

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 5, 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, Fire Chief Andrew Butler, Administrative Services Director Spencer Kyle, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, Finance Director Sunil Naidu, IT Director John Day, Police Lieutenant Jason Knight, 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 Council Member Chris Rogers*

Council Member Rogers offered the invocation.

C. Pledge of Allegiance

Jaron Lever, Scout Troop 1759, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

1. August 1, 2017 Council Study Meeting
2. August 1, 2017 City Council Meeting
3. August 29, 2017 Board of Canvass of Votes Meeting

Council Member Harris made a motion to approve the August 1, 2017 City Council study meeting minutes, the August 1, 2017 City Council meeting minutes, and the August 29, 2017 Board of Canvass meeting minutes, as printed. Council Member Shelton seconded the motion. The vote was 5-0 in favor.

Council Member Rogers made a motion to amend item M to include a discussion about the character and competency of an individual. Council Member Marlor seconded the motion. The vote was unanimous in favor.

E. Public Comment:

David Colton, 11072 Woodfield Rd., said he is a former City Council member. He reviewed the boundary of the South Jordan districts. He recommended they square up the district boundaries and put the neighborhoods back together. He said they will need to change the boundaries because of the growth occurring in District 3.

Council Member Rogers said he discussed the issue with the City Attorney a couple of years ago. The City Council districts are set by population. A census is done every 10 years, and is set to be done again in 2020. When they base districting on population, they need to use accurate data. It is hard to get that number without the census. He said they should redo the City Council districts after the 2020 census. He noted that it is expensive to conduct a detailed population count.

Jeran Levar, 11311 Green Grass Ct., said they get more traffic in their cul de sac because the no outlet sign in the subdivision is beyond where people can see it. He proposed that the sign be moved next to the street sign.

Jacob Levar, 11311 Green Grass Ct., said they are unable to sit on the unfinished benches at Sunrise Park in Daybreak. There are also lights without wires, etc. He asked that they get that park fixed up.

Tyler West, 1362 W. Sky Scape Way, asked what are the plans for the water foundation by city hall?

Luane Jensen, 11186 S. 2700 W., read a letter from Joey Clegg, asking for the City Council to consider a sculpture from Ed Fraughton. She also submitted a letter and picture from Ed Fraughton (Attachment B).

CM Whatcott discussed plans for the courtyard by city hall. The plan includes a water feature. They hope to place a functional ice rink in another location in the future.

F. Presentation: Jordan School District Presentation on School Facility Plan. *(By Tracy Miller, JSB Board Member)*

Tracy Miller, JSD Board Member, introduced herself, Bryce Dunford and Marilyn Richards. She said with the passage of the bond, they still have the lowest debt per student ratio on the Wasatch Front.

Mr. Dunford reviewed the 5-Year Building Construction Plan (Attachment C). They are aware of the high growth areas. There are future plans to build schools in South Jordan's high growth areas such as Daybreak.

Council Member Zander asked besides the last hold out property, how much land is set aside for schools? Mr. Dunford said they have property in the heart of South Jordan. In Daybreak, the last hold out property is the only one they own. He said they are aware of the need for schools in Daybreak.

Council Member Harris asked about the land that the school district owns in the heart of South Jordan. Mr. Dunford said it is large enough for an elementary school. The family wanted part of their property used for a school. It is not in a high growth area. A land swap is an option. They will do what is in the best interest of the students.

Council Member Rogers said he appreciates the relationship they have with the school district. The School Board is doing a fantastic job.

Mr. Dunford said he feels they are anticipating the growth in Daybreak better. The current construction plan that they have is subject to change.

- G. **Action Item:** Resolution R2017-43, Consideration for adoption of a Resolution of the City Council of the City of South Jordan, Utah, authorizing the issuance and sale of not more than \$14,500,000 aggregate principal amount of water revenue refunding bonds, series 2017; and related matters. *(By CFO, Sunil Naidu)*

Mayor Alvord said they reviewed this item in the study session. It was noted that because no new money is being issued, it is just a refunding bond, no public hearing is required.

Council Member Rogers made a motion to approve Resolution R2017-43. Council Member Harris seconded the motion. Roll call vote. The vote was unanimous in favor.

- H. **Action Item:** Resolution R2017-47, authorizing an Interlocal Cooperation Agreement between the City of South Jordan and Salt Lake County for the exchange of property to build the South Jordan Public Safety Building and Authorizing the Mayor to sign the agreement. *(By Strategic Services Director, Don Tingey)*

Strategic Services Director Tingey reviewed the background information on this item. This item will be on the County Council's agenda next Tuesday. It was noted that the City purchasing the property from the County is not possible at this time. Mayor Alvord said they should continue to look at those opportunities with future issues with the County.

Council Member Marlor made a motion to approve Resolution R2017-47. Council Member Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. **Action Item:** Resolution R2017-49, giving notice of the City's intent to amend Section 16.04.160(D) of the South Jordan City Municipal Code regarding flag lots. *(By City Planner, Greg Schindler)*

City Planner Schindler reviewed the background information on this item. He said flag lots would still be allowed on meets and bounds parcels, but not recorded subdivisions.

Mayor Alvord asked if flag lots can be banned in the city? City Attorney Loose said yes. They did it for years.

Council Member Rogers asked if the floating zone could resolve the flag lot issue? City Attorney Loose said it could but would require a development agreement. He said with this change, they can't change the density of the zone.

It was noted that this is a notice of a pending Ordinance.

Council Member Marlor asked if someone has a property that could be divided, and it kept with the same density, can that be done? City Planner Schindler said the flag lot allows the property to be developed behind a lot. To subdivide a property, frontage on the public street is required.

Council Member Rogers made a motion to approve Resolution R2017-49. Council Member Zander seconded the motion. The vote was unanimous in favor.

- J. **Public Hearing:** Ordinance 2017-27, authorizing the designation of River Heights Drive from 10400 South to 11400 South as a Temporary Truck Route for the duration of the 11400 South Bangerter Highway Interchange Project. *(By Development Services Director, Brad Klavano)*

Development Services Director Klavano reviewed the background information on this item. He said the trucks would come down Bangerter to 10400 South, then turn right on River Heights Drive, and then right on 11400 South. This would happen for the life of the project. Originally, the project was set to be done October 2018. There have been some right of way issues arise with Olive Garden and Key Bank. If they can't work it out, it could delay the project.

Mayor Alvord opened the public hearing.

Rita Bellows, 10717 S. Logan Canyon Rd., said they use River Heights Drive a lot, and there is a lot of traffic on the road. To have heavy trucks in addition to the existing traffic, it will be a nightmare for those in the area. She suggested the trucks use Redwood Road to 11400 South.

Susan Ritter, 10724 Manghan Cir., said the traffic already backs up on River Heights Drive. She already sees the trucks. They rattle her windows. It is already hard to get out on 10400 South on River Heights Drive. She suggested they install a stop sign to stop the traffic. She said it is not safe. She has had 2 pets killed on River Heights Drive.

Jason McGuire, 4507 Sebago Way, said the people on River Heights Drive will be impacted by this temporary truck route. He said he knows of people that have put white noise machines in the house and one added double pane windows. He said the complaints he has heard is with engine brakes. He said they need more strict noise ordinances.

Mayor Alvord closed the public hearing.

Mr. Klavano said the trucks can't make the turn radius on 4000 west. That is why River Heights Drive was proposed. He said Redwood Road is too far and it won't be utilized. River Heights Drive is a major collector. He said they could be ticketed for using engine brakes. It is a county-wide ordinance.

Police Lieutenant Knight said they can monitor the engine brake issue.

Council Member Zander asked if they can put time limits so they aren't on the road until 8 am? Mr. Klavano said they can ask UDOT but they are working 24/7, 7 days a week on this project to meet the deadlines.

Mr. Klavano said a stop sign is not good from a traffic standpoint. When traffic in the area warrants it, it would be better to consider a traffic light.

Council Member Harris suggested they put up a sign indicating no engine brakes allowed. Mr. Klavano said staff would look at that. He anticipates the truck traffic will be sporadic.

Council Member Zander made a motion to approve Ordinance 2017-27. Council Member Rogers seconded the motion. The vote was unanimous in favor.

Council Member Rogers said these are huge construction projects. These are the problems of a high growth city, until it gets built out.

K. **Public Hearing:** River Trail Subdivision – Land Use Amendment & Rezone.
Resolution R2017-44, Land Use Amendment changing the land use designation from Rural Residential (up to 1.8 units per acre) to Low Density Residential (up to 3 units per acre); and Rezone Ordinance 2017-11-Z, rezoning the subject property from the R-1.8 Zone to R-2.5 Zone, on property generally located at 9673 South Chavez Drive.
(By City Planner, Greg Schindler)

Planner Schindler reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Rami Shorti, 9398 S. Koch Dr., said there is only one entrance into their neighborhood. If there is an emergency and the road is blocked, they can't get out of the subdivision. His concern is with safety and having the city requirement met.

Mayor Alvord closed the public hearing.

Council Member Harris said on either concept plan, only the end lot would allow for large animals. He asked if there were farm animals adjacent to that lot? City Planner Schindler said he did not believe so. Council Member Harris said the larger they make the end lot, the more

enticing it is for the buyer to use it for farm animals and he does not feel the existing neighbors would like that.

Council Member Rogers said option 1 is the only acceptable option to him because it requires connectivity. He does not like concept 2. He is in favor of connecting to Four B Lane. He is in favor of the rezone.

City Planner Schindler reviewed option 2 and the potential connection. They can condemn property if needed. Council Member Rogers said he is still in favor of option 1.

Mark Stoker, 3969 Cedar Wood Lane, applicant. He said the Planning Commission elected to keep it zoned R-1.8. He said there is both R-1.8 and R-2.5 adjacent to them. There is interest in the property. He said they have 1 buyer that wants 1 horse for his daughter and that is the reason for the one larger lot. He said there are difficulties in the area with the location of the existing sewer line. He said the intention is to have 1/3 acre lots. The R-2.5 zone allows them some flexibility with their lot lines. He is in favor of option 2. He is okay with option 2 because they have 2 exits in their subdivision. The connection that is wanted is to Four B Lane. He does not want to have to solve issues for past developments. He is comfortable with the plan of their subdivision.

Mr. Stoker said option 1 is more problematic for them. Many in the area do not want connectivity. He said they did not know about the sewer line location until they started due diligence on the property. He said they are currently under contract with this property.

Council Member Zander asked wasn't it understood when the Dutch Hill subdivision went in that this would connect? City Planner Schindler said yes. That is why the right of way extends. Council Member Zander asked if there is a reasonable way to overcome the sewer line question? Mr. Klavano said everyone that has developed along there has had the same challenge. That will be addressed with the site plan.

Mr. Stoker said the city code said connectivity is required to prevent land lock. Their development will not be landlocked. At the Planning Commission meeting, the residents on the unincorporated County property have indicated that they were not treated fairly in the previous deal. He said there will be a fight with connecting the road. He is worried that he'll have to do the connection and then it will be stubbed and not used for many years.

Mr. Klavano said they often stub roads. The intention is to make it connect as soon as possible. It was noted that the right of way is an existing private lane.

Council Member Rogers said he is still in favor of connecting the road and condemning land if necessary. Staff will likely have them connect as part of the site plan review. He feels connectivity in this area is important.

Mayor Alvord said most homes will access 1300 West. He does not feel the connection will be used a lot.

Development Services Director Klavano said the connection is strongly needed for public safety, service, fire, police, etc. The Dutch Hill subdivision was approved because this would connect.

Fire Chief Butler said he is in favor of connectivity in the area. He is generally always in favor of connectivity. Public Works Director Rasmussen said if the road looped through, they can connect the water system and can keep the water quality good. CM Whatcott said by strengthening the water system, it will also be helpful with water flow issues.

Council Member Harris said he would rather make all of the lots larger, and not keep the last lot as animal property. Mr. Stoker said the property to the south is R-1.8. Multiple residents have animal rights in the area. Multiple residents do not have animal rights. Council Member Rogers agreed that one animal rights lot could be problematic. He said they will be able to sell the lot, without animal rights. Mr. Stoker said any lot that they do over ½ acre would have animal rights.

Council Member Zander said she is okay with animals on that lot. There are animal rights to the south. Her concern is with connectivity. Mayor Alvord said there are many animal owners in the area.

Council Member Shelton said the question is if the zoning request is appropriate. He feels R-2.5 is appropriate. He is in favor of connectivity, but that is not a zoning issue.

Council Member Rogers said he thinks the Ordinance will require connectivity. A development agreement is not necessary.

Council Member Harris said if they want the road to connect, they should connect it now, and not just do a dead end road. Council Member Shelton and Council Member Rogers concurred. Council Member Harris said for some people, animal rights on a single lot will be an issue.

Council Member Shelton made a motion to approve Resolution R2017-44. Council Member Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

Council Member Rogers made a motion to approve Rezone Ordinance 2017-11-Z. Council Member Zander seconded the motion. Roll call vote. The vote was unanimous in favor.

The City Council took a brief recess.

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

Development Services Director Klavano said when McKee Farms subdivision was approved, there was a connection into Palamino Cove and Majestic Heights, the City Council asked that connection to be closed temporarily. The closure has become an issue recently with some emergency responses. Staff will be opening up the connection this week.

Council Member Rogers said the Historical Committee was distraught by the City Council feedback relative to the Fullmer monument. They felt that they were proceeding along the direction of the City Council. They do not want to give up on the project idea; they are still

interested in pursuing something. The City Council had sticker shock at the cost of the proposed monument. The Historical Committee is open to the idea of doing something smaller. They need to have further discussions on the issue and see about fundraising for the project. The committee can't do fundraising until they know they have a viable project to work with. He indicated that the committee questions if the City Council cares about history and preserving history in the city.

Administrative Services Director Kyle said if the Historical Committee were able to do all the fundraising, is this something the City Council is interested in pursuing? He noted that they will be coming back in 2 meetings to discuss the naming of the monuments.

Mayor Alvord expressed disappointment that they have not seen a history update of each year in South Jordan – something like a 3 page summary of events of each year. There are amazing things happening in the city. He would like them to not only look prior to 1950, but also current history happening in our city and not just expensive projects. He hopes they can come together on the Fullmer project. He said would like to see the committee more multifaceted.

Council Member Shelton said he is looking forward to the framework staff is putting together to help them figure out who should be honored. He said the sticker price on the proposed Fullmer monument was hard to swallow. He is interested in establishing a logical, thoughtful process to figure out who they are going to try to honor. He always thought the Fullmer's were from West Jordan.

Council Member Marlor said nice monuments do not have to include multiple statues. A plaque and a paragraph would be great. He feels the area on 9400 South Redwood is the place to have the monument. He is also in favor of renaming the road. Typically, large statues will not make a budget that the City Council will support.

Council Member Harris said his concern was the large expense of the Fullmer monument, and where the money would come from. He also favors a plaque. The City can donate the land. If they can raise enough money for a large statue, he is okay with that, but it would be a large task. He would like to see something to recognize the Fullmer's.

Council Member Zander said her initial thought is why do something if West Jordan already has it? They should let West Jordan claim it. She is okay doing something small and simple. She looks forward to having a process and a system to follow so they can recognize those who are the key contributors in the city.

Council Member Rogers said he is supportive recognizing the Fullmer's contribution. He is sensitive to the cost and the other issues that have been brought up. The Historical Committee is looking for solid direction from the City Council.

Council Member Shelton said he attended a meeting with the city's emergency services leaders and Senator Lee. He said police and fire departments main issues center around opioid abuse and mental health. Mayor Alvord discussed opioid addiction. Based on research, the downside to marijuana should be taken seriously.

Council Member Marlor recommended that they recognize City Council candidates when they are present at the City Council meetings. Also, if the doors to the chambers get closed because of disruptive noise in the hallway or lobby, they should consider adding signs telling people to come in. Those signs would need to be removed for a closed meeting.

Council Member Harris asked if they are having a recap of the tour of Utah, how much they spent, how it went, etc.? Administrative Services Director Kyle said they will discuss it in the study session in 2 weeks. The biggest cost was the hotel for the participants.

Council Member Zander said she attended Fizz Fest in Daybreak. She complimented the police and paramedics for their interaction with the public. She also complimented the custodian, Myron, at the South Jordan recreation center. He is always eager and attentive to the patron's needs.

Council Member Marlor made a motion to go into a closed meeting to discuss pending or reasonably imminent litigation, and the character, professional competence, or physical or mental health of an individual. Council Member Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

M. Executive Session: Closed meeting to discuss pending or reasonably imminent litigation, and the character, professional competence, or physical or mental health of an individual.

Council Member Marlor made a motion to come out of closed meeting and go back to regular City Council meeting. Council Member Zander seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

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

The September 5, 2017 City Council meeting adjourned at 10:00 p.m.

This is a true and correct copy of the September 5, 2017 Council Meeting Minutes, which were approved on September 19, 2017.

Rana M. West
South Jordan City Recorder