

SOUTH JORDAN CITY
CITY COUNCIL MEETING

December 15, 2015

Present: Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, City Attorney Ryan Loose, Fire Chief Andrew Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, 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

REGULAR MEETING – 6:00 PM

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

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

B. Invocation – *By Mayor David Alvord*

Mayor Alvord offered the invocation.

C. Pledge of Allegiance

Austin DelCambree, scout, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

CM Whatcott said item J. needs to be pulled from the agenda. They will discuss it with the new City Council.

Councilman Rogers made a motion to amend the agenda to table item J. Councilman Seethaler seconded the motion. The vote was unanimous in favor.

1. December 1, 2015 Study Meeting
2. December 1, 2015 Regular Meeting

Councilman Seethaler made an amendment to the December 1, 2015 Regular Meeting minutes.

Councilman Seethaler made a motion to approve the December 1, 2015 study meeting minutes, as printed, and the December 1, 2015 regular meeting minutes, as amended. Councilman Barnes seconded the motion. The vote was unanimous in favor.

E. Public Comment:

There were no public comments.

F. Presentations:

1. Presentation of Service Awards for Departing City Council Members Mark Seethaler, Chuck Newton and Steve Barnes. *(By Mayor Alvord)*

This item was deferred until after item G.

G. Consent Items:

1. Appointment of Janis McClellan to the Arts Council for a 2-Year Term.
2. Resolution R2015-82, approving the Joint Exercise of Powers Agreement with the National Joint Powers Alliance and authorizing the Mayor to sign it.
3. Resolution R2015-85, reallocating unclaimed and forfeited money for use in the Public's Interest. *(By Police Chief, Jeff Carr)*

Councilman Newton requested to pull item 3. off the consent calendar.

Councilman Barnes made a motion to approve items G.1. and G.2. Councilman Seethaler seconded the motion. The vote was unanimous in favor.

3. Resolution R2015-85, reallocating unclaimed and forfeited money for use in the Public's Interest. *(By Police Chief, Jeff Carr)*

Councilman Newton noted that this was addressed at the last City Council meeting. This is just a math correction. It was noted that the unclaimed and forfeited money came from police cases.

Councilman Newton made a motion to approve Resolution R2015-85. Councilman Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

The City Council moved back to item F.1.

F. Presentations:

1. Presentation of Service Awards for Departing City Council Members Mark Seethaler, Chuck Newton and Steve Barnes. *(By Mayor Alvord)*

Councilman Rogers expressed his appreciation to the outgoing Council Members. He said they didn't always agree, but he respected their opinions and thoughtfulness on the issues. He indicated that each Council Member has unique characteristics. He said the City Council can agree or disagree and still retain amicable relationships.

Councilman Shelton said the Council Members that are leaving were key in recruiting him to the City Council, which is outside his comfort zone. It has been an enjoyable and growing experience for him. He wished the outgoing Council Members well.

CM Whatcott thanked the outgoing Council Members for their community service. Public service is a challenge and takes a lot of work. As a resident, he thanked them for the difference and impact they made to his home.

City Attorney Loose also thanked the outgoing Council for their service and sacrifice, and for the care and commitment they have shown.

Councilman Seethaler read a prepared statement (Attachment A).

Councilman Barnes said he was grateful for the privilege to serve. It was great because of the people that live and work here. He passed on advice that was given to him, which was to be careful about passing too many laws. They are here to represent the people. He said District 4 will have strong representation with Tamara Zander. He said the new Council should get to know and lean on staff. He thanked staff and his family for their support.

Councilman Newton thanked each staff member that was present. He noted the strategic priorities that they developed. He thanked the Mayor and City Council and said they accomplished a lot. He also thanked his wife.

Mayor Alvord concurred that they accomplished a lot together. He outlined 20 issues that they addressed, including Mulligans. He played a video they made on the Mulligan's issue. Without input from all of the City Council members, they would never have come to the Resolution on Mulligans that they did.

Mayor Alvord presented a gift to outgoing Council Members Seethaler, Barnes, and Newton.

The City Council took a brief recess.

- H. **Public Hearing:** Executech Office Parking Lot Land Use Amendment and Rezone. Resolution R2015-78, amending the land use designation of the subject property from Commercial to Office; and Rezone Ordinance 2015-21-Z, rezoning the property from (A-5) to (P-O) on land located at 11370 South 1300 West. *(By Planner David Mann)*

City Planner Greg Schindler reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Eric Montague, owner of Executech, said they are an IT services firm. Their staff manages networks throughout the state. They generate a significant amount of revenue. This year, they grossed over \$13 million, which equates to just over \$100,000 to South Jordan. They will continue to grow. This is a low impact location. They could build on the corner lot without the parking lot. They purchased the lot to the north for more parking so they could do a larger building and allow for future growth. They are involved in the local community, and he outlined contributions made to scouting events.

Mayor Alvord closed the public hearing.

Councilman Barnes asked about the concerns raised with the site plan review.

City Planner Schindler said the site plan was approved at the last Planning Commission meeting. Those concerns were not raised again. They were addressed by the applicant. He reiterated that a minimal number of employees will be at this office.

Mr. Montague said multiple people emailed him about the use of the location. There were concerns about the number of cars that will be at this location. He said this office is for their administration and sales staff. The residents' concerns were resolved. This was unanimously approved by the Planning Commission.

It was noted that there have been homes demolished on the property. The total acreage is about an acre.

Councilman Shelton said the concept plan shows an exit on a future road accessing 11400 South. City Planner Schindler said there is a shared access with a future assisted living facility. There is also an access onto 1300 West. There was concern expressed over how close the access is to the intersection. Development Services Director Klavano said UDOT will give their opinion on the access, when they get the permit. It was noted that the approach already exists. The access on 1300 West will be right in, right out. Mr. Klavano reiterated that UDOT will evaluate the approach on 11400 South. It is UDOT's decision since it is their road. Councilman Shelton said if a right in right out access is required on 11400 South, that could make it difficult for this business.

Councilman Barnes made a motion to approve Resolution R2015-78. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Barnes made a motion to approve Rezone Ordinance 2015-21-Z. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. **Action Item:** Resolution R2015-80, authorizing the execution of an Interlocal Cooperation Agreement between the Jordan School District and the City of South Jordan. *(By Strategic Services Director, Don Tingey)*

Strategic Services Director Don Tingey reviewed the background information on this item.

Councilman Newton thanked staff for their work on this; he said they have a great agreement. Councilman Barnes concurred.

Councilman Barnes said he understands they had some resistance at the School District level about renewing the agreement. Strategic Services Director Tingey said there was not resistance, but there were issues that they had to discuss and work through on how to move forward. City Attorney Loose concurred. He said they always worked under the assumption that the agreement would get done.

Councilman Barnes expressed appreciation to staff and Councilman Newton on this issue. He said when this issue was being addressed, there was criticism of the City Council, but there was actually a lot of support for this on the Jordan School District Board. This has been a great move forward for the city and the School District. Councilman Newton said he was grateful for the support of the City Council on this issue.

Councilman Newton made a motion to approve Resolution R2015-80. Councilman Seethaler seconded the motion. Roll call vote. The vote was unanimous in favor.

Councilman Newton asked that staff draft a letter of thanks to the School District from the Mayor and City Council.

- J. **Action Item:** Resolution R2015-84, authorization of a Purchasing Policy Exemption for Professional Engineering Services with Hansen, Allen & Luce, Inc. in the Design of a Water Reuse System. *(By City Manager, Gary Whatcott)*

This item was pulled from the agenda. See item. D.

- K. **Action Item:** Resolution R2015-81, to conscientiously grow the City's Legally-Authorized Reserve Fund to the State Limit of 25% of General Fund Revenues. *(By Councilman, Mark Seethaler)*

Councilman Seethaler reviewed the background information on this item.

Mayor Alvord said they have money earmarked for future expenditures. Could this reserve fund be used for general fund expenditures? Finance Director Naidu said they have to leave 5 percent in the reserve. Anything above that, you can use for the general fund purposes. They can use all of the reserve funds for emergency purposes.

Mayor Alvord asked how many funds are earmarked but not spent? Finance Director Naidu estimated close to \$50-55 million in cash. Of that, \$7 million in the general fund reserve is not earmarked. There is close to \$10 million in the water fund. He said roughly \$18-19 million is not earmarked. He reiterated that of the \$18 million, \$6.8 million is in the emergency fund. Other funds, such as the water fund, have emergency reserves as well.

Councilman Barnes said the most conservative thing that they can do, before lowering taxes, is to maximize the reserve fund. He encouraged future City Council's to stick to this schedule, if not step it up some. He is in support of this Resolution.

Councilman Newton said he is not thrilled by the increase to 25 percent reserve allowed by the State. He said future Council's will have to balance that. They are not locked in. They can always choose not to contribute to the reserve. He said he disagrees with the table in the Resolution, but Councilman Seethaler wants to leave it in as a guide. He said they will have to let the future City Council decide.

Mayor Alvord said the city won't lose all of its revenue. Councilman Newton said they could lose sales tax. The key is keeping a reasonable budget. Councilman Barnes said they could lose their budget if there was a major earthquake. Mayor Alvord said he is not planning for doomsday, but just wants a reasonable amount in reserve.

Councilman Shelton noted that comparing the city budget to personal finances is a long stretch. The amount a family has in reserve depends on the family. For the city, the right level of reserve is the maximum amount allowed. His preference is to build the schedule into the budget and plan for it every year. He feels it is a reasonable approach.

Councilman Seethaler made a motion to approve Resolution R2015-81. Councilman Barnes seconded the motion. Roll call vote. The vote was unanimous in favor.

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

Councilman Shelton indicated that he needs to leave early for a family matter.

Councilman Shelton said Light the Night was well done, and a nice event. He also enjoyed Sounds of the Season. He said that event needs to continue and it needs to be a city event. CM Whatcott said they will need to find a replacement for Miss Stanley and that is a challenge.

Councilman Shelton left the meeting.

Councilman Newton concurred that the Light the Night was great, and he thanked Lori Edmunds for her efforts on the event.

Councilman Barnes gave a report on the Salt Lake Valley Mosquito Abatement District. He also commended staff on the Light the Night event.

Councilman Seethaler complimented PIO Tina Brown for her efforts to improve city communication and outreach. As more people attend their city events, they know they are building the community in a positive direction.

CM Whatcott noted that Ms. Brown was voted PIO of the year. They have made great strides in the public outreach in the city.

Councilman Rogers said there was no historical committee meeting this month.

Mayor Alvord said he met with the Humane Society with Police Chief Carr. The city committed that they would send the animal control officers to look at the squeeze cage to administer lethal injections and see if they want to make the change. The Humane Society argued that it is a more humane way to handle euthanasia and there is a cost savings.

Mayor Alvord said COM may be turning into a Mayor's only meeting. COG may be moving their meetings to every other month. The sewer board met today. There is a momentum shift in drying out the bio solids.

Mayor Alvord commended the Light the Night event and Sounds of the Season.

CM Whatcott noted the December 22nd City Council meeting at 4. There is only one item on the agenda. They anticipate the meeting to be no more than 30 minutes. He said the proposal is very sophisticated bonding. Staff has ensured there are as many protections for the city as legally possible. Bond counsel worked in the best interest of the city on this project. The proposal is good for Kennecott and the city. City Attorney Loose concurred.

ADJOURNMENT

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

The December 15, 2015 City Council meeting adjourned at 8:30 p.m.

This is a true and correct copy of the December 15, 2015 Council Meeting minutes, which were approved on January 5, 2016.

Anna M. West
South Jordan City Recorder

My thoughts on leaving the South Jordan City Council
by Mark Seethaler
December 15, 2015

Opening

The amazing thing about our local government is that that it works. Four years ago we were operating with a different mayor and complete Council – our city was led by a different city manager – we have since positioned a new Fire Chief, Public Works Director, Chief Financial Officer, Police Chief, and combined the planning and Engineering function under one director.

As Bob Dylan sang: *Times, they are a changin'*. It was 1787, when Benjamin Franklin left the Constitutional Convention and a lady asked Dr. Franklin: *Well Doctor what have we got a republic or a monarchy. A republic*, replied the Doctor, *if you can keep it*. It is this republic ... to which we pledge allegiance. The point is that people change, but for 228 years we have remained a republic, a government governed by laws administered by democratically-elected representatives. It has been an honor to be YOUR elected representative for these past four years.

First – my family – I am grateful for **Kristen, my sons and daughters** and their families who not only encouraged me to run and to serve, but also challenged me to carefully consider the pros and cons of a second term. With grandchildren who have never known me outside of the frenzied pace of full-time work and city council, I look forward to a more relaxed relationship ... maybe even build a space ship to go to the moon.

I have **Leonna Winger** to thank. My predecessor in this office called me in early May 2011 and suggested I consider running. So run I did, and the rest is now woven into a brief segment of our city's history. I have served under three Mayors, though with **Mayor Kent Money** just for a few hours, then **Mayor Scott Osborne** for two years from whom I observed full-energy dedication and the can-do perspective from a successful entrepreneur. Then, **Mayor Dave Alvord** for the past two years who I have watched grow into this position with experience and an increased awareness of the balance required within city leadership.

I have served with six other Council members and thank **Steve Barnes** for re-introducing me to a codification of the Logical Fallacies (virtually all of which I have been able to identify in action over the years while sitting right here). I am grateful for **Chuck Newton** for his breath of insights and freely-shared advice on virtually every issue affecting South Jordan and mankind. Because of his extraordinary dedication, short of prognosticating on the World Series or the Super Bowl, Chuck's your man. **Don Shelton** has become a friend to whom I could always count on giving me his unvarnished view. On occasion we would disagree on an issue or vote, but always with mutual respect. Finally, it has been incredible to observe the mind and insights of **Chris Rogers**, whose legal and logical thinking benefits the city by dealing with real issues effectively, through the sometimes cloudy room of argumentation.

To each member of our **City Staff** I thank you – both for what you do and what you put up with from this elected council ... quite ordinary people who are elected to represent our residents to the city and our city to the residents. If any one of us had total authority our city would not prosper as it has. There is wisdom in the Council System, in the employment of our **City Manager** by Ordinance, and the election of our Mayor to lead, represent, and coalesce this Council as best possible. The sometimes non-expedient nature of government is inherent with representatives who think, argue their positions, and either work towards a compromise or agree to disagree, allowing the majority vote to move forward. As painful as it is to watch, it is doubly-painful to believe you have the answer which two hours later – after everyone has had their say on everything – is pretty darn close to the final decision ... not to say that's ever happened to me ☺.

This past Sunday afternoon our **police and fire/paramedics** responded to a non-fatal stabbing. Then, yesterday morning the call went out from **public works** for snow plowing and by 2am, 26 plows and sanders were rolling to clear the streets of our city. The examples go on and on ... mostly unnoticed, largely unwitnessed by the residents of our community – but as a thoughtful consequence of our laws and ordinances, our strategic priorities, our aligned budgeting practices, our deployed capital resources ... and mostly our 300+ full-time employees whose leaders you see here every Council meeting – listening to the public, considering the issues, providing insight into operations, guiding the agreed strategy. These are the city heroes that make things happen so that you sleep well at night, our financing is secure, you enjoy our parks, our roads and sidewalks are built and safe, you feel secure on our streets, you and your property are cared for in the case of an emergency. As a token of our appreciation to all 300+ employees, please join me in an applause for the **department directors, chiefs, and our city attorney and city manager**.

Service Dichotomy

The dichotomy of being an elected representative is that residents think you're either smarter than anyone else or that you're about the dumbest person in the city and need to be told what to do. I've found neither to be true. The fact is that service is a blessed responsibility – and thankfully the overlap of elections and our time in office is short enough that it's pretty rare for a city council to go off the deep end. On the other hand, four years is sufficient for all elected representatives to make their mark, no pun intended.

Dealing with Things ... not kicking the can down the road

I thank my fellow council members for being unafraid to take on many unresolved issues. Our **City Cemetery** had no money. Set up as a Special Revenue Fund, it relied on annual plot sales and burial services – together with less than \$4,000 of interest from the perpetual care fund. We considered selling it – privatizing it. The attendant uproar from long-time South Jordanians convinced our Council that there was heritage and honor at stake. I wrote Resolution R2014-57 that we unanimously passed on July 15, 2014 to move our Cemetery operations into the General Fund, thus perpetually ensuring that its operations would be mainstreamed into the city's responsibilities, and remain The South Jordan Cemetery.

In 2012, our requisite **fleet of public safety and other vehicles** was aging with scores of automobiles and trucks that were past the point of net productivity, given the mounting repair costs. Why? We asked, and were informed that some historic 'special allocations' had been authorized by the Council for vehicle purchases, but the funding was insufficient in recent years. We changed that – authorizing a 3-year rotation of public safety automobiles and light-duty trucks, to be financed through operational budgets, with monthly payments. Problem solved; priority to the public honored.

The summer of 2014 was challenging for many of us, dealing with the **Jordan School District**. I give full credit to Chuck Newton who identified the issues and pressed our school district into making substantive changes. For my part, I lobbied for the change elements that were incorporated into the epic Inter-local Agreement with the school district and its six constituent governmental entities. Supporting these negotiations, I authored and edited a goal which our council adopted in its approach to public schools which was: *OUR GOAL as a South Jordan City Council is to support our public educators in providing our school children a quality education at a reasonable cost to taxpayers by financing and building the right schools in the right places at the right time – which we believe is best achieved by the close collaboration of the Jordan School District and its constituent communities.* It was a protracted battle and not without its casualties, but in the end we have a more transparent and more responsible school district for the southwest section of Salt Lake Valley.

We studied financial and reporting issues and formed an **Audit Committee** within South Jordan so that our outside auditors had an organized body (consisting of city staff and elected representatives) from whom they could receive guidance, then deliver their audit findings – thus ending the days where our auditors were reporting to those whose records they were auditing.

One day, I'll tell my grandchildren how we saved the **SoJo Marathon**. I'll wait for a day when I think they might care. But – without quick action by our Council and Mayor Osborne, the last running would have been four years ago. Now, this Boston Marathon-qualifier runs on, and on right here each October.

Chairing the South Jordan Redevelopment Agency Tax Entities Committee these past two years has been rewarding as we have progressed with greater project clarity, reporting, and the satisfaction of taxing entities upon the close-out of two projects which will release deferred tax revenue to all parties – state and school board education, county, service districts, and our city.

Forming a **Compensation Committee** at my initiation and resolution was a significant step forward for our city ... giving us the ability to objectively evaluate and recommend compensation for every city employee. The transparency of the process, clarity of the recommendations, and reliance on this team (including an outside compensation professional) is paying dividends.

Mulligans was saved – not because we did nothing, but because we completely examined the alternatives, solicited public input, paid off the bond from city surplus funds, and formed a hard-working Mulligans Commission to identify and guide our pillars of success, and direct the steps towards identifying and realizing a master plan for renovation and preservation.

Lessons Learned

In January the City Youth Council has invited me to speak on: *What the heck did you learn as a member of the City Council?* I look forward to discussing a variety of issues such as –

- Initiation and follow-on to get something done
- Respect of our Republic and the Council System
- Considering and serving the broad interests of the city
- Contributing our unique experiences, and appreciating others' viewpoints
- Working for resolution

Closing

As a boy scout and a two-time scoutmaster, we camped with the concept of *leaving a campsite better than we found it*. I am confident that our combined efforts over the past four years has placed South Jordan in a better position.

I didn't begin my service with a 'cause' ... I didn't run for office because I wanted a streetlight or a zoning change. I came to serve, and brought with me whatever talents and professional experience I'd been blessed to develop. As such, I seemed to focus on issues of sustainability, equity, appropriate division of responsibility, proper oversight, and visibility. I dislike the politics and believe that local government is best served when we are not only elected as non-partisan candidates, but when we serve without the complication of political agenda.

To those newly elected – Patrick Harris, Brad Marlor, and Tamera Zander – I thank you for your desires to move this city forward. I thank you and your families for your sacrifice. By now you know **the big lie** ... that City Council will only take you about four or five hours a week. Times that by three and you'll be at the mid-point of weekly Council service. It's a big job you have to do and I respect that. My parting advice is threefold:

- 1) Put aside politics or district preferences and do what's right for the city
- 2) Whenever possible, treat people better than they treat you
- 3) When the issue arises (and it will) that will define your term in office – take it on straightway and do the right thing for the city, even when it is the hard way forward.

It has been an honor and a pleasure to serve all of South Jordan as a member of the City Council these past four years. Thank you ... and may our city shine in the future, fueled from the past.