

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

October 3, 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, ACM Dustin Lewis, Community Development Director Brian Preece, IT Director John Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

**Others:** Attachment A

**REGULAR MEETING – 6:30 PM**

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

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

**B. Invocation – *By Mayor David Alvord***

Mayor Alvord offered the invocation.

**C. Pledge of Allegiance**

**McKay Keiser**, Troop 4118, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

**Council Member Rogers made a motion to amend the agenda to move item I (renamed to item G), a public hearing regarding the eminent domain action against the Harrison property to be heard right after item F, and to add a closed session at the end of the meeting to discuss the character and competency of an individual. Council Member Marlor seconded the motion. The vote was unanimous in favor.**

**D. Minute Approval**

1. September 19, 2017 Council Study Meeting
2. September 19, 2017 City Council Meeting

**Council Member Harris made a motion to approve the September 19, 2017 Council study meeting minutes, and the September 19, 2017 City Council meeting minutes, as printed. Council Member Rogers seconded the motion. The vote was unanimous in favor.**

**E. Presentation:** Recognizing South Jordan resident, Luane Jensen, for the Volunteer Award she received from the State of Utah. *(By Admin. Director, Spencer Kyle)*

Mayor Alvord noted that Mrs. Jensen received a volunteer award from the State of Utah. (Attachment B).

Administrative Associate Director Melinda Seager said she nominated Mrs. Jensen for the service award with the State of Utah. The Lt. Governor's office contacted her and indicated that Mrs. Jensen would be the recipient of the Power of Service award. That was given to her last week. That is an award given to 3 people annually. She outlined the service Mrs. Jensen has offered the city, including being a dedicated docent at the Gale Center, and a member of the Historical Preservation Committee. She was instrumental in the Veterans monument, the Birthplace of South Jordan monument and the 1938 school bus-train accident memorial. She helps with the Memorial Day festivities at the cemetery every year and washes the veterans headstones every year. She also raises many tons of food every year for the homeless and hungry with the scouts.

Mrs. Jensen said she learned patriotism at an early age from her dad. This award was a shock. She thanked Melinda and the city for the providing me the opportunities to serve. She feels there are others more deserving. She dedicated the award to a friend that passed away recently, and one that passed away a couple of years ago.

CM Whatcott said Luane attends almost every City Council meeting. She loves her community and cares about what is going on. She does this with action, not words. He enjoys their conversations and the interesting questions she brings to light. We are grateful for her service.

**F. Proclamation:** Proclamation recognizing Joseph "Joey" Clegg for his accomplishments and inspiring services rendered to the South Jordan Community and the City. *(By Admin. Associate Director, Melinda Seager)*

Mr. Clegg's family was recognized.

Mayor Alvord read the proclamation in recognition of Joey Clegg, who recently passed away. He Proclaimed that October 3, 2017 to be forever known as "Joseph "Joey" Clegg" day.

Kimberly Emett, Mr. Clegg's daughter, thanked the City for this proclamation. This means a lot to their family. Their dad enjoyed serving the city. Before Memorial Day, he would polish the monument. He felt great joy in being part of the Historical Committee and the relationships he formed there.

**G. Public Hearing:** Resolution R2017-54, approving the filing of an Eminent Domain Action against the Harrison Property (0.1 acres) for cul-de-sac at 10200 South Ultradent Way. *(By Strategic Services Director, Don Tingey)*

Strategic Services Director Tingey reviewed the background information on this item.

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

Mayor Alvord said this is something that they do with reluctance after they have exhausted all other options. Strategic Services Director Tingey said they are still negotiating. They had a productive meeting recently. Mayor Alvord said they hope to resolve the issue without taking action.

**Council Member Rogers made a motion to approve Resolution R2017-54. Council Member Zander seconded the motion.**

Council Member Marlor noted that this property is .1 acres. The purpose is to accommodate a cul-de-sac. It is not a large parcel of property.

**Roll call vote. The vote was 5-0 in favor.**

#### **H. Public Comment:**

**Jeanne Jackman**, 2610 W. 10950 S., said she appreciates that they resolved that all lots bought in the cemetery will be grandfathered under the old policy. She said the cemetery is now close to 2/3-3/4 full. She asked that they leave the cemetery as is. If they want to do the new section with different monuments, that would be great. She asked that they leave the north, middle, and south the way it is now.

Mayor Alvord asked that City Attorney Loose explain what the action taken in item I would do.

City Attorney Loose said under Utah Law, changing the zoning on the property requires two public hearings, one with the Planning Commission and one with the City Council. The zone change application can be submitted by the applicant or the city. The City Council can initiate a zoning proceeding in order to stop an application from vesting. It gives everyone notice of their intention. It stops any applicant from having the right to have their application reviewed for 180 days, or if the City Council takes action. If someone brings in an application during that time, the application can be received. If action is taken during that 180 days, it would render the application moot.

Mayor Alvord said there has been no conversation between the City and Laub family. Council Member Shelton said he felt this was a chance to put a pause on things and proceed toward an open space zone.

**Sharon Bohn Laub**, said her father was Cecil Bohn. He had ownership of the property that the golf course sits on. She gave the history of the ownership of the property. They own at least 50 percent of the golf course. Her dad passed away unexpectedly in 2015. Her mom passed away 3 weeks ago. Over the past five years they have been involved in a lawsuit with the other owners.

This has cost hundreds of thousands of dollars in attorney fees for my parents. The judge ordered that the corporation be dissolved and the property be sold at its highest value. As a family, we would like to comply with this order. Rezoning this property to open space would have a significant effect on the value of the property. She expressed concern that she was never notified as property owners that this meeting was going to take place. She was told there was supposed to be a vote on the rezoning. If that is the case, that is disturbing. They want to be treated with the same respect that anybody else that is a property owner would be given. Over the years, her dad was a good steward of the property. There were very few homes and very few businesses; it was out in the middle of nowhere. It has developed into a wonderful community. She noted that there are no taxes with a city owned golf course, but with a privately owned golf course, they do pay taxes. Their business has given employment to South Jordan residents. She asked that there be no vote on this tonight to give them time. She was only made aware of the meeting tonight through the grapevine. They would like additional time to sit down with the City Council and discuss their options. She would like the residents to be happy and they would also like to be happy.

Mayor Alvord said tonight is not the rezone. Tonight is to provide notice of a Pending Land Ordinance. That means the rezone meeting will be months from now. It will give them time to talk to the owners and work through this.

**Chris Laub** said his introduction to Glenmoor was in 1979. He said Cecil was always a proud property owner and took pride in every aspect of his business and this property. The lawsuit broke his heart and caused him to change his mind about keeping the property. After being a good steward of the property for over 30 years, the City wants to change the zoning of this property. With the proposed zone change, it would cause a devastation in their property value of 75 percent. They have had no invite to go over any of the solutions to this with the city; they heard about this action less than 24 hours ago. They feel A-1 is the best zoning for this property. He asked that the City Council help them get fair value for their property. He asked that they postpone a vote until the facts are known. He said they would like to meet with the City Council to have open discussion about our options. Their attorney sent a letter to the city asking for time before any decisions are made on rezoning to prevent future litigation.

Mayor Alvord opened the public comment portion of the meeting.

**Mark Pegernan**, 9706 Skye Dr., President of the Glenmoor Village HOA, which includes 39 units. He said he has lived in the units since 2005. His wife has lived there since 1975. He said any of the properties on the golf course are in a position like having lake front property. They have a greenway. It makes living there appealing. That is what they love about living there. It gives the property a boost in value being on a golf course with the green space. There are hundreds of houses that border a fairway. He has friends and family that are avid golfers. Whatever zoning is chosen, they would like one that would allow the green space to continue and not cause a downturn in value.

**Judy and Erik Jensen**, 9887 Tee Box Dr., said they purchased their lot for \$10,000 more to be on the golf course. Mrs. Jensen said Glenmoor is one of the best kept secrets in South Jordan. Golfers love it. There are no overhead wires and it is not on a busy road. It is serene and quiet.

Everyone loves it there. People snow shoe on the golf course in the winter. They need golf courses. Many people use the golf course; kids learn to golf on that golf course. They can't imagine making it more houses. There are already so many houses at the District, in Daybreak, and on 10400 South. They don't want more of that. The area is serene and beautiful.

**Mike Sirois**, 4542 Knox Dr., said he bought his house last year. He first started playing at Glenmoor golf course in the early 80's. He does not envy the position of the owners. Glenmoor, from its conception, was built and marketed as a golf course community. Most people bought there because of its location on or near the golf course. They hope for some resolution that will benefit both parties. To remove the zoning now seems like a bait and switch for the residents.

**Julie Holbrook**, past President of Save Mulligans. She said she is happy to see that the City Council is being more proactive and hearing more clearly what the residents are saying. She is glad to hear that this is to make sure no applications come in at this time so they can work something out. It would be terrible to down zone the property and lose that much value. She is sure there are other ways of dealing with it.

**Bret Randall**, lives on Tweed Rd., said he moved to this home about 5 years ago. He practices environmental law, and currently works at the Attorney General's office. He said the homes on Tweed Rd. and the condos and homes that back on the golf course and on Tayside have small lots. His lot line is at the window. He feels there are some vested legal right and some curtilage of density. This would be like someone putting in a condo in an open space area in Daybreak. It is a density problem. They are concerned that they will put up a fence a few feet off their back window because they have no buffer.

**Jeanne Jackman**, said this was developed under a PUD. It was done with the R-1.8 density at the time. The little lots were developed because of the open space of the golf course. That is why they allowed the little lots. If they change it now, it would be ridiculous. They would never have had the smaller lots without the golf course.

**Ramona Olsen Whitaker**, 4132 W Yorkshire Dr., said she is one of the original residents. In the original plan, there was a swimming pool. Most people bought their lots and homes with those amenities in mind. They love the open space. They filled in the pool with old cars and said it now belongs to the golf course. That made them angry. And now they are proposing to sell it off. It's not right. There is a lot of heritage here. They should not mess with what they have. She loves Glenmoor Village. She has been there since 1978. She asked that they not sell it off. If they have to have a change, please make it a park with a pool.

**Doug Koffer**, 4462 Skye Dr., said his father was friends with Cecil Bohn. They are great people. He noted that Conditional Use Permits would be required to construct in the OS zone. They fear that the OS zone has no minimum lot requirement and they worry there would be zero lot line. That would affect those that live on the golf course. They like the green space, and they are concerned they would lose that. To remove the green space would remove the existing wild life. The golf course has been amenable to residents using the property in the winter because they are

not a nuisance. They hope that the area can remain as is, and that the city will buy it and own the golf course and they cannot have a zero lot line development built.

Mayor Alvord said the intent of this is to preserve the area as a golf course. The idea with this resolution is that applications can't be approved for construction. Currently, there is a chance that someone could submit an application for 1 lot per acre. This is to freeze that action until a rezone occurs.

Council Member Marlor said he would love to hear how everyone feels about the devaluation of anyone's personal property. They represent everyone who owns land. Some are here because they are afraid their property would be devalued. How would you feel if the property was devalued by 75%? What would they like the City Council to do to make it fair to the landowners and the shareholders of Glenmoor Golf Course?

**Jerry Rechtenbach**, 4432 Glenmoor Hills Dr., said most here are concerned about the devaluation of their property and their quality of life. He said they paid a premium for a lot that backs the golf course. He said they support and appreciate this action. He said they are concerned about the open space zone because it is open for interpretation. He said the responsibilities of the elected officials are the health, safety, and welfare of the residents. He would say quality of life fits into that. They are not unsympathetic to the owners of the golf course. He would challenge the 75 percent devaluation. He hopes that the homeowners aren't expected to be the ones that take on the burden of the legal troubles of the golf course. They shouldn't have to bear that burden. He feels the city should pick up the property at a good price. He said it's true the publically owned golf courses do not pay taxes, but it is also true that housing is a net loser for the city financially. They could turn this into a revenue producing business. He supports this action and supports how the city protects the residents that live there.

**Kevin Smith**, 4029 Fairglen Cir., said he has compassion for the owners of the golf course. He said the ramifications to the city for a development on this property could be devastating. How would they handle the infrastructure? He noted the heavy traffic on 9800 South in the morning. He said they will have to have more roads or wider roads. He does not want his property like those on Bangerter that only have 4 ft. in their backyard. Taxes would have to go up to pay for the changes in infrastructure.

**James Beal**, 4659 Tee Box Dr., said the small back yard almost stopped them from buying their home. The positive for them is that it had trees and an extended backyard. He said some of the width of the holes are narrow, about 60 yards. How would they fit one-acre lots in an area that is only 60-80 yards wide? He said his property line is 17 ft. from his door, and he's concerned about a road going in there. He said people on the 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> fairway feel the same way.

**Council Member Harris made a motion to only allow 2 minutes per speaker, based on the amount of people that still want to speak. Council Member Zander seconded the motion. The motion died, with Council Member Shelton, Council Member Marlor, and Council Member Rogers opposed.**

**Jacob Dimick**, 9681 Tayside Dr., said he has a young family. He has lived in South Jordan his whole life. He is concerned as he also has a zero property line. A development behind his house would be concerning. Their investment would be gone. He has 2 daughters. Being 17 ft. from a road would be concerning.

**Taylor Sanford**, 9927 S. Tee Box Dr., said they moved in yesterday. They moved to this property to be near the golf course. They bought their property for the view. You can relax in a smaller back yard and feel like it's a bigger space. He said he would argue the decrease in value by 75%. By keeping the zoning to keep it as a golf course, it keeps its current value.

**Robby Lapp**, said he lives on the 15<sup>th</sup> fairway. They are concerned about losing value and they don't want the golf course to go away. He said he feels it is hypocritical to have a City Council willing to dump Mulligans to make money, and then they are doing this to a private citizen. He feels the city should buy the golf course.

**Jay Rasmussen**, 4728 Sunny Meadow Dr., said he purchased in the Glenmoor area in 1996. He held the home for 13 years while he was in the army so they could come back to a golf course community. He said they have heard that 50% of the ownership of the golf course want to sell, but it would be important to know what the other 50% want to do.

**Priscilla Johnson**, 10006 S. Birdie Way, concurred with Mr. Lapp. They should do the right thing for all of the people. They bought their home because of the golf course. She loves to golf and watch the golfers. A lot of people bought their homes for the same reason. It provides views and serenity. They wanted to enjoy their home for the rest of their life. They should do the right thing for all involved and the city should buy the golf course.

**Ryan Garritson**, lives in the Wood Rach area, said he has lived in South Jordan his whole life. Glenmoor Golf Course was the first golf course he ever played on. He said his family loves the golf course. With this much land, the landowners probably have a lot of money, but it's a lot for them to lose. He said he played on the golf team and was there every day. If this is sold, so many people lose. The owners of the property would be the only ones that don't lose. The residents don't want more housing and they don't want change.

**Rex Knowles**, 9633 Swallowtail Circle, said he loves South Jordan. He has played at Glenmoor 1-3 times a week for 20 years. He taught his kids the game of golf. He plays golf with a variety of people. Golf unites them. It is important to ensure that the Glenmoor golf course remain a golf course. He would support a zoning change to ensure that it remain a golf course.

**Dale Smith**, 9651 Wood Vista Cir., said he moved here in 2002. He said he used to live on a property with a quiet backyard. Since then, South Jordan extended 4800 West and it is now noisy. His house was devalued because of that noisy road. He is woken up by traffic. This golf course is a great green space. Other than Mulligans, there is no other green space. He said they shouldn't put housing in a space where everyone is enjoying the green space. The community can't handle more cars. When they put in the Welby Park, that will also increase the housing and traffic in the area.

**Ed McCaffrey**, 11042 S. Rochester, said he is a person that has history with golf courses. Glenmoor is a gem of a golf course. He discussed other golf courses that were going to be sold, or not built, including Old Mill and South Mountain. He also noted a golf course in Reno that had a fight over a water bill and now the golf course space is wasted. He suggested the city buy Glenmoor golf course and get a management group to run it. He said River Oaks is making money. People need to get fair market value for their property. The homeowners also need fair market value. They should check with the county as well. He thinks there is a happy medium to be found.

**Scott and Laura Hodges**, 9802 S. Birdie Way, said Glenmoor holds a value that cannot be monetized. There is tremendous value in the Glenmoor neighborhood. They back up to the 11<sup>th</sup> hole. They purchased the property because of the views and green space. They were blindsided by news of this meeting. They need time to discuss and hear both sides. They concurred that living on greenspace is similar to having Lakefront property. They are concerned about safety issues. The green space should remain a golf course.

**John Green**, Tayside Dr., said other golf courses could be developed into housing. If they look at this golf course, it is threaded throughout neighborhoods. There is nothing about the land that lends itself to a great housing development. Why does anyone think this would be done with any degree of efficiency? There is no room behind his house.

**David Booth**, said he lives in West Jordan, but has worked at Glenmoor Golf Course for 24 years. He said he knows the property and knows the golf course. He said the flyer that was distributed was inaccurate. He said the golf course is private property. The homeowners don't treat it as private property because it is behind their homes. There are challenges with the property lines that are not all accurate. That will have to be addressed at some point with the homeowners. He asked that the City sit down with all of the owners and discuss options for the golf course. There are some challenges with distances and the proximity to homes. It is a great space, but difficult to maintain.

**Darcy Olsen**, said her maiden name was Dehlin. She grew up at the golf course and went to college on a golf scholarship. No one more than Cecil Bohn wanted the golf course. She said she now works at Glenmoor golf course, and it is busy. There is a need for the golf course in the community. She also sees the side of the Bohn family. She said they serve youth, adults, seniors, and regulars. It is one of the busiest golf courses she has ever worked at.

**Randy Booth**, 10035 Yorkshire Dr., said now that he is retired, he plays golf 1-3 times a week. Ninety percent of the time, he golfs at Glenmoor golf course. He said the value would go down for him as well as the homeowners on the golf course. Their value is based on similar properties in the area. If their value decreases, so will his.

**Lisa Child**, 4084 Yorkshire, said she moved in 18 months ago. She moved here because of the surrounding schools. She is on Welby's Community Council. The principal was just saying that they are grateful that the school is landlocked so they won't get more students. Welby is over

capacity. If they put in more houses, she is concerned about the effect it would have on the school.

**Scott Warley**, 9944 Birdie Way, said he was sorry for the loss of applicant's mother. He loves the golf course, but he does not golf. He does see the trees, lawn, and the beautiful pond. He loves the wildlife. He would hate to see the land developed into something other than what it is now. He said the construction dust from Glenmoor Village has been tortuous for him. To have further development closer to him scares him. From his house to the fence line is 12 ft. He would love to see Glenmoor stay as a golf course.

**Colby Clark**, 4666 W. Birdie Way, said it is okay to leave things how they are. He has made improvements to his home that they don't know if they will recoup. He said they are getting a decline of 75% if they build homes and sell it. It is not a decline of 75% to keep it the way it is. He said he could claim a decrease in value if the City doesn't allow him to build something that he wants. He asked that they keep it the way it is.

Mayor Alvord closed the public comment.

- I. Discussion Item:** Glenmoor Golf Course and Potential Action on Resolution R2017-56, providing notice of a pending Land Use Ordinance to amend the official city of South Jordan Zoning Map from the A-1 (Agricultural, 1 acre lot) Zone to the OS (Open Space) Zone with the Subdistrict OS-P designation on the property known as the Glenmoor Golf Course. *(By City Attorney, Ryan Loose)*

Mayor Alvord said they need to consider the opinions of all residents, including those not here. There has been some talk about the city buying the golf course. That is premature. He said the city bought Mulligans because of a threat of a sewer treatment plant. If they ever do consider buying it, he suggested they do a survey of the residents. It would increase taxes. He does not think that's the answer. He feels it can be resolved through zoning and negotiation.

Council Member Rogers asked for clarification on the zero lot line in the os zone. City Attorney Loose said the OS zone does not allow for residential homes. It is not a permitted or a conditional use. The lot lines pertain to the other uses listed such as gardens, theaters, golf courses, cemeteries, etc.

Council Member Marlor said the Laub family indicated that their property value could be diminished by 75 percent. He asked what could be developed under the current zoning? Why is there a difference between the current zoning and a land use change from the shareholders perspective? City Attorney Loose said with A-1, they are allowed housing totaling 1 unit per acre, which is the lowest density in the city. It was noted that the prevalent zoning in Glenmoor is R-3, which is 3 units per acre. He said A-1 is intended for large lots and animal rights. They can't cluster density. There would be many restrictions in developing this property as that. He said OS does not allow residential. He is unsure the difference in value from having 1 unit per acre versus no residential housing. He said this is not the rezone.

Council Member Rogers asked how they came to the 75% reduction in the value? Mrs. Laub said they have spoken to people familiar with real estate. They have no appraisal, they have just received opinions. She said the 75% reduction is under the O-S zone, not the A-1 zone. A-1 would be market value.

**Gary Evans**, hired advisor for the Bohn family, 11586 Hagen Rd. (Sandy). He said he has experience in valuation. He said changing the zoning from A-1 to O-S would change the value of the golf course. They are talking about if someone sold it as 1-acre lots versus the value of a golf course. There are various ways to value a golf course. He said a zone change changed the value of the golf course because the way a prospective buyer looks at a property. This is a down zone, not an upzone.

Mayor Alvord said a prospective buyer would think that if the golf course doesn't work, they could develop the property. Mr. Evans said they could develop it, but he is not sure that they would. Mayor Alvord said they are trying to avoid the development. Mr. Evans said they understand this was done so no one could bring forward a subdivision. He said the court order is to sell it at the highest value and the best use. It is under a court order but there is no receiver appointed. They have had no time to talk to the city about it. It will be sold for its highest value. Mayor Alvord noted that the court order is not on the city.

Council Member Zander asked what did they determine the value of the property to be? Mr. Evans said it would be wrong to say that in an open meeting because the property has to go to auction. They have to get a professional valuation. He would tell her in a private meeting. The receiver would determine who would provide the valuation. He said the change would devalue the property 75%. He said even if they change the zone to O-S for a golf course, it would devalue the property for prospective buyers.

Council Member Harris said the court order was to sell the land at the highest possible amount. Are they looking to sell it for development only? Mayor Alvord said they are looking to sell it to who would pay the most.

Mr. Evans said the receiver will sell it. They would have total control over where that goes. He said the shareholders bear the cost of it. The family is not trying to hurt anyone. They are just trying to stop a change before the property has a chance to sell. He said this change will hurt the sale of the property.

Mayor Alvord said there is no assurance that it will be retained as a golf course. The court is just saying they will sell it for the most money. Mr. Evans said that is why they can still talk about it. The shareholders are still involved.

Council Member Marlor asked Council Member Zander what 1-acre lots are worth in South Jordan? Council Member Zander said it varies per neighborhood. It would be at least \$100,000. Council Member Marlor asked what would that be worth to the shareholders if it were sold under the current zoning? Mr. Evans said under the current zoning, it could be sold for \$15 million. If it were downzoned to O-S, the valuation shows \$3-\$5 million.

Mr. Evans said the family was blindsided. They can sit down and talk. The receiver is there, but the shareholders are involved. Mayor Alvord said this does not prevent them from sitting down. It puts the control back with the people. Mr. Evans said it also devalues the property. Mayor Alvord said it is only valued higher than a golf course because someone wants to do something other than a golf course on the property. When they considered it was worth \$15 million, they presumed that the City Council would approve a development other than a golf course. Mr. Evans said the value was based on the zone.

Council Member Zander asked for an explanation to the residents why this was on the agenda so quickly because that is not typical.

Council Member Shelton said he was responsible for the residents being here. He apologized for the short notice. He said there was a series of events that occurred that increased the urgency of the situation in his mind. He said the long running legal battle had a judgment that the assets had to be sold for the maximum value. It should be sold for that. He received information that in order to achieve the maximum value, the future receiver would want to sell it for development and would be seeking zoning comparable to the area surrounding it. He learned that two weeks ago. He spent some time researching the situation. He made it clear to his source that there was no way that would happen. Then he started thinking what is the next possibility, if they can't rezone to R-3? He said they could do an A-1 subdivision without it coming to the City Council. It would be an administrative process. If they met the requirements of the zone, the Planning Commission could not turn it down without threat of a lawsuit. Then he started looking for a way to slow down the process to ensure that does not happen. This is how they do it. This is not a rezone. They are buying the time that everyone is asking for, without the city being under the threat of an applicant that vests under the current zone, to discuss the issue. This is all about avoiding something sneaking in under the radar. That is why no one had any notice. He apologized for any inaccuracies in the flyer. He said he wants to talk to the family. He loves Glenmoor. They have to find a way to preserve the golf course and this buys them time to talk.

Mrs. Laub said if they had not heard through the grapevine that this was going to happen, they would not have been in attendance. No one would have informed them that their private property is going to be rezoned. Council Member Shelton said this is not a rezoning. Council Member Marlor said it is the first step. Mrs. Laub said she does not understand how someone who owns property cannot be notified that they are thinking of rezoning their property and devaluing it. They want the city to be fair. They want to be fair with the city. They need time to talk. They want to get along and make it work for all. If they change the zoning, it is limiting. They have not talked to any developers. They are just going along with the court order. They want to be treated as fair as anyone else.

**Council Member Shelton made a motion to approve Resolution R2017-56. Council Member Rogers seconded the motion.**

**Council Member Marlor made a motion to remove item Resolution R2017-56 and to table it to a future meeting to allow the shareholders to meet with staff and the City Council. He**

said that is what should have been done at the beginning. Now they have a pending lawsuit. He said the shareholders deserve a chance to talk to staff and the Council about options and opportunities.

**The motion died for lack of a second.**

Council Member Marlor said people here are concerned about property values. So are the Mayor and City Council. He said he would like to see the golf course retained. He said they are representing each resident individually, and that goes for the shareholders as well. This is the first step headed toward the downzoning of this property. They would not get fair value for the property. He said he does not feel selling it for development is the best disposition of the property. They need to consider everyone's property values. It is not right to head down this course, until they can sit down with the family. Instead, they have people that were not invited to the meeting and the neighbors did not know what was going on. They will lose substantial value on the property. That is not fair. He would like to see a resolution that is fair to both parties. This does not give them an opportunity to sit down fairly and see what else they can do. Instead, they have a lawsuit. It is not a good way to proceed.

Mayor Alvord said that is what makes land use difficult. The impacts of the neighbors impacts the adjacent land owners. That is why the City Council was charged with the responsibility to make the tough decisions.

Council Member Harris said a lot of people said they would like this to stay as a golf course. This family has the right to sell their property. He said when he asked the question if they are willing to sell to someone willing to keep it as a golf course, they would not answer. They said it was not assigned a receiver and they are selling it for the highest value that they can. When they have residents that bought homes on a golf course and paid a premium for that, and had expectations, they have to protect the residents of the city. He said he did not feel the family was going to engage in a conversation based on the answers they gave. They have to offer protection to the residents.

Council Member Rogers said he believes that the Ordinances gives them time to talk before a rezone application comes in. He said this has been a golf course for over 40 years, and he has no intention of letting it be anything other than a golf course. He does not believe the city should purchase the golf course. He said they did it in the past to prevent a sewer plant from coming to the city. He said because the golf course was so busy, it should be easy to sell as a golf course. He said they should take into consideration everyone's value of property. Until that's done, it is premature to make any consideration of their property value. There has been no evidence of how this affect's everyone else's property values. He said if the Laub family intends to use the 75% reduction figure, he won't consider it into evidence unless it is public. The Council as well as the public is entitled to see it and challenge it. He said at this point, it is pure conjecture. He also won't consider the value argument unless every property owners value is also considered. He guessed it would be devalued in a similar percentage. He said he is sensitive to property rights issues. He feels someone should be able to do what they want with their property until it interferes with someone else's property right. He said they have a golf course, they are entitled to

sell a golf course. He said in his mind, they are correcting the zone of this use for the last 40 years. He said the State of Utah has bestowed zoning authority to the City Council to tell property owners what they can and cannot do with their property, within certain bounds. He has no intention of making this anything other than a golf course.

Council Member Zander said the Laub's indicated that they want to make the residents happy and to sit down with the City Council to discuss. She said by passing this, this allows them the chance to talk. She said initially, she told Council Member Shelton that she did not agree with his approach. She said she is sensitive to property rights. She feels they have an obligation to pause and extend this conversation. She respects all property rights. She is not in favor of the City buying this golf course. She thinks they can arrive at a peaceful understanding on this. She feels this extends the conversation to discuss it.

Council Member Marlor said Council Member Rogers indicated that he would not accept the valuation theory because there was no evidence. He said the shareholders had less than a day's notice that this meeting was taking place. They will get to the point of evidence. That should not be expected of them. If this procedure moves forward, it will be considered a downzone. He said that has never been done in the last 30-40 years. He feels there are ways to get together with the family and make this work. Downzoning is unheard of and it is irresponsible.

Mayor Alvord asked when they rezoned the area with the gas station, was that a down zone? City Attorney Loose said the same mechanism was used, but they did not change the zone, they removed the use from the zone. Mayor Alvord said he would presume it affected the value of that property. He said he does not think this is totally without precedent. He said they intend to make Mulligans the open space zone, and that would downzone that property.

Council Member Shelton said he hates using this process this way. He is not inclined to using an adversarial method. He did what was hard because he felt it was the right thing for everyone. It puts the process on hold and voids the possibility of something happening without the City Council being involved in it. It moves it from an administrative process to a legislative process. He said they are not rezoning the property. Council Member Marlor said it is the first step.

They noted some parcels in the city where the zone was changed after the development was built, which created some non-conforming uses. There were others where the future land use changed but not the zone. Mayor Alvord said they put a moratorium on the VMU, and ultimately changed it. He feels it is similar to what they are doing tonight.

**Roll call vote. The vote was 4-1 in favor, with Council Member Marlor opposed.**

The City Council took a brief break.

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

Mayor Alvord said he spoke with David Stewart, who they are considering hiring for their lobbying team. Mr. Stewart felt that last year was highly irregular on how the list was put

together. He asked City Attorney Loose to meet with David Stewart. City Attorney Loose said he will finish up the process and get all the agreements together.

Mayor Alvord said it is West Jordan's turn to make the UTA Board Appointment. South Jordan and West Jordan rotate. He said he would like to appoint someone that focuses more on busses than trains.

Council Member Shelton said he met on Monday with the Western Growth coalition. There is an issue about the legislature taking away land use authority from municipalities along corridors. City Attorney Loose said he understands no bills will be run on that issue this year.

Council Member Marlor said there was a request that someone from the City Council speak at an event honoring teachers. Council Member Shelton said he would plan on speaking at that event.

Council Member Harris said he attended an EDCU meeting. Utah is healthy from a business standpoint. There are large companies exploring locating in Utah. They have prime commercial land. In the future, there will be businesses that will want to locate in the city. They need to preserve their commercial land for that.

Police Chief Carr said there was a traffic problem along Shields Lane that recently came to a City Council meeting. They sent officers down there 2 different times. They issued 18 citations, most were warnings to educate the residents. They will continue to be there. He will follow up with the resident that brought the issue to light.

**Council Member Rogers made a motion to go into a closed meeting to discuss the character and competency of an individual. Council Member Harris seconded the motion. Roll call vote. The vote was 5-0 in favor.**

**K.** Closed Session for character and competency of an individual

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

ADJOURNMENT

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

The October 3, 2017 City Council meeting adjourned at 10:23 p.m.

**This is a true and correct copy of the October 3, 2017 Council Meeting Minutes, which were approved on October 17, 2017.**

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

