

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

May 16, 2016

Present: Mayor David Alvord, Council Member Don Shelton, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Tamara Zander, CM Gary Whatcott, 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, CT Director Jon Day, Communications Coordinator Tina Brown, City Planner Greg Schindler, Deputy Recorder Cindy Valdez

Other: Bart Forsythe

STUDY SESSION – 6:30 AM

Mayor Alvord welcomed everyone and noted that all Council Members are present, except Council Member Shelton and he may be late.

A. Invocation: *By Council Member Brad Marlor*

Invocation was given by Council Member Brad Marlor

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

Mayor Alvord said I would like to amend our Agenda this morning and table (Item D. Discussion Item: City Flag Design Contest.) I do have a discussion item I would like to discuss with you, but I am not quite ready to present that at this time.

F. Presentations:

1. Introduction of Trans Jordan New General Manager (*By Dwayne Woolley*)
2. Announcement of 4th Grad ULCT Essay Winner. (*Council Member Tamara Zander*)

Council Member Zander said I have invited the entire class to come to this meeting. The 4th grade class submitted Essay's, and every 4th and 7th grade class in the State is invited to do that through the ULCT. The young 4th grader in our community took 2nd place. The night the check was presented, I asked if they could bring their entire class to our Council Meeting and let us recognize Morgan, so the entire class is supposed to be coming. Morgan talks in her Essay about what she likes in South Jordan City, so I think we need to promote this and let parents and children interact with our City.

3. National Public Works Week. (*By Public Works Director Jason Rasmussen*)

Jason Rasmussen said we will have a proclamation first, and then have a short presentation.

4. Youth Council End or Year Report.

Mayor Alvord said a Youth Council Representative will be giving a year-end report.

5. South Jordan University Graduation Certificates Presented. *(By Melinda Nagai Seager)*

G. Consent Items:

1. Resolution R2016-20, Adopting City-Wide Purchasing Policy 210-01 Purchasing *(By COS, Paul Cunningham)*
2. Resolution R2016-39, Authorizing Implementation of Infrastructure Improvements Projects Approved in 2016-2017 Tentative Budget. *(By Development Services Director, Brad Klavano)*

Commissioner Rogers said I do have some issues with R2016-39, and the only thing I intend to do is vote against it, because I am not a fan of replacing the pavers. I think it is a waste of money, but other than that I don't think we need to have a big presentation on it. We could just take care of Consent Item (1.) and then just take a vote on 2016-39.

Council Member Harris said what is the cost to replace the pavers?

Commissioner Rogers said it is \$250,000.

Mayor Alvord said I was actually brain storming and wondering if there is an inexpensive way to get the best of both worlds. If we put up a sign as you approach the pavers alerting the public to watch their step, does that protect us from a law suit Mr. Loose?

City Attorney Ryan Loose said you see signs on trails and other natural places that say "enter at your own risk" or something like that, but at a public place like City Hall, especially with handicap access as one of the routes in, I think your protection are a little bit less. I think signage is not a bad option, but we have to be diligent about enforcing and maintaining the signage.

Council Member Rogers said knowing attorney's the way I do, we are going to get sued whether we have the pavers, or signage, if someone falls on them. It adds another layer of defense to say that we have done everything that we could, but we could do everything we could with less than \$250,000 dollars. We have talked about this issue so much that I am fine to just have a vote on it.

Mayor Alvord said I have been driving around the City and on particularly 11400 S. there is some colored stamped concrete that in the winter it has created a sluff layer, and it is pocked, and gravelly, and it hasn't been swept up yet, I think I would take the pavers over seeing concrete that looks like that.

Director Brad Klavano said we don't do stamped concrete, we do the colored, but just like anything else it has to be maintained and sealed every so often. That is the problem with pavers and park-strips people think there is no maintenance, but if you want it to look nice you have to maintain it.

Council Member Harris said what is the estimated cost to maintain the pavers?

Dustin Lewis said on an average it is about \$5,000 to \$6,000 per year.

Director Brad Klavano said part of the problem with these pavers is that they came from Spain or Italy, and they are all different thicknesses and were very difficult to put in. It is not very easy to fix them

either, in fact, they should all be taken out and have new paver put in if you want the pavers put in. That is what we were going to do last time, but it got nixed with the funding.

CM Whatcott said the ones by the door are pretty corroded from the salt that is put down in the winter, but I don't know that we could ever find replacements to fix them.

Council Member Zander said when we replace these are we committing to the entire horse shoe loop of pavers around the businesses?

Director Brad Klavano said yes, in front of all the businesses, around City Hall, and the sides. The ones between the concrete and the businesses are really bad. They are pretty uneven and are a tripping hazard. The reason I am asking for this project right now, is because normally we do this in the last meeting in June for the funding project in 2016/2017, but to get into the construction que on these project we are bidding them now. The pavers in-particular have to bid now because we only have a 6week window before the Farmers Market starts. We want them to start by July 1st so they will be done by August 6th, so we either do it now, or we can't do it for another year.

H. Discussion Items:

1. State Auditor on Local Audit Committees. (*CFO, Sunil Naidu*)

Director Sunil Naidu said Mr. McDougal will be here for the Audit Committee and the presentation will take about 10 minutes, and then he will answer the questions that were submitted by the City Council.

2. Municipal Court. (*By Council Member Rogers*)

Council Member Rogers said I have circulated some questions that staff is working on because our current Judge has not filed to be retained, so we are at a point where we need to decide what we are going to do with the Court.

Council Member Harris said is he retiring, or does he just want to go a different direction?

Council Member Rogers said he is retiring from South Jordan but he is still going to be the Judge for the City of Alta, so that leaves us with a decision to make; we either go through the nominating process and get a new Judge, we contract with the current Judge and not go through the nominating process, or we dissolve the Court.

City Attorney Ryan Loose said there is a part in the statute that says you can have a temporary Judge. That means you can contract with a sitting Judge for 4 months between their training sessions, so if we gave a formal notice to dissolve the Court we would have to wait at least a year. I think a temporary Judge could cover that year, but you can't just contract without an end date of when that contract is up.

Council Member Rogers said how do other Cities get away with contracting their Justice Court Judge?

City Attorney Loose said all of them are appointed. The only time you will find a contracted Judge is in those gaps for training.

Council Member Rogers said I don't want to get too deep into this, but we do need to know the economics of the Court?

Council Member Harris said are you going to go over the cost of the building and that type of stuff?

Council Member Rogers said yes, that will be part of the discussion.

Council Member Zander said so we will not take a vote, this will just be a discussion?

Council Member Rogers said we will want to give direction to staff on where we are heading. If we are going to keep the court we need to start the nomination process, and if not, we will need to get a contract with a Judge so we can start the termination process.

CM Whatcott said it sounds to me like you said there are two issues, a building issue, and a Court issue, so are we uncomfortable with the Court being a service to the City, or are we uncomfortable with the building?

Mayor Alvord said there is a financial cost if we are going to move the Court across the street, and that has to be weighed against whether we value the service of offering a Court in the City. I did have Mr. Loose do an analysis for me a few weeks ago and it came back that it was fairly neutral.

CM Whatcott said we don't have to build a new building.

Council Member Rogers said if we take the current cost, and the square footage of the building, it hasn't even paid for its current building costs.

Council Member Marlor said in my mind Municipal Services do not need to be recouped. Would we tell the residents "it is really expensive to pick up your garbage, so why don't you run it out to the landfill yourself," I would rather know that we are providing a service for our residents to be able to come to our City for their services, instead of West Jordan, or Salt Lake County. We provide parks as a Municipal Service to our City, and we don't look at the revenue that it takes to maintain it, we offer it as a service to the City.

Council Member Zander said is there another City of our size that outsources their Justice Department?

CM Whatcott said I think the other thing we found out was that it would be the County that would take over our Court.

City Attorney Loose said we found out there is not any City of our size that has dissolved their Justice Court. We also found out that if we want to send our services to a District Court like West Jordan that is near-by, we would have to get the State Legislature to approve that, and if they didn't it would automatically revert to the County Justice Court.

CM Whatcott said the other thing to think about is that the South Jordan Police Officers would need to go to the County Justice Court on 2100 South to appear in Court, and I think there were 28,000 cases that the Court did last year. I also don't know if it would be effective to have the Prosecuting attorney here if the Court is going to be at the County. The other thing you have to look at from a service perspective is that you would lose the Code Enforcement piece.

City Attorney Loose said if our Court was with the County and there was a code violation such as weeds, no other Court other than South Jordan Court would be able to enforce them. We would have to turn to an administrative route, or find another solution.

Mayor Alvord said it sounds like from the conversation this morning there is a little less opportunities than we had thought, so Council Member Rogers are you still interested in pursuing this agenda item?

Council Member Rogers said I think it is still good to talk about the finances and get a direction of what we are going to do with the Court.

Mayor Alvord said have we discussed the cost of moving the court?

CM Whatcott said we don't need to move the Court, we could move the meetings downstairs and remodel the Executive Conference room and make it office space. There are lots of ways to re-allocate the space in this building, right now the Court is currently occupying 3,100 square feet and that is not a huge amount of space.

Commissioner Marlor said I would like to know if these are the only changes that need to be made to build out the City and care for all of the Municipal Services going forward.

CM Whatcott said no, we know that we need to add more space in the Police Department. There are some Public Works needs out west, for a west side Public Works yard, a Police Building, and we could combine that with a Fire Station that we need out there as well. There are quite a few future needs, so we are planning on talking about them at the first few meetings next year. I think that if we find that the Court is a valuable service that we want to retain, we can work through the building process.

Council Member Rogers said so if I can understand what you are saying, whether we keep the Court or not, it isn't going to have a big effect on the future build out, is that correct?

CM Whatcott said the current need for the Court is about 3,100 square feet and amount is about the right amount. If we were going to expand we would have two shifts using the same space rather than building Court rooms. I think that concept would lend itself fine for us over the years. I think even if that part of the service grows, I don't see us needing more than the 3,100 square feet. I think we are almost at capacity in this building short of configuring a few rooms, so it may delay us having to do anything for another 4 or 5 years, but we will eventually grow out of this space.

Council Member Rogers said I think I am less inclined to get rid of the Court if our residents have to go all the way to the County, I think our initial impression was that they would be going to West Jordan.

CM Whatcott said we currently know that the Court is not breaking even right now, but there were earlier days when the Court was making more money than it is today, I don't know what those numbers would look like if we did a historical view of the Court over the 13 or 14 years that we have been in this building.

Director Paul Cunningham said we do know that a number of the case-loads have been trending down over the years, and part of that is because of the road system being changed, 10 years ago it was a two lane road system, but now they have much better engineered lights, roads, so the actual number of traffic incidents have been declining over the years.

CM Whatcott said I think the other thing that has changed over the last 5 years is the bail schedule. The bail schedule has continually gone up, but our portion of the bail scheduling has been shrinking. The State has taken a larger piece of the bail schedule for a host of different reasons, so even though they have added sir charges to the bail system the percentage of those collections are less for the Municipality.

Mayor Alvord said since this is still on the agenda for Tuesday evening, why don't you Council Member's figure out what your unanswered questions are, and what direction you would like the Council totake.

Commissioner Rogers said here is the proposal that I would like to take after listening to the feedback this morning. I think we should keep the Court for 6 years and try to push our Legislatures to approve that West Jordan would be accepting of the of the South Jordan cases. The West Jordan Court is a great Court, they have great Judges, and I think it would be a great facility and convenient for our residents. I really think this is what we should do, and re-evaluate it in 6 years. That would be my suggested course of action.

Council Member Marlor said I think residents that have been used to getting things done in South Jordan, and I don't want to go outside our City to get things done. I really don't even understand the issue. It is a Municipal Service that we are providing.

Mayor Alvord said I have lived in the City for 8 years, and I have never had one issue with the Court, so who are all these repeat offenders using the Court.

Paul Cunningham said 6,372 are traffic citations, 719 are criminal cases, and 120 are small claims.

Council Member Harris said I am not going to be at the meeting tomorrow night, but I wanted to say that I do appreciate what Council Member Rogers is doing to help us understand the finance and the cost of everything that goes along with having a Court in your City, but I also agree with Council Member Marlor that if this is revenue neutral and we are providing a service to our residents, I think for me I would need to see a very significant savings to move the Court out of our City.

Council Member Marlor said it is not just for the residents, but also for our staff.

CM Whatcott said the current Judge is at the top salary, and we have gone through and looked at what the salary range would be for the case load that we are doing now, and we think we can significantly remove our overhead by paying a lot lower salary for a new Judge.

Council Member Rogers said it sounds like we don't need to have this discussion again tomorrow.

Council Member Shelton said I have to say that I feel very much the way Council Member Harris feels. I really hate the thought of creating a profit center with the Court, it just feels fundamentally wrong. We are probably dealing with people that are struggling to pay these fines anyway. I think that I am in favor of having a court in our City, and I also like the fact that the code enforcement would be handled locally.

Council Member Rogers said it sound like we heading in the direction of keeping the Court and establishing the Nomination Commission, so I think we should set up a time to go over that process.

City Attorney Ryan Loose said we can do that tomorrow night on the agenda portion. We have the letter from the ALC and we have done independent research, Paul Cunningham and I are fairly familiar with it so I could walk through it with you.

Council Member Zander said I would like Council Member Rogers to know that I appreciate him bringing this to our attention, because I think it is healthy for all of us to look at the financial piece, hiring a Judge at a lower salary, and ways to use our office space the smartest way possible. I definitely agree with keeping the Court in South Jordan, and I think we have come to a good resolution to solve this.

CM Whatcott said if you think it would be helpful I can send you the letter that I received from the ALC and the rules that we use to govern the process. I will send it to each of you and you can look at it before the meeting tomorrow night.

Mayor Alvord said we didn't get through the entire agenda, but we have a guest here this morning that would like to speak, so if you would look at your agenda and if you have any question you can take them up with staff before tomorrow night's meeting.

CM Whatcott said I think we should just take a few minutes and cover (Item J) I think it would be very helpful.

J. Public Hearing: South Jordan Beehive Home – Development Agreement, Land Use Amendment, and Property Rezone at 3420 and 3430 West 11400 South, Resolution R2016-36, Authorizing a Development Agreement, Resolution R2016-37, Land Use Amendment from Low Density to Medium Density, and Rezone Ordinance 2016-08-Z rezoning from R-1.8 & A-5 to R-M-6. Dan McCullough (Applicant). (By City Planner Greg Schindler)

City Attorney Ryan Loose said there are two different things going on here, one is a typical rezone, and in this case it is a rezone from lower density residential, to a higher density residential with the development agreement locking the rezone into a very specific site plan which would be for Beehive Home. The second part of it is regardless of the rezone and what we have pending in business licensing right now is a request for reasonable accommodations. Our Ordinance only allows 8 occupants in a residential facility so to go above 8 you need to come in and ask the appeals officer for business licensing, which is Gary Whatcott under our ordinances. They have done that request, and they are asking for 24, or 28, I will need to check that and make sure of the exact amount, and that rezone decision will need to be made by Gary Whatcott. They have submitted their application for decision, and the decision has been drafted, but because of the setbacks and other site requirements they figured they could do a little bit better on the site plan in this zone. We have requested that they look at rezoning to a commercial zone, which would require a reasonable accommodation analysis, but that did not work for them for various reasons, but this one would. I think in general the City is supportive of the rezone with the development agreement so they could build multi-family housing there.

Council Member Harris said what is this going to be surrounded by?

City Attorney Loose said it isn't really surrounded by anything.

C. Discussion Item: Heagren Property Reports per City Council Request. (Staff)

Brad Klavano gave background information on this item. (Attachment A)

Bart Forsythe – said I work with the Jordan Valley Water District, so I work with your staff a lot in my professional capacity. I live on Bison Ridge Road and the residents have identified me as their spokesperson. We have attended two Public Hearings and I came this morning to hear the answers to the questions, and I also wanted to let you know that I appreciate the South Jordan staff, they have all been very cordial. I think there are two main issues here, the first one is that as people want to utilize the subdivision there as a cut through, and there is only one option and that is to go down Bison Ridge Road, and the road is very steep and it does lend itself to speeding, and we are very worried about that. The other big concern is the canal safety, I have dealt with canals throughout my career with Jordan Valley Water District, and I know that people drown in canals. I know the canal company is going to want to

leave the canal access road open, because you see them everywhere. There is a fence and barriers and I think it is fairly safe, but there are a lot of children in the neighborhood and I know kids are going to want to play next to the canal. It is my perspective that canals in a densely populated area just do not mix. I think those are our two main concerns. I do realize that there are some others that have come out and especially on Alexander Park Lane who have indicated that they prefer to see the road go through. I think they are thinking that the traffic would be less on their street, but they will not really know that until a traffic study is done there to know for sure.

Council Member Rogers asked Mr. Forsythe, what would your neighborhood think about getting rid of the crash gate on the second roundabout?

Mr. Forsythe said I really don't know we haven't really discussed it, my guess is the people on the other side might have a concern about it because they are the ones that expressed a concern in the first place.

Director Brad Klavano said the reason that they expressed a lot of concern at the Planning Commission, as I read back through the minutes, is because the street is just asphalt and it has no curb, gutter, or sidewalks, so the concern was that the children would not have anywhere to walk.

ADJOURNMENT

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

The May 16, 2016 City Council Special Study meeting adjourned at 8:00 a.m.

This is a true and correct copy of the May 16, 2016 Council Meeting minutes, which were approved on June 7, 2016.

Anna M. West
South Jordan City Recorder

Memo

In addition the plat was reviewed and this turnaround is not within public right of way and is on an easement on the lot that is a storm drainage basin and is still owned by the original developer. Another indication that this paved area was meant to be a temporary turnaround and not a permanent turnaround.

3. Cost of Bridge:

City Staff re-confirmed with the Developer of the McKee Farms subdivision that is constructing a crossing over the same canal just a half mile or so south of this proposed development. The developer said the cost was at \$165,000 which included everything but the asphalt and even included utility sleeves. So, with Asphalt the costs should at a maximum be \$180,000. Since the cost will be split in half, that puts the cost to the developer at \$90,000.

4. Bison Ridge Road Grade:

The highest grade on the Bison Ridge Road is 5.6%. This is well below the maximum allowed by the City, which is 8%.

5. Bonding for the Canal Crossing by the Bison Ridge Developer:

Planning Commission at the time of approval required the canal crossing (bridge) to be bonded for by the Developer. After further review of the file this never took place. The engineer that worked on this project left the City 8 years ago and Staff is not sure why this never took place. The Statement at the City Council meeting was that it was bonded for and released. The fact is that it was never bonded for.

6. Code on Cul-de-sac length and Home Sprinklers at the time of approval:

The Bison Ridge Development received Planning Commission approval on November 8, 2005. At that time the City code was no Cul-de-sac length over 400 feet was allowed. This development was approved with a length of 1500 feet because it was going to continue onto 2700 West at some point. The City code to allow the cul-de-sac length to be 750 feet and to required homes to be sprinkled beyond 600 feet was changed on July 10, 2007.

Memo

7. Bus Stop on 3200 West/Safe Walking Route for Elementary School:

Paul Bergera at the Jordan School District has stated that no matter what happens to the Bison Ridge Road extension to 2700 West after the 2016/2017 School year the Bus stop on 3200 West for the Bison Ridge Subdivision will be eliminated. This is elimination is cause by the connection of 3200 West to 2700 West through the McKee Farms subdivision that is currently under construction.

The City received an email from a resident on the Bison Ridge subdivision requesting the extension to 2700 West as once the bus stop goes away this would/will be the safest and shortest route for the Children to walk to Monte Vista Elementary School. The City spent a lot of money installing the sidewalk on the west side of 2700 West from 11400 South to 10400 South to accommodate these safe walking routes.

The position of the City Staff has not changed from the recommendation made in the Staff report for the Heagren Development that the development connects to the Bison Ridge Development. This recommendation is made for public safety, good traffic and pedestrian circulation, connectivity and to meet the intent of the Bison Ridge Development at the time of its approval.