

SOUTH JORDAN CITY
CITY COUNCIL MEETING

February 17, 2015

Present: Mayor Dave Alvord, Councilman Chuck Newton, Councilman Steve Barnes, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Police Chief Lindsay Shepherd, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, Acting City Attorney Ryan Loose, COS Paul Cunningham, City Commerce Director Brian Preece, Finance Director Sunil Naidu, IS Director John Day, Public Works Director Jason Rasmussen, Communications Director Tina Brown, City Council Secretary MaryAnn Dean

Others: See Attachment A

REGULAR MEETING – 6:00 PM

A. Welcome and Roll Call – *Mayor David Alvord*

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

B. Invocation – *By Mayor Alvord.*

Mayor Alvord offered the invocation.

C. Pledge of Allegiance

Jack Robertson, Troop 864, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

Mayor Alvord noted that the applicants of items J and K requested that their items be pulled from the agenda.

Councilman Barnes made a motion to pull items J and K from the agenda, and to remove item 1 from the Summary Action calendar.

Councilman Rogers indicated that he has questions on item 2 of the Summary Action calendar. CM Whatcott said they will hear Summary Action items G. 1., 2., and 3. separately.

Councilman Seethaler seconded the motion. The vote was unanimous in favor.

D. Minute Approval

1. February 3, 2015 Study Meeting
2. February 3, 2015 Regular Meeting

Councilman Newton made a motion to approve the February 3, 2015 Study Meeting minutes and the February 3, 2015 Regular Meeting minutes, as printed. Councilman Rogers seconded the motion. The vote was unanimous in favor.

E. PUBLIC COMMENT

Clyde Kenison, said regarding the mandatory vote by mail proposal, the better argument than just voter turnout is to have more educated voters. When you vote by mail, sometimes things happen in the election that would affect your vote. What happens if the ballot gets into the hands of people that are not you? He expressed concern about the potential for fraud.

Kaylor Mone, said she lives in the Daybreak community and is an elections official. She said it is great to have the mail in option, but they should have more than only that one option to vote. She doesn't think it will help voter participation. A lot of people come on voting day and say they lost their mail ballot or they never got it. She does not think vote by mail will increase participation.

F. PRESENTATIONS:

1. Presentation of 'First Lego League' State Champions by The Jedi and Harry Bot-ters.
(By Coach Turley)

The state champion Lego teams, The Jedi and Harry Bot-ters, were introduced. They demonstrated what they can do with their robots that they built. They reviewed the skills they learn with this activity. It was noted that these two teams placed in the top 3 at the State of Utah competition.

The coaches indicated that the travel for competition is expensive. They are looking at fundraising and sponsorship opportunities. They will be representing the state and the city at the national competitions that they will be attending.

2. Recognition and Acknowledgement of Jeran Farley for the Tree Diversity Program.
(By Public Works Director, Jason Rasmussen)

Associate Director of Public Works Colby Hill, read a prepared statement honoring Jeran Farley (Attachment B).

Public Works Director Rasmussen and CM Whatcott recognized Mr. Farley for his work.

3. Recognition of South Jordan Tennis Team taking 3rd Place in National. (*By Communications Coordinator, Tina Brown*)

Communications Coordinator Brown read a statement recognizing the South Jordan Men's tennis team that took 3rd place in Nationals (Attachment C). It was noted that the banner they earned will be flown over the South Jordan tennis courts.

G. SUMMARY ACTION ITEMS

1. Resolution R2015-06, authorizing the Mayor to enter into an Interlocal Agreement with Salt Lake County to receive the services of the Salt Lake County Election Division during the 2015 Primary and General Municipal Elections as an entirely Absentee Ballot (Vote-By-Mail) Election. (*By City Recorder, Anna West*)

City Recorder Anna West said on election day, voters will be able to cast their vote by machine at city hall. She reviewed which cities have already participated in the program. She anticipates more than half of the cities in the County will participate this year.

Mayor Alvord asked what problem are they trying to solve with this change? Mrs. West said the voting machines that they are using will be obsolete in 2016 so they are looking at alternatives.

Mrs. West said all current registered voters will get a ballot in the mail. They still have the option to vote on election day, if they choose. There will just be the one voting location rather than precincts all through the city.

Councilman Rogers said they need to notify the residents of the change before the ballots are sent out. He asked where the drop off locations will be? Mrs. West said at City Hall, at the Salt Lake County building, or they can mail it.

Mrs. West said every signature on every ballot is checked and validated. If there is any question, that person is contacted. Acting City Attorney Loose said he believes it is a federal offense to falsify the voting ballot and to tamper with the mail.

Councilman Seethaler noted the report that the number of voters nearly doubled in the cities that did the mail in ballots last election. He said when people are at home, he feels they are more likely to take their time on the ballot and research the issues.

Councilman Barnes said he likes more options. He said he has heard that mail-in-ballots are the way people have thrown elections in the past. Mrs. West said she has no data on that.

Councilman Barnes asked if more options are being considered? Mrs. West said they would have to go back to the scanned ballot voting from the past. She does not know how the County plans to take care of the issue of outdated machines. She has heard no discussion about online voting.

Councilman Barnes said a lot can happen in the last 2-3 weeks of the election. He is also concerned about this driving up the cost of elections. Mrs. West noted that the ballot can be postmarked for election day.

Councilman Rogers reiterated the importance of the voters knowing about the change, including signs in city hall, multiple notices in the utility bill and FOCUS. He said he wants it clear on what people should expect. Mrs. West concurred and said it will also be on the city's website.

Councilman Newton noted a concern with some wording in Section 17 of the contract. Acting City Attorney Loose said it is standard form used by the County, and is a nonnegotiable contract. He said there is no legal reason not to sign the contract.

Councilman Newton made a motion to approve Resolution R2015-06. Councilman Rogers seconded the motion.

Councilman Barnes said the study from the Heritage Foundation brought out some concerns. He said it stated that the highest block to voter turnout is not ease of voting but mostly disinterest on the part of the voter. He said he appreciates the mail in vote as an option, but he doesn't think it's the best course of action to mandate it. The more options they can offer, the better. He said it takes effort to vote on location. He would rather have the voter that cares enough to do that. He is opposed to this change.

Councilman Newton said they are not limiting options. They can still vote by mail or vote in person. He said this is County mandated. He said it costs more money to have more precincts throughout the city. Technology is forcing the limitation. He said next year is a big voting year and this will give them one election to get used to it. He said when people vote by computer, there have been incidents of fraud. He feels this solves more problems than it creates.

Councilman Barnes said when he goes to vote, the precinct is packed. It is a community experience.

Mayor Alvord said of the cities that have done this, are there any residents that don't like the change? Councilman Newton said some; that is the reason for the bill mandating that there be at least one voting location in the city.

Mayor Alvord said it might be wise to do a survey on the residents' opinion about this. He asked do they have to rush it? Councilman Newton said they will be forced into it in 2016. He thinks they should do it now.

Councilman Seethaler said he is okay with this because of the provision that someone can still vote in person at city hall, if they choose. He said people are getting busier. This is cost effective and they will have increased participation among voters. He said people also have a longer opportunity to study the ballot.

Councilman Shelton said he is in favor of the change as well. He said he also always appreciates the community experience of voting at a precinct but times are changing. For all of the reasons previously stated, they should move forward.

Councilman Rogers also agreed with Councilman Seethaler's comments and indicated that they should move forward and approve this issue.

Roll call vote. The vote was 4-1 in favor, with Councilman Barnes opposed.

2. Resolution R2015-14, Supporting Jordan School District's Letter on Local Replacement Funding regarding Transparency and Accountability. *(By Councilman Chris Rogers)*

Councilman Rogers expressed support for the letter. He recommended that they amend section 1 to add "or any other relevant Utah Legislative Committee", and to add a section 3 that says, "A copy of this Resolution should be sent to the Jordan School District, the public education appropriations committee, and also to our Utah State Legislators that represent South Jordan, and the Utah Tax Commission."

Councilman Rogers made a motion to approve Resolution R2015-14, as amended. Councilman Seethaler seconded the motion.

Councilman Rogers amended his motion to include that this Resolution also be sent to the Utah Taxpayers Association. Councilman Seethaler seconded the motion.

Councilman Barnes asked if this will be specific to each residence and the charter school closest to them? Councilman Rogers said the letter is not that detailed, but he is in favor of the transparency that comes with this issue.

Roll call vote. The vote was unanimous in favor.

3. Resolution R2015-05, Adopting City-Wide Policy 110-01 regarding Use of Official City Social Media. *(By COS, Paul Cunningham)*

Councilman Newton made a motion to approve Resolution R2015-05. Councilman Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

The City Council took a brief recess.

- H. **ACTION ITEM:** Pearl Cove PUD Appeal Application File No. AP-2014.10 appealing the Planning Commission's approval of a preliminary subdivision plat and conditional use permit for the Pearl Cove PUD located at 9950 South 2200 West. *(By City Engineer Brad Klavano)*

Planner Brad Sanderson reviewed the background information on this item. He noted a letter submitted from a resident on this issue (Attachment D).

Councilman Newton said what was heard by the Planning Commission was relative to the development agreement. If there was a problem with the rezone and development agreement, how do residents appeal the decision of the City Council? Acting City Attorney Loose said they appeal to District Court. Councilman Newton said the Planning Commission has to follow the development agreement, and if they didn't do so, it would be a breach of the development agreement. Mr. Loose said that is correct. He said for the Planning Commission, this is an Administrative item, meaning they have no discretion. Councilman Newton said this appeal is appealing something that is un-appealable.

Acting City Attorney Loose said anyone can appeal a land use decision. They are appealing the grant of the subdivision. This City Council is looking for errors of the Planning Commission, and if they followed the laws, Ordinances, and agreements in place. That is the only basis for this decision. They are not reviewing the development agreement. If they wish to look at the development agreement, they would have to schedule that discussion for another day.

Tim Firth, 10017 Copper King Lane, appellant, said the original stub street came off Minor Drive, and there was opposition to that because of safety concerns. They thought the location would be discussed with the residents, but when they came back, the new stub street location was on the plan. He said the proposed stub street is aesthetically a bad place. He reviewed pictures of the proposed location. He said there is concern about entry and access for emergency vehicles. The turning radius is inadequate. He expressed concern over safety for the stub street at the proposed location. He said they feel the better location is off Copper King because it is a continuous street, they don't have a turning radius problem with emergency vehicles, plus the area they have to stop between the turn is twice as long.

Councilman Rogers asked what error does Mr. Firth believe the Planning Commission committed in this case? Mr. Firth said when the subdivision was in draft form, there was a stub street on Minor Drive that made sense. When that was opposed, they thought there would be discussion, but the new location was put on the plan at the next meeting.

Councilman Rogers asked besides aesthetics and safety, what other arguments need to be presented that concern the error of the Planning Commission? Mr. Firth said the efficiency of getting in and out of emergency vehicles.

Councilman Rogers asked if the source of the evidence is just opinion? Mr. Firth said it is opinion based on living there for 10 years.

Councilman Newton asked if the proposed street width is less than the widths of the other streets. Mr. Firth said the difference is that it is a straightaway; there is no turning radius required.

Mayor Alvord invited comment from Mark Woolley.

Mark Woolley, 2244 W. Jordan Haven Ct., said he attended the original hearing on the rezone. He listened to concerns about traffic on Minor Drive. The stub was put in place so traffic would go through. At the Planning Commission meeting in May, it was noted that they were concerned that subdivisions were being created with stub streets that were no longer used. That is problematic. At the December 9th Planning Commission meeting, the same concerns were expressed, the option of aligning with Copper King was presented. The Planning Commission informed them that the City Council signed a development agreement prior to that meeting so the Planning Commission felt like they couldn't do anything because the development agreement had already been signed. That is the main core issue to address. It is improper for a public hearing to take place when there is a document already signed off stating where the stub street would be located. He respects the concerns of the neighbors on Minor Drive. The stub street made sense then, why not now? The stub streets need to line up with one of the streets, and he can't figure out why the proposal would be an appropriate alignment.

Councilman Newton said the City Council looked at each of the options for the stub street. At that time, City Engineer Klavano recommended they move the stub street for traffic calming reasons.

Mayor Alvord asked if this appeal can open up the development agreement? Acting City Attorney Loose said no. They can bring that back at another time, if they would like, assuming the developer wants to discuss an amendment.

Mr. Firth said he appreciates the time and reconsideration on this issue. He said this seems like a bad decision.

Rob Poirier, representing the developer, said there is ample stopping distance off of Minor Drive. He said the road was designed per city standards and there is adequate turning radius for emergency vehicles. He said in other cities, they do T intersections to calm traffic. This location will slow traffic the most.

Councilman Seethaler said at the City Council meeting last June, they didn't have a proposed layout of the subdivision. He said seeing the map today, it is an overreach to think one more house difference would make too much difference because there is still a T intersection. He said there would likely be fewer people traveling north on Minor Drive or Copper King that would go into the subdivision and then out to 2200 West. Some from the subdivision may leave the subdivision that way if they are going south. He asked if there is an issue for emergency vehicles going in or out of this subdivision? Mr. Poirier said the turning radius is the same regardless. He said the roads are the same width. Mr. Poirier reiterated that there is ample stopping distance that is sufficient for speeds in excess of the subdivision speed limit.

Councilman Seethaler asked are there reasons that the original stub street location on Minor Drive would have been better? Mr. Poirier said it may have been cheaper for the owners of the project. There is no reason from a traffic flow standpoint.

Councilman Rogers asked if Mr. Poirier is a licensed engineer? Mr. Poirier said yes, in Utah. His statements are based on his profession as a traffic engineer.

Development Services Director Klavano concurred with Mr. Poirier's assessment.

Mayor Alvord said one more house length of straight road would not make a huge difference regarding speed on Minor Drive. Mr. Klavano concurred.

Councilman Rogers asked if Mr. Klavano still believes this is the safest layout having a curve proposed rather than a straight road? Mr. Klavano said he still thinks it's effective for traffic calming. Both stub streets are safe in his opinion. Traffic calming was the issue for him, not safety. The proposal keeps less traffic going through the subdivision.

Councilman Rogers verbatim: **"Mr. Mayor, I uh, I have a motion, um, but I think it it needs some explaining, but uh, so, my motion is is uh to deny the Pearl Cove PUD Appeal, uh File # AP-2014-10, and here are the reasons why, um, I find and I think this body should find that uh uh there hasn't been sufficient evidence presented to identify an error of the Planning Commission. Um, I think the evidence is insufficient. Uh, I don't think the appellant has met his evidentiary burden in challenging or identifying uh an error before the Planning Commission. And, notwithstanding that, um, uh, I wanted to identify and address the two arguments that I think the appellant did bring up. The first is aesthetics. Uh, the aesthetics argument in my mind is a legislative concern and is addressed at the legislative level and was made when we adopted the Development Agreement. Uh, the Planning Commission, once we've adopted the Development Agreement, um and incorporated the map, we as a legislative body made the decision, uh, and incorporated that that aesthetic um uh, incorporated that aesthetic in our decision, so I don't think that aesthetics uh is a factor or an error with respect to what the Planning Commission did. Now, um, the other argument is the safety argument or the traffic calming argument and I think that in my mind would be a potential uh argument uh to challenge the the Planning Commission or the um uh or the Development Agreement, however, um I don't think there has been sufficient evidence presented to challenge the uh legislative function and the legislative decision that we made based on the evidence at the time that we felt that this was the safest and that it would incorporate traffic calming features which is why we had a lengthy discussion. I listened to the entire audio of this before the City Council and I've read everything in the packet, the Planning Commission notes, the City Council notes, and we went back and forth several times about whether or not to incorporate this, to table it, uh to weather this was going to you know, continue through Minor Drive or not, and at the very end, it was really when Mr. Klavano had said this was going to be a calming feature uh and then Mr. Barnes made the motion to incorporate the map as part of the Development Agreement, and we seconded it and it was unanimously approved, so it was clear. And I went back to the audio just so that I could reassure myself that there wasn't any confusion. Now there was a lot of discussion about whether we should table this or not. The last motion that was made was clear in my mind that we were adopting the map and so the factor of safety and the factor of aesthetics go to the legislative function of this body and the development agreement so therefore those aren't the subject of our uh agenda tonight,**

and I and and going down the road, I don't think I would revisit this uh and amend the agreement because 1., um I think the aesthetics are fine, um and then uh, and I haven't seen uh evidence to support that other than one members' opinion. Um, and the safety and traffic calming issue I think is uh an item that favors keeping it at its current uh location. Uh and so for those reasons, not only do I find that the uh the there is not sufficient evidence for the error in the Planning Commission, but that I wouldn't be interested in uh or wouldn't favor entertaining reopening the Development Agreement, but I so move to deny the appeal."

Councilman Seethaler seconded the motion. He said, "I can't find anything in our charge today and uh, anything in um Mr. Rogers um sort of evidentiary process and how he's laid this out, uh, that could have me vote against uh what it is that he just proposed to deny this particular appeal. Uh so I'll second that with this one comment and and and that is recalling to last summer when this came forward, uh, it it I think was all of our desire to have the most safe uh and the most acceptable plan given the existing neighborhood to have a new neighborhood come on, and that's certainly what I voted for at that time, and uh the fact that uh it it's not universally appreciated as that um, I am sympathetic to that and I'm sorry about that, but I I I do believe from then and to now that this in fact represented um safety and virtually equal aesthetics, um, so I will second the motion.

Councilman Newton said "substitute motion if I may, Mr. Mayor. I I agree with everything that has just been said, um however given that this is a fairly unique circumstance as to the matter that was appealed and my opinion what should have been appealed if there was a problem confusion about the standard that needed to be brought in such an appeal and so forth and so I'd like to not only um my motion incorporate everything that was said in the original motion, but also take the extraordinary step which we do not usually do and that is also refund the um the appeal applicant's money in this particular case."

Councilman Seethaler said, "I'd be happy to second that".

It was noted that the appeal cost is \$360.

Councilman Rogers asked "Mr. Newton, in addition to that would you consider adding the direction to staff our staff attorney to formalize an opinion concerning our decision.'

Councilman Newton said, "Yes, I would love to incorporate that into my motion."

Councilman Seethaler said, "Consider that seconded."

Mayor Alvord asked if they are refunding the money because they communicated a confusing message or is it sympathetic to the appellants? Councilman Newton said he is not sympathetic to the appellant's position. He said it is because the applicant was confused about the process and the way the process moved forward. There was perhaps a lack of clarity. This is a very unique appeal dealing with some very unique circumstances as Mr. Woolley brought up about a public hearing afterwards that might have caused some confusion, even to the Planning Commission.

He said given the unique set of circumstances, they should refund the appellant applicant's money."

Mayor Alvord said he's a little nervous about the precedent. Councilman Newton said he is not setting a precedent. If someone asked for it in the future, he would most likely say no. Mayor Alvord said an appeal ties up staff time. Councilman Newton said he is sympathetic to that, but he also knows how concerned Mayor Alvord is about making sure the residents feel heard. Councilman Barnes said they have done refunds in the past for certain circumstances. Councilman Newton said they have, but it is very rare.

Councilman Shelton said one real challenge in approving zoning changes, particularly when there is a significant public outcry, is that we approve a zoning change and if the applicant presents a plan to the Planning Commission that fits the criteria of the zoning change, we have no control over it. It is gone from the control of the City Council. It could be approved in the Planning Commission and never come back to us. For him personally, that creates a lot of anxiety when these kinds of zoning changes come up. When we have a lot of public outcry and we come to a compromise that we establish an agreement with a developer that we will design in a specific way because of that compromise, that is within our legislative right. If that ties the hands of the Planning Commission, too bad. That is how I feel about it. If we do a process that doesn't allow them to change the plan, it's because we didn't want the plan to be changed. And we had come to that position based on a lot of feedback from a lot of people. We have effectively delegated some of our authority to the Planning Commission. In this case, we, the City Council took some of their authority back because of the input from all of the people and the circumstances at the time. He said he is okay refunding the appellant.

Roll call vote. The vote was unanimous in favor.

- I. **PUBLIC HEARING:** John Sasine Property Rezone, Rezone Ordinance 2015-03-Z, amending the zoning map from Agricultural (A-5) to Residential (R-2.5) zone on property located at 1397 West 9950 South; John and Connie Sasine, Applicants. *(By Planner, Brad Sanderson)*

Planner Sanderson reviewed the background information on this item.

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

Councilman Rogers asked if they are anticipating that this will connect north on Marwood Lane and also connect on the road to 1300 West, or would it only have access to 1300 West? Development Services Director Klavano said it is staff's preference that it connect up to Marwood Lane. Since it's not stubbed through the property in between, it is tough to force that issue. The distance is only 400-450 ft. and we allow cul de sacs to go up to 750 ft. He believes they will propose a cul de sac into the subject property so they would only have access to 1300 West. Mr. Sanderson said this would have the potential of 4 new lots. When the property is improved, it will be a city street and will be widened to the city standard.

Councilman Newton made a motion to approve Rezone Ordinance 2015-03-Z. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

- J. **PUBLIC HEARING:** Ordinance 2015-02, South Jordan Self Storage Zone Text Amendment, amending Title 17 of the City's zoning ordinance to include "Self Storage Facilities" as a conditional use in Chapter 17.50, Ryan Bybee, Applicant.
(By Planner, David Mann)

This item was pulled from the agenda at the applicant's request.

- K. **PUBLIC HEARING:** South Jordan Self Storage Property Rezone, 1350 West South Jordan Parkway. Resolution R2015-12, authorizing the City to enter into a Development Agreement pertaining to the proposed development; and Rezone Ordinance 2015-09-Z, rezoning the portion of the subject property from Commercial Community (C-C) to Professional Office (P-O). Ryan Bybee, Applicant. (By Planner, David Mann)

This item was pulled from the agenda at the applicant's request.

- L. **PUBLIC HEARING:** South Jordan City Open Space Property Rezones to Natural Open Space (OS-N) (By City Planner, Greg Schindler):
1. Rezone Ordinance 2015-04-Z. Rezoning property generally located 950 W. Shields Lane from A-5 to OS-N.
 2. Rezone Ordinance 2015-05-Z. Rezoning property generally located west of the Jordan River between 10000 S. and 10300 S., from RM-4 to OS-N.
 3. Rezone Ordinance 2015-06-Z. Rezoning property adjacent to and on either side of Jordan River between 10600 S. and 11250 S. from A-1, A-5 and R-1.8 to OS-N.
 4. Rezone Ordinance 2015-07-Z. Rezoning property generally located at 11475 S. Riverfront Parkway from A-5 to OS-N.

City Planner Schindler reviewed the background information on all four items.

1. Rezone Ordinance 2015-04-Z, Rezoning property generally located at 950 W. Shields Lane from A-5 to OS-N.

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

Mayor Alvord asked does this prohibit them from using the property for a recreational use? City Planner Schindler said yes, if it was for an active use. Mayor Alvord asked if there is the opportunity for a future City Council to rezone it, if needed? City Planner Schindler said yes.

Councilman Shelton asked if Mystic Springs North and Mystic Springs South intersect? City Planner Schindler said no. They are separated by a couple hundred feet which is privately owned. Councilman Shelton asked if there are wetlands in Mystic Springs North? City Planner

Schindler said yes, and there is drainage retention in that area. There is also a trailhead at the north end that is not in the wetlands. CM Whatcott said the topography is a steep terrain and the spring comes out of the bottom of the hill.

City Planner Schindler reviewed permitted uses in the OS-N zone. Councilman Newton asked if there is a need to wall or fence off the area? City Planner Schindler said the use of the property won't change.

Councilman Seethaler asked if the city did nothing for a period of time, would the rights, the access, and activities permitted or not permitted on these parcels of land be different than they are today? City Planner Schindler said there are plans for a development of an amphitheater and natural exhibits of the area. Those uses aren't allowed in the agricultural zone.

Councilman Seethaler asked would someone be able to do something on that land after the rezone that they couldn't today? City Planner Schindler said there would be no change. Councilman Seethaler asked if something is proposed in the future, would the City Council have oversight on what is approved there, except the budget? City Planner Schindler said no, if it is a permitted use. Councilman Seethaler asked if they would see the projects as part of the budgeting process, or would the Council not be aware of what was happening on these properties? Finance Director Naidu said if there is an expenditure related to it, the City Council would see it.

Strategic Services Director Tingey said there are operational duties there that aren't brought up during the budget process. Those things take place regularly. That would include weed and trail maintenance.

CM Whatcott expressed support for the rezone.

Councilman Rogers made a motion to approve Rezone Ordinance 2015-04-Z. Councilman Barnes seconded the motion.

Councilman Shelton made a substitute motion to deny Rezone Ordinance 2015-04-Z.

Councilman Shelton said this property and Mystic Springs may be necessary for the revitalization of Mulligans. Tonight, they are enabling a Commission to deal with Mulligans. He does not want to tie their hands and have to rezone it again if there is a reasonable purpose that they could use the land relative to Mulligans.

Councilman Seethaler seconded the motion.

Councilman Rogers asked if they can table this? Planner Schindler said yes.

Councilman Newton said they can carve out a small piece, if needed in the future. Mayor Alvord concurred. He said the city is still the landowner.

Councilman Rogers asked if the concern is that if they change this to open space, it will be difficult to change back for another use? Councilman Shelton said yes.

CM Whatcott said there is no rush. He noted that this is part of the open space master plan, and they have been working on this for 5 years.

Councilman Newton asked if it is likely that they will put an open space designation on the golf course? CM Whatcott said that may not fit the natural open space zone. The proposed parcels are wetlands and they have been preserved for years for this purpose. Access to these parcels is limited. He said they can bring back the open space master plan if the City Council would like to review it again.

Councilman Shelton said he has similar concerns with Mystic Springs South as well, but not the other properties. He said he is not sure what the property could be used for, but he does not want to tie their hands.

Councilman Barnes said he does not feel their hands are tied. They can revisit it in the future, if necessary. Councilman Shelton said revisiting and rezoning natural open space would be difficult.

Councilman Shelton amended his substitute motion to table rezone Ordinance 2015-04-Z. Councilman Seethaler seconded the motion.

Councilman Seethaler asked if anything is planned by the city for Mystic Springs North and South? Strategic Services Director Tingey said on Mystic Springs south, there are trailways planned that would connect to the Jordan River trail. That project is budget pending. There is also a plan for an open air amphitheater. That is based on funding availability as well. Planner Schindler said he is not sure if those things would be allowed in the agricultural zone. He noted one of the properties zoned RM-4.

Roll call vote on the substitute motion. The vote died with a vote of 2-3, with Councilman Seethaler, Newton, and Barnes opposed.

Roll call vote on the original motion. The vote was 3-2 in favor with Councilman Rogers and Shelton opposed.

2. Rezone Ordinance 2015-05-Z, Rezoning property generally located west of the Jordan River between 10000 S. and 10300 S. from RM-4 to OS-N.

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

Councilman Barnes made a motion to approve Rezone Ordinance 2015-05-Z. Councilman Seethaler seconded the motion.

Councilman Shelton made a substitute motion to table Rezone Ordinance 2015-05-Z. Councilman Rogers seconded the motion.

Councilman Newton said given that this is wetlands, there is no way that they will be able to use this property for Mulligans. CM Whatcott said he is not sure what they could use it for at Mulligans. Councilman Shelton said just because they can't imagine what the property could be used for doesn't mean they should lock it away. Mayor Alvord said they aren't doing a conservation easement. Councilman Shelton said it is a step in that direction.

Councilman Seethaler said if they were to change the zoning, it would be with the support of the public. He noted the current zoning of RM-4 and asked if that could be developed? It was noted that this area is wetlands and couldn't be developed. Acting City Attorney Loose said this land was the open space designation for the Riverwalk subdivision.

Roll call vote on the substitute motion. The vote died 2-3 with Councilman Seethaler, Newton, and Barnes opposed.

Roll call vote on the original motion. The vote was 3-2 in favor, with Councilman Shelton and Rogers opposed.

3. Rezone Ordinance 2015-06-Z. Rezoning property adjacent to and on either side of Jordan River between 10600 S. and 11250 S. from A-1, A-5 and R-1.8 to OS-N.

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

Planner Schindler reviewed the portion of this property that is zoned R-1.8. Councilman Barnes asked if there was a time that the city anticipated developing this area? CM Whatcott said no. It is a wetland mitigation site. He said the city got the property through the construction of Riverpark. He also noted a migratory bird conservatory.

Councilman Barnes made a motion to approve Rezone Ordinance 2015-06-Z. Councilman Seethaler seconded the motion.

Councilman Seethaler asked if the open space natural zone better ensures that the land will remain available and open for the natural habitat and the wildlife? Planner Schindler said the agreement they have with another entity guarantees it, regardless of the zone. He said this is to make sure the zoning meets the land use designation; there is no intended use. Public Works Director Rasmussen said they can't allow public to be on that land except the eastern border. They would not make this a public place at all.

Roll call vote. The vote was unanimous in favor.

4. Rezone Ordinance 2015-07-Z. Rezoning property generally located at 11475 S. Riverfront Parkway from A-5 to OS-N.

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

CM Whatcott said this parcel was going to be used for a sewer pump station. The City Council ended up moving the pump station further to the Riverpark area, and the city bought the property back from the sewer district.

Councilman Seethaler asked if there is any intent to do anything else with the property? Strategic Services Director Tingey said the intent is to connect the trail from the existing pedestrian walkway at 11400 South. That will be a permitted use in the OS zone.

Councilman Barnes made a motion to approve Rezone Ordinance 2015-07-Z. Councilman Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

M. **ACTION ITEM:** Resolution R2015-11, appointing members of the Mulligan's Commission. (*By Councilman Mark Seethaler*)

Councilman Seethaler said they had a dozen residents apply for 2 positions to be filled on the Mulligan's Commission.

Mayor Alvord nominated Councilman Seethaler and Councilman Shelton to serve on the Mulligan's Commission. CM Whatcott said the CM appointees are Strategic Services Director Tingey and Administrative Services Director Lewis. It was also noted that Doug Brown, by title, was approved at the last meeting.

Mayor Alvord said he would like Councilman Seethaler to chair the Mulligan's Commission.

Councilman Seethaler noted that he and Councilman Shelton are recommending Deanna Kaufmann and Max Shoura to be the resident participants.

Councilman Seethaler noted the draft of the Mulligan's Commission charter (Attachment E). He said it is good to bring together people with different ideas and see if they can solidify their mission and goals. He said they will be back in 2 weeks with some initial recommendations.

The City Council reviewed Mr. Shoura's background. He is an engineer, working on airport renovations. He has served on the Planning Commission in Gilbert Arizona. He has studied the Mulligans issue. He had good references.

Councilman Barnes said there were many good applicants. He said he doesn't see something that sets Mr. Shoura apart. Councilman Shelton explained the ranking system he used to determine who he thought would serve best. The criteria was first, availability, second, professional expertise, third, credibility with the locals that live around the Mulligans area, and finally, credibility with the Council. He said Mr. Shoura scored high based on his availability and professional experience.

Councilman Rogers said one factor that makes Mr. Shoura unique is his geographic diversity. Several of those that applied live in close proximity to Mulligans. He said it is good to have 2 citizen members that were not in the same district. Mayor Alvord concurred. He said they want a balanced approach and want the entire city represented.

Councilman Barnes said because there are only two residents on this commission, he can't support it until they have more in depth conversation.

Councilman Newton said various sub council committees have been created. They rely on the expertise of the City Councilmembers to do their research and be honest and careful in their approach. He has faith in this committee. He doesn't know Mr. Shoura personally. They can debate their recommendations when they come forward. If there are problems with the citizen or employee appointments, they can bring that forward. He said he supported someone else initially, but he supports Councilman Seethaler and Councilman Shelton because they have to work with these people on the committee.

Councilman Barnes said a lot of due diligence has been done. He would rather flush this out as a group during a work session.

Councilman Barnes made a motion to table Resolution R2015-11 until they can have further discussion at a work session. The motion died for lack of a second.

Councilman Seethaler made a motion to approve Resolution R2015-11, appointing the members of the Mulligan's Commission as earlier identified, the 2 City Council members (including the chair), 3 staff members, and the 2 resident members being Deanna Kaufmann and Max Shoura. Councilman Shelton seconded the motion. Roll call vote. The vote was 4-1 in favor, with Councilman Barnes opposed.

N. REPORTS AND COMMENTS: *(Mayor, City Council, City Manager, General Counsel)*

Mayor Alvord gave a brief report on his sewer board meeting.

Mayor Alvord noted a meeting with UDOT. The intersection at Mountain View Corridor Daybreak Parkway has proven to be a dangerous intersection. There are also students from the middle and high schools crossing the intersection. There is a meeting scheduled on March 2nd, 8 a.m. with UDOT. He said he would like the city engineer from Herriman to attend as well as someone from the city's engineering staff. CM Whatcott is also invited to the meeting. The area needs to be marked better.

Councilman Shelton reported on the PACD Board meeting. They are preparing to hold a strategic planning session.

Councilman Shelton said he was approached by the lego group earlier tonight about the city assisting in funding for their upcoming competitions. CM Whatcott said legally, they can't assist them. They maybe could give them a grant for a project from the PACD Board; travel is outside the scope. He said he asked Mr. Preece to use his business connections to find a corporate sponsor to help with that.

Councilman Newton noted that the transportation bill will be discussed at the Legislative Policy Committee meeting next Monday. So far, the Governor has said no for any bonding bills and that may push off the Bangerter 104th intersection for another year. He said the forcible entry bill looks like it will go through. Acting City Attorney Loose said they have worked extensively on that bill. So far, there is not support for the amendments to the body camera bill.

Councilman Newton said the dog bill has stalled in the senate at this time. He said the ambulance Medicaid reimbursement bill is on the consent calendar. He said South Jordan has had great success this year.

Councilman Barnes noted an article he shared with the mosquito abatement district about some genetically engineered mosquitos being used to fight some tough diseases in Florida.

Councilman Barnes said he has had concerns expressed by a resident about the crossing in the school area on 4000 West by the Kornwasser development. He said they want a stronger crossing section with a flashing light. Development Services Director Klavano said they need to go to 11400 South and cross at the signal. He said it is expensive to put in a hawk signal and not always effective. He said people need to cross where it's safe.

Councilman Seethaler said he attended the ULCT Policy Committee at the state capital. Other meetings, outside of the legislative session, are held across the street from where he works. He said when they do committee reassignments, he would like to be part of that committee as a voting member.

Councilman Seethaler said with the architectural review committee, they reviewed Nielson's frozen custard. There is a parking arrangement for patrons of the park to be allowed to park on Nielson's frozen custard property to access the park area. The canal will be fenced up to the parking. There is concern about children being able to access the canal. Strategic Services Director Tingey said staff is working with the canal company on that issue. It was noted that the fence will be 2 rail vinyl. Councilman Newton suggested they consider a fence color that blends better.

Councilman Seethaler noted that Wendy's was also approved by the Architectural Review Committee.

Councilman Newton said Burger King is scheduled to open February 20th.

Councilman Seethaler said staff is working with the power company to get approval for the crossing at South Jordan Gateway for Ultradent.

Councilman Seethaler said he is working on two draft Resolutions; one on the Mulligans bond pay off and the other is for a step reduction for the franchise tax that the city is collecting. He asked if there is a chance that it would be viewed by the bond trustees to settle the Mulligans bond this April 1st? Finance Director Naidu said they are waiting to hear back. It could go either way.

Councilman Rogers noted potholes eastbound on South Jordan Parkway, east of 1055 West and several when you are about to get northbound on I-15. Public Works Director Rasmussen said UDOT will be milling and repaving the road this year. Staff will inspect the area.

Councilman Rogers applauded the work of Councilman Seethaler and Shelton in establishing the Mulligan's Commission. He looks forward to their recommendations.

Councilman Rogers said verbatim: "I've heard some rumors um discussed about the uh Oquirrh Lakes, the Daybreak Lakes. And I wanted to uh address these rumors publically and kind of upfront. Um, some of the rumors that I've heard are that um uh the city is thinking of taking over the Daybreak Lakes and that the city is not obligated to take over the Daybreak Lakes. So, the first thing I need to uh mention is that I've I've spoken with the city staff, city manager, former city manager, uh several uh constituents, former council members, and I can, and I've also reviewed the document myself um and I've looked at the um the uh Daybreak Development Agreement uh which was dated July 2007, um July 9th, and on a on paragraph 2, subsection A.3., there is a provision uh identified as Oquirrh Lake. And based on my conversations and my review of the document, and our legal council's review, it is crystal clear that in 2007, the city agreed that all or part of Oquirrh Lake, and I'm quoting this by the way.. "All or part of Oquirrh Lake will be dedicated to the city contingent upon completion of an operation use and maintenance plan mutually agreeable to the city and master developer. Further described in subsection I. below, which is the Lake Plan." Uh, in my mind, that is crystal clear that the decision has been made and was made in 2007 that the city will eventually will eventually um that the all or part of the Oquirrh Lakes will eventually be dedicated to the city. That has been decided well before today, and it's something that's in the contract and is uh not um not subject to change. However, uh the things that are still to be discussed are the how and the when. I understand after this agreement in December of 2007, a lake plan has also been agreed to, which was the condition subsequent for the transition of the Oquirrh Lake. Um, and that lake plan was more of a 50,000 ft. view of of how the operations of the lake will occur going forward. There are still several details that need to be hammered out um going forward in order for this transition to occur. Um and I just want the residents to understand that this uh is part of the agreement. It's something the city committed to in 2007, and the city is going to live up to its agreements. Now, there is a question of when and there is a question of how this transition occurs. But whether or not it uh, the rumor that the city is not obligated to take uh the lakes or to uh to have these lakes dedicated to the city is not subject to debate."

Councilman Newton said, "I may just say lake, singular."

Councilman Rogers said, "Lake, ya, the lake. The reason I say how these lakes are to be.."

Councilman Newton said, "Lake".

Councilman Rogers said, "The Lake, right. How this lake is to be dedicated is because um, there's discussion as to whether it's going to be all or part. And there's also discussion about uses or water shares, ownership, parking, uh uses, those things I think still need to be flushed out, which is the how in the transition. The when is also still subject to uh the agreement specifically says we were not permitted, or we were not permitted to take over these lakes, to have the lakes dedicated to the city within the first 5 years of the agreement. Well, that expired July 2012, so we are well within the period of time..

Councilman Newton said, "well past the period of time.."

Councilman Rogers said, "Well ya, but we're well within the period of time when these lakes, when this lake can be uh or a portion of the lake can be um um dedicated to the city. So, I wanted that to be clear, and and as a result of that, I I I've talked to many on the Council and I don't think there was any disagreement, but I think we should put this agreement, this contractual agreement, uh the July 2007, the July 9th 2007 agreement along with the lake plan, the December 2007 lake plan on our website and have a link to it so everyone can see it. It's out in the open, uh it was, you know, 7 years ago that this was or more than 7 years ago, so it was you know a little over 7 ago this was agreed to so if nobody is familiar with it or or the lake plan or the agreement that the city is going to have these uh eventually come under its purview, then..

Councilman Newton said, "It..eventually come under its purview.."

Councilman Rogers said, "Have it come under it's purview. Keep in mind it could be part of the lake as well, not the the not the entire lake, but um.."

Councilman Newton said, "But these is still plural rather than it.."

Councilman Rogers said, "Right, right. It still looks to me, if you look at it on a map, it looks like several lakes, so anyway, I wanted that to be crystal clear because I've had some constituents confused about uh what our obligations are with respect to the lake, and what uh and what um Daybreak's obligations are with respect to the Lake, and there is still a lot of work to do. And I know uh Mr. Dutson probably doesn't want to hear this but there's still a lot of work to do and I think um uh both on the city's end as well as on Kennecott Land's end in order to see this to fruition, and that's cause both the city and Kennecott have other priorities as well at the time, but um it it's not like I see this happening in the next month or so uh and I actually see it it's going to take some time to work through these issues so uh..anyway I wanted.."

Councilman Barnes said, "Can I ask a quick question?"

Councilman Rogers said, "Ya."

Councilman Barnes said, "Uh, does our City Manager or City uh General or City Council or City Attorney, I mean, interim City Attorney, have any concerns about publishing these agreements or plans on the website?"

Acting City Attorney Loose said no, they are public records.

Councilman Barnes said, "K. And have we uh determined yet if there was any type of ratification done by the City Council of 2007 of either of the agreement or the plan or.."

CM Whatcott said, "I can't find it yet, but I'll.. we're continuing to search and maybe in the title somewhere and it's just not coming up as a single document. There's some idea that it maybe was uh a resolution that had multiple contracts in it. So we're working with Ryan's staff to maybe go through every title and see if we can find it."

Councilman Barnes said, "ok".

Mayor Alvord recognized Rulon Dutson from Kennecott Land.

Mr. Dutson said, "Um, there are actually two things that uh that respond to your question. First of all, the parks and open space agreement was formally reviewed and approved by the City Council as a formal action, and as as a contractor agreement that the city find themselves obligated to the same as Kennecott. In addition to that, it refers to the parks open space plan that there would be a lake management plan prepared. That was um prepared. You've had a chance to uh review that Councilmember Rogers. I'm sure many of the others have as well. Um, inside that document, and very deliberately, um, there is a formal acceptance letter that is signed by both Kennecott and by uh Rick Horst at the time, who was the city's representative that that plan satisfies that condition as referenced in the parks and open space agreement."

Councilman Rogers said, "And that was the December 2007 plan that I was referring to."

Mr. Dutson said, "That is correct."

Councilman Barnes said, "So it shouldn't be a surprise to anyone on the Council before that we entered into this agreement."

Councilman Newton said, "Well, it seems to be."

Mr. Dutson said, "I guess my point in saying that is that the parks and open space agreement identifies a very specific activity, which is the plan. That plan was completed and the letter in the front of that document suggested the city at that time accepted that document as fulfilling that that specific task. We would agree with Councilmember Rogers that saying you're going to turn the lake over and then doing it um is a completely different exercise and can be very very complex. Um, Don's been great to work with; Gary as well. There are 3 things we're really looking at. Three different components; one is a financial component. The second is a programming component, and the third is a land area component. Uh, there is still some planning

that we're doing around the lake. That's obviously a huge uh multi-million dollar investment for Daybreak and so we're pretty careful in terms of the uses that we're still allowed to put around that. We appreciate the city's understanding in that regard. Um, so we viewed it as kind of a transition uh so it doesn't come all on at once. Um, and uh we're kind of working through the process, you know, to do that so that it is a comfortable transition for both of us and really meets the expectations and needs of both parties, so, that's about it."

Councilman Barnes said, "Thanks Rulon."

- O. **EXECUTIVE SESSION:** to discuss the character, professional competence or physical or mental health of an individual.

Councilman Newton made a motion to extend the meeting beyond 11:00 pm, to recess for 10 minutes, and then go into an executive session to discuss the character, professional competence or physical or mental health of an individual. Councilman Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

ADJOURNMENT

The February 17, 2015 City Council meeting adjourned at 10:34 p.m.

This is a true and correct copy of the February 17, 2015 Council meeting minutes, which were approved on March 3, 2015.


South Jordan City Recorder

SOUTH JORDAN CITY
City Council Meeting
 February 17, 2015
 6:00 P.M.

**ALL THOSE ATTENDING, PLEASE
 PRINT NAME & ADDRESS**

PRINT NAME	PRINT ADDRESS
Tim Firth	10017 Copper King Lane
PETER MULLER	10018 MINER DR.
Erin Turlay	5487 Autumn Heights Dr., Riverton
Clyde Kenison	1423 W. 11150 S.
Michelle Estrada	11067 S. Snow Peak Ln.
Angelo Kallas	740 W. Jordan Cr. Drive
Max Woolby	2244 Jordan Haven Court
Doug Wink	4042 Severn Cir
Jennifer & Michael Murdock	3064 Royal Meadows Way
Eric Price	4451 Kexborough Peak
Abrey Tanner	
Karen Smith	80956 S. Black Oak Rd
Melissa Newbold	10454 S. 1440 W
Katie McDermott	5027 W Burntside Ave
Joy McLaughlin	11723 So. Highland Gln. Cir
Leila Mowse	4555 Plum Hill Dr S) 81009
Larry Sommer	11283 Parkside View Pr.
Robert Elder	2805 W. Carriage Oak Ct
Anthony Godfrey	7387 S. Campus View Dr.
David Michocson	9694 S. Stoneheaven St
Connie Sasine	1397 W 9950 S So Jordan
Clark Sasine	1397 W 9950 S.
Robert Paxton	1073 W, 10250 S

Good evening Mayor and Council. We want to thank you for your time this evening. Every once in a while we feel it necessary to "blow our own horn." We do not do this out of a desire to brag or boast about our accomplishments or achievements; rather, we do this to share the things members of our staff are doing that add to our residents and stakeholder's quality of life.

Recently, the City of South Jordan was recognized for our tree diversity at the Utah Nursery and Landscape Association's Annual Green Conference. In fact, the exact words were that South Jordan is the "poster child for tree diversity in the State of Utah." South Jordan exceeds any other community in its tree species diversity. This diversity is represented not only by the amount of species we have planted, but in the ratio in which they have been planted. Currently South Jordan has approximately 10,000 city maintained trees, with 125 different species. This is significant in reducing the chances of a large portion of city trees becoming infected by disease or pests and possibly dying, as well as adding to the aesthetic beauty of this great City.

The single most significant factor of this diversity is our Forest, Trails & Open Space Supervisor, Jeran Farley. Jeran earned his Bachelor's Degree in Horticulture and serves on the board for the Utah Community Forest Council. He began his employment with South Jordan in the fall of 2007. When he first came to work for us, the City only had approximately 40 different tree species. Jeran wanted to change that by introducing new and various species of trees throughout the City. Since he began his employment with us, he has introduced 85 new tree species to the City. Jeran's goal is to continue to increase the amount of rare tree species that thrive in the City. This is done by conducting extensive research by him and selecting new tree species to be planted. The trees are then shipped to the City tree farm until they have matured enough to be planted throughout the City.

We are fortunate to have Jeran and his passion for all things trees. As a staff we congratulate him on this recognition from the Utah Nursery and Landscape Association and look forward to all that he will continue to do for the residents of this great City.

Thank you.

Good Evening, I'd like to recognize some guests with us here tonight.
Joining us is the South Jordan Men's Tennis Team.

The Men's ^{adult} 40 and Over, ~~35~~ Team recently placed third at the United States Tennis Association League National Championships.

The team has been playing in a summer league since June and was fielded from two separate teams in the same age and skill division into the current team.

The group won the district championship 3-2 at Liberty Park in Salt Lake over Labor Day weekend and advanced to the sectionals in Denver, Colo. in mid-September.

Each player was required to pay his own way to the sectionals in Denver and get time off work; they barely fielded a team to Denver.

However, with just eight players, the team went undefeated against the best teams from Nevada, Colorado, Montana, Idaho and Wyoming. From there they advanced to Nationals in Arizona and were the only Men's team to win every match in their flight, automatically advancing them to the semi-finals. In the semi-finals Team South Jordan lost to the Pacific Northwest team but took third place against the Midwest team.

The 16-member team ^{became} ~~becomes~~ the first team from South Jordan to place among the top four Nationally.

We would like to recognize:

Coach John Lin

Captain Ryan Oliphant

Team members:

Brent Perry,

Ashok Xavier,

Terry Lutz

Ryan Rees,

Douglas Alderman,

Terry Austin,

Brad Crawford,

Curtis McDougal,

Gary McDougal,

Wayne Middleton,

Eric Price,

Larry Richie,

Craig Swapp

out of 100
Tennis teams
that play in Utah
this is the only
team that plays in
the top 4.

and Brian Tippets.

Please join me in congratulating the The South Jordan Men's Tennis Team for Ranking Third Best in the Nation.

Attachment D
2-17-15 C.C Mtg.

February 13th, 2015

Dear South Jordan Planning Commission and City Council,

We, the Andersons, are home owners in the existing Prospector Place neighborhood adjacent to the new Pearl Cove subdivision. We live on Miner Drive and therefore have a vested interest in the location of the stubbed-in road from Pearl Cove. It is our understanding that an appeal will be addressed at the February 17th meeting. We are concerned that a change from the current plan may include extending Miner Drive into the new subdivision. May we offer our thoughts on this subject?

In the mornings and afternoons, drivers going to and from the high school currently use Miner Drive to access the back gate of the school's parking lot. Some drivers even use Miner Drive to bypass a section of the consistent 2200 West morning traffic (like water they follow the path of least resistance).

These two conditions essentially create a race track on Miner Drive. We fear adding the new road to this thoroughfare would just extend that track and exacerbate the issue, raising further concerns about speeding and accidents. Especially since this neighborhood has children on the streets at that time going to and from school.

We feel having an access, other than Miner Drive, would actually be a calming traffic measure rather than intensifying the current traffic climate.

Thank you for your consideration and please feel free to contact us with any questions,

Sincerely, Martine and Grant Anderson

10037 South Miner Drive, South Jordan

801-446-7444

Mulligans Commission

DRAFT Charter • February 2015

Enabling Legislation

On January 20, 2014 the South Jordan City Council passed Resolution R2015-08: *A Resolution of the City Council of the City of South Jordan, Utah, to establish the Mulligans Commission with defined responsibilities and Authority.* (See PDF for full version).

Complementary to City Goals and Priorities

City of South Jordan Mission Statement

South Jordan City provides service-oriented, responsible government, consistent with the **community's values, priorities and expectations** for a high quality of life, enhancing the City's fiscal health, providing professional and innovative services, and **managing the City's resources**, while planning for the future.

City Council Strategic Priorities

Two of the six Fiscal 2015 Strategic Priorities are particularly relevant to the work of this Commission -

DESIREABLE AMENITIES AND OPEN SPACE • South Jordan City has beautiful and extensive parks, open spaces & amenities that support a wide variety of recreational opportunities for our great families, residents and businesses.

FISCALLY RESPONSIBLE • South Jordan has a balanced budget, healthy reserve fund, manageable debt, sustainable spending, and the municipal tax rate reflects only that necessary to provide the services our residents desire.

Mulligans-specific City Council Goal

Resolution R2014-76 was approved by the City Council on XXXXX which stated, in part: "OUR Goal as a South Jordan City Council is to fairly evaluate and adopt the best options, uses, and opportunities for Mulligans which consider the desire of our City residents, the unique characteristics of the Mulligans property, the recommendations of qualified professionals, the principles of operational and environmental sustainability, our commitment to fiscal responsibility, and the enjoyment and best interests of our community."

VISION: Mulligans Commission

Mulligans Golf and Games (hereafter Mulligans) is a family-friendly, green gathering place offering recreation, relaxation, and refreshment, along with a visual and physical connection to nature. Located along a major gateway to South Jordan, Mulligans provides a visual, green welcome and showcases our recognized 'Tree America' community for open space, preservation of wetlands, respect for wildlife, and harmony between nature and modern civilization.

[Applicant information ... Mulligans is one of two South Jordan tourist attractions listed at www.visitsaltlake.com (<http://www.visitsaltlake.com/search/?q=mulligans>). Mulligans is also located along the Jordan River Parkway, listed as part of 50-State America's Great Outdoors Report outlining more than 100 of the country's most promising projects designed to protect special places and increase access to outdoor spaces. Please visit: <http://www.doi.gov/news/pressreleases/AMERICAS-GREAT-OUTDOORS-Salazar-Releases-50-State-Report-Highlighting-Projects-to-Promote-Conservation-Outdoor-Recreation.cfm>. The Jordan River Parkway also has riparian vegetation, abundant wildlife and the graceful, magnificent birds of the transcontinental Western and Central migratory bird flyways.]

- The Mulligans Commission will act to support this vision through effective and responsible actions, analysis, considerations, and recommendations.

GOAL: Mulligans Commission

The Mulligans Commission will effectively identify, prioritize, analyze, discuss, decide, and report findings and recommendations to the South Jordan City Council. Commission issues and actions will focus on enhancing the Mulligans experience and long-term viability in harmony with the expressed desires of the majority of South Jordan residents, and supporting plans that strengthen the financial value, cash flow, recreational, and other contributions to the City of South Jordan.

- Measurable goals of this Mulligans Commission include providing well-developed presentations and recommendations to the South Jordan City Council as follows -
 1. 3/3/15. Present a completed Mulligans Commission Charter (this document) to the City Council for their acceptance at the 3/3/15 Council Meeting.
 2. 3/3/15. Present a recommendation whether or not to pursue a pay-down or pay-off of the bond indebtedness (approx. \$4.8 million outstanding - subject to bond terms) accounted for within the Mulligans Enterprise Fund at the 3/3/15 Council Meeting.
 3. 4/7/15. Consider and distill the preferences and recommendations of South Jordan residents as reported in the Y2 Analytics statistical survey. Identify, endorse, and publish guiding principles as derived from this review by 4/7/15.
 4. 4/21/15. Synthesize the actionable recommendations provided by the Utah Golf Alliance Study to the City of South Jordan in its January 2015 report to the City Council by 4/21/15. In doing so, focus on a) actionable short-term steps,

- achievable at modest cost that would enhance the revenue-generating ability of the property, and b) other recommended investments over longer timeframes.
5. 5/5/15. Research and review historical ownership, past studies, program/marketing plans, and other relevant documentation for insights. Present findings and recommendations to the City Council by 5/5/15.
 6. 5/19/15. Research and review opportunities to protect Mulligans in perpetuity, including easement and other legal options to protect recreational space in a city. Evaluate any prior published studies or evaluations of the Jordan River riparian areas and the Jordan River Parkway to include as consideration. Make a recommendation to the City Council by 5/19/15.
 7. 5/5/15. Research and recommend marketing improvements (and possibly short-term and longer-term marketing plans) aimed at improving the operating viability and financial sustainability of Mulligans. Present initial recommendations to the City Council at their 5/5/15 meeting.
 8. 5/19/15. Determine if an easement or other protective instrument can be placed on Mulligans designed to keep this property part of the public domain in accordance with resident wishes to preserve the space as open and recreational. Share research and recommendations with the City Council by 5/19/15.
 9. 6/2/15. Review and consider issues and recommendations regarding the physical structures, mechanical and other equipment in operation - together with maintenance and safety considerations. Report initial findings and recommendations to the City Council by 6/2/15.
 10. 6/2/15. Research and recommend a 2-year business plan for Fiscal years 2016 (beginning 7/1/15) and 2017, including marketing, operating, and financial (investments and proforma cash flow) expectations. Present to the City Council at their 6/2/15 meeting.
 11. 8/4/15. Research and recommend a 5-year business plan for Fiscal years 2016 (beginning 7/1/15) through 2020, including marketing, operating, and financial (investments and proforma cash flow) expectations. Present to the City Council at their 8/4/15 meeting.

OBJECTIVES: Mulligans Commission

The following objectives (not prioritized) will be pursued by the Mulligans Commission

- Always respect residents' statistically-researched views, concerns, passions, and preferences regarding the Mulligans property and operations
- Consider all viable reports and professional recommendations for improving the Mulligans operation, including but not limited to the Utah Golf Alliance

- Consider and recommend appropriate marketing activities aimed at attracting participants and events consistent with City standards
- Maintain a record of progress, issues, recommendations, plans, considerations, and expectations.
- Recommend plans for long-term viability of Mulligans, its properties and offerings
- Recommend sustainable improvements to recreational facilities, programs, and offerings
- Recommend ways to enhance the experience of those who visit Mulligans for recreation, relaxation, and connection with nature, with improved offerings and public access
- Recommend ways to increase the number of Mulligans' patrons and effective usage of the Mulligans' amenities
- Share our progress publicly (including advance meeting posting; public welcome), refocusing on the goals and objectives as determined by this Commission, as necessary, to keep the focus away from political agendas and committed to performing in accordance with this Charter (as finalized and approved), serving as our guide and our measuring stick.

REFERENCE: Mulligans Commission

In response by the resident applicants for the Mulligans Commission to the question: *What do you feel are the three most important things that need to happen at Mulligans which our Mulligans Commission can positively influence?*

- Ask the managers and employees that work at Mulligans for their suggestions. They will know better than anyone what needs to be improved at Mulligans. Also set up a suggestion box at Mulligans for the patrons to make suggestions.
- Decide upon a course of action that will make Mulligans sustainable for future generations
- Determine the total value proposition that this property has to the overall community
- Determine ways to improve the profitability of Mulligans
- Develop a plan to increase the use of Mulligans by individuals and families
- Development and implementation of short, mid and long term business plans
- Evaluate and apply a decision to both the objective and subjective criteria that is supported and opposed in the community that best meets the long term objectives of the City and community

- Improving the image of Mulligans
- Issues of course quality during maintenance periods or seasonal recovery
- Keep the site aesthetically pleasing, showcase it as a green entrance to our city, and make it a distinct destination for more (all) residents (and visitors)
- Make some immediate improvements to be ready in time for the official 2015 golf season
- Making a strong financial case to the city council to earn the funds to pay off the callable remaining bonds on Mulligans either in the near term or ear-marked for use at a specified future date in time.
- Marketing to different demographics about the services Mulligan's provides
- Not be unduly influenced by outside pet projects, rather, look at all ideas with an open mind and consider all resident needs in planning a path forward
- Oversight of the development of short-term (12 month), mid-term (1-3 years) and long-term (4-5 years) business plans, incorporating recommendations from the Utah Golf Alliance and other 3rd parties on improvements and determining timeline for execution, and maximizing revenue opportunities with the goal of having Mulligans have complete cost recovery and the ability to return additional profits that can be used for reinvestment into the property or return to the city for use in other recreational facilities.
- Pay off the bond
- Provide a forum to obtain support of the majority of the community in the decision making process while maintaining a posture of understanding for those who will be in the minority view during and after the process is complete
- Put an easement (or something protective akin to it) on the property
- The most important is being true to the public opinion of keeping the site green in some manner, but still making it cash positive
- There are 250,000 visitors a year. Raise the price one dollar and Mulligans doesn't lose \$250,000 according to some versions of the South Jordan's budget for Mulligans
- Thoroughly vetting all ideas related to preserving Mulligans as an asset for the citizens of South Jordan in perpetuity, up to and including exploring the usage of recreational easements (e.g. those in use in Virginia that include a golf course) and making recommendations to the city council on which course to pursue
- Viable, sustainable, and economically contributing entrance resource to our city
- Visionary preserving and integration of some component of important green space along this limited precious river resource
- Well balanced and comprehensive evaluation of all the options

Resident applicant comment ... need to ensure proper consideration and incorporation: Consider all relevant input from the survey, golf alliance, and other research to determine potential longer-term recommendations for changes/additions to Mulligans which would enhance the recreational and open space aspects of the property without placing undue burden on city finances (ideally cash positive). This could include (but not limited to): enhancing and/or upgrading existing facilities, replace some amenities with other desirable recreational or entertainment activities, potential to incorporate the river into the property more directly, opportunities to bring more people to the site for other reasons (picnics, family gathering events, trails, special functions, maybe small

concerts, etc.). Longer term suggestions need to be analyzed with costs, return on investment, and/or other justification(s) presented to the City Council for consideration and ultimate approval. All recommendations must be completed for presentation to the City Council in time for the 2016 budget planning cycle. Some ideas may or may not be timely or possible in the 2016 timeframe and the Commission in conjunction with the City Council may postpone some ideas to the 2017 budget cycle.