

SOUTH JORDAN CITY
CITY COUNCIL STUDY SESSION

May 20, 2014

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

Others: See Attached (Attachment A)

Mayor Alvord welcomed everyone present. He excused Councilman Barnes who was not present at this time. He recognized Senator Osmond.

STUDY SESSION – 4:00 PM

A. Invocation: *By Councilman Mark Seethaler*

Councilman Seethaler offered the invocation.

B. Legislative Report: *(By Senator Osmond and Dave Spatafore)*

Mayor Alvord thanked Senator Osmond for his service. In COM, they had a discussion about how to increase Class C money to put towards roads. Since the gas tax didn't pass, they created a committee of 5 Mayors to come up with a proposal as a united voice by COM that would pass the Legislature. He said he will be serving on that committee. He said some cities, such as Sandy, are having to use general fund money to cover what they need for their roads. It is not a huge problem in South Jordan at this time, but will be in the future if they don't find a state funding mechanism.

Mayor Alvord said he met with the Mayor of West Jordan who is concerned about a law that makes it hard for auto dealerships to open their doors without the permission of other auto dealership owners. Currently, West Jordan has no auto dealerships. He said he would like to support West Jordan's position to liberate and make more free market principles applied in the state.

Senator Osmond gave the City Council a Legislative report. He said one issue he continues to work on is equalized local property tax funding for school districts across the state. Currently Park City School District's funding is \$9,000 per pupil. Jordan School District's funding is \$1,500 per pupil. Park City's property tax burden is half of what ours is. The burden and the result are significantly disparate. They have tried unsuccessfully to equalize the current funding. He said South Jordan is affected by this because they will have to raise funds in order to build more school buildings. There are a lot of Legislators that want to fix this issue once and for all.

Senator Osmond indicated that the Tax Payer's Association recognizes the tax burden and the inequity. They do not support anything that is a tax increase. The more affluent areas are less anxious about equalization with new funding. This is an important political issue. The cities and school district need to work together on the issue. He has given a presentation to the Jordan Coalition. He explained a proposal to leave the tax rate where it is today. The rate will not fluctuate and it will generate more money. They can then distribute the funds based on need. They discussed the impact that would have on school district revenues. Some people feel that it would have to go through the truth in taxation process, some do not.

Councilman Barnes arrived at this time.

Senator Osmond said regarding Class C Road funds, he supports giving more state money to the cities or enabling the cities to vote for those types of increases for themselves. The Legislative leadership was not interested in a gas tax. They are planning to address the issue in the next Legislative session. Councilman Newton noted the local sales tax option. That may be addressed in the next Legislative session.

Mr. Spatafore said they anticipate that transportation funding and transportation projects will be addressed in the 2015 Legislative session including 2700 West and the interchange at 11400 South Bangerter Highway. There is concern that the gas tax is a dying tax with CNG and electric cars. It won't solve the problem, it will delay the problem. One problem with the local option gas tax is how to collect it.

Interim CM Whatcott noted the 1 percent sales tax option that the municipalities could split on any needs that they had. Mr. Spatafore said they need to be creative and look at all options. They need to bring in the legislators earlier than last year. The sales tax option might be too broad.

Mayor Alvord said all goods and services that one consumes gets there by roads. He said at the ULCT conference, one speaker said people don't mind paying for roads. They do mind raising money for roads that is then used for other special interest items.

Mr. Spatafore said South Jordan representatives need to be at the transportation committee meetings every month to talk about the 11400 South Bangerter interchange. Currently the project is 5th on the list. Potentially 2 projects could get funded this year, and 3 projects could get funded next year. City Engineer Klavano said the oval about also needs to be included. Councilman Newton suggested that someone from Boyer attend the transportation committee meetings as well.

The City Council discussed a bill regarding computer aided public safety dispatch. Interim CM Whatcott said VECC and Salt Lake City put together an RFP to combine into one system. Mr. Spatafore said the Legislators want one system. The cost is \$2.5 million.

Senator Osmond said regarding the city splitting from the Jordan School District, the challenge with the Jordan School District (JSD) does not appear to be the structure of the school district, but rather individuals in the school district. He said other municipalities in the school district would be affected adversely. He said he is anxious about doing another split. He does not have a

problem looking into what it would take to do the district and what impacts there would be. He is interested to see how the economics have improved. He said they should proceed with caution and look beyond South Jordan City. He is anxious about the split.

Councilman Barnes said one option discussed was the encouragement of charter schools in South Jordan. Senator Stephenson supports the idea of students residing in the city of the school receiving preferential treatment for enrollment. That can help take the burden off of the growth in the school district. It was noted that the original purpose of charter schools was to create innovation in education, not ease the growth burden of the school district.

Councilman Rogers said he agrees that the problem is individuals, not the structure of the school district. How do they address problems with individuals? Senator Osmond said they should support the school board members who understand the problem and will act on that. He said their job is to manage staff, not the other way around. Councilman Barnes said they can't effect change on the school board significantly. Senator Osmond said it is challenging, but he believes it can be done.

Senator Osmond said the school board has a fiduciary responsibility that should not be handed off to staff. He noted a bill that he is working on that would require full disclosure of the school district's financial perspective by the school district staff to the school board, or they would face criminal prosecution.

Councilman Rogers said given the budget of the JSD and their liabilities, he feels they need in house legal counsel advising the board, which they currently don't have.

Councilman Shelton said the charter schools can't take up the slack of growth issues because the school district is still required to maintain classroom space for all kids, including those at charter schools. Senator Osmond said there are ways around that.

Councilman Newton expressed concern that the school board did not want to meet with them without their superintendent or deputy superintendent because they did not have answers to the questions. He agreed that they should be required to hire an attorney that reports only to the school board.

Councilman Newton noted property in different cities that is owned by the school district but not being used. There was room at the auxiliary services building for the administration so why did they spend \$7.5 million for their current building? That could have been used for an elementary school. He said they should consider a legislative remedy that the school district has to pre-identify property to be used for schools or not be allowed to purchase investment property. He was told that are using property to trade for other properties. He said the school district should not be allowed to bond for investment properties.

Councilman Barnes said the same argument could be made for the city purchasing Mulligans, if one reason is that it is a good investment. The city bonded for that property.

Senator Osmond noted some alarming trends and Federal government overreach. The federal department of education is influencing programs at the district level. Right now, there is no law that blocks the school districts from going directly to the federal level, rather than the state level. He said they are looking at requiring a school district and a school to come to the legislature to apply for a grant and disclose contractual obligations. He said the federal government is working to have support personnel work at district offices to make sure they are following federal policies. The federal government has no constitutional authority to be in that space. He feels it is the state's responsibility to protect and be involved in the federal government's involvement in the school systems. Councilman Newton expressed concern about the state's board of education.

Senator Osmond said he has tried to be supportive of and involved in issues of South Jordan City. Mr. Spatafore recommended that the city involve their legislators more and be proactive. He said they need better communication between March and December. Senator Osmond has no criticism on how they are working together. They need to combine together more as the southwest side of the valley.

C. Legislative Communications: *(By Councilman Chris Rogers)*

Councilman Rogers said he feels they need to plan ahead with their legislative strategies. There was concern expressed to him by Representative Cunningham that the city did not give him a heads up on some issues that they were discussing. Both legislators were contacted when the city decided to consider the school district feasibility study.

Senator Osmond said it is not the city's responsibility to inform them on issues. It would be helpful if they were prepared for possible calls from the press. They need to back each other up.

Councilman Barnes suggested that the legislators be sent a copy of the monthly update.

They discussed scheduling a date to have a pre legislative session strategy session. They also discussed hosting a luncheon with all mayors and city councils in the southwest part of the valley. They determined that the City Council will hold a luncheon next month with Senator Osmond and Representative Cunningham and they will set the calendar for the rest of the year.

Intergovernmental Affairs Chip Dawson presented Senator Osmond with the Royal Pit Bull Terrier Award. They appreciated his communication during the legislative session and being a resource to the city.

The City Council recessed for dinner.

D. Discussion: City Council Invocation *(Councilman Mark Seethaler)*

Councilman Seethaler said if they are going to continue to have prayer, he would be more comfortable in having other people invited to participate. He is concerned with the perception of the City Council self-aggrandizing. He would like it to be more of a community prayer, not a City Council prayer.

Councilman Newton said any member of the community can offer a prayer. Deputy City Attorney Loose said the policy is advertised twice a year. He knows of 1 person taking advantage of it in 8 years. They discussed inviting scouts to pray as it could satisfy a requirement for their religion merit badge.

Mayor Alvord recommended that when it is their assigned meeting to pray, they could invite someone to pray or they can pray themselves.

Councilman Newton said a number of City Council's in the state have dropped the prayer. He feels their current policy gives them more protection than calling on the public.

Councilman Shelton said if they invite others, they can provide them with guidelines as the Legislature does. Deputy City Attorney Loose said they cannot put limitations on the prayer. They could put a reasonable time limit on the prayer, such as 3 minutes. It was noted that if the individual went longer, it would be difficult to shut down a prayer. Some individuals could want to make a scene. Deputy City Attorney Loose said there are different standards for cities regarding prayer as opposed to the state or federal government.

Mayor Alvord said they will continue to do their rotation. It is up to that City Council member to invite someone to pray on their turn, if desired.

E. Discussion: Country Fest Parade (*By Community Services Director, Don Tingey*)

Community Services Director Tingey reviewed the Country Fest schedule and pick up locations with the City Council including the breakfast and parade. They discussed parade protocol.

F. Discussion: Pawn Broker Ordinance 2014-10 (*By Chief of Staff, Paul Cunningham*)

Chief of Staff Cunningham reviewed the background information on the Pawn Broker Ordinance. They cannot zone the use out of the city entirely. He noted a restriction to not allow the use within 1000 ft. from an agricultural or residential zone. They also came up with language to make pawn brokers a conditional use permit in the PC zone. If there are not a lot of concerns from the City Council, they will bring the issue back to the next City Council meeting.

Councilman Rogers asked if they could restrict convicted felons from getting a license to be a pawn broker? Deputy City Attorney Loose said they cannot include that restriction. They did include theft language from the state law. It is not broad enough to cover all felonies.

It was noted that there are no pawn shops in the city currently.

ADJOURNMENT

Councilman Newton made a motion to adjourn. Councilman Rogers seconded the motion. The vote was unanimous in favor.

This is a true and correct copy of the May 20, 2014 Council minutes, which were approved on June 3, 2014.

Anna M. West
South Jordan City Recorder

