

SOUTH JORDAN CITY  
CITY COUNCIL STUDY SESSION

August 4, 2015

**Present:** Mayor David Alvord, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, COS Paul Cunningham, City Attorney Ryan Loose, Administrative Services Director Dustin Lewis, Development Services Director Brad Klavano, IS Director John Day, City Council Secretary MaryAnn Dean

**STUDY SESSION – 4:00 PM**

Mayor Alvord welcomed everyone present.

A. Invocation: *By Councilman Chris Rogers*

Councilman Rogers offered the invocation.

Mayor Alvord noted that Councilman Barnes will not be present at tonight's meeting.

B. Discussion Item: Tabled Item – Redevelopment Agency Board Resolution RDA 2015-08, reallocating \$220,000.00 from the Redevelopment Agency Fund for the Towne Center Drive/City Hall Project. *(By Development Services Director, Brad Klavano)*

City Commerce Director Preece said they have had several complaints from customers, business owners, and the landlord about the area in front of the businesses on the north side of Towne Center Drive. He explained the area that the city owns. He said the landlord has not asked them to remove the pavers. He has asked them to fix the pavers. He said the trees on the south side died and were replanted. He said they removed the pavers on the east side of city hall and put concrete in. Staff felt that rather than maintaining the pavers, they should consider replacing them with concrete. He said last year, there was a misunderstanding with the tree company and they cut down some trees along the north side. Because the trees are problematic and blocking the stores signage, staff thought it would be better to remove the trees and replace them with planters. When the concrete was discussed, they also talked about installing heating coils. He noted that this project was previously approved and budgeted. The money needs to be reallocated; it doesn't automatically roll over like other projects.

Councilman Rogers asked if they don't spend the money on this, how could the money be used? Mr. Preece said it could go in the General Fund. If they used the money outside the RDA area, they would have to create loans from one site to another. They can't spend the funds on housing or build a new building. They typically spend the money on maintenance. It was noted that the money could be used to repair the fountain/ice skating rink.

Mayor Alvord said if someone falls, the city could be liable for a lawsuit.

Mayor Alvord declared that he leases space for his business in this plaza. It is the same landlord.

Mayor Alvord asked if the landlord would be agreeable to a sweeping fix of his pavers? Mr. Preece said they did ask at one time. They can ask again.

Mayor Alvord said his original understanding of this project was that it was only replacing the pavers in front of city hall and putting in heated tape. It sounded excessive to him. Now that he understands the full scope of the project, the value sounds better. He said he feels like they will lose some aesthetics with the change.

They discussed the maintenance needed for the pavers including pressure washing and resealing every year. It was estimated that it would cost \$75,000-80,000 to re-bed the pavers entirely.

Councilman Rogers said he was told that the school district is tearing their heat tape out. Mr. Klavano said they have the heat tape on the back side of city hall and they feel it has made a big difference. It was noted that there are heating coils at the senior center as well.

Councilman Shelton said he likes the look of the pavers. He would rather budget for continued maintenance of the pavers. He suggested they put heat tape under the pavers.

Mr. Preece said eventually, the RDA money will end and it would be the responsibility of the city to maintain the pavers.

Councilman Rogers said he is not a fan of cutting down the trees. Mr. Preece said the trees are expensive to keep alive and they are causing problems for the business owners. He said they need to do something with the trees. They could replace the trees with smaller ones.

Mr. Klavano said they will pursue keeping and reseeding the pavers and they will develop a maintenance program for them. They will see if they can reuse the pavers or have a more uniform paver used. They will put in heat tape and consider smaller trees to be installed.

Councilman Seethaler said he likes the idea of the heat tape. He also likes the look of the pavers and trees.

Mr. Klavano said staff will bring back a Resolution at the next meeting. They will work within the \$220,000 budget. They just need to re-budget it in the RDA.

Mr. Preece was asked to talk to the landlord and see if he is okay with the direction the City Council has given.

C. Discussion Item: Follow-Up on Public Comment about Planned Parenthood. (*Mayor Alvord & City Attorney Loose*)

City Attorney Loose passed out a sample letter addressing concerns with Planned Parenthood (Attachment A).

Councilman Shelton said he is fine to send the letter but feels it is tilting at windmills.

Councilman Newton expressed concern with the wording in the first paragraph. Councilman Rogers said they can omit the first paragraph. Councilman Newton said this is not a city issue. He said they can say that they find the actions abhorrent, but they should not say alleged illegal activity. He asked if they want to insert themselves in a national debate when they are trying to promote the city positively. He would rather take the approach by asking Governor Herbert to ban state funds. Councilman Newton said he is concerned about potential backlash, such as an audit.

Councilman Shelton asked if this letter could make Mr. Preece's job more difficult. Mr. Preece said it could. There is no one he would be worried about right now.

Councilman Newton said if he thought it would make a difference or they could make a change, it would be worth the risk.

Mayor Alvord said he sees this as just communicating their feelings. The letter is not binding.

Linda Peterson, South Valley Journal, said they are condemning alleged behavior.

Mayor Alvord said there is evidence that Planned Parenthood's actions are not illegal. He would also prefer to stick with the word abhorrent rather than illegal.

Councilman Newton reiterated that he would rather send the letter to the Governor rather than Congress. He said if they are going to do something, he would rather do something that will be effective. He said addressing their federal representatives face to face would be more effective.

Mayor Alvord said he thinks a letter to the federal representatives might do something.

Councilman Shelton agreed the wording should be changed. Any alleged illegal activity will be investigated by law enforcement. He likes the idea of the letter going to the governor. He is also okay sending it to the federal representatives, but he is not expecting to change the tide.

Councilman Seethaler said he also feels they should leave the allegations alone. He recommended a call to action to their representatives to pursue any avenues to legally defund

the program with tax dollars. He would like a separate state and federal letter sent. He also wants the letter to be unanimous from the City Council.

Mayor Alvord noted that there is some evidence that the videos that have been released have been doctored and that lacks integrity.

Councilman Newton noted that there are hospitals that do abortions and receive federal funds. He said they should be careful in their approach to not attack Planned Parenthood. If they attack one, they would have to attack all.

Mayor Alvord asked why can't they name Planned Parenthood? They are a major provider and can't survive without federal funding. Councilman Seethaler said they need to make a moral argument, not a legal argument. Councilman Newton said there is no proof that they violated the law.

Councilman Newton said there are many federal issues that they don't agree with. When do they stop commenting on these issues? They are not hired for making moral arguments on these issues, members of Congress are. He said he is willing to go along with the letter if they are careful in their approach.

Mayor Alvord said he feels they should name Planned Parenthood. Councilman Rogers said the impetus for this is the videos that were released, but they are not tying this statement with the videos. Would they be doing this without the videos? Mayor Alvord said the videos reminded them of the barbaric nature of what they are doing. Councilman Rogers asked at what point do they stop? He asked is this a precedent to weigh in on other national issues? Councilman Newton said it could open the door for future councils. He noted that other cities have weighed in on national issues and gotten a lot of backlash.

Councilman Newton said abortion is a national issue that is already taken over by Congress. He expressed concern that this issue is running on emotions rather than facts.

City Attorney Loose said he would draft the letters.

#### Dinner Break

The City Council took a brief dinner break.

#### D. Council Discussion Items

The City Council reviewed items on tonight's agenda.

Councilman Rogers asked about the rezone and asked if the only way to make it work is if they don't do a sidewalk? Development Services Director Klavano said the applicant wants a rural look and a low impact storm drain option. The applicant is proposing 26 ft. of asphalt.

Councilman Rogers said the only place he has seen people enjoy having no sidewalks is on the historical road.

Councilman Rogers said his concern is that if they build it with no sidewalks initially, the city will be requested to pay for it down the road. Councilman Shelton said he is also concerned about potential safety concerns for kids walking to school.

Councilman Seethaler asked how the last two lots are going to be accessed? Development Services Director Klavano said there is a stub street behind them that could be extended. That is not going to be done at this time.

The City Council noted that there may be several people present to discuss the McKee Development during public comment. City Attorney Loose said they have discussed possible solutions, but right now, no appeal has been filed. Councilman Rogers said things look like they're headed in a good direction, but there still may be an appeal filed.

#### ADJOURNMENT

The August 4, 2015 study session adjourned at 5:58 p.m.

**This is a true and correct copy of the August 4, 2015 Council Study meeting minutes, which were approved on August 18, 2015.**

  
**South Jordan City Recorder**

David L. Alvord, *Mayor*  
Mark Seethaler, *Councilman*  
Chuck Newton, *Councilman*  
Donald J. Shelton, *Councilman*  
Steve Barnes, *Councilman*  
Christopher J. Rogers, *Councilman*



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Dear Representative/Senator \_\_\_\_\_,

In a recent South Jordan City Council meeting, a member of the public commented on the news reports of Planned Parenthood's alleged violation of federal law relating to the selling of human tissues from aborted fetuses for profit. According to the Planned Parenthood website, Utah has nine Planned Parenthood facilities, including one in South Jordan.

As the South Jordan City Council, we represent approximately 64,000 residents in one of the fastest growing cities in the country. Numerous times in recent national surveys, South Jordan has been ranked as one of the most desirable places to live.

We feel that Planned Parenthood's alleged illegal activity, and abortion generally, is inconsistent with the values of many, if not most, South Jordan residents. We join with other elected officials around the country in requesting that, as our elected representatives to Congress, you support the investigation into the allegations of illegal activity. If the allegations are proven true, we strongly urge you to redirect taxpayer funding to other community health service providers.

Sincerely,

The South Jordan City Council