

SOUTH JORDAN CITY
CITY COUNCIL MEETING

August 1, 2017

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, Deputy Fire Chief Reed Thompson, Administrative Services Director Spencer Kyle, Associate Director of Public Works Ray Garrison, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, City Commerce Director Brian Preece, Associate Finance Director Jeff Standiford, IT Director John Day, City Council Secretary MaryAnn Dean

Others: See Attachment A

REGULAR MEETING – 6:30 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 Mayor David Alvord*

Mayor Alvord offered the invocation.

C. Pledge of Allegiance

Bridger Nielson, Scout Troop 1971, led the audience in the Pledge of Allegiance.

D. Minute Approval

1. July 18, 2017 Council Study Meeting
2. July 18, 2017 City Council Meeting

Council Member Rogers made a motion to approve the July 18, 2017 Council Study meeting minutes, and the July 18, 2017 City Council Meeting minutes, as printed. Council Member Zander seconded the motion. The vote was unanimous in favor.

E. Public Comment:

Julie McVay, 10464 S. Jordan Gateway, unit #431, asked for the construction of the building behind them to stop. It is destroying their building. There are noise concerns and it is causing structural concerns. Their air filters are full, and she has been sick. The construction is destroying their homes and lives. She is begging for them to stop construction. She said she is referring to

the expansion of Jordan Station. She said she cannot go outside. They are not getting any assistance. There is constant vibrating.

City Attorney Loose said he would talk to Ms. McVay. There are ordinances regarding hour of operations. He said he can do more research on the other issues. She can also contact the South Valley Health Department. It regulates some of those issues. Staff will contact the business owners. Code enforcement can collect the needed information.

F. Presentation: UDOT Update on widening of 10600 South Redwood Road to (I-15)

Peter Tang, UDOT project manager for the 10600 South Roadway Improvement project. He reviewed a presentation on the road project (Attachment B). He said they awarded the contract to Geneva Rock.

Council Member Harris noted that it is difficult to make a left turn on Baxter Drive during peak hours. Are they able to program the lights during certain times? Mr. Tang said they will install a radar detector. It will trigger the cycle for the next left turn.

They discussed the entrance onto 1000 West. It is not a through street. Mr. Tang said it will feel like a driveway, not a through road.

Council Member Zander asked what are they doing to keep east/west traffic flowing as much as possible? Mr. Tang said they will use the radar technology for the lights.

Council Member Shelton said he turns on Baxter Drive 3-4 times a day, and he rarely has trouble getting across the intersection. He suggested a blinking yellow arrow to be used during non-peak times. Council Member Harris said it is only a problem during rush hour. Mr. Tang said he would take that into consideration for that intersection.

Mr. Tang reviewed the changing of the entrance to the Towers office building. The owners of the building are supportive of the change. Weather permitting, the project will finish the middle of summer next year.

G. Action Item: Resolution R2017-45, authorizing a Purchasing Policy Exception for Lobbying Services. *(By City Attorney, Ryan Loose)*

City Attorney Loose reviewed the background information on this item. He reviewed some minor changes to the Resolution. They will reflect this change in the mid-year budget.

Council Member Rogers made a motion to approve Resolution R2017-45, with the changes made by City Attorney Loose. Council Member Shelton seconded the motion. Roll call vote. The vote was 5-0 in favor.

H. Public Hearing: South Jordan Senior Center / Apartments – Resolution R2017-14, authorizing the City of South Jordan to enter into a Development Agreement with the

Redevelopment Agency (RDA) pertaining to the proposed development; and Rezone Ordinance 2017-03-Z, rezoning the subject property located at 10709 South Redwood Road, from MU-COMM to MU-COMM-PD. *(By City Planner, Greg Schindler)*

Planner Schindler reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Luane Jensen, 11186 S. 2700 W., asked what is the density for this project? City Commerce Director Preece said 13.5 units per acre. Ms. Jensen said they have traffic issues in the city because of density. People in Daybreak are upset about density. She said 13 units per acre for this project does not bother her. The Density in Daybreak is causing an issue. When it was planned 12 years ago, it was not the density that it is today.

Kalmar Robbins, owns property adjacent to the proposed property to be rezoned. In a former meeting, a layout of parking was shown. If that design is maintained, it will eliminate several parking areas. That becomes an issue with the density that they are dealing with. He said for the cross easements for the public safety building, the map used and the legal description don't match. He believes it has been misrepresented to the city. He said the cross easements are not recorded in the public record. He submitted a letter outlining his concerns, along with a map (Attachment C).

Chuck Newton, 3236 Cameron Park Ct., said this is a great project. It will solve some of their concerns. He said no one buys a large residential lot on a busy road. When they have a heavy commercial corridor, sometimes they have to have high density housing to support it. Also, this is a desirable type of housing because it is senior housing. He said apartments pay full value property tax and that will provide a benefit to the city. He said having a senior center will free up the community center for other uses. He said this property has been on the market for some time, and the city has been unable to sell it. He said there are also certain state and federal requirements for more affordable housing. If they don't meet some of those housing requirements, they may face triggers from the state and federal government. He strongly supports this project.

Mayor Alvord closed the public hearing.

City Attorney Loose said staff will be meeting with Mr. Robbins tomorrow. Mr. Robbins is to email the City Council if he is not satisfied after the meeting.

CM Whatcott said the RDA's that were done in the city years ago collected money for housing. If they don't use the money, it will go to the state. They are trying to find a reasonable project to use the housing money. They are trying to keep the money for a use in South Jordan. They feel this is the right place for this project. He said the one-time funds would be used for the capital project itself. This is not section 8 housing that they are proposing, it is affordable housing. There's a big difference.

Council Member Rogers asked how much money is available for housing? City Commerce Director Preece said approximately \$7 million. There will be more money coming in over the next few years. It all has to be used towards a housing project or related issues. Council Member Rogers asked if any portion can be used for amenities like the senior center? Mr. Preece said a portion can be used for some common areas.

Council Member Rogers said besides income, are there any other restrictions to this housing? Mr. Preece said the RDA Board determines what those restrictions are.

Council Member Rogers said they are pushing the parcel back towards Beckstead, and the parking lot fronts on Redwood Road. Is the idea to use that parking for a future commercial or retail? Mr. Preece said they looked at underground parking for retail on Redwood Road, but the cost was prohibitive. That is when they redesigned the parking to be on the whole parcel. In the future, they will have to figure out the parking. It was noted that there is sufficient parking planned for this proposal, at 105 stalls.

Council Member Rogers asked if parking is allowed on Beckstead Road? Mr. Preece said yes, but there really is no room. There is cross access parking at the city offices and the library in the evening.

Council Member Rogers asked what are the estimated costs? Mr. Preece said they are having it rebid right now. They estimate the Senior Center will be a little over \$6 million, and the housing will be approximately \$10 million. The plan is to bring in a partner. They plan to condominiumize the bottom level and the top level.

They reviewed the proposed landscaping for the project.

Council Member Rogers said he is concerned that the proposal diminishes their ability to do commercial on Redwood Road. He is also concerned that it would necessitate underground parking. City Planner Schindler said a parking structure may be needed for retail along Redwood Road.

Council Member Rogers asked if the restrictions in the residential portion are set by the RDA Board? Mr. Preece said yes. Mr. Preece noted that the retail parcel is limited anyway, even with underground parking, because it is a narrow piece. It is not a great retail spot, even with the underground parking.

They reviewed the RDA fund balance. There is \$7 million available in the RDA area. That came from all of the RDA areas in the city. They anticipate that they will receive a couple more million, but that balance will start slowing down.

Council Member Shelton asked if there is a time that the RDA funding will go away if they do not use it? Mr. Preece said there is not a definite time. When there is a big pot of money, it could always be taken away. He said if they do not use it in a reasonable amount of time, they could lose it. They get some pressure from developers to use it for a project.

Mr. Preece said with only 39 units, underground parking was too expensive. It didn't work financially.

Council Member Marlor asked if they are using any RDA money on an annual basis? Mr. Preece said they have done a couple projects, but nothing substantive. Daybreak Commerce Park and Station Park are the most recent RDA's but they did not put housing money into it. If they lose this money, they will be unable to recoup the amount that is currently there.

They discussed the apartments further south on Redwood Road, and how that project came to be. It was noted that the plan in this case is to divest themselves of the apartments and use the Senior Center.

CM Whatcott said they serve breakfast and lunch at the current community center every day, and it is full. Some stay to do some of the programming for seniors. They get bussed to different places. He reviewed his vision for the community center, if the senior center was moved. He would like to do a community theater. He would also like to be able to host more art and cultural events. The current facility is used heavily by the seniors.

Council Member Harris asked if one parking stall per apartment is sufficient? Mr. Preece said yes; that has been researched. They have 105 stalls planned total, including for the Senior Center.

Council Member Harris said he would like to plan for parking for the future, not just for today.

Mr. Preece explained the definition of condominiums. The senior center would legally be considered 1 condominium. All of the housing would be a 2nd condominium. They are not condominiumizing each unit for sale. They are proposing that each unit be rented.

Council Member Harris asked if that could be changed in the future and the units be sold off as condos? Mr. Preece said since the city is a part owner, they would have say in that. The RDA Board would have to agree to it. They would also have to pay the RDA money back if they did that.

Mr. Preece said the current RDA balance is \$7 million. They may end up with \$10 million total. The City Council will be heavily involved in the spending of that money. He estimated that 80% of the funds would be used for housing, 20% used for the Senior Center. They will have to budget maintenance costs moving forward.

Mr. Preece said part of the city's contribution is the land, valued at \$1.4 million. They will have to come up with \$3-\$4 million for the senior center. The rest of the remaining money would come from a partner. CM Whatcott said if they don't get the zoning, they don't have a project. If they don't get a partner, they won't do the project.

Council Member Harris said he has concerns with having a partner and sharing ownership, where one group is nonprofit and another group is for profit. If there is a profit to be made, they

should consider owning the whole building and then they can control the whole thing. Whatever they get from rent, they can invest into the Senior Center.

Mr. Preece said any profit would have to go to the RDA housing fund, or reinvested in the housing. CM Whatcott said they would also lose a certain amount of tax dollars in perpetuity. They can consider no partner as a possibility. Mr. Preece said it could be done. They want to consider if they want to be in competition with the private sector. If it went back into the RDA housing fund, it would have to be used for some type of housing program for moderate income.

Council Member Marlor said that issue should be reviewed in a work meeting. Mr. Preece said they need to gather more information.

Council Member Rogers said a vote tonight does not bind them to the project; it just explores the project further. Mr. Preece said that is correct. The development agreement would be binding. Only the city owned property is proposed to be rezoned.

Council Member Harris asked if there is an urgency to do the rezone? Mr. Preece said they won't get a partner without the rezone. Council Member Harris said they need to talk about it more. He does not feel the rezone is urgent. They need to consider if they want to bring on a developer, or do the project themselves. Mr. Preece said in the RFP, they always say that it is possible that no partner will be chosen.

CM Whatcott said he feels they are stuck until they can tell the developer that they have the entitlement.

Council Member Zander said if they approve the rezone, how much RDA money will be expended to go down this road to see if developers are interested. Mr. Preece said it would be approximately \$60,000-\$70,000 to get a full set of plans. CM Whatcott said they can stipulate that they have to bring forward any RDA expenditures to the RDA Board.

Council Member Rogers asked if they have explored the idea with any developers? Mr. Preece said they have talked to 6-7 developers. They say it's a good project, and to come back when the city is serious.

Mayor Alvord said the message he has heard from the residents is to stop with the apartments. He said he understands this is a special case. Residents want to increase commercial, they want more tax base, more services, or a tax cut. He said recently they turned down townhomes for Peterson Development. He is trying to figure out how this is different.

Council Member Harris made a motion to table this item and discuss it in a future work session. Council Member Rogers seconded the motion.

Council Member Rogers said he would like staff to explore the development with developers. He needs more concrete information. He asked if there are other locations that have been explored that are not on a prime commercial corridor?

Mr. Preece said they have looked at other parcels. The only interest they have had on this parcel is for apartments. It is an odd shaped parcel. They feel it is a great location for the proposal.

Council Member Marlor said they are mandated to have a certain amount of moderate income housing. If they did another project in another location, they would have to purchase the land. Even then, they are still putting in apartments. There is a demand for moderate income housing. The proposed location is central for walking, shopping, parks, the community center, city hall, and the library. There are logical reasons to do a project like this at this location. He is okay discussing it more in depth and trying to figure out if the city is the sole owner. He said the development would put the property back on the tax rolls. The developers won't give them much feedback if we don't rezone it.

Council Member Harris said he feels there is no harm in holding off on the decision for a month to discuss it further. If they decide against doing the project, they will have wasted \$60,000-\$70,000. He does not feel it is a rush situation.

Council Member Rogers said there are misconceptions on what can be used for affordable housing. It does not have to be apartments. They can donate all of the funds to the Olene Walker fund. He is not recommending that. If they look at the housing study, the most affordable housing is single-family homes. It merits more discussion. They should explore it further without changing the zone.

CM Whatcott said they brought this to a City Council work session, and they thought they were on track for a rezone. If the City Council is uncomfortable, he does not want to spend more time and money on the project. If this is not a project they want, he would rather end the project and move on.

CM Whatcott said the apartments would be commercially taxed. The senior center would not. He said he receives a lot of comments about not having art venues, an amphitheater, etc. He is also considering community needs as part of this project.

Council Member Shelton said the residents do not want high density housing. He said this is an interesting concept. He felt positive about it when they first heard about it. Now he feels they are putting the cart ahead of the horse. He feels they should do the general plan, refocus on the Redwood Road corridor, and have a plan for Redwood Road, and see what fits. Maybe this project will fit. He does not think waiting, even for a year, will hurt them.

Council Member Rogers made a motion to strike item H. from the agenda and move to the next item. Council Member Shelton seconded the motion.

City Attorney Loose said that is essentially a denial for the project.

Council Member Rogers made a motion to move to the next item on the agenda. Council Member Shelton seconded the motion.

Council Member Marlor said there is a demand for this product. He is not a proponent of high density. This is very different than just putting up a 15 unit per acre project. He is okay discussing this project at future meetings. He said this is a great location for the project. If it was a great commercial property, they would have offers on the property. It makes sense to get the property back on the tax rolls. He hopes it comes up on the agenda much sooner than a year from now.

Council Member Harris said he would also like to see this project come back sooner than later.

The vote was unanimous in favor.

CM Whatcott said they won't do anything on the project until the Redwood Road plan is done. They are still going to market the property.

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

Council Member Shelton said he met with both the Arts Council and Senior Committee.

Council Member Shelton asked about the use of grey water. He heard of a proposal in California where a residence was constructed so water from the shower and dishwasher, etc. goes to the lawn instead of the sewer. How do they explore that? CM Whatcott said it is not allowed to be done in Utah.

Council Member Shelton said he went on a trip with the Utah Rivers Council. They discussed rain barrels, and he would like to explore that further.

Council Member Marlor said the Architectural Review Committee meets almost every other week. They have been reviewing interesting projects.

Council Member Harris said it would be of benefit to the city to look at some off traditional sports to see what they can accommodate including cricket, rugby, and others.

CM Whatcott said the issue is the current demand for traditional sports, and that grows each year. He said to develop 20 acres of grass is \$7 million. They either need more grass areas or they need to scale back on the offers they provide. They currently have 6 baseball fields. There is demand for much more. Most Daybreak teams go to West Jordan, Riverton, or Herriman to play. Council Member Harris said they should explore the land that is available and the costs associated with that. CM Whatcott said that can be studied in the parks master plan. He said there are only a few large parcels left. Some owners are not interested in selling. There is one parcel owned by the Jordan School District.

CM Whatcott asked if the City Council would like to discuss monuments in the city, or the rules about monuments, or both? Council Member Shelton said they need to discuss the rules first, and then apply that process against the current application for the Fullmer monument. Council Member Marlor said they need to have a process for both monuments and memorials to someone or something.

Administrative Services Director Kyle said policies and guidelines would be helpful for the committees as well.

CM Whatcott said for monuments and statues, he believes the amount quoted for the Fullmer monument is the going rate.

They discussed unfunded approvals by the City Council for historical projects. CM Whatcott said the only thing he is aware of is the interiors of the Aunt Mame project.

CM Whatcott said regarding the request for a cricket location, he will bring back options to the City Council. There was a discussion about putting a cricket pitch on the driving range at Mulligans. They could charge a rental fee for whatever revenue they would have made on the driving range during that time.

Council Member Harris said he would be meeting with Country representatives on the cricket issue as well. It was noted that the cricket people offered to raise and donate the money for the pitch. CM Whatcott said he would prefer the city build the pitch. Council Member Marlor expressed concern about setting a negative precedent moving forward for requests from other sports groups. Council Member Rogers said he would like to find a place for the cricket users that would be the least impact to the other sports programs. Council Member Zander said she feels the cricket group should fund the cost of the pitch.

Council Member Marlor made a motion to take a break, and then move into an executive session to discuss deployment of security personnel, devices, or system. Council Member Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

J. Executive Meeting: Closed meeting to discuss Deployment of Security Personnel, devices, or system.

Council Member Rogers made a motion to come out of closed meeting. Council Member Shelton seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

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

The August 1, 2017 City Council meeting adjourned at 9:59 p.m.

This is a true and correct copy of the August 1, 2017 Council Meeting Minutes, which were approved on September 5, 2017.

Anna M. West
South Jordan City Recorder