SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

July 18, 2016

Present: Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, 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, City Recorder Anna West

Absent: Council Member Don Shelton

Others: Planner David Mann, Planner Brad Sanderson, Planner Damir Drozdek, Planning Commissioner Julie Holbrook

STUDY SESSION – 12Noon

Mayor Alvord welcomed everyone and noted that Council Member Tamara Zander has not yet arrived and Council Member Don Shelton is out of town and is excused.

Mayor Alvord noted that at he will not be present at tomorrow nights Council meeting. He said there will only be three Council members present so they will need to nominate a Mayor Pro tempore and the motions will need a unanimous vote from all three present in order to pass. He suggested they table any items that they don't think will receive a unanimous motion.

A. Invocation: *By Council Member Chris Rogers*

Invocation was given by Council Member Chris Rogers.

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

Review of the July 19th Council Agenda Items:

Item F. Presentations:

Mayor Alvord reviewed the presentation items and asked if there are any questions regarding any of them.

1. Honoring Cindy Hulett for her service as Victim Advocate. (*By Police Chief Carr*)
2. Citizens Police Academy Graduation. (*By Police Chief Carr*)
3. Storm Water Rate Study. (*By Public Works Director, Jason Rasmussen*)

It was noted that Presentation Item F.3. Storm Water Rate Study, will probably need to be tabled tomorrow night. Jason Rasmussen said it most likely it will not be ready to review.

Item G. Consent Items:

Council Member Marlor asked if anyone had any issues with the consent items beings they would require a unanimous vote to pass them.

1. Resolution R2016-52, Establishing the composition and responsibilities of the City's Standing Audit Committee. (By CM Gary Whatcott)

Council Member Rogers said I have looked at the Audit Committee resolution and also looked at the resolution for the CIP projects and don't see any problems.

CM Whatcott said after this resolution is passed, the members that were chosen were Don Shelton and Patrick Harris, along with Mayor Alvord.

Council Member Rogers asked what went into not having a resident appointed.

City Attorney Loose said I met with Patrick and Don about three weeks ago for about 2 hours and that resolution is what came out from that meeting and it doesn't contain a resident appointee.

CM Whatcott said there will be a resolution coming to you that will appoint Patrick and Don to the Audit Committee; there will not be any staff on that committee. We did talk about Mr. Harris and Mr. Shelton meeting with the Mayor to go ahead and direct the Audit Committee for this year.

Council Member Rogers asked what made you not appoint a resident to the Audit Committee.

City Attorney Loose said section 3 of the resolution talks about an outside expert to bring in to consult with and get advice from. They would be a consultant but they would not vote or be a standing member of the committee. The actual Committee is two members of the Council plus the Mayor. You as the committee would select your chair. If you want to bring in outside experts you can.

Mayor Alvord asked about compensation.

City Attorney Loose said it states "compensation, if any, shall be determined by the Committee." So it does foresee the ability to pay a consultant if needed.

Council Member Zander arrived to the meeting.

Council Member Marlor asked to have Council Member Zander brought up to speed on what is going on with regards to tomorrow night's meeting.

CM Whatcott said you won't have all members present tomorrow night. There will only be three members there so you will have to have a unanimous 3 votes on every item. You will also need to elect a Mayor Pro tem.

2. Resolution R2016-42, Appointment of John N. Ellis to the Planning Commission to replace Craig Hall. (*By Council Member Tamara Zander*)

Council Member Rogers said he spoke with Mr. Ellis this morning and he will be and excellent addition to the Planning Commission.

3. Resolution R2016-56,authorizing the expenditure of funds for various Capital Improvement Projects.(*By Public Works Director, Jason Rasmussen*)

No discussion.

H. Public Hearing: Ordinance 2016-20, Zone Text Amendment amending subsection 17.18.030.50.B.4.c of the Municipal Code to increase the maximum acreage that can be developed or used for Self-Storage uses in the Professional Office (P-O) Zone from two (2) to three (3) acres. Warren Kirk (Applicant). (*By City Planner Greg Schindler*)

Council Member Rogers said this is in my District and I looked at the map and it is just extending a very small portion on River Heights Drive for Think Storage. He said they didn't need the space initially but now they do.

CM Whatcott said they actually talked about this when we approved the original.

Brad Klavano said if anyone has questions Planner Brad Sanderson will be handling this.

Planner Brad Sanderson said these documents are in your packet. He referred to a yellow highlighted area that they want to add to the rezone. He said the whole Office Zone city wide is maxed out. They want to add one extra acre to that in the text amendment taking it from 2 acres to 3 acres. The Commercial Zone is maxed out at 6 acres.

I. Public Hearing: Think Storage, LLC Phase 4 Property Rezone 2016-10-Z, rezoning one acre of property at 10622 S. River Heights Drive from the Agricultural (A-5) Zone to the Professional Office (P-O) Zone. Warren Kirk (Applicant). (*By City Planner Schindler*)

Mayor Alvord said Item I. is related to Item H.

J. Public Hearing: Ordinance 2016-21, Vacation of a 20-foot wide secondary water and public utility easement between lots 512 and 513 of the Midas Creek Estates Phase 5 Subdivision Plat. Perry & Associates, Inc. (*By City Planner Greg Schindler*)

Planner David Mann said Perry Homes is building out at Midas Creek and they want to combine these two lots. There are secondary water and public utility easements between the two lots. In the packet there are letters from the utility companies saying they don't have any facilities in that easement so the easement is no longer necessary. This is just the last step for them to be able to combine these two lots.

K. Public Hearing: Ordinance 2016-23, Vacation of a public utility easement between lots 3 and 4 of the Harvest Village at South Jordan Subdivision Phase II Subdivision Plat. (*By City Planner Greg Schindler*)

Planner Damir Drozdek said this is essentially the same thing as the previous. Peterson Development is working on this property and they have been working with a company out of Chicago to build an assisted living development. The site layout doesn't match the property lines in the subdivision so they need to make this adjustment and at the same time they want to vacate the public utility easement.

L. Public Hearing: Ordinance 2016-24, Text Amendment amending City Code 17.04.300 (Required Language within all Declarations of Covenants, Conditions and Restrictions documents (CC&R's) to add language preempting homeowner associations from prohibiting solar and other renewable energy devices. (*By City Attorney, Ryan Loose*)

City Attorney Loose said a few months ago we started getting emails from one home owner that was saying she was having a hard time getting a solar panel on their house because the HOA stopped it. We looked at the state law and it says we can put in our city code the provision that an HOA cannot prohibit solar panels. This has gone through the Planning Commission and they gave a favorable recommendation.

Council Member Harris asked if this goes retroactively. City Attorney Loose said no. This is for future development. The state is seeing an interest in having that done for energy efficiency by putting it directly in the statute and this is the language to accomplish that.

M. Public Hearing: Ordinance 2016-25, vacation of 12 foot wide public walkway and public utility easement located between lots 344 and 345 as well as lots 401 and 402 of the Wood Ranch Subdivision Phase 3 & 4. (*By Assistant City Engineer, Shane Greenwood*)

Director Brad Klavano said back in 2008 there were residents that requested we vacate that walkway and the City agreed to do that and the walkways were removed and the residents landscaped it. Apparently we didn't follow the correct procedures and the County sent the property back to us because we didn't do it the right way. The residents are the ones that brought this to our attention.

City Attorney Loose said by statute of the vacation process they require that the vacation be done by the City Council.

Director Klavano said if we get time we need to look at all areas of Glenmoor.

Mayor Alvord said that does it for our packet review.

City Attorney Loose said we will be bring to you at the August 2nd meeting, the preliminary documents and resolutions you will need to put on the ballot for the November election, the King Benjamin Gate question.

City Attorney Loose said recently South Jordan was designated a City of the second class by the Lieutenant Governor's office. There are a few minor things we have to do that we haven't already done. One of those is to get bonds for each of you so we will be starting that process. They are required for certain positions in the City. The trigger for this was our population reaching 65,000 and it is based on the census and looking at our building permits.

City Council Member Rogers asked if there are any other requirements that the Council needs to be aware of with this change.

City Attorney Loose said we just got the preliminary list of what we think needs to happen last Friday afternoon. I need to check with Sunil and Gary; some of it I think we have already done.

CM Whatcott said when we receive the certificate I think we will do it in a public Council meeting.

Council Member Rogers said before we go to the next item I would like to get an update on the Utah Lake algae issue.

CM Manager Whatcott said Mr. Osborne is here and he can give us information from Jordan Valley's perspective. Let's first have Jason Rasmussen tell us what we have done.

Public Works Director Jason Rasmussen said you have probably seen the new releases about the algae being there. In a statement by the Department of Environmental Quality it said that it should not be used for irrigation or gardens. As soon as we saw that it triggered us to look and say what we should be doing. Yesterday the Welby Jacob canal, the furthest canal west, we decided to shut down the operation of that canal. The next canal, Utah Lake Distributing Canal, had the option to switch to the Provo River water to fill their canal. They have done that so we can keep a good portion of our residents with access to the secondary water. The other two canals have chosen to stay in operation because they have farmers that want the water so we made the decision this morning to go ahead and shut our weirs to those two so that we are not sending that water to our secondary water users. We do have a good portion of our users that are without secondary water right now.

City Council Member Zander asked what percentage of our city no longer has secondary water. Mr. Rasmussen said about 60%.

Director Rasmussen said the DEQ is taking water samples and we are watching those to see what the thresholds are. There was a meeting this morning where all of the Canal Companies and water users that pull water from Utah Lake and the Jordan River and basically some of the canal companies said we are going to stay in water until a government agency tells us not to. The DEQ said we are not going to make that call; we want Sale Lake County Health Department to make that call. There was a lot of indecision and passing the buck at the meeting so there has not been a decision made on the County or State level to just shut down the water altogether at the canals. I think they are still waiting to see if the count is still growing or shrinking.

Scott Osborne said as of Sunday the testing was 557,000 organisms per milliliter of water and safe standard is 100,000. Downstream it is at 718,000 organisms per milliliter. In addition to that as Jason mentioned there are some rather extensive tests that will be available to us tomorrow afternoon or Wednesday morning. Part of the political problem that you referred to is that you've got parallel agencies that are in competition with each other as well. We are trying to get somebody higher than these individual organizations to make those calls and those kinds of decisions so that there is actually a leader to come forward with the information. The culinary water system has no impact with this at all. We take our water from the homestead diversion which is about 35 miles east of Utah Lake and it is coming directly from Deer Creek from the Provo River into our system. They have just closed Oquirrh Lake due to this algae bloom. We are also finding that the testing's today are actually accelerating not decelerating. This is the first time in the history of Utah Lake system that we have ever had to shut it down. Anything that touches any leafy portion of a plant has now become contaminated. If it splashes on it while being watered, if it is irrigated by irrigation sprinkling systems, or if it is just airborne in nature, it will in fact contaminate any of those produce.

Council Member Zander asked if the product can be washed thoroughly enough to get the algae off and is it inside of the plant.

Mr. Osborne said unfortunately we don't have absolute science on that.

Council Member Rogers asked if there are signs up saying don't swim in the water at Oquirrh Lake.

Council Member Zander said yes. When I walked around it yesterday, the stream running in was shut down and I have never seen. I talked to a man there that he gave me the whole story and said we are shutting everything down in Daybreak and secondary water everywhere.

Council Member Zander asked if our City lawns are watered by secondary water. Mr. Rasmussen said yes they are but we are able to switch those over easily to culinary water.

Mr. Osborne said this issue is impacting Riverton, Herriman, Bluffdale, South Jordan, and West Jordan, all of which have secondary water systems. The question that we looked at in some of our emergency management was do we have sufficient supply of water that we can pick up that additional water demand; the answer is yes. Right now our plant is operating at 140 million gallons per day which has an ongoing capacity of 180 million and peaking at 205 million gallons per day. The way that your water rate will be computed next year is based against your highest peak. The good news is as a result of specific criteria that we have put together, if in fact that was extraordinarily high, it is renewed automatically. Even though this is an unusual circumstance and you might have a very high peaking valuation result of this, it won't adversely affect your water. This is a onetime peak value per year.

Council Member Rogers asked about the canal that is used for Mulligans. Director Rasmussen said we are going to do some tests on that. The source of that water is ground water and springs. The Utah Lake Distributing canal can overflow into the Midas Creek, however that usually happens during storm events where the canal gets too high and it is a measure of flood control. We are pretty confident that there is not any Utah Lake Water used at Mulligans. We will be collecting samples today to make sure.

Council Member Harris asked if we are doing everything we can in our city to make sure that we are notifying our residents to make sure everyone is safe?

Director Rasmussen said we have shut off the water supply so I don't know what more we can do.

CM Whatcott said we have put all that information on our website and there is a really good link that explains the scenario of what has happen out there. We have it on our website and on social media.

City Attorney Loose said I feel comfortable we have done everything. There is no definitive statement to this or that. We have taken the precaution of shutting down the access that we get. I think people have enough notice out there from more reliable sources that the city as we are not the ones testing at this point.

Mayor Alvord asked if there is someone we can call to ask the effects on produce and grass. Mr. Osborne said the answer to your question is we always have algae present it is just the levels present. There are some of those answers that are beginning to be published. There is an EPA standard that is now being considered that will give people guidance. It talks about several different levels and how you would respond to each one of those levels. The US Department of Agriculture is actually taking the lead on this. You may have some people that might have some larger livestock holdings in the City that will now be out of water. We as the Jordan Valley Water Conservancy District have a number of emergency transportation vehicles that hold 2,000 gallons on each one of the vehicles that could be used with culinary water to distribute to those locations that might need interim water. If that becomes a consideration that you might need, recognize that we do have that available. You can contact me or a member of the District office.

Mr. Osborne said one of the most difficult areas that you as Council will have to deal with is secondary water and it might be good for you to not only turn off the secondary water but turn off the circuit breaker so that everyone is not burning up their pumps.

Council Member Rogers asked if we can push the information out through our Social Media to say make sure you turn off your pump. Mr. Rasmussen said Anne in Public Works is well versed with this and can get any message out.

CM Whatcott said Social Media is the way to notify everyone. As we get new updates we will continue to update.

Chuck Newton said I didn't get the update that went out on twitter.

CM Whatcott said we are having a meeting later today to discuss how we will notify our customers more about this.

Mayor Alvord said there seems to be some confusion as to whether the alga poses a health threat. Mr. Rasmussen said we can only go off of what the state and county are telling us and they are saying to not use it or be exposed to it.

Chuck Newton said the quickest way to get the word out is to use Social Media or to call a press conference.

CM Whatcott said we have had at least 200 calls today so I imagine most everyone is informed.

Mr. Osborne said one final comment is that this is not going to be short term. The plume has actually grown larger. This is caused by historic lows in Utah Lake right now; this is our 6th year of drought and it continues to be a problem. One of the things that promote this kind of problem is the water gets warmer and also the sunlight can penetrate clear to the bottom of the lake so there is a real possibility that this may be shut off for the rest of the year.

Council Member Zander asked if the winter freeze will kill it. Mr. Osborne said we don't know.

Planning Commissioner Julie Holbrook said having done my senior project on the toxic red tides up in Washington State, typically you will get your algae bloom in the spring or fall but there is not enough support for them to keep living and it will typically die down. It depends on what kind it is; you have to know what it is and if it is toxic. If it is not they typically have very short life spans.

Mr. Osborne said this was the second highest temperatures we've had in the month of June. The only one higher was last year. This month so far we will be in record breaking heat as well so it is just a perfect storm for this.

CM Whatcott said we will continue to update you on this as we get information. Anne Hansen has been taking calls from the media and is well informed on the issue. They just want to know what we as a city are doing about it.

Mayor Alvord said it is now five after one and need to know how much longer we will go on this.

CM Whatcott said our Victim Advocate item will only be 1 or 2 minutes.

Return to the Study Meeting Agenda Items:

C. Staff Item: Quarterly Victim Advocate Report. (*By Police Chief, Jeff Carr*)

Police Chief Jeff Carr said we have a grant called Victims of Crime and it requires we report to you twice per year. He distributed a copy (Attachment A) that lists the data. He said prior to having Victim Advocates officers had to do this stuff. He reviewed various numbers from the chart. He said this is our annual report. He said they do a lot of crisis intervention and safety plans. They appeared in court 390 times. The bottom line is they provided about 1000 services last year. They grant requires they sent out survey letters and we sent out 65 last year. They do a great job with the citizens. One of our previous part-time volunteers will be recognized tomorrow night. We have been without a part-time person for about 5 ½ months and just hired someone that has been on board for about a month.

D. Discussion Item: Public Hearings/Public Comments/Action Items.
(*By Council Member Brad Marlor*)

Council Member Marlor said regarding public comments I think the public knows when they have the opportunity to comment. They can comment at the beginning of a meeting and most of them know they can comment at a Public Hearing. Other times I think it is unclear. For example if there is an Action Item the public doesn't see that there is any public comment for them. My feeling is that we need to be deliberate about communicating to let the public know when they can or can't comment. If we have given that opportunity multiple times and they have had multiple opportunities then we need to move forward and continue on with the process; otherwise, we are not giving everybody the same opportunity to comment and I don't think that is fair. The whole Bison Ridge thing stimulated that and has come up multiple times that I have been on the Council in the past. I think it is fair to communicate to the public when they are going to be able to comment and when is the appropriate time.

Mayor Alvord said as I look in hindsight and think about that Bison Ridge one I think what had happened was that we had a large group of people in the audience with a particular interest on an action item. So what you are suggesting is that we stay consistent even if we have a thousand people show up.

Council Member Zander said I think because they didn't show up at the beginning of the meeting, they showed up about 7:30 for that particular item, I think they were hoping they would get to speak, but they shouldn't have been able to.

Council Member Rogers said if I recall correctly we heard that item three times. We tabled it twice, which is also problematic because if you table a Public Hearing you would need clarity to let the public know we already heard public comment on it.

Mayor Alvord said we could explain our policy in our newsletter and emphasize that you can contact your Council Member by email, by phone call or whatever.

Council Member Rogers said why don't we put that on the agenda so people will know. Up at the top after the notice or somewhere to educate them on when they can and can't speak on an issue.

Mayor Alvord said we need to amend the public comment section to remove the verbiage regarding the Public Comment Cards.

Council Member Harris said if we have an action item that is not going to public comment, maybe we put something there saying if you wish to speak on this item do it at the beginning of the meeting under Public Comment.

Council Member Marlor said I have no problem saying somewhere at the beginning of the agenda that unless it is specified as Public Hearing item that takes public comments, then there is no public comments taken. If you want to comment on any item that is not a Public Hearing then you should do that at the Public Comment period.

Council Member Zander said people are coming at the time their item shows up on the agenda, for instance, one that might start at 8pm.

Council Member Marlor said this might be the only time a person has ever been to a meeting and they don't know our process.

Mayor Alvord said I am concerned of making the agenda too busy.

CM Whatcott said I will get with Ryan and see if we can figure the verbiage for it.

Council Member Marlor said a secondary issue for me it they come to a meeting and it is an Action Item and not a Public Hearing and we allow public comment on it. Then the public believes all they have to do is raise their hand and they get to make comment.

Council Member Harris said I think it is also appropriate for the person reviewing the item that we allow them to get through with their background information before we take questions from the Council and then after that open it up for public comment.

City Attorney Loose said one note on that is for example tomorrow night the CC&R's language for solar panels; it is a Public Hearing and we might say to the public that we discussed this yesterday in the Study Meeting, do you have any further questions for me. A lot of the presentation is being done in the work session meeting so that minimizes how much is discussed.

Mayor Alvord said beings a few of us will be missing tomorrow night it would be wise to explain the rules of the meeting again.

Council Member Marlor said I think that is very helpful because at many of the meetings it is some of the resident's first time attending. They don't know the protocol; they think if it's on the Agenda then I have an opportunity to speak on it. It would only take a couple minutes to inform every one of the protocol.

Mayor Alvord said I have noticed as new Council wanting to nip things in the bud so we hear public comment and you want to respond to it or we ask staff a question. From the efficiency perspective it is nice to do but in the past we have tried to stay completely silent until all of the comments are completed; especially when one wants to start a dialogue.

CM Whatcott said I think you can answer someone but it should be done after all the public has spoken.

Council Member Zander said I think it is very useful when you identify and educate them as well because some times when we are going through consent items they might not understand why there is no discussion on the items. We have to assume that this may be their very first meeting they have attended and are not aware of our processes. It is valuable to let them know we had a work session yesterday and discussed the items and it also cues them up that if they want to discuss things they are welcome at the work session meeting too.

Mayor Alvord said that was good feedback and we can always improve on our meetings. As chair I think the Council will nudge me and say why don't you let this person speak and put the pressure on me to bring people up. The human part of me wants to bring them up but it we want to stay consistent. We just have to stick to our policy.

ADJOURNMENT

Council Member Marlor made a motion to adjourn. Council Member Rogers seconded the motion. The vote was unanimous in favor. Council Member Shelton was absent.

ADJOURNMENT

The July 18, 2016 City Council Special Study meeting adjourned at 1:25 p.m.

This is a true and correct copy of the July 18, 2016 Council Meeting minutes, which were approved on August 2, 2016.

Anna M. West

South Jordan City Recorder

07-18-16 CC Study Meeting
Attachment A

SOUTH JORDAN CRIME VICTIM SERVICES Victims served by type of victimization	Reporting Period July 2015-June 2016
1. Child Physical Abuse	12
2. Child Sexual Abuse	15
3. Domestic Violence	269
4. Adult Sexual Assault	11
5. DUI/DWI Crashes	4
6. Survivors of homicide victims	0
7. Assault	26
8. Adults molested as children	1
9. Elder Abuse	1
10. Robbery	14
11.Kidnap	1
12. Other (specify below)	445
Arson, Stalking, Hit & Run, Crim Misc, Theft, Lewdness, Custodial Inter, I.D. Theft, Fraud	799
Number of Services Provided	
1. Crisis Intervention (Counseling/Safety Plan)	241
2. Shelter/Safe house	2
3. Information/Referral	327
4. Criminal Justice Support/Advocacy (Appear in Court)	390
5. Emergency Financial Assistance	1
6. Victim Rights/Notifications	72
7. Assistance in Filing CVR Claims	179
8. Crim Just. Process (Guiding)	1287
9. Restitution Assist.	179
10. Other; transportation, on scene crisis, interpreter, Immigration assist, Relocation assistance, Prosecution Interview, Impact statement, Notify of Crim, LE interview.	952
Letter contact, Protective Order / Stalking, I.D. Theft/Fraud packets, Death Books, Web Hits.	4,686
Total number of services provided	8,316
Misc	
1. Referrals sent to D.C.F.S	109
2. Referrals sent to A.P.S	0
3. Death (Attended)	5
4. Death (Unattended)	16
5. Survey letters sent	65