

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

Wednesday, January 9, 2019

5:30 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chad R. Lamb, Chris M. McConnehey, and Kayleen Whitelock.

STAFF: David R. Brickey, City Manager; Korban Lee, Assistant City Manager; Rob Wall, City Attorney; Jamie Brooks, Deputy City Clerk; Scott Langford, Community Development Director; David Naylor, Interim Parks Director; David Zobell, City Treasurer, Brian Clegg, Public Works Director; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Brock Hudson, Community Preservation Director; Kent Andersen, Economic Development Director; David Murphy, Engineering Manager for Capital Improvement Projects; Duncan Murray, Assistant City Attorney; Jared Tingey, Assistant City Attorney; Justin Stoker, Deputy Public Works Director; Eric Okerlund, Budget Officer; Chris Trevino, Battalion Chief; Larry Gardner, City Planner; Kim Wells, Public Information Manager; Paul Wellington, Purchasing Agent; Paul Coates, Business Development Manager; Jeremy Olsen, Redevelopment Program Manager; Judy Hansen, Planning Commissioner; Heather Everett, Senior Executive Assistant, and various firefighters.

I. CALL TO ORDER

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

II. WORKSHOP

**DISCUSSION REGARDING CODE CHANGES SUBMITTED BY THE
WEST JORDAN CITY ATTORNEY'S OFFICE**

Duncan Murray distributed a schedule of City codes to be reviewed and amended over the next year in anticipation of the form of government change. Various Councilmembers had contacted him and asked about the decision-making process for Chief Administrative Officer and Chief Executive Officer. While the City Manager currently filled both positions, under the future form of government, the Mayor would be the CEO and the City Administrator would be the CAO, who would be appointed by and work under the direction of the Mayor, subject to the approval of the City Council. Administrative policy decisions would be made by the Mayor while day to day operational decisions would be made by the City Administrator.

TITLE 1, CHAPTER 3

Duncan Murray explained the recommended changes to Chapter 3 which had been recommended by Councilmembers Anderson and Whitelock respectively. Those changes involved identifying the fact that the change of form of government would take place specifically at noon on the first Monday of January 2020. Additionally, a reference to Council Director had been removed since it had not yet been determined what kind of staffing the City Council would require or desire.

TITLE 6

Councilmember McConnehey distributed some copies of written comments that he had prepared in advance of the workshop. He stated that since Title 6 was already under review, he felt it made sense to end the prohibition on the sale of turtles in West Jordan which was listed in that title.

TITLE 7

The Council did not recommend any additional changes to this Title.

TITLE 9

Regarding section 9-5-4, Councilmember McConnehey wished to add the following language regarding back flow: *“all commercial and industrial facilities are required to provide a report to the City backflow administrator detailing the location of each backflow prevention device”* and informing the City of any change within 10 days of that change.

Councilmember McConnehey also asked that in 9-3-4 (Administration and Establishment of Regulations), in addition to replacing “City Manager” with “Mayor,” he wished for the language to reflect that any regulations added would need to be “consistent with City code.” Councilmember Jacob asked that regulations be consistent with City Code “and/or Resolutions” passed by the City Council.

Pertaining to 9-3-11, Councilmember McConnehey wished this portion of the Code to clarify that the City Council would need to approve the Mayor’s funding of the water and sewer utility enterprise no fault loss account.

Rob Wall pointed out that the Council would likely find *many* places in the Code where they wished to explicitly spell out the authority limits of either the Mayor or the City Administrator to be consistent with either City Code or State law. To ensure that the length of the Code be kept within reason, he recommended that the administrative title (Title 1) make it clear that any authority that the Mayor or City Administrator exercised, must be consistent with other provisions of the Code.

Councilmember McConnehey agreed but reiterated that he felt the point should be spelled out explicitly in this specific section of the code (9-3-11).

Regarding Code section 9-8-9, Councilmember McConnehey felt that if the Mayor were to exceed the settlement authority outlined in the stormwater remediation program, he/she should be required to obtain City Council approval. Councilmember Jacob agreed.

Finally, Councilmember McConnehey suggested that a member of the City Council sit on the Appeal Board referenced in 9-8-13.

Although Duncan Murray had provided the City Council with a tentative schedule of how the Code review would proceed in the coming months, he asked for their direction regarding what they would like to see at the next meeting.

Mayor Riding asked that a resolution with the changes recommended by Council that evening be placed on the January 23rd agenda and that the Council be given the opportunity to review it ahead of time.

Councilmember Whitelock asked that when a councilmember chose to distribute written comments, that a copy be given to *every* councilmember and that they be provided in advance of the meeting.

Mayor Riding and Councilmember Anderson both stressed the importance of sticking to the review schedule, as some individuals had already announced their intent to run for office. Title 1 set forth the exact duties of the Mayor and Councilmembers and that information would be important to those contemplating a declaration of candidacy.

Councilmember Jacob suggested moving the review of sign regulations to take place *prior* to June 1st in case it addressed campaign signage.

DISCUSSION REGARDING USE OF CITY FACILITIES BY THE CULTURAL ARTS SOCIETY OF WEST JORDAN

Korban Lee stated there were several things that needed to take place now that the WJCAS had separated from the City. The group wished to continue to use City facilities, so it was therefore suggested that the City to enter into a single facility use agreement that addressed their use of multiple buildings. They wished to continue to use the Viridian Event Center which posed a problem since the existing agreement was between the City and the County and the WJCAS was not a party to that agreement.

Mayor Riding expressed concern about allowing the Arts groups to continue to use Pioneer Hall. Councilmember Burton pointed out that they would only need to use Pioneer Hall until the new facility was built.

It was determined that the Council would suspend their workshop discussion, hold the Redevelopment Agency meeting, and move forward with the City Council agenda through the Citizen Comments (excluding Staff/Council Communications). At that point they would resume their workshop discussion.

III. RECESS INTO THE REDEVELOPMENT AGENCY MEETING

The City Council workshop recessed at 6:02 p.m. to hold the Redevelopment meeting.

The meeting was reconvened at 6:33 p.m.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assistant City Attorney Duncan Murray.

V. MAYOR RIDING'S STATE-OF-THE-CITY ADDRESS/REPORT

Council members, residents, and city staff, I am grateful for the opportunity I have been given this past year to serve as your Mayor and for the trust you have placed in me. It has been an exciting year for the city with many changes and accomplishments. And 2019 promises to be even better as we prepare to embrace new opportunities and face ongoing challenges together in the coming months.

Fiscal responsibility is a guiding principle of this Council and administration, and I'm very pleased to report that based on our independent audit, we were awarded a Certificate of Achievement for Excellence in financial reporting. One of the major challenges of 2018 was reconciling how to maintain the level of services our residents expect with an increasingly tight budget. I wholeheartedly believe it is government's responsibility to exhaust every cost-cutting and efficiency-improving method available. We have and will continue to streamline whenever and wherever possible to maximize every dollar we receive.

We are also actively striving to increase city revenue through economic development. In April, we hired a new Economic Development Director to continue to grow and diversify the City's tax base, and several projects were completed throughout the year: The Redevelopment Agency sold the former Fairchild Semiconductor building to Aligned Energy who repurposed the facility as a data center. Papa Pita completed an expansion with a new 100,000 square foot facility and Forest Products moved into the former Stock Building Supply facility. Projects currently underway include the remodel of the former Albertson's on 70th and Redwood to Lucky Grocery and the redevelopment of Jordan Landing's Plaza Village which will bring in new restaurants and retail.

Looking forward to the first part of 2019, At Home will be taking the place of Sears at Jordan Landing and PayPal will be joining the community at the Aligned Energy facility mentioned earlier. The City is also working with several companies interested in developing large-scale projects in the Pioneer Technology District as well as other exciting new retail and large companies looking to make West Jordan their home.

Economic Development staff are also actively pursuing development funding for potential new projects. The City received an \$80,000 grant to conduct a Station Area Plan to potentially redevelop the City Center property just east of City Hall, and we received a grant from the Economic Development Corporation of Utah to begin Stage 1 Certification for a Mega Site in the Pioneer Technology District.

In addition to improving economic development, 2018 brought increased focus on growth which continues to be steady. As of the end of the year, the City received and approved 395 detached single-family residential building permits, 40 multi-family building permits, and 28 new commercial and industrial building permits for a total construction valuation of \$238.1 million dollars. With this new growth, the city now has approximately 34,641 residential dwelling units. We have an average household size of 3.46 people per household, and preliminary numbers in advance of next year's census estimate there are close to 114,000 people who can proudly call West Jordan home.

Each of these residents is unique, but we do have common threads that unify us and determine our community values. We are a family-oriented community. Some of us are just starting out and some of us are retired, but many want homes with yards for children to play. We care about the value of what, for most of us, is our biggest investment – our homes. That means we care about maintaining the condition of our neighborhoods and low crime rates. We lead very busy lives, so we want to be able to play and shop near where we live – that means we need more and better local retail and dining options. We work – often in other cities – so we need well-maintained roads and transportation systems to get us there and back home quickly and safely. And, of course, we want to preserve a clean, safe, beautiful and sustainable community for future generations.

I believe how we achieve these community values will be determined, in great part, over the next several years. It is becoming increasingly clear that many county and state officials expect and are prepared to pressure cities like ours with undeveloped land to bear the bulk of the burden of satisfying the need for additional housing. I recognize this need and believe – not only that we should, but we must – be part of the solution. But growth must be wisely planned. It must be supported by concurrent improvements in services and infrastructure, and it must be in keeping with our community values. To ensure these conditions, it is critical that cities maintain control of local land use and receive the funding and project prioritization necessary for infrastructure and services to keep pace with growth.

We have been working closely with nearby cities facing the same challenge as well as our state representatives to ensure we have a voice at the legislature as these decisions are made. And we are striving to be a team player – to work with, be part of, and when possible, assume leadership roles within those organizations that formulate policy and make project funding and prioritization decisions that will help shape our City's future.

The pressure to grow highlights another challenge we are addressing – the condition of our city in terms of both function and aesthetics.

We provide for the demands of growth and keep our city functioning through enormous amounts of behind-the-scenes maintenance, careful ongoing planning, and a continual stream of projects. For many years the Public Works Department struggled to maintain the City's infrastructure from an inadequate and sometimes unsafe operations building. A major highlight of 2018 was the completion of the new Public Works Facility which has been in use since August. Not all of the functions of the new facility are fully online, and

we haven't had a big enough window of time to track the appropriate data just yet, but we're already seeing improved deployment times of snow plows, improved repair times of city vehicles, and we expect to see additional improvements in other functions, measures of efficiency, and responsiveness to residents' needs.

Here are just a few of the more significant infrastructure improvements of 2018 as well as a look at what we'll be tackling in 2019:

First – streets. A record number of city street miles received a facelift in 2018 as paving crews placed over 25,000 tons of asphalt, repaving streets in the Bagley Industrial Park, the Welby Industrial Park, and many residential neighborhoods ranging from Oquirrh Shadows to the central part of the City.

Second – utility infrastructure. Last summer we added three staff and a tv truck to our Public Works Department. Since then, utility crews have been increasingly proactive in inspecting and maintaining aging infrastructure. It used to take 12 years to inspect all the sewer lines in the city – we can now do it every six years. The resulting improved maintenance will help our systems last longer and reduce costly and inconvenient line blockages and breaks. Looking forward, utility crews are currently updating the SCADA system for better water system monitoring and reliability.

Third – traffic. This is an ongoing concern for many residents and businesses. Several very impactful projects to improve flow were completed in 2018, and we look forward to carrying that momentum forward into 2019. Looking at North-south travel, flow was vastly improved with the completion of 56th West from 7800 South to 86th, including a new traffic signal at 8200. Further impacting north-south travel, are the new Bangerter bridges. The Capital Projects division coordinated with UDOT for the completion of these at 70th South and 90th South and they're preparing for another new bridge at 6200 South as well. Coming up, there will be pavement improvements this year to several north-south collector roads, such as 1300 West, 2700 West, and 4800 West.

Now, regarding east-west flow: The completion of work along 70th South greatly improved east-west traffic which will continue to improve with two upcoming projects: There will be a new railroad crossing at 70th South between Airport Road and 4800 West. And most significantly, 7800 South between Airport Road and 4000 West will be reconstructed and widened. We're very excited for this change. It will eliminate the confusing road split with New Bingham Highway, improve the capacity of the 78th South and 4000 West intersection, and allow for full continuous east-west access.

The condition of the City includes aesthetics as well as function. Considering our character as a family-oriented community, it's no surprise we have more parks per capita than most cities and parks continue to be at the top of many residents' priority lists. With this in mind, 2018 efforts to maximize what can be accomplished within the Parks budget began with projects to improve water efficiency and update the Parks Master Plan.

Major Parks improvements last year also include a new bathroom, irrigation system, turf, trees, and softball fields at Constitution Park, the new Sunset Cove park, upgraded

scoreboards at the Veteran's Memorial Park Baseball Complex and the addition of a few pocket parks to our inventory.

Until the Parks Master Plan is complete, I can tell you of only a few projects coming this year: You can expect new trail bridges along the Jordan River Trail and, of course, the new Wild West Jordan Playground here at Veterans Memorial Park which we're very excited for.

And let's not forget the Big Bend Habitat Restoration Project. This collaborative project which will eventually restore natural resources along the Jordan River and create a 70-acre nature park and wildlife reserve, continues to progress. We received funding for the urban fishery last year, and construction on that will begin this summer at approximately 8600 South.

The beauty of the City is determined by more than parks. It is also determined by our ability to enforce property and landscape maintenance codes. To improve this, we created the Community Preservation department last May to bring together multiple departments tasked with similar goals such as code enforcement and business licensing to support our efforts to make the city a better place to live and do business.

As growth continues, it is essential that our public safety teams grow as well. In 2018, our police chief of six years, Doug Diamond, retired and Ken Wallentine was selected as our new chief. In addition, we hired 15 new police officers. The transition of leadership has been well accepted and this hiring influx has created a lot of opportunity for training and growth within the department. Our officers responded to over 57,000 calls for service last year, and they do a phenomenal job of keeping our city safe through community-based, thoughtful and innovative effort.

Last year brought significant improvements in our Fire Department as well. City Council approved nine new positions along with funding for a new ladder truck to enhance public safety as we grow. We also received funding from the state to implement a new more efficient alerting system that promises to dispatch firefighters sooner, ultimately saving lives. And tonight, we're very excited to welcome our new fire chief, Derek Maxfield to the team.

As you can see, 2019 promises to bring many changes to West Jordan, but the change to our form of government at the outset of 2020 is perhaps the most significant change coming. We will be preparing for this transition throughout the year as we review the entire city code for necessary revisions, restructure key departments and hold an election for five council positions and the city's first-ever "strong mayor."

As we work through these changes and challenges, we remain committed to transparency and community engagement. In 2018 we instituted a cascade of changes to improve openness. These include open "meet the mayor" office hours and live broadcasts of City Council meetings on Facebook and YouTube. We also changed the start time of Council meetings to include workshops that allow open council discussion of issues. And we passed a resolution requiring Council wait at least two weeks before voting on issues

requiring a public hearing, so we have time to fully consider resident input before casting our vote.

Last year's public outreach was unprecedented as well as we actively sought resident input on matters such as trash collection and recycling, the Parks Master Plan and the Wild West Jordan Playground. Moving forward, we will continue to gather public input, increase city participation on social media and improve our city website as we strive to always be open and responsive to residents and businesses.

Working with City Council has been a great experience for me this year. As the legislative body, this Council has worked together very well – making wise choices and taking steps that are sometimes difficult in the short term, but ultimately necessary to improve the City's long-term prospects. Thank you, City Council. Thank you, city staff. And thank you, citizens of West Jordan.

VI. PRESENTATIONS

RECOGNITION OF JUDY HANSEN FOR HER SERVICE ON THE PLANNING COMMISSION; AND BILL HEINER AND CHRISTOPHER CHESNUT FOR THEIR SERVICE ON THE BOARD OF ADJUSTMENT

Scott Langford explained that Judy Hansen had served on the Planning Commission, the Design Review Committee and the CDBG Home Committee. Bill Heiner had served for two terms on the Board of Adjustment, including two stints as vice-chair, and represented the Board on the City's General Plan Committee. Christopher Chesnut who unfortunately had to leave the meeting earlier, had also served on the Board of Adjustment, serving as vice-chair of that body in 2017. Each of these individuals was presented with a plaque for their service.

APPROVE RESOLUTION 19-01, CONSENTING TO THE APPOINTMENT OF DEREK MAXFIELD AS THE FIRE CHIEF OF THE CITY OF WEST JORDAN ("CITY") AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT; AND TO ADMINISTER THE OATH OF OFFICE

David Brickey explained that he was very pleased to recommend Derek Maxfield as the Fire Chief for the West Jordan Fire Department. He explained that Chief Maxfield was a third-generation firefighter and that the City was very fortunate to have the opportunity to hire him.

MOTION: Councilmember McConnehey moved to approve Resolution 19-01, appointing Derek Maxfield as the Fire Chief for the City of West Jordan, authorizing the Mayor to execute an employment agreement, and directing that the Oath of Office be administered. Councilmember Whitelock seconded the motion.

Councilmember McConnehey pointed out that there was a great deal of excitement about having Chief Maxfield join the City.

A roll call vote was taken

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

The motion passed 7-0.

The City Councilmembers stepped down from the dais. The Oath of Office was administered to Chief Maxfield who was congratulated by the City Council as well as by all those in attendance.

MOTION: Councilmember McConnehey moved for a five-minute recess. Mayor Riding seconded the motion which passed unanimously.

The meeting recessed at 7:00 p.m. and reconvened at 7:06 pm.

VII. CITIZEN COMMENTS

Reed Scharman, West Jordan resident, stated he was angry that the City was undermining the R-1 zoning designation, failing to uphold a vow to uphold the law. He suggested that the term Accessory Dwelling Unit (ADU) was a term designed to defeat the laws intended to protect property owners. If zoning meant nothing, perhaps all zoning ordinances should be repealed. He asked that the Councilmembers uphold the oaths they had taken when elected to serve.

There was no one else who wished to speak.

DISCUSSION REGARDING USE OF CITY FACILITIES BY THE CULTURAL ARTS SOCIETY OF WEST JORDAN (continued discussion)

The City Council resumed their discussion regarding the West Jordan Cultural Arts Society's continued use of City facilities.

Councilmember McConnehey shared Mayor Riding's concern about the group's continued use of Pioneer Hall and asked that the historic building be excluded from any facility use agreement that was adopted.

Korban Lee stated that he hoped to get input from a majority of the Council regarding each City building and then return to the Council with a resolution and facility use agreement.

The Council took an informal straw poll and it appeared that three members preferred that Pioneer Hall not be made available for use by the WJCAS, while four felt it should be made available to the group, particularly since they would not need to use it once they had their own facility.

Councilmember Burton expressed concern that the Schorr Gallery was often left unlocked after groups left for the evening.

Although Councilmember Anderson was not opposed to Pioneer Hall being used by the various arts group, he wished to severely limit the number of times it could be used within any given year. He thought that perhaps it should only be used as a last resort if other venues (local schools and the Veridian Center, for example) were unavailable.

Korban Lee pointed out that the facility was already available for rental by outside entities. What was being discussed was whether it would continue to be made available at a discounted (or complementary) rate. The consensus was that Pioneer Hall should be made available on a limited basis only.

Regarding the Schorr Gallery and the Community Room, the councilmembers had no problem with the WJCAS using either room. However, Mayor Riding asked that the forthcoming agreement include language that the group accept responsibility for anything that took place in the building during their rental time, and that unsupervised minors were not allowed to run throughout the building.

Councilmember Jacob pointed out that the City had recently awarded a grant to the WJCAS and now contemplated entering into a special agreement with them regarding facility use. What was to stop other non-profit entities from expecting similar consideration?

Councilmember McConnehey anticipated that although the City provided a grant this year, at some point in the future, he imagined that in 2-3 years, the City would issue a Request for Proposals for an outside entity to provide the arts to the City. Groups in addition to the WJCAS would be free to respond to such an RFP.

Councilmember Anderson suggested that entering into a facility use or lease agreement with the WJCAS was no different than what had been done historically with the West Jordan Chamber. They had an agreement with the West Jordan Chamber in the past but had recently issued an RFP to *any* group interested in providing Chamber services to the City. He had no objection to entering into an agreement with the WJCAS wherein they would accept responsibility for the facility while it was in their care.

Councilmember McConnehey suggested an inspection of the facility take place before and after use by the WJCAS—not necessarily daily but before a run of several weeks, and after such a run as well.

Korban Lee wished to clarify the Council's position regarding use of the old facilities building (aka 1962 building) for limited storage, set construction and meetings. Councilmember McConnehey suggested a list of specific items approved for storage in the building. The Council voiced no objection to the continued use of three shipping containers, nor for the WJCAS's continued use of the City's allotment of reservation days at the Viridian Event Center.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-10, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CHAMBERWEST FOR CHAMBER OF COMMERCE SERVICES

Kent Anderson explained that on August 22, 2018, the City Council had directed staff to prepare a Request for Proposals (RFP) for Chamber of Commerce Services. The solicitation for service had been completed, with the responses verified and scored according to the criteria set forth within the solicitation. Based on the RFP procedures and scoring, the proposal from ChamberWest Chamber of Commerce ("ChamberWest") scored the highest number of points, with all items scored and weighted as stated in the solicitation. The proposed contract would be for \$10,000 annually with an annual renewal. If approved, West Jordan would join Taylorsville and West Valley City as civic members of ChamberWest.

Councilmember McConnehey indicating he was not convinced there was a value or benefit of the City being a member of a Chamber of Commerce.

Kent Andersen referred Councilmember McConnehey to the agreement for a list of the benefits the City would experience. He suggested the agreement offered the City a unique opportunity to provide civic input and receive legislative advocacy. The *Shop Local* campaign built into the agreement would help to reduce the \$6.5 million sales leakage to other communities which had been identified as a problem for West Jordan.

Councilmember Anderson stated that Chambers were powerful, influential tools to help change public policy. Among other things, he pointed out that Mountain View Corridor existed because of Chamber activities. He viewed membership in ChamberWest as an additional arrow in the City's quiver.

Councilmember Jacob stated that Councilmember Anderson made a great case for why Chambers of Commerce should exist. However, he still questioned what benefit there was specifically for the City of West Jordan.

Kent Andersen pointed out that he would be able to do a more effective job for the City with the increased networking opportunities possible with ChamberWest. He explained that without those opportunities, there was only so much that a three-person department could do.

Barbara Riddle of Chamber West was asked to provide examples of how ChamberWest had helped other cities and what the Chamber could do for West Jordan. Ms. Riddle explained that she had been with ChamberWest for 3 years, had established a

relationship with the City of Taylorsville and had created a Board of Governors, bringing the larger businesses to the table in order to pool efforts rather than have each work independently. A Legislative Affairs Committee had also been created as well as sub-committees that focused on housing, business and government relations, among others. She indicated that she met with legislators on a weekly basis during the session.

Councilmember Burton explained that he had been a member of the West Jordan Chamber of Commerce for twenty years and had benefitted from that relationship. He pointed out that the City had initially changed the sign ordinance without consulting local businesses. The Chamber then stepped in and was instrumental in drafting a sign ordinance that Councilmember Burton felt was much better. He felt that ChamberWest could not do as much for the City as the West Jordan Chamber. He was therefore opposed to entering into a contract with ChamberWest.

Councilmember Whitelock wished to see West Jordan elevated. She commented that during her time on the Jordan School District Board, she would often see Ms. Riddle at the Capitol during the legislative session. She was in favor of entering into a contract with ChamberWest as it appeared they were much more visibly involved than the West Jordan Chamber had been.

Councilmember Anderson asked Ms. Riddle if she had any idea how Taylorsville and West Valley felt about the possibility of West Jordan joining them as an additional member of ChamberWest. She responded the Chamber's relationships with the cities were critical and that she had reached out to both Taylorsville and West Valley City before submitting a proposal to West Jordan. She stated the Mayors and administrations of both cities had submitted letters of support regarding the prospect.

Councilmember Anderson introduced John Butterfield, President of Jordan Valley Medical Centers (both locations), Past Chair of ChamberWest and a current member of both ChamberWest and the West Jordan Chamber. He asked Mr. Butterfield to address his involvement with both groups.

Mr. Butterfield explained that to have direct access to leaders at the County and State levels was invaluable. Knowing them on a first name basis gave businesses a definite advantage. He stated that Chambers existed to help businesses be successful, which drove tax revenue for the cities. He made a point to say that West Jordan needed to endorse ChamberWest as the official chamber of the City. Otherwise, it made no sense to enter into the contract. He also indicated that if the contract was signed, he intended to discontinue his involvement with the West Jordan Chamber, since its President had chosen to work so contentiously with the City. He also indicated that he was actively involved with ChamberWest but had been approached by the West Jordan Chamber only once in the last year.

Councilmember Jacob asked Ms. Riddle how ChamberWest would handle a proposed increase to either business license fees or an increase to commercial utility rates. Ms. Riddle responded that she would bring the parties to the table to educate them. Perhaps

the City could gain a better understanding of the impact of a proposed increase and the business community could come to a better understanding of the increasing costs of City infrastructure. She would facilitate a search for creative ways of working together, while remaining respectful of all parties. Perhaps no party would come out as the clear victor in a negotiation but there might be concessions and successes on both sides.

MOTION: Councilmember Anderson moved to approve Resolution 19-10, authorizing the Mayor to award the winning proposal to ChamberWest Chamber of Commerce and execute an Agreement between the City of West Jordan and ChamberWest Chamber of Commerce for chamber of commerce services, and to execute any subsequent renewal agreements under the same terms and conditions. Councilmember Lamb seconded the motion.

Councilmember Jacob spoke in opposition to the motion, stating that he saw no reason for the City to endorse one group or another. He preferred to let both groups compete to do the best job of advocating for the business community and allow the individual businesses to choose which Chamber they wished to align themselves with.

Councilmember McConnehey stated that he was cautiously in favor of the motion.

Councilmember Burton was opposed to the motion and spoke in favor of the West Jordan Chamber of Commerce.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	No
Councilmember Jacob	No
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 5-2.

DISCUSSION REGARDING A FUTURE CULTURAL ARTS BUILDING

Korban Lee explained that the architectural firm had indicated it would be very difficult to meet the current \$8 million budget for this facility without an entire redesign. He now wished to schedule an in-depth discussion with the City Council about its goals and also identified who would bear those costs.

It was determined that the matter would be addressed during the Council's upcoming Strategic Planning meeting.

Councilmembers Lamb and Anderson both expressed a desire to break ground as soon as possible. Mayor Riding felt that a new Request for Proposals should be issued since the Council was now discussing a completely different type of building. Councilmember Whitelock indicated that the RFP should make clear what the City wanted and identify the available budget. The Council directed staff to issue a new RFP as soon as possible.

Staff sought further clarification regarding the type (primary use) of facility that the Council wished to have. A theatre, a cultural center or something else entirely.

Councilmember McConnehey indicated he wanted to know what could be built with the allotted funds which focused on the arts.

Korban Lee asked the Council to identify the service that it sought to provide with the facility. He also wished to know who the Council wished to bear the ongoing costs. Councilmember Whitelock wished to bring the arts into West Jordan, host performances, rent rehearsal/performance space, a multi-purpose facility that would also be appropriate for band/symphony presentations.

Mayor Riding invited former Mayor Dave Newton to address the Council regarding the history of the project. He offered to meet with staff to go over the project in depth regarding what was needed and what the ongoing costs would likely be.

DISCUSSION REGARDING PINPOINTING A BUSINESS LICENSE FEE STRUCTURE TO TAKE ACTION UPON

In light of the time, Korban Lee proposed that the Council delay this discussion until the Council was ready to address agenda item 11a during the regular meeting.

The Council then wished to address the Consent calendar.

IX. CONSENT ITEMS

- a. Approve the minutes of November 14, 2018 and December 5, 2018 as presented (Melanie Briggs)**
- b. Approve Resolution 19-02, ratifying a Federal Aid Agreement between the UDOT and the City of West Jordan for the 7800 South 1100 West Jordan River Pedestrian Bridge Project, in an amount not to exceed \$23,539.00 (Brian Clegg)**
- c. Approve Resolution 19-03, authorizing the Mayor to approve an agreement with A-Trans Engineering to conduct a Transportation Access Plan for 9000 South and 5600 West, Mountain View Corridor to SR-111 in an amount not to exceed \$15,600.00 (Brian Clegg)**
- d. Approve Resolution 19-04, regarding a Right of Way Contract between the City of West Jordan as buyer and Buts and Singles, LLC**

as the seller for the City's acquisition of real property necessary for the 8600 South Bridge project across the Mountain View Corridor (Scott Langford)

- e. Approve Resolution 19-05, authorizing the Mayor to execute an Interlocal Agreement with Salt Lake County for the City of West Jordan to receive TRCC (Tourism, Recreations, Cultural, Convention and Airport Facilities) funds to assist with the construction of the new Cultural Arts Facility (Scott Langford)**
- f. Approve Resolution 19-06, authorizing the Mayor to execute a Purchase of Real Property Contract between Lynn Rasband/June Christiansen and the City of West Jordan, related to the 7800 South 6400 West Intersection Improvement Project (Scott Langford)**
- g. Approve Resolution 19-07 authorizing the Mayor to execute an Amendment to the Raftelis contract regarding the business license study, in an amount not to exceed \$9,208.00 (Dave Zobell)**

The Council pulled Consent Item f for discussion

MOTION: Councilmember McConnehey moved to approve all Consent Items except for 9f. Councilmember Jacob seconded the motion.

A roll call vote was taken

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

The motion passed 7-0.

CONSENT ITEM 9F

APPROVE RESOLUTION 19-06, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE OF REAL PROPERTY CONTRACT BETWEEN LYNN RASBAND/JUNE CHRISTIANSEN AND THE CITY OF WEST JORDAN, RELATED TO THE 7800 SOUTH 6400 WEST INTERSECTION IMPROVEMENT PROJECT

The City of West Jordan had been awarded funding from the Wasatch Front Regional Council (WFRC) and Salt Lake County (the "County") for the purpose of acquiring the property necessary to improve the intersection at 6400 West 7800 South and was currently owned by Margaret Lynne Rasband and June Ann Christiansen. The Purchase

of Real Property contract was the end result of negotiations between City staff and the property owners, and it complied with City, WFRC and County policies. All costs of the acquisition would be reimbursed by the funds awarded by the WFRC and the County except for \$14,129.00, plus closing costs, which were the sole responsibility of the City.

Councilmember Jacob explained that he had met with staff several weeks previously about the fact that two roundabouts had been partially constructed on arterial streets without the required Council approval.

Scott Langford indicated that the current plan was to bring the roundabouts back to the Council for discussion in February. He stated the consent item did not dictate that roundabouts be built. The plans would accommodate a roundabout *or* a traditional intersection.

Councilmember Jacob inquired if the property purchase was still necessary if a traditional intersection were to be created. Scott Langford responded in the affirmative.

Councilmember Anderson provided some background regarding why the Ordinance requiring Council approval in such cases had been created.

MOTION: Councilmember Jacob moved to approve Resolution 19-06, authorizing the Mayor to execute a Purchase of Real Property contract between Lynn Rasband, June Christiansen and the City of West Jordan with the express note that the resolution did not include approval for a roundabout. Councilmember Anderson seconded the motion.

A roll call vote was taken

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

The motion passed 7-0.

IX. PUBLIC HEARINGS

RECEIVE PUBLIC COMMENT ONLY REGARDING A REZONE OF 1.641 ACRES LOCATED AT APPROXIMATELY 5701 WEST 7800 SOUTH FROM SC-2 (COMMUNITY SHOPPING CENTER) ZONE to M-1 (LIGHT MANUFACTURING) ZONE, THINK STORAGE, LLC

Larry Gardner explained that the rezone request was for a 1.6-acre parcel of property located along 7800 South and was north of an 8.3-acre parcel that was rezoned from SC-2 to M-1 in May 2017. The applicant was proposing to amend the zoning map to a zone that allowed for the construction of self-storage units on property that was sandwiched between the Mountain View Corridor and two major utility transmission corridors. The property in question was proposed to remain commercial, by the applicant, when the rest of the property was rezoned in 2017. The applicant felt at that time that with the frontage and access to 7800 South that the property would be a viable commercial piece. However, after discussing access points with UDOT and the City the decision was made to only allow one access into the storage unit and commercial piece 600 feet to the east from Mountain View Corridor. The applicant now felt that the property had poor vehicle access and because of this decision, the property would have very little chance of success as a commercial property. The map amendment was in preparation for site plan applications. Staff felt that through proper design and materials, which the storage unit façade along 7800 South could be made attractive and compatible with the other commercial projects in the area. If the zone change was approved the applicant will apply to amend the land use map in January.

The subject property's surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
North	Community Commercial	PC	Vacant land
South	Light Industrial	M-1	Utility Corridor
West	Community Commercial	SC-2	Mountain View Corridor
East	Light Industrial	M-1	Utility Corridor

Section 13-7D-7(A): Amendments to the Zoning Map

Prior to recommending approval of an amendment to the Zoning Map, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan.*

Discussion: The applicant was proposing to amend the Zoning Map from SC-2 to M-1. The General Plan focused on allowing industrial uses to occur in a well-planned and aesthetically pleasing environment, buffered from existing residential uses. The applicant's intent was to construct storage units under the name of Think Storage which constructed storage units which were made of high-quality materials and which added to and not detract from this area of the City. The applicant was also involved in the Highlands master planned project and had a high interest in not letting deleterious M-1 uses onto the 1.6-acre parcel of property.

The uses surrounding the subject property were commercial to the north, utility and high density residential to the East and South. The uses surrounding this 1.6-acre property would be compatible with a storage unit project. The proposed site was isolated from major corridor frontages and adjacent residential uses. A storage unit project would not generate excess traffic, odors, noise or glaring lights.

Finding: The proposed amendment was consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The concept plan showed storage units on the property. The units would occupy property that was between the Mountain View Corridor, 7800 South and a major utility transmission corridor. The buildings would be set back, if approved, 10 feet from 7800 South. The other proposed uses surrounding the project included a large multi-family project to the south and a commercial retail project to the east.

The Engineering Department had indicated that the City did have the ability to service the concept project. A new water line would have to be installed in 7800 South by the applicant from approximately the round-about at approximately 5700 West and then into the site. Sanitary and storm sewer connections would be made to existing lines.

Finding: The proposed amendment would result in compatible land use relationships and did not adversely affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.*

Discussion: The change of zoning from SC-2 to M-1 would not harm the public health, safety or welfare of the city as a whole.

Finding: The proposed amendment furthered the public health, safety and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: The Engineering Department had determined that the City had the ability to service the development with water (with system

upgrades) sewer, streets and storm drainage subject to developer constructed improvements at the time of subdivision plat approval. The Fire Department would review the proposed development at the time of site plan application to ensure full serviceability. The addition of 1.6 acres of storage units would not unduly impact public services.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: The property was located within the Highlands master plan development area. If the application was approved, the area would need to be removed and the Highlands master plan amended. It was probable that this would occur simultaneously with the land use map amendment.

Finding: The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which might impose additional standards.

The City Council invited Paul Stringer to address the Council on behalf of the applicant. Mr. Stringer explained that at one time, the applicant had believed that the parcel would be viable for commercial use as long as he could get an immediate access point to the approach. The traffic engineer had felt there was enough space for it but as time went on, the access point was lost. Therefore, the applicant wished to return to M-1 zoning.

Councilmember Burton commented the applicant had been very good to work with.

Mayor Riding opened the public hearing. There was no one who wished to speak so Mayor Riding then closed the public hearing.

Councilmember McConnehey felt that the current proposal was the best use for this property since options were so limited. However, he asked that if the property should change ownership in the future or fail to be developed in a timely manner, the zoning revert to commercial in order to help ensure that the Council's expectations were met. He asked if the rest of the Council was in support of imposing a time or ownership limit when the issue returned to the Council as a business item. Mayor Riding asked for Scott Langford to share his thoughts on that proposal.

Scott Langford stated that staff could include more than one option and that they would work with the legal staff. He would be uncomfortable if there were special conditions of approval beyond what was allowed in an M-1 Zone.

Rob Wall explained there was a group called the Land Use Task Force Negotiating Team that was involved with various developers and municipal attorneys who addressed issues like this. He felt currently the City could impose such conditions through the appropriate mechanism. The challenge was that the courts had determined that property could not be zoned conditionally.

Scott Langford indicated staff would work with Mr. Stringham.

Councilmember Anderson stated he struggled with the fact that the corner of Mountain View Corridor and 7800 South was going to be storage units.

Councilmember Burton pointed out that storage units would be an improvement over the empty lot that was there currently. He also felt it was an improvement over vacant commercial buildings.

Mr. Stringham stated that over the years he had tried to place larger uses on the parcel but had not been successful due to the power corridor and the irregular shape of the property.

RECEIVE PUBLIC COMMENT ONLY REGARDING A LEASE AGREEMENT BETWEEN THE CITY OF WEST JORDAN AND SOUTH VALLEY SANCTUARY, INC. FOR OFFICE SPACE IN THE WEST JORDAN CITY HALL AS A NON-MONETARY CONTRIBUTION OF \$425.00 PER MONTH TO THE SOUTH VALLEY SANCTUARY, INC.

Jared Tingey indicated South Valley Services had requested additional time to review the contract before presenting it to the Council.

MOTION: Councilmember Lamb moved to continue Agenda Item 10b to January 23, 2019. Mayor Riding seconded the motion.

A roll call vote was taken

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

The motion passed 7-0.

XI. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 19-01, AMENDING AND ADOPTING THE CITY OF WEST JORDAN BUSINESS LICENSE FEES AS SET FORTH HEREIN; AND AUTHORIZING STAFF TO UPDATE THE CONSOLIDATED FEE SCHEDULE

Brock Hudson explained that approving Ordinance 19-01 would bring the business licensing fees into compliance with state statute and should include a disproportionate fee for increased basic service, treating all businesses within a single class equally.

State law stated: “[a]ll license fees and taxes shall be uniform in respect to the class upon which they are imposed.” The current fees for Business Licensing were adopted in 2005 and used a base fee plus a per employee fee calculation. Using a per employee calculation resulted in businesses within the same classification (i.e. medical, grocery, entertainment, etc.) paying varying fee amounts based entirely on the fact that they had a different number of employees, which created a fee system that did not result in a uniform fee being imposed within a single classification as required by State law. The recommended fees were based on “Business Class” in accordance with Utah State Statute.

The City commissioned Zions Public Finance, Inc. to complete a Business License Fee Study (“Fee Study”). The original Fee Study was approved by Council on May 23, 2018, by Resolution 18-100. The Fee Study was updated on October 24, 2018 in order to break down the Medical and Gym classes into multiple classes. The updated study was included.

The Fee Study, over the course of 44 pages, analyzed the actual cost to the City of licensing each of several classes of business in the City. The Fee Study found that the actual costs incurred by the City as a result of licensed business was \$2,251,557, but that under the existing system, business licensing fees only created a fee revenue of \$400,261 in 2017. The projected revenue under the current system for 2017/2018 based on licensing so far that year was \$386,205—approximately \$14,056 less than the 2017 numbers used in the Fee Study. Thus, the Fee Study concluded that the City was undercharging business license fees and providing an “annual subsidy of \$1,851,316” to businesses from the City’s budget.

Based upon the Zions Public Finance Study and the City Council’s prior discussions, Staff now recommended that City Council adopt one of three scenarios, as further defined and explained in Exhibit A of the Resolution.

MOTION: Mayor Riding moved to approve Ordinance 19-01, amending and adopting the City of West Jordan Business License Fees as set forth in Scenario A as set forth herein; and authorizing staff to update the Consolidated Schedule of Fees and Service Charges. Councilmember Anderson seconded the motion.

Councilmember Anderson asked Rob Wall if it was permissible to bring back a motion identical to or very similar to a motion that had failed at the previous meeting.

Rob Wall responded that if a Councilmember who voted against the motion at the previous meeting (and the motion had failed), that person could bring the same motion back at the next meeting.

Councilmember McConnehey pointed out that historically, the Council would allow the same motion to be brought back if the previous motion had been unsuccessful. However, if the previous motion had passed, the Council had first been required to vote on whether the topic could be re-addressed. If the Council determined that it could be re-addressed, they would then vote on the new motion.

Councilmember Jacob spoke in opposition to the motion.

Councilmember Anderson had noticed several other cities had significantly fewer business categories than was now being suggested for West Jordan. He asked Brock Hudson to explain why West Jordan's list of business categories was so much more extensive than that of other municipalities. Brock responded that it appeared the other cities merely chose to limit the number categories.

Councilmember Anderson asked Ken Wallentine if he could address how often the police department was responding to commercial businesses. Was there a peak time for these calls? Was there a reduction in response time to residences due to the higher volume of calls at businesses?

Ken Wallentine responded yes, there were times when responses to residences were delayed due to calls at businesses. Additionally, there were some non-emergency situations wherein the police department "deferred" responding to residences at all because of business calls.

Councilmember Burton explained that he had contacted the author of the legislative bill that addressed business licensing fees. The Senator indicated he had not intended for disproportionate fees to be allowed. However, the law was being interpreted to allow them so there might be a change in the future which would clarify the language on this topic. Councilmember Burton suggested the City should not act until the legislature made their changes.

Councilmember McConnehey was opposed to charging both a disproportionate fee *and* a per-employee fee. He could support a motion increasing the base fee and the per-employee fee and avoiding the disproportionate fee until after the legislature re-addressed it. He asked David Brickey what the increased revenue was intended for.

David Brickey responded that approving a disproportionate fee would have resulted in revenue sufficient to hire five additional police officers. Approving Scenario A which was currently on the table, would result in two additional officers.

Councilmember McConnehey reiterated his discomfort in charging both a disproportionate fee and a per employee fee, he indicated that he would not be comfortable failing to approve funding for public safety. Therefore, he would reluctantly vote in favor of the motion currently on the table.

Councilmember Whitelock indicated the bill which was passed clearly allowed disproportionate fees. Additionally, there had not yet been a replacement bill filed so there may or may not be future legislation on the issue. David Church, general counsel for the Utah League of Cities and Towns agreed that disproportionate fees were clearly allowed in the law. She was in support of the motion.

Councilmember Jacob opposed the motion, stating he was not comfortable charging a disproportionate fee. He felt that business license fees were the not the correct way to fund the police department. He indicated he would be supportive of scenarios C or D.

Rob Wall interjected there was a unique provision in the City Council's Rules and Procedures which required the Council to vote on whether there was new information which justified returning the same topic to the agenda. Ken Wallentine had provided new information; however, before voting on Mayor Riding's motion, the Council needed to vote on whether to hear the matter again. He also pointed out that the unique provision only applied to non-land use decisions.

Mayor Riding withdrew his motion to approve Ordinance 19-01, adopting Scenario A and Councilmember Anderson withdrew his second.

MOTION: Councilmember McConnehey moved to reconsider the item and return to a workshop format to get additional information. Councilmember Lamb seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	No
Councilmember Jacob	No
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 5-2.

Councilmember McConnehey asked Korban Lee to re-display the spreadsheet depicting various proposed scenarios of business license fees.

The workshop recessed at 10:00 p.m. and reconvened at 10:05 p.m.

Councilmember McConnehey said he could support what was currently displayed on the screen. Councilmember Jacob said that he could support it as well. Councilmember Whitelock indicated she would first need to know in what way it would affect individual businesses.

Korban Lee stated if the Council was referring to Scenario D, it involved a \$155 base fee and a \$6.00/employee fee. It would likely reach or exceed \$2,000 for Jordan Valley Medical Center.

Councilmember Anderson indicated he was reasonably comfortable with Scenario D with a \$2,000 cap but still wished to reduce the number of business categories.

Councilmember Whitelock asked what Scenario D would look like if the per employee fee was changed from \$6.00 to \$7.00. The resulting budget impact was \$190,000.

Councilmember McConnehey indicated that Scenario D with a \$5.00 to \$6.00 per employee fee was not perfect; however, it was at least palatable.

Councilmember Anderson asked if Scenario D (\$155 base fee and a \$6.00/employee fee) would provide a baseline for adding police officers and addressing public safety concerns.

David Brickey responded it cost roughly \$113,000 to hire, train and equip a new officer. Even with a \$7.00 per employee fee and the revenue generated from the Aligned Energy building, there would be sufficient funding for two but not three new officers.

Mayor Riding closed the workshop and reopened the regular City Council meeting.

MOTION: Councilmember Whitelock moved to adopt Ordinance 19-01, amending and adopting the City of West Jordan Business License fees as set forth in the new Scenario D except with a \$155 base fee and a per employee fee of \$7.00 and a \$2,000 cap including a phase-in period for those highly impacted businesses nearing the cap, as per the proposal. Councilmember McConnehey seconded the motion.

A roll call vote was taken

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

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-08, APPROVING AMENDMENTS TO THE FOLLOWING BUDGETS FOR THE GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUNDS, ENTERPRISE FUNDS, AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2018-2019

Dave Zobell explained that several budget adjustments were needed to reflect new or revised activities since the development of the 2018-2019 budgets. He reminded the Council that a public hearing had been held about these amendments on December 12, 2018.

- The Police Department had received \$2,907 as processing fees from other jurisdictions for M-Vac filter processing, warranting a corresponding \$2,907 increase to Police Department operating expenditures.
- The Police Department had received reimbursement in the amount \$791 from the G.R.E.A.T. Foundation for the lodging and travel expenses incurred by one of WJPD's new school resource officers during a training event in Tempe, Arizona; warranting a corresponding \$791 increase to Police Department operating expenditures.
- The Police Department surplussed and sold several firearms and received \$5,910 from the sale, warranting a corresponding \$5,910 increase to Police Department operating expenditures.
- The Police Department had been awarded Justice Assistance Grants (JAG) in the aggregate amount of \$102,174 and planned to expend these grant funds before the end of the current fiscal year, warranting a corresponding \$102,174 increase to Police Department operating expenditures.
- The Police Department had received a State Asset Forfeiture Grant in the amount of \$4,400, warranting a corresponding \$4,400 increase in Police Department operating expenditures.
- The Police Department had received a donation of \$3,000 from the Walmart Foundation, warranting a corresponding \$3,000 increase in Police Department operating expenditures.
- The City had incurred an unexpected increase in the custodial contract related to its facilities, warranting a \$28,000 increase to the Facilities Division operating expenditures.
- The Risk Manager had been assigned responsibility for the emergency management program that had been previously managed through the Fire Department. Associated with this assignment was additional pay and benefits in the aggregate amount of

\$11,992, warranting a corresponding \$11,992 increase in Human Resource Department personnel expenditures. These expenditures would be funded by an EMPG grant.

- The City initiated a utility rate study that was performed by Raftelis. The expenditures for the study and the associated budget increases were proposed to be allocated as follows: Water Fund \$24,000, Wastewater Fund \$23,000, Stormwater Fund \$23,000. These expenditures would be funded from reserves.
- The landscape maintenance contract with A to Z Landscaping, Inc. executed in August 2018 resulted in higher-than-expected costs related to the portion of the contract associated with the Highlands Special Assessment Area, warranting a \$49,265 increase in Special Assessment Fund operating expenditures. These expenditures would be funded from reserves.

This action would result in a net increase to the Special Assessment Fund of \$35,220, since the currently budgeted contribution to reserves of \$14,045 would be eliminated and the use of prior year reserves would be established at \$35,220.

- The final allocations for the Community Development Block Grant activities were slightly different from the amounts that were included in the original budget, warranting a \$67,233 increase in CDBG Fund expenditures. These additional expenditures would be funded by grant revenues.
- The Fire Department wished to acquire a replacement fire engine through a capital lease arrangement, requiring a \$675,000 increase in Fleet Fund capital expenditures and a \$107,000 increase in Fleet Fund operating expenditures (for the first-year lease payment). Lease proceeds would serve as the immediate funding source for the capital outlay in the Fleet Fund.

The Fire Department would divert existing budget for SCBA equipment to pay the first-year lease payment of \$107,000. The Fire Department would also divert the remainder (\$28,000) of its existing budget for SCBA equipment to the Public Works Department as funding for the custodial contract adjustment.

MOTION: Councilmember McConnehey moved to adopt Resolution 19-08, adopting the amended budgets for the General Fund, the Special Assessments Fund, the CDBG Fund, the Water Fund, the Wastewater Fund, the Stormwater Fund, and the Fleet Fund for Fiscal Year 2018-2019. Councilmember Anderson seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	No

Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 6-1.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-09, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH VALUE PROPOSITION ENTERPRISES DBA BIG T RECREATION FOR THE CONSTRUCTION OF THE WILD WEST PLAYGROUND, IN AN AMOUNT NOT TO EXCEED \$800,000

Brian Clegg explained that due to health and safety concerns, the community-built Wild West Playground was demolished and removed from Veterans Memorial Park in November 2018. In preparation for the demolition, the City Council reached out to various community partners and individuals involved in the original playground on November 12, 2018. To maintain the playground presence in the park, the Council directed staff to utilize the remaining balance of the 2015 Park Improvement Bond to replace the Wild West Playground.

Staff issued a Request for Proposals (RFP) seeking interested contractors to provide design, construction, and installation services on the replacement playground. The RFP closed on December 12th. Two proposers submitted all required documentation and were evaluated.

The evaluation consisted of two phases. The first phase reviewed the written proposals with regard to their technical ability to perform the requested work. The second phase included presentations from the two responsive bidders and evaluated their design, their ability to meet the “Wild West” theme and meet the goal of providing an all-abilities playground. The scores from the two phases were independently reviewed and compiled by separate individuals. While proposals and presentations were all very high quality, results of the scoring indicated the proposal by Value Proposition Enterprises dba Big T Recreation was deemed responsive and most advantageous to the City.

This request was to declare Value Proposition Enterprises dba Big T Recreation as having provided the responsive proposal most advantageous to the City and authorized the Mayor to enter into a contract to complete the aforementioned services.

Dave Naylor stated the contractor had indicated a flexibility within the design that would allow the City to choose to include a variety of different components in the park, including swings. The water tower from the original playground had been saved and would be incorporated into the future design.

Councilmember Lamb confirmed that a specific design was not being chosen that evening. Instead, the Council was merely deciding whether or not to enter into a contract with Value Proposition Enterprises dba Big T Recreation for the project.

Councilmember Whitelock asked Dave Naylor to explain how he intended to gather input on the park design.

Dave responded an open house had already been held wherein public input was gathered. Additionally, a survey would soon be made available to get public input on what they would like the new playground to include.

Councilmember Whitelock requested that a variety of renderings be made available to the public from which to choose. She also stated that she was aware of three instances where there were issues with an RFP that had been issued by the City. While she appreciated staff efforts, she felt the RFP process needed to be addressed, and the City Council should be a part of addressing the process and specifically, a Councilmember should be part of the scoring team. She asked that the matter be placed on a future agenda.

David Brickey provided the Council with an example of potential questions for the public survey.

Mayor Riding responded there was a software program available which would make the entire process electronic.

Councilmember Anderson pointed out it would be valuable to keep children with special needs in mind when designing the park. He hoped the Wild West theme could be continued as a way of honoring those that volunteered their time and money on the original playground. He agreed there should be a great deal of public involvement.

Councilmember McConnehey stated regarding the survey, it was important to identify which respondents had children with special needs because those who did not, might not list certain features as high priorities when in fact they would be high priorities for that specific demographic. Also, he felt the City Council should make the final decision regarding what amenities were included and wished to discuss the topic during the strategic planning meeting.

Councilmember Jacob indicated that based on the feedback he had received thus far, a water feature of some sort seemed to be a very high priority for many members of the public. Mayor Riding pointed out that the splash pad at Ron Wood Park cost approximately \$2 million.

MOTION: Councilmember Lamb moved to adopt Resolution 19-09, authorizing the Mayor to approve a contract with Value Proposition Enterprises dba Big T Recreation to furnish, deliver and install new playground equipment for the Wild West Playground Reconstruction Project, in an amount not to exceed \$800,000. Councilmember McConnehey seconded the motion.

Councilmember McConnehey agreed a splash pad might be something to consider during the next budget process and that perhaps the park could be designed with a *future* splash pad in mind.

A roll call vote was taken

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

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-11, CONFIRMING THE APPOINTMENT OF A COUNCIL MEMBER TO SERVE AS MAYOR PRO-TEMPORE FOR 2019

MOTION: Councilmember McConnehey moved to approve Resolution 19-11, appointing Councilmember Lamb as Mayor Pro-tem for 2019. Councilmember Anderson seconded the motion.

Councilmember Whitelock expressed an interest in serving as Mayor Pro tem.

Councilmember Jacob wished to see a rotation policy implemented to reduce politicizing the position.

Councilmember Anderson felt it might be most appropriate for the position to be filled by someone who did not intend to run for office in the next election. Therefore, he stated he could only support Councilmember Lamb or Councilmember Whitelock.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	No
Mayor Riding	Yes

The motion passed 6-1.

VII. COMMUNICATIONS
CITY MANAGER/STAFF COMMENTS/REPORTS

There were no communications by the City Manager or other staff.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Anderson –

- Like Councilmember Whitelock, he was interested in enhancing the RFP process. Regarding having a Councilmember involved in reviewing RFPs, he was not certain if that would be permissible since the Council was a legislative body. He wished to find out. Korban Lee pointed out that staff was already looking into potentially utilizing the State's electronic purchasing system.
- He wished to increase the amount of input received from both the public and the business community. He believed the Council made better decisions with more input from stakeholders.

Councilmember Jacob –

- He welcomed Derek Maxfield to the City as the Fire Chief.
- Pointed out it was National Law Enforcement Appreciation Day. He expressed his appreciation to Chief Wallentine.

Councilmember Whitelock –

- Reiterated Councilmember Jacobs' comments regarding law enforcement.
- Asked Dave Naylor for further information regarding the previously reported declining condition of the veteran's monument in Veteran's Memorial Park. Dave responded that budget requests had been submitted but had not been approved. He would continue to seek funding.

Councilmember Burton –

- Pointed out that when the Council previously agreed to begin holding public hearings at one meeting and delay decision-making until the following meeting, it was agreed that the change would be implemented for the remainder of 2018 at which point it would be re-addressed by the Council. He asked that the process remain flexible so decisions could be made immediately following a public hearing in certain circumstances but be delayed until the next meeting in others.

Rob Wall stated the Council would need to place the topic on a future agenda item. Additionally, if the Council had only agreed to a trial run through the end of 2018, it should revert to the previous practice until the Council re-addressed the issue.

Mayor Riding felt the Council should be consistent one way or the other and was therefore opposed to the flexibility that Councilmember Burton had requested.

- Councilmember Burton continued his comments stating he attended a West Jordan Chamber meeting regarding business water fees. He had agreed to facilitate a meeting between some members of the Council and business owners

on January 17. He asked if the rest of the Council would support having David Brickey attend the meeting. Mayor Riding spoke in opposition, stating that the City Council had already made a decision regarding water rates. Rob Wall pointed out why Mr. Brickey's attendance at the request of a single Councilmember and recommended that a verbal vote be taken. Mayor Riding and Councilmembers Whitelock, Anderson, Lamb and McConnehey were opposed to the meeting as currently proposed. Councilmembers Jacob and Burton were in favor.

Councilmember McConnehey –

- He shared the previously stated concerns regarding the current RFP process.
- Regarding water rates, he was frustrated that he could not vote on this item when the agenda order had been changed during that particular meeting. He stated he would have voted in opposition as he felt it was inappropriate for some users to subsidize others
- Taffy Town would like an economic development equivalent of a neighborhood watch—a small working group that could make recommendations regarding the types of businesses that were needed in the City. He felt it was an idea worth exploring.
- He liked how that night's meeting went with the workshop being held on the same night as the regular meeting, although some bugs needed to be worked out.
- He said he had placed a blue line of lights on his home, signifying his support for law enforcement. He prayed that West Jordan never again experienced the loss of an officer in the line of duty as Provo City recently had. He asked Chief Wallentine to let the Council know if there was anything West Jordan could do to support Provo during this time.

XIII. CLOSED SESSION

STRATEGY SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; 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, Zach Jacob, 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 Burton moved to go into a Closed Session for a Strategy Session to discuss the character, professional competence, or physical or mental health of an individual; strategy session to discuss pending or reasonably imminent litigation; 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. Councilmember McConnehey seconded the motion.

A roll call vote was taken

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

The motion passed 7-0.

The Council convened into a Closed Session at 11:18 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

- Mountain West Towing 11:21p.m. to 11:22 p.m.
- Flooding claims 11:22 p.m. to 11:34 p.m.
- Writ of mandamus / BEMS 11:34 pm to 11:37 p.m.

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

- Property "A" 11:37 p.m.
- Property "B" 11:41 p.m.
- Property "C" 11:47 p.m.

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

- Personnel Matter "A" 12:00 a.m.
- Personnel Matter "B" 12:05 a.m.
- Personnel Matter "C" 12:14 a.m.
- Personnel Matter "D" 12:15 a.m.
- Personnel Matter "E" 12:22 a.m.
- Personnel Matter "F" 12:24 a.m.
- Personnel Matter "G" 12:25 a.m.
- Personnel Matter "H" 12:26 a.m.
- Personnel Matter "E" continued at 12:28 a.m.

- Personnel Matter “I” 12:29 a.m.
- Personnel Matter “J” 12:32 a.m.

XIV. ADJOURN

The meeting adjourned at 12:40 a.m. on January 10, 2019

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:

MELANIE BRIGGS, MMC
City Clerk

Approved this 13th day of February 2019