SOUTH JORDAN CITY
COMBINED CITY COUNCIL AND
REDEVELOPMENT AGENCY ELECTRONIC MEETING

October 6, 2015

Present: Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler (by phone), Councilman Don Shelton, CM Gary Whatcott, City Attorney Ryan Loose, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, Strategic Services Director Don Tingey, COS Paul Cunningham, City Commerce Director Brian Preece, Finance Director Sunil Naidu, IS Director John Day, Public Works Director Jason Rasmussen, 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. It was noted that Councilman Seethaler is participating electronically. All members of the City Council were present.

B. **Invocation –** *By City Manager Gary Whatcott*

Thom Geilmann, resident, offered the invocation.

C. Pledge of Allegiance

Arron Packer, Troop 1586, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized all scouts present.

D. Minute Approval

1. September 15, 2015 Study Meeting

2. September 15, 2015 Regular Meeting

Councilman Newton made a motion to approve the September 15, 2015 study meeting minutes, as printed, and the September 15, 2015 regular meeting minutes, as printed. Councilman Newton seconded the motion. The vote was unanimous in favor.

E. Public Comment

Camio Lutz, 3427 W. 10305 S., said her home is adjacent to the proposed Murphy gas station. Last march, they completed their basement to make a handicapped accessible apartment for a relative. The cost to complete the basement was nearly $90,000. Then they heard about the gas station. They were told the area was going to be light commercial. They have tried to sell their home and listed $60,000 below market value. It is hard to sell with a Wal-Mart in the back yard. Then, with the gas station, she will never be able to sell her home. There are at least 7 homes affected by this decision. She said their homes were built first, before the Wal Mart. The gas station shouldn't be allowed in an existing residential area. This isn't wanted or needed. The zoning shouldn't have been approved; there is no buffer zone. She said the community supports the Resolution.

Terry Lutz, said Murphy Express called 2 meetings. The first one was heavily attended. The applicants asked if there were any concessions that could be offered for them to feel better about this. There was none. There wasn't good attendance at the second meeting because the residents don't want to talk to them, and they were still in unison in opposition to the proposal. He passed out a handout outlining some health concerns from gas stations (Attachment B). He said it is untrue that the gas won't bring in additional traffic. People will drive from far away to get lower priced gas. He said the attorney for Murphy Oil did know that it would be open 24 hours. He said there is a 300 ft. radius that effect's people's health. California also has a 300 foot rule on the books for gas stations. He said the proposal is not family friendly. He applauds the 300 foot stipulation in the Resolution. It will help many people in the future. This will cause a $100,000 decrease in their home value. It's not a good situation to have in their back yards. If the station were to have to close, there would be no other usefulness for the property. It would be easy to find areas in the city with the 300 foot allowance for homes. They can review that allowance if there were no homes in the area currently.

John Thomas, 4372 Glenmoor Hills Dr., passed out a photo (Attachment C). He said they understood that their RV had to be behind the main front of the home. They pushed it to the corner of their property. It has been that way for 3 years. This spring, he was told of the fencing requirement. He has a fence permit, but every option creates a danger for kids at his home and in the neighborhood. Typically, the driveway does not create a line of sight issue, but it does for his property. He also has a power box to deal with. He said the road in front of his home is a very busy traveled road in the neighborhood. He asked if the City Council could consider a variance for his case.

CM Whatcott indicated that he would work with Mr. Thomas on his options.

Tyler Wilson, 3574 W. 10235 S., echoed the previous comments regarding the proposed gas station. He encouraged the City Council to consider what is best for the city, rather than what is best for the developer. He said he was concerned about the study session discussion about how much the developer will make. The City should only be concerned about what is best for the city. The developer uses terms such as "minimal", "insignificant", and other undefined terms. They should make them define the terms better. He said in the study presented by Murphy Oil, it states that sensitive land uses should be avoided within 300 ft. of the gas station. Murphy Oil won't commit to how large the tanks are and how many gallons a year will be sold. He said the gas

station has an oil and water separator because of the fryer in the store. He does not believe the storm water will be run through that. He said small spills do effect the environment. It will go through concrete. The City Council should consider what is best for the city.

Wallace Jensen, 3482 W. 10235 S., said he is the treasurer of Jones Farm HOA. He said he is not aware of one neighbor that is in favor of the Murphy Express proposal. He said he attended the discussion in the study session. It was noted in that meeting that if they have the 300 ft. setback, they will not be allowing another gas station in South Jordan. He said there are several close to their home already. He said the Murphy Oil lawyer indicated that there have been misunderstandings. He said their issue has little to do with environmental impacts and lighting, or the height of the wall. It has to do with the fact that they don't want a gas station in their back yard. He said at the study session, it was said that the appraiser said there would be no additional property value impacts and all effect to the property value was absorbed by the development of Wal-Mart. He noted concerns with people being able to sell their home, and people that have said they would not have moved in had they known about the gas station. The appraiser did not take into account the shrinkage of the market place. Would they want a gas station in their back yard? They should leave the 300 ft. setback.

Manjimder Singh, 3443 W. 10305 S., echoed the previous comments. He presented the City Council with a document outlining the detrimental effect they feel the proposed gas station would have on their neighborhood (Attachment D).

City Attorney Loose said the Ordinance will be considered October 20, 2015.

Mayor Alvord said he is on the side of the residents in this case. He said the majority of the large parcels in the city are already zoned and decided. If they don't enact the 300 ft. rule, they will continue to have concern with gas stations going next to existing residents.

The City Council determined to give staff direction regarding the Ordinance at the end of the meeting.

Councilman Newton said this will affect the rest of the city and future infill parcels.

F. **Presentations:**

Communications Coordinator Tina Brown was presented with the Communicator of the Year award. CM Whatcott said the award is given by a group of Public Information Officers in the state. Mayor Alvord presented Miss Brown with the certificate.

1. Proclamation in Support of Extra Mile Day

Mayor Alvord read the proclamation.

G. **Consent Items:**

1. Resolution R2015-62, Recertification of the South Jordan Municipal Justice Court. *(By COS, Paul Cunningham)*
2. Resolution R2015-60, authorizing the City Manager to sign the Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services. *(By Police Chief, Jeff Carr)*
3. Resolution R2015-72, authorizing the City Manager to sign the Salt Lake County Officer-involved Critical Incident Task Force Interlocal Agreement. *(By Police Chief, Jeff Carr)*
4. South Jordan City Council Decision on Appeal Application AP-2015.09 – McKee Farms Subdivision. *(By City Attorney, Ryan Loose)*

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

H. **Action Item:** Appeal of Parking

Planner Schindler reviewed the background information on this item.

Ryan Robison, representing Oquirrh Park Phase 4, said his client wants an exception to the Ordinance that requires the parking area to be paved. He said his client is the Association in charge of the community. The subdivision was complete in 2004. At that time, the developer put in a gravel parking lot. The people in the community have used that lot. There has been no complaint or issue until a neighboring community resident complained. He said his client inherited this problem. The issue was the developer's problem. They should consider where this is located, which is in the back corner of the subdivision, next to a canal. His client has proposed to landscape the area with a soil berm, shrubs, and trees. The nature of the parking area would remain, but would be hidden from the view of the neighbors. He said that would meet the cities interests and not impose the $90,000 burden on the client to pave the parking lot, and that proposal would not take away the parking lot that the residents need.

Mayor Alvord asked why gravel was allowed? Planner Schindler said the developer originally put in gravel without approval. The developer was told he would have to amend the site plan, and he did not do that. He said he has emails indicating that the HOA, through the developer, was going to pave the parking lot in the Spring. The city did not pursue enforcement of this violation until they received a complaint. He said the HOA had engineering drawings done to do a paved parking lot, and they received a bid for the cost of the parking lot and that is when they decided it was too expensive.

Mayor Alvord asked if the developer is free of liability? City Attorney Loose said they would need to look at the timing and the statute of limitation. He could be liable, but they don't know conclusively. The city is dealing with the landowner in this case.

City Attorney Loose clarified that this appeal is based on title 16 only. They are only considering an appeal on paving. They are not considering landscaping exceptions tonight.

Mayor Alvord allowed public comment.

Cherie Dahl, lives behind this parking lot, said she did not buy her house knowing she would have a parking lot behind her. There is no record indicating that this would be a parking lot. It says it would be an open green area. She said there is a lot of garbage on the property, with cars that are wrecked and left. They have had up to 20 cars parked there. Why not stick with the original plan? Do they need more parking?

Craig Olafson, said he was the original President of the Bluffs HOA, but has since moved to the adjacent neighborhood. He said the gravel was supposed to be temporary. He said the developer went bankrupt. He said with the new street, they can see the parking lot.

Pictures of the parking lot were presented (Attachment E).

Councilman Rogers said this is a make shift parking lot for excess parking, and has been continually used that way. If they want to continue to use it for a parking lot, they can pay to fix it. If they discontinue using it as a parking lot, what expenses would they occur? Planner Schindler said they would like to see it landscaped as originally planned.

Councilman Newton asked if they should even be entertaining it as a parking lot if this was planned for greenspace? Councilman Rogers concurred. He feels the parking lot is an eyesore. If the area needs more parking, they need to find another space. Councilman Newton said another issue is the parking of commercial vehicles on the property. Councilman Rogers asked if they are in code violation for not landscaping this property? Planner Schindler said yes, for not completing the site plan. City Attorney Loose said if they amend the site plan, and decide to make this a parking lot, they need to analyze if that could be required.

Councilman Rogers asked if it would be out of compliance with the current code if they make this a parking lot? Planner Schindler said he does not believe it would violate the required greenspace, but it would have to be paved. If they just stop parking there, it still needs to be landscaped.

Mayor Alvord said it would be less expensive to landscape the parcel versus paving it.

Councilman Newton asked if an amended site plan was filed? Planner Schindler said yes, but it was denied. That is what they are appealing. There was no previous amended site plan.

Mayor Alvord asked if anyone would be interested in asking the HOA to provide the landscaping, and then the city pay to pave a small section? The city has taken over other HOA's at a greater expense. The cars need somewhere to go.

Councilman Newton said the original site plan was to be landscaping. Is a parking lot the best use along the trail? He would favor the original proposal as green space. Councilman Barnes said he would be in favor of Mayor Alvord's proposal, or something similar. Mayor Alvord asked about setting up a special service district? City Attorney Loose said they can't do a SSD if the residents protest it. Mayor Alvord recommended the city pave it, and then the HOA maintains it.

Councilman Rogers said the HOA can take out a loan and keep the property green.

Councilman Barnes said they could deny the appeal and come up with something that works for everyone involved. City Attorney Loose said they have been working on this since May. Staff could take 2-3 months to work out a plan.

Councilman Rogers said they could stay enforcement for 2 months. That is enough time to figure something out and secure a loan, if needed.

Mayor Alvord said this Council is not favorable to have the property be only parking, especially driving up to a resident's fence. He said it is either going to have to revert to green space or do a hybrid with parking and green space.

Councilman Rogers suggested staff continue to work and negotiate on this property. He said he is not sure if he wants a parking lot there.

COS Cunningham said they have put in a lot of effort to get it to this point. He said the commercial tow truck is no longer parking in this location. He cautioned them to spend city money on a private property solution. He is concerned about the precedent. If they want a parking area, it would have to be landscaped and drain the water.

Councilman Rogers said given the history, he is not in favor of staying the enforcement. The city and prosecutor have the discretion on enforcement. He wants a plan compliant with city code and agreeable to the HOA. The options are greenspace or meeting the code. He feels the HOA has had plenty of time. Staff can determine if they want to enforce this until the HOA submits a new plan. The city gave them several months to submit a plan, and then the plan did not comply with the Ordinance.

Mayor Alvord said he believes money is almost their number one concern.

Councilman Rogers said if they set a hard date, they should start enforcement after that date.

Planner Schindler said he received a plan, in the last year. They hired an engineer, drew up the plans, and gave them the costs for the parking lot. They determined it was too expensive and determined to keep the gravel. He concurred that money is the concern.

It was noted that no one, at this point, on the City Council is considering having the city pay for the paving. Councilman Barnes said he is open to the HOA paying for a small parking lot in this location.

Mayor Alvord asked if there is any scenario that the HOA would agree to pay for some pavement? What if they say it has to be all green space? Mr. Robison said he would need to consult with the HOA board. They want the parking lot, but money is an issue.

Councilman Rogers said they should deny the appeal and proceed with enforcement, unless they present a new application. They should have an answer quickly if they want to proceed. He said staff can handle the enforcement.

Councilman Rogers made a motion to deny the appeal for the parking lot Ordinance concerning the Bluffs at Oquirrh Park. Councilman Barnes seconded the motion.

It was noted that there are 240 units in this development. Councilman Seethaler asked if they should set a deadline for when the parking lot is closed? Councilman Rogers said they will leave the enforcement to the city prosecutor and staff if they feel there is no progress being made from the HOA.

The vote was unanimous in favor.

The City Council took a short recess.

I. **Action Item:** Resolution R2015-68, authorizing an exception to the South Jordan City Purchasing Policy for Professional Services and authorizing the City Manager to negotiate a contract with Staples Golf for the preparation of a Master Planning Recommendation report for the Mulligans Golf and Games. *(By Administrative Services Director, Dustin Lewis)*

Admin Services Director Lewis reviewed the background information on this item.

Councilman Seethaler referred to page 11 of the report and reviewed what a master plan is.

Councilman Shelton said they needed help from a professional to understand what can be done to make the facility the jewel that they all want it to be. He has been impressed with Staples Golf. He said they can work towards having a master plan by the end of the year. He does not know if they will make that deadline. He doesn't feel they should rush it. He feels Staples Golf is the right partner. They have brought up issues that he would never have thought of without this analysis.

Councilman Barnes asked if new issues have been raised? Mr. Lewis said they were aware of the issues, but the consultants are helping with the technical expertise to inform them how bad the situation is or how to address it. Councilman Seethaler noted, as an example, a problem with the driving range, on page 13 of the report.

Councilman Shelton said they have also recommended view locations in areas that there are remarkable views of the Wasatch Front.

It was noted that part of the master plan is the process on how to expend the money to improve Mulligans. Mayor Alvord said he feels paying off the bond gave new life to Mulligans.

The master plan process will include a business plan for Mulligans. Everything will come back to the City Council for approval.

Councilman Seethaler said this is an essential next step to do what is best for Mulligans and the residents long term.

Councilman Barnes asked if the Mulligans Commission gave consideration to Jimmy Blair's offer to do a similar type plan? Councilman Newton said when Mr. Blair made the offer, he then back-stepped, and said it would be hard for him to come up here.

Mr. Lewis said there was also some discussion that they wanted someone with new eyes and objectivity to look at the property. This was Mr. Blair's project from the beginning and that would bias the process. This plan has the Mulligans Commission unanimous approval.

Mayor Alvord allowed public comment on this issue.

Carol Brown, 10221 S. 1041 W. said many residents feel passionately about Mulligans, and they voiced their feelings. They have spent hours on this and feel Mulligans is a premier recreation center for their citizens. Next to the trails, it is the most used green space in South Jordan. She said Mr. Blair has turned around many golf courses, and he offered his help on Mulligans pro bono. It is sad that they are spending money to do what he would have done for free.

Julie Holbrook, South Jordan resident, said they should go through this thoroughly with discussion and public comment. Mulligans has been neglected for years and it will take a lot of work to get it back in shape. It might be good to work together. There is a lot of expertise in the city; there needs to be a master plan.

Councilman Barnes asked if they need a consultant for the rec center? CM Whatcott said they don't need a consultant for the rec center. He is confident in their ability to handle that. He does support a consultant for the golf course.

Councilman Seethaler made a motion to approve Resolution R2015-68. Councilman Shelton seconded the motion. The vote was unanimous in favor.

J. **Public Hearing:** Ordinance 2015-13, repealing existing Chapter 5.04 and enacting a new chapter 5.04 Business Licenses Generally in the South Jordan Municipal Code. *(By COS, Paul Cunningham)*

COS Cunningham reviewed the background information on this item. He reviewed a bullet list of new changes (Attachment F).

It was noted that any City Council members that have a business license in the city have noted that on their disclosure form.

There are a couple remaining issues that will be brought back before the end of the year.

Councilman Barnes asked how up to date is the business license search engine? City Commerce Director Preece said it works well.

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

Councilman Shelton expressed concern about the appeals process being entirely administrative.

Councilman Rogers asked what further appeal is there above the CM? COS Cunningham said the appeal would go to the CM. The CM could choose to send it to a hearing officer. The CM would make a final decision. The next option is court.

City Attorney Loose said the appeals process is a narrow quasi-judicial role. It would be similar to a GRAMMA request denial.

Councilman Rogers asked if there is a process where it is a pour over jurisdiction? Then, if the City Council doesn't want to decide the appeal, they can pour over the responsibility to the CM. They could do it on a case by case basis. City Attorney Loose said he would recommend to go one way or the other, for consistency.

COS Cunningham said appeals are very infrequent. CM Whatcott said the issue is time. As the city grows, they will get more appeals. He said the City Council needs to ask if they want to be burdened with these type of decisions.

City Attorney Loose reiterated that the City Council would have very narrow discretion. If they don't meet the Ordinance, the appeal has to be denied.

Councilman Barnes made a motion to approve Ordinance 2015-13. Councilman Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

K. **Public Hearing:** Resolution R2015-70, establishing new Business License Fees effective July 1, 2016. *(By COS, Paul Cunningham)*

COS Cunningham reviewed the background information on this item. The effective date will be the start of Fiscal Year 2016 (See Attachment G).

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

Councilman Shelton pointed out that the renewal of his business license will be the same cost as the renewal of Merit Medical. City Commerce Director Preece said it was based solely on administrative time for renewals, unless there is a disproportionate fee.

City Attorney Loose said they have to justify the fee based on the service provided.

Councilman Shelton and Mayor Alvord both disclosed that they have a city business license.

Councilman Rogers made a motion to approve Resolution 2015-70. Councilman Newton seconded the motion. Roll call vote. The vote was unanimous in favor.

RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING

Councilman Rogers made a motion to recess the City Council meeting and go into a Redevelopment Agency Meeting. Councilman Barnes seconded the motion. The vote was unanimous in favor.

L. **RDA Action Item:** RDA Resolution RDA 2015-09, Consideration for Adoption of a Resolution of the Board of Directors of the Redevelopment Agency of the City of South Jordan, Utah, Authorizing the Issuance and Sale of not more than $9,250,000 Aggregate Principal Amount of its Tax increment and Sales Tax Revenue Bonds, Series 2015; and Related Matters. *(By City Commerce Director, Brian Preece)*

City Commerce Director Brian Preece reviewed the background information on this item. Chairman Alvord noted that the not to exceed amount changes from $9,250,000 to $14,800,000.

Laura Lewis, Lewis, Young, Robertson, and Burningham, said they anticipate that they will close on the bonds within 6 weeks. They looked at the tax increment analysis and project revenues. The city will be providing a sales tax back stop. The bonds will mature 15 years from 2017.

Chairman Alvord said this issue has been discussed at length in previous meetings.

Board Member Barnes said this has been years in the process.

Board Member Shelton said the change from two bonds to one bond, and other factors, have increased the city's level of security.

RDA Attorney Smith said this is a step in the bonding process. The super parameters resolution authorizes the bond at a certain amount and size.

Board Member Seethaler asked if the Resolution will be modified? Ms. Lewis said that is her recommendation, but it is not needed. If they want to tighten the parameters down, they could do that at $14.8 million. Board Member Seethaler said he would not recommend changing the amount stated in the Resolution.

Board Member Newton made a motion to approve Resolution RDA 2015-09.

Board Member Rogers noted that they have a not to exceed amount in the Resolution that is $16,700,000, which is higher than they anticipate needing.

Board Member Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING AND RETURN TO CITY COUNCIL MEETING

Board Member Newton made a motion to adjourn the RDA meeting and go back into a City Council meeting. Board Member Barnes seconded the motion. The vote was unanimous in favor.

M. **Action Item:** Resolution R2015-71, Consideration for Adoption of a Resolution of the City Council of the City of South Jordan, Utah. Pledging Certain Sales Tax Revenues Under an Interlocal Sales Tax Pledge and Loan Agreement Toward the Payment of the Redevelopment Agency of the City of South Jordan, Utah's Tax Increment and Sales Tax Revenue Bonds, Series 2015 to be issued in the Aggregate Principal Amount of not to exceed $9,250,000; and Related Matters. *(By City Commerce Director, Brian Preece)*

RDA Attorney Craig Smith said this is the approval of the sales tax backstop. In case there is not enough tax increment, the city will guarantee payment with the use of sales tax funds.

Councilman Seethaler said they still have recourse, if the city were obliged to make payments. Ms. Lewis said the city could seek money from the RDA the following year after they had to make a payment.

RDA Attorney said the money is well secured. Ms. Lewis said there will likely be an RDA loan to the developer. That loan is secured by real property or other personal guarantees. That structure aligns the developer's interests with the city's interests.

Councilman Shelton made a motion to approve Resolution 2015-71. Councilman Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

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

Councilman Rogers said regarding the Murphy Oil issue, he has affirmed his position more now that the distance of gas stations next to residential should stay at 300 ft. He asked staff to leave it at 300 ft., based on the pending ordinance. He said the report given by the applicant even recommends the 300 ft. distance. He feels 100 ft. is too short and small.

Mayor Alvord said CM Whatcott recommended that they change the code to say that the gas station has to be 300 ft. from existing residential. It only has to be 100 ft. away if the residential comes in second because that way, the residents are buying with full knowledge that the gas station is there.

Councilman Barnes said he would like to review staff's justification for their original 100 ft. recommendation.

Councilman Shelton and Councilman Newton expressed support for CM Whatcott's proposal.

Mayor Alvord noted the fire station ground breaking ceremony last week. He said the station will be a nice addition to the city.

Mayor Alvord noted a recent sewer board meeting that he attended in the new offices.

Councilman Barnes said the Jordan River Commission and Mosquito abatement meetings were cancelled. He noted that he is looking forward to the bike tour and marathon.

Councilman Newton asked if they are doing a legislative breakfast again this year? City Attorney Loose said yes, but it will be a different format this year.

Councilman Shelton noted the meetings he attended at the ULCT conference. Staff always plays a prominent role there and he is proud to be associated with a top notch organization.

CM Whatcott said they are close to having a contract in place for a skunk collector who will dispose of skunks for them. That vendor does not deal with gophers. He also noted that the city is taking care of its own issues with raccoons.

CM Whatcott noted a closed meeting next Tuesday at 6 to discuss the purchase, exchange, or lease of real property.

Councilman Seethaler said he met with the Central Utah Water Conservancy District and learned a lot about water delivery and resources. He noted that Utah's water rates are low compared to the rest of the country.

O. **Executive Session:** Closed meeting to discuss the purchase, exchange, or lease of real property. *(By Don Tingey)*

P. **Executive Session:** Closed meeting to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual.

Councilman Rogers made a motion to go into an executive session to discuss the purchase, exchange, or lease of real property, and then to go into a closed meeting to discuss pending or reasonably imminent litigation and to discuss the character, professional competence, or physical or mental health of an individual. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

This is a true and correct copy of the October 6, 2015 Council Meeting minutes, which were approved on October 20, 2015.

Anna M. West

South Jordan City Recorder

Attachment A
10-6-15
C.C. Mtg

SOUTH JORDAN CITY
Combined City Council and RDA Meeting
October 6, 2015
6:00 P.M.

ALL THOSE ATTENDING, PLEASE
PRINT NAME & ADDRESS

PRINT NAME	PRINT ADDRESS
MAX SHOURA	10336 S. 3925 W; SoJo 84009
Krystle & Tom Sims	3411 W. 10305 S. SoJo.
WALLACE JENSEN	3492 W 10235 S
Paul + Lisa Hammer	10252 S. 3570 W.
Troop 1119	1217 W Groves Crest DR
Cherie Dahl	3802 W. Autumn Rain Rd
Thom Geilmann	10254 S. Temple Vista Ln
Leslie Carr	3523 W 10305 So S.Jordan
David L. Carr	3523 W. 10305 So. S.Jordan
Tyler & Danielle Wilson	3574 W 10235 So So Jordan
Brogan Astle	11493 Lizzie cove
Aaron packer	11466 S. 2950 W
Mitchell Sorensen	11044 S. Amini Way
Dallin Starr	11493 Lizzie cove
Sam Pingel	Saville Estates
Alice Bleak	2818 W. Amini Way
Elisha Thomas	4372 Glenmoor Hills Dr
John Thomas	4372 Glenmoor Hills Dr
Patricia Sosa	3367 W. 10235 S.
Mabelle Leatherwood	3289 W. 10305 So.
BUD WALCOTT	3322 W 10235 S.
Manjinder Singh	3443 W 10305 S
Navdeep Kaur	3443 W 10305 S

SOUTH JORDAN CITY
Combined City Council and RDA Meeting
October 6, 2015
6:00 P.M.

ALL THOSE ATTENDING, PLEASE
PRINT NAME & ADDRESS

PRINT NAME	PRINT ADDRESS
Santokh Singh	3443 W 10305 S
Rachint Singh	3443 W 10305 S
Cameron Lutz	3427 W 10305 S.
Daniel Godoy	3338 W 10305 S
Ana Maranon	3338 W 10305 S
Luke Jensen	11186 So. 2700 W.
Annalisa Purser	10777 Autumn Rain Road
Forrest Purser	10777 Autumn Rain Road
Brian Minton	2360 Barley Circle
Jordan Wardle	South Jordan
Colner Stevens	3329 west 10908 South Summer day drive
Owen Thomsen	11536 Lizze Cove
Gabriel Feland	11512 S 2950 W

Attachment B
10-6-15
C.C. Mtg.

October 7, 2014

Small Spills at Gas Stations Could Cause Significant Public Health Risks Over Time

Soil and groundwater may be imperiled more than previously understood

A new study suggests that drops of fuel spilled at gas stations — which occur frequently with fill-ups — could cumulatively be causing long-term environmental damage to soil and groundwater in residential areas in close proximity to the stations.

Few studies have considered the potential environmental impact of routine gasoline spills and instead have focused on problems associated with large-scale leaks. Researchers with the Johns Hopkins Bloomberg School of Public Health, publishing online Sept. 19 in the *Journal of Contaminant Hydrology*, developed a mathematical model and conducted experiments suggesting these small spills may be a larger issue than previously thought. Continued.....

http://www.jhsph.edu/news/news-releases/2014/small-spills-at-gas-stations-could-cause-significant-public-health-risks-over-time.html

LEAKING UNDERGROUND STORAGE TANK LEAK DANGERS FROM E.P.A. WEB SITE

EPA's federal underground storage tank (UST) regulations require that leaking underground storage tank (LUST) sites must be cleaned up to restore and protect groundwater resources and create a safe environment for those who live or work around these sites. These sites were found to be contaminated not just from leaking underground storage tanks, but also from spills and overfills.

USTs leak for a variety of reasons. Some tanks are made of steel, which is likely to corrode over time, causing tank contents to leak into nearby soils and groundwater. Faulty installation, negligence, or inadequate operation and maintenance of UST systems also can cause a leak or a spill.

N.Y. ATTORNEY GENERAL ERIC SCHNEDERMAN: The dangers of leaking underground storage tanks

Oil spills from leaking underground storage tanks at homes and gas stations are the largest single threat to groundwater quality in the United States today.10 An estimated 1.2 million tanks nationwide, many of which were installed prior to new regulations in 1988, are a concern because tanks corrode quickly when buried unprotected in the soil. Corrosion, and other factors such as improper installation, spills during product delivery, and piping failures, have already caused more than 400,000 confirmed underground storage tank leaks nationwide.11

Petroleum products can contaminate water with chemicals that are very difficult to clean to drinking water standards. Gasoline spills are particularly troublesome. A 1998 survey by the DEC found that gasoline spills contaminated more than 800 private wells. Forty-seven public water supply wells in New York State were contaminated with the gasoline additive MTBE. This additive generally travels through groundwater faster than the rest of the gasoline components and is therefore an early indicator of contamination. The presence of MTBE at a site is estimated to increase cleanup costs by 20%-50%.12

The EPA estimates that cleanup of petroleum spilled underground could cost upwards of $32 billion. In New York State alone, DEC reports that in fiscal year 1999-2000 there were oil spills at more than 3,500 private homes, 1,000 gasoline stations and 1,200 other businesses.13 The Oil Spill Fund, administered by the Office of the State Comptroller, pays for cleanups and relocations in New York State. Since 1995, the Fund spent nearly twenty million dollars each year to clean up spills where a responsible party failed to perform the necessary cleanup. DEC estimates that these amounts represent only 5 to 10 percent of actual clean up costs for all spills statewide, since the majority of spills are cleaned up by the responsible parties, whose costs are not included in the total. Thus, oil spills in New York State probably cost over $200 million per year in cleanup costs alone. No one has tried to calculate the cost of potential human health or ecological injuries.

Living near a petrol station is 'bad for your health' as fuel pollutants found to travel 100m

By DAILY MAIL REPORTER

UPDATED: 20:38 EST, 7 February 2011

Dangerous airborne organic compounds can travel as far as 100m from petrol stations

They found dangerous airborne pollutants from garages could contaminate buildings as far as 100m away.

The scientists said a 'minimum' distance of 50 metres should therefore be maintained between petrol stations and housing, and 100 metres for 'especially vulnerable' facilities such as hospitals, health centres, schools and old people's homes.

Study co author Marta Doval, said: 'Some airborne organic compounds - such as benzene, which increases the risk of cancer - have been recorded at petrol stations at levels above the average levels for urban areas where traffic is the primary source of emission.'

The study, published in the Journal of Environmental Management, shows the air at petrol stations and in their immediate surroundings is especially affected by emissions stemming from evaporated vehicle fuels. This includes unburnt fuel from fuel loading and unloading operations, refuelling and liquid spillages.

The research team measured the levels of 'typical traffic' pollutants in different parts of the urban area of Murcia. They then calculated the quotients for the levels of an aromatic compound (benzene) and a hydrocarbon (n-hexane) at three Murcia petrol stations - near the petrol pumps and surrounding areas - to find the distance at which the service stations stop having an impact.

In the three cases studied a maximum distances of influence of close to 100 metres was found although the average distance of contamination was around 50 metres.

Is It Safe to Live Near a Gas Station?

http://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/

The health concerns for you or your family with living by the pump

April 14, 2009

Getty Images

Dear EarthTalk: I am looking at possibly buying a house that is very close to a gasoline station. Is it safe to live so close to a gas station? What concerns should I have? I have toddler and infant babies.

-- Ranjeeta, Houston, TX

Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground, and exposure hazards from other chemicals that might be used at the station if it's also a repair shop.

Ozone pollution is caused by a mixture of volatile organic compounds, some of which are found in gasoline vapors, and others, like carbon monoxide, that come from car exhaust. Most gas pumps today must have government-regulated vapor-recovery boots on their nozzles, which limit the release of gas vapors while you're refueling your car. A similar system is used by the station when a tanker arrives to refill the underground tanks. But if those boots aren't working properly, the nearly odorless hydrocarbon fumes, which contain harmful chemicals like benzene, can be released into the air.

Higher ozone levels can lead to respiratory problems and asthma, while benzene is a known cancer-causing chemical, according to the National Institutes of Health (NIH). The quest to reduce ozone levels has led the state of California to implement a more stringent vapor-recovery law, effective April 1, 2009, which requires that all gasoline pumps have a new, more effective vapor-recovery nozzle.

Underground gasoline storage tanks can also be a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many a lawsuit has been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank. In the past, most tanks were made of uncoated steel, which will rust over time. Also, pipes leading to the tanks can be accidentally ruptured.

When thousands of gallons of gasoline enter the soil, chemicals travel to groundwater, which the EPA says is the source of drinking water for nearly half the U.S. If buying a home, consider its potential loss in value if a nearby underground storage tank were to leak. Gasoline additives such as methyl tertiary-butyl ether (MTBE), which has been outlawed in some states, make the water undrinkable—and that is only one of 150 chemicals in gasoline. Repeated high exposure to gasoline, whether in liquid or vapor form, can cause lung, brain and kidney damage, according to the NIH's National Library of Medicine.

Spilled or vaporized gasoline is not the only chemical hazard if the station is also a repair shop. Mechanics use solvents, antifreeze and lead products, and may work on vehicles that have asbestos in brakes or clutches. Auto refinishers and paint shops use even more potentially harmful chemicals.

In today's car-centric world, we can't escape exposure completely, because these chemicals are in our air just about everywhere. But by choosing where we live, keeping an eye out for spills, and pressuring the oil companies to do the right thing for the communities they occupy, we can minimize our exposures. **CONTACTS**: U.S. EPA, www.epa.gov; National Institutes of Health, www.nih.gov.

ROWE APPRAISAL GROUP

Location or Neighborhood: The neighborhood you live in can have a drastic effect on your properties value. Your home's proximity to public transportation (CTA or Metra stations) as well as restaurants, shopping, grocery

stores, quality schools, parks, etc all affect value. Conversely, **having a location with noise pollution can have an adverse effect on your home's value** (directly across from train tracks, on a busy street, **next to a gas station**, etc.)

FIRES AT U.S. SERVICE STATIONS

NFPA members
NFPA members can download free PDF copies of One-Stop Data Shop reports. All reports are also available for sale. To order, e-mail Nancy Schwartz or call +1 617 984-7450. Not an NFPA member? Join today.

Executive Summary

During the five-year period of 2004-2008, **NFPA estimates that U.S. fire departments responded to an average of 5,020 in service or gas station properties per year. These fires caused an annual average of two civilian deaths, 48 civilian fire injuries, and $20 million in direct property damage**. The majority of the fires in this category were vehicle fires. Reported fires in this occupancy group fell 46% from 7,860 in 1980 to 4,280 in 2008.

According to the U.S. Census Bureau, there were 117,000 gasoline stations in the United States in 2007[1]. Fires in these occupancies represent a variety of incidents, including structure fires, vehicle fires, outdoor fires and other fires. The majority of incidents are vehicle fires (61%), but the majority of the property damage (59%), results from structure fires. Outside trash or rubbish fires account for 12% of the fires reported to local fire departments at this type of property.

Twelve percent of fires reported to local fire departments in these properties were structure fires. The most common items first ignited in structure fires at service stations were flammable and combustible liquids and gases, piping or filter (22% of structure fires), followed by rubbish, trash, or waste (18%) and electrical wire or cable insulation (13%).

Most vehicle fires (82%) occurred in passenger vehicles, these fires accounted for nearly half of the total number of civilian injuries that occurred in service station fires of any kind (structure, vehicle, outside, other). The most common type of material first ignited in a vehicle fire was gasoline (28%).

Outside and other fires accounted for 15% of incidents at service stations. Natural vegetation fires accounted for 42% of these incidents. The most common heat source for outside fires was smoking materials (21%).

- See more at: http://www.nfpa.org/research/reports-and-statistics/fires-by-property-type/business-and-mercantile/fires-at-us-service-stations#sthash.oJb9ceRI.dpuf

Halt gas stations near neighborhoods, Indy planners say

John Russell, john.russell@indystar.com 8:11 p.m. EST March 4, 2015

Too many gas stations are popping up near residential areas, and it's time to put a halt to it, city development officials say. The Indianapolis Metropolitan Development Commission is recommending that the City-County Council impose a moratorium on new gas stations in commercial areas alongside neighborhoods.

Those areas, zoned as C-3, typically contain restaurants, shopping centers and office buildings.

The commission voted 8-1 Wednesday to recommend that the city prohibit any more gas stations in such areas.

SUMMARY: In other states around the country, health officials and legislators are realizing the dangerous effects on health and welfare from allowing large gas stations to be so close to residential housing. 100 feet is a bare minimum standard in many places and 300 feet distance is gaining ground in places where they have examined more recent data as details on the harmful health effects and risks of gas stations so close to residents emerge. We ask that South Jordan also take notice of these harmful health effects to their citizens in addition to the detrimental effect from the increased traffic, fire/explosion, environmental/ground water risk and significantly lowered property values from allowing these mega gas stations so close to residents homes and children.

Henry S. Cole. PhD

Science, Solutions and Leadership for the Environment And Communities

Henry S. Cole & Associates, Inc. http://hcole-environmental.com/wordpress/

Phone: (301) 780 7990 hcole@hcole-environmental.com

WRITTEN TESTIMONY FOR SB 0631
February 27, 2014
To: Maryland State Senate

RE: SB 0631, 300 ft set back certification for retail gas stations

I am Henry S. Cole, Ph.D. President of Henry S. Cole & Associates, Incorporated, an environmental sciences consulting firm. I am writing to the Senate --- to offer my strong support of Senate Bill 631. This bill would require a set-back of 300 feet between gasoline stations with annual sales of greater than 3.6 million gallons. The set back would provide a critically needed protective zone to people most likely exposed to emissions associated with mega-gas stations, including hospitals, schools, day care centers, residential properties, and parks.

Expertise: By way of introduction, I have more than 35 years of experience as an atmospheric and environmental scientist with strong qualifications in the area of air pollution emissions and their transport and dispersion and their impact on air quality. I served as a senior scientist with EPA's Office of Air Quality Planning and Standards (OAQPS) and as chief of the Model Application Section. I have been retained as an expert witness by a community association opposing a mega-gas station in Montgomery County and have written an expert report on the impacts of mega-gas stations for the Howard County Independent Business Association which supports County legislation that includes a buffer zone.

(For complete resume see Attachment 1.)

Recommendation: I strongly recommend that this committee and the legislature as a whole enact Senate Bill 631. The need for this bill is critical to protect the air quality and public health of communities across Maryland.

Consider that mega-stations, have much larger annual sales (greater than 3.6 million gallons/yr) than standard gasoline stations (hundreds of thousands of gallons per year). Moreover, the gas is sold at a significant discount, specifically designed to draw large numbers of vehicles to the station, with potential for stop and go traffic and backups--congestion which increase emissions of particulates, carbon monoxide, and oxides of nitrogen. Thus, mega-sized gas stations generate large quantities of toxic air pollutants, those known to damage human health of those exposed. These emissions include:

- Hydrocarbons which volatilize (evaporate) from storage tank refueling and venting and from vehicle refueling at the pump.

- Emissions of combustion products and hydrocarbon evaporation from vehicles approaching, using and exiting the gas station.

The 300 foot set-back provision in my judgment is essential to protect public health. The bill imposes this restriction on gas dispensing facilities that sell more than 3.6 million gallons annually -- stations and proposed stations whose numbers in our state have risen rapidly in the past few years.

Guidance from the California Air Resource Board (CARB) states, "Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater."[1, 2] SB 631 strengthens this language by mandating the 300 ft. separation. In my judgment the mandated setback is warranted. My reasons follow.

1. **The California buffer is based on a limited analysis which includes a single pollutant benzene and a single health risk, cancer.** However, many additional pollutants and their health effects were not incorporated into the CARB analysis including fine (PM2.5) and ultrafine particulates (UFPs), and the oxides of nitrogen (NOx). These pollutants, regulated as criteria pollutants, under the Clean Air Act have been linked to respiratory (e.g. asthma, impaired breathing) and cardiovascular disease. Even very short term exposures to these pollutants can send those with pre-existing conditions to the emergency room.

   Dr. Maria Jison, an expert on the health effects of pollutants, has submitted testimony in support of SB 631 based on the likely health impacts of mega gasoline stations including impacts found to occur even at concentrations considerably lower than EPA's National Ambient Air Quality Standards, especially with regard to sensitive populations including the young, the elderly and those with chronic conditions such as cardiovascular and respiratory disease.

2. **The siting process for mega-stations in Maryland is flawed:** I am currently serving as the expert witness for a neighborhood organization intervening in opposition to a 12 million gallon per year gas station proposed for an already congested area Montgomery County. If allowed the facility would be this facility would located 125 feet from the nearest home and within 300 feet of other homes.

   From this experience I can tell you that the current decision-making process in Montgomery County and other Maryland counties is deeply flawed. In the Montgomery County case, the applicant for the gas station is attempting to get a special exception to the site's existing zoning from the County's Board of Appeals. This process (a) is exceedingly long and drawn out (b) places a large burden on county officials and resources (c) and puts the county and the public at a distinct disadvantage and cannot match the millions of dollars that large corporations can invest in obtaining the expertise needed to engage in the process.

   In the Montgomery County case, public party and government reviewers have found numerous errors and problems in the modeling reports submitted by the applicant's air pollution expert that caused the air quality model to underpredict pollutant concentrations. Moreover, both the County's Planning Staff and Planning Board have recommended against the special exception for the mega-gas station. Yet the process has gone on for more than a year even after the staff and Planning Board recommended to deny the application. The reason: as each problem was identified, the applicant's

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[1] California Air Resources Board, Air Quality and Land Use Handbook, A Community Health Perspective, April 2005.

[2] U.S. EPA advises a detailed assessment where the potential site for a school is within 1000 feet of a mega-station of this size.

expert submitted yet another report, and in each case backing away from the initial assumptions made in the model to obtain lower concentrations necessary in some cases to avoid exceedances of EPA's air quality standards. Thus the Hearing Examiner's process has still not concluded and the case then goes to the Board of Appeals.

One of the problems with this approach is that the various data and models used to predict both emissions and ambient concentrations are far from precise. For example, EPA guidance allows considerable discretion and the assumptions and inputs used have a very large impact on the predicted concentrations.

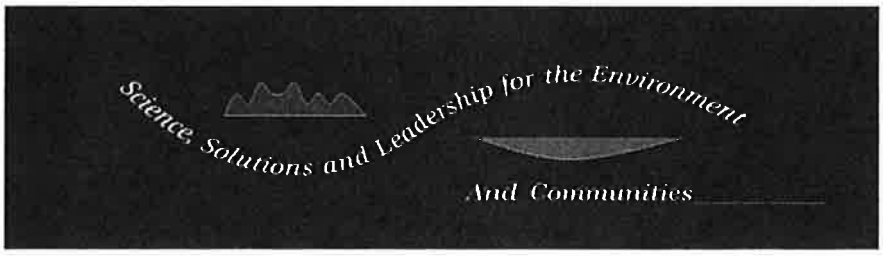
Similarly, considerable experts have considerable latitude in how emissions are modeled. In the Montgomery County case the applicant's expert simply multiplied the number of vehicles times emission factors without taking into the non-linear effect that the ratio of vehicles to capacity of a road or parking lot has on vehicle speeds and congestion. Slow moving cars and idling cars have exponentially higher emission rates than cars moving at 20 or 30 mph. By neglecting such interconnected feedback loops, the analysis will underpredict both emissions and concentrations.

As stated previously, a legislative approach is being pursued in Howard County.

3. **The Maryland Department of the Environment (MDE) regulations on gas stations are based solely on design and operational standards (e.g. required vapor control systems) but do specifically regulate emissions or ambient concentrations associated with gas stations.** Thus, the MDE has not been actively engaged in the siting issue for mega-gasoline stations, despite having more resources to do so than the individual counties.

Conclusion: *Clearly, the current county-by-county, case-by-case decision-making on mega-gas stations is time-consuming and resource intensive for the affected public and county governments. Moreover, the current situation leaves no guarantee that Maryland's communities will be assured equal protection. Senate Bill 631 eliminates these problems by imposing a simple and uniform siting procedure that will protect adjacent communities.*

Attachment 1



Henry S. Cole & Associates, Inc. http://hcole-environmental.com/
Phone: (301) 780 7990 (U.S.) 11229 Mattaponi Rd, Upper Marlboro, MD 20772

RESUME OF HENRY S. COLE, PH.D.
February 2014

Henry S. Cole, Ph.D., is the President of Henry S. Cole & Associates, Incorporated, an environmental science consulting company.

- Dr. Cole is an environmental and atmospheric earth scientist (meteorologist) with more than 5 years of in-depth experience in issues involving emission sources and air pollution meteorology as an academic researcher and as a former senior scientist with the U.S. Environmental Protection Agency. He has published numerous journal articles and reports in this field.

- Henry S. Cole & Associates has provided scientific support for governmental agencies, large corporations, legal firms, environmental organizations and community based groups located in the United States, Canada, and Europe. He has supported client's interests as an expert witness and consultant. He has represented client interest and before regulatory agencies and Congressional committees.

- Much of Dr. Cole's work has involved the environmental releases of pollutants and contaminants from a variety of sources, for example: gas stations, uncontrolled hazardous waste sites, municipal waste landfills, municipal waste incinerators, coal-fired power plants, industrial facilities, and commercial dry cleaning facilities.

- Dr. Cole was co-recipient of EPA's *Presidential Green Chemistry Challenge Award* (with Chemical Specialties, Inc.) for his work documenting the environmental advantages of ACQ, an arsenic-free alternative wood preservative

Education:

- Ph.D. University of Wisconsin (Madison) Department of Meteorology (1969). This training included proficiency in advanced level courses in processes related to atmospheric motion, thermodynamics, micrometeorology, and climatology.

- BS. Rutgers University, College of Agriculture (1965). Joint major in soil science and meteorology. Graduated with high honors, Phi Beta Kappa.

Professional Experience:

Associate Professor at the University of Wisconsin-Parkside (1969-1977).

- Taught courses including: earth sciences, environmental sciences, meteorology and air pollution.
- Conducted EPA-funded research into air pollution problems and photochemical smog in the Chicago-Milwaukee corridor.
- Served as a member of the Wisconsin State Air Pollution Council. Advisor to Racine County Board of Supervisors, co-author County Air Pollution Ordinance.

Senior scientist and section chief with U.S. EPA's Office of Air Quality Planning and Standards (1977-1983).

- Applied and developed models to predict the impact of emission sources (e.g. power plants, factories, urban regions, area sources, waste sites) on pollutant concentrations in ambient air.
- Served as Chief of the Model Application Section – Responsible for staff and studies in support of regulatory decisions and policy development.

Science Director for Clean Water Fund a national 501(3) organization (1983-1992) .

- Conducted extensive research into problems associated with hazardous wastes sites including landfills, municipal waste incinerators, and mercury contamination.
- Testified numerous times in the United States Congress on Superfund and RCRA-related issues.

Experience as an Expert Witness:

- Qualified expert witness, semi-judicial hearing, for community organization opposing mega-gas station in Montgomery Co., Maryland. Direct and Cross Examination Administrative Hearing Special Zoning Exception Application. 2012-current.
- Expert witness, for attorney representing Harlingen, Netherlands. Report and testimony before the Raad van State, Netherlands (supreme court for disputes between citizens against executive branch decisions). The case involved the licensing of a municipal waste incinerator. February 2011.
- Expert witness for class action attorneys in numerous cases involving odors from municipal landfills and composting facilities. Expert witness Braeside, Ontario community organization (MB-FACT) representing community organization opposed to hot mix asphalt plant abutting residential properties.
- Expert witness for Ecojustice, Public Interest Law Firm, Ontario Superior Court, representing members of the Aamjiwnaang First; Nation, challenge to Ministry of Environment on Suncor (Sarnia) emissions permit; expert report, forthcoming deposition and trial. (Current)
- Expert witness for Ontario Waterkeeper; witness statements, site investigation; successful opposition to Lafarge Cement plant plan to use alternative fuels including tires, animal wastes, municipal waste, etc. 2008.
- Technical consultant to Montgomery and Berks Counties, PA (Site examination, independent reports, and advice concerning closure requirements for the Pottstown Municipal Waste Landfill) 2005. Testimony to County board members.

- Expert, Environmental Liaison, for Court of Common Pleas Franklin County, OH. Case involved Georgia-Pacific Resins plant for environmental compliance and community impact. Issue involved waste disposal into open aeration pond, plant emissions (2003-2005).

- Several projects with the Center for Disease Control and Prevention (CDC) involving stakeholder processes between CDC's Agency for Toxic Substances and Disease Registry (ATSDR) and communities impacted by Superfund Sites and other sources of environmental pollution.

Examples of additional clients and projects:

- *Chemical Specialties, Inc.* Conducted research on the environmental advantage of arsenic and chromium free pressure treated wood preservative (manufactured by CSI). Environmental Assessment Report, participated in numerous meetings with EPA, and state agency officials. (c. 2000-2009).

- *Philips Electronics:* Report, Written Testimony to California Department of Toxic Substance Control (DTSC); The benefits of incentivizing the lowest mercury fluorescent lamps; a better policy than requiring recycling of fluorescents. (2002)

- *Allstate Insurance Company*, Forensic investigation of dry cleaner release of PCE solvent, Report established date and causes of release of dry cleaning solvent .

- *Church & Dwight (Arm & Hammer Products):* An environmental assessment report demonstrating the advantages of concentrated detergents.

- *MiCell, Inc.* developed non-toxic CO2 based alternative to perchloroethylene based dry cleaning solvent. Testimony before the Subcommittee on Tax, Finance, and Exports Of the Small Business Committee U.S. House of Representatives: In Support of The Dry Cleaning Environmental Tax Credit Act. Testimony focuses on risks and damages associated with perchloroethylene (dry cleaning solvent) and the need for tax incentives for investments on safe alternatives. (2000)

Congressional Testimony: Dr. Cole testified numerous before U.S. House and Senate committees on issues pertaining to hazardous waste sites, Superfund remediation, RCRA/ solid waste disposal and management and mercury pollution.

Professional Organizations: Current memberships: American Meteorological Society (AMS) and the American Chemical Society (ACS), American Association for the Advancement of Science (AAAS). Board of Directors, Chesapeake Sustainability Institute.

List of publications, reports, and Congressional testimony available on request.

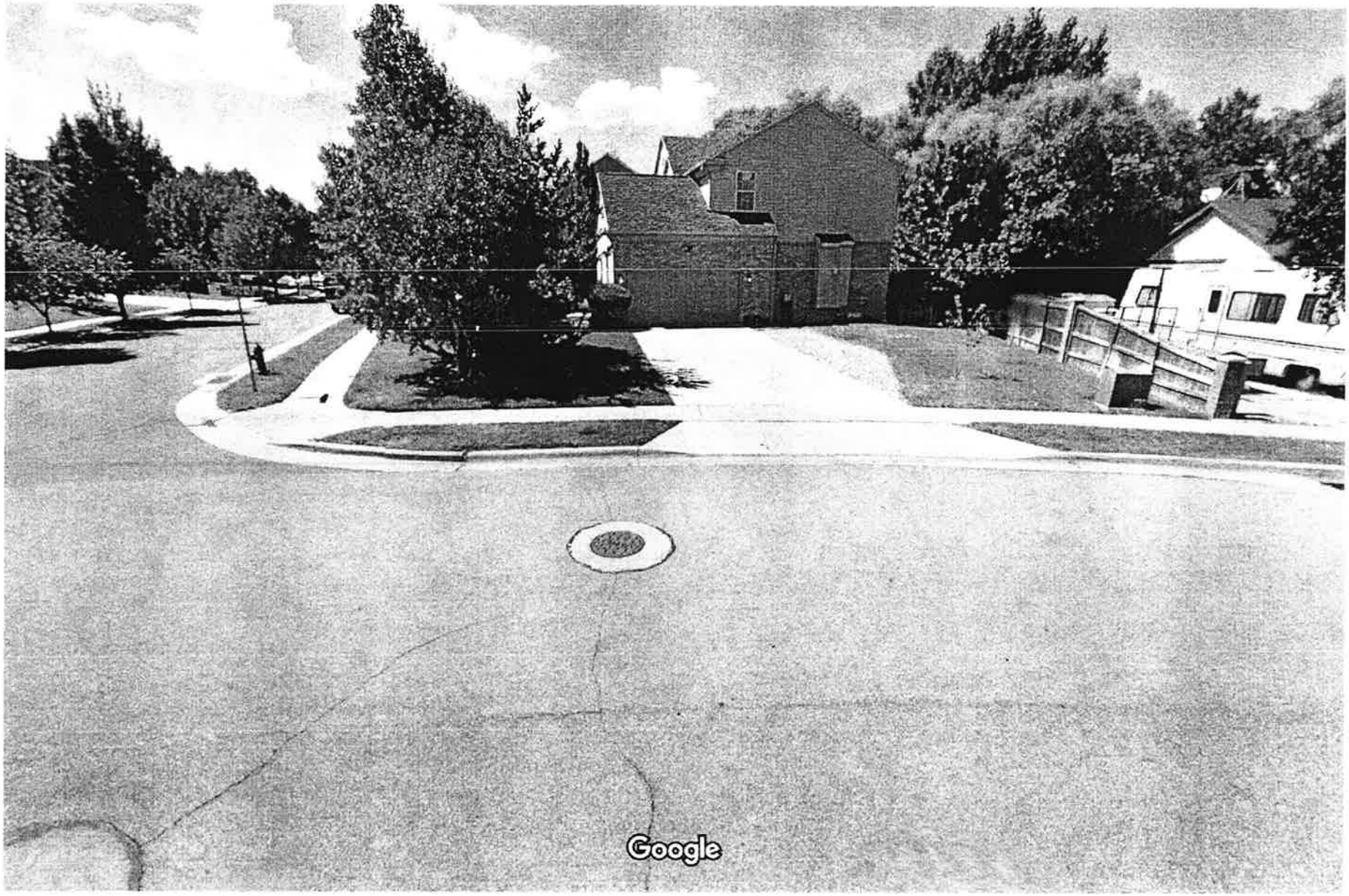
Google Maps

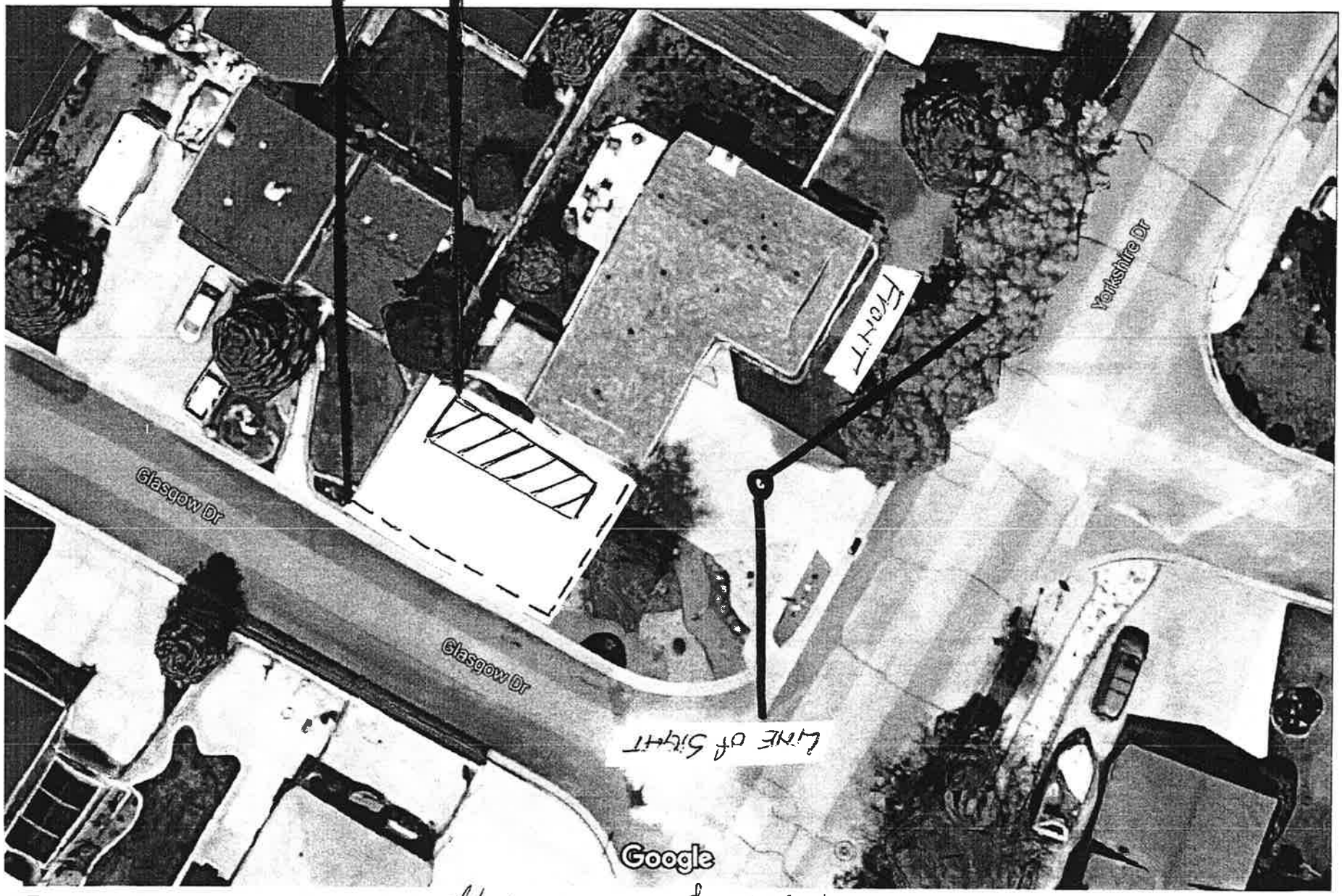
Attachment C
10-6-15 Mtg.

THOMAS Home

Prior to adding Gravel Pad to move trailer back off stree

Google Maps 10083 4355 W





Example of Typical Corner Home

#1

Trailer position

Fence

Google Maps

Example of Typical Corner Home

#2

Attachment D
10-6-15 C.C. Mtg.

HELP STOP THE PROPOSED GAS STATION IN OUR NEIGHBORHOOD!!

South Jordan City Council is accepting public comments at 6:00 pm on Tuesday, October 6th, concerning the proposed Murphy Express Gasoline Station at 10352 South River Heights Drive, South Jordan, UT on the vacant out-lot of the existing Walmart, north of and adjacent to the Wal-Mart access drive and adjacent to our homes and neighborhood.

The plans consist of several underground gasoline tanks holding a total of 51,000 gallons of gasoline just 20 to 100 feet from residential property lines. This is a high-volume, 24 hour station, similar to Costco in size, with capabilities of 16 cars fueling at one time.

A gas station in this location will have a compelling detrimental effect on our community for the following reasons:

1. **Health Risk.** The gas is sold at a significant discount, specifically designed to draw large numbers of vehicles to the station, with potential for stop and go traffic backups—congestion which increase emissions of particulates, carbon monoxide, and oxides of nitrogen (toxic air pollutants known to be very dangerous to human health after prolonged exposure). These toxic air pollutants evaporate from storage tank refueling and venting as well as refueling at the pump. Due to these health risks, the California Air Resource Board (CARB) suggests new sensitive land uses (including residential areas) not be placed within 300 feet of a large gas station due to these pollutants.

2. **Adverse Effect on the Value of Nearby Homes.** Research indicates that a gas station backing up to homes reduces those homes' value by up to 20%. The 24-hour service being proposed means more lighting with 20 foot lights and a 19 foot canopy, excessive noise (especially all night long during the sleeping hours of residents that are directly behind this proposed 24-hour station), and late night hanging out by teens and/or hoodlums since tobacco is the most purchased item, following gasoline.

3. **Traffic Noise** can have a significant impact on property value. Excessive numbers of diesels passing near a neighborhood can also lower property value due to noise and may also cause damage to nearby homes due to shaking/vibrations transmitted through the ground. Engineers and company representatives claim to not know the projected amount of vehicles to use the gas station per day nor how many gallons of gasoline per year projected to sale, but their company web site proclaims them as a low-cost, high volume gas station!

The development of a gas station prevents the development of other projects on that site which may have had a positive impact on the neighborhood. Smarter planned developments right next to residential areas would be a much more welcome addition to the community/neighborhood and help stabilize property values.

4. **Low Likelihood of Future Development.** The construction of a gas station will impact the landscape for generations, as gas stations are not easily converted into other uses. The biggest challenge is the removal of underground storage tanks and cleanup of any contamination caused by leaks. It is a very involved and expensive process that will make that site undesirable for future development.

5. **Excessive Noise Due to Traffic and Idling Engines.** The only entrance and exit to the gas station is not easily accessible, located directly behind residential homes once cars enter the Walmart parking lot. This is potential for idling engines of vehicles waiting for an open gas pump only 20 to 100 feet away from homes. The only barrier planned is an 8 to 12 foot fence and 6 foot trees that offer little help to stop the loud noises of idling vehicles, clanking fuel pumps, loud diesel trucks, dumpsters and diesels refilling the underground tanks.

6. Excessive Lighting. Due to the nature of gasoline stations, lighting is important, especially to eliminate crime. The proposed lighting will envelop residents' backyards and will shine through windows all night-- making it even harder to sleep on top of the already mentioned noise problem.

7. Excessive traffic. Three out of four vehicles cut through the Jones Farm Neighborhood to access Culvers, Jiffy Lube, Costco and Walmart. Another significant high volume traffic originator like a high volume gas station would make this road a high risk for pedestrian accidents as many of our children walk to Wal-Mart through this development and there are already extremely long waits to turn out from Wal-Mart to get to our community or to the main road. The area is already bursting at the seams with the drastic increase in traffic to Wal-Mart, Culvers, Jiffy Lube and Costco.

8. Risk of Explosion or Death. The proposed underground tanks will hold a total of 51,000 gallons of gasoline. The recent gasoline tank explosion in Ohio in Early August leaving a 40-foot crater in the ground reminds us there is some reasonable risk of explosion that could kill any nearby residents, especially children playing outside in their yards directly behind the proposed gas station. Even if this is a low risk, the perceived or potential risk that this could happen someday will make it extremely difficult to ever sell our homes directly behind a potential time bomb and environmental hazard.

9. Risk of Contamination. There is a reason many banks don't make loans to gas stations. After many years of settling & deterioration, there is a reasonable chance of an underground leak that could go on for months or even years before being detected. This would cause a huge environmental calamity for the entire area that could take years and millions of dollars in clean up with severe health risks to residents and all area vegetation/gardens.

10. Misleading Promises by Petersen Development. Many residents considering purchase of land for homes in the Jones Farm Subdivision and Harvest Crossing Development were lead to believe that the commercial land surrounding their homes would be "light commercial," a term coined by Petersen Development that doesn't exist. In fact, Petersen Development knew from day one that Walmart would be built on that same land they said would be "light commercial." They continue to mislead the community and now pursue the biggest cash return possible -- a 24-hour, high volume gas station.

No amount of concessions on this proposal will make it acceptable to have a gasoline station so close to our homes and neighborhood.

7-Eleven planned for old Shell station near Jockey's Ridge

THE SERVICE STATION HAS BEEN CLOSED FOR FIVE YEARS. (ROB MORRIS).

A SPRUCED-UP 7-11 WITH PORCH CEDAR SHAKE SIDING AND A PITCHED ROOF IS SLATED TO TAKE OVER THE DILAPIDATED SHELL STATION SITE JUST NORTH OF JOCKEY'S RIDGE, NC A PARCEL THAT HAS BEEN LEFT VACANT AND IN DISREPAIR FOR MORE THAN FIVE YEARS.

Building Size: 4,700 SF, Property Type: Service/Gas Station,
Property Use Type: Vacant/Owner-User over 2 years ago

Description Former Sinclair Branded C-Store 3 - 10,000 gallon gas tanks 1 - 6,000 gallon gas tank.
All 3 are above ground with leak sensors 4,700 SF | Retail
Sinclair Gas Station 70 Highway 95, Hanksville, UT 84734

Abandoned gas station in Utah

www.shutterstock.com · 140901073

Shell Abandoned Out Of Business Gasoline Station/ Gas Station Closed

Unidentifiable Abandoned Out Of Business Gasoline Station/ Gas Station Closed

www.shutterstock.com · 265954511

Old abandoned gas station

Attachment E
10-6-15 C.C.
Mtg.

Attachment F
10-6-15 C.C. Mtg.

Amended Proposed Changes for 2016-2017
Business License Fee

		Proposed Changes FY 2016-17	
Business License Fees		**New Application**	**Renewal**
Home Occupation		$200	$30.00
Home Occupation Day Care and Food Assembly		$200 (base)+ $75(disproportionate)= $275	$30 (base) + $75 (disproportionate)= $105
Commercial		$194	$105.00
	Big Box	$194 (base) + $1365 (disproportionate)= $1559	$105 (base) + $1365 (disproportionate)= $1470
	Department Store	$194 (base) + $645 (disproportionate)= $839	$105 (base) + $645 (disproportionate)= $750
	Expedited Fee	$194 (base) + (disproportionate-if applicable) +$68 (expedite)	N/A
	Liquor License Only-New Application	$194 (base) + $44 (disproportionate)= $238	$105 (base) + $44 (disproportionate)= $149
	New Salon Chair/Vending	$92 (base)	$25.00
	Residential Rental	$119 (base)	$30.00
	Temporary - Except Fireworks	$194 (base)	N/A
	Temporary- Fireworks	$194 (base) + $136 (disproportionate)= $330	N/A
Delinquent Fees (1-31 days after payment due date)			25% of base fee
Delinquent Fees (31-60 days after payment due date)			50% of base fee
Delinquent Fees (61-90 days after payment due date)			100% of base fee

Attachment G
10-6-15 C.C. Mtg.

Proposed 2016-17 Fee Schedule

Justification for Change: Based on Zion's Bank Business License Fee study recommendations.

DESCRIPTION		Current FY 2015-2016	Proposed Changes FY 2016-17	
Business License Fees			**New Application**	**Renewal**
Home Occupation		$47 plus cost for stamps and labels	$200	$30.00
Home Occupation Day Care and Food Assembly			$200 (base)+ $75(disproportionate)= $275	$30 (base) + $75 (disproportionate)= $105
Commercial			$194	$105.00
	Big Box		$194 (base) + $1365 (disproportionate)= $1559	$105 (base) + $1365 (disproportionate)= $1470
	Department Store		$194 (base) + $645 (disproportionate)= $839	$105 (base) + $645 (disproportionate)= $750
	Expedited Fee		$194 (base) + (disproportionate-if applicable) +$68 (expedite)	N/A
	Liquor License Only-New Application		$194 (base) + $44 (disproportionate)= $238	$105 (base) + $44 (disproportionate)= $149
	New Salon Chair/Vending		$92 (base)	$25.00
	Residential Rental		$119 (base)	$30.00
	Temporary - Except Fireworks		$194 (base)	N/A
	Temporary- Fireworks	$123 plus $250 cleaning deposit	$194 (base) + $136 (disproportionate)= $330	N/A
Sexually Oriented Business				
	Semi - Nude Entertainment Bus.	$2,122	$2,122	$2,122
	Adult Business	$2,122	$2,122	$2,122
	Semi - Nude Dancing Agency	$2,122	$2,122	$2,122
	Out - Call Business	$2,122	$2,122	$2,122
Delinquent Fees (1-31 days after payment due date)		one half of total fee		25% of base fee
Delinquent Fees (31-60 days after payment due date)				50% of base fee
Delinquent Fees (61-90 days after payment due date)				100% of base fee
Duplicate License Fee		$15	$15	
Name Change Fee		$20	$20	