

SOUTH JORDAN CITY
CITY COUNCIL STUDY SESSION

March 4, 2014

Present: Mayor Dave Alvord, Councilman Mark Seethaler, Councilman Chuck Newton, Councilman Don Shelton, Councilman Steve Barnes, Councilman Chris Rogers, Interim CM Gary Whatcott, City Attorney Rob Wall, It Director John Day, City Council Secretary MaryAnn Dean

NOTE: “NO MOTIONS OR ACTIONS WILL BE TAKEN DURING THIS MEETING”

Mayor Alvord welcomed everyone and noted that all Council Members are present.

Councilman Barnes offered an invocation.

I. TRAINING

A. 2014 Legislature Update – *(By ACM/City Attorney, Rob Wall)*

City Attorney Wall reviewed amendments being considered to the breed specific ban bill. He also updated the City Council on the school district split law. He recommended they allow Senator Osmond to make their argument regarding the points on the feasibility study and the level of service. They are hoping to get Senator Valentine or Senator Bramble to argue the point about needing 5 percent of the electorate to sign the petition to vote on the issue.

B. Powers of the Mayor Training – *(By ULCT General Counsel, David Church)*

David Church, ULCT General Counsel, was introduced. Mayor Alvord reviewed a proposal for how Council Members can place an item on the agenda. It was noted that an email request to the Mayor is just an option, not the required method.

Councilman Rogers said the proposal does not affect the Mayor’s ability to put something on the agenda. This is a way that the City Council can force an issue. To keep balance in the meetings, the Mayor needs to be able to move items to different meeting dates. It was noted that the current Mayor and CM go through the agenda in advance.

Mayor Alvord finished reviewing the proposal.

Mr. Church indicated that the city does not have a lot of rules for their meetings. There is not a rule in this city to say how things are placed on the agenda. There is also not a rule that defines what is on the first reading calendar. The law makes the Mayor the chairman of the City Council, but does not define the role of the chairman. In the absence of rules and procedures, the perception is that the chair will decide on the agenda. He said most cities have adopted a policy that things go on the agenda at the request of the Mayor, or 2 City Council members. The City Council should adopt rules and procedures for the meeting by resolution. One City Council Member can request that the Mayor place something on the agenda.

Mayor Alvord asked what if the City Council says the Mayor cannot put an item on the agenda? Mr. Church said the Mayor has the power to call a meeting for a purpose. The Mayor can always call the meeting and see who shows up. He said it takes 3 City Council members to make a quorum. The Mayor is the only one given distinct powers. The City Council has group powers.

The City Council discussed the purpose of the first reading calendar. Councilman Newton said he does not want to make the process overly burdensome by requiring issues to be on the first reading calendar first. Councilman Rogers said he would like the option available.

Mr. Church said they should conduct the rules so that the minority can have their say, but not necessarily get their way. They do not want the process overly cumbersome because they lose efficiency.

City Attorney Wall said one reason for the concept of the first reading is because some issues are better to let the City Council read and digest for more than just a few days.

Councilman Rogers said they don't need to require that an issue go through the first reading calendar, but just leave it as an option for more complicated issues.

The City Council discussed clarifying the language that if an item has not been through the first reading procedure, the Mayor can adjust the order but not remove it from the agenda. Interim CM Whatcott asked that agenda requests be sent to him, not the City Recorder. He will give the agenda to the City Recorder.

The City Council discussed a rule to control the pace and length of the debate on an issue. When the question is called for, the debate ceases.

Mr. Church recommended that the City Council do their deliberations in public meeting. If they need to discuss the issue between the Council Members, it should be done face to face and not over email.

The City Council discussed being sensitive to the due process component in public hearings, but also the City Council having the prerogative to move on and cut off the debate at some point.

City Attorney Wall said they can put in the policy for the Mayor to have discretion to end the debate, call for the question, etc.

II. MAYOR AND COUNCIL ITEMS FOR REVIEW AND DISCUSSION

A. Utah Homeowners Association Presentation

This item was discussed later in the meeting.

III. STAFF PRESENTATIONS AND DISCUSSION

A. Shumway Land Use/Koradine Drain Issue (*By City Engineer, Brad Klavano*)

City Engineer Klavano reviewed the drain issues relative to the Shumway land use change. The residents don't have a problem with the proposed land use, but they do have an issue with the land drain. There has been flooding in the area historically. They reviewed the history of the drain that got plugged and caused flooding. They reviewed the development agreement for this area. The developer will have to maintain the line on this section of the property. It was noted that this is not the city's pipe. They do not want ownership of it. The residents are aware that they have to maintain the pipe on their property. It was noted that the construction activity is not expected to encroach upon or affect the drain itself.

Councilman Seethaler asked is the development agreement sufficient for them to be confident that the issues are being managed? If there is a problem, does this give them a remedy to fix it?

Interim CM Whatcott said the residents in this area are well informed that the City is not maintaining the line. Assistant City Attorney Loose said the development agreement is recorded in this case, and a note will show up in the title report.

B. Planning Commission Contacts *(By ACM/City Attorney, Rob Wall)*

This item was not discussed.

C. Budget Discussion – Expenditures *(By City Finance Director, Sunil Naidu)*

COS Cunningham reviewed the fiscal responsibility section of the budget. This year's budget includes an HSA option for employees. They reviewed other proposed changes to health insurance rates for new employees. They are planning to increase the number of non-benefited part time employees where possible. They are eliminating the accidental medical indemnity benefit. Other indemnity programs can be bought into by the employees. It was noted that the staff is happy with the EAP provider and program. They have removed 4 full time positions, bringing the total to 302. Mr. Cunningham said staff is prepared to create a City Council review of all full time vacant position before filling them (except public safety employees).

Councilman Shelton asked how the city compares to other cities on a staff to resident ratio? COS Cunningham said they are in the ballpark of other cities; lean in a couple of areas. He said it is hard to compare because service expectations vary from city to city.

Councilman Shelton said he does not think the City Council needs to review all vacant employee positions. Councilman Newton said that function should be left to the City Manager. Councilman Seethaler said they should take the recommendation from the compensation committee on that issue.

Councilman Seethaler asked about consideration to contract services in the future. COS Cunningham said that has been discussed. The general concern about contracting services is measuring the true costs and losing local control.

Councilman Seethaler complimented staff for looking at the budget and responding to the demands of the economics, but protecting the existing employees. Mayor Alvord concurred and said staff is working to implement the City Council's vision. He agreed that they do not need to review every vacant position before it is filled.

The City Council moved back to item II. on the agenda.

II. MAYOR AND COUNCIL ITEMS FOR REVIEW AND DISCUSSION

A. Utah Homebuilders Association Presentation

Mark Woolley, representing the Homebuilders Association, introduced his group. He noted that they sent the City Council a position letter and statement.

Ross Holliday, Homebuilders Association Board Member, asked that the overlay not be repealed. He has heard the plan is to repeal it, correct it, and rebrand it. He said there has to be a way to address the density need. They need to be able to come up with a high density overlay that will work. He said there is not a larger economic engine than residential building. He said they are concerned about this issue being put off again. If it is repealed, they need to articulate the road map for which high density housing can be achieved.

Mayor Alvord said they will be meeting with the Homebuilders Association on this issue to get a recommendation on areas where higher density is appropriate.

Mr. Holliday said if they repeal the zone, they are making a big mistake. They should make changes to what is already there and be more efficient in bringing in groups to make recommendations and get the residents to buy in on the issue.

Councilman Barnes made a motion to recess. Councilman Rogers seconded the motion. The vote was unanimous in favor.

This is a true and correct copy of the March 4, 2014 Council Study meeting minutes, which were approved on March 17, 2014.


South Jordan City Recorder