

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

September 19, 2016

Present: Mayor David Alvord, Council Member Chris Rogers, Council Member Don Shelton, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Tamara Zander, CM Gary Whatcott, COS Paul Cunningham, Administrative Services Director Dustin Lewis, City Attorney Ryan Loose, City Commerce Director Brian Preece, Finance Director Sunil Naidu, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, Public Works Director Jason Rasmussen, IT Director Jon Day, City Recorder Anna West

Others: Chip Dawson, Planner Jake Warner

STUDY SESSION – 12Noon

Council Member Rogers said Mayor Alvord is not currently present. I motion to appoint Council Member Shelton as Mayor Pro tem. Council Member Zander seconded the motion. Vote was unanimous in favor.

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 Pro tem Shelton said the first item on the Agenda is the Council Packet Review for tomorrow evening.

CM Whatcott said Jason Rasmussen is going to give a Water Conservation Program update. It will explain where we are and what we did.

CM Whatcott said next is the Mulligans Commission Report. He said I assigned this to Council Member Shelton because I wasn't sure who would be there to address this.

Council Member Shelton said both the resident members of the Commission have been traveling extensively with their work. I know that Deanna will be out of town and if neither of them is there then I will make the presentation. The essence of the presentation is to review the decision making process that the Commission went through and present to you our recommendations and the possibility of a third alternative. The Council isn't looking to make a decision on Mulligan's tomorrow night; that will probably be part of our Visioning process in late October.

Mayor Alvord and Council Member Harris arrived at this time.

CM Whatcott said maybe that can be clearly stated at the end that this is now yours to fully vet.

CM Whatcott said there are two consent items that are City Wide-policies that are just cleanups. I think Paul sent these out to you to review and for your comments.

COS Cunningham said we are just cleaning up the verbiage and making sure the documents are in place. We do use purchasing cards a lot in the City and also get rebate money as a result of doing that. It doesn't supersede any of the other purchasing policies; it is all about documentation and making sure we account for it.

Council Member Rogers said I noticed one of the provisions mentioned surplus property was that if a city employee retires an employee can give them some surplus property. What does this pertain to?

COS Cunningham said this specifically deals with a practice in Police and Fire. In Police we have allowed them to take the gun they carry. You already passed a policy a year and a half ago that dealt with tax ramifications of doing that. This is now to take care of the gun itself. In the Fire Department it would be the helmet that they used. We just wanted to close the loop that the practice was authorized. The department head would approve it and then it goes through the finance department to make sure we have accounted appropriately for the value. It is a nice thing the City does for recognition for their service when they retire.

CM Whatcott said I want to reiterate too because it has been in the news recently in two occasions on credit card usage. A couple years ago we really buckled down on our credit card process of approvals so I want you to know that nobody's credit card is being approved by a subordinate. We have a very clear delineation of how those are approved and who sees those charges.

Council Member Zander asked what the process is for dealing with problem expenditures that are found.

CM Whatcott said if it is a violation of any of the codes then they go through a disciplinary process. If it is something that is less than that then there will be a discussion. In all the time I have been here I have not seen anything.

CM Whatcott said Jake will be providing his Annual Report for the CDBG.

Jake Warner said it is twofold. It is the year-end report for 2015-2016 and then it is also to allow the public to comment. The public will be there for the 2017 year funds.

CM Whatcott said the last item from staff is the report on the final cost for the 11800 South median. After we met with the residents and got their input on what they were comfortable with on the design, it significantly changed the cost and the way the median was designed. Originally we budgeted \$10,000 because it was going to be a small concrete strip. Now it is a bit more elaborate with a lot more concrete median. It ended up going to \$90,000. The school district provided \$18,000 and Herriman provided \$30,000; the remaining \$41,000 is what we are asking if you still want to spend it on that. We have money from savings on other projects that are ending and I think we can make up the difference in the money if you want to spend it that way. That is the question we are asking right now.

Brad Klavano refers to a map on the board that shows a left in and right out median. The School District is in favor of that and the residents were as well.

Mayor Alvord asked if this will hold us for a while. Mr. Klavano said yes; it will last 10 to 15 years.

Council Member Zander asked how much more this change will cost the City. Mr. Klavano said around \$40,000 more. We had \$10,000 budgeted. Part of the reason we have to do this is we now have to restripe the whole road.

CM Whatcott said there are more traffic mitigation issues because we didn't get it done before school started. Herriman is on board for \$30,000. They wouldn't pay 50/50 because it is our residents that are causing the majority of the change.

Mr. Klavano said we just need you to give us direction on how to proceed.

CM Whatcott said over time, as the road surrounding Sunstone to the north and the grid starts to be applied I think you are going to see traffic patterns change for the better.

Council Member Zander asked if the roads to the north have been completed yet. Mr. Klavano said they are supposed to be done late October to the first part of November. This will make it much safer for the high school and should stop the U-turning; that has been the biggest problem there.

Council Member Rogers asked if there is a traffic count going east-west on this road. Mr. Klavano said the volumes are not great during the day; just at peak times.

Council Member Marlor said I just want to clarify something regarding the bridge on 1300 West and 106th South. If we did not remove that bridge would that restrict UDOT of the widening of that intersection; is that correct? Brad Klavano said that is correct. He said without taking the bridge structure out we cannot get dual lefts on all four directions; therefore, that intersection will fail sometime between now and 2040. If we take the bridge structure out and get the dual lefts in all four directions it will not fail between now and 2040.

CM Whatcott said here is where it saves us money. Where you can't get the dual lefts now is on 1300 West which is a City street and if we take the bridge out now, they are willing to build our city street section now rather than waiting for us to have to do it when it fails; then we would have to come up with the costs to do it.

Council Member Marlor said I just want to make sure we are all clear on the reason because I have heard a number of things from the public about that issue and I think it is important that we are all on the same page with the primary reason for taking that bridge out. The reason is for street expansion and has nothing to do with the property owners on either side and has everything to do with future transportation needs at 106th South and 1300 West.

CM Whatcott said the only other thing we are going to bring up is during the Staff Comments and Reports Sunil is going to talk about preparing the Founders Resolution for the refinancing of the Bond for the two building expansions. We are just trying to get the paperwork ready so we are going to be

sharing that with you at that time. Remember what we are doing is refinancing that debt and adding money back to build the Annex Building and Police Headquarters on the back of City Hall and extending the term. Right now the interest rate is at 2 ½ %.

C. Discussion Item: Public Comment / Public Hearings. *(By Council Member Zander)*

Council Member Zander said I thought it would be healthy if we had the conversation in a work session rather than in front of the public. I think there would be an opportunity that we could all agree to how we are going to proceed when we have a large group of very passionate residents in front of us.

Mayor Alvord said if I could suggest something, it is kind of based on the letter that was sent out. One thing I haven't done as well as I should have as Chair is to give the audience a little education of what our expectations are. Some of it depends on the size of the audience. Sometimes Mr. Whatcott or one of us will get the understanding that there will be a very large crowd and sometimes that allows us to change the agenda. I think we have to adapt each circumstance to each situation. My feeling is if it is a crowd where the Council Chamber is almost full but not overflowing that I announce as Chair that this is the time on the Agenda where we need to move on to the next Agenda Item so if you want to make your comments stand up now. If it is much larger, I may ask the Council as Chair, if you want to hear this on another date so that everyone can be heard or do you want to stick to the stated Agenda time. I am nervous about extensions and would like to keep them brief.

Council Member Harris said I think we need to get a count of the people that want to talk so we know how much time we are up against.

Council Member Shelton asked if we are still using the cards for Citizen Comment? Mayor Alvord said I put those away because we had a long stretch where we didn't need them. Council Member Shelton said we generally don't need them but I wonder on the public hearings if that would be a way to get a count.

CM Whatcott said one of the things I noticed at the School District meetings on some of their larger public hearings they would say we are going to have a time certain stop on the Public Comments because we have so many other items on the Agenda and to be fair we are going to stop taking comments at this time. At least everybody knew what to expect. I do think, like with the horse issue, we got to a point where the comments went 2 hours and I think we heard everything 5 times. I did like the Mayor's comment that maybe they could email their comments in. We have been getting emails and we have been giving those to Anna and she puts them in the record for the minutes of the meeting. We will continue to post them to all of you and make them part of the record as well.

Council Member Zander said it helped me to say how many of you are here to speak for or against this and get a count.

Council Member Rogers said I think if you announce the time certain it would help a lot and then just give a warning there are so many minutes more on this topic and then we will move on.

Council Member Marlor said we can give the information right up front that we contemplated there would be a large amount of people wanting to speak on this Item and we have set this much time aside to adequately receive public comment and then we need to move on in order to respect all of the other people here to hear other Agenda items.

City Attorney Loose said you could say that the Planning Commission had many speakers and the Council has been provided with those meetings minutes that includes all of the speaker's comments so there is no need to repeat what was said at Planning Commission.

Mayor Alvord said I would want the assurance that the Council did read the comments in the minutes; I wouldn't want to speak for Council.

CM Whatcott said I have been working closer with Ryan, Paul, Anna and Brad's staff about the agenda itself so we can try to control the length of time the meetings go. Like the upcoming October 4th Agenda we have the King Benjamin & Holland Park issue and the issue on 10750 South; that is it. I am not adding items to that agenda in order to control the length of the meeting. I have told the Planning Department already to not tell anyone that just because they had the Planning Commission meeting that in 2 weeks it is automatically going to City Council. Don't set up any expectations. Some people may be upset about that but I am not interested in having long 12Midnight meetings again.

Council Member Zander said I just talked with Mark Woolley after they had that last big Planning Commission meeting about Merit Medical and he mentioned the possibility of having him as the Chairman of the Planning Commission to come to our Work Sessions to give us a recap of that meeting and then we don't have to read hours of minutes.

Council Member Rogers said why don't we just invite him to our Study Sessions anyway because it seems like it would be beneficial.

City Attorney Loose said if a developer on an item that will go to both bodies it might be advantageous to have the Planning Commission invited and they can see the full discussion and not just what happens that night.

CM Whatcott said that is a good point because remember when Fred came and gave us his pitch; if the Planning Commission had been in that same meeting they would have been better informed.

Council Member Zander said I would love to have the Planning Commission come give us a recap when it is appropriate. That would help our learning curve and communication.

Mayor Alvord said I want to make sure that the Council supports the decorum with regards to clapping and cheering; do you want me to continue to nip that in the bud.

Council Member Zander said that is why you ask in the beginning, very professionally and calmly; could we see a show of hands who is here in favor or who is not in favor.

Brian Preece said in another City I worked for and only for the Public Comment section, they had a very hard fast ½ hour rule and they stuck to it. List what time it will start and what time it ends for Public Comment.

City Attorney Loose said we could put that in the agenda and add that at maximum this will be ½ hour.

Jon Day asked if it would help if I gave you the time on the time clock for 30 minutes on something like that?

Mayor Alvord said I like the timer for a large group but for small groups it would not be needed. He said I would like to make a small request that Council Members that have input on Chairing the meeting; if it is not urgent just slide me a note to say what you would like me to do such as ask a developer to address issues or whatever.

D. Discussion Item: Understanding the Public Hearing Process for the King Benjamin / Holland Park Gate Issue. *(By Ryan Loose & Paul Cunningham)*

COS Paul Cunningham took the lead on this; he referred to a copy of the statute that this applies to 59-1-1605 Public Meeting requirements (Attachment A). He said this meeting does not have the typical set of rules that we have to deal with. By the end of this week we will send out a Voter Information Packet that includes rebuttal arguments from both sides. The two gentlemen that submitted rebuttal against are Curtis Brown and Wade Palmer.

City Attorney Loose said they both submitted their own statements. One was a day late and the other had too many words so we asked them to combine their statements into one.

COS Cunningham said that process will go on and we will have to send out the notice of the meeting that is scheduled for October 4, 2016. The timing for that is that it can't be more that 45 days prior. We want to get this done early in the election cycle. Ryan said the election is November 8th and mail in ballots go out October 10th to November 3rd so we would like to have the meeting prior to when the County says they will mail the ballots that way they can vote having all of the information.

COS Cunningham said we would like to schedule in the regular meeting that this would happen right after the Pledge of Allegiance. By law it has to be at 6pm or later and this is a good time to do it. We don't want to confuse the Public Hearing that we are going to have at the regular meeting with this Public Meeting. Right in the statute it states equal time within a reasonable limit.

Mr. Loose said we will send it all out to you. It is very time certain and separate from the rest of the meeting. It is always best to give the opponents the last word. We'll give them 15 minutes and invite Mr. Brown and Mr. Palmer to speak.

Mayor Alvord asked if we could list on the Agenda the names of the people giving the opposition statement. Mr. Loose said yes. We will want to be very specific so it is very clear.

Council Member Harris said I think there is some misunderstanding amongst some of the residents there if this is going on the ballot so it can be taxed. Some people think if that doesn't get approved then it will just stay how it is. We need to communicate clearly what will be happening.

COS Cunningham said we have to be very careful how we do it.

City Attorney Loose said we can't mischaracterize what the ballot issue is. That's why in the statement for we didn't address that. Then in the opposition statement, they said a couple of things that are technically inaccurate. We will circulate all of this to you before we file it as our formal opposition to make sure the Council is aware. The last paragraph says basically that when the gate was proposed it was if 20% didn't pay then the gate would be removed. When the assessments were done 20% did not pay and during the public meetings you heard comments on both sides and so the last statement "based

on the comments at the Public Hearings and at Council's direction a vote for the tax indicates support to keep the gate while a vote against the tax indicates support to remove the gate." That is about as strong as I want to be.

Council Member Harris said I just want it to be really clear that keeping it how it is, is not an option on the table.

Mr. Loose said if you are comfortable, we will circulate the whole statement to you with the two prior statements that were done. Once we give them our rebuttal, they will get to rebut our rebuttal so we will give them the appropriate amount of time and then we will put it in a pamphlet and mail it to them so they have it before the Public Meeting. They will get the ballot shortly after the Public Meeting.

Council Member Harris asked if we will present a traffic study at this meeting. City Attorney Loose said no. We have not gone over any of that. If you would like the traffic study as part of the Public Meeting we can do that.

Council Member Harris said I would like to have a quick brief summary. Brad Klavano said the level of service stayed the same. In traffic you measure everything by level of service and that didn't change.

Council Member Rogers asked if there will be a page on this on our webpage. COS Cunningham said yes it will be there and we can put the traffic study on there as well. Mr. Loose said we can also put on the agenda a two minute report back to Council of the traffic study done prior to opening the for or against.

E. Discussion Item: League Policy Committee Resolutions (*By Chip Dawson*)

Chip Dawson said there were 3 amended resolutions that were passed by the Utah League of Cities and Towns for their Legislative Policy Committee. The First one, 2016-2 (Attachment B) deals with fireworks. The main concerns that came out during the meeting were that Cities were concerned about their lack of ability to regulate fireworks in specific situations. Cities are getting concerns from people with PTSD and people with livestock and animals and seeing more concerns from their residents in general about the duration of discharging fireworks. They wanted to start the dialog with the Legislature about amending Utah Code Chapter 11-3-8 that would allow cities some limited regulation of fireworks. They want to a) reduce the number of days allowable for fireworks to be discharged; b) restore the authority to local cities and counties to regulate fireworks; and c) to restrict the scope of explosives that are legally allowed. Meaning allowing cities to regulate what type of fireworks can be lit in some parts of cities.

Council Member Rogers asked who the lobbyist was for this. Mr. Dawson said he believes it was Richard McMullin.

Mr. Dawson said Resolution 2016-005 (Attachment C) has to do with the local governments using 311 for non-emergency use. The resolution states that since 1996 Counties and Municipalities throughout the United States have been allowed to use 311 as a local information line and they use that in a variety of ways. Provo City has spent hundreds of thousands of dollars investing in their 311 system. There have been two legislative attempts in the last two years to allow 311 to be used as a suicide prevention hotline. There is concern among some cities that are now trying to implement 311 in addition to Provo

is that this has been established across all 50 states as a Municipal Services Line and that there needs to be a better option for suicide prevention.

CM Whatcott said the reason why we couldn't use 311 is because the County has tied it up. They wanted everybody to pitch in and create a big information center and the County would run it. I just think it is too broad. I don't know where it is going to go for sure but we are following it.

City Attorney Loose said we apologize for not getting this to you sooner. It was introduced by Mayor Curtis at the meeting and put on the agenda there so there was no way for us to have the information to email you and let you know prior to.

Mr. Dawson said the last one is Resolution R2016-003 (Attachment D). This is a resolution regarding local property taxes. This resolution came from the League of Cities and Towns Executive Board. They are starting a dialogue to find a way to bring the discussion that city revenues are essentially flat because of the taxation system that we use for property taxes. It is a revenue based taxation system versus a rate based. As a result cities have to depend greatly on sales tax so they try to have a heavy retail base. The legislature feels as if cities are zoning for retail.

Council Member Rogers said I have heard the argument also and the legislature just says you could just do a Truth in Taxation to increase your rate.

Mr. Dawson said for a lot of cities they hesitate to do that for a variety of reasons. There was some language struck about modifying the current Truth in Taxation requirements. They have asked the lead staff to explore possible modifications to that.

City Attorney Loose said it doesn't affect cities and towns the most. It really affects school district budgets the most.

Mayor Alvord said the Truth in Taxation regulations isn't that onerous for a City, a County and School District to raise their taxes. It is just a political decision.

CM Whatcott said what is disingenuous is the kind of language you have to use. It implies that there is more going on than there really is. If that is all that comes out of that is the language gets modified in their notice you have to provide to the public, I think it would be more transparent.

Council Member Rogers asked are you aware of any potential legislation based on this resolution so far.

City Attorney Loose said no. He said I don't think you will see much of anything until after the elections. No one will commit to one way or the other on these until after the election.

Council Member Shelton said I would bet that only 2% of our public understands the way that their property taxes are calculated. I didn't understand how it works until I was elected and dealing with it. I am all about transparency but this is a confusing system that people don't understand.

ADJOURNMENT

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

The September 19, 2016 City Council Special Study meeting adjourned at 1:30 p.m.

This is a true and correct copy of the September 19, 2016 Council Meeting minutes, which were approved on October 4, 2016.

Anna M. West

South Jordan City Recorder