

SOUTH JORDAN CITY
CITY COUNCIL MEETING

August 2, 2016

Present: Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Public Works Director Jason Rasmussen, Development Services Director Brad Klavano, City Attorney Ryan Loose, COS Paul Cunningham, Economic Development Director Brian Preece, Financial Reporting Manager Kyle Maurer, IT Director Jon Day, Police Chief Jeff Carr, 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. It was noted that Council Member Marlor would be arriving late. All other members of the City Council were present.

B. Invocation – *By Council Member Tamara Zander*

Council Member Zander offered the invocation.

C. Pledge of Allegiance

Talai Leo, scout, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

1. July 11, 2016 Council Lunch Meeting – Staples Golf
2. July 18, 2016 Council Study Meeting
3. July 19, 2016 City Council Meeting

Some amendments were made to the minutes.

Council Member Rogers made a motion to approve the July 11, 2016 Council Lunch Meeting minutes, as amended, the July 18, 2016 Council Study Meeting minutes, as amended, and the July 19, 2016 City Council Meeting minutes, as printed. Council Member Shelton seconded the motion. The vote was unanimous in favor.

E. Public Comment:

Merlynn Newbold, 10454 S. 1440 W., said she attended the meeting at South Jordan Elementary last Tuesday regarding the widening of 10400 South. She said at that meeting, they didn't discuss the location and removal of the irrigation pipe that runs along the south side of 10400 South. She said that should be included in the design of the project. She said they need to move the line further south.

Brent Bowles, 3009 W. 10755 S., said the new pre cast wall that has been approved in the city is insufficient. It will not withstand a large animal kicking it.

Ray Wenger, 10533 Clementine Cir., said he is concerned with a fireworks problem that was apparent on July 4th and July 24th. He reviewed problems outlined in a prepared statement (Attachment B). He showed burnt up fireworks that were found in his yard. He said neighbors are not cleaning up after themselves, and they burned their own tree in their yard. He is concerned about the flammable nature of conifer trees. He said people are not being responsible with fireworks. He said he would like to see regulations tightened up. He noted that he has a proposed solution (outlined in Attachment B). He indicated that he would contact each City Council member individually to talk about the proposed solution. He is concerned about both fire dangers and problems fireworks create for people with PTSD.

Justin Christensen, 9719 S. Redwood Road, said he is building a new home on Redwood Road. He encouraged the City Council to help continue to make Redwood Road a nice road. He hopes they recognize that people will build on Redwood Road, and there aren't businesses the whole way. He said he is in favor of the new building proposed by Merit Medical.

Wayne Palmer, HOA President of King Benjamin Court, proposed a compromise solution to their gate issue. He said some want the gate, some don't. The compromise is to install a manual gate that would cost far less, and nothing to maintain. The gate would still be owned by the city and they can still put it on the tax roll. They are trying to find a win for everyone. The bid he received is \$3700 to take out the current gate and put in a manual gate. The cost for the manual gate is the budgeted cost for one year of maintenance of the current gate.

Mayor Alvord asked if they want to consider a 3rd option for the gate? City Attorney Loose said much past tonight, there won't be enough time to get it on the ballot.

Council Member Marlor arrived at this time.

F. Presentations:

1. UTA Presentation on TRAX Extension & Alignment Results from Public Comments Meeting. (*UTA Representative, Hal Johnson*)

Hal Johnson, UTA, reviewed a presentation on the Southwest Salt Lake County Transit study. (Attachment C).

Mayor Alvord thanked Mr. Johnson and said this is a great resolution to the alignment issue.

Council Member Zander said as TRAX goes south out of the city, she feels strongly that the best alignment would be further west next to Mt. View Corridor. She wants the TRAX line away from the school. Mr. Johnson said the further west alignment is preferred by UTA. Another option is to bend the east alignment to keep the TRAX line away from the school.

Council Member Rogers asked how far out is this plan? Mr. Johnson said it depends on the Wasatch Front Long Range plan. If the sales tax increase is approved, it could provide needed resources to extend the line.

2. City Flag Contest (*Mayor Alvord*)

This item was discussed later in the meeting.

Council Member Marlor made a motion to amend the agenda to move item F.2. to be discussed after item I. Council Member Shelton seconded the motion. The vote was unanimous in favor.

G. Consent Items:

1. Resolution R2016-46, Approving an Interlocal Cooperative Agreement with Herriman City for 11800 South Street Median Construction and Authorizing the Mayor to sign the Agreement. (*By Development Services Director, Brad Klavano*)
2. Resolution R2016-57, Authorizing the Implementation of certain Infrastructure Improvement, Maintenance and Operation Projects Budgeted in the 2016-17 Budget. (*By Development Services Director, Brad Klavano*)
3. Resolution R2016-55, Adopting the Preferred Alternative for a Mass Transit Corridor Extending Beyond the end of the Mid-Jordan TRAX Line Alignment. (*By Strategic Services Director, Don Tingey*)

Council Member Shelton made a motion to approve consent items 1, 2, and 3. Council Member Rogers seconded the motion. The vote was unanimous in favor.

H. Public Hearing: Ordinance 2016-14, Zone Text Amendment, Amending Sections 17.20.020 (Establishment) and 17.130.040 (Farm Animal Floating Zone) of the South Jordan City Municipal Code. Eileen Luker (Applicant).

Planner Warner reviewed the background information on this item. The applicant would like 2 horses on .55 acre. Staff's recommendation is to support the recommendation from the Planning Commission, with the exception of reducing the point system for large animals from 20 points to 15 points.

Mayor Alvord opened the public hearing.

Pamela Sorenson, 2617 W. Rustic Meadows Cir., said she has concerns with the proposed zone text amendment. The amendment could bring more noise, dander, droppings, and smell, which attract flies, mosquitos, and rodents. It is a health hazard. It could have a detrimental effect on their watershed. When she moved here, she wanted a small amount of property for a large garden and trees. She did not want farm property. When they moved in, large animals were not allowed. People in the neighborhood don't want the neighborhood rezoned. She said she is an artist but she is unable to paint outside because it gets flies in her oil paint. She said the horses affect the air quality.

Mike Bellows, 2661 North Forty Way, read a prepared statement (Attachment D). He also submitted a letter sent to his neighbor in 2001 (Attachment E).

Eileen Luker, applicant, read a prepared statement (Attachment F).

Pat Lewis, said she has lived in Chattel Estates for 40 years. She supports the recommendation for animals. She does not have any animals but her immediate neighbors have horses that she loves. They don't stink, cause flies, or make noise. The horses provide her serenity, peace, and everything she came to South Jordan for. She said it is not right to let new people chase out people that are already there.

Kevin Tominey, 10118 S. 1000 W., said he served on the Planning Commission for a time. He said he is a responsible horse guy. If they keep the poop scraped, the flies are diminished. He has a steady stream of visitors that come see his horses. There are those that don't enjoy the horses. The number of people in the city that have large animals is fractional and that number is diminishing. He said horses are herd animals. They are social, and 2 horses do well together. He supports the Planning Commission's recommendation. He feels this is more of an argument between neighbors, and not as much of an issue of horses versus non horses.

Teddy Stubbs, said he moved here 15 years ago. He is pro horse. Horses create dust, so does wind. Horses create flies and bugs, so can garbage. They live with critters. Nature will happen, and they have to do the best they can to keep the flies down. He said the largest equestrian center in the state is in South Jordan. People come from all over the world and bring horses. He said construction projects create dust and stir up rodents. Horses should not take all the blame. He agrees with making horses 15 points. There is an inequity in the current point structure. Animals are social; having them in pairs of 2 is better.

Michelle Hall, 10286 S. 2950 W., said her horses are for putting beef on the table. This is what she does for a living. The neighbors take the manure from her yard, free of charge. People aren't just out petting horses. They are doing jobs and educating the youth.

Ken Peck, 10745 S. 2700 W., said he has lived here 54 years. He has broken horses. He built a wagon for the kids to get rides in. He takes good care of his horses. He has a house in Oakley

right now and that is where he keeps his horses in the summer. There is no smell with the horses in the winter and they don't bring flies. He is disappointed that the people of South Jordan are against animals. Now they just want a big home and things that go with that. The original people here shouldn't be deprived of horses.

Pat Postell, 10070 S. Chattel Cir., moved here for the horses. The horse population has been decreasing. She feels kids get into more mischief when they don't have animals. She has had several recent incidents with abuse of her cats and dogs. She feels they are causing more trouble by reducing land and not allowing for the horses. She is in favor of allowing the horses on the land.

Christy Collins, 10749 S. 2200 W., said she has horses and loves them. Horses are her plan to have her kids stay out of trouble. Horses have been positive in the community – at events, parades, and they are part of a therapy program. She said people come to her fence all the time. There are kids at the school that have never touched a horse. The positive impact that horses are in the community are more important than flies and dust.

Karen Merrill, 10302 S. 2950 W., moved here 9 years ago because she wanted a country type life. She only has a ½ acre and no horses. If people have a problem with the manure, they should address it with the city like they do with a dog. She said they enjoy the horses. They will be gone some day. Why push it?

Paul Salin, 2617 Settlers Bend Rd., said they are not against horses, they are against the proposed change. He lives adjacent to this property. He was appalled when he saw 3 horses in a corral less than half the size of this room. They are in favor of responsible horse property. They are not in favor of increasing or decreasing the number of horses in South Jordan.

Dustin Hamilton, 2353 W. Bonanza Ct., said responsible horse property is keeping herd animals as herd animals. He said they need to clean up after the animals. There is plenty of room on a ½ acre property to take care of the horses. They should not punish everyone. You cannot take a herd animal and put them by themselves.

Debbie Mayor, 3042 W. 10400 S., thanked Mrs. Luker for bringing this issue to their attention. They were not aware of some of the issues. She is grateful the city waived the application fee for her. She said she is a horse owner, her family gave her a ½ acre. She wanted her kids to grow up in a rural environment. She is a 4h leader. She said kids that have responsibilities in rural areas are better off and better prepared for their lives. She hopes they consider what possible effect this has on the youth of the city.

Toni Hamilton, 2353 W. Bonanza Ct., said his livelihood is horses. Their horses are also to work. They take great pride in taking care of their horses. She said the point system is flawed. They are currently allowed 6 miniature horses, or 3 ponies. She said that would be worse, bring more poop and flies, than 2 horses. She said they should drop the horses from 20 points to 15 points. She said ponies can be up to 14 hands where horses are 15 hands – only a 4 inch

difference. She favors being responsible horse owners. She said 2 horses are much quieter than one.

Chris McCray, 2074 W. 9640 S., lives on 1 acre. His daughter has a horse, and when they take the horse to 4h, their pony makes noise. They are herd animals. He noted a typo in the power point presentation - .1 acre equals 6 points. He said no one is asking for 4 horses on a ½ acre. They are asking to allow herd animals to be herd animals. He said in this situation, the neighbor is not complaining about those specific 2 horses, just the fact that there are 2 horses. He said it is expensive to have horses and it is good for kids. It gives kids a sense of pride and makes them responsible, productive people. He said 2 dogs can be more annoying than what a horse will do.

Jennifer Soers, 11350 S. 2865 W., said she has lived in South Jordan for a year. She chose to move here so she could have animals. They have horses and cows. It is a great benefit to the community. She has had scout groups and school classes come see the animals. She said her daughter has to go to Riverton High for the agricultural program. It is unfair that they allow 1.5 animals on a ½ acre lot. They are herd animals. If the property owner is not being responsible and cleaning up after their animals, the codes need to be enforced. She said some compromise can be reached.

Council Member Harris made a motion to allow anyone else wishing to speak 3 minutes each. The motion failed for lack of a second.

Council Member Zander made a motion to allow 1 minute each for the remaining comments. Council Member Shelton seconded the motion. The vote was 2-1 in favor, with Council Member Harris opposed.

Council Member Marlor made a motion to allow all speakers 2 minutes each. Council Member Harris seconded the motion. The vote was unanimous in favor.

Jay Sant, 10500 S. 3010 W., said he moved here 30 years ago and it was the horse capital. He has horses on both sides of him and he does not smell them and has not had a single problem. Putting 1 horse on a property would be like putting a person in solitary confinement. It is cruel and unjust.

Camille Grimshaw, 2614 W. North Forty Way., said this is not just about horses, it is about large animals in their neighborhood. She said her family has 4 generations of horse property in South Jordan. When she moved to South Jordan, she had horses and knew what was allowed. She agreed to what was outlined, and now they are proposing a change. There are a lot of neighbors that have been here for 40 years. A lot of the properties are just under ½ acre. She believes the lot sizes were done that way to limit animals. She loves the animals, but she is not ready to give up what she agreed to.

Dr. Tracy (last name inaudible), 2842 W. South Jordan Parkway. She said she has no horses, but is surrounded by them. She noted a family member who had horses that were poorly cared for and they stunk and had flies. Her neighbors are responsible and there are no flies. She said the

community can balance the city needs with the country needs. She said most of the people in South Jordan that she has talked to love the horses. If the horses are not well cared for, there needs to be more action to make sure the codes are enforced.

Mr. McClellon, 10635 S. 2700 W., said he travels all over and deals with horses for a living. He said 1.5 horses can be on this property currently. The flies won't change with another .5 of horse. He can bring 3 loud borrows to this property tomorrow. They will poop more and be a lot louder. He said horses do a lot for the community. He said he can answer any questions – he is an expert on horses. He said they need to have 2 horses together.

Mike Fellows, said they never said anything about zones. One situation caused this request for a change. He said enforcement of codes needs to be enforced. It hasn't happened in the past in his experience. His comments were about reducing points. If they want 2 animals, they should not buy a ½ acre in an existing neighborhood. They should buy a property that will support that.

Luane Jensen, 11186 S. 2700 W., said she lives on a little over an acre, and has for 44 years. She has never had a large animal. People around her have horses. As they have developed the city, they did higher density. And then Daybreak came and it has evolved further. Some of them like the country. They have a wonderful 4H program in the city. They should let the people that have lived here a long time have their animals.

Brent Bowles, 10755 S. 3009 W., said when he moved here almost 50 years ago, he had a hard time getting a loan to move here. Now, he is retired and has draft horses. He said they always thought they would have a pre cast wall. It won't work as a buffer for large animals. With new homes coming in, they want to be a good neighbor. When people move in on people who have animals, they need to understand what comes with that. They can't train a fly to stay home.

Clark Monk, 11563 S. 2570 W., said when he purchased his home, he did so because it was zoned for animals. The area is landlocked. All of the parcels around him are 1-2 acre lots. Next door, the person is building a 9000 sq. ft. home, 27 ft. from his horse corrals. They were allowed to fill in the irrigation ditch, and he lost his ability to maintain his irrigation water. He is in favor of decreasing the point system. He is discouraged that the city has allowed growth to ruin what he came here for.

Chris Baker, 11136 Lindon Ct., lives in an area unaffected by the issue. He asked that the city consider the broader populous of the city on this issue. He said one of his scouts noted that the horses are not the problems, but the owners are the problem. If the horses are well maintained, the issue could be reduced.

Colton McClellon, 10635 S. 2700 W., said horses are his life. He was in 4H for 4 years. Besides football, horses fix any problems he may be having.

Angie McClellon, 10635 S. 2700 W., said they don't have 3 horses on the property. There were 3 horses there for a month and a half. Horses are not an impact on people. They are quiet when they are together. When they take one horse away, they will hear it all day. Maintaining the

property does reduce flies. Her son does a good job maintaining their property. She does not want to live fighting with her neighbor. She said this is zoned for horse property and she wants horses for her family. She has had these horses longer than her children. The horses are therapeutic for her son.

McKenzie Mitchell, 1256 W. 10550 S., said they own 40 acres here. If they think that the people who own horses here don't know they are being run out, they do. People won't bring more horses here with this change.

Jon Wright, 11210 S. 2065 W., said they should bring in more horses, and get rid of some people. If they don't like it, let them move somewhere else. He does not like apartments. He does not like Daybreak. This meeting is helping him decide to sell his ground and move out of here.

Susan Palmer, 3237 W. 10000 S., said she has an acre and 2 horses. She said she works with people internationally with her employment. She said in Singapore, there are no animals allowed. Soon, they will be having the same conversation not about animals, but about kids.

Mayor Alvord closed the public hearing.

Mayor Alvord said virtue is a quality of humanity. Cleanliness is a virtue. If they did a better job keeping care of their property, there would be less heartache between neighbors. Tolerance is a virtue. Sometimes people's hobbies are onerous to us. For instance, motorcycles make noise. They should respect each other and their freedoms.

Mayor Alvord said it bothers him that South Jordan is an outlier and that they are the only city with this restrictive of an Ordinance. He does not like that.

Planner Warner explained that the structure has been in place, but the codes have been tweaked over time. Prior to 2012, there wasn't a clear list of the type of animals, so the list was added. That was done with citizen input. He said the Ordinance has been interpreted differently over the years. When the last revisions were made, the interpretation was clarified in the code and it said they get 30 points for every ½ acre. It also said a minimum of .75 acre was required for farm animals. The interpretation of the code has changed over the years. It was ½ acre, then went to .75 acre, then back to a ½ acre for a minimum lot size for farm animals. Then the point system kicks in.

Council Member Rogers noted that the subject property is 0.55 acres. He asked what is the size of the house footprint? Planner Warner said he was unsure. He was told that it is set back 70 ft. from the sidewalk property line. The minimum setback is 30 ft. Council Member Rogers asked what is the total size of the subject's back yard that is used for the horse? Planner Warner said he was told it was 2500-3000 sq. ft.

Council Member Harris asked if the complaints received are different for 1 horse versus 2 horses? Staff indicated that they were unsure.

Council Member Marlor asked what is the number of R-1.8 lots impacted by this change? Mr. Warner said there are 2100 properties that includes A-1 and A-5. He figured the number of R-1.8 lots specifically, but he does not have that number tonight.

Council Member Marlor said his issue is with the number of impacts regarding R-1.8 lots. He is fine with equestrian ownership. The issue is the impact on people bringing horses into a subdivision where they have not been. Allowing additional large animals where they were not there before is problematic.

Council Member Shelton asked if they know how much room a horse needs to have? He said it seems like our Ordinance is flawed to just go by lot size. Mr. Warner said they can keep horses in a small area if it is well maintained and if the horses exercise in another location. Council Member Shelton said he feels that this property is a good example why basing the number of animals on lot size is a bad idea. Mayor Alvord said if they consult an equestrian expert, they may end up with an Ordinance that is more generous.

Council Member Shelton indicated that he has a horse that is kept in a small stall, but it has an exercise arena.

Council Member Harris said maybe they should get input from a horse expert. They don't know if having 2 horses brings more complaints than 1 horse. There is no evidence that having 2 horses brings more complaints. They are looking to allow the same horse property to go from 1 horse to 2. South Jordan currently only allows 1 horse, other cities allow 2. Most people are responsible horse owners. He said there is dissatisfaction from long term residents that feel they are being pushed around and not treated right. The city has put in a lot of density. If they have apartments, they also need some more agriculture. He feels it is unnecessary to continue with the policy that they've had. It is time for us to make a positive change here.

Council Member Harris made a motion to approve Ordinance 2016-14. The motion died for lack of a second.

Council Member Marlor made a motion to ask staff to bring in equestrian experts to give them better instruction on the feasibility of the application and its impact. Council Member Rogers seconded the motion.

Council Member Rogers said he has a concern about setting up a policy based on lot size that does not determine what is usable for the horse. He said his father has 2 horses. He said there is a point where the space is too small to have a horse and not create a nuisance. He thinks it would be a good idea to get additional information. It makes no sense that they can have 6 miniatures or 3 ponies, but not 2 horses. He would like to evaluate all of that and come up with a more appropriate way to regulate the appropriate size for 2 horses. My initial impression is I don't think that is enough space. I just don't think the applicant has enough space for two horses. I am willing to table this to get more information on this to see if that is enough space.

Mayor Alvord said if an expert said ½ acre was enough space, would he vote to approve this?
Council Member Rogers said not necessarily.

Mayor Alvord asked that they vote on this tonight.

Council Member Marlor said my motion was to get some expert information and to Mr. Rogers point that would be to table this. Council Member Rogers said I did second that motion.

Council Member Shelton said the argument most compelling in favor is that horses are social animals, and I know that from my own experience. We are not similar to other cities in their policy. He said he believes the applicant could have done more due diligence in this case when she purchased the property. He said it is similar to the discussion and argument with the RV's that didn't fit on a property. If they have horses that don't fit on the property, they have to store them somewhere else. He would like to know a good way to apply the zone here and feel uncomfortable on saying it should be based on lot size.

Council Member Marlor said part of the problem is that some residents believe the city is pushing horse people out. He said he grew up with horses. He located here because of the rural nature, with horses. He has no problems with horses and cattle, but the City Council represents the entire city that is impacted. It is important to have quality information that will make for a good decision.

Council Member Zander said if they table the issue, she is not okay with people assuming that the City Council is opposed to horses. She does not like the thought that anyone is chasing anyone else out of the city. There are property rights, and this area is zoned a certain way. The homeowner should do due diligence before buying a lot. Every person should do their due diligence before buying a lot. Horses are wonderful; they do have flies. No matter what is decided tonight, some of the neighbors need to work on tolerance and getting along. Many of the horse owners in the community are living within the code. The residents should abide by the code. Knowing the code, she is disappointed that the property owner put 3 horses on the property. She would encourage all residents to abide by the ordinance.

Mayor Alvord said because the city is an outlier on this code, a misunderstanding could come up again. He feels there will be arguments on both sides from the equestrian experts. He feels the City Council has their minds made up. He said if this refines the code, he will be happy for that effort.

The vote was 4-1, with Council Member Zander opposed.

The City Council took a recess.

- I. **Public Hearing:** Ordinance 2016-19, Zone Text Amendment, Amending Sections 2.28.020, (Powers; Duties; Obligations), 16.04.370 (Appeals), 17.08.010 (Definitions), 17.16.010 (Planning Commission), 17.04.060.A (Public Notices), and Chapter 17.16.020 (Board of Adjustment) to replace the Board of Adjustment with

Appeal and Variance Hearing Officers and to amend and Clarify Appeals and Variance Procedures and Requirements. *(By City Attorney, Ryan Loose)*

City Attorney Loose reviewed the background information on this item.

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

City Attorney Loose said they have a revised Ordinance that reflects an effective date of January 1, 2017 to accommodate those that are already in discussions about a project or are already in the application process.

Council Member Rogers made a motion to approve Ordinance 2016-19, effective January 1, 2017. Council Member Zander seconded the motion. Roll call vote was unanimous in favor.

The City Council moved to Item L. on the agenda.

L. Discussion Item: Discussion of requested Development Agreement for the proposed Smith Anchored Shopping Center on 11400 South & Redwood Road. *(By City Commerce Director, Brian Preece)*

City Commerce Director Preece reviewed a spreadsheet (Attachment G) regarding the Smith Anchored Shopping Center on 11400 South Redwood Road. They are looking for direction from the City Council if this plan works, before they go through the Planning Commission process. This is the first application to go through the new process. He said 22.5 acres of property would be rezoned to commercial. There is a 5.5 acre portion that was once proposed to be 40 plus units per acre; that is now considering 16 units per acre for a town home project. He reviewed the proposed draft plan. The estimated shortfall is \$681,000.

City Attorney Loose said they will use the overlay zone for this. City Commerce Director Preece said they will also have to set up a CRA for the sales tax rebate.

Mayor Alvord asked if the new sales tax is based on sales from other Smith's Marketplace? Mr. Preece said yes.

Mayor Alvord said he feels this new development will draw shoppers from Costco and Wal-Mart. Mr. Preece said the numbers are an estimate. They are post performance incentives. If the developers don't reach it, they are out. There is no risk to the city.

Council Member Marlor noted that they will also get sales tax from Riverton residents. There are also other businesses within the development, it is not just Smiths, its Smiths and all of the shops surrounding in that development.

Council Member Rogers asked if they could do this without the residential? He said he is not comfortable using future tax payer money on multi family residential. He suggested they take out the residential portion and have a discussion about the sales tax rebate for just the commercial portion.

Mayor Alvord said to give a group a tax break, it has to pencil for the city. It may not if they lose the residential portion.

Council Member Rogers said by removing the multi family residential, they would have to come up with \$500,000. They could do that by increasing the sales tax rebate. They could do that by increasing the total, changing the percentage, or the year term. He does not think they need to do any multi family.

Council Member Marlor said he can't think of a better use for that property. It is home ownership. Council Member Rogers said he does not want to use future tax dollars to subsidize multi family housing. He said he is okay with some high density housing in the city, and this might be an ideal location. He feels 16 units per acre is excessive. They could do office in this location, or single family housing.

Council Member Zander asked if the Smith's group would be okay with Council Member Rogers proposal? Mr. Preece said they would have to make sure Smith's is able to get the extra \$500,000 fast enough.

Council Member Harris said he could live with the plan with less density. Council Member Rogers concurred.

Council Member Zander said they would all like less density, but it has to be a viable development. That location behind a large commercial store has to have some density. They have come back and lowered the density significantly and I appreciate that.

Council Member Marlor noted that the property borders Riverton on the South. Has staff researched Riverton's land use plan in that area? Mr. Preece said no.

Council Member Marlor said the developer has gone a long way to make the project more palatable for him. Because a townhome project is proposed, a density of 16 units per acre in this location is not unreasonable. He is okay with the plan, as presented. They could trade some density for some sales tax.

Council Member Zander said she feels this is a good proposal. They should move ahead. They could consider moving tax money around. She is good with it, as it stands.

Council Member Harris asked if there will be green space for the townhomes? Mr. Preece said there will be some green space. It is a function of design. Planner Schindler said there would be some green space, like a common area.

Council Member Harris said he thinks they are cramming in too much high density. He said he is not in favor of the current proposal.

Mayor Alvord said their surveys have shown that the residents are concerned about growth, density, and traffic. With this proposal, they are giving tax incentives to go against the majority view of the residents.

Council Member Shelton said Smith's is going. They are going to build a Smith's marketplace somewhere, even in Riverton. For him the incentive is all about the Smith's Marketplace and creating commercial. He concurred that people don't like high density, but there are places where they should have it, such as by the train station or along Mountain View Corridor. He said they will not even be able to see this town home property. There is a big canal and a bunch of property between there and the single family lots. A higher density project is more palatable in this location. If they can't agree on density, they can work out tax incentives.

Council Member Marlor said if we don't address the property behind Smith's, someone else will buy it. We need to do the right thing. Having Smith's there is the right thing. If we don't address it now, we will have to in the future. In addition to density, the citizens have asked us to do the right thing at the right time and for me this is the right thing at the right time.

Council Member Shelton said they could do 8 units per acre. Mayor Alvord said he could support that.

Council Member Zander said there are many residents living on 11400 South that are being held hostage by this proposal. They are trying to move on and get off the busy road. This development gives them the opportunity to do that. They need to think of those residents too.

Council Member Harris said he is not opposed to the project, but they need to get the density right. They need to have the right density with the right green space and I don't think 16 is the right number.

Three Council members were okay with the proposal; 2 Council Members (Rogers and Harris) did not like the proposed density.

Council Member Zander made a motion to extend the City Council meeting to 11:30 pm. Council Member Shelton seconded the motion. The vote was 3-2 in favor, with Council Member Rogers and Council Member Harris opposed.

The City Council moved back to item F. on the agenda.

F. Presentations:

2. City Flag Contest (*Mayor Alvord*)

Mayor Alvord said he has worked with CM Whatcott and PIO Brown on this issue. He showed a video about the guidelines of designing a flag (Attachment H). He proposed that they do a SOJO flag design contest. He reviewed a power point presentation, outlining the idea to do a flag design contest. (Attachment I).

Mayor Alvord said the logo would remain. It is separate from the flag.

Council Member Harris expressed concern about the potential expense to change the flag. Mayor Alvord said he does not anticipate that it would be expensive; they would likely just change a few flags in the city.

They discussed advertising in elementary schools. Mayor Alvord recommended that if schools want to participate, each school could do a contest and submit one entry.

Council Member Marlor said he would like to continue with the tree. If they send out the guidelines, they should say it has to incorporate the tree. That is the logo established for the city, and he likes it. Council Member Shelton said he likes the tree as well, but he is okay with the process outlined. Council Member Harris said the tree is recognizable.

City Attorney Loose noted that the logo has a copy right. If they use the tree without the lettering, they have less protection.

Mayor Alvord said he would like it to be an open process.

Council Member Zander said the tree is our logo. It is the branding of the city. She does not want to confuse the residents. She would be sad if they ended up with something that has nothing to do with the tree. She feels the tree logo is good and positive, and everyone likes it.

Council Member Rogers said he likes the idea of the flag contest and it could be fun to do. He said in branding, they do want to be consistent. The residents could vote to change the brand. He said he thinks the residents would vote for something with a tree on it.

Mayor Alvord said the flag is different from the city logo.

Council Member Marlor said he is concerned with the outcome. He likes what they have. A little tweak may be appropriate. He likes the design Mayor Alvord came up with in his presentation.

Council Member Harris said he does not want to risk losing the city's brand. He is also concerned about cost to do it.

Council Member Zander expressed concern about the older population not participating in the contest if it was done only over social media.

Council Member Marlor said he will support the project if it includes the tree. If it doesn't incorporate the tree then I am not excited about the project.

Council Member Harris said he is not in favor of the project because of the potential cost that could be associated with it and doesn't want to use taxpayer dollars to do this.

Mayor Alvord reiterated that the logo and the flag are totally separate.

Council Member Shelton said he is worried about reconciling all the ways the city markets itself. Mayor Alvord said they could require that one of the colors on the flag be the same color green as the tree. He said the logo could be a bit outdated in a few years. It has a 1990's design to it.

Council Member Rogers said City Attorney Loose has reminded us that our meeting automatically adjourns in 6 minutes.

Council Member Shelton said they could roll out the process and see what happens. I just wonder how much traction it's going to get.

Council Member Zander said she likes the tree.

Mayor Alvord withdrew the idea of the flag contest. He said we have some stubborn people so let's just accept it and move on.

Mayor Alvord said you can assign a Mayor pro tempore; I'm going to take off. He left the meeting at this time.

Council Member Rogers made a motion to appoint Council Member Shelton as Mayor Pro Tempore. Council Member Marlor seconded the motion. The vote was unanimous in favor.

Council Member Marlor made a motion to extend the meeting until midnight. Council Member Harris seconded the motion. The vote was 4-0 in favor, with Council Member Rogers abstaining.

RECESS CITY COUNCIL AND MOVE TO SPECIAL SERVICE DISTRICT MEETING

Council Member Marlor made a motion to recess the City Council meeting and move to a special service district meeting. Council Member Harris seconded the motion. The vote was unanimous in favor.

- J. Action Item:** King Benjamin and Holland Park Gate Options and Potential Resolutions: **R2016-59A** Submitting for a Vote a Tax Levy on Owners of Property in the King Benjamin and Holland Park SSD – OR **R2016-59B** Approving the dissolution of the King Benjamin and Holland Park Gate SSD. *(By City Attorney, Ryan Loose)*

City Attorney Loose reviewed the background information on this item. Staff was instructed to do a traffic study and bring back the option of assessing a tax levy for the gate. He said the traffic study is done.

Development Services Director Klavano reviewed the traffic study (Attachment J). He said the level of service and the speed of traffic stayed the same whether the gate was open or closed. The number of cars did increase when it was open. From a traffic standpoint, he would prefer to remove the gate. He said staff feels that only King Benjamin residents and their guests are going through there. It makes no sense to use this area as a cut through. He said the numbers may change slightly if they did this when school was in session.

Council Member Harris noted the proposal brought up tonight to install a manual gate at a cost of \$3700. He said he would be okay with it, if the residents came up with that money.

Council Member Shelton said he does not think they should have a gate on a city street. Council Member Harris said he agrees, but it was put in at the approval of a previous City Council. There are residents that like it and people have spent money toward it. If it goes to a ballot and is rejected, they can pull it.

CM Whatcott said there will be a cost for the election. He is not sure of the charge.

Council Member Harris said if they reject it on the ballot, they can pull the gate or the neighborhood can pay for the \$3700 gate and the city can deed it to the HOA.

City Attorney Loose said the question before them tonight is put the issue on the ballot for the tax question, or dissolve the SSD and open the road.

Council Member Zander said she is not in favor of gating a public road. Council Member Harris said people have paid a lot of money for the gate. By putting it to a vote, it lets them make the decision for themselves. He said people have sent in payments anticipating that the gate will remain. It was noted that the SSD includes both subdivisions currently.

CM Whatcott said when this was noticed originally, they had a protest period and only heard from 1 person.

Council Member Marlor said if they do this, they could end up with the same result, which is removing the gate. Council Member Harris said he would not be surprised if it loses on the ballot, but it will be a decision of those people.

Council Member Harris made a motion to approve Resolution R2016-59A, submitting for a vote a tax levy on owners of property in the King Benjamin and Holland Park SSD. Council Member Rogers seconded the motion.

City Attorney Loose said they have an amendment to the Resolution that clarifies the gate replacement cost and maintenance is based on a \$250,000 home.

Council Member Marlor said he is supportive of Council Member Harris. He believes they will remove the gate in the end.

Council Member Zander said she is not in favor of just removing the gate. She wants the residents to choose, or have the option of paying for the manual gate on their own. Based on promises given and former decisions that were made, if they accept it, she is ok with that outcome. She does not like the gate, but the prior City Council made the decision and they have to live with those decisions.

City Attorney Loose indicated that the vote needed to be taken in the City Council meeting instead of the SSD meeting.

ADJOURN SPECIAL SERVICE DISTRICT MTG AND MOVE BACK TO CITY COUNCIL MTG

Council Member Rogers made a motion to adjourn the Special Service District meeting and move back to a City Council meeting. Council Member Zander seconded the motion. The vote was unanimous in favor.

Council Member Harris made a motion to approve Resolution R2016-59A, submitting for a vote a tax levy on owners of property in the King Benjamin and Holland Park SSD, as amended. Council Member Rogers seconded the motion. Roll call vote. The vote passed 3-2 with Council Member Zander and Mayor Pro Tempore Shelton opposed.

K. Action Item: Fence Appeal AP-2016.06, Chattel Estates Lot 28, 10023 South 3345 West; Application to not require a masonry fence between properties. Marvin & Judy Bridge (Applicants). *(By Planner Brad Sanderson)*

Planner Schindler reviewed the background information on this item.

Council Member Harris asked what if the adjacent property is sold and the new owners have animals? Planner Schindler said the current fence would remain. It is likely a field fence. Both properties have animal rights currently. The fence requirement is so people in the new lot don't complain about the animals. It was estimated that the wall would be \$40,000.

Council Member Rogers made a motion to approve Fence Appeal AP-2016.06. Council Member Zander seconded the motion.

Council Member Marlor asked what happens when someone else moves in? Are they going to sue the city for not enforcing the Ordinance? City Attorney Loose said they have used appeals in this fashion many times. The City Council has the ability to vary from the Ordinance.

It was noted that the neighbors are okay with the appeal.

Roll call vote. The vote was 4-1 in favor, with Council Member Harris opposed.

Council Member Marlor made a motion to extend the City Council meeting until 12:15 am. Council Member Zander seconded the motion. The vote was 4-1 in favor, with Council Member Rogers opposed.

CLOSED MEETING

Council Member Rogers made a motion to go into a closed meeting to discuss the purchase, exchange, or lease of real property. Council Member Harris seconded the motion. Roll call vote. The vote was unanimous in favor.

Council Member Zander made a motion to come out of closed meeting. Council Member Rogers seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

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

The August 2, 2016 City Council meeting adjourned at 12:08 am

This is a true and correct copy of the August 1, 2016 Council Meeting minutes, which were approved on August 16, 2016.


South Jordan City Recorder

**SOUTH JORDAN CITY
CITY COUNCIL MEETING**

August 2, 2016

6:00 P.M.

**ALL THOSE ATTENDING, PLEASE
PRINT NAME & ADDRESS**

PRINT NAME	PRINT ADDRESS
Shauna Hall	9955 So 3265 W. So Jordan
Don A. Hall	9955 So 3265 W So Jordan
Saudikerkendoll	2659 W. 10150 S SS
Pamela Sorensen	2617 W. Rustic meadow Cir in So Jordan
Reed Oberndorfer	10733 S. 2070 W., South Jordan
Gary Lewis	9948 So 3265 W So Jordan
Pats Lewis	9948 So 3265 West "
Michael F. Bruins	2661 W. North Forts Way "
Laurie Belkus	" " " " "
JERI Maynard	10446 So 27750. So Jordan
Tracy & Mike Page	11710 Eureka Way S Jordan
Sherron Hewitt	2681 Settlers Bend Rd "
LARRY HEWITT	2681 Settlers Bend Rd "
ELRAY BUCHANAN	8588 RUSTIC MEADOW CIR. "
Briana Kelley	10349 S Otter Trail Dr South Jordan
Justin Christensen	9791 S. Redwood Rd
KEVIN THURNEY	10118 S. 1000 W. S. JOR
Boyd & June Jackson	10534 Highline Cir.
Camille Grimshaw	2614 N. NorthForty way
John Winger	11210 So 2865 W
Ray Wenger	10533 Clementine Cir.
MICHELLE HALL	10281 S. 2950 W.
Ken Peck	10745 So 2700 W
David Earle	2355 W. Bonanza Way
Jack Woods	1951 INCOT WAY

**SOUTH JORDAN CITY
CITY COUNCIL MEETING**

August 2, 2016

6:00 P.M.

**ALL THOSE ATTENDING, PLEASE
PRINT NAME & ADDRESS**

PRINT NAME	PRINT ADDRESS
MARK ATKINSON	11220 S. 2700 W.
Dayle Sant	10500 S. 3010 W.
Jay Sant	" "
Eileen + Mel Luker	2928 W. 10755 S.
Elen + Elaine Beard	2592 W North Forty Way
Nathaniel Lindquist	10609 Granby way
NORMAN + KATY Siscox	2621 Rustic Rds. DR.
Melissa Newbold	10454 S. 1440 W.
Cheryl Diener	10510 S 3010 W.
Chris McCoy	2074 W 9640 S
Don Diener	10510 S. 3010 W.
Rindra Catmull	3045 W. Wilkins Peak Court
Josh Sorensen	2617 W. Rustic Meadow Cir
Jim Sorensen	11350 South 2865 W
Devin and Tactic Hall	8169 S. 1000 South Jordan
Evant El Farrer	41158 Emd Dr.
Janet Diener	10022 S. 2700 W.
Mckenzie Mitchell	1256 W. 10550 S.
Chris + Saleb Keller	9450 Amber Meadow Dr.
Shawn Petersen	11723 S. E. Cedar way
David Stevenson	2602 Rustic Meadow Circle
Brent Backus	10755 S. 3009 West.
Collette Immler	2868 W. 10460 S.

