



AMENDED
CITY COUNCIL AGENDA
OCTOBER 3, 2017

Notice is hereby given that the South Jordan City Council will hold its regular meeting **Tuesday, October 3, 2017**, in the City Council Chambers at 1600 W. Towne Center Drive, South Jordan, Utah. In compliance with the American Disabilities Act, any individual who may need special accommodations including auxiliary communicative aides and services during this meeting shall notify the City Manager at 801-254-3742 at least 24 hours prior to the meeting. The order of Agenda Items may be changed if deemed appropriate by the Mayor or City Council. Timings listed are approximate and may be accelerated or delayed.

REGULAR MEETING – 6:30 PM

- 6:30 p.m. **A. Welcome and Roll Call** – *Mayor David Alvord*
- 6:35 p.m. **B. Invocation** – *By Mayor David Alvord*
- 6:40 p.m. **C. Pledge of Allegiance**
- 6:45 p.m. **D. Minute Approval**
1. September 19, 2017 Council Study Meeting
 2. September 19, 2017 City Council Meeting
- 6:50 p.m. **E. Presentation:** Recognizing South Jordan resident, Luane Jensen, for the Volunteer Award she received from the State of Utah. *(By Admin. Director, Spencer Kyle)*
- 7:00 p.m. **F. Proclamation:** Proclamation recognizing Joseph “Joey” Clegg for his accomplishments and inspiring services rendered to the South Jordan Community and the City. *(By Admin. Associate Director, Melinda Seager)*
- 7:10 p.m. **G. Public Comment:** This is the time and place for any person who wishes to comment on items not scheduled on the Agenda for Public Hearing. Any person or group wishing to comment on any item not otherwise scheduled for Public Hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Groups wishing to comment will be asked to appoint a spokesperson. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting. Time taken on non-agenda items, interrupts the process of the noticed Agenda. In rare cases where it is determined appropriate to address items raised from Public Comments, these items will be noted and may be brought back at the conclusion of the printed agenda.
- 7:30 p.m. **H. Discussion Item:** Glenmoor Golf Course and Potential Action on Resolution R2017-56, providing notice of a pending Land Use Ordinance to amend the official city of South Jordan Zoning Map from the A-1 (Agricultural, 1 acre lot) Zone to the OS (Open Space) Zone with the Subdistrict OS-P designation on the property known as the Glenmoor Golf Course. *(By City Attorney, Ryan Loose)*

7:40 p.m. **I. Public Hearing:** Resolution R2017-54, approving the filing of an Eminent Domain Action against the Harrison Property (0.1 acres) for cul-de-sac at 10200 South Ultradent Way. *(By Strategic Services Director, Don Tingey)*

7:55 p.m. **J. Reports and Comments:** *(Mayor, City Council, City Manager, and City Attorney)*

ADJOURNMENT

I, Anna M. West, the duly appointed and qualified City Recorder of South Jordan City, Utah, certify that the foregoing City Council Agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body and also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on South Jordan City's website at www.sjc.utah.gov.

Dated and posted this 2nd day of October, 2017.

Anna M. West

Anna M. West, CMC City Recorder

MINUTE APPROVAL - D.1. 9/19/17 STUDY MEETING

South Jordan City
City Council Study Meeting
September 19, 2017

Present: Mayor David Alvord, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, City Attorney Ryan Loose, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, ACM Dustin Lewis, IT Director John Day, City Council Secretary MaryAnn Dean

Others: Attachment A

SPECIAL STUDY MEETING - 5:00 PM

Mayor Alvord welcomed everyone present. He noted that Council Member Harris was not present.

A. Invocation: *By Council Member Brad Marlor*

Council Member Marlor offered the invocation.

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

This item was not discussed.

C. Staff Item: *Tour of Utah After Action Report. (By Admin. Director, Spencer Kyle)*

Administrative Services Associate Director Melinda Seager reviewed the preliminary event summary (Attachment B). She indicated that some expenses are still coming in, specifically overtime and staff hours.

They discussed the hotels that the athletes stayed in. They were in South Jordan and Sandy. Only 1 South Jordan hotel was available for the number of nights needed. Council Member Rogers said there are now 2 other new hotels to choose from.

Ms. Seager noted that their approved budget was \$180,000. With expenses still coming in, they don't anticipate the total to exceed \$150,000. They received \$35,232.50 in total donations. She reviewed the volunteer hours and noted that more hours would have been needed if they used city streets more in the race. She said they hired security for the hotel and used Draper and Sandy city police for that service.

Ms. Seager reviewed the marketing statistics.

Mayor Alvord noted that they offset some of the costs using some of the funds for Summer Fest. Staff indicated that they did not do the concert with Summer Fest this year. That typically comes at a cost of approximately \$60,000-\$80,000. They used that money for the Tour of Utah budget.

Council Member Marlor asked that a monetary value be assigned to the marketing efforts for the city so they can communicate that to the residents. He recommended an article be written in the focus outlining the value and benefit.

CM Whatcott said they had 2000-3000 people in town viewing the event. Tour of Utah was pleased with that turnout.

Ms. Seager said she feels there is value that South Jordan is able to put together an event of this caliber. She said with the approved budget, South Jordan would not have been able to pay for the amount of advertising they received.

Council Member Zander asked that staff evaluate the event, and determine how it could be done better and more cost effective in the future. She said staff did a quality job for this event. Ms. Seager indicated that staff has done that evaluation.

Council Member Marlor said they do not always get an immediate return on marketing impressions. He hopes there is a longer lasting benefit from this event.

CM Whatcott said there would have been more people at the event had their leg fallen on a weekend. If they had shadowed another city for a year before this process, they likely would have learned some things and may have found ways to save money. They would have also understood the true costs up front.

Council Member Rogers asked if the cities that have hosted the tour will receive preference the next tour? Ms. Seager said that is their impression.

Mayor Alvord indicated that he has received positive feedback from the event. He was initially disappointed that more residents didn't see the event. Those that did had a strong favorable impression of it. He suggested at future races, they set up bleachers, and possibly sell tickets with exclusivity to view it.

ACM Lewis said they were able to set up a full joint information center for this event, with an emergency operations center. They were able to practice using a real life event. He estimated that was worth \$50,000. Ms. Seager indicated that it was a multi-jurisdictional effort including the FBI and other agencies. Mr. Lewis said they had international media present, and it was helpful to know what was needed from that standpoint.

Council Member Marlor said the feedback given to him was polarized. People either loved it or they thought the city was crazy to spend so much.

The City Council candidates indicated that they had had mixed impressions as well. Mr. McGuire said he had more negative than positive comments, but people also thought it cost the city \$500,000. He recommended they get the true costs out to the residents. Mark Woolley said the comments he received were 70% in favor, and 30% opposed. When those in opposition

learned that it cost less than they thought, they were not as upset. Ms. Kirkendahl said a lot of the residents had no idea it cost the city anything. They thought it was paid for by the Tour of Utah. There was concern expressed to her that for the cost, the event only last a few hours. There was also concern expressed about the number of employees taken away from their jobs. There was not a concern expressed about city services, but there were people upset that they could not use the recreation center.

Mayor Alvord said he thought the aerial shots used for the city were favorable.

Council Member Rogers recommended they do an article in the South Jordan Journal outlining the benefits that they saw as well as actual costs for the event.

A resident in the audience indicated that he had seen signs and heard of the event, but was caught by surprise at the actual event, and felt he did not really know about it.

Council Member Shelton indicated that he posted a video on social media of the finish line and received positive feedback. He has only had 1 negative comment.

Administrative Services Director Kyle said after they have all costs, they will do an after action report and summary in the paper.

They discussed when the City would have to make a decision about participating in the next race. Council Member Rogers said he would prefer the new City Council make that decision. CM Whatcott said they do not know the location of the next race at this time. They should have more information on the route by December.

D. Staff Item: Process for naming of City owned Buildings & Infrastructure. (By Admin. Director, Spencer Kyle)

Mr. Kyle reviewed a presentation on the process for naming of city owned assets. (Attachment C). He said the policy also considers how the city would accept structures that are donated to the city?

In regards to having something named after someone after their death, Council Member Rogers said he is okay extending that to 10 years after their death rather than 5 years.

Council Member Marlor said if someone is contributing money toward an asset, he feels they should have a term of that project. Mr. Kyle said they would have an agreement with a term and outlining the details. He said that would not apply to the naming of a building after an individual. Council Member Marlor said he feels an appropriate term should be set.

Mr. Kyle indicated that they reviewed this policy and requested feedback from the Arts Council and Historical Committee. He asked the City Council to review the policy. Staff will bring it back for formal adoption. It was noted that it would likely be approved by Resolution.

Mayor Alvord asked if they should stipulate that the individual lived in the city? Mr. Kyle said that could be addressed by saying that there is a strong geographical tie or influence in the city.

Mr. Kyle noted that there is a separate process already in place for naming a street in the city. It is not included in this policy. The City Council discussed how streets are initially named. The developer comes up with the name and it is approved by the County.

Council Member Rogers said this is an excellent policy. He recommended that they outline how to establish next of kin. Mr. Kyle said some items will require City Council discretion. Council Member Rogers said they also need procedures set forth on how someone applies for this.

Council Member Marlor reiterated that they need a minimum term related to an item if someone donated a significant amount of money to something, or if they were named after something.

Council Member Zander said there is a group of residents that want to change the name of their road. It was noted that the full street has to give their consent, or the City Council can make the decision. The city or the residents can propose a new name. It has to be approved by the County. A lot of the costs, such as changes for the post office, etc. falls on the residents.

ADJOURNMENT

Council Member Rogers made a motion to adjourn. Council Member Marlor seconded the motion. The vote was unanimous in favor.

The September 19, 2017 City Council study session adjourned at 6:30 p.m.

MINUTE APPROVAL - D.2. 9/19/17 CITY COUNCIL MEETING

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 19, 2017

Present: Mayor David Alvord, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andrew Butler, Administrative Services Director Spencer Kyle, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, Finance Director Sunil Naidu, IT Director John Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

Others: See Attachment A

REGULAR MEETING – 6:30 PM

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

Mayor Alvord welcomed everyone present. He noted that Council Member Harris was not present for this meeting.

B. Invocation – *By Council Member Patrick Harris*

Council Member Zander offered the invocation.

C. Pledge of Allegiance

Mitchell Sorensen, Troop 1586, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

1. September 5, 2017 Council Study Meeting
2. September 5, 2017 City Council Meeting

Council Member Shelton made a motion to approve the September 5, 2017 Council Study meeting minutes, and the September 5, 2017 City Council meeting minutes, as printed. Council Member Zander seconded the motion. The vote was unanimous in favor.

E. Public Comment:

CM Whatcott said they sent a letter regarding a change in policy for cemetery headstones. He said they have been incurring cost to move headstones. They were trying to figure out a policy to help them reduce costs and not have to raise rates. He said he has talked to some residents. He

said they are going to honor having a raised headstone for graves purchased prior to June 1st. If they bought a plot after June 1st, they wouldn't be able to have a raised headstone. If someone is close to that date, they will work with them. He said it is \$500-\$2000 to disassemble and put together the headstone. They now contract for that work. They also have a lawn sinking problem. The city bears the cost of that. He said it is easier to put in a flat headstone, and the weight is not as much for the flat headstones. He said staff may be asking for more help with the cemetery maintenance in next year's budget.

Council Member Rogers said he feels cemeteries have more character if there are some upright headstones. If they want an upright headstone, they could tack on additional costs to cover the maintenance costs.

CM Whatcott said in the expansion area, there are certain areas that they allow for larger monument headstones and that area is structured differently so the equipment can get around the headstones.

Mayor Alvord opened up the public comment portion of the meeting.

Jean Jackman, 2610 W. 10950 S., said she appreciates the grandfathering policy for those that already have plots. She feels the upright headstones bring class. It would be boring if it was all flat. They would like the cemetery left as is. If they want to limit the size of the stone, she can understand that, but they should leave the cemetery so people have the option of either type of headstone. She feels they can budget the needed money. If they want to set a standard in the new section they can, but in the existing cemetery, they would like it left. She said they may need to look into buying a smaller backhoe. She thanked the people that run and maintain the cemetery. If they need more employees, they should hire more. She does not feel they should nitpick at something as important as the cemetery.

John Thibeault, 1099 Shields Lane, presented some traffic observations to the City Council on Shields Lane. He said the city works for the residents. He has observed the following traffic violations: speeding, speed bumps, passing stopped school buses, tailgating, drag racing, tractor-trailer trucks, electronic speed signs, drinking drivers that throw liquor bottles and beer cans. This all happens on Shields Lane. They use the turn lane as a travel lane. He estimated there is 250 violations per day. In one turn lane, there are 2 solid lines and an arrow painted within the turn lane. He said drivers are also using the turn lane as a travel lane, and he showed some video of violations he has observed. He said drivers behave like it is an expressway. There are families, homes, and driveways on this road. They are at risk. He said when an accident happens, he will indicate that the city did nothing to address the problems in this residential section. He asked for the City Council's help to do something about Shield's Lane.

Joan Ward, 2765W. 10000 S., said she is grateful for the amendment to the cemetery policy. The cemetery looks great and is an important place to them. Her research shows that moving a headstone is \$100 on average. South Jordan has one of the highest priced burial plots. She concurred that a smaller back hoe is needed. She said flat headstones break as well, not just upright ones. The cemetery has never looked better. She said upright headstones allow for some creativity.

Mitchell Sorensen, 11044 S. Amini Way, said the City recently took down a barricade to stop cars from going into their subdivision. Now construction trucks are going through and running stop signs. He said he would appreciate it if the city would put up a sign that told them not to come through their subdivision.

Luane Jensen, 11186 S. 2700 W., said she spends a lot of time at the cemetery. The ground does sink when they bury someone. She said the flat headstones also break. She said they should leave the older part of the cemetery. They can have all flat headstones in the western part of the cemetery. She is glad they grandfathered in those that already have plots. It might take them longer to walk around the headstone, but the people that are buried in the cemetery are the reason that the City Council is here and the reason they have the town that they have. They need to think about their heritage and what it stands for. They should not switch the rules now. Ms. Jensen also noted that she has seen dump trucks coming out of Palomino subdivision. She recommended that they put up a sign and tell the construction companies to go through McKee Farms to 2700 West, and not go through this subdivision.

Development Services Director Klavano said the City Council was informed 2 weeks ago that they were taking down the jersey barricades because of public safety issues. He said the agreement was when 75 percent of McKee Farms was occupied, staff will analyze the cut through traffic to see if traffic calming measures are needed. The barricades were there so the construction traffic would use McKee Farms. They will try to track down the construction vehicles and ask them not to drive through there. He noted that they are public streets. He said public works will also be putting up signs asking the construction traffic to use the other road. They are monitoring the situation the best they can. They hope to get the situation curtailed.

- F. Action Item:** Resolution R2017-48, Establishing a Board of Appeals per Title 15.16.010 of the South Jordan Municipal Code and appointing five regular members and two alternate members to the Board of Appeals. *(By Development Services Director, Brad Klavano)*

Development Services Director Klavano reviewed the background information on this item.

Council Member Shelton asked if this Board is similar in some ways to the Planning Commission where members of the Board are appointed by the City Council? City Attorney Loose said yes, in method of appointment. In this case, they are asking that the whole group be appointed at once. This board needs to have expertise. They are not an administrative board. They are making decisions based on their technical expertise. They can appoint members individually if needed. If they know of someone qualified in building codes, they can ask people to submit an application. There are various ways appointments can be handled. It does not need to be assigned based on City Council districts because it is a technical board. They have to be able to defend the decision of the board, as well as the board member's expertise. Council Member Rogers concurred that it is very technical, and a keen knowledge of the building code is needed.

Council Member Marlor made a motion to approve Resolution R2017-48. Council Member Rogers seconded the motion. Roll call vote. The vote was 4-0 in favor.

G. Action Item: Resolution R2017-51, authorizing the Mayor to sign the “Interlocal Agreement for Animal Control Services” between Riverton City and the City of South Jordan. *(By City Attorney, Ryan Loose)*

City Attorney Loose reviewed the background information on this item.

Council Member Shelton noted that in paragraph 10, it indicates that they will go to court if there is a dispute. Why would they not do arbitration? City Attorney Loose said they can agree to arbitrate or mitigate but he does not like mandatory arbitration. Council Member Rogers concurred and said arbitration can be just as costly and lengthy. City Attorney Loose said most interlocal agreements have the same litigation clause. Litigation in this case would be unlikely.

It was noted that Riverton City has agreed to the costs. It is close to the city’s standard cost. They added a small administration fee. This will help Riverton while they go from contracting with the County to building their own program. CM Whatcott said he anticipates they will be helping Riverton City for 2 years.

Council Member Rogers made a motion to approve Resolution R2017-51. Council Member Zander seconded the motion. Roll call vote. The vote was 4-0 in favor.

H. Public Hearing: Resolution R2017-10, approving the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) regarding CDBG Funds and authorizing submittal to the US Department of Housing and Urban Development. *(By Planner II, David Mann)*

Planner Mann reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Kat Kahn, Development Coordinator for the Road Home Shelter, 210 S. Rio Grande, said housing is the solution to homelessness. They put 11,000 people through their shelter and housing program last year. She said they are grateful that the city is looking at affordable housing options. They have had a 500 percent increase in the last 10 years for families needing housing.

Mayor Alvord closed the public hearing.

Council Member Shelton asked what is the improvement project on Charlotte Drive and how did they qualify for CDBG? Development Services Director Klavano said it is to provide curb, gutter, and ADA ramps on the street. The neighborhood met the qualifications.

Council Member Shelton said on the consolidated plan goal, the senior services were cancelled on the summary table. What are they doing to address the senior services? Mr. Mann said some

of the senior services were addressed in previous years. Because the use of the building might change, there are HUD requirements that might cause issues down the road and the city could have to repay some of the funds if the nature of the building changes.

Council Member Marlor asked how long are they able to forward funds for future programs before they are in jeopardy of losing funds? Mr. Mann said there is a certain percentage they can carry over. They are close to that limit. Some of the carry forward funding will be used in the upcoming year on projects such as Charlotte Way. Council Member Marlor asked that staff review the funding and re-allocate it if necessary so they don't lose any money.

Council Member Shelton made a motion to approve Resolution R2017-10. Council Member Marlor seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. **Public Hearing:** Ordinance 2017-24, Amending Sections 12.24.030 and 12.24.050 of the South Jordan City Municipal Code pertaining to Tree Stewardship Standards. *(By Public Works Director, Jason Rasmussen)*

Public Works Director Rasmussen reviewed the background information on this item. He reviewed a presentation on tree stewardship standards (Attachment B). He noted that staff makes an effort to mitigate risks and repair sidewalks before removing a tree.

Mayor Alvord opened the public hearing.

Rulon Dutson, 11248 Kestral Rise Rd., expressed appreciation for the work staff has done to accommodate many items that were brought up in the June work session on this item. He asked if a tree does not meet the sidewalk clearance or road clearance, does that qualify for a hazardous tree? He said they appreciate the appeal process, but their HOA has responsibility of over 25,000 trees at this time. He feels the Ordinance compromises the character or look of the community. They are not opposing the ADA requirements of 7 ft. clearance. He said they are opposed to how the Ordinance is executed. He showed some pictures of trees that had been pruned by the City. They feel some of the pruning was improper and excessive. He said having to prune trees that high changes the character of the street. They understand the need to prune trees for safety reasons. He also noted that his understanding is that when the City contacted the HOA about pruning, they were told that the HOA did not want the pruning done. He said sometimes trees will grow higher than the stop sign, but they need to be patient and let it finish growing. They could put in other traffic measures to alert the driver to the stop sign in the interim. They have evaluated trees, some were too close to the stop sign and needed to be removed. He said most municipalities have the same standards for trees as South Jordan, but it is applied differently. He said they should engage the urban forester. He referred them to Springville City's extensive policy regarding trees. He said he would have hoped there was a sense of obligation by the staff to bring this issue to them for discussion. He was surprised they had not had a chance to discuss it before tonight. As developers, they too can pay more attention to agenda items.

Mayor Alvord closed the public hearing.

Mayor Alvord asked if further conversations with Daybreak is needed? Mr. Rasmussen said the tree height is what it is. Mt. Dutson does not like the way the program is administered. He said the manager of the HOA was informed that the pruning would be done. Staff did not receive any information requesting that they not prune in Daybreak. There were some issues with trees blocking stop signs in Daybreak. Daybreak paid for the city to hire a contractor to prune the trees. Earlier this year, there was no indication that they wanted to discuss the situation. Staff would have been happy to discuss the issue with Daybreak representatives. Many of the trees were pruned great. Some could have been done better. This is the first he has heard directly of Daybreak's displeasure or concern over pruning.

Council Member Rogers said he feels this merits a study session discussion. He has concerns about the issues shown tonight. He has concerns with the general philosophy of the Ordinance. He said he would like the city to have the burden of proof on why the tree needs to be taken down. They should also require the consent of the homeowner. He said he would also like to talk to the arborist. He wants to discuss their philosophy, trees, stewardship, etc. He reiterated that they should have the consent of the homeowners, not just notice. He said he would like a study session to discuss the issues brought up by Rulon Dutson, and a separate study session to discuss this Ordinance with the arborist.

Mr. Rasmussen said they made changes toward what Council Member Rogers is suggesting. Council Member Rogers concurred but said he wants more. Mr. Rasmussen said they notify the homeowners of the pruning so they can be present. They are also emailed through the HOA so the residents know how to contact them. They have provided maps so people knew where and when they would be pruning. They notified both the HOA and the residents.

Council Member Marlor said he is okay discussing the issue in a study session. From a safety perspective, if the issue is that the tree is blocking a stop sign, there should not be a presumption that we need to leave the tree and consult the homeowner. They can let the owner know that the issue is one of safety and has to be resolved immediately. The overall goal is to have a beautiful community. There are safety issues to consider. There are hazards caused by trees in parkstrips. He asked when a homeowner is notified that there is a problem with the tree in their parkstrip, does the homeowner have to remove the tree at their cost? Mr. Rasmussen said they may require the homeowner to bear the cost. Typically, the city removes and replaces the tree with no charge to the homeowner. Council Member Marlor indicated that is generous of the city to provide a replacement tree.

Council Member Rogers made a motion to table Ordinance 2017-24 for further discussion. Council Member Zander seconded the motion. The vote was 4-0 in favor.

Mayor Alvord noted that one of the pictures with the tree pruned high was done by the resident so he could have a view out of the windows of his home.

Council Member Zander said she lives in Daybreak and her house has a corner stop sign. She said the city has pruned the tree twice, and it was always done in an appropriate way. She was not notified of the pruning. Mr. Rasmussen said they don't always notify residents of pruning for a stop sign.

J. Public Hearing: Ordinance 2017-26, Partial Right-of-Way vacation of the easterly 21 Feet of 5395 West Street between Daybreak Parkway and 11800 South Street. (By City Planner, Greg Schindler)

Development Services Director Klavano reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Scott Kaufmann, Daybreak Communities, 11248 Kestral Rise Rd., said this was envisioned years ago. They have worked with Herriman to make sure the alignment works. It is a neutral swap.

Mayor Alvord closed the public hearing.

Council Member Marlor asked what are the plans for the remainder of the triangle piece of property? Mr. Kaufmann said there are no plans at this time. There is the potential to the south where there is an abandoned road, and they could expand that site if they get a use for the property.

Council Member Zander asked about the parcel to the east of the new road? Mr. Kaufmann said there are 2 parcels. They have had discussions with a vehicle service center and bank. They do not have clear plans for the parcel to the west.

Council Member Zander made a motion to approve Ordinance 2017-26. Council Member Shelton seconded the motion. Roll call vote. The vote was 4-0 in favor.

Council Member Marlor made a motion to take a break. Council Member Zander seconded the motion. The vote was 4-0 in favor.

K. Discussion Item: Lobbyist Agreement for Transportation. (By Mayor Alvord)

Mayor Alvord asked what tactics and what methods are they comfortable directing lobbyists to take? He is in favor of hiring a transportation lobbyist. He wants to get big projects. He said he would be more comfortable having an understanding that they want to use above board techniques with their lobbyist.

Council Member Shelton said he has been involved with the city's lobbying. He feels it is vital for the city to be at the table, and they have not been. He completely agrees that what they do and how they do it is important. He said the process of legislating is messy and it is a lot of negotiation. They need to appreciate that the process is very dynamic and not clean. It is competitive with other municipalities for transportation money. South Jordan can't afford to lose out anymore. He agreed with Mayor Alvord that how the process is done is very important.

Mayor Alvord said he does not feel they have lost out on large amounts of money, but possibly smaller amounts. He said they have fought to have the process above board, and he does not

want to be hypocritical. He said he would like to give Senator Harper a chance to keep his promise that the process will be transparent.

Council Member Marlor concurred with Council Member Shelton. He said they learned through the issue with the quarter of the quarter that they need to make sure that the city is competitive. If that is how the game is played, they have to have an advocate for their team. He said they do not want to be underhanded in any way. They did discover an area that they need to be competitive.

Council Member Zander said she is comfortable with the direction that they are going. She is comfortable with the increased budget. They need to make sure they get a return on their investment. She has confidence in City Attorney Loose and who he has hired.

Council Member Rogers concurred and said they are all in agreement with Mayor Alvord that they want to do this in an above board, transparent, and moral way. They have to be at the table and be competitive. It is well worth the expense.

Mayor Alvord said David Stewart is a patient of his. He will talk to him about the issue further.

Council Member Shelton said they are unanimous in their support of Mayor Alvord and appreciative of his efforts in the quarter of a quarter issue.

L. Reports and Comments:

CM Whatcott said he, Mr. Naidu, Council Member Marlor, and Laura Lewis are going to San Francisco tomorrow to do a bond presentation. They are prepared to talk about the water department. They do not feel they will have a problem getting a great rate. They will report back to the City Council.

CM Whatcott indicated that Stephen Schaefermeyer is the new Planning Director.

Council Member Rogers said the historical committee would still like to have discussions with him on how to proceed with the Fullmer monument. If the City Council adopts the policy that has been discussed, it will not make the Fullmer monument eligible until 2020, based on when the death of the last brother was. He said there is still work that the committee could do to prepare for that presentation. There has been some discussion if the City Council would be amenable to changing the street name. They need further discussion if the City Council is okay to do that.

Council Member Shelton reported on some Utah League of Cities and Towns meetings that he attended. He noted a meeting where he heard Captain Lovell speak. He also attended a meeting where they discussed future legislation. He said the Legislature is wanting to take away some land use authority around transportation corridors from the city. City Attorney Loose said they are working to correct some inaccuracies that are out there. One Legislator indicated that South Jordan has been downgrading their zoning by transportation corridors, which is not true. There is talk that they want the cities to do more mixed use development, or lose B and C road funds, and it would be up to a land use authority. There has been no bill circulated at this time. He said they

will set up a meeting with the Legislators in November. Council Member Rogers asked that the City Council elect be invited to that meeting as they will have to get up to speed quickly.

Council Member Marlor said he also attended some of the ULCT meetings. He also said he met with County Council Chair Steve DeBry today and discussed the eventual disposition of Marv Jensen, which is somewhere in the 2-3 year range. He said he advocated to collaborate on developments in the future. He said they could put him on a future City Council agenda to talk about further opportunities. They need to be involved and make sure South Jordan is getting allocated funding from the County.

Council Member Zander said in January 2016, there were residents present that were concerned about the Daybreak parcel on Harvest Sun. She asked for a report to the City Council about that outcome. It was noted that the issue would be placed on a future work session agenda.

Council Member Zander said Herriman City Council met on September 12th and talked about a master plan. They approved a new master plan with extreme density west of the high school. There were a couple of City Council members who claimed that they had not seen the plan until that night. She said the traffic will go through South Jordan. She asked that staff find out what was approved and be proactive. They need to be aware and plan for what is coming.

CM Whatcott indicated that Mountain View Corridor has become a high priority project. There are discussions about making it a full freeway in the next 7 years.

Council Member Marlor made a motion to go into a closed meeting to discuss the purchase, exchange, or lease of real property. Council Member Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

M. Executive Meeting: Closed meeting to discuss the purchase, exchange, or lease of real property

Council Member Marlor made a motion to come out of executive meeting. Council Member Zander seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

Council Member Rogers made a motion to adjourn. Council Member Shelton seconded the motion. The vote was unanimous in favor.

The September 19, 2017 City Council meeting adjourned at 10:03 p.m.

PROCLAMATION - F: RECOGNITION OF JOSEPH "JOEY" CLEGG

Proclamation
of the
City of South Jordan

In Recognition of

Joseph “Joey” Clegg
Friend and Historian of the City of South Jordan, Utah

WHEREAS, the City of South Jordan recognizes Joseph “Joey” Clegg as a lifelong resident of South Jordan, and

WHEREAS, Joseph “Joey” Clegg honorably served our country during the Vietnam War; and

WHEREAS, Joseph “Joey” Clegg was integral to the architectural design, installation and regular maintenance and care of the South Jordan Veterans’ Memorial; and

WHEREAS, Joseph “Joey” Clegg served as a volunteer architect on numerous historical projects including the Gale Center of History and Culture’s dugout replica, The Birthplace of South Jordan monument, and the 1938 School Bus-Train Accident memorial; and

WHEREAS, Joseph “Joey” Clegg served as an original South Jordan Historic Preservation Committee member and served as chair of the Committee for numerous years.

NOW, THEREFORE, I, David L. Alvord, Mayor of the City of South Jordan, State of Utah, do hereby proclaim October 3, 2017 to be forever known as “Joseph ‘Joey’ Clegg” in recognition of the accomplishments and inspiring service he has rendered to the South Jordan community and the City he loved to call home.

Dated this 3rd of October, 2017

David L. Alvord, Mayor

ATTEST:

Anna West, City Recorder

DISCUSSION ITEM - H: POTENTIAL ACTION ON
RESOLUTION R2017-56 PROVIDING NOTICE OF A
PENDING LAND USE ORDINANCE

RESOLUTION R2017 - 56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, PROVIDING NOTICE OF A PENDING LAND USE ORDINANCE TO AMEND THE OFFICIAL CITY OF SOUTH JORDAN ZONING MAP FROM THE A-1 (AGRICULTURAL, 1 ACRE LOT) ZONE TO THE OS (OPEN SPACE) ZONE WITH THE SUBDISTRICT OS-P DESIGNATION ON THE PROPERTY KNOWN AS THE GLENMOOR GOLF COURSE.

WHEREAS, pursuant to Utah Code § 10-9a-509(1)(a)(ii), the City Council of the City of South Jordan (“City Council”) desires to provide notice of a pending land use ordinance to amend the official City of South Jordan Zoning Map from the A-1 (Agricultural, 1 acre lot) Zone to the OS (Open Space) Zone with the subdistrict OS-P designation on property currently known or used as the Glenmoor Golf Course (the “Rezone”); and

WHEREAS, the City Council finds that studying the issues presented in the Draft Land Use Ordinance and potentially adopting the Draft Land Use Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Notice of Draft Land Use Ordinance. Notice is hereby given that the City Council intends to adopt an ordinance amending the official City of South Jordan Zoning Map from the A-1 (Agricultural, 1 acre lot) Zone to the OS (Open Space) Zone with the subdistrict OS-P designation on property currently known or used as the Glenmoor Golf Course, which property is currently owned by Glenmoor Golf Course Inc and is located at approximately 9800 South 4800 West in South Jordan.

SECTION 2. Review and Processing of Necessary Applications. City Council direct City staff to review and process all necessary applications to complete and finalize the Rezone.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS _____ DAY OF _____, 2017 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Christopher Rogers	_____	_____	_____	_____

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:



Office of the City Attorney

PUBLIC HEARING - I: R2017-54 POTENTIAL USE OF EMINENT DOMAIN

SOUTH JORDAN CITY CITY COUNCIL REPORT

Council Meeting Date: October 3, 2017

Issue: Resolution R2017-54 approving the filing of an eminent domain action against the Harrison Property

Submitted By: Don Tingey

Department: City Manager's Office

Staff Recommendation (Motion Ready): Approve Resolution R2017-54, approving the filing of an eminent domain action against the Harrison property.

BACKGROUND:

In late 1990, South Jordan City and Ultradent partnered in a special assessment district to expand the Ultradent campus and City's obligation was to secure property and construct a cul-de-sac on the west end of 10200 S Ultradent Drive. For the past 20+ years, the public has used and the City has maintained the cul-de-sac. Just over a year ago, an adjacent property owner (Harrison Trust) informed the Ultradent and the City that they were no longer satisfied with the cul-de-sac being on their property. Furthermore, Harrison Trust informed the City and Ultradent that the property had not been formally dedicated to or perpetually secured by either the City or the adjoining business (Ultradent) and threatened to immediately installed barriers across (temporary barriers exist to today).

Over the past year, the City and Ultradent have in good faith negotiated with the property owner for a reasonable settlement; however, efforts have not resulted in securing the public right-of-way across the cul-de-sac. In order to facilitate the dedication and/or perpetual use of the cul-de-sac the City has retained outside legal counsel to potentially facilitate a condemnation of the cul-de-sac area.

The property owner has made an offer to the City and the City has agreed to accept; however, the offer has not been finalized due to other outstanding items which the City feels are unrelated to securing public access of the cul-de-sac.

In accordance with the eminent domain requirements under the Utah Code, the property owner was appropriately notified of a public hearing to be held October 3, 2017, where the Harrison Trust, or its representative, would be given an opportunity to address the City Council. The City remains willing and continues to negotiate with the property owner for the acquisition of the cul-de-sac without using its eminent domain powers.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS: The City constructed a cul-de-sac at 10200 S Ultradent in 1990 and the City has maintained the cul-de-sac for public used for the past 20+ years. It was recently brought to the City's attention that the property for the cul-de-sac was never appropriately secured from the

property owner for the public's perpetual use. The property owner has closed the cul-de-sac with temporary barriers. The cul-de-sac serves the public use and provides necessary public safety access. The property owner has been appropriately notified and invited to a public hearing of the South Jordan City Council on October 3, 2017.

CONCLUSIONS: The City has negotiated in good faith with the property owner for over a year and the City has determined that the cul-de-sac is necessary to acquire and maintain for public use and safety purposes. Eminent domain is one method to secure this property should parties fail to reach a settlement.

RECOMMENDATIONS: Approve Resolution R2017-54 approving the filing of an eminent domain action against the Harrison property.

FISCAL IMPACT: Property acquisition costs and legal costs for condemnation.

ALTERNATIVES: Close the cul-de-sac and reconstruct a new entrance and cul-de-sac on existing right of way and Ultradent property.

SUPPORT MATERIALS:

- Resolution R2017-54
- Map showing Harrison property and associated cul-de-sac

City Council Action Requested: _____
Department Head
Date

RESOLUTION NO. 2017 - 54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, APPROVING THE FILING OF AN EMINENT DOMAIN ACTION AGAINST THE HARRISON PROPERTY.

WHEREAS, the City of South Jordan (the “City”) is a municipal corporation duly organized and existing under the law of Utah; and

WHEREAS, the City Council may exercise all administrative and legislative powers by resolution or ordinance pursuant to Utah Code Ann. §§ 10-3-717 and 10-3-701; and

WHEREAS, approximately 20 years ago, a business (Ultradent) sought to construct a facility on South Jordan Parkway; and

WHEREAS, with the City’s approval, Ultradent constructed its facility; and

WHEREAS, As part of the approval process, the City agreed to construct the cul-de-sac which was required at the end of 10200 South (about 0.1 acres); and

WHEREAS, based on the public need, both then and now, and the requirements at the time, the cul-de-sac was constructed approximately 20 years ago; and

WHEREAS, the cul-de-sac was partially constructed on the property of an adjacent property owner (the “Harrison Trust”) with the understanding with the then owner that some kind of property interest in favor of the City on the property where the cul-de-sac was placed would be obtained; and

WHEREAS, no such property interest was obtained by the City; and

WHEREAS, in 2016 the current owner restricted access to the cul-de-sac by placing various types of cones/fences in the cul-de-sac claiming that Ultradent did not have rights to use the cul-de-sac because the cul-de-sac was constructed on the Harrison Trust Property; and

WHEREAS, the public need to provide public road access to the public, emergency (police and fire), and public works services (snowplow and road maintenance), for use to turn around and emergency vehicle staging area and snow storage area, continue to exist; and

WHEREAS, for more than a year the City has been negotiating with a the Harrison Trust in attempt to obtain a property interest in the cul-de-sac; and

WHEREAS, to date the City has not obtained a property interest in the cul-de-sac; and

WHEREAS, immediate access to and occupancy of the cul-de-sac is needed for the public, emergency and public works services; and

WHEREAS, to acquire access the City intends to exercise the right of eminent domain to obtain the disputed cul-de-sac property unless a property interest is obtained through continued negotiation; and

WHEREAS, Utah Code Ann. § 78B-6-504(2)(b) and (c) requires that the City Council to approve by a final vote of the City Council during a public meeting any taking of property by the City; and

WHEREAS, pursuant to Utah Code Ann. § 78B-6-504(2)(d), the City has property notified the Harrison Trust that a public meeting before the City Council would be held on October 3, 2017, and that the Harrison Trust, or its representative, would be given an opportunity to address the City Council during the public meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Approval of Taking. The City Council discussed the taking of an appropriate property interest, as determined by City staff, in the cul-de-sac property during a public meeting on October 3, 2017 and hereby approves the taking of such property interest in the cul-de-sac property. The City Council authorizes the City’s representatives to take all necessary action to continue to negotiate the purchase of an appropriate property interest in the cul-de-sac property and, if necessary, file in court an eminent domain action to acquire title to the cul-de-sac property.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2017 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Christopher Rogers	_____	_____	_____	_____

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

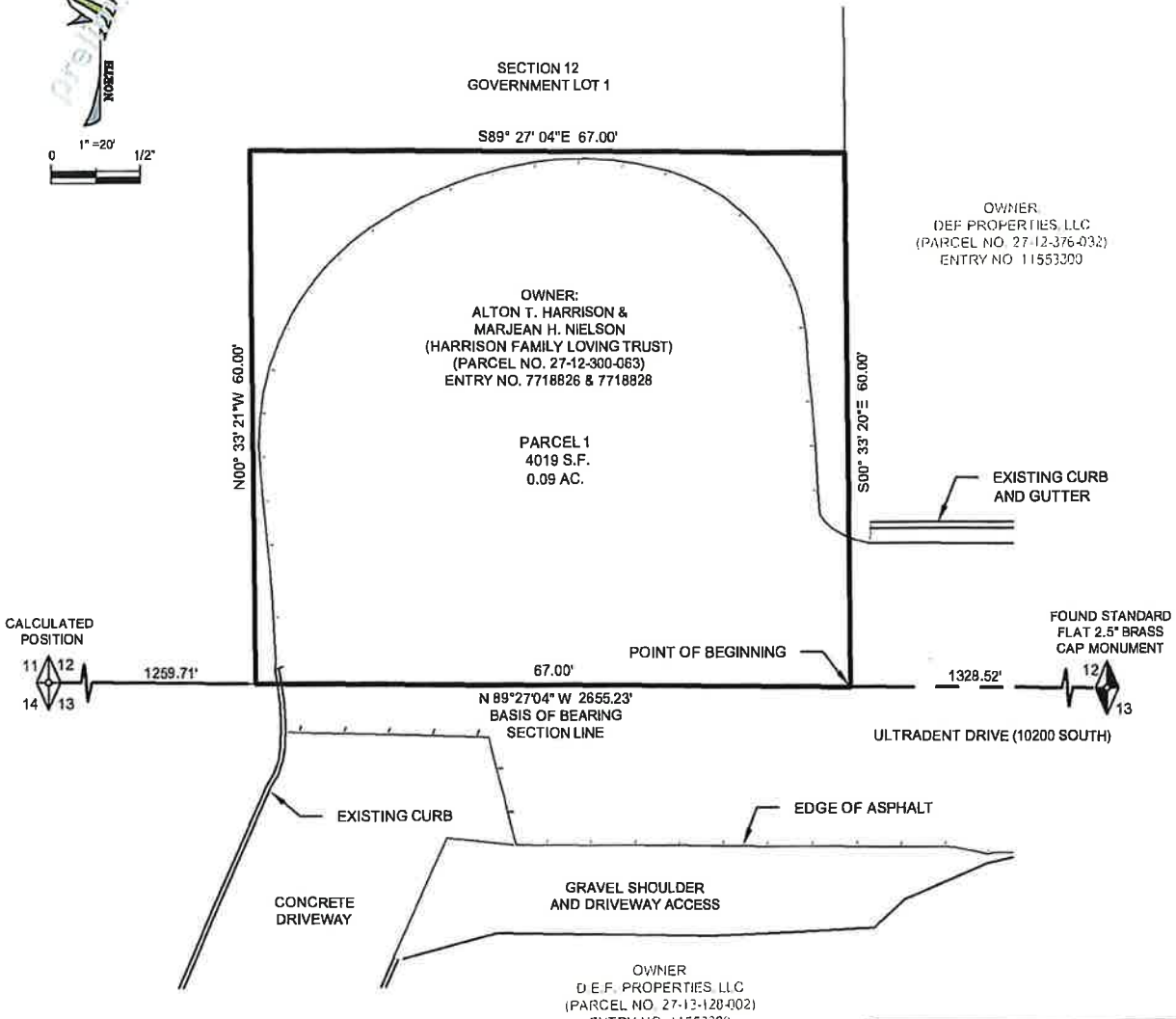
Approved as to form:



Office of the City Attorney

HARRISON RIGHT-OF-WAY
 LOCATED IN THE:
SOUTHWEST QUARTER OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

EXHIBIT



LEGEND	
SECTION CORNER (FOUND)	
SECTION CORNER (CALCULATED)	
SECTION LINE	
RIGHT-OF-WAY LINE	
EDGE OF ASPHALT	
CURB AND GUTTER	

3341 South 4000 West
West Valley, Utah 84120
(801) 955-5605
50 East 100 South
Heber City, Utah 84032
(435) 854-8600

PROJECT NAME:
HARRISON RIGHT-OF-WAY

SCALE:
 HORIZ: 1" = 20'

BAR SCALE WEARABLES 1" ON A FULL SIZE SHEET, ADJUST FOR A HALF SIZE SHEET.

PROJECT LOCATION:
SW1/4 SEC. 12, T.3S., R.1W., SLB&M.,
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

DRAWN: JD	PROJECT #
DESIGNER: JD	16LA003
REVIEWED: PC	SHEET:
DATE: 09/01/2016	1 of 1

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 1, ALSO BEING PARCEL NUMBER 27-12-300-063, SAID PARCEL DEFINED BY A QUIT CLAIM DEED, ENTRY NUMBER 7718826, AS RECORDED IN THE SALT LAKE COUNTY RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, THENCE NORTH 89°27'04" WEST 1328.52 FEET ALONG THE SOUTH LINE OF SAID SECTION 12 TO THE POINT OF BEGINNING; THENCE NORTH 89°27'04" WEST 67.00 FEET ALONG SAID SOUTH LINE OF SECTION 12 AND PARCEL NUMBER 27-12-300-063; THENCE NORTH 00°32'21" WEST 60.00 FEET; THENCE SOUTH 89°27'04" EAST 67.00 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°33'20" EAST 60.00 FEET ALONG SAID EAST LINE OF TO THE POINT OF BEGINNING.

CONTAINS: 4,019 S.F. / 0.09 AC +/-