



South Jordan City  
City Council  
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go into Open Meeting. Councilman Peck seconded the motion. The vote was unanimous in favor.

Mayor Hutchings expressed appreciation to Staff, Council, Developer, and everyone who has worked towards this moment. At this time, Mayor Hutchings signed the Development Agreement with Anderson Development. Mayor Hutchings noted this was a monumental step for the City of South Jordan. Economic Development was a long time coming and this document will bless this City from November 28, 1995 on, and now the document is signed.

### III. ACTION ITEMS

- A. CONDITIONAL USE APPLICATION Multi-Unit Residential Development, Generally Located at 400 West 11000 South Street, C-FF Zoning District, 54.47 Acres. (Sunset Ridge Development Co., Inc.)**

City Administrator Millheim said the item was a conditional use permit for an 880 unit multi family residential project within the C-FF zone. It has been through Planning Commission, and the Planning Commission has given unanimous approval (4-0 vote, one member was absent). The Planning Commission put a number of conditions of approval on the conditional use permit. Staff is recommending approval of the conditional use permit. One of the conditions is the successful signature of a specific development agreement for the apartment project. Once the development agreement is approved and Council authorizes the Mayor to sign it (which is Staffs recommendation), then the apartment development agreement has to be put to bed. Time pressures still exist and there are approximately 15 real estate transactions pending the Councils decision.

Mayor Hutchings asked the Council if they had any concerns regarding the Conditional Use Application? Councilwoman Newbold noted on number 11, to clarify the wording, she wanted to add, as required, **by the City** throughout the phasing of the project.

Councilman Peck made a motion. I move that the City Council of South Jordan City grant issuance of a conditional use permit for the multi-residential unit planned unit development, to be located on real property within South Jordan City, which is more particularly described in Exhibit "A" attached to this Motion and by this reference made a part hereof. This Motion for approval is based upon and subject to the following findings and conditions:

1. The South Jordan City Planning Commission has heretofore recommended issuance of the conditional use permit subject to specific conditions contained in the Planning Commission's recommendation of November 20, 1995.

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2. The application for the conditional use permit submitted by 11000 South 400 West, a California limited partnership, appears to be in conformity with the requirements of the City Zoning Ordinance and the City's General Plan.

3. Developer shall enter into and execute a satisfactory written Development Agreement with the City for the Project and shall comply with the terms and conditions contained in such agreement.

4. Approval by the South Jordan City Council of a preliminary master site plan for the entire Project and a Final Site Plan (after recommendation by the Planning Commission), for each phase of the Project prior to construction of each such phase.

5. Developer shall comply with all requirements of the Salt Lake County Sewerage Improvement District No. 1, Salt Lake County Flood Control, any other governmental entities having jurisdiction over the Project.

6. Developer shall comply with all applicable ordinances, rules, policies, regulations of South Jordan City in constructing and maintaining the Project.

7. The conditional use permit shall be issued to and vested in 11000 South 400 West, L.C., a Utah limited liability company, a majority of the equity of which must be owned by Sanford Diller, Pegasus Development Company and/or Sanford N. Diller and Helen P. Diller as Trustees of D.N.S. Trust.

8. Developer shall have closed on its purchase of the property for the Project and hold fee title thereto on or before November 30, 1995.

9. Developer shall commence construction of the first phase of the Project on or before May 1, 1996.

10. Not more than a total of 880 multi-residential units shall be constructed within the entire project. Developer may elect to construct a lesser number of units as determined by the Developer.

11. Developer shall provide satisfactory buffering between the Project and the single family residential areas as required by the City throughout the phasing of the Project.

12. Gerald Anderson d/b/a Anderson Development Company donating to the City 34 acres of open space area in the Jordan River bottom in a manner acceptable to the City and free and clear of encumbrances thereon.

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Councilman Hofhines seconded the motion. The vote was unanimous in favor.

City Administrator Millheim said the next related item is Condition 3, the completion of the satisfactory Development Agreement which the Council has received. There are still a few areas that caused the Council some concern. The first one is on Exhibit E, City Fees--on the two and four inch water connection fee, Council felt the language should read, As Per Water Conservancy District Fee Schedule.

The second item is on page six, paragraph 9, Recreational Facilities, the Council asked about tennis courts. Tennis courts were not referenced, is not on the conceptual plan, but Council felt the inclusion of tennis courts had been discussed. Councilman Peck said the original conceptual drawing showed tennis courts and the apartments in California (Mansion Grove) that South Jordan is being patterned after, had them. With the number of residents in that area it is an amenity that would appear to be almost a must.

Billy Reed, Pegasus Development, said the previous land plan that Councilman Peck was referring to was a very preliminary plan and did not take into consideration the grade differential along the site, which is making it difficult. The Developers may still want to put in tennis courts, but feel it should be driven by the market.

Councilman Carlile questioned if the Developers wanted to put the tennis courts in later, where would they go? Billy Reed said as the market calls for tennis courts, it would need to be worked into the land plan. Developers would go to Planners for their expertise to make sure the site would be rearranged to accommodate the courts. Councilman Peck believes there are a lot of athletic people in Utah, especially the crowd that will be drawn to these apartments--but doesn't believe this should be a deal breaker.

Councilman Christensen said he can see the yuppie crowd desiring to access the wetland park and the City will have a need to develop that entire area. The Council is having difficulty that in the beginning they were told the impact fees would not be an issue and now is having a hard time considering waiving the park fees. These fees would help develop this specific park area. In the spirit of compromise and knowing there is a deadline, Councilman Christensen would have difficulty going beyond the 20% discount. Councilman Peck felt we should hold off on the tennis court issue right now. Councilwoman Newbold didn't have a problem with not including the tennis courts, but thinks it has a bearing on the Park fees. Councilman Carlile believed if a lot of the apartment residents play tennis, and there were not courts there, it would have an

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impact on South Jordan Parks.

City Administrator Millheim continued that the real issue that the Council is still apart on is the payment of the Park fees. Council has received a proposal, as outlined in the agreement, that would call for a waiving of the Phase I Park Improvement Fees, payment of the fees at the issuance of building permit in Phase II and Phase III of the project and a guarantee on the part of the Developer that if they do not build what the agreement calls for, that there is a lien on the property for the payment of the Phase I fees.

Billy Reed, Pegasus Developer, explained that at the time fees were initially discussed and agreed to, there was also an SID proposed. The Developer has always had a problem with the Park Fees, believing it to be too high especially in comparison to the adjacent cities. Gerald Anderson, working through the SID, had committed to the adjacent property owners who would be impacted by the SID, that the apartment developers would pay fees on the first 300 units and as those fees were paid it would help pay the SID--in turn alleviating the property owners of an out of pocket payment. Through these fees and sales tax the full SID assessments would be paid without ever impacting the property owners. The Apartment Developers were never in full agreement on that part, however, decided to table that issue as long as the SID was the funding mechanism. Now that the SID is not the mechanism, they have come back with their disagreement with the Park Fees. If you go back to any of the Development Agreements proposed, the Developers have always held the Park Fee issue in obedience. They are just not convinced that \$700/unit is the right number. If they are going to build at exactly what the fees are for the City, Mr. Reed has a form from the City showing what somebody would be paying for a 2" or 4" water meter. It is the Developers reading that they would be paying \$1,750, the City is paying more then the Conservancy and if only charging that amount then the City is losing money. He wondered if the City is trying to balance it out and get more money out of other fees.

Councilman Hofhines asked that City Administrator Millheim comment on the 2" water line. City Administrator Millheim felt the implications are that this project will require a lot of 2" water connections, through the negotiations the City has agreed that no one will make money on that. The current fee schedule does not address 2" and 4" water connections. The City is in the process of an impact fee schedule, but that will not be adopted until after all these fees are agreed to (by this agreement).

Councilwoman Newbold stated that South Jordan does not just see Parks as recreation, it sees them as a vital means of preserving open space. The open space and Parks are done collectively, and taken care of out of these fees. Exceptions are not allowed for

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the installation of facilities that are part of individual projects.

Councilman Hofhines wanted to relay to Mr. Reed that the City Council would prefer 100% of the Park fees be paid. He believes the Council may come to a compromise of a 20% reduction. Councilman Hofhines then made a motion to take a ten minute recess so Mr. Reed would have an opportunity to consider this. Councilman Peck seconded the motion. The vote was unanimous in favor.

The Council resumed the meeting. Mayor Hutchings noted the meeting stopped at a critical point. City Administrator Millheim questioned Mr. Reed if he had a position he wanted to discuss. Mr. Reed stated their position has clearly been, what equates to a 34% decrease (compared to the Cities 20% decrease). Mr. Reed is a little baffled as to how firm the 20% number is compared to the 34%, and is there something that we can do to come to some sort of agreement? Councilman Peck suggested splitting the difference. Or, Councilman Carlile suggested putting the dollar difference in an escrow fund to later help build the tennis courts.

City Administrator Millheim added that the cost differential between the 20% and 34% was \$86,000. He made a suggestion, instead of making it complicated, to just split the difference (27%).

Councilman Hofhines made a motion to approve the Development Agreement between South Jordan City and 11000 South 400 West, L.C., a Utah limited liability company with the following changes: On Page 9 (under 8 b. Park Fees) it should read--the Project will be deferred and partially waived as follows: (i) the Phase I parks improvement fee will be deferred until Phase II; (ii) the Phase II and Phase III park improvement fees will be paid at the rate set forth in the attached Exhibit "E" as and when otherwise required hereunder; (iii) 27% of the entire park fee will be credited towards the Phase I park improvement fees.

Councilman Carlile questioned, to make it easier, the figure in Exhibit E could be changed. City Administrator Millheim said there would be a problem in the front end, so he feels doing it Councilman Hofhines way is more consensus building to what we are trying to solve.

Councilman Hofhines noted the rest of it still stays in place. What we are really changing is--we are deleting waived (not waiving any fees) and putting it due in Phase II, instead of Phase III. We are, in turn, giving them credit towards 27% of the entire Park fee for Phase I. City Administrator Millheim said we needed to get clean language that all parties agree to. Councilman Peck thought if City Attorney Mazuran could get the proper language from Councilman Hofhines motion, he would second it. City Attorney

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Mazuran suggested that he, City Administrator Millheim, Councilman Hofhines and the Developer go in the back, draft language and come back.

Councilman Hofhines made a motion to take a five minute recess. Councilman Carlile seconded the motion. The vote was unanimous in favor.

Council returned after the recess and Councilman Hofhines restated his motion. The motion is to approve the Development Agreement between South Jordan City and 11000 South 400 West, L.C. a Utah limited liability company--the draft form has been presented to Council with these two changes:

1. A change to paragraph 8 b. (on page 9) will read--the Project will be deferred and reduced as follows: (i) the Phase I parks improvement fee will be deferred entirely until Phase II; (ii) the Phase II and Phase III parks improvement fees will be paid at the rate set forth in the attached schedule E as and when otherwise required hereunder; (iii) the Phase I parks improvement fee will be due when the Phase II parks improvement fee is due, but Developer will be credited with a deemed payment of \$166,320; and (iv) if all building permits for units in this Project are not applied for and issued not later than nine and one-half (9 1/2) years after the date of this Agreement, then the Phase I fee credit of \$166,320 will be due and payable in full within thirty (30) days after written demand from the City, and the City shall have a lien against the Project for such payment.
2. On page 23 a change in the Water Connection Fee. 2 Inch Connection will read As Per Water Conservancy District Fee Schedule; 4 Inch Connection will read As Per Water Conservancy District Fee Schedule (reference to footnote 3 on both of those).

City Administrator Millheim suggested that the motion include authorizing the Mayor to sign the Development Agreement, subject to the Developer signing it. Councilman Hofhines included that in his motion. Councilman Carlile seconded the motion. The vote was unanimous in favor. Councilwoman Newbold voted reluctantly because she feels the park fee is not out of line, she believes if you are creating a bigger impact on the City you should help share the cost. City Administrator Millheim clarified it was a 5-0 vote with reservations from Councilwoman Newbold.

Councilman Hofhines wanted to express gratitude for the work the Staff and City Attorney has done. Councilman Hofhines said as the future unfolds and the project is built, the City can thank the

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Staff and City Attorney for a lot of the success--Council concurred.

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#### **VI. OTHER BUSINESS**

None.

Councilman Carlile made a motion to go into Closed Meeting for purposes of discussion on Potential Litigation and Personnel. Councilman Peck seconded the motion. The vote was unanimous in favor.

#### **VII. CLOSED MEETING**

##### **A. PERSONNEL**

The City Council discussed setting a date for the performance evaluation of the City Administrator, which will be December 5, 1995. Council next discussed the Salary Survey Project and the related resolutions.

##### **B. POTENTIAL LITIGATION**

City Attorney Mazuran updated the City Council on the Trans Jordan Landfill disconnection suit.

Councilman Hofhines made a motion to come out of Closed Meeting. Councilman Peck seconded the motion. The vote was unanimous in favor.

Councilman Hofhines made a motion that City Administrator Millheim prepare and notice resolutions that would deal with the philosophy/methodology for review of full time employees and one that would deal with the adopting of new salary ranges for Department Heads and exempt full time employees. Also, a resolution adopting a salary schedule transition plan. Councilman Peck seconded the motion. The vote was unanimous in favor.

Councilman Hofhines made a motion that Council instruct City Administrator Millheim to prepare an employment agreement for the Building Director. Councilman Peck seconded the motion. The vote was unanimous in favor.

Councilman Hofhines made a motion that Council do a performance evaluation on City Administrator Millheim, one week from today. Councilman Peck seconded the motion. The vote was unanimous in favor. Mayor Hutchings requested that Council submit their forms to him by Monday morning. Councilman Peck submitted his to the Mayor, noting he would not be in attendance at next weeks meeting.

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the motion. Councilman Carlile and Councilman Peck voted for the motion. Councilman Christensen, Councilman Hofhines and Councilwoman Newbold voted against the motion. The motion failed.

Councilman Christensen made a motion to approve Conditional Use/Preliminary Site Plan - Diamond Rental, 10255 South Redwood Road by Lorin Winegar subject to Planning Commission recommendations of a 6 ft wall with the gate to be wrought iron with a heavier material slat, sodding and irrigation on the park strip of Redwood Road, including 3 to 5 ft of landscaping on the North side parking area, but not including the equipment display. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

- B. PUBLIC HEARING: Rezoning Application #SA-263-zN, 300 West 11400 South Street (Approximately), 7 acres. (Gerald Anderson & George Pingree)

Planning Director Leetham explained that this was consistent with the Master Plan and he was recommending approval.

Mayor Hutchings opened the public hearing.

David Bruce Kimball expressed concern that this rezoning would affect their taxes. Councilman Christensen explained that this rezoning would not affect their taxes.

Mayor Hutchings closed the public hearing.

Councilwoman Newbold disclosed that Mr. Pingree was her eye doctor.

Councilman Hofhines made a motion to approve Rezoning Application #SA-263-ZN, 300 West 11400 South Street Approximately 7 acres by Gerald Anderson and George Pingree, from an A-1 to a C-FF. Councilman Carlile seconded the motion. The vote was unanimous in favor.

- C. PUBLIC HEARING: Rezoning Application #SA-264-95Z, 1800 West 11400 South Street (Approximately), 9.64 Acres. (Robert M. Allen)

Planning Director Leetham explained that on the new Future Land Use Plan, this property is designated Rural Residential. He expressed his concern with the limited amount of Commercial property in the City, especially along 11400 South and Redwood Road. He further explained that this was an important Commercial parcel and recommended denial.

Mayor Hutchings closed the public hearing.

Councilman Peck questioned Fire Chief Whatcott as to the water supply and Riverton's adaptability to South Jordan hoses. Chief Whatcott stated that this was not a problem.

Councilman Carlile asked about property to the North and South of this piece? Mr. Leetham stated that North and South of the property was asphalt paving with a 30-foot right of way, there are also some homes in the area. He said that they do own the private road. Councilman Hofhines asked how many people used this private road? Mr. Nelson stated that there will be seven homes including the new ones. Councilman Carlile asked if the private road could connect into Clover Ridge? Mr. Leetham stated that there are no stub streets and would not be able to connect.

Councilman Peck made a motion to approve the Minor Subdivision Plat: Nelson Family Subdivision Plat, 11739 South 1300 West Street, 3.03 Acres, 4 Lots, Residential (R-1.8) Zone District by Wallace Nelson, with the additions outlined in the Planning Commission action, which is street light, landscaping plan being improved and in final form, approval from additional agencies such as the Army Corps of Engineers and Salt Lake County Flood Control and the existing chain link fence shown on the plat as five feet, should be shown as six feet in height. Councilman Carlile seconded the motion. Councilman Christensen questioned if there is a need for a public access road? Mr. Leetham stated that there was not and felt that the configuration was adequate. Councilman Hofhines stated that he does not like private roads but felt that it was good that it was paved. Mr. Leetham stated that the maintenance would be up to the private owners. He suggested that the road improvements should be included in the motion. Mayor Hutchings explained that the City does not remove snow from private roads. Councilman Christensen suggested that the individuals do a maintenance agreement. The vote was unanimous in favor.

## VI. ACTION ITEMS

- A. Rezoning Application #SJ-252-94Z, 360 West 11400 South Street, 36.34 Acres, Agricultural (A-5) to Commercial-Freeway Frontage (C-FF). (Gerald Anderson)

Mr. Leetham stated that Planning Commission had recommended approval by a 3 to 1 vote, and he was recommending approval of the application. He said that this was part of the Master Plan.

Councilman Hofhines made a motion that they approve the Rezoning Application #SJ-252-94Z, 360 West 11400 South Street, 36.34 Acres, Agricultural (A-5) to Commercial-Freeway Frontage (C-FF) by Gerald Anderson. Councilman Peck seconded the motion. The vote was

unanimous in favor.

- B. Rezoning Application #SJ-260-94Z, 10505 South 1300 West Street, .89 Acres, Residential (R-1.8) to Residential (R-2.5). (Jeff Tenney)

Mr. Leetham stated that the Planning Commission had concerns about compatible zoning, and had recommended denial. He said that because the size on the property is small and the nature of the use, he did not think that there was incompatibility between the R-1.8 and the R-2.5 Zones in this case. It does fall in the low density residential category which is the R-2.5 zone. Mr. Leetham stated that there is a home on the North East corner. He said that Mr. Tenney's intention was to divide this into two lots, and that this area is a mix of zoning.

Councilman Carlile made a motion to approve the Rezoning Application #SJ-260-94Z, 10505 South 1300 West Street, .89 Acres, Residential (R-1.8) to Residential (R-2.5) by Jeff Tenney. Councilman Christensen seconded the motion. The vote was unanimous in favor.

- C. Final Subdivision Plat: Prospector Place II Subdivision, 10300 South 2200 West Street, 12.002 Acres, 28 Lots, Residential (R-2.5) Zone District. (McDougal-Shaw Development)

Mr. Leetham stated that this phase was the South East portion of the property, and the plat does meet the conditions of the preliminary approval. He said that he recommends approval of this phase of the final plat.

The Governing Body had a discussion on the layout of the plat.

Councilman Peck made a motion to approve the Final Subdivision Plat: Prospector Place II Subdivision, 10300 South 2200 West Street, 12.002 Acres, 28 Lots, Residential (R-2.5) Zone District by McDougal-Shaw Development, subject to the street light on the north corner of Lot 43 being relocated to the area between Lots 48 and 49, and establishing a temporary turnaround between Lots 34 and 56. Councilman Carlile seconded the motion. The vote was unanimous in favor.

- D. Amended Final Subdivision Plat: Lincoln Estates #4 Subdivision, 2900 West 10000 South Street, 7.7562 Acres, 17 Lots, Residential (R-2.5) Zone District. (Norman H. Bangerter)

Mr. Leetham stated that Lot 401 through 416 had been recorded. The area cross hatched has been added to the final recorded plat, which is the reason for the application. He said that he recommended approval.

Councilman Carlile made a motion to return to the scheduled public hearing at the scheduled time. Councilman Christensen seconded the motion. The vote was unanimous in favor.

**V. PUBLIC HEARINGS**

- A. Rezoning Application #SJ-252-94Z, 360 West 11400 South Street, 36.34 Acres, Agricultural (A-5) to Commercial-Freeway Frontage (C-FF). (Gerald Anderson)

Mr. Leetham stated that there were two levels of service which they would continue to evaluate, as this property develops. The developer of this parcel is working on the storm drainage. He said that they have reviewed several of the concepts. Mr. Leetham stated that the transportation was more difficult to evaluate, but he felt that there were adequate future roadways for this parcel which is designated commercial. He said that it does meet all the general requirements.

Mayor Pro Tempore Hofhines opened the public hearing.

Mayor Pro Tempore Hofhines closed the public hearing since there was no public comment.

Councilwoman Newbold stated that she wished to clarify that the City had not at this time budgeted for storm drainage. Mr. Leetham stated that Mr. Anderson had indicated that he would construct the storm drainage to take care of this property.

Mayor Pro Tempore Hofhines stated that the normal policy was to table these items for two weeks.

Councilman Carlile made a motion to table this item for two weeks. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

- B. Rezoning Application #SJ-260-94Z, 10505 South 1300 West Street, .89 Acres, Residential (R-1.8) to Residential (R-2.5). (Jeff Tenney)

Mr. Leetham stated that the purpose of this rezoning was to allow the future subdivision of this parcel into two building lots. He said that there were no problems with the level of service for this property. Mr. Leetham stated that the Planning Commission had recommended denial. That was what he also recommended based on the fact that it is surrounded by R-1.8 zoning.

Mayor Pro Tempore Hofhines opened the public hearing.

Jeff Tenney stated that he is the owner of the property and would

Councilman Christensen made a motion to approve the agenda adding a closed meeting to discuss items of Potential Litigation. Councilman Carlile seconded the motion. The vote was unanimous in favor.

**C. MAYOR'S MINUTE**

None.

**D. CITIZEN REQUESTS**

Jerry Fairbourne expressed concern with a problem at 10600 South and Frontage road. He explained that the cars going East continually block the intersection making it impossible for the cars turning North onto Frontage road. He felt that the City needed to put up a sign that says, do not block intersection. Administrator Millheim stated that he would check into this. He explained that UDOT was going to widen and put an underpass at the railroad crossing along that area. He further explained that they were planning on doing a detour road that would use a portion of what the City is considering to construct, as well as the frontage road for the year during construction. He said that they will not prevent those residents access to their road.

**III. AWARDS, PRESENTATIONS, APPOINTMENTS, AND PROCLAMATIONS.**

A. None.

**IV. MINUTES**

A. None.

**V. SUMMARY ACTION CALENDAR**

A. None.

**VI. SUMMARY ACTION ITEMS HELD OVER**

A. None.

**VII. PUBLIC HEARINGS**

**A. PUBLIC HEARING Special Improvement District (SID) For Commercial Freeway Frontage Corridor.**

Administrator Millheim explained that the Council had made a commitment, to look strongly at economic development in order to balance the City revenue stream. The likely area to do this, is along the freeway frontage area between 10600 to 11400 South. This has been a long complicated process. He further explained that they had been working with a developer who has assembled a large percentage of the ground in that area with the intent to form a Special Improvement District.

He discussed the process required to establish a Special Improvement District. Administrator Millheim explained that the requirements to do so would be in defining the area, which has been done. He showed the map of the proposed Special Improvement District boundaries, and explained that all the property owners were notified. On June 20, 1995 Council passed a resolution intending to form a district. He further explained the public hearing which was being held that evening, was also a significant date concerning this process. The June 20 date began the protest phase, which is now complete, closing on July 17, 1995.

Administrator Millheim explained the way the protest works. The total value of the 5 million dollar project, what is being assessed, was divided among property owners based on a percentage of land they own and based on the lineal feet of land as frontage on the proposed road. The argument being that this will create a greater value to properties directly adjacent to the road and those slightly off.

Administrator Millheim displayed on the map explaining that the red area was color coded as formal protest with 22.5%, blue area no protest with 11.4%, green areas are conditional protest with 66.1%. He explained that in order for the City to form the district, they must not receive protest of over 50% of the total annual assessment for the district. He explained that if those conditional protests can not be withdrawn to a number somewhere under that 50%, then the City can not form the district. He said that they will be trying to resolve those issues.

Administrator Millheim explained that the conditional protests are divided into two categories. Some property owners have indicated that they would not protest if the City buys their property and pays the assessment. Others said they would not protest if a development agreement was established, which would require a large number of issues to be resolved.

Administrator Millheim requested that Council direct staff to begin the formal negotiation process to address those development agreement issues, and assuming the development agreement issues are resolved, to allow staff to bring this back to Council. He explained that statutorily, they have to accept the conditional protests at that time as valid protests unless they are able to resolve the issues involved. He felt that they would not be able to solve all the issues involved, but the significant ones need to be addressed to enable the Council to decide whether they will formally proceed. The development agreement will address such issues as zoning, overlays, roads, and types of improvements to be made.

Preserving the river bottoms for the Wetland Park is another issue that will be addressed in the development agreement.

Administrator Millheim stated that there had been meetings occur between the primary developer and some of the property owners. He explained that the developer was doing his best to put this project together and has kept the City informed, but stated that the developer does not represent the City. He stated that staffs recommendation to Council was to take public comment and try to get formal authorization to proceed with the formation of the development agreement with the primary property owners. They feel this will address most of the concerns that have been raised. He further explained that at the point these issues are addressed they will provide the opportunity to every other conditional protest and protest parties to consider if they want a similar agreement. He felt that they were a long way from having the agreement finalized.

Mayor Hutchings reiterated that the purpose of the hearing that evening was to hear the concerns of those people attending.

Mayor Hutchings declared the public hearing open for comment.

Administrator Millheim asked as those people step forward on this item, they state their address, and inform the Council if they will be in the district, they would pay an assessment, or not, and if they are the owner of the parcel. He explained that it was important that they give this information as they come forward.

Cregg Larson, 310 West 11000 South stated that he owned a 1 acre parcel of land, and protest the Special Improvement District because he has 9 children and this would present a hardship on them to pay over \$12,000.00. He felt that the road will feed and help all the commercial business, but his family only uses the road less than 10 times a day.

Al Newman stated that he was not a resident of South Jordan but owned property that had been annexed into the City from Sandy City. He explained that he had requested to build storage units and was told that they could not be provided with police & fire protection so they refused to issue permits. He further explained that in the 80's, he had applied for a zoning change and building permit to put an RV park there. This was denied also. He further explained that their property was the majority of the red protest area showing on the map. He felt that the City strengthening their economic development should not be done at the expense of 22

property owners. He said that if this benefits the whole City, then the entire City should pay for it.

Mr. Newman stated that their assessment was approximately 1 million dollars and is owned by 3 individuals of which 2 are retired. He said that the City might as well just take their property because they do not have the money to pay \$88,000.00 per year.

Mr. Newman stated that he is also getting inquiries from UDOT wanting property for a road. He asked if the City couldn't get together with UDOT to build one road. Mr. Newman stated that although the existing commercial developments are not included, they should be. He asked to be included in any future meetings that are held regarding this to enable them to give their input.

Melissa Kimmer, 240 West 11400 South stated that the Crescent area of South Jordan has been their support system for the past 22 years. She felt that with the advent of the road and the development it will bring, they will be losing their family, community and part of their identity. Their lives will be changed forever. She explained that the financial end of the Special Improvement District was a grave concern to them personally. They believe they should not be assessed for this road and somewhere there must be some viable avenue which could be explored to provide the needed financing. They can not afford the financial burden of the assessment which is \$1,000.00 more than they paid for the original purchase of the property. This would double their mortgage payment. She feared that their property value would diminish significantly. She requested a development and implementation of a responsible master plan which would address the prevention of haphazard growth and development in this Special Improvement District. She felt that this was not just a process, it was people.

Jerry Fairbourne, 291 West 11000 South said that he owned 6 acres. He stated that he had not signed the conditional protest as most of his neighbors did, but was concerned at the cost. He explained that years ago, there had been an individual who had tried to put together a development in this area. Mr. Fairbourne stated that he believed this had been put together with the confidence that it would go through. He felt that this should not be done at the property owners expense. He explained that he had helped in the annexation and could not believe that they wanted him to pay \$8,000.00 a year for the good of the City. He said that the newspaper states the total cost of the Special Improvements District as estimated by the City Engineer to be \$4,900, of which the City

will pay zero.

H. Clyde Coon, 6531 South 1660 East stated that he was retired and a part owner of a piece of property on 11600 South, which fronts the road and is adjacent to the new hotel. He explained that he had originally purchased this property to put storage units there. He said that he had read in the newspaper that they were no longer in Sandy but South Jordan, who then declined the storage units. He further explained that in 1988, they had decided to put in an RV or trailer park which was also denied. He has owned this property for 16 years and not been able to receive any adequate revenue from it other than raising hay. This was an investment. He asked if they were working together with UDOT on the road? Their assessment on this road would be \$86,900 per year. He stated that 22 people would be paying the entire cost of this, and felt that this was a tax revenue for the City. He felt that this was unreasonable.

Geniel Johnson, 1080 East Quail Park Drive stated that their parcel was marked incorrectly and should show as a protest, and they were working under the name of Johnson Enterprises. She expressed concern that the City, who has no interest in the property, can prohibit them from doing what they want with property they have owned and have deep roots in for decades. She stated that the City did not contact them to offer to purchase the property for their road. The only contact the City has had with them regarding a road through their property was the Notice Of Intent, indicating that they owe nearly 1 million dollars to build a road they do not want, on property they own and had different intentions for. The City estimates the road to cost approximately 5 million dollars. She had verified that there are over 24,000 residents in South Jordan and 460 businesses who will all derive benefits from the proposed road. She felt that based on that fact, it was incomprehensible that they could assess 1 family for 20% of that road. She stated that all of the partners of Johnson Enterprises would have to sell their homes, turn over all the proceeds to South Jordan City and live on the street and still be unable to pay their assessment. She explained that her parents were nearly 80 years old and never had intention of moving from their home along 10600 South but were forced out because of progress. She explained that the assessment of this magnitude could financially ruin their family.

Gary Sturdevant, 241 West 11000 South stated that he had been assessed \$108,920 for the 2 acres they owned. He felt that the whole City would benefit from this, but the property owners were being burdened with the entire assessment. Those who benefit from this should have to pay for it. He explained

that they had planned on living there forever until a realtor had approached them offering to buy their property. This offer was \$200,000 which they had accepted and went to the Planning Commission, who then denied the building permit. He explained that they had then received notification from the City that there would be a roadway put through their property. They had understood that the City would purchase their property in as much as the west side of the road would go through their property. He asked if they had a time frame that this would all take place. Administrator Millheim explained that they did not have that information at that time. Mr. Sturdevant asked that they be treated the same way they would like to be treated themselves and that they be included in any meetings that are held in regard to this.

Burt Oliver, 311 West 11000 South stated there had been a deplorable lack of communication between South Jordan City and the residents. He said that the assessments being imposed on them as the property owners were unreasonable, oppressive and another example of the City government using its power on the people who look to them for protection. He asked if they were aware of the problems they were creating for the people who live in the proposed district? He explained that elderly people who are on fixed incomes are being told that they have an assessment of over \$250,000 without any warning. They will lose their home and farm to taxes because they can not come up with this money. He stated that he blamed the City for this, not the developer. He asked if the City was going to accept any of the financial burden the property owners were being asked to assume? Why do they expect them to live under this oppressive tax? Mr. Oliver realizes that development will happen and that South Jordan is in need of a commercial tax base and have chosen their area to develop for that tax base. The property owners do not like it or want it, but they realize that there is very little they can do to stop it. He felt that it was not right to place the financial burden on a few citizens, when the whole community will realize the tax benefit from this project. A quality of life will be destroyed with this. He felt that the people of South Jordan and the developer should be paying for this, not them.

Wilma Larson, 310 West 11000 South stated that they own 1 1/4 acres. She explained that those with smaller properties have found that the value of their land will never compensate them for the value of their home. Her fathers home will not qualify to be moved where theirs might. She has 9 children at home with one boy on a mission and another going this fall. The assessment for the one acre will be difficult for them financially. Even if they sell they will not get enough to replace the 6 bedroom home they now have with all the yard

which is landscaped.

Luane Jensen, 11186 South 2700 West stated that she had received a phone call from a very stressed resident who lived along this area. She asked that they go back and read the agreement that the City had with the people of the east side when it was annexed. She was part of that annexation and was upset with this. She was part of budget hearing and at that time, it was promised that they would not raise their taxes. She felt this was a tax. She felt that the City should take funding from impact fees, storm drain fees and such and put them toward this. The City and developers should be responsible to pay for this road. She asked if there would be a Special Improvement District along 3200 West and 10400 South? What is done for one area should be done for all areas. Ms. Jensen felt that these people should have been given some options rather than a certified letter of an assessment. She stated that the people who have lived here the longest are suffering the most. Everyone in the community needs to accept the growth and share the burden.

Nephi Allred, 11400 South 180 West stated that they had purchased this property because it was secluded and private. They have 8 children and this assessment will double their mortgage payment. He felt that the City should not assess taxes on a road that they are putting through, saying that it will benefit them when they will not benefit from it at all.

Ritchie Svedin 322 West 11000 South stated that he had enjoyed living in South Jordan, and had approached them to be annexed. His first reaction to the Notice of Intent was anger, but he had spoken to several members of the Council and found that they were just regular people. He didn't understand how they could do this to the property owners. If this goes through, there will be a whole group of needy people.

Otto Jones, 10431 South 3200 West stated that there are alot of people in this community that have a keen sense of fairness, and he thinks that they need to share the burden. He felt that they needed communication with the Council, and they should look at each case individually.

There being no further comment Mayor Hutchings closed the public hearing.

Mayor Hutchings expressed his appreciation for those who shared there concerns with the Council. He explained that the decisions that need to be made are important and they do hear what those residents are saying. They will try to answer all those questions regarding their concerns and opinions, and

will try to make this decision as fair as possible.

Councilman Peck questioned inquiries concerning two roads. Administrator Millheim explained that the City had been in discussion with UDOT regarding a detour road in that area while the construction improvements are being done on 10600 South. He further explained that the options they had been given were to go through this area or further North. The City is seeking to get a commitment from UDOT on the premise that this road is built. The City wants some financial compensation from UDOT for the 40,000 trips they will cause on this road while they are in this construction phase. He stated that to his knowledge, there is not two different roads being constructed.

Councilman Carlile explained that this was a new process to the City and they were learning about it as it develops. He further explained that they were unable to answer questions at this time because they were still learning.

Administrator Millheim stated that they have had multiple meetings with the Assistant and Region Two Director of UDOT.

Mayor Hutchings stated that it was important that staff work further toward a development agreement so that they have a clear concept and better understanding of the problems that need attention. Administrator Millheim clarified that staff was being directed to work on a development agreement to address the issues they had discussed. Because they can not form the district at this time based on the protest, they should postpone this until such time that they can consider these points.

Councilman Peck made a motion to table action on formation of the Special Improvement District until such time as they get as many of the issues resolved as possible in the form of a development agreement and direct staff to continue to work towards a development agreement that will address as many of the issues brought up in the public hearing as possible, and in so doing provide the opportunity for the formation of the Special Improvement District. Councilwoman Newbold seconded the motion, directing staff to work with all 22 of the property owners or their representative.

Administrator Millheim clarified that they had proposed to work with the largest assembler of property addressing all the issues presented that evening plus the others discussed by Council on numerous other occasions. He explained that he did not think it possible to put together a development agreement with all the property owners. When they have all these issues

to a point where they think they have addressed them all, they will provide a copy of that draft to effected property owners allowing them to determine if this works for them.

Councilman Peck added to the motion for clarification, that there are certain issues individual property owners may have which the largest property owner does not have. Those elements need to be looked at and included as the development agreement is put together.

Administrator Millheim again clarified that they will address all the issues involved, explaining the enormity of the complexities affecting a large area and a variety of people, property owners and issues. He will give them the document prior to the Council making any decision, allowing them to agree or disagree. Councilman Peck stated that he did not want the largest property owner to dictate all the issues.

Councilman Carlile recommended that at the time the development agreement was prepared, those people be able to have the information explained. Administrator Millheim stated that would not be a problem.

Councilman Christensen stated that he felt the major issue he was hearing was the amount of the assessments. He explained that the issue that needed to be addressed after the completion of the development agreement was the amount of the assessment on each of the properties.

Gerald Anderson stated that he had informed those property owners involved of the 2 public meetings which had been held, trying to inform them of the information received from the conferences held with the City.

Councilman Hofhines explained that they appreciated the comments they had received and would take them into consideration.

Councilman Peck reiterated the motion that they were tabling the action of the formation of the Special Improvement District until such time as a development agreement is put together. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

Councilman Peck made a motion directing staff to put together a development agreement which will address the issues and the elements heard during the public hearing, which will provide the opportunity for the formation of the Special Improvement District. Councilman Carlile seconded the motion. The vote was unanimous in favor.

**MINUTES OF THE SOUTH JORDAN CITY COUNCIL/PLANNING COMMISSION  
JOINT WORK MEETING  
SEPTEMBER 21, 1995**

**PRESENT:** City Council - Mayor Theron B. Hutchings, Councilman Douglas R. Carlile, Councilman Thomas L. Christensen, Councilman Brent D. Hofhines, Councilwoman Merlynn Newbold, Councilman Jack Peck

Planning Commission - Richard Allen, Brent Arnold, Doug Wilkinson

Staff - City Engineer, Gordon Haight, Community Development Director Ken Leetham, City Attorney Mike Mazuran, City Administrator Dave Millheim, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

**CITIZENS:** Gerald Anderson, Tim Soffe, Greg Bell, Mike Hutchings, Dan Lofgren, Paulus T. and Shanna R. Svedin, Mark Millburn, Rob Moore, Steve McMillan, Mike Lymen, Greg Maynard, Reid and Marilynn Boggess, Kent Sorensen, Billy Reed, Larry Larson, Richard Young, Laura Lewis, Terry Hutchings, Lynn Anderson, Mark Robinson, Dan Christensen, Mark Arnold, Tim Soffe, Craig Thomas, Thane Robson

The meeting was called to order, by Mayor Hutchings, at 6:45 P.M.

**I. GENERAL BUSINESS**

**A. Roll Call.**

All Council and Planning Commission members present as above.

**II. STUDY SESSION**

**A. Status Report on SID and Multi-Family Housing Proposal.**

Mayor Hutchings thanked everyone for being there this evening. He stated that tonight was for understanding and for thinking about how to proceed.

City Administrator Millheim added that staff needs marching orders on how to proceed with negotiations.

Economic Development Director Snarr made a brief overview of the need for a Special Improvement District (SID). He stated the City needs economic development and that it needs to be a team effort. Tonight there will be a presentation from Gerald Anderson and after that there will be time for questions and answers. He further explained that without a project, we really don't have a SID. He would like everyone to focus on the land use and related issues and understanding of the project. The SID is a financing tool and the

City realize there are tremendous impacts that have been portrayed to the residents and that is a great consequence that has to be dealt with, very sensitively. The important issue tonight is the information sharing and complete understanding of this project. At this time, Staff turned it over to Gerald for his presentation.

Councilman Peck questioned when it would be appropriate to ask questions. Economic Development Director Snarr said that Gerald Anderson's presentation may answer some of the questions and felt after the presentation would be most appropriate. He then passed out a presentation outline that the developer had prepared.

### Introductions

Gerald Anderson mentioned the meetings over the past two years. He then introduced Dan Lofgren, Mark Millburn, Billy Reed, Greg Bell, Larry Larson, Richard Young, Laura Lewis, Judge Mike Hutchings, Terry Hutchings, Lynn Anderson, Mark Robinson, Dan Christensen, Mark Arnold, Tim Soffe, Pete and Shanna Svedin, Craig Thomas, Rob Moore, Thane Robson, Lars Boggess, and a few other landowners.

### Project History

Mr. Anderson started his presentation from ground zero to make sure the City Council and Planning Commission both had the same information. This project started about two years ago when he first brought up the possibility of multi-family and knew commercial would then follow. He said they then started acquiring those properties, in that order. The first piece of property was one that South Jordan had some potential problems with and it had been rezoned for 1/4 acre residential use and that was approximately a year and a half ago and that was brought to the Council and it was rezoned. Our agreement was, as developer and City, to draw a line east and west in the center of the road and anything north of that would be commercial and south of that down to 11000 South would be multi-family. UDOT then put the detour road another 300 feet further South. Typically we prepare the property, we assemble, get it resolved and then we sell to a developer. This left us quite a bit of acres that had been zoned multi-family. Our preference would be, because we can get two to three times more money for commercial than we can for multi-family, to generate as much commercial property as possible. The further we push the road South the further we wanted to push the multi-family. Multi-family has no commercial value because it is so far from the road with no visibility. About this time last year, I brought in a request when another piece of property became available and asked that this be zoned multi-family (35 acres). After the Planning Commission and Council looked at it, it was referred to staff to look at a transfer agreement which gave us a total of 30 acres zoned multi-family. We then brought in, a year

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ago, 37 acres for rezoning and the Council had already acted on that. Mr. Anderson then proposed to move the multi-family back further and create more commercial and that is when the Council saw a Master Plan that showed another 10 acre parcel. In May of this year, application was made to zone the Kemp/Schmidt/Svedin property to multi-family and this is waiting your review. Our intent is once that is zoned, to take other pieces already zoned multi-family and ask to have them zoned back to commercial (that is about 10 acres). The map displayed is what he envisions as their projected plan. What he is proposing is North of 110 South there are 12-14 hillside acres that are multi-family and to push further South and address that area.

To address the deadline, some of the properties they already own, some properties are under contract and some, under contract, have purchased other homes and Gerald needs to perform by October 20. At this point, he needs to bring an investor on their property. A investor is not going to pay that kind of money for a property that will have a \$12,000 assessment fee added to it and that they can only build 1/2 acre lots on. The Developer had numerous multi-family offers and feels he currently has the best developers. If the deadline is not met, they lose their options (40 acres of ground), which means 40% of SID versus 60%.

#### Project Overview

Tim Softe shared some rationale from a planning standpoint--a big picture that things get weaved into. There were no preconceived directions as far as master planning this project--yes, there are some homes out there; the railroad; the freeway; and the expected 114 freeway interchange. It was understood what was going to happen with 102 South and the freeway, if you anticipate the other intersection and the other interchange he can guarantee traffic between those two points. Commercial freeway frontage--depends on visibility, power line you can park under, and doesn't have depth. Commercial retail frontage--does have depth between the railroad and the road, and also has the cars that go in front of it. As soon as the road comes in and goes between two major intersections, the cars come in and drives the usage. What guarantees do we have that freeway frontage commercial will occur is the economic factors, the road, the visibility, the value base, and planning development. The road goes in, the users come. Ground for office building will be profitable. Multi-family attraction, large piece of ground, great developer, and superior product. Councilman Christensen brought up apartment dwellers access to commercial retail. There is direct access, but for pedestrians it is more difficult because of the railroad and a safety standpoint. Are the impacts properly mitigated, are there enough positive benefits created to support the plan? In the Master Plan it is important to realize that the uses are interrelated and they are connected

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financially (one supports the other) to attract the users.

#### Economics

Mike Hutchings explained the Developers economic assumptions and put some numbers to them. Discussed first was the Commercial Freeway Frontage area and they feel car dealerships is the way to go, of course we have to have a road to attract the dealerships. They believe an average car dealership generates \$180,000 - \$300,000 for the City. Most dealerships are approximately 9 - 10 acres, they feel they can fit seven dealerships which would generate approximately \$1,680,000. South Jordan's portion of the property tax would be approximately \$45,000, plus 50% of School and County Tax increment (approximately \$139,000). To figure impact fees they used Layton as a model. They came up with an impact fee value of almost \$500,000 for the Commercial Freeway Frontage area. Commercial Retail assumptions are three large box retailers, five specialty retailers and seven out parcel users generating approximately \$1.5 million. Annual property tax revenue is approximately \$264,000, impact fees is almost 1.2 million dollars from the build out of that area. Multi-family, 54 acres, assuming there are 906 units built on site, property tax for the City comes to approximately \$70,000, tax increment is \$218,000 and impact fees is almost 2.5 million dollars. The ten acres residential/commercial now zoned multi-family are being proposed zoned commercial, property tax a little over \$43,000, impact fees approximately \$158,000. Commercial Office impact fees a little over \$200,000, property tax, including increment, \$170,000.

Cash Flow chart reveals an overview. Making these assumptions and assuming UDOT pays \$750,000 for this road, with SID being formed, South Jordan's property tax generated portion a little over 11%, assuming 50% tax increment, impact fees, total in 1996 would be a little over 1.6 million dollars (-0- SID payment in 1996). The first SID payment would be in 1997 and the most it could be is \$500,000 (most likely it will be less). In 1997, account balance, would be 1.8 million dollars. Councilman Hofhines said he didn't see where assessments were being paid by the landowners. Mike Hutchings said that was correct and that is what they are proposing. After 15 years we show a projection of a 54 million dollar profit and feel this is a realistic assumption. They strongly feel the road needs to be built and economic development will come.

Thayne Robson said this is one of the most valuable pieces of commercial property and it clearly depends on access and the road. The State has a future for growth and one of the assumptions is that 70% will be in Utah County and 30% will be in the South County area. He believes at least 50% will be in the South end of Salt Lake County. Growth rates in the South end will be very strong and

with the land availability, he is convinced that it might well be that South Jordan will be the fastest growing community in the State and we have a remarkable challenge to deal with the economic development issue. There is a critical need for multi-family housing and he would like to encourage you to support that. It will be critical to supporting the labor force requirements of the commercial development and they will have opportunities for employment elsewhere. The City faces a remarkable challenge, but needs to get ahead of the curve. The assumptions, as he went through those numbers, appear to be reasonable, though he did not calculate them. The City should not let UDOT off the hook for the \$750,000. The State will be the biggest beneficiary in all of this and they should help you meet the cost. He thinks to build out in five years is entirely reasonable. It will build out just as fast as you are prepared to expand the services and make that feasible.

Councilman Peck questioned if they are being over optimistic with three large box retailers. Mike Hutchings felt it was realistic. Thayne Robson agreed that you would see retail space used and assumptions are reasonable. He also felt growth is likely to be higher, rather than lower. City Attorney Mike Mazuran asked Thayne Robson to expand on multiple housing. Multiple housing is different price levels and different mixers. He is satisfied that this will be high, upper end quality which makes the project attractive. There are a large number of executive/professional people who come in for up to three years that don't want to buy a house, young people who need to live in an apartment before they can buy a house and our vacancy rates are less than 2%. People who oppose it, don't understand what the market will do to them if they don't plan and move ahead. Councilman Christensen questioned how multi-level housing relates to the rest of the project. Thayne Robson explained this is land that is not really suitable for commercial, it is valuable land if put to the proper use. The norm is 2/3 single family, 1/3 multi-family in most communities.

#### Multi-Family

Dan Lofgren spoke about the project and said it is only as good as the team. This community is only one element in a master plan. The households we are trying to attract have economies that give them a number of housing options. They generally have the economics to buy a home, but for reasons of lifestyle, freedom, and amenities, choose to rent. Many are professionals, executives, retirees and pre-retirees, these are a stable clientele who stay around and become a permanent, contributing part of the community. The preliminary site plan showed a sense of community, pride of place, grand entrance, an amenities package that creates a country club atmosphere, nicely pitched roof, chimney stacks with decorative attic vents, brick courtyard gate features, all which are expensive to build. There will be brick to the belt line

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(graffiti resistant) and stucco along with decorative features. The landscape is created to design a very specific environment. The units have 9 foot ceilings, large rooms, 25% bigger floor plans, direct access garage, and a washer/dryer. Councilman Peck questioned if the complex would be secure and was told, at this point, it is not planned to have a gate. It was also mentioned that right now they will be apartments, but later they may be converted to condominiums and put up for sale. Councilman Carlile questioned the close proximity to horses and the smell that would come with them. He was told that this is a factor, but feel they can account for that. Councilman Christensen wondered if there would be walking trails. The response was that with the type of residents occupying this facility, walking trails probably wouldn't be used. However, bike and walking trails might be considered.

#### Wetland Transfer

Gerald Anderson explained that right now the master plan shows 54 acres (hillside), up to 12 units per acre which equals 648 units. The 16.94 acres of upland are generally buildable and last November they requested this be zoned for RM, which would allow them to transfer density to the hillside. At 12 units per acre this would equal 181 units. Wetlands, usually not buildable, 20.73 acres, times 12 per acre equals 248 units. What has been proposed to the City is to give them 35 acres of Wetlands. Total units possible 1077 (uplands, hillside, wetlands), if they give the City 35 acres they would build only on 54 acres, times 18 per acre, site plan is for 906 units.

#### S.I.D. Proposal

Gerald Anderson talked about the filing of a protest to give them a little more time to work out the details with the City and the landowners, and to work out the master plan. They are getting closer to withdrawing that protest, if they can get some arrangements made. Mike Hutchings stated they are asking to be zoned high density. Residential is part of the Special Improvement District and the assessments on the property is \$12,000 per acre. If we cannot get zoning and move the multi-family south, we'll have property being assessed with little value. This property also gets us over the 60% control of the property which is very important, along with the zoning for the Special Improvement District. Choices are for the City to fund the road; City can say we want a road and get a General Obligation Bond and ask the voters to decide if they are willing to incur debt; developer builds the road and dedicates it to the City; or a SID is formed and road is constructed with assessments put on all the properties--revenues pay off the assessments. Apply the UDOT money toward the construction of the road, also apply impact fees. As fees are generated they go into an account, which has balances the City

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borrowed from. The shortfall is if there are no revenues, then the property owners pay the assessments. We believe there is a high comfort level that there will be enough money from the cash flow to pay these assessments. Impact and UDOT fees roll over into that project. City cannot legally make sure small residents, who own just a little property, assessments will be paid, but can't do it for big landowners--it wouldn't be fair. If you deferred, it is the same thing you'd have to do it for all. It is, however, very realistic to assume the assessments will be paid from revenues generated, either from property tax, impact fees, or sales tax.

City can say we don't want a SID, we don't want development, we want it to stay a greenbelt. Developers deadline is October 10 and they need a decision, up or down from the City, on the SID, master plan, and zoning.

Local residents, in general, have concerns that are legitimate but they realize development is going to come into the area one way or another, but don't want to pay SID assessments.

#### Summary of Deadline & Approvals

Greg Bell stated of the property tax bill, only 11.5% of what is paid goes to South Jordan, the City is getting \$250 per resident. They in return expect recreation, roads, etc. and might not realize that 55% goes to the school district, etc.

In a short period of time, the developers have brought together the critical elements for success and now timing is a problem. The City needs to decide what they are going to do and be part of the team for success. We need the City Council and Mayor to sign onto this project as a matter of concept, let the Planning Commission review design, setbacks, height, etc. The economic concept needs to be signed onto by the City Council and has to be done quickly. City Administrator and Economic Development Director need direction. We need you to buy onto the master plan as an economic concept to something you would like to see happen in South Jordan. As soon as that decision is made, they need to confront the Master Plan issue. Next is the multi-family issue to move South and the need to clarify the zoning issue and to have 54 acres.

SID is complicated, but the City Attorney is very capable to work through it. In the next couple of weeks we need the City to become a partner for this development, with a lot of issues to work out. You have the staff to do it and they need guidance from the City Council and for the Council to be available for meetings to give clear marching orders.

Gerald Anderson ended this presentation by adding that estimated figures at build out on the multi-family will be over \$100 million.

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At build out, the commercial and multi-family will be over \$250 million. Estimated employment is between 2,500 - 3,000 employees. He felt they are bringing, to the City, the opportunity to master plan almost 40% of your commercial district, all at one time.

Mayor Hutchings thanked the presenters for all the interesting facts. Said we would now spend some time with the Council and Planning Commission fielding questions to the presenters. He reminded the Council they would have a Closed meeting after this meeting in reference to potential litigation.

#### Questions

Councilman Carlile questioned affordable housing versus luxury apartments. Dan Lofgren said that affordable was referenced as one end of the scale, but the multi-family housing they are proposing is at the other end of the scale. Rental costs they are projecting are from \$800 - a little over \$1,000. Councilman Carlile brought up a concern in reference to the railroad. He was told there are literally dozens of factors on how much impact the train is going to have; soil, building materials, landscape plan, elevation, etc. The developers are quite confident they can mitigate it. Councilman Carlile then brought up that the density keeps growing, 12, 14 now 17 per acre. Gerald Anderson explained they are trying to build 906 units. 900 units on 54 acres is 16.6 units, the norm is 22 per acre. Councilman Carlile asked the total cost of the infrastructure improvements that need to go in for the whole road. Gerald Anderson said it is \$3 million, \$1 million for contingencies, \$1 million for bonds, equaling \$5 million, which could conceivably be \$1 - 1 1/2 million in contingencies. City Administrator Millheim added they were very conservative in their numbers, not knowing what contribution they will get from UDOT, so it was figured at worst case. Legally you must figure it high, because you can't increase. Councilman Carlile then stated that we normally make developers pay for their infrastructure improvements by putting them in as they go, if we form an SID and use the tax money to pay off the development are we being consistent? City Attorney Mazuran said it is something that is not unheard of and you have to look at the nature and size of the development involved, who's going to be served by the development and what the objectives are for the City. In this case there are objectives that relate to economic development and creating a tax base. Councilman Carlile then mentioned not having to pay those impact fees based on it being built in a certain time schedule, 1/5 this year and 1/5 next year, etc. Does that become part of the development agreement that it builds out at that speed? The developers concern is that it's hard to say we're going to have a building here, a building here by this day. Economic Development Director Snarr said we can put some of that into a development agreement but we need to be a little more flexible, more realistic,

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i.e., time frame for start of phase I, production schedule, etc.-- could be an area for negotiation. Councilman Carlile voiced his concern on the zoning, that it has been brought to Council one piece at a time. He would like to see the Developer bring the whole 200 acres in, all layed out, and say you want all this zoning done at one time. The applicant doesn't own all the property, what they do own they have brought in and that's what the developers want. Councilman Carlile said the North end is currently property that you don't have control of, what if they won't let the street go through. Gerald Anderson has a contract for the right of way. Councilman Carlile questioned this as an area where earthquakes are a concern, where are our building codes in relation to that? That particular piece is not a concern, they've already done drilling tests for two weeks. Councilman Carlile said lastly, would you be willing to do this presentation again for the public. The Developer said he has done it before and would do it again.

Councilman Peck had two questions. We tabled a motion in reference to spending some money on a land use master plan, in this area. If we're happy with this, do we need to spend that additional money? City Administrator Millheim's recommendation is yes, because the money was not just for the master plan, it was also for the economic verification of the number side of the equation. He believes the developers have done their best effort, so part of what you would be buying would be an independent appraisal of the numbers based on the assumptions. Second item, Mr. Soff's statement re the approval of 11400 South, which Councilman Peck had not heard of. Is 11400 South a make or break on this project? Developers commented it is there understanding that 11400 does not require federal approval because it was a replacement for 11800 South interchange and that Draper was giving up that interchange and it has been approved to relocate that at 11400 South. Councilman Peck feels this is something that Staff should check and that it should be verified, with Ken, prior to next Wednesday's Planning Commission meeting. Councilman Hofhines questioned if 11400 doesn't go through, what is the impact? Gerald Anderson said the commercial retail would be impacted. It wouldn't change the viability of the whole project. City Administrator Millheim said staff would find out UDOT's official position on this.

Planning Commission member Brent Arnold questioned how it ties in with the existing frontage road and how the interchange at 106 is going to affect the existing frontage. How is it going to affect the retail establishment--negatively. There will be a barrier that comes up past the east side of the frontage road which will allow only for right turn in and right turn out. Looks like an excellent location for a large user who could use part of that power line as part of the property (fairly cheap). The Developers have envisioned there is 2 acres purchase ground for every acre of power line easement ground, so they really get three for two.

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Planning Commission member Dwight Wilkinson brought up the impact on the road on Sunday's getting to churches. If you did something for one denomination, what about the others? Council and Commission didn't really want to worry about this. Second question he had was on the SID cash flow, you have it for 15 years, but you have revenues in excess of \$54 million. Is there a reason for that, or a penalty for early payoff? That is the length of the bond, and yes there is a penalty. There is a period of time up front that they can prepay the assessment, before we issue bonds so it is dollar for dollar. After we issue bonds they also accrue interest cost, if someone wants to pay off the assessment then you legally are allowed to charge them for principal amount, interest that comes due up to the call provision (depending on if call is at a premium, or dollar for dollar). On a 15 year, \$5 million deal, we might be able to get 7-8 year call at 6 - 6 1/2%.

Planning Commission member Richard Allen questioned the park. If that was just land dedication, no improvements. Gerald Anderson said yes, at this point it is just land. Planning Commission member Doug Wilkinson asked about the park, in exchange for the ground, he recalled the Developer was going to develop part of the park. Gerald Anderson said to the best of his knowledge he is not talking about a developed park.

Councilwoman Newbold questioned the Army Corp of Engineering approval. Mr. Anderson said the application is in process right now. They say we can do it, if you go under 10 acres it can be done on a national wetland permit and if you go over you have to have a special permit. We are only talking about mitigation for the canal less than 3/4's of an acre.

Councilwoman Newbold asked about multi-family, is there any comparable projects in the valley. Dan Lofgren said there was a smaller one, in frame stage, at 10 East and South Union Avenue. She questioned the proposed project--that is considerably larger than others they have done. Apartment complexes generally work as small as 50 units and as big as 1,500 units. What does it do if they are located on interior roads? It is a huge road and ease for access in and out is fine. Questions directed to City Attorney Mazuran were 1. Development agreement regarding density and our ordinance; 2. Can you rezone property, subject to conditions; and Gerald hasn't asked for increment or sales tax, does this prevent him from doing so. Mike Mazuran briefly stated that he feels these things can be worked through.

Councilman Hofhines had one question, can an impact fee collected be used to pay off the bond? Mike Mazuran said it depends, certainly the impact fees have to be utilized for the purpose they were collected. Councilman Hofhines said in cash flow, the impact fees that were collected in the development amount to 4.5 million.

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Councilman Hofhines questioned, can't that be used to pay back the bond? City Attorney Mazuran said it might be, I really haven't had a chance to examine it.

Councilman Christensen, no questions.

Mayor Hutchings expressed his appreciation to the presenters. Presenters questioned if Council had any feelings on the outcome. Mayor Hutchings said Council needs to think about the presentation. City Administrator Millheim said they accomplished goal #1, gave you as much information as possible and a forum for asking questions. Goal #2, not accomplished, asked the Council to spend some time on it, think about it and then Staff needs clarification as how to proceed. Master Plan is set for the Planning Commission meeting next Wednesday, September 27. City Council meeting for October 3, has the issues of Master Plan and Zoning.

City Administrator Millheim tried to clarify that if the Council has not decided if they are behind it, by October 10, their decision has basically been made. The developers conditional protest, becomes a real protest and in which case the City cannot do the SID, without starting over. Planning Commission member Doug Wilkinson said we need to make a decision, we've been talking about it for two years, if we can't make a decision we're losing a golden opportunity and a economic growth and revenue we need to share--throwing millions of dollars out the window.

City Administrator Millheim said we need to come prepared next Tuesday to give staff firm direction and this will help the Planning Commission at their Wednesday meeting. Councilman Christensen said by Tuesday the City will still be lacking the numbers, reviewed by an outside consultant, and you will be relying on developers numbers and figures. Councilman Hofhines said worst case is the landowners pay the assessments. City Administrator Millheim said Tuesday we want Council to decide only what direction they wish to proceed.

Councilman Peck made a motion to adjourn to closed meeting. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

**ADJOURNMENT**

MINUTES OF THE SOUTH JORDAN CITY COUNCIL SPECIAL MEETING  
OCTOBER 10, 1995

**PRESENT:** Mayor Theron B. Hutchings, Councilman Doug Carlile, Councilman Tom Christensen, Councilman Jack Peck, Councilman Brent Hofhines, Councilwoman Merlynn Newbold, City Administrator Dave Millheim, City Engineer Gordon Haight, City Attorney Mike Hayes, Community Development Director Ken Leetham, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

**CITIZENS:** Dennis Larkin, Gerald Anderson, Mike Hutchings, Melissa Kimmel, Ritchie Svedin, Joy and Gary Sturdevant, Greg Bell, Garth Cowley

The meeting was called to order by Mayor Hutchings, at 6:45 P.M..

**I. GENERAL BUSINESS**

**A. Roll Call and Prayer.**

All Council members present as above. Councilwoman Newbold offered a prayer.

**B. Approval of the Agenda.**

Councilman Peck requested an addition under VI. OTHER BUSINESS. He had a citizen contact him who needed to discuss an item regarding property at 2916 West 10460 South. Councilman Peck made a motion to approve the agenda, with the above mentioned addition. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

**II. UPDATE**

**A. Commercial Freeway Frontage Project and Approval of Work Plan.**

Mayor Hutchings asked City Administrator Millheim to make some introductory remarks concerning the Commercial Freeway Frontage Project and Approval of Work Plan. City Administrator Millheim stated that at last week's Council meeting, City Council asked Staff to do two things, the first was to come up with a work plan to outline hearings, ordinance revisions, development agreements, etc. The City Attorney and I put together a work plan to accomplish these goals within the next 60 days, as requested. The second item was to find out from the Developer whether or not they would still be amenable to working within the parameters of our work plan and time frame. The Developer would like to speak briefly to the Council on this matter, at this time.

Developer Gerald Anderson mentioned a meeting with Mrs. Kemp, a property owner that would be affected by this possible development,

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and their discussion was on the purchase option extension and what possibility there would be of it being extended again. Next he had a meeting with Mike Hutchings trying to come up with their options. He noted the apartment builder expressed frustration with the deadline dates he was facing. Gerald's feeling, the feeling of his developers and the feeling of some of the landowners was that South Jordan might not be ready for this. Their thoughts turned to, was there another entity that would be willing to develop this project along the guidelines put together. He had a meeting Monday evening with the landowners most affected by this project, these are people whose homes would have assessments put on them, and people who would be basically giving up their homes. The Developers asked them what their options were. They then generated a petition and basically are coming to the City Council tonight to say the Developers would like to do this project in South Jordan. They would be willing to file a disconnection and investigate the possibility of annexing into another entity. This is not the Developers desire, but at some point they need to address the landowners. The Developers are here tonight to tell the Council that they would like to move forward with the time agenda that Mr. Millheim and Mr. Mazuran set forth. It doesn't fit their need as far as planning (if it could be moved up seven days that would help them out substantially), but basically they are very close to what the City has outlined. If the Master Plan, as proposed, doesn't fit South Jordan's overall views then let them seek another entity. The bottom line is the Developers are looking for some kind of commitment from this Council. They feel this comes down to an economic decision. Mr. Anderson's group would like to move forward with the City under the present time frame, with the few modifications City Administrator Millheim has put together. But they want Council to understand that they have put together a petition to disconnect from the City of South Jordan and their needs need to be met or else they will have to exercise the disconnection option.

Councilman Carlile questioned what date on the work plan needs to be seven days sooner? Gerald Anderson referred to their outline, Basic Pillars (Attachment A). Councilman Peck questioned if these meet the outline required by law. Gerald Anderson believed they did.

Mayor Hutchings then questioned City Attorney Mike Hayes if the City has been noticed that we are affected by a possible suit. City Attorney Hayes stated he believes Mr. Anderson said it is their intention, unless the Council does something tonight that they are in agreement with, such as going forward with the proposed plan. Mr. Anderson has stated that they intend to file a petition for disconnection which would be litigation and therefore you have been threatened or warned that there is potential litigation involved in this. Mayor Hutchings addressed Council, under these

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circumstances, that he feels it important that Council call for a Closed meeting and requested a motion.

Councilman Peck said prior to requesting that motion he would like to hear from Mr. Anderson about the request for moving up the work plan seven days and Mr. Anderson also indicated there were some other things that needed to be covered. To what extent are those other things, in writing, or were you planning on verbalizing those? Councilman Peck wanted to see what the complete picture is. Mr. Anderson said he provided to City Council, about a month ago, a list of things the Developers needed to have accomplished. He feels they need something to build from.

City Administrator Millheim went through the work plan and compared it to Mr. Anderson's Basic Pillars list. He first read the Staff report. First was the Road, Option A - South Jordan to fund, Option B - South Jordan to guarantee S.I.D. payments. Councilwoman Newbold then asked if Mr. Anderson could explain this. Mr. Anderson explained one option was that perhaps by not using an SID savings could be approximately 1/2 million dollars in guaranteed funds, another 1/2 million dollars in funds that the bond counsel and bond group were going to hold in reserve. Perhaps there could be another way to fund through City participation, UDOT participation, and developer participation (to be reimbursed out of street impact fees). The option that the Developers have been proposing all along is that the residents would allow their properties to be assessed and that the impact fee for those assessments be covered by the cash flow (sufficient particularly from impact fees and other types of fees that the City could commit). Councilman Hofhines said there is no guarantee that adequate funds would be collected--they will commit to collect those funds for those payments, however, a lot of those payments and impact fees are driven by the development of the area. If the developer doesn't come through then there may not be any funds to pay the assessment. Mr. Anderson says they've shown cash flow would pay for over half--the others would have to be worked out. Councilman Hofhines reiterated his question, are you requesting the City guarantee it? Mr. Anderson said, at this time, they are asking the City to guarantee it, especially in light of the consultant brought on by the City to review the numbers. Councilman Christensen mentioned that in an earlier presentation made by Mr. Anderson it was the apartments, or development, that would guarantee--is that no longer an option? Mr. Anderson didn't remember the apartment as a guarantee, rather that the apartments would pay at least half. The earlier commitment was that the City would use funds proposed, to be applied to assessment payments. The developers have now revised their position, and are asking the City to guarantee those funds.

City Administrator Millheim went on to Zoning, Master Plan and

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Zoning for Commercial and Multi-Family to take place on November 2, 1995 (the Developers date, which is about two weeks earlier than outlined in the work plan). Mr. Millheim then read the work plan up to November 14. He noted that notice would have to be given 14 days prior to the November 8 Planning Commission Master Plan hearing. Mr. Anderson noted that their November 2 date was the need of Mrs. Kemp, before they fund the property they need to have it zoned. The Developers proposed concurrent notices, Planning Commission hearing, a few days later City Council hearing. City Administrator Millheim added that Staff could not have the work completed on the entire Master Plan, as well as the zoning and general plan amendment and have them ready for public viewing in the next 72 hours and that is when they would have to be in order to meet these deadlines. Mr. Anderson noted on November 2 they call for the Master Development Agreement and the following week they feel they need to be looking at a multi-family development agreement as well (separate agreements). City Administrator Millheim added that one is very general--covers the entire area in terms of financing, zoning, administrative control, developer responsibilities, etc. When you get into specific parcels, i.e., multi-family, you get into specific site criteria, etc.--you want the big one done first. Mr. Millheim noted that they would have to add to the work plan the time line for the development agreement with the multi-family developer. To add it will be difficult, because if agreement isn't made with the master development agreement, it will affect the multi-family agreement.

Mr. Anderson noted that the Developers will be committed to the Cities current fee schedule. The multi-family is about where it should be, the commercial is low and that would not affect the multi-family developer. Mr. Millheim noted the revised fee schedule would not be ready for a few months and Councilman Christensen thought we may need to adopt, or borrow, something until this can be addressed. He also felt they could go through an analysis and look at what others do.

Councilman Hofhines questioned the density issue and if it would be addressed in the multi-family development agreement. City Administrator Millheim said that was correct and it would be very specific as to what was and was not allowed. Gerald Anderson feels the product they are proposing to build exceeds the current ordinances with the exception of the RM which doesn't allow for the height (suggestion is to increase the open area to include more grass and trees). The Developers want to stack the development to a three story building. Their intent is that the level of development will stay at the high quality level, even if it were sold to another developer. Councilman Hofhines said that he believes it is the City Councils desire not to zone that, unless we have a commitment that will be the case. It sounds like the multi-family development agreement needs to be done before Council can zone it, or at the same time. City Administrator Millheim added it

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could be a condition to the zoning. Mr. Anderson said if it was concurrent that would be fine. Mr. Millheim felt there was not any time being allowed for issues that may come up. Councilman Hofhines said he would honor the work plan prepared by the City and questioned if it could be done? City Administrator Millheim said that the goal is November 14.

Councilman Hofhines clarified crucial dates for the Developer are Specific Approvals on November 7. Mr. Anderson noted that is the heart of the matter. Greg Bell stated they want a development agreement, City wants it, Developers insist on it, multi-family absolutely requires it. Mr. Bell felt zoning approval could be conditional upon reaching an appropriate development agreement. Specifics will address financial elements, who and how we will fund the road and then incorporating the master plan. Mayor Hutchings questioned if zoning would be conditional upon the second agreement. Mr. Bell felt it should be.

City Administrator Millheim asked for Gerald Anderson to explain number 4, Wetland Park. Mr. Anderson requested it be zoned RM, remove the density from the RM, classify it as open area and donate it to the City and move that density up on the hill site. What the Developers are proposing, somewhere around November 2, is zoning the wetland park RM, with the stipulation it's not going to be built. They want to negotiate the number of units to be transferred out of the wetland park, with the Council. What would be resolved in the Master Development Agreement is the Wetland Park and reimbursement for the 182 units (not built) in tax savings (not monetary).

City Administrator Millheim addressed 5, Development Agreements (being done at the same time) and 6, Local Citizen Involvement. Mr. Anderson noted that the residents would like to have some input as to what that area is going to look like. The residents input would go through the Developers.

City Administrator Millheim said they need a decision from the Council on the work plan, need to consider what Mr. Anderson has said in terms of their time line, consider the possible disconnection and how Council wants to deal with this.

Councilwoman Newbold asked Mr. Anderson exactly what he has to have. If the Developers are willing to work, what can they give on? Mr. Anderson said, within the next 48 hours, they would like to know if their list is something the City and Council can work with. He felt, at most, the City and Developers are 12 days apart. They would like to move up the zoning portion a little faster, would like to see a multi-family development agreement in harmony with this. Councilman Peck restated what he thought Mr. Anderson wanted--for the Council to see what elements they can and cannot

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live with, incorporate it into the Cities work plan and present that to Developers and they say yes or no. Mr. Anderson thought that was correct. Councilman Christensen added that he felt these were calendaring items and the key issues should be resolved early in the process to see if we are in agreement, or if it will work.

Mr. Anderson reiterated their commitment to the residents that the assessments on the properties, if they fund it through an SID, will be paid.

Councilman Peck felt the Council should really go into a Closed meeting to discuss potential litigation related to a disconnection, along with acquisition of real property, but there were still items on the agenda they needed to get to. City Attorney Mike Hayes added that if Council is going to go into Closed Meeting it needs to be for Council to discuss the ramifications of the threatened disconnection lawsuit, not any decision the Council makes to direct Staff to go ahead with the plan--that would need to be done in the public meeting. Councilman Peck questioned the Mayor if Council should continue on with the agenda to discuss Action Items and Study Session items. Mayor Hutchings asked the Council and it was there consensus that they should continue with the agenda and go into Closed Meeting later.

### III. ACTION ITEMS

#### A. Official Canvass of 1995 Primary Election Results.

City Administrator Millheim noted South Jordan had a primary election last week and then handed out the final results (Attachment B). He said what is needed is a motion from the Council approving this count and then to send the top six names on for consideration in the November election. Councilman Hofhines made a motion to accept the final results. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

### IV. STUDY SESSION

Councilman Peck, at this time, introduced his addition to the agenda. Stating he received a phone call from a citizen (Mr. Cowley) and basically it involves some clarification to an area, two lots away from Mr. Cowley's property.

Mr. McIntyre was developing some property and needed a list of signatures indicating they would give a right of way for a 50 foot wide road through their property and his, that was forwarded to Community Development Director Leetham. At the May 10, 1995 Planning Commission meeting Mr. McIntyre presented a small residential development. Mr. Leetham indicated that Staff had reviewed the item and Mr. McIntyre was told curb, gutter, sidewalk

**MINUTES OF THE SOUTH JORDAN CITY COUNCIL SPECIAL MEETING  
OCTOBER 24, 1995**

**PRESENT:** Mayor Theron B. Hutchings, Councilman Doug Carlile, Councilman Tom Christensen, Councilman Jack Peck, Councilman Brent Hofhines, Councilwoman Merlynn Newbold, City Administrator Dave Millheim, Administrative Services Director Sharlene Behunin, City Engineer Gordon Haight, Community Development Director Ken Leetham, City Attorney Mike Mazuran, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

**CITIZENS:** Gerald Anderson, Mike Hutchings, Garth Cowley, Jeanne Jackman, Luane Jensen, Mary Lynn Liddiard, Geniel Johnson, May Johnson, Janet McKinney, John Green, Laura Lewis, CarryLee Cazier, Mr. & Mrs. Sturdevant, Mel Beesley, Melissa Kimmel, Cathleen Lloyd, Mr. & Mrs. McCloud, Kathy, Robert, & Nick Danjanovich, Roy Harward, Richard Warne

The meeting was called to order by Mayor Hutchings, at 5:45 P.M.

**I. GENERAL BUSINESS**

**A. Roll Call and Prayer.**

All Council members present as above. Councilman Carlile offered a prayer.

**B. Approval of the Agenda.**

Councilman Carlile requested an addition under V. CLOSED MEETING, A. Personnel and B. Real Property Acquisition. Councilman Carlile made a motion to approve the agenda, with this addition. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

**II. UPDATE**

**A. Commercial Freeway Frontage Project-Discussion of City Financing Options.**

City Administrator Millheim noted that the City Council approved the Work Plan prepared by Staff, to move the freeway frontage project along, and Staff continues to operate from this outline.

**1. Current Capital Projects Financial Report/Major Road Projects.**

City Engineer Haight distributed a Staff Presentation (Attachment A) of proposed projects, estimated costs, and a priority listing. Some of the projects City Engineer Haight mentioned were the 500

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West project (from 10200 South to 10600 South); sidewalk, curb, and gutter projects; road widening; etc. Costs may seem a little low, they are bare bone figures and will only go up. City Administrator Millheim added the list that was distributed is Staff's best guess on projected projects and priorities--but it does not address funding.

Administrative Services Director Behunin directed Council to the financial report, the status of the Capital Improvement Projects (CIP) Fund as of the first quarter of this fiscal year. Noting under Revenues, Road Funds, nothing will be received until October, February, and June; Impact fees are at 23%, just about right; Interest is high (normal at the beginning of the Fiscal Year); Franchise Fees not transferred in until January; Other Revenue is grant money not received yet--Revenue 16%, versus 25% is not bad due to the timing issue. To date in the Municipal Building Project (\$305,000), only \$1,600 has been spent, 1/2%; Park Projects (\$565,000), 3% has been spent; and Parkway Projects, nothing has been spent. The area the Council will be looking at tonight is the Freeway Frontage Road, \$3,350,000 budget (road money only), and \$480,000 (14%) has been spent, \$2,870,000 unspent and undesignated at this time. Sidewalk Projects, \$250,000 budgeted, a major 2700 West sidewalk project was done, 80% of budget; and Storm Drain Project, \$1,750,000 budgeted, 1/4% spent. Total Expenditures 11% across the board. City Administrator Millheim added that Council adopted a budget with lump sum amounts in all of these areas and projects need to be prioritized so money is spent where needed. Whatever Council does with the Freeway Frontage project will affect the rest of the equation for the remaining projects. Administrative Services Director Behunin noted the Ending Fund Balance (amount not budgeted) is \$828,644--if everything is spent that is budgeted and nothing is spent over budget. There is \$300,000 in reserve for water storage, impact fees and park improvement; and Unreserved available is \$477,978.

Councilman Hofhines questioned if the projects listed on the CIP list were also on the Draft Projects list? City Administrator Millheim said most were not.

Administrative Services Director Behunin went on to page two, Projections. This is assuming that everything is spent that is budgeted for 1995-96. Using historical data you would have increases in Road Funds of 10%, Impact Fees 15%, and Franchise Fees 10%. City Administrator Millheim added this is assuming the existing revenue structure, existing schedules, and does not include the new impact fee study. Administrative Services Director Behunin said the City would have \$1,975,000 incoming revenues in 1996-97. Ending Fund Balance at the end of next year \$2.8 million, however, with reserves the City would have available \$1.5 million. Year 2000 Ending Fund Balance of \$10 million, \$5.5 million

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available. City Administrator Millheim noted these are bottom lines, nothing is factored in with projections from the proposed freeway frontage project.

Administrative Services Director Behunin went on to CIP Fund, Scenario 1, a five year projection using the same revenue projections, except assuming the City would fund the entire road at 500 West (frontage road, 10600 South - 11400 South). Road Funds from UDOT would not be available until Fiscal Year (FY) 1997-98. Expenditures Other Road Projects, \$480,000, would be unavailable; 500 West Frontage Road would cost the City \$3,698,000, part is already budgeted, the City would have to appropriate the entire remaining fund balance \$828,000, leaving nothing left and could not fund anything else for the remainder of the fiscal year. To have a working capital reserve the City would need an additional \$500,000 (transferring from the general fund or wherever). Also noting, this puts all other projects on hold.

Scenario 2, Original SID Proposal Bonding for \$4,960,000--Revenue Stream is exactly the same, \$1 million in 1997 from UDOT, and this basically has no financial impact on the City. Road Projects, \$480,000 spent, leaves \$2.8 to divide up for other projects. In 1997-98 there are SID collections that offset the Debt Service Payment where the property owner would pay the bill. The Bond financing cost for SID is \$180,000, front end. Interest over the life of the bond is \$3.1 million (interest could fluctuate and increase).

Scenario 3, incorporates assumptions that were made with the input of Councilwoman Newbold and Councilman Hofhines. In this scenario the City has given the property owner a 2.5 acre residential (has to have a home on it) exemption, dropping the bond amount to \$3,775,000. This scenario figures the same revenue assumptions, payment for residential exemption, \$227,000, leaving \$2.6 million still available to designate for other projects. FY 1997-98 SID collections drop from \$565,000 down to \$394,000. The effect to the City is a wash--the City puts in \$1,227,000. The Bond financing cost is \$153,000 versus \$180,000 and the interest over the life of the warranty bond is \$2.4 million versus \$3.1 million. Councilman Hofhines questioned when the warranties are due, if the City decided it didn't need to bond how much of the \$153,000 does the City get back? Laura Lewis (attorney for the Developers) noted there are \$30,000 in up front costs, plus legal costs. The City might be out \$30,000 - \$50,000.

City Administrator Millheim noted the Council does not need to pick scenario 1, 2 or 3, they can choose a mixture. Scenario 1, is City funding, the big con is there is no money available for other projects. Scenario 2, the SID issue would have to be resolved, and could not be done immediately because of the amount of protests.

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The pro is that there would be \$2.8 million in tact for other projects. The con is the interest payment over the life of the process and interest payments are paid by the property owners. Scenario 3, timing is the big question and the City would be taking a large assumption, i.e., UDOT money being available.

City Administrator Millheim briefly talked about last Wednesday nights meeting with the property owners. There were 107 letters sent and approximately 50 folks attended the meeting for a question and answer session. Councilman Hofhines said the meeting went well, thought some rumors were dispelled, and felt for the most part support was shown for the project being entertained. Councilman Carlile added, during the portion of the meeting he attended, that the exchange of views and ideas was productive.

## **2. SID vs. Partnership Method.**

Laura Lewis, Financial Advisor for the City, addressed options. She noted that the City of South Jordan has incurred legal costs of approximately \$5,000 - \$10,000--accrued costs to date.

If the City chooses to proceed with Option II with the SID as currently proposed, the City would need to print out notice of intent with assessments of approximately \$11,512 per acre and \$210.69 per linear foot (the people along the road would pay a higher assessment than the people off the road). What would have to take place under that scenario is that the conditional protest would have to be formally withdrawn and the City would need some evidence in writing that they are withdrawing the protest and allow a week after that. Staff would need to notice another meeting, at which time Council would review the withdrawals of conditional protest and go through a detailed analysis--i.e., a. property owner has protested; b. has not, etc. If there are at least 50% who have not protested, the City could decide to move ahead immediately. Once approved, interim construction warrants could be issued to get the process underway. Property owners would have to understand the maximum amount, that was sent out in the original notices, would be what the City could legally charge as a maximum annual assessment. Interest rates are subject to fluctuate and are set once the construction period is done, and after time has been allowed for those property owners that want to prepay in full, to prepay. Finance payments would go only to those that did not write checks for the entire balance of their assessment. If there are not enough withdrawals of conditional protest, the City is forced not to form an SID under Option II.

If the Council chooses Option III, the City is given a legal ability to exempt homeowners because there is legal basis that the road and construction development does not benefit the homeowner--allowing the homeowners to be exempt from paying the assessments.

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Assessments will be approximately \$9,367.66 per acre and \$159.60 per linear foot. To do this legally the City would withdraw the original notice of intent, prepare and approve a new notice of intent which would have the new maximum assessment stated and would delineate the small homeowner (however many acres agreed on--a 2 1/2 acre exemption was mentioned earlier). The City would take that action, go through the renotification process, all homeowners would get a new information piece on what the maximum assessment will be, another hearing would be held (protest or no protest from the Citizens)--a period of four to six weeks to get to this point, 21 more days before the district could be formed (9 week minimum). Noting the \$1 million to be received by UDOT is not to be received until FY 1997-98, this has been accounted for in the bond issue. So the City is not financially harmed by this the City would need to borrow \$1 million in the construction phase process, but would not be issued permanent long term take out bonds until the City receives the \$1 million from UDOT. Councilman Hofhines questioned what would happen if the road was built in this fiscal year? Laura Lewis said it could be arranged for the warrants to remain outstanding for two years.

Ms. Lewis noted there is no reason that the Council could not use a combination of some of these options.

Councilman Hofhines questioned how Sandy City did their SID? Laura Lewis explained that the person selling the tax exempt bond cares about who is ultimately responsible to pay for the bonds. Normally the majority of the people will pay their assessments, and the City will make up the shortfall. Under an SID, the City has the legal right to foreclose on the real property if the assessment is not made by the property owner. Most Cities choose not to exercise this, but rather put a lien in place. In the Sandy City Automall development it was a credit concern because Woodbury Corporation was the largest developer who owned 82% of the total property, and if they didn't pay, it would be a big burden for Sandy City. However, they had cooperation with Woodbury Corporation to show they had the financial ability to pay. Increment and impact fee revenues have been such that individual property owners have not had to pay for any of the assessments, however, it was not a City guarantee and was based on what actually came in.

City Administrator Millheim added that since the City Councils last meeting the City has received a reimbursement type agreement from the Developer that relates to right-of-way and acquisition of real property credit. Whatever way the Council chooses to go, if it includes negotiation with the Developer, Staff will need direction from the Council.

Councilman Peck thought rather than debate which of the three scenarios and whether the option of a zero or all impact fee, or

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tax benefit, it would seem appropriate to move into a Closed Meeting to discuss the financial status and what the City can afford to do.

Councilman Hofhines questioned if the Council picked a scenario other than II, would the Council have to start all over? Laura Lewis said legally the City does not have to, if the property owners withdraw their protests knowing that the notice of intent that went out originally has the higher level, the Cities intent can be to use the UDOT money so the final assessments that go out look like Option III, \$9,000 (versus \$11,000) or something lower if more money is collected or the City puts more money in. The property owners have to understand that if they withdraw their protests and all of the City Council members are replaced before final assessments are done, they are responsible for what is legally binding up to those amounts. Councilman Hofhines noted it is best to give the worst case scenario. He also questioned if they choose Option I, III, or a mixture, is there any way the people can feel more protected if the SID is officially adopted? Councilman Peck asked in Option III, exemption for property owners, can that proviso be placed in Option II without public notice? Laura Lewis said throughout the process there will be a point where the City can avoid legalization meetings and hearings and Council can decide at that point if they have reason that they are not benefiting from this, to say we are taking you out. That can occur without having to go through the renotification process and keeps the maximum level in place. The question is when the UDOT money is received, will it be applied toward assessments. The City could have a separate agreement that could address these issues without having to go through a renotification process. Councilman Hofhines asked if the development agreement could also include a waiver of fees? Laura Lewis did not know the answer to this. Councilman Carlile asked what criteria can be used for an exemption? Laura Lewis stated it has to be based on who benefits, economically and who benefits from the road going in, and who does not.

Councilman Hofhines questioned is there anyway to protect the property owners if the SID is adopted and Option III is chosen, not to start all over? Laura Lewis said through a development agreement and to schedule meetings with the Bond Counsel and with the Cities legal counsel.

### 3. City's Ability to Pay.

Councilman Peck asked City Administrator Millheim what this item was. City Administrator Millheim was referring to prioritizing the whole project.

### 4. Site Visits of Multi-Family Projects.

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City Administrator Millheim spoke briefly on the site visit to California to view the multi-family projects. The options to the Council are Saturday or Monday, early morning to late in the day, with the City paying expenses. Monday is the preferable day to have management people available to speak with. The Council will look at the largest projects the Developer has ever done, and also worked into the schedule is talking with management personnel. Gerald Anderson has expressed a desire to go along on this trip, at his own expense. Councilman Christensen wondered if there would be an opportunity to meet with government officials. City Administrator Millheim said that he could possibly work something out for Monday. The majority of the Council was available to make the trip on Monday. Councilman Hofhines suggested that he and Councilman Peck make the trip on Saturday to see the developments, without speaking with government officials, however, if a representative from Pegasus could be there on Saturday that would be helpful. City Administrator Millheim clarified that the big trip would be made on Monday, and a modified trip on Saturday with Councilmen Hofhines and Peck. Councilman Peck said he would take along a video camera and make available the tape to the public. City Administrator Millheim noted the projects they would be seeing in California would not have brick, because that does not fit their look--Council will see similar size, landscaping, quality, etc. City Administrator Millheim is requesting, from the California Developer, that the City Council must see the largest project, best project, 900 unit or more project, good and bad projects. Councilman Carlile asked if they could see a project 15-20 years old? City Administrator Millheim said he would try, but there were only a certain number of projects they would have time available for. City Administrator Millheim also added that Council needs to be concerned with what fits, what looks good, traffic circulation, impact on the community, crime, not the business side. Councilman Hofhines made a recommendation to set up a schedule for Saturday for him and Councilman Peck, try to arrange a Pegasus representative, and give them the same list of developments that the Council will look at on Monday. City Administrator Millheim said he would do that and inform the rest of the Council the details for Monday. Councilman Peck requested that the details for Saturday go to Councilman Hofhines because he will be out of town until Friday evening.

Mayor Hutchings stated that the Developers would like to make some brief statements before the Council goes into Closed Meeting. Mike Hutchings said from the developers standpoint there are four ways to fund the road and would like to clarify a few things. He also noted the Developers were a little disappointed, feeling some of the proposals discussed seemed a little unrealistic.

Option I is for the City to fund the road.

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Option II is a proposal the Developers made where Anderson Development is willing to put up \$1.4 million to build the road and the City would need to come up with the rest (approximately \$2 million, which could include the UDOT money). However, the \$1.4 million is not a gift, it would be reimbursement out of impact fees and out of property tax generated by the Development. If there are no impact fees or property tax generated by the development, the Developers incur that risk.

Option III is a full SID, the SID pays for the whole road. If the SID goes forward, Anderson Development will not withdraw its initial protest unless there is a mechanism to protect all the landowners (including Developer), from all the assessments.

Option IV, protects landowners paying assessments for 2.5 acres or less, this is not an option as far as the Developers are concerned.

Option V is a partial fund, the \$1.4 million coming from the Developer for the funding of the road and the rest of the financing as an SID (smaller SID), but still no assessments being paid by the landowners. Councils concern was guaranteeing that the landowners will not pay any assessments. Money can be taken out of the project funds but the City cannot guarantee it. If there is no development and a road, there would be no revenue to pay the SID back. Developers would then ask that the City enter into a separate development agreement that the City will use its own revenue and funds to pay those assessments. Developers, again, in this option would want to be reimbursed for the \$1.4 million.

The Developers recommend Option II. However, the Developers are willing to be flexible with the Council. Councilman Hofhines question to the Developers is, if Council will use impact fees generated, possibly property tax (not sales tax), to pay back the SID and the intent would be not to have to bond anything--if South Jordan had to bond that would be when the assessments would come into play. Would this be a consideration for the Developers? Mike Hutchings felt the answer would be yes, but would talk and confer with the local landowners. Councilman Peck noted that the property owners are the prime concern on the Councils mind as well.

### III. ACTION ITEMS

#### A. City Approval or Rejection of Proposed SID.

No action was taken.

### IV. STUDY SESSION

#### A. Joint Study Session with Draper City Council.

**MINUTES OF THE SOUTH JORDAN CITY COUNCIL SPECIAL MEETING  
NOVEMBER 2, 1995**

**PRESENT:** Mayor Theron B. Hutchings, Councilman Douglas R. Carlile, Councilman Thomas L. Christensen, Councilman Brent D. Hofhines, Councilwoman Merlynn Newbold, City Administrator Dave Millheim, City Engineer Gordon Haight, Community Development Director Ken Leetham, City Attorney Mike Mazuran, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

**CITIZENS:** Mike Hutchings, Garth Cowley, Janet McKinney, Mrs. Kemp, Mr. and Mrs. Svedin, May Johnson, Ritchie Svedin, Jeanne Jackman, Jean Bateman, Dix McMullin, Mary Lynn Liddiard, Irma Rae Fairbourn, Joy and Gary Sturdevant

Mayor Hutchings called the meeting to order at 6:30 p.m. Council members present, as listed above. Councilman Peck was not in attendance. The City Council went into a Closed Meeting.

**II. CLOSED MEETING**

**A. Discussion of Real Property Acquisition.**

The City Council came out of Closed Meeting.

**I. GENERAL BUSINESS**

**A. Roll Call and Prayer.**

Mayor Hutchings noted that tonight was a Work Session for the City Council.

**B. Approval of the Agenda.**

Councilman Hofhines made a motion to amend the agenda and put IV. ACTION ITEMS, before III. STUDY SESSION. Councilman Christensen seconded the motion. The vote was unanimous in favor.

**IV. ACTION ITEMS**

**A. City Rejection or Approval of Proposed Special Improvement District.**

City Administrator Millheim noted that the Council is ready to make a decision this evening. He said the Developer has asked to make a statement. Councilman Carlile noted that the procedure is to have a public hearing and for the Council to receive information. Councilman Carlile was not in favor of taking comment--tonight this is an action item and Council needs to take action. Mayor Hutchings thought it appropriate for the Council to make statements and Council will then take action.

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Councilman Hofhines said that technically the City has more protests than non protests, so Council cannot approve the Special Improvement District (SID). Council has spent a lot of time with the Citizens and the Developer and the decision has been made for the Council. Councilman Hofhines made a motion to reject the Special Improvement District, based on the protest and the concerns the Citizens have brought to the Councils attention as far as assessment and the financial hardship that may occur on some of the property owners.

Councilman Christensen said the reason the SID was considered was to give the primary Developers the ability to construct the road with the funding mechanism in place. The intent of the Council, from the beginning, was to provide the property owners with some mechanism so that they would not have to bear an excessive amount for assessments. The way this has developed, the Developers were not willing to pay assessments, they wanted the City to guarantee the loan. The whole financial purpose is gone and by rejecting the SID, the City can fund the road through other mechanisms.

Councilwoman Newbold stated the Council has talked about the importance of this particular area for several years. The intent has always been to provide a substantive tax base for the Citizens. The City has always wanted to build this road and there have been developers and other individuals who have wanted to build the road to develop their properties. However, because of the commitment to the cost of the road, there has not been any one individual that has been able to bear the cost. The consideration of the SID was an effort to see who would and who would not be willing to pay for the road. There was an overwhelming majority of people who said they would not be willing to pay the cost of the road and the City could not do it. There were some residents who stated that they would not be enhanced by the road and they can use their properties in the way they would like to use it, with the road situation the way it is.

Councilman Carlile said the assessments were a problem with him from the beginning and is glad they are gone. He would like to compliment the property owners, in that area, on their courteous and gracious manners through this process. He believes they have been very patient during an emotional challenge.

Mayor Hutchings thanked the Council for their comments. He wanted to recognize the Developer who performed a real service in assembling properties. As the funding mechanism (SID) was considered and the stress of the assessments surfaced, Council considered in depth what might be done so that no extreme burden be put on property owners. When the Developers came forward and said they were not withdrawing their protest, that told the Council they could not form the SID without the appropriate percentage to make

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it a success. Tonight is a formality to look for a different and better way to finance this project.

Councilman Carlile seconded the motion. The vote was unanimous in favor. Mayor Hutchings added that the Council has unanimously decided that the SID approach will not be taken and is abandoned as far as this Council is concerned.

City Attorney Mike Mazuran suggested a clarification of what the Councils action is--abandoning the SID that was proposed in the notice of intention.

Councilwoman Newbold suggested that the City notify the residents, in writing, of the action taken tonight. City Administrator Millheim said that would be done immediately. Mayor Hutchings said the letter should also indicate something about the methods the Council will be pursuing.

City Administrator Millheim noted the SID has been rejected; Staff will notify residents of this action and what is still being considered; master plan amendment discussion is being held before the Planning Commission on Wednesday, November 8, at 7:30 p.m.; the City Council discussion on the master plan amendment will be held on November 14. As part of this, the zoning issues are still being discussed, the apartments are still being discussed, and the direction Staff has been given is to proceed. The design for the road is already out for engineering to determine cost, description, etc. Staff will continue to work with the Developer who has already assembled the majority of the property, in an effort to pull together funding sources for building the road on a pay as you go basis (City funds, UDOT money, impact fees). This Council fully intends on building the road and opening that area up for development. Council will be in right of way and engineering discussions and hopefully building will begin in the spring of 1996.

Councilwoman Newbold added the road is not any less important just because the SID is not being pursued. A new funding mechanism is being considered, it still needs to be a win/win situation for those involved. There are some property owners that would like to develop their properties and the City would like to provide a means for those who would like to develop.

City Administrator Millheim noted that Staff will continue with the work plan, hearings are scheduled, and negotiations will continue. What the Council really said, is the City will attempt to build the road through whatever funding means can be assembled (not an SID).

Mayor Hutchings noted that as a result of the RFP, the City will have road locations specified. Currently there have been 20

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requests for proposal, it closes November 12, and the City expects to award a bid by the end of November.

### **III. STUDY SESSION**

#### **A. City Ordinance Revisions.**

City Administrator Millheim introduced this item. Noting that the work plan Staff has been working under calls for certain proposed amendments and ordinance revisions. One is the land use element that is being considered, another is the commercial freeway frontage zone, another is what a Planned Unit Development (PUD) is, and other miscellaneous revisions. The City has prepared drafts for the Public, as well as Council, consideration.

City Attorney Mazuran noted the draft materials the Mayor and Council have received, should be carefully scrutinized. Planning Commission will be considering these documents on November 8, Council will be holding a Public Hearing on November 14 and will be receiving input from the Public, as well as the recommendations from the Planning Commission after their hearing on November 8. What is under consideration for the governing body of South Jordan, is that the general plan (specifically the land use element of the plan) be amended. The proposed amendment is to allow, in the area between I 15 and the Jordan River, and 10600 South - 11400 South (excluding the single family residential area that already exists), that a mixed use be allowed (commercial--office, limited multiple residential, open space, and recreational). It specifies what uses will be allowed in this area and the location and the relationship to one another. Council has the opportunity, after going through the process, to approve, deny, or modify.

General Plans are implemented by the use of zoning ordinances. Staff has prepared a revision to the CFF zoning district chapter, of the present zoning ordinance, to allow the concept of compatible mixed use in the area with the primary uses to be commercial retail, commercial office, limited multi residential, recreational, and open space. The mechanism becomes important because Council must determine what permitted uses will be allowed in that area, what conditional uses, and this determines what is really prohibitive.

Next is the revision to the Planned Unit Development chapter of the zoning ordinance. This particular chapter allows for flexibility in development, based upon objectives the Council desires to meet and requirements invoked. The PUD is broader than a residential, also allows for planned commercial development as well as planned residential development.

Finally, proposed is an ordinance that will mandate compliance with

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the general plan. Development could not occur that is not consistent with the general plan and the specific layout approved in the land use map for this general area.

Councilman Christensen questioned new language not being highlighted, should he assume it is all new? City Attorney Mazuran noted they purposely did not highlight with the intention that Council read the entire thing thoroughly and digest it all. City Administrator Millheim noted if Council has comments, they should be called in to Staff and he encourages calls as soon as possible.

**B. Discussion of Site Visit to California.**

Mayor Hutchings stated Council felt it desirable to go to California and look at apartments in terms of density, appearance, location, green space, etc., and that took place over the weekend. Councilmen Hofhines and Peck were in California on Saturday and the remainder of the Council (with Mayor, City Administrator, and Economic Development Director) going on Monday.

City Administrator Millheim added that the basic outline that the City Council followed for their visits (Saturday and Monday) were basically the same, except on Monday meetings with City officials also took place. Five housing projects were looked at in three different cities. Also on Monday, Council met with the proposed developer of the apartment project.

Councilman Hofhines stated the Saturday trip was a little shorter, not seeing all housing projects and not meeting with City officials. Apartments that were looked at on Saturday and Monday were Mansion Grove Apartments, Santa Clara, 876 units, 30 per acre; Cupertino City Center Apartments, Cupertino, 99 units, 132 per acre; Lake Biltmore Apartments, Cupertino, 155 units, 17 per acre (comparable project to the proposed South Jordan project, as far as density is concerned); The Cascades, Sunnyvale, 184 units; Park Place Apartments, Mountain View, 370 units, 52 per acre; and Heatherstone Apartments, Mountain View, 108 units. Council, on Monday, also visited Santa Clara City Hall, Cupertino City Hall, and Mountain View City Hall. Councilman Hofhines noted the California apartment complexes were different than Utah's. He said a lot of them were self contained resorts, store, activities, some looking like homes, and extremely nice landscaping. Some of the apartments in California were built to meet the needs of large corporations. Apartment rent averaged \$1,100 - \$1,600 a month in California.

Councilwoman Newbold felt the apartment interiors were fairly average. She was, however, impressed with the landscaping and felt it made the difference. Councilwoman Newbold thought it minimized the impact that the actual building and asphalt has on an acre of

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ground. It made it more home like, something that would fit better in South Jordan. Most of the trees were nice size trees, rather than small ones. There was under ground parking, leaving a lot of lawn, water, trees, etc. After talking with City officials, all the apartment complexes had a waiting list and said they didn't have problems with the apartments. Advice from City officials in California was that they do not decide what they don't want, they try to look at projects and decide what makes it work.

Councilman Christensen said one thing he was focusing on was the integration into the community. Noting that in the large apartment complexes it seemed they had their own community, smaller complexes are more integrated into the community. Landscaping was probably the key feature, as well as a very strong management concept. Each of the apartment complexes were immaculate. Pegasus (proposed apartment developer) has been in business 26 years and holds onto their property. Councilman Christensen appreciated Gerald Anderson going along, sitting back and letting Council and Staff ask questions. It was helpful talking with government officials, many apartments are a problem as far as crime, however, management and quality seems to be the key. Pegasus requires three times the rent in terms of income, has a certain class of people they cater to, and a very strong lease agreement--all these factor enter into a desirable community. Landscaping and open space helped to disguise higher density.

Councilman Carlile focused on maintenance. He looked at the wood and handrails and couldn't tell the difference between the 20 year old units and the five year old units. One of the apartment complexes they saw, had 40% open space (excluding parking area) required by the City. Councilman Carlile left pictures of some of the apartment complexes and these will be available in the City office for Citizens to come and look at.

City Administrator Millheim appreciated the Utah Developer finding a group with such a positive philosophy. The only way an apartment complex will get built in South Jordan is if it has a high end quality type approach.

Mayor Hutchings was especially impressed with the apartment complex that had almost 900 units that were adjacent to a freeway--because of the landscaping there was no impact from the freeway. He also liked the fountains, swimming pools, water, and beautiful landscaping. He felt the trip made Council and Staff aware that if South Jordan has apartments, they need to have apartments of the right kind, right builder, right design, to make it a desirable addition to the City.

There were requests, from the audience, for public comment. Councilman Hofhines thought if there were items that were not

pertaining to the agenda, Council may want to give Citizens an opportunity to speak. Councilman Carlile made a motion that a section be added to the agenda for comments related to items not on the agenda, prior to the Closed Meeting. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

**Dix McMullin** 10516 South 1540 West, stated at the last Council meeting he asked for the comment schedule on the three story building that was approved by Smith's. On the comment section he was referring to, there was some confusion on the hearing concerning the number of units in that building. He would still like to receive that information. City Administrator Millheim noted that Staff can get the information to Mr. McMullin. Second item, Mr. McMullin wanted to bring to the Councils attention is research by Police Departments on burglaries that have occurred throughout the County. Statistics are based on residential, by night and day, 1994 - June, 1995. He furnished a copy of these statistics for the Councils review. His point is the City is growing and the burglary rate is growing and will continue to grow. He wanted Council and Staff to see the statistics and suggested this information be passed on to Planning and Zoning. Councilman Hofhines thought the information was helpful and referred to Chief Parker's report on police calls and thought that this information should also be passed on to Planning and Zoning.

**Jeanne Jackman** 10960 South 2610 West, referred to Administrative Services Director Behunin's presentation on the budget a few weeks ago. Referring to the \$250,000 that had been budgeted for sidewalks, and 80% of it has been used in one spot. She was told that the sidewalk at Monte Vista Elementary was not being done. She feels the money is going to the East project and the money would be better spent on sidewalks. Councilman Christensen said he was not aware of any sidewalk decisions being scrapped. City Administrator Millheim said Council sets the budget and no decisions have been made. Councilwoman Newbold noted all of the Capital Improvement Projects (CIP) were being considered, but no decisions have been made yet.

Councilman Hofhines made a motion for Council to take a ten minute recess and readjourn into Closed Meeting for purposes of Personnel and Potential Litigation discussion. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

**V. CLOSED MEETING**

- A. Personnel.**
- B. Potential Litigation**

**IV. OTHER BUSINESS**

**SOUTH JORDAN CITY COUNCIL SPECIAL MEETING  
NOVEMBER 14, 1995**

**PRESENT:** Mayor Theron B. Hutchings, Councilman Douglas R. Carlile, Councilman Thomas L. Christensen, Councilman Brent D. Hofhines, Councilwoman Merlynn Newbold, Councilman Jack Peck, Administrative Services Director Sharlene Behunin, City Engineer Gordon Haight, Community Development Director Ken Leetham, City Attorney Mike Mazuran, Police Chief John Parker, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr, Fire Chief Gary Whatcott

**CITIZENS:** Dennis Larkin, Richard Warne, Luane Jensen, Jeanne Jackman, Charles Moore, Janet McKinney, Joy and Gary Sturdevant, Tom and Elene Pazell, Marnee Wheelock, Garth Cowley, Robert McConnell, Verona Kemp, Paulus and Shanna Svedin, Mr. and Mrs. Dix McMullin, Robert Mouritsen, Rod and Geneie Sims, Margaret and Jim Kafer, Geniel Johnson, Jerry Fairbourn, Marlin Fairbourn, Kevin Romph, Marvin and Nancy Miller, Larry and Kathy Patersen, Noel Hardcastle, Mary Bagley, Jean Bateman, Rae Fairbourn, Margi Jackman, Lisa Hardy, Glen and Jan Taylor, Scott Beech, Kathy Sadler, Jess Sadler, Aleta Taylor, Tricell Taylor, Max Springer, Don and Bev Haws, Bob Brimhall, Ann Gayheart, William Peterson, Bruce Kimmel, Super 8, Jeff Kaessner, Dan Lofgren

**I. STUDY SESSION**

Mayor Hutchings called the meeting to order at 6:45 P.M. Community Development Director Leetham said City Attorney Mazuran was going to update the Council on the draft ordinances (with changes) that need approval.

City Attorney Mazuran reviewed what the Council had before them for their consideration. Council will be conducting a series of Public Hearings and they need to be conducted in accordance with law. The Public Hearings are:

- a. the Proposed Amendment to the Land Use Element of the General Plan;
- b. modifications to the C-FF Zoning and PUD Chapter;
- c. a specific zoning proposal to zone the area between 10600 and 11400 South and I-15 and the Jordan River (exclusive of the single family housing) to a C-FF Zone; and
- d. considering an ordinance mandating compliance with the general plan for that area.

The Planning Commission met and recommended favorably the approval of the above matters. City Attorney Mazuran recommended that

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before these matters are called for Public Hearing, the Mayor may wish to call upon the Staff to make a report and summary. Next it would be appropriate to give the Developer a brief time to make a presentation. Following, of course, an opportunity for members of the public to speak. Councilman Peck noted that all four of the Public Hearings are generally related to the same thing. City Attorney Mazuran said it might be appropriate to mention to the Citizens, that Council will consider comments made by them as applicable for the record for all four Public Hearings.

City Attorney Mazuran briefly discussed the resolution amending the land use element of the general plan. The land use element has already been adopted, this adopts a specific land use map for the area between 10600 and 11400 South, I-15 and the Jordan River. This identifies specific mixed uses that will be provided and locations defined where the uses are permissible.

Next, is compliance with the general plan to be adopted with specifics. The resolution of the map--commercial freeway frontage, commercial retail, commercial office, multi residential, recreation and open space are being defined. These give direct guidance for the development of the area, and coupled with the ordinance, it mandates the type of uses that will be at those locations.

The C-FF Zone is designed to take care of specific mixed use items. There is a C-FF zone next to the freeway (north of 10600 South), now there is also a C-FF zone that is going to be the multi purpose zone. The mixed use will not be allowed North of 10600. The C-FF Zone provides for a primary emphasis on commercial, so South Jordan can benefit from sales tax revenue. As a limited use, multi unit residential is allowed with conditional use. Permitted uses will be limited, the most desired uses will be conditional uses.

The Planning Commission made a recommendation on density. On Area and Density--multi unit residential density shall not exceed 12 units per acre, except that higher densities may be approved by the City Council for planned unit development in accordance with the general plan. The general plan language states that the category for mixed use, consists primarily of commercial, in exchange for community amenities, infrastructure and benefits provided to the City. Limited compatible multi use residential may be integrated at a growth residential density, approved by the City Council pursuant to a written agreement of not to exceed 17 units per acre. Increases in density above 12 units per acre may be exchanged for donation and/or installation of public amenities or improvements.

Development standards are in place so they have to follow specific procedures.

Planned Unit Development (PUD) zone is an overlay zone. They can

be commercial, residential, or a combination. Council can make the PUD ordinance work for the City, allowing flexibility and could enter into written agreement to negotiate specifics. You can allow higher density if approved by the City Council, with conditions imposed (i.e., development agreement to obtain amenities, etc.). An example of a planned commercial development could be two substantial anchors, additional retail shops on 20 or more acres.

Conditional Use requires a conditional use permit which in turn would require a written development agreement.

Rezone--The proposal is to rezone the land between 10600 and 11400 South and I-15 and the Jordan River, exclusive of single family. The ordinance provides the mechanism for rezoning the property and amending the zoning map to the C-FF zone.

City Attorney Mazuran told the Council it would be important to let the Citizens know at the outset what the procedure is, and that it is important to keep order.

## **II. GENERAL BUSINESS**

### **A. Roll Call and Prayer**

Council members present, as listed above. City Administrator Millheim was not in attendance due to a personal commitment. Councilman Hofhines offered a prayer. Mayor Hutchings welcomed the Citizens to the City Council meeting and asked the Scout leaders and scouts to stand and introduce themselves.

### **B. Approval of the Agenda**

Councilwoman Newbold made a motion to approve the agenda, with the addition of VI. CITIZENS REQUEST, and CLOSED MEETING will become VII. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

## **III. ACTION ITEMS**

### **A. Official Canvass of 1995 General Election Results**

Community Development Director Leetham noted the final results of the 1995 municipal election were distributed to Council (Attachment A). Councilman Peck made a motion to approve Thomas L. Christensen, Mary Lynn Liddiard, and Richard N. Warne as City Council members elect, based on the results of the 1995 general election.

The results were: Thomas L. Christensen, 1,552; Roy Harward, 1,124; Mary Lynn Liddiard, 2,305; Bradley G. Marlor, 1,256; Kevin

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D. Romph, 788; and Richard N. Warne, 1,961. Total Registered 9,116; Total Votes 3,130; and Percent Voting 34.55. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

Councilman Peck noted the Glenmoor Special Service District final results. The general election results were: Edmond E. Coons, 138; Edwin R. "Reese" Davis, 202; Jerry B. Folsom, 147; Klair Davis Gunn, 204; and Ronald G. Holt, Sr., 187. Total Registered 1,408; Total Votes 382; and Percent Voting 27.13. Councilman Peck made a motion to approve Edwin R. "Reese" Davis, Klair Davis Gunn, and Ronald G. Holt, Sr. as Glenmoor Special Service District elect. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

#### **B. Resolution Appointing South Jordan City Treasurer**

**Rec: Approve Resolution Appointing Sharlene Behunin,  
Administrative Services Director, as City Treasurer**

Councilwoman Newbold read the resolution appointing the South Jordan City Treasurer. Councilwoman Newbold made a motion to appoint Sharlene Behunin as officer of City Treasurer, and approve the resolution appointing the City Treasurer. Councilman Peck seconded the motion. The vote was unanimous in favor.

#### **IV. PUBLIC HEARINGS**

Community Development Director Leetham said this City Council has recognized the freeway frontage areas (10600 South - 11400 South and I-15 and the Jordan River, excluding single family). The potential benefits to all residents of South Jordan City are tremendous, if the land uses are appropriately planned. There is great potential for retail sales tax revenue to be generated from these properties and has already attracted inquiries from several developers. There have been requests to rezone portions of the property to a Commercial Freeway Frontage zone, to multi-family residential zone, and proposed amendments to the land use element of the general plan. There were weeks of discussions on a Special Improvement District (roadway and infrastructure improvements)--for the record this was formally abandoned by the City Council. This area was then looked at with a broader approach. Following are proposals that have been put together by Staff, for the development of these properties and were recently recommended for approval by the Planning Commission.

Public Hearing A--is a proposed amendment to the future land use element of the general plan. There are several categories of land uses which occur in this proposed mix use category--open space preservation portion of the plan, commercial office, new frontage road through the area, multi unit residential, commercial retail,

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and commercial freeway frontage area. There is a written document that is called the future land use element of the South Jordan City general plan, there are several amendments that describe the mixed use area and set forth regulations and guidelines that apply to this area.

Public Hearing B--are proposed changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance. Several items have been proposed for amendment which will have the function of implementing the mixed use category.

Public Hearing C--is a proposed rezoning of property to the commercial freeway frontage (C-FF) zone.

Public Hearing D--is a one page ordinance mandating compliance with the general plan for properties located between 10600 and 11400 South and between I-15 and the Jordan River. Development that is being proposed within this area will have to comply with the map and the elements of the general plan.

One other note, needed to clear up some confusion, is that a site plan for the apartment section of the project will not be approved tonight. No plan or number of units will be approved this evening.

Staff is recommending that all changes be adopted. Planning Commission has also recommended approval of these items, with some minor changes, which have been included.

Economic Development Director Snarr believes the City has an excellent land use plan. The drafted ordinances will allow the City to proceed toward Economic Development. The proposed apartment complex is a top quality project and will help drive the commercial and economic development within the area. There have been many commercial inquires and the area, if rezoned for Commercial Freeway Frontage, would open the area for economic development. The timing is excellent, commercial development on the other side of the freeway (Sandy City) is near completion and others are looking for an opportunity to build. Economic Development Director Snarr heartily recommends approval of the proposed master plan change, the zoning ordinance amendment, and project approval proposed by Mr. Anderson and Pegasus Development.

Consultant Dennis Larkin would like to solidify his earlier review of the project. Mr. Larkin believes the Anderson development is a good project. The uses are appropriate, including up to 900 units of multi family housing. The real success of the project is the development agreement and the detailed site plan. The proper vehicles will be put in place in terms of new policy, and new ordinances to begin the details of the project. Mr. Larkin and

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Administrative Services Director Behunin estimate Sales Tax generation on an annual basis will be about \$2.7 million, the Property Tax at about \$238,000 per year, and the one time impact fees will amount to about \$4.2 million. From a land use standpoint it will benefit the City and also from economic impact and economic development as well.

Community Development Director Leetham noted, to the Mayor, that Staff was submitting Dennis Larkin's report for the record.

Gerald Anderson gave a brief overview of his struggle to get development into South Jordan City and the Citizens prior resistance and now cooperation. Mr. Anderson noted several experts have spoken in favor of the project. Pegasus is a top multi-family developer and the South Jordan City Council went to California to see for themselves the quality apartments they build. Decisions need to be made, all components of this project work together, and work better with multiple uses. The Developers encourage a vote in favor of the project. Mr. Anderson said they have the ability to deliver the commercial uses and are awaiting approval and then they can start their work.

Community Development Director Leetham noted that speakers can have their comments as part of the record for all the public hearings, if they wish.

Mayor Hutchings stated tonight the Citizens can voice their concerns and they will be recorded in the minutes. Mayor Hutchings declared Public Hearing A open.

**A. Proposed Amendment to the Future Land Use Element of the General Plan Allowing for a Mixed Use Category Affecting Property Between 10600 and 11400 South Streets and Between I-15 and the Jordan River**

Robert Brimhall 434 West 11000 South, stated he had been a City Planner and has had experience with these problems. The City has finance problems because there is not a proper tax base. He believes the Council should approve the program, approve the financial profile, and go forward while the time is right.

Bert Oliver 311 West 11000 South, was not for the project at first. The reality is South Jordan needs a commercial base to work from, it can't live on impact fees forever. The City has an expensive overhead and the City needs to build to support it. The money coming off the commercial will come back to the West side of the City to build streets, lights, and give the City money to develop where it is needed. Developing, in the proposed area, will have the least impact on the City as a whole (some of the problems will go to Sandy). Apartments will be needed and the number is up to

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the Council, along with the quality of them. The Commercial area has to go forward for South Jordan, and the apartments are the key area to it. There will soon be legislation that makes towns accept apartments, now South Jordan has a chance to put in apartments that are high quality. Mr. Oliver is for the development.

**Jean Bateman** 3065 West 10400 South, has no objection to the commercial. However, Jean Bateman believes the 900 unit apartment complex will cost the City, will not bring revenues in. Other Cities say South Jordan is not in the right frame of mind if they allow that many apartments to come in. Jean Bateman referred to editorials on the Pinnacles (560 apartments), that stated what an error it was to put something that large in, because of the noise, pollution, traffic, etc. Jean Bateman referred to a statement made by Governor Leavitt which said Power Unchecked is Power Abused. Ms. Bateman believes there have been derogatory names referred to her and some others, she believes she has the right to be heard. The majority of the Citizens feel, through surveys done, that they do not want large apartment complexes. Jean Bateman urges Council to think carefully about the size of the apartment complexes, because of the problems they can't help but bring.

**Nancy Miller** 11234 South 445 West, believes the overall use of the area is a very good proposal. Their home is close to where the apartments will go in, and at first they were highly opposed to the apartments. After looking at the drawings, looking at density in other apartment complexes, and after talking with people at the Old Farm apartment complex, she feels OK with the proposed South Jordan apartments. Ms. Miller feels if South Jordan apartments are as nice as Old Farm, nicely landscaped, that would be fine with her. Ms. Miller would rather have less children, that she believes will come with an apartment complex, then more children that would come in a subdivision. All things considered, she is not opposed.

**Jeanne Jackman** 2610 West 10950 South, not against having a commercial base, South Jordan needs it. Jeanne Jackman is against the 900 units and believes what is desirable for the City is to stay with the 12 units per acre. Ms. Jackman referred to a previous Council meeting where it was said there would be no money left if the City took on the whole project, and does not believe that is fair to the Citizens. She has a problem with the children going without sidewalks to pay for this project. Ms. Jackman does not believe Mr. Anderson has negotiated. Believes the Council should make sure they do what they want to do, not something they are coerced into. Ms. Jackman said the Council should stand up for the people who voted them in.

**David Case** 11263 South 445 West, was initially opposed to this project, but now believes it is a good project. His concerns are the impact it will have on the people; hopes buffers are in place;

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and living on 445 West, hopes it will never go through there.

**Luane Jensen** 11186 South 2700 West, is not against commercial. Believes the multi family area has already been zoned, has 400 units and 500 more is wrong. Mr. Anderson said there is trust, and she would like to see in 10 years if what has been described is true. Believes this is a democratic process, if everyone does not agree that's fine, does not think it is necessary to call people nicknames. This is the biggest thing to ever hit the City and will change the destiny of the City. By Councils vote tonight, they will tie a new Councils hands to whatever decision is made and the new Council will take the flack, after the building starts. Ms. Jensen is pleased to know the City will get a \$2.7 million tax base out of apartments.

**Bruce Kimmel** 240 West 11400 South, in the beginning was against this project. Through a number of neighborhood meetings his opinion has changed. The apartments will bring in sales tax to allow roads, sidewalks, schools, etc.--without them the property tax will increase. Old Farm apartments are a lovely, quiet development. We should thank the Developers for caring about South Jordan.

**Geniel Johnson** 9826 Countrywood, Sandy, owns property in this area. Finds it interesting that the people on the West side are the ones fighting the development and that comments about the apartments are so negative. Ms. Johnson presently lives in an apartment and takes offense to negative comments about people who live in apartments. The numerous meetings with Gerald Anderson, property owners, and City Council have changed the Johnson's mind about the project. Development will come and the plan proposed by Gerald Anderson is the best possible use of the area.

**Robert Mouritsen** 921 Executive Park Drive, Salt Lake City, is the General Counsel with the Sleep Inn on the frontage road at 10600 South. His purpose for being at the Council meeting is to remind the City, as this project goes forward, that Denny's, Sleep Inn, Super 8 and other businesses that go in there need support by the City. The real concern is to leave open a left turn into that frontage road, from the freeway, because without that those businesses will die. There have been meetings with Staff and UDOT and they have been asked to come up with an alternative solution, to the present proposal, to eliminate that left hand turn--they are presently working on that. Mr. Mouritsen read a letter from Mr. Christensen, attorney for Denny's, stating the needs of the present business owners on the west frontage road of I-15 and 10600 South in relation to street modifications.

If the businesses do not survive without a left hand turn, they will need to be compensated for those businesses. They were

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courted to the City to help open up the gateway and now ask for support in working with UDOT. They also ask that the street lighting issue be looked at. Mr. Mouritsen would also ask, that any notices concerning this development, be sent to him.

**Gary Sturdevant** 241 West 11000 South, lived at this address for three years. He noted at the Planning Commission meeting it was interesting that everyone was in favor of commercial development--a big issue are the apartments. When we talk about growth, we must think about providing a place for our children to live and work. To do that we have to develop commercially and need high density apartments, because there is not enough land to go around. The Sturdevant's have had 12 offers on their home, the land will sell. Mr. Sturdevant would like to thank the City Council for abolishing the Special Improvement District. Mr. Sturdevant asks that the City Council approve this tonight.

**Paulus Svedin** 435 West 11000 South, also representing Verona Kemp 445 West 11000 South, the big controversy is the multi-family. They own 25 acres which is half of what is being proposed. The people to the South don't want the road going through so there is a problem with in's and out's from the South and from the West. They feel a little land locked, however, looking at the whole plan it looks very good and their vote is yes.

**Marvin Miller** 11234 South 445 West, would like to be on record as being in support of all who spoke in favor of Mr. Anderson's proposed project. It will be a great project, wherever it ends up. His concern is what has happened to South Jordan during this controversy. We used to be good friends, now we're calling each other names. If a mistake has been made and this is not going to get settled, then he would lend his support to disconnect and the East will go elsewhere. However, he supports the development in its entirety and wants to thank the Council for the work they do.

**Jeff Stockert** 10722 South 300 West, represents the owner group of Super 8 and the purpose for his attendance is regarding the left hand turn onto the frontage road. The turn is absolutely critical to the success of those businesses. The effect could be a 30-50% loss of business, which is the profit dollars. The Super 8 will pay a \$100,000 in sales and real estate taxes each year, to the City. Options to a left hand turn are being discussed, if unsuccessful in the alternatives--the currently proposed change by UDOT is unacceptable. Mr. Stockert is asking the Council for their support as options are discussed, and flexibility in studying other routes for 400 West.

**Steven McMillan** 11231 South 445 West, owns the ground south of the proposed apartments. Thanks the Council for the time and effort put into this project. His main concern is 445 West, that the road

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does not go through there. Also hopes the buffer zone is adequate.

**Aleta Taylor** 11131 South Anna Circle, lives East of the River. Ms. Taylor read the Master Plan before she moved to South Jordan and wants to see 400, and no more apartments. There are already accidents, congestion and believes it should slow down, and Council should make a decision in favor of the people. Mr. Anderson is not the only Developer, you can wait and get a lower number development. Let's make a decision for commercial and residential, at a lower density. Aleta Taylor is for the development and the tax base, but wants to see it in the proper way.

**Mary Bagley** 11200 South 800 West, concern is over the 900 unit apartments. Believes there is a need for multi family housing, but believes the amount is excessive. Taking an average of one child per household, that would be 900 children--one entire school. Ms. Bagley asks that the Council think of the children when making this decision.

**Billy Reed** 2600 Campus Drive, #200, San Mateo, California, represents the Pegasus Development (apartment developer). Would like to thank the Council for taking the time to come to California to see their projects. Hopes the Council saw that it can be done and in the right way. They try to strive for management and residents becoming an active, contributing part of the community.

**Mike Hutchings** 5 Wanderwood Way, summarized who was for and against the project--two who he couldn't tell. East of the river, ten in favor, two against; West of the river, three against. Believes the developers have satisfied by in large the concerns of the local residents.

There, of course, has been no blackmail. If the development goes through, as the City generates the money from the project, there will be money for sidewalks and other infrastructure for the City. The ground for multi family development will not work for anything else, but multi family. It is not fair to Verona Kemp, the property owner, to limit the development to 400 units. The Developers have investigated the impact on schools from apartments and it is a very small impact.

The vote tonight is a tough one. The Developers appreciate the time the Council has put into this project and encourages their vote.

Councilman Hofhines recommended if there are no further comments, that Council move on to the other public hearings and ask if there are any additional comments. If not, he recommends that these comments also be shown for the record on the remaining three public hearings. Councilman Peck concurs with Councilman Hofhines.

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Councilman Christensen thought we needed to go through them one by one to see if there is additional comment.

Mayor Hutchings closed Public Hearing A on the Proposed Amendment to the Future Land Use Element of the General Plan Allowing for a Mixed Use Category Affecting Property Between 10600 and 11400 South Streets and Between I-15 and the Jordan River.

**B. Proposed Changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance**

Mayor Hutchings opened Public Hearing B on the Proposed Changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance.

**Jeff Kaessner** resident of Salt Lake City, said the purpose of his attendance at this meeting is that he represents commercial retailers that are looking to locate in the market place. They are finding a lack of opportunity and locations because many are spoken for. He will guarantee that the opportunity that South Jordan has in regard to commercial, is substantial and real. The exit off 11400 South needs to be supported to bring the big box retailers in. The people against apartments, are people against ugly apartments, people in favor are ones that see Old Farm who supported by substantial developers that have an interest in what they have created.

**Dan Lofgren** 4885 South 900 East, has been working with the proposed apartment developer as a consultant through the acquisition and program phase. As Council contemplates the apartment component of this proposal tonight, it is very specific to a developer. Mr. Lofgren would like to be on record expressing his unqualified support for Pegasus Development and their fine work, and the product you will see in South Jordan will be better than what the Council saw in the Bay area. He respectfully requests Council approval.

**Jerry Fairbourn** 291 West 11000 South would like to remind Council that he expects them to look at the program and maybe take some risk. He would like to go on record that he is in favor of the apartments and the commercial. Mr. Fairbourn urges Council to make that decision and gives his support to the Developer.

Mayor Hutchings closed Public Hearing B Proposed Changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance.

**C. Proposed Rezoning of Property to the Commercial Freeway**

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**Frontage (C-FF) Zoning District and Related Amendment to the City's Zoning Map. Property Located Generally Between 10600 and 11400 South Streets and I-15 and the Jordan River**

Mayor Hutchings opened Public Hearing C Proposed Rezoning of Property to the Commercial Freeway Frontage (C-FF) Zoning District and Related Amendment to the City's Zoning Map. Property Located Generally Between 10600 and 11400 South Streets and I-15 and the Jordan River.

Mike Mazuran noted the matter now before the Council is to receive any public comment on the rezoning of the territory as the C-FF zone (mixed use). The C-FF zone is a mixed use zone that allows the integration of commercial, limited multi unit residential, recreational and open space areas within the geographic area that is located generally between 10600 South and 11400 South, the I-15 freeway and the Jordan River. The C-FF zone sets standards and requirements for development in that area, including development standards.

No public comment.

Mayor Hutchings closed Public Hearing C Proposed Rezoning of Property to the Commercial Freeway Frontage (C-FF) Zoning District and Related Amendment to the City's Zoning Map. Property Located Generally Between 10600 and 11400 South Streets and I-15 and the Jordan River.

**D. Proposed Ordinance Mandating Compliance with the General Plan for Properties Generally Located Between 10600 and 11400 South Streets Between I-15 and the Jordan River**

Mayor Hutchings opened Public Hearing D Proposed Ordinance Mandating Compliance with the General Plan for Properties Generally Located Between 10600 and 11400 South Streets Between I-15 and the Jordan River.

Councilman Christensen read the ordinance.

No public comment.

Mayor Hutchings closed Public Hearing D Proposed Ordinance Mandating Compliance with the General Plan for Properties Generally Located Between 10600 and 11400 South Streets Between I-15 and the Jordan River.

Mayor Hutchings noted this concludes the Public Hearing portion of the City Council meeting.

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Councilman Hofhines made a motion to take a brief recess before deliberation of the items. Councilman Carlile had a question on Public Hearing D ordinance, the first paragraph on compliance that describes the property as 10600 South and 11400 South and I-15 and the Jordan River, he noted this does not represent the exclusion of the existing residential neighborhood, should it? City Attorney Mazuran said no. Councilman Carlile seconded the motion. The vote was unanimous in favor.

Council came back from their recess at this time.

Mayor Hutchings thanked the residents for their important comments. He noted South Jordan will never be the same after this, depending on the decision. He appreciates the magnitude of pressure on the Council, that has been on them for several months. South Jordan has always tried to have a forward look for economic development for the City. The Council needs to look long term to see South Jordan as a sustainable City with a revenue stream. Council will now make brief statements.

Councilman Carlile wants to assure the residents his decision is not a rush one. The reality is that economic development is needed. He also wanted to clarify that no site plans are being approved tonight, or one single apartment. What the Council is approving is enabling and controlling legislation that gives the City the right mechanism to make sure that the things that do go in meet certain standards, and can be controlled by certain criteria. For ten years South Jordan has used impact fees, shielding itself from the reality of the true cost of running a City. Last year, the state legislature curtailed that opportunity. Expenses have increased faster than the revenue--an economic base is needed for \$60 million worth of infrastructure that needs to be done, and only having a revenue stream of \$5 - 10 million. There are three potential areas for economic development: freeway frontage project; 4000 West and the old Bingham highway; and where the Bangerter Highway will come through at 10600 South--two are threatened by our neighbors. Economic Development does not happen without infrastructure incentives and Impact Fees provide a method to finance infrastructure, without assessments to property owners. Sales Tax provides a safety net to take up the slack between the 60% demand on social services that property taxes pay for, and the 100% Citizens expect. Sandy City has Incredible Universe which is expected to bring in \$10,000 a week in sales tax revenue. Legislation is currently being prepared which would establish guidelines for multi residential units, and the rumor is it will be 15% of available housing. For South Jordan that equates to 825 units and Councilman Carlile believes it will eventually pass. Now the City has the opportunity to let multi residential units in and have them the way the City chooses--quality, location, and voice in the management.

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Councilman Peck said his campaign was for economic development and so far South Jordan has one grocery store. He's not sure he did what he promised, but hopes it doesn't take as long to get more commercial development in South Jordan. Councilman Peck believes the mixed use element provides the economic base. South Jordan cannot be in isolation, zoning will change the destiny of South Jordan and hopes it does with a very positive tax base.

Councilwoman Newbold believes people in the City feel very strongly about a number of different issues. She believes there is nothing wrong with arguing, making up, and coming back to the next Council meeting and fighting for your next point of view. It is evident that the residents love South Jordan by their attendance at the meetings, expressing their point of views, and making suggestions for improvements. The issue is really if we should leave the proposed area a rural residential zone and build 1/2 acre lots, or put it in a commercial freeway frontage area. The proposed area seems that it will be best utilized in the C-FF zone. Councilwoman Newbold thanked the residents for all their support.

Councilman Hofhines noted on 2100 South all the small businesses that are now gone, and now there are very nice commercial developments. He believes if the resolutions and zoning are passed, as the Developers and businesses come in, that South Jordan will also have very nice commercial (not piece meal). Councilman Hofhines hopes that the West side of the freeway will be a model for the rest of the State. When the residents leave this evening, no matter what the decision, Councilman Hofhines hopes that they become a community again and work together. Council, Staff, and Developers have put a lot of work into this project and all feel they have a good project that everyone can live with and be proud of.

Councilman Christensen said it is apparent that everyone feels the need for economic development (coordinated development, not piece meal). The main issue is the apartments, in master planning and creating the zone for multi family units we are setting the stage for this large apartment complex. Councilman Christensen expressed his feelings at times were that South Jordan is not ready for the states largest apartment complex. There are impacts with apartments, there are impacts with any residential development. People moving in, in large numbers, in a short period of time-- will require services. He had hoped there would be room for compromise in relation to the number of apartments. Pegasus, however, is a top quality management group that Council believes will maintain a high quality atmosphere. A lot depends on trust, that the Developers will do what they say they are going to do. Councilman Christensen was in favor of reducing the risk, lowering the density, however, Pegasus is not willing to do a 500 unit development. He also believes it's the desire of the rest of the

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Council, to have the higher density. Councilman Christensen said he is not going to be the one to vote against the project, when there are so many good things about it. He would not stand in the way of commercial development because of the concerns he has about the apartments. "It was a very difficult decision for me."

Mayor Hutchings thanked the Council and appreciates them for the hard decisions they make.

#### V. SPECIAL ACTION ITEMS

##### A. Resolution Amending the Future Land Use Element of the General Plan Allowing for a Mixed Use Category Affecting Property Between 10600 and 11400 South Streets and Between I-15 and the Jordan River

Councilman Peck made a motion to approve the Resolution Amending the Future Land Use Element of the General Plan Allowing for a Mixed Use Category Affecting Property Between 10600 and 11400 South Streets and Between I-15 and the Jordan River.

Councilwoman Newbold had a couple of comments in regard to the ordinance itself. This document was originally prepared in November of 1994, so many of the charts, tables, percentages have not been updated. The updated portions are in regard to the mixed use category. Two suggestions, on pages 10 and 11--Higher density may be approved by the City Council as incentives for large scale master planning, increased (add public) amenities and utilizing planned unit developments. Also on page 11, in the middle of the page it should read: The Future Land Use Plan Map included in this element identifies a mixed use area and several planned commercial areas.

Councilman Hofhines seconded the motion, with Councilwoman Newbold's changes. The vote was unanimous in favor.

##### B. Proposed Changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance

Councilman Hofhines noted that Economic Development Director Snarr said on the Conditional Use the thought occurred that a hotel may come into the area, that might have a private club as part of that project--and that is not addressed as a conditional use. Councilman Hofhines proposed that Council make it a conditional use with perhaps some restrictions that it would have to be part of a hotel, or perhaps even inside a hotel. Councilman Christensen noted there was room in the conditional use language to allow for this. Community Development Director Leetham said what Councilman Christensen was looking at was an old version and that had been

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taken out. City Attorney Mazuran noted that was a mistake and it would be put back in.

Councilman Hofhines also noted on the permitted uses we allow department stores, under conditional use we say furniture and retail sales. A permitted use for retail sales of more than 100,000 sq. ft., and a conditional use for less than 100,000 sq. ft. Community Development Director Leetham said the conditional use permit has conditions such as a site plan, development agreement and should be conceptual approval. Councilman Hofhines asked how this differs from a department store? Community Development Director Leetham said it was the intent of the Staff to have Conditional Use Permits as a tool to provide future development some assurance that they are building in the right spot, to continue with development but not necessarily require a full site plan as first contact with the City. Councilman Hofhines thought you either require all conditional use permits on stores or leave out permitted uses to be proactive in commercial development. Councilwoman Newbold would prefer to leave them all under conditional use. Community Development Director Leetham said Staff would not have a concern if Council wanted to put Department Stores in conditional uses, however, some Permitted Uses are necessary.

Councilman Hofhines had a question on the landscaping (the meandering sidewalk), why don't we just leave 24 feet as minimum landscaping if they put in a meandering sidewalk or not? Community Development Director Leetham said some is private property, some is not. Councilwoman Newbold felt there would be discussions on architectural standards and feels it is OK to leave it as is, and to address it more in future discussions on architectural standards. Councilman Hofhines wanted to note as development agreements are put together, to keep in mind the Councils desire to have landscaping that looks good, and has a common theme.

Councilwoman Newbold noted on driveway access and design it appears provisions were made for properties with smaller than 70 feet frontage. She hopes the objective would be to provide access to all of these properties with the least amount of driveways (encourage shared usage). City Attorney Mazuran is suggesting a new lead off sentence under (e) Driveway Access and Design, to read, The overall objective is to minimize the number of driveways.

Councilman Carlile thought f4 should read: Insure uninterrupted flow to all water users and access where legally allowed.

Councilman Hofhines made a motion to approve an ordinance amending Chapter 16 and Title 12 of the South Jordan City Municipal Code Relating to the Commercial Freeway Frontage (C-FF) Zone with the changes as follows:

1. Under Permitted Uses, eliminate b and d, now reading--(a) Banks, Credit Unions, Savings and Loans; (b) Hotels and Motels; (c) Office buildings containing at least 30,000 square feet; and (d) Parks and open space.
2. Amend the Conditional Uses to include Department Stores (placed in alphabetically), and (o) Other commercial retail businesses which are determined by the City to be similar and compatible with the above referenced uses.
3. Under (e) Driveway Access and Design, add (1) The overall objective is to minimize the number of driveways. (The rest will be renumbered.)
4. (f) (4) to read: Insure uninterrupted flow to all water users and access where legally allowed.

Councilman Peck seconded the motion. The vote was unanimous in favor.

#### Part B

Councilwoman Newbold had an item for discussion, regarding open space percentages (currently reads 35%). City Attorney Mazuran reminded the Council that the Planned Unit Development (PUD) Ordinance is an overlay zone that goes throughout the City. While you may negotiate or condition the higher open space in given areas, it conditions every single development in the City without knowing what they are going to be. Council needs to decide on a reasonable standard to be applied at any time, throughout the City. For example, there may be a commercial PUD and you may not want 45% open space. No change was made.

Councilwoman Newbold's next suggestion was on page 7, under (d) Landscaping. She noted on page 4, (4) (ii) it was simplified to read 2" cal. or if evergreen, 7' tall or larger. Her suggestion is for page 7, under (d) (ii) is to read--Trees shall be a minimum of 2" cal. or if evergreen, 7' tall or larger.

Councilman Hofhines made a motion that Council approve An Ordinance Amending Chapter 18 of Title 12 of the South Jordan City Municipal Code Relating to Planned Unit Developments, with one change: under 12-18-070, (d) (1) (ii) should read: Trees shall be a minimum of 2" cal. or if evergreen, 7' tall or larger. Councilman Carlile seconded the motion. The vote was unanimous in favor.

- C. **Proposed Rezoning of Property to the Commercial Freeway Frontage (C-FF) Zoning District and Related Amendment to the City's Zoning Map. Property Located Generally Between 10600 and 11400 South Streets and I-15 and the**

**Jordan River**

Councilman Hofhines made a motion that an ordinance amending the official zoning map of South Jordan City to show rezoning of real property located generally between 10600 and 11400 South Streets and I-15 and the Jordan River be amended from A1 and RM to C-FF. Councilman Carlile seconded the motion. The vote was unanimous in favor.

**D. Ordinance Mandating Compliance with the General Plan for the Mixed Use Area Located Between 10600 and 11400 South Streets Between I-15 and the Jordan River**

Councilman Christensen made a motion that Council approve an Ordinance Enacting Section 12-3-040 pertaining to compliance with the General Plan. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

**VI. CITIZENS REQUEST**

**Ann Gayheart** 2367 West 10950 South, is committed to the 2700 West sidewalk project. She met with City Administrator Millheim and the Police Chief and discussed some suggestions. Discussions were on making a plan, negotiations needed with property owners, and for Council to commit funds. In the interim the City may be able to fund a district bus. The Principal will also submit for busing, so the City would not have to fund a bus (if this came through). An assigned officer, at least three times a week, at peak student hours is something the residents would like to see happen. Principals at Monte Vista and South Jordan elementary have agreed to step up education regarding safe walking procedures.

Councilman Hofhines thought the suggestion could be passed on to the City Administrator that perhaps because of the 2700 hazard that an officer could spend more time there.

**Scott Beach** 2511 West 11320 South, wanted to add that the need is urgent, especially for the Middle School. Buses are available, however, the school district cannot pay for them.

**Dix McMullin** 10516 South 1540 West, is in favor of the commercial development--does have a concern with the number of apartments. Mr. McMullin took offense to the comments made about him in reference to a transfer station. He feels the people in charge are the responsible people and should not allow name calling, and that the process should be improved. Mr. McMullin had a concern with public hearings, and a vote, in the same night.

Councilman Carlile added that everyone should stick to the facts and avoid ill will. Councilman Peck noted this is one reason he

**MINUTES OF THE SOUTH JORDAN CITY COUNCIL SPECIAL MEETING  
NOVEMBER 15, 1995**

**PRESENT:** Mayor Theron B. Hutchings, Councilman Douglas R. Carlile, Councilman Thomas L. Christensen, Councilman Brent D. Hofhines, Councilwoman Merlynn Newbold, Councilman Jack Peck, City Administrator Dave Millheim, Administrative Services Director Sharlene Behunin, City Engineer Gordon Haight, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

**CITIZENS:** Gerald Anderson, Mike Hutchings, Joy and Gary Sturdevant, May and Geniel Johnson, Robert McConnell, Bruce Kimmel

**I. GENERAL BUSINESS**

**A. Roll Call and Prayer.**

All Council members present, as listed above. Councilman Christensen offered a prayer.

**B. Approval of the Agenda.**

Councilman Peck made a motion to approve the agenda. Councilman Christensen seconded the motion. The vote was unanimous in favor.

**II. CLOSED MEETING**

**A. Property Acquisition.**

Council went into Closed Meeting to discuss Property Acquisition.

**B. Litigation.**

No discussion.

Council came out of Closed Meeting.

**III. ACTION ITEMS**

**A. Consideration of C-FF Master Development Agreement and City Financial Participation.**

City Administrator Millheim gave a brief discussion on the Development Agreement. Council, the night before, made decisions on the Master Plan amendment, Zoning, Ordinances, and other things related to the freeway frontage area. Two major pieces that still need to occur are the approval of a Master Development Agreement which governs how the road is to be built in that area, and how property owners will be affected.

There will also be a subsequent agreement related to the proposed developers of the apartment component of this project. Staff has

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been working with those parties to draft language. This needed to wait for approval until after zoning and other issues had been resolved.

The November 15, 1995 draft of the Master Development Agreement covers any property owner who has land which would need to be obtained by the City, in order to build the road. The City will pay for and build the road through a combination of City revenues, potential UDOT money, impact fees and property tax revenues derived from this area. The money comes in, goes into a pot (pledged for this project) and goes out to construct the project at certain critical time periods. At the end of the agreement there is a reimbursement to the property owners, if they wish to participate, for land (\$125,000/acre) that would have to be picked up along the corridor. The City is in the process of designing the road and this will occur in the next few months. Basically, the project has to pay for itself.

Staff is asking Council to recommend approval of the Master Development Agreement subject to a few conditions.

The City has three phases for this road. The first phase is the area from 10600 South to the Railroad track. The second phase is from where the UDOT loop road will connect, so the City will qualify for the UDOT money. The third phase extends to 11400 South. Within the agreement, the City is to get the first phase done by September 1, 1996 (construction beginning in the Spring). Second and third phases will be done, as funds are available.

An issue that has not been resolved is the donation of open space in the wetland area. Due to tax issues that came up late today, language adjustment needs to be done first. Council also wanted to add design standards for landscaping, architecture, and signage which is a common goal that the Developer and the City have, to make sure this area maintains the highest possible quality. The Council would like to work with the Anderson group in putting together these standards. This agreement is also integrated with the proposed development with Pegasus.

Councilman Peck reiterated the changes were the design standards and a date certain on the open space dedication.

Councilman Christensen noted the architectural design standards is something the Developers want. They want some basic, common standards to tie it together. A time should be determined to work this out so development does not start coming in before standards are in place. One possibility is an architectural review committee to be composed of mutually agreed upon parties, to design standards. A paragraph needs to be added to the Development Agreement to specify how the process will take place. The

paragraph will allow it to be put together and amend the agreement. One other change Councilman Christensen thought was not covered, is in paragraph 7 where it says 880 apartment units (or fewer if the--add **apartment**--developer so elects).

Gerald Anderson felt the architectural review was perhaps something he initiated and would appreciate it, and is willing to put Tim Soffe on retainer, but requested an outline review process as a guide. In regard to the open space, as part of the 404 permit to do wetland mitigation a deed restriction needs to be put on that portion that we are mitigating (about three acres). In item 6 it talks about no deed restrictions, but the 404 permit that the Army Corp requires calls for a deed restriction in that specific area. Councilman Peck noted Council talked about that and agreed wetlands are wetlands and keep it at that. Gerald Anderson said as part of the 404 permit he has a five year responsibility for maintaining those three acres of wetland and has to file an annual report for the next five years. Councilwoman Newbold noted that paragraph would need to be changed a little bit more. Councilman Peck stated Council would like to direct Staff to add to item 6 that the necessary requirements of Mr. Anderson, to comply with federal regulations, needs to be maintained or adhered to.

City Administrator Millheim noted with the tax issue raised today one Staff recommendation is that the agreement is approved subject to language clarification in paragraph 6. Mike Hutchings said he appreciated the Council's patience and they are confident the proper language will be obtained.

Councilman Carlile made a motion to authorize the Mayor to sign the Master Development Agreement, subject to review and approval of the City Attorney and City Administrator with the following conditions:

- a. Identification of the participating landowners;
- b. Date certain for the open space donation and language clarification in paragraph six--addition of a paragraph on architectural standards, landscaping and signage with date certain for adoption;
- c. All other changes as shown on the November 15, 1995 draft; and
- d. incorporating an allocation of budgeted City funds in the amount of \$1.5 million from Road funds, \$218,000 of storm drain funds, and \$66,000 of water funds.

City Administrator Millheim clarified in paragraph 7 the word apartment would be added in front of developer--"(or fewer if the apartment developer so elects)".

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Councilman Peck seconded the motion. The vote was unanimous in favor.

Councilman Peck made a motion to adjourn. Councilman Carlile seconded the motion.

Councilman Hofhines had another item to discuss prior to adjournment. Councilman Hofhines made a motion to instruct Staff to prepare and schedule a loan from the water funds to the road fund for \$500,000 for the sidewalk project on 2700 West, and the loan transfer to be done within two weeks. City Administrator Millheim asked to also include instructions to Staff that this be brought back to Council for consideration of how they want the money spent. Councilman Hofhines said when it is brought back to Council for adoption of the loan, that would be a condition. Councilman Peck seconded the motion. Councilman Hofhines questioned when this would be brought back to the Council? City Administrator Millheim recommended that it come back when the new Council is seated--however, the loan transfer can be done within two weeks. Councilwoman Newbold didn't know if the project could wait until January. City Administrator Millheim said direction is to get the money transferred, with the options, and then decide how Council wishes to proceed. Staff is not ready to proceed with the project right now. Councilman Peck noted if property owners are in agreement then maybe the project can get started before the end of the year. The vote was unanimous in favor.

Councilman Peck reiterated his motion to adjourn. Councilman Carlile seconded the motion. The vote was unanimous in favor.

**ADJOURNMENT**