

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM
October 3, 2016

Present: Mayor David Alvord, Council Member Chris Rogers, Council Member Don Shelton, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Tamara Zander, CM Gary Whatcott, COS Paul Cunningham, Administrative Services Director Dustin Lewis, City Attorney Ryan Loose, City Commerce Director Brian Preece, Finance Director Sunil Naidu, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, Public Works Director Jason Rasmussen, IT Director Jon Day, Deputy Recorder Cindy Valdez

Others: Planner Damir Drozdek, Commissioner Julie Holbrook, Chuck Newton

STUDY SESSION – 12Noon

Mayor Alvord welcomed everyone to the meeting.

A. Invocation: *By Council Member Tamara Zander*

Invocation was given by Council Member Zander.

Mayor Alvord said we have a quick update for you on the Flag Contest. Ms. Tina Brown has prepared a poster that will be on display at the next Planning Commission Meeting, and they will also be displayed at the City Council Meeting in 2 weeks.

Council Member Zander said how will the public know about this?

City Communications Director Tina Brown said we have put it on the City website, Facebook, and Twitter.

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

G. Consent Items:

G.1. Extra Mile Day Proclamation-in Support of Proclaiming November 1, 2016 as Extra Mile Day.

CM Whatcott said this is a Proclamation that encourages everyone to go the Extra Mile. It talks about community service, volunteering, and being a good neighbor. We have done this now for about 5 years.

G.2. Resolution R2016-72, Authorizing the Purchase of a Military Surplus Armored Rescue Unit.

CM Whatcott said the Resolution R2016-72, is the one we talked about a couple meetings ago when Chief Carr came in and talked about the Armored Military Rescue Unit. We have already previously had discussion about this, but remember this does not mean that we automatically get one of these vehicles. It just means that the City Council will sign off on the application to put in for one, and if we actually do get one of these vehicles we will come back at that time and talk about the polices and the processes.

Council Member Harris said do we know what condition these vehicles will be in?

Chief Carr said they are actually in very good condition. All of the ones that we have seen have looked really good.

G.3. Resolution R2016-73 Appointing Public Works Director Jason Rasmussen as a voting Board Member with City Engineer, Brad Klavano, as the Alternate on the Trans-Jordan Landfill Board of Directors.

CM Whatcott said I have been serving on the Trans-Jordan Board of Directors for the last 5 years and I am going to relinquish my seat on the board to Jason Rasmussen, with the alternate being Brad Klavano. I just don't have the time to be on all of these boards when there is so much already going on. Jason knows what is going on and he has sanitation in his department, and both Jason and Brad are at Department Head level and can make policy decisions for us, and I think they will represent us well.

Chuck Newton said I would like to let you know that the Country Inn and Suites will be finished with their remodeling and will be a full service Holiday Inn very soon.

D. Public Meeting: King Benjamin Holland Park Gate SSD Tax Levy Election (*By Mayor Alvord*)

D.1. Review of Traffic Study (*By City Engineer, Brad Klavano*)

D.2. 30 minutes for interested parties to be heard

- 15 minutes open to the public for party in favor of the tax levy to be heard
- 15 minutes open to the public for party opposed to the tax levy to be heard
 - Mr. Curtis Brown (as one of the parties that drafted the opposition statement)

Mayor Alvord said as you recall there is going to be a statement read in favor of the levy, and a statement read for those opposed.

City Attorney Loose said by statute we need to give equal time to those that are in favor, and to those that are opposed so that is why we gave each of them 15 minutes each. The statement could only be (500) words with (2) rebuttals. You were emailed the packet that was sent in, and it was also mailed out to the residents last Monday. The gentleman that is opposed cannot be at the meeting tomorrow night, so we only have Mr. Brown on the agenda. There are time lines that we were trying to hit to get in ahead of the mail in ballots.

Commissioner Harris said are the speakers going to be addressing the Council?

City Attorney Loose said it doesn't say, it just says "to provide a public place to hear comments for, and comments against." I would say that they are probably addressing the Council because they are at a City Council Meeting, but it really does not say. We did do one other thing that was not required by statute. We are having City Engineer Brad Klavano speak about the Traffic Study.

Mayor Alvord said would it be appropriate, or inappropriate for someone to mention the consequences of the tax levy failing, or succeeding? In other words if the tax levy does not go through the intention of the City Council is most likely to remove the gate.

City Attorney Loose said we did put that as the last line on the rebuttal, so they are aware of that.

Mayor Alvord said Mr. Loose are you planning on reading both statements?

City Attorney Loose said I can do that if you would like me to, but I wasn't planning on it. I was just planning on outlining very briefly because they will have the statements, they should have received them by mail.

Chief of Staff Paul Cunningham said it was also put on our City website, the Lieutenant Governor's website, and Utah Public Noticing website.

H. Public Hearing: Strang Subdivision Land Use Amendment and Rezone; Resolution R2016-67, amending the Future Land Use from Rural Residential to Low Density Residential; and Rezone Ordinance2016-14-Z, rezoning from R-1.8 to R-2.5 on property located at 3130 W/ 10755 S.

Mayor Alvord said we do have both Mr. Strang and his son here today to answer any questions that you may have for them.

Mayor Alvord said this is a resolution that we have had some residential input. The City in the past has had the policy to continue the road through so there would be a connection on 2700 W and 3200 W. I have spoken to Mr. Strang and he has actually prepared (2) plans, one with the road, and one without the road. I asked him if there was a profit difference between the two, and he said he didn't think there was a difference whether the road went through or not, so I don't think he has a strong financial push either way. The decision is going to be a policy decision by the City Council to stick with the current policy, or if we want to respond to those that have asked us not to.

Council Member Rogers said I met with Mr. Stang and his son before the meeting started, and it does seem that they prefer to not have the road connect. It was my understanding that they did want the road to connect until I met with them today. Their primary position is that it would not connect because lots in a cul-de-sac are easier to sell than lots that are not in a cul-de-sac. I was also under the impression that the cul-de-sac would be closer to 3200 W. Mr. Stang has the maps so I am going to put them up so you can see the area we are talking about. The lots are R-2.5, and the surrounding areas are R-1.8 which is fine.

City Attorney Loose said I attended the last Planning Commission Meeting in Assistant Attorney Schaefermeyer absence, and one of the two reasons the Commission did not recommend approval was because they didn't think the R-2.5 fit with the R-1.8 around it.

Council Member Rogers said the other thing that came up at the Planning Commission was the idea that the CC&R's somehow prevented them from doing this.

City Planner Schindler said we have a copy of the CC&R's and there is no mention of that, and there are only (2) lots in that subdivision that are part of this, the others are outside of the subdivision.

City Attorney Ryan Loose said that was the other reason they were recommending denial, because it would be altering the other subdivision by adding the (2) end lots.

City Planner Schindler said there is nothing in the CC&R's that states they cannot alter the subdivision.

City Attorney Loose said back 40 years ago when this was put in to place the conveneants were alot like our ordinances today.

Council Member Rogers said the neighbors provided a petition with the names of all the people opposing it, did the Planning Commission understand that the road has a jog in it?

Commissioner Holbrook said yes, but the whole point was the impact on the other subdivision getting more traffic all of the time.

Commissioner Holbrook said the residents made it clear that they were fine with the homes being built, but they did not want the connectivity, so that is what we focused on.

City Engineer Klavano said we believe that our ordinance requires that it connects when we have the opportunity for it to. If you look at the underline photo it is 2600 feet from 2700 W. to the end of that cul-de-sac. I am sure that just makes the Fire and Police cringe knowing there is only (1) access point for 2600 feet. There are (44) existing lots on the cul-de-sac, which all have to exit at 2700 W., so all (140) trips are exiting at one location. If we connect it through and you are adding (9) lots, (90) trips, and divide it by (2), you actually will reduce traffic significantly for those residents off of 2700 W. I don't believe there will be much cut through traffic, if any at all. The school boundaries are on 3200 W. so there is no reason for a cut through to the elementary school either. We have haven't had any issue to date, so when the opportunity is there, I think it is the right thing to do is to make it right, or improve it.

Council Member Zander said this seems like the same thing we went through with Bison Ridge. It's not the same people, it's not the same road, but I would like to know if a Fire Truck could turn around in the end that cul-de-sac, because it looks even narrower than Bison Ridge.

Battalion Chief Ben Cluger said probably not; there are only about 3 or 4 cul-de-sacs in the City that a fire truck could turn around in.

City Attorney Loose said there is one issue on these connections from a liability standpoint. When this was approved (45) years ago, it was, what it was. The codes have changed drastically since then, so from a liability standpoint, if we didn't connect it within 5 years and something was to happen there, I would feel more at risk because we had a chance to make it safer and we didn't.

Council Member Zander said if this road was to connect would it be required for them to put curb and gutter down that road?

City Engineer Klavano said I think we would put it in our Capital Improvement program to at some point down the road put in curb, gutter, and sidewalks.

Mayor Alvord said would it be necessary?

City Engineer Klavano said I don't think it is absolutely necessary.

Council Member Rogers said are there other calming measures?

City Attorney Loose said yes there are other calming measures like speed bumps and stop signs.

Council Member Marlor said we are just dealing with the land use change, and unless we tell them as a Council not to connect the road, it will connect.

Mayor Alvord said my understanding is that you are more inclined to not connect the road, is that correct?

Mr. Strang said yes, but at the same time I see some issues with (2) cul-de-sacs that close together.

Council Member Marlor said we dealt with the connection of 10600 S to Bangerter and there was so much opposition from the public because all they wanted was (1) lane each way with a middle turn lane, they just couldn't imagine why we needed any more than that. We have traffic that we know is going to be there in the future, and we have to move that traffic safely and responsibly. Could you imagine 10600 S today with (1) lane each way and a turn lane, we are now going to go to (3) lanes each way. That is why we have transportation ordinances in the City, to make sure that are planning responsible things for the future. I am typically always going to be in favor of the transportation ordinance, and staff's recommendation on these types of projects.

Council Member Shelton said I am looking at the zoning map and we have R-1.8 all the way around this except for across 3200 to the West, and then it looks like we have R-2.5 to the South.

City Planner Schindler said that is where McKee Farms starts.

Council Member Shelton said from what I heard from the developer is the difference is just the (1) lot, is that correct?

City Planner Schindler said the R-2.5 would allow (10) lots on that property if they can meet the requirements, and the R-1.8 would allow (7) lots. The R-2.5 allows (10) lots, but they can probably only put (9) lots on this piece of property with the configuration.

Council Member Harris said the R-1.8 are pretty big lots. Are they going to have secondary water?

City Engineer Klavano said it will be part of the analysis when the subdivision comes in. There is a process that they have to go through.

C. Discussion Item: HOA's and transfer of assets to public.

Mayor Alvord said we have been pretty generous in helping groups to a certain degree get out of their HOA's if they wanted to, and there have been a few that have been successful in dissolving them. I do recall a group that their roads are not public, but they still maintain their club house, pools, and some of their greenspace, so they are still an HOA much like Daybreak. I am concerned because of a small precedence that was made for an HOA that they let their lawn turn yellow, they dissolved their HOA and now the City maintains the lawn. What I would like to make sure that we have a comprehensive policy in the City so that as these HOA's in the City that want to dissolve, know what we want to be responsible for, and what we don't want to be responsible for.

City Attorney Loose said let me answer the legal status of this. You are right the HOA was formed to take care of those things, but those are public streets, and public park strips, and sidewalks already, so if the HOA decided to dissolve they wouldn't give anything back to the City because we already own it. The current Ordinance would say: "the current homeowner is responsible to maintain their property (lots)."

Mayor Alvord said if the HOA is currently paying for the water bill, the park strip, and the landscaping, and they flip the switch and dissolve the HOA, is the homeowner adjacent to the park strip going to have to pay to put in plumbing?

City Attorney Loose said yes, that is why they HOA stepped in, because it was side yards, and backyards, and the developer said "create an HOA so it's not on the City or the residents."

Council Member Harris said couldn't they just form their own Water District?

City Attorney Loose said forming a Water District would be quite difficult.

Council Member Harris said how many homes does this affect?

City Engineer Klavano said it affects (9) homes.

Mayor Alvord said can the Council give staff some direction that we are not interested in taking park strips?

Council Member Rogers said I think we are addressing the park strip ordinance already. We are giving them a variety of options so that it is easier for them to not water the park strips.

Council Member Marlor said I am not interested in the HOA saying "we have a park and it is inside our HOA area and we don't want to maintain it anymore" and so they want to give it to the City to maintain. The problem is who is going to be able to use that park? Will it be just the HOA and that little subdivision because they don't want to open it up to the public? I have a problem with that because it becomes a public cost, but not a public use.

Mayor Alvord said I would just suggest to Council and staff that we are careful with these small HOA's and we are careful to not be taking on the parks.

Council Member Harris said I am all for helping HOA's dissolve, but I don't want to do it and have to take over the billing.

Council Member Rogers said I do agree, but I do want to make sure they have options.

Council Member Zander said at the last Council Meeting we talked about the park strips and the water program. I have had some residents contact me and saying that when they have contacted the City they are not getting a clear answer on what the process is.

COS Paul Cunningham said we sent a letter out to you telling you what that ordinance really says, because what was given to you in the presentation was not totally accurate.

Council Member Zander said maybe there needs to be some more education with staff, because they didn't get the full picture like we didn't. The feedback from the residents is that they are frustrated and I think they just want to know what the final word is.

Director Jason Rasmussen said we are changing this so it is more allowable.

COS Paul Cunningham said I think realistically what you should anticipate this late in the season to get the ordinance back in front of you and knowing what is on the agenda for the next couple of meetings, it is not going to happen for a few more meetings. I think by the next planning season we will need to put a push on education, but we have to put the changes in place before we can do that.

Council Member Zander said if a resident wants to participate in that program, who would they contact?

Director Jason Rasmussen said the contact person is Rick Malloy.

City Attorney Loose said those are (2) different things. The program is one that you can do under the current ordinance, but to allow more over time that is going to be evolving over the next several months.

Council Member Marlor said the State Capital building is going through a Centennial reenactment that was done in 1916 and back then they had all the hoopla. They went to the University of Utah and got tenner and soprano to sing the same song/opera that they did back then. If you happen to go to the event, the tenner singing is my son Absalom, and the soprano was a missionary on the same mission as my son Remington.

CM Whatcott said I would like to say that today received Paul Cunningham's resignation from employment here at the City, which I have accepted and it is effective February 28, 2017. I think most of you know we are in the process of finding Paul's replacement right now. We are recruiting for this position and encouraging those internally, and staff who are interested to apply. Paul's title was Chief of Staff and acting as the Assistant City Manager. The job we are recruiting for is the Assistant City Manager. I am sure it was a tough bittersweet thing for Paul, and we will miss him. I also wanted to tell you that in the budget process last year we added (2) months of salary so that we could hire someone in January and have him/her job shadow with Paul to acclimate to the job.

ADJOURNMENT

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

The October 3, 2016 City Council Special Study meeting adjourned at 1:30 p.m.

This is a true and correct copy of the October 4, 2016 Council Meeting minutes, which were approved on October 18, 2016.

Aana M. West
South Jordan City Recorder

