

SOUTH JORDAN CITY
CITY COUNCIL MEETING

August 4, 2015

Present: Mayor David Alvord, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, COS Paul Cunningham, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, Development Services Director Brad Klavano, City Attorney Ryan Loose, City Commerce Director Brian Preece, IS Director John Day, Public Works Director Jason Rasmussen, City Council Secretary MaryAnn Dean

Others: Attachment A

REGULAR MEETING – 6:00 PM

A. Welcome and Roll Call

Mayor Alvord welcomed everyone present. He noted that Councilman Barnes is out of town and will not be at tonight's meeting.

B. Invocation

Councilman Seethaler offered the invocation.

C. Pledge of Allegiance

Dyllan Minshall, Scout from Troop 1019, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

1. July 21, 2015 Study Meeting
2. July 21, 2015 Regular Meeting

Councilman Newton and Councilman Rogers made amendments.

Councilman Rogers made a motion to approve the July 21, 2015 study meeting minutes, as amended and the July 21, 2015 regular meeting minutes, as amended. Councilman Seethaler seconded the motion. The vote was 4-0 in favor, with Councilman Barnes absent.

E. Public Comment

John Geilmann, 11034 Crystal View Way, presented a memo he wrote in response to a City Council report written by Councilman Newton (Attachment B). He said the article was intended

as a continuation of tactics to get himself re-elected. He said he has addressed the issues from the article with documentation. He reviewed the memo. He said he would appreciate them clarifying the record and taking action on it.

Brady Haider, 10787 Lees Dream Dr., lives in the subdivision at approximately 10800 South 2700 West. He said their biggest concern is traffic flow and the safety of their kids. The proposed subdivision shows access points in the southern and northern most points. It won't work well logistically. There are other options that they can look at.

Austan Torson, 2734 W. Amini Way, represents Palamino Cove. He said their biggest concern is that a Planning Commissioner said this was planned to tie into a new development 9 years ago. He said he would like to see those plans. He said there should have been some sort of vinyl fencing or curbing that ended at a certain point to show that it would tie into their subdivision. There was no sign of that.

Mayor Alvord indicated that the residents can ask for those records.

Clinton Sorensen, 11044 Amini Way, said he is also speaking about McKee Farms, and showed a map of the proposed area. A major concern is that the only other through streets that are between 2700 West and 3200 West are 11400 South or 10600 South. It will create a residential thoroughfare. People on 3200 West will use that to bring their kids to school, and they will go through Amini Way. They are concerned about the safety of their kids. The initial traffic planning did not bring that into consideration. He asked that they do what they can to slow the process until they get a traffic plan.

Mike Davis, 2885 W. Amini Way, said they are all addressing similar concerns. There needs to be more ideas brought to the table. They have not thought everything through. They have concern for the entire subdivision. The safety of the kids is their number one concern. There are 80 kids towards the end of Palamino Cove. There is already traffic back up with only 30 homes. They are excited about the new community, but collectively feel there needs to be more study and preparation in the development before it is approved.

It was noted that there are 30-40 residents present that support the statements made regarding the proposed McKee Farms development. It was also noted that if this item is appealed, the City Council will hear the issue so they cannot discuss it in a public meeting.

Councilman Rogers has met with some of the residents regarding this issue. He said the city is looking at options to resolve the issue.

Mayor Alvord recognized Amy Winder, Salt Lake County Council.

- F. Public Hearing: Strang and Olson Property Rezone and Development Agreement. Resolution R2015-52, authorizing the City of South Jordan to enter into a Development Agreement pertaining to property generally located at 1113 West 9970 South; and Rezone Ordinance 2015-15-Z, rezoning property from Agricultural (A-5)

& Residential (R-1.8) to Residential (R-2.5), on property located at 1113 W. 9970 S.
Applicants – Connie Strang and Dean Olson. (*By Planner Brad Sanderson*)

Planner Sanderson reviewed the background information on this item.

Development Services Director Klavano said the street would have to become public. The applicant is suggesting a rural standard, 45 ft. of right of way with 26 ft. of asphalt. He didn't feel it was in his purview to accept that and they felt it was best for the City Council to consider the change through a development agreement.

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

Councilman Seethaler said this passed through the Planning Commission, but the exceptions to the road standard were not presented. Planner Sanderson said correct. The Planning Commission only discussed the rezone; the development agreement has been done since then. Councilman Seethaler asked staff's recommendation on the allowance that has been asked for.

Mr. Klavano said he would prefer to build the street to city standard. The situation is unique as it is a private street and the applicant wants a rural look.

He said at one time, the city considered a rural development area. He is not sure if they want to consider that again in the future. There are concerns that future residents will ask for sidewalks to be installed.

Councilman Newton noted some ongoing sidewalk projects that the city has done on collector streets. He asked how is this different than 1055 West or Hidden Village?

Councilman Seethaler asked what is the future outlet for the lots at the west end on this? Mr. Sanderson said Chosen Way could be extended and the lots would adjoin at that location. The proposed cul de sac could not be extended unless they removed an existing home.

It was noted that the cul de sac length is 600 ft. Because of the length, they have to install more fire hydrants. The maximum cul de sac length allowed is 750 ft.

Mr. Sanderson reviewed the proposed right of way. The proposal is to have the same amount of asphalt that is in Daybreak.

Councilman Rogers said if they require the sidewalks, would it change the applicant's ability to build on any of the proposed lots? Mr. Sanderson said it shouldn't. Councilman Rogers asked if they required a 55 ft. right of way, would that alter the applicant's ability to build on these lots? Mr. Sanderson said no. There are ways to accomplish it, such as a PUD. The question is if the City Council is okay with the rural cross section without sidewalks. Mr. Klavano said for the applicant, it is an aesthetics thing to have no sidewalks.

Connie Strang, applicant, 1113 W. 9970 S., introduced herself.

Councilman Rogers asked what is her intention with respect to these lots? Ms. Strang said she is staying in her existing home and selling the other lots.

Councilman Seethaler asked why is it important to have a different look and feel than that of the standard build out? Ms. Strang said she likes the look of it. She doesn't feel the sidewalks would be used in a circle. She said if they made the right of way 55 ft., it would ruin the lots.

Councilman Seethaler noted this area is bordered by agricultural. Others have developed in the area with a different model. He asked about the history of what the area was envisioned to be? Ms. Strang said it is a farming history. The road is approximately 50 years old and was used to service the fields.

A house with a 20 ft. driveway on the plan was noted. That road will never connect to another subdivision.

Councilman Newton said his only concern is for the school kids walking down the street and that could be a problem. He said he prefers sidewalks. What will happen if the future residents want a sidewalk? What will Ms. Strang do? Ms. Strang said she does not know. She doesn't think that they will want a sidewalk and they will see what they are getting when they buy the lots.

Councilman Rogers said he is not opposed to the zone change, but he would like the sidewalks required. It was noted that if they don't approve the development agreement, the sidewalk would be required.

Ms. Strang asked if anyone has looked at the information on low impact drainage? Councilman Newton said he has looked at the concept. He asked if they will build more retention ponds with low impact drainage? Mr. Klavano said he feels low impact drainage would work well here. He believes they will be forced to do it more in the future.

Councilman Seethaler made a motion to approve Resolution 2015-52. Councilman Newton seconded the motion.

Councilman Rogers made a substitute motion to approve Resolution 2015-52, with the following amendments, that they would require sidewalks for the road, but allow the reduced width of the road.

Councilman Rogers said this motion is because of the number of homes going in and because of the history of residents' requests for sidewalks after the fact. He does not see a good reason to not have sidewalks.

Councilman Shelton seconded the motion. Roll call vote. The vote died 2-3 with Councilman Newton, Councilman Seethaler, and Mayor Alvord opposed, and Councilman Barnes absent.

Roll call vote on the original motion. The vote passed 3-2 with Councilman Rogers and Councilman Shelton opposed, and Councilman Barnes absent. Mayor Alvord voted in favor of the motion, breaking the tie vote.

Councilman Seethaler made a motion to approve Rezone Ordinance R2015-15-Z. Councilman Rogers seconded the motion. Roll call vote. The vote was 4-0 in favor, with Councilman Barnes absent.

G. Presentation: Proposed South Jordan City Water Management Plan (*By Public Works Director, Jason Rasmussen*)

Public Works Director Rasmussen reviewed the background information on this item.

Rick Maloy gave a presentation on the city's water shortage management plan (Attachment C).

Councilman Newton asked about a car wash saving water versus someone washing it themselves. Mr. Maloy said car washes recycle their water. He said the water from someone washing their car at home goes into the storm drain and that can't be reclaimed.

Mr. Rasmussen noted that the older car washes with hoses probably don't recycle their water.

Councilman Newton asked about the Ordinance for soft landscaping for park strips. Mr. Rasmussen said they are currently allowing input from developers, the home builders association, etc. to make sure that Ordinance is done right. They are working on it.

Mr. Rasmussen explained that if the lake gets down to a certain level, they will stop pumping water to the canals. Mr. Maloy said this year; they are putting less water in the canals in hopes that they can extend the water through the entire watering season.

Councilman Shelton asked how fines would be administered? Mr. Maloy said they are still exploring that. They want to ensure it is a civil system and not a criminal system. It will probably be administered by code enforcement. Mr. Rasmussen said they will determine how it will work before the Ordinance is ready for approval.

Councilman Seethaler asked what is the process of publicizing when the status changes within the city? How is that coordinated with other cities? Mr. Maloy said South Jordan is the only city to propose this type of plan under Jordan Valley Water Conservancy District (JVWCD) member agencies. They will advertise through direct mailers, marquees, the website, etc. If it came from JVWCD, it would be reviewed by news and media outputs. He said that JVWCD wants them to use their water allocation. This plan has been reviewed by JVWCD.

Councilman Seethaler asked if JVWCD has a water conservation plan? Mr. Rasmussen said no. They have a contracted amount. If the city was only allowed 80 percent of their allowed amount, it is the city's responsibility to effect conservation measures to allow them to operate within the restricted amount.

H. Reports and Comments (*Mayor, City Council, City Manager, and City Attorney*)

Mayor Alvord read the amended letter regarding abortion to be sent to both state and federal representatives (Attachment D).

Councilman Seethaler made a motion to approve the letter, to authorize Mayor Alvord to sign the letter on behalf of the City Council, subject to Councilman Barnes approving the letter as well.

City Attorney Loose said he would circulate the letter to Councilman Barnes.

Councilman Rogers seconded the motion. The vote was 4-0 in favor, with Councilman Barnes absent.

Mayor Alvord noted a joint COG meeting this Thursday.

Councilman Shelton said he is excited about the visit from the professional consultants for Mulligans this week.

Councilman Newton expressed appreciation to Mayor Alvord and CM Whatcott with opening the door with Salt Lake County. Staff had a follow up meeting with the County that was very productive.

Councilman Newton said he has had some feedback about the splash pad. Parents would appreciate a bowery or sun sail to keep the babies from getting over heated.

Councilman Newton said he received a complaint about speeding on 9435 S. from 3200 West to 2700 West. Mr. Klavano said that area was discussed in the traffic committee today. They will be doing a speed study.

Councilman Rogers noted the South Jordan City advertisement in the Salt Lake Parade of Homes magazine. It was well done. He also noted many of the homes being shown are in South Jordan.

Councilman Rogers said he heard about a proposal for a national zoning board. Should they be concerned? City Attorney Loose said they are looking into it. They need to better understand what is being proposed. They are asking their federal lobbyist to get more information. The federal lobbyist will be at City Council meeting the first week in September. Councilman Rogers said he believes a national zoning board would be a failure.

Administrative Services Director Lewis reviewed what will be happening with the Mulligans consultant this week. He reviewed the scheduled plans. It was noted that Staples Golf does golf course design, water conservation, and design and consulting service for community golf courses to turn them into a greater recreational asset. They will provide an independent view of what Mulligans could be.

Mayor Alvord said there has been a rash of sign vandalism and theft this election. He condemned that practice.

Administrative Services Director Lewis showed pictures of this year's float. It has won 5 awards so far. At the Days of 47 parade they won best float in the government section.

City Attorney Loose said the County voted today to put the transportation issue on the ballot. At this point, government entities can't weigh in if they are in favor of it or not.

ADJOURNMENT

Councilman Newton made a motion to adjourn. Councilman Shelton seconded the motion. The vote was unanimous in favor, with Councilman Barnes absent.

The August 4, 2015 City Council meeting adjourned at 7:54 p.m.

This is a true and correct copy of the August 4, 2015 Council meeting minutes, which were approved on August 18, 2015.


South Jordan City Recorder

SOUTH JORDAN CITY
City Council Meeting
August 4, 2015
6:00 P.M.

ALL THOSE ATTENDING, PLEASE
PRINT NAME & ADDRESS

PRINT NAME	PRINT ADDRESS
Alice Bleak	2818 W. Amini Way, 84095
Mike + Heather David	9885 W Amini Way, 84095
PEAN & NEEDLE PASKETT	2855 W. PRINCESS LANE 84095
Jadee Packer	11466 S. 2950 W. 84095
Marya Motkus	11570 SO. 2950 W. 84095
Amy Duns	2864 Amini Way 84095
Aimee + Joe Lindley	11002 S. Amini way 84095
Ken Robinson	2813 W Amini 84095
Kenton Doelling	11616 Golden wheat cove, SOJO, UT
Trevor Morgan	9347 COUNTRY CROSSING SO JO UT
Preston Wardle	11737 S. Country Crossing Rd.
Jon JAFFORS	2831 AMINI WAY
KANDER LOWER	11623 GOLDEN WHEAT COVE SOJO UT
GARRETT MILLIS	11753 W080 SOJO UT
John H. Geilman	11034 Crystal View Way SJ UT 84095
Kristine Marshall	11665 S. Country Brook Cir S Jordan 84009
Lisa Probst	2807 W. Princess Ln SJ 84095
Coralee Knadler	2855 W. Amini Way SJ 84095
Charlie Knadler	2855 W. Amini Way
Skyler Knadler	2855 W. Amini Way
John + Shanna	2737 W Amini Way
Rachel Heiman	4179 Blacksheep Way 84095
Lynette Bagley	2852 Amini Way, S.J. 84095

MEMORANDUM

TO: SOUTH JORDAN CITY COUNCIL & CITY RECORDER
FROM: JOHN H. GEILMANN, J.D. *JHG*
SUBJECT: SOUTH JORDAN JOURNAL – CITY COUNCIL REPORT – AUGUST 2015 (PAGE 23)
DATE: AUGUST 4, 2015
CC: MEDIA, CANDIDATES, CITY MANAGER AND CITY STAFF

Response and Request for Action: Regarding the above referenced “City Council Report” by Chuck Newton.

Number One: This is not a “Report”. It is poorly written, badly spun, political campaign rhetoric that is intended to do what Mr. Newton always does. That is, it is intended as a continuation of his “Bullying Tactics”, which he employs in order to get his own way. In this case, his way is to get him reelected to the City Council and at the same time to facilitate the defeat of other more qualified candidates.

Number Two: Attached to this memorandum is documentation that rebuts and clarifies the political spin written by Mr. Newton in his “campaign commentary”. I will make oral reference to only a few of these documents.

A. Tax Roll Back to Pre-2011 Levels (Mr. Newton)

Attachment – Utah League of Cities and Towns MAKING SENSE OF DOLLARS – The Certified Tax Rate

B. UGLY (Mr. Newton)

Attachment – Utah League of Cities and Towns Powers and Duties – Budgets for Cities

Embezzlement & Bad Fleet Management

Attachment – Auditor’s Report

C. Rubber Stamp (Mr. Newton)

Attachment – Business of the City Memorandum

Attachment – Budget – Operational Memorandum

Attachment – Utah Code: 10-6-111

D. 5% Property Tax Increase – forever! (Mr. Newton)

Attachment – A “forecasting model”

E. Mr. Newton – The Deal Maker

Attachment – Found in Council Room following Council Meeting

Number Three: Captain: “Get back to your post Holman, or I’ll have you shot”. Holman: “Well, shoot something”! (The Sand Pebbles)

Mr. Newton’s bullying has gone on long enough. It won’t stop unless you stand up to him. Take action on this. Ask him for his resignation from the council, or censure him for the rest of his term, or at the very least, issue a public reprimand. Do something!

By Chuck Newton

You're living in the only city in Utah, that has not raised property taxes the last four years, and also cut property taxes - rolled back to pre-2011 levels!

A huge turnaround from what we (Mark Seethaler, Steve Barnes, Scott Osborne and myself) discovered when taking office in 2012!

In 2012, the City Manager told us previous Councils had agreed to approve whatever was requested financially, and asked us to follow that tradition. Then, we were told we needed to approve a 14% budget increase because the money had been spent without prior approval. As you might guess, we then spent weeks in day long meetings dissecting the budget.

What we found was UGLY! From a poorly organized budget, poor budgeting, lack of financial controls, lack of cost centered accounting even in Enterprise funds, poor financial controls and poor auditing later uncovering employee embezzlement, bad fleet management, and staff problems including consulting businesses using city time, a couple of competency issues, the #8 highest debt in the State, all the way to unnecessarily higher property taxes.

Previous City Councils rubber stamped requests because of a lack of expertise to deal with city issues, and kicked the can down the road to avoid tough issues like the city's high debt, high density housing, financial problems with the



cemetery and Mulligan's, staffing issues and Jordan School District issues hurting the city.

Prior poor management of these issues placed the city on a financially unstable and unsustainable course, causing staff to prepare to start raising property taxes 5% a year, forever!

Stopping that property tax increase plan, and confronting these sometimes controversial issues, placing the city on a

better financial trajectory, while respecting your tax dollars! Facing Jordan School District issues also yielded very positive results, stopping a \$40-\$60 monthly increase on your property taxes and a new five year plan for building six schools, the first three without any bonding.

A big thanks to Mark Seethaler and Steve Barnes -- stepping down this year after many hours of weekly meetings, sometimes up to twice a week even now. Thank 'em with a big hug or a sloppy wet kiss! Thanks also to newer Council Members Don Shelton, Chris Rogers and Mayor Alvorð as it's taken us four years and a new city manager to put things on the right track!

Campaign Silly Season -- some candidates don't seem to grasp city issues. Some have voiced the unreasonable - taking the city back in time to the financial mess it used to be, when one of them ran the city. Some are being supported by previous Council Members who created the city's past problems. Some want to promote education, which is Jordan School District's purview.

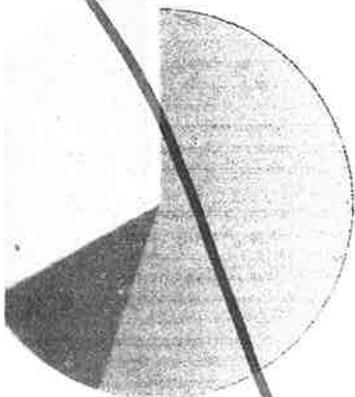
Many say 'they just want to listen, there's not enough listening' -- that's political speak for "they haven't a clue". Don't fall for it. Make them tell you their plans so you can vote wisely to avoid returning to our past financial disasters.

The future of South Jordan is in your hands -- don't forget to vote! See my blog www.chucknewton.blogspot.com for more.

MAKING SENSE OF DOLLARS
 ULCT publication
 January 2009

Property Tax

Where Does the Property Tax Go?



Cities and Towns
 Counties
 12% | Special Service District
 55% | Schools

Utah Taxpayers' Association Annual Report, 2007

Property taxes represent approximately 15 percent of total taxes. (Property taxes associated with education, in particular, represent nearly 60 percent.) However, that city-imposed property tax pie still represents just under \$300 million for Utah cities.

Cities tend to utilize the property tax less than other regions for services. Other regions, specifically the Midwest and South, rely much more on the property tax. The West tends to be in the middle. According to the Minnesota Taxpayers' Association Property Tax Comparison Study, which compares the property tax burden of homes valued at \$300,000 in St. Louis, St. Paul, Des Moines, Boise, Seattle, and Denver all ranked in the middle nationally.⁶⁴ The cities with the highest property tax burden are in the states of Michigan, New York, Illinois, and Indiana.

One of the major challenges for local governments that employ a property tax system is how to deal with sharp increases in property values. Although the situation may occur with all types of property, the challenge is particularly acute with residential property because the political ramifications can be severe. Over the years, local governments have used various approaches to limit the impact of sharp increases in residential property values. The most well-known was Proposition 13, which was enacted in 1978. In many other states, Utah confronted the increase in residential property values initially in 1979. Various attempts were made to limit increases in value or restrictions on the amount of revenue a taxing entity could receive from valuation

increases. These attempts also involved a number of court challenges. In 1985, the Utah State Legislature enacted the law commonly called truth-in-taxation. This framework is still in effect today and governs the use of property tax revenues by Utah's taxing entities.

The underlying premise of the TT system is that the impact of changing property values is off-set by reductions in the tax rate. Taxing entities may still increase their property tax revenues but only after a public notification and hearing process. While this process does restrict automatic property tax revenue increases for government (one of the most egregious aspects that lead to Proposition 13), it does not always eliminate the impact for individual properties. For example, a city could have a 10 percent increase in property value for all residential homes. Not accounting for new growth, truth-in-taxation would require the city to decrease its property tax rate by 10 percent to ensure that the city receives the same amount of revenue as the previous year. However, what happens is that not every home in the city appreciates at the same rate—to get to the 10 percent overall number; some homes may appreciate 15 percent and some 5 percent. With the new rate, homes that appreciated a little less would actually see a property tax reduction, while homes that appreciated faster than the city average would likely see a slight increase. This situation will be discussed in more detail later in this chapter.

The Certified Tax Rate

Another premise of the TT system is that a taxing entity is limited to (and also guaranteed) a specific amount of property tax revenue without going through a public notice and hearing process. The rate that generates this base-revenue amount is called the certified tax rate.

The certified tax rate formula starts with the taxing entity's previous year's budgeted property tax revenues. That amount is then divided by the current year's adjusted taxable value minus new growth. The mathematical result is a rate that will yield the specific revenue amount. This rate is called the certified tax rate.

Don't cut budgeted property tax revenues unless you don't have the right...

BUDGETS FOR CITIES

Every city has a budget officer whether you know it or not. The budget officer is the city auditor in a city of the first and second class, the mayor in a city of the third, fourth, and fifth class, or the mayor in a city organized under the council-mayor form. In the smaller cities the position of budget officer could be delegated by ordinance to a staff member such as the city manager or administrator.

A budget is a financial plan for a specified period of time that includes the estimated expenditures for given purposes and the proposed means of financing the expenditures. Budgets are made up of funds. All city budgets must have at least a general fund, any special revenue funds, a debt service fund, and a capital improvement fund. Cities must also adopt operating and capital budgets for enterprise funds. An enterprise fund is a fund for a business-like service such as water or sewer. Although they are often treated like the same thing, budgets for the general fund and enterprise funds are completely different. They are, however, adopted in the same manner.

The procedure for adopting the budget in a city is as follows. On or before the first scheduled meeting of the city council in May, the budget officer submits a tentative budget to the city council. The tentative budget must contain some required elements and must be submitted on the forms approved by the office of the state auditor. The tentative budget must set forth the actual revenue and expenditures for the last year, the estimate for expenditures and revenue for the current fiscal year, the actual expenditures and revenue for the last six months, and the budget officer's estimate of revenues and expenditures for the budget period. The tentative budget should also contain a budget message explaining the reasons and rationale for the budget. After the tentative budget is presented to the city council, the city council adopts it as the tentative budget of the city and then begins to make it its own by modifying and amending it. This process can take place at one or more meetings including special meetings called for that purpose. The tentative budget is a public document as soon as it is presented to the council. At the meeting, when the tentative budget is adopted, the council must set a time and place for a public hearing on the budget. Notice of the public hearing must be published in a newspaper at least seven days before the hearing.

At the public hearing, any person interested must be allowed to speak on the budget. After the public hearing, the city council must adopt the budget and set the property tax rate. The maximum rate is .007 per dollar of taxable value of taxable property. The budget and tax rate can be adopted at the same meeting as the public hearing, or at a later meeting, but should be done before June 22 of the year. The exception to this date is if a property tax increase is contemplated--if it is then the budget remains tentative until it is finally adopted in August. The reason for this delay is that before a city can increase property tax it must go through a process called truth in taxation.

The truth in taxation requirements include a mandatory notice to property owners of the proposed property tax increase both in the property tax notice and with a large newspaper advertisement. A public hearing is held on the proposed tax increase in August. It has to

PERSONNEL

ORDINANCES AND RESOLUTIONS

DIRECT LEGISLATION

ADMINISTRATIVE

POWERS AND DUTIES HANDBOOK

be held on the day that the county assigns to the city. The public hearings on property tax increases are scheduled so that there will not be any conflicts between the hearings held for cities, school districts, and special services districts. A property owner who faces property tax increases from more than one governmental entity can go to each public hearing without having to miss another entity's tax hearing.

If the city does not intend to increase property taxes, then the tax rate is adopted by June 22. You can not tell if a tax increase is occurring by just comparing rates. The truth in taxation regulations provide for what is called a certified tax rate. This is a rate calculated by the county and state that will provide a city with the same revenue from property tax that was generated last fiscal year plus any revenue from new growth. The purpose in this is to hold property owners harmless from the effects of property value inflation. This rate changes from year to year. If a city adopts a rate higher than the certified tax rate, it is considered a tax increase even if it is the exact same rate as the previous year's adopted rate. On the flip side, if there was deflation in property values, the certified tax rate could be higher than last year's rate and the adoption of it would not be considered a tax increase.

After a budget is adopted, it must be filed in the office of the city auditor or recorder and a copy sent to the office of the state auditor.

The budget for the general fund of the city must balance. If the previous fiscal year ran at a profit (revenue over expenditures), the city can keep the retained earnings. This can be kept for emergencies, to provide working capital for the new fiscal year before the revenue starts to come in, or to cover prior year deficits. There is a limitation on retained earnings of 18 percent of the total estimated revenue of the general fund.²⁴² Any amount in excess of this must be included in the new budget for the general fund as revenue in the next fiscal year, which may reduce the need for taxes. A city may, however, take any excess fund balance and appropriate it to a capital improvements fund. This allows a city to save for future planned projects. This has led to the common practice of opening and amending a current year budget (when it becomes apparent that revenue is exceeding expenditures) to appropriate the excess money to a capital improvements fund and avoid the problem of having an excess fund balance. Very often this amendment occurs right at the end of the current fiscal year.

²⁴²Utah Code 10-6-116.

CONSULTING REPORT ON THE CITY MANAGER

Sunil Naidu, Director of Finance
City of South Jordan, Utah
1600 West Towne Center Drive
South Jordan, Utah 84095
February 17, 2014

Dear Mr. Naidu:

As requested by management and the City Council of the City of South Jordan, Utah (the City), we have performed the procedures enumerated below as requested by the City. We understand that the reason we have been requested to perform these consulting services is to assist management in evaluating the City Manager position that was vacated, and to provide for a good starting point for the new City Manager. The time period under review is from July 1, 2013 – January 3, 2014, (from the beginning of the current fiscal year through the last day of employment of the departing City Manager).

Our services were performed in accordance with the standards for consulting services established by the American Institute of Certified Public Accountants (AICPA). Among other things, those standards require that we complete our assignments with integrity and objectivity. Consulting services are intended only to assist management in meeting its operational, financial oversight, or other objectives, not to make significant management decisions or to perform other significant management functions directly. In other words, our services were limited to information gathering and communication, advice and recommendations for you and your staff's consideration and possible acceptance and implementation. Determination of the scope of the procedures applied, their sufficiency for management's purpose, and management's conclusion are solely the responsibilities of management of the City. Consequently, we make no representation regarding our work for any purpose other than as set forth in this report.

AREAS UNDER REVIEW

There were essentially two areas we were requested to evaluate relating to the office of City Manager: Payroll and Expenses. Payroll was further divided into actual Payroll received by the City Manager and Payroll he approved for two individuals (for his assistant and for the City judge). Expenses were likewise divided into two general categories: actual Expenses incurred by the City Manager and Expenses he approved. In the section below, we discuss the procedures we performed for each type of transaction under review.

PROCEDURES

General Procedures

- Interviewed the Director of Finance to gain an understanding of the City Manager's responsibilities and the processes by which his payroll is approved and paid, and how the expenses and related budget are managed.
- Read the employment contract of the City Manager.
- Read the entire population of expenditures by classification looking for large or unusual transactions.
- From the expenditures by classification, selected a haphazard sample of items to verify the existence of adequate documentation.
- Evaluated a selection of transactions for reasonableness.
- Traced these transactions to supporting documentation provided by the Director of Finance, and
- Evaluated these transactions for proper payment and recorded amounts in the General Ledger.

City Manager Payroll Received

- Read payroll transactions for the period specified above and selected 3 pay periods for the City Manager related to his regular salary, annual vacation buyback, severance pay, and payroll taxes on severance pay.
- Recalculated salary, vacation buyback and severance pay, and
- Evaluated these transactions in conjunction with the City Manager's employee contract.

City Manager Payroll Approved

- Read payroll transactions for the period specified above and selected four pay periods for the two employees under City Manager approval.
- Recalculated employees' salaries for these four pay periods, and
- Evaluated these transactions in conjunction with each employee's approved hourly rate schedules

City Manager Expenses Incurred and Approved

- Obtained a schedule of expenses incurred directly by the City Manager and also those expenses approved by him, and scanned for unusual or large transactions.
- Selected multiple transactions for detailed examination and traced to supporting documentation.
- Compared transactions to credit card statements, receipts, and contracts, and
- Evaluated transactions for appropriate purpose based on the City Manager's duties and responsibilities

SUMMARY OF RESULTS

Based on the procedures enumerated above, the results are as follows:

- The City Manager's Payroll paid appears to agree with his employment contract.
- The City Manager's approved Payroll appears to be accurately paid according to each employee's approved pay rate schedule.
- The City Manager's approved and incurred Expenses appear reasonable and allowable for this department and in accordance with the approved Budget.
- Payroll and Expenses appear to be properly paid and recorded in the General Ledger, and
- Payroll and Expenses appear to be substantiated by appropriate supporting documentation.

Consequently, we noted no exceptions.

RECOMMENDATIONS

In completing the procedures discussed above, we identified the following potential areas for improvement:

Title of comment	Description
Department Transactions	The City Manager as any other Department Head, requires no prior authorization for department transactions. Uniform Fiscal Procedures Act (10-6-124) gives Department Heads, with the consent of the Budget Officer, the ability to spend at their discretion, their budget adopted by the City Council. We recommend that the Department Heads including the City Manager consult with and seek approval of the Budget Officer on expenditures not initially adopted by the City Council and that the Budget Officer periodically perform random audits to ascertain department expenditures are in line with the department goals as well as the overall City goals.
Verbal Approval Process	Except for the payment of the City Manager's credit card statements, authorization by the City Manager to his executive assistant for ordering goods or services and subsequent payment is on a verbal basis. Minimal documentation exists for the approval of most transactions. To improve internal control over the approval process, we suggest implementing an electronic or written approval process for these transactions.
Budget	The City Manager follows a budget allocated by the City Council. This budget is broken down by account, purpose, or event, however not individually reviewed and approved by anyone other than the City Manager at the initial budget process, unlike other Department budgets. The City Manager just as any other Department has much discretion as to how the department's budget is spent. Minimal authorization is required for transactions once a budget is approved, except for those line items approved by the Council. We recommend that prior to submitting the detailed budget to the Budget Officer, the budget be reviewed and approved by the Mayor at the up-front budget process (e.g. specify the kind of training for a given year, the parameters of the expense, etc.), thus reducing some, but not all, discretion, and tightening the overall budget process. We further recommend that the Budget Officer report and seek approval of the City Council of any requested increase not initially submitted during the budget process prior to amending the City Manager's budget.

LIMITING CONDITIONS

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on either the City's financial statements for compliance with generally accepted accounting principles. Accordingly, we do not express any such opinion or other form of assurance. Had we been engaged to perform additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of senior management of the City, and it should not be used by anyone else for any purposes.

PIERCY BOWLER TAYLOR & KERN



February 17, 2014

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: JOHN H. GEILMANN 

SUBJECT: THE BUSINESS OF THE CITY

DATE: 1/5/2012

CC: LEADERSHIP COUNCIL

Question Presented: What is the lawful and most orderly procedure for addressing council policy concerns, and day-to-day operations in the City; including, but not limited to, mayor and council member interaction with city department heads, employees, consultants, developers, and business entities?

Answers and Directions Regarding the Question Presented:

1. Council member policy concerns – Council members are to contact the city manager, who in turn will place policy matters on council meeting agenda for consideration of the matter by the full City Council in open and public meetings. City department heads and employees are not to begin working on such matters until the Council as a body have deliberated and voted affirmatively on the matter.
2. Council member interaction with consultants, developers, and business entities – Council members are to contact the city manager, who will in turn make arrangements for the full City Council to meet with consultants, developers, and business entities in settings that are most appropriate and which are consistent with the Utah Open Meetings Act. When requests for meetings of this nature are made by one council member, the city manager will contact the rest of the council for their direction and approval before arranging for such meetings.
3. Council member interaction with city department heads and employees – Council members are not lawfully authorized, either by ordinance or written contract, to give or make any work directives to any city department head or employee at any time for any reason. In the event a council member has a matter affecting the day-to-day operations of the city or employee issues, the council member is to contact the city manager about the matter, and the manager will in turn take appropriate and lawful action on the matter.

Analysis in Support of the Answers and Directions to the Question Presented:

The above question always presents a “touchy” situation for all who are or may be involved in these types of interactions. This question becomes even more sensitive following the selection of new mayors and council members. However, following the counsel of Jim Collins in his book Good to Great, this memorandum will “confront the brutal facts” in addressing the above question and the sub-issues presented with it.

First: South Jordan has a six member council, one of which is the mayor. The Mayor and Council Members have been given specific duties and powers by the legislature of the State of Utah. Those duties and powers cannot be expanded by the City. However, the enumerated statutory duties and powers can be reduced or delegated by the City. (Utah Code Title 10) South Jordan has chosen to leave the legislative duties and powers (policy making duties and powers) in the five voting city council members (SJMC 2.40.010 et seq.); has enumerated the duties and powers of the mayor (SJMC 2.24. 010 et seq.); and has delegated the administrative (operational) duties and powers of the city to the “city manager”. (SJMC 2.08.050 and 2.28.020 et seq. and by written contract.) Thus, the City of South Jordan is governed by a “Traditional Form of Government”, and administered by a “Manager by Ordinance” form of daily operations.

A summary of this first point then is that by law – State Statute and City Ordinance, the Mayor has certain prescribed duties and powers, the Council as a body (no single council member can act on their own), have certain prescribed duties and powers, and the city manager (by law and by contract) has certain prescribed duties and powers. Each person or body works together as part of a team to further the best interest of the City, yet each must act, and can only act, within the sphere of there legal duties and powers.

Second: One of the biggest challenges newly elected officials face is how to bring matters of concern forward. Matters of concern generally come in three forms. The first form has to do with legislative/policy matters; the second form has to do with day-to-day operational matters; the third form has to do with personnel or city employees. As set forth above, by law, elected officials in South Jordan City are vested with the ability to handle legislative/policy matters of concern, and the city manager is vested with the ability to handle day-to-day operational and city employee matters.

Regarding legislative/policy matters, the council votes on ordinances and resolutions and other directives, as a body, with the majority vote of the body rendering finality to the matter at issue. So the question is: how does the matter get placed in front of the elected body for the vote of the body?

Each council meeting has an agenda created for the meeting. The council meeting agenda has been created to provide a section for legislative/policy matters of concern to individual council members to be listed for discussion and action. At the council meeting those matters may be discussed and voted on by the governing body to determine whether consideration of the matter proceeds toward ordinance or resolution, or does not proceed for any further consideration.

To have matters placed in this section of the meeting agenda, council members contact the city manager with their matters of concern and ask that they be listed on the agenda.

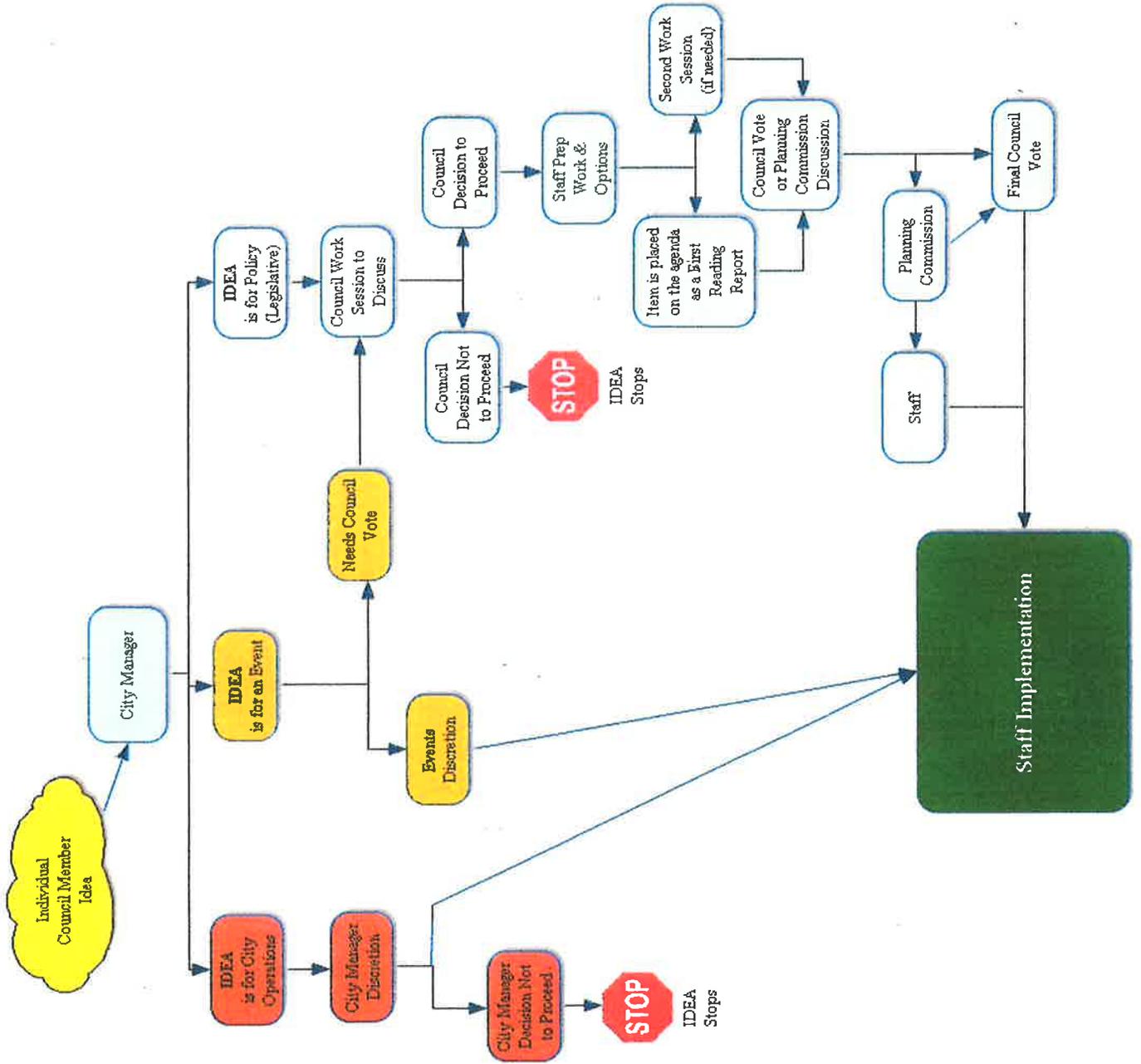
Also, council members can only act as a body when dealing with developers, business entities, or city consultants in and for the city. (Remember, meeting with city consultants costs the city money and the use of consultants should be used judiciously.) The lawful practice for the council to work with developers, business entities, or consultants is done so as a body. The city has established working relationships with these individuals and entities that will be best furthered by following the process of having the city manager arrange meetings between the council as a body and the entity for which there is a concern or need for discussion.

Third: The City Manager has had delegated to him/her, by law and contract, the powers and duties for the day-to-day operations and employee oversight for the City of South Jordan. Elected officials are not charged with these duties nor do they hold these powers. Elected officials may coordinate matters of operational concerns through the city manger (SJMC 2.28.020), but they do

not have the direct line of supervision or authority to give work directives to city employees. (SJMC 2.28.020 et seq. and written contact.)

The lawful practice for addressing operational and employee concerns by the council is to contact the city manager, express the concern to the city manager, then allow the city manager to take care of the concern as deemed appropriate both lawfully and financially. Such action is entirely consistent with the "Manager by Ordinance" form of administration established by the city.

In conclusion, if you have questions regarding the contents of this memorandum, please let me know. Thank you for your cooperation as we all work together to promote the health, safety, and general welfare of the residents, businesses and stakeholders of the City of South Jordan.



John Geilmann

From: John Geilmann
Sent: Wednesday, April 25, 2012 8:41 AM
To: CITY_COUNCIL_EMAIL; Leadership Council
Subject: FW: Governance of Financial Resources

My apologies for the premature sending of this email. (I've got to learn to keep my fingers off the keyboard until I'm ready to have some action taken. Sorry.)

To continue the below email:

Regarding the proposed 2012-2013 budget:

Thank you [REDACTED] for your candid comments about the budget and City Administration. My understanding of [REDACTED] email is that he does not support the budget, not because of what is IN the budget, but because of HOW the budget is created, and HOW the budget is administered once passed. In other words, the concern and decision to not support the budget as presented is more related to how the money goes into and out of the budget.

The legislative body needs to be reminded of a couple of very important matters.

1. By law, the City Budget Officer is charged with the creation of the budget for submission to the legislative body. Please be advised that the process to create the budget included an "attempt to involve the council" at the council visioning held in January of 2012. I say attempt because the meeting went a different direction than what staff had anticipated. Further, every department head, along with their department workers had significant input into the creation of the budget. The Budget Officer has prepared and will present to the legislative body on May 1st, a conservative and balanced budget that is 2% below the mid-year budget and does not include any property tax or rate increases for city residents. Staff has or will meet this legal obligation.
2. By law, the City Budget, once presented to the legislative body must be "tentatively adopted" by the legislative body and a public hearing set for the public's review and comment. This legal obligation that is placed on the legislative body is set to take place on May 15th.
3. By law, the Final City Budget must be adopted by the legislative body on or by June 22nd. Failure to make such adoption is a violation of State Statute and subjects the city to various penalties, including the city will not receive its tax revenues. The obligation for adoption rests with the legislative body.

Regarding the other concerns expressed in [REDACTED] email:

1. It is my reading of the email that more central to the issue of non-support for the budget is "governance" and city administration.
2. Again, it is my reading of the email, that [REDACTED] takes issue with the City's adopted Manager by Ordinance form of governance and administration. Frankly, it appears to me that he does not like the City Manager form of daily city operation.
3. By stating that the City should have multiple operational committees that are made up of the Mayor, Council members, City Manager and outside auditors it is clear to me that [REDACTED] would like to revert the existing city ordinance, and manager contract, to place "administration" in the Mayor and the Council. The existing ordinance and contract were created to place "administration" in the city manager. These are two contradictory concepts. Please keep in mind that the City has been operating in a superior fashion for over 13 years with the current governance and administrative processes.
4. A reversion or departure from the existing city manager ordinance and contract is clearly a default in the current city manager contract.

5. If there is more to be said, it should probably be in a closed session.

My intent in responding to the below email is not to anger anyone, but simply to state the facts. The legislative body certainly has the right to review the budget, and to adopt a budget that is in the best interest of the City. The body also has the ability to change the governance and administration of the City by enacting new ordinances, etc. The staff has been and is committed to exceeding expectations regarding the work they perform on behalf of the City of South Jordan. Laurie Johnson has put her heart and soul into the creation of the proposed budget, as have many other dedicated staff members. It is a really well thought out and prepared budget. We will present the proposed budget to the council at the May 1st work session, as scheduled.

Thank you all for your time in this matter.

Respectfully,

John H. Geilmann J.D.

City Manager

Effective 5/12/2015

10-6-111 Tentative budget to be prepared – Contents -- Estimate of expenditures -- Budget message -- Review by governing body.

(1)

- (a) On or before the first regularly scheduled meeting of the governing body in the last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on forms provided by the state auditor, and file with the governing body, a tentative budget for each fund for which a budget is required.
- (b) The tentative budget of each fund shall set forth in tabular form:
 - (i) the actual revenues and expenditures in the last completed fiscal period;
 - (ii) the budget estimates for the current fiscal period;
 - (iii) the actual revenues and expenditures for a period of 6 to 21 months, as appropriate, of the current fiscal period;
 - (iv) the estimated total revenues and expenditures for the current fiscal period;
 - (v) the budget officer's estimates of revenues and expenditures for the budget period, computed as provided in Subsection (1)(c); and
 - (vi) if the governing body elects, the actual performance experience to the extent established by Section 10-6-154 and available in work units, unit costs, man hours, or man years for each budgeted fund on an actual basis for the last completed fiscal period, and estimated for the current fiscal period and for the ensuing budget period.

(c)

- (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v), the budget officer shall estimate:
 - (A) on the basis of demonstrated need, the expenditures for the budget period, after:
 - (I) hearing each department head; and
 - (II) reviewing the budget requests and estimates of the department heads; and
 - (B)
 - (I) the amount of revenue available to serve the needs of each fund;
 - (II) the portion of revenue to be derived from all sources other than general property taxes; and
 - (III) the portion of revenue that shall be derived from general property taxes.
- (ii) The budget officer may revise any department's estimate under Subsection (1)(c)(i)(A) (II) that the officer considers advisable for the purpose of presenting the budget to the governing body.
- (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall compute and disclose in the budget the lowest rate of property tax levy that will raise the required amount of revenue, calculating the levy upon the latest taxable value.

(2)

- (a) Each tentative budget, when filed by the budget officer with the governing body, shall contain the estimates of expenditures submitted by department heads, together with specific work programs and such other supporting data as this chapter requires or the governing body may request. Each city of the first or second class shall, and a city of the third, fourth, or fifth class may, submit a supplementary estimate of all capital projects which each department head believes should be undertaken within the next three succeeding years.
- (b) Each tentative budget submitted by the budget officer to the governing body shall be accompanied by a budget message, which shall explain the budget, contain an outline of the proposed financial policies of the city for the budget period, and shall describe the important features of the budgetary plan. It shall set forth the reasons for salient changes from the

previous fiscal period in appropriation and revenue items and shall explain any major changes in financial policy.

- (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced below the minimums so required.
- (4)
 - (a) If the municipality is acting pursuant to Section 10-2a-218, the tentative budget shall:
 - (i) be submitted to the governing body-elect as soon as practicable; and
 - (ii) cover each fund for which a budget is required from the date of incorporation to the end of the fiscal year.
 - (b) The governing body shall substantially comply with all other provisions of this chapter, and the budget shall be passed upon incorporation.

Amended by Chapter 352, 2015 General Session

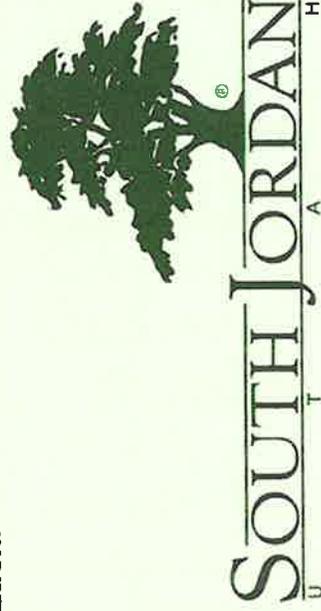
South Jordan City, Utah

Financial Forecasting Model

This model was created by South Jordan City and contains assumptions specific to that City and region. South Jordan has shared this model with the intention that it will act as a springboard to help other entities create their own financial models using their own assumptions.

Green text boxes have been added to help explain assumptions and model methods.

Good Luck!





To see all the details that are visible on the screen, use the "Print" link next to the map.



6:00 pm.
Tuesday

Chuck Newton

Mounting Bracket

11400 S. 2200 W. Installation
Homeowner did himself

Connie Edwards -

Ted Nelson

From: Russ Anderson
Sent: Friday, September 28, 2012 3:34 PM
To: Ted Nelson
Cc: Scott Wood
Subject: South Jordan City Council Meeting

Ted,

Thank you for your willingness to go to this meeting for me.

City Council Meeting:

Tuesday, Oct. 2, 2012

1600 W. Towne Center Dr. (10610 S.)

South Jordan, Utah 84095

(801) 254-3742 phone

The city council member who is promoting our fence and invited us to be there is:

Chuck Newton (801)557-0758

I would recommend taking a sample panel, a table top display, and even a 3'X3' display.

Thanks again,

Russ

Russ Anderson

Western Regional Sales

toll free: 866.648.9336

phone: 801.655.5236

cell: 801.910.1620

fax: 801.655.5240

russa@simtekfence.com

www.simtekfence.com



A scenic photograph of a park. In the foreground, there is a lush green lawn. A large tree with pink blossoms stands on the right side. The background shows more trees and a bright sky, suggesting a sunny day.

SOUTH JORDAN CITY WATER SHORTAGE MANAGEMENT PLAN

Residential and commercial
water conservation guide

Rick Maloy, Water Conservation Coordinator
8/4/2015



Purpose

- Preserve and protect water supply
- Plan for future water shortages
- Educate water users

Triggers

- Current supply from Jordan Valley
 - Emergency Shortage
 - Reservoir levels
 - Precipitation and snow pack

Objective

- Prepare water users for water shortages
- Ensure positive water outlook
- Maintain water quality and supply throughout shortages
- Water for emergency needs

Water Shortage Phases

- Phase I: Advisory Phase
- Phase II: Moderate Water Shortage
- Phase III: Moderate to Severe Water Shortage
- Phase IV: Severe Water Shortage

Voluntary/Mandatory Restrictions

	Phase I	Phase II	Phase III	Phase IV
Lawn Watering	Unrestricted	Voluntary	Mandatory	Mandatory
Swimming Pools	Unrestricted	Unrestricted	Voluntary	Mandatory
Outdoor Fountains & Ponds	Unrestricted	Unrestricted	Voluntary	Mandatory
Vehicles Washing	Unrestricted	Voluntary	Mandatory	Mandatory
Recreation Sprinklers and Outdoor Water Toys	Unrestricted	Unrestricted	Voluntary	Mandatory

Secondary Water Shortage Management Plan

- Phases
 - Phase I: Advisory Phase
 - Phase II: Moderate Water Shortage
 - Phase III: Severe Water Shortage

Triggers/Objective

- Triggers
 - Secondary water supply from canal companies
 - Utah Lake levels
- Objectives
 - Ensure water for entire season

	Phase I	Phase II	Phase III
Lawn Watering	Unrestricted	Voluntary	Mandatory

Enforcement

- Civil Violation
- Fine schedule
- Fines collected to fund water conservation programs
- Appeal process
- Attendance of a conservation course in place of fine

Public Notification and Education

- Website/Social Media
- City Newsletter
- Marquee and Signs
- Direct Mail

David L. Alvord, *Mayor*
Mark Seethaler, *Councilman*
Chuck Newton, *Councilman*
Donald J. Shelton, *Councilman*
Steve Barnes, *Councilman*
Christopher J. Rogers, *Councilman*

08-04-15 Council Meeting
Attachment D



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

Dear Representative/Senator / Governor _____ ,

As the South Jordan City Council, we represent approximately 64,000 residents in one of the fastest growing cities in the country. Numerous times in recent national surveys, South Jordan has been ranked as one of the most desirable places to live.

We feel that abortive services and abortion generally are inconsistent with the values of many, if not most, South Jordan residents. We join with other elected officials around the country in requesting that, as our elected representatives to Congress, you support any legal opportunities which exist or may arise to defund abortive services.

Sincerely,

Mayor David L. Alvord
(On behalf of the City Council)