



**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL WORK SESSION**

Wednesday, June 23, 2021 - 5:30 p.m.
Approved July 14, 2021

West Jordan City Council Chambers • 8000 S Redwood Road • West Jordan, UT 84088

COUNCIL: Chair Zach Jacob, Vice-Chair Kelvin Green, Chad Lamb, Christopher McConnehey, David Pack, Kayleen Whitelock, and Melissa Worthen

STAFF: IT Director Robert Allred, Council Office Director Alan R. Anderson, Community Engagement & Government Affairs Director Tauni Barker, Mayor Dirk Burton, Public Works Director Brian Clegg, Senior Engineer Greg Davenport, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, IT Manager Michael Oliver, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, Administrative Services Director Danyce Steck, and City Attorney Robert Wall

CALL TO ORDER

Chair Jacob called the work session to order at 5:30 p.m., and noted the work session was open to the public at City Hall, available remotely via Zoom, and streamed live on YouTube.

A. Budget for Fiscal Year 2022

Administrative Services Director Danyce Steck explained Govt Accounting Standards Board No. 87 (GASB 87), a new financial reporting standard requiring government entities to record the value of an operational lease on the financial statements in a manner similar to other financed assets, and presented a proposed FY2021 Budget amendment to implement the new standard. Ms. Steck also requested the Council authorize reimbursement of funds owed to developers for upsized improvements or improvements in excess of required infrastructure requested by the City (\$358,158 for road improvements, \$432,338 for water improvements, and \$71,340 for sewer improvements). Developer reimbursements were sourced from impact fees.

Responding to a question from Vice Chair Green, Ms. Steck stated the City was approximately \$2.1 million short on impact fees in the Water Fund, and explained that it often took 5-10 years for impact fee revenue to cover the cost of water tank construction. Vice Chair Green questioned whether the Water Fund would ever catch up. Ms. Steck responded it was possible to bond for water tank construction, and said she recommended 20 or 25-year bonds for water tank construction. She explained the Water Fund impact fee shortfall was currently covered by Utility Fund reserves.

Ms. Steck explained the City was awarded more than \$13.3 million from the American Rescue Plan Act (ARPA), to be disbursed in May of 2021 and May of 2022. She proposed the following uses for the ARPA funds:

- | | |
|-------------------------------|-------------|
| • Water storage tank (Zone 6) | \$5,000,000 |
| • Sewer line expansion | \$6,500,000 |
| • Employee Health Clinic | \$400,000 |

- Positions restored to the General Fund \$286,752
- Mental Health Program for First Responders \$36,250
- Latino Outreach Coordinator (3-year position) \$90,502
- “Live in West Jordan” down-payment assist \$50,000

Ms. Steck presented proposed amendments to the FY2022 Budget since last reviewed by the Council. Referring to \$50,000 added for miscellaneous events, Vice Chair Green asked for assurance that the City would have the events they wanted. Council Member Whitelock suggested scheduling a work session for the Council and Staff to discuss expectations in a formal setting. Vice Chair Green referred to the recent Memorial Day event, and stated the Council was too afraid to take a vote on the topic. Council Member Whitelock said she agreed, and stated the Council needed to take responsibility for clear direction to Staff regarding events. Council Member Lamb said he had never seen the Council hold a meeting regarding events. Council Member Worthen said she was not afraid to hold a meeting and vote on the issue. Community Engagement & Government Affairs Director Tauni Barker said her team would be happy to sit down with the Council to make sure they were providing events the Council wanted. Council Chair Jacob said a work session would be scheduled to discuss events with Staff. Council Member McConnehey commented that budgeting for events had changed and expressed a desire to see a dollar amount associated with proposed events. City Administrator Korban Lee responded a list would be provided.

Council Member Worthen requested the City charge all residents the same rate for water meters regardless of size. Vice Chair Green responded that the City would have to subsidize \$79,000 per year and asked where the \$79,000 would come from. Ms. Steck responded water revenue would decrease by \$79,000. Vice Chair Green asked if businesses would be affected, and Council Member Worthen proposed that only single-family residences would be affected. Council Member Whitelock said she believed it was acceptable for commercial to pay more.

B. Drought Management Plan

Council Office Director Alan R. Anderson reported Staff had been working to update the West Jordan City Drought Management Plan adopted in 2003. Senior Engineer Greg Davenport explained Jordan Valley Water Conservancy District (JVWCD) would adopt a new Drought Management Plan in 2021, and showed proposed drought levels, triggering criteria, impacts on member agencies, and historic West Jordan water use data. Mr. Davenport said Staff would bring back an updated City Drought Management Plan for Council review.

Vice Chair Green suggested a surcharge at drought levels four and five that would dramatically increase the cost of water use, to incentivize reduced water use without the need for code enforcement citations. Council Member Worthen spoke of simple water-wise changes made in her yard that reduced her personal water bill. Council Member Worthen said she agreed with Vice Chair Green that she would not want neighbors turning in neighbors for noncompliance.

Mr. Davenport stated that last year West Jordan used 137% of its contract amount with JVWCD. It was estimated that West Jordan would use more than 20,000-acre feet of water in 2021. Mr. Davenport suggested if JVWCD were to stop supplying water to the City at 110% of the contracted amount, the City would need to find a solution such as not watering parks. Vice Chair Green said he did not want to wait until West Jordan got to that point. He suggested overall water use should be monitored on a regular basis, and the City needed to decide what it would take to drive usage down.

Council Member Whitelock pointed out the Council had recently passed a new landscaping ordinance, which would help the situation. She said more and more people in her neighborhood were flipping their park strips, and many yards throughout the City were more brown than usual.

Council Member Pack said he was more in favor of positive incentives than negative. He said he was in favor of a tiered fee structure rather than a big fine for usage and a “big brother” atmosphere. Vice Chair Green said he would be comfortable with the City hiring another employee if necessary to monitor water bills and contact individuals with unusually high or excessive water use for their lot size. He added that sometimes high water bills indicated leaks in a water system.

A majority of the Council indicated approval for amending the Consolidated Fee Schedule to charge a flat rate for all residential meters, as suggested by Council Member Worthen. Responding to a question from Council Member Worthen, Mayor Burton and Staff stated City parks were being watered every-other day. She expressed the opinion the parks looked great, and suggested they could be watered less.

Council Chair Jacob adjourned the work session at 6:45 p.m.

I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on June 23, 2021. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 14th day of July 2021



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

Wednesday, June 23, 2021 – 7:00 pm
Approved July 14, 2021

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COUNCIL: Chair Zach Jacob, Vice-Chair Kelvin Green, Chad Lamb, Christopher McConnehey, David Pack, Kayleen Whitelock, and Melissa Worthen

STAFF: Council Office Director Alan R. Anderson, Community Engagement & Government Affairs Tauni Barker, Mayor Dirk Burton, Public Works Director Brian Clegg, Senior Engineer Greg Davenport, Associate Planner Lisa Elgin, Assistant Planner Mark Forsythe, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, City Attorney Duncan Murray, IT Manager Michael Oliver, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, Administrative Services Director Danyce Steck, and City Attorney Robert Wall

1. CALL TO ORDER

Council Chair Jacob called the regular meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

City Attorney Rob Wall led participants in the pledge of allegiance.

3. CITIZEN COMMENT

Council Chair Jacob opened the citizen comment period at 7:02 p.m.

Citizen Comments:

Bruce Cutler said he withdrew his candidacy for office, and explained he wanted to be involved, but not on the dais. He expressed admiration for Council Members, and appreciation for Mayor Burton and City Staff. Mr. Cutler commented that every city, county, and school district in the State were facing the same difficulty with inflation and property taxes. He encouraged the City Council, together with other entities in the State, to meet with the Utah League of Cities and Towns (ULCT) and the State Legislature to work out a compromise that would allow entities to keep up with inflation without going through the cost and challenge of the truth-in-taxation process. Mr. Cutler suggested the Council set a time certain for public hearings and comment periods so that citizens attending Council meetings to comment did not have to wait hours to do so. He suggested it would help to apply a time limit to Council Member comments as well.

Ann Marie Barrett, Manager of Bingham Creek Library, said she appreciated being part of a wonderful community. She reported the library was open, and the Summer Reading Program was up and running. She invited the community back to the library.

Justin Adams said he had been watching City Council meetings on YouTube. He referred to the upcoming election season and suggested that watching even just Citizen Comment and Council Comment portions of previous Council meetings would give citizens a good idea of who the Council Members were and how they represented the City.

Alexandra Eframo asked for one minute of silence to count blessings. She said her goal was that every classroom would have one minute of silence and every Council meeting would have one minute

silence. Ms. Eframo requested the Council withdraw the planned renovation of City Hall from the City Budget, emphasizing that City Hall was the people's house and the issue should be put to a vote. She spoke of a lack of transparency in the City, and said it was not the time for renovation.

Janet Hamilton said she sent an email to the Council earlier that day. She said she lived directly across from the property on the agenda for proposed rezone from residential to commercial for a funeral home. She stated she opposed the proposed rezone, explained that the corner of 9000 South 3200 West had been hit hard by development, and asked for a break. Ms. Hamilton said they wanted a neighborhood and asked the Council to not put a commercial development on the proposed corner. She requested the Council keep the property residential.

Council Chair Jacob closed citizen comments at 7:17 p.m.

Council Vice Chair Green moved to change the order of items on the agenda to put agency meetings at the end of the meeting, take item 8a next, and then move to public hearings. Council Chair Jacob seconded the motion, which passed by unanimous vote (7-0).

8. BUSINESS ITEMS

a. Jordan Valley Water Conservancy District Water Purchase Agreement

Senior Engineer Greg Davenport explained the City's previous purchase agreement with Jordan Valley Water Conservancy District (JVWCD) was for 16,500-acre feet of water, and the new proposed purchase agreement was for 20,000-acre feet of water. Anytime the City went over 120% of contracted water use, tier two rates would apply.

MOTION: Council Member McConnehey moved to approve Resolution No. 21-027 authorizing the Mayor to submit a Water Purchase Agreement and Petition to the Jordan Valley Water Conservancy District and to execute the Agreement. Council Member Whitelock seconded the motion.

Council Member Whitelock emphasized the importance of not exceeding the contracted water amount. Council Chair Jacob said he agreed and spoke of the long process involved in discussing and negotiating the agreement with JVWCD.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

6. PUBLIC HEARINGS

a. Interchange Overlay Zone (IOZ)

Community Development Director Scott Langford presented proposed amendments to simplify the Interchange Overlay Zone (IOZ) in City Code.

Council Chair Jacob opened the public hearing at 7:27 p.m.

Citizen Comments:

None

Council Chair Jacob closed the public hearing at 7:29 p.m.

Council Vice Chair Green thanked Staff for simplifying the Code. He requested the Council remove “which may include vehicle sales as the anchor” for Area A and leave the description at “a regional commercial area”.

MOTION: Council Vice Chair Green moved to approve Ordinance No. 21-23 amending the 2009 West Jordan City Code (Interchange Overlay Zone: Sections 13-6K-1 and 13-6K-2) with an amendment to 13-6k-2(A)(1) striking the words “which may include vehicle sales as an anchor”
Council Member Whitelock seconded the motion.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

b. McDougal Funeral Home

Senior Planner Brian Berndt oriented the Council with the request for General Plan Land Use Map Amendment from Very Low Density Residential to Community Commercial and Rezone of 4.04 acres on the northeast corner of 3200 West 9000 South from Rural Residential – 1 acre (RR-1D) Zone to General Commercial (C-G) Zone. He showed an anticipated future site plan including a new building and a meditation garden and stated the Planning Commission recommended approval by unanimous vote on May 18, 2021.

Council Member Lamb referred to citizen concerns regarding traffic and noise. Applicants Ron and Randy McDougal commented that funeral home use was similar to that of a church, with much of the activity not taking place during traditional commuting hours. Ron McDougal explained the number of services per day varied, and said he was hoping for ten services per month at the start. He estimated that 20-40 vehicles would be involved for a single service.

Responding to a question from Council Member Whitelock, Ron McDougal said the goal was for a nice property that did not feel commercial, with landscaping on the east side next to residential. He said the plan was for a vinyl fence to be along the east border.

Responding to a question from Council Member McConnehey, Staff confirmed a funeral home was a conditional use within the C-G Zone, requiring an additional approval beyond the requested zoning change.

Community Development Director Scott Langford confirmed that to his knowledge no interest had been shown for one-acre lots on the property. Council Member Whitelock said she would prefer to condition

the rezone for the specific use. City Attorney Rob Wall responded that such a condition would not be possible.

Council Member Worthen commented that the neighboring church still owned the subject property, and she knew the original intention was to build a larger church on the subject property. She stated the proposal was not far in her opinion from the original intention.

Council Chair Jacob opened the public hearing at 7:46 p.m.

Citizen Comments:

Kandi Manzanares said she sent an email to the Council with her concerns. She said the photographs of the property and surrounding area shown by Staff were taken after-hours and did not accurately reflect existing traffic impact. She commented that long vehicle processions after funerals, most likely heading east, would further impact traffic in the area. Ms. Manzanares stated her neighborhood was not notified that the issue would be on the agenda. She said she was given Ron McDougal's phone number by a Council Member, and said it was suggested that the request would be approved no matter what.

Kate Hamilton said she lived in the neighborhood south of the subject property and was 100% opposed to the proposal, especially with a change to commercial zoning without guarantee that a funeral home would be developed. She expressed concern with the many possible commercial uses she would not consider in harmony with her family neighborhood. Ms. Hamilton spoke of heavy traffic on 9000 South, and stated it was unwise to put commercial development at the subject location. She stated she was strongly opposed to looking out her window and seeing a funeral home.

Brandy Wright said she lived west of the subject property and expressed support for the proposal because she did not like seeing the empty lot. She said she did not think single-family homes would make sense at the subject corner with all the other corners already commercial and suggested no one would want a home across from the existing substation.

Randy McDougal said he grew up just down the street and still lived in West Jordan. He said he and his brother had looked for a site they believed would be compatible with their plans for a funeral home. He said he was committed to making the subject property a beautiful location. Mr. McDougal commented that the type of funeral processions referred to were no longer practiced and emphasized that mourners were asked to obey traffic laws when leaving a funeral.

Bruce Cutler said he believed major thoroughfares, such as the subject location, were great opportunities for commercial. He encouraged the Council to seriously consider the proposal.

Council Chair Jacob closed the public hearing at 7:56 p.m.

Council Member Lamb said he felt confident from comments made that the church who owned the property did not want certain types of commercial on the subject corner any more than residents did. He expressed confidence that the church, which had not yet sold the property, had a great desire for a specific type of development.

Council Vice Chair Green said he agreed no one would want a house on the subject corner. He said he did not see anyone wanting to develop one-acre residential lots at the subject location, but he could see a developer wanting to use the Infill Overlay Zone to put 27 units on the property, which was something he did not want. He said he understood the concerns of the residents and expressed the opinion that a funeral home would provide more of a balance between residential and commercial

than higher-density residential. Council Member Worthen said she agreed a much worse option could be proposed for the subject location.

MOTION: Council Member Worthen moved to approve Ordinance No. 21-22 regarding a General Plan Land Use Map Amendment for 4.04 acres on the NE corner of 3200 West 9000 South from Very Low Density Residential to Community Commercial and Rezone from RR-1D Zone to C-G Zone.

Council Vice Chair Green seconded the motion.

Council Member Whitelock said she agreed homes would not be proposed for the subject property unless as an infill project with high density, which she did not believe was the best use. She commented the City needed commercial uses to keep property taxes lower. Council Member Whitelock said she understood the concerns expressed, but she believed the proposal seemed like the best use. Council Member Worthen commented that the McDougals would be good neighbors if the request were approved.

Council Vice Chair Green commented that the conditional use process included mitigation, and expressed confidence the Planning Commission would be thoughtful in mitigating any issues. Council Chair Jacob said he appreciated the irony of having a funeral home across the street from a medical facility. He said he believed the proposal was the best commercial use for the property in being low impact, quiet, and not too busy.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

c. Semnani Development

Assistant Planner Mark Forsythe explained the request to rezone 1.34 acres at 8482 South Redwood Road from Rural Residential half-acre lots minimum Zone (RR-.5A) to Single-family Residential 8,000 square foot minimum lots Zone (R-1-8C). He showed that the subject property was surrounded by single-family residential development, with duplexes and 8-unit apartment complexes nearby. He showed a concept plan with five lots, including the existing home next to Redwood Road. The applicant proposed a private road with access to Redwood Road. Mr. Forsythe stated the Planning Commission forwarded a negative recommendation with a 4-3 vote, citing non-compliance with the General Plan and concern for the lack of overall plan for the neighborhood. The applicant submitted conceptual house elevations and floor plans since the Planning Commission meeting.

Sattar Tebriz with Ward Engineering commented that the land use plan for the area was medium density residential. He described the proposed subdivision and showed possible house elevations, which he said would most likely have three-car garages.

Council Chair Jacob opened a public hearing at 8:16 p.m.

Citizen Comments:

None

Council Chair Jacob closed the public hearing at 8:17 p.m.

Council Member McConnehey said the proposal felt like spot zoning, and said he did not feel the proposal fit really well in the area. Council Vice Chair Green said the current proposal was the exact same situation as one recently reviewed by the Council on 2200 West, which the current Council had no problem approving. Council Vice Chair Green stated he believed the City needed a better comprehensive plan for Redwood Road, and pointed out the proposal was exactly what the Future Land Use Map designated. He expressed a desire to treat similar situations the same way.

Council Member Whitelock responded that 2200 West and 1700 West/Redwood Road were two vastly different roads. She pointed out that Redwood Road was a major thoroughfare, and expressed the opinion that the City should have commercial development on Redwood Road, not residential. Council Member Whitelock stated that having many subdivisions of 3-5 homes accessing Redwood Road would be a problem.

Council Chair Jacob commented that a zone change was the only thing on the table for consideration. He said he believed R-1-8C would probably fit the area, and agreed that the alternative would probably be an infill situation with higher density, which he believed would be far more problematic. Council Chair Jacob spoke of property rights, and pointed out that the proposal fit the Future Land Use Map.

Council Member McConnehey commented he could not find minutes for the May 28, 2021 Planning Commission meeting. He said he would be amenable to the request if the proposed road were a full-sized road rather than a private drive. Community Development Director Scott Langford confirmed the proposed private lane met City standards for private lanes and would be permitted if the rezone were approved. The Council discussed that access through Shulsen Lane would not be possible.

MOTION: Council Chair Jacob moved to approve Ordinance No. 21-25 regarding a rezone of the property at 8482 South Redwood Road from RR-.5A Zone to R-1-8C Zone. Council Member Worthen seconded the motion.

Council Member Pack reminded the Council of the Planning Commission's negative recommendation. He spoke of fire access and traffic access concerns, and asked if there were any other issues the Council should discuss.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	No
Council Member Pack	No
Council Member Whitelock	No
Council Member Worthen	Yes

The motion passed 4-3.

d. Planned Community Hillside Zone

Community Development Director Scott Langford explained that the proposed Planned Community Hillside Zone (PCH) was being crafted to support the Wood Ranch development on the west side of the City. He said the Council Land Use Subcommittee had provided clear direction, and the Planning Commission forwarded a positive recommendation to the Council knowing that additional changes would be made. Mr. Langford requested feedback from the Council, and recommended the Council table the issue following the public hearing to a date uncertain to allow opportunity for changes to be made.

Council Member Whitelock said she believed the Council gave direction for 4.9 units per acre, but the proposed ordinance would allow 5 units per acre, which on a 600-acre development would be a big deal. She asked Staff to reduce the allowance back to 4.9 units per acre. Council Member Whitelock emphasized that the proposed ordinance would apply to more than just the Wood Ranch project. She suggested a Committee of the Whole discuss the proposed ordinance further. Council Vice Chair Green suggested the Council hold the scheduled public hearing and table the item, with the possibility of scheduling discussion at a separate meeting. He added that most of his concerns were not substantive.

Council Office Director Alan Anderson suggested the Council review the prepared slides for the benefit of the public in attendance. Council Chair Jacob said he would prefer to present information after discussed changes were made to the proposed ordinance. Council Member Worthen said she liked the idea of scheduling another meeting for discussion. Council Vice Chair Green explained a public hearing was scheduled because a majority of the proposed ordinance was ready and could be approved by the Council at that time, with the knowledge that minor amendments would be made later.

Council Chair Jacob opened a public hearing at 8:47 p.m.

Citizen Comments:

Ty McCutchins said he was eager to continue to a final approval for the Wood Ranch development. He thanked the Land Use Subcommittee and Staff for their collaboration. He said he agreed with Council Vice Chair Green that the proposed zone was almost ready and agreed that the process would benefit from a little more time.

Council Chair Jacob closed the public hearing at 8:49 p.m.

Council Chair Jacob encouraged Council Members to continue to discuss questions and concerns with Staff.

**MOTION: Council Vice Chair Green moved to continue the public hearing for Ordinance No. 21-19 amending the 2009 West Jordan City Code adding 13-5 Article L “Planned Community Hillside” (PCH) Zone to a date uncertain.
Council Member Whitelock seconded the motion.**

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes

Council Member Worthen Yes

The motion passed 7-0.

e. Community Development Block Grant Program Year 2020 Annual Action Plan Amendment

Associate Planner/CDBG Coordinator Lisa Elgin explained the proposed amendment to the CDBG Program Year 2020 Annual Action Plan to fund park improvement projects at Crus Corvi and Bear Grass Parks.

Council Chair Jacob opened a public hearing at 8:53 p.m.

Citizen Comments:

None

Council Chair Jacob closed the public hearing at 8:54 p.m.

**MOTION: Council Vice Chair Green moved to approve Resolution No. 21-025 approving a substantial amendment to the CDBG Program Year 2020 Annual Action Plan and authorize the Mayor to sign associated agreements.
 Council Member Worthen seconded the motion.**

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

f. Community Development Block Grant Annual Action Plan for the 2021 Program Year

Associate Planner/CDBG Coordinator Lisa Elgin presented a CDBG Annual Action Plan for Program Year 2021, which would begin in July. The current funding amount for the 2021 Program Year was \$579,260.

Council Chair Jacob opened a public hearing at 8:58 p.m.

Citizen Comments:

None

Council Chair Jacob closed the public hearing at 8:58 p.m.

**MOTION: Council Vice Chair Green moved to approve Resolution No. 21-028 approving the Annual Action Plan for the 2021 Program Year and authorizing the Mayor to sign associated agreements.
 Council Member Lamb seconded the motion.**

Council Member Worthen thanked Ms. Elgin and everyone on the committee.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

Council Vice Chair Green thanked the Manager of the Bingham Creek Library for attending and commented that Chamber West recognized the Salt Lake County Library System as one of the best places to work. Council Member Worthen said she loved the Bingham Creek Library.

g. Fiscal Year 2021 Budget Amendment – Continued from June 9, 2021

Administrative Services Director Danyce Steck reported that GASB 87 requirements were integrated into the proposed FY2021 Budget Amendment. She stated developer reimbursements owed by the City were also included in the proposed Amendment.

Council Chair Jacob opened a public hearing at 9:05 p.m.

Citizen Comments:

None

Council Chair Jacob closed the public hearing at 9:05 p.m.

MOTION: Council Vice Chair Green moved to approve Ordinance No. 21-26 amending the City's Annual Budget for Fiscal Year 2021. Council Member Whitelock seconded the motion.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

h. Enterprise Funds Transfer – Continued from June 9, 2021

Administrative Services Director Danyce Steck stated all information associated with the proposed Enterprise Fund transfer was presented at the June 9, 2021 meeting. The June 9 public hearing was continued to meet all noticing requirements.

Council Chair Jacob opened a public hearing at 9:08 p.m.

Citizen Comments:

Bruce Cutler said he was on the State Legislature when the particular bill was passed, and stated he was opposed to the bill at the time. He stated that City utilities should be treated as independent businesses and expressed support for the transfer as long as it was explained to citizens, and not abused.

Council Chair Jacob closed the public hearing at 9:11 p.m.

Council Vice Chair Green said he was on the fence regarding the proposed transfer and stated the proposed transfer was a sales tax on water. He said he knew if the Council raised property taxes, they would be accused of making housing more unaffordable, and said he knew citizens would probably financially feel the utility tax next year. He stated that if the utility tax passed, tiers four, five, and six rates needed to be adjusted so the elderly and people with low incomes were not overly hit. He emphasized he was extremely conflicted and it was not an easy decision.

Council Member Whitelock explained that an additional 17% property tax increase instead of the proposed utility transfer would cost the citizens more overall and pointed out that the proposed utility transfer would not cost citizens more in the current year. She stated the biggest factor for her was the fact that property taxes were not collected from 24% of the property in West Jordan, yet those properties used City services. Council Member Whitelock said she had spoken to many residents who, after she explained the situation, always said they favored the utility tax. Council Member Whitelock stated she was not in favor of using savings to cover the amount.

Council Member McConnehey said he believed the utility transfer would put an additional burden on residents. He explained how both a 17% property tax increase and the proposed utility transfer would affect him personally as a property owner and stated the utility transfer would cost him more. He mentioned that the public right-of-way was the theory behind the utility transfer and said the City did not charge UPS or FedEx or gravel companies for use of the right-of-way, and he did not think that should be included. Council Member McConnehey expressed the opinion that the property tax increase option would be less of a financial burden on residents and said he would prefer the property tax route.

Council Member Worthen pointed out that utility rates would not increase for citizens with the proposed utility transfer. Ms. Steck commented that the expectation with a 17% property tax increase instead of the utility transfer was that the City would refund citizens the 5% from Enterprise Funds at the end of the year. She explained difficulties involved in calculating such a refund and stated another rate adjustment would be necessary. Council Member Worthen said she liked the equitability provided by the utility transfer. She also expressed deep trust in Ms. Steck and Ms. Steck's recommendation.

Council Member Lamb stated he was okay with the utility transfer last year because of uncertainty associated with the pandemic, but stated he was not comfortable continuing the transfer in perpetuity. He proposed leaving the money in the Enterprise Funds and putting them toward the utility projects for which citizens were told their rates were raised. Council Member Lamb stated he was comfortable using General Fund balance to cover the difference.

Council Chair Jacob said for him the decision was made last year. He said he believed it was a policy decision meant to be ongoing, not turned on and off depending on circumstances. Council Chair Jacob stated the Council had discussed the FY2022 Budget for months with the utility transfer included.

Ms. Steck showed the five-year financial plan included in the FY2022 Budget. She pointed out that using fund balance to cover expenses in the next fiscal year would take away from funds available for capital projects. She showed a five-year financial scenario with the utility transfer removed and revenue replaced by a 17% property tax increase, which showed that the inflationary factor for annual property tax increases would go up. Ms. Steck showed a five-year financial scenario with the utility transfer removed and the proposed annual 2.5% inflationary property tax increase, and showed that by year three the City would have a fund balance below the State requirement. She stated she would support whatever direction the Council chose.

Council Vice Chair Green said he agreed the issue was about policy. He said he wanted an equitable tax that was not regressive and stated the Enterprise Fund transfer and property tax were both regressive. Council Vice Chair Green suggested that if the Council approved the proposed utility transfer, they needed to start working on how to restructure water rates beginning October 2022 so that tier one and tier two residents were not paying as much toward the utility transfer as a heavy water user. He said he blamed the State Legislature that the City was stuck with bad options.

Council Member Worthen commented that the Enterprise Fund transfer would provide approximately \$3 million to the General Fund, and commented the City still had \$5-\$6 million set aside for the Community Arts Center. She suggested covering the need in the General Fund with money set aside for the Community Arts Center was an option. Council Chair Jacob responded that the need in the General Fund was on-going.

MOTION: Council Chair Jacob moved to approve Resolution No. 21-023 adopting the transfer of monies from Enterprise Funds to other city funds. Council Member Whitelock seconded the motion.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	No
Council Member Lamb	No
Council Member McConnehey	No
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 4-3.

At 9:54 p.m., Council Member Lamb moved to take a seven-minute recess. Council Vice Chair Green seconded the motion, which passed by majority vote (6-1), with Council Member McConnehey dissenting.

The Council reconvened at 10:02 p.m.

7. REPORT TO COUNCIL

a. Annual Fraud Risk Assessment

Administrative Services Director Danyce Steck explained that beginning last year, the State Auditor's Office required an annual fraud risk assessment. Ms. Steck presented an Annual Fraud Risk Assessment to the Council.

8. BUSINESS ITEMS

b. Intent to Exceed Certified Tax Rate

Ms. Steck explained the Council asked her to prepare the FY2022 Budget with a tax rate exceeding the certified tax rate. She said the budget was prepared with a 2.5% increase to compensate for inflation and to recover funds lost in 2020 due to reassessments (judgement levy). She suggested scheduling a truth-in-taxation public hearing on August 24, 2021 at 6:00 p.m., and emphasized that declaring the intent to increase the property tax rate did not lock the Council into ultimately approving an increase in the property tax rate. Ms. Steck stated the FY2021 tax rate was 0.001899, the FY2022 Certified Tax Rate with general obligation debt was 0.001732, and the proposed FY2022 tax rate was 0.001788.

MOTION: Council Member Chris McConnehey moved to approve Resolution No. 21-029 acknowledging the intent to exceed the certified tax rate and scheduling a public hearing of August 24, 2021 regarding the proposed property tax increase Council Chair Zach Jacob seconded the motion.

Council Member Whitelock stated she wanted further education for the public, so they understood the proposed rate was less than last year's rate. Council Vice Chair Green said he wanted citizens to be involved and wanted the focus on August 24 to be on truth-in-taxation. He suggested the Council schedule an additional meeting on August 18 or August 25 to handle remaining agenda items.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

c. Setting the 2021 Property Tax Rate

Council Chair Jacob stated that, considering the previous action, this item was no longer relevant.

d. Amending the West Jordan City Consolidated Fee Schedule

Administrative Services Director Danyce Steck presented proposed amendments to the Consolidated Fee Schedule. Council Member Worthen recommended adding a change to make residential meter rates the same regardless of meter size, as discussed in the work session prior to the meeting. Responding to a question from Council Vice Chair Green, Ms. Steck said she tested fees annually to ensure they did not exceed cost of service. Mayor Burton said he was confident with Ms. Steck's assessment, and said if fees were off, they were on the low end.

MOTION: Council Member Worthen moved to approve Resolution No. 21-026 amending the West Jordan City Consolidated Fee Schedule with the change discussed by the Council to make residential meter rates for residents with a one-inch meter the same as the rates for other residents. Council Member Whitelock seconded the motion.

Council Member McConnehey said he agreed with the majority of the Fee Schedule but felt passionately about the dumpster program and did not believe the Council made the right decision, so he would vote against the motion.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	No
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 6-1.***e. Amending the Tentative Budget for Fiscal Year 2022***

Ms. Steck explained proposed amendments to the FY2022 Tentative Budget to incorporate the proposed 2.5% property tax increase and expected American Rescue Plan Act (ARPA) funds. She explained additional changes included in the proposed amendment and stated the FY2022 Final Budget needed to be adopted by September 1, 2021.

Council Member McConnehey said he was comfortable with all proposed amendments except the \$75,000 allocated for public outreach and the \$50,000 for events. He said he would prefer to understand better how those funds would be used and suggested the Council could add the amounts back into the budget before September if desired. Ms. Steck explained that without the \$75,000 suggested for public outreach, the amount of public outreach possible would be very limited. She said her goal was to communicate to citizens how taxes worked in the first quarter, as well as provide an annual audit report explanation. With more than 26,000 mailing addresses in the City, each public outreach mailer cost approximately \$26,000.

Council Member Whitelock said she believed the mailers were immensely helpful. She said she was in favor of adopting the proposed amendments, and requested a memo showing how the funds would be allocated. Council Member McConnehey said he did not believe the mailers were helpful and felt \$26,000 a shot was expensive. He said he would be in favor of allocating the funds for digital communication to residents, but not for strictly paper communication.

Council Member Worthen pointed out that different people communicated in different ways. As a marketing professional, she stated direct mail was still viable and effective when short and simple. She said she agreed email communication was also needed. Council Member Worthen said she would prefer to approve the amendment as proposed. Council Chair Jacob said he concurred that direct mail was beneficial.

Council Vice Chair Green said he was okay with mailers, and suggested part of the mailer include a request for citizen email addresses. He said he was comfortable leaving the \$75,000 for public outreach in the amendment but agreed with Council Member McConnehey regarding the \$50,000 for events. Council Member Whitelock said she could see a need for more employees in the Events Department and asked why Council Members McConnehey and Green were not in favor of the \$50,000. She said it was her understanding the \$50,000 was to outsource some of the Events Department workload. Council Member Worthen said she did not have a problem with the \$50,000 for events.

**MOTION: Council Member Worthen moved to approve Resolution No. 21-030 amending the tentative budget for Fiscal Year 2022.
Council Member Lamb seconded the motion.**

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	No
Council Member Lamb	Yes
Council Member McConnehey	No
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 5-2.

f. Fiscal Year 2022 Final Budget Adoption

Council Chair Jacob commented that due to earlier action, this agenda item was no longer relevant.

g. Fireworks Restrictions

Fire Chief Derek Maxfield reported he had met with other fire chiefs and officials in the area since the last Council meeting. He proposed an amended fireworks restriction map because of dry land conditions and difficulty obtaining adequate water supply in restricted areas. Fire Chief Maxfield answered questions from the Council, expressed confidence in the proposed fireworks restrictions and his department's preparations for the fireworks season, and said Police Chief Wallentine had expressed support.

Council Vice Chair Green said he believed the City's fireworks ordinance needed to be reworked. He recommended GIS map any fires in 2021 to provide historical data for proactive decisions in the future. Council Vice Chair Green suggested the fire restriction map should be adopted by ordinance in the future to provide the Mayor with more authority. Mayor Burton said the Fire Chief and Police Chief were going to closely monitor and record what happened in 2021 to help with decision making in the future.

Council Chair Jacob said he appreciated the expanded map and commented that 200 feet on either side of waterways was difficult to identify. Mayor Burton said he planned to provide the restriction map to all fireworks vendors as soon as the map was approved. Council Chair Jacob suggested providing "safe zones" around City parks where fireworks could be allowed.

Council Member Pack said he was adamantly opposed to a city-wide ban on fireworks. He said he understood there was risk in allowing fireworks, but said he worried about civil liberties. Council Member Pack said he believed the designation of 5600 West was arbitrary.

Council Member Worthen expressed confidence in Chief Maxfield and referred to many emails received by the Council requesting a ban on fireworks. City Attorney Rob Wall advised the Council to be cautious. He said he believed the law was clear that the Council could not ban fireworks throughout the City. Responding to Council Chair Jacob, Mr. Wall stated there was latitude to draw the lines a little more clearly.

Council Chair Jacob spoke of the many comments received in favor of banning fireworks in as many areas as possible because of the dry conditions. Council Member McConnehey said he appreciated Council Member Pack's comments and said he would support the fireworks restriction map recommended by the Fire Chief, but would not support additional restrictions for 2021.

Council Vice Chair Green said he did not believe there was time to redraw maps and distribute the information for that season. He emphasized that previously approved fireworks restriction maps would remain in place.

MOTION: Council Vice Chair Green moved to approve Resolution 21-033, a resolution prohibiting the use of ignition sources, including fireworks, explosive devices, and open flames, in certain areas in the City of West Jordan, with the addition of the following language to the end of Section 1: All previously announced Fireworks restrictions shall remain in place and are not impacted by the new restriction. Council Member Worthen seconded the motion.

Council Chair Jacob said he felt there was more the City could do under the law and was choosing not to do, which he said made him nervous. Council Vice Chair Green pointed out the Statute said to be as narrow as possible, and stated he was not going to follow Salt Lake City's lead in completely banning fireworks. Council Chair Jacob stated the law allowed major identifiable roadways, and said he believed his proposal was legally defensible.

Council Member McConnehey moved to call the question. Council Chair Jacob seconded the motion, which failed with a vote of 4-2, with Council Members Whitelock and Worthen dissenting.

Council Member Worthen expressed faith in Chief Maxfield's recommendation. Council Member Whitelock said she wished the roadway suggestion had been made earlier, but said she agreed there was not support from a majority of the Council.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes
Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

9. CONSENT ITEMS

a. Approve Meeting Minutes

- May 26, 2021 Work Session and Regular City Council Meeting

b. Resolution No. 21-024 authorizing the Mayor to sign the Interlocal Cooperation Agreement between West Jordan City and Salt Lake County for the Installation of Traffic Signal Equipment

MOTION: Council Vice Chair Green moved to approve Consent Items 9a and 9b as listed. Council Member McConnehey seconded the motion.

The vote was recorded as follows:

Council Chair Jacob	Yes
Council Vice Chair Green	Yes

Council Member Lamb	Yes
Council Member McConnehey	Yes
Council Member Pack	Yes
Council Member Whitelock	Yes
Council Member Worthen	Yes

The motion passed 7-0.

4. AGENCY MEETINGS

At 11:32 p.m., Council Vice Chair Green moved to temporarily adjourn the Council meeting to convene meetings of the Fairway Estates Special Service Recreation District, the Municipal Building Authority, and the Redevelopment Agency. Council Member Lamb seconded the motion, which passed by unanimous vote (7-0).

The Council returned to regular meeting at 11:47 p.m.

5. EXECUTIVE REPORTS TO COUNCIL

a. Mayor's Report

Mayor Dirk Burton spoke of the importance of Western Stampede events and the involvement of City employees and Council Members. Mayor Burton commented that a majority of the vehicles involved in dropping off material at a recent neighborhood cleanup were cars, not trucks. He reported the cleanup event was successful.

b. City Administrator's Report

City Administrator Korban Lee spoke of volunteer shifts needing to be filled for Western Stampede events.

10. CITY COUNCIL REPORTS/REMARKS

a. Council Office Report

Council Office Director Alan Anderson stated he had nothing to report.

b. City Council Reports / Remarks

Council Member Whitelock –

- Reported that Jordan School District schools were only watering two days a week, at night, to help with the drought.

Council Member Worthen –

- Spoke of City employee Kim Darger who recently passed away and expressed appreciation for her service to the community.

Council Member Pack –

- Said it was nice seeing the food trucks at Ron Wood Park again. He suggested traffic calming measures around Ron Wood Park, especially near the round-about.

c. Unfinished Business Reports

A list of unfinished business items from previous agendas was included on the meeting agenda.

11. CLOSED MEETING

The Council did not meet in closed meeting.

12. ADJOURN

Council Member McConnehey moved to adjourn the meeting, and Council Member Green seconded the motion. All voted in favor and the motion passed unanimously (7-0).

The meeting adjourned at 11:56 p.m.

I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on June 23, 2021. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 14th day of July 2021