

SOUTH JORDAN CITY  
CITY COUNCIL, REDEVELOPMENT AGENCY  
AND MUNICIPAL BUILDING AUTHORITY MEETING

May 19, 2015

**Present:** Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Interim Police Chief Jason Knight, Development Services Director Brad Klavano, City Attorney Ryan Loose, COS Paul Cunningham, Finance Director Sunil Naidu, IS Director John Day, Public Works Director Jason Rasmussen, City Council Secretary MaryAnn Dean

**Others:** See Attachment A

**REGULAR MEETING – 6:00 PM**

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

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

**B. Invocation** – *By Councilman Chris Rogers*

**Tom Geilmann**, resident, offered the invocation.

**C. Pledge of Allegiance**

**Gavin Gleed**, Scout Troop 1629, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized all the scouts in attendance.

**D. Minute Approval**

1. May 5, 2015 Study Meeting
2. May 5, 2015 Regular Meeting

**Councilman Shelton made a motion to approve the May 5, 2015 study meeting minutes, as printed, and the May 5, 2015 regular meeting minutes, as printed. Councilman Newton seconded the motion. The vote was unanimous in favor.**

**E. Public Comment:**

None.

**F. Presentation:**

1. South Jordan University – Certificate Presentation. *(By Melinda Nagai Seager)*

Ms. Seager reviewed the purpose of South Jordan University.

Mayor Alvord recognized and presented certificates to the graduates.

2. Introduction of Krystal Hansen – New Youth Council Advisor.

**Kayla Lyman**, Youth Mayor, gave a yearly report on the Youth Council. She reviewed some of the meetings that were held.

**Kai Christensen**, Youth Mayor Pro Tempore, reviewed service opportunities that they performed, totaling 1084 hours of service, 585 hours was service for South Jordan City.

**Sheila Angerhoffer**, Youth Council advisor, thanked the city for offering help when needed. She was honored to work with the kids. She expressed appreciation for the opportunity to serve.

Mayor Alvord noted that Ms. Angerhoffer served for 4 years. She has given her heart and a lot of effort. He thanked the Youth Council for their service. Councilman Barnes congratulated Ms. Angerhoffer on her years of service. He noted that they are an organized, impressive group. He encouraged the youth to stay involved in the community.

**Krystal Hansen**, New Youth Council Advisor, was introduced.

3. Proclamation – Recognizing Bingham High School 2015 Cheerleader National Championship Day.

Mayor Alvord read the Resolution recognizing Bingham High School 2015 Cheerleader National Championship Day. The Cheerleaders were recognized.

G. **Action Item:** Resolution R2015-32, Requesting coverage for Public Employees in the Noncontributory Retirement Plan. *(By COS, Paul Cunningham)*

COS Cunningham reviewed the background information on this item. Staff is recommending approval of the Resolution. They anticipate it will save the city \$50,000 a year, and it is a good benefit for the employees.

Councilman Seethaler asked if in the contributory plan, is the city's contribution portion higher? COS Cunningham said yes.

**Councilman Seethaler made a motion to approve Resolution R2015-32. Councilman Shelton seconded the motion.**

**Councilman Seethaler amended his motion to include striking the second whereas in the 4<sup>th</sup> whereas clause. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.**

CM Whatcott thanked Chip Dawson and Mr. Spatafore for their work on this issue during the Legislative Session.

The City Council took a brief recess.

H. **Action Item:** Resolution R2015-39, Agreeing to annex an unincorporated island located in and around Four B Lane approximately between 1100 West and the Jordan River. *(By Strategic Services Director, Don Tingey)*

CM Whatcott said the only access to this property is through South Jordan roads. South Jordan provides fire protection and used to provide law enforcement services. The only change is that the city may actually receive money for what they have already been servicing. He said they would send a letter to the residents in this area.

Councilman Newton asked if there is any disadvantage about putting the area in VECC? Interim Police Chief Knight said they can't just plus this street into VECC because of their software.

CM Whatcott said if the residents choose to annex their property, they will see a savings on their property taxes. It was noted that the road in the area is a private road.

**Councilman Newton made a motion to approve Resolution R2015-39. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.**

I. **Public Hearing:** Terry and Cindy King Property Rezone and Development Agreement. Resolution R2015-24 authorizing the City of South Jordan to enter into a Development Agreement pertaining to property generally located at 1118 W. Mabey Lane; and Rezone Ordinance 2015-08-Z, rezoning property from Agricultural (A-5) to Residential (R-3), on property located at 1118 West Mabey Lane. *(By Planner Brad Sanderson)*

Planner Sanderson reviewed the background information on this item. Staff is recommending approval of the Resolution and Rezone Ordinance.

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

Councilman Newton asked if the \$500,000 home price point is reasonable? Mr. Sanderson said yes.

Councilman Rogers asked if it will always happen that the storm water is retained on site? Mr. Sanderson said it is not a guarantee, it depends on future development. It is sufficient space,

according to engineers. Development Services Director Klavano said the retention pond is temporary for now, but it could be long term. They would prefer to do a larger pond, rather than several smaller ponds.

Councilman Seethaler asked how did they end up with a house on .9 of an acre in an A-5 zone? Planner Sanderson said a lot line adjustment was done in the area.

**Councilman Rogers made a motion to approve Resolution R2015-24. Councilman Seethaler seconded the motion.**

Mr. King, applicant, said he is concerned about the zoning because he has a 40x40 garage on lot 4. He said the house won't fit with the zoning requirements. He asked that they change the agreement so they can keep the garage. The setbacks will be off.

Mr. Sanderson said it was last minute that Mr. King requested that he wanted to keep the garage. He said they could use the development agreement to alter requirements in the zone.

City Attorney Loose said they have used the development agreement to alter requirements in the zone, but they have to meet what is in the underlying zone. Development Agreements specify what uses and what they do in the zone. They don't expand what is in the zone unless there is a performance development or something else. When they have a performance development or something else allowed by the zone for expansion, through development agreement, they set those out. That may be what they are intending in this case. He said a development agreement can't change what they are allowed to do in the zone.

Councilman Newton suggested tabling this issue to the next Council meeting. He said staff should review the proposal given the change in recent Ordinance because of these types of buildings being too close to the property line.

It was clarified that the house plans for the second lot are too close to the road. It is not an encroachment of the garage.

Councilman Newton said he is not opposed but would like staff to review it.

It was noted that Mr. King dedicated the property for the road.

Councilman Seethaler said because it is not interfering on any other neighbors, he feels the zoning could go forward. He asked what is the process of addressing non-conforming setbacks? Mr. Sanderson said it would have to go to the Board of Adjustments. He said they may be able to adjust the lot lines instead. Staff has no problem with it, as long as it is legal.

City Attorney Loose said generally, setbacks are a variance issue. Others have been done as part of a performance development or other tools given in the zone. He feels staff can resolve it.

**Councilman Rogers amended his motion to approve Resolution R2015-24, and to direct Mr. Loose and staff to resolve the issues concerning the home to be built on lot 4. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.**

Mayor Alvord opened up the public hearing for Rezone Ordinance 2015-08-Z. There were no comments. He closed the public hearing.

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

- J. **Public Hearing** – Rezone Ordinance 2015-12-Z, GLH Family Property Rezone, rezoning property from Agricultural (A-5) to Single Family Residential (R-2.5) on property located at 9838 South 2700 West. (*By Planner Damir Drozdek*)

Planner Drozdek reviewed the background information on this item.

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

Mr. Drozdek said flag lots are not their first choice, but in this case, there wasn't another option. They reviewed the noticing procedure for this project, including a sign that was put up on the property.

Councilman Seethaler asked if there was any reason, other than the potential of large animals, to have a masonry fence along the north border? Mr. Drozdek said no. Councilman Seethaler said it feels that the requirement is arbitrary in this case. Mr. Drozdek said with large farm animals, the vinyl fencing is not effective. They don't allow chain link fencing next to animal property for safety reasons. Councilman Seethaler said he feels there is no aesthetic value to the fence in this case, and the considerable expense is unnecessary.

CM Whatcott said the fence is required by code. It is probably not necessary in this case. City Attorney Loose said when they pass the rezone, they can indicate that a fencing acceptable to both neighbors will be provided rather than mandating a solid concrete fence.

CM Whatcott said they could also stipulate that if the neighbors agree to something less than masonry, they can bring it back to the City Council for approval. Councilman Barnes said they could direct staff to administer that.

If the neighbor to the north doesn't approve another type of wall, the requirement would go back to masonry.

**Councilman Seethaler made a motion to approve Rezone Ordinance 2015-12-Z, and that the reference to a masonry wall not be required providing that the property owner to the north and the applicant for this property agree on fencing material that is acceptable to**

**staff. If they don't, they will go with the original requirement of the masonry fence. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.**

**K. Public Hearing: Rezone ordinance 2015-13-Z, Jones Property Rezone – rezoning property from Agricultural (A-5) to Residential (R-3) on property located at 1082 West 10125 South. (By Planner Brad Sanderson)**

Planner Sanderson reviewed the background information on this item.

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

Councilman Rogers asked if the street is public or private? Planner Sanderson said it is private, and will remain private. There is no intention to stub the street any other direction.

They reviewed the zoning on surrounding properties. Planner Sanderson said they expect the lots to be ½ acre for this project. They could go to a 1/3 acre lot, but they don't anticipate lots smaller than that.

Councilman Seethaler asked about the general fund impact including indirect sales tax? Finance Director Naidu said there is no direct sales tax associated with this. The indirect sales tax is because of the population moving in. The other revenue listed is from fees.

**Councilman Seethaler made a motion to approve Rezone Ordinance 2015-13-Z. Councilman Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.**

**L. Public Hearing: Resolution R2015-31, Adopting a Final budget; Making appropriations for the support of the City of South Jordan for Fiscal year commencing July 1, 2015 and ending June 30, 2016 and adopting a Tax Rate on all Real and Personal Property in South Jordan City, Utah. (By CFO, Sunil Naidu)**

CFO Naidu reviewed the background on this item. There are no major changes from the tentative budget. They reviewed the minor changes.

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

It was noted that they will know the certified tax rate in June.

Interim Police Chief Knight said they have reduced the fee schedule associated with accident reports.

Finance Director Naidu noted that they are going to go with the County's certified tax rate, otherwise, they have to do a truth in taxation hearing. They are presuming that the tax rate will stay flat or go down.

Development Services Director Klavano said most of the planning fees went up. He said more processing is being done on lot line adjustments. The fees have not been updated in 10 years.

Councilman Rogers asked if there were substantive changes other than the fee adjustments? CFO Naidu said there were no changes to the numbers in the budget.

Councilman Seethaler thanked those who contributed to the budget.

**Councilman Newton made a motion to approve Resolution R2015-31. Councilman Shelton seconded the motion. Roll call vote. The vote was 4-1 in favor, with Councilman Barnes opposed.**

**M. Public Hearing: Ordinance 2015-06, Amending City Code Section 3.12.030  
Regarding the Energy Sales and Use Tax. (By CFO, Sunil Naidu)**

CFO Naidu reviewed the background information on this item.

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

Mayor Alvord asked if anyone would like to amend this to insert a schedule, as discussed, to reduce the tax until it reaches 3 percent? **Councilman Rogers moved to amend the Ordinance to include that they do a ½ percent reduction every year until it hits 3 percent.**

Councilman Newton said he supports this in concept, but he feels they need to examine it in context with the business cycle of the city. Councilman Rogers said this just creates a presumption that they will do this unless they vote otherwise.

Councilman Shelton said he thinks they should consider it every year with the facts. He does not want to make it law. He is okay having it as a goal. Councilman Barnes said he does not agree with it either. With the city growth, he feels this is the wrong time to do this and they are increasing the tax burden later.

Mayor Alvord said growth does not mean that they are in danger of lowering the utility rate.

Councilman Seethaler said they have had increasing revenues because they have been able to contain costs, streamline processes, and improve efficiencies. He said they can't commit future Councils, but they can state a preference and start a trend. He is in favor of an appropriate worded Resolution to accomplish this.

Councilman Newton said if they attach a schedule, future Councils will be accused of raising taxes. They should let future councils address it.

Councilman Seethaler asked if there is a wording that would identify the intent and recommendation going forward that would be acceptable? Councilman Rogers suggested they insert a new section 2 that there will be a 0.5 percent reduction each year until it reaches 3 percent, and that the City Council may adjust the rate by Ordinance. Councilman Newton said he would be acceptable to put that language in the whereas clause where it is not binding, and that they bring this item forward for consideration each year.

Councilman Rogers said he sees this as a commitment to pursuing a tax reduction plan. He said this makes a commitment that it will be the presumption moving forward. They can't tie future councils.

Councilman Barnes said a change in Council could change the direction. Councilman Rogers said they are here now. They should do their job and make good policy.

Councilman Shelton asked what is broken that they are trying to fix? Councilman Seethaler said the Mayor's lead issue is lowering taxes. They have experienced increasing budgets. Taxes don't always have to go up. They see a way to reduce taxes a small amount. Councilman Barnes said in spite of how well they are doing, they haven't maxed out the emergency fund. Mayor Alvord said the budget adds to the reserve fund. He noted a survey by the residents that indicated the residents would rather have a lower tax burden at the expense of services. He said this proposal was a negotiated compromise from his \$1 million property tax cut.

Councilman Seethaler said they can't bind future councils but they can begin to cut taxes and have a view of how they can continue to be cut, subject to the annual budget review. He feels this is the place to address tax cuts. He is fine for it to perpetuate into future years, subject to Council review.

Councilman Newton said he supports the concept, but not putting it in this Ordinance.

**Councilman Newton made a motion to approve Ordinance 2015-06, as presented. Councilman Shelton seconded the motion.**

**Councilman Rogers made a substitute motion to approve Ordinance 2015-06, adding a new section 2 that says there shall be a 0.5 percent reduction of the energy sales and use tax rate each subsequent year until the rate reaches 3 percent and the City Council may by Ordinance adjust the rate at any time. Then the current section 2 and 3 will change to 3 and 4. Councilman Seethaler seconded the motion. Roll call vote. The vote failed 2-3, with Councilman Newton, Barnes, and Shelton opposed.**

**Roll call vote on the original motion. The vote was 4-1 in favor with Councilman Barnes opposed.**

*RECESS CITY COUNCIL AND MOVE TO MUNICIPAL BUILDING AUTHORITY MEETING (MBA)*

**Councilman Barnes made a motion to recess the City Council meeting and move into a Municipal Building Authority Meeting. Councilman Shelton seconded the motion. The vote was unanimous in favor.**

- N. **Public Hearing:** Municipal Building Authority Resolution MBA 2015-03, Adopting a Final Budget for the Municipal Building Authority of South Jordan City for Fiscal Year 2015-16. (By CFO, Sunil Naidu)

CFO Naidu indicated that there are no changes to the MBA budget.

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

**Board Member Seethaler made a motion to approve Resolution MBA 2015-03. Board Member Newton seconded the motion. Roll call vote. The vote was unanimous in favor.**

*ADJOURN MBA MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING (RDA)*

**Board Member Barnes made a motion to adjourn the Municipal Building Authority meeting and move into a Redevelopment Agency meeting. Board Member Rogers seconded the motion. The vote was unanimous in favor.**

- O. **Public Hearing:** Redevelopment Agency Resolution RDA 2015-05, Adopting a Final Budget for the South Jordan City Redevelopment Agency for Fiscal Year 2015-16. (By CFO, Sunil Naidu)

CFO Naidu said the RDA budget is unchanged from the tentative budget.

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

**Board Member Rogers made a motion to approve Resolution RDA 2015-05. Board Member Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.**

*ADJOURN RDA MEETING AND MOVE BACK TO CITY COUNCIL MEETING*

**Board Member Rogers made a motion to adjourn the RDA meeting and move back to a City Council meeting. Board Member Seethaler seconded the motion. The vote was unanimous in favor.**

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

Mayor Alvord said the Sewer District is building a new district office. They are implementing a market study to see if the fertilizer is sellable.

Mayor Alvord said he is meeting with Mayor McAdams in a couple weeks to discuss Welby park, the Equestrian Center, and Marv Jensen. The County feels that South Jordan is sending mixed messages. They need a consensus on what they are taking back to the County. He indicated that his first priority is Welby park. He said they need to speak with a united front when discussing issues with the County. He said he would see who Mayor McAdams is bringing for the meeting and invite others to attend with him, if appropriate.

Councilman Shelton said he appreciated the priority based budgeting process.

Councilman Shelton gave a report on the Arts Council. They are having an art competition. He noted the resident on display.

Councilman Shelton noted the Mulligans Commission meeting. They created a list of items that need to be done to fix up Mulligans. They also narrowed it down to the ones that can be done before the payoff party.

Councilman Newton suggested the Mulligans Commission consult with Mark Woolley about putting 2 golf experiences on the same hole.

Councilman Shelton indicated that he would like to host a Council social. The date is to be determined.

Councilman Newton thanked staff for the new technology for financial accounting. He also appreciated the priority based budgeting process.

Councilman Newton noted the successful recycling and e-waste clean up. There was also a successful paper shredding service. They may consider doing that in both the spring and the fall.

Councilman Barnes thanked staff for the budget and thanked the police department for their professional performance during this time of transition.

Councilman Barnes encouraged the City Council to work with staff on South Jordan University so that more of the Council is available to attend.

Councilman Barnes noted that the Mosquito Abatement District will have a booth at Country Fest.

Councilman Barnes said he is considering another pie day with both the Current Council and the running City Council candidates.

Councilman Seethaler noted that the Mulligans Commission has been refining a budget request for repairs and improvements at Mulligans. Some items are part of a broader master plan. How do they proceed with getting an allocation of the prioritized expenditures? CFO Naidu said they need to submit the project list to the CIP Committee and they will merge that with the capital projects list. He noted that when there is an increase in budget, it has to go through the City

Council. It was noted that there is an additional \$400,000 (approximately) in available funds in the new fiscal year. There is extra cash currently available to cover the items that need to be addressed before the party.

Councilman Rogers reviewed the Memorial Day ceremony planned by the Historical Committee. The Committee has discussed doing some type of memorial for the Fullmer brothers in Founders Park. They are not proposing a statue, but a monument of some sort. It is just an idea at this point. He said the historical committee also discussed the illustrative map. They are proceeding with a draft map. They have discussed highlighting businesses that pay a sponsorship fee.

Councilman Rogers asked about the signs for the Mulligans party. It was noted that the signs arrived today.

Councilman Rogers said he was approached by a resident about doing a spring clean up and a fall clean up including putting stuff in front of their house for the city to pick up. Public Works Director Rasmussen said they are putting together a survey to see if the residents are interested in a green pick up. He said they already provide the service where residents can leave large items and the city will pick it up at the curb for \$10.

Councilman Rogers asked if they can offer the curbside pick up, free of charge, one time a year? Mr. Rasmussen said they would have to hire a company to do that. Salt Lake City provides that service, but they are able to cover it with their own department. Councilman Rogers asked that staff get the numbers for both the green pick up as well as the curb side pickup.

The City Council asked that as part of the social media push and advertising for the Mulligans party, staff highlight that they are paying off the bond with the intent that Mulligans be preserved.

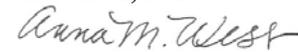
**Luane Jensen**, Historical Committee, reviewed the recent honor flight for Glade McKee. He was very excited and touched to be able to go to the WWII monument.

ADJOURNMENT

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

The May 19, 2015 City Council meeting adjourned at 9:33 p.m.

**This is a true and correct copy of the May 19, 2015 Council meeting minutes, which were approved on June 2, 2015.**

  
**South Jordan City Recorder**

