

SOUTH JORDAN CITY  
COMBINED CITY COUNCIL, SPECIAL SERVICE DISTRICT AND  
REDEVELOPMENT AGENCY MEETING

June 7, 2016

**Present:** Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Battalion Fire Chief Reed Thompson, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, COS Paul Cunningham, City Commerce Director Brian Preece, CFO Sunil Naidu, IT Director Jon Day, Associate Director of Public Works Colby Hill, City Council Secretary MaryAnn Dean

**Others:** See Attachment A

**REGULAR MEETING – 6:00 PM**

**A. Welcome and Roll Call – *Mayor David Alvord***

Mayor Alvord welcomed everyone present. All members of the City Council were present, as listed.

**B. Invocation – *By Council Member Patrick Harris***

Council Member Patrick Harris offered the invocation.

**C. Pledge of Allegiance**

Stratton Wenner, Scout Troop 1629, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized all scouts who were present.

**D. Minute Approval**

1. May 16, 2016 City Council Work Meeting
2. May 17, 2016 City Council Meeting

**Council Member Shelton made a motion to approve the May 16, 2016 City Council work meeting minutes, and the May 17, 2016 City Council meeting minutes, as printed. Council Member Rogers seconded the motion. The vote was unanimous in favor.**

**E. Public Comment:**

Mayor Alvord allowed comments for items on the agenda, and items not on the agenda.

**Ron Lund**, Sunstone Village resident, said they understand that there is a median proposed for the street that will block them from going east out of their subdivision. He said that affects him, his family, and neighbors. There have been many complaints to police about people doing u turns in the area. It is difficult to get out at 8 am. He asked if all options have been considered? The citizens have not been provided any information about what options have been looked at. He asked if the building of the median will solve the problems of the u turns or create more of a problem?

**Lindsey Lupic**, 9662 S. Rames Ct., resident of Holland Park subdivision, asked that the City keep the gate in tact. They built their home with anticipation of raising their family here. They were aware that there would be a gate. Many residents had incorrect information given to them. They were told that the assessment would be put on their property taxes. They are happy to pay the \$50 assessment. Some were surprised by the assessment.

**Tonya Mack**, Alexander Park subdivision, said they are in favor of the bridge going through. It is a safety issue for emergency vehicles in case of a catastrophe. The bridge would decrease traffic on Alexander Park Lane. The neighbors in the new development would be in their LDS ward. If children want to play, it would cause them to have to go all the way around. They want the boundaries open. The bridge was always planned and should go through.

**Lionel Lassig**, 10698 S. Bison Creek cove, said 2-3 months ago, they went through the neighborhood and collected signatures of those against the road going through. They also held 2 meetings. The main reason he is opposed is for safety reasons. They have a large family and when their family gets together, kids play in the street. They have a neighbor with a handicap child. Who will protect him? When the subdivision was built, people were promised that the road would not go through. Then there was a sign all of a sudden that said a road would go through in the future. The City Council represents citizens of the city. They need to vote for what is best for the citizens. It will be a burden on the city to build the bridge. Who will protect the children after the bridge is built over the canal?

**Lorie Benson**, 10531 S. Alexander Park Lane, said she is in favor of the bridge going through. Originally, she signed the petition. The more they talked about it and thought about it, they determined it is a burden on Alexander Park Lane that will be shared by having that road go through. There are animal watchers that come to the area. Residents in the area speed up and down their road. Bison Ridge has a roundabout to slow traffic; Alexander Park Lane has nothing. If the bridge doesn't go through, they will ask for traffic calming measures on Alexander Park Lane. Because of the McKee Ridge bridge, their school busses have been eliminated. They need a plan for a safe walking route for their kids.

**Don Ramsey**, Sunstone Village neighborhood, said tonight at 5:45, a text was sent around to residents saying that tonight's consent item 4, was to approve and move forward on the proposed median in front of their subdivision. She said she is the region PTA president. She said her

entrance and exit in the neighborhood will be blocked. She said there is a U turn and a traffic problem in the area. She is opposed to a median that would require them to only turn west out of their subdivision. There is nothing west of them. She does not believe putting in a median will fix the problem. The residents of Sunstone were not informed of this. She asked and begged the City Council to not sign the agreement and to look into other options.

**Jan Lassig**, 10698 S. Bison Creek Cove, said she does not see how putting the bridge in will alleviate traffic on Alexander Park Lane. She is concerned about the safety of the kids because the canal won't be protected. She said she wouldn't use Alexander Park Lane anymore and they can get others to join her in this effort to help alleviate the traffic problem.

**Jeff McMullin**, 2726 Cousins Lane, represents the canal company. He said the canal company still opposes the bridge.

**Roger Mack**, Alexander Park Lane, said he had a career in the military. In the military, they make decisions on facts, not emotion. He said the fire engines can't get in. This would allow them accessibility and it makes sense to put the road through. He said Alexander Park Lane is a raceway. They've had a dog run over and close calls with children. They get a speedway from the residents and they get slow movers that like to look at the buffalo and elk. He asked that the road be put through and over the canal.

**Vern Wardle**, lives in King Benjamin Court, said he opposes taking the gate out. He noted that kids play in the road. He said there is a need for 2 more stop signs. Taking the gate out will increase traffic. He said neighbors would cut through the subdivision when traffic backs up on 1300 West. They've already had a mailbox and a lamp post taken out by speeding traffic.

**Debbie Sudweeks**, lives in the Sunstone subdivision, said she is against the proposed median in front of their subdivision. She concurred with the previous comments on the issue. She said even if they turn right to get out, there will be a long stream of traffic for the high school students and it will be hard to get into the left lane to turn around. It will create heavier traffic throughout Sunstone to avoid the u turn. This will create a big mess in her opinion. She asked that they hold off and try to find more solutions.

**Terry Barney**, King Benjamin Court, 1418 W. Ammon Way, said he and Mike Peterson surveyed all the homes in King Benjamin court. There were 33 homes opposed to taking the gate out. Safety is the main concern. He said they were required to have 75 percent acceptance of the gate. They feel to take it out, they need 75 percent opposition. Now, they have less than 25 percent opposition. He noted traffic that comes from the Morrywood subdivision. To open the gate and allow more traffic in the subdivision would be a safety factor and against the will of the majority of the residents. He submitted a copy of their petition (Attachment B).

**Jackie Shewell**, 9659 Rames Ct. (Holland Park), said she is in favor of having the gate removed. They were not informed of the expenses with the gate until they were at the closing of their home. She said the builder was not forthright. They were also told that this was technically set up as an HOA, but that was not disclosed. She said people shouldn't feel bullied or use their power

in the church to push their agenda and get the results they want. People are being strong armed at church and they don't want to cause problems with their neighbors and other church members. They should not use church and bullying tactics to decide what stays or goes.

Sean Shewell, read a letter in favor of removing the gate on Enos Way from Kent and Heather Van Leeuwen. (Attachment C).

**Barbara Crusier**, Windstone Cir., said she is opposed to a barrier on 11800 South. She recommended that they put a police officer there for ½ hour each day. That is what Copper Mountain does. There will be more traffic in the Sunstone subdivision if they are diverted. Please think about this before doing anything.

**Larry Bringhurst**, 1402 W. Ammon Way, asked if the gate issue in Holland Park will be addressed later? Will they have the opportunity to address it at that time? Mayor Alvord said yes. Mr. Bringhurst said he would reserve his comments.

Mayor Alvord noted that there is an amended agenda for tonight. Item J was added, which is the Heagren property. The Benjamin Court gate will be discussed as item K.

**Stephanie Nielson**, 11731 Lake Stone Cir., lives in the Sunstone Development, said she was also just informed about the change to install a median. She said that median would make it almost impossible for the residents to use that 3<sup>rd</sup> exit. She said the church building is located off the 3<sup>rd</sup> entrance and that would make it difficult for visitors or those that use 118<sup>th</sup> to access the church. The problem only exists in the morning. There has to be another solution. One idea is a dedicated right turn light into the high school. She said she is confused as to why the neighborhood was not informed of the median before now.

**Chad Pearson**, lives on Bison Creek Cove. He said he thinks that people's concern on Alexander Park Lane is legitimate. He said he is against the opening up of the road over the canal. He feels it is the wrong thing to do to fix the problem of a speedway on Alexander Park Lane by opening another speedway on Bison Ridge Road. He showed a sketch he drew of his neighborhood (Attachment D). He said opening up the road will create more traffic, not less. At the bottom end of the subdivision, there are 10 homes using Alexander Park Lane. That's it. He is in favor of fixing the issue on Alexander Park Lane with speed bumps. He said the people on Alexander Park Lane want traffic limited on the road; it is not all about access and emergency vehicles. The residents on Alexander Park Lane were successful in putting nearly a 400 ft. curb from 104<sup>th</sup> south. He said there are special needs kids in their circle and on Bison Ridge Rd. He said they don't need additional traffic to access a subdivision that is just 16 homes right now. They should fix the issues on Alexander Park Lane in a different way.

**Michelle Romero**, 3164 W. Bison Ridge Rd., concurred with Mr. Pearson's comments. She feels this is a speeding issue rather than a traffic issue. She said she has gone faster on Alexander Park Lane than she should have. She said kids congregate on the street corner. She puts out her own slow down sign because people go outrageous speeds. She would hate to see the city put more people in danger by putting in the bridge than just trying to alleviate the issue with traffic

calming measures. She said her husband is a fireman for West Valley City. He told her that they hardly ever turn their trucks around; they deal with backing up often. She noted a neighbor with health issues, and said the fire truck and ambulance have always backed out of the circle. There are concerns with the canal. The risks of the road outweigh everything else.

**Mark Dye**, 2962 Bison Ridge, said the road would bring increased traffic danger. It would create a cut through in the neighborhood, and that would be dangerous. People driving west bound face directly into the sun and kids gravitate in the street. He told of a couple circumstances where children he knew were hit and killed by cars. He said they do not want that in their neighborhood. The road is not wide enough for a lot of traffic. He said there are other ways to solve the issue of access to the school, such as a foot bridge.

**Scott Jeppsen**, 10453 S. Alexander Park Lane, said there is legitimacy to both safety concerns. He does not want an open canal either. He said their issue is with the volume of traffic, not the speed of the traffic. They feel that if the bridge goes through, it will reduce the volume of traffic. He would love to see a traffic study done. If the traffic study showed that it would not reduce the volume of traffic, he would be more secure in opposing the bridge. One idea is to open up the other crash gate. He does not like the idea of an open canal for any of the kids.

**Scott Sudweeks**, 11603 Keystone Dr., Sunstone subdivision, echoed the previous comments. He said the problem with the high school traffic is only 50 percent of the year. He said other options should be considered, and the residents should be allowed to voice other opinions.

**Loralee Rasmussen**, 2908 W. Bison Ridge Rd., said she lives down where the bridge would be put in. She sees the traffic that comes down and how fast it comes down, and she sees the danger and traffic that would be brought in. She would be dealing with the speeding traffic. She is concerned about kids playing in the canal. She said her grandkids like to explore, and they like to head to the fenced area. If that is wide open, that would be dangerous. She said the water is very dangerous and fast moving. She is concerned about the skate boarders that come down the road. She said they will head right into the canal if there are no barriers to stop them. When they moved in, they had no idea that a bridge would be put in. Had they known that, they probably would not have bought the home in this area. They bought there because of the exclusivity. To put a bridge in would change the exclusivity of their area forever. She believes it will increase the traffic on Alexander Park Lane. She asked that they not put in the bridge.

**Tia Stewart**, 11684 Windstone, asked that they postpone the decision on the median so they can be part of the discussion and come up with a better solution.

**Julie Harris**, 1468 Mosiah Court, said they would like the gate taken down. She does not feel there would be much additional traffic. She said there is more traffic that comes from Morrywood. She has concerns with access for emergency vehicles. She said their home is hard to find. They just had a boy in their neighborhood that was life flighted after a drowning incident and the emergency vehicles couldn't find the home and that is concerning.

**Wendy Phillips**, Sunstone Village, said she is deaf. Had she known the issue was going to be on the agenda, she would have requested an interpreter. She does not believe the barrier is a solution. The high school kids need to be taught to follow the law, but their neighborhood is now being punished for this. She said they should have an officer on the side of the road for 30 minutes to enforce the rules. They should not make a decision tonight. She would like to know when they are going to make a decision so they can request a sign language interpreter.

**Merv Rasmussen**, lives on Bison Ridge. He said the issue is simple. Most people on Bison Ridge don't want the road to go through; the people on Alexander Park Lane do want the road to go through. They understand the concern. They don't feel the traffic will decrease if the road goes through. He said the issue of emergency vehicles is a guise; they are using that as a talking point. He said putting speed bumps on Alexander Park Lane is reasonable. Trying to increase the safety of their subdivision by increasing the danger of a much bigger subdivision isn't the answer. He said the canal issue is a concern.

Mayor Alvord closed the public comment portion of the meeting.

Mayor Alvord said people make sacrifices to live in the city. Some are near fire stations, some near sewer plants, some by schools, some on collector streets, and some near airports. It is almost impossible to have a private lane. Regardless of the decision, he encouraged all to be charitable neighbors. There are pros and cons to each decision.

#### **F. Presentation:**

Mayor Alvord asked that they postpone the city flag contest discussion for another meeting.

**Council Member Shelton made a motion to table item F. 2. Council Member Harris seconded the motion. The vote was unanimous in favor.**

1. Introduction of Miss South Jordan Royalty. **Queen:** Meganne Ferrel, **1<sup>st</sup> Attendant;** Rachel Webb, **2<sup>nd</sup> Attendant:** Megan Daniels. *(By Lori Edmunds)*

Lori Edmunds introduced the 2016 South Jordan Royalty.

Meganne Ferrel said she recently returned from a mission in Argentina, and plans to attend medical school in 2 years. Her talent was playing the violin. Her platform is encouraging women in science, technology, engineering, the arts, and math. She is grateful for the opportunity to serve.

Megan Daniels, recent Bingham High graduate. Her talent was dance and she was part of Bingham High's dance company. Her platform is "bullying is not cool".

2. City Flag Contest. *(By Mayor Alvord)*

This item was tabled.

3. John Sperry, CEO Founder InMoment. Welcome and Introduction by Mayor Alvord

Mayor Alvord said they recently broke ground on a new Class A Office. One of the first and primary tenants is InMoment.

John Sperry, CEO InMoment, said they have been around for 14 years. They collect customer experiences (reviews), and collect data to help businesses use that data to make decisions. They collect approximately 200 million reviews a year. He said they are looking forward to moving their business to South Jordan, and said they are excited to have access to the mass transit options.

4. Letter of Appreciation to Firehouse Subs Public Foundation. *(By Mayor Alvord)*

Mayor Alvord read a letter of appreciation to Firehouse subs. The funding that they gave was used to purchase 3 video laryngoscopes that will assist patients with critical airway problems. He thanked Firehouse subs for their partnership.

**G. Consent Items:**

1. Ordinance 2016-18, Enacting Chapter 2.39 of the South Jordan Municipal Code Regarding the Office of the City Attorney. *(By City Attorney, Ryan Loose)*
2. Resolution R2016-40, Renewal of Electric Lightwave Franchise Agreement.
3. Resolution R2016-45, Interlocal Cooperation Agreement with Riverton City for 11800 South Street Asphalt Overlay Construction and authorizing the Mayor to Sign said agreement. *(By Development Services Director, Brad Klavano)*
4. Resolution R2016-46, Interlocal Cooperation Agreement with Herriman City for 11800 South Street Median Construction and authorizing Mayor to sign said agreement. *(By Development Services Director, Brad Klavano)*
5. Resolution R2016-47, Appointment of Patricia Bassett to the Senior Advisory Committee and listing Committee Members and their Term Expiration Dates.
6. Ordinance 2016-17, Amending 5.08 of the South Jordan Municipal Code Alarm Systems & Services. *(By Police Chief, Jeff Carr)*
7. Resolution R2016-41, Appointing H. Craig Hall as an Appeal and Variance Hearing Officer to serve as Designee of the South Jordan Board of Adjustment. *(By Legal)*
8. Resolution R2016-49, Authorize a purchasing policy exception to hire a contractor to install a traffic signal at 2200 W. Temple View Lane. *(By Development Director, Brad Klavano)*

**Council Member Rogers made a motion to approve all consent items, except item 4, and to table item 4.**

Council Member Shelton said he is in favor of tabling item 4. He has been concerned how the median would affect the residents in Sunstone. No residents are in favor of the median. It doesn't

mean that the median isn't right, but they need to take a harder look at it. He said two alternatives were presented tonight. They could also consider a High T intersection so they can have a left turn in and out, but still have a median.

Council Member Rogers said the item needs further discussion. They need to develop other ideas with staff. The issue needs to come back so the residents can give more input. Right now, discussing options would be premature.

**Council Member Shelton seconded the motion.**

CM Whatcott said staff will work with the residents and bring something back. He said they will also go to Herriman and the School District and bring back options.

**The vote was unanimous in favor to approve consent items.**

**H. Action Item:** Resolution R2016-44, Authorize Mayor to Sign City Attorney Contract.  
(Mayor)

**Council Member Marlor made a motion to approve Resolution R2016-44. Council Member Rogers seconded the motion. Roll call vote. The vote was 6-0 in favor, with Mayor Alvord voting.**

**I. Public Hearing: Hamilton Estates Property Rezone:** Rezone Ordinance 2016-09-Z, Rezoning the property at 9429 S. 1300 W. from A-5 and R-2.5 to R-3 (Single Family Residential). (By City Planner, Greg Schindler)

Mayor Alvord opened the hearing. There were no comments. He closed the hearing.

**Council Member Rogers made a motion to approve Rezone Ordinance 2016-09-Z. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.**

**J. Action Item:** "Previously Tabled at 5/17/16 CC Meeting" Note: The Public Hearing was Held 05-03-2016, Heagren Property land Use Amendment and Property Rezone – 10604 South 2700 West; Resolution R2016-21, Amending the Future Land Use Plan Map From Rural Residential to Low Density Residential; and Rezone Ordinance 2016-07-Z, Changing the Zoning Map from the R-1.8 (Single-Family Residential) Zone to the R-2.5 (Single-Family Residential) Zone. (By City Planner Greg Schindler)

Mayor Alvord opened the public hearing.

**Bart Forsyth**, 2978 W. Bison Ridge Rd., said this is the 5<sup>th</sup> public meeting he has attended regarding this issue. He said he is here with his wife and many others in opposition to the proposed road extension and bridge project. He said in October, a sign first appeared at the end of the road indicating that the road would be continued in the future. Within 2-3 weeks, the neighbors got together and sent a letter to Mr. Klavano outlining reasons that the bridge and road

extension was not a good idea and not necessary. They understand that there is language in the code that requires a connection. He said the language change to not allow the bridge could be simple. He reiterated that the sign was placed on the stub street in October. He said he questions why the sign was not placed long before. He said there is also no notation on the subdivision plat that indicates a future connection. He is not convinced that the road was always supposed to go through. He said no bond was given by the developer for the road connection. He said Alexander Park Lane has legitimate concerns. He is not sure that it will reduce traffic on Alexander Park Lane if the bridge is required. He said the impacts to Bison Ridge will be greater by having the road go through. Any benefits to Alexander Park Lane are outweighed by the harm that will be caused to Bison Ridge. He said open canals and subdivisions do not mix. He said canals create significant safety concerns for any residential neighborhood. The canal will be left open and the kids will be going across it every day. He said the canal access road will be open. He feels the canals need to be enclosed. He does not understand why they need a road extension when they have 10400 South 2 blocks away. He said Bison Ridge Road is long, straight, and steep. They don't want to create a thoroughfare between 2700 West and 3200 West.

**Travis Sokol**, 10684 S. Bison Trail Cove, said he specializes in risk management and claims administration. He said from a risk point of view, they currently have a functional barrier in place. If they put the bridge through, they cannot replace that barrier. On major arteries, there are fences around the canals, but in the subdivision, there is not a fence around the canal. That is a major liability. He said he has seen and read death claims. Water entices children. He has seen deaths in 1 ft. of water, moving 2 mph or less. He said other entities are starting to pipe canals and storm water because of lawsuits.

**Ryan Benson**, 10531 S. Alexander Park Lane, submitted a handout on this item (Attachment E). He reviewed unsafe walking routes for his kids to Monte Vista Elementary. He reviewed statistics on risks of a canal bridge versus vehicle pedestrian safety. He outlined reasons that the road should go through. There is a higher risk to the safety of our children with unsafe walking paths than there is for canal access. He encouraged the City Council to vote to allow the Bison Ridge road bridge or walking path to go through.

**Ryan Paskett**, 2855 Prowess Lane, said they were here a year ago with the same concerns regarding the McKee Ridge bridge. His neighborhood is impacted at the end of Monte Vista. The community is growing. It would be hypocritical to require one bridge and then not require a bridge in another location.

**Kelly Cooper**, 10641 Bison Creek Cove, she is speaking on behalf of a large group that opposes the bridge. Without the foresight of knowing when or if the Heagren property would be developed, the city had a safety plan there for the indefinite future, and they feel that was addressed. She acknowledged that there is a traffic problem on Alexander Park Lane. They have offered to stop using the road. She recommended the city use their funds to install traffic calming devices on Alexander Park Lane. She feels the bridge would shift the problem to the Bison Ridge subdivision. They already have 3 canal crossings and they are concerned about a 4<sup>th</sup> access. She noted that the new development is proposed to have 2 access points. She said Bison Ridge lends

itself to speeding. The open canal presents safety concerns for children. She said they should try to find a solution to the traffic issues, including Alexander Park.

**Paul Nielsen**, 10771 S. Thomas View Cir., said last October, they sat through a hearing on McKee Farms and the City Council voted in the bridge for that neighborhood. The concerns and facts are the same for this bridge. He was opposed to the bridge in McKee farms. He said this bridge needs to go through so it is fair and the same rules apply to all subdivisions. It would be a disservice to zone off parts of the community. The original plan was for the road to go through. The sign was placed at Bison Ridge road because of the outcome of the McKee Farm development. It was to let the neighborhood know that the road would be coming through. They need to table the emotion and look at the facts.

**Cameron Mecham**, lives on Alexander Park Lane, said he is in favor of the bridge. He said they could revisit other options regarding the open canal and not just deny the road. He said there is a total of 60 homes in the area. If any of the homes want to use I-15, they have to use Alexander Park Lane. The bridge would be safer for access of fire vehicles, and safer to walking paths. His kids also go to Monte Vista. He believes there is greater value in connecting communities. It will benefit the community that is to be built. They would appreciate connectivity and the safety of emergency vehicles.

**Kirk Jenkins**, 2998 Bison Ridge Rd., said he also has concerns for his kids' safety. He noted that the diameter of the cul de sac is the same as the temporary turn about, as shown on an aerial photograph (Attachment F). He is opposed to the bridge because of the concern with the open canal. It could be devastation to anyone that falls in the canal. He said they should consider all options, and not have the access bridge over the canal.

**Ronny Cooper**, 10641 S. Bison Creek Cove, said Bison Ridge is a different neighborhood than the McKee Ridge neighborhood. Bison Ridge is 2 blocks off 10400 South. Way more people would cut through Bison Ridge than McKee.

**Tasia Thorne**, 10471 Alexander Park Ln, said she is in favor of the bridge going through, mostly for traffic concerns. She said she had her dog killed on their street, and her son was hit by a car. She disagrees with the cut through traffic, not many people would need to cut through to 2700 West. They would use 10400 South. She reviewed the safe walking route to Monte Vista. The current route is less safe than going over an open canal in Bison Ridge.

**Don Matthews**, developer, 1181 W. Coradine Dr. (South Jordan), said they are all in the same neighborhood. He said to divert traffic from one neighborhood to another, they are just transferring risk from one area to another. He does not know how to make the bridge crossing safe. They need to find a traffic solution instead.

Mayor Alvord closed the public hearing.

The City Council took a brief recess.

Planner Schindler said staff's recommendation is the same. They recommend that the City Council approve the rezone and land use amendment, as proposed, and without amending the code which would require that the bridge be constructed. Staff always recommends that all neighborhoods be connected. The more connections they have, the less busy every road becomes. It is not fair when all traffic in the neighborhood goes on one street.

Mayor Alvord asked how many auto pedestrian accidents have they had in the city in the last 5-10 years? Staff noted 2 fatalities. They were unsure of the number of accidents where people were injured.

Mayor Alvord asked how many drownings they were aware of? Battalion Chief Thompson said none that he was aware of in the last 9 years.

Council Member Zander asked about the comment that the canal is only open 5 months a year? CM Whatcott said the water is turned on April 15<sup>th</sup> and turned off October 15<sup>th</sup>. After it is turned off, it can take a while for the water to be gone. In dryer years, sometimes the water is there for an even shorter period.

Council Member Marlor asked if it is because of the canal company that fencing is not put up surrounding every bridge on every bridge crossing? Development Services Director Klavano said most canals have fencing on the side of the bridge but the canal access road is open. There are canal crossings all over the community. This bridge would be fenced with chain link except where the canal access road is located.

Council Member Marlor said one reason why there is a barricade there is because the road intended to go through because of the length of the existing road. The road was stubbed, and the Planning Commission directed that a bond be received for the developer's share of the future crossing. He believes the existing neighborhood would not have been approved the way it was if the road was not expected to cross. He feels they should have had the developer put in the bridge, and then the future developer reimburse them for their portion of the bridge. That would have let all the residents know that the road would be going through. Mr. Klavano said that is one way to do it; it is difficult to build the full cost of the bridge ahead of time.

Mayor Alvord said if they determine not to require the bridge, there was an action item directing staff to prepare an Ordinance to allow them to not put in the bridge. City Attorney Loose said they have draft language for that Ordinance change, but there was a question about timing and the process moving forward.

Council Member Rogers reviewed the process that would be required if the City Council wanted to not do the bridge. The only way to put restrictions on the zoning is through a development agreement and the language in the code needs to be changed, otherwise they would contradict their own code.

Council Member Shelton said they could also approve the land use and rezone and be done with the issue.

Council Member Harris said he does risk analysis for his job. Some of the data provided he disagrees with. He said they need to analyze if there is more risk in this area, or a likelihood of drowning in this area. They cannot figure in other areas. He said they also have many more roads than they do canals. He said South Jordan has had no drownings, but Provo has had 14. The sample size in South Jordan is too small to say it is not a problem. There is an exposure for drowning. If the city puts the bridge in, the city assumes that liability and they don't want that. He has seen insurance claims with drownings and they always pay out. He reviewed statistics with kids and drowning. There is an exposure to the city. The biggest problem is when kids are playing outside, not when they are walking to school. The exposure to the canal outweighs the danger of kids walking to school. They should learn from other communities. He is opposed to the bridge as it increases risk.

Council Member Marlor asked if they should close all bridges over canals in the city because of the liability? Council Member Harris said there is a difference of bridges on major streets versus neighborhood streets. He does not think the bridge will reduce overall traffic. They are only addressing this bridge in this community. Council Member Marlor said they represent the entire city and every decision should be what is right for the entire city. If they are opposed to this bridge, they should close all bridges for the same reason. Council Member Marlor asked what about the McKee Farms bridge? Council Member Harris said he is voting on issues presently before them. Council Member Shelton said if they require a bridge in one neighborhood, but not the next, then the decision becomes arbitrary. Mayor Alvord said he believes a canal is riskier than a walking route. If safety is the number one consideration, water is more dangerous than walking.

Council Member Shelton said a few years ago, they created the general plan. By in large, good decisions were made. One important decision that was made was that the community was connected and public streets connected. The decision to put in a bridge in McKee farms followed the general plan. The decision to not put a bridge here and to alter the Ordinance for one subdivision would be arbitrary. He thinks it would be a serious mistake to not connect communities. They can also have access for emergency vehicles. The traffic burden would be more equalized. He said they should also seriously consider putting in a sidewalk on 3010 West and take down the gate to further share the load for the area. For all those reasons, he supports the zoning and the land use amendment, as proposed, and with the bridge.

Council Member Marlor said he is glad they had a lot of people participate tonight. Many great points have been noted. He expressed appreciation for Council Member Harris's fervor and commitment. There are safety issues from both a transportation standpoint and a water/canal standpoint. There are various safety concerns, including a concern with trucks backing up. The road was designed to go through. It is on the transportation plan as such. They need to have traffic flow and connectivity. They have to do what is right for the entire community.

Council Member Rogers said he opposes the bridge. He said they don't fix a speedway by creating another speedway. He feels the traffic issue is separate. Just opening a bridge does not solve the traffic issue. They need to address the traffic issue with traffic calming devices. He

thinks they should open up the crash gate and put sidewalks on 3010 West. He said opening up the road will not change the volume of traffic on Alexander Park Lane, unless they do traffic calming measures as well. Most residents, the canal company, and the builder oppose the bridge. Just because something was done by the government 10 years ago does not mean it can't be changed. They elect City Council members every 4 years. Things change over time. He feels they need to justify why they need a bridge, and that can't rely on the argument that it was planned for. He does agree with the argument about general connectivity of the neighborhood. The residents have taken all that into consideration and they still do not want the bridge.

**Council Member Rogers made a motion to table Resolution R2016-21 and Rezone Ordinance 2016-07-Z, and to direct staff to complete the language change in the code so that the item will be brought back after the language change, and to approve the language change to not require the bridge, and to create a development agreement to not require the bridge. Council Member Harris seconded the motion.**

**Council Member Marlor made a substitute motion to approve Resolution R2016-21. Council Member Shelton seconded the motion. Roll call vote. The vote was 3-2 in favor, with Council Member Rogers and Council Member Harris opposed.**

**Council Member Marlor made a motion to approve Rezone Ordinance 2016-07-Z. Council Member Shelton seconded the motion. Roll call vote. The vote was 3-2 in favor, with Council Member Rogers and Council Member Harris opposed.**

The City Council took a brief recess.

*RECESS CITY COUNCIL AND MOVE TO SPECIAL SERVICE DISTRICT MEETING*

**Council Member Marlor made a motion to recess the City Council meeting and move to a special service district meeting. Council Member Shelton seconded the motion. The vote was unanimous in favor.**

**K. SSD Public Comment:** Repeal of the King Benjamin and Holland Park Gate Special Service District. *(By City Attorney, Ryan Loose)*

Finance Director Naidu reviewed a presentation regarding the history of the King Benjamin and Holland Park gate special service district (Attachment G). City Attorney Loose said they can assess the fee on the property tax, but it would have to be voted on by the residents on a ballot and the residents would have to approve for it to be a tax. CM Whatcott said in that case, the assessed fee would be based on the value of the home rather than a set fee. City Attorney Loose said they may or may not be able to get it prepared in time for this November's election. Chairman Alvord said if it was voted down in the election, they should pull out the gate.

Board Member Harris suggested that they open the gate for a period of time and see what happens regarding traffic. He said the only difference of a tax and the current assessment is the

collection mechanism. He said the issue is being discussed because of the number of residents that did not pay their assessment.

City Attorney Loose said there is also the issue that the city was trying to get the County to do what they wanted and it has taken a few years and created some confusion and misunderstanding with the residents.

It was noted that the yearly maintenance cost of the fence is \$3540. That does not include any fees for the city billing for this assessment or tracking their payments. It does include future gate repair and future replacement of the gate.

Chairman Alvord asked how does public safety get access to the gate? Fire Battalion Chief Thompson said gates are problematic for their response times. Gates are accessed in a variety of ways. In this case, it is supposed to be operated on a certain radio channel. It is currently not operational. He said the fire department is not in favor of gates as a general rule.

Board Member Harris said if no one is regularly using the gate, why have an electronic gate? He said they could consider a manual gate to lower the costs.

Board Member Rogers asked what is happening to all of the maintenance money if the gate does not work? CM Whatcott said staff determined to wait to maintain the gate this year until this issue was resolved. Development Services Director Klavano said if there are no issues with the gate, the annual maintenance cost is \$106 a year.

Chairman Alvord said he feels the fire department will make it a practice to not access the gate area.

Chairman Alvord opened the public hearing.

**Kevin Jackson**, 1466 King Benjamin Ct., said when the King Benjamin subdivision was approved, there was a stub street that lead into another subdivision. When he bought his lot, he knew there was going to be a subdivision to the north. The people in Holland Park did not have any input on if they wanted the SSD. He said it has turned out that the gate is not in everyone's best interest and as a result some residents don't feel it is worth the small amount of money that it is taking for the fence. He said he believes at least \$20,000 has been collected for the fence and he is not sure where the other money is going. He said he does not know what the budget is. He said this is a small subdivision with a small amount of people. They should have access for public safety reasons and for community connectivity.

**Mike Peterson**, 1353 Ammon Way, said when Holland Park went in, the gate was lifted, and the thorough fare quickly went through the neighborhood. He said traffic backs up on 1300 West, and traffic will take the path of least resistance. He agreed that this is not about safety. It is about the small assessment and the residents that aren't paying. He said in 2011, they had 76 percent of the residents in favor of it. He said today, 77.7 percent of King Benjamin Court are still in favor of the gate. He said to those 18 percent, it could be a financial burden to them. He said there are

challenges with the gate. He said he would rather have his house burn down than a child hit. He wished there were other solutions that could be made. He said he would be okay with a vinyl fence with the sidewalks open.

**Ken Hansen**, 1378 W. Rames Ct., said when he moved into Holland Park, he knew there would be a gate there. As time went by, he saw the purpose for the gate. If they open the gate, how does that change what the kids do in the neighborhood that aren't used to a through street? Will it make it more harmful for the kids?

**Wayne Palmer**, 1367 W. Mosiah Way, King Benjamin Ct., said he paid for the gate because it was assessed, but he is opposed to the gate. He said the premise for the gate is traffic flow. He said there was no traffic study done on Enos Way. He noted the ridiculous costs being assessed to everyone. He showed a map (Attachment H). He said the traffic problem is coming from Morrywood. It has nothing to do with Enos Way. The gate is unnecessary and they should have access for residents. He feels they should leave it open for 6 months and then do a traffic study. He outlined the maintenance costs. This is way too expensive for something that is not needed.

**Paula Wade**, 1456 W. Mosiah Ct., said she is by the stop sign of Morrywood. There is a t-bone accident nearly every day. She is in favor of the gate. She said it is insulting that the city won't address the cost of the gate and they would rather just take it down.

**Peggy Peterson**, 1353 Ammon Way, said the issue is the traffic. It is easy to say there is not a problem with traffic because there is a gate there. She said the estimated ongoing cost is \$50 a year, which is about \$4 a month. It is not an exorbitant cost for the added layer of safety. She said they should take a vote and put the issue to rest once and for all.

**Patrick Ramirez**, 9672 S. Enos Way, said on his street, there are 12 kids in 4 houses. He bought the house knowing it would be a dead end street. He said leg work was done to see who wants the gate and who doesn't. The majority of the residents want it. He said he feels the funds should go into an escrow account. He said he would rather see a permanent wall. He said they need to respect the signatures.

**Larry Bringhurst**, 1402 W. Ammon Way, said almost no one stops at the stop sign in the intersection. He said the assessment is worth it to have the safety of his grandkids. Mike Peterson worked diligently to get the gate put in. If the gate stops 10 cars, it is worth it. They had to get 70 percent approval to get the gate installed. The gate should stay.

**Jean Jackson**, 1466 King Benjamin Ct., said they are concerned about the lack of accounting for the funds that have previously been paid to put up the gate and the enormous costs to keep the gate working properly. She is concerned that the residents have not seen the accounting. She said it is not a big sum. She paid under protest. She feels it is a silly thing to have the gate. She said the neighbors should be more friendly. She does not feel the traffic increase would be much. She noted that she was not contacted by any individual about signing a petition the second time.

**Pete Codella**, 1327 W. Rames Rd., said he paid the assessment, but not because he thinks the gate should be there. He feels the gate is unnecessary. He said the Morrywood neighborhood is larger. He does not think traffic would be a huge issue without the gate. They should do a traffic study. Their neighborhood was not given any input on the gate. He takes issue with the proposed costs. He said they should make the gate functioning and look at putting it in the ownership of one of the HOA's. The voice of all should be heard, not just those that were there when the gate was installed.

**Sean Shewell**, said they also paid and are against the gate.

**Curtis Brow**, 1439 King Benjamin Ct., at the time, they signed the petition. At this point, they have also paid the assessment under protest. He does not believe there has been enough study on traffic flow through that route to determine if the gate is needed. He does not want an ongoing cost for a gate. If they put in a wall, he is okay with that. He would like them to take the gate out.

**Laurie Ashdown**, 9693 Enos Way, said they are next to the gate on the Holland park side. They would like the gate to stay. They knew about the gate the whole time and the money for it. Whatever happens, it should happen with notice and the vote of everyone effected. She would hate for it to be undone with the same mistake of not having everyone notified. She would hate to see the gate ripped out without a traffic study and then regret it.

The public comment portion was closed.

Board Member Harris said he feels for the people on the Holland Park side that weren't aware of the gate until closing on their property. If they look at an issue like this again, he hopes it is a learning experience. He thinks they should open the gate for a time and do a traffic study so people can make an informed decision, and then take it to a vote of the neighborhood.

Board Member Rogers asked how long would they need to keep the gate open to do a traffic study test? Development Services Director Klavano said 2-3 weeks. He said in this area, the traffic patterns are different when school is in session. He said he does not see why anyone would use this area as a cut through.

Board Member Harris said they should let the residents vote on it. He does not want the gate subsidized by the City. He said they need to make sure that they are properly accounting for the maintenance costs. He noted that he lives in a gated community. If he were living by that gate, he would want it closed too. He said if the gate stays in, it has to be functional.

Board Member Shelton said he didn't realize Holland Park was an HOA. A resident indicated that it was set up that way, but there are no HOA fees. Board Member Shelton asked if ownership of the gate could be transferred to the HOA? City Attorney Loose said it depends. In this case, there is a public access issue. It blocks general public access, but not fire and police. He said an agreement could be done.

It was noted that there was a vote done during the protest period when the SSD was set up. But that was done when the developer was voting as a single owner for all for all of Holland Park. If they switch the assessment method to a tax levy, it could be put to a vote.

Finance Director Naidu explained how the finances for the SSD are reported. In 2011, they put together a cost estimate of what the gate would cost for 20 years. They were trying to get money together for a major breakdown or for future replacement of the gate. Today, the maintenance is not as expensive. They do keep track of the amount received and spent.

Development Services Director Klavano said when they did the estimate, they said they would readdress the assessment in 4-5 years. He said the annual maintenance is less than expected, but the annual electrical is twice what they expected. They will review the costs after they have been in place for a time.

It was noted that the police department goes around the gate.

Board Member Harris said if the electric gate was for city access, and the city is not using it, they could have a manually opened gate. The cost of the electric motors are expensive.

Fire Battalion Chief Thompson said the fire department would prefer no gate. If there is a gate, it needs to function and operate appropriately. He said they need to have access to the road to meet the fire code regarding cul-de-sacs. He said they need to be able to rapidly access the gate. He said with a manual gate, sometimes the neighbors will chain it off.

Board Member Harris asked if it takes longer to open an electronic gate or a swing gate? Mr. Thompson said it depends on the climate. Police Chief Carr said for police, the swing gate would take longer, but it was noted the time is not significant.

Board Member Zander asked if there is a pile of snow in front of the gate in the winter? Mr. Peterson said the street is never plowed. It was noted that the purpose of the gate was to be accessible for maintenance, public safety, and garbage trucks. It was noted that the garbage trucks don't open the gate. They back up, which is dangerous.

Board Member Harris said the gate should not be motorized if they are not going to use it. He said if the gate is not mechanized, they can deed it to the King Benjamin HOA, and it would cost little to maintain.

Mike Peterson reviewed the statistics for those that oppose or are in favor of the gate (Attachment B); 77.7 percent of the residents in King Benjamin Court were in favor of the gate as of 2 days ago. The statistics for Holland Park were also reviewed. Out of 24 homes, 13 were in favor of the gate (54 percent), 2 said no, 5 were unable to be contacted, and 3 were neutral (Attachment I).

Board Member Marlor said if they have the gate, they need to put together a mechanism for the residents to pay for it.

City Attorney Loose said at the end of 5 years, they can collect the assessment through a tax lien.

Board Member Marlor said he is ok with the survey, but if the majority of the residents want the gate, they get the gate. It is possible that the traffic study will show that there is not much traffic impact. He said he is against gates, even crash gates, because it disconnects communities. He said a different City Council approved this and they should abide by that decision. He said they may need to consider another mechanism to pay the assessment through a tax levy.

Chairman Alvord asked if anyone is favorable to a wall? Board Member Rogers said a wall is problematic because it violates the fire code. Fire Battalion Chief Thompson said they have used the gate in the past; there is just an issue with it as of today.

Chairman Alvord said he is okay removing the gate. He is also okay with opening the gate for a time and going through the mechanism to put the assessment on the tax bill.

Board Member Shelton said if they do the gate, it should be collected through the property tax. If people don't like that, they can consider giving the gate to the HOA somehow. The gate has to be able to open and it has to be functional.

Board Member Harris said he is in favor of the process to make the assessment a tax. He would like the gate opened for a time so people can see the affect and make an educated decision.

**Board Member Harris made a motion to direct staff to open the gate for 2 weeks, and prepare to put this to a vote by the residents to change it so the assessment would become a tax. Board Member Shelton seconded the motion. The vote was unanimous in favor.**

City Attorney Loose said they would leave the gate open for 2 weeks to establish a traffic pattern and then 1 week to do the study. He will check the calendar to see if he can get the issue on the ballot this year.

*ADJOURN SPECIAL SERVICE DISTRICT MTG AND MOVE TO REDEVELOPMENT  
AGENCY MEETING (RDA)*

**Board Member Shelton made a motion to adjourn the SSD meeting, and go into a Redevelopment Agency Meeting. Board Member Marlor seconded the motion. The vote was unanimous in favor.**

They took a brief recess.

**Board Member Marlor made a motion to extend the meeting until 11:30 pm. Board Member Zander seconded the motion. The vote was 4-1 in favor, with Board Member Rogers opposed.**

- L. RDA Action Item:** Redevelopment agency Resolution RDA 2016-04, Approving the Participation Agreement Between the South Jordan City Redevelopment Agency and SoJo Station Parking, Inc. and SoJo Station North, LLC for Development Within the Gateway Central Redevelopment Project Area; and  
**RDA Action Item:** Redevelopment Agency Resolution RDA 2016-06, Consenting to the Assignment of the Participation Agreement Between the South Jordan City Redevelopment Agency and SoJo Station Parking, Inc. and SoJo Station North, LLC for Development Within the Gateway Central Redevelopment Project Area. *(By City Commerce Director, Brian Preece)*

City Commerce Director Preece reviewed the background information on this item. RDA Attorney Smith said the agreement protects the RDA and the City. It won't be signed until they have verification of funding and eminent construction of office building and the hotel. If they don't have that in place, there would be no tax increment to pay the bonds back. He said the assignment will only come into play if the bank forecloses. He said the property owner is bound by the participation agreement.

**Board Member Marlor made a motion to approve Resolution RDA 2016-04. Board Member Harris seconded the motion. Roll call vote. The vote was unanimous in favor.**

**Board Member Shelton made a motion to approve Resolution RDA 2016-06. Board Member Harris seconded the motion. Roll call vote. The vote was unanimous in favor.**

*ADJOURN RDA MEETING AND MOVE BACK TO CITY COUNCIL MEETING*

**Board Member Rogers made a motion to adjourn the RDA meeting, and go back into a City Council meeting. Board Member Shelton seconded the motion. The vote was unanimous in favor.**

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

Not done.

**N. Executive Session:** Closed meeting to discuss the purchase, exchange, or lease of real property.

**Council Member Rogers made a motion to go into an executive session to discuss the purchase, exchange, or lease of real property. Council Member Marlor seconded the motion. Roll call vote. The vote was unanimous in favor.**

ADJOURNMENT

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

The June 7, 2016 combined City Council, SSD, and RDA meeting adjourned at 12:15.

**This is a true and correct copy of the June 7, 2016 Council Meeting minutes, which were approved on June 21, 2016.**

*Anna M. West*  
**South Jordan City Recorder**

**SOUTH JORDAN CITY  
COMBINED CITY COUNCIL, SPECIAL SERVICE  
DISTRICT, AND RDA MEETING**

**JUNE 7, 2016**

**6:00 P.M.**

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

PRINT NAME	PRINT ADDRESS
Jan Lassig	10698 So Bison Creek Cove
Cameron Meckanna	10561 So Alexander Park Ln
Katie Shoemaker	10637 S. Bison View Cv.
Kelly Cooper	10641 Bison Creek Cv.
Ronnie Cooper	10641 So Bison Creek Cv
Lorie Benson	10531 S. Alexander Park Ln
Scott Sudweeks	11603 Keystone Dr
Mike Gabel	2293 E. Beacon Dr. SLC
Nate Thomas	1477 MOSIAH CT SJ
Lindsey Lupic	9662 S. Ramo Ct.
Stephanie Nielson	11731 Lake Stone Cir
Tasia Thorne	10471 Alexander Park Ln
Jeff McMully	2226 Cousins Ln
Tory Barney	1418 W. AMMON WAY
Kevin & Jean Jackson	1466 King Benjamin Ct.
Scott Jensen	10453 S. Alexander Park Ln.
LARRY BRINKMORSE	1402 W AMMON WAY
Mike Peterson	1353 Ammon way
Peggy Peterson	" "
Deanna Welch	9769 So. Mosiah Way
Karen Collette Duffield	2717 WEST Cousins Lane.
Ryan Paskoff	2855 W. PRAIRIE LAWS
Susan Burke	1378 W Ramo Road

**SOUTH JORDAN CITY  
COMBINED CITY COUNCIL, SPECIAL SERVICE  
DISTRICT, AND RDA MEETING**

**JUNE 7, 2016  
6:00 P.M.**

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

PRINT NAME	PRINT ADDRESS
RON LUND	5924 W Firestone Circle
Tonya MACK	10487 S. ALEXANDER PARK
ROGER MACK	10487 S. ALEXANDER PARK
Ryan Benson	10531 S Alexander Park
Loric Benson	10531 S Alexander Park
Reiner Lassig	10698 S. Bison Creek Cv.
Travis Sakol	10684 S - Bison Trail CV
Bart Forsyth	2978 Bison Ridge Rd
PAUL NIESER	10776 S. Thomas View Cir.
Veronica Peterson	10688 S Bison Creek Cove
Chad Peterson	10688 S Bison Creek Cove
Sean Jackie Shewell	91059 S. Rames Court
WADE PALMER	1367 W. MOSIAH WAY, KBC
Scott Ballard	1354 Mosiah way
Patricia Bassett	11038 S. Topview Rd. S Jordan, UT
DANN Ramsey	5924 Firestone Circle So Jordan
Sharrice Forsyth	2978 W. Bison Ridge Rd.
Robert How	10659 Skottland Cir.
Ronald Burt	4329 Queenferry Dr.
KARA KURT JENKINS	2998 W Bison Ridge Rd
Tristi Lassig	10698 Bison Creek Cove
Michelle Romero	3104 W. Bison Ridge Rd.
DON MATHEWS	5459 W. AURORA VISTA DR.
Pete Godella	1307 W RAMES RD.
PATRICK RAMIREZ	9672 S. ENOS WAY



Attachment B  
6-7-16 Combined  
C.C. Mtg

**King Benjamin's Court / Holland Park Gate**

34	Requesting the Gate remains
2	Out of town and have not spoken to
8	Opposed to the Gate
<hr/>	
44	Residents

77.70%	In favor of the gate
18.20%	Opposed to the gate
6.30%	Unknown

King Benjamin's Court / Holland Park Gate

I am a resident of King Benjamin's Court or Holland Park and oppose the permanent removal of the Gate between the neighborhoods making our neighborhoods a through street from 1300 West to 9800 S.

Name	Signature	Neighborhood
Scott & Caroline Clayton	Scott Clayton	King Ben
Fred & Pharoni Shepherd	Pharoni Shepherd	King Benjamin
Don Sleight	Don Sleight	King Benjamin
CRAIG & GAIL LARSEN	Craig Larsen	King Benjamin
Thomas Jelosa	Thomas Jelosa	King Benjamin
ROBERT & Deana Butler	Robert & Deana	"
Arlen & Deanna Welch	Deanna L. Welch	King Benjamin
Perry : Lori Nelson	L. N.	King Benjamin
Kevin & Sharon Philips	Kevin Philips	King Benjamin
Deann Sundell	Deann Sundell	King Benjamin
Michelle & Jeff Bodini	Michelle Bodini	King Benjamin
Erin Hart	Erin Hart	King Benjamin
Leslie Thorsp	Leslie Thorsp	Mosiah
Michael & Peggy Petersen	Peggy Petersen	King Benjamin
Nga Lam & Huy Ngo	Huy Ngo	King Benjamin
Scott & Abster Semiska	Scott Semiska	King Benjamin

King Benjamin's Court / Holland Park Gate

I am a resident of King Benjamin's Court or Holland Park and oppose the permanent removal of the Gate between the neighborhoods making our neighborhoods a through street from 1300 West to 9800 S.

Name	Signature	Neighborhood
Terry & Cathy Banney	Terry & Cathy Banney	1418 W. AMMON way
LARRY & KAREN DENVER	Larry & Karen Denver	1402 W. AMMON way
Gurvinder & preet Gill	Gurvinder & preet Gill	9737 S. King Ben. Dr
VERN WARDLE	Vern Wardle	9747 S. King Ben. Dr
Karen Wardle	Karen Wardle	" "
Robert Brough	Robert Brough	1448 W. King Benjamin Ct.
Holly Brough	Holly Brough	..11
Ken Sostons & Patty	Ken Sostons & Patty	1451 W. King Ben. Ct.
Steve Fronce	Steve Fronce	1421 Ammon way
Marc Wade	Marc Wade	1456 Mosiah Court
Paul Wade	Paul Wade	1456 W. Mosiah Ct.
Greg & DeAnn Spence	Greg & DeAnn Spence	1388 W Ammon way
Kristen & Cameron Spence	Kristen & Cameron Spence	1388 W Ammon way
Cole Spence	Cole Spence	1388 W Ammon way
CRAS WEIDMER	Cras Weidmer	9761 S. KING BENJAMIN DR
DENISE WEIDMER	Denise Weidmer	9761 S King Benjamin Dr.
Ryan Banerter	Ryan Banerter	9722 S. King Ben Dr.
Blair & Colin	Blair & Colin	9748 So King benj
April R. Collins	April Collins	9748 So King benj
Suzie Rose	Suzie Rose	9748 So King benj

King Benjamin's Court / Holland Park Gate

I am a resident of King Benjamin's Court or Holland Park and oppose the permanent removal of the Gate between the neighborhoods making our neighborhoods a through street from 1300 West to 9800 S.

Name

Signature

Neighborhood

Ike & Georgia Orr

Ike Orr

1372 W. AMMON way

Steve & Marilyn Bowers

Steve Bowers

1463 W. King Ben. CT

Brian & Lori Bolejack

Brian Bolejack

1381 W. Mosiah way

Perry & Maria Morris

Perry Morris

1463 W. King Benjamin CT

Brad & Lori Maxfield

Maxfield

1461 Mosiah Ct.

Attachment C  
6-7-16 Combined  
C.C. Mtg.

We are for removing the gate on Enos Way.

Despite the claim stated in the resolution that: "The City Council required the interested residents get the approval and signature of at least 70% of property owners in the King Benjamin Court and Holland Park subdivision prior to the City taking an action", the fact is, Holland Park citizens were never solicited for the approval/signatures on this petition. The developer made that choice as one entity, not 70% of the residents. In fact, we personally were never told, along with many other Holland Park owners, that it was going to be built nor that we would be responsible to pay for it until the closing of our home. At that point we would have had to walk away losing thousands of dollars on our investment.

It is divisive in our community. This is in the middle of a neighborhood street and completely unnecessary. I don't think we should be throwing up dividers in our neighborhoods. Neighbors are connected through streets. It is hindering community.

I don't believe that there will be an excessive increase in traffic. I think there will mainly be traffic of one neighborhood travelling to the adjoining neighborhood, as in any community, since there would be more turns and stopping by going through the neighborhood than there would if cars stayed on 1300 W-9800 S. I don't believe that it would put our children or neighborhood in excessive danger.

In fact, having spoken to firefighters regarding the gate, they explained the safety issues he frequently encounters with gates not opening and response times increasing substantially. Minutes matter in an emergency.

As there has been name calling and bullying in discussion of this gate, I think the best action would be to send out a ballot to each residence that they can anonymously and privately decide what is best for them and submit it back to the city for tallying. Let us resolve this fairly and peaceably. Majority rules, and the decision would be final. If the gate stays by majority vote I hope that the actual expenses for the gate would be adjusted according to actuals. The numbers should be supported and verifiable via invoices. As in any government business, multiple bids should be obtained.

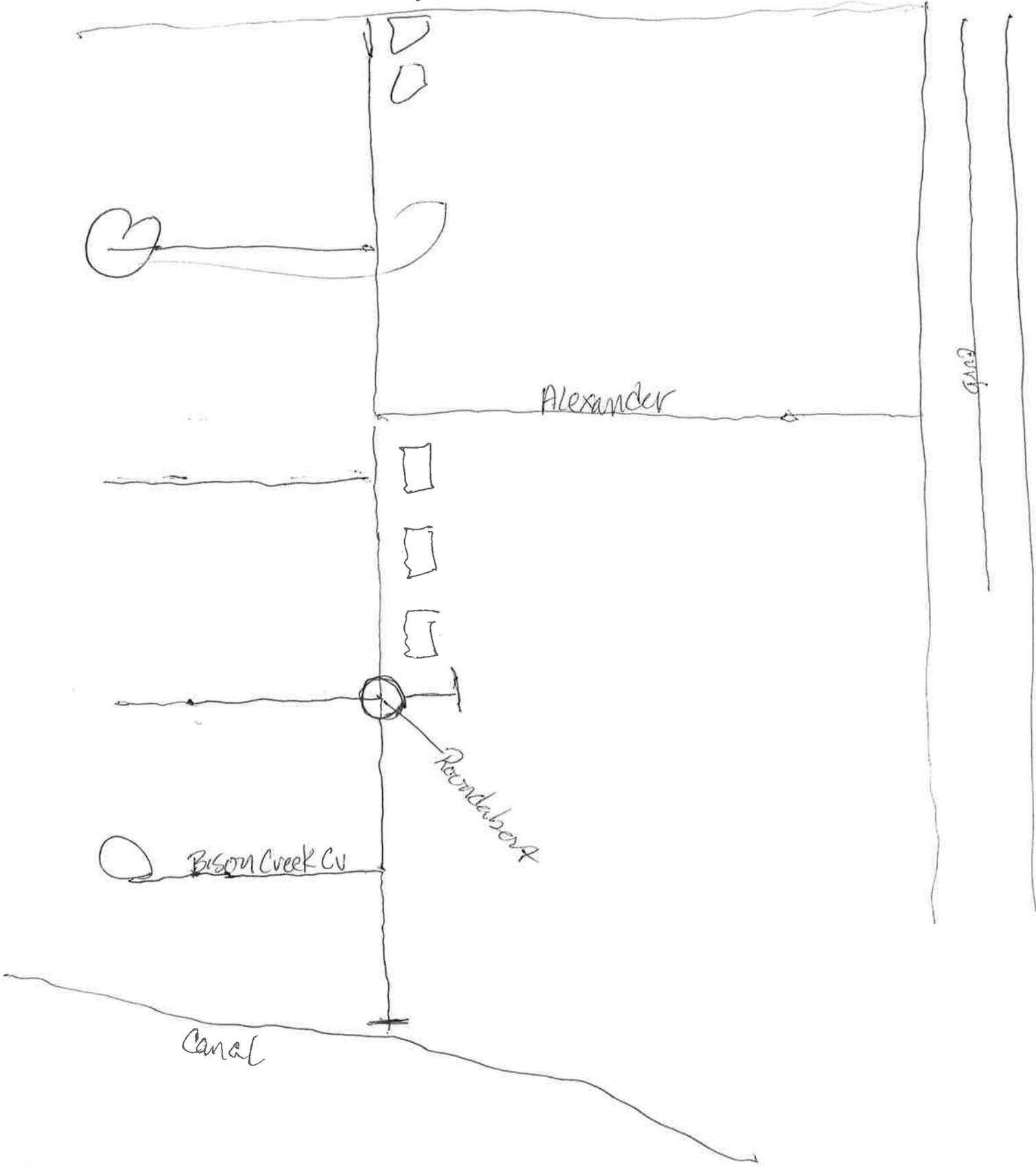
Thank you,

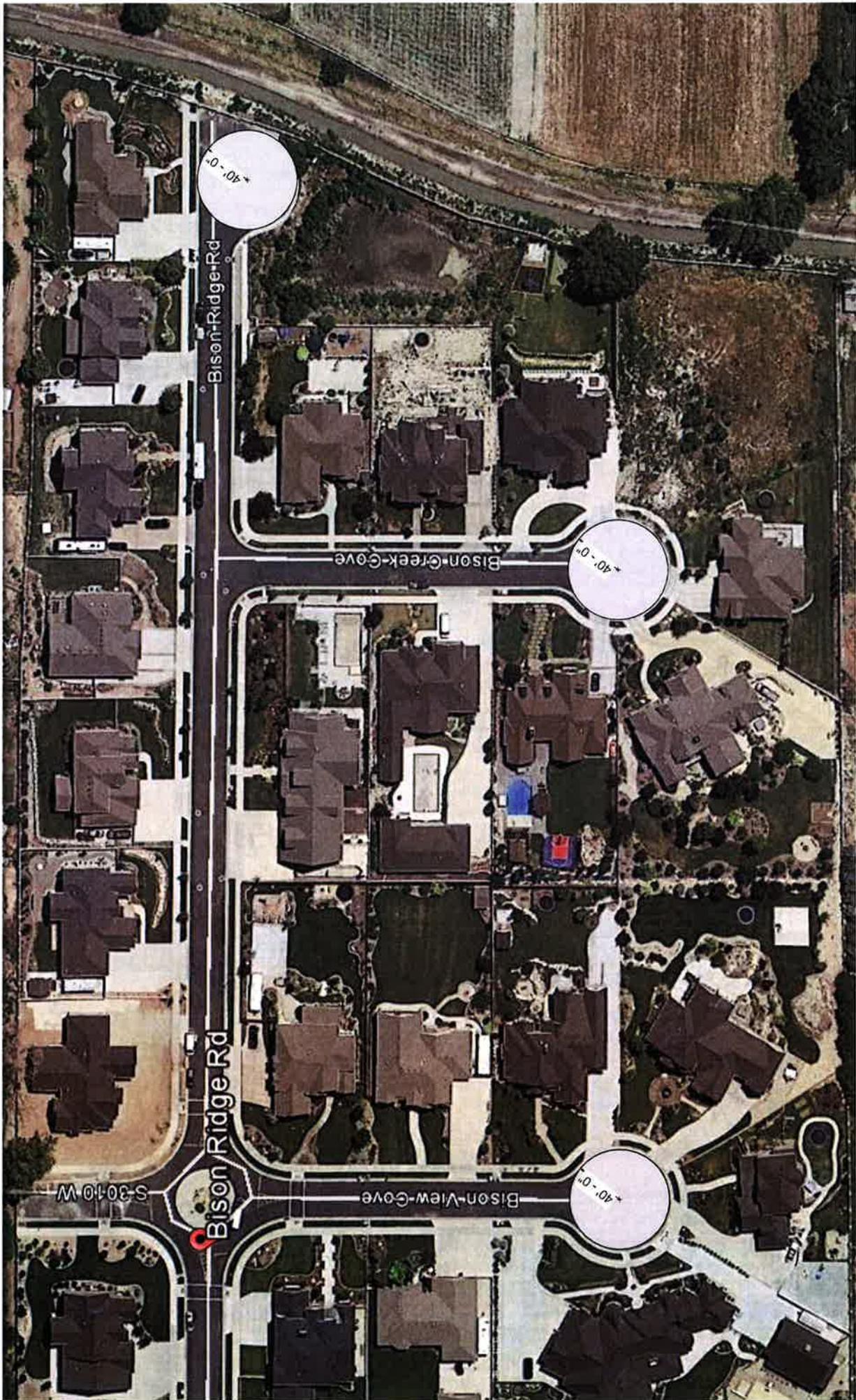
Kent and Heather Van Leeuwen

9644 Rames Court

Attachment D  
6-7-16 combined  
c.c. Mtg.

3200 WEST





Attachment E  
6-7-16 Combined  
c.c. Mtg.



# Legend to the Map

- Red Line** – Current unsafe walking path from Bison Ridge / Alexander Communities to Monte Vista Elementary
- Yellow Line** – Added unsafe walking path from Bison Ridge / Alexander Communities to Monte Vista Elementary when McKee Farms is complete
- Green Line** – Optimal walking path from Bison Ridge / Alexander Communities to Monte Vista if bridge is put in and road continues to 2700 West
- Orange Circles** – Open Canal crossings – all are open canal crossings with access to anyone who walks along those path. Red, Yellow and Green paths all cross the canal. Three of the four are found in the middle of family communities

## Existing Canal Crossing Photos



Ivory Crossing Community



10755 Community



10600 S and 2700 W



McKee Farms Community

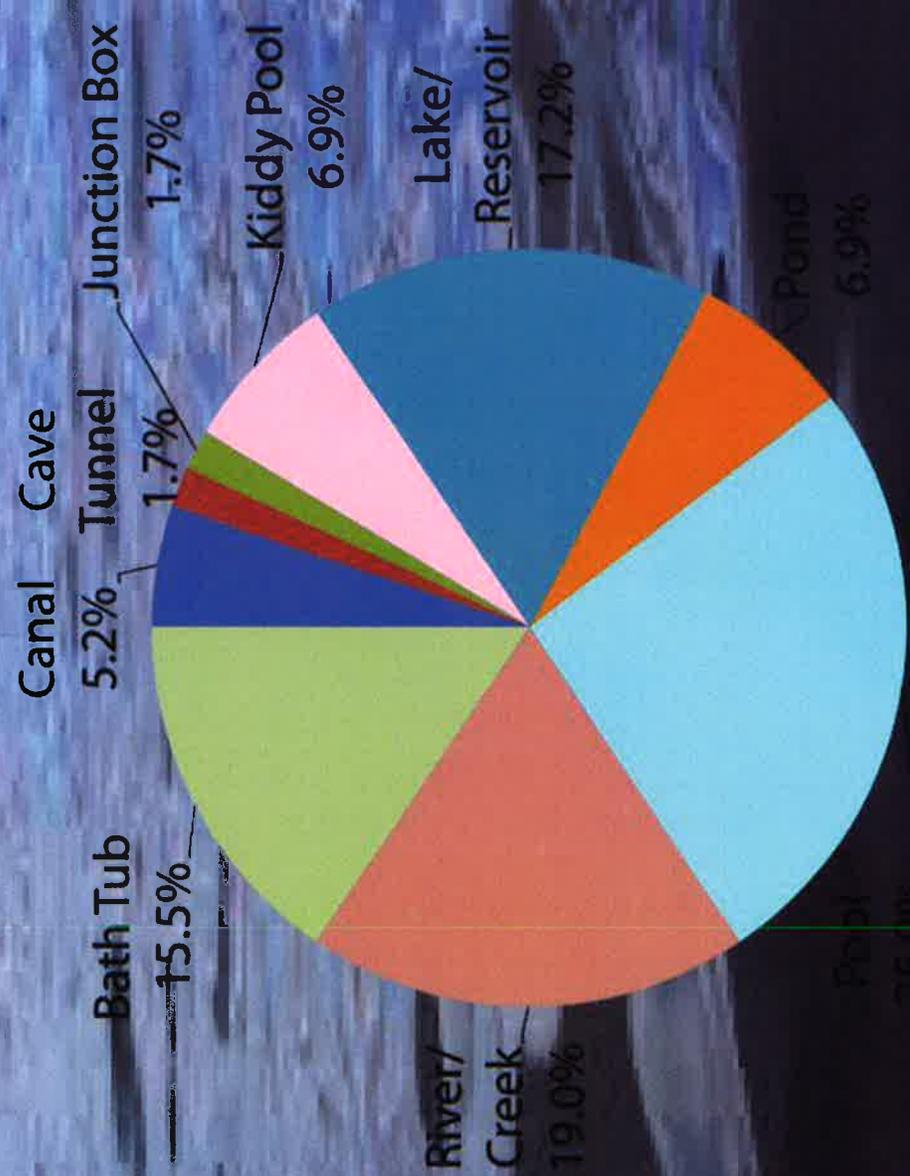
# Weighing the Risks

Are the risks associated with the canal  
bridge vs. vehicle/pedestrian safety  
really a wash?

SOURCE DATA

<http://c.ymcdn.com/sites/www.safestates.org/resource/resmgr/imported/Session%2013%20Child%20Drowning.pdf>

# Drowning Locations (N=57)



2005 -2010  
data on Utah  
drownings

Interesting note... Bison  
Ridge and Alexander  
Residents currently have  
7 pools that I know of.



# Pedestrian Safety

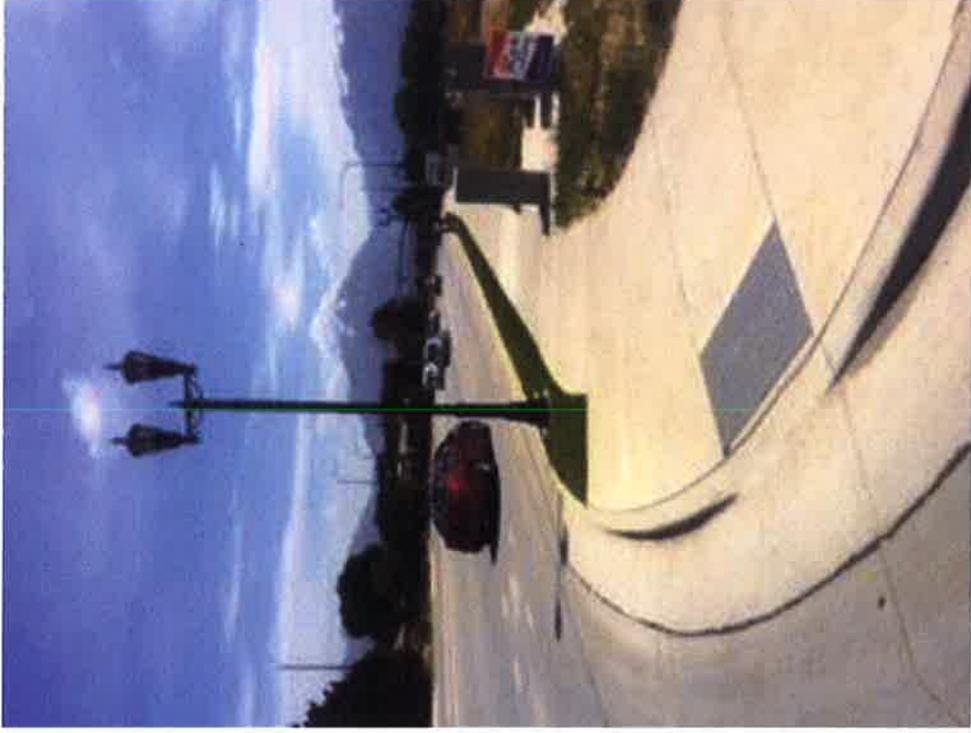
Each year in Utah, 30 pedestrians are hit and killed by a car and another 785 are hospitalized or treated in an emergency department after being in a crash with a motor vehicle (1). According to the Utah Highway Safety Office, the percent of crashes that involved a pedestrian has increased for the 7th year in a row. The year 2012 had the highest number of fatal crashes involving a pedestrian in the last 10 years. More than one-third (37.8%) of the pedestrians involved in a crash were aged 10-24 years (2).

"He was crossing the street when a commercial truck turned left and hit him, hitting his head and chest. He died an hour after the crash. Every day that passes, I miss him more."

Mother of Edwin Cardoso, a 14-year-old pedestrian hit and killed walking to school



<http://www.health.utah.gov/vipp/kids/pedestrian-safety/>



This is only one of the street crossings along 106<sup>th</sup> that our kids have to cross on the way to school. Notice how the turn lane that eventually leads on to 2700 West snugs right up against the walking path. If for some reason our 6 – 12 year old children decide to walk on the curb on their way to or from school, there chance of becoming one of the 30 dead or 785 seriously injured becomes a reality. We need to keep our kids off 3200 West and 10600 South.

# Which is the Greater Risk?

## A. Canal Drownings

- Canal has water five (5) months out of the year
- Utah Canal drownings 2005 -2010 (2 deaths)

## B. Pedestrian Vehicle Accidents

- Year Round Schools – walking unsafe paths
- Utah Child Pedestrian Accidents (30 deaths / year and 785 serious injuries)

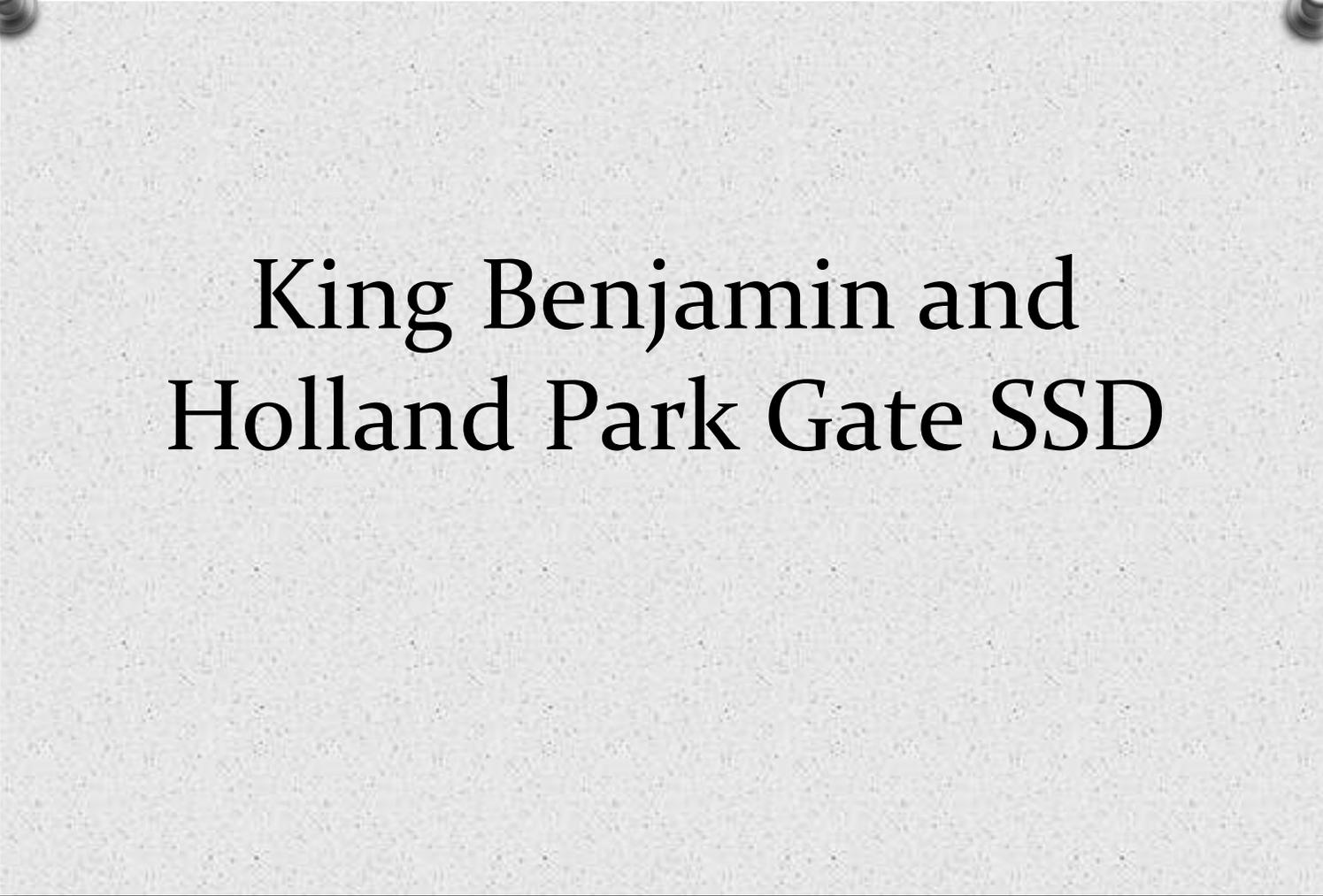
## The Road should go through because...

- There is a higher risk of safety to our children with unsafe walking paths than there is for canal access based on the data available through the Utah Department of Health - Violence and Injury Department. ~\$90,000 (even high end of \$200,000) out of the city budget is nothing compared to the safe walking path risks associated with the bridge not going through.
- Fair traffic disbursement among all neighborhood streets lessens the pedestrian vehicle accident opportunity – Less cars = less opportunity for accident (Alexander Park Lane bares a major load of the Bison Ridge Traffic on a complete straight-a-way and was promised that road would go through to disburse the traffic)

I highly encourage you to vote to allow the Bison Ridge Road Bridge to go through



Attachment  
F  
6-7-16  
combined  
C.C.  
Mtg.



# King Benjamin and Holland Park Gate SSD

# Brief History

## o 2011 –

- o Residents of KB approached City Council requesting gate
- o Council required signatures from 70% of KB owners to begin the process
- o Mike Peterson provided Council with 34 signed petitions from KB property owners (approximately 76%) agreeing to pay for Gate Construction and Maintenance
- o HP Developer agreed to gate on behalf of homeowners for the not yet built HP subdivision

## o 2012 –

- o R2012-22 passed by City Council (began process to create SSD)
- o R2012-56 passed (created SSD)

# Excerpts from Petition signed by 75% of KB owners...

- o “I want the City Council to create a Special Service District that will construct, operate, and maintain a Gate on Enos lane”
- o “I understand that the residents of the Holland Park Subdivision and the King Benjamin’s Court Subdivision will pay ALL costs to operate and maintain the Gate including replacing it when necessary”
- o The requirement I must pay for the gate “will be recorded on the title to my property and will appear on any future title report as an encumbrance on the property”
- o Failure to timely pay gate costs “could result in a lien against my property and could be collected by a sale of my property”
- o “...if, at any time, 30% or more of the residents in my subdivision don’t timely pay their share of the costs for the Gate, the Gate may be removed by the City”

# Brief History Continued

## o 2012 -

- o SSD 2012-01 passed (designating the assessment area and dividing area into two zones)
  - o KB Subdivision Zone - must pay gate cost and maintenance cost
  - o HP Subdivision Zone - must pay maintenance cost
- o SSD 2012-02 passed (Board of Equalization appointed to perform duties required in Utah Code 11-42-403)

## o 2013-

- o Assessment List prepared, Notice given
- o Hearings held (January 29-31<sup>st</sup>) for protest of incorrect assessment amounts, Findings issued in March that no corrections to assessment list are needed
- o SSD R2013-01 passed (levying the assessment)
- o SSD R2013-02 passed (contract for gate maintenance)

# Why an Assessment rather than a tax for the gate?

- o SSD's that expect to have debt service payments may levy a property tax to pay those obligations (UCA 17D-1-503)
- o The purpose the SSD was created for (reimbursement of a set infrastructure cost) does not allow for a tax rate to be set
- o SSD's may impose fees or charges, an assessment, for services it provides (UCA 17D-1-103(2)(k) and (o))
- o Assessments are to be collected by the SSD, the County is only involved in case of delinquency (after 5 years of nonpayment the SSD may certify the delinquency with the County and the amount past due will become a tax lien).

# Financial Information

- o Payments received:
  - o KB – 38/45 (84%)
  - o HP – 15/25 (60%)
- o Yearly Assessment: \$3,540
  - o Yearly maintenance
  - o Administration (Billing/Insurance) Cost
  - o Future gate repair/replacement

# Options

- o 1. Remove the Gate per the terms in the letter :
  - o First year assessment payments are used toward the cost of gate removal
  - o No further attempts to collect will be made
  - o SSD will be dissolved
- o 2. Take no action
  - o Gate stays, assessments must be paid:
    - o KB - assessed \$105.31 for three years for construction and \$50.57 for maintenance
    - o HP - assessed \$50.57 for maintenance

Rob and I had a meeting with Patrick Harris last week. We want to share what we learned and the reasons behind residents of Holland Park wanting the gate removed. The majority of the requests for the removal of the gate come from Holland Park residents.

#1 Cost - the \$50.57 annual fee. No one mentioned to him government transparency involving the payment. Only 60% of residents in HP have paid and 82% in KBC. The administrative costs with collecting this money has gone beyond the \$8,000 that would of been collected this year and taxpayer money is now being used. The costs will only increase if the city has to place a lien against the homes of the residents refusing to pay. The city has every right to do so. I understand protesting something you don't agree with but being irresponsible citizens of the city you chose to live and wasting taxpayer's money in the process is not acceptable. Where is the accountability in this?

The cost to repair the gate is as follows: new motor \$4,000, replace gears that break \$200-\$300 each, maintenance is the cost of the city hourly worker x time spent plus supplies.

You have to remember the city is still in the process of recouping the gate installation costs at this point. They will need to do this plus build a surplus for any future expenses or replacement costs and have time to figure out how much it costs to administer billing and collection of the fee before the fee can be adjusted. Patrick Harris said this is something that could happen in time.

#2 Gate only benefits King Benjamin Court - I have attached the map of both communities. KBC has 45 lots vs HP's 25 lots. Simple math would indicate that we are the ones benefiting from the gate. KBC is almost double our size, times that by 2 vehicles per household on average and it is just the immediate traffic impact not to mention the total strangers that will cut through the neighborhood to avoid the intersection when traffic is backed up on 1300 W or 9800 S. We will just become a shortcut for those people.



I also have information below from a real estate agent concerning how our property values will be impacted by the removal of the gate and from the HP sales agent during the development phase.

Here are the solds for the surrounding area since 2012. 16 came up in total.

It is my opinion that should the gate be removed, homes that have benefited from the decreased traffic as well as the appearance of a gated community and the opulence it displays, could see a negative impact by as much as 1-2% of their property value. Given the average home in the area is selling for nearly \$500,000 - this could translate to a decrease of up to \$10,000. The effect of this removal will be more prominent to homes that are closer in proximity to the gate. As I am sure some homeowners based much of their decision on purchasing a home near a gate that reduced/eliminated traffic flows, this could translate to a figure that is much more intangible than merely \$10,000. Having the overall safety of the neighborhood and their children when playing in the street becoming affected is much harder to put a price tag on.

There is no question that eliminating a gate to a community of this magnitude will decrease appeal, lower overall prices (particularly those near the gate), and would be viewed as a poor tradeoff for the homeowners in the area benefitting from it currently for only \$50/year. 1% sounds insignificant, but when you're talking about \$500,000....

Let me know if there is anything else I can do.

**Kevin Harkness | Realtor**

**Harkness Real Estate Group**

**801.809.0302 Cell**

[www.HarknessRealEstate.com](http://www.HarknessRealEstate.com)

When I worked for Henry Walker Homes, Henry Walker paid for the installation costs for the first year of the gate which were over \$700 per household. Having the gate was a major selling point for the majority of people that bought a home there because that eliminated through traffic from King Benjamin Court homeowners. If the gate is eliminated, that will increase traffic to the Holland Park community which, I believe, wouldn't be in the best interest of the homeowners there for their future resale value. Thanks!

Michelle Armstrong

New Home Counselor

Oakwood Homes-Utah

C: 801-830-2270

We believe that the push to remove the gate is about the money just couched in "government accountability and transparency" rhetoric. It's admirable that people want to take the local government to task but sometimes one needs to put their own agenda aside and consider the impact championing their cause to the end might have on others. Put yourself in the Ramirez's or anyone else's position who lives either on Enos Way or east of Enos on Rames Road. Today those sections of the neighborhood are relatively quiet and safe for the many kids living and playing there, and we're assuming that many of the families who purchased homes on Enos Way did so because it was effectively a dead-end street. The removal of the gate will eliminate the safety and solitude currently afforded those residents and, as noted above, could potentially impact their property values as homes on dead-end streets tend to be more desirable than those on connector streets. Traffic count can't do anything but go up because today it is 0. Who knows by how much but my guess is it won't be inconsequential. More traffic brings with it a host of problems including reduced safety for the kids, more noise, more litter, more wear & tear on our roads, and potentially more crime as there would be two avenues of ingress/egress. Those who live in the cul-de-sac don't have to worry about such issues as nothing really changes for them except for the elimination of a nominal annual fee. We think having a closed street system is beneficial to the neighborhood and want to see the gate stay. Does it cost the city as much as they are charging us to actually maintain the gate? Obviously not, so maybe the direction for the future should be to negotiate the fee down to something that is more closely aligned with the city's actual cost. That way we could preserve the solitude of Enos Way and hold those at South Jordan City accountable. **Your voice is your vote! Please contact Patrick Harris or attend the meeting on June 7 @ 6 pm and let your voice be heard. The future of our neighborhood will be decided by the City Council based on the information they have been given or heard.**

## Holland Park Community

The Holland Park community along with King Benjermin Court community are seeking a resolution to the gate on Enos Way in which divides the Two communities. This petition is to see where each option on the matter stands. We are looking for a count of each home of which "Keep", "Remove", and/or "undecided". This petion will be submitted to the City council during the City Council meeting on 7 June of 2016 to shed light on the issue at hand to the residents of Holland park.

Name	Address	Signature	Date	Keep	Remove	Undecided
Thomas Miller	9677 S. Enos		6-3-16	✓		
Brent Wilburn	9696 S. Enos		6-3-16			✓
Rai Choudhary	1373 W. Rames	Rai C.	6-3-16	✓		
Sean Shewell	9659 S. Rames Ct		6-4-16		✓	
Megan Shewell	9673 S. Rames Ct		6-4-16	✓		
Chris Holbrock	9695 S. Rames Ct		6-4-16	✓		
Lawrence LeCote	1394 W. Rames		6-4-16	✓		
Susan Burke	1378 W. Rames		6-4-16	✓		
Nate Thatcher	1328 Rames		6-4-16			✓
Cody Irvin	1314 W. Rames		6/4/16	✓		
Amy Egbert	1311 W. RAMES		6/4/16			X
Pete Codella	1327 W. RAMES		6/4/16		✓	
DAVE DEVRNAK	9653 S. ENOS WAY		6/4/16	✓		
TARRICK RAMBERG	9672 S. ENOS WAY		6-5-16	✓		
LETTY DEBENHAY	1342 W. Rames		6-6-16	✓		
Joyce Denton	1389 W. Rames		6-6-16	✓		
Zach Kastelir	1356 W. Rames		6-6-16	✓		
Laurie Ashdown	9693 S. ENOS WAY		6-6-16	✓		

