

SOUTH JORDAN CITY
CITY COUNCIL MEETING

October 4, 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, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, COS Paul Cunningham, Economic Development Director Brian Preece, Finance Director Sunil Naidu, 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. All members of the City Council were present.

B. Invocation – *By City Manager Gary Whatcott*

CM Whatcott offered the invocation.

C. Pledge of Allegiance

Jack Drummond, Scout from Troop 1586, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

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

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

City Attorney Loose reviewed the history of the gate. He said a gate was requested by over 70 percent of the residents. The request came during the approval of the Holland Park subdivision. Some residents thought the assessment would be done through the tax bill; some thought they would be billed by the city. The developer for Holland Park paid their portion of the cost of the gate. There have been some questions about if the fees and maintenance costs are justified. Staff was directed to put the issue on the ballot. The issue on the ballot is whether or not the residents are in favor of being assessed for the gate. If it is approved, that is an indication that the residents want to keep the gate. If it fails, it is an indication that the residents don't want the gate. He said the City Council has the ultimate authority about what to do with the gate.

Development Services Director Klavano reviewed the traffic study. The data showed that the level of service on all roads that they did counts on stayed at the same level, whether the gate was open or closed.

Council Member Harris asked if there is any indication that there is cut through traffic? Mr. Klavano said no because the Saturday traffic counts were pretty much the same.

Mayor Alvord said he feels it would take a while for it to register with the public that the gate is open. He said it could take 6 months to a year for additional cut through traffic. Mr. Klavano said that is why it was left open for 2 weeks. He said he does not feel cut through traffic will be an issue in this neighborhood. He does not understand why people would make several turning movements when they can go to 9800 South and make a right turn. Mayor Alvord concurred.

2. 30 minutes for interested parties to be heard

- 15 Minutes open to the public for a party in favor of the tax levy to be heard

Mayor Alvord opened the public hearing for those in favor of the tax levy.

Scott Clayton, 1383 W. Ammon Way, said he lives across the street from the gate. He said it would take google almost a year to reroute traffic. It would be easy to skip through their neighborhood. He is in favor of the fixed tax levy to pay for the gate. He would be in favor of a price that is reasonable.

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

It was noted that Curtis Brown and Mr. Palmer had submitted a letter to the City in opposition to the tax levy.

Mayor Alvord opened the hearing for those opposed to the tax levy. There were no comments. He closed the public hearing.

Mr. Clayton said there was concern about the percentage based tax levy, and concern about the levy being fair. He said he feels it should be a fixed fee, and equal for all.

City Attorney Loose said the tax levy is based on the value of the property. A fee through the city can be divided equally.

Mayor Alvord said they tried to assess the fee from the city, but there were a lot of residents not paying their portion. The City Council had to decide to do collections, remove the gate, or turn it

over to the County. If they go through the County for the tax levy, the city no longer has discretion how it is divvied out.

City Attorney Loose said regarding the past due fees, if someone has paid before, they won't have to pay again for other people.

Mr. Clayton said he is in favor of the tax levy either way.

Mayor Alvord said the issue will be on the ballot in November.

Council Member Harris asked if there will be an explanation on the ballot? City Attorney Loose said there is a brief explanation of what the tax levy entails.

E. Minute Approval

- 1. September 19, 2016 Council Study Meeting**
- 2. September 20, 2016 City Council Meeting**

Council Member Rogers and Council Member Shelton made amendments to the minutes.

Council Member Rogers made a motion to approve the September 19, 2016 Council study meeting minutes, as amended, and the September 20, 2016 City Council meeting minutes, as amended. Council Member Zander seconded the motion. The vote was unanimous in favor.

F. Public Comment:

Kirk Baumgartner, 9338 Wisteria Way, works for an architecture design company. Right now, the minimum roof pitch allowed is 5/12. Lately, people want a more modern look that requires more of a roof pitch. He submitted some color renderings of examples of those home designs (Attachment B). He said these homes won't diminish property values.

G. Consent Items:

- 1. Extra Mile Day Proclamation – In Support of Proclaiming November 1, 2016 as EXTRA MILE DAY. (By Mayor Alvord)**
- 2. Resolution R2016-72, Authorizing the Purchase of a Military Surplus Armored Rescue Unit. (Police Chief, Jeff Carr)**
- 3. Resolution R2016-73, Appointing Public Works Director, Jason Rasmussen, as voting Board Member with City Engineer, Brad Klavano, as Alternate on the Trans-Jordan Landfill Board of Directors. (By CM Whatcott)**

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

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 Ordinance 2016-14-Z, rezoning from R-1.8 to R-2.5 on property located at 3130 W. 10755 S.; Bob Strang (Applicant). (By City Planner, Greg Schindler)

Planner Schindler reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Norm Steel, 3129 W. 10755 S., said he is part of the Majestic Heights subdivision. The proposed property has 2 lots in their subdivision, and according to the rules and regulations, they are only allowed 1 house per lot. He said he is against the developer taking the two lots out of the subdivision. He also thinks the lots should conform to the lots on the street and they should also be large lots. He said he is against the road being pushed through. The fire trucks turn around in the cul-de-sac currently without a problem. He said 10755 S. is very steep and there are a lot of kids on the street. If the speed is too great, he is concerned that kids will get hurt. He asked that the proposal not be approved.

Landon Adair, 2810 W. 10755 S. concurred that it is a steep street. He lost a dog on this street and there are kids always playing in the street. He noted other subdivisions that were allowed retainer blocks to stop traffic between neighborhoods. Their neighborhood is not being allowed the same option because of the fire code. He thinks the fire code reason is a scape goat. If they want to do the rezone, they should put another circle in. He does not want traffic coming in from 3200 West to 2700 West. It's not safe.

Matthew Snell, 3068 W. 10755 S., said he is against pushing the road through. He is not against the rezone. He is not against development. He is against unsafe neighborhoods. He is against stealing from his property value and giving it to someone else. Right now, he lives on a cul de sac and this proposal would take that away and decrease his property value. There is also danger imposed from increased travel on the road. Any time they increase traffic, they increase danger. Their road is steep and narrow. Their road has been there for 40 years, and fire trucks currently service their road. There was no indication that a road would ever be put through. They need to consider safety of the residents in the area. Their neighborhood would bear the load of traffic for people looking for other ways to get out of traffic on 10400 South.

Mayor Alvord noted that there are several, approximately 30 people present, that are opposed to the proposed road connection. There were 3 people present in favor of the road connection.

Merrill Turnbow, 3148 W. 10755 S., said he owns the majority of the property that is the subject of the rezone application. He has been in the real estate business most of his career. He thanked the City Council for their service. He values people's opinions and ideas. He said the fear of increased traffic is unfounded. Half of the traffic will go west; half of the traffic will go east. Maybe a traffic study is merited for the proposal. To complete this project is approximately \$8 million. That will generate approximately \$106,000 for the city, county, and school district.

The same property currently generates \$10,000 a year. He encouraged the City Council to vote in favor of the rezone.

Brent Bowles, 10755 S. 3009 W., thanked the City Council for their kindness when they talked about animal rights at a previous meeting.

Mr. Bowles said Mr. Turnbow kept talking about money. Money is the evil of their society. Mr. Turnbow also spoke about being in the real estate business. He said they should have done their homework and reviewed the protected covenants for the subdivision. He was part of the group that put together the protective covenants. He said it says to be able to change the zoning originally connected with the lots, there would have to be a vote of all the landowners in the subdivision to okay that change. There have been other meetings about 3200 West going through and they were promised that they would never push the road through. He does not have the funds to relocate somewhere else. He does not want his security and investment jeopardized.

Rob Maxwell, 3026 W. 10755 S., said he and his wife moved in 18 months ago. One of the sole reasons for this was the quiet neighborhood. They recently approved 111 homes in McKee Farms with one entrance and one exit. Now there is a proposal to knock through a street that has been there over 40 years for 30 homes. The road is narrow. He is 100 percent against the proposal.

Kenyon Strang, 3108 W. 10755 S., said he also has 4 kids on the street. He said he has read through the protective covenants and they are not in violation for pulling out of that. He does not feel it poses a problem for them to get a rezone. There have been other areas in the city where they have done R-2.5 in R-1.8 areas. He said 2.5 zoned lots make it easier for people to maintain their homes and yards. A lot of the homes on 10755 S. are not maintained. He urged the change for the rezone to R-2.5.

Calvin Wayman, 3029 W. 10755 S., said he is opposed to this street pushing through, but he is not opposed to the subdivision. He purchased his home because it was on a cul-de-sac. He said it will affect their property values and the safety of the kids. He understands where the city is coming from regarding the fire code. This is a pre-existing subdivision before the current standards. He said that is not the city's assumption of liability. He said he knows the liability that he is assuming by living on the street. He is afraid that if they push the road through, a kid will get hurt. They do not want speed bumps on their road. They should consider those that are currently there and how it will affect their lifestyle.

Ann Marie Turnbow, 3148 W. 10755 W., said she does not want to step on any toes. She said they already have through traffic because people have been using their driveway for access, especially after the church was built. Because of the way the cul-de-sac was developed, there is an open ditch on the south side and causes problems because the plows can't plow correctly. They have pulled multiple people out of the ditch. She is in favor of the rezone. She feels repositioning the cul-de-sac will benefit everyone and make it safer for the kids on the street. She said she has lived there 25 years and has never heard of anyone getting run over.

Tim Heite, 2909 W. 10755 S., said he is against the rezone if they put the street through. He does not want more traffic, and he does not want speed bumps. He expressed concern about the possibility of increased traffic racing down their street. He said it would be a danger for the kids on their street, and he is against the rezone for that reason.

Courtland Marshall, said he has lived on the street for 46 years. He said he is against this. He said if they had to, they could consider other options as was done on 3010 W, off 10400 S. He said he has 8 children, 32 grandchildren, and 20 great grandchildren. He said when the family gets together there is parking on both sides of the street. They can't see a kid when there are cars in the street. He moved here to be on a dead end street. He said he is not opposed to them building.

Chuck Newton 3236 Cameron Park Ct., read a prepared statement (Attachment C).

Janet Clark, 3109 W. 10755 S., said she grew up on the street. It was a safe street. The street is narrow and steep. When her mother died, she could not let the house go because she loves and respects the neighbors, the house, and the street. She does not want it to be made a through street. People have lived here 40-50 years. The street has not changed. She said it can be dangerous in the winter. When there are strangers driving on the street, they are not respectful of the neighbors. She has seen close calls with kids almost getting hit. She asked that they please not make this a through street.

Mel Luker, 2928 W. 10755 S., said the issue of connecting the road should be a dead issue. They should only be addressing the rezone. He expressed concern with the property value being lowered. They already set a precedent with 3110 W.

Layne Barnes, 2886 S. 10755 S., said he bought his home because of the situation that exists now. He will sell if the road goes through. He is totally against it.

Dave Peterson, 2433 W. Jordan Haven Ct., said there are 2 developers working together on this. It may be the only chance on this to get a through street. It will reduce traffic by cutting it half. There are benefits for emergency service vehicles and access to the church. He is in favor of the through street and rezone.

Bob Strang, 7279 New Sycamore Dr. (WJ), said they made the application after meeting with staff. They understood that there was an issue with the existing cul de sac being placed outside the recorded easement and they wanted to resolve that. They requested the rezone and provided 2 different plats; one with a cul de sac and one with a through street. The planners and staff favored the plan with the through street. He said they are not discussing the road now. They are addressing the zone change. They asked for the zone change to help take care of issues that exist with the current cul de sac. They could get 1 additional lot with their proposal than if they did the R-1.8. He said aside from the connectivity issue, they need to look at the zoning issue and help them provide an avenue to solve the problem that exists. He said larger lots are harder to maintain. The lots they are proposing are easier to maintain. They are proposing some nice homes and it will be a nice community. They are asking that the rezone be approved.

Mayor Alvord closed the public hearing.

Council Member Rogers asked if the protective covenants are applicable and how do they affect this? Planner Schindler said they are not applicable; the city does not enforce protected covenants. He said multiple houses on one lot is not being proposed; they are taking 2 lots in the subdivision and adding them to another subdivision, then they are dividing those lots into smaller lots.

City Attorney Loose said the protective covenants are not something that the City Council decides or considers for a rezone. The residents that own the right of that contract can weigh their options. The city is not a party to that contract. Council Member Rogers asked if the protective covenants prohibit the Strang's from submitting this application? City Attorney Loose said he does not know. It does not restrict the City Council from considering a rezone.

Council Member Rogers asked if the general plan was changed to prohibit cul-de-sacs, and does the general plan say connectivity is preferred? Planner Schindler said in 2011, there was a proposal to say cul-de-sacs are prohibited, rather than discouraged. That was not approved. The general plan does say connectivity is preferred.

Council Member Rogers said today, they are considering the zone change. They are not deciding on the road. Can they approve the zone and stipulate that the roads don't connect? Mr. Schindler said no. The Ordinance requires that the roads connect.

City Attorney Loose said the code is designed so that the streets are required to be connected. Since the code requires it, the roads need to connect. If they don't want to connect the roads, they need to hold on the item, and change the Ordinance. Council Member Rogers noted that an Ordinance change would apply to the city broadly, not just this development.

Council Member Harris said they could change the Ordinance to allow connections subjectively.

Planner Schindler referred to the transportation section of the general plan and said that requires connectivity. It was noted that the subdivisions that were approved with a crash gate or other gates are considered connected, but with an impediment.

Council Member Zander asked if the property remained R-1.8, would the road still connect? City Attorney Loose said it would if the subject property includes property as far east as it does.

Council Member Zander noted that there is no curb and gutter on 10755 South, beyond the canal. Planner Schindler said it is there for Majestic Heights phase 2, the original Majestic Heights subdivision does not have curb and gutter. Mr. Klavano noted that the curb and gutter was required on the north side of phase 2 for drainage purposes. It was also noted that the road may narrow slightly west of the canal.

Council Member Harris asked about the width of 10755 South. Mr. Klavano estimated 24-26 ft. Some areas have parking shoulders. The current city standard is 28 ft. of asphalt; Daybreak's standard is 26 ft. of asphalt. Mr. Schindler said the right of way width is 50 ft., the current standard is 55 ft.

Council Member Harris asked if parking is allowed on both sides of the street? Mr. Klavano said most properties on this street have a shoulder that is used for parking. If you consider the shoulder, the street is wider than most residential streets. Council Member Harris asked who owns the shoulder? Mr. Klavano said it is probably within the right of way. Council Member Harris said Daybreak has narrower streets, and they have heard about parking issues and safety issues in Daybreak for years. Mr. Klavano said one big difference in Daybreak is that they don't have driveways. These all have large, deep driveways. Council Member Harris said he is concerned that this is a narrower street.

Council Member Harris asked what is the grade of the road? Mr. Klavano said it does have a good grade, but it falls within the standard of 8 percent. He estimated 4-6 percent. Council Member Shelton said he didn't notice the grade when he was driving on the road.

Mr. Schindler said the street width of 10755 S. is not an unusual width; it is just not the current standard.

Council Member Harris said the steep grade combined with being a narrow road creates a problem. He said Mr. Newton also referred to an area where it is problematic making a left turn. Mr. Klavano said he believes Mr. Newton was referring to 10400 South 3200 West. All intersections on arterial roads have backups. He has not heard of a complaint in this location.

Council Member Harris asked where the protective covenants are recorded? City Attorney Loose said he was unsure – usually with the Salt Lake County recorders. If there are recorded covenants, it will show up with the title report. Council Member Harris asked shouldn't there be some assumption of enforcement? City Attorney Loose said it is enforced within the subdivision. That is how all protective covenants work. Parties that are not part of that contract have no standing in court. The city is not part of the agreement. Mr. Schindler said they have reviewed the protective covenants, and neither the planning staff nor the developer feel there is a violation. City Attorney Loose said the protective covenants are not given weight in the City Council decision regarding zoning.

Council Member Marlors said they talked in the study session about future contingent liabilities. He asked if they did not approve this, knowing that they can, and that the current ordinance provides for the connection, what would be their liability? City Attorney Loose said if they made a decision knowingly against the city ordinance, their decision could be considered arbitrary and capricious, or illegal. He said generally, they are only held responsible for the condition and rule at the times things are built. He said if there was some future situation where it was difficult to get emergency services into the neighborhood, there could be liability to the city.

It was noted that there is room in the right of way to put in curb, gutter, sidewalk, and park strips along 10755 S.

Council Member Marlor referred to 2200 West, and noted that a neighborhood was developed and that road did not connect to Riverton. He said that was a mistake. He believes he will affirm the current city ordinance as it relates to transportation and connectivity. He said that is for liability and safety reasons. They do not want to see anyone hurt or injured because of traffic. He said most accidents within subdivisions are caused by people within the subdivision. He said the danger lies within residents of the subdivision. He said if there is any chance of additional traffic, it will be people going further west and coming back.

Council Member Shelton asked if they don't rezone the property, will the road still be required? Mr. Schindler said if they include the 2 lots in the Majestic Heights subdivision currently, then yes it would. If they don't include those two lots, there is not a way to connect the road. The current code says if the road can be connected, it should.

Mayor Alvord asked which plan is more profitable for the developer? It was noted that there is the same number of lots regardless of the road configuration. The lots sizes are pretty similar in either plan.

Council Member Shelton said if this property is ever developed, will it require a connection with the current code? Mr. Schindler said it depends on which properties get developed.

Council Member Marlor said he would like staff to consider finding funds to install a sidewalk on at least one side of 10755 South. Mr. Klavano said they can put it in the CIP program.

Council Member Harris said the Planning Commission unanimously recommended that they reject this. The road is more narrow and steep, and that should be taken into consideration. They have cul-de-sacs all over the city. The City Council is within its rights to follow the Planning Commission's recommendations without feeling that they are being arbitrary.

Council Member Rogers asked if they have had any complaints about the trespassing going on from residents going to the church? Mr. Schindler said he does not believe they have received complaints. The owner of the property was just informing the City Council that it is a common practice.

Council Member Zander said she understands how concerning the issue is for those that live on the road. She feels there will be travel to the west far more than to the east. The residents are fearful of what it will bring. She feels it may be different than the neighbors predict.

Council Member Marlor made a motion to approve Resolution R2016-67. Council Member Zander seconded the motion.

Mayor Alvord said the majority of the residents are present, and are in opposition of the proposal. He always looks for a win/win. In this case, he feels they can modify their own

Ordinance, and give the developer instructions to do the 2 cul-de-sac option. The developer can get the same profits, and those that live there can keep their street as it has been for 40 years. He said the main concern with a long cul-de-sac is safety. In the residents view, the street is safe enough. They can continue to look at connectivity on a case by case basis. That does not mean they always choose cul-de-sacs over connectivity.

Council Member Harris concurred. This is not a major thoroughfare. This mainly impacts the residents on this street, and they don't want the connection. If they have the ability to still allow the development by repealing the ordinance, he is in favor of developing this without having the road go through.

Council Member Rogers said he has driven this road several times. He has wrestled with this issue because they had such a problem with the Bison Ridge connectivity. He feels there is character to this road and it is unique. He feels the traffic problems are mostly caused by the residents of 10755 S. He is concerned about the trespassing through the Turnbow property. That is not appropriate and it is an argument in favor of the road connection. He is also considering the potential use of McKee Ridge to get to the church eventually. He is also considering police and fire access. He said as long as the developer can do what he wants, and the residents can live with it staying a cul-de-sac, he is agreeable to that.

Council Member Rogers made a substitute motion to table this item to address changing the Ordinance to not require the road connection. Council Member Harris seconded the motion.

Council Member Shelton said if he lived close to 2700 West, he for sure would want the road to go through. There is an argument that the traffic would decrease on the east side of the road. He concurred that this won't be a thoroughfare and he does not feel it will be used for a cut through. He said he also appreciates that it is a 46 year old road and the residents like it.

Mayor Alvord said if they had lived there for 40 years, they may not want to take the chance of increased traffic either.

Council Member Marlor said in 2000, there was no way to get from the east end of the city to the west end without jogging around. One main reason that 10600 South was not connected is because the residents on 10600 South did not want more traffic. They wanted 1 lane in each direction and 1 turn lane. What would have happened if they had not connected 10600 South, 9800 South, or did the narrower road option? It is important to have connectivity and move traffic. He believes this is the case here.

Council Member Harris said this road (10755 S.) is not a fair comparison with 10600 South or 11400 South. He concurred that they need to move traffic. That is not what they have in this case.

Council Member Zander concurred that this is not a major east/west road. She said it feels hypocritical to put a road through in Bison Ridge and McKee Farms and not here. If someone is

trying to avoid traffic on 10600 South, she does not believe they will use 10755 S. as a cut through. She respects that this is a 40 year old road. She feels there is wisdom in the connectivity code. She feels they should be consistent. If they move this forward, she feels the people with increased traffic will be the 9 new lots.

Mayor Alvord said he does not feel it is hypocritical because McKee Farms and Bison Ridge were raw land and master planned to connect. This road (10755 S) was an existing road with homes at the end. In most circumstances, he would prefer to connect.

Mr. Strang said he would like to get the zoning passed and then work through the road issue with the subdivision application.

City Attorney Loose said the constraint is when the subdivision application vets. They can pass the rezone, but the developer cannot do the subdivision application yet if they don't want the road to connect. The developer is vested when the subdivision application is submitted.

The ordinance change will not be addressed by the City Council until December.

Mr. Strang and Mr. Turnbow said it will take some time to get the subdivision plat ready for approval. If they pass the zoning tonight, they will agree not to submit the subdivision plat until they change the ordinance.

Council Member Rogers amended his substitute motion to pass Resolution R2016-67, and to schedule for the next available study session a discussion about changing the ordinance requiring the connection.

City Attorney Loose said Council Member Rogers could withdraw his substitute motion and then just give direction to staff.

Council Member Rogers said he would withdraw his substitute motion if Council Member Marlor would amend his motion to include a study session discussion about changing the ordinance to require connectivity in South Jordan.

Mr. Turnbow said their first submission showed a double cul-de-sac on the plan. They do not want to offend the neighbors; they just want to develop the property. They cannot develop a subdivision plat until they know the zoning.

Mayor Alvord asked what assurance do they have that the developer will wait to submit the subdivision plat?

Mr. Strang and Mr. Turnbow said they like cul-de-sacs. They agree to hold off the subdivision plat while they discuss the change of the Ordinance.

City Attorney Loose said they have draft language to bring to a study session. They started working on it during the Bison Ridge discussion.

Council Member Rogers amended his substitute motion to approve Resolution R2016-67, with the direction to staff to schedule for the next available study session a discussion about changing the ordinance requiring subdivision connectivity, and asking the developers to delay their subdivision application while the City Council considers that issue.

Council Member Harris said Planning Commission has given their recommendation, the residents and developers prefer cul-de-sacs.

Council Member Harris seconded the amended substitute motion.

Council Member Marlor said he is okay discussing connectivity at a future study session. Personally, he feels the ordinance should remain. He still thinks the land use should be approved.

Council Member Harris said cul-de-sacs increase property values and property taxes.

Roll call vote. The vote was 3-2 in favor, with Council Member Marlor and Council Member Shelton opposed.

Council Member Rogers made a motion to approve Rezone Ordinance 2016-14-Z, with the same caveat that the discussion of connectivity will occur at the next study session, and that the applicants have agreed not to submit an application until after their discussion whether they are going to change the connectivity ordinance. Council Member Harris seconded the motion.

Council Member Marlor said he is okay with the rezone, but he will not vote in favor of the motion for reasons already stated.

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

Mayor Alvord said there is a narrow majority currently in favor of considering changing the ordinance and having 2 cul-de-sacs for this subdivision. If hearts and minds change, it could still turn. If they change their mind and require connectivity, it could be a hardship on the developer. It is currently undecided. They will continue to work through the issue.

Brent Bowles asked about the subdivision covenants. Mayor Alvord said that is between the residents. It is not for the city to determine. Mr. Bowles asked how can they take 2 lots out when the covenants say they can only have 1 residential building per lot?

City Attorney Loose said it is enforced by those that are part of the contract. The city cannot weigh in on that contract. The city has to follow its ordinances when a person applies for a rezone. Mr. Bowles said if they get together, they can stop the disconnection of those two lots? City Attorney Loose encouraged Mr. Bowles to contact an attorney or someone who understands that document. They have the right to enforce whatever is in the document.

Mayor Alvord said it is a civil matter that is out of the city's hands.

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

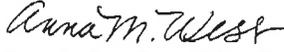
There were no reports and comments given.

ADJOURNMENT

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

The October 4, 2016 City Council meeting adjourned at 8:38 p.m.

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


South Jordan City Recorder

**SOUTH JORDAN CITY
CITY COUNCIL MEETING
OCTOBER 4, 2016
6:00 P.M.**

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

PRINT NAME	PRINT ADDRESS
Jill Thompson	2968 W 10755 S.
Mel Fisher	2928 W 10755 S.
Equival Marshall	2940 W 10755 S.
Jayne Barnes	2886 W 10755 S.
NORM & MARIE STEEL	3129 W 10755 S.
Janet Clark	3109 W 10755 S.
Kirk Baumgartner	9338 Wistara Way - 801-706-3943
Shawn Duffell	2659 W 10755 S.
Jack Drummond	11521 south lizzi Cove
John & Carol PLATT	3089 W 10755 S.
ALICE BLEAK	2818 W. Amini Way
ALEX OLSEN	2781 west lizzi cove
Nate Score	
KOLEMAN BARNES	
Chris Ransom	11213 S blank hawk drive
Patricia Ransom	"
Brett Ransom	"
Luan Jensen	11186 S. 2700 W. S. Jordan
Steve & Sonya Barnes	3049 W 10755 South
London Alair	2810 W 10755 South
James Hawks	3009 W 10755 South
Scott Clayton	1353 W Ammon Way
Jean Jackson	14166 King Benjamin Ct.







South Jordan City Council Comments -- Oct 4, 2016

By Chuck Newton

My name is Chuck Newton, I live at 3236 Cameron Park Ct, S Jordan.

As you have discovered over the several months, the connectivity issue is a sensitive and emotional issue like high density housing.

As you have seen from the both the King Benjamin subdivision issue earlier tonight, and the Bison Ridge debate and the Strang Subdivision on which you are about to vote.

Would you believe that King Benjamin actually started in 2011 while I was running for office and before I was on the Council, and due to the state law requirements, it has festered and dragged out to the point that five years later it is still an issue. While the gate is the issue, the real issue is connectivity –the same issue in Strang subdivision, and the same issue we dealt recently with concerning McKee Farms not quite opposite the Strang subdivision on 2700 W.

The information you received in yesterday's work session, while accurate, was not complete in my opinion. Here's why...

- 1) The General Plan for the city actually addresses the issue of cul-de-sacs, supporting them. The reduced connectivity they provide, is one of the features influencing residents to move to the city.
- 2) In 2012 or '13, the former head of Planning updated a portion of the plan and attempted to strikeout cul-de-sacs from the General Plan. Suggestions were made about safety and so forth. The attempt to strike cul-de-sacs failed. The real reason came out later – cul-de-sacs had fallen out of favor by in modern planning in place of connectivity, so let's take them out.
- 3) Even though surrounding cities have that full connectivity, what has made South Jordan the #3 fastest growing city in the nation aside from our Mayor? Reduced Connectivity.
- 4) The additional issue presented at yesterday's work meeting ^{on} public safety is lacking in accuracy. Our new battalion chief meant well, but did not have all the information. Fire trucks routinely turn around in cul-de-sacs. I've seen it on my on street multiple times. And, for the couple of occasions we have approved

private roads, we have been informed that fire trucks may have to make a couple more back and forth moves on a reduced bulb, but they can still get out. It's not getting to the call, its leaving the call which does not endanger public safety, meaning cul-de-sacs are not a public nuisance but they are desired by the public for their reduced connectivity.

- 5) Like you, have tried to balance resident concerns with staff requests. These types of issues aren't clear cut, and you well know that what may be good for one is not good for another. Regarding McKee Farms, I voted with Council Member Rogers to allow it, against my better judgement, because he worked something out with the residents but I still think it was unfair to them as I look back in hindsight.
- 6) On Strang, the developer is patient and kind enough to follow the city's direction. I applaud him and his patience on this issue. Allowing the connectivity won't cut 60 seconds or even 15 seconds of EMS response time. However, it will not be consistent with the General Plan and more importantly, flies in the face of existing residents who moved here because of reduced connectivity which reduces traffic on their streets.
- 7) Lastly, connecting will overpower the northbound left turn lane on 3200 W & S Jordan Parkway with additional traffic. The lane is already overpowered at times. Adding to that mess doesn't make sense and flies in the face of reasons for connectivity.
- 8) Please, don't repeat my mistakes. Let's not take a Connectivity or Die approach as we continue buildout in S Jordan proper. Let's keep the Cul-de-Sac approach which adds to South Jordan's allure.
- 9) Finally, if you feel it necessary to review cul-de-sacs, we have never really surveyed the residents. My stance comes from my personal move to South Jordan, along with hearing from fellow residents in my neighborhood and comments while on the Council.

Thank you!