

SOUTH JORDAN CITY
CITY COUNCIL SPECIAL STUDY MEETING
Oak Conference Room – 2nd Floor
February 1, 2016

Present: Mayor David Alvord, Council Member Rogers, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, City Attorney Ryan Loose, Fire Chief Andy 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 Recorder Anna West

Others: Julie Holbrook, Planner Jake Warner

SPECIAL STUDY MEETING – 6:30 AM

6:40 a.m. Council Member Rogers welcomed everyone. He said the Mayor is not present so we need to nominate a Mayor Pro Tempore.

Council Member Rogers made a motion to appoint Council Member Brad Marlor as Mayor Pro Tempore. Council Member Zander seconded the motion. Vote was unanimous in favor.

Council Member Harris and Council Member Shelton arrived at this time.

A. Invocation: *By City Manager Gary Whatcott*

CM Whatcott offered the invocation.

B. Council Packet Review (*Calendaring, Topics, Future Agenda Items*)

CM Whatcott said the first item on the regular agenda is for a Jordan Valley Water Conservancy District Update; Scott Osborne will be here as the representative. He will provide us with a quarterly report. He said I have also asked him to stay for Item G. regarding Potable Reuse Water. I put a few things in the packet to give you the history of where we have been and what has happen over the years and give you some idea of where we are with our secondary water system. Based on choices made by previous Councils we don't have a complete city wide secondary water system. There was a significant decision made back in 2006 not to go with a city-wide system but to upgrade our culinary system.

Council Member Harris asked what the difference is between the city-wide system and the culinary system. CM Whatcott said they upgraded the culinary water system to a size needed knowing that we would not have a complete secondary system in the city for all outdoor watering. The capacity was increased by pipe sizing, transmission lines sizing, and storage tank capacity to compensate for that.

CM Whatcott said around 2011, the citizen group that convened on this matter made some recommendations; one of them was to find this secondary opportunity to not be completely 100%

dependent on Jordan Valley for all of our water needs. I was then asked to look into other opportunities. The real long term solution for us was a more direct potable reuse which isn't ready to be accepted here in Utah yet; it is a longer term solution. One of the other things I listed in your packet was the way the law is currently written you have to create an instrument that allows you to use your share of reuse in perpetuity. We were concerned about spending money on implementing the project and then having them tell us you don't have the right to use the water or you're going to have to pay to use it. Tomorrow that is what the real discussion will be more pointed at.

Council Member Rogers asked about the cost comparison charts in the packet. He asked if it was the 2015 Study. CM Whatcott said yes. Council Member Rogers asked if these are the options that we will be anticipating in the future. CM Whatcott said yes.

CM Whatcott said Marv redid that slideshow last fall. He said I think we have to have some kind of a plan to begin with that we can structure it around. There are opportunities. I think where we are at is do we really want to continue to spend money and go down the road or do you want to sit back and wait and see what happens.

Council Member Marlor said it might be helpful to the new Council Members for us to quickly talk about the study we did back in 2006 with regards to a city-side secondary water system. It was something in the area of 60-70 million dollars to fully include all the city on secondary water and that did not include Daybreak. That would have only covered less than half the city.

CM Whatcott clarified that the proposal you are reading is more of a direct potable reuse. The reason why is when you get into the cost of finishing this water and delivering it, the cost of the infrastructure needed to get the water here starts to drive the cost of secondary water up higher than culinary water. One of the reasons why it is more cost effective to provide reuse in a potable sense is that you don't have to duplicate your delivery infrastructure. The already existing culinary water system would be used.

CM Whatcott said out of the residents that have secondary water only about 80% actually use it due to the acidity, salt and seeds in the water. The salt is very harsh on evergreen trees and that is why you don't see evergreens at places like Mulligans. They can't tolerate the salt and they die. The experts that will be at the meeting tomorrow will be able to answer a lot of your questions.

Council Member Harris asked CM Whatcott what his recommendation is.

CM Whatcott said we are stuck. I think effluent is in our future. I think we are premature to have it here in Utah and I think we will need a few more large states like California, Arizona and New Mexico on board of having these direct potable reuse projects in large metropolitan areas; they have them but they are in small locations. We are getting less and less space for doing these projects because the land is being gobbled up by development. He said in studies that we have done people don't want to pay more than 23-24 dollars a month for secondary water; they will just use culinary water if the secondary is too expensive.

Mayor Alvord arrived at 6:50 a.m.

Mayor Alvord took over the meeting at this time.

Mayor Alvord said we have limited time to cover our agenda items and this is a discussion for our regular meeting. He asked to move on to the Jordan School District discussion and presentation by Susan Pulsipher.

C. Discussion Item: Funding Schools (*By Susan Pulsipher*)

Susan Pulsipher introduced Board Members Kayleen Whitelock and Janice Voorhies, and Business Administrator, John Larsen in attendance today from Jordan School district.

Ms. Whitelock said we had Davis Demographics do a study for us about growth. We found that as of December 31, 2015 our enrollment was 52,458 students and in the year 2021 that amount is projected to be 56, 634; which is an increase of 11.8%. She said currently the largest High School in our District and in the state is Copper Hills; second largest is Herriman. Four of the largest high schools in our state are in our district. We also have three of the largest middle schools: Sunset Ridge, Ft. Herriman and South Jordan. There are 38 elementary schools in the state and 18 of them are in our district. As you can see our buildings are at capacity and have a need for more schools. We are looking at doing a bond this November and we have come to give you information and get some feedback from you.

Susan Pulsipher showed a 5-Year Building Construction Plan (Attachment A). She said as per our Interlocal agreement we update this plan every year. Prior to updating this in June or July we send it out to everyone for your comments. Prior to this update we had Davis Demographics look at all of the information for all of the cities and asked them to use the information to project buildout. We are hoping we have really good information to base these numbers on. This 5-Year Plan calls for two elementary schools in the 2016-2017 year; one in South Jordan (Creekside in Daybreak) and one in Herriman. We actually approved the bids last Tuesday night and the bids came in under our original projection. The schools beyond this year would come from a proposed bond.

Ms. Pulsipher said what we want to do today is get your feedback on what you think about what we have proposed and if you would be supportive of a bond and how much.

Mayor Alvord asked how much of this 5-year list would be built with current money and how much without a bond.

Mr. John Larsen said the bond is really the only way to do them effectively. Possibly an elementary school could be done in the future. High schools are too costly and it is actually better to do them with a bond that way future residents would be the ones paying for the bond. The top two elementary schools on the list are already being done. The bond would pay for schools beyond 2016-2017 on the chart.

Council Member Rogers asked if they knew about how much the listed bonding figures would be per tax payer. Mr. Larsen said a rough estimate is about \$20-\$30 per year for an average \$200,000 home.

Council Member Marlor asked how much the bond was that failed. Ms. Pulsipher said it was about \$260 million. She said this proposed bond would be half of the previous bond request in size.

Ms. Pulsipher reviewed a slide entitled “What we Heard” (Attachment B). She reviewed the line items listed on the slide.

Council Member Harris said we are getting ready to go through some budgeting and I have a question about Marv Jensen eventually closing down and what the plan is for the swimming needs. Ms. Pulsipher said most other high schools have venues that they use but Bingham has been using Marv Jensen.

Mayor Alvord asked why Jordan School District has relied on counties and cities to provide the facilities. Ms. Pulsipher said because they are very expensive. We also think it is a great opportunity to have shared facilities because it is a lot cheaper for us. She said we have talked to South Jordan should you expand your pool and we would do the same type of agreement we have with the other facilities.

Council Member Rogers said he was curious about the land issue in Daybreak regarding a high school. If land was available in Daybreak would that alter this priority list? Ms. Pulsipher said no. The priority list is based on needs.

Council Member Harris asked how far into the future do you foresee a need for a high school in Daybreak. Ms. Pulsipher said about 10 years from now. A lot of that depends on growth. Things change constantly.

They discussed the ratio of charter schools and how their needs fit with the district schools. Ms. Pulsipher said if a charter school closes we have to be ready to pick up those students currently attending a charter and that puts a heavier burden on the district as they come up through the system.

Mayor Alvord said Susan has come here to see if the support is there to do the bond. Take a moment and give her feedback on how much you would support the \$250 million bond. He said my initial gut feeling is that this amount might still be too large.

Ms. Pulsipher said before the board votes on something we want to have your feedback and want all of our cities to feel comfortable with what we do. We have talked with two other cities so far and they didn't give us enough time to get feedback.

Council Member Zander said I am thrilled that you cut the number in half from last time and I feel you should present this information to the public. I feel the school board has taken a turn in the right direction. My concern is the high school because there is no charter school out there for grades 9-12. Our schools are so tapped out and the charter system just doesn't fill that need. We need a high school a lot quicker than what is proposed.

Council Member Marlor said the last proposed bond was too big and he asked about the possibility of staggering the bonds.

Council Member Rogers said you will increase the probability of getting passed with a lower number. Maybe ask for all except the bottom two. \$20 per residence is manageable but you should be very specific in what you ask for.

Ms. Pulsipher said our geo bonds will be paid off in 2021; that helps with this.

Council Member Harris said for \$20 or \$30 per resident on this list I say we go for the whole list.

Council Member Rogers said you might try to explain in your PR to the public how a high school being built in Herriman helps with South Jordan.

Ms. Pulsipher said John ran the numbers for us and we are the lowest debt per student in all 41 school districts in the state of Utah that have bonds.

Council Member Shelton said I feel the relationship is healthier and appreciate this list. It feels good to have this information and I am very supportive of this.

CM Whatcott said I know that all of the Daybreak people have been contemplating locations for a school in Daybreak. They are looking at downsizing the footprint for the school from 65 acres to a lesser amount.

Mayor Alvord thanked them for coming.

7:55 a.m. Mayor asked if everyone would be in support of allowing the meeting to continue until about 8:45 a.m. He said I would like to at least address the one voting item on the agenda, Item H. Ordinance 2016-02.

Mayor called for a 10 minute break.

8:05 a.m. Mayor resumed the meeting.

Mayor Alvord said Council Member Rogers has sent an email with some edits to Ordinance 2016-02 on the Open Space Zone. One of the issues was we were trying to decide how to deal with this open space zone and the fact that it says there are buildings that would be located in the open space. After a lot of discussion we decided that the best way to handle that was to have the development agreement always come before the Council.

Council Member Marlor asked for a 3-4 minute discussion on performance agreements. He asked what was the reason for the performance agreements and when did they start.

CM Whatcott said we still do development agreements. The performance zone itself was specific to certain zoning to allow other types of uses in the zone if people met these performance criteria.

City Planner Jake Warner said currently we have a moratorium on performance development right now. I was assuming we would have a joint discussion on February 23rd with the City Council and Planning Commission to discuss performance development. With the moratorium in place I left the performance development alone for now knowing that it needs to be addressed. The performance development is a tool for flexibility within the zone and that flexibility as written could allow for additional uses but also alteration of different provisions and standards in the zoning ordinance.

City Attorney Loose said generally our development agreements come with a rezone application to change land use and zones and we say let's modify what you can do down to exactly what you want to do; whereas performance development is us anticipating years ahead of time.

Council Member Marlor said one of my issues is to talk about performance agreements in general before we take them out.

Council Member Rogers said I think you are correct. They become problematic because they incentivize residential in non-residential zones. Especially with the vague language that is used in terms of what is considered "performance" and what is not. It gives a lot of discretion to the Planning Department and it has no limitation of density. If we wanted to go this route, I would want it to be subject to Council approval. I am not a big fan of incentivizing any residential in an office or commercial zone. We eliminated the Village Mixed-Use in 2014 because of the outcry of the residents.

Council Member Harris said it creates flexibility for a developer but I don't think it creates flexibility for the Planning Commission. Often they will feel restricted or bound to approve something because they don't have many options. They end up approving things that they wouldn't normally approve.

CM Whatcott said there are other ways to do this like using an overlay zone concept.

Mayor Alvord suggested that Council look at Chris's edits that he emailed you and call him if you have questions.

Council Member Rogers said I am open to edits. He said I am sensitive to land use decisions being delegated to someone other than the Council. Maybe we keep the performance in but make it all subject to a development agreement via the Council.

Council Member Marlor said that is generally the direction I would go.

Council Member Rogers asked City Attorney Loose if we would be running into any issues if we wait and talk about this at the 23rd joint meeting. City Attorney Loose said your motion last time was to put this discussion on the 23rd and I know some have asked for a more generalized discussion with the Planning Commission and just talk about this as Council. If you want to do that you just don't make the motion tomorrow night to change that. You have the moratorium or notice of pending ordinance; basically putting people on notice that if they apply for a performance zone they won't be allowed to develop a performance zone application. I don't see hurry; I don't think it affects this either way.

Planner Warner said the P-O Zone is included in the notice of pending ordinance. That is why we didn't address it now. I tried to separate those discussions.

Council Member Rogers said I am fine with moving forward on this and just adjust it later or if we want to hold off on the ordinance and wait till the discussion on the 23rd and then act; either way.

Council Member Harris said I would recommend we just hold off on it then.

Mayor Alvord asked are you saying we are going to table that agenda item.

Planner Warner said I think we are talking about two different things here. I would like to see us move forward with the agenda item to discuss the changes to the Office and Open Space Zone, but the impact of performance development on that would be put off until the discussion. Right now nothing is going to come forward on performance development because it is on hold.

City Attorney Loose said we did a legal notice of pending ordinance and I don't see people appealing one when it doesn't exist.

Council Member Rogers said I would rather table the whole thing without any edits till after our discussion.

Council Member Marlor said I don't take land use or ordinance changes lightly. You are talking about staff recommendations here for an existing ordinance that has been in place and also where previous Councils, by majority rule, have indicated that is what we would be doing. When we are changing these ordinances we need to be looking at them deliberately. This is going to change what goes on in the city. Staff puts a lot of time and effort into that thinking and we ought to be doing the same. If we are changing them then there needs to be a good reason we are changing them.

Decision was made to leave the ordinance on the agenda for vote and talk about the proposed exits by Chris that night.

Mayor Alvord said that sounds like a good plan. Let's now move to Item D.

D. Staff Item: Conversion of Private to Public Parks Follow-Up (*By Brad Klavano*)

Director Brad Klavano gave some brief background on the issue. He said back in 2006-07, we were hit up on some of these subdivisions that had private streets to take them over as public streets. Mayor Money and the Council at that time said lets form a Citizens Committee to look at the issues and to make recommendations on taking over of private to public roads. He said they made some recommendations to the City Council and ultimately a resolution was passed providing a policy for review of private roads to become public. Since then we have actually taken over the roads in three subdivisions through that process. We are currently in the process of looking at another one now. A few years ago we were hit up from a few subdivisions about private parks and trail space. I came to the City Council last spring and brought that up. Council directed me to come back with some kind of policy and procedure for that. I came back to a work session last October and I brought this "Policy for Review of Private Parks, Trails, and Open space" (Attachment C), but it is modified for Parks, Trails and Open Space. The question came up and the City Staff recommendation is that we don't do this. Public Works is already overwhelmed without taking over additional parks. The one thing with private streets, when we do take them over, we can add them to our mileage for Class C gas tax funding so it's not a complete loss. When we take over private parks and open space we don't have any revenue for the additional cost. That is a clear hit to the General Fund. Our recommendation is if we do take them over we ought to form some kind of funding mechanism that those residents pay us for doing that. The developers provided the open spaces as required to do their development and the HOA's have been maintaining them. Now the HOA's and some of these subdivisions don't want to do the upkeep anymore and want to give it back to the city for care and maintenance. Back in October we talked about funding mechanisms we could put onto the residents to help pay that and the motion was made to look into that some more and to come back to you. He said I met with Ryan and Sunil a couple times and

talked about different mechanisms that could be put into place to fund if that was the direction of the Council to take them over. I came up with a few different options (attachment D) "Private Parks, Trails and Open Space Options for Funding Maintenance Costs." He reviewed Options 1-5.

Director Klavano said Council Member Harris just brought up the King Benjamin/Holland Park issue and we did form an Assessment District for that but it wasn't done in the correct way in order for the County to collect it in property taxes. You actually have to do a whole Truth in Taxation Hearing and you have to do an election and the election can only be once a year. It is quite a process in order to actually get a collection on the property tax.

City Attorney Loose said one thing we found with the King Benjamin issue was if you do it the way we did without going through the Truth in Taxation it essentially looks and feels like a utility bill. There are tax implications if you don't pay it. You either assess it through taxes or where it looks like a utility bill; either way it is an assessment area and you have a Service District inside that Assessment Area. In both cases it requires a 51% vote.

Director Klavano said in talking to Jason Rasmussen and the Public Works folks if this did happen and we had a funding like this coming in, more likely they would just contract that service out for some company to do it. Those are the first two options. The third one would be to do a contract with each property owner within the subdivision for the payment amount and put it on their property. It would be a contract tied to each individual property and have it recorded. You almost have to have 100% agreement to do this.

CM Whatcott said when it is done like this the first thing that gets paid are those fees and the last thing that gets paid to the city is the water bill. That is the only leverage we have by turning their water off.

Council Member Shelton asked if we are going to do this do you have a preference.

Council Member Marlor said I think the first option would be the best one because it is collected on the property tax.

Director Klavano said another option is to say we are just not interested in taking it over.

Council Member Rogers said the purpose of this is that some HOA's exist only for the purpose of maintaining their road. Then if the road is taken over by the City you have an HOA that exists for no reason.

Director Klavano said there was a time when the city didn't have any standards on private roads. We did change those standards. My concern is where does this stop?

Council Member Rogers said I want to give HOA's the freedom to dissolve and these green spaces lock them into being unable to dissolve.

CM Whatcott said it is just an inefficient way for us to do business.

Mayor Alvord asked Director Klavano if he felt like he had a direction. Mr. Klavano said it sounds like to me you want to let it die. Mayor Alvord said unless the people get our attention and want something done, yes; just let it go. If we were to move forward it sounds like option one is the consensus.

Council Member Rogers motioned to adjourn. Council Member Harris seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

The February 1, 2016 City Council work meeting adjourned at 9:00 am

This is a true and correct copy of the February 1, 2016 Council Work Meeting minutes, which were approved on February 16, 2016.

Anna M. West
South Jordan City Recorder

5-Year Building Construction Plan²



Summary Points

- Requires bonding with at least one bond November 2016
- 4 New Elementary Schools, 2 New Middle Schools, 1 New High School
- 1 Rebuilt Middle School

DRAFT

| Construction/ Financing Timeline | School Opening | Type | Location | Funding | Construction Cost* | Furniture, Fixture & Equipment and Instructional Items Cost |
|-------------------------------------|----------------|-------------------|--------------|------------------------------------|-----------------------|--|
| 2016-2017 | 2017-18 | Elementary School | South Jordan | Capital Reserve | \$14.5 - 17.5 million | \$973,000 |
| | | Elementary School | Herriman | | \$14.5 - 17.5 million | \$973,000 |
| 2017-2019 | 2019-20 | Middle School | South Jordan | Capital / Bond November 2016 | \$32.5 - 38.5 million | \$2,061,000 |
| 2017-2019 | | Middle School | West Jordan | | \$32.5 - 38.5 million | \$2,061,000 |
| 2018-2019 | | Elementary School | Bluffdale | | \$16.1 - 19.1 million | \$1,032,000 |
| 2018-2019 | | Elementary School | Herriman | | \$16.1 - 19.1 million | \$1,032,000 |
| 2017-2020 | 2020-21 | High School | Herriman | | \$75.0 - 90.0 million | \$5,851,000 |
| 2019-2021 | 2021-22 | Middle School | Herriman | | \$36.0 - 42.0 million | \$2,187,000 |

Implications

- Schools would be built in every area of the District.
- Bond money may be requested beyond five-year plan.
- Construction is less expensive with more lead time.
- Funding would still be available for some capital projects.
- 7th periods and portables needed at middle and high schools.
- Domino boundary changes may be needed for middle and high schools.

Considerations

- Plans beyond the first year, 2015-16, are tentative and will be reviewed annually.
- Magnet programs and other educational opportunities are under consideration by the Board but are not included in this plan. The implementation of future programs may affect the five-year plan.

* *Cost estimates will be revised after designs and bids are received. Cost estimates are based on the District's hopes to reduce costs from last constructed schools with annual cost construction inflation of 4.5%. Construction costs include site upgrades, architectural, engineering and impact fees.*

Interlocal Agreement – Section 1. Rolling Five-year Plan: “The Board will provide the Cities with a five-year plan describing school buildings and administration facilities to be constructed or remodeled within the District.”

| WHAT WE HEARD | WHAT WE DID |
|---|--|
| Bond too large | At least 1/2 as much |
| Reduce cost of buildings | Facility Advisory, Building Utilization, Building Design & Board Facility Committees – 17% reduction |
| No building plan | 5-Year Building Plan |
| Cities were not part of the planning process | Cities involved from the beginning – Interlocal Agreement |
| More accurate projections needed | Hired independent third party to project student population year by year |
| Not utilizing existing funds before asking taxpayers for more | Building two more elementary schools utilizing existing capital funds |
| Holding too much land | In process of selling all land holdings except those currently planned for schools |
| Buildings were underutilized in certain areas | Room by room analysis and student programming needs done |
| List of bond projects looked more like a wish list | 5-year plan scales down bond projects to new construction only |
| Community wanted to provide input on education needs | Board of Education conducted three "What Counts?" sessions |



Policy for Review of Private Parks, Trails, & Open Space to Public

The following will be the official policy and procedure as subdivisions with Private Parks, Trails, & Open Space petition or request the City take over the Private Parks, Trails, & Open Space and have them become Public Parks, Trails, & Open Space:

Phase One – Petition Phase:

1. Any requests for the transition of private parks, trails, open space to public shall be made in writing in accordance with the following:
 - Written requests shall be addressed to the City Engineer of the City of South Jordan.
 - The written request shall be accompanied with any maintenance documents showing how the private parks, trails, & open space have been maintained if any are available.
 - If there is a Homeowner's Association (HOA), the HOA shall make the request and provide documentation per the HOA Governing Documents and/or in accordance with applicable State Law of the homeowner's supporting the request
 - If there is not an HOA, the requestor shall provide a petition signed by at least seventy percent (70%) of the homeowner's supporting the request.
 - The requestor shall be assessed \$5.00 per lot for each lot that is in the subdivision that is being reviewed.

Phase Two – Research Phase:

2. Upon receipt of the request, the City Engineer's office, in collaboration with the Planning Division, will conduct research to determine if any of the following may affect the transition of private parks, trails, & open space to public ownership:
 - Development agreements associated with the subdivision
 - Conditional use permits associated with the subdivision
 - Other documents associated with the original subdivision.

Phase Three – Assessment Phase:

3. After completion of phases one and two and dependent upon the findings, City staff shall do a physical inspection and produce a written report within one (1) month of the phase one petition; unless inclement weather hinders the assessment (for Parks and Open Space this assessment will only be made during the months of June, July, or August) then the time frame will be lengthened as necessary. This report will evaluate, but not be limited to the following items:

- Trail width, trail structure section, trail pavement condition, drainage type if any and condition;
- Park condition of landscaping, sod/turf, sprinkler condition and type, controller condition/type, play equipment condition if any;
- Water system type and condition including meters;
- Open space area, type of vegetation, and condition, etc.
- Costs for the City to maintain to the current city maintenance standards for parks trails & open space.

The following shall be taken into consideration during the evaluation of the above items:

- An understanding that the City may have held the private parks, trails, & open space to a different standard, than current standards, at the time the subdivision was developed.
- To the extent the City may not have held the private parks, trails, & open space to any standard and/or did not inspect the private parks, trails & open space at the time of construction, the private parks, trails & open space will be presumed to have met the City Standard existing at the time of construction.
- The private parks, trails, & open space original construction date and the original design will be identified to determine the expected life and expected condition of the private park, trails, & open space. This will be compared to the actual condition at the time of the evaluation. The assessment will determine if the private parks, trails, & open space have been properly maintained from the time of construction to time of the phase three inspection.
- If it is determined that the parks, trails, & open space have not been properly maintained, then an estimated cost to bring them to the expected park, trail, & open space life level will be addressed in the review report.

The assessment report will also establish a park, trail, & open space improvement funding strategy if required to bring the park, trail, & open space to the above referenced acceptable standard. A park, trail, & open space improvement funding strategy will be developed in accordance with the following:

- If funding is required to bring Subdivision Park, trail, & open space to a determined acceptable standard, the CIC (HOA) may pay for any or all of the costs of improvements up front and the balance may be paid through the establishment of a Special Assessment Area (SAA).
- If a private subdivision park, trail, open space is able to meet an acceptable standard; ongoing maintenance may be paid through the establishment of a Special Assessment Area (SAA).

The assessment report will be under the direction of the Engineering Department and a team of the following individuals will provide assistance:

- Assistant City Engineer – Team Leader
- Water Manager
- Storm Drain Manager
- Associate Director of Public Works
- Parks Manager
- City Planner
- Chief Building Official

Phase Four – Evaluation Phase:

4. The assessment report will be submitted to the City Engineer, who will convene a meeting with the Review Committee for either denial, approval with conditions, or approval. The Review Committee will be made up of the following individuals:

- Assistant City Manager
- Director of Development Services/City Engineer
- Public Works Director
- Police Chief
- Fire Chief
- Director of Administrative Services

The following are the actions that may be taken by the Review Committee:

- Recommendation of Approval – Parks, trails & open space which meet acceptable City Standards, as set forth in phase three, and **may** be recommended for approval to the City Council **with an ongoing maintenance funding strategy to be put in place.**
- Recommendation of Approval with Conditions – Parks, trails & open space which need improvement to meet acceptable City Standards, as set forth in phase three, **may** be recommended for approval to the City Council with the conditions that required improvements be made and/or a park, trail & open space improvement funding strategy is in place. Parks, trails & open space which can be brought to an acceptable standard will be recommended for

approval to the City Council with the conditions that required improvements be made and an ongoing maintenance funding strategy is in place.

- Recommendation of Denial – Parks, trails, & open space which cannot be brought an acceptable standard, as set forth in phase three, or if the transition from private to public violate previous development agreements, or other legally binding requirements, will be recommended for denial.
- Recommendation of Denial – Parks, trails, & open space which cannot be recommended as beneficial to the City at large or is not consistent with the City's master plans.

**** Note: In most cases the maintenance funding strategy will entail the residents of the Subdivision where these private parks, trails, & open space are located to pay for the on-going maintenance. This could include but is not limited to assessment district, fee district, etc...**

Phase Five – Final Approval Phase

5. The following process will constitute the final approval phase:
 - If a request is approved, a report will be made to the City Council by the City Engineer recommending Council action to change the private parks, trails & open space to public. A recommendation will also be made for the ongoing maintenance funding strategy to be put in place. Said recommendation will be considered for approval by the City Council at a regular City Council Meeting by the appropriate instrument.
 - If a request is approved with conditions, the requesting group will have ninety (90) days to accept the conditions. If the requesting group accepts the conditions, a report will be made to the City Council by the City Engineer and the action to change the private parks, trails & open space to public will be considered for approval by the City Council at a regular City Council Meeting by the appropriate instrument. A recommendation will also be made for the ongoing maintenance funding strategy to be put in place.
 - If a request is approved with conditions, the requesting group will have ninety (90) days to accept the conditions. If the requesting group does not accept the conditions, the request will be denied and the requesting group will have the option to appeal the denial to the City Council at a regular Council Meeting.
 - If a request is denied the requesting group will have the option to appeal the decision to the City Council at a regular Council Meeting.

Private Parks, Trails, & Open Space to Public

Options for Funding Maintenance Costs

1. Special Service District to collect payment on Property Tax. Requires an election and a Truth and Taxation Hearing to levy the tax assessment. Requires 51% to approve within the District area.
2. Assessment Area. Bill sent to homeowner and collected by city. Same as the King Benjamin/Holland Park Assessment Area. Requires 51% to approve within the assessment area.
3. Contract with each property/owner within the subdivision for the payment amount. This would require 100% of owners to agree.
4. Contract with the HOA if it will still exist for the payment amount. The approval would be based on the bi-laws of the HOA.
5. No assessment, the City absorbs the costs from the General Fund.