

SOUTH JORDAN CITY
"COMBINED" CITY COUNCIL
AND REDEVELOPMENT AGENCY MEETING

May 5, 2015

Present: Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, City Attorney Ryan Loose, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Acting Police Chief Jason Knight, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, COS Paul Cunningham, City Commerce Director Brian Preece, Matt Jarman, Phil Brown, City Council Secretary MaryAnn Dean, Public Works Director Jason Rasmussen

Others: Attachment A

A. Welcome and Roll Call - *Mayor David Alvord*

Mayor Alvord welcomed everyone present. All members of the City Council were present, as listed.

B. Invocation – *By City Manager Gary Whatcott*

CM Whatcott offered the invocation.

C. Pledge of Allegiance

Tanner Bourne, Scout Troop 1393, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts in attendance.

D. Minute Approval

1. April 21, 2015 Study Meeting
2. April 21, 2015 Regular Meeting

Councilman Shelton made a motion to approve the April 21, 2015 study meeting minutes, and the April 21, 2015 Regular meeting minutes, as printed. Councilman Rogers seconded the motion. The vote was unanimous in favor.

Mayor Alvord read prepared statement (Attachment B).

Representatives from Olene Walker and the Pamela Atkinson Homeless Trust Fund were recognized. The city gave a donation to the Olene Walker fund in the amount of \$700,000, and a donation to the Pamela Atkinson Homeless Trust Fund in the amount of \$300,000.

E. Public Comment:

Carly Rae Christensen, said she is running for Miss South Jordan 2015. Her platform is “lower the shot glass, raise the red flag” for alcohol awareness. She said she hasn’t seen anything advertised for alcohol awareness. She asked why some citizens get off, and others are punished right away? Is there a reason for that?

Ms. Christensen was referred to the City Prosecutor to have her questions answered.

Mayor Alvord also noted the city’s DARE program, which is educating the youth on such topics. He said DARE is the only program that the city supervises, but they are supportive of the other alcohol awareness programs.

Ms. Christensen asked how many rehabilitation centers are in South Jordan? City Attorney Loose estimated 2-3, but they would need to verify that through business licensing. Mr. Loose gave Ms. Christensen some contact information for staff to have the rest of her questions answered.

F. Presentation: Recognition of two Water Conservation Scholarship winners – Certificates awarded by Mayor Alvord. *(By Public Works Director Jason Rasmussen)*

Kylie Christensen developed a social media water conservation campaign. She also gave a presentation at school outlining the need for water conservation. Justin Chamberlain developed a water meter for people to track their water usage in their home. Ms. Christensen and Mr. Chamberlain were recognized for their efforts.

RECESS CITY COUNCIL AND MOVE TO REDEVELOPMENT AGENCY MEETING (RDA)

Councilman Newton made a motion to recess the City Council meeting and go into a Redevelopment Agency Meeting. Councilman Rogers seconded the motion. The vote was unanimous in favor.

G. RDA Public Hearing: RDA Resolution RDA 2015-07, a resolution approving and adopting the draft community development project area plan for the South Jordan City Riverton Chevrolet Community Development Project Area as the official community development project area plan for the South Jordan City Riverton Chevrolet Community Development Project Area.

Community Development Director Preece said this is the next stop of doing the Riverton Chevrolet CDA. He reviewed the background information on this issue.

Chairman Alvord opened the public hearing. There were no comments. He closed the public hearing.

Board Member Seethaler asked if the draft plan constitutes the official plan or not? RDA Attorney Smith said until they adopt the plan, they don't have an official plan. They can still make changes. This involves only one property owner and there is no finding of blight. The Resolution makes the draft plan the official plan.

Board Member Barnes asked what taxing entities are affected by this? Mr. Preece said none, from a property tax standpoint. Only the city is involved with the sales tax rebate.

Board Member Rogers asked about the terms of the sales tax rebate. Mr. Preece said the terms are up to 30 percent annually, or \$65,000, whichever is lowest.

Board Member Shelton said he does not see the stipulation for the 30 percent in there. Mr. Preece said it is in the official letter granted to them, and it will be in the participation agreement. He said they can add it to the Resolution as well. Mr. Smith said the participation agreement determines funding to the participant. It is a separate agreement and will have the terms spelled out more clearly.

Board Member Newton made a motion to approve RDA Resolution RDA 2015-07. Board Member Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING AND MOVE BACK TO CITY COUNCIL MEETING

Board Member Newton made a motion to adjourn the Redevelopment Agency meeting and move back to City Council meeting. Board Member Rogers seconded the motion. The vote was unanimous in favor.

- H. **Public Hearing:** Ordinance 2015-08, an ordinance approving and adopting the community development project area plan for the South Jordan City Riverton Chevrolet Community Development Project Area, as approved by the South Jordan City Redevelopment Agency, as the official community development project area plan for the South Jordan City Riverton Chevrolet Community Development Project Area, and directing that notice of the adoption be given as required by statute.

Community Development Director Preece said now that the Redevelopment Agency adopted the official plan, they are now asking the City Council to adopt this as the official plan.

Mayor Alvord opened the public hearing. There were no comments. He closed the public hearing.

Councilman Seethaler asked why are the steps outlined in section 7? Attorney Smith said if something happened, and a portion of the property was sold, that would determine who would participate in this. It is at the discretion of the agency board.

Councilman Seethaler asked about the written participation agreement in section 10? Mr. Smith said it gives them the right and power to enter into a participation agreement. They are not required to do that.

Councilman Rogers made a motion to approve Ordinance 2015-08. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. **Public Hearing:** Ordinance 2015-04, Zone Text Amendment adding chapter 17.18 to Title 17 and amending chapter 17.84 of Title 17. *(By Planner Jake Warner)*

Planner Warner reviewed the background information on this item.

Mayor Alvord opened the public hearing. There were no comments. He closed the public hearing.

Councilman Rogers said on page 3, he would like to change the title of the Planner to the Development Services Director in paragraph 2 and all the subsections. It was noted that currently, Greg Schindler is the City Planner. Brad Klavano is the Development Services Director, which incorporates the Planning Department.

Development Services Director Klavano said he is okay leaving it as City Planner, but he understands it might be appropriate for those decisions to be made by a director.

CM Whatcott said he would want to hold the Department Director responsible. Regardless, the Director would consult heavily with the planner.

Councilman Rogers said the current planner does an excellent job, but he feels the Department Director should be making the written decisions.

Councilman Rogers asked under impact control measures, why is additional notice given only for institutional living and dorms, but not other group living situations?

Mr. Warner said a care facility is a broad term. He said they can address all of the concerns with the whole bundle of tools, but not just one tool. He said additional notice might be appropriate for a rehabilitation facility. Councilman Newton noted that with rehabilitation facilities, there are federal restrictions. Mr. Warner said because it covers a board range of facilities, it was broken out in the previous page, item 4.

Councilman Rogers said residents need to know what group or living facilities are going in. He said he understands the fair housing act. He would like to include all of the group living category to have the additional notice requirement.

City Attorney Loose said right now, in residential zones, group living centers that are compliant with business licensing are permitted uses. That goes through the business licensing, not land use. He would suggest that stay the same. He sees this code applying to bigger centers in

commercial areas. Due to the Federal Fair Housing Act, if someone buys a residential home, and the Ordinance allows 8 people to move in, it all goes through business licensing. It is not a land use decision.

Councilman Rogers said if it goes through the licensing avenue, it wouldn't be subject to that impact control measure. He said in that case, his proposed amendment would have less impact.

Councilman Rogers said under household, with the live work uses and multi family uses, he is concerned about the residential protection area. He feels both of those uses should be 300 ft. residential protection area.

Councilman Rogers asked why is there no additional notice and additional protection for vehicle services, similar to vehicle repair? Mr. Warner said vehicles services are consider a lower impact use. It was noted that vehicles services could include a Jiffy Lube or a car wash. Councilman Newton asked if they are putting signs up with these? Mr. Warner said they are putting up the signs with rezones.

Councilman Rogers said he feels they should treat vehicle repair and vehicle services similarly regarding noticing provision and the residential protection area.

Councilman Newton said he feels vehicle services are less impactful.

Councilman Rogers noted under agricultural, there is no additional notice under animal husbandry. Mr. Warner said it is a permitted use in the agricultural zone. It would also be allowed in the R-1.8 zone. They can control this through zone specific regulations.

City Attorney Loose said residential facilities and residential care facilities overlap. He recommended that they include language that a residential care facility does not include residential facilities.

Mayor Alvord said the changes add a layer of government transparency. He asked if the changes will cost more to the city in terms of notification and administrative costs? Mr. Warner said the cost will be additional staff time. He said additional notice on an administrative item may give more people the idea that they can influence a decision, when in those cases, it has to be based on Ordinance. He said they do need to know issues that may affect the project. Councilman Rogers said the notice provision is just another layer of protection.

Mayor Alvord asked if the city would be far outside the requirements of other cities with these changes? Mr. Warner said state law is 300 ft., and that is the standard. There are uses that are more impactful and that is the intent of the additional notice. He said the impact control measures section is advanced for zoning, and is more regulation, but also provides more security. Administering the impact control measures will take more staff time to make sure it is fully implemented.

Councilman Rogers said currently, there are 36 uses that are proposed under the additional notice column. His amendments add 3 more uses.

Councilman Newton said there are other retailers that sell funeral items. Will that create a problem under the mortuary definition? Mr. Warner said it comes down to interpretation. He said something like Costco selling caskets would likely fall under general retail.

Councilman Barnes said he is in favor of more transparency, but he asked if this is antiquated or should they consider other types of notices? Mr. Warner said there is another section of the code that deals with noticing, and it needs to be updated.

Councilman Barnes asked if they are creating more barriers for quality developers doing more work in South Jordan? Could this hurt us? Community Development Director Preece said they don't want to give residents unrealistic expectation that they can stop or change something. It can create bigger problems than not being notified.

Mr. Warner said additional cost to a developer would be minimal. It is a matter of managing the public expectation. He said perhaps the notice letters need to include different wording.

Councilman Rogers said he feels it is important that more people know. It could correct a potential problem down the road, similar to the Lawrence Circle situation.

Councilman Barnes said people just outside the boundary could potentially still be upset, regardless of how big they make the noticing requirement. There has to be a better way to notice the public. Councilman Rogers said it is important to be noticed and it is common for people to not be noticed for developments close to them.

Councilman Rogers made a motion to approve Ordinance 2015-04, with the following amendments; in paragraph 17.18.030, subsection A2, the title City Planner be replaced with Development Services Director, and that the chart on paragraph 17.18.040, subsection H. be amended to include an X under residential group living care facility uses under F and residential group living residential facility also under paragraph F., that the residential household live work use and multi family use, column G., that the residential protection area be increased from 100 ft. to 300 ft., that the vehicle services use is amended to include an X under column F (additional notice), and that the column G is amended from 100 ft. to 300 ft., and that the definition under 17.18.060 A., under group living care facility, include a sentence that says this definition does not include residential facilities. Councilman Seethaler seconded the motion.

Councilman Seethaler recommended an amendment to the motion that after Development Services Director, they include the language "or Department Director equivalent". He said they may not always have that exact title.

Councilman Rogers amended his motion to include the change recommended by Councilman Seethaler. Councilman Seethaler seconded the motion.

Roll call vote. The vote was 4-1 in favor, with Councilman Barnes opposed.

J. Reports and Comments: *(Mayor, City Council, City Manager, City Attorney)*

Councilman Rogers noted that Glade McKee is leaving on the honor flight May 7th, returning May 9th. He encouraged as many people as possible to attend the welcome home celebration on May 9th at the Salt Lake County fairgrounds.

Councilman Shelton noted the South Jordan Arts Council resident on display, Al Rounds.

Councilman Newton noted a recent burglary in Daybreak. He commended the Police Department in their efforts to catch the suspects. He also complimented them on another recent case in his neighborhood.

Councilman Newton suggested they do something on the webpage promoting the historical sites. He said CM Whatcott has suggested they film the historical sites like the city parks. The historical committee is also working on a book. Councilman Rogers said they are also contemplating an illustrative map with historical sites and major points of interest.

Councilman Newton noted the recent remodeling in city hall; it looks great. He said they are getting details from the Boy Scout Council to get a cub scout patch for the Gale Center Museum and Jordan River Trail Mystic Springs.

Councilman Newton noted the increased patronage at Mulligans.

Councilman Newton thanked CM Whatcott on his quick action getting rid of a charity in the city with questionable finances. He thanked Strategic Services Director Tingey on tracking their strategic initiative projects. Councilman Newton noted the upcoming Miss South Jordan pageant. He also noted the South Jordan Police Awards banquet. He also noted an upcoming eagle project open house.

Councilman Newton reviewed some items they are currently working on in the city, including: multiple economic development issues, a whole list of recreation issues including new parks, Oquirrh Lake takeover, Mulligans, the swimming and fitness center, the new ice skating rink and redesigning the broken water fountain, multiple transportation issues, zoning, communication with residents, water, recognizing South Jordan's history, cemetery upgrades, administrative issues to include city hall, vote by mail implementation, ongoing technology roll out, dealing with legislative issues, and other ongoing administrative items.

Mayor Alvord said after some productive meetings with the Jordan School District on the Mt. View Corridor issue, the best short term solution they have come up with is to provide shuttles for the students. Herriman will not be participating. A long term solution will need to be found. This solution should serve them for a few years. He will be proposing that the city contribute \$10,000, which is about the cost of a pair of crossing guards.

CM Whatcott noted a public outreach open house last month. They have another one scheduled May 27th. They will continue to reach out. It is worth continuing. They will take a break in the summer months and start up again in September.

Mayor Alvord asked if they want to continue the RDA discussion from the study session tonight, or discuss it in 2 weeks? CM Whatcott said next time we meet, staff will put together different financial scenarios. The City Council determined to continue the RDA discussion at the end of the meeting to ask Attorney Smith any technical questions.

1. 2015 Legislative Session Report & Discussion. *(By City Attorney Ryan Loose and Chip Dawson)*

Intergovernmental Affairs Dawson said the cooperation with the Jordan School District was helpful during the 2015 legislative session. They also have a good relationship with the ULCT. They had success on a wide variety of issues. He reviewed a presentation on the 2015 legislative Session (Attachment C).

The City Council indicated that they were okay for staff to bring back the issue of creating an appeals board for GRAMMA issues. That board would handle appeals before it goes to the State level.

It was noted that the bill on conflicts of interests was regarding both direct and indirect financial conflicts of interest.

Interim Police Chief Knight said they are getting the first round of body cameras in May/June. The second round in July/August. Lexipol will review them before making it operational. There will be a training period. They will be watching for grants as this will be an ongoing expense. The body cameras they got integrate with the current infrastructure.

Mr. Dawson referred to a written summary provided to the City Council (Attachment D).

City Attorney Loose thanked Mr. Dawson and the lobbyists David Spatafore and Richard McMullin for their support. He also noted that the City Council's interactions with the legislature makes a difference.

The City Council took a brief recess.

CONTINUATION OF RDA DISCUSSION

Mayor Alvord noted that the last proposal by Thackaray Garn was more aggressive. What are the feelings on tonight's proposal? Attorney Smith concurred it was less aggressive.

Attorney Smith said they need to do their due diligence to ensure that the money they put into the project is what makes the project go, rather than what makes it go better for the developer.

Mr. Smith said the biggest risk is the bond and backing up the bond with the sales tax. He said they can look at different options, such as making the payments now or over time. They will explore their options.

Mayor Alvord asked what is the drop dead date, but still giving a good faith effort? Mr. Smith said probably a couple of months out. He said they can have “outs” in the participation agreement.

Mr. Smith said the waiver is an issue that the developer brought up. There are other ways to achieve what they want. He said this may be the worst time to ask for a waiver.

Councilman Rogers asked if the concern is not that Olene Walker will say no, but rather the other taxing entities? CM Whatcott concurred. He said there could be push back because they are pulling the trigger on the area 10 years after the fact. Councilman Rogers said they also don't want to run the risk of the TEC wanting to change the deal. Mr. Smith said they can ask for the waiver. The TEC can't change the budget.

CM Whatcott said they need to find out if there are any contributions from UTA. UTA needs to put their skin in the game. Mr. Preece said in the past, UTA has felt that their land value is the skin in the game.

CM Whatcott recommended that they stay away from the housing waiver. Staff will run some other options. He said the developer is stuck on the \$11 million figure.

Mr. Preece said the developers will need help with phase 2.

Mr. Smith said if they do everything now, they are locked in and they can't help with phase 2. They need to go into this with their eyes wide open. If they pledge all of the increment, it is pledged. They can't pledge it twice. These are long term decisions.

CM Whatcott reiterated from the earlier conversation that this is one of the best sites in the south end of the valley. He does not want to rush into anything. He understands they are competing with other areas such as Thanksgiving Point and possibly against the current prison site. They don't want to turn away everything, but they want to be prudent about the project. He said it is a good project that has been proposed.

Mr. Preece said this is what they had in mind when they set up the TOD. They need to trigger the area in 2017.

Councilman Rogers said they need to proceed as if they are not going to do the waiver. They also need to come up with ideas on how to come up with the difference between \$9 and \$11 million, and a plan for phase 2. Mr. Preece concurred, and said they need to get an independent financial advisor on this soon.

The City Council determined to hold a discussion about this issue on June 2nd.

Mr. Smith clarified that affordable housing and low income housing are two different things. Mr. Preece concurred. The donation the city awarded tonight helped the 50 percent and below category. Now the focus is on the 50-80 percent category.

Mayor Alvord asked what if they issue the bond and the project is not built? Are they able to repay the bond with those funds within a year? How does that work? Mr. Smith said they could pay it off. There would be expense for bond attorneys.

Councilman Seethaler said they should let the developers put money in first so the city puts money in, but not the first money in. If they revisit this in 4 weeks, he does not want to overlap today's discussion. He said he would like options presented. He asked that staff meet with Thackaray Garn ahead of time and present viable alternatives to the City Council. He said he can't believe in the course of a year, interest on initial development money makes or breaks a deal. He said he is in favor of the partnership on the right terms.

Mr. Preece said his job is to help these things happen, if the gaps are not too large. They need to help close the gap, but they don't need to make sure that the developer's profit is maximized. Mr. Smith said it would be appropriate for staff to bring back options with the risks outlined.

CM Whatcott said they will present scenarios with Thackaray Garn and see what they are willing to accept.

Councilman Shelton said he is not sure what the City will get out of this deal. He can't see the win for the city. He wants to understand the rewards to the city. He said he wants to reduce risk. Mr. Preece said the benefit may be 20 years down the road when it comes back on the tax rolls.

CM Whatcott said the benefits are indirect upfront, such as people shopping in the city. Mr. Smith said they need to outline job creation, etc. Mayor Alvord noted the room excise tax that the city will receive. Mr. Smith said then they need to consider if the benefit is worth the risk.

Mr. Preece noted that UTA has to retain ownership. UTA had to get special permission to do this. Councilman Shelton asked why doesn't UTA lease the property to them? Mr. Preece said that is something they need to understand more. Councilman Shelton said if they change the property to another entity, maybe they can tie it up. Mr. Smith said they will work to understand the property ownership issue.

ADJOURNMENT

Councilman Newton made a motion to adjourn. Councilman Rogers seconded the motion. The vote was unanimous in favor.

The May 5, 2015 City Council meeting adjourned at 9:00 p.m.

This is a true and correct copy of the May 5, 2015 Council meeting minutes, which were approved on May 19, 2015.

Anna M. West
South Jordan City Recorder