

SOUTH JORDAN CITY
CITY COUNCIL STUDY SESSION

April 21, 2015

Present: Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, City Attorney Ryan Loose, Development Services Director Brad Klavano, Administrative Services Director Dustin Lewis, IS Director Jon Day, City Council Secretary MaryAnn Dean

Others: Paul Johnson, Linda Petersen, Laura Hanson, Michael Steele, Paul Cunningham, Tina Brown, Andy Butler, Tari Brandi

STUDY SESSION – 4:00 PM

A. Invocation: *By Councilman Chuck Newton*

Councilman Newton offered the invocation.

At URMMA's request, the City Council moved to item C on the agenda.

C. Presentation: URMMA – Adding New Non-City Entities. *(By Paul Johnson)*

Paul Johnson, URMMA, said their agreement is specific for municipalities. They have had a request from a small special service district to provide liability insurance for them, but they can't under their current contract legally. He asked for input from the City Council if there are strong feelings against amending the Interlocal agreement. In order to amend the agreement, it would require a unanimous vote by all of the municipalities.

Councilman Rogers asked if this could open the floodgates for more requests? Mr. Johnson said it could. He said they would not allow just any entity to join URMMA. There is a vetting process for anyone that asks to join URMMA, even a municipality.

Mr. Johnson said the request for coverage has been made by the fire district that provides fire services for Enterprise, Utah. They don't have any of their own firefighting equipment. The fire district contracts services with Enterprise. Enterprise City is insured with URMMA. The fire district only has 1 employee. He said he is not sure the fire district can even afford to join.

Councilman Seethaler asked what differentiates a special service district from a municipality? City Attorney Loose said the difference is the way they are organized and created. A special service district provides a service and is typically regulated by a board. For liability purposes, the special service district provides similar services, if not the same services as a municipality. There are some cities that have their own sewer and power. The key distinction with special service districts is that they only do one thing.

Councilman Newton said there could be some positive results for URMMA if they allow special service districts.

It was noted that the fire district is immune from law suits for failure to properly fight a fire.

Councilman Newton asked who provided insurance to the fire district in the past? Mr. Johnson said they have not had insurance. They have never had a claim, and that is not likely to change. Mr. Johnson said URMMA would like to be able to provide insurance for the fire district, if they can make it through the vetting process.

Mr. Johnson said URMMA is in a good position currently, but they would like to grow. It was noted that URMMA is not backed by the state insurance guarantee fund, but they have aggregate insurance for \$6 million.

Mr. Johnson said in the case of the fire district, they don't see a real risk. Potential claims could be wrongful termination of an employee or vehicle accidents. With other special service districts, like a water district for example, they could have potential claims for flooding if pipes were not properly maintained.

Mayor Alvord said if an entity has a lower risk, do they get a lower rate? Mr. Johnson said probably not, but the membership fee might be lower.

There was no objection from Mayor Alvord or the City Council for URMMA to amend the Interlocal agreement.

B. Discussion Item: Jordan River Commission. (By *Strategic Services Director Tingey*)

Strategic Services Director Tingey said the Jordan River Commission was created with an Interlocal agreement. He said the Blue Print Jordan River is the guiding principles for the Jordan River trail to help them be better stewards of the land and make the whole corridor better.

Laura Hanson, Jordan River Commission, and Mike Steele, ex officio member of the Jordan River Commission Board were introduced. They passed out a manual for best practices for the riverfront communities (Attachment A). Ms. Hanson said the Jordan River Commission was created in 2010. Their budget is \$110,000, which covers operational costs. All of the Jordan River Commission projects are done with grants. Ms. Hanson said they are there to offer help and assistance to members with projects near the river. She said they have a small grant program. They have a legislative lobbyist that lobbies on the cities' behalf. They believe that what happens for the whole corridor benefits everyone. To date, for every \$1 contributed to the Jordan River Commission, they have leveraged that into \$30.

Councilman Newton asked if South Jordan would be required to make additional contributions other than the membership fee? Ms. Hanson said no, just the annual contribution.

Councilman Barnes asked how do they get out of the Interlocal agreement? Ms. Hanson said there is a clause that requires 30 days' notice. They discussed the cities that have not yet joined the commission. Ms. Hanson said they are focusing on building a positive track record.

Councilman Newton noted a letter sent to the city regarding Mulligans from the Jordan River Commission. The letter offered help, but some took it to mean that the commission wanted to change what was there. He noted the commission can get involved with developments within ½ mile of the river. He said they are doing some economic development work by Walmart and Sam's club. Does that mean that they are going to have a say in that area? Ms. Hanson said they proactively send letters for projects along the corridor to offer assistance. That was all that letter was. Utah has a high priority on private property rights and local control. The commission would never have been created, nor would they have lasted, if their goal was contrary to that. She indicated that they are careful about adding people to their board that represent a variety of interests.

Mr. Steele said if there was a proposed project, the city could request that it be reviewed by the Jordan River Commission.

Councilman Seethaler noted a past project in the city near the river. No residents spoke up for the river or the wetlands for that project. Ms. Hanson said she isn't familiar with that specific project. She said development next to the corridor is not always a bad thing. If the commission had reviewed the project, they would just point out what the city needs to think about or be concerned about. They are just there to offer tools and ideas. They will never say that a plan has to change.

Councilman Seethaler asked what governance will the Jordan River Coalition have? What restrictions would they be under? Ms. Hanson said they have no regulatory authority. She said they only provide guidelines.

Councilman Rogers asked if the Jordan River Commission is subject to GRAMMA? Ms. Hanson said yes. Councilman Rogers asked if they can conduct closed sessions? Ms. Hanson said yes.

Councilman Rogers said he is concerned that the language in the contract is more strong than the check list in their best practices book. The contract says that the Jordan River Commission will review all plans within ½ mile from the river. Councilman Newton said they need to change that language to say "may review".

Councilman Seethaler said they are not required to submit their plans. It says they will review the plans, if submitted. Ms. Hanson said they will be updating the agreement sometime this summer. That would be an opportunity to revisit the change to say "may review" rather than "will review".

Councilman Barnes said former members of the Council opposed joining the Jordan River Commission because of the potential of a financial obligation to do projects in other cities. Ms. Hanson reiterated that the annual contribution goes to just operating expenses. All projects are done with grants, donations, etc.

It was noted that the Jordan River Commission has assisted with bank stabilization projects.

Mr. Tingey said one advantage to joining the commission is the ability to leverage a partnership. Those that have partners or projects that are multi agency are the ones that are getting the money.

Councilman Newton said he can support this with the clean up of the language that says the commission will review a project, upon request.

Ms. Hanson indicated that she has testified in Planning Commission meetings, but never in opposition to a plan. Mr. Tingey concurred that local control is a top priority for the commission.

Ms. Hanson said she could go to the board with their concerns with the language. She said the proposed changes reflect their current practice. To get the language changed, the agreement would have to be circulated and all members of the governing body would have to approve the change. The process could be lengthy. It was again noted that the agreement will be changed in the summer and could be addressed at that time.

Councilman Newton asked if there is an urgency to approve this in the next 30-60 days? It was noted that South Jordan City would get one vote and one staff member to attend the meetings. Mr. Tingey said one reason to join is being part of the collaborative process. CM Whatcott said they have eminent projects along the river that are essential. He noted that they can get out of the agreement if they feel uncomfortable.

Mayor Alvord asked do they join now and change the language after, or delay their membership until the bylaws are changed? Councilman Barnes said he feels the risk is low. Councilman Seethaler said when they execute the new agreement, they can look at the language at that time. CM Whatcott said there is little development potential within ½ mile of the river. Councilman Rogers said he does not feel there is urgency to join now. Councilman Newton said there are some bank stabilization projects they need to get going on. He feels the risk is low. Mr. Tingey said there is a grant becoming available for a bank stabilization project in May.

CM Whatcott said there were some misunderstandings about the Jordan River Commission originally. Now there is a 3 year track record. Mr. Tingey said there was also concern about this being another taxing entity.

Ms. Hanson reviewed upcoming Jordan River Commission events.

Councilman Newton said if this is passed, they should bring a separate Resolution to direct staff to decide who will represent the city on the commission, and determine a Council representative.

The City Council took a brief dinner break.

D. Discussion Item: Mulligans Debt Reduction Party. *(By City Council)*

Mayor Alvord said the spirit of the party is to have a celebration that a major city attraction is free from a bond. He suggested the party be modest, but it would be fun to acknowledge this event and celebrate as a community.

Administrative Services Director Lewis suggested a celebration on a Wednesday afternoon, from 4-6. Staff is concerned about lost revenue if they do it on a weekend. He recommended the Wednesday before Country Fest (June 3rd). They can use it as a kickoff event for Country Fest. They can also advertise for the party in the Country Fest brochure and there would be significant cost savings for that. Food trucks are available on Wednesdays and they could have them there. They could also do giveaways with t-shirts, passes for golf, etc. They could also do a raffle. They will be sending out coupons that will be good for the entire summer.

Mayor Alvord asked about allowing residents to use Mulligans for free for the entire day. Mr. Lewis said because they have limited resources, they may end up turning people away. He is concerned about people having a negative experience.

Councilman Newton said he is okay to hold the party in conjunction with Country Fest.

Councilman Rogers recommended that they get as many food trucks as they can. He also recommended they get a radio station to broadcast from the event. Mr. Lewis said they can use the same radio station that will be advertising Country Fest.

Mr. Lewis said the plan is to give out free cake or ice cream bars. Mayor Alvord asked about a bounce house for the kids. CM Whatcott said they have been sued over them at city events before. City Attorney Loose said he is concerned about the liability with the bounce house.

CM Whatcott said they plan to leverage social media; they get something free if they like the City's Facebook page, or something similar.

Councilman Rogers stressed that need for signage on 10600 South. That is the best avenue for advertising. One sign should be dedicated to the fact that Mulligans will be saved and preserved. Another sign should note the bond pay off, and then they should advertise the party. He recommended the party be held from 4-9. Staff will get working on the signage right away.

CM Whatcott said he would set the budget of the party at \$20,000. They will be reasonable with their spending. It was noted the City Council will have t-shirts for the party; polo shirts for Country Fest. They discussed having a motto for the party, which is Mulligans: preserved, protected, and paid for.

E. Discussion Item: Federal Lobbying Agreement. *(By CM Whatcott & City Attorney Loose)*

Mayor Alvord said he met with the presumptive lobbyist. He was impressed with him and felt that he knew the issues. He said he would like to table the agreement until they vet the idea of what the lobbyist will do. One thing they need to address is water.

CM Whatcott said he understands a lot of the Council is not in favor of seeking federal funding. He recently went to Washington DC with Riverton, Draper, and Herriman to discuss transit funding. It was obvious that if there is any way to get Federal grants or money, especially from the Department of the Interior, it is necessary to have someone that knows the system and has the contacts in Washington DC. He said so far, staff has been unsuccessful at getting federal funding for secondary water. He said there aren't many earmarks anymore. There are grants through various departments. The other cities are successfully getting grants. It was noted that the presumptive lobbyist (Bryan Cunningham) also lobbies for Draper.

Councilman Newton said there are grants available. This may be a way to help the city with their secondary and culinary water issues. There might also be opportunity for transportation money.

Councilman Rogers said the direction should be for the lobbyist to obtain grants for water reuse projects for secondary water, culinary water, or both, and to help them with secondary water infrastructure. The lobbyist should also ask the federal delegation to put pressure on the state delegation for the legal impediments they have. They lobbyist should also assist with transportation funding.

CM Whatcott said the lobbyist should also seek out law enforcement grants, as well as environmental grants. There are 2 large wetland projects.

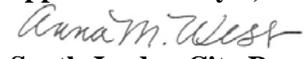
CM Whatcott said the contract is only for a year. They can always terminate if they are not happy or not getting the results they want. He said it was obvious that Mr. Cunningham had a strong rapport with the staff and congressman in Washington DC. Mr. Cunningham is from Utah and is aware of local issues. They have hired federal lobbyists before, but they did not have local connectivity. He said Mr. Cunningham also has a relationship with Greg Hughes. If they approve the agreement, they can address the issues with Mr. Cunningham.

Mayor Alvord said he just wanted to ensure that they aren't hiring a lobbyist for the reuse issue that is 20 years out. CM Whatcott said in 2017, the CUP will have millions available in grants. They need to start now to prepare their position. Mayor Alvord indicated that he feels more comfortable with the proposal.

ADJOURNMENT

The April 21, 2015 City Council study session adjourned at 5:55 pm

This is a true and correct copy of the April 21, 2015 Council Study meeting minutes, which were approved on May 5, 2015.


South Jordan City Recorder