

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

Wednesday, August 24, 2011

6:00 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Pro-tem Jim J. Lems and Council Members Clive M. Killpack, Chad Nichols, Kim V. Rolfe, and Ben Southworth. Council Members Lyle C. Summers arrived at 6:02 p.m. Mayor Melissa K. Johnson was excused.

STAFF: Richard L. Davis, City Manager; Jeffrey Robinson, City Attorney; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Janice Larsen, Finance Manager/CFO; Marc McElreath, Acting Public Safety Director; Wendell Rigby, Public Works Director; Bob Schober, Acting Police Captain; Jennifer Jastremsky, Associate Planner; Ray McCandless, Senior Planner; Greg Mikolash, City Planner, and Jonathan Gardner, Human Resources.

6:00 P.M. CITY COUNCIL MEETING

Mayor Pro-tem Lems called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was led by Payton Court, Troop 1068.

I. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

CITIZEN BUDGET COMMITTEE

Rick Davis reported on his attendance at the Citizen Budget Committee meeting.

CENTRALIZING ACCOUNT RECEIVABLE

Rick Davis reported on the proposal for the City to move towards centralizing the process for account receivable.

PROPOSED MANAGEMENT STRATEGIC PLAN

Rick Davis indicated he had distributed to the Council and Department Heads his proposed Management Strategic Plan for short and long-term ambitions and goals. He commented on the items he would be bringing before the Council in the upcoming meetings.

STAFF COMMENTS/REPORTS

POLICE PRESENCE ON 9000 SOUTH AND U-111

Marc McElreath reported marked police vehicles would be stationed on 9000 South and U-111 near school zones during the first week of school, and then staff would reevaluate the situation.

PRIMARY ELECTION CANVASS

Melanie Briggs provided information for the Council regarding canvassing the Primary Election.

The Council agreed to hold a Special City Council Meeting, Tuesday, September 20, 2011 at 6:00 p.m.

CITY COUNCIL COMMENTS/REPORTS

HEALTHY WEST JORDAN COMMITTEE

Councilmember Killpack said the Healthy West Jordan Committee requested Julie Brown's assistance with posters, flyers, etc. for the 'Biggest Loser Contest.' The Council agreed.

PROFESSIONAL RODEO COWBOY ASSOCIATION CONVENTION

Councilmember Southworth questioned whether the Council would be in favor of sending the Chair and Chair-Elect of the Western Stampede Committee to the PRCA Convention in Las Vegas in December. There was no objection from any of the Council members present.

CITY EMPLOYEES TO ASSIST DURING DAY OF SERVICE

Councilmember Southworth said the Council had previously approved staff's participation regarding the Community Built Playground. He reported that the Maples, Oaks, and Sycamore Communities were organizing a 'Day of Service' in conjunction with the 'Community Built Playground Day.' He questioned whether the Council would be in favor of using employees from the Public Works Department to help facilitate and organize the service.

Rick Davis felt that any maintenance/clean up assistance from the communities would be a great help to the City.

The Council agreed.

'GREAT UTAH SHAKEOUT'

Councilmember Nichols reported on his attendance at the Western Growth Coalition meeting. He asked whether the Fire Department would be participating in the 'Great Utah Shakeout.'

Marc McElreath believed that funding had been cut for Region VIII. However, if funding were still available, the Fire Department would be participating.

Councilmember Nichols said they planned on having 700,000 participants statewide. He said a letter of support would be presented to the Council at a later date.

JORDAN RIVER TRAIL

Councilmember Summers reported that the committee working on the Jordan River Trail completion had made progress. He said the committee would like to make a presentation to the City Council on September 28, 2011.

'DAY OF SERVICE'

Councilmember Lems reported on the 'Day of Service' held the previous Saturday, organized by members of his LDS Stake. He said volunteers weeded, painted, cleaned up areas, etc. He said City staff assisted by providing instructions, and the necessary materials.

PIPELINE STRUCK

Wendell Rigby updated the Council on the damaged pipeline issue regarding Jordan Valley Water Conservancy District and the concerns of getting the pipeline back on-line by morning.

Rick Davis felt it was critical to reexamine the situation in the morning. He said an update would be provided to the Council.

II. CONSENT ITEMS

- 4.a Approve the minutes of August 10, 2011 as presented**
- 4.b Approve a request to conduct fireworks during the Homecoming Pep Rally at West Jordan High School, on September 9, 2011**
- 4.c Approve a Temporary Beer License to St. Joseph the Worker Catholic Church's Folk Fest 2011 held September 9, 2011 through September 11, 2011**
- 4.d Approve a request to conduct fireworks during the St. Joseph the Worker Catholic Church Folk Fest 2011 fireworks display on September 9, 2011**
- 4.e Approve Resolution 11-115, authorizing the Mayor to execute the new Ambulance Service Agreement with Gold Cross Services, Inc.**
- 4.f Approve Resolution 11-116, authorizing the Mayor to execute Amendment No. 2 to the Interlocal Agreement between West Jordan and Salt Lake County regarding use of the City Park and Salt Lake County Library facilities**

- 4.g Approve the placement of a memorial on City property located at the southwest corner of 7800 South 2200 West, and a ‘for-value exchange’ agreement with the National Society of the Sons of Utah Pioneers, Jordan River Temple Chapter**
- 4.h Approve Resolution 11-117, authorizing the Mayor to execute an Agreement with Acme Construction to install curb, sidewalk and pedestrian ramp for the 8020 South and Redwood Road Traffic Signal project, in an amount not to exceed \$41,719.45**
- 4.i Approve a Temporary Beer License to Jordan Valley Water Conservation Garden Park for their Conversation Garden Park Gala held August 27, 2011**
- 4.j Approve Resolution 11-120, designating and appointing Poll Workers for the 2011 Municipal Elections held September 13, 2011, and November 8, 2011, and set the compensation for their services**

MOTION: Councilmember Nichols moved to approve Consent Items 4.a through 4.j. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Yes |
| Mayor Johnson | Absent |

The motion passed 6-0.

III. CITIZEN COMMENTS

Bonnie Fernandez, West Jordan resident, reported that during the July 13, 2011 City Council meeting, staff was directed to bring back information regarding Code changes to the business license renewals for home occupations. She was waiting to see the outcome from the proposed changes.

Janice Larsen indicated that Code changes that were mentioned had been made. Possible changes to business license renewals for home occupations were still being analyzed, and would be brought back at a later date.

Scott Slade, West Jordan resident, expressed his appreciation for the new four-lane road by 7800 South. At the same time, he voiced his concerns regarding several roads in the area, and the need for repair.

Wendell Rigby stated the City had plans to widen several roads in the future.

Councilmember Nichols reported that some of the road widening projects were waiting for the developers to develop the area.

There was no one else who desired to speak.

IV. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER OF RECOMMENDATION FOR USE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

Marc McElreath said the West Jordan Police Department was applying for the Edward Byrne Memorial Justice Assistance Grant (JAG) from the U.S. Department of Justice in the amount of \$39,431.00.

Requirements of this grant included making a copy of the grant application available to the governing body, or organization designated by that body, not less than thirty days before the Bureau of Justice Assistance accepted the application, and holding a public hearing allowing the general public to comment on the recommendations. A posted copy of the application was made available to the governing body and for public review on July 13, 2011, in the City Clerk/Recorder's Office, and also on the City's website. In addition, on July 13, 2011, a notice of public hearing to be held August 24, 2011, was advertised in local newspapers.

He said the funds received would have a dollar for dollar impact on the City, the items requested would improve the department's ability to operate safely as well as efficiently.

Staff concluded that the request was appropriate and recommended approval to accept the proposed grant funding and put into the appropriate budget lines of the police department.

Mayor Pro-tem Lems opened the Public Hearing. There was no one who desired to speak. Mayor Pro-tem Lems closed the Public Hearing.

MOTION: Councilmember Killpack moved to approve the use of the Edward Byrne Memorial Justice Assistance Grant (JAG) monies as outlined in the Program Narrative and as recommended by the Staff. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Yes |
| Mayor Johnson | Absent |

The motion passed 6-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 11-27, REGARDING MINIMUM HOME SIZE AND
SECOND STORIES FOR THE BRIDLEWOOD VILLAS/BRIDLEWOOD
ESTATES, LOCATED AT APPROXIMATELY 1980 WEST 9200 SOUTH,
PRD (MF)(ZC) AND R-1-10G (ZC) ZONES; LEISURE VILLAS/DAVE
ERICKSON, APPLICANT**

Tom Burdett said that this application was heard before the Planning Commission on August 2, 2011. After much discussion, the Planning Commission forwarded a positive recommendation to the City Council with a 4-1 vote. Kathy Hilton cast the negative vote and Dan Laws and David McKinney were excused.

Tom Burdett turned the time over to Jennifer Jastremsky, Associate Planner.

Jennifer Jastremsky explained that the property owners obtained a land use amendment and rezone for the subject property on July 25, 2006. At that time, the property was changed from the *Low Density Residential* Land Use to the *Medium Density Residential* Land Use designation. The property was rezoned from A-1 (*Agriculture, 1-acre lot minimum*) and R-1-10E (*Single-family Residential, 10,000 square foot minimum*) zone to the existing PRD (MF) (ZC) (*Planned Residential Development, very high density residential*) and R-1-10G (ZC) (*Single-family Residential, 10,000 square foot minimum*) zone.

At the time of the land use amendment and rezone, the City Council had placed the following zoning conditions on both zones:

1. The project would be limited to 5.5 units per acre.
2. The project would provide an enhanced landscaped buffer between the senior housing units and the existing single-family neighborhoods. In addition to the requirements of 89-6-708-b-2, the applicant would provide one additional tree per 400 square feet of landscaped buffer area.
3. All units be one story.
4. No more than four units be connected together with a common wall.
5. The super majority of the units have two-car garages that are set back but there can be some one-car to accommodate the layout.
6. The exterior be masonry and stucco [including rock].

7. Specify speed tables for traffic calming wherever feasible or other means as determined by the Traffic Engineer.

The applicant had obtained final site plan and final subdivision approval for Phase 1 of the senior housing development and had begun construction. Phases 2 and 3 had obtained preliminary site plan and preliminary subdivision approval. When completed, the entire development would feature 156 senior age-restricted residential dwelling units and 10 single-family non-age restricted dwelling units. Phase 1 included 80 senior age-restricted housing units and the club house/pool area. The subdivision plats refer to the senior housing phases as Bridlewood Villas, and the single-family phase as Bridlewood Estates.

Staff noted, as policy, the City no longer places zoning conditions on properties when they were rezoned. From a legal basis, it could be problematic to place restrictions on a development, which was not found in the Municipal Code.

GENERAL INFORMATION AND ANALYSIS

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

| | Future Land Use | Zoning | Existing Land Use |
|--------------|---|----------------------------|--|
| North | Low Density Residential | R-1-10E, R-1-14G | Castle Cove Subdivision, Sterling Estates Subdivision |
| South | High Density Residential and Very High Density Residential | PRD(MF 6.6), R-3-20(PD) | Jordan Villas Condominiums, Willow Cove Apartments |
| East | Community Commercial | SC-2 | Retail, Residential |
| West | Very Low Density Residential | RE-.5G | Carriage Lane at the Grove Subdivision |

The applicant was applying to amend the conditions of approval on the zoning districts. Specifically the applicant would like to remove the prohibition on two-story dwelling units and would like to lower the minimum home size for the single-family lots from “G” sized homes to “E” sized homes.

In the last few years, the applicant had developed a bonus room option for their senior residential dwellings. These bonus rooms were located above the garage and could add over 600 square feet of living space. The roofline above the bonus room was 2-feet taller than the existing high point on the roof. The existing building heights were roughly 15-feet. The new building height, with the bonus room, would be roughly 17-feet. Building height is measured from the mid-point in the highest pitch of the roof down to the ground. The existing overall height, at the peak of the roof, was roughly 21-feet. The bonus room would make the height to the peak of the roof 23-feet. The PRD zone does not have any set height requirements, height for individual projects were determined during site plan and development plan review. Standard residential zones allow for a

maximum height of 30-feet, including single-family and multi-family zones. Building and Safety Department policy considered bonus rooms as a second story.

The existing zoning on the single-family lots require a minimum "G" sized home. "G" sized homes were a minimum of 3,800 square feet in size for a rambler or a two-story. The current zoning conditions limit all homes to a single-story. The applicant wanted to change the minimum home size to the "E" home size, the same zone as the Castle Cove Subdivision, located directly north of the single-family phase. The minimum size for "E" sized homes was 3,000 square feet for a rambler and two-story home. According to building permit information, the homes in Castle Cove Subdivision average 2,895 square feet, meaning 10 of the 19 homes in the subdivision were actually built to the "D" sized home requirements. In addition, 8 of the 19 homes were two-stories in height. Exactly half of the homes which abut Bridlewood Estates were two-stories in height.

The Zoning Ordinance limited the maximum building coverage on all R-1-10 lots to 35% of the lot. A 3,800 square foot home was difficult to place on an R-1-10 lot, given the building coverage restrictions, as well as required building setbacks.

The applicant had listed the shallow sewer depth in the neighborhood as being a restriction on their ability to provide basements for any future single-family homes. Given the large home size requirement and limit to one-story, it would be difficult to provide 3,800 square foot homes, if the homes do not have a basement or second-story. Sewer depth at the intersection of Excaliber Way and the future Gallup Circle was 6-feet. It was 9-feet deep at the end of the future Gallup Circle. Engineering standards prefer an 11-foot depth for sewer lines. Due to the shallow sewer depth, any basements built in the subdivision would not be allowed to have any sewer connections. The final subdivision plat for Bridlewood Villas and preliminary subdivision plat for Bridlewood Estates included the following note: "Low Lots! Contractor shall verify sewer lateral depth and set foundation elevation to provide adequate fall into sanitary sewer lateral. Buildings with basement may not have sanitary sewer service available for basement." As a note, typically two-story homes average 22-feet to 25-feet in height, depending on the slope of the roof and ceiling height. A home in Bridlewood Estates, if it contained a basement, would have an elevated basement of 5-feet to 6-feet. A typical home had about 2-feet to 3-feet of the basement exposed. With these figures in mind, it would be reasonable to assume a two-story home in Bridlewood Estates would average a height of 25-feet to 28-feet tall, which was under the 30-feet of height allowed in adjacent subdivisions.

According to the Building and Safety Department, a basement was considered a basement and not considered an above grade story even if it was elevated out of the ground. This assumed a home was not a split-level where there was no basement per se and all the square footage was part of the living space.

FINDINGS OF FACT

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

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

Discussion: The subject property was located within the *High Density Residential* land use designation. This designation was created for those residential uses which fall between 5.6 and 10 dwelling units per acre. The overall density of the project is 5.2 dwelling units per acre and was not proposed to be changed.

The Comprehensive General Plan called for the height and scale of new development to be compatible with surrounding neighborhoods. It also called for building height, scale and character to be treated as a significant feature of a neighborhood's image and that these features should be responsive to the existing neighborhoods character and buildings. The existing neighborhoods in the vicinity do not have additional height restrictions than what was required in the Zoning Ordinance. They all allow for homes up to 30-feet in height and many of the homes were two-story.

The Comprehensive General Plan was silent on home size requirements.

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

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

Discussion: The applicant was proposing to have a second story bonus room on the senior housing units, and potential two-story homes in the single-family housing phase. The bonus rooms would increase the building height by 2-feet, and still be under the minimum building height allowed in the adjacent residential neighborhoods. The applicant had stated that the bonus rooms would be built on no more than two of the homes in each quad, equaling a maximum of 50% of the senior housing units. Six of the homes in Phase 1 and two of the homes in Phase 2 would face Sterling Estates Subdivision. If the requested modification was approved, half of these homes could contain the bonus room. This meant that four homes could have a second story that faced onto a single-family neighborhood. There were also two additional units which would face the single-family phase of Bridlewood Estates.

Out of the existing adjacent single-family neighborhoods, Castle Cove Subdivision had 42.1% of the homes at two-stories, Sterling Estates Subdivision had 18.7% of the homes at two-stories, and Carriage Lane at the Grove had 100% of the homes at two-stories. Out of the adjacent multi-family neighborhoods, Jordan Villas was 100% single-story homes and Willow Cove Apartments was 100% three-story buildings.

The single-family phase of Bridlewood Estates was currently restricted to a "G" sized home. Castle Cove Subdivision was zoned for "E" sized homes and Sterling Estates Subdivision was zoned for "G" sized homes. The proposed single-family lots were similar in size to those found in Castle Cove Subdivision. Bridlewood Estates averaged 12,766 square foot lots, while Castle Cove averaged 11,342 square foot lots. Sterling Estates averaged 15,585 square foot lots. The average home size in Castle Cove was 2,895 square feet in size, while Sterling Estates averaged 3,940 square feet. Based on the average home size, Castle Cove Subdivision was actually built to a "D" size home standard. Reducing the minimum home size to "E" would create homes which were built to roughly the same size as the existing adjacent neighborhood, Castle Cove Subdivision.

Finding: The proposed amendment would result in compatible land use relationships and does not adversely affect adjacent properties. Without this amendment, a "G" size home would not fit on the property and meet minimum lot bulk requirements, particularly if the condition of approval to not allow for more than a single-story remained intact.

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

Discussion: Adjacent neighborhoods were not restricted to one-story in height; in fact, several homes in the area were two-stories tall. The proposed addition of a bonus room in the senior housing phases would be negligible as to building height. A second story in the single-family phase would provide the applicant with additional options in building layout, giving the applicant the option to not include basements with the homes. If basements were included with the home, no sewer connections would be allowed within the basement. The reduction in minimum home size would result in homes similar in size to existing homes in Castle Cove Subdivision.

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

Criteria 4: *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.*

Discussion: The proposed change would not impact public services and facilities as they will not result in any additional dwelling units, a change in subdivision configuration or utility configuration. The property would be restricted to the same requirements for public service with or without the amended zoning conditions.

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 was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: A portion of the subject site was located within the Redwood Road Overlay Zone. This overlay would not apply to the subject area or the proposed development itself. The Redwood Road Overlay Zone was designed to provide for the reuse of existing buildings and residential structures along Redwood Road.

Finding: This criterion does not apply.

Criteria 6: *A finding was made that there were adequate school facilities, if the amendment was to the zoning map, and if section 13-7A-4 of this chapter (adequate school facilities) was applicable.*

Discussion: Section 13-7A-4 required a finding for adequate school facilities when a rezone application was for a change in zoning classifications from nonresidential to residential, or a rezone which would maintain a residential use but will increase the density. The applicant was proposing to amend the zoning conditions only. No change in density was proposed. The majorities of the proposed dwelling units were age-restricted senior housing and would not impact area schools.

Finding: This criterion does not apply.

SUMMARY OR CONCLUSION:

The proposed modifications to the zoning conditions allow the applicant to utilize a new building design in layout among the senior housing phases. The removal of height limits and a reduction in minimum home size would permit the applicant to better work with the constraints provided by the subdivision, including lot size, maximum building coverage, grade, minimum setbacks, and a shallow sewer system. The proposed changes would permit the future residents of Bridlewood Villas and Bridlewood Estates the same substantial property right possessed by others in essentially the same type of residential district.

The Planning Commission forwarded a positive recommendation to the City Council to rezone the property and amend the zoning conditions regarding minimum home size and second stories, with a 4-1 vote.

Based on the findings set forth in the staff report included in the Council's agenda packet, staff recommended that the City Council approve a rezone and amend the zoning conditions for the property generally located at 1980 West 9200 South from PRD (MF)(ZC) (Planned Residential Development, Very High Density) and R-1-10G (ZC) (Single-family Residential, 10,000 square foot lots minimum) to PRD (MF)(ZC) (Planned Residential Development, Very High Density) and R-1-10E (ZC) (Single-family Residential, 10,000 square foot lots minimum) zone, with the conditions of approval as listed in the staff report.

The Council and staff discussed clarifying questions.

Dave Erickson, Applicant, said in 2006, this zoning provided a buffer for the senior community from the nearby single-family neighbors. He said regarding Bridlewood Villas and the change in the market, new home designs were necessary in order to attract buyers. However, the change request regarding Bridlewood Estates was due to the shallow sewer depth. He said they were also requesting the possibility of using a private sewer lift station in the homes.

Mayor Pro-tem Lems opened the Public Hearing.

Larry Haggarty, South Jordan resident, reviewed the goals from the City Council meeting in 2006. He said back in 2006, the concern was to preserve the area with nice homes and large lots.

He complained about the big trucks traveling through his Springfield subdivision hauling dirt. He requested that 9400 South be policed for violations of big trucks, and debris on the road.

Pamela Goff, West Jordan resident, addressed the vacant lot near her home. She asked if the City was aware of plans for the property, and whether it was owned by the same

developer. She also voiced her concerns regarding the increase in traffic and the road by her home.

Jennifer Jastremsky addressed Ms. Goff questions and concerns.

Gary Wilkey, South Jordan resident, voiced his concerns regarding the traffic, gravel, and need for additional traffic signals.

There was no one else who desired to speak. Mayor Pro-tem Lems closed the Public Hearing.

Councilmember Rolfe agreed with allowing multi-story building, but felt the home size for the single-family dwelling should remain the same.

He directed staff to work in conjunction with South Jordan City if necessary to fix the problem regarding gravel spillage on 9400 South.

Councilmember Southworth questioned whether with the proposed changes, if something was to happen, would a different developer be able to place two-story homes with high density at this location.

Tom Burdett explained that Council had control over the Bridlewood Villas portion through a development plan that required Council's approval.

The Council and staff discussed clarifying questions regarding the following:

- home size
- lot size
- bonus rooms
- height requirements
- height restrictions
- 'F' size home

Dave Erickson said an 'E' size home would be consistent with the neighborhood, but if a 'G' size home fit, they would place a 'G' size home on the lot.

MOTION: Councilmember Rolfe moved to approve Ordinance 11-27, rezoning and amending the zoning conditions for 28.11 acres of property generally located at 1980 West 9200 South from PRD (MF) (ZC) (Planned Residential Development, Very High Density) to PRD (MF) (ZC) (Planned Residential Development, Very High Density) with the following conditions:

1. The project will be limited to 5.5 units per acre.
2. The project will provide an enhanced landscaped buffer between the senior housing units and the existing single-family

neighborhoods. In addition to the requirements of 13-13-11B-2, the applicant will provide one additional tree per 400 square feet of landscaped buffer area.

- 3. No more than four units be connected together with a common wall.**
- 4. The super majority of the units have two-car garages that are set back but there can be some one-car to accommodate the layout.**
- 5. The exterior be masonry and stucco [including rock].**
- 6. Specify speed tables for traffic calming wherever feasible or other means as determined by the Traffic Engineer.**

The motion was seconded by Councilmember Southworth.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Yes |
| Mayor Johnson | Absent |

The motion passed 6-0.

MOTION: Councilmember Nichols moved to approve Ordinance 11-28, rezoning and amending the zoning conditions for 3.78 acres of property generally located at 1980 West 9200 South from R-1-10G (ZC) (Single-family Residential, 10,000 square foot lots minimum) to R-1-10F (ZC) (Single-family Residential, 10,000 square foot lots minimum), with the following conditions:

- 1. The project will be limited to 5.5 units per acre.**
- 2. The project will provide an enhanced landscaped buffer between the senior housing units and the existing single-family neighborhoods. In addition to the requirements of 13-13-11B-2, the applicant will provide one additional tree per 400 square feet of landscaped buffer area.**
- 3. No more than four units be connected together with a common wall.**
- 4. The super majority of the units have two-car garages that are set back but there can be some one-car to accommodate the layout.**
- 5. The exterior be masonry and stucco [including rock].**
- 6. Specify speed tables for traffic calming wherever feasible or other means as determined by the Traffic Engineer.**

The motion was seconded by Councilmember Rolfe.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Yes |
| Mayor Johnson | Absent |

The motion passed 6-0.

**RECEIVE PUBLIC INPUT AND DISCUSSION REGARDING UPDATING
CHAPTER 4 HOUSING, AND CHAPTER 11 GROWTH MANAGEMENT
OF THE WEST JORDAN COMPREHENSIVE GENERAL PLAN (2011);
CITY-WIDE; CITY OF WEST JORDAN, APPLICANT**

Tom Burdett said that the Council reviewed the *Introduction* and *Population and Demographics* elements of the General Plan at the August 10, 2011 Council Meeting. The next two elements being forwarded for consideration were Chapter 4, *Housing* and Chapter 11, *Growth Management*. A detailed background and chronology of the General Plan update process, had been included with the August 10 Council Staff Report.

Tom Burdett turned the time over to Ray McCandless.

Ray McCandless said the August 10, 2011 Staff Report included both a strike and bold legislative draft and a “final” draft document. Only the strike and bold legislative draft had been included with this Council’s agenda packet, so that it was clear what recommendations were being made and what group was making them. He said the Council approved changes would be incorporated into the “final” draft which would be forwarded to the Council at a later date after the Editing Review Committee had completed its review.

Chapter 4, *Housing* and Chapter 11, *Growth Management* were reviewed by the Planning Commission on August 2, 2011. The recommendations from that meeting had been incorporated in the attached strike and bold legislative drafts included in the Council’s agenda packet.

Section 10-9a-401 of the Utah Code required that all municipalities adopt a general plan and accompanying “official map” (Future Land Use Map) to address and plan for the present and future needs of the municipality and manage growth and development within the community. Consistent with this statute, West Jordan has had an adopted general plan in place since September 23, 1974.

Per section 10-9a-404 of the Utah Code, before forwarding its recommendation to the Council, the Planning Commission was required to hold a public hearing to gather public comments specific to the General Plan.

The proposed revisions to the text of the *Housing* and *Growth Management* elements being considered were shown in the strike and bold drafts which were included in the Council's agenda packet as Exhibits A, and B. The significant changes to these elements were as follows:

CHAPTER 4, HOUSING

Significant changes to this element included the following:

- Numerous updates were made to this element including the following additions:
 - Projected housing demand
 - Implications of growth on housing
 - Projected household size
 - Discussion of the City's moderate income housing plan
- The 2003 General Plan sets a goal to keep the mix of multi-family residential in the City at a ratio of 80% single-family to 20% multi-family residential which was about where the City was at currently. The General Plan Committee voted to keep a ratio in the plan, somewhere between a 90/10 and 80/20 mix; however, staff was recommending that this ratio be eliminated for a number of reasons, which were discussed in the August 2, 2011 Planning Commission minutes. The Planning Commission concurred with staff's recommendation.

CHAPTER 11, GROWTH MANAGEMENT

Significant changes to this element included the following:

- Points of clarification were added to this element.

Ray McCandless reported that on August 2, 2011, the Planning Commission held a public hearing on the proposed revisions to the General Plan. The Planning Commission voted unanimously (5-0) to forward a positive recommendation to Council.

III. FINDINGS OF FACT

Section 13-1-6C: *Planning Documents* of the Zoning Ordinance stated the following:

“Amendments To Plan: Amendments to the general plan shall be made in accordance with chapter 7, article D of this title” (findings for zoning text amendments); therefore, the findings contained in section 13-7-D-7B, as follows should be used:

Criteria 1: *The proposed amendment conforms to the general plan and was consistent with the adopted goals, objectives and policies described therein;*

Discussion: This criterion does not apply

Finding: This criterion does not apply.

Criteria 2: *The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title;*

Discussion: There was sufficient justification to update the General Plan as the City had experienced tremendous growth, particularly in the west side of the City since the Comprehensive General Plan 2003 was adopted. In addition, with the new Mid-Jordan TRAX light rail coming on line this year, anticipated changes along the Mountain View Corridor, potential for infill development along Redwood Road and other factors, it was time to update the General Plan and Future Land Use Map.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment would not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed General Plan update would have a citywide impact, with no particular area singled out. The proposed amendments would not adversely affect development within the City or create a conflict with any other section city code.

Finding: The proposed amendment would not create a conflict with any other section or part of this title or the general plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The proposed amendment affected development citywide and does not relieve any particular hardship nor does not confer any special privileges to a single property owner or cause.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.

Ray McCandless said in conclusion, given the significant growth and development that had occurred in the City since the adoption of the Comprehensive General Plan 2003,

there was a need to update the General Plan as recommended by the Development Department Staff and General Plan Committee.

Staff recommended that after receiving public comment and holding a discussion on the elements of the General Plan being considered, the Council accept the proposed revisions to the West Jordan, Comprehensive General Plan (2011), Chapter 4, *Housing* and Chapter 11, *Growth Management*. Formal adoption of the plan in its entirety would occur at a later date.

Ray McCandless said on August 2, 2011, the Planning Commission recommended that the City Council approve the proposed revisions to Chapter 4 - *Housing* and Chapter 11 - *Growth Management* with modifications to both chapters as noted in the Planning Commission Meeting minutes from August 2, 2011. The Commission's vote was 5-0 in favor.

The Council and staff discussed issues regarding the following:

- With the economic downturn the percentages had changed and the market went towards more multi-family housing
- Managing the Master Plan Map, so multi-family verses single-family percentages stay around 80/20 as a goal (keeping in mind this may vary)
- Density being in the right place

Councilmember Summers, Nichols, and Lems agreed with keeping the focus on the 80/20 percentage as long as it remains a goal.

Councilmember Southworth felt density in the right location of the City was an asset. He felt the goal should be set at 17/83%.

Councilmember Rolfe agreed with Councilmember Southworth that the goal should be set at 17/83%.

Ray McCandless reported that in Chapter 11 - Growth Management, grammatical changes were made.

Mayor Pro-tem Lems opened the Public Hearing.

Rhonda Rose, Vice Chair of the General Plan Committee, reported that the sub-committee wanted the percentages at 85/15%, but after working with staff, they comprised with the ratio of 80/20%. She felt the committee would be happy with an 83/17% ratio.

Councilmember Nichols asked to suspend the rules to allow Rhonda Rose answer clarifying questions. The Council agreed.

Councilmember Nichols asked that if the ratio were added back into sections of the General Plan, would this adhere to what the General Plan Committee wanted.

Rhonda Rose said the General Plan Committee wanted the ratio left in the General Plan in three locations, as a guide for the City.

There was no one else who desired to speak. Mayor Pro-tem Lems closed the Public Hearing.

MOTION: Councilmember Killpack moved to accept the proposed revisions to Chapter 4 – *Housing* and Chapter 11 - *Growth Management* of the West Jordan Comprehensive General Plan, with the exception that in the Chapter 4 - *Housing*, that the ratio be adjusted to 17/83%, and work with the General Plan Committee to work on the Policy Language; with the understanding that formal adoption of the Plan in its entirety will occur on a later date following review by the General Plan Editing Committee. The motion was seconded by Councilmember Rolfe.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | No |
| Mayor Johnson | Absent |

The motion passed 5-1.

V. BUSINESS ITEMS
DISCUSSION AND POSSIBLE ACTION REGARDING TRIMBLE CREEK

Mayor Pro-tem Lems reported that the Trade West developer, had gone out of business and there were several areas of concerns regarding the Trimble Creek Subdivision. He said Mr. Bradshaw would be providing information to the Council.

Mr. Bradshaw gave a brief update on the property located at approximately 9130 South 1300 West. He commented on the following issues which were the responsibility of the developer:

1. Re-draw the plat and mark the detention basin as open space
2. Create a Home Owner's Association

3. A Home Owner's Association would provide landscape maintenance surrounding the detention basin and park strip.

He provided the Council with pictures showing the current condition of the property, which was all overgrown, with no landscaping. He also reported on various requirements that had not been handled by the developer. He said the plat had been signed by various individuals. He asked what recourse was available to the City to get this situation remedied. He suggested halting the development of the subdivision.

Councilmember Summers left the meeting at 8:00 p.m.

Jeff Robinson believed this discussion was suppose to be in reference to weed abatement. He was unprepared to address the new information presented to the Council and staff.

Mr. Bradshaw felt the City was negligent regarding release of the bond, and should be fixing the problem.

Jeff Robinson said individual homeowners could consider a personal lawsuit against the developer.

Mayor Pro-tem Lems directed staff to look into this situation and bring it back to Council at a later date.

DISCUSSION AND POSSIBLE RECONSIDERATION OF ORDINANCE 11-22, VACATING A PORTION OF WELLS PARK ROAD, LOCATED AT APPROXIMATELY 9425 SOUTH, THE ROAD CONSTRUCTION AND DEDICATION AND IMPROVEMENT AGREEMENT, AND THE REQUIREMENT FOR AN IMPROVEMENT GUARANTEE

Mayor Pro-tem Lems reported that the Utah Department of Transportation had issues with the financial portion of the agreement, which passed during the August 10, 2011 City Council meeting.

Rick Davis indicated that UDOT had expressed resistance to the financial guarantee, but was willing to give the Mayor a commitment concerning the completion of the project by the end of October.

MOTION: Mayor Pro-tem Lems moved to reconsider the action taken on August 10, 2011 regarding Ordinance 11-22. The motion was seconded by Councilmember Killpack.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | No |
| Councilmember Southworth | Yes |
| Councilmember Summers | Absent |
| Mayor Johnson | Absent |

The motion passed 4-1.

The Council and staff reviewed the item(s) which needed to be reconsidered.

Jeff Robinson reviewed the previous options, which were presented to the City Council:

1. Adopt the Agreement with a Financial Guarantee
2. Adopt the Agreement with Default Language
3. Adopt the Agreement without either of the above

The Council and staff discussed the options available.

Jeff Robinson reminded the Council that there was a temporary closure that was scheduled to expire on August 31, 2011. He said an extension could be granted, so an agreement with default language could be presented to UDOT.

The Council agreed assurances should be provided to the City.

MOTION: Councilmember Killpack moved to adopt the agreement conditioned on the default language as proposed in Option No. 2, on August 10, 2011. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Absent |
| Mayor Johnson | Absent |

The motion passed 5-0.

MOTION: Councilmember Nichols moved to extend Permit No. 303 for temporary closure of Wells Park Road until such time as the Ordinance vacating a portion of Wells Park Road from the west side of the Power Corridor to the driveway of Sportsman's Warehouse is

recorded or until June 30, 2012, whichever occurs first, the permit to continue to be subject to the existing terms and conditions of Permit No. 303 and other requirements deemed necessary by the City Engineer providing that the agreement between the City and UDOT for the default language in the agreement is reached by September 30, 2011. The motion was seconded by Councilmember Rolfe.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Absent |
| Mayor Johnson | Absent |

The motion passed 5-0.

DISCUSSION AND POSSIBLE ACTION REGARDING POLICE DEPARTMENT SECURITY SERVICES POLICY FOR OFF DUTY POLICE OFFICERS

This item was continued until September 14, 2011.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 11-118, CONFIRMING THE APPOINTMENT OF MEMBERS TO SERVE ON THE EMPLOYEE DISCHARGE APPEAL BOARD

Rick Davis said State Statute, Section 10-3-1106, Utah Code Annotated, required the establishment of an Employee Discharge Appeal Board to consider appeals of employee discharges. The 2009 West Jordan Municipal Code, Section 1-12-1, established the Board and provides (consistent with State Statute) the process for membership on the Board: 'The appointed Employee Discharge Appeal Board shall consist of five (5) members: two (2) members shall be chosen by and from the appointive officers and employees of the City, one member shall be from Senior Management and two (2) members shall be members of the City Council. The Senior Management and City Council members shall be selected by the City Manager, with the consent of the City Council.'

Melanie Briggs explained the employee names that were nominated for the Board, were placed on a ballot, and distributed to all Employees for their vote. The City Clerk's Office, as required in the West Jordan Municipal Code, completed the secret ballot process which was due in the Office by Friday, August 19, 5:00 p.m.

She said the City Manager, with the consent of the City Council, may also designate from its membership or senior management, alternate members of the Appeal Board, who

would serve in the absence, inability, or disqualification of the member so appointed when designated by the City Manager or the Appeal Board chairperson.

Staff recommended approval of the Resolution confirming the appointments of members to serve on the Employee Discharge Appeal Board for two-year terms.

MOTION: Councilmember Southworth moved to approve Resolution 11-118, confirming the appointments of five (5) members: two (2) elected employees, one (1) Senior Management, and two (2) City Council members to serve on the Employee Discharge Appeal Board for two-year terms. The motion was seconded by Councilmember Rolfe.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Absent |
| Mayor Johnson | Absent |

The motion passed 4-0.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 11-119, APPROVING THE REVISED SALARY RESOLUTION FOR FISCAL YEAR 2011-2012

Rick Davis said the most recent Salary Schedule, Resolution 10-81, was adopted June 23, 2010. Since that time there had been minor changes made. January 2011, the Public Works Department went through a reorganization that eliminated three positions; Utilities Manager, salary range 72, Water System Superintendent, salary range 68, and Wastewater System Superintendent, salary range 68. Since that time, there had been further changes to the Public Works Department combining the Water and Wastewater Departments into the Utilities Department, resulting in the need to combine the Water and Wastewater Superintendent positions, establishing a Utilities Superintendent, salary range 70. These changes were reflected in the FY 11-12 budget.

During this past budget process, the City Council eliminated one Building Inspector position, along with the following unfilled funded positions:

- Finance Administrative Assistant
- Police Sergeant
- Fire Business Manager
- Finance Technology Manager

The proposed Resolution reflected the changes directed by City Council.

After the first few weeks as City Manager, Richard Davis had reviewed the organization of the City departments and evaluated their needs. At this time, he determined the great need to reestablish a Human Resource Manager. Therefore, he concluded that it would be in the best interest of the City and its employees, to reclassify the Human Resource Generalist to the Human Resource Manager. The proposed change would unfund the Human Resource Generalist position, to allow the Human Resource Manager position to be funded. The reclassification of the Human Resource Generalist, salary range 61, to the Human Resource Manager, salary range 74, would be an approximate increase in salary and benefits of \$10,900 that would be reflected in the Human Resource budget. As part of this evaluation, the Human Resource Manager position was previously a salary range of 77 and would be changed to a salary range 74 to reflect internal equity.

Staff recommended approval of the proposed revised Salary Resolution.

MOTION: Councilmember Rolfe moved to approve Resolution 11-119, approving the revised Salary Resolution reflecting the minor changes made during the previous year, the budget process for Fiscal Year 2011-2012, and reclassification of the Human Resource Generalist to the Human Resource Manager. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

| | |
|---------------------------------|---------------|
| Councilmember Killpack | Yes |
| Mayor Pro-tem Lems | Yes |
| Councilmember Nichols | Yes |
| Councilmember Rolfe | Yes |
| Councilmember Southworth | Yes |
| Councilmember Summers | Absent |
| Mayor Johnson | Absent |

The motion passed 5-0.

VI. REMARKS

9400 SOUTH ROAD DEBRIS AND BIG TRUCK ISSUES

Councilmember Rolfe requested staff report back to the Council on the issues discussed earlier in the meeting regarding 9400 South.

CITY HALL EARLY VOTING LOCATION

Melanie Briggs announced Early Voting would be held at City Hall, August 30 – September 9, 2011 with the exception of Labor Day.

CITY COUNCIL MEETING SEPTEMBER 20, 2011

The Council briefly commented on the start time regarding the City Council meeting on Tuesday, September 20, 2011, to canvass the Primary Election. The meeting would be scheduled to start at 6:00 p.m.

VII. CLOSED SESSION

DISCUSS PENDING OR IMMINENT LITIGATION

DISCUSS PERSONNEL ISSUES

COUNCIL: Mayor Pro-tem Jim J. Lems and Council Members Clive M. Killpack, Chad Nichols, Kim V. Rolfe, and Ben Southworth. Mayor Melissa K. Johnson and Lyle C. Summers were excused.

STAFF: Richard L. Davis, City Manager and Jeffrey Robinson, City Attorney.

MOTION: Councilmember Nichols moved to go into a Closed Session to discuss pending or imminent litigation; personnel issues and adjourn from there. The motion was seconded by Councilmember Southworth and passed 7-0 in favor.

The Council recessed for a five-minute break.

The Council went into a Closed Session at 8:45 p.m. and adjourned from the Closed Session at 9:45 p.m.

VIII. ADJOURN

The meeting adjourned at 9:45 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 J. LEMS
Mayor Pro-tem

ATTEST:

MELANIE S. BRIGGS
City Clerk

Approved this 28th day of September 2011