MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING

Wednesday, July 31, 2019
5:30 p.m.
Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock; Council Member Burton arrived at 5:34 p.m. and Council Member Zach Jacob was excused

STAFF: David R. Brickey, City Manager; Korban Lee, Assistant City Manager; Rob Wall, City Attorney; Scott Langford, Community Development Director; Danyce Steck, Finance Director; Brock Hudson, Community Preservation Director; Brian Clegg, Public Works Director; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Robert Allred, Information Technology Director; Justin Stoker, Deputy Public Works Director; Chad Haun, Police Lieutenant; Dave Murphy, Engineering Manager for CIP; Robert Allred, I.T. Director; Jamie Brooks, Interim City Clerk and Tangee Sloan, Deputy City Clerk.

I. CALL TO ORDER

Mayor Riding called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Betty Naylor

III. CITIZEN COMMENTS

Betty Naylor, West Jordan resident, invited the Council and Mayor to the Gardner Heritage Farm Open House, and stated that active farming was still occurring in West Jordan. She said she had been working with the City and the Department of Wildlife Resources for permission to hunt deer on her farm property and thanked the City for providing a letter granting City approval.

There was no one else who wished to speak

IV. PRESENTATION

UPDATE BY ROB BENNETT, CHAIR OF THE WEST JORDAN SUSTAINABILITY COMMITTEE

Rob Bennett gave an update on Sustainability Committee activities for the past year. He reported the West Jordan City landfill had 10-12 years before it would reach capacity and suggested the City Council discuss funding options for waste management in the future. Mr. Bennett commented that the City's 40% landscaping requirement did not encourage water conservation. He encouraged the Council to consider implementing a Waterwise Water Conservation Education Program, consider passing a water efficient landscape

ordinance, and consider utilizing Water Efficient Landscaping Best Practices for Cities to formulate new and modify existing City landscaping ordinances. Mr. Bennett recommended the Council allow the Sustainability Committee to have a page on the City website to provide information regarding grants, homeowner programs, effective landscaping, WaterWise tree and plant listings for the climate, etc.

Responding to a question from Councilmember Burton, Mr. Bennett explained challenges associated with the recycling program, and stated that despite those challenges, he believed there was great value in finding ways to utilize recyclable materials.

Mr. Bennett emphasized that information and classes were available at the Jordan Conservation Garden to educate citizens regarding xeriscaping. Councilmember Whitelock stated she was in favor of the Sustainability Committee providing a page on the City website.

Councilmember Lamb thanked the members of the Sustainability Committee for their time and dedication. He asked Mr. Bennett if the Committee had discussed the possibility of West Jordan moving closer to becoming a Zero Waste City. Mr. Bennett responded the Sustainability Committee would investigate that possibility if directed by the Council. Mr. Bennett expressed interest in a group of Sustainability Committee liaisons from cities within the County coming together to share information and experience.

Councilmember Anderson thanked the members of the Sustainability Committee. He expressed support for simple ordinance enhancements to encourage water conservation efforts, and support for a Sustainability Committee page on the City website.

Councilmember McConnehey expressed appreciation for the Sustainability Committee and their service to the community.

V. COMMUNICATIONS

STAFF COMMENTS/REPORTS

David Brickey –

- Stated that Scott Langford would be excused from the meeting following Consent Items.

Korbin Lee –

- Reported that at the request of the property owners of the land involving Oquirrh Mountain Resort, public hearings for the Oquirrh Mountain Resort project were removed from the agenda.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Lamb –

- Expressed concern regarding a mailer distributed recently about the City water system and related finances, and said he hoped citizens would become informed and understand how the funds were used.

Councilmember Burton –

- Said he would address why he voted against the water increase later in the meeting.
- Attended a Quick Quack Car Wash ground breaking.

Councilmember McConnehey –

- Attended a recent Chamber West meeting and sent an email to Councilmembers with his notes.

Mayor Riding –

- Attended a tour of the Drake Goat Farm and encouraged Councilmembers to do the same.

VI. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 19-23, AN ORDINANCE AMENDING TITLE 1, CHAPTERS 3 (DEFINITIONS SECTION), 5, 6, 7, 8, 11 AND 12 OF THE 2019 CITY CODE (ADMINISTRATION), INCLUDING, BUT NOT LIMITED TO, THE DUTIES OF THE MAYOR AND COUNCIL MEMBER AND THE ORGANIZATION OF EXECUTIVE BRANCH DEPARTMENTS IN THE NEW COUNCIL-MAYOR FORM OF GOVERNMENT, EFFECTIVE AT 12 NOON ON JANUARY 6, 2020.

Duncan Murray addressed the Council about proposed amendments to select Chapters in Title 1. Councilmember McConnehey suggested holding Council comment until after the public hearing.

Mayor Riding opened the public hearing.

Kelvin Green, West Jordan resident, asked the Council to slowly review and consider the proposed changes. He said there appeared to be redundancies between 1-6-1 and 1-6-a and suggested eliminating “contract” positions with the City. Mr. Green said it is his opinion that the Council should have its own outside legal counsel separate from the City Attorney’s office and suggested the City should incorporate Utah Code 10-3-505.

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

Responding to Mr. Green’s comment, Councilmember McConnehey stated that employee contracts were a difficult issue. He also expressed concern with the amount of information required to be disclosed by elected or volunteer public servants in proposed Section 1-11-5.

Councilmember Anderson asked which committees would fall under proposed Section 1-6-13. Mr. Murray responded that the different committees would be considered on an

individual basis. Councilmember Anderson suggested using the term "Legislative Committees" rather than "Council Committees".

Councilmember Whitelock said she had not had an opportunity to read the entire proposed Ordinance and hoped it would not be put to a vote that evening. Councilmember McConnehey concurred with Councilmember Whitelock and expressed hope that the Councilmembers would take the opportunity to consider changes he recommended that were not included in the printout provided. He emphasized that he believed a representative of the City Council should be allowed to be present at Executive Staff meetings.

Councilmember Anderson asked if there was a code requiring Legislative and Executive branches to work together in cases of emergency. Mr. Murray answered there was not a code specifically mandating that cooperation, but said he thought it was generally understood that both branches would work together.

Rob Wall commented that emergency response is an Executive function and cautioned against trying to interfere with Mayoral authority to execute State law. Mr. Wall confirmed that State law allowed the Mayor to be present and actively participate in all open and closed Council meetings. He stated that to require that a Council representative be allowed in Mayoral Executive meetings would be contrary to separation of powers. Mr. Wall expressed confidence that language could be drafted to address the issue without conflicting with State law.

Mayor Riding agreed with the suggestion to bring the proposed Ordinance back to provide time to review and consider proposed changes.

Mr. Wall said he thought it was good that direction was given in the proposed changes regarding when periodic updates were to be given by the Mayor. Mayor Riding asked Mr. Murray to provide a cleaned-up version of the proposed Ordinance to the Council as soon as possible.

VII. CONSENT ITEMS

a. Approve the minutes of June 26, 2019 and July 17, 2019 as presented

b. Approve Resolution 19-142, declaring items from various departments that were no longer of any value or use as surplus property, and authorize the disposition

c. Approve Resolution 19-143, authorizing the Mayor to enter into an Interlocal Agreement with Salt Lake County, resulting in the reimbursement of $666,184.00 in preservation funds to the City of West Jordan, in order to offset the cost of acquiring real property from Bunts and Singles, LLC

d. Approve Resolution 19-144, authorizing the Mayor to execute the UDOT Local Government Contract

between the UDOT, West Jordan City and JUB Engineers, Inc. for Construction Engineering Management Services for the Jordan River Trail Gardner Village Trax Station project for an amount not to exceed $55,845.99

e. Approve Resolution 19-145, awarding a contract to Gilson Engineering and authorizing the Mayor to execute that contract for engineering services for the New Bingham Detention Pond and Park project

f. Adopt Ordinance 19-22, amending the 2009 City of West Jordan Municipal Code, Title 4, "Business License Regulation"

g. Approve Resolution 19-146, authorizing the Mayor to execute an Amendment to the Amended Development Agreement: The Highlands Sub-Areas Master Plan between the City of West Jordan and Peterson Development Company, LLC

h. Approve Resolution 19-147, authorizing the Mayor to execute a Reimbursement Agreement for Highlands Landing Commercial Subdivision Phase 2 and the 5490 West Street Dedication Area between the City of West Jordan and Peterson Development Company, LLC

MOTION: Councilmember Anderson moved to approve all Consent Items. The motion was seconded by Councilmember Burton.

Regarding Consent Item 7f, Councilmember McConnehey suggested specific language in Title 4 should be included on the Fee Schedule as well as Title 4. Staff agreed to follow through with the suggestion.

A roll call vote was taken

Councilmember Anderson	**Yes**
Councilmember Burton	**Yes**
Councilmember Jacob	**Absent**
Councilmember Lamb	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Whitelock	**Yes**
Mayor Riding	**Yes**

The motion passed 6-0.

VIII. CONSENT ITEM DISCUSSION

DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT ITEM(S) PULLED BY CITY COUNCIL

No Consent Items were pulled for discussion.

IX. WORKSHOP

COUNCIL DISCUSSION – WATER FUND RESERVES AND LONG-TERM PLANNING – NO ACTION WILL BE TAKEN

Responding to a question from Councilmember Anderson, Mr. Wall agreed that the discussion should not be about the current political campaign. However, he said Councilmembers had asked for clarification, and the Finance Department prepared a presentation to clarify the financial situation.

Danyce Steck updated the Council on the Water Fund balance and explained reasons behind the most recent water rate increase. The Government Finance Officers Association (GFOA) recommended municipalities hold a minimum of 45 days, but preferably at least 90 days, of working capital in reserve in Enterprise Funds. Ms. Steck stated the City was currently well below the recommended target for reserves in the Water Fund. She listed capital needs in excess of operations and explained other reasons for holding reserve funds.

Justin Stoker presented a Public Works Water Infrastructure Status Report and emphasized that West Jordan was operating well below one-day worth of water storage in the system. Mr. Stoker expressed concern with the Jordan Valley Aqueduct going off-line in November for realignment.

Councilmember Anderson asked if the City had a plan in place. Mr. Stoker responded the City received water from several sources. He said the work was scheduled for November in order to take advantage of the lower demand for water during that time. Responding to a question from Councilmember Whitelock, Mr. Stoker said the West Jordan water system had about 12-14 hours worth of water stored, in addition to required fire reserves. The City needed nine more water tanks to meet anticipated minimum State requirements. One of the nine tanks was almost completed, and a second was in the design stage.

Ms. Steck presented a five-year financial plan for the water system, emphasizing that reserves would be needed in coming years, and discussed debt service coverage and capital demands with the Council.

Unrelated to the water system, Ms. Steck said she anticipated presenting proposed rate structures to the Council in early Fall.

X. REMARKS

There were no remarks.

XI. 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 Jim Riding, and Council Members Alan Anderson, Dirk Burton, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock

STAFF: David R. Brickey, City Manager, Korban Lee, Assistant City Manager, and Rob Wall, City Attorney.

MOTION: **Councilmember Lamb 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 by Councilmember Whitelock.**

A roll call vote was taken

Councilmember Anderson	**Yes**
Councilmember Burton	**Yes**
Councilmember Jacob	**Absent**
Councilmember Lamb	**Yes**
Councilmember McConnehey	**Yes**
Councilmember Whitelock	**Yes**
Mayor Riding	**Yes**

The motion passed 6-0.

The Council recessed at 7:30 p.m. and convened the Closed Session at 7:35 p.m.

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

- #1) 7:36 p.m. to 8:10 p.m.
- #2) 8:10 p.m. to 8:15 p.m.
- #3) 8:15 p.m. to 8:29 p.m.
- #4) 8:54 p.m. to 8:57 p.m.
- #5) 9:19 p.m. to 9:32 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION-

- #1) 8:30 p.m. to 8:32 p.m.
- #2) 8:32 p.m. to 8:35 p.m.
- #3) 8:35 p.m. to 8:39 p.m.
- #4) 8:39 p.m. to 8:46 p.m.
- #5) 8:46 p.m. to 8:53 p.m.

- #6) 8:53 p.m. to 8:54 p.m.
- #7) 8:57 p.m. to 9:18 p.m.

STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

- Nothing to discuss

XII. ADJOURN

The meeting adjourned at 9:33 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.

JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Approved this 11th day of September 2019