



**AMENDED BLUFFDALE CITY COUNCIL**  
**MEETING AGENDA**  
**Tuesday, April 22, 2014**

Notice is hereby given that the Bluffdale City Council will hold a meeting Tuesday, April 22, 2014 at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah scheduled to begin promptly at **7:00 p.m.** or as soon thereafter as possible. Notice is further given that access to this meeting by the Mayor and or City Council may be by electronic means by telephonic conference call.

The Agenda will be as follows:

**BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING 7:00 P.M.**

1. Roll Call, Invocation and Pledge.\*
2. **PUBLIC FORUM** – (4 minute maximum per person to bring items not already on the agenda before the Council. Participants are encouraged to submit a written statement (1 copy) for items that are complex or that may require more than 4 minutes to present).
3. **CONSENT AGENDA:**
  - 3.1 Approval of the April 8, 2014 meeting minutes.
  - 3.2 Authorization for the City Manager to renew an agreement for Auditing Services with Hansen, Bradshaw, Malmrose and Erickson, P.C.
  - 3.3 Preliminary acceptance of Sage Estates Phase IIE Subdivision and beginning of the warranty period.
4. Presentation of the Bluffdale City Police Department First Quarter Statistical Report – Corporal Shane Taylor.
5. Presentation of the Bluffdale City Fire Department First Quarter Statistical Report – Chief John Roberts.
6. Presentation from the Bluffdale City Animal Control/Code Enforcement Department – Craig Rasmussen.
7. Preliminary and Final Plat application for Porter’s Place, a proposed single-family residential subdivision consisting of 17 lots located at approximately 15800 South Packsaddle Dr. in the R-1-10-Infill Overlay Zone, Gary McDougal & Ken Olson, applicants – staff presenter – Alan Peters.
8. Consideration and vote on an ordinance adopting rules related to use of City Park Facilities, staff presenter – Vaughn Pickell.
9. Consideration and vote on a resolution approving an Interlocal Cooperative Agreement between Salt Lake County and the City of Bluffdale for acquisition of right-of-way for Jordan Narrows Road – staff presenter – Vaughn Pickell.
10. Mayor’s Report.
11. City Manager’s Report and Discussion.

## PLANNING SESSION

12. Please Note: The planning session is for identifying future items and other council discussion in accordance with Utah Code 52-4-201(2) (a). While the meeting may be open to the public, there will not be any opportunity for public input during the planning session.

## WORK SESSION

13. Discussion on Independence Park (Haerr Property) - presenters – Grant Crowell/Steve McCutchan.
14. Discussion on Private Lanes/Infill Development – staff presenter – Grant Crowell.
15. Closed meeting pursuant to Utah Code § 52-4-205 (1) to discuss the character, professional competence, or health of an individual, collective bargaining, pending or imminent litigation, strategies to discuss real property acquisition, including any form of a water right or water shares, security issues, or any alleged criminal misconduct (if needed).
16. Adjournment.

**Dated this 21st day of April, 2014**

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND AGENDA WAS FAXED TO THE SOUTH VALLEY JOURNAL, THE SALT LAKE TRIBUNE, AND THE DESERET MORNING NEWS; POSTED AT THE BLUFFDALE CITY HALL, BLUFFDALE CITY FIRE STATION, AND THE COMMUNITY BULLETIN BOARD AT THE BLUFFS APARTMENTS; EMAILED OR DELIVERED TO EACH MEMBER OF THE BLUFFDALE CITY COUNCIL; ON THE CITY'S WEBSITE AT [WWW.BLUFFDALE.COM](http://WWW.BLUFFDALE.COM) AND ON THE PUBLIC MEETING NOTICE WEBSITE, [WWW.PMN.UTAH.GOV](http://WWW.PMN.UTAH.GOV)



**Teddie K. Bell, MMC**  
**City Recorder**

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening's agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting. In compliance with the American with Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 801-254-2200. TTY 7-1-1.

\*Contact the City Recorder if you desire to give the Invocation.

**DRAFT – FOR DISCUSSION PURPOSES ONLY**

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**Present:** Mayor Derk Timothy  
Alan Jackson  
Bruce Kartchner  
Ty Nielsen  
Heather Pehrson  
Justin Westwood

**Others:** Mark Reid, City Manager  
Vaughn Pickell, City Attorney  
Grant Crowell, City Planner/Economic Development Director  
Michael Fazio, City Engineer  
Alan Peters, Associate Planner  
Craig Rasmussen, Animal Control/Code Enforcement Officer  
Police Chief, Andy Burton  
Precinct Commander, Shane Taylor  
Fire Chief, John Roberts  
Teddie Bell, City Recorder

Mayor Derk Timothy called the meeting to order at 7:05 p.m.

**BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING**

**1. Roll Call, Invocation, and Pledge.**

All Members of the City Council were present.

Craig Rasmussen offered the invocation.

Ty Nielsen led the Pledge of Allegiance.

**2. PUBLIC FORUM.**

Steve Sontag, 14473 South Frost Court, asked about the construction that will take place on 14600 South. City Engineer, Michael Fazio, stated that UDOT is planning to roto-mill and overlay the road from Pony Express to Redwood Road.

There were no further members of the public wishing to speak. The public forum was closed.

**3. CONSENT AGENDA:**

**3.1 Approval of the April 8, 2014, Meeting Minutes.**

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- 3.2 Authorization for the City Manager to Renew an Agreement for Auditing Services with Hansen, Bradshaw, Malmrose and Erickson, PC.**
- 3.3 Preliminary Acceptance of Sage Estates Phase IIE Subdivision and Beginning of the Warranty Period.**

**Ty Nielsen moved to approve the consent agenda. Bruce Kartchner seconded the motion. The motion passed with the unanimous consent of the Council.**

**4. Presentation of the Bluffdale City Police Department First Quarter Statistical Report – Corporal Shane Taylor.**

Police Chief, Andy Burton, presented the Police Department's First Quarter Statistical Report and noted that this has been an eventful quarter. He reported that Saratoga Springs is moving to a one car per officer program with seven new cars on order. Under the new policy the officers will be allowed to take their cars home. An analysis conducted determined that the positive impacts of the program will far outweigh the minimal cost. It is a significant step for the department because currently theirs is the only municipal department in Salt Lake or Utah County that does not have a one car per officer program.

City Manager, Mark Reid, stated that Bluffdale has one car per officer but they do not currently have a take home plan. The only employees who take their cars home presently are the Vehicle Enforcement Officer and the Precinct Commander. Heather Pehrson asked about the past reasoning behind not allowing officers to take cars home. Chief Burton stated that it was primarily due to lack of cars and manpower. In response to a question raised by Council Member Pehrson, Chief Burton confirmed that the take home policy increases moral and that the vehicles are better taken care of, costs decrease, and retention improves. He agreed to provide the Council with a report previously provided to the Saratoga Springs City Council.

Chief Burton described some of the events supported during the last quarter. They advertised for new officers for which 45 applications were received. Four officers and one animal control officer were ultimately hired after undergoing physical fitness tests and a written exercise. Unfortunately, the department supported two funerals and was involved in active shooter exercises. He noted that they have a great deal of interaction with Camp Williams. Chief Burton stated that the department recently ran a Corporal Promotion process, which was described.

Trainings conducted during the quarter were described and many were adjusted to be more hands on and active skills based. The department increased its weapons training and made it more realistic for officers. They did something similar with their tactical training and SWAT team as well. Chief Burton reported that a simulator was purchased with half paid for by the Salt Lake District Attorney. Area law enforcement agencies were encouraged to participate in simulator training. He explained that it is a very realistic simulator and allows them to analyze the officers' capabilities as

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they make decisions. Chief Burton displayed the organizational chart and stated that it remains unchanged with the exception of the number of officers.

Corporal Shane Taylor presented the 1<sup>st</sup> quarter statistics, which will be made available on the City's website. In January there were 154 incidents, 156 in February, and 154 in March. Heather Pehrson asked about response times and stated that some included hazardous conditions. Corporal Turner stated that they can include an object in the road and narrow dispatch as factors that decrease response times. Response time issues were discussed.

Corporal Taylor next presented arrest data and stated that in 2012 there were 294 arrests and 302 in 2013. Thus far this year there have been 66 arrests. There has been a significant amount of drug activity and officers have had the opportunity to make arrests thanks to confidential informants. They were proud of the fact that they stopped drug rings that were selling in Bluffdale.

Corporal Taylor stated that there have been 154 incidents so far this year. Various crime data was presented on thefts and frauds, vehicle thefts, sex offenses, incidents of child abuse, traffic offenses, alarms, and accidents. With respect to investigations, there were currently 92 active cases. Corporal Taylor reported on the CAPS program and stated that this last month there were 10 hours of volunteer service, which equated to \$486 in volunteer service.

Mr. Reid reported that currently the City is fully staffed with their fleet. Two cars were totaled in accidents and replaced.

**5. Presentation of the Bluffdale City Fire Department First Quarter Statistical Report – Chief John Roberts.**

Fire Chief, John Roberts, presented the Fire Department First Quarter Statistical Report and expressed his appreciation to the City's Police Department for their support. Statistical data for 2013 was presented. There were 409 fire and medical calls with 296 medical calls and 113 fire calls. There were 317 calls in Bluffdale City. Data was presented for the first quarter of 2014 for EMS calls. It was noted that the lowest number of calls are typically received on Sundays and Mondays. Wednesdays to Fridays are much busier.

Chief Roberts reported on medical calls received during the first quarter and stated that 39 were in Bluffdale, one was at Camp Williams, four were in Draper, and four were in Riverton. Hospital and transport data was discussed as well as response time issues. A photo was displayed of the City's new Aux fire truck.

**6. Presentation from the Bluffdale City Animal Control/Code Enforcement Department – Craig Rasmussen.**

Animal Control/Code Enforcement Officer, Craig Rasmussen, commented on state legislation and what specifically may potentially affect Bluffdale City. HB 57 proposed that all animals be put

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down using gas. It was fought by the Animal Control Association of Utah and failed, which Mr. Rasmussen was pleased about. HB 97, which passed, allows cities to ban specific breeds of animals. He estimated that 30% of dog bites in the City are already attributed to pit bulls. He stated that if the Council chooses, the City could enact codes requiring muzzles, leashes, and insurance bonds on each dog of \$30,000.

Mr. Rasmussen next referenced HB 120, which passed, that requires rabies vaccination under contract with a veterinarian. It was noted that Bluffdale already deals with specifically with Dr. Lyle Barbour.

Mr. Rasmussen reported that dog licenses are due December 31. Prior to February 16, 331 people licensed their animals. There was also a clinic held where there were 180 participants. Progress was being made to bring all into compliance. Revenue from licensing was \$2,130, which by animal control standards, is significant. Statistics were presented pertaining to the City's Animal Control Department. Mr. Rasmussen stated that frequently people don't realize their dog needs a license and mistakenly believe a rabies vaccination is all that is required. Contact was being made with the owners of pets whose licenses have expired to determine the status of the animal.

Mr. Rasmussen commented on calls he has been dispatched to. Most involve horses and livestock or dogs that have been hit by a car. He was also called to remove 43 dead animals from roads. There were 14 bites reported and 26 animal attacks. Mr. Rasmussen stated that he delivers food to the South Jordan Shelter and takes the City's share of dead animals to the landfill. He also deals with lost animals, animals running at large, barking dogs, and issues involving animal cruelty. He noted that 31 citations were issued last year along with numerous impounds. A summary of costs charged by Animal Control was reviewed.

There was discussion of the possibility of Bluffdale's licensing fees being modified to match the rabies numbers. A survey of 80 officers was conducted with 57 responding. The survey compared Bluffdale's fees with other entities and inquired about electronic licensing, annual rabies vaccinations, revenues, tracking rabies, and the potential of returning licensing money after three years. Mr. Rasmussen described the dangers of Raccoon Roundworm and how it is contracted.

The potential of combining licensing efforts with Herriman, Riverton, and South Jordan was discussed. The problem he envisioned had to do with the cost of advertising. Mayor Timothy's suggestion was to allow Herriman and Riverton the opportunity to have a licensing person in Bluffdale so that people who come to get shots can get their licensing done here rather than being turned away. No advertising or cost would be involved.

Mr. Rasmussen stated that a deer hunt in Bluffdale is also being considered because deer are damaging gardens. Any property owner who is willing to allow hunters on his property must have a permit, release the City of any liability, and use only a bow and arrow. The City of Highland did something similar and it was very successful. They allowed each hunter the meat from one deer with the rest going to shelters. All that would be required would be for the Council to approve the

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issuance of degradation permits. Mr. Rasmussen stated that the City receives numerous complaints about damage done by deer. Council Member Pehrson expected there to be opposition to the issuance of degradation permits.

**7. Preliminary and Final Plat Application for Porter’s Place, a Proposed Single-Family Residential Subdivision Consisting of 17 Lots Located at Approximately 15800 South Packsaddle Drive in the R-1-10 Infill Overlay Zone, Gary McDougal and Ken Olson, Applicants – Staff Presenter – Alan Peters.**

Associate Planner, Alan Peters, presented the staff report and stated that the application has been a long time in the making. The subject parcel consists of 5.29 acres and is located south of Parry Farms where Packsaddle Drive ends and north of the right-of-way for Porter Rockwell Boulevard. The current land use map was displayed. The future land use designation for the subject parcel was determined to be low density residential. It was modified from mixed use in anticipation of this project. The zoning was adopted and changed to R-1-10 with the infill overlay by the City Council in January 2014. The overlay includes special requirements that apply only to one specific area.

Fencing, lot standards, and agricultural guidelines were discussed. It was noted that 17 lots were proposed. All lots are a minimum of 10,000 square feet with the smallest being 10,016 square feet and the largest being 16,254 square feet. The minimum lot width is 75 feet with an allowance for narrower lots on curves. A one-half acre parcel will be dedicated to the City as open space and to help with an area required as part of the construction of Porter Rockwell Boulevard in the future. Mr. Peters reported that the request was for preliminary and final plat approval. It was noted that the Planning Commission forwarded a positive recommendation to the Council along with several conditions.

Mr. Peters noted that there is adequate room along the back of the lots to accommodate a trail although there are currently no plans for one. It was noted that the developer is obligated to construct with the subdivision, a six-foot tall vinyl fence along the property line. Mr. Peters explained that with the option of Infill Overlay, the developer is obligated by City ordinance to provide fencing along three sides.

Mr. Peters reported that there is a 20-foot shared driveway emergency fire access road that runs between Lots 113 and 114. The purpose is to provide a second emergency access to the subdivision. It will also be dedicated as a public trail easement that will allow people to get from Porter’s Place in Parry Farms to the Bonneville Shoreline Trail, once it is constructed. It will also give homeowners the option of utilizing the emergency road as a shared driveway. The applicants have proposed “no parking” signage and bollards at the end of the driveway. The Planning Commission recommended the Council grant preliminary and final plat approval with numerous conditions set forth in the staff report.

Bollard issues were discussed. A condition of approval was added by the Planning Commission recommending that a different road closure be considered that would allow emergency access to

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residents. Mr. Peters stated that the ordinance specifies that the shared driveway shall be designated as an emergency fire access lane and gated on the south end. He explained that the intent is to prevent the road from becoming a thoroughfare in the future or a shortcut to Porter Rockwell Boulevard. The subdivision was largely designed to close off and finish Parry Farms and provide a buffer to Porter Rockwell Boulevard without creating a direct access.

Bruce Kartchner asked why the developer was not required to finish the trail. Mr. Peters stated that in this case, the developer is required to furnish the property.

Alan Jackson was not comfortable with the emergency access. Mayor Timothy stated that the emergency access will not prevent residents from escaping the area on foot, if necessary. If the Fire Chief is satisfied with the bollards with regard to emergency access, he had no objection. The Mayor expressed his preference for bollards rather than gates.

Trail access issues were discussed. Mr. Reid asked how residents will access the trail on Porter Rockwell Boulevard. Mr. Peters stated that the driveway will connect directly to the Bonneville Shoreline Trail. It was noted that the trail is in actuality someone's driveway and is privately owned. Mr. Peters clarified that if there is a gate, it has to be 20 feet wide. The bollards are three feet wide. Heather Pehrson felt that bollards would serve the residents better on a day-to-day basis.

Although a public hearing was not required, Mayor Timothy invited public comment.

Joe Sartori gave his address as 1685 West Prairie Hill Drive and stated that they have worked very closely over the past year with the developers, Mr. Olson and Mr. McDougal, on their plans. Both men have listened closely to and addressed the neighbors' concerns. Mr. Sartori submitted a list of signatures to the Mayor. He expressed support for the proposed plan and stated that a meeting was also held with the HOA where a possible secondary water extension was discussed.

The developer, Ken Olson, reported that the trail behind Parry Farms was built by Salt Lake County after Parry Farms was completed. In this case, they are providing the land. Bruce Kartchner clarified that at least part of the trail was built by Parry Farms.

**Ty Nielsen moved to approve the preliminary and final plats for Porter's Place subject to the following:**

**Conditions:**

- 1. That all requirements of the City Code, adopted ordinances, and building and fire codes are met and adhered to for this subdivision.**
- 2. That a note is added to the plat that states "Written documentation of approval of home plan by the Architectural Review Committee must be obtained before the issuance of a building permit by the City."**

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3. That the comments provided by the City Engineer, Michael Fazio, and listed on page 2 of the staff report are addressed before construction of the subdivision begins.
  - a. The drainage report should include evidence that the existing storm drain to which Porter's Place storm drain is tying to has sufficient capacity. A copy of the Parry Farms calculation for the storm drain showing available capacity would be sufficient.
  - b. The grading detail and the grading swale planned to drain the north lots do not agree. The designer needs to specify on the grading plan where the detail applies. The following conditions were added by the Planning Commission:
4. That the emergency access road be maintained by the HOA.
5. That signage is installed on either end of the emergency access road that identifies the road as a trail connection.
6. That a different road closure (gate) be considered that would allow the residents to have emergency egress.

**Findings:**

1. That the proposed subdivision meets the requirements of the R-1-10 Infill Overlay zone and the requirements of the Porter's Place Infill Overlay Requirements and is consistent with the general plan designation for low density residential.
2. That this application conforms to the City of Bluffdale Land Use ordinance requirements regarding preliminary plat and final plat approval.
3. That proposed change will allow the property to be developed into a residential subdivision that is compatible with Parry Farms and does not connect Pack Saddle Dr to Porter Rockwell Blvd.
4. That infrastructure is in place nearby to support the proposed residential subdivision.
5. That the proposed change will not be detrimental to the health, safety, or general welfare of persons or property within the area.

Justin Westwood seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.

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**8. Consideration and Vote on an Ordinance Adopting Rules Related to Use of City Park Facilities, Staff Presenter – Vaughn Pickell.**

City Attorney, Vaughn Pickell, reported that historically park rules have been posted on signs in the City parks. To date, however, they have not been adopted by ordinance. He was asked to draft an ordinance incorporating those rules and making them an official part of the City Code. The requested action was taken as a result of mounting concerns regarding commercial use of the parks and unauthorized overnight camping. Mr. Pickell stated that the ordinance also includes concerns identified as noise, amplified music, alcohol, and smoking.

With regard to reserving park facilities, reservations can only be made for City residents. Commercial use of the park is not allowed. Reservations are permitted between the hours of 6:00 a.m. and 10:00 p.m. The City may withhold reservations for any given period of time or revoke or cancel already scheduled events. The City may refuse reservations to those who have a history of violating the regulations or other applicable laws or abusing or misusing the City park facilities. An appropriate fee may also be charged.

General City park regulations that apply to use include:

1. Operating hours are from 6:00 a.m. to dusk.
2. Alcoholic beverages are prohibited.
3. Glass containers are prohibited.
4. Archery or firearms are prohibited.
5. Defacing any of the property is prohibited.
6. Smoking is prohibited.
7. Unauthorized motor vehicles or parking on the grass, golfing, overnight parking, camping, and littering are also not permitted.
8. Dogs must be kept on leashes unless authorized by the City Manager.

Mr. Pickell noted that the park regulations do not apply to City events.

Mayor Timothy stated that it is necessary for some organizations to make reservations one year in advance. He was concerned that some groups may be eliminated because of the scheduling restriction.

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Heather Pehrson asked whether a public hearing should be held and if the City's Public Works Operations Manager can be present.

There was discussion about parks being reserved by non-Bluffdale residents. It was also noted that sports leagues that use the park are not necessarily from Bluffdale. Section A, requiring reservations be made by a Bluffdale citizen, was stricken. Other proposed changes were discussed.

Mayor Timothy opened the public hearing.

Ashley Winters gave her address as 1937 West 14400 South and stated that she is a nine-year resident. She submitted a written letter that was submitted and made part of the record. Ms. Winters was proud to live in a community that is close knit, tolerant, neighborly, and friendly. She described herself as a kind, responsible, law-abiding citizen. Issues arose recently at a dog competition held next to the City Shake Out event where she had a confrontation with City personnel due to her dogs being off-leash. Ms. Winters stated that she supports a leash law and is not in favor of an ordinance being adopted without citizen input. She stated that at the conclusion of the event she received more than eight positive comments. Her understanding was that some are afraid of dogs but there are no facts to validate the claims made against their training group. Ms. Winters considers her dogs to be working dogs who contribute to the community. She suggested ways to accommodate responsible training such as the use of electronic collars and asked that the Council consider adding verbiage to Section O and conduct an objective assessment.

Josh McCleary gave his address as 1937 West 14400 South and stated that he participates in Utah Protection Sports, the same group his wife, Ms. Winters, is involved in. It is a non-profit organization and no one makes money from the training of dogs. At their most recent event there were participants from Nevada, Canada, Arizona, and France. He reported that in the U.S. there are only 20 to 35 trials of this type throughout the year. They realize the sport is a fringe sport but it is the foundation for nearly all police canine work in the United States. Over the past eight years they have served as volunteers at the Utah Peace Officers Association Canine Trial. Mr. McCleary stated that the requirement to leash a dog prevents them from practicing their sport and training their animals. The dogs are very well trained and all of the animals that participate must pass a mandatory socialization test. They receive several requests each year to train personal protection dogs, however, in order to be a member of their club the dogs must be training for a sport title. He proposed that dogs be off leash on an electric collar and allow a third party, such as the AKC, to determine a dog's sociability level and grant permission for it to be off leash. He hoped they would be given an opportunity to prove themselves and use the park to train.

A question was raised about liability insurance. Mr. McCleary stated that they purchase an insurance policy for events. There is, however, no liability insurance for individual training sessions. It was noted that the group reserved the detention pond area for the same day as the Shake Out event. He offered to conduct demonstrations during Town Days.

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Bruce Kartchner did not feel that use of the electric collar was as effective as a certification of the dog and the handler. The space needed for training was discussed. Mr. McCleary estimated it to be approximately one-third of the pond during the trial. For training, they use a smaller area.

Alan Jackson didn't want to prevent Mr. McCleary from doing what he loves as long as those participating have the necessary expertise. Heather Pehrson suggested exploring one area that would serve potentially as an off leash area. Ty Nielsen thought that Section O met the needs and would allow authorized individuals to keep their dogs off leash. Mr. McCleary stated that in order to keep interference to a minimum, they try to do their trainings on Sunday morning.

Mayor Timothy suggested the possibility of granting an annual permit if the dog is trained and certified. Alan Jackson stated that the rules and regulations are in place to address a situation when and if there is a problem so that there is something to enforce. Bruce Kartchner didn't like the idea of being at the park and having dogs run up to him, even though they may not be dangerous. He simply wants people to be responsible for their animals. There was further discussion about only allowing dogs with the proper certification to be off leash.

Dr. Susan Northrup, gave her address as 14526 South Frost Court, and stated that she moved to Bluffdale from Park City because it is animal friendly. She has two sport dogs that are involved in agility training. She clarified that she is not affiliated with Mr. McCleary's group. She stated that canine sports encompass many different things. People who train dogs do not neglect them. She expressed her support for off leash permits and considered it one way to make the community dog friendly. She wanted to make sure there is transparency in terms of which groups are authorized to have their dogs off leash. She stated that her dogs are involved in agility groups but there are numerous other groups in the community. Dr. Northrup stated that off leash parks are not good for competition dogs because the dogs that go there typically have less training. She would be concerned about taking her dogs there. She stated that they need a large area to train. Farmington has been very friendly to them so they drive there every week. She hoped to find a similar situation closer to home.

There was concern expressed that not all dogs will remain in the designated area and ruin it for those who are responsible. Alan Jackson supported the idea of specifying individuals in the community to certify dogs. The Mayor suggested forming a committee who can study the issue and make suggestions to the City Council. The Council supported the suggestion. Mr. Pickell stated that there are other aspects to the proposed ordinance and recommended the Council pass as much of it as possible tonight and make additions at a later date.

Jody Tuft gave her address as 16885 South 1400 West and stated that Ms. Winters is her friend. She suggested the Council see the dogs in action.

The Mayor stated that the committee will have to address the general public in the park who are not acquainted with their dogs. Ms. Tuft assured him that the dogs will not approach strangers or run

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off. The Mayor indicated that there is a larger dog population in the City that needs to be addressed as well.

Steve Sontag gave his address as 14473 South Frost Court and stated that he has seen the dogs in action and has been very impressed. He questioned why the City wants this kind of legislation. Mayor Timothy stated that there has been a history of issues over which the City has no regulation. One involves retail sales in the City Park. Heather Pehrson stated that there has also been unauthorized camping taking place in the park.

There were no further public comments. The public hearing was closed.

**Bruce Kartchner moved to pass an ordinance adopting rules related to the use of the City Park facilities, including the changes discussed and noted by Mr. Pickell on the master copy, and specifically striking Section O. Heather Pehrson seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.**

**9. Consideration and Vote on a Resolution Approving an Interlocal Cooperative Agreement between Salt Lake County and the City of Bluffdale for Acquisition of Right-of-Way for Jordan Narrows Road – Staff Presenter – Vaughn Pickell.**

Mr. Pickell reported that in conjunction with the water line project they are planning to widen Jordan Narrows Road to make it safer. In conjunction with the widening it is necessary to acquire property from Salt Lake County, which has been appraised at \$55,000 per acre. The intent was to purchase the parcels as fee simple and in their entirety. For one parcel the City will pay just 50% of the appraised value.

Mr. Reid explained that one of the reasons the City is seeking to purchase the adjacent parcels is in the event they ever need to widen the road. If that comes to fruition, the widening can take place over the top of the water line.

**Bruce Kartchner moved to approve an interlocal agreement for the acquisition of right-of-way from Salt Lake County finding that the amount paid is just compensation for the property necessary to widen Jordan Narrows Road and to acquire the fee simple parcels needed for the water line project. Ty Nielsen seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.**

**10. Mayor's Report.**

The Mayor explained that he attends meetings outside the City and never puts words in the City Council's mouth. His primary goal is to give the City options. With respect to charter schools one

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option is to work with the legislature to make charter schools more prevalent. When something is passed that he might not agree with, he doesn't make negative comments.

Mayor Timothy displayed a drawing showing the current proposal for the Bangerter Highway temporary access road. He stated that the plan could be constructed in the very near future. Changes were made to the plan to eliminate a left turn in one location. The current plans were reviewed and discussed. The intent was for the road to be completed by June 30.

**11. City Manager's Report and Discussion.**

Mr. Reid reported that the Emergency Preparedness Shakeout event was held with attendance being less than in previous years. This was attributed to it being held on the Saturday before Easter.

Mr. Reid hoped to have the budget ready for the Council to review at the next meeting.

A bid was received for the police vehicle that needed a new engine at an estimated cost of \$6,800. The second bid was \$7,100. Staff was able to get the work done for \$3,100 and the car is now back in service.

Mr. Reid stated that preliminary information was received on the City's health plan, which reflects an 18% increase. The desire was not to change the health program again. Currently the City's health plan is through Altius.

With respect to the charter school, Mr. Reid stated that at the last meeting the applicants were asked to present a traffic study. School has been out for spring break so they were unable to perform the engineering counts. They asked to pay all of their fees with the exception of the road impact fee and still be able to get water. They would then like to come back at a future date and discuss the issue. The Council did not support the proposal which they felt seemed one-sided. Mr. Reid remarked that the City is excited to have the school in the community and he felt would be an asset to the community.

**PLANNING SESSION**

**12. Planning Session.**

Heather Pehrson stated that they are ready to move on to the next step with the Parks and Trails Committee. Interested citizens were invited to serve. She planned to extend special invitations and asked for the Council's assistance. The intent was to involve and represent a cross section of the community and include people who use the parks, recreation, and trails. Some of the individuals mentioned included Gary Hamblin, Boyd Priest, Justin Stewart, Morris Clark, Wayne Mortimer, Justin Westwood, Brett Ogden, Chris McCandless, Greg Wolfley, Jody Tuft, Connie Jones, Theone Kartchner, Mike Dahl, Rich Pemberton, and Jolee Edwards.

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The Veterans' Memorial was next discussed. Alan Jackson reported that he was contacted by four scouts about projects. Mr. Reid asked about the statues and if donations were being pursued. Council Member Jackson stated that there has been no progress in that regard.

**WORK SESSION**

**13. Discussion on Independence Plat (Haerr Property) – Presenters – Grant Crowell/Steve McCutchan.**

City Planner/Economic Development Director, Grant Crowell, identified the property on a map displayed and stated that it is north of Independence. It is not within the Independence project or part of the development agreement. It is zoned Commercial and master planned as Mixed Use. It was noted that the canal serves as a natural buffer in addition to power corridors and a gas line. The buffers keep the area isolated from surrounding uses.

Steve McCutchan gave his address as 6720 South 1500 East in Salt Lake City was present on behalf of the applicant, Greg Haerr. He reported that the property is 34.6 acres in size. Their belief is that the Haerr property was included as part of the Mixed Use area because an offer was made to the property owner to include it as part of the original Independence development. Mr. Haerr, however, chose not to participate at that time.

The future of Noell Nelson drive was discussed. Mr. McCutchan stated that they see it becoming a residential collector and including the Haerr property as industrial will only create conflict. Their belief was that the property can never be developed as commercial and the likelihood of it being developed as industrial is slim. Mr. McCutchan recommended the City consider eliminating one access point. The property directly north of the Haerr property is designed to flow northward toward 14600 South rather than west toward Noell Nelson Drive where it will conflict with the residential traffic using Noell Nelson Drive as their primary point of ingress and egress to 14600 South.

Mr. McCutchan stated that their development proposal is based on a density of seven dwelling units per acre, which would allow for 242 dwelling units and 22% open space, which equates to 7.6 acres. They are also offering for sale housing and a combination of single-family detached and attached homes. Mr. McCutchan identified the 60' x 90' front loaded lots, the 55' x 90' alley loaded lots, and the urban townhomes surrounding a 3.3-acre park.

The developer believes that the park in the proposed location is better off of Noell Nelson Drive and that there ought to be a sports field for older youth and adults.

Mr. McCutchan presented the original plan, which proposed 243 units. The revised plan increases the park acreage by approximately .4 acre in order to accommodate a full size soccer field. The single-family lot sizes were reduced to accommodate a larger park and fewer town homes were to

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be built. In addition, more townhomes were proposed and a trail is planned along the top in the power corridor.

Greg Haerr, a Holladay resident, stated that he has owned the property for several years. He noted that it has been left out of the consideration for quite some time. Mark Shea originally approached him and made some offers that he found unacceptable. Mr. Haerr hoped to rezone the property residential. Bruce Kartchner pointed out that the other properties that are part of Independence are all mixed use. This one, however, is not. Mr. Haerr expected 1000 West to be used primarily as residential. For that reason the proposed plan was drafted. He was aware of other aspects of 1000 West that remain problematic and expressed his willingness to develop something that makes sense.

Ty Nielsen asked about the larger lots along the trail and was interested to know if they will be sold first. Mr. McCutchan responded that people buy property for different reasons. They intentionally, however, have avoided putting trails behind homes since many people don't like people walking there.

Zoning issues were discussed. Mr. Crowell explained that the mixed use zone encourages a variety of residential uses in conjunction with commercial. It was noted that the intent was to overlay the original Independence development with this development agreement in an effort to incorporate what was originally designed in those areas. Mr. Crowell stated that the biggest change was from the 2012 modification where the center commercial area from the original plan was moved.

Mr. Crowell reported that the property is part of the Eastern Bluffdale Redevelopment Area. There are 10 years left on the EDA and there could be some revenue there. A determination will have to be made at some point as to whether what is proposed fits with the redevelopment philosophy.

Heather Pehrson remarked that it is more difficult to accept as an isolated piece of property. Bruce Kartchner stated that because it was not originally part of Independence and despite the fact that there have been efforts to tie the property in because of its location, from an ordinance standpoint he did not consider it part of the development. He thought it should be developed as commercial or industrial. If it is neither he would look at it as a new piece and not an extension of Independence. Mr. McCutchan stated that it could be easily made an extension of Independence through the tie-ins including the road through Noell Nelson Drive and the parks and trails.

Bruce Kartchner stated that Independence is seeking higher densities. Mr. McCutchan stated that they do not believe an R-1-10 zoning would be appropriate for that location. Council Member Kartchner stated that without any other incentives he would have a difficult time approving seven units per acre. Mr. McCutchan stated that their perspective is that it should be viewed as part of Independence. Alan Jackson did not feel commercial makes sense there but supported residential. Access issues were discussed.

Mr. McCutchan did not foresee much of a market for .25-acre lots unless they are discounted substantially since they are either surrounded by industrial or small lot communities. Bruce

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Kartchner stated that there are transitions everywhere and at that point Independence is phasing into larger lots in the area.

Trail issues were discussed. Mr. McCutchan stated that their hope is to tie into the City trail. Bruce Kartchner noticed that the proposed project shows trails along the back sides of properties and noted that that is something the Acclaim developer has tried to avoid. Another option was to place the trail along the north side of the street in front of the lots. A determination of the best alternative would have to be found.

Bruce Kartchner remarked that the densities between the two developments are not that different. Rosecrest, for example, gives the feeling of a lot of buildings while Daybreak is much different even though the densities are similar. He felt that what is proposed seems to be rows of homes on both sides. Mr. McCutchan disagreed and stated that they placed many of the townhomes on the park to avoid that feeling. Access and zoning issues were discussed.

Mr. McCutchan stated that their assertion is that industrial will work against the purposes of Noell Nelson Drive. He thought the property should be residential and the area to the north reoriented toward 14600 South so that Noell Nelson Drive can continue to serve as a residential collector. Bruce Kartchner agreed and liked the idea of moving the commercial traffic. He was not, however, excited about mixed use at a density of seven units per acre. His inclination was to look at something in the R-1-10 Residential Overlay where there is a simplified development agreement in place that provides for the green space and open space. Mr. Pickell stated that the City needs to benefit from it.

Dave Tolman thought it was important for the Council to recognize that Mr. Haerr is not a motivated developer. He owns a piece of property that he is trying to make the best use of. They have discussed various alternatives with Mr. Haerr and he has always been very cooperative. There had been talk about him granting an easement for Noell Nelson Drive (1000 West). Mr. Tolman stressed the importance of dedication of the easement for 1000 West. It was noted that they are trying to complete 1000 West after 14600 South. There had been discussion about cooperating with the developers because of the situation that exists within the property. He considered Mr. Haerr's willingness to cooperate to be the motivation. With Mr. Haerr's help there will be three parties involved, which will allow for the completion of 1000 West.

Bruce Kartchner acknowledged that 1000 West is important and crucial for the development to occur. As a result, the developers are motivated to ensure that 1000 West goes through. Alan Jackson felt that in the end the City has to do the right thing. He was not in favor of mixed use. Bruce Kartchner agreed. Mr. Tolman also agreed unless it is considered part of Independence. Council Member Kartchner stated that the original Independence was contemplated with the area being commercial. If it had been commercial, it would have been included. Mr. Tolman recognized that the situation is a difficult one; however, he felt there were ways for all to succeed.

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Bruce Kartchner stated that from a profitability standpoint, the area being residential improves the property. He was not opposed to it being zoned residential but had a difficult time seeing it as mixed use because of what is excluded.

Mr. Crowell stated that the existing ordinance has requirements for a ratio of multi-family to single-family. Staff's perspective was that the townhomes are multi-family. Part of the ordinance was modified to accommodate new parts of the plan. The intent was for the ordinance to fit the project. He noted that there is a great deal of housing currently in the community. He questioned the need for the right-of-way and stated that there are a lot of parks coming on line very soon. Staff was informed that there is a shortage of sports fields. If this is determined to be a good location for them, this might be a good opportunity to provide more fields.

Alan Jackson saw it more as a residential issue and a matter of density. Mr. Reid stated that with the Independence property the density was set as part of the development agreement. Changes were made to the single-family homes and trails and open space was added to improve the overall look and feel. The subject property has no density attached to it. One option was to provide the option for the developer to achieve greater than the normal density in exchange for amenities. What is not known is the base density owed to the subject property since it was not part of Independence.

Alan Jackson's preference was to consider it as a standalone piece of property. He did not want to set a precedent that every parcel around Independence is now grandfathered into the agreement.

Mr. McCutchan thought there were alternatives to consider if the City wants certain benefits from development of the property such as participation in 1000 West, parks, and trails. He stated that within the MU zone there is a sliding scale of units for certain amounts of open space. He hoped a balance could be reached. He noted that the mixed use zone makes residential development beyond one-acre lots work. He also thought mixed use was a perfectly good zone for residential property.

**14. Discussion on Private Lanes/Infill Development – Staff Presenter – Grant Crowell.**

Mr. Crowell reported that the PRD and the CRD were repealed and several requests are being received for infill projects. There are disparate road standards to be dealt with, which were described. He noted that in Independence and Bluffdale Heights as well as throughout the community, there has been a history of development occurring on private rights-of-way. A map was displayed with the areas of interest shown in red.

Mr. Crowell stated that there is a lot of area that can be divided with the zoning, even on the west side of the community where there is one-acre zoning. There had been discussion among staff and a field trip was taken to the City of Holladay, a community that is developing almost exclusively on private lanes. There was discussion about areas where public streets are not needed and the policy shift where the Fire Code would allow development off of smaller facilities than is currently allowed. The basic standard Holladay has in place was discussed. Mr. Crowell learned that there is

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a basic standard of 20 feet in Holladay; however, in situations where the lane is longer or narrower they work with the Fire Marshal on a potential code modification. Bluffdale, however, has not adopted any appendices.

The Ken Milne property was discussed. Mr. Crowell stated that Draper City has developed a tiered approach that allows up to 20 single-family lots. Previously Draper only allowed four units on a private drive. For more than four a 60-foot street was required. Mr. Crowell asked the Council if they want to keep the 30-unit requirement. His opinion was that the 30-unit requirement should be maintained but not the length restriction if it is based on the Fire Code.

Ways to set a rational threshold were discussed as well as safety issues. It was noted that in Holladay there have been no instances where the City has taken over a private lane; however, they require maintenance by the property owners specified on the plat. Private road and utility issues were discussed. Mr. Crowell stated that the City of Holladay has three different water districts but they are considered public. It was noted that any concerns could be addressed in the past.

Heather Pehrson was comfortable examining the private lane issue particularly in terms of fire and safety issues. She was, however, still concerned about the threshold with which they move toward City standards with Ken Milne's property being a good indicator. Mr. Crowell's advice was to start counting at Redwood Road. Bruce Kartchner suggested it be allowed to remain private until the width is obtained. Council Member Pehrson suggested they count from the closest public road. Fire Code issues were discussed.

Mr. Haerr stated that he is a Holladay resident and lives on Walker Lane, which is a private drive. The fire hydrants had to be replaced and the lane was paved by the City. Bruce Kartchner liked the private lane concept because it reduces the requirement for storm drains. He recommended staff draft language based on what they have seen that allows for private lanes. An appropriate threshold was discussed. Mr. Reid stated that Holladay has three thresholds; private drives, private lanes, and private roads. Heather Pehrson considered the fire issue to be separate since it can be addressed in other ways.

**15. Closed Meeting Pursuant to Utah Code §52-4-205(1) to Discuss the Character, Professional Competence, or Health of an Individual, Collective Bargaining, Pending or Imminent Litigation, Strategies to Discuss Real Property Acquisition, Including Any Form of a Water Right or Water Shares, Security Issues, or any Alleged Criminal Misconduct.**

**Bruce Kartchner moved to go into closed session pursuant to Utah Code §52-4-205(1) to discuss litigation and potential litigation and the character and competence of an individual. Justin Westwood seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.**

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The City Council was in closed session from 12:14 a.m. to 12:44 a.m.

**Bruce Kartchner moved to return to open session. Ty Nielsen seconded the motion. Vote on motion: Heather Pehrson-Aye, Bruce Kartchner-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.**

**16. Adjournment.**

The City Council Meeting adjourned at 12:44 a.m.



Teddie K. Bell, MMC  
City Recorder:

Approved: May 13, 2014

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**BLUFFDALE CITY COUNCIL  
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Tuesday, April 22, 2014**

**Present:** Mayor Derk Timothy  
Alan Jackson  
Bruce Kartchner  
Ty Nielsen  
Heather Pehrson  
Justin Westwood

**Others:** Mark Reid, City Manager  
Vaughn Pickell, Acting City Manager/City Attorney  
Grant Crowell, City Planner/Economic Development Director  
Michael Fazio, City Engineer  
Teddie Bell, City Recorder

At 12:14 a.m. Mayor Derk Timothy called the meeting to order.

**Motion:** Bruce Kartchner moved to go into closed session pursuant to Utah Code §52-4-205(1) to discuss litigation and potential litigation and the character and competence of an individual.

**Second:** Justin Westwood seconded the motion.

**Vote on motion:** Bruce Kartchner-Aye, Justin Westwood-Aye, Ty Nielsen Aye, Heather Pehrson-Aye, Alan Jackson-Aye. The motion passed unanimously.

Litigation and pending litigation as well as the character, professional competence, or health of an individual, and property acquisition issues were discussed.

**Motion:** Bruce Kartchner moved to adjourn the closed session and return to open meeting.

**Second:** Ty Nielsen seconded the motion.

**Vote on motion:** Bruce Kartchner-Aye, Justin Westwood-Aye, Ty Nielsen-Aye, Heather Pehrson-Aye, Alan Jackson-Aye. The motion passed unanimously.

The City Council resumed the open portion of the meeting at 12:44 a.m.

  
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Teddie K. Bell, MMC  
City Recorder

Approved: May 13, 2014