

SOUTH JORDAN CITY  
CITY COUNCIL SPECIAL STUDY MEETING  
OAK CONFERENCE ROOM

June 6, 2016

**Present:** Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, Council Member Chris Rogers, CM Gary Whatcott, COS Paul Cunningham, Fire Chief Andy Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, City Attorney Ryan Loose, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, Finance Director Sunil Naidu, Public Works Director Jason Rasmussen, CT Director Jon Day, Communications Coordinator Tina Brown, City Planner Greg Schindler, City Recorder Anna West

STUDY SESSION – 6:30 AM

Mayor Alvord welcomed everyone present and noted that all Council Members are present.

A. Invocation: *By City Manager Gary Whatcott*

City Manager Gary Whatcott offered the invocation.

Mayor Alvord said SummerFest was very well done this year and asked CM Whatcott to extend thanks to all who were involved in the planning that made it a great success.

B. Council Packet Review. (*Calendaring, Topics, Future Agenda Items*)

City Commerce Director Brian Preece asked if he could go first on his item regarding the RDA Resolutions. He has to leave early. He said we are only going to have the resolution signed Tuesday night if you pass it. The agreements won't be signed until we have proof from the bank that the construction loans have been finalized. The bank won't finalize the construction loan until they have something from the City saying that we are committed to these funds. They will take the signed resolution to the bank then they have proof and only then will we have the Mayor sign the agreements. The funds will be disbursed like a normal construction loan. Sunil will have ultimate charge of those funds and the funds are being held by the bondholders in their account. When they put in a draw request, I will go out there to make sure what they asked for is completed and let Sunil know it's alright to release the funds. This isn't covering the entire cost of the parking structure. That is being broken into two parts. The first part will be more parking plus the ramps so there is an \$8 million dollar release for the first parking structure and the \$6 million dollar release for the second parking structure. He said our RDA Attorney, Craig Smith, will be there Tuesday night for the meeting.

Council Member Zander asked if this covers only the SoJo Station. Mr. Preece said it only applies to the agreement with these developers on the parking at SoJo Station.

Mayor Alvord asked if this is unusual that this wasn't done prior to the Ground Breaking. Mr. Preece said no. The groundbreaking has nothing to do with this; it is just ceremonial thing.

Council Member Shelton asked if this is a typical procedure of these kinds of deals. Mr. Preece said it is a requirement. Every RDA Project Area that we have has a participation agreement on it.

Council Member Shelton asked about assignment of the agreement to the bank. Mr. Preece said this is the first time I have done that. In this case we think it is a good idea because it sets it up so that if for some reason they get partially finished and then don't finish, the bank can just take over and move forward and find another developer.

Council Member Shelton said I thought they were supposed to break ground in December or January. Mr. Preece said they didn't get the tenant that would have required that; they have a new tenant now.

Council Member Shelton asked what the worst case scenario would be. City Attorney Loose said they would be bound by the Participation Agreement.

#### Presentations:

1. Mayor Alvord said he will be introducing the Miss South Jordan royalty.
2. City Flag Contest – no discussion
3. Council Member Marlor said he was the one who invited John Sperry, CEO Founder InMoment. With the amount of employees that they are bringing to the City I thought it was the appropriate thing to do to let the City know and give them some time in the spotlight to thank him for coming to South Jordan.
4. CM Whatcott said we crafted the letter to Firehouse Subs for you to read. This foundation is outside of our state. The local Firehouse Subs collect funds that go to a larger foundation.

#### Consent Items G:

1. Ordinance 2016-18: Mayor Alvord said the City Attorney Contract has been discussed at length in a previous executive meeting.
2. R2016-40: Don't Tingey said this is the renewal of the Electric Lightwave Franchise Agreement that has expired. They pay \$1200 per year for a 10 year contract.
3. R2016-45: Mayor Alvord said 11800 South is shared by us and Riverton City and sometimes we have to coordinate activities on that street. Development Director Brad Klavano said it doesn't make sense to overlay just half the road so I contacted Riverton and they were on board for their share. We will do the project and when it is time we will bill them for their half.
4. R2016-46: Brad Klavano said Herriman is on board for the median safety project out in front of Herriman High school. We will send out some notices to the Sun Stone residents. The last street in Sun Stone will be restricted to right-in and right-out at that point. They will have more connectivity with the development of Daybreak. Council Member Shelton asked for a copy of the illustration concept of the median. Mr. Klavano said it is not budgeted until July but we want to put it out for bid now so we can get it done before school opens.
5. R2016-47: Council Member Rogers is appointing Patricia Bassett for his District. Dustin Lewis said this is a committee that gives guidance and direction to the seniors at the Community Center. They meet once a month for an hour to discuss what kind of programs they would like at the facility. They have a small budget of \$3000 and they decide how to spend that money. There was a vacancy on the committee and it is now being filled with Patricia. She has been invited to attend the meeting.

6. Ordinance 2016-17: South Jordan Municipal Code Alarm Systems & Services. Police Chief Jeff Carr said this is a general look at the alarm ordinance and an update to it. We have eliminated the fee for the permit and the permit itself because we are going to run it through the Utility Billing System. You have approved the new fee schedule and they get two free false alarms which put us in line with what other cities are doing.
7. R2016-41: Appointing Craig Hall as Appeals and Variance Hearing Officer. City Attorney Loose said the history of this goes back to when we had a Board of Adjustment about 6 or 7 years ago. We appointed one person instead of a board and that was Craig Hall. He is trained in land use. Craig served for several years then left for an LDS Mission. While he was gone, Tom Christensen volunteered. We put out an RFP a few months ago because we don't know how many appeals we will get. We have made some changes in the code and will bringing them forth to take appeals on administrative items to the hearing officer instead of the City Council. Craig submitted a bid and he was selected as candidate of choice. He will be leaving the Planning Commission. Ms. Zander has been working on a new appointment to replace Craig on the Planning Commission.

COS Paul Cunningham said there is one other item that will be added to the consent item list in an amended agenda today. We are ready to do the signal at Bingham High School and we want to get it done this summer. We need a purchasing exception from you to go to hire a pre-. Director Klavano said I have been working with the school district for the last three months and they have agreed to pay for half of it. We need to get the signal in before school starts. It will be at 2200 West at their only entrance to their parking lot by Temple Vista. The parking lot only has one entrance and it is a big problem with kids walking through there and with the cars coming and going. Normally the County installs the signals but they are booked out for two years.

Council Member Harris asked if this will cost us more money versus using the County. Mr. Klavano said yes, around \$10-15,000 more. We have to do a design plan and the lead time for the poles and arms are four months if you buy them from the vender. The County has agreed to sell those to us in an Interlocal agreement to buy the materials and then we will hire someone to install it. Doing it this way it will get done two years faster and half the cost will be covered by the School District. When the County installs a signal it costs about \$160-170,000; this will cost about \$180,000. What we will do for future signals in the next year or so we will do an RFQ for qualifications. There are only about three contractors that anybody trusts for signal installations. UDOT has vetted these three and a couple of them have put signals in our community already.

Council Member Harris voiced his concern about having to do this again and again and overspending for our signal lights if the County is so busy. Mr. Klavano said I have been talking to the other cities around us about forming our own consortium at some point to maintain and install signals. Gary directed Don's intern to do an analysis which we are in the middle of right now. The problem with the County is they have crews to maintain the signals and that's about all they can do because they are so busy. We may have to continue with the County for maintenance but we might have to do our own request for qualifications to install signals and hire contractors to do them. This would be our own signal maintenance and installation group with the surrounding cities.

Mayor Alvord asked if this light will be one that will go to yellow blinking light during non-peak school times. Mr. Klavano said we talked about that and I think it has to be a full signal. We will put it on recall with cameras so during the non-peak times it should hold 22 for the most part. The problem is you have kids leaving at different times during the day and you can't have them sitting there without signal activation. The cameras will have the loops on them and will activate them that way.

Council Member Harris asked Mr. Klavano to report back to the Council what the final costs end up being to install the signal.

Action Item H. R2016-44: City Attorney Loose said it was requested by the Mayor that he be included in the vote so this item was not put on the Consent listing so the Mayor can vote on this item.

Public Hearing I. Hamilton Estates Property Rezone: City Planner said nothing unusual about this. They are dividing into four lots and will build three new homes. All lots are about 1/3 acre. There were no comments made at the Public Hearing at Planning Commission.

Action Item J: Previously tabled Heagren Property Land Use Amendment and Rezone. Mayor Alvord asked Council Member Harris what his latest update is on this. About 40% of residents at Holland Park have not paid their bill and about 20% of King Benjamin residents have not paid their fee for the gate. People call me and tell me they don't want the gate; others say they are not happy that they didn't get to vote on it. As of yesterday they were going door to door getting signatures to keep the gate. My take is we have the majority of people who want to keep the gate and I think we should honor the original commitment and keep the gate. If by chance the majority wants to pull the gate out, I will propose that since the gate is already in we just open it up for a 90 day period so people can see what the traffic really does in there.

Director Klavano said we can put some counters up before and then some after it is open a week or so to see the difference.

CM Whatcott said it takes five years before you can take action for non-payment.

Council Member Harris said I did get with Gary and found that we also have some additional administrative costs in collecting this money. We should factor these costs in the fees. I just don't think that South Jordan residents should be paying any of these costs.

Council Member noted that the County wouldn't let us put the cost on the tax notice because we didn't do a truth in taxation hearing. City Attorney Loose said that is their opinion that we should. We should have set it up that way in the beginning. I can go back and look to see if we can now hold a Truth in Taxation that would affect just this one. Council Member Rogers said he would be interested because then it would be on everyone's property tax if they want to keep it.

Council Member Harris said he talked with the President of the HOA in King Benjamin and I threw out the idea of us deeding the gate to King Benjamin Court to let them take over the maintenance. He said we should be prepared to talk about the maintenance cost at the meeting. Director Jason Rasmussen said we have a contract with a company that comes out once a year to service it and inspect it. We can get those costs for that. Council Member Harris said there are people that don't understand it and think we are being unfair.

Director Klavano said the problem with going private is this was set up so that it is on a radio click so the fire and police can click it open. We also gave openers to the garbage companies and the mail for access. Council Member Harris said I told them that if it were to go private they would have to maintain all of these accesses for police and fire to get through there. I think that is a last resort because I think they would rather share the costs with Holland Park.

City Attorney Loose said it is blocking a public road so we would have to work out some pretty specific language and the City cannot just release assets without compensation.

Council Member Harris said if we can find a way to do the Truth in Taxation that would solve a lot of the problems; the problem is collecting the money.

CFO Sunil Naidu said when I talked to the County last year they said all you have to do is hold a Truth in Taxation. The fee structure is set up now as a flat fee for each property. The fee on the property tax would be based on the cost of the home. The more the home cost the more the tax.

Council Member Harris said this is not a benefit to the overall City. It benefits a small group of people between two communities. Ultimately this gate should not be costing the city extra money. We need to make sure we are collecting the right amount of money to cover the maintenance and administrative costs on it.

Mayor Alvord said this is listed as SSD Public Comment so I plan on holding a public comment. I know we have had a few people that are concerned about the way it was done last time because it wasn't a public hearing.

Council Member Harris said it seems that the people who want to keep it are going around and getting names and signatures. I told them they should be getting signatures for both sides; those who want to keep it and those who do not. I think they will have separate spokesmen for each side.

Council Member Rogers said there is not action item after this. Are we going to have a discussion and give them some type of resolution?

City Attorney Loose said we have included the letter as part of the packet. We can say we would like to hear from anybody who wants to keep the gate. You can discuss it but not make a decision at the meeting that way you have time to hear comment, discuss the comments and we will get more emails and calls after the meeting. You can vet all of that and then we can put it on an upcoming meeting.

Council Member Marlor said it has been noticed as repeal, so they have to understand that we are not going to make the decision that night.

City Attorney Loose said if you are going to remove the gate there is a lot of processing of a resolution that you would have to pass and discussion to bring those back. If you decided not to remove the gate then we do nothing. Either way, you can direct us to get the gate removed and the process on that would be to close down the SSD. You can direct us to do whatever it is you decide. You can direct staff to go get the documents ready to remove the SSD and close it out or direct staff to do something else.

Council Member Harris said I want to know the impact on a million dollar home versus the impact on a \$450,000 home by the Truth in Taxation. City Attorney Loose said I will see what we can get you in the next 24 hours.

Council Member Shelton asked if it would make sense to have a presentation by staff that says what the different scenarios would be with the gate and how they would affect the residents and then have the public comment so they are aware of the options.

CFO Sunil Naidu said a lot of people are challenging what the costs are and want us to prove what the maintenance costs really are.

CM Whatcott said we should ask the residents if we could actually open the gate and test the traffic that way. Everyone has based this assumption that there will be this wicked movement through this area and my guess is that there will be way less than they realize. It would be nice if we could take 30-90 days and see what actually shows up. If the evidence were proven to say there really isn't what you're saying, would it change someone's mind about the gate. If we don't have any evidence to say whether it is true or not and if it were actually false would that change their perception of the gate.

Council Member Zander said there are so many moving parts to this I think we should vet out what the options are and then let them see where we are.

City Manager said maybe what we do in the meeting is do the presentation of the options and then let them speak and then say we are going to take all of this under advisement and we will study it more and will bring it back. In the end we could say while we are evaluating this could we open the gate and monitor the traffic.

Mayor Alvord asked about the closed meeting item. City Attorney Loose said we anticipate this taking around an hour. CM Whatcott said if you are thinking of doing the language modification you should help us vet through that before it went through the Planning Commission. Our thought generally based on what we heard back on the feedback from staff was to get some model language and go back and talk about it in a study session and then see where we go from there.

City Attorney Loose said remember we are combining two things. The bridge question comes up and the ability to deal with the bridge later on in the process, but because there is the rezone and that broader discussion now, if you're going to do a development agreement say it's not going to connect or say for sure you have to connect and you would have to do that now. This issue becomes running into our old language that basically requires it to connect. If you want to let it go through the process and in the meantime have us bring back language and let this one follow the process that was set four years ago when it was first approved, that language has been there for as long as this neighborhood has, it can do that without the development agreement. If you want to solve the bridge question and you have control, you need the language.

Council Member Harris said I just thing we need to speed this along and not drag this out any longer than we have to. As respect to the developers we need to get going on this.

Council Member Marlor said I agree with that. I wonder if we have full Council support for changing the ordinance or not. Are we allowing staff to go through this whole process and in the end we don't vote in favor of it; that is a waste of time. We need to give staff the right direction for a full Council vote.

Mayor Alvord said the part of this that is still nagging on me is there is some public that feel that their voice wasn't represented so I feel at some point before this thing is totally decided we ought to have a public hearing of sorts.

Council Member Zander said they are welcome to show up tomorrow night for public comment.

City Attorney Loose said it might be appropriate to recognize that there were some questions about public comment and if they are there to comment on that then do so now at the beginning of the meeting along with any other comment that is not on the meeting agenda.

Mayor Alvord said I could scour my email to see if I can find all the people that are claiming they didn't get a chance to comment and tell them to come tomorrow night.

Council Member Marlor said my position hasn't changed but we have staff going through this to get the ordinance put together and in the end if we vote against this is not good. We need to give them direction to do what we really want as a Council to do.

Council Member Marlor said I have told the callers I have had that they should come and comment during the Public Comment section tomorrow.

Council Member Rogers said maybe we should have an item added to the agenda for action.

City Attorney Loose said we could put the Rezone back on the Amended Agenda if you are ready to vote on the rezone.

City Planner Schindler said if we were having a public hearing again then we would send out a notice for it. If it is not going to be labeled as a public hearing then the issue would be that during the Public Comment time make sure they all know that there will not be a public hearing on it so if they want to speak they should do so at the Public Comment time at the beginning of the meeting.

Council Member Harris said we need to move this along. The residents want some decisions made here and if we have already had a public hearing on it and we allow for additional public comment then I don't think we need to have another Public Hearing on it.

Everyone decided to go ahead and add it to the June 7<sup>th</sup> Agenda for a vote. They decided to notify the public by email.

C. Staff Item: Alarm Systems & Services Ordinance 2016-17. *(By Chief Carr)*

This item was reviewed earlier in the meeting.

D. Discussion Item: Water Rate Pre-Study. *(By Public Works Director, Jason Rasmussen)*

This item was postponed to bring back at later meeting.

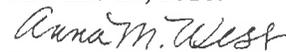
ADJOURNMENT

**Council Member Harris made a motion to adjourn. The vote was unanimous in favor.**

ADJOURNMENT

The June 6, 2016 City Council Special Study meeting adjourned at 8:10 a.m.

**This is a true and correct copy of the June 6, 2016 Council Meeting minutes, which were approved on June 21, 2016.**

  
South Jordan City Recorder