

SOUTH JORDAN CITY
CITY COUNCIL MEETING

April 17, 2018

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andy Butler, Associate Director of Public Works Colby Hill, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, City Attorney Ryan Loose, ACM Dustin Lewis, City Commerce Director Brian Preece, Associate Director of Finance Jeff Standiford, IT Director Jon Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

Others: See Attachment A

6:30 PM
REGULAR MEETING

A. Welcome and Roll Call – *Mayor Dawn Ramsey*

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

B. Invocation – *By Council Member Jason McGuire*

Luke Pearsey, scout, offered the invocation.

Mayor Ramsey recognized the scouts that were present.

C. Pledge of Allegiance

Tyler Napier, scout, led the audience in the Pledge of Allegiance.

D. Minute Approval

1. April 3, 2018 Council Study Meeting
2. April 3, 2018 City Council Meeting

Council Member Harris made an amendment to the April 3, 2018 City Council meeting minutes.

Council Member Harris made a motion to approve the April 3, 2018 City Council study meeting minutes, as printed, and the April 3, 2018 City Council meeting minutes, as amended. Council Member McGuire seconded the motion. The vote was unanimous in favor.

E. Public Comment:

Susan Pulsipher, State Legislator, expressed appreciation for the city presence at the capitol during the Legislative Session. Mayor Ramsey said they were able to work together and get a lot accomplished. She thanked Ms. Pulsipher for her efforts.

David Colton, 11072 Woodfield Rd., expressed appreciation to the City Council for their service. He complimented staff for their work. He asked if they are going to change the boundaries for District 4? It is not right the way it is, going from the far east of the city to the far west.

Council Member Zander said they have talked about realigning the district. City Attorney Loose said the legal requirement is that all districts have to be within 4 percent, or less. To get those numbers, they have to do a census or wait for a census to be done. The plan has been to redo the alignments after the 2020 census. That way the numbers are defensible.

Peter Chapman, 1369 Skyscape Way, proposed that South Jordan add green waste bins for the residents to use for their lawn clippings. There is nowhere to put it because the other trash cans are full.

Trenton Mauve, 11038 Woodfield Rd., noted that people in their area have been stealing each other's mail and they have had theft issues in their garages.

AJ Molupo, 11150 S. 1452 W., asked if they have talked about net neutrality as a City Council? Mayor Ramsey said yes, they have heard from residents on that issue.

Evan Nelson, 11336 Greengrass Ct., asked if the City Council would consider putting (inaudible) signs in neighborhood entrances. He said some people forget and go too fast.

Porter North, 1432 W. 11030 S., said the manholes in the ground have bad positioning. They are below ground. His mom's car had to get the steering realigned. He said the roads with potholes are crazy here. He recommended that they fix that.

Public Works Director Rasmussen said they are aware of those manholes and they will get those fixed.

Jack Loud, 11078 S. 1300 W., said his brother has a lower car and the pot holes and manholes scrape the cars and bend the alignment. He asked that they consider fixing those.

Preston and (inaudible) Steadman, 11188 S. Woodfield Road, said there is a need for a street light at the top of 11030 South. It is dark.

Luane Jensen, 11186 S. 2700 W., thanked the city for their support for Scouting for Food, including the help of Mike Stallings and the forklift. She said they had 1044 scouts that helped, 516 leaders, 68 participating units. In 2018 they collected 57,000 lbs. of food, a little over 28

tons. They filled three semi trucks. She thanked the people of South Jordan for their generosity. Mayor Ramsey thanked Mrs. Jensen for all that she does on behalf of the community.

CM Whatcott said all of the trash and green waste from South Jordan is put in the landfill. If they want a separate can for the green waste, they should get an extra garbage can. They do that to create methane gas and that gas is used to generate power.

F. Proclamation: Recognizing Bingham High School Marching Band as the 2017 State Champions *(By Mayor Dawn Ramsey)*

Mayor Ramsey expressed appreciation for those that have worked so hard. The Bingham High marching band won the state title 2 years in a row. She recognized the director of the marching band, school principal, a member of the school board, and the associate superintendent for Jordan School District that were present.

Mayor Ramsey read the proclamation honoring the marching band.

G. Summary Action Items:

- G.1. Resolution R2018-15, appointing Jill Duke to the Senior Advisory Committee. *(By Administrative Services Director, Spencer Kyle)*
- G.2. Resolution R2018-16, appointing Cassandra Eccles to the Arts Council. *(By Administrative Services Director, Spencer Kyle)*

Council Member Shelton made a motion to approve the Summary Action item G.1. and G.2.. Council Member Harris seconded the motion. The vote was unanimous in favor.

Council Member Shelton asked that, in the future, the applications of appointees be included in the packet.

Jill Duke, introduced herself, and said she is excited to be on the Senior Advisory Committee.

Cassandra Eccles, Arts Council, said she is excited to be part of the Arts Council. She said she is PTA President at South Jordan Elementary and would like to expose the students to more art.

H. Public Hearing: Rezone Ordinance 2018-02-Z, property rezone at 2313 West 10950 South. Rezoning from A-5 (Agricultural, minimum 5-acre lot) Zone to R-1.8 (Single-Family Residential, 1.8 lots per acre) Zone. Jim Olsen is the applicant. *(By Planning Director, Steven Schaefermeyer) (RCV)*

Planning Director Schaefermeyer reviewed the background information on this item. See Attachment B.

Mayor Ramsey opened the public hearing.

Ann Gayheart, said she is not opposed to this application. This is exactly what they would like to have happen on rezones on their street. They have mostly 1 acre lots, some ½ acre lots. She asked that they approve the rezone.

David Colton, 11072 Woodfield Rd., said one reason he got on the City Council originally was to stop high density housing. He feels the R-1.8 zoning is perfect.

Mayor Ramsey closed the public hearing.

The applicant had no comments.

Council Member Marlor made a motion to approve Rezone Ordinance 2018-02-Z. Council Member McGuire seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. Public Hearing:** Ordinance 2018-01, amending Sections 12.24.030 and 12.24.050 of the Municipal Code regarding Park Strip Landscaping and Tree Stewardship. (*By Public Works Director, Jason Rasmussen*) **(RCV)**

Public Works Director, Jason Rasmussen, reviewed the background information on this item (See Attachment C). They discussed this item in the work session on March 6th.

Mayor Ramsey opened the public hearing.

Mark Hendrickson, 11107 S. Hampton Way, asked if a homeowner is cited for a hazard tree, is that appeal valid until a recurrence of the issue? How does the appeals process work?

Mayor Ramsey closed the public hearing.

Public Works Director Rasmussen said there is a balance on this issue between trees, which people love for shade and their beauty. At the same time, in a narrow parkstrip, roots can come up and sidewalks can be raised and create trip hazards. They are trying to address potential risks and fixing trip hazards, while not wanting to remove large mature trees. He noted that tree removal is a last option. He said regarding the appeal process, any time there is a hazard, they mitigate it with the tree roots. Otherwise, the roots will continue to grow and continue to create a trip hazard. If a trip hazard reappears, it would be considered a hazard tree again. He said the appeals process is still available, even if mitigation was not successful the first time around.

Council Member Zander said she feels better about the changes, including the urban forester initiating conversations and being involved in the pruning. She also feels better that the first result is not to remove the tree. She feels trees are assets, not liabilities. She said she wishes they could lower the 13 ft. requirement, but that is not possible because of the clearance needed for trucks. She noted that the clearance requirement is out in the street, not right on the tree trunk.

Council Member Harris said for most homes in the city, this will be a non-issue. The issue will usually be for too large of a tree in a narrow parkstrip.

Council Member Shelton said the policy is to notify the resident by mail. He recommended the policy be to send it certified so there is evidence that the resident received the notice.

It was noted that there is a list of acceptable trees that has been updated on the city's website. Council Member McGuire recommended that the flyer for tree care also be put on the website near the link for approved trees.

Council Member Zander made a motion to approve Ordinance 2018-01. Council Member Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

ACM Lewis noted that the city is celebrating Arbor Day on Friday.

J. Legislative Update *(By Ryan Loose & Melinda Nagai Seager)*

City Attorney Loose gave the City Council a legislative update from the 2018 Legislative session.

Council Member McGuire asked about HB 259. City Attorney Loose said they have to do a moderate income housing report every other year. The city has been compliant with that. HB 259 is just one more step in what they are already doing. It does not ask for an increase in the amount of moderate income housing.

They discussed the changes in lobbying efforts this year. City Attorney Loose said the lobbying efforts paid for itself ten times over. They will continue to be even more effective over time. Mayor Ramsey concurred that their lobbying efforts paid off this year.

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

Council Member Zander said she met with the Arts Council. They have a couple more openings. She asked that the City Council submit any desired nominations to the committee. She said they debated the candy windows. Those are expensive and include a lot of work by only a couple people. They determined to cut the \$11,000 budget to \$5,000. They will put the extra money into utility box wraps. The Daybreak Arts Council is also going to wrap some utility boxes in Daybreak. That is a step in the right direction in their collaboration with Daybreak.

Council Member Zander said she is going to Washington DC as a delegate for the Mosquito Abatement Board. The board does a great job.

Council Member Marlor discussed the upcoming City Council social, with some free entertainment (his son and another small entertainment group). It was noted that Council Member Zander, Council Member Harris, and Council Member McGuire would not be available

on May 19th. They discussed possibly moving the date. CM Whatcott said they are looking at having the event catered.

Council Member Marlor said they received an email from former Mayor Alvord. In response to that email, Council Member Marlor said he is not part of the development of Glenmoor, and would not threaten a lawsuit. He said he does not agree with what is in the email.

Council Member Shelton said he met with the Western Growth coalition yesterday. They are trying to create a west side “one voice” vision. He said he is skeptical, only because of their competing interest and with elected officials coming and going. He said there is legislation that encourages them to coordinate corridor planning with their neighboring cities. They should be aware of that as they work on the general plan.

Council Member Shelton said he looks forward to the ULCT conference. He said they need to bring some value from the conference back to the city. Council Member Harris concurred. Council Member Shelton said they should meet after and debrief their ideas.

City Attorney Loose said one priority at the conference is networking. Some of the best ideas will be given with conversations and relationships with other elected officials and city employees.

Mayor Ramsey said she attended some active shooter training. It was intense and impressive. She said she and Police Chief Carr were on a Parent University Safety Committee, and addressed concerns about what is being done to keep people safe in schools. That meeting’s video is available on the Jordan School District website.

Mayor Ramsey said the Mayor of Herriman expressed appreciation to South Jordan Police and UPD for their assistance with a SWAT team situation in Herriman.

Mayor Ramsey noted a suicide prevention meeting last night. The video of that meeting is also available on the Jordan School District website.

Mayor Ramsey said the Sewer Board has great work going on. She thanked staff for their integrity in notifying the sewer board of a bill that they had not been charged yet.

Mayor Ramsey said she attended the National Arbor Day Foundation tree city awards. She said that is the 9th year in a row that South Jordan has received that award.

Mayor Ramsey said she met with the developers of Daybreak and had a good meeting with Mayor McAdams.

Mayor Ramsey noted that she attended a meeting at Salt Lake Community College and said the college partners with cities for some of their programs. She said there are opportunities for the city to participate in those partnerships.

Mayor Ramsey said she met with Communities to the Rescue. She said the Healthy South Jordan committee will be focusing on prevention of substance abuse and bullying.

Mayor Ramsey said she presented some awards at schools in South Jordan this week. She also noted that there will be some exciting press for the city in December.

Mayor Ramsey said several residents have expressed their feelings this past week about Glenmoor. The Council is aware of how everyone feels. She said a lot of that decision is not in their hands. They will share information as soon as there is anything to share. There will be opportunity for people to give input.

Mayor Ramsey noted some ribbon cuttings this week. She said she will be speaking at some elementary schools this week. She is also meeting with the farm families this week.

Mayor Ramsey said she will be speaking at an event for the National Government participation initiative for high schools. There was some writing contests, etc. to win tickets to Hamilton. There were at least 2 winners from every city in the state.

CM Whatcott said he and Public Works Director Rasmussen are going to tour a water treatment facility that has new technology. They won a national water reuse award. He said South Jordan is more interested than other communities because they are solely dependent on Jordan Valley Water Conservancy District for their water.

City Attorney Loose noted a law that changed the policy on dining clubs. Under the old law, patrons could walk around with a drink. The ratio of food to alcohol sales was 60-40, per establishment, on an annual basis. People were allowed to buy just a drink if the overall ratio worked. In the last session, they removed the intermediate dining club and now they either have to be bars or full service restaurants. Patrons would not be allowed to walk around with a drink and they have the intent to dine stipulation, with a 70-30 ratio now. Food also is required when they order alcohol. The establishments in the city thought they had the choice to be a bar or a full service restaurant. Both The Break and the Market Street Oyster Bar prefer to be a bar.

Community Development Director Preece said they sought the businesses out to inform them that they are not allowed to be classified as bars in the city.

City Attorney Loose said he feels the legislature felt that dining clubs were bars. The representative that wrote the law will likely be the next Speaker of the House. No one put in the new law that it pre-empts local licensing and that may need to be corrected. The way it sits, they won't have a license as of May 8th. Both dining clubs have told the city that they can meet the 70-30 ratio. They both prefer to be a bar over a full service restaurant.

Mr. Preece said the Oyster Bar wants a bar license from the State, and a restaurant license from the city. Sounds like The Break is okay with that option as well. Mr. Loose said the owner of The Break always thought it was a bar.

Mr. Loose said he thinks the State would be more hesitant to force a bar right before an election. That could happen next year, after the election.

Mr. Loose said they could create their own dining club license and monitor it themselves. That would require more staff time. Mr. Preece said the only thing that would change is that they would require those establishments to get a state bar license. The city would do all of the enforcement. Mr. Preece said they could grandfather the uses and restrict it to those that already have dining club licenses. Draper has restricted to the number they already have. They could also make them be a full service restaurant.

Council Member Zander said she would prefer to not open the door for the bar. How would the restaurant option effect the dynamic and set up of the building? Can they both continue to operate? Mr. Loose said the oyster bar could continue to run.

The City business license administrator said they would not have to make any immediate structural changes. She said after 4 years, some modifications would be needed.

If the use moves to a restaurant, the state would monitor it. If there was a combination option (keep the dining club), anything different than the state would have to do, the city would have to monitor. A firm would have to be hired to audit it.

Mr. Loose said he was told that the intent was that the establishment got the option to be a bar or a restaurant. That was never anything he heard. He said if the city makes it too difficult, they will likely get pre-empted during the next legislative session. Mr. Preece said in that case, it would be a straight bar option at that point.

Council Member Shelton concurred that the state will pre-empt the city next year. He feels they should create their own license that mirrors what we have now, and grandfather those uses so new uses can only be a restaurant. Even doing that, there is a risk they will be pre-empted. Council Member Marlor concurred.

City Attorney Loose said absence the change in law, another dining club could come in. He said putting a limit on the number of dining clubs might create attention. It prevents business and creates a monopoly. He said he personally likes the idea for South Jordan to create their own license and administer it.

CM Whatcott said he could not support any plan but making the businesses a restaurant. He is not in favor of dealing with an audit. That is an added burden onto the city. They gave away \$100,000 in revenue to the city because they didn't want a liquor store, and now they are going to have a bar? He expressed concern about it opening up the city to others wanting the same use.

Council Member Marlor said they are not in favor of a bar, but they are talking about maintaining what is there currently. CM Whatcott said that would now require a state bar license. Council Member Marlor asked if it sets themselves up to be enforced by the state and made to change it? CM Whatcott said it is no longer on the City Council. He said they have a lot of

restaurants that serve alcohol and the residents accept that. He feels they should hold the line. He said they may want to talk to Senator Wilson and understand what the deal really is, and see where he feels the remedy is. The state did not think about what this means locally and what this means to the constituents.

Mr. Loose said all of the options are legal options. He agrees to the point that when someone has a license for something (a state bar license), other people will want it.

Council Member Harris said he wants to look at this from a long term perspective. What is the best choice to limit bars and the overall alcohol consumption? They need to forecast potential consequences.

Mr. Loose said the dining club license remains in effect until July 1st. May 8th is when the restaurant can refuse service to anyone under 21.

Council Member Marlor said he prefers the establishments be restaurants, with an alcohol license. He won't be happy if they enforce that and then the Legislature forces them to have the bars rather than a dining club license. Council Member Shelton concurred. CM Whatcott said he does not see the Legislature forcing cities to have a bar.

Council Member Shelton said he feels a meeting with Representative Wilson would be instructive. CM Whatcott said the dialog would be helpful for Representative Wilson to understand the impact it is having on the community.

Mr. Loose said he will set the meeting up. He said right now, the direction to the establishments is to do a full service restaurant. Staff will also see what it would take to keep a dining club and start working on that so it can be implemented quickly if needed. CM Whatcott said they will also look at what an audit will cost.

Council Member Harris asked if staff can do a risk analysis to determine if they will end up with a negative long term outcome.

Council Member Marlor said because of the conflicts for the City Council social on May 19th, he will try to schedule it for May 17th.

ADJOURNMENT

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

The April 17, 2018 City Council meeting adjourned at 8:38 p.m.

This is a true and correct copy of the April 17, 2018 City Council Study Meeting Minutes, which were approved on May 1, 2018.

Auna M. West

South Jordan City Recorder

OLSEN REZONE

2313 W. 10950 South

Jim Olsen



Legend

STREETS

PARCELS

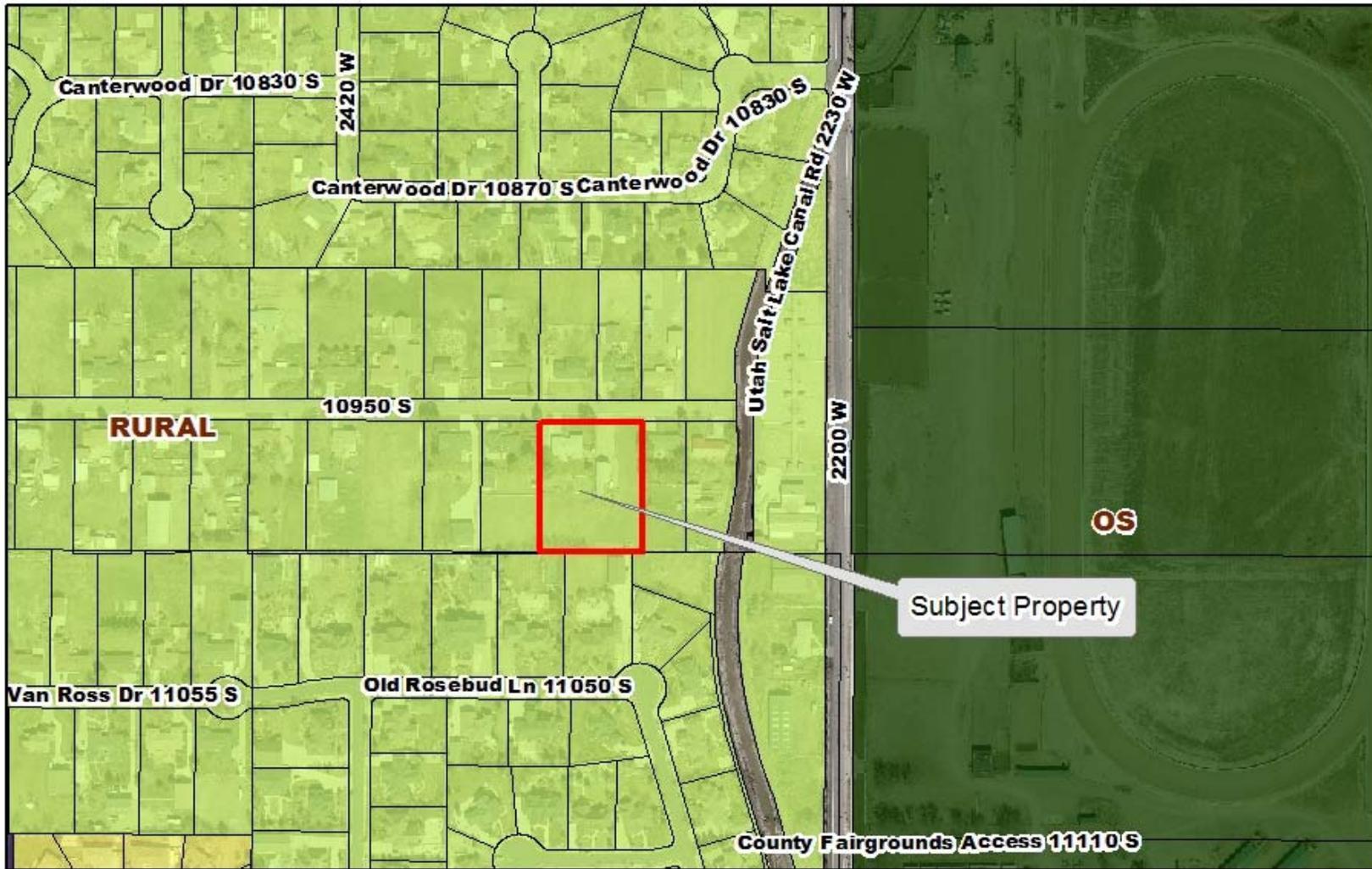
Aerial Map

City of South Jordan

0 50 100 200 300 400 Feet

Aerial Imagery
2016





Legend	
	STREETS
	PARCELS

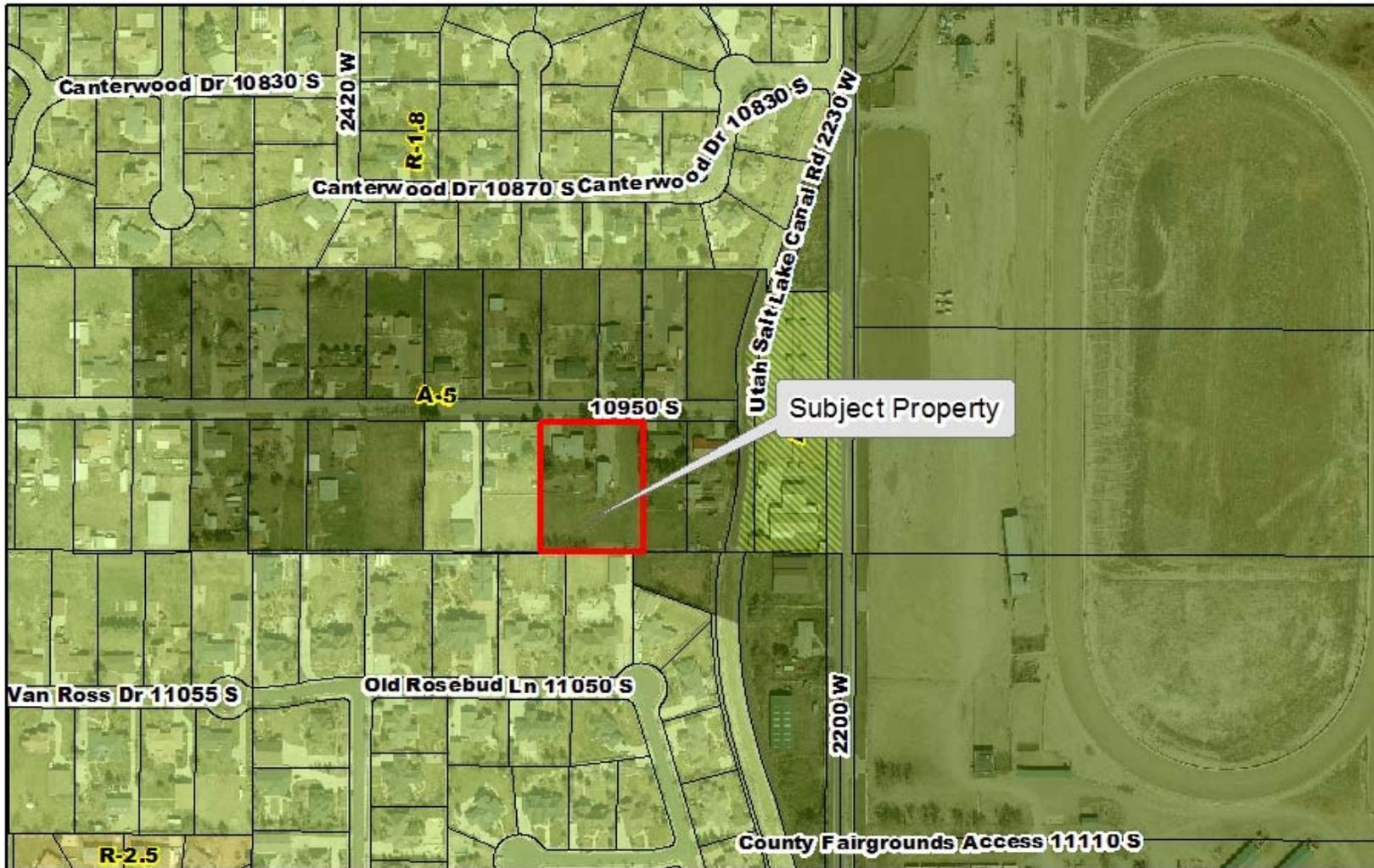
Future Land Use Map

City of South Jordan



Aerial Imagery
2016

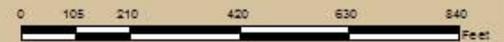




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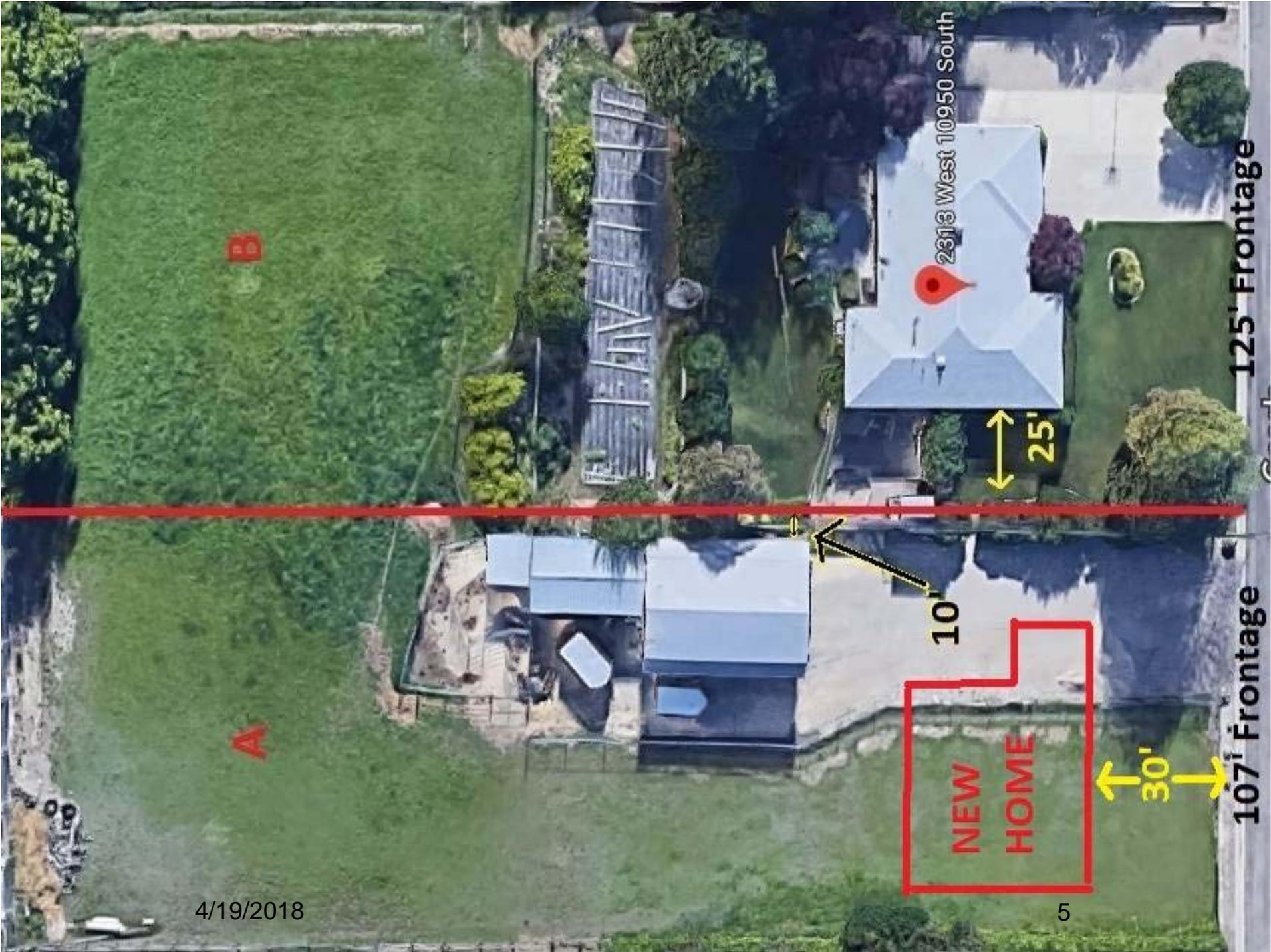
Zoning Map

City of South Jordan



Aerial Imagery
2016





4/19/2018

Ordinance 2018-01

Tree Maintenance & Hazard Trees

April 17, 2018



Ordinance Change Intent

- Allow exception to minimum height requirements
- Clarify the definition of a “hazard tree”
- Provide objective expectations to residents regarding tree maintenance and sidewalk repairs

12.24.030: CITIZEN RESPONSIBILITIES:

Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in park strips abutting their real property except in those park strips that are maintained by the city.

- A. Periodic watering and fertilization of trees as necessary to maintain good health and vigor.
- B. **Prune trees to provide a safe and convenient clearance for pedestrians and vehicles as follows:**
 - 1. Keep any-branches that overhang a sidewalk shall be pruned to create a clearance of at least seven feet (7') above the sidewalk; and**
 - 2. any-branches that overhangs a road shall be pruned to create a clearance of at least thirteen feet (13') above the road, unless the city's associate director of public works approves a lessor clearance height at a specific location taking into consideration the free movement of traffic and the safe operation of city emergency and maintenance vehicles.**

Ordinance 2018-01

- Minimum height over sidewalk & trees
 - 7' over sidewalk
 - 13' over road
- Proposed code allows an exception over the road based on inspection and conditions

12.24.050: RESPONSIBILITY FOR CORRECTING ~~PRIVATE HAZARDOUS AND/OR OBSTRUCTIVE TREES~~ CONDITIONS:

- A.** It is unlawful to knowingly keep or maintain a tree which is a danger or a hazard to other trees, plants, or humans because the tree is diseased or because of the planting location, or because of other dangerous characteristics of the tree.
- B.** Where a hazard tree, **defined in this chapter as a** ~~and/or~~ tree that obstructs the view of street signage **or has damaged City infrastructure**, exists upon private property **or within the public right of way**, the property owner and all other persons having control **and maintenance responsibility** of the property on which such hazard tree ~~and/or tree that obstructs the view of street signage~~ exists shall be responsible to mitigate, abate, remove, or correct the hazard tree ~~and/or~~ obstruction. ~~Any tree that is a hazard tree is a public nuisance.~~
- B1.** ~~If the city determines that a particular tree is a hazard tree and/or obstructs the view of street signage, the city may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree and/or tree that obstructs the view of street signage is found, or to the person who may be the cause of such tree to remove, mitigate, abate, or correct the hazard or obstruction, including its recommendation as to the most effective method of doing so.~~

Ordinance 2018-01

- Adds “or has damaged City infrastructure” to the definition of a hazard tree

~~H2.~~ **The owner of a tree that the city determines is a hazard tree may** ~~Notice of appeal of the city's determination that a tree is a hazard and/or obstruction may be filed with the urban forester within ten (10) working days of service of the~~ **written notice that the tree is a hazard tree by filing an appeal with the city according to the city's administrative tree removal appeal process** ~~to abate. Appeals of the urban forester's decision shall be heard by the designated department director within fifteen (15) calendar days of receipt of the appeal, which decision is final.~~

~~D3.~~ If the hazard tree ~~and/or tree that obstructs the view of street signage~~ is not mitigated, abated, removed, or corrected within twenty eight (28) additional calendar days after the notice is complete **and the city's determination has not been reversed on appeal**, the city may mitigate, abate, correct, or remove the hazard tree ~~and/or tree that obstructs the view of street signage~~ at the expense of such person, firm, or corporation or may take further action as determined **by the public works department as being appropriate and necessary**.

~~AC.~~ It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintaining a hazard tree.

~~ED.~~ Notice under this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a

Ordinance 2018-01

- Tree removal appeal process requested during council work session discussion
- Language added to code and process added for appeal

David L. Alford, Mayor
Patrick Harris, Council Member
Bradley H. Marks, Council Member
Donald J. Mathis, Council Member
Tamara Zander, Council Member
Christopher J. Rogers, Council Member



September 19, 2017

PH: 801.488.HELP #SouthJordanUT

South Jordan Resident
123 Y Worry Lane
South Jordan, UT 84095

RE: Sidewalk Repair

Dear South Jordan Resident,
Recently the sidewalk adjacent to your property was repaired. The repair was made to eliminate a trip hazard that was present and was a public safety concern. An inspection prior to the sidewalk repair was performed, showing tree roots from a tree located in the park strip as the cause of the sidewalk displacement.

Should the same section of sidewalk need to be repaired or replaced again due to tree roots, the City may require the tree to be removed. Chapter 12.24.050 of the City municipal code states:

B. Where a hazard tree, defined in this chapter as a and/or tree that obstructs the view of street sign or has damaged City infrastructure, exists upon private property or within the public right of way, the property owner and all other persons having control and maintenance responsibility of the property on which such hazard tree and/or tree that obstructs the view of street signage exists shall be responsible to mitigate, abate, remove, or correct the hazard tree and/or obstruction.

It is the City's desire to not have trees removed, however once trees become a hazard it is a possibility. In order to help prevent a situation where a tree needs to be removed, a tree watering guide has been included with this letter. This information is being provided to you with the goal that as these guidelines are followed, the affected tree root system will not cause further damage to the sidewalk.

Please feel free to contact me should you have any questions or concerns (801-254-3742 or jrasummers@sjc.utah.gov).

Sincerely,

Jason Rasummers
Public Works Director
South Jordan City

STREET TREE WATERING INFORMATION & GUIDELINES

- Short and frequent watering's wet only the top few inches of soil and encourage roots to grow near the surface.
- Water longer and less frequently, letting the soil become moist to a depth of several feet.



After roots have been cut to accommodate sidewalk repairs, use a gatorbag (tree watering device) to allow for deep watering of tree roots.



Apply a root-stimulating product, as suggested by product manufacturer.

Residents can contact the City Urban Forester, Michael Bunnell, with any street tree maintenance questions. mbunnell@sjc.utah.gov or 801-254-3742.

Ordinance 2018-01

Additional Council Requested Items:

- Letter to residents providing notification of sidewalk maintenance and potential tree removal in future
- Educational flyer for residents regarding tree watering after sidewalk has been fixed

Questions?