

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

August 20, 2013

**Present:** Mayor Scott Osborne, Council Member Mark Seethaler, Council Member Chuck Newton, Council Member Brian Butters, Council Member Steve Barnes, Council Member Larry Short, City Manager John Geilmann, City Attorney Rob Wall, ACM Gary Whatcott, Police Chief Lindsay Shepherd, IT Director Jon Day, City Council Secretary MaryAnn Dean

**Others:** Brayden Warburton, Eric Lapray, Levi Culey, Connor Abeyta, Nathan Olson, Ethan Winterbottom, Ben Olson, Annalee Winterbottom, Robert McConnell, Shawn Winterbottom, Quito Atwood, Sabastian Atwood, Nate Hamilton, Frank Wareham, Gayle Wareham, Mark Schultz, Jack Wheatler, Fowlks family, Bachman Family, Cynthia Cox, Riley Family, Susan Egbert, Don Shelton, Ron Holt, Grace Holt, Donna Holt, Dave Alvord, Rex Holt, Colleen McKay, Jeff McKay, Geoff Loos, Jerry Salt, Luane Jensen, Carol Brown, Ken Brown, Jennafer Jeppsen, Jesse Jacobson, Andrew Hackman

6:00 P.M.

**REGULAR MEETING**

I. GENERAL BUSINESS

A. Welcome and Roll Call

Mayor Osborne welcomed everyone present. All members of the City Council were present, as listed.

B. Opening Ceremony

1. Invocation By Council Member Larry Short
2. Pledge of Allegiance

**Connor Abeyta**, scout, led the audience in the Pledge of Allegiance.

Mayor Osborne recognized some scouts present. Scout Troop 1276 was introduced.

C. Motion to Approve Amended Agenda Items, If Any

None.

D. Minute Approval

1. August 6, 2013 Work Session
2. August 6, 2013 Regular Meeting

Some amendments were made to the August 6, 2013 regular meeting minutes.

**Council Member Seethaler made a motion to approve the August 6, 2013 work session minutes, as printed, and the August 6, 2013 regular meeting minutes, as amended. Council Member Butters seconded the motion. The vote was unanimous in favor.**

E. Department Spotlight

**Colby Hill**, Parks Department, said July is National Parks and Recreation month. The goal was to get people out in the city. He discussed the geocache program that was established. If people gathered each of the 6 caches, they could redeem them for a free t shirt. They had families, scout troops, and a neighborhood gathering do it. They had 100 participants recorded. They received many positive comments. He believes the program will continue to grow. He noted that people can still find the caches, but not receive the t shirt.

II. AWARDS AND PRESENTATIONS

A. **Update:** Public Art and Cultural Development (*Chair – Sandra Kirkendoll*)

Sandra Kirkendoll said she has been on the PACD Board for 2 years. In May, she was elected chair. She said they have a strong board and thanked the City Council for their support in funding and the efforts in coming to a lot of their events. She reviewed the summer activities including a literary contest, the art show at the Gale Center, Sound of Music sing a long, Footloose, Samuel E. Holt farmstead opening, farmers market, sidewalk chalk art contest, international days, and a quilt show. The Arts at the Gale program will be starting in September. The Board, Council Member Butters, and their staff liaison are committed to making this the best year yet.

B. **Proclamation:** In Recognition of First Baseman, Ethan Fowlks, of the Salt Lake Sidewinders U-12 Baseball Team and Proclaiming Thursday, July 11, 2013 as “*Ethan Fowlks’ Championship Winning Homerun Day.*” (By Council Member Brian Butters)

Mayor Osborne read the proclamation for Ethan Fowlks.

C. **Proclamation:** In Recognition of the Salt Lake Sidewinders U-12 Baseball Team “*Proclaiming Thursday, July 11, 2013 as Salt Lake Sidewinders U-12 Championship Day.*” (By Council Member Brian Butters)

A video was shown highlighting the team's accomplishments. The Sidewinders team was introduced.

Some of the team members shared their favorite memories of the tournament.

Peyton Jones: having fun with friends in the bunkhouse and winning it all.

Baylor Jeppsen: hitting a home run and celebrating all night after they won.

Derek Soffe: Being with friends in the bunkhouse.

Kyler Brooksby: being on the championship field.

Noah Bachman: being in the bunkhouse as a team, and seeing what the team was all about.

Ethan Fowlks: hitting a walk off to win a trophy.

Council Member Butters recognized the coaches.

Brandon Riley, thanked the City Council and staff for allowing them to play at the park across the street. They do not have the same reception in other cities. He reviewed some statistics from the tournament. This team is Utah's first and only Cooperstown Champions. It was an honor to represent Utah and South Jordan.

Rob Jeppson, said he has been working with the team for 4 years. He said they are 10 times better kids than players. They should be excited and proud of their future.

Guy Fowlks, dad of Ethan and coach, said the tournament was a dream come true for the boys and their parents. To win the tournament, they needed 11 boys to fully band together. The results are proven. He will cherish the time spent with these 11 young men.

Council Member Butters noted that many of the team members are at football practice.

Mrs. Fowlks, Ethan's mom, thanked the city for recognizing the boys. She said when Ethan was first diagnosed with autism, they were overwhelmed and unprepared. They found that he loved to play baseball. It was nerve racking to put him in a competitive situation. She was not sure if he could handle the super league team. She said the other boys and families have been awesome.

Mayor Osborne read the team proclamation.

### III. CITIZEN COMMENT

None.

### IV. SHORT RECESS PRIOR TO BEGINNING BUSINESS & PUBLIC HEARINGS

The City Council took a 5 minute recess.

## **BUSINESS AND PUBLIC HEARINGS**

V. PUBLIC HEARINGS AND POTENTIAL LEGISLATIVE ACTION ITEMS

- A.1. **PUBLIC HEARING – CLOVER RIDGE PROPERTIES** (Schultz, Chamberlain, Halcom), Land Use Amendment & Rezone Resolution R2013-43, Amending the Land Use Designation for three parcels within the Clover Ridge Subdivision from Rural Residential to Low Density Residential; and Rezone Ordinance 2013-03-Z, Rezoning same three parcels within the Clover Ridge Subdivision from R-1.8 to R-2.5; Parcels 11541, 11555, and 11577 South Lampton View Drive. (*Community Development Director Shaw*)

Community Development Director Shaw reviewed the background information on this item. He noted that the Planning Commission forwarded a favorable recommendation.

Mayor Osborne said he has concerns about the public utility easements through the parcels. Community Development Director Shaw said those concerns have been expressed and will be reviewed with the subdivision plat review.

Community Development Director Shaw said he is not aware of the legal status of the ownership of the parcels. There was some talk of doing this as part of the Coats and Ward property. For this property to go forward, the property below needs to be platted so they have access.

Council Member Newton asked when the secondary water report is generated? Community Development Director Shaw said during the subdivision process. City Engineer Klavano said every new subdivision is evaluated for the feasibility of secondary water. He is unsure about the feasibility of secondary water at this location at this time.

Council Member Newton asked if would be wise to consider studying other steps and force controllers that are sensitive to humidity, ground soil, and moisture, etc.

**Connie Halcom**, property owner on the south side of the street, said if this road is going to be opened up, they need to have a four way stop sign. There are big pine trees on the corner that they can't see around. She suggested a blinking stop sign. Someone will get hit sooner or later. Their family and the Chamberlains are most impacted by losing their privacy. If the street opens up, they want it safe for everyone. She noted that kids wait on the corner for the bus currently. She worries about when high school kids go through their neighborhood.

Mayor Osborne asked that the stop sign suggestion be reviewed with the final plat approval.

**Mark Schultz**, said he is the furthest plat to the north. Because the Coats/Ward subdivision was approved, it will land lock him. He does not want his land to be useless. He will lose his privacy when the road goes through. The neighbor next to him has secondary water. He has never had it on his property.

Mayor Osborne asked if they will be doing the subdivision themselves? Mr. Schultz said they have not decided. They just want the opportunity to do it in the future.

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

Council Member Seethaler said the comments and concerns raised by the landowners are valid. He encouraged staff to keep those issues in mind, including engineering, utilities, secondary water feasibility, traffic, and traffic enforcement.

A.2. Potential Action Item – (See V. A.1.) LUA R2013-43

**Council Member Seethaler made a motion to approve LUA Resolution R2013-43. Council Member Short seconded the motion. Roll call vote. The vote was unanimous in favor.**

A.3. Potential Action Item – (See V. A.1.) Rezone 2013-03-Z

**Council Member Butters made a motion to approve Rezone Ordinance 2013-03-Z. Council Member Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.**

B.1. **PUBLIC HEARING** – Ordinance 2013-07, An Ordinance of the City Council of South Jordan, Utah, Establishing a Temporary Land Use Regulation Prohibiting the Enactment of any Land Use Resolution Designating Property In The City as Village Mixed Use or Village Mixed Residential, Prohibiting the Enactment of any Zoning Ordinance Designating Property in the City as Zoned for the Village Mixed Use Sub-District of the Mixed Use Zone or Village Mixed Residential Zone.

Assistant City Attorney Ryan Loose reviewed the background information on this item.

City Attorney Wall said several applications came to them with the VMU and VMR designations and some questions arose from those hearings. Some of the questions include the size of property that this designation could be used on, and the number of properties with this designation that would be allowed in the city. This action puts everyone on notice that they have concerns and want to revisit the land use. They can end the regulation earlier than 6 months. They have the option of leaving the zone as is, making amendments, or doing away with it altogether. The only exceptions are those applications that have already been submitted.

Mayor Osborne opened the public hearing.

**Dave Alvord**, 4316 Open Crest Drive, asked why the application exception for this zoning change?

City Attorney Wall said statutory language in the state code and case law from the Supreme Court states that if an application is submitted and complete, the landowner and developer are vested in their right to develop under the ordinance in place at the time.

Mr. Alvord noted the delay in voting on this ordinance in the meeting two weeks ago. He said at the July 16<sup>th</sup> City Council meeting, there was an outcry from residents regarding this zone. They do not have to approve the zone changes that come before them. He noted an application to put high density at 11400 South 4000 West that was recently submitted. He encouraged the City Council to consider the applications and consider the sentiment that brought them here today.

**Robert McConnell**, 185 S. State St., said he is legal counsel for Fred Lampropoulos, who has one property master planned where this is a zoning he could apply for. Mr. Lampropoulos acquired a property with the old elementary school. When that building fell into disrepair, he took care of the property and has allowed the city to utilize the property for fire department trainings. Mr. Lampropoulos is concerned in trying to sell/develop this property that the flexible tool is being taken away. He does not feel the city has a compelling counter veiling public interest to justify a moratorium as required by the land use development management act. He acknowledged that there has been public outcry, but does not feel it is compelling counter veiling public interest. He said there are several opinions from the state's property ombudsman that suggests they don't reach the standard. This is not a serious threat to public health, safety, and welfare. They can modify the Ordinance without the passage of the moratorium. He said there is a minimum lot size for this Ordinance, and it is 4 acres. He feels this is a flexible tool for difficult infill sites. He said there is opportunity in the current process to review densities in the zone. It is a legislative decision. Landowners are part of the constituency as well, and they are entitled to some protections. He said there are limitations with Mr. Lampropoulos' property, including a bridge for a school that is no longer there. He said he has committed to keep the bridge. He said the master plan is not binding. He feels the moratorium is not appropriate. If they need to modify the Ordinance, they should go through the typical process.

Council Member Butters clarified that if this is approved, for the next 6 months, no action will be taken within this zone. City Attorney Wall said that is correct, except for the conditions and entitlements for those that have already submitted applications.

**Carol Brown**, 10221 S. 1040 W., thanked the City Council for considering this Ordinance and Resolution. The VMR proposal has been a nightmare for their neighborhood. There are many problems with it; no easements, setbacks, no provisions for green space, and no provision for how the density fits with the neighbors. The developer has so much power and they go to the residents and say if they don't like the townhomes, they can put in 4 story apartment buildings. There is bullying by the developers. There needs to be definite constraints on the VMR. The acreage requirement needs to be larger than 5 acres. This zone should be by an arterial highway. It should also include amenities so people aren't landlocked and there is no place to play and no way to get in and out. She said she is grateful that the City Council is addressing the problem. She said the density in the city is exploding and the school board representatives have indicated that they cannot accommodate the number of units being built right now.

**Charlie Nagler**, 2855 W. Amini Way, said he was here July 16<sup>th</sup> when a clear majority and message was sent from many South Jordan residents. He is grateful for the follow through and the City Council considering this Ordinance. They should look at clear definitions where the VMU makes sense including the size of lot, placement, and impact on the surrounding residents.

**Luane Jensen**, 11186 S. 2700 W., said she would also like to thank the City Council for putting a hold on this issue and revisiting it. They need to look at appropriate locations for the zone, the allowed density, and the amount of ground required for this zoning designations. She said she hopes they will have citizen input as they do this. There are a lot of issues with the schools as well. She appreciates the City Council listening to the citizens and doing what is right for South Jordan City.

Ms. Jensen said Mr. Lampropoulos is a nice person and has contributed to the city with Merit Medical. When he purchased the lot on 1300 West, the overpass was there. The city begged UDOT not to put the overpass there. UDOT would not remove the overpass because the EIS would have had to be redone and it would have put behind the 10600 South off ramp. On that property, Mr. Lampropoulos will likely get a commercial zoning designation. She said developers, landowners, and lawyers all need to make a living but they do not stay and live in the city.

**Susan Egbert**, 11323 S. 2700 W., said she was at the City Council meeting here on July 16<sup>th</sup>. There were a lot of people here recruited from a ways away from their property. They did not have the majority of the people next to them opposing their land use. She said she is okay to put this designation on hold and consider the questionable things. She said they need to consider the neighbors concern within a certain distance of a development. What happened to them was disturbing and she would not like to see that happen to another property owner. She said there was a double standard with Henry Walker Homes. When they tried to do commercial, they were told no. The City Council said do mixed use. They put time and effort into it, and then they were denied mixed use. This is not good for the City Council, citizens, or developers. It would be wise to put this on a temporary hold until all of the issues are worked out and the elections are over, and the political climate has calmed down. She said it is not fair for people to blame Council Member Butters and Council Member Short for the mixed use zone being approved. That is not on their shoulders. It goes out to the City Council, staff, and all of the adult citizens in the community. The land use and zoning went through an extensive process. It was done in order.

**Jesse Jacobsen**, 986 W. Melody Ct. (10125 S.) thanked the City Council for the temporary land regulation to better consider the high density VMR and VMU designation. He said he moved here for advantages that the city offers including open space, good schools, and low crime. South Jordan is the 2<sup>nd</sup> fastest growing community in the area. They have to be careful. This will impact future generations.

Mayor Osborne closed the public hearing.

Mayor Osborne said South Jordan has many infill areas and it needs to be structured appropriately. They are revisiting this designation and receiving input from the public and planning staff. There are expectations for landowners and developers. It has been confusing for those that have brought projects forward. They need to be clearer on what is acceptable for the community. He is supportive of the Resolution.

Council Member Seethaler expressed a desire for resident involvement and communication on the issues. What is feasible to involve the appropriate group of residents in the dialog to review the issues and make recommendations?

Mayor Osborne said he would like to see residents who have knowledge of and a desire to serve to find common solutions and be involved. Is that practical? CM Geilmann said those who have an interest in the issue will show up. The residents have had a number of opportunities to discuss this issue. He is not sure a generalized committee will gain more traction. He would rather have an open house process.

Mayor Osborne said these zones have mixed opportunities and concerns. They want their kids to live close by them, but it is difficult to afford the homes on larger lots. They have been building much higher densities in the Daybreak area. On the onset, they can give direction to staff to start formulating ideas. Once they develop the framework, they can have resident input.

Council Member Short said as applications started coming forward, it was not what he envisioned in the VMU zone. He said he would like input from the whole city, not a small group. It took a lot of time to get where it is at.

Council Member Seethaler said he feels they have a good sense of the shortcomings of the zone. The residents need to be included at the right time and place before final modifications are presented.

Council Member Seethaler asked if changes to the zone lend itself to amendments to the general plan? CM Geilmann said pieces of the general plan can be amended, just like the zoning. Council Member Seethaler said changes to the mixed use zone need to agree with the general plan.

City Attorney Wall said there will likely be changes to the general plan and the land use map.

Council Member Seethaler asked about the legal opinion regarding counter veiling and compelling public interest. He asked if putting a six month hold for review cause a materially devastating effect to an existing landowner and expose the city legally? City Attorney Wall said the ombudsman instruction on counter veiling dealt with issues after an application was submitted and the municipality was trying to put additional or different requirements than the code called for. He said he is comfortable that if the City Council desires to do this, this is the mechanism. They need to act expeditiously. He is not sure they will discover a lot more than they already know. Mixed uses can be problematic. Because of the pace of development, there may be areas appropriate for mixed use and people won't apply for it.

Council Member Barnes asked if it would be safer to look into the VMU regulations without the moratorium. He said they can continue to deny the proposed developments. He noted that there are 3-4 applications pending since this was discussed a month ago.

Assistant City Attorney Loose said when staff was directed to prepare this, they had 2 applications pending. Now there are 3-4 applications pending.



Council Member Barnes said he does not want to send mixed signals to everyone, but he is concerned about the perception that the city is picking winners and losers. This item was on the agenda two weeks ago, and it was put off so one more developer could get his application in.

City Attorney Wall said there was concern expressed about not wanting to cut off developments in the process of being submitted. He said some developers have contacted the city but not submitted applications. He said it had to be a completed application, including fees paid, before tonight. He is comfortable that this is a good mechanism.

Council Member Barnes asked what if a developer said they did not get the treatment that someone else had, and action was delayed for a certain developer? Would the consequences be severe? City Attorney Wall said no; unless there was a clearly planned intent on the part of the City Council or staff to manipulate it. He is not aware that was the case.

Council Member Newton said there is not a prevailing or forceful enough argument to counter the City Council's responsibilities and duties. They have seen a number of these applications already. He said staff would be providing comments and suggestions. They can then have a community center meeting to get residents input and then bring it to an official public hearing.

Council Member Barnes said his concern is with the legality about whether or not they can move forward when they put this off for another development. It is also an issue of fairness.

Mayor Osborne said the legality issue has been addressed and legal counsel feels comfortable with it.

Council Member Barnes said the other issue is fairness. Mayor Osborne said those individuals that were actively trying to move their process forward were given adequate time to do that. As far as they know, there are no individuals that are contemplating such a development at this time. Their real contemplation is if they need to view the two codes in detail or not. Council Member Barnes said he isn't challenging that, he is challenging if they need a moratorium while they do that. He noted the concern on Mr. Lampropoulos' property. Mayor Osborne said they address the concern with either a moratorium or simply say no to the proposed developments.

B.2. Potential Action Item – (See V. B.1.) ORD 2013-07

**Council Member Short made a motion to adopt Ordinance 2013-07. Council Member Newton seconded the motion.**

Council Member Seethaler asked if they can include in the motion the importance of acting expeditiously and involve the residents at the appropriate times and ways, and that the results of the work to be done will include recommended changes to the general plan.

**Council Member Short included Council Member Seethaler's suggestions in the motion.**

Council Member Short said with the residents, he would prefer they gather in an open house discussion. Council Member Seethaler said they will have discretion on that.

**Council Member Newton seconded the motion.**

Council Member Newton said the process provides for residents' input. City Attorney Wall said the "residents" should include business residents also. He said the intent is not to stop village mixed use, but to clarify where it is going to be used in fairness to residents and property owners that may develop their property.

**Council Member Short said the intent is that "residents input" includes business residents also. Council Member Newton seconded the amendment to the motion.**

CM Geilmann said they would move expeditiously, even if it means bringing in outside help.

**Council Member Barnes made a substitute motion that in the interest of fairness in delaying this to accommodate the developer at 4000 West and 11400 South, that they move forward as otherwise recommended but reserving the Council's right to turn down any proposed mixed use applications, and allow for applications without the moratorium while they are considering how this will work with the future land use. He is okay to revisit and look at the land use plan and general plan. Council Member Seethaler seconded the motion.**

City Attorney Wall asked what applications have been submitted that are not complete or what developers have approached staff? He said they want to be fair to both sides. Community Development Director Shaw said they have people that come in all the time to discuss various properties. There are properties in various stages of change and application. There are 4 applications that he is immediately aware of. Others may be considering applying. There are a couple that staff discouraged from applying, based on City Council's concerns. The applications that are complete always have the option of denial. Three of the four completed applications have not yet gone to the Planning Commission. He said there are likely others out there that would have submitted an application if they had something ready. He said these things take a long time to get ready. He said staff has options to help the City Council implement what they have in mind.

**Roll call vote on the substitute motion. The motion failed 1-4, with Council Member Newton, Seethaler, Butters, and Short voting against.**

**Roll call vote on the original motion. The vote was unanimous in favor.**

## VI. OTHER BUSINESS

- A.1. Resolution R2013-45, Proclaiming September 2013 as "ATTENDANCE AWARENESS MONTH" in South Jordan City. (*By Public Information Officer Dawson*)

Public Information Officer Dawson reviewed the background information on this item. He indicated that there is widespread support for this, but no groups supporting it that would cause red flags to the city.

Council Member Newton said this issue was discussed at the Legislative Policy Committee. It is a worthy initiative.

Public Information Officer Dawson reviewed the municipalities that have approved this and those that will soon be approving it.

Council Member Seethaler said this causes him to think about what measures the city government and staff can take to influence this. It is worthy of continued consideration.

CM Geilmann noted representatives from the Jordan School District that are present.

Dr. Godfrey, administrator of schools with Jordan School District, expressed support for the resolution. He indicated that they also have school board members present. They are focused on increasing attendance. The instructional days are meaningful and engaging. Once the kids are there, they can make the most of it.

Mayor Osborne recognized the School District and School Board representatives that are present.

A.2. Potential Action Item – (See VI. A.1.) LUA R2013-43

**Council Member Newton made a motion to approve LUA Resolution R2013-43. Council Member Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.**

B.1. Resolution R2013-50, Approving a Public Art and Cultural Development Board (PACDB) Grant in the amount of \$3000 to the South Jordan Community Theatre for the production of “The Musical Adventures of Flat Stanley.”

Community Services Director Tingey reviewed the background information on this item. The production will be at Early Light Academy.

Council Member Seethaler indicated that the \$3000 request fits with the money allocated to the PACD Board.

Council Member Short said this organization puts a lot more money and effort into their productions than they receive.

B.2. Potential Action Item – (See VI. B.1.) R2013-50

**Council Member Butters made a motion to approve Resolution R2013-50. Council Member Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.**

**Council Member Short made a motion to take a break. Council Member Seethaler seconded the motion. The vote was unanimous in favor.**

- C.1. Resolution R2013-51, Approving the Creation of an ad hoc Backflow Program Review Committee. *(By Public Works Director Rasmussen)*
- C.2. Potential Action Item – (See VI. C.1.) R2013-51

**Council Member Newton made a motion to direct staff to take a further in depth look at this program and report back within the next month. Council Member Butters seconded the motion.**

Council Member Barnes said there are residents under the impression that this would be put in place tonight. Council Member Newton said he would like staff to study if the RPV is required and what alternatives there are. This will streamline the process for the benefit of the residents.

Mayor Osborne said they need to make sure the science is valid. Staff has more capability to eliminate emotion. If the science on this issue has changed, they can bring that information forward to us.

Council Member Barnes said he feels there are residents that can bring another perspective.

Council Member Short said residents can be brought in as part of the process.

**Council Member Barnes made a substitute motion to move forward with the creation of an ad hoc Backflow Program Review Committee. Council Member Seethaler seconded the motion.**

Council Member Barnes said there is no disservice to involve the residents. Mayor Osborne asked if they can invite residents to the staff meeting? CM Geilmann said he would prefer for staff to be able to do the research first, and then they can involve some of the residents to review the information that was found. After that, staff would bring a presentation to the City Council.

Council Member Newton said the process as outlined by CM Geilmann is included as part of his motion.

Council Member Barnes asked what is the mechanism for getting the residents together for a presentation? CM Geilmann said they could do a similar meeting as the spring water meeting. They can make specific invitations for people who have expressed concern about this issue. He said he has questioned if the science has changed since the program has been put in place and wonders if there are less intrusive processes that can be used. That needs to be researched.

Council Member Barnes asked what is the proposed time frame? Council Member Newton said a month and a half. He said regardless, they will be nearing the end of this year's watering season.

He said they do a fall get together in October and maybe they could include this in that meeting as well. He said he would like to get as many citizens involved as possible. That will also help with the overall awareness of the program.

Council Member Barnes asked if they would continue to not cite anyone for non-compliance until it comes back to the City Council? CM Geilmann said yes.

**Council Member Barnes withdrew his substitute motion.**

Council Member Seethaler asked that the City Council be informed of the proposed forum.

**The vote was unanimous in favor.**

- D.1. Resolution R2013-52, Requesting the Governor to encourage the Utah State Legislature to Support Recycling and Reuse of Water. *(By ACM Gary Whatcott)*

ACM Whatcott reviewed the background information on this item.

Mayor Osborne said this discussion will continue to move forward. Water is a limited resource. The master plan for water is troubling in that the way they will fulfill their needs is to construct a pipeline and purification plant on the bear river and pump it. The cost of the water would go from \$400 an acre foot to \$1500-\$2000 an acre foot. You can imagine the cost to the residents if they don't start using the water more efficiently.

Council Member Barnes asked what needs to be done on the Reuse Act? ACM Whatcott said there are some technical issues that don't allow them to use reuse water to recharge the aquifer. The technology today has advanced the Act. The technology is now proven to be safe and reliable. The law binds the State Engineer's hands on what they can and cannot do. He said people are not talking about the use of recycled water, and that needs to be part of the discussion and long term solution.

- D.2. Potential Action Item – (See VI. D.1.) R2013-52

**Council Member Barnes made a motion to approve Resolution R2013-52. Council Member Newton seconded the motion. Roll call vote. The vote was unanimous in favor.**

VII. REPORTS AND COMMENTS

A. MAYOR

Mayor Osborne noted the \$495 million Jordan School District Bond. It will be on the ballot in November. Some thought that the bond would be paid for in 3, 5, or 10 years. In fact, it will be distributed over 3, 5, or 10 years. The payment term is 20 years. It will have a significant impact to the residents, equaling \$400-\$500 annually. He noted a graph showing the impact of the proposed Jordan School District School Building Bonds (Attachment A) and said the proposed

bonds would make Jordan School District's property tax 200 percent more than the state average, for the next 32 years. He said it is something that could impact their ability to grow the city, including the impact to companies, businesses, and commercial properties.

Mayor Osborne said there has been a lot of dialog that has made it back to the Jordan School District about implementation, how, where, and what kind of schools to build. A citizens committee may be created to review location and timing of schools.

Mayor Osborne said it would be premature for the city to take a position on the issue at this time. He asked City Commerce Director Preece to see how this will negatively impact the city. See if it has more impact to the city than the annual household impact. See how it will curb development.

Council Member Newton said some of the data in the 2007 School District feasibility study could be updated to give a picture of the overall impact to the city. Mayor Osborne clarified that he does not want to re-open the study at this time. They are just looking at impacts for the city.

Council Member Seethaler said it will be on this November's ballot. They should make facts available to the public as they pertain to the average homeowner, residents, and businesses within the city. They should also give any insight to what happened to the \$900 million bond and how that would compound obligations within the city. He feels it would be prudent to identify a short list of recommendations for the school district to consider from the city's viewpoint, such as the cost per sq. ft. of construction. They should not tell people how to vote on the issue, but the issues are real and they should make sure the impacts are understood.

Council Member Barnes said it would be useful to show how many schools are expected to be built versus the larger bond, as well as expected growth.

Council Member Butters said being the 2<sup>nd</sup> fastest growing city, they have an issue to deal with, and that is educating their kids. They need to have answer for the citizens. Council Member Short said a lot of people aren't thinking about long term issues with this bond. Council Member Newton said the bill starts at \$500 per resident. They will still need to have funds for administrative and overhead costs for all of these schools.

Council Member Seethaler said he feels there are other issues that can be looked at differently. Mayor Osmond said they could look at high school in 3 semesters rather than 2. There are many opportunities to explore. Increasing the commercial tax base would also help with these issues.

## B. CITY COUNCIL MEMBERS

Council Member Barnes said Senator Osmond and Representative Cunningham put together a good candidate debate.

Council Member Short complimented the PACDB on the chalk art event and the farmers market. The PACDB does a great job. Council Member Butters noted that a chalk artist submitted a

proposed chalk art that was rejected because it was not to South Jordan family friendly standards. The PACDB does a great job.

Council Member Seethaler said the international dance festival was a well attended and well done event. This year, it was more of a southwest valley event.

#### C. CITY MANAGER

CM Geilmann said next Tuesday at 5 pm, they have the election canvass to vote on the final election numbers.

Mayor Osborne indicated that he would not be present.

**Council Member Barnes made a motion to nominate Council Member Seethaler as Mayor Pro Tempore for the August 27<sup>th</sup> City Council meeting. Council Member Newton seconded the motion. The vote was unanimous in favor.**

#### D. OTHER

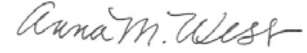
Council Member Newton noted the health fair this Friday at 6.

#### ADJOURNMENT

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

The August 20, 2013 City Council meeting adjourned at 9:30 p.m.

**This is a true and correct copy of the August 20, 2013 City Council meeting minutes, which were approved on September 3, 2013.**

  
**South Jordan City Recorder**