

\SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

April 18, 2016

Present: Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, Fire Chief Andy Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, City Attorney Ryan Loose, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, COS Paul Cunningham, Finance Director Sunil Naidu, Public Works Director Jason Rasmussen, Director Jon Day, Communications Coordinator Tina Brown, City Planner Greg Schindler, City Planner Jake Warner, City Planner Brad Sanderson, Deputy Recorder Cindy Valdez

STUDY SESSION – 6:30 AM

Council Member Brad Marlor made a motion to appoint Council Member Tamara Zander as Mayor Pro-Tempore. Council Member Rogers seconded the motion. Vote was unanimous in favor.

Mayor Pro-tem Zander welcomed everyone.

A. Invocation: *By City Manager Gary Whatcott*

City Manager Gary Whatcott offered the invocation.

Mayor Alvord arrived at this time and Mayor Pro-tem Zander turned the meeting over to the Mayor.

Council Member Harris also arrived.

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

Item G. Consent Items:

CM Whatcott said once City Attorney Loose and Director Paul Cunningham talk about this you will understand why we did it the way we did.

City Attorney Loose said it was actually upon my suggestion that we do this. In the State Law some ordinances require Public Hearings, and others don't, so if it doesn't have to do with Land Use, Finance, and a handful of other very specific ones such as annexations, you don't need a Public Hearing you just need the ordinance to be heard in a Public Meeting. If you look at the list of items 1-9, they are either ordinances, or resolutions that relate to all of the committee work that we have been doing. We can talk to you about them one by one if you would like, but we will do what we told you we would do and pull all the committee's that were created by ordinance out and then establish them all in the same format by resolution. We know you are looking for efficiency in the meetings so this is a way get things you are very familiar with through and off your plate quickly. We are more than happy to talk to you about each one specifically, but if there are ones that you want pulled off please call and talk to us and we will take

them off. The reason you see both resolutions, and ordinances combined, is because they both are related to that one thing we have been working on for the past 3 to 5 months. On #10 that is the parks ordinance which has come back twice now and we understood that you were familiar with that so we can pull it off in the meeting, or before if you direct us to now. If you direct us to pull something off in this meeting we will need to do an amended agenda, if not, you will need to amend the agenda yourselves tomorrow.

Mayor Alvord said could suggest that you pull these items off before the meeting. I believe what happens if you pull them off at the meeting we will have to end up voting on all 10 items.

Staff Attorney said you can pull one item off and vote on it separately and then approve the rest. It is easier to have you pull the item off before 2:00 or 3:00 p.m. today and the Records Office can amend the agenda before the 24 hours, but I don't want to push it to 5:00 p.m. on a Monday afternoon.

Paul Cunningham said all of these items are part of that one big cleanup, except #10, and #9, they were discussed at the last study session.

Council Member Zander said I would like a quick overview from Jason Rasmussen pertaining to the policies.

Jason Rasmussen said in the previous work sessions we went through some of the changes, and basically what we are doing is cleaning up the language and putting the appropriate activities in one section because they were spread out all over the place in the existing code. We are also allowing the City Manager to be a designee to make rules in the park so we don't have to come back and change the ordinance every time. One of the major points of discussion at the last meeting was the drones, so there were internal discussions with the committee that looked at this ordinance, and there were follow up discussions where we feel the State is probably going to offer some legislation to regulate drones, so we thought we would just drop that because there are Federal regulations in place at this time and we will abide by them.

Item H. Clint Olson Rezone:

Planner Sanderson said this is pretty straight forward and I really don't have anything to add to the staff report that was given to you in your packet.

Item I. Sudweek, Welch & Rugg Property Rezone:

CM Whatcott said these are the last three houses that face 3600 W and face the District. These three property owners have always been kind of difficult, and one of them has always held out so they have not been able to sell the property, but they all have come together with this proposal, so it is actually nice to see that they are going to be able to do something with those old houses.

Council Member Zander said I received an email from one of the people that are buying this property. They are going to be putting in a dance company (Vision Dance), and they have done a lot of work in the last few months, which they have been in contact with me about. She has asked me to share the email with you so I will forward all of you a copy.

CM Whatcott said I received an email from Paradigm High School and they have suggested that we buy the property for them, but I don't think that is a wise use of public money.

Planner Sanderson said I just want to clarify that the north property owner Mr. Rugg is not part of the concept plan that is in your packet. I have just been coaching him along and letting him know this is an opportunity for him to rezone his property with the other two owners. He is just rezoning his property he doesn't have any kind of proposal. He told me that by rezoning his property it will open up opportunity for him.

Council Member Zander said will his house stay standing?

Planner Sanderson said yes his house will stay there.

Council Member Zander said I would personally encourage the Council to vote for this not only because it makes sense, but the business owners that are moving in are a very quality, classy type of people. I have watched their business in Riverton be very successful, and classy, and now they want to move into South Jordan.

CM Whatcott said I am really glad that Mr. Rudd chose to go ahead and rezone even though he has been resistant about the entire thing, but at least by having it rezoned to Office it could potentially be developed now.

Item J. Resolution R2016-24 CDBG Grant Agreement:

Planner Warner reviewed background information on this item.

Item K. Ordinance 2016-02 adding Chapter 17.62, amending Chapter 17.18 and repealing Chapter 17.50

Mayor Alvord said are there any question on these 2 chapters? If not, you have until Tuesday to call Planner Warner with your questions.

Item L. Resolution R2016-25 amending the Hamilton Development Agreement:

City Planner Sanderson reviewed background information on this item.

Council Member Harris said I like that it has more extensive units that are townhomes, versus condos; I personally like what is being proposed here.

Mayor Alvord said I think Council Member Rogers and I were under the impression that the extra story was adding density.

Council Member Rogers said I thought the extra story was going to add density, but it looks like he is making nicer, larger units, so I think I am more favorable to this with the larger nicer units.

Item M. Ordinance 2016-12, amending Chapter 12.12.030 Creation of Regulations:

City Attorney Loose said if you look in the regulations it has been this way for a very long time. If you look at how you make a regulation, and if you are familiar with the Federal, or State Administrative rule process, it tries to replicate that on a City level. We took this from a code adoption, and we adopted codes from a lot of other Cities. I don't think to my knowledge we have ever done rules this way, so for example if we want to change our parks do you want to see a resolution on it, or do you want some process to do the very administrative day to day items and put in the code of conduct? In the 10 years I have been with the City it has never functioned that way, it has always been a duty of the City Manager,

so what we are trying to do is bring this ordinance in line with the other ordinance as a practice of the City.

Council Member Rogers said I think it makes sense to have the City Manager promulgate the rules. I don't think that every rule needs to come to the City Council.

City Attorney Loose said just be clear that this is the State Law and it doesn't change any executive authority. This is purely an administrative item that is already delegated through other parts of the code, so it takes away that conflict.

Mayor Alvord said I would just request that our rules be common sense and not become torturous, or above and beyond our communities.

Item N. Ordinance 2016.08, amending Chapter 2.76 regarding Board, Committee, and Council Ineligibility for Retirement Benefits:

COS Paul Cunningham said this is just a technical fix. URS did an audit and asked us to specifically identify the individuals that are not eligible for any retirement. We made this change a few years ago for the City Council, and we have cleaned up all of the Committee's, and Boards to make sure they know who does not qualify. They just want a clear language that says they are not eligible.

Item O. Resolution R2016-34, appropriate additional \$86,826.00 for the Water Zone 4 Division Improvement Project from Water Fund Balance:

City Engineer Klavano said this project was budgeted in this fiscal year and we put it out to bid and had (6) bidders, the lowest bidder is a good contractor and they came in at \$260,750.00. We had only budgeted \$200,000.00, so we are a little short to do the project. The purpose of the project is to work on the zone 4 pressure zone. It covers a fairly large area with some decent grades in the district, and around the district, and sometimes it gets too high and sets off the fire alarms and different things over there, so the idea is to create a Zone B. and lower the pressure.

Jason Rasmussen said these pressure reducing valves will allow us to break the pressure from the district and increase the pressure to the upper zone.

Mayor Alvord said how is our water fund balance?

City Engineer Klavano said it is very healthy right now; we have about 11 million dollars.

Item P. Resolution R2016.35, appropriate additional \$334,706.80 for the Rushton Meadows Park Improvement Project:

City Engineer Bad Klavano said this park is just south of where Nielsen's Custard is going in along the Welby Jacob canal, and the new road that goes back to the Rushton Meadows Subdivision. The developer by development agreement was responsible for paying \$631,000.00 towards the project, and then we had some money from another developer for part of the trail that is part of this project. We have a total of \$707,410.00 for the project, and we always knew we were going to be a little short, but we didn't know by how much so we put the project out to bid and we received (8) bidders, and the lowest bidder was S&L and their bid was for 947,378.00. They are the same company that did the park for Sunstone and they did a good job, so we are happy with the lowest bidder. We are a little short on money, we will need \$334,000.00 more and that also includes a 10 percent contingency. We have been working with Colby

Hill and we are getting \$150,000 by transferring it from The Welby Park Playground that was budgeted in the 2014/2015 budget. They have not gotten to do the park because of the Zap Funds so we propose to transfer \$150,000 for the playground part of the project. The previous Council had requested that we hook this up to secondary water since it is right adjacent to the Welby Canal. The cost to do this in the bid was \$70,000.00, so we are proposing to transfer monies that will be budgeted for 2016/2017, and transfer from that park, to this park, and we will do the other park in the next fiscal year. There will then be a balance of \$114,706.00 and we are proposing that we take that out of the park impact fees fund balance to cover that.

Council Member Harris said if these projects are costing more because there is a shortage of contractors and we have to come up with additional money to take care of these things, what are we forecasting for the future on labor in the contracting market?

City Engineer Klavano said it is a tough deal it comes and goes with the economy.

Council Member Harris said how does it look for the next couple of years?

City Engineer Klavano said it is looking pretty tight. I have talked to our CIP group, and I think we need to do a better job of adjusting our CIP requests on monies. I think we need to look at it and trend it a little better.

Item Q. Reports and Comments; Reports from the Utah League of Cities and Towns Conference:

City Attorney Loose said I will be sending you out the evaluation form either this afternoon or in the morning

Item R. Executive Session: Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual:

No discussion

Item C. Holland Park / King Benjamin Gate:

CM Whatcott said I think what we are proposing is bringing back the language of the letter, that is what is going to be shown today.

City Attorney Loose reviewed background information on this item.

Council Member Rogers said is there a sense if people really want this gate?

CM Whatcott said I think the reason we are here now is because there was interest that came forward wanting to know why the gate was there, and the interest wasn't just coming from the King Benjamin/Holland Park side, which you could understand why they would come, but when it was coming from the other side after we sent out the assessments, they were making comment like "we were strong armed into it."

Council Member Harris said when we are approving communities I think we need to be very careful, because the surrounding neighbors think that if the houses or lots don't look just like theirs, they feel inferior, so we need to be careful to not allow this to happen.

CM Whatcott said this wasn't just about putting the \$500,000 homes by the \$700,000 homes. This was more about a perception of traffic running through the neighborhood. We did traffic studies, but the perception was already there.

Council Member Shelton said we are going to run into this same exact issue on the Bison Ridge Subdivision.

CM Whatcott said one of the reasons we add these stub roads and try to make a connection is because they are two fold, they deal with Public Works, and they deal with Public Safety. The idea is interconnection for both of them and I think there are good planning principals as well. Some of the criticism we have had in the past is that we didn't sign the stub road well enough, but there is signage there.

Council Member Harris said I think at the end of the day the residents in Holland Park don't think they are getting any benefit from this but they are getting charged for it.

Council Member Zander said it was my understanding the Holland Park made their contribution, but King Benjamin did not, so is Holland Park going to be upset when they pull a gate that they paid for, it just doesn't seem right financially.

Council Member Harris said we are the losers on this financially.

CM Whatcott said I think we will be losers over it in the long hall. We have talked about several ways to resolve this, but it is still going to be a loss.

Council Member Shelton said so moving forward it sounds like we are taking a different course than the letter, which I am ok with, but maybe we should have a notice that we are pulling the gate and have a Public Hearing about it.

City Attorney Loose said we will send a letter out stating that City Council is inclined to remove the gate and we are going to have public comment, we will let them know they can contact the Council by email and that we will be making a final decision and give them a date. We will also state in the letter that it is our intent to remove the gate unless we hear otherwise.

Item D. Audit Committee:

Mayor Alvord said Mr. Seethaler sent an email out and I understand that you who attended the ULCT Meeting in St. George had some insight into that, so was there a consensus to have Mr. Dougall come and speak to us?

Council Member Rogers said I ran into Mr. Dougall at the convention and he said that he had talked to Sunil and they had set up a time to come in May.

Director Naidu said he wanted to come on the third Monday in May, but he did not want to come at 6:30 a.m. so we asked him to come to our regularly scheduled City Council Meeting on that Tuesday at 6:30 p.m. Mr. Dougall also wanted me to ask you what you would like him to talk about when he comes and I will let him know.

Council Member Rogers said I would just like to get his insight on this issue.

Mayor Alvord said I had a chance to read Mr. Seethaler's email this morning, and basically he said he didn't think it would be bad to modify it and maybe have a Citizen member, but he didn't recommend removing the audit committee.

CM Whatcott said the reason why we are having this discussion is because when we talked about Committee assignments it came up during the meeting. We are getting ready to set out an audit to prepare the costs for another year, so we need to make a decision about what we are going to do. Typically, in the past the audit committee has met and decided what we should put in the audit, and then we create a document for the auditors work from, so we want to get this done as quickly as we can. I wouldn't mind if the audit committee was the entire Council, we have an audit committee for the subset of the Council, but quite frankly I think it is an important enough of an item that you are going to retain it, everyone should be engaged in it and understand what we are auditing, what we are looking at, and what we are doing.

Council Member Harris said if we were to have a member of the community as a part of the committee because of their expertise, I would like them to be added on as well, I don't think I would like to limit it to just the council.

CM Whatcott said this is already on public view and everything is done by Public Hearing, so I don't know what benefit it would be to add a person from the public on the committee.

Council Member Shelton said I think we need expertise that is beyond us. I can read financial statements pretty well, and I am sure that Council Member Marlor can read financial statements due to his profession, but we are pushing a budget that is over a hundred million dollars and I feel very much like a fish out of water, I just think we need a professional auditor that can add their thoughts.

Council Member Rogers said I have seen that on the compensation committee they have a professional Human Resource person and I think it works very well. We have an excellent in house Human Resource Department with Paul and Teresa and yet it was good to have that resident's perspective.

CM Whatcott said the only thing about an audit that is different with compensation, is you are regulated by State Government, and there are so many rules that regulate the audit through the transparency laws itself that are already in place. I am not sure that anybody is going to provide anything in addition to what is already defined in the law it is so restrictive for the protection of the people.

Council Member Marlor said I feel like the Council is the audit committee, so I am not personally trying to ban an audit committee, but the financial responsibility that lies within this Council is one of the most important aspects of the Council. If we go outside and get a firm, they don't know anything about South Jordan City, unless they have Government Auditing credentials and they know what they are doing, and what to look for, and if that is the route we taking, then we should change firms about every 6 years to rotate and have new ones come in.

Council Member Rogers said that is why I think it is a good idea that Mr. Dougall comes and speaks to us because he is the State Auditor and he knows the profession more than anyone of us in this room.

Council Member Marlor said I would like to hear what he has to say because at this point nothing makes sense to me, and I don't feel qualified.

CM Whatcott said just so you know this isn't the only audit we do, we do an audit internally that looks for all types of things, and I don't think that Sunil can even interact with the auditing department other than to provide them information.

Mayor Alvord said Mr. Dougall is coming in two weeks and we can get his perspective on this issue.

Council Member Rogers said I just sent an email to Sunil and cc: the Council and Gary on some ideas that we can send to Mr. Dougall to have him prepared to discuss when he comes.

ADJOURNMENT

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

ADJOURNMENT

The April 18, 2016 City Council Special Study meeting adjourned at 8:10 a.m.

This is a true and correct copy of the April 18, 2016 Council Meeting minutes, which were approved on May 3, 2016.

Auna M. West
South Jordan City Recorder