SOUTH JORDAN CITY
COMBINED CITY COUNCIL AND
REDEVELOPMENT AGENCY MEETING

November 17, 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, Police Chief Jeff Carr, Development Services Director Brad Klavano, City Commerce Director Brian Preece, Finance Director Sunil Naidu, IS Director John Day, Associate Director of Public Works Colby Hill, 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, as listed.

B. **Invocation**

Connor Jeppson, scout, offered the invocation.

C. **Pledge of Allegiance**

A flag ceremony was conducted by Troop 1522 and 1590, and then a scout from 1522 led the audience in the Pledge of Allegiance.

D. **Minute Approval**

1. October 20, 2015 Study Meeting
2. October 20, 2015 Regular Meeting

Councilman Newton made a motion to approve the October 20, 2015 study meeting minutes, and the October 20, 2015 regular meeting minutes, as printed. Councilman Rogers seconded the motion. The vote was unanimous in favor.

E. **Public Comment**

Gene Barerschmidt, 1323 Blaine Ave (SLC), Director of the Humane Society, said he would like to have an open dialog about the use of the gas chamber to euthanize animals. On occasion it is necessary to euthanize, but they are euthanizing less animals than ever. In the 57 shelters in Utah, 50 have eliminated the use of the gas chamber. He said he met with Councilman Rogers and Pam Rasmussen, animal control officer, and he found out that most animals are euthanized by injection already. He said he would like to open the dialog about eliminating the gas chamber. He said there are only 3 dozen active gas chambers in the United States, 7 are in Utah. There are grants available to make that transition. He said he would like to discuss this issue on a future agenda.

Cori Reynolds, 3072 W. Sweet Blossom Dr., said she is speaking for her and her husband. She is also opposed to the use of the gas chamber. She said Sandy has removed the gas chamber and she hopes South Jordan would follow. She asked that they please remove the gas chamber and end the association with this inhumane and cruel practice.

Krista Kirkeeide, 771 W. Serra Way, concurred with the previous comments. She said the gas chamber is not a humane way to euthanize. She asked that they do something about it.

Aleta Taylor, 11131 S. Anna Cir., noted that about a year ago, she found a dog in the city and the city was able to send it to a site that rescued animals.

Mrs. Taylor noted that with Senator Osmond stepping down from his Senate position, she will be running for that seat. She said her experience in the city will be well used in the Senate.

Mayor Alvord recognized all of the scouts in attendance.

F. **Presentations:**

1. Citizen Recognition for Life Saving Event. *(By Battalion Chief, Wayne Edginton)*

Battalion Chief Wayne Edginton and Sgt. Whatcott recognized some residents that recently assisted in saving an unconscious man experiencing a cardiac arrest. The emergency personnel were recognized.

It was noted that they have 3 cardiac saves in the city this year.

Sgt. Whatcott was awarded the Sudden Cardiac Arrest Hero Award.

The residents were given the South Jordan Life Saving Award.

G. **Action Item:** Sign Ordinance Appeal AP-2015.19, Copperview Medical Center, 3558 W. 9800 S. *(By City Planner, Greg Schindler)*

City Planner Schindler reviewed the background information on the item. He reviewed the current sign as well as the proposed sign. Staff is recommending approval of the appeal, with the digital portion being moved to the bottom.

Councilman Newton asked what is the size of the digital screen? Mr. Schindler said 4 ft. 4 inches high by 7 ft. 8 inches wide. The digital picture will be static. It will have information for all 4 tenants.

Councilman Seethaler asked if they have other signs with video display? Planner Schindler said it is allowed. The height of the sign and having the digital portion at the top is what needs to be appealed.

Councilman Seethaler asked if the code needs to be re-addressed? The proposal is for 2 times the code allowance. Mr. Schindler said there are unique circumstances with this property. The sign has to be set back further from Bangerter. He would not recommend a blanket change to the Ordinance. It was noted that there will be medical offices potentially across the street, but that property does not have the same elevation problem.

Councilman Newton expressed concern about the size of the TV screen. He believes it will impact people on 9800 S. rather than Bangerter Highway. It was noted that the digital screen is blank on the back.

Councilman Rogers asked if staff believes the digital component on top will be a distraction for drivers? Planner Schindler said it would be distracting if the screen was changing. By code, the screen has to be static for at least 3 seconds. It was noted that this sign has an auto dim feature for night time. Development Services Director Klavano said it may help if the digital portion is lower. He is not aware of any UDOT policy regarding the digital signs. They are already up and down Bangerter Highway.

A representative for the applicant (name not given) said the sign will be placed inside the chain link fence. It would be 3-4 ft. from the easement to the fence. The height of the base of the sign is right where the parking lot sits. The property sits below Bangerter Highway. The electronics on the sign will be 6 ft. over the elevation of the road.

Councilman Barnes asked why put the digital portion on top and the tenants below? The representatives for the applicant said they feel the digital portion is more effective for the businesses. The sign will be changing for each tenant and their business.

Mayor Alvord said he likes the idea of addressing these case by case. He said he is not sure he wants to do a blanket zone change. Councilman Newton concurred.

They discussed potential signage that would be allowed across the street and down Bangerter Highway.

Councilman Newton said he feels the request is reasonable.

Councilman Barnes made a motion to approve Appeal AP-2015.19, with the condition that they not allow digital content on the back side of the sign. Councilman Newton seconded the motion.

It was noted that the motion is to approve the appeal as stated, with the digital portion on the top of the sign.

The vote was 4-1 in favor, with Councilman Seethaler opposed.

H. **Action Item:** Resolution R2015-77, authorizing a Purchasing Policy Exception for professional services performed by Daybreak Development, LLC using bond proceeds. *(By Community Development Director, Brad Klavano)*

Community Development Director Klavano reviewed the background information on this item.

Councilman Newton made a motion to approve Resolution R2015-77. Councilman Seethaler seconded the motion.

It was noted that this has been approved by the legal department as to why the city would allow this exception.

The vote was unanimous in favor.

I. **Action Item:** Resolution R2015-79, Reallocating Unclaimed and Forfeited Money for use in the Public's Interest. *(By Police Chief, Jeff Carr)*

Police Chief Carr reviewed the background information on this item. It was noted that $979 is required to be placed in a restricted fund. The balance is proposed to go to the general fund. The restricted fund has to be used for police purposes.

Councilman Rogers asked about the due diligence process that was followed to return the money. Chief Carr indicated that letters were sent, based on driver's licenses. If there were additional addresses, letters were sent there as well. A notice was posted in the newspaper. They have made every reasonable attempt to return. They successfully returned $30,000 to the rightful owners. If the amount to be returned was considerable, a registered letter was sent.

City Attorney Loose said they have met the state statutory requirements. The legal department is comfortable with the efforts staff has made.

Councilman Barnes asked what if the owner comes forward in the future? City Attorney Loose said they would have no legal claim to the money. That is why the due diligence process is quite rigorous.

Chief Carr indicated that there will always be money in evidence in ongoing cases. They will be looking at this quarterly.

Finance Director Naidu indicated that the additional money will show up in the adjusted budget if it appropriated to something. Otherwise, it will be placed in the unrestricted general fund balance.

Councilman Shelton made a motion to approve Resolution R2015-79. Councilman Rogers seconded the motion. The vote was unanimous in favor.

J. **Action Item:** Resolution R2015-64, supporting the Salt Lake County Council of Governments resolution to support the Mountain Accord. *(By City Manager, Gary Whatcott)*

CM Whatcott introduced Laynee Jones, program director of Mountain Accord. He explained the program, noting that it has been reviewed by both COG and COM. He said Mountain Accord is looking for general support for the concept from the communities in the Salt Lake Valley. He said it is in support of trying to protect the resource of the canyons.

Ms. Jones said there is a lot of support for the agreement. It is about setting a plan for the mountains and preserving the watershed. The compromise is to help ensure that recreational activities can be enjoyed in the future. It sets the boundaries for the various resorts, and that is why federal designations are needed. There is no additional federal land, but they are adding federal protections. That is supported by the ski resorts. This is locally driven and everyone is willing partners.

Mayor Alvord said most of his concerns with this have been resolved and he can now recommend passage.

Councilman Barnes asked what are the other provisions that the ski resorts want to see? Ms. Jones said they are making some of the private lands public and in return, each of the 4 resorts are getting some land at the base of the resort and they would get snow making water. In one instance, they are getting some additional water for the development of a hotel at Alta. They have made a commitment that they will see some strides made in transportation solutions, and that is focused on mass transit.

Councilman Barnes asked if the federal designation will give the Federal Government control to do what they want with the land? Ms. Jones said they outline in the bill how they want to see the land managed. They wrote the bill; they are working with the congressional delegation. The conditions can't be changed unless it goes to congress. There isn't as much conflict with these lands as there is with the land in Southern Utah.

CM Whatcott said the protecting of the watershed is an important piece.

Ms. Jones said this is also about restricting development in the future except at the base of the resorts. It also created a local advisory council to advise them on the management of land.

Councilman Barnes asked if they can increase the number of lifts? Ms. Jones said there are a few minor expansions already outlined. On federal land, there wouldn't be any development. There could be development on private land, which equates to about 20 percent of the land. She said this is environmental protection oriented and they are settling land boundary issues.

Councilman Rogers asked if all of the resorts are on board? Ms. Jones said Vail had a minor exception to a piece of the federal designation that bumps up to their boundary, but they still signed the agreement. The 4 resorts in the Cottonwood Canyons are supportive.

Councilman Rogers asked if the private to public transfer of land will occur before the new federal designation? Ms. Jones said the private lands are unaffected. Once the land exchange happens, the new private land would not regulated. It eases up the regulations at the base of the resorts.

Councilman Rogers asked why can't they do this without the designation? Ms. Jones said they felt this was the only way to do it. It was noted that the entity controlling this is the US Forest Service.

Councilman Rogers asked if there are any other private properties, other than that owned by the ski resort, that will fall within the federal designation? Ms. Jones said it will fall within the boundary, but it will be unaffected.

Mayor Alvord said it is a practical solution, and addresses parking and finds solutions to some of the problems within the canyons. He said they will see more demand on the mountains and mass transit options should be explored.

Councilman Newton made a motion to approve Resolution R2015-64. Councilman Seethaler seconded the motion. The vote was unanimous in favor.

The City Council took a brief recess.

K. **Public Hearing:** Ordinance 2015-16, Enacting a New Chapter of the City Code, Chapter 5.45 pertaining to Energy Therapy Establishments. *(By City Commerce Director, Brian Preece)*

City Commerce Director Preece reviewed the background information on this item.

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

Mr. Preece said the Ordinance is modeled loosely after other cities. It is very similar to the massage Ordinance. It was noted that South Jordan's proposed code is more restrictive than adjacent cities.

Councilman Seethaler said he knows someone who does this for a business. That person feels this Ordinance is a step forward because she currently can't apply for a license for her specific practice.

CM Whatcott said he thinks the more restrictive code will discourage those that are using this type of business as a front for something else. Legitimate business owners will be okay with it.

Councilman Barnes asked if the regulation could mimic the regulation on churches? Mr. Preece said there is some reference to it being a religion. If that is the case, they will deal with it like any other religious practice.

It was noted that the fees are included in the business license fee list. Mr. Preece said one person submitted an application for this use in the last week. City Attorney Loose said he knows of one other practicing business that they will address.

Councilman Seethaler asked about enforcement of the Ordinance. Are the regulations helpful? Police Chief Carr said he feels the background check and other regulations are helpful.

Councilman Newton made a motion to approve Ordinance 2015-16. Councilman Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

L. **Public Hearing:** Public Hearing of the City of South Jordan regarding the pledging of certain Sales Tax Revenues under an Interlocal Sales Tax Pledge and Loan Agreement toward the payment of the Redevelopment Agency of South Jordan, Utah's (The "Agency") Tax Increment and Sales Tax Revenue Bonds. Series 2015 to be issued in the aggregate principal amount of not to exceed $16,700,000; and related matters. *(By City Commerce Director, Brian Preece)*

City Commerce Director Preece noted an error in the printed agenda. It should have read $16.7 million rather than $9,250,000. All of the other documents were noticed correctly. He reviewed the background information on this item.

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

Mr. Preece said this will be a great project that they have been working on for over 10 years. The UTA subcommittee is excited about the project as well.

M. **Public Hearing(s): "South Jordan City Park Open Space Rezones"**

1. Resolution R2015-66, amending the Future Land Use from Rural Residential to Park Open Space. *(By City Planner, Greg Schindler)*
2. Rezone Ordinance 2015-18-Z, City Detention Basin – 3582 W. 11800 S. Rezoning the property from R-1.8 to OS-P. *(By City Planner, Greg Schindler)*
3. Rezone Ordinance 2015-19-Z, Lucas Dell Park – 3532 W. 11400 S. Rezoning the property from R-2.5 to OS-P. *(By City Planner, Greg Schindler)*
4. Rezone Ordinance 2015-17-Z, Country Crossing Park – 4388 W. Harvest Moon Dr. Rezoning the property from R-2.5 to OS-P. *(By City Planner, Greg Schindler)*
5. Rezone Ordinance 2015-20-Z, Jordan Ridge Park – 9548 S. Providence Way. Rezoning the property from R-2.5 to OS-P

City Planner Schindler reviewed the background information on this item. He noted that no use within the park will change.

Mayor Alvord opened the public hearing.

Chris Rindlisbacher, 11608 S. 4340 W., said regarding the Country Crossing rezone, if it is a park, why do they need to rezone it? Why do they need to rezone this to the open space zone?

Luann Simonsen, 9464 S. Vista Park Lane, said she lives by the Jordan Ridge Park. She is happy that the park is being used more, but she is not happy with the city park sign. People have been parking up and down the street so you can't get through and they block the fire hydrant. They couldn't get out of their driveway. The events at the park are bigger and it prevents emergency vehicles from getting through. Some of the neighbors are concerned about the increased noise. She said she doesn't understand the reason for the change and she has concern. She is worried that they want to put a cell tower in the park. She said the residents want to keep control of the park.

Mayor Alvord closed the public hearing.

Planner Schindler said the parks were designated to be open space. They want to be consistent with the general plan. This brings them into compliance with the zoning code. He noted that a cell phone tower would be allowed in the park right now, with a conditional use permit. That remains the same with this change.

Mayor Alvord asked if there is anything in this change that makes it harder for the residents to oppose a cell tower? Planner Schindler said no, it is the same. City Attorney Loose said if the park is owned by the city and they don't want a cell phone tower on it, it won't be put there. It would also require a public hearing.

CM Whatcott reiterated that they are not changing the programming; this will not affect any of the uses.

Mr. Schindler explained that they are doing these in smaller groups because there is a lot of noticing required for each rezone, and they have a limited number of signs to post on the individual properties.

Councilman Seethaler said he thinks that by changing these to open space, they are more likely to stay as a park. He feels this gives the residents extra steps and more control over what happens in the future.

Councilman Newton made a motion to approve Resolution R2015-66. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Rogers made a motion to approve Ordinance 2015-18-Z. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Rogers made a motion to approve Ordinance 2015-19-Z. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Rogers made a motion to approve Rezone Ordinance 2015-17-Z. Councilman Newton seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Rogers made a motion to approve Rezone Ordinance 2015-20-Z. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

N. **Public Hearing:** Resolution R2015-75, approving an Interlocal Agreement with the South Jordan City Redevelopment Agency regarding the Riverton Chevrolet Community Development Project Area. *(By City Commerce Director, Brian Preece)*

City Commerce Director Preece reviewed the background information on items N., O., and P.

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

Mr. Preece said this formalizes the agreement already made.

Councilman Barnes made a motion to approve Resolution R2015-75. Councilman Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING

Councilman Barnes made a motion to recess the City Council meeting and move into a Redevelopment Agency Meeting. Councilman Seethaler seconded the motion. The vote was unanimous in favor.

O. **RDA Public Hearing:** RDA Resolution RDA 2015-10, approving an Interlocal Agreement with South Jordan City Regarding the Riverton Chevrolet Community Development Project Area (CDA). *(By City Commerce Director, Brian Preece)*

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

Board Member Newton made a motion to approve RDA Resolution RDA 2015-10. Board Member Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

P. **RDA Public Hearing:** RDA Resolution RDA 2015-11, Approving the Participation Agreement between the South Jordan City Redevelopment Agency and Riverton Motor Company, Inc. for Development within the Riverton Chevrolet Community Development Project Area. *(By City Commerce Director, Brian Preece)*

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

Board Member Seethaler made a motion to approve RDA Resolution RDA 2015-11. Board Member Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING AND RETURN TO CITY COUNCIL MEETING

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

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

Councilman Rogers requested a discussion about animal euthanasia. He said he witnessed a raccoon euthanasia in the gas chamber and feels it is the most humane. He said he would welcome a conversation with the Humane Society people. He would like more evidence. He encouraged others to witness a euthanasia in the gas chamber. He said he feels the Humane Society will push the bill again. His mind is not made up. Staff uses the injection method whenever they can, but if it will potentially endanger the animal control officer, they use the gas chamber.

Councilman Barnes said he thinks it is worth a discussion with the new Council. Mayor Alvord said the issue has come up with some residents in his area.

Councilman Barnes said an appointed Board Member recently resigned from the Mosquito Abatement District. If they ask for someone from South Jordan to serve in that position, he would be willing to serve.

City Attorney Loose reviewed the topics discussed at the legislative policy committee meeting.

Councilman Newton said there are problems with the street lights on both sides of South Jordan Parkway from 2200 West to Bangerter Highway. He said he wonders if it is a wiring problem.

Councilman Shelton said the Mulligans Commission met. The contract with Staples Golf is finalized.

Councilman Shelton thanked public works for their assistance in helping a group schedule some park time on a field.

Mayor Alvord said he has recently attended several ribbon cuttings.

Mayor Alvord said he will be meeting with Mayor Freeman and the Jordan School District regarding a hazardous traffic situation in front of Herriman High School.

Mayor Alvord said they may need to authorize some funding for the Mountain View Corridor shuttle program. Councilman Newton said it falls to Jordan School District to provide it because their own rules state that if people have to cross a highway, bussing has to be provided.

CM Whatcott said they have worked through this. Jordan School District is currently doing above what is required. It needs further negotiations. The School District has met the requirement, but the city has requested more.

Mayor Alvord suggested that they use the city's Facebook page sparingly for issues such as posting rules. It changes the tone of the page, and could facilitate a grass roots organization against the city. They should gear that page to promote city activities as much as possible. It was noted that the page is also used to assist the police department in catching criminals.

ADJOURNMENT

It was noted that the City Council recessed the closed meeting earlier this evening, but they no longer have a need to go back in the closed meeting tonight.

Councilman Newton made a motion to adjourn the closed session. The vote was unanimous in favor.

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

The November 17, 2015 City Council meeting adjourned at 8:59 p.m.

This is a true and correct copy of the November 17, 2015 Council Meeting minutes, which were approved on December 1, 2015.

Anna M. West

South Jordan City Recorder

Attachment A
11-17-15

SOUTH JORDAN CITY
Combined City Council and Redevelopment Agency Meeting
November 17, 2015
6:00 P.M.

ALL THOSE ATTENDING, PLEASE PRINT NAME & ADDRESS

PRINT NAME	PRINT ADDRESS
Luann Simonsen	9464 Vista Park Ln.
Terri Hobbs	1521 W 11030 So. S.J Ut
Matt + Cori Reynolds	3072 Sweet Blossom Dr
Nathan + Nathaniel Greene	11573 S. Kestrel RR Rd.
CHRIS RINDLISBACHER	11608 S. 4340 W. SJ. Ut
Brandon Boscoe	13853 So. Horizon Bluff Cir Riverton
Tim Elison	11577 S 3420 W South Jordan UT
[illegible]	11131 S. [illegible] Cir S.J.
Kulon Dutton	4700 [illegible] Mg