Jones, West Jordan resident agreed with paying for what he used. He reminded the Council that some companies were not providing raises to their employees. He hoped the Council representing him would take that into consideration. He asked why impact fees were decreasing for multi-family dwellings. He asked that the decrease be looked at carefully.

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

VIII. BUSINESS ITEM

DISCUSSION AND POSSIBLE ACTION REGARDING WATER RATES

Steve Glain reported that since rates were last changed in 2013, expenses had increased in Personnel, Operations, Water Costs (Source of Supply), and Capital Projects. The cost of the proposed new Public Works building would also be shared by the Sewer fund.

The City Manager was recommending a two-phase rate increase for all residential and commercial rates, including fixed and volume charges:

- First phase 8.55% (Dec. 1, 2016)
- Second phase 7.2% (July 1, 2017)

Fiscal and/or asset impact:

About \$2.6 million additional annual revenue to cover an equal increase in expenses. New revenues would also include about \$120,000 from one existing commercial customer with the new Large User Rate.

Staff supported the City Manager's recommendation. Staff also recommended using a consultant in the near future for a 'Cost of Service Analysis' and 'Comprehensive Utility Rate Study' (last done in 2006) to create a long-term solution.

Councilmember Haaga asked how the City was projecting the capitals projects, if staff did not know what was restricted and unrestricted in the Water fund.

Mayor Rolfe said there was \$8,504,155.00 current as of August 31, 2016 restricted and unrestricted combined in the Water fund.

Councilmember Burton expressed his appreciation to Steve Glain for spending time with him reviewing this topic. Regarding the water rates, he wanted more time, information, and options of ways to do this without spending more funds than what the City was receiving. He wanted to make sure all residents were paying their fair share.

Councilmember Jacob asked if there was anything left expense-wise to save money.

Wendell Rigby said he met with the City Manager to discuss any possible areas to cut corners. He said they discussed meters, which would be the biggest place to save; however, the meters were purchase approximately 10 years ago and staff was in the process of changes some of the meter heads. He said this was really where the City got their revenue and meter heads needed to be replaced. Not doing this now would cost more in the future. Other operational costs would be staff. He said that City staff was trying to do everything they could to conserve. He provided some examples of issues:

- Lighting strike at a pump station that cost approximately \$50,000
- Pumps that were getting older and must be maintained
- Air conditioners at pumps stations that needed to be replaced
- And the list goes on changing regularly

Councilmember Nichols said in regards to water the Jordan Valley Water Conservancy District had a stance of going up each year 4% and 5%, on average 4.5%. He said it was about planning for the future and growth. If the City was going to plan for growth, then we had to be prepared to pay for it. If the City were to put a moratorium on any new homes being built, rates would stay primarily the same, but with growth comes costs and part would be the Bear River Project. West Jordan used more water than other communities, which was why our rates are higher. He said it would be better to do a few percentage points now verses a one-hundred, two-hundred or three-hundred percent increase suddenly. The bulk of the rate increases were for water the City was currently using and for the infrastructure already in place. West Jordan needed to do a better job conserving water. He suggested implementing ordinances that were conservancy minded.

Mayor Rolfe said as Councilmember Nichols described, he felt that was why the City's impact fee structure was failing, because we have more than enough water for the current residents, and we can supply more water than we have use for in the City today. Water projects described should be paid for in Impact Fees. He felt existing residents should not pay for future impacts. The City should prepare for the future. He said the impact fee structure seen earlier did not take into account the Bear River pipeline and other sources to the impact fees. Tiers 3 and 4 were actually paying for the water of Tier 2 and 1, and also subsidizing the rate for all commercial, industrial, and multi-family. He said the City Manager asked for items for the upcoming Strategic Plan and he felt there should be a concise discussion regarding water rates, future water, on the agenda, and it would be irresponsible for this Council to pass anything on this issue at this time. He said it was

only going to be a couple months until the Strategic Plan. He felt adjustments needed to be made. One of the higher rates paid last year was because the peaking factor. He felt more time was necessary and was unprepared to set a rate for water at this time.

Councilmember Jacob agreed this should be discussed during Strategic Plan; however, this was budgeted for in May and was approved. This issue should have been discussed and hashed through, prior to approving the budget. He felt it would be disingenuous to not pass the proposed water rates at this time.

Mayor Rolfe said this was previously discussed and the vote failed 3-3. He said with \$8.5 million in reserves, this could wait a few months.

Councilmember Haaga said with the capital and unrestricted funds, there was time to make a more informed decision.

Councilmember McConnehey agreed with having this placed on the Strategic Planning Session agenda. He said regarding the proposed changes for the July 1, 2017; he would like to remove all together. He wanted to see part of this to move forward and then fine tune the other necessary changes in January, making a course change now rather than in January with a full review during the Strategic Planning Session.

Mayor Rolfe asked how much was 'enough' in the rainy day fund. He believed in drawing down the reserves.

Councilmember McConnehey asked how much of the unrestricted funds were budgeted towards certain projects or were those funds set aside for a 'rainy day' or unbudgeted.

Dave Murphy said annually projects were published in the budget book. Spreadsheets for the projects showed the restricted cash as the growth, the unrestricted cash as existing. The projects were for six years in the future including the present year. He commented on the economy and if it were to take a downturn leaving the City without grown money then growth projects would be suspended. He said if rate increases were not approved during this meeting, then staff would be projecting to suspend current existing projects in the budget without the revenue attributable to them.

The Council and staff discussed the following:

- Unrestricted cash was allocated between many different line items
- Projects included in the budget book
- Without rate increases – Projected to suspend current existing projects in the budget without revenue attributed to them
- Unrestricted reserves would cover the overages

MOTION: Mayor Rolfe moved to table the discussion on Single-family water rates until the Strategic Planning Session when a more concise evaluation of the water rate structure and costs could be discussed;

and also move to raise the Commercial, Industrial, and Multi-family rates to at least the cost of producing water at \$1.50 per thousand effective January 1, 2017. The motion was seconded by Councilmember Haaga.

Councilmember McConnehey questioned whether the Mayor would consider entertaining passing at least the large user rate. He said yes.

Councilmember McConnehey said the motion was to table this until the Strategic Planning Session. He asked was the intent that this be discussed at Strategic Planning with new rates going into effect July 1, 2017, or immediately.

Mayor Rolfe said this would go into effect immediately. The four fees being discussed would go into effect immediately only the impact would need to wait 90 days.

Councilmember Jacob asked what the total fiscal impact regarding the proposed motion would be.

Councilmember Jacob opposed the motion.

Councilmember Burton asked if the Mayor would consider making the date effective January 1, 2017 as opposed to immediately.

Mayor Rolfe agreed.

Councilmember Haaga felt this would provide the revenue source the Council was looking for. He suggested discussing a flat rate during Strategic Planning Session.

Mark Palesh asked if the amount would be 7.2% increase on everything except single-family.

Councilmember McConnehey clarified that Mark Palesh asked if the proposed amendment would be a 7.2% rate increase. However, it was actually a proposed rate of \$1.50 to match what we were paying.

Steve Glain reported that there were several rates based on elevation. He said what was being proposed was cost plus 6%. He cautioned the Council from using the \$1.50 figure (which was a city-wide average).

Mayor Rolfe clarified that the motion stated \$1.50 per thousand.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes

Councilmember Jacob	No
Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Rice	No
Mayor Rolfe	Yes

The motion failed 3-4.

Councilmember McConnehey said looking at the fee schedule where the rate was based on meter size. He asked if this was what Steve Glain had referred to regarding the complexity.

Steve Glain indicated that was part of it; however, he was referring to the wholesale cost being charged.

The Council and staff discussed the availability charge and usage charge.

MOTION: Councilmember McConnehey moved to reconsider the original motion on this item. The motion was seconded by Mayor Rolfe.

A roll call vote was taken

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

The motion passed 4-3.

MOTION: Mayor Rolfe moved to table the discussion on Single-family water rates until the Strategic Planning Session when a more concise evaluation of the water rate structure and costs could be discussed; and also move to raise the Commercial, Industrial, and Multi-family rates to at least the cost of producing water at \$1.50 per thousand effective January 1, 2017. The motion was seconded by Councilmember Haaga.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	No

Councilmember McConnehey	Yes
Councilmember Nichols	No
Councilmember Rice	No
Mayor Rolfe	Yes

The motion passed 4-3.

DISCUSSION AND POSSIBLE ACTION REGARDING SEWER RATES

Steve Glain reported that the Wastewater (sewer) expenses had increased for operations and capital projects since the last rate change in 2013. The largest increase was due to upcoming capital equipment upgrades at South Valley Water Reclamation Facility (SVWRF). These include Phosphorus and Nitrogen removal equipment mandated by EPA (West Jordan's share is about \$4 million in 2018) and grit removal equipment (West Jordan's share will be about \$2 million in 2019). These expenses were built into the 5-5 expense trend line to calculate the rate increase. The cost of the proposed new Public Works building would be also shared by the Sewer fund.

The City Manager was recommending a two-phase rate increase for all residential and commercial rates, including fixed and volume charges:

- First phase 10.6% (Dec. 1, 2016)
- Second phase 7.5% (July 1, 2017)

Fiscal and/or asset impact:

About \$1.5 million additional annual revenue to cover an equal increase in expenses.

Staff supported the City Manager's recommendation. Staff also recommended using a consultant in the near future for a Cost of Service Analysis and comprehensive utility rate study (last done in 2006) to create long-term solution

The Council and staff discussed clarifying questions.

Councilmember Haaga suggested waiting to take action until after this could be discussed at Strategic Plan.

MOTION: Councilmember Jacob moved to adopt the City Manager's recommended sewer rate increase with effective dates of December 1, 2016 (1st phase) and July 1, 2017 (2nd phase). The motion was seconded by Councilmember Rice.

Mayor Rolfe was not in support of an increase with over \$10 million in restricted and unrestricted dollars, which was more than the annual cost to operate the entire sewer system of West Jordan.

Councilmember Nichols supported the motion. He felt the unrestricted balance would be gone in two years without the proposed change.

A roll call vote was taken

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

The motion passed 4-3.

DISCUSSION AND POSSIBLE ACTION STORMWATER RATES

Steve Glain reported that the City Manager was recommending a two-phase rate increase in the “per ERU rate” for all residential and commercial rates:

- First phase 12% (Dec.1, 2016)
- Second phase 16% (July 1, 2017)

During 2015-16 the Utah Department of Environmental Quality performed a UPDES audit of our Storm program (Utah Pollutant Discharge Elimination System). As a result of this audit, the State was requiring West Jordan to acquire additional personnel and equipment in order to inspect and clean our system more frequently, and reduce pollutant discharges.

The following was the exact language from the audit letter:

“Deficiency: One Vactor truck is not adequate for a city the size of West Jordan City. The City must prioritize storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, the condition of receiving waters, and, the amount and type of material that typically accumulates in an area (Permit Part 4.2.6.9). West Jordan is a rapidly growing suburb with much development occurring. It is impossible to prioritize storm sewer system maintenance with only one Vactor truck and cleaning 1 of 6 grids every 2-3 years is not an acceptable maintenance schedule. A system-wide annual cleaning schedule in addition to service requests as needed is recommended. The City must secure the resources necessary to meet all requirements of this Permit (Permit Part 4.1.2.2.)”

To clarify the proposed changes to meet the audit we currently have:

- Two operators and a vactor truck for cleaning over 200 miles of storm drain pipe, including inlets and control devices, and 104 public detention basins. Operators also are responsible for making sure dry washes are clear of weeds and debris.
- Currently have two operators and a TV truck for inspecting over 200 miles of storm drain pipe. Also perform dry weather screening and help with dry washes maintenance.

- Crew Supervisor directs crews, maintains records, illicit discharges, maintain permit requirements, handling public and private inspections and reports
- Stormwater Inspector insuring SWPPP compliance with the approximate 50 active construction projects in the City.

Proposed to add based upon audit deficiencies:

- A full-time Stormwater Program Manager to handle audit and permit requirements, the Stormwater Management Plan, Code, maintain records, perform IDDE trainings. This frees up the Crew Supervisor to direct field operations.
- Two Stormwater operators and another Vector truck to allow for two crews to perform maintenance operations.
- Another operator to handle private post-construction and city-owned facility inspections (mentioned as other audit deficiencies). Required annual inspection reports of the private detention basins.
- Two operators to work in System Repair (there is currently nobody to handle storm system repairs; wastewater crews are used to make repairs to storm systems when emergencies arise).

Fiscal and/or asset impact:

Approximately \$840,000 additional annual revenue.

Staff supported the City Manager's recommendation. Staff also recommended using a consultant in near future for a Cost of Service Analysis and comprehensive utility rate study (last done in 2006) to create long-term solution.

Councilmember Jacob asked what the penalty would be if rates were not raised to cover the audit items.

Wendell Rigby commented on some of the audit items that needed to be done. He said Salt Lake County was fined \$1 million and taken to court, which resulted in them paying \$280,000 for the fine for non-compliance.

He said West Jordan would still be required to hire nine employees and equipment.

Mayor Rolfe explained that the one-time cost of \$535,215 would be taken from the Fleet fund to cover equipment; this fund currently had a balance of \$5.4 million.

Mark Palesh said that staff originally was looking at a 48% increase; staff was now planning to pay cash for those vehicles bringing it down to a 28% increase.

Councilmember McConnehey commented on the change made to the ERU calculation. He asked what the fiscal impact had been.

Steve Glain reported roughly \$1 million.

Mayor Rolfe reported that currently in the restricted and unrestricted funds the stormwater fund had \$13,119,006.00. He said approximately \$4 to \$5 million would be spent to complete the 7000 South Storm Drain project this summer, leaving approximately \$9 million.

Councilmember Jacob commented on the 110% reserve recommendation on the water rates. He questioned whether it applied to all the utilities, or were there varying recommendations.

Steve Glain said that American Water Works Association (AWWA) focused on water; however, in concept they were all the same. All Enterprise funds minimum and maximum cash balances were not specified by law.

Councilmember Haaga suggested waiting to take action until after this could be discussed at Strategic Plan.

The Council and staff discussed the following:

- No rate changes proposal shown on an earlier graph
- Prior to 2012 - no Storm Drain fund (it operated out of Sewer Department)
- 2012 Storm Drain fund – (funds came for the General Fund in 2014)
- 2015 - \$4 million transferred from Solid Waste fund to Storm Drain fund

Councilmember Haaga said he was unwilling to support this issue until the proposed Capital Projects for the upcoming years were discussed.

Councilmember Nichols reminded the Council that the budget listed the Capital Projects. He was looking forward to the day when the Storm Drain program was fully funded. He felt it was irresponsible not to move forward with this item.

Councilmember McConnehey agreed with a single increase at this time, but not both of them at this time.

Mayor Rolfe questioned how much of a reserve does the City need. He said the City could operate at the new level for several years without any fee increases.

MOTION: Councilmember Jacob moved to approve the (1st phase) Storm rate increase at 12% effective December 1, 2016. The motion was seconded by Councilmember Rice.

A roll call vote was taken

Councilmember Burton	No
Councilmember Haaga	No
Councilmember Jacob	Yes

Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Yes
Mayor Rolfe	No

The motion passed 4-3.

DISCUSSION AND POSSIBLE ACTION REGARDING SOLID WASTE RATES

Steve Glain explained that since rates were last changed in 2013, expenses had increased in operations and contract costs.

The City Manager was recommending this rate increase for all solid waste customers:

- First phase 4.9% (already implemented Oct.1, 2016)
- Second phase 9.5% (July 1, 2017)

Fiscal and/or asset impact:

About \$1.2 million additional annual revenue.

Staff supported the City Manager's recommendation. Staff also recommended using a consultant in near future for a Cost of Service Analysis and comprehensive utility rate study (last done in 2006) to create long-term solution.

Councilmember Jacob asked how this might affect the amended Ace Disposal contract and/or possibly having in-house solid waste.

Steve Glain explained that this proposal assumed that the City would continue with an outside contract, same dollar amount, 2% increase per year, and 2% population growth. It did not include any recent negotiations with Ace Disposal.

MOTION: Councilmember Nichols moved to table this item until the Strategic Planning Session. The motion was seconded by Councilmember Jacob.

A roll call vote was taken

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

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 16-170, AMENDING THE UNIFORM FEE SCHEDULE FOR FY 2016-2017 UPDATING THE WATER, SEWER, STORMWATER, SOLID WASTE AND IMPACT FEES

Bill Pyper explained that this item was to update the Uniform Fee Schedule effective December 1, 2016 for the items discussed and listed above.

Steve Glain provided the following information:

Impact Fees

As required by Utah state law (Title 11, Chapter 36a), the city had met all public noticing requirements, updated the Impact Fee Facilities Plan (IFFP), and updated all impact fees based on projected costs of growth-related capital projects. New Impact fees would be revised for these categories: Water, Sewer, Storm water, Roads, Police, Fire, and Parks.

City Council adopted the 2016 Impact Fee Study and Impact Fee Facilities Plan (IFFP) on October 12, 2016. The next step was to incorporate the new fees into the City’s Uniform Fee Schedule, through the Resolution provided in the Council’s agenda packet.

Utility Rates

The amended Fee Schedule also included new utility rates for Water, Sewer, Storm, and Solid Waste, as proposed by City Manager.

Current Impact Fees (since 2013)

Residential (per housing unit)	Parks*	Fire	Police	Water	Sewer	Storm	Transportation
Single Family	\$2,070	\$138	\$134	\$1,922	\$1,333	Per Acre	\$3,577
Multi Family	\$1,374	\$92	\$89	\$1,276	\$885	Per Acre	\$1,742
Nonresidential (per 1,000 Sq.Ft.)							
Commercial	0	\$122	\$182	Per Meter	Per Meter	Per Acre	\$4,163
Office	0	\$203	\$71	Per Meter	Per Meter	Per Acre	\$1,784
Industrial	0	\$179	\$52	Per Meter	Per Meter	Per Acre	\$1,314
*Charged only for residential development							
**Not including Stormwater for the residential categories and Storm Drainage, Water, and Sewer for the nonresidential categories.							

Proposed Impact Fees

(Additional Nonresidential categories were created to more accurately assess fees to specific categories: Warehousing, Hospital, Nursing Home, Assisted Living, and Motels)

Residential (per housing unit)	Parks*	Fire	Police	Water	Sewer	Storm	Transportation
Single Family	\$3,367	\$34	\$203	\$2,220	\$1,931	Per Acre	\$2,261
Multi Family	\$1,925	\$20	\$116	\$982	\$855	Per Acre	\$1,336
Nonresidential (per 1,000 Sq.Ft.)							
Commercial	0	\$159	\$118	Per Meter	Per Meter	Per Acre	\$2,599

Office	0	\$265	\$76	Per Meter	Per Meter	Per Acre	\$1,639
Industrial	0	\$142	\$17	Per Meter	Per Meter	Per Acre	\$377
Warehousing	0	\$73	\$16	Per Meter	Per Meter	Per Acre	\$351
Hospital	0	\$234	\$61	Per Meter	Per Meter	Per Acre	\$1,305
Nursing Home	0	\$186	\$35	Per Meter	Per Meter	Per Acre	\$750
Nonresidential (per bed)							
Assisted Living	0	\$54	\$12	Per Meter	Per Meter	Per Acre	\$262
Nonresidential (per room)							
Motel	0	\$35	\$25	Per Meter	Per Meter	Per Acre	\$555
*Charged only for residential development							
**Not including Stormwater for the residential categories and Storm Drainage, Water, and Sewer for the nonresidential categories.							

Fiscal and/or asset impact:

Small increase in Parks and Police fees, small decreases in Fire and Transportation fees, some increases and decreases for Water, Wastewater, Storm Water fees (depends on customer categories). Various utility rate increases to cover operations, capital projects, and new Public Works building.

Staff recommended adopting the 2016 Uniform Fee Schedule.

Councilmember Nichols did not support the proposed rate structure. If these fees were passed as presented the City would see more requests or waivers for multi-family housing. He wanted to leave the Single-family and Multi-family Impacts Fees the way they were.

Mayor Rolfe agreed with Councilmember Nichols. He also believed that the water impact fee needed to be revisited by the consultant. He did not support approving the Impact Fees, but supported approving the other fees as changed earlier in the evening.

Councilmember Haaga wanted clarification as to whether proper notice regarding this document had been provided since changes had been made.

David Brickey explained that since changes had been made the cleaner process would be to have the notice for two weeks as required by State Statue, allowing the change to be adopted after the public notice had run.

MOTION: Councilmember Jacob moved to approve Resolution 16-170, with the changes to the Fee Schedule that were adopted during the discussions on Business Items 8.a through 8.d., but not approving the Impact Fee changes at this time. The motion was seconded by Councilmember Nichols.

David Brickey reported that the fees could be implemented immediately; the Impact Fees due to the time period would need to be delayed at least another two weeks or whenever they were finally approved.

A roll call vote was taken

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

The motion passed 5-2.

DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF RESOLUTION 16-171, ACCEPTING THE IRREVOCABLE RESIGNATION OF CITY COUNCILMEMBER SOPHIE RICE, EFFECTIVE NOVEMBER 15, 2016, AND NOTICING THE APPOINTMENT OF DISTRICT 4 COUNCILMEMBER TO REPLACE COUNCILMEMBER SOPHIE RICE

David Brickey reported that Sophie Rice was a duly elected member, in good standing, of the City Council of the City of West Jordan. She is in the process of establishing a new principal place of residence outside of the City boundaries of the City of West Jordan. Section 10-3-301(4)(b), Utah Code Ann., indicates that Councilmember Rice's term of office shall automatically be deemed to be vacant after she had finished the process of establishing this new residence outside of the City boundaries of the City of West Jordan. Councilmember Rice had chosen to resign as a member of the City Council of the City of West Jordan in order to allow for the orderly process of filling the vacancy of this City Council position (for Council District 4).

Councilmember Rice verbally indicated, in the October 26, 2016 City Council meeting, that she would resign. She then signed an "Irrevocable Resignation" (effective date November 15, 2016) in the same City Council meeting, which was attested by the City Clerk (or Deputy Clerk). Based on this Irrevocable Resignation, the City Clerk complied with state law (Section 20A-1-510(1)(b)(i), Utah Code Ann.) by immediately advertising, in the next available edition of the appropriate newspaper (approximately October 30, 2016), and in other media, a Notice requesting applications for the vacant City Council District 4 seat.

The purpose of this Resolution was to formally accept the resignation and advertising processes, to review applications, and to fill the vacancy. This Resolution would thus:

1. Formally accept the resignation; and
2. Confirm and ratify the process on advertising in the newspaper (approximately October 30, 2016), and in other media, a Notice requesting applications for the vacant City Council District 4 seat; and

3. Authorize the City Clerk's Office to place an item on the agenda for the November 16, 2016 City Council meeting (which is the next meeting at least two weeks after October 30, 2016) to review the applications and to fill the vacancy.

Section 20A-1-510(1)(b)(i), Utah Code Ann., required two weeks between the time the vacancy was noticed to the public and the time the City Council meets to fill the vacancy.

Fiscal and/or asset impact:

Minimal fiscal impact. There was a small expense, as required by State law, advertise the request for applications.

Staff recommended approval of the Resolution, in order to fill the vacancy.

Councilmember Nichols expressed his appreciation to Councilmember Rice for all her hard work and the efforts on behalf of the City.

David Brickey asked the Council to approve Resolution 16-171, with the additional inclusion of the description as requested by the Council of last meeting, staff had provided a two-page explanation setting out the steps which would be implemented (step 1-9, if there were more than four individuals applying). This inclusion had been provided to the Council, but was not included in the Council's agenda packet; however, notice tonight allowed staff to publish, place on City's website, Facebook, etc.

MOTION: Councilmember Nichols moved to approve Resolution 16-171, accepting the irrevocable resignation of City Councilmember Sophie Rice, and noticing the appointment of District 4 Councilmember to replace Councilmember Sophie Rice; with the schedule as set forth by the City Attorney. The motion was seconded by Councilmember Jacob.

Councilmember Rice stepped down from the dais and recused herself.

Mayor Rolfe wished Councilmember Rice and her family all the best with her new move.

A roll call vote was taken

Councilmember Burton	Yes
Councilmember Haaga	Yes
Councilmember Jacob	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Rice	Recused herself and stepped down from the dais
Mayor Rolfe	Yes

The motion passed 6-0.

IX. REMARKS

ADVERTISING VACANCIES

Councilmember McConnehey expressed his appreciation to staff for quickly advertising for the vacancy positions Council and Planning Commission.

David Brickey expressed his appreciation to Kim Wells for posting the Council District 4 Vacancy on the City's marquee.

There were no further remarks.

X. 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 Dirk Burton, Jeff Haaga, Zach Jacob, Chris M. McConnehey, Chad Nichols, and Sophie Rice.

STAFF: Mark R. Palesh, City Manager, and David R. Brickey, City Attorney.

MOTION: Councilmember Jacob 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, and adjourn from there. The motion was seconded was seconded by Councilmember Burton.

A roll call vote was taken

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

The motion passed 7-0.

The Council recessed at 8:17 p.m. and convened the Closed Session at 8:18 p.m.

XI. ADJOURN

The meeting adjourned at 9:50 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:

JAMIE VINCENT, CMC
Deputy City Clerk

Approved this 7th day of December 2016